

# 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.dsdip.qld.gov.au/MyDAS](http://www.dsdip.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)

Yenor Pty Ltd

For companies, contact name

Peter Robinson

Postal address

C/- Peter Robinson

PO Box 2133

Suburb	Cairns
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State	Qld
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Postcode	4870
----------	------

Country	009) or a
---------	-----------

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)

564-002

**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.)
- Restaurant (other than Bar and Grill, drive through food outlet and fast food outlet), Shopping Facility (providing convenience shopping for the local community, travellers and tourists)
- 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)		58	Davidson St	4877	58	C22511	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)	Industry	SMA 3	PASS
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)

2598 sqm

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

Bottle Shop + vacant warehouse

**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	Yenor 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)

☐ 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)

☒ 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.)

☒ 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*?**

☒ 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
Architecture Sketches of Concept	Mail
Owner's 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](http://www.qleave.qld.gov.au). For further information contact QLeave on 1800 803 481 or visit [www.qleave.qld.gov.au](http://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

## 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

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.

# 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](http://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)
Bottle Shop, Convenience shopping, food service eg café, bakery café, lunch shop etc	Restaurant (other than Bar and Grill, drive through food outlet and fast food outlet), Shopping Facility (providing convenience shopping for the local community, travellers and tourists)	NA	Possibly 0500 to 2200	3 full time + casuals

**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)



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

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

**Mandatory supporting information**

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

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
<b>All applications</b>		
<p>A site plan drawn to an appropriate scale (1:100, 1:200 or 1:500 are <b>recommended</b> scales) which shows the following:</p> <ul style="list-style-type: none"> <li>the location and site area of the land to which the application relates (<i>relevant land</i>)</li> <li>the north point</li> <li>the boundaries of the relevant land</li> <li>any road frontages of the relevant land, including the name of the road</li> <li>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)</li> <li>any existing or proposed easements on the relevant land and their function</li> <li>the location and use of buildings on land adjoining the relevant land</li> <li>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</li> <li>for any new building on the relevant land, the location of refuse storage</li> <li>the location of any proposed retaining walls on the relevant land and their height</li> <li>the location of any proposed landscaping on the relevant land</li> <li>the location of any stormwater detention on the relevant land.</li> </ul>	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"> <li>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)</li> <li>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).</li> </ul>	<p>X Confirmed</p> <p><input type="checkbox"/> Not applicable</p>	

A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	X Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves the reuse of existing buildings</b>		
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.	X Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves new building work (including extensions)</b>		
Floor plans drawn to an appropriate scale (1:50, 1:100 or 1:200 are <b>recommended</b> scales) which show the following: <ul style="list-style-type: none"> <li>the north point</li> <li>the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only)</li> <li>the room layout (for residential development only) with all rooms clearly labelled</li> <li>the existing and the proposed built form (for extensions only)</li> <li>the gross floor area of each proposed floor area.</li> </ul>	X Confirmed	
Elevations drawn to an appropriate scale (1:100, 1:200 or 1:500 are <b>recommended</b> scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation)	X 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.	X Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves reuse of other existing work</b>		
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.	X Confirmed <input type="checkbox"/> Not applicable	
<b>When the application involves new operational work</b>		
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.	X 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.

20 August 2015

The CEO  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Attention: JENNY ELPHINSTONE

Dear Madam

**RE: PROPOSED FOOD SERVICES AND CONVENIENCE RETAIL  
DAVIDSON STREET, CRAIGLIE**

Enclosed is an application for Material Change of Use for land described as Lot 58 C22511.

My client understands the pre-lodgment advice provided but is not convinced that the implied prohibition of uses other than service industries is either good town planning practice or in the best interests of the community.

After inquiries, I'm not satisfied that there is even an implied prohibition in the Town Planning Scheme or that one is justified in terms of planning principles or the proper application of the Town Planning Scheme.

In earlier correspondence, it was indicated that the applicant should undertake a needs assessment but Council was unprepared to identify any objective criteria by which a need or otherwise for the proposed convenience facilities would be assessed. Even so, the applicant has put considerable effort into determining the amount of floor space (in various categories) available across the Craiglie/Port Douglas area and two common sense conclusions can be drawn. Firstly, there is a community need for convenience shopping in this locality, particularly food services for local employees and the travelling public. Secondly, the amount of floor space to be provided is so small compared to the available floor space across the Craiglie/Port Douglas area that it makes no measurable difference and certainly will not adversely impact on other retail activities.

The application is impact assessable. Once the notification period has been completed, it is requested that the generalized grounds of any submissions be provided for the applicant to review and respond to. Further, once the assessing officer has prepared a draft report it is requested that a meeting be held to discuss both the report and the recommendation so as to minimize areas of misunderstanding and the likelihood of review.

I look forward to Council's favourable decision in relation to this application.

Yours faithfully



**SENIOR PLANNER**

Encl: IDAS forms 1 & 5, Hunt Design, Town Planning Report, Owners Consent, Fee and CD of all

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**ProjexPartners**



PROJECT MANAGEMENT | ENGINEERING | PLANNING

PROJEX PARTNERS  
Project  
File Name: MCK1005/2015  
Project No:  
24 AUG 2015  
Attention: SKA  
Initials:



PROJECT MANAGEMENT | ENGINEERING | PLANNING



Material Change of Use  
Shopping Facilities & Restaurant  
58 Davidson St, Craiglie

564-002-002R-DSC  
August 2015

Prepared by:

**Projex**Partners



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# CONTENTS

<b>1</b>	<b><u>INTRODUCTION</u></b>	<b>1</b>
<b>2</b>	<b><u>CONTEXT</u></b>	<b>4</b>
2.1	THE LOCALITY	4
2.2	THE SITE	6
<b>3</b>	<b><u>THE PROPOSAL</u></b>	<b>8</b>
<b>4</b>	<b><u>PLANNING ANALYSIS</u></b>	<b>11</b>
4.1	BACKGROUND	11
4.2	THE SCHEME PROVISIONS	11
4.3	MEETING COMMUNITY NEEDS	12
4.4	URBAN EFFICIENCY	15
4.5	ROAD NETWORK AND EFFICIENCY	15
4.6	AMENITY	15
4.7	NEGATIVE CONSEQUENCES	16
4.8	PLANNING PRINCIPLES	16
4.9	GOOD PLANNING PRACTICE	17
4.10	WEIGHT TO BE GIVEN TO THE PLANNING SCHEME	18
4.11	SCHEME INTERPRETATION	20
4.12	PLANNING NEED	21
4.13	NEED FOR INDUSTRIAL LAND	23
<b>5</b>	<b><u>DESIRED ENVIRONMENTAL OUTCOMES</u></b>	<b>25</b>
5.1	ECOLOGICAL PROCESSES AND NATURAL SYSTEMS	25
5.2	ECONOMIC DEVELOPMENT	25
5.3	CULTURAL, ECONOMIC, PHYSICAL AND SOCIAL WELL-BEING OF THE COMMUNITY	26
<b>6</b>	<b><u>ASSESSMENT AGAINST THE PLANNING SCHEME</u></b>	<b>28</b>
6.1	INTRODUCTION	28
6.2	CODES GENERALLY	29
6.2.1	PORT DOUGLAS AND ENVIRONS LOCALITY CODE	29
6.2.2	INDUSTRY PLANNING AREA CODE	30
6.2.3	ACID SULPHATE SOILS CODE	30
6.2.4	DESIGN AND SITING OF ADVERTISING DEVICES CODE	31
6.2.5	LANDSCAPING CODE	31
6.2.6	VEHICLE PARKING & ACCESS CODE	32
6.2.7	SUSTAINABLE DEVELOPMENT CODE	32

# CONTENTS

<b><u>7</u></b>	<b><u>CONCLUSION</u></b>	<b><u>33</u></b>
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## **Appendix A**

Assessment against the Douglas Shire Amended Planning Scheme 2008 codes

## **Appendix B**

Signed owners consent

# 1 INTRODUCTION

The applicant (Yenor Pty Ltd) has owned the subject land for some time. The director is a long term resident of Port Douglas and has been active in providing commercial and related projects and facilities in accordance with the needs of the community. Notably, the applicant initiated and provided the redevelopment of the adjoining Shell Service Station – a project that has been extremely well received in the locality AND has benefited other business locally.

The site contains a building that was constructed about seven years ago and has two separate areas. To the rear is an area of approximately 280 square metres previously used as a warehouse for operations in the local hospitality industry. The front of the building comprises approximately 125 square metres used continuously for retail purposes – namely a bottle shop. Council advises that planning approval was issued for a warehouse and the bottle shop was considered to be an ancillary use to that purpose and has not been approved as a stand-alone retail use.

For commercial reasons, the tenant has vacated the warehouse part of the premises but maintains the bottle shop both because it is a viable business and it serves the needs of the local community.

Council has pointed out that the use of the bottle shop is unlawful under the town planning scheme in the absence of a development permit for material change of use for a stand-alone retail facility.

The land is zoned Industry and is in Special Management Area 3 designated as a service industry precinct.

Since the warehouse was vacated the applicant has been active in seeking a new tenant. There have been approaches by a number of entities seeking to occupy the premises. None of these prospective tenants have proposed an industrial or service industry related use. All of the prospective tenants have suggested convenience retail or food service uses aimed at meeting the needs they have identified in the local community and the tourist industry. All of the proposals have been based on providing a service presently absent from but having a nexus with the Craiglie location.

The applicant has identified a glut of industrial land at Craiglie. Rapid growth in the provision of industrial facilities that was typical of the past is now absent and on the



face of it, there is no expectation of that changing. In his opinion and there is anecdotal evidence that he is not alone, the significant deficiency in industrial and service industry necessary to support the tourism and residential activities in Port Douglas was redressed some time ago and there is now no driver for continued industrial development at rates similar to those that occurred in the past.

This is reinforced by the fact that Port Douglas is essentially at its peak in terms of potential for sustainable development under prevailing conditions and regulatory frameworks.

The applicant believes that there is a need for more convenience retailing at Craiglie. His experience with the redevelopment of the service station supports this, along with the sorts of interest by prospective tenants.

Recently the old service station was entirely redeveloped as a modern facility with a small convenience retail component. The consequence was to significantly increase patronage and turnover. Clearly the redevelopment met community need and was well accepted.

The redevelopment also benefitted other businesses in the area. The nearby supermarket reported a co-incident and substantial increase in turnover.

The service station has the most basic of convenience goods – mostly high turnover, non-perishable snack foods and some automotive related products. It does not try to meet the needs of the general public for convenience goods or food services, rather the retail component simply tries to increase the spend of customers otherwise purchasing fuel. It does however demonstrate that there is a need for convenience retail and food in the Craiglie locality and on the Highway in particular.

The applicant is also heartened by the community's acceptance of the bottle shop. Notwithstanding the issues with the planning scheme, the outward appearance and function of the site (as understood by the general public) is retail – a bottle shop. The amenity, character, access and visual qualities are all clearly retail.

The retail use of the site for the past seven years has not caused any known planning or other issues. In fact, Council supported the establishment of the use; albeit as an ancillary activity. The success of the bottle shop and its acceptance by the community is testament to the fact that retail is an appropriate use of the site and likely to represent a good planning/community outcome.

The applicant has had a number of pre-lodgement contacts with the Council planning staff. The officers appear not to be supportive of the project and cite the provisions of the town planning scheme related to Special Management Area 3 which, over simplistically, indicates that the Craiglie area is to be used for service industrial purposes and nothing else – the literal consequence of which is that the proposed convenience retail and food service project is not supported by the planning scheme.

The planning scheme is old and the provisions relating to Craiglie have not changed significantly since the mid 1990s. The applicant believes them to be out of date and not in the community interest.

None of the planning and other justifications provided by the applicant to the officers during the pre-lodgement process have been refuted or criticised by the officers.

As a consequence, the applicant has decided to pursue a material change of use application to provide opportunity for convenience retailing and food service premises on the site and has commissioned Projex Partners to prepare supporting information for the application and manage the process.

Projex Partners reviewed the material provided, examined the provisions of the town planning scheme, assessed the project in terms of planning principles, good planning practice and the characteristics of the local community and determined that the application had planning merit and consequently accepted the task identified by the applicant.

This planning report supports the application and provides relevant parts of the mandatory information required under the statute.

## 2 CONTEXT

### 2.1 The Locality

The site is situated in the suburb of Craiglie on the southern end of the locality known as Port Douglas. It is situated approximately 6.5 kilometres from the Port Douglas business centre on Davidson Street, also known as the Captain Cook Highway. Craiglie is also about 75 kilometres north of Cairns and about 30 kilometres south of the locality containing the Daintree World Heritage Area – a significant tourist attraction in its own right.



**The Site in Its Immediate Locality**

Port Douglas is a small but very significant tourist and residential area in Far North Queensland. It has grown from a seaside village located adjacent to the mouth of Dickson Inlet, steadily extending south towards Craiglie. The majority of tourist accommodation and the commercial/retail and food services activities provided to support the tourist industry are located in the northern part of the locality in the vicinity of Macrossan Street.

The dominant economic activity is tourism and tourist accommodation. As a consequence, Port Douglas has a massive amount of retailing and food service premises relative to its permanent population. Not unexpectedly, this commercial activity is concentrated in the northern tourism precinct of the locality.

At the top end of the retail scale, the major supermarket is located in Macrossan Street and a smaller supermarket towards the southern end of the locality adjacent to the intersection of the Captain Cook Highway and Port Douglas Road. This is reflective of residential growth, the majority of which in recent times has been towards the southern end of the locality and in Craiglie, east of the Highway.

The old service station at Craiglie has been recently redeveloped with a modern Shell/Coles service station incorporating greatly improved accessibility and functionality in relation to fuel sales and the now ubiquitous small general store in the payment area. The store provides a limited variety of processed and pre-packaged foods but no food preparation takes place on the site.

The transport network through the locality is simple. The Highway provides a north-south connection between Cairns, Mossman and the Daintree World Heritage Area and is the access route into the locality. South of Craiglie the drive north of Palm Cove is highly regarded for its scenic quality, but because of the topography through which it traverses, it is relatively slow speed and often taxing compared to other major rural arterial routes.

Port Douglas is largely a linear community running north-south along the peninsular between the Coral Sea and Dickson's Inlet. Port Douglas Road is the spine road through the community linking the Highway to the tourist and commercial node at the northern end. The intersection of Port Douglas Road and the Highway has recently been upgraded and is the major intersection on the local road network.

The only significant industry/service industry area within the locality is at Craiglie, principally on the western side of Davidson Street. It is accessed off the Highway by a single connection – Boer Street. The Craiglie Industrial Estate is the major employment generator for local people outside the tourist industry. At the present time it is about 50% developed although there are some significant vacancies.

The locality is provided with all normal urban utility services including adequate water supply, sewerage, electricity and telecommunications services all with sufficient capacity to meet demand in the foreseeable future.



## 2.2 The Site

The site is described as Lot 58 on C22511 situated on Davidson Street (also known as the Captain Cook Highway), Craiglie.



**The Site**

It is zoned Industry and is designated Special Management Area 3.

The area of the site is some 2,598 square metres with a frontage to the Highway of approximately 30.5 metres and a depth of approximately 82 metres.

The site is occupied by a building previously used as a warehouse and retail bottle shop. The rear (warehouse) portion is currently vacant.

There is some car parking and good landscaping across the frontage of the property and further car parking down the side.

The rear half of the property is currently undeveloped and unused.

The adjoining use to the north is the recently redeveloped service station which now incorporates (as most service stations do) a small general store type retail component. Adjoining to the south are premises previously used for retail purposes

but now occupied as a car hire depot. On the opposite side of the Highway is a flatted industrial/warehouse complex containing 13 small units and car parking either side of which are a string of allotments containing a range of industrial and warehousing buildings.

The site is fully serviced with the usual urban utility connections including water supply, sewerage, telecommunications and electricity.

There is an existing lawful access to the Captain Cook Highway adjacent to the access to the service station. This provides safe, serviceable access to the site.

The Captain Cook Highway on the frontage is a State Controlled Road generating a referral to the DTMR.

The site is flood free and although reasonably flat, it is well drained.

The easement along the northern boundary is an access easement in favour of the adjoin site which facilitates movement between the two and access to the rear without having to interfere with safe movement within the service station.

### 3 THE PROPOSAL

The proposal is to obtain a development permit that will allow the existing retail bottle shop to lawfully remain in its current location and configuration. It is also proposed to obtain approval to convert the currently unused rear part of the section to convenience retailing and/or food service premises that will meet the needs of the local community including employees of the local industrial area, as well as members of the travelling public including tourists passing through Craiglie.

No increase in floor area is proposed save for a small area of alfresco dining.

The existing building and small site area combine to mean that the site cannot and is not intended to be used for a shopping centre – that function is more appropriately located at the IGA centre off the Highway to the north. The owner, consistent with his understanding of the needs of the community and in conformity with the sorts of businesses that have approached him to occupy the vacant space, intends to use the premises for convenience retailing and food services.

The sorts of businesses that he is considering and at various times have been proposed to him by prospective tenants, are those that provide a service to tourists who may be passing through the area, employees of the local industrial estate and nearby residents. These convenience activities serve a need within the community and are extremely unlikely (for reasons explained elsewhere) to have any measurably adverse impact on existing retail premises elsewhere in Port Douglas.

The sorts of activities considered appropriate and likely to establish in the premises include:

- A lunch shop/take away food bar;
- A contemporary (small) bakery or bakery/café;
- A café/coffee shop;
- General or local convenience store;
- Fresh fruit and produce market;
- Retail art gallery;
- Bottle shop; or
- The like or a combination of these

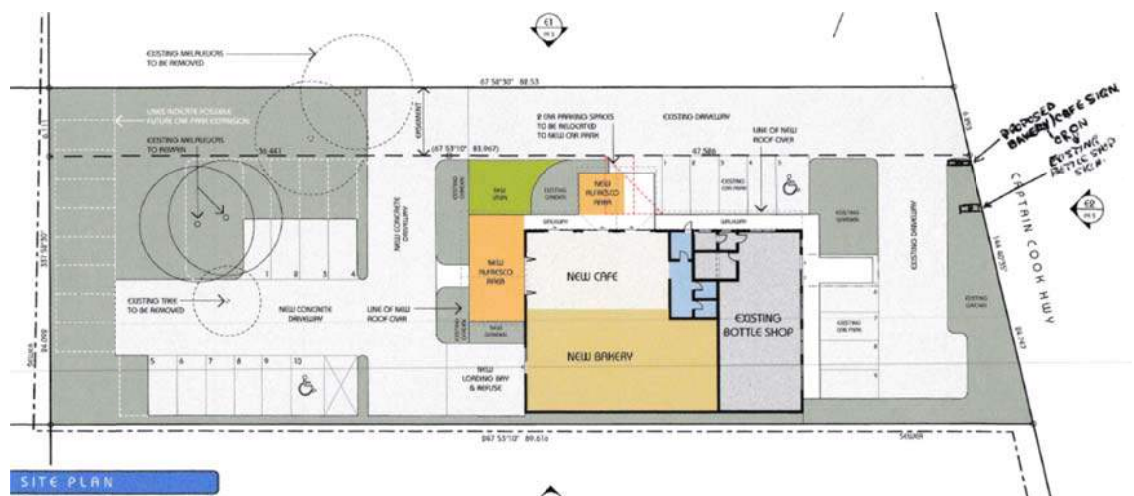
For clarity, the proposed uses are those which will:-

- serve the needs of the immediate community,
- provide a needed service and comfort to travellers and tourists passing through the area,
- are desirably highly accessible to the local community,
- beneficially located proximate to the service station and
- not otherwise desirably located elsewhere.

Again, for clarity, the sorts of retail businesses that the owner is not considering include businesses like furniture sales and other large area retailers, high volume franchised fast food outlets such as Kentucky Fried Chicken, Subway, Hungry Jacks and the like, professional offices, medical centre, pharmacy, clothing and apparel and the like. In any case, none of these are a practical proposition due to site and access constraints.

It is not intended to nominate particular businesses at this time as there is no way of knowing who the final tenants will be until the project is completed and commercial negotiations finalised.

The physical form of the project is described in the attached Drawings







The uses applied for are:-

- Restaurant; and
- Shopping Facility.

## 4 PLANNING ANALYSIS

### 4.1 Background

The subject land is zoned Industry.

The application seeks approval to use the site for any of the intended uses include those defined as (Chapter 5 of the Planning Scheme):

- Restaurant other than bistro, bar and grill, drive through food outlet and fast food outlet;
- Shopping Facilities including a bottle shop but limited to 269 Sqm NLA.

All of these uses are identified in the Assessment Table as Impact Assessable Inconsistent.

### 4.2 The Scheme Provisions

Council Planners have advised that there has been an amendment to the Scheme to the effect that Industry uses have been made Code Assessable in the Industry Zone within the Port Douglas and Environs locality Assessment table. The previous version showed Industry to be Impact Assessable Inconsistent.

The current web page shows (summarised extract):

	Rural	Residential 1	Residential 2	Tourist & Residential	Commercial	Industry	Community & Recreation	Conservation
Industry	I	I	I	I	I	C	I	I

Impact Inconsistent

The mapping Shows he Craiglie Industrial area as a Special Management Area (SMA) Craiglie – Service Industry Precinct.

The SMA gets a particular reference in the Special Management Area 3 – Service Industry Precincts (Craiglie) provisions of the Port Douglas and Environs Locality Code.

Performance Criteria P29 states:-

*P29 Development within the Craiglie Service Industry Precinct supports the tourism and marine industries within Port Douglas*

The Acceptable Solution (Deemed to Comply provision) states:-

*Only Service Industry uses are located in the Service Industry Precincts (Craiglie).*

*AND*

*The proponent of the proposed Service Industry use provides written evidence to Council that it supports/services the tourism or marine industry in Port Douglas.*

On the face of it, any use save for Service Industry is not supported by the Planning Scheme despite Industry being Code Assessable. This appears to be contradictory and contrary to good planning practice as well as not being in the community interest.

#### **4.3 Meeting Community Needs**

There are number of sections of the community that would benefit from their need for convenience shopping and food services in the location of the subject land. Principal among these are owners and employees in the nearby industrial estate as well as tourists and the travelling public to and from Cairns through the area to locations to the north such as the Daintree.

The entirety of the local industrial estate on the western side of the Captain Cook Highway is accessed via Boer Street located to the south of the subject land. This means that any staff, suppliers and customers attending the industrial area must presently travel past the site to access alternative facilities.

As it is estimated that the area is about 50% developed at present, demand for food services from this part of the community will only grow.

Some food services available at the adjacent Shell Service Station but it is limited in variety, largely pre-processed, packaged fast food of limited variety. It is not what most people consider ideal and certainly not for workers' lunches.

The closest alternative is about 1.3 kilometres away at the IGA shopping centre. This is both inconvenient and largely unsatisfactory in terms of desirable meals for workers in the industrial area.

The need for this type of convenience service is evidenced in a wide variety of locations.

For instance, the Portsmith industrial area in Cairns bounded by the railway yards and Smiths Creek albeit larger than the Craiglie industrial estate is supported by:

- a service station with attached café (truck stop style) that provides considerably more variety and range of food than the service station at Craiglie;
- two take away food lunch shops – one each in the northern and southern sections;
- a coffee shop; and
- the Cairns Cruising Yacht Squadron with a bar and café restaurant providing a range of meals.



There are other similar examples right across the industrial areas in Cairns and just about every other urban area one would like to examine.

The second significant group that need food and refreshment are travellers moving through the area.

Craigie is the first relatively urban area after leaving Cairns that travellers and tourists reach on their way north to destinations such as the Daintree or Julatten. It is about an hour from Cairns along a drive that while scenic and very attractive is also somewhat taxing. As such Craigie offers an ideal opportunity for tourists and travellers to break their journey both for refreshment and road safety purposes.

Anecdotal evidence indicates that these sorts of tourists are unlikely to divert into Port Douglas on their north bound trip, although some/many may visit Port Douglas on the return visit in the afternoon, should time allow.

This section of the community seeks a local experience, relaxing conditions to eat/drink and in the main, a good food experience. Once again, the alternative offered by the service station shop is generally considered less desirable and largely unsuitable.

The need for this section of the community is evidenced by similar convenient food and refreshment service stops available to tourists travelling between other attractions and destinations outside Cairns are readily identifiable.

Travelling west out of Cairns towards Mareeba there are a number of food service premises along the Kennedy Highway even though the travel distance from Cairns to Mareeba is only about one hour. There are similar examples on the Bruce Highway towards Innisfail and the Gillies Highway towards Atherton. The fact that these business exist and are sustainable demonstrates the service is needed.

The third likely smaller group are local residents who depending on the style and quality of food services available on the site will also use the café in preference to travelling further into Port Douglas or elsewhere.

Clearly there is a community need for convenience and food services in locations such as Craigie that meet the needs of both locals and the travelling public alike.



#### 4.4 Urban Efficiency

Experience indicates that food service premises impose a slightly higher load on Council's water supply and sewerage infrastructure than industrial uses on average however this is considered insignificant in the circumstances. The size of the project is very small compared to the overall size of the Craiglie Industrial Area and the possible slight increase of demand on water supply and sewerage infrastructure is insignificant in the overall scheme.

Further, established infrastructure networks have an increasing proportion of spare capacity caused by efficiency and water management tools introduced through the various codes.

The project is neutral or slightly enhances urban efficiency.

#### 4.5 Road Network and Efficiency

As previously explained, attendees of the Craiglie Industrial Area must all access the Highway via Boer Street to the south of the subject land. If they are seeking food services for smoko or lunch, they must necessarily travel past the subject land and into Port Douglas. The longer journey imposes additional loads on the road network north of the site in particular the intersection at Port Douglas Road and other intersections thereon. Providing local (food services) close to employment areas not only reduces load on the road network but increases safety, reduces fuel usage and associated environmental costs.

With respect to travellers and tourists breaking their journey at Craiglie has virtually no impact on the road network as the vast majority of movements into and out of the project by travellers and tourists will be left turns.

Providing Convenience retail and food services in this location enhances the efficiency and safety of the road network.

#### 4.6 Amenity

The impact on local amenity, particularly visual amenity is likely to be positive. While there are some good examples of landscaping associated with industrial development, it is more often than not described as ordinary or poor.

On the other hand, landscaping associated with business development is likely to be the highest standard because businesses are keen on presenting an attractive high standard appearance so as to encourage customers onto the site.



The fact that services are available locally to meet the needs of the community enhances the amenity.

#### 4.7 Negative Consequences

No negative planning consequences can be identified as associated with this project.

#### 4.8 Planning Principles

The five fundamental town planning principles are addressed below.

Community and Individual Safety – there is no physical aspect of the site that would create an issue with respect to aspects of community and individual health and safety. There are no known risks associated with flooding, bushfire, slope stability or site contamination. There is no issue in relation to traffic safety as access to the site has been and can be provided in accordance with relevant standards. Waste disposal is not an issue as the site is connected to Council's sewerage system and a solid refuse collection service is available.

No other aspect related to community or individual health and safety can be identified.

Separation of Incompatible Land Uses – there is no reason to believe that any of the adjoining land uses or in fact the industrial lands uses nearby have characteristics

that make them necessarily or significantly incompatible with the proposed convenience retail and food service uses.

No mechanism can be identified by which any incompatibility will be caused.

Suitability for the Purpose – the site has been used for retail uses for some time (bottle shop) with no indication that it is in anyway unsuitable for the purpose. Physically the site is suitable and has convenient safe access to Davidson Street. The fact that it is located adjacent to the service station makes it more suitable than other more remote sites as the two uses provide some degree of commercial support for each other.

Urban Efficiency – for the reasons set out elsewhere in this report, the project is considered to enhance urban efficiency and reduce costs associated with transport.

Sustainability – provision of convenience retail and food services in this location enhances overall sustainability both in terms of costs and consequences to individual members of the community and overall.

Occupants of nearby industrial area can access convenience retail and food services quicker and at a lower cost than having to travel greater distances to other retail facility elsewhere in Port Douglas.

Environmental sustainability is also enhanced because with shorter travelling distances there is less demand on resources and less generation of greenhouse gases and other pollutants associated with transport activities.

Summary – the proposal accords with and supports **good town planning principles** and does not offend against any.

## 4.9 Good Planning Practice

It is clearly good town planning practice to provide services that meet the needs of various elements of the community as close to and as conveniently located as possible to the relevant sections of the community. While there may be similar convenience and retail food services available elsewhere in Port Douglas, none are more convenient to the majority of the identified users than this project will be.



The proposal accords with good planning practice.

#### **4.10 Weight to be Given to the Planning Scheme**

The current town planning scheme came into force in 2006 and there have been some minor amendments since in 2007 and 2008 but no significant changes. At nine years old, the Scheme is reaching the end of its relevancy.

In any case, the Scheme is based on a version advertised in 2004 and with respect to the matters under consideration there have been no significant changes between 2004 and 2008, save for clarifying SMA 3 in terms of its physical area and some more specificity in the code provisions.

The 2008 Scheme replaced the Scheme gazetted on the 20<sup>th</sup> December 1996.

That Scheme contains a Development Control Plan (DCP2 Port Douglas) which deals with more or less the same localities covered by the Port Douglas and Environs Locality Plan in the 2008 Scheme. The relevant issues are more or less similarly addressed, although in more general terms.

The intention of the 1996 Scheme is to use Craiglie for low impact industries only and that waterfront industries be located adjacent to Dickson Inlet. General industry and heavier industry activities are to be encouraged to relocate to Mossman.

The only Scheme for which the Council has been able to provide a supporting planning study is the 1996 Scheme. Given that many of the provisions flow through from the 1996 Scheme to the 2008 Scheme, it is not unreasonable to assume that the earlier supporting information informed the Council's decision in 2004 and 2008. This is especially so at Craiglie where the form and character and size of the industrial area changed little in the various versions of the planning scheme.

To demonstrate more clearly that the current Planning Scheme is out of date based on its supporting information, comparing some of the findings of the supporting planning report to the actual characteristics some 15 – 20 years later is interesting.

The ABS population profile (2011) for the Douglas Shire area estimates a permanent population of some 11,000 residents. Table 17.2 in the supporting planning report contains two sets of future population estimates, one prepared by Brannock

Humphries and the other by Arup providing low, medium and high population growth targets for 2005 and 2006 respectively.

Brannock Humphries 2005 projections

Low	Medium	High
14,450	16,120	21,460

Arup 2006 projection

Low	Medium	High
19,700	15,700	16,000

Even on a low projection, the estimated population in 2005 significantly exceeds the actual population in 2011.

The assessment with respect to retailing is also interesting. At 18.3.5 it is estimated that in 2005 some 33,600 square metres of tourist retailing will be necessary. A recent survey carried out for the applicant estimates that there is currently 35,300 square metres of tourist retailing available in Port Douglas alone.

With respect to industrial land, the 1995 supporting planning report at 18.4 estimates a further 20 hectares of industrial land (other than the waterfront) will be necessary at (largely) Craiglie by 2005. Unsurprisingly, given the population information, only about 50% of this figure has currently been developed.

On this objective basis alone, the scheme provisions are outdated and ought to be given minimal weight.

It is also interesting to look at the types of industries that are provided in the Craiglie area.

The earlier Scheme provided for low impact industries necessary to serve the local community. By the 2008 Scheme this had been hardened to service industries limited to those necessary to support the tourism and marine industries in Port Douglas – nothing about the local community generally.

Obviously this is an unrealistic situation, not just because it fails to meet the needs of the local population but it is effectively impossible to distinguish what activities support the whole of the community and those that principally support tourism and marine occupations. For instance, Reece Plumbing have established a plumbing supplies business including showroom/warehouse in Owen Street, Craiglie. While this business may provide some services to the tourism industry, it is clear that the majority of activity will relate to the wider community particularly the residential section.

There are many other similar examples. That is not to say that there aren't some businesses purely related to support for the tourism industry. The adjoining site to the subject land is occupied by a car hire depot – an activity almost exclusively provided in relation to tourism.

The fact that the Council has approved businesses in the Craiglie industrial area that fall outside the definition of a service industry supports the contention that the existing planning provisions are out of date and should be given little weight.

The fact that so much of the predicted need for industrial development at Craiglie has not materialised (of the order of 50%) also demonstrates that the current scheme provisions are out dated and ought to be given little weight.

#### **4.11 Scheme Interpretation**

It is universally accepted that Planning Schemes are living documents and not meant to be read like statutory law.

Firstly for the reasons set out above – things change.

Secondly the authors of a Scheme cannot accurately predict every possible land use scenario – things happen that were not envisaged eg the changes in Service Stations. Service Stations used to sell fuel and service/repair vehicles while today they sell fuel and ice-creams, lollies, milk etc – no service component at all. Research by the applicant reveals all of the major oil companies are allocating collectively over \$1 Billion in the next few years to modify their facilities to cater for a lot more items like microwaveable cooked/frozen meals and the like. In part this is to meet the needs of rapidly increasing “time poor” people who are now demanding instantly available convenience meals at readily convenient locations. Retailing, not

just that associated with service stations, will continue to change rapidly for at least the next two years

The nature of retailing has changed considerably over the last couple of decades.

Similarly there is little or no industry as we used to know it anymore. Industrial areas are occupied by warehouses mostly with a retail and/or display component.

These changes are beyond the scope of land use projections.

Thirdly the community expectations change or were not well identified in the first place.

Finally Schemes can only really deal with broad land use patterns. A community zoned residential is rarely purely residential. Service uses creep in as well as associated facilities like schools, child care centres etc

For these reasons it is not appropriate or even correct to say that a use that is strictly not an industry that serves the tourism or water front industries is prohibited.

#### **4.12 Planning Need**

During the pre-lodgement process, Council officers indicated that they would require the applicant to demonstrate need for the proposed retail and food services premises.

In response, the applicant sought information from Council as to the objective basis on which they would assess whether need has been satisfied or not. Officers either could not or would not provide the objective tests to be applied, probably because there are none that are relevant in the circumstances.

Need can be approached on two bases.

The first is in relation to community need – will the proposed facility meet the needs of various sections of the local and tourist community. This has been done and established in earlier Sections of this report.

The second aspect of need which was commonly applied by the Courts in determination of rezoning applications relevant in old prescriptive based planning system relates principally to the adverse impacts of oversupply – is there a need for additional facilities of a particular type and will the provision of those facilities result in a significant oversupply of those facilities such that existing operations will be put under stress or fail to the detriment of the community.

Although the common sense answer in relation to this application is ‘no’ given its scale and location, the applicant proceeded to make an assessment of available retail space in the Port Douglas/Craigie area to determine if the additional space proposed in this project is large enough to risk a significantly effect on existing operations. The whole of the Port Douglas/Craigie area was surveyed and estimates made of the individual floor space of premises which was then aggregated into total floor space for various types of retail and food service operations.

The survey indicates that there are some 32,660 square metres of retail space<sup>1</sup> in the Port Douglas locality including retail food services such as restaurants, bars etc. Interestingly, but with little relevance, this figure exceeds the predicted supply required by 2005. This is probably unsurprising given retail trends and the nature of the retail industry at Port Douglas.

The survey also estimated the amount of current vacancies – about 1,135 square metres or about 3%. This is consistent with expectations which typically run at 2-5% in any circumstance just to accommodate businesses moving from one premises to another as leases become available.

A vacancy rate of 3% indicates a normal healthy supply of retail space – certainly not an oversupply.

The fact that about two thirds of the available retail space is used for food service premises is also unsurprising in a highly developed tourist area such as Port Douglas. This is because compared to its permanent resident population, Port Douglas has a massive proportion of tourist accommodation. This is confirmed by the fact that there is, a very high, proportion of tourist booking offices (tours,

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<sup>1</sup> The survey was conducted by observation, estimating as accurately as possible the floor area of every individual premises and aggregating that in categories. Because premises were not measured individual estimated areas might be more or less than if the floor area was measured. This is likely not to be significant because some areas will be over estimated areas while others are under. Aggregating large numbers of premises tends to even out observation errors. Estimates are likely to be low given ‘back of house’ areas may not be observable or included.

accommodation and car hire) at 6% of the available space. In other areas such as Cairns, this would be well below 1%.

The additional retail space proposed in this application is approximately 280 square metres, or about 1% of the overall space available and used for retail food services. Interestingly, it also represents about 1% of the number of establishments.

Notwithstanding that 1% is less than the accuracy of normal retail assessments, it is clear that the additional floor area is going to be so small that it will have no effect whatsoever on the viability and sustainability of existing premises in the Port Douglas area. In other words, there is no measurable change to the existing business regime and no objective way of measuring impact even if such a small change was worth considering.

In summary, the proposal meets the needs of its immediate local community and travellers passing through the area while having no measurable impact on other businesses in the locality.

#### **4.13 Need for Industrial Land**

The planning question that arises but was not identified in the pre-lodgement process is:

“Does the conversion of this parcel of industrially zoned land so significantly impact on the supply of industrial land that the community will be adversely effected in the future?”

Common sense dictates that the answer is no as only about 50% of the available industrial land is currently developed and used. The earlier planning report in support of the 1994 scheme predicted that all of the available land at Craiglie would be necessary to meet the needs of the 2005 population. Rather than this being so, some 10 years later, only about 50% of the land has been developed and occupied.

It is not unreasonable to expect that if only half the land has been developed to meet community needs within a 30 year period, the remaining half is likely to meet the needs of the community for at least another 20-30 years, probably much more – well beyond the planning horizon of the upcoming town planning scheme.

Given the physical and land use constraints associated with Port Douglas, it is not expected that the tourism industry will double in the foreseeable future. If the tourism

industry (the main employer in the locality) does not double, then it is reasonable to expect that the resident population will not double. If neither the tourism industry nor the residential population does not double in the foreseeable future, then there is no reason to expect that the need for supporting industrial activity will double either.

In fact, with increasing reliance upon servicing from larger centres (to enhance business efficiency) it is likely that the need for industrial development in the Port Douglas area will fall behind residential and retail growth rates.

The consequence of this is that the community and the town plan will not be adversely impacted by the conversion of a small area to retail occupation.

## 5 DESIRED ENVIRONMENTAL OUTCOMES

### 5.1 Ecological Processes and Natural Systems

<b>DEO 1</b> – 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.	No change - Irrelevant
<b>DEO 2</b> – 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.	No change - Irrelevant
<b>DEO 3</b> – Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dickson 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.	No change - Irrelevant
<b>DEO 4</b> – 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.	No change - Irrelevant

### 5.2 Economic Development

<b>DEO 5</b> – 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.	The proposal supports the achievement of this DEO by (in a small way) diversifying employment opportunities and supporting the community and tourism industry
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<b>DEO 6</b> – 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.	No change - Irrelevant
<b>DEO 7</b> – 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.	No change - Irrelevant
<b>DEO 8</b> – 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.	Supports the achievement of the relevant parts of the DEO

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

<b>DEO 9</b> – 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.	No change - Irrelevant
<b>DEO 10</b> – 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.	No change - Irrelevant
<b>DEO 11</b> – 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.	No change - Irrelevant
<b>DEO 12</b> – Residential communities, particularly communities within the major tourism areas of Port	Supports the achievement of the relevant parts of the DEO

<p>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>	
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The proposal supports achievement of the relevant parts of the DEOs and does not conflict with any.

## 6 ASSESSMENT AGAINST THE PLANNING SCHEME

### 6.1 Introduction

The Port Douglas and Environs 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	Port Douglas & Environs	✓	Complies except for P29
Planning Area Code	Industry	✓	Complies
Land Use Code	n/a		
Overlay Codes	Acid Sulphate Soils	✓	N/A - no earthworks
	Cultural Heritage & Valuable Sites	X	Not mapped
	Natural Hazards – Bushfire Low Risk	X	Not triggered
General Development Codes	Design & Siting of Advertising Devices	✓	Will comply
	Filling & Excavation	X	Not applicable
	Landscaping	✓	Existing complies
	Natural Areas and Scenic Amenity	NA	Not triggered
	Vehicle Parking & Access	✓	Complies
	Sustainable Development	✓	Complies

## 6.2 Codes Generally

The summary of compliance and comments is contained in this Section – more specific assessment against the Performance Criteria is set out in Appendix 1.

### 6.2.1 Port Douglas and Environs Locality Code

The purpose of this Code is to facilitate the achievement of the following outcomes for the Port Douglas and Environs Locality:

	Comment
Consolidate Port Douglas as the major tourist accommodation and tourist service centre in the Shire;	Complies – providing convenience retail and food services in this location will assist in meeting the needs of tourists and travellers along Captain Cook Highway
Ensure that tourist development and associated Landscaping is of high quality which reflects and complements the image of Port Douglas as a tropical seaside resort town of international renown;	Complies – frontage of the site is and will remain well landscaped
Consolidate the area between Macrossan Street and Marina Mirage as the major tourist, retail, dining and entertainment centre of the Shire;	N/A
Ensure that all forms of development complement the tropical image of the town by incorporating attractive design and architectural features;	Enhanced design – enriched visual quality of the building and interesting shaded elements
Encourage the expansion of residential areas that are pleasant, functional, distinctive and in visually well-defined areas;	N/A
Protect existing and future residential areas from the intrusion of tourist accommodation and activity;	N/A
Protect sensitive environments and natural features which give Port Douglas its distinctive character and identity, in particular Four Mile Beach, Dickson Inlet and Flagstaff Hill;	N/A
Protect the surrounding rural and natural environments from intrusion by urban development;	N/A
Maintain the distinct rural hinterland, dominant natural environment of the western escarpment and the existing vegetated hillside of Flagstaff Hill; and	N/A
Protect primary functions of the port (marine and fishing activities) from incompatible land uses and	N/A

acknowledge the industrial and commercial land uses associated with the maritime industry, while also providing secondary opportunities for recreational use by residents and tourists.	
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### 6.2.2 Industry Planning Area Code

The purpose of this Code is to:

Provide for the establishment of Industry, Class A and Class B and Service Industry on appropriate land with regard to Site suitability, accessibility, surrounding land uses, and location of utilities and services;	No conflict – there is more than sufficient industrial land available elsewhere in the locality to meet the needs of the community into the foreseeable future. In any case the site represents less than 1% of the zoned industrial area in the locality.
Ensure that Industry achieves appropriate environmental standards;	N/A
Ensure that industrial Buildings have a high standard of layout and building design that provides an efficient, safe and attractive working environment;	N/A – the building exists
Ensure that Industry, Class A and Class B and Service Industry do not adversely impact on surrounding land uses and Setback areas provide landscaped buffers to adjacent incompatible land uses;	Complies
Ensure that Landscaping provides an attractive streetscape and screen utility, storage and car parking from the street; and	Complies – existing
Ensure that industrial land uses are protected from encroachment of incompatible land use activities	Complies – the proposed retail/service uses are not incompatible with adjoining and nearby activities

### 6.2.3 Acid Sulphate Soils Code

The purpose of this Code is to ensure that:

Development which occurs on a Site containing or potentially containing Acid Sulfate Soils is undertaken so that the potential risks associated with disturbing Acid Sulfate Soils are addressed and minimised.	NA – no earthworks proposed
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#### 6.2.4 Design and Siting of Advertising Devices Code

The purpose of this Code is to:

Ensure that Advertising Devices do not adversely impact on the streetscape or detract from the amenity of the locality;	Complies – the advertising proposed is similar to that which exists on site and does not dominate the streetscape
Ensure that Advertising Devices are appropriate to the scale of surrounding Buildings and the locality;	Complies
Ensure that any Advertising Devices which are incorporated in the Site design of a development or the architecture of a Building, complement the Building or development;	Complies – see drawings
Limit the number of Advertising Devices to avoid excessive signage throughout the Shire; and	Complies
Ensure that Advertising Devices do not dominate the surrounding vegetation, Landscaping or natural features of the environment and scenic amenity values of the Shire.	Complies

#### 6.2.5 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;	Will comply
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;	Will comply
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

#### 6.2.6 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;	Will comply
On-Site parking is provided so as to be accessible and convenient, particularly for any short term use;	Complies
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 points

#### 6.2.7 Sustainable Development Code

The purpose of this Code is to enhance the sustainability of development by increasing the extent to which it:

Protects the environment, including reducing greenhouse gas emissions, saving energy, conserving water and minimising waste; and	Complies – reduces travel time/distance for local employees to access food services
Enhances the economic, physical and social wellbeing of Shire's residents and communities, including lifecycle affordability, accessibility, safety and security.	Complies – provides a needed service for locals and tourists alike



## 7 CONCLUSION

The site was initially developed as a warehouse and associated Bottle Shop. Since the warehouse was vacated the only interest has been from people seeking to provide convenience retailing and food services aimed at meeting the needs of local employees, the traveling public and nearby residents. There has been no interest for industrial purposes. Given business operators are cautious and will only initiate activities that meet a need and will make money a prime face need for convenience retail and food service is established – 1.0<sup>2</sup>.

The Bottle Shop exists and in the public's mind the site is retail already.

The existing retail is well accepted and has caused no adverse planning consequences. There is no reason to believe additional or different small scale retail will be any different - 1.0.

The alternative retail centre of Port Douglas is a considerable distance away and inconvenient for local employees and travellers – 2.1

The only significant industry area is south of the site. It is about 50% developed and the second major employment area. Employees currently have to pass the site to access food services – 2.1

The site is adjacent to the recently upgraded service station and so nexus with it; customers can visit both site without moving along the highway or additional movement on and off it – 2.2.

The proposal utilise the existing building which is suitable for the purpose – 3.0.

The Planning Scheme provisions seem to be contradictory. The Assessment Table makes ALL industry Code Assessable while at the same time the Performance Criteria seeks to make (P29) all uses save for Service Industry (effectively) prohibited

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<sup>2</sup> These numbers refer to sections and subsections in the report body

– 4.2. This reflects on the proposition that the scheme is outdated and should be given little weight. It is also considered contrary to good planning practice.

The proposal clearly meets the needs of various sections of the community (4.3) in particular:-

- Employees and attendees at the local industrial estate
- Travellers and tourists moving north to destination like the Daintree
- Nearby residents

The proposal enhances urban and infrastructure efficiency – 4.4.

The proposal enhances road network efficiency by reducing travel distances, providing opportunities for combined trips and taking the load off major intersections – 4.5.

Local amenity, including visual amenity is enhanced – 4.6.

No negative consequences can be identified as being triggered or associated with the use of the existing building for convenience retail and/or food services – 4.7.

Good Planning Principles are supported by approval of the project (4.8), in particular:-

- Community and individual safety is enhanced by reduced trips and trip length
- The proposal is compatible with the existing and potential surrounding land uses - in particular the service station with which it is mutually supportive
- The site is undoubtedly suitable for the purpose not just because the building exists but also due to the nexus with the adjoining service station
- Urban efficiency is enhanced
- Sustainability is enhanced

The project accords with and supports good planning practice – 4.9.

The weight to be given to the (single) restrictive provision of the Town Planning Scheme is reduced (4.10):-

- by the age of the scheme,
- the fact the projections in the supporting information to the scheme are dated and proven to be incorrect,

- the Council has departed from the provision numerous time already and (likely) for the similar good reason as to why this project ought to be approved despite the conflict

There is an established community need and similarly a Planning Need. Port Douglas is well served by retail and food service operations but NONE and conveniently located with respect to the sections of the community this project is planned to serve – 4.12.

The establishment of the project does not lead to any measurable impact on existing businesses. The survey shows the project represents less than 1% of available retail space and much less than the normally expected proportion of vacant space generated by tenants movements alone – 4.12. The area is so small relatively speaking that there is no measurable consequence.

The conversion to retail has no measurable impact on the availability of Industrial land – 4.13.

The earlier projections in the supporting reports to the planning scheme massively overestimated the need for Industrial land – the study indicated the whole of the Craiglie Industrial area would be full by 2005 whereas in reality it is only about 50% used – 4.13. Conversion of a couple of percent to other uses will have no measurable adverse impact – 4.13.

The proposal supports and is supported by the relevant DEO in the Planning Scheme – 5.0.

The proposal supports the relevant purpose statements in the applicable Codes – 6.1.

Save for the inconsistent Performance criteria P29 of the Port Douglas and Environs Locality Code the proposal support and is supported by the relevant Code provisions – Appendix 1.

The project has Planning Merit.

The project has no identifiable adverse impacts.

The project is in the community interest and meets various community needs.

The planning grounds supporting the application justify approval of the project despite the apparent conflict with the arguably outdated and inappropriate P29.

The application ought to be approved subject to reasonable and relevant conditions.

## **Appendix A**

### *Assessment Against the Planning Scheme Codes*

## Port Douglas and Environs Locality Code

### Elements of the Code

#### General Requirements

Performance Criteria	Acceptable Solutions	Comments
<p>P1 Buildings and structures complement the Height of surrounding development;</p> <p>AND</p> <p>Buildings are limited to two Storeys;</p> <p>OR</p> <p>In the High Scale locations depicted on the Locality Plan, development of three Storeys is appropriate.</p>	<p>A1.1 In the Planning Areas (and parts thereof) listed below the maximum Height of Buildings/structures is 6.5 metres. In addition, the roof (including any ancillary roof features) does not exceed a maximum Height of 3.5 metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <p>Residential 1;</p> <p>Industry;</p> <p>Conservation;</p> <p>Community and Recreational Facilities;</p> <p>Residential 2;</p> <p>Tourist &amp; Residential (Medium Scale);</p> <p>Commercial – (Medium Scale, outside the Tourist Centre);</p> <p>Commercial – (High Scale, outside the Tourist Centre); and</p> <p>Commercial – (High Scale, within the Tourist Centre and on the high side of Macrossan St) – in this instance there is no specified number of Storeys, however the maximum Height prevails.</p> <p>OR</p> <p>In the Planning Areas (parts thereof) listed below the maximum Height of Buildings/structures is 10 metres and 3 Storeys. In addition, the roof (including any ancillary roof features) does not exceed a maximum Height of 3.5 metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <p>Tourist &amp; Residential (High Scale); and</p> <p>Commercial – (High Scale, within the Tourist Centre and on the low side of Macrossan St, through to Warner St).</p>	<p>Complies – existing</p>



P2 Development is connected to available urban services.	A2.1 Development is connected to available urban services by underground connections, wherever possible.  AND/OR  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.	Complies
P3 Landscaping of development Sites complements the existing tropical seaside resort town character of Port Douglas and creates a dominant tropical vegetated streetscape.	A3.1 Landscaping of a development Site complies with Planning Scheme Policy No. 7 – Landscaping, with particular emphasis on appropriate species for Port Douglas.	Complies – existing
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.	Complies in relation to the existing work and will comply in relation to the additional parking areas

**Tourist Centre** This section is not applicable as the site is not located in a Tourist Centre.

Performance Criteria	Acceptable Solutions	Comments
P5 Development in the Tourist Centre enhances the distinct tropical resort town character and identify of Port Douglas and encourages pedestrian activity at street level including shade protection across the entire footpath for the length of the building.	A5.1 Development is built up to the street Frontage/s at Ground Level and incorporates a light frame awning a minimum of 3 metres wide for the length of the street Frontage/s.  OR  If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum Setback of 6 metres and the required awning is still maintained along the length of the street Frontage/s.	
P6 Development in the Tourist Centre is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level Frontage.	A6.1 Commercial development establishes at Ground Level and a maximum of one level above ground with any residential tourist development establishing on levels above ground or on Ground Level but not on the street Frontage, in any mixed use development.	
P7 Development in the Tourist Centre is of a height and scale which complements the village character of the town and remains	A7.1 The achievement of the maximum Building/structure Height specified above in A1.1, relies on compliance with Acceptable	





<p>subservient to the natural environment and the backdrop of Flagstaff Hill, in particular.</p>	<p>Solutions A7.2, A7.3, A7.4 and A8.1 below.</p> <p>A7.2 Development has a maximum length of unbroken building façade of 20 metres and a maximum extent of overall development in the same style/design along the street Frontage/s of 40 metres.</p> <p>A7.3 Any break in the building façade varies the alignment by a 1 metre minimum deviation.</p> <p>A7.4 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended façade of a development:</p> <p>A change in roof profile;</p> <p>A change in parapet coping;</p> <p>A change in awning design;</p> <p>A horizontal or vertical change in the wall plane; or</p> <p>A change in the exterior finishes and exterior colours of the development.</p> <p>Planning Scheme Policy No. 2 – Building Design and Architectural Elements should be referred to for demonstrating compliance with elements listed above.</p> <p>A7.5 Any Building which does not comply with A7.2, A7.3 and A7.4 above, is limited to 1 story and/or 4.5 metres in height.</p>	
<p>P8 Development in the Tourist Centre is climate-responsive, contributes positively to the character of the Locality, is complementary in scale to surrounding development and does not exceed a base Plot Ratio of 0.5:1 and a maximum Plot Ratio of 1:1.</p> <p>AND</p> <p>Will not achieve the maximum Plot Ratio specified above unless the development incorporates building design features and architectural elements detailed in Planning Scheme Policy No. 2 – Building Design and Architectural Elements</p>	<p>A8.1 Development incorporates the following design features and corresponding plot ratio bonuses (in brackets):</p> <p>a) appropriate roof form and roofing material (10% Plot Bonus); and</p> <p>b) appropriate fenestration in combination with roof form (5% Plot Ratio Bonus); and</p> <p>c) appropriate window openings with window awnings, screens or eaves shading 80% of the window opening – refer Planning Scheme Policy No. 2 – Building Design and Architectural Elements (15% Plot Ratio Bonus); and</p> <p>d) minimum of 700mm eaves (15% Plot Ratio Bonus); and</p>	



(and referred to in the Acceptable Solution).	<p>e) orientation of the Building to address the street (5% Plot Ratio Bonus);</p> <p>f) sheltered pedestrian Access by unenclosed covered common area walkway of 1.5 metres in width from the car parking area/s to the development (5% Plot Ratio Bonus); and</p> <p>g) inclusion of windows and balconies to the street façade of the Building (10% Plot Ratio Bonus); and</p> <p>h) provision of lattice, battens or privacy screens (5% Plot Ratio Bonus); and</p> <p>i) the overall length of a Building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres (10% Plot Ratio Bonus).</p>	
<p>P9 Car parking generated by:</p> <p>a) the commercial component of development is fully or partly accommodated on the Site of the development, depending on the availability of alternative public car parking nearby with any balance to be paid in lieu of providing on-site car parking for commercial development in accordance with Planning Scheme Policy No. 3 – Car Parking Contributions; and</p> <p>b) the residential component of any mixed use development is provided on the Site for the full allocation for units and visitor parking and is held in a common pool for common use.</p>	<p>A9.1 In respect to P9 (a), a minimum of 30% of the car parking requirements for the commercial component of development is provided on the Site of a development fronting Grant, Macrossan, Owen or Wharf Street, with 100% on-site provision applying for a commercial component along other streets in the Tourist Centre.</p> <p style="text-align: center;">AND</p> <p>Any balance is paid in lieu of providing on-site car parking for commercial development in accordance with Planning Scheme Policy No. 3 – Car Parking Contributions.</p>	
<p>P10 The use of on Site public car parking in the Tourist Centre is maximised.</p>	<p>A10.1 On Site car parking available for public use in the Tourist Centre is clearly sign-posted at the Site Frontage.</p> <p>A10.2 Signage for car parking for public use is to be of a standard blue and white sign with a directional arrow unless otherwise specified.</p> <p>A10.3 Boom gates, pay machines or other regulatory devices to control Access to public car parking areas are not constructed/erected.</p>	
<p>P11 Car parking and access in the Tourist Centre:</p>	<p>A11.1 In respect to P11 (a), along Grant, Macrossan, Owen and Wharf Streets, on-site car parking</p>	



<p>a) does not dominate street Frontages, especially along streets with high pedestrian traffic and pedestrian-oriented development; and</p> <p>b) facilitates pedestrian connectivity; and</p> <p>c) is safe and convenient.</p>	<p>and Access is minimised, and where possible, shared access driveways and Access easements are to be provided to limit the number of vehicle crossings.</p>	
<p>P12 Residents in residential accommodation located within the Tourist Centre are protected from noise intrusion associated with night time activities, such as outdoor dining, bars and nightclubs</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 – Reports and Information the Council May Request, for code and impact assessable development).</p>	
<p>P13 Safe and convenient pedestrian linkages are promoted in the Tourist Centre.</p>	<p>A13.1 One centrally located pedestrian Access is provided via a sheltered walkway/arcade from Macrossan Street to Warner Street between Grant Street and Owen Street.</p>	

**Local Centres** This section is not applicable as the site is not located in a Local Centre

Performance Criteria	Acceptable Solutions	Comments
<p>P14 Local Centres outside the Tourist Centre service the surrounding residential area and do not adversely impact on the viability of the Tourist Centre.</p>	<p>A14.1 The Net Lettable Area of each of the existing Local Centres does not exceed 300m<sup>2</sup> and is apportioned equally between the total number of lots which comprise the Local Centre.</p> <p>14.2 Any proposed new Local Centre with a maximum Net Lettable Area of 500m<sup>2</sup>, only establishes when an identifiable population of 1,000 persons is located more than 2km from any existing Local Centre or the Tourist Centre.</p> <p>14.3 Any new Local Centre is located at a “gateway” location to a residential area, which best serves the surrounding residential area.</p>	

**Residential Development Outside Tourist Centre**

This section is not applicable as the site is not a residential development

Performance Criteria	Acceptable Solutions	Comments
<p>P15 Existing residential housing estates are protected from incursion by higher density residential uses.</p>	<p>A15.1 Multi-Unit Housing does not establish in the residential estate of Solander and in the areas in Reef Park estate included in the Residential 1 Planning Area.</p>	



<p>P16 Residential development, other than a House, is climate-responsive, contributes positively to the character of the Locality, is complementary in scale to surrounding development and does not exceed the identified Plot Ratio designation on the Locality Map/s (that is):</p> <p>Land designated High Scale has a base Plot Ratio of 0.5:1 and a maximum Plot Ratio of 0.8:1;</p> <p>Land designated Medium Scale has a base Plot Ratio of 0.3:1 and a maximum Plot Ratio of 0.45:1;</p> <p style="text-align: center;">OR</p> <p>Land designated Low Scale has a base Plot Ratio of 0.25:1 and a maximum Plot Ratio of 0.35:1.</p> <p style="text-align: center;">AND</p> <p>Will not achieve the maximum Plot Ratio specified above unless the development incorporates building design features and architectural elements details in the Planning Scheme Policy No. 2 – Building Design and Architectural Elements (and referred to in the Acceptable Solution).</p>	<p>A16.1 Development incorporates the following design features and corresponding plot ratio bonuses (in brackets):</p> <p>a) appropriate roof form and roofing material (10% Plot Ratio Bonus); and</p> <p>b) appropriate fenestration in combination with roof form (5% Plot Ratio Bonus); and</p> <p>c) appropriate window openings with window awnings, screens or eaves shading 80% of the window opening – refer Planning Scheme Policy No. 2 – Building Design and Architectural Elements (15% Plot Ratio Bonus); and</p> <p>d) minimum of 700mm eaves (15% Plot Ratio Bonus); and</p> <p>e) orientation of the Building to address the street/s (5% Plot Ratio Bonus);</p> <p>f) sheltered pedestrian Access by unenclosed covered common area walkway of 1.2 metres in width from the car parking area/s to the development (5% Plot Ratio Bonus) and</p> <p>g) inclusion of windows and balconies to the street façade of the Building (10% Plot Ratio Bonus); and</p> <p>h) provision of lattice, battens or privacy screens (5% Plot Ratio Bonus); and</p> <p>i) the overall length of a Building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres (10% Plot Ratio Bonus).</p>	
<p>P17 The Site Coverage of any residential or tourist development does not result in a built form that is bulky or visually obtrusive.</p>	<p>A17.1 The Site Coverage of any residential or tourist development, other than a House, is limited to:</p> <p>45% at Ground Level;</p> <p>40% at first floor level;</p> <p>35% at second floor level, if applicable.</p>	
<p>P18 Tourist development provides a range of services and facilities for the recreational convenience of in-house guests.</p>	<p>A18.1 Tourist development provides a range of recreational facilities and small scale commercial services such as Restaurant/bars, shop/boutique, and tour booking office, for the</p>	

	enjoyment and convenience of in-house guests.	
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### **Other Development**

Performance Criteria	Acceptable Solutions	Comments
P19 Industrial development is limited to Service Industry and is located in existing or identified industrial areas and is of a scale and intensity of development which is acceptable in the Locality.	A19.1 Service Industry development is located in the identified Industrial areas of:  Special Management Area 3 – Service Industry Precincts (Craiglie); and  Special Management Area 4 – Service Industry Precincts (Mahogany Street).	Complies – in SMA 3

### **Community Facilities** This section is not applicable as the site is not community facilities

Performance Criteria	Acceptable Solutions	Comments
P20 Community facilities are provided to service the local community and visitors in convenient and accessible locations.	A20.1 Community facilities are conveniently located within or near the Tourist Centre and in close proximity to existing community facilities to service the needs of local residents and visitors.  A20.2 Public car parking areas are provided within or in close proximity to the Tourist Centre, existing community facilities, sporting/recreational grounds and Four Mile Beach.	

### **Protection of Scenic Amenity and Natural Values**

Performance Criteria	Acceptable Solutions	Comments
P21 The views and vistas of Four Mile Beach from the intersection of Davidson Street and Macrossan Street to the beach front are maintained.	A21.1 Any development in Macrossan Street between Davidson Street and the beach front, outside the Tourist Centre, is designed with Macrossan Street as the Main Street Frontage and the Buildings are Setback 6 metres from the Main Street Frontage.	N/A
P22 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute the Scenic Amenity and natural values of the locality.*	No Acceptable Solution.  (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No. 10 – Reports and Information the Council May Request, for code and impact assessable development).	N/A

**Special Management Areas**

**Special Management Area 1 – Flagstaff Hill - Not Applicable**

Performance Criteria	Acceptable Solutions	Comments
P23 Flagstaff Hill is protected from inappropriate development to protect the Hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Tourist Centre.	A23.1 Only Houses on large allotments are developed in Special Management Area 1 – Flagstaff Hill.	
<p>P24 All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the Site, including through:</p> <p>a) building design which minimises excavation and filling; and</p> <p>b) buildings being designed to step down the Site and incorporate foundations and footings on piers or poles; and</p> <p>c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non reflective and complement the colours of the surrounding vegetation and viewshed; and</p> <p>d) protection of the views from public viewing points.</p>	No Acceptable Solution	

**Special Management Area 2 – Residential Growth Area - Not Applicable**

Performance Criteria	Acceptable Solutions	Comments
P25 The Residential Growth Area is developed taking account of the opportunities and constraints and existing topographic and man made features of the whole of the Site, and in particular, that part of the Site identified as Investigation Zone (vegetation and flooding).	<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 – Reports and Information the Council May Request, for code and impact assessable development).</p>	
P26 Any reconfiguration layout ensures that Access to the State-Controlled Road is minimised.	A26.1 Vehicular Access to the Captain Cook Highway is limited to one Access point via Andreasson Road with internal vehicular connectivity provided throughout the Residential Growth Area, if development occurs in stages.	

P27 Residential development near Mowbray River does not detrimentally impact on the natural values of the river system, or of coastal waters.	<p>A27.1 Any residential development on land adjacent to Mowbray River:</p> <p>a) does not involve the construction of a canal estate or similar form of development; and</p> <p>b) is separated from the river by a road and substantial public open space.</p>	
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### ***Special Management Area 3 – Service Industry Precincts (Craiglie)***

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
P28 Development within the Craiglie Service Industry Precinct supports the tourism and marine industries within Port Douglas.	<p>A28.1 Only Service Industry uses are located in the Service Industry Precincts (Craiglie).</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>The proponent of the proposed Service Industry use provides written evidence to Council that it supports/services the tourism or marine industry in Port Douglas.</p>	Complies with the Performance Criteria – the proposal is intended to provide services to tourists and the travelling public as well as employees in the local industrial area and others in the locality.
P29 Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and carparking areas setback a sufficient distance from the Frontage to enable landscaping to screen or soften the appearance of the development.	<p>A29.1 Buildings and structures are setback 8 metres from the Captain Cook Highway Frontage, or no closer to the Captain Cook Highway Frontage than buildings and structures on adjoining Sites (averaged), which ever is the greater.</p> <p>A29.2 The Setback area to the Captain Cook Highway Frontage is landscaped with advanced Dense Planting including tree species (100 litre bag stock), which will, at maturity, exceed the Height of the Building on Site.</p> <p>A29.3 Advertising signs are discreet in appearance with no large advertising signs including tenancy signs located on or near the Captain Cook Highway Frontage, or within any landscaped setback area adjacent to the highway.</p> <p>A29.4 Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as not to be visually prominent from the Captain Cook Highway.</p>	<p>Complies – existing</p> <p>Existing</p> <p>Will comply</p> <p>The existing landscaping screens the car parking located in front of the building to the extent consistent with safety. The remainder of the car parking is located to the rear.</p> 
P30 The reconfiguration of Lot 83 on SR724 for Industrial development proceeds in line with	A30.1 Council will only support the staged reconfiguration of that part of Lot 83 on SR724	N/A





<p>a demonstrated demand for industrial land at Craiglie.</p>	<p>designated in the Industry Planning Area, in association with a Needs Analysis, prepared in accordance with Planning Scheme Policy No. 10 – Reports and Information the Council May Request, which demonstrates a clear demand for additional industrial land at Craiglie.</p> <p>A30.2 The Needs Analysis incorporates a methodology to be approved by Council for the staged development of any reconfiguration of the land for industrial purposes, in line with a specified future demand scenario.</p> <p>A30.3 The reconfiguration and/or redesignation for industrial development of that part of Lot 83 on SR724 included in the Rural Planning Area does not occur in the life of this Planning Scheme, unless supported by another Needs Analysis prepared in accordance with A29.1 and A29.2 above.</p>	
<p>P31 The parkland contribution associated with the reconfiguration of Lot 83 on SR724 provides for the expansion of Teamster Park.</p>	<p>A31.1 Provision shall be made for a park contribution associated with the reconfiguration of Lot 83 on SR724. Should the park contribution be provided in stages, the total contribution of land must be identified in one area in association with Stage 1 of any reconfiguration application.</p>	<p>N/A</p>
<p>P32 Development on the western side of Owen Street provides for a range of Service Industry uses, which may incorporate a minor, ancillary and necessarily associated retail component.</p>	<p>A32.1 Service Industry development on the western side of Owen Street can be designed to designate up to a maximum of 30% of the total Gross Floor Area of any Building/s on the Site for a retail component to be located at the front of the development, provided the retail component is allied to the primary Service Industry activity carried out on the Site.</p>	<p>N/A</p>
<p>P33 The potential for conflict between industrial development and any residential development is minimised.</p>	<p>A33.1 Any residential development occurring immediately adjacent to Special Management Area 3 does not occur until Road closures and Road openings have been undertaken to provide physical separation between residential land and industrial land.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>New Road alignments are</p>	<p>N/A – none present</p>

	generally sited in accordance with the Access points identified on the relevant Locality Plan.	
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**Special Management Area 4 – Service Industry Precincts (Mahogany Street)**

**Not Applicable**

Performance Criteria	Acceptable Solutions	Comments
P34 Development on Lot 147 on SP866 supports the marine industries within Port Douglas.	<p>A34.1 Only Service Industry uses are located on that part of Lot 147 on SR866 included in the Industry Planning Area.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>Only once lease arrangements on the land facilitate Service Industry uses.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>The proponent of the proposed Service Industry use provides written evidence to Council that it supports/services the marine industries in Port Douglas.</p>	
P35 Development on Lot 147 on SR866 provides for the protection of vegetation on the Site.	<p>A35.1 Development is limited to that part of the Site that is currently cleared in accordance with a vegetation assessment to determine the exact vegetation line along the boundaries of the Conservation and Industry Planning Areas.</p> <p>A35.2 Buildings and structures are Setback 4 metres from the vegetation line and 6 metres from the front boundary of the Site.</p>	
P36 Development on Lot 147 on SR866 is provided with appropriate Access.	A36.1 Access to the Site will be limited to existing Access points (maximum of 2) outside the Conservation Planning Area and constructed to a standard suitable for Service Industry uses.	

**Special Management Area 5 – Waterfront Investigation Area Precinct - Not Applicable**

Performance Criteria	Acceptable Solutions	Comments
P37 The future Waterfront Precinct is protected from any new uses or intensification of existing uses, to allow for future waterfront industry, marine, maritime, port and community and recreation activities.	<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 – Reports and Information the Council May Request, for code and impact assessable development).</p>	

## Industry Planning Area Code

### Elements of the Code

#### *Consistent and Inconsistent Uses*

Performance Criteria	Acceptable Solutions	Comments
P1 The establishment of uses is consistent with the outcomes sought for the Industry Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Industry Planning Area.	Complies with the performance criteria. The proposed use provides needed services to employees of the local area as well as travellers and tourists
P2 A Caretaker's Residence is only established in association with an industrial use or activity operating as the primary use on the Site.	A2.1 Only one Caretaker's Residence is established on the parent Site in association with an industrial use or activity located on one industrial allotment identified on a Standard Format Plan.	N/A

#### *Site Coverage*

Performance Criteria	Acceptable Solutions	Comments
P3 The Site Coverage of Buildings ensures that there is sufficient area for the provision of services and Landscaping.	A3.1 The Site Coverage of all Buildings does not exceed 60% of the Site area.	Complies

#### *Design and Siting*

Performance Criteria	Acceptable Solutions	Comments
P4 The siting of industrial Buildings/structures contributes to the desired amenity of the area and protects the amenity of other land uses.*	<p>A4.1 Buildings/structures on Sites with Frontage to a State-Controlled Road, are Setback 8 metres from the Road Frontage.</p> <p>A4.2 In other cases, Buildings/structures are Setback:</p> <p>6 metres from the Main Street Frontage; and</p> <p>4 metres from any secondary street Frontage.</p> <p>A4.3 Where the Site has a common boundary with land in an Industry Planning Area, the Building/structure may be built to the side and rear boundaries where the Building Code requirements are satisfied.</p> <ul style="list-style-type: none"> <li>• HOWEVER</li> </ul> <p>Where the Building Code requirements are not satisfied, Buildings are Setback 2.5 metres</p>	<p>Complies – 16 m</p> <p>Complies</p>

	<p>or a quarter of the Height of the Building/structure, whichever is the greater, from side and rear boundaries.</p> <p>A4.4 Where the Site adjoins land not in an Industry Planning Area or land developed partially or wholly for a residential use, the Building/structure is Setback 2.5 metres or a quarter of the Height of the Building/structure, whichever is the greater, from the common boundary.</p> <p>A4.5 The Building/structure is sited to maximise energy conservation, natural cooling and shading from summer sun, with the use of high quality materials and non-reflective roof materials.</p>	<p>N/A – existing building</p> <p>NA – existing</p>
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#### ***Loading/Unloading Facilities***

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
P5 The transport of goods and materials to and from industrial Sites does not adversely affect the movement of traffic on the Roads adjacent to the Site.	<p>A5.1 All delivery/pick up vehicles are contained wholly within the Site when being loaded/unloaded.</p> <p>A5.2 Sufficient manoeuvring area is provided on Site to allow a single unit truck to ingress and egress the Site in a forward gear.</p> <p>A5.3 Site Access is limited to one Access point for each street Frontage.</p> <ul style="list-style-type: none"> <li>• OR</li> </ul> <p>If the Site has Frontage to the Captain Cook Highway and another Road, Access is limited to the secondary Road.</p> <p>A5.4 Where two Access points to the street Frontage are necessitated, to facilitate manoeuvrability of large industrial vehicles, the accesses are separated by a minimum distance of 10 metres.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>N/A</p>

#### ***Landscaping and Amenity***

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
P6 Industrial Sites are landscaped to enhance the amenity of industrial areas and provide a pleasant working environment.	<p>A6.1 A minimum of 20% of the area of the Site is landscaped.</p> <p>A6.2 Dense Planting along any Road Frontage is a minimum width of 3 metres.</p> <ul style="list-style-type: none"> <li>• EXCEPT THAT</li> </ul>	Complies – refer to the proposal plan

	<p>Dense Planting along the Road Frontage is a minimum of 4 metres in width where adjacent to the Captain Cook Highway.</p> <p>A6.3 Any Setback areas from side and rear boundaries where the Site adjoins land not in an Industry Planning Area or land developed partially or wholly for a residential use, are landscaped with Dense Planting in accordance with all the relevant requirements of the Landscaping Code and Planning Scheme Policy No. 7 – Landscaping.</p> <p>A6.4 Areas used for loading and unloading, storage, utilities and car parking are screened from public view by a combination of Landscaping and screen fencing.</p>	<p>Complies – the landscaping is trapezoidal in shape with a minimum dimension on the northern end of 3 m and approximately 6 m on the southern end. The average width exceeds 4.5 m. (Source Queensland globe)</p> <p>Complies to the extent possible given the location of the driveway and the openness of the adjoining service station forecourt</p>
P7 Industrial areas are not characterised by a proliferation of advertising signs and/or the use of large advertising signs.	<p>A7.1 Signage complies with the Design and Siting of Advertising Devices Code.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>No wall signs are located on the walls of industrial Buildings facing the Captain Cook Highway or any other State-Controlled Road.</p>	Will comply

### Acid Sulphate Soil Code

**This Code does not apply as there are no earthworks proposed**

#### *Disturbance of Acid Sulfate Soils*

Performance Criteria	Acceptable Solutions	Comments
<p>P1 The release of acid and associated metal contaminants into the environment are avoided either by:</p> <p>not disturbing Acid Sulfate Soils; or by</p> <p>preventing the potential impacts of any disturbance through appropriate Site planning, treatment and ongoing management.</p>	<p>A1.1 The disturbance of Acid Sulfate Soils is avoided by:</p> <p>not excavating or removing more than 100 m<sup>3</sup> of material identified as containing or potentially containing Acid Sulfate Soils;</p> <p>not permanently or temporarily extracting groundwater that results in the aeration of previously saturated Acid Sulfate Soils; and</p> <p>demonstrating that any filling in excess of 500 m<sup>3</sup> of material to depths greater than an average depth of 0.5 metres will not result in ground water extrusion from Acid Sulfate Soils and the aeration of previously saturated Acid</p>	



	<p>Sulfate Soils from the compaction or movement of those soils.</p> <p>A1.2 Site planning, treatment and ongoing management are undertaken so that:</p> <p>acid and metal contaminants are not generated and acidity is neutralised;</p> <p>untreated Acid Sulfate Soils are not taken off-Site unless this is to an alternative location for treatment; and</p> <p>surface and groundwater flows from areas containing Acid Sulfate Soils do not release leachate containing acid or metal contaminants into the environment.</p>	
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#### **Identification and Management of Acid Sulfate Soils**

<p>P2 The location and extent of Acid Sulfate Soils are identified on the development Site and appropriately managed so as to avoid the release of acid and associated metal contaminants into the environment.</p>	<p>A2.1 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. 9 – Reports and Information the Council May Request, for code and impact assessable development).</p>	
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## **Design & Siting of Advertising Devices**

### **Elements of the Code**

#### **Signage Type**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
<p>P1 Advertising Devices are subservient in scale to the primary use of the Site and relate to the use/s carried out on the Site.</p>	<p>A1.1 Where a Balloon, Blimp, Kite, Bunting, Flag, Banner or similar:</p> <ul style="list-style-type: none"> <li>- safely tethered to the ground, Building or structure;</li> <li>- maximum one per business;</li> <li>- displayed for one calendar</li> </ul>	<p>Complies with the Performance Criteria</p> <p>NA</p>



	<p>month;</p> <ul style="list-style-type: none"> <li>- not located over or attached to the ground of a Council controlled Road or a State-Controlled Road (SCR).</li> </ul> <p>A1.2 Where a Below Awning Sign:</p> <ul style="list-style-type: none"> <li>- maximum one per business, or one per Frontage;</li> <li>- maximum Height of 0.6 metres;</li> <li>- ground clearance not less than 2.6 metres;</li> <li>- maximum width of 0.3 metres;</li> <li>- maximum length of 2.5 metres and does not project beyond the awning.</li> </ul> <p>A1.3 Where a Chalk Board or A Frame Sign:</p> <ul style="list-style-type: none"> <li>- maximum of one Chalk Board or A Frame Sign per business, or Frontage;</li> <li>- maximum Height of 1 metre;</li> <li>- maximum width of 0.6 metre;</li> <li>- able to be readily relocatable on a daily basis, if located within a Road reserve;</li> <li>- do not rotate or spin in the wind;</li> <li>- only allowable within a State-controlled Road reserve where the speed limit is 60 km/hr or less;</li> <li>- if located within the Road reserve, located a minimum of 1 metre from the kerb;</li> <li>• OR</li> <li>- where no kerb, a minimum of 10 metres from the edge of the Road carriageway.</li> </ul> <p>A1.4 Where a Directional Sign:</p> <ul style="list-style-type: none"> <li>- if attached to a street sign, has the same dimensions as the street sign, unilluminated and advertising the name and distance/direction to the business;</li> <li>- maximum of one directional sign per business attached to any street sign;</li> <li>- if attached to a property boundary fence or gate, maximum area of 0.3m<sup>2</sup>, unilluminated and</li> </ul>	<p>Will comply</p> <p>Will comply</p> <p>Will comply</p>
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	<p>advertising only the name and distance/direction to the business which is carried out on the property;</p> <ul style="list-style-type: none"> <li>- maximum of one directional sign to any property boundary fence or gate for each Road Frontage.</li> </ul> <p>A1.5 Where a Fascia Sign located on the fascia of an awning:</p> <ul style="list-style-type: none"> <li>- maximum of one fascia sign per business or one per Frontage;</li> <li>- maximum Height above Ground Level of 2.5 metres;</li> <li>- does not project above or below the fascia of the Building;</li> <li>- does not project within 0.45 metre Setback from the face of the kerb or where no kerb exists, 0.30 metre from the fascia.</li> </ul> <p>A1.6 Where a Home Activity or Home Based Business Sign:</p> <ul style="list-style-type: none"> <li>- maximum of one sign per business;</li> <li>- maximum area of 0.3m<sup>2</sup>;</li> <li>- located on the same premises as the Home Activity/Home Based Business;</li> <li>- not illuminated;</li> <li>- advertises only the name and occupation of the operator of the business.</li> </ul> <p>A1.7 Where a Projecting Wall Sign:</p> <ul style="list-style-type: none"> <li>- maximum of one projecting wall sign on any building façade or boundary wall;</li> <li>- does not project further than 0.75 metres from the building line;</li> <li>- minimum vertical clearance of 2.6 metres from the ground;</li> <li>- not located above any awning and located at ground floor level;</li> <li>- maximum surface area of 1 m<sup>2</sup>;</li> <li>- maximum depth of 0.3 metres;</li> <li>- does not project above the roof, parapet, or Building or wall line.</li> </ul> <p>A1.8 Where a Symbol, being any ornamental design or device not otherwise described, wither or not</p>	
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	<p>a message is included in the design or device:</p> <p>maximum area of 1 m<sup>2</sup>;</p> <p>A1.9 Where a Tenancy Sign:</p> <ul style="list-style-type: none"> <li>- maximum of one tenancy sign per Site or development;</li> <li>- maximum Height of 5 metres;</li> <li>- maximum width of 1.5 metres;</li> <li>- maximum depth of 0.3 metres;</li> <li>- limited to one double sided sign with one advertising panel on each side of the sign, each advertising panel with a maximum area of 4 m<sup>2</sup>;</li> <li>- located on the boundary of a Site or fixed to a wall on the boundary of a Site to a Road Frontage.</li> </ul> <p>A1.10 Where a Wall Sign:</p> <ul style="list-style-type: none"> <li>- maximum of one wall sign on any building façade or boundary wall;</li> <li>- maximum area of 4 m<sup>2</sup>;</li> <li>- maximum Height of 2 metres and sited at ground floor level of a Building or boundary wall;</li> <li>- does not project further than 0.10 metres from the face of the wall.</li> </ul> <p>A1.11 Where a Window Sign:</p> <ul style="list-style-type: none"> <li>- limited to windows on ground floor level only of any Building or ground floor level and one level above if the Building is of a commercial nature;</li> <li>- maximum area of 1.2 m<sup>2</sup>;</li> <li>- maximum Height of 1 metre;</li> <li>- maximum length of 2.4 metres.</li> </ul> <p>A1.2 Where an Indirectly Illuminated Sign:</p> <ul style="list-style-type: none"> <li>- artificial light limited to illuminating the face of the sign;</li> <li>- does not cause light spillage from the source of external illumination;</li> <li>- complies with other relevant requirements for the particular type of Advertising Device, which are specified in this Code;</li> </ul>	
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	<ul style="list-style-type: none"> <li>- not located within a State-Controlled Road or on a Council Road.</li> </ul>	
<p>P2 Advertising Devices are located in appropriate areas, relative to the land uses in the area and the amenity and character of the area.</p>	<p>A2.1 Particular types of Advertising Devices are considered appropriate in the following locations:</p> <ul style="list-style-type: none"> <li>* Residential, Rural and Rural Settlement Areas; <ul style="list-style-type: none"> <li>- Home Activity/Home Based Business Sign; and</li> <li>- Directional Sign</li> </ul> </li> <li>* Tourist and Residential Areas <ul style="list-style-type: none"> <li>- Directional Sign;</li> <li>- Projecting Wall Sign</li> <li>- Symbol</li> <li>- Wall Sign; and</li> <li>- Indirectly Illuminated Sign.</li> </ul> </li> <li>* Commercial and Tourist Commercial Areas: <ul style="list-style-type: none"> <li>- Balloon, Blimp, Kite, Bunting, Flag, Banner or similar (temporary); <ul style="list-style-type: none"> <li>- Below Awning Sign;</li> <li>- Chalk Board or A Frame Sign;</li> <li>- Directional Sign;</li> <li>- Fascia Sign;</li> <li>- Projecting Wall Sign;</li> <li>- Symbol;</li> <li>- Tenancy Sign;</li> <li>- Wall Sign;</li> <li>- Window Sign; and</li> <li>- Indirectly Illuminated Sign</li> </ul> </li> </ul> </li> <li>* Industrial Areas: <ul style="list-style-type: none"> <li>- Balloon, Blimp, Kite, Bunting, Flag, Banner or similar (temporary); <ul style="list-style-type: none"> <li>- Tenancy Sign;</li> <li>- Wall Sign;</li> <li>- Window Sign; and</li> <li>- Indirectly Illuminated Sign.</li> </ul> </li> </ul> </li> </ul>	<p>Will comply with the Performance Criteria</p>

## 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>	Will comply – consistent with the nature of the use, the existing access configuration and character of the area

### *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> <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>Complies</p> <p>Will comply – consistent with the nature of the use, the existing access configuration and character of the area</p> <p>Will comply – consistent with the nature of the use, the existing access configuration and character of the area</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>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</p>	<p>Will comply where practical</p> <p>Will comply – consistent with the nature of the use, the existing access configuration and character of the area</p> <p>NA</p>

	<p>planted on Site or on the street.</p> <p>A4.4 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>	Will comply as permitted by DTMR
P4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	A4.1 Species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.	Will comply – consistent with the nature of the use, the existing access configuration and character of the area
P5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal Roadways.	<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>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>	<p>Will comply – consistent with the nature of the use, the existing access configuration and character of the area</p> <p>Impractical in the circumstances – easement</p> <p>Will comply</p> <p>Will comply – consistent with the nature of the use, the existing access configuration and character of the area</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>	<p>Na – no fence proposed</p> <p>NA</p>
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.	Will comply as practical
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.	Will comply where practical and safe to do so

#### ***Streetscape and Site Amenity***

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
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"> <li>• shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting;</li> <li>• landscape screening of blank walls;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> <p>A10.2 Dense Planting to the rear of the Site incorporates:</p> <ul style="list-style-type: none"> <li>• 1 shade tree for an average of every 75 m<sup>2</sup>, growing to the Building eave Height within 5 years of planting;</li> <li>• screening shrubs to grow to 3 metres in Height within 2 years of planting;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> <p>A10.3 Dense Planting to the side boundaries incorporates:</p> <ul style="list-style-type: none"> <li>• trees planted for an average of every 10 metres where adjacent to a Building;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul>	NA
P11 Landscaping for non-residential development enhances the streetscape and the visual appearance of the development.	<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"> <li>• shade canopy trees to provide shade to the Frontage of the Site</li> </ul>	Complies - existing



	<p>within 5 years of planting where appropriate;</p> <ul style="list-style-type: none"> <li>• landscape screening of blankwalls;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> <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"> <li>• 1 shade tree for an average of every 75 m2 growing to the Building eave Height within 5 years of planting;</li> <li>• screening shrubs to grow to 3 metres in Height within 2 years of planting;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> <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"> <li>• trees planted for an average of every 10 metres where adjacent to a Building;</li> <li>• screening shrubs, low shrubs and groundcover appropriate for the amount of space, light and ventilation of the area;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> <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</p>	<p>Will comply</p>
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	<p>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>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 works.</p> <p>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.</p>	Will comply

#### **Safety**

<p>P14 Tree species and their location accommodate vehicle and pedestrian sight lines.</p>	<p>A14.1 Trees located near pathways, driveways, Access points, parking areas and street corners have a minimum 3.0 metres of clear trunk.</p>	Will comply with the Performance Criteria where practical
<p>P15 The landscape design enhances personal safety and reduces the potential for crime and vandalism.</p>	<p>A15.1 Security and foot lighting is provided to all common areas, including car parks, entries, driveways and pathways.</p> <p>A15.2 Hard surfaces are stable, non-slippery and useable in all weathers.</p> <p>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).</p> <p>A15.4 Lighting for bicycle paths is provided in accordance with the relevant Australian Standards</p>	Will comply



**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.	<p>A16.1 Plant species are selected and sited with consideration to the location of overhead and underground services.</p> <p>A16.2 All underground services are to be located under pathways and below the eaves of the Building.</p> <p>A16.3 Irrigation control devices are located in the common 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"> <li>- in an electric line shadow;</li> <li>or</li> <li>- within 5.0 metres of an electric line shadow; or within 5.0 metres of a substation boundary.</li> </ul> <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>	Will comply

## 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> <p>The desired character of the area in which the Site is located;</p> <p>The nature of the particular use and its specific characteristics and scale;</p> <p>The number of employees and the likely number of visitors to the Site;</p> <p>The level of local accessibility;</p> <p>The nature and frequency of any public transport serving the area;</p> <p>Whether or not the use involves the retention of an existing Building and the previous requirements for car parking for the Building;</p> <p>Whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and</p> <p>Whether or not the use involves the retention of significant vegetation.</p>	<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</p>

### Parking for People with Disabilities

Performance Criteria	Acceptable Solutions	Comments
<p>P2 Parking spaces are provided to meet the needs of vehicle occupants with disabilities.</p>	<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"> <li>- Medical, higher education, entertainment facilities and shopping centres – 2 spaces;</li> <li>- All other uses – 1 space.</li> </ul> <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"> <li>- Medical, higher education,</li> </ul>	<p>Will comply</p>

	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.	
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### Motor Cycles

Performance Criteria	Acceptable Solutions	Comments
<p>P3 In recognition that motorcycles are low Road-space transport, a proportion of the parking spaces provided may be for motorcycles. The proportion provided for motorcycles is selected so that:</p> <ul style="list-style-type: none"> <li>- ordinary vehicles do not demand parking in the spaces reserved for motor cycles due to capacity constraints; and</li> <li>- it is a reflection of the make-up of the likely vehicle fleet that uses the parking; and</li> <li>- it is not a reflection of the lower cost of providing motorcycle parking.</li> </ul>	<p>A3.1 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary parking.</p> <p>AND</p> <p>The motorcycle parking complies with other elements of this Code.</p>	Complies with the Performance Criteria – motor cycle parking exists but has rarely been used and has never been observed to be full

### 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> <p>Compact vehicle spaces are not available to non-compact vehicles; and</p> <p>It is a reflection of the proportion of the likely vehicle fleet that uses the parking; and</p> <p>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</p> <p>The scale of parking spaces, likely users and the likely degree of familiarity with the availability of such spaces.</p>	<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> <p>Compact vehicle parking does not exceed 10% of total vehicle parking required; and</p> <p>The parking location is proximate to the entry locations for parking users; and</p> <p>The parking provided complies with other elements of this Code.</p>	NA

### ***Bicycle Parking***

Performance Criteria	Acceptable Solutions	Comments
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.	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.	Will comply

### ***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:</p> <p>The amount and type of vehicular traffic;</p> <p>The type of use (eg long-stay, short-stay, regular, casual);</p> <p>Frontage Road traffic conditions;</p> <p>The nature and extent of future street or intersection improvements;</p> <p>Current and future on-street parking requirements;</p> <p>The capacity of the adjacent street system; and</p> <p>The available sight distance.</p>	<p>A6.1 The location of the Access points is in accordance with the provisions of the relevant Australian Standards.</p> <p>AND</p> <p>Where the Site has Frontage to more than one street, the Access is from the lowest order street.</p> <p>A6.2 All redundant Accesses must be removed and a suitable barrier Erected to prevent further use of the Access.</p> <p>A6.3 Only one Access point is to be provided to each Site unless stated otherwise in another Code.</p>	<p>Complies - existing</p> <p>NA</p> <p>Complies</p>

### ***Accessibility and Amenity for Users***

Performance Criteria	Acceptable Solutions	Comments
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>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> <ul style="list-style-type: none"> <li>• AND</li> </ul> <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>	Complies

<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> <p>People with Disabilities</p> <p>Cyclists</p> <p>Motorcyclists</p> <p>Compact Vehicles</p> <p>Ordinary Vehicles</p> <p>Service Delivery Vehicles</p> <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>Complies</p>
		<p>NA</p>

### ***Access Driveways***

Performance Criteria	Acceptable Solutions	Comments
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.	A9.1 Access driveways are designed in accordance with the provisions of the relevant Australian Standards.	Complies
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.	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.	Complies

### ***Access for People with Disabilities***

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

### ***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.	Will comply

#### **Access for Cyclists**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
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> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>Where Access of cyclists is shared with Access for pedestrians and vehicles, the shared use is identified by signage and linemarking.</p>	Will comply with the Performance Criteria

#### **Dimensions of Parking Spaces**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
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> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>Parking spaces for special vehicles that are classified in accordance with the relevant Australian Standards meet the requirements of that Standard.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>Parking spaces for standard sized buses have the following minimum dimensions:</p> <p>Width: 4 metres</p> <p>Length: 20 metres</p> <p>Clear Height: 4 metres</p> <ul style="list-style-type: none"> <li>• AND</li> </ul> <p>Parking spaces for compact vehicles have the following minimum dimensions:</p> <p>15 per cent less in width measurements than required by Australian Standards for any ordinary vehicle; and</p> <p>20 per cent less in length measurements than required by Australian Standards for any ordinary vehicle.</p> <ul style="list-style-type: none"> <li>• AND</li> </ul>	Complies with the Performance Criteria



	<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> <p>are at gradients suitable for intended vehicle use;</p> <p>consider the shared movements of pedestrians and cyclists;</p> <p>area effectively drained and surfaced; and</p> <p>are available at all times they are required.</p>	<p>A15.1 On-Site driveways, vehicle manoeuvring and loading/unloading areas:</p> <p>are sealed in urban areas:</p> <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> <p>have gradients and other design features in accordance with the provisions of the relevant Australian Standards; and</p> <p>drain adequately and in such a way that adjoining and downstream land is not adversely affected.</p> <p>A15.2 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking.</p>	<p>Complies</p> <p>Will comply</p>

**Vehicle Circulation, Queuing and Set Down Areas**

Performance Criteria	Acceptable Solutions	Comments
<p>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.</p>	<p>A16.1 Circulation and turning areas comply with the provisions of the relevant Australian Standards.</p>	<p>Complies</p>
<p>P17 An on-Site circulation system provides safe and practical Access to all parking, loading/unloading and manoeuvring areas.</p>	<p>A17.1 Circulation driveways comply with the provisions of the relevant Australian Standards.</p>	<p>Complies</p>
<p>P18 Where vehicle queuing, set down or special vehicle parking is expected, sufficient queuing or</p>	<p>A18.1 Queuing and set down areas comply with the relevant Australian Standard and any</p>	<p>Complies</p>

parking area is provided to enable vehicles to stand without obstructing the free flow of moving traffic or pedestrian movement.	relevant AUSTROAD Guidelines.	
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#### **Schedule 1 – Car Parking Requirements**

<b>Retail Uses</b>	
Shopping Facility	1 car space per 25m <sup>2</sup> of Net Lettable Area Plus 1 bicycle space per 200m <sup>2</sup> of Net Lettable Area and 1 visitor bicycle space per 500m <sup>2</sup> over 1000m <sup>2</sup>
Restaurant	1 car space per 25m <sup>2</sup> of Net Lettable Area. Plus 1 bicycle space per 100m <sup>2</sup> Net Lettable Area. <u>In a Local Centre:</u> 1 car space per 50m <sup>2</sup> of Net Lettable Area. <u>In the Tourist Centre of Port Douglas:</u> 1 car space per 30m <sup>2</sup> of Net Lettable Area.

### **Sustainable Development Code**

#### **Elements of the Code**

##### **Energy Efficiency**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
P1 Buildings are designed and sited to: - maximise the thermal comfort achieved within the building using passive design measures; and - minimise the need for energy reliant cooling appliances to achieve accepted levels of thermal comfort.	A1.1 For residential buildings, each dwelling unit achieves a minimum 5 star BERSTM or NatHERSTM (or equivalent) energy rating.  OR A1.2 For residential buildings: a) all door openings and windows in habitable rooms that face between north and south-east and south-west and north are fully shaded by adjustable external shutters or blinds; and b) glazed windows or door assemblies have a minimum WERS Rating of 3 stars for cooling; and c) all external walls (excluding windows and other glazing) achieve an overall R-value not less than R1.5, and	NA – existing building



	<p>d) all ceilings (excluding garages, open verandas and carports) achieve an overall R-value of R3.0, and</p> <p>e) all habitable rooms have:</p> <ul style="list-style-type: none"> <li>- a window or door in opposite walls that are openable to the outside; or have a direct flow path from an openable window through the doorways or other openings within the dwelling unit to another window or opening to the outside; or</li> <li>- open directly onto an unobstructed breezeway that is a minimum of 900mm wide and openable at both ends with a minimum 1.5m<sup>2</sup> opening; or</li> <li>- have a minimum ceiling height of 2.7m and at least one ceiling fan.</li> </ul> <p>A1.3 For non-residential buildings:</p> <p>a) glazed windows or door assemblies have a minimum WERS Rating of 3 stars for cooling, and</p> <p>b) all external walls (excluding windows and other glazing) achieve an overall R-value not less than R1.5, and</p> <p>c) all ceilings (excluding garages, open verandas and carports) achieve an overall R-value of R3.0.</p>	
<p>P2 Hot water systems support the efficient use of natural resources and minimise consequent pollution such as greenhouse gas emissions.</p>	<p>A2.1 For all buildings with individual hot water systems installed in each dwelling unit or tenancy, all hot water systems installed compromise:</p> <p>a) a system with a minimum of 24 Renewable Energy Certificates, or</p> <p>b) a natural gas system, or</p> <p>c) a liquid petroleum gas (LPG) system with a 5 star AGA Energy Rating Label.</p> <p>A2.2 For all buildings with centrally installed hot water systems:</p> <p>a) a low NOx gas water heating system/s supply hot water to all dwelling units or tenancies, or</p> <p>b) solar water heaters supply hot</p>	<p>Will comply with the Performance Criteria</p>

	<p>water to all dwelling units or tenancies where less than 25% of water heating is provided by booster units; or</p> <p>c) electric heat pump water heaters supply hot water to all dwelling units or tenancies, or</p> <p>d) a gas-fired cogeneration or fuel cell unit is installed which supplies electricity and uses waste heat for cooling/heating and hot water.</p>	
<p>P3 Where practicable, and consistent with density and design provisions, residents should have access to a non-mechanical clothes drying area:</p> <p>a) taking advantage of natural ventilation; and</p> <p>b) receiving ample sunlight; in a manner that does not impair visual amenity.</p>	No Acceptable Solution	NA
<p>P4 Cooking appliances are energy efficient.</p>	<p>A4.1 For residential buildings, each dwelling unit has:</p> <p>a) a gas cook-top installed with a range hood; and</p> <p>b) a gas oven with appropriate ventilation; or</p> <p>c) a fan-forced electric oven.</p>	Will comply with the Performance Criteria
<p>P5 All electrical appliances intended to be installed as standard into any residential building shall meet a minimum standard of 4 stars in accordance with the Australian Energy Rating Label.</p>	<p>A5.1 All:</p> <p>Dishwashers;</p> <p>Clothes dryers;</p> <p>Clothes washers;</p> <p>Airconditioners; and</p> <p>Refrigerators/freezers</p> <p>Where installed with the development, shall meet a minimum 4 star rating in accordance with the Australian Energy Rating Label.</p>	NA
<p>P6 Lighting is energy efficient.</p>	<p>A6.1 For residential buildings:</p> <p>a) The minimum circuit efficacy for all common area lighting is 75 lumens per watt.</p> <p>b) All common area lighting is fitted with automatic controllers.</p> <p>c) Kitchens and living areas are fitted with energy efficient light fixtures such as fluorescent lights.</p>	NA

	<p>A6.2 For Business Facilities, the average lighting power density does not exceed 10 watts per square metre.</p> <p>A6.3 For Shops and Shopping Facilities, the average lighting power density does not exceed 23 watts per square metre.</p> <p>A6.4 Individual tenancies within non-residential buildings are fitted with energy efficient light fixtures such as fluorescent lighting.</p>	<p>NA</p> <p>Will comply with the Performance Criteria</p>
P7 Air conditioning, where not covered by an Australian Energy Rating Label, is energy efficient.	A7.1 Air conditioning units or systems comply with the minimum energy performance requirements specified in the Australian/New Zealand Standard AS/NZS 3823.2.2003.	Will comply with the Performance Criteria

**Water Conservation and Reuse**

Performance Criteria	Acceptable Solutions	Comments
P8 Rainwater harvesting systems are incorporated into residential and non-residential buildings to ensure collection, treatment and reuse of rainwater on-site to reduce run-off and demand on the potable water supply. Internal fixtures supplied from a rainwater tank must have a continuous supply of water.	<p>A8.1 All residential buildings provide rainwater storage tank/s on-site fitted with a first flush device and vermin-proof mesh strainer on the inlet and that has a capacity of:</p> <p>a) 30,000 litres per dwelling unit where located in the Rural Planning Area or the Rural Settlement Planning Area, or</p> <p>b) 5,000 litres per dwelling unit where located in any other Planning Area.</p> <p>All non-residential buildings provide rainwater storage tank/s on-site fitted with a first flush device and vermin-proof mesh strainer on the inlet and that has a capacity of 5,000 litres per toilet/urinal unit.</p> <p>A8.2 The rainwater tank is plumbed for external use for irrigation and pool top up and internal use for toilet cisterns and washing machine cold water taps.</p> <p>A8.3 A rainwater tank has –</p> <p>a) An automatic switching device providing supplementary water from the reticulated town water supply; or</p> <p>b) A trickle top up system, providing supplementary water from the reticulated town water</p>	Will comply with the Performance Criteria



	<p>supply with –</p> <p>i) A minimum flow rate of 2 litres per minute and a maximum flow rate of 4 litres per minute; and</p> <p>ii) Top up valves installed in an accessible location; and</p> <p>A storage volume of the reticulated town water supply top up shall be no more than and no less than 1000 litres.</p> <p>A8.4 A backflow prevention device is installed to protect the potable water within the reticulated town water supply system in accordance with AS/NZS 3500:2003 Plumbing and Drainage.</p>	
P9 Plumbing fittings must support the efficient use of water.	<p>A9.1 All sink, tub or basin taps or mixers have a certified AAA Water Conservation Rating.</p> <p>A9.2 All toilets have:</p> <p>4 litre or less average flush cisterns (when calculated in accordance with Australian/New Zealand Standard AS/NZS 6400:2003), and</p> <p>matched pans.</p> <p>A9.3 All showers have thermostatic mixers.</p>	Will comply

#### Waste Minimisation

Performance Criteria	Acceptable Solutions	Comments
P10 Site and building design must facilitate efficient sorting and disposal to maximise recycling opportunities.	<p>A10.1 For residential buildings, each dwelling unit has separated, built-in temporary storage for recyclable materials and general waste.</p> <p>A10.2 All buildings include a refuse bin storage area:</p> <p>a) with sufficient capacity for the collection of recyclable materials and general refuse, and</p> <p>b) located for convenient use by all residents/tenants and readily accessible to waste management contractors, and</p> <p>c) screened from view from public roads, is roofed and drained to sewer and includes a hose cock to provide for cleaning of refuse bins.</p>	<p>NA</p> <p>Will comply</p>

### **Landscaping and Irrigation**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
<p>P11 Landscaping must facilitate sustainable tropical design by:</p> <ul style="list-style-type: none"> <li>- providing sufficient space for the retention and/or establishment of significant substantial vegetation.</li> <li>- using locally appropriate plant species,</li> <li>- using paving design and materials that minimise heat reflection and site run-off,</li> <li>- providing appropriate seasonal shade and passive cooling/heating of outdoor spaces throughout the year,</li> <li>- providing private open space located to maximise indoor/outdoor connections, and</li> <li>- design and plant selection to minimise water use and contribute to stormwater management.</li> </ul>	<p>A11.1 Impervious paving is limited to:</p> <ul style="list-style-type: none"> <li>a) vehicle manoeuvring areas;</li> <li>b) vehicle hard-stand areas, and</li> <li>c) pedestrian movement paths.</li> </ul> <p>A11.2 Landscape and recreation areas are planted to:</p> <ul style="list-style-type: none"> <li>a) ensure the penetration of prevailing north-east and south summer breezes and north-east winter morning sun, and</li> <li>b) minimise exposure to the prevailing west and south-west winter winds, and</li> <li>c) shade the western walls of buildings.</li> </ul> <p>A11.3 Opportunities for water infiltration on-site are maximised through:</p> <ul style="list-style-type: none"> <li>a) minimising the extent of impervious surfaces,</li> <li>b) use of porous paving in low traffic areas,</li> <li>c) draining hard surfaces towards permeable surfaces, and</li> <li>d) inclusion of turf and garden beds.</li> </ul>	<p>Will comply with the Performance Criteria</p>

### **Solar Panels**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
<p>P12 Solar hot water systems are located for optimum performance.</p>	<p>A12.1 Solar hot water systems are located on the roof of a building and the panels face solar north.</p>	<p>Will comply with the Performance Criteria if installed</p>

### **Private Swimming Pools**

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>	<b>Comments</b>
<p>P13 A swimming pool for recreational use by residents of a residential building is designed and constructed to minimise its resource needs by consideration</p>	<p>A13.1 No Acceptable Solution</p>	<p>NA</p>

<p>of:</p> <ul style="list-style-type: none"> <li>- potential usage in terms of number of swimmers;</li> <li>- purpose (e.g. lap swimming, plunging, etc);</li> <li>- siting issues; and</li> <li>- filtration systems.</li> </ul>		
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## **Appendix B**

### *Owners Consent*



I, David John Roney

[insert

*name in full]*

Director of the below mentioned company

of Yenor Pty Ltd SUPERANNUATION FUND.

[insert name of

*company]*

as owner of premises identified as follows:

Lot 58 C22511 situated at 58 Davidson St, Craiglie

[insert street address, lot or plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

Yenor Pty Ltd

[insert name of  
applicant]

on the premises described above for the purposes of

Restaurant and Shopping Facilities

[insert details of the proposed development e.g. material change of use for three storey apartment building]

[signature of Director]

signed on the

THIRD

day of August

20 15

Company seal [if used] N/A.

*The Sustainable Planning Act 2009 is administered by the Department of Infrastructure and Planning, Queensland Government*





I, David John Roney

[insert

name in full]

Director of the below mentioned company

of Yenor Pty Ltd

[insert name of

company]

as owner of premises identified as follows:

Lot 1 SP258889 which has a beneficial interest in easement Easement D on SP262063 on adjoining Lot 58 C22511

[insert street address, lot or plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

Yenor Pty Ltd

[insert name of  
applicant]

on the premises described above for the purposes of

Restaurant and Shopping Facilities

[insert details of the proposed development, e.g. material change of use for three storey apartment building]

[signature of Director]

signed on the THIRD day of August 2015

Company seal [if used] N/A.

I, David John Roney

[insert

name in full]

Director of the below mentioned company

of Yenor Pty Ltd

[insert name of

company]

as owner of premises identified as follows:

Lot 1 SP258889 which has a beneficial interest in easement Easement D on SP262063 on adjoining Lot 58 C22511

[insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

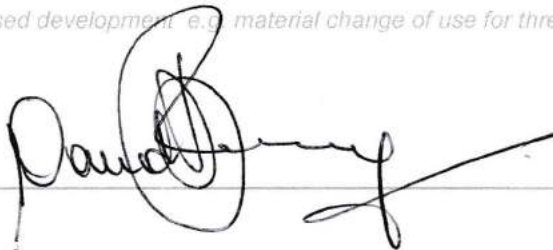
Yenor Pty Ltd

[insert name of  
applicant]

on the premises described above for the purposes of

Restaurant and Shopping Facilities

[insert details of the proposed development e.g. material change of use for three storey apartment building]



[signature of Director]

signed on the

THIRD

day of

August

2015

Company seal [if used]

N/A.

I, David John Roney

[insert

name in full]

Director of the below mentioned company

of Yenor Pty Ltd SUPERANNUATION FUND.

[insert name of

company]

as owner of premises identified as follows:

Lot 58 C22511 situated at 58 Davidson St, Craiglie

[insert street address, lot or plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

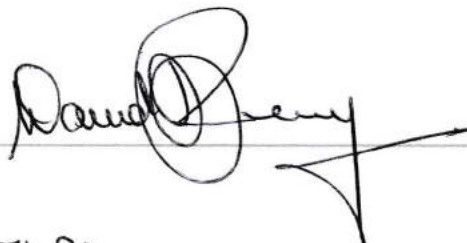
Yenor Pty Ltd

[insert name of  
applicant]

on the premises described above for the purposes of

Restaurant and Shopping Facilities

[insert details of the proposed development e.g. material change of use for three storey apartment building]



[signature of Director]

signed on the

THIRD

day of August

20 15

Company seal [if used] N/A.





## AREA ANALYSIS

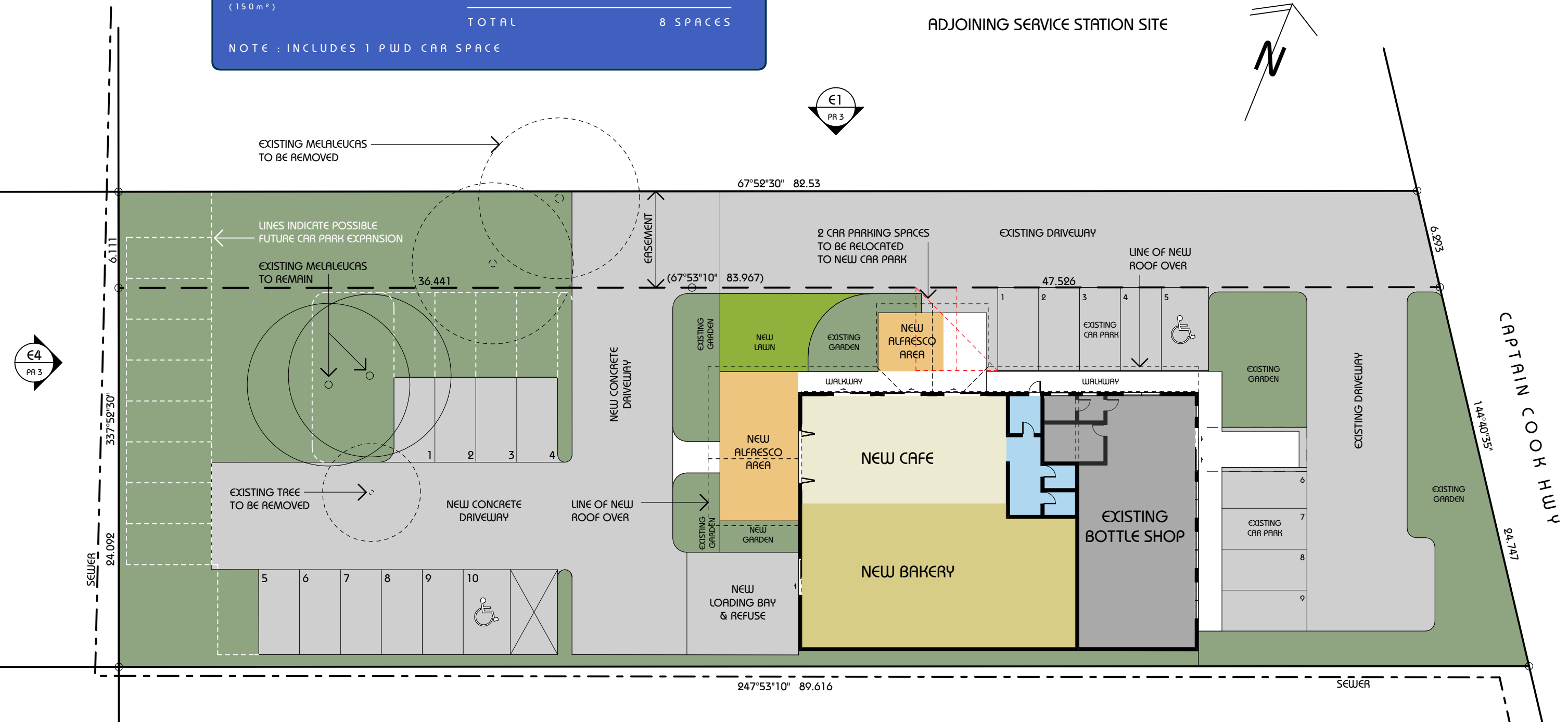
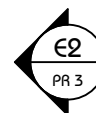
BAKERY AREA	155 m <sup>2</sup>
CAFE AREA	90 m <sup>2</sup>
AMENITIES	24 m <sup>2</sup>
<b>TOTAL INTERNAL AREA</b>	<b>269 m<sup>2</sup></b>
ALFRESCO AREAS	60 m <sup>2</sup>

## CAR PARKING REQUIREMENTS

BAKERY AREA	1 SPACE PER 2 STAFF	2 SPACES
CAFE & ALFRESCO AREAS (150 m <sup>2</sup> )	1 SPACE PER 25 m <sup>2</sup>	6 SPACES
<b>TOTAL</b>		<b>8 SPACES</b>

NOTE : INCLUDES 1 PWD CAR SPACE

ADJOINING SERVICE STATION SITE



## SITE PLAN

SCALE 1:250 @ A3

PROPOSED NEW BAKERY CAFE - (LOT 58) 5961 CAPTAIN COOK HWY, CRAIGLIE

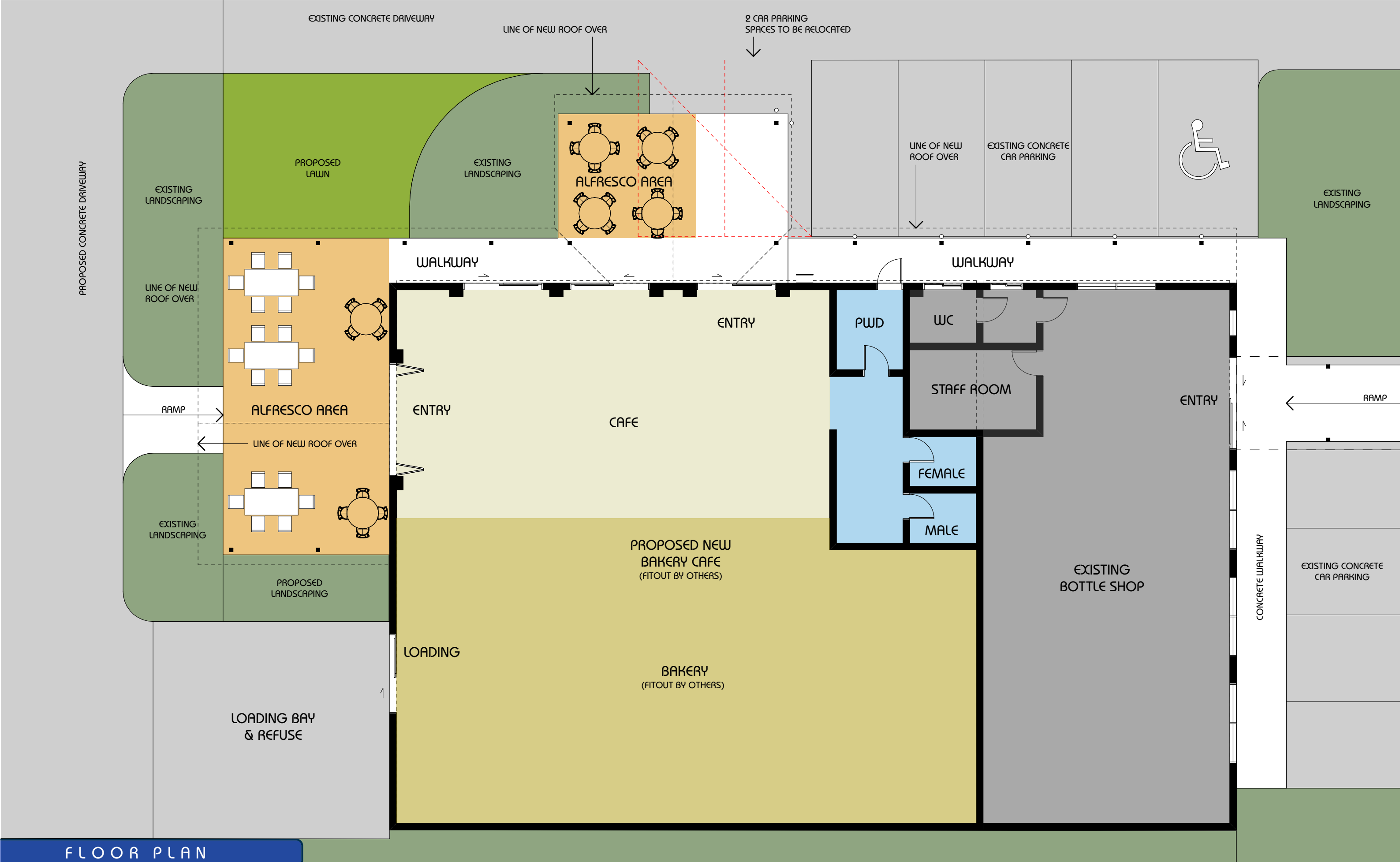
FOR : YENOR PTY LTD

PR 1

30/06/15 P2

Conceptual  
Studies By  
**hunt**  
DESIGN





FLOOR PLAN

SCALE 1:100 @ A3

PROPOSED NEW BAKERY CAFE - (LOT 58) 5961 CAPTAIN COOK HWY, CRAIGLIE

FOR : YENOR PTY LTD

PR 2

30/06/15 P2

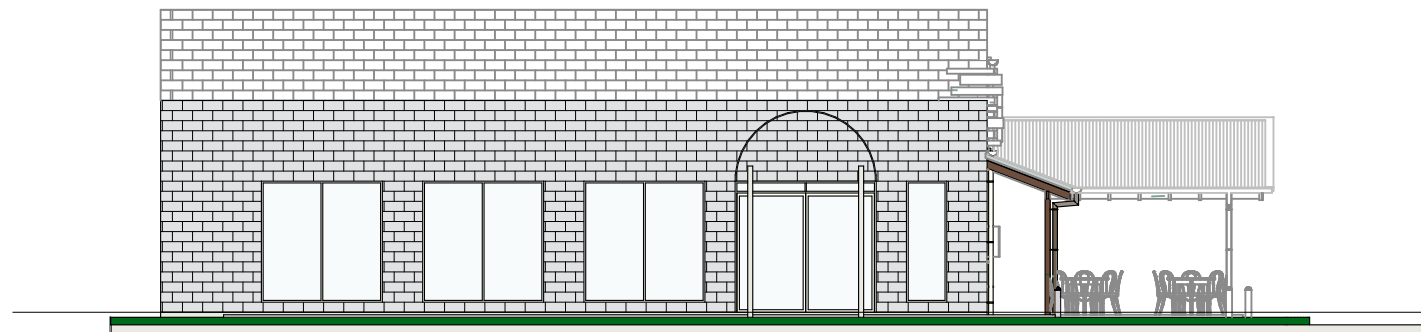




NORTH ELEVATION

Scale 1:150

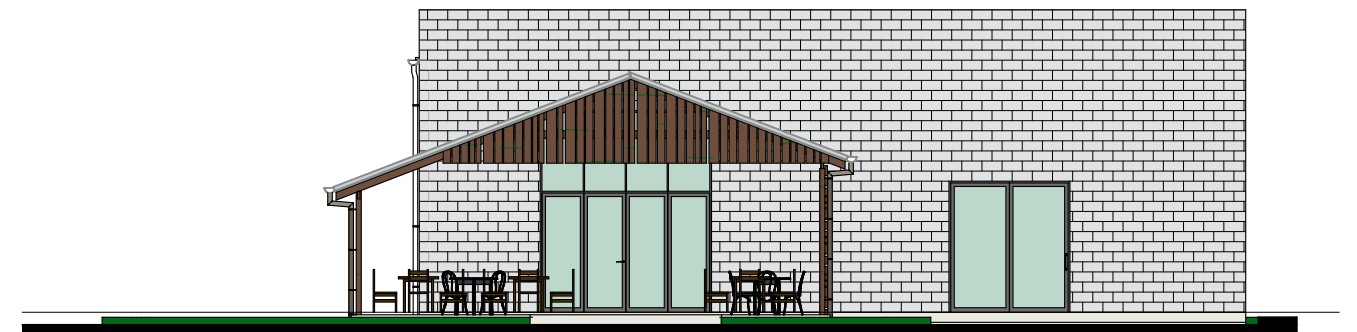
€1  
PR 1



EAST ELEVATION

Scale 1:150

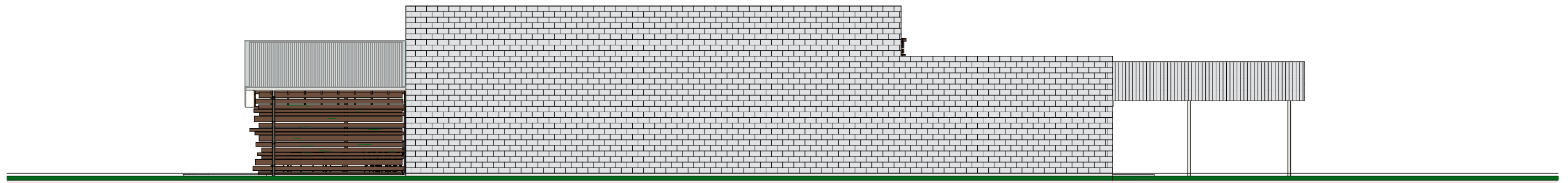
€2  
PR 1



WEST ELEVATION

Scale 1:150

€4  
PR 1



SOUTH ELEVATION

Scale 1:150

€3  
PR 1

## ELEVATIONS

SCALE 1:150 @ A3

PROPOSED NEW BAKERY CAFE - (LOT 58) 5961 CAPTAIN COOK HWY, CRAIGLIE

FOR : YENOR PTY LTD

PR 3

30/06/15 P2

Conceptual  
Studies By  
**hunt**  
DESIGN