

Our Ref: 23-06/001397

Date: 28 August 2025

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

Via: Email

Dear Sir/Madam,

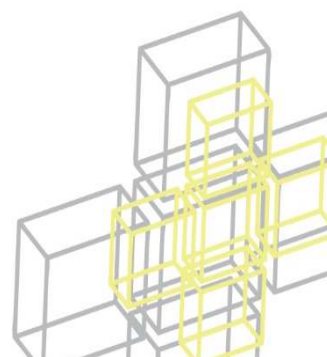
**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF
USE FOR 'DUAL OCCUPANCY' AT SAGIBA AVENUE, CRAIGLIE, DESCRIBED
AS LOT 6 ON SP354942**

Planning Plus (QLD) Pty Ltd has been engaged by Cavall Investments Pty Ltd (the landowner and applicant) to prepare and lodge the abovementioned development application with Douglas Shire Council.

In support of the application, please find attached completed DA Form 1 (**Annexure 1**).

It is requested that an invoice be issued for the relevant application fee of \$1,589 in accordance with Council's 2025/26 Schedule of Fees and Charges.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.



1.0. Site

1.1. Details and Description

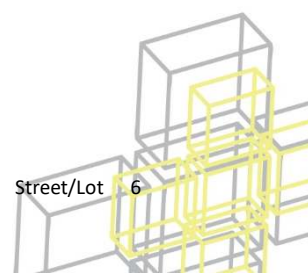
The land the subject of this application is situated at Sagiba Avenue, Craiglie, and is described as Lot 6 on SP354942. A QLD Globe Aerial Overlay and SmartMap of the site are included for reference as **Annexures 2 & 3**, respectively.

The site comprises an area of 722m² and is flat and vacant and forms part of the recently-completed “Beche” community title development.

1.2. Planning Context

The planning context of the site includes:

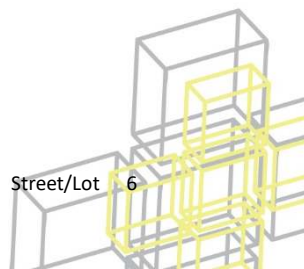
Regional Plan Designation:	Urban Footprint
Planning Scheme Local Plan Area:	Port Douglas/Craiglie <i>Refer to Douglas Shire Council Planning Scheme Property Report included as Annexure 4</i>
Planning Scheme Zone:	Tourist Accommodation <i>Refer to Douglas Shire Council Planning Scheme Property Report included as Annexure 4</i>
Planning Scheme Overlays:	Acid Sulfate Soils Overlay; Bushfire Hazard Overlay; Storm Flood Overlay; Landscape Values Overlay; Natural Areas Overlay; and Transport Network Overlay. <i>Refer to Douglas Shire Council Planning Scheme Property Report included as Annexure 4</i>
State Development Assessment Mapping:	Regulated Vegetation – Category B Coastal Area –Medium Storm Tide Inundation Area <i>Refer to SDAP Mapping included as Annexure 5</i>



2.0. Proposal

This application seeks a Development Permit for Material Change of Use for a 'Dual Occupancy'. Plans are included as **Annexure 6**.

The proposal consists of 2 x 4 bedroom dwellings in a single storey configuration within the new "Beche" community title development. The proposal is consistent with the approved Plan of Development for the estate which sets out setback, site cover and other development requirements. Details of such assessment considerations are provided below in Section 4 of this report.



3.0. Legislative Considerations

3.1. Planning Act 2016

This section provides an overview of the legislative context of the application under the provisions of the *Planning Act 2016*.

3.1.1. Assessable Development

The proposed development is identified as 'assessable' under the *Planning Act 2016* due to the effect of the *Planning Regulation 2017*.

3.1.2. Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

3.1.3. Assessment Categories & Benchmarks

The following table outlines the Assessment Categories and Assessment Benchmarks applicable to the various aspects of development proposed:

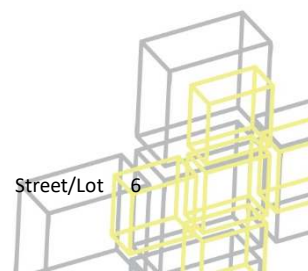
Aspect of Development	Categories of Assessment	Assessment Benchmarks
Material Change of Use for 'Dual Occupancy'	Code Assessment	Relevant Codes of Douglas Shire Planning Scheme 2018

3.1.4. Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the application will not trigger State agency referrals.

3.1.5. Public Notification

This application is 'code-assessable' and therefore does not require public notification.



4.0. Assessment Benchmarks

4.1. Overview

This section provides an assessment of the application against relevant statutory planning provisions and assessment benchmarks.

4.2. State Planning Policy

The State Planning Policy (SPP) is relevant to the assessment of this application where a State interest is not appropriately reflected in the Planning Scheme relevant to the site. It is understood that all State interests are adequately reflected in the Planning Scheme.

4.3. State Development Assessment Provisions

No State Development Assessment Provisions are identified as being relevant to the application.

4.4. Douglas Shire Planning Scheme 2018

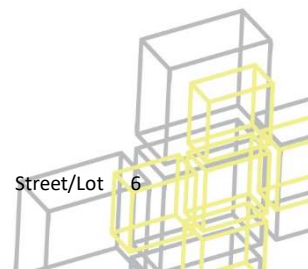
The proposed development is subject to 'code assessment' under the Douglas Shire Planning Scheme 2018. Assessment of the proposal against the full planning scheme is provided below.

4.4.1 Code Assessment

The following codes have been identified as being applicable to this proposal:

- Low – Medium Density Residential Zone Code (due to effect of Variation Approval);
- Port Douglas/Craiglie Local Plan Code;
- Dual Occupancy Code;
- Acid Sulfate Soils Overlay Code;
- Bushfire Hazards Overlay Code;
- Flood Storm Overlay Code;
- Natural Areas Overlay Code;
- Transport Network Overlay Code;
- Filling and Excavation Code;
- Vegetation Management Code;
- Infrastructure Works Code; and
- Landscaping Code.

A detailed assessment against the above codes is included as **Annexure 7** to this report.



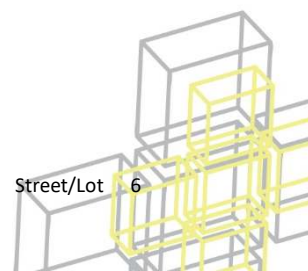
4.5. Variation Approval

While the site is included within the Tourist Accommodation Zone, a Variation Approval exists which applies the provisions of the Low – Medium Density Residential Zone to the site (copy of approval included as **Annexure 8**). We note that this approval exists in addition to the existing zoning rather than in place of it, and that further development may occur under the existing zoning or in accordance with the Variation Approval.

The proposed Dual Occupancy is identified as code-assessable development under both the existing zoning and Variation Approval (Low – Medium Density Residential Zone), however the Variation Approval applies a Plan of Development and Design Guideline which alter some of the development parameters applicable to the site including site cover, setbacks and landscaping (copy of CMS containing these approved documents included as **Annexure 9**). The current proposal is therefore being undertaken in accordance with the Variation Approval.

Under the approved Plan of Development, 1.5m side and rear boundary setbacks and a site cover of 60% are applicable to the subject lot. The proposal is compliant with these provisions.

The requirements of the approved Design Guideline are reflected in the Architectural and Landscape Code contained within the CMS. The proposal is compliant with these provisions.



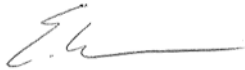
5.0. Conclusion

This Planning Report has been prepared by Planning Plus on behalf of Cavall Investments Pty Ltd (the 'applicant') in support of an application to Douglas Shire Council seeking a Development Permit for Material Change of Use for Dual Occupancy over land at Sagiba Avenue, Craiglie, described as Lot 6 on SP354942.

It is submitted that the application has demonstrated that the proposed development is consistent with the outcomes sought by the Douglas Shire Planning Scheme 2018 and the Variation Approval which applies to the site.

We trust the information provided herein is sufficient for Council's purpose, however should you require any further information, please do not hesitate to contact the undersigned.

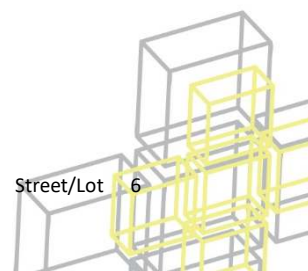
Yours faithfully



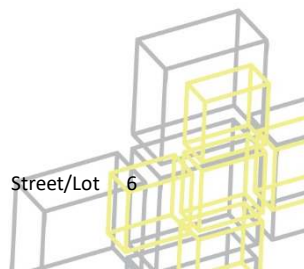
Evan Yelavich
Director / Planner
Planning Plus (QLD) Pty Ltd

Encl.

Annexure 1:	DA Form 1
Annexure 2:	QLD Globe Aerial Overlay
Annexure 3:	SmartMap
Annexure 4:	Planning Scheme Property Report
Annexure 5:	SDAP Mapping
Annexure 6:	Proposal Plans
Annexure 7:	Douglas Shire Planning Scheme Code Assessment
Annexure 8:	Variation Approval
Annexure 9:	Community Management Statement



Annexure 1: DA Form 1



DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Cavall Investments Pty Ltd c/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	REDLYNCH
State	QLD
Postcode	4870
Country	Australia
Contact number	0402073082
Email address (non-mandatory)	evan@planningplusqld.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Sagiba Avenue	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	6	SP354942	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application
☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):

Dual occupancy

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application



6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Duplex	Dual Occupancy	2	

8.2) Does the proposed use involve the use of existing buildings on the premises?

- ☐ Yes
- ☒ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

- ☐ Yes – provide details below or include details in a schedule to this development application
- ☒ No

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

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9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision**10.1) For this development, how many lots are being created and what is the intended use of those lots:**

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?☐ Yes – provide additional details below☐ No

How many stages will the works include?

What stage(s) will this development application apply to?

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?**13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)**

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work**Note:** This division is only required to be completed if any part of the development application involves operational work.**14.1) What is the nature of the operational work?**

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: _____ | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)☐ Yes – specify number of new lots: _____☐ No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Cairns Regional Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

<input type="checkbox"/> SEQ northern inter-urban break – community activity <input type="checkbox"/> SEQ northern inter-urban break – indoor recreation <input type="checkbox"/> SEQ northern inter-urban break – urban activity <input type="checkbox"/> SEQ northern inter-urban break – combined use <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Reconfiguring a lot in a coastal management district or for a canal <input type="checkbox"/> Erosion prone area in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material (<i>from a watercourse or lake</i>) <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – levees (<i>category 3 levees only</i>) <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government: <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) (<i>only if the ERA has been devolved to local government</i>) <input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator, if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

☒ Yes – provide details below or include details in a schedule to this development application

☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	CA 2023_5488/1	22 July 2025	DSC
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
- ☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the *Planning Regulation 2017*?

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.qld.gov.au for further information.



Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated *resource* allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake under the Water Act 2000?**

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water under the Coastal Protection and Management Act 1995?**

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

Note: Contact the Department of Environment, Science and Innovation at www.desi.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application

☒ No

Note: See guidance materials at www.resources.qld.gov.au for further information.



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Government**

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

☐ Yes – the following is included with this development application:

- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
- ☐ A certificate of title

☒ No

Note: See guidance materials at www.desi.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

☐ Yes – details of the heritage place are provided in the table below

☒ No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

23.14) Does this development application involve new or changed access to a state-controlled road?

☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.15) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.statedevelopment.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable



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25) Applicant declaration

- ☒ By making this development application, I declare that all information in this development application is true and correct
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

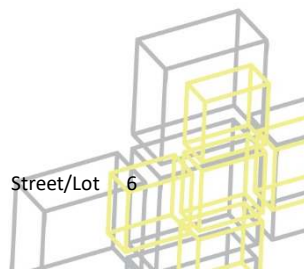
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Annexure 2: QLD Globe Aerial Overlay



16°31'35"S 145°28'23"E

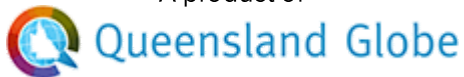
16°31'35"S 145°28'34"E



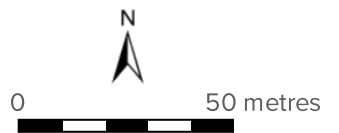
16°31'46"S 145°28'23"E

16°31'46"S 145°28'34"E

A product of



Legend located on next page



Scale: 1:1741

Printed at: A4

Print date: 28/8/2025

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



**Queensland
Government**

Department of Natural Resources and Mines,
Manufacturing, and Regional and Rural Development

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Road parcel



Land parcel



Parcel

Land parcel - gt 1 ha



Parcel

Land parcel - gt 10 ha



Parcel

Easement parcel



Strata parcel



Volumetric parcel



Land parcel - gt 1000 ha



Parcel

Land parcel label

Land parcel label - gt 1 ha

Land parcel label - gt 10 ha

Land parcel label - gt 1000 ha

Green bridges



Roads and tracks



Motorway



Highway



Secondary



Connector



Local



Restricted Access Road



Mall



Busway



Bikeway



Restricted Access



Bikeway



Walkway



Restricted Access



Walkway



Non-vehicular Track



Track



Restricted Access Track



Ferry



Proposed Thoroughfare

Bridges



Tunnels



Railway stations



Railways



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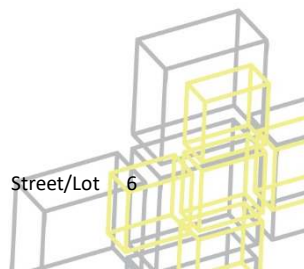
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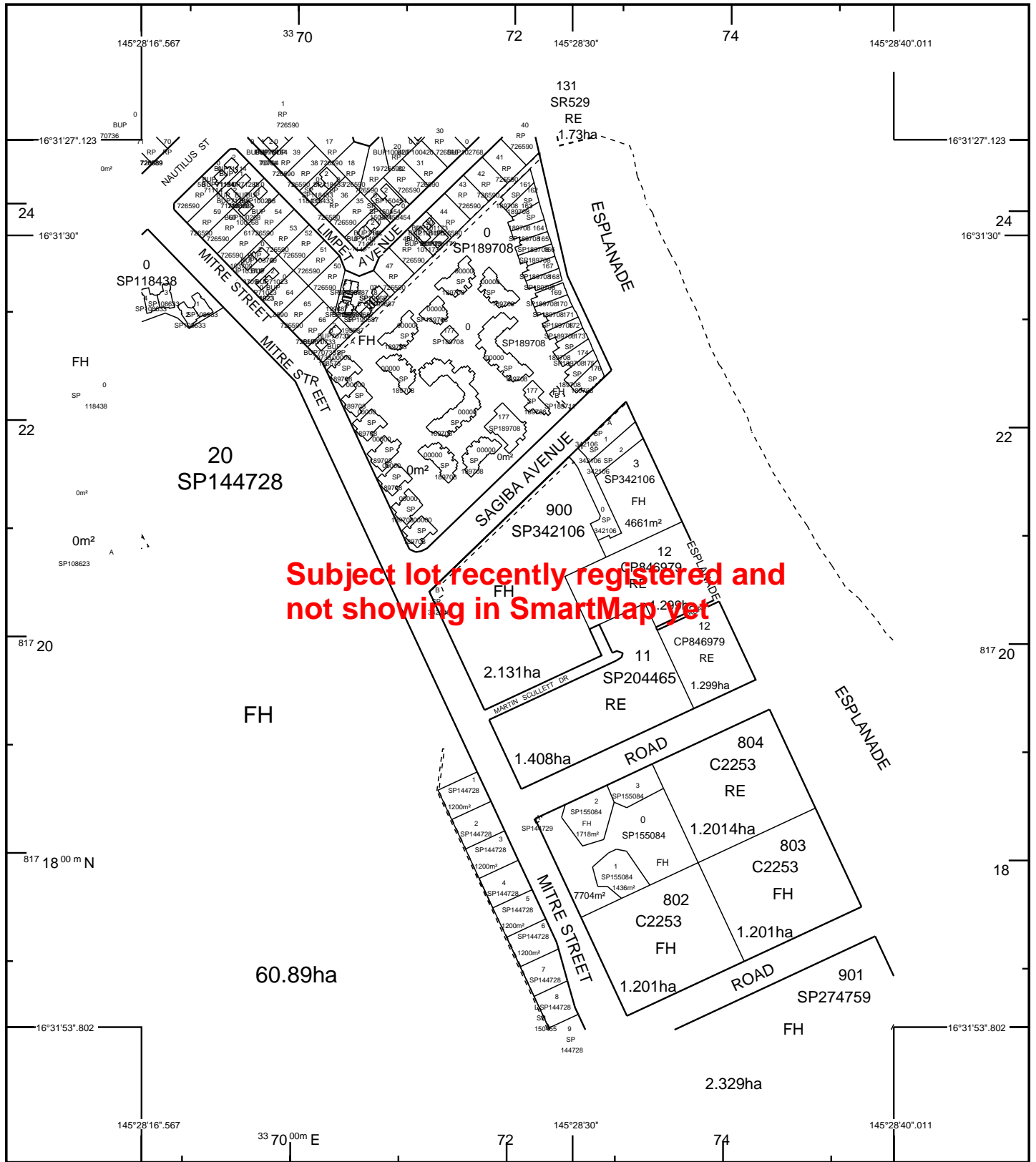
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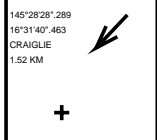
Annexure 3: SmartMap





STANDARD MAP NUMBER
7964-11113

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	900/SP342106
Area/Volume	2.131ha
Tenure	FREEHOLD
Local Government	DOUGLAS SHIRE
Locality	CRAIGLIE
Segment/Parcel	8949/935

CLIENT SERVICE STANDARDS

PRINTED 28/08/2025

DCDB 27/08/2025

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For further information on SmartMap products visit
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

SmartMap

An External Product of
SmartMap Information Services

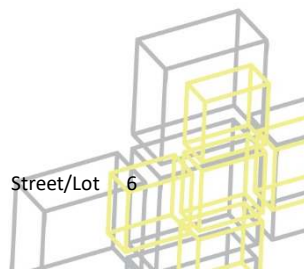
Based upon an extraction from the
Digital Cadastral Data Base



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Annexure 4: Planning Scheme Property Report



2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email enquiries@douglas.qld.gov.au.

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

Property Information

Property Address [42-44 Mitre Street CRAIGLIE](#)



Lot Plan [1C2253](#) (Freehold - 7310m²)



☒ Selected Property

☐ Easements

☐ Property

Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

Zoning

Applicable Zone








Tourist Accommodation

More Information

- [View Section 6.2.14 Tourist Accommodation Zone Code](#)
- [View Section 6.2.14 Tourist Accommodation Zone Compliance table](#)
- [View Section 6.2.14 Tourist Accommodation Zone Assessment table](#)

Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

 Local Plans	Applicable Precinct or Area Port Douglas - Craiglie	More Information <ul style="list-style-type: none"> View Section 7.2.4 Port Douglas/Craiglie Local Plan Code View Section 7.2.4 Port Douglas/Craiglie Local Plan Compliance table
 Acid Sulfate Soils	Applicable Precinct or Area Acid Sulfate Soils (< 5m AHD)	More Information <ul style="list-style-type: none"> View Section 8.2.1 Acid Sulfate Soils Overlay Code View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table
 Bushfire Hazard	Applicable Precinct or Area Potential Impact Buffer Medium Potential Bushfire Intensity	More Information <ul style="list-style-type: none"> View Section 8.2.2 Bushfire Hazard Overlay Code View Section 8.2.2 Bushfire Hazard Overlay Compliance table
 Flood Storm	Applicable Precinct or Area Medium Storm Tide Hazard	More Information <ul style="list-style-type: none"> View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table
 Natural Areas	Applicable Precinct or Area MSES - Regulated Vegetation MSES - High Ecological Significance Wetlands	More Information <ul style="list-style-type: none"> View Section 8.2.7 Natural Areas Overlay Code View Section 8.2.7 Natural Areas Overlay Compliance table
 Transport Pedestrian Cycle	Applicable Precinct or Area Neighbourhood Route	More Information <ul style="list-style-type: none"> View Section 8.2.10 Transport Network Overlay Code View Section 8.2.10 Transport Network Overlay Compliance table
 Transport Road Hierarchy	Applicable Precinct or Area Access Road	More Information <ul style="list-style-type: none"> View Section 8.2.10 Transport Network Overlay Code View Section 8.2.10 Transport Network Overlay Compliance table

Zoning

Applicable Zone

Tourist Accommodation

More Information

- [View Section 6.2.14 Tourist Accommodation Zone Code](#)
- [View Section 6.2.14 Tourist Accommodation Zone Compliance table](#)
- [View Section 6.2.14 Tourist Accommodation Zone Assessment table](#)



☒ Selected Property

☐ Property

Zoning

<input type="checkbox"/> Centre	<input type="checkbox"/> Community Facilities	<input type="checkbox"/> Conservation	<input type="checkbox"/> Environmental Management
<input type="checkbox"/> Industry	<input type="checkbox"/> Low Density Residential	<input type="checkbox"/> Low-medium Density Residential	<input type="checkbox"/> Medium Density Residential
<input type="checkbox"/> Recreation and Open Space	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural Residential	<input type="checkbox"/> Special Purpose
<input type="checkbox"/> Tourism	<input type="checkbox"/> Tourist Accommodation		

Local Plans

Applicable Precinct or Area

Port Douglas - Craiglie

More Information

- [View Section 7.2.4 Port Douglas/Craiglie Local Plan Code](#)
- [View Section 7.2.4 Port Douglas/Craiglie Local Plan Compliance table](#)



 Selected Property

 Property

Transport Investigation Corridor

 Transport Investigation Corridors

Major Road Connections

 Major Road Connections

Major Road Connections (No Arrow)

 Major Road Connections

Daintree River to Bloomfield

 Daintree River to Bloomfield

Creb Track and Quaid Road

 Creb Track







60 metre contour

 60 metre contour

Local Plan Boundary

 Local Plan Boundary

Local Plan Sub Precincts

 1a Town Centre
  1b Waterfront North
  1c Waterfront South
 1d Limited Development
  1e Community and Recreation
  1f Flagstaff Hill

Local Plan Precincts


Not Part of a Precinct
 Precinct 4
  Precinct 1
  Precinct 2
  Precinct 3
 Precinct 8
  Precinct 5
  Precinct 6
  Precinct 7
 Precinct 9

Live Entertainment Precinct

 Live Entertainment Precinct

Indicative Future Open Space

 Indicative Future Open Space

 Road Reserve Esplanade

Acid Sulfate Soils

Applicable Precinct or Area
Acid Sulfate Soils (< 5m AHD)

- More Information**
- [View Section 8.2.1 Acid Sulfate Soils Overlay Code](#)
 - [View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table](#)



☒ Selected Property

☐ Property

Acid Sulfate Soils

☒ Acid Sulfate Soils (< 5m AHD)

☐ Acid Sulfate Soils (5-20m AHD)

☐ all others

Bushfire Hazard

Applicable Precinct or Area

Potential Impact Buffer
Medium Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

Bushfire_Hazard

☒ High Potential Bushfire Intensity

☒ Medium Potential Bushfire Intensity

☒ Potential Impact Buffer

☒ Very High Potential Bushfire Intensity







☐ all others

Flood Storm

Applicable Precinct or Area
Medium Storm Tide Hazard

- More Information
- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code](#)
 - [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table](#)



 Selected Property	 Property	 Medium Storm Tide Hazard	 High Storm Tide Hazard
 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies		 Floodplain Assessment Overlay	

Natural Areas

Applicable Precinct or Area

MSES - Regulated Vegetation
MSES - High Ecological Significance Wetlands

More Information

- [View Section 8.2.7 Natural Areas Overlay Code](#)
- [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



Selected Property	Property	MSES - Regulated Vegetation (Intersecting a Watercourse)
MSES - High Ecological Value Waters (Watercourse)	MSES - Wildlife Habitat	MSES - Regulated Vegetation
MSES - Protected Area	MSES - Marine Park	MSES - Legally Secured Offset Area
MSES - High Ecological Value Waters (Wetland)	MSES - High Ecological Significance Wetlands	

Transport Pedestrian Cycle

Applicable Precinct or Area
Neighbourhood Route

- More Information
- [View Section 8.2.10 Transport Network Overlay Code](#)
 - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Property

Pedestrian and Cycle Network

- | | | | |
|-----------------|-------------------------------|-------------------------|---------------------|
| District Route | Future Principal Route | Iconic Recreation Route | Neighbourhood Route |
| Principal Route | Strategic Investigation Route | all others | |

Transport Road Hierarchy

Applicable Precinct or Area

Access Road

More Information

- [View Section 8.2.10 Transport Network Overlay Code](#)
- [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Property

Road Hierarchy

— Access Road

— Arterial Road

— Collector Road

— Industrial Road

— Major Rural Road

— Minor Rural Road

— Sub Arterial Road

— Unformed Road

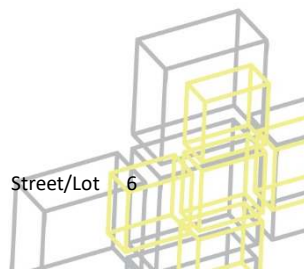
— all others

☐ Major Transport Corridor Buffer Area

Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.

Annexure 5: SDAP Mapping



Matters of Interest for all selected Lot Plans

Coastal management district

Coastal area - medium storm tide inundation area

Wetland protection area trigger area

Regulated vegetation management map (Category A and B extract)

Matters of Interest by Lot Plan

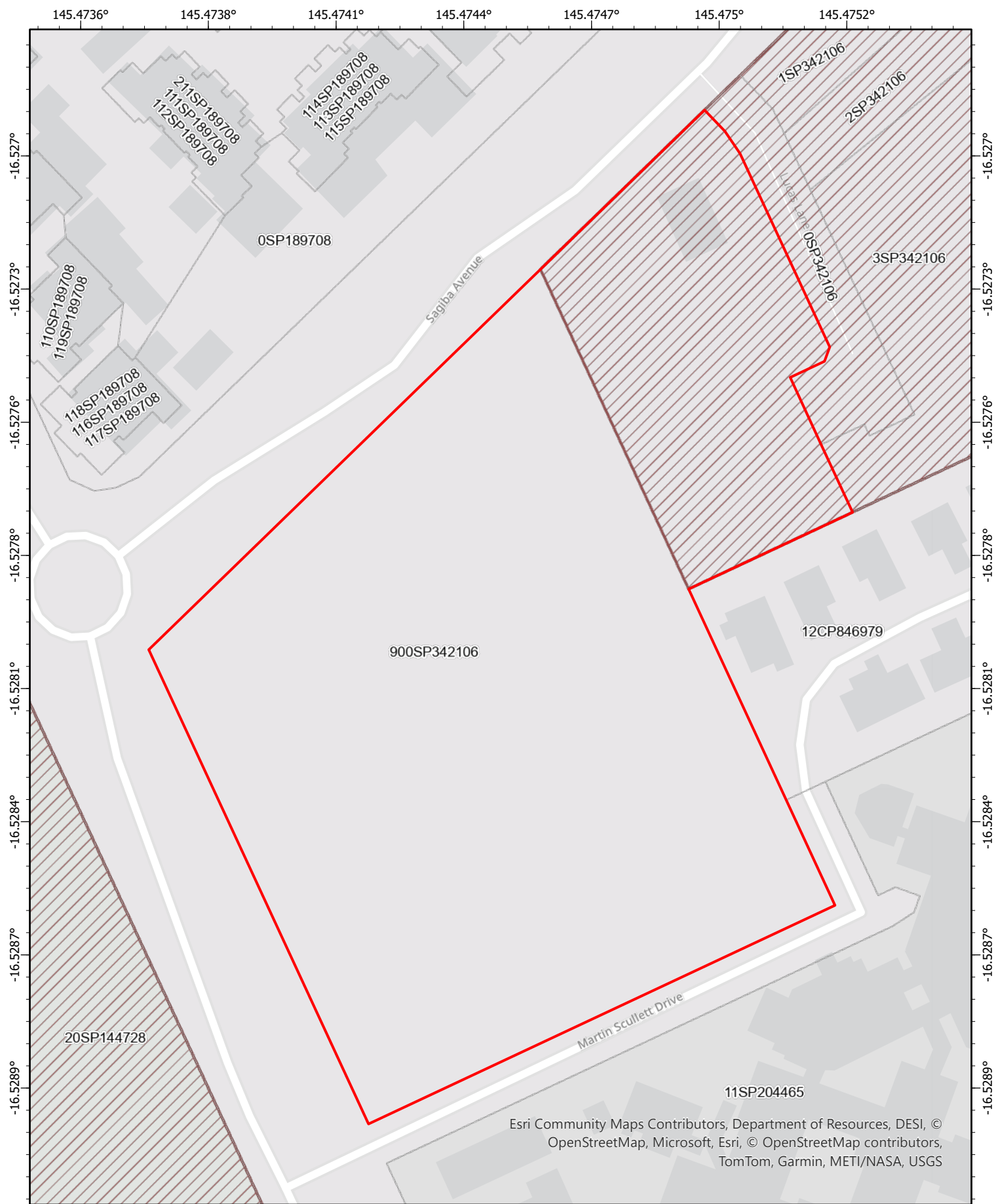
Lot Plan: 900SP342106 (Area: 21310 m²)


Coastal management district

Coastal area - medium storm tide inundation area

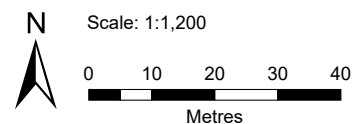
Wetland protection area trigger area

Regulated vegetation management map (Category A and B extract)



 Coastal management district

Date: 28/08/2025

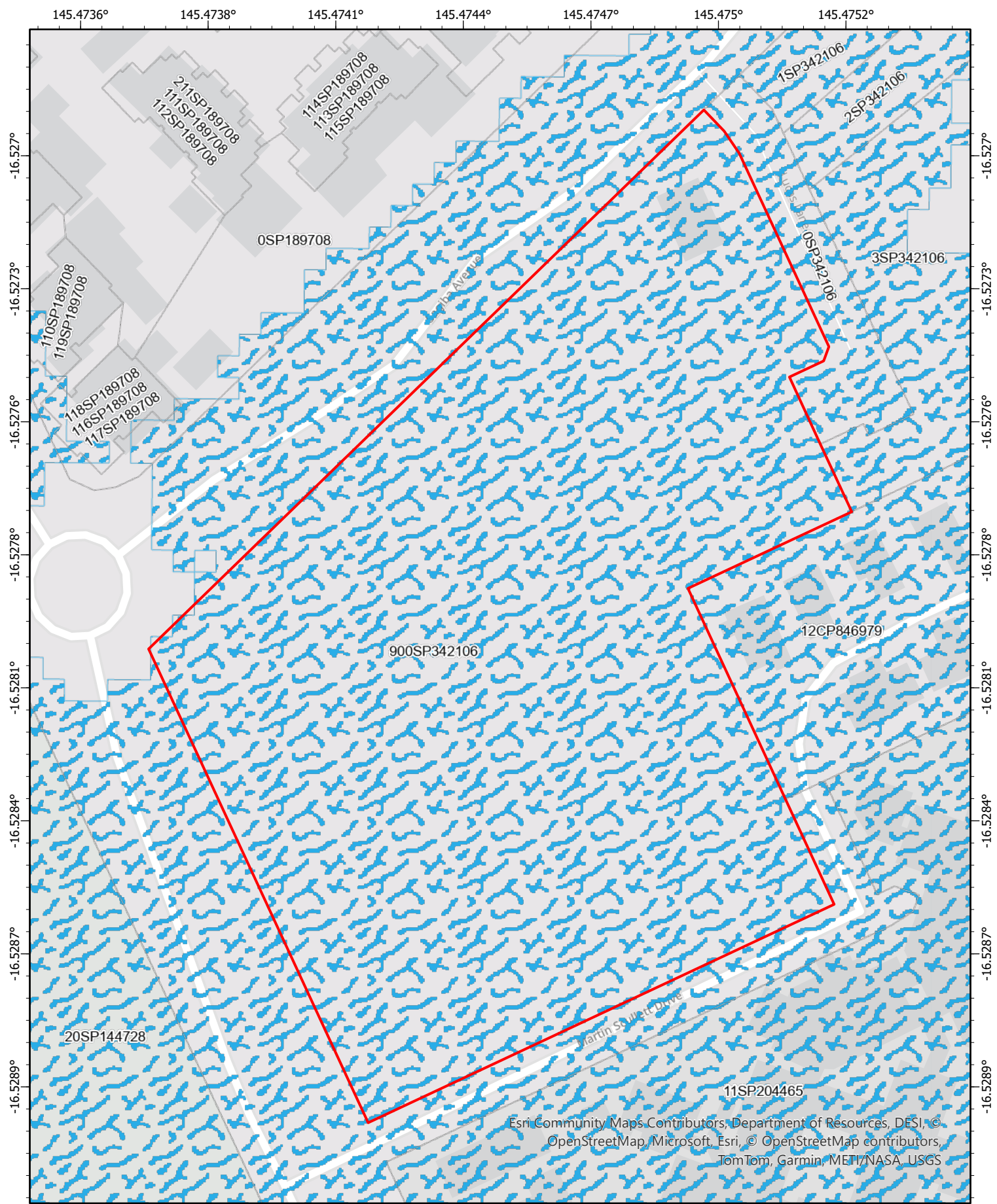



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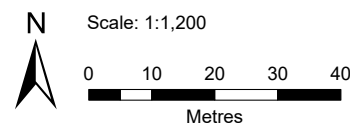
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 Coastal area - medium storm tide inundation area

Date: 28/08/2025



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Regulated vegetation
management map (Category A
and B extract)

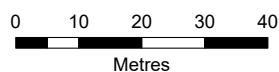
 Category B on the
regulated vegetation
management map

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Date: 28/08/2025



Scale: 1:1,200

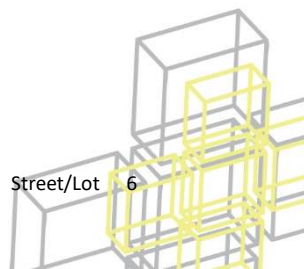


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Annexure 6: Proposal Plans





NEW RESIDENCE

for:
Ozcare Pty Ltd
at:
Lot 0006 CAVA



Job No.-0006 CAVA-E

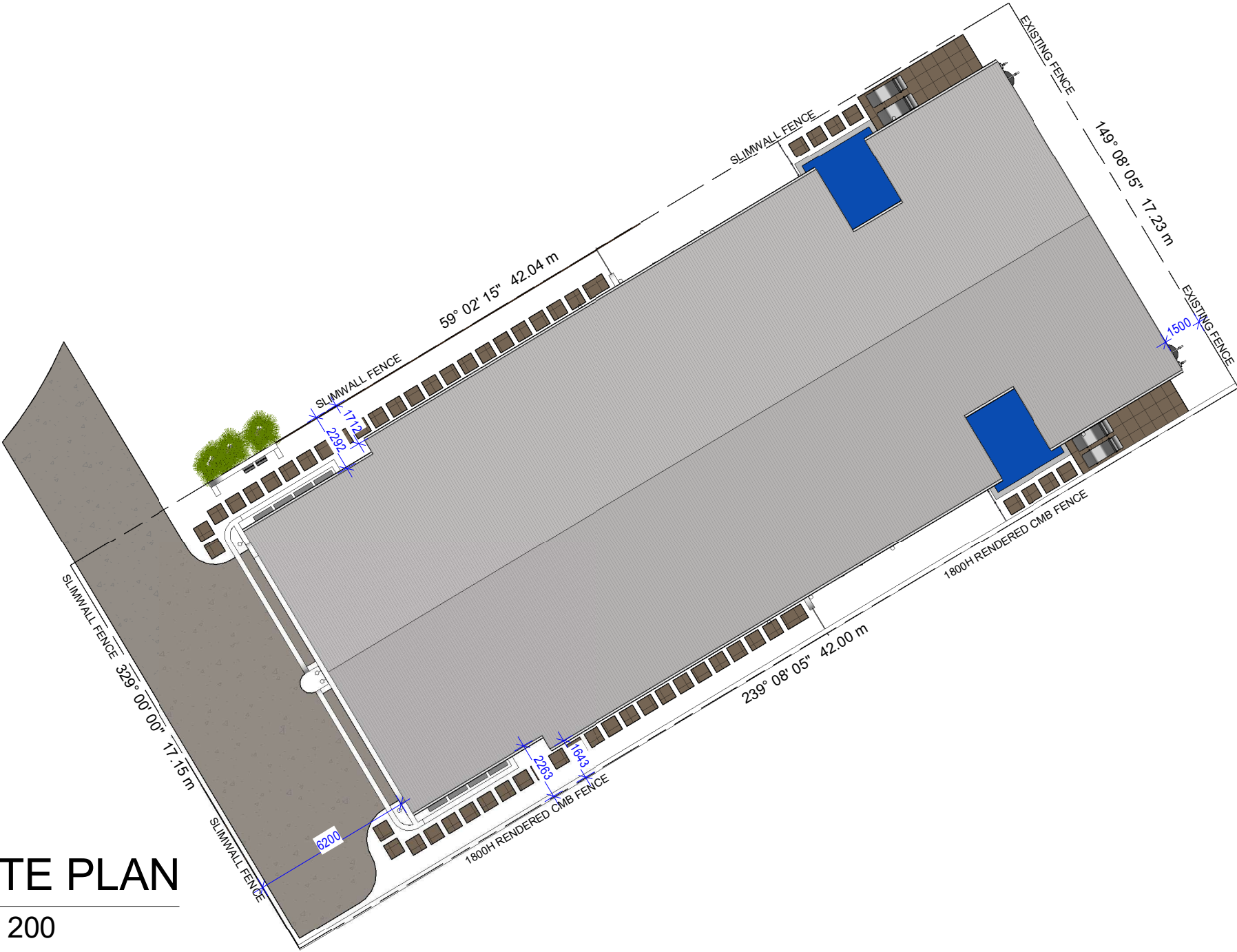
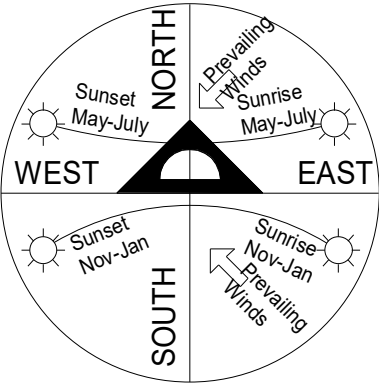
ADDRESS:
P.O. BOX 1034 SMITHFIELD
QUEENSLAND 4878

Tel (07) 4031 0022
Fax (07) 4031 2061

ABN 63 070 056 996
QBCC 1008032

PRINT DATE:
6/06/2025 4:18:50 PM

FLOOR AREAS	
Garage	41.36 m ²
Garage	41.36 m ²
Living Areas	158.76 m ²
Living Areas	158.50 m ²
Patio	13.60 m ²
Patio	13.60 m ²
Porch	1.82 m ²
Porch	1.82 m ²
Grand total	430.82 m ²



1 SITE PLAN
1 : 200

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PTV. LTD.

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PH. (07) 4031 2775
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ADDRESS:-
Lot 0006 CAVA

CLIENT:-
Ozcare Pty Ltd

DATE:- Aug 5 2024
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DRAWN:
Author

CHECKED:
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JOB No.
0006 CAVA-B

SHEET No.
WD-02/



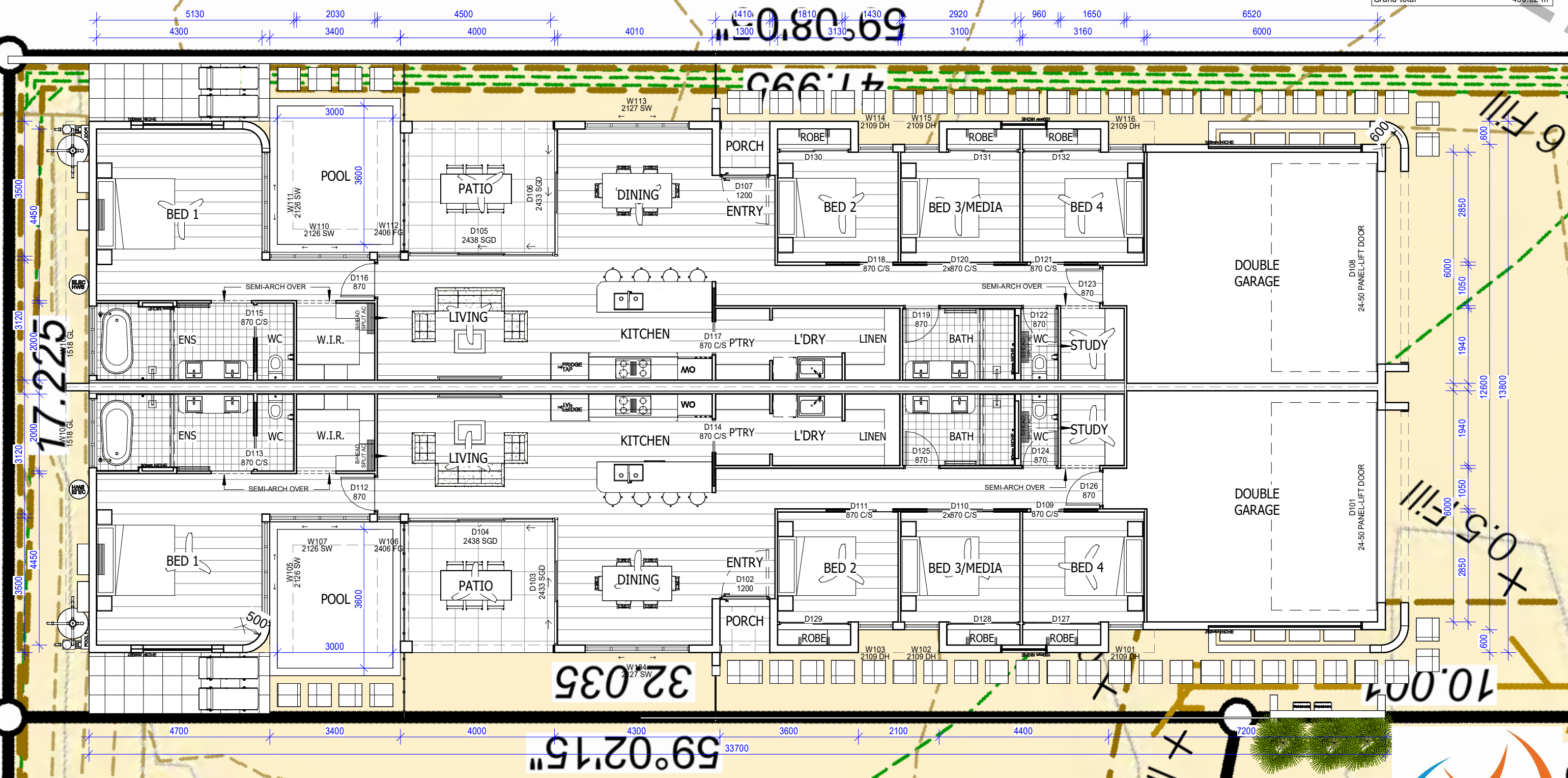
Allaro
HOMES

PO BOX 1034 SMITHFIELD 4878
tel: 07 4031 0022
fax: 07 4031 2061
QBCC No. 1008032

FL1
1 : 100

FLOOR AREAS

Garage	41.36 m ²
Garage	41.36 m ²
Living Areas	158.76 m ²
Living Areas	158.50 m ²
Patio	13.60 m ²
Patio	13.60 m ²
Porch	1.82 m ²
Porch	1.82 m ²
Grand total	430.82 m ²



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A.C.N. 011 065 375

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00 CAVA-B

SHEET No.
WD-03/

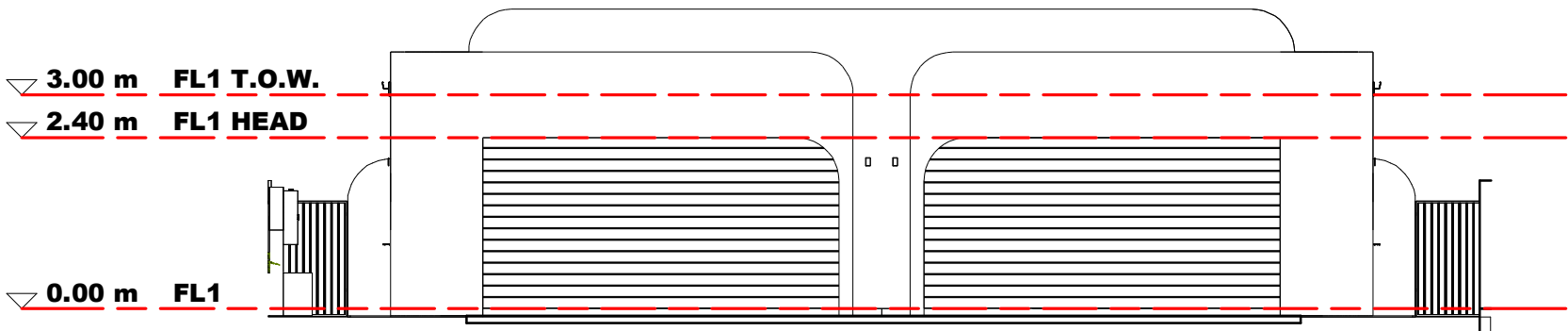


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tel: 07 4031 0022
fax: 07 4031 2061
QBCC No. 1008032

1

SW ELEVATION

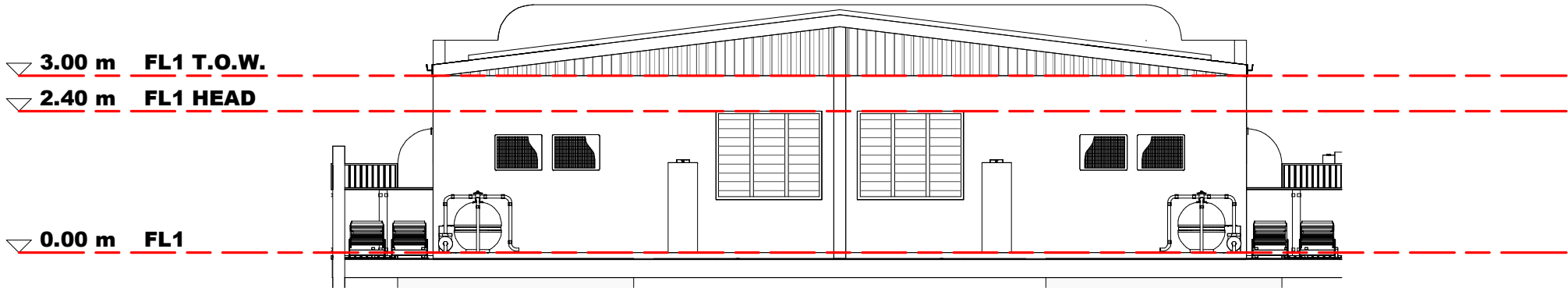
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2

NW ELEVATION

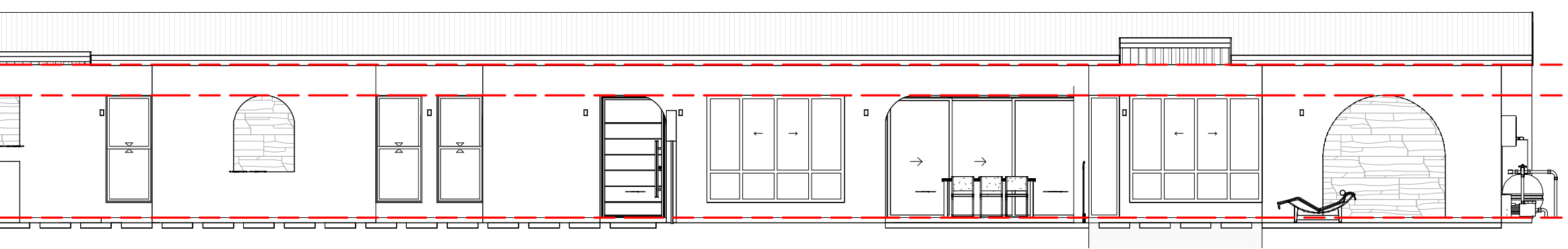
1 : 100



3

NE ELEVATION

1 : 100



4

SE ELEVATION

1 : 100

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	DATE	DESCRIPTION					



PO BOX 1034 SMITHFIELD 4878
tel: 07 4031 0022
fax: 07 4031 2061
QBCC No. 1008032

TAKEOFF ROOF AREA	
Type	Area
Colorbond Roof	454.69 m²

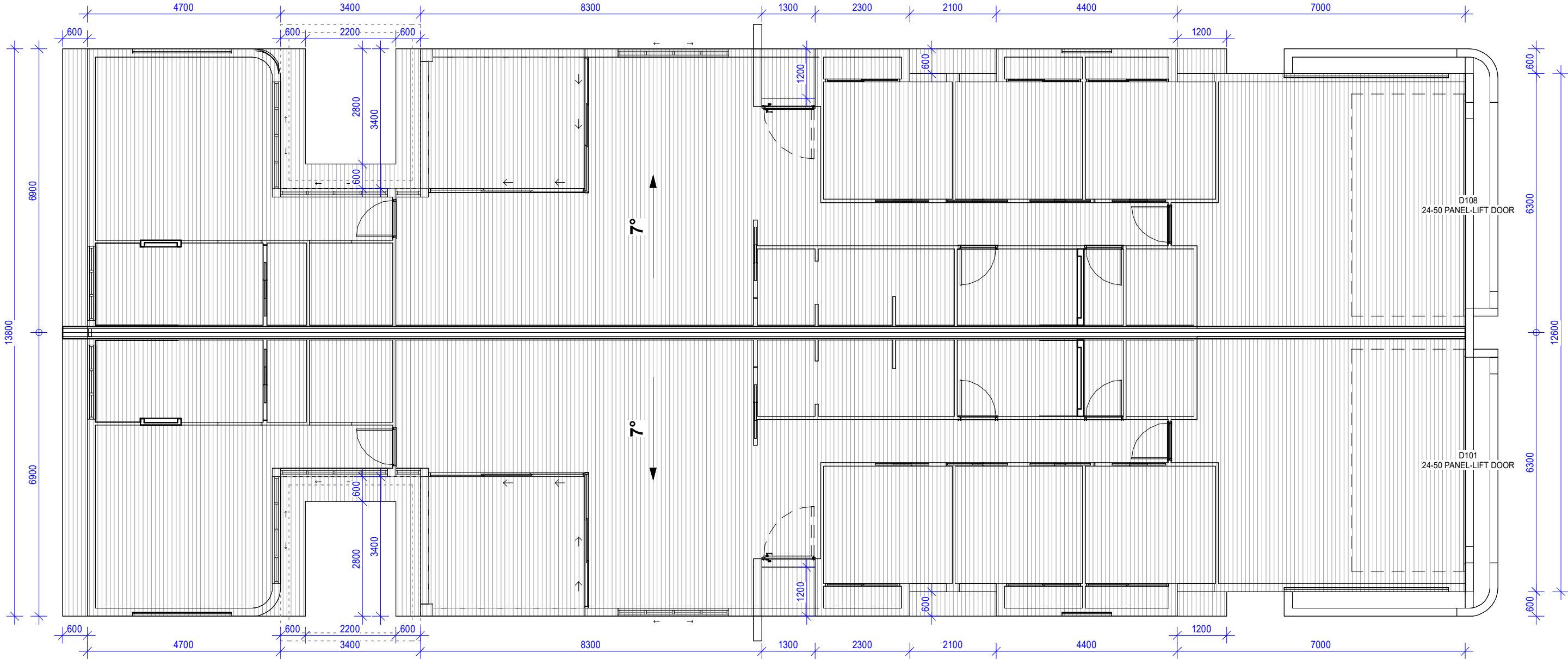
LOT DESCRIPTION:	LOT 6 SP 342106
LAND SIZE:	722m2
ADDRESS:	LOT 6 BECHE PORT DOUGLAS
WIND CLASSIFICATION:	C2
SOIL CLASSIFICATION:	P
ZONED:	LOW DENSITY RESIDENTIAL

NOTE
R4.0 INSULATION BATTS TO ALL INTERNAL CEILING AREA'S (INCLUDING GARAGE, PATIO & PORCH)
ROOF TRUSSES AT 900 CRS TO MANUF. SPEC. FOR **C2 WIND CLASSIFICATION**.
ROOF BRACING AS SPECIFIED BY TRUSS MANUFACTURER.
TH40x0.75mm TOPHAT ROOF BATTENS, 2/ 600 MAX. END SPACING, OTHERWISE 900 MAX. CRS. BETWEEN
SELECTED 0.42mm B.M.T. COLORBOND CUSTOM ORB ROOF SHEETING SCREW FIX TO MANUF. SPEC. FOR **C2 WIND CLASSIFICATION**
NOTE
REFER TO TRUSS MANUFACTURER'S REACTION REPORT & TIE-DOWN SCHEDULE ON WD18 & 19 FOR REQUIRED TRUSS TIE-DOWNS. ALL REQUIRED TRUSS CLEATS TO BE INSTALLED PRIOR TO POURING BOND BEAMS

DOWNPIPES NOTE:
INDICATED DOWNPIPES LOCATION ONLY.
DOWNPIPE SERVICE IN ACCORDANCE WITH RELEVANT AUS. STANDARDS
FINAL LOCATION OF ALL PLUMBING FIXTURES TO BE CONFIRMED WITH CONTRACTED PLUMBER.

ULTIMATE & SERVICABILITY LIMIT STATE DESIGN WIND PRESSURES FOR GLAZING & WINDOWS						
WIND CLASSIFICATION	DESIGN GUST WIND SPEED (M/S)		DESIGN PRESSURES (kPa)			
	Vh,u	Vh,s	GREATER THAN 1.2M FROM CORNERS		UP TO 1.2M FROM THE CORNER	
	ULS	SLS	ULS	SLS	ULS	SLS
C1	50	32	-2.03	0.61	-3.0	-0.92
C2	55	35	-2.44	0.69	-3.5	-1.0
C3	74	47	-4.44	1.33	-6.57	-1.99

ROOF LEGEND	
BC	BARGE CAPPING
BG	BOX GUTTER
CB	COLORBOND
CO	COSTOM ORB
DP	DOWNPIPE
EGU	EAVES GUTTER
GU	GUTTER
KLK	LYSAGHT KLIP-LOK
RC	RIDGE CAPPING
RS	ROOF SHEETING
TMD	LYSAGHT TRIMDEK



1

ROOF & DRAINAGE PLAN

1 : 100

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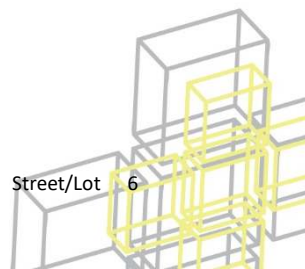
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PO BOX 1034 SMITHFIELD 4878
tel: 07 4031 0022
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Annexure 7: Douglas Shire Planning Scheme Code Assessment



Port Douglas/Craigie local plan code

Application

- (1) This code applies to assessing development within the Port Douglas/Craigie local plan area as identified on the Port Douglas/Craigie local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

Context and setting

Editor's note - This section is extrinsic material under section 15 of the *Statutory Instruments Act 1992* and is intended to assist in the interpretation of the Port Douglas/Craigie local plan code.

The Port Douglas/Craigie local plan encompasses the traditional Port Douglas town centre and surrounding tourist and residential areas, including Four Mile Beach and Craigie.

Port Douglas was officially named in 1877. It was initially settled as the port of entry and supply for the Hodgkinson goldfield on the Hann Tableland which was proclaimed in 1876. It was the dominant port in Far North Queensland until a decision was made to establish Cairns as the terminus for a new railway in 1884. This ended the town's dominance, and it gradually became a small centre for local residents and fishing activities. During the 1970s and 1980s, a renewed interest in Far North Queensland as a holiday destination led to a boom in large scale tourism and residential development with Port Douglas re-emerging as a premium destination.

The Captain Cook Highway runs north-south to the west of Port Douglas through Craigie (Four Mile). Craigie caters for the permanent resident population associated with Port Douglas, as well as providing for service industries to support business in the town. The majority of urban development is confined to the eastern side of the highway. The main entrance to Port Douglas at the intersection of Port Douglas Road is accentuated by mature oil palms lining both sides of the street for almost the entire length of the corridor into the heart of Port Douglas.

Flagstaff Hill is a prominent headland on the northern side of the Port Douglas town centre providing a green tropical backdrop to the town. Island Point Road runs to the top of Flagstaff Hill and provides access to the iconic lookout overlooking the sweep of Four Mile Beach.

Macrossan Street is the main shopping area in Port Douglas running in a general east-west direction at the base of Flagstaff Hill connecting Four Mile Beach to Dickson Inlet. Tourist and commercial development is concentrated towards the western side of Macrossan Street, with marine orientated activity focussed around the inlet. The western side of the inlet provides unspoiled views across mangroves to the distinctive formations and features of the coastal range.

The street pattern in the town centre is based on the original grid pattern survey of 1878. While the town has lost many of its original buildings to cyclones and redevelopment, a number of important built features remain including the Central Hotel, the Court House Hotel, a number of relocated buildings such as St Mary's Church, the former Clink Theatre and the Court House Museum and scattered memorials such as the Carstens memorial in Macrossan Street

and the Port Douglas War memorial in Wharf Street. The Sugar Wharf on Dickson Inlet was the original terminus of the tramline to Mossman. The tramline now terminates adjacent to the Port Douglas marina and operates as the Balley Hooley passenger service on four kilometres of track between the Port Douglas Marina and St Crispins Station.

A particular characteristic of the local plan area is its high quality, lush landscaping complementing the tropical resort town atmosphere. This theme will be carried throughout the local plan area with gateways, nodes and corridor planting emphasising the role of the town as a tropical tourist destination.

Purpose

- (1) The purpose of the Port Douglas/Craigie local plan code is to facilitate development outcomes consistent with community values, the local tropical built-form and protection of the natural environment within the Port Douglas/Craigie local plan area, while providing a platform for investment and prosperity.
 - (a) In addition, the purpose of the code is supported by the Port Douglas Waterfront Master Plan which provides a clear strategic direction for the incremental transformation of the Port Douglas Waterfront, including the following objectives:
 - (b) To set out a vision for revitalisation of the waterfront;
 - (c) To protect and enhance the environmental attributes; and
- (2) To provide a flexible framework, expressed through several key strategies that will assist the Council and community in managing change.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Port Douglas will continue to develop as the premium destination for international and domestic tourists in the Far North Queensland Region, while also acting for permanent residents attracted to the associated lifestyle.
 - (b) Major tourist, retail, dining and entertainment facilities will consolidate in the Town Centre and the Waterfront North sub-precincts, with improved pedestrian connections between the town centre and the waterfront.
 - (c) Craigie will develop as an integrated residential community with some low scale tourism development opportunities in appropriate locations. Craigie will also function as small scale commercial and light industry node, providing employment opportunities for the Shire's permanent resident population.
 - (d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping.
 - (e) Character will be enhanced through the identification of gateway sites, landmarks, main approach routes and pedestrian thoroughfares and view corridors;
 - (f) The Flagstaff Hill, Dickson Inlet, Four Mile Beach and other areas of scenic and environmental significance will be protected from development. Vegetation cover will dominate over built form.
 - (g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented.

- (h) Development will be indistinguishable from view from Four Mile Beach. In addition, any development on Flagstaff Hill will be indistinguishable when viewed from vantage points in Port Douglas.
 - (i) Residential areas are designed as pleasant, functional and distinctive, in visually well-defined areas.
- (4) The purpose of the code will be further achieved through the following overall outcomes:
- (a) Precinct 1 – Port Douglas precinct
 - (i) Sub-precinct 1a – Town Centre sub-precinct
 - (ii) Sub-precinct 1b – Waterfront North sub-precinct
 - (iii) Sub-precinct 1c – Waterfront South sub-precinct
 - (iv) Sub-precinct 1d – Limited Development sub-precinct
 - (v) Sub-precinct 1e – Community and recreation sub-precinct
 - (vi) Sub-precinct 1f – Flagstaff Hill sub-precinct
 - (b) Precinct 2 – Integrated Resort precinct
 - (c) Precinct 3 – Craiglie Commercial and Light Industry precinct
 - (d) Precinct 4 – Old Port Road / Mitre Street precinct
 - (e) Precinct 5 – Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct

Precinct 1 – Port Douglas precinct

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
- (a) development will contribute to the incremental transformation of the township, preserving and enhancing maritime activities and environmental areas, delivering tropical open spaces and a high quality public realm, and allowing for tourism opportunities and investment.
 - (b) development contributes to the enhancement of the Port Douglas precinct through the following development outcomes:
 - (i) access and connectivity throughout the township is enhanced through a series of improvements to circulation and mobility, including:
 - (A) access to, and connectivity along, the waterfront and foreshore areas is maintained and, where appropriate, enhanced;
 - (B) reducing reliance on the waterfront as a car parking resource.
 - (ii) the use of land in the Port Douglas precinct improves the cohesive layout of the township through:
 - (A) the establishment of distinct sub-precincts that reinforce the character and built form of the Port Douglas local plan area including:
 - Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;
 - Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;
 - Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;
 - Port Douglas centre sub-precinct 1d – Limited development sub-precinct;
 - Port Douglas centre sub-precinct 1e – Community and recreation precinct;

- Port Douglas centre sub-precinct 1f – Flagstaff Hill sub-precinct;
- (B) facilitating marina facilities and supporting marine industry uses as a key part of the local economy;
- (C) reducing conflict between industry, community and commercial activities in the waterfront, without diminishing the marine industry capacity in the Port Douglas precinct;
- (i) environment and sustainability is integrated into the township through:
 - (A) preservation and enhancement of the qualities and characteristics of environmental areas of the township;
 - (B) water sensitive urban design is considered as a means of water quality improvement and management of overland flow to ensure hard infrastructure solutions in Warner Street can be mitigated;
 - (C) design of buildings and access way improvements prioritises walking and cycling modes of transport.
- (ii) the tropical character of the Port Douglas precinct is enhanced by ensuring development:
 - (A) maintains and enhances the built form, local character, streetscapes and natural elements of the township;
 - (B) is compatible with the desired character and amenity of local places and neighbourhoods;
 - (C) does not exceed the height of buildings designations which contribute to the desired form of the township which contains three storey development heights in sub-precinct 1a – Town Centre sub-precinct and part of sub-precinct 1b – Waterfront North sub-precinct;
 - (D) implements high quality landscaped environments around buildings and on streets;
 - (E) protects the recognisable character and locally significance sites throughout the precinct.
- (iii) public spaces and the streetscape are enhanced through:
 - (A) an increase in the quantity and quality of public land and places throughout the precinct;
 - (B) consolidating community recreation and sporting uses to create a precinct of community focussed activity between Mudlo Street and Wharf Street;
 - (C) improved connections between the town centre and the waterfront marina, including an investigation of a plaza on the waterfront;
 - (D) improved streetscapes with high quality landscaping, surface treatments and shaded pedestrian environments;
 - (E) the creation of a sense of place through aesthetic streetscapes and built-form character;
 - (F) managing vegetation to ensure succession of planting and the ongoing presence of significant trees.
- (iv) advertising signage is small scale, low-key and complements the tropical character of the town.

Sub-precinct 1a – Town Centre sub-precinct

- (6) In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:
 - (a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale;
 - (b) drive-through developments, bulky goods showrooms, outdoor sales, saleyards and other big-box retailing or entertainment facilities are not established;
 - (c) development contributes to a high quality public realm;
 - (d) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;

- (e) consolidation of community and cultural land use activities along Mowbray Street between Wharf Street and Mudlo Street;
- (f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan;
- (g) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.

Sub- precinct 1b - Waterfront North sub-precinct

- (7) In addition to other overall development outcomes, development in the Waterfront North sub-precinct facilitates the following development outcomes:
 - (a) the precinct evolves as a revitalised open space and waterside development precinct;
 - (b) development within the precinct is designed to be sympathetic to the environmentally sensitive Dickson Inlet and mitigates any adverse impacts;
 - (c) the establishment of mixed-use development is facilitated to promote activity and vitality;
 - (d) public pedestrian access is maximised along the extent of the edge of the waterfront, consisting of a boardwalk or similar structure available for 24-hour use;
 - (e) development contributes to a high quality public realm;
 - (f) built form provides an attractive point of arrival from both land and sea;
 - (g) pedestrian connectivity is safe, efficient and provides for the needs of all users of the Port Douglas waterfront;
 - (h) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;
 - (i) the importance of existing marine-based industries to the area is recognised, not diminished and protected from incompatible uses. Relocation of marine based industries to an alternative precinct does not occur until such time that agreement has been reached among all relevant stakeholders such that development does not diminish the viability of marine based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners;
 - (j) marine infrastructure is established to service the tourism, fishing and private boating community;
 - (k) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer;
 - (l) the functionality of the Balley Hooley tourist rail is retained.

Sub-precinct 1c – Waterfront South sub-precinct

- (8) In addition to all other overall development outcomes, development in the Waterfront South sub-precinct facilitates the following development outcomes:
 - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
 - (b) marine-based industries are established on appropriate land having regard to site suitability, accessibility, surrounding land uses, and location of utilities and services;
 - (c) marine-based industry achieves appropriate environmental standards;
 - (d) industrial buildings have a high standard of layout and building design;
 - (e) landscaping provides an attractive streetscape and screens utility, storage and car parking from the street and other public areas;

- (f) the precinct is protected from encroachment of incompatible land use activities.

Sub-precinct 1d – Limited Development sub-precinct

- (9) In addition to all other overall development outcomes, development in the Limited Development sub-precinct facilitates the following development outcomes:
 - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
 - (b) the open nature and character of the precinct is retained maintaining view lines across the inlet;
 - (c) community and recreation land use activities are established that promote public access to the foreshore.

Sub-precinct 1e – Community and recreation sub-precinct

- (10) In addition to all other overall development outcomes, development in the Community and recreation sub-precinct facilitates the following development outcomes:
 - (a) development for community uses, including sport and recreation is facilitated.
 - (b) sport and recreation activities predominantly involve outdoor activities;
 - (c) areas of natural vegetation are protected from further development;
 - (d) shade trees are increased, in appropriate locations, surrounding the sports fields.

Sub-precinct 1f – Flagstaff Hill sub-precinct

- (11) In addition to all other overall development outcomes, development in the Flagstaff Hill sub-precinct facilitates the following development outcomes:
 - (a) development is not established where it results in detriment to the vegetated and scenic qualities of Flagstaff Hill;
 - (b) development minimises excavation and filling;
 - (c) buildings and other works are unobtrusive when viewed from vantage points in Port Douglas and are designed and constructed of colours and materials which complement the hill's vegetated state;
 - (d) views from public viewing points within the precinct are protected.

Precinct 2 – Integrated Resort precinct

- (12) In addition to the overall outcomes, development in the Integrated Resort precinct facilitates development in accordance with the *Integrated Development Resort Act, 1987*.

Editor's note – The development of land within this precinct is subject to the Integrated Development Resort Act 1987 (IDRA). Where a conflict exists between this planning scheme and the IDRA, the IDRA prevails.

Precinct 3 – Craiglie Commercial and Light Industry precinct

- (13) In addition to the overall outcomes, development in the Craiglie Commercial and Light Industry precinct facilitates the following overall outcomes:
- (a) development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Centre Precinct unless they pose a safety issue;
 - (b) development adjacent to the Captain Cook Highway presents an attractive appearance to the highway. The rain-trees, melaleucas and eucalypt trees along the Captain Cook Highway are retained where possible, taking into account the Department of Transport and main Road's requirements;
 - (c) retailing activities are generally restricted to those which are ancillary and necessarily associated with the primary service and light industry nature of the area;
 - (d) adjacent residential areas are protected from industry nuisances;
 - (e) lots fronting Downing Street, between Dickson Street and Beor Street, are provided with an appropriate standard of road access and infrastructure, prior to development occurring.

Precinct 4 – Old Port Road / Mitre Street precinct

- (14) In addition to the overall outcomes, development in the Old Port Road / Mitre Street precinct facilitates the following overall outcomes:
- (a) the precinct is intended to be used for outdoor recreational land use activity, primarily as a golf course;
 - (b) areas of significant vegetation are protected from development and retained;
 - (c) other forms of development will only be considered if substantial areas of open space are retained adjacent to existing residential areas to maintain the existing residential amenity of open views across open space.

Precinct 5 – Very Low Density Residential/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct

- (15) In addition to the overall outcomes, development in the Very Low Residential Density/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct facilitates the following overall outcomes:
- (a) residential accommodation does not exceed a maximum of 8.5 metres in building height;
 - (b) minimum lot sizes exceed 2 hectares;
 - (c) very low scale and intensity recreation/ very low scale and intensity educational/ and very low scale entertainment uses may be appropriate in areas of the precinct subject to erosion and other flooding constraints.

Note - Undeveloped lots in this precinct are located on very low-lying land. Council may consider a consolidation of existing land titles via lot reconfiguration to lot sizes less than 2 hectares, where the reconfigured lots are consolidated onto the highest terrain, to avoid a pattern of development consisting of dwelling houses located on isolated islands of raised building pads.

Criteria for assessment

Table Error! No text of specified style in document..a –Port Douglas / Craiglie local plan – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self assessable and assessable development		
Development in the Port Douglas / Craiglie local plan area generally		
PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	AO1 A pedestrian and cycle movement network is integrated and delivered through development.	N/A
PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craiglie (as identified on the Port Douglas/ Craiglie Townscape Plan map contained in Schedule 2).	AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: <ul style="list-style-type: none"> (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; 	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms;</p> <p>(e) the oil palm avenues along the major roads;</p> <p>(f) the lush landscaping within major roundabouts at key nodes;</p> <p>(g) Macrossan Street and Warner Street;</p> <p>(h) Port Douglas waterfront.</p> <p>A02.2 Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular:</p> <p>(a) Flagstaff Hill;</p> <p>(a) Four Mile Beach;</p> <p>(b) Across to the ranges over Dickson Inlet;</p> <p>(c) Mowbray Valley.</p> <p>A02.3 Important landmarks, memorials and monuments are retained.</p>	Proposal complies.
<p>PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.</p>	<p>A03 Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.</p>	N/A
<p>PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.</p>	<p>A04 Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should</p>	Site will be appropriately landscaped. It is requested that this matter be conditioned.

Performance outcomes	Acceptable outcomes	Applicant response
	be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	
PO5 Development does not compromise the safety and efficiency of the State-controlled road network.	A05 Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	N/A
For assessable development		
Additional requirements in Precinct 1 – Port Douglas precinct		
PO6 The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.	A06.1 Development does not impede continued views to scenic vistas and key streetscapes within the local plan area. A06.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	N/A
PO7 Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape; (b) are designed to minimise pedestrian vehicle conflict; (c) are clearly identified and maintain ease of access at all times.	A07.1 For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or (c) wrapped by the building façade, and not visible from the street. A07.2 Ground level parking incorporates clearly defined pedestrian routes. A07.3	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.</p> <p>A07.4 Where the development is an integrated mixed-use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.</p> <p>A07.5 On-site car parking available for public use is clearly signed at the site frontage.</p> <p>A07.6 Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.</p>	
<p>PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.</p>	<p>A08 No acceptable outcomes are prescribed.</p>	N/A
Additional requirements for Sub-precinct 1a – Town Centre sub-precinct		
<p>PO9 Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape;</p>	<p>A09 Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres.</p> <p>Note – Height is inclusive of the roof height.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.		
PO10 Building design, the streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	AO10 No acceptable outcomes are prescribed.	N/A
PO11 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas.	AO11 No acceptable outcomes are prescribed.	N/A
PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	N/A
AO13 Buildings do not result in a reduction of views and vistas from public places to: (a) Flagstaff Hill; (b) Dickson Inlet; (c) public open space; (d) places of significance.	AO13 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
PO14 Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for the length of the building.	AO14 Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street frontage/s; Or If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3 metres and the required awning is still maintained along the length of the street frontage/s. Note – PO24 provides more detail on awning design.	N/A
PO15 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO15.1 Centre activities establish: at street level on active street frontages; a maximum of one level above street level. AO15.2 Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.	N/A
PO16 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the	AO16 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
lush, vegetated character of the Town Centre sub-precinct is maintained.		
P017 Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: <ul style="list-style-type: none"> (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys. 	AO17 No acceptable outcomes are prescribed.	N/A
P018 Roofs are not characterised by a cluttered display of plant and equipment, in particular: <ul style="list-style-type: none"> (a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct; (b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view; (c) rooftops are not used for advertising. 	AO18 No acceptable outcomes are prescribed.	N/A
P019 Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to: <ul style="list-style-type: none"> (a) shade windows; (b) reduce glare; (c) assist in maintaining comfortable indoor temperatures; (d) minimising heat loads; 	AO19 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(e) enrich the North Queensland tropical character of the Town Centre sub-precinct; (f) provide architectural interest to building façades.		
PO20 Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Town Centre sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.	AO20 No acceptable outcomes are prescribed.	N/A
PO21 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	AO21 No acceptable outcomes are prescribed.	N/A
PO22 Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.	AO22.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres. AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation. AO22.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design;	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	(d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	
PO23 Building facades that face public spaces at ground level: (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development.	AO23 Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	N/A
PO24 Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across the frontage of the site; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height; (f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow;	AO24 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.		
PO25 Development integrates with the streetscape and landscaping improvements for Port Douglas.	AO25 Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping. Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.	N/A
Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct		
PO26 The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North.	AO26 Uses identified as inconsistent uses in Table Error! No text of specified style in document..b — Inconsistent uses in sub-precinct 1b - Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North	N/A
PO27 The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct.	AO27 Buildings and structures are not more than: (a) 3 storeys and 13.5 metres in height , with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street; (b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts of the precinct north of Inlet Street. Note – Height is inclusive of roof height.	N/A
PO28	AO28	N/A

Performance outcomes	Acceptable outcomes	Applicant response
Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	No acceptable outcomes are prescribed.	
PO29 Public pedestrian access along the water's edge is maximised.	AO29.1 Public pedestrian access is provided along the frontage of the water's edge consisting of a boardwalk of a minimum width of 4 metres that is available of 24-hour use. AO29.2 A public plaza is incorporated into the design generally reflecting the requirements of the Port Douglas Waterfront Master Plan, focussing in the vicinity of the 'Duck Pond'. AO29.3 Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like.	N/A
PO30 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces.	AO30 No acceptable outcomes are prescribed.	N/A
PO31 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient.	AO31 Setbacks at ground level: (a) are clear of columns and other obstructions;	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	(b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	
PO32 Buildings do not result in a reduction of views and vistas from public places to: (a) Dickson Inlet; (b) public open space; (c) places of significance.	AO32 No acceptable outcomes are prescribed.	N/A
PO33 Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at ground level including shade protection across the footpath and open space areas.	AO33 No acceptable outcomes are prescribed.	N/A
PO34 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO34.1 Centre activities establish: (a) at street level on active street frontages; (b) a maximum of one level above street level. AO34.2 Residential development activities or short term accommodation is located above street /ground floor level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development.	N/A
PO35 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements;	AO35 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained.		
PO36 Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.	AO36 No acceptable outcomes are prescribed.	N/A
PO37 Roofs are not characterised by a cluttered display of plant and equipment, in particular: (a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Waterfront North sub-precinct; (b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view; (c) rooftops are not used for advertising.	AO37 No acceptable outcomes are prescribed.	N/A
PO38 Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to: (a) shade windows;	AO38 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(b) reduce glare; (c) assist in maintaining comfortable indoor temperatures; (d) minimising heat loads; (e) enriching the North Queensland tropical character of the Waterfront North sub-precinct; (f) architectural interest to building façades.		
PO39 Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Waterfront North sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.	AO39 No acceptable outcomes are prescribed.	N/A
PO40 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	AO40 No acceptable outcomes are prescribed.	N/A
PO41 Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces.	AO41.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres. AO41.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation. AO41.3 A minimum of three of the following building design features and architectural elements	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>detailed below are incorporated to break the extended facade of a development:</p> <ul style="list-style-type: none"> (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development. 	
<p>PO42 Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development. 	<p>AO42 Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade. 	N/A
<p>PO43 Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North sub-precinct and:</p> <ul style="list-style-type: none"> (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across pedestrian circulation areas; (d) align to provide continuity with existing or future awnings on adjoining sites; 	<p>AO43 No acceptable outcomes are prescribed.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
(e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height; (f) do not extend past a vertical plane, 1.2 metres inside the street kerb-line to enable street trees to be planted and grow; (g) are cantilevered from the main building with any posts within the footpath being non load-bearing.		
PO44 The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.	AO44.1 Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality. AO44.2 Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line and station does not generate a requirement for additional vehicle parking.	N/A
PO45 Development recognises the importance of and relationship between the marina, commercial and residential development in the Waterfront North sub-precinct, and includes measures to mitigate the impact of: (a) noise; (b) odour; (c) hazardous materials; (d) waste and recyclable material storage.	AO45 No acceptable outcomes are prescribed.	N/A
PO46 Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.	AO46 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
PO47 Buildings, civic spaces, roads and pedestrian links are enhanced by: (a) appropriate landscape design and planting; (b) themed planting that defines entry points, and creates strong 'entry corridors' into the waterfront; (c) lighting and well-considered discrete signage that complements building and landscape design; (d) public artwork and other similar features that reflect the heritage and character of the Port Douglas Waterfront.	AO47 No acceptable outcomes are prescribed.	N/A
PO48 Buildings are designed and sited to provide vistas along shared pedestrian/open space and movement areas in suitable locations.	AO48 No acceptable outcomes are prescribed.	N/A
PO49 Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation.	AO49 No acceptable outcomes are prescribed.	N/A
PO50 Marine infrastructure to service the tourism, fishing and private boating community is provided.	AO50 No acceptable outcomes are prescribed.	N/A
PO51 Changes to the Port Douglas Waterfront quay-line do not cause adverse impacts to the environmentally sensitive Dickson Inlet.	AO51 Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes. Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	N/A
Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct		

Performance outcomes	Acceptable outcomes	Applicant response
PO52 The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	AO52 Uses identified as inconsistent uses Table Error! <i>No text of specified style in document..c</i> are not established in Precinct 1c – Waterfront South.	N/A
PO53 Development does not adversely impact on the natural environment, natural vegetation or watercourses.	AO53.1 An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed. Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report. AO53.2 An Environmental Management Plan is prepared to manage potential impacts of the operation of the development on surrounding natural areas. Note - Planning scheme policy SC6.4 – Environmental management plans contains information to demonstrate compliance and guidance on preparing an Environmental Management Plan.	N/A
PO54 Development of land at the end of Port Street adjacent to Dickson Inlet incorporates a slipway, or an alternative functioning facility, with capacity to service the Port Douglas marine and tourism industry.	AO54 A master plan for the development is provided and implemented to demonstrate the integration of the slipway, or an alternative functioning facility, with other supporting service industry activities that service the marine and tourism industry of Port Douglas.	N/A
PO55	AO55.1	N/A

Performance outcomes	Acceptable outcomes	Applicant response
Buildings and structures are of a height, and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected.	<p>Development has a height of not more than 10 metres.</p> <p>AO55.2 Development is setback from all property boundaries not less than 3 metres.</p>	
<p>PO56 The site coverage of all buildings and structures ensures development:</p> <ul style="list-style-type: none"> (a) is sited in an existing cleared area or in an area approved for clearing; (b) has sufficient area for the provision of services; (c) development does not have an adverse effect on the environmental, habitat, conservation or landscape values of the on-site and surrounding sensitive areas. 	<p>AO56 No acceptable outcomes are prescribed.</p>	N/A
<p>PO57 Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to:</p> <ul style="list-style-type: none"> (a) be accommodated on-site; (b) maximise safety and efficiency of loading; (c) protect the visual and acoustic amenity of sensitive land use activities; (d) minimise adverse impacts on natural characteristics of adjacent areas. 	<p>AO57.1 Sufficient manoeuvring area is provided on-site to allow a Medium Rigid Vehicle to enter and leave the site in a forward gear.</p> <p>AO57.2 Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded.</p> <p>AO57.3 Driveways, parking and manoeuvring areas are constructed and maintained to:</p> <ul style="list-style-type: none"> (a) minimise erosion from storm water runoff; (a) retain all existing vegetation. 	N/A
PO58	AO58	N/A

Performance outcomes	Acceptable outcomes	Applicant response
Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised.	No acceptable outcomes are prescribed.	
PO59 Entry to the site is landscaped to enhance the amenity of the area and provide a pleasant working environment.	AO59 Areas used for loading and unloading, storage, utilities and car parking are screened from public view: (a) by a combination of landscaping and screen fencing; (b) dense planting along any road frontage is a minimum width of 3 metres.	N/A
PO60 Landscaping is informal in character and complementary to the existing natural environment, provides screening and enhances the visual appearance of the development.	AO60 For any development landscaping is in accordance with the Plant species schedule in Planning scheme policy SC6.7– Landscaping.	N/A
Additional requirements for Sub-precinct 1d – Limited Development sub-precinct		
PO61 The height of buildings and structures contributes to the desired form and outcomes for the sub-precinct and are limited to a single storey.	AO61 Buildings and structures are not more than one storey and 4 metres in height. Note - Height is inclusive of the roof height.	N/A
Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct		
PO62 The precinct is developed for organised sporting activities and other community uses.	AO62 No acceptable outcomes are prescribed.	N/A
Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct		
PO63 Flagstaff Hill is protected from inappropriate development to protect the hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Town centre.	AO63 No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO64 All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through:</p> <ul style="list-style-type: none"> (a) building design which minimises excavation and filling; (b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles; (c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and view-shed; (d) protection of the views from public viewing points in the Port Douglas precinct. 	<p>AO64 No acceptable outcomes are prescribed.</p>	N/A
Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct		
<p>PO65 Development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.</p>	<p>AO65 Development consists of service and light industries and associated small scale commercial activities.</p>	N/A
<p>PO66 Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development.</p>	<p>AO66.1 Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater.</p> <p>AO66.2</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site.</p> <p>AO66.3 Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway frontage, or within any landscaped setback area.</p> <p>AO66.4 Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.</p>	
Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct		
<p>PO67 No additional lots are created within the precinct.</p>	<p>AO67 No acceptable outcomes are prescribed.</p>	N/A
<p>PO68 Reconfigured lots have a minimum lot size of 2 hectares, unless the lot reconfiguration transfers lots to the higher parts of the land, to avoid the need to fill existing lots to accommodate dwelling houses.</p>	<p>AO68 No acceptable outcomes are prescribed.</p>	N/A

Table Error! No text of specified style in document..b — Inconsistent uses in sub-precinct 1b - Waterfront North sub-precinct

Inconsistent uses

<ul style="list-style-type: none"> • Agricultural supplies store • Air services • Animal husbandry • Animal keeping • Aquaculture • Brothel • Bulk landscape supplies • Car wash • Cemetery • Crematorium • Cropping • Detention facility • Dual occupancy • Dwelling house 	<ul style="list-style-type: none"> • Extractive industry • Funeral parlour • High impact industry • Intensive animal industry • Intensive horticulture • Major electricity infrastructure • Major sport, recreation and entertainment facility • Medium impact industry • Motor sport facility, • Outstation • Permanent plantation 	<ul style="list-style-type: none"> • Relocatable home park • Roadside stall • Rural industry • Rural workers accommodation • Service station • Showroom • Special industry • Tourist park • Transport depot • Veterinary services • Warehouse • Wholesale nursery • Winery
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Table Error! No text of specified style in document..c — Inconsistent uses in sub-precinct 1c - Waterfront South sub-precinct

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Agricultural supplies store • Air services • Animal husbandry • Animal keeping • Brothel • Bulk landscape supplies • Car wash • Cemetery • Child care centre • Community care centre • Community residence • Community use • Crematorium • Cropping • Detention facility • Dual occupancy 	<ul style="list-style-type: none"> • Hardware and trade supplies • Health care services • Home based business • Hospital • Hotel • Indoor sport and recreation • Intensive animal industry • Intensive horticulture • Major electricity infrastructure • Major sport, recreation and entertainment facility • Market • Motor sport facility • Multiple dwelling • Nature-based tourism • Nightclub entertainment facility • Outdoor sales 	<ul style="list-style-type: none"> • Permanent plantation • Place of worship • Relocatable home park • Residential care facility • Resort complex • Retirement facility • Roadside stall • Rooming accommodation • Rural industry • Rural workers accommodation • Sales office • Shopping centre • Short-term accommodation • Showroom • Special industry • Theatre • Tourist attraction

<ul style="list-style-type: none"> • Dwelling house • Dwelling unit • Extractive industry • Function facility • Funeral parlour • Garden centre 	<ul style="list-style-type: none"> • Outdoor sport and recreation • Outstation 	<ul style="list-style-type: none"> • Tourist park • Transport depot • Veterinary services • Warehouse • Wholesale nursery • Winery
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Note - **Table Error! No text of specified style in document..b** or **Table Error! No text of specified style in document..c** do not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

Low-medium density residential zone code

Application

This code applies to assessing development in the Low-medium density residential zone.

(1)

When using this code, reference should be made to Part 5.

Purpose

The purpose of the Low-medium density residential zone code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.

(2)

The local government purpose of the code is to:

implement the policy direction set in the Strategic Framework, in particular:

Theme 1 : Settlement pattern, Element 3.4.2 – Urban settlement, Element 3.4.5 Residential areas and activities, Element 3.4.7 – Mitigation of hazards.

Theme 4 : Strong community and identity, Element 3.7.3 – Active communities, Element 3.7.4 – Sense of place, community and identity, Element 3.7.5 – Housing choice and affordability.

Theme 6 : Infrastructure and transport, Element 3.9.2 - Energy, Element 3.9.3 – Water and waste management, Element 3.9.4 Transport, Element 3.9.5 – Information technology.

establish a low-medium density residential character consisting predominantly of low-rise 1 and 2 storey dwelling houses, dual occupancies and multiple dwellings.

provide for a diversity in housing choice through other housing types to cater for different housing needs and family structures.

provide support for compatible small scale non-residential use activities.

ensure development occurs on appropriately sized and shaped lots.

The purpose of the code will be achieved through the following overall outcomes:

Development provides a range of residential dwelling choices including multiple dwellings and other forms of permanent-living residential development, including Residential care facilities.

Development encourages and facilitates urban consolidation and the efficient use of physical and social infrastructure.

Development is designed to provide safe and walkable neighbourhoods.

Development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts.

Development is reflective and responsive to the environmental constraints of the land.

Development provides a high level of amenity and is reflective of the surrounding character of the area.

Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community.

6.2.7.3 Criteria for assessment

Table Error! No text of specified style in document..a – Low-medium density residential zone code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 The height of all buildings and structures must be in keeping with the residential character of the area.	AO1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of roof height.	Proposal complies.
Setbacks (other than for a dwelling house)		
PO2 Buildings are setback to: (a) maintain the character of residential neighbourhoods; (b) achieve separation from neighbouring buildings and from road frontages; (c) maintain a cohesive streetscape; (d) provide daylight access, privacy and appropriate landscaping.	AO2 Buildings are setback: (a) a minimum of 6 metres from the main street frontage; (b) a minimum of 4 metres from any secondary street frontage; (c) 4.5 metres from a rear boundary; (d) 2 metres from a side or an average of half of the height of the building at the side setback, whichever is the greater.	Proposed setbacks comply with the approved Plan of Development.
Site coverage (other than for a dwelling house)		
PO3 The site coverage of all buildings does not result in a built form that is bulky or visually obtrusive.	AO3 The site coverage of any building is limited to 50%.	Site cover complies with the approved Plan of Development.
For assessable development		
PO4 The establishment of uses is consistent with the outcomes sought for the Low-medium density residential zone and protects the zone from the intrusion of inconsistent uses.	AO4 Uses identified in Error! Reference source not found. are not established in the Low-medium density residential zone.	Proposal complies.
PO5	AO5 No acceptable outcomes are prescribed.	Site is not subject to natural features or constraints.

Performance outcomes	Acceptable outcomes	Applicant response
Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds. Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds.		
PO6 Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	AO6 No acceptable outcomes are prescribed.	Proposal complies.
PO7 New lots contain a minimum area of 450m ² .	AO7 No acceptable outcomes are prescribed.	N/A
PO8 New lots have a minimum road frontage of 15 metres.	AO8 No acceptable outcomes are prescribed.	N/A
PO9 New lots contain a 20 metre x 15 metre rectangle.	AO9 No acceptable outcomes are prescribed.	N/A

Table Error! No text of specified style in document..b — Inconsistent uses within the Low – medium density residential zone

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Agricultural supplies store • Air services • Animal husbandry • Aquaculture • Bar • Brothel • Bulk landscape supplies • Car wash • Club • Crematorium 	<ul style="list-style-type: none"> • Hospital • Hotel • Indoor sport and recreation • Intensive animal industry • Intensive horticulture • Landing • Low impact industry • Major electricity infrastructure • Major sport, recreation and entertainment facility • Marine industry 	<ul style="list-style-type: none"> • Parking station • Permanent plantation • Port services • Renewable energy facility • Research and technology industry • Resort complex • Roadside stall • Rooming accommodation • Rural industry • Rural workers accommodation • Service industry

<ul style="list-style-type: none"> • Cropping • Detention facility • Emergency services • Extractive industry • Food and drink outlet • Function facility • Funeral parlour • Garden centre • Hardware and trade supplies • High impact industry 	<ul style="list-style-type: none"> • Medium impact industry • Motor sport facility • Nature based tourism • Nightclub entertainment facility • Non-resident workforce accommodation • Office • Outdoor sales • Outstation 	<ul style="list-style-type: none"> • Shop • Shopping Centre • Showroom • Special industry • Theatre • Tourist attraction • Transport depot • Veterinary services • Warehouse • Wholesale nursery • Winery
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Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

Dual occupancy code

Application

- (1) This code applies to assessing development for a Dual occupancy if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Dual occupancy code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the scale and character of development is consistent with the existing desired residential character and streetscape pattern;
 - (b) design gives a sense of individual ownership to residents;
 - (c) dual occupancies do not detrimentally affect the function of the road network and its infrastructure design requirements.

Criteria for assessment

Table Error! No text of specified style in document..a – Dual occupancy code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 The dual occupancy contributes to housing choice while maintaining the residential character and amenity of the neighbourhood.	AO1 The dual occupancy is established on land with a minimum size of 1000m ² :	Proposal is located on lot of 722m ² . Proposal complies with PO1 by providing greater housing choice and remains consistent with the residential character and amenity of the neighbourhood. Particularly, setbacks and site cover requirements of the approved Plan of Development are achieved.
PO2 Buildings and structures are setback from property boundaries such that:	AO2 Buildings and structures are set back from property boundaries as follows: (a) primary road frontage - 6 metres;	Approved Plan of Development prevails. Proposal meets setback requirements of the PoD.

Performance outcomes	Acceptable outcomes	Applicant response
<p>(a) the setback from the street frontages reflects the positive attributes of the streetscape;</p> <p>the setback from side and rear boundaries retains daylight access and privacy for adjoining properties;</p> <p>the setback from all boundaries is sufficient to allow areas of deep planting;</p> <p>the setback from street frontages provides for the desired streetscape pattern.</p>	<p>secondary road frontage - 3 metres;</p> <p>side and rear boundaries - 2 metres,</p> <p>or</p> <p>where private open space occurs in the side or rear setback – 4 metres for the extent of the open space.</p>	
<p>PO3</p> <p>Buildings and structures have sufficient area for residential living consistent with the amenity of a residential area and are sympathetic to the streetscape pattern.</p>	<p>AO3.1</p> <p>Car parking areas, including garages and other parking structures, are designed and located so that they do not occupy more than 30% of the lot frontage.</p> <p>AO3.2</p> <p>Where a dual occupancy is to be established on a corner allotment each dwelling is accessed from a different road frontage with a minimum 6 metre separation between driveway and intersection.</p>	<p>Proposal complies.</p> <p>N/A</p>
<p>PO4</p> <p>The development addresses the road frontage to facilitate casual surveillance and to enhance the amenity of the streetscape.</p>	<p>AO4.1</p> <p>The building has balconies or windows or verandahs that face the street.</p> <p>AO4.2</p> <p>Fences and walls to road frontages are not more than:</p> <p>(a) 1.2 metres in height if less than 50% transparent; or</p> <p>1.5 metres in height if greater than 50% transparency.</p>	<p>Subject lot has minimal frontage to street and is somewhat of a battleaxe lot. Adjoining lots with larger frontages will provide casual surveillance.</p> <p>No fence to road frontage is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
P05 Residents are provided with a functional private open space and recreation area.	A05 A minimum area of 25m ² private open space is provided to each dwelling unit which is directly accessible from the living area of each dwelling unit.	Proposal complies.
P06 The development provides residents and guests with safe and convenient vehicle access to dwellings and the road network, while maintaining the standard of existing infrastructure in the road reserve.	A06.1 Dwelling units are serviced by: (a) a shared unobstructed driveway with a maximum width of 3.6 metres; or by individual unobstructed driveways, having a maximum width of 3 metres each; the surface treatment of any driveway is imperviously sealed; where development is on a Sub-arterial or Collector road the driveway design is such that vehicles can enter and exit the site in a forward gear. A06.2 Driveways and cross-overs require no alteration to existing on-street infrastructure, including street trees, footpaths, drainage pits, street signs, service pillars and electricity infrastructure.	Proposal complies.
P07 Fencing is designed to ensure a high degree of privacy and amenity for residents.	A07.1 A screen fence (minimum height of 1.8 metres and maximum gap of 10mm) is provided to the side and rear boundaries. A07.2 Where the front fence is lower than the side boundary fence it is tapered to the maximum	Proposal complies.

Performance outcomes	Acceptable outcomes	Applicant response
	height of the side boundary fence at or behind the front setback.	
PO8 Landscaping contributes to establishing an attractive and safe streetscape and a high standard of amenity and privacy for residents.	AO8 With the exception of driveway cross-overs, a landscaped area not less than 2 metres wide is provided and maintained within the site along all street boundaries.	Site has minimal road frontage which is required to be used for access.
PO9 The dual occupancy is connected to essential infrastructure services and is sufficient to support individual ownership of each dwelling.	AO9 Each dwelling is connected separately to: (a) water (separate water meters for each unit); sewerage; drainage; electricity.	Proposal complies.
PO10 Service facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.	AO10 Service facilities and structures: (a) locate air conditioning equipment behind the front façade of the dwelling; provide storage space to achieve the following minimum requirements: (i) are located to enable access by a motor vehicle; have a minimum space of 3.5m ² per dwelling unit; have a minimum height of 2.1 metres; are weather proof; are lockable. Note - Cupboards and wardrobes inside the dwelling are not storage areas as intended by this acceptable outcome.	Proposal complies.

Performance outcomes	Acceptable outcomes	Applicant response
PO11 Waste and recyclable storage facilities: (a) incorporates two wheelie bins per unit stored external to the garage and screened from view; ensures wheelie bins are able to be wheeled to kerbside for collection.	AO11 Waste and recyclable storage areas capable of accommodating two bins per dwelling are provided behind the front setback and have direct access to the roadside.	Proposal complies.
Dual occupancy incorporating an existing dwelling house		
PO12 For dual occupancies where a separate dwelling is to be established in addition to an existing dwelling: (a) existing dwelling(s) are enhanced to: (i) contribute to a sense of individual ownership; enhance the appearance of the original dwelling house; enhance the appearance of the streetscape. driveways are designed to maintain the privacy and amenity of the existing dwelling.	AO12.1 The external appearance of the existing dwelling is enhanced through the use of architectural features, and materials. Note – It is not intended that a new dual occupancy tenancy be established adjacent to or behind old and dilapidated housing stock to produce the dual occupancy. If the existing dwelling house is old and dilapidated, it is intended that the site be either completely redeveloped or substantial upgrading occur to the exterior appearance and functionality of the older dwelling house. AO12.2 A landscaped area not less than 1.5 metres is provided and maintained within the site between the existing dwelling and driveway to the new dwelling. AO12.3 Privacy screens are fixed to the external façade of the dwelling house in front of windows adjacent to the driveway. AO12.4 Internal living spaces are carefully designed to avoid conflicts between individual dual occupancy tenancies.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	Note – For example, the quieter rooms of one tenancy (such as bedrooms) should not be placed directly adjacent to living spaces, kitchens or bathrooms of the adjoining tenancy.	
P013 Dual occupancies where attaching to an existing dwelling provides a layout and form that maintains the bulk and appearance of the existing dwelling.	A013 The design of the dual occupancy: (a) maintains the appearance of a single dwelling house to the street; provides a communal driveway; provides additional enclosed car parking behind the front façade.	N/A

Acid sulfate soils overlay code

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Acid sulfate soils overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Acid sulphate soils overlay is identified on the Acid sulfate soils overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Land at or below the 5m AHD sub-category;
 - (b) Land above the 5m AHD and below the 20m AHD sub-category.
- (3) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the acid sulfate soils overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
 - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
 - (b) Development ensures that disturbed acid sulfate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

Criteria for assessment

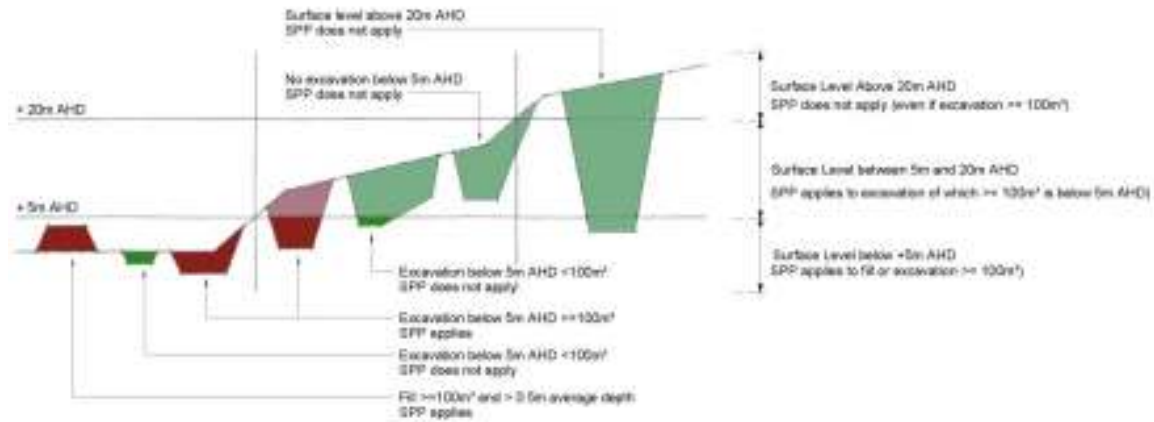
Table Error! No text of specified style in document..a – Acid sulfate soils overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		

Performance outcomes	Acceptable outcomes	Applicant response
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2 An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	No disturbance of acid sulphate soils will occur.
PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.	AO2.1 The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by: (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: (d) actual acid sulfate soils being moved below the water table; (e) previously saturated acid sulfate soils being aerated. or AO2.2 The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:	No disturbance of acid sulphate soils will occur.

Performance outcomes	Acceptable outcomes	Applicant response
	<ul style="list-style-type: none"> (a) neutralising existing acidity and preventing the generation of acid and metal contaminants; (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management; (d) appropriately treating acid sulfate soils before disposal occurs on or off site; (e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan. <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	A03 No acceptable outcomes are prescribed.	No disturbance of acid sulphate soils will occur.

Figure 0.a – Acid sulfate soils (SPP triggers)



Flood and storm tide hazard overlay code

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Flood and storm tide hazard overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Flood and storm tide hazard overlay is identified on the Flood and storm tide hazard overlay map in Schedule 2 and includes the:
 - (a) Storm tide – high hazard sub-category;
 - (b) Storm tide – medium hazard sub-category;
 - (c) Flood plain assessment sub-category;
 - (d) 100 ARI Mossman, Port Douglas and Daintree Township Flood Studies sub-category.
- (3) When using this code, reference should be made to Part 5.

Note - The Flood and storm tide hazards overlay maps contained in Schedule 2 identify areas (Flood and storm tide inundation areas) where flood and storm tide inundation modelling has been undertaken by the Council. Other areas not identified by the Flood and inundation hazards overlay maps contained in Schedule 2 may also be subject to the defined flood event or defined storm tide event.

Purpose

- (1) The purpose of the Flood and storm tide hazard overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
 - (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
 - (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
 - (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;
 - (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;

- (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
- (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

Criteria for assessment

Table Error! No text of specified style in document..a – Flood and storm tide hazards overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable and self assessable development		
<p>PO1 Development is located and designed to:</p> <ul style="list-style-type: none"> (a) ensure the safety of all persons; (b) minimise damage to the development and contents of buildings; (c) provide suitable amenity; (d) minimise disruption to residents, recovery time, and (e) rebuilding or restoration costs after inundation events. <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;</p> <p>or</p> <p>For dwelling houses,</p> <p>AO1.2 Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table Error! No text of specified style in document..b plus a freeboard of 300mm.</p> <p>AO1.3 New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. <p>AO1.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	<p>Subject site has been provided with flood immunity as part of subdivisional works.</p>

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO2 The development is compatible with the level of risk associated with the natural hazard.	AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	N/A
PO3 Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use AO3.1 New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. or AO3.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated. or AO3.3	Subject site has been provided with flood immunity as part of subdivisional works.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p> <p>For Reconfiguring a lot</p> <p>AO3.4</p> <p>Additional lots:</p> <p>(a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p> <p>AO3.5</p> <p>Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and (b) by direct and simple routes to main carriageways.</p>	<p>N/A</p> <p>N/A</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO3.6 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p> <p>or</p> <p>AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	N/A
	<p>For Material change of use (Residential uses) AO3.1 The design and layout of buildings used for residential purposes minimise risk from flooding by providing: (a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	Subject site has been provided with flood immunity as part of subdivisional works.
<p>PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses) AO4.2</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Non residential buildings and structures allow for the flow through of flood waters on the ground floor.</p> <p>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</p> <p>AO4.3 Materials are stored on-site: (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes - (a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). (b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</p>	
<p>PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p>	<p>For Operational works AO5.1 Works in urban areas associated with the proposed development do not involve:</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</p> <p>(b) a net increase in filling (including berms and mounds).</p> <p>AO5.2 Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m³; or</p> <p>(b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters;</p> <p>or</p> <p>(c) do not change flood characteristics outside the subject site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</p> <p>For Material change of use</p> <p>AO5.3 Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p> <p>For Material change of use and Reconfiguring a lot</p> <p>AO5.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	N/A
<p>PO6 Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p> <p>AO6.2</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level;</p> <p>or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p> <p>AO6.3 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p> <p>AO6.4 If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.</p>	
<p>PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>AO7 Development does not:</p> <p>(a) increase the number of people calculated to be at risk of flooding;</p> <p>(a) increase the number of people likely to need evacuation;</p> <p>(b) shorten flood warning times; and</p>	<p>Subject site has been provided with flood immunity as part of subdivisional works.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(c) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	
PO8 Development involving community infrastructure: (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.	AO8.1 The following uses are not located on land inundated during a DFE/Storm tide: (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). or AO8.2 The following uses are not located on land inundated during a 1% AEP flood event: (a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted, (b) community centres; (c) meeting halls; (d) galleries; (e) libraries. The following uses are not located on land inundated during a 0.5% AEP flood event. (a) emergency shelters; (b) police facilities;	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(c) sub stations; (d) water treatment plant The following uses are not located on land inundated during a 0.2% AEP flood event: (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards.</p> <p>and/or</p> <p>AO8.3 The following uses have direct access to low hazard evacuation routes as defined in Table Error! No text of specified style in document..c: (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants.</p> <p>AO8.4 Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are: (a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration.</p> <p>AO8.5</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	

Table Error! No text of specified style in document..b - Minimum immunity (floor levels) for development

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"> • Parks and open space.
5% AEP level	<ul style="list-style-type: none"> • Car parking facilities (including car parking associated with use of land).
1% AEP level	<ul style="list-style-type: none"> • All development (where not otherwise requiring an alternative level of minimum immunity).
0.5% AEP level	<ul style="list-style-type: none"> • Emergency services (if for a police station); • Industry activities (if including components which store, treat or use hazardous materials); • Substation; • Utility installation.
0.2% AEP level	<ul style="list-style-type: none"> • Emergency services; • Hospital; • Major electricity infrastructure; • Special industry.

Table Error! No text of specified style in document..c - Degree of flood

Criteria	Low	Medium	High	Extreme
Wading ability	If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25)	Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4)	Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6)	Wading is not an option.
Evacuation distances	< 200 metres	200-400 metres	400-600 metres	600 metres

Maximum flood depths	< 0.3 metre	< 0.6 metre	< 1.2 metres	1.2 metres
Maximum flood velocity	< 0.4 metres per second	< 0.8 metres per second	< 1.5 metres per second	1.5 metres per second
Typical means of egress	Sedan	Sedan early, but 4WD or trucks later	4WD or trucks only in early stages, boats or helicopters	Large trucks, boats or helicopters
Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding)	Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time.	Evacuation routes remain trafficable for 1.5 times as long as the evacuation.	Evacuation routes remain trafficable for only up to minimum evacuation time.	There is insufficient evacuation time.

Note: The evacuation times for various facilities or areas would (but not necessarily) be included in the Counter Disaster Plan.
Generally safe wading conditions assume even walking surfaces and no obstructions, steps, soft underfoot etc.

Natural areas overlay code

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
 - (a) MSES – Protected area;
 - (b) MSES – Marine park;
 - (c) MSES – Wildlife habitat;
 - (d) MSES – Regulated vegetation;
 - (e) MSES – Regulated vegetation (intersecting a Watercourse);
 - (f) MSES – High ecological significance wetlands;
 - (g) MSES – High ecological value waters (wetlands);
 - (h) MSES – High ecological value waters (watercourse);
 - (i) MSES – Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

- (3) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:

- (i) areas containing matters of state environmental significance (MSES);
- (ii) other natural areas;
- (iii) wetlands and wetland buffers;
- (iv) waterways and waterway corridors.
- (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
 - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
 - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
 - (vii) enhances connectivity across barriers for aquatic species and habitats;
 - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
 - (ix) protects areas of environmental significance from weeds, pests and invasive species.
- (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

Criteria for assessment

Table Error! No text of specified style in document..a – Natural areas overlay code – assessable development

Performance outcomes		Acceptable outcomes
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values. or AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the	Site is not subject to any relevant environmental values.

Performance outcomes	Acceptable outcomes
	<p>development site does not contain any matters of state and local environmental significance.</p> <p>or</p> <p>AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.</p>
Management of impacts on matters of environmental significance	
<p>PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.</p>	<p>AO2 The design and layout of development minimises adverse impacts on ecologically important areas by:</p> <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; utilising design to consolidate density and preserve existing habitat and native vegetation; aligning new property boundaries to maintain ecologically important areas; ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; ensuring that significant fauna habitats are protected in their environmental context; and incorporating measures that allow for the safe movement of fauna through the site. <p>Site is not subject to any relevant environmental values.</p>

Performance outcomes	Acceptable outcomes	
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or 50 metres where the area is located within a Urban areas. or AO3.2 A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	N/A
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained. AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.	N/A N/A
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	AO5.1 Development avoids the introduction of non-native pest species. AO5.2	Proposal is capable of complying. Proposal is capable of complying.

Performance outcomes		Acceptable outcomes
		Development does not encroach within 10 metres of existing riparian vegetation and watercourses.
Waterways in an urban area		
PO8 Development is set back from waterways to protect and maintain: (a) water quality; hydrological functions; ecological processes; biodiversity values; riparian and in-stream habitat values and connectivity; in-stream migration.	AO8.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table Error! No text of specified style in document..b.	N/A
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: (a) water quality; hydrological functions; ecological processes; biodiversity values; riparian and in-stream habitat values and connectivity; in-stream migration.	AO9 Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within Table Error! No text of specified style in document..b.	N/A

Table Error! No text of specified style in document..b — Widths of waterway corridors for waterways

Waterways classification	Waterway corridor width
Waterways in Urban areas	10 metres measured perpendicular from the top of the high bank.
Waterways in Other areas	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.

Transport network overlay code

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Transport network (Road Hierarchy) overlay sub-categories:
 - (i) State controlled road sub-category;
 - (ii) Sub-arterial road sub-category;
 - (iii) Collector road sub-category;
 - (iv) Access road sub-category;
 - (v) Industrial road sub-category;
 - (vi) Major rural road sub-category;
 - (vii) Minor rural road sub-category;
 - (viii) Unformed road sub-category;
 - (ix) Major transport corridor buffer area sub-category.
 - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
 - (i) Principal route;
 - (ii) Future principal route;
 - (iii) District route;
 - (iv) Neighbourhood route;
 - (v) Strategic investigation route.
- (3) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Transport network overlay code is to:
 - (a) implement the policy direction of the Strategic Framework, in particular:

- (i) Theme 1: Settlement pattern Element 3.4.2 Urban settlement, Element 3.4.3 Activity centres;
 - (ii) Theme 6: Infrastructure and transport Element 3.9.4 Transport;
 - (b) enable an assessment of whether development is suitable on land within the Transport network overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development provides for transport infrastructure (including active transport infrastructure);
 - (b) development contributes to a safe and efficient transport network;
 - (c) development supports the existing and future role and function of the transport network;
 - (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

Criteria for assessment

Table Error! No text of specified style in document..a – Transport network overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO1 Development supports the road hierarchy for the region. Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2. AO1.2 Development does not compromise the safety and efficiency of the transport network. AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	Proposal complies. Proposal complies. Proposal complies.
PO2 Transport infrastructure is provided in an integrated and timely manner.	AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with:	N/A

Performance outcomes	Acceptable outcomes	Applicant response
Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<p>(a) the Transport network overlay maps contained in Schedule 2;</p> <p>(b) any relevant Local Plan.</p> <p>Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</p>	
<p>PO3</p> <p>Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.</p>	<p>AO3</p> <p>No acceptable outcomes are prescribed.</p> <p>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</p>	N/A
<p>PO4</p> <p>Development does not compromise the intended role and function or safety and efficiency of major transport corridors.</p> <p>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</p>	<p>AO4.1</p> <p>Development is compatible with the role and function (including the future role and function) of major transport corridors.</p> <p>AO4.2</p> <p>Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p> <p>AO4.3</p> <p>Intersection and access points associated with major transport corridors are located in accordance with:</p> <p>(a) the Transport network overlay maps contained in Schedule 2; and</p> <p>(b) any relevant Local Plan.</p> <p>AO4.4</p>	N/A

Filling and excavation code

Application

- (1) This code applies to assessing:
 - (a) operational work for filling or excavation which is self-assessable or code assessable development if this code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified as a prescribed secondary code in the assessment criteria column of a table of assessment; or
 - (ii) impact assessable development, to the extent relevant.

Note—This code does not apply to building work that is regulated under the Building Code of Australia.

- (2) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Filling and excavation code is to assess the suitability of development for filling or excavation.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) filling or excavation does not impact on the character or amenity of the site and surrounding areas;
 - (b) filling and excavation does not adversely impact on the environment;
 - (c) filling and excavation does not impact on water quality or drainage of upstream, downstream or adjoining properties;
 - (d) filling and excavation is designed to be fit for purpose and does not create land stability issues;
 - (e) filling and excavation works do not involve complex engineering solutions.

Criteria for assessment

Table Error! No text of specified style in document..a – Filling and excavation code – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Filling and excavation - General		
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.	Proposal complies.

Performance outcomes	Acceptable outcomes	Applicant response
potential or visual amenity of the site or the surrounding area.	<p>and</p> <p>Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.</p> <p>AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p>AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.</p> <p>AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.</p> <p>AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.</p> <p>AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
Visual Impact and Site Stability		
PO2	AO2.1	N/A

Performance outcomes	Acceptable outcomes	Applicant response
Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	<p>The extent of filling and excavation does not exceed 40% of the site area, or 500m² whichever is the lesser,</p> <p>except that AO2.1 does not apply to reconfiguration of 5 lots or more.</p> <p>AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.</p>	N/A
Flooding and drainage		
<p>PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.</p>	<p>AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p> <p>AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.</p> <p>AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p> <p>AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p>Proposal complies.</p> <p>Proposal complies.</p> <p>Proposal complies.</p> <p>Proposal complies.</p>
Water quality		
PO4	AO4	Proposal complies or is capable of complying.

Performance outcomes	Acceptable outcomes	Applicant response
Filling and excavation does not result in a reduction of the water quality of receiving waters.	Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	
Infrastructure		
PO5 Excavation and filling does not impact on Public Utilities.	AO5 Excavation and filling is clear of the zone of influence of public utilities.	Proposal complies.

Infrastructure works code

Application

- (1) This code applies to assessing:
 - (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.

Note – The Filling and excavation code applies to operational work for filling and excavation.

- (2) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
 - (b) development maintains high environmental standards;
 - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;
 - (d) the integrity of existing infrastructure is maintained;
 - (e) development does not detract from environmental values or the desired character and amenity of an area.

Criteria for assessment

Table Error! No text of specified style in document..a – Infrastructure works code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Works on a local government road		

Performance outcomes	Acceptable outcomes	Applicant response
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	N/A
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	N/A
	AO1.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.	N/A
	AO1.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement.	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Note – Figure Error! No text of specified style in document..a provides guidance on meeting the outcomes.</p> <p>AO1.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.</p>	N/A
Accessibility structures		
<p>PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</p>	<p>AO2.1 Accessibility structures are not located within the road reserve.</p> <p>AO2.2 Accessibility structures are designed in accordance with AS1428.3.</p> <p>AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	N/A
Water supply		
<p>PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.</p>	<p>AO3.1 The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p>	Proposal complies.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO3.2 Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.</p>	
Treatment and disposal of effluent		
<p>PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.</p>	<p>AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i>.</p>	Proposal complies.

Performance outcomes	Acceptable outcomes	Applicant response
Stormwater quality		
<p>PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p> <ul style="list-style-type: none"> (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology. 	<p>AO5.1 A connection is provided from the premises to Council's drainage system;</p> <p>or</p> <p>AO5.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>AO5.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table Error! No text of specified style in document..b and Table Error! No text of specified style in document..c, reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity. <p>AO5.4 Erosion and sediment control practices are designed, installed, constructed, monitored,</p>	<p>Proposal complies.</p> <p>N/A</p> <p>Proposal is capable of complying.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>maintained, and carried out in accordance with an erosion and sediment control plan.</p> <p>AO5.5 Development incorporates stormwater flow control measures to achieve the design objectives set out in Table Error! No text of specified style in document..b and Table Error! No text of specified style in document..c, including management of frequent flows, peak flows, and construction phase hydrological impacts.</p> <p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	Proposal is capable of complying.
Non-tidal artificial waterways		
<p>PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	<p>AO6.1 Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. <p>AO6.2 Non-tidal artificial waterways are located:</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(a) outside natural wetlands and any associated buffer areas;</p> <p>(b) to minimise disturbing soils or sediments;</p> <p>(c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</p> <p>AO6.3 Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:</p> <p>(a) there is sufficient flushing or a tidal range of >0.3 m; or</p> <p>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</p> <p>(c) there is no introduction of salt water into freshwater environments.</p> <p>AO6.4 Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <p>(a) amenity (including aesthetics), landscaping or recreation; or</p> <p>(b) flood management, in accordance with a drainage catchment management plan; or</p> <p>(c) stormwater harvesting plan as part of an integrated water cycle management plan; or</p> <p>(d) aquatic habitat.</p> <p>AO6.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.</p> <p>AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.</p>	
Wastewater discharge		
<p>P07 Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> (a) meets best practice environmental management; (b) is treated to: <ul style="list-style-type: none"> (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters. 	<p>AO7.1 A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management. <p>AO7.2 The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water. <p>AO7.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
	<p>so as to minimise the occurrence, frequency and intensity of algal blooms.</p> <p>AO7.4 Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; (b) manages wastewater so that: <ul style="list-style-type: none"> (i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals; (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; (iii) visible iron floc is not present in any discharge; (iv) precipitated iron floc is contained and disposed of; (v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method. 	
Electricity supply		
<p>PO8 Development is provided with a source of power that will meet its energy needs.</p>	<p>AO8.1 A connection is provided from the premises to the electricity distribution network;</p> <p>or</p> <p>AO8.2</p>	<p>Proposal complies.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	
<p>PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.</p>	<p>AO9.1 Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.</p> <p>AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.</p> <p>Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.</p>	<p>N/A</p> <p>N/A</p>
Telecommunications		
<p>PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.</p>	<p>AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.</p>	<p>Proposal complies.</p>
<p>PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).</p>	<p>AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	<p>N/A</p>

Performance outcomes	Acceptable outcomes	Applicant response
	works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	
Construction management		
PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	AO15 Works include, at a minimum: (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds.	Noted.
PO16 Existing infrastructure is not damaged by construction activities.	AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual. Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.	Noted.
For assessable development		
High speed telecommunication infrastructure		
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Proposal complies.

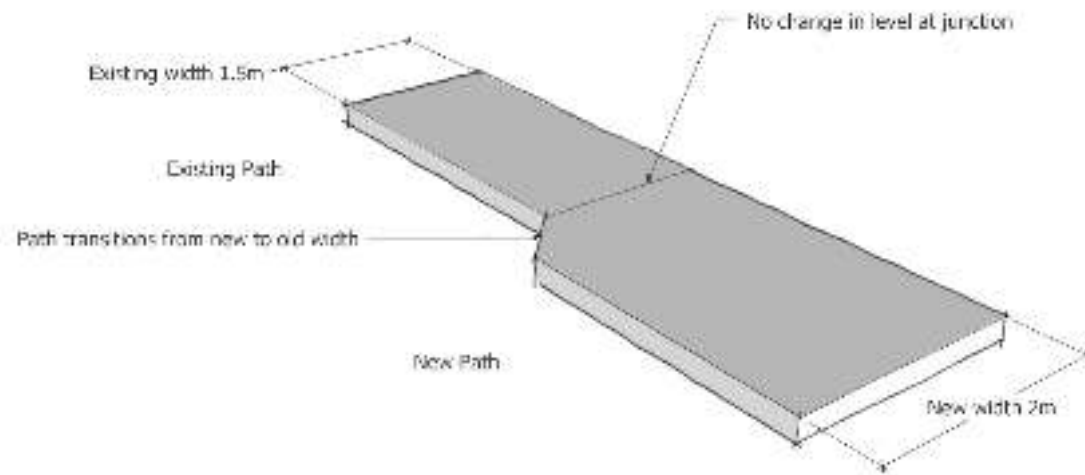
Table Error! No text of specified style in document..b – Stormwater management design objectives (Construction phase).

Issue	Design objectives
Drainage control (Temporary drainage works)	(a) Design life and design storm for temporary drainage works: (vi) Disturbed open area for <12 months – 1 in 2 year ARI event; (vii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (viii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
Erosion control (Erosion control measures)	(a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
Sediment control measures (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)	(a) Determine appropriate sediment control measures using: (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.
Water quality (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
Waterway stability and flood flow management (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

Table Error! No text of specified style in document..c – Stormwater management design objectives (post-construction phase)

Design objectives				Application
Minimum reductions in mean annual load from unmitigated development (%)				
Total suspended solids (TSS)	Total phosphorus (TP)	Total nitrogen (TN)	Gross pollutants >5mm	
80	60	40	90	<p>Development for urban purposes</p> <p>Excludes development that is less than 25% pervious.</p> <p>In lieu of modelling, the default bio-retention treatment area to comply with load reduction targets of 1.5% of contributing catchment area.</p>
<p>Water stability management</p> <p>(2) Limit peak 100% AEP event discharge within the receiving waterway to the pre-development peak 100% AEP event discharge.</p>				<p>Catchments contributing to un-lined receiving waterway. Degraded waterways may seek alternative discharge management objectives to achieve waterway stability.</p> <p>For peak flow for the 100% AEP event, use co-located storages to attenuate site discharge rate of stormwater.</p>

Figure Error! No text of specified style in document.a – New footpath sections



Landscaping code

Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Landscaping code is to assess the landscaping aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The tropical, lush landscape character of the region is retained, promoted and enhanced through high quality landscape works;
 - (b) The natural environment of the region is enhanced;
 - (c) The visual quality, amenity and identity of the region is enhanced;
 - (d) Attractive streetscapes and public places are created through landscape design;
 - (e) As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment;
 - (f) Landscaping is provided to enhance the tropical landscape character of development and the region;
 - (g) Landscaping is functional, durable, contributes to passive energy conservation and provides for the efficient use of water and ease of ongoing maintenance;
 - (h) Landscaping takes into account utility service protection;
 - (i) Weed species and invasive species are eliminated from development sites;
 - (j) Landscape design enhances personal safety and incorporates CPTED principles.

Criteria for assessment

Table Error! No text of specified style in document..a – Landscaping code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Landscape design		

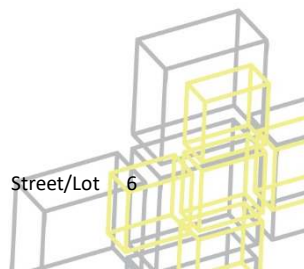
Performance outcomes	Acceptable outcomes	Applicant response
<p>PO1 Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:</p> <ul style="list-style-type: none"> (a) promoting the Shire's character as a tropical environment; (b) softening the built form of development; (c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; (d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development; (e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas; (f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces; (g) ensuring private outdoor recreation space is useable; (h) providing long term soil erosion protection; (i) providing a safe environment; (j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety. 	<p>AO1 Development provides landscaping:</p> <ul style="list-style-type: none"> (a) in accordance with the minimum area, dimensions and other requirements of applicable development codes; (b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping; (c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping. <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	<p>Site will be appropriately landscaped. It is requested that this matter be conditioned.</p>
For assessable development		
<p>PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.</p>	<p>AO2.1 No acceptable outcomes are specified.</p> <p>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.</p>	<p>Site will be appropriately landscaped. It is requested that this matter be conditioned.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>A02.2 Tropical urbanism is incorporated into building design.</p> <p>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.</p>	
<p>PO3 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.</p>	<p>A03.1 Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.</p> <p>A03.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.</p> <p>A03.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.</p> <p>A03.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.</p>	<p>N/A</p> <p>N/A</p> <p>Site will be landscaped in accordance with CMS requirements.</p> <p>N/A</p>
<p>PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.</p>	<p>A04 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p>Site will be appropriately landscaped. It is requested that this matter be conditioned.</p>

Performance outcomes	Acceptable outcomes	Applicant response
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	AO5 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Site will be appropriately landscaped. It is requested that this matter be conditioned.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	AO6.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping. AO6.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	Site will be appropriately landscaped. It is requested that this matter be conditioned.
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	AO7.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out. AO7.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	N/A N/A
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	AO8 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	N/A
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	AO9 No acceptable outcomes are specified.	Site will be appropriately landscaped. It is requested that this matter be conditioned.

Performance outcomes	Acceptable outcomes	Applicant response
	Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	AO10 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Site will be appropriately landscaped. It is requested that this matter be conditioned.

Annexure 8: Variation Approval



22 July 2025

Enquiries: Daniel Lamond
Our Ref: CA 2023_5488/1 (1309586)
Your Ref:

Allaro Homes Cairns Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Minor Change to Combined Application for Preliminary Approval including a Variation
Request for Use Rights Associated with the Low-Medium Density Residential Zone Code
and Development Permit for Reconfiguring a Lot (3 Lots into 33 Lots)
At 42-44 Mitre Street CRAIGLIE and 46-52 Mitre Street, Craiglie
On Land Described as Lot 900 on SP342106 and Lot 0 on SP342106**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: CA 2023_5488/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9444.

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Allaro Homes Cairns Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 42-44 Mitre Street CRAIGLIE, 46-52 Mitre Street CRAIGLIE
Real Property Description: Lot 900 on SP342106 and Lot 0 on SP342106
Local Government Area: Douglas Shire Council

Details of Proposed Development

Minor Change to Combined Application for Preliminary Approval including a Variation Request for Use Rights Associated with the Low-Medium Density Residential Zone Code and Development Permit for Reconfiguring a Lot (3 Lots into 33 Lots)

Decision

Date of Decision: 30 April 2024 (minor Change approved 22 July 2025)
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
RAL Proposal Plan	AU6631-06a prepared by RPS Group	8 April 2024
Plan of Development	AU213006631-07b prepared by RPS Group	8 April 2024

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Community Management Scheme

3. Prepare a Community Management Statement which provides for the following:
 - a. development to be in accordance with the approved Plan of Development AU6631-07b, dated 8 April 2024 prepared by RPS Group and;
 - b. house construction and design to be compliant with the document entitled 'Design Guideline, 42 – 52 Mitre Street and Sagiba Avenue, Craiglie';
 - c. no prohibition of informal vehicle parking on the road verge of the common property where crossover blockage does not occur.The Community Management Statement must be endorsed by the Chief Executive Officer prior to approval of the Plan of Survey.

Access Road

4. Provide the access road as detailed in the approved Plan of Development AU6631-07b, dated 8 April 2024 prepared by RPS Group with a minimum of six (6) formalised visitor parking spaces and a two metre wide internal footpath.
5. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.

Existing Parking Space Offsets

6. Provide seven (7) on-street parking spaces in Sagiba Avenue to replace those removed by the driveway access. Detailed design of the on-street parking must be submitted as part of the Development Application for Operational Works.

Matters of Environmental Significance

7. The development must be carried out in accordance with the recommendations of the 'Matters of Environmental Significance' report dated 25 September 2023 by EcoRex.

Staging Plan

8. Provide a staging plan demonstrating the proposed amount and sequencing of stages for house construction to be endorsed by the Chief Executive Officer prior to submission of the Operational Works Development Application.

Operational Works

9. A Development Permit for Operational Works must be obtained for the following activities:
- a. vegetation removal and bulk earthworks associated with site grading;
 - b. construction of internal roads and drainage works;
 - c. water supply and sewer works;
 - d. All external works.

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site. Operational Works.

Fire Hydrants

10. Place fire hydrants at intervals of no more than 120 metres and at each intersection within the common property road. Hydrants may have a single outlet and be sited above or below ground.

Retaining Walls

11. All retaining walls or structures higher than 1.0m must be certified by a suitably experienced RPEQ Structural Engineer.

Where the profile or height of the wall is redesigned during structural certification, amended plan(s) must be approved by Council.

12. The design of all retaining wall structures must be wholly contained within the development site and must not encroach into adjacent lots or road reserve.

The design of all retaining structures proposed must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Construction Signage

13. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
- a. Developer;
 - b. Project Coordinator;
 - c. Architect/Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect.

Minimum Fill and Floor Level

14. All building pad levels must be constructed to be immune of the Q100 flood immunity level, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Site Based Stormwater Management Plan

15. Provide a Site Based Stormwater Management Plan (SBSMP) reporting on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:
- a. nominate best practice site management procedures to control the severity and extent of soil erosion, pollutant transport, and other water quality issues that may arise during the construction phase and post-construction phase;
 - b. nominate requirements for ongoing post-construction management (inclusive of responsibility) of the drainage channel located adjacent Lot 33, and within the turnaround road internal to the site; and
 - c. the drainage network for the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
 - i. End-of-line stormwater quality improvement devices (SQID) must be of a proprietary design and construction and must carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit;
 - ii. SQIDs must be positioned to provide appropriate unrestricted access for maintenance equipment;
 - iii. SQIDS (e.g. GPTs) must allow simple and economical maintenance of the device. They must be positioned to allow for economic and efficient maintenance operations and be provided with a hardstand structure suitable to bear the weight of a design truck and located off the road pavement so as to not to interfere with the movement of traffic or household driveways whilst in operation;
 - iv. Clearly nominate Council infrastructure and privately owned stormwater infrastructure. The maintenance of all private stormwater infrastructure is the sole responsibility of the owner/operator of the development site. Council is under no obligation to maintain private stormwater quality device/s installed on the subject site;

The SBSMP must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Stormwater

16. Provide drainage calculations to demonstrate capacity for existing infrastructure on Sagiba Avenue to convey the post-development runoff through to the Esplanade area with no adverse operational issues for the road function.

Information must include:

- a. Revised stormwater catchments (internal and external);
- b. Supporting drainage calculations for the existing Lucus Lane cross road culvert and concrete lined drain; and
- c. Longitudinal and cross sections of the current drainage profile on Sagiba Avenue.

The calculations must demonstrate capacity to convey the post-development discharge to the satisfaction of the Chief Executive Officer prior to issue of a Development Permit for Operational Works.

17. All stormwater from the property must be directed to a lawful point of discharge such

that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer prior to Works Acceptance.

Pump Station Access

18. The pump station driveway hardstand is to be amended to allow the service vehicle to exit the driveway hardstand in a forward direction. The amended driveway hardstand design and vehicle turn path must be provided to submitted with the Development Application for Operational Works.

Electricity

19. Any padmount transformer must be installed on site and positioned in accordance with the following requirements:
 - a. not located on land used for open space or sport and recreation purposes;
 - b. screened from view by landscaping, sightcreens and/or fencing;
 - c. accessible for maintenance in accordance with the relevant utility provider;
 - d. must be located clear of footpaths;
 - e. must not be located over existing infrastructure;

Internal Sewer

20. An exclusion radius of 30m from the existing sewer pump station must be provided to all dwellings within the development, generally as shown on the approved 'Plan of Development' AU6631-07b, dated 8 April 2024 prepared by RPS Group.

The exclusion radius must be to the satisfaction of the Chief Executive Officer prior to Works Acceptance.

Water Supply Works Internal

21. Undertake the following water supply works internal to the subject land:
 - a. provide a single internal water connection; and
 - b. water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 and applies to developments which will be reconfigured by Standard Format Plan with common property.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Plan of Survey, whichever occurs first.

Landscaping

22. The development site must be landscaped in accordance with a landscaping plan. landscape plans are to be provided to and endorsed by the chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All landscaping works must be undertaken prior to ~~approval and dating of the Plan of Survey~~ Final Works Acceptance and must be maintained at all times to the satisfaction of the Chief Executive Officer.

23. Prior to the issue of a Development Permit for Operational Works, provide a Tree Protection Plan prepared by a minimum qualification level 5 arborist for the trees on road reserve at Sagiba Avenue and Mitre Street, for endorsement by the Chief Executive Officer. The plan must include SRZ and TPZ measures.

These protection measures are to be maintained at all times until works acceptance.

24. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing within the development site.

Stockpiling and Transportation of Fill Material

25. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the Commencement of Works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
- b. before 7:00am or after 6:00pm Monday to Friday; or
- c. before 7:00am or after 1:00pm Saturdays; or
- d. on Sundays or Public Holidays.

Environmental Protection Policy – Noise & Dust

26. All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.

Damage to Council Infrastructure

27. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

28. In the event that any part of Council's existing water, sewer or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost.

Electricity Supply

29. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy.

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

30. Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer.

Electricity and Telecommunications

31. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.
32. Ownership, costs and maintenance associated with all electrical metering internal to the development will not be the responsibility of Council at any time before, during or post construction.

Acid Sulfate Soil Investigation

33. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in, '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) or updated version of document produced by the Department of Resources, and State Planning Policy 2/02 – '*Planning and Managing Development involving Acid Sulfate Soils*'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DR – QASSIT: '*Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DR: '*Queensland Acid Sulfate Soil Technical Manual*' (2002) including Soil Management Guidelines (updated Feb. 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Cultural Heritage

5. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This '*duty of care*' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

Environmental

6. An Ecoaccess approval must be obtained from the Department of Environment and Science prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the *Nature Conservation Act 1992*. Information on Ecoaccess approvals may be obtained at www.des.qld.gov.au.

Infrastructure Charges Notice

7. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The Infrastructure Charges Notice will be provided under separate cover.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Concurrence Agency Response

Note – Concurrence Agency Response is attached. This Concurrence Agency Response may be amended by agreement with the respective agency.

Currency Period for the Approval

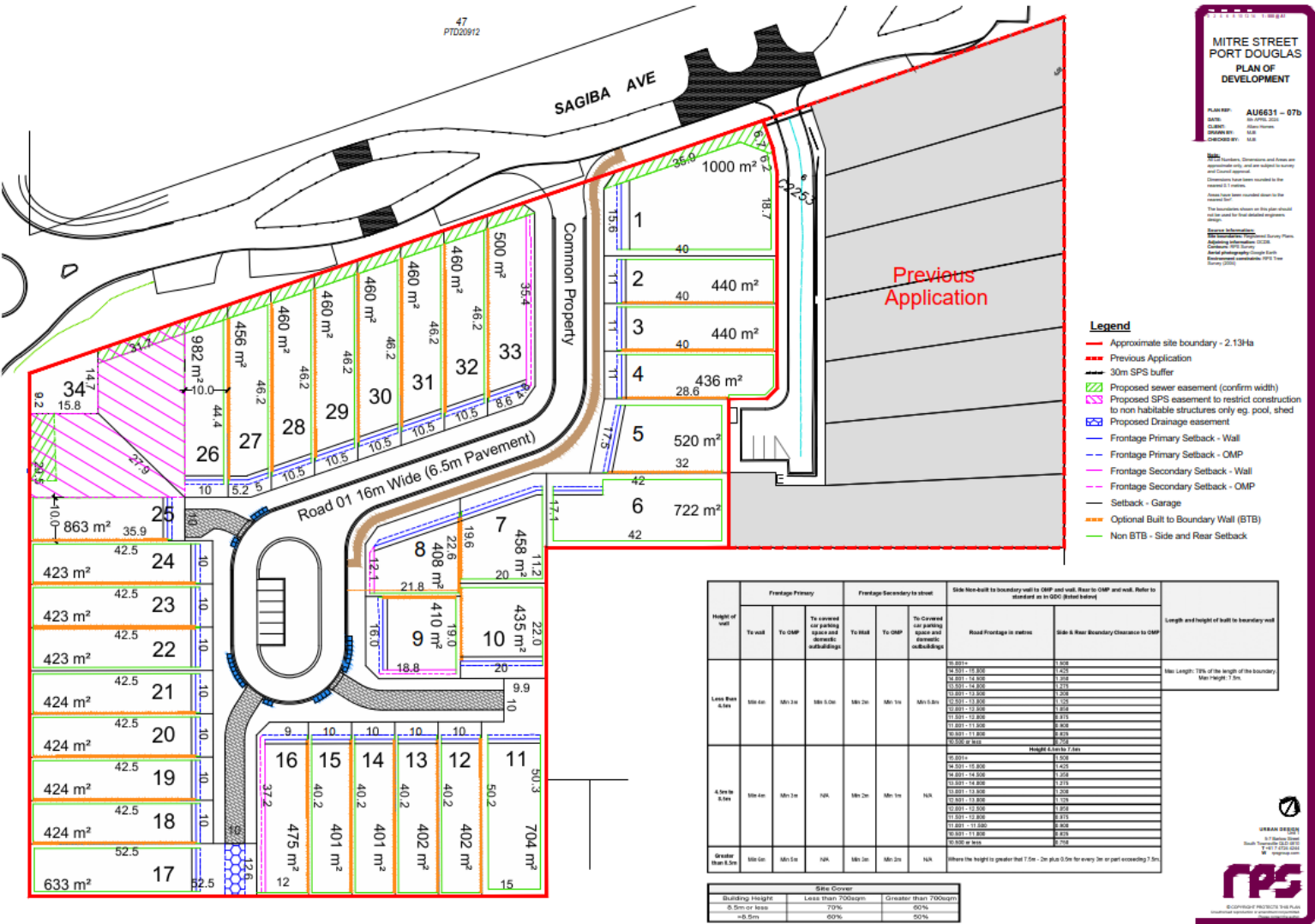
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)



Concurrence Agency Conditions

RA6-N



SARA reference: 2308-36408 SRA
Council reference: CA2023_5488/1 (1178907)
Applicant reference: 23-06/001261

19 February 2024

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

enquiries@douglas.qld.gov.au

Attention: Daniel Lamond

Dear Sir/Madam

SARA referral agency response

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 1 September 2023.

Response

Outcome:	Referral agency response – with conditions	
Date of response:	19 February 2024	
Conditions:	The conditions in Attachment 1 must be attached to any development approval	
Advice:	Advice to the applicant is in Attachment 2	
Reasons:	The reasons for the referral agency response are in Attachment 3	

Development details

Description:	Development permit	Reconfiguring a Lot (3 Lots into 33 Lots)
	Preliminary approval that includes a variation request	Material change of use for use rights consistent with the Low to Medium Density Residential Zone
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 5, Item 1 (10.17.3.5.1) of the Planning Regulation 2017 - Reconfiguring a lot in a coastal	

management district

Schedule 10, Part 17, Division 3, Table 6, Item 1 (10.17.3.6.1) of the Planning Regulation 2017 - Material change of use involving work in a coastal management district

Schedule 10, Part 20, Division 4, Table 2, Item 1 (10.20.4.2.1) of the Planning Regulation 2017 - Reconfiguring a lot in a wetland protection area

Schedule 10, Part 20, Division 4, Table 3, Item 1 (10.20.4.3.1) of the Planning Regulation 2017 - Material change of use of premises in a wetland protection area

SARA reference: 2308-36408 SRA

Assessment manager: Douglas Shire Council

Street address: 42-44 & 46-52 Mitre Street Craiglie

Real property description: Lot 1 on C2253; Lot 6 on C2253 and Lot 2 on C2253 (now Lot 900 on SP342106)

Applicant name: Allaro Homes Cairns Pty Ltd C/- Planning Plus

Applicant contact details: PO Box 399
REDLYNCH QLD 4870
info@planningplusqld.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Isley Peacey, Senior Planning Officer, on 4037 3202 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Allaro Homes Cairns Pty Ltd C/- Planning Plus, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
10.17.3.6.1 - Material change of use involving work in a coastal management district and 10.20.4.3.1 – Material change of use of premises in a wetland protection area —The chief executive administering the <i>Planning Act 2016</i> nominates the Department of Environment, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be undertaken generally in accordance with the following plans: <ul style="list-style-type: none"> - Locality Plan prepared by Neon Consulting dated 14/07/2023, drawing number 016-2304-00-SK-0001, revision A. - Earthworks Concept prepared by Neon Consulting dated 17/10/2023, drawing number 016-2304-00-SK-0021, revision A. 	Prior to the commencement of use and to be maintained at all times
2.	For the proposed works, only use clean materials which are free from prescribed water contaminants.	For the duration of the works.
3.	Development must prevent the release of sediment to tidal waters and/or to the wetland by installing and maintaining erosion and sediment control measures in accordance with the Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association).	For the duration of the works.
4.	Stormwater discharge must be treated in accordance with the <i>Queensland Best Practice Environmental Management Guidelines</i> before stormwater flow enters the buffer of the wetland as show on Figure 3-1 MUSIC Model Layout – Stormwater Catchment and Land Uses within Technical Memorandum prepared by SLR Consulting Australia dated 21 December 2023, project no. 620.040627.00001.	At all times
5.	(a) In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014. (b) Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to palm@des.qld.gov.au or mailed to: Department of Environment, Science and Innovation Permit and Licence Management Implementation and Support Unit	(a) Upon disturbance or oxidisation until the affected soil has been neutralised or contained. (b) At the time the soils have been neutralised or contained.

	GPO Box 2454 Brisbane Qld 4001	
	Note: Appropriately qualified person means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.	
6.	Enter into an agreed delivery arrangement to deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matter/s of state environmental significance being 0.87ha of Wildlife Habitat (endangered or vulnerable).	Prior to commencing any works that impact on the Wildlife Habitat (endangered or vulnerable)
7.	A licenced fauna spotter catcher must be present during clearing activities.	During clearing activities.
8.	Operational works must not be undertaken between 01 December to 31 March.	For the duration of works.
Reconfiguring of a lot		
10.17.3.5.1 -Reconfiguring a lot in a coastal management district and 10.20.4.2.1 - Reconfiguring a lot in a wetland protection area -The chief executive administering the <i>Planning Act 2016</i> nominates the Department of Environment, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
14.	The reconfiguration must be undertaken generally in accordance with the following plans: - Locality Plan prepared by Neon Consulting dated 14/07/2023, drawing number 016-2304-00-SK-0001, revision A.	Prior to submitting the Plan of Survey to the local government for approval

Attachment 2—Advice to the applicant

General advice

- | | |
|----|--|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning. |
|----|--|

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The development complies with State code 8: Coastal development and tidal works of SDAP. Specifically, the development:
 - o protects life, buildings and infrastructure from the impacts of coastal erosion;
 - o maintains coastal processes;
 - o conserves coastal resources;
 - o maintains appropriate public use of, and access to and along, State coastal land;
 - o account for the projected impacts of climate change;
 - o reasonably minimises and mitigates impacts on matters of state environmental significance
 - o provides an offset for the significant residual impact on a matter of state environmental significance.
- The development complies with State code 9: Great Barrier Reef wetland protection areas of SDAP. Specifically, the development:
 - o is located outside of a wetland;
 - o does not have an unacceptable impact on wetland environmental values;
 - o reasonably minimises and mitigates impacts on matters of state environmental significance
 - o provides an offset for the significant residual impact on a matter of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 28 August 2023 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Low-medium Residential Zone Code

The proposal seeks the application of the Low-medium residential zone code to accommodate the subdivision with small allotments.

Performance Outcome PO7 of the code prescribes that new lots contain a minimum area of 450m². The proposal includes four lots with site area as low as 401m². PO8 prescribes that new lots have a minimum road frontage of no less than 15 metres and PO9 requires that new lots have a 20m x 15m rectangle. 23 of the 33 proposed lots do not comply with the three performance outcomes as the lots are as small as 401m² and have frontages 10 metres wide. The overall outcomes of the code must be assessed as the proposal is not compliant with the performance outcomes.

In particular, the overall outcomes seek a range of residential dwelling choices including multiple dwellings at overall outcome (a). It is evident that the proposal provides a diverse range of allotments for single detached houses or multiple dwelling construction by proposing lots ranging from 401m² to 1000m² and it must be noted that the proposed allotments are regular in shape and are not constrained by acute boundary angles or rear lot design.

Overall outcome (b) seeks that development encourages and facilitates urban consolidation and the efficient use of infrastructure. The proposal is a good example of efficient urban consolidation as the site is already

served by water, sewer and external drainage infrastructure as is sited between two existing urban developments. Further, the development does not result in urban sprawl.

Overall outcome (c) seeks that development provides safe and walkable neighbourhoods. The proposal includes a private internal access road equipped with an internal footpath connecting to the footpath network on Sagiba Avenue.

Overall outcome (d) prescribes that development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts. The site is not adjacent a high order road or any uses with incompatible impacts to sensitive uses.

Overall outcome (e) requires that development is reflective and responsive to the environmental constraints of the land. The urban development of the land relies upon clearing the vegetation on the land in order to fill and create sufficient drainage solutions. The development includes two bioretention basins to improve stormwater quality for discharge to the receiving ecosystem downstream. A Matters of Environmental Significance Assessment has been undertaken and the report gives recommendations for the appropriate management and relocation of protected species. The vegetation on the land is highly fragmented and isolated within an existing urban area and is considered to provide limited ecological function. Urban land in Port Douglas is finite and becoming more limited, therefore it is considered that there is no overriding need to retain this section of land in its current state.

Overall outcome (f) prescribes that the development provides a high level of amenity and is reflective of the surrounding character of the area. Small lots on their own generally result in poor amenity outcomes as the size constraint means that there are limited opportunities to achieve adequate privacy outcomes with the future building design. However, the applicant has provided a building envelope plan which is master planned for the small allotments proposed in the subdivision. This plan regulates which boundaries can be built to, and how close construction can occur to adjoining boundaries of other lots. In addition, the applicant has prepared a building design guideline which regulates a high standard of building appearance through design features and also regulates privacy implications through window locations, balcony locations, the use of privacy screens and window slats and other appropriate measures. Given the proposed subdivision is centred around an internal private road and reflects a gated community outcome, there is no detrimental impact on the character of the area, albeit that the area is already characterised by small residential houses on the adjoining allotment and small modular villas as the Sea Temple across the road.

Overall Outcome (g) seeks that development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community. The proposal includes a central area of open space sited with visitor parking spaces. The site is located as close to the beach and there is ample opportunity for recreation at Four Mile Beach which is easily accessible via the existing path at the end of Sagiba Avenue.

Reconfiguring a Lot Code

The primary component of the application is the proposal to apply the Low-medium density residential zone framework to the land. The reconfiguration component of the proposal is for the subdivision of the three lots into 33 residential lots and must be assessed against the provisions of the Reconfiguring a Lot development code from the planning scheme.

AO4 of the code requires that existing site features such as significant vegetation and trees are incorporated into open space, road reserves, or a common property. The site is partly vegetated with significant and well established category B vegetation. If the land is to be developed for urban purposes, the vegetation cannot be retained. This is because the land needs filling in order to re-profile for flood immune allotments. Further, the installation of sewer and water reticulation and associated trenching is not compatible at scale with the existing vegetation. The State Assessment and Referral Agency has agreed to allow the application to proceed on the basis that environmental offsets are paid for the loss of the vegetation community. The applicant has undertaken a Matters of Environmental Significance assessment and has found that the site contains matters of both State and National Environmental Significance. The report includes recommendations for the management and relocation of the relevant species such as ant plants in order to comply with the corresponding performance outcome PO4, requiring that development responds appropriately to its local context, natural systems and site features. Further, it must be noted that the existing

approval over the land for a large holiday accommodation development already includes approval to clear the vegetation. The subdivision design includes two considerable areas within the common property set aside as bio-retention basins which manage the water quality of the runoff leaving the site.

Acid Sulphate Soils Overlay Code

The site is within the potential acid sulphate soils trigger area given its proximity to the coast and elevation below five metres AHD. The application was not accompanied by an acid sulphate soils investigation; however, this is required as greater than 100 cubic metres of fill is being imported. A condition has been imposed to require the applicant to undertake the investigation and supply results to Council prior to site works commencing.

Bushfire Hazard Overlay Code

The site includes impact buffer areas and medium and high potential hazard areas given by the overlay code for bushfire hazard. However, given the site is being cleared and will be developed between two existing urban development, the risk of bushfire is diminished. No concerns are raised with bushfire hard post development.

Flood and Storm Tide Hazard Overlay Code

The site is within the medium hazard storm tide overlay area. A condition has been imposed to require that the finished pad levels are immune. The finished floor level published on Councils website is approximately 3.5m AHD. The applicant has prepared detailed design plans nominating compliant pad levels with considerations for hydraulic grade effects from stormwater.

Natural Areas Overlay Code

The code requires that development mitigates impacts on environmental values including water quality, hydrology and biological processes at acceptable outcome AO1.3. The corresponding performance outcome requires that development protects matters of environmental significance at PO1. As detailed above, the development application material was accompanied by a matters of environmental significance ecology report which gave recommendations for relocation endangered species located at the site. It is considered that the vegetation is of low retention value and that the removal is justified by way of the offset payment SARA have required. In addition, the site has been developed with on-site stormwater detention bio-retention basins which clean stormwater prior to discharge to the downstream catchment. The bio-retention basins are designed within the common property central to the development.

Transport Network Overlay Code

The codes prescribe that development does not compromise the safety and efficiency of the transport network at acceptable outcome AO1.2. It must be noted that the common property access driveway location at Sagiba Avenue results in the loss of seven on-street car parking spaces. However, a condition has been imposed to require the applicant to construct seven car parking spaces in an alternative location on Sagiba Avenue as car parking is a known issue for the street. It should also be noted that the development provides for ample on-site visitor parking opportunities and a condition has been imposed to require that the Community Management Statement for the common property cannot prohibit internal informal visitor parking.

Landscaping Code

Acceptable Outcome A01 requires that development is landscapes in accordance with planning scheme policy SC6.7. The applicant has not prepared a landscaping plan. A condition has been imposed to require the submission of a landscaping plan which will be implemented as part of the subdivision construction.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

Planning Act 2016
Chapter 3 Development assessment

[s 74]

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—

-
- (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or
 - (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the assessment manager gives the applicant the decision notice for the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2), the appeal period is suspended from the day the representations are made until—

- (a) the applicant withdraws the change representations by notice given to the assessment manager; or
 - (b) the assessment manager gives the applicant the decision notice for the change representations; or
 - (c) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.

- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

22 July 2025

Enquiries: Daniel Lamond
Our Ref: CA 2023_5488 (1309586)
Your Ref:

Allaro Homes Cairns Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

Adopted Infrastructure Charges Notice for Combined Application for Preliminary Approval including a Variation Request for Use Rights Associated with the Low-Medium Density Residential Zone Code and Development Permit for Reconfiguring a Lot (3 Lots into 33 Lots)

At 42-44 Mitre Street CRAIGLIE and 46-52 Mitre Street, Craiglie On Land Described as Lot 900 on SP342106 and Lot 0 on SP342106

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: CA 2023_5488 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9444.

Yours faithfully



For
Leonard Vogel
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL		2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Allaro Homes Cairns Pty Ltd		ESTATE NAME	
DEVELOPERS NAME		STAGE	
42-52 Mitre Street and Sagiba Avenue		900 on SP342106, 0 on SP342106	
STREET No. & NAME		158436, 158437	
SUBURB		LOT & RP No.s	
SUBURB		PARCEL No.	
1309590		CA 2023_5488	
DEVELOPMENT TYPE		6	
DSC Reference Doc. No.		COUNCIL FILE NO.	
1		VALIDITY PERIOD (year)	
VERSION No.		Prior to signing and sealing of survey form for ROL	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

Proposed Demand	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Residential Dwelling_house	\$_per_3_or_more_bed room_dwelling	28,405.93	33	\$937,395.69		
Total Demand				\$937,395.69		
Credit						
No credit available						
Total Credit				\$0.00		
Required Payment or Credit				TOTAL	\$937,395.69	

Prepared by: D Lamond

Checked by: N Beck

Date Payable: ROL - Before the Local Government approves the plan of subdivision

22-Jul-25

22-Jul-25

Amount Paid:

Date Paid:

Receipt No.

Cashier:

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider any representations made by the recipient.

- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.
- (8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—
 - (a) the appeal period is taken to have been suspended from the day the representations were made; and
 - (b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the

infrastructure is necessary to service the subject premises; or

- (ii) other premises, but is necessary to service the subject premises.

- (2) Section 128 provides for the local government to be able to impose particular development conditions (each a ***necessary infrastructure condition***) on the development approval.

Note—

For imposing or amending development conditions in relation to an approval of a change application, see sections 81A(2)(a) and 82(3)(b).

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

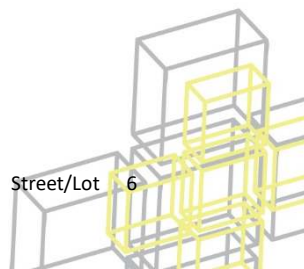
non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Annexure 9: Community Management Statement



QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

FORM 14 Version 4
Page 1 of 1

Duty Imprint

724263176

Calling Number

EL 460 \$238.14**11/08/2025 14:37:15****OFFICE USE ONLY**

This form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Nature of request REQUEST TO RECORD FIRST COMMUNITY MANAGEMENT STATEMENT FOR BECHE COMMUNITY TITLES SCHEME	Lodger (Name, address, E-mail & phone number) Lodger Code Harding Property Law 72-74 Spence Street, Cairns City QLD 4870 Tel: 07 4249 3251 Ref: Email: reception@hardingproperty.law
2. Lot on Plan Description LOT 900 ON SP342106	Title Reference 51327234
3. Registered Proprietor/State Lessee CAVALL INVESTMENTS PTY LTD ACN 675 028 734	
4. Interest NOT APPLICABLE	
5. Applicant CAVALL INVESTMENTS PTY LTD ACN 675 028 734	
6. Request I hereby request that: the first CMS deposited herewith be recorded as the CMS for Beche Community Titles Scheme and that Level 1/26 Florence St, Cairns City QLD 4870 be recorded as address for service on the body corporate for the scheme.	
7. Execution by applicant	

CAVALL INVESTMENTS PTY LTD
ACN 675 028 734

Sole Director/Secretary

5 18 125
Execution Date


Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

57623

BE LODGED TOGETHER WITH
REQUEST AND IN THE CASE OF
A NEW STATEMENT MUST BE LODGED WITHIN THREE
(3) MONTHS OF THE DATE OF CONSENT BY THE BODY
CORPORATE

Office use only
CMS LABEL NUMBER

**This statement incorporates and must
include the following:**

Schedule A - Schedule of lot entitlements
Schedule B - Explanation of development of scheme land
Schedule C - By-laws
Schedule D - Any other details
Schedule E - Allocation of exclusive use areas

1. Name of community titles scheme

Beche Community Titles Scheme

2. Regulation module

Standard Module

3. Name of body corporate

Body Corporate for Beche Community Titles Scheme

4. Scheme land

Lot on Plan Description

Title Reference

Common Property for Beche Community Title Scheme

51327234

Lots 1 to 34 on SP354942

5. #Name and address of original owner

CAVALL INVESTMENTS PTY LTD ACN 675 028 734

6. Reference to plan lodged with this statement

SP354942

first community management statement only

7. New CMS exemption to planning body community management statement notation (if applicable*)

Insert exemption clause (if no exemption – insert 'N/A' or 'not applicable')

N/A

*If there is no exemption or for a first community management statement (CMS), a Form 18C must be deposited with the Request to record the CMS.

8. Execution by original owner/Consent of body corporate

CAVALL INVESTMENTS PTY LTD ACN 675 028 734

Execution Date

8/8/25

***Execution**

Sole Director/Secretary

*Original owner to execute for a first community management statement*Body corporate to execute for a new community management statement**Privacy Statement**

Collection of information from this is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

SCHEDULE A	SCHEDULE OF LOT ENTITLEMENTS
-------------------	-------------------------------------

LOT NO.	Contribution Schedule Lot Entitlement	Interest Schedule Lot Entitlement
3	100	263
4	100	260
5	100	310
6	100	431
11	100	443
12	100	240
13	100	240
14	100	239
15	100	239
16	100	293
34	10	10
900	100	400
TOTALS	1110	3368

1. Deciding Contribution Schedule Lot Entitlements – Relativity Principle

- a. In accordance with section 66 (1)(db)(i) of the *Body Corporate and Community Management Act 1997 (Act)*, the contribution schedule principle under section 46A of the Act on which the Contribution Schedule Lot Entitlements (**CSLE**) for the scheme have been decided is the *relativity principle* under section 46A(2) of the Act.
- b. In accordance with section 66 (1)(db)(iii) of the Act, the information below explains how individual CSLE for the lots were decided using this principle:
 - i. **How the Scheme is structured**
 1. Beche CTS is a principal scheme in a staged, layered arrangement of community titles schemes (**Principal Scheme**).
 2. Based on the Concept Drawing attached:
 - a. Stage 1 will create Lots 3-6, 11-16, 34, 900 and common property.
 - b. Stage 2 will create, from Lot 900, lots 1-2, 7-10 and 17-33.
 - c. Lots 1, 7-10, 25, 26 may be amalgamated, and that amalgamated lot is to be further developed to create one subsidiary scheme that may contain multiple dwellings with hospitality and retail commercial spaces, or any other similar form of

development which is consistent with the existing zoning and planning scheme
(Development Lots);

- d. Lots 6, 11 and 17 may be further developed to create duplexes, each being its own 2-lot subsidiary scheme **(Duplex Lots);** and
- e. The remaining lots will not be further developed and will be used for single residential dwellings, within this Principal Scheme **(House Lots).**

ii. **Nature, feature and characteristics of the Lots in the Scheme**

- 1. The Original Owner determines that the number of CSLE for each subsidiary scheme as it is developed will be determined having regard to the ultimate density of residential development within that subsidiary scheme.
- 2. The Original Owner also determines that the CSLE for each proposed Duplex Lot within this Principal Scheme has been determined having regard to the ultimate density of residential development within those Duplex Lots in this Scheme.

iii. **Purposes for which the lots are used**

- 1. The House Lots will be used for single residential dwellings.
- 2. The Duplex Lots will be used for duplexes or alternately may be used for single residential dwellings.
- 3. The Development Lots may be used for multiple unit developments or alternately may be used for single residential dwellings.
- 4. Lot 900 will be used to create the Stage 2 Lots.

iv. **Impact the lots may have on the costs of maintaining common property**

- 1. Owners of developed Development Lots and developed Duplex Lots will have greater use of common facilities for this Scheme than the owners of the undeveloped Development Lots, undeveloped Duplex Lots and Lot 900.
 - 2. Accordingly, CSLE for the undeveloped Development Lots, undeveloped Duplex Lots are discounted to the equivalent of a House Lot until the earlier of when:
 - a. title issues for each townhouse (for the Townhouse Lots) and each duplex (for the Duplex Lots); or
 - b. those townhouses and duplexes can be lawfully occupied;
 - 3. The CSLE for Lot 900 will be discounted to the equivalent of a house lot until it is developed further into House Lots, Duplex Lots and Development Lots, in which case the principles and methodology for calculating CSLE shall apply until each lot created has been fully developed.
- c. On the basis of these factors, the Original Owner considers it appropriate for there to be a variation in the CSLE for the lots in this Principal Scheme.

2. Deciding Interest Schedule Lot Entitlements – Market Value Principle

In accordance with section 66 (1)(dc) of the Act, the Interest Schedule Lot Entitlements (ISLE) reflect the respective market values of the lots based on the *Market Value Principle* in section 46B of the Act.

SCHEDULE B	EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND
-------------------	--

1. Proposed Development

It is intended that:

- a. Beche CTS will be the Principal Scheme in a staged and layered arrangement of community titles schemes;
- b. the attached Concept Drawing:
 - i. shows the Principal Scheme land described as lots 1-34 and common property; and
 - ii. is illustrative only;
 - iii. does not fix the locations of any internal or external boundaries of any part of the Scheme land;
- c. the Principal Scheme land will be developed progressively using standard format, building format and possibly volumetric format plans to create lots and common property in this Scheme, and subsidiary schemes consisting of the Development Lots and Duplex Lots;
- d. Stage 1 of the Principal Scheme will create Lots 3-6, 11-16, 34 and 900 and common property;
- e. Lot 900 will be subdivided to create Lots 1-2, 7-10 and 17- 33;
- f. the Development Lots, when developed, will each form their own subsidiary scheme;
- g. the Duplex Lots, when developed, will:
 - i. each form their own two-lot subsidiary scheme;
 - ii. enjoy exclusive use of common property created adjacent to each duplex;
- h. common property within a Development Lot that relates to that Development Lot will become common property of the subsidiary scheme for that Development Lot;
- i. all other common property will be common property of this Principal Scheme.

2. Contribution Schedule Lot Entitlements following commencement of construction.

- a. Each House Lot will have a CSLE of 100.
- b. The CSLE for each Duplex Lot will ultimately be an amount equal to the number of approved duplexes constructed on each lot multiplied by 100, the intent being that the CSLE of each developed Duplex Lot will increase from 100 to 200 on the earlier of when:
 - i. those duplexes can be lawfully occupied; or
 - ii. title to those duplexes is created.
- c. The CSLE for each Development Lot:
 - i. is 100 while undeveloped; and

- ii. will, once developed, increase by an amount equal to the number of approved dwellings constructed on each Development Lot multiplied by 100, on the earlier of when:
 - 1. those dwellings can be lawfully occupied; and
 - 2. title to those dwellings is created.
- d. The CSLE for Lot 900:
 - i. Is 100 while undeveloped;
 - ii. will, upon the creation of Stage 2, increase by an amount equal to the number of lots created by 100.

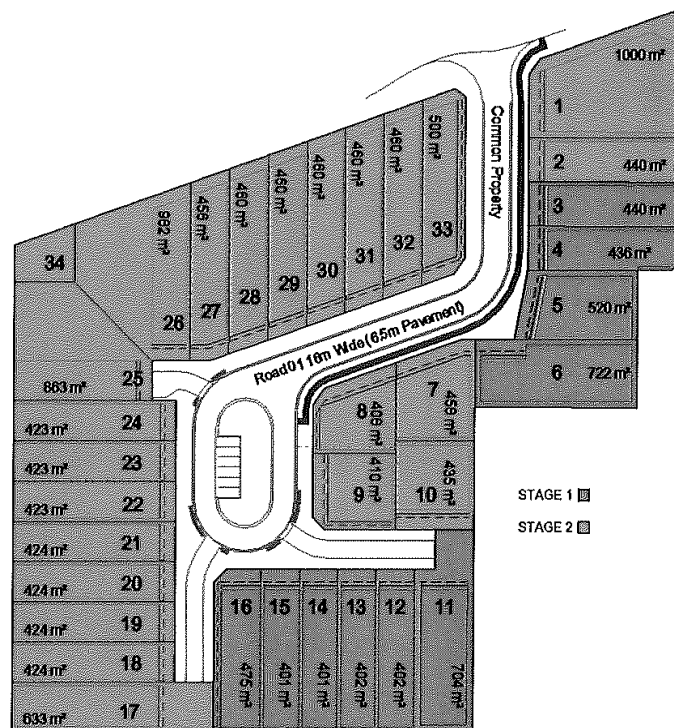
3. Interest Schedule Lot Entitlements

The ISLE for each lot in this Principal Scheme will be reflective of the market value of each lot relative to the market value of all other lots in this Principal Scheme.

4. Changes to the Proposed Development

The Original Owner may in its discretion and subject to any necessary approval from local or other authorities where required:

- a. increase or decrease the number of lots available for use as a House Lot, a Duplex Lot or a Development Lot;
- b. change the order, configuration, number, type or staging of any subsidiary scheme, or lots within this Principal Scheme, or any common property;
- c. allocate exclusive use areas or special privileges areas of Principal Scheme Common Property and/or Subsidiary Scheme Common Property for car parking, storage and other purposes as reasonably required by the Original Owner;
- d. proceed with the development or any part of it of more stages than anticipated in this CMS, and in any order, in which case the calculation of CSLE and ISLE for any additional stages will be calculated having regard to the principles set out in this CMS;
- e. convert any Lot or part of a Lot into Common Property.
- f. Amend the Architectural and Landscape Code.



SCHEDULE C BY-LAWS

1. Interpretation

1.1 Definitions

Words and phrases defined in the *Body Corporate and Community Management Act 1997* have the same meaning in this statement unless the context indicates otherwise.

In these by-laws the following terms have these meanings unless the contrary intention appears:

BCCM means the *Body Corporate and Community Management Act 1997* and includes all regulations made under it.

Body Corporate means the body corporate for the Scheme.

Building means the building containing the lots in the Scheme and includes, where the context permits or requires, any other buildings or improvements on or within the Scheme land.

Common Property means the common property for the Scheme.

Invitee means any person on the scheme land with the permission of an Occupier.

Lot means a lot in the Scheme.

Occupier means, for a Lot, the owner of Lot within the meaning in the BCCM and any other person who is bound by this community management statement because of their interest in or other connection to the Lot.

Planning Approval means any right to use or develop land that exist from time to time under:

- (a) a planning scheme or similar instrument in force for the Scheme land under the Planning Legislation.
- (b) any development approval.

Planning Legislation means the *Sustainable Planning Act 2009* or other relevant planning Act that covers the Scheme land.

Scheme means the community titles scheme for which this is the community management statement.

Security System means a system to control access to the Lots through a main gate.

A reference to "**you**", or "**your**" means every person who is bound by these by-laws, other than the Body Corporate.

1.2 Interpretation

In these by-laws:

- (a) the singular includes the plural and vice versa and words importing a gender include other genders; and
- (b) other grammatical forms of defined words or expressions have corresponding meanings; and
- (c) "person" includes a firm, a body corporate, an unincorporated association or an authority; and
- (d) a reference to:
 - (i) a document includes any variation or replacement of it and all schedules, annexures and exhibits to the document; and
 - (ii) a law includes regulations and other instruments under it and amendments or replacements of any of them; and
 - (iii) a thing includes the whole and each part of it; and
 - (iv) a group of persons includes all of them collectively, any two or more of them collectively and each of them individually; and
- (e) "including" when introducing a list of items does not limit the meaning of the words to which the list relates to those items or to items of a similar kind.

1.3 Obligations and rights extend to exclusive use areas

Obligations, restrictions and rights in these by-laws:

- (a) relating to Lots also apply to exclusive use areas except to the extent expressly stated in these by-laws; and
 - (b) relating to Common Property do not apply to exclusive use areas except as expressly stated in these by-laws.
- Provisions of the BCCM relating to Common Property continue to apply to exclusive use areas except to the extent they are lawfully modified in these by-laws.

2. General rules**2.1 Use of residential Lots**

Lots may only be used as residences and for ancillary purposes allowed from time to time under a Planning Approval. However, residential Lots must not at any time be used for any purpose that causes a nuisance or hazard.

2.2 Noise

You must not make or allow any noise in a Lot or on the Common Property that would unreasonably interfere with the enjoyment by others of a Lot or the Common Property. If noise is unavoidable then it must be reasonably minimised.

2.3 No obstruction of other lawful use

You must not obstruct the lawful use of the Common Property by other people.

2.4 Rubbish on the Common Property

You must not throw or leave rubbish on the Common Property except in bins provided by the Body Corporate and you must promptly clean up any mess you make on the Common Property.

2.5 Invitees must comply with by-laws

You must ensure that your Invitees do not do, or omit to do, anything that, if done or omitted by you, would be a breach of these by-laws.

2.6 Children for whom you are responsible

If there are children under twelve years of age on the Scheme land and you are the Occupier who is responsible for them then:

- (a) you must ensure that they comply with these by-laws.
- (b) you must take reasonable steps to keep them safe when on the Common Property.
- (c) you must ensure that they are supervised by a responsible person over 15 years of age whenever they are using a pool, Body Corporate equipment, or other facilities on the Common Property.

2.7 External appearances of Lots

You must not (without the prior written consent of the Body Corporate) paint, affix or display any sign, advertisement, notice, poster, placard, banner, pamphlet or similar article or hang and washing, towels, clothing, bedding or other articles so that they are visible from outside your Lot.

2.8 Compliance with Laws

You must promptly comply with all laws relating to your Lot and the activities conducted on the Lot, including conditions in the development approval under which the scheme was developed. A copy of the relevant conditions of the development approval is available from the Body Corporate.

2.9 Fire risks and fire insurance

- (a) You must not store or use flammable materials in your Lot or the Common Property, unless you have written consent from the Body Corporate. However, you may keep reasonable quantities of things that are normally kept in a home.
- (b) You must not do anything that may breach any laws about fire safety or that might reasonably be expected to increase fire insurance premiums for the Scheme.

2.10 Skateboards etc

Skateboards, roller blades, bicycles, go-carts and similar things must not be ridden on the Common Property.

2.11 Animals

- (a) An owner or occupier may keep pet cats and pet dogs (up to a maximum of 2) on a lot without the body corporate's consent. An owner or occupier may have additional pet cats and dogs with the consent of the body corporate and (if required) the Douglas Shire Council.
- (b) Owners or occupiers must:
 - (i) register their pets with the body corporate.
 - (ii) ensure that their pets wear an identity tag or microchip or Council tag or tattoo showing the owner or occupier's address and telephone number.
 - (iii) ensure their pets are registered with the local authority.
 - (iv) ensure that their pets are at all times kept clean, quiet and controlled
 - (v) ensure that whilst the pet is on the common property, it is restrained on a leash.
 - (vi) in the case of cats, in order to reduce attacks on native wildlife, ensure that the pet wears a collar with 2 bells or another similar device and is kept indoors between sunset and sunrise.
 - (vii) promptly remove any droppings or waste deposited by the pet on the scheme land.
 - (viii) Despite this by-law, the body corporate may order an owner or occupier to remove an animal from the scheme land if the pet persistently causes a nuisance to or is a danger to owners and occupiers

2.12 Post Box Clearance

You must regularly clear your post box.

2.13 Use of plumbing etc.

If plumbing, gas and electrical equipment and systems exist in your Lot, they must not be used for any purpose for which they were not designed.

2.14 Damage and interference with equipment

- (a) You must not damage any part of the Common Property or any Body Corporate assets, including but not limited to gates, lawns, gardens and furniture owned by the Body Corporate.
- (b) You must not interfere with any plant and equipment in the Common Property.

2.15 Locking your doors and windows

Windows and external doors in Lots must be locked when nobody is in the Lot.

3. Cleaning, Maintenance, Alterations, etc**3.1 Cleaning and maintenance for Residential Lots**

- (a) You must keep your Lot:
 - (i) clean and remove rubbish at least weekly; and
 - (ii) maintained in good condition and you must repair any problems with internal plumbing and wiring.

3.2 Cleaning and maintenance for Commercial Lots

- (a) An owner or occupier of a commercial lot shall-
 - (i) save where the Body Corporate has provided some other means of disposal of garbage, maintain within their lot, or on such part of the common property as may be authorised by the Body Corporate, in a clean and dry condition and adequately covered a receptacle for garbage, and shall be responsible for the removal and costs of removal of such garbage on a daily basis.
 - (ii) comply with all local government by-laws and ordinances relating to the disposal of garbage.
 - (iii) ensure that the health, hygiene and comfort of the owner or occupier of any other lot is not adversely affected by their disposal of garbage.

3.3 Plants, gardens and maintenance of Lots

Each owner and occupier of a lot must maintain the lawns, gardens and other landscaping on the lot in good condition, including regular mowing, watering, feeding, weeding, trimming and replacement as required. If an owner or occupier falls to comply with this clause, the body corporate may enter onto the lot for the purpose of carrying out the owner's or occupier's duties under this by-law. The owner will be liable to reimburse the body corporate for all costs incurred by the body corporate in doing so.

3.4 Pest control

You must keep your Lot free of pests (including termites) to the extent you reasonably can. You must treat the Lot for pests in accordance with treatment schedules specified by the Body Corporate from time to time and give the Body Corporate evidence that you have complied with this obligation. The Body Corporate may elect to have pest treatments for the common property or for the whole of the Scheme Land.

3.5 Alterations and improvements to Common Property

(a) You must not:

- (i) alter the Common Property or Body Corporate property; or
- (ii) install equipment or machinery of any type on the Common Property, unless you have written approval from the Body Corporate.

(b) The Body Corporate must not unreasonably refuse this approval and may specify acceptable locks and security bars that can be installed without specific approval.

3.6 Notice of damage

You must promptly notify the Body Corporate of any damage found to any water or gas pipes, electrical or service cables and other fixtures which comprise part of the Common Property.

3.7 Other alterations to Lots

- (a) You must not alter your Lot, in a way that is contrary to the Architectural and Landscape Code, a requirement of Planning Scheme or a development approval for the Scheme.
- (b) The external appearance of window coverings, like blinds and curtains, and installation of security screens in your Lot, must be approved by the Body Corporate. The Body Corporate may set standards, such as the colour of curtain linings. If a standard is set, then it may be used without further reference to the Body Corporate.
- (c) You must not make alterations to the exterior of your Lot without the prior written consent of the Body Corporate.

3.8 Requirements about works

If you make alterations to, or install things on, the Common Property or your Lot then you must:

- (a) comply with conditions imposed by the Body Corporate when approval was given for the work (this does not mean all alterations to your Lot must be approved by the Body Corporate); and
- (b) first obtain any approvals required by-law for the work and give copies of those approvals to the Body Corporate; and
- (c) ensure that the work is done properly by appropriately skilled and qualified tradespeople; and
- (d) complete the work as soon as reasonably possible after you start; and
- (e) clean up any mess and fix any damage caused by the work; and
- (f) keep the alterations or things installed in good condition at all times.

3.9 Rubbish and rubbish bins

- (a) You must put your household rubbish only in the bins provided for rubbish and you must comply with Body Corporate directions about:
 - (i) bags and wrapping for rubbish.
 - (ii) where to put glass and recyclable rubbish.
- (b) Other rubbish bins on the Common Property are only for general rubbish created while on the Common Property and not for household rubbish. If you create significant rubbish in the recreation areas, then you must have it put in the main rubbish, and you must not over fill any litter bins around the Common Property.
- (c) You must comply with Douglas Shire Council requirements about the material that is put into the recycling bins.
- (d) You must not leave any items in and around the bins such as mattresses, beds, furniture or whitegoods.

4. Parking and driving

4.1 Driving and parking

- (a) Heavy vehicles (over 3 tonnes tare) may not be brought on to the common property, other than furniture removal vehicles.
- (b) Vehicles may be parked on the side of common property roads but not for a continuous period of time of greater than 6 hours.
- (c) Vehicles may not be parked on any common property other than the common property road network
- (d) except:
 - (i) on areas designated by the body corporate or a body corporate as "visitor parking areas"; and
 - (ii) In car spaces allocated to the lots (if any).
- (e) The body corporate may, at the relevant owner's expense, remove any vehicles which are parked in breach of the requirements of these by-laws.
- (f) A vehicle may only be driven on the scheme land by a licensed driver and only if the vehicle may be lawfully driven on a public road.
- (g) All drivers must comply with traffic signs. The maximum speed limit on the scheme land is 30kph.
- (h) Trucks, caravans, campervans, mobile homes, boats, trailers or bicycles may not be parked on the common property, and if parked on a lot must be located such that they are not visible from the street

5. Other matters

5.1 Obligations of occupiers who are not owners of Lots

- (a) An occupier of a Lot who is not the owner of the Lot must comply with obligations of the owner of the Lot with respect to cleaning and pest control for the Lot.
- (b) The imposition of maintenance obligations on the owner of a Lot under these by-laws does not prevent the owner from passing that obligation onto an occupier of a Lot.

- (c) The obligation of an owner of a Lot to comply with maintenance, repair or replacement obligations in these by-laws is not affected because the owner has entered into an agreement under which another person is also obliged to comply with those obligations.
- (d) An obligation of a tenant under these by-laws is not affected even though, under the tenant's tenancy agreement or tenancy law, the landlord is required to comply with the obligation.

5.2 Recovery of money spent by Body Corporate

If you, or your guest, child, employee, contractor or agent, damage the Common Property or any Body Corporate asset and the Body Corporate incurs a cost fixing that damage, then you must, on demand, pay the Body Corporate the amount it spent.

5.3 Display Home

Despite any other by-law, the original owner may use any Lot it owns as a display home and may have signs and other sales advertising materials and displays on the common property while the original owner owns any Lot.

6. Embedded Electricity Network and Solar Systems

6.1 If permitted by relevant legislation governing the supply of electricity, including the Body Corporate and Community Management Act 1997 (Qld), the applicable Regulation Module, and the National Energy Retail Law, the Body Corporate may:

- (a) establish, operate, and maintain an embedded electricity network ("Network") for the Scheme, including rooftop solar photovoltaic systems and, if approved, individual and communal battery storage;
- (b) as an on-supplier, purchase electricity from an authorised supplier and on-supply electricity to Owners of Lots and occupiers (collectively called "Receivers");
- (c) appoint an Embedded Network Manager or licensed electricity retailer to administer billing, maintenance, and regulatory compliance for the Network.

6.2 Body Corporate Arrangements

The Body Corporate may enter into agreements, contracts, licences, leases, or other arrangements in connection with:

- (a) the supply of electricity to the Body Corporate by an authorised supplier;
- (b) the on-supply of electricity (including surplus solar) to Receivers;
- (c) the installation, operation, and maintenance of Service Infrastructure, including solar and battery systems, used in connection with the Network;
- (d) the appointment, review, renewal, or termination of an Embedded Network Manager or similar service provider, in accordance with the procedures for appointing a body corporate manager.

6.3 Electricity Supply Calculations and Charges

- (a) The Body Corporate must calculate charges for electricity supply to Receivers only as permitted under relevant electricity legislation, and may only levy charges to recover the costs of supplying the service, including administration, maintenance, and infrastructure costs.

- (b) Surplus solar electricity exported to the Network becomes the property of the Body Corporate and may be on-sold to Receivers at a rate not exceeding the prevailing retail rate charged by the authorised supplier, subject to regulatory requirements.
- (c) The Committee may, by resolution, adjust the surplus electricity sale price, provided any change is compliant with energy regulations.

6.4 Profit and Levy Reduction

- (a) If the Body Corporate charges Receivers a tariff rate for the supply of electricity which is higher than the rate at which the Body Corporate purchases electricity, any surplus funds generated must be applied for the benefit of Owners.
- (b) The Body Corporate will calculate the annual net profit from surplus solar sales and bulk bill savings, and apply it as a credit to reduce the annual operating budget, thereby lowering annual levies in accordance with the contribution schedule lot entitlements.
- (c) Annual financial statements must disclose the calculation and application of the Network profit.

6.5 Network Maintenance and Operation

If the Body Corporate operates and maintains the Network, it may, in addition to clause 6.2:

- (a) establish the basis of electricity charges for Receivers not supplied by separate meter (if any) and for common areas, based on a reasonable estimate of consumption;
- (b) establish a system of accounts and invoices for the supply of electricity and render those accounts to Receivers;
- (c) recover any amounts due and payable from any Receiver, and if unpaid by the due date:
 - (i) recover any unpaid amount as a liquidated debt;
 - (ii) recover interest on any unpaid account;
 - (iii) disconnect or restrict supply in accordance with applicable legislation and regulatory safeguards;
 - (iv) charge a reconnection fee;
 - (v) increase the advance payment or security deposit.

6.6 Future Battery Storage and Infrastructure

- (a) The Body Corporate may, by ordinary resolution, approve the installation of communal battery storage or other energy infrastructure where economically or environmentally beneficial.
- (b) Any such investment must be supported by a formal business case demonstrating cost savings or environmental benefits.

6.7 Liability and Supply Interruptions

- (a) The Body Corporate is not liable to Lot Owners or occupiers for electricity supply interruptions, voltage fluctuations, or failures arising from:
 - (i) external grid failures;
 - (ii) Network equipment faults;

- (iii) rooftop solar or battery failures;
- (iv) acts or omissions of third-party providers.
- (b) Lot Owners indemnify the Body Corporate against claims for consequential losses or damages due to supply issues.

6.8 Access Rights

- (a) Each Lot Owner grants the Body Corporate and its authorised representatives access to meters, Network infrastructure, and rooftop solar systems as reasonably required for maintenance, compliance, or billing.
- (b) Access arrangements must comply with any by-laws or operational rules adopted by the Body Corporate.

6.9 Default and Disconnection

If a Receiver persistently fails to pay electricity charges, the Body Corporate or Network operator may follow lawful disconnection or restriction processes, subject to regulatory safeguards and consumer protections.

6.10 Dispute Resolution

Any disputes over metering, billing, or supply will follow the Body Corporate's dispute procedures, with referral to an independent energy ombudsman or regulator where required.

6.11 Maintenance Obligations

Lot Owners are responsible for maintaining their private rooftop solar systems to ensure compliance with the Network's technical standards and regulatory requirements.

6.12 Environmental Commitment

The Body Corporate supports the sustainable use of renewable energy resources and may, by resolution, adopt policies or guidelines advancing environmental outcomes for the Scheme.

7. Architectural and Landscape Code

The body corporate has adopted the Architectural and Landscape Code to ensure that dwellings on the scheme land are constructed and maintained to a high standard. Owners of lots other than development lots, or duplex lots, must:

- (a) Comply with the Architectural and Landscape Code; and
- (b) Obtain prior consent of the Beche Design Panel established under the Architectural and Landscape Code, to all development to be carried out on the owner's lot.

SCHEDULE D	OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED
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Lots affected by statutory easements

The location of service easements is as shown on the attached services location diagram.

The Common Property, Lot 1 and Lot 25-34 of the Scheme is burdened by a service Easement to Douglas Shire Council for sewerage purposes and referenced on Survey Plan 342106 as Easement B.

The Lots affected, or proposed to be affected, by statutory easements are shown in the following table:

Type of statutory easement	Lots affected
Support	All Lots and Common Property of the Scheme
Utility services and utility infrastructure	All Lots and Common Property of the Scheme
Shelter	All Lots and Common Property of the Scheme
Projections	All Lots and Common Property of the Scheme
Maintenance of building close to boundary	All Lots and Common Property of the Scheme

See **attached** Services Location Diagram in Annexure A.

ARCHITECTURAL AND LANDSCAPE CODE

INTRODUCTION

The Primary Focus

Beche presents a unique opportunity for those seeking a truly integrated resort residential and recreation lifestyle.

Protection of the environment and developing a high-quality environment have been the primary focus which have driven the design philosophy of Beche. A distinct tropical character has been, and should continue to be, established through a philosophy that emphasises natural site assets. This character is further reinforced by the landscape design philosophy, which focuses on enhancing the natural site features, promotes a tropical resort character and protects environmentally significant areas.

Sensitivity in design and attention to community aspirations have been carefully considered in order to enhance the character of the area. To achieve these high standards, an Architectural & Landscape Code has been formulated to assist in the protection of the built and landscape features of your residential environment and to protect your investment.

The Code promotes a high standard of environmentally sensitive building design and use of appropriate materials and will assist in the establishment of a character for the neighbourhood without unduly restricting the designs of any individual Dwellings.

The Code supports your peace of mind in the knowledge that the Body Corporate has the power to require all homeowners to meet the same basic standards and in addition consider additional guidelines, thus aiming to protect the built and landscaped features of Beche.

PART A - ADMINISTRATION

1. DEFINITIONS AND INTERPRETATION

1.1 Defined Words

In this Code, except where the context indicates otherwise:

Act means the Body Corporate and Community Management Act 1997 and the Regulation Module applying to the Scheme.

Allotment Type means the allotment type applicable to a Lot as set out in Annexure A. Application means a Concept Design Application or a Final Application.

Assessor means a person appointed by the BDP pursuant to Clause 3.6.

Bond means \$3,300.00 or such other amount as shall be determined by the BDP and notified to applicants from time to time

BPD means the Beche Design Panel established under clause 3.

Building Work means:

- (c) building, altering, moving or demolishing a building or other structure; or
- (d) excavating or filling:
 - (i) for, or incidental to the activities mentioned in paragraph (a); or
 - (ii) that may adversely affect the stability of a building or other structure, whether on the land on which the building or other structure is situated or on adjoining land; or
- (e) work regulated under the Standard Building Regulation 1993; or
- (f) installing, altering or removing any service or utility for, or incidental to, the activities mentioned in paragraph (a); or
- (g) clearing substantial vegetation on land; or
- (h) any similar or like work specified by the BDP.

CMS means the community management statement for the Scheme.

Code means this Architectural and Landscaping Code.

Committee means the Committee of the body corporate appointed pursuant to the Act.

Common Property means the common property of the Scheme and, where the context permits, includes body corporate assets of the scheme.

Concept Design Application means the completed Concept Design Approval Application Form contained in Annexure G to this Code.

Concept Design Approval means an approval given by the BDP under clause 6.1 or the Original Owner prior to establishment of the Scheme under clause 4.3.

Cost includes any cost, charge, expense, outgoing, payment or other expenditure of any nature whatever, including, where appropriate, all reasonable and proper legal fees on an indemnity basis.

Dwelling means a building designed, constructed or adapted for activities normally associated with domestic living of one family unit and includes:

- (a) all normal interior floor areas including basement areas; and
- (b) attached verandas, decks, balconies, porches, garages and similar structures, but excludes Class 10 Buildings.

Final Application means the completed Final Design Approval Application Form contained in Annexure H.

Final Design Approval means an approval given by the BDP under Clause 6.2 or an approval given by the Original Owner prior to establishment of the Scheme under clause 4.3.

Law means any statute, rule, regulation, proclamation, ordinance or By-Law or statutory instrument (as defined in the Statutory Instruments Act 1992).

Lot means a lot in the Scheme other than a lot which is intended to be scheme land for a Subsidiary Scheme.

Minor Works means Building Works which are not Significant Works.

Occupier includes the Owner (when the Owner is in occupation of the Lot) and includes a mortgagee in possession of a lot and includes an occupier of a part of a Lot.

Original Owner has the meaning given to it in the Act.

Owner means the owner of a Lot as defined in the Act.

Appointment Date means the later of:

- (a) six (6) years after the date the Scheme is created; and
- (b) the date of settlement of the sale by the Original Owner of the last remaining unsold Lot forming part of the Scheme or any subsidiary scheme, or any earlier date the Original Owner gives a written notice to the Scheme relinquishing the right to appoint members of the BDP

Scheme means the Beche community titles scheme.

Scheme Land means all the land contained in the Scheme as described in this CMS

Secretary means the person appointed by the Committee from time to time.

Significant Works means Building Work with a total value greater than \$20,000.

Subsidiary Scheme means a subsidiary scheme (as defined in the Act) of the Scheme.

You includes each person bound by this CMS.

2. APPLICATION

2.1 Lots to which Code applies

This Code applies to all Lots in the Scheme. The Code does not apply to:

- (a) Building Work undertaken by the Original Owner; or
- (b) Building Work to be carried out on any Development Lot or Duplex Lot.

2.2 Code Does Not Override Other Requirements

You must comply with all Laws as they relate to the construction of Your Building Work. In addition to satisfying this Code, your intended building design and construction must comply with:-

- (a) the Building Code of Australia ("BCA") which is administered by the Douglas Shire Council or private certifiers; and
- (b) all other Laws and statutory requirements (subject to clause 11.3(e)).

***Note:** Compliance with this Code will assist greatly in compliance with the BCA and the Beche Development Approval. You may obtain further guidance and information on:*

- *Statutory requirements (including the Beche Development Approval) from the Council, an Architect, a Building Designer or a Private Building Certifier;*
- *The Beche Development Approval from the Original Owner*

3. ESTABLISHMENT OF BECHE DESIGN PANEL

3.1 Establishment of the BDP

An architectural review committee to be called the Beche Design Panel or BDP is established for the purpose of this Code.

3.2 Members of BDP

- (a) The BDP may have between two and four voting members;

- (b) Prior to the Appointment Date, the Original Owner must appoint all members of the BDP. After the Appointment Date, the Scheme will have the sole power to revoke all appointments to the BDP by the Original Owner pursuant to this Clause 3.2 and appoint all members to the BDP;
- (c) The following rules apply to the appointment and revocation of appointment of BPD members:
 - (i) the persons appointed need not be members of the Scheme;
 - (ii) the appointment continues until the person appointed resigns or the appointment is revoked by the Original Owner or the Scheme in accordance with paragraph (b);
 - (iii) the Original Owner must:
 - (A) appoint the Initial members of the BDP within one month of the registration of the First CMS for Beche; and
 - (B) give the Scheme written notice of an appointment or revocation of an appointment.
- (d) The Secretary of the Scheme must keep a record of all current members of the BDP.

3.3 Chairperson

- (a) Prior to Appointment Date, the chairperson of the BDP must be the member of the BDP specified from time to time by the Original Owner in a written notice to the Scheme;
- (b) After the Appointment Date, the chairperson of the BDP must be a member of the BDP appointed from time to time by resolution of the Scheme committee.

3.4 Meetings

- (a) The BDP must meet when necessary to perform the BDP's functions and duties;
- (b) Prior to the Appointment Date, one member of the BDP (which must be the chairperson) constitutes a quorum. After the Appointment Date, two members of the BDP (one of which must be the chairperson) constitute a quorum;
- (c) Meetings must be convened by the secretary of the Scheme or the chairperson of the BDP by written notice to the members, unless all members agree to dispense with written notice. The notice must be served by post or facsimile to the recorded address of the member at least seven (7) days before the proposed date of the meeting, the notice must show the date, time and place of the meeting;
- (d) In addition to the members of the BDP, the following persons may attend meetings of the BDP as observers:-
 - (i) a suitably qualified resident/representative from the Palm Cove area appointed by the BDP; and
 - (ii) a suitably qualified representative of the Council appointed at the discretion of the Council (and whose appointment is agreed by the BDP);
- (e) The observers may access all records of the BDP relating to a particular Application but shall have no right to vote at meetings of the BDP.
- (f) BDP meetings must be held on business days between 9:00 am and 5:00 pm unless all members agree in writing to a different day or time,
- (g) Decisions of BOP meetings must be made by a majority on a show of hands by members present at the BDP meeting;
- (h) The Chairperson of the BDP must cause minutes of all resolutions to be kept and the Chairperson must sign the minutes to verify the minutes are a true and accurate record of the resolutions;

- (i) Each member will have one vote except in the case of an equality of votes when the Chairperson will have a primary vote and a casting vote;
- (j) A member (including, to remove any doubt, the Chairperson) who is absent from a meeting may appoint another member as his or her proxy. The appointment of proxy must:-
 - (i) be in writing signed by the person making the appointment; and
 - (ii) be delivered to the secretary of the Scheme before the relevant BDP meeting.
- (k) A member acting as a proxy has the same powers at a BDP meeting as the member for whom the member is acting as a proxy;
- (l) The BDP may, by resolution at any BDP meeting from time to time, designate one or more of the members to investigate matters for and on behalf of the BDP and report their findings to the BDP;
- (m) The BDP may hold meetings by telephone conference call if all members agree in writing to do so;
- (n) A minute signed by all members takes effect as a resolution of the BDP;
- (o) Subject to the provisions of the Code, the BDP may regulate its own affairs.

3.5 Assessor

- (a) The BDP may appoint one or more professional assessors, being persons appropriately qualified in building design and construction (e.g. architects who are familiar with the Code and the Law relating to Building and Site Design) from time to time to assist the BDP in properly performing the BDP's duties. To remove doubt, any member of the BDP may be appointed as an Assessor;
- (b) Each Application submitted to the BDP in accordance with the Code may first be submitted by the BDP to an Assessor for review before the meeting at which the Application will be considered;
- (c) The type of Assessor appointed to review different Applications may be determined by the BDP from time to time.

3.6 Reimbursement of the Assessor's Fee

- (a) The BDP may require applicants to reimburse the Scheme for the reasonable cost of engaging any Assessors retained to assist the BDP in considering an Application;
- (b) The BDP will not issue an approval for an Application until the Scheme has been reimbursed in accordance with Clause 3.6(a);
- (c) The BDP may determine the Assessor's fee from time to time. The Initial fee payable to the Assessor shall be \$1,100.

4. BDP DESIGN APPROVAL REQUIRED

4.1 Approval of BDP required

- (a) You must not commence or carry out any Building Work on your Lot without obtaining a Final Design Approval in respect of the Building Work;
- (b) In the case of Building Work all or some of which requires approval under any Law, you must:

- (i) obtain approval of plans of all your proposed Building Work from the BDP prior to submitting Your building Application to Council or to any Building Certifier; and
- (ii) obtain all approvals required under all applicable legislation before commencing construction of any Building Work.

4.2 Building Work must be in accordance with BDP approved plans

- (a) You must carry out all Building Work on Your Lot strictly in accordance with the Final Design Approval (including air conditions, if any) for the Building Works.
- (b) Any Building Work carried out in breach of this clause will be deemed to have been carried out without approval from the BDP

5. APPLICATION TO THE BDP FOR APPROVAL

5.1 Significant Works

- (a) An Application to the BDP for approval of Significant Works will be in two stages-
 - (i) The Concept Stage; and
 - (ii) The Final Stage.
- (b) Concept Design Approval will be based on an assessment of conceptual or 'sketch' design drawings and documents;
- (c) Final Design Approval will be based on an assessment of the fully resolved documentation;
- (d) To assist in both applications, a Self-Assessment Form is provided which will enable you and/or your architect/designer to easily check that all requirements of the design for the particular application have been met.
- (e) In seeking either Concept Design Approval or Final Design Approval for Significant Works, you must deliver to the BDP:-
 - (i) the appropriate completed application forms (see Appendix A and Appendix B);
 - (ii) Four (4) sets of the relevant documentation listed in:-
 - (A) for a Concept Application, Clause 5.4; and
 - (B) for a Final Application, Clause 5.5; and
 - (iii) the appropriate application fee as determined from time to time by the BDP.
- f. Final Design Approval for Significant Works will not be considered before Concept Design Approval has been granted;
- g. Whether or not the Final Design Approval includes a condition to this effect, the Final Design Approval for Significant Works is conditional upon payment to the BDP of the Bond (to be held pursuant to Clause 5.2) and all fees payable to the BDP prior to commencement of any Building Works.

5.2 Bonds

- (a) You must pay the Bond to the BDP before commencing the Building Work;

- (b) The Bond shall be security for the performance by You and Your builder and other contractors of all obligations under the Code;
- (c) The BDP must establish a separate bank account into which all Bonds are paid or alternatively, the BDP may direct all Bonds be paid to the Original Owner's Solicitors' Trust Account;
- (d) The BDP may deduct monies from the Bond to pay for any fees payable to the BDP and remaining unpaid and also for the purposes of:
 - (i) paying for the cost of, rectification of:-
 - (A) any Building Works not constructed in accordance with Final Design Approval;
 - (B) damage to Common Property of Beche or the Scheme;
 - (C) any other breach of the Code; or
 - (ii) reimbursement for the cost of handling and disposal of any construction waste from your Building Works or originating from your Lot;
 - (iii) reimbursement for repairs/rectification to adjacent lots damaged by your builder or builder's sub-contractor;

5.3 Minor Works

- (a) An Application to the BDP for approval of Minor Works will be in one stage;
- (b) In seeking Final Design Approval for Minor Works, You must deliver to the BDP:-
 - (i) the appropriate completed application form;
 - (ii) four (4) sets of the relevant documentation listed in Clause 5.5 or such variation thereof as is agreed with the BDP to be sufficient for the BDP to be able to consider the proposal;
 - (iii) the appropriate application fee as determined from time to time by the BDP.
- (c) Final Design Approval for Minor Works will be considered without Concept Design Approval being granted.

5.4 Documentation -- Concept Design Approval

You must ensure that the documentation, accompanying Your Application for Concept Design Approval incorporates such of the following as the BDP may reasonably require in order to properly consider Your Application:

- (a) sketch design drawings at 1:100 scale and annotated to show:-
 - (i) North Point;
 - (ii) All site boundaries;
 - (iii) Site Plan, Floor Plans and Elevation;
 - (iv) Elevations showing overall height and Real Levels of floors;
 - (v) Overall dimensions of buildings,
 - (vi) Dimensions of building,
 - (vii) Dimensions of roof overhangs.
- (b) External materials schedule and colour schedule and/or photographs of similar designs

5.5 Documentation - Final Design Approval

You must ensure that the documentation accompanying Your Application for Final Design Approval incorporates such of the following as the BDP may reasonably require in order to properly consider your Application;

- (a) a site plan (1:100) fully dimensioned and annotated to show:-
 - (i) Real property description, site area, and north point;
 - (ii) Existing and proposed features of adjoining properties when available;
 - (iii) Position of all Improvements in relation to the property boundaries;
 - (iv) Location of ancillary structures/appurtenances such as pools;
- (b) Floor Plans indicating:-
 - (i) Total enclosed area, including carport, garage and all covered areas;
 - (ii) Position and sizes of rooms, windows and doors;
 - (iii) Variations in floor levels in relation to the Natural Surface Level;
- (c) Elevations and Section indicating:-
 - (i) Roof forms, pitch, overhangs, and shading devices;
 - (ii) Position, type and sizes of all windows and doors;
 - (iii) Building materials, finishes, and methods of construction;
 - (iv) Design elements such as decorative entry features, screens and trims;
- (d) As a required component of the Final Proposal, the Buyer shall also provide a landscape plan and Colour Schedule including at least the following items:-
 - (i) A Landscape Plan indicating:-
 - (A) Outline of all buildings/improvements on the property;
 - (B) Location, extent and description of all fences and courtyard walls;
 - (C) Indication of the location and selected type of clothes line;
 - (D) Location, extent, and finish of all driveways and other hardstand areas;
 - (E) Indication of landscaping between the Dwelling and the property boundaries;
 - (F) Plant schedule and drawing showing location of all planting;
 - (ii) A Colour and Finish Schedule indicating:-
 - (A) All external colours and finishes including colour chips and samples;
 - (B) Any further details, samples or brochures required to assess the proposal

6. APPROVAL PROCESS

6.1 Concept Design Approval

- (a) Upon receipt by the BDP of the Concept Design Application including all documentation required under Clause 5.4 for a Concept Design Application, a full set of the documentation will be provided to the Assessor;
- (b) Following receipt of the Assessor's advice, the BDP may:
 - (i) approve the Concept Design Application (with or without conditions)
 - (ii) if the Concept Design Application does not comply with the Code, refuse the Concept Design Application.
- (c) If the BDP approves the Concept Design Application, the BDP must:

- (i) cause each page of two (2) sets of the documents to be stamped "Concept Design Approval" and dated with the date of the Concept Design Approval;
 - (ii) attach the conditions, (if any, to which the approval is subject) to both sets of the documents;
 - (iii) cause one (1) set of approved documents to be dispatched to the applicant; and
 - (iv) retain the other set of approved documents with the records of the BDP;
- (d) If the BDP refuses the Concept Design Application, the BDP must notify the applicant to that effect.

6.2 Final Design Approval

- (a) Upon receipt by the BDP of the Final Application including all documentation required for a Final Application in respect of Significant Works under Clause 5.1 or for a Final Application in respect of Minor Works under Clause 5.3:
- (i) a full set of the documentation will be dispatched to the Assessor; and
 - (ii) a copy of the Final Application form will be sent to all other BDP members for their information
- (b) Following receipt of the Assessor's advice the BDP may:
- (i) Approve the Final Application (with or without conditions); or
 - (ii) if the Final Application does not comply with the Code refuse the Final Application;
- (c) The BDP may specify as a condition of Final Design Approval that the Final Design Approval will lapse if the Building Work is not substantially commenced within a period (not less than 12 months after the date of the approval) specified in the Approval.
- (d) If the BDP approves the Final Application the BDP must:
- (i) cause each page of the documents to be stamped "Final Design Approval" and dated with the date of the Final Design Approval;
 - (ii) attach the conditions, (if any, to which the Final Design Approval is subject) to both sets of the documents;
 - (iii) cause one (1) set of approved documents to be dispatched to the applicant; and
 - (iv) retain the other set of approved documents with the records of the BDP;
- (e) If the BDP refuses the Final Application, the BDP must notify the applicant to that effect

6.3 Statutory Approval

Following Final Design Approval, the applicant will need to submit the BDP approved plans to the Council or a Private Building Certifier for approval prior to the issue of a Building Approval

PART B - DESIGN AND CONSTRUCTION REQUIREMENTS

7. GENERAL REQUIREMENTS

7.1 Completion of Building Work

You must complete all Building Work within twelve (12) months of the date of commencement of Building Work

7.2 Lot Maintenance

Prior to, during and after commencing Building Work, You must:-

- (a) keep Your Lot clear of excessive weeds and rubbish
- (b) store excavation material, rubbish and builder's waste in a bin, and not deposit any part of the same on adjoining properties or in Public Areas
- (c) strictly control generally and specifically (in accordance with the requirements of Clause 15.2), all runoff and potential siltation from exposed building sites, to avoid interference to the site Stormwater System,
- (d) construct one dwelling per lot.

8. BUILDING REQUIREMENTS AND MATERIALS

An important element in maintaining the quality of the street scape and protecting each Owner's investment at Beche is the control of external building materials, colours and other related finishes.

8.1 Height

The maximum height of buildings shall be 2 stories and 9m to the peak of roof or 3 stories and 11.5m to the peak of the Roof.

8.2 Setbacks

- (a) Setbacks are as per the plan of development table and Envelope Plan approved by the BDP or otherwise included in the Code.
- (b) Built to boundary walls are optional. The location of built to boundary walls are indicated on the plan of development. Where built to boundary walls are not adopted side setbacks shall be in accordance with the plan of development table.
- (c) Setbacks are measured to the outer edge of the wall or balcony. Eaves, hoods, screens and projected architectural elements may extend a maximum of 1m into the setback or to a minimum of 400mm from the boundary, whichever is the lesser.

8.3 Parking

Two car spaces per dwelling of which at least 1 is covered.

8.4 Building design

- (a) The homes are to have a window or balcony from a habitable room that faces the street and open space.
- (b) No more than three houses in a row (sequence) are positioned on the same building setback. Where building setbacks variation is required, the setback difference between any two adjoining houses shall be a minimum of 1m.
- (c) The garage cannot be the closest part of the home to the street and must be setback at least 1m behind another part of the home for 2 and 3 storey homes, unless the garage is considered a feature and has feature elements in the construction.

- (d) Garages are to have a maximum internal width of 6.4m.
- (e) Refuse bins are to be either stored behind the building line (external to the dwelling) and screened from public view. The screen must complement the home. Or stored on a purpose-built refuse bin area.
- (f) Driveways are to be a minimum of 0.5m from the side boundary.

8.5 Private open space

- (a) Dwellings with their main living areas located at ground level must have a minimum area of private open space consisting of at least 25m² and a minimum dimension of 3m, preferably accessible from the main living area.
- (b) Dwellings with their main living areas located above ground level must have a minimum area of private open space, in the form of a balcony, consisting of at least 8m² for 1 bed with a minimum dimension of 2m, 12m² for 2 bed with a minimum dimension of 2.5m or 16m² for 3 bed & greater with a minimum dimension of 3m, preferably accessible from the main living area.
- (c) Patios and covered outdoor living or recreation areas are included in the above private open space requirements.

8.6 Fencing

- (a) Fencing to the primary road frontage to be at least 50% transparent or not to exceed 1.2 meters in height.
- (b) Fencing to public open space to be at least 50% transparent and not to exceed 1.8 meters in height.
- (c) Fencing on secondary street frontage (excluding laneways) to be at least 50% transparent, and maximum 1.8m in height.
- (d) Fencing to be a maximum of 1.8m high to all side and rear boundaries.
- (e) Where fencing is proposed on both the primary and secondary street frontages, the secondary street frontage fence (complying with note 18) is to step to the primary frontage fence (complying with note 16) a minimum of 1.0m behind the building line.

8.7 Landscaping

- (a) Landscaping to road frontages is to include: -
 - (i) High quality cover like stone/gravel or pebble to all areas, mulch not permitted.
 - (ii) Minimum of 10m² of mass planting areas to each street frontage edged to define the boundary and to be maintained free of weeds and rubbish.
 - (iii) At least 3 trees (minimum 1.5m high) along each street frontage.
 - (iv) Non permeable surfaces are to be limited to driveways, patios and footpaths and cannot nominate the street frontage.
 - (v) all street facing garden areas are to be contained in blockwork planta boxes or feature block fence with curves, timber finial features to define the boundaries and maintained free of weeds and rubbish.
 - (vi) at least 1 Planta box entry statement with house number and letterbox built in Driveways are to be a lightly exposed aggregate and a light-coloured stone.
- (b) Secondary street frontages are to be similarly landscaped to primary street frontages.
 - (i) New plantings on the lot will not include plant species prohibited by the local council.

9. REQUIREMENTS DURING CONSTRUCTION

9.1 Specific Requirements

- (a) During construction of your Dwelling, you must ensure: -
- (i) Access to your Lot is made through one area of road reserve or Common Property only.
 - (ii) Vehicles associated with the Dwelling construction do not drive across adjacent properties.
 - (iii) Vehicles associated with the Dwelling construction are not parked on the footpath.
 - (iv) A builder's sign indicating the Lot number and name and contact details of the primary contractor is placed in a clearly visible position on Your Lot from the commencement of Building Work until Your Lot has been inspected by the BDP to determine the status of your Lot in relation to the return of the Bond.
 - (v) Only one builder's sign is erected on your Lot.
 - (vi) The builder is responsible for any damage to the development that caused by himself or subcontractors.
 - (vii) Portaloos are located within Your Lot, and preferably at the rear of the site.
 - (viii) Stockpiles and building materials for your Lot are not located on footpaths or road reserves. All stockpiles and building materials must be located within the sediment control zone. Stockpiles must not be located within an overland flow path.
 - (ix) The boundary line, including any existing nearby structures, fencing or survey identification pegs, must be maintained and protected.
 - (x) All construction must:
 - (A) not remain unattended or without significant construction activity for a period of three (3) months or longer; and
 - (B) comply with all Douglas Shire Council requirements, the Budding Act and the Environmental Protection Act; and
 - (C) be completed within twelve (12) months of commencement.
 - (xi) If exposed aggregate surfaces are to be constructed, you can demonstrate how residue resulting from exposed aggregate concrete work will be contained on site. No cement residue or wastewater run-off is allowed to enter the road site. This requirement may make it Impractical on some sites for exposed aggregate driveways to be constructed. In such cases an alternative driveway finish must be used.
 - (xii) During clean-up, accidental spills of soil and other materials onto the adjoining roadway are to be removed immediately
 - (xiii) All Building Work at Beche is to be affected in a good and workmanship like manner.

9.2 Stormwater and Pollution Control

You must, and you must cause each builder on the Lot to:

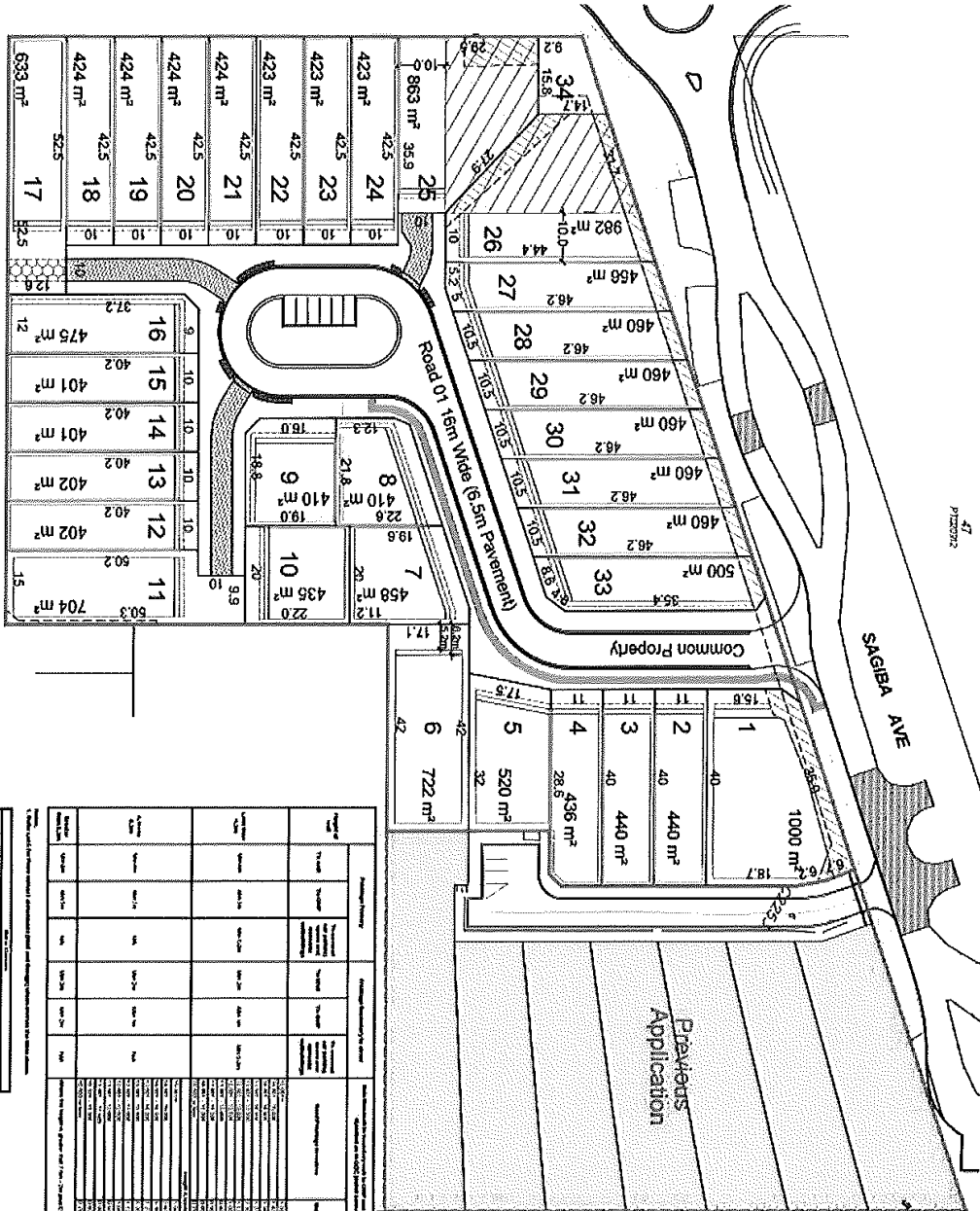
- (a) minimise, stormwater pollution from building sites as soil, sand, sediment and litter wash from a building site will cause short and long-term problems to the Scheme's stormwater system.
- (b) control stormwater and pollution from building sites in accordance with the "pollution control on building sites requirement of the Douglas Shire Council.

- (c) implement effective stormwater pollution control.

10. OCCUPATION

The achievement of a residential environment in harmony with the community and surrounding development depends not only upon the control of construction, but also upon the subsequent use and habitation of the Dwellings. Therefore, occupation of a property or dwelling within Beche shall be excluded to:

- (a) All persons and property prior to the granting of a Final Building Certificate from the Douglas Shire Council or an authorised private certifier.
- (b) All persons and property prior to the completion of the driveway and the provision of suitable, purpose-made window dressing to the street front/s of the Dwelling and as otherwise required for privacy.



Lot No.	Area (m²)	Area (sq ft)	Area (acres)	Area (hectares)
1	1000	10764	0.23	0.23
2	440	4743	0.11	0.11
3	440	4743	0.11	0.11
4	436	4688	0.11	0.11
5	520	5599	0.13	0.13
6	722	7744	0.18	0.18
7	458	4928	0.11	0.11
8	410	4378	0.10	0.10
9	410	4378	0.10	0.10
10	435	4668	0.11	0.11
11	704	7544	0.16	0.16
12	402	4298	0.10	0.10
13	402	4298	0.10	0.10
14	401	4288	0.10	0.10
15	401	4288	0.10	0.10
16	475	5098	0.12	0.12
17	633	6798	0.15	0.15
18	424	4538	0.10	0.10
19	424	4538	0.10	0.10
20	424	4538	0.10	0.10
21	423	4528	0.10	0.10
22	423	4528	0.10	0.10
23	423	4528	0.10	0.10
24	423	4528	0.10	0.10
25	863	9218	0.20	0.20
26	982	10588	0.24	0.24
27	460	4918	0.11	0.11
28	460	4918	0.11	0.11
29	460	4918	0.11	0.11
30	460	4918	0.11	0.11
31	460	4918	0.11	0.11
32	460	4918	0.11	0.11
33	500	5368	0.12	0.12
34	982	10588	0.24	0.24

Legend

- Approximate use boundary - 2.13ha
- Private Application
- 30m SP3 buffer
- Proposed sewer (drainage) easement
- Proposed sewer easement to water conservation tank (drainage) easement (10, 100m SP3)
- Proposed Drainage easement
- Frontage Primary Services - Water
- Frontage Primary Services - Gas
- Frontage Secondary Services - Water
- Frontage Secondary Services - Gas
- Setback - Garage
- Optional Built to Boundary Wall (BTB)
- Non BTB - Side and Rear Services

Notes

1. The site is located in the Port Douglas Development (PDD) and is subject to the PDD Development Plan.
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Scale

1:1000

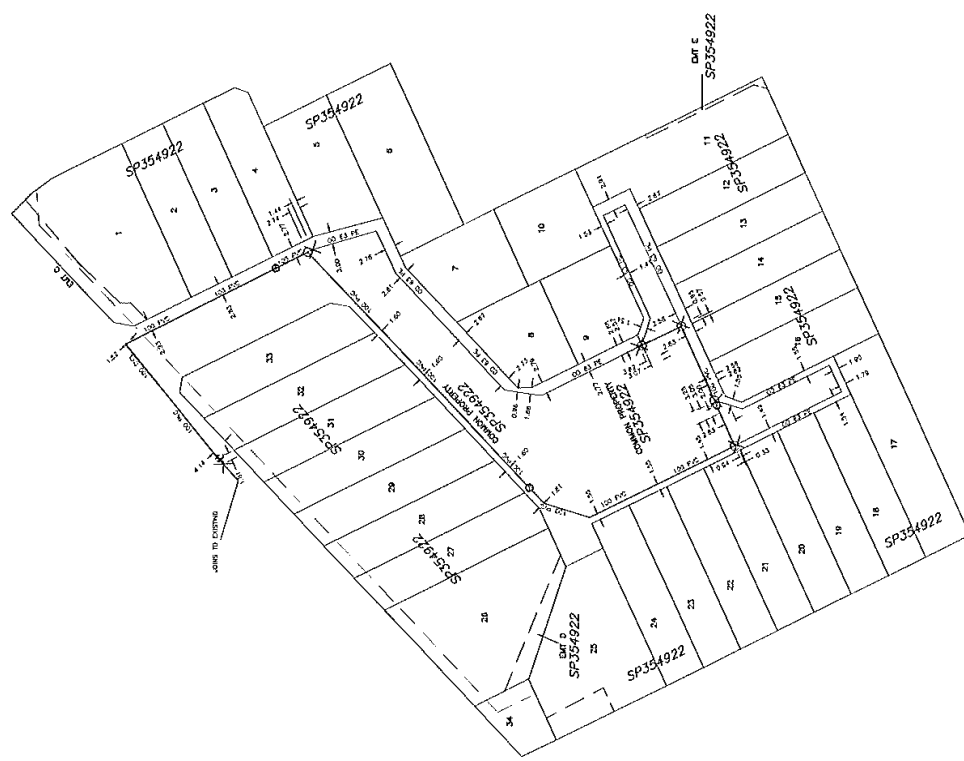
0 10 20 30 40 50 60 70 80 90 100

Metres

SCHEDULE E	DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY
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N/A

ANNEXURE A - SERVICE LOCATION DIAGRAM

[illegible]

-Level Datum: AH1D
 -Origin of Levels: PSMT100003
 RL 3.088
 -Station: GDA2020 MDA, Z55
 Veld Ausposa
 -Origin of Coordinates: PSMT100003
 E 330871.300
 N 8172410.550

[illegible]

**ALLARO HOMES
PTY LTD**

**ALLARO HOMES
PTY LTD**

**MITRE STREET
DEVELOPMENT
AS-CONSTRUCTED
WATER RETICULATION**

SCALE	DATE	CHANGING NO	ISSUED
1:500	24/07/2009	A11014669-6	A

- LEGEND**
- | |
|-------------|
| HYDRANT |
| STOP VALVE |
| SCOUR VALVE |
| JUNCTION |
| VALVE PIT |
| AIR VALVE |
| REDUCER |
| END CAP |
| MARKER |
| WATER METER |



LEGEND

1/1
10.03

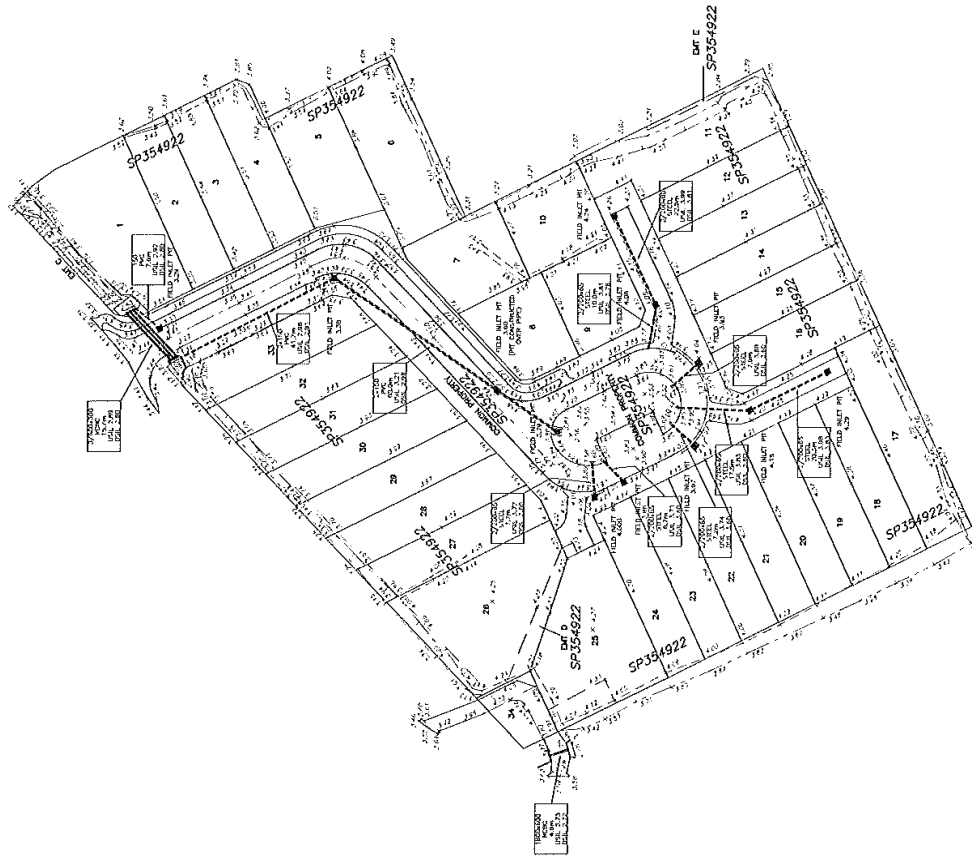
Charge Area
(containing 1/1)

9/9/12/12-24

Type

New
Pilot
Con

Wood Lanes



LEGEND

-----	Drainage Pipe U/G
-----	Top of Bank
-----	Top of Bank
-----	RCDC U/G

[illegible]

NOTES
 Lowel Datum: AHD
 Origin of Levels: PSMA109003
 RL 3.568
 Meridian: CDA2020 MGA Z55
 Vide Auspos
 Origin of Coordinates: PSMA100003
 E 309871.300
 N 629912.150

0 5 10 15 20 25 30
centimeters

SCALE 1:20 IS APPLICABLE ONLY
TO THE ORIGINAL SHEET SIZE (A1)

[illegible]

ALLARO HOMES
PTY LTD

ALLARO HOMES
PTY LTD

MITRE STREET
DEVELOPMENT
AS-CONSTRUCTED

Scale	Part	Drawing No.	Notes
1:500	SECTION	AU014669-5	A

PLANNING BODY COMMUNITY MANAGEMENT STATEMENT NOTATION

QUEENSLAND TITLES REGISTRY
Body Corporate and Community Management Act 1997

FORM 18C Version 1
Page 1 of 1

1. **Name of community titles scheme**
Beche Community Titles Scheme 51327234

2. **Reference to survey plan to be lodged with statement (if applicable)**
SP354942

3. **Planning body community management statement notation**



signed

Leonard Vogel, Acting Manager Environment and Planning

name and designation

Douglas Shire Council

name of planning body

Planning Body Reference Number: CA 2023_5488

Privacy Statement

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