

24 MACROSSAN STREET, PORT DOUGLAS, MCU (SHOPS AND MULTIPLE DWELLINGS)

Town Planning Report



24 Macrossan Street
B
23 November 2022

REPORT

Document status

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P Clifton



23 November 2022

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Contents

SUMMARY	1
1 INTRODUCTION	2
2 SITE DETAILS	3
2.1 Site Particulars	3
2.2 Planning Context	4
2.3 Previous Approvals	6
3 PROPOSAL	7
3.1 Overview	7
4 LEGISLATIVE REQUIREMENTS	8
4.1 Assessment Manager	8
4.2 Categories of Assessment	8
4.3 Referrals	8
4.4 Public Notification	8
5 STATUTORY PLANNING ASSESSMENT	9
5.1 Overview	9
5.2 State and Regional Assessment Benchmarks	9
5.2.1 State Planning Policy	9
5.2.2 Regional Plan	9
5.2.3 Development Assessment under Schedules 10 (SDAP)	9
5.3 Local Authority Assessment Benchmarks	9
5.3.1 Codes	10
5.4 Infrastructure Charges	11
6 CONCLUSION	12

Tables

Table 1: Summary	1
Table 2: Site Particulars	3
Table 3: Planning Context	5
Table 4: Relevant Approvals	6
Table 5: Categories of Assessment	8
Table 6: Schedule 10 Referral Matters	8
Table 7 Relevant SDAP State Codes	9
Table 8: Planning Scheme Code Responses	10

Figures

Figure 1 Site Location	4
Figure 2 Approved Shop Development	4
Figure 3 Zoning	6
Figure 4 Visual Representation of the proposed development	7

Appendices

Appendix A DA Form 1

Appendix B Certificate of Title and Search Results

Appendix C Douglas Shire Planning Scheme Property Report

Appendix D Relevant Approvals

Appendix E Proposal Plans

Appendix F State Code Responses

Appendix G Planning Scheme Code Responses

SUMMARY

Table 1: Summary

Details			
Site Address:	24 Macrossan Street, Port Douglas		
Real Property Description:	Lot 118 on PTD2091		
Site Area:	1,012m ²		
Regional Plan Land Use Designation:	Urban Footprint		
Zone:	Centre Zone		
Local Plan/Precinct:	Port Douglas/Craigie Local Plan, Precinct 1 – 1a Town Centre		
Owner(s):	Macrossan Street Pty Ltd		
Proposal			
Brief Description/ Purpose of Proposal	Shops and 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 & Referral Agency	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other			
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1 INTRODUCTION

RPS has been engaged by Macrossan Street Pty Ltd to seek development approval for establishment of Shops and Multiple Dwellings on land located at 24 Macrossan Street, Port Douglas and described as Lot 118 on PTD2091.

The application site is a single, regularly shaped lot with an area of 1,012m² and frontage to Macrossan Street of approximately 20 metres. It is currently vacant; however, it is being improved by a single storey shop development approved under a previous development approval. To the rear of the site and accessed via an existing driveway adjacent the eastern side boundary, is a car parking area that contains 12 car parking spaces. The site is located within the Port Douglas Town Centre and development surrounding the site is characterised by a mix of commercial, retail, entertainment and short and long term accommodation purposes.

It is proposed to develop the site for the purpose of ground floor shops, comprising three tenancies with a total floor area of 418.4m², and 2 x 3 bedroom first floor dwelling units. The development would be two storeys in height and would be built to the front and western side boundary. The driveway would be retained adjacent the eastern side boundary and would provide access to 12 car parking spaces, including a space for mobility impaired drivers.

Under the Douglas Shire Planning Scheme, the development of the site for the purpose of shops and multiple dwelling is identified as requiring the approval of a Code Assessable application for Material Change of Use.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the code requirements of relevant statutory planning documents. Based on this assessment the application is recommended for approval subject to reasonable and relevant conditions.

2 SITE DETAILS

2.1 Site Particulars

The application site is a single regularly shaped allotment located at 24 Macrossan Street, Port Douglas, and described as Lot 118 on PTD2091. The site contains an area of 1,012m² and has frontage to Macrossan Street of approximately 20 metres.

It is currently under construction for the purpose of a single storey retail development comprising three tenancies and with a floor area of 418.4m², which was approved on 19 October 2021. To the rear of the site and accessed via an existing driveway adjacent the eastern side boundary, is a car parking area that contains approximately 12 car parking spaces.

The site is located within the Port Douglas Town Centre and development surrounding the site is characterised by a mix of commercial, retail, entertainment and short and long term accommodation purposes. Uses in the vicinity of the site include the Coles shopping complex on the opposite side of Macrossan Street, The Mantra Heritage Apartments, the Saltwater development comprising retail and accommodation activities and multiple dwellings to the rear.

Key details of the subject site are as follows:

Table 2: Site Particulars

Site Particulars	
Site Address	24 Macrossan Street, Port Douglas
Real Property Description	Lot 118 on PTD2091
Site Area	1,012m ²
Landowner(s)	Macrossan Street Pty Ltd

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 Approved Shop Development

Source: Gary Hunt Architects

2.2 Planning Context

The planning context of the site includes the following:

Table 3: Planning Context

Instrument	Designation
State Planning Policy	
Safety and Resilience to Hazards	<ul style="list-style-type: none"> • Bushfire Prone Area – Potential Impact Buffer; • Erosion Prone Area
Infrastructure	<ul style="list-style-type: none"> • State Controlled Road (Macrossan Street)
State Development Assessment Mapping System	
Coastal Protection	<ul style="list-style-type: none"> • Erosion Prone Area
Native Vegetation Clearing	<ul style="list-style-type: none"> • Category X on the regulated Vegetation Management Map
State Transport	<ul style="list-style-type: none"> • Within 25 metres of a state-controlled road
FNQ Regional Plan 2009-2031	
Regional Plan designation	<ul style="list-style-type: none"> • Urban Footprint
Douglas Shire Planning Scheme 2018	
Zoning	<ul style="list-style-type: none"> • Centre Zone
Local Plan	<ul style="list-style-type: none"> • Port Douglas/ Craiglie Local Plan, Precinct 1 – 1a Town Centre
Overlays	<ul style="list-style-type: none"> • Acid Sulfate Soils – 5-20m AHD; • Bushfire Hazard – Potential Impact Buffer; • Coastal Environment – Erosion Prone Area; • Natural Areas – MSES Regulated Vegetation (Intersecting a Watercourse); • Potential Landslide Hazard - High & Medium Hazard Risk; and, • Transport Network Overlay Code: <ul style="list-style-type: none"> ○ Principal Pedestrian Route; and ○ Collector Road.

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 Planning Scheme 2018

2.3 Previous Approvals

The following existing approvals over the site are relevant to this development application.

Table 4: Relevant Approvals

Reference	Approval detail	Date
MCUC 2021_4256/1	Development Permit for Material Change of Use for Shops.	19 October 2021

Extracts from the approvals are included at **Appendix C**.

3 PROPOSAL

3.1 Overview

It is proposed to develop the site for the purpose of a two storey building with a height of 9.04 metres containing ground floor shops, comprising three tenancies with a total floor area of 418.4m², and 2 x 3 bedroom first floor dwelling units. The development would be built to the front and western side boundary. The driveway would be retained adjacent the eastern side boundary and would provide access to 12 car parking spaces, including a space for mobility impaired drivers.

The ground floor tenancies would be consistent with those previously approved and would have a primary access from the street front with a secondary/service access from the rear. Each tenancy would be provided with toilet amenity facilities and an undercover refuse enclosure, and bicycle racks would be provided to the rear of the retail tenancies.

The first floor units would each have an internal floor area of approximately 145m². Each unit would comprise three bedrooms, kitchen/living/dining room, laundry and amenity facilities, external rear balcony with an area of approximately 12m² and a front balcony, overlooking the street, with an area of approximately 44m² and containing a small swimming pool.

As part of the development and to the rear of the site, the 12 car parking spaces would be retained and would be accessible by the existing driveway. To the site frontage and over the footpath would be a full length cantilevered awning to provide protection from the inclement weather.

Figure 4 below provides a visual representation of the completed development and architectural proposal plans are included at **Appendix D**.



Figure 4 Visual Representation of the proposed development

Source: Gary Hunt Architects

4 LEGISLATIVE REQUIREMENTS

4.1 Assessment Manager

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

4.2 Categories of Assessment

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

Table 5: Categories of Assessment

Aspect of development	Categorising instrument	Category of assessment
Development Permit for Material Change of Use for Centre Activities (Shops)	Table 5.6.a, Douglas Shire Planning Scheme 2018	Code Assessable
Development Permit for Material Change of Use for Multiple Dwellings	Table 5.6.a, Douglas Shire Planning Scheme 2018	Code Assessable

4.3 Referrals

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

Table 6: 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

4.4 Public Notification

This application does not require public notification as it is subject to code assessment.

5 STATUTORY PLANNING ASSESSMENT

5.1 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*.

5.2 State and Regional Assessment Benchmarks

5.2.1 State Planning Policy

The *Planning Regulation 2017* at Section 26(2)(a)(ii) 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 minister has determined that the Douglas Shire Planning Scheme 2018 appropriately reflects the State Planning Policy to the extent relevant to this application. On this basis, no further assessment is required.

5.2.2 Regional Plan

The *Planning Regulation 2017* at Section 26(2)(a)(i) 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 Minister has determined that the Planning Scheme appropriately advances the Regional Plan. On that basis, no further assessment is required in this instance.

5.2.3 Development Assessment under Schedules 10 (SDAP)

Schedule 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 7 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 E**

5.3 Local Authority Assessment Benchmarks

This application is to be assessed against the Douglas Shire Planning Scheme 2018. The assessment benchmarks applicable under City Plan are addressed below.

5.3.1 Codes

The planning scheme codes applicable to the proposal, and the location of the relevant appended code response are identified below:

Table 8: Planning Scheme Code Responses

Planning Scheme Codes	Applicability	Comment
Zone code		
Centre Zone Code	Applies	Complies with applicable Acceptable Outcomes.
Local Plan code		
Port Douglas/Craigie Local Plan Code	Applies	Complies with applicable Acceptable Outcomes.
Overlay Codes		
Acid Sulfate Soils Overlay Code	Applies	Complies with relevant Assessment Benchmarks.
Bushfire Hazard Overlay Code	Applies	Complies with applicable Acceptable Outcomes.
Coastal Environment Overlay Code	Applies	Complies with relevant Assessment Benchmarks.
Natural Areas Overlay Code	Applies	Complies with applicable Acceptable Outcomes.
Potential Landslide Hazard Overlay Code	Applies	Complies with applicable Acceptable Outcomes.
Transport Network Overlay Code	Applies	Complies with applicable Acceptable Outcomes.
Use code		
Centre Activities Code	Applies	Complies with relevant Assessment Benchmarks.
Multiple Dwelling, Short-Term Accommodation and Retirement Facility Code	Applies	Complies with relevant Assessment Benchmarks.
Development Codes		
Access, Parking and Service Code	Applies	Complies with relevant Assessment Benchmarks and has previously been accepted as part of the previous development on the site, which is currently under construction.
Environmental Performance Code	Applies	Complies with applicable Acceptable Outcomes.
Infrastructure Works Code	Applies	Complies with applicable Acceptable Outcomes.
Landscaping Code	Applies	Complies with applicable Acceptable Outcomes.
Vegetation Management Code	Not applicable	No vegetation damage is required to facilitate the development.

A detailed Assessment against the relevant Douglas Shire Planning Scheme 2018 codes is attached at **Appendix F**.

5.4 Infrastructure Charges

Infrastructure charges will apply to the development pursuant to the Planning Regulation and Council's Adopted Infrastructure Charges Resolution.

The infrastructure charges applicable to the shop component of the development has previously been determined as part of the extant material change of use approval. The additional charges would relate to the Multiple Dwelling Units only.

In accordance with the Adopted Infrastructure Charges Resolution, the applicable additional charge would be based up on \$24,143.38 per dwelling unit or an additional charge of \$48,286.76.

6 CONCLUSION

RPS has been engaged by Macrossan Street Pty Ltd to seek development approval for establishment of Shops and Multiple Dwellings on land located at 24 Macrossan Street, Port Douglas and described as Lot 118 on PTD2091.

The application site is a single, regularly shaped lot with an area of 1,012m² and frontage to Macrossan Street of approximately 20 metres. It is currently vacant; however, it is being improved by a single storey shop development approved under a previous development approval. To the rear of the site and accessed via an existing driveway adjacent the eastern side boundary, is a car parking area that contains 12 car parking spaces.

It is proposed to develop the site for the purpose of ground floor shops, comprising three tenancies with a total floor area of 418.4m², and 2 x 3 bedroom first floor dwelling units. The development would be two storeys in height and would be built to the front and western side boundary. The driveway would be retained adjacent the eastern side boundary and would provide access to 12 car parking spaces, including a space for mobility impaired drivers.

Under the Douglas Shire Planning Scheme, the development of the site for the purpose of shops and multiple dwelling is identified as requiring the approval of a Code Assessable application or Material Change of Use.

As a Code Assessable application the Council, as Assessment Manager, must only have regard to the applicable codes in the determination of the application. The assessment against the applicable codes, contained within this report, confirms that the proposed development is able to satisfy the relevant code requirements and on this basis, the application is recommended for approval subject to reasonable and relevant conditions.

Appendix A

DA Form 1

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Macrossan Street Pty Ltd
Contact name (only applicable for companies)	C/- RPS AAP Consulting Pty Ltd, Patrick Clifton
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address (non-mandatory)	Patrick.clifton@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	24 Macrossan Street

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		24	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	118	PTD2091	Douglas Shire Council

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

- ☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

- ☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Shops and Multiple Dwellings

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

- Material change of use ☒ Yes – complete division 1 if assessable against a local planning instrument

Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Shops	Shops	N/A	<400
Multiple Dwellings	Multiple Dwellings	2	n/a
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input checked="" type="checkbox"/> Yes			
<input type="checkbox"/> No			

Division 2 – Reconfiguring a lot

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

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

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

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

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

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

Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?
Note: A development application will require referral if prescribed by the Planning Regulation 2017.
<input type="checkbox"/> No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6
Matters requiring referral to the Chief Executive of the Planning Act 2016:
<input type="checkbox"/> Clearing native vegetation

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

Matters requiring referral to the local government:

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

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i> :
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority :
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority :
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service :
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? <i>(e.g. a preliminary approval)</i>			
<input checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application			
<input type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval	MCUC 2021_4256/1	19 October 2021	Douglas Shire Council
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

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

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

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

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

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

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

Quarry materials from land under tidal waters

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

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

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

Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

- ☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- ☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or required by other legislation (including the <i>Right to Information Act 2009</i>); or otherwise required by law. <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Appendix B

Certificate of Title and Search Results

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	20891089	Search Date:	02/07/2021 15:03
Date Title Created:	02/02/1973	Request No:	37745661
Previous Title:	20230218		

ESTATE AND LAND

Estate in Fee Simple

LOT 118 CROWN PLAN PTD2091
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 720751428 27/04/2021

MACROSSAN STREET PTY LTD A.C.N. 648 677 856 TRUSTEE
UNDER INSTRUMENT 720751428

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332057 (ALLOT 18 SEC 1)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

Appendix C

Douglas Shire Planning Scheme 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.

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

Mango Jam

[Mango Jam](#)

[24 Macrossan Street PORT DOUGLAS](#)



Lot Plan

[118PTD2091](#) (Freehold - 1012m²)



Selected Property



Easements



Property

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










Centre

More Information

- [View Section 6.2.1 Centre Zone Code](#)
- [View Section 6.2.1 Centre Zone Compliance table](#)
- [View Section 6.2.1 Centre 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.

 Local Plans	Applicable Precinct or Area Port Douglas - Craiglie Precinct 1 - 1a Town Centre	More Information <ul style="list-style-type: none"> View Section 7.2.4 Port Douglas/Craiglie Local Plan Code View Section 7.2.4 Port Douglas/Craiglie Local Plan Compliance table
 Acid Sulfate Soils	Applicable Precinct or Area Acid Sulfate Soils (5-20m AHD)	More Information <ul style="list-style-type: none"> View Section 8.2.1 Acid Sulfate Soils Overlay Code View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table
 Bushfire Hazard	Applicable Precinct or Area Potential Impact Buffer	More Information <ul style="list-style-type: none"> View Section 8.2.2 Bushfire Hazard Overlay Code View Section 8.2.2 Bushfire Hazard Overlay Compliance table
 Coastal Processes	Applicable Precinct or Area Erosion Prone Area	More Information <ul style="list-style-type: none"> View Section 8.2.3 Coastal Environment Overlay Code View Section 8.2.3 Coastal Environment Overlay Compliance table
 Landslide	Applicable Precinct or Area Landslide Hazard (High & Medium Hazard Risk)	More Information <ul style="list-style-type: none"> View Section 8.2.9 Potential Landslide Hazard Overlay Code View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table
 Natural Areas	Applicable Precinct or Area MSES - Regulated Vegetation (Intersecting a Watercourse)	More Information <ul style="list-style-type: none"> View Section 8.2.7 Natural Areas Overlay Code View Section 8.2.7 Natural Areas Overlay Compliance table
 Transport Noise Corridors	Applicable Precinct or Area Category 1: 58 dB(A) =< Noise Level < 63 dB(A) Category 2: 63 dB(A) < Noise Level < 68 dB(A) Category 3: 68 dB(A) =< Noise Level < 73 dB(A)	More Information <ul style="list-style-type: none"> View Section 8.2.10 Transport Network Overlay Code View Section 8.2.10 Transport Network Overlay Compliance table
 Transport Pedestrian Cycle	Applicable Precinct or Area Principal Route	More Information <ul style="list-style-type: none"> View Section 8.2.10 Transport Network Overlay Code View Section 8.2.10 Transport Network Overlay Compliance table
 Transport Road Hierarchy	Applicable Precinct or Area Collector Road	More Information <ul style="list-style-type: none"> View Section 8.2.10 Transport Network Overlay Code View Section 8.2.10 Transport Network Overlay Compliance table

Zoning

Applicable Zone
Centre

- More Information**
- [View Section 6.2.1 Centre Zone Code](#)
 - [View Section 6.2.1 Centre Zone Compliance table](#)
 - [View Section 6.2.1 Centre Zone Assessment table](#)



☒ Selected Property

☐ Property

Zoning

- | | | | |
|--|--|---|---|
| <input checked="" 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

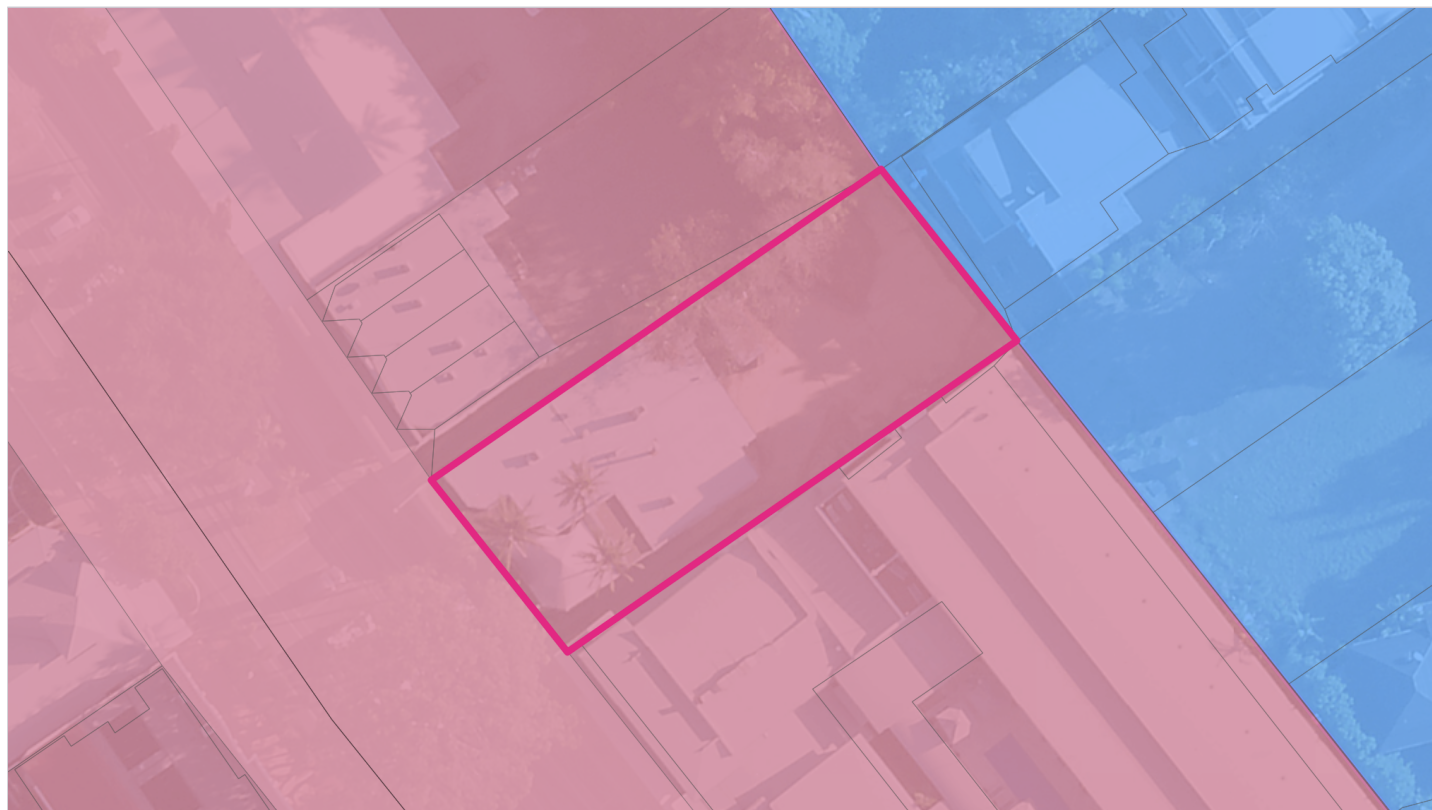
Applicable Precinct or Area

Port Douglas - Craiglie

Precinct 1 - 1a Town Centre

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

 Property

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 1	 Precinct 2	 Precinct 3
 Precinct 4	 Precinct 5	 Precinct 6	 Precinct 7
 Precinct 8	 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

☐ Property

Acid Sulfate Soils

☒ Acid Sulfate Soils (< 5m AHD)

☒ Acid Sulfate Soils (5-20m AHD)

☐ all others

Bushfire Hazard

Applicable Precinct or Area
Potential Impact Buffer

- More Information
- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
 - [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

Bushfire_Hazard

☒ High Potential Bushfire Intensity

☒ Medium Potential Bushfire Intensity

☒ Potential Impact Buffer

☒ Very High Potential Bushfire Intensity

☐ all others

Coastal Processes

Applicable Precinct or Area
Erosion Prone Area

- More Information
- [View Section 8.2.3 Coastal Environment Overlay Code](#)
 - [View Section 8.2.3 Coastal Environment Overlay Compliance table](#)



☒ Selected Property

☐ Property

☐ Coastal Management District

☒ Erosion Prone Area

Landslide

Applicable Precinct or Area
Landslide Hazard (High & Medium Hazard Risk)

- More Information**
- [View Section 8.2.9 Potential Landslide Hazard Overlay Code](#)
 - [View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

☒ Potential Landslide Hazard

Natural Areas





Applicable Precinct or Area

MSES - Regulated Vegetation (Intersecting a Watercourse)

More Information

- [View Section 8.2.7 Natural Areas Overlay Code](#)
- [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



 Selected Property	 Property	 MSES - Regulated Vegetation (Intersecting a Watercourse)
 MSES - High Ecological Value Waters (Watercourse)	 MSES - Wildlife Habitat	 MSES - Regulated Vegetation
 MSES - Protected Area	 MSES - Marine Park	 MSES - Legally Secured Offset Area
 MSES - High Ecological Value Waters (Wetland)	 MSES - High Ecological Significance Wetlands	

Transport Noise Corridors

Applicable Precinct or Area

Category 1: 58 dB(A) \leq Noise Level < 63 dB(A)

Category 2: 63 dB(A) < Noise Level < 68 dB(A)

Category 3: 68 dB(A) \leq 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

☐ Property

Transport Noise Corridors Mandatory Area

☐ Category 0: Noise Level < 58 dB(A)

☐ Category 1: 58 dB(A) \leq Noise Level < 63 dB(A)

☐ Category 2: 63 dB(A) < Noise Level < 68 dB(A)

☐ Category 3: 68 dB(A) \leq Noise Level < 73 dB(A)

☐ Category 4: Noise Level \geq 73 dB(A)

☐ all others

Transport Noise Corridors Voluntary Area

☐ Category 0: Noise Level < 58 dB(A)

☐ Category 1: 58 dB(A) \leq Noise Level < 63 dB(A)

☐ Category 2: 63 dB(A) < Noise Level < 68 dB(A)

☐ Category 3: 68 dB(A) \leq Noise Level < 73 dB(A)

☐ Category 4: Noise Level \geq 73 dB(A)

☐ all others

Transport Pedestrian Cycle

Applicable Precinct or Area
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

☐ Property

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

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



☒ Selected Property

☐ Property

Road Hierarchy

- | | | | |
|---|---|---|--|
| — Access Road | — Arterial Road | — Collector Road | — Industrial Road |
| — Major Rural Road | — Minor Rural Road | — Sub Arterial Road | — Unformed Road |
| — 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.

Appendix D

Relevant Approvals

19 October 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4256/1 (Doc ID 1040117)
Your Ref: 20211130

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

Macrossan Street Pty Ltd (Tte)
C-/ GMA Certification Group Pty Ltd
PO Box 831

PORT DOUGLAS QLD 4877

Attention Mr Patrick Clifton

Email: Patrick.C@gmacer.com.au

Dear Sir

**Development Application for Material Change of Use (Shops)
At 24 Macrossan Street Port Douglas
On Land Described as Lot 118 on PTD2091**

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

Please quote Council's application number: MCUC 2021_4256/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

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

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under section 63 of the Planning Act 2016

Applicant Details

Name: Macrossan Street Pty Ltd (Tte)
Postal Address: C-/ GMA Certification Group Pty Ltd
PO Box 831
Port Douglas Qld 4877
Email: Patrick.C@gmacert.com.au

Property Details

Street Address: 24 Macrossan Street Port Douglas
Real Property Description: Lot 118 on PTD2091
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use for Shops.

Decision

Date of Decision: 19 October 2021
Decision Details: Approved (subject to conditions)

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

Note – The plans referenced below will require amending in order to comply with conditions of this Decision Notice.

The term 'approved drawing(s) and/or document(s) or other similar expressions means the following plans subject to compliance with Condition 3.

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

Drawing or Document	Reference	Date
Cover Page	Hunt Designs, Project GADALETA001, Drawing No. AC, Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Site Plan - Existing & Demolition	Hunt Designs, Project GADALETA001, Drawing No. AD, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Site Plan - Proposed	Hunt Designs, Project GADALETA001, Drawing No. AE, Revision 01 (on plan), Revision C (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Floor Plan	Hunt Designs, Project GADALETA001, Drawing No. AF, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Elevations	Hunt Designs, Project GADALETA001, Drawing No. AG, Revision 01 (on plan), Revision B (as per cover sheet), Dated 16 August 2001 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issues, Visualisation 01	Hunt Designs, Project GADALETA001, Drawing No. AH, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
DA Issue, Visualisation 02	Hunt Designs, Project GADALETA001, Drawing No. AI, Revision 01 (on plan), Revision A (as per cover sheet), Dated 30 June 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined

Drawing or Document	Reference	Date
DA issues, landscaping - Proposed	Hunt Designs, Project GADALETA001, Drawing No. AJ, Revision 01 (on plan), Revision B (as per cover sheet), Dated 14 September 2021 (Council Doc 1035123) and as amended by Condition 3.	To be determined
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

Assessment Manager Conditions & Advices

Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Include the provision of five (5) bicycle parking spaces;
 - b. Include a loading bay in the car parking area to accommodate a single larger vehicle space of a SRV (small ridged vehicle as in AS2890.2 – off-street commercial vehicle facilities but incorporating a body width of 2.33m);
 - c. Amend the driveway width to ensure suitable access can be achieved for the required service vehicle in Condition 3b above;
 - d. Include a pedestrian access along the side driveway that connects the disability car parking space at the rear of the new building with the front entrance of the new shops. This pedestrian access must meet all relevant Australian Standards, Premises Standards and the National Construction Code requirements relating to disability access;
 - e. Include a splay of the front corner of the building or an alternative building / wall treatment at the interface with the driveway to provide suitable visibility;

- f. Provide and maintain car parking at a rate of one (1) car space for each 50m² of GFA, or part thereof, including one disability car parking space, all meeting the relevant Australian Standards. The calculation of GFA is as defined in the Planning Scheme;
- g. Include lighting to the car parking and access driveway;
- h. Include a sign at the front of the premises advising of the location of car parking at the rear of the premises;
- i. Clearly state the intention to retain and replace specific existing palms, as per the Landscaping Plan, on both the Site Plan - Existing & Demolition and the Site Plan – Proposed;
- j. Specify the pavers *Wirecut Acorn* to be used in the footpath with a pattern to match that in the street; and
- k. The refuse bin area must be roofed and bunded and fitted with a bucket trap.

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

Water Supply and Sewerage Works Internal

4. Undertake the following water supply and sewerage works internal to the subject land:
 - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
 - b. Provide a single internal water connection;
 - c. Water supply sub-metering must be designed and installed in accordance with the *Queensland Development Code* and the *Water Supply (Safety and Reliability) Act 2008*
 - d. Relocate the existing sewer or site the proposed building such that the sewer is a minimum of 1.5 metres away from the building and clear of the zone of influence from the footings and foundations of any building/structure; or
 Replace the existing sewer main under or within 1.5 metres of the building and within the zone of influence of the footings and foundations with uPVC sewer pipe class SN8.

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

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

External Works

5. Undertake the following works external to the land at no cost to Council:
 - a. Construct a footpath to Macrossan Street in accordance with the proposed Landscape Plan (as amended by Condition 3) and the FNQROC Regional Development Manual having regard to the use of Wirecut Acorn pavers in a design that matches that occurring in the street.
 - b. Provision of a new concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing S1015; and
 - c. Construct landscaped garden beds as per the approved landscape plans;

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

The external works outlined above must be constructed with a suitable approval from the Department of transport and Main Roads.

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

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the *Planning Act 2016*.

Lawful point of discharge.

6. The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of ten (10) car parking spaces, including one disability car parking space, and five (5) bicycle parking spaces. The car parking layout must comply with the Australian Standard AS2890 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular maneuvering areas must be imperviously sealed, drained and line marked.

Access to rear Car Park

8. No boom gate, pay machine or any other regulatory device is to be installed to access to the rear car park. The car parking is to be maintained as accessible to all users of the premises including any public users.

Landscaped Areas

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

All landscaped areas must be fully established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief Executive Officer

Parking Signage

10. Erect signs advising of the location of the off-street visitor parking area and access thereto. The signs must be erected prior to Commencement of Use.

Lighting

11. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level. The rear car parking area and the driveway must be sufficiently illuminated for all times that the car park area is in use.

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

Stockpiling and Transportation of Fill Material

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

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

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

Storage of Machinery and Plant

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

Damage to Council Infrastructure

15. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

Construction Signage

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

Advices

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
4. For future use of the premises as a Centre Activities (Food and drink outlet) note that a Trade Waste Permit is usually required for a pre-treatment device (grease trap).
5. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.
- The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment Team at council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

Any work undertaken in the road corridor area must be undertaken with a permit from the Department of Transport and Main Roads.

Concurrence Agency Response

Concurrence Agency	Concurrence Reference	Agency Date	Doc ID
State Assessment and Referral Agency (SARA)	2108-24049 SRA	7 September 2021	1035115

Note – Concurrence Agency Response is attached. This Concurrence Agency Response maybe amended by agreement with the respective agency.

Currency Period for the Approval

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.

Approved Drawing(s) and/or Document(s) – Subject to being amended by Condition 3 of the approval.





SITE PLAN 1:100
SCALE 1:100

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

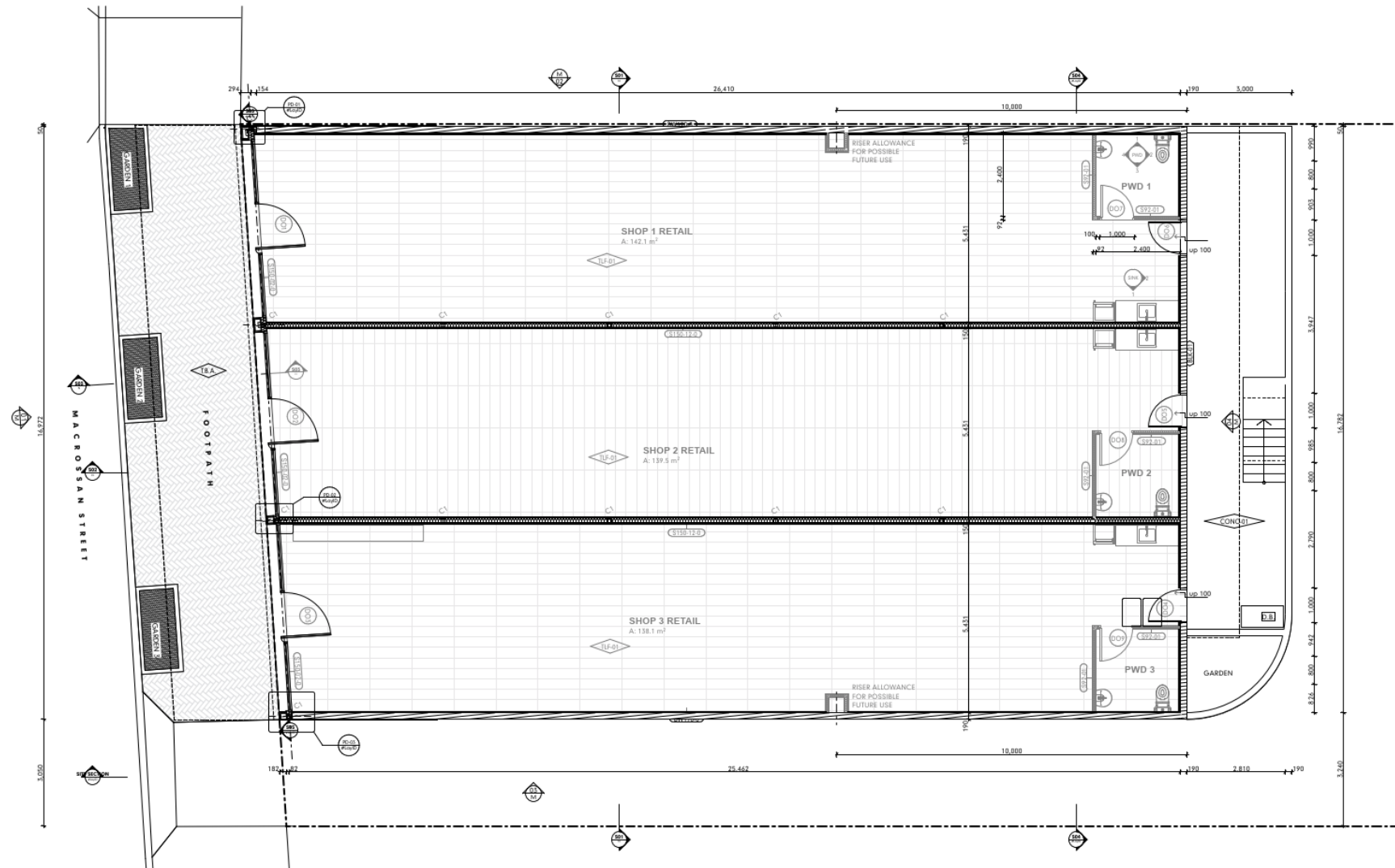
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
SITE PLAN - EXISTING & DEMOLITION

PROJECT NO. GDALETA001
DRAWING NO. AD
REVISION NO. 01
DATE 14/9/21



HUNT
DESIGN



RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

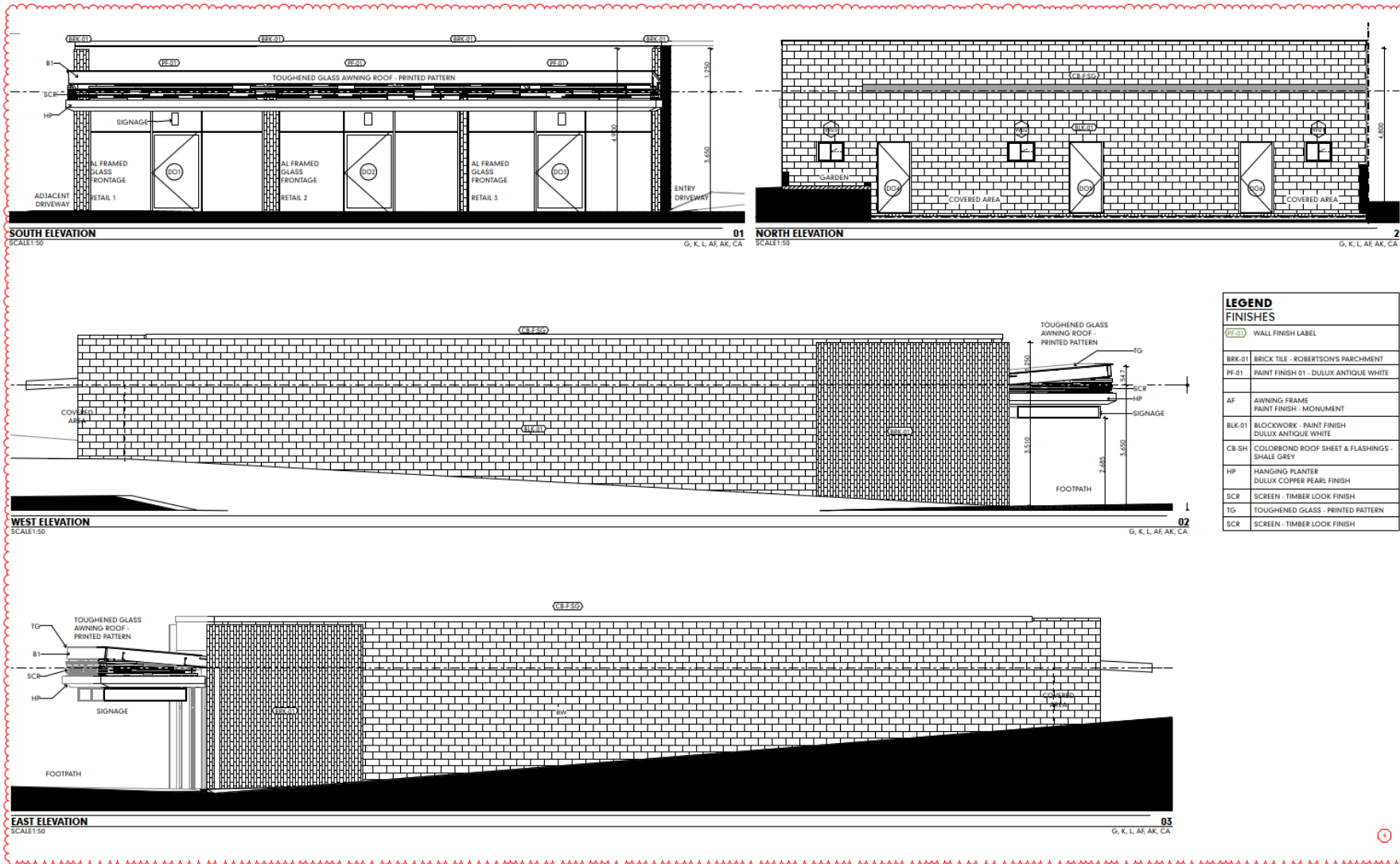
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
FLOOR PLAN

PROJECT NO. GDALETA001
DRAWING NO. AF
REVISION NO. 01
DATE 14/9/21



HUNT
DESIGN



RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
ELEVATIONS

PROJECT NO. GDALETA001
DRAWING NO. AG
REVISION NO. 01
DATE 14/9/21

HUNT
DESIGN



RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA

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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 01

PROJECT NO. GADALETA001
 DRAWING NO. AH
 REVISION NO. 01
 DATE 14/9/21

HUNT
 DESIGN



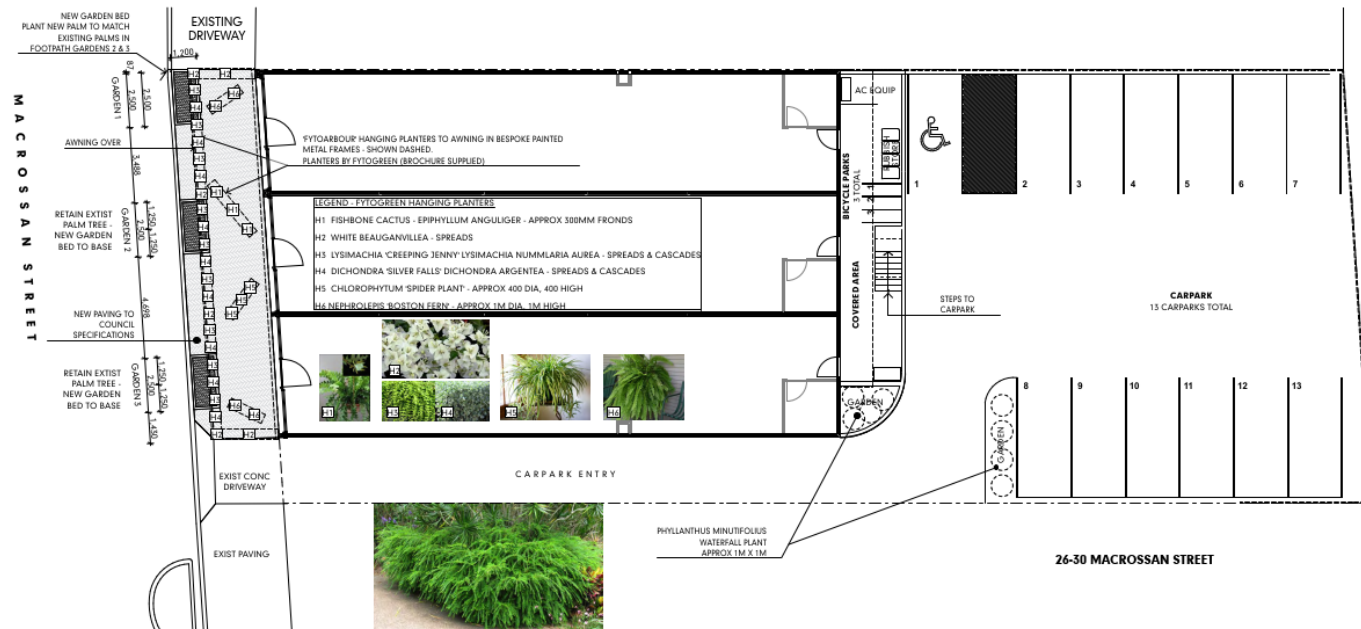
RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

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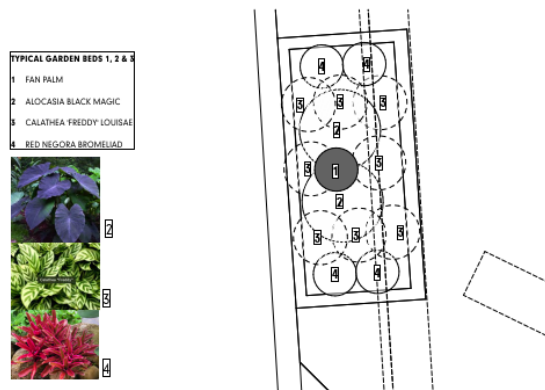
24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 02

PROJECT NO. GDALETA001
 DRAWING NO. A1
 REVISION NO. 01
 DATE 14/9/21

HUNT
 DESIGN



LANDSCAPE PLAN
SCALE 1:100



1:20 TYPICAL FOOTPATH GARDEN
SCALE 1:20

RETAIL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA

© COPYRIGHT HUNT DESIGN

24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
LANDSCAPE PLANS - PROPOSED

PROJECT NO. GDALETA001
DRAWING NO. A3
REVISION NO. 01
DATE 14/9/21



HUNT
DESIGN

Concurrence Agency Conditions

RA6-N



SARA reference: 2108-24049 SRA
Council reference: MCUC2021_4256/1
Applicant reference: 20211130

7 September 2021

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman Qld 4873
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Sir/Madam

SARA response—Material Change of Use for Shop at 24 Macrossan Street, Port Douglas

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 10 August 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	7 September 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material Change of Use for Shop
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

Material change of use near a state-controlled road

SARA reference: 2108-24049 SRA
Assessment Manager: Douglas Shire Council
Street address: 24 Macrossan Street, Port Douglas
Real property description: Lot 118 on PTD2091
Applicant name: Macrossan Street Pty Ltd
Applicant contact details: C/- GMA Certification Group
PO Box 831
Port Douglas QLD 4877
patrick.C@gmacert.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc Macrossan Street Pty Ltd C/- GMA Certification Group, patrick.C@gmacert.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	The road access location is to be located generally in accordance with TMR Layout Plan (6504 – 5.75km), prepared by Queensland Government Transport and Main Roads, dated 06/09/2021, Reference TMR21-33788 (500-1624), Issue B.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p>Awning design and footpath works</p> <p>Separate approval processes for the awning and footpath works are required under the <i>Transport Infrastructure Act 1994</i>.</p> <p>Please contact the Department of Transport and Main Roads to make an application for a Road Corridor Permit via email cairns.office@tmr.qld.gov.au. This approval must be obtained prior to commencing any works in the state-controlled road reserve. If approved the process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The Road Corridor Permit process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

- The site has road frontage and an existing vehicle access to Macrossan Street (Port Douglas Road), a state-controlled road.
- The proposed development will utilise the existing access and no upgrades or changes to the access are required.
- The site is relatively flat with existing pavement, and the proposed development is unlikely to involve a large amount of excavation or filling works.
- The site is fully impervious, and the proposed development is unlikely to cause additional stormwater impacts to the state-controlled road.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Macrossan Street.
- The proposed development, with conditions, complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)



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Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited 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 damages) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council on 23 July 2021 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Centre Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

Subject to the conditions of the approval the application is considered to meet the relevant benchmarks.

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Macrossan Street Pty Ltd DEVELOPERS NAME		N/A ESTATE NAME	0 STAGE
24 Macrossan Street STREET No. & NAME	Port Douglas SUBURB	L118 PTD2091 LOT & RP No.s	2300 PARCEL No.
MCUC Shops DEVELOPMENT TYPE		MCUI 2021_4256/1 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1039298 DSC Reference Doc. No.	1 VERSION No.	Payment before the change occurs	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0						
0						
Proposed Demand						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	449.00	74,327.46		
Total Demand				74,327.46		
Existing Credit						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	326.42	54,035.57		
Total Credit				54,035.57		
						Code 895 GL 7470.0135.0825

Required Payment or Credit

TOTAL

\$20,291.89

Prepared by	Jenny Elphinstone	12-Oct-21	Amount Paid	
Checked by	Daniel Lamond	12-Oct-21	Date Paid	
Date Payable	MCU - Before the change occurs		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
 - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
 - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
 - (c) as if a reference in section 76 to a development application were a reference to a change application; and
 - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
 - (e) with any other necessary changes.

75 Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
 - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - (i) each principal submitter; and
 - (ii) each referral agency; and
 - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

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

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

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

19 October 2021

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2021_4256 (Doc ID 1040117)
Your Ref: 20211130

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

Macrossan Street Pty Ltd (Tte)
C-/ GMA Certification Group Pty Ltd
PO Box 831
PORT DOUGLAS QLD 4877

Attention Mr Patrick Clifton

Email: Patrick.C@gmacert.com.au

Dear Sir

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Shops)
At 24 Macrossan Street Port Douglas
On Land Described as Lot 118 on PTD2091**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: MCUC 2021_4256 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL		2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Macrossan Street Pty Ltd DEVELOPERS NAME		N/A ESTATE NAME	0 STAGE
24 Macrossan Street STREET No. & NAME	Port Douglas SUBURB	L118 PTD2091 LOT & RP No.s	2300 PARCEL No.
MCUC Shops DEVELOPMENT TYPE		MCUI 2021_4256/1 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1039298 DSC Reference Doc. No.	1 VERSION No.	Payment before the change occurs	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0						
0						
Proposed Demand						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	449.00	74,327.46		
Total Demand				74,327.46		
Existing Credit						
Commercial (Retail) Shops	m ² GFA at rate of \$165.54 per m ²	\$ 165.54	326.42	54,035.57		
Total Credit				54,035.57		
						Code 895 GL 7470.0135.0825

Required Payment or Credit **TOTAL** **\$20,291.89**

Prepared by	Jenny Elphinstone	12-Oct-21	Amount Paid
Checked by	Daniel Lamond	12-Oct-21	Date Paid
Date Payable	MCU - Before the change occurs		
Amendments		Date	Receipt No.
			Cashier

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.

(4) In this section—

decision includes—

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

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- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

Appendix E

Proposal Plans

RESIDENTIAL DEVELOPMENT

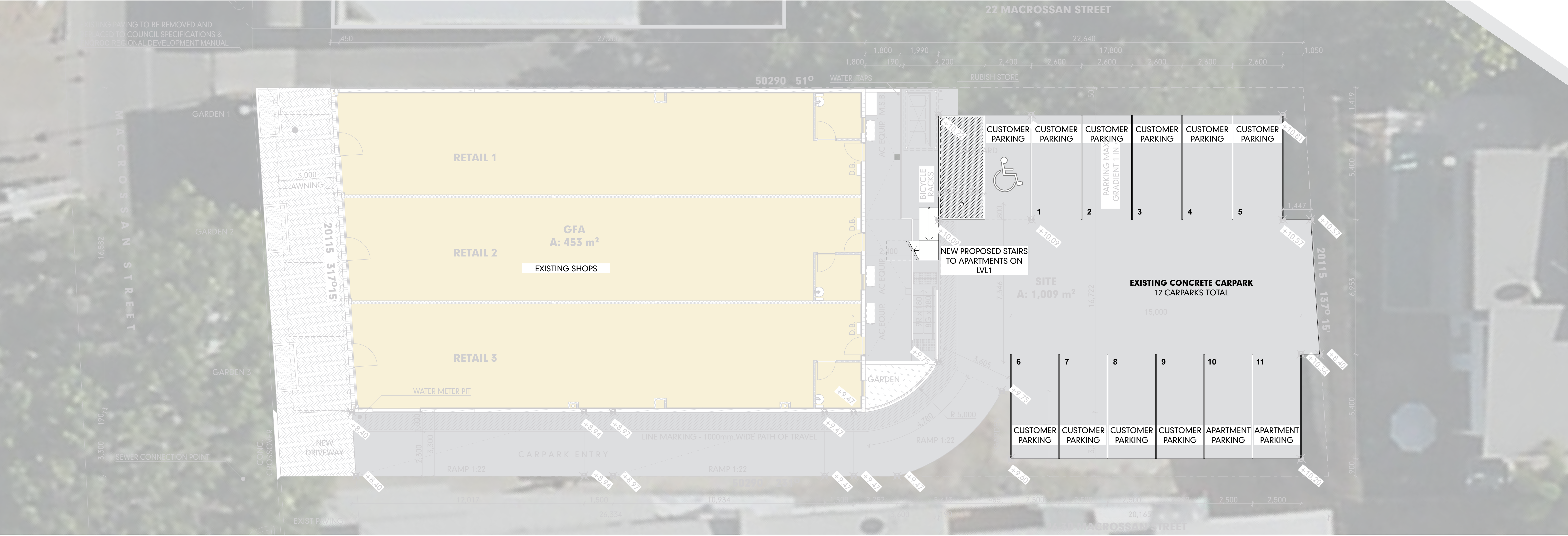
SAM GADALETA
MACROSSAN STREET PTY LTD

24 MACROSSAN STREET, PORT DOUGLAS

16/11/22

TRANSMITTAL

DRG No.	DRAWING NAME	REV ID	CHANGE ID'S	ISSUE DATE	STATUS
DA-01	COVER PAGE	01		16/11/22, 3:22 pm	
DA-02	SITE PLAN - PROPOSED	01		16/11/22, 3:22 pm	
DA-03	GROUND FLOOR PLAN	01		16/11/22, 3:22 pm	
DA-04	FIRST FLOOR PLAN	01		16/11/22, 3:22 pm	
DA-05	ROOF PLAN	01		16/11/22, 3:22 pm	
DA-06	ELEVATIONS (SOUTH & WEST)	01		16/11/22, 3:22 pm	
DA-07	ELEVATIONS (NORTH & EAST)	01		16/11/22, 3:22 pm	
DA-08	VISUALISATION 01	01		16/11/22, 3:22 pm	
DA-09	VISUALISATION 02	01		16/11/22, 3:22 pm	



SITE PLAN 1:100
SCALE 1:100

INTERNAL AREAS		
	Name	Area
ACCOMMODATION	APARTMENT 1	143.5
ACCOMMODATION	APARTMENT 2	145.9
		289.4 m²

GROSS FLOOR AREA	
	Area
UPPER SLAB LEVEL	
	GFA 323.3
	323.3 m²

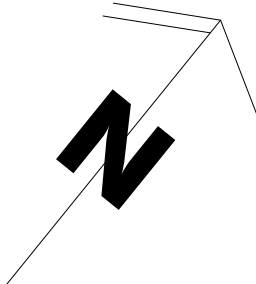
CAR PARKING	
EXISTING SHOPS	10 SPACES (At 1 space per 50m²)
RESIDENTIAL	2 SPACES (At 1 spaces per 3 Bedroom apartment)
TOTAL	12 SPACES

RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA
MACROSSAN STREET PTY LTD

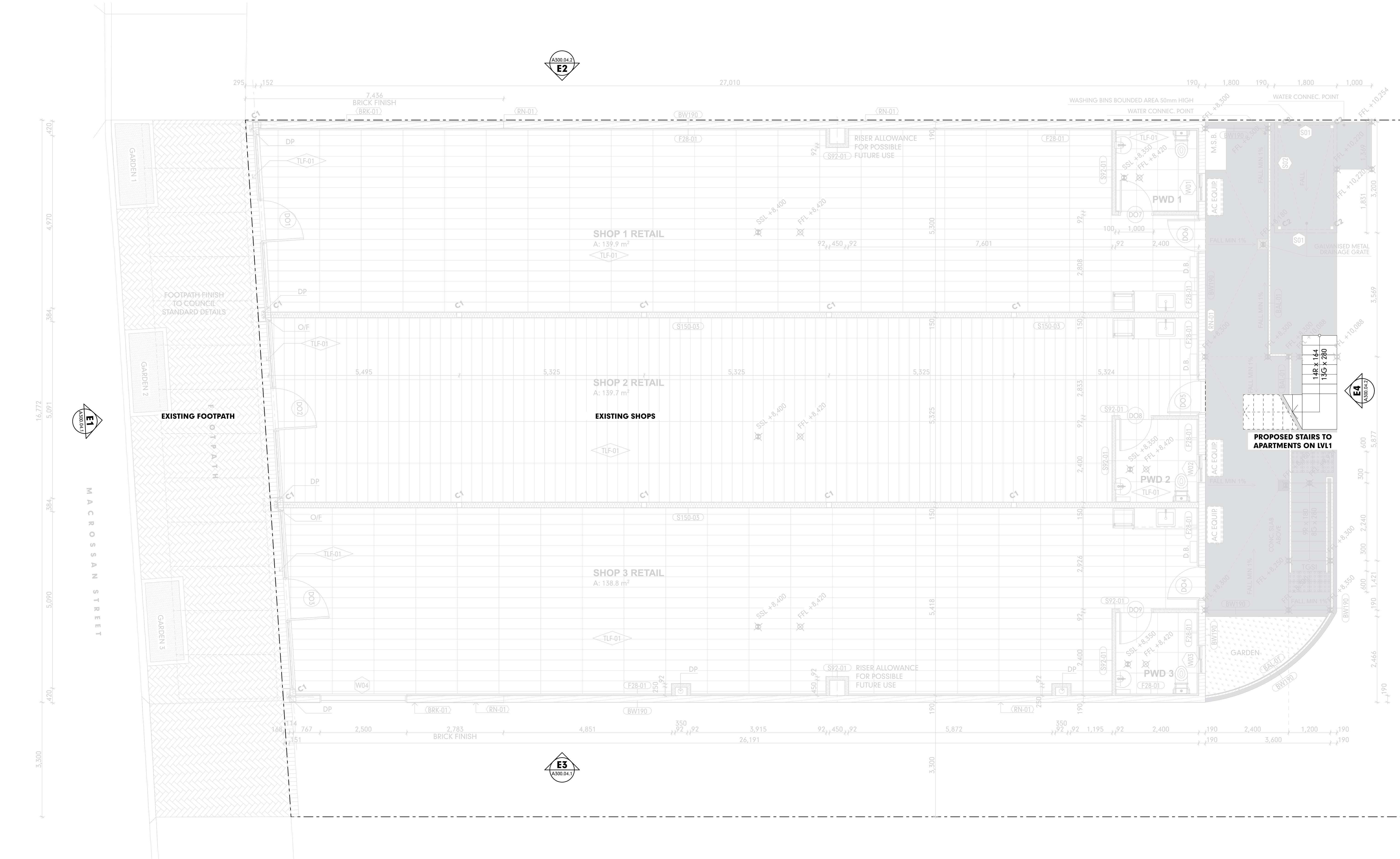
© COPYRIGHT HUNT DESIGN

24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
SITE PLAN - PROPOSED

PROJECT NO. GADALETA002
DRAWING NO. DA-02
REVISION NO. 1
DATE 23/11/22



HUNT
DESIGN

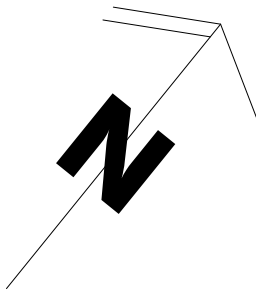


GROUND LEVEL
SCALE 1:50

RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA
MACROSSAN STREET PTY LTD

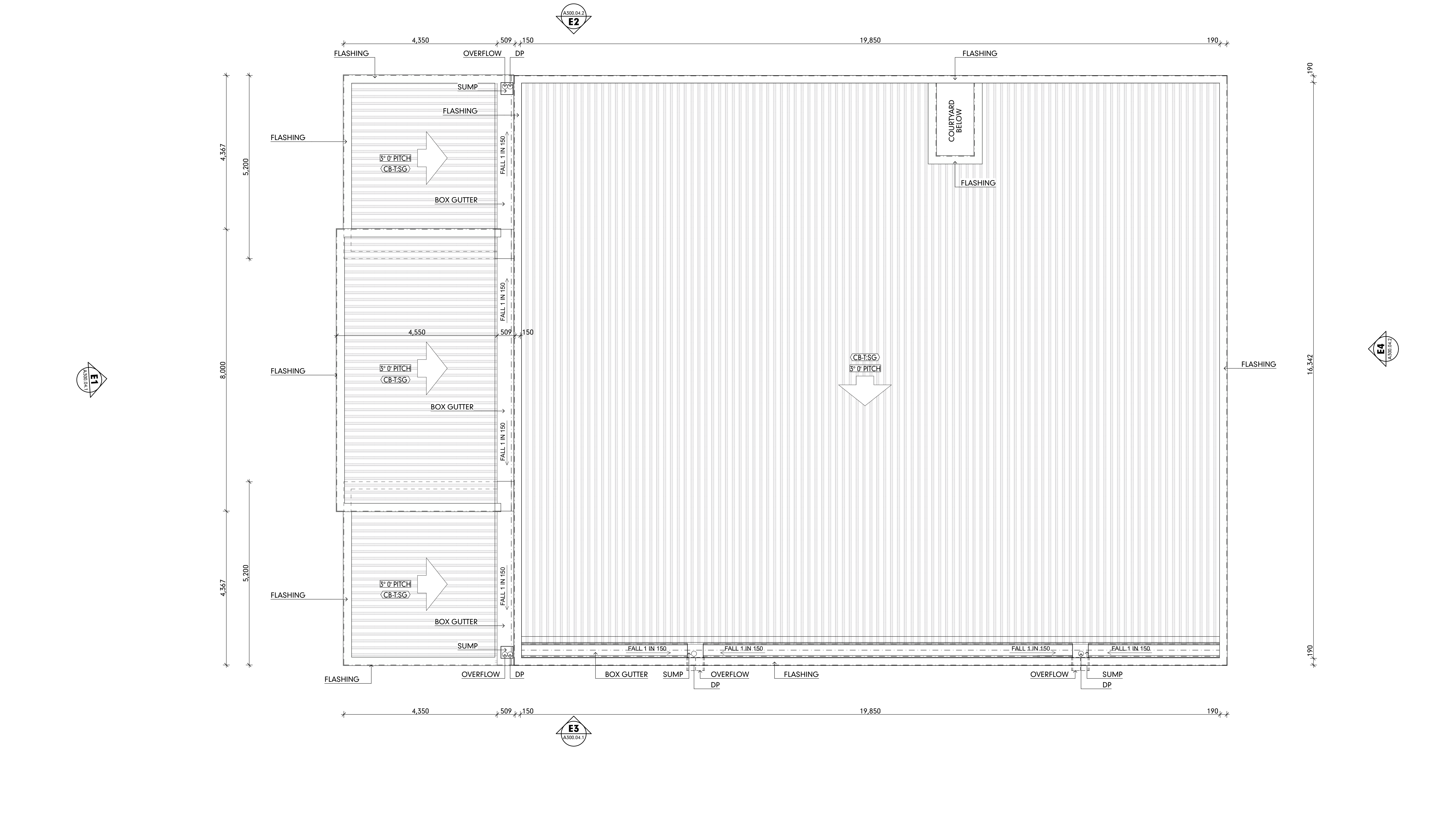
24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
GROUND FLOOR PLAN

PROJECT NO. GDALETA002
DRAWING NO. DA-03
REVISION NO. 1
DATE 23/11/22

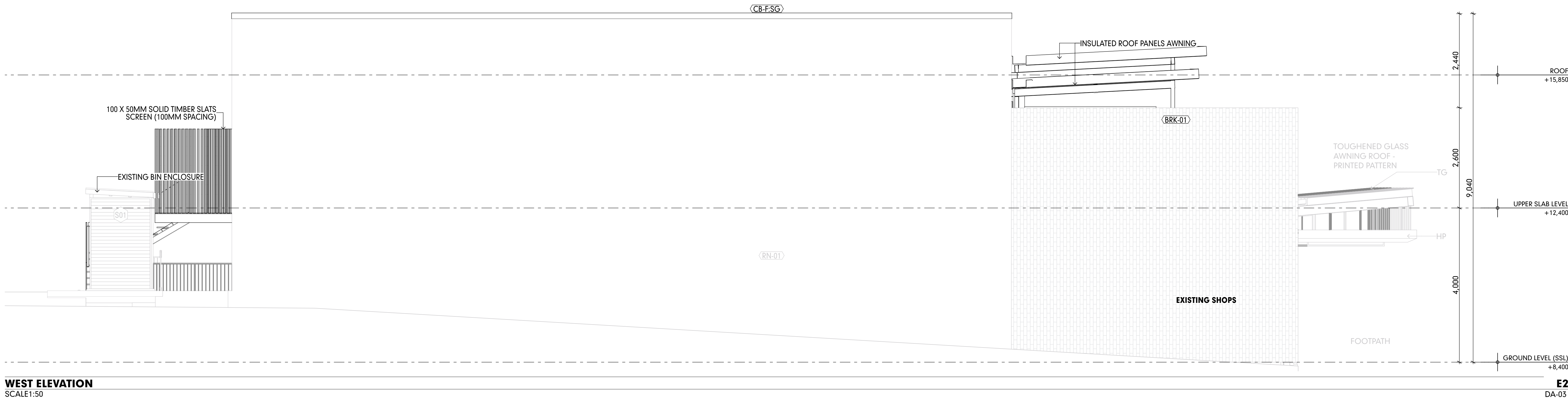
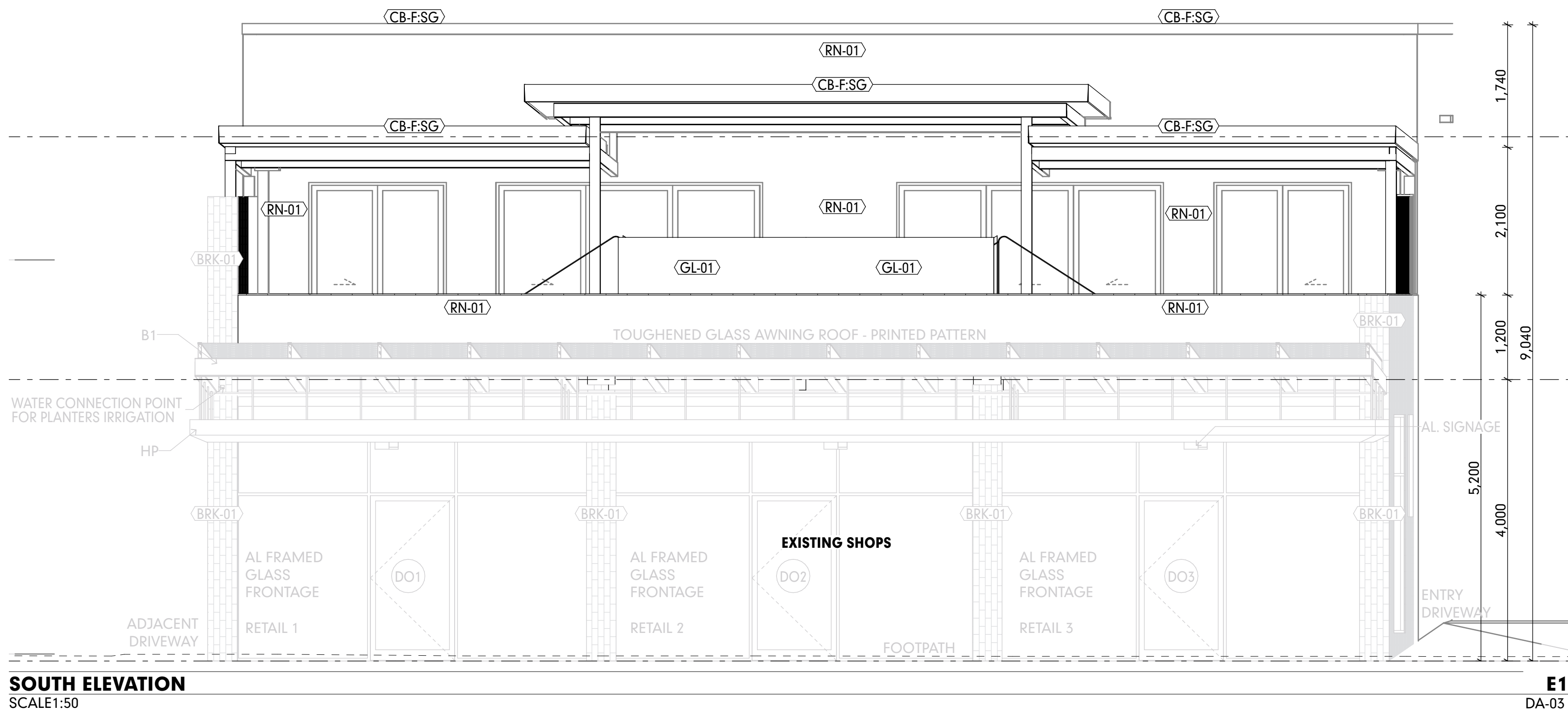


HUNT
DESIGN





LEGEND FINISHES	
(PF-01) FINISH LABEL	
AF	AWNING FRAME PAINT FINISH - MONUMENT
BRK-01	BRICK TILE - ROBERTSON'S PARCHMENT
RN-01	BLOCKWORK - RENDER PAINT FINISH DULUX ANTIQUE WHITE
CB-T:SG	TRIMDEK ROOF SHEET - SHALE GREY
CLB01	TIMBER LINING BOARDS - AUSTRALIAN TIMBER CEILINGS, TWOSLAT BLACKBUTT
CB-F:SG	COLORBOND FLASHINGS - SHALE GREY
GL-01	GLASS BALUSTRADE
HP	HANGING PLANTER DULUX COPPER PEARL
PF-01	PAINT FINISH 01 - DULUX ANTIQUE WHITE
PF-02	PAINT FINISH 02 - WET AREA DULUX ANTIQUE WHITE
SCR	SCREEN - TIMBER LOOK FINISH
TG	TOUGHENED GLASS - PRINTED PATTERN
TBS-01	SOLID TIMBER BATTENS
TLF-01	PORCELAIN TILES 1200 X 300mm
LAM-03	LAMINEX PEWTER SUPERMATTE (Grey)
LAM-04	LAMINEX STORM (DARK GREY)

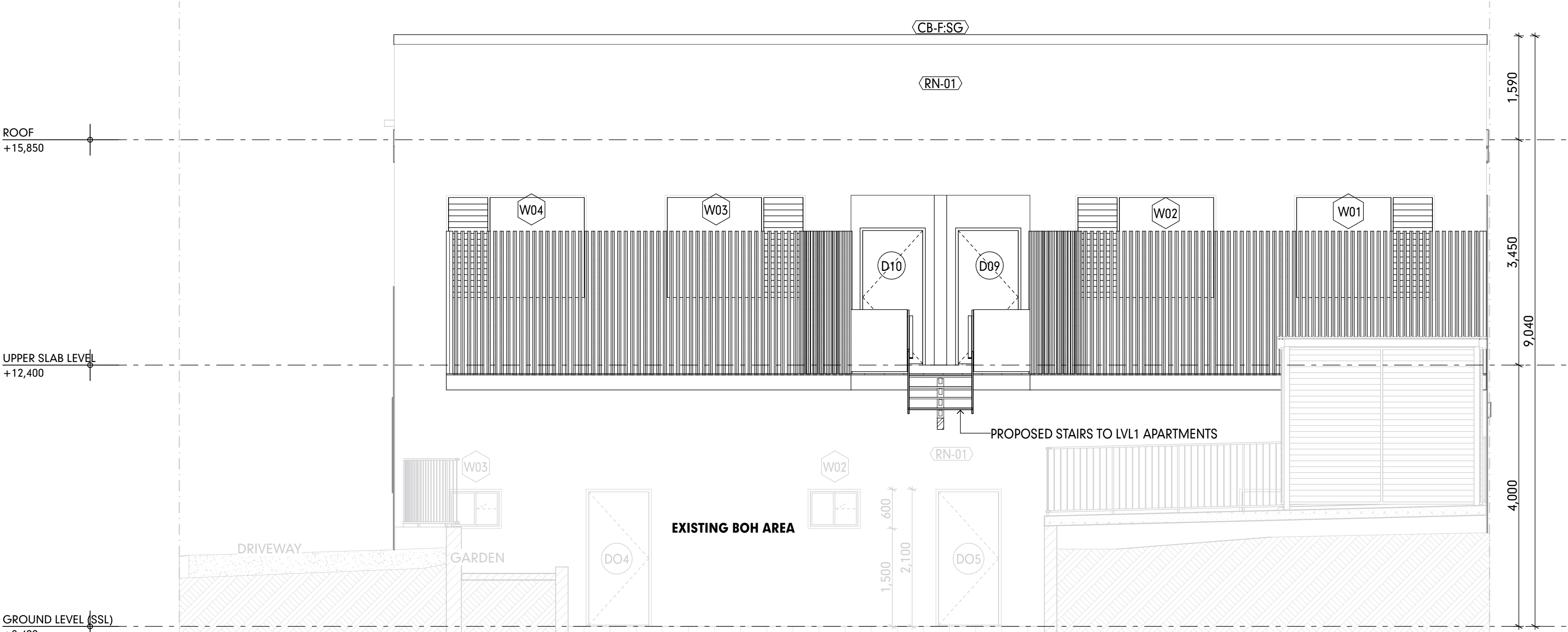


**RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA
MACROSSAN STREET PTY LTD**

24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
ELEVATIONS (SOUTH & WEST)

PROJECT NO.	GDALETA002
DRAWING NO.	DA-06
REVISION NO.	1
DATE	23/11/22

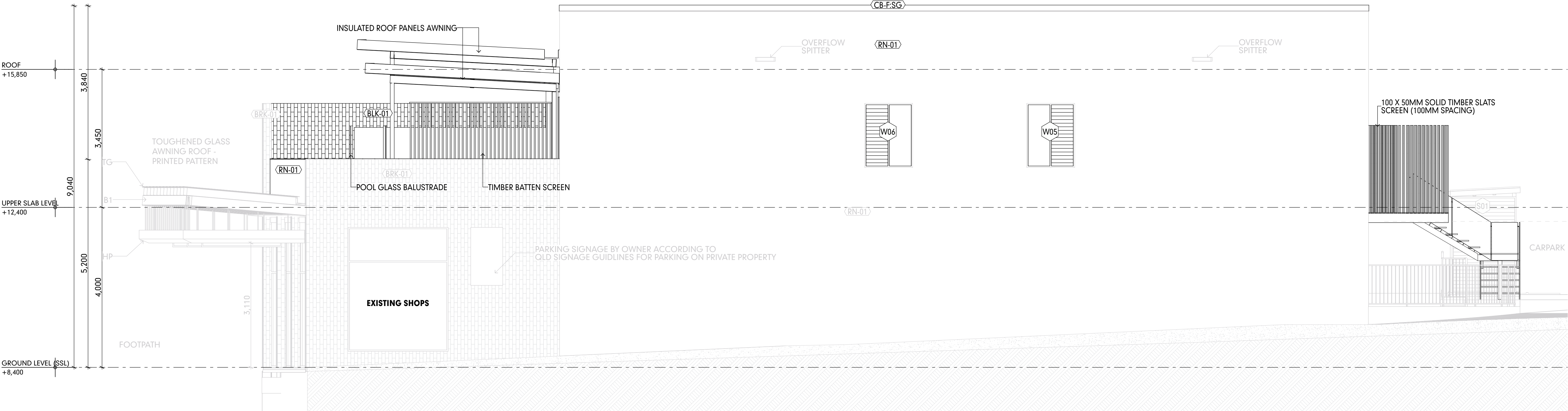




NORTH ELEVATION
SCALE 1:50

E4
DA-03

LEGEND FINISHES	
(PF-01)	FINISH LABEL
AF	AWNING FRAME PAINT FINISH - MONUMENT
BRK-01	BRICK TILE - ROBERTSON'S PARCHMENT
RN-01	BLOCKWORK - RENDER PAINT FINISH DULUX ANTIQUE WHITE
CB-T:SG	TRIMDEK ROOF SHEET - SHALE GREY
CLB01	TIMBER LINING BOARDS - AUSTRALIAN TIMBER CEILINGS, TWOSLAT BLACKBUTT
CB-F:SG	COLORBOND FLASHINGS - SHALE GREY
GL-01	GLASS BALUSTRADE
HP	HANGING PLANTER DULUX COPPER PEARL
PF-01	PAINT FINISH 01 - DULUX ANTIQUE WHITE
PF-02	PAINT FINISH 02 - WET AREA DULUX ANTIQUE WHITE
SCR	SCREEN - TIMBER LOOK FINISH
TG	TOUGHENED GLASS - PRINTED PATTERN
TBS-01	SOLID TIMBER BATTENS
TLF-01	PORCELAIN TILES 1200 X 300mm
LAM-03	LAMINEX PEWTER SUPERMATTE (Grey)
LAM-04	LAMINEX STORM (DARK GREY)



EAST ELEVATION
SCALE 1:50

E3
DA-03

RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GADALETA
MACROSSAN STREET PTY LTD

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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
ELEVATIONS (NORTH & EAST)

PROJECT NO. GADALETA002
DRAWING NO. DA-07
REVISION NO. 1
DATE 23/11/22





RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
SAM GDALETA
MACROSSAN STREET PTY LTD

24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 01

PROJECT NO. GDALETA002
DRAWING NO. DA-08
REVISION NO. 1
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RESIDENTIAL DEVELOPMENT
FOR : MACROSSAN STREET TRUST
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24 MACROSSAN STREET, PORT DOUGLAS
DA ISSUE
VISUALISATION 02

PROJECT NO. GADALETA002
DRAWING NO. DA-09
REVISION NO. 1
DATE 23/11/22

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Appendix F

State Code Responses

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

Table 1.1 Development in general

Performance outcomes	Acceptable outcomes	Response
Buildings, structures, infrastructure, services and utilities		
PO1 The location of the development does not create a safety hazard for users of the state-controlled road .	AO1.1 Development is not located in a state-controlled road . AND AO1.2 Development can be maintained without requiring access to a state-controlled road .	Complies with PO1 The proposed development would result in an awning that projects over the footpath of a state controlled road reserve. The awning is consistent with other awnings in the street and is a requirement of the Douglas Shire Planning Scheme. The proposed awning would not create a safety hazard in the state-controlled road.
PO2 The design and construction of the development does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Complies with PO2 The ground work for the development would be wholly contained within the subject site and would not affect the structural integrity of the state-controlled road.
PO3 The location of the development does not obstruct road transport infrastructure or adversely impact the operating performance of the state-controlled road .	No acceptable outcome is prescribed.	Complies with PO3 The development would not affect the free flow of traffic in the state-controlled road.
PO4 The location, placement, design and operation of advertising devices, visible from the state-controlled road , do not create a safety hazard for users of the state-controlled road .	No acceptable outcome is prescribed.	Complies with PO4 Advertising would be limited to below awning signs only.

Performance outcomes	Acceptable outcomes	Response
PO5 The design and construction of buildings and structures does not create a safety hazard by distracting users of the state-controlled road .	<p>AO5.1 Facades of buildings and structures fronting the state-controlled road are made of non-reflective materials.</p> <p>AND</p> <p>AO5.2 Facades of buildings and structures do not direct or reflect point light sources into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.3 External lighting of buildings and structures is not directed into the face of oncoming traffic on the state-controlled road.</p> <p>AND</p> <p>AO5.4 External lighting of buildings and structures does not involve flashing or laser lights.</p>	<p>Complies with AO5.1- AO5.4</p> <p>The building façade would be non-reflective, would not direct any light source into oncoming traffic and does not involve any external lighting that would be directed to the road.</p>
PO6 Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto the state-controlled road .	AO6.1 Road, pedestrian and bikeway bridges over the state-controlled road 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>Not applicable</p> <p>No bridges are proposed.</p>
Landscaping		
PO7 The location of landscaping does not create a safety hazard for users of the state-controlled road .	<p>AO7.1 Landscaping is not located in a state-controlled road.</p> <p>AND</p> <p>AO7.2 Landscaping can be maintained without requiring access to a state-controlled road.</p>	<p>Complies with PO7</p> <p>Landscaping would be limited to the previously approved streetscape planting, which has been accepted as not creating a safety hazard for road users.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AND</p> <p>AO7.3 Landscaping does not block or obscure the sight lines for vehicular access to a state-controlled road.</p>	
Stormwater and overland flow		
PO8 Stormwater run-off or overland flow from the development site does not create or exacerbate a safety hazard for users of the state-controlled road .	No acceptable outcome is prescribed.	<p>Complies with PO8</p> <p>Stormwater would be directed to the lawful point of discharge and the development would not increase the level of impervious surface in the site from previous development of that which has been approved.</p>
PO9 Stormwater run-off or overland flow from the development site does not result in a material worsening of the operating performance of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	<p>Complies with PO9</p> <p>Stormwater would be directed to the lawful point of discharge and the development would not increase the level of impervious surface in the site from previous development of that which has been approved.</p>
PO10 Stormwater run-off or overland flow from the development site does not adversely impact the structural integrity or physical condition of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	<p>Complies with PO10</p> <p>Stormwater would be directed to the lawful point of discharge and the development would not increase the level of impervious surface in the site from previous development of that which has been approved.</p>
PO11 Development ensures that stormwater is lawfully discharged.	<p>AO11.1 Development does not create any new points of discharge to a state-controlled road.</p> <p>AND</p> <p>AO11.2 Development does not concentrate flows to a state-controlled road.</p> <p>AND</p>	<p>Complies with AO11.1-AO11.4</p> <p>Stormwater would be directed to the lawful point of discharge and via the existing discharge point and the development would not increase the level of impervious surface in the site from previous development of that which has been approved.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>AO11.3 Stormwater run-off is discharged to a lawful point of discharge.</p> <p>AND</p> <p>AO11.4 Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.</p>	
Flooding		
<p>PO12 Development does not result in a material worsening of flooding impacts within a state-controlled road.</p>	<p>AO12.1 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (within +/- 10mm) to existing flood levels within a state-controlled road.</p> <p>AND</p> <p>AO12.2 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing peak velocities within a state-controlled road.</p> <p>AND</p> <p>AO12.3 For all flood events up to 1% annual exceedance probability, development results in negligible impacts (up to a 10% increase) to existing time of submergence of a state-controlled road.</p>	<p>Not applicable</p> <p>The site and surrounds are not identified as being subject to flooding.</p>
Drainage Infrastructure		
<p>PO13 Drainage infrastructure does not create a safety hazard for users in the state-controlled road.</p>	<p>AO13.1 Drainage infrastructure is wholly contained within the development site, except at the lawful point of discharge.</p> <p>AND</p>	<p>Complies with AO13.1-AO13.2</p> <p>The drainage infrastructure would be contained within the site and would be able to be maintained without accessing the state controlled road.</p>

Performance outcomes	Acceptable outcomes	Response
	AO13.2 Drainage infrastructure can be maintained without requiring access to a state-controlled road .	
PO14 Drainage infrastructure associated with, or within, a state-controlled road is constructed, and designed to ensure the structural integrity and physical condition of existing drainage infrastructure and the surrounding drainage network.	No acceptable outcome is prescribed.	Complies with PO14 The stormwater drainage infrastructure would be undertaken in accordance with the relevant design standards and construction requirements.

Table 1.2 Vehicular access, road layout and local roads

Performance outcomes	Acceptable outcomes	Response
Vehicular access to a state-controlled road or within 100 metres of a state-controlled road intersection		
PO15 The location, design and operation of a new or changed access to a state-controlled road does not compromise the safety of users of the state-controlled road .	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.
PO16 The location, design and operation of a new or changed access does not adversely impact the functional requirements of the state-controlled road .	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.
PO17 The location, design and operation of a new or changed access is consistent with the future intent of the state-controlled road .	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.
PO18 New or changed access is consistent with the access for the relevant limited access road policy : 1. LAR 1 where direct access is prohibited; or	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.

State Development Assessment Provisions v3.0

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

Page 5 of 19

Performance outcomes	Acceptable outcomes	Response
2. LAR 2 where access may be permitted, subject to assessment.		
PO19 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not compromise the safety of users of the state-controlled road .	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.
PO20 New or changed access to a local road within 100 metres of an intersection with a state-controlled road does not adversely impact on the operating performance of the intersection.	No acceptable outcome is prescribed.	Not applicable No new or charges access is proposed.
Public passenger transport and active transport		
PO21 Development does not compromise the safety of users of public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not applicable There are no public transport infrastructure or services within the vicinity of the site.
PO22 Development maintains the ability for people to access public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not applicable There are no public transport infrastructure or services within the vicinity of the site.
PO23 Development does not adversely impact the operating performance of public passenger transport infrastructure, public passenger services and active transport infrastructure .	No acceptable outcome is prescribed.	Not applicable There are no public transport infrastructure or services within the vicinity of the site.
PO24 Development does not adversely impact the structural integrity or physical condition of public passenger transport infrastructure and active transport infrastructure .	No acceptable outcome is prescribed.	Not applicable There are no public transport infrastructure or services within the vicinity of the site.

Table 1.3 Network impacts

State Development Assessment Provisions v3.0

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

Page 6 of 19

Performance outcomes	Acceptable outcomes	Response
PO25 Development does not compromise the safety of users of the state-controlled road network.	No acceptable outcome is prescribed.	Complies with PO25 The development would not generate traffic movements that would compromise the operation of the state-controlled road.
PO26 Development ensures no net worsening of the operating performance of the state-controlled road network.	No acceptable outcome is prescribed.	Complies with PO26 The development would not generate traffic movements that would compromise the operation of the state-controlled road.
PO27 Traffic movements are not directed onto a state-controlled road where they can be accommodated on the local road network.	No acceptable outcome is prescribed.	Not applicable The site has only one frontage.
PO28 Development involving haulage exceeding 10,000 tonnes per year does not adversely impact the pavement of a state-controlled road .	No acceptable outcome is prescribed.	Not applicable No haulage is proposed.
PO29 Development does not impede delivery of planned upgrades of state-controlled roads .	No acceptable outcome is prescribed.	Not applicable There are no planned upgrades within the vicinity of the site.
PO30 Development does not impede delivery of corridor improvements located entirely within the state-controlled road corridor .	No acceptable outcome is prescribed.	Not applicable There are no planned corridor improvements within the vicinity of the site.

Table 1.4 Filling, excavation, building foundations and retaining structures

Performance outcomes	Acceptable outcomes	Response
PO31 Development does not create a safety hazard for users of the state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Complies with PO31 The construction activities would be the subject of a management plan, endorsed by Council, that ensures that the safety of users is not compromised.
PO32 Development does not adversely impact the operating performance of the state-controlled road .	No acceptable outcome is prescribed.	Complies with PO32 The development of the site and any construction would not affect the carrying capacity of the road network.
PO33 Development does not undermine, damage or cause subsidence of a state-controlled road .	No acceptable outcome is prescribed.	Complies with PO33 The development has been engineered to ensure that there is no impact outside of the site.
PO34 Development does not cause ground water disturbance in a state-controlled road .	No acceptable outcome is prescribed.	Complies with PO34 There is no known ground water issues in the location of the site.
PO35 Excavation, boring, piling, blasting and fill compaction do not adversely impact the physical condition or structural integrity of a state-controlled road or road transport infrastructure .	No acceptable outcome is prescribed.	Complies with PO35 The development has been engineered to ensure that there is no impact outside of the site.
PO36 Filling and excavation associated with the construction of new or changed access do not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road .	No acceptable outcome is prescribed.	Not applicable No new or changes access 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
Reconfiguring a lot		
Involving the creation of 5 or fewer new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO37 Development minimises free field noise intrusion from a state-controlled road .	<p>AO37.1 Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: <ol style="list-style-type: none"> 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; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO37.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p> <p>OR</p> <p>AO37.3 Development provides a solid gap-free fence or other solid gap-free structure along the</p>	<p>Not applicable</p> <p>No reconfiguring a lot is proposed.</p>

Performance outcomes	Acceptable outcomes	Response
	full extent of the boundary closest to the state-controlled road .	
Involving the creation of 6 or more new residential lots adjacent to a state-controlled road or type 1 multi-modal corridor		
PO38 Reconfiguring a lot minimises free field noise intrusion from a state-controlled road .	<p>AO38.1 Development provides noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.1); 2. in accordance with: <ol style="list-style-type: none"> 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; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO38.2 Development achieves the maximum free field acoustic levels in reference table 2 (item 2.1) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	<p>Not applicable</p> <p>No reconfiguring a lot is proposed.</p>
Material change of use (accommodation activity)		
Ground floor level requirements adjacent to a state-controlled road or type 1 multi-modal corridor		

Performance outcomes	Acceptable outcomes	Response
PO39 Development minimises noise intrusion from a state-controlled road in private open space .	<p>AO39.1 Development provides a noise barrier or earth mound which is designed, sited and constructed:</p> <ol style="list-style-type: none"> 1. to achieve the maximum free field acoustic levels in reference table 2 (item 2.2) for private open space at the ground floor level; 2. in accordance with: <ol style="list-style-type: none"> 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; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO39.2 Development achieves the maximum free field acoustic level in reference table 2 (item 2.2) for private open space by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	<p>Not applicable</p> <p>No ground floor accommodation activities are proposed.</p>
PO40 Development (excluding a relevant residential building or relocated building) minimises noise intrusion from a state-controlled road in habitable rooms at the facade.	AO40.1 Development (excluding a relevant residential building or relocated building) provides a noise barrier or earth mound which is designed, sited and constructed:	<p>Not applicable</p> <p>No ground floor accommodation activities are proposed.</p>

Performance outcomes	Acceptable outcomes	Response
	<ol style="list-style-type: none"> 1. to achieve the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms; 2. in accordance with: <ol style="list-style-type: none"> 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; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020. <p>OR</p> <p>AO40.2 Development (excluding a relevant residential building or relocated building) achieves the maximum building façade acoustic level in reference table 1 (item 1.1) for habitable rooms by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>	
PO41 Habitable rooms (excluding a relevant residential building or relocated building) 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>Not applicable</p> <p>No ground floor accommodation activities are proposed.</p>
Above ground floor level requirements (accommodation activity) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO42 Balconies, podiums, and roof decks include:	No acceptable outcome is provided.	Complies with PO42

Performance outcomes	Acceptable outcomes	Response
<ol style="list-style-type: none"> 1. a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 2. highly acoustically absorbent material treatment for the total area of the soffit above balconies, podiums, and roof decks. 		The balconies facing the street comprise the solid wall of the swimming pools.
PO43 Habitable rooms (excluding a relevant residential building or relocated building) 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.	Able to comply with PO43 The materials provided would be assessed at the time of application for building works.
Material change of use (other uses)		
Ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor		
PO44 Development: <ol style="list-style-type: none"> 1. provides a noise barrier or earth mound that is designed, sited and constructed: <ol style="list-style-type: none"> a. to achieve the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas; b. in accordance with: <ol style="list-style-type: none"> 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; 	No acceptable outcome is provided.	Not applicable No childcare centres, educational establishments, or hospitals are proposed.

Performance outcomes	Acceptable outcomes	Response
<ul style="list-style-type: none"> ii. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; iii. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or <p>2. achieves the maximum free field acoustic level in reference table 2 (item 2.3) for all outdoor education areas and outdoor play areas by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>		
<p>PO45 Development involving a childcare centre or educational establishment:</p> <ul style="list-style-type: none"> 1. provides a noise barrier or earth mound that is designed, sited and constructed: 2. to achieve the maximum building facade acoustic level in reference table 1 (item 1.2); 3. in accordance with: <ul style="list-style-type: none"> 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; b. Technical Specification-MRTS15 Noise Fences, Transport and Main Roads, 2019; 	No acceptable outcome is provided.	<p>Not applicable</p> <p>No childcare centres, educational establishments, or hospitals are proposed.</p>

Performance outcomes	Acceptable outcomes	Response
<p>c. Technical Specification-MRTS04 General Earthworks, Transport and Main Roads, 2020; or</p> <p>4. achieves the maximum building facade acoustic level in reference table 1 (item 1.2) by alternative noise attenuation measures where it is not practical to provide a noise barrier or earth mound.</p>		
<p>PO46 Development involving:</p> <ol style="list-style-type: none"> indoor education areas and indoor play areas; or sleeping rooms in a childcare centre; or patient care areas in a hospital achieves the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	<p>Not applicable</p> <p>No childcare centres, educational establishments, or hospitals are proposed.</p>
<p>Above ground floor level requirements (childcare centre, educational establishment, hospital) adjacent to a state-controlled road or type 1 multi-modal corridor</p>		
<p>PO47 Development involving a childcare centre or educational establishment which have balconies, podiums or elevated outdoor play areas predicted to exceed the maximum free field acoustic level in reference table 2 (item 2.3) due to noise from a state-controlled road are provided with:</p> <ol style="list-style-type: none"> a continuous solid gap-free structure or balustrade (excluding gaps required for drainage purposes to comply with the Building Code of Australia); 	No acceptable outcome is provided.	<p>Not applicable</p> <p>No childcare centres, educational establishments, or hospitals are proposed.</p>

Performance outcomes	Acceptable outcomes	Response
2. highly acoustically absorbent material treatment for the total area of the soffit above balconies or elevated outdoor play areas .		
PO48 Development including: <ol style="list-style-type: none"> indoor education areas and indoor play areas in a childcare centre or educational establishment; or sleeping rooms in a childcare centre; or patient care areas in a hospital located above ground level, is designed and constructed to achieve the maximum internal acoustic level in reference table 3 (items 3.2-3.4). 	No acceptable outcome is provided.	Not applicable No childcare centres, educational establishments, or hospitals are proposed.
Air, light and vibration		
PO49 Private open space, outdoor education areas and outdoor play areas are protected from air quality impacts from a state-controlled road .	AO49.1 Each dwelling or unit has access to a private open space which is shielded from a state-controlled road by a building, solid gap-free fence , or other solid gap-free structure . OR AO49.2 Each outdoor education area and outdoor play area is shielded from a state-controlled road by a building, solid gap-free fence , or other solid gap-free structure .	Not applicable No childcare centres, educational establishments, or hospitals are proposed.

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

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

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

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

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

Appendix G

Planning Scheme Code Responses

6.2.1 Centre zone code

6.2.1.1 Application

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

6.2.1.2 Purpose

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

6.2.1.3 Criteria for assessment

Table 6.2.1.3.a – Centre zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 The height of all buildings is in keeping with the character of the surrounding residential neighbourhoods and must not adversely affect the amenity of the neighbourhood.	AO1 The maximum height of buildings and structures is: (a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note - Height is inclusive of the roof height.	Complies with AO1 Refer to the assessment against the Port Douglas/Craigie Local Plan Code.
PO2 The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses.	AO2.1 Buildings and structures are setback to road frontages: (a) in accordance with the provisions of any applicable local plan; (b) a minimum of 6 metres where no local plan applies or there are no particular provisions specified in the local plan for the site.	Complies with A2.1 Refer to the assessment against the Port Douglas/Craigie Local Plan Code.
	AO2.2 Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres.	Not applicable The site does not adjoin land in the industry zone.

Performance outcomes	Acceptable outcomes	Applicant response
	AO2.3 Where adjoining land in any other zone, buildings are setback 3 metres or ¼ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.	Complies with AO2.3 The site adjoins land in the Low-medium Density Residential zone to the rear and would be set back more than 3 metres from the rear boundary. The rear boundary is provided with approved boundary treatment consistent with the existing shop use of the site
	AO2.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas: (a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in AO2.1(b) above; (b) adjacent to the boundary with the other zone for the setback area nominated in AO2.3 above.	Complies with PO2 The proposed development would be constructed to the road frontage consistent with the Local Plan requirements. The relationship with the rear boundary would be consistent with the existing arrangement and the proposed development would not adversely affect the amenity of the adjoining land users.
PO3 The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.	AO3 Site coverage does not exceed 80%, unless otherwise specified in a Local plan.	Complies with AO3 Site coverage would not exceed 80%
For assessable development		
PO4 The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses.	AO4 Inconsistent uses as identified in table 6.2.1.3.b are not established in the Centre zone.	Complies with AO4 The proposed development is not identified as an inconsistent use.

Performance outcomes	Acceptable outcomes	Applicant response
PO5 Development provides a range of convenient goods and services for the daily needs of discrete residential communities.	AO5 Development complies with the requirements specified in a local plan.	Complies with AO5 Refer to the assessment against the Port Douglas/Craigie Local Plan Code.
PO6 Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the: <ul style="list-style-type: none"> (a) the Accommodation activity group, located outside the Centre zone; (b) the Sensitive land use activity group, located outside the Centre zone. 	AO6 No acceptable outcomes are prescribed.	Not applicable The development would not result in any noise, odour, air, electrical or vibration impacts above the existing lawful use of the site.
PO7 Reconfiguration of land results in <ul style="list-style-type: none"> (a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots. (b) lots no less than 600m² in area. 	AO7 No acceptable outcomes are prescribed.	Not applicable No reconfiguration of land is proposed.

Table 6.2.1.3.b – Inconsistent uses within the Centre Zone

Inconsistent uses		
<ul style="list-style-type: none"> • Air services • Animal husbandry • Animal keeping • Aquaculture 	<ul style="list-style-type: none"> • Major electrical infrastructure • Major sport and entertainment facility • Marine industry, except where located within sub-precinct 1b Waterfront North in the Port Douglas / Craigie Local Plan. 	<ul style="list-style-type: none"> • Relocatable home park • Renewable energy facility, being a wind farm • Resort complex • Retirement facility

<ul style="list-style-type: none"> • Brothel • Cemetery • Crematorium • Cropping • Detention facility • Environment facility • Extractive industry • High impact industry • Intensive animal industry • Intensive horticulture 	<ul style="list-style-type: none"> • Medium impact industry • Motor sport facility • Outstation • Permanent plantation 	<ul style="list-style-type: none"> • Roadside stall • Rural industry • Rural workers accommodation • Special industry • Tourist park • Transport depot • Utility installation • Winery
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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.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

7.2.4.3 Purpose

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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

Precinct 1 – Port Douglas precinct

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

- (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;

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

- (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;

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

- (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*.

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.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

7.2.4.4 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For self assessable and assessable development		
Development in the Port Douglas / Craiglie local plan area generally		
PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	AO1 A pedestrian and cycle movement network is integrated and delivered through development.	Complies with AO1 The proposed development would involve the upgrade of the footpath and the provision of an awning over the footpath to protect pedestrians from the inclement weather.
PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craiglie (as identified on the Port Douglas/ Craiglie Townscape Plan map contained in Schedule 2).	AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: <ul style="list-style-type: none"> (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; 	Complies with AO2.1 No trees are required to be removed to facilitate the development.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	(g) Macrossan Street and Warner Street; (h) Port Douglas waterfront.	
	AO2.2 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.	Complies with AO2.2 The development would be low rise and would not intrude into any important views or vistas.
	AO2.3 Important landmarks, memorials and monuments are retained.	Not applicable The site does not contain any landmarks, memorials or monuments.
PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	AO3 Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.	Not applicable The site is not adjacent a gateway or node identified on the local plan maps.
PO4 Landscaping of development sites complements the	AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular	Complies with AO4 The proposed development would provide for the retention of the existing vegetation and would provide a

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
existing tropical character of Port Douglas and Craiglie.	landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	street front that responds to the tropical commercial character of Macrossan Street.
PO5 Development does not compromise the safety and efficiency of the State-controlled road network.	AO5 Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	Not applicable No legal and practical access is available from any road other than a State-controlled road.
For assessable development		
Additional requirements in Precinct 1 – Port Douglas precinct		
PO6 The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.	AO6.1 Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	Complies with AO6.1 The proposed development would be low rise and would not affect any views of vistas.
	AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	Not applicable The proposed development is required to be built to the street frontage.
PO7 Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape; (b) are designed to minimise pedestrian vehicle	AO7.1 For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or	Complies with AO7.1 The development would provide parking at the rear of the site accessed via the existing crossover

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
<p>conflict;</p> <p>(c) are clearly identified and maintain ease of access at all times.</p>	<p>(c) wrapped by the building façade, and not visible from the street.</p>	
	<p>AO7.2</p> <p>Ground level parking incorporates clearly defined pedestrian routes.</p>	<p>Complies with AO7.2</p> <p>The development would provide clearly defined pedestrian access points.</p>
	<p>AO7.3</p> <p>Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.</p>	<p>Complies with AO7.3</p> <p>Pedestrian access is accommodated within the boundary at the shop frontages, which would be level with the footpath pavement.</p>
	<p>AO7.4</p> <p>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.</p>	<p>Complies with AO7.4</p> <p>Refer to the assessment against the Parking and Access Code.</p>
	<p>AO7.5</p> <p>On-site car parking available for public use is clearly signed at the site frontage.</p>	<p>Able to comply with AO7.5</p> <p>Signage is able to be provided. Council may wish to attach a condition to any approval granted if appropriate</p>
	<p>AO7.6</p> <p>Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area</p>	<p>Complies with AO7.6</p> <p>No boom gates, pay machines or other regulatory devices are proposed.</p>

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	are not constructed or installed.	
PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	AO8 No acceptable outcomes are prescribed.	Complies with PO8 Signage would be limited to fascia and below awning signs.
Additional requirements for Sub-precinct 1a – Town Centre sub-precinct		
PO9 Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.	AO9 Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres. Note – Height is inclusive of the roof height.	Complies with AO9 The building would be two storey and 9.04 metres high.
PO10 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.	AO10 No acceptable outcomes are prescribed.	Complies with PO10 The development would result in new shopfronts that have a direct relationship with the street and multiple dwellings that overlook the public realm.
PO11 Buildings:	AO11 No acceptable outcomes are prescribed.	Complies with PO11 The development would result in new shop fronts that

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
(a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas.		have a direct relationship with the street the street and are not elevated above the footpath level.
PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	Not applicable No setback top the street front is provided.
AO13 Buildings do not result in a reduction of views and vistas from public places to: (a) Flagstaff Hill; (b) Dickson Inlet; (c) public open space; (d) places of significance.	AO13 No acceptable outcomes are prescribed.	Complies with AO13 The building would not project into any vista or view.
PO14 Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade	AO14 Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street	Complies with AO14 The development would be built to the street frontage and an awning of 3.0 metres in width would be provided

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
protection across the footpath for the length of the building.	frontage/s; or 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. Note – PO24 provides more detail on awning design.	over the footpath.
PO15 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO15.1 Centre activities establish: at street level on active street frontages; a maximum of one level above street level.	Complies with AO15.1 The development would provide shopfronts accessed from the footpath.
	AO15.2 Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.	Complies with AO15.2 The residential development would be located above street level.
PO16 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-	AO16 No acceptable outcomes are prescribed.	Complies with PO16 The proposed development would result in modern development with active shopfronts with direct access from the footpath and an awning over the pedestrian footpath.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
precinct is maintained.		
<p>PO17</p> <p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> <ul style="list-style-type: none"> (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys. 	<p>AO17</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO17</p> <p>The proposed development would provide a landscaped awning and modern shopfronts with direct access from the footpath. It would enhance the sense of enclosure to the street and complement the existing built form.</p>
<p>PO18</p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <ul style="list-style-type: none"> (a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct; (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; (c) rooftops are not used for advertising. 	<p>AO18</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO18</p> <p>The proposal does not include any rooftop development.</p>

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
<p>P019</p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <ul style="list-style-type: none"> (a) shade windows; (b) reduce glare; (c) assist in maintaining comfortable indoor temperatures; (d) minimising heat loads; (e) enrich the North Queensland tropical character of the Town Centre sub-precinct; (f) provide architectural interest to building façades. 	<p>AO19</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO19</p> <p>A 3 metre wide awning would be provided over the footpath at the site frontage.</p>
<p>PO20</p> <p>Buildings are finished with high quality materials, selected for:</p> <ul style="list-style-type: none"> (a) their ability to contribute the character of Town Centre sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate. 	<p>AO20</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO20</p> <p>The proposed development would provide modern glazed shopfronts and facades with aluminium framing with the balance of the building finished with high quality materials and finishes.</p>
<p>PO21</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>AO21</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO21</p> <p>The development would provide glass shopfronts with an awning over the street to reduce light glare and reflection.</p>

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
PO22 Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.	AO22.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	Complies with AO22.1 The development proposal would have a total unbroken building façade of 17 metres.
	AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation.	Not applicable The development would not involve any breaks in the building façade.
	AO22.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	Not applicable The development is not considered to provide an extended façade
PO23 Building facades that face public spaces at ground level: (a) complement the appearance of the development and surrounding streetscape;	AO23 Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit	Complies with AO23 The development would provide approximately 95% of the façade as glass windows and doors with clear pedestrian entrances and vertical design features.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
(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.	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.	
PO24 Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across the frontage of the site; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height; (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.	AO24 No acceptable outcomes are prescribed.	Complies with PO24 The awning would be cantilevered over the footpath for the full frontage and provide lighting beneath the awning. It would be consistent with other awnings in the street and with have a height to the underside of the awning of 2.545 metres
PO25 Development integrates with the streetscape and	AO25 Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street	Complies with AO25 The development would provide an improved relationship between the shopfronts and the footpath

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
landscaping improvements for Port Douglas.	<p>is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.</p>	and would provide an improved footpath paving consistent with the development in Macrossan Street.
Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct		
PO26 The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North.	AO26 Uses identified as inconsistent uses in Table 7.2.4.4.b – inconsistent uses in sub-precinct 1b – Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North.	Not applicable This site is located in precinct 1a.
PO27 The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct.	AO27 Buildings and structures are not more than: <ul style="list-style-type: none"> (a) 3 storeys and 13.5 metres in height , with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street; (b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts of the precinct north of Inlet Street. <p>Note – Height is inclusive of roof height.</p>	Not applicable This site is located in precinct 1a.
PO28 Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port	AO28 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
Douglas Precinct.		
PO29 Public pedestrian access along the water's edge is maximised.	AO29.1 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.	Not applicable This site is located in precinct 1a.
	AO29.2 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'.	Not applicable This site is located in precinct 1a.
	AO29.3 Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like.	Not applicable This site is located in precinct 1a.
PO30 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces.	AO30 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO31 Setbacks at ground level provide for:	AO31 Setbacks at ground level:	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
(a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient.	(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.	
PO32 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.	AO32 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO33 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.	AO33 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO34 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	AO34.1 Centre activities establish: (a) at street level on active street frontages; (b) a maximum of one level above street level.	Not applicable This site is located in precinct 1a.
	AO34.2 Residential development activities or short term	Not applicable

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	accommodation is located above street /ground floor level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development.	This site is located in precinct 1a.
PO35 Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained.	AO35 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO36 Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of	AO36 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
more than two storeys.		
PO37 Roofs are not characterised by a cluttered display of plant and equipment, in particular: <ul style="list-style-type: none"> (a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Waterfront North sub-precinct; (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; (c) rooftops are not used for advertising. 	AO37 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO38 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"> (a) shade windows; (b) reduce glare; (c) assist in maintaining comfortable indoor temperatures; (d) minimising heat loads; (e) enriching the North Queensland tropical character of the Waterfront North sub-precinct; (f) architectural interest to building façades. 	AO38 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
PO39 Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Waterfront North sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.	AO39 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO40 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	AO40 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO41 Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces.	AO41.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	Not applicable This site is located in precinct 1a.
	AO41.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation.	Not applicable This site is located in precinct 1a.
	AO41.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	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.	
PO42 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.	AO42 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.	Not applicable This site is located in precinct 1a.
PO43 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;	AO43 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
(b) include lighting under the awning; (c) are continuous across pedestrian circulation areas; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height; (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; (g) are cantilevered from the main building with any posts within the footpath being non load-bearing.		
PO44 The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.	AO44.1 Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality.	Not applicable This site is located in precinct 1a.
	AO44.2 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.	Not applicable This site is located in precinct 1a.
PO45 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	AO45 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
of: (a) noise; (b) odour; (c) hazardous materials; (d) waste and recyclable material storage.		
PO46 Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.	AO46 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO47 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.	AO47 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO48 Buildings are designed and sited to provide vistas along shared pedestrian/open space and movement areas in suitable locations.	AO48 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
PO49 Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation.	AO49 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO50 Marine infrastructure to service the tourism, fishing and private boating community is provided.	AO50 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO51 Changes to the Port Douglas Waterfront quay-line do not cause adverse impacts to the environmentally sensitive Dickson Inlet.	AO51 Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes. Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	Not applicable This site is located in precinct 1a.
Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct		
PO52 The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	AO52 Uses identified as inconsistent uses Table 7.2.4.4.c – are not established in Precinct 1c – Waterfront South.	Not applicable This site is located in precinct 1a.
PO53	AO53.1	Not applicable

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
Development does not adversely impact on the natural environment, natural vegetation or watercourses.	An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed. Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	This site is located in precinct 1a.
	AO53.2 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.	Not applicable This site is located in precinct 1a.
PO54 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.	AO54 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.	Not applicable This site is located in precinct 1a.
PO55 Buildings and structures are of a height and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected.	AO55.1 Development has a height of not more than 10 metres.	Not applicable This site is located in precinct 1a.
	AO55.2 Development is setback from all property boundaries not less than 3 metres.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
PO62 The precinct is developed for organised sporting activities and other community uses.	AO62 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct		
PO63 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.	AO63 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO64 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"> (a) building design which minimises excavation and filling; (b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles; (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; (d) protection of the views from public viewing points in 	AO64 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	AO66.4 Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.	Not applicable This site is located in precinct 1a.
Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct		
PO67 No additional lots are created within the precinct.	AO67 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.
PO68 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.	AO68 No acceptable outcomes are prescribed.	Not applicable This site is located in precinct 1a.

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

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

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

<ul style="list-style-type: none"> • Brothel • Bulk landscape supplies • Car wash • Cemetery • Crematorium • Cropping • Detention facility • Dual occupancy • Dwelling house 	<ul style="list-style-type: none"> • Major electricity infrastructure • Major sport, recreation and entertainment facility • Medium impact industry • Motor sport facility, • Outstation • Permanent plantation 	<ul style="list-style-type: none"> • Showroom • Special industry • Tourist park • Transport depot • Veterinary services • Warehouse • Wholesale nursery • Winery
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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"> • Adult store • Agricultural supplies store • Air services • Animal husbandry • Animal keeping • Brothel • Bulk landscape supplies • Car wash • Cemetery • Child care centre • Community care centre 	<ul style="list-style-type: none"> • Hardware and trade supplies • Health care services • Home based business • Hospital • Hotel • Indoor sport and recreation • Intensive animal industry • Intensive horticulture • Major electricity infrastructure • Major sport, recreation and entertainment facility • Market 	<ul style="list-style-type: none"> • Permanent plantation • Place of worship • Relocatable home park • Residential care facility • Resort complex • Retirement facility • Roadside stall • Rooming accommodation • Rural industry • Rural workers accommodation • Sales office

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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

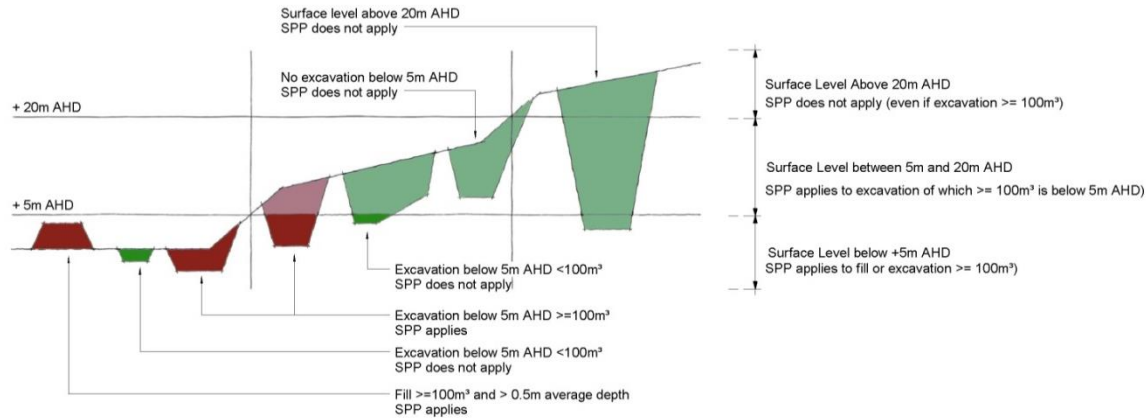
Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2 An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	Complies with PO1 Filling and excavation would be limited to that associated with building works and would not impact on acid sulfate soils.
PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.	AO2.1 The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by: <ul style="list-style-type: none"> (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: <ul style="list-style-type: none"> (i) actual acid sulfate soils being moved below the water table; (ii) previously saturated acid sulfate soils 	Complies with AO2.1 The filling and excavations would be limited to that associated with building works only and would not impact on acid sulfate soils.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>being aerated.</p> <p>or</p> <p>A02.2</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"> (a) neutralising existing acidity and preventing the generation of acid and metal contaminants; (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management; (d) appropriately treating acid sulfate soils before disposal occurs on or off site; (e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan. <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p>PO3</p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>A03</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO3</p> <p>No potential or actual acid sulfate soils would be disturbed as a result of this development.</p>

24 Macrossan Street, Port Douglas – MCU (Shops and Multiple Dwellings)

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



8.2.2 Bushfire hazard overlay code

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

8.2.2.1 Application

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

8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
 - (b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
 - (b) development is designed and located to minimise risks to people and property from bushfires;
 - (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;

- (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
- (e) development contributes to effective and efficient disaster management response and recovery capabilities.

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

Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Compatible development		
PO1 A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances. Note - See the end of this code for examples of vulnerable uses.	AO1 Vulnerable uses are not established or expanded. Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan. Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan. Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.	Complies with AO1 The proposal does not involve any vulnerable uses.
PO2 Emergency services and uses providing community support services are able to function effectively	AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard	Not applicable The proposal does not involve any emergency or community uses.

Performance outcomes	Acceptable outcomes	Applicant response
during and immediately after a bushfire hazard event.	sub-category and have direct access to low hazard evacuation routes.	
PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	A03 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	Complies with A03 The proposal does not involve manufacture or storage of hazardous materials.
Development design and separation from bushfire hazard – reconfiguration of lots		
PO4.1 Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m ² at the edge of the proposed lot(s). Note - "Urban purposes" and "urban area" are defined in the <i>Sustainable Planning Regulations 2009</i> . Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m ² and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m ² or less. Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.	AO4.1 No new lots are created within a bushfire hazard sub-category. or AO4.2 Lots are separated from hazardous vegetation by a distance that: (a) achieves radiant heat flux level of 29kW/m ² at all boundaries; and (b) is contained wholly within the development site. Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages. Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme	Not applicable The proposal does not involve reconfiguration of lots.
PO4.2 Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m ² at any point.		

Performance outcomes	Acceptable outcomes	Applicant response
	require protection of certain ecological, slope, visual or character features or functions.	
<p>PO5</p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p>	<p>AO5.1</p> <p>Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (e) has a minimum of 4.8m vertical clearance above the road; (f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and (g) incorporates roll-over kerbing. <p>AO5.2</p> <p>Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p>	<p>Not applicable</p> <p>The proposal does not involve reconfiguration of lots.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO6</p> <p>Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p>AO6</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and 	<p>Not applicable</p> <p>The proposal does not involve reconfiguration of lots.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.	
<p>P07</p> <p>Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p>A07</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network; (j) designated fire trail signage; 	<p>Not applicable</p> <p>The proposal does not involve reconfiguration of lots.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p>	
<p>PO8</p> <p>The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.</p>	<p>AO8</p> <p>The lot layout:</p> <p>(a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation;</p> <p>(b) avoids the creation of potential bottle-neck points in the movement network;</p> <p>(c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and</p> <p>(d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.</p> <p>Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots.</p> <p>In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan.</p> <p>Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate</p>	<p>Not applicable</p> <p>The proposal does not involve reconfiguration of lots.</p>

Performance outcomes	Acceptable outcomes	Applicant response
PO9 Critical infrastructure does not increase the potential bushfire hazard.	AO9 Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	Not applicable The proposal does not involve reconfiguration of lots.
Development design and separation from bushfire hazard – material change of use		
PO10 Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of: (a) 10kW/m ² where involving a vulnerable use; or (b) 29kW/m ² otherwise. The radiant heat flux level is achieved by separation unless this is not practically achievable. Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.	AO10 Buildings or building envelopes are separated from hazardous vegetation by a distance that: (a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m ² for a vulnerable use or 29kW/m ² otherwise; and (b) is contained wholly within the development site. Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages. Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.	Complies with AO10 The majority of hazardous vegetation has been removed from the site and adjoining land.
PO11 A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or	AO11 Development sites are separated from hazardous vegetation by a public road or fire trail which has:	Not applicable A fire trail would not serve a practical fire management purpose.

Performance outcomes	Acceptable outcomes	Applicant response
<p>building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	

Performance outcomes	Acceptable outcomes	Applicant response
All development		
PO12 All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.	AO12 Private driveways: <ul style="list-style-type: none"> (a) do not exceed a length of 60m from the street to the building; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5m; (d) have a minimum of 4.8m vertical clearance; (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than 3 dwellings or buildings. 	Complies with AO12 The private driveway would not exceed 60 metres in length and is an existing lawfully approved driveway.
PO13 Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	AO13 A water tank is provided within 10m of each building (other than a class 10 building) which: <ul style="list-style-type: none"> (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: <ul style="list-style-type: none"> (i) 10,000l for residential buildings 	Not applicable The site is within the reticulated water supply area.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams.</p> <ul style="list-style-type: none"> (ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings; (c) includes shielding of tanks and pumps in accordance with the relevant standards; (d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank; (e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and (f) is clearly identified by directional signage provided at the street frontage. 	
<p>PO14</p> <p>Landscaping does not increase the potential bushfire risk.</p>	<p>AO14</p> <p>Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.</p>	<p>Complies with AO14</p> <p>Any landscaping would not increase bushfire loads.</p>
<p>PO15</p> <p>The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).</p>	<p>AO15</p> <p>Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.</p>	<p>Not applicable</p> <p>No bushfire risk mitigation measures are proposed or required.</p>

8.2.3 Coastal environment overlay code

8.2.3.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Coastal environment 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 Coastal hazard overlay is identified on the Coastal environment overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Coastal management district sub-category;
 - (b) Erosion prone area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.3.2 Purpose

- (1) The purpose of the Coastal environment overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;
 - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
 - (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) facilitate the protection of both coastal processes and coastal resources;
 - (b) facilitating coastal dependent development on the foreshore over other development;
 - (c) public access to the foreshore protects public safety;
 - (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
 - (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;

- (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
- (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.

Criteria for assessment

Table 8.2.3.3.a – Coastal environment overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	AO1.1 Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line. Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.	Not applicable The site is not affected by a coastal building line.
	AO1.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.	Not applicable No coastal protection works are proposed.
	AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.	Not applicable No coastal protection works are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	AO1.4 Coastal protection work mitigates any increase in the coastal hazard.	Not applicable No coastal protection works are proposed.
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	AO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	Not applicable The lot does not front the coast.
For assessable development		
Erosion prone areas		
PO3 Development identifies erosion prone areas (coastal hazards).	AO3 No acceptable outcomes are prescribed.	Complies with PO3 The site does not contain any coastal hazards.
PO4 Erosion prone areas are free from development to allow for natural coastal processes.	AO4.1 Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred	Complies with AO4.1 (b) Development is located within the erosion prone area however the development is for a centre activity which reflects the preferred development outcome for the Centre Zone.

Performance outcomes	Acceptable outcomes	Applicant response
	development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site)	
	AO4.2 Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by: (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.	Complies with PO4 The site is identified within the Erosion Prone Area; however it is at the base of Flagstaff Hill and would not be subject to coastal processes.
Coastal management districts		
PO5 Natural processes and protective functions of landforms and vegetation are maintained.	PO5.1 Development within the coastal management district: (a) maintains vegetation on coastal land forms where its removal or damage may: (i) destabilise the area and increase the potential for coastal erosion, or (ii) interrupt the natural sediment trapping processes or dune or land building processes; (b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in	Not applicable The site is not within a Coastal Management District.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards;</p> <p>(c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards;</p> <p>(d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast;</p> <p>(e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.</p>	
	<p>PO5.2</p> <p>Where development proposes the construction of an erosion control structure:</p> <p>(a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and</p> <p>(b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring</p>	<p>Not applicable</p> <p>No erosion control structures are proposed.</p>
	<p>PO5.3</p> <p>Development involving reclamation:</p> <p>(a) does not alter, or otherwise minimises impacts</p>	<p>Not applicable</p> <p>No land reclamation is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability;</p> <p>(b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state;</p> <p>(c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water run-off erosion.</p>	
PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	AO6.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement site. and	Not applicable No coastal protection work is proposed.
	AO6.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure; and	Not applicable No marine development is proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	AO6.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009. and	Not applicable The site is not within a Coastal Management District.
	AO6.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources. and	Not applicable The site is not within a Coastal Management District.
	AO6.4 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.	Not applicable The site is not within a Coastal Management District.
PO7 Development is to maintain access to and along the foreshore for general public access.	AO7.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and	Not applicable The site is not within a Coastal Management District.

Performance outcomes	Acceptable outcomes	Applicant response
	A07.2 Development provides for regular access points for vehicles including approved roads and tracks. or	Not applicable The site is not within a Coastal Management District.
	A07.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	Not applicable The site is not within a Coastal Management District.
PO8 Public access to the coast is appropriately located, designed and operated.	A08.1 Development maintains or enhances public access to the coast. or	Not applicable The site is not within a Coastal Management District.
	A08.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres. or	Not applicable The site is not within a Coastal Management District.
	A08.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access	Not applicable The site is not within a Coastal Management District.
PO9	A09.1	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>Development adjacent to state coastal land or tidal water is located, designed and operated to:</p> <ul style="list-style-type: none"> (a) maintain existing access to and along the foreshore; (b) minimise any loss of access to and along the foreshore, or (c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location. 	<p>Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) demonstrates that restrictions to public access are necessary for: <ul style="list-style-type: none"> (i) the safe and secure operation of development; (ii) the maintenance of coastal landforms and coastal habitat; or (b) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for: <ul style="list-style-type: none"> (i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms; (ii) vehicles via access points including approved roads or tracks. 	<p>The site is not within a Coastal Management District.</p>
	<p>AO9.2</p> <p>Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) is located and designed to: <ul style="list-style-type: none"> (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access; (ii) ensure emergency vehicles can access 	<p>Not applicable</p> <p>The site is not within a Coastal Management District.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>the area near the development.</p> <p>or</p> <p>(b) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and</p> <p>(ii) ensure emergency vehicles can access the area near the development.</p>	
AO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.	AO10.1 Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken. or	Not applicable The site is not within a Coastal Management District.
	AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.	Not applicable The site is not within a Coastal Management District.
PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across,	AO11 Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is	Not applicable The site is not within a Coastal Management District.

Performance outcomes	Acceptable outcomes	Applicant response
non-tidal State coastal land.	situated above high water mark	
PO12 Development in connection with an artificial waterway enhances public access to coastal waters.	AO12 The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.	Not applicable The site is not within a Coastal Management District.
Coastal landscapes, views and vistas		
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	AO13 No acceptable outcomes are prescribed.	Complies with PO13 The development site is not in a coastal scenery area and the development would not project into any vistas or views.
PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	AO14 No acceptable outcomes are prescribed.	Complies with PO14 The proposed development represents the intensification of development in previously developed land in a coastal settlement.
Private marine development		
PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.	AO15 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated	Not applicable No private marine development is proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>above high water mark.</p> <p>Note – For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i>.</p>	
<p>PO16</p> <p>The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.</p>	<p>AO16</p> <p>Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.</p>	<p>Not applicable</p> <p>No private marine development is proposed.</p>
<p>PO17</p> <p>Private marine development is of a height and scale and size compatible with the character and amenity of the location.</p>	<p>AO17</p> <p>Private marine development has regard to:</p> <ul style="list-style-type: none"> (a) the height, scale and size of the natural features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality; (c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size. <p>Note – The prescribed tidal works code in the <i>Coastal Protection and Management Regulation 2003</i> outlines design and construction requirements that must be complied with.</p>	<p>Not applicable</p> <p>No private marine development is proposed.</p>
<p>PO18</p> <p>Private marine development avoids adverse impacts on coastal landforms and coastal</p>	<p>AO18</p> <p>Private marine development does not require the construction of coastal protection works, shoreline or</p>	<p>Not applicable</p> <p>No private marine development is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
processes.	riverbank hardening or dredging for marine access.	
For dry land marinas and artificial waterways		
PO19 Dry land marinas and artificial waterways: (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality; (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: (i) coastal dependent development, public marine development; or (ii) community infrastructure, where there is no feasible alternative; or (iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or (iv) coastal protection works or works necessary to protect coastal resources	AO19 No acceptable solutions are prescribed.	Not applicable No marina development is proposed.

Performance outcomes	Acceptable outcomes	Applicant response
and processes.		

8.2.7 Natural areas overlay code

8.2.7.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas 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 Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
 - (a) MSES – Protected area;
 - (b) MSES – Marine park;
 - (c) MSES – Wildlife habitat;
 - (d) MSES – Regulated vegetation;
 - (e) MSES – Regulated vegetation (intersecting a Watercourse);
 - (f) MSES – High ecological significance wetlands;
 - (g) MSES – High ecological value waters (wetlands);
 - (h) MSES – High ecological value waters (watercourse);
 - (i) MSES – Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

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

8.2.7.2 Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.

- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development is avoided within:
 - (i) areas containing matters of state environmental significance (MSES);
 - (ii) other natural areas;
 - (iii) wetlands and wetland buffers;
 - (iv) waterways and waterway corridors.
 - (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
 - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
 - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
 - (vii) enhances connectivity across barriers for aquatic species and habitats;
 - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
 - (ix) protects areas of environmental significance from weeds, pests and invasive species.
 - (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

Criteria for assessment

Table 8.2.7.3.a - Natural areas overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values. or AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance. or AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	Complies with AO1.1 This development would not cause any impacts on any environmental values and would be constructed in an existing cleared and disturbed area.
Management of impacts on matters of environmental significance		

Performance outcomes	Acceptable outcomes	Applicant response
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	AO2 The design and layout of development minimises adverse impacts on ecologically important areas by: <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site. 	Complies with AO2 The development would be on a previously developed site that has been cleared of vegetation.
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: <ul style="list-style-type: none"> (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas. or AO3.2	Not applicable The site is not located adjacent a wetland protection area.

Performance outcomes	Acceptable outcomes	Applicant response
	A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained. AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.	Not applicable The site is not located adjacent a wetland area.
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	AO5.1 Development avoids the introduction of non-native pest species. AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	Complies with AO5.1 And AO5.2 It is not proposed to introduce pest plant species.
Ecological connectivity		
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and	Complies with AO6.1 No vegetation is required to be removed to facilitate the development.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>processes.</p> <p>and</p> <p>AO6.2</p> <p>Development within an ecological corridor rehabilitates native vegetation.</p> <p>and</p> <p>AO6.3</p> <p>Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	
<p>PO7</p> <p>Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1</p> <p>Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p> <p>and</p> <p>AO7.2</p> <p>Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Not applicable</p> <p>No vegetation is present in the site.</p>
Waterways in an urban area		
<p>PO8</p> <p>Development is set back from waterways to protect and maintain:</p>	<p>AO8.1</p> <p>Where a waterway is contained within an easement or a reserve required for that purpose, development does</p>	<p>Not applicable</p> <p>The site does not contain a physical waterway.</p>

Performance outcomes	Acceptable outcomes	Applicant response
(a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration	not occur within the easement or reserve; or AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	AO9 Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	Not applicable The site does not contain a physical waterway.

Table 8.2.7.3.b — Widths of waterway corridors for waterways

Waterways classification	Waterway corridor width
Waterways in Urban areas	10 metres measured perpendicular from the top of the high bank.
Waterways in Other areas	For a dwelling house, 10 metres measured perpendicular from the top of the high bank. For all other development, 20 metres measured perpendicular from the top of the high bank.

8.2.9 Potential landslide hazard overlay code

8.2.9.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Potential landslide hazard 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 Potential landslide hazard overlay is identified on the Potential landslide hazard overlay maps in Schedule 2 and includes the following sub-categories:
 - (a) Places of potential landslide hazard sub-category.
- (3) When using this code, reference should be made to Part 5.

Note – The Potential landslide hazard overlay shows modelled areas where the factors contributing to landslip potential accumulate to provide a moderate or higher risk if certain factors are exacerbated (e.g. factors include significant vegetation clearing, filling and excavation, changes to soil characteristics, changes to overland water flow, or changes to sub-surface water flow). It shows areas that the Council has identified where landslides may occur and where land may be impacted by a landslide, but does not mean that landslides will occur or that the land will be impacted by a landslide. Other areas not contained within the potential landslide hazard overlay may sustain landslides or be impacted by landslides and consideration should be given to this issue, where appropriate.

8.2.5.2 Purpose

- (1) The purpose of the Potential landslide hazard overlay code is:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 1: Settlement pattern Element 3.4.7 Mitigation of hazards.
 - (b) enable an assessment of whether development is suitable on land within the Potential landslip hazard overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is located, designed and constructed to not put at risk the safety of people, property and the environment;
 - (b) development is not at risk from and does not pose a risk to adjacent and nearby sites from landslides;
 - (c) ensures that community infrastructure is protected from the effects of potential landslides;
 - (d) ensures that vegetation clearing, stormwater management and filling and/or excavation does not create a landslide hazard and/or rectifies potential pre-existing landslide risks;

- (e) development does not occur where works to provide a solution for safety of people, property or the environment involves complex engineering solutions to overcome the risk, or would result in a built form or outcome that causes an adverse visual impact on the Hillslopes or Landscape values of Douglas Shire.

Criteria for assessment

Table 8.2.9.20a – Potential landslide hazard overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
<p>PO1</p> <p>The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas. 	<p>AO1.1</p> <p>Development is located on that part of the site not affected by the Potential landslide hazard overlay.</p> <p>or</p> <p>AO1.2</p> <p>Development is on an existing stable, benched site and requires no further earthworks</p> <p>or</p> <p>AO1.3</p> <p>A competent person certifies that:</p> <ul style="list-style-type: none"> (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development; (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; 	<p>Complies with AO1.1</p> <p>The development is located outside of the potential landslide hazard area at the rear of the site.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented;</p> <p>(e) development does not concentrate existing ground water and surface water paths;</p> <p>(f) development does not incorporate on-site waste water disposal.</p> <p>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.</p> <p>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given</p>	
<p>PO2</p> <p>The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p>AO2</p> <p>Excavation or fill:</p> <p>(a) is not more than 1.2 metres in height for each batter or retaining wall;</p> <p>(b) is setback a minimum of 2 metres from property boundaries;</p> <p>(c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;</p> <p>(d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot.</p>	<p>Complies with AO2</p> <p>Excavation and/or filling would not occur in the landslide hazard area and would not exceed 1.2 metres in height.</p>
Additional requirements for Community infrastructure		

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO3</p> <p>Development for community infrastructure:</p> <ul style="list-style-type: none"> (a) is not at risk from the potential landslide hazard areas; (b) will function without impediment from a landslide; (c) provides access to the infrastructure without impediment from the effects of a landslide; (d) does not contribute to an elevated risk of a landslide to adjoining properties. 	<p>AO3</p> <p>Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>	<p>Not applicable</p> <p>No community infrastructure is proposed.</p>

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;

24 Macrossan Street, Port Douglas – MCU (Chops and 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.

24 Macrossan Street, Port Douglas – MCU (Chops and Multiple Dwellings)

8.2.10.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
PO1 Development supports the road hierarchy for the region. Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	Complies with AO1.1 The development is for a Centre Activity and higher density dwellings on the main street in the centre zone.
	AO1.2 Development does not compromise the safety and efficiency of the transport network.	Complies with AO1.2 The development would not result in traffic generation that would affect the safety and free flow of traffic in the road network.
	AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road	Not applicable The site has frontage to Macrossan Street only.
PO2 Transport infrastructure is provided in an integrated and timely manner. Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan. Note – The Translink Public Transport Infrastructure Manual	Not applicable No transport infrastructure upgrades are required.

24 Macrossan Street, Port Douglas – MCU (Chops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	provides guidance on the design of public transport facilities.	
PO3 Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	AO3 No acceptable outcomes are prescribed. Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	Not applicable The site is not within a major transport corridor buffer.
PO4 Development does not compromise the intended role and function or safety and efficiency of major transport corridors. Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO4.1 Development is compatible with the role and function (including the future role and function) of major transport corridors.	Complies with AO1.1 The development is for a Centre Activity and higher density dwellings on the main street in the centre zone.
	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	Not applicable The site only has frontage to Macrossan Street.
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with: (a) the Transport network overlay maps contained in Schedule 2; and (b) any relevant Local Plan.	Not applicable No new intersections are proposed.
	AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or	Not applicable The proposed development would not affect any road boundaries.

24 Macrossan Street, Port Douglas – MCU (Chops and Multiple Dwellings)

Performance outcomes	Acceptable outcomes	Compliance
	major transport facility.	
PO5 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.	AO5 No acceptable outcomes are prescribed.	Not applicable The site does not front a major transport corridor.
Pedestrian and cycle network		
PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO6.1 Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.	Not applicable No upgrades to the transport network are required.
	AO6.2 The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.	Not applicable No upgrades to the transport network are required.

9.3.3 Centre activities code

9.3.3.1 Application

- (1) This code applies to assessing development for:
 - (a) for Centre activities; and
 - (b) all development in a Centre zone, if:
 - (i) if assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (ii) impact assessable.
- (2) When using this code, reference should be made to Part 5.

9.3.3.2 Purpose

- (1) The purpose of the Centre activities code is to facilitate the timely establishment of centre activities within the Centre zone.
- (2) The purpose of the code will be achieved through the following overall outcomes;
 - (a) within the Centre zone, to ensure that centre activities:
 - (i) facilitates the timely establishment of specified uses that require only minor building work to an existing premises;
 - (ii) has a scale, intensity and operation of the use of premises that is consistent with existing floor space and infrastructure.

9.3.3.3 Criteria for assessment

Table 9.3.3.3.a – Centre activities code – assessable development

Performance outcomes	Acceptable Outcomes	Applicant Response
For self-assessable and assessable development		
Change of use within existing building or facilities		
PO1 Development that involves a change of use within an existing building ensures: <ol style="list-style-type: none"> (a) changes to floor space of the centre activity is minor; (b) the appropriate design and amenity 	AO1 The centre activity: <ol style="list-style-type: none"> (a) is a use listed in Schedule 1, Table SC1.1.1.2 – Centre Activities; (b) is not a use listed in Schedule 1, Table 	Not applicable The activity is to be contained in a new building.

Performance outcomes	Acceptable Outcomes	Applicant Response
standards for the centre activity is maintained.	SC1.1.1.2 – Large format retail activities; (c) is located within the Centre zone; (d) is for a tenancy change only; (e) involves only minor building work to an existing building; (f) complies with the car parking requirements specified in (g) Table 9.4.1.3.b in the Access, parking and servicing code. Note - The whole development means the entire building or activity on a site (or sites) where shared parking areas are utilised.	
PO2 Building plant or equipment cannot be viewed from public places.	AO2.1 Plant or equipment is not located on roofs; or AO2.2 Where plant or equipment is placed on roofs, it is appropriately screened from the streetscape behind a parapet or similar design feature.	Not applicable The activity is to be contained in a new building.
For assessable development		
PO3 Development is located: (a) within an existing Centre zone; (b) a building containing an existing centre activity; (c) on a site identified as being suitable for Centre activities in a Local plan.	AO3 No acceptable outcomes are prescribed.	Complies with PO3 The site is within a centre zone.
PO4 A centre activity is only established outside an	AO4	Not applicable

Performance outcomes	Acceptable Outcomes	Applicant Response
<p>appropriately identified area where:</p> <ul style="list-style-type: none"> (a) community need is demonstrated for the centre; (b) the centre activity does not compromise the establishment of consolidated activity centres with distinct roles and functions across the Far North Queensland Region; (c) the centre activity does not compromise the established hierarchy of activity centres in the Far North Queensland Region; the centre activity does not compromise the character and amenity of surrounding areas. <p>Note – An appropriately identified area is defined in PO3 of this code.</p> <p>Note – Refer to the Far North Queensland Regional Plan to determine the distinct roles and functions, and the established hierarchy of activity centres in Far North Queensland.</p>	<p>No acceptable outcomes are prescribed.</p>	<p>The site is within a centre zone.</p>
<p>PO5</p> <p>The siting of buildings contributes to the desired amenity and character of the area and protect the amenity of other land uses.</p>	<p>AO5.1</p> <p>Buildings setbacks to road frontages are:</p> <ul style="list-style-type: none"> (a) in accordance with the provisions of any applicable Local plan; (b) a minimum of 6 metres where no Local plan applies or there are no particular provisions specified in the Local pan for the site. <p>AO5.2</p> <p>Where adjoining land in the Industry Zone, buildings are setback:</p> <ul style="list-style-type: none"> (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, which ever if the greater; and (c) not any distance between 0 metres and 2.5 	<p>Complies with AO5.1 – AO5.4</p> <p>Refer to the assessment against the Local Plan Code.</p>

Performance outcomes	Acceptable Outcomes	Applicant Response
	<p>metres.</p> <p>AO5.3</p> <p>Where adjoining land in any other zone, buildings are setback 3.0 metres or ¼ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.</p> <p>AO5.4</p> <p>Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas:</p> <p>(a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in AO5.1(b) above;</p> <p>(b) adjacent to the boundary with the other zone for the setback area nominated in AO5.3 above.</p>	
<p>PO6</p> <p>The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.</p>	<p>AO6</p> <p>Site coverage does not exceed 50%, unless otherwise specified in a Local plan.</p>	<p>Complies with AO6</p> <p>Refer to the assessment against the Local Plan Code.</p>
<p>PO7</p> <p>Building façades are articulated and finished in ways that respond to the attractive elements of surrounding buildings, and enhances existing streetscape character.</p>	<p>AO7</p> <p>Building facades are articulated and finished with design elements such as:</p> <p>(a) variations in plane shape, such as curves, steps, recesses or projections;</p> <p>(b) variations in treatment and patterning of windows, sun protection devices, or other</p>	<p>Complies with AO7</p> <p>The building façade would be provided with a full width cantilevered awning, vertical emphasis and variations in building material to delineate shopfronts.</p>

Performance outcomes	Acceptable Outcomes	Applicant Response
	<p>elements of the façade;</p> <p>(c) elements of finer scale, than the main structural framing.</p>	
<p>PO8</p> <p>Development results in an attractive streetscape that:</p> <p>(a) contributes to a high level of amenity for patrons and pedestrians;</p> <p>(b) facilitates interactions between the public and private realm.</p>	<p>AO8.1</p> <p>Ground floor levels of buildings incorporate activities that are likely to foster casual, social or business interaction for extended periods (such as Shops, Food and drink outlets and the like).</p> <p>AO8.2</p> <p>Where a building has frontage to a public street or other public or semi public space, an active frontage is provided which includes a minimum of 75% of the façade consisting of transparent or semi-transparent windows or glazed doors.</p> <p>AO8.3</p> <p>Frontages to public streets or other public or semi public spaces are articulated with vertical elements that emphasise a finer-grain and human scale to the building frontage.</p> <p>AO8.4</p> <p>Where buildings are constructed up to a road frontage, a cantilever awning is to be provided over the footpath of the site, to the full frontage of the site, with a setback of 1 metre from the face of the kerb, and;</p> <p>(a) with a maximum height of 3 metres to the underside of the awning; or</p> <p>(b) at a height consistent with, or stepping up or down to, the awning structures on buildings on adjoining sites.</p>	<p>Complies with AO8.1-AO8.4</p> <p>The ground floor of the development would present as an active shopfront with 95% of the façade being glazing, separated by vertical elements to provide delineation of the tenancies and with a cantilevered awning for the full length of the street front.</p>

Performance outcomes	Acceptable Outcomes	Applicant Response
PO9 Development provides for the site to be landscaped in a manner that is consistent with the function, location and setting of the development.	AO9.1 A minimum of 10% of the site is set aside for landscape planting. AO9.2 Landscaping is provided in accordance with the following: (a) a mixture of shade trees and low planting is provided along street frontages where buildings are setback from the frontage; (b) shade trees are provided in car parks; (c) a landscaped area is provided between the centre activity, associated car parking and any adjacent residential use or zone which: (i) has a minimum width of 3 metres and is not used for storage or mechanical plant; (ii) is planted with a variety of hardy screening shrubs and trees; (iii) incorporates a minimum 1.8 metre high solid screen fence. Note – Additional fencing requirements beyond the minimum standard may be required for acoustic and lighting attenuation purposes in accordance with AO5.3.	Complies with PO9 The site is located in Macrossan Street which is the primary shopping frontage of Port Douglas and where on-site landscaping is limited. The proposed development would result in an improved relationship with the street and a would maintain the existing relationship with the adjoining uses. The level of landscaping proposed is considered to be consistent with the function and setting of Macrossan Street.
Additional requirements for Adult Stores		
PO10 An adult store is located to satisfy reasonable community expectations in relation to location and accessibility.	AO10 The distance between the boundary of the land occupied by a sensitive land use and the entrance of a proposed adult store is: (a) more than 200 metres according to the shortest route a person may lawfully take on foot;	Not applicable No adult stores are proposed.

Performance outcomes	Acceptable Outcomes	Applicant Response
	(b) more than 100 metres measured in a straight line.	
PO11 The presentation of adult stores satisfies reasonable community expectations.	AO11.1 The display window of the adult store is completely screened to prevent viewing into the interior of the development where goods are displayed. AO11.2 Signage associated with the adult store that is visible external to the development is not sexually suggestive or potentially offensive in either graphical or written form. AO11.3 External signage associated with an adult store has a cumulative total of 5m ² . AO11.4 Signage (other than required by A11.3) is limited to the following types: (a) below awning sign; (b) fascia sign; (c) window sign.	Not applicable No adult stores are 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
For assessable development		
PO1 The site has sufficient area and frontage to: <ol style="list-style-type: none"> (a) accommodate the scale and form of buildings considering site features; (b) achieve communal open space areas and 	AO1.1 The site has a minimum area of 1000m ² .	Complies with AO1.1 The site has an area of 1,012m ² .
	AO1.2 The site has a minimum frontage of 25 metres.	Complies with PO1 The site has sufficient area to accommodate the form of building in accordance with the zone and

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.		local plan requirements, the landscaping and vehicle parking and maneuvering and sufficient area to provide suitable private open space.
PO2 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.	AO2 Development on a site 5,000m ² 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.	Not applicable The development is not a large scale multiple dwelling development.
PO3 Development ensures that the proportion of	AO3.1 The site cover is not more than 40%.	Not applicable Refer to the Local Plan Code.

Performance outcomes	Acceptable outcomes		Applicant response
buildings to open space is: (a) in keeping with the intended form and character of the local area and immediate streetscape; (b) contributes to the modulation of built form; (c) supports residential amenity including access to breezes, natural light and sunlight; (d) supports outdoor tropical living; (e) provides areas for deep tropical planting and / or for the retention of mature vegetation.	AO3.2 The development has a gross floor area of not more than:		Not applicable Refer to the assessment against the Local Plan Code.
	Zone	Maximum GFA	
	Low-medium density residential	0.8 x site area	
	Medium density residential	1.2 x site area	
	Tourist accommodation	1.2 x site area	
	All other zones	No acceptable outcome specified	
PO4 Development is sited so that the setback from boundaries: (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping.	AO4.1 Buildings and structures are set back not less than 6 metres from a road frontage.		Not applicable Refer to the assessment against the Local Plan Code.
	AO4.2 Buildings and structures are setback not less than 4 metres to the rear boundary.		Not applicable Refer to the assessment against the Local Plan Code.
	AO4.3 The side boundary setback for buildings and structures is: (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building; (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.		Not applicable Refer to the assessment against the Local Plan Code.

Performance outcomes	Acceptable outcomes	Applicant response
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. Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.	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;	Not applicable Refer to the assessment against the Local Plan Code.
	AO5.2 The length of any continuous eave line does not exceed 18 metres.	Not applicable Refer to the assessment against the Local Plan Code.
PO6 Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.	AO6.1 Development incorporates a number of the following design elements: (a) balconies; (b) verandahs; (c) terraces; (d) recesses.	Complies with AO6.1 The proposed development provide front and rear balconies to each unit.
	AO6.2 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	Complies with AO6.2 The proposed development would be two storey only and would incorporate sun shading devices, recesses, balconies and changes in built form.

Performance outcomes	Acceptable outcomes	Applicant response
	features; (e) use of elements at a finer scale than the main structural framing of the building.	
PO7 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.	AO7.1 Development provides a building that is not set back further than 2m beyond the minimum required street front setback.	Not applicable Refer to the assessment against the Local Plan Code.
	AO7.2 Development provides balconies and windows from the primary living area that face and overlook the street or public space.	Complies with AO7.2 The development would provide balconies that overlook the street.
PO8 Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.	AO8.1 Development has floor to ceiling heights of 2.7 metres;	Complies with AO8.1 The development would have internal floor to ceiling heights of 2.7 metres.
	AO8.2 Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.	Complies with AO8.2 Eaves are provided to all windows and openings.
	AO8.3 Development incorporates deep recesses, eaves and sun-shading devices	Complies with AO8.3 Sun shading devices are provided to the balconies/verandahs.
	AO8.4 Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.	Not applicable The development would not have a directly western orientated façade.

Performance outcomes	Acceptable outcomes	Applicant response
	AO8.5 Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).	Complies with AO8.5 Each unit would have a separate access.
PO9 Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices. Note—Siting and building separation is used to minimize privacy screening requirements.	AO9.1 Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have: <ul style="list-style-type: none"> (a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or (b) sill heights a minimum of 1.5m above floor level; or (c) fixed obscure glazing in any part of the window below 1.5m above floor level; or (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. 	Not applicable The development would not provide any windows which could facilitate overlooking.
	AO9.2 Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.	Not applicable The development would not provide any balconies terraces or decks which could facilitate overlooking.

Performance outcomes	Acceptable outcomes	Applicant response
	AO9.3 Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable. Note—The screening device is offset a minimum of 0.3m from the wall around any window. Note—Screening devices are hinged or otherwise attached to facilitate emergency egress	Not applicable The development would not provide any windows, balconies terraces or decks which could facilitate overlooking
PO10 Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.	AO10 A minimum of 35% of the site is allocated as landscaping and recreation area.	Complies with PO10 The proposed development would provide significant private recreation space in the form of balconies overlooking the street and containing swimming pools and bbq areas.
PO11 Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.	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.	Not applicable Refer to the assessment against the local plan code.
PO12 The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one	AO12.1 Communal open space is provided at: (a) a minimum of 5% of site area of 50m ² whichever is the greater; and	Not applicable Only two dwellings are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
site.	(b) a minimum dimension of 5 metres. AO12.2 Development provides communal open space that: (a) is consolidated into one useable space; (b) where communal open space exceeds 100m ² , the communal open space may be split into two, and so forth incrementally.	
	AO12.3 Communal open space: (a) is a minimum of 50% open to the sky; (b) achieves 25% shading by trees in 5 years; (c) does not include vehicle driveways and manoeuvring; (d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.	Not applicable Only two dwellings are proposed.
	AO12.4 Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements: (a) seating; (b) barbecue; (c) play equipment; (d) swimming pool; (e) communal clothes drying; (f) vegetable garden.	Not applicable Only two dwellings are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	AO12.5 Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground floor dwelling instead of providing communal open space.	Not applicable No ground floor dwellings are proposed.
PO13 Development must provide attractive and functional private open space for residents and guests.	AO13.1 Development provides private open space which: <ul style="list-style-type: none"> (a) for ground storey dwellings, comprises of a minimum area of 35m² with a minimum dimension of 3 metres; (b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m² and a minimum dimension of 3 metres. 	Complies with AO13.1 The units would each be provided with a balcony overlooking the street with an area of approximately 12m ² and a minimum dimension of 3 metres.
	AO13.2 Development provides private open space areas that are: <ul style="list-style-type: none"> (a) directly accessible from internal primary living area of the dwelling (not bedrooms); (b) provided with a screened area of 2m² minimum dimension capable of screening air conditioning plant, private clothes drying etc. (c) provided with adjustable, moveable or operable privacy screening where appropriate. 	Complies with AO13.2 The private open space would be directly accessible from the living area and an additional balcony is available to rear to accommodate clothes drying and servicing.
	AO13.3 Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.	Complies with AO13.3 The balconies are located to the front and rear.

Performance outcomes	Acceptable outcomes	Applicant response
	AO13.4 Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.	Not applicable No side balconies are proposed.
	AO13.5 Private open space: (a) does not include vehicle driveways and manoeuvring; (b) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.	Complies with AO13.5 All open space is above ground.
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.	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.	Not applicable No front fencing is proposed.
	AO14.2 Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material	Not applicable No front fencing is proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	variation or landscaping is provided to add visual interest and soften the visual impact.	
	AO14.3 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	Not applicable No retaining walls are proposed.
PO15 Development minimises light nuisances.	AO15 Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	Not applicable No outdoor lighting is proposed.
PO16 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.	AO16 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 manoeuvrability area for waste and recyclable material collection services. Note - The Environmental performance code contains requirements for waste and recyclable material storage.	Complies with AO16 Waste and recyclable storage areas are provided to the rear of the site.

Performance outcomes	Acceptable outcomes	Applicant response
PO17 Development provides a secure storage area for each dwelling.	AO17 A secure storage area for each dwelling: (a) is located to enable access by a motor vehicle or be near to vehicle parking; (b) has a minimum space of 3.5m ² per dwelling; (c) has a minimum height of 2 metres; (d) is weather proof; (e) is lockable; (f) has immunity to the 1% AEP inundation event. Note – A cupboard within a unit will not satisfy this requirement.	Complies with AO17 Secure storage is available on the rear balcony of each unit.
Additional requirements for a Retirement facility		
PO18 Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located.	AO18 Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services.	Not applicable No retirement facilities are proposed.
PO19 Retirement facilities are designed to provide for the amenity and security of residents.	AO19.1 The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex.	Not applicable No retirement facilities are proposed.
	AO19.2 Internal pathways have firm, well drained and non-slip surfaces.	Not applicable No retirement facilities are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	AO19.2 Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.	Not applicable No retirement facilities are proposed.
	AO19.3 An illuminated sign and site map of the layout of the development is located near the main entrance to the facility	Not applicable No retirement facilities are proposed.
PO20 The internal layout of a Retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site.	AO20.1 The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner.	Not applicable No retirement facilities are proposed.
	AO20.2 The site of a Retirement facility is not prone to inundation.	Not applicable No retirement facilities are proposed.
	AO20.3 The location of the Retirement facility is readily accessible to emergency vehicles.	Not applicable No retirement facilities are proposed.
PO21 The development is designed for the needs of the age group, and to allow 'aging in place' to occur.	AO21.1 Development applies adaptable housing principles.	Not applicable No retirement facilities are proposed.
	AO21.2 A range of housing designs and sizes are provided in the development to cater for different individual and household needs.	Not applicable No retirement facilities are 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
For self-assessable and assessable development		
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation. 	AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.	Complies with AO1.1 The proposed development is required to provide on-site car parking at the following rates to satisfy the acceptable outcomes: <ul style="list-style-type: none"> • Shops – 1 space per 50m² GFA • Multiple Dwellings – 1 space per unit This equated to approximately 8 spaces for the Shops and 2 spaced for the multiple dwellings or a total of 10 spaces. The proposed development would provide 12 on-site car parking spaces.
	AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	Complies with AO1.2 All parking would be freely available for parking.
	AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	Not applicable No motor cycle paring is proposed.
	AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for	Not applicable Only 12 spaces are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
	ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	
PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.	AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: <ul style="list-style-type: none"> (a) AS2890.1; (b) AS2890.3; (c) AS2890.6. 	Complies with AO2 All vehicle parking areas are designed to meet the relevant standards.
PO3 Access points are designed and constructed: <ul style="list-style-type: none"> (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; 	AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: <ul style="list-style-type: none"> (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. 	Complies with AO3.1 Only one existing access is proposed.
	AO3.2 Access, including driveways or access crossovers: <ul style="list-style-type: none"> (a) are not placed over an existing: <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; 	Not applicable No new accesses are proposed.

Performance outcomes	Acceptable outcomes	Applicant response
(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 of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).	(iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; (c) adhere to minimum sight distance requirements in accordance with AS2980.1.	
	A03.3 Driveways are: (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; (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; (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; (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; (e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage	Not applicable The site is accessed by an existing driveway.

Performance outcomes	Acceptable outcomes	Applicant response
	system.	
	A03.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	Not applicable The site is accessed by an existing driveway.
P04 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	A04 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	Complies with A04 One wheel chair accessible car parking space would be provided.
P05 Access for people with disabilities is provided to the building from the parking area and from the street.	A05 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Complies with A05 Access for people with disabilities was addressed as part of the previous application and would be retained.
P06 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development	A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b	Complies with A06 On site bicycle parking would be provided to the rear of the shops.
P07 Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for	A07.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	Not applicable No end of trip facilities are required.

Performance outcomes	Acceptable outcomes	Applicant response
employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site.	A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	Complies with A07.2 The development would provide a bicycle parking area to the rear of the development.
	A07.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	Complies with A07.3 The development would provide a bicycle parking area to the rear of the site clear of pedestrian thoroughfares.
PO8 Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. 	A08 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. 	Complies with A08 The development would provide a cantilevered awning for the full frontage of the site.
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> (a) in accordance with relevant standards; 	A09.1 Access driveways, vehicle manoeuvring and onsite parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	Complies with A09.1 The existing car parking area is considered to comply with the relevant Australian Standards.

Performance outcomes	Acceptable outcomes	Applicant response
(b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	AO9.2 Service and loading areas are contained fully within the site.	Complies with PO9 The service and loading areas have previously been accepted by council in respect of the previous approval, which is currently under construction.
	AO9.3 The movement of service vehicles and service operations are designed so they: <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. 	Complies with PO9 The service and loading areas have previously been accepted by council in respect of the previous approval, which is currently under construction.
PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive through facility; (e) hardware and trade supplies, where including a drive-through facility; 	Not applicable Vehicle queueing and set down areas are not required.

Performance outcomes	Acceptable outcomes	Applicant response
	(f) hotel, where including a drive-through facility; (g) service station.	
	AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	Not applicable Vehicle queueing and set down areas are not required.

9.4.3 Environmental performance code

9.4.3.1 Application

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

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

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

9.4.3.2 Purpose

- (1) The purpose of the Environmental performance code is to ensure development is designed andoperated to avoid or mitigate impacts on sensitive receiving environments.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) activities that have potential to cause an adverse impact on amenity of adjacent andsurrounding land, or environmental harm is avoided through location, design and operation of the development;
 - (b) sensitive land uses are protected from amenity related impacts of lighting, odour, airborneparticles and noise, through design and operation of the development;
 - (c) stormwater flowing over, captured or discharged from development sites is of a qualityadequate to enter receiving waters and downstream environments;
 - (d) development contributes to the removal and ongoing management of weed species.

9.4.3.3 Criteria for assessment

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
Lighting		

Performance outcomes	Acceptable outcomes	Applicant response
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	Not applicable No outdoor lighting is proposed as part of this application.
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	Not applicable No outdoor lighting is proposed as part of this application.
	AO1.3 Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	Not applicable No outdoor lighting is proposed as part of this application.
Noise		
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance;	Complies with AO2.1 The development would provide shops and dwelling units consistent with the amenity of the locality and are not anticipated to generate noise that would cause environmental harm.
	or AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.	
	AO2.3 The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or	Complies with AO2.3 The development would retain the existing car parking areas that from part of the amenity of the area and are located away from sensitive

Performance outcomes	Acceptable outcomes	Applicant response
	<p>more of the following:</p> <ul style="list-style-type: none"> (a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping. <p>Editor's note - The <i>Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	receivers.
Airborne particles and other emissions		
<p>PO3</p> <p>Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO3.1</p> <p>Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p>AO3.2</p> <p>The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p> <p>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.</p> <p>Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.</p> <p>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure</p>	<p>Complies with AO3.1</p> <p>The development would not generate airborne particles or emissions.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	environmental harm (including nuisance) is avoided.	
Odours		
PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO4.1 The development does not involve activities that create odorous emissions; or AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	Complies with AO4.1 The development would not generate odorous emissions
Waste and recyclable material storage		
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.	Complies with AO5.1 All putrescible waste would be stored in a covered area and disposed of regularly.
	AO5.2 Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of: (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic	Complies with AO5.2 Waste and recyclable storage is provided to the rear of the site, undercover and accessible.

Performance outcomes	Acceptable outcomes	Applicant response
	<p>conditions;</p> <p>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.</p> <p>Editor's note - the <i>Environmental Protection (Waste Management) Policy 2008</i> provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.</p>	
Sensitive land use activities		
<p>PO6</p> <p>Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.</p>	<p>AO6.1</p> <p>Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area;</p> <p>or</p> <p>AO6.2</p> <p>Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p>Complies with AO6.1</p> <p>The development of the site for dwellings is accepted, in principle, in the area.</p>
Stormwater quality		
<p>PO7</p> <p>The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to:</p> <p>(a) the amount and type of pollutants borne from the activity;</p>	<p>AO7.1</p> <p>Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p>	<p>Complies with Ao7.1</p> <p>All stormwaters would be collected and discharged to the lawful point of discharge.</p>
	<p>AO7.2</p> <p>Development ensures movement of stormwater over the site is not impeded or directed through</p>	<p>Not applicable</p> <p>No polluting activities are proposed on site.</p>

Performance outcomes	Acceptable outcomes	Applicant response
(b) maintaining natural stream flows; (c) the amount and type of site disturbance; (d) site management and control measures.	<p>potentially polluting activities.</p> <p>AO7.3</p> <p>Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	<p>Not applicable</p> <p>Erosion and sediment control measures are not considered applicable to the proposed development of such a minor scale.</p>
Pest plants (for material change of use on vacant land over 1,000m²)		
<p>PO8</p> <p>Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p>	<p>AO8.1</p> <p>The land is free of declared pest plants before development establishes new buildings, structures and practices;</p> <p>or</p> <p>AO8.2</p> <p>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	<p>Complies with AO8.1</p> <p>No pest plants have been identified in the site.</p>

9.4.5 Infrastructure works code

9.4.5.1 Application

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

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

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

9.4.5.2 Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
 - (b) development maintains high environmental standards;
 - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;
 - (d) the integrity of existing infrastructure is maintained;
 - (e) development does not detract from environmental values or the desired character and amenity of an area.

9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Works on a local government road		
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Not applicable No works are proposed on a local government road.
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	Not applicable No works are proposed on a local government road.
	AO1.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional	Not applicable No works are proposed on a local government road.

Performance outcomes	Acceptable outcomes	Applicant Response
	Development Manual, and is not less than a 1.2 metre section.	
	AO1.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.	Not applicable The footpath for the full frontage would be upgraded as part of the development and has been approved as part of the previous development approval and would be incorporated into this development.
	AO1.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	Not applicable No structures would be located within the road reserve.
Accessibility structures		
PO2 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	AO2.1 Accessibility structures are not located within the road reserve.	Not applicable No accessibility structures are proposed.
	AO2.2 Accessibility structures are designed in accordance	Not applicable

Performance outcomes	Acceptable outcomes	Applicant Response
ensure access to premises is provided for people of all abilities and include ramps and lifts.	with AS1428.3.	No accessibility structures are proposed.
	AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.	Not applicable No accessibility structures are proposed.
Water supply		
PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.	AO3.1 The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO3.2 Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.	Complies with AO3.1 The site is connected to the reticulated water supply system.

Performance outcomes	Acceptable outcomes	Applicant Response
Treatment and disposal of effluent		
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	Complies with AO4.1 The site is connected to the Council's Sewerage System.
Stormwater quality		
PO5 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;	AO5.1 A connection is provided from the premises to Council's drainage system; or AO5.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design	Complies with AO5.1 The site is connected to the council drainage system.

Performance outcomes	Acceptable outcomes	Applicant Response
(c) maintaining waterway hydrology.	Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	
	AO5.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c , reflecting land use constraints, such as: (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity.	Not applicable A stormwater quality management plan is not considered applicable to a development of this minor scale.
	AO5.4 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	Able to comply Erosion and sediment control practices are able to be implemented during the construction phase.
	AO5.5 Development incorporates stormwater flow control measures to achieve the design objectives set out in Error! Reference source not found. and Error! Reference source not found. , including management of frequent flows, peak flows, and construction phase hydrological impacts.	Not applicable Stormwater control measures are not considered applicable to a development of this minor scale.

Performance outcomes	Acceptable outcomes	Applicant Response
	<p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	
Non-tidal artificial waterways		
PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	AO6.1 Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	Not applicable No non-tidal waterways are proposed.
	AO6.2 Non-tidal artificial waterways are located: <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in 	Not applicable No non-tidal waterways are proposed.

Performance outcomes	Acceptable outcomes	Applicant Response
	acid sulfate soil and nutrient hazardous areas.	
	AO6.3 Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or (c) there is no introduction of salt water into freshwater environments. 	Not applicable No non-tidal waterways are proposed.
	AO6.4 Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: <ul style="list-style-type: none"> (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat. 	Not applicable No non-tidal waterways are proposed.
	AO6.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that	Not applicable No non-tidal waterways are proposed.

Performance outcomes	Acceptable outcomes	Applicant Response
	protects water environmental values.	
	AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	Not applicable No non-tidal waterways are proposed.
	AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	Not applicable No non-tidal waterways are proposed.
Wastewater discharge		
PO7 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;	AO7.1 A wastewater management plan is prepared and addresses: (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management.	Not applicable No discharge of wastewaters off site to waterways would occur as part of this development.
	AO7.2 The waste water management plan is managed in accordance with a waste management hierarchy that:	Not applicable No discharge of wastewaters off site to waterways would occur as part of this development.

Performance outcomes	Acceptable outcomes	Applicant Response
(iv) offset impacts on high ecological value waters.	(a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	
	A07.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	Not applicable No discharge of wastewaters off site to waterways would occur as part of this development.
	A07.4 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;	Not applicable No discharge of wastewaters off site to waterways would occur as part of this development.

Performance outcomes	Acceptable outcomes	Applicant Response
	<p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	
Electricity supply		
<p>PO8</p> <p>Development is provided with a source of power that will meet its energy needs.</p>	<p>AO8.1</p> <p>A connection is provided from the premises to the electricity distribution network;</p> <p>or</p> <p>AO8.2</p> <p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	<p>Complies with AO8.1</p> <p>The site has an existing connection to the electricity supply.</p>
<p>PO9</p> <p>Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.</p>	<p>AO9.1</p> <p>Pad-mount electricity infrastructure is:</p> <p>(a) not located in land for open space or sport and recreation purposes;</p> <p>(b) screened from view by landscaping or fencing;</p>	<p>Not applicable</p> <p>No padmount electricity infrastructure is proposed as part of this development.</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	(c) accessible for maintenance.	
	AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not applicable No padmount electricity infrastructure is proposed as part of this development.
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Complies with AO10 The site has an existing connection to the telecommunications infrastructure.
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Complies with AO11 The proposed development has existing connections to the future telecommunications services.
Road construction		
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of:	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road	Complies with AO12.1 Macrossan Street is a fully constructed and maintained road.

Performance outcomes	Acceptable outcomes	Applicant Response
(a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	hierarchy.	
	AO12.2 There is existing road, kerb and channel for the full road frontage of the site.	Complies with AO12.2 Macrossan Street is a fully constructed and maintained road.
	AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	Complies with AO12.3 Macrossan Street is a fully constructed and maintained road.
Alterations and repairs to public utility services		
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	Complies with AO13 The site is a previously developed and fully serviced site.
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional	Complies with AO14.1 Public utility mains are not required to be altered to facilitate the development.

Performance outcomes	Acceptable outcomes	Applicant Response
	Development Manual.	
Construction management		
PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	AO15 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.	Not applicable The site does not contain any vegetation.
PO16 Existing infrastructure is not damaged by construction activities.	AO16 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.	Abel to comply with PO16 All infrastructure is able to be prepared if necessary.
For assessable development		
High speed telecommunication infrastructure		

Performance outcomes	Acceptable outcomes	Applicant Response
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Not applicable The site has existing connectivity to the high speed telecommunications infrastructure.
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	AO18 No acceptable outcomes are prescribed.	Not applicable No trade waste would be generated by the proposed development.
Fire services in developments accessed by common private title		
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	Not applicable The development does not involve any common private title.
	AO19.2 Commercial and industrial streets and access ways	Not applicable The development does not involve any common

Performance outcomes	Acceptable outcomes	Applicant Response
	within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	private title.
PO20 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 firefighting purposes' available under 'Publications'.	AO20 No acceptable outcomes are prescribed.	Not applicable The development does not involve any common private title.

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

Performance outcomes	Acceptable outcomes	Applicant response
<p>by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</p> <p>(g) ensuring private outdoor recreation space is useable;</p> <p>(h) providing long term soil erosion protection;</p> <p>(i) providing a safe environment;</p> <p>(j) integrating existing vegetation and other natural features of the premises into the development;</p> <p>(k) not adversely affecting vehicular and pedestrian sightlines and road safety.</p>		
For assessable development		
<p>PO2</p> <p>Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.</p>	<p>AO2.1</p> <p>No acceptable outcomes are specified.</p> <p>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.</p>	<p>Complies with PO2</p> <p>The development would provide a landscaped street front that complements the street scene of Macrossan Street.</p>
	<p>AO2.2</p> <p>Tropical urbanism is incorporated into building design.</p> <p>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.</p>	<p>Complies with AO2.2</p> <p>The proposed development would provide vegetation incorporated into the cantilevered awning over the street front.</p>

Performance outcomes	Acceptable outcomes	Applicant response
PO3 Development provides landscaping that is , as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	AO3.1 Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.	Not applicable The site does not contain any vegetation.
	AO3.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.	Not applicable The site does not contain any vegetation.
	AO3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.	Complies with AO3.3 The development would provide a landscape street front consistent with the landscaping of Macrossan Street.
	AO3.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	Not applicable No street trees are proposed.
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	AO4 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies with AO4 Landscaping to the street front would reflect the planning scheme policy.
PO5	AO5	Not applicable

Performance outcomes	Acceptable outcomes	Applicant response
Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	The proposed development relies on the existing and lawfully constructed car parking area.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	AO6.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	Able to comply with AO6.1 Landscaping would be maintained throughout the life of the development.
	AO6.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	Not applicable Landscaping does not include any trees.
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	AO7.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	Not applicable No podium landscaping is proposed.
	AO7.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	Not applicable No podium landscaping is proposed.
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby	AO8 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	Complies with AO8 The site is not known to contain pest species.

Performance outcomes	Acceptable outcomes	Applicant response
premises.		
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	AO9 No acceptable outcomes are specified. Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	Complies with PO9 Landscaping would not result in opportunities for crime or vandalism.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	AO10 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Complies with AO10 Landscaping would not affect the operation of any utilities.