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PROPOSED DOUGLAS SHIRE PLANNING SCHEME 2016 – SUBMISSION DSSG

Introduction

Douglas Shire Sustainability Group (DSSG) is an incorporated association active in the Douglas Shire for over 10 years. We are a community based environmental advocacy group with a significant number of members. Our objects include encouraging and educating on sustainable development.

DSSG congratulates DSC on the draft Planning Scheme (Scheme) and particularly recognises the effort to capture the unique qualities of the landscape and identity of our community. DSSG applauds the sensitive and constructive approach to the land use desires of our indigenous residents, particularly through the Return to Country Local Plan which provides mechanism for meaningful consultation. We also commend the strategic approach to biodiversity and land and catchment management; and acknowledge work proceeding on coastal hazard adaptation.

We acknowledge the assistance of Simon Clarke, Planning Consultant.

Summary of recommendations

As the Strategic Framework is the highest assessment tool, the majority of our recommendations are addressing this aspect of the Scheme.

1. Review the Scheme at least every two years.
2. Review the Scheme in 2017 in conjunction with any amendments required to comply with *Planning Act*.
3. Ensure the implementation, application and enforcement of the Scheme is adequately resourced.
4. Include the Precautionary Principle in the Scheme.
5. Include a predicted sea level / shoreline retreat map in Overlay Maps.
6. Develop and include a policy and framework for retreat from rising sea level.
7. Complete work on current identified Land Use Strategies within 12 months.

8. Add new land use strategies applicable to Daintree Coast and Cape Tribulation, and complete work on these within 12 months.
 - a. A scheme for 'buy back' of properties on roads which are servicing only a small number of houses.
 - b. Opposing mains power and supporting alternative power sources including Local area Green Grids.
9. Maintain the existing urban footprint.
10. Remove investigation areas from the Strategic Framework Maps until relevant land use strategies have been considered, specifically climate adaptation strategies.
11. Do not approve re-zoning or development at Ferrero Rd.
12. Remove transport investigation corridor shown on Strategic Framework Map 2 near Craiglie, west of highway.
13. Develop and include a policy for sustainable development including sustainable building design.
14. Lobby for amendment to the new *Planning Act* to allow councils to make requirements above and beyond the standards in the *Building Act*.
15. Resolve tension between the Crime Prevention Policy and the Landscaping Policy
16. Include a stronger emphasis on endemic and native planting in Port Douglas and a restriction to only endemic in the Cape Tribulation/ Daintree Coast area.
 - a. Amend the Port Douglas / Craiglie local plan code to require that landscaping achieves 60% screening of buildings within 5 years. Its purpose should be to hide development behind a screen of endemic species.
 - b. Amend the Settlement Areas North of Daintree River Local Plan Code, Performance Outcome PO7, to replace 'native landscape character' with 'endemic landscape character'.
17. Restrict landscaping of public land across the Shire to endemic only.
18. Develop and include a Masterplan for Craiglie.
19. Include a greater focus on water sensitive urban design, including detention basins that trap sediment and nutrient, gross litter traps, the rehabilitation of waterways and ensuring connectivity for fish passage in the design of waterway crossings or other in-stream construction.
20. Change the Live Entertainment Precinct to Special Entertainment District Precinct on the Port Douglas Sub Precincts Local Plan Precincts map, and support with Local Laws.
21. Amend the Port Douglas/ Craiglie local plan code to focus on the vernacular rather than a generic manufactured 'tropical' image.

Discussion

General Comments

Review of the Scheme

As a means of maintaining continuity and structure of the Scheme, we would like to see a commitment to regular review of the Scheme - at least every two years, rather than introducing a new Scheme. This review should include community feedback on provisions that work well and those that could be improved.

We note the commencement of the new *Planning Act* in 2017 will trigger a review of all Planning Schemes in Queensland, to ensure compliance with the new Act. DSSG would caution against changing policy as a result of compliance review of the Scheme. In our view this would be an opportunity to seek community feedback again.

Resourcing

DSSG requests that Council ensure the Scheme is properly resourced to allow regular review and to ensure enforcement. We have concerns around the failure to enforce existing Planning Scheme provisions regarding signage, landscaping and vegetation clearing.

Precautionary Principle

DSSG requests that Council include the Precautionary Principle in the Scheme, perhaps at 1.7 of the Strategic Framework.

Climate Adaptation

Background

We note the following specific outcomes in the Strategic Framework:

- *“New development takes into account the latest science with respect to climate change in addition to the avoidance of natural hazards”¹*
- *“Maintain the erosion prone area within the coastal management district as a development free buffer zone (except for coastal dependent development, temporary or readily relocatable or able to be abandoned development.”²*
- *“Redevelopment of existing permanent structures in the erosion prone area is required to avoid coastal erosion risks through a strategy of planned retreat, or mitigate coastal erosion risks”³,*

and the Land Use Strategy:

¹ Strategic Framework – Theme 1 Settlement Pattern, Element – Urban Settlement, Specific Outcome 3.4.7.1(5)

² Strategic Framework – Theme 2 Environment and Landscape Values, Element - Coastal Zones, Specific Outcome 3.5.4.1(6)

³ Strategic Framework – Theme 2 Environment and Landscape Values, Element - Coastal Zones, Specific Outcome 3.5.4.1(7)

- *“Additional modelling of the impacts of sea-level rise may be required, along with strategies to mitigate sea-level rise, including retreat strategies.”⁴*

Comment

DSSG is disappointed at the lack of climate adaptation strategies included in the Scheme, and sees this a missed opportunity.

To this end DSSG would like to see a predicted sea level / shoreline retreat map adopted to inform the Scheme. We note that the overlay map “Flood and Storm Tide Inundation” incorporates 0.8m sea level rise, however we believe this is not the best information available. If Council is constrained by this level as a means of limiting liability, then DSSG requests that Council lobby the State government for extended indemnity.

We would also like to see Council develop and reflect in the Scheme, a policy and framework for retreat from rising sea level, and note this is work identified at 3.4.7.2 as a Land Use Strategy.

Land Use Strategies

Background

DSSG is advised that Land Use Strategies are areas identified for further development in the Scheme. The Strategic Framework currently includes three Land Use Strategies:

3.4.7.2 – Additional modelling of the impacts of sea-level rise may be required, along with strategies to mitigate sea-level rise, including retreat strategies⁵.

3.5.3.2 - A Planning Scheme Policy on Environmental offsets is to be developed, in conjunction with the development of mapping for Matters of Local Environmental Significance, including an analysis to determine the best locations to develop the Strategic habitat investment areas⁶.

3.7.7.2 - Prior to including Places of Significance list as planning scheme policy in the planning scheme, further verification is required with respect to the list. This will require an independent review. In addition to being a listing of nominated sites such review should also examine positive incentives for listing in the planning scheme.⁷

Comment

DSSG requests that the necessary work be completed on those strategies and then released for public comment, within 12 months.

⁴ Strategic Framework – Theme 1 Settlement Pattern, Element – Mitigation of Hazards, Land Use Strategy 3.4.7.2(1)

⁵ ibid

⁶ Strategic Framework – Theme 2 Environment and Landscape Values, Element – Biodiversity, Land Use Strategy 3.5.3.2(1)

⁷ Strategic Framework – Theme 4 Strong Communities and Identity, Element – Cultural and Landscape Heritage, Land Use Strategy 3.7.7.2(2)

In addition, DSSG requests the following Land Use Strategies be adopted specifically for the Cape Tribulation/ Daintree Coast area:

- A scheme for ‘buy back’ of properties on roads which are servicing only a small number of houses. Using an opportunistic rather than coercive approach, Council could minimise its maintenance liability and assist to limit development by ‘buying back’ underutilised roads. Active support of not-for-profit groups already purchasing properties may be a useful avenue for this purpose.

Theme 2 Environment and Landscape Values, Element – Biodiversity. Such a Land Use Strategy supports the following specific outcomes: *“The Shire’s biodiversity values and associated ecosystems, including matters of national environmental significance (MNES) and matters of state significance (MSES) , are maintained and protected from incompatible development, managed, and where appropriate enhanced, to restore ecological integrity and habitat connectivity”, and “Development is designed, sited, operated and managed to avoid or minimise potential impacts on natural corridors and habitat links”.*⁸

- Opposition to mains power and support for alternative power sources that could include Local area Green Grids, particularly in commercial areas such as Cape Tribulation.

Theme 6 Infrastructure and Transport, Element – Energy. Such a Land Use Strategy supports specific outcome: *“Proposals to extend electricity supply to properties north of the Daintree River take into account the sensitive environmental characteristics of the area, the fact that it is an area that is largely of world heritage significance and the climatic risks impacting the area such as cyclones and other weather events, all of which will influence decisions about the nature and scale of the electricity supply infrastructure which may be provided.”*⁹

Urban Footprint

Background

We note the use of the term ‘investigation area’ to designate land that may be used as an extension of the footprint, subject to investigation of matters such as items of State significance, flooding patterns, road access etc.

We note Council has identified a specific outcome *“No urban development is to occur within the Residential investigation areas until a comprehensive structure plan has been prepared that provides for integrated, well-connected residential*

⁸ Strategic Framework – Theme 2 Environment and Landscape Values, Element – Biodiversity, Specific Outcome 3.5.3.1(1) and (7)

⁹ Theme 6 – Infrastructure and Transport, Element – Energy, Strategic Outcome 3.9.2.1(4)

settlements, taking into account constraints, infrastructure servicing and capacity requirements, flooding and drainage, and sequencing.”¹⁰

Comment

As you are aware, DSSG supports maintaining the existing urban footprint, and acknowledges the Scheme largely supports this position.

In our view “investigation areas” should be deleted from the Scheme until relevant land use strategies have been considered, specifically climate adaptation strategies.

DSSG does not support any action to develop the land west of Captain Cook Highway near Crees Creek, (Ferrero Rd) for retirement village or otherwise. We note the Strategic Framework Map at Schedule 2 shows a potential road (transport investigation corridor) to the land side of the area- we are advised this road is not proceeding and therefore the map should be adjusted to remove reference to this road.

Sustainable Development

Background

*“(1) Section 78A of the Act states that a local planning instrument must not include provisions about building work to the extent the building work is regulated under the building assessment provisions, unless permitted under the Building Act 1975.
(2) The building assessment provisions are listed in section 30 of the Building Act 1975”¹¹*

Specific Outcome: *“Residential development incorporates tropical design principles that are responsive to the natural environment and climate”¹²*

Comment

DSSG understands that it is not possible to include conditions for sustainable development within the Scheme, due to a conflict with the *Building Act* and its associated Code.

DSSG would like to see the Scheme include a new Policy for sustainable development including sustainable building design.

Building design incorporating sustainable development features such as solar power, water tanks, cross flow ventilation, use of materials like wood instead of concrete, window size and orientation, for example, could be articulated in Policy to act as incentive for more sustainable development in the Shire.

¹⁰ Strategic Framework – Theme 1 Settlement Pattern, Element – Urban Settlement, Specific Outcome 3.4.2.1(3)

¹¹ Part 1 – About the Planning Scheme, 1.6 Building work regulated under the Planning Scheme.

¹² Strategic Framework – Theme 1 Settlement Pattern, Element – Residential Areas and Activities, Specific Outcome 3.4.5.1(7)

Given the constraints preventing council from requiring energy and water efficiency measure in new building, DSSG believes the matter should be taken up with relevant Queensland Government agencies. We propose the new *Planning Act* be amended to allow councils to make requirements above and beyond the standards in the *Building Act*.

The inability of progressive councils to require much higher sustainability standards in all development is a major flaw in both Queensland and Australia's national climate policy. Building and construction makes a substantial contribution to the Australia's carbon footprint in both the initial construction and in the subsequent operation and use of buildings¹³.

Landscaping

Background

The Landscaping Policy includes the following outcome, with respect to development:

*"In all areas at least 70% of the total proposed species are endemic or native species and palms are used as accent plants only."*¹⁴

The Landscaping Code includes the following overall outcomes:

"(a) The tropical, lush landscape character of the region is retained, promoted and enhanced through high quality landscape works;

(b) The natural environment of the region is enhanced;

.....

(e) As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment;

*(f) Landscaping is provided to enhance the tropical landscape character of development and the region"*¹⁵;

Performance Outcomes include **PO3**

*"Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value"*¹⁶.

The Port Douglas/Craigie local plan code includes the following overall outcomes re landscaping:

*(d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping"*¹⁷.

And

*(g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented"*¹⁸.

¹³ Mike Berwick has taken up the matter with the Department of Environment and Heritage Protection. This issue seems to have been overlooked in both Qld's climate change mitigation and adaptation strategies.

¹⁴ Planning Scheme Policy – Landscaping, Minimum Design Requirements for Development SC6.7.5(1)(e)

¹⁵ Landscaping Code – 9.4.6.2 (2)

¹⁶ Landscaping Code Table 9.4.6.1.a –assessable development

¹⁷ Port Douglas / Craigie Local Plan Code 7.2.3.3 (3)(d)

Performance outcome PO4 provides:

“Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie”¹⁹.

This is contrasted with the Settlement Areas North of Daintree River Local Plan Code, which includes the following:

Performance Outcome PO7:

“Landscaping of the development ensures that the native landscape character of the local area is dominant”.

Acceptable Outcome AO7.2 provides:

*“All of the existing landscaping to be retained and all of the proposed landscaping is **100% endemic or native species** and the details are provided on a landscape plan”²⁰*

Comment

DSSG observes tension between the Crime Prevention Policy and the Landscaping Policy, and seeks to have that tension resolved in favour of landscaping.

DSSG would like to see a stronger emphasis on endemic and native planting in Port Douglas and a restriction to only endemic in the Cape Tribulation/ Daintree Coast area.

For example:

- Amend the Port Douglas / Craiglie local plan code to require that landscaping achieves 60% screening of buildings within 5 years. Its purpose should be to hide development behind a screen of endemic species. The purpose of using endemic species is twofold:
 1. To ensure retention of local character and to prevent Port Douglas looking like many other tropical destinations
 2. To promote urban biodiversity and use of endemic species by all people
- Amend the Settlement Areas North of Daintree River Local Plan Code, Performance Outcome PO7, to replace ‘native landscape character’ with ‘endemic landscape character’.

DSSG is concerned at the lack of landscaping at Craiglie light industrial area. We understand that the development of another fuel outlet in Craiglie will result in further loss of large trees. As an entrance to Port Douglas, Craiglie is increasingly repellent. DSSG would like to see a Masterplan developed for landscaping Craiglie as an entrance to Port Douglas. This should be achieved by a combination of developer requirements/contributions and a council planting program.

¹⁸ Port Douglas / Craiglie Local Plan Code 7.2.3.3 (3)(g)

¹⁹ Port Douglas / Craiglie Local Plan Code - Table 7.2.4.4.a – assessable development

²⁰ Settlement Areas North of the Daintree River Local Plan Code– Table 7.2.1.9.a – assessable development

DSSG would also like to see landscaping of public land across the Shire restricted to plants which are endemic to the area; and the plant list should reflect that priority.

Water sensitive urban design

Background

DSSG notes the specific outcomes:

“Improved technologies and capture/treatment methods, such as water sensitive urban design and recycling, are used to carefully manage stormwater discharge to reduce excessive flows, improve water quality discharge and protect the natural environment from adverse impacts”²¹.

And

“Development is planned, designed, constructed and operated to manage stormwater in ways that help protect the environmental values of waters including the biodiversity and functioning of the aquatic ecosystem”²².

Comments:

DSSG would like to see a greater focus on water sensitive urban design and we refer Council to the Queensland Government GBR Taskforce report and the Alluvium costings report which emphasises the need for ensuring urban runoff is not detrimental to reef health. Further advice on best practice could be sought from Alluvium but at the least would include detention basins that trap sediment and nutrient, gross litter traps, the rehabilitation of waterways and ensuring connectivity for fish passage in the design of waterway crossings or other in-stream construction.

Entertainment District

DSSG supports the implementation of a Special Entertainment District Precinct in Port Douglas supported by a local law made by the Council to facilitate local control over amplified music. The DSSG sees this as an important initiative to secure a sustainable tourism economy. A vibrant Special Entertainment Precinct will significantly assist in differentiating Port Douglas from many other coastal holiday destinations.

²¹ Strategic Framework – Theme 6 Infrastructure and Transport, Element – Water and Waste Management, Specific Outcome 3.9.3.1(6)

²² Strategic Framework – Theme 3 Natural Resource Management, Element – Land and Catchment Management, Specific Outcome 3.6.2.1(4)

Port Douglas / Craiglie Local Plan Code

Background

The Port Douglas/Craiglie local plan code includes the following overall outcome:

(d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping²³.

Comment

DSSG would like to see the Port Douglas/ Craiglie local plan code amended to clarify the term “tropical image” and the phrase “distinctive tropical vernacular, urban design and landscaping”.

It is unclear if this means tropical vernacular architecture, tropical vernacular urban design and tropical vernacular landscaping.

DSSG supports the inclusion of the vernacular as referencing the authenticity, uniqueness, sense of place and identity of our urban places -as opposed to a generic, manufactured ‘tropical’ image. The connectedness of places with people, the present with the past, and locations with regions reaffirms the ecological nature of our environments.

Yours sincerely



Laurene Hull
Secretary

²³ Port Douglas / Craiglie Local Plan Code 7.2.3.3 (3)(d)