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**gilvear|planning**  
Pty Ltd  
Town Planning  
Rural and Development Advice

Your Ref: 8/37/146 (CRC Ref); MCU 3B 011/06 (DSC Ref: 22 May 2007)  
Our Ref: J000276:LAW:KLG  
Date: 28 April 2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Attention: Manager Development & Environment

**RE: REQUEST TO EXTEND RELEVANT PERIOD and CHANGE CONDITION 4.2 – Development Permit for Material Change of Use (Dwelling House) on land located at 2 Wharf Street, Port Douglas more particularly described as Lot 23 on PTD20925**

Gilvear Planning Pty Ltd has been engaged by Mr Graeme Lawrence in respect to a Request to Extend the Relevant Period and Change associated Condition 4.2 for a Development Permit issued by the former Douglas Shire Council on 22 May 2007. The Development Permit provided an Approval for Material Change of Use to facilitate the construction of a Dwelling House.

Under cover of letter dated 7 June 2011, Cairns Regional Council approved a request for extension and change to facilitate a relevant period expiration of 22 May 2015 for the subject proposal. Unfortunately, due to a range of factors, Mr Lawrence has been unable to commence development on the site at this stage. It is hoped that development may commence in coming years.

Please find attached a cheque in payment of Council's fee for this Request, being \$860.95. It is submitted that no additional fee for the associated change to condition should be payable, as that change is only required to ensure consistency in regard to the request for extension to relevant period.

Also attached is a completed Request to Change an Existing Approval form.

Additional information to assist Council in its assessment of this Request is provided below.

Site Description

The site upon which the Approved Use is to be established is located at 2 Wharf Street, Port Douglas, more particularly Lot 23 on PTD 20925. The site is located on the north of Flagstaff Hill, and is predominantly cleared. Some vegetation exists on the site, and it is noted that a Permit to Damage Protected Vegetation will be required in accordance with the former Douglas Shire

Council Local Law No 56. Given the limited life of that Permit (anticipated to be 12months), it will be sought prior to any Building Permit for the Dwelling being sought.

#### Background Information

In 2006, Mr Lawrence commenced an approval process to obtain necessary permits to facilitate construction of a Dwelling House on property owned by him, and located at 2 Wharf Street. In May 2007, the former Douglas Shire Council granted a Development Permit for Material Change of Use – Dwelling House. This Approval was extended by Cairns Regional Council via a request to change and extend submitted in 2011. The Approval expires on 22 May 2015. A copy of the original Approval, and notice of the Change to Conditions on that Approval dated 7 June 2011, is included within **Annexure 1** for reference.

It is understood an Operational Works approval for the damage to vegetation on site may be required; at this stage, Mr Lawrence intends to make that application prior to commencement of works.

At the time of receiving the 2011 extension to the Approval for the House, Mr Lawrence had intended to commence construction as soon as possible. Unfortunately, construction has yet to commence.

Mr Lawrence seeks an extension to the Relevant Period for the Development Permit for Material Change of Use (Dwelling House) for a further four (4) year period.

#### Request for Extension to Relevant Period

This Request for Extension to Relevant Period is made pursuant to Chapter Six, Part 8, Division 5 of the *Sustainable Planning Act 2009* ('the Act').

Owners consent for this Request is not required, in that the Applicant for the Material Change of Use, and the current Requestor, are the same (Section 383(3)(d) of the Act).

In accordance with Section 388 of the Act, the following detail is provided to assist Council in its assessment of this Request:

#### ***Consistency of the Approval and Conditions with Current Requirements***

Section 388(1)(a) of the Act provides that Council must have regard to the consistency of the Approval for which an extension is sought having regard to current laws and policies applicable for such development.

In this respect, it is noted that the Application for Material Change of Use was originally submitted to Council and assessed in accordance with the Transitional Planning Scheme for the Shire of Douglas.

An IPA compliant Planning Scheme for the area, the Douglas Shire Planning Scheme, was introduced in September 2006. There have been two amendments to this Scheme since 2006.

It is noted that assessment of the original code-assessable application was quite rigorous. A copy of Council's Planning Officer Report is included for reference at **Annexure 1**.

Having regard to the changed planning requirements in force in the Douglas locality since the application was originally assessed, a short form appraisal of current provisions affecting the site currently is provided below for assistance:

|                                |  | <b>Comment</b>   |
|--------------------------------|--|--|
| <b>Planning Area</b>           | Residential 1  | Development of a single residence is considered to be consistent with the intent of the Residential 1 Planning Area.   |
| <b>Special Management Area</b> | Flagstaff Hill   | Development of a single residence on an existing allotment within the Flagstaff Hill Special Management Area is considered to be consistent with the overall intent for this area.   |
| <b>Plot Ratio</b>              | Low Scale  | The single dwelling proposed has a relatively small site coverage (36.7% at ground floor, 28% at first floor), and complies with the desire for lower intensity uses within this area.   |
| <b>Defined Use</b>             | House  | The dwelling proposed will only accommodate a single household, as required by the planning scheme definitions.  |
| <b>Level of Assessment</b>     | Code in Special Management Area 1 – Flagstaff Hill   | A detailed analysis of compliance with relevant development codes is undertaken within Annexure 2 to this Submission.  |
| <b>Applicable Codes</b>        | Port Douglas and Environs Locality Code<br><br>Residential 1 Planning Area Code<br><br>Filling and Excavation Code<br><br>Landscaping Code | The proposed development complies with the majority of Acceptable Solutions within applicable Development Codes. Where the Acceptable Solution cannot be complied with, compliance with the Performance Criteria can be achieved. It is submitted that the form of development, in conjunction with conditions of approval as originally issued in May 2007, ensure that the development is unlikely to detrimentally affect or undermine the potential achievement of |

|  |                                 | Comment   |
|--|---------------------------------|---|
|  | Vehicle Parking and Access Code | outcomes sought by the Scheme, its Codes or requirements. |

An analysis of the compliance of the proposed House as against current Codes and requirements has been undertaken, and is attached for reference at **Annexure 2** to this submission.

In regard to the Natural Areas and Scenic Amenity Code, it is noted that the development is not located within an undeveloped natural context; rather, the 'Designated Development Area' for this site is separated from any vegetated non-developed areas of Flagstaff Hill by road reserves, constructed roads, and a number of existing dwellings.

Therefore, it is submitted that the approval granted in 2007 remains largely consistent with the laws and policies in place and administered by Council today.

#### ***Community Awareness of the Proposal***

The original application was subject to Code Assessment in accordance with the Transitional Planning Scheme. The application, if lodged today, would also be subject to Code Assessment in accordance with the Douglas Shire Planning Scheme.

As the development is considered to be largely consistent with the Scheme objectives (past and current), and is 'Code Assessable', it is submitted that community awareness in regard to this sort of development is assured through Planning Scheme preparation and review processes, rather than in respect to any specific development, if declared 'Code Assessable'.

#### ***Potential Submissions and Concurrence Agency Views***

As noted above, the development proposed was Code Assessable under the Transitional Planning Scheme, and remains Code Assessable under the current Douglas Shire Planning Scheme. Public notification and therefore submissions are not applicable.

No concurrence agencies were involved in the assessment of the original Application. An analysis of the *Sustainable Planning Regulation 2009*, Schedule 7 confirms that there would be no referral agencies for the subject application, were it to be made today.

Copies of relevant State mapping for the site, including Regulated Vegetation, Protected Plants Flora Survey Trigger and Coastal Management Areas are included within **Annexure 3** for reference.

#### **Request to Change Amended Condition 4.2**

Condition 4.2 reinforces the extended relevant period for this Approval, providing:

4.2 *This development approval lapses on 22 May 2015, unless the use has substantially commenced or this period is extended under the Sustainable Planning Act 2009.*

This condition requires amendment to ensure consistency with the request to extend relevant period. It is therefore requested that the condition be amended to provide:

4.2 *This development approval lapses on 22 May 2019, unless the use has substantially commenced or this period is extended under the Sustainable Planning Act 2009.*

#### Conclusion

I trust this information is of assistance in your assessment of my clients' Request to Extend the Relevant Period for the Development Permit for Material Change of Use issued by the former Douglas Shire Council in 2007. I look forward to receiving notification of Council's decision as soon as possible.

Should any additional information be required, please do not hesitate to contact the undersigned.

Kind regards,



**Kristy Gilvear**

**Director - Gilvear Planning Pty Ltd**

#### **Far North Queensland Office**

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Cheque: \$860.95

USB Stick: PDF Copy of the Request

Form: Request to Change an Existing Approval (Form)

Annexure 1: 2007 Approval, 2011 Change and Officers Report regarding MCU3B 011/06

Annexure 2: Douglas Shire Planning Scheme – Code Compliance

Annexure 3: State Mapping

**ANNEXURE 1**

**2007 Approval**

**2011 Notice of Change and Extension and  
Officers report regarding Development Application  
15 May 2007 Item No 07/0515/12**

MCU 3B 011/06 - Application for Material Change Of Us

## DEVELOPMENT & ENVIRONMENT

### PLANNING

MCU 3B 011/06

Responsible Officer: Louise Stayte

## ITEM NO: 07/0515/12

### 1.0 DETAILS

|                            |   |   |
|----------------------------|---|---|
| APPLICANT                  | : | Mr Graeme Lawrence  |
| ADDRESS                    | : | C/- C&B Group<br>PO Box1949<br>CAIRNS QLD 4870  |
| SITE DESCRIPTION           | : | Lot 23 on PTD 20925   |
| SITE LOCATION              | : | 2 Wharf Street, Port Douglas  |
| SITE AREA                  | : | 607m <sup>2</sup>   |
| ROAD FRONTAGE              | : | 16.64m Wharf Street<br>23.15m Island Point Road   |
| STRATEGIC PLAN DESIGNATION | : | Urban Area  |
| DEVELOPMENT CONTROL PLAN   | : | DCP 2 Port Douglas- Special Area %  |
| ZONING                     | : | Residential 'B' - Medium Density (area 7.2.1)   |
| EXISTING USE               | : | Vacant Land   |
| PROPOSED USE               | : | Dwelling House  |
| COUNCIL MEETING            | : | 18 <sup>th</sup> May 2007   |
| RECOMMENDATION             | : | <i>That Council approve MCU3B 011/06 for a Dwelling House on land located at 2 Wharf Street, Port Douglas and described as Lots 23 on PTD20925, Parish of Salisbury subject to conditions</i> |

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**Figure 1 – Basement Floor Level Plan**

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**Figure 2 – Lower Level Floor Plan**

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**Figure 3 – Upper Level Floor Plan**

*MCU 3B 011/06 - Application for Material Change Of Us*

**Figure 4 – Elevations and Sections**

*MCU 3B 011/06 - Application for Material Change Of Us*

**Figure 5 – Landscaping Plan**

*MCU 3B 011/06 - Application for Material Change Of Us*

**Figure 6 – Landscaping Plan**

*MCU 3B 011/06 - Application for Material Change Of Us*

**Figure 7 – Detail Plans**

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**Figure 8 – Elevations**

*MCU 3B 011/06 - Application for Material Change Of Us***2.0 INTRODUCTION**

Council is in receipt of an application for a Development Permit for a Dwelling House to facilitate the development of a site situated at 65 Murphy Street, Port Douglas.

The proposed development site adjoins 4 Wharf Street which is the site of the approved development for a Dwelling House that was subject to a recent Court appeal. A significant outcome of this Court case was the Judge's ruling that the maximum height for a Dwelling House in this Residential B zoned area was to be only 7.5m as opposed to the usual 9m applicable to other, specified types of development. Bearing this in mind, the 7.5m height limit has also been applied to this development application. The applicant was unaware of the ruling and submitted a building design with a 9.5m height. Consequently, on the advice of the Assessing Officer the applicants have requested a height dispensation. It is recommended that Council grants a dispensation for an increased building height under section 8.2.3 of the Transitional Planning Scheme.

The proposed development is consistent with Council's planning intent for the area however the applicants have not submitted some of the detailed landscaping information required under section 3.5.2 of the Scheme for developments proposed on Flagstaff Hill. On the provision that the dispensation is granted it is recommended that the application be approved subject to conditions which include specific conditions to ensure the proposal achieves the intended outcome for development on Flagstaff Hill.

**3.0 SITE DESCRIPTION**

The subject site is located on the corner of Wharf Street and Island Point Road at the northern end of the Flagstaff Hill area. The site is vacant and predominantly un-vegetated with the exception of a row of trees along the top of a concrete retaining wall on the north-western boundary of the subject lot. The site's ground level falls steeply from Island Point Road to the northwest with a slope of approximately 22%. The adjoining lot to the northwest (4 Wharf Street) is currently vacant and subject to an approval for a large House built over 2 lots. Similarly, the adjoining lot to the southwest (1 Island Point Road) contains a large House built over two lots. Opposite the road along Wharf Street on the eastern boundary there are single Dwelling Houses and Reserve for lighthouse. A three story unit complex is located on the opposite side of island point road. The predominantly surrounding land use is residential in nature.

The subject site is truncated on the corner of Island Point Road and Wharf street and is separated from the sealed section of Wharf Street by an approximately 10m wide grassed verge. A sewer line runs underground along the length of the south-western boundary of the property.

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#### 4.0 THE PROPOSAL

The proposal is to construct a single Dwelling House on the site. It is proposed to contain 2 bedrooms with ensuites, a lanai (open-sided living room), office, laundry, decks and pool on the ground floor level. The upper level contains the double garage, living room, dining and kitchen areas. A deck area and smaller pool and spa are also located on this level. There is also a small “basement” area that will contain a sauna and storage area for general items and a small boat.

Tropical landscaping is proposed both on site and within the wide footpath area. The building incorporates contemporary tropical design with a gabled roof form and energy efficient measures such as adjustable louvres to allow cross ventilation.

The buildings have been designed to complement the steep slope and minimise the requirement for excavation and filling. A small section of the roof structure achieves a height of 9.5m.

For the purposes of ensuring compliance with the 2 storey limit, the “basement” level is not effectively a storey. This issue is discussed in more detail in section 5.4.1 of this report.

#### 5.0 TOWN PLANNING CONSIDERATION

Under the Douglas Shire Planning Scheme the site has the following designations/classifications:-

|                      |   |   |
|----------------------|---|---|
| Strategic Plan       | : | Urban Area                                  |
| Zone                 | : | Residential B                               |
| Regulatory Map       | : | Medium Density (area 7.2.1)                 |
| DCP 2 – Port Douglas | : | Tourism Accommodation Area & Special Area 5 |

##### 5.1 Strategic Plan

The site is included in the Urban Area preferred dominant land use area. The intent of the Urban Area indicates that:

*“Areas of the Shire designated as Urban Area are intended to include the residential areas, business areas, the community and recreation facilities and other areas necessary to provide for the Shire’s future urban population. Urban Areas also are intended to accommodate some areas for industry and the main concentrations of tourist accommodation and facilities.”*

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S1.4 – Intent and Objectives for Preferred Dominant Land Uses Areas

The Transitional Planning Scheme is centrally concerned with regulating land use to meet a range of expressed community, economic development, landscape and ecology objectives, which are articulated in the Strategic Plan and Development Control Plans, in relation to particular issues and/or localities. The two following objectives apply throughout the Shire:

- (a) *To minimise conflicts between incompatible land uses.*
- (b) *To preclude form the Shire land uses that are incompatible with or do not contribute to the achievement of the aims and objectives of the Plan."*

The proposed development is located in an area that has been developed for predominantly both permanent residential and tourism accommodation therefore the development of the site to include a dwelling house is a compatible land use in the Flagstaff Hill area. The proposed development is not incompatible with the aims and objectives of the Plan.

**s1.4.4 Urban Area**

Areas of the Shire designated as Urban Area are to include the residential areas, business areas, the community and recreation facilities and other areas necessary to provide for the Shires future urban population. Urban areas also are intended to accommodate some areas for industry and the main concentrations of tourist accommodation and facilities. The specific objectives for the urban area that are of relevance to this application include:

- 4. *To provide for a variety of housing needs.*
- 6. *To maintain or enhance the amenity of urban areas, in keeping with the planned nature of the locality.*
- 10. *To maintain or enhance the distinct character of the different urban settlements.*

The proposed development is in keeping with the distinctive character of large, residential development in the Flagstaff Hill area and is in keeping with Urban Objective 4 and is thought to contribute to providing a variety of varied housing options in the locality, obviously at the higher end of the housing market. The development of the site to include a Dwelling House is a compatible land use within the Urban Area. Both the design of the Dwelling House and the proposed landscaping seek to ensure a level of aesthetic presentation, which is consistent with the nature of the Flagstaff Hill locality. The development proposal complies with the requirements set out in the Planning Scheme

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relating to control of building height, form and tropical landscaping. The development of the subject land for the purpose of a Dwelling House is consistent with the intent of the Urban Area preferred dominant land use.

**5.2 Development Control Plan 2 – Port Douglas**

The site is identified in Tourism Accommodation Area & Special Area 5 of a Medium Density Residential Area of Development Control Plan 2 – Port Douglas.

The intent of the Tourism Accommodation Area is –

*Lands intended predominantly to be developed for tourist accommodation, principally accommodation premises and multiple dwellings. Residential development as such is not intended to be precluded from these areas.*

The proposed development of a single Dwelling House complies with the intent of Development Control Plan 2- Port Douglas Tourism Accommodation Areas.

**5.2.1 Special Area 5 of Development Control Plan 2 – Port Douglas**

The site is located within Special Area 5 of the DCP. Special Area 5 covers freehold land on Flagstaff Hill. The intent of this Special Area is to retain and enhance the natural, vegetated appearance of Flagstaff Hill, to minimise the visibility of buildings and to ensure the stability of the Hill. The site presently has minimal vegetation with the exception of a number of mature trees along the length of the northern boundary, although it is intended that all of these are to be removed in order to replace the unstable concrete retaining wall. The development proposal includes substantial landscaping of the site which is intended to assist in minimise the visibility of the building and retain the natural vegetated appearance of Flagstaff Hill. An assessment of this Landscape Plan is provided in section 7.0 of this report.

A geotechnical report has been prepared by Golder Associates dated April 2006. This report states that the site would remain stable under “normal” and “extreme” modelled conditions and *“it is considered that the slope profile with the proposed development would be stable provided that the development is to be carried out in accordance with the guidelines presented [in the report].”*

It is a requirement that any development within Special Area 5 addresses the following:

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- (1) *A landscape plan or plans showing:-*
- (a) *the surveyed location, size and species of all existing mature trees (including off-site trees where affected in accordance with (2) below);*
  - (b) *those existing trees which are proposed to be retained;*
  - (c) *the location and species of proposed plantings;*
  - (d) *the location and nature of other landscaping elements such as pathways, pools, etc.*

This information has been submitted in landscaping plans Landscape Plan Number LP1.01 and LP1.02 designed by Vivo Design dated 22/04/06. The Environmental Officer has recommended these plans for approval subject to conditions outlined in section 10.0 of this report.

- (2) *A report prepared by a landscape architect outlining the proposed method of retention of existing mature trees which are proposed to be retained within ten (10) metres of a proposed building or excavation (including off-site trees).*

It is proposed that all existing mature trees on the site are to be removed. These trees on the northern boundary are within 10m of the proposed building. These are required to be removed as they obstruct the rebuilding of the retaining wall between the subject site and adjoining lot. This wall is structurally unsound having been damaged largely by vegetation growth. It is recommended that a PDPV be issued to remove these trees.

- (3) *A plan showing the surveyed contours of the site at 1m intervals.*

This information has been supplied in drawing Floor Plan series SK.02, SK0.3 and SK0.4 by Tropical Habitat revised October 2006.

- (4) *A plan showing the total proposed extent of excavation on the site during construction.*

A relatively small area of cut & fill is proposed to accommodate a pool at the southeaster corner of the property and for the "basement" level sauna and storage area at the northern corner of the property. Small volumes of material will need to be excavated for the construction of footings. Details of

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the extent of cut and fill are depicted on Plan No. SK.05 dated March 06 rev. Oct 06.

- (5) *A report prepared by a geotechnical engineer advising on the foundation conditions and stability of the site and including recommendations on the most suitable method of construction.*

A report has been prepared and submitted by Golder Associates relating to the proposed development including recommendations on the most suitable methods of construction of footings and retaining walls, drainage and earthworks for cut and fill.

- (6) *Plans showing the location and layout of all levels of the proposed buildings.*

Drawings no. SK.02, SK.03, SK.04 and SK.05 prepared by Tropical Habitat and dated March 2006 (rev. October 2006) indicate the location and layout of the proposed buildings.

- (7) *True perspective views showing the proposed buildings in relation to foreground and background vegetation, both on and off the site (with the off-site vegetation distinguished from on-site vegetation), as seen from and appropriate vantage point or points to be determined by Council. Such perspective views to illustrate vegetation at each of three stages:-*

- (a) *at the end of construction;*
- (b) *two (2) years after construction;*
- (c) *ten (10) years after construction.*

Drawings Landscape view LP\_1.02 rev 02 (Vivo design) showing the Island Point road elevation indicate perspective views showing the proposed buildings in relation to foreground vegetation only at year 1 and year 5 after construction. The submitted Landscape Plan does not adequately respond to this requirement.

- (8) *Elevations and sections showing the proposed forms, materials and colours of the proposed buildings.*

The drawings submitted indicate the proposed forms, materials and colours of the proposed buildings. The materials and colours are as follows:-

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- |                                      |   |
|--------------------------------------|---|
| • Roof                               | Slate, charcoal grey finish   |
| • Wall/Cladding                      | Timber and weatherboard<br>Cement render<br>Paint – Dulux Chalk USA |
| • Exposed Rafters/<br>Timber framing | Spotted Gum Hardwood / Clear finish                                 |
| • Window and Doors                   | Surian Cedar / Clear finish   |
| • Screen Walls and<br>Fences         | Combination render/paint finish and stone                           |
| • Timber Infill Panels               | Spotted Gum / clear finish  |
| • Balustrades /Pool<br>Fences        | Clear frameless glass fence   |

The proposed materials for the development are to be selected from an organic palette and will be low contrast, and complement the existing backdrop of Flagstaff Hill. The use of natural material and colours is in keeping with the types of materials utilised in recently approved and constructed buildings in the Flagstaff Hill area.

### 5.3 Zone

The site is included in the Residential 'B' zone. In the Table of Zones (Residential 'B') a Dwelling House is designated as Code Assessable development where designated 7.2.1 on Regulatory Map 17 as per Section 7.2.1 of the Planning Scheme – Supplementary Provisions to Table of Zones The intent of the Residential 'B' zone is to provide:

*For residential and tourist accommodation development at densities higher than that permitted in the Residential 'A' zone.*

s7.2.1 of the Douglas Shire Transitional Planning Scheme states that

*"On those allotments designated as "7.2.1" on Regulatory Maps 9, 10, 13 & 17, certain uses that but for this designation would be permitted development, shall only be permitted development subject to conditions."*

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The intent further indicates that developments will only be approved where consistent with the relevant provisions of the relevant DCP.

The development of the subject site to include a Dwelling House is considered to be permitted development subject to the Council imposing reasonable and relevant conditions and is therefore able to meet the intent of the Residential 'B' Zone.

#### 5.4 Development Requirements

An assessment of the proposed development against the relevant development provisions contained in the Douglas Shire Planning Scheme is outlined in the table below:-

| BUILDING ELEMENT                            | PLANNING SCHEME REQUIREMENT  | PROPOSAL   | COMMENT                          |
|---|--|--|----------------------------------|
| Building Height                             | 7.5m & 2 Storeys   | 9.5m & 2 storeys   | Does not Comply (see Part 5.4.1) |
| Site Cover<br>Land area = 607m <sup>2</sup> | Ground Floor - 45% (273.2m <sup>2</sup> )<br>First Floor 40% (242.8 <sup>2</sup> ) | Ground Floor - 36.7% (223m <sup>2</sup> )<br>First Floor - 28% (171m <sup>2</sup> )  | Complies<br><br>Complies         |
| Setback Front                               | Corner allotment 6m & 4m respectively  | 4m - Wharf Street & 6m - Island Point Road   | Complies                         |
| Side and Rear                               | 1.5m or ½ mean height  | Side boundaries range from 2.5 metres to 4m at the side and rear boundaries  | Complies                         |
| Fences                                      | No fence within 2 metres of road frontage  | Retaining walls setback 2m from both Wharf Street and Island Point Road  | Complies                         |
| Landscaping                                 | Min 35% of the site (182.1m <sup>2</sup> ).  | m <sup>2</sup> ( % ) has the ability to be landscaped, (Landscaping includes lawn, pools, paths, driveways, gardens & general landscaping) | Complies                         |

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#### 5.4.1 Discussion – Height

As per the Court's decision on the appeal against the approved development of a Dwelling House on the neighbouring lots (i.e. 4 Wharf Street) the applicable height limit under s8.2 of the Douglas Shire Transitional Planning Scheme is a maximum of 7.5m with a maximum of two (2) storeys subject to any dispensation that may be granted under s.8.2.3 of the Planning Scheme. The applicant has advised that the design of the development is able to satisfy the requirements of s8.2.3 and therefore requested that the Council grant a greater building height of 9.5 metres on the basis that the development meets the requirements set out below.

- *Section 8.2.3(b)(i) In the case of a steeply sloping site there must be no more than 2 stories*

In line with recent case law on what constitutes a "steeply sloping site" Council has adopted in its new Planning Scheme a slope of 15% or greater as being steeply sloped.

The site has a slope of approximately 22%. As a result the development has been assessed on the basis that the site is a steeply sloping site. The proposed development cannot be greater than two (2) storeys. Although the building has the appearance of three storeys, the "basement" level shown in Figure 1 is considered to be a single storey as it is not located directly below first level floor space (shown in Figure 2) **Complies**

- *Section 8.2.3(b)(ii) The Building design minimises excavation and filling and utilises light framed construction techniques*

Council has previously received legal advice that there is no commonly accepted definition of the term "Light Framed Construction Techniques". However in recent appeal cases the Court determined that "Light Framed Construction" is primarily concerned with the structural support of a building, rather than the external cladding and visual appearance of a building.

However, a flow on effect of "Light Framed Construction Techniques" being used in a building would necessitate that this technique would also be applied to external cladding and therefore evident in the overall appearance of a building. The Court confirmed that a building where "Light Framed Construction Techniques" have been used should:

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- (a) *“step the building down the site without excavating into the site; and*
- (b) *touch the ground lightly using post and beam construction methods rather than traditional slab on ground (incorporating cut and fill) construction techniques”.*

The design steps the Dwelling House down the site and minimises cutting in of the site. Elevation Plans (Figure 4) and Section Plans (Figure 4) indicate that minimal excavation and fill and the utilisation of light framed construction techniques in the form of piers and post footings stepping down the contours of the site and the use of mixed building materials (timber, glass, shingles, stone and masonry). The masonry surfaces have been restricted to the exterior privacy fences and the rendered masonry wall on the lower floor that provides the external wall to the garage. - **Complies**

- ***Section 8.2.3(b)(iii) The building is visually unobtrusive***

The proposed development has been designed to step down the site and incorporate variation in roof pitch to reduce bulk and scale of the Dwelling House. The proposed development will not be visible or visually dominant when viewed from public areas such as Rex Smeal Park, Qld Police Office, Sergeants Dwelling House and the Museum, or from adjacent developments. The main reason for this being that it will be predominantly hidden behind a recent approved house on 4 Wharf Street and an existing three storey development on the adjoining Island Point Road lot. It is also unobtrusive in that the overall design (including colours and materials) is not dissimilar to that of surrounding developments: - **Complies**

- ***Section 8.2.3(b)(iv) – The height of the building does not exceed the height otherwise specified in the Plan by more than 2 metres***

The building height does not exceed 9.5 metres at any point. Figure 4 shows that only a relatively small section of the roof is at 9.5 metres with the remainder of the roof structure at a height of 3 metres. - **Complies**

- ***Section 8.2.3(b)(v) Where the amenity and/or views of nearby development will not be adversely affected to a greater degree***

Views to the west of the site from nearby residences on Wharf Street are already impeded by the 3 storey development in the corner of Island Point Road and Murphy Street. Views to the north from the 3 storey units on the upper slope of Island Point Road will not be greatly impacted particularly on the upper levels.

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The style and nature of development is in keeping with that of the surrounding area. – **Complies**

**6.0 INFRASTRUCTURE****6.1 Water Supply**

The site is currently connected to the reticulated water supply.

**6.2 Sewerage**

The site is currently connected to reticulated sewerage. A sewer line runs along the full length of the south western boundary at a short distance from the boundary. This sewer main is to remain accessible to Council for maintenance purposes with no structures or hard surfaces being positioned within the zone of influence. The building is setback 1.5m from the side boundary and will fall within the zone of influence. No external loads will be permitted that may impact on this main.

**6.3 Stormwater**

The proposed development is not to cause ponding of stormwater on the adjacent premises. For the purposes of continuity of drainage a 3m wide stormwater drainage easement is to adjoin the south-western boundary to connect with the drainage easement to be created on the adjoining lot (4 Wharf Street). Wharf Street is identified as the point of discharge for stormwater drainage on the site.

**6.4 Roadworks**

The site adjoins sealed sections of Wharf Street and Island Point Road that does not have kerbing and channelling. A proposed condition of Development Approval will include the requirement for kerbing and channelling to be constructed and the bitumen extended for the full frontage of the site to complement the roadworks along the frontage of adjoining properties, particularly those required as a condition of approval for the development of adjoining 4 Wharf Street. It is proposed that only the garage will require a crossover. The access to the boat storage area off Wharf Street is not intended to constitute a formal access point. The storage area will only accommodate a small boat such as a tinny. Consequently this access will not require the installation of a concrete crossover.

*MCU 3B 011/06 - Application for Material Change Of Us***7.0 OTHER CONSIDERATIONS**

Given the narrowness of both Wharf Street and Island Point Road and their consistent use by local residents and tourist traffic (particularly to access the scenic lookout on Island Point Rd) it would be impractical and potentially hazardous to allow trades persons' vehicles to park on these roads. This issue was considered for the development proposal on the adjoining lot at 4 Wharf Street and consequently a condition was imposed to prohibit trade persons' vehicle parking along these roads. Given the similarity between developments on both 4 and 2 Wharf Street, it would not be unreasonable to impose the same condition on approval of this application.

**8.0 CONCLUSION**

Council are in receipt of an application for a Development Permit for a Material Change of Use for the purpose of a Dwelling House on land at 2 Wharf Street, Port Douglas, being properly described as Lot 23 on PTD20925. The proposed development is consistent with the intent of the Strategic Plan and the relevant sections of Development Control Plan 2 and it is recommended that Council approve the application subject to conditions outlined in Section 9.0.

**9.0 RECOMMENDATION**

A. That Council approve MCU3B 011/06 for a Dwelling House on land located at 2 Wharf Street, Port Douglas and described as Lots 23 on PTD20925, Parish of Salisbury subject to the following conditions:-

- A. All trade persons' vehicles will be parked in Council's Car Park at the Rex Smeal Park. No vehicles are permitted to be along Wharf Street or Island Point Road.
- B. The applicant be advised that the maximum height of the Dwelling House will be 9.5metres in accordance with the approved plans [P6-c North Elevation, P4-c South Elevation, P5-c East Elevation, P7-c West Elevation, P8-c Long Section A-A, dated 11<sup>th</sup> April 2006 and P9-c Long Section B-B, P10 Locality Section dated 10<sup>th</sup> April 2006 prepared by Taylor Architecture and landscapes].

**Plan of Development**

4.1 The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:

- (a) The plans and specifications submitted with the application to Council attached to this approval

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MCU 3B 011/06 - Application for Material Change Of Us

Except where such plans and/or specifications are modified by the terms of this approval.

### Currency Period

- 4.2 This development approval lapses four (4) years after the day that the development approval takes effect, unless the use has substantially commenced or this period is extended under Section 3.5.22 of the *Integrated Planning Act 1997*.

### Amenity

- 4.3 The conditions of the Development Permit are to be effected prior to the commencement of the specific use as granted by Council.
- 4.4 All building work, maintenance, repair demolition and other activities on site shall be confined to the following hours:

6.30 am to 6.30 pm Monday to Saturday inclusive, excepting that no machinery shall be operated in conjunction with building work prior to 7.00 am.

NOTE: Building work is not permitted on a Sunday or Public Holiday at any time.

### Headworks

- 4.5 The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Local Planning Policy: "*Determination of Contributions for Water Supply and Sewerage Headworks and External Works*" ("the Policy").

The contribution shall be calculated at the rate per Equivalent Domestic Connection ("EDC") applicable at the time of payment in accordance with the Policy.

For information purposes only:

- (a) The current number of EDCs for the approved use are:

|              |   |
|--------------|---|
| Water Supply | 1 |
| Sewerage     | 1 |

*MCU 3B 011/06 - Application for Material Change Of Us***Landscaping & Fencing**

- 4.6 The proposed street tree planting along Wharf Street are to be relocated behind the kerbing that is to be installed along Wharf Street as per condition 4.31.
- 4.7 All on-street plantings are to be in accordance with the requirements of the FNQROC Development Manual, Operational Works Design Guideline D9 – Landscaping and S8 – Landscape specifications.
- 4.8 The use of *Hedychium coronarium* and *Heliconia pisttacorum* is not approved as both species have been assessed as having the potential to become environmental weeds.
- 4.9 A final landscape plan is to be submitted to Council for approval at Operational Works stage. This plan should indicate the location of the kerbing, the relocated position of any on-street plantings and the name and number of the species to replace *Hedychium coronarium* and *Heliconia pisttacorum* and be in accordance with the requirements of the Transitional Planning Scheme and Local Planning Policy No. 4 – Landscaping.
- 4.10 The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

**Advice**

- 4.11 The species selected are determined by a listing defining a thorough vegetation analysis of ecological communities within a close proximity and relative to the same soil type as located at the project site. Council has this information on database and can provide this to the applicant.
- 4.12 Where possible, species of local provenance must be sought and utilised. All effort must be expended to ensure that this integrity is maintained. Where the securing of some species of local provenance is not possible, the responsible persons must liaise with Council's Technical Officer of Parks and Recreation and disclose the difficulties encountered thus ensuring that every avenue of procurement has been exhausted.

**Air Conditioning & Service Equipment**

- 4.13 All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or

*MCU 3B 011/06 - Application for Material Change Of Us*

neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy - Noise.

**Sewerage**

4.14 Waste water generated by the proposed development must be discharged to Council's sewer in accordance with the *Environmental Protection Act 1994*.

4.15 No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.

4.16 a) The approved development may be constructed with a minimum setback of 1.2 metres from an existing sewer main. All structures located within the zone of influence of the sewer main will need to have foundations pierced and approved by a registered engineer so as not to place a load either horizontally or vertically on the sewer main.

b) The applicant/owner shall be fully responsible for any structures located closer than 2 metres from the existing sewer main as part of any on-going maintenance or repairs to the sewer main.

**Stormwater Drainage**

4.17 All roof water flows will be piped to the underground storm water pipe.

**External Works**

4.18 Prepare and submit civil engineering plans for all excavation including a sediment control plan in accordance with the FNQROC Development Manual. The plan is to be submitted with an Operational Works application to Council's Engineering department for approval.

**Health Requirements**

4.19 All construction works are to be carried out in compliance with the *Environmental Protection Policy (Water)* and the *Environmental Protection Regulation (No2) 1999*.

4.20 Adequate facilities must be provided during construction to contain all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.

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- 4.21 All liquid wastes generated during construction of the premises should be managed so that they are not permitted to enter a roadside gutter, stormwater drain or a waterway.
- 4.22 Waste solvents, solvent and acrylic based paints and waste water generated during construction must not be introduced to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.

**Environmental Management Plan**

- 4.23 An Environmental Management Plan (EMP) is to be submitted to Council's Environmental Health section at Operational Works stage. No works are to be carried out on the site until such time as the applicant has received written approval from Council's Manager Environmental Health that the EMP has been approved.

The EMP must detail:-

- Establish performance criteria and objectives in relation to environmental and social impacts; and
- prevention, minimisation and mitigation strategies for controlling environmental impacts and preventing nuisance caused from the development of the land and construction works. In particular, this plan must address such issues as dust suppression, vegetation clearing and disposal, waste disposal, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances); and
- proposed monitoring of the effectiveness of remedial measures against performance criteria; and
- details of responsible persons for environmental management; and
- reporting requirements for meeting performance criteria; and
- corrective actions to rectify deviations from performance criteria.

If Potential Acid Sulphate Soils are identified on the site an EMP must be submitted to Council's Environmental Health Services Section. The EMP must detail remediation and treatment works proposed for Potential Acid Sulphate Soils and/or Actual Acid Sulphate Soils on the site.

*MCU 3B 011/06 - Application for Material Change Of Us*

The EMP must be implemented **before** any works commence on the site and throughout the duration of works on the site.

**Footpath Damage Liability**

- 4.24 All damage occasioned to footpaths and roadways adjacent to the site as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

**Verandas**

- 4.25 No covered verandahs, balconies or carports shall be enclosed without the consent of Council.

**Driveway**

4.26 Driveway Grades

The applicant will ensure that the vehicular access is constructed at a slope of less than twenty-five (25%)(1:4) without detriment of the suitability of the slope of the lot or surrounding land. Where the slope of the proposed driveway exceeds twenty five percent (25%)(1:4) the driveway will be constructed and sealed with concrete or bitumen to the satisfaction of the Director Engineering Services.

**Engineering**

- 4.27 The applicant shall construct the following works external to the site in accordance with Council's adopted standards:
- (a) 3m wide stormwater easement along and within the south-western boundary of site adjoining 1 Island Point Road.
  - (c) Install a 3m wide concrete vehicle crossover on Island Point Road reserve;
  - (d) Kerb and channel is to be constructed for the full frontage of lot on Island Point Road at an alignment of 4.5m from the boundary line.
  - (e) Kerb and channel is to be constructed on Wharf Street so that the street has a 7.0m bitumen sealed width

*MCU 3B 011/06 - Application for Material Change Of Us*

- (f) Widen bitumen seal with 32 mm thick asphalt from the existing bitumen to the new Kerb & Channel on both frontages

Details and specifications for the above works shall be shown on the plans for operational work / building work. The execution of works external to the site and associated with stormwater drainage shall be supervised by a Registered Engineer and all work detailed on a Certificate of Supervision for the development.

**Security**

- 4.28. To guarantee the satisfactory completion of the landscaping and to ensure payment of headworks contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of this approval, should the developer fail to do so prior to issuing a permit for Building Work.

ENCLOSURE  
FORMAL  
FVH  
FOUR SEP  
FOUR SEP

Barry Thomson  
president  
president  
president

*Laurence ref 2111*  
*4/9/11*

1 June 2011

CD Laurence  
CD Urban Planning Pty Ltd  
PO Box 129  
BAMFORD QLD 4801

Dear Colleagues

**DECISION NOTICE FOR REQUEST TO CHANGE CONDITIONS OF APPROVAL  
EXTENDING RELEVANT PERIOD FOR DEVELOPMENT APPLICATION FOR  
1 WARE STREET, PORT DOUGLAS**

With reference to the above-mentioned request for Extension of Relevant Period, please be advised that this has been approved by the General Manager under instrument of Delegation to be extended for four (4) years to the date of this decision, to 22 May 2016.

The General Manager Planning & Environment under the instrument of Delegation further approves the amendment of Conditions for Development Permit MDP 20/01136 over land located at 1 Ware Street, Port Douglas, being Lot 23 on PT000000, subject to the following:

1. that condition 4.2 be amended to read:
  - 4.2 That development approval expires four (4) years after the day that the development approval takes effect, unless the use has substantially commenced at this period is extended under Section 4.6-20 of the Integrated Planning Act 1997. The development approval issues on 22 May 2011, when the use has substantially commenced at this point is extended under the Sustainable Planning Act 2009.

2. That condition 4.3 is amended to read as follows:

4.3. The applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's 2016 Planning Policy Determination of Contributions for Water Supply and Sewerage (headworks and External Water) (The Policy).

The contribution shall be calculated at the rate per Equivalent Domestic Connection (EDC) applicable at the time of payment in accordance with the Policy.

For a domestic purpose only:

(a) The current number of EDCs for the approved use are:

Water supply—3

Sewerage—4

For a non-domestic contribution to Council is calculated with the Planning Policy Determination of Contributions for Water Supply and Sewerage (headworks).

Contributions must be paid at the rates applicable at time of payment. Payment is limited only to value of a Development Permit for Building Work.

3. That condition 4.26 be deleted.

4.26. To guarantee the satisfactory completion of the building and to ensure payment of headworks contributions, the developer shall enter with the Council a Cash Bond or Guarantee to the value of \$50,000. Such guarantee shall be lodged prior to the date of a Building Work Permit. The Council may call up the Guarantee to complete all or any part of the works mentioned herein in accordance with the conditions of the approval should the developer fail to do so prior to issuing a permit for building work.

4. All other conditions of the Decision Notice for MC4 28 01 106 dated 22 May 2017 (attached) remain unchanged.

The notice includes extracts from the Act with respect to making representations about conditions, requested decisions, suspension of the appeal period, and lodging an appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number 01753 6088 8887.

Yours faithfully



Katy Redden  
**Manager Development Assessment**

24.

Mr Kieran Gilroy  
C & B Consultants Pty Ltd  
PO Box 1049  
Cairns QLD 4870

22 June 2007

**INTEGRATED PLANNING ACT  
AMENDED DECISION NOTICE  
DEVELOPMENT APPLICATION**

|                      |   |  |
|----------------------|---|--|
| Applicant's Name     | 1 | Edwin Lowman   |
| Owner's Name         | 1 | Edwin Lowman   |
| Proposed             | 1 | That Council approve M3/2010/106, as a Dwelling<br>House on land located at 2 River Street, Port Douglas and<br>described as Lot 23 on PCL20425, Parish of Salisbury<br>subject to the following conditions: |
| Application Number   | 1 | M3/2010/106  |
| Site Address         | 1 | 2 River Street, Port Douglas   |
| Proposed Description | 1 | Lot 23 on PCL20425, Parish of Salisbury, County of<br>Salisbury  |

1. **Exclusion:** (Section 106(1) of the Planning Act 2007)

Approved Subject to Conditions

2. **Type of Development Approval:**

Visual Change of Use

Development Permit

**3. Referral Agency:**

H&amp;L

**4. Conditions:**

- A. All trade persons' vehicles will be parked in Council's Car Park or the Bay Street Park. No vehicles are permitted to be along Edward Street or Island Point Road.
- B. The applicant is advised that the maximum height of the Dwelling House will be 9 meters in accordance with the approved plans (H&L, Issue C, dated March 2004 prepared by Tropical Habitat Designers).

**Plan of Development**

- 4.1 The approved development and the contents of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with:
  - (a) The plans and specifications submitted with the application to Council attached to this approval.

*Except where such plans and/or specifications are modified by the terms of this approval.*

**Commencement Period**

- 4.2 This development approval lapses four (4) years after the day that the development approval takes effect, unless the use has substantially commenced in this period in accordance with Section 4.4.22 of the Integrated Planning Act 1997.

**Hours**

- 4.3 The conditions of the Development Consent are to be observed prior to the commencement of the specific use as granted by Council.
- 4.4 All building work, maintenance, repair, demolition and other activities on site shall be confined to the following limits:
  - 4.4.1 am to 4.30 pm Monday to Saturday inclusive, excepting that no activities shall be operated in conjunction with building work prior to 7 AM on:
  - NOTE: Building work is not permitted on a Sunday or Public Holiday at any time.

**Handbooks**

- 4.1 The Applicant shall pay to the Council handbook contribution for water supply and sewerage in accordance with Council's Local Planning Policy: "Determinations of Contributions for Water Supply and Sewerage Handbooks and General Funds" (the Policy).

The contribution shall be calculated at the rate per litre per litre of water (volume) (VLR) applicable at the date of payment in accordance with the Policy.

For information purposes only:

ie: The current number of VLR's for the approved use are:

|              |   |
|--------------|---|
| Water Supply | 1 |
| Sewerage     | 1 |

**Landscaping & Trees**

- 4.2 The proposed street and planting along Wheel Street are to be in accordance with the landscaping that is to be installed along Wheel Street as per condition 4.21.
- 4.3 All on-street plantings are to be in accordance with the requirements of the PQROC Development Manual, Operational Works Design Handbook: 19 - Landscaping and 22 - Landscaping specifications.
- 4.4 The use of *Hebecladon cuneatum* and *Helleborus pinnatifidus* is not approved as both species have been accused of having the potential to become environmental weeds.
- 4.5 A final landscape plan is to be submitted to Council for approval as Operational Works stage. This plan should indicate the location of the landscaping, the estimated position of any on-street plantings and the name and number of the species to include *Hebecladon cuneatum* and *Helleborus pinnatifidus* and be in accordance with the requirements of the Operational Planning Scheme and Local Planning Policy No. 4 - Landscaping.
- 4.6 The landscaping shown on the approved plan shall be completed before the development is occupied and maintained thereafter.

**Adviser**

- 4.11 The species indicated are determined by a listing defining a thorough vegetation analysis of ecological communities within a close proximity and relative to the site and type as located at the project site. Council has this information on hand and can provide this to the applicant.
- 4.12 Where possible, species of local provenance must be sought and utilized. All effort must be required to ensure that this category is maintained. Where the

installing of some aspects of local prominence is not possible, the responsible person must liaise with Council's Technical Officer of Parks and Recreation and discuss the difficulties encountered that ensuring that every aspect of prominence has been achieved.

#### 4.1.30 Conditioning & Service Equipment

- 4.1.31 All service equipment, outdoor lighting and air conditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The same needs shall be maintained in accordance with the requirements of the Fire Insurance Protection Policy - Axiata.

#### 4.1.32 Sewerage

- 4.1.33 Waste water generated by the proposed development must be discharged to Council's sewer in accordance with the *Environmental Protection Act 1991*.
- 4.1.34 No additional consent structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
- 4.1.35 a) The approved development may be constructed with a minimum offset of 1.1 metres from an existing sewer main. All structures located within the zone of influence of the sewer must not need to have foundations pinned and approved by a registered engineer so as not to place a load either horizontally or vertically on the sewer main.
- b) The applicant must still be fully responsible for any structural loads over 2 metres from the existing sewer main as part of any on-going maintenance or repairs to the sewer main.

#### 4.1.36 Stormwater Drainage

- 4.1.37 All roof water flows will be piped to the underground storm water pipe.

#### 4.1.38 Excavated Works

- 4.1.39 Plans and submit civil engineering plans for all excavation including a shoring and bracing plan in accordance with the *ENGBOK Development Manual*. The plan is to be submitted with an Operational Works application to Council's Engineering Department for approval.

#### 4.1.40 Health Regulations

- 4.1.41 All construction works are to be carried out in compliance with the *Environmental Protection Policy, Rules and the Environmental Protection Regulations No 2 1999*.
- 4.1.42 Adequate facilities must be provided during construction to ensure all site refuse. Facilities should be designed to prevent loose items of refuse being displaced by wind forces or being washed off site.

- 4.11 All liquid wastes generated during construction of the premises, shall be managed so that they are not discharged to public or private drains, sewerage drains or a waterway.
- 4.12 Waste asbestos, asbestos and asbestos based products and waste water generated during construction shall not be discharged to sewer or stormwater systems and should be disposed of using the services of a trade waste contractor or other approved disposal agency.

#### Environmental Management Plan

- 4.13 An Environmental Management Plan (EMP) is to be submitted to Council's Environmental Health section at Operational Works stage. No works are to be carried out on the site until such time as the applicant has received written approval from Council's Manager Environmental Health and the EMP has been approved.

The EMP must detail:

- Evaluate performance criteria and objectives in relation to environmental and social impacts; and
- prevention, minimisation and mitigation strategies for controlling environmental impacts and providing mitigation caused from the development of the land and operation works. In particular, this plan must address such issues as dust suppression, vegetation clearing and disposal, waste disposal, water management and stormwater management or minimise discharge of sediment, silt and other substances; and
- proposed monitoring of the effectiveness of control measures against performance criteria; and
- details of responsible persons for environmental management; and
- reporting requirements for meeting performance criteria; and
- corrective actions to rectify deviations from performance criteria.

If Potential Acid Sulphate Soils are identified on the site the EMP must be submitted to Council's Environmental Health Services Section. The EMP must detail remediation and treatment works proposed for Potential Acid Sulphate Soils under Actual Acid Sulphate Soils on the site.

The EMP must be implemented before any works commencing on the site and throughout the duration of works on the site.

**Footpath Damage Liability**

- 4.14 All damage sustained to footpaths and roadway adjacent to the site as a result of or in connection with the development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

**Vermin**

- 4.15 No animal, including, but not limited to, vermin, shall be released without the consent of Council.

**Driveway****4.16 Driveway Grade**

The applicant will ensure that the driveway access is constructed at a slope of less than 1:20 (5%) or 1:25 (4%) without detriment of the stability of the slope of the lot or adjoining lot. Where the slope of the proposed driveway exceeds twenty five percent (25%) in the driveway will be constructed and sealed with concrete or bitumen to the satisfaction of the Council's Municipal Engineering.

**Engineering**

- 4.17 The applicant shall provide the following works related to the use in accordance with Council's adopted standards:

- (a) One side concrete concrete along and within the south-western boundary of the adjoining Island Frost Road.
- (b) Install a 1m wide concrete vehicle crossover on Island Frost Road.
- (c) Kerb and channel to be constructed for the full length of lot on Island Frost Road at an alignment of 4.5m from the boundary line.
- (d) Kerb and channel to be constructed on School Street on the site must have a 7.5m minimum road width.
- (e) Width of concrete road with 12mm thick asphalt from the existing boundary to the new Road & Channel on both frontages.

Details and specifications for the above works shall be shown on the plans for operational work / building work. The execution of works related to the site and associated with sewerage drainage shall be supervised by a Registered Engineer and all work detailed on a Certificate of Supervision for the development.

**Annex 10**

- 4.18. To guarantee the satisfactory completion of the landscaping and to ensure the extent of landscaping contributions, the developer shall lodge with the Council a Cash Bond or Guarantee to the value of \$20,000. Such guarantee shall be lodged prior to the issue of a Building Work Permit. The Council may call up this Guarantee to complete all or any part of the works stipulated herein in accordance with the conditions of this agreement, should the developer fail to do so prior to issuing a permit for Building Work.

**5. Further Development Approvals Required:**

Building Work

Operational Works

Development Permit

Development Permit

Paul Ingram

General Manager - Development &amp; Environment

Figure 1 - Basement Three Level Plan



Figure 2 - Future Land Use Plan



Figure 3 - Upper Level Floor Plan



Figure 4 - Elevations and Sections

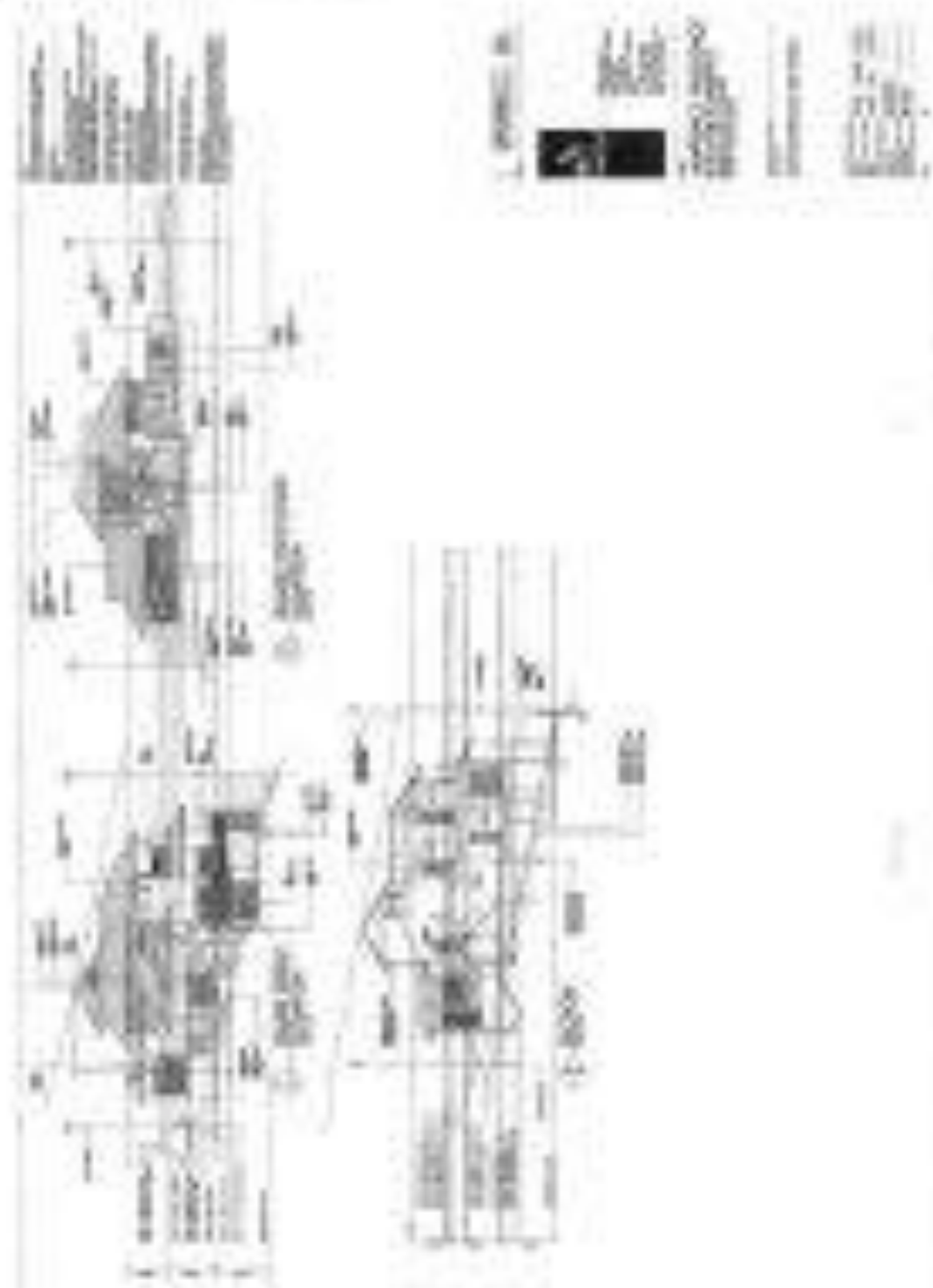




Figure 4 – Landscaping Plan



Figure 7 - Detail Plans

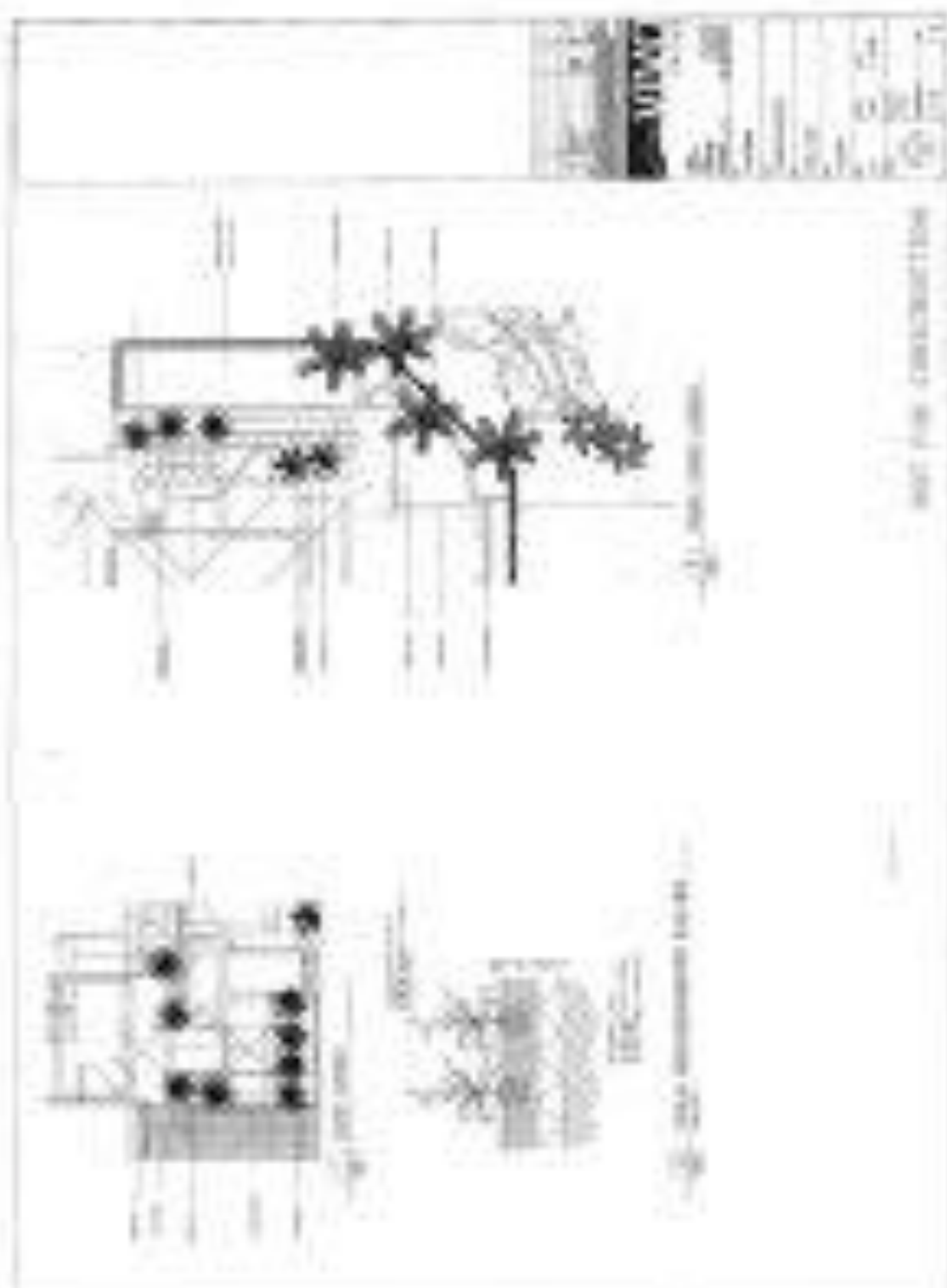


Figure 8 - Elevations



**Division 4 — Appeals process relating to Development applications****Appeals by applicants**

- 4.3.27 (1)** An applicant for a development application may appeal to the council against any of the following:
- (a) the refusal, or the refusal to grant, of a development application;
  - (b) a matter raised in a development appeal, including any resolution applying to the development, and the identification of a code under Section 7.2.10(6);
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the granting of a variance permit;
  - (e) a deemed refusal;
- (2) An appeal under subsection (1) may only be made by a person who is named in the notice (the **"applicant's appeal period"**) after the day the decision made or proposed decision is made or given to the applicant.
- (3) An appeal under subsection (1) may be made at any time after the last day a decision on the matter should have been made.

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*Division 10 – Making an appeal to court*

How appeals to the court are started

- 4.1.39**
- (1) An appeal is started by lodging written notice of appeal with the registrar of the court.
  - (2) The notice of appeal must state the grounds of the appeal.
  - (3) The person starting the appeal must also comply with the rules of the court applying to the appeal.
  - (4) However, the court may hear and decide an appeal even if the person has not complied with subsection (3).

## **ANNEXURE 2**

### **Douglas Shire Planning Scheme Code Compliance**

## Port Douglas and Environs Locality Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| <b>Purpose Statement: to facilitate the achievement of the following outcomes for the Port Douglas and Environs Locality</b>   | <b>Comment</b>  |
|--|---|
| Consolidate Port Douglas as the major tourist accommodation and tourist service centre in the Shire  | The proposed development will not undermine or inhibit the achievement of these outcomes, as it involves the proposed construction of a single dwelling house, outside the tourist centre.  |
| Ensure that tourist development and associated Landscaping is of high quality which reflects and complements the image of Port Douglas   |   |
| Consolidate the area between Macrossan Street and Marina Mirage as the major tourist, retail, dining and entertainment centre of the Shire   |   |
| Ensure that all forms of development complement the tropical image of the town by incorporating attractive design and architectural features   | Attractive design and landscape features have been incorporated within the proposed dwelling.   |
| Encourage the expansion of residential areas that are pleasant, functional, distinctive and in visually well-defined areas   | No expansion to existing residential areas is proposed; rather, development of a house on an undeveloped residential allotment is proposed.   |
| Protect existing and future residential areas from the intrusion of tourist accommodation and activity   | Not applicable: no tourist accommodation is proposed.   |
| Protect sensitive environments and natural features which give Port Douglas its distinctive character and identity, in particular Four Mile Beach, Dicksons Inlet and Flagstaff Hill | The dominance of Flagstaff Hill in the Port Douglas landscape is unlikely to be affected by the proposed development; materials and construction techniques proposed, including landscaping, will ensure that once complete, the proposed dwelling complements existing development and environmental features in |

| <b>Purpose Statement: to facilitate the achievement of the following outcomes for the Port Douglas and Environs Locality</b>  | <b>Comment</b>  |
|---|---|
|   | the area.   |
| Protect the surrounding rural and natural environments from intrusion by urban development  | The site is included within the Residential 1 Planning Area, and is suitable for development subject to compliance with appropriate conditions.   |
| Maintain the distinct rural hinterland, dominant natural environment of the western escarpment, and the existing vegetated hillside of Flagstaff Hill   | Very little vegetation is required to be removed to facilitate the development proposed; it is anticipated that the development, once completed, will complement and enhance the vegetated characteristics of dwellings within this area on Flagstaff Hill. |
| Protect primary functions of the port (marine and fishing activities) from incompatible land uses and acknowledge the industrial and commercial land uses associated with the maritime industry, while also providing secondary opportunities for recreational use by residents and tourists. | Not applicable: the site is not located within or adjacent to the Port area.  |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| <b>Performance Criteria</b> |  | <b>Acceptable Solutions</b>   | <b>Comment / Compliance</b>  |
|-----------------------------|--|---|--|
| <b>General Requirements</b> |  |   |  |
| P1                          | Buildings and structures complement the Height of surrounding development,<br><br>AND<br><br>Buildings are limited to two Storeys; | A1.1 In the Planning Areas (and parts thereof) listed below the maximum Height of Buildings/structures is 6.5 metres. In addition, the roof (including any ancillary roof features) does not exceed a maximum Height of 3.5 | <b>Alternative Compliance:</b><br><br>It is noted that a small area of the roof line for the dwelling reaches 9.5m. Notwithstanding, it is noted that the roof form, construction materials, and proposed landscaping will ultimately result in a built form that is low key, suitable |

| Performance Criteria   | Acceptable Solutions  | Comment / Compliance  |
|--|---|---|
| <p>OR</p> <p>In the High Scale locations depicted on the Locality Plan, development of three Storeys is appropriate.</p> | <p>metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <ul style="list-style-type: none"> <li>• Residential 1;</li> <li>• Industry;</li> <li>• Conservation;</li> <li>• Community and recreational Facilities;</li> <li>• Residential 2;</li> <li>• Tourist and Residential (Medium Scale);</li> <li>• Commercial – (Medium Scale, outside the Tourist Centre);</li> <li>• Commercial – (High Scale, outside the Tourist Centre); and</li> <li>• Commercial – (High Scale, within the Tourist Centre and on the high side of Macrossan Street) – in this instance there is no specified number of Storeys, however the maximum Height prevails.</li> </ul> <p>OR</p> <p>In the Planning Areas (parts thereof) listed below the maximum Height of Buildings/structures is 10 metres and 3 Storeys. In addition, the roof (including</p> | <p>for the site, requires minimal earthworks, and is complementary to development in the immediate locality.</p> <p>It is submitted that notwithstanding any potential non-compliance with the Acceptable Solution, the development complies with the Performance Criteria.</p> |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance  |
|---|---|---|
|   | <p>any ancillary roof features) does not exceed a maximum Height of 3.5 metres above the intersection of the pitching part of the roof and the wall of the Building:</p> <ul style="list-style-type: none"> <li>• Tourist and Residential – (High Scale); and</li> <li>• Commercial – (High Scale, within the Tourist Centre and on the low side of Macrossan Street, through to Warner Street).</li> </ul> |   |
| <p>P2 Development is connected to available urban services.</p>   | <p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p>AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p>   | <p><b>Complies:</b></p> <p>The development will be connected to available urban services, as required by Conditions 4.14, 4.15, 4.16, 4.17 of the original Development Permit.</p>  |
| <p>P3 Landscaping of development Sites complements the existing tropical seaside resort town character of Port Douglas and creates a dominant tropical vegetated streetscape.</p> | <p>A3.1 Landscaping of a development Site complies with Planning Scheme Policy No 7 – Landscaping, with particular emphasis on appropriate species for Port Douglas.</p>  | <p><b>Complies:</b></p> <p>A Landscape plan was submitted with the original Development Application, and approved by the former Douglas Shire Council. Where possible, existing trees have been retained, and a range of appropriate species for the area selected for use on site.</p> |

| Performance Criteria                               |   | Acceptable Solutions   | Comment / Compliance  |
|--|---|--|---|
| P4   | Development Sites are provided with efficient and safe vehicle Access and manoeuvring areas on Site and to the Site, to an acceptable standard for the Locality.      | A4.1 All Roads, driveways and manoeuvring areas on Site and adjacent to the Site are designed and maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual. | <b>Alternative Compliance:</b><br><br>Condition 4.26 of the original approval permitted driveway and access grades to be sympathetic with the slope of the site. That being the case, maximum grade of 25% was required, with a proviso that where that slope could not be achieved, delegated approval from Council was required. It is submitted that these arrangements remain appropriate, permitting Council Officers the opportunity to require suitable arrangements related to access where a 25% grade cannot be achieved. |
| Tourist Centre                                     |   |  |   |
| Not applicable                                     |   |  |   |
| Local Centres                                      |   |  |   |
| Not Applicable                                     |   |  |   |
| Residential Development Outside the Tourist Centre |   |  |   |
| P15  | Existing residential housing estates are protected from incursion by higher density residential uses.   | A15.1 Multi-Unit Housing does not establish in the residential estate of Solander and the areas in Reef Park estate included in the Residential 1 Planning Area.   | <b>Not applicable:</b><br><br>The site is not within Reef Park or Solander, and in any event, Multi Unit Housing is not proposed.   |
| P16  | Residential development, other than a House, is climate-responsive, contributes positively to the character of the Locality, is complementary in scale to surrounding | A16.1 Development incorporates the following design features and corresponding plot ratio bonuses [in brackets]:<br><br>a) appropriate roof form and roofing material [10% Plot  | <b>Alternative Compliance:</b><br><br>It is submitted that the proposed development, with a site coverage of 36.7% at ground floor level, and 28% at first floor level, is appropriate in the context of  |

| Performance Criteria   | Acceptable Solutions  | Comment / Compliance   |
|--|---|--|
| <p>development and does not exceed the identified Plot Ratio designation on the Locality Map/s (that is):</p> <ul style="list-style-type: none"> <li>• land designated High Scale has a base Plot Ratio of 0.5:1 and a maximum Plot Ratio of 0.8:1;</li> <li>• land designated Medium Scale has a base Plot Ratio of 0.3:1 and a maximum Plot Ratio of 0.45:1;</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• land designated Low Scale has a base Plot Ratio of 0.25:1 and a maximum Plot Ratio of 0.35:1.</li> </ul> <p>AND</p> <p>Will not achieve the maximum Plot Ratio specified above unless the development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements (and referred to in the Acceptable Solution).</p> | <p>Ratio Bonus];</p> <p>and</p> <p>b) appropriate fenestration in combination with roof form [5% Plot Ratio Bonus]; and</p> <p>c) appropriate window openings with window awnings, screens or eaves shading 80% of the window opening – refer Planning Scheme Policy No. 2 – Building Design and Architectural Elements [15% Plot Ratio Bonus]; and</p> <p>d) minimum of 700mm eaves [15%Plot Ratio Bonus]; and</p> <p>e) orientation of the Building to address the street/s [5% Plot Ratio Bonus];</p> <p>f) sheltered pedestrian Access by unenclosed covered common area walkway of 1.2 metres in width from the car parking area/s to the development [5% Plot Ratio Bonus]; and</p> <p>g) inclusion of windows and balconies to the street façade of the Building [10% Plot Ratio Bonus]; and</p> <p>h) provision of lattice, battens or privacy screens [5% Plot Ratio Bonus]; and</p> <p>i) the overall length of a</p> | <p>development in the immediate locality.</p> <p>In addition, appropriate roof form has been utilized, window openings and eaves provided for, the building has been oriented to address both Wharf Street and Murphy Street appropriately, and sheltered pedestrian access has been provided.</p> |

| Performance Criteria                            |  | Acceptable Solutions   | Comment / Compliance   |
|---|--|--|--|
|   |  | Building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres [10% Plot Ratio Bonus].   |  |
| P17   | The Site Coverage of any residential or tourist development does not result in a built form that is bulky or visually obtrusive. | A17.1 The Site Coverage of any residential or tourist development, other than a House, is limited to: <ul style="list-style-type: none"> <li>• 45% at Ground Level;</li> <li>• 40% at first floor level; and</li> <li>• 35% at second floor level, if applicable.</li> </ul> | <b>Complies:</b><br><br>Notwithstanding that maximum site coverage requirements are not applicable to a house, the proposed development complies with ground and first floor level requirements. |
| P18   | Tourist development provides a range of services and facilities for the recreational convenience of in-house guests.             | A18.1 Tourist development provides a range of recreational facilities and small scale commercial services such as Restaurant/bars, shop/boutique, and tour booking office, for the enjoyment and convenience of in-house guests.   | <b>Not applicable:</b><br><br>Tourist development is not proposed.   |
| Other Development                               |  |  |  |
| Not applicable                                  |  |  |  |
| Community Facilities                            |  |  |  |
| Not applicable                                  |  |  |  |
| Protection of Scenic Amenity and Natural Values |  |  |  |
| P21   | The views and vistas of Four Mile Beach from the intersection of Davidson Street and Macrossan                                   | A21.1 Any development in Macrossan Street between Davidson Street and the beach front, outside the   | <b>Not applicable:</b><br><br>The site is not located in Macrossan Street.   |

| Performance Criteria                      |   | Acceptable Solutions   | Comment / Compliance  |
|---|---|--|---|
| Street to the beach front are maintained. |   | Tourist Centre, is designed with Macrossan Street as the Main Street Frontage and the Buildings are Setback 6 metres from the Main Street Frontage.  |   |
| P22                                       | Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute the Scenic Amenity and natural values of the locality. | A22.1 No Acceptable Solution.<br><br>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development). | <b>Complies:</b><br><br>The development has been designed such that vegetation, so far as is possible, is retained, and development and landscaping are complementary to existing landscaping in the area. It is anticipated that the development proposed is likely to have minimal, if any, affect on the amenity of this area. |
| Special Management Areas                  |   |  |   |
| Special Management Area 1: Flagstaff Hill |   |  |   |
| P23                                       | Flagstaff Hill is protected from inappropriate development to protect the Hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Tourist Centre.                          | A23.1 Only Houses on large allotments are developed in Special Management Area 1 - Flagstaff Hill.   | <b>Complies:</b><br><br>A house is proposed.  |
| P24                                       | All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the Site, including                 | No Acceptable Solution   | <b>Complies:</b><br><br>As outlined above, the development has been designed to ensure that visibility of the dwelling is minimized, both through use of appropriate finishes and materials, but also through appropriate landscaping, and structural   |

| Performance Criteria   | Acceptable Solutions | Comment / Compliance  |
|--|----------------------|---|
| <p>through:</p> <p>a) building design which minimises excavation and filling; and</p> <p>b) buildings being designed to step down the Site and incorporate foundations and footings on piers or poles; and</p> <p>c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non reflective and complement the colours of the surrounding vegetation and viewshed;</p> <p>and</p> <p>d) protection of the views from public viewing points.</p> |                      | <p>elements.</p> <p>Excavation and fill has also been minimized. The building 'steps down' the site. It is anticipated that the building will be visually unobtrusive once complete, and the site location ensures that, with appropriate finishes, materials and landscaping, views from major public vantage points will be affected to a minimal degree.</p> |
| Special Management Area 2: Residential Growth Area   |                      |   |
| Not applicable   |                      |   |
| Special Management Area 3: Service Industry Precincts (Craiglie)   |                      |   |
| Not applicable   |                      |   |
| Special Management Area 4: Service Industry Precincts (Mahogany Street)  |                      |   |
| Not applicable   |                      |   |
| Special Management Area 5: Waterfront Investigation Precinct   |                      |   |
| Not applicable   |                      |   |

## House Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| Purpose Statement: The purpose of this Code is to ensure that:   | Comment  |
|--|--|
| Houses and ancillary facilities are compatible with and complementary to surrounding development           | The proposed house is complementary with the surrounding environment, is unlikely to detrimentally affect the natural environment, will be largely separated from incompatible noise and hazards, and is designed to assist in the creation of a sense of place for the residential area on the north of Flagstaff Hill. |
| Houses do not adversely impact on the natural environment  |  |
| The location of Houses is appropriate and separated from incompatible noise and hazards                    |  |
| Houses contribute to the creation of a sense of place within residential areas or their local environment. |  |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance  |
|---|---|---|
| <b>General</b>  |   |   |
| P1 Buildings on a lot have the appearance and bulk of a single House with ancillary Outbuildings. | A1.1 A lot contains no more than one House.<br><br>A1.2 Ancillary Outbuildings have a maximum Site Coverage of 10% of the balance area of the Site not otherwise taken up by the House. | <b>Complies:</b><br><br>It is only proposed that one house will be developed on the site. |
| P2 The House is used for residential purposes.  | A2.1 The House is used by one Household.  | <b>Complies:</b><br><br>The house will only be utilized by one household.                 |

| Performance Criteria |   | Acceptable Solutions  | Comment / Compliance  |
|----------------------|---|---|---|
| P3                   | Resident's vehicles are accommodated on Site and are sited to minimise the dominance of car accommodation on the streetscape. | <p>A3.1 A minimum of 2 vehicle spaces are provided on Site and may be provided in tandem.</p> <p>A3.2 At least one garage, carport or designated car space must be located at least 6 metres from the Main Street Frontage.</p> | <p><b>Complies:</b></p> <p>Two parking spaces are provided, within an on site garage.</p> |

## Residential 1 Planning Area Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| <b>Purpose Statement: to facilitate the achievement of the following outcomes for the Residential 1 Planning Area:</b>   | <b>Comment</b>   |
|--|--|
| Maintain and enhance the residential character and amenity of established residential neighbourhoods   | The proposed development, a 'house' is consistent with the Residential 1 Planning Area designation, and has been designed to ensure consistency and compatibility with development in the immediately surrounding area. It is anticipated the proposed development will not undermine or detrimentally affect the achievement of the objectives for the Residential 1 Planning Area. |
| Ensure that the configuration of new residential areas is compatible with established residential neighbourhoods which are characterised by conventional residential housing |  |
| Identify new areas intended for residential living and provide for a high level of residential amenity within the opportunities and constraints imposed by the land          |  |
| Provide for the establishment of facilities to service the local community.  |  |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| <b>Performance Criteria</b>  | <b>Acceptable Solutions</b>   | <b>Comment / Compliance</b>  |
|--|---|--|
| <b>Consistent and Inconsistent Uses</b>  |   |  |
| P1 The establishment of uses is consistent with the outcomes sought for the Residential 1 Planning Area. | A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Residential 1 Planning Area. | <b>Complies:</b><br><br>The proposed use is a 'Code Assessable' use by virtue of its location. |
| <b>Site Coverage (Other than a House)</b>  |   |  |
| P2 The Site Coverage of all  | A2.1 Any form of development,   | <b>Complies:</b>   |

| Performance Criteria   |   | Acceptable Solutions   | Comment / Compliance  |
|--|---|--|---|
| Buildings does not result in a built form that is bulky or visually obtrusive. |   | other than a House, has a Site Coverage which does not exceed the Site Coverage specified for Multi-Unit Housing outlined below in this Code.  | The site coverage of the proposal is 36.7% at ground floor, and 28% at first floor.   |
| Building Setbacks (Other than a House)   |   |  |   |
| P3   | <p>All Buildings are Setback to:</p> <ul style="list-style-type: none"> <li>• maintain the character of residential neighbourhoods; and</li> <li>• achieve separation from neighbouring Buildings and from Road Frontages.</li> </ul> | A3.1 Any form of development, other than a House, satisfies the same Setback requirements as specified for Multi-Unit Housing outlined below in this Code.   | <p><b>Complies:</b></p> <p>A 4m setback to Wharf Street, and 6m setback to Island Point Road have been provided.</p> <p>Site boundary setbacks range from 2.5 to 4m.</p>  |
| Fencing  |   |  |   |
| P4   | Any perimeter fencing to the Frontage of a Site in the Residential 1 Planning Area is not visually obtrusive and does not detract from the residential character of the area.   | <p>A4.1 Any fencing provided to the Main Street Frontage of the Site is a maximum of 1.2 metres in Height and does not present a blank facade to the street.</p> <p>AND</p> <p>Fencing at the side and the rear boundaries of the Site is a maximum of 1.8 metres in Height.</p> | <p><b>Alternative Compliance:</b></p> <p>Whilst the façade of the building, and retaining walls, may at times exceed 1.2m, it is submitted that a 'blank façade' is not the result in this case, noting the finishes, breaks and treatments to walls and retaining walls as proposed.</p> |
| Landscaping (Other than a House)   |   |  |   |
| P5   | A Site which is developed for any purpose, other than a House, has Landscaping which is functional, provides visual   | A5.1 Within the Site Frontage Setback area a minimum width of 2 metres of Landscaping including 60%  | <p><b>Not applicable:</b></p> <p>This requirement does not apply to development for a house.</p>  |

| Performance Criteria  |   | Acceptable Solutions  | Comment / Compliance   |
|---|---|---|--|
| <p>interest and form, incorporates native vegetation and provides privacy to adjacent residential uses.</p> |   | <p>Dense Planting is provided.</p> <p>AND</p> <p>Within the side and rear Setback areas a minimum width of 1.5 metres of Landscaping including 60% Dense Planting is provided in accordance with the Landscaping Code.</p> <p>A5.2</p> <p>Where the proposed use incorporates or requires the provision of a public open space recreation/landscape area, that area is connected and integrated with the development.</p> |  |
| Multi Unit housing  |   |   |  |
| P6  | <p>In new residential areas, Multi-Unit Housing:</p> <p>a) is limited to a small proportion of available lots (eg. 15% a small proportion of the total number of new lots), with a preference for corner allotments; and</p> <p>b) is dispersed to ensure conventional residential detached Houses dominate the streetscape; and</p> <p>c) uses building forms (eg. development footprint, height, massing, positioning of garages to reduce their dominance,</p> | No Acceptable Solution.   | <p><b>Not Applicable:</b></p> <p>Multi Unit housing is not proposed.</p> |

| Performance Criteria   | Acceptable Solutions  | Comment / Compliance   |
|--|---|--|
| <p>and</p> <p>architectural detail) that match or complement those of the established detached Houses in the area.</p>   |   |  |
| <p>P7 Multi-Unit Housing is sited and designed to complement the residential amenity of the area. A Multi-Unit Housing development incorporates 1 Dwelling Unit per 500 m<sup>2</sup> of Site area and with a maximum of 3 Dwelling Units per Site area.</p> | <p>A7.1 Multi-Unit Housing establishes on a lot with a minimum area of 1000 m<sup>2</sup> and the lot has a minimum Frontage of 25 metres.</p> <p>A7.2 A Dwelling Unit in a Multi-Unit Housing development incorporates a maximum number of 3 bedrooms (or rooms capable of being used as a bedroom).</p> <p>A7.3 Site Coverage of Multi-Unit Housing is limited to:</p> <ul style="list-style-type: none"> <li>• 40% for 1 Storey development;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• 35% for 2 Storey development.</li> </ul> <p>A7.4 Building Setbacks for Multi-Unit Housing are:</p> <ul style="list-style-type: none"> <li>• 6 metres to the Main Street Frontage</li> <li>• 4 metres to any secondary Road Frontage</li> <li>• 6 metres to the rear boundary</li> </ul> | <p><b>Not applicable:</b></p> <p>Multi Unit housing is not proposed.</p> |

| Performance Criteria | Acceptable Solutions  | Comment / Compliance |
|----------------------|---|----------------------|
|                      | <p>• 2.5 metres to the side boundary for 1 Storey development or 3 metres to the side boundary for 2 Storey development.</p> <p>A7.5 A minimum of 40% of the Site is provided as Landscaping and Recreation Area.</p> <p>AND</p> <p>A minimum of 4 metres by 4 metres of Landscaping and Recreation Area is provided for each Dwelling Unit which is directly accessible from a habitable living room.</p> <p>OR</p> <p>At least 50% of the total Landscaping and Recreation Area is provided as one communal area having a minimum dimension of 6 metres.</p> <p>A7.6 Each Dwelling Unit is provided with a designated refuse area which is screened from public view.</p> <p>A7.7 Balconies, patios and similar spaces are not enclosed or capable of being used as a Habitable Room.</p> <p>AND</p> <p>Balconies, patios and similar spaces are designed to be</p> |                      |

| Performance Criteria             |  | Acceptable Solutions  | Comment / Compliance   |
|----------------------------------|--|---|--|
|                                  |  | open and of light weight appearance with a maximum of 20% of the facade being fully enclosed.   |  |
| Buffering incompatible land uses |  |   |  |
| P8                               | A buffer is provided to separate agricultural activities that create odour, excessive noise or use agricultural chemicals, (including Aquaculture and Intensive Animal Husbandry), from residential development. | <p>A8.1 Any reconfiguration of Residential 1 land which shares a boundary with land in the Rural Planning Area provides a buffer in accordance with the requirements of State Planning Policy 1/92 and Planning Guidelines – Separating Agricultural and Residential Land Uses (DNR 1997).</p> <p>OR</p> <p>No Acceptable Solution. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).</p> | <p><b>Not applicable:</b></p> <p>The site is included within the Residential 1 Planning Area in an urban setting – no rural land is in this locality.</p>  |
| Sloping Sites                    |  |   |  |
| P9                               | Building/structures are designed and sited to be responsive to the constraints of sloping Sites.   | <p>P9.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p>OR</p>   | <p><b>Alternative Compliance:</b></p> <p>Although the site has a slope of approximately 22%, it is submitted that matters related to site suitability were assessed at time of issue of the original development</p> |

| Performance Criteria | Acceptable Solutions   | Comment / Compliance  |
|----------------------|--|---|
|                      | <p>Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes signoff that the Site can be stabilised.</p> <p>AND</p> <p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact</p> | <p>approval. In addition, it is noted that the proposed development has been designed to accommodate the slope as much as is possible. In addition, filling an excavation requires lodgement of detailed engineering plans with Council for assessment. It is therefore noted that Council's requirements in regard to geotechnical issues, if any, may be addressed at that stage.</p> |

| Performance Criteria                                     |   | Acceptable Solutions  | Comment / Compliance   |
|--|---|---|--|
|  |   | assessable development.)  |  |
| P10  | The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.   | <p>A10.1 A split level building form is utilised.</p> <p>A10.2 A single plane concrete slab is not utilised.</p> <p>A10.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p> | <p><b>Complies:</b></p> <p>A split level built form is proposed. Voids are also proposed to be screened, via a combination of landscaping and built form.</p>  |
| P11  | Development on sloping land minimises any impact on the landscape character of the surrounding area.  | P11.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.   | <p><b>Complies:</b></p> <p>The proposed house is sited below the ridgeline.</p>  |
| P12  | Development on sloping land ensures that the quality and quantity of stormwater traversing the Site does not cause any detrimental impact to the natural environment or to any other Sites. | A12.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream, upstream, underground stream or adjacent properties.  | <p><b>Complies:</b></p> <p>The original Development Approval requires discharge via Council's reticulated stormwater system.</p>   |
| Sustainable Siting and Design of Houses on Sloping Sites |   |   |  |
| P13  | A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing.   | <p>A13.1 A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs.</p> <p>The Clearing is limited to a</p>  | <p><b>Complies:</b></p> <p>The House is sited within an area for which a Permit to Damage protected vegetation has previously issued. Noting the life of that Permit, it is submitted that the Development Approval life can be confirmed in advance of a Permit</p> |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance   |
|---|---|--|
|   | <p>maximum area of 800 m<sup>2</sup> and is sited clear of the High Bank of any Watercourse.</p> <p>(The 800m<sup>2</sup> area of Clearing does not include an access driveway.)</p> <p>The approved area for the<br/>A13.2 Clearing of the House is not cleared until a Building Permit is issued.</p> | <p>being obtained. Importantly, it is not proposed to remove any vegetation until just prior to building work commencing.</p>  |
| <p>P14 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.</p> | <p>A14.1 A House is effectively screened from view by existing native trees in designated Setback area/s, or by the planting of additional native trees endemic to the local area.</p>  | <p><b>Complies:</b></p> <p>The Landscape Plan provided with the original application confirms the nature and extent of landscaping proposed on the site.</p>   |
| <p>P15 The exterior finishes of a House complements the surrounding natural environment.</p>                                      | <p>P15.1 The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.</p>  | <p><b>Complies:</b></p> <p>The range of finishes, colours and materials proposed for the house are non-reflective and appropriate in the context of the area.</p>  |
| <p>P16 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.</p>                  | <p>P16.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements.</p>   | <p><b>Complies:</b></p> <p>The development incorporates:</p> <ul style="list-style-type: none"> <li>- Extensive decks and covered outdoor areas</li> <li>- Expansive eaves, awnings and overhangs;</li> <li>- Appropriate, tropical roof profile and finish;</li> <li>- Expansive use of shutters</li> </ul> |

| Performance Criteria | Acceptable Solutions | Comment / Compliance   |
|----------------------|----------------------|--|
|                      |                      | <p>and screens;</p> <ul style="list-style-type: none"> <li>- Extensive window areas;</li> <li>- Articulation in the building façade, when viewed both from Wharf Street and Island Point Road; and</li> <li>- Finishes that are appropriate and complementary to the architectural design of the structure.</li> </ul> |

## Filling and Excavation Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| Purpose Statement: to ensure that filling and excavation do not: | Comment   |
|--|---|
| Affect visual/scenic amenity values of the Shire                 | The original approval issued by the former Douglas Shire Council requires submission of plans in regard to filling and excavation works. In addition, the proposed construction seeks to work within the constraints of the site, minimizing the need for excavation or fill. |
| Cause flooding and drainage problems                             |   |
| Impact upon the environment of an area                           |   |
| Cause land instability   |   |
| Adversely impact upon utility services                           |   |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| Performance Criteria                    |   | Acceptable Solutions   | Comment / Compliance   |
|---|---|--|--|
| <b>Filling and Excavation – General</b> |   |  |  |
| P1                                      | All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the Site or the surrounding area. | A1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.<br>AND<br>Cuts in excess of those stated in A1.1 above are separated by benches/terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting. | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|   |   | A1.2 Cuts are supported by batters, retaining or rock walls and  | <b>Complies:</b><br><br>Compliance with appropriate  |

| Performance Criteria | Acceptable Solutions   | Comment / Compliance   |
|----------------------|--|--|
|                      | associated benches/terraces are capable of supporting mature vegetation.   | requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007.   |
|                      | A1.3 Cuts are screened from view by the siting of the Building/structure, wherever possible.   | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|                      | A1.4 Topsoil from the Site is retained from cuttings and reused on benches/terraces.   | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|                      | A1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure, is located closer than 600 mm to any boundary of the property, unless the prior written approval of the adjoining landowner and the Council, has been obtained. | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|                      | A1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, Landscaping or other  | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |

| Performance Criteria                    |  | Acceptable Solutions  | Comment / Compliance   |
|---|--|---|--|
|   |  | protective/aesthetic measures.  |  |
| <b>Visual Impact and Site Stability</b> |  |   |  |
| P2                                      | Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.             | A2.1 The extent of filling or excavation does not exceed 40% of the Site area or 500 m <sup>2</sup> whichever is the lesser.<br>EXCEPT THAT A2.1 does not apply to reconfiguration of 5 lots or more. | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|   |  | A2.2 Filling and excavation does not occur within 2 metres of the Site boundary.  | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
| <b>Flooding and Drainage</b>            |  |   |  |
| P3                                      | Filling and excavation does not result in a change to the run off characteristics of a Site which then have a detrimental impact upon the Site or nearby land or adjacent Road reserves. | A3.1 Filling and excavation does not result in the ponding of water on a Site or adjacent land or Road reserves.  | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|   |  | A3.2 Filling and excavation does not result in an increase in the flow of water across a Site or any other land or Road reserves.   | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |

| Performance Criteria |   | Acceptable Solutions  | Comment / Compliance   |
|----------------------|---|---|--|
|                      |   | A3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a Watercourse and overland flow paths. | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
|                      |   | A3.4 Filling and excavation complies with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.                  | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |
| <b>Water Quality</b> |   |   |  |
| P4                   | Filling and excavation does not result in a reduction of the water quality of receiving waters. | A4.1 Water quality is maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.            | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within Conditions of Approval within the Development Permit dated 22 May 2007. |

## Landscaping Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| Purpose Statement:   | Comment  |
|--|--|
| Ensure that new Landscaping incorporates plants which encourage Biodiversity   | <p>Landscaping Plans submitted with the original Development Application, and for which approval is confirmed within the Development Permit issued on 22 May 2007, provide for:</p> <ul style="list-style-type: none"> <li>a. Use of tropical and native species;</li> <li>b. The creation of a sympathetic and appropriate finish within internal and publicly viewed areas of the site;</li> <li>c. Retention of existing vegetation so much as is possible, having regard to site constraints;</li> <li>d. Landscaping to screen the built form proposed, in a manner consistent with the finish of other dwellings within the immediate locality.</li> </ul> |
| Maintain and strengthen the tropical and native landscape character of the Shire through high quality landscape works                  |  |
| Create attractive streetscapes and public spaces through landscape design and the use of street trees and shade trees                  |  |
| Ensure that native species incorporated into Landscaping, as a means of providing continuity between developed and undeveloped areas   |  |
| Ensure that existing vegetation on Site is retained, protected during works and integrated with the built environment                  |  |
| Ensure preferred plant species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping |  |
| Ensure that Landscaping screens buildings to reduce their bulk and to enhance the landscape character of the Shire                     |  |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| Performance Criteria                      | Acceptable Solutions              | Comment / Compliance |
|---|-----------------------------------|----------------------|
| <b>Landscape Design</b>                   |                                   |                      |
| P1 Landscape design satisfies the purpose | A1.1 Landscaping is undertaken in | <b>Complies:</b>     |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance  |
|---|---|---|
| and the detailed requirements of this Code.   | accordance with a Landscape Plan drawn to scale which complies with and illustrates all the relevant requirements of this Code and Planning Scheme Policy No 7 – Landscaping.<br>AND<br>Landscaping is maintained in accordance with the requirements specified in this Code and Planning Scheme Policy No 7 – Landscaping. | A Landscape Plan prepared by Vivo Design was submitted and approved within the original Development Application process. Compliance with appropriate requirements is confirmed within the Conditions of approval. |
| <b>Landscape – Character and Planting</b>   |   |   |
| P2 Landscaping contributes to a sense of place, is functional to the surroundings and provides dominant visual interest and form. | A2.1 A minimum of 80% of the proposed landscape area is open to the sky for sunlight and ventilation.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.  |
|   | A2.2 The percentage of native or endemic species utilised in the Landscaping is as specified in the Locality Code.<br>OR<br>Where not specified in the Locality Code, in accordance with Planning Scheme Policy No. 7 – Landscaping.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.  |

| Performance Criteria   | Acceptable Solutions   | Comment / Compliance  |
|--|--|---|
|  | <p>A2.3 Landscaping includes planting layers comprised of canopy, middle storey, screening and groundcovers, with palm trees used as accent plants only.</p>                     | <p><b>Complies:</b></p> <p>Planting layers are provided for within the landscaping proposed.</p>  |
| <p>P3 Landscaping is consistent with the existing landscape character of the area and native vegetation existing on the Site is to be retained wherever possible and integrated with new Landscaping<sup>47</sup>.</p> | <p>A3.1 Existing native vegetation on Site is retained and incorporated into the Site design, wherever possible.</p>   | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|  | <p>A3.2 Any mature vegetation on the Site which is removed or damaged during development of the Site is replaced with advanced native species.</p>                               | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|  | <p>A3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are planted on Site or on the street.</p> | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|  | <p>A3.4 Street trees are 100% native species which enhance the landscape character of the streetscape, with species chosen from the Plant Species Schedule in</p>                | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |

| Performance Criteria |  | Acceptable Solutions  | Comment / Compliance   |
|----------------------|--|---|--|
|                      |  | Planning Scheme Policy No 7 – Landscaping.  |  |
| P4                   | Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area. | A4.1 Species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P5                   | Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal Roadways.                                    | A5.1 Where car parking areas are uncovered or open, shade trees are planted at regular intervals (a minimum of 1 shade tree is provided for every 5 car parks) throughout the car parking areas, and adjacent to driveways and internal Roadways. | <b>Not applicable:</b><br><br>Undercover parking is available on site.   |
|                      |  | A5.2 A minimum of 1 shade tree is provided for every 10 metres along a driveway or internal Roadway.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                      |  | A5.3 Landscape beds and trees are protected by garden edging, bollards or wheel stops.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                      |  | A5.4 Trees within car parking areas have a minimum planting area the equivalent   | <b>Not applicable:</b><br><br>Shade trees in parking areas are   |

| Performance Criteria |   | Acceptable Solutions   | Comment / Compliance   |
|----------------------|---|--|--|
|                      |   | of 1 car parking bay, with a minimum topsoil depth of 0.8 metre.   | not required.  |
| <b>Screening</b>     |   |  |  |
| P6                   | Fences along street Frontages are articulated with appropriate Landscaping.   | A6.1 Perimeter fencing to any street Frontage complies with the relevant Planning Area Code.   | <b>Alternative Compliance:</b><br><br>Discussion within the Residential 1 Planning Area Code assessment.   |
|                      |   | A6.2 Trees, shrubs and groundcovers are planted within any recessed areas along the fence line.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P7                   | Landscaping within Recreation Areas of residential development are functional, well designed and enhance the residential amenity. | A7.1 One shade tree is provided for each private open space or private Recreation Area.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                      |   | A7.2 Tree species provide 30% shade over the area within 5 years.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                      |   | A7.3 A minimum of 50% of the Landscaping and Recreational Area is landscaped, with trees, shrubs, groundcovers, minimising large expanses of hardstand areas and structures. | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |

| Performance Criteria                |  | Acceptable Solutions  | Comment / Compliance   |
|-------------------------------------|--|---|--|
|                                     |  | A7.4 Plants are located to provide shelter and shade to Habitable Rooms and outdoor Recreation Areas from the hot summer sun.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P8                                  | Undesirable features are screened with Landscaping.  | A8.1 Landscaping of Dense Planting is planted along and near retaining walls, long blank walls of Buildings, mechanical and air-conditioning units, clothes drying areas, bin enclosures and other utility structures with appropriate trees, shrubs and groundcovers.                                | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P9                                  | The environmental values of the Site and adjacent land are enhanced.   | A9.1 Landscaping using similar endemic or native species, is planted on-Site on land adjoining an area of natural environmental value.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| <b>Streetscape and Site Amenity</b> |  |   |  |
| P10                                 | Landscaping for residential development enhances the streetscape and the visual appearance of the development. | A10.1 Dense Planting along the front of the Site incorporates: <ul style="list-style-type: none"> <li>• shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting;</li> <li>• landscape screening of blank walls;</li> <li>• low shrubs, groundcovers and</li> </ul> | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance  |
|---|---|---|
|   | mulch to completely cover unsealed ground.  |   |
|   | <p>A10.2 Dense Planting to the rear of the Site incorporates:</p> <ul style="list-style-type: none"> <li>• 1 shade tree for an average of every 75 m<sup>2</sup>, growing to the Building eave Height within 5 years of planting;</li> <li>• screening shrubs to grow to 3 metres in Height within 2 years of planting;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|   | <p>A10.3 Dense Planting to the side boundaries incorporates:</p> <ul style="list-style-type: none"> <li>• trees planted for an average of every 10 metres where adjacent to a Building;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul>   | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
| <p>P11 Landscaping for non-residential development enhances the streetscape and the visual appearance of the development.</p> | <p>A11.1 Dense Planting along the front boundary of the Site where a Building is Setback from the front alignment, incorporates:</p> <ul style="list-style-type: none"> <li>• shade canopy trees to provide shade to the Frontage of the Site within 5 years of planting</li> </ul>   | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |

| Performance Criteria | Acceptable Solutions  | Comment / Compliance  |
|----------------------|---|---|
|                      | <p>where appropriate;</p> <ul style="list-style-type: none"> <li>• landscape screening of blank walls;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul>  |   |
|                      | <p>A11.2 Dense Planting to the rear of the Site where a Building is Setback from the rear alignment, incorporates:</p> <ul style="list-style-type: none"> <li>• 1 shade tree for an average of every 75 m<sup>2</sup> growing to the Building eave Height within 5 years of planting;</li> <li>• screening shrubs to grow to 3 metres in Height within 2 years of planting;</li> <li>• low shrubs, groundcovers and mulch to completely cover unsealed ground.</li> </ul> | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|                      | <p>A11.3 Dense Planting to the side boundaries where visible from the street or adjoining a boundary to a different Planning Area, and where a Building is Setback from the side boundary, incorporates:</p> <ul style="list-style-type: none"> <li>• trees planted for an average of every 10 metres where adjacent</li> </ul>   | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance   |
|---|---|--|
|   | to a Building;<br>• screening shrubs, low shrubs and groundcover appropriate for the amount of space, light and ventilation of the area;<br>• low shrubs, groundcovers and mulch to completely cover unsealed ground. |  |
|   | A11.4 A minimum of 20% of shade trees and shrubs is incorporated in all areas of Landscaping growing to the Building eave Height within 5 years.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| <b>Maintenance and Drainage</b>   |   |  |
| P12 Landscaped areas are designed in order to be maintained in an efficient manner. | A12.1 A maintenance program is undertaken in accordance with the Maintenance Schedule in Planning Scheme Policy No 7 – Landscaping.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|   | A12.2 A reticulated irrigation system is provided to common Landscaping and Recreation Areas and planter boxes in accordance with Australian Standards, with 1 hose cock within each area.                            | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|   | A12.3 Turf areas are accessible by standard lawn maintenance equipment.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance   |
|---|---|--|
|   | A12.4 Plant species are selected with long life expectancy and minimal maintenance requirements where on-Site management will be limited.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|   | A12.5 Mulching is provided to all garden beds to reduce weed growth and to retain water, and is to be replenished every year in the ongoing maintenance program.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P13 Stormwater runoff is minimised and reused in Landscaping through water infiltration, where appropriate. | A13.1 Adequate drainage is provided to all paving, turf and garden beds, including the use of swales, spoon drains, subsurface drainage, field gullies, rock or pebble lined Watercourses and stormwater connections. | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|   | A13.2 Overland flow paths are not to be restricted by Landscaping works.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|   | A13.3 Water runoff is re-used through draining of hard surface areas towards permeable surfaces, turf, garden beds and by minimising impervious surfaces on the Site.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |

| Performance Criteria          |  | Acceptable Solutions   | Comment / Compliance   |
|-------------------------------|--|--|--|
| <b>Safety</b>                 |  |  |  |
| P14                           | Tree species and their location accommodate vehicle and pedestrian sight lines.                  | A14.1 Trees located near pathways, driveways, Access points, parking areas and street corners have a minimum 3.0 metres of clear trunk.                                      | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
| P15                           | The landscape design enhances personal safety and reduces the potential for crime and vandalism. | A15.1 Security and foot lighting is provided to all common areas, including car parks, entries, driveways and pathways.  | <b>Not applicable:</b><br><br>There are no 'common areas' within the development – it is a single dwelling.  |
|                               |  | A15.2 Hard surfaces are stable, non-slippery and useable in all weathers.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                               |  | A15.3 Bushfire hazard is minimised with planting of bushfire resistant species near bushfire prone areas, (refer to the Bushfire Risk Overlay on the relevant Locality Map). | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|                               |  | A15.4 Lighting for bicycle paths is provided in accordance with the relevant Australian Standards  | <b>Not applicable:</b><br><br>There are no 'bicycle paths' within the development – it is a single dwelling.                                       |
| <b>Utilities and Services</b> |  |  |  |
| P16                           | The location and type of plant species does not adversely affect                                 | A16.1 Plant species are selected and sited with consideration to the   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the   |

| Performance Criteria   | Acceptable Solutions  | Comment / Compliance   |
|--|---|--|
| the function and accessibility of services and facilities and service areas. | location of overhead and underground services.  | Approval provide appropriate measures to ensure compliance with landscaping requirements.  |
|  | A16.2 All underground services are to be located under pathways and below the eaves of the Building.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|  | A16.3 Irrigation control devices are located in the common Landscaping and Recreation Area.   | <b>Not applicable:</b><br><br>There are no common landscaping or recreation areas: the development is for a single house.                          |
|  | A16.4 Landscaping is located to enable trade persons to Access and view meters and other mechanical equipment within the Site.  | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|  | A16.5 Landscaping does not limit Access for service vehicles or rubbish trucks to utility areas, bin enclosures or docking areas.   | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |
|  | A16.6 Landscaping near electric lines or substations is designed and developed so that any vegetation at maturity or Landscaping structures or works do not exceed 40 metres in Height on land: | <b>Complies:</b><br><br>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements. |

| Performance Criteria | Acceptable Solutions   | Comment / Compliance  |
|----------------------|--|---|
|                      | <ul style="list-style-type: none"> <li>• in an electric line shadow; or</li> <li>• within 5.0 metres of an electric line shadow; or within 5.0 metres of a substation boundary.</li> </ul>   |   |
|                      | <p>A16.7 Elsewhere, vegetation is planted at a distance that is further from the nearest edge of an electric line shadow or substation boundary than the expected maximum Height at maturity of the vegetation.</p>  | <p><b>Complies:</b></p> <p>Conditions 4.6 – 4.10 within the Approval provide appropriate measures to ensure compliance with landscaping requirements.</p> |
|                      | <p>A16.8 On a Site adjoining an electricity substation boundary, the vegetation foliage at maturity is not within 3.0 metres of the substation boundary. However, where a substation has a solid wall along any part of its boundary, foliage may extend to, but not above or beyond, that solid wall.</p> | <p><b>Not applicable:</b></p> <p>The site does not adjoin a substation boundary.</p>  |

## Vehicle Parking and Access Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

| Purpose Statement:  | Comment   |
|---|---|
| Sufficient vehicle parking is provided on-Site to cater for all types of vehicular traffic accessing and parking on the Site, including staff, guests, patrons, residents and short-term delivery vehicles                | Sufficient vehicle parking for the proposed use for a 'house' is provided on site. Safe and efficient access to the property can be provided, and has been illustrated on proposal plans. |
| Sufficient bicycle parking and end of trip facilities are provided on-Site to cater for customer and staff  |   |
| On-Site parking is provided so as to be accessible and convenient, particularly for any short term use  |   |
| The provision of on-Site parking, loading/unloading facilities and the provision of Access to the Site, do not impact on the efficient function of the street network or on the area in which the development is located  |   |
| New vehicle access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements |   |

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

| Performance Criteria                      | Acceptable Solutions               | Comment / Compliance                               |
|---|------------------------------------|--|
| <b>Vehicle Parking Numbers</b>            |                                    |  |
| P1 Sufficient parking spaces are provided | A1.1 The minimum number of vehicle | <b>Complies:</b><br><br>Two car parking spaces are |

| Performance Criteria  | Acceptable Solutions  | Comment / Compliance                   |
|---|---|--|
| <p>on the Site to accommodate the amount and type of vehicle traffic expected to be generated by the use or uses of the Site, having particular regard to:</p> <ul style="list-style-type: none"> <li>• the desired character of the area in which the Site is located;</li> <li>• the nature of the particular use and its specific characteristics and scale;</li> <li>• the number of employees and the likely number of visitors to the Site;</li> <li>• the level of local accessibility;</li> <li>• the nature and frequency of any public transport serving the area;</li> <li>• whether or not the use involves the retention of an existing Building and the previous requirements for car parking for the Building;</li> <li>• whether or not the use involves an identified Valuable Conservation Feature and Valuable Site; and</li> <li>• whether or not the use involves</li> </ul> | <p>parking spaces provided on the Site is not less than the number prescribed in Schedule 1 of this Code for the particular use or uses. Where the number of spaces calculated from the Schedule is not a whole number, the number of spaces provided is the next highest whole number.</p> | <p>provided on site for residents.</p> |

| Performance Criteria                        |  | Acceptable Solutions   | Comment / Compliance                                   |
|---|--|--|--|
| the retention of significant vegetation.    |  |  |  |
| <b>Parking for People with Disabilities</b> |  |  |  |
| P2  | Parking spaces are provided to meet the needs of vehicle occupants with disabilities <sup>49</sup> . | A2.1 For parking areas with a total number of ordinary vehicle spaces less than 50, wheelchair accessible spaces are provided as follows: <ul style="list-style-type: none"> <li>• Medical, higher education, entertainment facilities and shopping centres – 2 spaces;</li> <li>• All other uses – 1 space.</li> </ul>  | <b>Not applicable:</b><br>The proposal is for a house. |
|   |  | A2.2 For parking areas with 50 or more ordinary vehicle spaces, wheelchair accessible spaces are provided as follows: <ul style="list-style-type: none"> <li>• Medical, higher education, entertainment facilities and shopping centres – 3% (to the closest whole number) of the total number of spaces required;</li> <li>• All other uses – 2% (to the closest whole number) of the total number of spaces required.</li> </ul> | <b>Not applicable:</b><br>The proposal is for a house. |
| <b>Motor Cycles</b>                         |  |  |  |
| P3  | In recognition that motorcycles are low Road-space transport, a proportion of                        | A3.1 Parking for motorcycles is substituted for ordinary vehicle parking to a  | <b>Not applicable:</b><br>The proposal is for a house. |

| Performance Criteria   | Acceptable Solutions   | Comment / Compliance  |
|--|--|---|
| <p>the parking spaces provided may be for motorcycles. The proportion provided for motor cycles is selected so that:</p> <ul style="list-style-type: none"> <li>• ordinary vehicles do not demand parking in the spaces reserved for motor cycles due to capacity constraints; and,</li> <li>• it is a reflection of the make-up of the likely vehicle fleet that uses the parking; and,</li> <li>• it is not a reflection of the lower cost of providing motorcycle parking.</li> </ul> | <p>maximum level of 2% per cent of total ordinary parking.</p> <p>AND</p> <p>The motorcycle parking complies with other elements of this Code.</p>   |   |
| <b>Compact Vehicles</b>  |  |   |
| <p>P4 A proportion of the parking spaces provided may be for compact vehicles. The proportion of total parking provided for compact vehicles is selected considering:</p> <ul style="list-style-type: none"> <li>• compact vehicles spaces are not available to non-compact vehicles; and,</li> <li>• it is a reflection of the proportion of the likely vehicle fleet that uses the parking; and,</li> <li>• compact vehicle spaces</li> </ul>  | <p>A4.1 For parking areas exceeding 100 spaces for short term users or 50 spaces for long-term users, parking is provided for compact vehicles as a substitute for ordinary vehicle parking so that:</p> <ul style="list-style-type: none"> <li>• compact vehicle parking does not exceed 10% of total vehicle parking required; and,</li> <li>• the parking location is proximate to the entry locations for</li> </ul> | <p><b>Not applicable:</b></p> <p>The proposal is for a house.</p> |

| Performance Criteria   |   | Acceptable Solutions   | Comment / Compliance  |
|--|---|--|---|
| <p>are located so as to be proximate to pedestrian destinations such that they present significant inclination for use by users of compact vehicles; and,</p> <ul style="list-style-type: none"> <li>the scale of parking spaces, likely users and the likely degree of familiarity with the availability of such spaces.</li> </ul> |   | <p>parking users; and,</p> <ul style="list-style-type: none"> <li>the parking provided complies with other elements of this Code.</li> </ul>   |   |
| <b>Bicycles Parking</b>  |   |  |   |
| P5   | <p>Sufficient bicycle parking spaces with appropriate security and end of trip facilities are provided on-Site to accommodate the amount of bicycles expected to be generated by the use or uses.</p>                       | <p>A5.1 The minimum number of bicycle parking spaces provided on Site is not less than the number prescribed in Schedule 1 of this Code, for the particular use or uses.</p>                               | <p><b>Not applicable:</b></p> <p>The proposal is for a house.</p>   |
| <b>Vehicular Access to the Site</b>  |   |  |   |
| P6   | <p>The location of Access points minimises conflicts and is designed to operate efficiently and safely taking into account:</p> <ul style="list-style-type: none"> <li>the amount and type of vehicular traffic;</li> </ul> | <p>A6.1 The location of the Access points is in accordance with the provisions of the relevant Australian Standards.</p> <p>AND</p> <p>Where the Site has Frontage to more than one street, the Access</p> | <p><b>Complies:</b></p> <p>The proposal seeks to provide access of Island Point Road, the lower order street from which access is possible.</p> |

| Performance Criteria  |  | Acceptable Solutions  | Comment / Compliance   |
|---|--|---|--|
| <ul style="list-style-type: none"> <li>• the type of use (eg long-stay, short-stay, regular, casual);</li> <li>• Frontage Road traffic conditions;</li> <li>• the nature and extent of future street or intersection improvements;</li> <li>• current and future on-street parking arrangements;</li> <li>• the capacity of the adjacent street system; and</li> <li>• the available sight distance.</li> </ul> |  | is from the lowest order street.  |  |
|   |  | A6.2 All redundant Accesses must be removed and a suitable barrier Erected to prevent further use of the Access.  | <b>Complies:</b><br><br>There are no formal accesses to the site.  |
|   |  | A6.3 Only one Access point is to be provided to each Site unless stated otherwise in another Code.  | <b>Complies:</b><br><br>One access point is proposed.  |
| Accessibility and Amenity for Users   |  |   |  |
| P7  | On-Site vehicle parking is provided where it is convenient, attractive and safe to use, and does not detract from an attractive or existing streetscape character. | A7.1 Short term visitor parking is provided at the front or on the main approach side of the Site, with easy Access to the Building entry, where such provision is in keeping with the desired character of the area in which | <b>Not applicable:</b><br><br>The proposal is for a house. Visitor parking is available on the driveway off Island Point road. |

| Performance Criteria   | Acceptable Solutions  | Comment / Compliance  |
|--|---|---|
|  | <p>the Site is located.</p> <p>AND</p> <p>In mixed use premises that include residential or accommodation uses (excluding, Port Douglas – Tourist Centre), at least 50% of the required number of parking spaces for the nonresidential use/s on the Site is provided in an easily accessible location on the premises, so as to be convenient to use for customers and other visitors.</p> |   |
| <p>P8 The layout of parking areas provides a high degree of amenity and accessibility for different users.</p> | <p>A8.1 The layout of the parking area provides for the accessibility and amenity of the following:</p> <ul style="list-style-type: none"> <li>• People with Disabilities</li> <li>• Cyclists</li> <li>• Motorcyclists</li> <li>• Compact Vehicles</li> <li>• Ordinary Vehicles</li> <li>• Service Delivery Vehicles.</li> </ul>  | <p><b>Not applicable:</b></p> <p>The proposal is for a house. Notwithstanding, parking will be capable of being used by a range of visitors, with a variety of transport modes.</p> |
|  | <p>A8.2 Where covered parking areas are required in accordance with Schedule 1 of this Code, sails or other secure structural forms of covering provide shade and weather protection for vehicles and passengers.</p>   | <p><b>Not applicable:</b></p> <p>The proposal is for a house.</p>   |
| Access Driveways   |   |   |

| Performance Criteria                       |  | Acceptable Solutions  | Comment / Compliance   |
|--|--|---|--|
| P9   | The dimensions of Access driveways cater for all vehicles likely to enter the Site and minimises the disruption of vehicular, cyclist and pedestrian traffic.        | A9.1 Access driveways are designed in accordance with the provisions of the relevant Australian Standards.  | <b>Complies:</b><br><br>Compliance with appropriate requirements is confirmed within conditions of approval. |
| P10  | The surface construction materials of Access driveways within the Road reserve contribute to the streetscape and alerts pedestrians to the location of the driveway. | A10.1 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath. | <b>Complies:</b><br><br>Compliance is confirmed within conditions of approval.                               |
| <b>Access for People with Disabilities</b> |  |   |  |
| P11  | Access for people with disabilities is provided to the Building from the parking area and from the street.   | A11.1 Access for people with disabilities is provided in accordance with the relevant provisions of the Australian Standards.   | <b>Not applicable:</b><br><br>The proposal is for a house.   |
| <b>Access for Pedestrians</b>              |  |   |  |
| P12  | Access for pedestrians is provided to the Building from the parking area and from the street.  | A12.1 Defined, safe pedestrian pathways are provided to the Building entry from the parking area and from the street.   | <b>Complies:</b><br><br>Defined, safe pedestrian access is available off Island Point Road.                  |
| <b>Access for Cyclists</b>                 |  |   |  |
| P13  | Access for cyclists is provided to the Building or to bicycle parking area from  | A13.1 Access pathways for cyclists are provided in accordance with the relevant provisions of the   | <b>Not applicable:</b><br><br>The proposal is for a house.   |

| Performance Criteria         |   | Acceptable Solutions   | Comment / Compliance  |
|------------------------------|---|--|---|
| the street.                  |   | Australian Standards.<br>AND<br>Where Access for cyclists is shared with Access for pedestrians and vehicles, the shared use is identified by signage and linemarking.   |   |
| Dimensions of Parking Spaces |   |  |   |
| P14                          | Parking spaces must have adequate areas and dimensions to meet user requirements. | <p>A14.1 Car parking for the disabled, ordinary car parking spaces and motorcycle parking spaces meet the requirements of the relevant Australian Standards.</p> <p>AND Parking spaces for special vehicles that are classified in accordance with the relevant Australian Standards meet the requirements of that Standard.</p> <p>AND Parking spaces for standard sized buses have the following minimum dimensions:</p> <ul style="list-style-type: none"> <li>• width: 4 metres</li> <li>• length: 20 metres</li> <li>• clear Height: 4 metres.</li> </ul> <p>AND Parking spaces for compact vehicles have the following minimum dimensions:</p> | <p><b>Complies:</b></p> <p>Car parking spaces will be compliant with relevant Australian Standards.</p> |

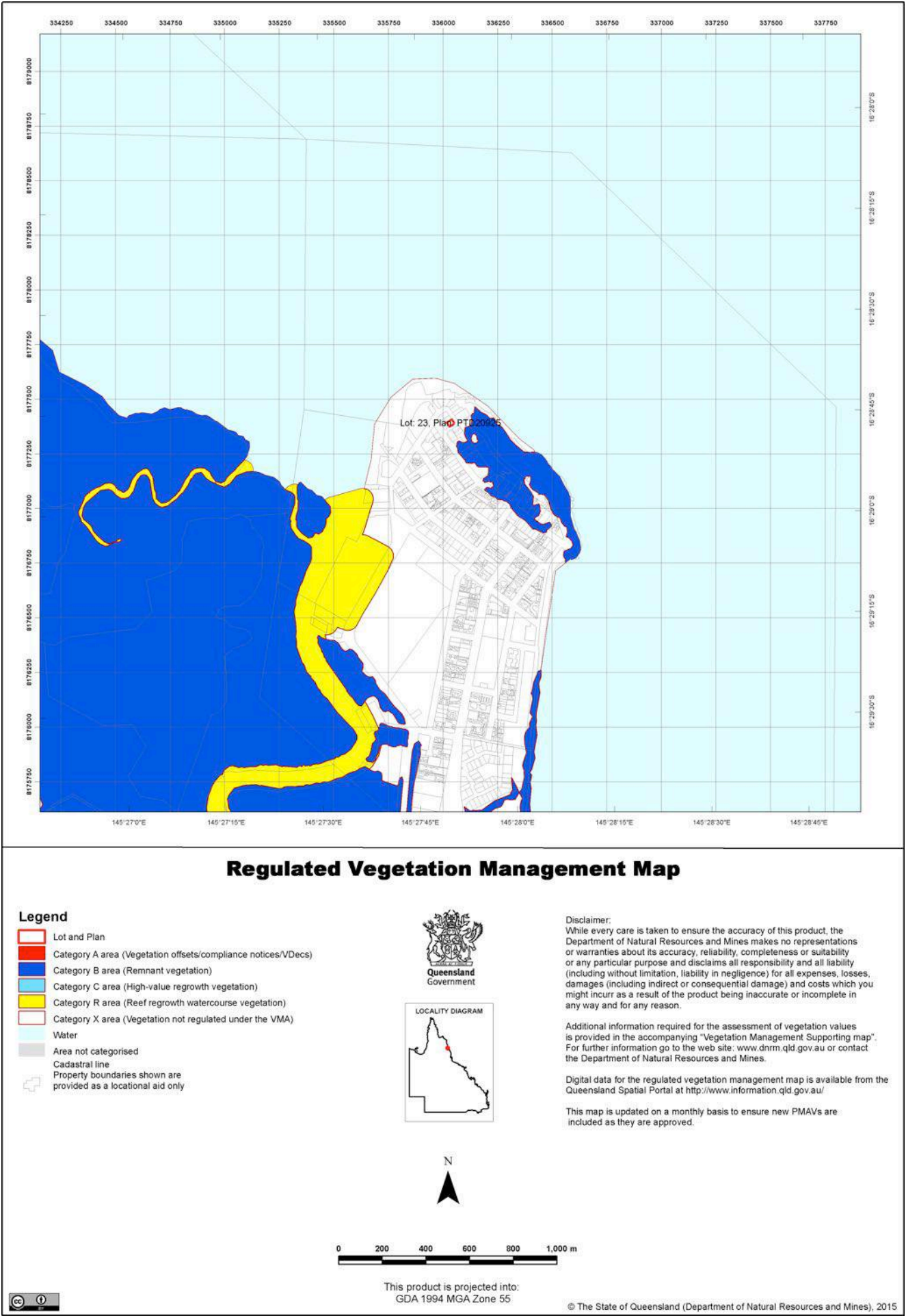
| Performance Criteria  | Acceptable Solutions   | Comment / Compliance  |
|---|--|---|
|   | <ul style="list-style-type: none"> <li>• 15 per cent less in width measurements than required by Australian Standards for any ordinary vehicle; and,</li> <li>• 20 per cent less in length measurements than required by Australian Standards for any ordinary vehicle.</li> </ul> <p>AND</p> <p>Parking spaces for special vehicles meet the requirements dictated by the vehicle dimensions and manoeuvring characteristics and provide sufficient clearance to obstructions and adjacent vehicles to achieve a level of service to users equivalent to that specified by the relevant Australian Standards.</p> |   |
|   | <p>A14.2 Parking spaces for bicycles meet the requirement of the relevant Australian Standard.</p>   | <p><b>Not applicable:</b></p> <p>The proposal is for a house.</p>                     |
| <b>On-Site Driveways, Maneuvering Areas and Parking / Standing Areas</b>  |  |   |
| <p>P15 On-Site driveways, manoeuvring areas and vehicle parking/standing areas are designed, constructed and maintained such that they:</p> <ul style="list-style-type: none"> <li>• are at gradients suitable for</li> </ul> | <p>A15.1 On-Site driveways, vehicle manoeuvring and loading/unloading areas:</p> <ul style="list-style-type: none"> <li>• are sealed in urban areas:</li> </ul> <p>AND</p> <p>upgraded to minimise noise, dust and runoff in other areas of the</p>  | <p><b>Complies:</b></p> <p>Compliance is confirmed within conditions of approval.</p> |

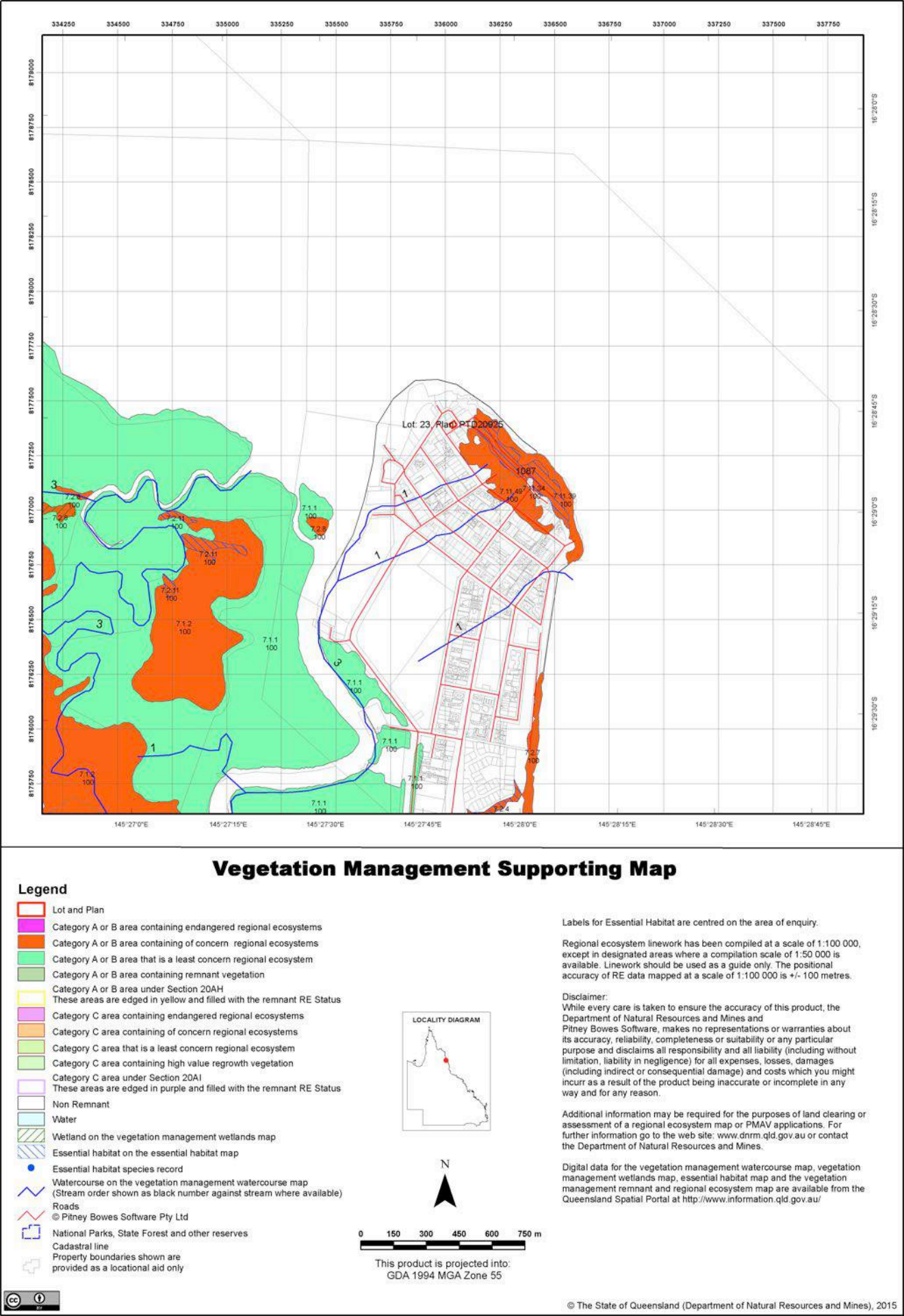
| Performance Criteria   | Acceptable Solutions  | Comment / Compliance   |
|--|---|--|
| intended vehicle use; <ul style="list-style-type: none"> <li>• consider the shared movements of pedestrians and cyclists;</li> <li>• are effectively drained and surfaced; and</li> <li>• are available at all times they are required.</li> </ul> | Shire in accordance with the relevant Locality Code; <ul style="list-style-type: none"> <li>• have gradients and other design features in accordance with the provisions of the relevant Australian Standards; and</li> <li>• drain adequately and in such a way that adjoining and downstream land is not adversely affected.</li> </ul> |  |
|  | A15.2 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking.   | <b>Complies:</b><br><br>Compliance is confirmed within conditions of approval. |
| <b>Vehicle Circulation, Queuing and Set Down Areas</b>   |   |  |
| P16 Sufficient area or appropriate circulation arrangements are provided to enable all vehicles expected to use the Site to drive on and off the Site in forward gear.   | A16.1 Circulation and turning areas comply with the provisions of the relevant Australian Standards.  | <b>Not applicable:</b><br><br>The proposal is for a house.                     |
| P17 An on-Site circulation system provides safe and practical Access to all parking, loading/unloading and manoeuvring areas.  | A17.1 Circulation driveways comply with the provisions of the relevant Australian Standards.  | <b>Not applicable:</b><br><br>The proposal is for a house.                     |
| P18 Where vehicle queuing, set down or special vehicle parking is expected,  | A18.1 Queuing and set down areas comply with the relevant Australian Standard   | <b>Not applicable:</b><br><br>The proposal is for a house.                     |

| Performance Criteria  | Acceptable Solutions                         | Comment / Compliance |
|---|--|----------------------|
| <p>sufficient queuing or parking area is provided to enable vehicles to stand without obstructing the free flow of moving traffic or pedestrian movement.</p> | <p>and any relevant AUSTROAD Guidelines.</p> |                      |

## **ANNEXURE 3**

### **State Mapping**





Vegetation Management Act 1999 - Extract from the essential habitat database

Essential habitat is required for assessment under the:

- State Development Assessment Provisions - Module 8: Native vegetation clearing which sets out the matters of interest to the state for development assessment under the *Sustainable Planning Act 2009*; and
- Self-assessable vegetation clearing codes made under the *Vegetation Management Act 1999*

Essential habitat for one or more of the following species is found on and within 1.1 km of the identified subject lot/s or on and within 2.2 km of an identified coordinate on the accompanying essential habitat map.

This report identifies essential habitat in Category A, B and Category C areas.  
The numeric labels on the essential habitat map can be cross referenced with the database below to determine which essential habitat factors might exist for a particular species.  
Essential habitat is compiled from a combination of species habitat models and buffered species records.

The Department of Natural Resources and Mines website (<http://www.dnrm.qld.gov.au>) has more information on how the layer is applied under the State Development Assessment Provisions - Module 8: Native vegetation clearing and the *Vegetation Management Act 1999*.

Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated.  
Essential habitat, for protected wildlife, means a category A area, a category B area or category C area shown on the regulated vegetation management map-

- 1) (a) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database; or
- 2) (b) in which the protected wildlife, at any stage of its life cycle, is located.

Essential habitat identifies endangered or vulnerable native wildlife prescribed under the *Nature Conservation Act 1994*.

Essential habitat in Category A and B (Remnant vegetation species record) areas:1100m Species Information

(no results)

Essential habitat in Category A and B (Remnant vegetation species record) areas:1100m Regional Ecosystems Information

(no results)

Essential habitat in Category A and B (Remnant vegetation) areas:1100m Species Information

| Label | Scientific Name                                     | Common Name                              | NCA Status | Vegetation Community   | Altitude            | Soils               | Position in Landscape |
|-------|---|--|------------|--|---------------------|---------------------|-----------------------|
| 1087  | Casuarium casuarium johnsonii (southern population) | Southern Cassowary (southern population) | E          | Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, canefields and dry ridges between rainforest patches. | Sea level to 1500m. | no soil information | None                  |

Essential habitat in Category A and B (Remnant vegetation) areas:1100m Regional Ecosystems Information

| Label | Regional Ecosystem (this is a mandatory essential habitat factor, unless otherwise stated)   |
|-------|--|
| 1087  | 7.1.3, 7.2.1, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.11, 7.3.1, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.10, 7.3.12, 7.3.17, 7.3.23, 7.3.25, 7.3.36, 7.3.37, 7.3.38, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.14, 7.11.1, 7.11.2, 7.11.5, 7.11.6, 7.11.7, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.18, 7.11.23, 7.11.24, 7.11.25, 7.11.28, 7.11.29, 7.11.30, 7.11.34, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.7, 7.12.9, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.39, 7.12.40, 7.12.44, 7.12.47, 7.12.50, 7.12.68. Also includes secondary habitat within identified priority corridors, and secondary habitat surrounded by primary habitat. Secondary regional ecosystems are 7.1.1, 7.1.2, 7.1.4, 7.1.5, 7.2.2, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.3.2, 7.3.9, 7.3.13, 7.3.14, 7.3.16, 7.3.19, 7.3.20, 7.3.21, 7.3.26, 7.3.28, 7.3.29, 7.3.30, 7.3.31, 7.3.34, 7.3.35, 7.3.39, 7.3.40, 7.3.43, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.8.11, 7.8.12, 7.8.13, 7.8.15, 7.8.16, 7.11.16, 7.11.19, 7.11.21, 7.11.26, 7.11.27, 7.11.31, 7.11.32, 7.11.36, 7.11.39, 7.11.40, 7.11.42, 7.11.43, 7.11.44, 7.11.46, 7.11.49, 7.12.10, 7.12.11, 7.12.12, 7.12.21, 7.12.22, 7.12.32, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.28, 7.12.29, 7.12.30, 7.12.34, 7.12.35, 7.12.37, 7.12.41, 7.12.45, 7.12.48, 7.12.49, 7.12.53, 7.12.59, 7.12.60, 7.12.61, 7.12.62, 7.12.67 |

Essential habitat in Category C (High value regrowth vegetation) areas:1100m Species Information

(no results)

Essential habitat in Category C (High value regrowth vegetation) areas:1100m Regional Ecosystems Information

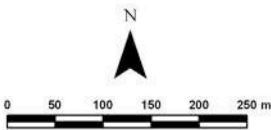
(no results)



**Protected Plants Flora Survey Trigger Map**

**Legend**

- Lot and Plan
- High risk area
- Cadastral line  
Property boundaries shown are provided as a locational aid only
- Freeways / motorways / highways
- Secondary roads / streets



This product is projected into:  
GDA 1994 Queensland Albers

This map shows areas where particular provisions of the Nature Conservation Act 1992 apply to the clearing of protected plants.

This map is produced at a scale relevant to the size of the area selected and should be printed as A4 size in portrait orientation.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Heritage Protection at [palm@ehp.qld.gov.au](mailto:palm@ehp.qld.gov.au)

**Disclaimer:**  
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Coastal Hazard Areas Map


Erosion Prone Area

Requested By: KRISTY@GILVEARPLANNING.COM.AU  
Date: 28 Apr 15 Time: 09.55.37

Centred on Lot on Plan:  
23 PTD20925

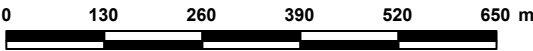
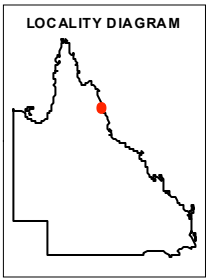
 Selected Land Parcel

Indicative Erosion Prone Area

 Erosion due to storm impact and long term trends of sediment loss and channel migration

 Coastal Management District

 Coastal Building Lines



Notes

1. The areas shown on this map are indicative of the extent of erosion and permanent inundation defined by erosion prone area plans declared under the Coastal Protection and Management Act 1995. Only the declared erosion prone area plans should be used for development assessment. To determine the actual position of the erosion prone area a registered surveyor or geotechnical consultant may be required if there is any doubt.

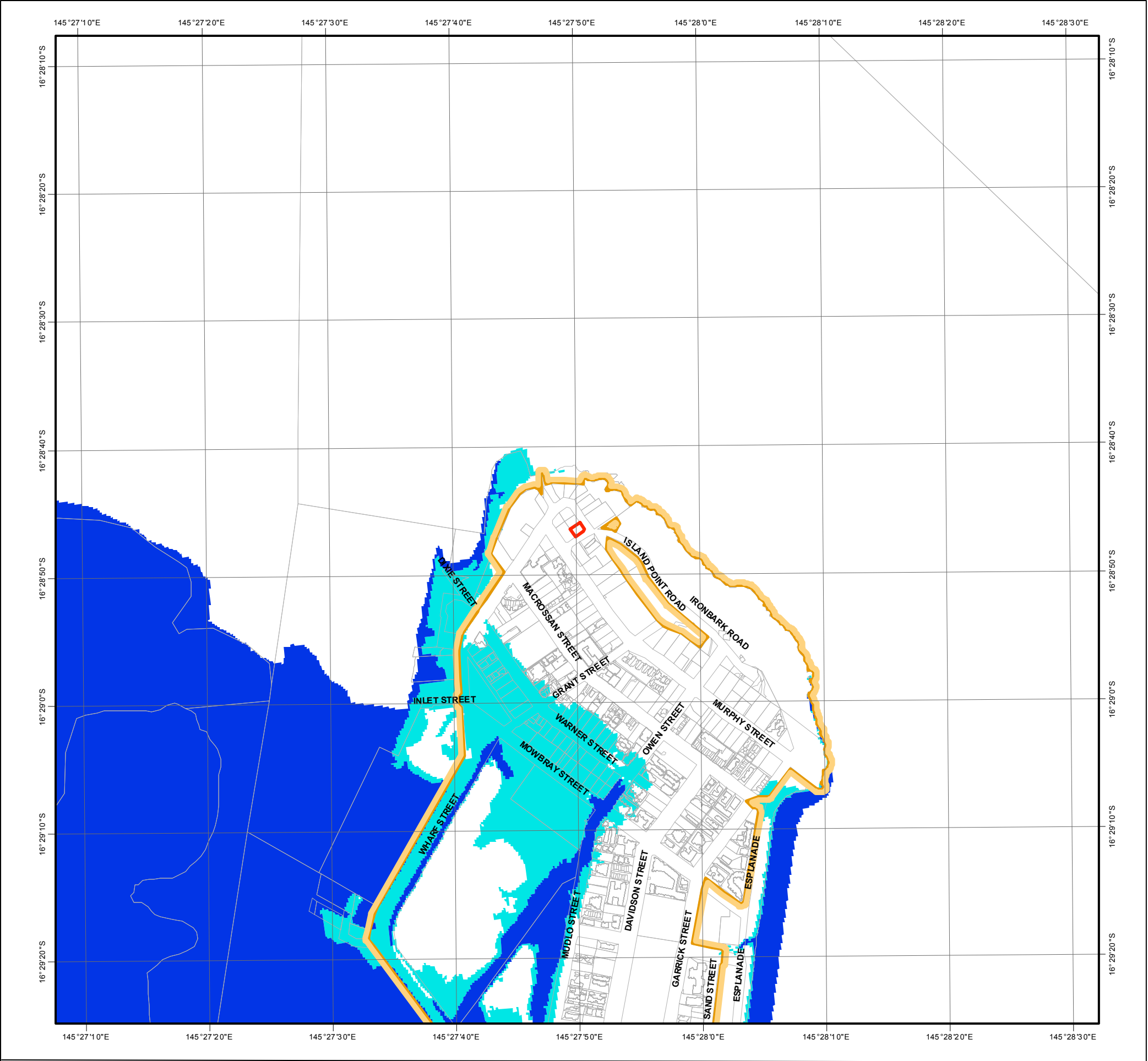
2. Erosion prone area plans for each local government area and a comprehensive description of their determination are available from the Department of Environment and Heritage Protection website at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

Version 4 - December 2014

Disclaimer

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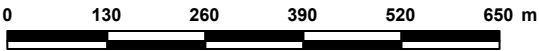
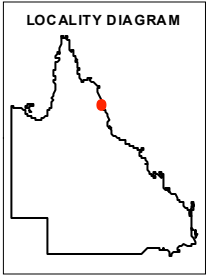


Coastal Hazard Areas Map

Storm Tide Inundation Area

Requested By: KRISTY@GILVEARPLANNING.COM.AU  
Date: 28 Apr 15 Time: 09.55.45

Centred on Lot on Plan:  
23 PTD20925



Selected Land Parcel

Storm Tide Inundation Area



High hazard area (greater than 1.0m water depth)



Medium hazard area (less than 1.0m water depth)



Coastal Management District



Coastal hazard data not available in this area  
Refer to note 1 to determine



Coastal Building Lines

Notes

1. A default storm tide inundation level of 0.7 m HAT in South East Queensland regional planning area and 1.2 m HAT for the remainder of Queensland is used where projected storm tide inundation levels have not been determined locally.
2. The map should be used as a guide only. Field surveys are recommended to verify feature boundaries.

Version 3 - March 2014

Disclaimer

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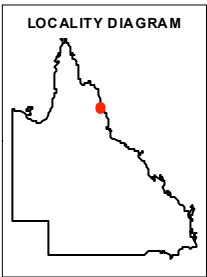


# Map of Referable Wetlands

## Wetland Protection Areas

Requested By: KRISTY@GILVEARPLANNING.COM.AU  
Date: 28 Apr 15 Time: 09.55.23

Centred on Lot on Plan:  
23 PTD20925



N



0 60 120 180 240 300 m

This product is projected into GDA 1994 MGA Zone 55

### Note:

This map shows the location of wetland protection areas which are defined under the Environmental Protection Regulation 2008. Within wetland protection areas, certain types of development involving high impact earthworks are made assessable under Schedule 3 of the Sustainable Planning Regulation 2009.

The Department of State Development Infrastructure and Planning is the State Assessment Referral Agency (SARA) under Schedule 7 of the Sustainable Planning Regulation 2009 for assessable development involving high impact earthworks within wetland protection areas. The Department of Environment and Heritage Protection is a technical agency.

The policy outcome and assessment criteria for assessing these applications are described in the State Development Assessment Provisions (SDAP) *Module 11: Wetlands and wild rivers*.

This map is produced at a scale relevant to the size of the lot on plan identified and should be printed at A4 size in portrait orientation. Consideration of the effects of mapped scale is necessary when interpreting data at a large scale.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Heritage Protection at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) or email [planning.support@ehp.qld.gov.au](mailto:planning.support@ehp.qld.gov.au).

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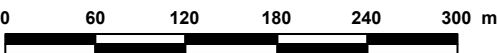
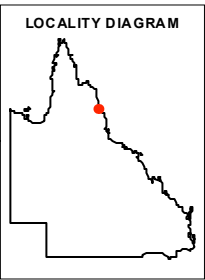




# Map of Referable Wetlands for the Environmental Protection Act 1994

Requested By: KRISTY@GILVEARPLANNING.COM.AU  
Date: 28 Apr 15 Time: 09.55.27

Centred on Lot on Plan:  
23 PTD20925



- Selected Land Parcel
- Cadastral Boundary
- HES Wetland
- GES Wetland

Note:  
This map shows the location of wetlands on the Map of Referable Wetlands which are defined under the Environmental Protection Regulation 2008.

Wetlands are assessed for ecological significance using the environmental values for wetlands in section 81A of the Environmental Protection Regulation 2008. Wetlands are considered either High Ecological Significance (HES) or of General Ecological Significance (GES) for the purposes of the environmental values.

This map is produced at a scale relevant to the size of the lot on plan identified and should be printed at A4 size in portrait orientation. Consideration of the effects of mapped scale is necessary when interpreting data at a large scale.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Heritage Protection at <www.ehp.qld.gov.au> or email <planning.support@ehp.qld.gov.au>

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