

12 October 2020

Our Ref: P82062

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

Attention: Jenny Elphinstone

Dear Jenny,

**Material Change of Use for Hotel located at 5-7 Front Street Mossman on  
Lots 3RP836113, with access via 2RP804918 (Easement B RP804918)**

I am pleased to lodge this application for Material Change of Use for Hotel located at 5-7 Front Street, Mossman described as lot 3RP836113 and Easement B RP804918. This application also requires access via 2RP804918 (Easement B RP804918).

The relevant information for the planning receipt is:

**Applicant:** Paul McMahon  
c/- Planz Town Planning Pty Ltd  
**Mailing address:** PO Box 181  
Edge Hill QLD 4870  
**Landowner:** GDMR Pty Ltd  
**Application Fee:** \$2,474.00

Please phone me on 0447 323384 and I will pay by credit card.

If you require any further information please do call me.

Yours faithfully,



**Jesse Marnock**  
Planner

**Att.** DA Form 1  
Landowner's Consent  
Planning Report  
Proposal Plans

# DA Form 1 – Development application details

**Approved form (version 1.1 effective 22 JUNE 2018) 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 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) <i>(individual or company full name)</i>	Paul McMahon
Contact name <i>(only applicable for companies)</i>	c-/ Planz Town Planning Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 181
Suburb	Edge hill
State	QLD
Postcode	4870
Country	Australia
Contact number	07 4041 0445
Email address <i>(non-mandatory)</i>	<a href="mailto:info@planztp.com">info@planztp.com</a>
Mobile number <i>(non-mandatory)</i>	0447 323 384
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	P82062

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

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		5-7	Front Street	Mossman
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	3	RP836113	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		9-11	Front Street	Mossman
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	RP804918	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. Only one set of coordinates is required for this part.

☐ 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 their details have been attached in a schedule to this 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:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
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

<b>6.1) Provide details about the first development aspect</b>			
a) What is the type of development? <i>(tick only one box)</i>			
<input checked="" type="checkbox"/> Material change of use	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>			
<input checked="" type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input type="checkbox"/> Code assessment	<input checked="" type="checkbox"/> Impact assessment <i>(requires public notification)</i>		
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)</i> :			
Hotel (Wine Bar)			
e) Relevant plans			
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>			
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application			
<b>6.2) Provide details about the second development aspect</b>			
a) What is the type of development? <i>(tick only one box)</i>			
<input type="checkbox"/> Material change of use	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>			
<input type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input type="checkbox"/> Code assessment	<input type="checkbox"/> Impact assessment <i>(requires public notification)</i>		
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)</i> :			
e) Relevant plans			
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>			
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application			
<b>6.3) Additional aspects of development</b>			
<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application			

☐ Not required

## Section 2 – Further development details

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

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

### Division 1 – Material change of use

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

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

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Hotel (Wine Bar)	<i>Hotel</i> <i>Premises used primarily to sell liquor for consumption. The use may include short-term accommodation, dining and entertainment activities and facilities. Examples of the use include pub, and tavern.</i>		253.50m <sup>2</sup>

#### 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?

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#### 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 construction road (complete 13))

### 10) Subdivision

#### 10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

#### 10.2) Will the subdivision be staged?

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

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

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

12) Boundary realignment

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

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

12.2) What is the reason for the boundary realignment?

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

- |  |                                     |  |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work   | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work   | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping   | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 300px; height: 20px;"></table> |                                     |  |

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

☐ Yes – specify number of new lots:

☐ No

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

\$

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

## PART 5 – REFERRAL DETAILS

### 17) Do any aspects of the proposed development require referral for any referral requirements?

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

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

#### Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure – designated premises
- ☐ Infrastructure – state transport infrastructure
- ☒ Infrastructure – state transport corridors and future state transport corridors
- ☐ Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure – near a state-controlled road intersection
- ☐ On Brisbane core port land near a State transport corridor or future State transport corridor
- ☐ On Brisbane core port land – ERA
- ☐ On Brisbane core port land – tidal works or work in a coastal management district
- ☐ On Brisbane core port land – hazardous chemical facility
- ☐ On Brisbane core port land – taking or interfering with water
- ☐ On Brisbane core port land – referable dams
- ☐ On Brisbane core port land - fisheries
- ☐ Land within Port of Brisbane's port limits
- ☐ 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 – construction of new levees or modification of existing 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 have been devolved to local government*)
- ☐ Local heritage places

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

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<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 <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .



## PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

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

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

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

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

23) Further legislative requirements

### Environmentally relevant activities

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

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

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

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

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

### Hazardous chemical facilities

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

- ☐ Yes – Form 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](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### Clearing native vegetation

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

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

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

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

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

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala conservation**

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

☐ Yes

☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://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](http://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](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

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

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

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

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

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

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://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](http://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](http://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](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

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

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

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

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

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

## 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 <i>DA Form 2 – Building work details</i> 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 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 <a href="#">DA Forms Guide: Planning Report Template</a>.</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 <a href="#">DA Forms Guide: Relevant plans</a>.</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 ( <i>see 21</i> )	<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><b>Privacy</b> – 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>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> <li>such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or</li> <li>required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>otherwise required by law.</li> </ul> <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 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	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Paul McMahon

I / we:

ADMR Pty Ltd

On behalf of:

Of premises identified as:  
Insert street address

5-7 Front Street, Mossman  
9-11 Front Street, Mossman

Described as:  
Insert Real Property Description

Lot 3 on RP836113  
Lot 2 on RP804918  
Easement B on RP804918

Consent to Planz Town Planning  
making applications for:

Hotel

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

9.10.2020  
[Date]

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

[Signature of Owner / Director / Body Corporate]

[Date]

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



## DEVELOPMENT APPLICATION

MATERIAL CHANGE OF USE – HOTEL  
5-7 FRONT STREET, MOSSMAN

12 OCTOBER 2020

PREPARED BY

PLANZ TOWN PLANNING PTY LTD

on behalf of

Paul McMahon

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## Application Summary

Application details	
<b>Proposal</b>	MCU - Hotel
<b>Applicant</b>	Paul McMahon
<b>Property Owner</b>	GDMR Pty Ltd
<b>Address</b>	5-7 Front Street, Mossman
<b>Real Property Description</b>	Lot 3 on RP836113 Lot 2 on RP804918 Easement B on RP804918
<b>Lot Size</b>	1,705m <sup>2</sup>
<b>Zone</b>	Centre
<b>Current Use</b>	Shop (former Mossman Cycle Sports building)
<b>Level of Assessment</b>	Impact
<b>Referral Triggers</b>	State transport – Areas within 25m of a state-controlled road.

## 1 PROPOSED DEVELOPMENT

### 1.1 Nature of the Proposal

This application is for a Development Permit for a Material Change of Use – Hotel on Lot 3RP836113 at 5-7 Front Street, Mossman with access via Lot 2RP804918 (Easement B). The site is located in the Centre zone and the use of Hotel is Impact assessable (Assessable development). The building is two storeys with the proposed *Hotel* on the ground floor, and a *Dwelling Unit* on top of the proposed Hotel. The *Dwelling Unit* is Self-Assessable (Accepted Development) and is not part of this application.

The uses of *Hotel* and *Dwelling unit* are defined as:

***Hotel:*** Premises used primarily to sell liquor for consumption. The use may include short-term accommodation, dining and entertainment activities and facilities. Examples of the use include pub, and tavern.



Figure 1: Site location



**Figure 2: Zone mapping**

The site is orientated in an east-west direction. Currently the site contains a building built to the boundary along Front street (Eastern boundary), a detached toilet block (middle of the lot), and vegetation at the rear of the lot (Western half of the lot). There is also an existing sewer manhole located at the rear of the lot. The building currently has four tenancy spaces which are occupied by the Junction café, Smartphone & Tablet Solutions, and Wash ‘n’ Wear Coin Laundry (**figure 3**). The last tenancy space is the subject to this proposal and was formerly the Mossman Cycle Sports shop.



**Figure 3: Current building tenancies on site– Shops and Café**



The site is connected to council's effluent disposal system, reticulated water supply, and the development does not require excavation and fill.

The main compliance considerations for the assessment are setbacks, parking, access and easement, and noise. These matters are addressed in **Section 2** of this report and the development complies with the performance outcomes for these provisions. Council is requested to approve the application subject to reasonable conditions.

## 1.2 Background information

The proposal is for a *Hotel (wine bar)* as the number of people that the *Hotel (wine bar)* will be catering for is 80-100 people. For ease of reference this application is not for a *Bar* as a *bar "provides for a maximum capacity to seat sixty persons at any one time"*.

The applicant is currently the owner of the Mossman Hotel located on the adjoining lot 3RP836113 to the south (**figure 4**). The applicant also owns a number of bottle shops in Mossman and regularly orders boutique products specific for their existing clientele. The opportunity exists to expand on the applicant's current clientele's desires to create a boutique *wine bar*. The proposed *wine bar* will be located on the ground floor, and the *dwelling unit* on the top floor will be used to accommodate for a caretaker/manager for the Mossman Hotel and proposed *wine bar*.



**Figure 4: Adjoining lot with Mossman Hotel**

### 1.3 Operation of the Use

The applicant is extending the current liquor license of the neighbouring Mossman Hotel to the proposed *wine bar* (10:00am - 12:00am 7 days a week), and the proposed *wine bar* will be able to cater for approximately 80-100 people.

#### Monday - Thursday

The development will cater to their clients (consumers of premium products at the applicants bottle shops) and host at least one specific evening event a week such as wine and liquor tasting (6:00pm – 12:00am). The applicant proposes to have the flexibility and possibly open during the week to conduct events when the demand and/or occasion arises, in particular, provide a space for local businesses and small groups to conduct meetings at the wine bar (10:00am – 12:00am).

#### Friday - Sunday

The main trading hours of the proposed *wine bar* is Friday evenings from 3:00pm - 12:00am, Saturdays on the occasion for events such as weddings, birthdays, and Christmas parties 3:00pm - 12:00am, and on Sundays once a month from 12:00pm - 6:00pm for a food related luncheon/function.

A summary of the proposed operational hours of the *wine bar* is provided in the table below:

Day	Hours of operation
<b>Monday - Thursday</b>	6:00pm – 12:00am (Once a week for wine and liquor tasting) On demand (small groups, local business meetings) 10:00am – 12:00am
<b>Friday</b>	3:00pm – 12:00pm
<b>Saturday</b>	10:00am – 12:00am (On special occasions)
<b>Sunday</b>	12:00pm – 6:00pm (Once a month)

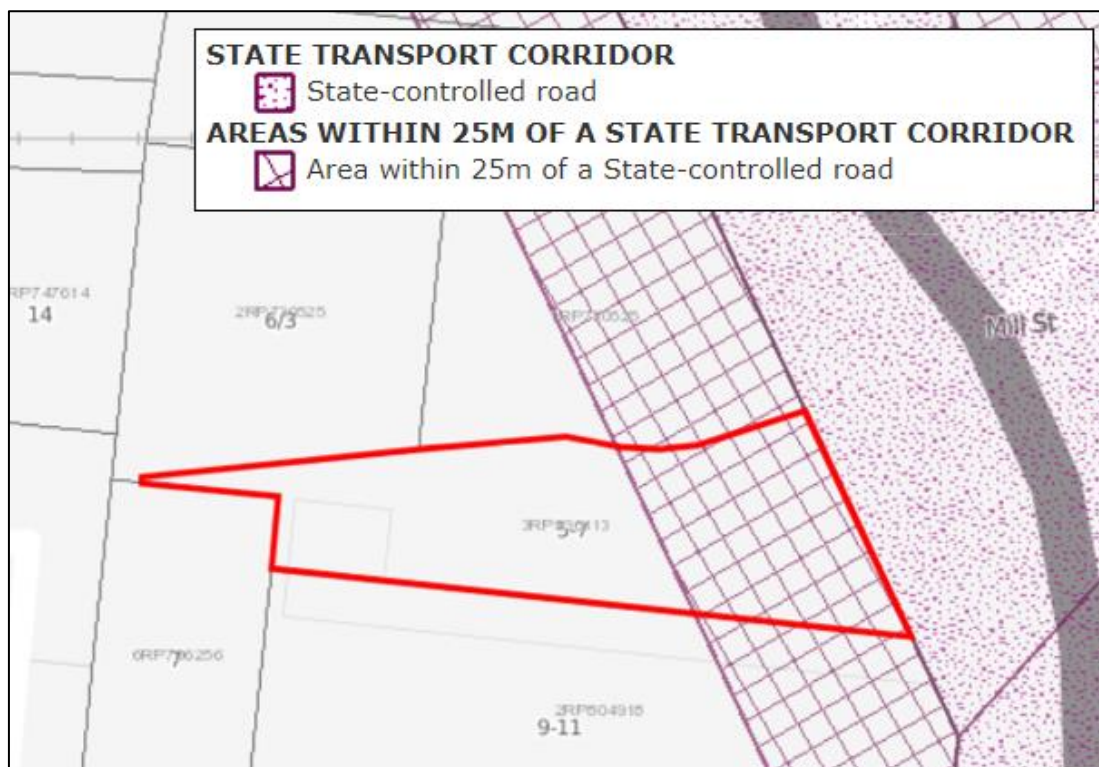
The *Hotel (wine bar)* includes a bar area, four toilets (including one accessible), kitchen, and an outside courtyard. The site will also include six onsite parking spaces in an area relatively clear of vegetation to the rear of the lot. The parking area will be accessed via the southern adjoining lot (2RP804918) where there is an existing driveway is covered by an easement (**Appendix 3 - Proposal Plans**).

## 2 PLANNING CONSIDERATIONS

### 2.1 State Interest

The *Planning Regulation 2017* and State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment (**figure 5**).

**Referral is required for this application**, as the site is mapped as being within 25m of a State Controlled road.



**Figure 5: State mapping - State controlled road**

### 2.2 Planning Scheme Assessment

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

1. Assessable development must demonstrate that the Performance Outcomes can be achieved.
2. The Acceptable Outcomes that are nominated in the Codes are just one means by which the Performance Outcomes may be achieved.

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

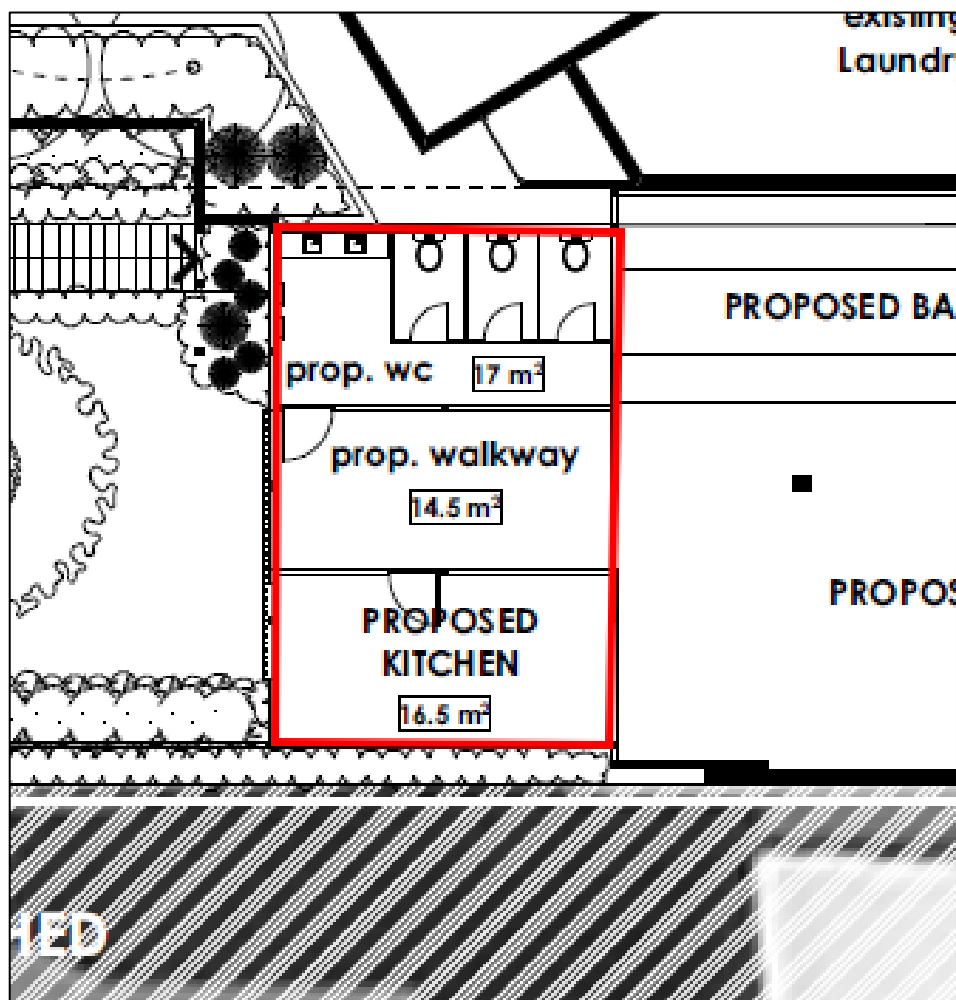
Planning Scheme Assessment Table Codes		Applicability
<b>Strategic Framework</b>	Part 3	✓
<b>Zone Code</b>	6.2.1 Centre	✓
<b>Local Plan</b>	7.2.3 Mossman	✓
<b>Overlay Codes</b>	8.2.1 Acid Sulphate Soils	✓
	8.2.2 Bushfire Hazard	N/A
	8.2.3 Coastal Environment	N/A
	8.2.4 Flood & Storm Tide	N/A
	8.2.5 Hillslopes	N/A
	8.2.6 Landscape Values	✓
	8.2.7 Natural Areas	N/A
	8.2.8 Places of Significance	N/A
	8.2.9 Potential Landslide Hazard	N/A
	8.2.10 Transport Network	✓
<b>Use Codes</b>	None	N/A
<b>Other Development Codes</b>	9.4.1 Access, Parking & Service	✓
	9.4.2 Advertising Devices	✓
	9.4.3 Environmental performance	✓
	9.4.4 Filling & Excavation	✓
	9.4.5 Infrastructure Works	✓
	9.4.6 Landscaping	N/A
	9.4.7 Reconfiguring Of A Lot	N/A
	9.4.8 Ship-Source Pollutants Reception Facilities In Marinas	N/A
	9.4.9 Vegetation management	✓



## 2.3 Compliance

### Setbacks

The building is already existing and is built to the boundary along the eastern boundary (Front Street), and extends westward along the southern side boundaries. Underneath the western section of the *dwelling unit* (top floor) is currently vacant and open spaced (no walls). This part of the proposed development will be built in to provide a space for proposed kitchen, toilets (wc), and walkway/entrance from the proposed courtyard (**figure 6**).

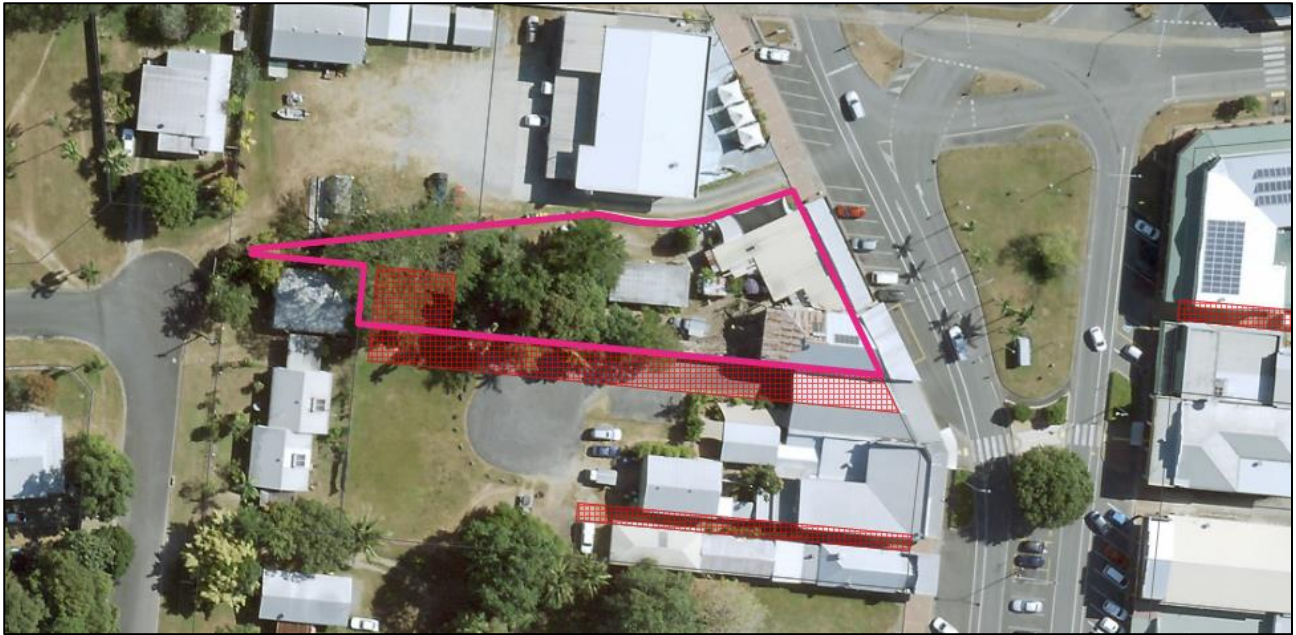


**Figure 6: Ground floor to be built in**

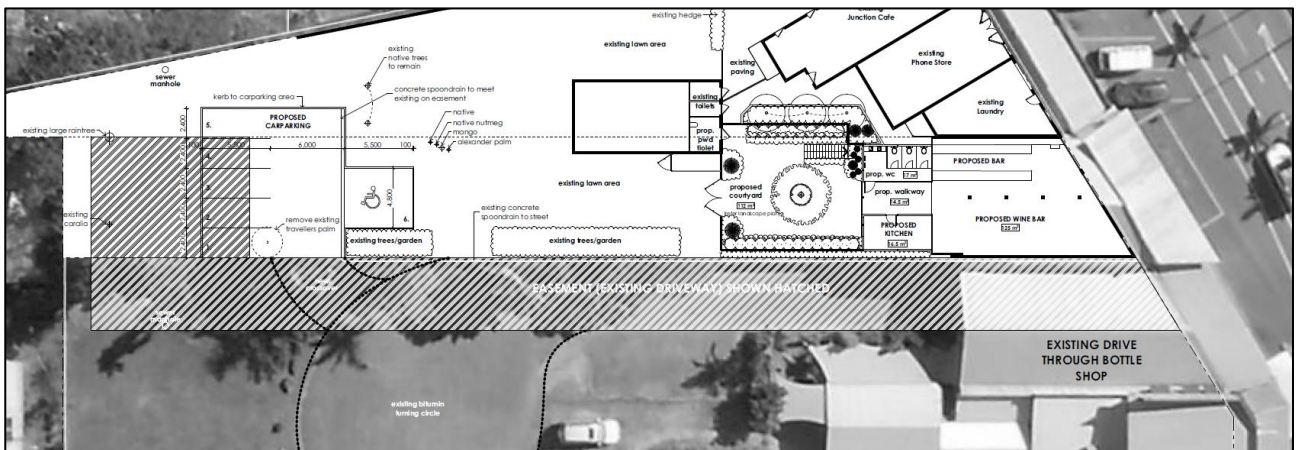
Building walls along this section of the southern boundary for a kitchen, and toilets is a good outcome and is consistent with the already existing built form. This section of the site also runs adjacent to a driveway/easement located on the adjoining lot to the site. The driveway will be used to access the site.

## Access and Easement

The current informal vehicular access to the site is via lot 2RP804918 (Easement B) on the adjoining lot that has an existing driveway access via Front Street (**figure 7 & 8**). The proposed access to the proposed parking area is via a new crossover which will be attached to the adjoining lots existing turning circle, located at the western section of the driveway(**figure 8 & 9**).



**Figure 7: Easement location**



**Figure 8: Proposed access via easement**





**Figure 9: Looking westward - Proposed access via easement/turning circle**



**Figure 10: Looking westward - Proposed access via Front Street/easement (Drive Thru)**

## Parking

Parking requirements are summarised in the below table:

Land use	Required rate	GFA	Required
Dwelling unit	1.5 spaces per one or two-bedroom unit	One bedroom	1
Hotel	1 space per 10m <sup>2</sup> GFA and licensed outdoor area	Indoor – Approx. 101.8m <sup>2</sup>	11
		Courtyard – Approx. 85m <sup>2</sup>	9
Proposed			6
Total required			21

The site has an existing coin laundry, phone repairs shops, and café. The former use of the proposed development was a power tools sales shop, and bicycle shop. The site has never had formalised onsite parking space. There has always been informal parking at the rear of the lot behind the buildings. The proposed development will introduce six formal parking spaces (one accessible) that will be located to the rear of the boundary where the land is already cleared. The calculated requirements for this development are 21. The operation of the proposed *Hotel* is also outside of normal business hours and will not conflict with the Front Street businesses which relatively operate 9:00am to 5:00pm. This allows patrons of the proposed use to utilise the existing parking spaces that are located along Front Street, and surrounding streets. There are an estimated 127 parking spaces within walking distance of the site along Front Street (**figure 11**).

As there are approximately 127 on-street parking spaces within walking distance of the site, six onsite parking spaces is sufficient for the development. It will also avoid unnecessary clearing of mature vegetation for the provision of creating more onsite parking spaces. The proposed parking spaces is also screened along the western boundary by a large raintree, and caralia tree.



*Figure 11: On-street parking spaces*

### Noise

The development is located to the eastern side (Front Street) of the lot. The outside courtyard (where there may be potential noise emanating from the site) is located approximately:

- 12m to the northern lot (Centenary Building)
- 52m to the western residential area
- Adjoins the southern lot
- Front Street to the east

The Centenary building to the north is a two-storey building that operate 9:00am to 5:00pm businesses (shops on the ground floor and offices on the top floor). The residential area to the west is 52m from the outside courtyard. There is dense vegetation in the form of a large raintree, caralia tree, native nutmeg tree, mango tree, and other native trees and bushes that act as a natural barrier. The adjoining lot to the south has a drive through bottle shop and the Mossman Hotel. To the east the site fronts Front Street and faces the Exchange hotel, as well as the other business that operate a relative 9:00am to 5:00pm business.

The proposed use does not cause an unacceptable level of noise impact, and create an adverse noise impact to the adjacent uses due to the operation of the Hotel only being limited to Friday afternoon/nights, and on special occasion on Saturday and Sunday via bookings such as wedding receptions. As well as has natural vegetation that acts a natural barrier for noise to the west.



## APPENDIX 1: ASSESSMENT AGAINST THE PLANNING SCHEME

### Strategic Framework

Council's vision for Douglas Shire is described in the six themes which set the policy direction in this framework. These themes are as follows:

- (a) Settlement pattern
- (b) Environment and landscape values
- (c) Natural resource management
- (d) Strong communities and identity
- (e) Economy
- (f) Infrastructure and transport

The Strategic Framework covers a variety of outcomes. The most relevant to the development are discussed below.

### **3.4 Theme 1 - Settlement pattern**

#### **3.4.2 Element – Urban settlement**

##### **3.4.2.1 Specific outcomes**

- (8) *Development does not rely on complex, visually intrusive engineering solutions to overcome site constraints.*
- (9) *Local plans provide localised planning responses and desired development outcomes for communities.*

Comment
The site has existing vegetation (large raintree, caralia, native nutmeg , mango tree, and other native trees) at the rear of the lot which the applicant expects to maintain as it adds aesthetic value to the proposed wine bar, overall site, and wider community. For this reason, the development does not intend to clear vegetation in order for the required parking spaces. There is space for future parking of more parking spaces which would require the removal of two existing native tree. The proposed <i>Hotel</i> is an opportunity for the community to have a unique boutique wine bar.

### **3.7 Theme 4 - Strong communities and identity**

#### **3.7.2 Element – Social planning and infrastructure**

##### **3.7.2.1 Specific outcomes**

- (2) *Future planning of the Douglas Shire takes into account changing community characteristics, issues and needs.*

#### **3.7.4 Element – Sense of place, community and identity**

##### **3.7.4.1 Specific outcomes**

- (1) *The distinctive character and unique sense of place of towns and villages and other communities, including Aboriginal communities, throughout the Shire is maintained, promoting community pride and well-being and community safety and prosperity.*

#### **3.7.5 Element – Housing choice and affordability**

##### **3.7.5.1 Specific outcomes**

- (1) *The community has access to a greater variety of housing choice throughout the urban areas of the Shire, facilitating a variety of lot sizes, house sizes and designs and land tenures.*
- (2) *An increase in housing diversity is encouraged in appropriate locations while maintaining the existing character and identity of individual communities.*

#### **Comment**

The proposed *Hotel* is an opportunity for the community to have a unique boutique wine bar. The built form of the building is not changing and maintains the unique community characteristics. The proposal also allows for the top floor space to be used in ancillary with the hotel by creating a space for a caretaker/manager to live.



### 3.8 Theme 5 – Economy

#### 3.8.2 Element – Economic growth and diversification

##### 3.8.2.1 Specific outcomes

- (1) *Economic growth that supports clean, green businesses and resilient communities is encouraged throughout the Shire. In particular a range of economic initiatives is facilitated in appropriate locations, including:*
  - (a) *the growth of new and traditional industries;*
  - (c) *establishing Douglas Shire as a player in the global tropical tourist market;*
  - (f) *providing for higher value jobs, particularly for young people;*
- (2) *Business development and innovation are supported in appropriate settings, particularly within the Shire’s activity centres and employment clusters*

#### 3.8.3 Element – Tourism

##### 3.8.3.1 Specific outcomes

- (1) *Development that contributes to the tourism industry and complements and promotes the Shire’s natural assets is facilitated. In particular, tourism development is consistent with, and sensitive to, the nature of tourism appropriate in different parts of the Shire*

#### Comment

The proposed hotel is in the ideal location of Front street. The proposed *Hotel* is an opportunity for the community to have a unique boutique wine bar. It will be a unique space for the local community, the wider regional community, and passing tourist to engage with the community of Mossman. Currently most boutique bars are confined to Port Douglas which has global connections, this proposed boutique wine bar has the opportunity to work in tandem with Port Douglas, however offer an alternative location. The proposed use will also allow opportunities for young locals to work in a bar.

## 6.2 Centre zone code

### **Purpose**

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.

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.

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.

[illegible]

Performance Outcomes	Acceptable Outcomes	Applicant Response
	<p>(c) not any distance between 0 metres and 2.5 metres.</p> <p><b>AO2.3</b> 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.</p> <p><b>AO2.4</b> 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</p>	<p><b>Complies with performance criteria</b> Development is located in an already existing building. Development is in keeping with the amenity and character of the area and protects the amenity of the surrounding land uses. See section <b>2.3 Compliance</b> for further discussion</p> <p><b>Complies</b> The site is located in the Centre zone along the main street of Front Street. The building is already existing and built to the boundary along the eastern boundary (Front Street), and the eastern parts of the northern and southern boundaries. There is existing vegetation on the site that is clear of service equipment and storage areas.</p>
<p><b>PO3</b> The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.</p>	<p><b>AO3</b> Site coverage does not exceed 80%, unless otherwise specified in a Local plan.</p>	<p><b>Complies</b></p>
<b>For assessable development</b>		
<b>PO4</b>	<b>AO4</b>	<b>Complies</b>

Performance Outcomes	Acceptable Outcomes	Applicant Response
The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses	Inconsistent uses as identified in Table 6.2.1.3.b are not established in the Centre zone.	
<b>PO5</b> Development provides a range of convenient goods and services for the daily needs of discrete residential communities.	<b>AO5</b> Development complies with the requirements specified in a local plan	<b>Complies</b>
<b>PO6</b> Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the: (a) the Accommodation activity group, located outside the Centre zone; (b) the Sensitive land use activity group, located outside the Centre zone.	<b>AO6</b> No acceptable outcomes are prescribed.	<b>Complies with performance criteria</b> Development does not have an adverse effect on the standard of amenity on the surrounding Accommodation uses and Sensitive land uses.
<b>PO7</b> Reconfiguration of land results in (a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots. (b) lots no less than 600m <sup>2</sup> in area.	<b>AO7</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> Development is not for a Reconfiguration of land

### 7.2.3 Mossman local plan codes

#### **Purpose**

The purpose of the Mossman local plan code is to facilitate development which creates a vibrant and independent community which supports the needs of the local community and surrounding rural areas, while protecting and enhancing the unique local and historic character of the town.

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

- (c) Mossman will continue to develop as the major administrative, commercial and industrial centre in Douglas Shire.
- (d) The key built form and main street character of the town centre is to be retained and reinforced.
- (e) Mossman's identity as Queensland's northern-most sugar mill town is strengthened through the development of a distinct, ordered and attractive streetscape which responds to the tropical climate and the special features of the town's setting and layout.
- (f) Mossman's distinct character is enhanced through appropriate building design and landscaping.
- (g) The significant avenues of rain-trees and fig trees and other such vegetation that contribute significantly to township identity are protected.
- (h) Residential development is encouraged within designated areas to consolidate Mossman's character as a permanent residential settlement.
- (i) Residential areas are pleasant, functional, distinctive and well-defined and residential amenity is maintained and enhanced with all residential areas having good access to services and facilities, while minimising any land use conflicts associated with different urban activities or nearby rural activities.
- (j) Development in the Low-medium density residential zone provides a range of housing options and contributes to a high standard of residential amenity, scale and design consistent with the character of Mossman.
- (k) Opportunities for a limited range of tourist accommodation and services are facilitated to cater for the requirements of tourists passing through Mossman or visiting the Mossman Gorge.
- (l) To provide the opportunity for an alternative truck route to by-pass the town centre for safer and less disruptive access between the sugar mill and Cairns (subject to further investigation as a local initiative).

- (m) Improved local land use planning, housing and infrastructure arrangements enable private home ownership, economic development and municipal service delivery for the Mossman Gorge community.
- (n) Mossman North will remain as a residential land use community only, with no further outward expansion intended.
- (o) Conflicts between alternative land uses are minimised.
- (p) Mossman's role as an industrial service centre is enhanced by facilitating the expansion of industrial development adjacent to existing industrial areas and protecting industrial areas from encroachment of incompatible land use activities.
- (q) Remnant vegetation areas, riverine corridors and natural features are protected by ensuring any adjacent development is low key and sensitive to its surroundings.

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

- (e) Precinct 5 – Town Centre precinct;

**Precinct 5 - Town Centre precinct**

In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:


- (a) key elements which contribute to the character and integrity of the town centre are retained;
- (b) the sense of place which characterises the main town intersection of Foxton Avenue, Mill Street and Junction Road is reinforced with new development or redevelopment contributing to the existing continuity of built form by being built up to the street frontage;
- (c) the cane tram line which runs along Mill Street, the vista down Mill Street to Mount Beaufort and the sugar mill chimney are retained as unique features of the town and its sugar town heritage;
- (d) views from Front Street of the mountains (from various vantage points) are maintained;
- (e) avenue planting within the town centre along the centre median in Front Street is maintained and extended to reinforce the character of the town centre.

**Table 7.2.3.4.a – Mossman local plan – assessable development**

Performance Outcomes	Acceptable Outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Building and structures complement the height of surrounding development	<b>AO1</b> Buildings and structures are not more than 8.5 metres in height, except where included in the Industry zone where buildings and structures are not more than 10 metres in height.	<b>Complies</b> No changes to the building height is proposed
<b>For assessable development</b>		
<b>Development in the Mossman local plan area generally</b>		
<b>PO1</b> Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Mossman (as identified on the Mossman Townscape Plan map contained in Schedule 2).	<b>AO1.1</b> Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: <ul style="list-style-type: none"> <li>(a) the tree covered backdrop of the low density subdivision at Coral Sea Drive and Gorge View Crescent;</li> <li>(b) natural vegetation along watercourses, in particular the Mossman River, the South Mossman River, Parker Creek and Marrs Creek;</li> <li>(c) the avenue of planting in the town centre in Front Street;</li> <li>(d) the Raintrees in Foxton Avenue;</li> </ul>	<b>Complies</b>



Performance Outcomes	Acceptable Outcomes	Applicant Response
	<p>(e) the trees on the eastern side of the Mossman-Daintree Road, just north of the North Mossman River;</p> <p>(f) the avenue planting of Melaleucas on the southern approach to the town along Alchera Drive;</p> <p>(g) Mossman sugar mill site.</p> <p><b>AO1.2</b> Development protects and does not intrude into important views and vistas as identified on the Mossman Townscape Plan map contained in Schedule 2, in particular:</p> <p>(a) Mount Demi (Manjal Dimbi);</p> <p>(b) Mossman Bluff;</p> <p>(c) Mount Beaufort;</p> <p>(d) Shannonvale Valley.</p> <p><b>AO1.3</b> Important landmarks, memorials and monuments are retained, including, but not limited to:</p> <p>(a) the cane tram line running east west through the town at Mill Street;</p> <p>(b) the general configuration of the 'Triangle' at the intersection of Front Street, Mill Street, Foxton Avenue and Junction Road</p>	<p><b>Complies</b></p> <p><b>Complies</b></p>
<b>PO2</b>	<b>AO2</b>	<b>Complies</b>

Performance Outcomes	Acceptable Outcomes	Applicant Response
Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Mossman local plan maps contained in Schedule 2.	Development adjacent to the gateways and key intersections as identified on the Mossman local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.	
<b>PO3</b> Landscaping of development sites complements the existing tropical character of Mossman.	<b>AO3</b> Landscaping incorporates the requirements of Planning scheme policy SC 6.2- Landscaping.	<b>Will be complied with</b>
<b>P04</b> Development does not compromise the safety and efficiency of the State-controlled road network.	<b>AO4</b> Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	<p><b>Complies</b> Proposed access to the site is via the existing driveway located on the neighbouring lot 2RP804918 to the south.</p> <p>See section <b>2.3 Compliance</b> for further discussion</p> 
<b>For assessable development</b>		
<b>PO5 to PO10</b> refer to additional requirements for Precinct 2,3, and 4. They are <b>not applicable</b> to the site		
<b>Additional requirements for Precinct 5 – Town Centre precinct</b>		

Performance Outcomes	Acceptable Outcomes	Applicant Response
<p><b>PO11</b></p> <p>Buildings in the precinct are designed and sited to complement the existing distinctive and cohesive character of the retail and business area, including:</p> <ul style="list-style-type: none"> <li>(a) buildings built to the frontage to reinforce the existing built-form character;</li> <li>(b) buildings that address the street;</li> <li>(c) development that incorporates awnings and verandahs providing weather protection for pedestrians.</li> </ul>	<p><b>AO11</b></p> <p>With respect to Front Street, Foxton Avenue, Mill Street and Johnston Road, development incorporates buildings that front the street designed with non-transparent awnings that:</p> <ul style="list-style-type: none"> <li>(a) provide for pedestrian shelter that are consistent with the character and setting of the town centre;</li> <li>(b) are a minimum of 3.2 metres and a maximum of 3.5 metres above the finished footpath level;</li> <li>(c) extend and cover the adjoining footpath with a 1.5 metre setback to the kerb;</li> <li>(d) are continuous across the frontage of the site;</li> <li>(e) are cantilevered from the main building and where posts are used, posts are non-load bearing;</li> <li>(f) include under awning lighting.</li> </ul>	<p><b>Complies</b></p> <p>Development is in an already existing building. The existing awning of the building:</p> <ul style="list-style-type: none"> <li>1. provides pedestrian shelter that are consistent with the character and setting of the town centre</li> <li>2. are a minimum of 3.2 metres and a maximum of 3.5 metres above the finished footpath level</li> <li>3. extend and cover the adjoining footpath</li> <li>4. are continuous across the frontage of the site</li> </ul>
<p><b>PO12</b></p> <p>Development in the precinct contributes positively to the character of the town and is complementary in scale to surrounding development.</p>	<p><b>AO12</b></p> <p>Development incorporates the following design features:</p> <ul style="list-style-type: none"> <li>(a) 'built up to the front' alignment addressing the street frontage and continuing the scale of the existing built form and where necessary providing car parking spaces at the rear of the site,*</li> <li>(b) appropriate built form and roofing material;</li> </ul>	<p><b>Complies</b></p> <p>Development is in an already existing building.</p>

Performance Outcomes	Acceptable Outcomes	Applicant Response
	<ul style="list-style-type: none"> <li>(c) appropriate fenestration in combination with roof form;</li> <li>(d) appropriate window openings, screens or eaves shading 80% of window openings;</li> <li>(e) minimum of 700mm eaves;</li> <li>(f) orientation of the building to address the street/s;</li> <li>(g) sheltered pedestrian access by enclosed covered common area walkway of 1.5 metres in width from the car park area/s to the development;</li> <li>(h) ground level façades facing streets consist of windows, wall openings or shop fronts;</li> <li>(i) vertical architectural elements a minimum of 3 metres along the length of the ground level façade;</li> <li>(j) inclusion of windows and balconies on the upper levels facing the street façade;</li> <li>(k) provision of lattice, battens or privacy screens;</li> <li>(l) the overall length of a building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres;</li> <li>(m) Any air conditioning plant is screened from the street frontage and public view by use of architectural features.</li> </ul>	

Performance Outcomes	Acceptable Outcomes	Applicant Response
	*Note - access to car parking must not adversely impact on 'built up to the front' alignment continuity.	
<b>PO13</b> Site coverage of all buildings: (a) does not result in a built form that is bulky or visually intrusive to the streetscape; (b) respects the individual character of the town centre.	<b>AO13</b> Site cover does not exceed 60%.	<b>Complies</b>
<b>PO14</b> Side and rear setbacks: (a) are appropriate for the scale of the development and the character of the town centre; (b) provide adequate daylight for habitable rooms on adjoining sites; (c) adequate separation between residential and non-residential uses.	<b>AO14.1</b> For side boundary setbacks, no acceptable measures are specified.  <b>AO14.2</b> Buildings are setback a minimum of 6 metres from rear boundaries.  Note: Building code requirements must be satisfied.	<b>Complies with performance criteria</b> Side setback (southern) is appropriate for the scale of the development, and is consistent with the character of the site, adjoining site, and wider community. See section <b>2.3 Compliance</b> for further discussion  <b>Complies</b>
<b>PO15</b> Development in the precinct is predominantly retail or office based in nature or has a service delivery function	<b>AO15</b> Development at street level is limited to retail, office or restaurant/cafe based activities or personal services, with residential development limited to minor ancillary residential uses or to tourist accommodation located above ground level, or to the rear of the site at ground level.	<b>Complies</b> Development is for a <i>hotel</i> and food (restaurant/café activities) is ancillary to the use

Performance Outcomes	Acceptable Outcomes	Applicant Response
PO16 to PO24 refer to additional requirements for Precinct 6, 7, 8, and 9. They are <b>not applicable</b> to the site		



### 8.2.1 Acid sulfate soils overlay code

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

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

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

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

[illegible]

Performance outcomes	Acceptable outcomes	Applicant response
	<p>actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:</p> <ul style="list-style-type: none"> <li>(f) neutralising existing acidity and preventing the generation of acid and metal contaminants;</li> <li>(g) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;</li> <li>(h) preventing the in situ oxidation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;</li> <li>(i) appropriately treating acid sulfate soils before disposal occurs on or off site;</li> <li>(j) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.</li> </ul> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p><b>PO3</b> No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p><b>AO3</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with performance criteria</b></p>

## 8.2.6 Landscape values overlay code

### **Purpose**

The purpose of the Landscape values overlay code is to:

- (a) implement the policy direction of the Strategic Framework, in particular:
  - (i) Theme 2: Environment and landscape values Element 3.5.5 Scenic amenity;
  - (ii) Theme 3: Natural resource management Element 3.6.4 – Resource extraction.
- (b) enable an assessment of whether development is suitable on land within the Landscape values overlay sub-categories.

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

- (a) areas of High landscape value are protected, retained and enhanced;
- (b) areas of Medium landscape value are managed to integrate and limit the visual impact of development;
- (c) the landscape values of the Coastal scenery area are managed to integrate and limit the visual impact of development;
- (d) development maintains and enhances the significant landscape elements and features which contribute to the distinctive character and identity of Douglas Shire;
- (e) ridges and vegetated hillslopes are not developed in a way that adversely impacts on landscape values;
- (f) watercourses, forested mountains and coastal landscape character types remain predominantly natural in appearance in order to maintain the region's diverse character and distinctive tropical image, in particular:
  - (i) areas in the coastal landscape character type which are predominantly natural and undeveloped in appearance retain this natural landscape character;
  - (ii) watercourses which are predominantly natural and undeveloped in appearance retain this natural landscape character
  - (iii) the rural character of cane fields and lowlands landscape character types which are predominantly rural or natural in appearance are maintained;
  - (iv) landscape values are maintained when viewed from lookouts, scenic routes, gateways and public places.

- (g) views towards High landscape value areas and the Coral Sea are not diminished;
- (h) development is consistent with the prevailing landscape character of its setting, and is neither visually dominant nor visually intrusive;
- (i) advertising devices do not detract from the landscape values, character types or amenity of an area.

**Table 8.2.6.3.a – Landscape values overlay code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>Development in a High landscape value area</b>		
<p><b>PO1</b> Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <ul style="list-style-type: none"> <li>(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</li> <li>(b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;</li> <li>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</li> <li>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with</li> </ul>	<p><b>AO1.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.</p> <p>Note - Height is inclusive of roof height.</p> <p><b>AO1.2</b> Buildings and structures are setback not less than 50 metres from ridgelines or peaks.</p> <p><b>AO1.3</b> Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p> <p><b>AO1.4</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <ul style="list-style-type: none"> <li>(a) development follows the natural; contours of the site;</li> <li>(b) buildings are split level or suspended floor</li> </ul>	<p><b>Not applicable</b> Site is not located in a high landscape value area</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>the landscape values of the locality;</p> <p>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p> <p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>construction, or a combination of the two;</p> <p>(c) lightweight materials are used to areas with suspended floors.</p> <p>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</p> <p><b>AO1.5</b> The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p> <p><b>AO1.6</b> No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p> <p><b>AO1.7</b> Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.</p> <p>Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO1.8</b> Advertising devices do not occur.	
<b>Development within the Medium landscape value area</b>		
<b>PO2</b> Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-	<b>AO2.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.  Note - Height is inclusive of the roof height.  <b>AO2.2</b> Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.  <b>AO2.3</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors.  Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.  <b>AO2.4</b> The external features, walls and roofs of buildings and structures have a subdued and non-reflective	<b>Not applicable</b> Site is not located in a medium landscape value area   <b>Not applicable</b> Site is not located in a medium landscape value area   <b>Not applicable</b> Site is not located in a medium landscape value area   <b>Not applicable</b> Site is not located in a medium landscape value area

Performance outcomes	Acceptable outcomes	Applicant response
<p>ground or in-ground infrastructure;</p> <p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes</p>	<p>palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p> <p><b>AO2.5</b> No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p> <p><b>AO2.6</b> Advertising devices do not occur.</p>	<p><b>Not applicable</b> Site is not located in a medium landscape value area</p> <p><b>Not applicable</b> Site is not located in a medium landscape value area</p>
<b>Development within a Scenic route buffer / view corridor area</b>		
<p><b>PO3</b> Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) retains visual access to views of the surrounding landscape, the sea and other water bodies;</p> <p>(b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;</p> <p>(c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;</p> <p>(d) minimises visual impacts on the setting and</p>	<p><b>AO3.1</b> Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code.</p> <p><b>AO3.2</b> No clearing of native vegetation is undertaken within a Scenic route buffer area.</p> <p><b>AO3.3</b> Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and</p>	<p><b>Complies</b> Development is in an already existing building</p> <p><b>Will be complied with where necessary</b></p> <p><b>Not applicable</b> Development is in an already existing building. The existing building is built to the front street boundary and no change to the frontage of the site is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>views in terms of:</p> <ul style="list-style-type: none"> <li>(i) the scale, height and setback of buildings;</li> <li>(ii) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways;</li> <li>(iii) the scale, extent and visual prominence of advertising devices.</li> </ul> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes</p>	<p>landscaped in accordance with the requirements of the landscaping code.</p> <p><b>AO3.4</b> Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.</p>	<p><b>Will be complied with where necessary</b></p>
<b>Development within the Coastal scenery area</b>		
<p><b>PO4</b> The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p><b>AO4.1</b> The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.</p> <p><b>AO4.2</b> Where located adjacent to the foreshore buildings and structures are setback:</p> <ul style="list-style-type: none"> <li>(a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or</li> <li>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high water mark. The setback area is landscaped in</li> </ul>	<p><b>Not applicable</b> Site is not located within the Coastal scenery area</p> <p><b>Not applicable</b> Site is not located within the Coastal scenery area</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>accordance with the requirements of the Landscaping code.</p> <p><b>AO4.3</b> Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p> <p>(a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or</p> <p>(b) where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	<p><b>Not applicable</b> Site is not located within the Coastal scenery area</p>
<p><b>PO5</b> Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical.</p> <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.</p>	<p><b>A05</b> No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code</p>	<p><b>Not applicable</b> Site is not located within the Coastal scenery area</p>

### 8.2.10 Transport network overlay code

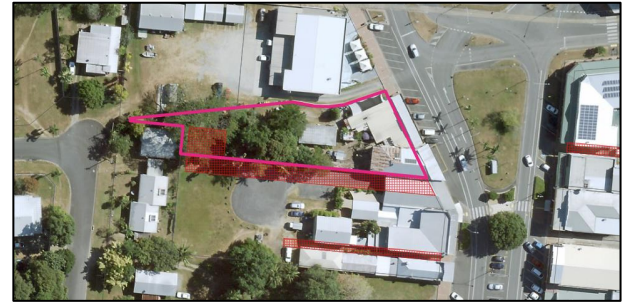
The purpose of the Transport network overlay code is to:

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

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

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

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>PO1</b> Development supports the road hierarchy for the region.  Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO1.1</b> Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	<b>Complies</b> Development will not have a detrimental affect on the intended role and function of the transport network
	<b>AO1.2</b> Development does not compromise the safety and efficiency of the transport network.	<b>Complies</b> Development will not have a detrimental affect on the transport network
	<b>AO1.3</b> Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	<b>Complies</b> Proposed access to the site is via the existing driveway located on the neighbouring lot 2RP804918 to the south. See section <b>2.3 Compliance</b> for further discussion 
<b>PO2</b> Transport infrastructure is provided in an integrated and timely manner.	<b>AO2</b> Development provides infrastructure (including improvements to existing infrastructure) in accordance with:	<b>Not applicable to this scale of development</b>



Performance outcomes	Acceptable outcomes	Applicant response
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.	<p>(a) the Transport network overlay maps contained in Schedule 2;</p> <p>(b) any relevant Local Plan.</p> <p>Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</p>	
<p><b>P03</b></p> <p>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.</p>	<p><b>A03</b></p> <p>No acceptable outcomes are prescribed.</p> <p>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</p>	<p><b>Not applicable</b></p> <p>Development is not for a sensitive land use</p>
<p><b>P04</b></p> <p>Development does not compromise the intended role and function or safety and efficiency of major transport corridors.</p> <p>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.</p>	<p><b>A04.1</b></p> <p>Development is compatible with the role and function (including the future role and function) of major transport corridors.</p>	<p><b>Complies</b></p> <p>Development will not have a detrimental affect on the role and function of the major transport corridor</p>
	<p><b>A04.2</b></p> <p>Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p>	<p><b>Complies</b></p> <p>Direct access is not provided to a major transport corridor</p> <p>See section <b>2.3 Compliance</b> for further discussion about access</p>
	<p><b>A04.3</b></p> <p>Intersection and access points associated with major transport corridors are located in accordance with:</p> <p>(a) the Transport network overlay maps contained in Schedule 2; and</p> <p>(b) any relevant Local Plan.</p>	<p><b>Not applicable</b></p>

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

#### 9.4.1 Access, parking and servicing code


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

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

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

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


Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> <li>(d) the level of local accessibility;</li> <li>(e) the nature and frequency of any public transport serving the area;</li> <li>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</li> <li>(g) whether or not the use involves a heritage building or place of local significance;</li> <li>(h) whether or not the proposed use involves the retention of significant vegetation.</li> </ul>	<b>AO1.1</b> The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.  Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.	<b>Complies with performance criteria</b> There is sufficient onsite parking spaces that will cater for the demand of the development in regards to: <ul style="list-style-type: none"> <li>• The desired character of the area</li> <li>• The operation of the use</li> <li>• The characteristics of the site (particularly vegetation)</li> <li>• Local accessibility</li> </ul> See section <b>2.3 Compliance</b> for further discussion
	<b>AO1.2</b> Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	<b>Complies</b>
	<b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	<b>Will be complied with where necessary</b>
	<b>AO1.4</b> For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	<b>Not applicable</b>


Performance outcomes	Acceptable outcomes	Applicant response
<b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	<b>Complies</b>
<b>PO3</b> Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; (f) so that they do not adversely impact current and future on-street parking arrangements; (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; (h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).	<b>AO3.1</b> Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.	<b>Complies</b> Proposed access to the site is via the existing driveway located on the neighbouring lot to the south (2RP804918). 
	<b>AO3.2</b> Access, including driveways or access crossovers: (a) are not placed over an existing: (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; (c) adhere to minimum sight distance requirements in accordance with AS2980.1.	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Applicant response
	<b>A03.3</b> Driveways are: <ul style="list-style-type: none"> <li>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</li> <li>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</li> <li>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</li> <li>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</li> <li>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</li> </ul>	<b>Complies</b>
	<b>A03.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	<b>Complies</b>
<b>PO4</b> Sufficient on-site wheel chair accessible car parking	<b>A04</b> The number of on-site wheel chair accessible car	<b>Will be complied with where necessary</b>



Performance outcomes	Acceptable outcomes	Applicant response
spaces are provided and are identified and reserved for such purposes.	parking spaces complies with the rates specified in AS2890 Parking Facilities.	
<b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.	<b>A05</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.	<b>Complies</b>
<b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	<b>A06</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	<b>Will be complied with where necessary</b>
<b>PO7</b> Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site.	<b>A07.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);  <b>A07.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.  <b>A07.3</b> Development provides visitor bicycle parking which does not impede pedestrian movement.	<b>Will be complied with where necessary</b>  <b>Will be complied with where necessary</b>  <b>Will be complied with where necessary</b>
<b>PO8</b> Development provides walking and cycle routes through the site which: (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations,	<b>A08</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to: (a) create a walking or cycle route along the full frontage of the site;	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant response
shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety.	(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.	
<b>P09</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed: (a) in accordance with relevant standards; (b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	<b>AO9.1</b> Access driveways, vehicle manoeuvring and onsite parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.  <b>AO9.2</b> Service and loading areas are contained fully within the site.	<b>Complies</b>          <b>Complies with performance criteria</b> Development is located along Front street. There is an existing dedicated loading zone located at the front of the building  

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

Performance outcomes	Acceptable outcomes	Applicant response
	(e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station.	
	<b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	<b>Not applicable</b>

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

Land use	Minimum number of ordinary vehicle parking spaces
<b>Hotel</b>	1 space per 10m <sup>2</sup> GFA and licensed outdoor area; plus For 1 space per 50m <sup>2</sup> GFA of floor area of liquor barn or bulk liquor sales area; plus, if a drive in bottle shop is provided, queuing lane/s on site for 12 vehicles. *Note - Use standard for any Short Term Accommodation for hotel accommodation use

## 9.4.2 Advertising devices code

### Purpose

The purpose of the Advertising devices code is to ensure that advertising devices are established in a manner which is consistent with the desired character and amenity of Douglas Shire.

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

- (a) an advertising device complements, and does not detract from the desirable characteristics of the natural and built environment in which the advertising device is exhibited;
- (b) Third party advertising devices are not encouraged to establish in the Shire, being contrary to the unique character, lifestyle and environmental attributes of the Shire;
- (c) an advertising device is designed and integrated into the built form so as to minimise visual clutter;
- (d) an advertising device does not adversely impact on visual amenity of a scenic route, heritage building or public open space;
- (e) an advertising device does not adversely impact on rural, rural residential, residential, environmental management or conservation areas;
- (f) an advertising device does not pose a hazard for pedestrians, cyclists or drivers of motor vehicles.

Note - For billboards and/or other devices on a State-controlled road, contact the Department of Transport and Main Roads for further information about obtaining an 'Ancillary Works and Encroachment (AWE) Permit' under the Transport Infrastructure Act 1994.

### Applicant response

This code is not applicable as development does not require an Advertising Device

### 9.4.3 Environmental performance code

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

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

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

**Table 9.4.3.3.a – Environmental performance code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>Lighting</b>		
<b>PO1</b> Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	<b>AO1.1</b> Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	<b>Complies</b>
	<b>AO1.2</b> Development that involves flood lighting is restricted	<b>Will be complied with</b>

Performance outcomes	Acceptable outcomes	Applicant response
	to a type that gives no upward component of light where mounted horizontally.	
	<b>AO1.3</b> Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	<b>Will be complied with where necessary</b>
<b>Noise</b>		
<b>PO2</b> 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.	<b>AO2.1</b> Development does not involve activities that would cause noise related environmental harm or nuisance  <b>Or</b> <b>AO2.2</b> Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.	<b>Not applicable</b>  <b>Complies with performance criteria</b> Noise generated from the development will not have an unacceptable level of noise that will emanate from the site. See section <b>2.3 Compliance</b> for further discussion
	<b>AO2.3</b> The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following: (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	<b>Complies with performance criteria</b> Parking areas are located to the rear of the lot in an already cleared area. The western boundary, which the parks are orientated east-west, is heavily vegetated and includes an existing large raintree, and caralia tree.  See section <b>2.3 Compliance</b> for further discussion



Performance outcomes	Acceptable outcomes	Applicant response
	<p>the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping.</p> <p><small>Editor's note - <i>The Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</small></p>	
<b>Airborne particles and other emissions</b>		
<p><b>PO3</b> Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p><small>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.</small></p>	<p><b>AO3.1</b> Development does not involve activities that will result in airborne particles or emissions being generated</p> <p><b>Or</b></p> <p><b>AO3.2</b> The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p> <p><small>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.</small></p> <p><small>Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.</small></p> <p><small>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</small></p>	<p><b>Complies</b></p> <p><b>Not applicable</b></p>
<b>Odours</b>		
<p><b>PO4</b> Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.</p>	<p><b>AO4.1</b> The development does not involve activities that create odorous emissions</p>	<p><b>Not applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	<p><b>Or</b></p> <p><b>AO4.2</b> The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>	<b>Complies</b>
<b>Waste and recyclable material storage</b>		
<p><b>PO5</b> Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.</p>	<p><b>AO5.1</b> The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.</p>	<b>Will be complied with</b>
<p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p><b>AO5.2</b> 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:</p> <ul style="list-style-type: none"> <li>(a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated;</li> <li>(b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;</li> <li>(c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;</li> <li>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.</li> </ul>	<b>Will be complied with</b>

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Performance outcomes	Acceptable outcomes	Applicant response
(d) site management and control measures.	<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>	
<b>Pest plants (for material change of use on vacant land over 1,000m<sup>2</sup>)</b>		
<p><b>PO8</b> Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p>	<p><b>AO8.1</b> The land is free of declared pest plants before development establishes new buildings, structures and practices;</p> <p>or</p> <p><b>AO8.2</b> Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p>	<p><b>Not applicable</b> Development is not a vacant land over 1,00m<sup>2</sup></p> <p><b>Not applicable</b> Development is not a vacant land over 1,00m<sup>2</sup></p>

Performance outcomes	Acceptable outcomes	Applicant response
	Declared pest plants include locally declared and State declared pest plants.	

#### 9.4.4 Filling and excavation code

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

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

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

#### Applicant response

This code is not applicable as development does not require Filling and Excavation as the development is in an existing building

#### 9.4.5 Infrastructure works code

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

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


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

**Table 9.4.5.3.a – Infrastructure works code –assessable development**

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



Performance outcomes	Acceptable outcomes	Applicant response
	<b>A01.3</b> New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.	<b>Not applicable</b>
	<b>A01.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement.  Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.	<b>Will be complied with</b>
	<b>A01.5</b> Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	<b>Complies</b> There are existing posts that hold up an awning over the footpath along Front street

Performance outcomes	Acceptable outcomes	Applicant response
		
<b>Accessibility structures</b>		
<b>P02</b> Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.  Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities	<b>A02.1</b> Accessibility structures are not located within the road reserve.	<b>Complies</b>
	<b>A02.2</b> Accessibility structures are designed in accordance with AS1428.3.	<b>Will be complied with</b>

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Performance outcomes	Acceptable outcomes	Applicant response
	Development Manual.	
	<b>A05.3</b> A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as: <ul style="list-style-type: none"> <li>(a) erosive, dispersive and/or saline soil types;</li> <li>(b) landscape features (including landform);</li> <li>(c) acid sulfate soil and management of nutrients of concern;</li> <li>(d) rainfall erosivity.</li> </ul>	<b>Not applicable</b>
	<b>A05.4</b> Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	<b>Not applicable</b>
	<b>A05.5</b> Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts. <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>	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Non-tidal artificial waterways</b>		
<b>PO6</b> Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> <li>(a) protect water environmental values;</li> <li>(b) be compatible with the land use constraints for the site for protecting water environmental values;</li> <li>(c) be compatible with existing tidal and non-tidal waterways;</li> <li>(d) perform a function in addition to stormwater management;</li> <li>(e) achieve water quality objectives.</li> </ul>	<b>AO6.1</b> Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> <li>(a) environmental values in downstream waterways are protected;</li> <li>(b) any ground water recharge areas are not affected;</li> <li>(c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;</li> <li>(d) existing areas of ponded water are included.</li> </ul>	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
	<b>AO6.2</b> Non-tidal artificial waterways are located: <ul style="list-style-type: none"> <li>(a) outside natural wetlands and any associated buffer areas;</li> <li>(b) to minimise disturbing soils or sediments;</li> <li>(c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</li> </ul>	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
	<b>AO6.3</b> Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> <li>(a) there is sufficient flushing or a tidal range of &gt;0.3 m; or</li> <li>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</li> <li>(c) there is no introduction of salt water into freshwater environments.</li> </ul>	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways

Performance outcomes	Acceptable outcomes	Applicant response
	<b>A06.4</b> Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat.	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
	<b>A06.5</b> The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
	<b>A06.6</b> Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
	<b>A06.7</b> Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	<b>Not applicable</b> Site is not mapped as having Non-tidal artificial waterways
<b>Wastewater discharge</b>		
<b>PO7</b> Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management;	<b>A07.1</b> A wastewater management plan is prepared and addresses: (a) wastewater type;	<b>Will be complied with where necessary</b>



Performance outcomes	Acceptable outcomes	Applicant response
(b) is treated to: (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	(b) climatic conditions; (c) water quality objectives; (d) best practice environmental management.	
	<b>A07.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	Will be complied with where necessary
	<b>A07.3</b> Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	Will be complied with where necessary
	<b>A07.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and: (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; (b) manages wastewater so that: (i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;	Not applicable

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Performance outcomes	Acceptable outcomes	Applicant response
infrastructure does not cause an adverse impact on amenity.	(a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.	
	<b>A09.2</b> Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.  Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	<b>Not applicable</b>
<b>Telecommunications</b>		
<b>PO10</b> Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	<b>AO10</b> The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	<b>Complies</b>
<b>PO11</b> Provision is made for future telecommunications services (e.g. fibre optic cable).	<b>AO11</b> Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>Complies</b>
<b>Road construction</b>		
<b>PO12</b> The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site;	<b>AO12.1</b> The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Applicant response
(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.	the particular class of road, as identified in the road hierarchy.	
	<b>AO12.2</b> There is existing road, kerb and channel for the full road frontage of the site.	Complies
	<b>AO12.3</b> Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	Complies
<b>Alterations and repairs to public utility services</b>		
<b>PO13</b> Infrastructure is integrated with, and efficiently extends, existing networks.	<b>AO13</b> Development is designed to allow for efficient connection to existing infrastructure networks.	<b>Not applicable</b> Development does not require alterations or repairs to public utility services
<b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO14.1</b> Public utility mains, services and installations are not required to be altered or repaired as a result of the development;  or	<b>Not applicable</b> Development does not require alterations or repairs to public utility services
	<b>AO14.2</b> Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional	<b>Not applicable</b> Development does not require alterations or repairs to public utility services

Performance outcomes	Acceptable outcomes	Applicant response
	Development Manual.	
<b>Construction management</b>		
<b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	<b>AO15</b> Works include, at a minimum: (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds.	<b>Will be complied with where necessary</b>
<b>PO16</b> Existing infrastructure is not damaged by construction activities.	<b>AO16</b> Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.  Note - Construction, alterations and any repairs to Statecontrolled roads and rail corridors are undertaken in accordance with the <i>Transport Infrastructure Act 1994</i> .	<b>Will be complied with where necessary</b>
<b>For assessable development</b>		
<b>High speed telecommunication infrastructure</b>		
<b>PO17</b> Development provides infrastructure to facilitate the roll out of high speed telecommunications	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Not applicable</b>

Performance outcomes	Acceptable outcomes	Applicant response
infrastructure.		
<b>Trade waste</b>		
<b>PO18</b> Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	<b>AO18</b> No acceptable outcomes are prescribed.	<b>Will be complied with</b>
<b>Fire services in developments accessed by common private title</b>		
<b>PO19</b> Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO19.1</b> Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	<b>Not applicable</b> Development is not located in a residential area
	<b>AO19.2</b> Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	<b>Complies with performance criteria</b> Fire hydrants are already existing
<b>PO20</b>	<b>AO20</b>	<b>Complies with performance criteria</b>

Performance outcomes	Acceptable outcomes	Applicant response
<p>Hydrants are suitably identified so that fire services can locate them at all hours.</p> <p>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: ‘Identification of street hydrants for fire fighting purposes’ available under ‘Publications’.</p>	No acceptable outcomes are prescribed.	Fire hydrants are already existing



## 9.4.6 Landscaping code

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

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

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

**Table 9.4.6.3.a – Landscaping code –assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Landscape design</b>		
<b>PO1</b> Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by: <ul style="list-style-type: none"> <li>(a) promoting the Shire’s character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development</li> </ul>	<b>AO1</b> Development provides landscaping: <ul style="list-style-type: none"> <li>(a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;</li> <li>(b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;</li> </ul>	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Applicant response
<p>from within and outside the development and makes a positive contribution to the streetscape;</p> <p>(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;</p> <p>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</p> <p>(f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</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>	<p>(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> <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	
<b>For assessable development</b>		
<p><b>PO2</b></p> <p>Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the</p>	<p><b>AO2.1</b></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><b>Complies with performance criteria</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
development.	<p><b>AO2.2</b> 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><b>Not applicable</b> Development is in an already existing building</p>
<p><b>PO3</b> 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.</p>	<p><b>AO3.1</b> 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.</p>	<p><b>Complies</b> Development retains vegetation to the extent that parking is required</p>
	<p><b>AO3.2</b> Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.</p>	<p><b>Will be complied with</b></p>
	<p><b>AO3.3</b> Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.</p>	<p><b>Not applicable</b></p>
	<p><b>AO3.4</b> Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Not applicable</b></p>
<b>PO4</b>	<b>AO4</b>	<b>Will be complied with</b>

Performance outcomes	Acceptable outcomes	Applicant response
Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	
<b>PO5</b> Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	<b>AO5</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Will be complied with</b>
<b>PO6</b> Landscaped areas are designed in order to allow for efficient maintenance.	<b>AO6.1</b> A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Will be complied with</b>
	<b>AO6.2</b> Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE).  Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	<b>Will be complied with</b>
<b>PO7</b> Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	<b>AO7.1</b> Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	<b>Not applicable</b> Development does not require podium planting
	<b>AO7.2</b> Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	<b>Not applicable</b> Development does not require podium planting
<b>PO8</b> Development provides for the removal of all weed	<b>AO8</b> Weed and invasive species detected on a	<b>Will be complied with</b>

Performance outcomes	Acceptable outcomes	Applicant response
and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	development site are removed in accordance with a management plan prepared by an appropriately qualified person.	
<b>PO9</b> The landscape design enhances personal safety and reduces the potential for crime and vandalism.	<b>AO9</b> No acceptable outcomes are specified.  Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	<b>Not applicable to this scale of development</b>
<b>PO10</b> The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	<b>AO10</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Will be complied with</b>

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

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

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Vegetation is protected to ensure that: (a) the character and amenity of the local area is maintained; (b) vegetation damage does not result in fragmentation of habitats; (c) vegetation damage is undertaken in a sustainable manner; (d) the Shire's biodiversity and ecological values are maintained and protected; (e) vegetation of historical, cultural and / or visual	<b>AO1.1</b> Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over;  or <b>AO1.2</b> Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government;	<p><b>Will be complied with where necessary</b></p> <p><b>Not applicable</b></p>

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Performance outcomes	Acceptable outcomes	Applicant response
	<p>Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;</p> <p>or</p> <p><b>AO1.6</b> Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the <i>Vegetation Management Act 1999</i>;</p> <p>Or</p> <p><b>AO1.7</b> Vegetation damage is essential to the maintenance of an existing fire break;</p> <p>or</p> <p><b>AO1.8</b> Vegetation damage is essential to prevent interference to overhead service cabling;</p> <p>or</p> <p><b>AO1.9</b> Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the <i>Vegetation Management Act 1999</i>;</p> <p>or</p> <p><b>AO1.10</b></p>	<p><b>Not applicable</b></p> <p><b>Not applicable</b></p> <p><b>Not applicable</b></p> <p><b>Not applicable</b></p> <p><b>Not applicable</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>Vegetation damage is undertaken in accordance with section 584 of the Sustainable Planning Act 2009.</p> <p><b>AO1.11</b> Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</p> <p><b>AO1.12</b> Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</p>	<p><b>Not applicable</b></p> <p><b>Not applicable</b></p>
<p><b>PO2</b> Vegetation damaged on a lot does not result in a nuisance.</p>	<p><b>AO2.1</b> Damaged vegetation is removed and disposed of at an approved site;</p> <p>or</p> <p><b>AO2.2</b> Damaged vegetation is mulched or chipped if used onsite.</p>	<p><b>Will be complied with where necessary</b></p> <p><b>Not applicable</b></p>
<b>For assessable development</b>		

Performance outcomes	Acceptable outcomes	Applicant response
<b>P03</b> Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	<b>A03</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> Site is not mapped on the Places of significance overlay

## APPENDIX 2: STATE CODE 1: DEVELOPMENT IN A STATE-CONTROLLED ROAD ENVIRONMENT


Table 1.2.1: Development in a state-controlled road environment

Performance outcomes	Acceptable outcomes	Applicant Response
<b>Buildings and structures</b>		
<b>PO1</b> The location of buildings, structures, infrastructure, services and utilities does not create a safety hazard in a state-controlled road, or cause damage to, or obstruct road transport infrastructure	<b>AO1.1</b> Buildings, structures, infrastructure, services and utilities are not located in a state-controlled road. AND	<b>Complies with performance criteria</b> Development is in an already existing building. The development will not create a safety hazard on the state controlled road and will not cause damage or obstructions to road transport infrastructure.
	<b>AO1.2</b> Buildings, structures, infrastructure, services and utilities can be maintained without requiring access to a state-controlled road.	<b>Complies</b>
<b>PO2</b> The design and construction of Buildings and structures does not create a safety hazard by distracting users of a state-controlled road.	<b>AO2.1</b> Facades of buildings and structures facing a state-controlled road are made of non-reflective materials. OR	<b>Complies</b>
	<b>AO2.2</b> Facades of buildings and structures do not reflect point light sources into the face of oncoming traffic on a state-controlled road. AND	<b>Complies</b>
	<b>AO2.3</b> External lighting of buildings and structures is not directed into the face of oncoming traffic on a state-controlled road and does not involve flashing or laser lights. AND	<b>Complies</b>
	<b>AO2.4</b> Advertising devices visible from a state-controlled road are located and designed in accordance with the Roadside advertising guide, Department of Transport and Main Roads, 2013.	<b>Not applicable</b>
<b>PO3</b> Road, pedestrian and bikeway bridges over a state-controlled road are designed and constructed to prevent projectiles from being thrown onto a state-controlled road.	<b>AO3.1</b> Road, pedestrian and bikeway bridges over a state-controlled road include throw protection screens in accordance with section 4.9.3 of the Design criteria for bridges and other structures	<b>Not applicable</b>


Performance outcomes	Acceptable outcomes	Applicant Response
	manual, Department of Transport and Main Roads, 2014.	
<b>Filling, excavation and retaining structures</b>		
<p><b>PO4</b> Filling and excavation does not interfere with, or result in damage to, infrastructure or services in a state-controlled road.</p> <p>Note: Information on the location of services and public utility plants in a state-controlled road can be obtained from the Dial Before You Dig service.</p> <p>Where development will impact on an existing or future service or public utility plant in a state-controlled road such that the service or public utility plant will need to be relocated, the alternative alignment must comply with the standards and design specifications of the relevant service or public utility provider, and any costs of relocation are to be borne by the developer.</p>	No acceptable outcome is prescribed.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>
<p><b>PO5</b> Filling, excavation, building foundations and retaining structures do not undermine, or cause subsidence of, a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with Volume 3 of the Road Planning And Design Manual 2nd edition, Department of Transport and Main Roads, 2016, is provided.</p>	No acceptable outcome is prescribed.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>
<p><b>PO6</b> Filling, excavation, building foundations and retaining structures do not cause ground water disturbance in a state-controlled road.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with Volume 3 of the Road planning and</p>	No acceptable outcome is prescribed.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>

Performance outcomes	Acceptable outcomes	Applicant Response
design manual 2 <sup>nd</sup> edition, Department of Transport and Main Roads, 2016, is provided.		
<p><b>PO7</b> Excavation, boring, piling, blasting or fill compaction during construction of a development does not result in ground movement or vibration impacts that would cause damage or nuisance to a state-controlled road, road transport infrastructure or road works.</p> <p>Note: To demonstrate compliance with this performance outcome, it is recommended an RPEQ certified geotechnical assessment, prepared in accordance with Volume 3 of the Road Planning And Design Manual 2<sup>nd</sup> edition, Department of Transport and Main Roads, 2016, is provided.</p>	No acceptable outcome is prescribed.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>
<p><b>PO8</b> Development involving the haulage of fill, extracted material or excavated spoil material exceeding 10,000 tonnes per year does not damage the pavement of a state-controlled road.</p> <p>Note: It is recommended a pavement impact assessment is provided in accordance with the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017.</p>	<b>AO8.1</b> Fill, extracted material and spoil material is not transported to or from the development site on a state-controlled road.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>
<b>PO9</b> Filling and excavation associated with the construction of vehicular access to a development does not compromise the operation or capacity of existing drainage infrastructure for a state-controlled road.	No acceptable outcome is prescribed.	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>
<b>PO10</b> Fill material used on a development site does not result in contamination of a state-controlled road.	<p><b>AO10.1</b> Fill material is free of contaminants including acid sulfate content.</p> <p>Note: Soils and rocks should be tested in accordance with AS 1289.0 – Methods of testing soils for engineering purposes and AS 4133.0-2005 – Methods of testing rocks for engineering purposes. AND</p>	<p><b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development</p>

Performance outcomes	Acceptable outcomes	Applicant Response
	<b>AO10.2</b> Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.	<b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development
<b>PO11</b> Filling and excavation does not cause wind-blown dust nuisance in a state-controlled road.	<b>AO11.1</b> Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes. AND	<b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development
	<b>AO11.2</b> Dust suppression measures are used during filling and excavation activities such as wind breaks or barriers and dampening of ground surfaces.	<b>Not applicable</b> Filling, excavation, and retaining structures is not required for this development
<b>Stormwater and drainage</b>		
<b>PO12</b> Development does not result in an actionable nuisance, or worsening of, stormwater, flooding or drainage impacts in a state-controlled road.	No acceptable outcome is prescribed.	<b>Complies with performance criteria</b> Development does not have a detrimental affect on the state controlled road in relation to actionable nuisance, stormwater, flooding or drainage
<b>PO13</b> Run-off from the development site is not unlawfully discharged to a state-controlled road.	<b>AO13.1</b> Development does not create any new points of discharge to a state-controlled road. AND	<b>Complies</b>
	<b>AO13.2</b> Stormwater run-off is discharged to a lawful point of discharge.  Note: Section 3.4 of the Queensland Urban Drainage Manual, Department of Energy and Water Supply, 2013, provides further information on lawful points of discharge. AND	<b>Complies</b>
	<b>AO13.3</b> Development does not worsen the condition of an existing lawful point of discharge to the state-controlled road.	<b>Complies</b>
<b>PO14</b> Run-off from the development site during construction does not cause siltation of stormwater infrastructure affecting a state-controlled road.	<b>AO14.1</b> Run-off from the development site during construction is not discharged to stormwater infrastructure for a state-controlled road.	<b>Complies</b>
<b>Vehicular access to a state-controlled road</b>		

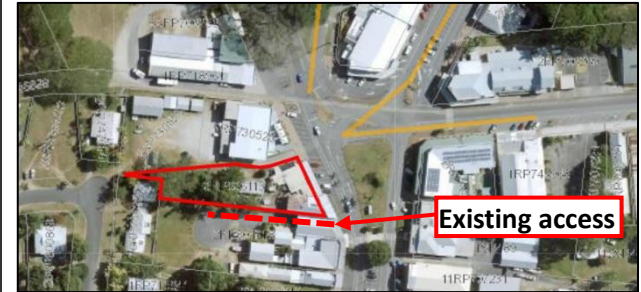
Performance outcomes	Acceptable outcomes	Applicant Response
<b>PO15</b> Vehicular access to a state-controlled road that is a limited access road is consistent with government policy for the management of limited access roads.	<b>AO15.1</b> Development does not require new or changed access to a limited access road.  Note: Limited access roads are declared by the transport chief executive under section 54 of the <i>Transport Infrastructure Act 1994</i> and are identified in the DA mapping system. OR	<b>Not applicable</b> Proposed access to the site is via the existing driveway located on the neighbouring lot to the south (2RP804918).  See section <b>2.3 Compliance</b> for further discussion 
	<b>AO15.2</b> A new or changed access to a limited access road is consistent with the limited access policy for the state-controlled road.  Note: Limited access policies for limited access roads declared under the <i>Transport Infrastructure Act 1994</i> can be obtained by contacting the relevant Department of Transport and Main Roads regional office. AND	<b>Not applicable</b>
	<b>AO15.3</b> Where a new or changed access is for a service centre, access is consistent with the Service centre policy, Department of Transport and Main Roads, 2013 and the Access policy for roadside service centre facilities on limited access roads, Department of Transport and Main Roads, 2013, and the Service centre strategy for the state-controlled road.  Note: The Service centre policy, Department of Transport and Main Roads, 2013, Access policy for	<b>Not applicable</b>



Performance outcomes	Acceptable outcomes	Applicant Response
	<p>roadside service centre facilities, Department of Transport and Main Roads, 2013 and the relevant Service centre strategy for a state-controlled road can be accessed by contacting the relevant Department of Transport and Main Roads regional office.</p>	
<p><b>PO16</b> The location and design of vehicular access to a state-controlled road (including access to a limited access road) does not create a safety hazard for users of a state-controlled road or result in a worsening of operating conditions on a state-controlled road.</p> <p>Note: Where a new or changed access between the premises and a state-controlled road is proposed, the Department of Transport and Main Roads will need to assess the proposal to determine if the vehicular access for the development is safe. An assessment can be made by Department of Transport and Main Roads as part of the development assessment process and a decision under section 62 of <i>Transport Infrastructure Act 1994</i> issued.</p>	<p><b>AO16.1</b> Vehicular access is provided from a local road.</p>	<b>Not applicable</b>
	<p>OR all of the following acceptable outcomes apply:</p> <p><b>AO16.2</b> Vehicular access for the development is consistent with the function and design of the state-controlled road. AND</p>	<p><b>Complies</b> Proposed access to the site is via the existing driveway located on the neighbouring lot to the south (2RP804918).</p> <p>See section <b>2.3 Compliance</b> for further discussion</p> 
	<p><b>AO16.3</b> Development does not require new or changed access between the premises and the state-controlled road.</p> <p>Note: A decision under section 62 of the <i>Transport Infrastructure Act 1994</i> outlines the approved conditions for use of an existing vehicular access to a state-controlled road. Current section 62 decisions can be obtained from the relevant Department of Transport and Main Roads regional office. AND</p>	<b>Complies</b>



Performance outcomes	Acceptable outcomes	Applicant Response
	<p><b>AO16.4</b> Use of any existing vehicular access to the development is consistent with a decision under section 62 of the <i>Transport Infrastructure Act 1994</i>.</p> <p>Note: The development which is the subject of the application must be of an equivalent use and intensity for which the section 62 approval was issued and the section 62 approval must have been granted no more than 5 years prior to the lodgement of the application. AND</p>	<b>Complies</b>
	<p><b>AO16.5</b> Onsite vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in a road intersection or on the state-controlled road.</p>	<b>Complies</b>
<b>PO17</b> Vehicular access to a state-controlled road or local road (and associated road access works) are located and designed to not damage or interfere with public passenger transport infrastructure, public passenger services or pedestrian or cycle access to public passenger transport infrastructure and public passenger services.	<p><b>AO17.1</b> Vehicular access and associated road access works are not located within 5 metres of existing public passenger transport infrastructure. AND</p>	<b>Complies</b>
	<p><b>AO17.2</b> The location and design of vehicular access for a development does not necessitate the relocation of existing public passenger transport infrastructure. AND</p>	<b>Complies</b>
	<p><b>AO17.3</b> On-site vehicle circulation is designed to give priority to entering vehicles at all times so vehicles using a vehicular access do not obstruct public passenger transport infrastructure and public passenger services or obstruct pedestrian or cycle access to public passenger transport infrastructure and public passenger services. AND</p>	<b>Complies</b>
	<p><b>AO17.4</b> The normal operation of public passenger transport infrastructure or public passenger services is not interrupted during construction of the development.</p>	<b>Complies</b>
<b>Vehicular access to local roads within 100 metres of an intersection with a state-controlled road</b>		

Performance outcomes	Acceptable outcomes	Applicant Response
<b>PO18</b> The location and design of vehicular access to a local road within 100 metres of an intersection with a state-controlled road does not create a safety hazard for users of a state-controlled road.	<b>AO18.1</b> Vehicular access is located as far as possible from the state-controlled road intersection. AND	<b>Complies</b> Proposed access to the site is via the existing driveway located on the neighbouring lot to the south (2RP804918).  See section <b>2.3 Compliance</b> for further discussion 
	<b>AO18.2</b> Vehicular access is in accordance with volume 3, parts, 3, 4 and 4A of the Road Planning And Design Manual, 2nd edition, Department of Transport and Main Roads, 2016. AND	<b>Complies</b>
	<b>AO18.3</b> Onsite vehicle circulation is designed to give priority to entering vehicles at all times so vehicles do not queue in the intersection or on the state-controlled road.	<b>Complies</b>
<b>Planned upgrades</b>		
<b>PO19</b> Development does not impede delivery of planned upgrades of state-controlled roads.	<b>AO19.1</b> Development is not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.  Note: Land required for the planned upgrade of a state-controlled road is identified in the <a href="#">DA mapping system</a> . OR	<b>Complies</b>

Performance outcomes	Acceptable outcomes	Applicant Response
	<b>AO19.2</b> Development is sited and designed so that permanent buildings, structures, infrastructure, services or utilities are not located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road.	<b>Not applicable</b>
	OR all of the following acceptable outcomes apply:  <b>AO19.3</b> Structures and infrastructure located on land identified by the Department of Transport and Main Roads as land required for the planned upgrade of a state-controlled road are able to be readily relocated or removed without materially affecting the viability or functionality of the development. AND	<b>Not applicable</b>
	<b>AO19.4</b> Vehicular access for the development is consistent with the function and design of the planned upgrade of the state-controlled road. AND	<b>Not applicable</b>
	<b>AO19.5</b> Development does not involve filling and excavation of, or material changes to, land required for a planned upgrade to a state-controlled road. AND	<b>Not applicable</b>
	<b>AO19.6</b> Land is able to be reinstated to the pre-development condition at the completion of the use.	<b>Not applicable</b>
<b>Network impacts</b>		
<b>PO20</b> Development does not result in a worsening of operating conditions on the state-controlled road network.  Note: To demonstrate compliance with this performance outcome, it is recommended that an RPEQ certified traffic impact assessment is provided, prepared in accordance with the Guide to Traffic Impact Assessment, Department of Transport and Main Roads, 2017.	No acceptable outcome is prescribed.	<b>Complies with performance criteria</b> Development will not have a detrimental affect on the operating conditions of the state-controlled road network. Development is in an existing building and parking for the development is provided at the rear of the site via an already existing driveway on the adjoining lot to the south.

Performance outcomes	Acceptable outcomes	Applicant Response
<b>PO21</b> Development does not impose traffic loadings on a state-controlled road which could be accommodated on the local road network.	<b>AO21.1</b> The layout and design of the development directs traffic generated by the development to the local road network.	<b>Complies</b>
<b>PO22</b> Upgrade works on, or associated with, a state-controlled road are built in accordance with Queensland road design standards.	<b>AO22.1</b> Upgrade works required as a result of the development are designed and constructed in accordance with the Road planning and design manual, 2 <sup>nd</sup> edition, Department of Transport and Main Roads, 2016.  Note: Road works in a state-controlled road require approval under section 33 of the <i>Transport Infrastructure Act 1994</i> before the works commence.	<b>Not applicable</b> Development does not require upgrade works

Table 1.2.2: Environmental emissions

Applicant response
Table 1.2.2 is <b>Not applicable</b> as development is not for an <i>Accommodation activity, Hospital, or Child care centre</i> .

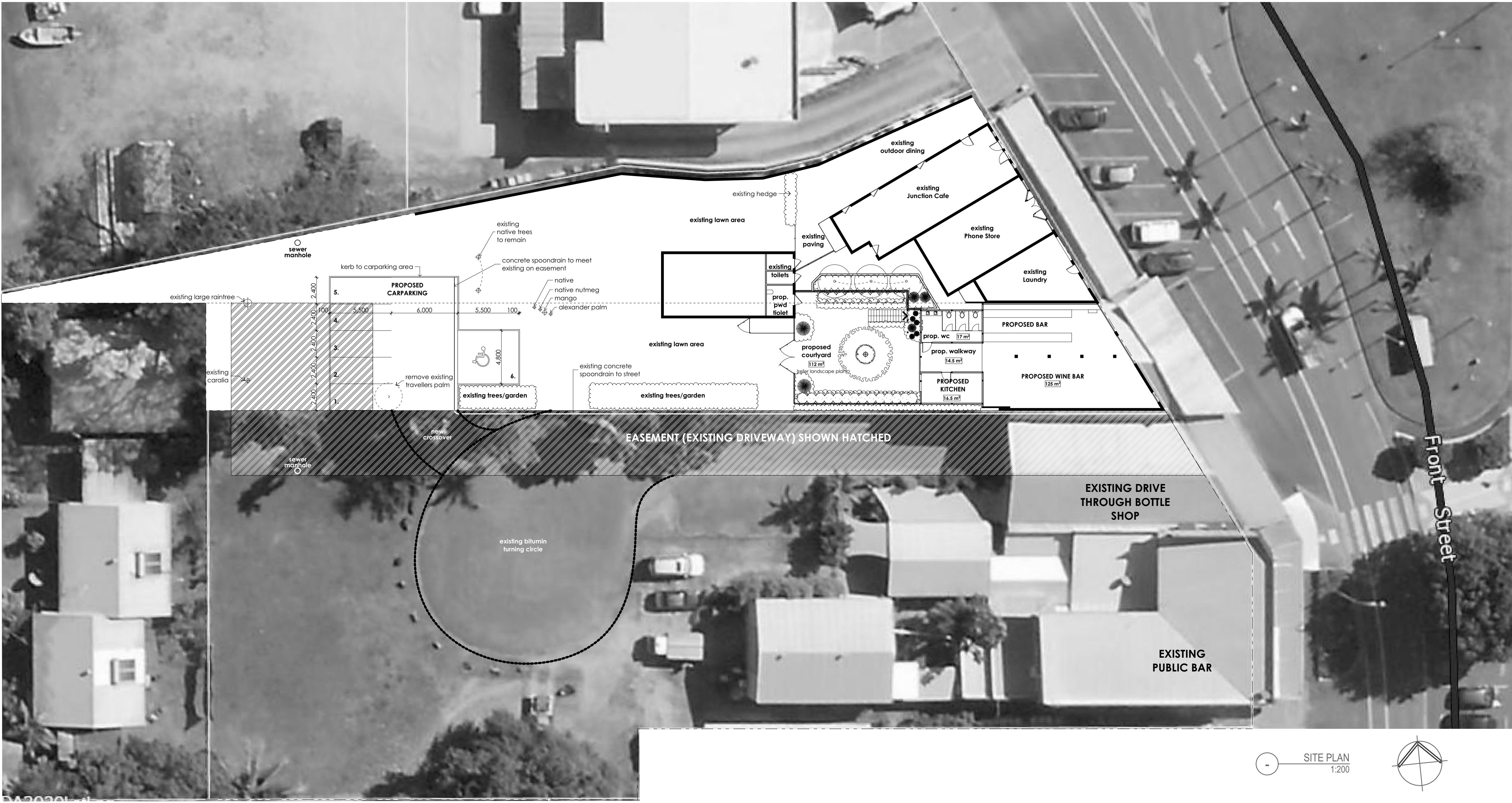
Table 1.2.3: Development in a future state-controlled road environment

Applicant response
Table 1.2.3 is <b>Not applicable</b> to this development as the site is not located in a future state controlled road environment.

## APPENDIX 3: PROPOSAL PLANS


Drawing or Document	Reference	Date
Site Plan	MH-D20_B LP_01	8-10-20
Ground Plan	MH-D20_B LP_02	8-10-20





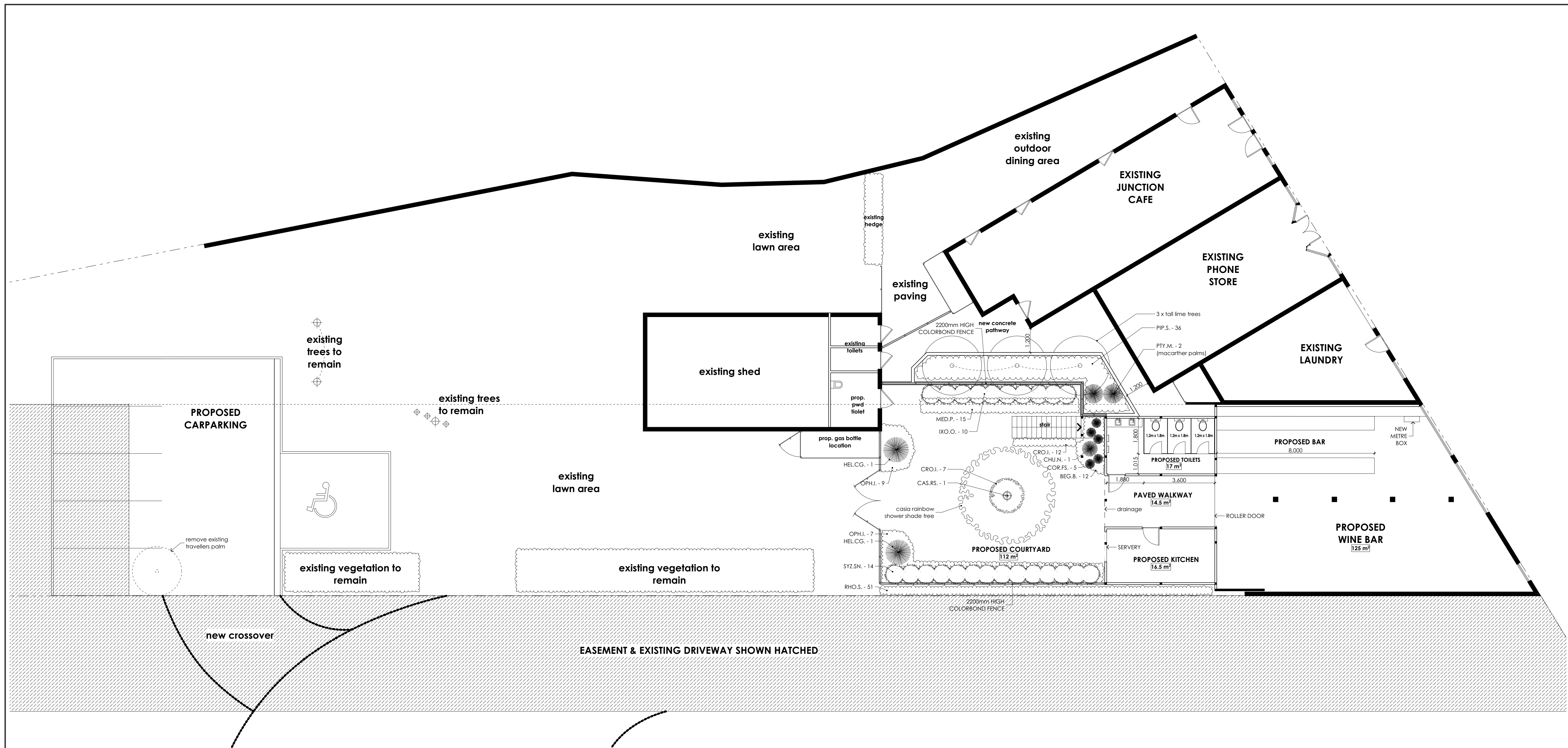
SITE PLAN  
1:200



 <b>HORTULUS</b> LANDSCAPE DESIGN & MANAGEMENT <small>HORTULUS AUSTRALIA PTY LTD ABN NO 64 105 194 821</small>	Consultant: John Sullivan B.App.Sc.Hort, M.A.I.H.	Page: 1 of 1 A1 SHEET	
	Client: MOSSMAN HOTEL	Job No: MH-D20_B	
	Project: PROPOSED LANDSCAPING MOSSMAN HOTEL Front St, Mossman, QLD 4873	Drawn by: DV	Checked by: JAS
	Scale: 1:100	Date: 08-10-20	Dwg no: LP_01 Issue: C

LANDSCAPE PLAN





GROUND PLAN  
1:100

SPECIFICATIONS; MOSSMAN HOTEL COURTYARD

DRAINAGE:	All finished soil levels will drain away from buildings and be directed to appropriate areas by builder. <b>All Pits and pipe to be supplied and installed to correct levels by builder.</b>
SOIL PREPARATION:	Garden beds to be cultivated to a depth of 150mm using the local soil and incorporating 150mm deep of imported garden bed mix to all garden areas. Test soil for pH level and treat accordingly to provide a pH level of 5.5 -6.5.
FERTILISER:	Fertilise garden bed areas, using a pelletised organic fertilizer, at a rate of 1kg/m <sup>2</sup> . This practice could be repeated every four months to maintain adequate nutrients.
MULCH:	Mulch all garden bed areas as shown on Landscape to a depth of 75mm to 100mm of aged organic matter such as woodchip or tea tree mulch. For best results re mulch bare areas biannually.
IRRIGATION:	To be a fully automatic system, using shrub head sprays to all garden beds. Appropriate backflow is to be allowed for according to local council laws. The control station is to be located under steps behind toilets where a suitable power source will be provided <b>by the builder.</b>
PAVING	Paved walkway and courtyard to be paved.

PROPOSED PLANT LIST; MOSSMAN HOTEL COURTYARD

CODE	BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	TYPE	H&W
BEG.B	<i>Begonia sp.</i>	Black Begonia	12	140mm	GC	0.5x0.5
CAS.R	<i>Cassia x nealiae</i>	Cassia "Rainbow Showers"	1	400mm	T	8x6
CHU.N	<i>Chuniophoenix nana</i>	False Lady Finger Palm	1	200mm	P	1.5x1
CIT.SP	<i>Citrus sp.</i>	Lime Tree	3	300mm	T	6x4
COR.FS	<i>Cordyline "Firestorm"</i>		5	200mm	S	3x1
CRO.I	<i>Crossandra infundibuliformis</i>	"Fire Glow"	40	140mm	S	0.5x0.5
HEL.CG	<i>Heliconia caribaea "Gold"</i>		2	300mm	G	3x2
I.X.O.	<i>Ixora odorata</i>	Scented Ixora	10	200mm	S	2x1
MED.P	<i>Medinilla "Pixie Pink"</i>	Dwarf Medinilla	15	200mm	S	0.7x0.7
OPH.I	<i>Ophiopogon intermedius</i>	Giant Mondo Grass	16	140mm	S	0.5x0.5
PIP.S	<i>Piper sarmentosum</i>	Pepper Beetle leaf	36	140mm	GC	0.5x1
PTY.M	<i>Pychosperma macarthurii</i>	Macartheri Palm	2	300mm	P	6x2
RHO.S	<i>Rhoeo spathacaea</i>	Dwarf Moses in a Cradle	51	75mm	GC	0.3x0.5
SYZ.SN	<i>Syzygium australe "Straight &amp; Narrow"</i>		14	200mm	S	3x1
KEY:	C = Climber	F = Fern	GC = Ground Cover			
	G = Ginger	P = Palm	S = Shrub			
	Se= Sedge	T = Tree				