

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|---|-------------------------------------|
| Applicant name(s) (individual or company full name) | Andreas and Line Loeffsgaard |
| Contact name (only applicable for companies) | c/- GMA Certification, Hannah Dayes |
| Postal address (P.O. Box or street address) | PO Box 831 |
| Suburb | Port Douglas |
| State | QLD |
| Postcode | 4877 |
| Country | Australia |
| Contact number | (07) 4041 0111 |
| Email address (non-mandatory) | Hannah.d@gmacert.com.au |
| Mobile number (non-mandatory) | |
| Fax number (non-mandatory) | |
| Applicant's reference number(s) (if applicable) | 20212043 |

| 2) Owner's consent | |
|---|--|
| 2.1) Is written consent of the owner required for this development application? | |
| <input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application | |
| <input type="checkbox"/> No – proceed to 3) | |

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

| | | | | |
|----|----------|------------|------------------------------------|--------------------------|
| a) | Unit No. | Street No. | Street Name and Type | Suburb |
| | 401 | 56-64 | Macrossan Street | Port Douglas |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | 4870 | 401 | SP212663 | Douglas Shire Council |
| b) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | | | |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | | | |

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

| |
|---|
| <input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i> |
| EMR site identification: <input type="text"/> |
| <input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i> |
| CLR site identification: <input type="text"/> |

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

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

- ☒ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Change of Use from Multiple Dwelling (Tourist) unit to Multiple Dwelling unit capable of both permanent and tourist accommodation.

e) Relevant plans

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

- ☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

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

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

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

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

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

Section 2 – Further development details

| 7) Does the proposed development application involve any of the following? | |
|--|---|
| Material change of use | <input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | <input type="checkbox"/> Yes – complete division 2 |
| Operational work | <input type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i> |

Division 1 – Material change of use

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

| 8.1) Describe the proposed material change of use | | | |
|---|--|---|---|
| Provide a general description of the proposed use | Provide the planning scheme definition (include each definition in a new row) | Number of dwelling units (if applicable) | Gross floor area (m ²) (if applicable) |
| Multiple Dwelling Unit | Multiple Dwelling Unit | 1 | 296m ² |
| | | | |
| | | | |
| 8.2) Does the proposed use involve the use of existing buildings on the premises? | | | |
| <input checked="" type="checkbox"/> Yes | | | |
| <input type="checkbox"/> No | | | |

Division 2 – Reconfiguring a lot

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

| 9.1) What is the total number of existing lots making up the premises? | |
|---|---|
| | |
| 9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes) | |
| <input type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

| 10) Subdivision | | | | |
|---|-------------|------------|------------|------------------------|
| 10.1) For this development, how many lots are being created and what is the intended use of those lots: | | | | |
| Intended use of lots created | Residential | Commercial | Industrial | Other, please specify: |
| | | | | |
| Number of lots created | | | | |
| 10.2) Will the subdivision be staged? | | | | |
| <input type="checkbox"/> Yes – provide additional details below | | | | |
| <input type="checkbox"/> No | | | | |
| How many stages will the works include? | | | | |
| What stage(s) will this development application apply to? | | | | |

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

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

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

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

12.2) What is the reason for the boundary realignment?

| |
|--|
| |
|--|

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

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

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

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

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

| |
|--|
| <input type="checkbox"/> Yes – specify number of new lots: _____ |
| <input type="checkbox"/> No |

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

| |
|----------|
| \$ _____ |
|----------|

PART 4 – ASSESSMENT MANAGER DETAILS

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

| |
|-----------------------|
| Douglas Shire Council |
|-----------------------|

16) Has the local government agreed to apply a superseded planning scheme for this development application?

| |
|---|
| <input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application |
| <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached |
| <input checked="" type="checkbox"/> No |

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

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

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

| |
|--|
| <input type="checkbox"/> Heritage places – Local heritage places |
| Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: |
| <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure |
| Matters requiring referral to: |
| <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual |
| <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure |
| Matters requiring referral to the Brisbane City Council: |
| <input type="checkbox"/> Ports – Brisbane core port land |
| Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: |
| <input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> |
| <input type="checkbox"/> Ports – Strategic port land |
| Matters requiring referral to the relevant port operator , if applicant is not port operator: |
| <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i> |
| Matters requiring referral to the Chief Executive of the relevant port authority: |
| <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i> |
| Matters requiring referral to the Gold Coast Waterways Authority: |
| <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i> |
| Matters requiring referral to the Queensland Fire and Emergency Service: |
| <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i> |

| | | |
|--|-----------------|---------------------------|
| 18) Has any referral agency provided a referral response for this development application? | | |
| <input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application | | |
| <input checked="" type="checkbox"/> No | | |
| Referral requirement | Referral agency | Date of referral response |
| | | |
| | | |
| Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> . | | |
| | | |

PART 6 – INFORMATION REQUEST

| |
|--|
| 19) Information request under Part 3 of the DA Rules |
| <input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application |
| <input type="checkbox"/> I do not agree to accept an information request for this development application |
| Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide . |

PART 7 – FURTHER DETAILS

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

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

| List of approval/development application references | Reference number | Date | Assessment manager |
|--|------------------|------------|-----------------------|
| <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application | TBC | Circa 1996 | Douglas Shire Council |
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |

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

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

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

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

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

| | | | |
|----------------------|--|-------------------------|--|
| Proposed ERA number: | | Proposed ERA threshold: | |
| Proposed ERA name: | | | |

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

Hazardous chemical facilities

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

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
☒ No

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

Clearing native vegetation

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

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

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

Environmental offsets

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

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

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

Koala habitat in SEQ Region

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

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

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

Water resources

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

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

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

Waterway barrier works

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

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

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

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

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

Quarry materials from a watercourse or lake

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

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

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ No

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

Queensland and local heritage places

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

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

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

| | | | |
|-----------------------------|--|-----------|--|
| Name of the heritage place: | | Place ID: | |
|-----------------------------|--|-----------|--|

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

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

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ No

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

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

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

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

| | |
|---|--|
| Prescribed assessment manager | |
| Name of chosen assessment manager | |
| Date chosen assessment manager engaged | |
| Contact number of chosen assessment manager | |
| Relevant licence number(s) of chosen assessment manager | |

QLeave notification and payment

Note: For completion by assessment manager if applicable

| | |
|---|----------------------|
| Description of the work | |
| QLeave project number | |
| Amount paid (\$) | Date paid (dd/mm/yy) |
| Date receipted form sighted by assessment manager | |
| Name of officer who sighted the form | |



GMA Certification
Group

*Leaders in
Building Certification Services*

PLANNING STATEMENT

For: Andreas and Line Loefsgaard
Development: Material Change of Use – Multiple Dwelling Unit (Tourist)
to Multiple Dwelling Unit
At: Unit 401/56-64 Macrossan Street Port Douglas (Lot 401 of
SP212663)
Prepared by: GMA Certification Group
File Ref: 20212043
Revision: A

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1.0 Introduction

This report has been prepared on behalf of Andreas and Line Loefsgaard in support of a Development Application to Douglas Shire Council for a Development Permit for Material Change of Use of premises from Multiple Dwelling (Tourist) to a Multiple Dwelling unit capable of both tourist and permanent accommodation.

The application relates one self-contained apartment that forms part of the Coconut Grove complex located at 56-64 Macrossan Street, Port Douglas. The specific apartment is Lot 401, which contains a total floor area of 296m². In accordance with the Community Management Statement, the apartment has exclusive right to one on-site designated car parking space.

The overall site comprises 33 apartments, which were approved under the 1996 Douglas Shire Planning Scheme for Multiple Dwelling (Tourist) units. This means that the units cannot lawfully be used for permanent accommodation without an approval for multiple dwellings, which would exclude the tourist only constraint and allow for the units to be used for permanent and tourist accommodation.

It is proposed to undertake a Material Change of Use of premises from self-contained Multiple Dwelling (Tourist) Unit to Multiple Dwelling Unit to provide for permanent and/or tourist occupation.

The application is identified as being Code Assessable and consideration is required to be given to the Assessment Benchmarks contained within the Planning Scheme. The proposed development is considered to be consistent with the Assessment Benchmarks and is considered to be a suitable use of the premises.

The application is submitted for approval, subject to reasonable and relevant conditions.

2.0 Development Summary

| | |
|---|--|
| Address: | Unit 401, 56-64 Macrossan Street, Port Douglas |
| Real Property Description: | Lot 401 on SP212663 |
| Easements & Encumbrances: | Nil |
| Site Area/Frontage: | N/A |
| Registered Owner: | EM Property Management Pty Ltd |
| Proposal: | Multiple Dwelling Unit |
| Approval Sought: | Development Permit |
| Level of Assessment: | Code Assessment |
| State Interests – State Planning Policy | <ul style="list-style-type: none"> • Safety and Resilience to Hazards <ul style="list-style-type: none"> ○ Bushfire Prone Area - Potential Impact Buffer |
| State Interests – SARA Mapping: | <ul style="list-style-type: none"> • Native Vegetation Clearing – Category X on the regulated vegetation management map • State Transport – Adjacent a State Controlled Road. |
| Referral Agencies: | Nil |
| State Development Assessment Provisions: | N/A |
| Regional Plan Designation: | Urban Footprint |
| Zone: | Centre Zone |
| Local Plan Designation: | Port Douglas/Craigie Local Plan Precinct 1a and Live Entertainment Precinct. |
| Overlays: | <ul style="list-style-type: none"> • Acid Sulfate Soils Overlay; • Bushfire Hazard Overlay; • Landscape Values Overlay; and, • Potential Landslide Hazard Overlay. |

Site and Locality

The application premises is an existing unit located at 56-64 Macrossan Street, Port Douglas, and described as Lot 401 on SP212663. This unit is an existing self-contained Multiple Dwelling (Tourist) unit located on the third floor in the existing Coconut Grove development. The site is located in the Port Douglas Town Centre, which is characterised by permanent and short term accommodation, retail and commercial recreation uses.

Unit 401 is a two storey unit comprising three bedrooms and living areas on the fourth floor and a roof top terrace, with swimmin pool on the fifth floor. The units contains a floor area of 296m² and is identified as a penthouse apartment. Associated with the premises is one allocated parking space that is exclusively for the use of the premises and is located in a secure basement.

The site is located on Macrossan Street, which is the principal retail and entertainment area of Port Douglas. The area is characterised by a mix of retail uses and residential and tourist accommodation.



Photo 1 – Site Location (Source Queensland Globe)

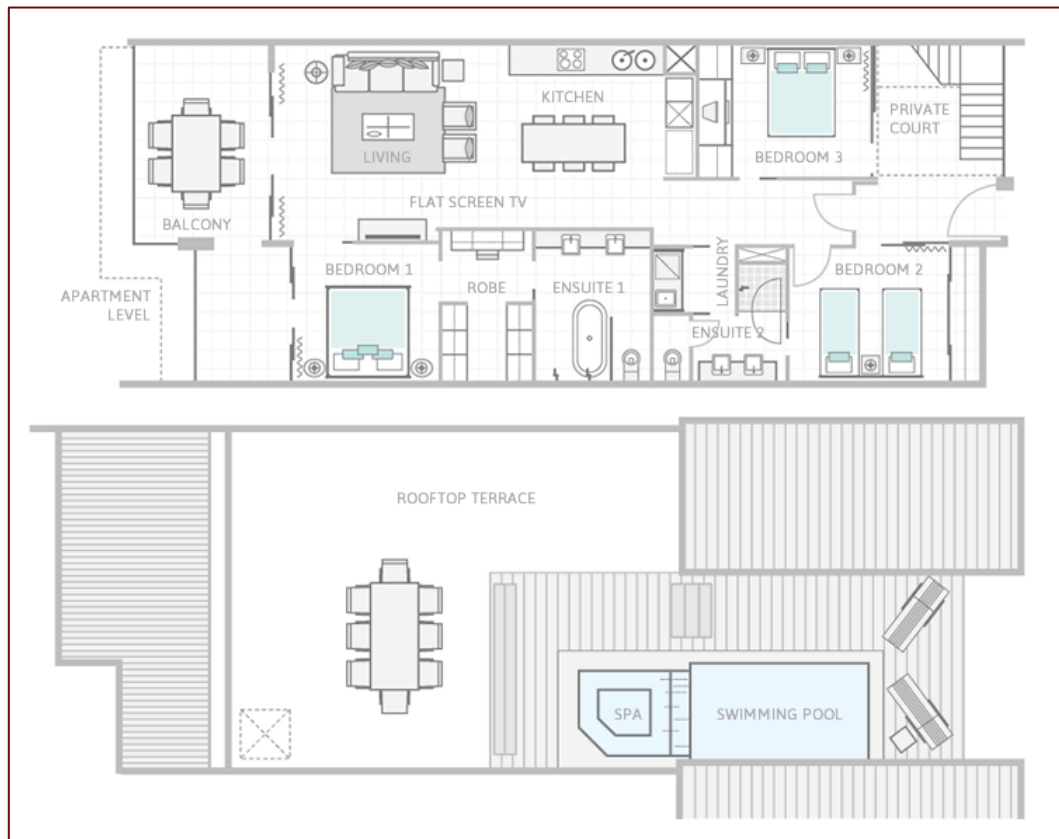


Image 1 – Floor Layout of Lot 401

3.0 Proposal

The application proposes a Material Change of Use of Premises from self-contained Multiple Dwelling (Tourist) Unit to a Multiple Dwelling Unit. There would be no physical change to the premises and it would simply provide for the lawful occupation of the premises on a permanent basis and/or for short term tourist accommodation to a single household.

The key development features of the proposed development are summarised in the table below:

| Development Feature | Proposal |
|----------------------|--|
| Premises Floor Area: | 296m ² |
| Car Parking Spaces: | 1 Space (garage) |
| Existing Use: | Multiple Dwelling (Tourist) units |
| Proposed Use: | Multiple Dwelling Units for permanent and or tourist occupation |

4.0 Statutory Planning Considerations

This section provides a summary of the legislative framework affecting the application pursuant to the Planning Act 2016.

5.1 Planning Act 2016

5.1.1 Categorisation of Development

The proposed development is not identified as prohibited development having regard to the relevant instruments that can prohibit development under the *Planning Act 2016*, including:

- Schedule 10 of the Planning Regulations 2017;
- Relevant Categorising Instruments.

The development is made assessable under the Douglas Council Planning Scheme, which is a categorising instrument for the purpose of s43 of the *Planning Act 2016*.

5.1.2 Assessment Manager

Pursuant to Schedule 8 of the *Planning Regulations 2017*, the Assessment Manager for the application is the Douglas Shire Council.

5.1.3 Level of Assessment

The application involves the development of a Dwelling Unit/Multiple Dwelling Unit. The table below identifies the level of assessment and the categorising section of the Douglas Shire Council Planning Scheme.

| Development | Categorising Section | Level of Assessment |
|------------------------|-------------------------|---------------------|
| Multiple Dwelling Unit | Table 5.6.a Centre Zone | Code Assessable |

5.1.4 Statutory Considerations for Assessable Development

As the application is subject to Code Assessment, in deciding the application pursuant to s60 of the *Planning Act 2016*, the Council, as Assessment Manager, can only have regard to the matters established in the relevant planning benchmarks.

This assessment is further discussed in Section 6.0 of this report and a detailed assessment of the proposed development against the Assessment Benchmarks is provided at [Appendix 2](#).

5.1.5 State Planning Policy

The application site has the following State Planning Policy designations/classifications:

- Safety and Resilience to Hazards –
 - Bushfire Prone Area – Potential Impact Buffer

It is understood that the Minister has identified that the State Planning Policy has been appropriately integrated into the Douglas Shire Council Planning Scheme and consequently no further assessment is required in this instance.

5.1.6 Regional Plan

The application site is identified in the Urban Footprint designation of the FNQ Regional Plan. Consistent with the State Planning Policies, it is understood that the Planning Scheme has been determined to appropriately advance the Regional Plan and, on that basis, no further assessment is required in this instance.

5.1.7 Referral Agencies

There are no referral agencies identified in respect of this application.

5.1.8 State Development Assessment Provisions

As there are no referral agencies for the application, no State Development Assessment Provisions Apply to the assessment.

5.0 Local Planning Considerations

6.1 Douglas Shire Council Planning Scheme

Within the Douglas Shire Council Planning Scheme (Version 1.0), the site is identified within the Centre Zone and within sub-precinct 1a of the Port Douglas/Craigie Local Plan and is affected by the following Overlay:

- Acid Sulfate Soils Overlay;
- Bushfire Hazard Overlay;
- Landscape Values Overlay; and,
- Potential Landslide Hazard Overlay.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme.

| Assessment Benchmark | Applicability | Compliance |
|--|----------------|--|
| Centre Zone Code | Applies | Complies with applicable Acceptable Outcomes |
| Port Douglas/Craigie Local Plan Code | Applies | Complies with applicable Acceptable Outcomes |
| Acid Sulfate Soils Overlay Code | Not Applicable | No applicable Assessment Benchmarks as the development relates wholly to an existing unit above ground level. |
| Bushfire Hazard Overlay Code | Applies | Complies with applicable Acceptable Outcomes. |
| Landscape Values Overlay Code | Not applicable | Not identified as an applicable Assessment Benchmark. |
| Potential Landslide Hazard Overlay Code | Not Applicable | Not identified as an applicable Assessment Benchmark. |
| Multiple Dwellings and Short Term Accommodation Code | Applies | Complies with all applicable Acceptable Outcomes with the exception of AO17 – Secure Storage, where it is considered to comply with the Performance Outcome. |

| | | |
|-----------------------------------|----------------|--|
| Access Parking and Servicing Code | Applies | Complies with applicable Acceptable Outcomes. |
| Infrastructure Works Code | Not applicable | The application premises is an existing residential use with connectivity to all urban services. |
| Landscaping Code | Not Applicable | No applicable Assessment Benchmarks |
| Vegetation Management Code | Not Applicable | No applicable Assessment Benchmarks. |

6.0 Summary and Conclusion

This report has been prepared on behalf of Andreas and Line Loefsgaard in support of a Development Application to Douglas Shire Council for a Development Permit for the Material Change of Use or premises from Multiple Dwelling (Tourist) to a Multiple Dwelling Unit capable of both tourist and permanent accommodation.

The application relates to a self-contained Multiple Dwelling (Tourist) apartment that forms part of the Coconut Grove complex located as 56-64 Macrossan Street, Port Douglas. The specific apartment is Lot 401, which contains a total floor area of 296m². The apartment also has exclusive use rights to a single designated car park located within a secure basement.

The overall site comprises 33 apartments, which were approved under the 1996 Douglas Shire Planning Scheme for Multiple Dwelling (Tourist) units. This means that the units cannot lawfully be used for permanent accommodation without an approval for multiple dwellings, which would exclude the tourist only constraint and allow for the units to be used for permanent and tourist accommodation.

It is proposed to undertake a Material Change of Use of premises from self-contained Multiple Dwelling (Tourist) Unit to Multiple Dwelling Unit to provide for permanent and or tourist accommodation.

The application is identified as being Code Assessable and consideration can only be given to the assessment benchmarks contained within the Planning Scheme. An assessment has demonstrated that the proposed development satisfies the Assessment Benchmarks and is considered to be a suitable use of the premises.

The application is submitted for approval, subject to reasonable and relevant conditions.

Appendix 1.

CERTIFICATE OF TITLE AND COMMUNITY MANAGEMENT STATEMENT

CURRENT TITLE SEARCH
DEPARTMENT OF RESOURCES, QUEENSLAND

Request No: 36618529

Search Date: 16/03/2021 10:03

Title Reference: 50725709

Date Created: 17/06/2008

Previous Title: 50725674

REGISTERED OWNER

Dealing No: 711771942 04/07/2008

EPM PROPERTY MANAGEMENT PTY LTD A.C.N. 092 434 805

ESTATE AND LAND

Estate in Fee Simple

LOT 401 SURVEY PLAN 212663
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 38592
COMMUNITY MANAGEMENT STATEMENT 38591

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332071 (ALLOT 6 SEC 5)
Deed of Grant No. 10332119 (ALLOT 5 SEC 5)
Deed of Grant No. 10332178 (ALLOT 4 SEC 5)
Deed of Grant No. 10332198 (ALLOT 7 SEC 5)
Deed of Grant No. 10358037 (ALLOT 8 SEC 5)
2. MORTGAGE No 711771982 04/07/2008 at 11:09
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPARTMENT OF RESOURCES) [2021]
Requested By: D-ENQ EQUIFAX

QUEENSLAND LAND REGISTRY

GENERAL REQUEST

Form 14 Version 4
Page 1 of 1

712743462

Duty Imprint

TE 470

\$66.90
21/09/2009 15:12

Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used for the purpose of maintaining the publicly searchable registers in the land registry and the water register.

1. Nature of request

Request to record New Community Management Statement for The Coconut Grove Subsidiary Residential Community Titles Scheme 38592

Lodger (Name, address & phone number)

MacDonnells Law
PO Box 1015
TOWNSVILLE QLD 4810
Telephone: (07) 4772 5855
Ref: MAK:MAD:2050318

Lodger Code

010

2. Lot on Plan Description

County

Parish

Title Reference

Common Property of The Coconut Grove Solander Subsidiary Residential Community Titles Scheme 38592

Salisbury

50725682

3. Registered Proprietor/State Lessee

Body Corporate for the Coconut Grove Subsidiary Residential Community Titles Scheme 38592

4. Interest

Fee Simple

5. Applicant

Body Corporate for the Coconut Grove Subsidiary Residential Community Titles Scheme 38592

6. Request

I hereby request that: the New Community Management Statement deposited herewith which amends: Schedule C by-laws by deleting and replacing by-law 7.2 and inserting new by-law 34 of the existing Community Management Statement be recorded as the Community Management Statement for The Coconut Grove Subsidiary Residential Community Titles Scheme 38592 and that the address for service of the body corporate under section 315 (2) of the Body Corporate and Community Management Act 1997 be recorded as C/- Archers Body Corporate Management PO Box 2676 Cairns QLD 4870.

7. Execution by applicant

Gracyn Juniper as company nominee of Juniper Property Holdings Pty Ltd ACN 106 912 501 on behalf of Body Corporate for The Coconut Grove Subsidiary Residential Community Titles Scheme 38592

14/9/2009
Execution Date

Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

38592**This statement incorporates and must include the following:****CASE OF A NEW STATEMENT MUST BE LODGED WITHIN THREE (3) MONTHS OF THE DATE OF CONSENT BY THE BODY CORPORATE***Office use only*
CMS LABEL NUMBER

- ule A* - Schedule of lot entitlements
- ule B* - Explanation of development of scheme land
- Schedule C* - By-laws
- Schedule D* - Any other details
- Schedule E* - Allocation of exclusive use areas

1. Name of community titles schemeThe Coconut Grove Subsidiary Residential Community
Titles Scheme 38592**2. Regulation module**

Accommodation

3. Name of body corporate

Body Corporate for Coconut Grove Subsidiary Residential Community Titles Scheme 38592

4. Scheme land

Lot on Plan Description

County

Parish

Title Reference

See attached Schedule

5. Name and address of original owner #

Not Applicable

6. Reference to plan lodged with this statement

Not Applicable

first community management statement only

7. Local Government community management statement notation

Not Applicable

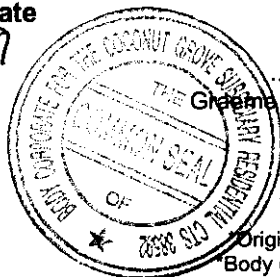
..... signed

..... name and designation

..... name of Local Government

8. Execution by original owner/Consent of body corporate**Execution Date**

14/19/2009

***Execution**

Graeme Juniper as company nominee of Juniper Property Holdings
No. 22 Pty Ltd ACN 106 912 501 on behalf of
Body Corporate for The Coconut Grove Subsidiary
Residential Community Titles Scheme 38592.

Original owner to execute for a first community management statement
Body corporate to execute for a new community management statement

Privacy Statement

The information from this form is collected under the authority of the Body Corporate and Community Management Act 1997 and is used for the purpose of maintaining the publicly searchable registers in the land registry.

[Title Reference 50725682]

4. Scheme land

| Lot on Plan Description | County | Parish | Title Reference |
|---|----------|-----------|-----------------|
| Common Property of The Coconut Grove Subsidiary Residential Community Titles Scheme 38592 | Solander | Salisbury | 50725682 |
| Lot 2 on SP212663 | Solander | Salisbury | 50725683 |
| Lot 101 on SP212663 | Solander | Salisbury | 50725684 |
| Lot 102 on SP212663 | Solander | Salisbury | 50725685 |
| Lot 103 on SP212663 | Solander | Salisbury | 50725686 |
| Lot 104 on SP212663 | Solander | Salisbury | 50725687 |
| Lot 201 on SP212663 | Solander | Salisbury | 50725688 |
| Lot 202 on SP212663 | Solander | Salisbury | 50725689 |
| Lot 203 on SP212663 | Solander | Salisbury | 50725690 |
| Lot 204 on SP212663 | Solander | Salisbury | 50725691 |
| Lot 205 on SP212663 | Solander | Salisbury | 50725692 |
| Lot 206 on SP212663 | Solander | Salisbury | 50725693 |
| Lot 207 on SP212663 | Solander | Salisbury | 50725694 |
| Lot 208 on SP212663 | Solander | Salisbury | 50725695 |
| Lot 210 on SP212663 | Solander | Salisbury | 50725696 |
| Lot 211 on SP212663 | Solander | Salisbury | 50725697 |
| Lot 301 on SP212663 | Solander | Salisbury | 50725698 |
| Lot 302 on SP212663 | Solander | Salisbury | 50725699 |
| Lot 303 on SP212663 | Solander | Salisbury | 50725700 |
| Lot 304 on SP212663 | Solander | Salisbury | 50725701 |
| Lot 305 on SP212663 | Solander | Salisbury | 50725702 |
| Lot 306 on SP212663 | Solander | Salisbury | 50725703 |
| Lot 307 on SP212663 | Solander | Salisbury | 50725704 |
| Lot 308 on SP212663 | Solander | Salisbury | 50725705 |
| Lot 309 on SP212663 | Solander | Salisbury | 50725706 |
| Lot 310 on SP212663 | Solander | Salisbury | 50725707 |
| Lot 311 on SP212663 | Solander | Salisbury | 50725708 |
| Lot 401 on SP212663 | Solander | Salisbury | 50725709 |
| Lot 402 on SP212663 | Solander | Salisbury | 50725710 |
| Lot 403 on SP212663 | Solander | Salisbury | 50725711 |
| Lot 404 on SP212663 | Solander | Salisbury | 50725712 |
| Lot 405 on SP212663 | Solander | Salisbury | 50725713 |
| Lot 406 on SP212663 | Solander | Salisbury | 50725714 |
| Lot 407 on SP212663 | Solander | Salisbury | 50725715 |

[Title Reference 50725682]

| SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS | | |
|---|--------------|--------------|
| Lot on Plan | Contribution | Interest |
| Lot 2 on SP212663 | 1 | 125 |
| Lot 101 on SP212663 | 96 | 1725 |
| Lot 102 on SP212663 | 185 | 2585 |
| Lot 103 on SP212663 | 94 | 1595 |
| Lot 104 on SP212663 | 105 | 1725 |
| Lot 201 on SP212663 | 113 | 1795 |
| Lot 202 on SP212663 | 100 | 1695 |
| Lot 203 on SP212663 | 100 | 1695 |
| Lot 204 on SP212663 | 100 | 1695 |
| Lot 205 on SP212663 | 100 | 1695 |
| Lot 206 on SP212663 | 100 | 1695 |
| Lot 207 on SP212663 | 102 | 1795 |
| Lot 208 on SP212663 | 93 | 1100 |
| Lot 210 on SP212663 | 88 | 990 |
| Lot 211 on SP212663 | 94 | 1125 |
| Lot 301 on SP212663 | 96 | 1200 |
| Lot 302 on SP212663 | 88 | 995 |
| Lot 303 on SP212663 | 88 | 995 |
| Lot 304 on SP212663 | 88 | 995 |
| Lot 305 on SP212663 | 88 | 995 |
| Lot 306 on SP212663 | 88 | 995 |
| Lot 307 on SP212663 | 95 | 1175 |
| Lot 308 on SP212663 | 102 | 1700 |
| Lot 309 on SP212663 | 99 | 1625 |
| Lot 310 on SP212663 | 99 | 1625 |
| Lot 311 on SP212663 | 105 | 1725 |
| Lot 401 on SP212663 | 109 | 1725 |
| Lot 402 on SP212663 | 100 | 1625 |
| Lot 403 on SP212663 | 100 | 1625 |
| Lot 404 on SP212663 | 100 | 1625 |
| Lot 405 on SP212663 | 100 | 1625 |
| Lot 406 on SP212663 | 100 | 1625 |
| Lot 407 on SP212663 | 102 | 1725 |
| TOTALS | 3218 | 48635 |

[Title Reference 50725682]

1. Definitions

- 1.1 Terms that have a defined meaning in Schedules B and C have the same meaning in this Schedule.

2. Subsidiary Scheme

- 2.1 This community management statement is a community management statement for a subsidiary scheme of the Principal Scheme.
- 2.2 This Scheme has been developed in accordance with the layered arrangements identified in The Coconut Grove Principal Community Titles Scheme.

3. Explanation of Differential Contribution Lot Entitlement-s - Section 66(1)(d)(-) -

- 3.1 The Contribution Schedule Lot Entitlements for each Lot have been allocated having regard to the structure of the Scheme, the nature of features and characteristics of the Lots in the Scheme and the purpose for which the lots are used.
- 3.2 The Contribution Schedule Lot Entitlements for each Lot included in the Scheme are not equal.
- 3.3 Each Lot has been given a different Contribution Schedule Lot Entitlement based on the following reasons:
- 3.3.1 The Body Corporate is obliged to maintain the common property of the Scheme in good condition including to the extent that the Common Property is structural in nature, in a structurally sound condition.
- 3.3.2 The Sinking Fund will include major Capital Items such as Lift replacement, exhaust fan replacement and repainting of the exterior of the Scheme Building.
- 3.3.3 Each of the Lots in the Scheme have a differing floor area and variable use of the Common Property.
- 3.3.4 As a result of the differing uses of Common Property and differing floor areas the following have been taken into consideration when calculating the Lot Entitlements:
- 3.3.4.1 Accommodation Costs (costs apportioned in relation to the population density each Lot);
- 3.3.4.2 Fixed costs (costs shared equally between all Lots);
- 3.3.4.3 Support and Shelter (Gross Floor Area); and
- 3.3.4.4 Differing use (commercial and retail);
- 3.3.5 Restricted use of the Common Property, whereby the property is not available to all owners/occupiers; and
- 3.3.6 Those Lots not using certain parts of the Common Property such as Lifts and Basement Car Parking have a smaller Lot entitlement that reflects a much reduced contribution to the repairs, maintenance and operating costs that maybe required from time to time on the facilities that they do not require or access.

[Title Reference 50725682]

| | |
|-------------------|--|
| SCHEDULE B | EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND |
|-------------------|--|

1. Subsidiary Scheme

- 1.1 This community management statement is a community management statement for a subsidiary scheme of the Principal Scheme.
- 1.2 This Scheme has been developed in accordance with the layered arrangements identified in The Coconut Grove Principal Community Titles Scheme.

2. Layered Arrangement of Schemes

- 2.1 On establishment of the Scheme, the Scheme Land consists of Lots and Common Property and will be a Subsidiary Scheme of the Principal Scheme
- 2.2 The Scheme is part of a layered arrangement which comprises
 - 2.2.1 The Principal Scheme; and
 - 2.2.2 1 or more subsidiary schemes.
- 2.3 This scheme is not intended to be developed progressively.
- 2.4 The Scheme is of course subject to any of the matters which may occur during the development of the Principal Scheme, as outlined in the Principal Scheme Community Management Statement.

[Title Reference 50725682]

| | |
|-------------------|----------------|
| SCHEDULE C | BY-LAWS |
|-------------------|----------------|

The by-laws for The Coconut Grove –Subsidiary Residential Community Titles Scheme are set out in this Schedule:

1. Definition and Interpretations

1.1 Definitions

In these by-laws:

- 1.1.1 **"Act"** means Body Corporate and Community Management Act 1997 or legislation which replaces it;
- 1.1.2 **"Body Corporate"** means the body corporate for this Scheme;
- 1.1.3 **"Body Corporate Asset"** means a body corporate asset for the Scheme;
- 1.1.4 **"Body Corporate Manager"** means a body corporate manager for the Scheme;
- 1.1.5 **"Buildings"** means the buildings on the Scheme land;
- 1.1.6 **"Car Parking Facilities"** means the car parking facilities for the Scheme;
- 1.1.7 **"Committee"** means the committee of the Body Corporate;
- 1.1.8 **"Common Property"** means the common property for the Scheme;
- 1.1.9 **"Costs"** means any costs, charges, expenses, outgoings, payments or other expenditure of any nature and, where appropriate, includes reasonable fees and disbursements payable to contractors, consultants, accountants and lawyers;
- 1.1.10 **"Development Approvals"** means Development Approvals or permits required under the Integrated Planning Act 1997 and planning scheme applying to the Scheme land;
- 1.1.11 **"Improvements"** means:
 - 1.1.11.1 any addition or alteration to the Common Property or any Body Corporate Asset; or
 - 1.1.11.2 the installation of any fixtures, equipment, appliances (including without limitation television or radio aerials or other communication receivers or transmitters) or other apparatus on the Common Property or any Body Corporate Asset;
- 1.1.12 **"Invitees"** means each of the Owner's agents, visitors, tenants, licensees or others (with or without invitation) who may be on a Lot or the Scheme land;
- 1.1.13 **"Local Government"** means the local government for the area in which the Scheme land is located;
- 1.1.14 **"Lot"** means a lot in this Scheme;
- 1.1.15 **"Owner"** means the registered owner of a Lot and includes the Owner's Invitees;
- 1.1.16 **"Principal Scheme"** means The Coconut Grove Principal Community Titles Scheme
- 1.1.17 **"Retail Lot"** means Lot 1 on SP 212669

[Title Reference 50725682]

- 1.1.18 **"Requirement"** means any requirement, or authorisation, of any statutory body, local authority, governmental or other authority necessary or desirable under applicable law or regulation and includes the provisions of any statute, ordinance or by-law under the Act;
- 1.1.19 **"Scheme"** means The Coconut Grove Subsidiary Residential Community Titles Scheme containing the Lots and the Common Property.
- 1.1.20 **"Service Infrastructure"** means any infrastructure for the provision of Services to the Scheme land;
- 1.1.21 **"Services"** means all gas, electricity, communication, entertainment, telephone, water, sewerage, fire prevention, ventilation, air conditioning, hydraulic elevator and security services and all other services or systems provided in the Scheme or available for a Lot now or in the future.

1.2 Interpretations

1.2.1 Reference to:

- 1.2.1.1 the singular includes the plural and the plural includes the singular;
- 1.2.1.2 a person means a person bound by these by-laws and includes a body corporate, an unincorporated association or an authority; and
- 1.2.1.3 a statute, regulation or provision of a statute or regulation ("Statutory Provision") includes:
- 1.2.1.3.1 that Statutory Provision as amended or re-enacted from time to time; and
- 1.2.1.3.2 a statute, regulation or provision enacted in replacement of that Statutory Provision.

1.2.2 "Including" and similar expressions are not words of limitation.

1.2.3 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

1.2.4 Headings are for convenience only and do not form part of these by-laws or affect interpretation.

1.2.5 Unless the context requires otherwise, words that have a defined meaning in the Act have the same meaning in these by-laws.

2. Obstruction of Common Property

2.1 An Owner must not obstruct lawful use of the Common Property by another person, and, without limitation, obstruct access to:

2.1.1 the Common Property or any Body Corporate Asset; or

2.1.2 any easement giving access to a Lot, the Common Property or any other property.

3. Use of Common Property

3.1 An Owner must:

3.1.1 use the Common Property or any Body Corporate Asset for the purpose for which it was designed or intended;

3.1.2 comply with all directions and rules of the Body Corporate relating to conduct on the Common Property or use of any Body Corporate Asset; and

[Title Reference 50725682]

3.1.3 observe all relevant Requirements in connection with the Common Property or Body Corporate Assets; and

3.1.4 not damage or deface a lawn, garden, tree, shrub, plant, flower, water feature, pool or any other structure or thing on the Common Property.

4. Improvements to Common Property

- 4.1 An Owner, other than the original owner, must not make any Improvements without the prior written consent of the Body Corporate and must observe the applicable provisions of the Act and the Regulation Module for the Scheme for the making of Improvements.
- 4.2 In giving its consent to any Improvement, the Body Corporate may:
 - 4.2.1 obtain advice from consultants; and
 - 4.2.2 recover the costs of obtaining advice from consultants from the person seeking the Body Corporate's consent.
- 4.3 Any Improvements made or sought to be made by an Owner:
 - 4.3.1 must be maintained and repaired by the Owner unless the Body Corporate agrees to the contrary by resolution in general meeting; and
 - 4.3.2 comply with all Requirements.
- 4.4 The Body Corporate may remove any unauthorised Improvement and recover the Costs of doing so from the person responsible for the Improvement.

5. Garbage Disposal

- 5.1 The Body Corporate may establish a garbage disposal system ("Disposal System") for the Scheme. The Disposal System may provide for any of the following:
 - 5.1.1 permitted means and times for garbage disposal and removal;
 - 5.1.2 disposal routes over Common Property to be used in conjunction with the Disposal System;
 - 5.1.3 designation of areas on Common Property for the storage and collection of garbage;
 - 5.1.4 arrangements for separation and sorting of garbage;
 - 5.1.5 special requirements for the storage and collection of flammable, toxic or other harmful substances; and
 - 5.1.6 requirements for the disposal of garbage to meet the particular requirements of any Lot.
- 5.2 The Body Corporate may enter into agreements with each Owner providing for the charging of garbage disposal services provided by the Body Corporate under the Disposal System and recovery of costs to the Body Corporate in accordance with the Regulation Module for the Scheme.
- 5.3 Each Owner must:
 - 5.3.1 comply with all Requirements relating to the disposal of garbage;
 - 5.3.2 comply with the requirements, as notified by the Body Corporate, of the Disposal System;
 - 5.3.3 ensure that the health, hygiene and comfort of other persons is not adversely affected by disposal of garbage; and

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5.3.4 if no receptacle is provided by the Body Corporate or designated as part of the Disposal System, maintain a receptacle for garbage.

5.4 An Owner or occupier of a Lot shall not deposit or throw upon the Common Property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the Owner or occupier of another Lot or of any person lawfully using the Common Property.

6. Signage

6.1 Subject to by-law 19 and the provisions of this by-law, an Owner must not allow a sign on any part of the Common Property or the Owner's Lot without the prior written consent of the Body Corporate.

6.2 The Body Corporate's consent under this by-law must not be unreasonably withheld and, subject to the Act and Regulation Module for the Scheme, the Body Corporate's approval may be given by the committee of the Body Corporate.

6.3 The Body Corporate may remove a sign to which it has not consented at the expense of the relevant Owner.

6.4 An Owner must return the Common Property or that part of the Owner's Lot to its original condition when a sign is removed.

6.5 Despite anything else in this by-law:

6.5.1 subject to by-law 6.5.2, a service contractor or letting agent engaged by the Body Corporate is entitled to place signs on the Common Property or any Lot owned by the service contractor or letting agent unless the provisions of the relevant engagement or authorisation stipulate otherwise.

6.5.2 whilst the original owner is the Owner of any Lot, then the Original Owner shall have the sole and unfettered right to erect, maintain, authorise and remove any signage on any part of the Common Property or the Owner's Lot.

6.6 Any signage referred to in by-law 6.5 must be of a professional standard and must be erected, maintained and removed at the expense of the relevant Owner, or service contractor or letting agent engaged by the Body Corporate.

7. Use and Appearance of Lots

7.1 An Owner must:

7.1.1 observe all Requirements in connection with the use of the Owner's Lot;

7.1.2 maintain the Owner's Lot in good order and condition;

7.1.3 not use or store any flammable liquids or materials in a Lot or on Common Property other than the type used for domestic purposes or which is consistent with the permitted use of the relevant Lot;

7.1.4 give prompt notice to the Body Corporate of any damage to, defect or disrepair of, the Services or Service Infrastructure;

7.1.5 not overload any Services or Service Infrastructure;

7.1.6 pay to the Body Corporate any costs incurred by the Body Corporate in upgrading any Services or Service Infrastructure to accommodate any equipment which an Owner wishes to install in a Lot;

7.1.7 lock all doors and fasten all windows in the Owner's Lot when the Lot is not occupied;

7.1.8 not waste water and ensure that all water taps in the Owner's Lot are turned off after use;

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- 7.1.9 not carry on or permit any noxious or offensive act, trade, business or occupation or calling from a Lot unless otherwise stipulated;
- 7.1.10 not cause disturbance to other persons lawfully using any Lot or Common Property;
- 7.1.11 not allow any auction sale to be conducted within the Owner's Lot or from the Common Property without the prior written consent of the Body Corporate; and
- 7.1.12 keep their Lot clean and tidy and free from vermin;
- 7.1.13 not operate an onsite letting business in competition with the entity who has a letting agreement with the Body Corporate.
- 7.2 An Owner must not, without the Body Corporate's prior written consent, make a change to the external appearance of the Lot unless the change is minor and does not detract from the amenity of the Lot and its' surrounds. In particular an Owner must not erect any fixed roof structures. Notwithstanding this by-law, the Original Owner may erect shade structures on any Lots it owns without the consent of the Body Corporate. While the original Owner owns a Lot, an Owner of a Lot (other than the Original Owner) must obtain the original Owner's prior written consent to erect any shade structures on either the roof, balcony or terrace areas. If the Original Owner does not own a Lot within the Scheme, then the Owner must only obtain the consent of the committee of the Body Corporate. The shade structures must comply with the requirements of the Body Corporate and/or Original Owner to ensure uniformity in the appearance of the Buildings and not detract from the high quality of the development.
- 7.3 An Owner must not, without the Body Corporate's prior written consent hang washing, bedding or other clothes articles from any external part of the Lot if it is visible from another Lot or Lots or the Common Property, or from outside the Scheme land.
- 7.4 An Owner of a Lot which contains a balcony, terrace, courtyard or sky garden area is responsible for the maintenance of that area whether it be included as part of a Title to a Lot or by way of exclusive use of Common Property. An Owner must ensure that any plants kept in such areas are maintained in good health and condition and so as not to be offensive in appearance to other Owners and that the size and type of trees, shrubs, creepers, plants and the like must not extend beyond the boundaries of the Lot or the boundaries of any exclusive use area or obstruct the views from another Lot or interfere with the use and enjoyment of other Owners of their Lots or the Common Property.
- 7.5 The water closets and conveniences and other water apparatus including waste pipes and drains shall not be used for any purposes other than those for which they were constructed and no sweepings or rubbish or other unsuitable substance shall be deposited therein. Any damage or blockage resulting to such water closets, conveniences, water apparatus, waste pipes and drains from misuse or negligence shall be borne by the Owner whether the same is caused by their own actions or those of their servants, agents, licensees or invitees.
- 7.6 Windows shall be kept clean and promptly replaced by the Owner or occupier of the Lot at their expense with fresh glass of the same kind, colour and weight as at present if broken or cracked. This by-law shall not prohibit an Owner from making a claim on any applicable Body Corporate insurance.
- 7.7 In the event that a Lot is not maintained in accordance with this by-law, the Committee may notify the Owner or occupier in writing that the Lot is not maintained in accordance with the by-laws, and in the event that the Owner or occupier of the Lot does not in the opinion of the Committee adequately maintain the Lot within the time stipulated in the notice, the Committee may direct the Body Corporate Manager to cause the Lot to be maintained at the expense of the Owner or occupier thereof.
- 7.8 Where an Owner or occupier of a Lot has not maintained the Lot in accordance with these by-laws, the Owner or occupier of the Lot as the case may be hereby authorises access to the Lot for the Committee and its servants, agents and contractors for the purpose of maintaining the Lot in accordance with these by-laws. The Committee, in exercising this power, shall ensure that servants, agents and contractors cause as little inconvenience to the Owner or occupier of the Lot as is reasonable in the circumstances.

7.9 No structural alteration may be made to any Lot without the prior written consent of the Body Corporate.

7.10 Any renovation or fitout works to any Lot must comply with the following:

7.10.1 All relevant permits, if any, to be obtained from all relevant authorities in compliance with regulations and by-laws.

7.10.2 The Body Corporate by-laws are to be adhered to during the course of any works.

7.10.3 Any damage sustained to the Common Property during the course of any works is to be rectified by the Owner to the satisfaction of the Body Corporate.

7.10.4 No load-bearing walls or supports are to be removed or interfered with, without the prior written consent of the Body Corporate.

7.10.5 The Body Corporate is entitled to request inspections and copies of such plans and specifications as it might consider necessary to enable it to grant its approval and the Owner shall comply with all such requests at the Owner's cost.

7.11 An Owner or occupier of a Lot shall not install, renovate and/or replace any curtains, blinds or other window coverings without the prior written consent of the committee of the Body Corporate. In giving such approvals the committee of the Body Corporate shall ensure so far as practicable that window coverings used in all Lots present a uniform appearance when viewed from outside the Building. Tinting of windows shall not be allowed in any circumstances.

7.12 No external blinds shall be erected without the prior written consent of the Body Corporate.

7.13 The entity which is a service contractor and letting agent under a caretaking agreement and /or a letting agreement with the Body Corporate may display appropriate signs or notices for the purposes of offering for a lease or for letting any Lot in the Scheme without the consent of the Body Corporate for as long as there is such an agreement in place the Body Corporate will not itself, directly or indirectly, provide nor authorise or allow any person or entity to provide from the Scheme any of the services set out in the agreements.

7.14 Subject to by-law 7.15, Lot _____ are able to be used for Commercial and/or Retail purposes and such other lawful purposes as may be permitted from time to time by the local government or any other statutory authority. The specific use of these lots will be at the sole discretion of the original owner while it remains the Owner of any Lot.

7.15 Lot 2 may be, and is the only lot that may be, used for the purpose of conducting the business of providing:

7.15.1 caretaking, management, letting of residential lots in this Scheme and ancillary services to the Body Corporate for this Scheme, and lot owners and occupants in the this Scheme; or

7.15.2 Caretaking, and management services to the Body Corporate for the Principal Scheme.

7.16 Lot 2 is to have limited use of the Common Property and facilities of the Scheme. The use of the Common Property is limited to use that is necessary and incidental to the performance of the Operator's Duties and Letting Services as those terms are defined in the management and letting agreement entered into between the Body Corporate and the operator.

8.1.1.2 licensed premises and related activities may be established on the Retail Lot;

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8.1.1.3 Redevelopment Works may occur on the Retail Lot; and

8.1.1.4 The Original Owner may further develop the Retail Lot.

8.2 No Owner, Body Corporate or Subsidiary Body Corporate will raise any objection, or unreasonably withhold consent in relation to any application or activity referred to in by-law 8.

8.3 If requested by the Owner of the Retail Lot the Body Corporate will enter into an agreement or arrangement to give effect to the matters detailed in this by-law 8.

9. **Keeping of Animals**

9.1 Subject to Section 181 of the Act, an Owner or occupier of a Lot must not keep or take an animal upon their Lot or the Common Property.

9.2 Subject to Section 181 of the Act, an Owner or occupier of a Lot must not allow an Invitee to keep or take an animal upon a Lot or the Common Property.

10. **Right of Entry**

10.1 The Body Corporate may enter a Lot with workmen and other authorised persons and necessary materials and appliances to:

10.1.1 comply with any Requirements involving the destruction of noxious animals, rodents or other pests; and

10.1.2 carry out any repair, alterations, renovations, extensions or works in relation to any Services or Service Infrastructure.

10.2 In case of emergency no notice will be required under by-law 9.1.

10.3 Anything undertaken by the Body Corporate under this by-law will be paid for by the Owner of the relevant Lot where the need for the Body Corporate to do that thing is due to any act or default of the Owner.

10.4 In exercising its rights under this by-law the Body Corporate must ensure that it causes as little inconvenience to the Owner of the Lot as is reasonable in the circumstances.

11. **Body Corporate Rights**

11.1 Subject to the provisions of the Act and the Regulation Module for the Scheme, the Body Corporate may take steps to ensure the security of the Lots and Common Property and the observance of these by-laws by any Owner, including, without limitation:

11.1.1 restricting access to any part of the Common Property or Body Corporate Assets whether on a temporary or permanent basis including areas used for the location of Services and Service Infrastructure;

11.1.2 determining rules under which persons are given access to any part of the Common Property.

11.2 The committee of the Body Corporate must ensure that any parts of the Common Property used for:

11.2.1 electrical substations or control panels;

11.2.2 fire service control panels;

11.2.3 telephone exchanges; and

11.2.4 other services to the Lots and the Common Property;

[Title Reference 50725682]

are kept locked unless there is a legal requirement to the contrary. Owners may not enter or open or impede access to or egress from such areas without the consent of the committee for the Body Corporate.

11.3 The committee of the Body Corporate may:

- 11.3.1 designate any appropriate part of the Common Property to be used as a storeroom;
- 11.3.2 determine rules (for security purposes) under which Owners are given access to the storeroom;
- 11.3.3 use appropriate parts of the Common Property to store equipment used for the performance of the Body Corporate's duties in respect of the Common Property and restrict access to those areas or make access to those areas conditional upon the consent of the committee for the Body Corporate; and
- 11.3.4 determine rules relating to the Common Property or Body Corporate assets, which are not inconsistent with these by-laws or any Requirements and those rules are binding on the Owners.

12. Security

- 12.1 The Body Corporate may establish and maintain a security system and provide security services for the benefit of Owners and the Building.
- 12.2 Any security equipment installed on the Common Property for use in connection with a security system for the Building will remain the property of the Body Corporate and be maintained and repaired at the cost and expense of the Body Corporate, subject to the Body Corporate's obligations under the Act and Regulation Module for the Scheme to recover costs for the provisions of those services from users.
- 12.3 The Body Corporate may designate part of the Common Property to be used by any security person, firm or company.
- 12.4 The Body Corporate may arrange for the installation of any Service Infrastructure necessary for the operation of a security system for the benefit of Owners in the Building.
- 12.5 The Body Corporate is not liable for any loss or damage suffered to any Owner or other person or property because:
 - 12.5.1 the security system fails or there is unauthorised entry to any part of the Common Property or a Lot; or
 - 12.5.2 the security system is not at any particular time operational.
- 12.6 Each owner must allow the Body Corporate on the giving of reasonable notice (except in the case of emergency), to enter onto a Lot to attend to the repair and maintenance of any Service Infrastructure used in connection with the provision of a security system and security services.
- 12.7 Each Owner must observe any conditions or requirements of the Body Corporate imposed as a condition of the use and operation of the security system or security services provided by the Body Corporate.

13. Supply of Services

- 13.1 If permitted by relevant legislation governing the supply of Services, the Body Corporate may:
 - 13.1.1 establish and maintain a supply of Services system ("System") for the Scheme; and
 - 13.1.2 as an on-supplier:
 - 13.1.2.1 purchase the relevant Service from a supplier; and
 - 13.1.2.2 on-supply that Service to Owners of Lots (collectively called "Receivers").

[Title Reference 50725682]

- 13.2 The Body Corporate may enter into agreements, contracts, licences, leases or other arrangements of any nature in connection with:
- 13.2.1 the supply of Services to the Body Corporate by a supplier;
 - 13.2.2 the on-supply of Services to Receivers;
 - 13.2.3 Service Infrastructure used in connection with the System;
- Including, without limitation, agreements contemplated by the Regulation Module for the Scheme setting out the basis on which charges are made for supply of the relevant Service and the recovery of the costs to the Body Corporate of supplying that service.
- 13.3 The Body Corporate must calculate charges for the supply of Services to Receivers only as permitted under the relevant legislation governing on-supply by the Body Corporate, and in any case, levy charges only to the extent required to ensure that the Body Corporate complies with its obligations to recover the costs of supplying the service to Receivers.
- 13.4 If the Body Corporate charges Receivers a tariff rate for the supply of Services which is higher than the rate at which the Body Corporate purchases Services from the supplier, any surplus funds generated in the hands of the Body Corporate as a result must be applied by the Body Corporate to its administrative fund in reduction of liabilities of the Body Corporate and, in this way, for the benefit of Owners.
- 13.5 If the Body Corporate operates and maintains a System under this by-law, it may:
- 13.5.1 enter into agreements with Receivers for the supply of Services through the System, setting out the terms on which the Body Corporate will charge for the provision of Services under the System and recover the costs of providing that Service (as required by the Act and Regulation Module for the Scheme) including charges for:
 - 13.5.1.1 Services supply;
 - 13.5.1.2 installation and connection to the System;
 - 13.5.1.3 servicing and maintenance of the System to the extent it is utilised in the provision of the service to a particular Receiver;
 - 13.5.1.4 disconnection and reconnection fees;
 - 13.5.1.5 advance payments or security deposits to be provided in connection with supply through the System;
 - 13.5.2 establish the basis of Service charges for those Receivers which are not supplied by separate meter (if any) and for common areas for the Scheme based on an estimate of Service consumption taking into account the number and type of Service fittings, points, installations, plant and equipment, and appliances and the use to which those are put by the relevant Receivers or the Body Corporate;
 - 13.5.3 establish a system of accounts and invoices in connection with the supply of Services through the System and render those accounts to Receivers as appropriate;
 - 13.5.4 recover any amounts when due and payable from any Receiver under applicable accounts rendered and if any account is unpaid by the due date;
 - 13.5.5 recover any unpaid amount as a liquidated debt;
 - 13.5.6 recover interest on any unpaid account;
 - 13.5.7 disconnect the supply of reticulated Services to the relevant Receiver;

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- 13.5.8 charge a reconnection fee to restore Service supply to that Receiver;
 - 13.5.9 increase the advance payment or security deposit for Service supply to the relevant Receiver;
- in accordance with the Act or other applicable legislation.

14. Services

- 14.1 The Body Corporate may make repairs or renovations as it deems necessary for the preservation of the Services and Service Infrastructure.
- 14.2 To the extent that Service Infrastructure is located within a Lot the Owner of the relevant Lot authorises and licences the Body Corporate to enter the Lot to undertake works in respect of the maintenance and repair of Service Infrastructure ("Service Works").
- 14.3 In exercising the rights under this by-law, the Body Corporate:
 - 14.3.1 may engage contractors to undertake the Service Works;
 - 14.3.2 must take reasonable steps to minimise disruption to the Owner in undertaking Service Works and make good all damage caused in the Lot in undertaking Service Works; and
 - 14.3.3 give reasonable notice in writing to the Owner of the requirement for Service Works and arrangements for them (except in the case of an emergency in which case no notice is required).

15. Parking - Vehicles

- 15.1 The Owner of a Lot must not:
 - 15.1.1 park a vehicle, or allow a vehicle to stand, in a Regulated Parking Area; or
 - 15.1.2 without the approval of the Body Corporate, park a vehicle, or allow a vehicle to stand, on any other part of the Common Property; or
 - 15.1.3 permit an invitee to park a vehicle, or allow a vehicle to stand, on the Common Property, other than in a Regulated Parking Area.
- 15.2 An approval under clause 14.1.2 must state the period for which it is given.
- 15.3 The Body Corporate may cancel the approval by giving seven (7) days written notice to the Owner.
- 15.4 In this section:
 - 15.4.1 "**Regulated Parking Area**" means an area of scheme land designated as being available for use, by Invitees of Owners of Lots included in the Scheme, for parking vehicles.
 - 15.4.2 All vehicles may only be driven on the parts of the Common Property that are designated for that purpose and must be driven at a safe speed.
 - 15.4.3 The Owner of a Lot will not, without the Body Corporate's written approval:
 - 15.4.3.1 ride a skateboard or roller blades, on the Common Property;
 - 15.4.3.2 permit an Invitee to ride a skateboard or roller blades, on the Common Property;
 - 15.4.3.3 park an oversize vehicle or trailer that projects beyond an designated car space; or
 - 15.4.3.4 carry out any vehicle or boat washing or cleaning in any area other than the designated car wash bay that is connected to the approved pollutant trap

[Title Reference 50725682]

16. Exclusive Use

An Owner is liable for the maintenance of and operating costs of the relevant parts of the Common Property or Body Corporate assets the subject of the exclusive rights.

17. Exclusive Use Allocation

- 17.1 The Original Owner or the original owner's agent is authorised to allocate to Owners of Lots exclusive use of parts of the Common Property or Body Corporate assets identified by the Original Owner or the original owner's agent.
- 17.2 The Original Owner may make allocations under this by-law subject to conditions, including conditions in respect of the maintenance and cleaning of any part of the Common Property or Body Corporate asset over which exclusive use is given.

18. Storage

- 18.1 The Original Owner or the Original Owner's agent is authorised to allocate to Owners of Lots exclusive use of areas identified by the Original Owner or the Original Owner's agent for the purpose of storage.
- 18.2 The Original Owner may make allocations under this by-law subject to conditions, including conditions in respect of the maintenance and cleaning of any part of the Common Property over which exclusive use is given.

19. Display Unit

- 19.1 While the original owner is the Owner, occupier or lessee of a Lot, the Original Owner and its agents will be entitled to use that Lot as a display unit.
- 19.2 The Original Owner and its agent are entitled to erect signs and advertising on the Lot and Common Property as they think fit, and conduct a sale or auction of a Lot within a Lot or on Common Property.

20. Pool

- 20.1 Owners may use the pool and surrounding areas between the hours of 6.30am to 10.00pm in accordance with the rules as set from time to time by the committee of the Body Corporate with due care.
- 20.2 Owners must not operate, adjust or interfere with the operation of any equipment associated with the pool or any other water features.
- 20.3 An Owner must accompany and exercise effective control over a child 12 years or younger in the pool and surrounding areas.
- 20.4 No glass containers or receptacles of any type are permitted in the pool and surrounding areas.

21. Invitees

- 21.1 An Owner must take all reasonable steps to ensure that Invitees do not obstruct any other persons' use of the Common Property or an Owner's Lot.
- 21.2 An Owner must compensate the Body Corporate for all damage to the Common Property caused by Invitees.
- 21.3 An Owner of a Lot must take all reasonable steps to ensure that Invitees comply with these by-laws.

22. Notice of Defect

The Body Corporate may make repairs or renovations as it deems necessary for the safety and preservation of the Common Property, Body Corporate Assets, Services and Service Infrastructure.

[Title Reference 50725682]

23. Request to Secretary

An Owner must direct all requests for consideration of any matter to be referred to the Body Corporate or the Body Corporate Committee to the Secretary or Body Corporate Manager.

24. Notices

All notices displayed on the Common Property by the Body Corporate or any statutory authority must be complied with by the Owners.

25. Copy of By-laws

Owners must provide any tenant or other occupier of a Lot with a copy of these by-laws.

26. Costs/Overdue Levies

In the event that the Owner or occupier of a Lot is in default in payment of any costs, Body Corporate levies, charges or expenses payable to the Body Corporate whether by breach of the by-laws or for any other reason, the Owner or occupier will forthwith pay on demand to the Body Corporate such costs and expenses as a liquidated debt immediately due and payable, including any legal costs on a Solicitor own client basis in respect of any action necessarily taken against any Owner or occupier.

27. PABX Cabling

The entity who executes a Management and Letting Agreement for the Scheme will be entitled to operate a PABX telephone facility or similar facility within the Scheme and for that purpose will continue to have a licence to install, lay, use, repair, maintain and replace cabling and other equipment necessary for the operation of such facility throughout the Common Property of the Scheme. The Body Corporate shall not interfere with the operation of this facility.

28. Committee may Employ

The Committee may employ for and on behalf of the Body Corporate such agents and servants as it thinks fit in connection with the exercise and performance of the powers, authorities, duties and functions of the Body Corporate.

29. Cable TV

The Body Corporate recognises that there could be an agreement in place with a cable TV / information carrier for the installation of all cabling, wiring, ducting, conducting, amplifiers and other necessary equipment required for the provision of cable television (or similar communication service) to the Scheme or a Lot and each Lot and the Body Corporate must:

- 29.1 allow a person to install cabling, wiring, ducting, conduits, amplifiers and any other necessary equipment to enable Owners to connect to cable television or a similar communication service;
- 29.2 provide a supply of electricity, at the cost of the Body Corporate, if needed for any component to the cable television or a similar communication service facility that is installed on the Common Property.

30. Recovery by Body Corporate

Where the Body Corporate expends money to make good damage caused by a breach of the Act or of these By-laws by any Owner or the tenants, guests, servants, employees, agents, children, invitees or licensees of the Owner or any of them, the Committee shall be entitled to recover the amount so expended as a debt in any action in any Court of competent jurisdiction from the Owner of the Lot at the time when the breach occurred.

31. Power to Enter into Agreements

The Body Corporate may enter into agreements with suppliers of communication services (including services

[Title Reference 50725682]

relating to negotiation with broadband Internet access suppliers for the provision of computer data, data transmission and related communications, supply of broadband cable, movies on demand, Internet access other related technology services that may evolve over time).

32. Easements

32.1 The Body Corporate may:

- 32.1.1 grant any easement, permissive licence or other concession to enable Utilities from any supplier to be carried through under or over Common Property for the benefit of any Owner or a Lot in the Scheme, Principal Scheme, or any one else.
- 32.1.2 accept on any terms the grant of any easement, permissive licence or other concession over any adjoining land for any purpose necessary for the use and enjoyment of Scheme Land (allowing, for example, access, passage of services or maintenance of dividing fences and landscaping).
- 32.1.3 grant any easement, permissive licence or other concession to enable access to the Owner's Lot over any Lot or Common Property or asset for the benefit of any Owner, or an owner in the Principal Scheme, or any one else;

33. Car parking – Exclusive Use

33.1 In this by-law "Exclusive Use Area" means those areas specified in the attached plans marked A to AL.

33.2 Those Exclusive Use Areas identified in Schedule E are allocated to the Lots shown in Schedule E.

33.3 In respect of those Exclusive Use Areas which have not been allocated in Schedule E, the Original Owner will nominate to the Body Corporate within twelve (12) months after the date of registration of the Community Management Statement a Lot or Lots and the Exclusive Use Area allocated to each Lot or Lots.

33.4 An Owner of a Lot to which an Exclusive Use Area has been allocated is entitled to the exclusive use and enjoyment of the Exclusive Use Area allocated to that Lot for the purpose of Carparking only and:

- 33.4.1 are responsible for any maintenance or operating costs associated with this Exclusive Use area;
- 33.4.2 must not use the Exclusive Use Area for a workshop, trade or cottage industry purposes;
- 33.4.3 must not litter or use the Exclusive Use Area to create a nuisance to other Owners;
- 33.4.4 must regularly treat the Exclusive Use Area for vermin;
- 33.4.5 must maintain the Exclusive Use Area in good order and condition;
- 33.4.6 must not do anything in the Exclusive Use Area which would interfere to an unreasonable extent with the use and enjoyment of a Lot or the Common Property by an Owner; and
- 33.4.7 must not enclose the Exclusive Use Area;

33.5 For the avoidance of doubt, the entity that executes the Management and Letting Agreement with the Body Corporate is required to sweep clean and to spot clean any oil, grease and or fuels leaks or spills in the Exclusive Use Area.

[Title Reference 50725682]

34. Storage Area – Occupation Authority

- 34.1 In this By-Law, Storage Area means the area specified in the Principal Scheme.
- 34.2 The Body Corporate acknowledges that under the Principal Scheme it has been granted the exclusive use of the Storage Area.
- 34.3 The Body Corporate grants to the entity that holds the Management and Letting Agreement an Occupation Authority to use the Storage Area on the terms and conditions set out in the Principal Scheme for the duration of the Body Corporate's exclusive use of Storage Area or until expiration of the term of the Management and Letting Agreement.

[Title Reference 50725682]

SCHEDULE D OTHER DETAILS REQUIRED/PERMITTED TO BE INCLUDED

Services Location Diagram

Service easements as defined in the *Body Corporate and Community Management Act 1997* are present on the Scheme land. The approximate location of these services are as shown on the Services Location Diagram which is annexed to this Community Management Statement at Annexure A.

Statutory Easements

The following statutory easements under the *Land Title Act 1994* apply to the Lots (including the common property) in the Scheme as follows:

| Lot Description | Statutory Easement |
|-----------------|---|
| Each Lot | Each Lot, to the extent applicable and necessary having regard to the relative positioning of the Lots in respect of each other has the benefit and burden of the statutory easements for: <ul style="list-style-type: none">• Support• Shelter• Projections• Utility services and infrastructure (including, but not limited to, those easements described in the Services Location Diagram) |
| Common Property | The common property, to the extent applicable and necessary having regard to the relative positioning of the Lots and the common property in respect of each other has the benefit and burden of the statutory easements for: <ul style="list-style-type: none">• Support• Shelter• Projections• Utility services and infrastructure (including, but not limited to, those easements described in the Services Location Diagram) |

[Title Reference 50725682]

SCHEDULE E DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY

| Lot on Plan | Exclusive Use of Area | Use | By-law Requirement |
|---------------------|---|----------|--------------------|
| Lot 101 on SP212663 | Area marked D as shown on Diagram 62564-15 | Car park | 33 |
| Lot 102 on SP212663 | Area marked A as shown on Diagram 62564-15 | Car park | 33 |
| Lot 102 on SP212663 | Area marked B as shown on Diagram 62564-15 | Car park | 33 |
| Lot 102 on SP212663 | Area marked C as shown on Diagram 62564-15 | Car park | 33 |
| Lot 103 on SP212663 | Area marked E as shown on Diagram 62564-15 | Car park | 33 |
| Lot 104 on SP212663 | Area marked F as shown on Diagram 62564-15 | Car park | 33 |
| Lot 201 on SP212663 | Area marked G as shown on Diagram 62564-15 | Car park | 33 |
| Lot 202 on SP212663 | Area marked H as shown on Diagram 62564-15 | Car park | 33 |
| Lot 203 on SP212663 | Area marked AJ as shown on Diagram 62564-15 | Car park | 33 |
| Lot 203 on SP212663 | Area marked AK as shown on Diagram 62564-15 | Car park | 33 |
| Lot 204 on SP212663 | Area marked AL as shown on Diagram 62564-15 | Car park | 33 |
| Lot 205 on SP212663 | Area marked I as shown on Diagram 62564-15 | Car park | 33 |
| Lot 206 on SP212663 | Area marked J as shown on Diagram 62564-15 | Car park | 33 |
| Lot 207 on SP212663 | Area marked K as shown on Diagram 62564-15 | Car park | 33 |
| Lot 208 on SP212663 | Area marked L as shown on Diagram 62564-15 | Car park | 33 |
| Lot 210 on SP212663 | Area marked Y as shown on Diagram 62564-15 | Car park | 33 |
| Lot 211 on SP212663 | Area marked Z as shown on Diagram 62564-15 | Car park | 33 |
| Lot 301 on SP212663 | Area marked U as shown on Diagram 62564-15 | Car park | 33 |
| Lot 301 on SP212663 | Area marked R as shown on Diagram 62564-15 | Car park | 33 |
| Lot 302 on SP212663 | Area marked T as shown on Diagram 62564-15 | Car park | 33 |
| Lot 303 on SP212663 | Area marked S as shown on Diagram 62564-15 | Car park | 33 |
| Lot 304 on SP212663 | Area marked O as shown on Diagram 62564-15 | Car park | 33 |
| Lot 305 on SP212663 | Area marked N as shown on Diagram 62564-15 | Car park | 33 |
| Lot 306 on SP212663 | Area marked M as shown on Diagram 62564-15 | Car park | 33 |
| Lot 307 on SP212663 | Area marked X as shown on Diagram 62564-15 | Car park | 33 |
| Lot 308 on SP212663 | Area marked W as shown on Diagram 62564-15 | Car park | 33 |

[Title Reference 50725682]

| | | | |
|---------------------|---|----------|----|
| Lot 309 on SP212663 | Area marked V as shown on Diagram 62564-15 | Car park | 33 |
| Lot 310 on SP212663 | Area marked AH as shown on Diagram 62564-15 | Car park | 33 |
| Lot 310 on SP212663 | Area marked AI as shown on Diagram 62564-15 | Car park | 33 |
| Lot 311 on SP212663 | Area marked P as shown on Diagram 62564-15 | Car park | 33 |
| Lot 311 on SP212663 | Area marked R as shown on Diagram 62564-15 | Car park | 33 |
| Lot 401 on SP212663 | Area marked AA as shown on Diagram 62564-15 | Car park | 33 |
| Lot 402 on SP212663 | Area marked AB as shown on Diagram 62564-15 | Car park | 33 |
| Lot 403 on SP212663 | Area marked AC as shown on Diagram 62564-15 | Car park | 33 |
| Lot 404 on SP212663 | Area marked AD as shown on Diagram 62564-15 | Car park | 33 |
| Lot 405 on SP212663 | Area marked AE as shown on Diagram 62564-15 | Car park | 33 |
| Lot 406 on SP212663 | Area marked AF as shown on Diagram 62564-15 | Car park | 33 |
| Lot 407 on SP212663 | Area marked AG as shown on Diagram 62564-15 | Car park | 33 |

[Title Reference 50725682]

62564-15/SE

Sheet of

Common Property of
The Coconut Grove Principal
Community Titles Scheme No.
(SP212669)



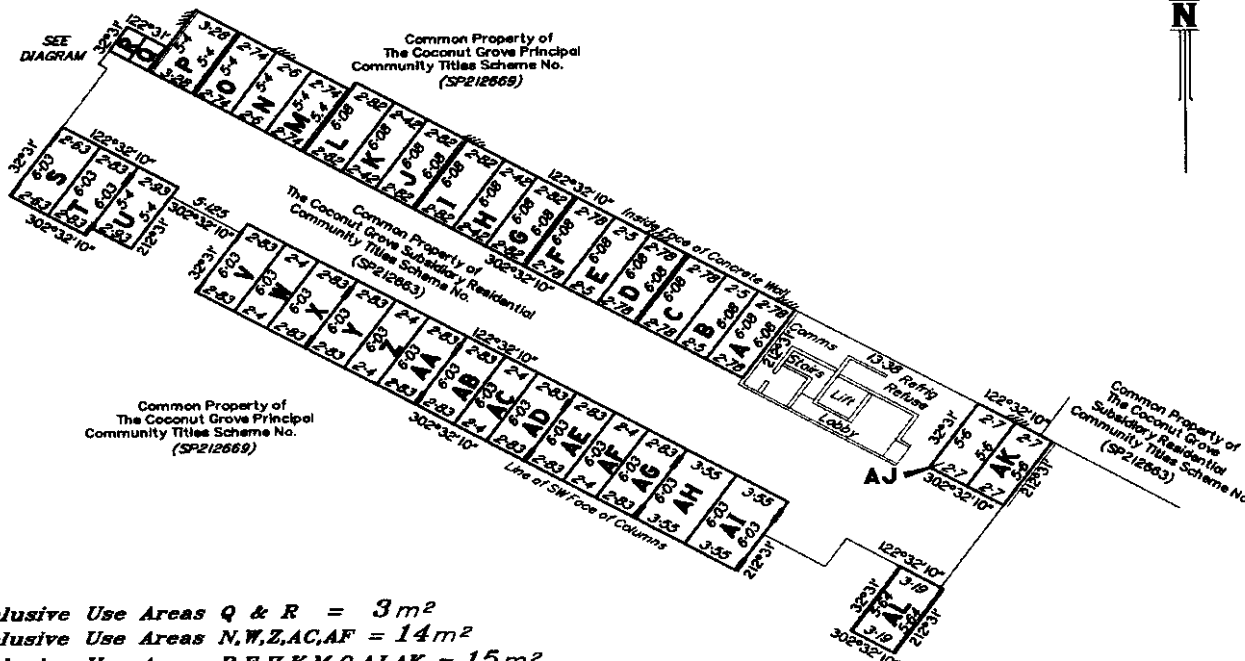
DIAGRAM

Scale: 1:100

Common Property of
The Coconut Grove Subsidiary Residential
Community Titles Scheme No.
(SP212663)

LEVEL A
GROUND FLOOR

**The Coconut Grove Subsidiary Residential
Community Titles Scheme
No.**



- Exclusive Use Areas Q & R = 3m²**
Exclusive Use Areas N, W, Z, AC, AF = 14m²
Exclusive Use Areas B, E, H, K, M, O, AJ, AK = 15m²
Exclusive Use Areas S & U = 16m²
**Exclusive Use Areas A, C, D, F, G, I, J, L, T, V, X, Y,
AA, AB, AD, AE, AG = 17m²**
Exclusive Use Area P & AL = 18m²
Exclusive Use Areas AH & AI = 21m²

Conics (Townsville) PTY LTD ACN 117 672 572 hereby certify that
the details shown on this sketch plan are correct:

Director
13/06/08
Date

Director

Scale 1:300 - Lengths are in Metres.

**Sketch Plan of Exclusive Use
Areas A-AL**

being part of Level A Common Property on
SP212663 for inclusion in "The Coconut Grove
Subsidiary Residential" Community Title Scheme No.

PARISH: **SALISBURY**

COUNTY: **Solander**

Meridian: **SP212663**

F/N's: **No**

Scale: **1:300**

Format: **SKETCH**

Drawing No:

62564-15

Drawing File:

62564-15.DWG

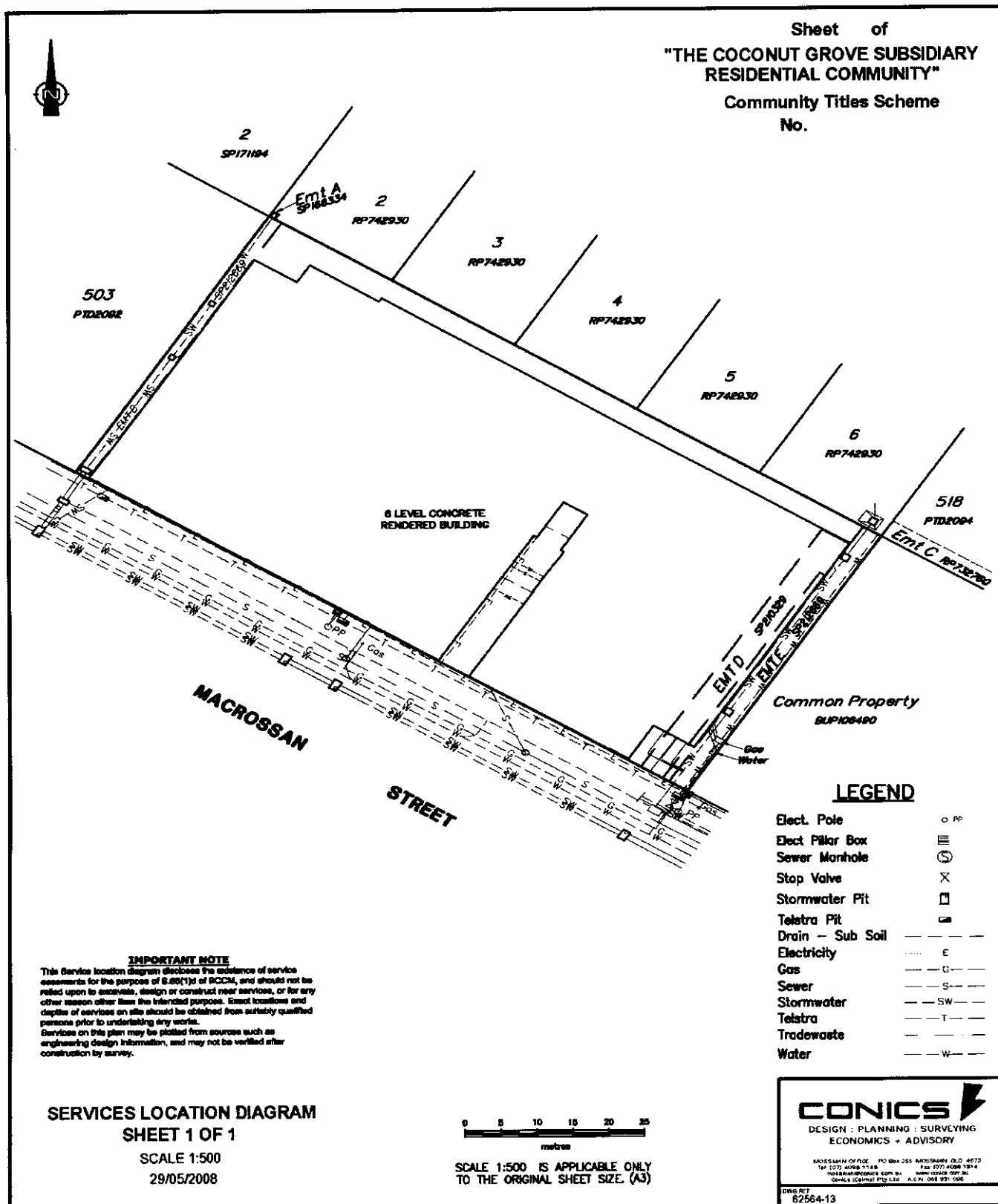
CONICS

DESIGN : PLANNING : SURVEYING
ECONOMICS + ADVISORY

MOSSMAN OFFICE PO Box 365 MOSSMAN QLD 4873
Tel: (07) 4086 1148 Fax: (07) 4086 1814
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Conics (Calmar) Pty Ltd A.C.N. 055 931 006

[Title Reference 50725682]

ANNEXURE A SERVICES LOCATION DIAGRAM



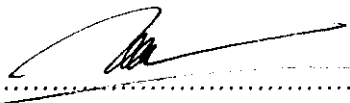
DECLARATION

Title Reference 50725682

I, Graeme Juniper of c/- 31 Brisbane Road, Mooloolaba in the State of Queensland do solemnly and sincerely declare that:

1. I am the authorized company nominee of Juniper Property Holdings No. 22 Pty Ltd ACN 106 912 501.
2. On 14 September 2009, I executed a new Community Management Statement on behalf of Juniper Property Holdings No. 22 Pty Ltd ACN 106 912 501 as the authorized company nominee under the Common Seal of the body corporate for the Coconut Grove Subsidiary Residential Community Title Scheme 38592.
3. As at 14 September 2009, Juniper Property Holdings No. 22 Pty Ltd ACN 106 912 501 held voting power, as attorney or as owner, on behalf of all lots in the Coconut Grove Subsidiary Residential Community Title Scheme 38592.
4. At that time no committee members or office holders had been elected for the body corporate for the Coconut Grove Subsidiary Residential Community Title Scheme 38592.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1967*.


.....
Tien Thanh Thuy Nguyen
.....

Solicitor
.....

Witnessing Officer (signature, full name & qualification)

16/11/09
.....
Execution Date

Graeme Juniper
.....
Graeme Juniper

Appendix 2.

PLANNING BENCHMARK ASSESSMENT



20212043 – Unit 401/56-64 Macrossan Street, Port Douglas

6.2.1 Centre zone code

6.2.1.1 Application

- (1) This code applies to assessing development in the Centre zone.
- (2) When using this code, reference should be made to Part 5.

6.2.1.2 Purpose

- (1) The purpose of the Centre zone code is to provide for a mix of land uses and activities.
 - (a) These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential activities.
 - (b) Centres are found at a variety of scales based on their location and surrounding activities.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 1 : Settlement pattern, Element 3.4.3 Activity Centres.
 - (ii) Theme 4 : Strong communities and identity, Element 3.7.4 Sense of place, community and identity, Element 3.7.6 Arts and Culture
 - (iii) Theme 5 : Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.3 Tourism.



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(b) provide for a mix of uses and level of economic and social activity to serve community needs.

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

- (a) Development creates a range of retail, commercial, community and residential uses.
- (b) Development is consistent with any location specific provisions contained within a Local Plan.
- (c) Development provides activation and surveillance at ground level where adjoining roads or other public spaces.
- (d) Development is integrated and coordinated both within the site and in relation to surrounding land uses and activities.
- (e) Development provides a built form that establishes a cohesive streetscape and continuous pedestrian connections and shelters.
- (f) Development is sensitively designed and managed to mitigate impacts on surrounding sensitive land uses.
- (g) Development has access to infrastructure and services.

6.2.1.3 Criteria for assessment

Table 6.2.1.3.a - Centre zone – assessable development

| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|--|
| For self-assessable and assessable development | | |
| PO1 The height of all buildings is in keeping with the character of the surrounding residential | AO1 The maximum height of buildings and structures is: | Not Applicable The proposed development would be wholly contained within an existing building. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| neighbourhoods and must not adversely affect the amenity of the neighbourhood. | (a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note - Height is inclusive of the roof height. | |
| PO2 The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses. | AO2.1 Buildings and structures are setback to road frontages: (a) in accordance with the provisions of any applicable local plan; (b) a minimum of 6 metres where no local plan applies or there are no particular provisions specified in the local plan for the site. | Not Applicable The proposed development would be wholly contained within an existing building. |
| | AO2.2 Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or | Not Applicable The proposed development would be wholly contained within an existing building. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|----------------------|--|--|
| | (b) 2.5 metres or $\frac{1}{4}$ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres. | |
| | AO2.3 Where adjoining land in any other zone, buildings are setback 3 metres or $\frac{1}{4}$ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert. | Not Applicable The proposed development would be wholly contained within an existing building. |
| | AO2.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas: | Not Applicable The proposed development would be wholly contained within an existing building. |



20212043 – Unit 401/56-64 Macrossan Street, Port Douglas

| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| | (a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in AO2.1(b) above; (b) adjacent to the boundary with the other zone for the setback area nominated in AO2.3 above. | |
| PO3 The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking. | AO3 Site coverage does not exceed 80%, unless otherwise specified in a Local plan. | Not Applicable The proposed development would be wholly contained within an existing building. |
| For assessable development | | |
| PO4 The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses. | AO4 Inconsistent uses as identified in Table 6.2.1.3.b are not established in the Centre zone. | Complies with AO4 The development of a Multiple Dwelling for permanent occupancy is not identified as an incompatible use. |
| PO5 | AO5 Development complies with the requirements specified in a local plan. | Complies with AO5 Refer to the assessment against the Local Plan Code. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| Development provides a range of convenient goods and services for the daily needs of discrete residential communities. | | |
| PO6 Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the: (a) the Accommodation activity group, located outside the Centre zone; (b) the Sensitive land use activity group, located outside the Centre zone. | AO6 No acceptable outcomes are prescribed. | Complies with AO6 The change of use from a self-contained tourist unit to a Multiple Dwelling unit capable of permanent occupation would not have any greater impact on the amenity of the area. |
| PO7 Reconfiguration of land results in: (a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots. (b) lots no less than 600m ² in area | AO7 No acceptable outcomes are prescribed. | Not Applicable No reconfiguration is proposed. |



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Table 6.2.1.3.b — Inconsistent uses within the Centre zone.

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

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



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7.2.4 Port Douglas/Craigie local plan code

7.2.4.1 Application

- (1) This code applies to assessing development within the Port Douglas/Craigie local plan area as identified on the Port Douglas/Craigie local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

7.2.4.2 Context and setting

Editor's note - This section is extrinsic material under section 15 of the *Statutory Instruments Act 1992* and is intended to assist in the interpretation of the Port Douglas/Craigie local plan code.

The Port Douglas/Craigie local plan encompasses the traditional Port Douglas town centre and surrounding tourist and residential areas, including Four Mile Beach and Craigie.

Port Douglas was officially named in 1877. It was initially settled as the port of entry and supply for the Hodgkinson goldfield on the Hann Tableland which was proclaimed in 1876. It was the dominant port in Far North Queensland until a decision was made to establish Cairns as the terminus for a new railway in 1884. This ended the town's dominance, and it gradually became a small centre for local residents and fishing activities. During the 1970s and 1980s, a renewed interest in Far North Queensland as a holiday destination led to a boom in large scale tourism and residential development with Port Douglas re-emerging as a premium destination.

The Captain Cook Highway runs north-south to the west of Port Douglas through Craigie (Four Mile). Craigie caters for the permanent resident population associated with Port Douglas, as well as providing for service industries to support business in the town. The majority of urban development is confined to the eastern side of the highway. The main entrance to Port Douglas at the intersection of Port Douglas Road is accentuated by mature oil palms lining both



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sides of the street for almost the entire length of the corridor into the heart of Port Douglas.

Flagstaff Hill is a prominent headland on the northern side of the Port Douglas town centre providing a green tropical backdrop to the town. Island Point Road runs to the top of Flagstaff Hill and provides access to the iconic lookout overlooking the sweep of Four Mile Beach.

Macrossan Street is the main shopping area in Port Douglas running in a general east-west direction at the base of Flagstaff Hill connecting Four Mile Beach to Dickson Inlet. Tourist and commercial development is concentrated towards the western side of Macrossan Street, with marine orientated activity focussed around the inlet. The western side of the inlet provides unspoiled views across mangroves to the distinctive formations and features of the coastal range.

The street pattern in the town centre is based on the original grid pattern survey of 1878. While the town has lost many of its original buildings to cyclones and redevelopment, a number of important built features remain including the Central Hotel, the Court House Hotel, a number of relocated buildings such as St Mary's Church, the former Clink Theatre and the Court House Museum and scattered memorials such as the Carstens memorial in Macrossan Street and the Port Douglas War memorial in Wharf Street. The Sugar Wharf on Dickson Inlet was the original terminus of the tramline to Mossman. The tramline now terminates adjacent to the Port Douglas marina and operates as the Balley Hooley passenger service on four kilometres of track between the Port Douglas Marina and St Crispins Station.

A particular characteristic of the local plan area is its high quality, lush landscaping complementing the tropical resort town atmosphere. This theme will be carried throughout the local plan area with gateways, nodes and corridor planting emphasising the role of the town as a tropical tourist destination.



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7.2.4.3 Purpose

- (1) The purpose of the Port Douglas/Craigie local plan code is to facilitate development outcomes consistent with community values, the local tropical built-form and protection of the natural environment within the Port Douglas/Craigie local plan area, while providing a platform for investment and prosperity.
 - (a) In addition, the purpose of the code is supported by the Port Douglas Waterfront Master Plan which provides a clear strategic direction for the incremental transformation of the Port Douglas Waterfront, including the following objectives:
 - (b) To set out a vision for revitalisation of the waterfront;
 - (c) To protect and enhance the environmental attributes; and
- (2) To provide a flexible framework, expressed through several key strategies that will assist the Council and community in managing change.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Port Douglas will continue to develop as the premium destination for international and domestic tourists in the Far North Queensland Region, while also acting for permanent residents attracted to the associated lifestyle.
 - (b) Major tourist, retail, dining and entertainment facilities will consolidate in the Town Centre and the Waterfront North sub-precincts, with improved pedestrian connections between the town centre and the waterfront.
 - (c) Craigie will develop as an integrated residential community with some low scale tourism development opportunities in appropriate locations. Craigie will also function as small scale commercial and light industry node, providing employment opportunities for the Shire's permanent resident population.
 - (d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping.
 - (e) Character will be enhanced through the identification of gateway sites, landmarks, main approach routes and pedestrian thoroughfares and view corridors;
 - (f) The Flagstaff Hill, Dickson Inlet, Four Mile Beach and other areas of scenic and environmental significance will be protected from development. Vegetation cover will dominate over built form.
 - (g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented.



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- (h) Development will be indistinguishable from view from Four Mile Beach. In addition, any development on Flagstaff Hill will be indistinguishable when viewed from vantage points in Port Douglas.
- (i) Residential areas are designed as pleasant, functional and distinctive, in visually well-defined areas.
- (4) The purpose of the code will be further achieved through the following overall outcomes:
 - (a) Precinct 1 – Port Douglas precinct
 - (i) Sub-precinct 1a – Town Centre sub-precinct
 - (ii) Sub-precinct 1b – Waterfront North sub-precinct
 - (iii) Sub-precinct 1c – Waterfront South sub-precinct
 - (iv) Sub-precinct 1d – Limited Development sub-precinct
 - (v) Sub-precinct 1e – Community and recreation sub-precinct
 - (vi) Sub-precinct 1f – Flagstaff Hill sub-precinct
 - (b) Precinct 2 – Integrated Resort precinct
 - (c) Precinct 3 – Craiglie Commercial and Light Industry precinct
 - (d) Precinct 4 – Old Port Road / Mitre Street precinct
 - (e) Precinct 5 – Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct

Precinct 1 – Port Douglas precinct

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
 - (a) development will contribute to the incremental transformation of the township, preserving and enhancing maritime activities and environmental areas, delivering tropical open spaces and a high quality public realm, and allowing for tourism opportunities and investment.
 - (b) development contributes to the enhancement of the Port Douglas precinct through the following development outcomes:
 - (i) access and connectivity throughout the township is enhanced through a series of improvements to circulation and mobility, including:.



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- (A) access to, and connectivity along, the waterfront and foreshore areas is maintained and, where appropriate, enhanced;
- (B) reducing reliance on the waterfront as a car parking resource.
- (ii) the use of land in the Port Douglas precinct improves the cohesive layout of the township through:
 - (A) the establishment of distinct sub-precincts that reinforce the character and built form of the Port Douglas local plan area including:
 - Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;
 - Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;
 - Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;
 - Port Douglas centre sub-precinct 1d – Limited development sub-precinct;
 - Port Douglas centre sub-precinct 1e – Community and recreation precinct;
 - Port Douglas centre sub-precinct 1f – Flagstaff Hill sub-precinct;
- (B) facilitating marina facilities and supporting marine industry uses as a key part of the local economy;
- (C) reducing conflict between industry, community and commercial activities in the waterfront, without diminishing the marine industry capacity in the Port Douglas precinct;
- (i) environment and sustainability is integrated into the township through:
 - (A) preservation and enhancement of the qualities and characteristics of environmental areas of the township;
 - (B) water sensitive urban design is considered as a means of water quality improvement and management of overland flow to ensure hard infrastructure solutions in Warner Street can be mitigated;
 - (C) design of buildings and access way improvements prioritises walking and cycling modes of transport.
- (ii) the tropical character of the Port Douglas precinct is enhanced by ensuring development:
 - (A) maintains and enhances the built form, local character, streetscapes and natural elements of the township;



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- (B) is compatible with the desired character and amenity of local places and neighbourhoods;
- (C) does not exceed the height of buildings designations which contribute to the desired form of the township which contains three storey development heights in sub-precinct 1a – Town Centre sub-precinct and part of sub-precinct 1b – Waterfront North sub-precinct;
- (D) implements high quality landscaped environments around buildings and on streets;
- (E) protects the recognisable character and locally significance sites throughout the precinct.
- (iii) public spaces and the streetscape are enhanced through:
 - (A) an increase in the quantity and quality of public land and places throughout the precinct;
 - (B) consolidating community recreation and sporting uses to create a precinct of community focussed activity between Mudlo Street and Wharf Street;
 - (C) improved connections between the town centre and the waterfront marina, including an investigation of a plaza on the waterfront;
 - (D) improved streetscapes with high quality landscaping, surface treatments and shaded pedestrian environments;
 - (E) the creation of a sense of place through aesthetic streetscapes and built-form character;
 - (F) managing vegetation to ensure succession of planting and the ongoing presence of significant trees.
- (iv) advertising signage is small scale, low-key and complements the tropical character of the town.

Sub-precinct 1a – Town Centre sub-precinct

- (6) In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:
 - (a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale;
 - (b) drive-through developments, bulky goods showrooms, outdoor sales, saleyards and other big-box retailing or entertainment facilities are not established;
 - (c) development contributes to a high quality public realm;



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- (d) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;
- (e) consolidation of community and cultural land use activities along Mowbray Street between Wharf Street and Mudlo Street;
- (f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan;
- (g) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.

Sub- precinct 1b - Waterfront North sub-precinct

- (7) In addition to other overall development outcomes, development in the Waterfront North sub-precinct facilitates the following development outcomes:
 - (a) the precinct evolves as a revitalised open space and waterside development precinct;
 - (b) development within the precinct is designed to be sympathetic to the environmentally sensitive Dickson Inlet and mitigates any adverse impacts;
 - (c) the establishment of mixed-use development is facilitated to promote activity and vitality;
 - (d) public pedestrian access is maximised along the extent of the edge of the waterfront, consisting of a boardwalk or similar structure available for 24-hour use;
 - (e) development contributes to a high quality public realm;
 - (f) built form provides an attractive point of arrival from both land and sea;
 - (g) pedestrian connectivity is safe, efficient and provides for the needs of all users of the Port Douglas waterfront;
 - (h) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;
 - (i) the importance of existing marine-based industries to the area is recognised, not diminished and protected from incompatible uses. Relocation of marine based industries to an alternative precinct does not occur until such time that agreement has been reached among all relevant stakeholders such that development does not diminish the viability of marine based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners;
 - (j) marine infrastructure is established to service the tourism, fishing and private boating community;



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- (k) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer;
- (l) the functionality of the Balley Hooley tourist rail is retained.

Sub-precinct 1c – Waterfront South sub-precinct

- (8) In addition to all other overall development outcomes, development in the Waterfront South sub-precinct facilitates the following development outcomes:
 - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
 - (b) marine-based industries are established on appropriate land having regard to site suitability, accessibility, surrounding land uses, and location of utilities and services;
 - (c) marine-based industry achieves appropriate environmental standards;
 - (d) industrial buildings have a high standard of layout and building design;
 - (e) landscaping provides an attractive streetscape and screens utility, storage and car parking from the street and other public areas;
 - (f) the precinct is protected from encroachment of incompatible land use activities.

Sub-precinct 1d – Limited Development sub-precinct

- (9) In addition to all other overall development outcomes, development in the Limited Development sub-precinct facilitates the following development outcomes:
 - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
 - (b) the open nature and character of the precinct is retained maintaining view lines across the inlet;
 - (c) community and recreation land use activities are established that promote public access to the foreshore.

Sub-precinct 1e – Community and recreation sub-precinct



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- (10) In addition to all other overall development outcomes, development in the Community and recreation sub-precinct facilitates the following development outcomes:
- (a) development for community uses, including sport and recreation is facilitated.
 - (b) sport and recreation activities predominantly involve outdoor activities;
 - (c) areas of natural vegetation are protected from further development;
 - (d) shade trees are increased, in appropriate locations, surrounding the sports fields.

Sub-precinct 1f – Flagstaff Hill sub-precinct

- (11) In addition to all other overall development outcomes, development in the Flagstaff Hill sub-precinct facilitates the following development outcomes:
- (a) development is not established where it results in detriment to the vegetated and scenic qualities of Flagstaff Hill;
 - (b) development minimises excavation and filling;
 - (c) buildings and other works are unobtrusive when viewed from vantage points in Port Douglas and are designed and constructed of colours and materials which complement the hill's vegetated state;
 - (d) views from public viewing points within the precinct are protected.

Precinct 2 – Integrated Resort precinct

- (12) In addition to the overall outcomes, development in the Integrated Resort precinct facilitates development in accordance with the *Integrated Development Resort Act, 1987*.

Editor's note – The development of land within this precinct is subject to the Integrated Development Resort Act 1987 (IDRA). Where a conflict exists between this planning scheme and the IDRA, the IDRA prevails.



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Precinct 3 – Craiglie Commercial and Light Industry precinct

- (13) In addition to the overall outcomes, development in the Craiglie Commercial and Light Industry precinct facilitates the following overall outcomes:
- (a) development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Centre Precinct unless they pose a safety issue;
 - (b) development adjacent to the Captain Cook Highway presents an attractive appearance to the highway. The rain-trees, melaleucas and eucalypt trees along the Captain Cook Highway are retained where possible, taking into account the Department of Transport and main Road's requirements;
 - (c) retailing activities are generally restricted to those which are ancillary and necessarily associated with the primary service and light industry nature of the area;
 - (d) adjacent residential areas are protected from industry nuisances;
 - (e) lots fronting Downing Street, between Dickson Street and Beor Street, are provided with an appropriate standard of road access and infrastructure, prior to development occurring.

Precinct 4 – Old Port Road / Mitre Street precinct

- (14) In addition to the overall outcomes, development in the Old Port Road / Mitre Street precinct facilitates the following overall outcomes:
- (a) the precinct is intended to be used for outdoor recreational land use activity, primarily as a golf course;
 - (b) areas of significant vegetation are protected from development and retained;
 - (c) other forms of development will only be considered if substantial areas of open space are retained adjacent to existing residential areas to maintain the existing residential amenity of open views across open space.

Precinct 5 – Very Low Density Residential/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct



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- (15) In addition to the overall outcomes, development in the Very Low Residential Density/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct facilitates the following overall outcomes:
- (a) residential accommodation does not exceed a maximum of 8.5 metres in building height;
 - (b) minimum lot sizes exceed 2 hectares;
 - (c) very low scale and intensity recreation/ very low scale and intensity educational/ and very low scale entertainment uses may be appropriate in areas of the precinct subject to erosion and other flooding constraints.

Note - Undeveloped lots in this precinct are located on very low-lying land. Council may consider a consolidation of existing land titles via lot reconfiguration to lot sizes less than 2 hectares, where the reconfigured lots are consolidated onto the highest terrain, to avoid a pattern of development consisting of dwelling houses located on isolated islands of raised building pads.



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7.2.4.4 Criteria for assessment

Table 7.2.4.4.a — Port Douglas / Craiglie local plan - assessable development

| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|--|
| For self-assessable and assessable development | | |
| Development in the Port Douglas / Craiglie local plan area generally | | |
| PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2. | AO1 A pedestrian and cycle movement network is integrated and delivered through development. | Not Applicable The proposed development does not trigger a requirement for a pedestrian or cycle network. |
| PO2 Development retains and enhances key landscape elements including character trees and areas of | AO2.1 Development provides for the retention and enhancement of existing mature trees and | Not Applicable The proposed development would be contained within an existing building and would not require |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|----------------------------|
| significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2). | <p>character vegetation that contribute to the lush tropical character of the town, including:</p> <ul style="list-style-type: none"> (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; (g) Macrossan Street and Warner Street; (h) Port Douglas waterfront. | the removal of vegetation. |
| | AO2.2 | Not Applicable |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| | <p>Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular:</p> <p>(a) Flagstaff Hill;</p> <p>(b) Four Mile Beach;</p> <p>(c) Across to the ranges over Dickson Inlet;</p> <p>(d) Mowbray Valley.</p> | <p>The proposed development would be wholly contained within an existing building.</p> |
| | <p>AO2.3</p> <p>Important landmarks, memorials and monuments are retained.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |
| <p>P03</p> <p>Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the</p> | <p>AO3</p> <p>Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| Port Douglas / Craiglie local plan maps contained in Schedule 2. | architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town. | |
| PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie. | AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation. | Not Applicable The proposed development would be wholly contained within an existing building |
| PO5 Development does not compromise the safety and efficiency of the State-controlled road network. | AO5 Direct access is not provided to a State-controlled road where legal and practical access from another road is available. | Not Applicable The proposed development would be wholly contained within an existing building |
| For assessable development | | |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| Additional requirements in Precinct 1 – Port Douglas precinct | | |
| PO6 The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained. | AO6.1 Development does not impede continued views to scenic vistas and key streetscapes within the local plan area. | Not Applicable The proposed development would be wholly contained within an existing building. |
| | AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage. | Not Applicable The proposed development would be wholly contained within an existing building. |
| PO7 Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape; | AO7.1 For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or | Not Applicable The proposed development would be wholly contained within an existing building. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| (b) are designed to minimise pedestrian vehicle conflict; | (c) wrapped by the building façade, and not visible from the street. | |
| (c) are clearly identified and maintain ease of access at all times. | A07.2 Ground level parking incorporates clearly defined pedestrian routes. | Not Applicable The proposed development would be wholly contained within an existing building. |
| | A07.3 Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development. | Not Applicable The proposed development would be wholly contained within an existing building. |
| | A07.4 Where the development is an integrated mixed-use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are | Complies with A07.4 Refer to the assessment against the Access, Parking and Servicing Code. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| | provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses. | |
| | A07.5 On-site car parking available for public use is clearly signed at the site frontage. | Complies with A07.5 Refer to the assessment against the Access, Parking and Servicing Code. |
| | A07.6 Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed. | Complies with A07.6 Refer to the assessment against the Access, Parking and Servicing Code. |
| PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs. | A08 No acceptable outcomes are prescribed. | Not Applicable No advertising signs are proposed. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|---|
| Additional requirements for Sub-precinct 1a – Town Centre sub-precinct | | |
| PO9 Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys. | AO9 Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres. Note – Height is inclusive of the roof height. | Not Applicable The proposed development would be wholly contained within an existing building |
| PO10 Building design, the streetscape, pedestrian paths and street front spaces promote integration with | AO10 No acceptable outcomes are prescribed. | Not Applicable The proposed development would be wholly contained within an existing building |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|---|
| the surrounding area and the rest of Precinct 1 – Port Douglas Precinct. | | |
| PO11 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas. | AO11 No acceptable outcomes are prescribed. | Not Applicable The proposed development would be wholly contained within an existing building |
| PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; | AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian | Not Applicable The proposed development would be wholly contained within an existing building |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|--|
| (c) changes in gradient of the street. | <p>areas on adjoining sites;</p> <p>(c) connect without any lip or step to adjoining footpaths.</p> | |
| <p>AO13</p> <p>Buildings do not result in a reduction of views and vistas from public places to:</p> <p>(a) Flagstaff Hill;</p> <p>(b) Dickson Inlet;</p> <p>(c) public open space;</p> <p>(d) places of significance.</p> | <p>AO13</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |
| <p>PO14</p> <p>Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for</p> | <p>AO14</p> <p>Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| the length of the building. | <p>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 3 metres and the required awning is still maintained along the length of the street frontage/s.</p> <p>Note – PO24 provides more detail on awning design.</p> | |
| <p>PO15</p> <p>Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.</p> | <p>AO15.1</p> <p>Centre activities establish: at street level on active street frontages; a maximum of one level above street level.</p> | <p>Complies with AO15.1</p> <p>The change of use from Self-contained Multiple Dwelling (Tourist) to Multiple Dwelling relates to existing units that are not on the ground floor or at street level.</p> |
| | <p>AO15.2</p> <p>Any residential development activities or short term accommodation is located above street level of the</p> | <p>Complies with AO15.2</p> <p>The change of use from Self-contained Multiple Dwelling (Tourist) unit to Multiple Dwelling unit</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|---|
| | active frontage, but not on or up to the street frontage in any development, including mixed use development. | relates to an existing unit that is not on the ground floor or at street level. |
| PO16 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained. | AO16 No acceptable outcomes are prescribed. | Not Applicable The proposed development would be wholly contained within an existing building |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| <p>PO17</p> <p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> <ul style="list-style-type: none"> (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys. | <p>AO17</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |
| <p>PO18</p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <ul style="list-style-type: none"> (a) building caps and rooftops contribute to the | <p>AO18</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| <p>architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct;</p> <p>(b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</p> <p>(c) rooftops are not used for advertising.</p> | | |
| <p>P019</p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <p>(a) shade windows;</p> <p>(b) reduce glare;</p> <p>(c) assist in maintaining comfortable indoor temperatures;</p> | <p>AO19</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|---|
| (d) minimising heat loads; (e) enrich the North Queensland tropical character of the Town Centre sub-precinct; (f) provide architectural interest to building façades. | | |
| PO20 Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Town Centre sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate. | AO20 No acceptable outcomes are prescribed. | Not Applicable The proposed development would be wholly contained within an existing building |
| PO21 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's | AO21 No acceptable outcomes are prescribed. | Not Applicable The proposed development would be wholly contained within an existing building |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| rays in a manner that may create a nuisance, discomfort or a hazard. | | |
| PO22 Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces. | AO22.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres. | Not Applicable The proposed development would be wholly contained within an existing building |
| | AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation. | Not Applicable The proposed development would be wholly contained within an existing building |
| | AO22.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a | Not Applicable The proposed development would be wholly contained within an existing building |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| | <p>development:</p> <ul style="list-style-type: none"> (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development. | |
| <p>PO23</p> <p>Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural | <p>AO23</p> <p>Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|--|
| <p>elements and details;</p> <p>(d) provide an opportunity for the casual and convenient surveillance of public space from within the development.</p> | <p>(b) a visually prominent main entrance that faces the principal public place;</p> <p>(c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.</p> | |
| <p>PO24</p> <p>Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and:</p> <p>(a) extend and cover the footpath to provide protection from the sun and rain;</p> <p>(b) include lighting under the awning;</p> <p>(c) are continuous across the frontage of the site;</p> <p>(d) align to provide continuity with existing or future awnings on adjoining sites;</p> <p>(e) are a minimum of 3.0 metres in width and</p> | <p>AO24</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| <p>generally not more than 3.5 metres above pavement height;</p> <p>(f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p> | | |
| <p>PO25</p> <p>Development integrates with the streetscape and landscaping improvements for Port Douglas.</p> | <p>AO25</p> <p>Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing building</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| | Outcome. | |
| Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct | | |
| PO26 The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North. | AO26 Uses identified as inconsistent uses in Table 7.2.4.4.b – inconsistent uses in sub-precinct 1b – Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North. | Not Applicable The application site is within Sub-precinct 1a. |
| PO27 The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct. | AO27 Buildings and structures are not more than: (a) 3 storeys and 13.5 metres in height , with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street; (b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts | Not Applicable The application site is within Sub-precinct 1a. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| | <p>of the precinct north of Inlet Street.</p> <p>Note – Height is inclusive of roof height.</p> | |
| <p>PO28</p> <p>Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.</p> | <p>AO28</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO29</p> <p>Public pedestrian access along the water's edge is maximised.</p> | <p>AO29.1</p> <p>Public pedestrian access is provided along the frontage of the water's edge consisting of a boardwalk of a minimum width of 4 metres that is available of 24-hour use.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| | <p>AO29.2</p> <p>A public plaza is incorporated into the design generally reflecting the requirements of the Port</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| | Douglas Waterfront Master Plan, focussing in the vicinity of the 'Duck Pond'. | |
| | AO29.3 Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like. | Not Applicable The application site is within Sub-precinct 1a. |
| PO30 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces. | AO30 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO31 | AO31 | Not Applicable |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| <p>Setbacks at ground level provide for:</p> <ul style="list-style-type: none"> (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient. | <p>Setbacks at ground level:</p> <ul style="list-style-type: none"> (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths. | <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO32</p> <p>Buildings do not result in a reduction of views and vistas from public places to:</p> <ul style="list-style-type: none"> (a) Dickson Inlet; (b) public open space; (c) places of significance. | <p>AO32</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO33</p> | <p>AO33</p> | <p>Not Applicable</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at ground level including shade protection across the footpath and open space areas. | No acceptable outcomes are prescribed. | The application site is within Sub-precinct 1a. |
| PO34 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2. | AO34.1 Centre activities establish: (a) at street level on active street frontages; (b) a maximum of one level above street level. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO34.2 Residential development activities or short term accommodation is located above street /ground floor level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development. | Not Applicable The application site is within Sub-precinct 1a. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| <p>PO35</p> <p>Detailed building design:</p> <ul style="list-style-type: none"> (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained. | <p>AO35</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO36</p> <p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> | <p>AO36</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|---|
| <p>(a) surface decoration;</p> <p>(b) wall recesses and projections;</p> <p>(c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</p> <p>(d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</p> | | |
| <p>PO37</p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <p>(a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Waterfront North sub-precinct;</p> <p>(b) service structures, lift motor rooms and</p> | <p>AO37</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|---|
| <p>mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</p> <p>(c) rooftops are not used for advertising.</p> | | |
| <p>PO38</p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <p>(a) shade windows;</p> <p>(b) reduce glare;</p> <p>(c) assist in maintaining comfortable indoor temperatures;</p> <p>(d) minimising heat loads;</p> <p>(e) enriching the North Queensland tropical character of the Waterfront North sub-precinct;</p> | <p>AO38</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| (f) architectural interest to building façades. | | |
| PO39 Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Waterfront North sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate. | AO39 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO40 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard. | AO40 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO41 | AO41.1 | Not Applicable |



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|--|---|--|
| Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces. | 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. | The application site is within Sub-precinct 1a. |
| | AO41.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO41.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; | Not Applicable The application site is within Sub-precinct 1a. |



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|--|---|---|
| | <ul style="list-style-type: none"> (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development. | |
| <p>PO42</p> <p>Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development. | <p>AO42</p> <p>Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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|---|---|---|
| | incorporated at 3 metre or less intervals along the length of the façade. | |
| <p>PO43</p> <p>Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North sub-precinct and:</p> <ul style="list-style-type: none"> (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across pedestrian circulation areas; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height; | <p>AO43</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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|---|--|---|
| <p>(f) do not extend past a vertical plane, 1.2 metres inside the street kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p> | | |
| <p>PO44</p> <p>The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.</p> | <p>AO44.1</p> <p>Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| | <p>AO44.2</p> <p>Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line and station does not generate a requirement for additional vehicle parking.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| <p>PO45</p> <p>Development recognises the importance of and relationship between the marina, commercial and residential development in the Waterfront North sub-precinct, and includes measures to mitigate the impact of:</p> <ul style="list-style-type: none"> (a) noise; (b) odour; (c) hazardous materials; (d) waste and recyclable material storage. | <p>AO45</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO46</p> <p>Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.</p> | <p>AO46</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|---|
| <p>PO47</p> <p>Buildings, civic spaces, roads and pedestrian links are enhanced by:</p> <ul style="list-style-type: none"> (a) appropriate landscape design and planting; (b) themed planting that defines entry points, and creates strong 'entry corridors' into the waterfront; (c) lighting and well-considered discrete signage that complements building and landscape design; (d) public artwork and other similar features that reflect the heritage and character of the Port Douglas Waterfront. | <p>AO47</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO48</p> <p>Buildings are designed and sited to provide vistas along shared pedestrian/open space and</p> | <p>AO48</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| movement areas in suitable locations. | | |
| PO49 Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation. | AO49 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO50 Marine infrastructure to service the tourism, fishing and private boating community is provided. | AO50 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO51 Changes to the Port Douglas Waterfront quay-line do not cause adverse impacts to the environmentally sensitive Dickson Inlet. | AO51 Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes. | Not Applicable The application site is within Sub-precinct 1a. |



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| | Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report. | |
| Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct | | |
| PO52 The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South. | AO52 Uses identified as inconsistent uses Table 7.2.4.4.c – are not established in Precinct 1c – Waterfront South. | Not Applicable The application site is within Sub-precinct 1a. |
| PO53 Development does not adversely impact on the natural environment, natural vegetation or watercourses. | AO53.1 An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed. Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an | Not Applicable The application site is within Sub-precinct 1a. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| | ecological assessment report. | |
| | <p>AO53.2</p> <p>An Environmental Management Plan is prepared to manage potential impacts of the operation of the development on surrounding natural areas.</p> <p>Note - Planning scheme policy SC6.4 – Environmental management plans contains information to demonstrate compliance and guidance on preparing an Environmental Management Plan.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO54</p> <p>Development of land at the end of Port Street adjacent to Dickson Inlet incorporates a slipway, or an alternative functioning facility, with capacity to service the Port Douglas marine and tourism industry.</p> | <p>AO54</p> <p>A master plan for the development is provided and implemented to demonstrate the integration of the slipway, or an alternative functioning facility, with other supporting service industry activities that service the marine and tourism industry of Port Douglas.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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|---|--|--|
| PO55 Buildings and structures are of a height and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected. | AO55.1 Development has a height of not more than 10 metres. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO55.2 Development is setback from all property boundaries not less than 3 metres. | Not Applicable The application site is within Sub-precinct 1a. |
| PO56 The site coverage of all buildings and structures ensures development: <ul style="list-style-type: none"> (a) is sited in an existing cleared area or in an area approved for clearing; (b) has sufficient area for the provision of services; (c) development does not have an adverse effect on the environmental, habitat, conservation or landscape values of the on-site and | AO56 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|--|
| surrounding sensitive areas. | | |
| PO57 Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to: <ul style="list-style-type: none"> (a) be accommodated on-site; (b) maximise safety and efficiency of loading; (c) protect the visual and acoustic amenity of sensitive land use activities; (d) minimise adverse impacts on natural characteristics of adjacent areas. | AO57.1 Sufficient manoeuvring area is provided on-site to allow a Medium Rigid Vehicle to enter and leave the site in a forward gear. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO57.2 Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO57.3 Driveways, parking and manoeuvring areas are constructed and maintained to: <ul style="list-style-type: none"> (a) minimise erosion from storm water runoff; (b) retain all existing vegetation. | Not Applicable The application site is within Sub-precinct 1a. |



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|--|---|--|
| PO58 Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised. | AO58 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO59 Entry to the site is landscaped to enhance the amenity of the area and provide a pleasant working environment. | AO59 Areas used for loading and unloading, storage, utilities and car parking are screened from public view: (a) by a combination of landscaping and screen fencing; (b) dense planting along any road frontage is a minimum width of 3 metres. | Not Applicable The application site is within Sub-precinct 1a. |
| PO60 Landscaping is informal in character and complementary to the existing natural | AO60 For any development landscaping is in accordance with the Plant species schedule in Planning | Not Applicable The application site is within Sub-precinct 1a. |



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|---|--|--|
| environment, provides screening and enhances the visual appearance of the development. | scheme policy SC6.7– Landscaping. | |
| Additional requirements for Sub-precinct 1d – Limited Development sub-precinct | | |
| PO61 The height of buildings and structures contributes to the desired form and outcomes for the sub-precinct and are limited to a single storey. | AO61 Buildings and structures are not more than one storey and 4 metres in height. Note - Height is inclusive of the roof height. | Not Applicable The application site is within Sub-precinct 1a. |
| Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct | | |
| PO62 The precinct is developed for organised sporting activities and other community uses. | AO62 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct | | |



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|---|--|---|
| <p>PO63</p> <p>Flagstaff Hill is protected from inappropriate development to protect the hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Town centre.</p> | <p>AO63</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |
| <p>PO64</p> <p>All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through:</p> <p>(a) building design which minimises excavation and filling;</p> <p>(b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles;</p> | <p>AO64</p> <p>No acceptable outcomes are prescribed.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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|--|--|---|
| <p>(c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and view-shed;</p> <p>(d) protection of the views from public viewing points in the Port Douglas precinct.</p> | | |
| Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct | | |
| <p>PO65</p> <p>Development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.</p> | <p>AO65</p> <p>Development consists of service and light industries and associated small scale commercial activities.</p> | <p>Not Applicable</p> <p>The application site is within Sub-precinct 1a.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| PO66 Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development. | AO66.1 Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO66.2 The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site. | Not Applicable The application site is within Sub-precinct 1a. |
| | AO66.3 Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway | Not Applicable The application site is within Sub-precinct 1a. |



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|---|---|--|
| | frontage, or within any landscaped setback area | |
| | AO66.4 Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway. | Not Applicable The application site is within Sub-precinct 1a. |
| Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct | | |
| PO67 No additional lots are created within the precinct. | AO67 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |
| PO68 Reconfigured lots have a minimum lot size of 2 hectares, unless the lot reconfiguration transfers | AO68 No acceptable outcomes are prescribed. | Not Applicable The application site is within Sub-precinct 1a. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---------------------|------------|
| lots to the higher parts of the land, to avoid the need to fill existing lots to accommodate dwelling houses. | | |



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8.2.2 Bushfire hazard overlay code

Note - Land shown on the bushfire hazard overlay map is designated as the bushfire prone area for the purposes of section 12 of the Building Regulations 2006. The bushfire hazard area (bushfire prone area) includes land covered by the high and medium hazard areas as well as the buffer area category on the overlay map.

8.2.2.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational works or building work in the Bushfire hazard overlay, if:
 - (a) self-assessable or assessable where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Bushfire hazard overlay is identified on the Bushfire hazard overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Medium bushfire risk sub-category;
 - (b) High bushfire risk sub-category;
 - (c) Very high bushfire risk sub-category;
 - (d) Potential impact buffer sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.



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- (b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
 - (b) development is designed and located to minimise risks to people and property from bushfires;
 - (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;
 - (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
 - (e) development contributes to effective and efficient disaster management response and recovery capabilities.

Note - A site based assessment may ground-truth the extent of hazardous vegetation and extent and nature of the bushfire hazard area (bushfire prone area). Such assessments should be undertaken using the methodology set out in Planning scheme policy SC6.9 - Natural Hazards.



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8.2.2.3 Criteria for assessment

Table 8.2.2.3.a – Bushfire hazard overlay code –assessable development

| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|---|
| For self-assessable and assessable development | | |
| Compatible development | | |
| <p>PO1</p> <p>A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.</p> <p>Note - See the end of this code for examples of vulnerable uses.</p> | <p>AO1</p> <p>Vulnerable uses are not established or expanded.</p> <p>Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan.</p> <p>Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan.</p> | <p>Complies with AO1</p> <p>The proposed development does not involve vulnerable uses.</p> |



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|---|--|---|
| | Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan. | |
| P02 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event. | AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes. | Not applicable Emergency Services and community support services and not proposed. |
| P03 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category. | AO3 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category. | Not applicable The use does not involve manufacture or storage of hazardous material. |
| Development design and separation from bushfire hazard – reconfiguration of lots | | |
| P04.1 Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a | AO4.1 No new lots are created within a bushfire hazard sub-category. or | Not applicable No reconfiguration is proposed. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| <p>radiant heat flux level of 29kW/m² at the edge of the proposed lot(s).</p> <p>Note - “Urban purposes” and “urban area” are defined in the <i>Sustainable Planning Regulations 2009</i>.</p> <p>Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m² and 2ha in area. “Smaller scale” rural residential purposes will be taken to be where the average proposed lot size is 6000m² or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p> | | |
| <p>PO4.2</p> <p>Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m² at any point.</p> | <p>AO4.2</p> <p>Lots are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves radiant heat flux level of 29kW/m² at all boundaries; and</p> <p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be</p> | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |



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|---|--|---|
| | <p>achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p> | |
| <p>PO5</p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p> | <p>AO5.1</p> <p>Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |



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|--|--|---|
| | <p>Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(e) has a minimum of 4.8m vertical clearance above the road;</p> <p>(f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and</p> <p>(g) incorporates roll-over kerbing.</p> | |
| | <p>AO5.2</p> <p>Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p> | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |
| <p>PO6</p> <p>Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots</p> | <p>AO6</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m;</p> <p>(b) a minimum trafficable (cleared and formed)</p> | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |



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|---|---|------------|
| <p>and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p> | <p>width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</p> <p>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</p> <p>(d) a minimum of 4.8m vertical clearance;</p> <p>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency</p> | |



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|--|---|---|
| | <p>Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p> | |
| <p>P07</p> <p>Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> | <p>A07</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| | <ul style="list-style-type: none"> (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. | |
| PO8 The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people. | AO8 The lot layout: <ul style="list-style-type: none"> (a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; | Not applicable No reconfiguration is proposed. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|---|---|
| | <p>(c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and</p> <p>(d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.</p> <p>Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots.</p> <p>In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled “Undertaking a Bushfire Protection Plan.</p> <p>Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate</p> | |
| <p>PO9</p> <p>Critical infrastructure does not increase the potential bushfire hazard.</p> | <p>A09</p> <p>Critical or potentially hazardous infrastructure such as water supply, electricity, gas and</p> | <p>Not applicable</p> <p>No reconfiguration is proposed.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| | telecommunications are placed underground. | |
| Development design and separation from bushfire hazard – material change of use | | |
| <p>PO10</p> <p>Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:</p> <p>(e) 10kW/m² where involving a vulnerable use; or</p> <p>(f) 29kW/m² otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p> | <p>AO10</p> <p>Buildings or building envelopes are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m² for a vulnerable use or 29kW/m² otherwise; and</p> <p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation</p> | <p>Not applicable</p> <p>No new building works are proposed and the change of use is wholly contained within an existing building.</p> |



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|---|--|--|
| | distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions. | |
| <p>PO11</p> <p>A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p> | <p>AO11</p> <p>Development sites are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle | <p>Not applicable</p> <p>A fire trail would serve no useful purpose in this instance.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|------------------------|---|-----------------------|
| | <p>Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p> | |
| All development | | |
| PO12 | AO12 | Not applicable |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|--|
| All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances. | <p>Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60m from the street to the building; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5m; (d) have a minimum of 4.8m vertical clearance; (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than 3 dwellings or buildings. | No private driveways are proposed. |
| <p>PO13</p> <p>Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.</p> | <p>AO13</p> <p>A water tank is provided within 10m of each building (other than a class 10 building) which:</p> <ul style="list-style-type: none"> (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: | <p>Not applicable</p> <p>The subject site is connected to the reticulated water supply.</p> |



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|----------------------|--|-----------------------|
| | <p>(i) 10,000l for residential buildings</p> <p>Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams.</p> <p>(ii) 45,000l for industrial buildings; and</p> <p>(iii) 20,000l for other buildings;</p> <p>(c) includes shielding of tanks and pumps in accordance with the relevant standards;</p> <p>(d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank;</p> <p>(e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and</p> <p>(f) is clearly identified by directional signage provided at the street frontage.</p> | |
| PO14 | AO14 | Not applicable |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|--|
| Landscaping does not increase the potential bushfire risk. | Landscaping uses species that are less likely to exacerbate a bushfire event and does not increase fuel loads within separation areas. | No landscaping is proposed. |
| PO15 The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity). | AO15 Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value. | Not applicable No bushfire mitigation treatments are proposed. |



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9.3.13 Multiple Dwelling, short term accommodation and retirement facility code

9.3.13.1 Application

- (1) This code applies to assessing development for a Multiple dwelling, short term accommodation, residential care facility or retirement facility if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment for a material change of use; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

9.3.13.2 Purpose

- (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;
 - (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood;
 - (c) development does not adversely impact on the natural features on the site;
 - (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region;
 - (e) the impacts of development on adjoining premises are managed.



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9.3.13.3 Criteria for assessment

Table 9.3.13.3.a – Multiple Dwelling, short term accommodation and retirement facility code – assessable development

| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| For assessable development | | |
| Design | | |
| PO1 The site has sufficient area and frontage to: <ul style="list-style-type: none"> (a) accommodate the scale and form of buildings considering site features; (b) achieve communal open space areas and private outdoor spaces; (c) deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting; (d) achieve safe and convenient vehicle and pedestrian access; (e) accommodate on-site car parking and manoeuvring for residents, visitors and | AO1.1 The site has a minimum area of 1000m ² | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO1.2 The site has a minimum frontage of 25 metres | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |



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| Performance outcomes | Acceptable outcomes | Compliance |
|---|--|--|
| service providers | | |
| <p>PO2</p> <p>Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:</p> <ul style="list-style-type: none"> (a) the establishment and extension of public streets and pathways; (b) the provision of parks and other public spaces as appropriate to the scale of the development; (c) inclusion of a mix of dwelling types and tenures and forms; (d) buildings that address the street; (e) building height and setback transitions to adjoining development of a lower density or scale | <p>AO2</p> <p>Development on a site 5,000m² or greater is in accordance with a structure plan.</p> <p>Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| PO3 | AO3.1 | Not Applicable |



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| Performance outcomes | Acceptable outcomes | Compliance | | | | | | | | | |
|--|---|--|-------------|--------------------------------|-----------------|----------------------------|-----------------|-----------------------|-----------------|-----------------|----------------------------------|
| Development ensures that the proportion of buildings to open space is: (a) in keeping with the intended form and character of the local area and immediate streetscape; (b) contributes to the modulation of built form; (c) supports residential amenity including access to breezes, natural light and sunlight; (d) supports outdoor tropical living; (e) provides areas for deep tropical planting and / or for the retention of mature vegetation. | The site cover is not more than 40% | The proposed development would be wholly contained within an existing lawfully established building. | | | | | | | | | |
| | AO3.2 The development has a gross floor area of not more than: <table><tr><th>Zone</th><th>Maximum GFA</th></tr><tr><td>Low-medium density residential</td><td>0.8 x site area</td></tr><tr><td>Medium density residential</td><td>1.2 x site area</td></tr><tr><td>Tourist accommodation</td><td>1.2 x site area</td></tr><tr><td>All other zones</td><td>No acceptable outcome specified.</td></tr></table> | Zone | Maximum GFA | Low-medium density residential | 0.8 x site area | Medium density residential | 1.2 x site area | Tourist accommodation | 1.2 x site area | All other zones | No acceptable outcome specified. |
| Zone | Maximum GFA | | | | | | | | | | |
| Low-medium density residential | 0.8 x site area | | | | | | | | | | |
| Medium density residential | 1.2 x site area | | | | | | | | | | |
| Tourist accommodation | 1.2 x site area | | | | | | | | | | |
| All other zones | No acceptable outcome specified. | | | | | | | | | | |
| PO4 Development is sited so that the setback from | AO4.1 Buildings and structures are set back not less than | Not Applicable The proposed development would be wholly | | | | | | | | | |



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|---|--|---|
| boundaries: (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping. | 6 metres from a road frontage. | contained within an existing lawfully established building. |
| | AO4.2 Buildings and structures are setback not less than 4 metres to the rear boundary | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO4.3 The side boundary setback for buildings and structures is: (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building; (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building. | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| PO5 Building depth and form must be articulated to (a) ensure that the bulk of the development is in keeping with the form and character intent of the area; | AO5.1 (a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres. (b) The minimum distance between buildings | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |



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|---|--|--|
| <p>(b) provide adequate amenity for residents in terms of natural light and ventilation.</p> <p>Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p> | <p>on a site is not less than 6 metres;</p> <p>AO5.2</p> <p>The length of any continuous eave line does not exceed 18 metres.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| <p>PO6</p> <p>Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p> | <p>AO6.1</p> <p>Development incorporates a number of the following design elements:</p> <ul style="list-style-type: none"> (a) balconies; (b) verandahs; (c) terraces; (d) recesses | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p> |
| | <p>AO6.2</p> <p>Development reduces building bulk by:</p> <ul style="list-style-type: none"> (a) variation in building colours, materials and textures; (b) the use of curves, recesses, projections or | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p> |



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|--|--|---|
| | <p>variations in plan and elevation;</p> <p>(c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch;</p> <p>(d) use of sun-shading devices and other façade features;</p> <p>(e) use of elements at a finer scale than the main structural framing of the building.</p> | |
| <p>P07</p> <p>Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through:</p> <p>(a) orientation to the street;</p> <p>(b) front boundary setback;</p> <p>(c) balconies and windows to provide overlooking and casual surveillance;</p> <p>(d) building entrances.</p> | <p>A07.1</p> <p>Development provides a building that is not set back further than 2m beyond the minimum required street front setback.</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| | <p>A07.2</p> <p>Development provides balconies and windows from the primary living area that face and overlook the street or public space.</p> | <p>Complies with A07.2</p> <p>The Multiple Dwelling unit would have access to an existing balcony that overlooks public space.</p> |



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| Performance outcomes | Acceptable outcomes | Compliance |
|--|--|---|
| PO8 Buildings exhibit tropical design elements to support Douglas Shire’s tropical climate, character and lifestyle. | AO8.1 Development has floor to ceiling heights of 2.7 metres; | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO8.2 Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms. | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO8.3 Development incorporates deep recesses, eaves and sun-shading devices. | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO8.4 Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting. | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |



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|--|---|--|
| | <p>AO8.5</p> <p>Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| <p>PO9</p> <p>Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.</p> <p>Note—Siting and building separation is used to minimise privacy screening requirements.</p> | <p>AO9.1</p> <p>Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have:</p> <ul style="list-style-type: none"> (a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or (b) sill heights a minimum of 1.5m above floor level; or (c) fixed obscure glazing in any part of the window below 1.5m above floor level; or | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |



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|----------------------|--|---|
| | (d) fixed external screens; or (e) in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level. | |
| | AO9.2 Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level. | Not Applicable The proposed development would be wholly contained within an existing lawfully established building. |
| | AO9.3 Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable. Note—The screening device is offset a minimum of 0.3m from the wall | Not Applicable The proposed development would be wholly contained within an existing lawfully established building used for residential purposes. |



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|--|---|--|
| | <p>around any window.</p> <p>Note—Screening devices are hinged or otherwise attached to facilitate emergency egress</p> | |
| <p>PO10</p> <p>Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests</p> | <p>AO10</p> <p>A minimum of 35% of the site is allocated as landscaping and recreation area</p> | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| <p>PO11</p> <p>Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.</p> | <p>AO11</p> <p>Development provides landscaping as follows:</p> <ul style="list-style-type: none"> (a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages; (b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries | <p>Not Applicable</p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p> |
| PO12 | AO12.1 | Complies with AO12.1 |



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|---|---|--|
| The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site | Communal open space is provided at: (a) a minimum of 5% of site area or 50m ² whichever is the greater; and (b) a minimum dimension of 5 metres. | The overall existing development provides significant communal open space containing a swimming pool, which exceeds 50m ² . |
| | AO12.2 Development provides communal open space that: (a) is consolidated into one useable space; (b) where communal open space exceeds 100m ² , the communal open space may be split into two, and so forth incrementally. | Complies with AO12.2 The overall existing development provides significant communal open space containing a swimming pool. |
| | AO12.3 Communal open space: (a) is a minimum of 50% open to the sky; (b) achieves 25% shading by trees in 5 years; (c) does not include vehicle driveways and manoeuvring; (d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers | Complies with AO12.3 The existing development provides communal open space that has previously been accepted by Council. |



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|----------------------|---|---|
| | or water boosters. | |
| | AO12.4 Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements: <ul style="list-style-type: none"> (a) seating; (b) barbecue; (c) play equipment; (d) swimming pool; (e) communal clothes drying; (f) vegetable garden. | Complies with AO12.4 The overall existing development provides landscaping and communal open space which contains seating, barbecue facilities and swimming pool. |
| | 12.5 Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space. | Not Applicable The proposed development involves a single unit in an established mixed use development where communal open space is already provided. |
| PO13 | AO13.1 | Complies with AO13.1(b) |



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|---|--|--|
| Development must provide attractive and functional private open space for residents and guests. | Development provides private open space which: <ul style="list-style-type: none"> (a) for ground storey dwellings, comprises of a minimum area of 35m² with a minimum dimension of 3 metres; (b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m² and a minimum dimension of 3 metres | The proposed Multiple Dwelling Unit would have access to a private balcony and roof terrace with a floor area that exceed 12m ² and a dimension of 3 metres. |
| | AO13.2 Development provides private open space areas that are: <ul style="list-style-type: none"> (a) directly accessible from internal primary living area of the dwelling (not bedrooms); (b) provided with a screened area of 2m² minimum dimension capable of screening air conditioning plant, private clothes drying etc... (c) provided with adjustable, moveable or operable privacy screening where | Complies with AO13.2 The proposed Multiple Dwelling Unit would have access to a private balcony that is directly accessed from the living room and a roof top terrace. |



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|----------------------|---|--|
| | appropriate | |
| | AO13.3 Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy. | Complies with AO13.3 The proposed Multiple Dwelling Unit would have access to an existing private balcony and rooftop terrace that does not overlook any adjoining premises. |
| | AO13.4 Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements. | Not Applicable A secondary balcony is not provided. |
| | AO13.5 Private open space: (a) does not include vehicle driveways and manoeuvring; (b) does not contain surface structures such as | Complies with AO13.5 The private balconies do not include driveways or surface structures. |



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|---|---|--|
| | rainwater tanks, fire hydrants, transformers or water boosters | |
| PO14 Development provides front fencing and retaining walls that must: <ul style="list-style-type: none"> (a) facilitate casual surveillance of the street and public space; (b) enable use of private open space; (c) assist in highlighting entrances to the property; (d) provide a positive interface to the streetscape. | AO14.1 Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of: <ul style="list-style-type: none"> (a) 1.2m, where fence construction is solid or less than 50% transparent; (b) 1.5m, where fence construction is at least 50% transparent; (c) 1.8m and solid only where the site is on an arterial road or higher order road. | Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only. |
| | AO14.2 Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual | Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only. |



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|---|--|--|
| | interest and soften the visual impact. | |
| | AO14.3 Development for a retaining wall is: <ul style="list-style-type: none"> (a) stepped to minimise impact on the streetscape and pedestrian environment; (b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge | Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only. |
| PO15 Development minimises light nuisances. | AO15 Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting. | Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only |
| PO16 Waste and recyclable material storage areas are: <ul style="list-style-type: none"> (a) convenient and accessible to residents and waste and recyclable material collection services; (b) located and designed to mitigate adverse | AO16 Waste and recyclable material storage areas: <ul style="list-style-type: none"> (a) are located on site; (b) are sited and designed to be unobtrusive and screened from view from the street | Complies with AO16 The proposed Multiple Dwelling Unit would have access to the existing waste and recyclable storage areas. |



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|--|--|---|
| <p>impacts:</p> <ul style="list-style-type: none"> (i) within the site; (ii) on adjoining properties; (iii) to the street. | <p>frontage:</p> <ul style="list-style-type: none"> (c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network; (d) are of a sufficient size to accommodate bulk (skip) bins; (e) have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services <p>Note - The Environmental performance code contains requirements for waste and recyclable material storage</p> | |
| <p>PO17</p> <p>Development provides a secure storage area for each dwelling.</p> | <p>AO17</p> <p>A secure storage area for each dwelling:</p> <ul style="list-style-type: none"> (a) is located to enable access by a motor vehicle or be near to vehicle parking; (b) has a minimum space of 3.5m² per dwelling; (c) has a minimum height of 2 metres; (d) is weather proof; | <p>Complies with PO17</p> <p>The proposal is for the material change of use of an existing self-contained Multiple Dwelling (Tourist) unit to a Multiple Dwelling Unit to provide for permanent occupation. The Dwelling Unit would have access to the storage facilities provided as part of the original development and would not require additional storage.</p> |



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|---|---|--|
| | (e) is lockable; (f) has immunity to the 1% AEP inundation event. Note – A cupboard within a unit will not satisfy this requirement | |
| Additional requirements for a Retirement facility | | |
| PO18 Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located. | AO18 Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| PO19 Retirement facilities are designed to provide for the amenity and security of residents. | AO19.1 The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| | AO19.2 | Not Applicable |



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|---|---|--|
| | Internal pathways have firm, well drained and non-slip surfaces. | The proposal relates to Multiple Dwelling Unit. |
| | AO19.2 Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| | AO19.3 An illuminated sign and site map of the layout of the development is located near the main entrance to the facility. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| PO20 The internal layout of a Retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site. | AO20.1 The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| | AO20.2 The site of a Retirement facility is not prone to | Not Applicable The proposal relates to Multiple Dwelling Unit. |



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| | inundation. | |
| | AO20.3 The location of the Retirement facility is readily accessible to emergency vehicles. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| PO21 The development is designed for the needs of the age group, and to allow ‘aging in place’ to occur. | AO21.1 Development applies adaptable housing principles. | Not Applicable The proposal relates to Multiple Dwelling Unit. |
| | AO21.2 A range of housing designs and sizes are provided in the development to cater for different individual and household needs. | Not Applicable The proposal relates to Multiple Dwelling Unit. |



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9.4.1 Access, parking and servicing code

9.4.1.1 Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) self-assessable or assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

9.4.1.2 Purpose

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



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not unduly disrupt any current or future on-street parking arrangements.

9.4.1.3 Criteria for assessment

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

| Performance outcomes | Acceptable outcomes | Compliance |
|--|---|---|
| For self-assessable and assessable development | | |
| PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; | AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number. | Complies with AO1.1 A Multiple Dwelling Unit it is required to provide 1 car parking space. The proposed Multiple Dwelling Unit provides 1 car parking space. |
| | AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used | Complies with AO1.2 The existing car parking spaces are maintained as freely available for vehicle parking. |



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| (d) the level of local accessibility; | for external storage purposes, the display of products or rented/sub-leased. | |
| (e) the nature and frequency of any public transport serving the area; | | |
| (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building | AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking. | Not Applicable No motorcycle parking is proposed. |
| (g) whether or not the use involves a heritage building or place of local significance; | | |
| (h) whether or not the proposed use involves the retention of significant vegetation. | AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate. | Not Applicable The proposal relates to one car parking space only. |
| PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards. | AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: | Complies with AO2 The parking spaces are existing lawfully approved car parking spaces. |



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| | (a) AS2890.1; (b) AS2890.3; (c) AS2890.6. | |
| PO3 Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; | AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. | Not Applicable Access would be provided by the existing lawfully approved access crossover and no new crossovers are proposed. |
| | AO3.2 Access, including driveways or access crossovers: (a) are not placed over an existing: | Not Applicable Access would be provided by the existing lawfully approved access crossover and no new crossovers are proposed. |



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| <p>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</p> <p>(f) so that they do not adversely impact current and future on-street parking arrangements;</p> <p>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p> | <p>(i) telecommunications pit;</p> <p>(ii) stormwater kerb inlet;</p> <p>(iii) sewer utility hole;</p> <p>(iv) water valve or hydrant.</p> <p>(b) are designed to accommodate any adjacent footpath;</p> <p>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</p> | |
| | <p>AO3.3</p> <p>Driveways are:</p> <p>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</p> | <p>Not Applicable</p> <p>Access would be provided by the existing lawfully approved access crossover and no new crossovers are proposed.</p> |



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| | <p>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</p> <p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> | |
| | AO3.4 | Not Applicable |



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| | 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. | Access would be provided by the existing lawfully approved access crossover and no new crossovers are proposed. |
| PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes. | AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities. | Not Applicable No wheel chair accessible car parking spaces are required as part of this development. |
| PO5 Access for people with disabilities is provided to the building from the parking area and from the street. | AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard. | Not Applicable Access for people with disabilities is not required as part of this development and was addressed as part of the original development in the site. |
| PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development. | AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b. | Not Applicable Bicycle parking is provided as part of the original development on the site. |



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| PO7 Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. | A07.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers); | Not Applicable End of trip facilities are not required for Multiple Dwelling Units. |
| | A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street. | Not Applicable Bicycle parking has been provided as part of the original development on the site. |
| | A07.3 Development provides visitor bicycle parking which does not impede pedestrian movement. | Not Applicable Bicycle parking has been provided as part of the original development on the site |
| PO8 Development provides walking and cycle routes through the site which: | A08 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: | Not Applicable The proposal relates to the material change of use of an existing self-contained Multiple Dwelling |



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| <p>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</p> <p>(b) encourage walking and cycling;</p> <p>(c) ensure pedestrian and cyclist safety.</p> | <p>(a) create a walking or cycle route along the full frontage of the site;</p> <p>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</p> | <p>(tourist) Unit to a Multiple Dwelling Unit capable of permanent and tourist accommodation only.</p> |
| <p>PO9</p> <p>Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <p>(a) in accordance with relevant standards;</p> <p>(b) so that they do not interfere with the amenity of the surrounding area;</p> | <p>AO9.1</p> <p>Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.</p> | <p>Complies with AO9.1</p> <p>The existing development has been assessed as complying with the relevant standards.</p> |
| | <p>AO9.2</p> <p>Service and loading areas are contained fully within the site.</p> | <p>Not Applicable</p> <p>No service or loading facilities are required as part of this application.</p> |



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| (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles. | <p>AO9.3</p> <p>The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. | <p>Not Applicable</p> <p>No service or loading facilities are required as part of this application.</p> |
| <p>PO10</p> <p>Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p> | <p>AO10.1</p> <p>Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; | <p>Not Applicable</p> <p>No queueing or set down areas are required as part of this application.</p> |



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| | (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. | |
| | AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1. | Not Applicable No queueing or set down areas are required as part of this application. |



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

I,

Sole Director/Secretary of the company mentioned below.

I, Edwin James Mardon

Director of the company mentioned below.

and I, Patricia Ann Mardon

OF EPM PROPERTY MANAGEMENT PTY LTD A C N. 092 434 805

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

401/56-64 Macrossan Street Port Douglas being Lot 401 on SP 212663, Title Reference 502725709

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

ANDREAS LOEFSGAARD & LINE CICILIE FENGSRUD LOEFSGAARD

on the premises described above for:

MATERIAL CHANGE OF USE - MULTIPLE DWELLING UNIT

Company seal

Company Name and ACN:

Signature of Sole Director/Secretary

Date

Company Name and ACN: EPM PROPERTY MANAGEMENT PTY LTD A.C.N. 092 434 805

Signature of Director

20/5/2021
Date

x

Signature of Director/Secretary

20/5/2021
Date