



Town Planning and Project Services

11 September 2025

Chief Executive Officer  
Douglas Shire Council  
64-66 Front Street  
MOSSMAN QLD 4873

Attn: Mr. Neil Beck (Team Leader Planning)

Via email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

---

**RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (SHORT TERM ACCOMMODATION AND CONTINUING DWELLING HOUSE USE RIGHTS) OVER LAND AT 3 SEABROOK AVENUE, PORT DOUGLAS, FORMALLY DESCRIBED AS LOT 107 ON RP729080**

Aspire Town Planning and Project Services act on behalf of the Applicant, Liam Almeida Matos Craig as trustee for the Craig Family Trust in relation to the above Development Application. The registered Landowners are Keith Neville Tesch and Fiona Maree Tesch, who have provided the required owner's consent to the lodgement of this application prior to settlement.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to sections 50 and 51 of the *Planning Act 2016*. The application seeks a Development Permit to establish Short Term Accommodation use rights in addition to continuing existing Dwelling House use rights. This will provide flexibility to allow occasional letting when the Dwelling House is unoccupied by the owners.

No building work or operational work is proposed. The development relies on the existing lawful Dwelling House and existing service connections.

As such please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 (Attachment 1);
- Land Owner's Consent Form (Attachment 2); and
- Town Planning Report (Attachment 3).

The relevant Application Fee under the Douglas Shire Council Fees and Charges Schedule for Years 2025/2026 is calculated to be \$372.00. It is respectfully requested that Council confirm acceptance of the relevant fee and issue an Invoice, so the fee can be paid directly by the Applicant.

Thank you for your time in considering the attached Development Application. If you wish to inspect the site or have any further queries, please contact the undersigned.

Regards,

Daniel Favier  
**Senior Town Planner**  
**ASPIRE Town Planning and Project Services**

---

PO BOX 1040, MOSSMAN QLD 4873  
M. 0418826560  
E. [admin@aspireqld.com](mailto:admin@aspireqld.com)  
W. [www.aspireqld.com](http://www.aspireqld.com)  
ABN. 79 851 193 691

## **Attachment I**

**Duly completed DA Form I**

# DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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)	Liam Almeida Matos Craig as trustee for the Craig Family Trust
Contact name (only applicable for companies)	c/- Daniel Favier TA Aspire Town Planning and Project Services
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2025-08-80 – Perspective Law – 3 Seabrook Avenue, Port Douglas
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	

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
		3	Seabrook Avenue	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	107	RP729080	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<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):

Short Term Accommodation (while retaining existing Dwelling House rights).

e) Relevant plans

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

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

**6.2) Provide details about the second development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

**6.3) Additional aspects of development**

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

**6.4) Is the application for State facilitated development?**

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

**Section 2 – Further development details****7) Does the proposed development application involve any of the following?**

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

**Division 1 – Material change of use**

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

**8.1) Describe the proposed material change of use**

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Use of proposed Dwelling House for the purpose of also holiday accommodation	Dwelling House and Short Term Accommodation	1	

**8.2) Does the proposed use involve the use of existing buildings on the premises?**

- ☒ Yes
- ☐ No

**8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?**

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

**Division 2 – Reconfiguring a lot**

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

**9.1) What is the total number of existing lots making up the premises?**

--

**9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)**

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?		
<input type="checkbox"/> Road work <input type="checkbox"/> 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?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ 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



<input type="checkbox"/> SEQ northern inter-urban break – tourist activity or sport and recreation activity <input type="checkbox"/> SEQ northern inter-urban break – community activity <input type="checkbox"/> SEQ northern inter-urban break – indoor recreation <input type="checkbox"/> SEQ northern inter-urban break – urban activity <input type="checkbox"/> SEQ northern inter-urban break – combined use <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Reconfiguring a lot in a coastal management district or for a canal <input type="checkbox"/> Erosion prone area in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – levees <i>(category 3 levees only)</i> <input type="checkbox"/> Wetland protection area
<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> <input type="checkbox"/> Heritage places – Local heritage places
<b>Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
<b>Matters requiring referral to:</b> <ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Ports – Brisbane core port land
<b>Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:</b> <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
<b>Matters requiring referral to the relevant port operator, if applicant is not port operator:</b> <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
<b>Matters requiring referral to the Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
<b>Matters requiring referral to the Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

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

## PART 6 – INFORMATION REQUEST

### 19) Information request under the DA Rules

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

☐ 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:

- 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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 type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<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](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

**Note:** See [www.business.qld.gov.au](http://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](http://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.desi.qld.gov.au](http://www.desi.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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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](http://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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) and [www.business.qld.gov.au](http://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, Science and Innovation at [www.desi.qld.gov.au](http://www.desi.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.resources.qld.gov.au](http://www.resources.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.desi.qld.gov.au](http://www.desi.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.desi.qld.gov.au](http://www.desi.qld.gov.au) for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for information regarding assessment of Queensland heritage places.

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

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.14) 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**

23.15) 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.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.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	

## **Attachment 2**

### **Land Owner's Consent Form**

**Individual owner's consent for making a development application under the *Planning Act 2016***

I,  
*Keith Neville Tesch; and*  
*Fiona Maree Tesch*

as owners of the premises identified as follows:

*3 Seabrook Avenue, Port Douglas, more formally described as Lot 107 on RP729080*

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

*Liam Almeida Matos Craig as trustee for the Craig Family Trust*  
*c/- Aspire Town Planning and Project Services*

on the premises described above for:

*A Material Change of Use for a Short Term Accommodation and continuing existing Dwelling House use rights*

Signed,

  
*Keith Neville Tesch*

Date: *31/8/25*

  
*Fiona Maree Tesch*

Date: *31/8/25*



## **Attachment 3**

### **Town Planning Report**



# Town Planning Report

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE  
(SHORT TERM ACCOMMODATION AND CONTINUING EXISTING  
DWELLING HOUSE USE RIGHTS), OVER LAND AT 3 SEABROOK  
AVENUE, PORT DOUGLAS

**4 September 2025**

**ASPIRE Town Planning and Project Services**

**Authored by: Daniel Favier**

**Ref: 2025-08-80 – Perspective Law – 3 Seabrook Avenue, Port Douglas**

This Town Planning Report is intended for the exclusive use of our Client, 'Liam Almeida Matos Craig as trustee for the Craig Family Trust,' and is provided for informational purposes only. The information contained herein has been prepared based on sources and data believed to be reliable and accurate at the time of preparation. However, Aspire Town Planning and Project Services does not warrant the accuracy, completeness, or currency of the information and disclaims any responsibility for any errors or omissions, or for any loss or damage incurred by any party as a result of reliance on this information.

The conclusions and recommendations contained in this report are based on our professional judgment and interpretation of the current planning policies and regulations. It is important to note that planning regulations and policies are subject to change, and this report should not be construed as a guarantee of any future planning outcomes.

This report is confidential and may not be disclosed, reproduced, or distributed to any third party without the prior written consent of Aspire Town Planning and Project Services. Unauthorised use or distribution of this report is strictly prohibited.

# Executive Summary

Aspire Town Planning and Project Services has been engaged and acts on behalf of Liam Almeida Matos Craig as trustee for the Craig Family Trust (the 'Applicant') in relation to land at 3 Seabrook Avenue, Port Douglas, with consent of Keith Neville Tesch and Fiona Maree Tesch (the 'Land Owners'). The land is more formally described as Lot 107 on RP729080 (the 'subject site').

This Development Application seeks a Development Permit for a Material Change of Use to maintain the primary use of the land as a Dwelling House for private residential occupation, while allowing for ancillary occasional short term letting when the Dwelling House is unoccupied by the owners. The purpose of the application is to allow flexibility in the way that the property is occupied.

The proposal seeks to maintain land use rights for the primary residential occupation of an existing Dwelling House. No further building work or operational work is proposed. The application relies on the established built form and existing service connections, with no changes to the dwelling or site layout required to facilitate the occasional short term letting.

The short term letting component will enable the dwelling to be offered for whole-of-house guest stays on a limited basis (less than three consecutive months) during periods when the owners are not in residence. This flexible arrangement is intended to complement, not replace, the dwelling's primary function as a permanent residence. No changes to the approved plans or built form are proposed as part of this application.

Under the Douglas Shire Planning Scheme 2018 v1 (the 'planning scheme'), the subject site is located within the Low-Medium Density Residential Zone and within the Port Douglas and Craiglie Local Plan Area. The proposal is Impact Assessable and triggers a Development Application to Douglas Shire Council for a Development Permit. In addition, as the site is located within 25 metres of a State-controlled road, the application also requires referral to the State Assessment and Referral Agency (SARA) for assessment against the State transport infrastructure provisions.

Given the domestic nature of the building and the very low-intensity of the proposed ancillary use, the development will have no unreasonable impacts on the residential character or amenity of the local area. The surrounding allotments are predominantly residential in nature and include a mix of permanent residents and short stay accommodation offerings. The dwelling retains the scale, density and appearance of a standard residential home and will function accordingly, with only the occasional and temporary duration of occupancy distinguishing it from a traditional dwelling.

The proposed development is consistent with the intent of the Low-Medium Density Residential Zone and the expectations for the Port Douglas and Craiglie Local Plan Area. Importantly, no physical works or modifications to the dwelling are required to facilitate the ancillary use.

This Town Planning Report includes a comprehensive assessment of the proposed development against the planning scheme. The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant Assessment Benchmarks and is presented to Douglas Shire Council ('Council') for approval. It would be appreciated if Council could provide 'without prejudice' draft conditions for review prior to the issue of a Decision Notice.

We look forward to Council's consideration of this application and remain available to provide any additional information or clarification as required to assist with the assessment process.

# 1.0 Summary

Table 1 shows a summary of the key site characteristics, ownership details, and planning information relevant to this application.

<b>Street Address</b>	3 Seabrook Avenue, Port Douglas
<b>Lot and Plan</b>	Lot 107 on RP729080
<b>Land Owner</b>	Keith Neville Tesch and Fiona Maree Tesch <i>See Attachment 1 – Certificate of Title</i>
<b>Size</b>	800m <sup>2</sup>
<b>Road Frontages</b>	Approximately 20m to Seabrook Avenue
<b>Easements</b>	Nil <i>See Attachment 1 – Certificate of Title</i>
<b>Proposal</b>	Use of an existing Dwelling House for occasional Short Term Accommodation (including continued Dwelling House rights)
<b>Approvals Sought</b>	Development Permit for Material Change of Use
<b>Level of Assessment</b>	Impact Assessable
<b>Planning Scheme Zone</b>	Low-Medium Density Residential Zone
<b>Local Plan</b>	Port Douglas and Craiglie Local Plan Area
<b>Regional Plan Designation</b>	Urban Footprint
<b>State Planning Policy</b>	Appropriately integrated within the Planning Scheme
<b>State Development Assessment Provisions</b>	Triggers assessment against the State code 1: Development in a state-controlled road environment
<b>Referral</b>	State Assessment and Referral Agency (SARA) for Infrastructure-Related Referral – State Transport Infrastructure

**Table 1: Site Details**

## 2.0 Site Description

The subject site is located at 3 Seabrook Avenue, Port Douglas, and is more formally described as Lot 107 on RP729080. The property has a total area of 800m<sup>2</sup> with a primary frontage of approximately 20.45 metres to Seabrook Avenue, a local sealed road (refer to Figure 1). The site is held in freehold title by Keith Neville Tesch and Fiona Maree Tesch (see Attachment 1 – Certificate of Title).

The surrounding locality is characterised by established low to medium density residential development, with detached dwellings and short-term holiday accommodation common throughout the street and wider area. The property forms part of the Solander precinct, which is highly sought after for its tropical residential character, walkability, and proximity to Four Mile Beach (400m to the east) (refer to Figure 2) and the Port Douglas town centre (approximately 3.3 km north, refer to Figure 3). As such, the location offers strong locational appeal to both residents and visitors, with the established pattern of development supporting a mix of permanent living and tourism uses in a manner that reinforces the amenity and appeal of Port Douglas as a destination.

The subject site is regular in shape, relatively flat, and currently developed with a high-quality, contemporary four-bedroom, three-bathroom dwelling. Constructed in 2022, the residence was designed and built by a locally awarded builder/designer team and showcases a modern tropical aesthetic with high-quality finishes (refer to Figure 4). Key features include lofty internal ceilings, bi-fold doors connecting indoor and outdoor spaces, a 5.6m saltwater pool with heating, extensive timber decking, and fully irrigated tropical landscaping. The dwelling has a total floor area of approximately 397m<sup>2</sup> under roof, with a double garage, outdoor shower, and private decks adjoining each bedroom.

The immediate surrounds include a mix of single and double-storey dwellings, many of which operate as either permanent residences or short-term holiday accommodation. The area offers excellent residential amenity due to its proximity to Four Mile Beach, local parks, and the retail and dining facilities of Macrossan Street.

The site is not burdened by any easements and does not contain any significant vegetation or topographical features. It is fully serviced, with access to reticulated water, sewer, electricity, telecommunications, and waste collection.

Under the Douglas Shire Planning Scheme 2018 v1.0, the site is included within the:

- Low-Medium Density Residential Zone;
- Port Douglas and Craiglie Local Plan Area; and
- Affected by the following overlays:
  - Acid Sulfate Soils Overlay (<5m AHD);
  - Medium Storm Tide Hazard Overlay;



- Landscape Values Overlay (Scenic Buffer Area);
- Transport Noise Corridor Overlay (Category 1); and
- Transport Network Overlay (State Controlled Road Buffer).



**Figure 1: Subject Site (Source: QLD Globe, August 2025)**



*Figure 2: Aerial Context (showing subject site within Solander precinct and proximity to Four Mile Beach) (Source: realestate.com, August 2025)*





Figure 3: Proximity to Macrossan Street, Port Douglas (Source: QLD Globe, August 2025)



Figure 4: Dwelling Photo (Source: realestate.com, August 2025)

## 3.0 Proposal

This application seeks approval for a Material Change of Use to maintain the primary use of the property as a Dwelling House for private residential occupation, while allowing flexibility for also short term letting during periods when the dwelling is not in permanent residential use. The land is more formally described as Lot 107 on RP729080 at 3 Seabrook Avenue, Port Douglas.

The subject site is already developed with a modern, high-quality dwelling that reflects the tropical residential character of the Solander precinct (refer to Figure 5). The home is well designed for family living, with generous indoor and outdoor spaces, a pool, and landscaped gardens that reinforce its presentation as a private residence (refer to Figure 6). No building or operational works are proposed, as the occasional short term letting will be entirely contained within the existing dwelling footprint.

While the dwelling will be used primarily for private residential occupation, the proposal seeks flexibility to allow whole-of-house short term rental during periods when it is not in permanent residential use. This arrangement is complementary to the dwelling's principal residential function and reflects a common, low-intensity pattern of use in a tourism-oriented locality such as Port Douglas.

Under the Douglas Shire Planning Scheme 2018 v1.0, the occasional short term letting component is defined as Short Term Accommodation and is subject to Impact Assessment in the Low–Medium Density Residential Zone. This application also seeks to retain and protect the residential use rights associated with the Dwelling House, ensuring that this function remains. The proposal simply provides the ability for the property to transition between private occupation and occasional visitor accommodation, without altering its intended residential character.

The short term letting will accommodate only one group of guests at a time, consistent with the behaviour and impacts of a typical household. It is not proposed to rent individual rooms or parts of the dwelling separately. No signage, commercial branding, or external modifications are proposed. The property's appearance and scale will remain consistent with surrounding dwellings in the established streetscape.

The local area includes a mix of permanent residences and short term rental properties. Given the domestic scale of the dwelling, the absence of new works, and the site's location within a walkable residential neighbourhood close to Four Mile Beach (400m) and Macrossan Street (3.3 km), the proposal is compatible with the established character of the area. The occasional letting will not generate adverse amenity impacts or materially alter the function, appearance, or infrastructure demand of the site.



It is submitted that the proposal represents an appropriate and balanced planning outcome, and is capable of approval.



*Figure 5: Seabrook Avenue Perspective (Source: realestate.com, August 2025)*



*Figure 6: Internal Perspective (Source: realestate.com, August 2025)*

# 4.0 Statutory Town Planning Framework

## 4.1 Planning Act 2016

The *Planning Act 2016* (the 'Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, Development Applications are assessed by Local Governments. The Planning Act is supported by the *Planning Regulation 2017* (the 'Planning Regulation'). The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a Development Application.

### 4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for a Material Change of Use (Short Term Accommodation and continuing existing Dwelling House use rights).

### 4.1.2 Application

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument; and
- for a Material Change of Use.

In accordance with Section 48 of the Planning Act and Schedule 8, Table 2, Item 1 of the Planning Regulation, the Development Application is required to be made to the applicable Local Government, in this instance being Douglas Shire Council (the 'Council').

### 4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the Development Application must be provided. A review of the Planning Regulation confirms the Development Application triggers referral to the State Assessment and Referral Agency under:

- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4: Material change of use of premises near a State transport corridor or that is a future State transport corridor

Assessment against the State code 1: Development in a state-controlled road environment is included under Attachment 4: Statement of Code Compliance Against the State Development Assessment Code.

#### 4.1.4 Public Notification

Section 53(1) of the Planning Act provides that an applicant must give notice of a Development Application where any part is subject to Impact Assessment or where it is an application, which includes a Variation Request.

The Development Application is subject to Impact Assessment and therefore Public Notification of the Development Application is required.

Aspire Town Planning and Project Services will appropriately coordinate the Public Notification actions.

#### 4.1.5 Assessment Framework

An Impact Assessable Development Application is required in this instance. Section 45(5) of the Planning Act provides that:

*“(5) An impact assessment is an assessment that—*

*(a) must be carried out—*

*(i) against the assessment benchmarks in a categorising instrument for the development; and*

*(ii) having regard to any matters prescribed by regulation for this subparagraph; and*

*(b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.*

*Examples of another relevant matter—*

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors”*

The Douglas Shire Planning Scheme 2018 v1 (the ‘Planning Scheme’) is the applicable local categorising instrument.

Section 30 of the Planning Regulation provides the following assessment benchmarks for the purposes of Section 45(5) (a) of the Planning Act:

*“(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*

*(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*

*(a) the assessment benchmarks stated in—*

*(i) the regional plan for a region; and*

*(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

*(iii) a temporary State planning policy applying to the premises;*

*(b) if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;*

*(c) if the local government is an infrastructure provider—the local government’s LGIP.*

*(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the Planning Regulation provides matters for the purposes of Section 45(3)(b) of the Planning Act:

*“(1) For section 45(5)(a)(ii) of the Act, the impact assessment must be carried out having regard to—*

*(a) the matters stated in schedules 9 and 10 for the development; and*

*(b) if the prescribed assessment manager is the chief executive—*

*(i) the strategic outcomes for the local government area stated in the planning scheme; and*

*(ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and*

*(iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and*

*(iv) the State Planning Policy, parts C and D; and*

*(v) for premises designated by the Minister—the designation for the premises; and*

*(c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*



*(d) if the prescribed assessment manager is a person other than the chief executive—*

*(i) the regional plan for a region; and*

*(ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

*(iii) for designated premises—the designation for the premises; and*

*(e) any temporary State planning policy applying to the premises; and*

*(f) any development approval for, and any lawful use of, the premises or adjacent premises; and*

*(g) the common material.*

*(2) However—*

*(a) an assessment manager may, in assessing development requiring impact assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*

*(b) if an assessment manager is required to carry out impact assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

The following sections of this Report discuss the applicable assessment benchmarks and applicable matters in further detail.

## **4.2 Far North Queensland Regional Plan 2009-2031**

The Far North Queensland Regional Plan 2009 - 2031 ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is identified in the Planning Scheme as being appropriately integrated in the scheme and therefore not assessed in any further detail in this Development Application.

## **4.3 State Planning Policy**

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is considered

that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

## 4.4 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

## 4.5 Douglas Shire Planning Scheme 2018 v1

The Planning Scheme came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the *Sustainable Planning Act 2009* ('the SPA'). The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

### 4.5.1 Strategic Framework

The Strategic Framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the Shire for the life of the Planning Scheme. The proposed development is Impact Assessable and an assessment against the Strategic Framework has been undertaken. Table 2 below includes an assessment against each of the Six Themes.

Strategic Framework	Assessment Response
<b>3.4 Theme 1: Settlement Pattern</b>	
3.4.1 Strategic Outcomes	<b>Complies.</b> The proposal maintains the existing settlement pattern by delivering low-scale visitor accommodation within a designated residential area. It is an ancillary use, is contained within a Dwelling House and does not introduce additional buildings or built form.
3.4.2 Element – Urban Settlement	<b>Complies.</b> The site is located within an existing urban area with full servicing and infrastructure. The proposal aligns with the intent of the Low-Medium Density Residential Zone and does not alter the form or function of the urban settlement.
3.4.3 Element – Activity Centres	<b>Complies.</b> The use is appropriately located outside of designated centres and will not undermine the role or function of any existing Activity Centre. Instead, it is expected to generate incidental economic benefits through

	increased patronage of local businesses, services, and attractions.
3.4.4 Element – Industrial Areas	<b>Not Applicable.</b> The subject site is not located within an Industrial Area nor does it seek approval for an Industrial Use.
3.4.5 Element – Residential Areas and Activities	<b>Complies.</b> The site is located within a designated residential zone and maintains the function and appearance of a Dwelling House. The proposed use supports flexible residential use. The Short Term Accommodation use is of a minor and ancillary scale.
3.4.6 Element – Rural Residential Areas	<b>Not Applicable.</b> The subject site is not located within a Rural Residential Area.
3.4.7 Element – Mitigation of Hazards	<b>Complies.</b> The site is not affected by any hazard overlays that would prevent the proposed use.
3.4.8 Element – Recognition of Rights and Interests of Native Title Land Holders	<b>Not Applicable.</b> Not relevant to the proposed development. The site is freehold and not subject to native title claims.
<b>3.5 Theme 2 – Environmental and Landscape Values</b>	
3.5.1 Strategic Outcomes	<b>Complies.</b> The site is urban, cleared, and already contains an existing Dwelling House. The proposal presents no environmental or landscape impacts. The development maintains a residential scale and is consistent with the surrounding character.
3.5.2 Element – Aboriginal Cultural Heritage Values	<b>Not Applicable.</b> Not relevant to the proposed development.
3.5.3 Element – Biodiversity	<b>Complies.</b> The site is cleared. No vegetation removal or impact on biodiversity values will occur as part of the proposed use.
3.5.4 Element – Coastal Zones	<b>Not Applicable.</b> Not relevant to the proposed development.
3.5.5 Element – Scenic Amenity	<b>Complies.</b> The proposal is contained within a standard residential dwelling and maintains consistency with the streetscape and surrounding built form. There are no new structures proposed that would alter visual amenity.
3.5.6 Element Air and Acoustic Protection and Hazardous Materials	<b>Not Applicable.</b> Not relevant to the proposed development.
<b>3.6 Theme 3 – Natural Resource Management</b>	
3.6.1 Strategic Outcomes	<b>Complies.</b>

	The proposed development has no interaction with natural resources. The site is for residential purposes and located within the Port Douglas urban footprint.
3.6.2 Element – Land and Catchment Management	<b>Complies.</b> The site is fully serviced and contains no mapped catchment constraints. No additional runoff, hardstand, or changes to drainage are proposed as part of the application.
3.6.3 Element – Primary Production, Forestry and Fisheries	<b>Not Applicable.</b> The subject site is located within an urban residential zone and is not used for nor intended for primary production, forestry, or fisheries.
3.6.4 Element – Resource Extraction	<b>Not Applicable.</b> The development does not involve resource extraction.
<b>3.7 Theme 4 – Strong Communities and Identity</b>	
3.7.1 Strategic Outcomes	<b>Complies.</b> The proposed development maintains the character, scale, and residential function of the local area. The low-intensity, intermittent use as Short Term Accommodation is consistent with the identity of Port Douglas as a tourism destination.
3.7.2 Element – Social Planning and Infrastructure	<b>Not Applicable.</b> The scale and nature of the proposed use does not trigger any need for new social infrastructure or community services.
3.7.3 Element – Active Communities	<b>Not Applicable.</b> The development does not involve sport, recreation, or active community infrastructure.
3.7.4 Element – Sense of Place, Community and Identity	<b>Complies.</b> The proposed use reflects the evolving nature of residential areas within Port Douglas where flexible living arrangements accommodate both permanent residents and visitors. It contributes positively to the town's identity as a relaxed coastal community.
3.7.5 Element – Housing Choice and Affordability	<b>Complies.</b> The development increases the availability of high-quality visitor accommodation in an area where housing is already established. The dual-purpose use allows the site to transition between private residential and short stay use.
3.7.6 Element – Arts and Culture	<b>Not Applicable.</b> The development does not involve or impact any cultural facilities or public art.
3.7.7 Element – Cultural and Landscape Heritage	<b>Not Applicable.</b>

	The site is not identified as a heritage place under the planning scheme or Queensland Heritage Register.
3.7.8 Element – Strengthening Indigenous Communities	<b>Not Applicable.</b> The site is not located within or adjacent to Indigenous community land and the proposed use does not affect Indigenous cultural or social values.
<b>3.8 Theme 5 – Economy</b>	
3.8.1 Strategic Outcomes	<b>Complies.</b> The development contributes to the local visitor economy by offering high-quality Short Term Accommodation in an established tourism destination, using existing residential infrastructure without requiring additional services or upgrades. The letting of the property supports the local economy through visitor expenditure in Port Douglas, while ensuring the dwelling remains primarily available for residential occupation.
3.8.2 Element – Economic Growth and Diversification	<b>Complies.</b> The proposal supports economic diversification by enabling flexible residential use that accommodates tourism demand. It adds to the mix of short term accommodation options within Port Douglas.
3.8.3 Element – Tourism	<b>Complies.</b> The development supports the continued growth of tourism in Port Douglas by providing short term visitor accommodation within walking distance of Four Mile Beach and Macrossan Street. Its low-impact nature ensures the amenity and residential character of the neighbourhood is preserved.
3.8.4 Element – Primary Production	<b>Not Applicable.</b> The site does not involve or impact primary production activities.
3.8.5 Element – Innovation and Technology	<b>Not Applicable.</b> The proposed development does not involve or require innovation infrastructure or technology-based services beyond standard residential telecommunications.
<b>3.9 Theme 6 – Infrastructure and Transport</b>	
3.9.1 Strategic Outcomes	<b>Complies.</b> The site is located within the Port Douglas urban area and is connected to all required infrastructure. The scale and nature of the proposed use are consistent with residential capacity and do not generate increased demand on infrastructure networks.
3.9.2 Element – Energy	<b>Complies.</b>

	The site has connection to the electricity network, and no additional demand or infrastructure upgrades are required to support the proposed use.
3.9.2 Element – Water and Waste Management	<b>Complies.</b> The site is connected to reticulated water and sewerage services. Waste disposal will continue via kerbside collection, with no additional infrastructure required.
3.9.3 Element – Transport	<b>Complies.</b> The proposed use will not affect the local transport network. The site includes sufficient on-site parking for guests. Guest arrivals and departures will occur intermittently and at low volumes.
3.9.5 Element – Information Technology	<b>Complies.</b> The site has connection available to the telecommunications network and no additional services or upgrades are required.

**Table 2: Assessment against Strategic Framework**

## 4.5.2 Zone

The subject site is located within the Low-Medium Density Residential Zone.

Under the Planning Scheme, the stated purpose of the Low-Medium Density Residential Zone is as follows:

*“The purpose of the Low-Medium Density Residential Zone Code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.”*

The proposed development seeks approval for the use of a Dwelling House for Short Term Accommodation, while retaining its ability to be used for permanent residential occupation. The proposed use does not alter the built form or functionality of the dwelling, nor does it introduce any additional buildings or works.

The development reflects the intent of the zone by maintaining a residential appearance and scale, while introducing flexibility in how the property is used over time. Given the proximity to local services, tourist amenities, and Four Mile Beach, the site is ideally located to accommodate short stay visitors in a way that complements the residential character of the area.

An assessment of the proposed development against the Low-Medium Density Residential Zone Overall Outcomes is provided within Table 3 below.

Overall Outcome	Assessment Response
<i>Development provides a range of residential dwelling choices including multiple dwellings and other forms of permanent-living residential development, including Residential care facilities.</i>	<b>Complies.</b> The existing Dwelling House is suitable for permanent residential occupation and occasional short term guest stays. The proposal maintains long-term residential housing utility while allowing for flexible use consistent with the character of Port Douglas.
<i>Development encourages and facilitates urban consolidation and the efficient use of physical and social infrastructure.</i>	<b>Complies.</b> The proposal makes efficient use of the existing dwelling and established infrastructure. No additional works or service upgrades are required.
<i>Development is designed to provide safe and walkable neighbourhoods.</i>	<b>Complies.</b> The site is already integrated into a safe and walkable residential neighbourhood in the Solander precinct. It is within easy walking distance of Four Mile Beach and connected to community facilities in Port Douglas via an established local street network. The proposal does not alter or diminish this existing walkable character.
<i>Development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts.</i>	<b>Complies.</b> The proposal will not generate impacts beyond that of a typical dwelling. Only one group of guests will occupy the dwelling at a time, and no commercial signage or external modifications are proposed.
<i>Development is reflective and responsive to the environmental constraints of the land.</i>	<b>Complies.</b> No works are proposed. The dwelling has already been designed and constructed to respond to the tropical climate and site conditions.
<i>Development provides a high level of amenity and is reflective of the surrounding character of the area.</i>	<b>Complies.</b> The dwelling reflects the established residential character of the Solander precinct and will continue to present as a private residence. Short term letting is incidental and will not change its built form, appearance, or residential scale.
<i>Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community.</i>	<b>Complies.</b> The dwelling is fully serviced and within walking distance of public open space and community facilities. The short term letting does not increase demand for community infrastructure.

**Table 3: Assessment against Low-Medium Density Residential Zone Overall Outcomes**

A full assessment against the Low-Medium Density Residential Code is included under Attachment 3.

### 4.5.3 Port Douglas and Craiglie Local Plan

The subject site is located within the Port Douglas and Craiglie Local Plan Area, however is not specifically located within a precinct. The general locality supports a mix of residential and tourist

accommodation uses that reflect the town's coastal village character and contribute to its role as a nationally significant tourist destination.

The proposed development aligns with the intent of the Local Plan by enabling a flexible use of the approved dwelling for both private residential occupation and short term guest accommodation. This form of low-scale visitor accommodation is common throughout the local area and is consistent with surrounding land use patterns.

Importantly, the proposal does not require any changes to the approved dwelling or the existing site layout. The built form remains domestic in character, with no commercial signage or intensified use proposed. The site is located within walking distance of Four Mile Beach and the Macrossan Street commercial precinct, supporting the area's planning intent to deliver well-located and diverse accommodation opportunities.

On this basis, it is submitted that the proposed development is consistent with the purpose and strategic intent of the Port Douglas and Craiglie Local Plan and contributes to the ongoing vitality of the local residential and tourism economy.

#### 4.5.4 Overlays

Table 4 below identifies the applicable Overlays pertaining to the subject site and includes a summary of the assessment against each code.

Overlay	Sub-category	Initial Assessment Comment
<b>Acid Sulfate Soils</b>	<5m AHD	<p>The site is mapped as being below 5m AHD. However, the proposal does not involve any excavation, lowering of the water table, or any works likely to disturb acid sulfate soils.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>
<b>Flood and Storm Tide Hazard</b>	Medium Storm Tide Hazard	<p>The site is affected by the Medium Storm Tide Hazard overlay. The proposal relates to an existing dwelling and does not involve new building work or extensions.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>
<b>Landscape Values</b>	Scenic Route Buffer	<p>The site is mapped within a Scenic Route Buffer. However, the proposal does not alter the approved</p>



		<p>built form or remove vegetation. The dwelling is residential in scale, consistent with surrounding character, and screened from key public vantages.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>
<b>Transport Noise Corridor</b>	Category 1: 58–63 dB(A)	<p>The site is identified within a Category 1 Transport Noise Corridor. The proposal relates to an existing dwelling and does not involve new building work.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>
<b>Transport Network</b>	Access Road/Major Transport Corridor Buffer Area (State Controlled Road)	<p>The subject site gains access from Seabrook Avenue, identified as an Access Road, and is also mapped within a State-controlled road buffer. The occasional short term letting will generate traffic movements comparable to those of a standard household, with one group of guests occupying the dwelling at a time. No changes are proposed to the access or driveway arrangement.</p> <p>On this basis, the proposal is considered consistent with the intent of the overlay and no conflict is identified, therefore a full documented assessment against the code is not included within this report.</p>

*Table 4: Applicable Overlays*

#### 4.5.5 Development Codes

Of the Development Codes, the following are relevant to the assessment of the Development Application:

- Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;
- Access Parking and Servicing Code;
- Environmental Performance Code; and
- Infrastructure Works Code.

A full assessment against the relevant Development Codes is included under Attachment 3.

With respect to the other Development Codes it is noted that:

- The Advertising Devices Code is not applicable as the development does not include Advertising Devices;
- The Filling and Excavation Code is not applicable as the proposal does not involve any earthworks, with the Dwelling House already constructed;
- No new landscaping is proposed and therefore the Landscaping Code is not considered applicable; and
- No Vegetation clearing is proposed, therefore the Vegetation Management Code is not applicable.

## 5.0 Conclusion

Aspire Town Planning and Project Services represents the Applicant, Liam Almeida Matos Craig as trustee for the Craig Family Trust, in seeking a Development Permit for a Material Change of Use (Short Term Accommodation and continuing existing Dwelling House use rights) over land at 3 Seabrook Avenue, Port Douglas, formally described as Lot 107 on RP729080.

The proposed development seeks to establish land use rights for Short Term Accommodation in relation to the existing four-bedroom, three-bathroom dwelling, constructed in 2022. The dwelling presents as a high-quality modern residence consistent with the tropical residential character of the Solander precinct. No changes are proposed or required to the built form or layout to facilitate the occasional short term letting of the premises.

Although the land is located within the Low–Medium Density Residential Zone and the proposed use is identified as Impact Assessable under the Douglas Shire Planning Scheme 2018 v1.0, the development is considered consistent with the intent and character of the surrounding area. The proposal maintains the residential built form and scale of a typical dwelling and seeks to allow flexible use of the property by permitting short term guest accommodation during periods when it is not in permanent residential occupation. The application also seeks to retain the underlying residential Dwelling House use rights.

The subject site is located within the Port Douglas–Craiglie Local Plan Area and in close proximity to Four Mile Beach (400m) and the services of the Port Douglas town centre (approximately 3.3 km to Macrossan Street). The surrounding neighbourhood is characterised by a mix of permanent residences and short term accommodation. The proposal will not alter the building’s scale or intensity and will operate in a way that is consistent with the prevailing residential and tourism character of the locality.

This Town Planning Report provides a comprehensive assessment of the proposal against the Planning Scheme and demonstrates that the proposed development achieves compliance with the applicable provisions. The application is submitted to Douglas Shire Council for approval, and it would be appreciated if Council could provide ‘without prejudice’ draft conditions for review prior to the issue of a Decision Notice.

# **Attachment 1**

## **Certificate of Title**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20985187</b>	<b>Search Date:</b>	27/08/2025 11:22
<b>Date Title Created:</b>	21/04/1975	<b>Request No:</b>	53138240
<b>Previous Title:</b>	20580074		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 107 REGISTERED PLAN 729080  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 720878038 21/06/2021

KEITH NEVILLE TESCH  
FIONA MAREE TESCH

JOINT TENANTS

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10392191 (POR 27)
2. MORTGAGE No 721703711 20/05/2022 at 15:25  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005  
357 522

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

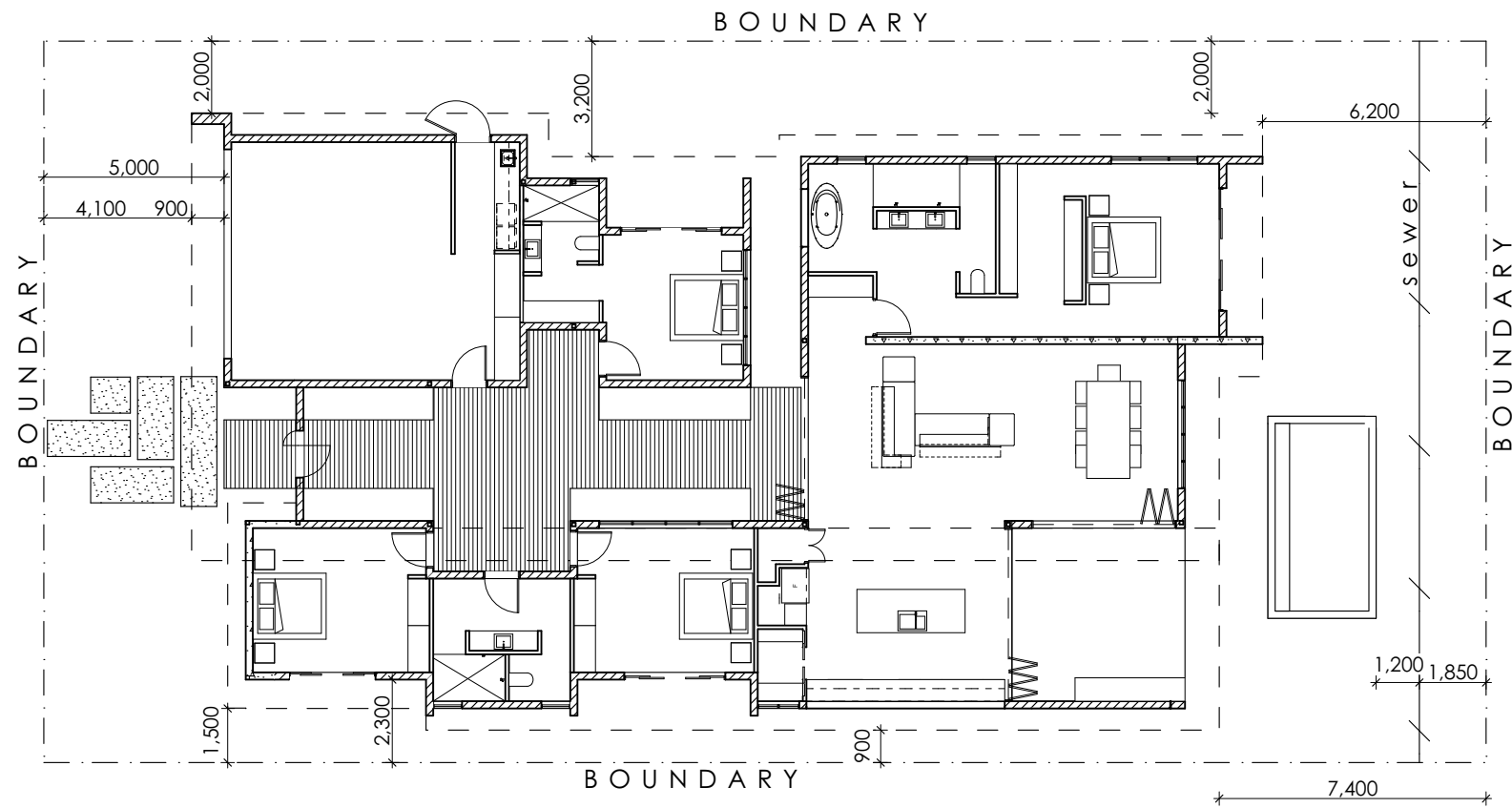
Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

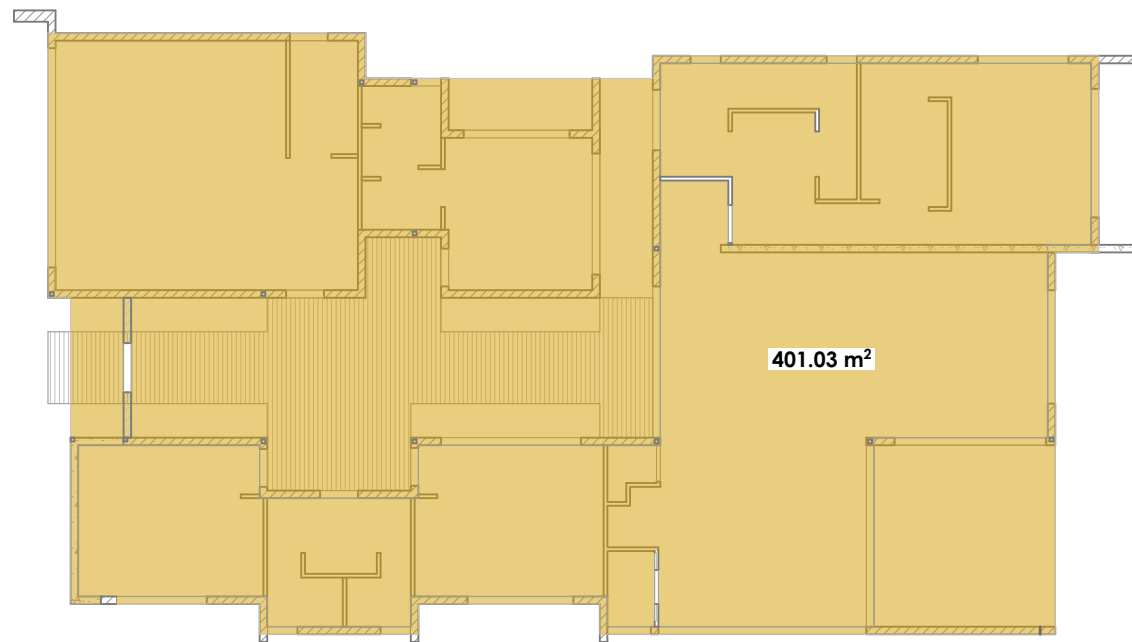
# **Attachment 2**

## **Site, Floor and Elevation Plans**

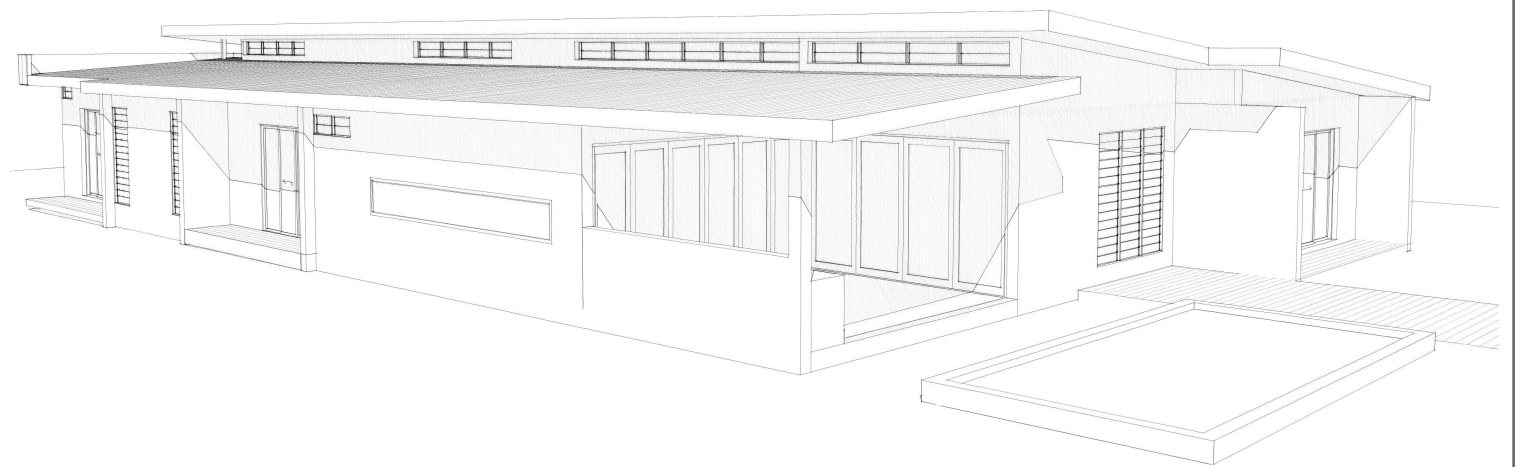
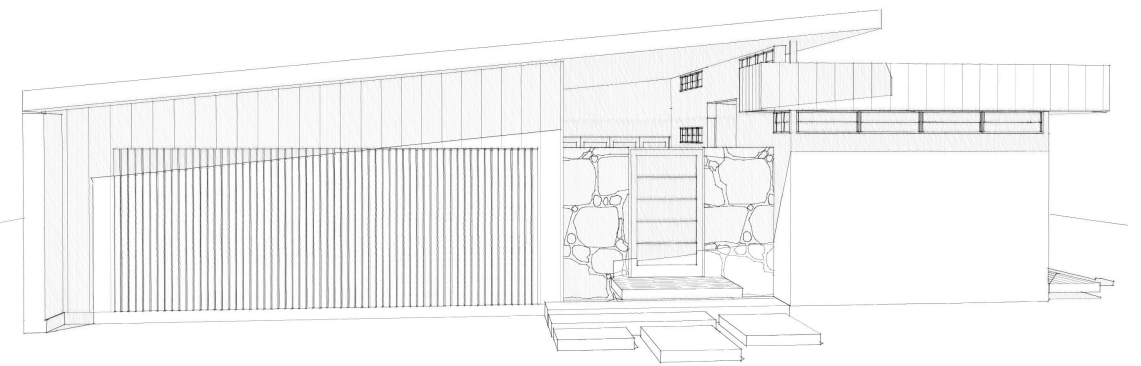


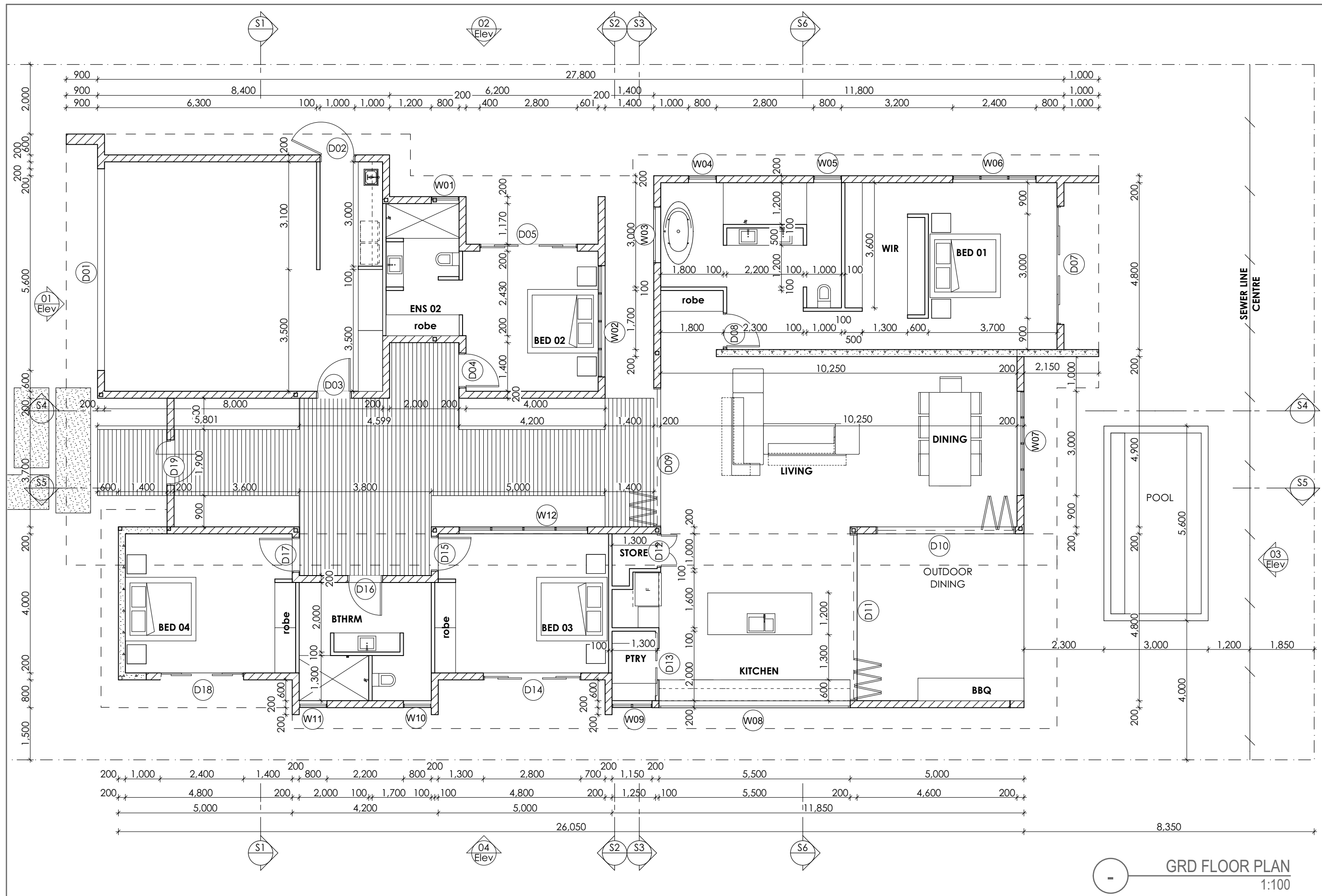


SITE PLAN  
1:200

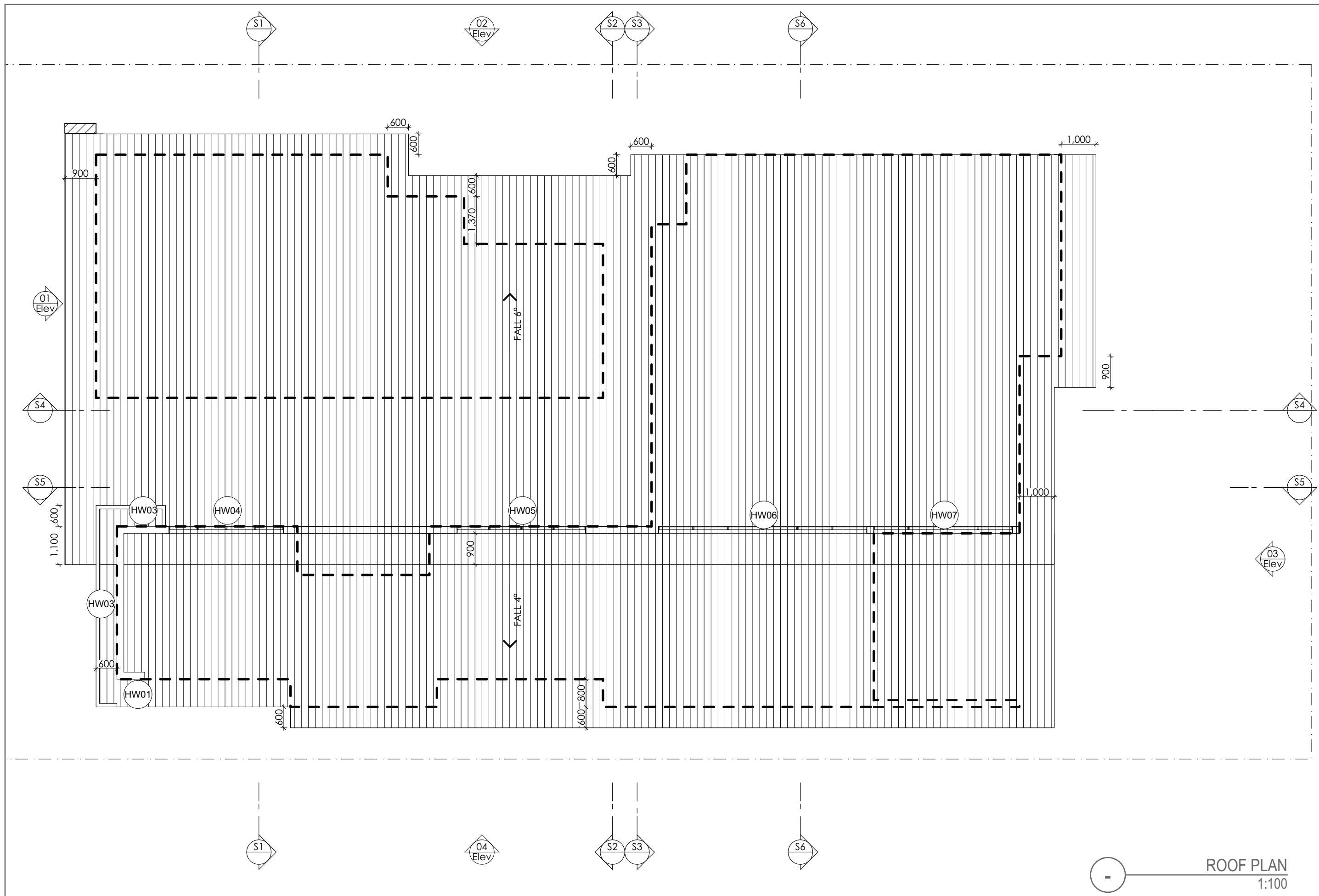


AREA PLAN  
1:200

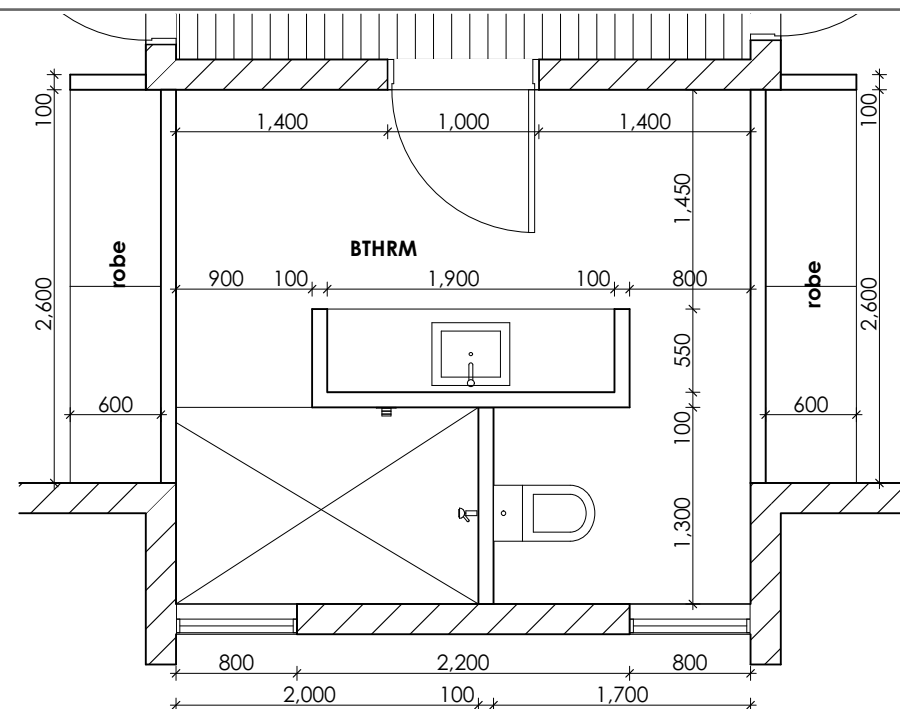




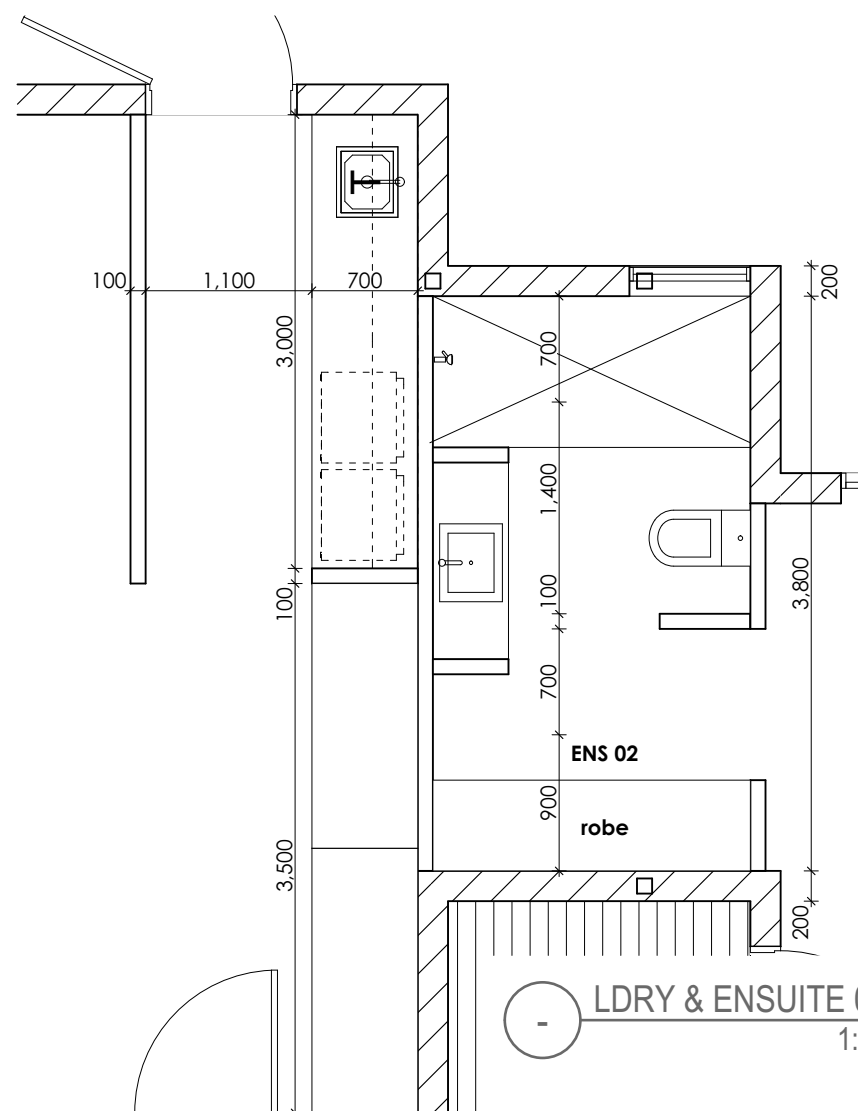
GRD FLOOR PLAN  
1:100



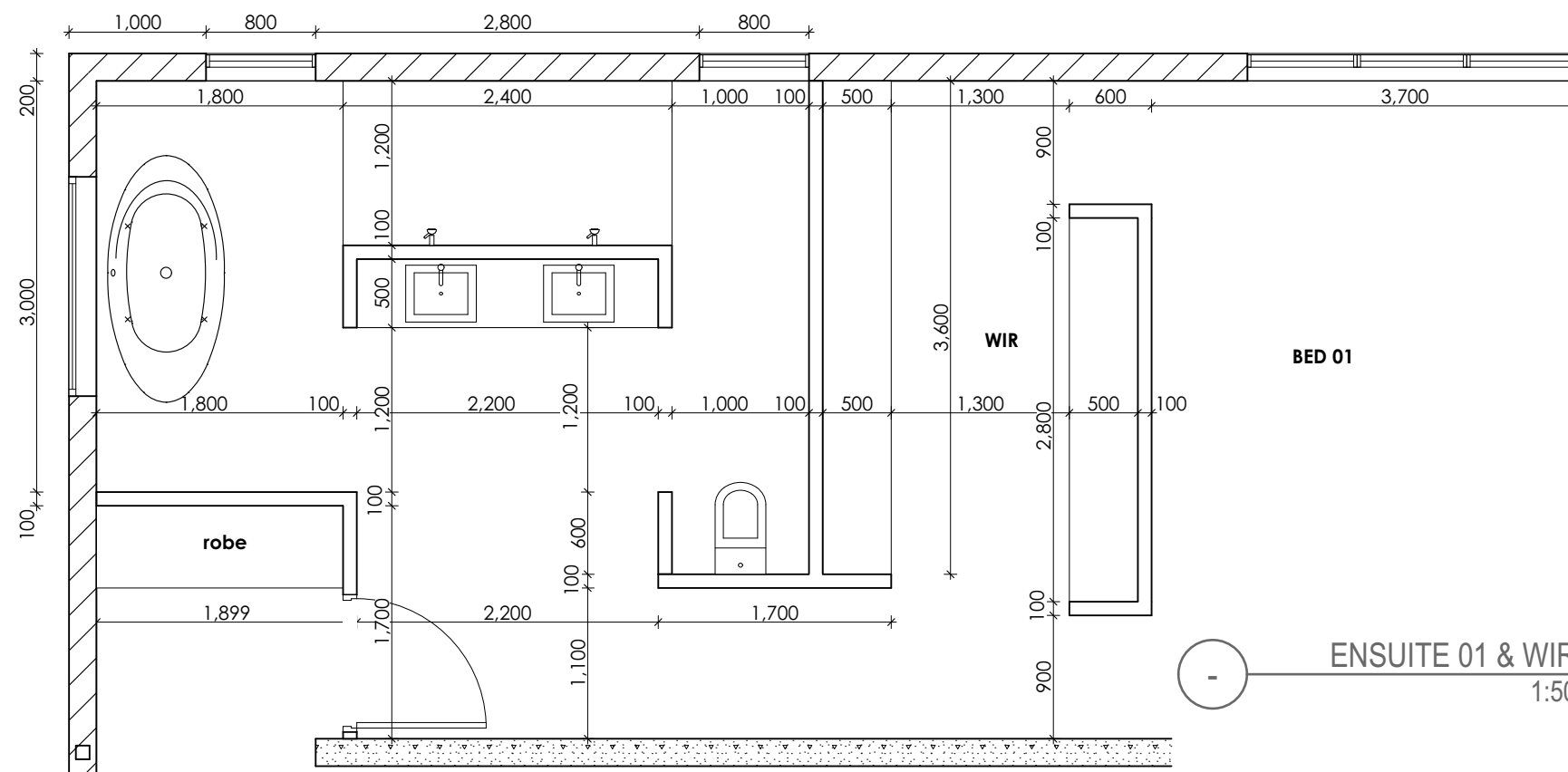
ROOF PLAN  
1:100



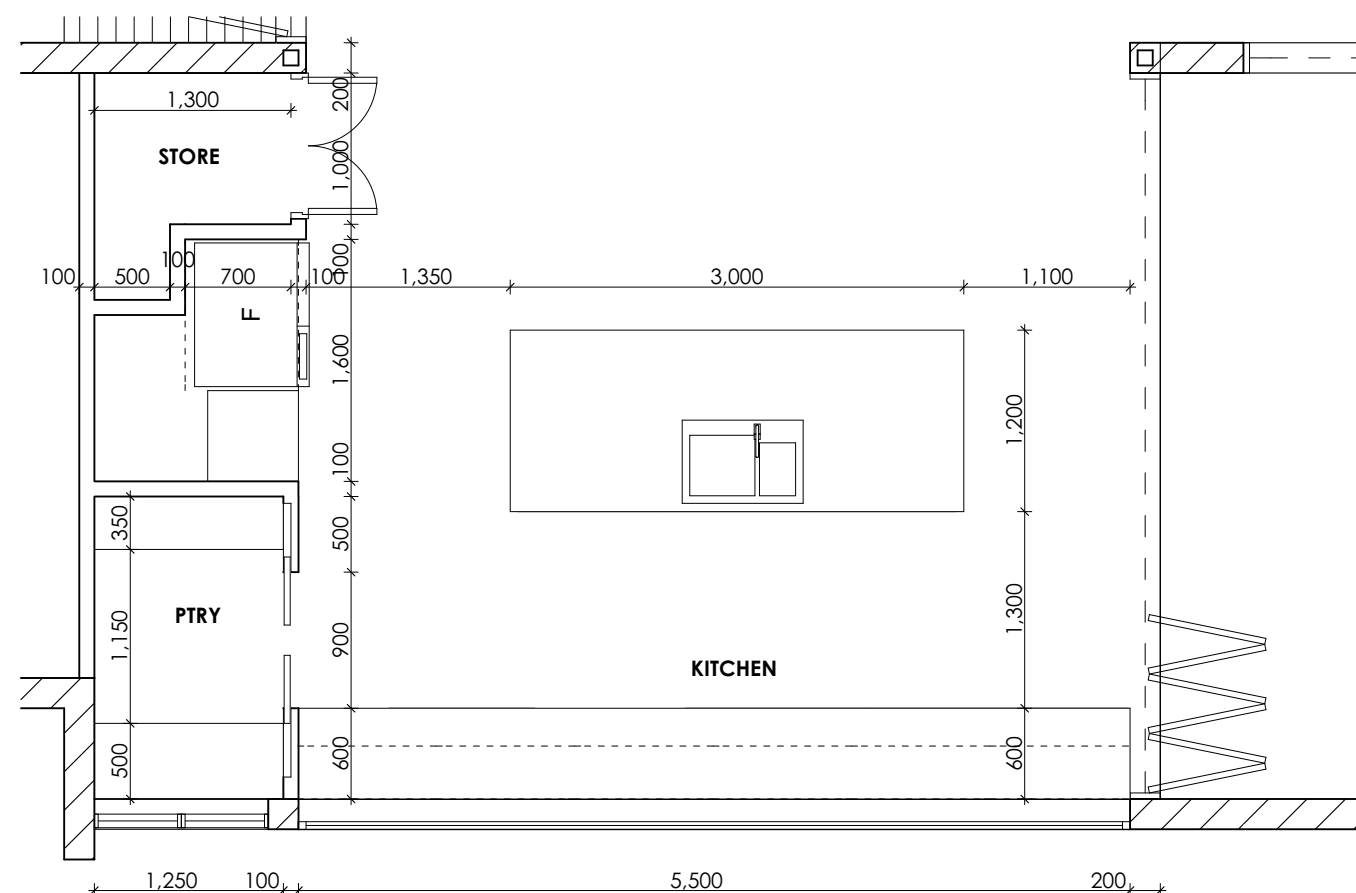
BTHRM & ROBES 1:50



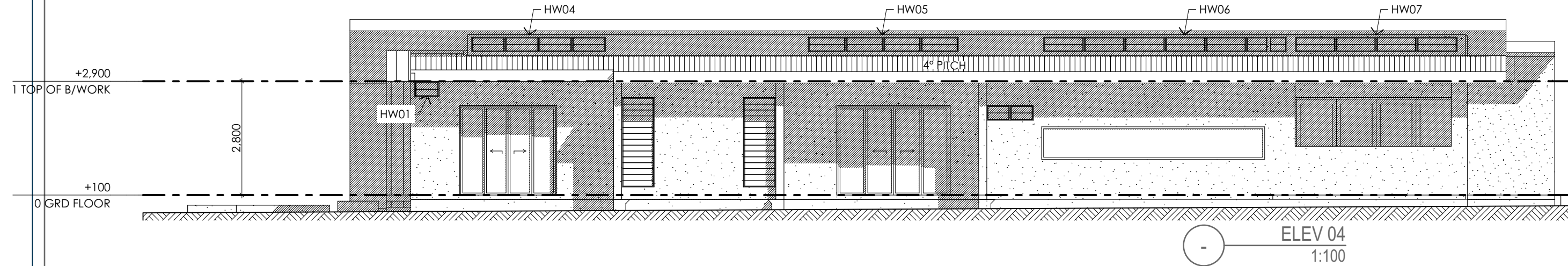
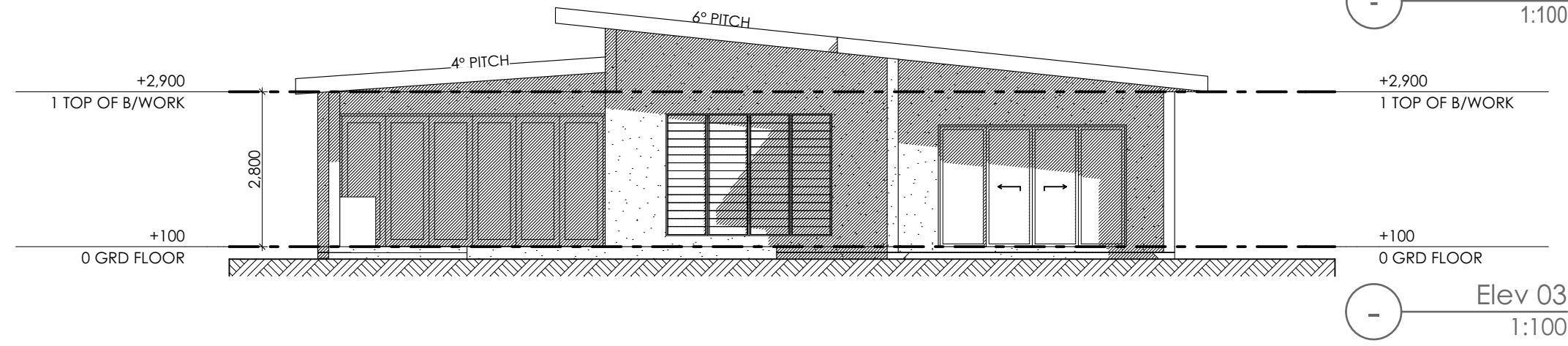
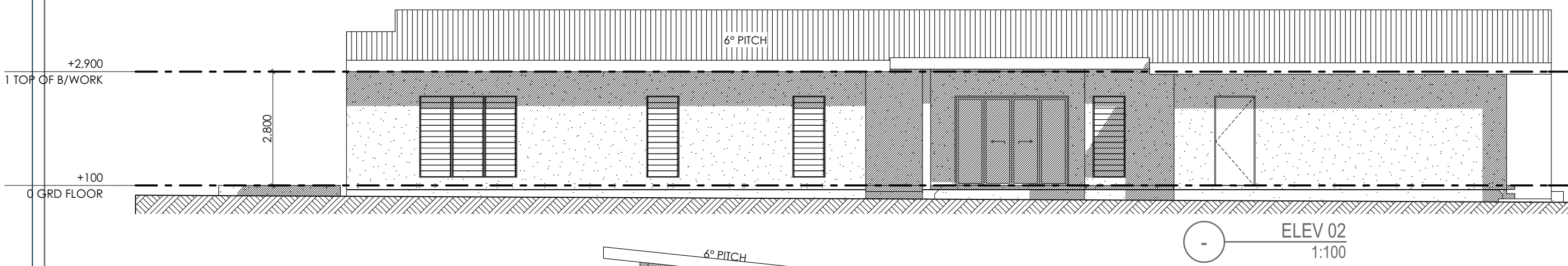
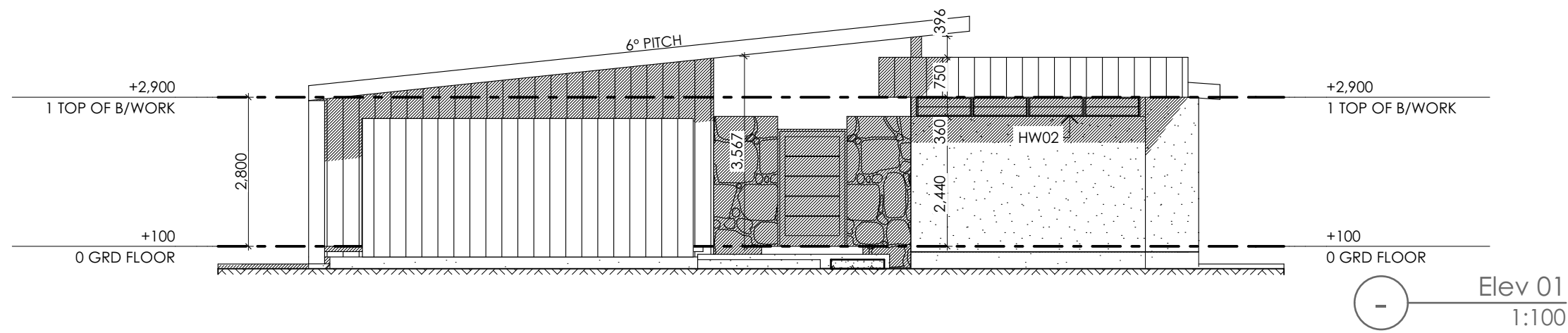
LDHY & ENSUITE 02 1:50



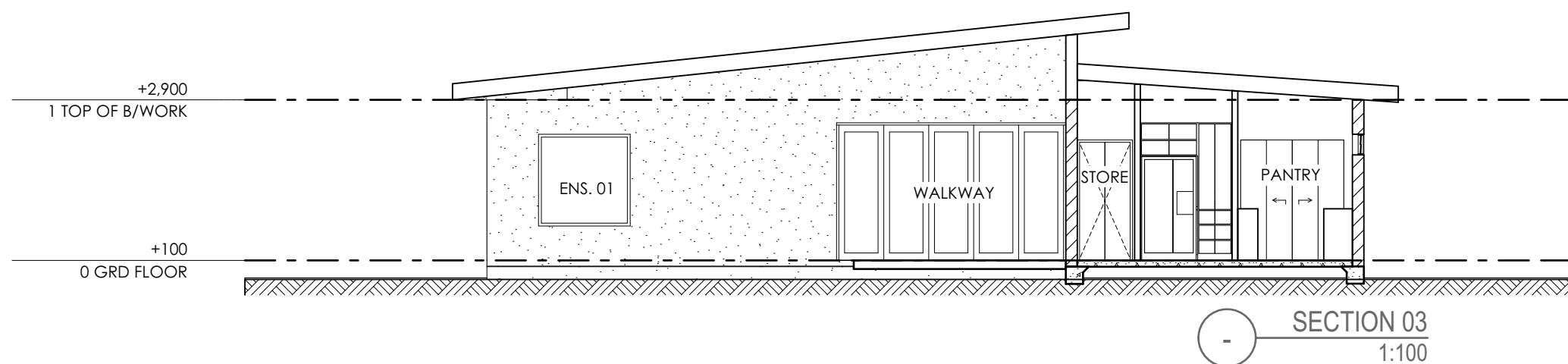
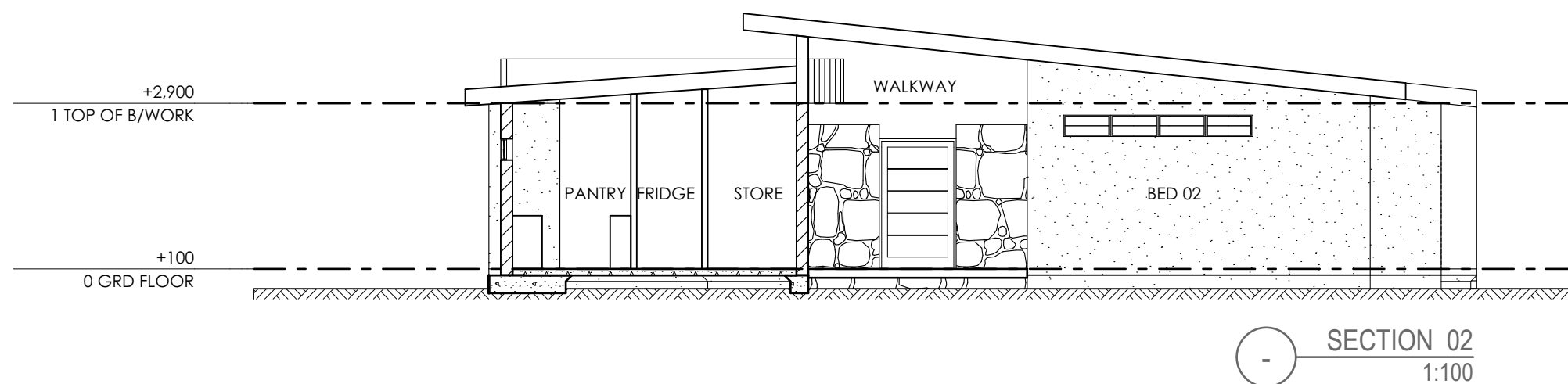
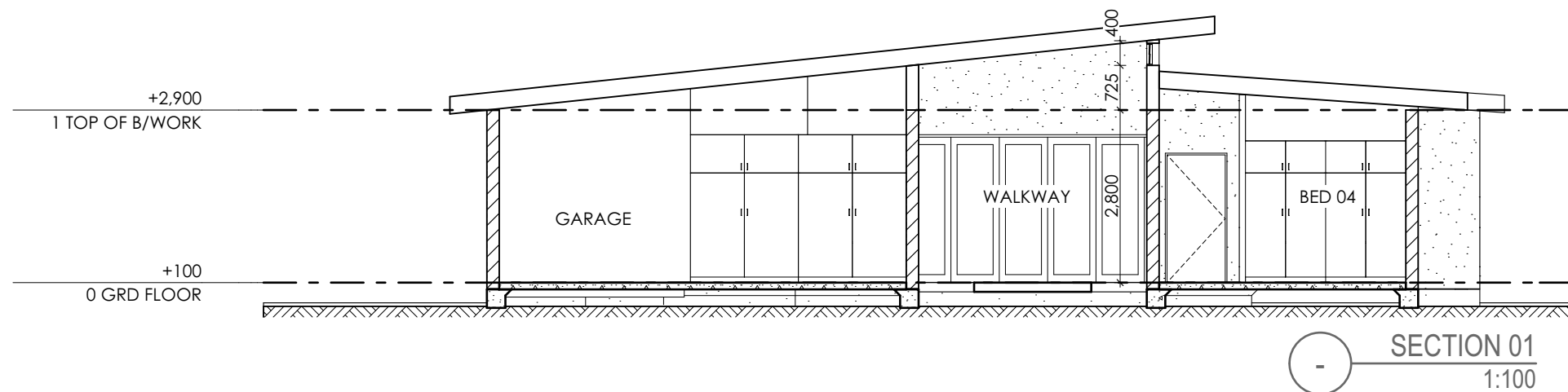
● **ENSUITE 01 & WIR** 1:50



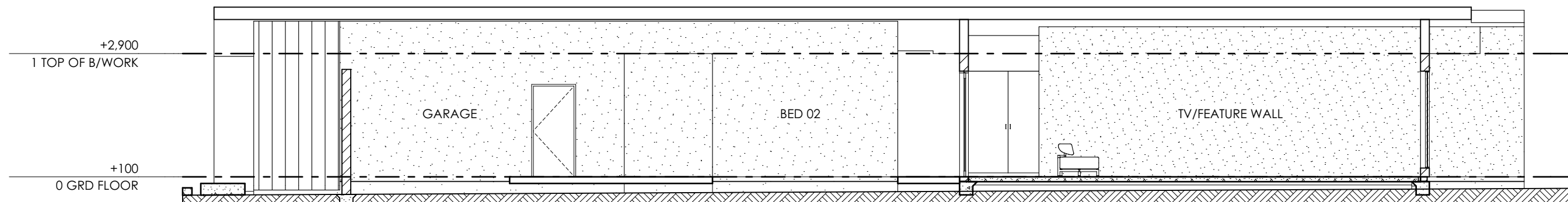

 KITCHEN, PANTRY & STORE



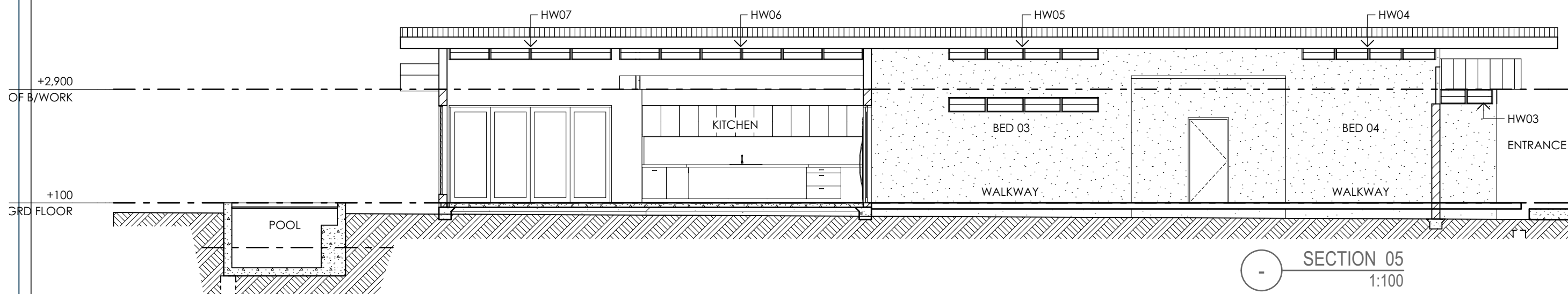




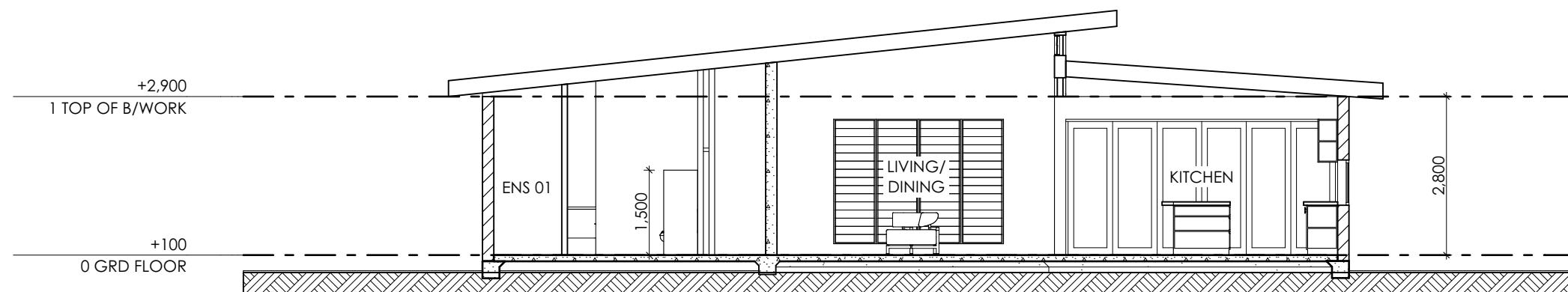




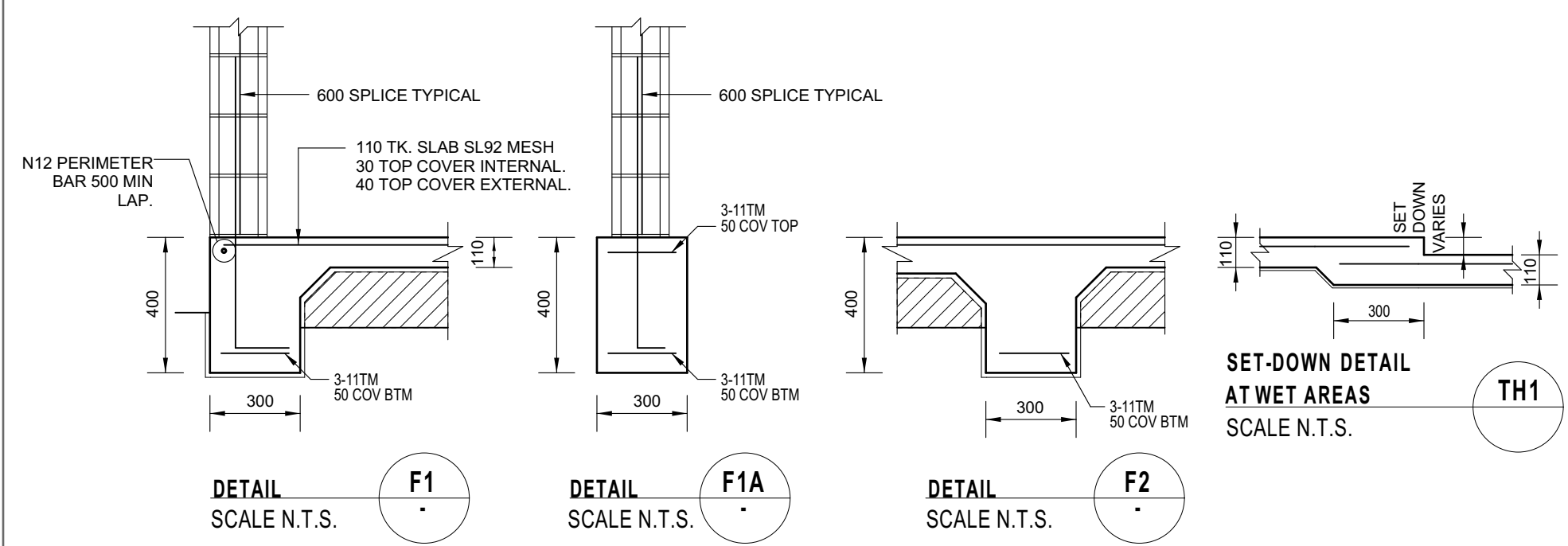
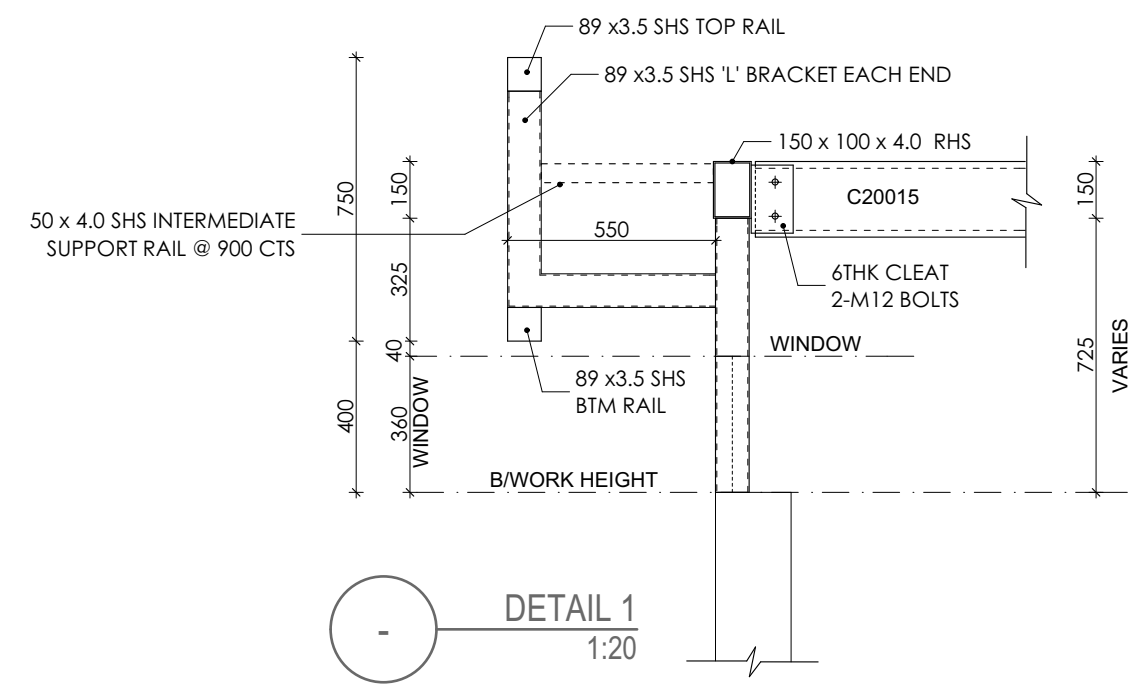
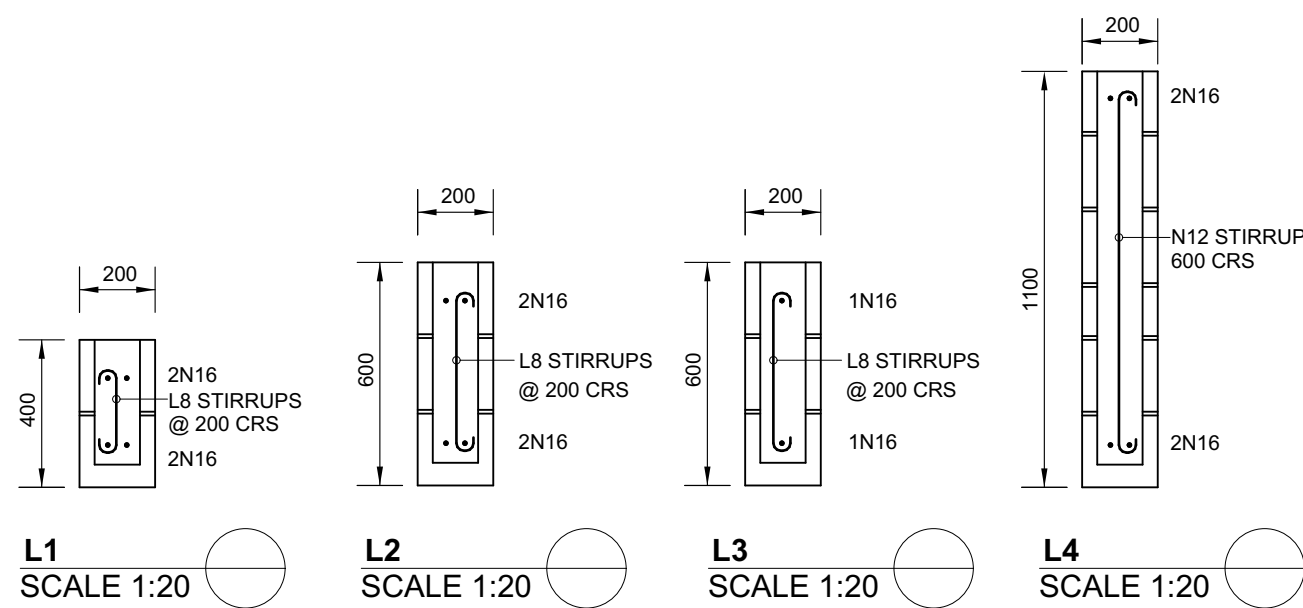
SECTION 04  
1:100



SECTION 05  
1:100



SECTION 06  
1:100



### WIND CLASSIFICATION - C2

### C.M.B. WALL REINFORCEMENT NOTES

1. PROVIDE DOUBLE COURSE BOND BEAM AT UNDER SIDE OF ROOF. REINF. WITH 2N12 OR 1N16 BAR EACH COURSE 500 MIN. LAPS.
2. PROVIDE SINGLE COURSE BOND BEAM IMMEDIATELY BELOW ALL WINDOW OPENINGS. REINF. WITH 1N12. EXTEND BOND BEAM 200 PAST EACH SIDE OF OPENING.
3. U.N.O. ON PLAN ALL LINTELS TO BE REINF WITH 2N12 OR 1N16 BAR WITH L8 TIE BARS AT 1000 CRS. MAX.
4. U.N.O. ON PLAN ALL 200 C.M.B. WALLS TO BE REINF. WITH N12 VERTICAL BARS AT ENDS, CORNERS, INTERSECTIONS, AT EACH SIDE OF OPENINGS AND AT 1200 MAX. CENTRES BETWEEN.
5. PROVIDE ADDITIONAL N12 VERTICAL BARS TO CORES ADJACENT TO OPENINGS GREATER THAN 1800 WIDE.
6. UNLESS NOTED OTHERWISE CONCRETE FILL ALL CORES CONTAINING REINFORCEMENT, HOLDING DOWN BOLTS AND MASONRY ANCHORS.
7. 100 SERIES BLOCKWORK WALLS TIED TO EXTERNAL WALLS WITH APPROVED MASONRY MESH EVERY 2nd COURSE
8. W.C.J. DENOTES WALL CONTROL JOINT U.N.O. TO BE REINFORCED WITH 1N12 VERTICAL EACH SIDE OF JOINT. EXTEND BOND BEAM REINFORCEMENT THROUGH JOINT FILL JOINT WITH COMPRESSIBLE BACKING ROD AND APPROVED SEALANT BOTH SIDES TO ARCHITECTS SPECIFICATION.

**FOOTING CORNER DETAIL**  
SCALE 1:20

**FOOTING INTERSECTION DETAIL**  
SCALE 1:20

WE HEREBY CERTIFY THE STRUCTURAL DETAILS AS SHOWN ON THESE DRAWINGS FOR CONSTRUCTION IN WIND CLASSIFICATION **C2**

*L. P. Pinarakis* 28-7-21

**CMG CONSULTING ENGINEERS** PTY. LTD.  
208 BUCHAN ST. CAIRNS QLD. 4870  
PH. (07) 4031 2775 FAX (07) 4031 9013  
A.C.N. 011 088 376

# **Attachment 3**

## **Douglas Shire Planning Scheme Code Assessment**

## 16.2.7 Low-medium density residential zone code

### 6.2.7.1 Application

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

### 6.2.7.2 Purpose

- (1) The purpose of the Low-medium density residential zone code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.
- (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 3.4.2 – Urban settlement, Element 3.4.5 Residential areas and activities, Element 3.4.7 – Mitigation of hazards.
    - (ii) Theme 4 : Strong community and identity, Element 3.7.3 – Active communities, Element 3.7.4 – Sense of place, community and identity, Element 3.7.5 – Housing choice and affordability.
    - (iii) Theme 6 : Infrastructure and transport, Element 3.9.2 - Energy, Element 3.9.3 – Water and waste management, Element 3.9.4 Transport, Element 3.9.5 – Information technology.
  - (b) establish a low-medium density residential character consisting predominantly of low-rise 1 and 2 storey dwelling houses, dual occupancies and multiple dwellings.
  - (c) provide for a diversity in housing choice through other housing types to cater for different housing needs and family structures.
  - (d) provide support for compatible small scale non-residential use activities.
  - (e) ensure development occurs on appropriately sized and shaped lots.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development provides a range of residential dwelling choices including multiple dwellings and other forms of permanent-living residential development, including Residential care facilities.
  - (b) Development encourages and facilitates urban consolidation and the efficient use of physical and social infrastructure.
  - (c) Development is designed to provide safe and walkable neighbourhoods.

- (d) Development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts.
- (e) Development is reflective and responsive to the environmental constraints of the land.
- (f) Development provides a high level of amenity and is reflective of the surrounding character of the area.
- (g) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community.

### Criteria for assessment

Table 6.2.7.3.a – Low-medium density residential zone code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> The height of all buildings and structures must be in keeping with the residential character of the area.	<b>AO1</b> Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of roof height.	<b>Complies with AO1</b> The building height is single storey.
<b>Setbacks (other than for a dwelling house)</b>		
<b>PO2</b> Buildings are setback to: <ul style="list-style-type: none"> <li>(a) maintain the character of residential neighbourhoods;</li> <li>(b) achieve separation from neighbouring buildings and from road frontages;</li> <li>(c) maintain a cohesive streetscape;</li> <li>(d) provide daylight access, privacy and appropriate landscaping.</li> </ul>	<b>AO2</b> Buildings are setback: <ul style="list-style-type: none"> <li>(a) a minimum of 6 metres from the main street frontage;</li> <li>(b) a minimum of 4 metres from any secondary street frontage;</li> <li>(c) 4.5 metres from a rear boundary;</li> <li>(d) 2 metres from a side or an average of half of the height of the building at the side setback, whichever is the greater.</li> </ul>	<b>Complies with PO2</b> No changes are proposed to the existing built form. The building is setback 4.1m to the road boundary, 2m to the eastern side boundary, 6.2m to the rear boundary and 900mm to the western side boundary.
<b>Site coverage</b>		
<b>PO3</b> The site coverage of all buildings does not result in a built form that is bulky or visually obtrusive.	<b>AO3</b> The site coverage of any building is limited to 50%.	<b>Complies with PO3</b> Site cover is not explicitly shown on the plans, however the floor area plan is 401m <sup>2</sup> , therefore with eave overhangs it is anticipated



Performance outcomes	Acceptable outcomes	Applicant response
		that the building exceeds 50% cover. Notwithstanding, the building is existing and no changes are proposed to the built form.





Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>P04</b> The establishment of uses is consistent with the outcomes sought for the Low-medium density residential zone and protects the zone from the intrusion of inconsistent uses.	<b>A04</b> Uses identified in Table 6.2.7.3.b are not established in the Low-medium density residential zone.	<b>Complies with A04</b> The proposal seeks Short Term Accommodation as a flexible use to the Dwelling House. This use is not listed as inconsistent in the Low-Medium Density Residential Zone and compliments the residential function of the site.
<b>P05</b> Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds.  <small>Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds.</small>	<b>A05</b> No acceptable outcomes are prescribed.	<b>Complies with P05</b> The dwelling is already constructed on a regular, flat, residential allotment. The short term letting does not alter the site's ability to respond to natural characteristics or constraints.
<b>P06</b> Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	<b>A06</b> No acceptable outcomes are prescribed.	<b>Complies with P06</b> Operationally, the use is consistent with the function of a Dwelling House and will be managed in a manner that protects local amenity. The Short Term Accommodation will be limited to one group of guests at a time, without commercial signage, and will continue to maintain the appearance and function of a standard residential dwelling.
<b>P07</b> New lots contain a minimum area of 450m <sup>2</sup> .	<b>A07</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b>
<b>P08</b> New lots have a minimum road frontage of 15 metres.	<b>A08</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b>
<b>P09</b> New lots contain a 20 metre x 15 metre rectangle.	<b>A09</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b>



Table 6.2.7.3.b - Inconsistent uses within the Low-medium density residential zone

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Adult store</li> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Aquaculture</li> <li>• Bar</li> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Club</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Emergency services</li> <li>• Extractive industry</li> <li>• Food and drink outlet</li> <li>• Function facility</li> <li>• Funeral parlour</li> <li>• Garden centre</li> <li>• Hardware and trade supplies</li> <li>• High impact industry</li> </ul>	<ul style="list-style-type: none"> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Landing</li> <li>• Low impact industry</li> <li>• Major electricity infrastructure</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Marine industry</li> <li>• Medium impact industry</li> <li>• Motor sport facility</li> <li>• Nature based tourism</li> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Outstation</li> </ul>	<ul style="list-style-type: none"> <li>• Parking station</li> <li>• Permanent plantation</li> <li>• Port services</li> <li>• Renewable energy facility</li> <li>• Research and technology industry</li> <li>• Resort complex</li> <li>• Roadside stall</li> <li>• Rooming accommodation</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Service industry</li> <li>• Shop</li> <li>• Shopping Centre</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Tourist attraction</li> <li>• Transport depot</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>

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



### **9.3.13 Multiple dwelling, short term accommodation and retirement facility code**

#### **9.3.13.1 Application**

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

#### **9.3.13.2 Purpose**

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

#### **9.3.13.3 Criteria for assessment**



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

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		
<b>PO1</b> The site has sufficient area and frontage to: (a) accommodate the scale and form of buildings considering site features; (b) achieve communal open space areas and private outdoor spaces; (c) deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting; (d) achieve safe and convenient vehicle and pedestrian access; (e) accommodate on-site car parking and manoeuvring for residents, visitors and service providers.	<b>AO1.1</b> The site has a minimum area of 1000m <sup>2</sup> .  <b>AO1.2</b> The site has a minimum frontage of 25 metres.	<b>Alternative Solution to AO1.1</b> The site is 800 m <sup>2</sup> . The existing dwelling comfortably accommodates the intended residential and Short Term Accommodation use with adequate open space, parking, and landscaping.  <b>Alternative Solution to AO1.2</b> The 20m frontage is sufficient to provide a clear access point and maintain residential character.
<b>PO2</b> Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through: (a) the establishment and extension of public streets and pathways; the provision of parks and other public spaces as appropriate to the scale of the development; (c) inclusion of a mix of dwelling types and tenures and forms; (d) buildings that address the street; (b) building height and setback transitions to adjoining development of a lower density or scale.	<b>A02</b> Development on a site 5,000m <sup>2</sup> or greater is in accordance with a structure plan.  Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning.	<b>Not Applicable</b>

**PO3**

Development ensures that the proportion of buildings to open space is:

- (a) in keeping with the intended form and character of the local area and immediate streetscape;
- (b) contributes to the modulation of built form;
- (c) supports residential amenity including access to breezes, natural light and sunlight;
- (d) supports outdoor tropical living;
- (e) provides areas for deep tropical planting and / or for the retention of mature vegetation.

**AO3.1**

The site cover is not more than 40%.

**AO3.2**

The development has a gross floor area of not more than:

Zone	Maximum GFA
Low-medium density residential	0.8 x site area
Medium density residential	1.2 x site area
Tourist accommodation	1.2 x site area
All other zones	No acceptable outcome specified

**AO3.1 Not Applicable**

Site cover nominated within the Low-Medium Density Residential Zone prevails and justification is included within the corresponding code response.

**Complies with AO3.2**

The Gross Floor Area is in keeping with the maximum permitted.

**PO4**

Development is sited so that the setback from boundaries:

- (a) provides for natural light, sunlight and breezes;
- (b) minimises the impact of the development on the amenity and privacy of neighbouring residents;
- (c) provides for adequate landscaping.

**AO4.1**

Buildings and structures are set back not less than 6 metres from a road frontage.

**AO4.2**

Buildings and structures are setback not less than 4 metres to the rear boundary.

**AO4.3**

The side boundary setback for buildings and structures is:

- (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building;
- (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.

**Not Applicable**

Setbacks nominated within the Low-Medium Density Residential Zone prevails and justification is included within the corresponding code response.



<p><b>PO5</b> Building depth and form must be articulated to</p> <ul style="list-style-type: none"> <li>(a) ensure that the bulk of the development is in keeping with the form and character intent of the area;</li> <li>(b) provide adequate amenity for residents in terms of natural light and ventilation.</li> </ul> <p>Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p>	<p><b>AO5.1</b> (a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres. (b) The minimum distance between buildings on a site is not less than 6 metres;</p> <p><b>AO5.2</b> The length of any continuous eave line does not exceed 18 metres.</p>	<p><b>Complies with AO5.1 and AO5.2</b> Refer to the attached plans.</p>
<p><b>PO6</b> Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p>	<p><b>AO6.1</b> Development incorporates a number of the following design elements:</p> <ul style="list-style-type: none"> <li>(b) balconies;</li> <li>(c) verandahs;</li> <li>(d) terraces;</li> <li>(e) recesses.</li> </ul> <p><b>AO6.2</b> Development reduces building bulk by:</p> <ul style="list-style-type: none"> <li>(a) variation in building colours, materials and textures;</li> <li>(b) the use of curves, recesses, projections or variations in plan and elevation;</li> <li>(c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch;</li> <li>(d) use of sun-shading devices and other façade features;</li> <li>(a) use of elements at a finer scale than the main structural framing of the building.</li> </ul>	<p><b>Complies with AO6.1 – AO6.2</b> The proposed development comprises a distinct architectural style, tailored to suit the tropical climate and relaxed coastal character of Port Douglas. The building design successfully incorporates a number of key elements to reduce perceived building bulk, ensure a human-scale interface, and positively contribute to the streetscape. Refer to the attached plans.</p>





<p><b>PO7</b> Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through:</p> <ul style="list-style-type: none"> <li>(a) orientation to the street;</li> <li>(b) front boundary setback;</li> <li>(c) balconies and windows to provide overlooking and casual surveillance;</li> <li>(d) building entrances.</li> </ul>	<p><b>AO7.1</b> Development provides a building that is not set back further than 2m beyond the minimum required street front setback.</p> <p><b>AO7.2</b> Development provides balconies and windows from the primary living area that face and overlook the street or public space.</p>	<p><b>Alternative Solution</b> The development is designed as a single residential Dwelling House. The purpose of the application is to enable the short term letting of the property for tourist accommodation. Whilst the development does not incorporate balconies overlooking the street, the design incorporates a large 2m central breezeway which will facilitate casual surveillance.</p>
<p><b>PO8</b> Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.</p>	<p><b>AO8.1</b> Development has floor to ceiling heights of 2.7 metres;</p> <p><b>AO8.2</b> Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.</p> <p><b>AO8.3</b> Development incorporates deep recesses, eaves and sun-shading devices</p> <p><b>AO8.4</b> Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.</p> <p><b>AO8.5</b> Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).</p>	<p><b>Complies with AO8.1-8.5</b> The building incorporates generous internal ceiling heights of 2.8m, providing adequate internal volume and enhancing passive ventilation. All external doors and windows to habitable rooms are protected by eaves, awnings, or other sun-shading devices, ensuring protection from weather and solar heat gain. The dwelling is not a multi-unit development and does not include any enclosed or double-banked internal corridors.</p>

**PO9**

Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.

Note—Siting and building separation is used to minimise privacy screening requirements.

**AO9.1**

Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have:

- (a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or
- (b) sill heights a minimum of 1.5m above floor level; or
- (c) fixed obscure glazing in any part of the window below 1.5m above floor level; or
- (d) fixed external screens; or
- (e) in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level.

**AO9.2**

Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.

**AO9.3**

Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable.

Note—The screening device is offset a minimum of 0.3m from the wall around any window.

Note—Screening devices are hinged or otherwise attached to facilitate emergency egress

**Complies with PO9**

The proposed building design has been assessed and approved by Council through a Concurrence Agency Assessment, which specifically considered matters relating to building setbacks, site layout, and the protection of residential amenity. The dwelling design appropriately manages overlooking and potential privacy impacts through both physical separation and built form treatment.

The building is singles storey and habitable spaces, including living, dining, kitchen, and recreational areas do not generate any overlooking issues.

Existing landscaping is established onsite and will be maintained.



<p><b>PO10</b> Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.</p>	<p><b>AO10</b> A minimum of 35% of the site is allocated as landscaping and recreation area.</p>	<p><b>Complies with PO10</b> The proposal plans and photographs illustrate an appropriate level of landscaping and private open space is provided onsite.</p>
<p><b>PO11</b> Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.</p>	<p><b>AO11</b> Development provides landscaping as follows: (a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages; (b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries.</p>	<p><b>Complies with PO11</b> Refer to the response under PO5 of the Low-Medium Density Residential Zone Code.</p>
<p><b>PO12</b> The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site.</p>	<p><b>AO12.1</b> Communal open space is provided at: (a) a minimum of 5% of site area of 50m<sup>2</sup> whichever is the greater; and (b) a minimum dimension of 5 metres.</p> <p><b>AO12.2</b> Development provides communal open space that: (a) is consolidated into one useable space; where communal open space exceeds 100m<sup>2</sup>, the communal open space may be split into two, and so forth incrementally.</p> <p><b>AO12.3</b> Communal open space: (a) is a minimum of 50% open to the sky; (b) achieves 25% shading by trees in 5 years; (c) does not include vehicle driveways and manoeuvring; (d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</p> <p><b>AO12.4</b> Communal open space is designed to provide for</p>	<p><b>Complies with PO12</b> The proposed development is for a single Short Term Accommodation building for a single booking. The proposal plans and site photographs illustrate an appropriate level of landscaping and private open space is provided onsite.</p>



a range of facilities, typically including some, or all, of the following elements:

- (a) seating;
- (b) barbecue;
- (c) play equipment;
- (d) swimming pool;
- (e) communal clothes drying;
- (f) vegetable garden.

**AO12.5**

- (b) Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space.

**PO13**

Development must provide attractive and functional private open space for residents and guests.

**AO13.1**

Development provides private open space which:

- (a) for ground storey dwellings, comprises of a minimum area of 35m<sup>2</sup> with a minimum dimension of 3 metres;
- (b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m<sup>2</sup> and a minimum dimension of 3 metres.

**AO13.2**

Development provides private open space areas that are:

- (a) directly accessible from internal primary living area of the dwelling (not bedrooms);
- (b) provided with a screened area of 2m<sup>2</sup> minimum dimension capable of screening air conditioning plant, private clothes drying etc...
- (c) provided with adjustable, moveable or operable privacy screening where appropriate.

**AO13.3**

Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.

**AO13.4**

Where secondary balconies are provided to a

**Complies with PO13.**

The proposed development is for a single Short Term Accommodation. Appropriate open space areas are available within the property and walking distance i.e. Four Mile Beach is a 400m walk.



Performance outcomes	Acceptable outcomes
	<p>side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.</p> <p><b>AO13.5</b> Private open space:</p> <ul style="list-style-type: none"><li>(a) does not include vehicle driveways and manoeuvring;</li><li>(b) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</li></ul>



<p><b>PO14</b> Development provides front fencing and retaining walls that must:</p> <ul style="list-style-type: none"> <li>(a) facilitate casual surveillance of the street and public space;</li> <li>(b) enable use of private open space;</li> <li>(c) assist in highlighting entrances to the property;</li> <li>(d) provide a positive interface to the streetscape.</li> </ul>	<p><b>AO14.1</b> Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of:</p> <ul style="list-style-type: none"> <li>(a) 1.2m, where fence construction is solid or less than 50% transparent;</li> <li>(b) 1.5m, where fence construction is at least 50% transparent;</li> <li>(c) 1.8m and solid only where the site is on an arterial road or higher order road.</li> </ul> <p><b>AO14.2</b> Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual interest and soften the visual impact</p> <p><b>AO14.3</b> Development for a retaining wall is:</p> <ul style="list-style-type: none"> <li>(a) stepped to minimise impact on the streetscape and pedestrian environment;</li> <li>(b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge</li> </ul>	<p><b>Complies with PO14</b> The proposed development is for a dual-purpose use comprising both a Dwelling House and Short Term Accommodation. The scale, function, and presentation of the building are entirely consistent with a standard residential dwelling, and the overall character remains residential in nature.</p> <p>No changes are proposed to the existing landscaping or fencing.</p>
<p><b>PO15</b> Development minimises light nuisances.</p>	<p><b>AO15</b> Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.</p>	<p><b>May be Conditioned to Comply</b> Given the scale and separation of the development from the nearest residence lighting is not expected to cause a nuisance.</p>





<p><b>PO16</b> Waste and recyclable material storage areas are:</p> <ul style="list-style-type: none"> <li>(a) convenient and accessible to residents and waste and recyclable material collection services;</li> <li>(b) located and designed to mitigate adverse impacts: <ul style="list-style-type: none"> <li>(i) within the site;</li> <li>(ii) on adjoining properties;</li> <li>(iii) to the street.</li> </ul> </li> </ul>	<p><b>AO16</b> Waste and recyclable material storage areas:</p> <ul style="list-style-type: none"> <li>(a) are located on site;</li> <li>(b) are sited and designed to be unobtrusive and screened from view from the street frontage;</li> <li>(c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network;</li> <li>(d) are of a sufficient size to accommodate bulk (skip) bins;</li> <li>(e) have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services.</li> </ul> <p>Note - The Environmental performance code contains requirements for waste and recyclable material storage.</p>	<p><b>May be Conditioned to Comply</b> Waste will be stored onsite and managed by the operator.</p>
<p><b>PO17</b> Development provides a secure storage area for each dwelling.</p>	<p><b>AO17</b> A secure storage area for each dwelling:</p> <ul style="list-style-type: none"> <li>(a) is located to enable access by a motor vehicle or be near to vehicle parking;</li> <li>(b) has a minimum space of 3.5m<sup>2</sup> per dwelling;</li> <li>(c) has a minimum height of 2 metres;</li> <li>(d) is weather proof;</li> <li>(e) is lockable;</li> <li>(f) has immunity to the 1% AEP inundation event.</li> </ul> <p>Note – A cupboard within a unit will not satisfy this requirement.</p>	<p><b>Not Applicable</b> The development is for a Dwelling House and single Short Term Accommodation use only.</p>
<p><b>Additional requirements for a Retirement facility</b></p>		
<p><b>PO18</b> Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located.</p>	<p><b>AO18</b> Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services.</p>	<p><b>Not Applicable</b></p>



<p><b>PO19</b> Retirement facilities are designed to provide for the amenity and security of residents.</p>	<p><b>AO19.1</b> The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex.</p> <p><b>AO19.2</b> Internal pathways have firm, well drained and non-slip surfaces.</p> <p><b>AO19.2</b> Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.</p> <p><b>AO19.3</b> An illuminated sign and site map of the layout of the development is located near the main entrance to the facility.</p>	<p><b>Not Applicable</b></p>
<p><b>PO20</b> The internal layout of a Retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site.</p>	<p><b>AO20.1</b> The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner.</p> <p><b>AO20.2</b> The site of a Retirement facility is not prone to inundation.</p> <p><b>AO20.3</b> The location of the Retirement facility is readily accessible to emergency vehicles.</p>	<p><b>Not Applicable</b></p>



Performance outcomes	Acceptable outcomes	
<b>PO21</b> The development is designed for the needs of the age group, and to allow 'aging in place' to occur.	<b>AO21.1</b> Development applies adaptable housing principles.  <b>AO21.2</b> A range of housing designs and sizes are provided in the development to cater for different individual and household needs.	<b>Not Applicable</b>

## 9.4 Other development codes

### 9.4.1 Access, parking and servicing code

#### 9.4.1.1 Application

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

#### 9.4.1.2 Purpose

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



### 9.4.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> 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"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> <li>(d) the level of local accessibility;</li> <li>(e) the nature and frequency of any public transport serving the area;</li> <li>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</li> <li>(g) whether or not the use involves a heritage building or place of local significance;</li> <li>(h) whether or not the proposed use involves the retention of significant vegetation.</li> </ul>	<b>AO1.1</b> 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.  <b>AO1.2</b> 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.  <b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.  <b>AO1.4</b> 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.	<b>Complies with AO1.1</b> The development provides 2 garaged spaces within a double garage, with additional parking available on the driveway.  <b>Complies with AO1.2</b> On-site car spaces are available for residential and guest use only and are not used for storage or other purposes.  <b>Not Applicable</b>  <b>Not Applicable</b>
<b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard: <ul style="list-style-type: none"> <li>(a) AS2890.1;</li> <li>(b) AS2890.3;</li> <li>(c) AS2890.6.</li> </ul>	<b>Complies with AO2</b> Parking areas are constructed within relevant Australian standards.



<p><b>PO3</b> Access points are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> <li>(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).</li> </ul>	<p><b>AO3.1</b> Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul> <p><b>AO3.2</b> Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> <li>(a) are not placed over an existing: <ul style="list-style-type: none"> <li>(i) telecommunications pit;</li> <li>(ii) stormwater kerb inlet;</li> <li>(iii) sewer utility hole;</li> <li>(iv) water valve or hydrant.</li> </ul> </li> <li>(b) are designed to accommodate any adjacent footpath;</li> <li>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</li> </ul> <p><b>AO3.3</b> Driveways are:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> </ul>	<p><b>Complies with AO3.1 – AO3.4</b> The site is served by a single existing crossover from Seabrook Avenue. The driveway and access are constructed to standard, provide safe sight lines, and do not conflict with existing services.</p>
---	---	--



	<p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p><b>AO3.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	
<p><b>P04</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p><b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<p><b>Not Applicable</b> Where the Short Term Accommodation use relates to a Dwelling House, all abilities access is not required.</p>
<p><b>P05</b> Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p><b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	<p><b>Not Applicable</b> Where the Short Term Accommodation use relates to a Dwelling House, all abilities access is not required.</p>
<p><b>P06</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p><b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	<p><b>Not Applicable</b></p>



<p><b>PO7</b> Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> <li>(a) for visitors is obvious and located close to the building's main entrance;</li> <li>(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;</li> <li>(c) is easily and safely accessible from outside the site.</li> </ul>	<p><b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p><b>AO7.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p><b>AO7.3</b> Development provides visitor bicycle parking which does not impede pedestrian movement.</p>	<p><b>Not Applicable</b></p> <p><b>Not Applicable</b></p> <p><b>Not Applicable</b></p>
<p><b>PO8</b> Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul>	<p><b>AO8</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>	<p><b>Not Applicable</b></p>
<p><b>PO9</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> </ul>	<p><b>AO9.1</b> Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>	<p><b>Complies with AO9.1</b> The driveway and parking areas are constructed to standard. Service vehicle movements are not anticipated beyond typical residential deliveries.</p>

<p>(b) so that they do not interfere with the amenity of the surrounding area;</p> <p>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p>	<p>AS2890.2.</p> <p><b>AO9.2</b> Service and loading areas are contained fully within the site.</p> <p><b>AO9.3</b> The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>	<p><b>Not Applicable</b></p> <p><b>Not Applicable</b></p>
<p><b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p><b>AO10.1</b> Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive-through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul> <p><b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p><b>Not Applicable</b> Queuing is not required.</p>

**Table 9.4.1.3.b – Access, parking and servicing requirements**

Note – Where the number of spaces is not a whole number, the number of spaces to be provided is the next highest whole number.

Note – Where the proposed development involves one or more land use, the minimum number of spaces for the proposed development will be calculated using the minimum number of spaces specified for each land use component.

## **9.4.3 Environmental performance code**

### **9.4.3.1 Application**

- (1) This code applies to assessing:
  - (a) building work for outdoor lighting;
  - (b) a material change of use or reconfiguring a lot if:
    - (i) assessable development where the code is identified in the assessment criteria column of a table of assessment; or
    - (ii) impact assessable development, to the extent relevant.

Note – Where for the purpose of lighting a tennis court in a Residential zone, a compliance statement prepared by a suitably qualified person must be submitted to Council with the development application for building work.

- (2) When using this code, reference should be made to Part 5.

### **9.4.3.2 Purpose**

- (1) The purpose of the Environmental performance code is to ensure development is designed and operated to avoid or mitigate impacts on sensitive receiving environments.
- (2) 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
<b>Lighting</b>		
<b>PO1</b> Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	<b>AO1.1</b> 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.  <b>AO1.2</b> Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.  <b>AO1.3</b> Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	<b>Complies</b> The dwelling includes only domestic-scale external lighting typical of a residential home. The lighting does not create adverse amenity impacts for adjoining residences or sensitive uses. The proposal does not involve any floodlighting or commercial-scale lighting.
<b>Noise</b>		
<b>PO2</b> Potential noise generated from the development is avoided through design, location and operation	<b>AO2.1</b> Development does not involve activities that would cause noise related environmental harm or nuisance;	<b>Complies with AO2.1-AO2.3</b> The existing Dwelling House currently operates as a private residence. Short term letting will not create noise impacts beyond those of a typical household. Vehicle access and parking are contained on site and will not impact surrounding land uses.
Note – Planning Scheme Policy SC6.4 – Environmental		



<p>management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p><b>AO2.2</b> 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.</p> <p><b>AO2.3</b> 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:</p> <ul style="list-style-type: none"> <li>(a) car parking is located away from adjacent sensitive land uses;</li> <li>(b) car parking is enclosed within a building;</li> <li>(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;</li> <li>(d) buffered with dense landscaping.</li> </ul> <p>Editor's note - The <i>Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<b>Airborne particles and other emissions</b>		
<p><b>PO3</b> 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><b>AO3.1</b> Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p><b>AO3.2</b> The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p>	<p><b>Not applicable</b> The proposed use does not involve activities that result in airborne emissions.</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>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<b>Odours</b>		
<p><b>PO4</b> Potential odour causing activities associated with 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><b>A04.1</b> The development does not involve activities that create odorous emissions;</p> <p>or</p> <p><b>A04.2</b> The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>	<p><b>Not applicable</b> The proposed use does not involve activities that result in odour emissions.</p>
<b>Waste and recyclable material storage</b>		

**PO5**

Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.

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.

**AO5.1**

The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.

**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 *Environmental Protection (Waste Management) Policy 2008* provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.

**Complies**

Waste will continue to be stored in standard household bins within the site and collected as part of Council's kerbside service. The scale and frequency of waste generation is consistent with a typical dwelling.

**Sensitive land use activities**





<p><b>PO6</b> 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.</p>	<p><b>AO6.1</b> 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;</p> <p>or</p> <p><b>AO6.2</b> Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p><b>Not Applicable</b> The development does not introduce sensitive land uses into an incompatible setting. The site is within an established residential/tourist precinct where both permanent and short term accommodation coexist.</p>
<p><b>Stormwater quality</b></p>		
<p><b>PO7</b> 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:</p> <ul style="list-style-type: none"> <li>(a) the amount and type of pollutants borne from the activity;</li> <li>(c) maintaining natural stream flows;</li> <li>(d) the amount and type of site disturbance;</li> <li>(e) site management and control measures.</li> </ul>	<p><b>AO7.1</b> Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p> <p><b>AO7.2</b> Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p> <p><b>AO7.3</b> Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering 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>	<p><b>Complies</b> The dwelling is already connected to lawful stormwater discharge. The proposal does not involve new impervious areas or construction works. Council can impose a standard condition if necessary.</p>



Pest plants (for material change of use on vacant land over 1,000m <sup>2</sup> )		
<p><b>PO8</b> 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><b>AO8.1</b> The land is free of declared pest plants before development establishes new buildings, structures and practices;</p> <p>or</p> <p><b>AO8.2</b> 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><b>Not Applicable</b></p>

## **9.4.5 Infrastructure works code**

### **9.4.5.1 Application**

- (1) This code applies to assessing:
  - (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
  - (b) a material change of use or reconfiguring a lot if:
    - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
    - (ii) impact assessable development, to the extent relevant.

Note – The Filling and excavation code applies to operational work for filling and excavation.

- (2) When using this code, reference should be made to Part 5.

### **9.4.5.2 Purpose**

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) 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.

### 9.4.5.3 Criteria for assessment

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			
<p><b>PO1</b></p> <p>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.</p>	<p><b>AO1.1</b></p> <p>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.</p> <p><b>AO1.2</b></p> <p>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.</p> <p><b>AO1.3</b></p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <p>(a) are installed via trenchless methods; or</p> <p>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed</p>	<p><b>Not Applicable</b></p> <p>No new works within the road reserve are proposed.</p>	



	<p>in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</p> <p><b>AO1.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <ul style="list-style-type: none"> <li>(a) similar surface finishes are used;</li> <li>(b) there is no change in level at joins of new and existing sections;</li> <li>(c) new sections are matched to existing in terms of dimension and reinforcement.</li> </ul> <p>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</p> <p><b>AO1.5</b> 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.</p>	
<b>Accessibility structures</b>		
<p><b>PO2</b> Development is designed to ensure it is accessible for people of all abilities and accessibility features 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>	<p><b>AO2.1</b> Accessibility structures are not located within the road reserve.</p> <p><b>AO2.2</b> Accessibility structures are designed in accordance with AS1428.3.</p> <p><b>AO2.3</b> 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><b>Not Applicable</b> No accessibility structures are proposed.</p>
<b>Water supply</b>		

**PO3**

An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.

**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;

or

**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 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.

**Complies with AO3.1**

The subject site is connected to Council's reticulated water supply.



Treatment and disposal of effluent		
<p><b>PO4</b> 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.</p>	<p><b>AO4.1</b> 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;</p> <p>or</p> <p><b>AO4.2</b> 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>.</p>	<p><b>Complies with AO4.1</b> The site is connected to Council's reticulated sewerage system.</p>
Stormwater quality		
<p><b>PO5</b> Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p> <ul style="list-style-type: none"> <li>(a) achieving stormwater quality objectives;</li> <li>(b) protecting water environmental values;</li> <li>(c) maintaining waterway hydrology.</li> </ul>	<p><b>AO5.1</b> A connection is provided from the premises to Council's drainage system;</p> <p>or</p> <p><b>AO5.2</b> 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.</p>	<p><b>Complies.</b> Existing roof and drainage direct stormwater to lawful point of discharge via established drainage network. No changes proposed.</p>

**AO5.3**

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.

**AO5.4**

Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.

**AO5.5**

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 construction phase hydrological impacts.

Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the *Environmental Protection Act 1994*.

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.	
<b>Non-tidal artificial waterways</b>		
<p><b>PO6</b> Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> <li>(a) protect water environmental values;</li> <li>(b) be compatible with the land use constraints for the site for protecting water environmental values;</li> <li>(c) be compatible with existing tidal and non-tidal waterways;</li> <li>(d) perform a function in addition to stormwater management;</li> <li>(e) achieve water quality objectives.</li> </ul>	<p><b>AO6.1</b> Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> <li>(a) environmental values in downstream waterways are protected;</li> <li>(b) any ground water recharge areas are not affected;</li> <li>(c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;</li> <li>(d) existing areas of ponded water are included.</li> </ul> <p><b>AO6.2</b> Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> <li>(a) outside natural wetlands and any associated buffer areas;</li> <li>(b) to minimise disturbing soils or sediments;</li> <li>(c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</li> </ul> <p><b>AO6.3</b> Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:</p> <ul style="list-style-type: none"> <li>(a) there is sufficient flushing or a tidal range of &gt;0.3 m; or</li> <li>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</li> </ul>	<p><b>Not Applicable</b> The development does not involve any non-tidal artificial waterways.</p>



- (c) there is no introduction of salt water into freshwater environments.

**AO6.4**

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 aquatic habitat.

**AO6.5**

The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.

**AO6.6**

Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.

**AO6.7**

- (d) 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.



Wastewater discharge		
<p><b>P07</b> Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> <li>(a) meets best practice environmental management;</li> <li>(b) is treated to: <ul style="list-style-type: none"> <li>(i) meet water quality objectives for its receiving waters;</li> <li>(ii) avoid adverse impact on ecosystem health or waterway health;</li> <li>(iii) maintain ecological processes, riparian vegetation and waterway integrity;</li> <li>(iv) offset impacts on high ecological value waters.</li> </ul> </li> </ul>	<p><b>AO7.1</b> A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives;</li> <li>(d) best practice environmental management.</li> </ul> <p><b>AO7.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways; or</li> <li>(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.</li> </ul> <p><b>AO7.3</b> 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.</p> <p><b>AO7.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> <li>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</li> <li>(b) manages wastewater so that:</li> </ul>	<p><b>Not Applicable</b> Wastewater is directed to the existing reticulated sewer system. No off-site or natural waterway discharge is proposed.</p>



	<ul style="list-style-type: none"><li>(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;</li><li>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; visible iron floc is not present in any discharge;</li><li>(iv) precipitated iron floc is contained and disposed of;</li><li>(iii) 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.</li></ul>	
--	--	--



Electricity supply		
<b>PO8</b> Development is provided with a source of power that will meet its energy needs.	<b>AO8.1</b> A connection is provided from the premises to the electricity distribution network;  or  <b>AO8.2</b> 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.  Note - Areas north of the Daintree River have a different standard.	<b>Complies with AO8.1</b> The site is connected to the local electricity distribution network.
<b>PO9</b> Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	<b>AO9.1</b> 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.  <b>AO9.2</b> 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.	<b>Not Applicable</b> No new pad-mount transformers or similar infrastructure are proposed.
Telecommunications		
<b>PO10</b> Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	<b>AO10</b> The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	<b>Not Applicable</b> Telecommunications services are connected to the site.



<b>PO11</b> Provision is made for future telecommunications services (e.g. fibre optic cable).	<b>AO11</b> Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>Not Applicable</b>
<b>Road construction</b>		
<b>PO12</b> 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.	<b>AO12.1</b> 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.  <b>AO12.2</b> There is existing road, kerb and channel for the full road frontage of the site.  <b>AO12.3</b> Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	<b>Complies.</b> Seabrook Avenue is a sealed road with kerb and channel. Existing access is safe and efficient and no upgrades required.
<b>Alterations and repairs to public utility services</b>		
<b>PO13</b> Infrastructure is integrated with, and efficiently extends, existing networks.	<b>AO13</b> Development is designed to allow for efficient connection to existing infrastructure networks.	<b>Complies with AO13</b> No alterations to public utility mains/services are required.



<p><b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p><b>AO14.1</b> Public utility mains, services and installations are not required to be altered or repaired as a result of the development;</p> <p>or</p> <p><b>AO14.2</b> 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>	<p><b>Complies with AO14.</b> No alterations to public utility mains/services are required.</p>
<p><b>Construction management</b></p>		
<p><b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p><b>AO15</b> Works include, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) installation of protective fencing around retained vegetation during construction;</li> <li>(b) erection of advisory signage;</li> <li>(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;</li> <li>(d) removal from the site of all declared noxious weeds.</li> </ul>	<p><b>Not Applicable</b> No construction works are proposed.</p>
<p><b>PO16</b> Existing infrastructure is not damaged by construction activities.</p>	<p><b>AO16</b> 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 State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</p>	<p><b>Not Applicable</b> No construction works are proposed.</p>



Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>High speed telecommunication infrastructure</b>		
<b>PO17</b> Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> Existing dwelling connected to telecommunications infrastructure.
<b>Trade waste</b>		
<b>PO18</b> 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.	<b>AO18</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b>
<b>Fire services in developments accessed by common private title</b>		
<b>PO19</b> Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO19.1</b> 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.  <b>AO19.2</b> Commercial and industrial streets and access ways within a common private title serving commercial 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.	<b>Not Applicable</b> No changes to existing hydrants proposed.





<b>PO20</b> Hydrants are suitable 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'.	<b>AO20</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> No changes to existing hydrants proposed.
---	---	--

**Table 9.4.5.3.b – Stormwater management design objectives (Construction phase).**

Issue	Design objectives
<b>Drainage control</b> (Temporary drainage works)	(a) Design life and design storm for temporary drainage works: (i) Disturbed open area for <12 months – 1 in 2 year ARI event; (ii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (iii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
<b>Erosion control</b> (Erosion control measures)	(a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
<b>Sediment control measures</b> (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)	(a) Determine appropriate sediment control measures using: (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.



<b>Water quality</b> (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
<b>Waterway stability and flood flow management</b> (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

**Table 9.4.5.3.c – Stormwater management design objectives (post-construction phase)**

Design objectives				Application
Minimum reductions in mean annual load from unmitigated development (%)				
Total suspended solids (TSS)	Total phosphorus (TP)	Total nitrogen (TN)	Gross pollutants >5mm	
80	60	40	90	Development for urban purposes  Excludes development that is less than 25% pervious.  In lieu of modelling, the default bio-retention treatment area to comply with load reduction targets of 1.5% of contributing catchment area.

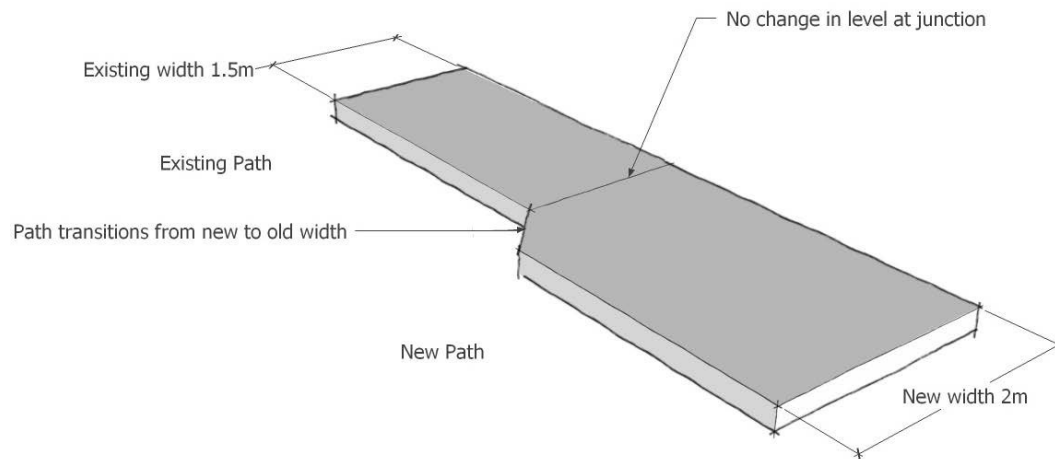
#### Water stability management

(a) Limit peak 100% AEP event discharge within the receiving waterway to the pre-development peak 100% AEP event discharge.

Catchments contributing to un-lined receiving waterway. Degraded waterways may seek alternative discharge management objectives to achieve waterway stability.

For peak flow for the 100% AEP event, use co-located storages to attenuate site discharge rate of stormwater.

**Figure 9.4.5.3.a – New footpath sections**



# **Attachment 4**

## **Statement of Code Compliance Against the State Development Assessment Code**

# State code 1: Development in a state-controlled road environment

State Development Assessment Provisions guideline - State Code 1: Development in a state-controlled road environment. This guideline provides direction on how to address State Code 1.

**Table 1.1 Development in general**

Performance outcomes	Acceptable outcomes	Response
<b>Buildings, structures, infrastructure, services and utilities</b>		
<b>PO1</b> The location of the development does not create a safety hazard for users of the <b>state-controlled road</b> .	<b>AO1.1</b> Development is not located in a <b>state-controlled road</b> .  AND  <b>AO1.2</b> Development can be maintained without requiring access to a <b>state-controlled road</b> .	<b>Complies with AO1.1-AO1.2.</b> <b>The proposed development is situated entirely within private property.</b>
<b>PO2</b> The design and construction of the development does not adversely impact the <b>structural integrity</b> or physical condition of the <b>state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Complies with PO2.</b> <b>The development is low scale and does not involve works which would impact the integrity and condition of the road.</b>
<b>PO3</b> The location of the development does not obstruct <b>road transport infrastructure</b> or adversely impact the operating performance of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Complies with PO3.</b> <b>The development does not involve the obstruction of the road and will not affect operating performance.</b>
<b>PO4</b> The location, placement, design and operation of advertising devices, visible from the <b>state-controlled road</b> , do not create a safety hazard for users of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b> <b>No advertising devices are proposed.</b>

Performance outcomes	Acceptable outcomes	Response
<b>PO5</b> The design and construction of buildings and <b>structures</b> does not create a safety hazard by distracting users of the <b>state-controlled road</b> .	<p><b>AO5.1</b> Facades of buildings and <b>structures</b> fronting the <b>state-controlled road</b> are made of non-reflective materials.</p> <p>AND</p> <p><b>AO5.2</b> Facades of buildings and <b>structures</b> do not direct or reflect point light sources into the face of oncoming traffic on the <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO5.3</b> External lighting of buildings and <b>structures</b> is not directed into the face of oncoming traffic on the <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO5.4</b> External lighting of buildings and <b>structures</b> does not involve flashing or laser lights.</p>	<p><b>Complies with AO5.1-AO5.4</b></p> <p><b>The proposed development is consistent with the existing streetscape and not expected to result in distraction or safety hazards.</b></p>
<b>PO6</b> Road, pedestrian and bikeway bridges over a <b>state-controlled road</b> are designed and constructed to prevent projectiles from being thrown onto the <b>state-controlled road</b> .	<b>AO6.1</b> Road, pedestrian and bikeway bridges over the <b>state-controlled road</b> include throw protection screens in accordance with section 4.11 of the Design Criteria for Bridges and Other Structures Manual, Department of Transport and Main Roads, 2020.	<b>Not Applicable.</b>
<b>Landscaping</b>		
<b>PO7</b> The location of landscaping does not create a safety hazard for users of the <b>state-controlled road</b> .	<p><b>AO7.1</b> Landscaping is not located in a <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO7.2</b> Landscaping can be maintained without requiring access to a <b>state-controlled road</b>.</p>	<p><b>Complies with AO7.1-AO7.3</b></p> <p><b>Landscaping is contained within the property and is of a domestic scale.</b></p>

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p><b>AO7.3</b> Landscaping does not block or obscure the sight lines for vehicular access to a <b>state-controlled road</b>.</p>	
<b>Stormwater and overland flow</b>		
<b>PO8</b> Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Complies with PO8</b> Stormwater will be directed to a lawful point of discharge and existing stormwater infrastructure in Seabrook Avenue.
<b>PO9</b> Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the <b>state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Will Comply with PO9</b> Stormwater will be directed to a lawful point of discharge and existing stormwater infrastructure in Seabrook Avenue.
<b>PO10</b> Stormwater run-off or overland flow from the development site does not adversely impact the <b>structural integrity</b> or physical condition of the <b>state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Will Comply with PO10</b> Stormwater will be directed to a lawful point of discharge and existing stormwater infrastructure in Seabrook Avenue.
<b>PO11</b> Development ensures that stormwater is lawfully discharged.	<p><b>AO11.1</b> Development does not create any new points of discharge to a <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO11.2</b> Development does not concentrate flows to a <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO11.3</b> Stormwater run-off is discharged to a <b>lawful point of discharge</b>.</p> <p>AND</p>	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Response
	<b>AO11.4</b> Development does not worsen the condition of an existing <b>lawful point of discharge</b> to the <b>state-controlled road</b> .	
<b>Flooding</b>		
<b>PO12</b> Development does not result in a material worsening of flooding impacts within a <b>state-controlled road</b> .	<p><b>AO12.1</b> For all flood events up to 1% <b>annual exceedance probability</b>, development results in negligible impacts (within +/- 10mm) to existing flood levels within a <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO12.2</b> For all flood events up to 1% <b>annual exceedance probability</b>, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a <b>state-controlled road</b>.</p> <p>AND</p> <p><b>AO12.3</b> For all flood events up to 1% <b>annual exceedance probability</b>, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a <b>state-controlled road</b>.</p>	<p><b>Not Applicable.</b></p> <p><b>The subject site is located outside of the mapped Q100 Flood Levels.</b></p>
<b>Drainage Infrastructure</b>		
<b>PO13</b> Drainage infrastructure does not create a safety hazard for users in the <b>state-controlled road</b> .	<p><b>AO13.1</b> Drainage infrastructure is wholly contained within the development site, except at the <b>lawful point of discharge</b>.</p> <p>AND</p>	<p><b>Complies with AO13.1-13.2</b></p> <p><b>Stormwater will be directed to a lawful point of discharge and existing stormwater infrastructure in Seabrook Avenue.</b></p>



Performance outcomes	Acceptable outcomes	Response
	<b>AO13.2</b> Drainage infrastructure can be maintained without requiring access to a <b>state-controlled road</b> .	
<b>PO14</b> Drainage infrastructure associated with, or within, a <b>state-controlled road</b> is constructed, and designed to ensure the <b>structural integrity</b> and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	<b>Not Applicable.</b> <b>No drainage infrastructure is proposed within the State Controlled Road.</b>

**Table 1.2 Vehicular access, road layout and local roads**

Performance outcomes	Acceptable outcomes	Response
<b>Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection</b>		
<b>PO15</b> The location, design and operation of a <b>new or changed access</b> to a <b>state-controlled road</b> does not compromise the safety of users of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO16</b> The location, design and operation of a <b>new or changed access</b> does not adversely impact the <b>functional requirements</b> of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO17</b> The location, design and operation of a <b>new or changed access</b> is consistent with the <b>future intent</b> of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO18</b> <b>New or changed access</b> is consistent with the access for the relevant <b>limited access road policy</b> : 1. <b>LAR 1</b> where direct access is prohibited; or 2. <b>LAR 2</b> where access may be permitted, subject to assessment.	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO19</b> <b>New or changed access</b> to a <b>local road</b> within 100 metres of an intersection with a <b>state-controlled road</b> does not compromise the safety of users of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
<b>PO20</b> New or changed access to a <b>local road</b> within 100 metres of an intersection with a <b>state-controlled road</b> does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>Public passenger transport and active transport</b>		
<b>PO21</b> Development does not compromise the safety of users of <b>public passenger transport infrastructure, public passenger services</b> and <b>active transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO22</b> Development maintains the ability for people to access <b>public passenger transport infrastructure, public passenger services</b> and <b>active transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO23</b> Development does not adversely impact the operating performance of <b>public passenger transport infrastructure, public passenger services</b> and <b>active transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO24</b> Development does not adversely impact the <b>structural integrity</b> or physical condition of <b>public passenger transport infrastructure</b> and <b>active transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>

**Table 1.3 Network impacts**

Performance outcomes	Acceptable outcomes	Response
<b>PO25</b> Development does not compromise the safety of users of the <b>state-controlled road</b> network.	No acceptable outcome is prescribed.	<b>Complies with PO25.</b> The proposed access arrangement is not expected to raise safety concerns. Any concerns may be addressed through conditions.
<b>PO26</b> Development ensures <b>no net worsening</b> of the operating performance of the <b>state-controlled road</b> network.	No acceptable outcome is prescribed.	<b>Complies with PO26.</b> The proposed access arrangement is not expected to raise operational performance concerns. Any concerns may be addressed through conditions.

Performance outcomes	Acceptable outcomes	Response
<b>PO27</b> Traffic movements are not directed onto a <b>state-controlled road</b> where they can be accommodated on the <b>local road</b> network.	No acceptable outcome is prescribed.	<b>Complies with PO27.</b> <b>Traffic cannot be directed elsewhere.</b>
<b>PO28</b> Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO29</b> Development does not impede delivery of <b>planned upgrades of state-controlled roads</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b> <b>No planned upgrades are known.</b>
<b>PO30</b> Development does not impede delivery of <b>corridor improvements</b> located entirely within the <b>state-controlled road corridor</b> .	No acceptable outcome is prescribed.	<b>Complies with PO30.</b> <b>Development of the site would not compromise corridor improvements.</b>

**Table 1.4 Filling, excavation, building foundations and retaining structures**

Performance outcomes	Acceptable outcomes	Response
<b>PO31</b> Development does not create a safety hazard for users of the <b>state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO32</b> Development does not adversely impact the operating performance of the <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO33</b> Development does not undermine, damage or cause subsidence of a <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO34</b> Development does not cause ground water disturbance in a <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO35</b> Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or <b>structural integrity</b> of a <b>state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO36</b> Filling and excavation associated with the construction of <b>new or changed access</b> do not compromise the operation or capacity of existing	No acceptable outcome is prescribed.	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
drainage infrastructure for a <b>state-controlled road</b> .		

## Table 1.5 Environmental emissions

Statutory note: Where a **state-controlled road** is co-located in the same transport corridor as a railway, the development should instead comply with Environmental emissions in State code 2: Development in a railway environment.

Performance outcomes	Acceptable outcomes	Response
<b>Reconfiguring a lot</b>		
<b>Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<b>PO37</b> Development minimises free field noise intrusion from a <b>state-controlled road</b> .	<p><b>AO37.1</b> Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> <li>1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1);</li> <li>2. in accordance with: <ol style="list-style-type: none"> <li>a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</li> </ol> </li> </ol> <p>OR</p> <p><b>AO37.2</b> Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</p>	<b>Not Applicable.</b>

State Development Assessment Provisions v3.0

State code 1: Development in a state-controlled road environment

Page 8 of 17

Performance outcomes	Acceptable outcomes	Response
	<p>OR</p> <p><b>AO37.3</b> Development provides a <b>solid gap-free fence</b> or other <b>solid gap-free structure</b> along the full extent of the boundary closest to the <b>state-controlled road</b>.</p>	
<b>Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<b>PO38</b> Reconfiguring a lot minimises free field noise intrusion from a <b>state-controlled road</b> .	<p><b>AO38.1</b> Development provides noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> <li>1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1);</li> <li>2. in accordance with: <ol style="list-style-type: none"> <li>a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</li> </ol> </li> </ol> <p>OR</p> <p><b>AO38.2</b> Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</p>	<b>Not Applicable.</b>
<b>Material change of use (accommodation activity)</b>		
<b>Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor</b>		

Performance outcomes	Acceptable outcomes	Response
<b>PO39</b> Development minimises noise intrusion from a <b>state-controlled road</b> in <b>private open space</b> .	<p><b>AO39.1</b> Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> <li>1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for <b>private open space</b> at the ground floor level;</li> <li>2. in accordance with: <ol style="list-style-type: none"> <li>a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</li> </ol> </li> </ol> <p>OR</p> <p><b>AO39.2</b> Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for <b>private open space</b> by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</p>	<b>Not Applicable.</b> <b>The building is existing.</b>
<b>PO40</b> Development (excluding a <b>relevant residential building</b> or <b>relocated building</b> ) minimises noise intrusion from a <b>state-controlled road</b> in <b>habitable rooms</b> at the facade.	<p><b>AO40.1</b> Development (excluding a <b>relevant residential building</b> or <b>relocated building</b>) provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> <li>1. to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for <b>habitable rooms</b>;</li> <li>2. in accordance with:</li> </ol>	<b>Not Applicable.</b> <b>The building is existing.</b>

Performance outcomes	Acceptable outcomes	Response
	<ul style="list-style-type: none"> <li>a. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</li> </ul> <p>OR</p> <p><b>AO40.2</b> Development (excluding a <b>relevant residential building</b> or <b>relocated building</b>) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for <b>habitable rooms</b> by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</p>	
<b>PO41 Habitable rooms</b> (excluding a <b>relevant residential building</b> or <b>relocated building</b> ) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	<b>Complies.</b> <b>The building is existing.</b>
<b>Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<b>PO42</b> Balconies, podiums, and roof decks include: <ul style="list-style-type: none"> <li>1. a continuous <b>solid gap-free structure</b> or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia);</li> <li>2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.</li> </ul>	No acceptable outcome is provided.	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
<b>PO43 Habitable rooms</b> (excluding a <b>relevant residential building</b> or <b>relocated building</b> ) are designed and constructed using materials to achieve the maximum internal acoustic level in reference table 3 (item 3.1).	No acceptable outcome is provided.	<b>Not Applicable.</b>
<b>Material change of use (other uses)</b>		
<b>Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<b>PO44 Development:</b> <ol style="list-style-type: none"> <li>1. provides a noise barrier or earth mound that is designed, sited and constructed: <ol style="list-style-type: none"> <li>a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all <b>outdoor education areas</b> and <b>outdoor play areas</b>;</li> <li>b. in accordance with: <ol style="list-style-type: none"> <li>i. Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or</li> </ol> </li> </ol> </li> <li>2. achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all <b>outdoor education areas</b> and <b>outdoor play areas</b> by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</li> </ol>	No acceptable outcome is provided.	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Response
<b>PO45</b> Development involving a <b>childcare centre</b> or <b>educational establishment</b> : <ol style="list-style-type: none"> <li>provides a noise barrier or earth mound that is designed, sited and constructed:</li> <li>to achieve the maximum building facade acoustic level in reference table 1 (item 1.2);</li> <li>in accordance with:               <ol style="list-style-type: none"> <li>Chapter 7 integrated noise barrier design of the Transport Noise Management Code of Practice: Volume 1 (Road Traffic Noise), Department of Transport and Main Roads, 2013;</li> <li>Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</li> <li>Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or</li> </ol> </li> <li>achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by <b>alternative noise attenuation measures</b> where it is not practical to provide a noise barrier or earth mound.</li> </ol>	No acceptable outcome is provided.	<b>Not Applicable.</b>
<b>PO46</b> Development involving: <ol style="list-style-type: none"> <li><b>indoor education areas</b> and <b>indoor play areas</b>; or</li> <li>sleeping rooms in a <b>childcare centre</b>; or</li> <li><b>patient care areas</b> in a <b>hospital</b> achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4).</li> </ol>	No acceptable outcome is provided.	<b>Not Applicable.</b>
<b>Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<b>PO47</b> Development involving a <b>childcare centre</b> or <b>educational establishment</b> which have balconies, podiums or elevated <b>outdoor play</b>	No acceptable outcome is provided.	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
<p><b>areas</b> predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a <b>state-controlled road</b> are provided with:</p> <ol style="list-style-type: none"> <li>1. a continuous <b>solid gap-free structure</b> or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia);</li> <li>2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated <b>outdoor play areas</b>.</li> </ol>		
<p><b>PO48</b> Development including:</p> <ol style="list-style-type: none"> <li>1. <b>indoor education areas</b> and <b>indoor play areas</b> in a <b>childcare centre</b> or <b>educational establishment</b>; or</li> <li>2. sleeping rooms in a <b>childcare centre</b>; or</li> <li>3. <b>patient care areas</b> in a <b>hospital</b> located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4).</li> </ol>	No acceptable outcome is provided.	<b>Not Applicable.</b>
<b>Air, light and vibration</b>		
<p><b>PO49</b> Private open space, outdoor education areas and outdoor play areas are protected from air quality impacts from a <b>state-controlled road</b>.</p>	<p><b>AO49.1</b> Each dwelling or unit has access to a <b>private open space</b> which is shielded from a <b>state-controlled road</b> by a building, <b>solid gap-free fence</b>, or other <b>solid gap-free structure</b>.</p> <p>OR</p> <p><b>AO49.2</b> Each <b>outdoor education area</b> and <b>outdoor play area</b> is shielded from a <b>state-controlled road</b> by a building, <b>solid gap-free fence</b>, or other <b>solid gap-free structure</b>.</p>	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
<b>PO50 Patient care areas</b> within <b>hospitals</b> are protected from vibration impacts from a <b>state-controlled road</b> or <b>type 1 multi-modal corridor</b> .	<p><b>AO50.1 Hospitals</b> are designed and constructed to ensure vibration in the patient treatment area does not exceed a vibration dose value of <math>0.1\text{m/s}^{1.75}</math>.</p> <p>AND</p> <p><b>AO50.2 Hospitals</b> are designed and constructed to ensure vibration in the ward of a <b>patient care area</b> does not exceed a vibration dose value of <math>0.4\text{m/s}^{1.75}</math>.</p>	<b>Not Applicable.</b>
<p><b>PO51</b> Development is designed and sited to ensure light from infrastructure within, and from users of, a <b>state-controlled road</b> or <b>type 1 multi-modal corridor</b>, does not:</p> <ol style="list-style-type: none"> <li>1. intrude into buildings during night hours (10pm to 6am);</li> <li>2. create unreasonable disturbance during evening hours (6pm to 10pm).</li> </ol>	No acceptable outcomes are prescribed.	<b>Not Applicable.</b>

**Table 1.6: Development in a future state-controlled road environment**

Performance outcomes	Acceptable outcomes	Response
<b>PO52</b> Development does not impede delivery of a <b>future state-controlled road</b> .	<p><b>AO52.1</b> Development is not located in a <b>future state-controlled road</b>.</p> <p>OR ALL OF THE FOLLOWING APPLY:</p> <p><b>AO52.2</b> Development does not involve filling and excavation of, or material changes to, a <b>future state-controlled road</b>.</p> <p>AND</p>	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
	<p><b>AO52.3</b> The intensification of lots does not occur within a <b>future state-controlled road</b>.</p> <p>AND</p> <p><b>AO52.4</b> Development does not result in the landlocking of parcels once a <b>future state-controlled road</b> is delivered.</p>	
<b>PO53</b> The location and design of <b>new or changed access</b> does not create a safety hazard for users of a <b>future state-controlled road</b> .	<b>AO53.1</b> Development does not include <b>new or changed access</b> to a <b>future state-controlled road</b> .	<b>Not Applicable.</b>
<b>PO54</b> Filling, excavation, building foundations and <b>retaining structures</b> do not undermine, damage or cause subsidence of a <b>future state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO55</b> Development does not result in a material worsening of stormwater, flooding, overland flow or drainage impacts in a <b>future state-controlled road</b> or <b>road transport infrastructure</b> .	No acceptable outcome is prescribed.	<b>Not Applicable.</b>
<b>PO56</b> Development ensures that stormwater is lawfully discharged.	<p><b>AO56.1</b> Development does not create any new points of discharge to a <b>future state-controlled road</b>.</p> <p>AND</p> <p><b>AO56.2</b> Development does not concentrate flows to a <b>future state-controlled road</b>.</p> <p>AND</p> <p><b>AO56.3</b> Stormwater run-off is discharged to a <b>lawful point of discharge</b>.</p> <p>AND</p>	<b>Not Applicable.</b>

Performance outcomes	Acceptable outcomes	Response
	<b>AO56.4</b> Development does not worsen the condition of an existing <b>lawful point of discharge</b> to the <b>future state-controlled road</b> .	