

20 October 2021

Our ref: 521-150

Your ref: MCUC 2010_3817/2

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4883

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

Attn: Jenny Elphinstone

Dear Jenny,

Combined Change application (Minor Change) to Decision notice MCUC 2010_3817/1 for Restaurant and Shopping facilities and Reconfiguring a Lot (Boundary realignment and creation of an access easement) at 20 Warner Street, and 23-25 Macrossan Street, Port Douglas

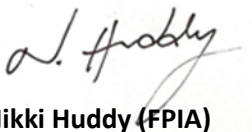
Further to Council's Decision Notice dated 15 October 2019, we are seeking a change to conditions of the approval and a new application for Reconfiguring a Lot (boundary realignment and creation of access easement). Attached is a combined application for a Minor Change at 20 Warner Street, and 23-25 Macrossan Street, Port Douglas.

The relevant information for the application is:

Applicant:	Deal Corporation C/- Planz Town Planning	
Mailing address:	PO Box 181 Edge Hill, 4870, QLD	
Landowner:	Scali Nominees Pty Ltd and Second York Pty Ltd	
Application Fee:	Boundary Realignment	\$988
	Creation of access easement	\$988
	Minor Change	\$450
	Total	\$2,426

If you require any further information please do call me.

Yours sincerely,



Nikki Huddy (FPIA)
Registered Planner
Planz Town Planning

Att:

1. DA Form 1
2. DA Form 5
3. Planning report
4. Amended Proposal Plans
5. Decision Notice (15/10/19)

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)	Deal Corp
Contact name (only applicable for companies)	C/- Planz Town Planning
Postal address (P.O. Box or street address)	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	
Contact number	0447323384
Email address (non-mandatory)	info@planztp.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		20	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	SP316373	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		23-25	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	2	SP316373	Douglas Shire Council

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 application (Minor change) to existing Material Change of Use for Restaurant and Shopping facilities

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):*

Reconfiguring a lot (boundary realignment and access easement)

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 checked="" 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)
Change to site layout	Restaurant and Shopping facilities	Na	436
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 checked="" type="checkbox"/> Boundary realignment (complete 12))	<input checked="" 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)
Lot 1 on SP316373	855	101	980
Lot 2 on SP316373	1,022	102	898
12.2) What is the reason for the boundary realignment?			
To provide necessary number of carparking spaces on each lot.			

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
Existing	2.95	10.5	access	Lot 2 SP316373
Proposed	~5	~5	access	Proposed lot 102

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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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 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	MCUC 2010 3817/2	15 October 2019	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.dsdmp.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.dsdmp.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:	
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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.dsdmp.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Change application form

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Deal Corp
Contact name (only applicable for companies)	C/- Planz Town Planning
Postal address (P.O. Box or street address)	PO Box 181
Suburb	Edge Hill
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	info@planztp.com
Mobile number (non-mandatory)	0447323384
Applicant's reference number(s) (if applicable)	

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

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> Street address AND lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		20	Warner Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	SP316373	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		23-25	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	2	SP316373	Douglas Shire Council



**Queensland
Government**

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

PART 3 – RESPONSIBLE ENTITY DETAILS

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

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

Douglas Shire Council

PART 4 – CHANGE DETAILS

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

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCUC 2010 3817/2	15 October 2019	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

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

Changing the internal layout to provide enhanced guest experience.

6.2) What type of change does this application propose?

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

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

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

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

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

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

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

☐ No

☐ Yes

9) Development details

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

☒ No

☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☒ No

☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

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

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

☒ No

☐ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

☒ I agree to receive an information request if determined necessary for this change application

☐ I do not agree to accept an information request for this change application

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

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

12) Further details

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

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

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

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

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

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

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

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

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

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

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

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

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

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

Date received: Reference number(s):

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Consent to the making of a development application under the *Planning Act 2016*

I / we:

On behalf of: Second York Pty Ltd & Scali Nominees Pty Ltd

Of premises identified as: 20 Warner Street & 23-25 Macrossan Street, Port Douglas
Insert street address

Described as: Lot 1 on SP316373 and Lot 2 on SP316373
Insert Real Property Description

Consent to Planz Town Planning making applications for: Combined Application for Minor Change to existing Material Change of Use (Restaurant and Shopping Facilities) and Reconfiguring a Lot (Boundary Realignment & Access Easement)



J. KOBRTZ

19/10/21

[Signature of Owner / Director** / Body Corporate**]

[Date]

** If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

DIRECTOR

SCALI NOMINEES PTY LTD

[Signature of Owner / Director / Body Corporate]

[Date]

** If signing on behalf of Company or Body Corporate - insert name of Company or Body Corporate

**Guide – To determine who is the owner of the land

Landowner: The Person, Company, or Body Corporate shown on the rates notice or lease documents.

When there are multiple owners: The consent of each owner must be obtained.

When there are multiple lots: The consent of each of those landowners is required.

When the owner is a company: The company must consent to the application in accordance with Section 127 of The Corporations Act 2001

Easements: The consent of easement owners is not always required. This is considered on an application by application basis.

Leases: If the land leased to you from someone else, Council or State, the lessors (not you) of the land must give the owner's consent.

State owned land: If the land is state-owned land that is leased or subleased, The State as the lessor of the land must give owner's consent

Power of attorney: If power of attorney has been granted authorising another person to sign on the owner's behalf, a certified copy of the power of attorney is required to accompany the consent.



COMBINED CHANGE APPLICATION AND APPLICATION FOR A DEVELOPMENT PERMIT

COMBINED APPLICATION FOR MINOR CHANGE TO EXISTING
MATERIAL CHANGE OF USE (RESTAURANT AND SHOPPING
FACILITIES) AND RECONFIGURING A LOT (BOUNDARY
REALIGNMENT & ACCESS EASEMENT)
20 WARNER STREET & 23-25 MACROSSAN STREET,
PORT DOUGLAS

PREPARED BY

PLANZ TOWN PLANNING PTY LTD

on behalf of

SCALI NOMINEES PTY LTD & SECOND YORK PTY LTD

CREATING GREAT PLACES FOR PEOPLE

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Application Summary

Application details	
Proposal	Change Application (minor change) for Material Change of Use (Restaurant and Shopping Facilities) Development Permit for Reconfiguring a Lot – Boundary Realignment and Access Easement
Applicant	Scali Nominees Pty Ltd and Second York Pty Ltd
Property Owner	Scali Nominees Pty Ltd and Second York Pty Ltd
Address	20 Warner Street & 23-25 Macrossan Street, Port Douglas
Real Property Description	20 Warner St: <ul style="list-style-type: none"> • Lot 1 on SP316373 • Easement D on SP316373 (access easement) • Easement B on SP204455 (access easement) 23-25 Macrossan St: <ul style="list-style-type: none"> • Lot 2 on SP316373
Local Government Area	Douglas Shire Council
Lot Size	20 Warner St: 855m ² 23-25 Macrossan St: 1,022m ²
Zone	Centre Zone
Current Use	20 Warner St: Vacant 23-25 Macrossan St: Restaurant and shopping facilities
Level of Assessment	Code
Applicable Codes	Centre Zone code Port Douglas / Craiglie Local Plan code Acid Sulfate Soils Overlay code Coastal Environment Overlay code Flood and Storm Tide Hazard Overlay code Transport Network Overlay code Access, Parking and Servicing code Environmental Performance code Filling and Excavation code Infrastructure Works code Landscaping code Vegetation Management code
Referral Triggers	None

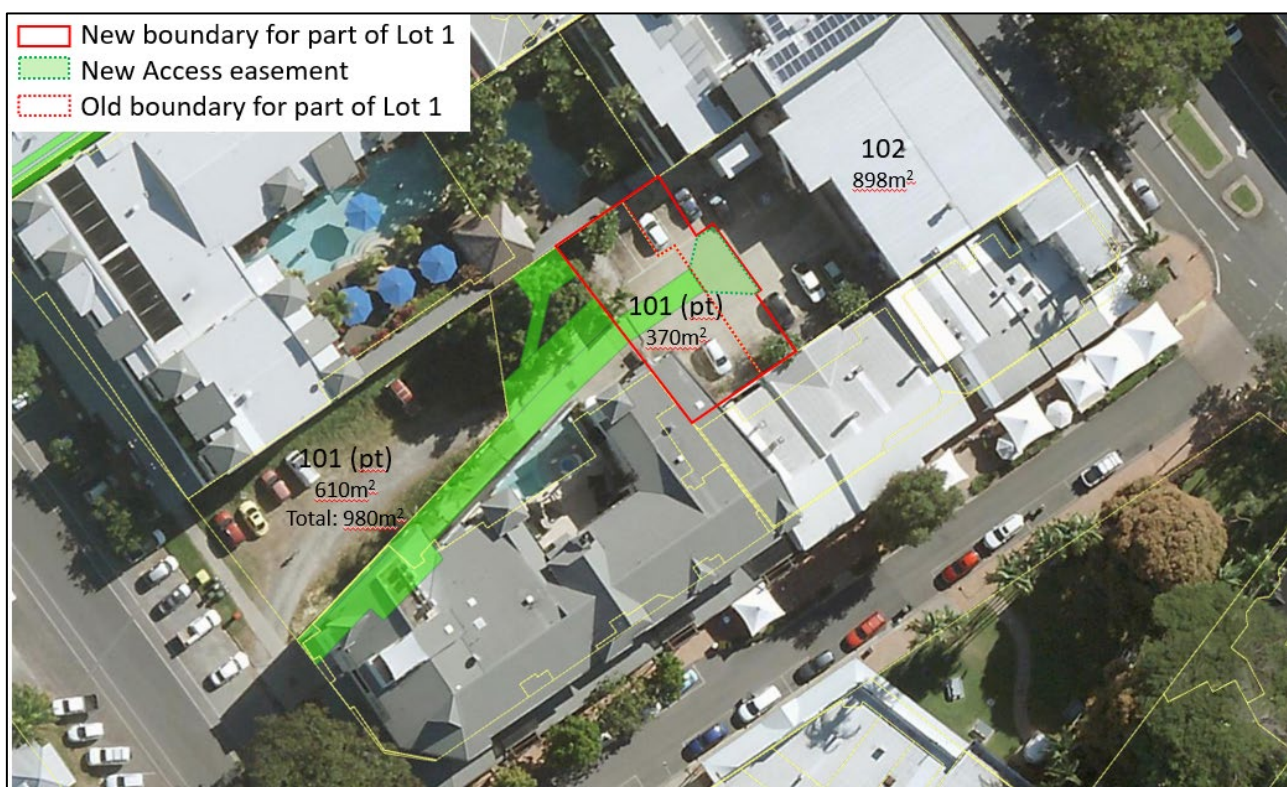
1 PROPOSED DEVELOPMENT

1.1 Nature of the Proposal

This application is over land located at 20 Warner Street & 23-25 Macrossan Street, Port Douglas described as Lot 1 SP316373 and Lot 2 SP316373, and is for a combined application for code assessable development for:

1. Change Application for Material Change of Use (restaurant and shopping facilities); and
2. Reconfiguring a Lot for boundary realignment and creation of an access easement.

The development includes realigning the boundary to include a part of Lot 2 SP316373 into Lot 1 SP316373. The proposal plan is shown below:



The proposal is to enable excess carparking on Lot 2 SP316373 to be used for a proposed hotel development on Lot 1 SP316373. The proposed hotel is the subject of a separate development application (Council reference MCUC 2019_3365/2). A minor change to this approval will be lodged separately with Council.

1.2 The Site

The land the subject of this application is located on Warner Street and Macrossan Street between Grant and Wharf Streets, in Port Douglas township (refer Figure 2). The Warner Street site is 855m² in area and is currently vacant, while the Macrossan Street site was developed in 2011 and has an approval for restaurant and shopping facilities. The site is currently used predominantly for shopping facilities.

Three easements exist adjacent and on the sites. Two access easements benefit land, and provide access to the Macrossan Street site and the basement carparking of the adjoining Mantra 'In the Village'.



Figure 2: Locality Map

The lots are located in the Centre Zone, Precinct 1a and are affected by the Port Douglas / Craiglie Local Plan and the following overlays:

- Acid Sulfate Soils Overlay;
- Coastal Environment Overlay;
- Flood and Storm Tide Hazard Overlay; and

- Transport Network Overlay.



The development site at 20 Warner Street is significantly constrained in terms of the available space, configuration and flood level. This application seeks to enable excess car parking at the rear of the 23-25 Macrossan Street site to be better utilised for the proposed hotel development at 20 Warner Street.



Photos 1 & 2: The site viewed from Warner Street



Photo 3: View of 20 Warner Street, from Macrossan Street site



Photo 4: Part of the Macrossan Street site to be excised



Photo 5: Existing access easement

2 PLANNING CONSIDERATIONS

2.1 Planning Act 2016

The combined development application seeks approval for a Change Application for Material Change of Use (restaurant and shopping facilities) and Development Permit for Reconfiguring a Lot (boundary realignment and creation of an access easement).

The Planning Act 2019 defined Minor change as:

- (a) *for a development application—*
 - (i) *does not result in substantially different development; and*
 - (ii) *if the application, including the change, were made when the change is made—would not cause—*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies; or*
 - (D) *a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application; or*
- (b) *for a development approval—*
 - (i) *would not result in substantially different development; and*
 - (ii) *if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than to the chief executive; or*
 - (D) *a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the*

- referral agency must have assessed the application against, or had regard to, when the application was made; or*
- (E) *public notification if public notification was not required for the development application.*

The proposed development satisfies the requirements for a Minor change as per (b) above.

2.2 State Interest

The Planning Regulations and State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The lots are mapped as containing:

- Coastal erosion prone area (both lots);
- Coastal medium storm tide inundation area (Lot 1 SP316373)
- Coastal – high storm tide inundation area (Lot 1 SP316373)
- Area within 25m of a State-controlled road (Lot 2 SP316373)

Referral is not required for this application, as there is no referral trigger for this site or this development.

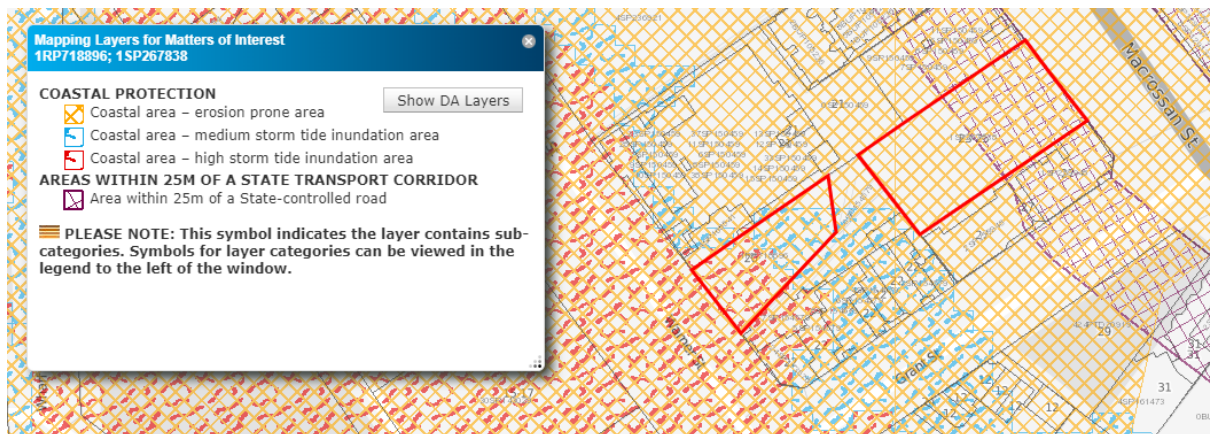


Figure 4: Extract from DA Mapping

2.3 Planning Scheme Assessment

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

2. The Acceptable Outcomes that are nominated in the Codes are just one means by which the Performance Outcomes may be achieved.

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

Planning Scheme Assessment Table Codes		Applicability
Zone Code	Centre Zone	✓
Local Plan	Port Douglas / Craigie Local Plan	✓
Overlay Codes	8.2.1 Acid Sulphate Soils	✓
	8.2.3 Coastal Environment	✓
	8.2.4 Flood and storm tide hazard	✓
	8.2.10 Transport Network	✓
Other Development Codes	9.4.1 Access, parking and servicing	✓
	9.4.3 Environmental performance	✓
	9.4.4 Filling and Excavation	✓
	9.4.5 Infrastructure works	✓
	9.4.6 Landscaping	✓
	9.4.7 Reconfiguring a lot code	✓
	9.4.9 Vegetation management	✓

2.4 Compliance

The Access, parking and servicing code recognises that there is a lower demand for onsite parking within Precinct 1 of the Port Douglas precinct as per the Port Douglas – Craigie Local Plan. The approved development has a Gross Floor Area (GFA) of 436m² and 9 onsite parking spaces are proposed to be provided following the Reconfiguring a Lot (boundary realignment) aspect of the application. The provision of 9 spaces is in excess of 1 space per 50m² of GFA. The site is centrally located within the Port Douglas Town Centre and is highly accessible to a significant residential catchment. The provision of 9 onsite parking spaces is sufficient to cater for the amount of vehicle traffic generated by both the Restaurant and Shopping facility uses.

The proposed change application and reconfiguring a lot (boundary realignment and access easement) complies with all applicable assessment benchmarks.

2.5 Existing Approval

Council issued a Decision Notice for a Minor Change on 15 October 2019. The relevant conditions of this approval that form part of the change application are the approved plans of development and Condition 14.

It is requested that the approved plans be amended as follows:

Drawing or Document	Reference	Date
Site / Floor Plan	Drawing PO2 B prepared by Wolveridge Architects <u>Drawing PO2 C prepared by</u> <u>Wolveridge Architects</u>	9 September 2019 <u>29 September 2021</u>
Elevations	Drawing PO3-A prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010
Sections	Drawing PO4-A prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010

It is requested that Condition 14 be amended to read as follows:

Vehicle Parking

14. The amount of vehicle parking must be as specified in Council's Planning scheme which is a minimum of ~~12~~ 9 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

3 INFRASTRUCTURE

3.1 Effluent Disposal

Both lots are connected to the Council's reticulated sewerage infrastructure.

3.2 Water Supply

Both lots are connected to the Council's reticulated water supply infrastructure.

3.3 Excavation and Fill

Excavation or fill is not required for the proposed change application or reconfiguring a lot.

4 CONCLUSION

The proposed change application and reconfiguring a lot (boundary realignment and access easement) is considered appropriate, and will maximise the efficient use of land within the Port Douglas Town Centre. The proposed development will allow the development of a boutique hotel on 20 Warner Street by providing additional land for carparking spaces on lot 101.

The proposal provides for the sufficient number of on-site carparking spaces for the existing development at 23-25 Macrossan Street and will not alter the existing access to either site. An extension of the access easement will ensure access is maintained from Warner Street to the parking at 23-25 Macrossan Street.

The site is centrally located within the Port Douglas Town Centre and is highly accessible to a significant residential catchment. The proposal can achieve the acceptable outcomes of the relevant planning scheme codes and Council is requested to approve the application subject to reasonable conditions.

APPENDIX 1: ASSESSMENT AGAINST THE PLANNING SCHEME

6.2.1 Centre zone code

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

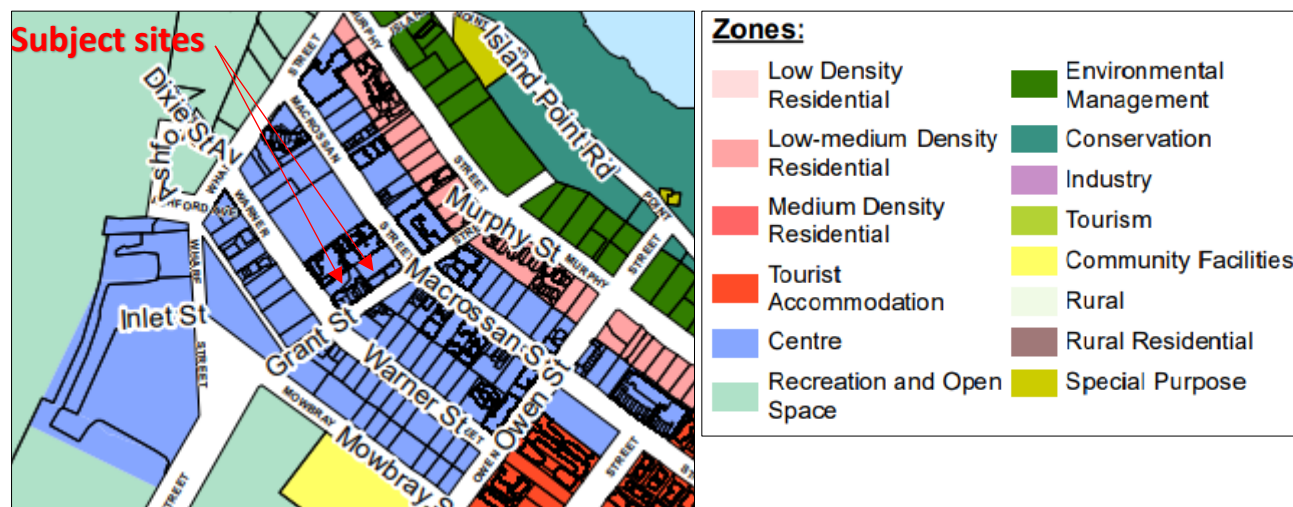


Figure 6: Extract from Planning Scheme Zone Map

Table 6.2.1.3.a – Centre zone – assessable development

Performance Outcomes	Acceptable Outcomes	Applicant Response
For self-assessable and assessable development		
PO1 The height of all buildings is in keeping with the character of the surrounding residential neighbourhoods and must not adversely affect the amenity of the neighbourhood.	AO1.1 The maximum height of buildings and structures is: (a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing
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:	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing

Performance Outcomes	Acceptable Outcomes	Applicant Response
	(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.	
	A02.2 Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres.	Complies The sites adjoin land within the Centre zone.
	A02.3 Where adjoining land in any other zone, buildings are setback 3 metres or ¼ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A02.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas: (a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in A02.1(b) above; (b) adjacent to the boundary with the other zone for the setback area nominated in A02.3 above.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P03	A03 Site coverage does not exceed 80%, unless otherwise specified in a Local plan.	Complies The Macrossan Street site is already developed, and the proposed boundary realignment will

Performance Outcomes	Acceptable Outcomes	Applicant Response
The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.		reduce the lot size to 898m ² . This will result in the site coverage of the development of approx. 68%.
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.	A04 Inconsistent uses as identified in Table 6.2.1.3.b are not established in the Centre zone.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO5 Development provides a range of convenient goods and services for the daily needs of discrete residential communities.	A05 Development complies with the requirements specified in a local plan.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
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.	A06 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A05.2 Buildings and structures and associated infrastructure are not located on slopes greater than 1 in 6 (16.6%) or on a ridgeline.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
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.	A07 No acceptable outcomes are prescribed.	Complies The proposed boundary realignment will result in the Macrossan Street site being of a regular shape and size, and will increase the lot size of the Warner Street site enabling a better development outcome. The lot sizes proposed are greater than 600m².

7.2.4 Port Douglas/Craigie local plan code

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

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:.
 - (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:
 - (a) • Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;
 - (b) • Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;
 - (c) • Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;
 - (d) • Port Douglas centre sub-precinct 1d – Limited development subprecinct;
 - (e) • Port Douglas centre sub-precinct 1e – Community and recreation precinct;
 - (f) • 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;
 - (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 subprecinct 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 subprecinct 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;
 - (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.

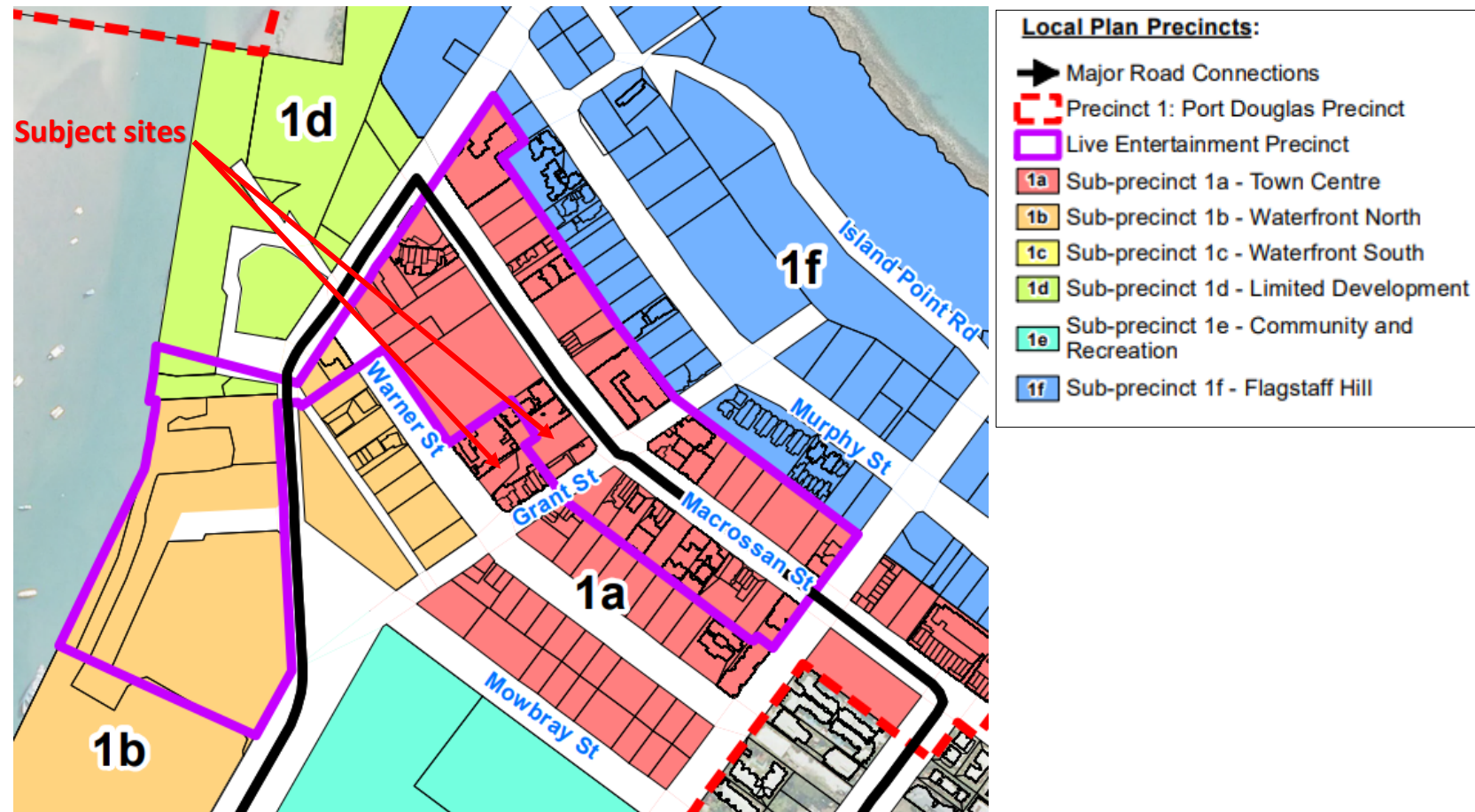


Figure 7: Extract from Port Douglas / Craigie Local Plan Precinct 1

Performance Outcomes	Acceptable Outcomes	Applicant Response
For self-assessable and assessable development		
Development in the Port Douglas / Craigie local plan area generally		
PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.	AO1 A pedestrian and cycle movement network is integrated and delivered through development.	Complies The Reconfiguring a Lot aspect will not affect pedestrian and cycle movement networks. Complies No building work is required for the Material Change of Use aspect as all structures are existing.
PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2).	AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; (g) Macrossan Street and Warner Street; (h) Port Douglas waterfront.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO2.2 Development protects and does not intrude into important views and vistas as identified on the Port	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	Douglas Townscape Plan map contained in Schedule 2, in particular: (a) Flagstaff Hill; (b) Four Mile Beach; (c) Across to the ranges over Dickson Inlet; (d) Mowbray Valley.	
	A02.3 Important landmarks, memorials and monuments are retained.	Complies No important landmarks, memorial or monuments exist on the sites.
PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	A03 Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.	A04 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.	Complies Not applicable for Reconfiguring a Lot aspect. No building or landscaping is proposed for the Material Change of Use aspect as all structures are existing.
PO5 Development does not compromise the safety and efficiency of the State-controlled road network.	A05 Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	Complies The proposed ROL will not affect existing access to the sites.

Performance Outcomes	Acceptable Outcomes	Applicant Response
For assessable development		
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.	Complies The Reconfiguring a Lot aspect will not affect impede views as identified on the local plan maps. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO7 Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape; (b) are designed to minimise pedestrian vehicle conflict; (c) are clearly identified and maintain ease of access at all times.	AO7.1 For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or (c) wrapped by the building façade, and not visible from the street.	Complies The carparking area for the existing development will be retained.
	AO7.2 Ground level parking incorporates clearly defined pedestrian routes.	Complies The carparking area for the existing development will be retained.
	AO7.3 Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.	Complies The carparking area for the existing development will be retained.
	AO7.4 Where the development is an integrated mixed use development incorporating short term accommodation or multiple dwellings and either	Not applicable

Performance Outcomes	Acceptable Outcomes	Applicant Response
	food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.	
	AO7.5 On-site car parking available for public use is clearly signed at the site frontage.	Complies
	AO7.6 Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	Complies
PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	AO8 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Additional requirements for Sub-precinct 1a – Town Centre sub-precinct		
PO9 Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre subprecinct and external to the town centre subprecinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.	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.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO10 Building design, the streetscape, pedestrian paths and street front spaces promote integration with	AO10 No acceptable outcomes are prescribed	Complies Not applicable for Reconfiguring a Lot aspect.

Performance Outcomes	Acceptable Outcomes	Applicant Response
the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.		No building work is required for the Material Change of Use aspect as all structures are existing.
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.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO13 Buildings do not result in a reduction of views and vistas from public places to: (a) Flagstaff Hill; (b) Dickson Inlet; (c) public open space; (d) places of significance	AO13 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO14 Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for the length of the building.	AO14 Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street frontage/s; or If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	metres and the required awning is still maintained along the length of the street frontage/s. Note – PO24 provides more detail on awning design.	
PO15 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO15.1 Centre activities establish: at street level on active street frontages; a maximum of one level above street level. AO15.2 Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO16 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.	AO16 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO17 Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: (a) surface decoration; (b) wall recesses and projections;	AO17 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance Outcomes	Acceptable Outcomes	Applicant Response
<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>P018</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 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>AO18</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies</p> <p>Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</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>(d) minimising heat loads;</p> <p>(e) enrich the North Queensland tropical character of the Town Centre sub-precinct;</p> <p>(f) provide architectural interest to building façades.</p>	<p>AO19</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies</p> <p>Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
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.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO21 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	AO21 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO22 Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.	AO22.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO22.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design;	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance Outcomes	Acceptable Outcomes	Applicant Response
	(d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	
PO23 Building facades that face public spaces at ground level: (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.	AO23 Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO24 Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across the frontage of the site; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height;	AO24 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance Outcomes	Acceptable Outcomes	Applicant Response
<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 loadbearing.</p>		
<p>PO25 Development integrates with the streetscape and landscaping improvements for Port Douglas.</p>	<p>AO25 Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.</p>	<p>Not applicable for ROL The proposed Reconfiguring a Lot aspect will not affect the existing development fronting Macrossan Street. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct – PO26 – PO51 Not applicable		
Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct - PO52 – PO60 Not applicable		
Additional requirements for Sub-precinct 1d – Limited Development sub-precinct – PO61 Not applicable		
Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct – PO62 Not applicable		
Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct – PO63 – PO64 Not applicable		
Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct – PO65 – PO66 Not applicable		

Performance Outcomes	Acceptable Outcomes	Applicant Response
Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct – PO67 – PO68 Not applicable		

8.2.1 Acid sulfate soils overlay code

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

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

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

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

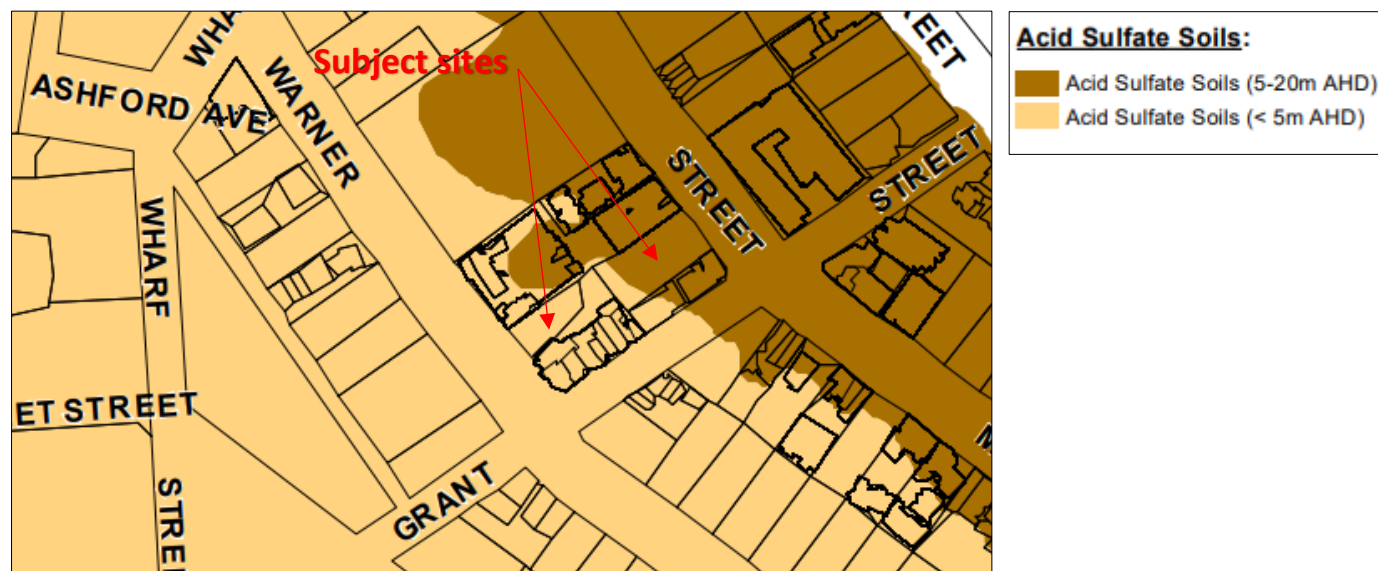


Figure 8: Extract from Acid Sulphate Soils Overlay Map

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

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2 An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p>	<p>AO2.1 The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: (d) actual acid sulfate soils being moved below the water table; (e) previously saturated acid sulfate soils being aerated. <p>or</p> <p>AO2.2 The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:</p> <ul style="list-style-type: none"> (f) neutralising existing acidity and preventing the generation of acid and metal contaminants; (g) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (h) preventing the in situ oxidation of potential acid sulfate soils and actual acid sulfate soils through ground water level management; (i) appropriately treating acid sulfate soils before disposal occurs on or off site; (j) documenting strategies and reporting 	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>requirements in an acid sulfate soils environmental management plan.</p> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p>PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>AO3 No acceptable outcomes are prescribed.</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

8.2.3 Coastal environment overlay code

The purpose of the Coastal environment overlay code is to:

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

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

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

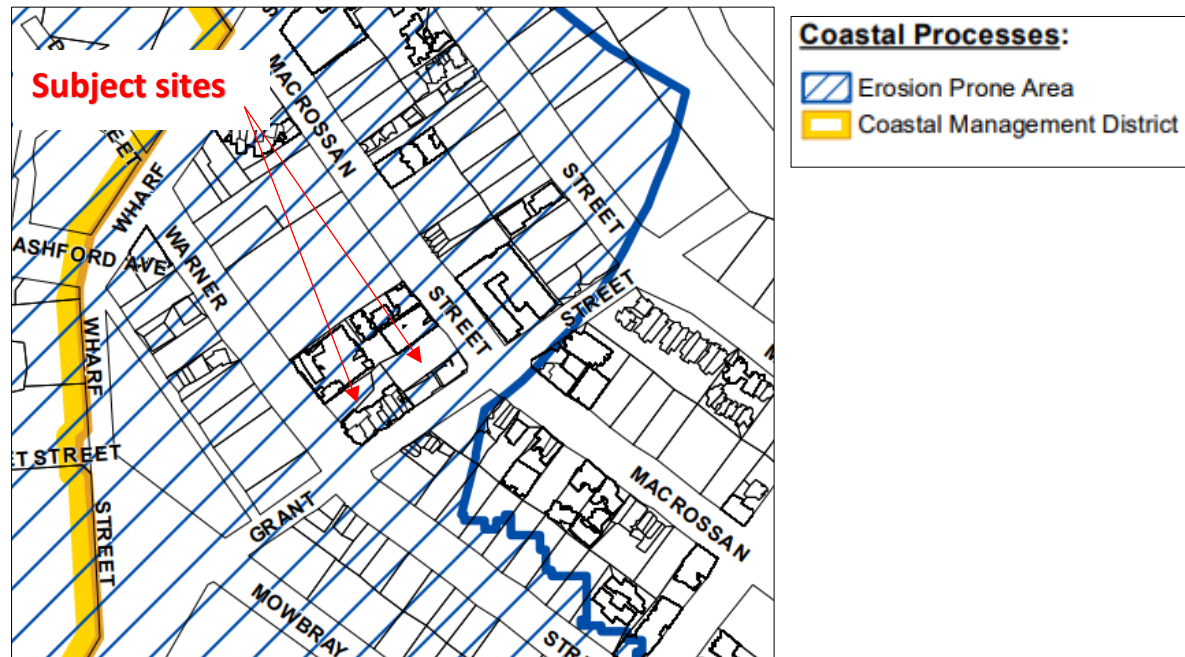


Figure 9: Extract from Coastal Processes Overlay Map

Performance outcomes	Acceptable outcomes	Applicant response
For self- assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	A01.1 Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line. Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.	Not applicable
	A01.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.	Not applicable
	A01.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.	Not applicable
	A01.4 Coastal protection work mitigates any increase in the coastal hazard.	Not applicable
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity	A02 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
and use of the coastal resource.	such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	
For assessable development		
Erosion prone areas		
P03 Development identifies erosion prone areas (coastal hazards).	A03 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P04 Erosion prone areas are free from development to allow for natural coastal processes.	A04.1 Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site)	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A04.2 Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by: (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
Coastal management districts		
PO5 Natural processes and protective functions of landforms and vegetation are maintained.	A05.1 Development within the coastal management district: <ul style="list-style-type: none"> (a) maintains vegetation on coastal land forms where its removal or damage may: <ul style="list-style-type: none"> (i) destabilise the area and increase the potential for coastal erosion, or (ii) interrupt the natural sediment trapping processes or dune or land building processes; (b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards; (c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards; (d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast; (e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures. 	Not applicable The development site is not located within a Coastal Management District.

Performance outcomes	Acceptable outcomes	Applicant response
	PO5.2 Where development proposes the construction of an erosion control structure: (a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and (b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring.	Not applicable
	AO5.3 Development involving reclamation: (a) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability; (b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state; (c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water runoff erosion.	Not applicable
PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	AO6.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>and</p> <p>A06.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure;</p> <p>And</p> <p>A06.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.</p> <p>And</p> <p>A06.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources.</p> <p>And</p> <p>A06.5 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
P07 Development is to maintain access to and along the foreshore for general public access.	A07.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and A07.2 Development provides for regular access points for vehicles including approved roads and tracks. or A07.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	Not applicable
P08 Public access to the coast is appropriately located, designed and operated.	A08.1 Development maintains or enhances public access to the coast. Or A08.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres. or A08.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.	Not applicable
P09 Development adjacent to state coastal land or tidal water is located, designed and operated to: (a) maintain existing access to and along the	A09.1 Development adjacent to state coastal land or tidal water: (a) demonstrates that restrictions to public access	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>foreshore;</p> <p>(b) minimise any loss of access to and along the foreshore, or</p> <p>(c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location.</p>	<p>are necessary for:</p> <p>(i) the safe and secure operation of development;</p> <p>(ii) the maintenance of coastal landforms and coastal habitat; or</p> <p>(b) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for:</p> <p>(i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms;</p> <p>(ii) vehicles via access points including approved roads or tracks.</p>	
	<p>A09.2 Development adjacent to state coastal land or tidal water:</p> <p>(a) is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access;</p> <p>(ii) ensure emergency vehicles can access the area near the development.</p> <p>Or</p> <p>(a) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under</p>	<p>Not applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>or around built infrastructure located on, over or along the foreshore, and</p> <p>(ii) ensure emergency vehicles can access the area near the development</p>	
<p>PO10</p> <p>Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.</p>	<p>AO10.1</p> <p>Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken.</p> <p>or</p> <p>AO10.2</p> <p>Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>	Not applicable
<p>PO11</p> <p>Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.</p>	<p>AO11</p> <p>Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark.</p>	Not applicable
<p>PO12</p> <p>Development in connection with an artificial waterway enhances public access to coastal waters.</p>	<p>AO12</p> <p>The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.</p>	Not applicable
Coastal landscapes, views and vistas		
<p>PO13</p> <p>Development maintains and / or enhances natural</p>	<p>AO13</p> <p>No acceptable outcomes are prescribed.</p>	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
coastal landscapes, views and vistas.		
PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	AO14 No acceptable outcomes are prescribed.	Complies
Private marine development		
PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.	AO15 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark. Note – For occupation permits or allocations of State land, refer to the Land Act 1994.	Not applicable
PO16 The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.	AO16 Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.	Not applicable
PO17 Private marine development is of a height and scale and size compatible with the character and amenity of the location.	AO17 Private marine development has regard to: (a) the height, scale and size of the natural features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>the locality; (c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size.</p> <p>Note – The prescribed tidal works code in the Coastal Protection and Management Regulation 2003 outlines design and construction requirements that must be complied with.</p>	
PO18 Private marine development avoids adverse impacts on coastal landforms and coastal processes.	AO18 Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.	Not applicable
For dry land marinas and artificial waterways		
PO19 Dry land marinas and artificial waterways: (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality; (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: (i) coastal dependent development, public marine development; or	AO19 No acceptable solutions are prescribed.	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>(ii) community infrastructure, where there is no feasible alternative; or</p> <p>(iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or</p> <p>(iv) coastal protection works or works necessary to protect coastal resources and processes.</p>		

8.2.4 Flood and storm tide hazard overlay code

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

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

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

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

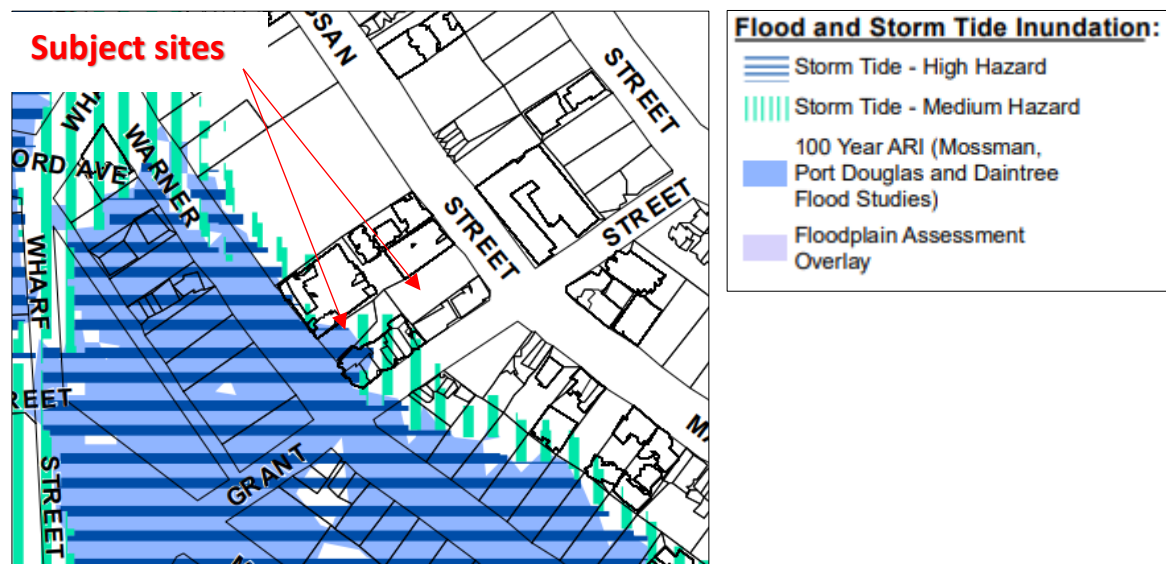


Figure 10: Extract from Flood and Storm Tide Inundation Overlay Map

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

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development and self-assessable development		
PO1 Development is located and designed to: <ul style="list-style-type: none"> ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 	AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or For dwelling houses, AO1.2	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p> <p>AO1.3 New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p> <p>AO1.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	
For assessable development		
<p>PO2 The development is compatible with the level of risk associated with the natural hazard.</p>	<p>AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.</p>	<p>Not applicable.</p>
<p>PO3 Development siting and layout responds to flooding</p>	<p>For Material change of use</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect.</p>

Performance outcomes	Acceptable outcomes	Applicant response
potential and maintains personal safety	<p>A03.1 New buildings are: (d) not located within the overlay area; (e) located on the highest part of the site to minimise entrance of flood waters; (f) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p> <p>or</p> <p>A03.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p>A03.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	No building work is required for the Material Change of Use aspect as all structures are existing.
	<p>For Reconfiguring a lot</p> <p>A03.4 Additional lots:</p>	<p>Complies No new lots or access ways will be created.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the Building Act 1975.</p> <p>A03.5 Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and (b) by direct and simple routes to main carriageways.</p>	

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

Performance outcomes	Acceptable outcomes	Applicant response
	<p>floor.</p> <p>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</p>	
	<p>AO4.3</p> <p>Materials are stored on-site:</p> <p>(a) are those that are readily able to be moved in a flood event;</p> <p>(b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes –</p> <p>(a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>(b) Queensland Government Fact Sheet ‘Repairing your House after a Flood’ provides information about water resilient products and building techniques.</p>	<p>Complies</p> <p>Not applicable for Reconfiguring a Lot aspect.</p> <p>No building work is required for the Material Change of Use aspect as all structures are existing.</p>
<p>PO5</p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p>	<p>For Operational works</p> <p>AO5.1</p> <p>Works in urban areas associated with the proposed development do not involve:</p> <p>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</p>	<p>Complies</p> <p>Not applicable for Reconfiguring a Lot aspect.</p> <p>No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>(b) a net increase in filling (including berms and mounds).</p> <p>A05.2 Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m³ ; or</p> <p>(b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters; or</p> <p>(c) do not change flood characteristics outside the subject site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</p>	
	<p>For Material change of use</p> <p>A05.3 Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <p>(g) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>subject site; and</p> <p>(h) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p>	
	<p>For Material change of use and Reconfiguring a lot AO5.4</p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	<p>Complies.</p> <p>The development is within an urban area.</p>
<p>PO6</p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use AO6.1</p> <p>Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>Or</p> <p>AO6.2</p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level; or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p>	<p>Complies</p> <p>Not applicable for Reconfiguring a Lot aspect.</p> <p>No building work is required for the Material Change of Use aspect as all structures are existing.</p>
	<p>AO6.3</p>	<p>Complies</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p>	<p>Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
	<p>AO6.4 If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements related to the manufacture and storage of hazardous materials.</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
<p>PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>AO7 Development does not:</p> <ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes. 	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
<p>PO8 Development involving community infrastructure:</p> <ul style="list-style-type: none"> (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or 	<p>AO8.1 The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) residential care facility; and 	<p>Not applicable The proposed development does not involve community infrastructure or include any of the uses listed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>environment due to impacts of flooding on infrastructure, facilities or access and egress routes;</p> <p>(c) retains essential site access during a flood event;</p> <p>(d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.</p>	<p>(d) utility installations involving water and sewerage treatment plants; and</p> <p>(e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).</p> <p>Or</p> <p>A08.2 The following uses are not located on land inundated during a 1% AEP flood event:</p> <p>(a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the Child Care Act 2002 is conducted,</p> <p>(b) community centres;</p> <p>(c) meeting halls;</p> <p>(d) galleries;</p> <p>(e) libraries.</p> <p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <p>(a) emergency shelters;</p> <p>(b) police facilities;</p> <p>(c) sub stations;</p> <p>(d) water treatment plant.</p> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <p>(a) correctional facilities;</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(b) emergency services; (c) power stations; (d) major switch yards.</p> <p>and/or</p> <p>A08.3 The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c: (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants.</p> <p>A08.4 Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are: (a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration.</p> <p>A08.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p>	

8.2.10 Transport network overlay code

The purpose of the Transport network overlay code is to:

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

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

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

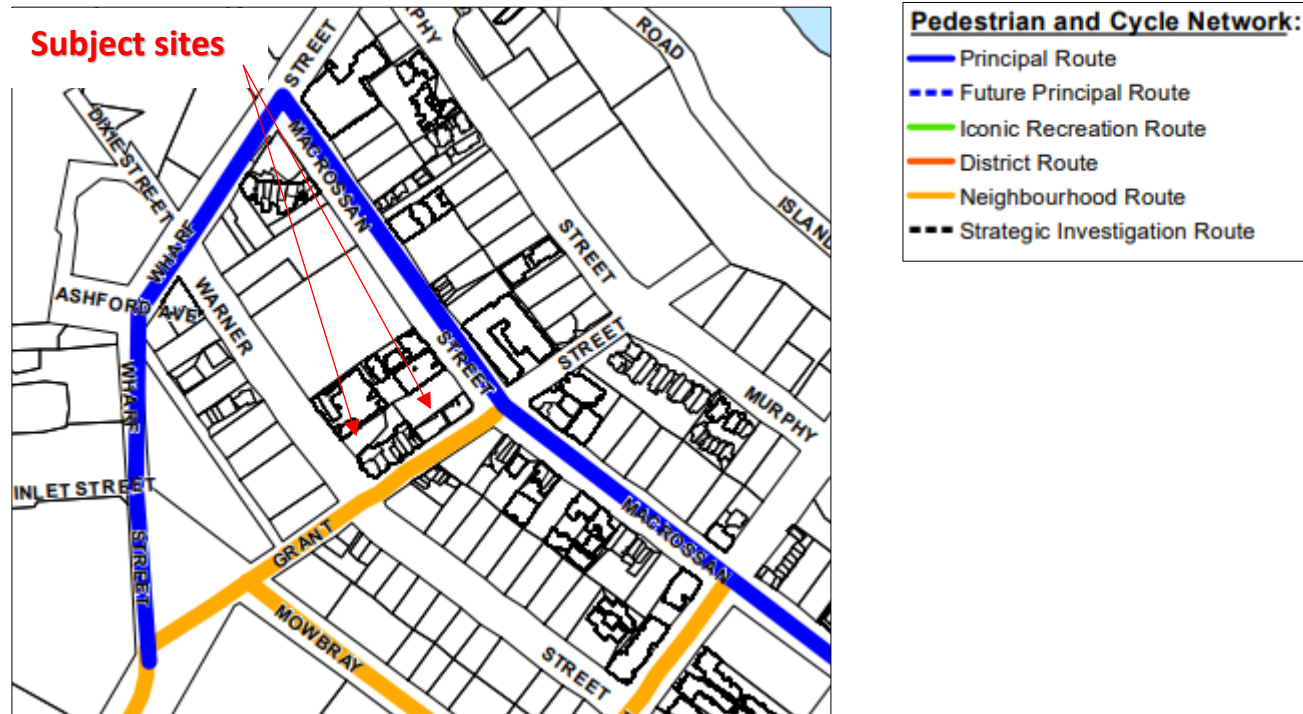


Figure 11: Extract from Transport Network (Pedestrian and Cycle) Overlay Map

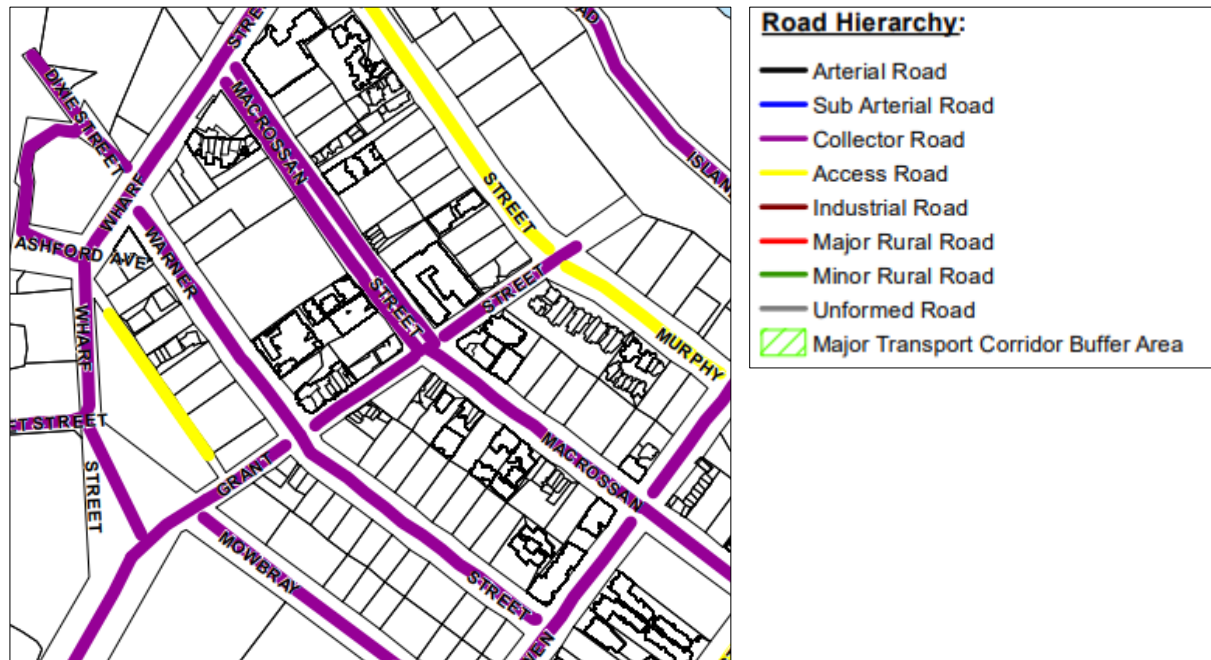


Figure 12: Extract from Transport Network (Road Hierarchy) Overlay Map

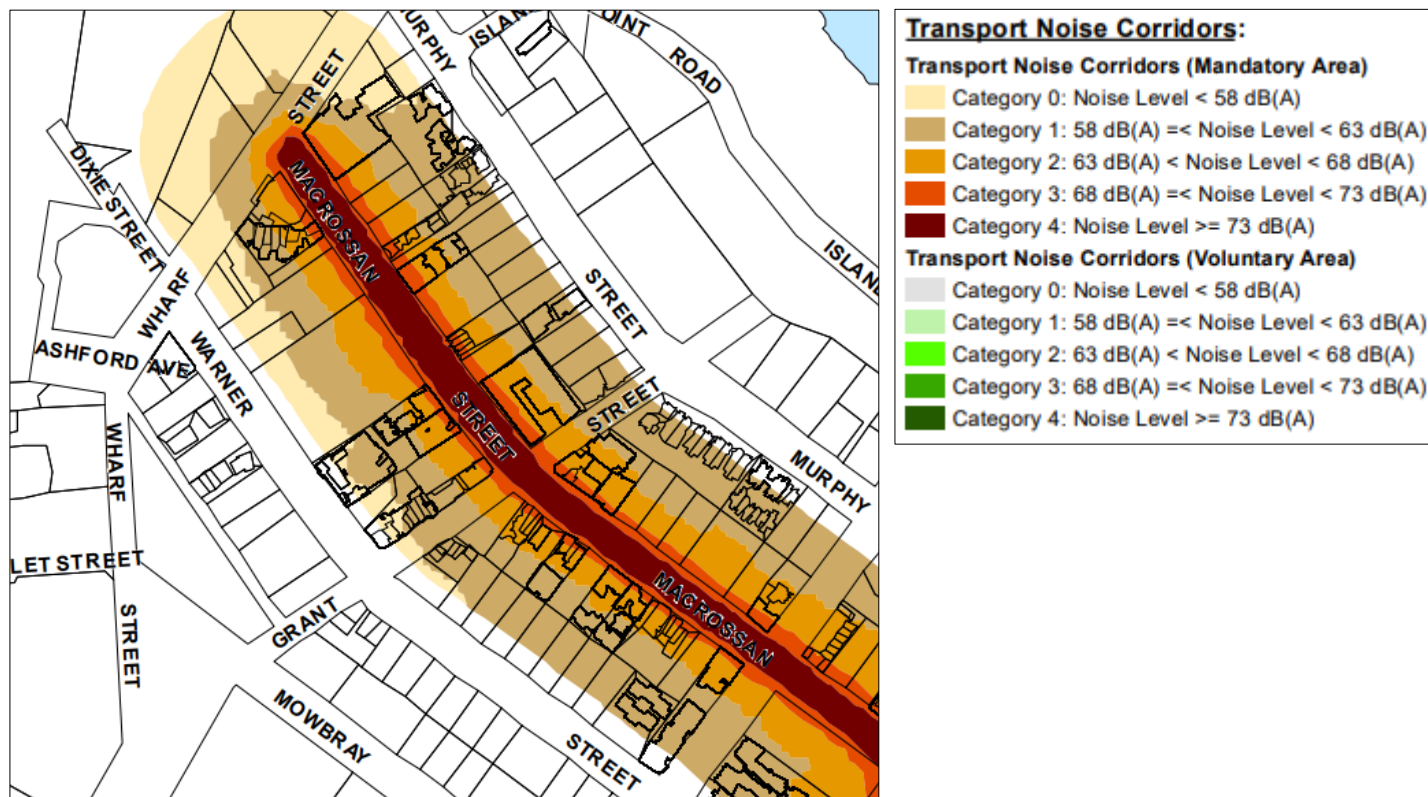


Figure 13: Extract from Transport Network Overlay Map 1:15,000 Map

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

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO1 Development supports the road hierarchy for the region. Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.2 Development does not compromise the safety and efficiency of the transport network.	Complies Access to the Macrossan Street site is via an existing crossover and shared access easement from Warner Street. The proposed ROL includes the creation of a new access easement ensuring access to Macrossan Street site is maintained as per current arrangements. The development will not compromise the safety and efficiency of the transport network.
	AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	Complies The sites are only accessible from Warner Street.
PO2 Transport infrastructure is provided in an integrated and timely manner. Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan. Note – The Translink Public Transport Infrastructure Manual	Not applicable Access to the development sites is via an existing crossover and shared access easement.

Performance outcomes	Acceptable outcomes	Applicant response
	provides guidance on the design of public transport facilities.	
PO3 Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	AO3 No acceptable outcomes are prescribed. Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	Complies. The development does not involve a sensitive land use.
PO4 Development does not compromise the intended role and function or safety and efficiency of major transport corridors. Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO4.1 Development is compatible with the role and function (including the future role and function) of major transport corridors.	Complies The development site does not directly access a major transport corridor.
	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	Complies Direct access is not provided to a major transport corridor.
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with: (a) the Transport network overlay maps contained in Schedule 2; and (b) any relevant Local Plan.	Complies
	AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.	Complies Direct access is not provided to a major transport corridor.

Performance outcomes	Acceptable outcomes	Applicant response
P05 Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.	A05 No acceptable outcomes are prescribed.	Complies Existing vegetation between the site and major transport corridor will be retained.
Pedestrian and cycle network		
P06 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO6.1 Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.	Not applicable The proposed ROL will not affect the pedestrian and cycle movement network.
	AO6.2 The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.	Not applicable

9.4.1 Access, parking and servicing code

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

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

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

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; 	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 The Gross Floor Area of the development at the Macrossan Street site is 436m² which triggers the need for 9 on-site parking spaces when calculating the parking demand as 1 space per 50m² of GFA. The provision of 9 on-site parking spaces is considered sufficient to cater for the amount of vehicle traffic expected to be generated at the site given the accessibility the site is afforded as a

Performance outcomes	Acceptable outcomes	Applicant response
(d) the level of local accessibility; (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 (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.		result of the substantial residential catchment that is within walking distance to the site. This has been observed in the ten years the site has been operational.
	AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	Complies The carparking on site is dedicated solely for carparking purposes.
	AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	Not applicable
	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
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: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	Complies
PO3 Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles	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;	Complies The development does not propose any changes to the existing access from Warner Street.

Performance outcomes	Acceptable outcomes	Applicant response
<p>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</p> <p>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</p> <p>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</p> <p>(f) so that they do not adversely impact current and future on-street parking arrangements;</p> <p>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p>	<p>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</p>	
	<p>AO3.2 Access, including driveways or access crossovers:</p> <p>(a) are not placed over an existing:</p> <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. <p>(b) are designed to accommodate any adjacent footpath;</p> <p>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</p>	<p>Not applicable The development does not propose any changes to the existing access point from Warner Street.</p>
	<p>AO3.3 Driveways are:</p> <p>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</p> <p>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</p> <p>(d) constructed such that the transitional change</p>	<p>Complies The development does not propose any changes to the existing driveway access. An access easement is proposed to ensure access to the Macrossan Street site is maintained.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>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>	
	<p>A03.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	Complies
<p>P04 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p>A04 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	Complies
<p>P05 Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p>A05 Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	Complies
<p>P06 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p>A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	<p>Complies Sufficient space is available on the site to accommodate bicycle parking.</p>

Performance outcomes	Acceptable outcomes	Applicant response
PO7 Development provides secure and convenient bicycle parking which: <ul style="list-style-type: none"> (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. 	AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers); AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street. AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	Not applicable for ROL
PO8 Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. 	AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. 	Complies Walking and cycle routes exist along Macrossan and Warner Streets.
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> (a) in accordance with relevant standards; (b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other 	AO9.1 Access driveways, vehicle manoeuvring and onsite parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	Complies
	AO9.2 Service and loading areas are contained fully within the site.	Complies Parking for service vehicles is provided within the Macrossan Street site.

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

9.4.3 Environmental performance code

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

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

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

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
Lighting		
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.3	Complies

Performance outcomes	Acceptable outcomes	Applicant response
	Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	Access, parking and manoeuvring areas will remain unchanged on the Macrossan Street site.
Noise		
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; or AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO2.3 The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following: (a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping.	Complies Access, parking and manoeuvring areas will remain unchanged on the Macrossan Street site.

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

Performance outcomes	Acceptable outcomes	Applicant response
Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	cause odorous emissions.
Waste and recyclable material storage		
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.	AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.	Complies The Material Change of Use aspect will ensure compliance with conditions of approval relating to putrescent waste.
Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO5.2 Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of: (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions; (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments. Editor's note - the <i>Environmental Protection (Waste Management) Policy 2008</i> provides guidance on the design of waste containers (receptacles) to ensure environmental harm	Complies The Material Change of Use aspect will ensure compliance with conditions of approval relating to putrescent waste.

Performance outcomes	Acceptable outcomes	Applicant response
	(including nuisance) is avoided.	
Sensitive land use activities		
PO6 Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	AO6.1 Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area; or AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.	Complies. The development does not involve a sensitive land use.
Stormwater quality		
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: (a) the amount and type of pollutants borne from the activity; (b) maintaining natural stream flows; (c) the amount and type of site disturbance; (d) site management and control measures.	AO7.1 Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO7.3 Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	
Pest plants (for material change of use on vacant land over 1,000m2)		
<p>PO8 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p>	<p>AO8.1 The land is free of declared pest plants before development establishes new buildings, structures and practices; or AO8.2 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

9.4.4 Filling and excavation code

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

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

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

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Filling and excavation - General		
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Visual Impact and Site Stability		
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	AO2.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m ² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.	
Flooding and drainage		
PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Water quality		
PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	AO4 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Infrastructure		

Performance outcomes	Acceptable outcomes	Applicant response
P05 Excavation and filling does not impact on Public Utilities.	A05 Excavation and filling is clear of the zone of influence of public utilities.	Complies. There are no public utilities on the site.

9.4.5 Infrastructure works code

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

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

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

Table 9.4.5.3.a – Infrastructure works code –assessable development

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

Performance outcomes	Acceptable outcomes	Applicant response
	A01.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.	Not applicable
	A01.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A01.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	Complies. Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Accessibility structures		
P02 Development is designed to ensure it is accessible for people of all abilities and accessibility features	A02.1 Accessibility structures are not located within the road reserve.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material

Performance outcomes	Acceptable outcomes	Applicant response
<p>do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</p>		Change of Use aspect as all structures are existing.
	<p>AO2.2 Accessibility structures are designed in accordance with AS1428.3.</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
	<p>AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
Water supply		
<p>PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.</p>	<p>AO3.1 The premises is connected to Council’s reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>AO3.2 Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.	
Treatment and disposal of effluent		
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Stormwater quality		
PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed	AO5.1 A connection is provided from the premises to Council's drainage system;	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
catchments by: (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology.	or A05.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	
	A05.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as: (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A05.4 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A05.5 Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>construction phase hydrological impacts.</p> <p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	
Non-tidal artificial waterways		
<p>PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	<p>AO6.1 Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	<p>Not applicable The proposed development does not involve non-tidal artificial waterways.</p>
	<p>AO6.2 Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. 	<p>Not applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
	A06.3 Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or (c) there is no introduction of salt water into freshwater environments.	Not applicable
	A06.4 Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat.	Not applicable
	A06.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.	Not applicable
	A06.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	A06.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	Not applicable
Wastewater discharge		
P07 Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management; (b) is treated to: (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	A07.1 A wastewater management plan is prepared and addresses: (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management.	Not applicable
	A07.2 The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	Not applicable
	A07.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>A07.4 Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; (b) manages wastewater so that: <ul style="list-style-type: none"> (i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals; (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; (iii) visible iron floc is not present in any discharge; (iv) precipitated iron floc is contained and disposed of; (v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method. 	Not applicable
Electricity supply		
<p>PO8 Development is provided with a source of power that will meet its energy needs.</p>	<p>AO8.1 A connection is provided from the premises to the electricity distribution network;</p> <p>or</p> <p>AO8.2</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	AO9.1 Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.	Not applicable
	AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not applicable
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO11 Provision is made for future telecommunications	AO11 Conduits are provided in accordance with Planning	Complies Not applicable for Reconfiguring a Lot aspect.

Performance outcomes	Acceptable outcomes	Applicant response
services (e.g. fibre optic cable).	scheme policy SC5 – FNQROC Regional Development Manual.	No building work is required for the Material Change of Use aspect as all structures are existing.
Road construction		
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO12.2 There is existing road, kerb and channel for the full road frontage of the site.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	Not applicable Existing access will be retained.
Alterations and repairs to public utility services		
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development;	Complies. No works are proposed to public utility mains or services.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>or</p> <p>AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	
Construction management		
<p>PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p>AO15 Works include, at a minimum:</p> <ul style="list-style-type: none"> (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds. 	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>
<p>PO16 Existing infrastructure is not damaged by construction activities.</p>	<p>AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Construction, alterations and any repairs to Statecontrolled roads and rail corridors are undertaken in</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	accordance with the <i>Transport Infrastructure Act 1994</i> .	
For assessable development		
High speed telecommunication infrastructure		
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	AO18 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
Fire services in developments accessed by common private title		
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	Not applicable
	AO19.2 Commercial and industrial streets and access ways within a common private title serving commercial	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material

Performance outcomes	Acceptable outcomes	Applicant response
	properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	Change of Use aspect as all structures are existing.
PO20 Hydrants are suitably identified so that fire services can locate them at all hours. Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.	AO20 No acceptable outcomes are prescribed.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

9.4.6 Landscaping code

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

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

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

Table 9.4.6.3.a – Landscaping code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Landscape design		
<p>PO1 Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:</p> <ul style="list-style-type: none"> (a) promoting the Shire’s character as a tropical environment; (b) softening the built form of development; (c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; (d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development; (e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas; (f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces; (g) ensuring private outdoor recreation space is useable; (h) providing long term soil erosion protection; 	<p>AO1 Development provides landscaping:</p> <ul style="list-style-type: none"> (a) in accordance with the minimum area, dimensions and other requirements of applicable development codes; (b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping; (c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping. <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	<p>Complies The proposed boundary realignment will reduce the amount of landscaping on the Macrossan Street site however no building work or landscaping is proposed as part of either aspect of the application. All existing landscaping adjacent to the parking areas will remain unchanged.</p>

Performance outcomes	Acceptable outcomes	Applicant response
(i) providing a safe environment; (j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety.		
For assessable development		
P02 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	A02.1 No acceptable outcomes are specified. Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.	Complies. The proposed ROL will not affect existing landscaping on the sites.
	A02.2 Tropical urbanism is incorporated into building design. Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P03 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	A03.1 Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A03.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	A03.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A03.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P04 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	A04 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P05 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	A05 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
P06 Landscaped areas are designed in order to allow for efficient maintenance.	A06.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A06.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

Performance outcomes	Acceptable outcomes	Applicant response
	healthy species.	
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	A07.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
	A07.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	A08 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	A09 No acceptable outcomes are specified. Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	AO10 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.

9.4.7 Reconfiguring a lot code

- (1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development results in a well-designed pattern of streets supporting walkable communities;
 - (b) lots have sufficient areas, dimensions and shapes to be suitable for their intend use taking into account environmental features and site constraints;
 - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
 - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
 - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
 - (f) people and property are not placed at risk from natural hazards;
 - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
 - (h) the appropriate standard of infrastructure is provided

Performance outcomes	Acceptable outcomes	Applicant response
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	AO1 No acceptable outcomes are prescribed.	Complies. The reconfiguration will result in lots in excess of 600m².


Performance outcomes	Acceptable outcomes	Applicant response
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	Complies. The boundary angles are not less than 45 degrees.
PO3 Lots have legal and practical access to a public road.	AO3 Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.	Complies. The existing access arrangement to Warner Street will not be altered.
PO4 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property.	Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	Complies. Neither lot is capable of being further reconfigured.
PO6 Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks. Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	AO6 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	Complies No building work is required for the Material Change of Use aspect as all structures are existing. The existing building is setback from the realigned boundary containing the vacant lot by more than 11m.



CREATING GREAT PLACES FOR PEOPLE

Performance outcomes	Acceptable outcomes	Applicant response
Structure plans Additional requirements for: (a) a site which is more than 5,000m ² in any of the Residential zones; or within these zones, and (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or (d) For a material change of use involving: (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme. Note - This part is to be read in conjunction with the other parts of the code		
PO8 A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.	A08.1 Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any: (a) approved structure plan; (b) the surrounding pattern of existing or approved subdivision. Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes. A08.2 Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.	Complies. Not applicable.

Performance outcomes	Acceptable outcomes	Applicant response
PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	AO9.1 Development does not establish cul-de-sac streets unless: (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets. AO9.2 Where a cul-de-sac street is used, it: (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate. AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.	Complies. Not applicable.
PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.	PO10 No acceptable outcomes are prescribed.	Complies. Not applicable.
PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land. Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure	AO11.1 New development adjoins adjacent existing or approved urban development. AO11.2 New development is not established beyond the identified Local government infrastructure plan area.	Complies. Not applicable.

Performance outcomes	Acceptable outcomes	Applicant response
to be provided within development sites.		
Urban parkland and environmental open space		
PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	AO12 No acceptable outcomes are prescribed.	Complies. Not applicable.
PO13 Development provides land to: (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages.	AO13 No acceptable outcomes are prescribed. Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.	Complies. Not applicable.

Performance outcomes	Acceptable outcomes	Applicant response
AO14 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.	AO14.1 Urban parkland is regular in shape. AO14.2 At least 75% of the urban parkland's frontage is provided as road. AO14.3 Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development. AO14.4 Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space. AO14.5 The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.  Inconsistent design solution - low total number of lots complying with the acceptable outcomes.	Complies. Not applicable.

Performance outcomes	Acceptable outcomes	Applicant response
	 <p> Lots orientated to front and overlook part to provide casual surveillance. Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	<p>Complies. Not applicable.</p>
Private subdivisions (gated communities)		
<p>PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.</p>	<p>PO15 No acceptable outcomes are prescribed.</p>	<p>Complies. Not applicable.</p>
Additional requirements for reconfiguration involving the creation of public streets or roads		
<p>PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.</p>	<p>AO16 No acceptable outcomes are prescribed.</p> <p>Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.</p>	<p>Complies. Not applicable.</p>

Performance outcomes	Acceptable outcomes	Applicant response
PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users.	AO17 No acceptable outcomes are prescribed.	Complies. Not applicable.
Public transport network		
PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	AO18 No acceptable outcomes are prescribed.	Complies. Not applicable.
Pest plants		
PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.	AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.	Complies. Not applicable.

9.4.9 Vegetation management code

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

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

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

Table 9.4.9.3.a – Vegetation management –assessable development

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

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

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




Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO1.5 Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;</p> <p>or</p> <p>AO1.6 Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the <i>Vegetation Management Act 1999</i>;</p> <p>Or</p> <p>AO1.7 Vegetation damage is essential to the maintenance of an existing fire break;</p> <p>or</p> <p>AO1.8 Vegetation damage is essential to prevent interference to overhead service cabling;</p> <p>or</p> <p>AO1.9 Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>approved under the <i>Vegetation Management Act 1999</i>;</p> <p>or</p> <p>AO1.10 Vegetation damage is undertaken in accordance with section 584 of the Sustainable Planning Act 2009.</p> <p>AO1.11 Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</p> <p>AO1.12 Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</p>	
<p>PO2 Vegetation damaged on a lot does not result in a nuisance.</p>	<p>AO2.1 Damaged vegetation is removed and disposed of at an approved site;</p> <p>or</p> <p>AO2.2</p>	<p>Complies Not applicable for Reconfiguring a Lot aspect. No building work is required for the Material Change of Use aspect as all structures are existing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	Damaged vegetation is mulched or chipped if used onsite.	
For assessable development		
P03 Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	A03 No acceptable outcomes are prescribed.	Complies. The site is not identified on the Places of Significance overlay.

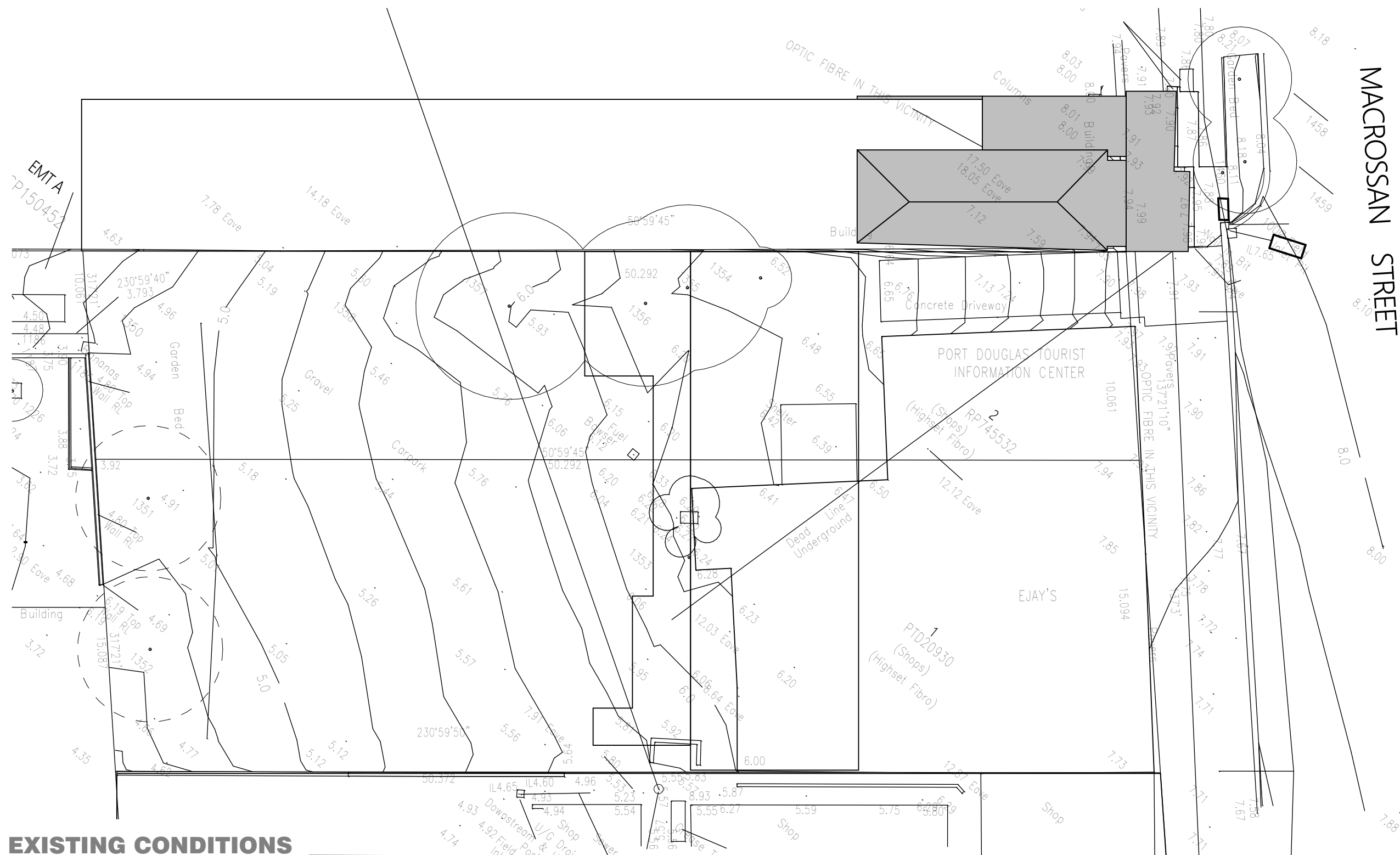
APPENDIX 2: PROPOSAL PLANS

Drawing or Document	Reference	Date
Proposed Boundary Realignment and Access Easement	A-101	11 October 2021
Site / Floor Plan	Drawing PO2 C prepared by Wolveridge Architects	29 September 2021

-  New boundary for part of Lot 1
-  New Access easement
-  Old boundary for part of Lot 1

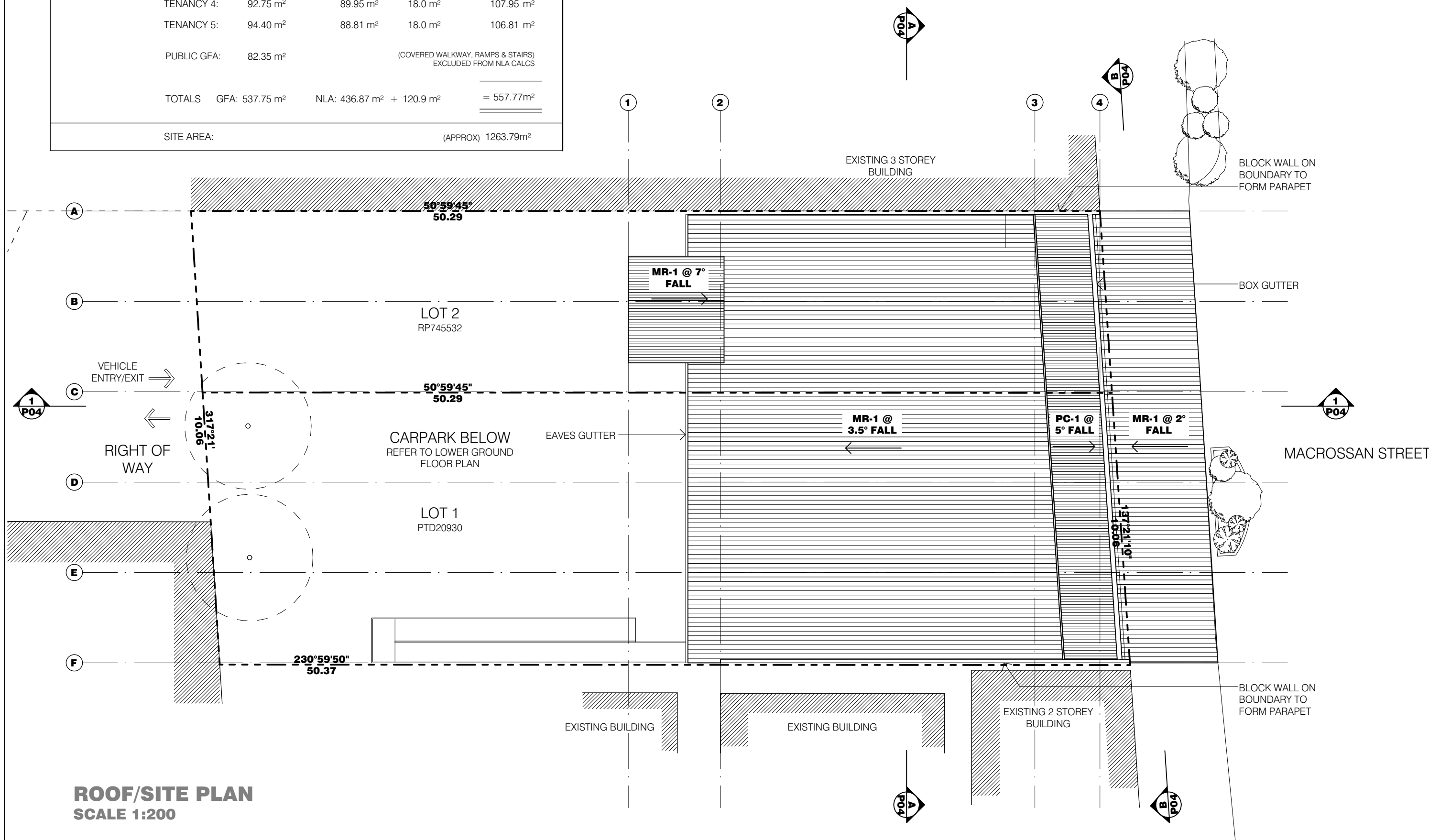


Date:	11 October 2021
Title	Proposed Boundary Realignment and Access Easement
Drawing:	A-101

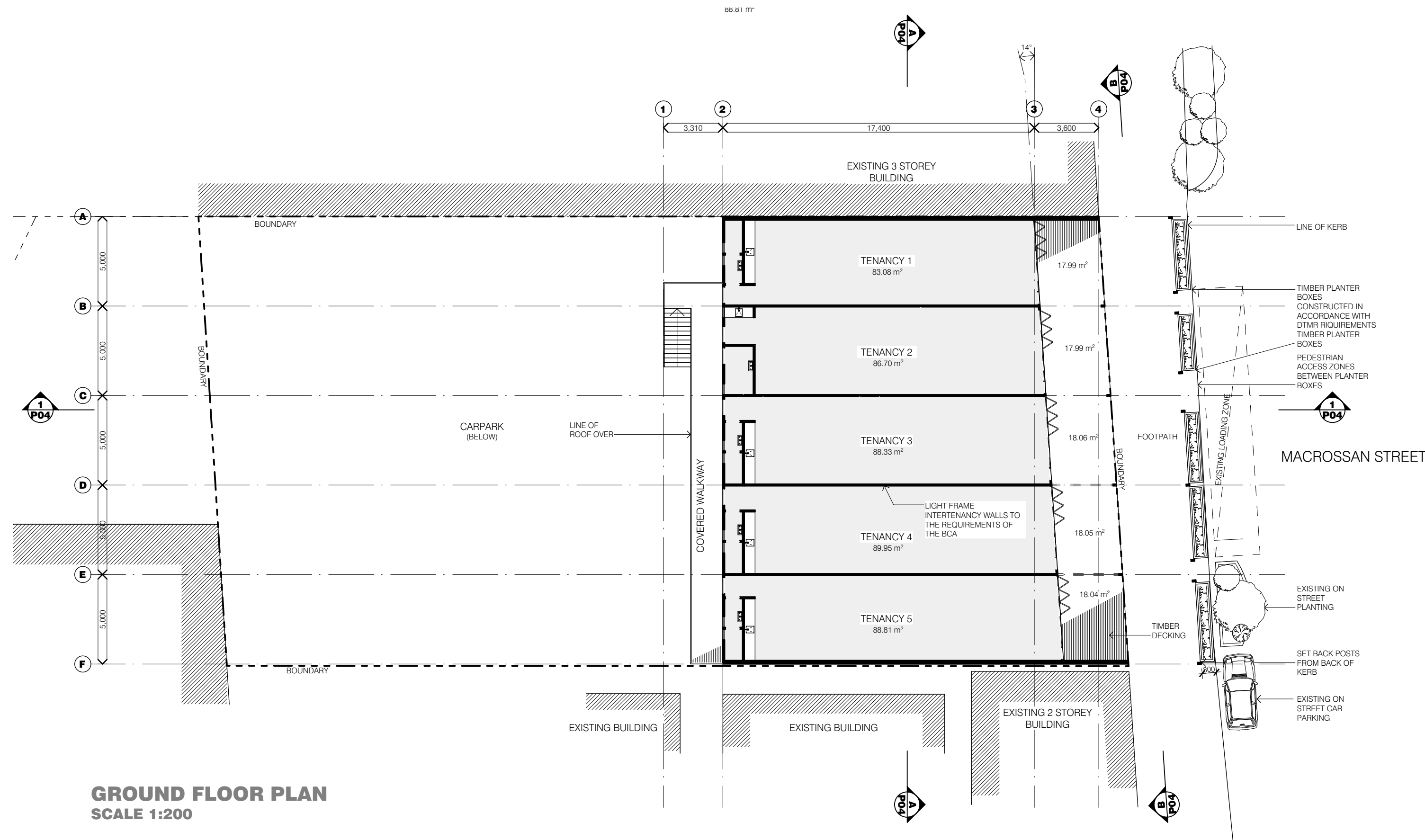


EXISTING CONDITIONS
SCALE 1:200

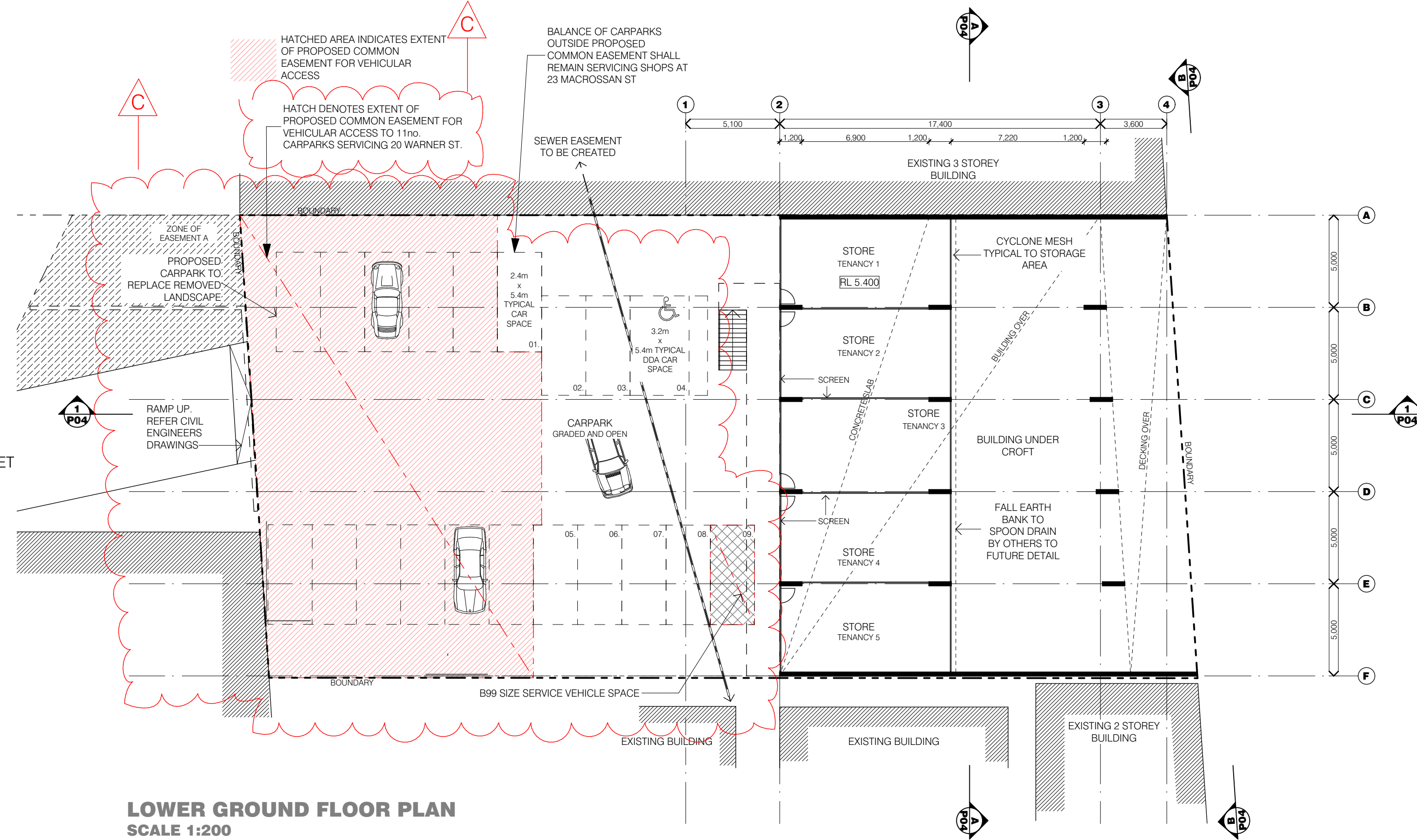
SCHEDULE OF AREAS:	GFA	NLA (INTERNAL)	NLA (EXTERNAL)	TOTAL NLA
TENANCY 1:	87.76 m ²	83.08 m ²	49.0 m ²	132.08 m ²
TENANCY 2:	89.42 m ²	86.70 m ²	17.9 m ²	104.60 m ²
TENANCY 3:	91.07 m ²	88.33 m ²	18.0 m ²	106.33 m ²
TENANCY 4:	92.75 m ²	89.95 m ²	18.0 m ²	107.95 m ²
TENANCY 5:	94.40 m ²	88.81 m ²	18.0 m ²	106.81 m ²
PUBLIC GFA:	82.35 m ²	(COVERED WALKWAY, RAMPS & STAIRS) EXCLUDED FROM NLA CALC		
TOTALS	GFA: 537.75 m ²	NLA: 436.87 m ² + 120.9 m ²		= 557.77m ²
SITE AREA:				(APPROX) 1263.79m ²



ROOF/SITE PLAN
SCALE 1:200



GROUND FLOOR PLAN
SCALE 1:200



LOWER GROUND FLOOR PLAN
SCALE 1:200

GENERAL NOTES

All works shall comply with and be carried out in strict accordance with the requirements of the Local Authority, the Building Code of Australia and the relevant Australian Standards.

All timber construction shall be in accordance with the Structural Engineer's specifications and drawings the requirements of the Timber Framing Manual.

All services shall be installed to the requirements of the relevant authorities and connected at the legal point as prescribed by the relevant authority.

This drawing shall be read in conjunction with associated specifications, schedules and other consultant's drawings and specifications.

Do not scale this drawing, set all new work out from existing building work and report any discrepancies to the Architect prior to any construction or fabrication works.

Termite protection required to AS 3660 as directed by the Building Surveyor.

Stair construction to conform to Part 3.9.1 of the BCA to include but not limited to the following:

- Risers - 190mm maximum/115mm minimum
- Treads - 355mm maximum/240mm minimum
- For open treads provide a maximum gap of 125mm between treads.

Balustrade construction to conform to Part 3.9.2 of the BCA to include but not limited to the following:

- Provide a continuous handrail 1000mm minimum height to balconies and decks which are 1000mm or more above finish ground level.
- Maximum openings between balusters not to exceed 125mm.

Smoke detectors shall be fitted to the requirements of the BCA minimum 1 per floor located outside bedrooms within 1.5m of the door generally.

Boundary and party wall construction shall comply with the fire requirements of Part 3.7.1 of the BCA and sound insulation requirements of Part 3.8.6 of the BCA

REVISION:

A - PROPOSED COMMON EASEMENT & CARPARKING REDUCTION.

B - COUNCIL RFI RESPONSE

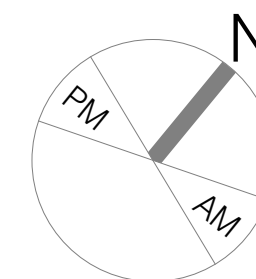
C - PROPOSED COMMON EASEMENT & CARPARKING REDUCTION.

DATE:

09/09/19

01/10/19

29/09/21



for approval
not for construction

WOLVERIDGEarchitects pty ltd
121 HUCKLEBERRY STREET COLLINGWOOD VICTORIA 3068 AUSTRALIA
TEL: +61 3 9486 9885 FAX: +61 3 9486 9885
info@wolveridge.com.au

project: Retail Development at 23 Macroscan St for: Scall Nominees Pty Ltd.

project no: Plans scale:

date: 09.09.19 1

drawing title: P02 dwg no: rev: C

This drawing is Copyright. Do not use for construction or copy in whole or in part without the written authority of the author. Do not scale this drawing, use figured dimensions. Check all dimensions and levels on site prior to commencing any works. Report any discrepancies to the Architect. As work progresses set out new work from previous work.

15 October 2019

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2010_3817/2 (Doc ID 923490)
Your Ref: P71866

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Scali Nominees & Second York Pty Ltd
C/- Planz Town Planning
PO Box 181
EDGE HILL QLD 4870

Email: 2208

Attention Ms Vanessa Lanskey

Dear Madam

Application for minor change for material change of use for restaurant & shopping facilities at 23-25 Macrossan Street Port Douglas on land described as Lot 1 on SP267838

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2010_3817/2 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully



Paul Hoyer
Manager Environment & Planning

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilqp.qld.gov.au

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision.
- Advice For Appeals (Decision Notice)



Decision Notice

Approval (with conditions)

Given under sections 81a and 83 of the Planning Act 2016

Applicant Details

Name: Scali Nominees and Second York Pty Ltd
Postal Address: C/- Planz Town Planning
PO Box 181
Edge Hill Qld 4870
Email: info@planztp.com

Property Details

Street Address: 23 - 25 Macrossan Street Port Douglas
Real Property Description: Lot 1 on SP267838
Local Government Area: Douglas Shire Council

Details of Proposed Development

Application for a minor change to the Development Permit for material change of use for restaurant and shopping facilities to reduce onsite car parking associated with the approved development.

Decision

Date of Decision: 15 October 2019
Decision Details: Approved (subject to conditions)

Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

The table of Approved Drawings and/or Document(s) are amended as follows.

Approved Drawing(s) and/or Document(s)

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

Drawing or Document	Reference	Date
Site / Floor Plan	Drawing P02-A Prepared by Wolveridge Architects (Council Ref No 2619363) <u>Drawing PO2 B prepared by Wolveridge Architects.</u>	10 Feb 2010 <u>9 September 2019</u>
Elevations	Drawing P03-A Prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010
Sections	Drawing P04-A Prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010

Assessment Manager Conditions & Advices

Condition 14 is amended as follows.

Vehicle Parking

14. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 12 49 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Further Development Permits

The development has been constructed and no further approvals are necessary for the approved change.

Concurrence Agency Response

The Department of Transport and Main Roads was a concurrence referral agency to the original approval and the application to change was referred under section 80 PA 2016. The Department has advised it has no concern with the application to change and finds the proposed plan as being consistent with the approved concurrence agency conditions. The agency's advice is enclosed.

Currency Period for the Approval

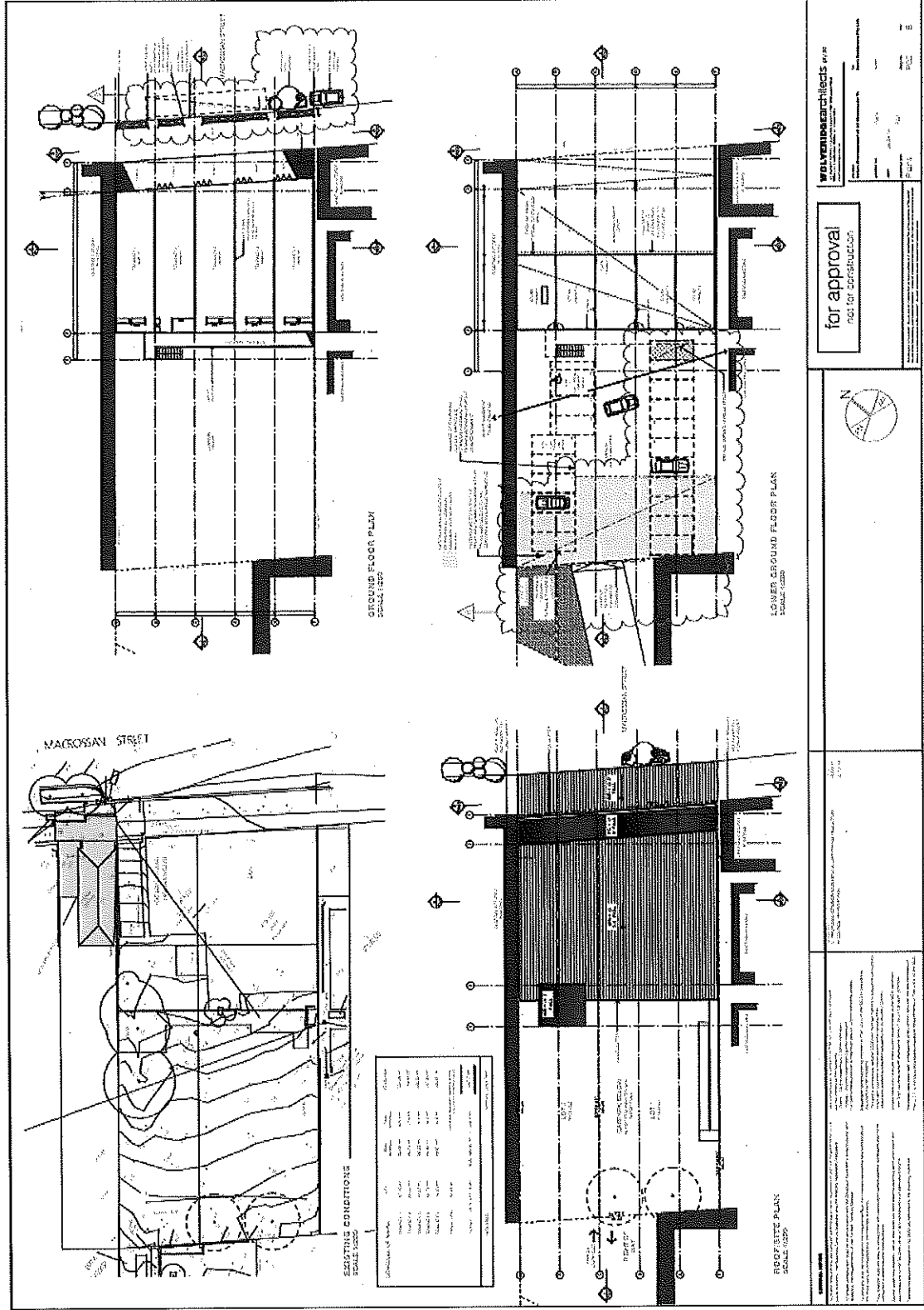
This approval does not change the currency period approved under the original approval. refer to the enclosed copy of the existing approval.

Rights of Appeal

The rights of appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s)



Concurrence Agency Advice



Our ref: 214 650 102(3686.02)
Your ref: PS10-112
Enquiries: Steven Zelenika

Department of
Transport and Main Roads

30 September 2019

Scali Nominees & Second York Pty Ltd
C/- Planz Town Planning
97 Anderson Street
Manunda Qld 4870

Email: info@planztpt.com

Attention: Susie Lord

Dear Susie

Minor Change Application (Reduction of on-site carparking from 19 spaces to 12 spaces) over land at 23-25 Macrossan Street, Port Douglas described as Lot 1 SP267836

The Department of Transport and Main Roads (TMR) received a request on 18 September 2019 to provide confirmation that the proposed reduction in carparking from 19 spaces to 12 spaces is permissible in accordance with condition 1 'Unless otherwise approved in writing by TMR the development site layout must generally comply with Wolveridge Architects drawing numbered P02, revision A, dated 10/02/2010' of the concurrence agency conditions, dated 7 September 2010.

TMR has reviewed the proposed change and as required by condition 1, TMR is satisfied that the change in carparking spaces is acceptable.

If you need any further information please contact Steven Zelenika, Senior Town Planner on 4045 7063.

Yours sincerely

A handwritten signature in black ink, appearing to read "Amod Rijal".

Amod Rijal
Principal Engineer (Civil) (Corridor Management)

Infrastructure Management & Delivery
Program Delivery and Operations
Far North District, Project Planning & Corridor Management
Floor 5, 15 Lake Street
PO Box 6185, Cairns Qld 4870

Telephone +61 7 4045 7063
Website www.tmr.qld.gov.au
Email caims.office@tmr.qld.gov.au
ABN 29 407 590 251

Existing Approval

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 2858
YOUR REF:
OUR REF: 6/7/2006 (2968295)

2 December 2010

Deal Corporation
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 25 MACROSSAN STREET PORT
DOUGLAS, 23-25 MACROSSAN STREET PORT DOUGLAS

With reference to the abovementioned Development Application which was determined under Instrument of Delegation on 2 December 2010 please find attached the relevant Decision Notice.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

49.2010.3817
1/20

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

APPLICANT DETAILS

Deal Corporation
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

ADDRESS

23-25 Macrossan Street Port Douglas

REAL PROPERTY DESCRIPTION

Lot 1 on PTD20930 & Lot 2 on RP745532

PROPOSAL

Restaurant and Shopping Facilities

DECISION

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

DECISION DATE

2 December 2010

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

(State Controlled Roads, Public Transport & Rail Safety & efficiency Matters)
Department of Transport and Main Roads
Far North Region (Cairns)
PO Box 6185
CAIRNS QLD 4870
Attention: Senior Planner

Ergon Energy
Chris Souter
PO Box 358
CAIRNS QLD 4870

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works

40.2010.3817
2/20

DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

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

Not in conflict

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

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

Drawing or Document	Reference	Date
Site / Floor Plan	Drawing P02-A Prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010
Elevations	Drawing P03-A Prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010
Sections	Drawing P04-A Prepared by Wolveridge Architects (Council Ref No 2619363)	10 Feb 2010

ASSESSMENT MANAGER CONDITIONS

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

Except where modified by these conditions of approval

Timing of Effect

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

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Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Remove the proposed on-street garden boxes;
 - b. Ensure that the proposed supports for the awnings are a minimum of 820mm from the invert of the kerb and channel;

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

Water Supply Contributions

4. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$11,838.82 (1.78 ERAs).

Payment is required prior issue of a Development Permit for Building Work.

Wastewater Contributions

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$6,635.74 (1.78 ERAs).

Payment is required prior issue of a Development Permit for Building Work.

Water Supply and Sewerage Works External

6. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-
 - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
 - b. Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development.

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

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

Water Supply and Sewerage Works Internal

7. Undertake the following water supply and sewerage works internal to the subject land:-

- a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
- b. Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*;
- c. The existing sewer must be a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or

Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8;

- d. Any redundant sewer property connection and water connection shall be decommissioned and removed.

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Sewer Easement

8. Create an easement in favour of Council having a nominal width of 3 metres over any council sewer within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council.

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

The approved easement document must be submitted at the same time as seeking approval and dating of the Building Format Plan and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Inspection of Sewers

9. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion. An assessment of the CCTV records must be undertaken by the developer's consultant and a report along with the footage submitted to Council for approval. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Damage to Infrastructure

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

Water Saving

11. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.

Refuse Storage

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

Liquid Waste Disposal

13. Trade waste discharge to sewer must meet the requirements of CRC Water and Waste's Trade Waste Environmental Management Plan (TWEMP). A report and detailed hydraulic plans demonstrating that the facility complies with the TWEMP must be submitted and be approved by Council prior to the issue of a Development Permit for Building Work.

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DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009

The applicant must have all measures for pre-treatment installed prior to commencement of use.

Vehicle Parking

14. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of 19 spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities - off street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Protection of Landscaped Areas From Parking

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

Parking Signage

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

Bicycle Parking

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

Lighting

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

External Works

19. Undertake the following works external to the land at no cost to Council:
 - a. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing 1015;

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- b. Make good the kerb(s) at redundant crossover(s);
- c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.
- d. Linemark parking spaces in front of and adjacent to the subject land along Macrossan Street;

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

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

Construction Access

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

Stockpiling and Transportation of Fill Material

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

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

- a. peak traffic times; or
- b. before 7am or after 6pm Monday to Friday; or
- c. before 7 am or after 1pm Saturdays; or
- d. on Sundays or Public Holidays.

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22. Dust emissions or other air pollutants, including odours, do not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery & Plant

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

Landscaping Plan

24. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
- a. Deep planting of setback areas, utilising species selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping;
 - b. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.
 - c. A screen fence must be provided to the side and rear boundary of the subject land, to the satisfaction of the Chief Executive Officer. The fencing must be consistent in terms of design and materials with other fences in the locality. The fencing must be completed prior to the Commencement of Use.

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

Lawful Point of Discharge

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

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Sediment and Erosion Control

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

Details Of Development Signage

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

Advertising Signage

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

Construction Signage

29. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant, including phone contacts):-

- a. Developer;
- b. Project Coordinator;
- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect

Crime Prevention Through Environmental Design

30. The applicant/owner must ensure that all lighting and landscaping requirements complies with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

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Food Requirements

31. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.
32. Prior to construction or alteration of any premises used for storage, preparation, handling, packing and/or service of food, application for such must be made with Council's Public Health Unit.
33. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council's Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council's Public Health Unit for further information.

General Requirements

34. Noise from air conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of the *Environmental Protection Act 1994*, *Environmental Protection (Noise) Policy 1997* and *Environmental Protection Regulation 1998 (Part 2A - Environmental Nuisance)*.

Dangerous Goods Safety Management Requirements

35. The disused storage or handling system (above ground fuel tank & bowser) located on the property is to be disposed of or no longer used for the storage or handling of stated goods or combustible liquids; and
 - (i) The storage or handling system (above ground fuel tank & bowser) must be thoroughly cleaned so that the system is, as far as practicable, free from stated dangerous goods or combustible liquids; or
 - (ii) Otherwise be safe.
36. A certificate or documentation from a suitably qualified person verifying the disused storage or handling system has been rendered safe must be lodged with Council (as per Sec 26 of the 'Dangerous Goods Safety Management Regulation 2001') prior to the issue of a Development Permit for Building Works.

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Amalgamation Required

37. The applicant/owner is responsible for the reconfiguration (amalgamation) of Lot 2 on RP 745532 and Lot 1 on PLN 20930 into one lot. The Plan of Survey must be registered with the Department of Environment and Resource Management at the applicant's/owner's cost prior to Commencement of Use.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Transport and Main Roads	214/650/102/(3666.D2)	8 Sept 2010	2720203

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

FURTHER ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

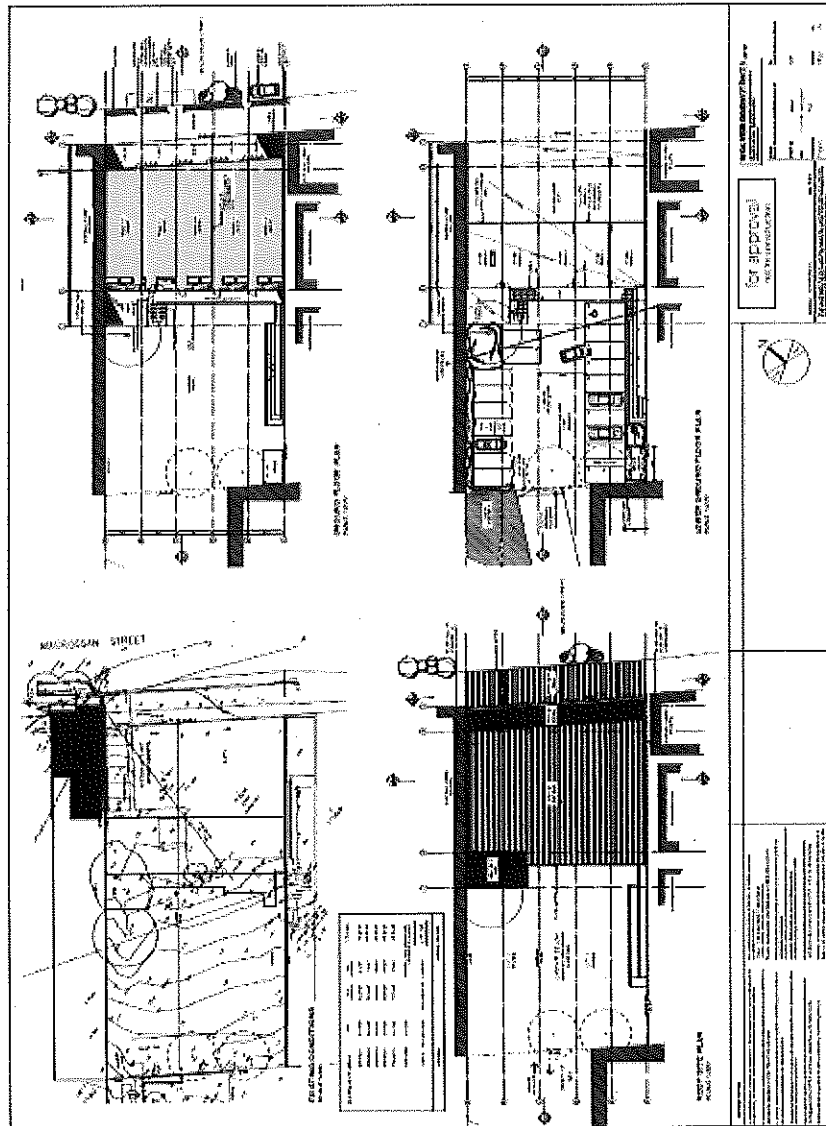
Attached

End of Decision Notice

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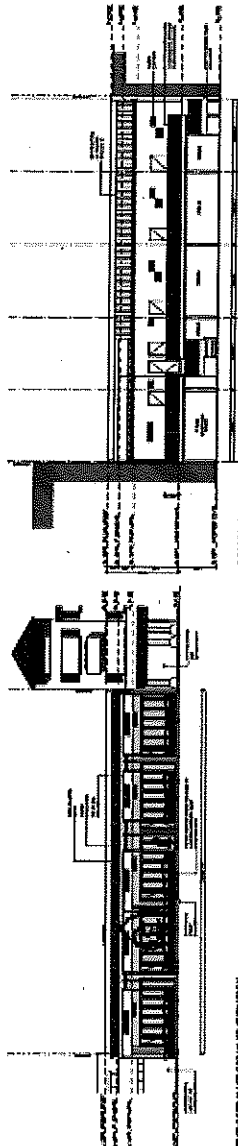
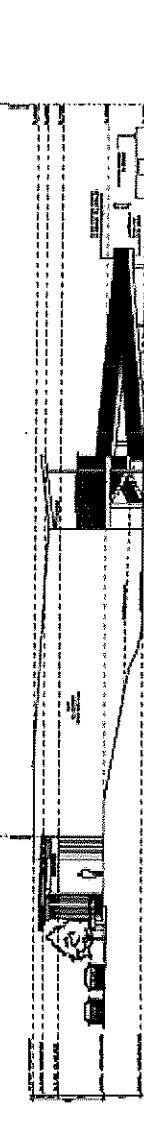
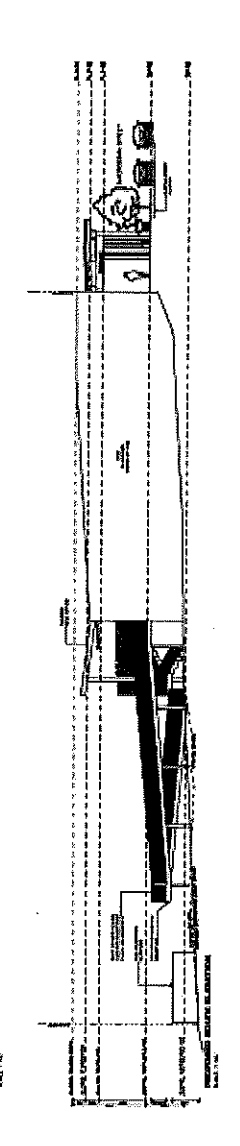
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APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)



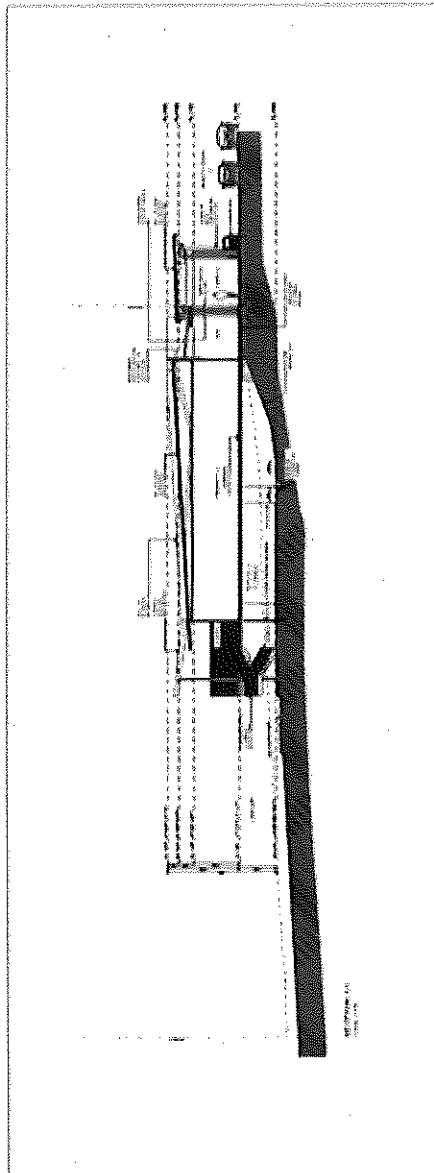
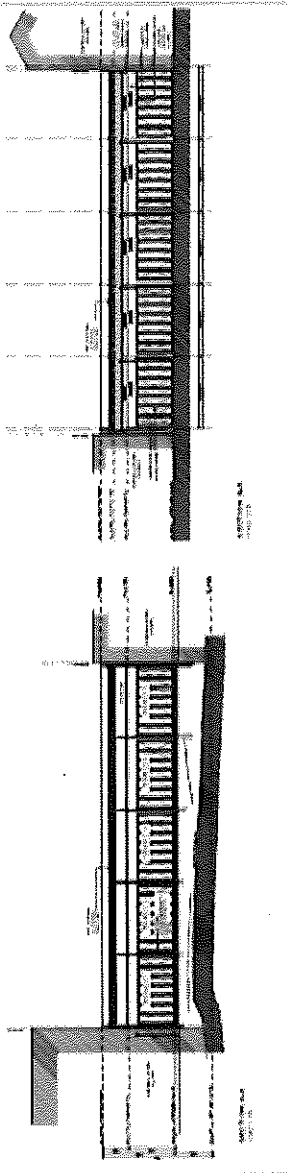
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 <p>Architectural drawings of a building, including a front elevation and a side elevation.</p>	 <p>Architectural drawing of a building, including a side elevation.</p>	 <p>Architectural drawing of a building, including a side elevation.</p>	<p>for approval</p> <p>14</p> <p>14</p>
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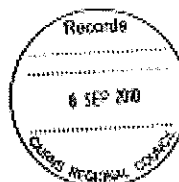
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		<table border="1"> <tr> <td colspan="2"> <p>for approval</p> <p>Project Name: _____</p> <p>Project Number: _____</p> <p>Project Location: _____</p> <p>Project Description: _____</p> <p>Project Status: _____</p> <p>Project Date: _____</p> </td> </tr> <tr> <td colspan="2"> <p>Project Manager: _____</p> <p>Project Engineer: _____</p> <p>Project Designer: _____</p> <p>Project Architect: _____</p> <p>Project Contractor: _____</p> <p>Project Consultant: _____</p> <p>Project Client: _____</p> <p>Project Owner: _____</p> <p>Project Stakeholder: _____</p> <p>Project Sponsor: _____</p> <p>Project Steering Committee: _____</p> <p>Project Steering Committee Chair: _____</p> <p>Project Steering Committee Members: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p> </td> </tr> </table>	<p>for approval</p> <p>Project Name: _____</p> <p>Project Number: _____</p> <p>Project Location: _____</p> <p>Project Description: _____</p> <p>Project Status: _____</p> <p>Project Date: _____</p>		<p>Project Manager: _____</p> <p>Project Engineer: _____</p> <p>Project Designer: _____</p> <p>Project Architect: _____</p> <p>Project Contractor: _____</p> <p>Project Consultant: _____</p> <p>Project Client: _____</p> <p>Project Owner: _____</p> <p>Project Stakeholder: _____</p> <p>Project Sponsor: _____</p> <p>Project Steering Committee: _____</p> <p>Project Steering Committee Chair: _____</p> <p>Project Steering Committee Members: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p>	
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<p>Project Manager: _____</p> <p>Project Engineer: _____</p> <p>Project Designer: _____</p> <p>Project Architect: _____</p> <p>Project Contractor: _____</p> <p>Project Consultant: _____</p> <p>Project Client: _____</p> <p>Project Owner: _____</p> <p>Project Stakeholder: _____</p> <p>Project Sponsor: _____</p> <p>Project Steering Committee: _____</p> <p>Project Steering Committee Chair: _____</p> <p>Project Steering Committee Members: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p> <p>Project Steering Committee Secretary: _____</p> <p>Project Steering Committee Treasurer: _____</p> <p>Project Steering Committee Auditor: _____</p>						

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**DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009**

APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Council Ref: 8/7/2006

7 September 2010

Chief Executive Officer
Calmar Regional Council
PO Box 359
Camus Qld 4870

Attention: Mr Leon Douire

Dear Mr Douire

Amended Referral Agency Response — s. 369 of the Sustainable Planning Act 2009 (Qld)

Applicant: Deal Corporation

Application: Material Change of Use (Restaurant and Shopping Facilities)

Location: Lot 1 on PTD28930 & Lot 2 on HP745531, Parish of Salisbury
23 - 25 Macrossan Street, Port Douglas

I refer to:

- The above application received at the Department of Transport & Main Roads (TMR) on 3 July 2010 requesting consideration of the above development,
- the TMR letter of conditions of development of 6 July 2010, and
- written representations from the applicant's consultant received at TMR on 23 August 2010, requesting a review of condition 4.

Pursuant to section 374 of the *Sustainable Planning Act 2009 (Qld)*, the Department, as a Concurrence Agency, has assessed the impact of the proposed development on the state-controlled road network and requires that Council include the attached amended conditions of development for the subject application.

Should you have any queries regarding the response please contact Byron Jones on 4040 6163.

Council is requested to reflect the amended conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

A copy of this letter has been sent to the applicant.

Yours sincerely

Byron Jones

Assistant Planner (Assets & Operations) Far North

Department of Transport and Main Roads
Assets and Operations
Far North Region 1 Cairns Office
Floor 5 Cairns Corporate Tower
75 Luce Street Cairns Queensland 4870
PO Box 1393 CAIRNS Queensland 4870
ABN 28 401 696 291

Enquiries: Byron Jones
Our Ref: 214352187 (486632)
Telephone: 4040 6300
Facsimile: 4040 6428
Website: www.tmr.qld.gov.au
Email: byron.jones@dmr.qld.gov.au

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**Amended Conditions of Development and Statement of Reasons
Concurrence Agency Response – Development impacting on a state-controlled road**

Council Ref: 8/7/2006 Date: 7 September 2010
State-controlled road: Port Douglas Road (Macrossan Street)
Proposal: Material Change of Use (Restaurant & Shopping Facilities)
Real property description: Lot 1 on FTO 20930 & Lot on RP 745532, Parish of Salisbury
Site locality: 23-25 Macrossan Street, Port Douglas
Applicant: Deal Corporation

Conditions of Development	Reasons	Conditions Basis
<p>Layout</p> <p>1. Unless otherwise approved in writing by TMR, the development site layout must generally comply with Wolveridge Architects drawing numbered P01, revision A, dated 18/02/2010.</p> <p>Permitted Road Access Location</p> <p>2. Vehicular access between the state-controlled road (Macrossan Street) and the Subject Land shall be via Warner Street only, to the satisfaction of Cairns Regional Council.</p> <p>3. No direct vehicular access between the state-controlled road (Macrossan Street) and the Subject Land is permitted.</p>	<p>To ensure the development proceeds in accordance with the proposal</p> <p>TMR must ensure that access between the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p>	<p>s. 62 Transport Infrastructure Act 1994 (Qld)</p>

<p>Advertising</p> <p>4. The awning shall be attached to the proposed building, located at Lot 1 on PTD20910 and Lot 2 on 2P745532, Macrossan Street, Port Douglas.</p> <p>5. Verandah Posts (Strutwell) are not permitted outside the property or within 4.5 m of the through road edge line and must be set back 800mm from the back of the kerb.</p> <p>6. The planter boxes shall be designed and constructed so that if they are struck by a vehicle, they will not be dislodged and propelled into the pedestrian walkway.</p> <p>7. The Department accepts no responsibility for maintenance of private infrastructure within the state controlled road corridor.</p> <p>Advertising</p> <p>8. No advertising device for the proposed development is permitted within the state-controlled road reserve (Macrossan Street).</p> <p>Parking</p> <p>9. No parking associated with the development is permitted within the state-controlled road reserve (Macrossan Street).</p>	<p>TSR must ensure the proposed awning does not adversely impact the safe and efficient operation of the state-controlled road.</p> <p>Advertising devices may obscure signage and obscured structures.</p> <p>Lack of on-site parking can cause vehicle queuing and conflict or an access to the state-controlled road.</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>
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Section 452 of the Sustainable Planning Act 2009 requires that an appellant give notice of an appeal to a referral agency in certain circumstances. Where notice of an appeal is required to be given to the Department of Transport and Main Roads that notice may be given by any of the methods mentioned below:

By prepaid mail:
Planning Legislation Unit
Integrated Transport Planning
The Department of Transport and Main Roads
GPO Box 213
Brisbane Qld 4001

By email: PLU@transportandmainroads.qld.gov.au

In person:
Level 3
Ternet Floor
140 Creek Street
Brisbane Qld 4000

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APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

1. The Developer shall coordinate these details with City Agreement prior to accepting payment
2. City Agreement must update these details in the effort made to complete payment
3. City Agreement must update these details in the effort of City's change of consent to Developer Approval
4. These details must be processed at time of payment
5. Application of these details to be forwarded to City Agreement once payment is accepted
6. The timing of these details to be forwarded to Finance Department will accept late payment is accepted
7. Payment details to be submitted and Developer Contribution forgoes by Finance Officer

Reasons for Decision

The reasons for this decision are:

1. Sections 79, 80, 81 and 81a of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2006 Douglas Shire Planning Scheme (as amended) and the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the application for a minor amendment was properly lodged to the Douglas Shire Council 15 October 2019 under sections 79 and 80 of the *Planning Act 2016*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy, the 2006 Douglas Shire Planning Scheme (as amended) and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Commercial Planning Area of the Port Douglas and Environs Locality;
 - b. Council undertook an assessment in accordance with the provisions of sections 80, 81 and 81a of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks having due regard to current Planning Scheme considerations.

In particular, under the 2006 Douglas Shire Planning Scheme (as amended) the respective car parking code required the provision of 19 car parking spaces, including 1 disabled space to meet the Acceptable Solution. This provision is provided onsite.

Where the onsite demand is not achieved, as measured by the Acceptable Solution, the respective Performance Criteria of the 2006 Planning Scheme reads as follows.

P1 Sufficient parking spaces are provided on the Site to accommodate the amount and type of vehicle traffic expected to be generated by the use or uses of the Site, having particular regard to:

- *the desired character of the area in which the Site is located;*
- *the nature of the particular use and its specific characteristics and scale;*
- *the number of employees and the likely number of visitors to the Site;*
- *the level of local accessibility;*
- *the nature and frequency of any public transport serving the area;*
- *whether or not the use involves the retention of an existing Building and the previous requirements for car parking for the Building;*

- *whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and*
- *whether or not the use involves the retention of significant vegetation.*

Having regard to the second point above, the proposed onsite provision is considered satisfactory as it meets the acceptable outcome for provision of onsite car parking as assessed against the 2018 Douglas Shire Planning Scheme Version 1.0.

Extracts from the Planning Act 2016 – Appeal Rights

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
- (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—
20 business days after the infrastructure charges notice
is given to the person; or
 - (e) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act*
2018—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and*
Drainage Act 2018, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or
 - (ii) for an appeal against a decision of a local
government or an inspector to give an action notice
under the *Plumbing and Drainage Act 2018*—5
business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise,

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

- (1) The Minister, or chief executive, (the *appointer*) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—
 - (a) has the qualifications or experience prescribed by regulation; and
 - (b) has demonstrated an ability—
 - (i) to negotiate and mediate outcomes between parties to a proceeding; and
 - (ii) to apply the principles of natural justice; and
 - (iii) to analyse complex technical issues; and
 - (iv) to communicate effectively, including, for example, to write informed succinct and well-organised decisions, reports, submissions or other documents.