

19 August 2016

Our Ref:16-148

Chief Executive Officer

Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Simon Clarke – Planning Consultant, Development Assessment and Coordination.

Dear Simon,

RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE ('BUSINESS FACILITIES') OVER LAND LOCATED AT 19 WARNER STREET, PORT DOUGLAS (REAL PROPERTY DESCRIPTION: LOT 31 ON PTD20910).

We refer to the above-described development proposal and advise that Urban Sync Pty Ltd has been engaged by Quicksilver Connections Limited (the "Applicant") to prepare and lodge the planning report and associated supporting information for the project with Douglas Shire Council.

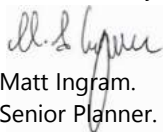
In support of the application, please find enclosed the following:

- Digital copy of the development application and supporting documents uploaded via Smart eDA (SeDA); and
- Council's form for receipt of Development Application.

The applicable application fees of \$3,650.95 no GST, will be paid via a third party cheque direct to the Assessment Manger.

We trust that the application can now be progressed for assessment. However, should you require any further details or clarification about the lodgement, please do not hesitate to contact our office on the information provided below.

Yours faithfully,



Matt Ingram.
Senior Planner.

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PLANNING REPORT

APPLICATION FOR A DEVELOPMENT PERMIT FOR
MATERIAL CHANGE OF USE (BUSINESS FACILITIES)

19 WARNER STREET, PORT DOUGLAS

August 2016



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Quicksilver Connections Limited (the Applicant) are requesting the necessary development approval from Douglas Shire Council (the Council) for a proposed new business premises at 19 Warner Street, Port Douglas, more properly described as Lot 31 on PTD20910. Full details of the proposal, site and the relevant planning frameworks are set out in sections 2 and 3 of this report.

The proposal seeks a:

- **Development Permit for a Material Change of Use (Business Facilities)**

Development constituting a Material Change of Use on the site is subject to assessment by Douglas Shire Council. A **'Business Facilities'** use is **Code Assessable** against the provisions of the current *Douglas Shire Planning Scheme 2006* (and as since amended).

This report has been undertaken to:

- Examine the physical characteristics of the subject site and appropriateness in relation to the proposed development;
- Describe the proposed 'concept' for the land being **'Business Facilities'**. The report will look to describe the key design aspects associated with the proposed development such as streetscape, pedestrian access, car parking, and landscape treatments, as reflected in the design plans prepared by CA Architects;
- Address the applicable statutory requirements triggered through the *Sustainable Planning Act 2009* and the *Douglas Shire Planning Scheme 2006*; and
- Provide commentary of the identified key planning issues and offer alternative solutions as a means of establishing sound planning grounds in support of the proposed development, where required.

Urban Sync Pty Ltd (Urban Sync) has been involved in the 'preliminary' design phase of the project and pre-lodgement conversations with Council in respect of the options being considered for the land and the development concepts proposed. We are now instructed to prepare and lodge this application for the assessment and consideration of Council, along with supporting technical plans, for approval.

The application generally reflects the most recent pre-lodgement discussions with Council. This report however, provides greater detail on the nature of the proposal, and provides an assessment of the proposal against the intents and code requirements of all relevant statutory planning documents.

Overall, the proposed development is generally in accordance with the provisions of the *Douglas Shire Planning Scheme 2006*. Therefore, it is recommended that this development application be approved with the issuing of a Council Development Permit, subject to reasonable and relevant conditions.

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APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought	Application for a Development Permit for a Material Change of Use (Business Facilities).
Applicant:	Quicksilver Connections Limited
Project Description Details:	<p>The proposed development is for a new, purpose built business premises including a two (2) storey dive centre and retail outlet (Quicksilver Dive), with a gross floor area of 629m² and a maximum height above ground level of 9.8m. The proposed development will include:</p> <ol style="list-style-type: none">1. A 154m² retail area fronting Grant and Warner Streets comprising of a retail area for the sale of dive, snorkel and other water sports equipment, as well as the servicing of dive equipment and re-filling of dive tanks etc.;2. A dive centre which will include a reception in the retail outlet, storage areas, an office and workshop downstairs, as well as three (3) training rooms for the theory/land based component of the scuba diving courses, a pool for the swim tests and pool based training, as well as amenities, storage areas and a kitchenette upstairs;3. Office space and a boardroom fronting Grant Street to be used by the Port Douglas based staff of Quicksilver Pty Ltd;4. Amenities, store rooms, staff rooms, plant rooms, and other general storage areas.5. A new access via Grant Street;6. Thirteen (13) car parking spaces at the rear of the site, plus an additional five (5) spaces on Warner Street;7. Significant on-street works (road widening, formalisation of existing drain, infrastructure relocation; raised pedestrian footpaths, planter boxes and awnings) along both the Grant Street and Warner Street frontages of the site. <p>The proposed development will operate between the hours of 8:00am and 5:00pm (max) seven (7) days a week and employ thirteen (13) full time staff and five (5) part time staff.</p>

ASSESSMENT DETAILS

Assessment Manager:	Douglas Shire Council
Level of Assessment:	Code
Public Notification:	No

PRE-LODGE MENT CONSULTATION

Council:	Yes A pre-lodgement meeting was held between Urban Sync, the Applicant, CA Architects and Council on 25 May 2016.
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Please refer to **Attachment 2 (Pre-lodgement Minutes & Correspondence)** and **Section 4.2 – Pre-lodgement Meeting** of this report for a detailed summary of the attendees, agenda items, discussion, and advice received. Follow up correspondence has also occurred between Council and Urban Sync on various matters. Please refer to **Attachment 2 (Pre-lodgement Minutes & Correspondence)**.

RELEVANT PLANNING INSTRUMENTS

State Planning Regulatory Provisions

Adopted Charges

Single State Planning Policy (see Attachment 3 State Mapping):

Queensland Single State Planning Policy (July 2014) – Part E: Interim Development Assessment Requirements. The following State Interests are applicable to the proposed development:

- Water Quality (Climatic Regions – Stormwater Management Design Objectives); and
- Natural Hazards, Risk, and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, Coastal Hazard Area (Erosion Prone Area & High Storm Tide Inundation Area)).

Regional Plan:

Far North Queensland Regional Plan 2009-2031

Regional Plan Land Use (see Attachment 3 State Mapping):

Urban Footprint

Other State Interests:

Nil

Development Assessment Mapping (see Attachment 3 State Mapping):

- Coastal Zone; and
- Coastal Hazard Area (Erosion Prone Area & High Storm Tide Inundation Area).

Referrals:

Nil

Planning Scheme:

Douglas Shire Planning Scheme 2006 (and as since amended)

Local Plan

Not Applicable

Locality

Port Douglas & Environs

Planning Area

Commercial (Tourist Centre)

Overlays:

- Acid Sulfate Soils (Area below 20m AHD); and
- Natural Hazards (Low Risk Hazard).

Preliminary Approval Land Use:

Nil

2.2 SUPPORTING DOCUMENTATION

Document	Author	Date
Planning Report	Matt Ingram	18 August 2016
Design Plans	CA Architects	5 August 2016

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SITE DETAILS & ANALYSIS

3.1 SITE DESCRIPTION

Registered Landowners:	Quicksilver Connections Limited
Site Location:	19 Warner Street, Port Douglas
Lot and Description:	Lot 31 on PTD20910
Site Area:	1,055m ²
Tenure:	Freehold
Easements/Encumbrances:	Nil
Local Government Authority:	Douglas Shire Council



Figure 1: Site Location, 19 Warner Street, Port Douglas (source: Queensland Globe, State of Queensland, 2016)

3.2 SITE ANALYSIS

The following section of the report examines the characteristics and values of the land.

Existing Development:	The site is unimproved.
Topography:	The site is generally flat, with a slight fall from Warner & Grant Streets (generally falling west) to the rear of the site. Site levels accordingly, vary between RL 2.2m AHD on the Warner & Grant Street boundaries to RL 1.89m at the rear of the site.
Waterways:	There are no waterways that travers in or around the site
Vegetation:	There is no significant vegetation present over the site.

Environmental Management & Contaminated Land:
Heritage Places:

The site is not listed on the Environmental Management or Contaminated Land Registers (**see Attachment 4 Site Searches**).

The site is not an identified 'Heritage Place', nor are any adjacent sites.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:
Essential Services and Infrastructure:

The site as a whole, displays the following, approximate road frontages:

- Grant Street: 54m;
- Warner Street: 20m; and
- Unnamed Road Reserve: 20m

The subject site is connected to all necessary urban infrastructure, as shown below in **Figure 2**.



Figure 2: Infrastructure Locations (source: Douglas Shire Council, 2016)

3.4 SURROUNDING LAND USES

The Port Douglas locality is characterised by various land uses and activities, incorporating an assortment of commercial, residential and tourist accommodation, as well as some sport and recreation/open space uses. The site however, is bound on all sides by Commercial planning areas, while also being in close proximity to the Marina (south-west) and a number of light industrial land uses (west, north-west).

More specifically, to the north is 'Mantra in the Village' and associated retail outlets, to the south is vacant land and a reserve, the latter of which is currently being used as a car park. To the east is a number of retail/commercial uses including 'Calypso Dive & Snorkel', 'Rainforest Tours', an English language centre and a coffee shop. Finally, to the west is the Quicksilver catering and maintenance facility.

4 BACKGROUND

4.1 PREVIOUS APPROVALS

As identified in **Table 1**, the following approvals have been issued over the site.

Table 1 Previous Approvals

Reference	Approval Type	Aspect	Description	Date
8/7/1819	Preliminary Approval	Material Change of Use	Restaurant & Shopping Facility	25/08/2010
8/7/1819	Development Permit	Material Change of Use	Restaurant & Shopping Facility	14/09/2011

We note that both approvals have some relevance, as these proposals faced similar issues to that of the proposed development during their assessment and review, most notably, car parking and required levels to achieve flood immunity, whilst still ensuring an acceptable streetscape and pedestrian environment.

Copies of the relevant approvals are held in **Attachment 5 Related Approvals**.

4.2 PRE-LODGEMENT MEETINGS

A pre-lodgement meeting was held with Council on **25 May 2016**. Attendees included:

- Travis Clarke – General Manger Operations, Quicksilver Group;
- Rod Punshon – Business Consultant, Punshon Consulting Pty Ltd;
- Carlo Amerio – Director, CA Architects;
- John Hoyes – Architect, CA Architects;
- Matt Ingram – Senior Planner, Urban Sync;
- Simon Clarke – Planning Consultant, Development Assessment and Coordination, Douglas Shire Council; and
- Daniel Lamond, Planning Officer, Douglas Shire Council

Please refer to **Attachment 2 Pre-lodgement Minutes & Correspondence** for Council's confirmation of the matters spoken about at this meeting.

Further, informal discussions via email were held between Council and Urban Sync with regards to car parking and application fees. A copy of this correspondence is also included in **Attachment 2 Pre-lodgement Minutes & Correspondence**.

The Applicants have been encouraged by the 'preliminary' responses from Council. The applicant is committed to this project and now seek approvals to progress with the proposed development concept.

5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This application seeks a Development Permit from Douglas Shire Council for a Material Change of Use (**Business Facilities**) over 19 Warner Street, Port Douglas, more properly described as Lot 31 on PTD20910.

A Material Change of Use for **Business Facilities** is nominated as a **Code Assessable** development under the *Douglas Shire Planning Scheme 2006* (and as since amended) when located in the Commercial Planning Area (Tourist Centre).

5.2 PROPOSAL DETAIL

The proposal involves the establishment of business premises including a new dive centre (Quicksilver Dive), as well as administrative operations for the Port Douglas based Quicksilver staff (refer to **Attachment 6 Plans of Development**).

5.2.1 General

The proposed development will consist of a two (2) story building, with a maximum height above ground level of 9.8m and include 629m² of gross floor area (GFA).

Significant on-street works within the Grant and Warner Street road reserves are also proposed in the form of ramped pedestrian walkways, raised planter boxes, awnings, stairs on the intersection corner, new footpaths, kerb realignment, the formalising of the existing drain, road widening and additional car parking spaces (note that drainage works, road widening and additional car parks will be restricted to Warner Street only – see **Attachment 6 Plans of Development**).

These works, in particular the required drainage works, are likely to necessitate the removal of the existing tree on the corner of Grant & Warner Streets, although this will be confirmed and detailed as part of the Operational Works submission.

5.2.2 Dive Centre

The proposed dive centre will include:

- a) A retail sales area and dive centre reception down stairs. The former will be used for the sale of snorkelling and diving accessories, other water sports equipment, as well as the servicing of dive equipment and re-filling of dive tanks. An office, workshop, amenities and general storage area for the use of the dive centre, will also be located on the ground level;
- b) Upstairs will be used for the practical aspects of all dive courses (i.e., the land based component of the course) and include three (3) training rooms, pool, equipment area, general storage, an office/workstation and amenities.

Access to the dive centre for customers will be via both Grant Street and Warner Street. Access for staff will be via the rear of the site.

It is expected that the retail component of the dive centre will be open between the hours of 9:00am and 5:00pm seven (7) days a week and employ two (2) full time staff. Hours of operation may be extended in the future to 8:00am to 5:00pm.

The dive centre will also operate seven (7) days a week, with an expected maximum of four courses each week and a maximum number of four (4) persons in each course (note that each course is four (4) days, with two (2) of these days being undertaken at sea). Hours of operation will also be 9:00am and 5:00pm seven (7) days a week, with three (3) full time employees. Customers for the courses will be transferred to/from accommodation

to the classes and boat by a Quicksilver courtesy coach (and/or walk if preferred and staying within close proximity).

5.2.3 Quicksilver Offices

The proposed Quicksilver administration/office component of the proposed development will be located entirely downstairs and will include:

- a) An office area with a number of workstation/work areas, a foyer, board room, two (2) enclosed offices, meeting room, kitchen and amenities area.

The offices will be accessed via Grant Street and/or the rear of the site. The office will be operational between the hours of 8:00am and 5:00pm Monday to Friday, although some staff will be required in the office over the weekends. The Port Douglas Quicksilver office will employ eleven (11) full time staff and five (5) part time staff.

5.3 STAGING

The development will not be staged.

5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

5.4.1 Water Supply

The proposed development will be connected to Council's reticulated water supply in Grant Street, as required.

The existing 150mm dia. water main in Grant Street will likely required to be realigned as a result of the proposed raised footpath/planter boxes. This will be determined as part of detailed design and if necessary, documented in the Operational Works application.

5.4.2 Sewer

The proposed development will be connected to Council's reticulated sewerage system at the rear of the site, as required.

5.4.3 Electricity and Telecommunications

The proposed development will be connected to both electricity and telecommunications services as required.

Discussion with Ergon and Telstra/NBN will be undertaken once detailed design has been finalised in order to determine if any infrastructure is required to be relocated in order to accommodate the proposed works in the road reserve.

5.4.4 Stormwater

All stormwater from the proposed development will be directed to a lawful point of discharge, namely being the underground stormwater infrastructure in Grant Street.

The existing underground drainage system in Grant Street will likely be required to be realigned as a result of the proposed raised footpath/planter boxes. This will be determined as part of detailed design and if necessary, documented in the Operational Works application.

The existing open drain along the Warner Street frontage of the site will be formalised as part of the proposed development in order to widen the existing road and provide additional car parking along this frontage.

5.4.5 Floor Levels

The ground floor level of the building will be raised to be located at RL 3.1m AHD. Car park levels will be at approximately RL 2.2m AHD.

5.4.6 Bulk Earthworks

Some earthworks will be required in order to facilitate the finished floor level. Exact quantum is at this stage, still unknown, with details to be finalised after approval and as part of detailed design. All fill details will be documented in in the Operational Works application.

5.4.7 Erosion and Sediment Control

Appropriate erosion and sediment control measures will be implemented during the construction phase of the proposed development.

5.5 TRANSPORT AND ACCESSIBILITY

5.5.1 Access

Access will be provided to the site via Grant Street in the same location as has been previously approved by Council as part of earlier development applications over the site. The location of this access will require the relocation of the existing street light on the Grant Street frontage.

5.5.2 Car Parking

A total of eighteen (18) car parking spaces have been provided. Thirteen (13), inclusive of one (1) wheelchair accessible space, have been proposed at the rear of the site, with an additional five (5) spaces to be provided along the Warner Street frontage of the site (these spaces will replace the existing two (2) spaces). This equates to a total of sixteen (16) additional spaces.

5.5.3 Bicycle Parking

Two (2) bike racks along the rear of the building will be provided.

5.6 INFRASTRUCTURE CHARGES

The Adopted Charges State Planning Regulatory Provisions (SPRPs) applies to all development in Queensland. The subject land lies within the Commercial Planning Area and is within the Priority Infrastructure Area under Council's Adopted Infrastructure Charges Resolution, adopted on 24 June 2015.

Under the SPRP and Council's Resolution, the proposed development should be subject to infrastructure charges calculated as follows:

- Charges based on the proposed development (see Councils Adopted Infrastructure Charges Resolution (AICR)); less:
- Discounts for the existing allotment.

Table 2 Calculation of Infrastructure Charges

Category	Unit of Measure	Charge Rate (m2)	No of Units	Amount
Proposal				
Commercial (Office)	GFA	\$50.10	629	\$31,512.90
	Impervious Area	N/A	N/A	Nil
Credit				
Residential (Dwelling House (Existing Allotment))	3 or more bedroom dwelling	\$14,342.13	1	\$14,342.13
TOTAL				\$17,170.77

Notes: For the purposes of determining the Gross Floor Area (GFA), as outlined above, the *Douglas Shire Planning Scheme 2006* (and as since amended) defines GFA as:

1. "Gross Floor Area means the area calculated in accordance with the following formula: Gross Floor Area = Total Building Area – (minus) Excluded Area
2. Total Building Area means the sum of the floor areas of all levels of every Building and Outbuilding located on a Site including:
 - a) all walls, columns, balconies, corridors and public areas including stairwells and toilets; and
 - b) other ancillary or service facilities, including plant rooms;

whether roofed or not, measured from the inside of external walls or the centre of a common/party wall.

All areas of balustrading and internal walls must be included in the Total Building Area calculation.

3. Excluded Area means:
 - a) the area of any private balcony or patio, whether roofed or not, which is: directly accessible from only one Dwelling Unit; and unenclosed on at least one side, except for balustrading; and within three (3) metres of the wall of the Building to which access to the private balcony is obtained;
 - b) any fully unenclosed roofed walkway located at Ground Level and providing weather protection linkages between Buildings on the Site or between Buildings and Recreation Areas or accesses to the Site;
 - c) the area of one unenclosed porte cochere at Ground Level which provides access to the Building;

- d) *the area of one public lobby located at Ground Level;*
- e) *a basement or semi-basement within a Building;*
- f) *dedicated car parking areas within the building envelope of the Building; and*
- g) *the area (inclusive of all walls and columns) of any lift motor room or air conditioning or other mechanical or electrical plant room”.*

This definition excludes the ‘foyer’ & ‘breezeway’ areas of the proposed development from the GFA calculations (see also **Attachment 2 Pre-lodgement Minutes & Correspondence** for further confirmation on the areas to be included as GFA).

Also, given the age of the Douglas Shire Planning Scheme, combined with the progress of the new Planning scheme for the Shire, we believe it is also appropriate to consider the Queensland Planning Provisions (QPP) definition for GFA, which will be included in the new Scheme, of which is as follows:

“The total floor area of all stories of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:

- a) *building services, plant and equipment*
- b) *access between levels*
- c) *ground floor public lobby*
- d) *a mall*
- e) *the parking, loading and manoeuvring of motor vehicles*
- f) *unenclosed private balconies whether roofed or not”.*

By using this, more up to date, definition of GFA, it also excludes the ‘stairs and ‘lift’ (access between levels) and ‘amenities’, ‘compressor’, ‘pool filtration’, ‘tank filling’, PWD’ areas (‘Building Services, Plant & Equipment’). This approach is also generally consistent with that discussed and confirmed during pre-lodgement discussions with regards to what constitutes GFA (see **Attachment 2 Pre-lodgement Minutes & Correspondence**). We note here also that the pool area on the second level will only be enclosed via a retractable roof and hence, will not be permanently enclosed. Accordingly, we do not believe that this should be considered GFA.

This results in the total GFA of the proposed development being 629m² (i.e., based on retail area (154m²), offices (199m²), board room (24m²), retail store (18m²), office (10m²), workshop (40m²), wet equipment area (40m²), general store (15m²), workstation (17m²), training rooms x 3 (112m²)).

A detailed assessment of the proposed development against the applicable development codes that manage the style and built form of the proposed development has been undertaken and is included within **Attachment 7 Council Planning Assessment**.

This assessment has demonstrated that the proposed development is generally compliant with the Acceptable Outcomes and Performance Criteria of the relevant codes. There are however, some minor non-conformance with the Acceptable Measures requiring additional discussion to demonstrate suitable compliance with the Planning Scheme and Council requirements for this important site, of which, are identified below.

The Applicant has confidence that a complete assessment by Council will consider the project in its context and in doing so, accept the provided alternative solutions and justification.

6.1 CAR PARKING

The proposed development provides for a total of eighteen (18) car parking spaces, including one (1) wheelchair accessible space, thirteen (13) of which are on site, plus an additional five (5) spaces in Warner Street (minus the two (2) existing spaces that are required to be removed equates to sixteen (16) additional spaces).

Car parking demand is based on the amount of Net Lettable Area (NLA) included in a development, of which is defined in the Douglas Shire Council Planning Scheme as:

"Net Lettable Area:

Means the sum of the areas (inclusive of columns, balconies, whether roofed or not) of all Storeys of a Building or Buildings measured from the internal surface of a wall, excluding:

- *all stairs, recessed doorways, toilets, cleaners cupboards, lift shafts and motor rooms, escalators, tea rooms and other service areas, where all are provided as standard facilities in the Building;*
- *lift lobbies in which lifts face other lifts, blank walls or areas excluded by the provision above;*
- *areas set aside as public spaces or thoroughfares and not for the exclusive use of occupiers of the floor or Building, such as Access passageways in lift and service core areas;*
- *areas set aside for the provision of facilities or services such as electrical or telephone ducts and air-conditioning risers to the floor where such facilities are provided as a standard facility in the Building;*
- *areas set aside for use by service vehicles and for delivery of goods and Access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or Building;*
- *areas set aside for car parking and Access ways thereto, where such areas are not for the exclusive use of occupiers of the floor or Building;*
- *areas having less than 1.5 metres clear Height above floor level. These areas are measured and recorded separately".*

It is our understanding that the NLA of the proposed development is generally the same as the GFA requirements, inclusive of exclusions. Accordingly, we consider the NLA to be 629m². This equates to the proposed development requiring a total of 20.96, or when rounded up, 21 car parking spaces (629/30 = 20.96). With the above in mind and upon review of the Vehicle Parking & Access Code, it is evident that the proposed development has a short fall of five (5) car parking spaces (see Acceptable Measure A1.1). Accordingly, we provide below, justification and alternative solutions as means of demonstrating compliance with Performance Criteria P1 of the code.

6.1.1 On-Street Parking Spaces

The Planning Scheme does not clearly permit off-site car parking spaces to be provided in lieu of any on-site shortfall. Moreover, the ability to provide a cash contribution for any such shortfall, as is permitted by A9.1 of the Port Douglas & Environs Locality Code, is no longer lawful since the introduction of the Adopted Charges

SPRP. However, it is understood that the intent of this Acceptable Solution was that appropriately located sites, such as the proposed development site which fronts Grant Street, need not provide all of the car parking requirements on site in order to facilitate a more acceptable built form and streetscape. This was on the proviso that Council was provided a contribution which would enable them to construct additional car parking spaces when and where required/most appropriate.

While a cash contribution is no longer able to be paid, we would consider a logical alternative, one which achieves the same outcome/intent of the Acceptable Solution, in particular bearing in mind that the proposed development provides in excess of 60% of the required car parking on site, would be for the Applicant to simply construct these 'additional' car parking spaces themselves. Such an approach would meet the intent of what the Acceptable Solution is trying to achieve, while avoiding the legal issue that has been created due to new legislation superseding the Planning Scheme. Accordingly, we argue that in this instance, the additional on-street spaces being provided delivers the most logical solution to make up for any car parking shortfall associated with the proposed development.

6.1.2 Short-Fall General

As was outlined in section 5, the proposed development will employ a total of eleven (11) full time staff and five (5) part time staff (see below). A number of these staff will work various and different days each week, including weekends. It is expected that a maximum of fifteen (15) staff will be on site at any one time during the week and a maximum of five (5) staff on weekends. However, due to business requirements and scheduling of dive courses etc., the maximum of fifteen (15) is not expected to occur very often (currently occurs once or twice a month). We also note here that not all staff drive to work, with a number living nearby, of whom walk/bike/car pool to work. This is a major reason for the provision of a large number of bicycle parking spaces.

Staff:

1. General Manager Operations;
2. Fleet Operations;
3. Customer Service;
4. Administration Coordinator;
5. Humans Resources Coordinator;
6. Finance Manager;
7. Accounts Payable;
8. Accounts Receivable;
9. Payroll (Wednesday & Thursday)
10. Safety Officer (Monday/Tuesday);
11. Dive Shop Manager (Tuesday – Saturday);
12. Retail Dive Shop Staff (Sunday – Thursday);
13. Reef Bio Search Manager (Thursday – Saturday)
14. Environmental and Compliance Officer (3 days random)
15. Dive Manager; (3 days random);
16. Dive Instructor x 2 (2 days each, random, although not at the same time)

We submit that due to the sites location and proximity to Macrossan Street, it is expected that the vast majority of person visiting the dive centre will walk, while all persons undertaking a dive course will be transferred to/from the site by shuttle bus.

The Applicant has carefully considered the requirements of the Vehicle Parking & Access Code against the demands generated by the proposed use. Although the development expresses a non-conformance with A1.1 of the code, the Applicants consider that the proposed development has provided a sufficient number of spaces, both on and off site, to comfortably accommodate the amount and type of vehicle traffic expected to be generated by the use in particular given:

- The character of the area;

- The nature, scale, number of staff, shuttle services and alternative transportation methods which are able to be, and are used, by both staff and customers; and
- The level of local accessibility in the fact that the site is easily accessible from, and within close proximity to Macrossan Street and a large number of accommodation facilities.

This assessment has considered all of the available information at hand and considers that the proposed development adequately provides parking infrastructure that will cater for the projected demand generated by the development. However, to demonstrate full compliance with the Vehicle Parking & Access Code, a detailed assessment of the Purpose of the code has also been undertaken in section 7 of this report.

6.2 FLOOR LEVELS

The finished floor levels for the proposed development have been based on those previously approved over the site, being RL 3.1m AHD. This is slightly lower than the floor levels on the opposite side of Grant Street which are located at RL 3.2m AHD. However, as the proposed floor levels have been previously approved over the site under the current Planning Scheme, and for a similar development, we consider it reasonable for this level to again be applicable in this instance.

We also note here that due to the discrepancy in the current site level and the required Q100 level (approx. 1 (1) metre), raising the minimum floor levels any higher than the nominated RL 3.1m AHD level, begins to make it almost impossible to ensure that the proposed development is able to integrate with the existing streetscape (see Section 6.2 for further comment).

6.3 ON STREET WORKS

The proponent understands that proposing raised walkways and other such infrastructure within the road reserve, is not normal practice and usually not accepted by Council. However, due to the small size of the site, combined with the required Q100 level, the only way to achieve a balanced outcome between streetscape, pedestrian scale/integration and flood immunity, was to locate these structures outside of the site and within the road reserve (as has been done on the other side of Grant Street and as has been previously approved on the site). This was considered a more favourably outcome than placing all such structures within the site, which would have resulted in an out of place development, in particular at a pedestrian level and have severe implications for the existing streetscape character of both Grant Street and Warner Street.

We acknowledge that this will require the relocation of any Council infrastructure in order to ensure future access to the said infrastructure is not restricted. The details on these relocations will be documented as part of the Operational Works Application.

6.4 PEDESTRIAN INTEGRATION

Significant work has gone into the proposed on-street works to ensure that the proposed development seamlessly integrates with the surrounding area and provides a pedestrian friendly environment, similar to that on the other side of Grant Street. To achieve this, raised and ramped footpaths have been provided along both street frontages of the building which provide a gradual transition in height, as well as stairs which address the Grant and Warner Street intersection.

We note here that stairs have been provided to the northern entrance (fronting Warner Street) of the raised footpath. No ramping was able to be achieved for this footpath, as has been done along the Grant Street frontage, as the required grades were not able to be achieved due to the short distance of the proposed footpath.

6.5 STREETScape & CHARACTER

The Applicant understands the importance of the site, being the final vacant allotment of the Grant and Warner Street intersection and submits that the proposed development will suitably 'book-end' this intersection. Accordingly, a significant amount of work has gone into the proposed design to ensure it integrates with the existing streetscape character of not only the intersection, but also Grant Street and Warner Street.

6.5.1 Height

The proposed development is higher than the existing buildings on the other side of Grant Street and on the opposite side of the intersection. At 9.8m high, the proposed development could also be considered higher than a 'standard' two (2) storey development. This is however, due to the need to accommodate a four (4) meter deep pool on the ground level.

Moreover, the proposed development is adjacent to a three (3) storey development on the other side of Warner Street (Mantra in the Village), of which has an approximate maximum height of nine (9) metres above ground level. This fact, combined with the architectural treatments to the frontage of the buildings, will ensure the proposed development is not out of character with the existing streetscape and is an appropriate scale for the site.

6.5.2 Awnings

A three (3) metre wide awning is proposed along the full frontage of the proposed development in Warner Street and for an approximate 13 metres along the eastern portion of the Grant Street frontage (i.e., from the intersection of the two streets westward to the board room). This will ensure the proposed development provides suitable weather protection for pedestrians, and is integrated with the existing streetscape character of the other three (3) corners of the Grant & Warner Street intersection.

We note that the three (3) metre wide awning was terminated at this point on Grant Street as the vast majority of pedestrian movements will be in and around the intersection of Grant and Warner Streets and in/out of the retail and dive centre components of the proposed development. In lieu of a three (3) metre wide awning, a two (2) metre wide roof overhand has been provided along the remaining portion of the building fronting Grant Street. This will provide suitable weather protection, when factoring in the amount of use this area will receive, for pedestrians and Quicksilver staff utilising the office component of the proposed development (as well as passers-by).

6.5.3 Landscaping

Landscaping has been proposed for the full frontage of the proposed building (as well as adjacent to the entrance of the car parking area). This will ensure a consistent streetscape character with the other three (3) corners of the Grant & Warner Street intersection.

6.5.4 Pedestrian Scale

The proposed developments ability to maintain and integrate with the existing pedestrian environment has been established and demonstrated in section 6.4 and will not be reiterated again here.

7 STATUTORY REQUIREMENTS

This section provides an overview of the legislative context of the development application and confirms that the application is being submitted under the relevant provision of the *Sustainable Planning Act 2009* ('SPA').

7.1 STATE PLANNING REQUIREMENTS

A review of the current State Planning Regulatory Provisions (SPRPs), State Planning Policies (SPPs) and the Far North Queensland Regional Plan 2009-2031 (FNQRP) has been undertaken. The proposed development is considered compliant with all of the State planning requirements as no conflicts have been ascertained.

7.1.1 Sustainable Planning Act 2009

7.1.1.1 Confirmation that the Development is not Prohibited

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under SPA, including Schedule 1 of the *Sustainable Planning Regulation 2009* (SPR).

7.1.1.2 Assessable Development

The development proposed by the Applicant is recognised as an "*assessable development*" pursuant to Schedule 3 of SPA, which states that "*assessable development*" includes:

"...development not prescribed under a regulation to be assessable development, but declared to be assessable development under any of the following that applies to the area:

- *The planning scheme for the area;*
- *A temporary local planning instrument;*
- *A preliminary approval to which section 242 applies."*

In this instance, the Planning Scheme for the area, the *Douglas Shire Planning Scheme 2006* (and as since amended), prescribes all aspects of the proposed development as being assessable development, subject to **Code Assessment** within the Commercial (Tourist Centre) Planning Area.

7.1.2 State Planning Regulatory Provisions

There are currently nine (9) State Planning Regulatory Provisions (SPRP) in effect and one (1) draft SPRP. However, only one (1) of the SPRP's are applicable to the approval – the State Planning Regulatory Provision (Adopted Charges). This SPRP has been reflected in Council's 'Adopted Infrastructure Charges Resolution' (AICR) which came into effect on 23 September 2015. In the context of infrastructure charging, the Adopted Charges SPRP is addressed at Section 5.6 above.

7.1.3 State Planning Policy

The single State Planning Policy (SPP) came into effect on 3 December 2013. The single SPP consolidates the former multiple SPP's into one document. Part E of the SPP contains the Interim Development Assessment Provisions, which are applicable to the assessment of development applications where the state interests have not already been appropriately reflected within the relevant planning scheme.

As indicated by the State government's interactive SPP mapping (**Refer to Attachment 3 - State Mapping**), the following state interests are applicable to the site/development:

- Climatic Regions – Stormwater Management Design Objectives (Water Quality);
- Natural Hazards, Risk, and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, Coastal Hazard Area (Erosion Prone Area & High Storm Tide Inundation Area)).

We note here that neither State interest is appropriately reflected in the *Douglas Shire Planning Scheme 2006* (and as since amended). In accordance with Part E of the single SPP, as the site is less than 2,500m², the Water Quality State interest is not triggered in this instance. Accordingly, below in **Table 3** is an assessment against the Natural Hazards State interest.

Table 3 SPP Interim Development Assessment Requirements

SPP Assessment Requirement	Response
Natural Hazards	
For all natural hazards, development:	
1. <i>avoids natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level, and</i>	Default sea level rise (Erosion Prone Area) calculations are 0.8 metres above the Highest Astronomical Tide (HAT), while default storm tide inundation levels are 2 metres above the HAT (based on information from the Department of Environment and Heritage Protection). We understand that HAT for Port Douglas is 3.36, and when referenced against AHD for a consistent measurement, of which is 1.63m, results in HAT being RL 1.73m AHD. This results in default sea level rise inundation levels of RL 2.53m AHD and default storm tide inundation of RL 3.73m AHD for the Port Douglas locality. Due to the fact that these calculations are 'defaults' and 'predictions', combined with the fact that the risk associated with storm tide inundation is low, it is considered that the proposed development has, by having floor levels at RL 3.25m AHD, migrated the risk associated with the natural hazards that may impact the site to an acceptable and tolerable level.
2. <i>supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</i>	As above.
3. <i>directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</i>	It is not expected that the proposed development will significantly increase the severity of any hazard (amount of fill is minimal).
4. <i>avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</i>	The proposed development does not involve the storage of any hazardous materials.
5. <i>maintains or enhances natural processes and the protective function of landforms</i>	The proposed development will have no negative impacts on any natural processes, protective functions, landforms or

and vegetation that can mitigate risks associated with the natural hazard, and

vegetation that may currently mitigate any risk associated with sea level rise (Erosion prone Area) or storm tide inundation.

For coastal hazards – erosion prone area, development:

6. *is not located in an erosion prone area within a coastal management district unless:*
 - a) *it cannot feasibly be located elsewhere, and*
 - b) *is coastal-dependent development, or temporary, readily relocatable or able-to-be-abandoned development, and*

The site is not located in the Coastal Management District.
7. *that is the redevelopment of existing permanent buildings or structures, is located outside an erosion-prone area or, where this is not feasible, redevelopment:*
 - a) *is located: i. as far landward from the seaward property boundary as possible, or ii. landward of the seaward alignment of the neighbouring buildings, and*
 - b) *provides space seaward of the development within the premises to allow for the future construction of erosion control structures, such as a seawall, and*

The proposed development is not for the redevelopment of existing or permanent buildings.
8. *proposes to undertake coastal protection work (excluding beach nourishment) only as a last resort where coastal erosion presents an imminent threat to public safety or existing buildings and structures, and all of the following apply:*
 - a) *the property cannot reasonably be relocated or abandoned, and*
 - b) *any coastal protection works to protect private property is located as far landward as practicable and on the lot*
 - c) *the coastal protection work mitigates any increase in coastal hazard risk to adjacent areas. containing the property to the maximum extent reasonable.*

The proposed development is not for the undertaking of coastal protection work.



7.1.4 Far North Queensland Regional Plan 2009-2031

The site is located within the 'Urban Footprint' Regional Land Use Category of the Far North Queensland 2009-2031 (see **Attachment 3 State Mapping**). When the Far North Queensland Regional Plan 2009-2031 (FNQRP) SPRP's were repealed on 26 October 2012, Local Governments become responsible for defining the extent of the Regional Land Use Categories. The site is located in the Commercial Planning Area (Tourist Centre) which is consistent with the 'Urban Footprint' designation while in a broader sense, the proposed development is providing urban development in an urban area. Accordingly, it is considered that the proposed development is consistent with the policy intent of the FNQRP.

7.1.5 Referrals & State Development Assessment Provision

In accordance with Schedule 7 of the SPR, the proposed development is not referable to any State Agencies.

7.1.6 State Resources

The proposal does not involve any State Resources.

7.2 LOCAL PLANNING REQUIREMENTS

The site is located within the Douglas Shire Council Local Government Area and is therefore, subject to assessment under their local planning instrument at the time of lodgement which in this case, is the *Douglas Shire Planning Scheme 2006* (and as since amended). The relevant provisions are identified and addressed in the sections below.

7.2.1 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council, as determined by Schedule 6 of the SPR.

7.2.2 Definitions

The proposed development is defined under the Planning Scheme as '**Business Facilities**', as outlined below:

'Business Facilities':

"Means the use of premises for:

- The conduct of business or office where the principle activity is the provision of business or professional advice, services and goods or the office based administrative functions of any organisations;*
- The medical or paramedical care or treatment of persons, which does not involve the accommodation of those persons on the premises overnight;*
- The medical care of animals, which does not involve the accommodation of those animals on the premises overnight.*

The use includes:

- Facilities commonly described as professional office, real estate office, bank, building society, credit union or funeral parlour;*
- Care or treatment by practitioners such as an acupuncturist, podiatrist, naturopath, chiropractor, dentist, general or specialist medial practitioner, optometrist, pathologist, physiotherapist, radiologist or veterinarian, together with ancillary services such as pharmacy".*



7.2.4.1 Statutory Considerations for Assessable Development

As the proposed development is subject to '**Code Assessment**', the relevant considerations of the Assessment Manager in making the decision are Sections 313, 324 & 326 of the SPA.

7.2.5 Desired Environmental Outcomes

As the proposed development is not impact assessable and does not conflict with the Purpose of any of the relevant codes, the Desired Environmental Outcomes are not applicable in this instance.

7.2.6 Applicable Codes

The proposed development is subject to assessment against the following relevant codes and provisions of the *Douglas Shire Planning Scheme 2006* (and as since amended), as outlined below in **Table 5**.

Table 5 Applicable Douglas Shire Council Planning Scheme Codes

Applicable Code and Trigger	Location of Response
Locality Code	
Port Douglas & Environs Code	Refer to Attachment 7 Council Planning Assessment
Planning Area	
Commercial Planning Area Code	Refer to Attachment 7 Council Planning Assessment
Overlay Codes	
Acid Sulfate Soils Overlay Code	Refer to Attachment 7 Council Planning Assessment
Natural Hazards Overlay Code*	
Development Codes	
Design & Siting of Advertising Devices Code	Refer to Attachment 7 Council Planning Assessment
Filling & Excavation Code	
Landscaping Code	
Natural Areas & Scenic Amenity Code*	
Vehicle Parking & Access Code	
Sustainable Development Code	
Vegetation Management Code*	

*We note here that the Natural Hazards Overlay Code is not applicable as the site is subject to 'low' hazard only. We also note here that the Natural Areas & Scenic Amenity Code is also not applicable as the Designated Development Area is not within, or partly within, an area of 'Remanet Vegetation', while finally, the Vegetation Management Code is also not applicable as the proposed development is not for Operational Works for Vegetation Clearing.

7.2.6.1 Port Douglas & Environs Locality Code

Refer to **Attachment 7 Council Planning Assessment** which demonstrates that the proposed development is not, or able to be conditioned to not be in conflict with the Performance Outcomes of the Port Douglas & Environs Locality Code.

7.2.6.2 Commercial Planning Area Code

Refer to **Attachment 7 Council Planning Assessment** which demonstrates that the proposed development is not, or able to be conditioned to not be in conflict with the Performance Outcomes Commercial Planning Area Code.

7.2.6.3 Overlay Codes

Refer to **Attachment 7 Council Planning Assessment** which demonstrates that the proposed development is not, or able to be conditioned to not be in conflict with the Performance Outcomes of the Acid Sulfate Soils Overlay Code.

7.2.6.4 Development Codes

Refer to **Attachment 7 Council Planning Assessment** which demonstrates that the proposed development is not, or able to be conditioned to not be in conflict with the applicable Development Codes of the Planning Scheme.

For completeness however, and to ensure there is no doubt that the proposed development complies with the Planning Scheme with regards to car parking, a full assessment of the Purpose of the Vehicle Parking & Access Code has been provided below in **Table 6**.

Table 6 Assessment Against the Purpose of the Vehicle Parking & Access Code

Purpose	Comment
<i>"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";</i>	Refer to section 6.1 which demonstrates that the proposed development has provided a sufficient number of car parking spaces for the vehicular traffic that will be generated by the use.
<i>Sufficient bicycle parking and end of trip facilities are provided on-Site to cater for customer and staff";</i>	Two (2) separate bicycle racks and showers have been provided on site.
<i>"On-Site parking is provided so as to be accessible and convenient, particularly for any short term use";</i>	The proposed car parking spaces are all directly adjacent to the proposed development.
<i>"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";</i>	The proposed access and car park locations are consistent with previous approvals over the site and hence, they are not expected to negatively impact on the safe or efficient function of Grant or Warner Streets. Any unloading will be done so from entirely within the site.
<i>"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"</i>	The proposed site access location is consistent with previously approved access locations on the site and hence, it is not expected to be in conflict with the character or streetscape sought by Council.

7.2.7 Planning Scheme Conflict

As has been demonstrated throughout this report and the relevant appendices, the proposed development is not in conflict, or can be conditioned to not be in conflict with the planning scheme.

This application has been prepared by Urban Sync on behalf of Quicksilver Connections Limited in relation to a proposed development at 19 Warner Street, Port Douglas, more properly described as Lot 31 on PTD20910.

The application has provided a description of the proposed development which seeks approval for a:

- **Development Permit for a Material Change of Use (Business Facilities)**

This report has described the site and proposed development, identified the applicable statutory and legislative requirements, addressed the planning requirements associated with the project, and sought to demonstrate the suitability of the site to accommodate the proposed development.

The proposed development is generally compliant with the Planning Scheme. The Applicant understands that certain elements of the proposed development depart from the Acceptable Measures reflected in the Vehicle Parking & Access Code. Notwithstanding this, Urban Sync has assessed the function of the proposed development against the 'higher order' Performance Criteria and Purpose of this code, and consider that there exist sufficient planning grounds to support the current submitted design. Accordingly, the proposed development should be supported as:

- It is not in conflict with any applicable State statutory requirements;
- It generally complies with the *Douglas Shire Council Planning Scheme 2006* (and as since amended);
- It has provided an appropriate number of car parking spaces to accommodate the anticipated needs of the use;
- It integrates with, and will not have any negative impacts on the streetscape and/or character of the area;
- It will provide an appropriate book-end to the development of the Grant & Warner Street intersection;
- It is able to be connected to all urban infrastructure and services;
- It is able to be mitigate the impact of natural hazards to within acceptable levels;
- It will not have a detrimental impact on, nor compromise the safe and efficient operation of Grant Street or Warner Street, nor the existing intersection.

Approval is therefore, recommended subject to the imposition of reasonable and relevant conditions.



**ATTACHMENT 1
IDAS FORMS 1 & 5 &
LANDOWNERS CONSENT**



IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.2 effective 3 August 2015)

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.

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)	Quicksilver Connections Limited		
For companies, contact name	Matt Ingram – Urban Sync Pty Ltd		
Postal address	PO Box 2970		
	Suburb	CAIRNS	
	State	QLD	Postcode 4870
	Country		
Contact phone number	(07) 4051 6946		
Mobile number (non-mandatory requirement)	-		
Fax number (non-mandatory requirement)	-		

Email address (non-mandatory requirement)

matt@urbansync.com.au

Applicant's reference number (non-mandatory requirement)

16-148

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.)

Establishment of Quicksilver Dive which will include a dive centre, retail outlet and offices for the Port Douglas based Quicksilver staff.

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)		19	Warner Street	4877	31	PTD20910	Port 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)	Commercial (Tourist Centre)	N/A	Acid Sulfate Soils (Area Below 20m AHD)
ii)			Natural Hazards (Low Risk Hazard)
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)1,055m²**4. Current use/s of the premises** (e.g. vacant land, house, apartment building, cane farm etc.)

Vacant Land

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

No Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)
Consent Order 8/18/1508	16 th November 1994	N/A

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

No
 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	Quicksilver Connections Limited
<input checked="" type="checkbox"/> 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)

Description of attachment or title of attachment	Method of lodgement to assessment manager
Planning Report (including code assessment, architectural drawings, etc.)	Smart eDA

14. Applicant's declaration

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

Notes for completing this form

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

Applicant details

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

Question 1

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

Question 6

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

Question 7

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

Question 11

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

Question 12

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

Privacy—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), 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 received form sighted by assessment manager	Name of officer who sighted the form

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure, Local Government 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 3.1 effective 3 August 2015)

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.

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)
Proposed new Dive Centre (Quicksilver Dive).	Business Facilities	629m ²	8:00am-5:00pm Seven (7) days a week	13 Full Time & 5 Part Time

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

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

Mandatory supporting information

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

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

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

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 Infrastructure, Local Government and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Company owner's consent to the making of a development application under the Sustainable Planning Act 2009

I, ANTHONY BAKER [insert name in full]

MANAGING DIRECTOR

[insert position in full— i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner's consent]

of Quicksilver Connections Limited [insert name of company]

as owner of premises identified as follows:

19 Warner Street, Port Douglas (Real Property Description: Lot 31 on PTD20910).
[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

Quicksilver Connections Limited C/- Urban Sync Pty Ltd [insert name of applicant]

on the premises described above for the purposes of

Development Permit for a Material Change of Use (Business Facilities)

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

 [Signature of _____]

signed on the 16TH day of AUGUST 2016

Company seal [if used]

ATTACHMENT 2 PRE-LOGEMENT MINUTES AND CORRESPONDENCE



MEETING AGENDA

Pre-lodgement meeting for a proposed development at 19 Warner Street, Port Douglas

1. General			
Date & Time	Wednesday 25 May 2016, 10:00am	Location	Douglas Shire Council, 64-66 Front Street, Mossman
Facilitator	Matt Ingram (Urban Sync)	Type of Meeting	Pre-lodgment Meeting
Required Attendees	<ol style="list-style-type: none"> 1. Travis Clarke – General Manger Operations, Quicksilver Group; 2. Rod Punshon – Business Consultant, Punshon Consulting Pty Ltd; 3. Carlo Amerio – Director, CA Architects; 4. Matt Ingram – Senior Planner, Urban Sync; 5. Simon Clarke – Planning Consultant, Development Assessment and Coordination, Douglas Shire Council; and 6. Daniel Lamond, Planning Officer, Douglas Shire Council 		
2. Site Summary			
<p>The site is located in the 'Port Douglas & Environs' locality and the 'Commercial' Planning Area (Tourist Centre) of the <i>Douglas Shire Planning Scheme 2006</i> (and as since amended). The site is also affected by the Acid Sulfate Soils & Natural Hazards (Low Bushfire Risk) Overlays.</p>			
3. Development Summary			
<p>Quicksilver Group are proposing a dive shop, 'Quicksilver Dive' and offices over Lot 31 on PTD20910 at 19 Warner Street, Port Douglas. The dive shop will by two stories high and consist of a retail and reception area, offices, training rooms, a pool, as well as ancillary amenities, storage and equipment rooms. Two different layouts have been provided for your review (see Attached). It is noted here that currently, scheme 2 is the preferred layout, although there is still some fine turning to occur.</p> <p>'Quicksilver Dive' will offer scuba diving courses, liveaboard dive trips and retail sales. The two main aspects of the use however, will be the dive shop and offices, the latter of which will be for the sole use of Quicksilver Group staff members. The dive shop will consist of the retail sales of dive, snorkel and other watersports equipment, as well as the servicing of dive equipment and the re-filling of dive tanks etc. The training rooms and pool will be used for the preliminary theory, swim test and pool training, land based component of the offered scuba diving courses, necessary before the main aspect of the course can be undertaken out at sea.</p>			
4. Meeting Objective			
<p>To be able to obtain 'in principle' support for the proposed development from Douglas Shire Council (Council), identify any areas of concern with the proposed development from Council's perspective and confirm all documentation necessary to support the development application.</p>			
5. Expectations			
<p>It is expected that each attendee will arrive sufficiently prepared in order to be able to provide all of the information required of them, generally as outlined in the agenda below.</p>			

6. Agenda

Use Definitions:

- We seek to confirm the appropriate use definitions for the proposed development. We believe that the use is most appropriately defined as '**Business Facilities**'.

'Business Facilities'

"Means the use of premises for:

- *the conduct of a business or office where the principle activity is the provision of business or professional advice, services and goods or the office based administrative functions of any organization";*

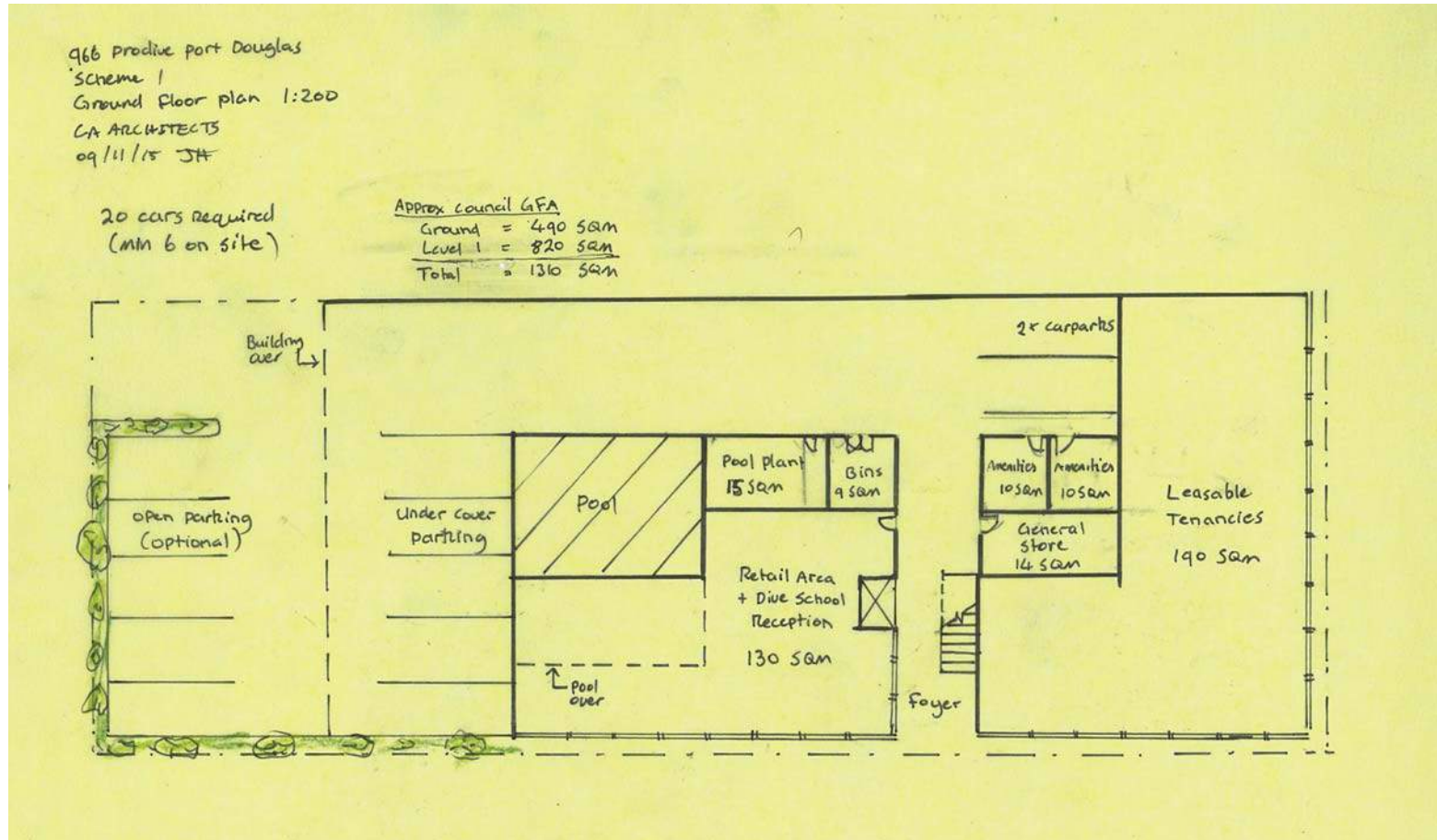
Douglas Shire Planning Scheme Requirements:

- General comments from Council on design (pros and cons of both proposed schemes, with particular emphasis on Scheme 2);
- Confirm GFA calculations (i.e., all building areas, non-inclusive of plant room and bins, public lobby (foyer) on ground floor and pool/deck and compressor room on second floor);
- Confirm car parking requirements for the site with reference to A9.1 of the Port Douglas and Environs Locality Code.

General:

- Any infrastructure issues (location/capacity);
- Supporting documentation Council considers necessary to accompany the DA;
- Confirm application fee;
- Confirm site has an existing 'credit' in respect of infrastructure charges to be levied and confirmation of this credit;
- Expected pre-lodgment response timeframes;
- Expected development assessment timeframes; and
- Any other comments from Council.

UNCONTROLLED



1 Scheme 1 Ground
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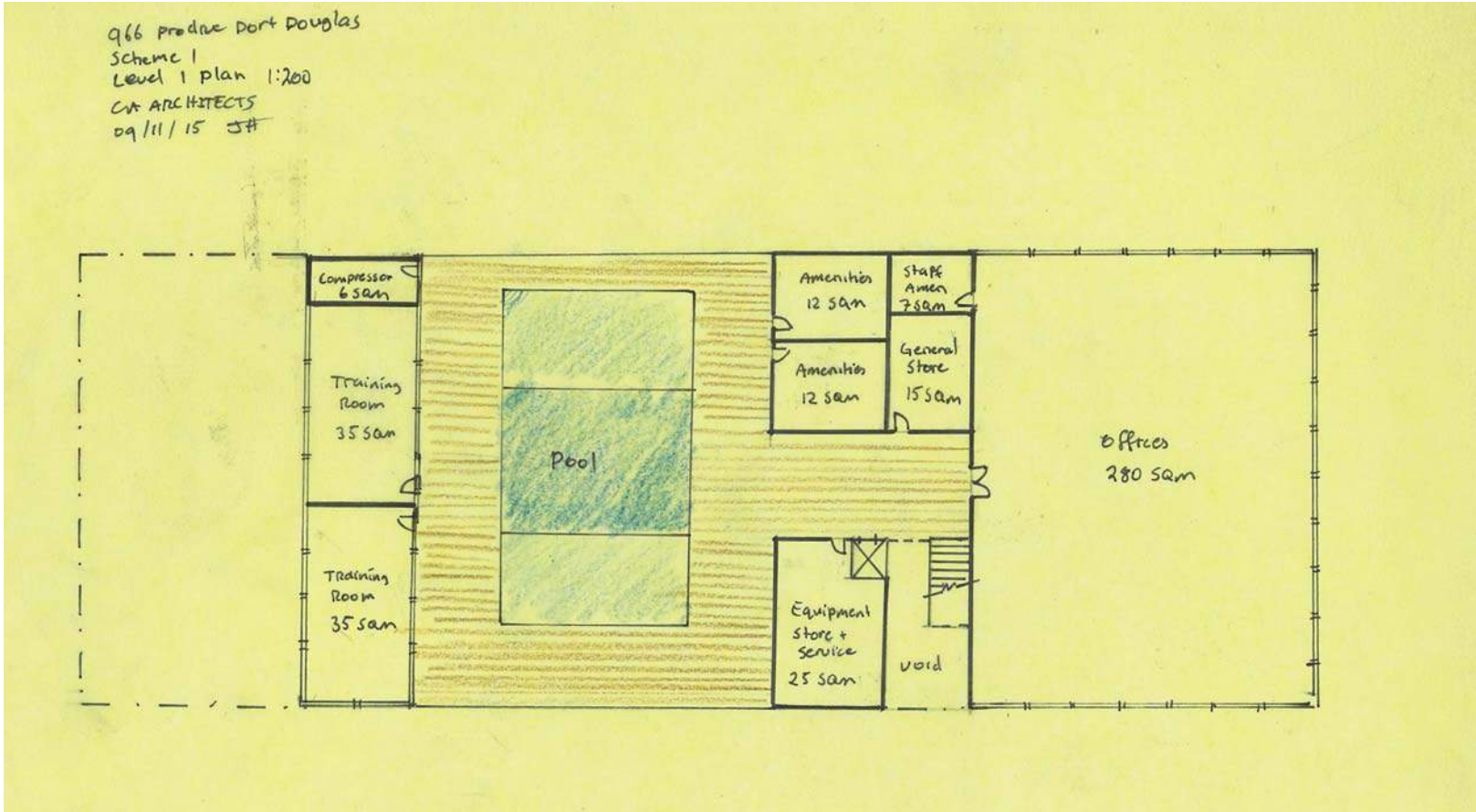
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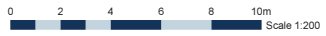
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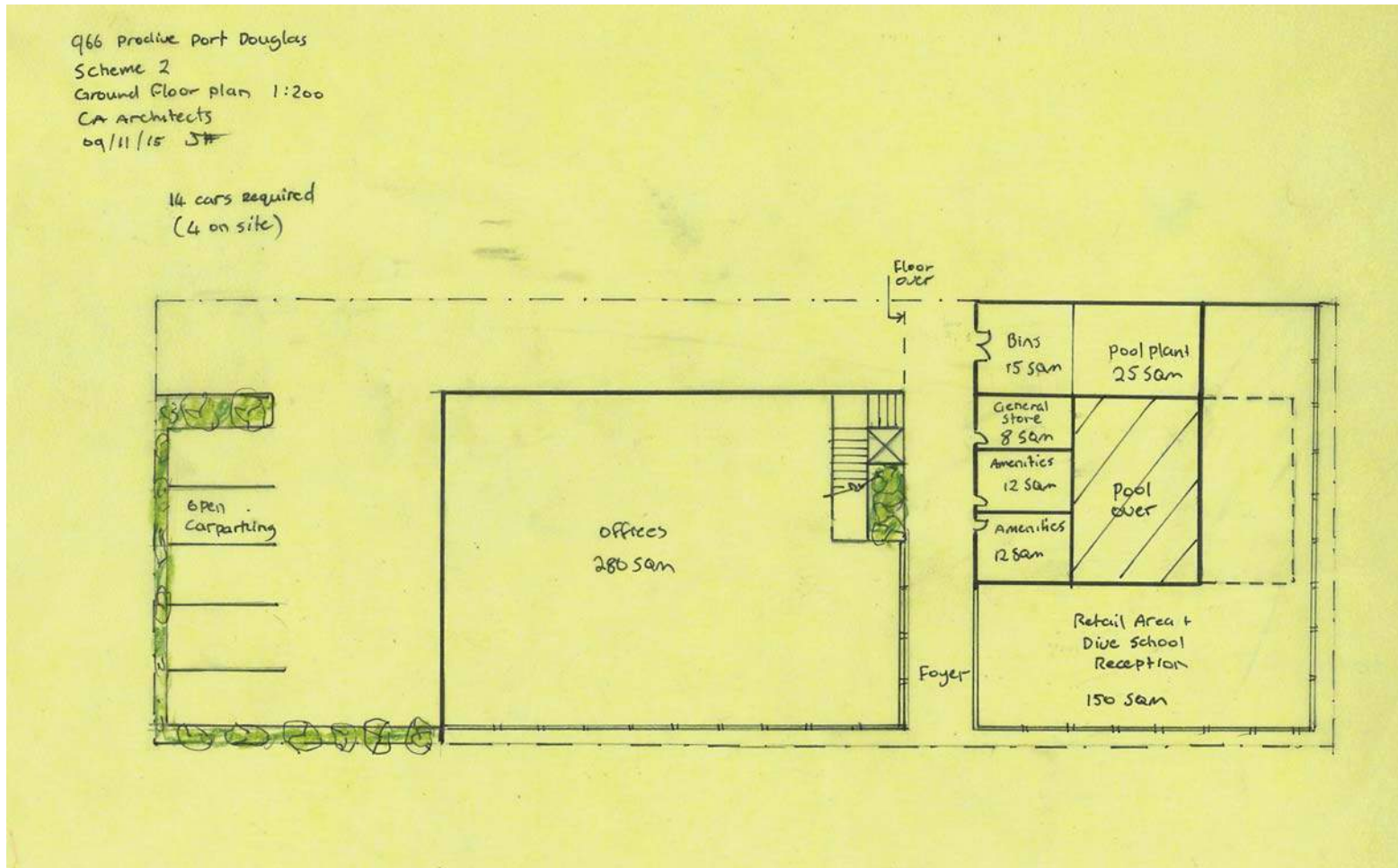
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1 Scheme 1 Level 1
 1 : 200

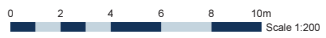


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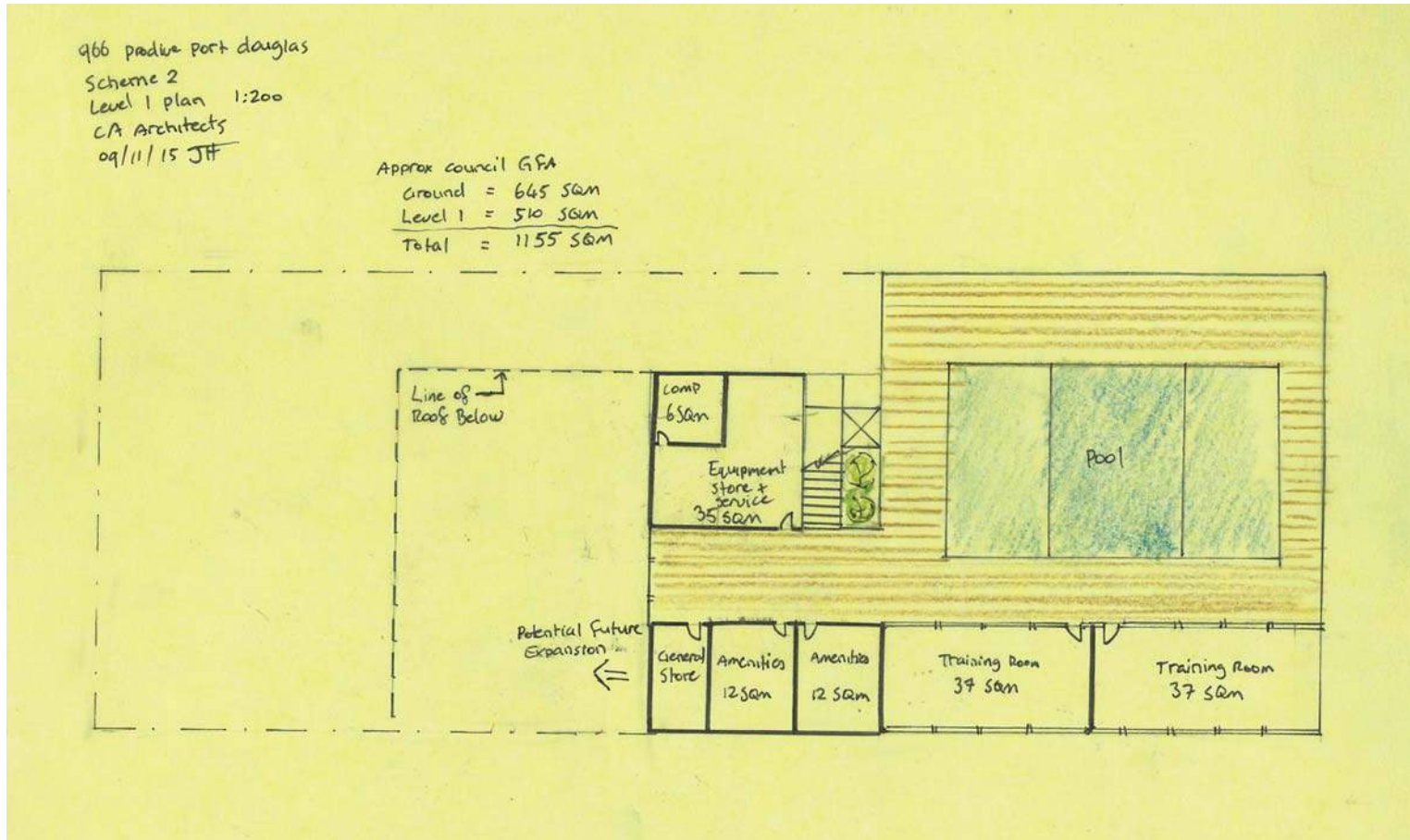


1 Scheme 2 Ground
1:200

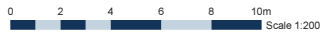


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1 Scheme 2 Level 1
 1 : 200



UNCONTROLLED

UNCONTROLLED

UNCONTROLLED

Matt Ingram

From: Daniel Lamond <Daniel.Lamond@douglas.qld.gov.au>
Sent: Thursday, May 26, 2016 1:43 PM
To: Matt Ingram
Subject: RE: 19 Warner Street – Pre-lodgment Meeting Summary

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Matt,

Please see Council comment in orange below. I think that we have addressed your main concern regarding the parking in the comments below. Let me know what you think.

Gents

Thank you for your time yesterday. Below is a summary of points from the meeting for your review/comment and confirmation (where applicable). I have also reviewed the 2011 (8/7/1819) approval which has influenced some of my comments below. Thank you for providing these. Points below:

- It was confirmed, based on the overview of the use provided by Travis, that the most appropriate use definition was 'Business Facilities'. A detailed explanation of the use, including the servicing of dive equipment, will be provided in the DA; Council confirms that 'business facilities' best identifies the proposal in terms of the definitions provided in the 2006 Douglas Shire Planning Scheme.*
- Gross Floor Area shall include the 'offices', 'retail area', 'general store', and 'training rooms'. Given the age of the Douglas Shire Planning Scheme, combined with the progress of the new SPA compliant Planning scheme, we believe it is appropriate to consider the Queensland Planning Provisions definition for GFA, which excludes 'building services, plant and equipment' which in this instance, would exclude the 'equipment store and service room', 'amenities', 'compressor room', and 'pool plant' areas. Council confirms the above-mentioned GFA description relevant to the proposal.*
- Car parking. At a rate of 1 per 30 and based on an approx., 500m² development, approx. 17 spaces will be required. Given the contributions in lieu of are no longer available since the introduction of the Infrastructure charges notice, the earlier approvals do not appear to offer any assistance in justifying reductions. Instead, depending on the design, and if a reduction is required, the performance criteria P1 of the Vehicle Parking & Access Code, particularly that "sufficient spaces are provided on the site to accommodate the amount and type of traffic expected" will be relied on as there will not be 17 staff on site at any one time and the vast majority of persons using the dive centre will likely walk from nearby areas. An argument along these lines would be appropriate.*

I note that the earlier approvals did not agree with the applicants proposal to pay for the additional works for car parking spaces in the car park at the rear of the site as this was a temporary area/use. The report went on to say that instead, a contribution should be paid to be put towards "the provision of additional spaces to serve the Tourist Centre as and when required". As this charge can no longer be applied, if we were to provide additional car parks along the Warner Street frontage of the site, which is effectively providing the same end result as the old policy, would Council allow for these 'additional' spaces to be included in the on-site calculations? This sets a bad precedent. However is also the most logical place to have your extra car parking. I am happy for you to put an argument forward. I think I would be relying on the fact that the previous approval intended to collect money for car parking. However there was no guarantee where or

when that money pool would result in car parking – something along those lines. So the issue needs to be addressed in the Development Application.

- Both existing 2011 and 2010 approvals have used 3.1m AHD as the minimum floor level for the site, plus 150mm, putting the required floor level at 3.25m AHD unless hydraulic grade is greater. Given that relaxations have been provided before, combined with the fact that we currently face the same site constraints as earlier developments, we believe that the original justification provided should again suffice in this instance and the same level of RL3.1 plus 150mm be used in this instance. Car parking is able to be provided at 2.8m AHD as per the 2011 approval. *Council recommends an engineering survey be undertaken in order to confirm site levels.*
- Is it safe to assume that the same external works conditions that were applied as condition 7 in the 2011 approval will again be applied in this instance? *Yes*
- Please confirm what type of structures (i.e., raised boardwalks??), if any, are able to be built over the existing infrastructure in Grant Street. Please also confirm that if a solid structure is located over them that restricts Council's access, that it is likely Council will require the infrastructure to be relocated. *Council will require infrastructure to be relocated at the cost of the applicant, if the proposal restricts council's access. Raised boardwalks would generally be supported as access where they assist in managing the level changes between the footpath and the building. So we would need a bit more detail and would need to run the enquiry past our engineers first. Please also have regard for comments made in the reports supplied in the meeting.*
- The integration between the development and surrounding pedestrian thoroughfares and how this is addressed, i.e., ramps, steps etc. is required to be investigated in detail from our end. We have noted the comments today and in the officers reports from the earlier approvals and will take this on board during the design phase. Likewise, your comments on the design of the building and the sites location in an 'iconic' part of the town. *Not really an 'iconic' part of town. The comments were more along the lines of 'book-marking' the final corner of the intersection with a development that is in harmony with the other three corners. This doesn't mean copy their design – it means be careful you don't end up with an over-scaled frontage relative to the other corners and a finer grain along the frontage will also help in this regard. Please be aware that this Council (i.e. Councillors) are **very much** interested in ensuring that development is in keeping with the overall tourist/coastal tropical town feel that characterises Port Douglas.*
- To avoid having to obtain separate owners consent and the potential issues in doing so, it is likely that access will be achieved via Grant Street, similarly to the 2011 approval. *Probably sensible.*
- Please confirm additional supporting information required to accompany the DA (if any), outside that required by legislation; *At this stage, I can't foresee anything that would be out of the ordinary for this type of application. It is usually best to deal with signage in association with your MCU to avoid additional applications down the track.*
- Please confirm that the site, as a vacant piece of land since prior to the commencement of the 'Adopted Charges' and Council's AICR, has a \$14,343.13 credit which will be applied to the ICN applicable to this development *Yes, Council confirms one credit will be applied to the ICN applicable to this development.*

Kind regards,

Daniel Lamond
Planning Officer

Development Assessment and Coordination

Sustainable Communities | Douglas Shire Council

P: 07 4099 9456 | F: 07 4098 2902

E: daniel.lamond@douglas.qld.gov.au | W: douglas.qld.gov.au

Mail: PO Box 723, Mossman Q 4873 | Office: 64-66 Front St, Mossman Q 4873

From: Matt Ingram [mailto:matt@urbansync.com.au]
Sent: Thursday, 26 May 2016 12:33 PM
To: Daniel Lamond
Subject: FW: 19 Warner Street – Pre-lodgment Meeting Summary

Dan

Further to the below and just thinking out loud, but would like Council's thoughts, if we are having a hard time trying to fit the spaces on, while still making it a financially viable build, is there an option to provide spaces somewhere else in the centre of town i.e., not adjacent to the site, but perhaps somewhere where a few extra spaces could be accommodated/are needed etc.??

There is a lot to consider with this option from both sides. We would expect this would be an expensive solution for us, but it may be cheaper than having to elevate the building for car parking underneath etc. Not elevating the building for the sole purpose of fitting car parking will also result in a better looking development/streetscape etc. However, some preliminary thoughts from Council on this ballpark 'alternative solution' would be appreciated.

Cheers

Matt Ingram

Senior Planner

P 07 4051 6946

M 0488 200 229

E matt@urbansync.com.au **W** www.urbansync.com.au

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From: Matt Ingram
Sent: Thursday, May 26, 2016 11:04 AM
To: 'Daniel Lamond' <Daniel.Lamond@douglas.qld.gov.au>; Simon Clarke <Simon.Clarke@douglas.qld.gov.au>
Subject: 19 Warner Street – Pre-lodgment Meeting Summary

Gents

Thank you for your time yesterday. Below is a summary of points from the meeting for your review/comment and confirmation (where applicable). I have also reviewed the 2011 (8/7/1819) approval which has influenced some of my comments below. Thank you for providing these. Points below:

- It was confirmed, based on the overview of the use provided by Travis, that the most appropriate use definition was 'Business Facilities'. A detailed explanation of the use, including the servicing of dive equipment, will be provided in the DA;
- Gross Floor Area shall include the 'offices', 'retail area', 'general store', and 'training rooms'. Given the age of the Douglas Shire Planning Scheme, combined with the progress of the new SPA compliant Planning

scheme, we believe it is appropriate to consider the Queensland Planning Provisions definition for GFA, which excludes *'building services, plant and equipment'* which in this instance, would exclude the *'equipment store and service room', 'amenities', 'compressor room', and 'pool plant'* areas.

- Car parking. At a rate of 1 per 30 and based on an approx., 500m² development, approx. 17 spaces will be required. Given the contributions in lieu of are no longer available since the introduction of the Infrastructure charges notice, the earlier approvals do not appear to offer any assistance in justifying reductions. Instead, depending on the design, and if a reduction is required, the performance criteria P1 of the Vehicle Parking & Access Code, particularly that *"sufficient spaces are provided on the site to accommodate the amount and type of traffic expected"* will be relied on as there will not be 17 staff on site at any one time and the vast majority of persons using the dive centre will likely walk from nearby areas.

I note that the earlier approvals did not agree with the applicants proposal to pay for the additional works for car parking spaces in the car park at the rear of the site as this was a temporary area/use. The report went on to say that instead, a contribution should be paid to be put towards *"the provision of additional spaces to serve the Tourist Centre as and when required"*. As this charge can no longer be applied, if we were to provide additional car parks along the Warner Street frontage of the site, which is effectively providing the same end result as the old policy, would Council allow for these *'additional'* spaces to be included in the on-site calculations?

- Both existing 2011 and 2010 approvals have used 3.1m AHD as the minimum floor level for the site, plus 150mm, putting the required floor level at 3.25m AHD unless hydraulic grade is greater. Given that relaxations have been provided before, combined with the fact that we currently face the same site constraints as earlier developments, we believe that the original justification provided should again suffice in this instance and the same level of RL3.1 plus 150mm be used in this instance. Car parking is able to be provided at 2.8m AHD as per the 2011 approval.
- Is it safe to assume that the same external works conditions that were applied as condition 7 in the 2011 approval will again be applied in this instance?
- Please confirm what type of structures (i.e., raised boardwalks??), if any, are able to be built over the existing infrastructure in Grant Street. Please also confirm that if a solid structure is located over them that restricts Council's access, that it is likely Council will require the infrastructure to be relocated.
- The integration between the development and surrounding pedestrian thoroughfares and how this is addressed, i.e., ramps, steps etc. is required to be investigated in detail from our end. We have noted the comments today and in the officers reports from the earlier approvals and will take this on board during the design phase. Likewise, your comments on the design of the building and the sites location in an *'iconic'* part of the town.
- To avoid having to obtain separate owners consent and the potential issues in doing so, it is likely that access will be achieved via Grant Street, similarly to the 2011 approval.
- Please confirm additional supporting information required to accompany the DA (if any), outside that required by legislation;
- Please confirm that the site, as a vacant piece of land since prior to the commencement of the *'Adopted Charges'* and Council's AICR, has a \$14,343.13 credit which will be applied to the ICN applicable to this development

Give me a buzz if need be.

Cheers

Matt Ingram

Senior Planner

P 07 4051 6946

M 0488 200 229

E matt@urbansync.com.au **W** www.urbansync.com.au

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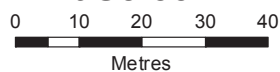
**ATTACHMENT 3
STATE MAPPING**





DA Mapping System – Print Screen

Date: 23/05/2016



Department of
Infrastructure, Local
Government and Planning

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Legend


Drawn Polygon Layer

Override 1


Cadastral

 Cadastral

Coastal hazard area - erosion prone area

 Coastal hazard area - erosion prone area

Coastal hazard area - high storm tide inundation area

 Coastal hazard area - high storm tide inundation area

Coastal zone

 Coastal zone

DA Mapping System – Print Screen



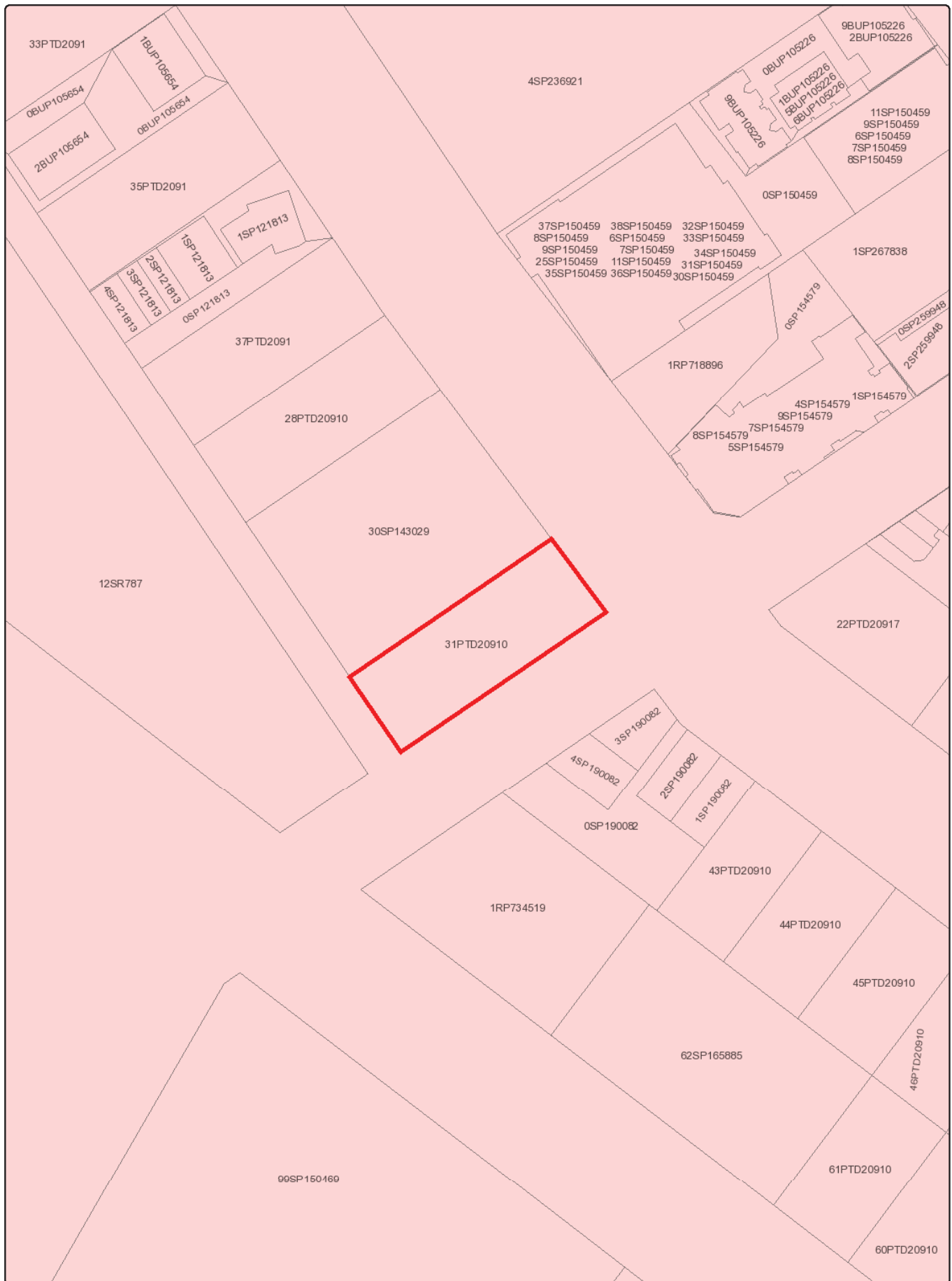
Department of
Infrastructure, Local
Government and Planning

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Date: 23/05/2016

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DA Mapping System – Print Screen

Date: 23/05/2016

0 10 20 30 40



Metres



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Legend

Drawn Polygon Layer

Override 1

Cadastral


 Cadastral


SEQ Development Area


 Local Development Area

 Regional Development Area

Regional Land Use Categories (SEQ, WBB, MIW, FNQ)

 Urban Footprint

 Rural Living Area

 Regional Landscape and Rural Production Area

DA Mapping System – Print Screen



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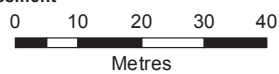
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Date: 23/05/2016
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 Infrastructure, Local
 Government and Planning
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State Planning Policy

Local government development assessment



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Legend


Drawn Polygon Layer

Override 1


Cadastral

 Cadastral


Climatic regions - stormwater management design objectives

 Climatic regions - stormwater management design objectives


Coastal hazard area - erosion prone area

 Coastal hazard area - erosion prone area

Coastal hazard area - high storm tide inundation area

 Coastal hazard area - high storm tide inundation area

Flood hazard area* - Level 1 - Queensland floodplain assessment overlay

 Flood hazard area* - Level 1 - Queensland floodplain assessment overlay



Disclaimer:

ATTACHMENT 4 SITE SEARCHES



CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 23754585
Search Date: 05/07/2016 10:39

Title Reference: 20735148
Date Created: 01/11/1967

REGISTERED OWNER

Dealing No: 715575051 03/02/2014

QUICKSILVER CONNECTIONS LIMITED A.C.N. 010 434 269

ESTATE AND LAND

Estate in Fee Simple

LOT 31 CROWN PLAN PTD20910
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20735148 (ALLOT 11 SEC 10)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Title Search **

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Requested By: D-ENQ CITEC CONFIRM



Department of Environment and Heritage Protection (EHP)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA
www.ehp.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 50310601 EMR Site Id: 11 August 2016
This response relates to a search request received for the site:
Lot: 31 Plan: CP20910

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.

The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

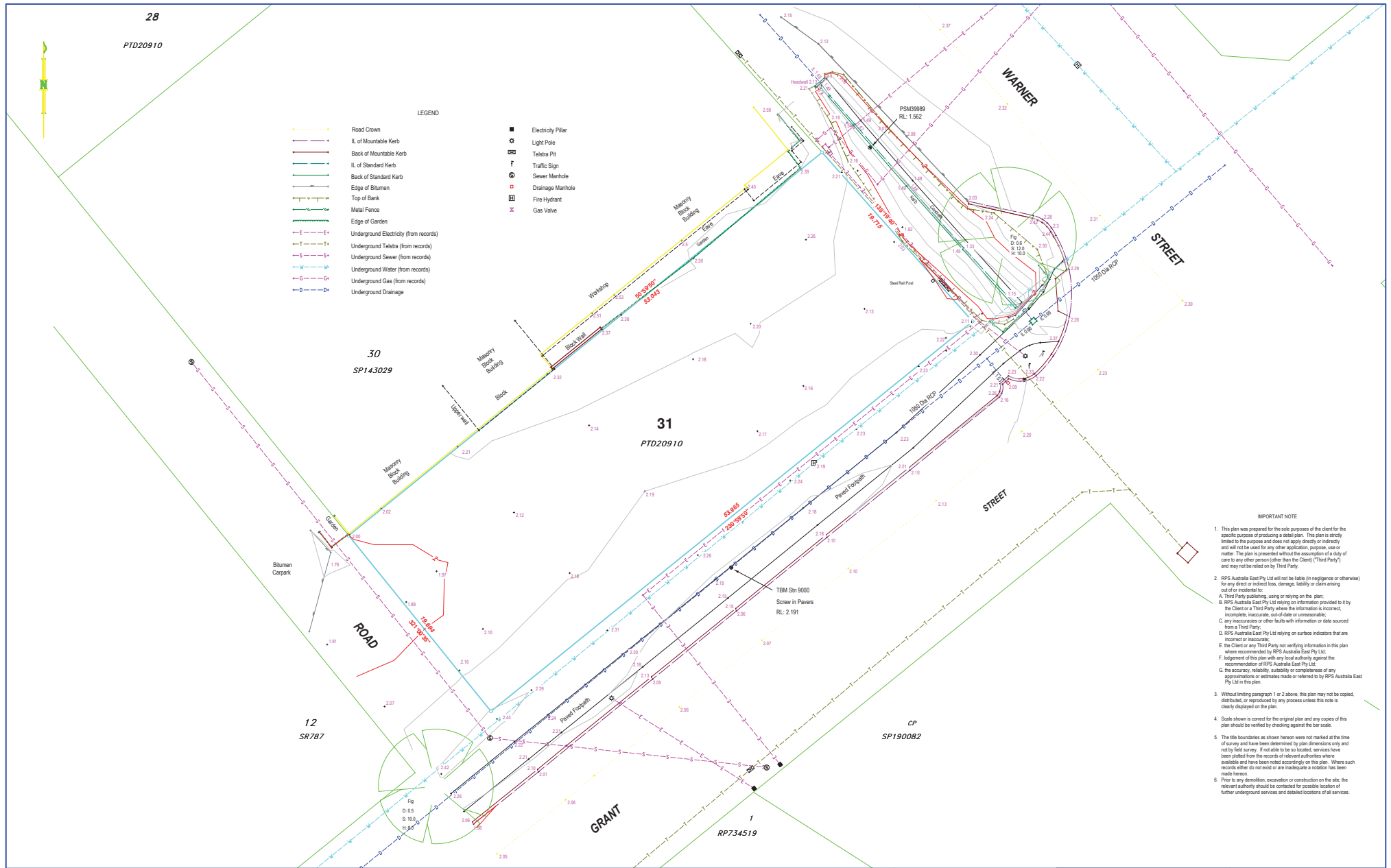
If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

28
PTD20910

- LEGEND**
- Road Crown
 - IL of Mountable Kerb
 - Back of Mountable Kerb
 - IL of Standard Kerb
 - Back of Standard Kerb
 - Edge of Bitumen
 - Top of Bank
 - Metal Fence
 - Edge of Garden
 - Underground Electricity (from records)
 - Underground Telstra (from records)
 - Underground Sewer (from records)
 - Underground Water (from records)
 - Underground Gas (from records)
 - Underground Drainage

- Electricity Pillar
- Light Pole
- ⊕ Telstra Pit
- ⊕ Traffic Sign
- ⊕ Sewer Manhole
- ⊕ Drainage Manhole
- ⊕ Fire Hydrant
- ⊕ Gas Valve



- IMPORTANT NOTE**
- This plan was prepared for the sole purposes of the client for the specific purpose of producing a detail plan. The plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) (Third Party) and may not be relied on by Third Party.
 - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - Third Party publishing, using or relying on the plan;
 - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out of date or unreasonable;
 - any inaccuracies or other faults with information or data sourced from a Third Party;
 - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - Judgment of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
 - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
 - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
 - The site boundaries as shown hereon were not marked at the time of survey and have been determined by clear dimension only and not by field survey. If not able to do so located, services have been plotted from the records of relevant authorities where available and have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.
 - Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services and detailed locations of all services.

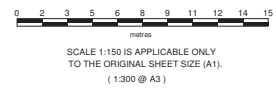
NOTES

Level Datum: AHD
 Origin of Levels: OPM 39989
 R.L.: 1.562

Contour Interval: 0.2m
 Index: 1.0m

Origin of Coordinates: OPM 39989
 E: 1983.115
 N: 5015.738

Meridian: IS211032
 Field/Level Book: N/A



AMENDMENTS	PROJECT MANAGER
TEXT	D Pinkham
CHECKED	SURVEYED
	MJW 1/6/2016
DRAFTING CHECKED	DRAWN
	DGPMJW
	CAD REF
	132368-100.CCX
	SHEET 1 OF SHEETS 1
	SHEET SIZE A1

QUICKSILVER CONNECTIONS

Detail & Contour Survey
 of Lot 31 on PTD20910
 Grant Street
 Port Douglas
 Queensland

RPS
 RPS Australia East Pty Ltd
 ACN 140 292 762
 U10 No 9 Pioneer Close
 Craiglie Q 4877
 PO Box 355
 Mossman Q 4873

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 without permission. Please contact the author.
 T +61 7 4098 1148
 F +61 7 4031 2942
 W rps@group.com.au

SCALE: 1:150
 DATE: 3/6/2016
 DRAWING NO: 132368-1
 ISSUE

ATTACHMENT 5 RELATED APPROVALS



**NEGOTIATED DECISION FOR MATERIAL CHANGE OF USE
RESTAURANT AND SHOPPING FACILITY – 19 WARNER STREET PORT
DOUGLAS – DIVISION 10**

Claire Garner: 8/7/1819 : #3256305

** Serious
Flesh*

PROPOSAL: NEGOTIATED DECISION (UPGRADE
PRELIMINARY APPROVAL TO
DEVELOPMENT PERMIT) RESTAURANT
& SHOPPING FACILITIES

APPLICANT: JUNIPER DEVELOPMENT GROUP P/L
PO BOX 6
MOOLOOLABA QLD 4557

LOCATION: 19 WARNER STREET, PORT DOUGLAS

PROPERTY: LOT 31 ON PLN20910

PLANNING LOCALITY: PORT DOUGLAS & ENVIRONS

PLANNING AREA: COMMERCIAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: NONE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT
DEADLINE: NOT APPLICABLE

APPLICATION DATE: 4 JULY 2011

DIVISION: 10

APPENDIX:

1. APPROVED PLANS
2. PLANS IN PRELIMINARY APPROVAL
3. INFRASTRUCTURE CHARGES NOTICE
4. PHOTOGRAPHS OF SURROUNDING
DEVELOPMENTS

LOCALITY PLAN



RECOMMENDATION:

That Council upgrades the current Preliminary Approval to a full Development Approval for the development application for a Restaurant and Shopping Facility over land described as Lot 31 on PTD20910, located at 19 Warner Street, Port Douglas, subject to the following conditions:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Ground Level Plan	BN Architects B0907_A-SK01[I]	1 July 2011
Elevations	BN Architects B0907_A-SK11[B]	1 July 2011

Assessment Manager Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed development must be redesigned or amended to accommodate the following changes:
 - a. The building must achieve a finished floor level of 3.1m AHD so as to achieve appropriate flood immunity.
 - b. The ramped areas to Grant and Warner Streets must be widened so that they form the main part of the footpath, with steps to be of minimal width or removed completely where possible;
 - c. The reduction in the height of the advertising signage to be a maximum 2.5 metres above finished floor level.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:-
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*.

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

The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

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

Damage to Infrastructure

5. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Refuse Storage

6. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.

External Works

7. Undertake the following works external to the land at no cost to Council:
 - a. Upgrade the Grant and Warner Street frontages as shown on BN Drawing B0907_A_SK01(I), dated 1 July 2011 including relocation of existing services;
 - b. Provide underground stormwater infrastructure along the Warner Street frontage;
 - c. Provide kerb and channel along the Warner Street frontage;
 - d. Provide road widening along the Warner Street frontage;
 - e. Provide car park line marking to Warner Street frontage;
 - f. Relocate light/power pole/s at the front of the subject land where required to accommodate the development.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities ie the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Lawful Point of Discharge

8. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

9. All floor levels in all buildings must be located 150mm above the Q100 flood immunity level of 3.1 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Vehicle Parking

10. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces, being 30% of the required number of spaces specified in the Douglas Shire Planning Scheme, 2008. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas from Parking

11. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

12. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Grant Street frontage.

Bicycle Parking

13. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles*. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is six (6) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

14. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
 - a. Existing street trees to be retained and details of how these will be protected during works;
 - b. Streetscape planting to both road frontages that is complimentary to the southern section of Warner Street (i.e. lush plantings of trees as opposed to small scale planter beds), using appropriate species with regard to any site constraints including underground services;
 - c. Deep planting of setback areas within the site;
 - d. All plants must be selected in accordance with Planning Scheme Policy No.7, with particular emphasis on appropriate species for Port Douglas;
 - e. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Construction Access

16. Vehicular access to the site for construction and demolition purposes must be provided from Grant Street only, unless authorised by the Chief Executive Officer.

Air-Conditioning Screens

17. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Sustainable Development

18. The proposed building should comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the Douglas Shire Planning Scheme, 2006.

Stockpiling and Transportation of Fill Material

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

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

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or on Sundays or Public Holidays.
20. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

21. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

22. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Details of Development Signage

23. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Advertising Signage

24. Signage on the building is limited to the provision of one sign per business, per tenancy and frontage and one sign on the articulated corner of the building.

All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Crime Prevention Through Environmental Design

25. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Health Requirements

26. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
27. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.

Such application must be accompanied by two (2) copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

28. Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation, 2008*.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 2007*.

2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
 3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
 4. A monetary contribution to Council towards the provision of infrastructure including for the deficit in on-site parking is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be the lesser amount as calculated in accordance with:-
 - a. The Regulated Charge for non-residential development as detailed in the State Planning Regulatory Provision; or,
 - b. The Planning Scheme Policy.
- Contributions must be paid at the rates applicable at time of payment. Payment is required prior to issue of a Development Permit for Building Work.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

EXECUTIVE SUMMARY:

Council at its meeting on 25 August 2010 granted a Preliminary Approval for a Material Change of Use (Code Assessable) application for the establishment of a Restaurant and Shopping Facility within a new building on the corner of Warner and Grant Street, at 19 Warner Street, Port Douglas.

The proposed development was considered to be appropriate in the Commercial Planning Area but a Preliminary Approval was issued as the building design needed amending to reduce the impact on the adjoining streetscape and footpath levels and avoid the need for extensive ramping and pedestrian circulation segregation. It was identified that the development needs to compliment the established built form and streetscape pattern established on the other three street corners in this part of the town.

The applicant has submitted additional material addressing the issues raised in the Preliminary Approval and discussions have taken place between Council Officers and consultants regarding the balance required between providing a 'tropical Port Douglas style' design and issues relating to flood immunity. While some reservations are held with respect to flooding and the layout of the proposed ramping within Council road reserve, it is believed that conditions of approval can address these concerns.

It is recommended that the Preliminary Approval be upgraded to a Development Permit subject to conditions.

PLANNING CONSIDERATIONS:

Background

On 20 February 1997 Council refused a Development Application (TPC885) for a Material Change of Use for a Takeaway Food Store and Drive-Through (McDonalds). An Appeal to the Planning & Environment Court was part allowed 13 February 1998 for the Takeaway Food Store element, subject to conditions. The appeal against Council's decision to refuse the Drive-Through element was dismissed.

On 15 June 2000 Council issued a Development Permit (TPC991) for a Material Change of Use for a Restaurant/Bar and Takeaway Food Store (McDonalds), subject to conditions. A Negotiated Decision Notice was issued 27 July 2000. An Appeal against Council's conditions was filed 29 August 2000 but was discontinued 5 September 2000.

On 28 July 2004 Council issued a Development Permit (TPC 1154) for a Material Change of Use (TPC1154) for twenty four (24) Accommodation Units, a Caretaker's Residence and Shops totalling 320m² in Gross Floor Area, subject to conditions. This approved development varies from single storey to three storeys in height. The ground floor contains commercial uses and four accommodation units and the first and second storeys contain 10 units each. The majority of car parking is at semi-basement level to be accessed from the road reserve to the south.

On 28th September 2004 Council refused a request for a Negotiated Decision Notice relating to Condition 24 – Car Parking and Access (specifically, vehicular access to the site) of Development Permit TPC1154.

On 28 July 2009 an application to extend the currency period of Development Permit TPC1154 by 2 years to 29 July 2011 was approved under Delegated Authority.

On 25 August 2010 Council issued a Preliminary Approval (8/7/1819) for a Material Change of Use for a Restaurant and Shopping Facility which contains a number of requirements for the applicant to address prior to upgrading of the approval to a Development Permit, as addressed later in this report.

Site Description

The subject site is 1,055m² in area and has frontage to both Warner and Grant Streets. The site is bounded to the southwest by a road reserve and Council's public car park and to the north-west by the Quicksilver catering and maintenance facility. The land is a prominent site at the intersection of two major thoroughfares in the tourism and commercial centre of Port Douglas.

Proposal

The applicant proposes to construct a Restaurant and a four (4) unit Shopping Facility, totalling 635m² in Net Lettable Area which would be built up to the Grant and Warner Street frontages of the land. The building would be single storey with a floor that is raised above street level. Terraces and associated steps and ramping would be provided within the road reserves. Vehicular access to the site will be directly off Warner Street where seven (7) car parking spaces are proposed to be provided in a raised car park area between the building and the south western boundary.

Preliminary Approval

The initial assessment raised a number of concerns over various matters. As a consequence, A Preliminary Approval was issued subject to conditions. Each of the conditions of the Preliminary Approval are listed below followed by a discussion.

1. *Amendment to the proposal to adopt a design that provides a more seamless integration with adjoining footpath levels which is complimentary to the streetscape styles adopted on the adjoining street corners. This may require reconsideration of the finished floor levels to be compatible with those utilised on the opposite side of Grant Street.*

Comment

The plans as amended show a more seamless integration with adjoining footpath levels, particularly to the street corner where the gentle ramping is consistent with the treatment to the other three corners of the intersection (see photos attached as Appendix 3). The only concern is that the steps at either end of the raised area currently take precedence over the ramps but this can be corrected through a condition requiring that the main area of the footpath is ramped to allow a free-flow of pedestrian traffic and minimise privatisation of the footpath area.

It was acknowledged by all parties at the beginning of the application process that this site is very constrained in terms of size and ability to achieve flood immunity. Council originally requested that the terraced areas be fully contained within the subject site to ensure that Council's ability to provide services within the road reserve is not restricted. This requirement was relaxed significantly during the course of the application process in order to achieve a balanced outcome between providing a pedestrian-scale, Port-Douglas style streetscape and the required level of flood immunity.

The result of these changes is that the scale of the development is similar to that on the opposite side of Grant Street which, it is noted, has some ramping and a terrace built out into the road reserve at its southern end but particularly, has an integrated design with the footpaths at the corner intersection of Grant and Warner Streets. It is noted that the abovementioned development on the opposite side of Grant Street has a minimum floor height of 3.2 metres AHD.

The applicant has submitted that the maximum floor height they could achieve while not requiring steps up from the corner is 3.1 metres AHD. As no flood study has been carried out for Port Douglas and there is clearly a benefit in terms of design and enabling a more seamless integration with adjoining footpath levels, a minimum level of 3.1 metres AHD is considered to be acceptable in this instance. As the current plans are for a building with a finished floor level of 3.0 metres a condition of approval requires an amendment to the design to provide a minimum of 3.1 metres AHD.

2. *Provision of awnings that provide shelter for pedestrians circulating along the street frontages without need to climb steps or ramps (i.e. segregation between raised platforms and general circulation areas along the street is not to occur).*

Comment

The amended plans incorporate awnings to both street frontages that extend out over the entire pedestrian area and there is no longer a raised platform that is segregated from the public footpath but a gently sloping ramped area that integrates the two areas.

3. *Provision of a conceptual landscape plan that indicates streetscape planting complimentary to the southern section of Warner Street (ie – lush plantings of trees as opposed to small scale planter beds). The plan is to ensure the retention and protection of existing street trees and must also take into account underground services. Plants must be selected in accordance with Planning Scheme Policy No. 7, with particular emphasis on appropriate species for Port Douglas;*

Comment

The site is very constrained in terms of area but the design of the development allows for deep landscaping to be provided in a 6.5 metre setback between Grant Street and the car park. Further landscaping will be provided in the Grant Street road reserve between the road pavement and the ramped footpath and the existing mature tree within the Warner Street road reserve would be retained. A condition requires that a landscaping plan detailing species to be used must be submitted and that this should include species identified in Planning Policy 7 as being suitable for the Port Douglas area. It is noted that part of the quality and character of nearby streets is the lush and tall street plantings that add significant streetscape value and quality to the town and this should be provided to this site frontage.

4. *Provision of all three elevations to the proposed building (noting that the western elevation was not supplied).*

Comment

The applicant has provided all three proposed elevations as required.

5. *The number of fascia signs must be reduced to a maximum of one (1) per business, per frontage plus a 'Major Sign' on the corner of the development.*

Comment

A total of five (5) tenancies are proposed with one (1) restaurant and four (4) shop units. The amended plans show that one sign will be provided per tenant with a feature sign proposed for the Grant and Warner Street angled corner of the building.

The proposed fascia-on-awning signs are not fully in accordance with the Acceptable Solutions of the Design and Siting of Advertising Devices Code as they are at a height of over 2.5 metres above ground level. It is considered that the proposed height of the signs above the ground level is acceptable in this instance but a condition will limit the provision of one sign per business, per tenancy and frontage and one sign on the articulated corner of the building.

State Planning Policies

SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

Originally Council requested that the proposed development be designed to the Q100 flood immunity level, specifically, providing a final floor level of 3.4m AHD and the car park has been designed to be Q20 immune (3.1 metres AHD). Ensuing discussions relating to the Q100 level have revealed that other developments in the near vicinity have been approved with a minimum floor level of 3.1 metres AHD. In this respect, Council has agreed to accept this same floor level. The submitted design achieves a floor height of 3 metres AHD and an amendment to design would be required to achieve the desired height and be in accordance with SPP 1/03 –Mitigating the Adverse Impacts of Flood, Bushfire and Landslide. A further condition reiterates the minimum flood level requirement to ensure that this remains part of the approval in the event that Condition 3 is removed in the future following submission of amended plans.

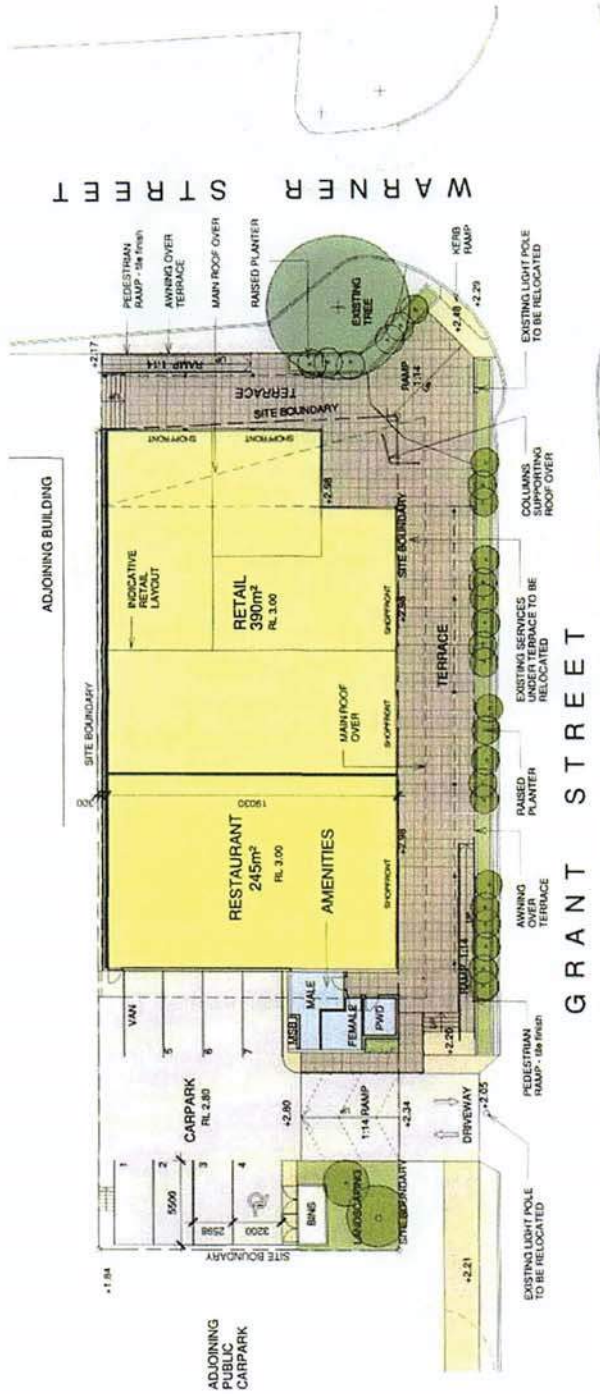
INFRASTRUCTURE CHARGES:

The proposed development triggers the requirement for Infrastructure Charges to be paid and calculations are included in Appendix 2. These charges include the requirement for a contribution to be made by the developer in lieu of providing on-street parking at the rate required by the Planning Scheme.

Claire Garner
Planning Officer

Kelly Reaston
Manager Development Assessment

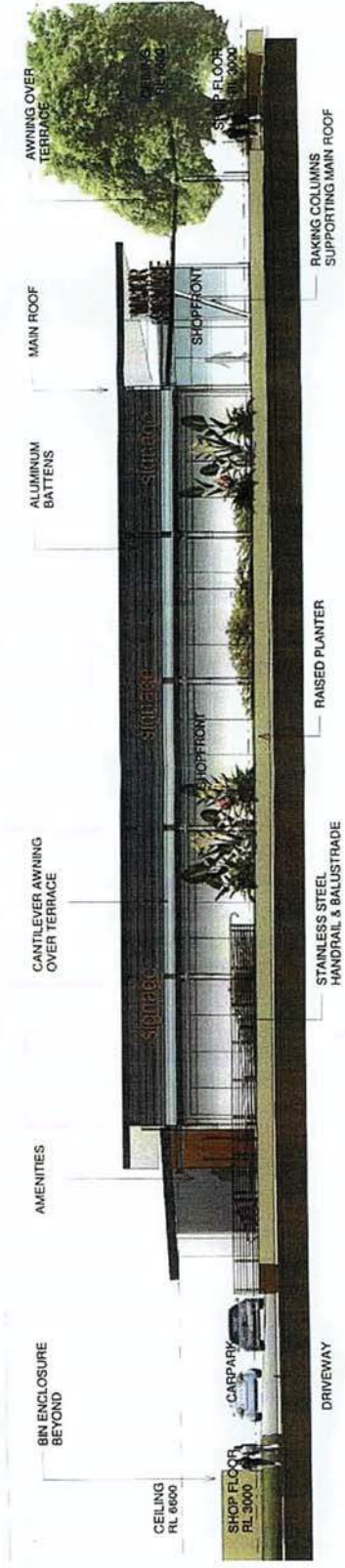
APPENDIX 1 : PROPOSED PLAN(S) & DOCUMENT(S)



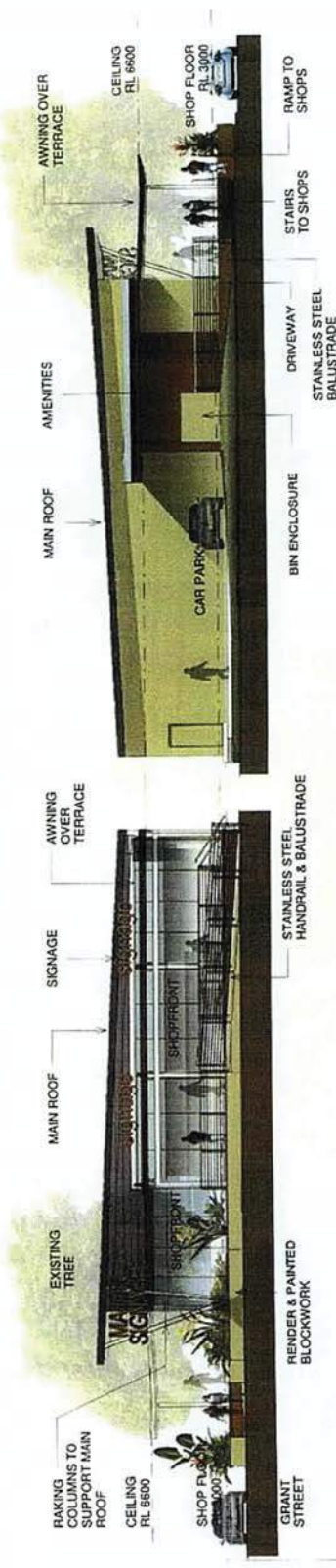
AREA SCHEDULE	
RESTAURANT	245 sq m
RETAIL	390 sq m
TOTAL	635 sq m

RETAIL DEVELOPMENT GRANT STREET - PORT DOUGLAS
PLAN - GROUND LEVEL
 Date: 01.07.11
 Scale: 1:250 @ A3





GRANT STREET ELEVATION



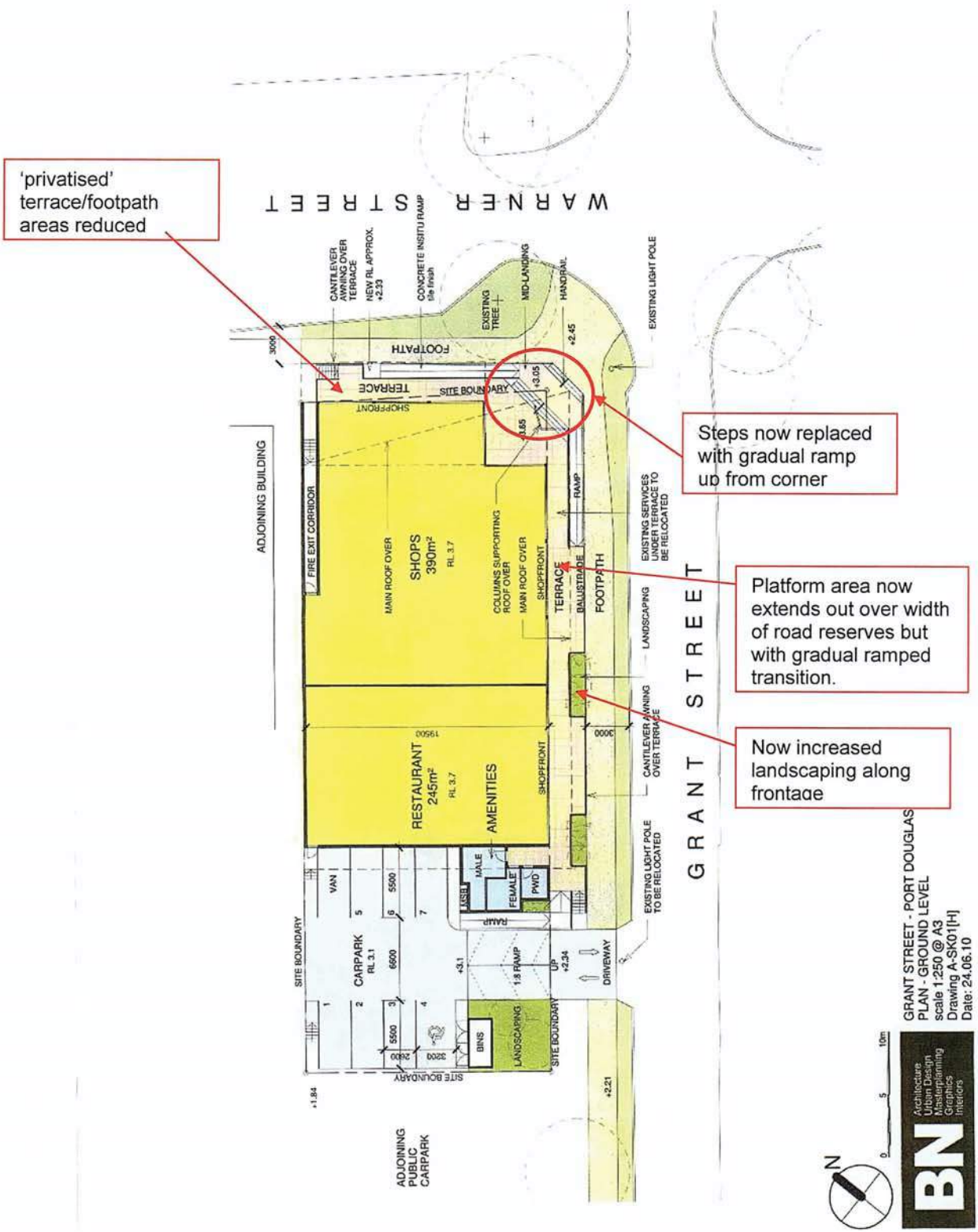
WARNER STREET ELEVATION

NORTH-WEST ELEVATION

RETAIL DEVELOPMENT GRANT STREET - PORT DOUGLAS
 PLAN - GROUND LEVEL
 Date: 01/27/11
 Scale: 1:250 @ A3



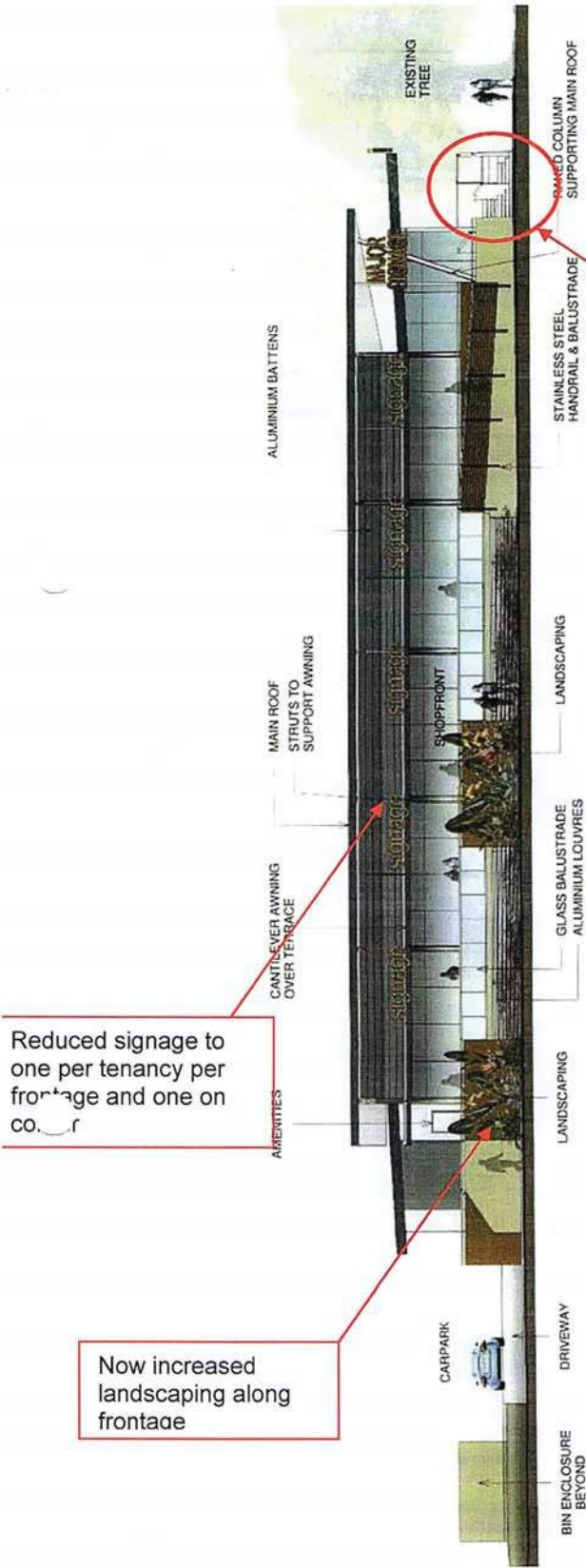
APPENDIX 2: PLANS IN PRELIMINARY APPROVAL (changes highlighted for comparison with proposed plans)



GRANT STREET - PORT DOUGLAS
 PLAN - GROUND LEVEL
 scale 1:250 @ A3
 Drawing A-SK01[H]
 Date: 24.06.10

BN
 Architecture
 Urban Design
 Landscape Architecture
 Graphic Planning
 Interiors

0 5 10m



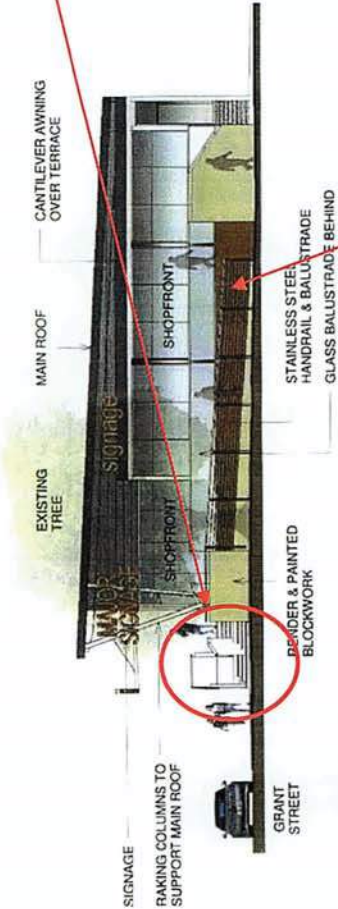
Reduced signage to one per tenancy per frontage and one on corner

Now increased landscaping along frontage

Steps now replaced with gradual ramp up from corner

Ramping now forms part of the overall terrace/footpath area

GRANT STREET ELEVATION




WARNER STREET ELEVATION

GRANT STREET - PORT DOUGLAS
ELEVATIONS
scale 1:150 @ A3
Drawing A-SK11(A)
Date: 24.06.10



APPENDIX 3 : INFRASTRUCTURE CHARGES NOTICE

	2006 Douglas Shire Planning Scheme Applications		
INFRASTRUCTURE CHARGES NOTICE			
Juniper Development Group		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
19 Warner Street		Port Douglas	L31 PTD20910
STREET No. & NAME		SUBURB	LOT & RP No.s
MCU: Shopping Facilities & Restaurant		8/7/1819	30-Jun-11
DEVELOPMENT TYPE		COUNCIL FILE NO.	QUARTER ENDING
3274529		1	This logsheet is indexed appropriately only for payments made within the quarter noted above.
SKIDS No.		VERSION No.	

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
EX	11	6,284.55	X 3.61	0.00	\$22,687.23		T 615/ 05674
Pro	11	621.56	X 3.61	0.00	\$2,243.82		T 616/ 05660
Water sub - total					\$24,931.05		
SEWERAGE							
EX	2	3,366.99	X 3.61	0.00	\$12,154.85		T 617/ 05685
Pro	2	503.93	X 3.61	0.00	\$1,819.18		T 618/ 05679
Sewerage sub - total					\$13,974.03		
Road Network		Not applicable in Former DSC Area		0			
		District No.	0		\$0.00		000/ 0
DRAINAGE		Not Applicable in Former DSC Area		None			
		Stream Management			\$0.00		0
		Stormwater Quality			\$0.00		0
OPEN SPACE		Former DSC Area			\$0.00		T 614 / 546
BONDS		None			\$0.00		
		None			\$0.00		
OTHER		Port Douglas Central Tourist Area Car Parking			\$370,712.89		T 613 / 05845
		None			\$0.00		
TOTAL					\$409,617.97		

Prepared by	Claire Garner	on	12-Aug-11	Amount Paid	
Checked by	Trish Read	on	19-Aug-11	Date Paid	
Date Payable					
Amendments					

Note:

The infrastructure charges in this notice are payable in accordance with Section 629 of the Sustainable Planning Act 2009

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, Development Assessment Team, Cairns Regional Council prior to payment for review

Charges are payable to: Cairns Regional Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques

Any enquiries regarding Infrastructure Charges can be directed to the Development Assessment Team, Cairns Regional Council on 07 4044 3044 or by email on townplanner@cairns.qld.gov.au

APPENDIX 4: PHOTOGRAPHS OF SURROUNDING DEVELOPMENTS





ORDINARY MEETING
25 AUGUST 2010

6

MATERIAL CHANGE OF USE (CODE ASSESSMENT) RESTAURANT AND SHOPPING FACILITY – 19 WARNER STREET PORT DOUGLAS – DIVISION 10

Simon Clarke : 8/7/1819 : #2694839

PROPOSAL: RESTAURANT AND SHOPPING FACILITY

APPLICANT: JUNIPER DEVELOPMENT GROUP P/L
PO BOX 6
MOOLOOLABA QLD 4557

LOCATION: 19 WARNER STREET, PORT DOUGLAS 4877

PROPERTY: LOT 31 ON PLAN20910

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: COMMERCIAL

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: NONE

STATUTORY ASSESSMENT DEADLINE: 27 AUGUST 2010

APPLICATION DATE: 23 NOVEMBER 2009

DIVISION: 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. PHOTOGRAPHS OF SURROUNDING DEVELOPMENTS
3. PREVIOUS APPROVED SITE PLAN SHOWING A MORE COMPLIMENTARY FOOTPATH TREATMENT

LOCALITY PLAN



RECOMMENDATION:

That Council grants a preliminary approval for the development application for a Restaurant and Shopping Facility over land described as Lot 31 on PTD20910, located at 19 Warner Street, Port Douglas, subject to the following requirements:

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
To be advised at a later date	To be advised at a later date	To be advised at a later date

1. Amendment to the proposal to adopt a design that provides a more seamless integration with adjoining footpath levels which is complimentary to the streetscape styles adopted on the adjoining street corners. This may require reconsideration of the finished floor levels to be compatible with those utilised on the opposite side of Grant Street.

2. Provision of awnings that provide shelter for pedestrians circulating along the street frontages without need to climb steps or ramps (ie segregation between raised platforms and general circulation areas along the street is not to occur).
3. Provision of a conceptual landscape plan that indicates streetscape planting complimentary to the southern section of Warner Street (ie – lush plantings of trees as opposed to small scale planter beds). The plan is to ensure the retention and protection of existing street trees and must also take into account underground services. Plants must be selected in accordance with Planning Scheme Policy No.7, with particular emphasis on appropriate species for Port Douglas;
4. Provision of all three elevations to the proposed building (noting that the western elevation was not supplied).
5. The number of fascia signs must be reduced to a maximum of one per business, per frontage plus a 'Major Sign' on the corner of the development.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of select one Section 802 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 2007*.
2. For information relating to the Sustainable Planning Act 2009 log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

EXECUTIVE SUMMARY:

Council is in receipt of an application for a Material Change of Use (Code Assessment) for the establishment of a Restaurant and Shopping Facility within a new building on the corner of Warner and Grant Street, at 19 Warner Street, Port Douglas.

The proposed development is considered to be suitable in the Commercial Planning Area. However the application is recommended for a preliminary approval only. The design needs adjustment to take into account a reduced impact on the adjoining streetscape and footpath levels and avoid the need for extensive ramping and pedestrian circulation segregation. The proposed development needs to compliment the established built form and streetscape pattern established on the other three street corners in this part of the town.

PLANNING CONSIDERATIONS:

Background

On 20 February 1997 Council refused a Development Application (TPC885) for a Material Change of Use for a Takeaway Food Store and Drive-Through (McDonalds). An Appeal to the Planning & Environment Court was part allowed 13 February 1998 for the Takeaway Food Store element, subject to conditions. The appeal against Council's decision to refuse the Drive-Through element was dismissed.

On 15 June 2000 Council issued a Development Permit (TPC991) for a Material Change of Use for a Restaurant/Bar and Takeaway Food Store (McDonalds), subject to conditions. A Negotiated Decision Notice was issued 27 July 2000. An Appeal against Council's conditions was filed 29 August 2000 but was discontinued 5 September 2000.

On 28 July 2004 Council issued a Development Permit (TPC 1154) for a Material Change of Use (TPC1154) for twenty four (24) Accommodation Units, a Caretaker's Residence and Shops totalling 320m² in Gross Floor Area, subject to conditions. This approved development varies from single storey to three storeys in height. The ground floor contains commercial uses and four accommodation units and the first and second storeys contain 10 units each. The majority of car parking is at semi-basement level to be accessed from the road reserve to the south.

On 28th September 2004 Council refused a request for a Negotiated Decision Notice relating to Condition 24 – Car Parking and Access (specifically, vehicular access to the site) of Development Permit TPC1154.

On 28 July 2009 an application to extend the currency period of Development Permit TPC1154 by 2 years to 29 July 2011 was approved under Delegated Authority.

Site Description

The subject site is 1,055m² in area and has frontage to both Warner and Grant Streets. The site is bounded to the southwest by a road reserve and Council's public car park and to the north-west by the Quicksilver catering and maintenance facility. The land is a prominent site at the intersection of two major thoroughfares in the tourism and commercial centre of Port Douglas.

Proposal

The applicant proposes to construct a Restaurant and Shopping Facility totalling 635m² in Net Lettable Area which would be built up to the Grant and Warner Street frontages of the land.

The building would be single storey with a floor that is raised above street level. Terraces and associated steps and ramping would be provided within the road reserves. Vehicular access to the site will be directly off Warner Street where seven (7) car parking spaces are proposed to be provided in a raised car park area between the building and the south western boundary.

Douglas Shire Planning Scheme Assessment

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs Locality Code	✓	Complies
Planning Area	Commercial Planning Area Code	✓	Complies
Land Use	Restaurant - not using an existing building	✗	-
	Shopping Facility – not using an existing building	✗	-
Overlay Codes	Acid Sulfate Soils Code	✓	Complies
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✓	Conditioned to comply
	Filling and Excavation Code	✓	Conditioned to comply
	Landscaping Code	✓	Conditioned to comply
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✓	Conditioned to comply
	Sustainable Development Code	✓	Conditioned to comply

Compliance Issues

Character & Streetscape

The proposed building is to be single storey and similar in scale to the development on the opposite side of Grant Street.

A feature of the development is the raised terrace area within the road reserve along both Grant and Warner Street frontages of the site. This is proposed as the planning scheme requires building up to the street frontage and because of a need to provide a floor level above the Q100 flood level. Ramping to enable wheelchair access is provided to both frontages along with steps at either end and on the corner for pedestrian access.

Council originally requested the applicant to amend the plans so that the terraced areas are fully contained within the subject site to ensure that Council's ability to provide services within the road reserve is not restricted.

There have been a series of meetings in this regard and the current proposal is to retain the ramps and stairs within the road reserve while maintaining a minimum 2 metre wide pedestrian footpath at grade for the full length of the site to both frontages. The basis of the 2 metre strip is to ensure that the design solution does not restrict Council's ability to provide services within the road reserve. Conditions would require the relocation if services are found to be sited below the proposed works.

The development proposal still presents a series of design challenges:

- 1) The requirement to achieve Q100 flood free floor levels appears to lift the proposed building up approximately 1.6 metres above the height of the surrounding footpath. This is quite a significant variation in footpath height, which effectively segregates pedestrian along the site's frontages;

options 1+2.

- 2) Raising the floor level so significantly compromises the ability of the awnings to provide protection from sun and rain. The awnings themselves are shown on the plans as 2 metres width and not 3 metres in width as required by the Acceptable Solutions in the Commercial Planning Area Code and therefore do not afford full shelter protection for the terrace and ramps. Only users of the terraced areas and ramps will derive any benefit from the awnings. Any general pedestrians using the footpath do not gain any particular benefit (An anomaly between the plans and elevations is noted with respect to awning widths);

As such the proposed development represents a departure from the established character of development present on the other three corners of the Grant and Warner Street intersection, which all provide a more seamless integration between footpath and development and in shelter and landscaping treatment (refer to photos of surrounding development).

The previous development approval for the land adopted a more modest finished floor height of 3.2 metres and also proposed a development that would more seamlessly integrate levels with the footpath without the need to resort to significant step and ramp solutions in the footpath. Although the previous solution proposed a semi-privatised deck, it allowed general pedestrian traffic to circulate beneath more effective weather protected awnings.

It is considered that the design should be revisited to reduce the impact of the development on the adjoining footpath and this is particularly important in this location as it represents the last of the three developments on the corner in this part of the town and should therefore be compatible in terms of streetscape style and appearance rather than a stark contrast. It is noted that the development on the opposite side of Grant Street adopted a floor height of 3.2 metres and while this did not avoid the need for some ramping at its southern end, managed to create a more integrated design with the surrounding footpaths at the corner intersection of Grant and Warner Streets (refer to photos of surrounding developments).

Car Parking & Access

The proposed development generates a demand for twenty-one (21) spaces at a rate of 1 space per 30m². The applicant has made provision for seven (7) spaces on-site (including one (1) wheelchair accessible space) and has requested that they may provide only 30% of the required car parking on site. In the Tourist Centre, the Acceptable Solution for this situation is the payment of a developer contribution in lieu of the remaining fourteen (14) spaces at a rate of \$23,626.82 per space, in accordance with Planning Policy 3 – Car Parking Contributions. The applicant has requested that instead of being required to pay the contribution, they pay for the works to provide these spaces within an undeveloped area of the Council car park on the adjoining site.

With regards to the proposed Port Douglas Waterfront Masterplan it is understood that this public car park may be relocated in the future as it is denoted as being a 'Mobility Hub'. Therefore, the applicant's proposal to construct additional spaces on Council land would only be a temporary solution, as if the site is redeveloped in accordance with the Masterplan there would be a shortfall of spaces in the long term.

In respect of the above points, it is considered that the only acceptable arrangement would be for the applicant to pay a contribution in lieu, which would go towards the provision of additional spaces to serve the Tourist Centre as and when required.

Vehicular access to the site is proposed to be directly off Warner Street, close to the boundary with Council's public car park. No issues are raised with the proposed location or layout. However it is noted that the earlier approval adopted an access from the unconstructed and unnamed section of laneway at the north western corner of the site improving the ability to provide gentler footpath transition grades.

Advertising Devices

The proposed fascia-on-awning signs are not fully in accordance with the Acceptable Solutions of the Design and Siting of Advertising Devices Code as there is more than one per unit, per frontage and they are at a height of over 2.5 metres above ground level. It is considered that the proposed height of the signs above the ground level is acceptable. However, the total number of fascia signs is excessive and somewhat overwhelming and should be reduced by way of a condition that requires one per business, per tenancy and frontage and one sign on the articulated corner of the building.

Landscaping

The site is very constrained in terms of area but the design of the development allows for deep landscaping to be provided in a 6.5 metre setback between Grant Street and the car park. Further landscaping will be provided in the Grant Street road reserve between the terrace and the footpath and the existing mature tree within the Warner Street road reserve would be retained. A landscaping plan detailing species to be used would be required to be submitted and this should include species identified in Planning Policy 7 as being suitable for the Port Douglas area. A concept plan should be supplied prior to a development permit being issued in order to fully address any landscaping and service constraints. Part of the quality and character of nearby streets is the lush and tall street plantings that add significant streetscape value and quality to the town and this should be provided to this site rather than the limited size planted beds shown in the current design..

Sustainable Development Code

The design of the building incorporates some passive features including the overhanging roof and awnings that will assist with minimising the need for energy-reliant cooling appliances. Further to this, it is considered that subject to conditions, the development has the potential to comply with the requirements of the Sustainable Development Code with regards to wall and glazing materials, plumbing fittings, air conditioning energy efficiency and internal lighting.

State Planning Policies

SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

The proposed development has been designed to the relevant flood immunity levels. Specifically, the final floor level of the development would be above the acceptable immunity level of 3.4m AHD and the car park has been designed to be Q20 immune (3.1 metres AHD). In this respect the proposal would be in accordance with SPP 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

ICONIC PANEL

The panel does not decide the application and Cairns Regional Council determines the application as assessment manager.

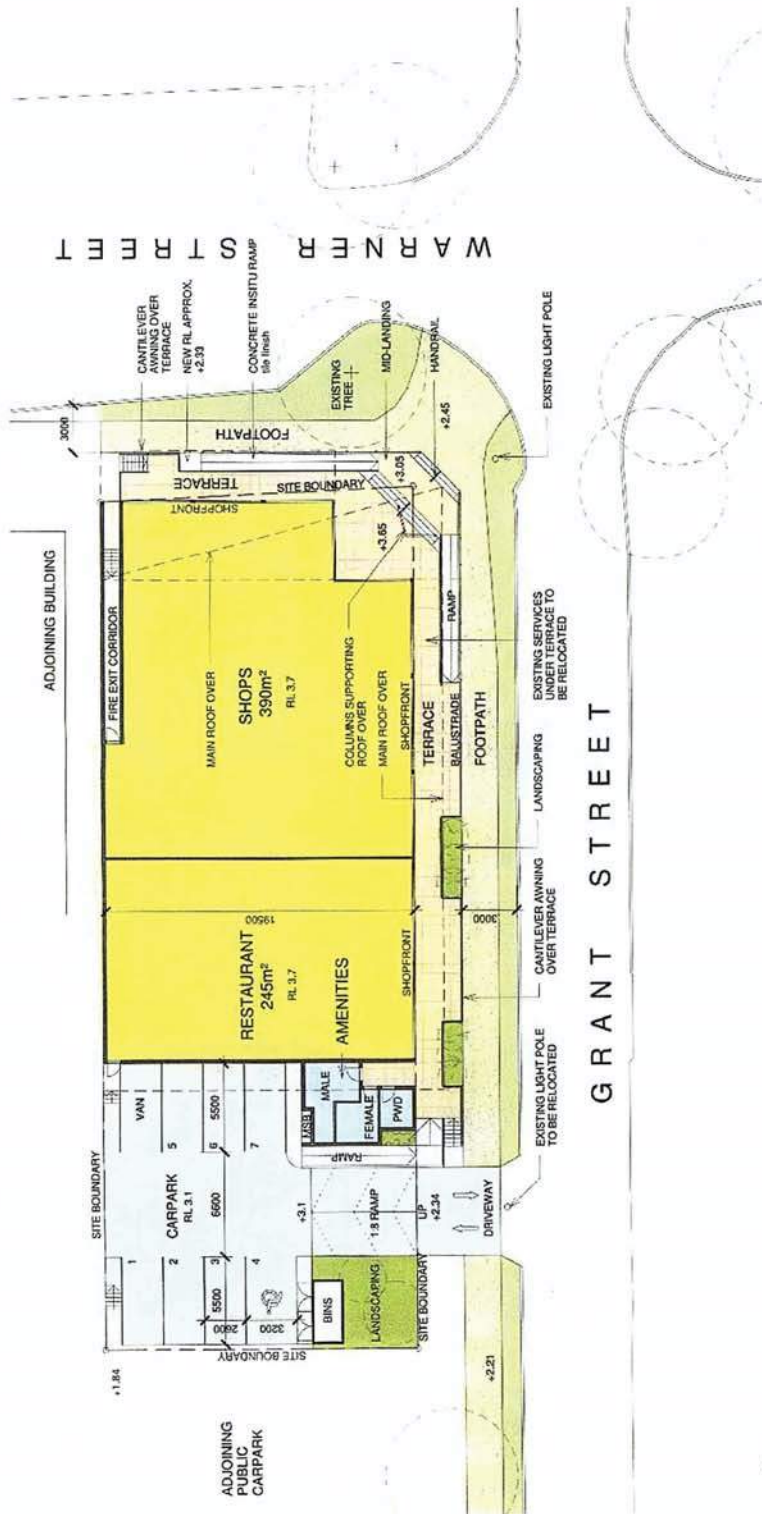
HEADWORKS / CONTRIBUTIONS:

The proposed development triggers Developer's Headwork's Contributions. These would be included at Development Permit Stage. The calculations will include a contribution to be made by the developer in lieu of providing on-street parking at the rate required by the Planning Scheme.

Simon Clarke

Manager Development Assessment

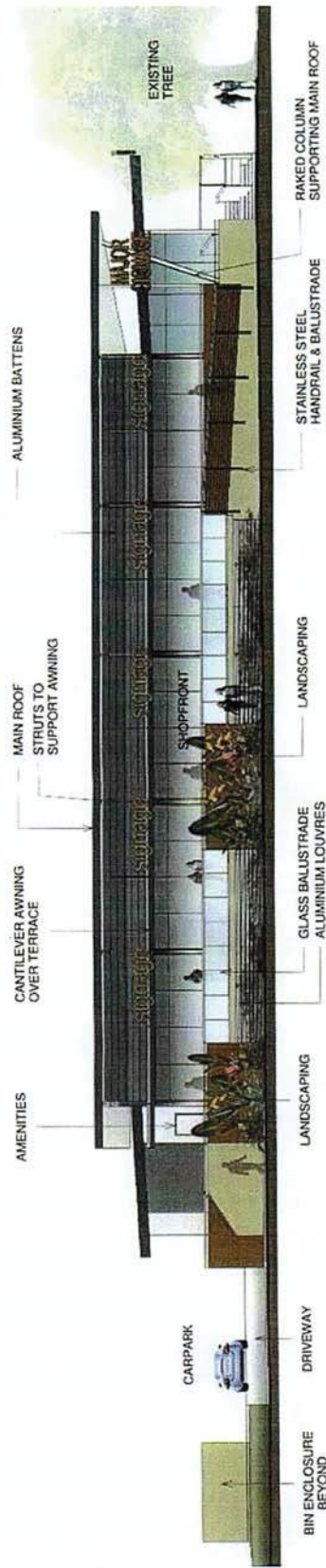
APPENDIX 1 PROPOSED PLAN(S) & DOCUMENT(S)



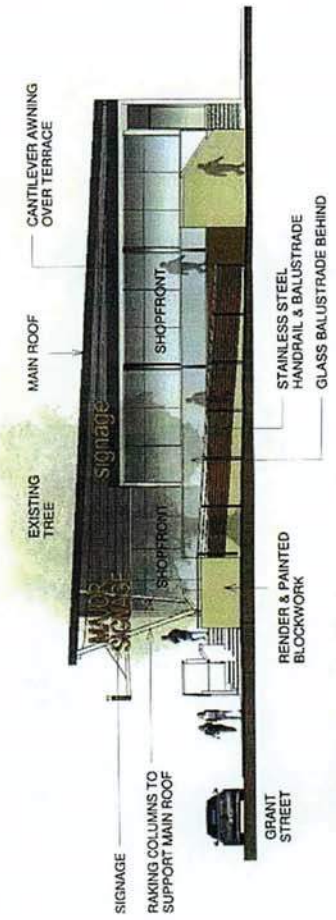
0 5 10m

GRANT STREET - PORT DOUGLAS
 PLAN - GROUND LEVEL
 scale 1:250 @ A3
 Drawing A-SK01(H)
 Date: 24.06.10





GRANT STREET ELEVATION



WARNER STREET ELEVATION

0 5 10m

BN
 Architecture
 Urban Planning
 Master Planning
 Graphics
 Interiors

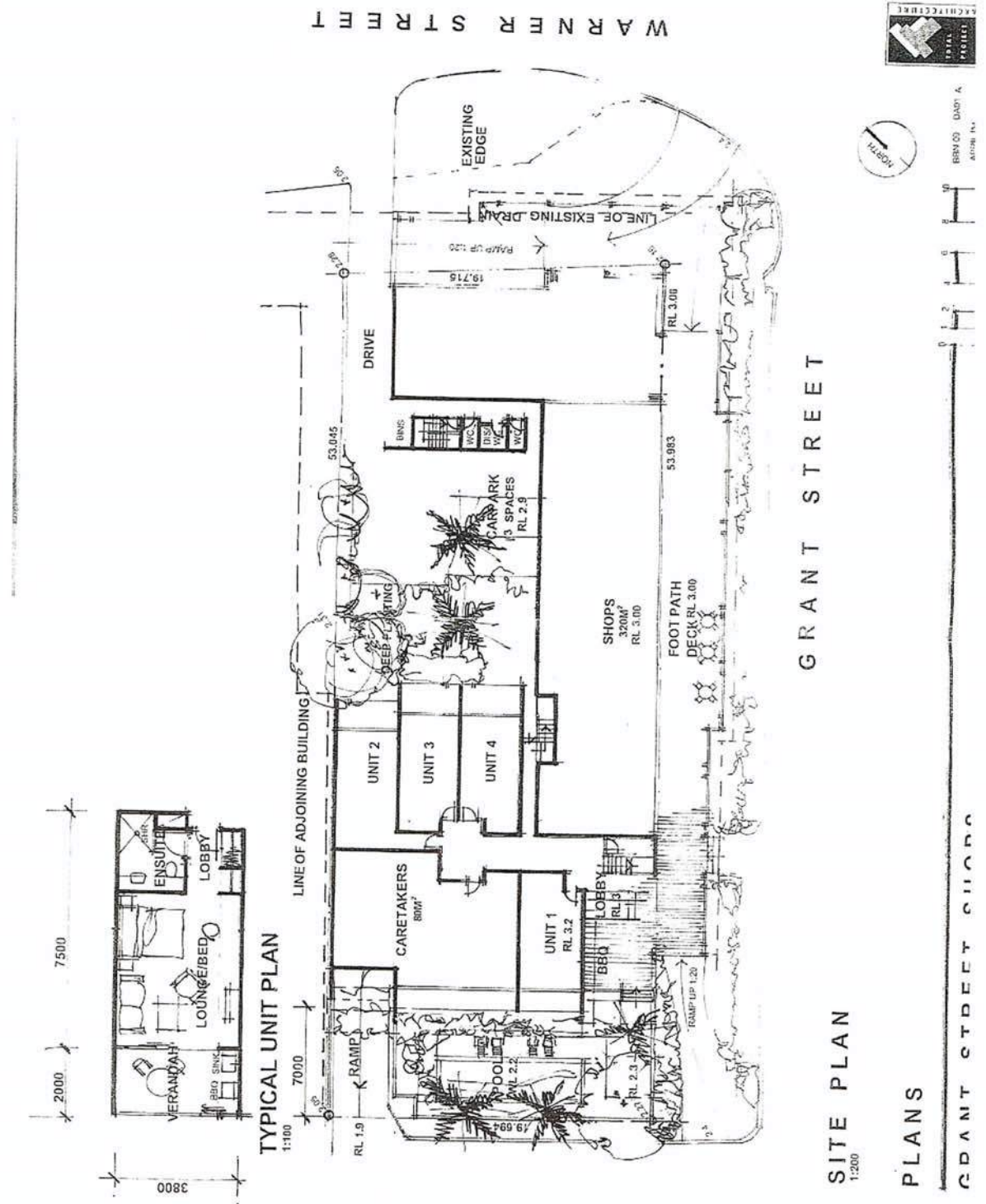
GRANT STREET - PORT DOUGLAS
 ELEVATIONS
 scale 1:150 @ A3
 Drawing A-SK11(A)
 Date: 24.06.10

APPENDIX 2 : PHOTOGRAPHS OF SURROUNDING DEVELOPMENTS





APPENDIX 3 : PREVIOUS APPROVED SITE PLAN SHOWING A MORE COMPLIMENTARY FOOTPATH TREATMENT



ENQUIRIES: Ms Claire Garner
PHONE: (07) 4044 3081
FAX: (07) 4044 3836
YOUR REF: Shopping Facility
OUR REF: 8/7/1819 (3316392)

14 September 2011 *Lapsed.*

Juniper Development Group Pty Ltd
PO Box 6
MOOLOOLABA QLD 4557

Attention: Debra Robinson

Dear Madam

NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT:
DEVELOPMENT APPLICATION FOR
19 WARNER STREET, PORT DOUGLAS

With reference to the abovementioned Development Application which was determined by Council at its Planning & Environment Committee Meeting held on 14 September 2011 please find attached the relevant Negotiated Decision Notice.

The notice includes extracts from the Act with respect to making representations about lodging an Appeal.

Should you have any enquires in relation to this Negotiated Decision Notice, please contact Claire Garner of Council's Development Assessment team on telephone number (07) 4044 3081.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att

APPLICANT DETAILS

Juniper Development Group P/L
PO Box 6
MOOLOOLABA QLD 4557

ADDRESS

19 Warner Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 31 on PLN20910

PROPOSAL

Restaurant and Shopping Facility (Not Using an existing Facility)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Negotiated Decision Notice dated 14 September 2011 replaces the Preliminary Approval Decision Notice dated 27 August 2010.

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Material Change of Use

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Ground Level Plan	BN Architects B0907_A-SK01[I]	1 July 2011
Elevations	BN Architects B0907_A-SK11[B]	1 July 2011

Assessment Manager Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed development must be redesigned or amended to accommodate the following changes:
 - a. The building must achieve a finished floor level of 3.1m AHD so as to achieve appropriate flood immunity.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

- b. The ramped areas to Grant and Warner Streets must be widened so that they form the main part of the footpath, with steps to be of minimal width or removed completely where possible;
- c. The reduction in the height of the advertising signage to be a maximum 2.5 metres above finished floor level.

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

Water Supply and Sewerage Works Internal

- 4. Undertake the water supply and sewerage works internal to the subject land:-
 - a. The contractor shall provide internal water and sewerage connections in accordance with the relevant standards.
 - b. Works shall be completed in accordance with the relevant standards.

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Refuse Storage

6. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from CRC Water & Waste.

External Works

7. Undertake the following works external to the land at no cost to Council:
 - a. Upgrade the Grant and Warner Street frontages as shown on BN Drawing B0907_A_SK01(I), dated 1 July 2011 including relocation of existing services;
 - b. Provide underground stormwater infrastructure along the Warner Street frontage;
 - c. Provide kerb and channel along the Warner Street frontage;
 - d. Provide road widening along the Warner Street frontage;
 - e. Provide car park line marking to Warner Street frontage;
 - f. Relocate light/power pole/s at the front of the subject land where required to accommodate the development.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities ie the provision of temporary kerb ramps if pedestrian diversions are necessary.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Lawful Point of Discharge

8. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Minimum Fill and Floor Levels

9. All floor levels in all buildings must be located 150mm above the Q100 flood immunity level of 3.1 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Vehicle Parking

10. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of seven (7) spaces, being 30% of the required number of spaces specified in the Douglas Shire Planning Scheme, 2008. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas from Parking

11. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

Parking Signage

12. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use. One (1) sign must be located on the Grant Street frontage.

Bicycle Parking

13. Provide secured, on-site bicycle parking in accordance with Table 10-1 of *AUSTROADS Guide to Traffic Engineering Practice Part 14 – Bicycles*. Based on the provisions in Table 10-1 (page 133) the minimum number of parking spaces required for this development is six (6) spaces. The bicycle parking area must be constructed prior to Commencement of Use.

Lighting

14. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Landscaping Plan

15. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Existing street trees to be retained and details of how these will be protected during works;
 - b. Streetscape planting to both road frontages that is complimentary to the southern section of Warner Street (i.e. lush plantings of trees as opposed to small scale planter beds), using appropriate species with regard to any site constraints including underground services;
 - c. Deep planting of setback areas within the site;
 - d. All plants must be selected in accordance with Planning Scheme Policy No.7, with particular emphasis on appropriate species for Port Douglas;
 - e. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Construction Access

16. Vehicular access to the site for construction and demolition purposes must be provided from Grant Street only, unless authorised by the Chief Executive Officer.

Air-Conditioning Screens

17. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

Sustainable Development

18. The proposed building should comply as far as practically possible with the provisions of 4.6.7 Sustainable Development Code of the Douglas Shire Planning Scheme, 2006.

Stockpiling and Transportation of Fill Material

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

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

- a. peak traffic times;
 - b. before 7:00 am or after 6:00 pm Monday to Friday;
 - c. before 7:00 am or after 1:00 pm Saturdays; or on Sundays or Public Holidays.
20. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

21. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

22. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Details of Development Signage

23. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Advertising Signage

24. Signage on the building is limited to the provision of one sign per business, per tenancy and frontage and one sign on the articulated corner of the building.

All signage associated with the use must be approved by the Chief Executive Officer. The signage must comply with the Design and Siting of Advertising Devices Code contained within the Douglas Shire Planning Scheme and plans detailing the signage must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Works or Commencement of Use, whichever occurs first.

Crime Prevention Through Environmental Design

25. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Health Requirements

26. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the *Food Act 2006* and the Food Standards Code.
27. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.

Such application must be accompanied by two (2) copies of plans drawn to a scale not smaller than 1:100. Such plans are to include details of ventilation (including mechanical exhaust ventilation systems), finishes to walls, floors and ceilings, details of the proposed layout and materials to be used in the construction of all fixtures, fittings and equipment. The plans should include detailed cross sections of all areas to be included in the construction or alteration. All works must be carried out in accordance with the requirements of the *Food Act 2006*, Food Safety Standards and AS 4674 – 2004 – Design, construction and fit-out of food premises.

28. Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation, 2008*.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse 4 years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 2007*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. A monetary contribution to Council towards the provision of infrastructure including for the deficit in on-site parking is required in accordance with the Infrastructure Charges Notice attached to this decision. The contribution payable will be the lesser amount as calculated in accordance with:-
 - a. The Regulated Charge for non-residential development as detailed in the State Planning Regulatory Provision; or,
 - b. The Planning Scheme Policy.

Contributions must be paid at the rates applicable at time of payment. Payment is required prior to issue of a Development Permit for Building Work.

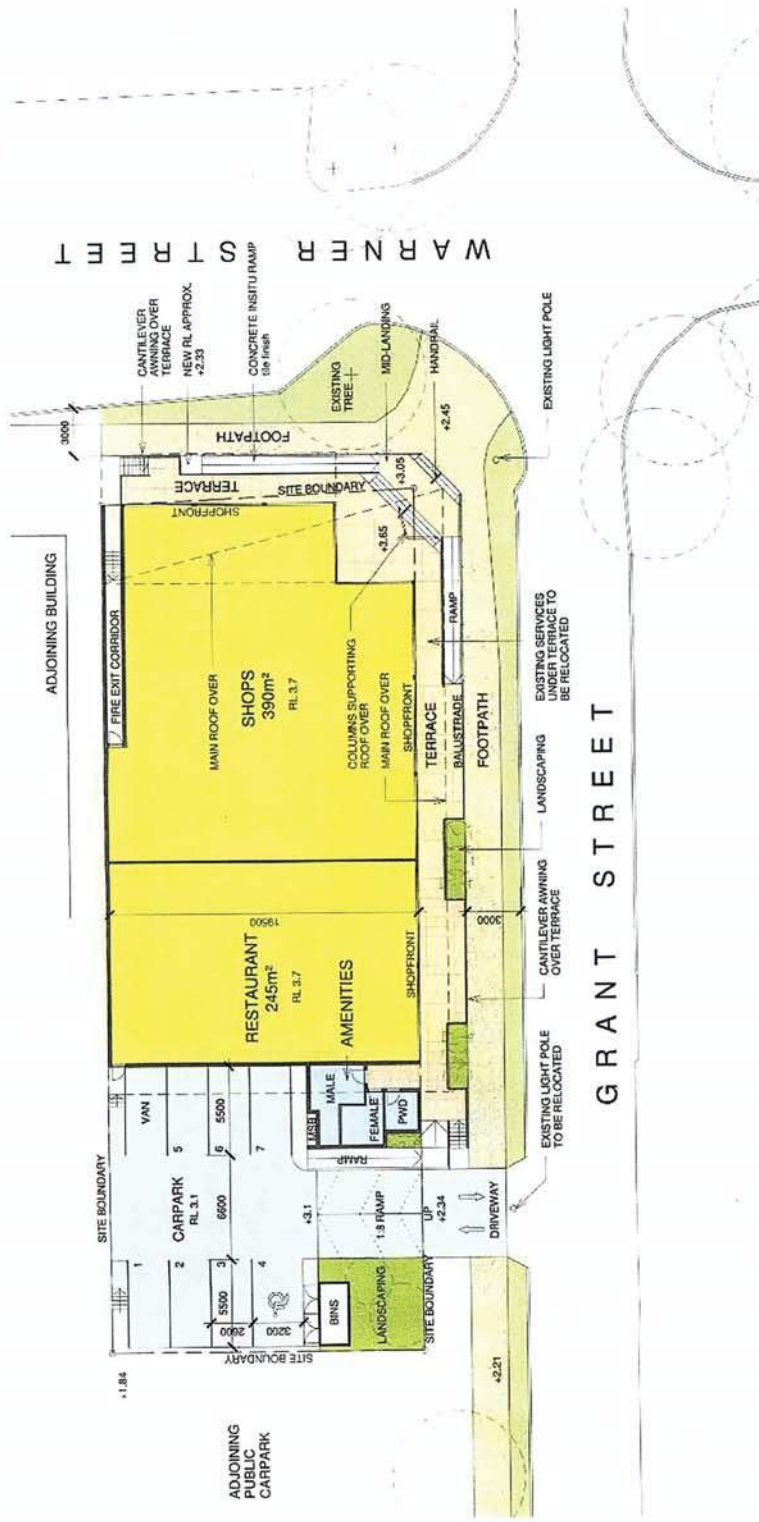
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

Attached

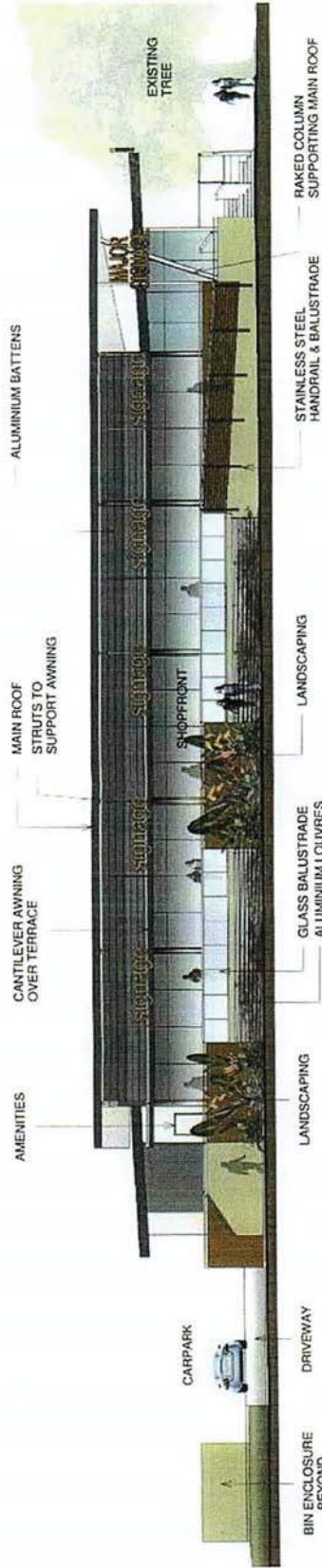
End of Decision Notice

APPENDIX 1 PROPOSED PLAN(S) & DOCUMENT(S)

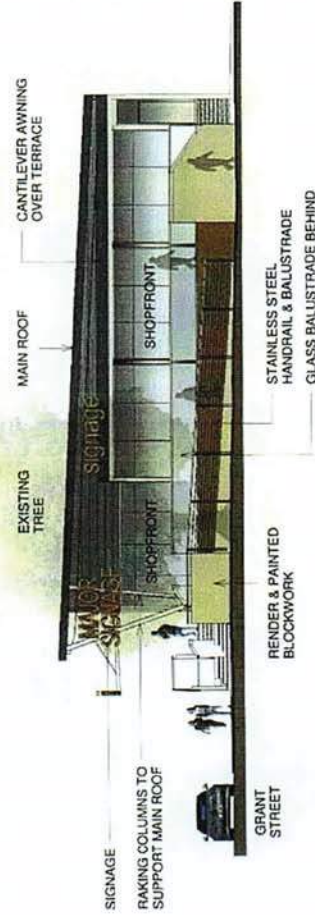


GRANT STREET - PORT DOUGLAS
 PLAN - GROUND LEVEL
 scale 1:250 @ A3
 Drawing A-SK01[H]
 Date: 24.06.10

BN
 Architecture
 Urban Design
 Masterplanning
 Graphics
 Interiors



GRANT STREET ELEVATION



WARNER STREET ELEVATION

0 5 10m

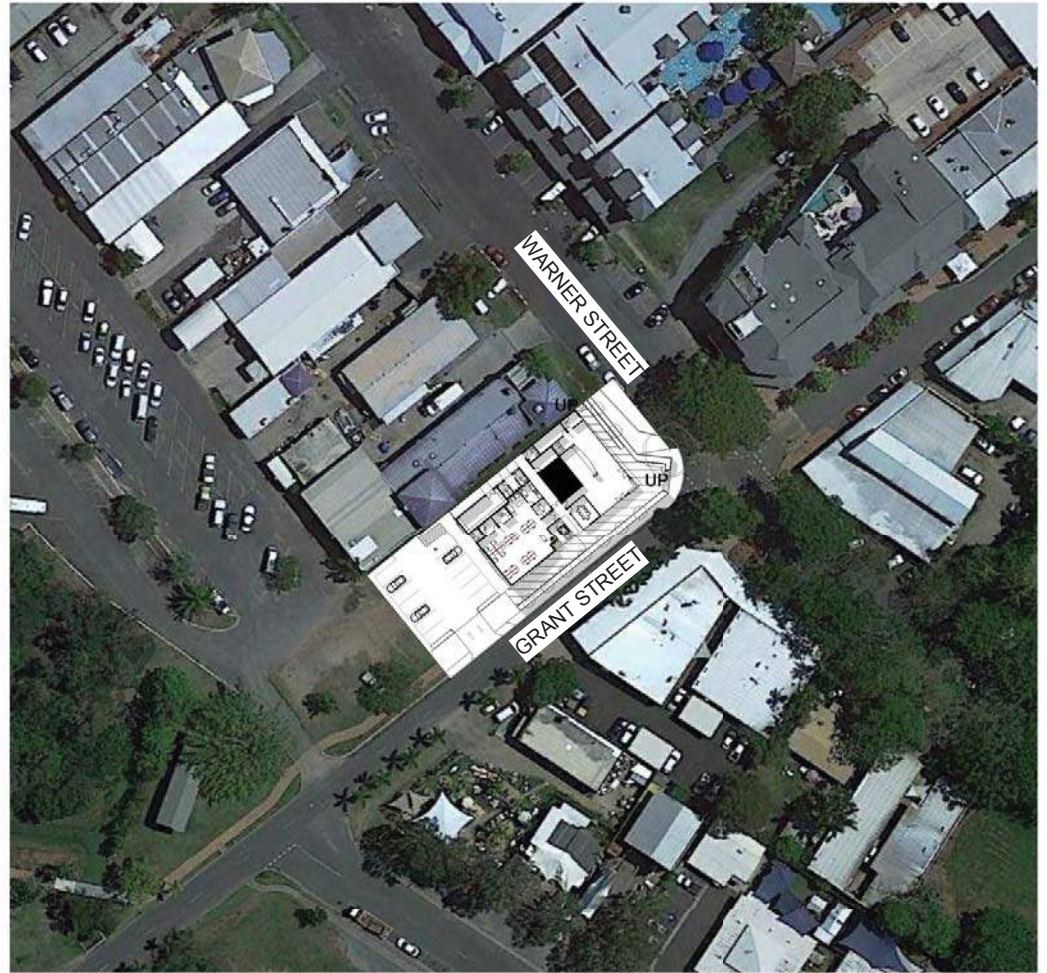
BN
 Architecture
 Urban Design
 Interdisciplinary
 Graphics
 Interiors

GRANT STREET - PORT DOUGLAS
 ELEVATIONS
 scale 1:150 @ A3
 Drawing A-SK111[A]
 Date: 24.06.10

ATTACHMENT 6 PLANS OF DEVELOPMENT



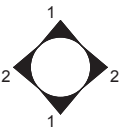
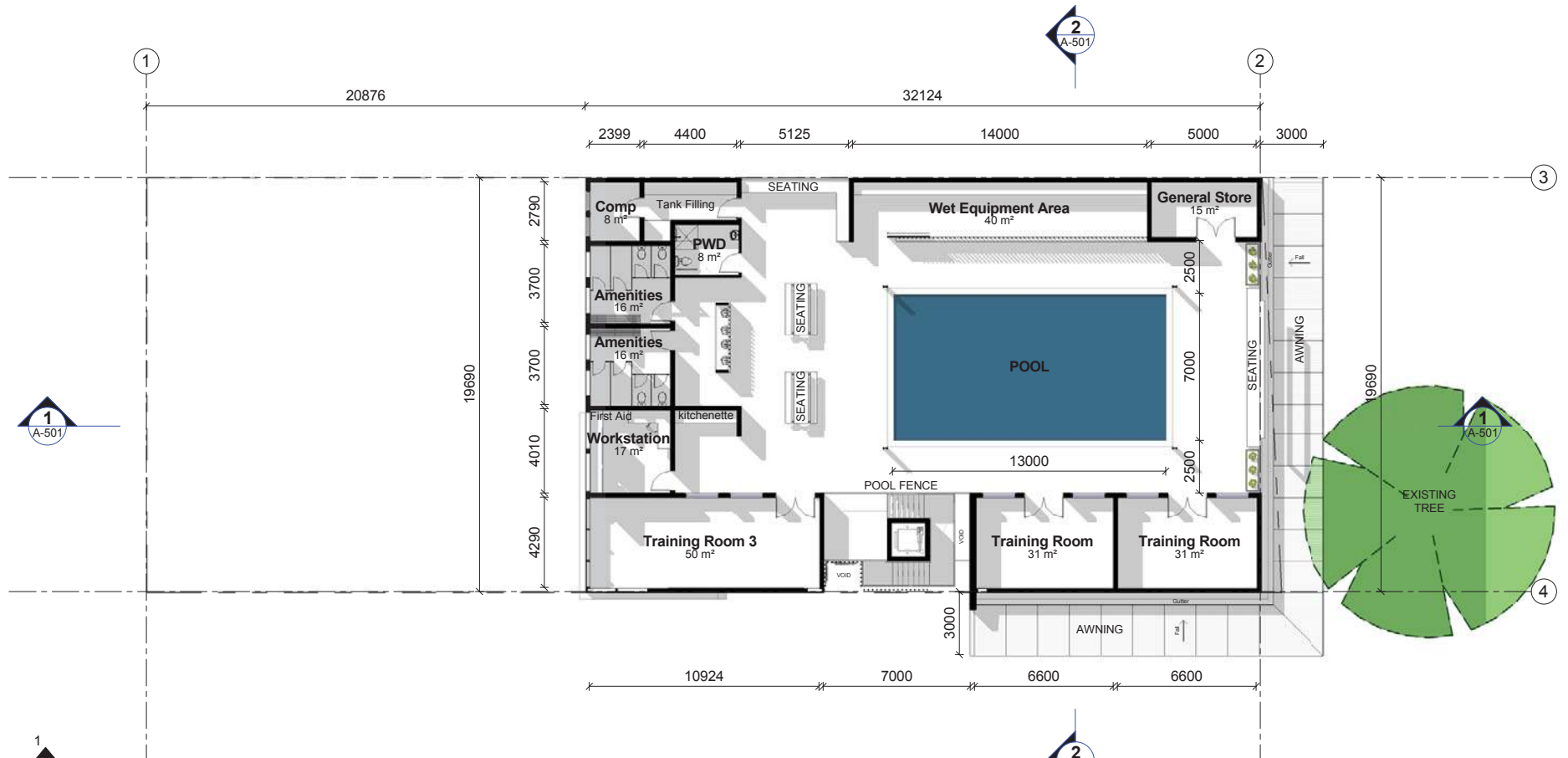
QUICKSILVER DIVE PORT DOUGLAS LOT 31 ON PLAN20910 19 WARNER ST PORT DOUGLAS	
SITE AREA	1053.7 SQM
PROPOSED NET LETTABLE AREA	377 SQM
PROPOSED SITE COVER	61.5 %
PROPOSED CAR PARKING SPACES ON SITE	13 SPACES
PROPOSED COUNCIL GROSS FLOOR AREA	550 SQM
PROPOSED MAX HEIGHT ABOVE GROUND	9.8 M
PROPOSED MAX NUMBER OF STOREYS	2 STORY



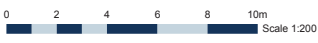
2 Grant + Warner Corner Perspective

1 Site Plan
A-401 1 : 1000

0 2 4 6 8 10m Scale 1:200



1 Level 1 SD
A-401 1 : 200



Level 1 Plan
1 : 200 @ A3

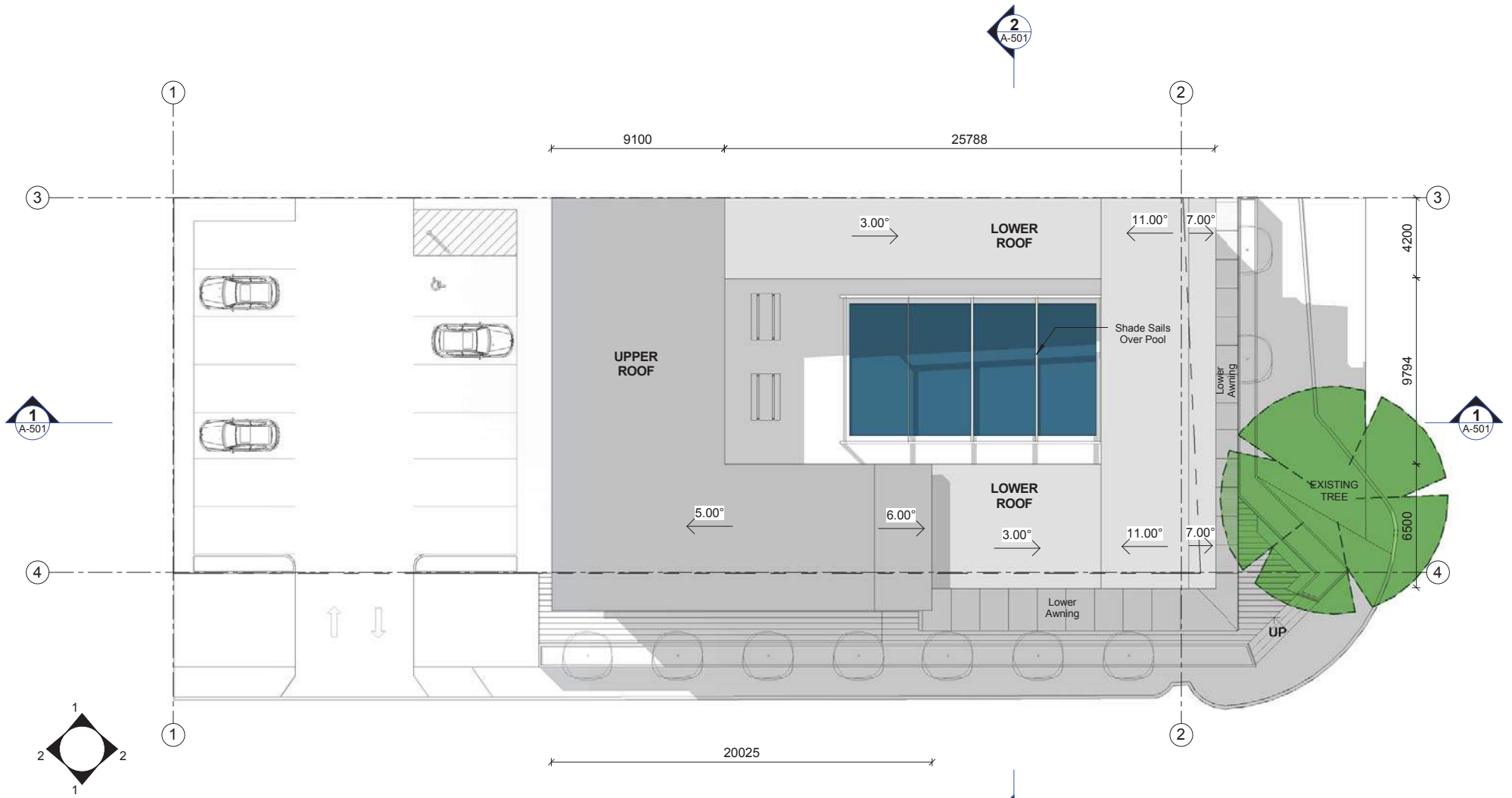
DEVELOPMENT APPLICATION

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5/08/2016 2:00:13 PM
Rev 3

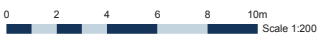


Quicksilver Group





1 Roof Level SD
A-401 1 : 200





1 Elevation 1 - a East
A-101 1 : 200

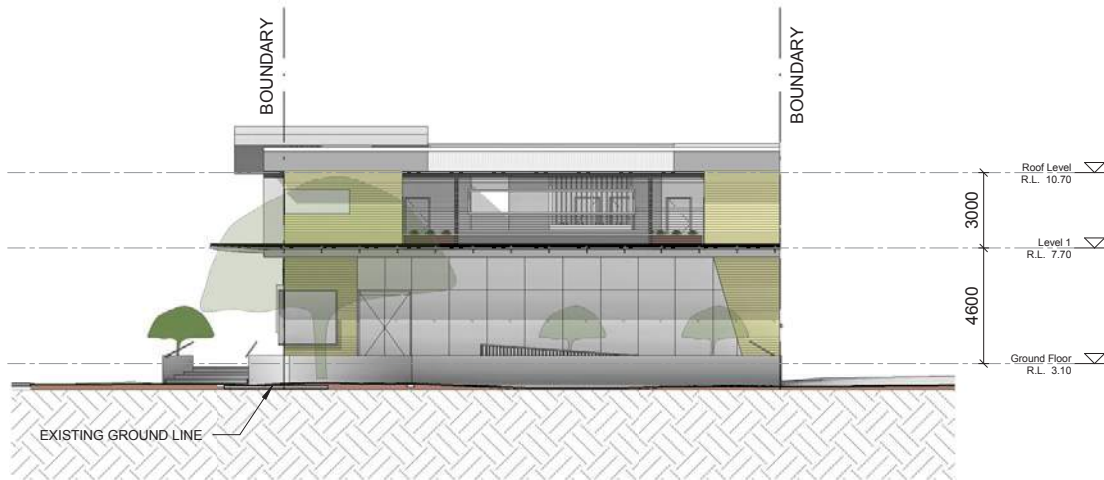


2 Elevation 1 - b South
A-101 1 : 200

0 2 4 6 8 10m Scale 1:200

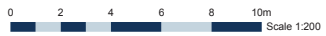
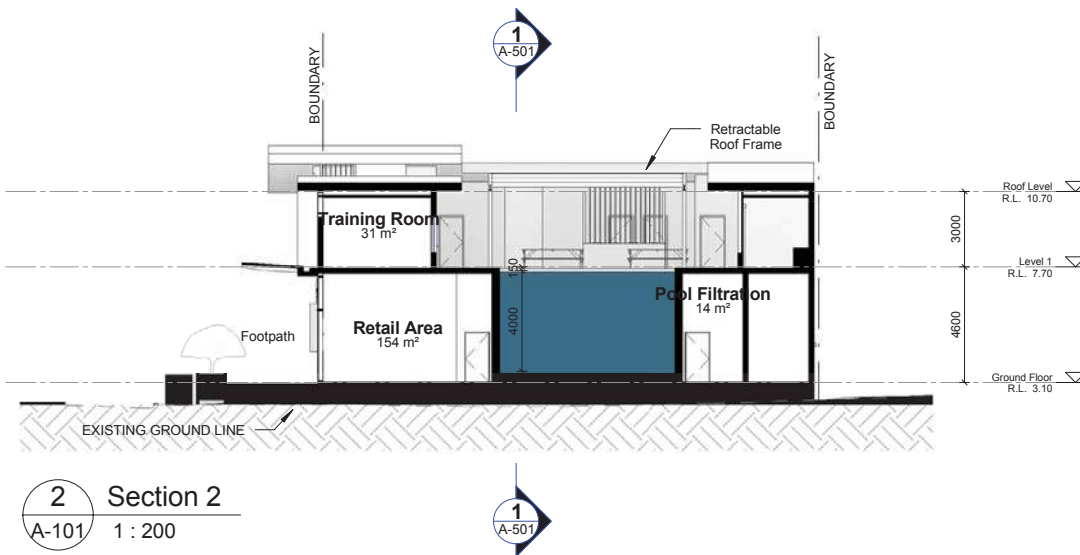
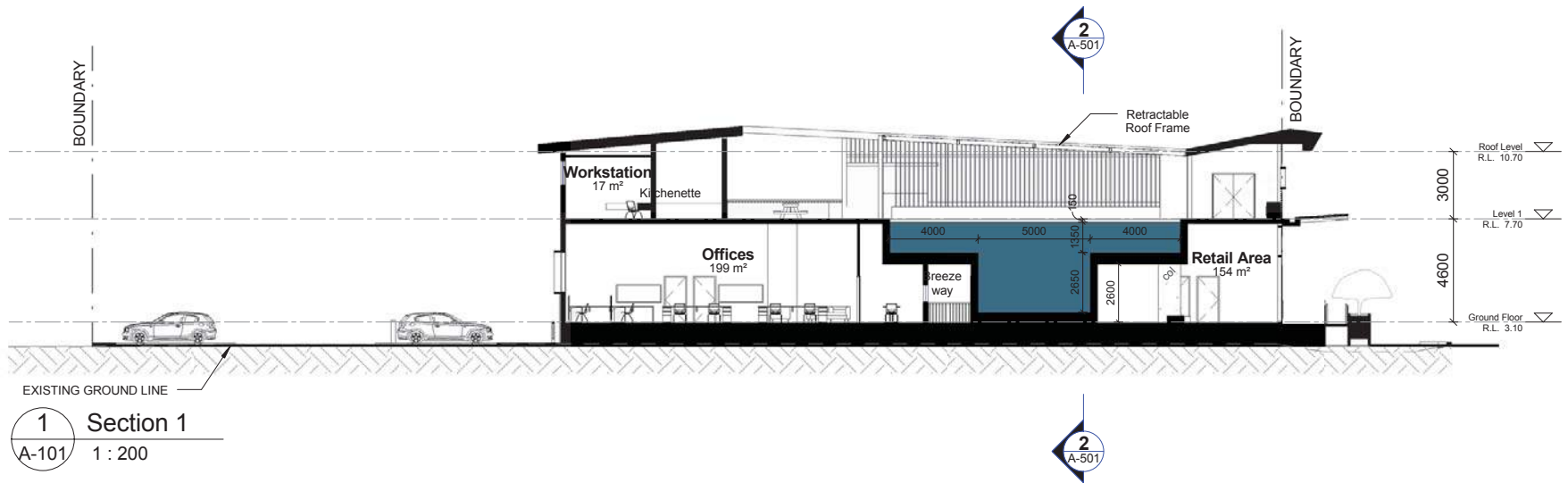


1 Elevation 1 - c West
A-101 1 : 200



2 Elevation 1 - d North
A-101 1 : 200

0 2 4 6 8 10m Scale 1:200





1 Grant + Warner Elevated Perspective

0 2 4 6 8 10m Scale 1:200

3D Perspective
@ A3

DEVELOPMENT APPLICATION ■

966_SD A-901
5/08/2016 2:00:52 PM
Rev 3

Quicksilver Group

CA
CA ARCHITECTS

**ATTACHMENT 7
COUNCIL PLANNING ASSESSMENT**



APPLICABILITY

This Code applies to self-assessable and assessable development in the Port Douglas and Environs Locality for:

- Material Change of Use:

Except for:

- Business Facilities – using an existing Building in the Commercial Planning Area and the Port Douglas Waterfront North Planning Area
- Primary Industry in the Rural Planning Area
- Restaurant – using an existing Building in the Commercial Planning Area and the Port Douglas Waterfront North Planning Area
- Reconfiguring a Lot;
- Operational Work Associated with Reconfiguring a Lot;
- Operational Work – Filling or Excavation not associated with a Material Change of Use;
- Operational Work – Engineering Works not associated with a Material Change of Use;
- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use; and
- Building Work other than Minor Building Work not associated with a Material Change of Use in the Conservation Planning Area.

For self-assessable development assessed against this Code, the applicable Acceptable Solutions are A1.1 and A2.1.

Self assessable development which does not comply with Acceptable Solutions as listed above, outlined in this Code will require Code Assessment.

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
General Requirements			
<p>P1 Buildings and structures complement the Height of surrounding development,</p> <p>AND</p> <p>The height of buildings in the Port Douglas Waterfront transitions from single storey in the Community and Recreation Facilities Planning Area</p>	<p>A1.1 In the Planning Areas (and parts thereof) contained in the Port Douglas Waterfront listed below, the maximum Height of Buildings/structures is 3.0 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> <ul style="list-style-type: none"> • Community and Recreation Facilities 	YES	The proposed development is two (2) stories in height and across the road from an existing three (3) storey development. Accordingly, the proposed development is considered to comply with the Performance Criteria.

<p>through to three storeys in the Port Douglas Waterfront North Planning Area.</p> <p>AND</p> <p>Buildings are limited to two Storeys outside the Port Douglas Waterfront, except; in the High Scale locations depicted on the Locality Plan, where development of three Storeys is appropriate.</p>	<p>AND</p> <p>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> <ul style="list-style-type: none"> • Residential 1; • Industry; • Conservation; • Community and Recreational Facilities (except in the Port Douglas Waterfront); • Residential 2; • Tourist and Residential (Medium Scale); • Commercial – (Medium Scale, outside the Tourist Centre); • Commercial – (High Scale, outside the Tourist Centre); 		
<p>P2 Development is connected to available urban services.</p>	<p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p>AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p>	<p>YES</p>	<p>The proposed development will be connected to all urban services.</p>
<p>P3 Landscaping of development Sites complements the existing tropical seaside resort town character of Port Douglas and creates a dominant tropical vegetated streetscape.</p>	<p>A3.1 Landscaping of a development Site complies with Planning Scheme Policy No 7 – Landscaping, with particular emphasis on appropriate species for Port Douglas.</p>	<p>YES</p>	<p>Compliance with the Acceptable Measure is able to be conditioned as necessary.</p>
<p>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.</p>	<p>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.</p>	<p>YES</p>	<p>As above.</p>

Tourist Centre			
<p>P5 Development in the Tourist Centre enhances the distinct tropical resort town character and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the entire footpath for the length of the building</p>	<p>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.</p> <p>OR</p> <p>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.</p>	<p>YES</p>	<p>A three (3) metre wide awning is proposed along the full frontage of the proposed development in Warner Street and for an approximate 13 metres along the eastern portion of the Grant Street frontage (i.e., from the intersection of the two streets westward to the board room). This will ensure the proposed development is integrated with the existing streetscape and other three (3) corners of the intersection.</p> <p>The awning has been terminated at this point as the vast majority of pedestrian movements will be in and around the intersection of Grant and Warner Street and in/out of the retail and dive centre components of the proposed development.</p> <p>A two (2) metre wide roof overhang has been provided along the remaining portion of the building fronting Grant Street. This will provide suitable weather protection, when factoring in the amount of use this area will receive, for pedestrians and Quicksilver staff utilising the office component of the proposed development (as well as passers-by).</p> <p>These proposed structures are considered sufficient to ensure compliance with the Performance Criteria.</p>
<p>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.</p>	<p>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.</p>	<p>N/A</p>	<p>The proposed development does not involve any tourist accommodation.</p>

<p>P7 Development in the Tourist Centre is of a height and scale which complements the village character of the town and remains subservient to the natural environment and the backdrop of Flagstaff Hill, in particular.</p>	<p>A7.1 The achievement of the maximum Building/structure Height specified above in A1.1, relies on compliance with Acceptable Solutions A7.2, A7.3, A7.4 and A8.1 below.</p> <p>A7.2 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street Frontage/s of 40 metres.</p> <p>A7.3 Any break in the building facade 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 facade of a development:</p> <ul style="list-style-type: none"> • a change in roof profile; • a change in parapet coping; • a change in awning design; • a horizontal or vertical change in the wall plane; or • a change in the exterior finishes and exterior colours of the development. <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 storey and/or 4.5 metres in height.</p>	<p>YES</p>	<p>Please refer to Attachment 6 Plans of Development which demonstrates that the proposed development includes:</p> <ul style="list-style-type: none"> • A maximum length of less than 20m along the Warner Street frontage; and • An alignment in the building (see frontage adjacent to board room) along the Grant Street frontage. <p>Please refer to the Attachment 6 Plans of Development which demonstrates that the proposed development includes:</p> <ul style="list-style-type: none"> • A change in roof profile; • Horizontal and vertical change in wall planes; and • Changes in exterior finishes and colours.
<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>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 Ratio Bonus]; and</p> <p>b) appropriate fenestration in combination with roof form [5% Plot Ratio Bonus]; and</p>	<p>YES</p>	<p>The proposed development has a plot ratio of 0.59:1 and hence, needs a 10% bonus in order to comply with the Performance Criteria.</p> <p>The proposed development is considered to comply with Acceptable Measure a, b, e and g which provides for a plot ratio bonus of 30%, well in excess of that required.</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 (and referred to in the Acceptable Solution).</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 1.5 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>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>AND</p> <p>Any balance is paid in lieu of providing on-site car parking for commercial development in accordance with</p>	<p>N/A</p>	<p>With the introduction of the Adopted Charges State Planning Regulatory Provisions and adoption of Council’s Adopted Infrastructure Charges Resolution on 24 June 2015, this requirement is no longer legally able to be complied with (see discussion in section 6.1 of the Planning Report for further information on car parking).</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.	Planning Scheme Policy No. 3 – Car Parking Contributions.		
P10 The use of on Site public car parking in the Tourist Centre is maximised	<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>	YES	The proposed development provides onsite car parking. Appropriate signage is able to be conditioned.
<p>P11 Car parking and access in the Tourist Centre:</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>	A11.1 In respect to P11 (a), along Grant, Macrossan, Owen and Wharf Streets, on-site car parking and Access is minimised, and where possible, shared access driveways and Access easements are to be provided to limit the number of vehicles crossings.	YES	The proposed development provides only one (1) access on Grant Street, of which is in the same location as previously approved developments over the site.
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.	A12.2 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).	YES	The proposed development will not generate noise levels in excess of that required by the Environmental Protection (Noise) Policy 2008. This can also be conditioned. The proposed development will also only operate between the hours of 8:00am and 5:00pm (max).
P13 Safe and convenient pedestrian linkages are promoted in the Tourist Centre.	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.	YES	The proposed development provides safe and convenient pedestrian walkways along the frontage of the site.
Local Centres			
P14 Local Centres outside the Tourist Centre service the surrounding residential area and do not	A14.1 The Net Lettable Area of each of the existing Local Centres does not exceed 300 m2 and is apportioned	N/A	The site is not located in a local centre.

<p>adversely impact on the viability of the Tourist Centre</p>	<p>equally between the total number of lots which comprise the Local Centre.</p> <p>A14.2 Any proposed new Local Centre with a maximum Net Lettable Area of 500 m², only establishes when an identifiable population of 1000 persons is located more than 2 km from any existing Local Centre or the Tourist Centre.</p> <p>A14.3 Any new Local Centre is located at a “gateway” location to a residential area, which best serves the surrounding residential area.</p>		
<p>Residential Development Outside a Tourist Centre</p>			
<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 the areas in Reef Park estate included in the Residential 1 Planning Area.</p>	<p>N/A</p>	<p>The proposed development does not involve residential development.</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> <ul style="list-style-type: none"> • land designated High Scale has a base Plot Ratio of 0.5:1 and a maximum Plot Ratio of 0.8:1; • land designated Medium Scale has a base Plot Ratio of 0.3:1 and a maximum Plot Ratio of 0.45:1; <p>OR</p> <ul style="list-style-type: none"> • land designated Low Scale has a base Plot Ratio of 0.25:1 and a maximum Plot Ratio of 0.35:1. 	<p><i>A16.1</i> 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>N/A</p>	<p>As above.</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 (and referred to in the Acceptable Solution).</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> <ul style="list-style-type: none"> • 45% at Ground Level; • 40% at first floor level; and • 35% at second floor level, if applicable. 	N/A	As above.
<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 enjoyment and convenience of in-house guests</p>	N/A	As above.
Other Development			
<p>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.</p>	<p>A19.1 Service Industry development is located in the identified Industrial areas of:</p> <ul style="list-style-type: none"> • Special Management Area 3 - Service Industry Precincts (Craiglie); and • Special Management Area 4 - Service Industry Precincts (Mahogany Street) 	N/A	The proposed development does not involve any 'Service Industry' development.

Community Facilities			
P20 Community facilities are provided to service the local community and visitors in convenient and accessible locations.	<p>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.</p> <p>A20.2 Public car parking areas are provided within or in close proximity to the Tourist Centre, existing community facilities, sporting/recreation grounds and Four Mile Beach.</p>	N/A	The proposed development does not involve any 'Community Facilities' development.
Protection of Scenic Amenity and Natural Values			
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	The site is not located on Macrossan Street.
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 ^{17,18}	<p>A22.1 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 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>	N/A	The site is not located near any of the said environmental areas.
Port Douglas Waterfront			
P23 The Port Douglas Waterfront is protected from any new incompatible land uses and activities or intensification of existing incompatible uses, to allow for the future planned spatial arrangements of the waterfront.	<p>A23.1 Development in the Port Douglas Waterfront North Planning Area and the Port Douglas Waterfront South Planning Area complies with the respective Codes for each Planning Area; and</p> <p>A23.2 Development in the Commercial Planning Area on premises that has road frontages on both Warner Street and the unnamed laneway at the rear, use Warner Street as the Primary Road frontage for pedestrian access and business frontage ensuring centralised parking on Lot 12 on SR787 for the Port Douglas Waterfront and Tourist Centre is unimpeded.</p>	YES	<p>The site is not located in the Port Douglas Waterfront Planning Areas.</p> <p>The proposed development does not utilise Warner Street for access, although the proposed access via Grant Street will not impeded the use of Lot 12 on SR787 for parking or access, either now or into the future.</p>

APPLICABILITY

This Code applies to self-assessable and assessable development in the Commercial Planning Area for:

- Material Change of Use: Except for:
 - Business Facilities – using an existing Building in the Mossman and Environs Locality, the Port Douglas and Environs Locality and the Coastal Suburbs, Villages and Townships Locality
 - Restaurant – using an existing Building in the Mossman and Environs Locality and the Port Douglas and Environs Locality
 - Shopping Facility – using an existing Building in the Mossman and Environs Locality
- Reconfiguring a Lot;
- Operational Work Associated with Reconfiguring a Lot;
- Operational Work – Filling or Excavation not associated with a Material Change of Use;
- Operational Work – Engineering Works not associated with a Material Change of Use; and
- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use.

For self-assessable development assessed against this Code, the applicable Acceptable Solutions are A5.1 and A5.2.

Self assessable development which does not comply with the Acceptable Solutions listed above, will require Code Assessment.

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Consistent and Inconsistent Uses - General			
P1 The establishment of uses is consistent with the outcomes sought for the Commercial Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Commercial Planning Area.	YES	The proposed development involves a 'Business Facilities' use, which is listed as consistent in the Commercial Planning Area.
Building Setbacks			
P2 The siting of Buildings/structures is in keeping with the existing and desired amenity and character of the area and protects the amenity of adjoining land uses.	A2.1 Buildings/structures are built up to the front boundary for the full Frontage of the Site. UNLESS	YES	The Port Douglas & Environs Locality Code also requires that buildings and structures be built up to the front boundary. Accordingly, the proposed development has been built to the both the Grant and Warner Street

	<p>Buildings/structures are required to be Setback as stated in the relevant Locality Code.</p> <p>A2.2 Buildings/structures are constructed to the side and rear boundaries.</p> <p>OR</p> <p>Where the Site adjoins land in a residential planning area or where the Site adjoins land developed partially or wholly, for a residential or tourist accommodation purpose:</p> <ul style="list-style-type: none"> - the Building/structure is Setback from the common boundary 1.5 metres or an average of half the Height of the wall of the Building, whichever is the greater; and - a 1.8 metre high solid screen fence is established along the length of the common boundary. 		<p>frontages, where practical (i.e., this is not able to be achieved along the rear portion of the Grant Street frontage due to the need to accommodate the car parking area). The car parking area has purposely been located in its proposed location to ensure that the proposed development could be built to the front boundaries in the most appropriate locations i.e., on the intersection of Grant and Warner Streets, to ensure that the proposed development did not negatively impact upon the existing streetscape character of the area.</p> <p>As above, the proposed development is built to the side boundaries with the exception of where the car parking area is located, while the car park prohibits the ability to build to the rear boundary.</p>
Awnings			
<p>P3 The design of Buildings provides for the integration of the development with the existing streetscape and provides for the protection of the public from the inclement weather.</p>	<p>A3.1 An awning, a minimum of 3 metres in width, is provided to the full Frontage/s of the Site where the Building is built to the front property alignment/s.</p> <p>A3.2 Buildings include design features that support the character of the commercial area including parapets.</p> <p>HOWEVER</p> <p>Any parapet wall does not exceed 900mm when measured from the intersection of the underside of the ceiling and the wall of the Building.</p>	<p>YES</p>	<p>A three (3) metre wide awning is proposed along the full frontage of the proposed development in Warner Street and for an approximate 13 metres along the eastern portion of the Grant Street frontage (i.e., from the intersection of the two streets westward to the board room). This will ensure the proposed development is integrated with the existing streetscape and other three (3) corners of the intersection.</p> <p>The awning has been terminated at this point as the vast majority of pedestrian movements will be in and around the intersection of Grant and Warner Street and in/out of the retail and dive centre components of the proposed development.</p> <p>A two (2) metre wide roof overhang has been provided along the remaining portion of the building fronting Grant Street to provide weather protection for pedestrians and Quicksilver staff utilising the office component of the proposed development.</p>

Landscaping			
<p>P4 Landscaping provides a suitable buffer between incompatible uses.</p>	<p>A4.1 Where a Building is not built up to the Main Street Frontage the setback area is landscaped with Deep Planting.</p> <p>A4.2 Where a Building is not built to the side or rear boundary the setback from the side and rear boundary is landscaped with Deep Planting.</p> <p>A4.3 Where the Building is setback and the Site adjoins land in a residential planning area or where the Site adjoins land developed partially or wholly, for residential or tourist accommodation uses a 1.5 metre wide Setback of Dense Planting is provided to the common boundary with that land in accordance with all the relevant requirements of the Landscaping Code.</p>	<p>YES</p>	<p>Landscaping is proposed along the full frontage of both frontages of the site.</p> <p>No landscaping has been proposed in the car park area adjacent to the rear and side boundaries due to the location of an existing building along the side boundary and due to the uncertain nature of what is to occur along the rear boundary in the adjacent road reserve (i.e., no value add by plantings in these areas). We note however, that room has been allocated along both boundaries for some landscaping if deemed necessary by Council.</p>
Site Access & Car Parking			
<p>P5 Site Access and Car Parking are appropriately located and provided to service the development and to provide off street parking which is safe and conveniently located for users.</p>	<p>A5.1 Site Access/es is/are conveniently located to encourage usage and enable customers to enter and exit the commercial development safely.</p> <p>A5.2 Off street car parking is provided at the rear or the side of the Building or underneath a Building in accordance with all the relevant provisions of the Vehicle Parking and Access Code.</p> <p>A5.3 Vehicle unloading areas, goods storage areas, waste storage areas and outdoor equipment areas are designed and located to be screened from the street and to be accessible by service delivery vehicles without conflicting with the traffic flow of the car parking areas and on Site pedestrian areas.</p>	<p>YES</p>	<p>Access to the site from Warner Street is not preferred for streetscape and amenity reasons. In addition, access via the rear of the site is not preferred due to the complexities in obtaining owners consent and the unknowns that surround the future use of this area. As a result, this generally limits access to the site to the Grant Street frontage which is also constrained due to the location of the intersection of Grant Street and Warner Streets. Accordingly, site access has been proposed in the same location as previous proposals over the site as it has been deemed as the most suitable location and one which has also previously been approved by Council.</p> <p>The car parking area is located at the rear of the proposed development and can be conditioned to comply with the relevant requirements of the Planning Scheme as necessary.</p> <p>All vehicle unloading areas, goods storage areas, waste storage areas etc. are located at the rear of the proposed development and will be screened from view.</p>

			Compliance with this requirement is also able to be conditioned.
Local Centres			
<p>P6 A Local Centre services only the convenience needs of the surrounding local community.</p>	<p>A6.1 All Local Centres have a maximum Net Lettable Area which is specified in the relevant Locality Code. The Net Lettable Area of any one individual use does not exceed 50% of the Net Lettable Area for the Local Centre and with all non retail uses not exceeding 50% of the total Net Lettable Area.</p> <p>A6.2 The maximum Net Lettable Area specified, for an existing Local Centre, comprised of a number of lots, is allocated on a pro-rata basis between all the lots.</p> <p>A6.3 Non retail service uses are limited to food outlets such as a cafe or Restaurant, personal services such as hairdresser, beautician, small offices such as a dentist, doctor, bakery or laundromat.</p> <p>A6.4 On Site car parking is provided in accordance with that specified in Schedule 1 – Car Parking Requirements of the Vehicle Parking and Access Code for the proposed use within a Local Centre. Where no differential rate is specified the standard rate applies.</p> <p>A6.5 Additional short term car parking is designated on the Road reserve adjacent to the Local Centre, (other than a State-Controlled Road unless it is a service road).</p> <p>A6.6 Any residential use proposed within a Local Centre, such as a Caretaker’s Residence or Multi-Unit Housing, is located above Ground Level and complies with the specified plot ratio designation.</p> <p>A6.7 A new Local Centre is co-located with parkland and other community services and facilities.</p>	N/A	The site is not located in a local centre.

<p>P7 A Local Centre is designed to be compatible with the scale and character of surrounding residential development and functions safely and efficiently.</p>	<p>A7.1 A Local Centre is designed in accordance with the general provisions of the Commercial Planning Area Code outlined above in A1.1 to A6.3.</p> <p>AND</p> <p>A Local Centre is designed to integrate with the streetscape providing paving and planting to all street Frontages.</p>	<p>N/A</p>	<p>As above.</p>
<p>P8 In a Local Centre the Site Coverage of Buildings ensures that there is sufficient area for the provision of services.</p>	<p>A8.1 The Site Coverage of all Buildings does not exceed 80% of the Site area.</p>	<p>N/A</p>	<p>As above.</p>

APPLICABILITY

This Code applies to development that is:

- Assessable Development ;
- On premises:
 - With a natural ground level of below 20 metres AHD; and
 - Where activity affects subsoil below 5 metres AHD (see figure 1); and
- Identified in the table below.

APPLICABLE DEVELOPMENT

Material Change of Use except for a House, Home Activity, Home Based Business, Illuminated Tennis Court, Caretaker’s Residence, Dual Occupancy, Shopping Facilities (0-500m2 gfa), Restricted Premises, Detached Bottle Shop, Business Facilities, Tavern, Restaurant, Child Care Centre, Veterinary Facilities, Primary Industry, Aquaculture Minor, Intensive Animal Husbandry, Industry Class A, B & C, Business and Technology Park, Park, Place of Assembly, Telecommunication Facility, Railway Activities, Institution, Indoor Sport and Entertainment, or Outdoor Sport and Entertainment.
Reconfiguring a Lot resulting in one or more additional lots.
Operational Work associated with Reconfiguring a Lot.
Operational Work involving excavation or filling of more than 50m3 of material not associated with a Material Change of Use.

ELEMENTS OF THIS CODE

PART A – FOR SELF ASSESSABLE & ASSESSABLE DEVELOPMENT

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
None	None		

PART B – FOR ASSESSABLE DEVELOPMENT ONLY

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
IDENTIFICATION AND MANAGEMENT OF ACID SULFATE SOILS			
P1 The extent and location of acid sulfate soils or potential acid sulfate soils must be identified.	A1.1 No acceptable measures are specified. Note: The Planning Scheme Policy, Reports and Information Council may request, provides a guide to the information which should be provided to demonstrate that the performance criteria are achieved.	YES	No soil testing has been undertaken at this time. Due to the Australian Height Datum (AHD) level of the site (RL 1.89m AHD – RL 2.39m AHD), testing will be undertaken by a suitably qualified professional to determine the extent and location of actual or potential Acid Sulfate Soils prior to the lodgement of an Operational Works application, with appropriate reporting, inclusive of mitigation requirements, if necessary, to accompany this testing (if the amount of excavation and/or fill exceeds that required by the single state planning policy). This will ensure compliance with the Performance Criteria PO1.
DISTURBANCE OF ACID SULFATE SOILS			
P2 No environmental harm resulting from acid sulfate soils or potential acid sulfate soils exposure is caused.	A2.1 No acceptable measures are specified.	YES	Compliance with the Performance Criteria will be demonstrated as part of the above mentioned testing/reporting that will be undertaken in due course.
P3 The disturbance of acid sulfate soils or potential acid sulfate soils is avoided or minimised.	A3.1 The disturbance of acid sulfate soils or potential acid sulfate soils must be avoided by: a) Not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils; and b) Not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; and c) Not undertaking filling that results in: i. Actual acid sulfate soils being moved below the water table; and ii. Previously saturated acid sulfate soils being aerated.	YES	As above.
P4 The release of acid and associated metal contaminates into the environment is avoided or minimised.	A4.1 The disturbance of acid sulfate soils or potential acid sulfate soils avoids the release of acid and metal contaminants by:	YES	As above.

	<ul style="list-style-type: none"> a) Neutralising existing acidity and preventing the generation of acid and metal contaminants; and b) Preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment. 		
	<p>A4.2 Acid sulphate soils must undergo appropriate treatment before disposal whether or not that disposal occurs offsite.</p>	<p>YES</p>	<p>As above.</p>

APPLICABILITY

This Code applies to assessable development for:

- Material Change of Use: Except for the following uses in all localities:
 - Caretaker’s Residence
 - Educational Establishment
 - Home Industry
 - House
 - Outstation/Seasonal Camp
 - Primary Industry
 - Private Forestry
 - Public Utilities and Facilities
 - Special Residential Use

- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use.

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Signage Type			
<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"> • safely tethered to the ground, Building or structure; • maximum one per business; • displayed for one calendar month; • not located over or attached to the ground of a Council controlled Road or a State-Controlled Road (SCR). <p>A1.2 Where a Below Awning Sign:</p> <ul style="list-style-type: none"> • maximum one per business, or one per Frontage; 	YES	<p>Specific signage requirements for the proposed development are at this stage, unknown, although it is generally expected to be limited to that shown in Attachment 6 Plans of Development. However, in case of change, we request that Council condition that any signage associated with the proposed development, be compliant with the planning scheme requirements.</p> <p>We acknowledge that should any proposed signage not be able to comply that further applications to Council will be required.</p>

	<ul style="list-style-type: none"> • maximum Height of 0.6 metres • ground clearance not less than 2.6 metres • maximum width of 0.3 metres; • maximum length of 2.5 metres and does not project beyond the awning. <p>A1.3 Where a Chalk Board or A Frame Sign:</p> <ul style="list-style-type: none"> • maximum of one Chalk Board or A Frame Sign per business, or Frontage; • maximum Height of 1 metre; • maximum width of 0.6 metre; • able to be readily relocatable on a daily basis, if located within a Road reserve; • do not rotate or spin in the wind; • only allowable within a State-controlled Road reserve where the speed limit is 60 km/hr or less; • if located within the Road reserve, located a minimum of 1 metre from the kerb; <p>OR</p> <ul style="list-style-type: none"> • where no kerb, a minimum of 10 metres from the edge of the Road carriageway. <p>A1.4 Where a Directional Sign:</p> <ul style="list-style-type: none"> • 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; • maximum of one directional sign per business attached to any street sign; • if attached to a property boundary fence or gate, maximum area of 0.3 m², unilluminated and advertising only the name and distance/direction to the business which is carried out on the property; 		
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	<ul style="list-style-type: none"> • maximum of one directional sign to any property boundary fence or gate for each Road Frontage. <p>A1.5 Where a Fascia Sign located on the fascia of an awning:</p> <ul style="list-style-type: none"> • maximum of one fascia sign per business or one per Frontage; • maximum Height above Ground Level of 2.5 metres; • does not project above or below the fascia of the Building; • 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. <p>A1.6 Where a Home Activity or Home Based Business Sign:</p> <ul style="list-style-type: none"> • maximum of one sign per business; • maximum area of 0.3 m²; • located on the same premises as the Home Activity/ Home Based Business; • not illuminated; • advertises only the name and occupation of the operator of the business. <p>A1.7 Where a Projecting Wall Sign:</p> <ul style="list-style-type: none"> • maximum of one projecting wall sign on any building facade or boundary wall; • does not project further than 0.75 metres from the building line; • minimum vertical clearance of 2.6 metres from the ground; • not located above any awning and located at ground floor level; • maximum surface area of 1 m²; • maximum depth of 0.3 metres; 		
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	<ul style="list-style-type: none"> • does not project above the roof, parapet, or Building or wall line. <p>A1.8 Where a Symbol, being any ornamental design or device not otherwise described, whether or not a message is included in the design or device:</p> <ul style="list-style-type: none"> • maximum area of 1 m². <p>A1.9 Where a Tenancy Sign:</p> <ul style="list-style-type: none"> • maximum of one tenancy sign per Site or development; • maximum Height of 5 metres; • maximum width of 1.5 metres; • maximum depth of 0.3 metres; • 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 m²; • located on the boundary of a Site or fixed to a wall on the boundary of a Site to a Road Frontage. <p>A1.10 Where a Wall Sign:</p> <ul style="list-style-type: none"> • maximum of one wall sign on any building facade or boundary wall; • maximum area of 4 m²; • maximum length of 3 metres; • maximum Height of 2 metres and sited at ground floor level of a Building or boundary wall; • does not project further than 0.10 metres from the face of the wall. <p>A1.11 Where a Window Sign:</p> <ul style="list-style-type: none"> • 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; • maximum area of 1.2 m²; • maximum Height of 1 metre; 		
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	<ul style="list-style-type: none">• maximum length of 2.4 metres. <p>A1.12 Where an Indirectly Illuminated Sign:</p> <ul style="list-style-type: none">• artificial light limited to illuminating the face of the sign;• does not cause light spillage from the source of external illumination;• complies with other relevant requirements for the particular type of Advertising Device, which are specified in this Code;• not located within a State-Controlled Road or on a Council Road.		
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APPLICABILITY

This Code applies to assessable development for:

- Material Change of Use: Except for:
 - Business Facilities – using and existing Building
 - Home Activity
 - Off Premises Advertising Device
 - Primary Industry
 - Private Forestry
 - Restaurant – using and existing Building
 - Shopping Facility – using an existing Building
- Operational Work Associated with Reconfiguring a Lot;
- Operational Work – Filling or Excavation not associated with a Material Change of Use; and
- Operational Work – Engineering Works not associated with a Material Change of Use.

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Filling & Excavation - General			
P1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the Site or the surrounding area.	<p>A1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.</p> <p>AND</p> <p>Cuts in excess of those stated in A1.1 above are separated by benches/terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.</p> <p>A1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p>	YES	The exact methods/amounts etc. to be used in order to achieve the minimum floor levels are at this stage not certain. Accordingly, we request that compliance with the Acceptable Measures be conditioned as necessary, with all details on fill to be included in the Operational Works application.

	<p>A1.3 Cuts are screened from view by the siting of the Building/structure, wherever possible.</p> <p>A1.4 Topsoil from the Site is retained from cuttings and reused on benches/terraces.</p> <p>A1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure, is located closer than 600 mm to any boundary of the property, unless the prior written approval of the adjoining landowner and the Council, has been obtained.</p> <p>A1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, Landscaping or other protective/aesthetic measures.</p>		
Visual Impact and Site Stability			
<p>P2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.</p>	<p>A2.1 The extent of filling or excavation does not exceed 40% of the Site area or 500 m2 whichever is the lesser.</p> <p>EXCEPT THAT</p> <p>A2.1 does not apply to reconfiguration of 5 lots or more.</p> <p>A2.2 Filling and excavation does not occur within 2 metres of the Site boundary.</p>	YES	<p>It is expected that some filling will be placed within two (2) metres of the site boundary. Given the treatments (pedestrian walkways, ramps, planter boxes etc.) proposed along the frontage of the building on both the Grant and Warner Street frontages, it is not expected that this will result in any negative visual amenity impacts as the finished product should resemble that on the other side of Grant Street. We note that compliance with the Performance Criteria can also be conditioned.</p>
Flooding & Drainage			
<p>P3 Filling and excavation does not result in a change to the run off characteristics of a Site which then have a detrimental impact upon the Site or nearby land or adjacent Road reserves.</p>	<p>A3.1 Filling and excavation does not result in the ponding of water on a Site or adjacent land or Road reserves.</p>	YES	<p>Compliance with the Acceptable Measure is able to be conditioned.</p>

	<p>A3.2 Filling and excavation does not result in an increase in the flow of water across a Site or any other land or Road reserves.</p> <p>A3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a Watercourse and overland flow paths.</p> <p>A3.4 Filling and excavation complies with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.</p>		
Water Quality			
<p>P4 Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p>A4.1 Water quality is maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual</p>	<p>YES</p>	<p>Compliance with the Acceptable Measure is able to be conditioned.</p>

APPLICABILITY

This Code applies to assessable development for:

- Material Change of Use: Except for the following Use:
 - House (other than a House which is Code Assessable and then the Code Applies)
- Operational Work Associated with Reconfiguring a Lot;

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Landscape Design			
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>	YES	A landscape plan which complies which demonstrates compliance with the Acceptable Measure will be provided at the Operational Works Stage and is also able to be conditioned.
Landscape-Character and Planting			
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>	YES	Compliance with the Acceptable Measure is able to be conditioned as required.

	<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>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 Landscaping47</p>	<p>A3.1 Existing native vegetation on Site is retained and incorporated into the Site design, wherever possible.</p> <p>A3.2 Any mature vegetation on the Site which is removed or damaged during development of the Site is replaced with advanced native species.</p> <p>A3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are planted on Site or on the street.</p> <p>A3.4 Street trees are 100% native species which enhance the landscape character of the streetscape, with species chosen from the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.</p>	YES	<p>There is no native vegetation on the site.</p> <p>Compliance with the remaining relevant Acceptable Measures is able to be conditioned where relevant.</p>
<p>P4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.</p>	<p>A4.1 Species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.</p>	YES	<p>Compliance with the Acceptable Measure is able to be conditioned as required.</p>
<p>P5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal Roadways.</p>	<p>A5.1 Where car parking areas are uncovered or open, shade trees are planted at regular intervals (a minimum of 1 shade tree is provided for every 5 car parks) throughout the car parking areas, and adjacent to driveways and internal Roadways.</p> <p>A5.2 A minimum of 1 shade tree is provided for every 10 metres along a driveway or internal Roadway.</p> <p>A5.3 Landscape beds and trees are protected by garden edging, bollards or wheel stops.</p>	YES	<p>As above.</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.		
Screening			
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>	N/A	No perimeter fencing is proposed.
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>	N/A	The proposed development does not involve any residential uses.
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.	YES	Compliance with the Performance Criteria is able to be conditioned as required.
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	N/A	The site does not contain any environmental values of note.
Streetscape and Site Amenity			
P10 Landscaping for residential development enhances the streetscape and the visual appearance of the development.	<p>A10.1 Dense Planting along the front of the Site incorporates:</p> <ul style="list-style-type: none"> shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting; 	N/A	The proposed development does not involve any residential development.

	<ul style="list-style-type: none"> landscape screening of blank walls; low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A10.2 Dense Planting to the rear of the Site incorporates:</p> <ul style="list-style-type: none"> 1 shade tree for an average of every 75 m2, growing to the Building eave Height within 5 years of planting; screening shrubs to grow to 3 metres in Height within 2 years of planting; low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A10.3 Dense Planting to the side boundaries incorporates:</p> <ul style="list-style-type: none"> trees planted for an average of every 10 metres where adjacent to a Building; low shrubs, groundcovers and mulch to completely cover unsealed ground. 		
<p>P11 Landscaping for non-residential development enhances the streetscape and the visual appearance of the development.</p>	<p>A11.1 Dense Planting along the front boundary of the Site where a Building is Setback from the front alignment, incorporates:</p> <ul style="list-style-type: none"> shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting where appropriate; landscape screening of blank walls; low shrubs, groundcovers and mulch to completely cover unsealed ground. <p>A11.2 Dense Planting to the rear of the Site where a Building is Setback from the rear alignment, incorporates:</p> <ul style="list-style-type: none"> 1 shade tree for an average of every 75 m2 growing to the Building eave Height within 5 years of planting; screening shrubs to grow to 3 metres in Height within 2 years of planting; low shrubs, groundcovers and mulch to completely cover unsealed ground. 	<p>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned as required.</p>

	<p>A11.3 Dense Planting to the side boundaries where visible from the street or adjoining a boundary to a different Planning Area, and where a Building is Setback from the side boundary, incorporates:</p> <ul style="list-style-type: none"> • trees planted for an average of every 10 metres where adjacent to a Building; • screening shrubs, low shrubs and groundcover appropriate for the amount of space, light and ventilation of the area; • low shrubs, groundcovers and mulch to completely cover unsealed ground. <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>		
Maintenance & Drainage			
<p>P12 Landscaped areas are designed in order to be maintained in an efficient manner</p>	<p>A12.1 A maintenance program is undertaken in accordance with the Maintenance Schedule in Planning Scheme Policy No 7 – Landscaping.</p> <p>A12.2 A reticulated irrigation system is provided to common Landscaping and Recreation Areas and planter boxes in accordance with Australian Standards, with 1 hose cock within each area.</p> <p>A12.3 Turf areas are accessible by standard lawn maintenance equipment.</p> <p>A12.4 Plant species are selected with long life expectancy and minimal maintenance requirements where on-Site management will be limited.</p> <p>A12.5 Mulching is provided to all garden beds to reduce weed growth and to retain water, and is to be replenished every year in the ongoing maintenance program.</p>	<p>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned as required.</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>	<p>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned as required.</p>
<p>Safety</p>			
<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>	<p>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned as required.</p>
<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>	<p>YES</p>	<p>As above.</p>
<p>Utilities & Services</p>			
<p>P16 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.</p>	<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>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned as required.</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"> • in an electric line shadow; or • within 5.0 metres of an electric line shadow; or within 5.0 metres of a substation boundary. <p>A16.7 Elsewhere, vegetation is planted at a distance that is further from the nearest edge of an electric line shadow or substation boundary than the expected maximum Height at maturity of the vegetation.</p> <p>A16.8 On a Site adjoining an electricity substation boundary, the vegetation foliage at maturity is not within 3.0 metres of the substation boundary. However, where a substation has a solid wall along any part of its boundary, foliage may extend to, but not above or beyond, that solid wall.</p>		
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APPLICABILITY

This Code applies to all assessable Material Change of Use, involving new Building Work other than minor alterations to an existing building, excluding the following uses:

- Caretaker’s Residence,
- Car Park,
- Cemetery,
- Extractive Industry,
- Home Activity,
- Home Based Business (excluding Bed & Breakfast, Forest Stay & Host Farm Accommodation)
- Home Industry,
- House,
- Industry,
- Off Premise Advertising Device,
- Outstation/Seasonal Camp,
- Park & Open Space,
- Primary Industry,
- Private Forestry,
- Service Industry (excluding associated office), and
- Telecommunications Facility

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Energy Efficiency			
P1 Buildings are designed and sited to: <ul style="list-style-type: none"> • 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 BERS™ or NatHERS™ (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	YES	Compliance is able to be conditioned where necessary/appropriate.

	<p>and north are fully shaded by adjustable external shutters or blinds, and</p> <p>(b) glazed windows or door assemblies have a minimum WERS51 Rating of 3 stars for cooling, and</p> <p>(c) all external walls (excluding windows and other glazing) achieve an overall R-value not less than R1.5, and</p> <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"> • have a window or door in opposite walls that are open-able to the outside; <p>Or</p> <ul style="list-style-type: none"> • have a direct flow path from an open-able window through the doorways or other openings within the dwelling unit to another window or opening to the outside; <p>Or</p> <ul style="list-style-type: none"> • open directly onto an unobstructed breezeway that is a minimum of 900 mm wide and open-able at both ends with a minimum 1.5m² opening; <p>Or</p> <ul style="list-style-type: none"> • have a minimum ceiling height of 2.7m and at least one ceiling fan. <p>A1.3 For non-residential buildings:</p> <p>(a) glazed windows or door assemblies have a minimum WERS52 Rating of 3 stars for cooling, and</p>		
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	<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 comprise:</p> <p>(a) a system with a minimum of 24 Renewable Energy Certificates, or</p> <p>(b) a natural gas system,</p> <p>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,</p> <p>Or</p> <p>(b) solar water heaters supply hot water to all dwelling units or tenancies where less than 25% of water heating is provided by booster units,</p> <p>Or</p> <p>(c) electric heat pump water heaters supply hot water to all dwelling units or tenancies,</p> <p>Or</p>	<p>YES</p>	<p>As above.</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>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,</p> <p>in a manner that does not impair visual amenity.</p>	<p>A3.1 No Acceptable Solution</p>	<p>N/A</p>	<p>The proposed development does not involve any residential uses.</p>
<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>	<p>N/A</p>	<p>As above.</p>
<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> <ul style="list-style-type: none"> • Dishwashers; • Clothes dryers; • Clothes washers; • Airconditioners; and • Refrigerators/freezers <p>where installed with the development, shall meet a minimum 4 star rating in accordance with the Australian Energy Rating Label.</p>	<p>N/A</p>	<p>As above.</p>
<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>N/A</p>	<p>As above.</p>

	<p>(c) Kitchens and living areas are fitted with energy efficient light fixtures such as fluorescent lighting.</p> <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>		
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.	YES	Compliance is able to be conditioned where necessary/appropriate.
Water Conservation and Reuse			
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>	YES	Compliance with the Performance Criteria is able to be conditioned where necessary/appropriate.

	<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 supply with –</p> <ul style="list-style-type: none"> i. A minimum flow rate of 2 litres per minute and a maximum flow rate of 4 litres per minute; and ii. Top up valves installed in an accessible location; and iii. A storage volume of the reticulated town water supply top up shall be no more than and no less than 1000 litres <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>		
<p>P9 Plumbing fittings must support the efficient use of water</p>	<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>(a) 4 litre or less average flush cisterns (when calculated in accordance with Australian/New Zealand Standard AS/NZS 6400:2003), and</p> <p>(b) matched pans.</p> <p>A9.3 All showers have thermostatic mixers</p>	<p>YES</p>	<p>Compliance is able to be conditioned where necessary/appropriate.</p>

Water Minimisation			
<p>P10 Site and building design must facilitate efficient sorting and disposal to maximise recycling opportunities</p>	<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>YES</p>	<p>The proposed development provides refuse bins/storage area.</p>
Landscaping & Irrigation			
<p>P11 Landscaping must facilitate sustainable tropical design by:</p> <ul style="list-style-type: none"> providing sufficient space for the retention and/or establishment of significant substantial vegetation, using locally appropriate plant species, using paving design and materials that minimise heat reflection and site run-off, providing appropriate seasonal shade and passive cooling/heating of outdoor spaces throughout the year, providing private open space located to maximise indoor/outdoor connections, and design and plant selection to minimise water use and contribute to stormwater management. 	<p>A11.1 Impervious paving is limited to:</p> <p>(a) vehicle manoeuvring areas,</p> <p>(b) vehicle hard-stand areas, and</p> <p>(c) pedestrian movement paths.</p> <p>A11.2 Landscape and recreation areas are planted to:</p> <p>(a) ensure the penetration of prevailing north-east and south summer breezes and north-east winter morning sun, and</p> <p>(b) minimise exposure to the prevailing west and south-west winter winds, and</p>	<p>YES</p>	<p>Compliance with the Performance Criteria is able to be conditioned where necessary/appropriate.</p>

	<p>(c) shade the western walls of buildings.</p> <p>A11.3 Opportunities for water infiltration on-site are maximised through:</p> <p>(a) minimising the extent of impervious surfaces,</p> <p>(b) use of porous paving in low traffic areas,</p> <p>(c) draining hard surfaces towards permeable surfaces, and</p> <p>(d) inclusion of turf and garden beds</p>		
Solar Panels			
P12 Solar hot water systems are located for optimum performance	A12.1 Solar hot water systems are located on the roof of a building and the panels face solar north.	YES	Compliance with the Performance Criteria is able to be conditioned where necessary/appropriate.
Private Swimming Pools			
P13 A swimming pool for recreational use by residents of a residential building is designed and constructed to minimise its resource needs by consideration of: <ul style="list-style-type: none"> • potential usage in terms of number of swimmers; • purpose (e.g, lap swimming, plunging, etc); • siting issues; and • filtration systems. 	A13.1 No Acceptable Solution	YES	The proposed development is not for a residential building.

APPLICABILITY

This Code applies to self-assessable or assessable development for:

- Material Change of Use.

Except for the following Uses in all Localities:

- Home Industry
- Off Premises Advertising Device

For self-assessable development assessed against this Code, the applicable Acceptable Solutions is A1.1.

Self-assessable development which does not comply with Acceptable Solution A1.1, will require Code Assessment.

ELEMENTS OF THIS CODE

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Vehicle Parking Numbers			
<p>P1 Sufficient parking spaces are provided on the Site to accommodate the amount and type of vehicle traffic expected to be generated by the use or uses of the Site, having particular regard to:</p> <ul style="list-style-type: none"> • the desired character of the area in which the Site is located; • the nature of the particular use and its specific characteristics and scale; • the number of employees and the likely number of visitors to the Site; • the level of local accessibility; • the nature and frequency of any public transport serving the area; • whether or not the use involves the retention of an existing Building and the 	<p>A1.1 The minimum number of vehicle parking spaces provided on the Site is not less than the number prescribed in Schedule 1 of this Code for the particular use or uses. Where the number of spaces calculated from the Schedule is not a whole number, the number of spaces provided is the next highest whole number</p>	<p>YES</p>	<p>The proposed development provides for a total of sixteen (16) additional car parking spaces, including one (1) wheelchair accessible space (thirteen (13) on site + five (5) in Warner Street – two (2) existing spaces to be removed = 16).</p> <p>The Acceptable Measure requires that the proposed development provide 21 car parking spaces ($629/30 = 20.963$) and hence, there is a short fall of five (5) spaces. The sixteen (16) spaces however, will be a sufficient number to accommodate the type and amount of vehicular traffic generated by the use and hence, comply with the Performance Criteria (see section 6.1 of the Planning Report for further information/justification).</p>

<p>previous requirements for car parking for the Building;</p> <ul style="list-style-type: none"> whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and whether or not the use involves the retention of significant vegetation. 			
<p>Parking for People with Disabilities</p>			
<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"> Medical, higher education, entertainment facilities and shopping centres – 2 spaces; All other uses – 1 space. <p>A2.2 For parking areas with 50 or more ordinary vehicle spaces, wheelchair accessible spaces are provided as follows:</p> <ul style="list-style-type: none"> Medical, higher education, entertainment facilities and shopping centres – 3% (to the closest whole number) of the total number of spaces required; All other uses – 2% (to the closest whole number) of the total number of spaces required. 	<p>YES</p>	<p>The proposed development provides one (1) wheelchair accessible space.</p>
<p>Motor Cycles</p>			
<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 motor cycles is selected so that:</p> <ul style="list-style-type: none"> ordinary vehicles do not demand parking in the spaces reserved for motor cycles due to capacity constraints; and, 	<p>A3.1 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% per cent of total ordinary parking.</p> <p>AND</p> <p>The motorcycle parking complies with other elements of this Code.</p>	<p>N/A</p>	<p>No car parking spaces for motorcycles has been provided.</p>

<ul style="list-style-type: none"> it is a reflection of the make-up of the likely vehicle fleet that uses the parking; and, it is not a reflection of the lower cost of providing motorcycle 			
<p>Compact Vehicles</p>			
<p>P4 A proportion of the parking spaces provided may be for compact vehicles. The proportion of total parking provided for compact vehicles is selected considering:</p> <ul style="list-style-type: none"> compact vehicles spaces are not available to non-compact vehicles; and, it is a reflection of the proportion of the likely vehicle fleet that uses the parking; and, compact vehicle spaces are located so as to be proximate to pedestrian destinations such that they present significant inclination for use by users of compact vehicles; and, the scale of parking spaces, likely users and the likely degree of familiarity with the availability of such spaces. 	<p>A4.1 For parking areas exceeding 100 spaces for short term users or 50 spaces for long-term users, parking is provided for compact vehicles as a substitute for ordinary vehicle parking so that:</p> <ul style="list-style-type: none"> compact vehicle parking does not exceed 10% of total vehicle parking required; and, the parking location is proximate to the entry locations for parking users; and, the parking provided complies with other elements of this Code 	<p>N/A</p>	<p>The proposed development does not have in excess of 100 car parking spaces.</p>
<p>Bicycle Parking</p>			
<p>P5 Sufficient bicycle parking spaces with appropriate security and end of trip facilities are provided on-Site to accommodate the amount of bicycles expected to be generated by the use or uses.</p>	<p>A5.1 The minimum number of bicycle parking spaces provided on Site is not less than the number prescribed in Schedule 1 of this Code, for the particular use or uses</p>	<p>YES</p>	<p>The proposed development provides bicycle parking spaces over and above that required by Schedule 1.</p>

Vehicular Access to the Site			
<p>P6 The location of Access points minimises conflicts and is designed to operate efficiently and safely taking into account:</p> <ul style="list-style-type: none"> the amount and type of vehicular traffic; the type of use (eg long-stay, short-stay, regular, casual); Frontage Road traffic conditions; the nature and extent of future street or intersection improvements; current and future on-street parking arrangements; the capacity of the adjacent street system; and the available sight distance 	<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>YES</p>	<p>The proposed access location complies with the Performance Criteria (noting that this access location has been previously approved by Council, and access from Warner Street is not preferred for parking and streetscape reasons).</p>
Accessibility and Amenity for Users			
<p>P7 On-Site vehicle parking is provided where it is convenient, attractive and safe to use, and does not detract from an attractive or existing streetscape character.</p>	<p>A7.1 Short term visitor parking is provided at the front or on the main approach side of the Site, with easy Access to the Building entry, where such provision is in keeping with the desired character of the area in which the Site is located.</p> <p>AND</p> <p>In mixed use premises that include residential or accommodation uses (excluding, Port Douglas – Tourist Centre), at least 50% of the required number of parking spaces for the non-residential use/s on the Site is provided in an easily accessible location on the premises, so as to be convenient to use for customers and other visitors.</p>	<p>YES</p>	<p>The proposed car parking area complies with the Performance Criteria.</p>
<p>P8 The layout of parking areas provides a high degree of amenity and accessibility for different users.</p>	<p>A8.1 The layout of the parking area provides for the accessibility and amenity of the following:</p> <ul style="list-style-type: none"> People with Disabilities Cyclists 	<p>YES</p>	<p>As above.</p>

	<ul style="list-style-type: none"> • Motorcyclists • Compact Vehicles • Ordinary Vehicles • Service Delivery Vehicles. <p>A8.2 Where covered parking areas are required in accordance with Schedule 1 of this Code, sails or other secure structural forms of covering provide shade and weather protection for vehicles and passengers.</p>		
Access Driveways			
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	YES	Compliance is able to be conditioned.
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.	YES	As above.
Access for People with Disabilities			
P11 Access for people with disabilities is provided to the Building from the parking area and from the street	A11.1 Access for people with disabilities is provided in accordance with the relevant provisions of the Australian Standards.	YES	The proposed development provides complaint access for persons with disabilities.
Access for Pedestrians			
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.	YES	The proposed development provides safe pedestrian pathways as required by the Acceptable Measure.
Access for Cyclists			
P13 Access for cyclists is provided to the Building or to bicycle parking area from the street.	A13.1 Access pathways for cyclists are provided in accordance with the relevant provisions of the Australian Standards. AND	YES	The proposed development provides access for cyclists from Grant Street.

	<p>Where Access for cyclists is shared with Access for pedestrians and vehicles, the shared use is identified by signage and linemarking.</p>		
<p>Dimensions of Parking Spaces</p>			
<p>P14 Parking spaces have adequate areas and dimensions to meet user requirements.</p>	<p>A14.1 Car parking for the disabled, ordinary car parking spaces and motorcycle parking spaces meet the requirements of the relevant Australian Standards.</p> <p>AND</p> <p>Parking spaces for special vehicles that are classified in accordance with the relevant Australian Standards meet the requirements of that Standard.</p> <p>AND</p> <p>Parking spaces for standard sized buses have the following minimum dimensions:</p> <ul style="list-style-type: none"> • width: 4 metres • length: 20 metres • clear Height: 4 metres. <p>Parking spaces for compact vehicles have the following minimum dimensions:</p> <ul style="list-style-type: none"> • 15 per cent less in width measurements than required by Australian Standards for any ordinary vehicle; and, • 20 per cent less in length measurements than required by Australian Standards for any ordinary vehicle. <p>AND</p>	<p>YES</p>	<p>The proposed car parking spaces comply with the requirements set out in AS/NZS 2890.1:2004. Compliance is also able to be conditioned.</p>

	<p>Parking spaces for special vehicles meet the requirements dictated by the vehicle dimensions and manoeuvring characteristics and provide sufficient clearance to obstructions and adjacent vehicles to achieve a level of service to users equivalent to that specified by the relevant Australian Standards.</p> <p>A14.2 Parking spaces for bicycles meet the requirement of the relevant Australian Standard.</p>		
On-site Driveways, Manoeuvring Areas and Parking/Standing Areas			
<p>P15 On-Site driveways, manoeuvring areas and vehicle parking/standing areas are designed, constructed and maintained such that they:</p> <p>are at gradients suitable for intended vehicle use;</p> <ul style="list-style-type: none"> consider the shared movements of pedestrians and cyclists; are effectively drained and surfaced; and are available at all times they are required. 	<p>A15.1 On-Site driveways, vehicle manoeuvring and loading/unloading areas:</p> <ul style="list-style-type: none"> are sealed in urban areas: <p>AND</p> <p>upgraded to minimise noise, dust and runoff in other areas of the Shire in accordance with the relevant Locality Code;</p> <ul style="list-style-type: none"> have gradients and other design features in accordance with the provisions of the relevant Australian Standards; and drain adequately and in such a way that adjoining and downstream land is not adversely affected. <p>A15.2 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking.</p>	YES	<p>All of the mentioned areas are proposed to be sealed. Compliance with A15.2 is able to be conditioned.</p>
Vehicle Circulation, Queuing and Set Down Areas			
<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>	YES	<p>The proposed circulation and turning areas, as well as isle widths comply with the requirements set out in AS/NZS 2890.1:2004. Compliance is also able to be conditioned.</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>YES</p>	<p>As above.</p>
<p>P18 Where vehicle queuing, set down or special vehicle parking is expected, sufficient queuing or parking area is provided to enable vehicles to stand without obstructing the free flow of moving traffic or pedestrian movement</p>	<p>A18.1 Queuing and set down areas comply with the relevant Australian Standard and any relevant AUSTROAD Guidelines.</p>	<p>N/A</p>	<p>The proposed development does not involve any queuing or set down areas.</p>