

22 December 2025

Our ref: 72426

Your ref: MCUC 2019_3365/3

Douglas Shire Council
PO Box 723
Mossman QLD 4883

via email: enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Jenny

Change application (Other Change) to Development Permit for Material Change of Use for Short term accommodation, Food and drink outlet and Bar to include Health care services and Extension to currency period – 20 Warner Street, Port Douglas

Further to Council's Decision Notice dated 29 June 2022, we are seeking a change to the approved plans and conditions of approval, and the inclusion of Health care services within the approved development. The application also seeks an extension to the currency period of the approval in accordance with s86 of the *Planning Act 2016*.

The relevant information for the application is:

Applicant: Scali Nominees Pty Ltd and Second York Pty Ltd
C/- Planz Town Planning

Mailing address: PO Box 181
Edge Hill Qld 4870

Application fee:

Base Fee	1,589.00
Base fee for 2 rooms	482.00
Additional fee – 28 rooms (\$482 per room)	13,496.00
Food and drink outlet and Health care services (base fee up to 100m ²)	1,949.00
Food and drink outlet and Health care services (per additional 100m ² , or part thereof)	408.00
Subtotal – prescribed application fee	\$17,924.00
Extension to relevant period (25% of prescribed application fee)	4,481.00
Total application fee	\$22,405.00

Request for assessment of application fee at Minor Change rate

While the application fee has been calculated in accordance with Council's adopted Fees and Charges Schedule, we note that Other Change Applications are identified in the schedule as being charged at the cost of the application if it were to be made as a new application.

In this instance, the change application is limited in scope and nature and does not result in a substantially different development. The proposed changes do not introduce additional adverse impacts, and do not give rise to new or complex planning or technical considerations. The assessment is to be confined to a targeted review of the proposed amendments rather than a reassessment of the approved development as a whole.

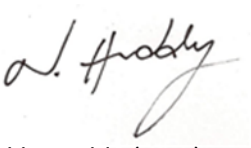
Having regard to the characteristics of the proposal and the assessment effort reasonably required, we submit that the application more closely aligns with the intent and assessment typically associated with a Minor Change.

Accordingly, we respectfully request that Council consider the applicability of the Minor Change application fee in this instance, or otherwise exercise its discretion having regard to the type and complexity of the application, noting that the proposed changes are limited in scope and do not warrant a fee commensurate with a full reassessment of a new application.

We look forward to receiving Council's advice as to the applicable application fee.

If you require any further information in relation to the application, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Huddy', is written over a light blue rectangular background.

Nikki Huddy (FPIA)
Registered Planner
Planz Town Planning

Att:

1. DA Form 1 and DA Form 5
2. Planning report

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)	Scali Nominees Pty Ltd and Second York Pty Ltd
Contact name (only applicable for companies)	C/- Planz Town Planning
Postal address (P.O. Box or street address)	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	
Contact number	
Email address (non-mandatory)	planner@planztp.com
Mobile number (non-mandatory)	0447323384
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of Planning Act 2016	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		20	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	SP339706	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)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)

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

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? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Approved Bar, Food and drink outlet and Short-term accommodation introducing Health care services
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

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

6.4) Is the application for State facilitated development?

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

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

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Bar	Bar		
Food and drink outlet	Food and drink outlet		
Short-term accommodation	Short-term accommodation		
Health care services	Health care services		

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

- ☐ Yes
- ☒ No

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

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

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

Division 2 – Reconfiguring a lot

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

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

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

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

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

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

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
- ☐ No

How many stages will the works include?

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

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

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

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

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

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

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

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

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

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

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

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

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



Queensland
Government

- ☐ 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 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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

PART 7 – FURTHER DETAILS

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

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

☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC 2019 3365/3	29 June 2022	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

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

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

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

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

Koala habitat in SEQ Region

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

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

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

Water resources

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

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- ☒ No

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

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

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

Waterway barrier works

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

- ☐ Yes – the relevant template is completed and attached to this development application
- ☒ No

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

Marine activities

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

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- ☒ No

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

Quarry materials from a watercourse or lake

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

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☒ No

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

Quarry materials from land under tidal waters

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

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
- ☒ No

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

Referable dams

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

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
- ☒ No

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

Tidal work or development within a coastal management district

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

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title

☒ No

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

Queensland and local heritage places

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

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

☒ No

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

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

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

☒ No

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

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

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

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the *Planning Regulation 2017* for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

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	

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

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)	Scali Nominees Pty Ltd and Second York Pty Ltd
Contact name (only applicable for companies)	C/- Planz Town Planning
Postal address (P.O. Box or street address)	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	planner@planztp.com
Mobile number (non-mandatory)	0447323384
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> 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
		20	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	SP339706	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)



**Queensland
Government**

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC 2019 3365/3	29 June 2022	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Changing the upper level with the introduction of Health care services and minor changes to the architectural design..

6.2) What type of change does this application propose?

- ☐ Minor change application – proceed to Part 5
- ☒ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

- ☐ No – proceed to Part 7
☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

- ☒ No
☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

- ☒ No
☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

- ☒ No
☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

- ☒ No
☐ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

- ☒ I agree to receive an information request if determined necessary for this change application
☐ I do not agree to accept an information request for this change application

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- ☒ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

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

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

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PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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			

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I,

David KOBITZ

.....
Sole Director/Secretary of the companies mentioned below.

Of

Second York Pty Ltd & Scali Nominees Pty Ltd

the company being the owner of the premises identified as follows:

20 Warner Street, Port Douglas

consent to the making of a development application under the *Planning Act 2016* by:

Planz Town Planning

on the premises described above for:

Change Application to Development Permit for Material Change of Use for Short-Term Accommodation, Food
and drink outlet and Health care services

Company Name and ACN:

SCALI NOMINEES PTY LTD

.....
ACN 005 724854

[Signature]
.....
Signature of Sole Director/Secretary

19/12/25

.....
Date



CHANGE APPLICATION (OTHER CHANGE) AND EXTENSION TO CURRENCY PERIOD

BAR, FOOD AND DRINK OUTLET, HEALTH CARE SERVICES AND
SHORT-TERM ACCOMMODATION
AND EXTENSION TO CURRENCY PERIOD
20 WARNER STREET, PORT DOUGLAS
22 DECEMBER 2025

PREPARED BY

PLANZ TOWN PLANNING PTY LTD

on behalf of

SCALI NOMINEES PTY LTD & SECOND YORK PTY LTD

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Application Summary

Application details	
Proposal	Change application (other change) MCUC 2019_3365/3 Bar, Food and drink outlet and Short-term accommodation introducing Health care services and Extension to currency period
Applicant	Scali Nominees Pty Ltd and Second York Pty Ltd
Property Owner	Scali Nominees Pty Ltd and Second York Pty Ltd
Address	20 Warner Street, Port Douglas
Real Property Description	Lot 1 on SP339706
Zone	Centre zone
Current Use	Vacant
Level of Assessment	Code Assessable
Applicable Codes	Centre Zone code Port Douglas / Craiglie Local Plan code Acid Sulfate Soils Overlay code Coastal Environment Overlay code Flood and Storm Tide Hazard Overlay code Transport Network Overlay code Centre Activities Code Multiple Dwelling, Short Term Accommodation & Retirement Facility code Access, Parking and Servicing code Environmental Performance code Filling and Excavation code Infrastructure Works code Landscaping code Vegetation Management code
Referral Triggers	None

1. APPROVED DEVELOPMENT

The current approval for a Material Change of Use for short-term accommodation (36 rooms), Food and drink outlet and Bar was issued on 29 June 2022 over land described as Lot 1 on SP339706 (formerly Lots 1 and 2 on SP316373). The approved uses, as stated in the development approval, are defined as follows:

Short Term Accommodation

Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.

The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.

Bar

Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time.

The use may include ancillary sale of food for consumption on the premises and entertainment activities.

Food and Drink Outlet

Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

2. OVERVIEW OF PROPOSED CHANGE

The Change Application (Other Change) primarily seeks to introduce to the current approval a Development Permit for Material Change of Use for Health care services. Health care services is defined as:

health care service means the use of premises for medical purposes, paramedical purposes, alternative health therapies or general health care, if overnight accommodation is not provided on the premises

The Health care services aspect of the development will be contained to the upper level and consists of three treatment rooms, a steam room and cold plunge pool.

Consistent with the current approval, the development remains a five-storey building, with the proposed development being only 0.3m higher than the approved form. The extent of enclosed space on the upper level is detailed in the attached plans of development (Refer to plan SD2.07). The proposed change results in a limited increase in both enclosed and unenclosed floor area and is considered a minor modification that does not materially alter the approved scale, form or intensity of the development.

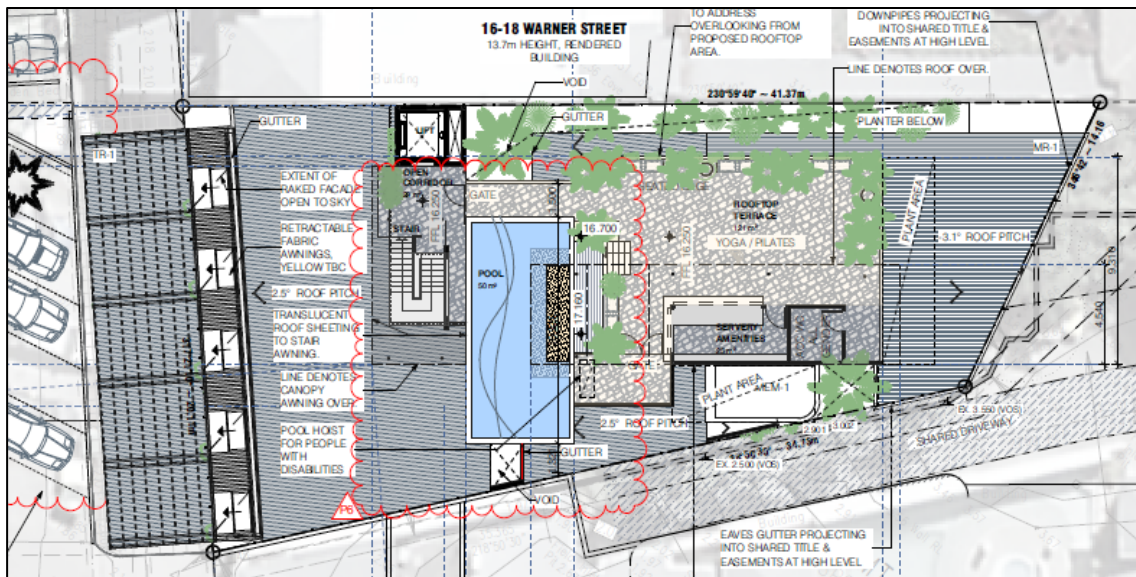


Figure 1: Approved Upper Level (Source: Wolveridge Architects)

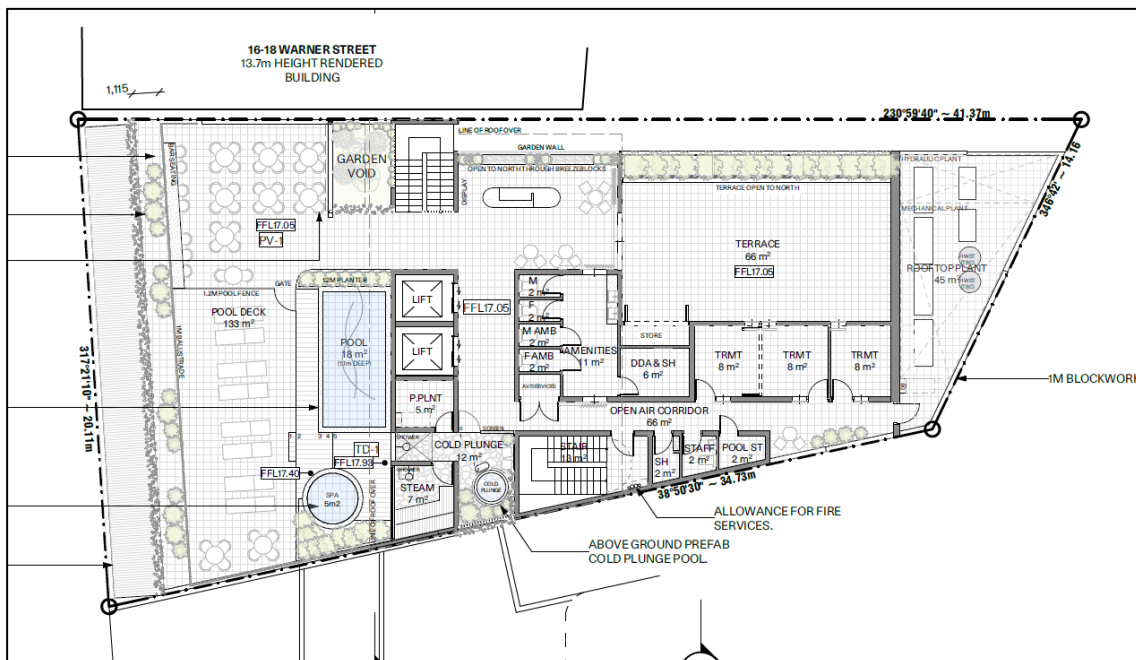


Figure 2: Proposed Upper Level (Source: Wolveridge Architects)

3. CURRENCY PERIOD

This Change Application (Other) also seeks an extension to the currency period of the existing development approval pursuant to section 86 of the *Planning Act 2016*. It is requested that the approval have a currency period of six (6) years from the date of the decision notice issued in response to this Change Application.

The requested extension is considered reasonable having regard to the nature of the approved development, prevailing market and delivery conditions, and the absence of any change in the applicable planning framework that would alter the assessment or outcome of the approval. The extension will ensure the development can be delivered in an orderly and coordinated manner while maintaining consistency with the intent of the original approval and the relevant assessment benchmarks.

4. PRE-LODGEEMENT ADVICE

Prior to lodgement, preliminary discussions were undertaken with Council officers to confirm the appropriate change pathway for the proposed amendments. Council officers advised that having regard to the nature of the proposed changes, the application would not be supported as a minor change and would instead be required to be made as an other change under the *Planning Act 2016*.

Accordingly, this Change Application (Other Change) has been prepared and lodged in good faith and in reliance on that advice.

Notwithstanding the change pathway adopted, it is noted that the proposed amendments satisfy the majority of the considerations stated in the *Development Assessment Rules* for determining whether a change results in a substantially different development. It is acknowledged that the proposal introduces an additional land use, being Health care services. However, this use is compatible with the approved mixed-use development and is integrated within the building.

In particular, the proposed change:

- involves a new use, being Health care services, which is compatible with the approved mixed-use development and integrated within the building;
- does not result in the application applying to a new parcel of land;
- does not dramatically change the built form in terms of scale, bulk or appearance;
- does not change the ability of the proposed development to operate as intended;

- does not remove a component that is integral to the operation of the development;
- does not significantly impact on traffic flow or the transport network;
- does not introduce new impacts or increase the severity of known impacts; and
- does not impact on infrastructure provisions.

On this basis, while the application has appropriately been lodged as an Other Change in accordance with Council's advice, the proposed amendments remain limited in scope.

5. ASSESSMENT CONSIDERATIONS

Section 82 of the *Planning Act 2016* establishes the assessment framework for change applications involving other changes to development approvals.

A central feature of the other change regime is that a change application is required to be assessed and decided "...in the context of the existing development approval". This means that the proposed change is not assessed in isolation, nor is the approved development required to be reassessed in its entirety. Rather, the approved development forms the baseline against which the impacts of the proposed change are to be considered.

This requires the assessment to focus on the effect of the proposed change having regard to the already approved form, scale, intensity and operational outcomes of the development. Assessment benchmarks are therefore applied only to the extent that they are relevant to the proposed change, and not to aspects of the development that remain unchanged.

In this instance, the proposed change is limited in extent and confined to the introduction of an additional compatible use (Health care services), minor amendments to the approved form, including a marginal increase (0.3m) in overall height.

The majority of the conditions of the current development approval remain relevant and appropriate to the development as amended. The proposed change does not alter the intent or applicability of those conditions, except to the extent necessary to reflect the changes to the plans and uses.

There are no affected entities for the purposes of this change application. The *Planning Regulation 2017* and the State Development Assessment Provisions identify matters of State interest for development assessment. The subject site is mapped within the coastal erosion prone area and within both the medium and high storm tide inundation areas.

Referral was not required for the original development application as no matters for referral were triggered.

6. REQUESTED CHANGES TO CONDITIONS

The majority of conditions attached to the existing development approval remain relevant and appropriate to the development as amended. The proposed change does not alter the intent or operation of those conditions, nor does it introduce new impacts that would warrant a broader reconsideration of the approved conditions.

A small number of minor and consequential amendments to the conditions are requested to ensure the approval accurately reflects the amended development, and to avoid unnecessary duplication or inconsistency between the conditions and the approved plans.

The requested changes are limited to the following:

Deletion of Conditions 3(l) and 3(m)

Conditions 3(l) and 3(m) require the removal of tandem parking and the inclusion of daybeds or fixed seating to private open space balconies. These matters are now addressed through the amended architectural plans accompanying this change application. Retention of these conditions is considered unnecessary, as compliance is achieved through the plans of development.

Deletion of Condition 18

Condition 18 requires the amalgamation of the subject lots. The lots have since been amalgamated and a single lot now exists for the development site. The condition has therefore been satisfied and is no longer relevant to the approval.

Deletion of Condition 33

Condition 33 restricts the use of the roof level to short-term accommodation guests only. The amended development introduces Health care services on the upper level, incorporating treatment rooms and wellness facilities that form part of the approved land use mix.

In this context, the continued application of Condition 33 would unnecessarily constrain the lawful operation of the Health care services use. It is requested that this condition be deleted to remove conflict between the land uses and the conditions of approval. The deletion does not result in any intensification of use, does not enable functions or events, and does not give rise to any additional amenity or operational impacts beyond those already assessed and approved within the current development permit.

The requested amendments are administrative in nature and are necessary to ensure the conditions remain relevant to the proposed development.

7. STREETScape AND ADJACENT PROPERTIES

The site is located in the Centre Zone, and is situated between 2 large motel developments, the Mantra 'Heritage' to the north-east and the Mantra 'In the Village' to the south-west. To the rear (Macrossan St) of the site is a commercial development containing restaurant and shopping facilities.

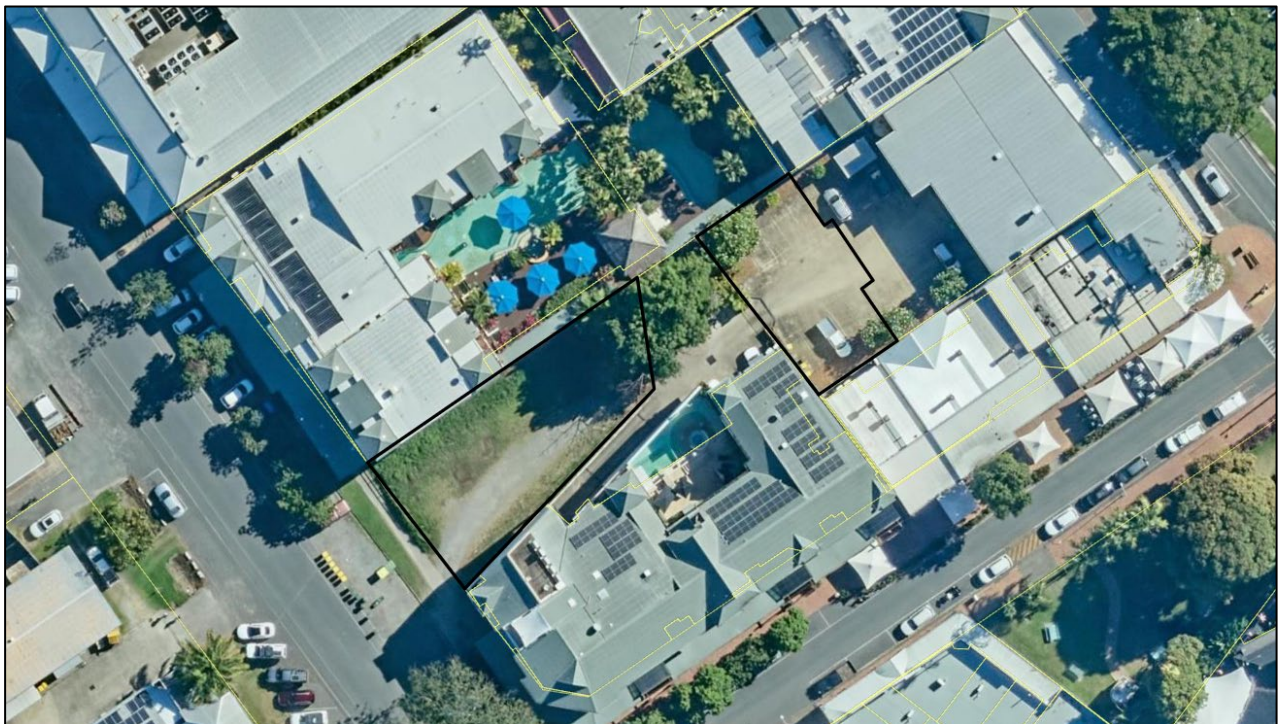


Figure 3: Aerial view of site (Source: Queensland Globe)



Photo 1 & 2: The site and Streetscape

8. PLANNING SCHEME ASSESSMENT

The proposed development is Code Assessable against the Douglas Shire Planning Scheme. In considering the proposed change against the relevant codes, there are Performance Outcomes and Acceptable Outcomes which are to be considered:

- Assessable development must demonstrate that the Performance Outcomes can be achieved.
- The Acceptable Outcomes that are nominated in the Codes are just one means by which the Performance Outcomes may be achieved.

The proposed change satisfies the Purpose and Overall Outcomes of the Planning Scheme Codes, as identified in Appendix 1. The assessment and compliance table for this development is shown below.

The main assessment consideration for the change application is building height.

Planning Scheme Assessment Table Codes		Applicability
Zone Code	6.2.1 Centre zone	✓
Local Plan	7.2.4 Port Douglas / Craigie Local Plan	✓
Overlay Codes	8.2.1 Acid Sulphate Soils	✓
	8.2.3 Coastal Environment	✓
	8.2.4 Flood and storm tide hazard	✓
	8.2.10 Transport Network	✓
Use Codes	9.3.3 Centre activities	✓
	9.3.13 Multiple dwelling, short-term accommodation and retirement facility	✓
Other Development Codes	9.4.1 Access, parking and servicing	✓
	9.4.3 Environmental performance	✓
	9.4.4 Filling and Excavation	✓
	9.4.5 Infrastructure works	✓
	9.4.6 Landscaping	✓
	9.4.9 Vegetation management	✓

8.1 Building height

The approved development has been assessed against the Additional Requirements for Sub-precinct 1a of the Port Douglas / Craigie Local Plan, in particular Performance Outcome PO9 relating to building height, scale and visual impact.

The approved development comprises a five-storey building. The proposed change seeks a minor increase of 0.3 metres to the approved overall height and does not introduce any additional storeys, increase the building footprint, or materially alter the approved built form, massing or intensity of development.

While Acceptable Outcome AO9 provides prescriptive guidance in relation to building height, the proposal continues to achieve Performance Outcome PO9 for the following reasons:

- a) The additional height is marginal in nature and does not result in the building overwhelming or dominating the Town Centre when viewed from the public realm.
- b) The development respects the established and evolving streetscape character of the Town Centre sub-precinct, which comprises a mix of building heights and built forms.

- c) Architectural articulation, façade modulation and material selection ensure a high-quality appearance when viewed both within the Town Centre sub-precinct and from surrounding public vantage points.
- d) The built form remains visually recessive in the broader landscape context and continues to be read as subservient to the natural environment and the backdrop of Flagstaff Hill.
- e) The proposed increase does not alter view corridors, skyline outcomes or the pedestrian-scale experience at street level.

The building has been designed to respond to the constrained site context while maintaining appropriate internal amenity outcomes, including compliant ceiling heights, without increasing visual bulk or development intensity beyond that already approved.

Accordingly, notwithstanding that the proposal does not strictly comply with AO9, the proposed change continues to achieve PO9 and the broader intent of the Port Douglas / Craiglie Local Plan by facilitating a high-quality town centre development outcome that respects local character, streetscape values and the surrounding natural environment.

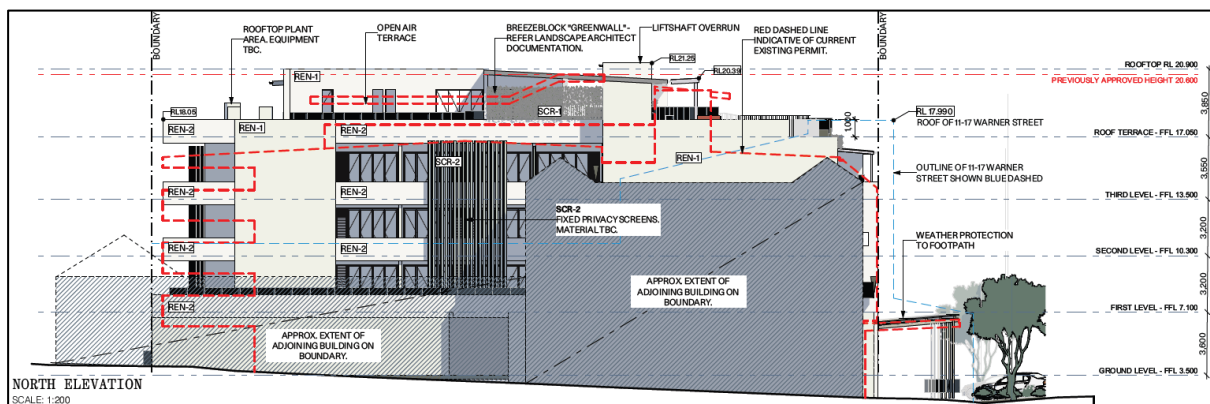


Figure 4: Comparison of approved form and proposed development (Source: Wolveridge Architects)

8.2 On-site vehicle parking

The approved development provides 15 on-site car parking spaces and a dedicated service vehicle space. This provision was assessed and approved to service a development comprising 36 short-term accommodation rooms and a food and drink outlet.

When assessed against the Access, parking and servicing code and the Port Douglas Local Plan, the approved development generated a parking demand of 21 spaces, reflecting the applicable reduction

for the food and drink outlet component. Notwithstanding this numerical assessment, the approved parking provision was supported by Council having regard to the town centre context, the mix and scale of uses, and the site's high level of accessibility.

The proposed change results in a reduction in the number of Short-term accommodation rooms from 36 to 30, a reduction in the size of the Food and drink outlet, and the introduction of a small-scale Health care services use of approximately 40m². The Health care services component is limited in scale, operates on an appointment-based model, and is expected to generate low and dispersed vehicle demand.

When assessed against the Access, parking and servicing code and the Port Douglas Local Plan, the amended development generates a reduced parking demand of 19 spaces. A summary comparison of the approved and amended parking demand is provided in Table 1 below.

Use	Current Approval	Calculated Demand	2025 Amended Plans	Calculated Demand
Food and drink outlet / Bar	183m ²	2.6	149m ²	2.1
Short-term accommodation	36 rooms	18	30 rooms	15
Health care services	-	-	43m ²	2.2
Total		21 spaces		19 spaces

Table 7.1 – Summary of Parking Demand (Approved vs Amended Development)

Note: Calculated demand reflects the application of the Port Douglas Local Plan, which provides a 30% reduction in parking spaces for a food and drink outlet where it forms part of a mixed-use development incorporating short-term accommodation.

Having regard to the reduced accommodation yield, the modest scale and nature of the health care services use, and the town centre location of the site, the overall parking demand is not expected to exceed that of the approved development.

Accordingly, the retained provision of 15 on-site parking spaces and a service vehicle space remains sufficient to accommodate the amount and type of vehicle traffic expected to be generated by the amended development. The proposed change continues to achieve Performance Outcome PO1 of the Access, parking and servicing code.

9. CONCLUSION

The Change Application (Other Change) seeks to introduce a Development Permit for Material Change of Use for Health Care Services within the upper level of the approved mixed-use development at 20 Warner Street, Port Douglas, together with a minor amendment to the approved plans and an extension to the currency period of the existing approval.

The proposed changes are limited in scope and do not alter the approved development envelope in any material way. The development remains a five-storey building and the minor increase in overall height is 0.3 metres. No additional storeys are introduced, and there is no increase in development footprint or site coverage beyond that already approved.

The assessment against the applicable assessment benchmarks demonstrates that the proposed change continues to achieve the relevant Performance Outcomes of the Douglas Shire Planning Scheme, including Performance Outcome PO9 of the Port Douglas / Craiglie Local Plan. While the proposal does not strictly comply with Acceptable Outcome AO9, the change does not result in any adverse impacts on town centre character, streetscape quality, view corridors, or the visual relationship with the natural environment and the backdrop of Flagstaff Hill.

The inclusion of Health Care Services is compatible with the approved boutique hotel use, is appropriately located within the building, and contributes to a broader mix of uses within the Town Centre. The change does not introduce any new referral triggers, does not give rise to additional impacts on infrastructure, traffic, amenity or environmental values, and does not result in a substantially different development.

The requested extension to the currency period is considered, having regard to the scale and complexity of the approved development, prevailing market conditions, and the absence of any changes to the planning framework that would warrant reconsideration of the approval. The extension will facilitate the orderly delivery of the development while maintaining consistency with the original approval intent.

Accordingly, the proposed change satisfies the requirements of the *Planning Act 2016* for an Other Change and it is requested that the application be approved subject to reasonable conditions.

APPENDIX 1: ASSESSMENT AGAINST THE PLANNING SCHEME

6.2.1 Centre zone code

- (1) The purpose of the Centre zone code is to provide for a mix of land uses and activities.
 - (a) These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential activities.
 - (b) Centres are found at a variety of scales based on their location and surrounding activities.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 1 : Settlement pattern, Element 3.4.3 Activity Centres.
 - (ii) Theme 4 : Strong communities and identity, Element 3.7.4 Sense of place, community and identity, Element 3.7.6 Arts and Culture
 - (iii) Theme 5 : Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.3 Tourism.
 - (b) provide for a mix of uses and level of economic and social activity to serve community needs.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development creates a range of retail, commercial, community and residential uses.
 - (b) Development is consistent with any location specific provisions contained within a Local Plan.
 - (c) Development provides activation and surveillance at ground level where adjoining roads or other public spaces.
 - (d) Development is integrated and coordinated both within the site and in relation to surrounding land uses and activities.
 - (e) Development provides a built form that establishes a cohesive streetscape and continuous pedestrian connections and shelters.
 - (f) Development is sensitively designed and managed to mitigate impacts on surrounding sensitive land uses.
 - (g) Development has access to infrastructure and services.

Table 6.2.1.3.a – Centre zone – assessable development

Performance Outcomes	Acceptable Outcomes	Applicant Response
For self-assessable and assessable development		
PO1 The height of all buildings is in keeping with the character of the surrounding residential neighbourhoods and must not adversely affect the amenity of the neighbourhood.	AO1.1 The maximum height of buildings and structures is: (a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.	Complies with Performance Outcome This is addressed in the Port Douglas / Craigie local plan code and this planning report.
PO2 The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses.	AO2.1 Buildings and structures are setback to road frontages: (a) in accordance with the provisions of any applicable local plan; (b) a minimum of 6 metres where no local plan applies or there are no particular provisions specified in the local plan for the site.	Complies with Performance Outcome This is addressed in the Port Douglas / Craigie local plan code and this planning report.
	AO2.2 Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres.	Not applicable The site adjoins land within the Centre zone.
	AO2.3 Where adjoining land in any other zone, buildings are setback 3 metres or ¼ of the height of the building, whichever is the greater and are provided	Not applicable The site adjoins land within the Centre zone.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.	
	A02.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas: (a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in A02.1(b) above; (b) adjacent to the boundary with the other zone for the setback area nominated in A02.3 above.	Not applicable
P03 The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.	A03 Site coverage does not exceed 80%, unless otherwise specified in a Local plan.	Complies with Acceptable Outcomes The site coverage is approximately 65%.
For assessable development		
P04 The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses.	A04 Inconsistent uses as identified in Table 6.2.1.3.b are not established in the Centre zone.	Complies The proposal is for Short-term accommodation, Food and drink outlet and Health care services, which are not identified as an inconsistent use in the Centre zone.
P05 Development provides a range of convenient goods and services for the daily needs of discrete residential communities.	A05 Development complies with the requirements specified in a local plan.	Complies Refer to Port Douglas / Craiglie local plan code
P06 Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the:	A06 No acceptable outcomes are prescribed.	Complies The proposed change does not introduce activities that would generate adverse impacts in terms of air, noise, odour, electrical interference or vibration. The small-scale Health care services use

<p>(a) the Accommodation activity group, located outside the Centre zone;</p> <p>(b) the Sensitive land use activity group, located outside the Centre zone.</p>		is contained within the building and will not adversely affect the amenity of surrounding land uses outside the Centre zone.
	<p>A05.2</p> <p>Buildings and structures and associated infrastructure are not located on slopes greater than 1 in 6 (16.6%) or on a ridgeline.</p>	<p>Complies</p> <p>The proposed new building is located on a vacant site with slopes less than 1 in 6 and is not a ridgeline.</p>
<p>P07</p> <p>Reconfiguration of land results in</p> <p>(a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots.</p> <p>(b) lots no less than 600m² in area.</p>	<p>A07</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not applicable</p> <p>Reconfiguring a lot is not proposed.</p>

Table 6.2.1.3.b — Inconsistent uses within the Centre zone

Inconsistent Uses		
<ul style="list-style-type: none"> • Air services • Animal husbandry • Animal keeping • Aquaculture • Brothel • Cemetery • Crematorium • Cropping • Detention facility • Environment facility • Extractive industry • High impact industry • Intensive animal industry • Intensive horticulture 	<ul style="list-style-type: none"> • Major electrical infrastructure • Major sport and entertainment facility • Marine industry, except where located within sub-precinct 1b Waterfront North in the Port Douglas / Craigie Local Plan. • Medium impact industry • Motor sport facility • Outstation • Permanent plantation 	<ul style="list-style-type: none"> • Relocatable home park • Renewable energy facility, being a wind farm • Resort complex • Retirement facility • Roadside stall • Rural industry • Rural workers accommodation • Special industry • Tourist park • Transport depot • Utility installation • Winery

Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

7.2.4 Port Douglas/Craigie local plan code

- (1) The purpose of the Port Douglas/Craigie local plan code is to facilitate development outcomes consistent with community values, the local tropical built-form and protection of the natural environment within the Port Douglas/Craigie local plan area, while providing a platform for investment and prosperity.
 - (a) In addition, the purpose of the code is supported by the Port Douglas Waterfront Master Plan which provides a clear strategic direction for the incremental transformation of the Port Douglas Waterfront, including the following objectives:
 - (b) To set out a vision for revitalisation of the waterfront;
 - (c) To protect and enhance the environmental attributes; and
- (2) To provide a flexible framework, expressed through several key strategies that will assist the Council and community in managing change.
- (3) The purpose of the code will be achieved through the following overall outcomes:

(a) Port Douglas will continue to develop as the premium destination for international and domestic tourists in the Far North Queensland Region, while also acting for permanent residents attracted to the associated lifestyle.	The proposed development advances the overall outcome by reinforcing Port Douglas' role as a premium international and domestic tourism destination.
(b) Major tourist, retail, dining and entertainment facilities will consolidate in the Town Centre and the Waterfront North sub-precincts, with improved pedestrian connections between the town centre and the waterfront.	The development is consistent with the consolidation of major tourist, retail, dining and entertainment activities within the Town Centre and Waterfront North sub-precincts. The proposal supports improved pedestrian connectivity by the inclusion of pedestrian-oriented design outcomes.
(c) Craigie will develop as an integrated residential community with some low scale tourism development opportunities in appropriate locations. Craigie will also function as small scale commercial and light industry node, providing employment opportunities for the Shire's permanent resident population.	Not applicable to the proposed development.
(d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping.	The development complements the tropical image of Port Douglas through a climate-responsive design, tropical vernacular architecture and

	landscaping that reflects local character. The proposed materials and finishes are consistent with the established urban design outcomes.
(e) Character will be enhanced through the identification of gateway sites, landmarks, main approach routes and pedestrian thoroughfares and view corridors;	The site is not an identified gateway site and the development does not impact view corridors.
(f) The Flagstaff Hill, Dickson Inlet, Four Mile Beach and other areas of scenic and environmental significance will be protected from development. Vegetation cover will dominate over built form.	The development protects areas of scenic and environmental significance, including Flagstaff Hill, Dickson Inlet and Four Mile Beach. Vegetation is proposed to enhance the built form.
(g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented.	There is no vegetation on the site.
(h) Development will be indistinguishable from view from Four Mile Beach. In addition, any development on Flagstaff Hill will be indistinguishable when viewed from vantage points in Port Douglas.	The development is not visible from Four Mile Beach and other key public vantage points.
(i) Residential areas are designed as pleasant, functional and distinctive, in visually well defined areas.	The proposed development is not for residential development.

(4) The purpose of the code will be further achieved through the following overall outcomes:

(a) Precinct 1 – Port Douglas precinct

(i) Sub-precinct 1a – Town Centre sub-precinct

Precinct 1 – Port Douglas precinct

(5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:	
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(a) development will contribute to the incremental transformation of the township, preserving and enhancing maritime activities and environmental areas, delivering tropical open spaces and a high quality public realm, and allowing for tourism opportunities and investment.	The proposed development contributes to the incremental transformation of the Port Douglas township and facilitates tourism opportunities and investment consistent with the long-term strategic intent for the precinct.
(b) development contributes to the enhancement of the Port Douglas precinct through the following development outcomes:	
(i) access and connectivity throughout the township is enhanced through a series of improvements to circulation and mobility, including:	
(A) access to, and connectivity along, the waterfront and foreshore areas is maintained and, where appropriate, enhanced;	The development enhances access to and connectivity to the waterfront through pedestrian-focused design.
(B) reducing reliance on the waterfront as a car parking resource.	The proposal does not rely on the waterfront as a car parking resource.
(ii) the use of land in the Port Douglas precinct improves the cohesive layout of the township through:	
(A) the establishment of distinct sub-precincts that reinforce the character and built form of the Port Douglas local plan area including:	The development is located within, and responds to, the relevant Port Douglas centre sub-precinct. Built form and land use are consistent with the intended function of the Town Centre sub-precinct.
• Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;	
• Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;	
• Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;	
• Port Douglas centre sub-precinct 1d – Limited development subprecinct;	
• Port Douglas centre sub-precinct 1e – Community and recreation precinct;	

<ul style="list-style-type: none"> Port Douglas centre sub-precinct 1f – Flagstaff Hill sub-precinct; 	
(B) facilitating marina facilities and supporting marine industry uses as a key part of the local economy;	The development does not compromise marine industry uses.
(C) reducing conflict between industry, community and commercial activities in the waterfront, without diminishing the marine industry capacity in the Port Douglas precinct;	The development does not compromise marine industry uses.
(iii) environment and sustainability is integrated into the township through:	
(A) preservation and enhancement of the qualities and characteristics of environmental areas of the township;	The development does not impact environmental qualities.
(B) water sensitive urban design is considered as a means of water quality improvement and management of overland flow to ensure hard infrastructure solutions in Warner Street can be mitigated;	Existing conditions of approval address compliance.
(C) design of buildings and access way improvements prioritises walking and cycling modes of transport.	The development enhances access to and connectivity to the waterfront through pedestrian-focused design.
(iv) the tropical character of the Port Douglas precinct is enhanced by ensuring development:	
(A) maintains and enhances the built form, local character, streetscapes and natural elements of the township;	The development maintains and enhances the built form, local character, streetscapes and natural elements that define the tropical identity of the Port Douglas precinct.
(B) is compatible with the desired character and amenity of local places and neighbourhoods;	The proposal is compatible with the desired character and amenity of surrounding local places and neighbourhoods through appropriate scale, form, use and interface design.
(C) does not exceed the height of buildings designations which contribute to the desired form of the township which contains three storey development heights in sub-precinct 1a – Town	The approved development comprises a five-storey building that has already been assessed and approved by Council notwithstanding non-compliance with the three-storey building height designation applying to Sub-precinct

Centre sub-precinct and part of subprecinct 1b – Waterfront North sub-precinct;	<p>1a. In granting the original approval, Council determined that the development satisfactorily achieved the relevant Performance Outcomes and the broader purpose of the Port Douglas / Craigie Local Plan, including outcomes relating to town centre character, streetscape quality and visual integration with surrounding development.</p> <p>The proposed change does not introduce any additional storeys and involves only a minor changes to the approved building height. The change does not alter the approved built form, scale or townscape outcomes previously endorsed by Council and continues to rely on the same assessment basis that supported the original approval.</p>
(D) implements high quality landscaped environments around buildings and on streets;	The development provides a high-quality building and landscaped street frontage, enhancing pedestrian comfort.
(E) protects the recognisable character and locally significance sites throughout the precinct.	The development does not impact on character elements.
(v) public spaces and the streetscape are enhanced through:	
(A) an increase in the quantity and quality of public land and places throughout the precinct;	The development does not provide additional public spaces.
(B) consolidating community recreation and sporting uses to create a precinct of community focussed activity between Mudlo Street and Wharf Street;	The development does not impact on the consolidation of community and recreation uses.
(C) improved connections between the town centre and the waterfront marina, including an investigation of a plaza on the waterfront;	The development is not located on the waterfront.
(D) improved streetscapes with high quality landscaping, surface treatments and shaded pedestrian environments;	The development provides an improved streetscape through the provision of a pedestrian awning and landscaping treatments providing a shaded pedestrian environment.

(E) the creation of a sense of place through aesthetic streetscapes and built form character;	The proposal contributes to a strong sense of place through cohesive built form, architectural articulation and high-quality design.
(F) managing vegetation to ensure succession of planting and the ongoing presence of significant trees.	The site does not contain vegetation.
(vi) advertising signage is small scale, low-key and complements the tropical character of the town.	Advertising signage associated with the development will be designed to complement the tropical character of the town, ensuring that signage does not dominate the streetscape or detract from local character values.

Sub-precinct 1a – Town Centre sub-precinct

(6) In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:	
(a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale;	The proposed short-term accommodation, food and drink outlet / bar, and health care services are appropriate Town Centre uses and are provided at a pedestrian-oriented scale. The development supports tourism activity, visitor servicing and local employment while contributing to an active and walkable town centre environment.
(b) drive-through developments, bulky goods showrooms, outdoor sales, saleyards and other big-box retailing or entertainment facilities are not established;	The development does not include drive-through facilities, bulky goods showrooms, outdoor sales, saleyards or other forms of big-box retailing or entertainment. The proposed uses are consistent with the fine-grain, mixed-use character intended for the Town Centre sub-precinct.
(c) development contributes to a high quality public realm;	The development contributes to a high-quality public realm through active ground-level uses, building articulation, human-scale design, high-quality materials and finishes, and landscaping that enhances pedestrian comfort and streetscape presentation.
(d) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;	Parking and associated infrastructure are designed to be visually recessive and do not undermine the relationship between buildings and the street. Pedestrian movement and access to ground-floor uses are prioritised, ensuring vehicle infrastructure remains subordinate to the public realm.

(e) consolidation of community and cultural land use activities along Mowbray Street between Wharf Street and Mudlo Street;	The development does not compromise the provision of community and cultural activities within the Town Centre.
(f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan;	The development provides an active street frontage, contributing to passive surveillance and pedestrian activity.
(g) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.	The development does not compromise the provision of live entertainment activities within the Live Entertainment Precinct.

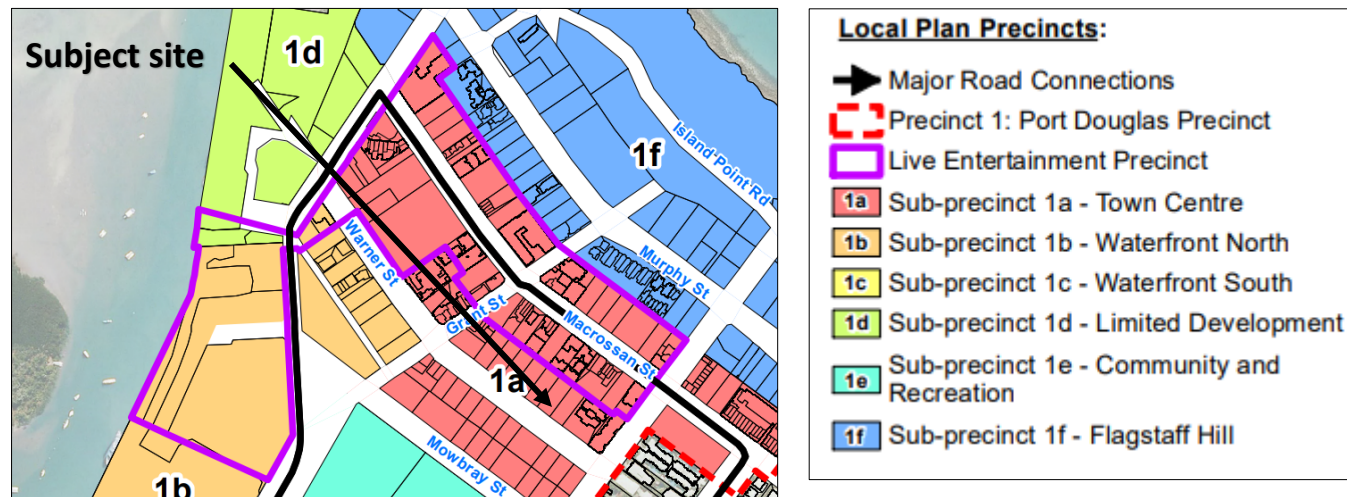


Figure 5: Extract from Port Douglas / Craigie Local Plan Precinct 1

7.2.4.4 Criteria for assessment Table 7.2.4.4.a –Port Douglas / Craigie local plan – assessable development

Performance Outcomes	Acceptable Outcomes	Applicant Response
For self-assessable and assessable development		
Development in the Port Douglas / Craigie 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 / Craigie local plan maps contained in Schedule 2.	AO1 A pedestrian and cycle movement network is integrated and delivered through development.	Complies The development incorporates an active street frontage, providing for the movement of pedestrians along the frontage of the site.
PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2).	AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: (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.	Complies No mature trees exist on the site. Planting within the building will enhance the landscape character of the street.
	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:	Complies The development does not protrude into important views and vistas.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	(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.	Complies No important landmarks, memorial or monuments exist on the site.
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.	Not applicable The development does not adjoin gateways and nodes identified on the Port Douglas / Craiglie local plan maps.
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.	Complied with Performance Outcomes The development seeks to integrate landscape elements within the building itself, providing screening and enhancement of the tropical landscape character of Port Douglas.
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.	Not applicable
For assessable development		
Additional requirements in Precinct 1 – Port Douglas precinct		
PO6	AO6.1	Complies The development does not impede views as identified on the local plan maps.

Performance Outcomes	Acceptable Outcomes	Applicant Response
The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.	Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	
	AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	Complies The development is built to the front boundary in accordance with the desired setback for the sub-precinct of this Local Plan.
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.	Complies The parking for the development is located at the rear and under the proposed building.
	AO7.2 Ground level parking incorporates clearly defined pedestrian routes.	Complies Pedestrian access from the parking area will be internal and the existing shared vehicle access driveway will be retained.
	AO7.3 Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.	Complies The development does not incorporate a porte-cochere and pedestrian accesses are accommodated within the boundary of the site.
	AO7.4 Where the development is an integrated mixed use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.	Complies The development provides on-site parking spaces for the likely demand to be generated by the uses.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	A07.5 On-site car parking available for public use is clearly signed at the site frontage.	Complies Condition 11 of the approval requires the provision of a sign advising of the location of off-street parking.
	A07.6 Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	Complies Boom gates are not proposed.
PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	A08 No acceptable outcomes are prescribed.	Complies Signage will be compatible with desired streetscape.
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 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.	A09 Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres. Note – Height is inclusive of the roof height.	Complies with Performance Outcome PO9. The approved development comprises a five-storey building. The proposed change seeks a minor increase of 0.3 metres to the approved overall height and does not introduce any additional storeys, increase building footprint, or materially alter the approved built form or massing. While the development does not achieve A09, the proposal continues to achieve the assessment benchmark of PO9 for the following reasons: a) The additional height is marginal in nature and does not result in the building overwhelming or dominating the Town Centre when viewed from the public realm. b) The building respects the established and evolving streetscape character of the Town Centre sub-precinct, which includes a mix of building heights and forms.

Performance Outcomes	Acceptable Outcomes	Applicant Response
		<p>c) Architectural articulation, material selection and façade modulation ensure a high-quality appearance when viewed both within the Town Centre and from surrounding public vantage points.</p> <p>d) The built form remains visually recessive relative to the natural landscape and continues to be read as subservient to the backdrop of Flagstaff Hill.</p> <p>e) The proposed height increase does not alter view corridors, skyline outcomes or the pedestrian scale experienced at street level.</p> <p>The building has been designed to respond to the site while maintaining appropriate internal amenity outcomes, including compliant ceiling heights, without increasing visual bulk or intensity beyond that already approved.</p> <p>Accordingly, notwithstanding non-compliance with AO9, the proposed change continues to achieve PO9 and the broader purpose of the Port Douglas / Craiglie Local Plan by facilitating a high-quality development outcome that respects town centre character, tropical built form principles and the surrounding natural environment.</p>
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	Complies The building has been designed to include an active street frontage.
PO11	AO11	Complies

Performance Outcomes	Acceptable Outcomes	Applicant Response
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.	No acceptable outcomes are prescribed.	The development provides an open and active frontage to Warner Street at ground level.
PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	Complies Ground level setbacks are free of columns and other obstructions and provide a continuous, level pedestrian path.
PO13 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.	Complies The building will not restrict views to Flagstaff Hill, Dickson Inlet, public open space or any place of significance.
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.	Complies The development is built to the boundary and incorporates an awning for the full length of the street frontage.

Performance Outcomes	Acceptable Outcomes	Applicant Response
PO15 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO15.1 Centre activities establish: at street level on active street frontages; a maximum of one level above street level.	Complies An active street frontage is provided.
	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.	Complies with Performance Outcomes The hotel rooms will be located on the upper levels, with the hotel reception and food and drink outlet located on the ground level along Warner Street.
PO16 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.	AO16 No acceptable outcomes are prescribed.	Complies The building has been designed to a high quality and will contribute and enhance the visual amenity of the streetscape. The design incorporates architectural and landscape features that will add aesthetic value to the area. The innovative landscape elements proposed will add a valuable tropical aspect to Warner Street.
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.	AO17 No acceptable outcomes are prescribed.	Complies Variation to the external appearance of the building will be provided by the vertical landscape elements incorporated into the building. The building has been designed to a high quality and will contribute and enhance the visual amenity of the streetscape.

Performance Outcomes	Acceptable Outcomes	Applicant Response
(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.		
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.	Complies Rooftop plant and equipment will not be visible from Warner Street.
PO19 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.	Complies The building incorporates shaded balconies and vertical trellis to provide shade and tropical architectural interest to the development.
PO20 Buildings are finished with high quality materials, selected for:	AO20 No acceptable outcomes are prescribed.	Complies

Performance Outcomes	Acceptable Outcomes	Applicant Response
(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.		The building will be finished with high-quality materials, as outlined on the architectural drawings.
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.	Complies Refer the building materials, as outlined on the architectural drawings.
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.	Complies The building is built to boundary along both side boundaries, consistent with adjoining properties. The frontage of the site is less than 40m.
	AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation.	Complies The building facades are varied by balconies along all sides.
	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.	Complies The building has been designed to provide variation in the facades through the use of balconies and vertical planting. The design does not include large blank walls that would be visible.
PO23	AO23	Complies

Performance Outcomes	Acceptable Outcomes	Applicant Response
<p>Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development. 	<p>Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade. 	<p>The building incorporates various architectural elements and includes an open reception and guest facilities area at street level, providing for casual surveillance of the public spaces and an attractive street frontage.</p>
<p>PO24</p> <p>Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and:</p> <ul style="list-style-type: none"> (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across 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. 	<p>AO24</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies</p> <p>The awning design will achieve the outcomes stated.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
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.	Complies Can be conditioned.
Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct – PO26 – PO51 Not applicable		
Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct - PO52 – PO60 Not applicable		
Additional requirements for Sub-precinct 1d – Limited Development sub-precinct – PO61 Not applicable		
Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct – PO62 Not applicable		
Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct – PO63 – PO64 Not applicable		
Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct – PO65 – PO66 Not applicable		
Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct – PO67 – PO68 Not applicable		

8.2.1 Acid sulfate soils overlay code

The purpose of the acid sulfate soils overlay code is to:

- (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
 - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (b) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.

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

- (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
- (b) Development ensures that disturbed acid sulfate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

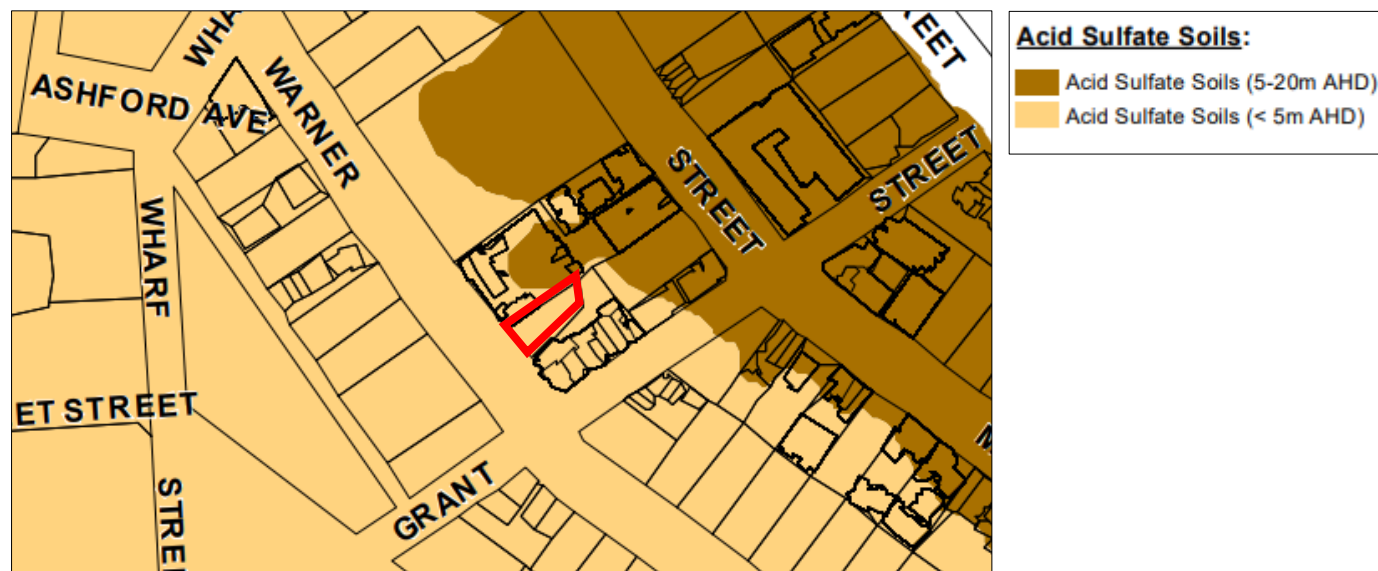


Figure 6: Extract from Acid Sulphate Soils Overlay Map

Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
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 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.	Complies Conditions of approval address Acid Sulfate Soils Disturbance.

Performance outcomes	Acceptable outcomes	Applicant response
P02 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.	A02.1 The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by: <ul style="list-style-type: none"> (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 A02.2 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: <ul style="list-style-type: none"> (f) neutralising existing acidity and preventing the generation of acid and metal contaminants; (g) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (h) preventing the in situ oxidation of potential acid sulfate soils and actual acid sulfate soils through ground water level management; (i) appropriately treating acid sulfate soils before disposal occurs on or off site; (j) documenting strategies and reporting requirements in an acid sulfate soils 	Complies Conditions of approval address Acid Sulfate Soils Disturbance.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>environmental management plan.</p> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p>PO3</p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>AO3</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies</p> <p>Conditions of approval address Acid Sulfate Soils Disturbance.</p>

8.2.3 Coastal environment overlay code

The purpose of the Coastal environment overlay code is to:

- (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;
 - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
- (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.

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

- (a) facilitate the protection of both coastal processes and coastal resources;
- (b) facilitating coastal dependent development on the foreshore over other development;
- (c) public access to the foreshore protects public safety;
- (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
- (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;
- (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
- (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.

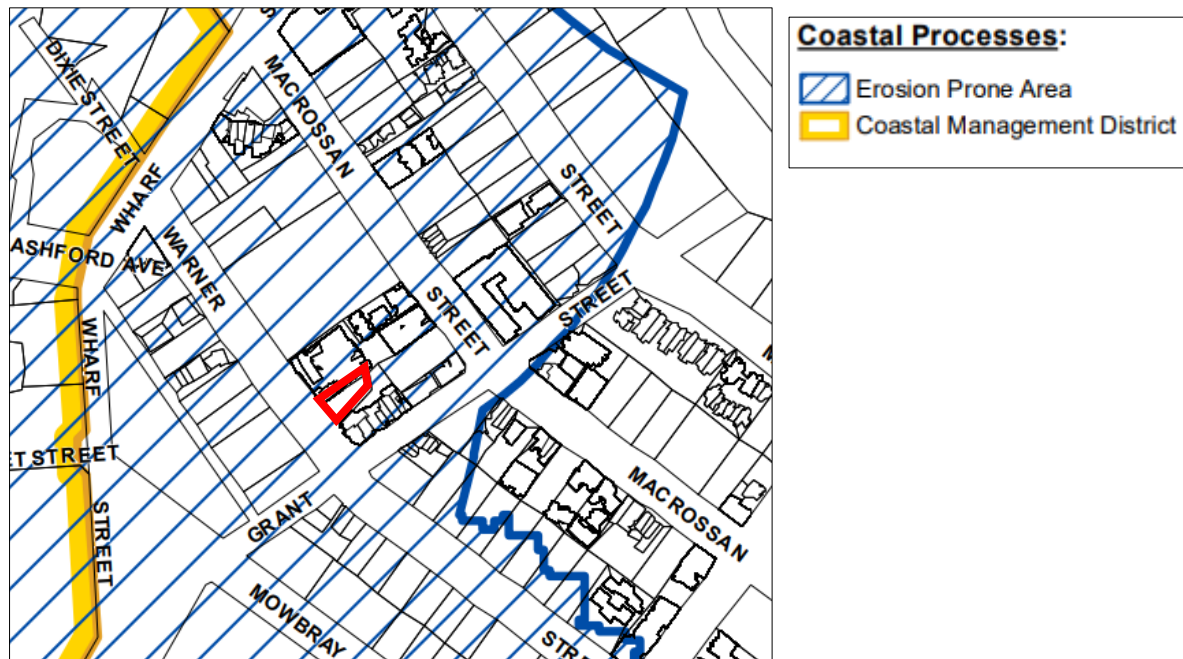


Figure 7: Extract from Coastal Processes Overlay Map

Performance outcomes	Acceptable outcomes	Applicant response
For self- assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	A01.1 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.	Not applicable
	A01.2 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.	Not applicable
	A01.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.	Not applicable
	A01.4 Coastal protection work mitigates any increase in the coastal hazard.	Not applicable
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	A02 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	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
and use of the coastal resource.	such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	
For assessable development		
Erosion prone areas		
PO3 Development identifies erosion prone areas (coastal hazards).	AO3 No acceptable outcomes are prescribed.	Complies The development site is located on land included in the Erosion Prone Area as shown on the Coastal Processes Overlay Map.
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 (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)	Complies The development is consistent with the zoning of the land.
	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.	Complies The subject site is currently vacant. The land and surrounding properties are all included in the Erosion Prone Area.

Performance outcomes	Acceptable outcomes	Applicant response
Coastal management districts		
P05 Natural processes and protective functions of landforms and vegetation are maintained.	A05.1 Development within the coastal management district: <ul style="list-style-type: none"> (a) maintains vegetation on coastal land forms where its removal or damage may: <ul style="list-style-type: none"> (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; (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. 	Not applicable The development site is not located within a Coastal Management District.

Performance outcomes	Acceptable outcomes	Applicant response
	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.	Not applicable
	AO5.3 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.	Not applicable
PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	AO6.1 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	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>and</p> <p>A06.2 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;</p> <p>And</p> <p>A06.3 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.</p> <p>And</p> <p>A06.4 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.</p> <p>And</p> <p>A06.5 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	to the greatest extent practicable.	
P07 Development is to maintain access to and along the foreshore for general public access.	A07.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and A07.2 Development provides for regular access points for vehicles including approved roads and tracks. or A07.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	Not applicable
P08 Public access to the coast is appropriately located, designed and operated.	A08.1 Development maintains or enhances public access to the coast. Or A08.2 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	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	A08.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.	
P09 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.	A09.1 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 (b) 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.	Not applicable
	A09.2 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	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>corridors to preserve future access; (ii) ensure emergency vehicles can access the area near the development.</p> <p>Or</p> <p>(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:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and</p> <p>(ii) ensure emergency vehicles can access the area near the development</p>	
<p>PO10 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.</p>	<p>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.</p> <p>or</p> <p>AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>	Not applicable
<p>PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-</p>	<p>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</p>	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
tidal State coastal land.	land that is situated above high water mark.	
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.	Not applicable
Coastal landscapes, views and vistas		
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	AO13 No acceptable outcomes are prescribed.	Not applicable The development will not impact on coastal landscapes, view or vistas.
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.	Complies The development represents infill development.
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.	Not applicable The development does not involve private marine development.

Performance outcomes	Acceptable outcomes	Applicant response
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.	Not applicable
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; (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.	Not applicable
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.	Not applicable
For dry land marinas and artificial waterways		
PO19 Dry land marinas and artificial waterways: (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality;	AO19 No acceptable solutions are prescribed.	Not applicable The development does not involve dry land marinas or artificial waterways.

Performance outcomes	Acceptable outcomes	Applicant response
<ul style="list-style-type: none"> (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: <ul style="list-style-type: none"> (i) coastal dependent development, public marine development; or (ii) community infrastructure, where there is no feasible alternative; or (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

The purpose of the Flood and storm tide hazard overlay code is to:

- (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
- (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.

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

- (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
- (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
- (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;
- (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
- (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
- (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

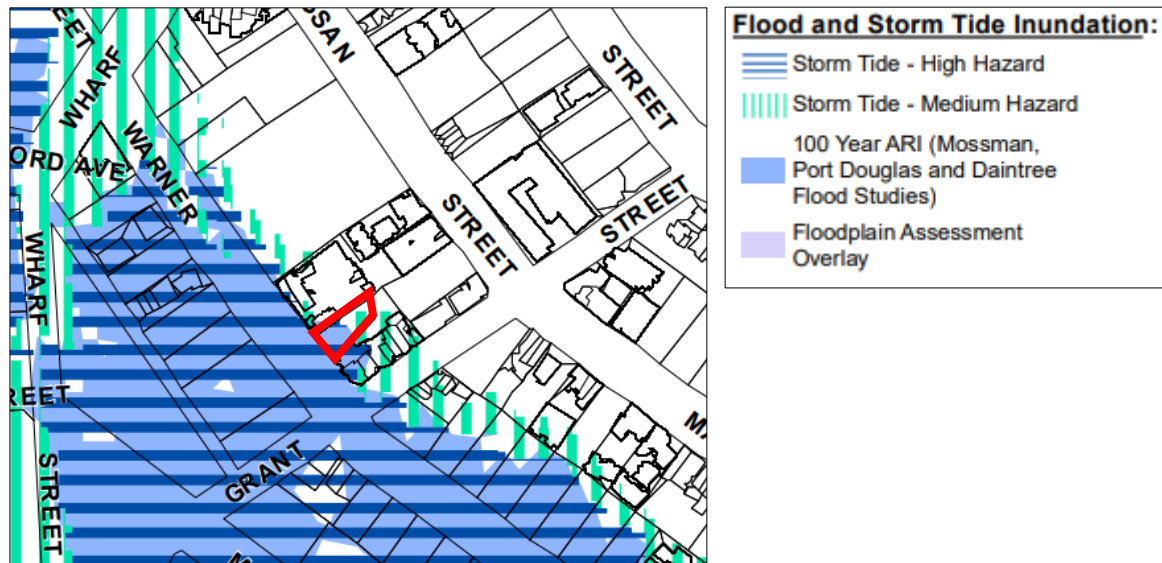


Figure 8: Extract from Flood and Storm Tide Inundation Overlay Map

Table 8.2.4.3.a – Flood and storm tide hazards overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development and self-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.	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, AO1.2	Complies with Performance Outcomes The development site is included in the medium and high storm tide hazard area, as well as partially within the 100 year ARI. Similar conditions exist on adjoining developed properties. The building will be designed to meet acceptable flood immunity as stated in the conditions of the current approval.

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>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.</p> <p>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.</p> <p>AO1.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	
For assessable development		
<p>PO2 The development is compatible with the level of risk associated with the natural hazard.</p>	<p>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.</p>	<p>Complies The development does not include the uses listed.</p>
<p>PO3 Development siting and layout responds to flooding potential and maintains personal safety</p>	<p>For Material change of use</p> <p>AO3.1</p>	<p>Complies The development includes a number of areas above the highest known flood inundation level which can</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>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.</p> <p>or</p> <p>A03.2 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.</p> <p>or</p> <p>A03.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	safely accommodate staff and guests in a flood event.
	<p>For Reconfiguring a lot</p> <p>A03.4 Additional lots: (a) are not located in the hazard overlay area; or</p>	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the Building Act 1975.</p> <p>A03.5 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:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</p> <p>(b) by direct and simple routes to main carriageways.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>A03.6 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p> <p>Or</p> <p>A03.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	Will be complied with
<p>PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Residential uses)</p> <p>A04.1 The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, nonhabitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only nonhabitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	Complies
	<p>For Material change of use (Non-residential uses)</p> <p>A04.2 Non residential buildings and structures allow for the flow through of flood waters on the ground floor.</p>	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</p>	
	<p>AO4.3 Materials are stored on-site:</p> <ul style="list-style-type: none"> (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood. <p>Notes –</p> <ul style="list-style-type: none"> (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. 	Will be complied with
<p>PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>For Operational works AO5.1 Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a net increase in filling (including berms and mounds). 	Will be complied with

Performance outcomes	Acceptable outcomes	Applicant response
	A05.2 Works (including buildings and earthworks) in non urban areas either: (a) do not involve a net increase in filling greater than 50m ³ ; 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 (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 A05.3 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	Complies The development site lies at the outer edge of storm tide hazard and 100 year ARI. No significant filling is required for the development.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>subject site.</p> <p>For Material change of use and Reconfiguring a lot A05.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	<p>Not applicable The development is within an urban area.</p>
<p>P06 Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use A06.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>Or</p> <p>A06.2 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.</p>	<p>Complies No hazardous or noxious materials will be stored on site in the areas affected by flood.</p>
	<p>A06.3 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p>	<p>Will be complied with</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO6.4 If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to 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.</p>	Not applicable
<p>PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>AO7 Development does not:</p> <ul style="list-style-type: none"> (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 (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes. 	<p>Complies The proposal represents infill development, and is consistent with surrounding development. Port Douglas is well serviced by emergency services. The proposed use will not unduly burden disaster management response or recovery capacity and capabilities.</p>
<p>PO8 Development involving community infrastructure:</p> <ul style="list-style-type: none"> (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 	<p>AO8.1 The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> (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, 	<p>Not applicable The proposed development does not involve community infrastructure or include any of the uses listed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>event;</p> <p>(d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.</p>	<p>museums, galleries, libraries).</p> <p>Or</p> <p>AO8.2</p> <p>The following uses are not located on land inundated during a 1% AEP flood event:</p> <p>(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,</p> <p>(b) community centres;</p> <p>(c) meeting halls;</p> <p>(d) galleries;</p> <p>(e) libraries.</p> <p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <p>(a) emergency shelters;</p> <p>(b) police facilities;</p> <p>(c) sub stations;</p> <p>(d) water treatment plant.</p> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <p>(a) correctional facilities;</p> <p>(b) emergency services;</p> <p>(c) power stations;</p> <p>(d) major switch yards.</p> <p>and/or</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO8.3 The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. <p>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:</p> <ul style="list-style-type: none"> (a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration. <p>AO8.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p>	

8.2.10 Transport network overlay code

The purpose of the Transport network overlay code is to:

- (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 1: Settlement pattern Element 3.4.2 Urban settlement, Element 3.4.3 Activity centres;
 - (ii) Theme 6: Infrastructure and transport Element 3.9.4 Transport;
- (b) enable an assessment of whether development is suitable on land within the Transport network overlay.

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

- (a) development provides for transport infrastructure (including active transport infrastructure);
- (b) development contributes to a safe and efficient transport network;
- (c) development supports the existing and future role and function of the transport network;
- (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

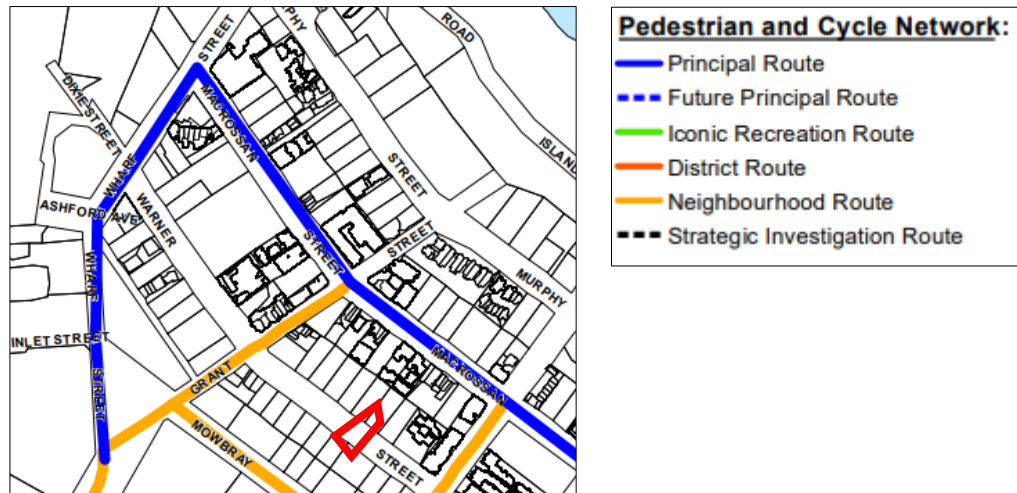


Figure 9: Extract from Transport Network (Pedestrian and Cycle) Overlay Map

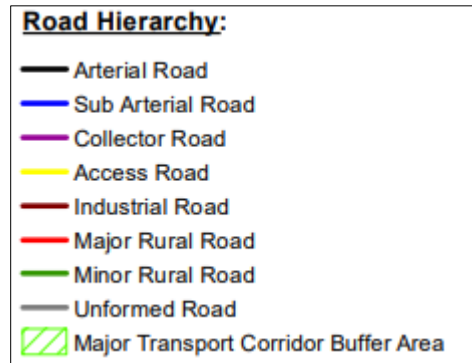
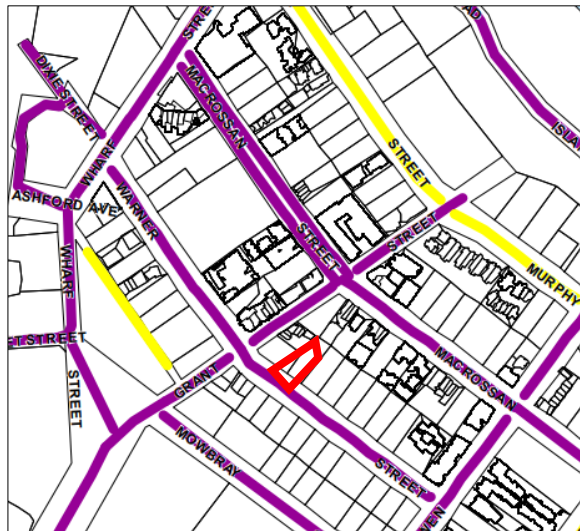


Figure 10: Extract from Transport Network (Road Hierarchy) Overlay Map

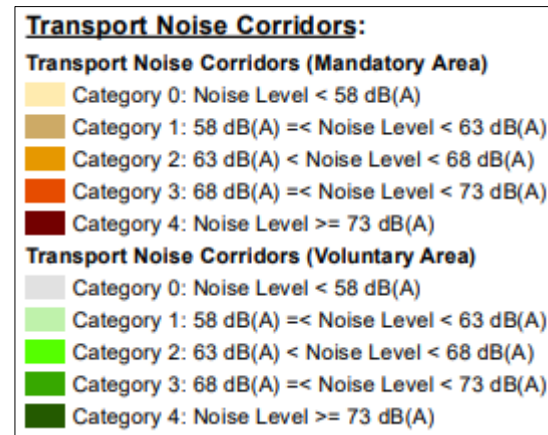
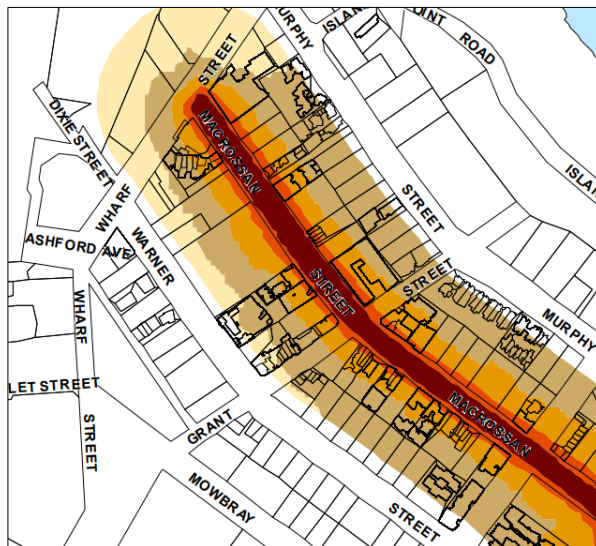


Figure 11: Extract from Transport Network Overlay Map 1:15,000 Map

Table 8.2.10.3.a – Transport network overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO1 Development supports the road hierarchy for the region. Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	Complies Warner Street is a collector road, which supports the type and scale of the proposed development.
	AO1.2 Development does not compromise the safety and efficiency of the transport network.	Complies Access to the development site is via an existing crossover and shared access easement. The development will 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.	Complies The site is only accessible from Warner Street.
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: (a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan. Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.	Complies Access to the development site is via an existing crossover and shared access easement. The development will generate the need for additional infrastructure.
PO3 Development involving sensitive land uses within a major transport corridor buffer area is located,	AO3 No acceptable outcomes are prescribed.	Will be complied with The development site is located within Category 0 and partially within Category 1. The building will be

Performance outcomes	Acceptable outcomes	Applicant response
designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	designed in accordance with the Queensland Development Code.
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.	Complies The development site does not directly access a major transport corridor.
	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	Complies The development site does not access a major transport corridor.
	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.	Complies The development site does not access a major transport corridor.
	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.	Complies The development site does not access a major transport corridor.
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.	A05 No acceptable outcomes are prescribed.	Complies Existing vegetation between the site and major transport corridor will be retained.

Performance outcomes	Acceptable outcomes	Applicant response
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 element of the pedestrian and cycle network is incorporated in the design of the lot layout.	Not applicable
	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.	Not applicable

9.3.3 Centre activities code

9.3.3.1 Application

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

9.3.3.2 Purpose

- (1) The purpose of the Centre activities code is to facilitate the timely establishment of centre activities within the Centre zone.
- (2) The purpose of the code will be achieved through the following overall outcomes;
 - (a) within the Centre zone, to ensure that centre activities:
 - (i) facilitates the timely establishment of specified uses that require only minor building work to an existing premises;
 - (ii) has a scale, intensity and operation of the use of premises that is consistent with existing floor space and infrastructure.

9.3.3.3 Criteria for assessment

Table 9.3.3.3.a – Centre activities code – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Change of use within existing building or facilities		
PO1 Development that involves a change of use within an existing building ensures: <ol style="list-style-type: none"> (a) changes to floor space of the centre activity is minor; (b) the appropriate design and amenity standards for the centre 	AO1 The centre activity: <ol style="list-style-type: none"> (a) is a use listed in Schedule 1, Table SC1.1.1.2 – Centre Activities; (b) is not a use listed in Schedule 1, Table SC1.1.1.2 – Large format retail activities; (c) is located within the Centre zone; 	Not applicable as the development is not a change of use within an existing building.

Performance outcomes	Acceptable outcomes	Applicant Response
activity is maintained.	(d) is for a tenancy change only; (e) involves only minor building work to an existing building; (f) complies with the car parking requirements specified in (g) Table 9.4.1.3.b in the Access, parking and servicing code. Note - The whole development means the entire building or activity on a site (or sites) where shared parking areas are utilised.	
PO2 Building plant or equipment cannot be viewed from public places.	AO2.1 Plant or equipment is not located on roofs; or AO2.2 Where plant or equipment is placed on roofs, it is appropriately screened from the streetscape behind a parapet or similar design feature.	
For assessable development		
PO3 Development is located: (a) within an existing Centre zone; (b) a building containing an existing centre activity; (c) on a site identified as being suitable for Centre activities in a Local plan.	AO3 No acceptable outcomes are prescribed.	Complies The site is identified in the Local Plan as being suitable for Centre activities.
PO4 A centre activity is only established outside an appropriately identified area where: (a) community need is demonstrated for the centre; (b) the centre activity does not compromise the establishment of consolidated activity	AO4 No acceptable outcomes are prescribed.	Complies The site is identified in the Local Plan as being suitable for Centre activities.

Performance outcomes	Acceptable outcomes	Applicant Response
<p>centres with distinct roles and functions across the Far North Queensland Region;</p> <p>(c) the centre activity does not compromise the established hierarchy of activity centres in the Far North Queensland Region; the centre activity does not compromise the character and amenity of surrounding areas.</p> <p>Note – An appropriately identified area is defined in PO3 of this code.</p> <p>Note – Refer to the Far North Queensland Regional Plan to determine the distinct roles and functions, and the established hierarchy of activity centres in Far North Queensland.</p>		
<p>PO5</p> <p>The siting of buildings contributes to the desired amenity and character of the area and protect the amenity of other land uses.</p>	<p>AO5.1</p> <p>Buildings setbacks to road frontages are:</p> <ul style="list-style-type: none"> (a) in accordance with the provisions of any applicable Local plan; (b) a minimum of 6 metres where no Local plan applies or there are no particular provisions specified in the Local pan for the site. 	<p>Complies</p> <p>The setbacks are in accordance with the Local Plan.</p>
	<p>AO5.2</p> <p>Where adjoining land in the Industry Zone, buildings are setback:</p> <ul style="list-style-type: none"> (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, which ever if the greater; and (c) not any distance between 0 metres and 2.5 metres. 	<p>Complies</p> <p>The site does not adjoin land in the industry zone.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	A05.3 Where adjoining land in any other zone, buildings are setback 3.0 metres or $\frac{1}{4}$ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.	Complies The setbacks are in accordance with the Local Plan.
	A05.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas: (a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in A05.1(b) above; adjacent to the boundary with the other zone for the setback area nominated in A05.3 above.	Complies The setbacks are in accordance with the Local Plan.
PO6 The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.	A06 Site coverage does not exceed 50%, unless otherwise specified in a Local plan.	Complies The site coverage is in accordance with the Local Plan.
PO7 Building façades are articulated and finished in ways that respond to the attractive elements of surrounding buildings, and enhances existing streetscape character.	A07 Building facades are articulated and finished with design elements such as: (a) variations in plane shape, such as curves, steps, recesses or projections; (b) variations in treatment and patterning of windows, sun protection devices, or other elements of the façade;	Complies Refer to Local Plan.

Performance outcomes	Acceptable outcomes	Applicant Response
	(c) elements of finer scale, than the main structural framing.	
PO8 Development results in an attractive streetscape that: <ul style="list-style-type: none"> (a) contributes to a high level of amenity for patrons and pedestrians; (b) facilitates interactions between the public and private realm. 	AO8.1 Ground floor levels of buildings incorporate activities that are likely to foster casual, social or business interaction for extended periods (such as Shops, Food and drink outlets and the like).	Complies The ground floor level includes a Food and drink outlet.
	AO8.2 Where a building has frontage to a public street or other public or semi public space, an active frontage is provided which includes a minimum of 75% of the façade consisting of transparent or semi-transparent windows or glazed doors.	Complies The ground floor incorporates an active frontage to more than 75% of the frontage.
	AO8.3 Frontages to public streets or other public or semi public spaces are articulated with vertical elements that emphasise a finer-grain and human scale to the building frontage.	Complies Refer to Local Plan.
	AO8.4 Where buildings are constructed up to a road frontage, a cantilever awning is to be provided over the footpath of the site, to the full frontage of the site, with a setback of 1 metre from the face of the kerb, and; <ul style="list-style-type: none"> (a) with a maximum height of 3 metres to the underside of the awning; or at a height consistent with, or stepping up or down to, the awning structures on buildings on adjoining sites.	Complies The development includes an awning for the frontage of the site consistent with the surrounding development.
PO9 Development provides for the site to be	AO9.1 A minimum of 10% of the site is set aside for	Complies Refer to the Local Plan.

Performance outcomes	Acceptable outcomes	Applicant Response
landscaped in a manner that is consistent with the function, location and setting of the development.	<p>landscape planting.</p> <p>AO9.2 Landscaping is provided in accordance with the following:</p> <ul style="list-style-type: none"> (a) a mixture of shade trees and low planting is provided along street frontages where buildings are setback from the frontage; (b) shade trees are provided in car parks; (c) a landscaped area is provided between the centre activity, associated car parking and any adjacent residential use or zone which: <ul style="list-style-type: none"> (i) has a minimum width of 3 metres and is not used for storage or mechanical plant; (ii) is planted with a variety of hardy screening shrubs and trees; (iii) incorporates a minimum 1.8 metre high solid screen fence. <p>Note – Additional fencing requirements beyond the minimum standard may be required for acoustic and lighting attenuation purposes in accordance with AO5.3.</p>	<p>Complies Landscaping will be provided.</p>
Additional requirements for Adult Stores		
<p>PO10 An adult store is located to satisfy reasonable community expectations in relation to location and accessibility.</p>	<p>AO10 The distance between the boundary of the land occupied by a sensitive land use and the entrance of a proposed adult store is:</p> <ul style="list-style-type: none"> (a) more than 200 metres according to the shortest route a person may lawfully take on foot; (b) more than 100 metres measured in a 	<p>Not applicable to the proposed development.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	straight line.	
PO11 The presentation of adult stores satisfies reasonable community expectations.	AO11.1 The display window of the adult store is completely screened to prevent viewing into the interior of the development where goods are displayed. AO11.2 Signage associated with the adult store that is visible external to the development is not sexually suggestive or potentially offensive in either graphical or written form. AO11.3 External signage associated with an adult store has a cumulative total of 5m ² . AO11.4 Signage (other than required by A11.3) is limited to the following types: (a) below awning sign; (b) fascia sign; (c) window sign.	

9.3.13 Multiple dwelling, short term accommodation and retirement facility code

The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies.

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

- (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;
- (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood;
- (c) development does not adversely impact on the natural features on the site;
- (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region;
- (e) the impacts of development on adjoining premises are managed.

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable development		
PO1 The site has sufficient area and frontage to: <ul style="list-style-type: none"> (a) accommodate the scale and form of buildings considering site features; (b) achieve communal open space areas and private outdoor spaces; (c) deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting; (d) achieve safe and convenient vehicle and pedestrian access; (e) accommodate on-site car parking and manoeuvring for residents, visitors and service 	AO1.1 The site has a minimum area of 1000m ² . AO1.2 The site has a minimum frontage of 25 metres	Complies with Performance Outcomes The site has an area of 952m ² with a 20m frontage to Warner Street. However, it also has a shared access easement along the side boundary, which provides additional area for driveway access. The site is sufficient in size to accommodate the development.

Performance outcomes	Acceptable outcomes	Applicant response										
providers.												
<p>PO2</p> <p>Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:</p> <p>(a) the establishment and extension of public streets and pathways;</p> <p>(b) the provision of parks and other public spaces as appropriate to the scale of the development;</p> <p>(c) inclusion of a mix of dwelling types and tenures and forms;</p> <p>(d) buildings that address the street;</p> <p>(e) building height and setback transitions to adjoining development of a lower density or scale.</p>	<p>AO2</p> <p>Development on a site 5,000m² or greater is in accordance with a structure plan.</p> <p>Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning.</p>	<p>Not applicable</p>										
<p>PO3</p> <p>Development ensures that the proportion of buildings to open space is:</p> <p>(a) in keeping with the intended form and character of the local area and immediate streetscape;</p> <p>(b) contributes to the modulation of built form;</p> <p>(c) supports residential amenity including access to breezes, natural light and sunlight;</p> <p>(d) supports outdoor tropical living;</p> <p>(e) provides areas for deep tropical planting and / or for the retention of mature vegetation.</p>	<p>AO3.1</p> <p>The site cover is not more than 40%.</p> <p>AO3.2</p> <p>The development has a gross floor area of not more than:</p> <table><thead><tr><th>Zone</th><th>Maximum GFA</th></tr></thead><tbody><tr><td>Low-medium density residential</td><td>0.8 x site area</td></tr><tr><td>Medium density residential</td><td>1.2 x site area</td></tr><tr><td>Tourist accommodation</td><td>1.2 x site area</td></tr><tr><td>All other zones</td><td>No acceptable outcome specified</td></tr></tbody></table>	Zone	Maximum GFA	Low-medium density residential	0.8 x site area	Medium density residential	1.2 x site area	Tourist accommodation	1.2 x site area	All other zones	No acceptable outcome specified	<p>Complies with Performance Outcomes</p> <p>Site coverage requirements are stated in Local Plan of 80%. Site coverage of the proposed development is approximately 65%.</p> <p>In the context of the proposed change, the approved relationship between buildings and open space is maintained. The changes to the form do not alter the open space outcomes, and continue to support guest amenity, access to breezes and natural light and outdoor tropical living.</p>
Zone	Maximum GFA											
Low-medium density residential	0.8 x site area											
Medium density residential	1.2 x site area											
Tourist accommodation	1.2 x site area											
All other zones	No acceptable outcome specified											

Performance outcomes	Acceptable outcomes	Applicant response
PO4 Development is sited so that the setback from boundaries: (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping.	AO4.1 Buildings and structures are set back not less than 6 metres from a road frontage.	Complies The development is built to the property boundaries, in keeping with adjoining properties. The style of development is similar to neighbouring developments and does not adversely affect the amenity and privacy of adjoining properties.
	AO4.2 Buildings and structures are setback not less than 4 metres to the rear boundary.	
	AO4.3 The side boundary setback for buildings and structures is: (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building; (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.	
PO5 Building depth and form must be articulated to (a) ensure that the bulk of the development is in keeping with the form and character intent of the area; (b) provide adequate amenity for residents in terms of natural light and ventilation. Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk	AO5.1 (a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres. (b) The minimum distance between buildings on a site is not less than 6 metres;	Complies The elevations of the proposed building are substantially articulated with balconies and vertical planting. The development has been designed to be in keeping with the form and character of the area.
	AO5.2 The length of any continuous eave line does not exceed 18 metres.	
PO6 Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.	AO6.1 Development incorporates a number of the following design elements: (a) balconies; (b) verandahs (c) terraces; (d) recesses.	Complies The development incorporates balconies for each room and incorporates vertical planting to provide articulation to facades.

Performance outcomes	Acceptable outcomes	Applicant response
	AO6.2 Development reduces building bulk by: <ul style="list-style-type: none"> (a) variation in building colours, materials and textures; (b) the use of curves, recesses, projections or variations in plan and elevation; (c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch; (d) use of sun-shading devices and other façade features; (e) use of elements at a finer scale than the main structural framing of the building. 	Complies The development incorporates a number of architectural elements to reduce the bulk of the building, including: <ul style="list-style-type: none"> • Variation to the external appearance of the building will be provided by the vertical landscape elements incorporated into the building. • The building has been designed to a high quality and will contribute and enhance the visual amenity of the streetscape. • Incorporation of balconies to each room.
PO7 Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through: <ul style="list-style-type: none"> (a) orientation to the street; (b) front boundary setback; (c) balconies and windows to provide overlooking and casual surveillance; (d) building entrances. 	AO7.1 Development provides a building that is not set back further than 2m beyond the minimum required street front setback.	Complies The building is built to the boundary, consistent with adjoining developments.
	AO7.2 Development provides balconies and windows from the primary living area that face and overlook the street or public space.	Complies Balconies are located on the front façade, overlooking Warner Street.
PO8 Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.	AO8.1 Development has floor to ceiling heights of 2.7 metres;	Complies Each floor has a ceiling height of not less than 2.7m.
	AO8.2 Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.	Complies Each room opens onto a covered balcony, providing weather and sun protection to habitable rooms.

Performance outcomes	Acceptable outcomes	Applicant response
	A08.3 Development incorporates deep recesses, eaves and sun-shading devices.	Complies The facades include covered balconies.
	A08.4 Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.	Complies The front and side boundaries face west. The front façade includes deep covered balconies and vertical trellis planting to provide adequate shade to these front-facing rooms. The side boundary is partly shaded by the adjoining property, and the remainder of this façade also includes deep, covered balconies to provide sun protection.
	A08.5 Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).	Complies with Performance Outcomes The central corridor has been designed to encourage breezes into the building, with open planters and a garden void.
P09 Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices. Note—Siting and building separation is used to minimise privacy screening requirements.	A09.1 Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have: <ul style="list-style-type: none"> (a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or (b) sill heights a minimum of 1.5m above floor level; or (c) fixed obscure glazing in any part of the window below 1.5m above floor level; or (d) fixed external screens; or (e) in the case of screening for a ground floor level 	Complies with Performance Outcomes The development site adjoins two hotel developments, Mantra 'Heritage' and Mantra 'In the Village'. To the rear of the site is a commercial development containing restaurant and shopping facilities.

Performance outcomes	Acceptable outcomes	Applicant response
	unit, fencing to a minimum 1.8m above the ground storey floor level.	
	A09.2 Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.	As above
	A09.3 Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable. Note—The screening device is offset a minimum of 0.3m from the wall around any window. Note—Screening devices are hinged or otherwise attached to facilitate emergency egress	As above
PO10 Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.	A010 A minimum of 35% of the site is allocated as landscaping and recreation area.	Complies The development concept is for a boutique hotel providing recreational amenities areas sought by guests, with the ground floor food and drink outlet and bar area contributing to this. The open air rooftop terrace provides recreation spaces for guests.
PO11 Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.	A011 Development provides landscaping as follows: (a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street	Complies The proposed development incorporates vertical landscaping elements which is a more effective solution to an urban setting than the traditional planting buffer. The proposed vertical trellis

Performance outcomes	Acceptable outcomes	Applicant response
	<p>frontages;</p> <p>(b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries.</p>	planting will contribute to the visual amenity and tropical character of the street.
<p>PO12</p> <p>The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site.</p>	<p>AO12.1</p> <p>Communal open space is provided at:</p> <p>(a) a minimum of 5% of site area or 50m² whichever is the greater; and</p> <p>(b) a minimum dimension of 5 metres.</p>	<p>Complies</p> <p>The development concept is for a boutique hotel providing recreational amenities areas sought by guests, with the ground floor food and drink outlet and bar area contributing to this. The open air rooftop terrace provides recreation spaces for guests.</p>
	<p>AO12.2</p> <p>Development provides communal open space that:</p> <p>(a) is consolidated into one useable space;</p> <p>(b) where communal open space exceeds 100m², the communal open space may be split into two, and so forth incrementally.</p>	
	<p>AO12.3</p> <p>Communal open space:</p> <p>(a) is a minimum of 50% open to the sky;</p> <p>(b) achieves 25% shading by trees in 5 years;</p> <p>(c) does not include vehicle driveways and manoeuvring;</p> <p>(d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</p>	
	<p>AO12.4</p> <p>Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements:</p> <p>(a) seating;</p> <p>(b) barbecue;</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	(c) play equipment; (d) swimming pool; (e) communal clothes drying; (f) vegetable garden.	
	AO12.5 Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space.	
PO13 Development must provide attractive and functional private open space for residents and guests.	AO13.1 Development provides private open space which: (a) for ground storey dwellings, comprises of a minimum area of 35m ² with a minimum dimension of 3 metres; (b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m ² and a minimum dimension of 3 metres.	Complies with Performance Outcomes The definition in the <i>Planning Regulation 2017</i> and the Douglas Shire Planning Scheme for 'dwelling' does not include hotel rooms as the rooms do not satisfy the definition of "dwelling" (they do not contain cooking facilities). Accordingly, the Acceptable Outcome is not relevant. Notwithstanding this, each room is provided with a suitable sized balcony for the nature of the use, providing an attractive and functional private open space for guests.
	AO13.2 Development provides private open space areas that are: (a) directly accessible from internal primary living area of the dwelling (not bedrooms); (b) provided with a screened area of 2m ² minimum dimension capable of screening air conditioning plant, private clothes drying etc... (c) provided with adjustable, moveable or operable privacy screening where appropriate.	Complies Balconies are located adjacent to the rooms.

Performance outcomes	Acceptable outcomes	Applicant response
	AO13.3 Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.	Complies Balconies are located adjacent to the rooms and have been designed to minimise overlooking of neighbouring motel / resort developments.
	AO13.4 Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.	Not applicable
	AO13.5 Private open space: (a) does not include vehicle driveways and manoeuvring; (b) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.	Complies The private open space does not include driveways or building plant and equipment.
PO14 Development provides front fencing and retaining walls that must: (a) facilitate casual surveillance of the street and public space; (b) enable use of private open space; (c) assist in highlighting entrances to the property; (d) provide a positive interface to the streetscape.	AO14.1 Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of: (a) 1.2m, where fence construction is solid or less than 50% transparent; (b) 1.5m, where fence construction is at least 50% transparent; (c) 1.8m and solid only where the site is on an arterial road or higher order road.	Complies Fencing to the front boundary is not proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	AO14.2 Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual interest and soften the visual impact.	Complies Fencing to the front boundary is not proposed.
	AO14.3 Development for a retaining wall is: (a) stepped to minimise impact on the streetscape and pedestrian environment; (b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge	Complies Retaining walls are not proposed.
PO15 Development minimises light nuisances.	AO15 Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	Will be complied with
PO16 Waste and recyclable material storage areas are: (a) convenient and accessible to residents and waste and recyclable material collection services; (b) located and designed to mitigate adverse impacts: (i) within the site; (ii) on adjoining properties; (iii) to the street.	AO16 Waste and recyclable material storage areas: (a) are located on site; (b) are sited and designed to be unobtrusive and screened from view from the street frontage; (c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network; (d) are of a sufficient size to accommodate bulk (skip) bins; (e) have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services. Note - The Environmental performance code contains	Complies Conditions of the approval address refuse storage.

Performance outcomes	Acceptable outcomes	Applicant response
	requirements for waste and recyclable material storage.	
PO17 Development provides a secure storage area for each dwelling.	AO17 A secure storage area for each dwelling: (a) is located to enable access by a motor vehicle or be near to vehicle parking; (b) has a minimum space of 3.5m ² per dwelling; (c) has a minimum height of 2 metres; (d) is weather proof; (e) is lockable; (f) has immunity to the 1% AEP inundation event. Note – A cupboard within a unit will not satisfy this requirement.	Complies The requirement for individual secure storage areas is intended to service permanent residential dwellings and is not directly applicable to short-term accommodation. The approved development comprises hotel-style accommodation, where storage needs are met through in-room luggage storage and centrally managed facilities associated with reception and hotel operations. Given the nature of the use, the short duration of guest stays, and the operational model of the development, the provision of separate secure storage areas for each room is neither necessary nor practical. The absence of individual storage areas does not adversely affect amenity, functionality or safety, and the development continues to operate as intended as a short-term accommodation facility. Accordingly, while Acceptable Outcome AO17 is not achieved, the development satisfies the intent of Performance Outcome PO17 in the context of a hotel-style accommodation use.
Additional requirements for a Retirement facility PO18 – PO21 not applicable to this development		

9.4.1 Access, parking and servicing code

The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.

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

- (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;
- (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;
- (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;
- (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;
- (e) the provision of on-site parking, loading / unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;
- (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.

Table 9.4.1.3.a – Access, parking and servicing code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; 	AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.	Complies with Performance Outcomes The approved development provides 15 on-site car parking spaces and a dedicated service vehicle space, which were assessed and approved to service a development comprising 36 short-term accommodation rooms and a food and drink outlet. Under the approved development, a total parking demand of 21 spaces was identified in accordance with the Access, parking and servicing code and the Port Douglas Local Plan, reflecting the applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>(e) the nature and frequency of any public transport serving the area;</p> <p>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</p> <p>(g) whether or not the use involves a heritage building or place of local significance;</p> <p>(h) whether or not the proposed use involves the retention of significant vegetation.</p>		<p>30% reduction for the food and drink outlet component. The approved provision of 15 spaces was accepted having regard to the town centre context, the mix of uses, and the site's accessibility.</p> <p>The proposed change reduces the number of short-term accommodation rooms from 36 to 30, includes a reduction in the size of the food and drink outlet, and introduces a small-scale health care services use. Based on these changes, the amended development generates an overall parking demand of 19 spaces when assessed against the Access, parking and servicing code and the Port Douglas Local Plan.</p> <p>The health care services component is limited in scale, operates on an appointment-based model, and is expected to generate low and dispersed vehicle demand with short dwell times. When considered in conjunction with the reduced accommodation yield and the town centre location of the site, the overall parking demand is not expected to exceed that of the approved development.</p> <p>Accordingly, the retained provision of 15 on-site parking spaces and a service vehicle space remains sufficient to accommodate the amount and type of vehicle traffic generated by the amended development. The proposal continues to achieve Performance Outcome PO1 of the Access, parking and servicing code. Further discussion is provided in Section 8.2 of this planning report.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	A01.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	Complies The carparking on site is dedicated solely for carparking purposes.
	A01.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	Not applicable
	A01.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	Not applicable
PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.	A02 Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	Complies Conditions of the current approval include the requirement that the car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off-street car parking.
PO3 Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or	A03.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.	Complies The development does not propose any changes to the existing access point from Warner Street.
	A03.2	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>pedestrian movement on the adjacent road area;</p> <p>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</p> <p>(f) so that they do not adversely impact current and future on-street parking arrangements;</p> <p>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p>	<p>Access, including driveways or access crossovers:</p> <p>(a) are not placed over an existing:</p> <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. <p>(b) are designed to accommodate any adjacent footpath;</p> <p>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</p>	<p>The development does not propose any changes to the existing access point from Warner Street.</p>
	<p>AO3.3</p> <p>Driveways are:</p> <p>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</p> <p>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</p> <p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm</p>	<p>Not applicable</p> <p>The development does not propose any changes to the existing driveway access.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	water runoff to the storm water drainage system.	
	A03.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	Complies Conditions of the current approval include that the pedestrian footpath in pavers are to match the existing paving in front of neighbouring development.
P04 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	A04 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	Complies One space is provided on site for wheel chair accessible car parking.
P05 Access for people with disabilities is provided to the building from the parking area and from the street.	A05 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Complies Access for people with disabilities can be achieved from the carpark to the proposed new building.
P06 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	Complies Sufficient space is available on the site to accommodate bicycle parking.

Performance outcomes	Acceptable outcomes	Applicant response
PO7 Development provides secure and convenient bicycle parking which: <ul style="list-style-type: none"> (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. 	A07.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers); A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street. A07.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	Complies Secure bicycle parking is provided for visitors and employees in visible, accessible locations that do not impede pedestrian movement and are safely accessible from outside the site.
PO8 Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. 	AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. 	Complies Walking and cycle routes exist along Warner Street.
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> (a) in accordance with relevant standards; (b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other 	AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	Complies Conditions of the current approval include the requirement that the development must comply with the Australian Standard AS2890.1 and AS2890.2
	AO9.2 Service and loading areas are contained fully within the site.	Complies A service vehicle bay is provided on-site.

Performance outcomes	Acceptable outcomes	Applicant response
vehicles.	AO9.3 The movement of service vehicles and service operations are designed so they: <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. 	Complies A service vehicle bay is provided on-site.
PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drivethrough facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. 	Not applicable
	AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	Not applicable

9.4.3 Environmental performance code

The purpose of the Environmental performance code is to ensure development is designed and operated to avoid or mitigate impacts on sensitive receiving environments.

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

- (a) activities that have potential to cause an adverse impact on amenity of adjacent and surrounding land, or environmental harm is avoided through location, design and operation of the development;
- (b) sensitive land uses are protected from amenity related impacts of lighting, odour, airborne particles and noise, through design and operation of the development;
- (c) stormwater flowing over, captured or discharged from development sites is of a quality adequate to enter receiving waters and downstream environments;
- (d) development contributes to the removal and ongoing management of weed species.

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
Lighting		
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	Can be complied with
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	Not applicable Flood lighting is not proposed.
	AO1.3 Access, car parking and manoeuvring areas are	Complies Access, parking and manoeuvring areas are

Performance outcomes	Acceptable outcomes	Applicant response
	designed to shield nearby residential premises from impacts of vehicle headlights.	buffered from neighbouring properties.
Noise		
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; or AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.	Complies The proposed development does not involve activities that would cause noise-related environmental harm or nuisance.
	AO2.3 The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following: (a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping. Editor's note - <i>The Environmental Protection (Noise) Policy 2008</i> , Schedule 1 provides guidance on acoustic quality	Complies The access and parking areas are buffered from neighbouring properties.

Performance outcomes	Acceptable outcomes	Applicant response
	objectives to ensure environmental harm (including nuisance) is avoided.	
Airborne particles and other emissions		
<p>PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p>AO3.2 The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p> <p>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.</p> <p>Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.</p> <p>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	<p>Complies The development does not involve activities that would result in emissions.</p>
Odours		
<p>PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.</p>	<p>AO4.1 The development does not involve activities that create odorous emissions;</p>	<p>Complies The development does not involve activities that would result in emissions.</p>

Performance outcomes	Acceptable outcomes	Applicant response
Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	or AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	
Waste and recyclable material storage		
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.	Complies All putrescible waste is stored in enclosed receptacles and removed at regular intervals in accordance with Council requirements, preventing odour nuisance.
	AO5.2 Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of: (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions; (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments. Editor's note - the <i>Environmental Protection (Waste</i>	Complies Waste and recyclable material storage facilities are suitably located, sized and designed having regard to noise and odour separation, collection frequency, durability in local climatic conditions, and measures to prevent spillage, seepage or leakage.

Performance outcomes	Acceptable outcomes	Applicant response
	<i>Management) Policy 2008</i> provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.	
Sensitive land use activities		
PO6 Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	AO6.1 Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area; or AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.	Complies The development will adjoin other accommodation facilities, and is compatible with surrounding land uses.
Stormwater quality		
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: (a) the amount and type of pollutants borne from the activity; (b) maintaining natural stream flows; (c) the amount and type of site disturbance; (d) site management and control measures.	AO7.1 Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.	Complies. Stormwater from roofed and hardstand areas is directed to a lawful point of discharge.
	AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	Complies. Stormwater movement across the site is not impeded or directed through potentially polluting activities.
	AO7.3 Soil and water control measures are incorporated into the activity's design and operation to control	Complies. Soil and water management measures are incorporated into the design and construction to

Performance outcomes	Acceptable outcomes	Applicant response
	<p>sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	control erosion and sediment in accordance with relevant standards.
Pest plants (for material change of use on vacant land over 1,000m²)		
<p>PO8 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p>	<p>AO8.1 The land is free of declared pest plants before development establishes new buildings, structures and practices;</p> <p>or</p> <p>AO8.2 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	Not applicable as the site is not greater than 1,000m² in area.

9.4.4 Filling and excavation code

The purpose of the Filling and excavation code is to assess the suitability of development for filling or excavation.

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

- (a) filling or excavation does not impact on the character or amenity of the site and surrounding areas;
- (b) filling and excavation does not adversely impact on the environment;
- (c) filling and excavation does not impact on water quality or drainage of upstream, downstream or adjoining properties;
- (d) filling and excavation is designed to be fit for purpose and does not create land stability issues;
- (e) filling and excavation works do not involve complex engineering solutions.

Table 9.4.4.3.a – Filling and excavation code – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Filling and excavation - General		
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion 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 development does not propose any substantial filling or excavation works.
	AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	Not applicable Cuts, batters, berms and terraces are not required.

Performance outcomes	Acceptable outcomes	Applicant response
	A01.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	Not applicable As above
	A01.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.	Not applicable As above
	A01.5 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.	Not applicable As above
	A01.6 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.	Not applicable As above
Visual Impact and Site Stability		
P02 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.	A02.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m ² whichever is the lesser, except that A02.1 does not apply to reconfiguration of 5 lots or more.	Complies The development does not require filling or excavation.
	A02.2 Filling and excavation does not occur within 2 metres of the site boundary.	Complies The development does not require filling or excavation.

Performance outcomes	Acceptable outcomes	Applicant response
Flooding and drainage		
P03 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.	A03.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	Complies Filling and excavation is not required and the construction of the new building will not result in a change to the run off characteristics of the site.
	A03.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	Complies The development does not require filling or excavation.
	A03.3 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.	Complies The development does not require filling or excavation.
	A03.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies The development does not require filling or excavation.
Water quality		
P04 Filling and excavation does not result in a reduction of the water quality of receiving waters.	A04 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies Filling and excavation is not required and the construction of the new building will not result in a change to the run off characteristics of the site or water quality of receiving waters.
Infrastructure		
P05 Excavation and filling does not impact on Public Utilities.	A05 Excavation and filling is clear of the zone of influence of public utilities.	Complies There are no public utilities on the site.

9.4.5 Infrastructure works code

The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.

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

- (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
- (b) development maintains high environmental standards;
- (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;
- (d) the integrity of existing infrastructure is maintained;
- (e) development does not detract from environmental values or the desired character and amenity of an area.

Table 9.4.5.3.a – Infrastructure works code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Works on a local government road		
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Complies
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	Not applicable Existing access driveway will be retained.

Performance outcomes	Acceptable outcomes	Applicant response
	A01.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: <ul style="list-style-type: none"> (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section. 	Will be complied with
	A01.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: <ul style="list-style-type: none"> (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. <p>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</p>	Will be complied with
	A01.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	Not applicable
Accessibility structures		
P02 Development is designed to ensure it is accessible for people of all abilities and accessibility features	A02.1 Accessibility structures are not located within the road reserve.	Complies

Performance outcomes	Acceptable outcomes	Applicant response
<p>do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</p>	<p>A02.2 Accessibility structures are designed in accordance with AS1428.3.</p>	Will be complied with
	<p>A02.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	Not applicable
Water supply		
<p>PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.</p>	<p>A03.1 The premises is connected to Council’s reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>A03.2 Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.</p>	Will be complied with

Performance outcomes	Acceptable outcomes	Applicant response
Treatment and disposal of effluent		
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	Will be complied with
Stormwater quality		
PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by: <ul style="list-style-type: none"> (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology. 	AO5.1 A connection is provided from the premises to Council's drainage system; or AO5.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional	Will be complied with

Performance outcomes	Acceptable outcomes	Applicant response
	Development Manual.	
	A05.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as: <ul style="list-style-type: none"> (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity. 	Not applicable The proposed development will connect with the existing on-site drainage system.
	A05.4 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	Will be complied with
	A05.5 Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts. <p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect</p>	Will be complied with

Performance outcomes	Acceptable outcomes	Applicant response
	stormwater quality.	
Non-tidal artificial waterways		
PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	AO6.1 Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	Not applicable The proposed development does not involve non-tidal artificial waterways.
	AO6.2 Non-tidal artificial waterways are located: <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. 	Not applicable
	AO6.3 Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or (c) there is no introduction of salt water into 	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	freshwater environments.	
	AO6.4 Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat.	Not applicable
	AO6.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.	Not applicable
	AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	Not applicable
	AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	Not applicable
Wastewater discharge		
PO7 Discharge of wastewater to waterways, or off site: (a) meets best practice environmental	AO7.1 A wastewater management plan is prepared and addresses:	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
management; (b) is treated to: (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	(a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management.	
	A07.2 The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	
	A07.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	

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

Performance outcomes	Acceptable outcomes	Applicant response
	<p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	A09.1 Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.	Not applicable
	A09.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not applicable
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Will be complied with
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	Development Manual.	
Road construction		
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: <ul style="list-style-type: none"> (a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles. 	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.	Will be complied with
	AO12.2 There is existing road, kerb and channel for the full road frontage of the site.	Will be complied with
	AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	Not applicable Existing access will be retained.
Alterations and repairs to public utility services		
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	Will be complied with
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or AO14.2	

Performance outcomes	Acceptable outcomes	Applicant response
	Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	
Construction management		
PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	AO15 Works include, at a minimum: <ul style="list-style-type: none"> (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds. 	Will be complied with
PO16 Existing infrastructure is not damaged by construction activities.	AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual. Note - Construction, alterations and any repairs to Statecontrolled roads and rail corridors are undertaken in accordance with the <i>Transport Infrastructure Act 1994</i> .	Will be complied with as applicable
For assessable development		
High speed telecommunication infrastructure		

Performance outcomes	Acceptable outcomes	Applicant response
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Will be complied with
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	AO18 No acceptable outcomes are prescribed.	Will be complied with
Fire services in developments accessed by common private title		
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	Not applicable
	AO19.2 Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
PO20 Hydrants are suitably identified so that fire services can locate them at all hours. Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.	AO20 No acceptable outcomes are prescribed.	Not applicable On-site fire fighting equipment is provided.

9.4.6 Landscaping code

The purpose of the Landscaping code is to assess the landscaping aspects of a development.

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

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

Table 9.4.6.3.a – Landscaping code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Landscape design		
<p>PO1 Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:</p> <ul style="list-style-type: none"> (a) promoting the Shire’s character as a tropical environment; (b) softening the built form of development; (c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; (d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development; (e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas; (f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces; (g) ensuring private outdoor recreation space is useable; (h) providing long term soil erosion protection; (i) providing a safe environment; 	<p>AO1 Development provides landscaping:</p> <ul style="list-style-type: none"> (a) in accordance with the minimum area, dimensions and other requirements of applicable development codes; (b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping; (c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping. <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	<p>Complies with Performance Outcomes A landscaping plan has been prepared.</p>

Performance outcomes	Acceptable outcomes	Applicant response
(j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety.		
For assessable development		
PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	AO2.1 No acceptable outcomes are specified. Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.	Complies The proposed landscaping will incorporate appropriate species and will be designed which enhances the visual values of the site.
	AO2.2 Tropical urbanism is incorporated into building design. Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.	Complies The proposed new building incorporates tropical architectural features, which will contribute and enhance the visual amenity of the site.
PO3 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	AO3.1 Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.	Not applicable
	AO3.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.	Not applicable
	AO3.3 Where there is an existing landscape character in a	Complies The proposed landscaping will incorporate

Performance outcomes	Acceptable outcomes	Applicant response
	street or locality which results from existing vegetation, similar species are incorporated into new development.	appropriate species which enhance the visual values of the site.
	A03.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	Will be complied with as appropriate
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	A04 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies A landscaping plan has been prepared.
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	A05 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies A landscaping plan has been prepared.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	A06.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	Will be complied with
	A06.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	Will be complied with

Performance outcomes	Acceptable outcomes	Applicant response
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	A07.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	Will be complied with
	A07.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	Will be complied with as appropriate
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	A08 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	Will be complied with
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	A09 No acceptable outcomes are specified. Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	Complies A landscaping plan has been prepared.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	A010 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies A landscaping plan has been prepared.

9.4.9 Vegetation management code

The purpose of the Vegetation management code is achieved through the overall outcomes.

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

- (a) vegetation is protected from inappropriate damage;
- (b) where vegetation damage does occur it is undertaken in a sustainable manner;
- (c) significant trees are maintained and protected;
- (d) biodiversity and ecological values are protected and maintained;
- (e) habitats for rare, threatened and endemic species of flora and fauna are protected and maintained;
- (f) landscape character and scenic amenity is protected and maintained;
- (g) heritage values are protected and maintained.

Table 9.4.9.3.a – Vegetation management –assessable development

Note – All vegetation damage is to have regard to the provisions of AS4373-2009 Pruning of Amenity Trees

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 Vegetation is protected to ensure that: <ul style="list-style-type: none"> (a) the character and amenity of the local area is maintained; (b) vegetation damage does not result in fragmentation of habitats; (c) vegetation damage is undertaken in a sustainable manner; (d) the Shire's biodiversity and ecological values are maintained and protected; (e) vegetation of historical, cultural and / or visual significance is retained; (f) vegetation is retained for erosion prevention 	AO1.1 Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over; or AO1.2 Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government; or	Complies No significant native vegetation exists on the site.

Performance outcomes	Acceptable outcomes	Applicant response
and slope stabilisation.	<p>AO1.3 Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of:</p> <ul style="list-style-type: none"> (a) vegetation declared as a pest pursuant to the Land Protection (Pest and Stock Route Management) Act 2002; or (b) vegetation identified within the local government's register of declared plants pursuant to the local government's local laws; or (c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or (d) vegetation is located within the Conservation zone or Environmental management zone and the trunk is located within three metres of an existing or approved structure, not including a boundary fence;. <p>or</p> <p>AO1.4 Vegetation damage that is reasonably necessary for carrying out work that is:</p> <ul style="list-style-type: none"> (a) authorised or required under legislation or a local law; (b) specified in a notice served by the local government or another regulatory authority; <p>or</p> <p>AO1.5</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;</p> <p>or</p> <p>A01.6 Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the <i>Vegetation Management Act 1999</i>;</p> <p>Or</p> <p>A01.7 Vegetation damage is essential to the maintenance of an existing fire break;</p> <p>or</p> <p>A01.8 Vegetation damage is essential to prevent interference to overhead service cabling;</p> <p>or</p> <p>A01.9 Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the <i>Vegetation Management Act 1999</i>;</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>or</p> <p>AO1.10 Vegetation damage is undertaken in accordance with section 584 of the Sustainable Planning Act 2009.</p> <p>AO1.11 Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</p> <p>AO1.12 Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</p>	
<p>PO2 Vegetation damaged on a lot does not result in a nuisance.</p>	<p>AO2.1 Damaged vegetation is removed and disposed of at an approved site;</p> <p>or</p> <p>AO2.2 Damaged vegetation is mulched or chipped if used onsite.</p>	<p>Will be complied with</p>

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
P03 Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	A03 No acceptable outcomes are prescribed.	Not applicable The site is not identified on the Places of Significance overlay.

APPENDIX 2: DOUGLAS SHIRE COUNCIL DECISION NOTICE 29 JUNE 2022

APPENDIX 3: PLANS OF DEVELOPMENT



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