

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

DOUGLAS SMIRE COUNCIL	
Folder	
Doc ID	
Received 28 MAY 2026	
Attention	
Information	

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

Applicant name(s) (individual or company full name)	ELIZABETH SUSAN SANDERS
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	Unit 210, 28 Peninsula Drive
Suburb	Breakfast Point
State	NSW
Postcode	2137
Country	Australia
Contact number	0438 746 236
Email address (non-mandatory)	essanders@hotmail.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of Planning Act 2016	

<input 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.

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
	2	26-30	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4871	27	SP 129137	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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:	

Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application

Not required

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

Name of water body, watercourse or aquifer:

N/A

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

Lot on plan description of strategic port land:

N/A

Name of port authority for the lot:

In a tidal area

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

N/A

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: N/A
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: N/A
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: N/A

<i>DA Forms Guide.</i>	
<input type="checkbox"/> Yes – All easement locations, types and dimensions are included in plans submitted with this development application	
<input checked="" type="checkbox"/> No	

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

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 checked="" 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 DA Forms guide: Relevant plans.</i>			
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application			
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 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 DA Forms Guide: Relevant plans.</i>			
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application			

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

6.4) Is the application for State facilitated development?

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

Section 2 – Further development details

- | | |
|------------------------|--|
| Material change of use | <input 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 DA Form 2 – Building work details |

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.

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Right to permanent and semi-permanent occupation of site (in addition to holiday letting)	Multiple Dwelling (in addition to existing use rights)	1	110m ²
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation		

Division 2 – Reconfiguring a lot

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

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

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

Yes – provide additional details below
 No

How many stages will the works include? _____

What stage(s) will this development application apply to? _____

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

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

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.

<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:	_____	
<input type="checkbox"/> Yes – specify number of new lots:	_____	
<input type="checkbox"/> No		

\$

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

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

Matters requiring referral to the **Chief Executive of the Planning Act 2016**:

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



- SEQ northern inter-urban break – tourist activity or sport and recreation activity
- SEQ northern inter-urban break – community activity
- SEQ northern inter-urban break – indoor recreation
- SEQ northern inter-urban break – urban activity
- SEQ northern inter-urban break – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material *(from a watercourse or lake)*
- Water-related development – referable dams
- Water-related development – levees *(category 3 levees only)*
- Wetland protection area

Matters requiring referral to the local government:

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

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

- Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

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

Matters requiring referral to the Brisbane City Council:

- Ports – Brisbane core port land

Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:

- Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- Ports – Strategic port land

Matters requiring referral to the relevant port operator, if applicant is not port operator:

- Ports – Land within Port of Brisbane’s port limits *(below high-water mark)*

Matters requiring referral to the Chief Executive of the relevant port authority:

- Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the Gold Coast Waterways Authority:

- Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the Queensland Fire and Emergency Service:

- Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

Yes – referral response(s) received and listed below are attached to this development application

No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

PART 6 – INFORMATION REQUEST

- I agree to receive an information request if determined necessary for this development application
 I do not agree to accept an information request for this development application

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

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

- 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			

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

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

- Yes – show cause or enforcement notice is attached
 No

Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

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

Proposed ERA number:		Proposed ERA threshold:	
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Proposed ERA name:	
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Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Yes – Form 536: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

No

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

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.

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

No

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

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

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

No

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

Water resources

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

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

No

Note: Contact the Department of Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.qld.gov.au. If the development application involves:

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

Waterway barrier works

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

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

No

DA templates are available from planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

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

No

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

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

No

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

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

No

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

Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application

No

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



- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - A certificate of title

No

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

- Yes – details of the heritage place are provided in the table below

No

Note: See guidance materials at www.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

23.14)

- 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

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

Yes

Note: See the Planning Regulation 2017 for referral requirements

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

Yes

Not applicable

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

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

Yes

Relevant plans of the development are attached to this development application

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

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21) Yes
 Not applicable

By making this development application, I declare that all information in this development application is true and correct
 Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*
Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.
 Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

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

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

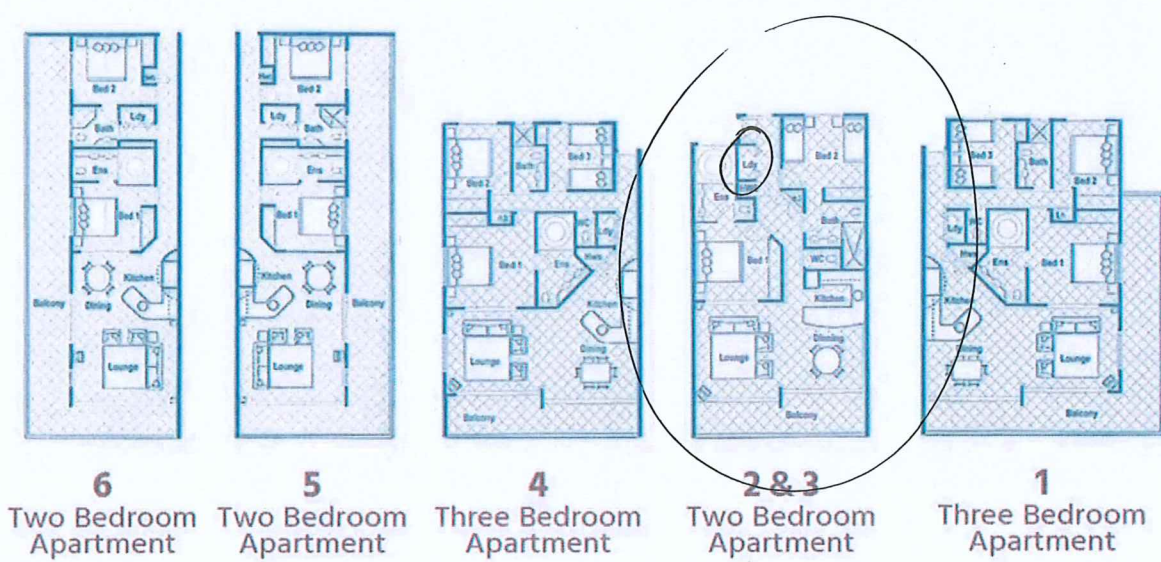
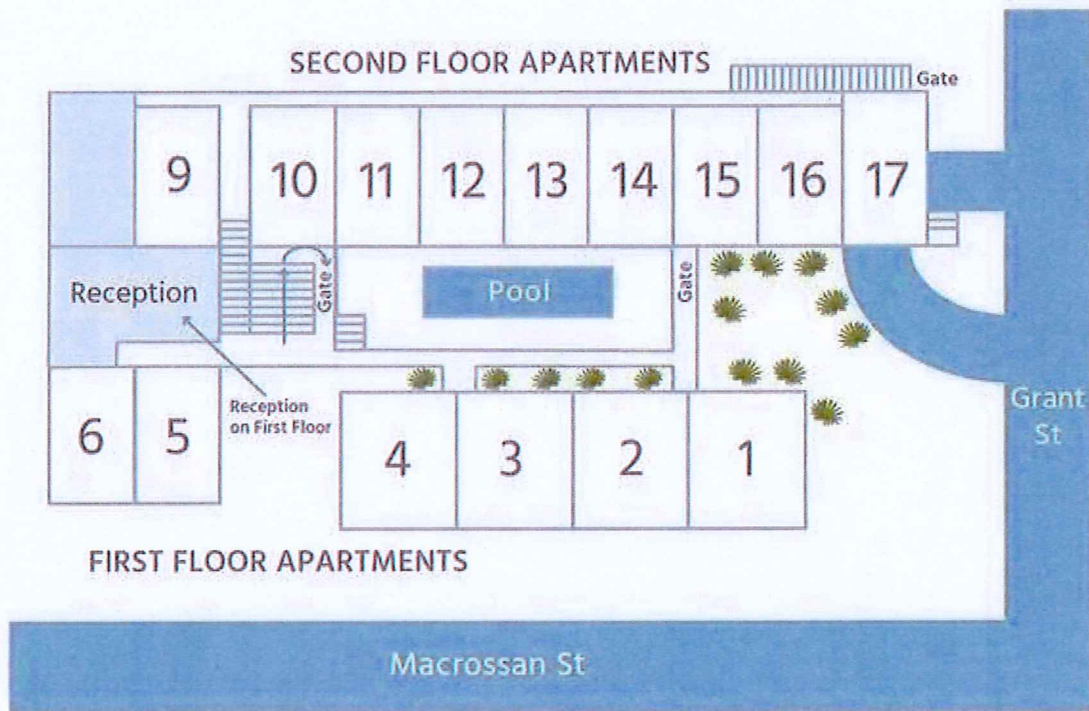
PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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	

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

Floor plans and building layout





Current Title Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50389403	Search Date:	25/05/2026 11:18
Date Title Created:	15/04/2002	Request No:	56251930
Previous Title:	21560022		

ESTATE AND LAND

Estate in Fee Simple

LOT 27 SURVEY PLAN 129137

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 30139

REGISTERED OWNER

Dealing No: 719800254 16/12/2019

ELIZABETH SUSAN SANDERS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332190 (ALLOT 15 SEC 1)
Deed of Grant No. 10332207 (ALLOT 16 SEC 1)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

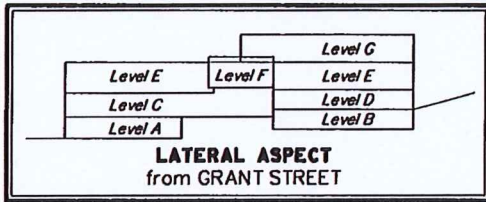
7138_10/MS/FB995

Land Title Act 1994; Land Act 1994
 Form 21 Version 2

SURVEY PLAN

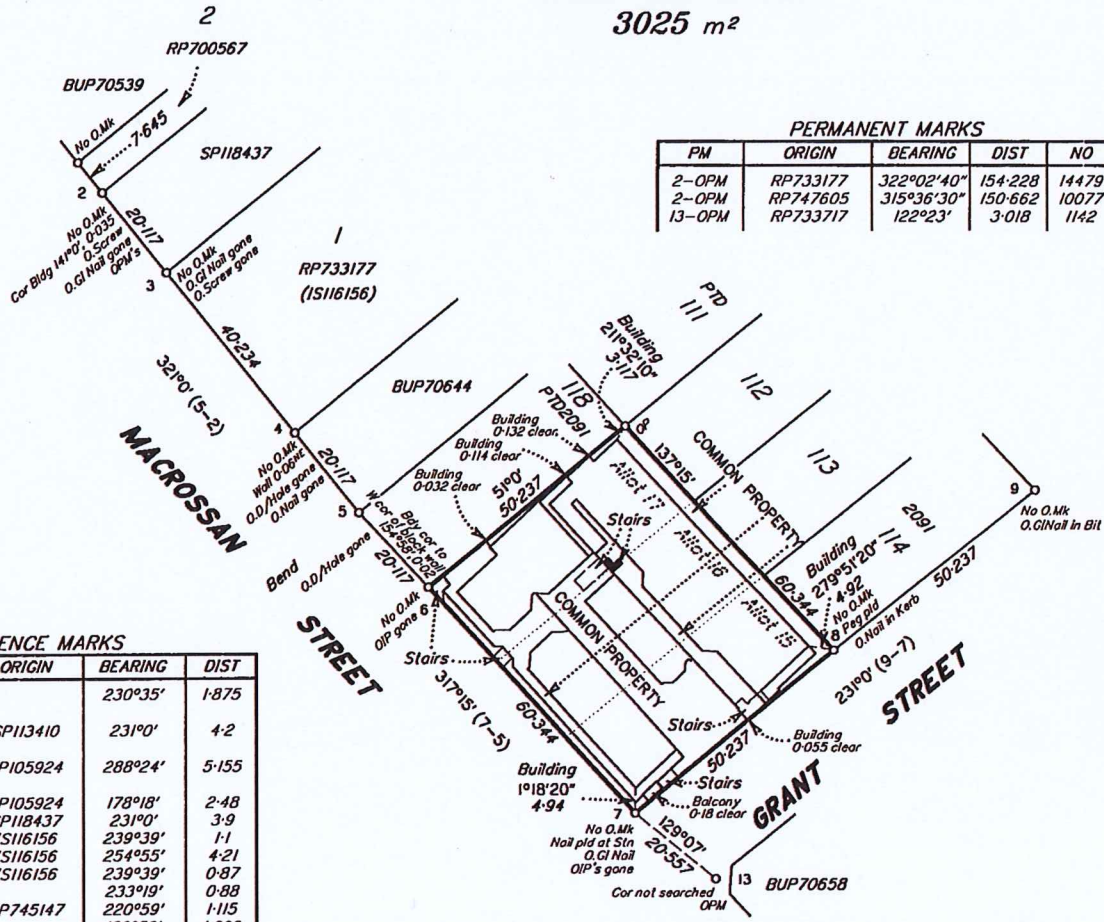
Sheet **1** of **8**

**SALTWATER
~~PANDANUS~~ PLAZA**



Base Parcel Area
3025 m²

PM	ORIGIN	BEARING	DIST	NO
2-OPM	RP733177	322°02'40"	154.228	14479
2-OPM	RP747605	315°36'30"	150.662	10077
13-OPM	RP733717	122°23'	3.018	1142

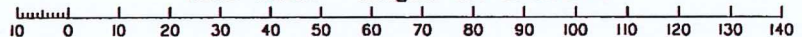


REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
2	Nail in SW Cor Telstra Pit		230°35'	1.875
2	O.Screw in channel	SPI13410	231°0'	4.2
2	O.GINail in pavers gone	SPI05924	288°24'	5.155
3	O.GINail gone	SPI05924	178°18'	2.48
3	O.Screw gone	SPI18437	231°0'	3.9
4	O.D/Hole gone	ISI16156	239°39'	1.1
4	O.Nail gone	ISI16156	254°55'	4.21
5	O.D/Hole gone	ISI16156	239°39'	0.87
5	D/Hole in conc		233°19'	0.88
6	OIP gone	RP745147	220°59'	1.115
6	GINail in pavers		186°56'	1.293
7	OIP gone	RP745147	137°15'	1.0
7	OIP gone	RP745147	201°45'	2.47
7	O.GINail	ISI16156	176°52'	2.725
7	GINail in pavers		162°21'	3.114
8	O.Nail in Kerb	ISI06624	141°41'	2.96
8	Nail in kerb		161°30'40"	3.542
8	GINail in bit		94°21'30"	7.829
9	O.GINail in bit	ISI06624	198°43'30"	8.25
9	GINail in bit		111°47'	16.842

Peg placed at station 8.
Nail placed at station 7.

Scale 1:1000 - Lengths are in Metres.



C&B CONSULTANTS PTY LTD ACH 055 931 096 hereby certify that the Company has surveyed the land comprised in this plan by Mark Peter STOPFORD Registered Surveyor (Licensed) and Robert James THOMAS, Surveying Associate for whose work the company accepts responsibility, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulation 1992 and that the said survey was completed on 5/12/01.



Date 5/12/01

Plan of

Lots 1-42 and Common Property

Cancelling Lot 17 on RP745147

PARISH: **SALISBURY** COUNTY: **Solander**

Meridian: **PTD2091**

F/N's: **No**

Scale: **1:1000**

Format: **BUILDING**



Plan Status:

**WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.**

~~705481407~~
705496375
\$2584.60
\$2584.60
25/03/2002 10:55

Registered

5. Lodged by

THOMPSON McNICHOL Lawyers
7 Ocean Street, PO Box 552
MAROOCHYDORE 4558
TEL 5443 1566 FAX 5443 7198
mail@thompsonmcnichol.com.au

079

(Include address, phone number, reference, and Lodger Code)

NR 400 NT

1. Certificate of Registered Owners or Lessees.

I/We **JUNIPER COMMERCIAL HOLDINGS PTY LTD**
A.C.N. 087 278 055

[Handwritten signatures and a circular stamp for JUNIPER COMMERCIAL HOLDINGS PTY LTD, A.C.N. 087 278 055, with 'Seal' and 'DIRECTOR' markings.]

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees-

* Rule out whichever is inapplicable

2. Local Government Approval.

* **DOUGLAS SHIRE COUNCIL**

hereby approves this plan in accordance with the:

%

Dated this **18th** day of **JANUARY 2002**

DOUGLAS SHIRE COUNCIL

DAVID PETER EGAN
MAYOR
MARK GREGORY KELLER
CHIEF EXECUTIVE OFFICER

* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number : **30139**
Name: **Saltwater**
~~Residential~~ Community Title Scheme

4. References :

Dept File :
Local Govt :
Surveyor : **7138**

6. Existing

Title Reference	Lot	Plan
21560022	17	RP745147

Created

Lots	Emts	Road
1-42 & Common Property		

Allot 15 Sec I 7-10,14-16,20-22
26,27,39-42 & CP

Allot 16 Sec I 4-8,12-17,22-25
27-29,35-39 & CP

Allot 17 Sec I 1-4,11,18,19,24,25
30-35 & CP

Orig	Lots

7. Portion Allocation :

8. Map Reference :

9. Locality :

Port Douglas

10. Local Government :

DOUGLAS S.C.

11. Passed & Endorsed :

By: **C&B CONSULTANTS PTY LTD**
Date: **5/12/01**
Signed: *[Signature]*
Designation: **Licensed Surveyor**

12. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
* Part of the building shown on this plan encroaches onto adjoining lots and road.
[Signature] **5/12/01**
Licensed Surveyor/Director * Date
*delete words not required

13. Lodgement Fees :

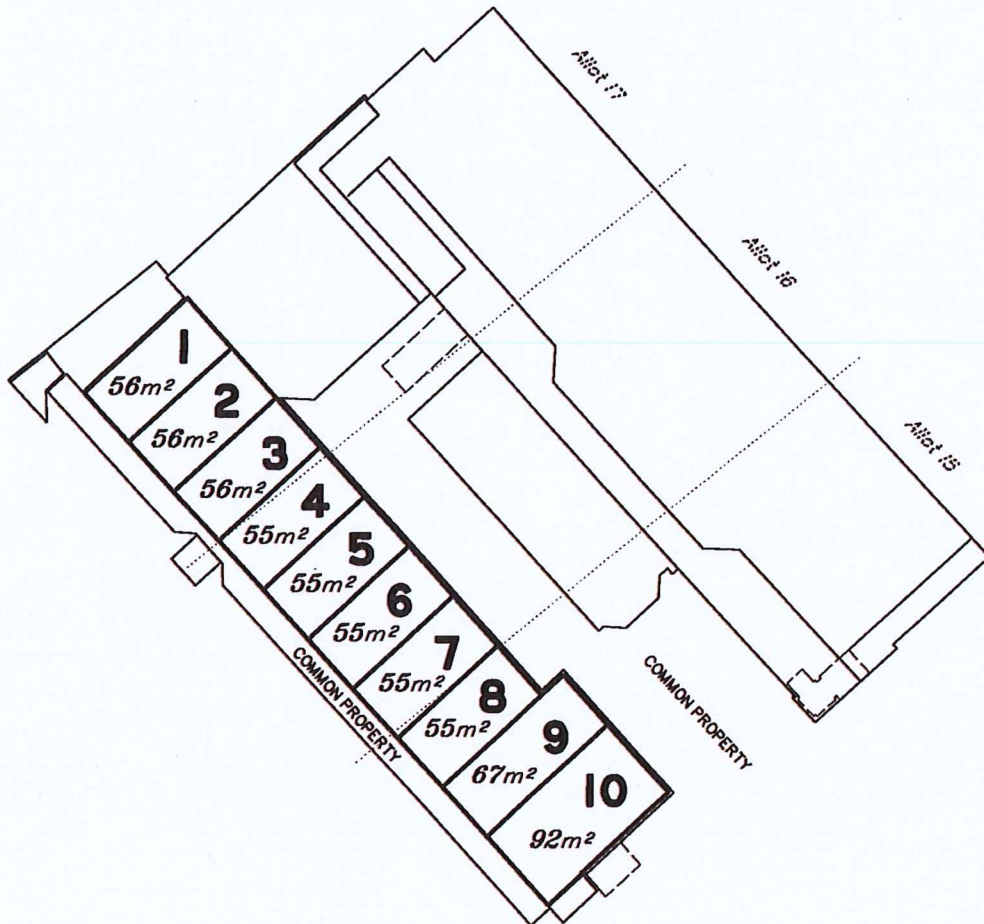
Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

14. Insert Plan Number

SP129137



LEVEL A



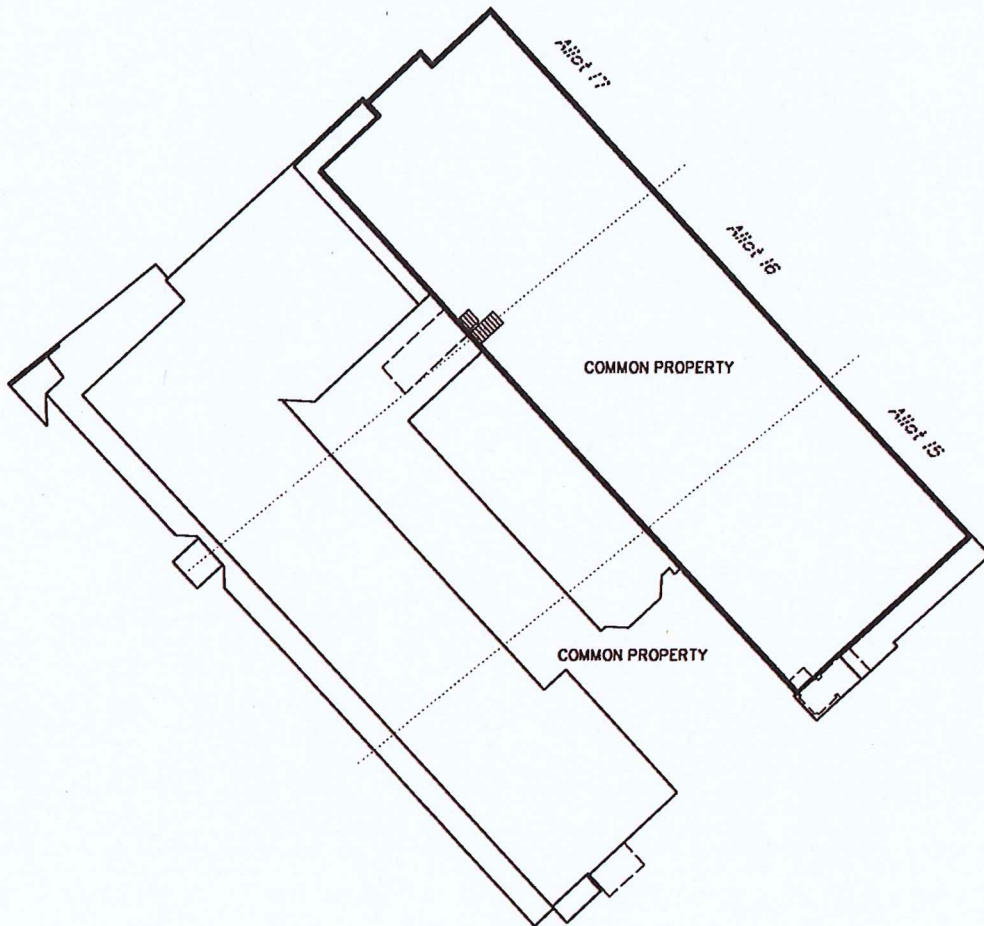
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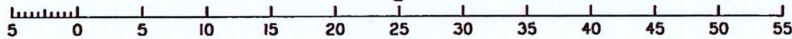
State copyright reserved.

Insert Plan Number **SP129137**

LEVEL B



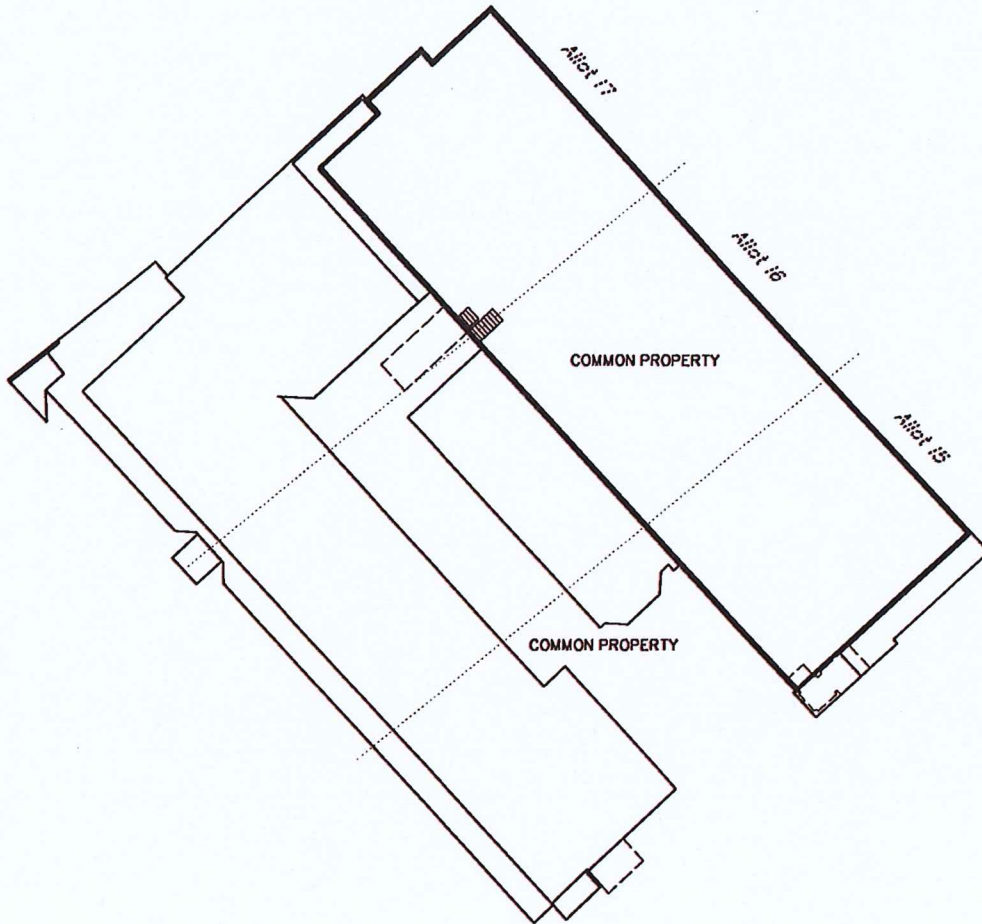
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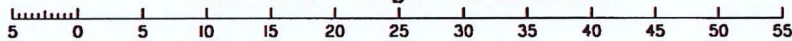
State copyright reserved.

Insert
Plan
Number **SP129137**

LEVEL D



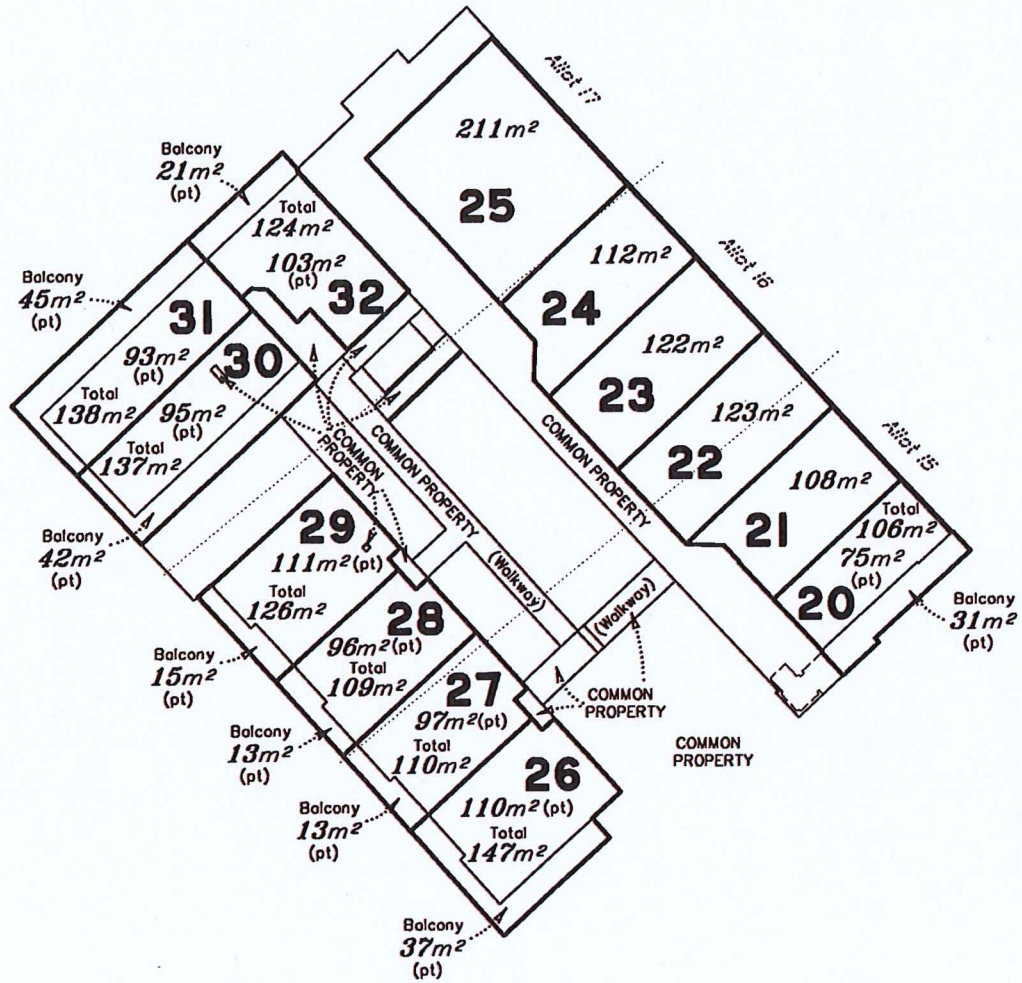
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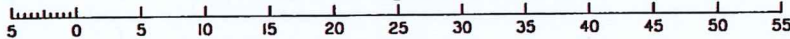
State copyright reserved.

Insert Plan Number **SP129137**

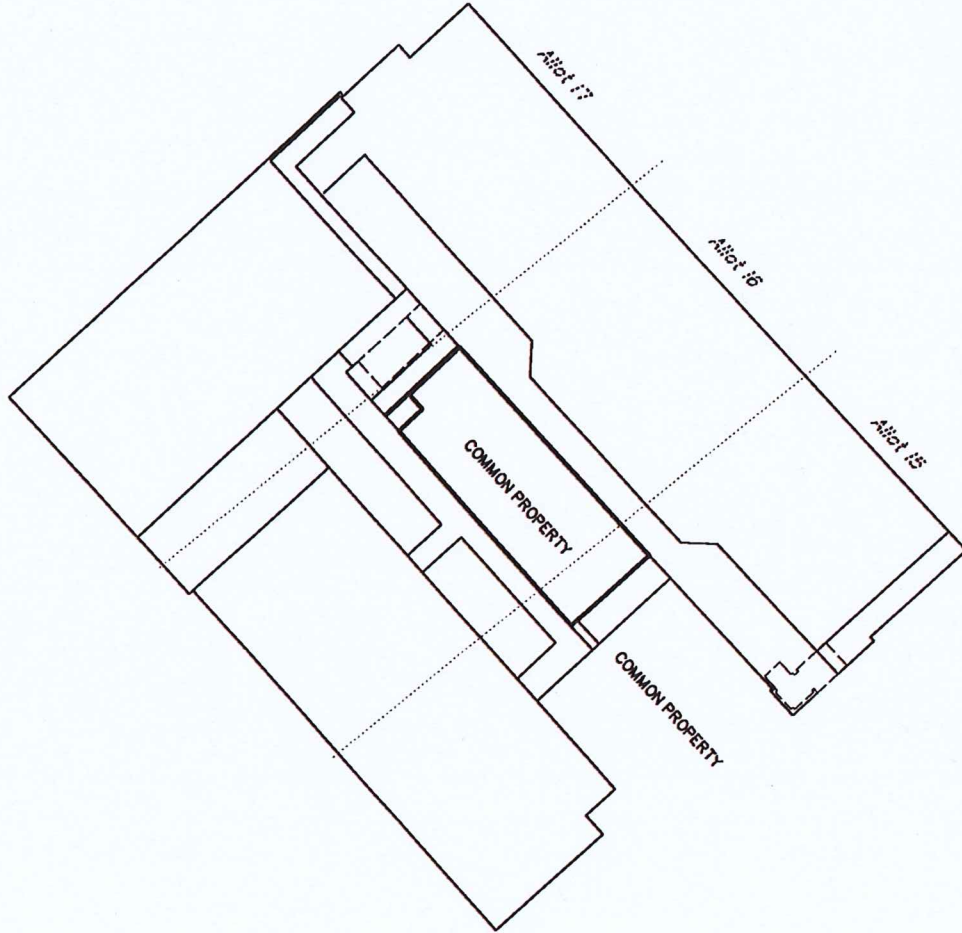
LEVEL E



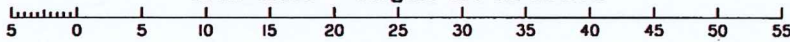
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LEVEL F



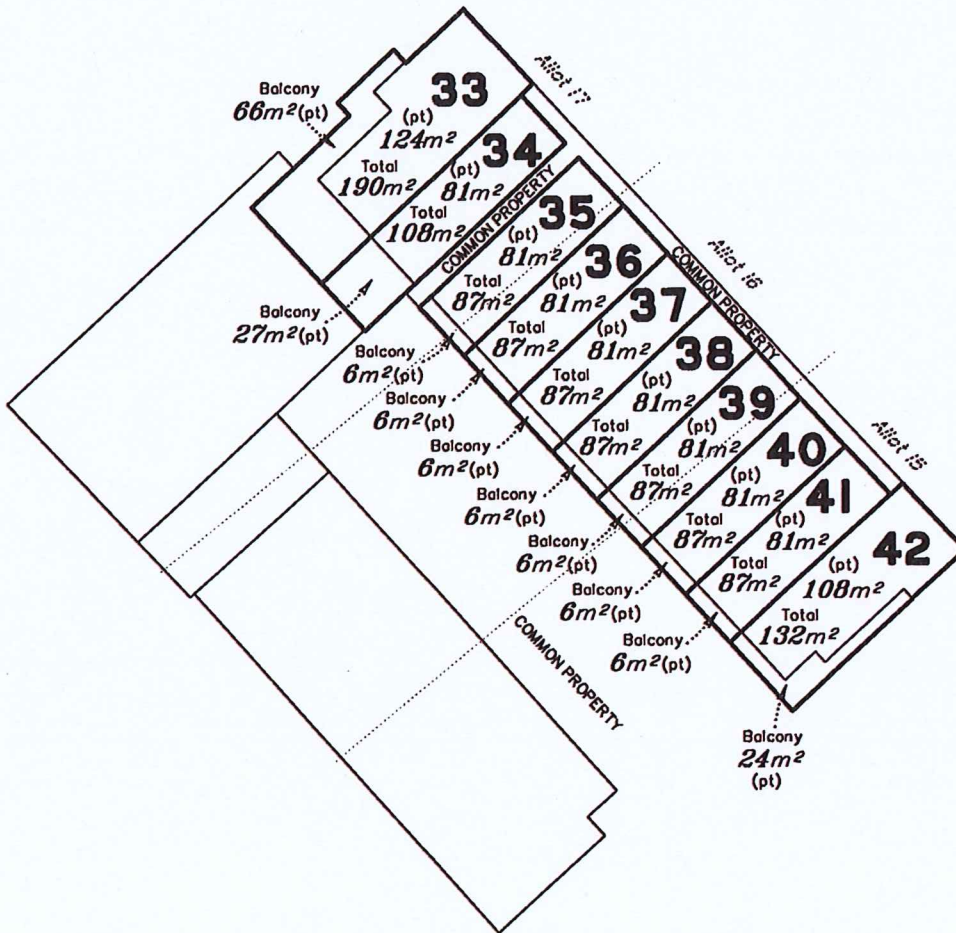
Scale 1:400 - Lengths are in Metres.



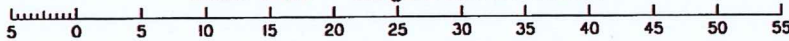
State copyright reserved.

Insert Plan Number **SP129137**

LEVEL G



Scale 1:400 - Lengths are in Metres.



QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Form 14 Version 4
Page 1 of 1

Duty Imprint



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BE 470

searchable registers in the land registry and the water register. For more information about privacy in NR&W see <http://www.nrw.qld.gov.au/about/privacy/index.html>.

1. Nature of request	Lodger (Name, address & phone number)	Lodger Code
Request to record New Community Management Statement for Saltwater Community Titles Scheme 30139	Mahoney Lawyers GPO Box 3311 BRISBANE QLD 4001 07-3007-3777 ref: BWS 14436	101A

2. Lot on Plan Description	County	Parish	Title Reference
Common property of Saltwater Community Titles Scheme 30139	Solander	Salisbury	50389376

3. Registered Proprietor/State Lessee
Body Corporate for Saltwater Community Titles Scheme 30139

4. Interest
Not Applicable

5. Applicant
Body Corporate for Saltwater Community Titles Scheme 30139

6. Request
I hereby request that: the New Community Management Statement deposited herewith which amends Schedule A of the existing Community Management Statement be recorded as the community management statement Saltwater Community Titles Scheme 30139.

7. Execution by applicant

12,5110
 Execution Date Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

SIMON ALAN GRANT
LEGAL PRACTITIONER

30139

This statement incorporates and must include the following:

Office use only
CMS LABEL NUMBER

- Schedule A - Schedule of lot entitlements
- Schedule B - Explanation of development of scheme land
- Schedule C - By-laws
- Schedule D - Any other details
- Schedule E - Allocation of exclusive use areas

1. Name of community titles scheme Saltwater Community Titles Scheme 30139	2. Regulation module Accommodation								
3. Name of body corporate Body Corporate for Saltwater Community Titles Scheme 30139									
4. Scheme land <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Lot on Plan Description</th> <th style="width: 20%;">County</th> <th style="width: 20%;">Parish</th> <th style="width: 30%;">Title Reference</th> </tr> </thead> <tbody> <tr> <td colspan="4">See enlarged panel</td> </tr> </tbody> </table>		Lot on Plan Description	County	Parish	Title Reference	See enlarged panel			
Lot on Plan Description	County	Parish	Title Reference						
See enlarged panel									
5. *Name and address of original owner Not Applicable	6. Reference to plan lodged with this statement Not Applicable M								

first community management statement only

7. Local Government community management statement notation

..... signed

NOT APPLICABLE pursuant to
 section 60(6) of the BCMA Act 1997

..... name and designation ✓
 name of Local Government

8. Execution by original owner/Consent of body corporate

10 15 110
Execution Date

M Laneborough Secretary

BODY CORPORATE FOR
 SALTWATER
 COMMUNITY TITLES
 SCHEME 30139

***Execution**

*Original owner to execute for a first community management statement
 *Body corporate to execute for a new community management statement

Privacy Statement

Collection of this information is authorised by the Body Corporate and Community Management Act 1997 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy in NR&W see <http://www.nrw.qld.gov.au/about/privacy/index.html>.

Title Reference [50389376]

4. Scheme land

Lot on Plan Description	County	Parish	Title Reference
Lot 1 on SP 129137	Solander	Salisbury	50389377
Lot 2 on SP 129137	Solander	Salisbury	50389378
Lot 3 on SP 129137	Solander	Salisbury	50389379
Lot 4 on SP 129137	Solander	Salisbury	50389380
Lot 5 on SP 129137	Solander	Salisbury	50389381
Lot 6 on SP 129137	Solander	Salisbury	50389382
Lot 7 on SP 129137	Solander	Salisbury	50389383
Lot 8 on SP 129137	Solander	Salisbury	50389384
Lot 9 on SP 129137	Solander	Salisbury	50389385
Lot 10 on SP 129137	Solander	Salisbury	50389386
Lot 11 on SP 129137	Solander	Salisbury	50389387
Lot 12 on SP 129137	Solander	Salisbury	50389388
Lot 13 on SP 129137	Solander	Salisbury	50389389
Lot 14 on SP 129137	Solander	Salisbury	50389390
Lot 15 on SP 129137	Solander	Salisbury	50389391
Lot 16 on SP 129137	Solander	Salisbury	50389392
Lot 17 on SP 129137	Solander	Salisbury	50389393
Lot 18 on SP 129137	Solander	Salisbury	50389394
Lot 19 on SP 129137	Solander	Salisbury	50389395
Lot 20 on SP 129137	Solander	Salisbury	50389396
Lot 21 on SP 129137	Solander	Salisbury	50389397
Lot 22 on SP 129137	Solander	Salisbury	50389398
Lot 23 on SP 129137	Solander	Salisbury	50389399
Lot 24 on SP 129137	Solander	Salisbury	50389400
Lot 25 on SP 129137	Solander	Salisbury	50389401
Lot 26 on SP 129137	Solander	Salisbury	50389402
Lot 27 on SP 129137	Solander	Salisbury	50389403
Lot 28 on SP 129137	Solander	Salisbury	50389404
Lot 29 on SP 129137	Solander	Salisbury	50389405
Lot 30 on SP 129137	Solander	Salisbury	50389406
Lot 31 on SP 129137	Solander	Salisbury	50389407
Lot 32 on SP 129137	Solander	Salisbury	50389408
Lot 33 on SP 129137	Solander	Salisbury	50389409
Lot 34 on SP 129137	Solander	Salisbury	50389410
Lot 35 on SP 129137	Solander	Salisbury	50389411
Lot 36 on SP 129137	Solander	Salisbury	50389412
Lot 37 on SP 129137	Solander	Salisbury	50389413
Lot 38 on SP 129137	Solander	Salisbury	50389414
Lot 39 on SP 129137	Solander	Salisbury	50389415
Lot 40 on SP 129137	Solander	Salisbury	50389416
Lot 41 on SP 129137	Solander	Salisbury	50389417
Lot 42 on SP 129137	Solander	Salisbury	50389418
Common Property of Saltwater Community Titles Scheme 30139	Solander	Salisbury	50389376

SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS

Lot on Plan	Contribution	Interest
Lot 1 on SP 129139	1	2
Lot 2 on SP 129139	1	2
Lot 3 on SP 129139	1	2
Lot 4 on SP 129139	1	2
Lot 5 on SP 129139	1	2
Lot 6 on SP 129139	1	2
Lot 7 on SP 129139	1	2
Lot 8 on SP 129139	1	2
Lot 9 on SP 129139	1	3
Lot 10 on SP 129139	1	4
Lot 11 on SP 129139	1	5
Lot 12 on SP 129139	1	3
Lot 13 on SP 129139	1	2
Lot 14 on SP 129139	1	3
Lot 15 on SP 129139	1	7
Lot 16 on SP 129139	1	5
Lot 17 on SP 129139	1	2
Lot 18 on SP 129139	1	3
Lot 19 on SP 129139	1	3
Lot 20 on SP 129139	1	4
Lot 21 on SP 129139	1	4
Lot 22 on SP 129139	1	5
Lot 23 on SP 129139	1	5
Lot 24 on SP 129139	1	5
Lot 25 on SP 129139	1	9
Lot 26 on SP 129139	1	7
Lot 27 on SP 129139	1	5
Lot 28 on SP 129139	1	5
Lot 29 on SP 129139	1	6
Lot 30 on SP 129139	1	7
Lot 31 on SP 129139	1	7
Lot 32 on SP 129139	1	6
Lot 33 on SP 129139	1	9
Lot 34 on SP 129139	1	5
Lot 35 on SP 129139	1	4
Lot 36 on SP 129139	1	4
Lot 37 on SP 129139	1	4
Lot 38 on SP 129139	1	4
Lot 39 on SP 129139	1	4
Lot 40 on SP 129139	1	4
Lot 41 on SP 129139	1	4
Lot 42 on SP 129139	1	6
TOTALS	42	179

SCHEDULE B EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND

Do (1) F & G
Sections ~~57(1)(c)~~ and ~~(f)~~ of the Body Corporate and Community Management Act 1997 are not applicable.

SCHEDULE C BY-LAWS

The by-laws for Saltwater Community Titles Scheme are set out in this Schedule:

1. Definitions and Interpretations

1.1 Definitions

In these By-laws:

- (1) "Act" means *Body Corporate and Community Management Act 1997* or legislation which replaces it;
- (2) "Body Corporate Asset" means any property, other than Common Property held or owned by the Body Corporate, for the benefit or on behalf of the Owners;
- (3) "Body Corporate Manager" means a body corporate manager for the Scheme;
- (4) "Building" means the building or buildings constructed on the Scheme Land;
- (5) "Common Property" means the common property for the Scheme;
- (6) "Costs" means any costs, charges, expenses, outgoings, payments or other expenditure of any nature and, where appropriate, includes reasonable fees and disbursements payable to contractors, consultants, accountants and lawyers;
- (7) "Improvements" means:
 - (a) any addition or alternation to the Common Property or any Body Corporate Asset; or
 - (b) the installation of any fixtures, equipment, appliances or other apparatus on the Common Property or any Body Corporate Asset;
- (8) "Invitees" means each of the Owner's agents, visitors, tenants, licensees or others (with or without invitation) who may be on a Lot or the Scheme Land;
- (9) "Lot" means a lot on the Scheme;
- (10) "Owner" means the registered owner of a Lot and it's invitees;
- (11) "Requirement" means any requirement, or authorisation, of any statutory body, local authority, governmental or other authority necessary or desirable under applicable law or regulation and includes the provisions of any statute, ordinance or by-law;
- (12) "Scheme" means the Community Titles Scheme containing the Lots and the Common Property;
- (13) "Scheme Land" means the land upon which the Community Titles Scheme is situated;
- (14) "Services" means all gas, electricity, telephone, water, sewerage, fire prevention, ventilation, air conditioning, hydraulic elevator and security services and all other services or systems provided in the Scheme or available for the Lot; and
- (15) "Service infrastructure" means any infrastructure for the provision of Services to the Scheme or any Lot.

1.2 Interpretations

- (1) Reference to:
 - (a) the singular includes the plural and the plural includes the singular;
 - (b) a person means a person bound by these By-laws and includes a body corporate, an unincorporated association or an authority; and

SCHEDULE
Title reference: 50389376

Page 5 of 18

- (c) a statute, regulation or provision of a state or regulation ("Statutory Provision") includes:
 - (i) that Statutory Provision as amended or re-enacted from time to time; and
 - (ii) a statute, regulation or provision enacted in replacement of that Statutory Provision.
- (2) "Including" and similar expressions are not words of limitation.
- (3) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (4) Headings are for convenience only and do not form part of these By-laws or affect interpretation.
- (5) Unless the context requires otherwise, words that have a defined meaning in the Act have the same meaning as these By-law.

2. Noise

- (1) An Owner will not create noise likely to interfere with the peaceful enjoyment of a person lawfully on another Lot or the Common Property.
- (2) An Owner of a Lot must take reasonable steps to ensure that the Owner's invitees do not behave in a way likely to interfere with the peaceful enjoyment of another Lot or the Common Property.
- (3) Noise reasonably created on any commercial or retail Lot in the normal course of the permitted use of that Lot will be deemed not to interfere with the peaceful enjoyment of a person lawfully on another Lot or the Common Property.

3. Obstruction of Common Property

An Owner will not obstruct lawful use of the Common Property by another person, and, without limitation, obstruct access to the Common Property or any Body Corporate Asset.

4. Parking

- (1) An Owner will not without the Body Corporate's written approval:
 - (a) park any vehicles in areas set aside for visitor car parking (if any) or any part of the Common Property not designated for the parking of motor vehicles; or
 - (b) permit any Invitees' vehicles to be parked on the Common Property other than in the areas set aside for visitor car parking (if any).
- (2) An approval under Subsection (1) must state the period for which it is given.
- (3) However, the Body Corporate may cancel the approval by giving seven (7) days written notice to the Owner.

5. Use of Common Property

An Owner:

- (1) will use the Common Property or any Body Corporate Asset for the purpose for which it was designed or intended;
- (2) will comply with all directions and rules of the Body Corporate relating to conduct on the Common Property or use of any Body Corporate Asset; and
- (3) will observe all relevant Requirements in connection with the Common Property or Body Corporate Assets.

FORM 20 Version 1

Land Title Act 1994 and Land Act 1994

Queensland Land Registry

SCHEDULE
Title reference: 503 89376

Page ⁶ 7 of ²⁴ 18

6. Improvements to Common Property

- (1) An Owner will not make any improvements to the Common Property without the prior written consent of the Body Corporate.
- (2) In giving its consent to any improvement, the Body Corporate may:
 - (a) obtain advice from consultants; and
 - (b) recover the costs of obtaining advice from consultants from the person seeking the Body Corporate's consent.
- (3) Any improvement made or sought to be made by an Owner:
 - (a) will be maintained and repaired by the Owner unless the Body Corporate agrees to the contrary by resolution in general meeting; and
 - (b) comply with all Requirements.
- (4) The Body Corporate may remove any unauthorised improvement and recover the costs of doing so from the person responsible for the improvement.

7. Damage to Common Property

- (1) An Owner will not, without the Body Corporate's written approval, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the Common Property.
- (2) However, an Owner may install a locking or safety device to protect the Lot against intruders, or a screen to prevent entry of animals or insects, if the device or screen is soundly built and is consistent with the colour, style and materials of the building and the consent of the Body Corporate is first obtained for such installations.
- (3) An Owner must keep a device installed under sub-section (2) in good order and repair.

8. Depositing Rubbish on Common Property

An Owner will not put any rubbish, trade, waste, shop refuse or other material on the Common Property.

9. Garbage Disposal

An Owner will:

- (1) If no receptacle is provided by the Body Corporate, maintain a receptacle for garbage:
 - (a) within the Owner's Lot; or
 - (b) on that part of the Common Property set aside for location of garbage receptacles.
- (2) comply with all Requirements relating to the disposal of garbage and arrange for the regular removal of garbage from the Lot;
- (3) ensure that the health, hygiene and comfort of other persons is not adversely affected by disposal of the Owner's garbage; and
- (4) use any garbage receptacle provided by the Body Corporate and separate, where necessary, any garbage so that full use is made of the receptacles provided by the Body Corporate.

10. Appearance of Lot

- (1) An Owner will not, without the Body Corporate's written approval, make a change of the external appearance of a Lot.
- (2) An Owner will not, without the Body Corporate's written approval:
 - (a) hang washing, bedding or other cloth article if the article is visible from another Lot or the Common Property, or from outside the Scheme Land; or
 - (b) whether the Lot is not lawfully used for commercial purposes, display a sign, advertisement, placard, banner, pamphlet or similar article if the article is visible from another Lot or the Common Property or from outside the Scheme Land.
- (3) This section does not apply to a Lot created under a Standard Format Plan of Subdivision.

SCHEDULE

Title reference: 503 89376

Page 7 of 16

11. Signage

- (1) An Owner will not allow a sign or advertisement on any part of the Common Property or the Owner's Lot without the prior written consent of the Body Corporate.
- (2) The Body Corporate may remove a sign to which it has not consented at the expense of the relevant Owner.
- (3) All signage approved by the Body Corporate must be kept in clean condition and good state or repair by the relevant Owner;
- (4) An Owner will return the Common Property or that part of the Owner's Lot to its original condition when a sign is removed.

12. Antennae and Aerials

An Owner will not erect any television or radio antennae or aerials or other communication receivers on the Common Property without the prior consent of the Body Corporate.

13. Auction Sale

An Owner will not allow any auction sale to be conducted on the Owner's Lot or from the Common Property without the prior consent of the Body Corporate.

14. Use of Lots

An Owner will:

- (1) observe all Requirements in connection with the use of the Owner's Lot;
- (2) maintain the Owner's Lot in good order and condition;
- (3) not to use or store any flammable liquids or materials in the Lot or on Common Property other than of a type used for domestic purposes or (where applicable) in the normal course of the business lawfully conducted in the Lot;
- (4) give prompt notice to the Body Corporate of any damage to, defect or disrepair of, the Services or Service Infrastructure;
- (5) not overload any Services or Service Infrastructure;
- (6) pay to the Body Corporate any costs incurred by the Body Corporate in upgrading any Services or Service Infrastructure to accommodate any equipment which the Owner wishes to install in a Lot;
- (7) lock all doors and fasten all windows in the Owner's Lot when the Lot is not occupied;
- (8) not waste water and ensure that all water taps in the Owner's Lot are turned off after use;
- (9) not carry on or permit any noxious or offensive act, trade, business or occupation or calling from a Lot;
- (10) not cause disturbance to other persons lawfully using any Lot or Common Property;
- (11) not do or cause anything to be done which would void any insurance policy in respect of the Scheme, increase the rate of the fire insurance of the Scheme or conflict with the law, regulations or ordinances relating to fires or any insurance policy in respect of the Scheme;
- (12) subject to the Act, not keep any animal on a Lot or the Common Property without the Body Corporate's written consent;
- (13) not object where the Body Corporate has signed a Management and Letting Agreement, to the Manager named in the Agreement using the Manager's Lot (as defined in the Agreement) or any other lot in the Scheme as determined by the Manager for the purpose of the conduct of the businesses permitted by the Agreement;
- (14) except in the case of Lots 1 - 25 which are designated for commercial or retail uses, use the Lot only for residential purposes.
- (15) Comply with all and any conditions which are contained in the benefit easements; and
- (16) Comply with all rules, regulations and directions at any time put the place in respect of the use

SCHEDULE

Title reference: 5038937b

and enjoyment of the servient tenements in the benefit easements.

15. Right of Entry

- (1) The Body Corporate may enter a Lot with workmen and other authorised persons and necessary materials and appliances to:
 - (a) comply with any requirement involving the destruction of noxious animals, rodents or other pests; and
 - (b) carry out any repairs, alterations, renovations, extensions or works in relation to any Services or Service Infrastructure.
- (2) In the case of emergency no notice will be required under By-Law 15(1).
- (3) Anything undertaken by the Body Corporate under this By-law will be paid for by the Owner of the relevant Lot where the need for the Body Corporate to do that thing is due to any act or default of the Owner.
- (4) In exercising its rights under this By-law the Body Corporate must ensure that it causes as little inconvenience to the Owner of the Lot as is reasonable in the circumstances.

16. Body Corporate Rights

The Body Corporate may take steps to ensure the security of the Lots in the Scheme and the observance of these By-laws by any Owner or occupier, including, without limitation:

- (1) Restricting access to any part of the Common Property whether on a temporary or permanent basis including areas used for the location of Services and Service Infrastructure;
- (2) Allowing a designated part of the Common Property to be used by any security person firm or company;
- (3) Obtaining installing and maintaining locks, alarms, communications systems and other security devices; or
- (4) Determining rules under which persons are given access to any part of the Common Property.

17. Invitees

- (1) An Owner will take all reasonable steps to ensure that Invitees do not obstruct any person's use of the Common Property or owner's lot.
- (2) An Owner will compensate the Body Corporate for all damage to the Common Property caused by Invitees.
- (3) An Owner of a lot will take all reasonable steps to ensure that Invitees comply with these By-Laws.

18. Notice of Defect

- (1) The Body Corporate may make repairs or renovations as it deems necessary for the safety and preservation of the Common Property, Body Corporate Assets, Services and Service Infrastructure.
- (2) In the event of any damage or defect to Services or Service Infrastructure the Owner will give immediate notice to the Body Corporate.

19. Request to Secretary

An Owner will direct all requests for consideration or any matter to be referred to the Body Corporate or the Body Corporate Committee to the Secretary or Body Corporate Manager.

20. Notices

SCHEDULE

Title reference: 50389376

Page 9 of 24
18

All notices displayed on the Common Property by the Body Corporate or any statutory authority will be complied with by the Owners.

21. Copy of By-Laws

Owners will provide any tenant or other occupier of a Lot with a copy of these By-Laws.

22. Power of Body Corporate Committee

The Body Corporate Committee may make rules (in addition to those specifically provided for elsewhere in these By-Laws) relating to the Common Property or Body Corporate Assets which are not inconsistent with these By-Laws or any Requirement and those rules are binding on the Owners.

23. Recovery of Costs

The Body Corporate may recover its costs in connection with:

- (a) recovery or levies or other moneys payable by an Owner to the Body Corporate; and
 - (b) undertaking an obligations of an Owner under By-Laws or remedying a breach of these By-Laws by an Owner;
- from the relevant Owner

24. Interest

The Body Corporate may charge and recover interest at an annual rate determined by the Body Corporate by ordinary resolution in general meeting on any unpaid levies or other moneys payable by an Owner to the Body Corporate.

25. Swimming Pool

The swimming pool shall not be used between the hours of 9pm and 6am or at any other time nominated by the Body Corporate.

26. Sale of Lots

- (a) While the Original Owner remains the Owner of the any Lot, the Original Owner and its servants, agents or employees will be entitled to use any such Lot as a display Lot and to allow prospective purchasers to inspect any such Lot.
- (b) The Original Owner, its servants, agents or employees are further entitled to place such signs or other advertising and display material in or about a display Lot, the Common Property and the Building as the Original Owner in its absolute discretion deems fit provided that such signs or material will in all respects be attractive and tasteful having regard to the visual and acoustic privacy of other Lots and the general aesthetics and amenity of the Building and will not at any time be more than is reasonably necessary in terms of number and size.

27. Bicycles

The occupier of a lot will not, without the Body Corporate's written approval:

- (a) ride a bicycle, skateboard or roller blades, on the common property; or
- (b) permit an invitee to ride a bicycle, skateboard or roller blades, on the common property.

28. Designated Uses

- (1) The Owner of Lot 32 on Level E (or such other Lot which may be later nominated) may use such Lot both for residential purposes and for the purposes of the control, management,

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- caretaking and administration of the Building and the Common Property and for the letting of Lots in the Scheme on behalf of the Owners and the rendering of services to Owners of Lots in the Scheme and may, without the consent of the Body Corporate, display signs or notices for the purposes of offering for lease or for letting any Lot in the Building.
- (a) Lots situated on levels A, C and part of E designated for use for commercial and retail purposes (being Lots 1 – 25), may be used only for commercial and retail purposes and such other lawful purposes as from time to time permitted by the local government or any other statutory authority. The specific use of commercial and retail Lots is at the sole discretion of the Original Owner while it remains the Owner of any Lot.
- (2) Lots situated on part of Level E and on Level G designated for use for residential or accommodation purposes may be used only for those purposes and any such other lawful purpose as is from time to time permitted by the Body Corporate and the local government.

29. Air Conditioning

The owners of the Lots designated for commercial and retail use:

- (a) have the right to install, maintain, repair and replace air conditioning equipment which services their Lots on that part or parts of the Common Property allocated for the location of same; and
- (b) together with their employees, officers, contractors or agents, have the right of access to the relevant part or parts of the Common Property for the purpose of installation, maintenance, repair or replacement of any such air conditioning equipment; provided that:
- (c) in exercising any such right given under the By-Law, any Owner or its employees, officers, contractors or agents do not interfere with the use or enjoyment of other Owners with similar or like rights given under this By-Law and repair at its own expense any damage caused to the Common Property in the course of exercising that right.

30. Exclusive Use – Outdoor Dining

The Owners of Lots 11, 12 and 13 have the exclusive use and enjoyment as outdoor dining areas of those parts of the Common Property as are identified on the Exclusive Use Plan for Level C with the letters "C", "E", and "F" respectively.

31. Exclusive Use – Storage

The Owner of Lot 32, whilst it remains the Manager's residence, has the exclusive use and enjoyment for storage of that part of the Common Property as is identified on the Exclusive Use Plan for Level E with the letter "H".

32. Exclusive Use – Allocation of Car Parking and Storage

- (1) The Original Owner or its agent is authorised to allocate such Lot or Lots as the Original Owner or its agent in its sole discretion determines exclusive use and enjoyment for carparking and/or storage (if any) of any part or parts of the Common Property as identified with the letter "D" on the attached Exclusive Use Plan for Level B and with the letters "A" and "B" on the attached Exclusive Use Plan for Level D.
- (2) Where the Original Owner or its agent make an allocation in accordance with the provisions of sub-section (1), the Original Owner must bear the cost of preparation and lodgement with the Registrar of Titles of the new Community Management Statement showing the allocations made under the provisions of this By-Law.

33. Exclusive Use – Exhaust

- (1) The owner of Lot 12 has the exclusive use and enjoyment for construction, operation and

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- maintenance of an exhaust fan and duct of that part of the common property as is identified on the Exclusive Use Plan for Level E with the letter "G".
- (2) The owner of Lot 11 has the exclusive use and enjoyment for construction, operation and maintenance of an exhaust fan and duct of that part of the common property as is identified on the Exclusive Use Plan for Level E with the letter "I".

34. Agreements and Consents

The Body Corporate has the express power and authority to:

- (1) grant or enter into and execute a Body Corporate Administration Agreement for the performance of the duties of the Body Corporate;
- (2) grant or enter into and execute an agreement giving the rights (which may be exclusive or non-exclusive) for the control, management, caretaking and administration of the Building and Common Property and the proper regulation of the use thereof on such terms as the Body Corporate shall in its absolute discretion think fit and for such fee as may be agreed and pursuant to this power to enter into agreements with such persons and/or corporations as the Body Corporate shall in its sole discretion decide.
- (3) To grant the right to conduct in the Building and Common Property the business of letting of units on behalf of Owners (for such fee or commission as may be agreed by the Owner of any Lot so let) and the business of rendering of services to Owners of Lots in the Building and pursuant to this power to enter into written agreements with such persons and/or corporations on such terms as the Body Corporate shall in its discretion decide.
- (4) Grant or enter into a Right of Entry Agreement with a bank or other financial institution if required by such institution as part of the security for a person or corporation to acquire the management and letting rights in respect of "Saltwater".
- (5) Grant or enter into an easement over Common Property provided that such easement does not interfere with an Owner's exclusive use area unless such Owner otherwise agrees.
- (6) Consent to the entering into by an Owner of a commercial or retail Lot, any agreement in respect of a liquor licence provided that such Owner must at all times and upon the direction Body Corporate comply at its own expense with all federal, state and municipal laws in respect of liquor licensing of the Lot and no individual Owner will make any objection or requisition in that regard.

35. Swimming Pool – Exclusive Use

- (1) The Owners of Lots 26 to 42 have the exclusive use and enjoyment as a swimming pool and recreation area of those parts of the Common Property as are identified on the exclusive use plan for level F with the letter J.
- (2) The hours of use of the swimming pool area are detailed in by-law twenty five (25) and the pool must also be used in accordance with rules as set from time to time by the committee of the Body Corporate with due care.
- (3) The Owners of Lots 26 to 42:
 - (a) must not operate, adjust or interfere with the operation of any equipment associated with the pool or any other water features.
 - (b) are responsible for the maintenance of and operating costs for that part of the common property to which this exclusive use by-law applies and in this regard the Body Corporate will make arrangements for the cleaning and maintenance of this area and raise a special levy in relation to such costs.

36. Exclusive Use – Area Adjacent to Manager's Unit

- (1) The Owner of Lot 32 has the exclusive use and enjoyment, for residential purposes and other purposes associated with the discharge of the Manager's duties pursuant to any Management Rights Contract entered into with the Body Corporate (excluding the hire of motor vehicles,

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Queensland Land Registry

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- vehicles and associated activities), of that part of the Common Property as identified on the exclusive use plan for Level E with the letter K.
- (2) The Owner of Lot 32
- (a) is responsible for the maintenance of and any costs for that part of the Common Property to which this exclusive use by-law applies.
 - (b) indemnifies the Body Corporate against all actions, suits, damages and costs brought against the Body Corporate by any person in respect of any damage or injury caused to any person or property in connection with the use of this exclusive use area and/or any improvements constructed on or within this exclusive use area.
 - (c) must keep and maintain that part of this exclusive use area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the standards of other parts of the external surface of the Building.
 - (d) must regularly treat such exclusive use area for vermin.

37. Exclusive Use – Car Parking

- (1) The Owner of Lot 26 has the exclusive use of that part of the Common Property marked D1 on Level D in the Carpark Allocation Plan.
- (2) The Owner of Lot 27 has the exclusive use of that part of the Common Property marked D12 on Level D in the Carpark Allocation Plan.
- (3) The Owner of Lot 28 has the exclusive use of that part of the Common Property marked D2 on Level D in the Carpark Allocation Plan.
- (4) The Owner of Lot 29 has the exclusive use of that part of the Common Property marked D3 on Level D in the Carpark Allocation Plan.
- (5) The Owner of Lot 30 has the exclusive use of that part of the Common Property marked D4 on Level D in the Carpark Allocation Plan.
- (6) The Owner of Lot 31 has the exclusive use of that part of the Common Property marked D5 on Level D in the Carpark Allocation Plan.
- (7) The Owner of Lot 32 has the exclusive use of that part of the Common Property marked D17 on Level D in the Carpark Allocation Plan.
- (8) The Owner of Lot 33 has the exclusive use of that part of the Common Property marked D6 on Level D in the Carpark Allocation Plan.
- (9) The Owner of Lot 34 has the exclusive use of that part of the Common Property marked D7 on Level D in the Carpark Allocation Plan.
- (10) The Owner of Lot 35 has the exclusive use of that part of the Common Property marked D8 on Level D in the Carpark Allocation Plan.
- (11) The Owner of Lot 36 has the exclusive use of that part of the Common Property marked D9 on Level D in the Carpark Allocation Plan.
- (12) The Owner of Lot 37 has the exclusive use of that part of the Common Property marked D10 on Level D in the Carpark Allocation Plan.
- (13) The Owner of Lot 38 has the exclusive use of that part of the Common Property marked D13 on Level D in the Carpark Allocation Plan.
- (14) The Owner of Lot 39 has the exclusive use of that part of the Common Property marked D14 on Level D in the Carpark Allocation Plan.
- (15) The Owner of Lot 40 has the exclusive use of that part of the Common Property marked D15 on Level D in the Carpark Allocation Plan.
- (16) The Owner of Lot 41 has the exclusive use of that part of the Common Property marked D16 on Level D in the Carpark Allocation Plan.
- (17) The Owner of Lot 42 has the exclusive use of that part of the Common Property marked D19 on Level D in the Carpark Allocation Plan.
- (18) Each Owner to whom exclusive use of a carpark has been granted must use that Exclusive Use Area for the purpose of carparking only and:
 - (a) are responsible for any maintenance or operating costs associated with this Exclusive Use Area;

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- (b) must not use the Exclusive Use Area for a workshop, trade or cottage industry purposes;
 - (c) must not litter or use the Exclusive Use Area to create a nuisance to other Owners;
 - (d) must regularly treat the Exclusive Use Area for vermin;
 - (e) must not do anything in the Exclusive Use Area which would interfere to an unreasonable extent with the use and enjoyment of a Lot or the Common Property by an Owner;
 - (f) must not construct any improvements on the Exclusive Use Area.
- (19) In this By-Law 37 the term "Exclusive Use Area" means those areas specified in the Carpark Allocation Plan for Level D and marked D1 to D20 accordingly.
- (20) It is also noted for information purposes only that as at the date of this Community Management Statement the Manager - Thomas Opperman has the use of carpark D18 pursuant to an Occupation Authority.

38. Exclusive Use - Area Adjacent to Lot 11

- (1) The Owner of Lot 11 has the exclusive use and enjoyment, for commercial purposes identical to that used in the existing Lot 11, of that part of the Common Property as identified on the Exclusive Use Plan for Level C, marked "C1".
- (2) The Owner of Lot 11:
 - (a) Is responsible for the maintenance of and any costs for that part of the Common Property to which this Exclusive Use By-Law applies.
 - (b) Indemnifies the Body Corporate against all actions, suits, demands and costs brought against the Body Corporate by any person in respect of any damage, injury, caused to any person or property in connection with the use of the Exclusive Use Area and/or any improvements constructed on or within the Exclusive Use Area.
 - (c) Must keep and maintain that part of the Exclusive Use Area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the standard of other parts of the external surfaces of the Building.
 - (d) Must regularly treat such Exclusive Use Area for vermin.
- (3) Any construction work to be undertaken on the Exclusive Use Area including the common wall between Lots 11 and 19 is to be at the cost of the Owner of Lot 11 who will also be responsible for obtaining any approval of the Local Authority and the Body Corporate.
- (4) In the event that the occupiers of Lot 11 and Lot 19 are no longer the same entity then the Owner of Lot 11 will be required to reinstate any common wall between Lot 11 and Lot 19 to a standard acceptable to the Body Corporate.
- (5) In this By-Law - Exclusive Use Area means that area marked "C1" on the Exclusive Use Plan for Level C.

39. Exclusive Use - Area Adjacent to Lot 19

- (1) The Owner of Lot 19 has the exclusive use and enjoyment, for commercial purposes identical to that used in the existing Lot 19, of that part of the Common Property as identified on the Exclusive Use Plan for Level C, marked "C2".
- (2) The Owner of Lot 19:
 - (a) Is responsible for the maintenance of and any costs for that part of the Common Area to which this Exclusive Use By-Law applies.
 - (b) Indemnifies the Body Corporate against all actions, suits, demands and costs brought against the Body Corporate by any person in respect of any damage, injury, cause to any person or property in connection with the use of the Exclusive Use Area and/or any improvements constructed on or within this Exclusive Use area.
 - (c) Must keep and maintain that part of the Exclusive Use Area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the

SCHEDULE

Title reference: 50389376

- standard of other parts of the external surfaces of the Building.
- (d) Must regularly treat such Exclusive Use Areas for vermin.
- (3) Any construction work to be undertaken on the Exclusive Use Area including the common wall between Lots 11 and 19 is to be at the cost of the Owner of Lot 11 who will also be responsible for obtaining any approval of the Local Authority and the Body Corporate.
- (4) In the event that the occupiers of Lot 11 and Lot 19 are no longer the same entity then the Owner of Lot 11 will be required to reinstate any common wall between Lot 11 and Lot 19 to a standard acceptable to the Body Corporate.
- (5) In this By-Law - Exclusive Use Area means that area marked "C2" on the Exclusive Use Plan for Level C.

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Land Title Act 1994 and Land Act 1994

Queensland Land Registry

SCHEDULE

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**SCHEDULE D
INCLUDED**

OTHER DETAILS REELS REQUIRED / PED / PERMITTED TO BE

Not applicable

SCHEDULE
Title reference: 50389376

SCHEDULE E	DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF COMMON PROPERTY
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Lot on Plan	Exclusive Use of Area	Use	By-Law Requirement
Lot 11 on SP129137	Area "C" on Level C - Plan	Outdoor Dining	30
Lot 11 on SP129137	Area "I" on Level E - Plan	Exhaust	33
Lot 11 on SP129137	Area "C1" on Level C - Plan	Commercial Purposes	38
Lot 12 on SP129137	Area "E" on Level C - Plan	Outdoor Dining	30
Lot 12 on SP129137	Area "G" on Level E - Plan	Exhaust	33
Lot 13 on SP129137	Area "F" on Level C - Plan	Outdoor Dining	30
Lot 19 on SP129137	Area "C2" on Level C - Plan	Commercial Purposes	39
Lot 32 on SP129137	Area "H" on Level E - Plan	Storage	31
Lot 26 on SP129137	Area "D1" on Level D - Plan	Carparking	37
Lot 27 on SP129137	Area "D12" on Level D - Plan	Carparking	37
Lot 28 on SP129137	Area "D2" on Level D - Plan	Carparking	37
Lot 29 on SP129137	Area "D3" on Level D - Plan	Carparking	37
Lot 30 on SP129137	Area "D4" on Level D - Plan	Carparking	37
Lot 31 on SP129137	Area "D5" on Level D - Plan	Carparking	37

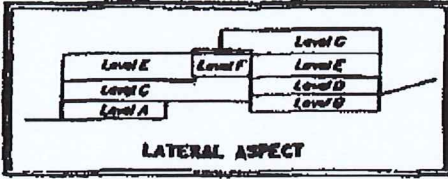
SCHEDULE
Title reference: 50389376

Lot 32 on SP129137	Area "D17" on Level D - Plan	Carparking	37
Lot 33 on SP129137	Area "D6" on Level D - Plan	Carparking	37
Lot 34 on SP129137	Area "D7" on Level D - Plan	Carparking	37
Lot 35 on SP129137	Area "D8" on Level D - Plan	Carparking	37
Lot 36 on SP129137	Area "D9" on Level D - Plan	Carparking	37
Lot 37 on SP129137	Area "D10" on Level D - Plan	Carparking	37
Lot 38 on SP129137	Area "D13" on Level D - Plan	Carparking	37
Lot 39 on SP129137	Area "D14" on Level D - Plan	Carparking	37
Lot 40 on SP129137	Area "D15" on Level D - Plan	Carparking	37
Lot 41 on SP129137	Area "D16" on Level D - Plan	Carparking	37
Lot 42 on SP129137	Area "D19" on Level D - Plan	Carparking	37
Lot 32 on SP129137	Area "K" on Level E - Plan	Residential and purposes associated with Management Rights Contract	36
Lot 26 - 42 on Sp 129137	Area "J" on level F Plan	Swimming Pool and Recreation	38

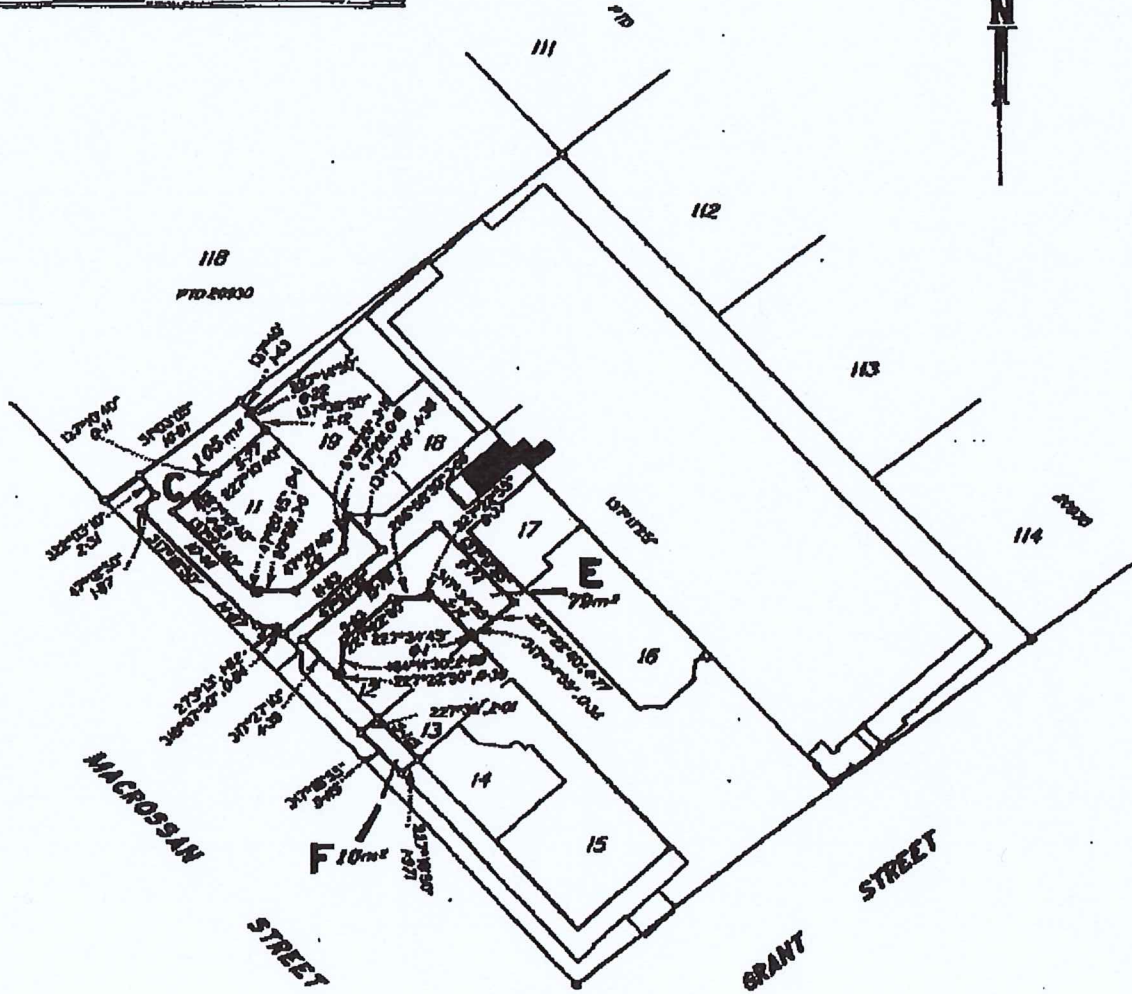
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SALTWATER

Sheet of 1



LEVEL C



Scale 1:400 - Lengths are in Metres.



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650 ORCHHARTS WY 170
ADA 053 351 056

CADWIS OFFICE
10/11 (07) 4921 3336
650 orchharts, WY 170

PO BOX 1500 OLEAF CLS 4008
PARR (07) 4921 2142
c&b_group@bt.com

Sketch Plan of Exclusive Use

Areas C, E, & F being part of Level C Common Property
on SP129137 for inclusion in Saltwater Community
Titles Scheme No

PARISH: SALISBURY

COUNTY: Solander

Reference: RP745147

E/N: No

Scale: 1:400

Format: SKETCH

DRAWING FILE
7138_05D.DWG

AMENDED
19/12/01

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Sheet 1 of 1

SALTWATER

LEVEL C

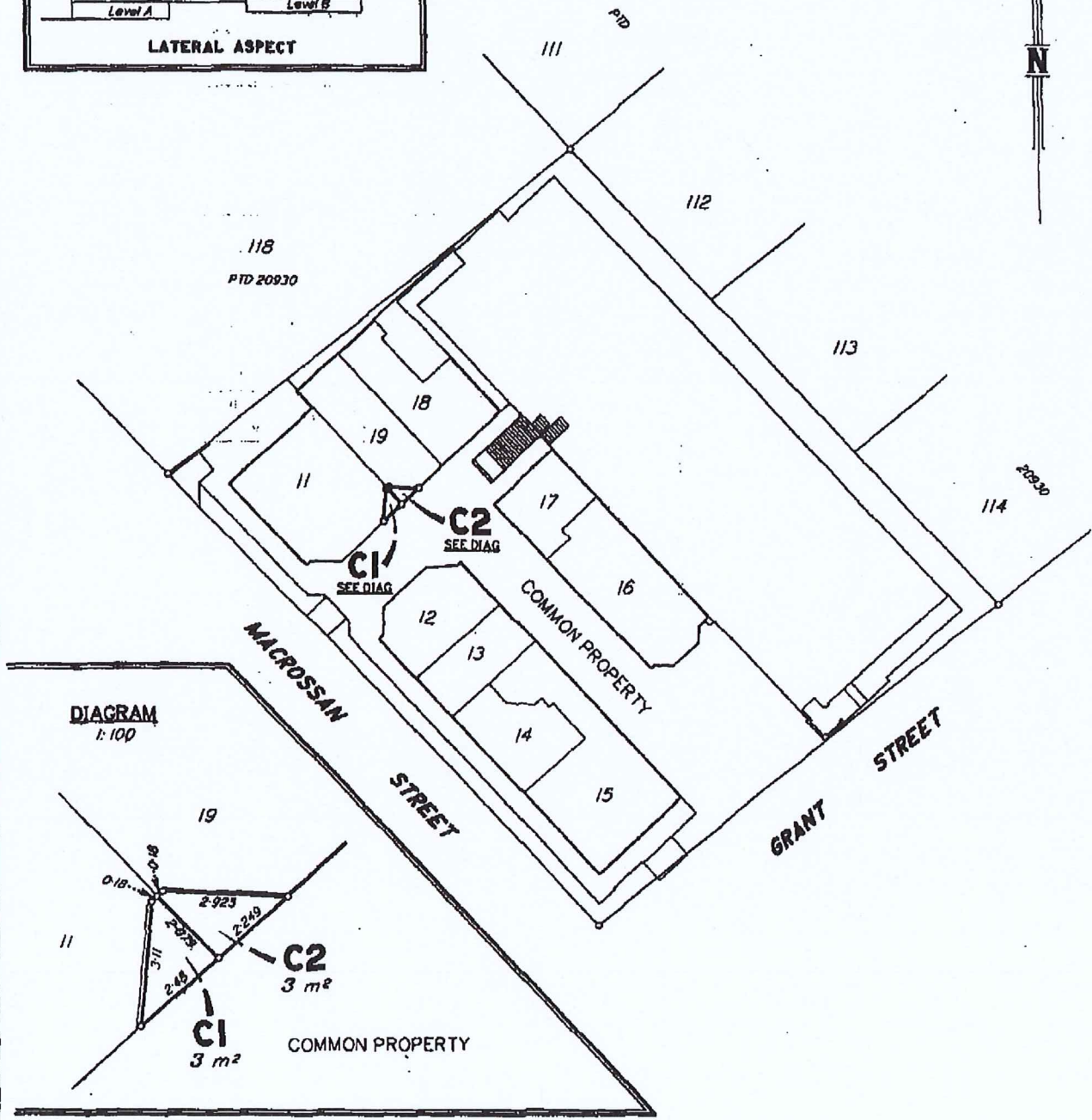
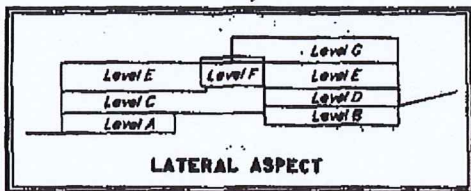
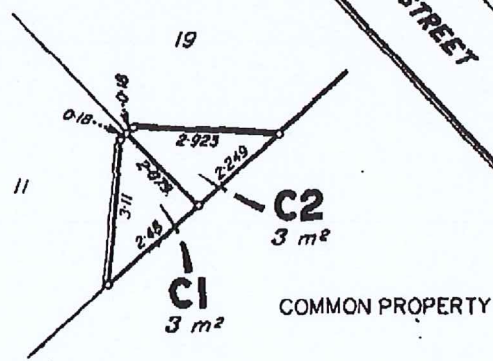
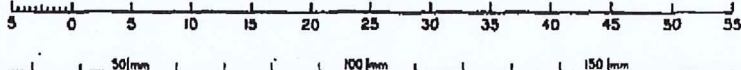


DIAGRAM
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Scale 1:400 - Lengths are in Metres.



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Sketch Plan of Exclusive Use Areas C1 & C2

being part of Level C Common Property on
SP129137 for inclusion in Camoluna Apartments
Community Title Scheme No.

PARISH: **SALISBURY**

COUNTY: **Solander**

MapSheet: **PD74R147**

Scale: **1:400**

Format: **SKETCH**

Drawing No:

7130_16

Drawing File:

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Tel: (07) 4031 1311
c&b@camoluna.com.au

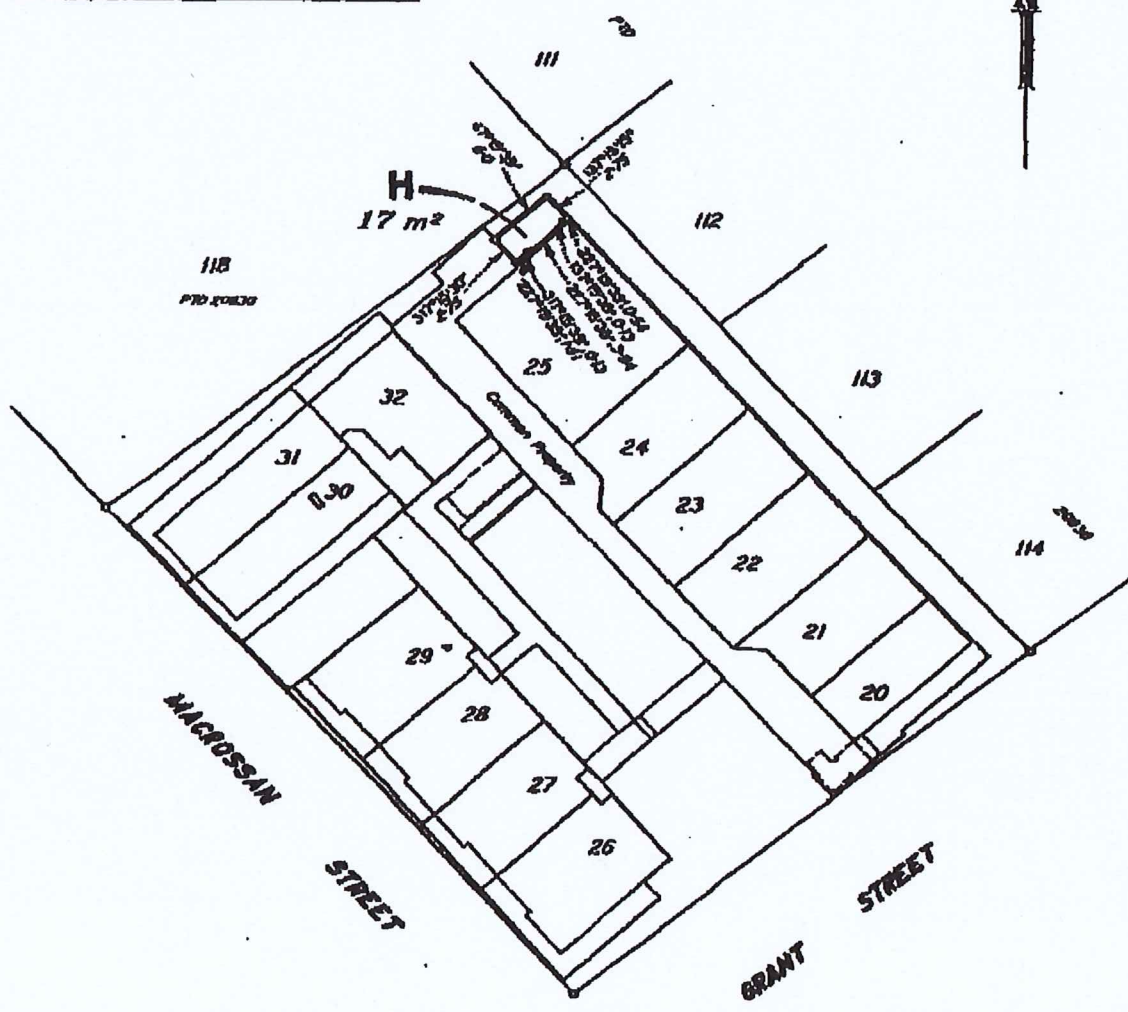
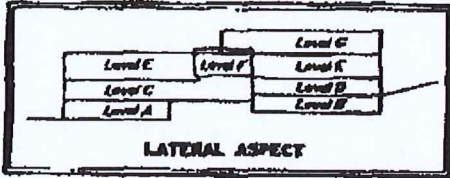
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ASB

Sheet of

SALTWATER

LEVEL E



Scale 1:400 - Lengths are in Metres.



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C&B CONSULTANTS PTY LTD
PO BOX 911 806

C&B GROUP

CHICKS OFFICE
111 (07) 401 2226
c&b@cbgroup.com.au

PO BOX 1548 CHICKS QLD 4076
1111 (07) 401 2242
www.cbgroup.com.au

Sketch Plan of Exclusive Use

Area H being part of Level E Common Property on SP129137 for inclusion in Saltwater Community Titles Scheme No

PARISH: **SALISBURY**

COUNTY: **Solander**

Meridian: **RP715147**

Scale: **1:400**

Format: **SKETCH**

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7138_09A.DWG

AMENDED
26/12/01

ISSUE
A

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7138-9

F/M No

7138_14/KJP

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Sheet 1 of 1

SALTWATER LEVEL D

UPPER CARPARKING

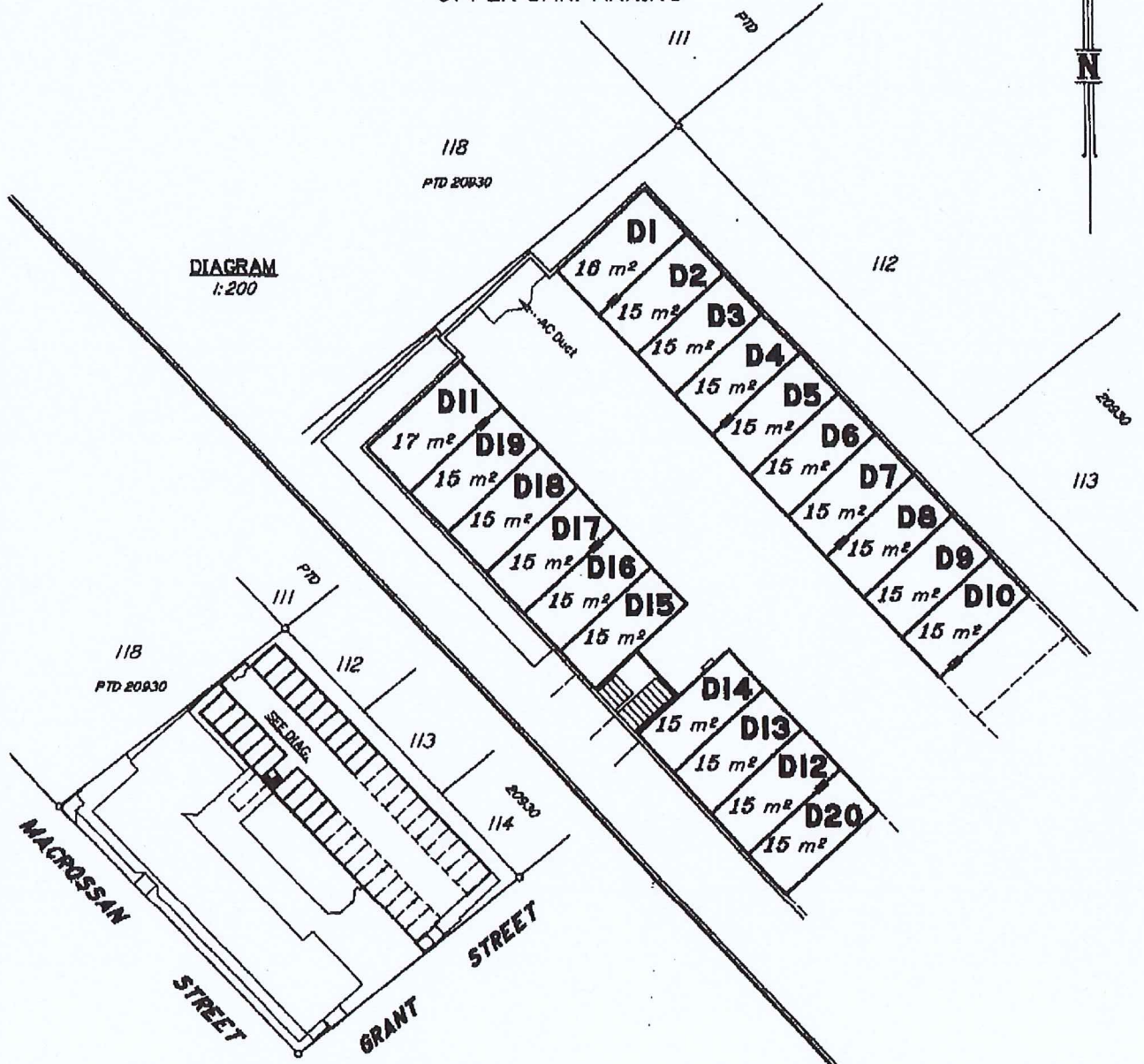
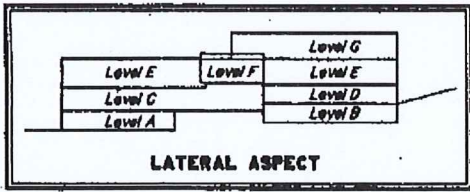
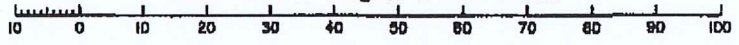



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LATERAL ASPECT

Scale 1:750 - Lengths are in Metres.

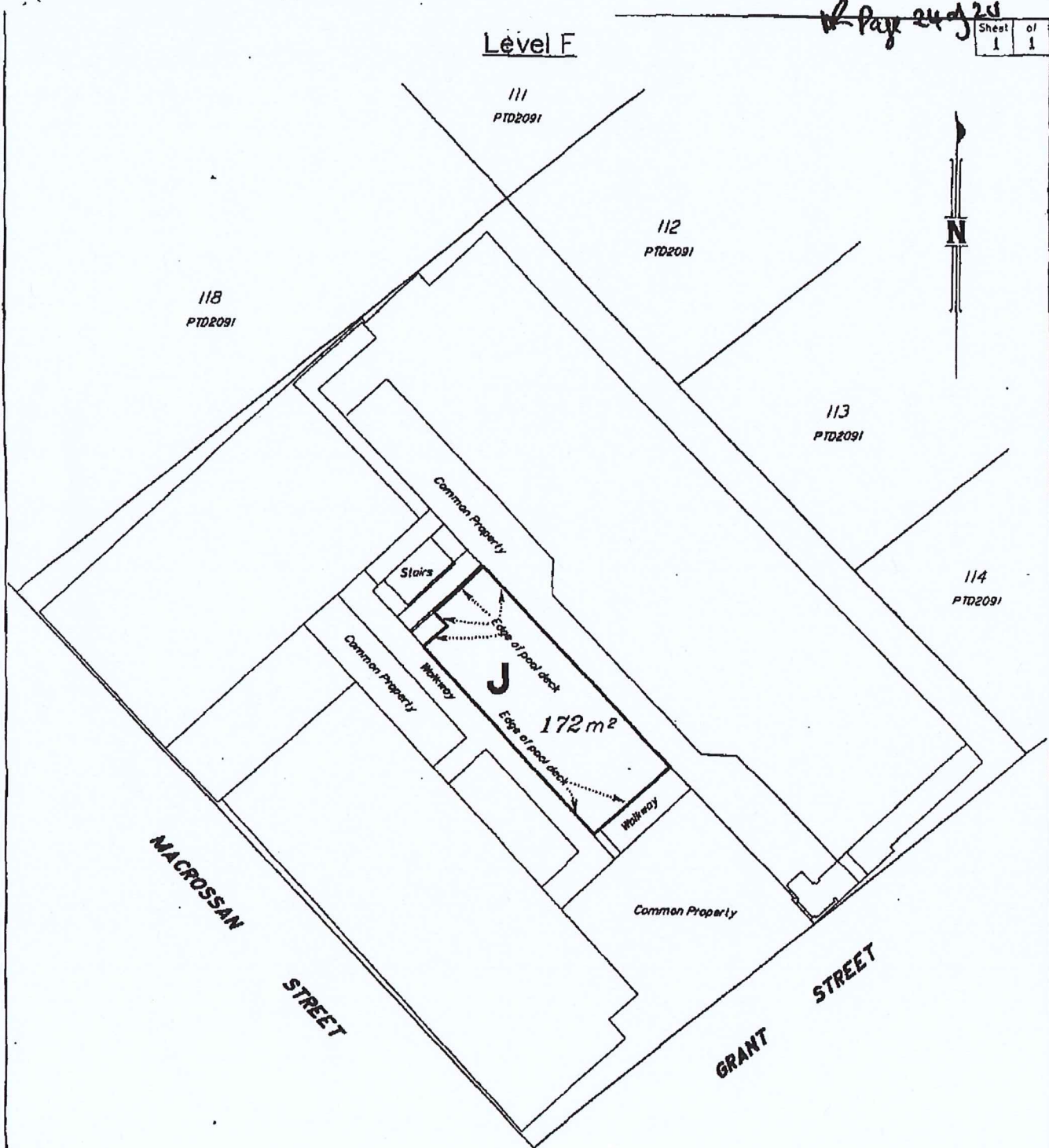


<p>PROJECT MANAGEMENT PLANNING ENVIRONMENTAL SERVICES SURVEYING</p>  <p>C&B CONSULTANTS PTY LTD ACH 031 931 996</p>	<p>C&B GROUP</p> <p>PO BOX 1949 CAIRNS QLD 4870 TEL: (07) 4031 1336 FAX: (07) 4031 2842 c&b@cbgroup.com.au www.cbgroup.com.au</p>	<p>PARISH: SALISBURY COUNTY: Solander</p>		<p>Scale: 1:750</p>
		<p>Carpark Allocation Plan</p> <p><i>Carparks D1-D20 being part of Level D Common Property on SPI29137 for inclusion in Saltwater Community Titles Scheme No</i></p>		<p>Format: SKETCH</p>
<p>AMENDED: 28-06-02</p>		<p>ISSUE: A</p>		<p>DRAWING FILE: 7138_14A.DWG</p>
<p>Meridian: RP745147</p>		<p>F/N: No</p>		<p>DRAWING No. 7138-13</p>

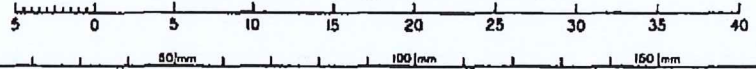
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Level F



Scale 1:300 - Lengths are in Metres.



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C&B CONSULTANTS PTY LTD
ACN 055 931 036

CAIRNS OFFICE
Tel: (07) 4931 1336
ca@msbcgroup.com.au

PO Box 1949 CAIRNS QLD 4870
Fax: (07) 4031 2942
www.cbgroup.com.au

**Sketch Plan of Exclusive Use
Area J**

being Level F Common Property on
SP129137 for inclusion in Saltwater
Community Title Scheme No. 30139

PARISH: **SALISBURY** COUNTY: **Solander**
Meridon: **PTD2091**

Scale: **1:300**

Format: **SKETCH**

Drawing No:
7138-11

Drawing File:
7138_12.DWG

F/N's: **No**

6.2.1 Centre zone code

6.2.1.3 Criteria for assessment

Table 6.2.1.3.a – Centre zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
<p>PO1 The height of all buildings is in keeping with the character of the surrounding residential neighbourhoods and must not adversely affect the amenity of the neighbourhood.</p>	<p>AO1 The maximum height of buildings and structures is: (a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note - Height is inclusive of the roof height.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO2 The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses.</p>	<p>AO2.1 Buildings and structures are setback to road frontages: (a) in accordance with the provisions of any applicable local plan; (b) a minimum of 6 metres where no local plan applies or there are no particular provisions specified in the local plan for the site.</p> <p>AO2.2 Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or (b) 2.5 metres or ¼ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres.</p> <p>AO2.3 Where adjoining land in any other zone, buildings are setback 3 metres or ¼ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.</p>	<p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p>
	<p>AO2.4 Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas:</p>	<p>Not Applicable No change to existing built form</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(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.	
PO3 The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.	AO3 Site coverage does not exceed 80%, unless otherwise specified in a Local plan.	Not Applicable No change to existing built form
PO4 The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses.	AO4 Inconsistent uses as identified in table 6.2.1.3.b are not established in the Centre zone.	Complies with AO4 The proposed development of a Multiple Dwelling for permanent occupancy is not identified as an incompatible use.
PO5 Development provides a range of convenient goods and services for the daily needs of discrete residential communities.	AO5 Development complies with the requirements specified in a local plan.	Complies with AO5 Refer to the assessment against the Local Plan Code
PO6 Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the: (a) the Accommodation activity group, located outside the Centre zone; (b) the Sensitive land use activity group, located outside the Centre zone.	AO6 No acceptable outcomes are prescribed.	Complies with AO6 The change of use from a self-contained tourist unit to a Multiple Dwelling capable of permanent occupation would not have any greater impact on the amenity of the area.
PO7 Reconfiguration of land results in (a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots. (b) lots no less than 600m ² in area.	AO7 No acceptable outcomes are prescribed.	Not Applicable No change to existing built form

7.2.4 Port Douglas/Craigie local plan code

Table 7.2.4.4.a –Port Douglas / Craigie local plan – assessable development

For self-assessable and assessable development
Development in the Port Douglas / Craigie local plan area generally

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.</p> <p>PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2).</p>	<p>AO1 A pedestrian and cycle movement network is integrated and delivered through development.</p> <p>AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; (g) Macrossan Street and Warner Street; (h) Port Douglas waterfront.</p>	<p>Not Applicable The proposed development does not trigger a requirement for a pedestrian or cycle network.</p> <p>Not Applicable No change to existing built form and would not require the removal of vegetation.</p>
	<p>AO2.2 Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular: (a) Flagstaff Hill; (b) Four Mile Beach; (c) Across to the ranges over Dickson Inlet; (d) Mowbray Valley.</p> <p>AO2.3 Important landmarks, memorials and monuments are retained.</p>	<p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p>
<p>PO3 Development contributes to the protection, reinforcement and where necessary enhancement of</p>	<p>AO3 Development adjacent to the gateways and nodes as identified on the Port Douglas / Craigie local plan maps</p>	<p>Not Applicable No change to existing built form</p>

<p>gateways and key intersections identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.</p>	<p>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.</p>	
<p>PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craigie.</p>	<p>AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO5 Development does not compromise the safety and efficiency of the State-controlled road network.</p>	<p>AO5 Direct access is not provided to a State-controlled road where legal and practical access from another road is available.</p>	<p>Not Applicable No change to existing built form</p>

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
Additional requirements in Precinct 1 – Port Douglas precinct		
<p>PO6 The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.</p>	<p>AO6.1 Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.</p> <p>AO6.2 Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.</p>	<p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p>
<p>PO7 Vehicle access, parking and service areas: (a) do not undermine the relationship between buildings and street or dominate the streetscape; (b) are designed to minimise pedestrian vehicle conflict; (c) are clearly identified and maintain ease of access at all times.</p>	<p>AO7.1 For all buildings, parking is: (a) to the side of buildings and recessed behind the main building line; or (b) behind buildings; or (c) wrapped by the building façade, and not visible from the street.</p> <p>AO7.2 Ground level parking incorporates clearly defined pedestrian routes.</p> <p>AO7.3 Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.</p> <p>AO7.4 Where the development is an integrated mixed-use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.</p> <p>AO7.5 On-site car parking available for public use is clearly signed at the site frontage.</p> <p>AO7.6</p>	<p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p> <p>Complies with AO7.4 Refer to the assessment against the Access, Parking and Servicing Code.</p> <p>Complies with AO7.5 Refer to the assessment against the Access, Parking and Servicing Code. \</p> <p>Complies with AO7.6</p>

Performance outcomes	Acceptable outcomes	Applicant response
	Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	Refer to the assessment against the Access, Parking and Servicing Code.
PO8 Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	AO8 No acceptable outcomes are prescribed.	Not Applicable No advertising signs are proposed.
Additional requirements for Sub-precinct 1a – Town Centre sub-precinct		
PO9 Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.	AO9 Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres. Note – Height is inclusive of the roof height.	Not Applicable No change to existing built form
PO10 Building design, the streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	AO10 No acceptable outcomes are prescribed.	Not Applicable No change to existing built form
PO11 Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas.	AO11 No acceptable outcomes are prescribed.	Not Applicable No change to existing built form
PO12 Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians; (c) changes in gradient of the street.	AO12 Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites; (c) connect without any lip or step to adjoining footpaths.	Not Applicable No change to existing built form
AO13	AO13 No acceptable outcomes are prescribed.	Not Applicable No change to existing built form

Performance outcomes	Acceptable outcomes	Applicant response
<p>Buildings do not result in a reduction of views and vistas from public places to:</p> <ul style="list-style-type: none"> (a) Flagstaff Hill; (b) Dickson Inlet; (c) public open space; (d) places of significance. 		
<p>PO14 Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for the length of the building.</p>	<p>AO14 Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street frontage/s; or If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3 metres and the required awning is still maintained along the length of the street frontage/s. Note – PO24 provides more detail on awning design.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO15 Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.</p>	<p>AO15.1 Centre activities establish: at street level on active street frontages; a maximum of one level above street level.</p> <p>AO15.2 Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.</p>	<p>Complies with AO15.1 The change of use from Tourist Accommodation unit to Multiple Dwelling Unit relates to an existing unit that is not on the ground floor or at street level.</p> <p>Complies with AO15.2 The change of use from Tourist Accommodation unit to Multiple Dwelling Unit for permanent occupation relates to an existing unit that is not on the street frontage.</p>
<p>PO16 Detailed building design:</p> <ul style="list-style-type: none"> (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained. 	<p>AO16 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No change to existing built form</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO17 Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> <ul style="list-style-type: none"> (a) surface decoration; (b) wall recesses and projections; (c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements. (d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys. 	<p>AO17 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO18 Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <ul style="list-style-type: none"> (a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct; (b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view; (c) rooftops are not used for advertising. 	<p>AO18 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No change to existing built form</p>
<p>P019 Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <ul style="list-style-type: none"> (a) shade windows; (b) reduce glare; (c) assist in maintaining comfortable indoor temperatures; (d) minimising heat loads; (e) enrich the North Queensland tropical character of the Town Centre sub-precinct; (f) provide architectural interest to building façades. 	<p>AO19 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO20 Buildings are finished with high quality materials, selected for:</p>	<p>AO20 No acceptable outcomes are prescribed</p>	<p>Not Applicable No change to existing built form</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>(a) their ability to contribute the character of Town Centre sub-precinct;</p> <p>(b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.</p>		
<p>PO21 Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.</p>	<p>AO21 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO22 Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.</p>	<p>AO22.1 Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.</p> <p>AO22.2 Any break in the building façade varies the alignment by a 1 metre minimum deviation.</p> <p>AO22.3 A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping; (c) a change in awning design; (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.</p>	<p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p> <p>Not Applicable No change to existing built form</p>
<p>PO23 Building facades that face public spaces at ground level: (a) complement the appearance of the development and surrounding streetscape; (b) enhance the visual amenity of the public place; (c) include a variety of human scale architectural elements and details; (d) provide an opportunity for the casual and convenient surveillance of public space from within the development.</p>	<p>AO23 Building facades at the ground floor of development that face public space are designed to ensure: (a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development; (b) a visually prominent main entrance that faces the principal public place;</p>	<p>Not Applicable No change to existing built form</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	
<p>PO24</p> <p>Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and:</p> <p>(a) extend and cover the footpath to provide protection from the sun and rain;</p> <p>(b) include lighting under the awning;</p> <p>(c) are continuous across the frontage of the site;</p> <p>(d) align to provide continuity with existing or future awnings on adjoining sites;</p> <p>(e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height;</p> <p>(f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p>	<p>AO24</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>No change to existing built form</p>
<p>PO25</p> <p>Development integrates with the streetscape and landscaping improvements for Port Douglas.</p>	<p>AO25</p> <p>Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.</p>	<p>Not Applicable</p> <p>No change to existing built form</p>

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

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
Design		

PO1	AO1.1	Not Applicable
The site has sufficient area and frontage to: accommodate the scale and form of buildings considering site features; achieve communal open space areas and private outdoor spaces; deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting; achieve safe and convenient vehicle and pedestrian access; accommodate on-site car parking and manoeuvring for residents, visitors and service providers	The site has a minimum area of 1000m ²	No change to existing built form
	AO1.2 The site has a minimum frontage of 25 metres	Not Applicable No change to existing built form
PO2	AO2	Not Applicable
Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:	Development on a site 5,000m ² or greater is in accordance with a structure plan. Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning.	No change to existing built form
the establishment and extension of public streets and pathways; the provision of parks and other public spaces as appropriate to the scale of the development; inclusion of a mix of dwelling types and tenures and forms; buildings that address the street; building height and setback transitions to adjoining development of a lower density or scale		
PO3	AO3.1	Not Applicable
Development ensures that the proportion of buildings to open space is: in keeping with the intended form and character of the local area and immediate streetscape; contributes to the modulation of built form; supports residential amenity including access to breezes, natural light and sunlight; supports outdoor tropical living; provides areas for deep tropical planting and / or for the retention of mature vegetation.	The site cover is not more than 40%	No change to existing built form
	AO3.2 The development has a gross floor area of not more than:	Not Applicable No change to existing built form

<p>PO4 Development is sited so that the setback from boundaries: provides for natural light, sunlight and breezes; minimises the impact of the development on the amenity and privacy of neighbouring residents; provides for adequate landscaping.</p>	<p>AO4.1 Buildings and structures are set back not less than 6 metres from a road frontage.</p>	<p>Not Applicable No change to existing built form</p>
	<p>AO4.2 Buildings and structures are setback not less than 4 metres to the rear boundary</p>	<p>Not Applicable No change to existing built form</p>
	<p>AO4.3 The side boundary setback for buildings and structures is: (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building; (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO5 Building depth and form must be articulated to ensure that the bulk of the development is in keeping with the form and character intent of the area; (b) provide adequate amenity for residents in terms of natural light and ventilation. Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p>	<p>AO5.1 The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres. The minimum distance between buildings on a site is not less than 6 metres;</p>	<p>Not Applicable No change to existing built form</p>
	<p>AO5.2 The length of any continuous eave line does not exceed 18 metres.</p>	<p>Not Applicable No change to existing built form</p>
<p>PO6 Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p>	<p>AO6.1 Development incorporates a number of the following design elements: balconies; verandahs; terraces; recesses</p>	<p>Not Applicable The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p>
	<p>AO6.2 Development reduces building bulk by: variation in building colours, materials and textures; the use of curves, recesses, projections or variations in plan and elevation;</p>	<p>Not Applicable The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p>

	recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch; use of sun-shading devices and other façade features; use of elements at a finer scale than the main structural framing of the building.	
PO7 Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through: orientation to the street; front boundary setback; balconies and windows to provide overlooking and casual surveillance; building entrances.	AO7.1 Development provides a building that is not set back further than 2m beyond the minimum required street front setback.	Not Applicable No change to existing built form
	AO7.2 Development provides balconies and windows from the primary living area that face and overlook the street or public space.	Complies with AO7.2 The proposed Multiple Dwelling unit would have access to existing balconies that overlook public space.
PO8 Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.	AO8.1 Development has floor to ceiling heights of 2.7 metres;	Not Applicable No change to existing built form
	AO8.2 Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.	Not Applicable No change to existing built form
	AO8.3 Development incorporates deep recesses, eaves and sun-shading devices.	Not Applicable No change to existing built form
	AO8.4 Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.	Not Applicable No change to existing built form
	AO8.5	Not Applicable
	Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).	No change to existing built form
PO9	AO9.1	Not Applicable
Development minimises direct overlooking between buildings through appropriate building layout, location	Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a	No change to existing built form

and the design of windows and balconies or screening devices. Note—Siting and building separation is used to minimise privacy screening requirements.	habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have:	
	(a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or	
	(b) sill heights a minimum of 1.5m above floor level; or	
	(c) fixed obscure glazing in any part of the window below 1.5m above floor level; or	
	fixed external screens; or in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level.	
	AO9.2 Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.fixed external screens; or in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level.	Not Applicable No change to existing built form
	AO9.3 Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable. Note—The screening device is offset a minimum of 0.3m from the wall around any window. Note—Screening devices are hinged or otherwise attached to facilitate emergency egress	Not Applicable The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.
PO10 Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests	AO10 A minimum of 35% of the site is allocated as landscaping and recreation area	Not Applicable No change to existing built form
PO11 Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.	AO11 Development provides landscaping as follows:	Not Applicable No change to existing built form

	<p>A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages;</p> <p>A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries</p>	
<p>PO12</p> <p>The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site</p>	<p>AO12.1</p> <p>Communal open space is provided at: a minimum of 5% of site area or 50m² whichever is the greater; and a minimum dimension of 5 metres.</p>	<p>Complies with AO12.1</p> <p>The overall existing development provides significant communal open space containing a swimming pool, which exceeds 50m².</p>
	<p>AO12.2</p> <p>Development provides communal open space that: is consolidated into one useable space; where communal open space exceeds 100m², the communal open space may be split into two, and so forth incrementally.</p>	<p>Complies with AO12.2</p> <p>The overall existing development provides significant communal open space containing a swimming pool.</p>
	<p>AO12.3</p> <p>Communal open space: is a minimum of 50% open to the sky; achieves 25% shading by trees in 5 years; does not include vehicle driveways and manoeuvring; does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</p>	<p>Complies with AO12.3</p> <p>The existing development provides communal open space that has previously been accepted by Council.</p>
	<p>AO12.4</p> <p>Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements: seating; barbecue; play equipment; swimming pool; communal clothes drying; vegetable garden.</p>	<p>Complies with AO12.4</p> <p>The overall existing development provides landscaping and communal open space which contains seating, barbecue facilities and swimming pool.</p>
	<p>12.5</p> <p>Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space.</p>	<p>Not Applicable</p> <p>The proposed development is a single unit in an established mixed use development where communal open space is already provided.</p>
PO13	AO13.1	Complies with AO13.1(b)

<p>Development must provide attractive and functional private open space for residents and guests.</p>	<p>Development provides private open space which: for ground storey dwellings, comprises of a minimum area of 35m² with a minimum dimension of 3 metres; for dwellings above ground storey, comprises of a balcony with minimum area of 12m² and a minimum dimension of 3 metres</p>	<p>The proposed Multiple Dwelling Unit would have access to a private balcony with a floor area that exceeds 12m².</p>
	<p>AO13.2 Development provides private open space areas that are: directly accessible from internal primary living area of the dwelling (not bedrooms); provided with a screened area of 2m² minimum dimension capable of screening air conditioning plant, private clothes drying etc... provided with adjustable, moveable or operable privacy screening where appropriate</p>	<p>Complies with AO13.2 The proposed Dwelling Unit/Multiple Dwelling Unit would have access to a private balcony that is directly from the living room.</p>
	<p>AO13.3 Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.</p>	<p>Complies with AO13.3 The proposed Multiple Dwelling Unit would have access to an existing private balcony that does not overlook any adjoining premises.</p>
	<p>AO13.4 Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.</p>	<p>Not Applicable A secondary balcony is not provided.</p>
	<p>AO13.5 Private open space: does not include vehicle driveways and manoeuvring; does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters</p>	<p>Complies with AO13.5 The private balconies do not include driveways or surface structures.</p>
<p>PO14 Development provides front fencing and retaining walls that must: facilitate casual surveillance of the street and public space; enable use of private open space; assist in highlighting entrances to the property; provide a positive interface to the streetscape.</p>	<p>AO14.1 Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of: 1.2m, where fence construction is solid or less than 50% transparent; 1.5m, where fence construction is at least 50% transparent; 1.8m and solid only where the site is on an arterial road or higher order road.</p>	<p>Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) only.</p>

	AO14.2 Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual interest and soften the visual impact.	Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only.
	AO14.3 Development for a retaining wall is: stepped to minimise impact on the streetscape and pedestrian environment; a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge	Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only.
PO15 Development minimises light nuisances.	AO15 Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	Not Applicable The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only
PO16 Waste and recyclable material storage areas are: convenient and accessible to residents and waste and recyclable material collection services; located and designed to mitigate adverse impacts: within the site; on adjoining properties;to the street.	AO16 Waste and recyclable material storage areas: are located on site; are sited and designed to be unobtrusive and screened from view from the street frontage: are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network; are of a sufficient size to accommodate bulk (skip) bins; have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services Note - The Environmental performance code contains requirements for waste and recyclable material storage	Complies with AO16 The proposed Multiple Dwelling Unit would have access to the existing waste and recyclable storage areas.
PO17 Development provides a secure storage area for each dwelling.	AO17 A secure storage area for each dwelling: is located to enable access by a motor vehicle or be near to vehicle parking; has a minimum space of 3.5m2 per dwelling; has a minimum height of 2 metres; is weather proof; is lockable; has immunity to the 1% AEP inundation event. Note – A cupboard within a unit will not satisfy this requirement	Complies with PO17 The proposal is for the material change of use of an existing self-contained Multiple Dwelling (tourist) unit to a Multiple Dwelling Unit to provide for permanent occupation. The Dwelling Unit would have access to the storage facilities provided as part of this original development and would not require additional storage.
Additional requirements for a Retirement facility		
PO18	AO18	Not Applicable

Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located.	Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services.	The proposal relates to a Multiple Dwelling Unit.
PO19 Retirement facilities are designed to provide for the amenity and security of residents.	AO19.1 The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
	AO19.2 Internal pathways have firm, well drained and non-slip surfaces.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
	AO19.2 Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
	AO19.3 An illuminated sign and site map of the layout of the development is located near the main entrance to the facility.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
PO20 The internal layout of a retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site.	AO20.1 The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
	AO20.2 The site of a Retirement facility is not prone to inundation.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
	AO20.3 The location of the Retirement facility is readily accessible to emergency vehicles.	Not Applicable The proposal relates to a Multiple Dwelling Unit.
PO21 The development is designed for the needs of the age group, and to allow 'aging in place' to occur.	AO21.2 A range of housing designs and sizes are provided in the development to cater for different individual and household needs.	Not Applicable The proposal relates to a Multiple Dwelling Unit.

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
<p>PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: the desired character of the area; the nature of the particular use and its specific characteristics and scale; the number of employees and the likely number of visitors to the site; the level of local accessibility; the nature and frequency of any public transport serving the area; whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building whether or not the use involves a heritage building or place of local significance; whether or not the proposed use involves the retention of significant vegetation.</p>	<p>AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p>	<p>Complies with AO1.1 A Multiple Dwelling Unit it is required to provide 1 car parking space. The subject site has an allocated single vehicle car parking space in the basement.</p>
	<p>AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p>	<p>Complies with AO1.2 The existing car parking space is maintained as freely available for vehicle parking.</p>
	<p>AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p>	<p>Not Applicable No motorcycle parking is proposed.</p>
	<p>AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p>	<p>Not Applicable The proposal relates to a single car parking space only.</p>
<p>PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.</p>	<p>AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: AS2890.1; AS2890.3; AS2890.6.</p>	<p>Complies with AO2 The parking space is an existing lawfully approved car parking space.</p>

<p>PO3 Access points are designed and constructed: to operate safely and efficiently; to accommodate the anticipated type and volume of vehicles to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; so that they do not impede traffic or pedestrian movement on the adjacent road area; so that they do not adversely impact upon existing intersections or future road or intersection improvements; so that they do not adversely impact current and future on-street parking arrangements; so that they do not adversely impact on existing services within the road reserve adjacent to the site; so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p>	<p>AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: Australian Standard AS2890.1; Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</p>	<p>Not Applicable Access would be provided by the existing lawfully approved access crossover.</p>
	<p>AO3.2 Access, including driveways or access crossovers: are not placed over an existing: telecommunications pit; stormwater kerb inlet; sewer utility hole; water valve or hydrant. are designed to accommodate any adjacent footpath; adhere to minimum sight distance requirements in accordance with AS2980.1.</p>	<p>Not Applicable Access would be provided by the existing lawfully approved access crossover.</p>
	<p>AO3.3 Driveways are: 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; 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; 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; 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; designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p>	<p>Not Applicable Access would be provided by the existing lawfully approved access crossover.</p>

	AO3.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	Not Applicable Access would be provided by the existing lawfully approved access crossover.
PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	Not Applicable No wheel chair accessible car parking spaces are required as part of this development.
PO5 Access for people with disabilities is provided to the building from the parking area and from the street.	AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Not Applicable Access for people with disabilities is not required as part of this development and was addressed as part of the original development in the site.
PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	Not Applicable Bicycle parking is provided as part of the original development on the site.
PO7 Development provides secure and convenient bicycle parking which: for visitors is obvious and located close to the building's main entrance; 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; is easily and safely accessible from outside the site.	AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	Not Applicable End of trip facilities are not required for a Multiple Dwelling Unit.
	AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	Not Applicable Bicycle parking has been provided as part of the original development on the site.
	AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	Not Applicable Bicycle parking has been provided as part of the original development on the site

<p>PO8 Development provides walking and cycle routes through the site which: link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; encourage walking and cycling; ensure pedestrian and cyclist safety.</p>	<p>AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: create a walking or cycle route along the full frontage of the site; connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</p>	<p>Not Applicable The proposal relates to the material change of use of an existing self-contained motel unit to a Multiple Dwelling Unit capable of permanent accommodation only.</p>
<p>PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: in accordance with relevant standards; so that they do not interfere with the amenity of the surrounding area; so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p>	<p>AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.</p>	<p>Complies with AO9.1 The existing development has been assessed as complying with the relevant standards.</p>
	<p>AO9.2 Service and loading areas are contained fully within the site.</p>	<p>Not Applicable No service or loading facilities are required as part of this application.</p>
	<p>AO9.3 The movement of service vehicles and service operations are designed so they: do not impede access to parking spaces; do not impede vehicle or pedestrian traffic movement.</p>	<p>Not Applicable No service or loading facilities are required as part of this application.</p>
<p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p>AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: car wash; child care centre; educational establishment where for a school;</p>	<p>Not Applicable No queuing or set down areas are required as part of this application.</p>

	<p>AO9.3 The movement of service vehicles and service operations are designed so they: do not impede access to parking spaces; do not impede vehicle or pedestrian traffic movement.</p>	<p>Not Applicable No service or loading facilities are required as part of this application.</p>
<p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p>AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: car wash; child care centre; educational establishment where for a school; (1) food and drink outlet, where including a drive-through facility; (2) hardware and trade supplies, where including a drive-through facility; (3) hotel, where including a drive-through facility; (4) service station.</p>	<p>Not Applicable No queueing or set down areas are required as part of this application.</p>
	<p>AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p>Not Applicable No queueing or set down areas are required as part of this application.</p>

ADDITIONAL ASSESSMENT BENCHMARKS

Criteria for Assessment	Applicant Response
Acid Sulfate Soils	Not Applicable No change to existing built form
Bushfire Hazard	Not Applicable No change to existing built form
Coastal Processes	Not Applicable No change to existing built form
Landslide	Not Applicable No change to existing built form
Natural Areas	Not Applicable No change to existing built form
Transport Noise Corridors	Not Applicable No change to existing built form
Transport Pedestrian Cycle	Not Applicable No change to existing built form
Infrastructure Works Code	Not Applicable No change to existing built form
Landscaping Code	Not Applicable No change to existing built form