

Our Reference: 637-001-001L

20 April 2015

The CEO
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

ProjexPartners



PROJECT MANAGEMENT | ENGINEERING | PLANNING

Dear Sir/Madam

**RE: APPLICATION FOR MATERIAL CHANGE OF USE FOR P. WREN, CAPTAIN COOK HIGHWAY,
MOWBRAY – COUNCIL REFERENCE 40.2015.777.1**

Enclosed is an application and supporting information for an application for material change of use for land described as Lot 114 on RP749351 situated on the Captain Cook Highway at Mowbray.

The applicant commenced to use the land some time ago and was unaware a development approval was necessary. After discussions with Council he commissioned our firm to investigate the prospects of obtaining a development approval and a number of discussions were undertaken with Council officers. As a consequence of these discussions, it was determined that there was a reasonable prospect that an application would be approved. Mr Wren commissioned Projex Partners to prepare and manage the development application including provision of the supporting planning report. The forms, report and other relevant documentation are enclosed with this letter along with the fee as advised of \$5,160.

The proposed use is technically defined as Industry but is not particularly industrial in nature. It involves the accumulation of vegetation, the conversion of that vegetation into mulch, the blending of mulch and other materials to make landscaping and erosion control material, ground covers, potting mixes, garden soils and the like. The use also includes the storage of source material, periodic mulching of vegetation, the storage of product and its delivery to end users.

The activities will all take place within a defined Designated Development Area as shown on the site plan in the Planning Report.

The application has merit and complies with the relevant provisions of the town planning scheme.

Council is requested to approve the application subject to reasonable conditions.

Before the application is presented to Council, it is requested that a meeting be held with the assessing officer to deal with any planning issues that have arisen and negotiate relevant parts of the recommendation.

I look forward to Council's favourable determination.

Yours faithfully

PETER ROBINSON
Senior Planner
End

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IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.1 effective 4 July 2014)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdiq.qld.gov.au/MyDAS

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

Phillip Wren

For companies, contact name

Postal address

C/- Peter Robinson, Projex Partners Pty Ltd

PO Box 2133

Suburb Cairns

State Qld

Postcode 4870

Country Australia

Contact phone number

40415118

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

Email address (non-mandatory requirement)

peterrobinson

@projexpartners.com.au

Applicant's reference number (non-mandatory requirement)

673.001

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

a) What is the nature of the development? (Please only tick one box.)

☒ Material change of use

☐ Reconfiguring a lot

☐ Building work

☐ Operational work

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

☐ Preliminary approval
under s241 of SPA

☐ Preliminary approval
under s241 and s242
of SPA

☒ Development permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

Producing vegetation mulch and blended materials for sale

d) What is the level of assessment? (Please only tick one box.)

☒ Impact assessment

☐ Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

a) What is the nature of development? (Please only tick one box.)

☐ Material change of use

☐ Reconfiguring a lot

☐ Building work

☐ Operational work

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

☐ Preliminary approval
under s241 of SPA

☐ Preliminary approval
under s241 and s242
of SPA

☐ Development
permit

c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

☐ Impact assessment

☐ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

☐ Refer attached schedule

☐ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

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

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)		Lot 114	Captain Cook Highway	4877	114	RP749351	Douglas
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Rural		
ii)			
iii)			

Table E—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

18.2 Ha

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Unused

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

X No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No

X Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	Laidlaw Holdings Pty Ltd
X The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☐ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- ☐ Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer

Table J

Lot on plan description for strategic port land	Port authority for the lot

Table K

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

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

X No ☐ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

X No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

X No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No

☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L

Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?

X No

☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

- 13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)**

Description of attachment or title of attachment	Method of lodgement to assessment manager
Covering Letter	Mail
Supporting Planning Report – containing part of the mandatory information	Mail
Form 5	Mail
Owners consent	Mail

14. Applicant's declaration

X By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

3. Does the proposed use involve the following? (Tick all applicable boxes.)

The reuse of existing buildings on the premises	X	No	<input type="checkbox"/>	Yes
New building work on the premises	X	No	<input type="checkbox"/>	Yes
The reuse of existing operational work on the premises	X	No	<input type="checkbox"/>	Yes
New operational work on the premises	X	No	<input type="checkbox"/>	Yes

Mandatory supporting information

4. Confirm that the following mandatory supporting information accompanies this application

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications		
<p>A site plan drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which shows the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application relates (<i>relevant land</i>) the north point the boundaries of the relevant land any road frontages of the relevant land, including the name of the road the location and use of any existing or proposed buildings or structures on the relevant land (note: where extensive demolition or new buildings are proposed, two separate plans [an existing site plan and proposed site plan] may be appropriate) any existing or proposed easements on the relevant land and their function the location and use of buildings on land adjoining the relevant land all vehicle access points and any existing or proposed car parking areas on the relevant land. Car parking spaces for persons with disabilities and any service vehicle access and parking should be clearly marked for any new building on the relevant land, the location of refuse storage the location of any proposed retaining walls on the relevant land and their height the location of any proposed landscaping on the relevant land the location of any stormwater detention on the relevant land. 	X Confirmed	
A statement about how the proposed development addresses the local government's planning scheme and any other planning instruments or documents relevant to the application.	X Confirmed	
A statement about the intensity and scale of the proposed use (e.g. number of visitors, number of seats, capacity of storage area etc.).	X Confirmed	
<p>Information that states:</p> <ul style="list-style-type: none"> the existing or proposed floor area, site cover, maximum number of storeys and maximum height above natural ground level for existing or new buildings (e.g. information regarding existing buildings but not being reused) the existing or proposed number of on-site car parking bays, type of vehicle cross-over (for non-residential uses) and vehicular servicing arrangement (for non-residential uses). 	<input type="checkbox"/> Confirmed X Not applicable	

IDAS form 5—Material change of use assessable against a planning scheme

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications for a material change of use assessable against a planning scheme.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the Sustainable Planning Act 2009 (SPA) or the Sustainable Planning Regulation 2009.

This form must also be used for material change of use on 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* that requires assessment against the land use plan for that land. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

1. Describe the proposed use. (Note: this is to provide additional detail to the information provided in question 1 of *IDAS form 1—Application details*. Attach a separate schedule if there is insufficient space in this table.)

General explanation of the proposed use	Planning scheme definition (include each definition in a new row) (non-mandatory)	No. of dwelling units (if applicable) or gross floor area (if applicable)	Days and hours of operation (if applicable)	No. of employees (if applicable)
The accumulation of vegetation, conversion to mulch, the blending of mulch with other materials to make landscaping and erosion control material, ground covers, potting mixes, garden soils and the like including the storage, sale and delivery of mulches and blended materials	Industry	NA	Daylight	1 part time on site + delivery drivers

2. Are there any current approvals associated with the proposed material change of use? (e.g. a preliminary approval.)

X No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
When the application involves the reuse of existing buildings		
Plans showing the size, location, existing floor area, existing site cover, existing maximum number of storeys and existing maximum height above natural ground level of the buildings to be reused.	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	
When the application involves new building work (including extensions)		
Floor plans drawn to an appropriate scale (1:50, 1:100 or 1:200 are recommended scales) which show the following: <ul style="list-style-type: none"> the north point the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only) the room layout (for residential development only) with all rooms clearly labelled the existing and the proposed built form (for extensions only) the gross floor area of each proposed floor area. 	<input type="checkbox"/> Confirmed	
Elevations drawn to an appropriate scale (1:100, 1:200 or 1:500 are recommended scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation)	<input type="checkbox"/> Confirmed	
Plans showing the size, location, proposed site cover, proposed maximum number of storeys, and proposed maximum height above natural ground level of the proposed new building work.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
When the application involves reuse of other existing work		
Plans showing the nature, location, number of on-site car parking bays, existing area of landscaping, existing type of vehicular cross-over (non-residential uses), and existing type of vehicular servicing arrangement (non-residential uses) of the work to be reused.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
When the application involves new operational work		
Plans showing the nature, location, number of new on-site car parking bays, proposed area of new landscaping, proposed type of new vehicle cross-over (non-residential uses), proposed maximum new vehicular servicing arrangement (non-residential uses) of the proposed new operational work.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

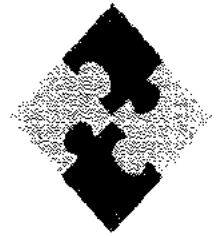
Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

ProjexPartners

PROJECT MANAGEMENT | ENGINEERING | PLANNING



Douglas Shire Council

MCU Industry Lot 114 RP749351

Captain Cook Highway, Mowbray

April 2015

Prepared by:

ProjexPartners



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Appendix A

Assessment against the Douglas Shire Amended Planning Scheme 2008 codes

Appendix B

Electric Ant Restricted Areas



1 INTRODUCTION

Phil Wren operates businesses in Port Douglas and the surrounding localities that undertake landscaping, landscape maintenance, hazard reduction with respect to landscape and the conversion of vegetation materials sourced from these activities into mulch for use in the landscaping and horticultural industries. The nature of the business is that activities are undertaken for private clients across a wide variety of locations in the Port Douglas locality.

Having little or no skills, expertise or knowledge regarding the town planning and development control systems in Queensland, he assumed that the collection and recycling of vegetation material was an activity that he could undertake on land in the rural area. Council has now made him aware that this is not the case and he has suspended his activities on his site at Mowbray and commissioned Projex Partners to lodge a development application for material change of use to legalise his current and planned activities on the land.

This report is part of the supporting information required to be submitted with the application.

Preliminary discussions with Council officers have resulted in an agreement that the applicable fee for this application will be \$5,600.

Mr Wren believes that his business is an activity needed in the Port Douglas locality and has a number of benefits both to the community and the Council. For example, vegetation material that he collects and re-uses does not unnecessarily take up capacity in Council's transfer station and dump. It is noted that Council operates a similar facility at its Killaloe waste facility including mulching of waste vegetation and supply to the public.

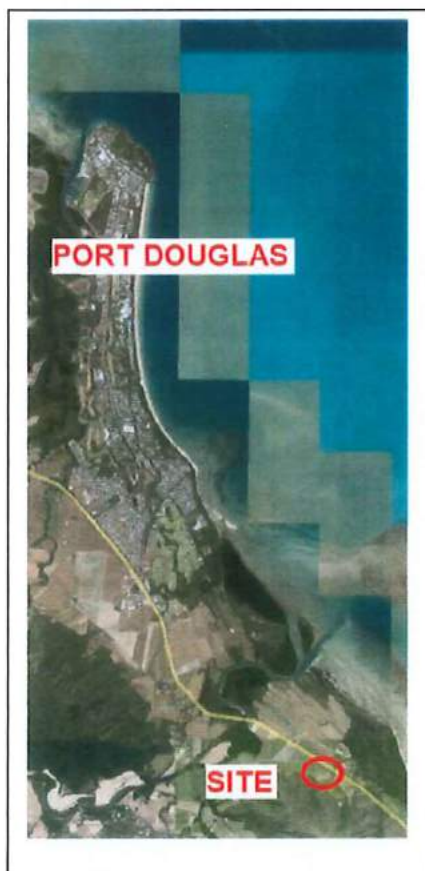
After investigating the relevant provisions of the town planning scheme and discussing the proposal with Council's planning officer as well as assessing the proposal against fundamental planning principles, it was independently determined that the application had merit and Projex Partners accepted the task of preparing and managing the application.

This report includes relevant parts of the mandatory information required for a material change of use application as well as a town planning assessment supporting the application and identifying its planning merits. The facts and circumstances outlined about the existing and proposed activities of the business are provided to us by the applicant.

2 CONTEXT

2.1 The Locality

The site is situated in the rural locality of Mowbray. It is approximately 8 kilometres from the Port Douglas business centre and about 4 kilometres from the centre of the main residential precinct – the area from which most of the vegetation is sourced.



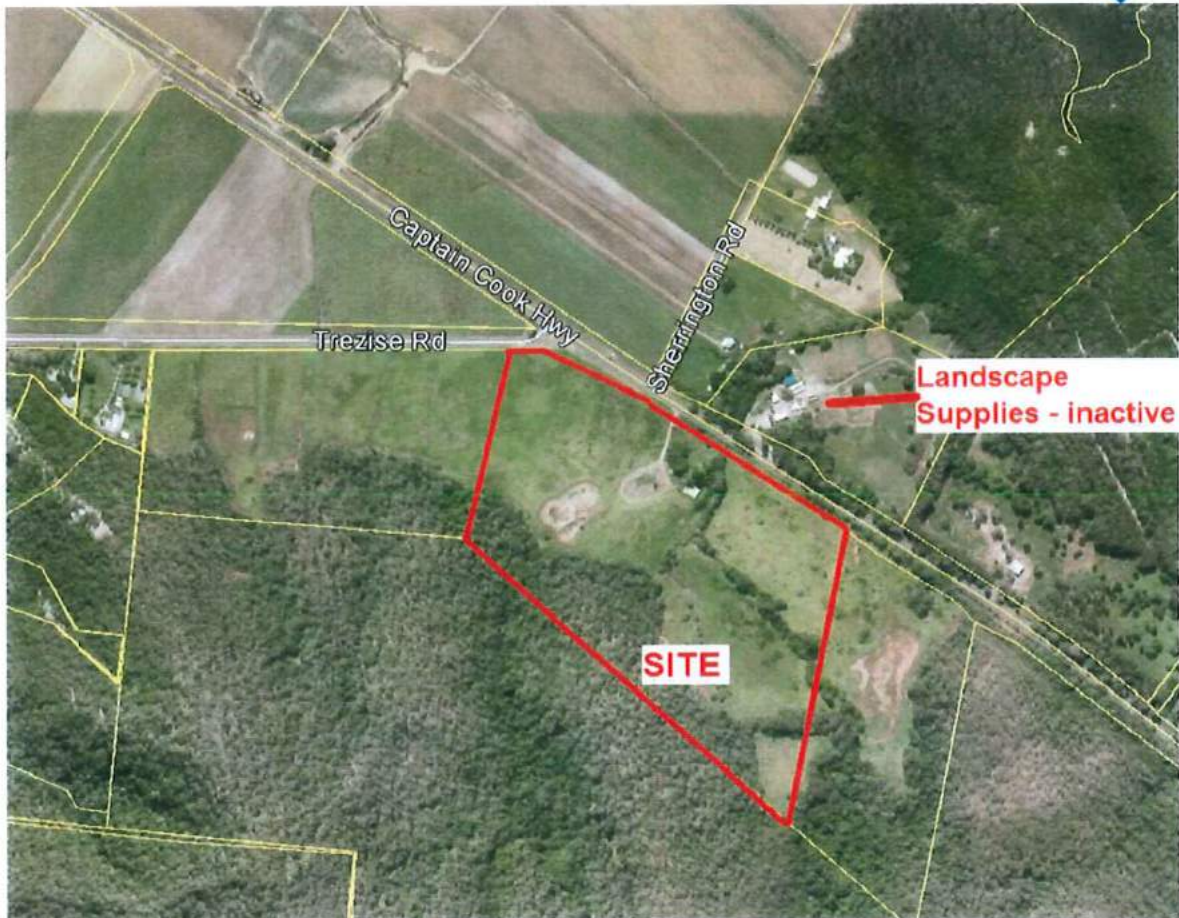
The immediate locality is principally rural in character dominated by rural productive purposes (sugar cane) and both hillslopes and wetland areas that are largely in their original natural condition because of the physical constraints that restrict their utility for rural productive purposes and residential uses.

Opposite the subject land across the Captain Cook Highway is a site previously approved and occupied as a nursery and landscape supplies business.

Within 700 metres of the part of the site that is intended to be most actively used there are only four dwellings, all of which are located on rural land and three of which appear to be used for rural lifestyle purposes, the other being associated with a productive rural use apparently.

The locality is highly accessible to Port Douglas, principally by the Captain Cook Highway – a rural arterial road – a State Controlled Road.

Services consistent with the rural nature of the locality are available with sufficient capacity to meet anticipated demand – principally electricity and telecommunications. As a rural locality, there is no reticulated town water or sewerage to the site.



THE IMMEDIATE LOCALITY

2.2 The Site

The site is described as Lot 47 on RP749351 and is situated on the Captain Cook Highway at Mowbray. The site is in the vicinity of the Trezise Road intersection.

The site has a frontage of approximately 500 metres to the Captain Cook Highway and 35 metres to Trezise Road.

Access is presently gained from the Captain Cook Highway about 200 metres south of the Trezise Road intersection in a location, it is understood that was approved by the Department of Transport and Main Roads at the time the lot was created.

Overhead power lines traverse the site parallel to and a short distance within the frontage.

The land has a depth of approximately 300 metres of which about 200m is cleared.

The site slopes gently up from the Captain Cook Highway to a point about three – quarters of the way to the rear boundary where slopes increase to climb the hill behind. While these slopes would not be considered excessive for common activities, they are sufficiently steep to represent a mild constraint with respect to mechanical harvesting of sugar cane. As a consequence, only the front three quarters of the land was previously cleared and used for agricultural purposes. The minor rear section remains relatively untouched and uncleared.

The site is well drained and flood free. A small creek, with a catchment of about 50 Ha, traverses the property from south to north, exiting across the Captain Cook Highway about 120 metres south of the Sherrington Road intersection. The creek is partly vegetated along most of its length with a single row of trees on each bank. It is stable with no obvious signs of erosion.

In the north-western part of the subject land, a substantial dam (approximately 4,000 square metres surface area) has been constructed about 10 years ago in anticipation of the horticultural use of the land.

Between the dam and the Highway, is an area of approximately 6,000 square metres currently used for the collection of vegetation, its conversion into mulch and the storage of mulch.

The vast majority of the site has not been used for agricultural purposes for well over 10 years. It has been maintained by the owner by occasional slashing and as a consequence is stable, with respect to erosion and weed free.

The adjoining land to the west fronting Trezise Road is vacant and almost identical in physical characteristics as the subject land. The same applies to the adjoining land to the east fronting the Captain Cook Highway. The adjoining land to the rear of the property is a State controlled reserve.

Opposite the subject land across the Captain Cook Highway there is a large rural lifestyle lot occupied by a dwelling and adjoining that a currently unused landscape and raw materials supply yard, previously approved by Council as a caretaker's residence, contractor's depot, plant nursery and bulk landscaping supplies in 2009. It is currently moribund.

The subject land is considered unconstrained with respect to the proposed use.

Access is in the previously approved location from the Captain Cook Highway. It is safe and serviceable with considerable sight distance on a straight section of road.

A power line traverses the front of the land.

Telecommunications are available to the land.



THE SITE

3 THE PROPOSAL

The proposal is to use part of the land for a purpose that Council has deemed to be defined as 'Industry' as well as rural productive uses that are separately self-assessable in the Rural zone, eg horticulture.

The intended Industrial use of the land is principally:-

- the accumulation of vegetation¹,
- the conversion of that vegetation into mulch,
- the storage and distribution of the resulting mulch to sites for landscape and landscape maintenance purposes and the like, as well as
- the conversion of the mulch to related products, such as potting mixes, garden additives and the like for use in landscaping, landscape maintenance, restoration and revegetation protection projects, erosion control and the like – activities that generally involve the husbandry of vegetation.
- the secondary process would involve bringing to the site various materials such as gravel, soil and sand etc for storage and treating of those materials then the blending of those materials with the above mentioned mulch in various proportions to make a range of specialised products necessary to meet the needs of a variety of horticultural and rehabilitation activities.

The latter two activities shown above were not previously undertaken on the site but are logical and sensible extension to the operation that will improve the viability of the business. It meets an identified demand in the market, as well as producing a product that is necessary in the landscaping industry including other parts of the applicant's business.

The Port Douglas locality is a small market by any standard and the scale of the industrial activity is consequently small – anticipated to be less than 15% of the total site area including setbacks and buffers, growing from an initial 5%.

The amount of source material is limited by the available vegetation generated within the (small) community of Port Douglas. While the operator will try to grow the business some people will always do their own landscape maintenance and take it to Council's dump and there will be other competitors seeking source material both limiting the available supply.

¹ No other forms of waste material will be delivered to the site. Material for blending with mulched vegetable material into special mulches, garden soils and potting mixes will be sourced from commercial suppliers and not wastes

The use is low intensity and requires a relatively large area for its operations due to the large storage component; consequently it has a very low cash turnover per square metre. As a result it cannot sustain the high rents sought for industrially zoned land.

The use does not require the infrastructure provided to industrially zoned land. To locate the intended use on fully serviced land is a waste of resources as well as imposing an unnecessary cost on the business.

The use is one that is not a conventional 'industrial' activity – it is more like a rural activity, processing a natural product. It has very low traffic generation and its source material and end use are similar, in similar locations – landscape maintenance activities.

The applicant has been unable to locate any other land that suits the activity, is suitably located and is affordable in terms of the viability of the operation. This is not surprising as it is an outlier use not specifically considered by the authors of the Scheme.

The majority of the area used will be for storage, both of source material and product.

The main source of material is currently the applicant's own landscape maintenance business. He has a truck with a maximum capacity of approximately approx 8 cubic metres of loose material. He delivers material to the site at least once a day and occasionally twice a day. The operator of the Port Douglas Caravan Park also delivers vegetation to the site irregularly but on average about once a week. The applicant has agreements with local landscape contractors to take vegetation. These are typically small operators and deliver using conventional utilities, some with small trailers. The maximum number of deliveries per day is 5 but typically it is 2 or fewer.

There is also some unauthorised dumping of vegetation material on site. It is irregular and rare – sometimes there is no unauthorised dumping for months at a time. The unauthorised delivery is problematic for the operator as sometimes it contains material other than vegetation or vegetation too large to go through the mulcher. At present it is uneconomical to fence the site given the scale of the operation.

The applicant intends to gate the entrance track in the near future but this will not stop determined trespassers. Later, as funds are available, the intention is to

progressively fence the site. This is not a priority as the occurrence of unauthorised dumping is so limited and the gate should reduce it considerably.

While it is difficult to do, the applicant estimates that he currently collects about 20-25% of the available waste vegetation generated in the Port Douglas area. He estimates, very optimistically in his opinion, that he may be able to increase collections to about 50% or double his current incoming vegetation stream.

Over time he hopes to broaden the base of the business by expanding into the production of specialist potting mixes and other horticultural supply materials utilising the mulch as the principal component. It is not expected that this will massively increase the rate of production but it will increase the need for storage area as specialist products will have to be separated and made in sufficient quantities to be economical. For instance, low sales volume products such as specialist fibrous potting mixes may only be blended two or three times per year and have to be stored for up to six months. Much more popular lines could be blended more regularly. The lower volume lines could conceivably require as much or more storage space than the higher volume lines that turn over much more quickly.

Additional storage space will also be needed for blending products such as sands and soils and the like awaiting their incorporation into mulches and potting mixes.

Because of the nature of the business and the local market, production volumes will never be sufficient to justify the permanent establishment of an onsite mulcher – tub grinder. In the past, a mulcher has been hired (from Cairns Mulch) and delivered from Cairns irregularly but about every six months for one or two days operation. In the future, as the business grows, it is anticipated that the frequency of mulching will remain the same (semi-annual) but the number of days it operates while on site will increase to 3 or 4 days.

The anticipated general area of operations is indicated below.



The mulcher is not particularly noisy, typically only a bit louder than a conventional slasher that would otherwise be used on the paddock or a cane harvester. There is no reason to believe it will adversely impact rural amenity or be any more noticeable than Highway traffic on the few days of the year that it operates.

The significant noise generator in the locality is the Captain Cook Highway compared to which the site operations are insignificant.

No odour is produced – certainly nothing that would be noticeable beyond the boundary of the site. Inspection revealed the large vegetation recycling facility at Portsmith operated by the Cairns Regional Council has no noticeable odour – quite a contrast to the composting Bedminster system nearby.

The stockpiles will be monitored for heat build-up and turned over if excessive heat is detected. It is not in the interests of the business to loose stock to fire in the stockpiles.

Grass fires across the site are unknown but even so a slashed fire break will be maintained around the operational area to protect the stock.

It is not proposed to seal the manoeuvring areas and access – the volume of traffic does not warrant it especially in a rural area. It is possible a small amount of dust will be generated during the dryer months of the year when south-easterly winds prevail. There is no dwelling within about 700m downwind (NE) of the operational area – a distance greatly in excess of that necessary to mitigate dust impacts from the operations.

Dust will not be generated by the mulching process as the vegetation has sufficient moisture content.

Dust will not be generated by the process creating blended products as they have a necessary minimum moisture content.

A standard rock rumble pad will be installed near the entrance/exit to the site to largely prevent material being carried off site and on to the road.

Trucks delivering to and from the site are road registered and almost exclusively less than 5 tonne capacity – there is no reason to believe that they would create a noise or amenity issue given the circumstances of the site and its proximity to the Captain Cook Highway. Loading and blending of material will be undertaken using a conventional rubber tyred backhoe or bobcat type mini-loader. Again there is no reason to believe that in the circumstances this would be a problem with respect to amenity and noise.

The stock piled vegetation and mulch are contained in heaps up to three metres high. The stockpiles are unobtrusive in the landscape given their colour, texture and context. See photograph below. Some additional planting will be undertaken along the frontage to further reduce views of the stockpiles.



Typical daily traffic estimates are set out below for initial and expected peak future operations. It is reasonably anticipated virtually 100% of trips will be from/to the north.

Purpose	VPD in	VPD out
Operators delivery of vegetation	2	2
Supervisor check of site	1	1
Delivery of vegetation by others	3	3
Operators supply of mulch from the site*	1	1
TOTAL	7	7
ANTICIPATED (LONG TERM) DEVELOPED OPERATION		
Operators delivery of vegetation	3	3
Supervisor check of site	1	1
Delivery of vegetation by others	10	10
Deliver of blending materials**	2	2
Supply of mulch and (potting) mixes	4	4
TOTAL	20	20

* Mulched material has a higher density than raw vegetation so needs fewer trips.

** Products may contain a variety of materials depending on use eg mill mud, bagasse, sand, loam, and minor components like trace elements, fertiliser etc. Delivery of these materials are irregular and may not occur for weeks at a time.

All trips will be during daylight hours.

Other trips, like arrival of the mulcher, will be so infrequent as to be accommodated within the variability of the assessed trips.

At 40 trips per (10 hr) day developed traffic generation is less than a typical cane farm during harvest and no access upgrading is necessary.

It is not proposed to seal any of the manoeuvring or parking areas and movements are so small that impacts will not result, certainly none that are inconsistent with rural amenity. Further the distances to local (rural) residential uses are such that effects outside the site are likely to be unmeasurable.

There will be no formal parking area. Vehicles are not expected to be parked on site save for the supervisor who will park in the vicinity of the activity he is monitoring rather than any particular permanent spot on site. Delivery vehicles will only remain on site while discharging vegetation and that will happen in various locations as operations progress.

There is no significant risk identified with the operation.

Vegetation is sourced from urban landscape maintenance in the main and mostly from the applicant's own business. He has the ability to recognise weed species and can train his staff accordingly. He can also monitor the feed stock for the mulcher and remove weed species before it is processed and periodically inspect the site and area surrounding the vegetation and mulch stockpiles for weed species, which will be removed and destroyed.

Vegetation deposited without authorisation will be inspected in the same way as other source material as soon as possible after it is detected. It is not economical to fence the site to prevent unauthorised depositing of vegetation and this is not warranted given it is better managed (see above) than if left on the roadside or other private land. The operator does not want, promote or seek uncontrolled material as it

can sometimes contain hard material like parts of masonry blocks that can damage the mulcher.

There is no reason to believe source material will contain chemical or other hazardous material.

Fire Ants are not known in the area.

Yellow Crazy Ants are known in Cairns but none have been detected to the north – *DEEDI Pest Animal Risk Assessment 2012*

Electric Ants are known in the area and movement restrictions are in place. The operator will not source material from restricted areas, in particular those shown in Appendix B.

The applicant will comply with any statutory obligation with respect to pest species.

These risk minimisation measures are substantial and far in excess of that practiced by Councils locally.

No mechanism has been identified by which surface or ground water will be adversely impacted. The stockpiles will retain water on site to a greater degree than a mown surface and 'catch' sediment transported from the access. The water flowing from the access between the stockpiles and the road will be directed to grassed sediment control areas before it leaves the site.

For the purpose of assessment against the relevant code a Designated Development Area² has been adopted as shown below.

² *Designated Development Area*

Means an area to contain future development on a Site which is delineated on a Site plan or a Registered Plan of Survey.

If delineated on a Site plan, the Site plan and Designated Development Area are drawn to scale. If delineated on a Registered Plan of Survey, the Designated Development Area is identified by a metes and bounds description and registered on title.



Site Plan Showing the Designated Development Area

The features of the DDA are its boundaries are a minimum of:

- 20m from the Captain Cook Highway, save for the access
- 10m from the minor creek – this is an ephemeral stream, not perennial
- 50m from the edge of the remnant vegetation to the rear

4 DESIRED ENVIRONMENTAL OUTCOMES

4.1 Ecological Processes and Natural Systems

<p>DEO 1 – The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.</p>	<p>Complies – no change to ecological processes and natural systems</p>
<p>DEO 2 – Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, Biodiversity and habitat value, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.</p>	<p>Complies – no change to ecological processes and natural systems</p>
<p>DEO 3 – Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australian, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.</p>	<p>NA</p>
<p>DEO 4 – The unique environmental character of the Shire comprised of international renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.</p>	<p>Complies – no change to ecological processes and natural systems</p>



4.2 Economic Development

DEO 5 – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.	Complies – the proposal is for the sustainable reuse of resources that would otherwise go into the Councils waste system.
DEO 6 – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.	Complies – the use does not impact on the natural resources of the Shire and if relocated or ceased will have no permanent impact on the site.
DEO 7 – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.	Complies – the site is too small for and mildly constrained for agriculture but is suitable for horticulture and can be used for both purposes concurrently.
DEO 8 – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.	NA

4.3 Cultural, Economic, Physical and Social Well-being of the Community

DEO 9 – Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.	NA – none present
DEO 10 – A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.	NA



<p>DEO 11 – The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.</p>	<p>NA</p>
<p>DEO 12 – Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.</p>	<p>NA</p>



5 ASSESSMENT AGAINST THE PLANNING SCHEME

5.1 Introduction

The Rural Areas and Rural Settlements Locality Assessment Table 1 shows the application for Industry is Impact Inconsistent. The table below shows the relevant codes for which the use complies. The assessment against the Purposes and the required Outcomes is further below.

Douglas Shire Amended Planning Scheme 2008		Code Applicability	Compliance
Locality Code	Rural Area & Rural Settlement	✓	Complies
Planning Area Code	Rural	✓	Complies
Land Use Code	Industry		No Code for Industry
Overlay Codes			
	Acid Sulphate Soils		Not relevant to this use
	Cultural Heritage & Valuable Sites		Site not mapped
	Natural Hazards – Bushfire Medium Risk	✓	Complies
General Development Codes			
	Design & Siting of Advertising Devices		Not relevant to this use
	Filling & Excavation		Not relevant to this use
	Landscaping	✓	Will comply
	Natural Areas and Scenic Amenity	NA	Will comply
	Vehicle Parking & Access	✓	Will comply



5.2 Codes Generally

The summary of compliance and comments is contained in this Section – more specific assessment against the Performance Criteria is set out in the Appendix.

5.2.1 Rural Areas and Rural Settlements Locality Code

The purpose of this Code is to facilitate the achievement of the following outcomes for the Rural Areas and Rural Settlement Locality:

Outcome	Comment
Retain rural areas for primary industry;	Complies – the intention is to conduct horticulture on the site independently
Conserve the rural character and rural landscape elements as important and distinctive to the scenic value of the Shire;	Complies – the use will be unobtrusive and screened by existing vegetation from the south
Protect rural areas from encroachment by incompatible urban development;	Complies – there is nothing to suggest the use is incompatible within a rural area
Protect and conserve valuable riverine vegetation and systems in rural areas;	NA
Retain the rural lifestyle opportunities and amenity of rural settlement areas with no further compromise to surrounding productive rural areas;	NA – not a rural settlement area
Ensure rural settlement areas remain unobtrusive and have no detrimental impact on the scenic amenity of surrounding rural areas; and	NA
Facilitate any future land use aspirations of the local Indigenous communities which are compatible with achieving the other planning outcomes for the area.	NA

5.2.2 Rural Planning Area Code

The purpose of this Code is to facilitate the achievement of the following outcomes for the Rural Planning Area:

Outcome	Comment
Conserve areas for use for primary production, particularly areas of GQAL;	Complies - the use does not impact on the utility of the site for horticultural activities and if relocated or ceased will have no permanent impact on the site



Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;	NA
Facilitate the establishment of Farm Forestry in suitable locations;	
Facilitate the establishment of Extractive Industry operations, provided that the significant environmental impacts of such operations are contained within the Site;	NA
Ensure existing Extractive Industry operations are protected from incompatible land uses establishing in close proximity;	NA
Ensure that rural activities are protected from the intrusion of incompatible uses;	Complies – there is nothing to suggest the use is incompatible within a rural area
Ensure that areas of remnant vegetation and riparian vegetation are retained or rehabilitated; and	Complies – only part of the presently cleared area will be used and NO vegetation clearing is proposed
Ensure that land which is not classified as GQAL, but which is important to the scenic landscape of the Shire, retains its rural character and function.	Complies

5.2.3 Natural Hazards Code

The purpose of this Code is to:

Ensure that development does not occur in areas prone to the natural hazard of bushfires and to minimise any risks associated with bushfires in the Shire.	NA – the site is incorrectly mapped in so far as it relates to the cleared area; there is no bushfire hazard relevant
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5.2.4 Landscaping Code

The purpose of this Code is to:

Ensure that new Landscaping incorporates plants which encourage Biodiversity;	Will comply
Maintain and strengthen the tropical and native landscape character of the Shire through high quality landscape works;	Will comply
Ensure that Landscaping enhances the visual quality and unique identity of different parts of the Shire by featuring endemics;	Will comply



Create attractive streetscapes and public spaces through landscape design and the use of street trees and shade trees;	NA
Ensure that native species are incorporated into Landscaping, as a means of providing continuity between developed and undeveloped areas;	Will comply
Ensure that existing vegetation on Site is retained, protected during works and integrated with the built environment;	Complies – no clearing
Ensure preferred plant species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping; and	Will comply
Ensure that Landscaping screens Buildings to reduce their bulk and to enhance the landscape character of the Shire.	Will comply

5.2.5 Natural Areas and Scenic Amenity Code

This Code is not applicable because the DDA is outside the trigger areas as defined in the Code

The purpose of this Code is to ensure that areas of natural value/environmental significance and Scenic Amenity value throughout the Shire are retained and conserved in order to:

Maintain and improve landscape integrity and Scenic Amenity values;	Complies – there is virtually no change
Retain areas in their natural state and protect them from inappropriate, visually obtrusive development;	Complies – no clearing proposed
Protect areas as valuable natural, environmental and scenic areas which are an asset to the Shire;	NA – none present on site
Maintain areas for their combination of landscape elements which create the dominant landscape character of the Shire;	NA – none present on site
Protect fauna habitat and linkages;	NA – none present on site
Maintain and improve the ecosystem functions of aquatic systems;	NA – none present on site
Maintain essential ecological processes;	Complies – no clearing proposed
Protect Biodiversity; and	Complies – no clearing proposed
Protect the unique environmental values of the Shire which are of International significance.	NA too small to be significant and no clearing proposed

5.2.6 Vehicle Parking & Access Code

The purpose of this Code is to ensure that:

Sufficient vehicle parking is provided on-Site to cater for all types of vehicular traffic accessing and parking on the Site, including staff, guests, patrons, residents and short term delivery vehicles;	Complies
Sufficient bicycle parking and end of trip facilities are provided on-Site to cater for customer and staff;	NA
On-Site parking is provided so as to be accessible and convenient, particularly for any short term use;	Will comply
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 the street network or on the area in which the development is located; and	Complies
New vehicle 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.	NA no new access proposed



6 CONCLUSION

The application has planning merit.

The site is suitable for the intended use and not readily or obviously needed for any other purpose – mainly due to its size. It will be used for horticulture by the operator as an independent activity on the balance of the site. The land will not be permanently affected by the use so if it ever ceases the land will revert to its current state.

The use may be industrial by definition BUT it does not require any of the infrastructure normally associated with industry. To locate the use in an industrial area would waste installed infrastructure capacity.

The use has the characteristics of a rural use and therefore is entirely consistent with and compatible with the locality.

The proposed use does not generate any hazard or risk to persons or property. Traffic generation is so low that the existing access will operate safely.

The proposed use assists in achieving, albeit in a small way, ecological sustainability by reusing an otherwise waste material in a productive way.

The proposal assists in achieving the desired environmental outcomes and conflicts with none.

The proposal assists in achieving the desired outcomes of the codes and conflicts with none.

The proposed use is a needed use in the community but is unsustainable and unviable if forced to occupy industrially zoned land.

The application is worthy of approval subject to reasonable conditions.

Appendix A

Assessment Against the Planning Scheme Codes



Rural Areas and Rural Settlements Locality Code

General Requirements

Performance Criteria	Acceptable Solutions	Comments
P1 Buildings and structures complement the height of surrounding development and/or are subservient to the surrounding environment and are in keeping with the character of the locality.	A1.1 In all Planning Areas in this locality the maximum height of buildings/structures is 6.5 metres and 2 storeys. In addition, the roof or any ancillary roof features do not exceed a maximum height of 3.5 metres.	Will comply if a building is needed
P2 Development is connected to all urban services or to sustainable on site infrastructure services.	<p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p style="text-align: center;">AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No. 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p> <p style="text-align: center;">OR</p> <p>Water storage tank/s with a minimum capacity of not less than 30,000 litres to service the proposed use, including fire fighting capacity and access to the tank/s for fire trucks. Tank/s to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation and screened with dense planting.</p> <p style="text-align: center;">AND</p> <p>An environmentally acceptable and energy efficient power supply is constructed and connected prior to occupation and sited so as to be visually unobtrusive.</p> <p style="text-align: center;">AND</p> <p>On-site sewerage facilities are</p>	NA – no service infrastructure is necessary



	provided in accordance with the On-site Sewerage Code.	
P3 Landscaping of development sites complements the existing rural character of the locality.	<p>A3.1 Landscaping utilises predominantly native species and complies with the requirements of Planning Scheme Policy No. 7 – Landscaping with particular emphasis on appropriate species for this locality.</p> <p>AND</p> <p>A minimum of 60% of the total proposed species are endemic or native species.</p>	Will comply – the use is inoffensive in a rural locality but supplementary planting will occur to reduce its visibility from the Highway.
P4 Development sites are provided with efficient and safe vehicle access and manoeuvring areas on site and to the site, to an acceptable standard for the locality.	A4.1 All roads, driveways and manoeuvring areas on site and adjacent to the site are designed and maintained to comply with the specifications set out in the Planning Scheme Policy No. 6 – FNQROC Development Manual.	NA – there are no standards relevant to the proposed use. The performance criteria will be complied with consistent with the rural nature of the activity and the volume of traffic anticipated.

Protecting Rural/Rural Settlement Amenity – General

Performance Criteria	Acceptable Solutions	Comments
P5 Industrial development in a rural area relies on or has a strong nexus with the primary rural activity undertaken on site or in the surrounding area.	A5.1 Any industrial development is limited to rural industrial activities which, by necessity, are related to primary industries in the surrounding area and require a rural location and where an urban location is inappropriate.	<p>NA – the dominant rural activity is cane farming but this site is well below minimum viable area AND even though it has a total of about 18Ha about 25% of this is protected natural area and the balance is in 4 small irregular shaped paddocks unsuited to efficient and sustainable cane farming practices.</p> <p>The intended use does not restrict the use of the balance are for horticultural production – as intended by the proponent. Some of the product of the activity will be used as weed control and soil conditioning in the proposed horticultural activity.</p>



<p>P6 Any community facilities or service infrastructure located in a rural area or rural settlement areas are sited to protect the general amenity and the visual amenity of the surrounding rural area/rural settlement area.</p>	<p>A6.1 Community facilities are only sited in a rural area or rural settlement area by necessity and where an urban location is inappropriate.</p> <p>A6.2 Community facilities are screened from adjacent roads by landscape buffers of dense planting a minimum of 5 metres in width.</p> <p>AND</p> <p>All side and rear boundaries are provided with dense planting for a minimum width of 1.5 metres.</p>	<p>NA</p>
<p>P7 Rural settlement areas are visually unobtrusive in the rural landscape to protect the integrity of the rural areas as a dominant landscape element of high quality.</p>	<p>A7.1 The old Rocky Point School Site is developed for residential purposes in accordance with the following:</p> <ul style="list-style-type: none"> • Reconfiguration is in accordance with the Rural Settlement Planning Area requirements specified in Table 1 of the Reconfiguring a Lot Code and all the relevant requirements of the Reconfiguring a Lot Code, taking account of the existing topography of the site. <p>AND</p> <p>The remnant vegetation on the western boundary of the site is dedicated as public park.</p>	<p>NA</p>
<p>P8 Areas at Rocky Point included in the Residential 1 Planning Area maintain the integrity of the dominant landscape qualities of the area and ensure safe access onto Mossman-Daintree Road.</p>	<p>A8.1 The minimum lot size in this area is 3,500m².</p> <p>AND</p> <p>Any proposed reconfiguration of existing lots in this area only occurs utilising the access driveway servicing the existing lot, by including reciprocal access easements over the existing access driveway for any additional lots.</p> <p>A8.2 Any new lots are included in a Designated Development Area</p>	<p>NA</p>



	<p>(DDA) identified on the proposal plan of reconfiguration and ultimately, on the registered survey plan.</p> <p>A8.3 Development located within a Designated Development Area is sited where clearing is limited to a maximum area of 800m² of the site or 4% site coverage of the site, whichever is the lesser. (The 800m² area of clearing does not include an access driveway).</p> <p>OR ALTERNATIVELY</p> <p>If a greater part of the site is to be cleared, that part of the site not cleared is to be included in a Conservation Covenant to protect the integrity of the natural environment.</p> <p>A8.4 Clearing is limited to the DDA and the DDA is sited on that part of the lot which is least constrained by slope, vegetation or access constraints, and does not require extensive cut and fill and/or complex geotechnical solutions.</p> <p>A8.5 The DDA is sited so that the development of a house does not obstruct the views from any adjacent existing houses.</p> <p>AND</p> <p>Ensures the new house is not visually prominent from adjacent public viewing points, such as Mossman-Daintree Road and Rocky Point.</p>	
<p>P9 Development of Lot 32 on RP850495, Vixies Road, Wonga Beach is connected to urban services.</p>	<p>A9.1 Any future reconfiguration of Lot 32 on RP850495 for Rural Settlement purposes only occurs in association with connection to reticulated sewerage and water supply servicing Wonga Beach.</p>	<p>NA</p>



<p>P10 The development of part of Lots 10 and 11 on SP132055 for residential purposes is undertaken to protect the environmental values of the site and the scenic amenity of the local area.</p>	<p>A10.1 Residential development occurs on the more gently sloping part of the site, elevated above the steep bank adjacent to Mossman-Daintree Road.</p> <p>AND</p> <p>The area appropriate for residential development is determined on the basis of contour and vegetation surveys of the site.</p> <p>AND</p> <p>Only one access point from the site to the State-Controlled Road is permitted.</p> <p>AND</p> <p>At reconfiguration stage a broad vegetation screen is provided along the elevated frontage of the site to the Mossman-Daintree Road so that the residential development is screened from the road.</p> <p>AND</p> <p>The balance of the site is protected from clearing to maintain the forested mountain landscape and no further reconfiguration of the balance area occurs.</p>	<p>NA</p>
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Protection of Scenic Amenity and Natural Values

Performance Criteria	Acceptable Solutions	Comments
<p>P11 Development does not adversely impact on areas of sensitive natural vegetation,, foreshore areas, watercourses and areas of tidal inundation which contribute to the scenic amenity and natural values of the locality.</p>	<p>No Acceptable Solution.</p>	<p>Complies with the Performance Criteria – no change</p>



Indigenous Interests

Performance Criteria	Acceptable Solutions	Comments
P12 The land use aspirations in any Indigenous Land Use Agreement (ILUA) are acknowledged and facilitated.	A12.1 Development is consistent with any ILUA relating to the land and the relevant provisions of the Planning Scheme.	NA

Rural Planning Area Code

Consistent and Inconsistent Uses

Performance Criteria	Acceptable Solutions	Comments
P1 The establishment of uses is consistent with the outcomes sought for the Rural Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Rural Planning Area.	Complies – see earlier analysis

Good Quality Agricultural Land

P2 GQAL is only used for agricultural uses and primary production purposes.	A2.1 Agricultural land is used for agricultural uses in accordance with the classifications of the Agricultural Land Classes identified in the Shire and the requirements of State Planning Policy 1/92 – Development and the Conservation of Agricultural Land.	Will comply – the overall benefit to the community of having this use on this site ie being sustainable and not wasting provided industrial infrastructure outweigh the small and temporary conversion of agricultural land
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Buffering Incompatible Land Uses

P3 A buffer is provided to separate agricultural activities that create odour, excessive noise or use agricultural chemicals, (including Aquaculture and Intensive Animal Husbandry), from residential development.	A3.1 A buffer is provided in accordance with the requirements of State Planning Policy 1/92 and Planning Guidelines – Separating Agricultural and Residential Land Uses (DNR 1997).	NA – not incompatible with the surrounding rural uses
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Building/Structure Setbacks and Screening

<p>P4 Buildings/structures are Setback to:</p> <ul style="list-style-type: none"> - Maintain the rural character of the area; and - Achieve separation from neighbouring Buildings and from Road Frontages. 	<p>A4.1 Buildings/structures are Setback not less than:</p> <ul style="list-style-type: none"> - 40 metres from the property boundary adjoining a State-Controlled Road; or - 25 metres from the property boundary adjoining the Cape Tribulation Road; or - 20 metres from the property boundary fronting any other Road; and - 6 metres from the side and rear property boundaries of the Site. 	Will comply
<p>P5 Rural activities north of the Daintree River are screened to protect the Scenic Amenity of the area.</p>	<p>A5.1 A 10metre Setback on rural land adjacent to any Road Frontage north of the Daintree River including Dense Planting of the setback area.</p>	NA

Rural Character

<p>P6 Buildings/structures are designed to maintain the rural character of the area.</p>	<p>A6.1 White and shining metallic finishes are avoided on external surfaces of Buildings located in prominent view.</p>	Will comply if a building is constructed but none is currently proposed
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Protecting and Enhancing Native Vegetation and Adjacent Environmentally Sensitive Area

<p>P7 Native vegetation existing along Watercourses and in or adjacent to areas of environmental value or areas of remnant vegetation of value is protected.</p>	<p>No Acceptable Solution</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 10 – Report and Information the Council May Request, for code and impact assessable development).</p>	Complies – no clearing proposed
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Sloping Sites

<p>P8 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>A8.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical</p>	NA - no building proposed
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	<p>Report prepared by a qualified engineer at development application stage.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes sign-off that the Site can be stabilised.</p> <p>AND</p> <p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 10 – Report and Information the Council May Request, for code and impact assessable development).</p>	
P9 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.	<p>A9.1 A split level building form is utilised.</p> <p>A9.2 A single plane concrete slab is not utilised.</p> <p>A9.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p>	NA
P10 Development on sloping sites minimises any impact on the landscape character of the surrounding area.	A10.1 Building/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.	NA



P11 Development on sloping sites ensures that the quality and quantity of stormwater traversing the Site does not cause any detrimental impact to the natural environment or to any other Sites.	A11.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream, upstream, underground stream or adjacent properties.	NA
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Sustainable Siting and Design of Houses on land where the natural Areas and Scenic Amenity Code is triggered

P12 A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing.	<p>A12.1 A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs. The Clearing is limited to a maximum area of 800 m² and is sited clear of the High Bank of any Watercourse.</p> <p>EXCEPT</p> <p>In the World Heritage Areas and Environs Locality and the Settlement Areas North of the Daintree River Locality where the maximum clearing is limited to 700m².</p> <p>(The 800m²/700m² area of Clearing does not include an access driveway.)</p> <p>A12.2 The approved area for the Clearing of the House is not cleared until a Building Permit is issued.</p>	NA – no house
P13 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.	A13.1 A House is effectively screened from view by existing native trees in designated Setback area/s, or by the planting of additional native trees endemic to the local area.	NA – no house
P14 The exterior finishes of a House complements the surrounding natural environment.	A14.1 The exterior finishes and colours of Building/s are non reflective and complement the	NA – no house



	<p>colours of the surrounding vegetation and viewshed.</p> <p>AND</p> <p>For self assessable development the exterior colours of Buildings/structures are chosen from the following list of Colourbond Colours:</p> <ul style="list-style-type: none"> - Jasper - Sandbank - Paperbark - Dune - Windspray - Woodland Grey - Bushland - Pale Eucalypt - Wilderness - Cottage Green - Plantation - Blue Ridge and - Ironstone. 	
P15 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.	A15.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No. 2 – Building Design and Architectural Elements.	NA – no house
P16 Any filling and excavation work does not create a detrimental impact on slope stability, erosion potential or Visual Amenity of the Site or the surrounding area.	A16.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.	NA – no earthwork proposed or necessary
P17 The bulk and scale of a House is not visually obtrusive and does not compromise the Visual Amenity of the site and the surrounding area.	A17.1 The Gross Floor Area of the House does not exceed 250m ² .	NA – no house



Natural Hazards Code

The cleared part of the site, the nearby agricultural land and the like are incorrectly mapped medium hazard in the bushfire risk overlay. As a consequence most of the code provisions are irrelevant.

Bushfire

Performance Criteria	Acceptable Solutions	Comments
<p>P1 Development does not compromise the safety of people or property from bushfire.</p>	<p>A1.1 Any development on land identified as High Risk Hazard on any Natural Hazards Overlay on any Locality Map complies with the relevant requirements of State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.</p> <p>AND</p> <p>Development complies with a Bushfire Management Plan prepared for the site.</p>	<p>Complies with the Performance Criteria</p>
<p>P2 Development maintains the safety of people and property by:</p> <ul style="list-style-type: none"> avoiding areas of High or Medium Risk Hazard; or mitigating the risk through: <ul style="list-style-type: none"> - Lot design and the siting of Buildings; and - Including firebreaks that provide adequate: <ul style="list-style-type: none"> Setbacks between Building/structures and hazardous vegetation; and Access for fire fighting/other emergency vehicles; - providing adequate Road Access for fire fighting/other emergency vehicles and safe evacuation; and - providing an adequate and accessible water supply for fire-fighting purposes. 	<p>A2.1 Development is located on a site that is not subject to High or Medium Risk Hazard.</p> <p>OR</p> <p>For all development (if development is proposed to be located on a Site that is subject to High or Medium Risk Hazard), then:</p> <p>Buildings and structures on lots greater than 2500m²:</p> <ul style="list-style-type: none"> - are sited in locations of lowest hazard within the lot; and - achieve Setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree Height or 10 metres, whichever is the greater; and - 10 metres from any retained vegetation strips or small areas of vegetation; and - are sited so that elements of the 	



	<p>development least susceptible to fire are sited closest to the bushfire hazard.</p> <p>Buildings and structures on lots less than or equal to 2500 m² maximise Setbacks from hazardous vegetation.</p> <p>AND</p> <p>For uses involving new or existing Buildings with a Gross Floor Area greater than 50 m² each lot has:</p> <ul style="list-style-type: none"> - a reliable reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure and flow is 10 litres a second at 200 kPa); or - an on Site water storage of not less than 5000 litres (eg accessible dam or tank with fire brigade tank fittings, swimming pool). <p>A2.2 For development that will result in multiple Buildings or lots (if development is proposed to be located on a Site that is subject to High or Medium Risk Hazard), then:</p> <p>Residential lots are designed so that their size and shape allow for:</p> <ul style="list-style-type: none"> - efficient emergency Access to Buildings for fire fighting appliances (eg by avoiding long narrow lots with long Access drives to Buildings); and - setbacks and Building siting in accordance with 2.1 (a) above. <p>AND</p> <p>Firebreaks are provided by:</p> <ul style="list-style-type: none"> a perimeter road that separates lots from areas of bushfire hazard and that Road has: 	
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	<p>a minimum cleared width of 20 metres; and</p> <p>a constructed Road width and all-weather standard complying with Council standards.</p> <p>OR</p> <ul style="list-style-type: none"> where it is not practicable to comply with fire break provisions above, maintenance trails are located as close as possible to the boundaries of the lots and the adjoining bushland hazard, and the fire/maintenance trails: <ul style="list-style-type: none"> have a minimum cleared width of 6 metres; and have a formed width and gradient, and erosion control devices to Council standards; and have vehicular Access at each end; and provide passing bays and turning areas for fire fighting appliances; and are either located on public land, or within an Access easement that is granted in favour of the Council and Queensland Fire Rescue Service (QFRS). <p>AND</p> <ul style="list-style-type: none"> Sufficient cleared breaks of 6 metres minimum width in retained bushland within the development (eg creek corridors and other retained vegetation) to allow burning of sections and Access for bushfire response. <p>AND</p> <ul style="list-style-type: none"> Roads are designed and constructed in accordance with applicable Council and State government standards and; Have a maximum gradient of 12.5%; and Exclude culs-de-sac, except where a perimeter Road isolates the development from hazardous vegetation or the culs-de-sac are provided with an alternative Access linking the cul-de-sac to other through Roads. 	
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P3 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	A3.1 Development complies with a Bushfire Management Plan prepared for the site.	NA – no hazardous material present
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Landscaping Code

Landscaping Design

Performance Criteria	Acceptable Solutions	Comments
P1 Landscape design satisfies the purpose and the detailed requirements of this Code.	<p>A1.1 Landscaping is undertaken in accordance with a Landscape Plan drawn to scale which complies with and illustrates all the relevant requirements of this Code and Planning Scheme Policy No 7 – Landscaping.</p> <p>AND</p> <p>Landscaping is maintained in accordance with the requirements specified in this Code and Planning Scheme Policy No 7 – Landscaping.</p>	Complies with the performance criteria. The operational area is largely unseen from outside the site. The activity is unobtrusive in the landscape. To the extent it can be seen from the Highway planting along the road frontage is intended to reduce, but not necessarily screen, its exposure.

Landscape Character and Planting

Performance Criteria	Acceptable Solutions	Comments
P2 Landscaping contributes to a sense of place, is functional to the surroundings and provides dominant visual interest and form.	<p>A2.1 A minimum of 80% of the proposed landscape area is open to the sky for sunlight and ventilation.</p> <p>A2.2 The percentage of native or endemic species utilised in the Landscaping is as specified in the Locality Code.</p> <p>OR</p> <p>Where not specified in the Locality Code, in accordance with Planning Scheme Policy No. 7 – Landscaping.</p>	Complies with the Performance Criteria



	<p>A2.3 Landscaping includes planting layers comprised of canopy, middle storey, screening and groundcovers, with palm trees used as accent plants only.</p>	
<p>P3 Landscaping is consistent with the existing landscape character of the area and native vegetation existing on the Site is to be retained wherever possible and integrated with new Landscaping.</p>	<p>A3.1 Existing native vegetation on Site is retained and incorporated into the Site design, wherever possible.</p> <p>A3.2 Any mature vegetation on the Site which is removed or damaged during development of the Site is replaced with advanced native species.</p> <p>A3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are planted on Site or on the street.</p> <p>A3.4 Street trees are 100% native species which enhance the landscape character of the streetscape, with species chosen from the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.</p>	<p>Complies with the Performance Criteria – no clearing proposed</p>
<p>P4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.</p>	<p>A4.1 Species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.</p>	<p>Will comply</p>
<p>P5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal Roadways.</p>	<p>A5.1 Where car parking areas are uncovered or open, shade trees are planted at regular intervals (a minimum of 1 shade tree is provided for every 5 car parks) throughout the car parking areas, and adjacent to driveways and internal Roadways.</p> <p>A5.2 A minimum of 1 shade tree is provided for every 10 metres along a driveway or internal Roadway.</p>	<p>NA</p>



	<p>A5.3 Landscape beds and trees are protected by garden edging, bollards or wheel stops.</p> <p>A5.4 Trees within car parking areas have a minimum planting area the equivalent of 1 car parking bay, with a minimum topsoil depth of 0.8 metre.</p>	
P6 Fences along street Frontages are articulated with appropriate Landscaping.	<p>A6.1 Perimeter fencing to any street Frontage complies with the relevant Planning Area Code.</p> <p>A6.2 Trees, shrubs and groundcovers are planted within any recessed areas along the fence line.</p>	NA
P7 Landscaping within Recreation Areas of residential development are functional, well designed and enhance the residential amenity.	<p>A7.1 One shade tree is provided for each private open space or private Recreation Area.</p> <p>A7.2 Tree species provide 30% shade over the area within 5 years.</p> <p>A7.3 A minimum of 50% of the Landscaping and Recreational Area is landscaped, with trees, shrubs, groundcovers, minimising large expanses of hardstand areas and structures.</p> <p>A7.4 Plants are located to provide shelter and shade to Habitable Rooms and outdoor Recreation Areas from the hot summer sun.</p>	NA
P8 Undesirable features are screened with Landscaping.	A8.1 Landscaping of Dense Planting is planted along and near retaining walls, long blank walls of Buildings, mechanical and air-conditioning units, clothes drying areas, bin enclosures and other utility structures with appropriate trees, shrubs and groundcovers.	NA



P9 The environmental values of the Site and adjacent land are enhanced.	A9.1 Landscaping using similar endemic or native species, is planted on-Site on land adjoining an area of natural environmental value.	Complies
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Streetscape and Site Amenity

Performance Criteria	Acceptable Solutions	Comments
P10 Landscaping for residential development enhances the streetscape and the visual appearance of the development.	<p>A10.1 Dense Planting along the front of the Site incorporates:</p> <ul style="list-style-type: none"> • shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting; • landscape screening of blank walls; • low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A10.2 Dense Planting to the rear of the Site incorporates:</p> <ul style="list-style-type: none"> • 1 shade tree for an average of every 75 m2, growing to the Building eave Height within 5 years of planting; • screening shrubs to grow to 3 metres in Height within 2 years of planting; • low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A10.3 Dense Planting to the side boundaries incorporates:</p> <ul style="list-style-type: none"> • trees planted for an average of every 10 metres where adjacent to a Building; • low shrubs, groundcovers and mulch to completely cover unsealed ground. 	NA



<p>P11 Landscaping for non-residential development enhances the streetscape and the visual appearance of the development.</p>	<p>A11.1 Dense Planting along the front boundary of the Site where a Building is Setback from the front alignment, incorporates:</p> <ul style="list-style-type: none"> • shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting where appropriate; • landscape screening of blankwalls; • low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A11.2 Dense Planting to the rear of the Site where a Building is Setback from the rear alignment, incorporates:</p> <ul style="list-style-type: none"> • 1 shade tree for an average of every 75 m2 growing to the Building eave Height within 5 years of planting; • screening shrubs to grow to 3 metres in Height within 2 years of planting; • low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A11.3 Dense Planting to the side boundaries where visible from the street or adjoining a boundary to a different Planning Area, and where a Building is Setback from the side boundary, incorporates:</p> <ul style="list-style-type: none"> • trees planted for an average of every 10 metres where adjacent to a Building; • screening shrubs, low shrubs and groundcover appropriate for the amount of space, light and ventilation of the area; • low shrubs, groundcovers and 	<p>Complies</p>
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	<p>mulch to completely cover unsealed ground.</p> <p>A11.4 A minimum of 20% of shade trees and shrubs is incorporated in all areas of Landscaping growing to the Building eave Height within 5 years.</p>	
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Maintenance and Drainage

<p>P12 Landscaped areas are designed in order to be maintained in an efficient manner.</p>	<p>A12.1 A maintenance program is undertaken in accordance with the Maintenance Schedule in Planning Scheme Policy No 7 – Landscaping.</p> <p>A12.2 A reticulated irrigation system is provided to common Landscaping and Recreation Areas and planter boxes in accordance with Australian Standards, with 1 hose cock within each area.</p> <p>A12.3 Turf areas are accessible by standard lawn maintenance equipment.</p> <p>A12.4 Plant species are selected with long life expectancy and minimal maintenance requirements where on-Site management will be limited.</p> <p>A12.5 Mulching is provided to all garden beds to reduce weed growth and to retain water, and is to be replenished every year in the ongoing maintenance program.</p>	<p>Complies</p>
<p>P13 Stormwater runoff is minimised and re-used in Landscaping through water infiltration, where appropriate.</p>	<p>A13.1 Adequate drainage is provided to all paving, turf and garden beds, including the use of swales, spoon drains, subsurface drainage, field gullies, rock or pebble lined Watercourses and stormwater connections.</p> <p>A13.2 Overland flow paths are not to be restricted by Landscaping</p>	<p>NA</p>



	works. A13.3 Water runoff is re-used through draining of hard surface areas towards permeable surfaces, turf, garden beds and by minimising impervious surfaces on the Site.	
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Safety

P14 Tree species and their location accommodate vehicle and pedestrian sight lines.	A14.1 Trees located near pathways, driveways, Access points, parking areas and street corners have a minimum 3.0 metres of clear trunk.	NA
P15 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	A15.1 Security and foot lighting is provided to all common areas, including car parks, entries, driveways and pathways. A15.2 Hard surfaces are stable, non-slippery and useable in all weathers. A15.3 Bushfire hazard is minimised with planting of bushfire resistant species near bushfire prone areas, (refer to the Bushfire Risk Overlay on the relevant Locality Map). A15.4 Lighting for bicycle paths is provided in accordance with the relevant Australian Standards	NA

Utilities and Services

Performance Criteria	Acceptable Solutions	Comments
P16 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	A16.1 Plant species are selected and sited with consideration to the location of overhead and underground services. A16.2 All underground services are to be located under pathways and below the eaves of the Building. A16.3 Irrigation control devices are located in the common	NA



	<p>Landscaping and Recreation Area.</p> <p>A16.4 Landscaping is located to enable trade persons to Access and view meters and other mechanical equipment within the Site.</p> <p>A16.5 Landscaping does not limit Access for service vehicles or rubbish trucks to utility areas, bin enclosures or docking areas.</p> <p>A16.6 Landscaping near electric lines or substations is designed and developed so that any vegetation at maturity or Landscaping structures or works do not exceed 40 metres in Height on land:</p> <ul style="list-style-type: none"> - in an electric line shadow; or - within 5.0 metres of an electric line shadow; or within 5.0 metres of a substation boundary. <p>A16.7 Elsewhere, vegetation is planted at a distance that is further from the nearest edge of an electric line shadow or substation boundary than the expected maximum Height at maturity of the vegetation.</p> <p>A16.8 On a Site adjoining an electricity substation boundary, the vegetation foliage at maturity is not within 3.0 metres of the substation boundary. However, where a substation has a solid wall along any part of its boundary, foliage may extend to, but not above or beyond, that solid wall.</p>	
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Natural Areas and Scenic Amenity Code

This Code is not applicable because the DDA is outside the trigger areas as defined in the Code

Development in Areas of Natural and Scenic Amenity Value

Performance Criteria	Acceptable Solutions	Comments
P1 Where a development within a DDA triggers this Code, the natural and environmental values of the areas of Remnant Vegetation and/or Watercourse/s are protected from inappropriate development.	<p>A1.1 Buildings/structures Access Roads/car parking, infrastructure and landscape/recreation facilities are constructed within the DDA identified on a Site Plan drawn to scale.</p> <p>A1.2 Where internal Roads are required to service the development, the Roads are located within a DDA identified on a Site Plan drawn to scale.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No. 10 – Reports and Information the Council May Request for code and impact assessable development.)</p>	NA but Complies with the Performance Criteria – no clearing or earthworks are proposed that might impact on environmental or watercourse values.
P2 Development does not adversely impact on the natural and environmental values and Scenic Amenity of areas identified as Remnant Vegetation and/or Watercourses.	<p>A2.1 Where development occurs, it is located on that part of the Site which poses the least threat to the natural and environmental values and Scenic Amenity, for example:</p> <ul style="list-style-type: none"> - adjacent to existing development; - within an existing cleared area; - within a disturbed area with little potential for rehabilitation; - within an area close to an Access Road; - removed from an identified area of important habitat. <p>A2.2 Development within the DDA is sited to minimise visual intrusion</p>	NA but Complies with the Performance Criteria – no clearing or earthworks are proposed that might impact on environmental or watercourse values. The proposed use will not change the scenic amenity of the area.



	<p>on the Site and the surrounding landscape.</p> <p>A2.3 No continuous boundary fence lines or barriers are Erected on an approved development site within a DDA identified on a Site Plan drawn to scale.</p> <p>A2.4 Infrastructure, such as water mains, sewers, electricity and telecommunication services, is sited underground, wherever reasonable, to protect Scenic Amenity, and is located within a DDA on a Site Plan drawn to scale.</p> <p>A2.5 Internal roads associated with the development are designed and constructed to achieve a low speed environment.</p> <p>A2.6 Roads and infrastructure services do not cross the Setback area/riparian corridor; or if this is not possible, the number of crossings is minimised.</p> <p>A2.7 Setback areas/riparian corridors are provided in accordance with A4.1, A4.2, A4.3 and A4.4 below;</p> <p style="text-align: center;">AND</p> <p>The lowest intensity of development occurs adjacent to any Setback area/riparian corridor, and in the case of reconfiguration, larger lots are located adjacent to any Setback area/riparian corridor.</p> <p>A2.8 There is no fragmentation or alienation of any Remnant vegetation.</p> <p>A2.9 Any natural, environmental or Scenic Amenity value of any balance area outside the DDA is protected.</p>	
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<p>P3 Any development involving filling and excavation minimises detrimental impacts on any aquatic environment.</p>	<p>No Acceptable Solution.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No. 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>	<p>NA but Complies with the Performance Criteria – no clearing or earthworks are proposed that might impact on environmental or watercourse values</p>
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Setback Areas/Riparian Corridors

<p>P4 Setback areas/riparian corridors adjacent to Watercourses are provided/maintained or re-established and revegetated with species endemic to the local area.</p>	<p>A4.1 For residential reconfiguration (Residential 1, Residential 2 or Rural Settlement Planning Area), Aquaculture, Tourist Activities, Industrial Activities and other large scale developments or development likely to have an impact on water quality of adjacent Watercourse/s any degraded sections of the Setback area/riparian corridor are revegetated with endemic species typical of the riparian corridor in the area.</p> <p>A4.2 Revegetation occurs in accordance with a Landscape Plan prepared by a suitably qualified professional in compliance with the requirements of Planning Scheme Policy No. 8 – Natural Areas and Scenic Amenity, Landscaping Code and Planning Scheme Policy No. 7 – Landscaping.</p> <p>A4.3 The minimum width of the Setback area/riparian corridor, measured out from the shoulder of each high bank, for the respective categories of Watercourses, where a riparian corridor of vegetation already exists is: Category 1 – Major Perennial Watercourse – 30 metres Category 2 – Perennial Watercourse – 20 metres</p>	<p>NA – there is no defined watercourse present and the DDA is more than 10m from the ephemeral stream and its vegetation.</p>
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	<p>Category 3 – Minor Perennial – 10 metres,</p> <p>AND</p> <p>buildings are sited clear of the Setback area/riparian corridor, in accordance with the relevant Setbacks outlined above.</p> <p>OR</p> <p>The minimum width of the Setback area/riparian corridor, measured out from the shoulder of each high bank, for the respective categories of Watercourses, where no riparian corridor of vegetation already exists is:</p> <p>Category 1 – Major Perennial Watercourse – 10 metres</p> <p>Category 2 – Perennial Watercourse – 5 metres</p> <p>Category 3 – Minor Perennial – 2.5 metres,</p> <p>AND</p> <p>buildings are sited clear of the Setback area/riparian corridor, in accordance with the relevant Setbacks above.</p> <p>A4.4 Native vegetation within the Setback area/riparian corridor, other than identified noxious and environmental weeds, is retained.</p>	
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Use of Setback Areas/Riparian Corridors

<p>P5 Any use of a Setback area/riparian corridor does not adversely affect the integrity of the Setback area/riparian corridor.</p>	<p>A5.1 Only low key, passive, low impact recreational facilities, including pedestrian and cycle paths or boardwalks, are located within the Setback area/riparian corridor.</p> <p>A5.2 The location of low key, passive, low impact recreational facilities, including pedestrian and cycle paths or boardwalks within the Setback area/riparian corridor,</p>	<p>NA – there is no defined watercourse and the 10m setback to the DDA is not used</p>
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	does not affect the connectivity function and landscape/environmental or Scenic Amenity values of the Setback area/riparian corridor.	
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Retaining and Protecting Highly Visible Areas

P6 Any development sited wholly or partially on land with a slope greater than 15% protects the Scenic Amenity values of the land from inappropriate and visually prominent development.	<p>A6.1 Land with a slope greater than 15% and including Remnant Vegetation remains undeveloped and in its natural state.</p> <p>A6.2 Any development remains unobtrusive and sited below the tree line and ridge line.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No. 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>	NA – no part of the proposed use will be on land steeper than 15%
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Vehicle Parking & Access Code

Vehicle Parking Numbers

Performance Criteria	Acceptable Solutions	Comments
<p>P1 Sufficient parking spaces are provided on the Site to accommodate the amount and type of vehicle traffic expected to be generated by the use or uses of the Site, having particular regard to:</p> <ul style="list-style-type: none"> The desired character of the area in which the Site is located; The nature of the particular use and its specific characteristics and scale; The number of employees and the likely number of visitors to the Site; The level of local accessibility; The nature and frequency of any public transport serving the 	<p>A1.1 The minimum number of vehicle parking spaces provided on the Site is not less than the number prescribed in Schedule 1 of this Code for the particular use or uses. Where the number of spaces calculated from the Schedule is not a whole number, the number of spaces provided is the next highest whole number.</p>	<p>Complies with the Performance Criteria – see discussion in Section 3</p>



<p>area;</p> <ul style="list-style-type: none"> • Whether or not the use involves the retention of an existing Building and the previous requirements for car parking for the Building; • Whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and • Whether or not the use involves the retention of significant vegetation. 		
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Parking for People with Disabilities

Performance Criteria	Acceptable Solutions	Comments
P2 Parking spaces are provided to meet the needs of vehicle occupants with disabilities.	<p>A2.1 For parking areas with a total number of ordinary vehicle spaces less than 50, wheelchair accessible spaces are provided as follows:</p> <ul style="list-style-type: none"> - Medical, higher education, entertainment facilities and shopping centres – 2 spaces; - All other uses – 1 space. <p>A2.2 For parking areas with 50 or more ordinary vehicle spaces, wheelchair accessible spaces are provided as follows:</p> <ul style="list-style-type: none"> - Medical, higher education, entertainment facilities and shopping centres – 3% (to the closest whole number) of the total number of spaces requires; - All other uses – 2% (to the nearest whole number) of the total number of spaces required. 	NA

Motor Cycles

Performance Criteria	Acceptable Solutions	Comments
P3 In recognition that motorcycles are low Road-space transport, a proportion of the parking spaces provided may be for motorcycles. The	A3.1 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary parking.	NA



<p>proportion provided for motorcycles is selected so that:</p> <ul style="list-style-type: none"> - ordinary vehicles do not demand parking in the spaces reserved for motor cycles due to capacity constraints; and - it is a reflection of the make-up of the likely vehicle fleet that uses the parking; and - it is not a reflection of the lower cost of providing motorcycle parking. 	<p>AND</p> <p>The motorcycle parking complies with other elements of this Code.</p>	
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Compact Vehicles

Performance Criteria	Acceptable Solutions	Comments
<p>P4 A proportion of the parking spaces provided may be for compact vehicles. The proportion of total parking provided for compact vehicles is selected considering:</p> <ul style="list-style-type: none"> • Compact vehicle spaces are not available to non-compact vehicles; and • It is a reflection of the proportion of the likely vehicle fleet that uses the parking; and • Compact vehicle spaces are located so as to be proximate to pedestrian destinations such that they present significant inclination for use by users of compact vehicles; and • The scale of parking spaces, likely users and the likely degree of familiarity with the availability of such spaces. 	<p>A4.1 For parking areas exceeding 100 spaces for short term users or 50 spaces for long-term users, parking is provided for compact vehicles as a substitute for ordinary vehicle parking so that:</p> <ul style="list-style-type: none"> • Compact vehicle parking does not exceed 10% of total vehicle parking required; and • The parking location is proximate to the entry locations for parking users; and • The parking provided complies with other elements of this Code. 	<p>NA</p>

Bicycle Parking

Performance Criteria	Acceptable Solutions	Comments
<p>P5 Sufficient bicycle parking spaces with appropriate security and end of trip facilities are provided on-Site to accommodate the amount of bicycles expected to be generated by the use or uses.</p>	<p>A5.1 The minimum number of bicycle parking spaces provided on Site is not less than the number prescribed in Schedule 1 of this Code, for the particular use or uses.</p>	<p>NA</p>



Vehicular Access to the Site

Performance Criteria	Acceptable Solutions	Comments
<p>P6 The location of Access points minimises conflicts and is designed to operate efficiently and safely taking into account: The amount and type of vehicular traffic; The type of use (eg long-stay, short-stay, regular, casual); Frontage Road traffic conditions; The nature and extent of future street or intersection improvements; Current and future on-street parking requirements; The capacity of the adjacent street system; and The available sight distance.</p>	<p>A6.1 The location of the Access points is in</p>	<p>Complies with the Performance Criteria – no change to the previously approved access location.</p>

Accessibility and Amenity for Users

Performance Criteria	Acceptable Solutions	Comments
<p>P7 On-Site vehicle parking is provided where it is convenient, attractive and safe to use, and does not detract from an attractive or existing streetscape character.</p>	<p>A7.1 Short term visitor parking is provided at the front or on the main approach side of the Site, with easy Access to the Building entry, where such provision is in keeping with the desired character of the area in which the Site is located.</p> <p>AND</p> <p>In mixed use premises that include residential or accommodation uses (excluding Port Douglas – Tourist Centre), at least 50% of the required number of parking spaces for the non-residential use/s on the Site is provided in an easily accessible location on the premises, so as to be convenient to use for customers and other visitors.</p>	<p>NA</p>



<p>P8 The layout of parking areas provides a high degree of amenity and accessibility for different users.</p>	<p>A8.1 The layout of the parking area provides for the accessibility and amenity of the following:</p> <ul style="list-style-type: none"> • People with Disabilities • Cyclists • Motorcyclists • Compact Vehicles • Ordinary Vehicles • Service Delivery Vehicles <p>A8.2 Where covered parking areas are required in accordance with Schedule 1 of this Code, sails or other secure structural forms of covering provide shade and weather protection for vehicles and passengers.</p>	<p>NA</p>
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Access Driveways

Performance Criteria	Acceptable Solutions	Comments
<p>P9 The dimensions of Access driveways cater for all vehicles likely to enter the Site and minimises the disruption of vehicular, cyclist and pedestrian traffic.</p>	<p>A9.1 Access driveways are designed in accordance with the provisions of the relevant Australian Standards.</p>	<p>NA</p>
<p>P10 The surface construction materials of Access driveways within the Road reserve contribute to the streetscape and alerts pedestrians to the location of the driveway.</p>	<p>A10.1 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.</p>	<p>Complies with the Performance Criteria</p>

Access for People with Disabilities

Performance Criteria	Acceptable Solutions	Comments
<p>P11 Access for people with disabilities is provided to the Building from the parking area and the street.</p>	<p>A11.1 Access for people with disabilities is provided in accordance with the relevant provisions of the Australian Standards.</p>	<p>NA</p>



Access for Pedestrians

Performance Criteria	Acceptable Solutions	Comments
P12 Access for pedestrians is provided to the Building from the parking area and from the street.	A12.1 Defined, safe pedestrian pathways are provided to the Building entry from the parking area and from the street.	NA

Access for Cyclists

Performance Criteria	Acceptable Solutions	Comments
P13 Access for cyclists is provided to the Building or to bicycle parking area from the street.	<p>A13.1 Access pathways for cyclists are provided in accordance with the relevant provisions of the Australian Standards.</p> <p>AND</p> <p>Where Access of cyclists is shared with Access for pedestrians and vehicles, the shared use is identified by signage and linemarking.</p>	NA

Dimensions of Parking Spaces

Performance Criteria	Acceptable Solutions	Comments
P14 Parking spaces must have adequate areas and dimensions to meet user requirements.	<p>A14.1 Car parking for the disabled, ordinary car parking spaces and motorcycle parking spaces meet the requirements of the relevant Australian Standards.</p> <p>AND</p> <p>Parking spaces for special vehicles that are classified in accordance with the relevant Australian Standards meet the requirements of that Standard.</p> <p>AND</p> <p>Parking spaces for standard sized buses have the following minimum dimensions:</p> <ul style="list-style-type: none"> • Width: 4 metres • Length: 20 metres • Clear Height: 4 metres 	NA – no formal parking area proposed



	<p>AND</p> <p>Parking spaces for compact vehicles have the following minimum dimensions:</p> <ul style="list-style-type: none"> • 15 per cent less in width measurements than required by Australian Standards for any ordinary vehicle; and • 20 per cent less in length measurements than required by Australian Standards for any ordinary vehicle. <p>AND</p> <p>Parking spaces for special vehicles meet the requirements dictated by the vehicle dimensions and manoeuvring characteristics and provide sufficient clearance to obstructions and adjacent vehicles to achieve a level of service to users equivalent to that specified by the relevant Australian Standards.</p> <p>A14.2 Parking spaces for bicycles meet the requirement of the relevant Australian Standard.</p>	
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On-Site Driveways, Manoeuvring Areas and Parking/Standing Areas

Performance Criteria	Acceptable Solutions	Comments
<p>P15 On-Site driveways, manoeuvring areas and parking/standing areas are designed, constructed and maintained such that they:</p> <ul style="list-style-type: none"> • are at gradients suitable for intended vehicle use; • consider the shared movements of pedestrians and cyclists; • area effectively drained and surfaced; and • are available at all times they are required. 	<p>A15.1 On-Site driveways, vehicle manoeuvring and loading/unloading areas:</p> <ul style="list-style-type: none"> • are sealed in urban areas; <p>AND</p> <p>Upgraded to minimise noise, dust and runoff in other areas of the Shire in accordance with the relevant Locality Code;</p> <ul style="list-style-type: none"> • have gradients and other design features in accordance with the provisions of the relevant Australian Standards; and • drain adequately and in such a way that adjoining and downstream land is not adversely affected. 	<p>Complies with the Performance Criteria</p>



	A15.2 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking.	
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Vehicle Circulation, Queuing and Set Down Areas

Performance Criteria	Acceptable Solutions	Comments
P16 Sufficient area or appropriate circulation arrangements are provided to enable all vehicles expected to use the Site to drive on and off the Site in forward gear.	A16.1 Circulation and turning areas comply with the provisions of the relevant Australian Standards.	Complies with the Performance Criteria
P17 An on-Site circulation system provides safe and practical Access to all parking, loading/unloading and manoeuvring areas.	A17.1 Circulation driveways comply with the provisions of the relevant Australian Standards.	Complies with the Performance Criteria
P18 Where vehicle queuing, set down or special vehicle parking is expected, sufficient queuing or parking area is provided to enable vehicles to stand without obstructing the free flow of moving traffic or pedestrian movement.	A18.1 Queuing and set down areas comply with the relevant Australian Standard and any relevant AUSTROAD Guidelines.	Complies with the Performance Criteria

Schedule 1 – Car Parking Requirements

LAND USE	MINIMUM NUMBER OF SPACES
Industry & Associated Uses	
Industry Class A & Class B	1 car space per 90m ² of Net Lettable Area

There is no 'net lettable area'

Appendix B

Electric Ant Restricted Areas



Electric Ant Movement Controls MOWBRAY

Movement control areas have been declared under the *Plant Protection Act 1989* to prevent the spread of electric ants from known infested areas of Queensland. Restrictions apply to the movement of materials that pose a high risk of spreading electric ants within and from these control areas.

For more information on what is a high risk item and what you need to do to comply with the law contact the Department of Agriculture, Fisheries and Forestry.

www.daff.qld.gov.au or call 13 25 23





Electric Ant Movement Controls Craiglie

Movement control areas have been declared under the *Plant Protection Act 1989* to prevent the spread of electric ants from known infested areas of Queensland. Restrictions apply to the movement of materials that pose a high risk of spreading electric ants within and from these control areas.

For more information on what is a high risk item and what you need to do to comply with the law contact the Department of Agriculture, Fisheries and Forestry.

www.daff.qld.gov.au or call 13 25 23

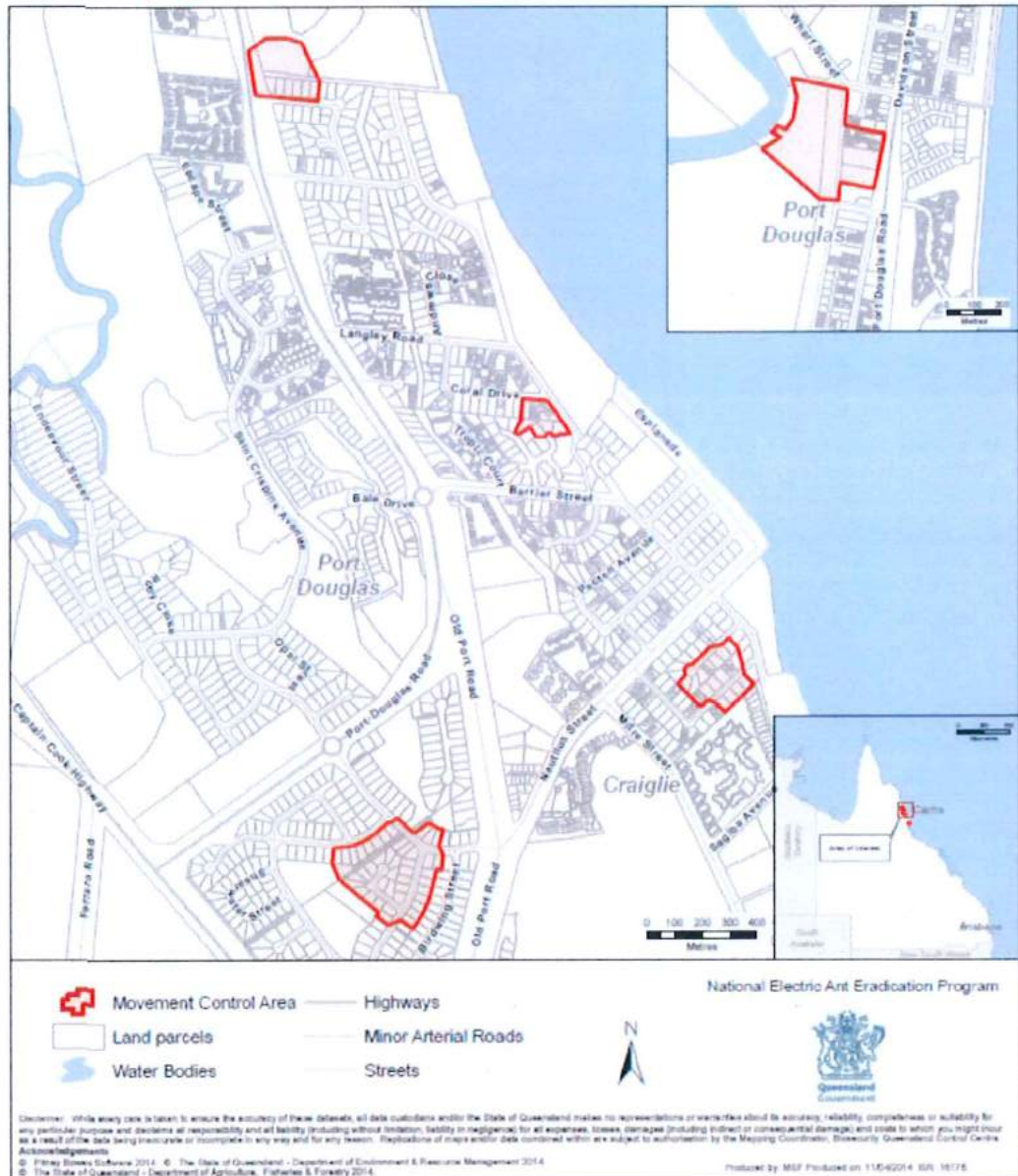


Electric Ant Movement Controls PORT DOUGLAS

Movement control areas have been declared under the *Plant Protection Act 1989* to prevent the spread of electric ants from known infested areas of Queensland. Restrictions apply to the movement of materials that pose a high risk of spreading electric ants within and from these control areas.

For more information on what is a high risk item and what you need to do to comply with the law contact the Department of Agriculture, Fisheries and Forestry.

www.daff.qld.gov.au or call 13 25 23



Cairns Efile

From: Peter Robinson - PRP Planning <peterrobinson@projexpartners.com.au>
Sent: Monday, 20 April 2015 2:15 PM
To: 'Cairns Efile'
Cc: Lyndall Bissett - Projex Partners
Subject: RE: Asikas subdivision Hanah Close 3 lots

Hi

Will be more than usual because of the complexity (provided we can make it work) so say \$4700 to lodgement for me only + Wayne etc

Also need a traffic report quote for Wren to answer the DTMR code I showed Wayne the other day – give to me not wren yet

Cheers

Peter Robinson Principal Planner

ProjexPartners

PROJECT MANAGEMENT | ENGINEERING | PLANNING



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From: Cairns Efile [<mailto:efilecns@projexpartners.com.au>]
Sent: Monday, 20 April 2015 12:57 PM
To: Peter Robinson - Projex Partners
Subject: FW: Asikas subdivision Hanah Close 3 lots

Peter

See sketch by Wayne of new proposed lot layout

Regards

LB

From: Cairns Efile [<mailto:efilecns@projexpartners.com.au>]
Sent: Monday, 20 April 2015 12:51 PM