Planning Report

Reference: HIC944-00001

George Arygrou

Lot 5 on RP747683 at 16-22 Murphy Street, Port Douglas

Development Application for Operational Works (Earthworks and Landscaping)

18 November 2025

Cairns
Level 11, 15 Lake Street, Cairns QLD 4870
PO Box 5330, Cairns QLD 4870
t: +61 7 3001 9207 | www.sparke.com.au
adelaide | brisbane | cairns | canberra | darwin | melbourne | newcastle | perth | sydney | upper hunter

1. Summary

Site Details	
Owner Details	Myriad Company Limited
Site Address	16-22 Murphy Street, Port Douglas
Real Property Description	Lot 5 on RP747683
Area of Land	8,049m^2
Assessment Details	
Zone	Environmental Management (see Zoning Map Sheet – ZM-019)
Precinct	Port Douglas – Craiglie (Precinct 1 – 1f Flagstaff Hill) (see Local Plan Map Sheet – LPM-006)
Overlays	• Bushfire Hazard (High and Very High) • Coastal Processes (Erosion Prone Area) • Hillslopes • Landscape Values (High) • Landslide (High & Medium Hazard Risk) • Natural Areas (MSES Regulated Vegetation and MSES Regulated Vegetation Intersecting a Watercourse) • Transport Road Hierarchy (Access and Collector Roads)
Assessment Manager	Douglas Shire Council
State Planning Policy	State Planning Policy 2017
State Planning Policy State Interests	**Biodiversity** • MSES – Regulated vegetation (category B) • MSES – Regulated vegetation (essential habitat) • MSES – Wildlife habitat (endangered or vulnerable) • MSES – Wildlife habitat (special least concern animal) **Natural Hazards Risk and Resilience** • Flood hazard area – local government flood mapping area • Bushfire prone area • Erosion prone area

Regional Plan	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use	Urban Footprint
Development Application Details	Application for earthworks and landscaping.
Level of Assessment	Code
Application Type	Operational Works

2. Introduction

On 22 November 2024 Council issued a replacement Show Cause Notice (**SCN**) to George Argyrou, the owner of the land adjacent to Lot 5 on RP747683 (Lot 114 on PTD2094) in relation to alleged unlawful activities that occurred on the land the subject of this application.

The activities relate to the alleged placement of uncontrolled filling on the land and the removal of trees and minor cutting.

The SCN invited Mr Argyrou to provide Council with a geotechnical report for the premises, carry out necessary works to stabilise and revegetate the premises and apply for any development permits necessary to carry out those works.

On 20 December 2024 Mr Argyrou wrote to Neil Beck, Acting Manager Environment and Planning at the Council, in response to the Show Cause Notice issued on 22 November 2024. The letter advised the Council that:

(a) The vegetation removed from the subject land had been replaced, landscaped and integrated into the environment to enhance the ecological value of the site;

(b) All landscaping works had been conducted in accordance with approved landscaping plans and in compliance with all relevant standards and requirements; and

(c) Earthworks, including soil removal and stabilisation, had been completed in line with the recommendations provided in the GEO Design geotechnical report under the supervision of ETS Geotechnical ensuring that all erosion protection measures had been implemented.

3. Site Details

3.1 Surrounding Land Uses

The neighbouring land, Lot 114 on PTD2094 is the subject of a development approval for a material change of use (dwelling house).

The rear Lot 119 on SP126932 is undeveloped and vegetated.

The lots on the opposite of Murphy Street are largely utilised for residential uses.

The land immediately surrounding the site is included in the Environmental Management Zone.

3.2 Frontage and Access

The site has frontage to Murphy Street, Port Douglas.

3.3 Existing Vegetation

As set out in **Appendix F** previous vegetation on the site had been in a state of transition from regenerated wattle and gum tree forest towards rainforest. The undeveloped residential areas of Flagstaff Hill are dominated by old wattle trees in decline and are heavily weed infested with Singapore Daisy, Mango, & Devil's Ivy. The younger native vegetation appearing on the hill are Solitaire Palms, Illawarra Flame Trees, Native Olive and Native Mangosteen & Milky Pine and the proposed planting has encompassed this type of rainforest.

4. Services

There is an existing Easement A on SP143030 burdening the land to Ergon Energy Corporation Ltd (Easement in Gross) (Dealing No. 704998731).

5. Earthworks

The earthworks the subject of the application relate to the following recommendations by the geotechnical consultant engaged by the Applicant, GEO Design:

a) the removal of uncontrolled filling from the land and the return of the land's surface as close as possible to its original profile;

b) the trimming of permanent cut batters to a maximum of 1.5 metres and formed at 1V:1H.

(see **Appendix C and E**).

The recommendations were reviewed by the geotechnical consultant engaged by the owner of the subject land (and also the Council), ETS Geo Pty Ltd (see **Appendix D**).

The works were carried out under the supervision of ETS Geo and Geo Design who confirmed the site had a satisfactory slope stability on completion.

Erosion and sediment control measures were implemented including the installation of silt drains, diversion works and scour protection.

The landscaping plan prepared by Hortulus also considered the suitable diversion of surface waters and appropriate scour control for the works.

5. Landscaping

The landscaping the subject of the application relates to:

a) revegetation of approximately 1200m^2 of disturbed areas in accordance with landscaping advice; and

b) the placement of environmental matting over the disturbed surface to reduce potential rainfall impact erosion.

Hortulus prepared a revegetation report for the landscaping works (see **Appendix F and H**). The Report confirms that undeveloped residential areas including the land and surrounds were largely dominated by old wattle trees in decline and weed infested with Singapore Daisy, Mango and Devil's ivy.

The landscaping works that have taken place have reinstated the younger native vegetation that appeared in the area and included species specific to attracting wildlife. The works also reinstate the original contours of the site, spread the original site topsoil and mulch the land with aged wood chip to a depth of 100mm for weed control. Temporary irrigation was installed to allow watering prior to the wet season.

Remnant vegetation that was dead or structurally damaged was removed with the supervision of Hortulus. The GGI Report in Appendix G confirms that the revegetation was planned using species listed in the Douglas shire Council Planning Scheme Policy 6.7 – Landscaping, SC6.7.8 Plant Species Schedule, SC6.7.8.1 Port Douglas and Coastal Communities Landscape Zone.

The Report states that at maturity the selection will provide good structural diversity, mixed foliage cover from ground to an estimated 15m canopy height and promote biodiversity that are suited to the local conditions.

The landscaping has adopted the recommendations in the GGI Report for additional species.

Appendix I contains photographs of the planting.

6. Pre-Lodgement

On 21 November 2024 in the course of correspondence exchanged between the applicant, the landowner (through its solicitors) and the Council, the Council advised that it required a retrospective development application for operational work (earthworks).

On 5 December 2024 Rebecca Taranto, Planning and Compliance Officer at Council, sent an email to the solicitor for the owner of the subject land and authorised the remediation work to be undertaken under the supervision of Geo Design and ETS Geotechnical.

On 18 December 2024 Rebecca Taranto sent an email to John Sullivan at Hortulus confirming that the Council had consented to the engagement of contractors to undertake remediation work including earthworks and landscaping. The email confirmed that the landscaping documents provided by Hortulus had been sent to Council's nursery staff for comment and identified that species selected for planting would need to meet the relevant planning scheme policy on landscaping, a requirement that was expected to be met after an onsite meeting between Hortulus and GGI Architects.

On 26 September 2025, the Council's solicitors advised the applicant's solicitors that the technical reports previously prepared for the works were sufficient for the purposes of the lodgement of this retrospective development application.

7. State and Regional Planning Framework

7.1 Far North Queensland Regional Plan 2009-2031

In accordance with Part 2.2 of the Planning Scheme, the Far North Queensland Regional Plan 2009-2031 is appropriately advanced by the Scheme. Given the development complies with the Scheme, it inherently advances the Regional Plan.

7.2 State Planning Policy

In accordance with Part 2.1 of the Planning Scheme, State Planning Policy 2016 has been integrated into the Planning Scheme. Given the development complies with the Planning Scheme, it inherently complies with State Planning Policy 2016.

There are no changes in the State Planning Policy 2017 that calls for any additional assessment of this development application as the changes largely removed assessment benchmarks from the Policy.

8. Local Planning Assessment

Planning Scheme	Douglas Shire Council Planning Scheme 2018
Zone	Environmental Management
Precinct	Port Douglas – Craiglie (Precinct 1 – 1f Flagstaff Hill)
State Planning Policy	State Planning Policy 2017 (integrated into the Planning Scheme)
Regional Plan	Far North Queensland Regional Plan 2009-2031
Level of Assessment	Code
Overlays	• Bushfire Hazard (High and Very High) • Coastal Processes (Erosion Prone Area) • Hillslopes • Landscape Values (High) • Landslide (High & Medium Hazard Risk) • Natural Areas (MSES Regulated Vegetation and MSES Regulated Vegetation Intersecting a Watercourse) • Transport Road Hierarchy (Access and Collector Roads)
Applicable Development Codes and Overlay Codes	• Environmental Management Zone Code • Port Douglas/Craiglie Local Plan Code (Precinct 1 – 1f Flagstaff Hill) • Acid Sulphate Soils Overlay Code • Coastal Environment Overlay Code (Coastal Management District/Erosion Prone Area) • Flood and Storm Tide Hazard Overlay Code • Hillslopes Overlay Code (Area Affected by Hillslopes) • Natural Areas Overlay Code (MSES – Regulated Vegetation and Regulated Vegetation intersecting a Watercourse) • Landscape Values Overlay Code (High landscape values) • Places of Significance Overlay Code • Potential Landslide Hazard Overlay Code (High & Medium Hazard Risk) • Filling and Excavation Code

8.1 Planning Assessment

Appendix B contains a detailed assessment of the development against the relevant assessment benchmarks in the Planning Scheme.

A summary of the development's compliance with key Codes is set out below:

Environmental Management Zone Code

The works do not involve the establishment of any uses inconsistent with the purpose of the Code.

Coastal Environment Overlay Code

Environmental matting was placed over the disturbed surface prior to revegetation to reduce potential rainfall impact erosion. Temporary erosion and sediment control measures were also used to protect the property and downstream properties in inclement weather. Silt drains have been installed and the land has been shaped to ensure the appropriate diversion of surface waters.

Flood and Storm Tide Hazard Overlay Code

The works ensure no additional surface water is directed to the land either from the neighbouring land or uphill properties.

Hillslopes Overlay Code

The works contribute to the landscape character and visual amenity quality of hillslopes areas and protect the scenic backdrop to the region by revegetating the land with mixed foliage cover to an estimated 15m canopy height.

Natural Areas Overlay Code

The works seek to revegetate the land with younger native vegetation and species specific to attracting wildlife. The works also implement weed control measures.

No non-native pest species are contained in the plant schedule.

The revegetation will contribute to ecological connectivity and habitat extent by establishing a naturalistic rainforest planting that attracts birds and butterflies back to the site.

Landscape Values Overlay Code

The works will contribute to landscape values and effectively screen the land from the neighbouring property.

Potential Landslide Hazard Overlay Code

No complex engineering solutions are proposed. A landslide hazard risk assessment has been carried out.

Filling and Excavation Code

The works seek to improve slope stability, erosion potential and the visual amenity of the site.

Stability analyses have been conducted and the works have been supervised by qualified persons.

8.3 Supporting Information

Appendix A –	DA Form 1
Appendix B –	Code Assessment
Appendix C –	Slope Stability Assessment – Geo Design dated 28 October 2024
Appendix D –	Peer Review of GEO Design Slope Stability Assessment – ETS Geotechnical dated 20 November 2024
Appendix E –	Peer Review of ETS Geotechnical Report – Geo Design dated 1 December 2024
Appendix F –	Revegetation Report – Hortulus dated 3 October 2024
Appendix G –	Landscape Report – GGI Landscape Architects dated 21 November 2024
Appendix H –	Updated Species List – Hortulus dated 17 December 2024
Appendix I –	Photographs of planting
Appendix J –	Easement A on SP143030
Appendix K –	Show Cause Notice dated 22 November 2024

10. Conclusion

We trust the information provided is sufficient to allow the Council to undertake the necessary assessment.

However, if Council requires any further information, please do not hesitate to contact our office on (07) 42560302 or sangeetha.badya@sparke.com.au

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*)	George Arygrou
Contact name *(only applicable for companies)*	
Postal address *(P.O. Box or street address)*	C/- PO Box 5330
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	(07) 4256 0302
Email address *(non-mandatory)*	Sangeetha.badya@sparke.com.au
Mobile number *(non-mandatory)*	
Fax number *(non-mandatory)*	
Applicant's reference number(s) *(if applicable)*	

1.1) Home-based business
☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
☐ Yes – the written consent of the owner(s) is attached to this development application ☒ 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
		16-22	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number *(e.g. RP, SP)*	Local Government Area(s)
	4877	5	RP747683	Douglas Shire Council
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)*
		☐ WGS84 ☐ GDA94 ☐ Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) *(if applicable)*
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ 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)*

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*	
Name of airport:	
☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*	
EMR site identification:	
☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*	
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)*:

Earthworks undertaken to remediate the land

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)*:

Landscaping undertaken to remediate the land

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	☐ Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	☐ Yes – complete division 2
Operational work	☒ Yes – complete division 3
Building work	☐ Yes – complete *DA Form 2 – Building work details*

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)*

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?

9.2) What is the nature of the lot reconfiguration? *(tick all applicable boxes)*	
☐ Subdivision *(complete 10)*	☐ Dividing land into parts by agreement *(complete 11)*
☐ Boundary realignment *(complete 12)*	☐ 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?		
☐ Road work	☐ Stormwater	☐ Water infrastructure
☐ Drainage work	☒ Earthworks	☐ Sewage infrastructure
☒ Landscaping	☐ Signage	☐ Clearing vegetation
☐ 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)*

$55,268.76

PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire 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

☐ SEQ northern inter-urban break – community activity
☐ SEQ northern inter-urban break – indoor recreation
☐ SEQ northern inter-urban break – urban activity
☐ SEQ northern inter-urban break – combined use
☐ Tidal works or works in a coastal management district
☐ Reconfiguring a lot in a coastal management district or for a canal
☐ Erosion prone area in a coastal management district
☐ Urban design
☐ Water-related development – taking or interfering with water
☐ Water-related development – removing quarry material *(from a watercourse or lake)*
☐ Water-related development – referable dams
☐ Water-related development –levees *(category 3 levees only)*
☐ Wetland protection area

Matters requiring referral to the **local government:**

☐ Airport land
☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government)*
☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity:**

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- 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

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council:**

☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994*:**

☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator**:**

☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority:**

☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority:**

☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service:**

☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

☐ Yes – referral response(s) received and listed below are attached to this development application
☐ 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 *(if applicable).*

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 2under 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
☐ Approval ☐ Development application			
☐ Approval ☐ 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 Form1 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.*

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.qldgov.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 ***Note**: See the Planning Regulation 2017 for referral requirements*	☒ Yes
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

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			

Douglas Shire Council Planning Scheme 2018 V1.0 Code Assessment

Performance outcomes	Acceptable outcomes	Applicant Response
6.2.4 Environmental management zone code **6.2.4.3 Criteria for assessment** **Table 6.2.4.3.a – Environmental management zone – assessable development**		
For self-assessable and assessable development		
PO1 The height of all buildings and structures is in keeping with the natural characteristics of the site. Buildings and structures are low-rise and not unduly visible from external sites.	**AO1.1** Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.	N/A
	AO1.2 Buildings have a roof height not less than 2 metres.	
PO2 Buildings and structures are set back to: a) maintain the natural character of the area; b) achieve separation from neighbouring buildings and from road frontages.	**AO2** Buildings and structures are set back not less than: (a) 40 metres from the frontage of a state controlled road; (b) 25 metres from the frontage to Cape Tribulation Road; (c) 6 metres from any other road; (d) 6 metres from the side and rear boundaries of the site	N/A
PO3 Development is consistent with the purpose of the Environmental management zone and protects the zone from the intrusion of inconsistent uses.	**AO3** Inconsistent uses as identified in Table 6.2.4.3.b are not established in the Environmental management zone	Complies – the works do not involve the establishment of inconsistent uses.
PO4 The site coverage of all buildings and structures and associated services do not have an adverse effect on the environmental or scenic values of the site.	**PO4** No acceptable outcomes are prescribed	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
PO5 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds. Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.	**AO5.1** Buildings, structures and associated access, infrastructure and private open space are sited: (a) within areas of the site which are already cleared; or (b) within areas of the site which are environmentally degraded; (c) to minimise additional vegetation clearing.	N/A
	AO5.2 Buildings and structures and associated infrastructure are not located on slopes greater than 1 in 6 (16.6%) or on a ridgeline.	
PO6 Buildings and structures are responsive to steep slope through innovative construction techniques so as to: a) maintain the geotechnical stability of slopes; b) minimise cut and/or fill; c) minimise the overall height of development.	**AO6.1** Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the land and single plane concrete slab on-ground methods of construction are not utilised.	N/A
	AO6.2 Access and vehicle manoeuvring and parking areas are constructed and maintained to: (a) minimise erosion; (b) minimise cut and fill; (c) follow the natural contours of the site.	
PO7 The exterior finishes of buildings and structures are consistent with the surrounding natural environment.	**PO7** The exterior finishes and colours of buildings and structures are non-reflective and are moderately dark to darker shades of grey, green, blue and brown or the development is not visible external to the site.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
PO8 Development does not adversely affect the amenity of the zone and adjoining land uses in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	**AO8** No acceptable outcomes are prescribed.	N/A
PO9 The density of development ensures that the environmental and scenic amenity values of the site and surrounding area are not adversely affected.	**AO9** The maximum residential density is one dwelling house per lot.	N/A
PO10 Lot reconfiguration results in no additional lots. Note - Boundary realignments to resolve encroachments and lot amalgamation are considered appropriate	**AO10** No acceptable outcomes are prescribed.	N/A
7.2.4 Port Douglas/Craiglie local plan code **7.2.4.4 Criteria for assessment** **Table 7.2.4.4.a – Port Douglas / Craiglie local plan – assessable development**		
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	**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:	Complies - the works seek to reinstate vegetation that previously appeared in the area and promote biodiversity suited to local conditions thereby contributing to the character and quality of the local plan area.

Performance outcomes	Acceptable outcomes	Applicant Response
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).	(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; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; (g) Macrossan Street and Warner Street; (h) Port Douglas waterfront	
	AO2.2 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: (a) Flagstaff Hill; (b) Four Mile Beach; (c) Across to the ranges over Dickson Inlet; (d) Mowbray Valley	
	AO2.3 Important landmarks, memorials and monuments are retained.	
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.	**AO3** 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.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.	**AO4** Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	Complies – the works complement the existing tropical character of Port Douglas and Craiglie and uses species the majority of which are listed in the Council's Planning Scheme Policy 6.7 – Landscaping, SC6.7.8 Plant Species Schedule, SC6.7.8.1 Port Douglas and Coastal Communities Landscape Zone.
PO5 Development does not compromise the safety and efficiency of the State-controlled road network.	**AO5** 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.	**AO6.1** Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	N/A
	AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	
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	**AO7.1** 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	N/A
	AO7.2 Ground level parking incorporates clearly defined pedestrian routes	
	AO7.3	

Performance outcomes	Acceptable outcomes	Applicant Response
	Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development	
	AO7.4 Where the development is an integrated mixeduse 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.	
	AO7.5 On-site car parking available for public use is clearly signed at the site frontage	
	AO7.6 Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed	
PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	**AO8** No acceptable outcomes are prescribed.	N/A
Additional requirements for Sub-precinct 1a – Town Centre sub-precinct		
PO9 Building heights: a) do not overwhelm or dominate the town centre; b) respect the desired streetscape; c) ensure a high quality appearance when viewed from both within the town centre	**AO9** 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. Note – Height is inclusive of the roof height	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
subprecinct and external to the town centre subprecinct; 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** a) Setbacks at ground level: b) re clear of columns and other obstructions; c) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; d) 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 streetlevel 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.	N/A
	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.	
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;	**AO16** No acceptable outcomes are prescribed	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.		
PO17 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.	**AO17** No acceptable outcomes are prescribed	N/A
PO18 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 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

Performance outcomes	Acceptable outcomes	Applicant Response
P019 Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to: a) shade windows; b) reduce glare; c) assist in maintaining comfortable indoor temperatures; d) minimising heat loads; e) enrich the North Queensland tropical character of the Town Centre sub-precinct; f) provide architectural interest to building façades	**AO19** No acceptable outcomes are prescribed	N/A
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	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	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; (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:	**AO24** No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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; g) are cantilevered from the main building with any posts within the footpath being non loadbearing		
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 7.2.4.4.b — Inconsistent uses in sub-precinct 1b - Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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 Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct	**AO28** No acceptable outcomes are prescribed	N/A
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.	N/A
	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.	

Performance outcomes	Acceptable outcomes	Applicant Response
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; (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
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 streetlevel 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.	N/A
	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	

Performance outcomes	Acceptable outcomes	Applicant Response
	the street / public frontage in any development, including mixed use development.	
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; 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.	**AO35** No acceptable outcomes are prescribed	N/A
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

Performance outcomes	Acceptable outcomes	Applicant Response
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; 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.	**AO38** No acceptable outcomes are prescribed.	N/A
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

Performance outcomes	Acceptable outcomes	Applicant Response
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.	N/A
	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 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; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	
PO42 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;	**AO42** 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;	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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.	(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.	
PO43 Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North 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 pedestrian circulation areas; d) align to provide continuity with existing or future awnings on adjoining sites; 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	**AO43** No acceptable outcomes are prescribed.	N/A
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.	N/A
	AO44.2 Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line	

Performance outcomes	Acceptable outcomes	Applicant Response
	and station does not generate a requirement for additional vehicle parking.	
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
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

Performance outcomes	Acceptable outcomes	Applicant Response
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		
PO52 The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	**AO52** Uses identified as inconsistent uses Table 7.2.4.4.c are not established in Precinct 1c – Waterfront South.	N/A
PO53	**AO53.1** An Ecological assessment report is prepared identifying the environmental qualities of the	Complies – the works improve the natural environment and natural vegetation on the land by re-establishing vegetation in a 1,200m^2 area.

Performance outcomes	Acceptable outcomes	Applicant Response
Development does not adversely impact on the natural environment, natural vegetation or watercourses	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.	
	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.	
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 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	**AO55.1** Development has a height of not more than 10 metres.	N/A
	AO55.2 Development is setback from all property boundaries not less than 3 metres.	
PO56 The site coverage of all buildings and structures ensures development: a) is sited in an existing cleared area or in an area approved for clearing;	**AO56** No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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		
PO57 Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to: 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	**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.	N/A
	AO57.2 Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded.	
	AO57.3 Driveways, parking and manoeuvring areas are constructed and maintained to: (a) minimise erosion from storm water runoff; (b) retain all existing vegetation.	
PO58 Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised	**AO58** No acceptable outcomes are prescribed.	N/A
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

Performance outcomes	Acceptable outcomes	Applicant Response
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	**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.	Complies – the works contribute to the role of Flagstaff Hill in providing a vegetated backdrop to the Town centre.
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: a) building design which minimises excavation and filling;	**AO64** No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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.		
Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct		
PO65 Development supports the tourism and marine industries in Port Douglas, along with the smallscale 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.	**AO65** Development consists of service and light industries and associated small scale commercial activities.	N/A
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	**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.	N/A
	AO66.2 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.	

Performance outcomes	Acceptable outcomes	Applicant Response
	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.	
	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.	
Additional requirements for Precinct 6 – Very Low Residential Density /Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct		
PO67 No additional lots are created within the precinct.	**AO67** No acceptable outcomes are prescribed.	N/A
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.	**AO68** No acceptable outcomes are prescribed.	N/A
8.2.1 Acid sulfate soils overlay code **8.2.1.3 Criteria for assessment** **Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development**		
For assessable development		
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	Complies

Performance outcomes	Acceptable outcomes	Applicant Response
	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.	
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	Complies
	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: (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;	

Performance outcomes	Acceptable outcomes	Applicant Response
	(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. Note – Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.	
PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	**AO3** No acceptable outcomes are prescribed	Complies
8.2.3 Coastal environment overlay code **8.2.3.3 Criteria for assessment** **Table 8.2.3.3.a – Coastal environment overlay code – self-assessable and assessable development**		
For self-assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	**AO1.1** Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line. Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.	N/A
	AO1.2	

Performance outcomes	Acceptable outcomes	Applicant Response
	Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.	
	AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.	
	AO1.4 Coastal protection work mitigates any increase in the coastal hazard.	
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	**AO2** Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	N/A
For assessable development **Erosion prone areas**		
PO3 Development identifies erosion prone areas (coastal hazards).	**AO3** No acceptable outcomes are prescribed.	N/A
PO4 Erosion prone areas are free from development to allow for natural coastal processes.	**AO4.1** Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	(b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site	
	AO4.2 Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by: (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.	
Coastal management district		
PO5 Natural processes and protective functions of landforms and vegetation are maintained.	**PO5.1** Development within the coastal management district: (a) maintains vegetation on coastal land forms where its removal or damage may: (i) destabilise the area and increase the potential for coastal erosion, or (ii) interrupt the natural sediment trapping processes or dune or land building processes; (b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards; (c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards;	Complies – Environmental matting was placed over the disturbed surface prior to revegetation to reduce potential rainfall impact erosion. Temporary erosion and sediment control measures were also used to protect the property and those downstream in inclement weather. Silt drainage has been installed and the land was shaped to ensure surface water is appropriate diverted.

Performance outcomes	Acceptable outcomes	Applicant Response
	(d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast; (e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.	
	PO5.2 Where development proposes the construction of an erosion control structure: (a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and (b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring.	
	PO5.3 Development involving reclamation: (a) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability; (b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state; (c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water runoff erosion.	
PO6	**AO6.1**	Complies.

Performance outcomes	Acceptable outcomes	Applicant Response
Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement site. and	
	AO6.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure. and	
	AO6.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009. and	
	AO6.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources. and	
	AO6.4	

Performance outcomes	Acceptable outcomes	Applicant Response
	Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.	
PO7 Development is to maintain access to and along the foreshore for general public access.	**AO7.1** Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and	N/A
	AO7.2 Development provides for regular access points for vehicles including approved roads and tracks. or	
	AO7.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	
PO8 Public access to the coast is appropriately located, designed and operated.	**AO8.1** Development maintains or enhances public access to the coast. or	N/A
	AO8.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres. or	
	AO8.3	

Performance outcomes	Acceptable outcomes	Applicant Response
	Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.	
PO9 Development adjacent to state coastal land or tidal water is located, designed and operated to: a) maintain existing access to and along the foreshore; b) minimise any loss of access to and along the foreshore, or c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location.	**AO9.1** Development adjacent to state coastal land or tidal water: (a) demonstrates that restrictions to public access are necessary for: (i) the safe and secure operation of development; (ii) the maintenance of coastal landforms and coastal habitat; or (a) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for: (i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms; (ii) vehicles via access points including approved roads or tracks.	N/A
	AO9.2 Development adjacent to state coastal land or tidal water: (a) is located and designed to: (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access; (ii) ensure emergency vehicles can access the area near the development. or	

Performance outcomes	Acceptable outcomes	Applicant Response
	(a) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to: (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and (ii) ensure emergency vehicles can access the area near the development.	
AO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.	**AO10.1** Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken. or	N/A
	AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.	
PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.	**AO11** Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark.	N/A
PO12 Development in connection with an artificial waterway enhances public access to coastal waters.	**AO12** The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
Coastal landscapes, views and vistas		
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	**AO13** No acceptable outcomes are prescribed.	Complies – the revegetation contributes to the natural coastal landscape of the area.
PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	**AO14** No acceptable outcomes are prescribed.	N/A
Private marine development		
PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land	**AO15** Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark. Note – For occupation permits or allocations of State land, refer to the Land Act 1994.	N/A
PO16 The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.	**AO16** Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.	N/A
PO17 Private marine development is of a height and scale and size compatible with the character and amenity of the location.	**AO17** Private marine development has regard to: (a) the height, scale and size of the natural features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality;	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	(c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size. Note – The prescribed tidal works code in the Coastal Protection and Management Regulation 2003 outlines design and construction requirements that must be complied with.	
PO18 Private marine development avoids adverse impacts on coastal landforms and coastal processes	**AO18** Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.	N/A
For dry land marinas and artificial waterways		
PO19 Dry land marinas and artificial waterways: d) avoid impacts on coastal resources; e) do not contribute to the degradation of water quality; f) do not increase the risk of flooding; g) do not result in the degradation or loss of MSES; h) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. i) does not involve reclamation of tidal land other than for the purpose of: (i) coastal dependent development, public marine development; or (ii) community infrastructure, where there is no feasible alternative; or	**AO19** No acceptable solutions are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
(iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or (iv) coastal protection works or works necessary to protect coastal resources and processes.		
8.2.4 Flood and storm tide hazard overlay code **8.2.4.3 Criteria for assessment** **Table 8.2.4.3.a – Flood and storm tide hazards overlay code – assessable development**		
For self-assessable and assessable development		
PO1 Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 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.	**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; or For dwelling houses,	Complies – the works ensure no additional surface water is directed to the land either from the neighbouring land or uphill.
	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 8.2.4.3.b plus a freeboard of 300mm.	
	AO1.3 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	

Performance outcomes	Acceptable outcomes	Applicant Response
	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	
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: (d) not located within the overlay area; (e) located on the highest part of the site to minimise entrance of flood waters; (f) provided with clear and direct pedestrian and vehicle evacuation routes off the site. or	N/A
	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	

Performance outcomes	Acceptable outcomes	Applicant Response
	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. Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.	
	For Reconfiguring a lot **AO3.4** Additional lots: (a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site. 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). Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the Building Act 1975.	
	AO3.5 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: (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	
	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	

Performance outcomes	Acceptable outcomes	Applicant Response
	points, such as at floodway crossings or entrances to low-lying reserves. or	
	AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.	
	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, nonhabitable uses at ground level; Note – The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only nonhabitable rooms (e.g. garages, laundries) are located on the ground floor.	
PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	For Material change of use (Non-residential uses) **AO4.2** Non residential buildings and structures allow for the flow through of flood waters on the ground floor. 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). Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	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. 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.	
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. Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.	For Operational works **AO5.1** Works in urban areas associated with the proposed development do not involve: (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a net increase in filling (including berms and mounds).	Complies – the works ensure no additional surface water is directed to the land either from the neighbouring land or uphill.
	AO5.2 Works (including buildings and earthworks) in non urban areas either: (a) do not involve a net increase in filling greater than 50m3 ; or (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; Or	

Performance outcomes	Acceptable outcomes	Applicant Response
	(c) do not change flood characteristics outside the subject site in ways that result in: (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain	
	For Material change of use **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 (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 (b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.	
	For Material change of use and Reconfiguring a lot **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. 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.	
PO6	For Material change of use **AO6.1**	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
Development avoids the release of hazardous materials into floodwaters.	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; or	
	AO6.2 If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters.	
	AO6.3 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.	
	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. Note – Refer to Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements related to the manufacture and storage of hazardous materials.	
PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities	**AO7** Development does not: (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	(d) 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	N/A
	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 Child Care Act 2002 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;	

Performance outcomes	Acceptable outcomes	Applicant Response
	(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. and/or	
	AO8.3 The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.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.	
	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.	
	AO8.5	

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.	
8.2.5 Hillslopes overlay code **8.2.5.3 Criteria for assessment** **Table 8.2.5.3.a – Hillslopes overlay code – assessable development**		
For self-assessable development		
PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	**AO1.1** Development is located on parts of the site that are not within the Hillslopes constraint subcategory as shown on the Hillslopes overlay Maps contained in schedule 2.	N/A
For assessable development		
PO2 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	**AO2.1** Development does not occur on land with a gradient in excess of 1 in 6 (16.6%) or	Complies – the works contribute to the landscape character and visual amenity quality of hillslopes areas and protect the scenic backdrop to the region by revegetating the land with mixed foliage cover to an estimated 15m canopy height.
	AO2.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.	
	AO2.3 Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction.	
	AO2.4	

Performance outcomes	Acceptable outcomes	Applicant Response
	The clearing or disturbance of vegetation is limited to clearing and disturbance that: (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; (d) minimises riparian clearing or disturbance.	
	AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).	
	AO2.6 Development does not alter the sky line.	
	AO2.7 Buildings and structures: (a) are finished predominantly in the following exterior colours or surfaces: (i) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (ii) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (b) are not finished in the following exterior colours or surfaces: (i) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (ii) reflective surfaces.	
	AO2.8	

Performance outcomes	Acceptable outcomes	Applicant Response
	Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features	
	AO2.9 Areas between the first floor (including outdoor deck areas) and ground level are screened from view.	
	AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks.	
PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: a) loss of privacy; b) loss of access to sunlight; c) intrusion of visual or overbearing impacts; d) complex engineering solutions.	**AO3** Excavation or fill: (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.	Complies – the works do not result in a loss of privacy, loss of access to sunlight, intrusion of visual or overbearing impacts or complex engineering solutions. Therefore the works do not have an adverse impact on amenity, safety ,stability or function of the site or adjoining premises.
Lot reconfiguration		
PO4 For development that involves reconfiguring a lot, lot layout and design is responsive to the	**AO4.1** The frontage and depth of all lots is of sufficient width to:	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
natural constraints of the land and each lot is capable of being used for its intended purpose.	(a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); (b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve	
	AO4.2 Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible. Note – The size of rectangular areas is outlined within each zone code.	
	AO4.3 Development does not alter ridgelines	
	AO4.4 Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline	
8.2.7 Natural areas overlay code **8.2.7.3 Criteria for assessment** **Table 8.2.7.3.a – Natural areas overlay code – assessable development**		
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	Complies – the works seek to revegetate the land with younger native vegetation and species specific to attracting wildlife. The works also implement weed control measures.
	AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the	

Performance outcomes	Acceptable outcomes	Applicant Response
	assessment manager, that the development site does not contain any matters of state and local environmental significance. or	
	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.	
Management of impacts on matters of environmental significance		
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	**AO2** The design and layout of development minimises adverse impacts on ecologically important areas by: (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
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 (b) 50 metres where the area is located within a Urban areas. or	N/A
	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.	
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.	N/A
	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.	
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.	Complies – no non-native pest species are contained in the plant schedule.
	AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	
Ecological connectivity		

Performance outcomes	Acceptable outcomes	Applicant Response
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	**AO6.1** Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. And	Complies – the revegetation will contribute to ecological connectivity and habitat extent by establishing a naturalistic rainforest planting that attracts birds and butterflies back to the site.
	AO6.2 Development within an ecological corridor rehabilitates native vegetation. And	
	AO6.3 Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements	
PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	**AO7.1** Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation. and	Complies – the works proposed are for the revegetation of the site.
	AO7.2 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; b) hydrological functions; c) ecological processes;	**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	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
d) biodiversity values; e) riparian and in-stream habitat values and connectivity; f) in-stream migration.	**AO8.2** Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: a) water quality; b) hydrological functions; c) ecological processes; d) biodiversity values; e) riparian and in-stream habitat values and connectivity; f) 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 8.2.7.3.b.	N/A
8.2.6 Landscape values overlay code **8.2.6.3 Criteria for assessment** **Table 8.2.6.3.a – Landscape values overlay code – assessable development**		
For assessable development		
Development in a High landscape value area		
PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal	**AO1.1** Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of roof height. **AO1.2** Buildings and structures are setback not less than 50 metres from ridgelines or peaks.	Complies – the works will contribute to landscape values and effectively screen the land from the neighbouring property.

Performance outcomes	Acceptable outcomes	Applicant Response
foreshore or the shoreline of other water bodies through the loss of vegetation; b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction; c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; g) extractive industry operations are avoided.	**AO1.3** Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	
	AO1.4 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors. Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.	
	AO1.5 The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette. Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.	
	AO1.6 No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).	
	AO1.7 Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed	

Performance outcomes	Acceptable outcomes	Applicant Response
Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	construction materials and external finishes are compatible with the landscape values. Note – A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.	
	AO1.8 Advertising devices do not occur.	
Development within a Medium landscape value area		
PO2 Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; d) incorporates development of a scale, design, height, position on site,	**AO2.1** Buildings and structures are not more than 8.5 metres and two storeys in height. Note - Height is inclusive of the roof height.	N/A
	AO2.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	
	AO2.3 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors.	

Performance outcomes	Acceptable outcomes	Applicant Response
construction materials and external finishes that are compatible with the landscape values of the locality; e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view. Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	Note – Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs. **AO2.4** The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette. Note – Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow. **AO2.5** No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%). **AO2.6** Advertising devices do not occur.	
Development within a Scenic route buffer / view corridor area		
PO3 Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:	**AO3.1** Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
a) retains visual access to views of the surrounding landscape, the sea and other water bodies; b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors; c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character; d) minimises visual impacts on the setting and views in terms of: (i) the scale, height and setback of buildings; (ii) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways; (iii) the scale, extent and visual prominence of advertising devices. Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	**AO3.2** No clearing of native vegetation is undertaken within a Scenic route buffer area.	
	AO3.3 Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code.	
	AO3.4 Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices	
Development within a Coastal scenery area		
PO4 The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.	**AO4.1** The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.	N/A
	AO4.2 Where located adjacent to the foreshore buildings and structures are setback:	

Performance outcomes	Acceptable outcomes	Applicant Response
Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	(a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or (b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code.	
	AO4.3 Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback: (a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or (b) where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.	
PO5 Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical. Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.	**AO5** No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
8.2.10 Transport network overlay code **8.2.10.3 Criteria for assessment** **Table 8.2.10.3.a – Transport network overlay code – assessable development**		
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.	N/A
	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.	
PO2 Transport infrastructure is provided in an integrated and timely manner. 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.	**AO2** Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (e) the Transport network overlay maps contained in Schedule 2; (a) any relevant Local Plan. Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.	N/A
PO3 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.	**AO3** No acceptable outcomes are prescribed. Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
PO4 Development does not compromise the intended role and function or safety and efficiency of major transport corridors. 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.	**AO4.1** Development is compatible with the role and function (including the future role and function) of major transport corridors.	N/A
	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with: (a) the Transport network overlay maps contained in Schedule 2; and (b) any relevant Local Plan.	
	AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.	
PO5 Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.	**AO5** No acceptable outcomes are prescribed.	N/A
Pedestrian and cycle network		
PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	**AO6.1** Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	element of the pedestrian and cycle network is incorporated in the design of the lot layout	
	AO6.2 The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.	
8.2.8 Places of significance overlay code **8.2.8.3 Criteria for assessment** **Table 8.2.8.3.a – Places of significance overlay code – assessable development**		
For assessable development		
Demolition or removal of a place of local significance		
PO1 Development does not result in the demolition or removal of a place of local significance. Note - Guidance on meeting the performance outcome is provided within Planning scheme policy SC6.11 – Places of significance.	**AO1** No acceptable outcomes are prescribed.	N/A
PO2 Development is compatible with the conservation and management of the cultural significance of the place. Note - Guidance on meeting the performance outcome is provided within Planning scheme policy SC6.11 – Places of significance.	**AO2** No acceptable outcomes are prescribed.	N/A
PO3 Development conserves the features and values of a place of local significance that contribute to its cultural significance.	**AO3** Development does not alter, remove or conceal significant features of a place of local significance.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
Note – Guidance on meeting the performance outcome is provided within Planning scheme policy SC6.11 – Places of significance.		
PO4 Changes to a place of local significance are appropriately managed, documented and interpreted. Note – Guidance on meeting the performance outcome is provided within Planning scheme policy SC6.11 – Places of significance.	**AO4.1** Development is compatible with a conservation management plan prepared in accordance with the Australia ICOMOS Charter for Places of Cultural Heritage Significance.	N/A
	AO4.2 An archival record is prepared to document the changes.	
	AO4.3 Development includes interpretation that explains the cultural significance of the place and the changes.	
PO5 Development does not adversely affect the character, setting or appearance of the place of local significance, including removal of vegetation that contributes to the cultural heritage significance of the place.	**AO5.1** The scale, location and design of the development are compatible with the character, setting and appearance of the place of local significance.	N/A
	AO5.2 The development is unobtrusive and cannot readily be seen from surrounding streets or other public places.	
	AO5.3 Existing vegetation that forms part of the place is retained and incorporated into the design and layout of development.	
PO6	**AO6.1**	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
Excavation or other earthworks do not have a detrimental impact on archaeological values. Note – Guidance on meeting the performance criteria is provided within Planning scheme policy SC6.11 – Places of significance.	The impact of excavation is minor and limited to parts of the place of local significance that have been disturbed by previous excavation	
	AO6.2 An archaeological management plan is prepared for development involving subsurface disturbance.	
Advertising devices		
PO7 Advertising devices located on, or on premises adjoining a state heritage place are sited and designed so as to: a) be compatible with the cultural significance of the state heritage place or place of local significance; b) not obscure the appearance or prominence of the state heritage place or place of local significance when viewed from the street or other public places; c) not alter or conceal significant features of the state heritage place, or place of local significance.	**AO7** No acceptable outcomes are prescribed.	N/A
Development on premises adjoining a state heritage place		
PO8 Where on a premises adjoining a state heritage place or place of local significance, development is designed and constructed so as to: a) not to obscure the appearance or prominence of the state heritage place from surrounding streets or public places; b) not to intrude into important vistas of the state heritage place;	**AO8** No acceptable outcomes are prescribed.	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
c) not to place buildings and structures between a state heritage place and its primary or secondary street frontage; d) to ensure new buildings or structures are setback from the street frontage and are of a height, bulk and scale which retains the visual prominence and values of the state heritage place; e) to minimise disturbance to the original fabric of the state heritage place; f) to retain, where intact, the significant or original siting and context of the state heritage place. Note - Guidance on meeting the performance criteria is provided within Planning scheme policy SC6.11 – Places of significance.		
8.2.9 Potential landslide hazard overlay code **8.2.9.3 Criteria for assessment** **Table 8.2.9.3.a – Potential landslide hazard overlay code – assessable development**		
For self-assessable and assessable development		
PO1 The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through: a) building design; b) increased slope; c) removal of vegetation;	**AO1.1** Development is located on that part of the site not affected by the Potential landslide hazard overlay. or **AO1.2** Development is on an existing stable, benched site and requires no further earthworks or	Complies – no complex engineering solutions are proposed. A landslide hazard risk assessment has been carried out.

Performance outcomes	Acceptable outcomes	Applicant Response
d) stability of soil; e) earthworks; f) alteration of existing ground water or surface water paths; g) waste disposal areas	**AO1.3** A competent person certifies that: (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development; (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented; (e) development does not concentrate existing ground water and surface water paths; (f) development does not incorporate on-site waste water disposal. Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment. Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given.	
PO2 The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.	**AO2** Excavation or fill: (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries;	N/A

Performance outcomes	Acceptable outcomes	Applicant Response
	(c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot.	
PO3 Development for community infrastructure: a) is not at risk from the potential landslide hazard areas; b) will function without impediment from a landslide; c) provides access to the infrastructure without impediment from the effects of a landslide; d) does not contribute to an elevated risk of a landslide to adjoining properties	**AO3** Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function. Note – A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.	N/A
9.4.4 Filling and excavation code **9.4.4.3 Criteria for assessment** **Table 9.4.4.3.a – Filling and excavation code – for self-assessable and assessable development**		
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 potential or visual amenity of the site or the surrounding area.	**AO1.1** The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. And 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.	Complies – the works seek to improve slope stability, erosion potential and the visual amenity of the site. Stability analyses have been conducted and the works have been supervised by qualified persons. Erosion and sediment control measures have been implemented as set out above.
	AO1.2	

Performance outcomes	Acceptable outcomes	Applicant Response
	Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	The works establish a naturalistic rainforest planting.
	AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	
	AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.	
	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.	
	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.	
Visual Impact and Site Stability		
PO2 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.	**AO2.1** The extent of filling and excavation does not exceed 40% of the site area, or 500m2 whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	Complies – the works will not impact on the visual and scenic amenity of the area and the privacy and stability of adjoining properties. Stability analyses have been conducted and the works have been supervised by qualified persons.
	AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.	

Performance outcomes	Acceptable outcomes	Applicant Response
Flooding and drainage		
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.	**AO3.1** Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	Complies – the works ensure surface waters are diverted into designated paths and include scour protection.
	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.	
	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.	
	AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	
Water Quality		
PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	**AO4** Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies – the works will not reduce water quality of receiving waters.
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.	Complies – the works will not impact public utilities.

GEO | design

28 October 2024

GEO Ref: 24046AB-D-L02-v1
Your Ref: TBC

George Argyrou
Hickory Constructions Group
3/21 Constitution Hill Road
SORRENTO VIC 3943

Transmission via email: *g.argyrou@hickory.com.au*

SLOPE STABILITY ASSESSMENT
FILL PLACEMENT ON LOT 114 ON PTD2094 AND LOT 5 ON RP747683
PORT DOUGLAS QLD 4877

Dear George,

Further to your request, GEO Design has carried out a geotechnical assessment on an area where uncontrolled filling has been placed on Lot 5 on RP747683 as a result of civil earthworks carried out on Lot 114 on PTD2094 as part of ongoing residential construction works. It is understood that topsoil and other fill material was placed in an uncontrolled manner along the boundary of the two allotments and within Lot 5. Approval to place filling on Lot 5 was not approved by the owner of the allotment and the owner of Lot 114 is now required to remove the material and reinstate the area. Furthermore, it is understood that a geotechnical assessment of the stability of the area is required as part of the reinstatement of the site and removal of the fill.

This letter report discusses the results of the inspection and provides comments on the stability of the subject area.

An inspection of the subject site was carried out by a Principal Geotechnical Engineer. The site inspection included a walkover survey and evaluation of the works completed based on a review of existing survey and aerial photography. An additional survey of the current surface was undertaken by RPS (attached).

The works carried out on Lot 5 have included the removal of some trees, minor cutting and the deposition of uncontrolled filling. The approximate extents are shown on the attached survey drawing and can be seen in the drone photographs below in Figure 1.

Figure 1: Site Location

Based on a review of the site conditions, we are able to provide the following comments:

1. All uncontrolled filling should be removed from site and the surface returned to its original profile as close as possible.

2. All recently formed permanent cut batters should be trimmed to a maximum of 1.5 m and formed at 1V:1H.

3. Cut area should not be filled.

4. Remedial works should ensure that no additional surface water is directed to Lot 5 either from Lot 114 or uphill.

5. Vegetation is placed back over the disturbed areas in accordance with advice from a landscaper.

6. Place environmental matting such as TECMAT or ENKAMAT over the disturbed surface prior to revegetation to reduce potential rainfall impact erosion.

A landslide risk assessment was carried out for the subject area in general accordance with Landslide Risk Management outlined in Australian Geomechanics, Volume 42, No. 1 March 2007 (AGS 2007). In accordance with the AGS 2007 guidelines, the risk to property is defined as Very Low to Very High. In general terms risks of very low to low are tolerable for regulatory bodies in relation to developments while higher risks are generally unacceptable without detailed investigation and implementation of risk reduction strategies to enable the reduction of risk to an acceptable level. The risk system matrix outlined in AGS 2007 is attached.

A full description of the risk analyses procedures are presented in the AGS 2007 documents.

The landslide risk assessment carried out as part of this assessment was based on the constructed development including the satisfactory implementation of the measures outlined above. The risk assessment considered the results of the stability analyses (outlined in the previous section), the walkover survey, site observations and based on experience in this area of Port Douglas.

The hazards evaluated as part of the risk analysis were based on the slope following the adoption of the recommendations and measures outlined above.

The hazards considered comprised the following:

1. Instability within the reinstated slopes and batters resulting in downward migration of <2 m^3 of soil debris or rocks impacting the subject area or surrounding structures.

2. Instability within the reinstated slopes and batters resulting in downward migration of >2 m^3 of soil debris or rocks impacting the subject area or surrounding structures.

Based on the above, the following AGS 2007 risk classifications have been assessed for the subject area.

Table 1: Risk Classifications

Hazard	AGS 2007 Risk Rating
1	Low
2	Low

Low to Very Low risks are generally considered acceptable to regulators for development approval in accordance with the relevant guides. As such, no further risk reduction measures in addition to the recommendations outlined above are warranted at the site at this time as a result of the placement of filling.

We would be pleased to answer any questions that you may have regarding this matter.

Yours sincerely,

Steve Ford
Geotechnical Engineer
BSc (Geo) BSc (Geo) Hons MEngSc (Geotechnical) MMinEng (Geomechanics)
RPEQ 25762

Attachments

1. RPS Survey Drawings
2. AGS 2007 Risk Matrix

IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a detail plan. This plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

2. RPS AAP Consulting Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
   A. Third Party publishing, using or relying on the plan;
   B. RPS AAP Consulting Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
   C. any inaccuracies or other faults with information or data sourced from a Third Party;
   D. RPS AAP Consulting Pty Ltd relying on surface indicators that are incorrect or inaccurate;
   E. the Client or any Third Party not verifying information in this plan where recommended by RPS AAP Consulting Pty Ltd;
   F. lodgement of this plan with any local authority against the recommendation of RPS AAP Consulting Pty Ltd;
   G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS AAP Consulting Pty Ltd in this plan.

3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.

4. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.

5. The title boundaries as shown hereon were not marked at the time of survey and have been determined by plan dimensions only and not by field survey.

6. Underground services have not been plotted or have been plotted from records and are approximate only. Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

TBM Stn 9311
Pin
RL: 36.269

Peg at Corner

119

SP126932

114

PTD2094

TBM Stn 9305
Pin
RL: 38.020

235°24'05"
67.033

TBM Stn 9300
Screw in Wall
RL: 27.976

Corner

EMT A
SP143030

5
RP747683

MURPHY STREET

Earthworks

Edge of Clearing (Trunkline)

Edge of Clearing (trunkline)

Old Concrete pool

31.00 32.00 33.00 34.00 35.00 36.00 37.00 38.00 39.00 40.00 41.00 42.00 43.00 44.00 45.00 46.00 47.00

LEGEND

- Top of Bank
- Toe of Bank
- Edge of Clearing (Trunkline)
- Edge of Concrete Pool
- Boundary
- Spot Height
- TBM

NOTES

Level Datum: AHD
Origin of Levels: PM500028
RL: 4.241
Contour Interval: 0.2
Index: 1.0

Origin of Coordinates: PM500028 GDA94
E: 335870.890
N: 8177302.733

Meridian: MGA zone 55

Field/Level Book: N/A

0.00 5.00 10.00
metres

SCALE 1:200 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A3).

AMENDMENTS	
A: INIT: AMEND DESCRIPTION	
PROJECT MANAGER DGP	CHECKED
SURVEYED AAD 18/10/24	DRAFTING CHECKED
DRAWN AAD 21/10/24	CAD REF AU017397-105-Clearing Location.mjo
SHEET SIZE A3	SHEET 1 OF SHEETS 1

RPS AAP Consulting Pty Ltd
ACN 117 883 173

5954 Captain Cook Hwy
Craiglie QLD 4877

T +61 7 4098 1148
F +61 7 4031 2942
W rpsgroup.com.au

HICKORY GROUP (QLD) Pty Ltd

Detail Survey of Cleared Area

adjoining Lot 114 on PTD2094

being within Lot 5 on RP747683
Murphy St
Port Douglas
Queensland

SCALE	DATE	DRAWING NO.	ISSUE
1:200	21/10/24	AU017397-105	

QUALITATIVE RISK ANALYSIS MATRIX – LEVEL OF RISK TO PROPERTY

LIKELIHOOD		CONSEQUENCES TO PROPERTY (With Indicative Approximate Cost of Damage)				
	Indicative Value of Approximate Annual Probability	1: CATASTROPHIC 200%	2: MAJOR 60%	3: MEDIUM 20%	4: MINOR 5%	5: INSIGNIFICANT 0.5%
A - ALMOST CERTAIN	10^{-1}	VH	VH	VH	H	M or **L** (5)
B - LIKELY	10^{-2}	VH	VH	H	M	**L**
C - POSSIBLE	10^{-3}	VH	H	M	M	**VL**
D - UNLIKELY	10^{-4}	H	M	**L**	**L**	**VL**
E - RARE	10^{-5}	M	**L**	**L**	**VL**	**VL**
F - BARELY CREDIBLE	10^{-6}	**L**	**VL**	**VL**	**VL**	**VL**

Notes: (5) For cell A5, may be subdivided such as that a consequence of less than 0.1% is Low risk

(6) When considering a risk assessment it must be clearly stated whether it is for existing conditions or with risk control measures which may not be implemented at the current time

RISK LEVEL IMPLICATIONS

Risk Level		Example Implications (7)
VH	**VERY HIGH RISK**	Unacceptable without treatment. Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to low; may be too expensive and not practical. Work likely to cost more the value of the property.
H	**HIGH RISK**	Unacceptable without treatment. Detailed investigation, planning and implementation of treatment options required to reduce risk to Low. Work would cost a substantial sum in relation to the value of the property.
M	**MODERATE RISK**	May be tolerated in certain circumstances (subject to regulator's approval) but requires investigation, planning and implementation of treatment options to reduce risk to Low. Treatment options to reduce to Low should be implemented as soon as practical.
L	**LOW RISK**	Usually acceptable to regulators. Where treatment has been required to reduce the risk to this level, ongoing maintenance is required.
VL	**VERY LOW RISK**	Acceptable. Manage by normal slope maintenance procedures.

Note: (7) The implications for a particular situation are to be determined by all parties to the risk assessment and may depend on the nature of the property at risk; these are only given as a general guide.

HEAD OFFICE – CAIRNS
ETS GEO PTY LTD
ABN: 16 121 817 794
07 4047 8600
admin@etsgeo.com.au
PO Box 587
REDLYNCH QLD 4870

130 Buchan Street
Cairns QLD 4870

20th November 2024

Marino Lawyers
PO Box 6722
Cairns Qld 4870

Via Email: jarod.fuller@marinolawyers.com.au

Attention: Jarod Fuller

RE: PEER REVIEW - SLOPE STABILITY ASSESSMENT
LOT 5 ON RP747683, MURPHY STREET, PORT DOUGLAS

Dear Jarod,

Introduction

ETS Geo Pty Ltd (ETS) have been requested by Marino Lawyers to undertake a peer review of Geo Design Report No 24046AB-D-LO2-v1 dated 28th of October 2024. It is understood that unauthorised earthworks have been carried out across Lot 5 on RP747683 by the owner of Lot 114 on PTD2094 Murphy Street, Port Douglas. Marino Lawyers have been engaged to act on behalf of Lot 5 on RP747683.

Upon review of the available LiDAR data, the site is understood to have slope between 15 and 18 degrees prior to the unauthorised earthworks. The site may have contained steeper slopes at some locations. However, this cannot be determined based on the available data.

A site inspection was carried out by ETS following review of the Geo Design Report. The inspection was to determine whether the recommendations presented by Geo Design are suitable to remediate the site affected by unauthorised earthworks.

Site Inspection

A site inspection was carried out by ETS on the 14th of November to discern the extent of unauthorised

earthworks to Lot 5 on RP747683. The inspection revealed that both vegetation and topsoil have been removed at sections across the site. Stiff to residual soil and extremely weathered rock were noted below the topsoil. Fill material has been placed across the site, which is understood to be uncompacted. Steep batters comprised of the uncompacted fill were noted to have slopes between 30 to 50 degrees and a maximum vertical height of 3m. A surficial layer of uncompacted silty soil was present across much of the allotment. At the time of the inspection, a pad mounted transformer was located to the front of the allotment. The transformer was surrounded by a 0.4m high retaining wall constructed of masonry blocks.

Based on the observations made during the site inspection, the unauthorised earthworks have created geotechnical hazards that were not previously present at the site.

Peer Review

Geo Design's letter outlines six actions which are understood to be the recommendations of the author to address the geotechnical issues at the site. ETS have reviewed these recommendations and believe that they are suitable and will generally address most of the geotechnical issues at the site.

They however likely do not provide sufficient detail to ensure no additional hazards are created. Furthermore, the recommendations and letter more broadly, do not provide an assessment of the site's stability prior to the earthworks and how the recommendations will either return or better the site from its original condition.

The letter provides a risk assessment in general accordance with the Australia Geomechanics Society guidelines. Geo Design conclude that following implementation of the recommendations, the site will have a 'Low' risk rating. ETS are of the opinion, that there is insufficient information to achieve this rating at this time, as a detailed methodology to return the site to its pre-earthworks stability has not been provided.

ETS Recommendations

To ensure the remediation works are carried out correctly, it is recommended that the following is provided:

1. A detailed cut and fill plan displaying the final site geometry
2. A slope stability assessment of the final site geometry showing that it is stable
3. Reassessment of the site overall risk in accordance with AGS guidelines.
4. A detailed drainage and erosion sediment control plan

Should you require clarification on any aspect of this letter, please do not hesitate to contact me for assistance.

Yours faithfully,
For and on behalf of ETS Geo Pty Ltd

Cameron Ryan
Geotechnical Engineer– RPEQ 17028

Attachments:

1) *Understanding the Limitations of Your Geotechnical Report*

HEAD OFFICE – CAIRNS
ETS GEO PTY LTD
ABN: 16 121 817 794
07 4047 8600
admin@etsgeo.com.au
PO Box 587
REDLYNCH QLD 4870

130 Buchan Street
Cairns QLD 4870

UNDERSTAND THE LIMITATIONS OF YOUR GEOTECHNICAL REPORT

This report is based on project details as provided to ETS Geo Pty Ltd at the time of commission. It therefore applies only to the site investigated, and to the specific set of project requirements as understood by ETS Geo Pty Ltd.

If there are changes to the project, you need to advise us in order that the effect of the changes on the report recommendations can be adequately assessed. ETS Geo Pty Ltd cannot take responsibility for problems that may occur due to project changes if we are not consulted.

It is important to remember that the subsurface conditions described in the report represent the state of the site at the time of investigation. Natural processes and the activities of man can result in changes to site conditions. For example, ground water levels can change, or fill can be placed on a site after the investigation is completed. If there is a possibility that conditions may have changed with time, ETS Geo Pty Ltd should be consulted to assess the impact on the recommendations of the report.

The site investigation only identifies the actual subsurface conditions at the location and time when the samples were taken. Geologists and engineers then extrapolate between the investigation points to provide an assumed three-dimensional picture of the site conditions. The report assumes that the site conditions as identified at the investigation locations are representative of the actual conditions throughout an area. This may not be the case and actual conditions may differ from those inferred to exist. This will not be known until construction has commenced. Your geotechnical report and the recommendations contained within it can therefore only be regarded as preliminary.

In the event that conditions encountered during construction differ from those described in the report, ETS Geo Pty Ltd should be consulted immediately. Although little can be done to change the actual site conditions which exist, steps can be taken to ameliorate the impact of unexpected conditions. For this reason, the services of ETS Geo Pty Ltd should be retained throughout the development stage of the project.

Problems can occur when other design professionals misinterpret a report. To help avoid this, ETS Geo Pty Ltd should be retained for liaison with other design professionals to explain the implications of the report.

This report should be retained as a complete document and should not be copied in part, divided, or altered in any way.

It is recommended that the services or ETS Geo Pty Ltd are retained during the construction phase to confirm that conditions encountered are consistent with design assumptions. For example, this may involve assessment of bearing capacity for footings, stability of natural slopes or excavations or advice on temporary construction conditions.

This document has been produced to help all parties involved recognise their individual responsibilities.

GEO | design

1 December 2024

GEO Ref: 24046AB-D-L03-v1
Your Ref: TBC

George Argyrou
Hickory Constructions Group
3/21 Constitution Hill Road
SORRENTO VIC 3943

Transmission via email: *g.argyrou@hickory.com.au*

SLOPE STABILITY ASSESSMENT
FILL PLACEMENT ON LOT 114 ON PTD2094 AND LOT 5 ON RP747683
PORT DOUGLAS QLD 4877

Dear George,

Further to your request, GEO Design has reviewed the latest correspondence regarding the unauthorised earthworks carried out at Lot 5 on RP747683 as a result of civil earthworks carried out on Lot 114 on PTD2094. The unauthorised earthworks predominantly comprise the placement of uncontrolled filling on the southern portion of Lot 5, adjacent to the boundary with Lot 114. The earthworks were carried out as part of the ongoing residential construction works at Lot 114.

The latest correspondence indicates that ETS Geotechnical Pty carried out a review of GEO Design's letter 24046AB-D-L02-v1 dated 28 October 2024. The findings of ETS Geotechnical's review were presented in their letter GT24-471-001L REV 1 dated 20 November 2024.

GEO Design have been requested to respond to the letter and provide further information regarding the points raised in ETS Geotechnical's letter. Although we do not specifically agree with some of the comments provided in ETS Geotechnical's letter, we are able to provide the following information as requested.

1. - DETAILED CUT AND FILL PLAN

A survey of the site was carried out by the owner of Lot 114 Murphy Street showing the surface of the area affected by the unauthorised earthworks. The survey was carried out by RPS and the survey plan was provided in GEO Design's previous letter 24046AB-D-L02-v1.

The survey plan, together with the aerial photographs taken around the time of the survey, clearly identifies the extents of filling and other areas of minor cutting. It is understood that the extents of the unauthorised earthworks carried out are not in dispute and is clearly discernible on site.

The RPS survey provided presents the current surface of the area following the unauthorised earthworks.

It is understood that a survey of the affected area showing the prefilling surface profile is not available. However, based on inspections of the slopes above and adjacent to this area, and the survey information included along the boundary of the two allotments presented as part of the civil earthworks plan, the natural (pre-unauthorised earthworks) surface in the area of filling was generally around 14° with slopes of between around 18 to 26° currently present in the allotments upper portion and up to around 35° along the boundary between Lot 114 and Lot 5.

The survey information presented on the development plans for Lot 114 indicate that cut batters in the upper portion of Lot 5, and extending into Lot 114, existed prior to commencement of development at Lot 114.

Given that detailed survey information is not available covering the area of all unauthorised earthworks carried out on Lot 5, the development of a detailed cut and fill plan to reinstate the area to its previous profile is not possible.

To ensure that all unauthorised filling is removed, it is recommended that the earthworks be carried out under the supervision of a suitably experienced earthworks supervisor familiar with the earthworks carried out and the subsurface conditions at the site. The work should also be carried out under the direction of a geotechnical or civil engineer.

2. – A SLOPE STABILITY ASSESSMENT OF THE FINAL SLOPE GEOMETRY

Further to the comments in the section above, the proposed earthworks should be carried out under the supervision of a suitably experienced earthwork operator and under the direction of a geotechnical or civil engineer familiar with this area.

Following completion of the earthworks, a stability analyses and landslide risk assessment can be conducted to confirm that the trimmed profile in the area of the unauthorised earthworks is satisfactory from a slope stability (Factor of Safety of >1.5 under “Normal Conditions” and >1.3 under “Extreme Conditions”) and from a Landslide Risk point of view (assessed risk of Very Low to Low).

3. – REASSESSMENT OF THE SITES OVERALL RISK IN ACCORDANCE WITH THE AGS GUIDELINES

As outlined above, an additional landslide risk assessment will be carried out, together with a stability analysis, following completion of the proposed earthworks. The results of the analyses and risk assessment will be provided in a formal report.

In the unlikely case that the re-profiled slope is considered to have an unacceptable level of risk, further works will be directed to ensure the profile reaches a Low level of risk.

It should be noted that the stability analyses and risk assessment will only consider the area affected by the unauthorised earthworks and the slope immediately above. The risk assessment and stability analyses, for the purposes required as part of these works, should not consider other areas of Lot 5 not affected by the unauthorised earthworks.

4. – A DETAILED DRAINAGE AND EROSION SEDIMENT CONTROL PLAN

It is recommended that the sediment and erosion control plan provided by Applin Consulting for the development works at Lot 114 should be used as a basis for the proposed earthworks. This basically includes the placement of silt fencing along the lower boundary of the subject allotment and diversion of surface waters into designated paths that include scour protection.

Notwithstanding this, it is understood that a sediment and erosion control scheme has been provided by the owner of Lot 114 under separate cover. It is further understood that a landscape and revegetation plan has been developed by Hortulus Landscapes that will be implemented on the affected area. The plan should also consider the suitable diversion of surface waters and appropriate scour control etc.

It is understood that the Hortulus Landscapes plan is to be submitted under separate cover.

SUMMARY

The removal of the uncontrolled filling and re-profiling of the affected area should be completed as soon as practically possible. The proposed landscape and revegetation works should be carried out immediately following the earthworks to ensure that the area is protected from the pending wet season.

As outlined above, the proposed earthworks should be carried out under the direction of a geotechnical or civil engineer and updated stability analyses and landslide risk assessments should be completed upon completion of all works.

Yours sincerely,

Steve Ford
Geotechnical Engineer
BSc (Geo) BSc (Geo) Hons MEngSc (Geotechnical) MMinEng (Geomechanics)
RPEQ 25762

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REVEGATATION OF 16 MURPHY ST. PORT DOUGLAS

Prepared by John Sullivan Bach.App.Sc.Hort.

Hortulus Australia Pty/Ltd

PO Box 798 Port Douglas Q. 4877

30 September 2024.

INTRODUCTION

Hortulus Australia Pty Ltd has been asked to provide a revegetation plan for 16 Murphy Street, after the removal remnant trees. The existing vegetation of Flag Staff Hill has been in a state of transition from regenerated Wattle & Gum Tree Forest towards Rainforest, since the last recorded fire on the hill almost 30 years ago. Much of the undeveloped residential areas on Flagstaff Hill are dominated by old wattle trees in decline and are heavily weed infested with Singapore Daisy, Mango, & Devil's Ivy. The younger native vegetation appearing on the hill are Solitaire Palms, Illawarra Flame Trees, Native Olive, Native Mangosteen & Milky Pine, with the proposed planting intending to follow the reinstating of this type of rainforest. The area to revegetated is approximately 1,200m2.

PROPOSED WORKS

The intention of the works is to establish a naturalistic rainforest planting with a strong accent on attracting birds and butterflies back onto the site. The work will reinstate the original contours of the site, spread the original site topsoil, and mulch with aged wood chip to a depth of 100mm for weed control prior to planting. Temporary irrigation will be installed on the site to allow watering prior to the onset of the Wet Season. The planting has been designed at a density of 1x tree/m2 with a ground cover layer at a density of 1x plant/1.25m2.

The species selection is intentional with the reinstating of some species that would naturally be present as listed above, and the addition of enhancement species specific to attracting wildlife. Some examples of this are listed below.

- Many of the trees like the Penda Trees (*Xanthostemon sp*.) are for honey flora attracting birds.
- Corky Bark Tree (*Carallia brachiate*) food plant of the Four o'clock Moth.
- Native Fig trees (Ficus virgata) for the Fig Parrot and fruit eating birds.

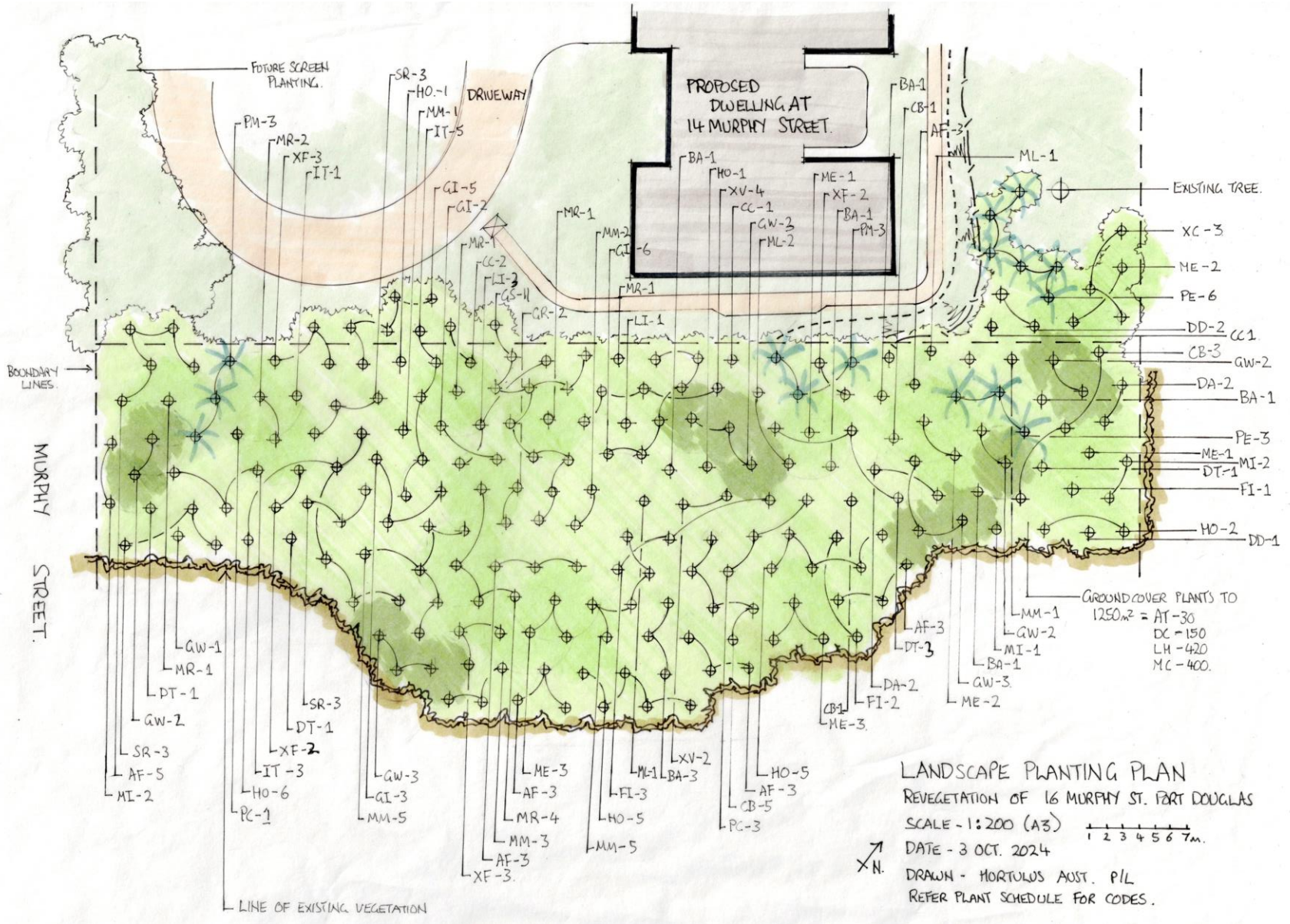
- Bleeding heart tree (*Homalanthus populifolius*) a fast growing pioneer tree is the host for the Hercules Moth and has fruit for the Rainforest Pigeons.
- Ulysses Trees (*Melicope sp*.) have two species that are the host of the Ulysses Butterfly.
- Dutchman's Pipe Vine (*Aristolochia tagala*) is the host for Australia's largest butterfly the Cairns Bird Wing.

The proposed plant schedule with plant numbers and plan are below.

PLANT SCHEDULE; 16 Murphy Street revegetation

CODE	BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	TYPE	H&W.
Native Trees & Shrubs						
AF	*Atractocarpus fitzalanni*	Brown Gardenia	20	75mm	T	8x4
BA	*Brachychiton acerifolius*	Illawarra Flame tree	8	75mm	T	10x4
CB	*Carallia brachiata*	Corky Bark Tree	13	75mm	T	12x5
CC	*Cyathea cooperi*	Sun Tree Fern	4	200mm	F	6x4
DA	*Dillenia alata*	Red Beech Tree	4	75mm	T	6x5
DD	*Darlingia darlingiana*	Brown Silky Oak	3	75mm	T	10x6
DT	*Deplanchea tetraphylla*	Golden Bouquet Tree	5	75mm	T	10x6
FI	*Ficus virgata*	Native Fig Tree	6	75mm	T	15x10
GI	*Graptophyllum ilicifolium*	Native holly	16	75mm	S	4x2
GR	*Graptophyllum spinigerum*	Northern holly	2	75mm	S	4x2
GS	*Gardenia scabrella*	Cape York Gardenia	11	75mm	S	4x1
GW	*Garcinia warrenii*	Native Mangosteen	13	75mm	T	8x4
HO	*Homalanthus populifolius*	Bleeding Heart Tree	20	75mm	T	6x6
IT	*Ixora timorensis*	Native Ixora	9	75mm	S	6x4
LI	*Leea indica*	Bandicoote berry	4	75mm	S	4x4
ME	*Melicope elleryana*	Ulysses Tree	12	75mm	T	12x6
MI	*Mimusops elengi*	Mimusops Tree	5	75mm	T	10x6
ML	*Maniltoa lenticellata*	Native Handkerchief Tree	4	75mm	T	12x6
MM	*Micromelum minutum*	Lime Berry	17	75mm	T	6x4
MR	*Melicope rubra*	Dwarf Ulysses Tree	10	75mm	t	6x3
PC	*Phaleria clerodendron*	Native daphnia	4	75mm	T	6x4
PE	*Ptycosperma elegans*	Solitare Palm	9	200mm	P	8x3
PM	*Ptycosperma macartheri*	Macarther Palm	6	200mm	P	8x3
SR	*Syzygium sp.* "Rocky River"	Dwarf Lilly Pilly	9	75mm	T	4x2
XC	*Xanthostemon chrysanthus*	Golden Penda Tree	3	75mm	T	12x6
XF	*Xanthostemon chrysanthus* 'Fairhill Gold'	Dwarf Golden penda	10	200mm	T	6x5
XV	*Xanthostemon verticilliatus*	Bloomfeild Penda Tree	6	75mm	T	3x1
Native Groundcovers						
AT	*Aristolochia tagala*	Dutchman's Pipe Vine	30	75mm	C	5x5
DC	*Dianella caerulea*	Blue Flax Lily	150	75mm	S	0.7x0.7
LH	*Lomandra hystrix*	Mat Rush	420	75mm	S	1x1
MC	*Molineria capitulate*	Weevil lily	400	75mm	S	1x1

KEY; C = Climber F = Fern GC = Ground Cover
G = Ginger P = Palm S = Shrub
Se= Sedge T = Tree


PROPOSED DWELLING AT 14 MURPHY STREET.
DRIVEWAY
FUTURE SCREEN PLANTING.
BOUNDARY LINES.
MURPHY STREET.
EXISTING TREE.
GROUNDCOVER PLANTS TO 1250m² = AT-30 DC-150 LH-420 MC-400.
LINE OF EXISTING VEGETATION
LANDSCAPE PLANTING PLAN
REVEGETATION OF 16 MURPHY ST. PORT DOUGLAS
SCALE - 1:200 (A3)
1 2 3 4 5 6 7m.
DATE - 3 OCT. 2024
N.
DRAWN - HORTULUS AUST. P/L
REFER PLANT SCHEDULE FOR CODES.

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21 November 2024

Jarrod
Marino Lawyers
E: jarod.fuller@marinolawyers.com.au

Dear Jarrod,

16 MURPHY STREET, PORT DOUGLAS

Property address: 16 Murphy Street, Port Douglas

Property description: Lot 5 on RP747683

Proposed New Vegetation: **Hortulus Australia Pty/Ltd, Revegetation Reports of 16 Murphy St, Port Douglas, dated 30 September 2024, & Plan dated 3/10/24.**

Site Visit: 9am, 14/11/2024

In attendance: Cameron Ryan, ETS (CR); Jarrod Fuller, Marino Lawyers (JF); Rebecca, Douglas Shire Council (DSC); Tony Baker, 16 Murphy St Property Representative (TB); John Sullivan, Hortulus Landscape Design (JS); George Argyrou, 14 Murphy St Property Owner (GA); Rebecca Gould, GGI Landscape (RG).

1. The site subsoil is currently exposed and topsoil has been stockpiled in an uncontrolled manner. Weather conditions have been very dry and all of the site was dry & dusty underfoot. The site requires immediate temporary erosion & sediment control measures in place to protect it & properties downstream in the event of any inclement weather.

2. It is important that further to the Geotechnical engineer's recommendations (to be received from CR) that a Civil engineering Sediment & Erosion Control document ensures the intent to "reinstate the original contours of the site & the spread of original site topsoil" is controlled & sustainable. Successful revegetation relies on proper planning and preparation to produce the best results.

3. The proposed Hortulus Planting Plan assumes even contours restored over the site area. This plan will need amendment should any required Sediment & Erosion Control measures alter the earthworks or implement engineered solutions, or if the assumption of the contour restoration is not followed.

4. Should the site be returned to, or close to, its original contours, it is highly likely that some form of retaining wall will need to be constructed by the neighbour (GA) within his property.

5. The remnant vegetation edge requires attention prior to new planting as some of the trees & branches have since perished from the damage. This work to remove dead or structurally damaged vegetation should be supervised by a qualified arborist.

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6. The revegetation document prepared by Hortulus proposes to evenly revegetate the site with species of which the majority are listed in Douglas Shire Council, Planning Scheme Policy 6.7 – Landscaping, SC6.7.8 Plant Species Schedule, SC6.7.8.1 Port Douglas and Coastal Communities Landscape Zone. At maturity the selection should provide good structural diversity, mixed foliage coverage from ground to an estimated 15m canopy height. The 30+ proposed species should promote biodiversity and are suited to the local conditions.

7. To further screen the 2 neighbouring properties at shrub level, GGI recommends incorporating *Phyllanthus cuscutiflorus* Pink Phyllanthus. The number of Code: GI and MM could be reduced in number to x 11 each and the remaining x 11 be substituted to *Phyllanthus cuscutiflorus*.

8. To diversify the Native Ground Covers selection, we would recommend incorporating *Alpinia cerulea* Red Back Ginger and *Gardenia psilioides* 'Glennie River'. GGI recommend not to plant vine (climber Code: AT) species should they overwhelm new undeveloped plant growth.

9. No planting along the adjoining property boundary should at maturity have overhanging canopy or invasive roots.

10. The majority of species selected are proposed pot size 75mm (tube), with 4 x species being sourced at 200mm. Tube/small pot sizing is standard with large areas revegetation projects factoring in cost & labour. The benefits, beyond cost & labour efficiency, can be that smaller stock will have unrestricted root system growth and vigour to grow quickly in favourable conditions. However, site scale, climate conditions, cost and labour are not challenging considerations in this instance. As such there is an opportunity to diversify and increase some stock size to provide a mixed approach. Sourcing endemic plant stock can be an issue, and the option to successfully transplant beyond fig & palm species is limited. It is understood Hortulus have exhausted the Douglas Shire availability. We are unsure if they have explored any transplanting opportunities, or sourcing from private land owners.

11. A successful revegetation program would see good site coverage and canopy cover in 3-5 years with well-established shrubs, maturity of larger trees is more likely to take 8-10 years +

12. GGI have undertaken a desktop review of the larger nurseries in and around Cairns & Townsville options in November 2024 are aware of the following:

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Hortulus Plant Schedule					November 2024 pot size availability:				
Code		***Botanical Name***	Nominated Pot Size	Mature height (m)	140mm	200mm	300mm	400mm /45L	90/100L
AF		*Attractocarpus fitazalanni*	75mm	8		Y	Y	Y	
DA		*Dillenia alata*	75mm	6	Y				
GS		*Gardenia scabrella*	75mm	1	Y	Y			
LI		*Leea indica*	75mm	3-5	Y				
LH		*Lomandra hystrix*	75mm	1	Y				
ME		*Melicope elleryana*	75mm	12	Y	Y	Y	Y	
MI		*Mimusops elengi*	75mm	10				Y	
MR		*Melicope rubra*	75mm	6	Y			Y	
PE		*Ptychosperma elegans*	200mm	8					Y
PM		*Ptychosperma macarthurii*	200mm	8			Y		
SR		*Syzygium sp. Rocky River*	75mm	2			Y		
XC		*Xanthostemon chrysanthus*	75mm	12	Y	Y	Y	Y	
XF		*Xanthostemon 'Fairhill Gold'*	200mm	6			Y		
XV		*Xanthostemon verticilliatus*	75mm	3	Y	Y			
SC6.7.8.1 species									
		Alocasia brisbanensis		1	Y	Y			
		Alpinia caerulea		1-2	Y	Y			
		Asplenium australasicum		1		Y			
		Backea frutescens		2-4	Y				
		Barringtonia asiatica		20-30		Y			
		Barringtonia calyptrata		20-30	Y				
		Buckinghamia cellsissima		5-10			Y		
		Cananga odorata		10-20	Y	Y			
		Cleistanthus hylandii		2-4	Y				
		Crinum pedunculatum		1-3		Y			
		Cupaniopsis anacardioides		10	Y	Y	Y		
		Dimorphocalyx australiensis		2-4	Y				
		Dipologottis diphyllostegia		5-10					
		Ficus benjamina		8-15	Y				
		Gardenia psilioides		1	Y				
		Graptophyllum excelsum		1-2	Y				
		Grevillea baileyana		10-15			Y		
		Harpullia pendula		8-10		Y	Y	Y	
		Licuala ramsayii					Y		
		Maniltoa lenticellata		8-10	Y	Y	Y	Y	
		Melaleuca viridiflora		5-10	Y	Y		Y	
		Nauclea orientalis		10-15	Y		Y		
		Pandanus tectorius		4-6		Y	Y		Y
		Pavetta australiensis		2-3	Y				
		Phyllanthus cuscutiflorus		3-4		Y	Y		
		Pleiogynium timorense		10-15	Y	Y			
		Podocarpus grayae		8-10	Y	Y			
		Stenocarpus sinuatus		15		Y			
		Syzygium australe		3-5	Y	Y	Y		
		Syzygium hemilampra		6-10	Y				
		Syzygium tierneyanum		8-15		Y		Y	Y
		Syzygium wilsonii		1-3	Y	Y			
		Tabernaemontana orientalis		3-4	Y				

Offices CAIRNS + GOLD COAST
PO Box 322, Edge Hill, Q 4870 T (07) 40 322131 E cairns@ggiarchitects.com

13. Details of materials, site preparation, planting, irrigation & mulching, & maintenance are limited.

All works should follow the attached document:
FNQROC Development Manual
Operational Works
Specification S9
Natural Area Restoration
Issue 11/19.
Excluding Clauses:
S8.08 Sediment Control Measures - by qualified Engineer
S8.11 Ripping - N/a
S8.12 Erosion & Sediment Control - by qualified Engineer
S8.13 Benching/ Contour Banking - by qualified Engineer

Planting Design S81.15 -S8.20 – by Hortulus Australia Pty/Ltd

14. Stock greater than 200mm shall be staked and loosely supported from each stake by hessian tree tie.
15. All new plants should be staked with an identification no. / tag to ensure effective maintenance replanting and monitoring can be undertaken.
16. Any amendments to the planting design after implementation shall be documented As Constructed. All temporary irrigation plans & details shall be documented As Constructed.
17. Ongoing Maintenance and independent monitoring should be undertaken for a period no less than 5 years to achieve self-sustaining vegetation, considered as a canopy establishment. GGI will provide further instruction on this requirement.
18. The Property owner/s of 16 Murphy Street should always be informed of the qualified Contractor responsible for the landscape works, and the ongoing maintenance and monitoring. The Contractor shall be the only one to have site access and shall always inform the Property owner/s of 16 Murphy Street, or their assigned representative, of site visits in advance. Reports of maintenance and monitoring shall be given in written form to the Property owner/s after each site visit.

Please provide for further review and comment:

a. The completed geotechnical report by ETS.
b. Determination of the contour restoration & approach.
c. Confirmation of Client's acceptance of likely landscape establishment timeframe noted above, or alternatively other requested time period to be achieved.

Once these have been received, GGI will undertake further review of the Hortulus plan (in consultation with Hortulus) to determine the final landscape species selection and layout.

Please don't hesitate to get in contact should you require clarification on any of the above.

Rebecca Gould, AILA 001346
Director/ Senior Landscape Architect
GGI Cairns Pty Ltd t/a
GGI Landscape Architects

FNQROC DEVELOPMENT MANUAL

OPERATIONAL WORKS

SPECIFICATION

S9

NATURAL AREA RESTORATION

Issue 11/19

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GENERAL

S8.01 SCOPE

1. These specifications detail all requirements pertaining to materials, site preparation, planting and maintenance associated with permanent and temporary revegetation works associated with the restoration of natural areas.

2. Where there is any conflict determined between the requirements specified herein and the requirements of any referenced Australian Standard, Statutory Authority Standards or otherwise, the requirements specified herein shall apply.

S8.02 REFERENCE DOCUMENTS

Australian Standards

- AS 2507 The storage and handling of pesticides.
- AS 4419 Soils for landscaping and garden use
- AS 4454 Composts, soil conditioners and mulches.

All Australian Standards referenced in this specification shall be the current edition.

Other Reference Documents

Goosem, S. & N.I.J. Tucker. (1995) *Repairing the Rainforest. Theory and practice of rainforest re-establishment in North Queensland's Wet Tropics.* Wet Tropics Management Authority. .

Tracey, J.G. (1982) The Vegetation of the Humid Tropical Region of North Queensland. Division of Plant Industry, CSIRO, Indooroopilly, Qld.

Gleed, S (2001) Revegetation Guidelines - for streams in Cardwell Shire (River Improvement Trust Works). North Queensland Afforestation Association Inc. Cairns.

Kanowski, J., Catterall, C. P., Freebody, K. and Harrison, D. A. (2008) Monitoring Revegetation Projects in Rainforest Landscapes. Toolkit Version 2. Report to the Marine and Tropical Sciences Research Facility. Reef and Rainforest Research Centre Limited, Cairns (76pp.).

MATERIALS

S8.03 PLANT STOCK

1. All plant species shall be as detailed on the approved Revegetation Plan. There shall be no substitution of any species without approval from appropriate Council technical staff.

2. All plant stock shall be sourced from the appropriate local **provenance** and vegetation community applicable to the project unless unavailable and prior approval is given by Council.

3. Lists of specialised plant species required for different revegetation projects referred to in the design guidelines (FNQ ROC Development Manual - Operational Works Design Guidelines. D_ Natural Area Restoration; sections D9.06-D9.11) are provided in the Appendix of this document..

4. The root system of each plant shall be conducive to successful transplantation, all specimens shall be free from pests and disease, especially Phytopthera, sooty mould and scale, and all containers shall be free from insidious weeds.

5. All plants to be used in the project should be;

   - sun hardened for a minimum of 6 weeks prior to planting;
   - well formed,
   - free from disease or insect pests; and,
   - free of physiological disease symptoms (yellowing, wilting etc).

6. The majority of rainforest plant species grown for revegetation projects should be grown in 560ml Supa Native pots. This allows plants to develop an adequate root system that enables them to better cope with extended dry periods post planting. **Pioneer** species and **sclerophyll** species such as *Eucalyptus* and *Callistemon* can be grown in 250ml forestry tubes. Other species suitable to be grown in the 250ml forestry tubes are listed below..

Acacia sp.
Alphitonia sp.
Callistemon sp.
Eucalyptus sp
Ficus sp.
Gahnia sp.
Homalanthus novoguineensis
Lomandra sp
Macaranga sp.

7. All plants should comply with the minimum and maximum plant size requirements listed in the table below. Note that the size of the plants used will affect the maintenance schedule required. For example smaller plant stock will require more regular weed maintenance.

Pot size/plant type	Minimum size (mm)	Maximum size (mm)	Optimum size (mm)
250ml capacity pots (ie. forestry tubes)	300	500	400
560ml Supa Native	400	800	600
Pioneers	300	500	400

8. Plants shall be watered before transportation to the planting site, and shall be delivered to the site in a covered container. During loading and unloading damage in handling shall be avoided.

9. Species identified in the following are prohibited from use:

   - Land Protection (Pest and Stock Route Management) Act, and the associated
   - Land Protection (Pest and Stock Route Management) Regulation
   - Species identified in the Local governments Pest Management Plans, and
   - "Weed Pocket Guide. Agricultural and Environmental Weeds – Far North Queensland" Department of Natural Resources and Mines, Qld Government 2001 or similar weed pocket guide issued by local government.
   - FNQ Regional Pest Management Strategy.

S8.04 SOIL MIX

1. Specification for the potting mix are as follows:
   - It shall be friable and not contain any clay;
   - The pH shall be between 5.5 and 7.0;
   - It shall be free from contaminants such as the seed of declared weeds, rocks sticks and salts;
   - It shall contain both long-term (12-14 mths) and short-term (4-6mths) slow release fertilisers; and,
   - It shall have a porosity of approximately 20%.

S8.05 FERTILISER

1. Fertiliser used for native plants should contain Nitrogen(N), Phosphorous(P) and Potassium(K) within the following ranges;
   N = 15 to 25
   P = 1 to 2.2
   K = 5 to 18

   Examples include Robust (4-6mths) NPK = 17.3:1.4:12.2 and Osmocote (12-14ths) = 18:2.2:9.3

S8.06 MULCH

1. Materials suitable for use as mulch in revegetation projects includes;

   Mulch hay;

   aged hardwood woodchip, stockpiled for a minimum of 6 weeks; and,

   Peanut shell.

2. Tea-tree mulch is prone to combustion and shall not be used unless permission is obtained from Council.

3. Bagasse poses a health hazard to the people spreading the mulch and should be avoided if possible.

4. Mulch should be free from weeds, rocks, non-biodegradable and toxic material.

S8.07 EROSION CONTROL MEASURES

1. Erosion control measures include mulching and/or mats such as geotextiles and jute matting. These measures can be used to protect exposed surfaces from the erosive effects of wind, rainwater impact and storm water run-off and should be considered for use when revegetating steep slopes. Site specific details such as soil type, drainage of rainwater run-off and annual rainfall will help determine the necessity of such measures. Blanket spraying should be avoided during the planting establishment phase on point bars and the toe (bottom of slope adjacent to waters edge) of the bank for waterways that are subject to annual large flood events. This will help to reduce erosion.

2. Mulching can be applied to mild slopes to limit run-off turbidity caused by raindrop impact. Suitable mulching material for revegetation works includes straw, well-aged wood-chip (although this may lock up available nitrogen in the soil) and gravel.

3. Mulch applied to slopes greater than 20% usually requires reinforcing with netting.

4. Mulch is not suitable for areas subject to concentrated flow unless suitable sized gravel mulch is used.

5. There are four general requirements for effective protection against erosion with erosion control mats. These are good contact with the ground, removal of surface irregularities, good anchorage and the discouragement of seepage flow.

6. Biodegradable erosion control mats are preferable to non-biodegradable ones because they pose less threat to small ground dwelling fauna that can become entangled in netting.

7. Erosion control mats should be inspected on a regular basis and after each storm event that produces run-off.

S8.08 SEDIMENT CONTROL MEASURES

1. Sediment control measures include sediment fences, straw bale barriers and stiff grass barriers.

2. Sediment fences must be placed along the contour but should not be located across areas of concentrated flow. These have little impact on fine silts (<0.02mm) and are limited to flows of around 40 litres per second in areas of concentrated flows. Examples of sediment fence design and layout are provided in the Appendix.

3. Sediment fences have a service life of approximately 6 months and are generally more efficient than straw bales.

4. Fenced areas should be maintained at appropriate intervals. Maintenance includes;
   - removal of sediment
   - checking fence stability
   - checking the fence still functions appropriately

5. Non-woven sediment fence material should be used where the catchment area is small and woven material in areas with a large catchment and therefore a higher flow rate.

6. The sediment fence should be buried in a trench 200mm deep and have stakes at 2m intervals without wire mesh or at 3m intervals with wire mesh. The middle of the sediment fence should be lower than the sides to enable overflow in extreme rainfall events.

7. The maximum catchment area should be 0.6 hectare per 100m of sediment fence.

8. The maximum parallel spacing of sediment fences down long slopes should typically be:

   = 90 – 48 [log (% slope)] metres.

   Where: **H** is the horizontal slope component defined by **H**(H):1(V) and **(% slope)** = (100/**H**)

9. Straw bales are generally only suitable for catchment areas < 0.4 hectares where they will not be subject to concentrated flows.

10. Stiff grass plants can be placed along or just off the contour to control sheet flow and to act as filter strips to capture some sediment run-off. Exotic species such as *Vetiveria spp.* should not be used. Suitable local species to be used include *Lomandra spp*. and *Gahnia spp..* Typically plants should be placed at intervals of 1-2 metres.

11. Grass filter strips generally only trap coarse sediments and may also be ineffective during periods of very heavy rain. Note that a significant sediment build-up on filter strips may indicate inefficient on-site erosion controls.

SITE PREPARATION

S8.09 WEED REMOVAL

1. Prior to planting all weeds shall be killed by spraying a suitable glyphosate based herbicide or other herbicide with an appropriate label of off-label permit.

2. Site preparation should involve two applications of herbicide commencing approximately two months prior to planting. The second herbicide application (approximately one month after the first) ensures that any areas missed in the first application are treated.

3. In extremely sensitive sites where it is undesirable to use herbicide, slashing and blanket mulching of weeds can be applied to control weed growth (following the removal of woody weeds). Depending on the material used the mulch will need to be re-applied several times in the first 2-3 years or until canopy closure has been achieved. This may not be very practical or cost effective on large sites (ie > 0.3 hectare).

4. For **point bars** in waterways prone to large floods (coastal lowlands), areas to be planted should be spot sprayed to a diameter of 1 metre at the point where the trees will be planted.

5. Similarly, do not blanket spray the toe of the bank in flood prone waterways (coastal lowlands). A 1 metre strip of Para Grass (*Urochloa mutica)* should be retained at the toe. Grasses and sedges should be retained for some stability with spot spraying to a diameter of 1 metre where the trees are to be planted.

S8.10 EXCLUSION FENCING

1. Where stock have access to the revegetation site suitable exclusion fences will need to be erected. Feral animals such as pigs, cattle and deer.

2. Exclusion fences for most stock need to be four strands of wire. The bottom three strands are barbed wire and the top is plain wire. Using barbed wire on the top strand poses a great threat to wildlife such as birds and bats.

3. More substantial fencing should be used if the purpose is to exclude domestic animals eg. Dog mesh, chicken wire.

S8.11 RIPPING

1. If the area to be revegetated has been heavily compacted (such as an old quarry or road) then it will need to be deep ripped to a depth of 200-300mm following the contour.

2. Ripping should only be carried out where required because the disturbance of the soil upturns the soil seed bank which usually contains a diverse array of undesirable weed species.

3. Steep slopes, river and creek flats should not be ripped.

S8.12 EROSION & SEDIMENT CONTROL

1. Factors causing erosion and sedimentation should be controlled during site preparation and prior to planting. This may involve measures to divert, control and reduce the flow velocity of water and run-off. Such measures have been discussed in more detail in S8.07 and S8.08.

2. If working on a site that is prone to erosion (eg.riverbank) consider leaving some cover in the form of grass strips if it is unlikely that the grass will not further infest the planting site.

S8.13 BENCHING/CONTOUR BANKING

1. Benching of extremely steep riverbanks (usually greater than 6m high) can be used to make them more suitable for establishing vegetation and to help reduce sediment run-off. The bench is approximately 3m wide and at a height that is above the *3-year return period flood height.*

2. In greatly modified hardened sites (eg. Quarries, mining areas, roads etc) **swales** should be established to direct seed and direct plant into to help slow down the water flow and increase the amount of water penetration. The swales should follow the contour banks and zig-zag down the slope at a gradient of 1:1.

3. Where swales have been established diversion drains are required to divert excess water away from the swales that have been seeded or planted.

S8.14 HOLE DIGGING

1. In most cases holes should be dug to a depth of 400mm (or approximately twice the depth of the pot) and to a width of 200 mm.

2. Post hole diggers are suitable for digging holes on most sites. Post hole diggers may be unsuitable for use on sites that have soils with a high clay content because the auger blade can create hard polished walls inside the hole, which will make root penetration more difficult. If polished walls do occur, they can be scraped or scoured with a crow-bar or spade to break up the polished surface.

PLANTING DESIGN

S8.15 GENERAL

1. The planting design used will depend on the type of revegetation project being implemented and the vegetation structure and ecology of the local vegetation community.

S8.16 RAINFOREST PLANTING DESIGN

2. In wet tropics rainforest revegetation projects trees should be planted at random spacings 1.5 – 2.0m apart.

3. Most rainforest revegetation projects should incorporate a mix of the *framework species method* (including **pioneers**) and the *maximum diversity method* (Goosem & Tucker) to create a forest that will be the building blocks of a particular vegetation community.

4. The *framework method* uses species that are part of the pioneer and mid-**successional** stages of plant community development. Trees in this category generally produce a fruit crop in a much shorter time period than those mature phase species and they have seeds that are commonly dispersed by birds.

This facilitates the recruitment of additional plant species that are bird dispersed. The *maximum diversity method* attempts to re-create the pre-clearing diversity by using a higher proportion of **mature phase** species which are much slower growing, take a long time to reach maturity and seed, and are generally less tolerant of high light intensities and wind exposure. If too many mature phase species are used the intensive maintenance period is increased.

5. Using this combined planting design approximately 70% of the total number of trees to be planted in a project should be framework species. No more than 10% of the total number of trees should be true pioneer species. Planting too many pioneer species may result in the planting becoming 'stagnant'. After several years the canopy leaves of pioneers such as *Homalanthus novoguineensis and Alphitonia petriei*, become smaller and the canopy architecture becomes more open, allowing more light to reach the canopy floor. This then provides a suitable environment for weed species to recolonise, especially grasses. The weeds and grasses then out compete the recruited seedlings. This stagnation often prevents the planting from evolving into a more mature/advanced vegetation community. The remaining 20% of species to be planted includes **mature phase** species from the *maximum diversity method*.

S8.17 SCLEROPHYLL PLANTING DESIGN

1. **Sclerophyll** dominated revegetation projects require a different approach because of the different characteristics of the vegetation communities. Careful consideration needs to be given to the primary objective of the sclerophyll community being established.

2. Consideration must be given to the vegetation structure of the vegetation community targeted to re-establish/restore. Determine if the canopy is purely sclerophyll (eg. Rose Gum, *Eucalyptus grandis)* or should it have rainforest components as well.

3. Similarly, consideration needs to be given to species planted that belong to the mid canopy and understorey layers in a wet tropics sclerophyll revegetation project. For example, if you were designing a wet sclerophyll revegetation project to provide a corridor and habitat for the Yellow-bellied Glider it would be inappropriate to incorporate rainforest plants that are going to grow up into the *Eucalyptus grandis* canopy, out compete the Eucalypt species and develop into a rainforest community. The area planted would then not be a viable Yellow-bellied Glider corridor.

4. The planting design for sclerophyll revegetation projects should be determined by observing the tree spacing and species mix in the local sclerophyll vegetation community for that site.

S8.18 RIPARIAN REVEGETATION DESIGN

1. The crucial element of planting design for **riparian** revegetation projects is the selection of species for the different vertical positions on the banks of the watercourse. Different species have different tolerance levels to the mechanical impacts of floodwaters and the period of inundation. Appropriate riparian species and their planting positions in the riparian zone are provided in the Appendix.

2. The following elements help determine the design and species selection for riparian revegetation projects;

    - Slope,
    - Vegetation community,
    - Presence of rock and/or sand,
    - Distance from the waters edge,
    - Location of watercourse in catchment, and,
    - Size of the watercourse.

3. Careful consideration should be given prior to planting **point bars (**sand bars). These areas are part of an ever-changing watercourse. Given the right conditions the sand bars will be recolonised by an 'ephemeral' riparian community that will persist until the next major flood event. Species that play such a role includes; *Melaleuca viminalis, Ficus congesta, Nauclea orientalis, Syzygium tierneyanum, Tristaniopsis exiliflora and Melaleuca leucadendra* – depending on the catchment and the natural species assemblage. If these areas are to be planted the tree species should be planted at 6 – 8m spacings to allow free movement of flood waters.

S8.19 BEACH STRAND PLANTING DESIGN

1. There are distinct vegetation zones in beach strand communities that relate to the position along the dune and the successional stage of the vegetation. These include the;
   - beach foredune – containing sand colonising species that can tolerate exposed conditions and salty winds;
   - beach mid-dune – this occurs on the landward side of the foredune and often contains shrubby species or trees that will have branches that reach down to the sand; and,
   - beach scrub – this usually occurs in the lee of the mid-dune and tends to be more stable.
2. The plants used in the revegetation of beach strand areas should be closely aligned with the plant species that naturally occur in the beach zone being planted. Beach strand vegetation communities vary according to the richness of the substrate, the rainfall received and the proximity to other vegetation communities. The Appendix lists appropriate beach strand species to plant in relation to the associated vegetation community of the project site.

S8.20 WETLAND PLANTING DESIGN

1. The design of a wetland revegetation/rehabilitation project will be determined by the hydrology of the wetland system and the area to be planted within the wetland. To be most effective wetland projects should use a combination of vegetation types; floating species, emergent species and submerged plants. This helps maximise water quality improvement and aquatic biodiversity.

2. The hydroperiod (ie duration and frequency of inundation) has a significant impact on the establishment, growth and survival of wetland vegetation. This information is crucial for designing a successful wetland revegetation project.

3. Aquatic plants should be planted according to their preference for water depth and degree of water flow.

4. The best uptake of nutrients in wetland systems occurs where the water has a low flow rate.

5. Sedge species should be planted in clusters 5 – 10m apart with individual plants in a cluster spaced 1m apart. This will assist in rapid colonisation.

6. Terrestrial species to be planted around the wetland edge should be planted at densities similar to that particular type of wetland vegetation community. For example, a Featherpalm Swamp (*Archontophoenix alexandrae)* would have trees planted at random spacings of 1.5 – 2.0m similar to rainforest revegetation projects. A *Melaleuca quinquenervia* swamp is classified as a medium open forest and should have Melaleuca's planted wider apart (>2.0) with the ground layer planted out with sedges such as *Thoracostachyum sumatranum* and *Lepironia articulata*. Some appropriate species for wetland plantings are provided in the Appendix.

PLANTING

S8.21 GENERAL

1. All plantings should be carried out at the time of year when the likelihood or rainfall is greatest and when the threats to planting success are a minimum. The table below provides guidelines to the most suitable planting times for different areas.

2. Please note that the most suitable planting periods given below are a guideline only. Each site has its own individual soil moisture and rainfall characteristics. Details such as average rainfall and months with the most reliable amount of rainfall must be identified for each individual site.

Altitude	Location Description	Threat	Most Suitable Planting Period
Coastal lowlands / foothills	Low rainfall areas	No follow-up rain	Jan – March
	Riparian	Flooding	April-May or June-July (with irrigation if required)
	Beach strand	Drying out	Mar-June (depending on length of wet season)
	Wetland	Flooding	Nov-Dec (irrigation required) or April-July (depending on area of wetland being planted)
	Areas with no wet weather access	No access in wet season	Dec-Feb or April- June (irrigation may be required)
	Other areas	Lack of follow-up rain	Year round with irrigation
Tableland areas	Riparian	Flooding	April-June or Nov-Jan (with irrigation)
	Mabi forest	Drying out/frost	Nov-Dec (irrigation required) or Jan - Mar
	Wetland	Flooding	Jan – Mar (depending on area of wetland being planted)
	Areas with no wet weather access	No access during the wet	Nov-Dec (with irrigation) or Jan – Feb
	Frost-prone areas	Frost	Nov-Dec (irrigation required) or Feb – Mar

	Other areas	Lack of follow-up rain	Year round with irrigation

3. Planting should be carried out as soon after plant delivery to the site as possible. All containers, unless fully biodegradable, shall be removed at the latest point before planting.

4. All plants should be obtained from a nursery located in an area having a similar climate to the site of the works.

S8.22 PLANTING

1. Fertiliser is placed in the bottom of the hole and cover with some dirt prior to planting. This prevents tree roots coming into direct contact with the fertiliser which may cause roots to burn.

2. Trees must be planted correctly. Check the depth of the hole. The top soil surface in the pot should be at ground level when the tree is planted in the ground.

3. Squeeze the pot firmly and gently remove the tree from the pot. Place the tree in the hole and carefully backfill the hole with soil.

4. During backfilling around the plants the soil should be firmed to ensure intimate contact with the roots, but with large material successive layers of soil will need to be firmed as backfilling proceeds.

5. Ensure the plants are held securely by the soil but do not compact the soil too much so that moisture penetration is restricted.

6. Form a small saucer (ie an indented area) around the stem to capture water and allow for greater penetration.

7. After planting, trees should not be staked as this can lead to weak stems.

8. Plants should be watered directly after planting prior to spreading of mulch. A minimum of 10 litres of water should be given to each tree immediately after planting. This watering helps to settle the roots against the soil and get rid of any air pockets. If planting coincides with natural rainfall then the need for ongoing watering is alleviated.

IRRIGATION & MULCHING

S8.23 WATERING IN

1. All plants should be watered in after planting at the rate of 10 litres per plant.

2. If no follow up rainfall is received the revegetated area should be watered once a week (at a minimum rate of 10 litres of water per plant) until substantial amounts of rain fall.

S8.24 MULCHING

1. Mulching helps to reduce the growth of weeds, keeps soil temperatures more constant and helps to retain soil moisture levels. Mulching is more beneficial if it covers the entire area rather than just circles around individual trees.

2. Mulch shall be installed to a depth of 150mm and should be left just clear of the plant stem.

3. Particle masks should always be used when spreading hay or bagasse to avoid breathing in mould spores or fibres.

4. Note that mulches will not be suitable for use in areas subject to concentrated water flow unless covered by netting or suitably sized gravel mulch is used.

5. Mulch should not be used in fire prone areas or where natural regeneration is being encouraged.

MAINTENANCE

S8.25 WEED CONTROL

1. A maintenance program is to be implemented immediately following planting. This involves the use of Glyphosate based herbicide (using the manufacturers recommended rates) to eradicate weeds and grasses that grow within the revegetated area.
2. Bioactive is to be used in sites adjacent to waterways and wetlands.
3. Maintenance visits should occur at 2 – 3 monthly intervals on average. During the dry and wet, warmer months of September to March the favourable growing conditions may result in the requirement of more frequent maintenance events (every 6 – 8 weeks).
4. Contact of the herbicide with the new plants shall be avoided. If greater than 1% of the total number of trees planted die as a result of any one herbicide application, the dead trees should be replaced.
5. Glyphosate shall not be applied under the following weather conditions at the site:
    - when winds exceed 15 km/hr;
    - where the surface is too wet; or,
    - during rain periods or when rain appears imminent.

S8.26 IRRIGATION

1. Irrigating should only be necessary in the first 3 – 4 months after planting if insufficient rainfall is received or in the following dry season if the plants become water stressed.

2. The contractor will be responsible for sourcing the irrigation equipment necessary to water the revegetated site if required.

3. When irrigating the planting it is more beneficial to the trees if they are given a good deep soaking less frequently rather than frequent shallow waterings. Plantings should be irrigated to the extent that water reaches a depth of at least 15-20cm below the ground surface.

4. Irrigating should not be necessary more than once per week during dry periods unless the plants still show signs of water stress.

S8.27 REPLANTING

1. The contractor shall be responsible for replacing dead trees if greater than 5% of the total number of trees die within the follow-up maintenance period (2-3 years as agreed to) as a direct result of herbicide application or lack of watering.

2. Replacement plants shall be of similar size and quality and of identical species and variety to the plants being replaced.

3. The contractor shall not be held responsible for dead trees that result from **extreme** natural climatic events such as cyclone, floods, frost and/or fire within a given time period as agreed to by the council and the contractor in the planning process.

S8.28 MONITORING

1. Regular monitoring of the project site is crucial to keep track of the overall project progress. There are three main areas to be monitored in a revegetation project. These are;

   weed growth;

   watering requirements; and,

   general plant condition.

2. Progress of project implementation should also be monitored. This includes recording planting dates, number of trees planted each day and details of maintenance visits (weed control, irrigation and mulching).

Further detail on monitoring revegetation projects is covered in Kanowski et al, (2008)

APPENDIX

APPENDIX A – GLOSSARY

Mature phase = refers to those species that appear later in the successional process. These species are light intolerant, usually slow growing relative to pioneer species, and, produce seed much less frequently.

Pioneer = a fast growing plant species that is shade intolerant, produces vast numbers of seeds regularly and has a rapid biomass turnover which assists in changing soil conditions.

Point bar = a build up of alluvial material deposited in the water channel and usually extending out into the waterway itself.

Provenance = (in revegetation context) generally refers to the site or area from which a seed has been collected in a natural population. Local provenance is not defined merely by distance but by similarities in soil type, topography, climate, vegetation communities and the means of pollination and dispersal. Local provenance varies for different species depending on the above-mentioned factors.

Riparian = of or on the riverbank

Sclerophyll = plants which have hard leaves to reduce moisture loss. Examples include Eucalypts and Melaleucas.

Succession = a process of change whereby ecological communities become established and mature. Succession in vegetation communities involves species replacements, shifts in population structure and changes in the availability of resources such as light, moisture and soil nutrients.

Swale = a bank positioned on a contour with the purpose of slowing water run-off to increase the amount of water penetration into the soil. These are usually constructed by mounding soil.

PLANT SCHEDULE; AS CONSTRUCTED 16 Dec 2024

16 Murphy Street revegetation

NOTE the species and numbers in red show substitutions for the code above, based on input from GGI Architect and availability in the industry.

CODE	BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	TYPE	H&W.
Native Trees & Shrubs						
AF	*Atractocarpus fitzalanni*	Brown Gardenia	16	75mm	T	8x4
BA	*Brachychiton acerifolius*	Illawarra Flame tree	8	75mm	T	10x4
CB	*Carallia brachiata*	Corky Bark Tree	13	75mm	T	12x5
CC	*Cyathea cooperi*	Sun Tree Fern	(4)	200mm	F	6x4
	Cyathea cooperi	Sun Tree Fern	7	250mm	F	6x4
DA	*Dillenia alata*	Red Beech Tree	4	75mm	T	6x5
DD	*Darlingia darlingiana*	Brown Silky Oak	3	75mm	T	10x6
DT	*Deplanchea tetraphylla*	Golden Bouquet Tree	5	75mm	T	10x6
FI	*Ficus virgata*	Native Fig Tree	6	75mm	T	15x10
GI	*Graptophyllum ilicifolium*	Native holly		75mm	S	4x2
	Gardenia actinocarpa	Daintree Gardenia	3	75mm	T	6x4
	Phaleria clerodendron	Native daphnia	8	140mm	T	6x4
	Xanthostemon chrysanthus 'Fairhill Gold' Dwarf Golden penda		5	140mm	T	6x5
GR	*Graptophyllum spinigerum*	Northern holly		75mm	S	4x2
	Melastoma affine		2	120mm	S	2x2
GS	*Gardenia scabrella*	Cape York Gardenia		75mm	S	4x1
	Gardenia actinocarpa	Daintree Gardenia	11	120mm	T	6x4
GW	*Garcinia warrenii*	Native Mangosteen		75mm	T	8x4
	Rhus taitensis		3	140mm	T	6x4
	Atractocarpus fitzalanni	Brown Gardenia	6	300mm	T	8x4
	Cupaniopsis flagelliformis	Northern Tuckaroo	3	200mm	T	6x4
	Diploglottis campbellii		1	300mm	T	8x6
HO	*Homalanthus populifolius*	Bleeding Heart Tree		75mm	T	6x6
	Cupaniopsis anacardioides	Tuckeroo	20	200mm	T	6x6
IT	*Ixora timorensis*	Native Ixora		75mm	S	6x4
	Phyllanthus cuscutiflorus	Pink Phyllanthus	5	75mm	T	6x4
	Cerbera floribunda	Cassowary Plum	3	300mm	T	12x6
	Diploglottis campbellii		1	300mm	T	8x6
LI	*Leea indica*	Bandicoote berry	4	75mm	S	4x4
ME	*Melicope elleryana*	Ulysses Tree	12	120mm	T	12x6
MI	*Mimusops elengi*	Mimusops Tree	5	75mm	T	10x6
ML	*Maniltoa lenticellata*	Native Handkerchief Tree	4	200mm	T	12x6
MM	*Micromelum minutum*	Lime Berry		75mm	T	6x4
	Phyllanthus cuscutiflorus	Pink Phyllanthus	17	200mm	T	6x4
MR	*Melicope rubra*	Dwarf Ulysses Tree	10	140mm	t	6x3
PC	*Phaleria clerodendron*	Native daphnia	4	140mm	T	6x4
PE	*Ptycosperma elegans*	Solitare Palm	9	250 mm	P	8x3
PM	*Ptycosperma macartheri*	Macarther Palm	6	300mm	P	8x3
SR	*Syzygium sp.* "Rocky River"	Dwarf Lilly Pilly		75mm	T	4x2
	Syzygium wilsonii	Powder Puff Lilly Pilly	9	120mm	T	4x2
XC	*Xanthostemon chrysanthus*	Golden Penda Tree	3	75mm	T	12x6
XF	*Xanthostemon chrysanthus* 'Fairhill Gold' Dwarf Golden penda		10	140mm	T	6x5
XV	*Xanthostemon verticilliatus*	Bloomfeild Penda Tree	6	75mm	T	3x1
Native Groundcovers						
AT	*Aristolochia tagala*	Dutchman's Pipe Vine	10	75mm	C	5x5
	Dianella caerulea	Blue Flax Lily	20	140mm	S	0.7x0.7
DC	*Dianella caerulea*	Blue Flax Lily	150	140mm	S	0.7x0.7
LH	*Lomandra hystrix*	Mat Rush	420	75mm	S	1x1
MC	*Molineria capitulate*	Weevil lily	(385)	75mm	S	1x1
	Alpinia caerulea	Red Back Ginger	3	140mm	S	1.5x1
	Cordyline manners-suttoniae	Northern Cordyline	1	140mm	S	3x1
	Crinum pedunculatum	Swamp lily	3	140mm	S	1x1
	Gardenia psidiodes	Native Gardenia	4	140mm	S	0.5x1

KEY; C = Climber F = Fern GC = Ground Cover
G = Ginger P = Palm S = Shrub
Se= Sedge T = Tree

Land Title Act 1994 ; Land Act 1994
Form 21 Version 2

SURVEY PLAN

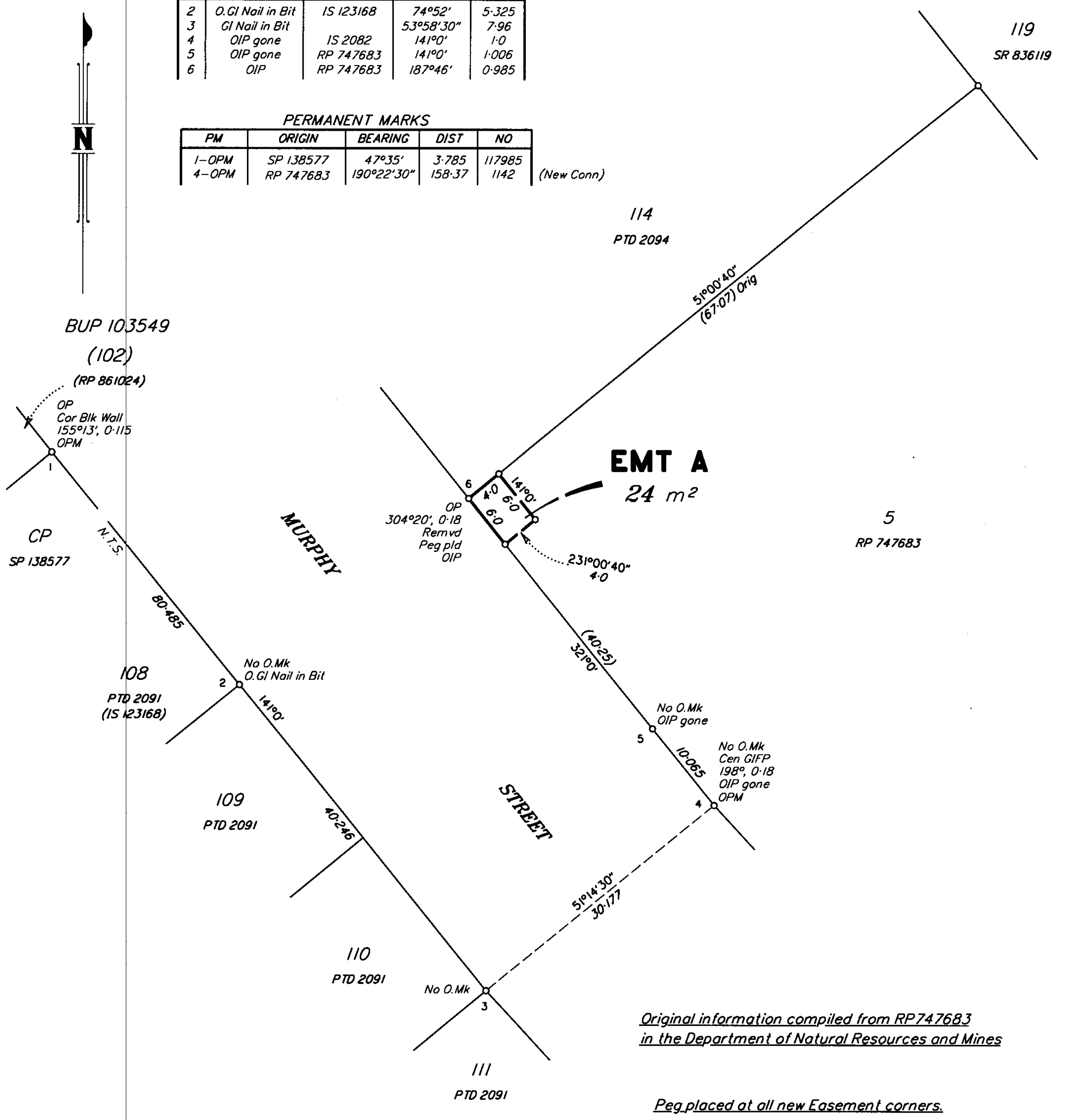
Sheet 1 of 1

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
2	O.GI Nail in Bit	IS 123168	74°52'	5·325
3	GI Nail in Bit		53°58'30"	7·96
4	OIP gone	IS 2082	141°0'	1·0
5	OIP gone	RP 747683	141°0'	1·006
6	OIP	RP 747683	187°46'	0·985

PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	
1-OPM	SP 138577	47°35'	3·785	117985	
4-OPM	RP 747683	190°22'30"	158·37	1142	(New Conn)



Original information compiled from RP747683 in the Department of Natural Resources and Mines

Peg placed at all new Easement corners.

Scale 1:400 – Lengths are in Metres.

C & B CONSULTANTS PTY LTD ACN 055 931 096 hereby certify that the Company has surveyed the land comprised in this plan by DAVID ALLAN JERICHO, Registered Surveyor (Licensed), for whose work the company accepts responsibility, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992 and that the said survey was completed on 21-6-2001.

Peter STOFFORD
Director and Registered Surveyor (Licensed)
Director
Date 28/6/01

Plan of

Easement A

in Lot 5 on RP 747683

PARISH: **SALISBURY** COUNTY: **Solander**

Meridian: SP 138577 F/N's: No

Scale: 1:400
Format: STANDARD

SP143030

Plan Status:

704998716

$212.00
28/08/2001 15:19

CS 400

**WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.**

Registered

5. Lodged by

**MacDonnells
Solicitors
PO Box 5046
CAIRNS QLD 4870**

MRS: WJH 962299.

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We MYRIAD COMPANY LIMITED

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* ~~as Lessees of this land agree to this plan~~.

SHINICHIRO WATARI DIRECTOR

Signature of *Registered Owners *~~Lessees~~

* Rule out whichever is inapplicable

6.

Existing			Created		
Title Reference	Lot	Plan	Lots	Emts	Road
21406211	5	RP 747683	—	A	—

2. Local Government Approval.

*

hereby approves this plan in accordance with the :

%

Dated this day of

#

#

* Insert the name of the Local Government.
# Insert designation of signatory or delegation
% Insert Integrated Planning Act 1997 or Local Government (Planning & Environment) Act 1990

Allot 5, Sec 11 | EMT A

Orig | Lots

7. Portion Allocation :

8. Map Reference :
7965-22232

9. Locality :
PORT DOUGLAS

10. Local Government :
DOUGLAS S.C.

11. Passed & Endorsed :

By : C & B CONSULTANTS PTY LTD
Date : 27.6.2001
Signed :
Designation : LICENSED SURVEYOR

12. Building Format Plans only.

I certify that :

* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.

* Part of the building shown on this plan encroaches onto adjoining * lots and road

Licensed Surveyor/Director * Date

* delete words not required

13. Lodgement Fees :

Survey Deposit	$
Lodgement	$
New Titles	$
Photocopy	$
Postage	$
TOTAL	$

14. Insert Plan Number **SP143030**

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt :

Surveyor : 61804

DOUGLAS SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

22 November 2024

Enquiries: Planning Department
Our Ref: 49.2024_73

George Argyrou
Unit 3 21 Constitution Hill Road
Sorrento VIC 3943

Dear Sir/Madam

SHOW CAUSE NOTICE

RE: Operational Work - Vegetation Damage and Operational Work - Filling and Excavation at 16-22 Murphy Street Port Douglas on Land Described as Lot 5 on RP747683 (the *Premises*)

The purpose of this letter is to:

(a) advise you that the Show Cause notice issued by Council on 8 October 2024 (Council Doc; id 1254870) is withdrawn; and

(b) issue the **attached** Show Cause Notice in its place.

The replacement Show Cause Notice has been issued by Council:-

(a) in response to complaints relating to Operational Work - Vegetation Damage and Operational Work - Filling and Excavation at 16-22 Murphy Street Port Douglas on Land Described as Lot 5 on RP747683;

(b) as a result of Council's review of Development Approval MCUC 2022_4732, including the terms, conditions and approved drawings and documents; and

(c) following an investigation and inspection of the Premises in relation to these matters.

The purpose of the Show Cause Notice is to invite you to show cause why an Enforcement Notice should not be issued to you pursuant to section 168 of the *Planning Act 2016.*

Any representations you may wish to make about the Show Cause Notice are to be provided in writing. If you have any questions, please do not hesitate to contact Council's Planning Department on 4099 9444.

Yours faithfully

Neil Beck
Acting Manager Environment and Planning

Show Cause Notice

1. Authorising legislation	Planning Act 2016, Section 167
2. Recipient Name and address	George Argyrou Unit 3 21 Constitution Hill Road Sorrento VIC 3943
3. Date	22 November 2024
4. Premises	16-22 Murphy Street, Port Douglas (Lot 5 on RP747683)
5. Authorising power/ description of offence	Douglas Shire Council (the **Council**), as the relevant enforcement authority under the *Planning Act 2016* (the **Act**), is considering giving you an Enforcement Notice pursuant to section 168 of the Act. The reason for this is that Council believes that you have committed development offences under sections 162, 163 and 164 of the Act, which provide: ***162 - Carrying out prohibited development*** *(1) A person must not carry out prohibited development, unless-* *(a) the development is carried out under a development approval given for a superseded planning scheme application; or* *(b) the local government for the area in which the development is carried out has agreed, or is taken to have agreed, to a request under section 29(4)(b) for the development.* ***163 - Carrying out assessable development without permit*** *(1) A person must not carry out assessable development, unless all necessary development permits are in effect for the development.* *(2) However, subsection (1) does not apply to development carried out—* *(a) under section 29(10)(a); or* *(b) in accordance with an exemption certificate under section 46; or* *(c) under section 88(3).* ***164 - Compliance with development approval*** *(1) A person must not contravene a development approval.*

	This Show Cause Notice is given to you pursuant to section 167 of the Act and invites you to show cause why you should not be given the Enforcement Notice.
6. Fact and circumstances	The facts and circumstances that form the basis for the Council's reason for giving an Enforcement Notice are set out below: 1. During an interview with Council Officers on 3 October 2024, you (George Argyrou) of 14 Murphy St, Port Douglas (Lot 114 on PTD2094) admitted to undertaking Operational Work - Vegetation Damage and Operational Work - Filling and Excavation on the neighbouring land, being 16-22 Murphy Street, Port Douglas, Lot 5 on RP747683 (the **Premises**). 2. The Premises has an area of 8051m^2 and frontage to Murphy Street, Port Douglas. 3. According to the *2018 Douglas Shire Planning Scheme* (the **Planning Scheme**), the Premises is located within the Environmental Management Zone (see Zoning Map Sheet – ZM-019) and Sub Precinct 1f- Flagstaff Hill of Precinct 1- Port Douglas Precinct of the Port Douglas/Craiglie Local Plan (see Local Plan Map Sheet – LPM-006). 4. The Council has received complaints in relation to Operational Work - Vegetation Damage and Operational Work - Filling and Excavation allegedly carried out by you at the Premises. 5. Upon investigating the complaints, Council has gathered the following information in support of these allegations: (a) Written communications, dated 2 October 2024, between you (George Argyrou) and Jarrod Fuller from Marino Lawyers, acknowledging that you (George Argyrou) are responsible for the Filling and Excavation and Vegetation Damage that was undertaken at the Premises; (b) Records of verbal conversations with you (George Argyrou) on 3 October 2024, during which you admitted to directing contractors to undertake the Filling and Excavation and Vegetation Damage at the Premises; (c) Photographic images of the Filling and Excavation and Vegetation Damage at the Premises; (d) Aerial images showing the state of the Premises prior to the Filling and Excavation and Vegetation Damage being carried out. **<u>Operational Work - Filling and Excavation</u>** 6. Under the Planning Scheme, Table 5.6.d, carrying out Operational Work – Filling and Excavation of greater than 50m^3 within the Environmental Management zone is categorised as code assessable development which, pursuant to sections 44(3) and 49 of the Act, requires a

development permit before it can be lawfully carried out.

7. According to Council's records there are no development permits in place that permit Operational Work - Filling and Excavation greater than $50m^3$ to be carried out at the Premises.

8. On this basis, Council reasonably believes you have committed a development offence contrary to section 163 of the Act, which, as set out above, prohibits a person from carrying out assessable development without an effective development permit.

9. The maximum penalty for contravening section 163 is 4,500 penalty units, which, according to the *Penalties and Sentences Act 1992,* equates to a maximum amount of $725,850.00.

Operational Work - Vegetation Damage

10. Section 19 of the *Planning Regulation 2017* (the **Regulation**) provides that development is prohibited development if it is stated in Schedule 10 to be prohibited development.

11. Schedule 10, Part 3, Division 1, section 4 of the Regulation includes the following entry for clearing of native vegetation:-

4. Prohibited development - clearing native vegetation other than for a relevant purpose

1. Operational work that is the clearing of native vegetation on prescribed land is prohibited to the extent the work-

(a) is not for a relevant purpose under the Vegetation Management Act, section 22A:

(b) is not exempt clearing work; and

(c) is not accepted development under schedule 7, part 3, section 12.

12. Council has reviewed the requirements of section 22A of the *Vegetation Management Act 1999* (the **VMA**) and determined that the Operational Work - Vegetation Damage carried out at the Premises does not qualify as development for a relevant purpose under that provision. Specifically, to qualify as a relevant purpose under this provision, a determination is required by the Chief Executive under the VMA that the development is for one of the relevant purposes under VMA section 22A(2).

13. Council's investigations have revealed that there is no evidence of such a determination having been made in relation to the Operational Work - Vegetation Damage carried out at the Premises.

14. Schedule 24 of the Regulation relevantly defines *exempt clearing work to* mean:

Operational work that is the clearing of native vegetation -

(a) on prescribed land, if the clearing is-

(i) clearing, or for another activity or matter, stated in schedule 21, part 1; or

(ii) clearing stated in schedule 21, part 2 for the land …

15. Schedule 24 also defines *prescribed land* to include freehold land, such as the Premises.

16. Having considered the different types of clearing and other activities and matters stated in schedule 21, Part 1 and Part 2 of the Regulation, Council has determined that the Operational Work - Vegetation Damage carried out at the Premises does not qualify as exempt clearing work.

17. The effect of Schedule 7- Accepted Development, Part 3, section 12 of the Regulation, is to categorise as accepted development:

12. Operation work for clearing native vegetation-

Operational work that is clearing native vegetation to which an accepted development clearing code applies if the work complies with the code.

18. Council has reviewed the relevant Accepted Development Vegetation Clearing Codes (ADVCC) and determined that the Operational Work - Vegetation Damage undertaken at the Premises could not be considered as acceptable development because it does not satisfy the relevant requirements of the ADVCC.

19. Having regard to the above considerations, so far as they relate to the requirements of Schedule 10, Part 3, Division 1, section 4 of the Regulation, Council is satisfied the Operational Work - Vegetation Damage carried out at the Premises constitutes prohibited development.

20. On this basis Council reasonably believes you have committed a development offence contrary to section 162 of the Act, which states:

(1) A person must not carry out prohibited development, unless-

(a) The development is carried out under a development approval given for a superseded planning scheme application; or

(b) The local government for the area in which the development is carried out has agreed, or is taken to have agreed, to a request under section 29(4)(b) for the development.

21. While it is noted that section 162 contains exceptions, according to Council's records the exceptions do not apply

because:

(a) no development approval has been given for a superseded Planning Scheme Application that would allow the Operational Work – Vegetation Damage to be carried out at the Premises; and

(b) Council has neither received nor agreed to any request under section 29(4)(b) of the Act for the Operational Work – Vegetation Damage.

22. The maximum penalty for contravening section 162 of the Act is 4,500 penalty units, which, according to the *Penalties and Sentences Act 1992,* equates to a maximum amount of $725,850.00.

MCUC 2022_4732/1

23. According to Council's records it issued a development permit on 7 October 2022 for a material change of use (dwelling house) for your land at 14 Murphy Street, Port Douglas (Lot 114 on PTD2094).

24. Condition 1 of Development Approval MCUC 2022_4732/1 imposes the following requirement:

1. Carry out the approved development generally in accordance with the approved drawings(s) and/or documents(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 FNQROC Development Manual.

Except where modified by these conditions of approval.

25. Further, Condition 4 of Development Approval MCUC 2022_4732/1 stipulates that:

4. Clearing is limited to the vegetation within the land and those associated with the path of the private, external driveway, as detailed in the ~~Hortulus Vegetation Survey Plan (Council document 1100473)~~ the revised Vegetation Survey and Tree Removal report by Hortulus dated 17 April 2024 (Council document reference number #1223321) and the ~~Hunt Design Drawings Nos. 02.1, 02.2 and 0.23 all dated 2 June 2022 (Council document 1093290).~~ Bayley Ward drawing TP021, Revision 10 dated 13 May 2024.

Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate

danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

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

26. Having inspected the Premises and compared the extent of development carried out on Lot 114 on PTD2094 with requirements of Conditions 1 and 4 and the approved drawings and reports, including the revised Vegetation Survey and Tree Removal Report prepared by Hortulus dated 17 April 2024, Council believes that you have contravened development approval MCUC 2022_4732/1 because the development:

    (a) has not been carried out in accordance with the approved drawings as required by conditions 1 and 4; and

    (b) extends beyond the lot boundaries of Lot 114 on PTD2094 into the Premises, in circumstances where development approval MCUC 2022_4732/1 does not authorise such development to be carried out on the Premises.

27. According to Council's records there are no other development approvals in place that operate to vary or modify the conditions, drawings or reports that form part of development approval MCUC 2022_4732/1.

28. On this basis, Council reasonably believes you have committed a development offence contrary to section 164 of the Act, which, as outlined above, prohibits a person from contravening a development approval.

29. The maximum penalty for contravening section 164 of the Act is 4,500 penalty units, which, according to the *Penalties and Sentences Act 1992,* equates to a maximum amount of $725,850.00.

30. For all of the reasons outlined above Council is considering giving you an Enforcement Notice in relation to the alleged development offences under sections 162, 163 and 164 of the Act.

31. Subject to receiving any written representations from you in response to this Show Cause Notice, the likely requirements of the Enforcement Notice will be that you remedy the effect of the development offences allegedly committed. Likely examples of the way in which you will be required to do this will include:

    (a) Providing Council with a Geotechnical Report for the Premises which assesses the impacts of the development offences; and

    (b) subject to the findings and recommendations in the report, carrying out necessary works to stabilise and

	revegetate the Premises; and (c) applying for any development permits necessary to carry out such works.
1. Representations may be made	You may make representations to the Council about this Show Cause Notice. If you choose to make representations, they must be in writing and posted to the following address: **Chief Executive Officer** **Douglas Shire Council** **PO Box 723** **MOSSMAN QLD 4873** Representations must be received by Council by no later **than 5pm on 20 December 2024**. Council is not obliged to consider any representations received after this time. An Enforcement Notice under section 168 of the Act may be given to you if you do not show cause within the time required under this notice, or if Council believes that an Enforcement Notice is still appropriate after consideration of all representations made by you within the required timeframe. Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units ($725,85000).
2. Signatory	Yours faithfully  . **Neil Beck** **Acting Manager Environment and Planning** **Contact: Planning Department** **Phone No:** 07 4099 9444