

## 2-4 ST CRISPINS AVENUE, PORT DOUGLAS - MATERIAL CHANGE OF USE (CODE ASSESSABLE), MULTIPLE DWELLINGS

### Town Planning Report



PR151977  
Version A  
14 July 2022

## REPORT

### Document status

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### Approval for issue

Patrick Clifton



15 July 2022

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## Contents

<b>SUMMARY .....</b>	<b>1</b>
<b>1 INTRODUCTION .....</b>	<b>2</b>
<b>2 SITE DETAILS .....</b>	<b>3</b>
2.1 Site Particulars .....	3
2.2 Planning Context .....	4
<b>3 PROPOSAL .....</b>	<b>7</b>
3.1 Overview .....	7
<b>4 PRE-LODGE MENT HISTORY .....</b>	<b>8</b>
4.1 Local Authority Pre-Lodgement Meeting.....	8
<b>5 LEGISLATIVE REQUIREMENTS.....</b>	<b>9</b>
5.1 Assessment Manager .....	9
5.2 Categories of Assessment .....	9
5.3 Referrals .....	9
5.4 Public Notification.....	9
<b>6 STATUTORY PLANNING ASSESSMENT.....</b>	<b>10</b>
6.1 Overview .....	10
6.2 State and Regional Assessment Benchmarks .....	10
6.2.1 State Planning Policy .....	10
6.2.2 Regional Plan.....	10
6.2.3 Development Assessment under Schedules 9 and 10 (SDAP) .....	10
6.3 Local Authority Assessment Benchmarks.....	10
6.3.1 Statement of Compliance .....	11
6.4 Infrastructure Charges .....	15
<b>7 CONCLUSION .....</b>	<b>16</b>

## Tables

Table 1: Summary .....	1
Table 2: Site Particulars.....	3
Table 3: Planning Context .....	4
Table 7: Categories of Assessment.....	9
Table 8: Schedule 10 Referral Matters.....	9
Table 9 Relevant SDAP State Codes.....	10
Table 10: Planning Scheme Code Responses.....	11

## Figures

Figure 1 Site Location.....	4
Figure 2 Street View .....	4
Figure 3 Zoning.....	5
Figure 4 Site Plan .....	7

## Appendices

Appendix A Certificate(S) of Title and Search Results

Appendix B Planning Scheme Property Report and Storm Tide Inundation Property Report

## REPORT

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Appendix C Proposal Plans

Appendix D State Code Responses

Appendix E Planning Scheme Code Responses



## SUMMARY

**Table 1: Summary**

Details			
Site Address:	2-4 St Crispins Avenue, Port Douglas		
Real Property Description:	Lot 25 RP747342		
Site Area:	1,662m <sup>2</sup>		
Regional Plan Land Use Designation:	Urban Area		
Zone/Precinct:	Medium Density Residential Zone		
Local Plan/Precinct:	Port Douglas/Craigie Local Plan		
Owner(s):	La Vie Q Pty Ltd A.C.N. 655 397 005 Trustee Under Instrument 721520723		
Proposal			
Brief Description/ Purpose of Proposal	Multiple Dwellings		
Application Details			
Aspect of Development	Preliminary approval	Development permit	
Material change of use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building Work	<input type="checkbox"/>	<input type="checkbox"/>	
Operational Work	<input type="checkbox"/>	<input type="checkbox"/>	
Reconfiguration of a Lot	<input type="checkbox"/>	<input type="checkbox"/>	
Assessment Category	<input checked="" type="checkbox"/> Code	<input type="checkbox"/> Impact	
Public Notification	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Superseded Planning Scheme Application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Referral Agencies			
Agency	Concurrence	Advice	Pre-lodgement response
State Assessment and Referral Agency (state-controlled road)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Pre-lodgement / Consultation			
Entity	Date	Contact Name	
Council DA Team	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7 June 2022 Daniel Lamond	
Other			
Applicant contact person	Patrick Clifton Principal Planner D: +61 7 40311 336 E: <a href="mailto:Patrick.clifton@rpsgroup.com.au">Patrick.clifton@rpsgroup.com.au</a>		

# 1 INTRODUCTION

RPS has been engaged by La Vie Q Pty to seek development approval for material change of use of premises located at 2-4 St Crispins Avenue, Port Douglas, and described as Lot 25 on RP747342 for the purpose of Multiple Dwellings.

The site is located on the corner of St Crispins Avenue and Port Douglas Road and has an area of 1,662m<sup>2</sup> and frontage of 28.5 metres and 45.01 metres, respectively. The land is current vacant and is predominantly cleared of vegetation. A number of trees are located in the boundary of the site to Port Douglas Road and to the south western side boundary. The site is understood to be a fully serviced site with access to all urban services. The site is burdened with an easement for drainage purposes to the southern (rear) boundary.

It is proposed to develop the site for the purpose of three single storey detached dwelling units. Each dwelling would be provided with a double car garage and a swimming pool. Access would be provided by a shared driveway adjacent the western boundary and with a width of approximately 4.5 metres. The development would be setback 4.4 metres from the St Crispins Avenue Frontage and 4.5 metres from Port Douglas Road with a minimum setback to the side and rear boundaries of 3.3 metres.

Under the Douglas Shire Council Planning Scheme 2018, the subject site has the following designations/classifications:

- Zone - Medium Density Residential;
- Port Douglas Craiglie Local Plan;
- Acid Sulfate Soils – 5-20m AHD; and,
- Landscape Values – Scenic Route Buffer/ View Corridor;

In accordance with the Tables of Assessment for the Medium Density Residential Zone, the development of the site for the purpose of Multiple Dwellings requires the submission of a Code Assessable application for Material Change of Use to Council for approval. The application does not require public notification and can only be assessed against the relevant Assessment Benchmarks and no other matter.

As Port Douglas Road is a State-controlled road, the application will also require referral to the State Assessment and Referral Agency for consideration of the impact of the proposed development on the operation of Port Douglas Road.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the Relevant Assessment Benchmarks. Based on this assessment the proposal is recommended for approval subject to reasonable and relevant conditions.

## 2 SITE DETAILS

## 2.1 Site Particulars

The site is located on the corner of St Crispins Avenue and Port Douglas Road and has an area of 1,662m<sup>2</sup> and frontage of 28.5 metres and 45.01 metres, respectively. The land is current vacant and is predominantly cleared of vegetation. A number of trees are located in the boundary of the site to Port Douglas Road and to the south western side boundary. The site is understood to be a fully serviced site with access to all urban services. The site is burdened with an easement for drainage purposes to the southern (rear) boundary.

The locality containing the site is characterised by multiple dwelling developments in a mix of one and two storey buildings and in different configurations. To the west the site adjoins a multiple dwelling development in the form of dwelling units. A similar development is provided on the opposite side of St Crispin's Avenue to the north. Further to the west the multiple dwelling developments take the form of two storey attached dwellings, with each dwelling having its own private open space and recreation area, including swimming pool.

Key details of the subject site are as follows:

### Table 2: Site Particulars

Site Particulars	
Site Address	2-4 St Crispins Avenue, Port Douglas
Real Property Description	Lot 25 RP747342
Site Area	1,662m <sup>2</sup>
Landowner(s)	La Vie Q Pty Ltd A.C.N. 655 397 005 Trustee Under Instrument 721520723

The site location and its extent are shown in



**Figure 1** and **Figure 2** below respectively.

Certificate/s of title confirming site ownership details are included at **Appendix A**.





Figure 1 Site Location

Source: Queensland Globe



Figure 2 Street View

Source: Google

## 2.2 Planning Context

The planning context of the site includes the following:

Table 3: Planning Context

Instrument	Designation
State Planning Policy	

Instrument	Designation
Safety and Resilience to Hazards	Flood hazard area - Level 1 - Queensland floodplain assessment overlay, in part.
Infrastructure	Transport Infrastructure – State-Controlled Road
<b>Development Assessment Mapping</b>	
Native Vegetation Clearing	Category X on the regulated vegetation management map.
State Transport	Area within 25m of a State-controlled road
<b>Far North Queensland Regional Plan 2009-2031</b>	
Regional Plan designation	Urban Footprint
<b>Douglas Shire Council Planning Scheme 2018</b>	
Strategic framework designation	Urban Area
Zoning	Medium Density Residential
Local Plan	Port Douglas/Craiglie Local Plan
Overlays	<ul style="list-style-type: none"> <li>• Acid Sulfate Soils – 5m-20m AHD;</li> <li>• Landscape Values – Scenic Route Buffer; and</li> <li>• Transport Network – Neighbourhood Route and Principle Route (Pedestrian Cycle) &amp; Collector Road and Major Transport Corridor Buffer Area (Road).</li> </ul>

Zoning of the subject site and surrounding lands is shown on **Figure 3**

Other relevant mapping, including overlays, regional plan and state interests is provided at **Appendix B**



**Figure 3 Zoning**

Source: Douglas Shire Council Planning Scheme 2018



## REPORT

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A copy of the 2018 Douglas Shire Council Planning Scheme Property Report and Storm Tide Inundation Property Report are attached as **Appendix B**.

### 3 PROPOSAL

#### 3.1 Overview

It is proposed to develop the site for the purpose of three single storey detached dwelling units. Each dwelling would contain 4 bedrooms and be provided with a double car garage and a swimming pool. The development would be setback 4.4 metres to the outermost projection to St Crispins Avenue, 4.32 metres to Port Douglas Road, 4.25 metres to the side boundary to the west and 3.3 metres to the rear boundary. The dwellings would be detached with a separation distance of 2.0 metres between the outermost projections and 3.2 metres wall to wall.

Access would be provided by a shared driveway from St Crispins Avenue and adjacent the western boundary and with a minimum width of approximately 3.5 metres.

The dwellings would be largely consistent in footprint, with each dwelling having a floor area of 224.5m<sup>2</sup> and containing a living/kitchen/dining area, four bedrooms, double garage and utility rooms. Externally, each dwelling would be provided with a private alfresco area and private swimming pool.

The overall development would have a site coverage of approximately 41% and would provide 6 covered car parking spaces.

The site is provided with connections to all urban services and an easement to rear of the site and the adjoining property provides for stormwater drainage.

Architectural proposal plans are included at **Appendix C**.

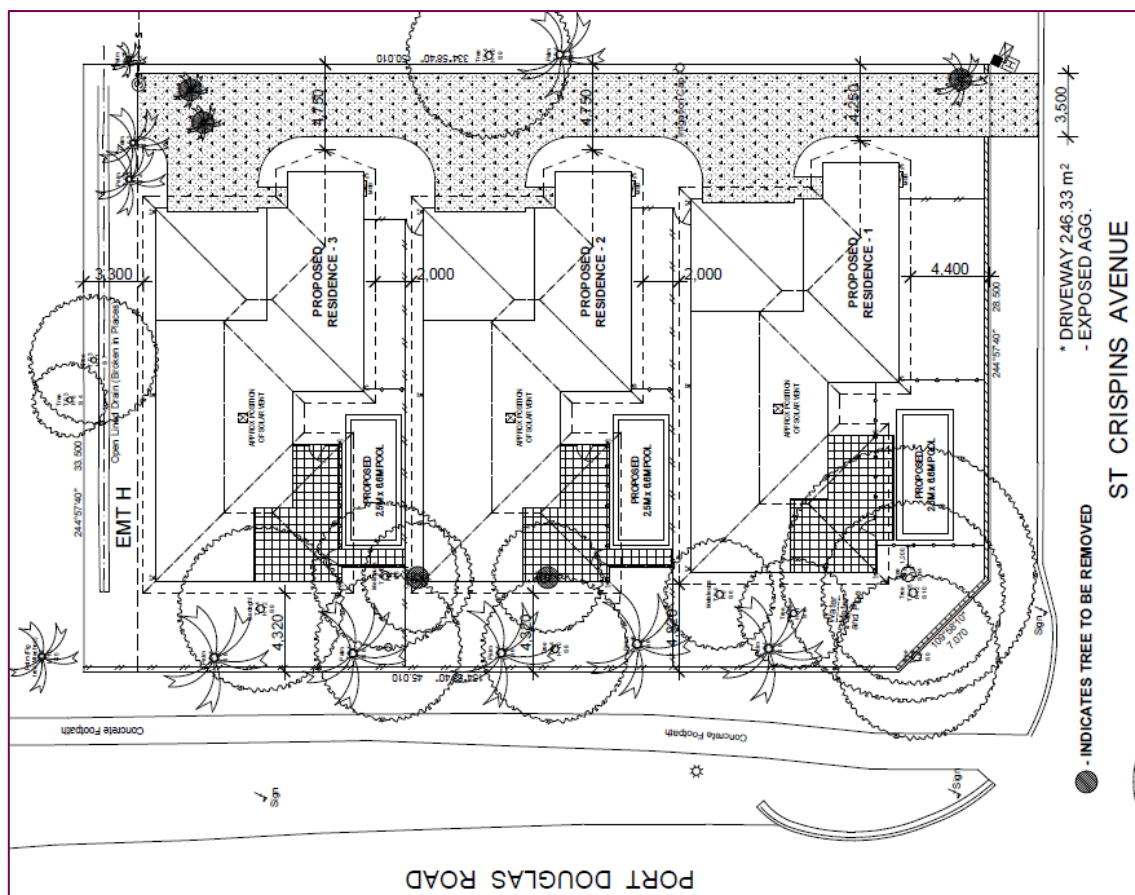


Figure 4 Site Plan

Source: NQ Homes

## 4 PRE-LODGEEMENT HISTORY

### 4.1 Local Authority Pre-Lodgement Meeting

A pre-lodgement enquiry was made to Douglas Shire Council and a response was provided on 7 June 2022 from Council Town Planner Daniel Lamond. The key outcomes of the response were:

- The use of the land is acceptable in principle;
- The St Crispins setback is justifiable at 5m (to wall) given the proposal would be consistent with the character of that part of the street.
- The Port Douglas Road frontage at 4.3m is acceptable if the vegetation providing screening and amenity can be retained but concern is raised here where there is very limited recreation area if the vegetation is to be retained. The percentage of recreation and landscaping area needs to be provided and reviewed here as below. This setback may need to be increased which would result in the need for a swept path diagram for the garages.
- The relationship between the site cover, recreation area, landscaping area and vehicle manoeuvring area needs to be understood and clearly communicated.
- The application will need to provide:
  - Actual site area percentages (rec area, landscaping etc.);
  - a drainage solution with site survey and contours detailing whether fill needs to be imported;
  - sewer and water connection siting on the land;
  - A survey nominating exactly which trees on site are to be removed as part of the proposal.
- The application fee is \$1,848.00;
- Infrastructure Charges for the development would be \$24,143.38 for two multiple dwellings out of the three. Plus roads and bridges indexation at the time of payment.

## 5 LEGISLATIVE REQUIREMENTS

### 5.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

### 5.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

**Table 4: Categories of Assessment**

Aspect of development	Categorising instrument	Category of assessment
Development Permit form Material Change of Use (Multiple Dwellings)	Able 5.6.h Douglas Shire Council Planning Scheme	Code Assessment

### 5.3 Referrals

In accordance with 10 of the *Planning Regulation 2017*, the following referrals apply.

**Table 5: Schedule 10 Referral Matters**

Schedule 10	Referral topic and reason	Referral Agency
10.9.4.2.4	Material change of use near a State transport corridor or a future State transport corridor	SARA, DSDMIP

### 5.4 Public Notification

This application does not require public notification as the application is subject to Code Assessment only.

## 6 STATUTORY PLANNING ASSESSMENT

### 6.1 Overview

This section assesses the application against relevant assessment benchmarks.

As the application is subject to code assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(3) of the *Planning Act 2016* and sections 26 and 27 of the *Planning Regulation 2017*.

### 6.2 State and Regional Assessment Benchmarks

#### 6.2.1 State Planning Policy

The *Planning Regulation 2017* at Section 26(2)(a)(ii) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the State Planning Policy, Part E, to the extent Part E of the State Planning Policy is not identified in the planning scheme as being appropriately integrated into the planning scheme.

It is understood that the State Planning Policy, to the extent relevant to the application has been appropriately integrated into the planning scheme and on that basis no further assessment is required.

#### 6.2.2 Regional Plan

The *Planning Regulation 2017* at Section 26(2)(a)(i) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

Consistent with the State Planning Policy, it is understood that the has identified that the planning scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area. Therefore, no further assessment is required.

#### 6.2.3 Development Assessment under Schedules 9 and 10 (SDAP)

Schedules 9 and 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to.

The State Development Assessment Provisions (SDAP) nominate applicable State Codes based on the referral triggers. The State Codes applicable to the proposal are identified in the table below.

**Table 6 Relevant SDAP State Codes**

Schedule 10	Referral Topic	State Code
10.9.4.2.4	Infrastructure-related referrals Material change of use of premises near a State transport corridor or that is a future State transport corridor	State code 1 – Development in a state-controlled road environment.

A response to the State Codes is included in **Appendix D**.

### 6.3 Local Authority Assessment Benchmarks

This application is to be assessed against Douglas Shire Council Planning Scheme 2018. The assessment benchmarks applicable under Planning Scheme are identified below.



**Table 7: Planning Scheme Code Responses**

Planning Scheme Codes	Applicability	Comment
<b>Zone code</b>		
Medium Density Residential Zone Code	Applies	Generally complies, consideration is required in respect of Performance Outcome PO2, relating to building setback, and PO5, relating to landscaping. Refer below.
<b>Local Plan Code</b>		
Port Douglas/Craigie Local Plan	Applies	Complies with applicable Acceptable Outcomes
<b>Overlay Codes</b>		
Acid Sulfate Soils Overlay Code	Applies	Complies with applicable Assessment Benchmarks.
Landscape Values Overlay Code	Not applicable	Not identified as an applicable Benchmark.
Transport Network Overlay Code	Applies	Complies with applicable Assessment Benchmarks.
<b>Development Codes</b>		
Multiple dwelling, short term accommodation and retirement facility code	Applies	Generally complies, consideration is required in respect of Performance Outcome PO3, relating to site coverage, PO4, relating to setbacks, PO5 relating to building depth and form, PO11 relating to landscaped setbacks and PO14, relating to fencing. Refer below.
Access, Parking and Servicing Code	Applies	Complies with the relevant Acceptable Outcomes. The development would provide more than 1.5 spaces per dwelling unit and the driveway would satisfy the minimum requirement for a commercial width of 3.5 metres as required by the FNQROC Manual.
Filling and Excavation Code	Not applicable	No excavation or filling proposed outside of Building Works.
Infrastructure Works Code	Applies	Complies or able to comply with the applicable Acceptable Outcomes.
Landscaping Code	Applies	Complies or able to comply with applicable Acceptable Outcomes.

A detailed assessment against the relevant Planning Scheme Codes is provided at **Appendix E**.

### 6.3.1 Statement of Compliance

#### Medium Density Residential Zone Code

Performance Outcome PO2 of the Medium Density Residential Zone code states:

##### **PO2**

*Buildings are setback to:*

- (a) *maintain the character of residential neighbourhoods;*
- (b) *achieve separation from neighbouring buildings and from road frontages;*

- (c) *maintain a cohesive streetscape;*
- (d) *provide daylight access, privacy and appropriate landscaping.*

The associated Acceptable Outcome states:

### **AO2**

*Buildings are setback:*

- (a) *a minimum of 6 metres from the main street frontage;*
- (b) *a minimum of 4 metres from any secondary street frontage;*
- (c) *4.5 metres from a rear boundary;*
- (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.*

The proposed development would provide a front setback of 4.4 metres to the outermost projection and 5.0 metres to the wall and a rear setback of 3.3 metres rather than the accepted 4.5 metres.

In respect of the front setback, the neighbourhood is characterised by multiple dwelling development with varying setbacks to the street front and with substantial boundary fences separating the development from the footpath and with gatehouse structures and other built forms within the setback area. To the west of the site the Pool development is a two storey multiple dwelling development that has a setback of a minimum of less than 3 metres to the outermost projection. Thornton North provides a substantive fence to the property frontage and has a minimum setback of less than 6.0 metres. Developments in Osprey Close similarly have reduced setbacks to the street frontage with minimum setbacks being in the order of 3.0 metres.

Having regard to the character of the residential area containing the site, it is considered that the proposed reduced front setback would be consistent with the character of the area, provide an appropriate separation to the street front and maintain a cohesive streetscape, consistent with the requirements of the Performance Outcome.

In respect of the rear setback, it is proposed to provide a setback of 3.3 metres to the outermost projection to a single storey building. This setback is greater than the minimum setback distance required for a Dwelling House and the interface of the proposed development with the adjoining property to the rear would not be inconsistent with that of a Dwelling House. It is also important to note that the adjoining land to the rear of the site is developed with a Tennis Court. The proposed rear setback would not adversely affect the character of the area or separation to neighbouring buildings and would not affect day light access or privacy of the adjacent properties.

Notwithstanding that the development does not satisfy the Acceptable Outcome, it is considered that it satisfies the Performance Outcome.

Performance Outcome PO5 of the Medium Density Residential Zone Code states:

### **PO5**

*Landscape planting is provided for the recreational amenity of residents/guests and incorporates dominant tropical vegetation which enhances the streetscape and the amenity of the area.*

The associated Acceptable Outcomes state:

#### **AO5.1**

*A minimum of 35% of the site is provided as open space and recreation area with a minimum of 30% of this total area provided for landscape planting.*

#### **AO5.2**

*Within the frontage setback area, a minimum width of 2 metres of landscape area includes a minimum 75% dense planting.*

#### **AO5.3**

*Within the side and rear setback areas, a minimum width of 1.5 metres of landscape area includes 75% dense planting.*

In accordance with the Acceptable Outcomes, the proposed development is required to provide 581.7m<sup>2</sup> of open space, with 174.51m<sup>2</sup> provided for deep planting. In addition, a landscaped strip of 2.0 metres required to be provided to the site frontage and a 1.5 metre landscaped buffer is to be provided to the side boundaries.

The proposal plans indicate that the site would provide the required recreation area and the deep planting, including the retention of many of the trees adjacent the Port Douglas Road Frontage. The development would also provide the opportunity of the landscaped buffer to the street frontage; however, the proposed driveway would reduce the ability to provide the landscaping to the side boundary.

The location of the driveway to the site is, in part, determined by a requirement to comply with the state code for development within a state-controlled road environment, which is a necessary consideration given the location of the site adjacent Port Douglas Road, which is a state-controlled road. The requirements of this code require the access to be located as far as possible from the intersection of St Crispins Avenue with Port Douglas Road. In this instance the requirements to satisfy the state code is considered to take precedence over the requirement for a 1.5 metre wide landscaped buffer.

### **Multiple Dwelling, Short Term Accommodation, and Retirement Facility Code**

Performance Outcome PO3 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code states:

#### **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.*

The associated Acceptable Outcomes state:

#### **AO3.1**

*The site cover is not more than 40%.*

The proposed development would have a site cover that exceeds the Acceptable Outcome of 40%; however, the buildings would be single storey in height, which is significantly less than the accepted height of 3 storey and 13.5 metres and would be reflective of a dwelling house scale where the accepted site cover is 50%.

Notwithstanding the increased site cover, each of the proposed dwellings would be provided with private open space and an outdoor recreation area containing a swimming pool that is reflective of tropical outdoor living and provides areas for deep planting and the retains areas of mature vegetation adjacent the boundary to Port Douglas Road. The low scale development would also provide for access to breezes and natural light and sunlight.

It is considered that the minor increase in site cover would not affect the ability of the development to satisfy the requirements of the performance outcome.

Performance outcome PO4 of the code states:

#### **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.*

The associated acceptable outcomes state:

#### **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.*

As identified above the development would have setbacks that are less than the accepted 6 metres to the property frontage and 4 metres to the rear boundary. However, given the single storey scale of the development, the proposal would not adversely affect the access of sunlight or breezes and would not result in an adverse impact on the privacy or amenity of adjoining occupiers as a result of overlooking or overbearing bulk, height or form that would adversely affect the amenity of the adjoining occupier. On that basis, it is considered that the proposed development satisfies the Performance Outcome.

Performance Outcome PO5 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code states:

### **PO5**

*Building depth and form must be articulated to:*

- (a) *ensure that the bulk of the development is in keeping with the form and character intent of the area;*
- (b) *provide adequate amenity for residents in terms of natural light and ventilation.*

The associated Acceptable Outcomes state:

### **AO5.1**

- (a) *The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres.*
- (b) *The minimum distance between buildings on a site is not less than 6 metres;*

### **AO5.2**

*The length of any continuous eave line does not exceed 18 metres.*

The proposed development would have wall lengths of less than 30 metres and would provide significant articulation. However, the buildings on the site would be separated by 2.0 metres and not the accepted 6 metres. In addition, the proposed development would provide a wall with a continuous eave line of 20.5 metres for each of the proposed buildings.

Notwithstanding, the development is single storey and low scale, and it is considered that the building bulk is in keeping with the residential form of development in the area and that the separation distance provided for single storey buildings would provide adequate access to ventilation and natural light and the proposed continuous eave length would not result in an inappropriate building form or bulk.

Performance Outcome PO11 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code states:

### **PO11**

*Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.*

The associated Acceptable Outcome states:

### **AO11**

*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.*

The proposal would provide the required landscaping and recreation area, including the retention of many of the trees adjacent the Port Douglas Road Frontage. The development would also provide the opportunity of the landscaped buffer to the street frontage; however, the proposed driveway would reduce the ability to provide the landscaping to the side boundary.

The location of the driveway to the site is, in part, determined by a requirement to comply with the state code for development within a state-controlled road environment, which is a necessary consideration given the location of the site adjacent Port Douglas Road. The requirements of this code require the access to be located as far as possible from the intersection of St Crispins Avenue with Port Douglas Road. In this instance the requirements to satisfy the state code is considered to take precedence over the requirement for a 1.5 metre wide landscaped buffer.

Performance Outcome PO14 of the Multiple Dwelling, Short Term Accommodation and Retirement Facility Code states:

**PO14**

*Development provides front fencing and retaining walls that must:*

- (a) facilitate casual surveillance of the street and public space;*
- (b) enable use of private open space;*
- (c) assist in highlighting entrances to the property;*
- (d) provide a positive interface to the streetscape.*

The associated Acceptable Outcome states:

**AO14.1**

*Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of:*

- (a) 1.2m, where fence construction is solid or less than 50% transparent;*
- (b) 1.5m, where fence construction is at least 50% transparent;*
- (c) 1.8m and solid only where the site is on an arterial road or higher order road.*

As part of the development, it is proposed to provide 1.8 metre high timber fencing between the private open space of the units and to the frontage to Port Douglas Road. To the St Crispins Avenue frontage, it is proposed to provide a 1.8 metre high block fence piers with timber paling infill.

The proposed fencing would be located between private open space of unit 1 and the street and would provide the ability for screened views of the street whilst maintaining privacy and security for the residents. Whilst the fence is higher than accepted it is considered to be consistent with other fencing in the locality and satisfies the balance between privacy and surveillance required by the Performance Outcome.

## 6.4 Infrastructure Charges

Infrastructure charges will apply to the development pursuant to the Planning Regulation and Council's Adopted Infrastructure Charges Resolution. In accordance with the Adopted Infrastructure Charges Resolution the development attracts an Infrastructure Charge of \$24,143.38/dwelling less a credit of \$24,143.38 or a net charge of \$48,286.76.



## 7 CONCLUSION

RPS has been engaged by La Vie Q Pty to seek development approval for material change of use of premises located at 2-4 St Crispins Avenue, Port Douglas, and described as Lot 25 on RP747342 for the purpose of Multiple Dwellings.

The site is located on the corner of St Crispins Avenue and Port Douglas Road and has an area of 1,662m<sup>2</sup> and frontage of 28.5 metres and 45.01 metres, respectively. The land is current vacant and is predominantly cleared of vegetation. A number of trees are located in the boundary of the site to Port Douglas Road and to the south western side boundary. The site is understood to be a fully serviced site with access to all urban services. The site is burdened with an easement for drainage purposes to the southern (rear) boundary.

It is proposed to develop the site for the purpose of three single storey detached dwelling units. Each dwelling would be provided with a double car garage and a swimming pool. Access would be provided by a shared driveway adjacent the western boundary and with a width of approximately 4.5 metres. The development would be setback 4.4 metres from the St Crispins Avenue Frontage and 4.5 metres from Port Douglas Road with a minimum setback to the side and rear boundaries of 3.3 metres.

In accordance with the Tables of Assessment for the Medium Density Residential Zone of the Douglas Shire Council Planning Scheme, the development of the site for the purpose of Multiple Dwellings requires the submission of a Code Assessable application for Material Change of Use to Council for approval. The application does not require public notification and can only be assessed against the relevant Assessment Benchmarks and no other matter.

As Port Douglas Road is a State-controlled road, the application will also require referral to the State Assessment and Referral Agency for consideration of the impact of the proposed development on the operation of Port Douglas Road.

An assessment against the relevant Assessment Benchmarks indicates that the development is able to satisfy these requirements and consequently, the Council are obligated to approve the application. Therefore the application is submitted for approval subject to reasonable and relevant conditions.

## Appendix A

### Certificate(S) of Title and Search Results

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>21403192</b>	<b>Search Date:</b>	09/06/2022 13:48
<b>Date Title Created:</b>	15/06/1989	<b>Request No:</b>	41325842
<b>Previous Title:</b>	21347149		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 25 REGISTERED PLAN 747342  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 721520723 04/03/2022

LA VIE Q PTY LTD A.C.N. 655 397 005  
UNDER INSTRUMENT 721520723

TRUSTEE

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 21114061 (POR 105)
2. EASEMENT IN GROSS No 601434466 (T421676G) 29/05/1989  
BURDENING THE LAND  
TO COUNCIL OF THE SHIRE OF DOUGLAS  
OVER EASEMENT H ON RP747342
3. MORTGAGE No 721614691 12/04/2022 at 12:45  
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 \*\*

DIAGRAM C  
Not to Scale

PORT DOUGLAS  
ROAD

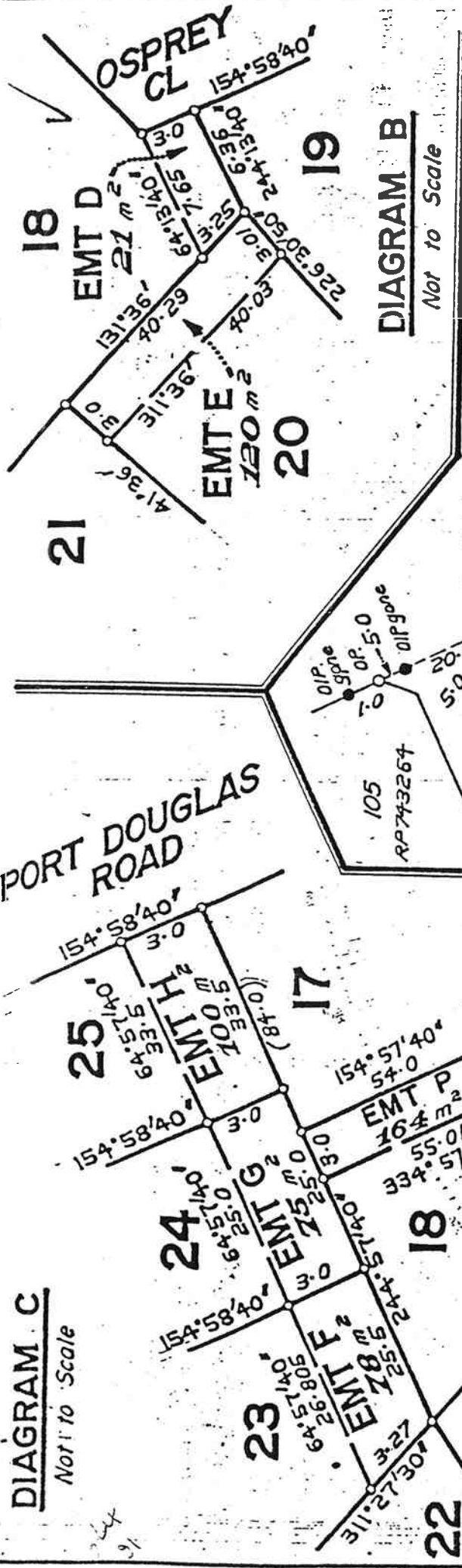


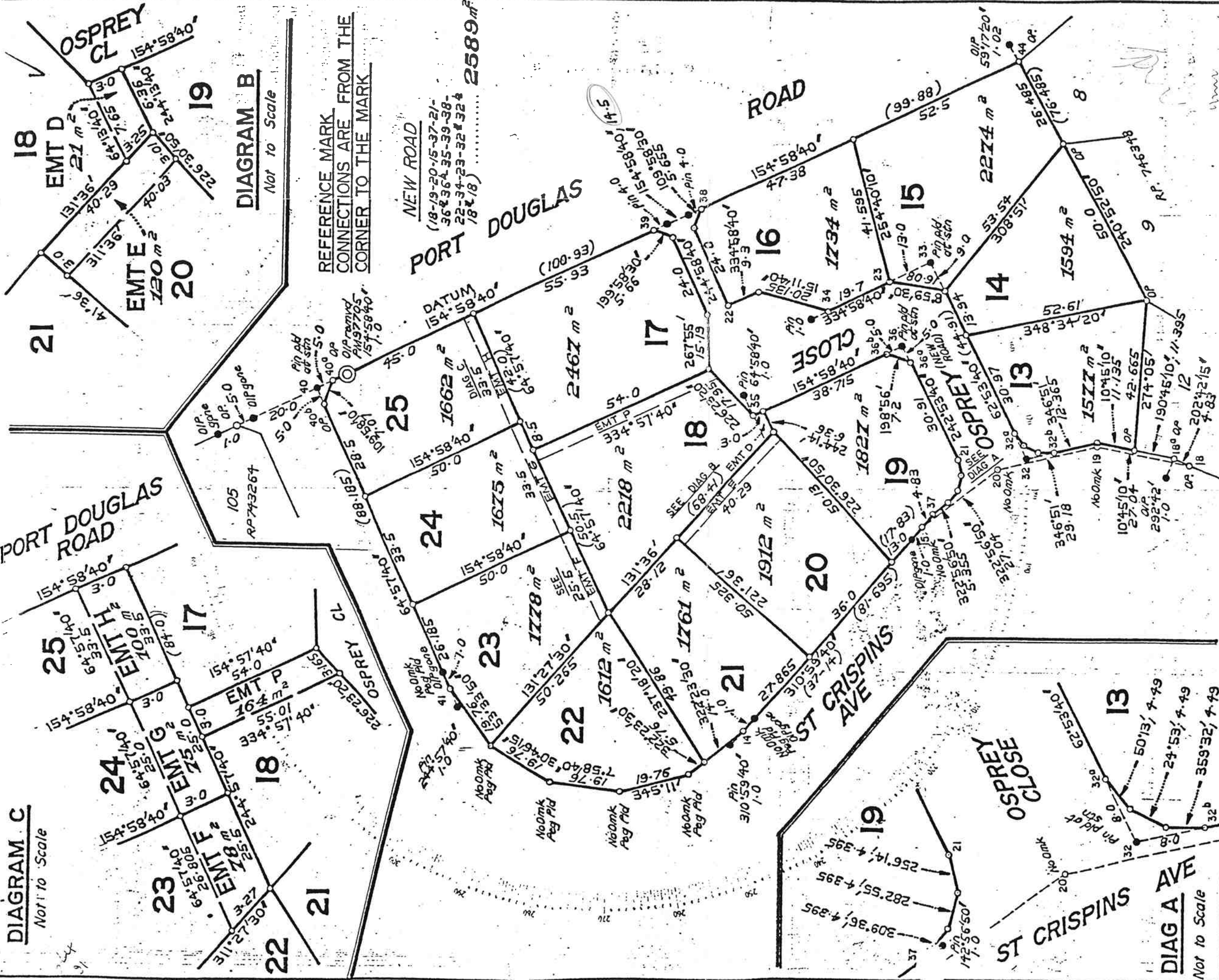
DIAGRAM B  
Not to Scale

REFERENCE MARK  
CONNECTIONS ARE FROM THE  
CORNER TO THE MARK

NEW ROAD  
(18-19-20-15-37-21-  
36-23-34-35-39-38-  
22-34-23-32-32-4  
18-18)

PORT DOUGLAS  
ROAD

2589 m<sup>2</sup>



NO FIELD NOTES LOADED

ORIGINAL GRANT

WIN1114-Fol 61

MAP REF.

PROCLAIMED  
SURVEY AREA

SURVEYED BY GHD SURVEYS  
PTY LTD  
...29.7.88.

MERIDIAN

SCALE  
1:1000

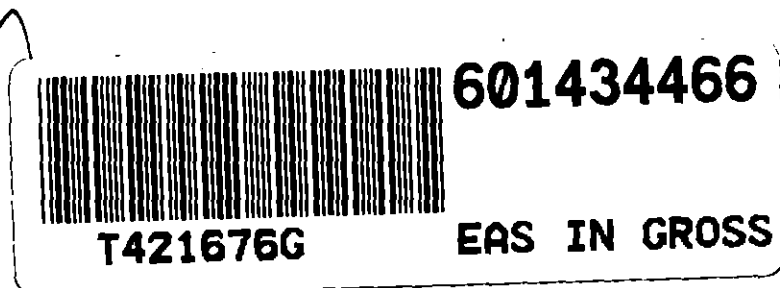
PLAN OF Lots 13 to 25 Proposed Emfs  
D in Lot 18, E in Lot 20, F in Lot 23, G in  
Lot 24, and H in Lot 25 and P in Lot 18  
cancelling Balance Lot 2 on RP739098

ORIG. PORTION ..... 105 .....  
TOWN .....  
PARISH ..... SALISBURY .....  
COUNTY ..... Solander .....  
REGISTERED PLAN 747342  
8323-06

CROWN COPYRIGHT RESERVED, REGISTRAR OF TITLES, QUEENSLAND

<b>T421676G</b>	<b>\$67.00</b>
<b>5500 EASEMENT</b>	<b>29 MAY 1989</b> <b>1:54 PM</b>

<b>EASEMENT IN GROSS</b>	CODE 67 6.6.89
ENTERED IN THE REGISTER BOOK	
VOLUME <u>N1403</u>	
FOLIO <u>185, 187, 190-192</u>	
AT <u>404</u> AM/PM	
<b>15 JUN 1989</b>	
DEP. REGISTRAR OF TITLES (NORTHERN DISTRICT)	



CORRESPONDENCE NUMBER.....

REQUISITIONS

BELOW THIS LINE TO BE COMPLETED BY LODGER		LODGER CODE
LODGED BY: <u>GREER &amp; TIMMS</u>		
ADDRESS: <u>SOLICITORS PANDANUS</u>		
<u>PLAZA MACROSSAN STREET</u>		
<u>PORT DOUGLAS QLD</u>		
CERTIFICATES OF TITLE, DEEDS OF GRANT, DECLARATIONS ETC. LODGED WITH THIS DOCUMENT (TO BE COMPLETED) BY LODGING PARTIES.)		
1.....LODGED BY.....		
2.....		
3.....		
BELOW THIS LINE FOR DELIVERY NOTATIONS		
RECEIPT NOTATIONS		OFFICE USE
ITEMS RECEIVED: .....		
FIRM NAME: .....		
PER: .....		
AUTHORITY: .....		
DATE: .....		
ITEMS DELIVERED BY POST		
.....		
.....		
FORWARDED TO LODGER OF THIS DOCUMENT ON.....		

## INSTRUCTIONS FOR COMPLETION (Form 1)

- Document attracts stamp duty.
  - Typewriting and handwriting should be clear, legible and in permanent dense black or blue ink.
  - Deletions for the purpose of effecting alterations are not to be made by erasure or painting over. Items to be deleted are to be ruled through and all alterations are to be initialled by the parties to the dealing.
  - All panels are to be completed or ruled up. If insufficient space attach annexure FORM 32. The panel should then only contain the words "See Annexure ( )" (inserting appropriate letter).
  - Witness must be qualified in accordance with the Real Property Act 1861-1985 (S.115).
  - The following instructions relate to the corresponding side notes on the form.
    - (a) If the grantor is a body corporate of a Building Units/Group Titles Plan then insert e.g. "The Proprietors (name) Registered Building Units Plan No. .... for and on behalf of the registered proprietors".
    - (b) If the grantor holds in trust or as a personal representative, then the trust should be identified, e.g. "as Trustee under Nomination of Trustees No. ....", "as personal representative of the estate of .... deceased".
  - Item (2) Insert e.g., "fee simple." "Lease No. ....".
  - Item (3) Insert e.g., "as joint tenants", "as tenants in common in equal shares". (If in unequal shares then show each share as a fraction.)
  - Item (4) Insert the full name of relevant grantor e.g. Crown corporation, instrumentality etc.
  - Item (6) (a) State only the type of document and dealing number of any prior mortgage, encumbrances, etc. encumbering the grantor's estate or interest which constitutes the servient tenement.
  - (b) If the easement is over common property under a Building Units/Group Titles plan then any interests encumbering the common property should also be included.
  - (c) If none, then show "nil".
  - Item (8) Insert e.g. "drainage", "electricity supply".
  - Item (9) (a) Schedule should include the rights, liabilities and other covenants being created.
  - (b) Covenants may be added to or excluded from the registered Memorandum by means of the "Schedule".
  - Item (11) (a) If the document is executed by a corporation or other body other than by its attorney, then its seal should be affixed thereto with a certificate that such was affixed by the proper officer verified by his/her signature. The full names of the signatories and their designations should be shown.
  - (b) If an attorney executes the document then the full name of the attorney and the source of the attorney's authority should be shown e.g. "AB by his duly constituted Attorney XY under Power of Attorney No. ....". The attorney's signature should then follow.
  - Item (12) The document should be executed in the presence of a qualified witness. (See Instruction 5 above.)
- The following should be deposited with the document:-
  - the relevant instrument of title;
  - if the estate or interest of the grantee is held under a Nomination of Trustees, the duplicate Nomination of Trustees.
  - if the grantor is a body corporate of a Building Units/Group Titles Plan, FORM 15 of the Building Units and Group Titles Regulations 1980.



1.50

## Form 11

Queensland

Real Property Act 1861-1986

Real Property Regulations 1986

## EASEMENT IN GROSS

GRANTOR (full name)	(1)	JOHN HERBERT MORRIS AND MARILLYN BARBARA JUDD MORRIS				
ESTATE OR INTEREST BEING BURDENED	(2)	FEE SIMPLE				
HOW ESTATE OR INTEREST BEING BURDENED IS HELD (if more than one grantor)	(3)	JOINT TENANTS				
GRANTEE (full name)	(4)	COUNCIL OF THE SHIRE OF DOUGLAS				
DESCRIPTION OF SERVIENT TENEMENT (burdened land) *Delete if inapplicable	(5)	Volume	Folio	County	Parish	Description
		*PART OF				EASEMENT in LOT on R.P.
			see Annexure "A"			
MORTGAGES, ENCUMBRANCES, ETC.	(6)	MORTGAGE NO. T336831J				
		11/11/88 2/1120711 STAMP DUTIES OFFICE # 1120728 50 \$1.50				
CONSIDERATION	(7)	ONE DOLLAR				
SHORT GENERAL DESCRIPTION OF PURPOSE OF EASEMENT	(8)	STORMWATER DRAINAGE				

\* Delete inapplicable words (if any) (Schedule should be completed in FORM 33 and document securely bound)

(9) THE GRANTOR FOR THE ABOVE CONSIDERATION HEREBY GRANTS TO THE GRANTEE THE EASEMENT HEREIN DESCRIBED AND THE GRANTOR AND THE GRANTEE HEREBY COVENANT WITH EACH OTHER IN TERMS OF THE # SCHEDULE HERE TO AND \* - MEMORANDUM NO. FILED IN THE OFFICE OF THE REGISTRAR OF TITLES.

(10) SIGNED THIS THIRTEENTH DAY OF September 19 88

EXECUTION

(11) BY GRANTOR (signature)

WITNESS

(12) IN MY PRESENCE (signature)

A Justice of the Peace/Solicitor

(Full name to be printed)

GRANTEE MUST ACCEPT PERSONALLY

(13) ACCEPTED BY GRANTEE and

CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY -

GRANTEE (signature)

Anthony Mijo  
Chairman

Alan Joseph Twomey  
Shire Clerk

OR

his/her SOLICITOR (signature)

(Full name of Solicitor to be printed)

NOTE: If the servient tenement is subject to a bill of mortgage/encumbrance, lease etc., then the consent of the mortgagee/encumbrancee/lessee etc. should be completed in FORM 35 and securely bound into this document.

## GENERAL CONSENT

Item

(instrument to which this  
consent is to be bound)

(1) Type of instrument:

Easement in Gross

Dealing number:

OR

Names of parties:

JOHN HERBERT MORRIS AND MARILLYN

BARBARA JUDD MORRIS

Grantor

COUNCIL OF THE SHIRE OF DOUGLAS Grantee

Date of instrument:

13th September 1988

(2) Title Reference: Vol:

Fol: A

(full name of party consenting)

(3) ~~xx~~ BANK OF NEW ZEALAND

(status)

being the: Mortgagee

(type and dealing number  
of instrument on which  
authority to consent is  
based) (nature of consent)

under Mortgage No. T336831J

hereby consent to the registration of the instrument specified in Item (1) above.

(4) Signed this

this

day of

day of

September

1988

SIGNED in my presence on behalf of BANK OF  
NEW ZEALAND by LAURENCE EARL REDSELL

STEPHEN JAMES MAITLAND who are  
personally known to me and who are the Bank's duly  
constituted Attorneys under Power of Attorney  
Registered No. 299 853 T who  
hereby state that they have no notice of revocation of  
the said Power of Attorney at the time of their  
executing this

BANK OF NEW ZEALAND  
Incorporated in New Zealand Liability Limited  
By its Attorneys

Paul William Lewis  
Justice of the Peace

(signature of witness)

(qualification)

(full name to be printed)

#17/11/88 R/N1209211

STAMP DUTIES OFFICER

# 1120729 50

C CARS  
\$0.25

## SCHEDULE

\*Insert type  
of instrument

This is the Schedule referred to in\* Easement in Gross dated the 13th  
day of September 19 88 comprising 2 page/s

The Grantor and the Grantee do hereby covenant with each other in the following terms:-

The Grantor grants to the Grantee full and free right liberty and license from time to time and at all times hereafter to use the Burdened Land or any part or parts thereof for drainage purposes and in particular but without in any way limiting the purposes for which the Grantee may use the Burdened Land for drainage purposes the Grantor grants to the Grantee, its officers, servants, agents, workmen, licensees and other persons authorised by the Grantee either generally or specifically in that behalf and either with or without horses, vehicles, plant, equipment, goods, matters and things from time to time to enter into and upon the burdened land and to pass and repass along over into out of and from the burdened land for all purposes in about or in any manner whatsoever connected with the construction, inspection, cleaning, maintenance, repairing, replacing and continuation of a drain or drains pipe or pipes conduits and channels for the purpose of passage or conveyance of water, rain water, sewerage, filling material foul liquids, and all kinds of waste and other matter AND all that the free right and liberty of filling in the burdened land or any part or parts thereof and of excavating therein and erecting, constructing and maintaining the said drain pipes conduits and channels above or below or partly above and partly below the surface of the Burdened Land. BUT so that the Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the said burdened land PROVIDED HOWEVER nothing in these presents contained expressed or implied shall be construed to abrogate limit or abridge or destroy any right or privilege at any time and from time to time of the Grantee to purchase to take by agreement or to resume or otherwise acquire any part or parts of the burdened land AND IT IS HEREBY AGREED AND DECLARED that the Grantor may utilise the Burdened Land for domestic purposes provided that in so utilising he shall not do suffer or permit or omit to be done any act deed matter or thing whereby or by reason whereof the property of the Grantee shall at any time or from time to time be endangered damaged or otherwise prejudicially effected howsoever and in particular and without in any way limiting the generality thereof he shall not permit cause or allow any fixture or other obstruction on the Burdened Land AND IT IS HEREBY FURTHER AGREED AND DECLARED that not only during the period of construction but at any time thereafter if the Grantee is of the opinion that any fixture or other obstruction whether natural or otherwise is situate on the Burdened Land or any part thereof the Grantee may require the Grantor within a time specified in a notice in writing to remove such fixture or other obstruction and if the Grantor shall neglect or fail to remove the fixture or other obstruction within the period specified in the notice in writing the Grantee may by itself its servants or agents with or without workmen so remove any fixture or other obstruction for which purpose the Grantee by itself, its servants agents or workmen shall have the right of ingress and egress in to on over out of and from the land of the Grantor AND FURTHER IT IS HEREBY AGREED AND DECLARED that all costs and expenses of and in connection with these presents and of and in connection with the survey and plans of registration and the stamping of these covenants and all other documents writings

and things in relation to this Grant of Easement will be paid by the Grantor AND IT IS HEREBY FURTHER AGREED AND DECLARED that unless the contrary intention appears:-

"the Grantor" shall mean and include the Grantor and the executors administrators successors and assigns (as the case may be) of the Grantor.

"the Grantee" shall mean and include the Council of the Shire Council and its successors and its permitted assigns.

"the Burdened Land" shall mean and include the land described in Panel 5 - Description of Servient Tenement".

Words importing the masculine gender shall be construed to include the feminine and neuter gender.

Words importing the singular number shall be construed to include the plural number.

Words relating to persons shall be construed to include firms companies bodies politic or corporate and incorporated associations.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

## ENLARGED PANEL

Stationers • By Authority License No. 1485



<b>T421678M</b>	<b>\$67.00</b>
<b>29 MAY 1989</b>	<b>1:54 PM</b>
<b>5500 EASEMENT</b>	

<b>EASEMENT IN GROSS</b>	I/CODE <b>667</b> <b>6.6.89</b>
ENTERED IN THE REGISTER BOOK	
VOLUME <b>N/403</b>	
FOLIO <b>185</b>	
AT <b>404</b>	AM/PM
<b>15 JUN 1989</b>	
REGISTRAR OF TITLES NORTHERN DISTRICTS	

**601434467****T421678M****EAS IN GROSS****A. C. FOX & ASSOCIATES**

BELOW THIS LINE COMPLETED BY LODGER		LODGER CODE
LODGED BY: <b>GREER &amp; TIMMS</b> <b>SOLICITORS</b> ADDRESS: <b>SUITE 23 PANDANUS PLAZA</b> <b>MACROSSAN STREET</b> <b>PORT DOUGLAS QLD</b>		
CERTIFICATES OF TITLE, DEEDS OF GRANT, DECLARATIONS ETC. LODGED WITH THIS DOCUMENT (TO BE COMPLETED BY LODGING PARTIES)		
1. .... LODGED BY: ..... 2. .... 3. ....		
BELOW THIS LINE FOR DELIVERY NOTATIONS		
RECEIPT NOTATIONS		OFFICE USE
ITEMS RECEIVED: ..... FIRM NAME: ..... PER: ..... AUTHORITY: ..... DATE: .....		
ITEMS DELIVERED BY POST ..... ..... .....		
FORWARDED TO LODGER OF THIS DOCUMENT ON .....		

CORRESPONDENCE NUMBER .....

REQUISITIONS

## INSTRUCTIONS FOR COMPLETION (Form 11)

- Document attracts stamp duty.
- Typewriting and handwriting should be clear, legible and in permanent dense black or blue ink.
- Deletions for the purpose of effecting alterations are not to be made by erasure or painting over. Items to be deleted are to be ruled through and all alterations are to be initialled by the parties to the dealing.
- All panels are to be completed or ruled up. If insufficient space attach annexure FORM 32. The panel should then only contain the words "See Annexure ( )" (inserting appropriate letter).
- Witness must be qualified in accordance with the Real Property Act 1861-1985 (S.115).
- The following instructions relate to the corresponding side notes on the form.
  - Item (1) (a) If the grantor is a body corporate of a Building Units/Group Titles Plan then insert e.g. "The Proprietors (name) Registered Building Units Plan No. .... for and on behalf of the registered proprietors".  
 (b) If the grantor holds in trust or as a personal representative, then the trust should be identified, e.g. "as Trustee under Nomination of Trustees No. ....", "as personal representative of the estate of .... deceased".
  - Item (2) Insert e.g., "fee simple," "Lease No. ....".
  - Item (3) Insert e.g. "as joint tenants", "as tenants in common in equal shares". (If in unequal shares then show each share as a fraction.)
  - Item (4) Insert the full name of relevant grantor e.g. Crown corporation, instrumentality etc.
  - Item (6) (a) State only the type of document and dealing number of any prior mortgage, encumbrances, etc. encumbering the grantor's estate or interest which constitutes the servient tenement.  
 (b) If the easement is over common property under a Building Units/Group Titles plan then any interests encumbering the common property should also be included.  
 (c) If none, then show "nil".
  - Item (8) Insert e.g. "drainage", "electricity supply".
  - Item (9) (a) Schedule should include the rights, liabilities and other covenants being created.  
 (b) Covenants may be added to or excluded from the registered Memorandum by means of the "Schedule".
  - Item (11) (a) If the document is executed by a corporation or other body other than by its attorney, then its seal should be affixed thereto with a certificate that such was affixed by the proper officer verified by his/her signature. The full names of the signatories and their designations should be shown.  
 (b) If an attorney executes the document then the full name of the attorney and the source of the attorney's authority should be shown e.g. "AB by his duly constituted Attorney XY under Power of Attorney No. ....". The attorney's signature should then follow.
  - Item (12) The document should be executed in the presence of a qualified witness. (See Instruction 5 above.)
- The following should be deposited with the document:
  - the relevant instrument of title;
  - if the estate or interest of the grantee is held under a Nomination of Trustees, the duplicate Nomination of Trustees.
  - if the grantor is a body corporate of a Building Units/Group Titles Plan, FORM 15 of the Building Units and Group Titles Regulations 1980.

## Form 11

Queensland

Real Property Act 1861-1985

Real Property Regulations 1986

## EASEMENT IN GROSS

GRANTOR  
(full name)Item  
(1)

JOHN HERBERT MORRIS AND MARILLYN BARBARA JUDD MORRIS

ESTATE OR  
INTEREST BEING  
BURDENED

(2)

FEE SIMPLE

HOW ESTATE OR  
INTEREST BEING  
BURDENED IS  
HELD (if more than  
one grantor)

(3)

JOINT TENANTS

GRANTEE  
(full name)

(4)

COUNCIL OF THE SHIRE OF DOUGLAS

#25/11/88 R/N1209774

STAMP DUTIES OFFICER

# 1121878 50

\$1.50

DESCRIPTION OF  
SERVIENT  
TENEMENT  
(burdened land)  
\*Delete if  
inapplicable

(5)

Volume	Folio	County	Parish	Description
*PART OF N1403	185	Solander	Salisbury	EASEMENT P in LOT 18 on R.P. 747342

MORTGAGES,  
ENCUMBRANCES,  
ETC.

(6)

Mortgage No. T336831J

CONSIDERATION

(7)

ONE DOLLAR

SHORT GENERAL  
DESCRIPTION OF  
PURPOSE OF  
EASEMENT

(8)

STORMWATER DRAINAGE

\* Delete  
inapplicable words  
(if any) (Schedule  
should be  
completed in FORM  
33 and document  
securely bound)

(9) THE GRANTOR FOR THE ABOVE CONSIDERATION HEREBY GRANTS TO THE GRANTEE THE EASEMENT HEREIN DESCRIBED AND THE GRANTOR AND THE GRANTEE HEREBY COVENANT WITH EACH OTHER IN TERMS OF THE # SCHEDULE HERE TO AND # MEMORANDUM NO. ~~FILED IN THE OFFICE OF THE REGISTRAR OF TITLES.~~

(10) SIGNED THIS

16th DAY OF

September

1988

EXECUTION

(11) BY GRANTOR (signature)

WITNESS

(12) IN MY PRESENCE (signature)

A Justice of the Peace/Solicitor

(Full name to be printed)

CAROL JEAN LORTON

GRANTEE MUST  
ACCEPT  
PERSONALLY

(13) ACCEPTED BY GRANTEE and

CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY -

GRANTEE (signature)

Anthony Mijo  
ChairmanAlan Joseph Twomey  
Shire Clerk

OR

his/her SOLICITOR (signature)

(full name of Solicitor to be printed)

NOTE: If the servient tenement is subject to a bill of mortgage/encumbrance, lease etc., then the consent of the mortgagee/encumbrancee/lessee etc. should be completed in FORM 35 and securely bound into this document.

## GENERAL CONSENT

Item

(instrument to which this  
consent is to be bound)

- (1) Type of instrument: Easement in Gross  
Dealing number: } JOHN HERBERT MORRIS AND MARILLYN BARBARA JUDD MORRIS  
OR } Grantor  
Names of parties: } COUNCIL OF THE SHIRE OF DOUGLAS  
Date of instrument: 16th September, 1988 } Grantee  
(2) Title Reference: Vol: X Fol: X

(full name of party consenting) (3) ~~XX~~ BANK OF NEW ZEALAND

(status)

being the: Mortgagee

(type and dealing number  
of instrument on which  
authority to consent is  
based) (nature of consent)

under Mortgage No. T336831J  
hereby consent to the registration of the instrument specified in Item (1) above.

(4) Signed this  
DATED this

16th

day of

NOVEMBER

1988.

SIGNED in my presence on behalf of BANK OF  
NEW ZEALAND by LAURENCE EARL REDSELL  
DAVID CHARLES EVANS who are  
personally known to me and who are the Bank's duly  
constituted Attorneys under Power of Attorney  
Registered No. J 299 853 T who  
hereby state that they have no notice of revocation of  
the said Power of Attorney at the time of their  
executing this Gordon L. Cairns

BANK OF NEW ZEALAND  
Incorporated in New Zealand Liability Limited  
By its Attorneys 27/3/11/88 R/H1209774

STAMP DUTIES OFFICER  
C GRNS  
\$0.25

(signature of witness)

(qualification)

JUSTICE OF THE PEACE

(full name to be printed)

PAUL WILLIAM LEWIS

## SCHEDULE

\*Insert type  
of instrument

This is the Schedule

referred to in\*

Easement in Gross

dated the

16th

day of September 1989

The Grantor and the Grantee do hereby covenant with each other in the following terms:-

The Grantor grants to the Grantee full and free right liberty and license from time to time and at all times hereafter to use the Burdened Land or any part or parts thereof for drainage purposes and in particular but without in any way limiting the purposes for which the Grantee may use the Burdened Land for drainage purposes the Grantor grants to the Grantee, its officers, servants, agents, workmen, licensees and other persons authorised by the Grantee either generally or specifically in that behalf and either with or without horses, vehicles, plant, equipment, goods, matters and things from time to time to enter into and upon the burdened land and to pass and repass along over into out of and from the burdened land for all purposes in about or in any manner whatsoever connected with the construction, inspection, cleaning, maintenance, repairing, replacing and continuation of a drain or drains pipe or pipes conduits and channels for the purpose of passage or conveyance of water, rain water, sewerage, filling material foul liquids, and all kinds of waste and other matter AND all that the free right and liberty of filling in the burdened land or any part or parts thereof and of excavating therein and erecting, constructing and maintaining the said drain pipes conduits and channels above or below or partly above and partly below the surface of the Burdened Land. BUT so that the Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the said burdened land PROVIDED HOWEVER nothing in these presents contained expressed or implied shall be construed to abrogate limit or abridge or destroy any right or privilege at any time and from time to time of the Grantee to purchase to take by agreement or to resume or otherwise acquire any part or parts of the burdened land AND IT IS HEREBY AGREED AND DECLARED that the Grantor may utilise the Burdened Land for domestic purposes provided that in so utilising he shall not do suffer or permit or omit to be done any act deed matter or thing whereby or by reason whereof the property of the Grantee shall at any time or from time to time be endangered damaged or otherwise prejudicially effected howsoever and in particular and without in any way limiting the generality thereof he shall not permit cause or allow any fixture or other obstruction on the Burdened Land AND IT IS HEREBY FURTHER AGREED AND DECLARED that not only during the period of construction but at any time thereafter if the Grantee is of the opinion that any fixture or other obstruction whether natural or otherwise is situate on the Burdened Land or any part thereof the Grantee may require the Grantor within a time specified in a notice in writing to remove such fixture or other obstruction and if the Grantor shall neglect or fail to remove the fixture or other obstruction within the period specified in the notice in writing the Grantee may by itself its servants or agents with or without workmen so remove any fixture or other obstruction for which purpose the Grantee by itself, its servants agents or workmen shall have the right of ingress and egress in to on over out of and from the land of the Grantor AND FURTHER IT IS HEREBY AGREED AND DECLARED that all costs and expenses of and in connection with these presents and of and in connection with the survey and plans of registration and the stamping of these covenants and all other documents writings

and things in relation to this Grant of Easement will be paid by the Grantor AND IT IS HEREBY FURTHER AGREED AND DECLARED that unless the contrary intention appears:-

"the Grantor" shall mean and include the Grantor and the executors administrators successors and assigns (as the case may be) of the Grantor.

"the Grantee" shall mean and include the Council of the Shire Council and its successors and its permitted assigns.

"the Burdened Land" shall mean and include the land described in Panel 5 - Description of Servient Tenement".

Words importing the masculine gender shall be construed to include the feminine and neuter gender.

Words importing the singular number shall be construed to include the plural number.

Words relating to persons shall be construed to include firms companies bodies politic or corporate and incorporated associations.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.



## Appendix B

# Planning Scheme Property Report and Storm Tide Inundation Property Report

## 2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

### Property Information

Property Address [2-4 St Crispins Avenue PORT DOUGLAS](#)



Lot Plan [25RP747342](#) (Freehold - 1662m<sup>2</sup>)



Selected Property



Easements



Land Parcels

### Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

#### Zoning

#### Applicable Zone







Medium Density Residential

#### More Information

- [View Section 6.2.8 Medium Density Residential Zone Code](#)
- [View Section 6.2.8 Medium Density Residential Zone Compliance table](#)
- [View Section 6.2.8 Medium Density Residential Zone Assessment table](#)

## Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

 <a href="#">Local Plans</a>	<b>Applicable Precinct or Area</b> Port Douglas - Craiglie	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 7.2.4 Port Douglas/Craiglie Local Plan Code</a></li> <li><a href="#">View Section 7.2.4 Port Douglas/Craiglie Local Plan Compliance table</a></li> </ul>
 <a href="#">Acid Sulfate Soils</a>	<b>Applicable Precinct or Area</b> Acid Sulfate Soils (5-20m AHD)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Code</a></li> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Scenic Buffer Area</b> Scenic route buffer	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Noise Corridors</a>	<b>Applicable Precinct or Area</b> Category 2: 63 dB(A) < Noise Level < 68 dB(A) Category 3: 68 dB(A) =< Noise Level < 73 dB(A) Category 4: Noise Level >= 73 dB(A)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Pedestrian Cycle</a>	<b>Applicable Precinct or Area</b> Neighbourhood Route Principal Route	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Collector Road Major Transport Corridor Buffer Area (State Controlled Road)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>

Zoning

**Applicable Zone**  
Medium Density Residential

- More Information**
- [View Section 6.2.8 Medium Density Residential Zone Code](#)
  - [View Section 6.2.8 Medium Density Residential Zone Compliance table](#)
  - [View Section 6.2.8 Medium Density Residential Zone Assessment table](#)



☒ Selected Property

☐ Land Parcels

<b>Zoning</b>			
<input type="checkbox"/> Centre	<input type="checkbox"/> Community Facilities	<input type="checkbox"/> Conservation	<input type="checkbox"/> Environmental Management
<input type="checkbox"/> Industry	<input type="checkbox"/> Low Density Residential	<input type="checkbox"/> Low-medium Density Residential	<input type="checkbox"/> Medium Density Residential
<input type="checkbox"/> Recreation and Open Space	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural Residential	<input type="checkbox"/> Special Purpose
<input type="checkbox"/> Tourism	<input type="checkbox"/> Tourist Accommodation		



## Local Plans

### Applicable Precinct or Area


Port Douglas - Craiglie

### More Information

- [View Section 7.2.4 Port Douglas/Craiglie Local Plan Code](#)
- [View Section 7.2.4 Port Douglas/Craiglie Local Plan Compliance table](#)



 Selected Property

 Land Parcels

### Transport Investigation Corridor

 Transport Investigation Corridors

### Major Road Connections

 Major Road Connections

### Major Road Connections (No Arrow)

 Major Road Connections

### Daintree River to Bloomfield

 Daintree River to Bloomfield

### Creb Track and Quaid Road

 Creb Track







### 60 metre contour

 60 metre contour


### Local Plan Boundary

 Local Plan Boundary

### Local Plan Sub Precincts

 1a Town Centre
  1b Waterfront North
  1c Waterfront South  
 1d Limited Development
  1e Community and Recreation
  1f Flagstaff Hill

### Local Plan Precincts

Not Part of a Precinct  
 Precinct 4
  Precinct 1
  Precinct 2
  Precinct 3  
 Precinct 8
  Precinct 5
  Precinct 6
  Precinct 7  
 Precinct 9

### Live Entertainment Precinct

 Live Entertainment Precinct

### Indicative Future Open Space

 Indicative Future Open Space

 Road Reserve Esplanade



Acid Sulfate Soils

**Applicable Precinct or Area**  
Acid Sulfate Soils (5-20m AHD)

- More Information**
- [View Section 8.2.1 Acid Sulfate Soils Overlay Code](#)
  - [View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

**Acid Sulfate Soils**

☐ Acid Sulfate Soils (< 5m AHD)

☐ Acid Sulfate Soils (5-20m AHD)

☐ all others

Landscape Values

Scenic Buffer Area

Scenic route buffer

- More Information

  - [View Section 8.2.6 Landscape Values Overlay Code](#)
  - [View Section 8.2.6 Landscape Values Overlay Compliance table](#)



Selected Property

Land Parcels

Scenic Buffer Area

Gateway

View corridor

Lookout

all others

Scenic route

Scenic route buffer

Landscape Values

Coastal scenery

High landscape values

Medium Landscape Value

all others



Transport Noise Corridors

Applicable Precinct or Area

- Category 2: 63 dB(A) < Noise Level < 68 dB(A)
- Category 3: 68 dB(A) =< Noise Level < 73 dB(A)
- Category 4: Noise Level >= 73 dB(A)

More Information

- [View Section 8.2.10 Transport Network Overlay Code](#)
- [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

Transport Noise Corridors Mandatory Area

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Category 0: Noise Level < 58 dB(A)             | <input type="checkbox"/> Category 1: 58 dB(A) =< Noise Level < 63 dB(A) | <input type="checkbox"/> Category 2: 63 dB(A) < Noise Level < 68 dB(A) |
| <input type="checkbox"/> Category 3: 68 dB(A) =< Noise Level < 73 dB(A) | <input type="checkbox"/> Category 4: Noise Level >= 73 dB(A)            | <input type="checkbox"/> all others                                    |

Transport Noise Corridors Voluntary Area

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Category 0: Noise Level < 58 dB(A)             | <input type="checkbox"/> Category 1: 58 dB(A) =< Noise Level < 63 dB(A) | <input type="checkbox"/> Category 2: 63 dB(A) < Noise Level < 68 dB(A) |
| <input type="checkbox"/> Category 3: 68 dB(A) =< Noise Level < 73 dB(A) | <input type="checkbox"/> Category 4: Noise Level >= 73 dB(A)            | <input type="checkbox"/> all others                                    |

Transport Pedestrian Cycle

**Applicable Precinct or Area**  
Neighbourhood Route  
Principal Route

- More Information**
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

**Pedestrian and Cycle Network**

- |                 |                               |                         |                     |
|-----------------|-------------------------------|-------------------------|---------------------|
| District Route  | Future Principal Route        | Iconic Recreation Route | Neighbourhood Route |
| Principal Route | Strategic Investigation Route | all others              |                     |



Transport Road Hierarchy

Applicable Precinct or Area

Collector Road  
Major Transport Corridor Buffer Area (State Controlled Road)

More Information

- [View Section 8.2.10 Transport Network Overlay Code](#)
- [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

Road Hierarchy

<span style="color: yellow;">—</span> Access Road	<span style="color: black;">—</span> Arterial Road	<span style="color: purple;">—</span> Collector Road	<span style="color: brown;">—</span> Industrial Road
<span style="color: red;">—</span> Major Rural Road	<span style="color: green;">—</span> Minor Rural Road	<span style="color: blue;">—</span> Sub Arterial Road	<span style="color: grey;">—</span> Unformed Road
<span style="color: black;">—</span> all others			

☐ Major Transport Corridor Buffer Area

Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.



## Storm Tide Inundation Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the nominated land parcel.

For more information refer to the [JB Pacific Storm Tide Inundation Methodology Study](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

A separate [Council Planning Scheme Property Report](#) tool is available for information relating to Council's 2018 Planning Scheme.

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect land.

### JB Pacific Storm Tide Inundation Methodology Study

The purpose of the Douglas Shire Storm Tide Inundation Methodologies Study was to review and analyse different methodologies, identify a best practise model for the Shire's coastal urban areas, run this preferred best practise model and calculate the minimum heights for the 1% AEP (Annual Exceedance Probability) storm tide inundation for the year 2100 having regard to a 0.8m sea level rise for urban coastal properties.

Excerpt from the JB Pacific Storm Tide Inundation Methodology Report -

#### Storm Tide Inundation

*The Douglas Shire coastline experiences a range of hydrodynamic, waves, and morphologic processes that are linked through dependant and independent variables. This includes the underlying astronomical tide, the passage of local storms and cyclones, the interaction of storm surges along the open coastline, the local wave climate, any sheltering provided by nearshore reefs, and the role of nearshore and dune vegetation. A range of these coastal processes are shown in Figure 2-1.*

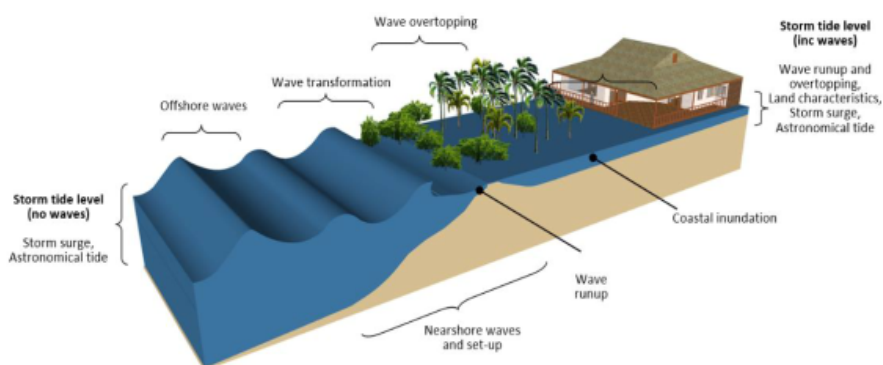


Figure 2-1: Drivers of coastal risk

Importantly storm tide inundation can be from the overtopping at the foreshore as well as wave runup through estuaries and inundate from "behind" a locality. Check out the animation of this activity through the local estuaries in the animation on Council's website.

#### Future Year 2100 Projected Levels

On 2 July 2017 the Planning Act 2016 came into effect as part of the Queensland Government's commitment to delivering planning reform across the State and the State Planning Policies reinstating the need to consider the 1% AEP (Average Exceedance Probability) Storm Tide Inundation level for the year 2100 with a 0.8m sea level rise. The 1% AEP is referred to as the one in one hundred year event. The 1%AEP is the minimum we need to consider and plan for.

#### Freeboard

There are numerous variants that can affect the modelled levels. To account for the differences in these variants a "freeboard" is applied. For the JB Pacific Storm Tide Inundation Methodology Study these differences have been considered within a nominal 0.5m freeboard level. Minimum levels for habitable rooms need to consider the Finished Floor Level (FFL) being the 1%AEP level plus the 0.5m freeboard. This value is a measurement at AHD (Australian Height Datum).

#### AHD Levels

A Licensed Surveyor should be engaged to determine the accurate AHD for a property. Contours and levels identified through Queensland Globe are estimated from LIDAR calculations and may not be 100% accurate.

Property Information

Property Address [2-4 St Crispins Avenue PORT DOUGLAS](#)  
Lot Plan [25RP747342](#) (Freehold - 1662m<sup>2</sup>)



☒ Selected Property

☒ Easements

☐ Land Parcels

Storm Tide Inundation Property Information

The information below provides details of the projected Future Year 2100 Storm Tide Inundation Level that considers a Sea Level Rise of 0.8m AHD

This property is not affected by the 1 % AEP Event for the year 2100



JB Pacific summary Information




 Selected Property

StormTide Levels Overview

 3 to 4

 2 to 3

 1 to 2

 0.1 to 1

 0 to 0

The Level for Construction – for Storm Tide Inundation Considerations

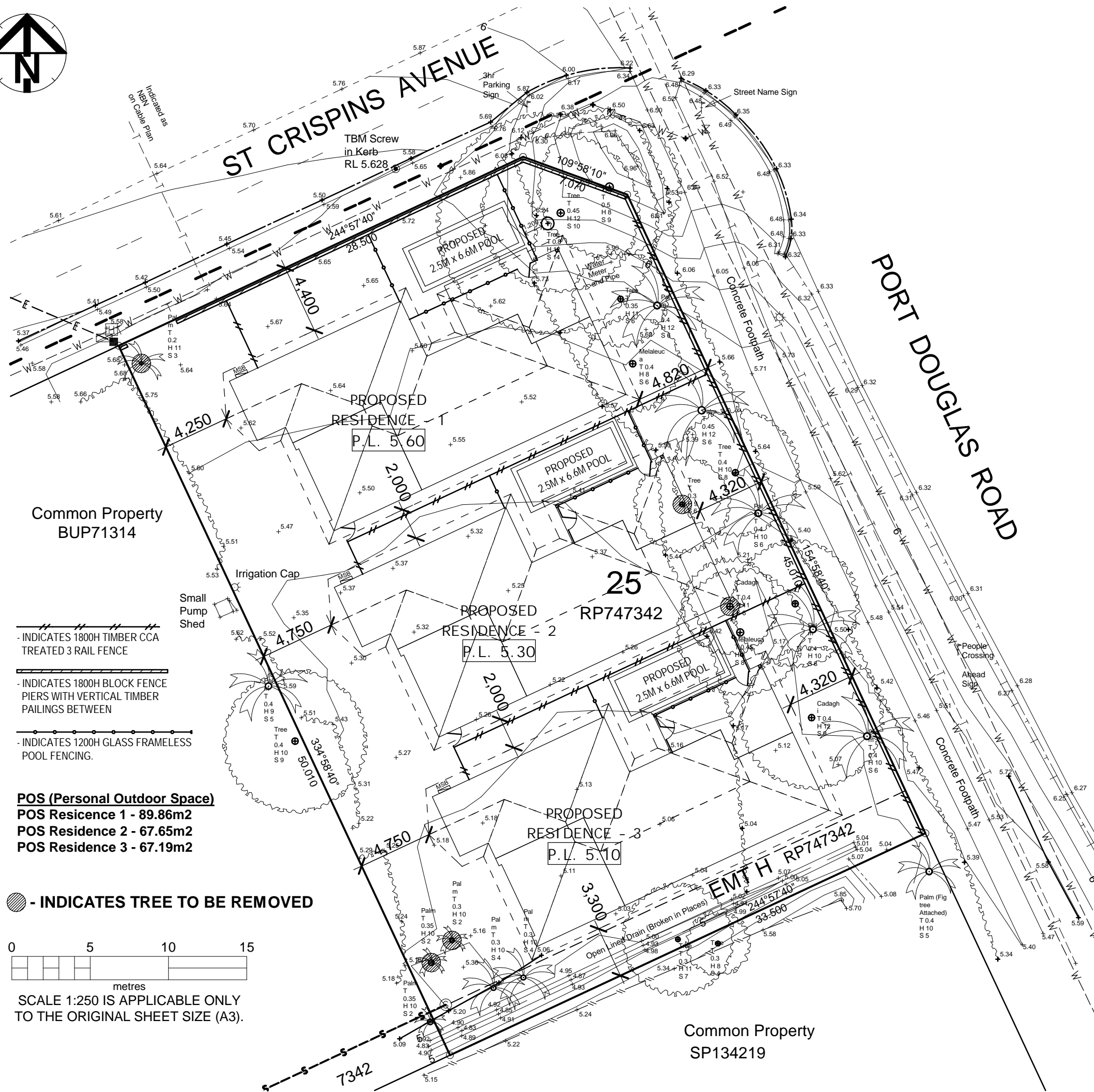
The Storm Tide inundation Study determined the lot is not affected by the 1% AEP for the year 2100. Consideration should be given to the height of nearby properties, the 1% AEP mapping of such properties, and due regard to freeboard.

Disclaimer


The maps show the estimated areas of inundation for the 1% AEP projected for the year 2100 having regard to a sea level rise of 0.8m. The report nominates required minimum habitable room minimum finished floor level. This minimum level is determined from the best data to date held by Council. This storm tide inundation flood level, for a particular property, may change if more detailed information becomes available or changes are made in the method of calculating flood levels. Storm tide Inundation analysis is based on comprehensive computer modelling calibrated against actual storm tides. The website provides locations, street names, aerial photography and available storm tide inundation data for the Shire areas that were included in the JB Pacific Storm Tide Inundation Methodologies Study. This property reporting tool is not a substitute for a detailed Coastal Engineering analysis of a property and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.

## Appendix C

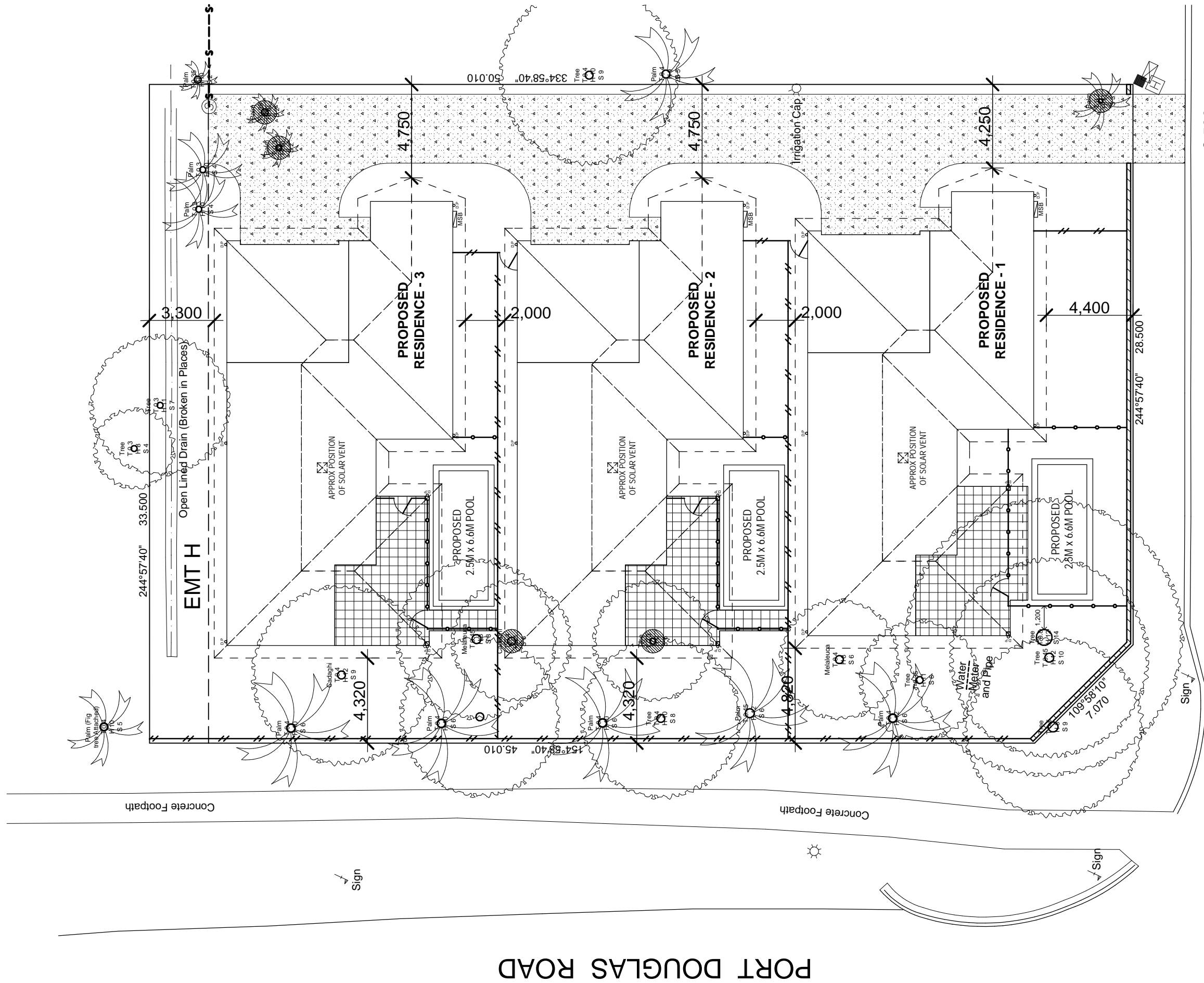
### Proposal Plans



### CONTOUR PLAN WIND-'C1'

		<p>Client: LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as Trustee for LA VIE Q Trust. LOT 25 - St. CRISPINS AVENUE, PORT DOUGLAS</p>	
<p>APN: 73614916086 QBCC: 150314395 Address: P.O. BOX 863, Pt. DOUGLAS Qld. 4877 Phone: (07)40985518 Fax: (07)40985512</p>		<p>Design: Custom Design Facade: Resort Gable</p>	
<p>Drawn By: S.C. Date: 30/06/2022</p>		<p>Job Number: <b>448TL</b></p>	
<p>Scale: 1 : 250</p>		<p>Inclusions: PREMIUM</p>	
<p>N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES PTY. LTD.</p>		<p>Sheet Number: <b>1</b> of <b>11</b></p>	

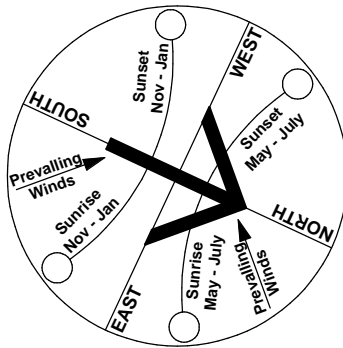




● - INDICATES TREE TO BE REMOVED

\* DRIVEWAY 246.33 m<sup>2</sup>  
- EXPOSED AGG.

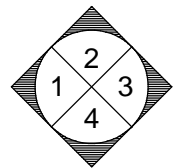
ST CRISPINS AVENUE



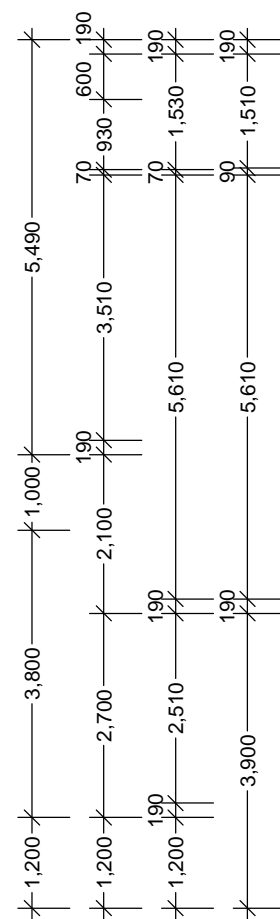
LOT 25 ON RP747342  
St. CRISPINS AVENUE,  
PORT DOUGLAS

POS (Personal Outdoor Space)  
POS Residence 1 - 89.86m<sup>2</sup>  
POS Residence 2 - 67.65m<sup>2</sup>  
POS Residence 3 - 67.19m<sup>2</sup>

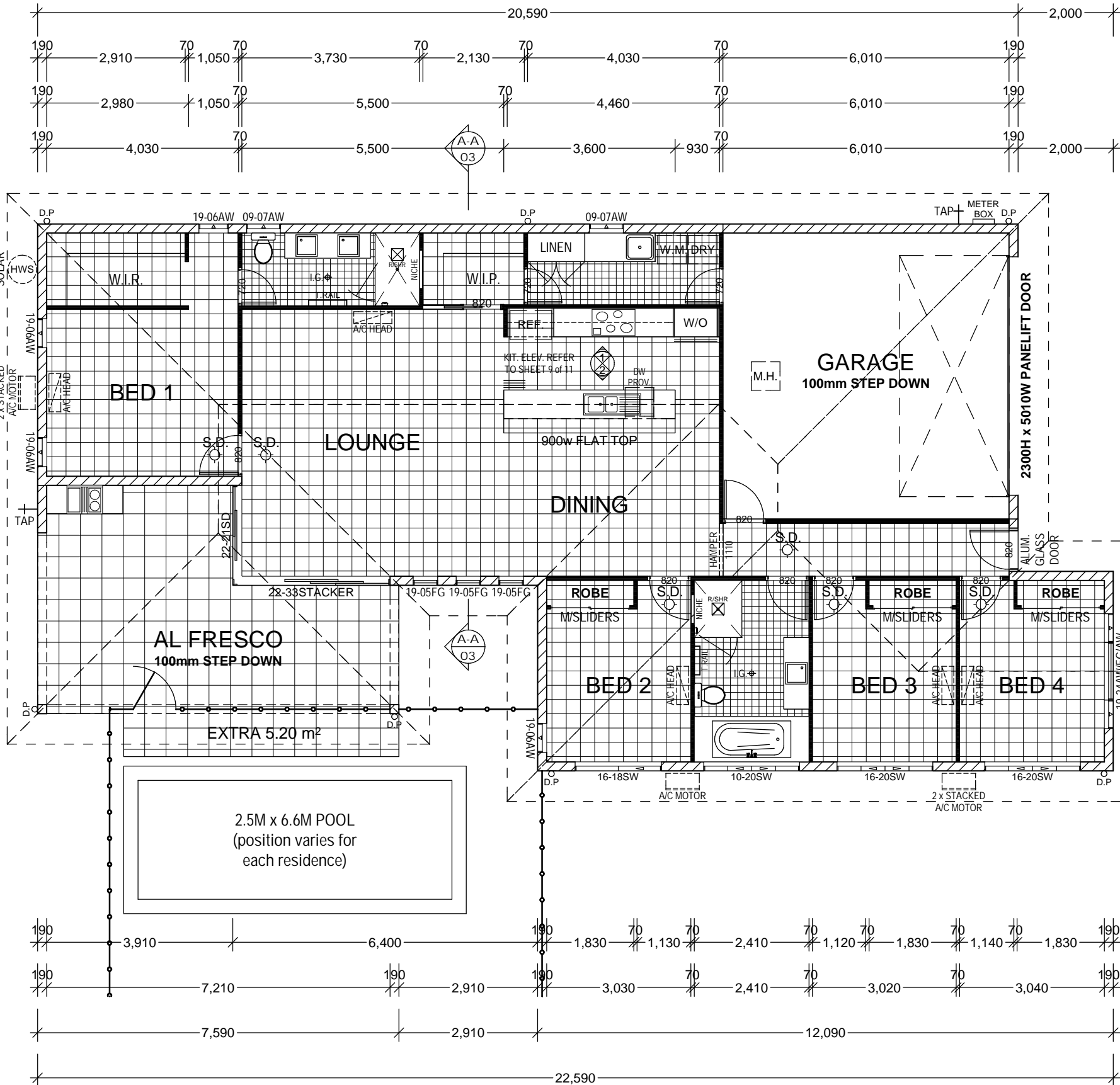
- INDICATES 1800H TIMBER CCA  
TREATED 3 RAIL FENCE  
- INDICATES 1800H BLOCK FENCE  
PIERS WITH VERTICAL TIMBER  
PAILINGS BETWEEN  
- INDICATES 1200H GLASS FRAMELESS  
POOL FENCING.



ELEVATION KEY

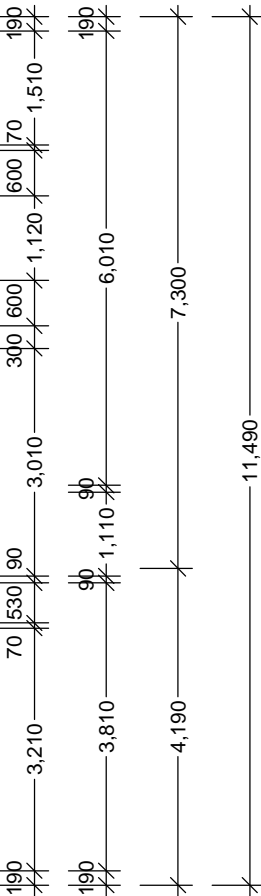


**FLOOR AREAS**  
**LIVING - 156.96**  
**GARAGE - 38.44**  
**AL FRESCO - 29.10**  
**TOTAL - 224.50m<sup>2</sup>**  
**24.16 SQUARES**



**NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)**

**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.



**GENERAL NOTES :**  
: Solar block 2 to all alum. framed glass doors  
and windows.  
: Dishwasher prov. with SPP and cold water  
plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external  
opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2100H U.N.O.



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

**FLOOR PLAN**

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS  
THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

**WIND-'C1'**

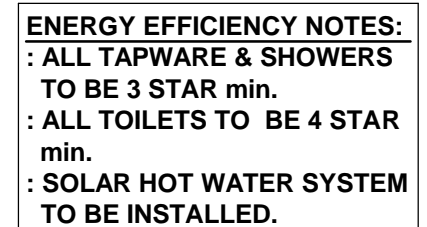
Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMI UM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
Job Number:  
**448TL**  
Sheet Number:  
**2 of 11**





**GENERAL NOTES :**

- : Solar block 2 to all alum. framed glass doors and windows.
- : Dishwasher prov. with SPP and cold water plumbing.
- : Lift off hinges to wc.
- : Mechanical exhaust to wc with no external opening.
- : Niches - 900H base with a 2100H head U.N.O.
- : Hampers and Openings - 2100H head U.N.O.
- : Bulkheads - 2100H U.N.O.

## 'RESIDENCE-2'



**ABN: 73614916086**  
**QBCC: 15031495**  
**Address: P.O. BOX 863,**  
**Pt. DOUGLAS Qld. 4877**  
**Phone: (07)40985518**  
**Fax: (07)40985512**

## FLOOR PLAN

**N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pvt. Ltd.**

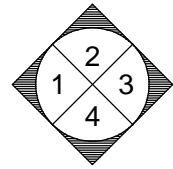
## WIND-'C1'

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

<b>Design:</b>	Custom Design
<b>Facade:</b>	Resort Gable
<b>Inclusions:</b>	PREMIUM

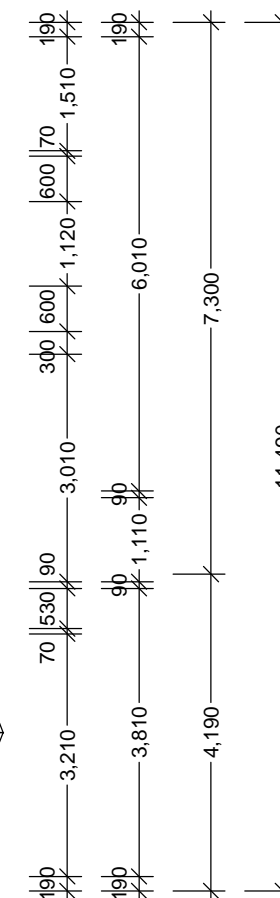
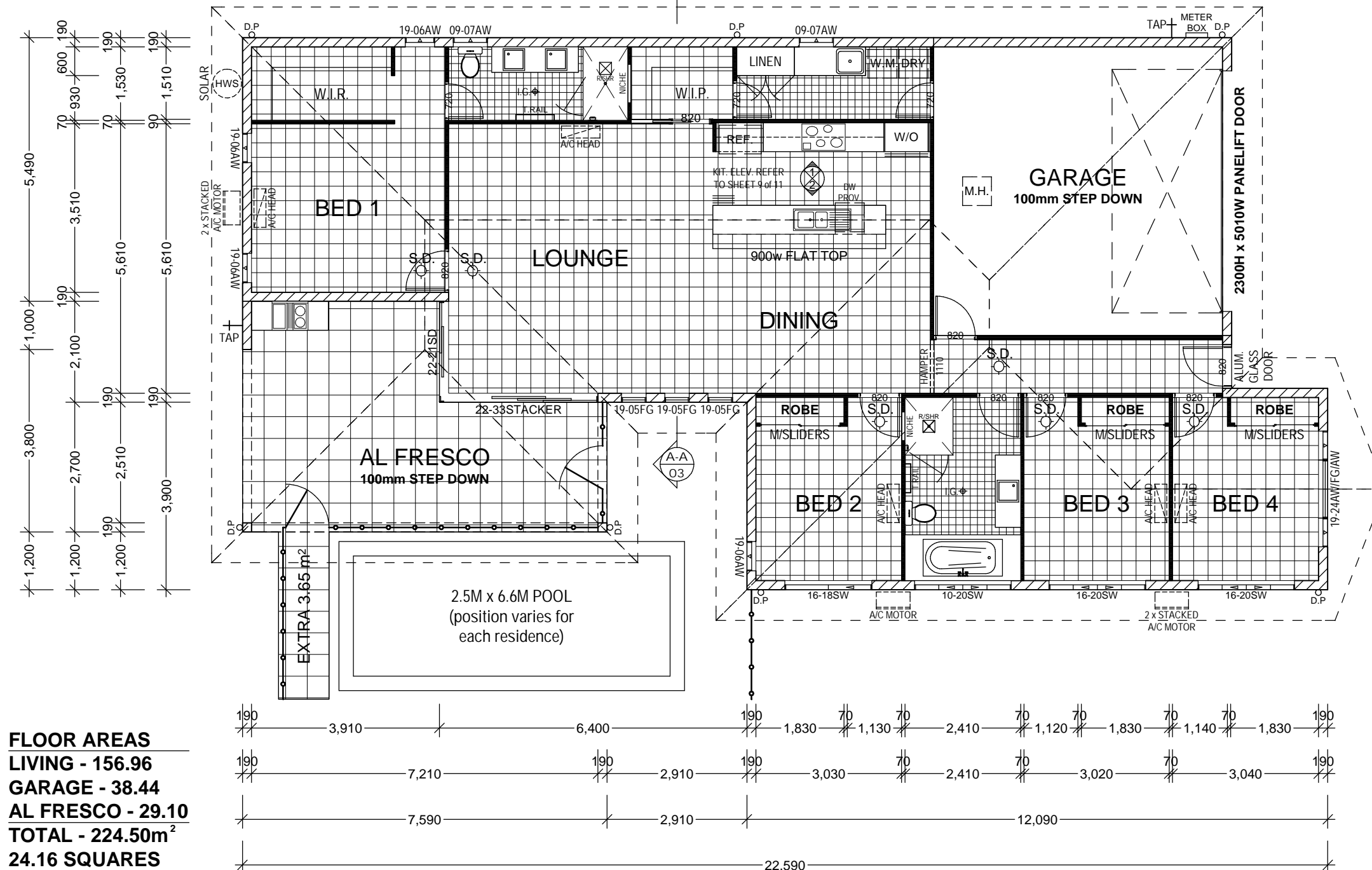
Drawn By:	S.C.
Date:	30/06/2022
Scale:	1 : 100

Amendments:	
Job Number:	448TL
Sheet Number:	2 of 11



ELEVATION KEY

**ENERGY EFFICIENCY NOTES:**  
: ALL TAPWARE & SHOWERS  
TO BE 3 STAR min.  
: ALL TOILETS TO BE 4 STAR  
min.  
: SOLAR HOT WATER SYSTEM  
TO BE INSTALLED.



**GENERAL NOTES :**  
: Solar block 2 to all alum. framed glass doors and windows.  
: Dishwasher prov. with SPP and cold water plumbing.  
: Lift off hinges to wc.  
: Mechanical exhaust to wc with no external opening.  
: Niches - 900H base with a 2100H head U.N.O.  
: Hampers and Openings - 2100H head U.N.O.  
: Bulkheads - 2100H U.N.O.

NOTE : ADDITIONAL BRACING WILL BE REQUIRE TO VANITY WALLS. (FLOATING VANTIES)

## 'RESIDENCE-3'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## FLOOR PLAN

N.B. ALL WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED SIZES - THIS DESIGN IS THE EXCLUSIVE PROPERTY OF NQ HOMES Pty. Ltd.

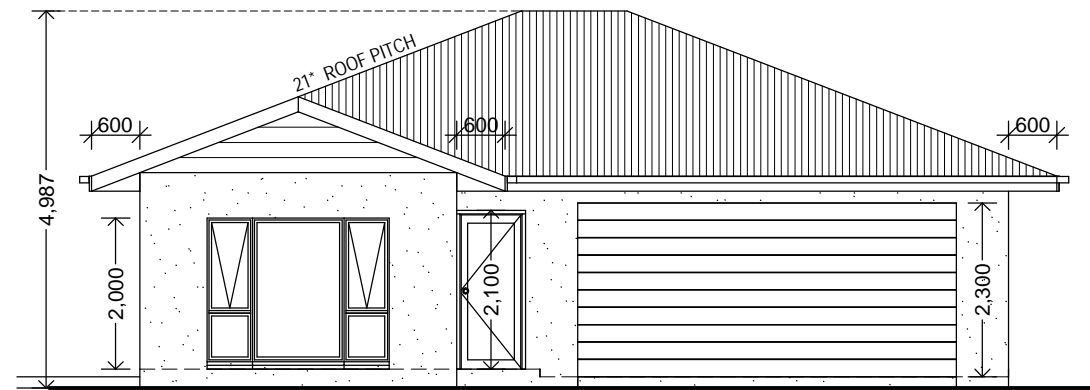
## WIND-'C1'

Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

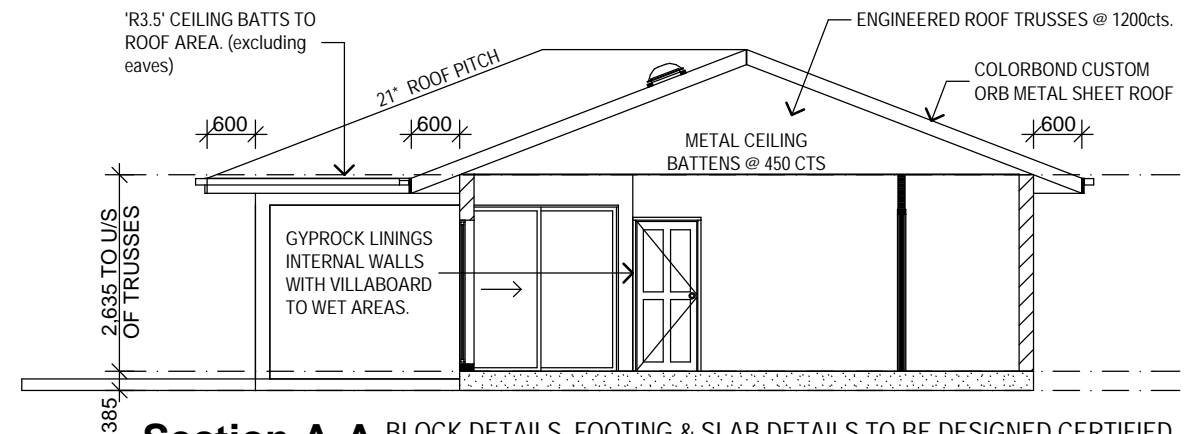
Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMI UM

Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
Job Number:  
448TL  
Sheet Number:  
2 of 11

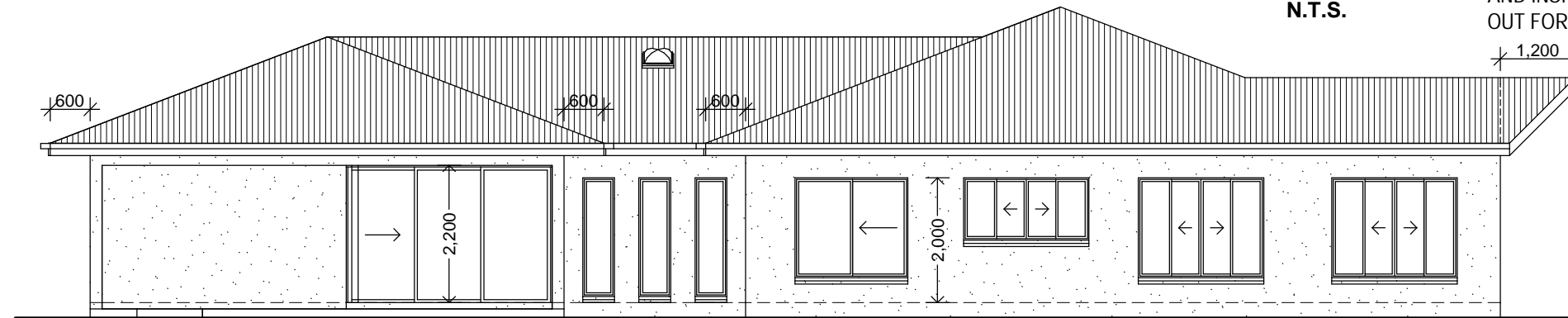


**Elevation 1**

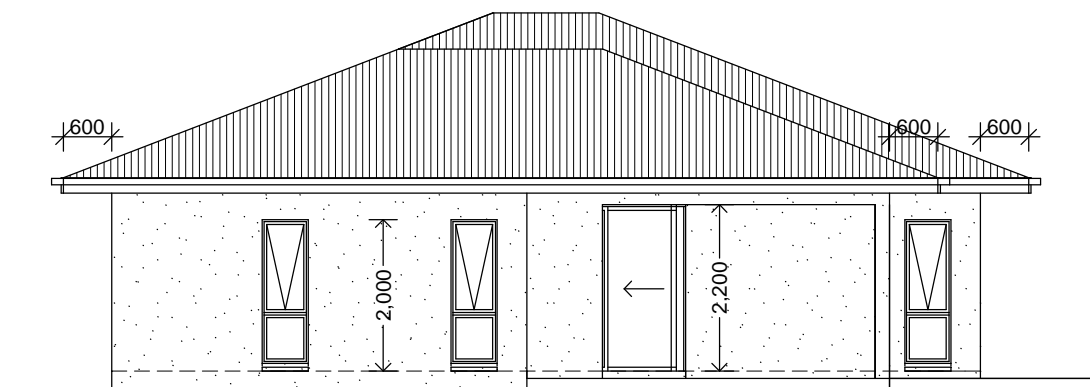


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.

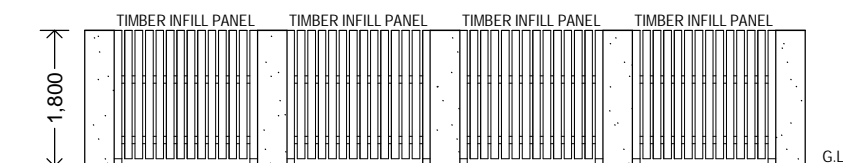
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



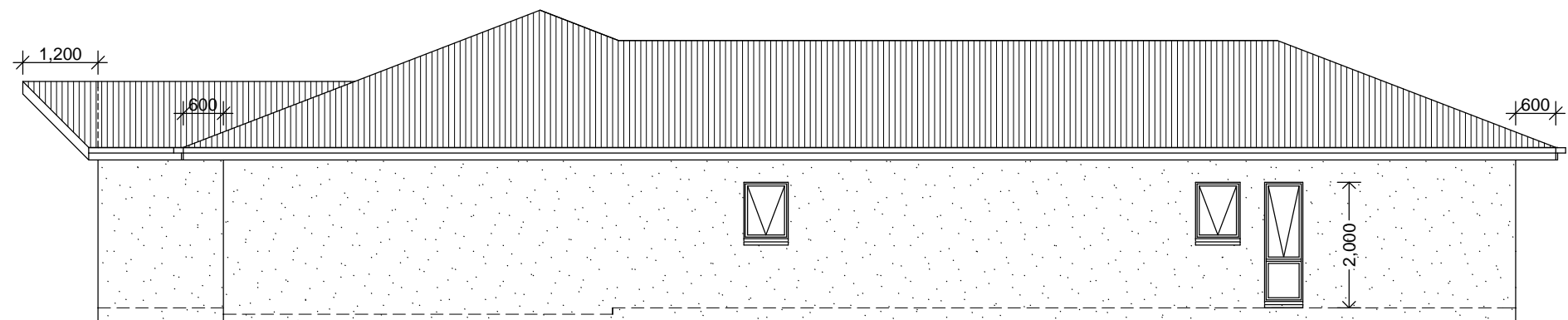
**Elevation 2**



**Elevation 3**



**Block Fence Elevation**



**Elevation 4**

## 'RESIDENCE-1'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

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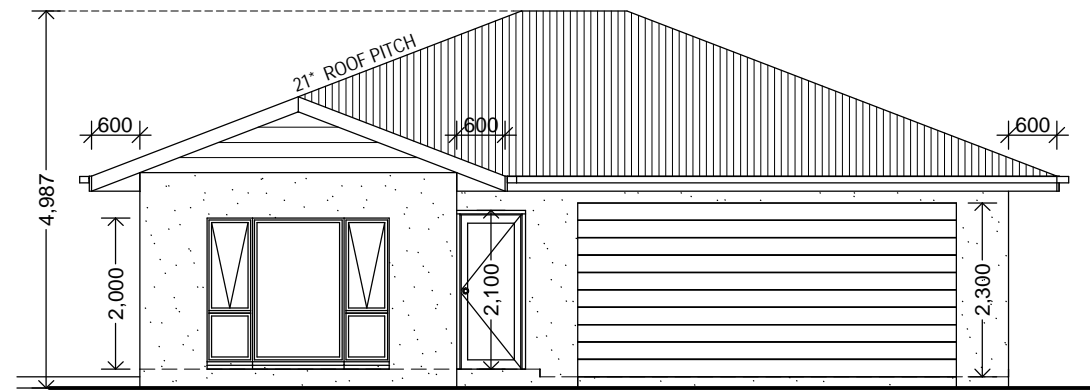
Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:  
Custom Design  
Facade:  
Resort Gable  
Inclusions:  
PREMIUM

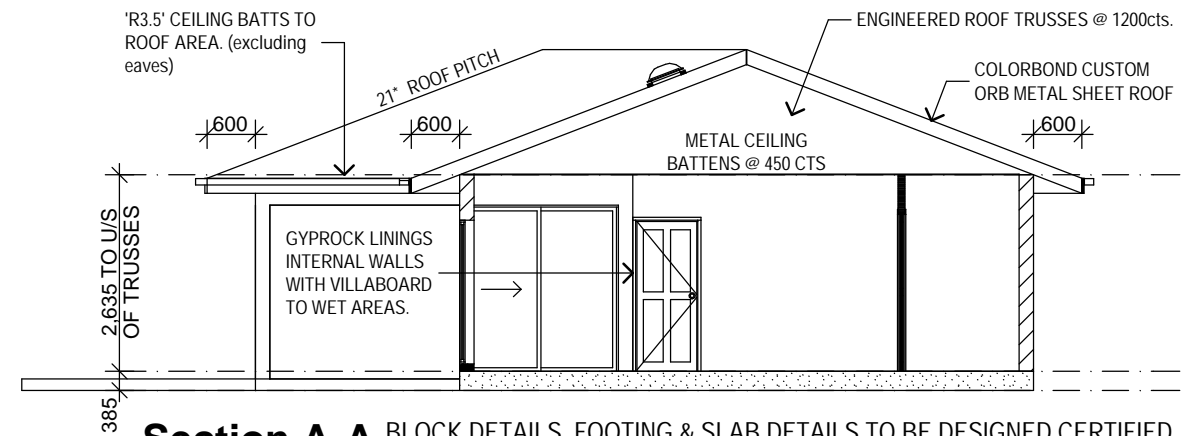
Drawn By:  
S.C.  
Date:  
30/06/2022  
Scale:  
1 : 100

Amendments:  
Job Number:  
448TL  
Sheet Number:  
3 of 11

**EXTERNAL COLOUR SCHEME:**  
Colourbond Roof Iron / Fascia & Gutter 'Basalt'  
External Rendered Walls 'Basalt'  
Window Frames 'Woodland Grey'  
Garage Panel Lift Door 'Basalt'

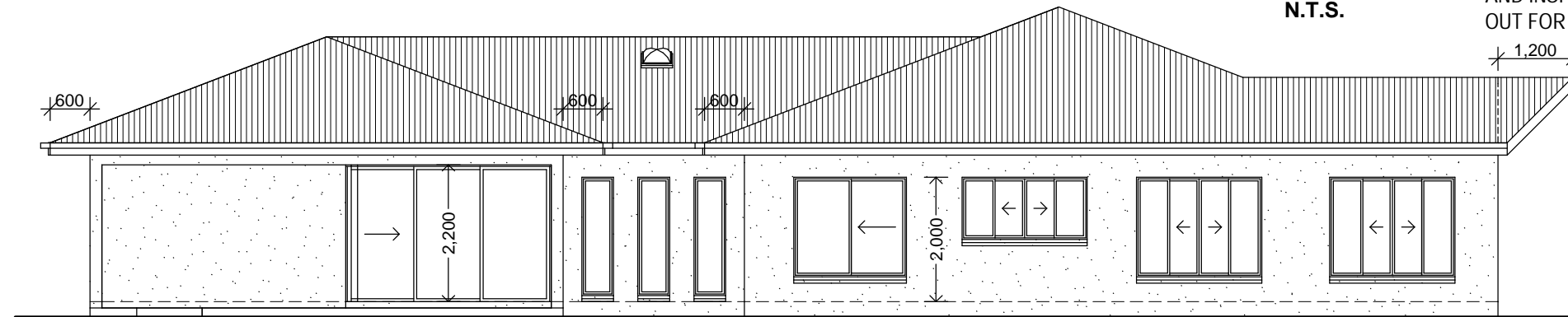


**Elevation 1**

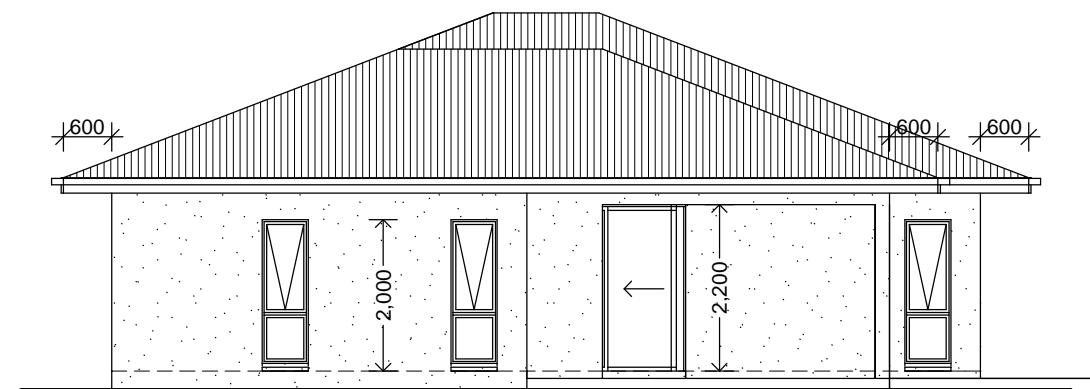


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.  
N.T.S.

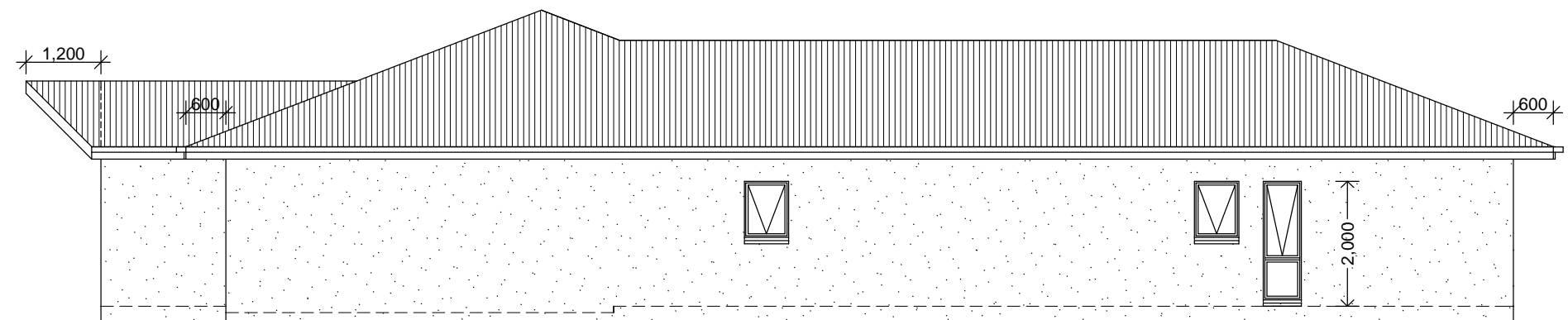
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



**Elevation 2**



**Elevation 3**



**Elevation 4**

## 'RESIDENCE-2'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
Fax: (07)40985512

## ELEVATIONS

## WIND-'C1'

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Client:

LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:

Custom Design

Facade:

Resort Gable

Inclusions:

PREMIUM

Drawn By:

S.C.

Date:

30/06/2022

Scale:

1 : 100

Amendments:

Job Number:

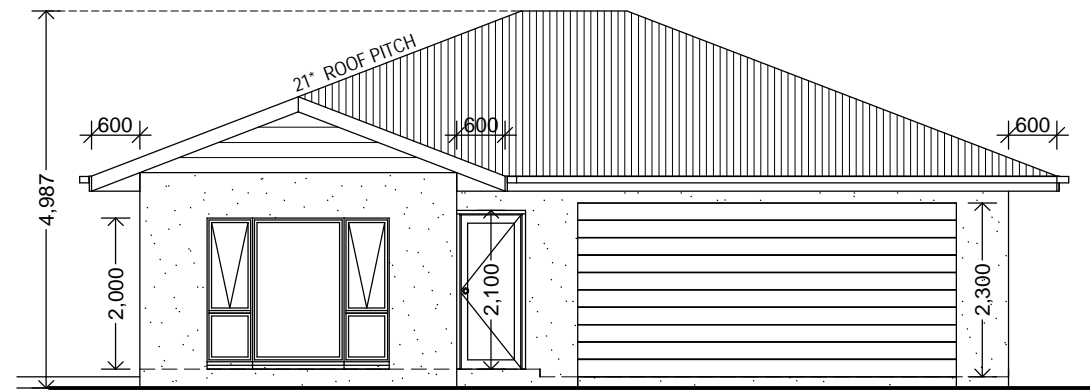
448TL

Sheet Number:

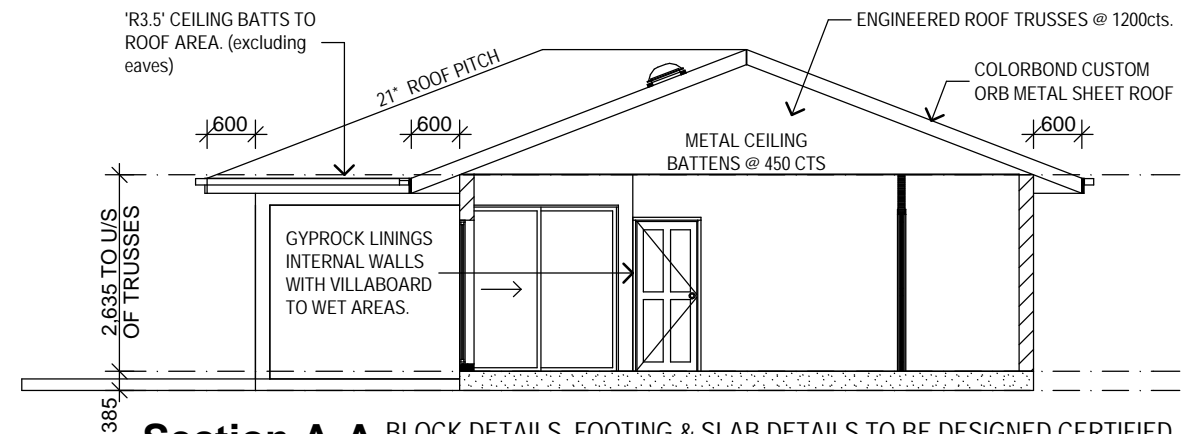
3 of 11

### EXTERNAL COLOUR SCHEME

Colourbond Roof Iron / Fascia & Gutter 'Shale Grey'  
External Rendered Walls 'Basalt'  
Window Frames 'Dune'  
Garage Panel Lift Door 'Shale Grey'

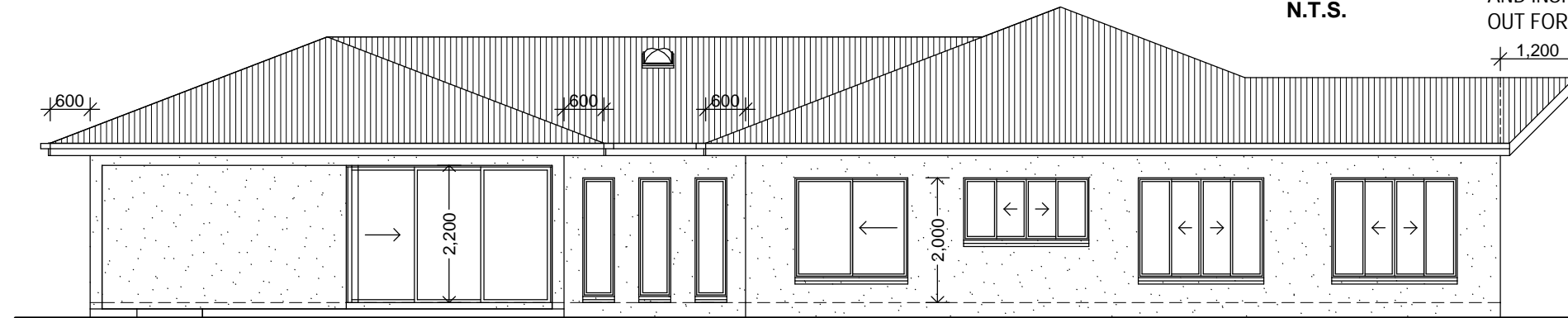


**Elevation 1**

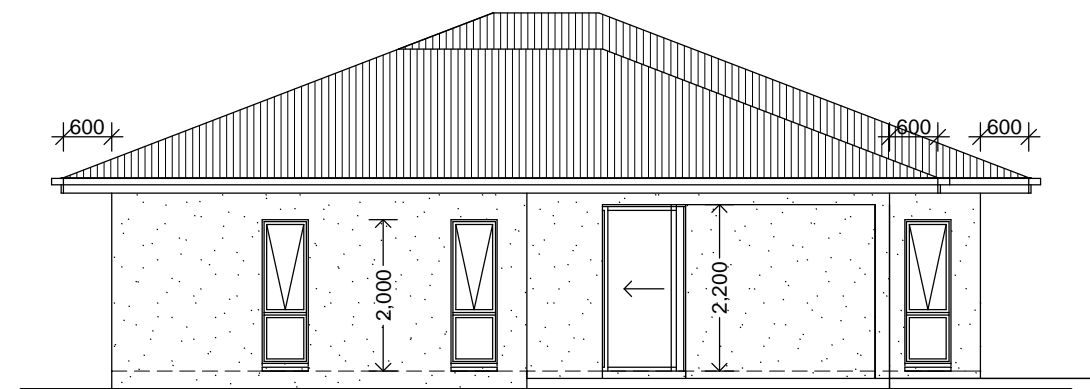


**Section A-A** BLOCK DETAILS, FOOTING & SLAB DETAILS TO BE DESIGNED, CERTIFIED AND INSPECTED BY A RPEQ ENGINEER PRIOR TO WORK BEING CARRIED OUT FOR A 'P' CLASS SITE AND WIND-'C1' WIND RATING.  
N.T.S.

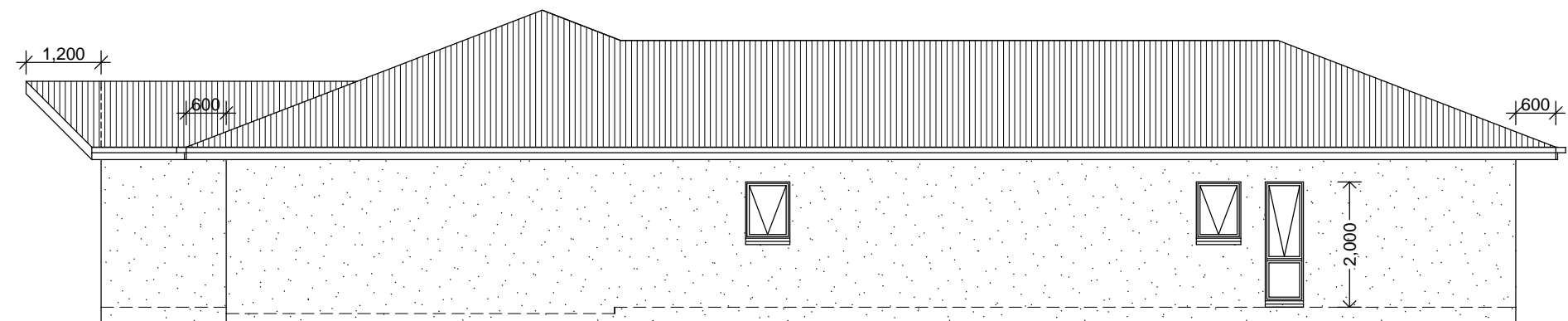
ALL STRUCTURAL TIMBER HAS BEEN TREATED IN ACCORDANCE WITH THE AS3600.1 FOR TERMITE PROTECTION.



**Elevation 2**



**Elevation 3**



**Elevation 4**

**EXTERNAL COLOUR SCHEME**  
Colourbond Roof Iron / Fascia & Gutter 'Monument'  
Rendered External Walls 'Surfmist'  
Window Frames 'Monument'  
Garage Panel Lift Door 'Monument'

## 'RESIDENCE-3'



ABN: 73614916086  
QBCC: 15031495  
Address: P.O. BOX 863,  
Pt. DOUGLAS Qld. 4877  
Phone: (07)40985518  
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## ELEVATIONS

## WIND-'C1'

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Client:  
LA VIE Q Pty. Ltd. A.C.N. 655 397 005 as  
Trustee for LA VIE Q Trust. LOT 25 -  
St. CRISPINS AVENUE, PORT DOUGLAS

Design:	Custom Design	Drawn By:	S.C.	Amendments:
Facade:	Resort Gable	Date:	30/06/2022	Job Number:
Inclusions:	PREMIUM	Scale:	1 : 100	Sheet Number:
				<b>448TL</b>
				<b>3 of 11</b>



PORT DOUGLAS ROAD

ST CRISPINS AVENUE

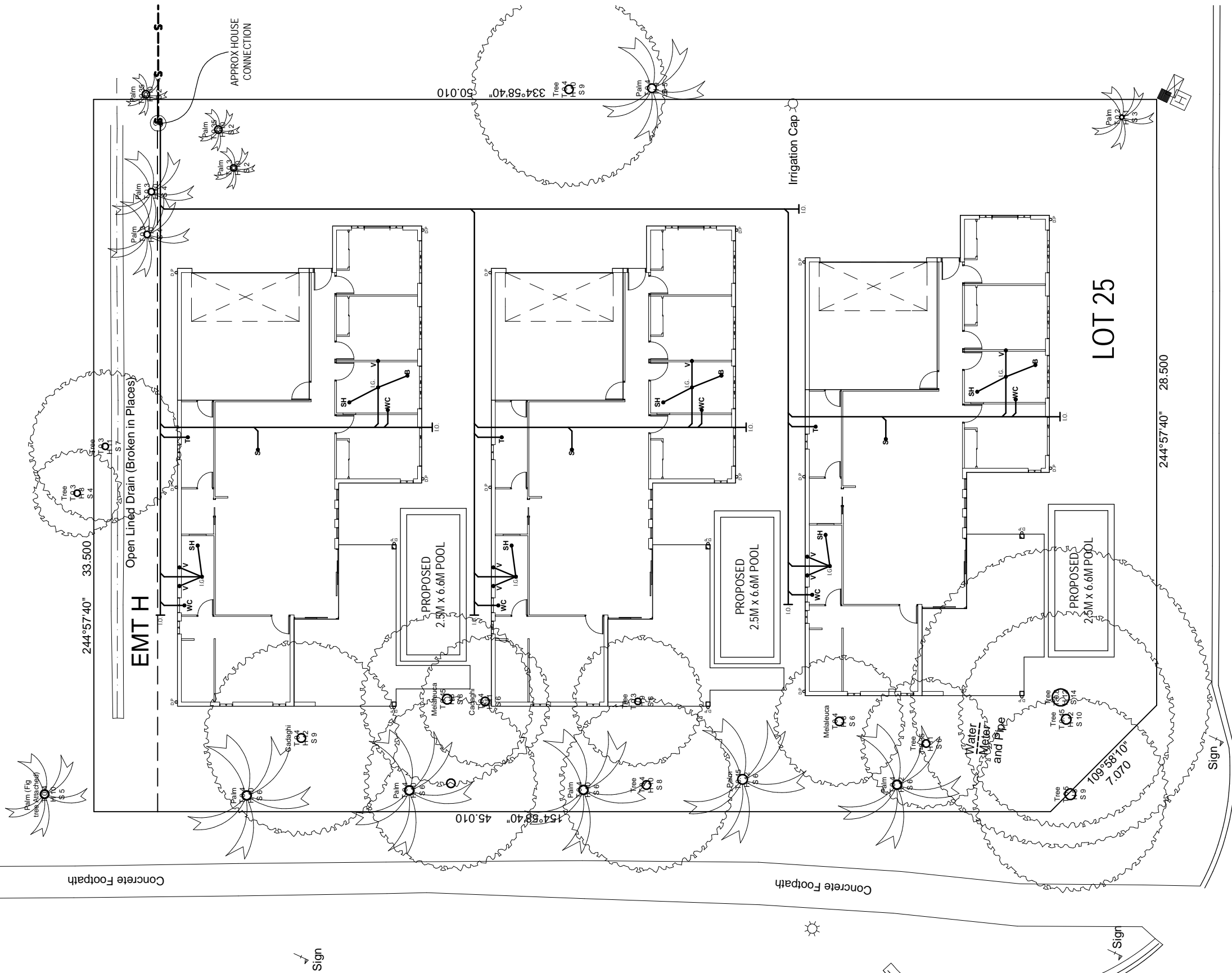
NOTES :

: THIS PLAN IS INDICATIVE ONLY AND  
WILL DIFFER ON SITE. PLUMBER TO  
SUBMIT AS CONSTRUCTED PLAN TO  
COUNCIL.

: INSPECTION OPENINGS AND VENTS  
ARE TO BE INSTALLED WHERE  
REQUIRED. ALL PLUMBING WORKS  
AS PER AUSTRALIAN STANDARDS.

**LEGEND**

- S - SINK  
V - VANITY BASIN  
SH - SHOWER  
B - BATH  
SB - SPA BATH  
WC - WATER CLOSET  
T - TUB  
I.G. - INSPECTION GULLY  
FW - DRY FLOOR WASTE  
I.O. - INSPECTION OPENING  
ORG. - OVERFLOW RELIEF GULLY



## Appendix D

### State Code Responses



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

**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 and AO1.2</b>  The proposed development is not located in a state-controlled road reserve and is able to be maintained without requiring access to the state-controlled road.
<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>  No earthworks are proposed that would affect the integrity of Port Douglas Road.
<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>  The development would not obstruct Port Douglas Road.
<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>  No advertising devices are proposed.

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>The proposed development would be buffered from Port Douglas Road by established vegetation.</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.	<p><b>Not applicable</b></p> <p>No bridges are proposed.</p>
<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>Complies with AO7.1-AO7.3</b></p> <p>No landscaping would be located within the state-controlled road reserve and all landscaping is able to be maintained without requiring access to the state-controlled road reserve.</p>

Performance outcomes	Acceptable outcomes	Response
	<p><b>AO7.2</b> Landscaping can be maintained without requiring access to a <b>state-controlled road</b>.</p> <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.	<p><b>Complies with PO8</b></p> <p>No stormwater would be directed to Port Douglas Road.</p>
<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.	<p><b>Complies with PO9</b></p> <p>No stormwater would be directed to Port Douglas Road.</p>
<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.	<p><b>Complies with PO10</b></p> <p>No stormwater would be directed to Port Douglas Road.</p>
<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>Complies with AO11.1- AO11.4</b></p> <p>No stormwater would be directed to Port Douglas Road.</p>

Performance outcomes	Acceptable outcomes	Response
	<p><b>AO11.3</b> Stormwater run-off is discharged to a <b>lawful point of discharge</b>.</p> <p>AND</p> <p><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>.</p>	
<b>Flooding</b>		
<p><b>PO12</b> Development does not result in a material worsening of flooding impacts within a <b>state-controlled road</b>.</p>	<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>Complies with AO12.1-AO12.3</b></p> <p>The site and adjacent road reserve are not subject to flooding.</p>
<b>Drainage Infrastructure</b>		

Performance outcomes	Acceptable outcomes	Response
<b>PO13</b> Drainage infrastructure does not create a safety hazard for users in the <b>state-controlled road</b> .	<b>AO13.1</b> Drainage infrastructure is wholly contained within the development site, except at the <b>lawful point of discharge</b> .  AND <b>AO13.2</b> Drainage infrastructure can be maintained without requiring access to a <b>state-controlled road</b> .	<b>Complies with AO13.1-AO13.2</b>  The site would be connected to the drainage infrastructure within the site and the adjacent drainage easements. No stormwater would be discharged to Port Douglas Road.
<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>  No drainage infrastructure is proposed within Port Douglas Road.

**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>  No new or changed access to a state-controlled road is proposed.
<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>Complies with PO16</b>  The proposed access would be located as far as possible from the intersection with the state-

Performance outcomes	Acceptable outcomes	Response
		controlled road and would be from St Crispins Avenue.
<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>Complies with PO17</b>  The proposed access would be located as far as possible from the intersection with the state-controlled road and would be from St Crispins Avenue.
<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>  St Crispins Avenue is not a limited access road.
<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>Complies with PO19</b>  The proposed access would be located as far as possible from the intersection with the state-controlled road and would be from St Crispins Avenue.
<b>PO20</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 adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	<b>Complies with PO20</b>  The proposed access would be located as far as possible from the intersection with the state-controlled road and the traffic generated by the proposed development would not adversely affect the intersection with Port Douglas Road.
<b>Public passenger transport and active transport</b>		



Performance outcomes	Acceptable outcomes	Response
<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> There is no public passenger transport infrastructure within the vicinity of the site.
<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> There is no public passenger transport infrastructure within the vicinity of the site.
<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> There is no public passenger transport infrastructure within the vicinity of the site.
<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> There is no public passenger transport infrastructure within the vicinity of the site.

**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 development would not generate traffic movements that would adversely affect the safety of Port Douglas Road.
<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>

Performance outcomes	Acceptable outcomes	Response
		The proposed development would not generate traffic movements that would adversely affect the operating performance of Port Douglas Road.
<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> All traffic would be generated to St Crispins Avenue, which is a local road.
<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> No haulage is proposed.
<b>PO29</b> Development does not impede delivery of <b>planned upgrades</b> of <b>state-controlled roads</b> .	No acceptable outcome is prescribed.	<b>Not applicable</b> There are no planned upgrades within the vicinity of the site.
<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>Not applicable</b> There are no corridor improvements proposed within the vicinity of the site.

**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> No filling or excavation is proposed.
<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> No filling or excavation is proposed.

Performance outcomes	Acceptable outcomes	Response
<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> No filling or excavation is proposed.
<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> No filling or excavation is proposed.
<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> No filling or excavation is proposed.
<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 drainage infrastructure for a <b>state-controlled road</b> .	No acceptable outcome is prescribed.	<b>Not applicable</b> No filling or excavation is proposed.

## 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> .	<b>AO37.1</b> Development provides a noise barrier or earth mound which is designed, sited and constructed:	<b>Not applicable</b> No Reconfiguring a Lot is proposed.

Performance outcomes	Acceptable outcomes	Response
	<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> <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> .	<b>AO38.1</b> Development provides noise barrier or earth mound which is designed, sited and constructed:	<p><b>Not applicable</b></p> <p>No Reconfiguring a Lot is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
	<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>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>		
<b>PO39</b> Development minimises noise intrusion from a <b>state-controlled road in 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> </ol>	<p><b>Complies with PO39</b></p> <p>The site is buffer from Port Douglas Road by existing dense vegetation and would be able to comply with the noise attenuation requirements and minimise noise intrusion to private open space.</p>



Performance outcomes	Acceptable outcomes	Response
	<p>2. in accordance with:</p> <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>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>	
<p><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>	<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> <ul 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: <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</li> </ul> </li> </ul>	<p><b>Not applicable</b></p> <p>The development is a relevant residential building(s).</p>

Performance outcomes	Acceptable outcomes	Response
	<p>Noise), Department of Transport and Main Roads, 2013;</p> <p>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</p> <p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020.</p> <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.	<p><b>Not applicable</b></p> <p>The development is a relevant residential building(s).</p>
<b>Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor</b>		
<p><b>PO42</b> Balconies, podiums, and roof decks include:</p> <p>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);</p>	No acceptable outcome is provided.	<p><b>Not applicable</b></p> <p>No balconies podiums or roof decks are proposed.</p>

Performance outcomes	Acceptable outcomes	Response
2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks.		
<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> The development is a relevant residential building(s).
<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</b> Development: 1. provides a noise barrier or earth mound that is designed, sited and constructed: <ul 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: <ul 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> </ul> </li> </ul>	No acceptable outcome is provided.	<b>Not applicable</b> The development is not for a childcare centre, educational establishment or hospital.

Performance outcomes	Acceptable outcomes	Response
<p>iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or</p> <p>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.</p>		
<p><b>PO45</b> Development involving a <b>childcare centre</b> or <b>educational establishment</b>:</p> <p>1. provides a noise barrier or earth mound that is designed, sited and constructed:</p> <p>2. to achieve the maximum building facade acoustic level in reference table 1 (item 1.2);</p> <p>3. in accordance with:</p> <p>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;</p> <p>b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019;</p> <p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or</p>	No acceptable outcome is provided.	<p><b>Not applicable</b></p> <p>The development is not for a childcare centre or educational establishment.</p>

Performance outcomes	Acceptable outcomes	Response
4. 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.		
<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> The development is not for a childcare centre, educational establishment or hospital.
<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 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: <ol style="list-style-type: none"> <li>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>highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated <b>outdoor play areas</b>.</li> </ol>	No acceptable outcome is provided.	<b>Not applicable</b> The development is not for a childcare centre, educational establishment or hospital.



Performance outcomes	Acceptable outcomes	Response
<p><b>PO48</b> Development including:</p> <ol style="list-style-type: none"> <li><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>sleeping rooms in a <b>childcare centre</b>; or</li> <li><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.	<p><b>Not applicable</b></p> <p>The development is not for a childcare centre, educational establishment or hospital.</p>
<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>	<p><b>Complies with AO49.1</b></p> <p>The private recreation areas would be shielded from Port Douglas Road by a 1.8 metre high fence.</p>

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>	<p><b>Not applicable</b></p> <p>The proposal is not for a hospital.</p>
<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.	<p><b>Complies with PO51</b></p> <p>The site is buffered from Port Douglas Road by existing dense vegetation.</p>

**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>	<p><b>Complies with AO52.1</b></p> <p>The site is not within a future state-controlled road.</p>

State Development Assessment Provisions v3.0

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

Page 18 of 20

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> .	<p><b>Complies with AO53.1</b></p> <p>The development does not involve a new or changed access to a future state controlled road.</p>
<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.	<p><b>Not applicable</b></p> <p>No filling or excavation is proposed.</p>
<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.	<p><b>Complies with PO55</b></p> <p>No stormwater would be directed to a future state controlled road.</p>
<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><b>Complies with AO56.1- AO56.4</b></p> <p>No stormwater would be directed to a future state controlled road.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p><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>.</p>	

## Appendix E

### Planning Scheme Code Responses



## 6.2.8 Medium density residential zone code

### 6.2.8.1 Application

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

### 6.2.8.2 Purpose

- (1) The purpose of the Industry zone code is to provide for a range of service, low or medium impact industrial uses. It may include non-industrial and The purpose of the 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:
  - (b) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 1 : Settlement pattern, Element 3.4.2 – Urban settlement, Element 3.4.3 Element – Activity centres, Element 3.4.5 – Residential areas and activities.
    - (ii) Theme 4 : Strong communities and identity, Element 3.7.5 Housing choice and affordability.
  - (c) establish a medium density residential character consisting predominantly of low to medium-rise dwelling houses, dual occupancies and multiple dwellings (up to 3 storeys in height).
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development provides a wider choice of predominantly permanent-living housing in terms of form, size and affordability to meet the needs of residents.
  - (b) Development is of an appropriate scale and achieves an attractive built form which incorporates the character and natural attributes of the site and the surrounding area as integral features of the theme and design of the development.
  - (c) Development is designed to take into account the tropical climate by incorporating appropriate architectural elements and design features.
  - (d) Landscaping enhances the visual appearance of development and the streetscape, provides attractive outdoor spaces and privacy between adjoining development.
  - (e) Community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community are provided.

### 6.2.8.3 Criteria for assessment

Table 6.2.8.3.a – 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 13.5 metres and 3 storeys in height. Note – Height is inclusive of roof height.	<b>Complies with AO1</b> The proposed development would be single storey with a height of approx. 5 metres.
<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> The proposed development would provide a front setback of 4.4 metres to the outermost projection and 5.0 metres to the wall and a rear setback of 3.3 metres rather than the accepted 4.5 metres. In respect of the front setback, the neighbourhood is characterised by multiple dwelling development with varying setbacks to the street front and with substantial boundary fences separating the development from the footpath and with gatehouse structures and other built forms within the setback area. To the west of the site is a two storey multiple dwelling development that has a setback of a minimum of less than 3 metres to the outermost projection. Thornton North provides a substantive fence to the property

Performance outcomes	Acceptable outcomes	Applicant response
		<p>frontage and has a minimum setback of less than 6.0 metres. Developments in Osprey Close similarly have reduced setbacks to the street frontage with minimum setbacks being in the order of 3.0 metres.</p> <p>Having regard to the character of the residential area containing the site, it is considered that the proposed reduced front setback would be consistent with the character of the area, provide an appropriate separation to the street front and maintain a cohesive streetscape, consistent with the requirements of the Performance Outcome.</p> <p>In respect of the rear setback, it is proposed to provide a setback of 3.3 metres to the outermost projection to a single storey building. This setback is greater than the minimum setback distance required for a Dwelling House and the interface of the proposed development with the adjoining property to the rear would not be inconsistent with that of a Dwelling House. It is also important to note that the adjoining land to the rear of the site is developed with a Tennis Court. The proposed rear setback would not adversely affect the character of the area or separation to neighbouring buildings and would not affect day light access or privacy of the adjacent properties.</p>
<b>Site coverage</b>		

Performance outcomes	Acceptable outcomes	Applicant response
<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 AO3</b> The site cover would be 41%
<b>Building proportions and scale (other than for a dwelling house)</b>		
<b>PO4</b> The proportions and scale of any development are in character with the area and local streetscape.	<b>AO4.1</b> The overall length of a building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres.	<b>Complies with AO4.1</b> No building would exceed 30 metres in length and no wall would exceed 15 metres in length without articulation with windows.
	<b>AO4.2</b> Balconies, patios and similar spaces are not enclosed or capable of being enclosed and used as a habitable room.	<b>Complies with AO4.2</b> The proposed alfresco areas are not readily capable of enclosure.
	<b>AO4.3</b> Balconies, patios and similar spaces are designed to be open and light weight in appearance with a maximum of 20% of the façade being fully enclosed.	<b>Complies with Ao4.3</b> The proposed alfresco areas have less than 20% of the facades enclosed.
	<b>AO4.4</b> Roof forms, materials and colours of buildings enhance the amenity of the street and locality, including: (a) the roof of buildings are light coloured and non-reflecting;	<b>Complies with AO4.4</b> The building finishes would be: <ul style="list-style-type: none"> <li>Roof – Colorbond Monument;</li> <li>Rendered Walls – Surfmist</li> <li>Windows and Doors – Monument.</li> </ul>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(b) white and shining metallic finishes are avoided on external surfaces in prominent view.</p> <p>Note – The building incorporates building design features and architectural elements detailed in Planning scheme policy SC6.2 – Building design and architectural elements.</p>	
<b>Landscaping (other than for a dwelling house)</b>		
<b>PO5</b> Landscape planting is provided for the recreational amenity of residents/guests and incorporates dominant tropical vegetation which enhances the streetscape and the amenity of the area.	<b>AO5.1</b> A minimum of 35% of the site is provided as open space and recreation area with a minimum of 30% of this total area provided for landscape planting.	<b>Complies with PO5</b> In accordance with the Acceptable Outcomes, the proposed development is required to provide 581.7m <sup>2</sup> of open space, with 174.51m <sup>2</sup> provided for deep planting. In addition, a landscaped strip of 2.0 metres required to be provided to the site frontage and a 1.5 metre landscaped buffer is to be provided to the side boundaries. The proposal plans indicate that the site would provide the required recreation area and the deep planting, including the retention of many of the trees adjacent the Port Douglas Road Frontage. The development would also provide the opportunity of the landscaped buffer to the street frontage; however, the proposed driveway would reduce the ability to provide the landscaping to the side boundary. The location of the driveway to the site is, in part, determined by a requirement to comply with the state code for development within a state-controlled road environment, which is a necessary consideration given the location of
	<b>AO5.2</b> Within the frontage setback area, a minimum width of 2 metres of landscape area includes a minimum 75% dense planting.	
	<b>AO5.3</b> Within the side and rear setback areas, a minimum width of 1.5 metres of landscape area includes 75% dense planting.	



Performance outcomes	Acceptable outcomes	Applicant response
		the site adjacent Port Douglas Road, which is a state-controlled road. The requirements of this code require the access to be located as far as possible from the intersection of St Crispins Avenue with Port Douglas Road. In this instance the requirements to satisfy the state code is considered to take precedence over the requirement for a 1.5 metre wide landscaped buffer.
<b>For assessable development</b>		
<b>PO6</b> The establishment of uses is consistent with the outcomes sought for the Medium density residential zone and protects the zone from the intrusion of inconsistent uses.	<b>AO6</b> Uses identified in Table 6.2.8.3.b are not established in the Medium density residential zone.	<b>Complies with AO6</b> Multiple Dwellings are not identified as an incompatible use.
<b>PO7</b> Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds.  Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds.	<b>AO7</b> No acceptable outcomes are prescribed.	<b>Complies with PO7</b> The subject site is reasonably flat and drains to the rear via the drainage easements. The design of the development provides for the retention of much of the vegetation on site and is of a scale consistent with surrounding development.
<b>PO8</b> Development does not adversely affect the residential character and amenity of the area in	<b>AO8</b> No acceptable outcomes are prescribed.	<b>Complies with PO8</b> The proposed development is residential in nature and consistent with the established residential amenity of the area.

Performance outcomes	Acceptable outcomes	Applicant response
terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.		
<b>PO9</b> New lots contain a minimum area of 1000m <sup>2</sup> .	<b>AO9</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> No new lots are proposed.
<b>PO10</b> New lots have a minimum road frontage of 20 metres.	<b>AO10</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> No new lots are proposed.
<b>PO11</b> New lots contain a 20 metre x 25 metre rectangle.	<b>AO11</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> No new lots are proposed.

**Table 6.2.8.3.b - Inconsistent uses within the 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>• Animal keeping</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>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Service industry</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.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

## 7.2.4 Port Douglas/Craigie local plan code

### 7.2.4.1 Application

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

### 7.2.4.2 Context and setting

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

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

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

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

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

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

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

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

### 7.2.4.3 Purpose

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

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



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

- (v) Sub-precinct 1e – Community and recreation sub-precinct
- (vi) Sub-precinct 1f – Flagstaff Hill sub-precinct
- (b) Precinct 2 – Integrated Resort precinct
- (c) Precinct 3 – Craiglie Commercial and Light Industry precinct
- (d) Precinct 4 – Old Port Road / Mitre Street precinct
- (e) Precinct 5 – Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct

#### **Precinct 1 – Port Douglas precinct**

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
  - (a) development will contribute to the incremental transformation of the township, preserving and enhancing maritime activities and environmental areas, delivering tropical open spaces and a high quality public realm, and allowing for tourism opportunities and investment.
  - (b) development contributes to the enhancement of the Port Douglas precinct through the following development outcomes:
    - (i) access and connectivity throughout the township is enhanced through a series of improvements to circulation and mobility, including:
      - (A) access to, and connectivity along, the waterfront and foreshore areas is maintained and, where appropriate, enhanced;
      - (B) reducing reliance on the waterfront as a car parking resource.
    - (ii) the use of land in the Port Douglas precinct improves the cohesive layout of the township through:
      - (A) the establishment of distinct sub-precincts that reinforce the character and built form of the Port Douglas local plan area including:
        - Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;
        - Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;
        - Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;
        - Port Douglas centre sub-precinct 1d – Limited development sub-precinct;
        - Port Douglas centre sub-precinct 1e – Community and recreation precinct;
        - Port Douglas centre sub-precinct 1f – Flagstaff Hill sub-precinct;
      - (B) facilitating marina facilities and supporting marine industry uses as a key part of the local economy;
      - (C) reducing conflict between industry, community and commercial activities in the waterfront, without diminishing the marine industry capacity in the Port Douglas precinct;

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

- (i) environment and sustainability is integrated into the township through:
  - (A) preservation and enhancement of the qualities and characteristics of environmental areas of the township;
  - (B) water sensitive urban design is considered as a means of water quality improvement and management of overland flow to ensure hard infrastructure solutions in Warner Street can be mitigated;
  - (C) design of buildings and access way improvements prioritises walking and cycling modes of transport.
- (ii) the tropical character of the Port Douglas precinct is enhanced by ensuring development:
  - (A) maintains and enhances the built form, local character, streetscapes and natural elements of the township;
  - (B) is compatible with the desired character and amenity of local places and neighbourhoods;
  - (C) does not exceed the height of buildings designations which contribute to the desired form of the township which contains three storey development heights in sub-precinct 1a – Town Centre sub-precinct and part of sub-precinct 1b – Waterfront North sub-precinct;
  - (D) implements high quality landscaped environments around buildings and on streets;
  - (E) protects the recognisable character and locally significance sites throughout the precinct.
- (iii) public spaces and the streetscape are enhanced through:
  - (A) an increase in the quantity and quality of public land and places throughout the precinct;
  - (B) consolidating community recreation and sporting uses to create a precinct of community focussed activity between Mudlo Street and Wharf Street;
  - (C) improved connections between the town centre and the waterfront marina, including an investigation of a plaza on the waterfront;
  - (D) improved streetscapes with high quality landscaping, surface treatments and shaded pedestrian environments;
  - (E) the creation of a sense of place through aesthetic streetscapes and built-form character;
  - (F) managing vegetation to ensure succession of planting and the ongoing presence of significant trees.
- (iv) advertising signage is small scale, low-key and complements the tropical character of the town.

#### **Sub-precinct 1a – Town Centre sub-precinct**

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

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

- (e) consolidation of community and cultural land use activities along Mowbray Street between Wharf Street and Mudlo Street;
- (f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan;
- (g) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.

**Sub-precinct 1b - Waterfront North sub-precinct**

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

**Sub-precinct 1c – Waterfront South sub-precinct**

- (8) In addition to all other overall development outcomes, development in the Waterfront South sub-precinct facilitates the following development outcomes:
  - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
  - (b) marine-based industries are established on appropriate land having regard to site suitability, accessibility, surrounding land uses, and location of utilities and services;

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

- (c) marine-based industry achieves appropriate environmental standards;
- (d) industrial buildings have a high standard of layout and building design;
- (e) landscaping provides an attractive streetscape and screens utility, storage and car parking from the street and other public areas;
- (f) the precinct is protected from encroachment of incompatible land use activities.

#### **Sub-precinct 1d – Limited Development sub-precinct**

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

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

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

#### **Sub-precinct 1f – Flagstaff Hill sub-precinct**

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

#### **Precinct 2 – Integrated Resort precinct**

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

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

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

### **Precinct 3 – Craiglie Commercial and Light Industry precinct**

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

### **Precinct 4 – Old Port Road / Mitre Street precinct**

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

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

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

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

#### **7.2.4.4 Criteria for assessment**

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



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>For self assessable and assessable development</b>		
<b>Development in the Port Douglas / Craiglie local plan area generally</b>		
<b>PO1</b> Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	<b>AO1</b> A pedestrian and cycle movement network is integrated and delivered through development.	<b>Not applicable</b> There is no requirement to provide pedestrian or cycle paths through the site.
<b>PO2</b> Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craiglie (as identified on the Port Douglas/ Craiglie Townscape Plan map contained in Schedule 2).	<b>AO2.1</b> Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: <ul style="list-style-type: none"> <li>(a) the tree covered backdrop of Flagstaff Hill;</li> <li>(b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet;</li> <li>(c) the tidal vegetation along the foreshore;</li> <li>(d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms;</li> <li>(e) the oil palm avenues along the major roads;</li> <li>(f) the lush landscaping within major roundabouts at key nodes;</li> <li>(g) Macrossan Street and Warner Street;</li> <li>(h) Port Douglas waterfront.</li> </ul>	<b>Complies with AO2.1</b> The development provides for the retention of all mature trees that are within immediate proximity of the site to Port Douglas Road and which form the vegetated backdrop to the entrance to Port Douglas. Two of the trees would be required to be removed; however these are setback 5 metres for the frontage to Port Douglas Road and their removal would not adversely affect the vegetated buffer to Port Douglas Road.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO2.2</b> Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular: (a) Flagstaff Hill; (b) Four Mile Beach; (c) Across to the ranges over Dickson Inlet; (d) Mowbray Valley.	<b>Complies with AO2.2</b> The proposed development, being low rise, would not intrude into any vistas or views.
	<b>AO2.3</b> Important landmarks, memorials and monuments are retained.	<b>Not applicable</b> The site does not contain any landmarks, memorials or monuments.
<b>PO3</b> Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.	<b>AO3</b> Development adjacent to the gateways and nodes as identified on the Port Douglas / Craigie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.	<b>Not applicable</b> The site is not located adjacent a gateway or node.
<b>PO4</b> Landscaping of development sites complements the existing tropical character of Port Douglas and Craigie.	<b>AO4</b> Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	<b>Complies with AO4</b> The proposed development provides for the retention of the existing buffer to Port Douglas Road, which achieves greater than 60% screening.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO5</b> Development does not compromise the safety and efficiency of the State-controlled road network.	<b>AO5</b> Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	<b>Complies with AO5</b> All access would be provided from St Crispins Avenue.
<b>For assessable development</b>		
<b>Additional requirements in Precinct 1 – Port Douglas precinct</b>		
<b>PO6</b> The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.	<b>AO6.1</b> Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO6.2</b> Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	<b>Not applicable</b> The site is not within a precinct.
<b>PO7</b> Vehicle access, parking and service areas: <ul style="list-style-type: none"> <li>(a) do not undermine the relationship between buildings and street or dominate the streetscape;</li> <li>(b) are designed to minimise pedestrian vehicle conflict;</li> <li>(c) are clearly identified and maintain ease of access at</li> </ul>	<b>AO7.1</b> For all buildings, parking is: <ul style="list-style-type: none"> <li>(a) to the side of buildings and recessed behind the main building line; or</li> <li>(b) behind buildings; or</li> <li>(c) wrapped by the building façade, and not visible from the street.</li> </ul>	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
all times.	<b>A07.2</b> Ground level parking incorporates clearly defined pedestrian routes.	<b>Not applicable</b> The site is not within a precinct.
	<b>A07.3</b> Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.	<b>Not applicable</b> The site is not within a precinct.
	<b>A07.4</b> Where the development is an integrated mixed-use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.	<b>Not applicable</b> The site is not within a precinct.
	<b>A07.5</b> On-site car parking available for public use is clearly signed at the site frontage.	<b>Not applicable</b> The site is not within a precinct.
	<b>A07.6</b> Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO8</b> Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	<b>AO8</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Sub-precinct 1a – Town Centre sub-precinct</b>		
<b>PO9</b> Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.	<b>AO9</b> Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres. Note – Height is inclusive of the roof height.	<b>Not applicable</b> The site is not within a precinct.
<b>PO10</b> Building design, the streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	<b>AO10</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO11</b> Buildings: (a) address street frontages;	<b>AO11</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
(b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas.		
<b>PO12</b> Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	<b>AO12</b> Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	<b>Not applicable</b> The site is not within a precinct.
<b>AO13</b> Buildings do not result in a reduction of views and vistas from public places to: (a) Flagstaff Hill; (b) Dickson Inlet; (c) public open space; (d) places of significance.	<b>AO13</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO14</b> Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for the length of the	<b>AO14</b> Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street frontage/s;	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
building.	<p>or</p> <p>If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3 metres and the required awning is still maintained along the length of the street frontage/s.</p> <p>Note – PO24 provides more detail on awning design.</p>	
<b>PO15</b> Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	<b>AO15.1</b> Centre activities establish: at street level on active street frontages; a maximum of one level above street level.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO15.2</b> Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.	<b>Not applicable</b> The site is not within a precinct.
<b>PO16</b> Detailed building design: <ul style="list-style-type: none"> <li>(a) enhances the visual amenity of the streetscape;</li> <li>(b) has a legible and attractive built form that is visually enhanced by architectural elements;</li> <li>(c) contributes to a distinctive tropical north Queensland, seaside tourist town character;</li> <li>(d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.</li> </ul>	<b>AO16</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>P017</b> Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: <ul style="list-style-type: none"> <li>(a) surface decoration;</li> <li>(b) wall recesses and projections;</li> <li>(c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</li> <li>(d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</li> </ul>	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>P018</b> Roofs are not characterised by a cluttered display of plant and equipment, in particular: <ul style="list-style-type: none"> <li>(a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct;</li> <li>(b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</li> <li>(c) rooftops are not used for advertising.</li> </ul>	<b>AO18</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>P019</b> Windows and sun/rain control devices are used in the	<b>AO19</b>	<b>Not applicable</b>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<p>building form, in particular, sun shading devices are provided to:</p> <ul style="list-style-type: none"> <li>(a) shade windows;</li> <li>(b) reduce glare;</li> <li>(c) assist in maintaining comfortable indoor temperatures;</li> <li>(d) minimising heat loads;</li> <li>(e) enrich the North Queensland tropical character of the Town Centre sub-precinct;</li> <li>(f) provide architectural interest to building façades.</li> </ul>	No acceptable outcomes are prescribed.	The site is not within a precinct.
<p><b>PO20</b></p> <p>Buildings are finished with high quality materials, selected for:</p> <ul style="list-style-type: none"> <li>(a) their ability to contribute the character of Town Centre sub-precinct;</li> <li>(b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.</li> </ul>	<p><b>AO20</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
<p><b>PO21</b></p> <p>Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.</p>	<p><b>AO21</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
<p><b>PO22</b></p> <p>Façades and elevations do not include large blank</p>	<p><b>AO22.1</b></p> <p>Development has a maximum length of unbroken</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
walls. Openings and setbacks are used to articulate vertical building surfaces.	building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	
	<b>AO22.2</b> Any break in the building façade varies the alignment by a 1 metre minimum deviation.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO22.3</b> A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	<b>Not applicable</b> The site is not within a precinct.
<b>PO23</b> Building facades that face public spaces at ground level: (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details;	<b>AO23</b> Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the	<b>Not applicable</b> The site is not within a precinct.



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
(d) provide an opportunity for the casual and convenient surveillance of public space from within the development.	principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	
<b>PO24</b> Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across the frontage of the site; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height; (f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow; (g) are cantilevered from the main building with any posts within the footpath being non load-bearing.	<b>AO24</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO25</b> Development integrates with the streetscape and landscaping improvements for Port Douglas.	<b>AO25</b> Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
	<p>Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.</p>	
<b>Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct</b>		
<p><b>PO26</b></p> <p>The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North.</p>	<p><b>AO26</b></p> <p>Uses identified as inconsistent uses in Table 7.2.4.4.b – inconsistent uses in sub-precinct 1b – Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
<p><b>PO27</b></p> <p>The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct.</p>	<p><b>AO27</b></p> <p>Buildings and structures are not more than:</p> <p>(a) 3 storeys and 13.5 metres in height , with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street;</p> <p>(b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts of the precinct north of Inlet Street.</p> <p>Note – Height is inclusive of roof height.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
<p><b>PO28</b></p> <p>Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.</p>	<p><b>AO28</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO29</b> Public pedestrian access along the water's edge is maximised.	<b>AO29.1</b> Public pedestrian access is provided along the frontage of the water's edge consisting of a boardwalk of a minimum width of 4 metres that is available of 24-hour use.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO29.2</b> A public plaza is incorporated into the design generally reflecting the requirements of the Port Douglas Waterfront Master Plan, focussing in the vicinity of the 'Duck Pond'.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO29.3</b> Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like.	<b>Not applicable</b> The site is not within a precinct.
<b>PO30</b> Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces.	<b>AO30</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO31</b> Setbacks at ground level provide for: (a) connection between pedestrian paths and public	<b>AO31</b> Setbacks at ground level: (a) are clear of columns and other obstructions;	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
places; (b) areas for convenient movement of pedestrians; (c) changes in gradient.	(b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	
<b>PO32</b> Buildings do not result in a reduction of views and vistas from public places to: (a) Dickson Inlet; (b) public open space; (c) places of significance.	<b>AO32</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO33</b> Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at ground level including shade protection across the footpath and open space areas.	<b>AO33</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO34</b> Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	<b>AO34.1</b> Centre activities establish: (a) at street level on active street frontages; (b) a maximum of one level above street level.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO34.2</b> Residential development activities or short term accommodation is located above street /ground floor	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
	level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development.	
<b>PO35</b> Detailed building design: <ul style="list-style-type: none"> <li>(a) enhances the visual amenity of the streetscape;</li> <li>(b) has a legible and attractive built form that is visually enhanced by architectural elements;</li> <li>(c) contributes to a distinctive tropical north Queensland, seaside tourist town character;</li> <li>(d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained.</li> </ul>	<b>AO35</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO36</b> Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: <ul style="list-style-type: none"> <li>(a) surface decoration;</li> <li>(b) wall recesses and projections;</li> <li>(c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</li> <li>(d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</li> </ul>	<b>AO36</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO37</b> Roofs are not characterised by a cluttered display of plant and equipment, in particular: <ul style="list-style-type: none"> <li>(a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Waterfront North sub-precinct;</li> <li>(b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</li> <li>(c) rooftops are not used for advertising.</li> </ul>	<b>AO37</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO38</b> Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to: <ul style="list-style-type: none"> <li>(a) shade windows;</li> <li>(b) reduce glare;</li> <li>(c) assist in maintaining comfortable indoor temperatures;</li> <li>(d) minimising heat loads;</li> <li>(e) enriching the North Queensland tropical character of the Waterfront North sub-precinct;</li> <li>(f) architectural interest to building façades.</li> </ul>	<b>AO38</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO39</b>	<b>AO39</b>	<b>Not applicable</b>



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Waterfront North sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.	No acceptable outcomes are prescribed.	The site is not within a precinct.
<b>PO40</b> Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	<b>AO40</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO41</b> Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces.	<b>AO41.1</b> Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO41.2</b> Any break in the building façade varies the alignment by a 1 metre minimum deviation.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO41.3</b> A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development:	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
	(a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	
<b>PO42</b> Building facades that face public spaces at ground level: (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development.	<b>AO42</b> Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	<b>Not applicable</b> The site is not within a precinct.
<b>PO43</b> Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning;	<b>AO43</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<p>(c) are continuous across pedestrian circulation areas;</p> <p>(d) align to provide continuity with existing or future awnings on adjoining sites;</p> <p>(e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height;</p> <p>(f) do not extend past a vertical plane, 1.2 metres inside the street kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p>		
<p><b>PO44</b></p> <p>The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.</p>	<p><b>AO44.1</b></p> <p>Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
	<p><b>AO44.2</b></p> <p>Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line and station does not generate a requirement for additional vehicle parking.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>
<p><b>PO45</b></p> <p>Development recognises the importance of and relationship between the marina, commercial and residential development in the Waterfront North sub-precinct, and includes measures to mitigate the impact of:</p>	<p><b>AO45</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not applicable</b></p> <p>The site is not within a precinct.</p>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
(a) noise; (b) odour; (c) hazardous materials; (d) waste and recyclable material storage.		
<b>PO46</b> Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.	<b>AO46</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO47</b> Buildings, civic spaces, roads and pedestrian links are enhanced by: (a) appropriate landscape design and planting; (b) themed planting that defines entry points, and creates strong 'entry corridors' into the waterfront; (c) lighting and well-considered discrete signage that complements building and landscape design; (d) public artwork and other similar features that reflect the heritage and character of the Port Douglas Waterfront.	<b>AO47</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO48</b> Buildings are designed and sited to provide vistas along shared pedestrian/open space and movement areas in suitable locations.	<b>AO48</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO49</b>	<b>AO49</b>	<b>Not applicable</b>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation.	No acceptable outcomes are prescribed.	The site is not within a precinct.
<b>PO50</b> Marine infrastructure to service the tourism, fishing and private boating community is provided.	<b>AO50</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO51</b> Changes to the Port Douglas Waterfront quay-line do not cause adverse impacts to the environmentally sensitive Dickson Inlet.	<b>AO51</b> Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes.  Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct</b>		
<b>PO52</b> The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	<b>AO52</b> Uses identified as inconsistent uses Table 7.2.4.4.c – are not established in Precinct 1c – Waterfront South.	<b>Not applicable</b> The site is not within a precinct.
<b>PO53</b> Development does not adversely impact on the natural	<b>AO53.1</b> An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
environment, natural vegetation or watercourses.	and built features which are to be managed.  Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	
	<b>AO53.2</b>  An Environmental Management Plan is prepared to manage potential impacts of the operation of the development on surrounding natural areas.  Note - Planning scheme policy SC6.4 – Environmental management plans contains information to demonstrate compliance and guidance on preparing an Environmental Management Plan.	<b>Not applicable</b>  The site is not within a precinct.
<b>PO54</b>  Development of land at the end of Port Street adjacent to Dickson Inlet incorporates a slipway, or an alternative functioning facility, with capacity to service the Port Douglas marine and tourism industry.	<b>AO54</b>  A master plan for the development is provided and implemented to demonstrate the integration of the slipway, or an alternative functioning facility, with other supporting service industry activities that service the marine and tourism industry of Port Douglas.	<b>Not applicable</b>  The site is not within a precinct.
<b>PO55</b>  Buildings and structures are of a height and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected.	<b>AO55.1</b>  Development has a height of not more than 10 metres.	<b>Not applicable</b>  The site is not within a precinct.
	<b>AO55.2</b>  Development is setback from all property boundaries not less than 3 metres.	<b>Not applicable</b>  The site is not within a precinct.



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO56</b> The site coverage of all buildings and structures ensures development: <ul style="list-style-type: none"> <li>(a) is sited in an existing cleared area or in an area approved for clearing;</li> <li>(b) has sufficient area for the provision of services;</li> <li>(c) development does not have an adverse effect on the environmental, habitat, conservation or landscape values of the on-site and surrounding sensitive areas.</li> </ul>	<b>AO56</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO57</b> Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to: <ul style="list-style-type: none"> <li>(a) be accommodated on-site;</li> <li>(b) maximise safety and efficiency of loading;</li> <li>(c) protect the visual and acoustic amenity of sensitive land use activities;</li> <li>(d) minimise adverse impacts on natural characteristics of adjacent areas.</li> </ul>	<b>AO57.1</b> Sufficient manoeuvring area is provided on-site to allow a Medium Rigid Vehicle to enter and leave the site in a forward gear.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO57.2</b> Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO57.3</b> Driveways, parking and manoeuvring areas are constructed and maintained to: <ul style="list-style-type: none"> <li>(a) minimise erosion from storm water runoff;</li> <li>(b) retain all existing vegetation.</li> </ul>	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO58</b> Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised.	<b>AO58</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO59</b> Entry to the site is landscaped to enhance the amenity of the area and provide a pleasant working environment.	<b>AO59</b> Areas used for loading and unloading, storage, utilities and car parking are screened from public view: (a) by a combination of landscaping and screen fencing; (b) dense planting along any road frontage is a minimum width of 3 metres.	<b>Not applicable</b> The site is not within a precinct.
<b>PO60</b> Landscaping is informal in character and complementary to the existing natural environment, provides screening and enhances the visual appearance of the development.	<b>AO60</b> For any development landscaping is in accordance with the Plant species schedule in Planning scheme policy SC6.7– Landscaping.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Sub-precinct 1d – Limited Development sub-precinct</b>		
<b>PO61</b> The height of buildings and structures contributes to the desired form and outcomes for the sub-precinct and are limited to a single storey.	<b>AO61</b> Buildings and structures are not more than one storey and 4 metres in height. Note - Height is inclusive of the roof height.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct</b>		

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO62</b> The precinct is developed for organised sporting activities and other community uses.	<b>AO62</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct</b>		
<b>PO63</b> Flagstaff Hill is protected from inappropriate development to protect the hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Town centre.	<b>AO63</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO64</b> All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through: <ul style="list-style-type: none"> <li>(a) building design which minimises excavation and filling;</li> <li>(b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles;</li> <li>(c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and view-shed;</li> <li>(d) protection of the views from public viewing points in</li> </ul>	<b>AO64</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
the Port Douglas precinct.		
<b>Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct</b>		
<b>PO65</b> Development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.	<b>AO65</b> Development consists of service and light industries and associated small scale commercial activities.	<b>Not applicable</b> The site is not within a precinct.
<b>PO66</b> Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development.	<b>AO66.1</b> Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO66.2</b> The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site.	<b>Not applicable</b> The site is not within a precinct.
	<b>AO66.3</b> Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway frontage, or within any landscaped setback area	<b>Not applicable</b> The site is not within a precinct.

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO66.4</b> Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.	<b>Not applicable</b> The site is not within a precinct.
<b>Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct</b>		
<b>PO67</b> No additional lots are created within the precinct.	<b>AO67</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.
<b>PO68</b> Reconfigured lots have a minimum lot size of 2 hectares, unless the lot reconfiguration transfers lots to the higher parts of the land, to avoid the need to fill existing lots to accommodate dwelling houses.	<b>AO68</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The site is not within a precinct.

**Table 7.2.4.4.b — Inconsistent uses in sub-precinct 1b - Waterfront North sub-precinct**

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Animal keeping</li> <li>• Aquaculture</li> </ul>	<ul style="list-style-type: none"> <li>• Extractive industry</li> <li>• Funeral parlour</li> <li>• High impact industry</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> </ul>	<ul style="list-style-type: none"> <li>• Relocatable home park</li> <li>• Roadside stall</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Service station</li> </ul>

PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

<ul style="list-style-type: none"> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Cemetery</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling house</li> </ul>	<ul style="list-style-type: none"> <li>• Major electricity infrastructure</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Medium impact industry</li> <li>• Motor sport facility,</li> <li>• Outstation</li> <li>• Permanent plantation</li> </ul>	<ul style="list-style-type: none"> <li>• Showroom</li> <li>• Special industry</li> <li>• Tourist park</li> <li>• Transport depot</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>
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**Table 7.2.4.4.c — Inconsistent uses in sub-precinct 1c - Waterfront South sub-precinct**

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>• Animal keeping</li> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Cemetery</li> <li>• Child care centre</li> <li>• Community care centre</li> </ul>	<ul style="list-style-type: none"> <li>• Hardware and trade supplies</li> <li>• Health care services</li> <li>• Home based business</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Major electricity infrastructure</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Market</li> </ul>	<ul style="list-style-type: none"> <li>• Permanent plantation</li> <li>• Place of worship</li> <li>• Relocatable home park</li> <li>• Residential care facility</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Roadside stall</li> <li>• Rooming accommodation</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Sales office</li> </ul>



PR151977: 2-4 St Crispins Avenue. Port Douglas – MCU (Multiple Dwelling)

<ul style="list-style-type: none"> <li>• Community residence</li> <li>• Community use</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling house</li> <li>• Dwelling unit</li> <li>• Extractive industry</li> <li>• Function facility</li> <li>• Funeral parlour</li> <li>• Garden centre</li> </ul>	<ul style="list-style-type: none"> <li>• Motor sport facility</li> <li>• Multiple dwelling</li> <li>• Nature-based tourism</li> <li>• Nightclub entertainment facility</li> <li>• Outdoor sales</li> <li>• Outdoor sport and recreation</li> <li>• Outstation</li> </ul>	<ul style="list-style-type: none"> <li>• Shopping centre</li> <li>• Short-term accommodation</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Tourist attraction</li> <li>• Tourist park</li> <li>• Transport depot</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>
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## 8.2.1 Acid sulfate soils overlay code

### 8.2.1.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Acid sulfate soils overlay, if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land in the Acid sulphate soils overlay is identified on the Acid sulfate soils overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Land at or below the 5m AHD sub-category;
  - (b) Land above the 5m AHD and below the 20m AHD sub-category.
- (3) When using this code, reference should be made to Part 5.

### 8.2.1.2 Purpose

- (1) The purpose of the acid sulfate soils overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
    - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
  - (b) Development ensures that disturbed acid sulfate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

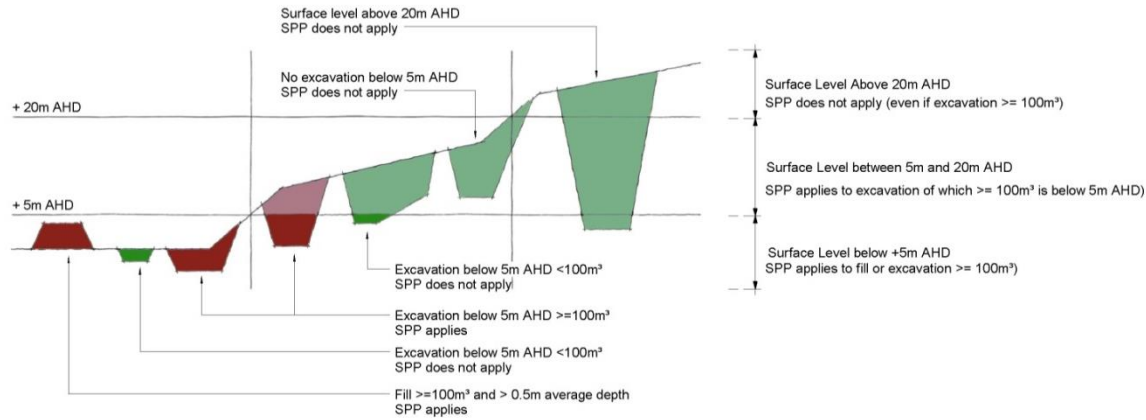
## Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>PO1</b> The extent and location of potential or actual acid sulfate soils is accurately identified.	<b>AO1.1</b> No excavation or filling occurs on the site. or <b>AO1.2</b> An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	<b>Complies with AO1.1</b> The proposed development would not involve any excavation or filling.
<b>PO2</b> Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.	<b>AO2.1</b> The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by: (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: (i) actual acid sulfate soils being moved below the water table; (ii) previously saturated acid sulfate soils	<b>Complies with AO12.1</b> The proposed development would not involve any excavation or filling.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>being aerated.</p> <p>or</p> <p><b>A02.2</b></p> <p>The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:</p> <ul style="list-style-type: none"> <li>(a) neutralising existing acidity and preventing the generation of acid and metal contaminants;</li> <li>(b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;</li> <li>(c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;</li> <li>(d) appropriately treating acid sulfate soils before disposal occurs on or off site;</li> <li>(e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.</li> </ul> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p><b>PO3</b></p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p><b>A03</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO3</b></p> <p>The proposed development would not involve any excavation or filling.</p>

Figure 8.2.1.3.a – Acid sulfate soils (SPP triggers)



## 8.2.10 Transport network overlay code

### 8.2.10.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Transport network (Road Hierarchy) overlay sub-categories:
    - (i) State controlled road sub-category;
    - (ii) Sub-arterial road sub-category;
    - (iii) Collector road sub-category;
    - (iv) Access road sub-category;
    - (v) Industrial road sub-category;
    - (vi) Major rural road sub-category;
    - (vii) Minor rural road sub-category;
    - (viii) Unformed road sub-category;
    - (ix) Major transport corridor buffer area sub-category.
  - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
    - (i) Principal route;
    - (ii) Future principal route;



PR151977: 2-4 St Crispins Avenue, Port Douglas – MCU (Multiple Dwellings)

- (iii) District route;
- (iv) Neighbourhood route;
- (v) Strategic investigation route.

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

#### **8.2.10.2 Purpose**

- (1) The purpose of the Transport network overlay code is to:
  - (a) implement the policy direction of the Strategic Framework, in particular:
    - (i) Theme 1: Settlement pattern Element 3.4.2 Urban settlement, Element 3.4.3 Activity centres;
    - (ii) Theme 6: Infrastructure and transport Element 3.9.4 Transport;
  - (b) enable an assessment of whether development is suitable on land within the Transport network overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development provides for transport infrastructure (including active transport infrastructure);
  - (b) development contributes to a safe and efficient transport network;
  - (c) development supports the existing and future role and function of the transport network;
  - (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

### 8.2.10.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>PO1</b>  Development supports the road hierarchy for the region.  Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO1.1</b>  Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	<b>Complies with AO1.1</b>  The proposed development is consistent with the intended form of development for the zone and would be accessed by St Crispins Avenue, which is designed and constructed to accommodate the quantity of traffic anticipated to be generated by the proposed development.
	<b>AO1.2</b>  Development does not compromise the safety and efficiency of the transport network.	<b>Complies with AO1.2</b>  St Crispins Avenue would provide access to the development. St Crispins Avenue is a collector street and is designed to accommodate the traffic anticipated to be generated by the development.
	<b>AO1.3</b>  Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road	<b>Complies with AO1.3</b>  The proposed development would be accessed by St Crispins Avenue, which is the lower order road.
<b>PO2</b>  Transport infrastructure is provided in an integrated and timely manner.  Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO2</b>  Development provides infrastructure (including improvements to existing infrastructure) in accordance with:  (a) the Transport network overlay maps contained in Schedule 2;	<b>Not applicable</b>  No infrastructure upgrades are identified as being required to facilitate the development.

Performance outcomes	Acceptable outcomes	Applicant response
	(b) any relevant Local Plan.  Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.	
<b>PO3</b>  Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	<b>AO3</b>  No acceptable outcomes are prescribed.  Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	<b>Complies with PO3</b>  The proposed development has been designed to retain much of the existing vegetation buffer to Port Douglas Road to preserve the amenity of the future occupiers and the development, will incorporate noise attenuation in construction materials, where required.
<b>PO4</b>  Development does not compromise the intended role and function or safety and efficiency of major transport corridors.  Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO4.1</b>  Development is compatible with the role and function (including the future role and function) of major transport corridors.	<b>Complies with AO4.1</b>  The proposed development would be accessed from St Crispins Avenue and would preserve the function of Port Douglas Road.
	<b>AO4.2</b>  Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	<b>Complies with AO4.2</b>  No access would be provided from Port Douglas Road.
	<b>AO4.3</b>  Intersection and access points associated with major transport corridors are located in accordance with:  (a) the Transport network overlay maps contained in Schedule 2; and  (b) any relevant Local Plan.	<b>Not applicable</b>  No new intersections or access points to major transport corridors are required.

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO4.4</b>  The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.	<b>Complies with AO4.4</b>  The layout of the development respects the boundaries with the major transport corridor.
<b>PO5</b>  Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.	<b>AO5</b>  No acceptable outcomes are prescribed.	<b>Complies with PO5</b>  The proposed development would retain the vegetated buffer between the site and Port Douglas Road.
<b>Pedestrian and cycle network</b>		
<b>PO6</b>  Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	<b>AO6.1</b>  Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.	<b>Not applicable</b>  No lot reconfiguration is proposed.
	<b>AO6.2</b>  The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.	<b>Not applicable</b>  No lot reconfiguration is proposed.

### 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
<b>For assessable development</b>		
<b>PO1</b> The site has sufficient area and frontage to: <ol style="list-style-type: none"> <li>(a) accommodate the scale and form of buildings considering site features;</li> <li>(b) achieve communal open space areas and</li> </ol>	<b>AO1.1</b> The site has a minimum area of 1000m <sup>2</sup> .	<b>Complies with AO1.1</b> The site has an area of 1,662m <sup>2</sup>
	<b>AO1.2</b> The site has a minimum frontage of 25 metres.	<b>Complies with AO1.2</b> The site has frontage to St Crispins Avenue of approximately 28.5 metres.

Performance outcomes	Acceptable outcomes	Applicant response
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>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; (b) the provision of parks and other public spaces as appropriate to the scale of the development; (c) inclusion of a mix of dwelling types and tenures and forms; (d) buildings that address the street; (e) building height and setback transitions to adjoining development of a lower density or scale.	<b>AO2</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> The site does not have an area that exceeds 5,000m <sup>2</sup> .
<b>PO3</b> Development ensures that the proportion of buildings to open space is:	<b>AO3.1</b> The site cover is not more than 40%.	<b>Complies with PO3</b> The development would have a site coverage of 41%, which exceeds the Acceptable Outcome of 40%; however, the buildings would be single

Performance outcomes	Acceptable outcomes	Applicant response										
<div>(a) in keeping with the intended form and character of the local area and immediate streetscape;</div> <div>(b) contributes to the modulation of built form;</div> <div>(c) supports residential amenity including access to breezes, natural light and sunlight;</div> <div>(d) supports outdoor tropical living;</div> <div>(e) provides areas for deep tropical planting and / or for the retention of mature vegetation.</div>		<div>storey in height, which is significantly less than the accepted height of 3 storey and 13.5 metres and would be reflective of a dwelling house scale where the accepted site cover is 50%.</div> <div>Notwithstanding the increased site cover, each of the proposed dwellings would be provided with private open space and an outdoor recreation area containing a swimming pool that is reflective of tropical outdoor living and provides areas for deep planting and the retains areas of mature vegetation adjacent the boundary to Port Douglas Road. The low scale development would also provide for access to breezes and natural light and sunlight.</div> <div>It is considered that the minor increase in site cover would not affect the ability of the development to satisfy the requirements of the performance outcome.</div>										
	<b>AO3.2</b>	<b>Complies with AO3.2</b>  The proposed development would have a Gross Floor Area of 470.88m <sup>2</sup> , which is less than the accepted 1,994.4m <sup>2</sup> .										
	The development has a gross floor area of not more than:											
	<table><tr><th>Zone</th><th>Maximum GFA</th></tr><tr><td>Low-medium density residential</td><td>0.8 x site area</td></tr><tr><td>Medium density residential</td><td>1.2 x site area</td></tr><tr><td>Tourist accommodation</td><td>1.2 x site area</td></tr><tr><td>All other zones</td><td>No acceptable outcome specified</td></tr></table>		Zone	Maximum GFA	Low-medium density residential	0.8 x site area	Medium density residential	1.2 x site area	Tourist accommodation	1.2 x site area	All other zones	No acceptable outcome specified
	Zone		Maximum GFA									
	Low-medium density residential		0.8 x site area									
Medium density residential	1.2 x site area											
Tourist accommodation	1.2 x site area											
All other zones	No acceptable outcome specified											



Performance outcomes	Acceptable outcomes	Applicant response
<b>PO4</b> 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.	<b>AO4.1</b> Buildings and structures are set back not less than 6 metres from a road frontage.	<b>Complies with PO4</b> The development would have front setback setbacks that is less than the accepted 6 metres. However, given the single storey scale of the development, the proposal would not adversely affect the access of sunlight or breezes and would not result in an adverse impact on the privacy or amenity of adjoining occupiers as a result of overlooking or overbearing bulk, height or form. On that basis, it is considered that the proposed development satisfies the Performance Outcome.
	<b>AO4.2</b> Buildings and structures are setback not less than 4 metres to the rear boundary.	<b>Complies with PO4</b> The development would have a rear setback setbacks that is less than the accepted 4 metres to the rear boundary. However, given the single storey scale of the development, the proposal would not adversely affect the access of sunlight or breezes and would not result in an adverse impact on the privacy or amenity of adjoining occupiers as a result of overlooking or overbearing bulk, height or form. On that basis, it is considered that the proposed development satisfies the Performance Outcome.
	<b>AO4.3</b> 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.	<b>Complies with AO4.3</b> The proposed development would have a side boundary setback of 4.25 metres.
<b>PO5</b>	<b>AO5.1</b>	<b>Complies with PO5</b>

Performance outcomes	Acceptable outcomes	Applicant response
<p>Building depth and form must be articulated to</p> <p>(a) ensure that the bulk of the development is in keeping with the form and character intent of the area;</p> <p>(b) provide adequate amenity for residents in terms of natural light and ventilation.</p> <p>Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p>	<p>(a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres.</p> <p>(b) The minimum distance between buildings on a site is not less than 6 metres;</p>	<p>The proposed development would have wall lengths of less than 30 metres and would provide significant articulation. However, the buildings on the site would be separated by 2.0 metres and not the accepted 6 metres.</p> <p>Notwithstanding, the development is single storey and low scale and it is considered that the building bulk is in keeping with the residential form of development in the area and that the separation distance provided for single storey buildings would provide adequate access to ventilation and natural light.</p>
	<p><b>AO5.2</b></p> <p>The length of any continuous eave line does not exceed 18 metres.</p>	<p><b>Complies with PO5</b></p> <p>The proposed development would provide a wall with a continuous eave line of 20.5 metres for each of the proposed buildings.</p> <p>Notwithstanding, the development is single storey and low scale and it is considered that the building bulk is in keeping with the residential form of development in the area and that the proposed continuous eave length would not result in an inappropriate building form or bulk.</p>
<p><b>PO6</b></p> <p>Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p>	<p><b>AO6.1</b></p> <p>Development incorporates a number of the following design elements:</p> <p>(a) balconies;</p> <p>(b) verandahs;</p> <p>(c) terraces;</p> <p>(d) recesses.</p>	<p><b>Complies with AO6.1</b></p> <p>The proposed development would incorporate an alfresco area for each dwelling and recesses along a number of the facades.</p>
	<p><b>AO6.2</b></p>	<p><b>Complies with AO6.2</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
	Development reduces building bulk by: (a) variation in building colours, materials and textures; (b) the use of curves, recesses, projections or variations in plan and elevation; (c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch; (d) use of sun-shading devices and other façade features; (e) use of elements at a finer scale than the main structural framing of the building.	The proposed development is low scale and would provide a variation in external finishes between the dwellings. It would also provide a combination of gabled and hipped roof forms with eaves and shading devices incorporated into the roof form.
<b>PO7</b> Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through: (a) orientation to the street; (b) front boundary setback; (c) balconies and windows to provide overlooking and casual surveillance; (d) building entrances.	<b>AO7.1</b> Development provides a building that is not set back further than 2m beyond the minimum required street front setback.	<b>Complies with AO7.1</b> The proposed development would not be setback beyond the minimum frontage setback.
	<b>AO7.2</b> Development provides balconies and windows from the primary living area that face and overlook the street or public space.	<b>Complies with AO7.2</b> The proposed development would provide an alfresco area and bedrooms that face the street frontage.
<b>PO8</b> Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.	<b>AO8.1</b> Development has floor to ceiling heights of 2.7 metres;	<b>Complies with PO8</b> The development would provide a floor to ceiling height of approximately 2.6 metres. The minor reduction in floor to ceiling height would not affect the overall tropical design of the development.
	<b>AO8.2</b>	<b>Complies with AO8.2</b>

Performance outcomes	Acceptable outcomes	Applicant response
	Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.	The building is proved with 600mm eaves to all windows and doors.
	<b>AO8.3</b> Development incorporates deep recesses, eaves and sun-shading devices	<b>Complies with AO8.3</b> The development would be provided with an articulated façade to the streetfront and eaves to all windows and doors.
	<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.	<b>Complies with AO8.4</b> The western facades would be provided with an extended eave over the habitable rooms.
	<b>AO8.5</b> Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).	<b>Not applicable</b> No two dwelling units would be contained in the same building.
<b>PO9</b> 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 minimize privacy screening requirements.	<b>AO9.1</b> 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	<b>Not applicable</b> The development would provide a separation of a minimum of 2.0 metres between habitable rooms.

Performance outcomes	Acceptable outcomes	Applicant response
	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.	
	<b>AO9.2</b> 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.	<b>Not applicable</b> No direct views would be available to habitable rooms of adjacent dwellings.
	<b>AO9.3</b> 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	<b>Complies with AO9.3</b> The dwellings would be separated by 1.8 metre high timber fences.
<b>PO10</b> Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.	<b>AO10</b> A minimum of 35% of the site is allocated as landscaping and recreation area.	<b>Complies with AO10</b> More than 35% of the site would be provided as landscaping and recreation area
<b>PO11</b> Landscaping must contribute positively to the amenity of the area, streetscape and public	<b>AO11</b> Development provides landscaping as follows:	<b>Complies with PO11</b> The proposal would provide the required landscaping and recreation, including the retention

Performance outcomes	Acceptable outcomes	Applicant response
spaces.	<p>(a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages;</p> <p>(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>of many of the trees adjacent the Port Douglas Road Frontage. The development would also provide the opportunity of the landscaped buffer to the street frontage; however, the proposed driveway would reduce the ability to provide the landscaping to the side boundary.</p> <p>The location of the driveway to the site is, in part, determined by a requirements to comply with the state code for development within a state-controlled road environment, which is a necessary consideration given the location of the site adjacent Port Douglas Road, which is a state-controlled road. The requirements of this code require the access to be located as far as possible from the intersection of St Crispins Avenue with Port Douglas Road. In this instance the requirements to satisfy the state code is considered to take precedence over the requirement for a 1.5 metre wide landscaped buffer.</p>
<p><b>PO12</b></p> <p>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></p> <p>Communal open space is provided at:</p> <p>(a) a minimum of 5% of site area of 50m<sup>2</sup> whichever is the greater; and</p> <p>(b) a minimum dimension of 5 metres.</p> <p><b>AO12.2</b></p> <p>Development provides communal open space that:</p> <p>(a) is consolidated into one useable space;</p> <p>(b) 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>Complies with AO12.5</b></p> <p>Refer below.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO12.2</b> Development provides communal open space that: <ul style="list-style-type: none"> <li>(a) is consolidated into one useable space;</li> <li>(b) where communal open space exceeds 100m<sup>2</sup>, the communal open space may be split into two, and so forth incrementally.</li> </ul>	<b>Complies with AO12.5</b> Refer below.
	<b>AO12.3</b> Communal open space: <ul style="list-style-type: none"> <li>(a) is a minimum of 50% open to the sky;</li> <li>(b) achieves 25% shading by trees in 5 years;</li> <li>(c) does not include vehicle driveways and manoeuvring;</li> <li>(d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</li> </ul>	<b>Complies with AO12.5</b> Refer below.
	<b>AO12.4</b> Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements: <ul style="list-style-type: none"> <li>(a) seating;</li> <li>(b) barbecue;</li> <li>(c) play equipment;</li> <li>(d) swimming pool;</li> <li>(e) communal clothes drying;</li> <li>(f) vegetable garden.</li> </ul>	<b>Complies with AO12.5</b> Refer below.



Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO12.5</b> Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground store dwelling instead of providing communal open space.	<b>Complies with AO12.5</b> The proposed development has been designed to maximise the useable private open space for each of the three dwellings rather than provide communal open space.
<b>PO13</b> Development must provide attractive and functional private open space for residents and guests.	<b>AO13.1</b> Development provides private open space which: <ul style="list-style-type: none"> <li>(a) for ground storey dwellings, comprises of a minimum area of 35m<sup>2</sup> with a minimum dimension of 3 metres;</li> <li>(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.</li> </ul>	<b>Complies with AO13.1</b> Useable private open space is provided for each unit as follows: <ul style="list-style-type: none"> <li>• Unit 1 – 89.86m<sup>2</sup></li> <li>• Unit 2 – 67.65m<sup>2</sup></li> <li>• Unit 3 – 67.19m<sup>2</sup></li> </ul>
	<b>AO13.2</b> Development provides private open space areas that are: <ul style="list-style-type: none"> <li>(a) directly accessible from internal primary living area of the dwelling (not bedrooms);</li> <li>(b) provided with a screened area of 2m<sup>2</sup> minimum dimension capable of screening air conditioning plant, private clothes drying etc.</li> <li>(c) provided with adjustable, moveable or operable privacy screening where appropriate.</li> </ul>	<b>Complies with AO13.2</b> The private open space areas incorporate alfresco areas that are directly accessible from the living rooms.
	<b>AO13.3</b> 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.	<b>Complies with AO13.3</b> The Alfresco areas are located to the rear of the dwellings.

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO13.4</b> Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open spacerequirements.	<b>Not applicable</b> No secondary balconies are proposed.
	<b>AO13.5</b> Private open space: (a) does not include vehicle driveways and manoeuvring; (b) does not contain surface structures such as rainwater tanks, fire hydrants, transformers orwater boosters.	<b>Complies with AO13.5</b> The private open space is clear of driveways and services.
<b>PO14</b> Development provides front fencing and retaining walls that must: (a) facilitate casual surveillance of the street and public space; (b) enable use of private open space; (c) assist in highlighting entrances to the property; (d) provide a positive interface to the streetscape.	<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: (a) 1.2m, where fence construction is solid or less than 50% transparent; (b) 1.5m, where fence construction is at least 50% transparent; (c) 1.8m and solid only where the site is on an arterial road or higher order road.	<b>Complies with PO14</b> As part of the development, it is proposed to provide 1.8 metre high timber fencing between the private open space of the units and to the frontage to Port Douglas Road. To the St Crispins Avenue frontage, it is proposed to provide a 1.8 mete high block fence piers with timber paling infill. The proposed fencing would be located between private open space of unit 1 and the street and would provide the ability for screened views of the street whilst maintaining privacy and security for the residents. Whilst the fence is higher than accepted it is considered to be consistent with other fencing in the locality and satisfies the balance between privacy and surveillance required by the Performance Outcome.

Performance outcomes	Acceptable outcomes	Applicant response
	<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.	<b>Not applicable</b> The development would not provide a solid front fence.
	<b>AO14.3</b> Development for a retaining wall is: (a) stepped to minimise impact on the streetscape and pedestrian environment; (b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge	<b>Not applicable</b> No retaining walls are proposed.
<b>PO15</b> Development minimises light nuisances.	<b>AO15</b> Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	<b>Not applicable</b> No outdoor lighting is proposed.
<b>PO16</b> Waste and recyclable material storage areas are: (a) convenient and accessible to residents and waste and recyclable material collection services; (b) located and designed to mitigate adverse impacts: (i) within the site; (ii) on adjoining properties; (iii) to the street.	<b>AO16</b> Waste and recyclable material storage areas: (a) are located on site; (b) are sited and designed to be unobtrusive and screened from view from the street frontage; (c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network; (d) are of a sufficient size to accommodate bulk (skip) bins; (e) have appropriate access and sufficient on site	<b>Complies with AO16</b> Each unit would have its own refuse bins, which would be stored beneath the eaves to the side of the buildings.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>manoeuvrability area for waste and recyclable material collection services.</p> <p>Note - The Environmental performance code contains requirements for waste and recyclable material storage.</p>	
<p><b>PO17</b></p> <p>Development provides a secure storage area for each dwelling.</p>	<p><b>AO17</b></p> <p>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>Complies with AO17</b></p> <p>Each unit would be provided with a secure double garage, which would provide opportunity for the required secure storage.</p>
<b>Additional requirements for a Retirement facility</b>		
<p><b>PO18</b></p> <p>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></p> <p>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>No retirement facility is proposed.</p>
<p><b>PO19</b></p> <p>Retirement facilities are designed to provide for the amenity and security of residents.</p>	<p><b>AO19.1</b></p> <p>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>Not applicable</b></p> <p>No retirement facility is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO19.2</b> Internal pathways have firm, well drained and non-slip surfaces.	<b>Not applicable</b> No retirement facility is proposed.
	<b>AO19.2</b> Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.	<b>Not applicable</b> No retirement facility is proposed.
	<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	<b>Not applicable</b> No retirement facility is proposed.
<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.	<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.	<b>Not applicable</b> No retirement facility is proposed.
	<b>AO20.2</b> The site of a Retirement facility is not prone to inundation.	<b>Not applicable</b> No retirement facility is proposed.
	<b>AO20.3</b> The location of the Retirement facility is readily accessible to emergency vehicles.	<b>Not applicable</b> No retirement facility is proposed.
<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>Not applicable</b> No retirement facility is proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	<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> No retirement facility is proposed.

## 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>Complies with AO1.1</b> The proposed development would provide 6 car parking spaces, which exceeds the accepted 1.5 spaces per unit.
	<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>Complies with AO1.2</b> The car parking spaces would be available for the parking of vehicles.
	<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>Not applicable</b> No motor cycle parking is proposed.
	<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>Not Applicable</b> Less than 50 spaces would be provided.
<b>PO2</b>	<b>AO2</b>	<b>Complies with AO2</b>

Performance outcomes	Acceptable outcomes	Applicant response
Vehicle parking areas are designed and constructed in accordance with relevant standards.	Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	The proposed car parking spaces have been designed and would be constructed in accordance with the relevant standards.
<b>PO3</b> Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; (f) so that they do not adversely impact current and future on-street parking arrangements; (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; (h) so that they do not involve ramping, cutting	<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: (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.	<b>Complies with AO3.1</b> Only one crossover is proposed.
	<b>AO3.2</b> Access, including driveways or access crossovers: (a) are not placed over an existing: (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; (c) adhere to minimum sight distance	<b>Complies with AO3.2</b> The location of the proposed crossover does not contain any on-street infrastructure.

Performance outcomes	Acceptable outcomes	Applicant response
of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).	requirements in accordance with AS2980.1.	
	<b>AO3.3</b> Driveways are: <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> <li>(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;</li> <li>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</li> </ul>	<b>Complies with AO3.3</b> The site is not a sloping site.
	<b>AO3.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of	<b>Complies with AO3.4</b> The surface material would be exposed aggregate concrete, which is consistent with

Performance outcomes	Acceptable outcomes	Applicant response
	the area and contrast with the surface construction materials of any adjacent footpath.	existing footpaths in the area.
<b>PO4</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	<b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	<b>Not applicable</b> Wheel chair accessible spaces are not required.
<b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.	<b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.	<b>Complies with AO5</b> The design of the development will satisfy the relevant standards.
<b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development	<b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b	<b>Not applicable</b> On-site bicycle parking is not required.
<b>PO7</b> Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site.	<b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	<b>Not applicable</b> End of trip facilities are not required.
	<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.	<b>Not applicable</b> On-site bicycle parking is not required.
	<b>AO7.3</b>	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant response
	Development provides visitor bicycle parking which does not impede pedestrian movement.	On-site bicycle parking is not required.
<b>PO8</b> Development provides walking and cycle routes through the site which: <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>	<b>A08</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <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>	<b>Not applicable</b> Pedestrian and cycle through routes are not required.
<b>PO9</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> <li>(b) so that they do not interfere with the amenity of the surrounding area;</li> <li>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</li> </ul>	<b>A09.1</b> Access driveways, vehicle manoeuvring and onsite parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	<b>Complies with A09.1</b> The proposed car parking spaces and areas have been designed and would be constructed in accordance with the relevant standards.
	<b>A09.2</b> Service and loading areas are contained fully within the site.	<b>Not applicable</b> The development does not require service and loading areas.
	<b>A09.3</b> The movement of service vehicles and service operations are designed so they:	<b>Not applicable</b> The development does not require service and loading areas.

Performance outcomes	Acceptable outcomes	Applicant response
	(a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement.	
<b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	<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: (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station.	<b>Not applicable</b> The development does not require vehicle queueing areas.
	<b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	<b>Not applicable</b> The development does not require vehicle queueing areas.

## 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
<b>For self-assessable and assessable development</b>		
<b>Works on a local government road</b>		
<b>PO1</b> 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.	<b>AO1.1</b> 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.	<b>Not applicable</b> No works are proposed on a local government road.
	<b>AO1.2</b> Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	<b>Not applicable</b> No works are proposed on a local government road
	<b>AO1.3</b> New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.	<b>Not applicable</b> No works are proposed on a local government road

Performance outcomes	Acceptable outcomes	Applicant Response
	<b>AO1.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.	<b>Not applicable</b> No works are proposed on a local government road
	<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.	<b>Not applicable</b> No works are proposed on a local government road
<b>Accessibility structures</b>		
<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. Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities	<b>AO2.1</b> Accessibility structures are not located within the road reserve.	<b>Not applicable</b> No accessibility structures are proposed.
	<b>AO2.2</b> Accessibility structures are designed in accordance with AS1428.3.	<b>Not applicable</b> No accessibility structures are proposed.

Performance outcomes	Acceptable outcomes	Applicant Response
and include ramps and lifts.	<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.	<b>Not applicable</b> No accessibility structures are proposed.
<b>Water supply</b>		
<b>PO3</b> An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.	<b>AO3.1</b> 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 <b>AO3.2</b> 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.	<b>Complies with AO3.1</b> The site is connected to the reticulated water supply system.
<b>Treatment and disposal of effluent</b>		

Performance outcomes	Acceptable outcomes	Applicant Response
<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.	<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; or <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> .	<b>Complies with AO4.1</b> The site is connected to the Council's sewerage system.
<b>Stormwater quality</b>		
<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: (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology.	<b>AO5.1</b> A connection is provided from the premises to Council's drainage system; or <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	<b>Complies with AO5.1</b> The site is connected to the Council's drainage system via the easements at the rear of the site and at the site frontage.

Performance outcomes	Acceptable outcomes	Applicant Response
	Development Manual.	
	<b>AO5.3</b> 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.	<b>Not applicable</b> A Stormwater management plan is not considered applicable to a development of this scale.
	<b>AO5.4</b> Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	<b>Able to comply with AO5.4</b> An erosion and sediment control plan is able to be implemented during the construction phase.
	<b>AO5.5</b> Development incorporates stormwater flow control measures to achieve the design objectives set out in <b>Error! Reference source not found.</b> and <b>Error! Reference source not found.</b> , 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	<b>Not applicable</b> Stormwater flow control measures are not considered applicable to a development of this scale.

Performance outcomes	Acceptable outcomes	Applicant Response
	<p>measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	
<b>Non-tidal artificial waterways</b>		
<b>PO6</b> Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <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>	<b>AO6.1</b> Development involving non-tidal artificial waterways ensures: <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>	<b>Not applicable</b> No waterways are proposed.
	<b>AO6.2</b> Non-tidal artificial waterways are located: <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>	<b>Not applicable</b> No waterways are proposed.

Performance outcomes	Acceptable outcomes	Applicant Response
	<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: (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or (c) there is no introduction of salt water into freshwater environments.	<b>Not applicable</b> No waterways are proposed.
	<b>AO6.4</b> Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat.	<b>Not applicable</b> No waterways are proposed.
	<b>AO6.5</b> The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.	<b>Not applicable</b> No waterways are proposed.



Performance outcomes	Acceptable outcomes	Applicant Response
	<b>AO6.6</b> Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	<b>Not applicable</b> No waterways are proposed.
	<b>AO6.7</b> 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.	<b>Not applicable</b> No waterways are proposed.
<b>Wastewater discharge</b>		
<b>PO7</b> Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management; (b) is treated to: (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	<b>AO7.1</b> A wastewater management plan is prepared and addresses: (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management.	<b>Not applicable</b> No wastewater would be discharged to waterways or off-site.
	<b>AO7.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to	<b>Not applicable</b> No wastewater would be discharged to waterways or off-site

Performance outcomes	Acceptable outcomes	Applicant Response
	waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	
	<b>A07.3</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.	<b>Not applicable</b> No wastewater would be discharged to waterways or off-site
	<b>A07.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and: (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; (b) manages wastewater so that: (i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals; (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; (iii) visible iron floc is not present in any discharge; (iv) precipitated iron floc is contained and disposed of; (v) wastewater and precipitates that cannot be	<b>Not applicable</b> No wastewater would be discharged to waterways or off-site

Performance outcomes	Acceptable outcomes	Applicant Response
	contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.	
<b>Electricity supply</b>		
<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 electricity supply network.
	<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>Not applicable</b> No padmount infrastructure is proposed.
<b>PO9</b>	<b>AO9.2</b>	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant Response
Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	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.	No padmount infrastructure is proposed.
<b>Telecommunications</b>		
<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>Complies with AO10</b> The site is able to be connected to the telecommunications infrastructure.
<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> The site serviced by existing fixed line infrastructure.
<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;	<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>Complies with AO12.1</b> St Crispins Avenue is a constructed and council maintained road.
	<b>AO12.2</b>	<b>Complies with AO12.2</b>

Performance outcomes	Acceptable outcomes	Applicant Response
(d) vehicles to and from the site; (e) emergency vehicles.	There is existing road, kerb and channel for the full road frontage of the site.	St Crispins Avenue is a constructed and council maintained road.
	<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 with AO12.3</b> St Crispins Avenue is a constructed and council maintained road.
<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> The site is an existing serviced site.
<b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO14.1</b> Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or <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.	<b>Not applicable</b> No public utility mains are required to be altered or repaired as part of the development.
<b>Construction management</b>		

Performance outcomes	Acceptable outcomes	Applicant Response
<b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	<b>AO15</b> Works include, at a minimum: (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds.	<b>Able to comply with AO15</b> Construction management measures are able to be implemented during the construction phase.
<b>PO16</b> Existing infrastructure is not damaged by construction activities.	<b>AO16</b> Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.  Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.	<b>Not applicable</b> No construction or alterations are required to infrastructure to facilitate the development.
<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	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Complies with PO17</b> The site is serviced by fixed line telecommunications infrastructure.

Performance outcomes	Acceptable outcomes	Applicant Response
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> No trade waste would be generated by the development.
<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>Not applicable</b> No common private title is proposed.
	<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	<b>Not applicable</b> No common private title is proposed.



Performance outcomes	Acceptable outcomes	Applicant Response
	and at each intersection. Above ground fire hydrants have dual-valved outlets.	
<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 common private title is proposed.

## 9.4.6 Landscaping code

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

### 9.4.4.2 Purpose

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

### 9.4.6.3 Criteria for assessment

**Table 9.4.4.3.a – Landscaping code –assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Landscape design</b>		
<b>PO1</b> Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by: <ul style="list-style-type: none"> <li>(a) promoting the Shire’s character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</li> <li>(d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development;</li> <li>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</li> <li>(f) contributing to a comfortable living environment and improved energy efficiency,</li> </ul>	<b>AO1</b> Development provides landscaping: <ul style="list-style-type: none"> <li>(a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;</li> <li>(b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;</li> <li>(c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping.</li> </ul> <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	<b>Complies with AO1</b> The proposed development satisfies the minimum area requirements of the zone and use codes and landscaping is able to be undertaken in accordance with the relevant Planning Scheme Policy.

Performance outcomes	Acceptable outcomes	Applicant response
by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces; (g) ensuring private outdoor recreation space is useable; (h) providing long term soil erosion protection; (i) providing a safe environment; (j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety.		
<b>For assessable development</b>		
<b>PO2</b> Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	<b>AO2.1</b> No acceptable outcomes are specified. Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.	<b>Complies with AO2.1</b> The proposed development retains significant areas of mature vegetation on the site to maintain the existing sense of place and streetscape and visual appearance.
	<b>AO2.2</b> Tropical urbanism is incorporated into building design. Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.	<b>Complies with AO2.2</b> The proposed development incorporates alfresco areas and eaves to the buildings with retained vegetation to provide shading over the recreation areas.
<b>PO3</b> Development provides landscaping that is , as far as practical, consistent with the existing desirable	<b>AO3.1</b> Existing vegetation on site is retained and incorporated into the site design, wherever	<b>Complies with AO3.1</b> Existing vegetation to the Port Douglas Road

Performance outcomes	Acceptable outcomes	Applicant response
landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.	frontage is retained as far as possible.
	<b>AO3.2</b> Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.	<b>Complies with AO3.2</b> Where possible the mature vegetation that is removed can be replaced with advanced species.
	<b>AO3.3</b> Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.	<b>Complies with AO3.3</b> The existing vegetation is retained as far as possible to retain the existing landscape character.
	<b>AO3.4</b> Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	<b>Not applicable</b> No street trees are required or proposed.
<b>PO4</b> Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	<b>AO4</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Able to comply with AO4</b> Species are able to be selected in accordance with the planning scheme policy. Council are invited to attach a condition to any approval granted if considered necessary.
<b>PO5</b> Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	<b>AO5</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Able to comply with AO5</b> Species are able to be selected in accordance with the planning scheme policy. Council are invited to attach a condition to any approval granted if

Performance outcomes	Acceptable outcomes	Applicant response
		considered necessary.
<b>PO6</b> Landscaped areas are designed in order to allow for efficient maintenance.	<b>AO6.1</b> A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Able to comply with AO6.1</b> A maintenance program is able to be undertaken in accordance with the planning scheme policy. Council are invited to attach a condition to any approval granted if considered necessary.
	<b>AO6.2</b> Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	<b>Able to comply with AO6.2</b> Tree maintenance is able to be undertaken having regard to SULE. Council are invited to attach a condition to any approval granted if considered necessary.
<b>PO7</b> Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	<b>AO7.1</b> Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	<b>Not applicable</b> No podium is proposed.
	<b>AO7.2</b> Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	<b>Not applicable</b> No podium is proposed.
<b>PO8</b> Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	<b>AO8</b> Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	<b>Not applicable</b> No weeds are identified on site.

Performance outcomes	Acceptable outcomes	Applicant response
<b>PO9</b> The landscape design enhances personal safety and reduces the potential for crime and vandalism.	<b>AO9</b> No acceptable outcomes are specified.  Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	<b>Complies with AO9</b>  The proposal provides for a clear delineation between private and public/shared space and for casual surveillance over the shared spaces.
<b>PO10</b> The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	<b>AO10</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Able to comply with AO10</b>  Species are able to be selected in accordance with the planning scheme policy. Council are invited to attach a condition to any approval granted if considered necessary.