

ORDINARY MEETING	4
8 NOVEMBER 2023	

INFRASTRUCTURE AGREEMENT FOR THE DEFERRED PAYMENT OF LEVIED CHARGES BETWEEN CAIRNS REGIONAL COUNCIL AND GOLDSBOROUGH VALLEY PROPERTIES PTY LTD FOR RECONFIGURING A LOT (3 LOTS INTO 95 LOTS AND OPEN SPACE) AT FAIRWEATHER ACCESS, GOLDSBOROUGH – DIVISION 1

8/13/2221 | #7291729

RECOMMENDATION:

That Council:

1. Enters into an Infrastructure Agreement with Goldsbrough Valley Properties Pty Ltd to allow for the Deferred Payment of Levied Charges of all stages of the development where:
 - a. The Plan of Subdivision of the respective stage is endorsed within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; and
 - b. The deferral period is entirely within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* (Qld) to enter into contracts, negotiate, finalise, and execute any and all matters associated with the Infrastructure Agreement contained within Attachment 1, including consequential and minor amendments as agreed by the parties.

INTERESTED PARTIES

Goldsborough Valley Properties Pty Ltd
 Thomas William Hedley
 RPS AAP Consulting Pty Ltd

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY

Council is in receipt of a request from RPS AAP Consulting Pty Ltd on behalf of Goldsbrough Valley Properties Pty Ltd (the **Developer**) to defer the payment of levied charges for a Development Permit for Reconfiguring a Lot (3 Lots into 95 Lots and Open Space) at Fairweather Access, Goldsbrough on land formally described as Lot 1 on RP708709, Lot 2 on RP749938, and Lot 2 on NR97. The request was received on 27 September 2023.

The Developer has requested deferral of levied charges, under an Infrastructure Agreement (**IA**), for a period of up to sixty (60) business days from the date an application for Approval of the Plan of Subdivision for the development is endorsed by Council. The request relates to the entire development, which incorporates a total of ninety-five (95) rural residential allotments to be delivered under seven (7) discrete stages. To confirm, the deferral for each stage/s would be brought into effect when Council endorses a Plan of Subdivision for each respective stage of the development, whether they be submitted individually, as a whole, or in parts.

To ensure all risk is appropriately managed on a case by case basis, the requests to defer under the proposed Infrastructure Agreement will only be considered under the provisions of the infrastructure where the *Deferred Payment of Levied Charges General Policy* remains current, and in effect.

In addition to the above, this IA will operate in conjunction with an existing IA for the upgrade of trunk infrastructure (water pump station) in Goldsborough adopted under Council Resolution on 25 October 2023. This IA includes provisions for levied charges to be offset against the completed trunk works, which will be acted upon prior to deferring any levied charges under this draft IA.

The value of Infrastructure Charges for the development are \$1,392,300.00 (as per the Infrastructure Charges Notice dated 22 April 2021, indexed to December 2020) with an estimated offset amount of \$1,720,000. The effect of this, is that if the developer provides the trunk infrastructure, the value of any refund would be approximately \$327,700 (in total).

It is understood that, and it is Council's preference, that the Applicant will claim any applicable offsets against these levied charges prior to seeking a deferral for any outstanding charges.

Council will only enter into an IA where the legal and financial risks are appropriately mitigated through:

- For Applicants meeting the conditions for deferred payment of levied charges and requests to defer payment of levied charges for up to 60 business days – enforceable terms of an IA that protect Council's and the community's interests.

The Developer's request meets the conditions for deferred payment of levied charges as set out in Council's *General Policy for Deferred Payment of Levied Charges*, including:

- The Developer has demonstrated credit worthiness;
- The deferred payment date by which the levied charge will be payable no longer than 60 business days from the Statutory Payment Date for each stage of the development; and
- The Developer has agreed to the terms of Council's Template IA for Deferred Payment of Levied Charges.

BACKGROUND

Subject Land and Surrounding Development

The land subject to this IA is located at Catalano / Fairweather Access, Goldsborough formally described as Lot 2 on NR97, Lot 2 on RP749938, and Lot 1 on RP708709.

The land represents the conversion of land previously utilised for grazing / cane farming to rural-residential development. There are noted to be multiple development fronts occurring in Goldsborough Valley in accordance with the zoning of Rural Residential land within the locality under the CairnsPlan 2016.

The site is bound to the north and south-west by the Mulgrave River, and by rural residential and rural land to the east and west respectively. Adjoining land to the east of the site is benefitted by a various development approvals creating 81 lots, including a new road access to Stage 8 by WER Developments and Pittwater Developments and Cairns Woodlands Pty Ltd, respectively (Council Reference 8/17/115 and 8/13/2343).

The site is located outside the Priority Infrastructure Area (PIA). The timing and delivery of trunk infrastructure to service land in the area is dependent on the timing of lots being created, as identified in the Local Government Infrastructure Plan (the **LGIP**).

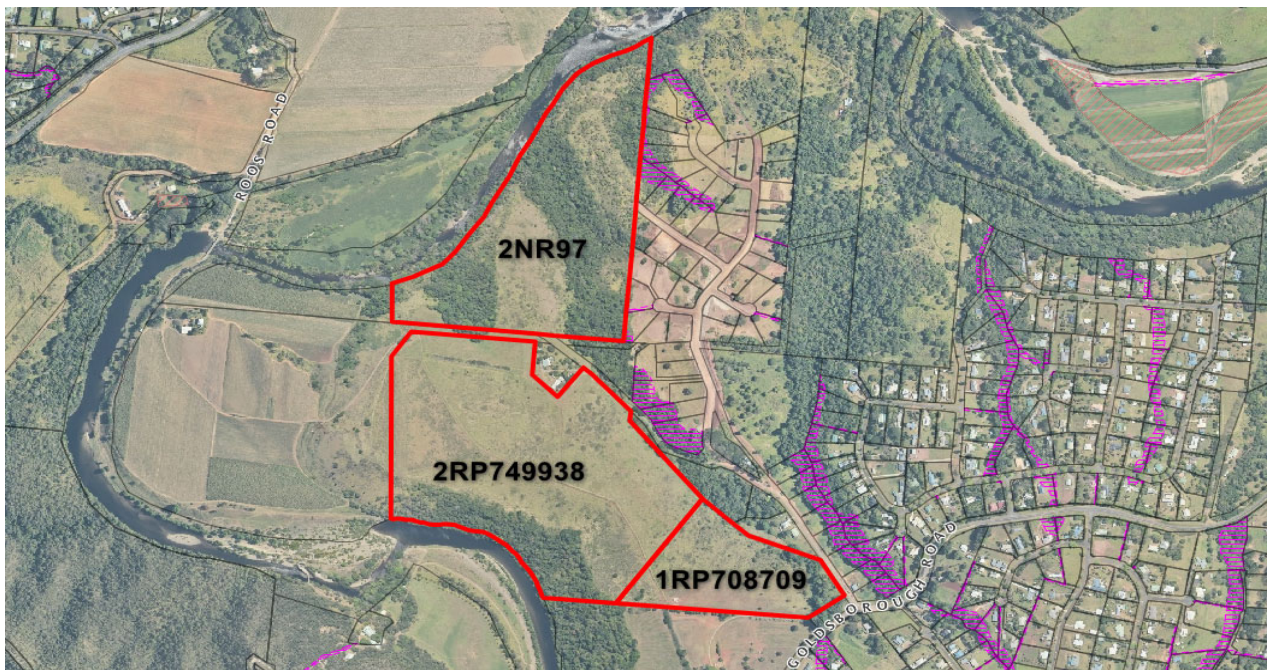


Figure 1: Subject site and location of existing water pump station.

Development Approvals and History

The land subject to the IA is benefited by Development Permit 8/13/2221 for Reconfiguring a Lot (3 Lots into 95 Lots, plus 2 Balance Lots and New Road), granted 22 April 2021 (Council Reference: #6643980).

This approval granted a Development Permit for Stages 1-7 (88 Lots, plus 2 Balance Lots) and a Preliminary Approval for Stage 8 (7 Lots), creating a total of 95 rural-residential lots and 2 balance lots. The delivery of each stage is as follows:

Stage Number	Number of Lots
1	1
2A	17
2B	15
3	5
4	4
5A	9
5B	11
6	15
7	11
8	7
Total Lots	95 Lots

Table 1: Stage Breakdown

In response to emergent development fronts, Council commissioned the Goldsborough Water Supply Study to determine what, if any, thresholds might exist in relation to the catchment in terms of its water supply serviceability.

On 27 June 2023, an application was made to Council seeking a Development Permit for Stage 8. The application is in the Decision Period and has not yet been decided at the time of writing this report. This is inconsequential to the execution of this IA (Council Reference 8/13/2551 and #7219337).

A copy of the Development Permit, including the approved plans, is available as **Attachment 2** for ease of reference.

Infrastructure Charges:

The current infrastructure charges levied against the land are:

DA	Council Reference	Infrastructure Charges Resolution	Levied Date	Indexed Date	Levied Amount
8/13/2221	#6642170	Infrastructure Charge Resolution (No.2) 2017	27/09/2019	31/12/2020 (CPI: 117.5)	\$1,392,300.00

Table 2: Infrastructure Charges Levied on the Development

This request to defer the levied charges solely relate to Development Permit 8/13/2221.

Other Applications and Agreements:

On 25 October 2023, a motion to enter into an IA (Council reference #7284608) to recognise the costs associated with designing and delivering trunk water infrastructure, being an upgraded Pump Water Station was presented at Councils Ordinary Meeting. This motion to enter into the agreement and delegate authority to the CEO was carried.

This IA includes a standard suite of Terms which allows the Developer to claim offsets and refunds against any levied charges held on the land for works completed to deliver trunk infrastructure. Accordingly, it is understood that, and it is Council's preference, that the Applicant will claim any applicable offsets against these levied charges prior to seeking a deferral for any outstanding charges.

COMMENT

Deferred Payment of Levied Charges

Section 122 of the *Planning Act 2016* (Qld) (the **Act**) provides that levied charges are required to be paid when Council approves a plan of subdivision (the **Statutory Payment Date**).

The recipient of an Infrastructure Charges Notice and the Local Government may enter into an IA to defer the payment of levied charges to an alternative date than that prescribed under section 122 of the Act.

Council's General Policy – Deferred Payment of Levied Charges

Council's *General Policy – Deferred Payment of Levied Charges* (the **General Policy**) was adopted on 30 May 2022. This Policy is currently planned to be revised on 7 June 2027.

The General Policy includes the following conditions for proposals to defer payment of levied charges for a period of up to sixty (60) business days from the Statutory Payment Date:

- a) *A development approval has taken effect;*
- b) *An infrastructure charges notice has been given for the development approval;*
- c) *The Applicant meets the following eligibility criteria:*
 - i. *the Applicant must submit evidence of the individual's or entity's credit worthiness including disclosure of information that a reasonable person or entity has that may prevent the individual or entity from meeting the financial obligations under the IA.*

(Note: Council may take reasonable steps to verify the consumer's financial situation).

- d) *An Application for Deferred Payment of Levied Charges is made in the Approved Form and made at least 60 business days prior to the Statutory Payment Date;*
- e) *The deferred payment date by which the levied charge will be payable is no longer than 60 business days from the Statutory Payment Date; and*
- f) *On application and thereafter, the Applicant and Landowner agree to the terms of the Council's Infrastructure Agreement for Deferred Payment of Levied Charges (template).*
- g) *The Applicant / Developer acknowledges that, until the Levied Charges are paid to Council, the Council may, pursuant to section 105(1) of the LG Reg, include the amount of the Levied Charges on any Rate Notice for the Land as an amount payable to Council; and*
- h) *The Applicant and/or the Owner of the land the subject of the development approval, are willing to enter into an IA reflecting the Council's agreement to apply this policy and defer the payment of the levied infrastructure charges.*

Template Infrastructure Agreement

Template IA's have been prepared to support the implementation of the General Policy. The template IA's were intentionally drafted to protect Council and the future purchasers from the legal and financial risks associated with deferred payment of levied charges.

The terms of the Council's IA templates for short-term and longer-term deferrals have been designed to protect Council. Relevantly, the IA terms:

1. Prohibit the developer lodging any further plans of subdivision, or selling or transferring any further parts of the Land if the IA terms are breached;
2. Allows Council to include the deferred amount on rates notices, consistent with section 105(1) of the *Local Government Regulation 2012* (Qld);
3. Make the Developer personally liable for breaching the IA;
4. Makes each Landowner jointly and severally liable to repay the Levied Charges;
5. Restricts the right to sell the land (subject to the IA) requiring the consent of the proposed transferee that the IA attaches to the land and consent from Council to the proposed transferee becoming subject to the Landowner's obligations; and
6. Include a requirement to notify future purchasers of 'developed lots' of the circumstances and legal effect of the IA - i.e., if the Developer does not pay the infrastructure charges, owners of the Land will each be jointly and severally liable to Council for the payment of all outstanding infrastructure charges.

Compliance with the General Policy

The intent of the General Policy is to ensure that the legal and financial risks are appropriately mitigated enforceable terms of an IA that protect Council's and the community's interests. Here, compliance with the General Policy and agreement to Council's template IA terms for deferred payment is paramount.

The Developer's request meets the conditions for deferred payment of levied charges as set out in Council's *General Policy for Deferred Payment of Levied Charges*, including:

- The Developer has demonstrated credit worthiness;
- The deferred payment date by which the levied charge will be payable no longer than 60 business days from the Statutory Payment Date; and
- The Developer has agreed to the terms of Council's Template IA for Deferred Payment of Levied Charges.

Special Considerations for this Infrastructure Agreement

This IA is structured to defer the payment date of all stages of the development upon endorsement of the Plan of Subdivision, whether they be submitted individually, as a whole, or in parts.

These arrangements will be tracked on a register and managed in conjunction with the existing IA administering the upgrade of the water pump station.

As outlined above, the Policy is set to be revised on 7 June 2027. Accordingly, the terms of the proposed IA includes reference to the current policy period, where the Applicant / Developer will be unable to defer any levied charges where:

- a) Council's endorsement of the Plan of Subdivision is on 7 June 2027 or later; or
- b) Council's endorsement of the Plan of Subdivision is before 7 June 2027 and the deferral period extends past the 7 June 2027.

This ensures all survey plan endorsement applications and their respective deferral period/s fall within the current Policy Period.

OPTIONS

Option 1 (Recommended)

That Council:

1. Enters into an Infrastructure Agreement with Goldsborough Valley Properties Pty Ltd to allow for the Deferred Payment of Levied Charges of all stages of the development where:

- a. The Plan of Subdivision of the respective stage is endorsed within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; and
 - b. The deferral period is entirely within the Deferred Payment of Levied Charges Policy Period, being 7 June 2027; and
2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* (Qld) to enter into contracts, negotiate, finalise, and execute any and all matters associated with the Infrastructure Agreement contained within Attachment 1, including consequential and minor amendments as agreed by the parties.

Option 2

1. Enters into an Infrastructure Agreement with Goldsbrough Valley Properties Pty Ltd for the Deferred Payment of Levied Charges for the first stage of the development only; and
2. The draft Infrastructure Agreement is updated to reflect the agreement parameters provided in Item 1; and
3. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* (Qld) to enter into contracts, negotiate, finalise, and execute any and all matters associated with the Infrastructure Agreement in Item 1 and 2, including consequential and minor amendments as agreed to by the parties.

Option 3

That Council resolves not to enter into an Infrastructure Agreement with Goldsbrough Valley Properties Pty Ltd for the Deferred Payment of Levied Charges at this time.

CONSIDERATIONS

Risk Management:

The legal and financial risks to Council are mitigated and managed by compliance with the General Policy and subsequent administration and enforcement of the terms of the IA.

Council Finance and the Local Economy:

The decision will not adversely impact on Council finance and facilitates the development of land within the Cairns Region which contributes to the local economy.

Community and Cultural Heritage:

The decision will assist in the delivery of the availability of housing within the Local Government Area.

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the Overlay, Local Plan, Zone, and Development Codes of which this development application has been assessed against.

Natural Environment:

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the Overlay, Local Plan, Zone and Development Codes of which this development application has been assessed against.

Corporate and Operational Plans:

The recommendation supports the Strategic Objectives of the Economy, Liveability, and Serving the Community Strategic Goals contained in Council's Corporate Plan 2017 to 2022.

Statutory:

The infrastructure planning and charging framework for Queensland is prescribed under the *Planning Act 2016* (Qld) and the associated *Planning Regulation 2017* (Qld). The ability for Council and the Developer to enter into an Infrastructure Agreements and the associated legislative requirements are provided for under the *Planning Act 2016* (Qld).

Policy:

The recommendation is consistent with the relevant provisions of the General Policy.

CONSULTATION:

Council's Financial Accounting Unit has been consulted. The following matters were raised:

1. Expressed a preference for the deferral to be applied on a stage-by-stage basis, noting that these arrangements can be complex to administer and track;
2. Following Item 1, considering the amount of time that may elapse over the life of the development, the Developer's credit worthiness may deteriorate over time where the IA does not hold provisions to monitor this, and Council would be obligated to honour the terms of the IA; and
3. An interested party to this IA application is also an interested party to five (5) other executed Infrastructure Agreements for Deferral of Levied Charges worth around \$9.3M.

Council's Financial Accounting Unit have expressed no objections to the deferral of payment of infrastructure charges.

Additional Considerations for Risk Management

In considering the above, Officers advise that:

1. A schedule will be created for this specific project to track the deferral and offset of all levied charges, similar to existing schedule/s under Council's management;
2. The standard terms of the IA prohibits the Developer in submitting a subsequent application for approval of a Plan of Survey where they have defaulted on an earlier application; and
3. Special terms have been applied to the IA to ensure that all requests to defer levied charges are within the defined Policy Period and any desire from the Developer to defer any outstanding levied charges will need to be requested under a separate application / IA.

ATTACHMENTS

Attachment 1 -Infrastructure Agreement for Deferral of Levied Charges (Draft)
[#7291361](#)

Attachment 2 - Decision Notice (Minor Change) for Development Permit dated 24 May 2023 8/13/2221 - [#7191337](#)

Attachment 3 - Infrastructure Charges Notice 9324/2019 associated with Permit 8/13/2221 dated 22 April 2021 - [#6643980](#) and [#6644018](#)



Claire Simmons
Executive Manager Development & Planning



Ed Johnson
Director Planning, Growth & Sustainability

ATTACHMENT 1



Goldsborough Valley Properties Pty Ltd

Cairns Regional Council

Infrastructure Agreement

Deferred Payment of Levied Charges – Fairweather Access, Goldsborough (Lot 1 on RP708709, Lot 2 on RP749938, & Lot 2 on NR97) – Development Permit: 8/13/2221

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DRAFT

Date**Parties**

Goldsborough Valley Properties Pty Ltd (ACN 619 545 694) (**Developer**)

Cairns Regional Council (**Council**)

Background

- A The Developer intends to carry out the Development on the Land.
 - B The Developer is the Owner of the Land.
 - C The Developer intends to undertake the Development of the Land in stages.
 - D On 27 April 2021, the Council gave the ICN to the Developer (Council reference: #6644018). The parties have agreed that the timing for payment of the Levied Charges is to be varied in accordance with, and subject to, this document.
-

Agreed terms**1 Commencement and term****1.1 Commencement**

This document commences on the date when the last party executes this document, which is to be recorded by that party in **Item 1** at the time of execution.

1.2 Termination

Without affecting any accrued rights, the parties' obligations under this document terminate upon the earlier of:

- (a) Full payment of the Levied Charges for the Development to Council; or
- (b) 7 June 2027, being the end of the General Policy Period.

2 Infrastructure agreement**2.1 Purpose of this document**

The purpose of this document is to give effect to a deferral of the Developer's obligation to pay of the Levied Charges for the Development.

2.2 Application of Planning Act 2016 (Qld)

This document is an infrastructure agreement under the *Planning Act 2016* (Qld) and, in particular, under sections 123, 144(2) and 158 of the *Planning Act 2016* (Qld).

2.3 Agreement to bind successors in title

- (a) The Developer Obligations will not be affected by a change in the ownership of the whole or any part of the Land, other than in accordance with **clause 5.1**, and subject to **clause 4.8**.
- (b) It is the intention of the parties that the Developer Obligations will attach to the Land and be binding on the Owner and the Owner's successors in title, in accordance with section 155 of the Planning Act.

2.4 No fetter

Nothing in this document fetters the rights, powers, authorities, functions or discretions of Council, any other Approval Authority or any other government agency under the provisions of any Law.

2.5 Relationship with other documents

Nothing in this document precludes Council, any other Approval Authority, or any other government agency, from requiring infrastructure contributions under a condition of, or levying infrastructure charges in relation to, a development approval in relation to the Development.

2.6 Adverse change to planning instrument

The Developer Obligations do not depend on development entitlements that may be affected by a change to a planning instrument.

3 Parties' obligations

3.1 Developer's obligations

The Developer must comply with the terms of this document.

3.2 Landowner's obligations

- (a) The Landowner must comply with the Developer Obligations (including all obligations in **clause 3.1**).
- (b) The obligations of the Landowner under this document continue and remain in force and effect, even if the Landowner ceases to be the Owner of the Land, unless and until **clause 5** is satisfied.
- (c) For the avoidance of doubt, if there are multiple Landowners, a reference in this document to the Landowner is a reference to each Landowner jointly and severally.

3.3 Council's obligations

Council must comply with the terms of this document.

4 Deferred payment of levied charges

4.1 Effect of this clause

The parties agree that the usual requirements that would apply under the *Planning Act 2016* (Qld) in relation to the payment of Levied Charges are varied as set out in this **clause 4.2**.

4.2 Notice of Intent to Defer Payment of Levied Charges

At the time of submitting an application for the approval of a Plan(s) of Subdivision for the Development, The Developer must provide Notice to Council stating the stages (including the number of lots) of the Development to which the application relates.

4.3 Deferred payment

The Developer must pay the Levied Charges to Council prior to the earlier of:

- (a) the settlement of any agreement for the sale or transfer of the Land or any part of the Land; or
- (b) 60 business days after the **Statutory Payment Date**.

4.4 Development Staging

- (a) To avoid any doubt, where the Development is undertaken in stages, the **Statutory Payment Date** may be different for each stage of Development.

4.5 Consequences of non-payment

Without limiting any other rights of the Council under law, if the Developer fails to comply with **clause 4.2**:

- (a) each Landowner is jointly and severally Liable to pay the Levied Charges to Council, immediately;

the Levied Charges

4.6 Consequences of non-payment

Without limiting any other rights of the Council under law, if the Developer fails to comply with **clause 4.2**:

- (a) each Landowner is jointly and severally Liable to pay the Levied Charges to Council, immediately;
- (b) the Levied Charges will become a rate for the purpose of recovery, in accordance with section 144(1) of the *Planning Act 2016* (Qld);
- (c) the Developer must not lodge any further Plans of Subdivision for Approval or registration in relation to the Land;
- (d) despite **clause 5**, the Developer must not sell or transfer, or enter into any agreement for the sale or transfer of, the Land or any part of the Land; and
- (e) to the extent permitted by law, the Council may refuse to Approve any Plan of Subdivision in relation to the Land.

4.7 Inclusion on rates notice

The Developer acknowledges that, until the Levied Charges are paid to Council, the Council may, pursuant to section 105(1) of the *Local Government Regulation 2012 (Qld)*, include the amount of the Levied Charges on any Rate Notice for the Land as an amount payable to Council.

4.8 Personal obligation on Developer

Without affecting the liability of the Landowner under **clauses 2.3(b) and 3.2**:

- (a) the Developer's obligation under **clause 4.2** also binds the Developer personally; and
- (b) the Developer's personal obligation in respect of **clause 4.2** is not affected by any sale or transfer of the Land, or any part of the Land.

4.9 Confirmation of automatic increases

- (a) To avoid any doubt, nothing in this document affects any automatic increases under section 114(3)(b) of the *Planning Act 2016 (Qld)*.
- (b) At least ten (10) Business Days prior to the date that the Developer proposes to pay the Levied Charges to the Council (**Proposed Payment Date**), the Developer must give the Council a notice:
 - (i) stating that such notice is given under this **clause 4.6(b)**;
 - (ii) stating the stages of Development that Levied Charges are to be paid;
 - (iii) stating the Proposed Payment Date; and
 - (iv) requesting that the Council confirm the amount of Levied Charges that will be payable on the Proposed Payment Date.
- (c) Within five (5) Business Days after receiving a Notice under **clause 4.6(b)**, the Council must give the Developer a Notice stating the amount of Levied Charges that will be payable on the proposed Payment Date stated in the Developer's Notice.

5 Proposed transfers of land

5.1 Restriction on the right to sell the Land

Subject to **clause 5.4**, the Landowner must not sell or transfer the whole or any part of the Land unless the Landowner has first obtained:

- (a) written consent from the proposed transferee that this agreement will continue to attach to the relevant part of the Land; and
- (b) written consent from Council to the proposed transferee becoming subject to the Landowner's obligations under **clause 3.2**.

5.2 No unreasonable refusal of consent

Council must not unreasonably refuse to enter into a deed of novation sought to be entered into under **clause 5.1**.

5.3 Landowner to remain liable

In the event of the whole or any part of the Land being sold or transferred other than in accordance with **clause 5.1**, the Landowner (immediately prior to the sale or transfer)

must perform and fulfil each of its obligations under this document that have not been performed and fulfilled immediately or at such other time as Council stipulates in a Notice, even if the time otherwise appointed for the performance and fulfilment of that obligation has not yet then arrived.

5.4 Transfer of Developed Lots

- (a) **Clause 5.1** does not apply to the sale or transfer of Developed Lots.
- (b) Before selling or transferring, or entering any agreement for the sale or transfer of, a Developed Lot, the Developer must give the proposed transferee a document in the form set out in **Schedule 3**.

5.5 Effect of failure to pay Levied Charges

For the avoidance of doubt, this **clause 5** is subject to **clause 4.6(d)**.

6 Disputes

6.1 Application of clause

This **clause 6** applies to any dispute between the parties to this document (including in relation to prior conduct of the parties or the interpretation of this document) but does not:

- (a) apply to disputes over debts; or
- (b) prevent a party from applying to a court for urgent injunctive or declaratory relief.

6.2 Dispute Notices

If a dispute arises between the parties to this document, a party may give a Dispute Notice to the other party:

- (a) identifying the dispute and the facts relied on in relation to the dispute; and
- (b) stating either that:
 - (i) the parties are required to meet within 5 Business Days; or
 - (ii) a written response to the Dispute Notice is required from the other party within 10 Business Days.

6.3 Disputes about Default Notices

If a dispute relates to the issuing of a Default Notice, the resolution of the dispute must determine:

- (a) whether the Default Notice must be complied with; and
- (b) if the Default Notice must be complied with, the timeframe in which the Default Notice must be complied with; and

6.4 Initial meeting or correspondence

- (a) If a Dispute Notice is given under **clause 6.2(b)(i)**, the parties must meet, within 5 Business Days after the date the Dispute Notice is given, at Cairns City, Queensland at least once to discuss the dispute including the possible resolution of the dispute.
- (b) If a Dispute Notice is given under **clause 6.2(b)(ii)**, the recipient party must respond in writing to the Dispute Notice within 10 Business Days.

6.5 Mediation

- (a) If a meeting or written response under **clause 6.4** fails to resolve the dispute, the parties may agree to refer the dispute to mediation.
- (b) If the parties agree to refer the dispute to mediation, then the parties must either:
 - (i) appoint a mediator by agreement; or
 - (ii) if the parties are unable, within 5 Business Days of agreeing to refer the dispute to mediation, agree on a mediator to be appointed, request the President of the Queensland Law Society to make the appointment.

6.6 Court proceedings for unresolved dispute

A party must not apply to a court for the resolution of a dispute unless the dispute is not resolved within:

- (a) if the dispute is not referred to mediation – 15 Business Days after the date the Dispute Notice is given; or
- (b) if the dispute is referred to mediation – 30 Business Days after the date the Dispute Notice is given.

6.7 Costs of dispute

- (a) The parties must share equally all costs of any mediator appointed in relation to a dispute.
- (b) However, each party must pay its own costs in connection with resolving the dispute.

7 Notices

7.1 Giving Notices

- (a) A Notice relating to this document:
 - (i) may be given by an Authorised Person of, or the solicitors for, the relevant party;
 - (ii) must be in writing; and
 - (iii) must, subject to **clause 7.1(b)**, be:
 - (A) left at the address of the addressee in Australia stated in **Schedule 1**;
 - (B) sent by prepaid ordinary post to the address of the addressee in Australia stated in **Schedule 1**;
 - (C) sent by facsimile to the facsimile number of the addressee in Australia stated in **Schedule 1**; or
 - (D) sent by email to the email address of the addressee stated in **Schedule 1**.
- (b) A party may change their address, facsimile number or email address for the giving of Notices at any time by giving Notice to the other parties.

7.2 Receiving Notices

- (a) Unless a later time is specified in it, a Notice takes effect from the earlier of the time that it is actually received, or that it is taken to be received.
- (b) A Notice delivered by hand is taken to be received:
 - (i) if delivered by 5.00pm on a Business Day – on that Business Day; or
 - (ii) otherwise – on the next Business Day.
- (c) A Notice delivered by post is taken to be received on the day when, in the ordinary course of post, it would have been delivered.
- (d) A Notice sent by facsimile is taken to be received:
 - (i) if the transmission report produced by the machine from which the facsimile was sent indicates that the facsimile was sent in its entirety to the recipient's facsimile number by 5.00pm on a Business Day – on that Business Day; or
 - (ii) otherwise – on the next Business Day.
- (e) A Notice sent by email is taken to be received:
 - (i) if the email is sent by 5.00pm on a Business Day, and the sender does not receive a computer-generated report indicating that the email was not successfully sent – on that Business Day; or
 - (ii) otherwise – on the next Business Day.

7.3 Other matters

- (a) This **clause 7** is in addition to the methods of service of notices set out in the *Property Law Act 1974* (Qld).
- (b) A party who receives a Notice is not obliged to enquire as to the authority of a person who purports to sign the Notice on behalf of a party.

8 General

8.1 Duty

All duty and registration fees payable on this document, or on any instruments of transfer, agreements or other documents referred to in or contemplated by this document, must be paid by the Developer.

8.2 Indemnity

- (a) The Developer indemnifies Council against any liability, loss, damage or claim made against Council arising from the Developer's non-compliance with the Developer's obligations under this document, but excluding any liability, loss, damage or claim made against Council arising from Council's actions, omissions or negligence.
- (b) Each indemnity in this document is a continuing obligation, separate and independent from the other obligations of the parties, and survives termination, completion or expiration of this document.
- (c) It is not necessary for a party to incur expense or to make any payment before enforcing a right of indemnity conferred by this document.

- (d) A party must pay on demand any amount it must pay under an indemnity in this document.

8.3 Amendment of this document

- (a) The parties may at any time agree to vary the terms of this document except this clause.
- (b) No modification, variation or amendment of this document is of any force or effect unless it:
 - (i) is in the form of a deed executed by the parties; and
 - (ii) complies with the requirements of the *Planning Act 2016* (Qld).

8.4 Waiver and exercise of rights

A single or partial exercise or waiver by a party of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.

8.5 Rights cumulative

Except as expressly stated otherwise in this document, the rights of a party under this document are cumulative and are in addition to any other rights of that party.

8.6 Consents

Except as expressly stated otherwise in this document, a party may conditionally or unconditionally give or withhold any consent to be given under this document and is not obliged to give its reasons for doing so.

8.7 Further steps

Each party must promptly do whatever any other party reasonably requires of it to give effect to this document and to perform its obligations under it.

8.8 Governing law and jurisdiction

- (a) This document is governed by and is to be construed in accordance with the laws applicable in Queensland.
- (b) Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in Queensland and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

8.9 Assignment

- (a) A party must not assign or deal with any right under this document without the prior written consent of the other parties.
- (b) Any purported dealing in breach of this clause is of no effect.

8.10 Liability

An obligation of two or more persons binds them separately and together.

8.11 Entire understanding

- (a) This document contains the entire understanding between the parties as to the subject matter of this document.
- (b) All previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this document are merged in and

superseded by this document and are of no effect. No party is liable to any other party in respect of those matters.

- (c) No oral explanation or information provided by any party to another:
 - (i) affects the meaning or interpretation of this document; or
 - (ii) constitutes any collateral agreement, warranty or understanding between any of the parties.

8.12 Relationship of parties

This document is not intended to create a partnership, joint venture or agency relationship between the parties.

8.13 Effect of execution

This document is not binding on any party unless it has been duly executed by each person named as a party to this document.

8.14 Deed

This document is a deed. Factors which might suggest otherwise are to be disregarded.

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9 Definitions and construction

9.1 Definitions

In this document these terms have the following meanings:

Term	Definition
Approval	A consent, permit, licence, certificate, authorisation, notice or approval under a law, or that is required under or in relation to this document.
Approval Authority	An entity or body with relevant power or authority to issue an Approval.
Authorised Person	The following: <ul style="list-style-type: none"> (a) for the Developer – any person Notified in writing as an authorised person by the Developer; (b) for Council – Council’s chief executive officer and any lawful delegate thereof.
Business Day	The meaning given to “business day” in the <i>Acts Interpretation Act 1954</i> (Qld), for Council’s local government area.
Claim	An allegation, debt, cause of action, liability claim, proceeding, appeal, suit or demand of any nature at law or otherwise, whether present or future, fixed or unascertained, actual or contingent. This includes any legal proceeding in the Planning and Environment Court or Supreme Court of Queensland.
Commencement Date	The date the last party executes this document, which is to be recorded in Item 1 .
Council	The entity described in Item 3 .
Deferred Period	The agreed period of time in which payment of any levied charge/s is to be deferred to and paid at its conclusion, other than the Statutory Payment Date , being 60 business days in accordance with section 123 of the <i>Planning Act 2016</i> (Qld).
Developed Lot	A Lot that is: <ul style="list-style-type: none"> (a) created from the Land by the registration of a Plan of Subdivision approved by Council under section 50 of the <i>Land Title Act 1994</i> (Qld); (b) in its intended ultimate form for use in accordance with the Development Approval; (c) not intended to be the subject of a further development application for a material change of use of premises (other than for a “Dwelling house” as defined in the Planning Scheme) or for reconfiguring a lot; and (d) not intended to remain in the ownership of the Developer or the relevant Landowners.
Developer	The person described in Item 2 .

Developer Obligations	The obligations of the Developer under this document.
Development	The proposed Reconfiguring a Lot development of the Land generally in accordance with the Development Approval.
Development Approval	The Development Permit for granted by the Council by way of Decision Notice (Change Decision Notice) dated 24 May 2023 (Council reference: #7191337), described as being for “Reconfiguring a Lot for 3 Lots into 95 Lots and Open Space”, and assigned reference number 8/13/2221.
Dispute Notice	A Notice given by one party to the other under clause 6.2 .
Financial Contribution	The payment of a monetary amount for infrastructure.
General Policy	The Deferred Payment of Levied Charges General Policy, current adoption 7 June 2023.
General Policy Period	The current adopted period of General Policy - The Deferred Payment of Levied Charges, being 7 June 2023 to 7 June 2027.
ICN	The Infrastructure Charges Notice given to the Developer by the Council, dated 22 April 2021 and with reference number 9324/2019 (Council reference: #6644018).
Item	An item in Schedule 1 .
Land	The land described in Item 4 .
Landowner	The Owner of the Land as at the Commencement Date and any successors in title for the Land or any part of the Land.
Law	Any statute, regulation or subordinate legislation of the Commonwealth, the State of Queensland, or any local or other government in force in the State of Queensland, irrespective of where enacted.
Levied Charges	The infrastructure charges levied by the ICN.
LG Reg	The <i>Local Government Regulation 2012</i> (Qld).
Lot	The meaning given in the <i>Land Title Act 1994</i> (Qld).
Notice	Any certificate, demand or notice to be given by a party under this document.
Owner	The meaning given in the Planning Act, for an owner of land.
Planning Act	The <i>Planning Act 2016</i> (Qld).
Planning Scheme	The CairnsPlan 2016 Version 3.1
Plan of Subdivision	The meaning given in the <i>Land Title Act 1994</i> (Qld).
Proposed Transferee	A person to whom any part of the Land is proposed to be sold or transferred.
Rate Notice	The meaning given in the <i>LG Reg</i> .

Statutory Payment Date

The date that, but for this document, the Levied Charges would become payable in accordance with section 122 of the *Planning Act 2016* (Qld).

9.2 Construction

Unless expressed to the contrary, in this document:

- (a) words in the singular include the plural and vice versa;
- (b) any gender includes the other genders;
- (c) if a word or phrase is defined, its other grammatical forms have corresponding meanings;
- (d) “includes” means includes without limitation;
- (e) no rule of construction will apply to the disadvantage of a party because that party drafted, put forward or would benefit from any term;
- (f) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, corporation, entity and a government agency;
 - (ii) a person includes the person’s legal personal representatives, successors, assigns and persons substituted by novation;
 - (iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;
 - (iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation;
 - (v) a right includes a benefit, remedy, discretion or power;
 - (vi) time is to local time in the Council’s local government area;
 - (vii) “\$” or “dollars” is a reference to Australian currency;
 - (viii) this or any other document includes the document as novated, varied or replaced and despite any change in the identity of the parties;
 - (ix) writing includes:
 - (A) any mode of representing or reproducing words in tangible and permanently visible form, including fax transmission; and
 - (B) words created or stored in any electronic medium and retrievable in perceivable form;
 - (x) this document includes all schedules and annexures to it; and
 - (xi) a clause, schedule or annexure is a reference to a clause, schedule or annexure, as the case may be, of this document.
- (g) a term that is used, but not defined in, this document, will, unless the context otherwise requires, have the meaning given to it by (in the following descending order):
 - (i) the *Planning Act 2016* (Qld); or

- (ii) its ordinary meaning;
- (h) if the date on or by which any act must be done under this document is not a Business Day, the act must be done on or by the next Business Day; and
- (i) headings do not affect the interpretation of this document.

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Schedule 1

Agreement Details

Item	Description	Details
1	Commencement Date	
	Date	<i>[to be inserted above by the last party to execute this document]</i>
2	Developer	
	Name	Goldsborough Valley Properties Pty Ltd
	Address	C/- RPS AAP Consulting Pty Ltd, PO Box 1949 CAIRNS Qld 4870
	Postal address	As above
	Phone	(07) 4031 1336 (RPS AAP Consulting Pty Ltd)
	Fax	n/a
	Email	patrick.clifton@rpsgroup.com.au (RPS AAP Consulting Pty Ltd)
3	Council	
	Name	Cairns Regional Council
	Address	119-145 Spence Street, Cairns Qld 4870
	Postal address	PO Box 359, Cairns Qld 4870
	Phone	1300 69 22 47
	Email	council@cairns.qld.gov.au
4	Land	
	Address	Fairweather Access, Goldsborough
	Lot and plan description	Lot 1 on RP708709, Lot 2 on RP749938, & Lot 2 on NR97

Schedule 2

Notice to proposed transferee of Developed Lot

NOTICE REGARDING INFRASTRUCTURE CHARGES

This notice is important. Please read it carefully. If you have questions, it is strongly recommended that you obtain independent legal advice.

You are being given this notice because you are considering entering into an agreement with **Goldsborough Valley Properties Pty Ltd (Developer)** for the sale or transfer of land located at **Fairweather Access, Goldsborough** (described as **Lot 1 on RP708709, Lot 2 on RP749938, & Lot 2 on NR97**).

The Lot is subject to an Infrastructure Agreement (**IA**) between the Developer and Cairns Regional Council (**Council**) in relation to development of land including the Lot. As a result of that development, the Developer is liable to pay Infrastructure Charges Notice to Council, in an amount of **\$1,392,300.00 no GST** per the Infrastructure Change Notice dated 22 April 2021. Ordinarily, that would have occurred up-front with the development. However, under the IA, payment has been deferred until 60 business days after the Statutory Payment Date for an application for Council approval of a Plan of Subdivision for any stage for the **Development Approval**.

Under the IA, the Developer is liable to pay the infrastructure charges. However, that liability **also** attaches to the land, including the Lot.

This means that if, for any reason, the Developer does not pay the infrastructure charges, you and other owners of the Land will each be jointly and severally liable to Council for the infrastructure charges.

Execution

Executed as a deed

Executed by Goldsbrough Valley Properties Pty Ltd

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

Executed for and on behalf of the **Cairns Regional Council** in the presence of:

.....
Authorised officer

.....
Witness

.....
Name of authorised officer (print)

.....
Name of witness (print)

draft



ENQUIRIES: Michelle Henderson
PHONE: (07) 4044 3546
YOUR REF: PR152375
FILE REF: **8/13/2221** (7191337)
REFERENCE: **12127/2023**

24 May 2023

Goldsborough Valley Properties Pty Ltd
 C/- RPS AAP Consulting Pty Ltd
 PO Box 1949
 CAIRNS QLD 4870

By Email: patrick.clifton@rpsgroup.com.au

Dear Sir,

CHANGE APPLICATION (MINOR CHANGE) DECISION NOTICE UNDER S83 PLANNING ACT 2016

Development application:	8/13/2221
Property Address:	Fairweather Access Goldsborough
Property Description:	Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709
Application proposal:	Change Application (Minor Change) Reconfiguring a Lot (3 lots into 95 lots and open space)

With reference to the abovementioned Change Application (Minor Change), please find attached the relevant Decision Notice which was determined under Instrument of Delegation on 24 May 2023.

The decision to approve the Change Application (Minor Change) does not change, alter or extend the Currency Period for the approved development. The Currency Period is taken from the original decision date unless otherwise extended by Council.

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

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4044 3546.

Yours faithfully

Michelle Henderson
 A/Senior Strategic Planning Officer
Att.



Decision Notice

APPLICANT DETAILS

Goldsborough Valley Properties Pty Ltd
 C/- RPS AAP Consulting Pty Ltd
 PO Box 1949
 CAIRNS QLD 4870

ADDRESS

Fairweather Access &
 GOLDSBOROUGH QLD 4865

REAL PROPERTY DESCRIPTION

Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709

PROPOSAL

Reconfiguring a Lot (3 lots into 95 lots and open space)

DECISION

This Decision Notice 24 May 2023 replaces the Decision Notice dated 22 April 2021.

ORIGINAL DECISION NOTICE DATE

22 April 2021

DECISION DATE FOR CHANGE APPLICATION

24 May 2023

TYPE

Reconfiguration of a Lot (Development Permit)

PLANNING INSTRUMENT

CairnsPlan 2016 v1.2

REFERRAL AGENCIES

State Assessment and Referral Agency (SARA)
 Department of State Development, Manufacturing, Infrastructure and Planning
 Far North Queensland Regional Office

Postal: PO Box 2358, CAIRNS QLD 4870

Email: CairnsSARA@dsmip.qld.gov.au

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Works



APPROVED DRAWING(S) AND/OR DOCUMENT(S)

PART A: DEVELOPMENT PERMIT (RECONFIGURING A LOT – STAGES 1 - 7)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Concept Plan Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-260, Issue K <u>N</u>	6 December 2019 <u>5 April 2023</u>
VMA Mapping Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-262, Issue K	6 December 2019

Assessment Manager Conditions

1. This Approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be satisfied prior to Council approval of the plan of survey for the relevant stage, except where specified otherwise in these conditions of approval.

Staged Development

4. The development may be undertaken in the stages as generally indicated on the approved Plans of Development. To be clear, only Stages 1 – 7 as shown on the approved Plans of Development have been approved as a Development Permit. Stage 8 is subject to Part B of this Development Approval. Council must be notified of any proposed changes to the approved stage boundaries.

The development must be undertaken in numerical sequence as depicted on the Approved Plan of Development, unless otherwise agreed to by the Chief Executive Officer.

Operational Works

5. Development Approval for Operational Works is required for all internal and external earth works, civil works including, but not limited to road, water, drainage works, weed management and land remediation, practical access and landscape works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage(s) of development.

~~A separate Operational works application is required for each stage of the development. Each application for Operational Works should clearly specify the stage(s) applied for.~~

Batter Treatment

56. The height of batters / retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

Typical details of the various methods to be used to achieve this must be submitted to Council in conjunction with seeking a Development Permit for Operational Works. In instances where batters will exceed 1.8 metres in height, Council will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;
- c. Drawings illustrating that all batters and/or retaining structures are wholly located within private allotments and do not encroach onto existing or proposed road reserve, public open space or easements to which Council is the beneficiary;
- d. Methods to be used to minimise the visual impact; and
- e. Elevations showing the visual impact when viewed from vantage points.

A geotechnical assessment prepared by a qualified and experienced geotechnical consultant (RPEQ) must be submitted in conjunction with the application for Operational Works, to support any proposed batters / retaining structures.

Geotechnical Report

67. A Site Specific Geotechnical Assessment, and where necessary a supporting Risk Assessment, must be prepared by a qualified and experienced geotechnical consultant (RPEQ) for each stage of the development and submitted with each Operational Works Application associated with the approved development. The Geotechnical Assessment must provide comment on, as a minimum:
- a. Slope stability of the site and any proposed earthworks cut/fill batters, including drainage design;
 - b. soil/rock parameters for any retaining structure design;
 - c. requirements for adequate site drainage and foundation maintenance for proposed development;
 - d. evaluation of the ability of lots to contain on-site effluent disposal areas;
 - e. risk assessment where necessary;
 - f. evaluation to adjacent land as a result of the approved development; and
 - g. recommendations for implementation in the design and construction of the development.

The assessment must provide commentary on any required treatments to be implemented in order to ensure that each lot has a low or very-low risk of failure in accordance with the AGS 2007 Guidelines.

The Geotechnical Assessment(s) must be lodged with the applications for a Development Permit for Operational Works for the applicable stage, to the satisfaction and requirements of the Chief Executive Officer

Geotechnical Certification

78. Prior to the issue of the Works Acceptance by Council for the earthworks associated with the development, submit certification from a Registered Professional Engineer Queensland (RPEQ) confirming that all retaining structures greater than 1 metre in height and / or earth batters steeper than 1 in 2 or greater than 1.58 metres in height have been appropriately designed and constructed based on the geotechnical conditions of the site.

Driveway to Rear Lots

89. Design and construct a residential driveway to all rear lots and lots which are accessed via an access handle. In particular, the driveway:
- a. is to be constructed with surface materials that blend with the surrounding environment; and
 - b. is provided with suitable erosion control measures.

Details of the proposed driveways are to be included with the application for a Development Permit for Operational Works for the relevant stage.

Building Location Envelopes

910. The applicant must submit a building envelope plan for each stage of the development, generally in the locations shown in the approved plan, ensuring building envelopes are located:

- a. A minimum of 25 metres from the top of bank;
- b. Outside the 1% AEP inundation area; and
- c. To not contain land with a slope steeper than 1 in 6 and identify all areas in excess of 1 in 6 to ensure they are not located within the envelope.

The building envelopes are to provide indicative areas for onsite wastewater disposal, and must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Traffic and Transport

4011. At the construction of the 40th lot, Catalano Access and Fairweather Access must be upgraded to a Type 3 Rural Residential Road, including road pavement standards in accordance with the FNQROC Development Manual Standard Drawing S1005, Revision E.

4412. All new internal roads ~~internal roads must be constructed to a~~ must be constructed to a Type 3 Rural Residential Road, including road pavement standards in accordance with the FNQROC Development Manual Standard Drawing S1005, Revision E.

4213. A Traffic Impact Assessment (TIA) must be submitted to Council as part of the first Operational Works application. The TIA must assess the impacts of the development on the existing road network, with specific consideration of the following:

- a. Safe intersection provision at Fairweather Access / New Development Road intersection;
- b. Safe intersection provision at Fairweather Access / Catalano Access intersection;
- c. Safe intersection provision at Catalano Access / Goldsborough Road intersection;
- d. Appropriate signage and line marking; and
- e. Road widening if required based on turning paths.

The TIA must be in accordance with Austroads guide to Traffic Management Part 12. The TIA must be prepared and certified by a suitably qualified and experienced Traffic Engineer (RPEQ).

The TIA must include appropriate discussion and data to support the recommendations. All assumptions must be documented and references detailed.

Note:

An interim upgrade of Catalano Access and the intersection with Goldsborough Road has previously been accepted by Council (Ref: 8/10/1002) for development and construction up to the 40th lot utilising this intersection i.e. not just lots created as part of this Development Approval. Council can provide further details regarding the extent of any upgrade or works proposed by other parties.

~~43~~14. The applicant is required to design and construct safe intersection layouts inclusive of associated street lighting, line-marking and signage.

~~44~~15. All cul-de-sacs must be designed and constructed in accordance with the requirements and specifications of the FNQROC Development Manual such that all vehicles can safely manoeuvre them.

Access Limitation

~~45~~16. Public access to Stages 1 – 6 of the development is only permitted via Fairweather Access and roads internal to the development. Access to lots via the service corridor to Goldsborough Road is not permitted.

~~46~~17. Removable bollards are to be installed and maintained to the interface of the proposed services corridor (Stage 2) and Goldsborough Road, to restrict use of the corridor per Condition 15 above.

Water Supply Master Plan

~~47~~18. A Water Supply Master Plan, accompanied by supporting calculations, must be provided for the entire development prior to the granting of an Operational Work Permit for Stage 1 (or whichever stage occurs first), which demonstrates how the development can be serviced by reticulated water supply and must be endorsed by the Chief Executive Officer.

In addition to the above, and prior to the issue of each subsequent Development Permit for Operational Work for a further Stage of development, demonstrate how the development can be serviced by the water supply network, including security of supply and works required to be delivered must be provided and accompanied by supporting calculations and subsequently be endorsed by the Chief Executive Officer.

The Water Supply Master Plan is to include the following:

- a. Demonstrate alignment with the network strategy set out in the Goldsborough Water Supply Planning Study Update (Jacobs, 2020).

- b. Detail connection point(s) of the development and provide boundary conditions at multiple flow rates (hydraulic network analysis);
- c. Set out the timing and staging of the development; and

The plan is to identify any interim servicing arrangements for the external infrastructure requirements to service the development. The Plan should identify thresholds for the development (lot yield and timing) associated with those interim and ultimate servicing arrangements, including any limitation on the development for any interim connection to Council's infrastructure.

NOTE: The subject site is located outside the Priority Infrastructure Area (PIA) as identified in Council's Local Government Infrastructure Plan (LGIP).

As the land is located outside the PIA, the development must utilise existing infrastructure capacity and provide new capacity in an orderly and sequential manner to service expected growth.

Water Supply Works External

~~48~~19. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:

- a. Extend water infrastructure to connect the site and relevant stages to Council's existing water infrastructure at a point that has sufficient capacity to service the development.

The above works must be designed and constructed in accordance with the FNQROC Development Manual. A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the relevant stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council approval of the Plan of Survey.

Water Supply Works Internal

~~49~~20. Undertake the following water supply works internal to the subject land:

- a. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.
- b. If necessary, Lots are to have adequate access to water for fire fighting services acceptable to the rural fire services and/or Queensland Fire and Rescue Service.

The above works must be designed and constructed in accordance with the FNQROC Development Manual. A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the relevant stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council approval of the Plan of Survey for the relevant Stage.

On-Site Effluent Disposal

2021. The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. Details of the wastewater treatment systems to be installed must be approved by the Chief Executive Officer prior to issue of a Development Permit for Operational Works. The design must consider the outcomes and recommendations of the Geotechnical Assessment required by these conditions of approval.

For any proposed lots with overland drainage paths traversing the lot, the applicant/owner must demonstrate how each lot complies with the AS/NZS1547. On-site sewerage disposal 'envelopes' must be provided on a plan of the development, showing how each allotment can physically provide the necessary area(s) and comply with the required setbacks from drainage lines, etc. for on-site disposal of sewerage.

The effluent disposal envelope shall nominate the area suitable for that purpose and shall exclude the building area. The building envelope shall nominate land suitable for building and shall be established to protect vegetation within the allotment.

The plan must be accompanied by a report, inclusive of supporting calculations and site investigations, for each site in a format to the satisfaction of the Chief Executive Officer, specifying those methods of on-site sewerage disposal applicable for those allotments and providing a recommended method and location of facilities. The plan and report must be received and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Note:

The subdivided parcels of land are to be served by individual effluent disposal systems. A site-based assessment shall be prepared for each allotment covered by this approval prior to building application. This assessment is to identify a suitable area on each lot for the construction of the on-site effluent disposal system and for the construction of a dwelling.

Stormwater Drainage

2422. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:

- a. The contributing catchment boundaries;
- b. The contributing flows from neighbouring developments;

- c. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
- d. Demonstrate that adequate infrastructure is to be in place such that a major stormwater event is able to be retained and conveyed to a Lawful Point of Discharge with appropriate allowances made for lot access;
- e. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
- f. Identify any requirement for drainage easements;
- g. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
- h. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;

The Local Drainage Study must be endorsed by the Chief Executive Officer prior to the issue of the first Development Permit for Operational Works.

2223. As part of any subsequent Development Application for Operational Work, provide a detailed design Drainage masterplan.

Particularly:

- a. Any outlet from the development must have adequate scour protection measures in place. Detailed design of the scour protection measures are to be provided to Council for approval prior to the issue of a Development Permit for Operational Work, with all necessary works being undertaken prior to Council approval of the Plan of Survey.
- b. All table drains/open drains used to convey overland flows throughout the subject site are to be designed and constructed with concrete inverts.
- c. All open channels and drains in the road carriageway throughout the development must be stabilised by means such as turf to all batters or other Council approved treatment measures to mitigate any ongoing erosion issues.
- d. Confirm the required easement areas for the development and address the hazard of each easement, including risk mitigation measures required.
- e. Identify the type of crossings, if any, proposed for any identified drainage lines that cross roads or other creeks/tributaries contained within the site.
- f. Provide information on the proposed works and any impacts proposed at any drainage outlet from the development.

The above works are to be certified by a suitably qualified and experienced engineer (RPEQ) and must comply, in all regards, with the requirements of the Queensland Urban Drainage Manual (QUDM) and the Council's development manual (FNQROC). This is to be submitted with the first Development Application for Operational Work.

Drainage Easements

~~23~~24. Any easements for drainage purposes within the subject site will be required to cover the full extents of the greater of the below, unless otherwise agreed to by the Chief Executive Officer:

- a. Top of Bank to Top of Bank, plus a 3m wide buffer for maintenance;

OR

- b. The full extent of the 1% AEP flood event.

~~24~~25. Drainage Easements are to be granted in favour of Council in accordance with the findings of the approved Local Drainage Study, Drainage Masterplan and approved Plan of Development. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources in conjunction with the Plan of Survey.

Lawful Point of Discharge

~~25~~26. The applicants/owners must ensure that the flow of all external stormwater from each lot is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with the Queensland Urban Drainage Manual, Fourth Edition (2017), to the requirements and satisfaction of the Chief Executive Officer.

Detailed Survey of Top of Bank of Waterways

~~26~~27. The Applicant is to provide a detailed survey of the existing Top of Bank for the waterways within the site, to accurately inform building location envelopes, areas to be placed under covenant and land to be transferred to Council.

The detailed survey, which may be provided on a stage-by-stage basis, must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Flood and Inundation Immunity

~~27~~28. All residential lots must be provided with immunity from the 1% AEP defined inundation event level plus any hydraulic grade effect, in accordance with the Planning Scheme.

2829. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

Detailed Landscape Plan

2930. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a Detailed Landscape Plan prepared by a suitably qualified and experienced Landscape Architect or Landscape Designer. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work for each Stage of the development. The Detailed Landscape Plan must show:

- a. Planting of the road verges with trees, shrubs and grass, using locally endemic species and with regard to any overhead or underground services, sight distance considerations and lot access/crossover constraints;
- b. Details of any entry statement proposed;
- c. The revegetation of cut and fill batters;
- d. Remediation and revegetation works to be undertaken within both drainage lines in the site to enhance these areas as passive recreational spaces; and
- e. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect/Designer.

One (1) electronic pdf copy of the Detailed Landscape Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. The required landscape works must align with the stage boundaries shown on the approved Plans of Development.

Areas to be landscaped must be established prior to Council approval of the Plan of Survey for the relevant stage and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Statutory Covenant for Environmental Purposes

3031. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches) must be registered in respect to all proposed covenants, as detailed on Drawing No 4392-260 (Issue ~~KN~~) dated ~~6 December 2019~~ 5 April 2023.

- a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area.
- b. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials.

- c. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows.
- d. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area.
- e. The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area.

For the movement of native fauna and for stormwater purposes, fences must have a eighty per cent permeable area (such as post and rail type fencing, or post and wire strand type fencing for side boundary fencing only. No fencing is permitted within the bed of the gully / creek. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area.

- f. The covenantor may apply to the council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot.
- g. The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem.
- h. Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant / owner and approved by Council Officers prior to being removed. Council's Development Assessment Branch is to be notified of the proposed date of commencement of any approved vegetation clearing.

Transfer of Land

~~343~~2. Lot 991 as identified on the approved Plan of Development must be transferred to Council in freehold for Town Planning Purposes.

The identified lot must be transferred and/or dedicated to Council in conjunction with the registration of the Plan of Survey for the relevant stage of the development in which the lots are located.

New utilities and infrastructure (except agreed upon Trunk Infrastructure) such as electricity substations and the like are not permitted to be located within the identified Lots. It is recommended that a separate utility lot be sited in a suitable location to enable provision of such services and/or infrastructure.

Existing Creek and Drainage Systems

3233. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

Wildlife

3334. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger.

If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Vegetation Clearing

3435. Existing vegetation on the subject land must be retained in all areas except those affected by construction of road works / access driveways and/or installation of services as detailed on the approved plans as stated in this approval or that which is permitted to be removed as Accepted Development under CairnsPlan 2016. Any other further clearing may require ~~requires~~ a Development Permit for Operational Works.

Notification of Vegetation Clearing

3536. Council's Development Services Unit must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Weed Management Plan

3637. A Weed Management Plan and associated specification must be submitted to Council in conjunction with the first application for Operational Works for the approved development.

The Weed Management Plan must include the following:

- a. The identification and location of any invasive species, declared pests or environmental weeds occurring on the site;
- b. The methods to be employed to control and eradicate all such identified invasive species, declared pests and environmental weeds;
- c. The methods to be employed to prevent both the import and export of invasive species, declared pests and environmental weeds to and from the site;
- d. The provision for regular monitoring of the site for weeds and documentation of treatment method(s) used on weeds found to be present;

- e. Certification from a suitably qualified person in ecosystem management that the removal and eradication of any identified invasive species, declared pests or environmental weeds within the waterways or riparian corridors within all adjacent lots will not compromise the stability of the waterway or riparian corridor; and
- f. The identification of roles and responsibilities of all stakeholders associated with implementing the Weed Management Plan.

The recommendations and obligations of the Weed Management Plan must be fully implemented for each stage of the approved development prior to Council approval of the Plan of Survey for the relevant stage.

Electrical and Telecommunications Infrastructure

~~37~~38. Underground electricity reticulation must be provided to the subdivision in accordance with requirements of the FNQROC Development Manual.

~~38~~39. The applicant/owner must provide written evidence from the electricity and telecommunication authorities stating that underground services have or will be provided to each lot prior to Council approval of the Plan of Survey.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a "Certificate of Supply", or alternatively a receipt for the full payment of the amount detailed under an "Offer of Supply". Such evidence from a telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. "Development Application" or alternatively provide Council with a copy of the NBN Co. "Council Letter".

~~39~~40. Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it is acceptable to Ergon Energy and does not detract from the appearance of the streetscape and must be clear of footpath areas. An overhead service line and / or pole mount transformer is not permitted. A dedicated vehicle crossover must be provided for access and maintenance by Ergon. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer.

~~40~~41. All existing overhead electricity and telecommunication services within the development site must be placed underground. The existing overhead service line and timber poles must be recovered. Such works are to be undertaken by Ergon Energy or its approved contractor at the applicant's expense.

~~41~~42. The Development Approval condition(s) relating to the supply of electricity must be provided to Ergon Energy with the application for electricity supply.

Street Lighting

4243. Prior to the issue of Development Approval for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant current Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 in the FNQROC Development Manual. The lighting scheme must demonstrate that light pole locations align with common property boundaries, represent the permitted design spacing, and that there are no conflicts with vegetation to be retained, stormwater, driveways, kerb inlet pits and other services.

The design must provide the applicable illumination level specified in the current Road Lighting Standard AS/NZS 1158 at the following road elements:

- a. Intersections
- b. Pedestrian Refuges
- c. Cul-de-sacs
- d. Local Area Traffic Management (LATM) Devices (including Roundabouts)

LATM Devices are to be shown on the civil layout design. The electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

4344. Prior to Council approval of the Plan of Survey for a relevant Stage, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted to ensure that the street lighting will be constructed.

4445. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development or an existing intersection is to be upgraded as part of the Development Approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service, and any existing Ergon Energy timber street light poles are to be recovered.

Existing Services

4546. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:

- a. Relocate the services within the respective property boundaries and provide written confirmation of the relocation of those services prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot; or
- b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.

Sediment and Erosion Control

4647. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Construction Management Plan

4748. A Construction Management Plan must be submitted in conjunction with each Development Application for Operational Work. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:

- a. Hours of construction;
- b. Location(s) of construction access;
- c. Parking of vehicles (including construction site employees and delivery vehicles);
- d. Traffic management and control (including loading and unloading);
- e. Maintenance of safe pedestrian;
- f. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;
- g. Tree protection management; and
- h. Location and details of construction signage including any signage that is to be illuminated.

The approved Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development.

Construction Signage

4849. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must remain in place for the duration of construction activities.

The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Civil Engineer; and
- d. Civil Contractor.

Stockpiling and Transportation of Material

~~49~~50. Soil used for filling or spoil from earthworks carried out on the site is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

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

- a. within peak traffic times;
- b. before 7:00am or after 6:00pm Monday to Friday;
- c. before 7:00am or after 1:00pm Saturday; or
- d. at any time on a Sunday or Public Holiday.

~~50~~51. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause nuisance to surrounding properties.

Storage of Machinery and Plant

~~54~~52. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties to the satisfaction of the Chief Executive Officer.

Damage to Infrastructure

~~52~~53. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the commencement of use.

Demolish Structures

~~53~~54. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the site prior to Council approval of the Plan of Survey.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
State Assessment Referral Agency	1904-10940 SRA	21 January 2020	#6285749

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

PART B: RATES NOTATIONS FOR LOTS WITHIN STAGES 1-7

1. That the following notations are to be placed on Council's future rates records:

On-site Effluent Disposal – All Lots

The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. A report previously approved prior to Council approval of the Plan of Survey is available by contacting Council's Strategic Planning and Approvals team on 1300 692 247 (Council Ref: 8/13/2221).

Building Envelope Plan

Lots 11, 17-19, 24-33, 40, 41, 50, 51, 61-63, 66, 67 & 78-88.

The future dwelling and outbuildings must be sited within the building location envelope as detailed on the Building Envelope Plan held by Council. A copy of the Building Envelope Plan is available by contacting Council's Strategic Planning and Environment Branch on 1300 692 247.

Protected Vegetation – only those Lots subject to an Environmental Covenant

All vegetation within the covenant area must be retained and protected in accordance with the Australian Standard Protection of Trees on Development Sites. Any clearing requires a Development Permit for Operational Works for Vegetation Clearing. For further information contact Council's Strategic Planning and Approvals team on 1300 692 247.

FURTHER ADVICE FOR PART A

1. This approval, granted under the transitional provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

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

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

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

The costs associated with Trunk Infrastructure may offset, in part, in full or may exceed the levied Infrastructure Charges for the development in accordance with Council Adopted Infrastructure Charges Resolution. The Applicant may enter into an Infrastructure Agreement with Council regarding the provision of and costs associated with Trunk Infrastructure within the development.

The provision of Trunk Infrastructure must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for such infrastructure.

Pest Management

5. In accordance with Section 23 (the General Biosecurity Obligation) of the Biosecurity Act 2014, persons who carry out activities are required to take all reasonable measures to prevent or minimise any biosecurity risk and avoid actions that make worse or increase the risk, such as failing to manage the impact of invasive plants and animals on the subject land.
6. The subject site is identified as a high risk area on the Protected plants flora survey trigger map. Provisions of the Nature Conservation Act 1992 may apply to the clearing of protected plants and additional permits may be required. Further information may be obtained by contacting the Department of Environment and Science.
7. Council will be implementing "smart" meters during the currency of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what they type of water meter should be installed.

8. For information relating to Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au>. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au

PART C: PRELIMINARY APPROVAL (RECONFIGURING A LOT – STAGE 8)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Concept Plan Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-260, Issue KN	6 December 2019 <u>5 April 2023</u>
VMA Mapping Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-262, Issue K	6 December 2019

Assessment Manager Conditions

1. This Preliminary Approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 88 of the Planning Act 2016.

Timing of Effect

2. The conditions of this Preliminary Approval must be satisfied prior to submission of an application seeking a Development Permit for Reconfiguring a Lot for Stage 8 of the development, except where specified otherwise in these conditions of approval.

Water Supply Master Plan

3. A Water Supply Master Plan, accompanied by supporting calculations, must be provided with the application seeking a Development Permit for Reconfiguring a Lot for Stage 8. The Master Plan must demonstrate how the development can be serviced by reticulated water supply and must be endorsed by the Chief Executive Officer.

In addition to the above, and prior to the issue of each subsequent Development Permit for Operational Work for a further Stage of development, demonstrate how the development can be serviced by the water supply network, including security of supply and works required to be delivered must be provided and accompanied by supporting calculations and subsequently be endorsed by the Chief Executive Officer.

The Water Supply Master Plan is to include the following:

- a. Demonstrate alignment with the network strategy set out in the Goldsborough Water Supply Planning Study Update (Jacobs, 2020).

- b. Detail connection point(s) of the development and provide boundary conditions at multiple flow rates (hydraulic network analysis);
- c. Set out the timing and staging of the development; and

The plan is to identify any interim servicing arrangements for the external infrastructure requirements to service the development. The Plan should identify thresholds for the development (lot yield and timing) associated with those interim and ultimate servicing arrangements, including any limitation on the development for any interim connection to Council's infrastructure.

NOTE: The subject site is located outside the Priority Infrastructure Area (PIA) as identified in Council's Local Government Infrastructure Plan (LGIP).

As the land is located outside the PIA, the development must utilise existing infrastructure capacity and provide new capacity in an orderly and sequential manner to service expected growth.

Stormwater Drainage

- 4. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries;
 - b. The contributing flows from neighbouring developments;
 - c. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
 - d. Demonstrate that adequate infrastructure is to be in place such that a major stormwater event is able to be retained and conveyed to a Lawful Point of Discharge with appropriate allowances made for lot access;
 - e. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
 - f. Identify any requirement for drainage easements;
 - g. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
 - h. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;

The Local Drainage Study must be endorsed by the Chief Executive Officer prior to the issue a Development Permit for Reconfiguring a Lot for Stage 8 of the approved development.

Access to Stage 8

5. Access to Stage 8 of the development is dependent on the provision of legal and constructed public road access. As part of any future application seeking a Development Permit for Reconfiguring a Lot for Stage 8, the Applicant must demonstrate that lawful, safe and practical access to Stage 8 exists.

Note:

Such access is likely to be achieved via adjoining development (8/17/115) on Lot 2 on RP898726.

Building Envelope Plans

96. The applicant must submit a building envelope plan for all lots within Stage 8 of the development, generally in the locations shown in the approved plan, ensuring building envelopes are located:
- a. A minimum of 25 metres from the top of bank;
 - b. Outside the 1% AEP inundation area; and
 - c. To not contain land with a slope steeper than 1 in 6 and identify all areas in excess of 1 in 6 to ensure they are not located within the envelope.

The building envelopes are to provide indicative areas for onsite wastewater disposal, and must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Detailed Survey of Top of Bank of Waterways

407. The Applicant is to provide a detailed survey of the existing Top of Bank for the waterways within the site, to accurately inform building location envelopes, areas to be placed under covenant and land to be transferred to Council.

The detailed survey, which may be provided on a stage-by-stage basis, must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Driveway to Rear Lots

448. A driveway is to be provided to all rear lots (particularly Lot 89) that:
- a. Is constructed with surface materials that blend with the surrounding environment; and
 - b. Is provided with erosion control measures.

Details of the proposed driveways are to be included with the application for a Development Permit for Operational Works for the relevant stage.

FURTHER ADVICE FOR PART C

1. This Preliminary Approval does not negate the requirement for compliance with all other relevant statutory requirements.
2. For information relating to the Planning Act 2016 log on to www.planning.dsdmip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
3. As part of any subsequent Development Application for Reconfiguring a Lot, the Applicant may wish to submit a Building Envelope Plan for all lots within the development to assist in providing certainty to future purchasers regarding setbacks.
4. The subject site is identified as a high risk area on the Protected plants flora survey trigger map. Provisions of the Nature Conservation Act 1992 may apply to the clearing of protected plants and additional permits may be required. Further information may be obtained by contacting the Department of Environment and Science.

APPEAL RIGHTS

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached as Appendix 4.

END OF DECISION NOTICE

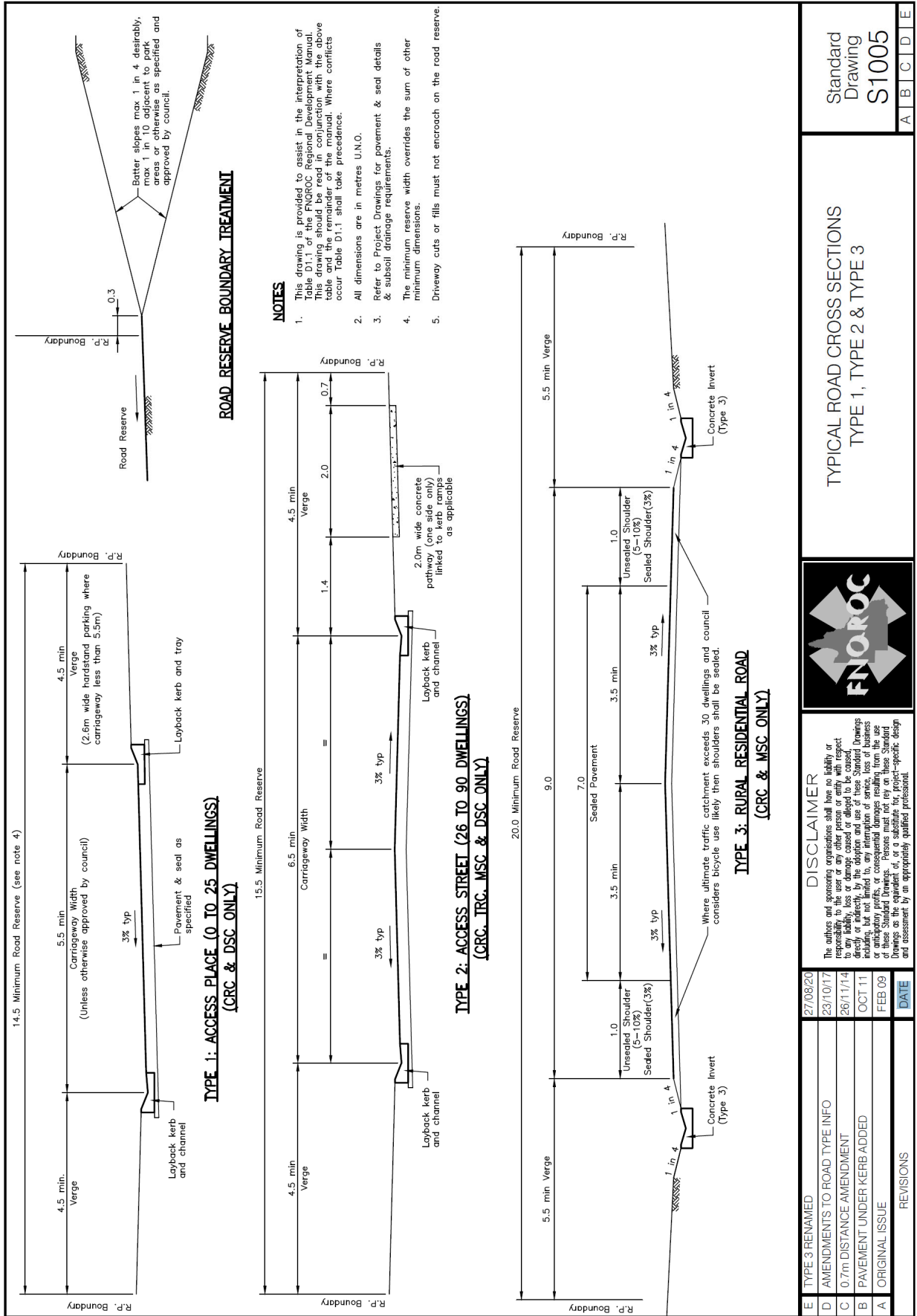
APPENDIX 1: Approved drawing(s) & document(s)

Approved Plans ([#7154337](#)) to be attached as PDF file for Decision Notice.

APPENDIX 2: Referral Agency requirements

Referral Agency Conditions ([#7160860](#)) to be attached as PDF file for Decision Notice.

APPENDIX 3: FNQROC Standard Drawings



APPENDIX 4: Appeal Rights

Planning Act 2016

Schedule 1

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

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Authorised by the Parliamentary Counsel

-
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager’s decision on the extension application; or (b) a deemed refusal of the extension application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Planning Act 2016

Schedule 1

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
<p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
<p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The local government that gave the enforcement notice	—	—

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—

Planning Act 2016

Schedule 1

Table 2 Appeals to the P&E Court only			
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—



Statement of Reasons

The following information is provided in accordance with Section 83 of the *Planning Act 2016*.

Development application:	8/13/2221
Property Address:	Fairweather Access, Goldsborough
PROPERTY DESCRIPTION:	Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709
Application proposal:	Change Application (Minor Change) Reconfiguring a Lot (3 lots into 95 lots and open space)
Approved:	Under Instrument of Delegation
Approved on:	24 May 2023
Planning Scheme:	CairnsPlan 2016 v1.2 and v3.1

REASONS FOR DECISION

The reasons for this decision are:

The proposal has been assessed in accordance with the provisions of the *Planning Act 2016* and the Minor Change Test. The application has been assessed against CairnsPlan 2016 v1.2 and against the current benchmarks of CairnsPlan 2016 v3.1.

1. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v1.2 and is considered to remain compliant with the outcomes of the applicable benchmarks.
2. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v3.1 and is considered to be capable of complying with the outcomes of the applicable benchmarks.
3. The proposed Change Application (Minor Change) is considered to not result in a substantially different development.
4. The proposed changes will facilitate the provision of electrical infrastructure to support the development.

The following Assessment Benchmarks apply to the development:

State Planning Instruments	
Far North Queensland Regional Plan (FNQRP) 2009-2031	The subject site is within the Rural Living Area. The Regional Plan has been appropriately integrated and reflected through CairnsPlan 2016.

State Planning Policy (SPP)	<p>The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development.</p> <p>The CairnsPlan 2016 advances the SPP except for erosion prone areas and coastal management district and therefore all the State interests have been appropriately reflected in CairnsPlan 2016.</p>
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Section 81(4) of the *Planning Act 2016* requires assessment against the Planning Scheme, the originating application was assessed under, CairnsPlan 2016 v1.2.

CairnsPlan 2016 v1.2	
Rural residential Zone Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Acid Sulfate Soils Overlay Code	<p>Complies Only a small portion of proposed Lot 992 is impacted by the Overlay, and none of the new residential lots are impacted.</p>
Bushfire Hazard Overlay Code	<p>Complies The proposed changes are considered to remain compliant with the code and do not present impacts on the elements contained within the code outside the scope of what has already been considered. Areas of High potential bushfire hazard are contained within Lot 991, a balance parcel to be designated as Public Open Space.</p> <p>A number of lots in the southwestern corner are impacted by the Potential Impact Buffer. Conditions previously imposed, in particular a requirement for building envelopes for Lots 29-33, remain relevant.</p>
Flood and Inundation Hazards Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p> <p>Flood mapping provided by the applicant indicates that the flood extent of the Mulgrave River is clear of the proposed lots adjacent to the river with the exception of possible 0-1m depths affecting proposed lots within Stage 8, which was granted a Preliminary Approval only. Conditions previously imposed regarding flooding and drainage remain relevant.</p>
Hillslopes Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and the elements comprising the change are not considered to present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Landscape Values Overlay Code	<p>Complies The original assessment identified that despite the site containing land in the High Landscape Value Areas, the proposed reconfiguration is an anticipated and expected form of development for the subject land and is consistent with surrounding rural residential development occurring within the locality.</p>

	<p>The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p> <p>Conditions previously imposed regarding future earthworks batters and retaining walls remain relevant, and Operational Works matters will be further assessed at future Operational Works stages of development.</p>
Natural Areas Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p> <p>The development has been designed to utilise areas of cleared land, avoiding vegetated ridgelines and gullies. Conditions previously approved requiring covenants for environmental purposes remain relevant.</p>
Potential Landslip Hazard Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered. The subject site includes areas identified as containing</p>
Transport Network Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Environmental Performance Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Excavation and Filling Code	<p>Complies.</p> <p>The proposed change is considered for the most part to not present an impact to the elements contained within the code outside the scope of that which has already been considered.</p> <p>Conditions previously imposed for compliance regarding all matters relative to the code (i.e. slope stability, environmental performance, etc.) remain relevant.</p> <p>A change was requested to Condition 6 – Batter Treatment to allow leeway to install retaining walls within road reserves. As the proposal is a greenfield development, it is considered that batters and retaining structures are able to be wholly located within private allotments and not to encroach onto existing or proposed road reserve, public open space or easements to which Council is the beneficiary. The condition is recommended to be retained in its current form.</p> <p>It is agreed that Condition 7 – Geotechnical Certification, is changed to reflect that RPEQ certification should be provided for earth batters steeper than 1 in 2 and/or higher than 1.5 metres in height.</p>
Infrastructure Works Code	<p>Complies.</p> <p>It is considered that the proposed change does not present an impact to the elements contained within the code outside the scope of that which has already been considered.</p>

Conditions previously imposed for compliance regarding all matters relative to the code (i.e. road reserve, utilities, stormwater, water supply, etc.) are to be retained. A change is requested to Condition 5 – Operational Works, as follows:

Operational Works

5. Development Approval for Operational Works is required for all internal and external earth works, civil works including, but not limited to road, water, drainage works, weed management and land remediation, practical access and landscape works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage of development.

~~A separate Operational Works application is required for each stage of the development.~~

The condition was originally imposed as the Water Supply Study prepared by Jacobs included the subject development within the modelled supply and demand projections, and Stages 1-7 were found to be acceptable in terms of existing water supply infrastructure, stage by stage Operational Works applications were considered to enable Council to accurately monitor the need for water infrastructure upgrades on a 'per stage' basis, in the context of the development occurring within the catchment more broadly.

Since that time, Council and the developer have worked to negotiate an Infrastructure Agreement. While the Infrastructure Agreement is not yet endorsed by the parties, it is considered to be sufficiently progressed to allow for an amendment to the condition as follows:

Operational Works

5. Development Approval for Operational Works is required for all internal and external earth works, civil works including, but not limited to road, water, drainage works, weed management and land remediation, practical access and landscape works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage of development.

~~A separate Operational Works application is required for each stage of the development.~~ Each application for Operational Works should clearly specify the stage(s) applied for.

This will also result in the following alterations to Condition 6 – Geotechnical Report.

	<p>Geotechnical Report</p> <p>6. A Site Specific Geotechnical Assessment, and where necessary a supporting Risk Assessment, must be prepared by a qualified and experienced geotechnical consultant (RPEQ) <u>for each stage of the development and submitted with each Operational Works Application associated with the approved development.</u> The Geotechnical Assessment must provide comment on, as a minimum:</p> <ol style="list-style-type: none"> a. Slope stability of the site and any proposed earthworks cut/fill batters, including drainage design; b. soil/rock parameters for any retaining structure design; c. requirements for adequate site drainage and foundation maintenance for proposed development; d. evaluation of the ability of lots to contain on-site effluent disposal areas; e. risk assessment where necessary; f. evaluation to adjacent land as a result of the approved development; and g. recommendations for implementation in the design and construction of the development. <p>The assessment must provide commentary on any required treatments to be implemented in order to ensure that each lot has a low or very-low risk of failure in accordance with the AGS 2007 Guidelines.</p> <p>The Geotechnical Assessment(s) must be lodged with the applications for a Development Permit for Operational Works <u>for the applicable stage</u>, to the satisfaction and requirements of the Chief Executive Officer.</p>
Landscaping Code	<p>Complies.</p> <p>The proposed development does involve the provision of landscaping which is appropriate given the nature and scale of the development. It is considered that the proposed change does not present an impact to the elements contained within the code outside the scope of that which has already been considered.</p>
Reconfiguring a Lot Code	<p>Complies.</p> <p>The proposed development does involve the provision of landscaping which is appropriate given the nature and scale of the development. It is considered that the proposed change does not present an impact to the elements contained within the code outside the scope of that which has already been considered.</p>

	The changes will allow for servicing of the site with electricity infrastructure, and retain lots with a minimum area of 4,000m ² .
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Section 81(5) of the *Planning Act 2016* states that the responsible entity may give the weight the responsible entity considers is appropriate in the circumstances to statutory instruments including a new or amended local planning instrument, that have come into effect since the original development application was decided. For this change application, officers have assessed the development against the current Planning Scheme, CairnsPlan 2016 v3.1

CairnsPlan 2016 v3.1	
Rural residential Zone Code	<p>Complies</p> <p>The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Acid Sulfate Soils Overlay Code	<p>Complies</p> <p>Only a small portion of proposed Lot 992 is impacted by the Overlay, and none of the new residential lots are impacted.</p>
Bushfire Hazard Overlay Code	<p>Complies</p> <p>The Overlay mapping is relatively unchanged for the subject site. Only a small portion in the southwestern corner of the land is designated as High Potential Intensity, and this portion of the land is located within Lot 991 (a balance parcel). A small number of lots in the southwestern corner are impacted by the Potential Impact Buffer. No rural residential lots are proposed to be located within areas of Medium, High or Very high bushfire hazard area.</p> <p>The primary change in the Code between CairnsPlan 2016 v1.2 and v3.1 involves the inclusion of the Potential Impact Buffer in Purpose of the Code and Acceptable Outcomes AO1.1, PO2, and AO3.3.</p> <p>In reviewing the proposal against the requirements of the Code it is considered that requirements for conditions previously imposed for compliance regarding all matters relative to the code, in particular a requirement for building envelopes for Lots 29-33 in the southwestern corner of the site, remain relevant.</p> <p>These building envelopes provide a minimum 10 metre setback to Lot 991 and the area mapped as High Potential Intensity Bushfire Hazard.</p>
Flood and Inundation Hazards Overlay Code	<p>Complies</p> <p>The original application was supported by flood mapping (prepared by Kellogg Brown and Root Pty Ltd, dated 16 January 2015) indicates that the Mulgrave River flood extent is clear of the proposed lots adjacent to the river, with the exception of possible 0 – 1 metre flood depths affecting proposed Lots within Stage 8, which was granted a Preliminary Approval only. The sketch also indicates flood depths of 0 – 1 metre within several lots that contain existing gullies on the site.</p>

	<p>The conditions of approval imposed regarding flooding and drainage remain relevant. The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Hillslopes Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code as the development has been designed to predominantly avoid parts of the site affected by the Hillslopes Overlay, and the elements comprising the change are not considered to present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Landscape Values Overlay Code	<p>Complies The original assessment identified that despite the site containing land in the High Landscape Value Areas, the proposed reconfiguration is an anticipated and expected form of development for the subject land and is consistent with surrounding rural residential development occurring within the locality. In particular, the changes retain lots with a land area not less than 4,000m², consistent with the zoning of the land and compatible with the landscape values of the locality.</p> <p>The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p> <p>Conditions previously imposed regarding future earthworks batters and retaining walls remain relevant, and Operational Works matters will be further assessed at future Operational Works stages of development.</p>
Natural Areas Overlay Code	<p>Complies The changes to the layout are relatively minor, to allow for provision of electrical infrastructure. The conditions of approval including locating vegetated corridors either within balance parcels, or subject to registered environmental covenants to achieve compliance. This will minimise impacts on biodiversity values and ensure adequate setbacks from waterways.</p> <p>The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Potential Landslip Hazard Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered. Conditions of approval requiring a geotechnical report will be assessed under application reference 8/10/1289.</p>
Transport Network Overlay Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>

Environmental Performance Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered. The changes will allow for servicing of the site with electricity infrastructure.</p>
Excavation and Filling Code	<p>Complies The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Infrastructure Works Code	<p>Complies The Change Application (Minor Change) remains compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered. The changes will allow for servicing of the site with electricity infrastructure.</p>
Landscaping Code	<p>Complies. The proposed development does involve the provision of landscaping which is appropriate given the nature and scale of the development. The Change Application (Minor Change) is considered to remain compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered.</p>
Reconfiguring a Lot Code	<p>Complies The Change Application (Minor Change) remains compliant with the code and is considered to not present impacts on the elements contained within the code outside the scope of that which has already been considered. The changes will allow for servicing of the site with electricity infrastructure, and retain lots with a minimum area of 4,000m².</p>



ENQUIRIES: Ian Elliott-Smith
 PHONE: (07) 4044 3031
 YOUR REF: 4392
 FILE REF: 8/13/2221 (6643980)
 REFERENCE: 9324 / 2019

27 April 2021

Nameha Pty Ltd
 c/- RPS Australia Asia Pacific Pty Ltd
 PO Box 1949
 CAIRNS QLD 4870

By Email: owen.dalton@rpsgroup.com.au
stacey.devaney@rpsgroup.com.au

Dear Sir/Madam,

DECISION NOTICE UNDER S63 PLANNING ACT 2016

Development application:	8/13/2221
Property Address:	Fairweather Access, Goldsborough
Property Description:	Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709
Application proposal:	Reconfiguring a Lot (3 Lots Into 95 Lots, 2 balance lots and new road)

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined under Instrument of Delegation on 22 April 2021.

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

An Infrastructure Charges Decision Notice in accordance with s119 of the *Planning Act 2016* will be issued under separate cover.

Should you have any enquires in relation to this Decision Notice, please contact Ian Elliott-Smith of Council's Development, Planning & Property team on telephone number (07) 4044 3031.

Yours faithfully

Ian Elliott- Smith
 Team Leader Planning – Development, Planning & Property
Att.



www.cairns.qld.gov.au
council@cairns.qld.gov.au



PO Box 359, Cairns Q 4870
 119-145 Spence St, Cairns Q 4870



Ph: 1300 69 22 47
 24 hours / 7 days



Decision Notice

APPLICANT DETAILS

Nameha Pty Ltd
c/- RPS Australia Asia Pacific Pty Ltd
PO Box 1949
CAIRNS QLD 4870

ADDRESS

Fairweather Access, Goldsborough

REAL PROPERTY DESCRIPTION

Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709

PROPOSAL

3 Lots into 95 Lots, 2 balance lots and new road

DECISION

Approved in full subject to conditions (refer to approval package below).

DECISION DATE

22 April 2021

TYPE

Reconfiguring a Lot (Development Permit)

PLANNING INSTRUMENT

CairnsPlan 2016 v2.1

REFERRAL AGENCIES

State Assessment and Referral Agency (SARA)
Far North Queensland Regional Office

Postal: PO Box 2358, CAIRNS QLD 4870

Email: CairnsSARA@dsgmip.qld.gov.au

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Operational Works

PART A: DEVELOPMENT PERMIT (RECONFIGURING A LOT – STAGES 1 - 7)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Concept Plan Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-260, Issue K	6 December 2019
VMA Mapping Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-262, Issue K	6 December 2019

Assessment Manager Conditions

1. This Approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within technical reports; and
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

3. The conditions of the Development Permit must be satisfied prior to Council approval of the plan of survey for the relevant stage, except where specified otherwise in these conditions of approval.

Staged Development

4. The development may be undertaken in the stages as generally indicated on the approved Plans of Development. To be clear, only Stages 1 – 7 as shown on the approved Plans of Development have been approved as a Development Permit. Stage 8 is subject to Part B of this Development Approval. Council must be notified of any proposed changes to the approved stage boundaries.

The development must be undertaken in numerical sequence as depicted on the Approved Plan of Development, unless otherwise agreed to by the Chief Executive Officer.

Operational Works

5. Development Approval for Operational Works is required for all internal and external earth works, civil works including, but not limited to road, water, drainage works, weed management and land remediation, practical access and landscape works associated with the development. Such works must be completed to the satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage of development.

A separate Operational Works application is required for each stage of the development.

Batter Treatment

5. The height of batters / retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

Typical details of the various methods to be used to achieve this must be submitted to Council in conjunction with seeking a Development Permit for Operational Works. In instances where batters will exceed 1.8 metres in height, Council will require details to be submitted that include, but are not limited to, the following:

- a. Details of the specific means of supporting or retaining to be used. This must include a geotechnical report supporting each of the proposed treatments at each location;
- b. Drawings (plans, longitudinal and cross sections) showing the extent of the proposed treatments at each location;
- c. Drawings illustrating that all batters and/or retaining structures are wholly located within private allotments and do not encroach onto existing or proposed road reserve, public open space or easements to which Council is the beneficiary;
- d. Methods to be used to minimise the visual impact; and
- e. Elevations showing the visual impact when viewed from vantage points.

A geotechnical assessment prepared by a qualified and experienced geotechnical consultant (RPEQ) must be submitted in conjunction with the application for Operational Works, to support any proposed batters / retaining structures.

Geotechnical Report

6. A Site Specific Geotechnical Assessment, and where necessary a supporting Risk Assessment, must be prepared by a qualified and experienced geotechnical consultant (RPEQ) for each stage of the development. The Geotechnical Assessment must provide comment on, as a minimum:

- a. Slope stability of the site and any proposed earthworks cut/fill batters, including drainage design;
- b. soil/rock parameters for any retaining structure design;
- c. requirements for adequate site drainage and foundation maintenance for proposed development;
- d. evaluation of the ability of lots to contain on-site effluent disposal areas;
- e. risk assessment where necessary;
- f. evaluation to adjacent land as a result of the approved development; and
- g. recommendations for implementation in the design and construction of the development.

The assessment must provide commentary on any required treatments to be implemented in order to ensure that each lot has a low or very-low risk of failure in accordance with the AGS 2007 Guidelines.

The Geotechnical Assessment(s) must be lodged with the application for a Development Permit for Operational Works for the applicable stage, to the satisfaction and requirements of the Chief Executive Officer.

Geotechnical Certification

7. Prior to the issue of the Works Acceptance by Council for the earthworks associated with the development, submit certification from a Registered Professional Engineer Queensland (RPEQ) confirming that all retaining structures greater than 1 metre in height and / or earth batters steeper than 1 in 2 or greater than 1.8 metres in height have been appropriately designed and constructed based on the geotechnical conditions of the site.

Driveway to Rear Lots

8. Design and construct a residential driveway to all rear lots and lots which are accessed via an access handle. In particular, the driveway:
 - a. is to be constructed with surface materials that blend with the surrounding environment; and
 - b. is provided with suitable erosion control measures.

Details of the proposed driveways are to be included with the application for a Development Permit for Operational Works for the relevant stage.

Building Location Envelopes

9. The applicant must submit a building envelope plan for each stage of the development, generally in the locations shown in the approved plan, ensuring building envelopes are located:
 - a. A minimum of 25 metres from the top of bank;
 - b. Outside the 1% AEP inundation area; and
 - c. To not contain land with a slope steeper than 1 in 6 and identify all areas in excess of 1 in 6 to ensure they are not located within the envelope.

The building envelopes are to provide indicative areas for onsite wastewater disposal, and must to be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Traffic and Transport

10. At the construction of the 40th lot, Catalano Access and Fairweather Access must be upgraded to a Type 3 Rural Residential Road, including road pavement standards in accordance with the FNQROC Development Manual Standard Drawing S1005, Revision E.
11. All new internal roads internal roads must be constructed to a must be constructed to a Type 3 Rural Residential Road, including road pavement standards in accordance with the FNQROC Development Manual Standard Drawing S1005, Revision E.
12. A Traffic Impact Assessment (TIA) must be submitted to Council as part of the first Operational Works application. The TIA must assess the impacts of the development on the existing road network, with specific consideration of the following:
 - a. Safe intersection provision at Fairweather Access / New Development Road intersection;
 - b. Safe intersection provision at Fairweather Access / Catalano Access intersection;
 - c. Safe intersection provision at Catalano Access / Goldsborough Road intersection;
 - d. Appropriate signage and line marking; and
 - e. Road widening if required based on turning paths.

The TIA must be in accordance with Austroads guide to Traffic Management Part 12. The TIA must be prepared and certified by a suitably qualified and experienced Traffic Engineer (RPEQ).

The TIA must include appropriate discussion and data to support the recommendations. All assumptions must be documented and references detailed.

Note:

An interim upgrade of Catalano Access and the intersection with Goldsborough Road has previously been accepted by Council (Ref: 8/10/1002) for development and construction up to the 40th lot utilising this intersection i.e. not just lots created as part of this Development Approval. Council can provide further details regarding the extent of any upgrade or works proposed by other parties.

13. The applicant is required to design and construct safe intersection layouts inclusive of associated street lighting, line-marking and signage.
14. All cul-de-sacs must be designed and constructed in accordance with the requirements and specifications of the FNQROC Development Manual such that all vehicles can safely manoeuvre them.

Access Limitation

15. Public access to Stages 1 – 6 of the development is only permitted via Fairweather Access and roads internal to the development. Access to lots via the service corridor to Goldsborough Road is not permitted.
16. Removable bollards are to be installed and maintained to the interface of the proposed services corridor (Stage 2) and Goldsborough Road, to restrict use of the corridor per Condition 15 above.

Water Supply Master Plan

17. A Water Supply Master Plan, accompanied by supporting calculations, must be provided for the entire development prior to the granting of an Operational Work Permit for Stage 1 (or whichever stage occurs first), which demonstrates how the development can be serviced by reticulated water supply and must be endorsed by the Chief Executive Officer.

In addition to the above, and prior to the issue of each subsequent Development Permit for Operational Work for a further Stage of development, demonstrate how the development can be serviced by the water supply network, including security of supply and works required to be delivered must be provided and accompanied by supporting calculations and subsequently be endorsed by the Chief Executive Officer.

The Water Supply Master Plan is to include the following:

- a. Demonstrate alignment with the network strategy set out in the Goldsborough Water Supply Planning Study Update (Jacobs, 2020).
- b. Detail connection point(s) of the development and provide boundary conditions at multiple flow rates (hydraulic network analysis);
- c. Set out the timing and staging of the development; and

The plan is to identify any interim servicing arrangements for the external infrastructure requirements to service the development. The Plan should identify thresholds for the development (lot yield and timing) associated with those interim and ultimate servicing arrangements, including any limitation on the development for any interim connection to Council's infrastructure.

NOTE: The subject site is located outside the Priority Infrastructure Area (PIA) as identified in Council's Local Government Infrastructure Plan (LGIP).

As the land is located outside the PIA, the development must utilise existing infrastructure capacity and provide new capacity in an orderly and sequential manner to service expected growth.

Water Supply Works External

18. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:
 - a. Extend water infrastructure to connect the site and relevant stages to Council's existing water infrastructure at a point that has sufficient capacity to service the development.

The above works must be designed and constructed in accordance with the FNQROC Development Manual. A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the relevant stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council approval of the Plan of Survey.

Water Supply Works Internal

19. Undertake the following water supply works internal to the subject land:
 - a. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.
 - b. If necessary, Lots are to have adequate access to water for fire fighting services acceptable to the rural fire services and/or Queensland Fire and Rescue Service.

The above works must be designed and constructed in accordance with the FNQROC Development Manual. A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for the relevant stage.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council approval of the Plan of Survey for the relevant Stage.

On-Site Effluent Disposal

20. The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. Details of the wastewater treatment systems to be installed must be approved by the Chief Executive Officer prior to issue of a Development Permit for Operational Works. The design must consider the outcomes and recommendations of the Geotechnical Assessment required by these conditions of approval.

For any proposed lots with overland drainage paths traversing the lot, the applicant/owner must demonstrate how each lot complies with the AS/NZS1547. On-site sewerage disposal 'envelopes' must be provided on a plan of the development, showing how each allotment can physically provide the necessary area(s) and comply with the required setbacks from drainage lines, etc. for on-site disposal of sewerage.

The effluent disposal envelope shall nominate the area suitable for that purpose and shall exclude the building area. The building envelope shall nominate land suitable for building and shall be established to protect vegetation within the allotment.

The plan must be accompanied by a report, inclusive of supporting calculations and site investigations, for each site in a format to the satisfaction of the Chief Executive Officer, specifying those methods of on-site sewerage disposal applicable for those allotments and providing a recommended method and location of facilities. The plan and report must be received and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Note:

The subdivided parcels of land are to be served by individual effluent disposal systems. A site-based assessment shall be prepared for each allotment covered by this approval prior to building application. This assessment is to identify a suitable area on each lot for the construction of the on-site effluent disposal system and for the construction of a dwelling.

Stormwater Drainage

21. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
- a. The contributing catchment boundaries;
 - b. The contributing flows from neighbouring developments;
 - c. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
 - d. Demonstrate that adequate infrastructure is to be in place such that a major stormwater event is able to be retained and conveyed to a Lawful Point of Discharge with appropriate allowances made for lot access;

- e. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
- f. Identify any requirement for drainage easements;
- g. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
- h. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;

The Local Drainage Study must be endorsed by the Chief Executive Officer prior to the issue of the first Development Permit for Operational Works.

22. As part of any subsequent Development Application for Operational Work, provide a detailed design Drainage masterplan.

Particularly:

- a. Any outlet from the development must have adequate scour protection measures in place. Detailed design of the scour protection measures are to be provided to Council for approval prior to the issue of a Development Permit for Operational Work, with all necessary works being undertaken prior to Council approval of the Plan of Survey.
- b. All table drains/open drains used to convey overland flows throughout the subject site are to be designed and constructed with concrete inverts.
- c. All open channels and drains in the road carriageway throughout the development must be stabilised by means such as turf to all batters or other Council approved treatment measures to mitigate any ongoing erosion issues.
- d. Confirm the required easement areas for the development and address the hazard of each easement, including risk mitigation measures required.
- e. Identify the type of crossings, if any, proposed for any identified drainage lines that cross roads or other creeks/tributaries contained within the site.
- f. Provide information on the proposed works and any impacts proposed at any drainage outlet from the development.

The above works are to be certified by a suitably qualified and experienced engineer (RPEQ) and must comply, in all regards, with the requirements of the Queensland Urban Drainage Manual (QUDM) and the Council's development manual (FNQROC). This is to be submitted with the first Development Application for Operational Work.

Drainage Easements

23. Any easements for drainage purposes within the subject site will be required to cover the full extents of the greater of the below, unless otherwise agreed to by the Chief Executive Officer:

- a. Top of Bank to Top of Bank, plus a 3m wide buffer for maintenance;

OR

- b. The full extent of the 1% AEP flood event.

- 24. Drainage Easements are to be granted in favour of Council in accordance with the findings of the approved Local Drainage Study, Drainage Masterplan and approved Plan of Development. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources in conjunction with the Plan of Survey.

Lawful Point of Discharge

- 25. The applicants/owners must ensure that the flow of all external stormwater from each lot is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with the Queensland Urban Drainage Manual, Fourth Edition (2017), to the requirements and satisfaction of the Chief Executive Officer.

Detailed Survey of Top of Bank of Waterways

- 26. The Applicant is to provide a detailed survey of the existing Top of Bank for the waterways within the site, to accurately inform building location envelopes, areas to be placed under covenant and land to be transferred to Council.

The detailed survey, which may be provided on a stage-by-stage basis, must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Flood and Inundation Immunity

- 27. All residential lots must be provided with immunity from the 1% AEP defined inundation event level plus any hydraulic grade effect, in accordance with the Planning Scheme.
- 28. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

Detailed Landscape Plan

- 29. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a Detailed Landscape Plan prepared by a suitably qualified and experienced Landscape Architect or Landscape Designer. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work for each Stage of the development. The Detailed Landscape Plan must show:

- a. Planting of the road verges with trees, shrubs and grass, using locally endemic species and with regard to any overhead or underground services, sight distance considerations and lot access/crossover constraints;
- b. Details of any entry statement proposed;
- c. The revegetation of cut and fill batters;
- d. Remediation and revegetation works to be undertaken within both drainage lines in the site to enhance these areas as passive recreational spaces; and
- e. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect/Designer.

One (1) electronic pdf copy of the Detailed Landscape Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. The required landscape works must align with the stage boundaries shown on the approved Plans of Development.

Areas to be landscaped must be established prior to Council approval of the Plan of Survey for the relevant stage and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Statutory Covenant for Environmental Purposes

30. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches) must be registered in respect to all proposed covenants, as detailed on Drawing No 4392-260 (Issue K) dated 6 December 2019. The Covenants are to be registered at the same time as registering the Plan of Survey with the Department of Natural Resources, Mines and Energy. The Covenant is required to include the following clauses:
 - a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area.
 - b. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials.
 - c. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows.
 - d. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area.
 - e. The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area.

For the movement of native fauna and for stormwater purposes, fences must have a eighty per cent permeable area (such as post and rail type fencing, or post and wire strand type fencing for side boundary fencing only. No fencing is permitted within the bed of the gully / creek. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area.

- f. The covenantor may apply to the council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot.
- g. The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem.
- h. Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant / owner and approved by Council Officers prior to being removed. Council's Development Assessment Branch is to be notified of the proposed date of commencement of any approved vegetation clearing.

Transfer of Land

- 31. Lot 991 as identified on the approved Plan of Development must be transferred to Council in freehold for Town Planning Purposes.

The identified lot must be transferred and/or dedicated to Council in conjunction with the registration of the Plan of Survey for the relevant stage of the development in which the lots are located.

New utilities and infrastructure (except agreed upon Trunk Infrastructure) such as electricity substations and the like are not permitted to be located within the identified Lots. It is recommended that a separate utility lot be sited in a suitable location to enable provision of such services and/or infrastructure.

Existing Creek and Drainage Systems

- 32. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

Wildlife

- 33. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger.

If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Vegetation Clearing

34. Existing vegetation on the subject land must be retained in all areas except those affected by construction of road works / access driveways and/or installation of services as detailed on the approved plans as stated in this approval. Any further clearing requires a Development Permit for Operational Works.

Notification of Vegetation Clearing

35. Council's Development Services Unit must be notified two (2) days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.

Weed Management Plan

36. A Weed Management Plan and associated specification must be submitted to Council in conjunction with the first application for Operational Works for the approved development.

The Weed Management Plan must include the following:

- a. The identification and location of any invasive species, declared pests or environmental weeds occurring on the site;
- b. The methods to be employed to control and eradicate all such identified invasive species, declared pests and environmental weeds;
- c. The methods to be employed to prevent both the import and export of invasive species, declared pests and environmental weeds to and from the site;
- d. The provision for regular monitoring of the site for weeds and documentation of treatment method(s) used on weeds found to be present;
- e. Certification from a suitably qualified person in ecosystem management that the removal and eradication of any identified invasive species, declared pests or environmental weeds within the waterways or riparian corridors within all adjacent lots will not compromise the stability of the waterway or riparian corridor; and
- f. The identification of roles and responsibilities of all stakeholders associated with implementing the Weed Management Plan.

The recommendations and obligations of the Weed Management Plan must be fully implemented for each stage of the approved development prior to Council approval of the Plan of Survey for the relevant stage.

Electrical and Telecommunications Infrastructure

37. Underground electricity reticulation must be provided to the subdivision in accordance with requirements of the FNQROC Development Manual.
38. The applicant/owner must provide written evidence from the electricity and telecommunication authorities stating that underground services have or will be provided to each lot prior to Council approval of the Plan of Survey.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a "Certificate of Supply", or alternatively a receipt for the full payment of the amount detailed under an "Offer of Supply". Such evidence from a telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. "Development Application" or alternatively provide Council with a copy of the NBN Co. "Council Letter".

39. Where Ergon Energy requires the installation of a substation to augment their network, a padmount type is to be incorporated within the development and positioned so that it is acceptable to Ergon Energy and does not detract from the appearance of the streetscape and must be clear of footpath areas. An overhead service line and / or pole mount transformer is not permitted. A dedicated vehicle crossover must be provided for access and maintenance by Ergon. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer.
40. All existing overhead electricity and telecommunication services within the development site must be placed underground. The existing overhead service line and timber poles must be recovered. Such works are to be undertaken by Ergon Energy or its approved contractor at the applicant's expense.
41. The Development Approval condition(s) relating to the supply of electricity must be provided to Ergon Energy with the application for electricity supply.

Street Lighting

42. Prior to the issue of Development Approval for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant current Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 in the FNQROC Development Manual. The lighting scheme must demonstrate that light pole locations align with common property boundaries, represent the permitted design spacing, and that there are no conflicts with vegetation to be retained, stormwater, driveways, kerb inlet pits and other services.

The design must provide the applicable illumination level specified in the current Road Lighting Standard AS/NZS 1158 at the following road elements:

- a. Intersections

- b. Pedestrian Refuges
- c. Cul-de-sacs
- d. Local Area Traffic Management (LATM) Devices (including Roundabouts)

LATM Devices are to be shown on the civil layout design. The electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- 43. Prior to Council approval of the Plan of Survey for a relevant Stage, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted to ensure that the street lighting will be constructed.
- 44. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development or an existing intersection is to be upgraded as part of the Development Approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service, and any existing Ergon Energy timber street light poles are to be recovered.

Existing Services

- 45. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services within the respective property boundaries and provide written confirmation of the relocation of those services prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot; or
 - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of the Plan of Survey creating the lot.

Sediment and Erosion Control

- 46. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Construction Management Plan

47. A Construction Management Plan must be submitted in conjunction with each Development Application for Operational Work. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:
- a. Hours of construction;
 - b. Location(s) of construction access;
 - c. Parking of vehicles (including construction site employees and delivery vehicles);
 - d. Traffic management and control (including loading and unloading);
 - e. Maintenance of safe pedestrian;
 - f. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;
 - g. Tree protection management; and
 - h. Location and details of construction signage including any signage that is to be illuminated.

The approved Construction Management Plan must be complied with and a copy kept on site at all times during construction of the development.

Construction Signage

48. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must remain in place for the duration of construction activities.

The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Civil Engineer; and
- d. Civil Contractor.

Stockpiling and Transportation of Material

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

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

- a. within peak traffic times;
 - b. before 7:00am or after 6:00pm Monday to Friday;
 - c. before 7:00am or after 1:00pm Saturday; or
 - d. at any time on a Sunday or Public Holiday.
50. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause nuisance to surrounding properties.

Storage of Machinery and Plant

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

Damage to Infrastructure

52. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the commencement of use.

Demolish Structures

53. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the site prior to Council approval of the Plan of Survey.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
State Assessment Referral Agency	1904-10940 SRA	21 January 2020	#6285749

Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

PART B: RATES NOTATIONS FOR LOTS WITHIN STAGES 1-7

1. That the following notations are to be placed on Council's future rates records:

On-site Effluent Disposal – All Lots

The method of on-site effluent disposal must be in accordance with the Plumbing and Drainage Act 2018. A report previously approved prior to Council approval of the Plan of Survey is available by contacting Council's Strategic Planning and Approvals team on 1300 692 247 (Council Ref: 8/13/2221).

Building Envelope Plan

Lots 11, 17-19, 24-33, 40, 41, 50, 51, 61-63, 66, 67 & 78-88.

The future dwelling and outbuildings must be sited within the building location envelope as detailed on the Building Envelope Plan held by Council. A copy of the Building Envelope Plan is available by contacting Council's Strategic Planning and Environment Branch on 1300 692 247.

Protected Vegetation – only those Lots subject to an Environmental Covenant

All vegetation within the covenant area must be retained and protected in accordance with the Australian Standard Protection of Trees on Development Sites. Any clearing requires a Development Permit for Operational Works for Vegetation Clearing. For further information contact Council's Strategic Planning and Approvals team on 1300 692 247.

FURTHER ADVICE FOR PART A

1. This approval, granted under the transitional provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of section 85 of the Planning Act 2016.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

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

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

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

The costs associated with Trunk Infrastructure may offset, in part, in full or may exceed the levied Infrastructure Charges for the development in accordance with Council Adopted Infrastructure Charges Resolution. The Applicant may enter into an Infrastructure Agreement with Council regarding the provision of and costs associated with Trunk Infrastructure within the development.

The provision of Trunk Infrastructure must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for such infrastructure.

Pest Management

5. In accordance with Section 23 (the General Biosecurity Obligation) of the Biosecurity Act 2014, persons who carry out activities are required to take all reasonable measures to prevent or minimise any biosecurity risk and avoid actions that make worse or increase the risk, such as failing to manage the impact of invasive plants and animals on the subject land.
6. The subject site is identified as a high risk area on the Protected plants flora survey trigger map. Provisions of the Nature Conservation Act 1992 may apply to the clearing of protected plants and additional permits may be required. Further information may be obtained by contacting the Department of Environment and Science.
7. Council will be implementing “smart” meters during the currency of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what type of water meter should be installed.
8. For information relating to Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au>. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au

PART C: PRELIMINARY APPROVAL (RECONFIGURING A LOT – STAGE 8)

APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term ‘approved drawing(s) and / or document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Concept Plan Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-260, Issue K	6 December 2019
VMA Mapping Proposed Stages 1-8 Prepared by RPS	Dwg. No. 4392-262, Issue K	6 December 2019

Assessment Manager Conditions

1. This Preliminary Approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 88 of the Planning Act 2016.

Timing of Effect

2. The conditions of this Preliminary Approval must be satisfied prior to submission of an application seeking a Development Permit for Reconfiguring a Lot for Stage 8 of the development, except where specified otherwise in these conditions of approval.

Water Supply Master Plan

3. A Water Supply Master Plan, accompanied by supporting calculations, must be provided with the application seeking a Development Permit for Reconfiguring a Lot for Stage 8. The Master Plan must demonstrate how the development can be serviced by reticulated water supply and must be endorsed by the Chief Executive Officer.

In addition to the above, and prior to the issue of each subsequent Development Permit for Operational Work for a further Stage of development, demonstrate how the development can be serviced by the water supply network, including security of supply and works required to be delivered must be provided and accompanied by supporting calculations and subsequently be endorsed by the Chief Executive Officer.

The Water Supply Master Plan is to include the following:

- a. Demonstrate alignment with the network strategy set out in the Goldsborough Water Supply Planning Study Update (Jacobs, 2020).
- b. Detail connection point(s) of the development and provide boundary conditions at multiple flow rates (hydraulic network analysis);
- c. Set out the timing and staging of the development; and

The plan is to identify any interim servicing arrangements for the external infrastructure requirements to service the development. The Plan should identify thresholds for the development (lot yield and timing) associated with those interim and ultimate servicing arrangements, including any limitation on the development for any interim connection to Council's infrastructure.

NOTE: The subject site is located outside the Priority Infrastructure Area (PIA) as identified in Council's Local Government Infrastructure Plan (LGIP).

As the land is located outside the PIA, the development must utilise existing infrastructure capacity and provide new capacity in an orderly and sequential manner to service expected growth.

Stormwater Drainage

4. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries;
 - b. The contributing flows from neighbouring developments;
 - c. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
 - d. Demonstrate that adequate infrastructure is to be in place such that a major stormwater event is able to be retained and conveyed to a Lawful Point of Discharge with appropriate allowances made for lot access;
 - e. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
 - f. Identify any requirement for drainage easements;
 - g. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
 - h. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development;

The Local Drainage Study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Reconfiguring a Lot for Stage 8 of the approved development.

Access to Stage 8

5. Access to Stage 8 of the development is dependent on the provision of legal and constructed public road access. As part of any future application seeking a Development Permit for Reconfiguring a Lot for Stage 8, the Applicant must demonstrate that lawful, safe and practical access to Stage 8 exists.

Note:

Such access is likely to be achieved via adjoining development (8/17/115) on Lot 2 on RP898726.

Building Envelope Plans

9. The applicant must submit a building envelope plan for all lots within Stage 8 of the development, generally in the locations shown in the approved plan, ensuring building envelopes are located:
 - a. A minimum of 25 metres from the top of bank;
 - b. Outside the 1% AEP inundation area; and
 - c. To not contain land with a slope steeper than 1 in 6 and identify all areas in excess of 1 in 6 to ensure they are not located within the envelope.

The building envelopes are to provide indicative areas for onsite wastewater disposal, and must to be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Detailed Survey of Top of Bank of Waterways

10. The Applicant is to provide a detailed survey of the existing Top of Bank for the waterways within the site, to accurately inform building location envelopes, areas to be placed under covenant and land to be transferred to Council.

The detailed survey, which may be provided on a stage-by-stage basis, must be endorsed by the Chief Executive Officer prior to Council approval of the Plan of Survey for the relevant stage.

Driveway to Rear Lots

11. A driveway is to be provided to all rear lots (particularly Lot 89) that:
 - a. Is constructed with surface materials that blend with the surrounding environment; and
 - b. Is provided with erosion control measures.

Details of the proposed driveways are to be included with the application for a Development Permit for Operational Works for the relevant stage.

FURTHER ADVICE FOR PART C

1. This Preliminary Approval does not negate the requirement for compliance with all other relevant statutory requirements.
2. For information relating to the Planning Act 2016 log on to www.planning.dsdmip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

3. As part of any subsequent Development Application for Reconfiguring a Lot, the Applicant may wish to submit a Building Envelope Plan for all lots within the development to assist in providing certainty to future purchasers regarding setbacks.
4. The subject site is identified as a high risk area on the Protected plants flora survey trigger map. Provisions of the Nature Conservation Act 1992 may apply to the clearing of protected plants and additional permits may be required. Further information may be obtained by contacting the Department of Environment and Science.

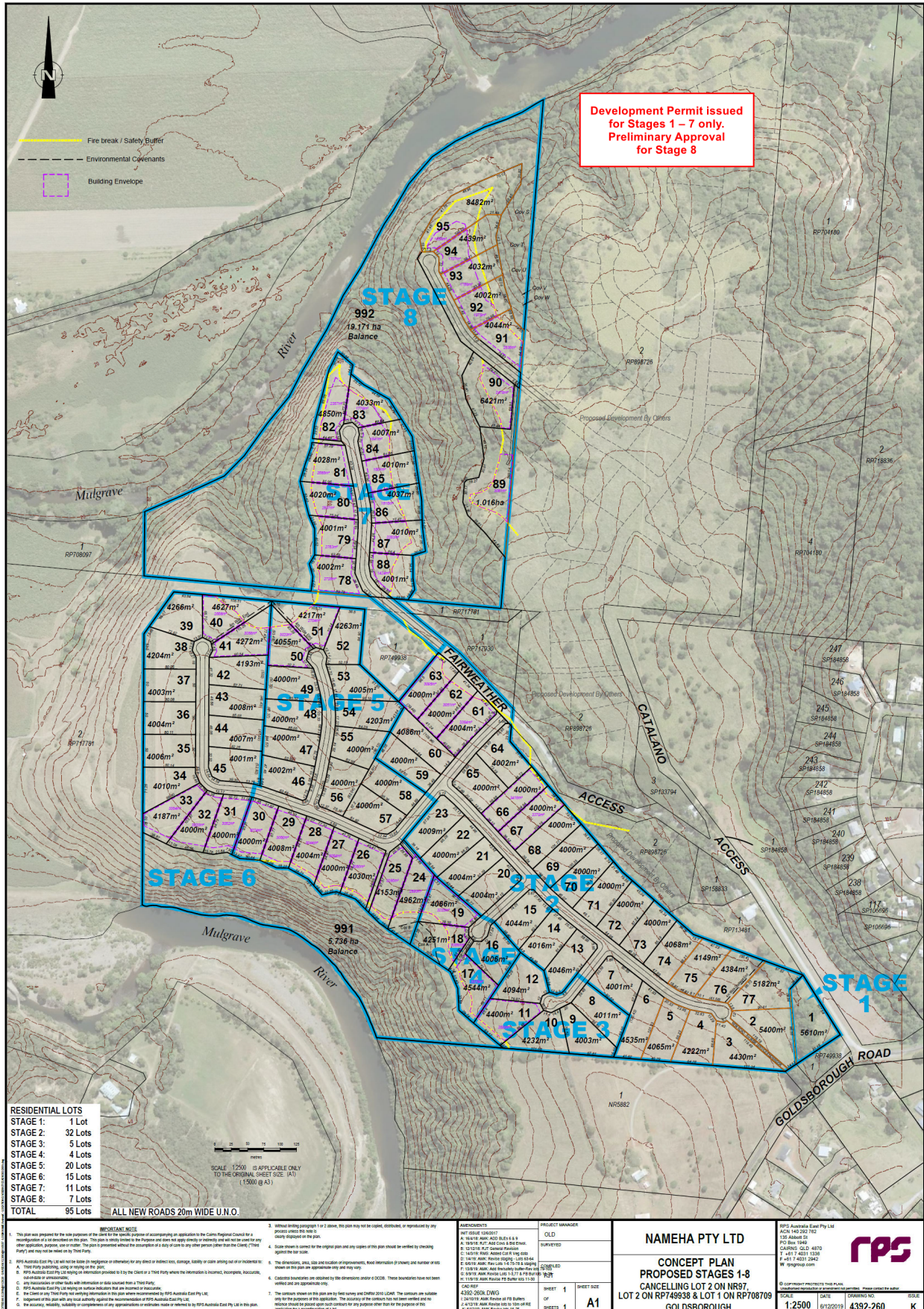
APPEAL RIGHTS

The rights of applicants to appeal to a tribunal or the Planning and Environment Court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are attached as Appendix 4.

END OF DECISION NOTICE

APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



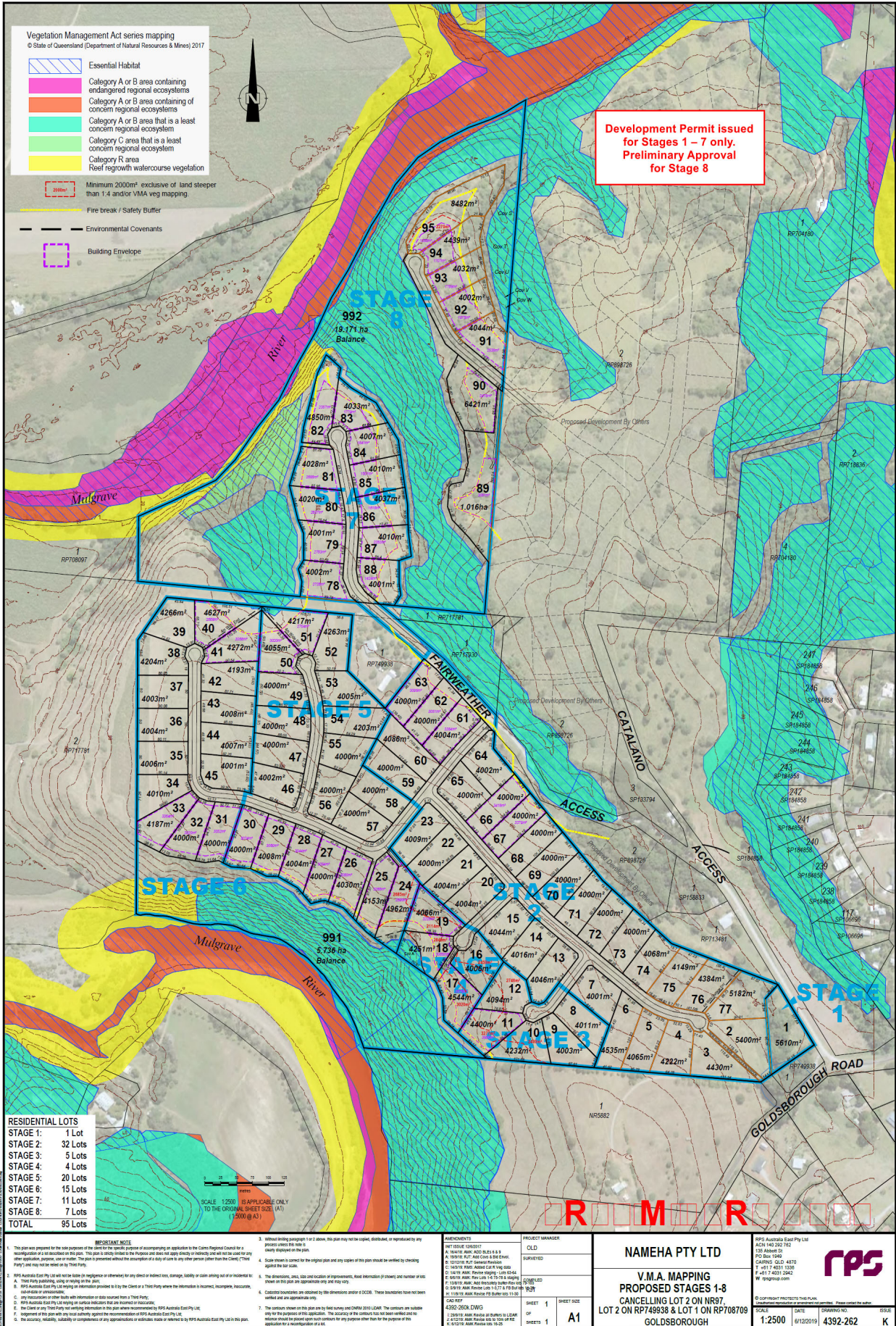
Development Permit issued for Stages 1 - 7 only.
Preliminary Approval for Stage 8

RESIDENTIAL LOTS	
STAGE 1:	1 Lot
STAGE 2:	32 Lots
STAGE 3:	5 Lots
STAGE 4:	4 Lots
STAGE 5:	20 Lots
STAGE 6:	15 Lots
STAGE 7:	11 Lots
STAGE 8:	7 Lots
TOTAL	95 Lots

SCALE 1:2500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A1) (1500 @ A3)

ALL NEW ROADS 20m WIDE U.N.O.

<p>IMPORTANT NOTE</p> <p>1. This plan was prepared for the sole purpose of providing information to the Council for its consideration of an application for a development permit. It is not to be used for any other purpose, and does not constitute an offer of any land or other asset, nor does it constitute an offer of any financial product or service. The plan is prepared without the assumption of a duty of care to any other person other than the Client. (See Stage 1 and the notes on the plan.)</p> <p>2. RPS Australia East Pty Ltd will not take on (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:</p> <ul style="list-style-type: none"> A. the use of this plan, or any part of the plan; B. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, misleading or inconsistent; C. any investigation or other search with information or data sourced from a Third Party; D. RPS Australia East Pty Ltd relying on surface indications that are incorrect or inaccurate; E. the Client or any Third Party not verifying information on this plan when recommended by RPS Australia East Pty Ltd; F. any use of this plan which is not intended or approved by RPS Australia East Pty Ltd; G. the accuracy, reliability, suitability or completeness of any representations or estimates made or referred to by RPS Australia East Pty Ltd in this plan. 	<p>3. Without limiting paragraph 1 of 2 above, this plan may not be copied, distributed, or reproduced by any person other than the Client.</p> <p>4. Local laws in force at the time of preparation of this plan may vary from those shown on this plan and any copies of this plan should be verified by checking against the local laws.</p> <p>5. Certain boundaries are established by the dimensions shown on this plan. These boundaries have not been verified and are approximate only.</p> <p>6. The contents of this plan are for the use of the Client only. The Client is responsible for ensuring that the information on this plan is used only for the purposes of the application. The accuracy of the information on this plan is not guaranteed and the Client should consult their own surveyors for any purposes other than for the purposes of this application.</p>	<p>PROJECT MANAGER</p> <p>CLIENT: NAMEHA PTY LTD</p> <p>SUBMITTED:</p> <p>DATE: 06/12/2019</p> <p>PROJECT NO: 4392-260</p> <p>PROJECT NAME: CONCEPT PLAN PROPOSED STAGES 1-8 CANCELLING LOT 2 ON NR97, LOT 2 ON RP749938 & LOT 1 ON RP708709 GOLDSBOROUGH</p> <p>SHEET: 1 OF 1</p> <p>SHEET SIZE: A1</p>	<p>RPS Australia East Pty Ltd</p> <p>150 Ashbur St 150 Ashbur St GOLDSBOROUGH QLD 4870 T +61 7 4621 3328 F +61 7 4621 2482 www.rps.com.au</p> <p>RPS</p> <p>© Copyright Protected This Plan is the Property of RPS Australia East Pty Ltd.</p> <p>SCALE: 1:2500 DATE: 06/12/2019 DRAWING NO: 4392-260 ISSUE: K</p>
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APPENDIX 2: REFERRAL AGENCY RESPONSE

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1904-10940 SRA
Council reference: 8/13/2221
Applicant reference: 4392

21 January 2020

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870
PlanningAdmin@cairns.qld.gov.au

Attention: Ms Claire Anderson

Dear Sir/Madam

SARA response—Fairweather Access, Goldsborough

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

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 3 May 2019.

Response

Outcome:	Referral agency response – with conditions
Date of response:	21 January 2020
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit Reconfiguring a lot (three lots into 97 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 3, Division 4, Subdivision 2, Table 1 (Planning Regulation 2017)
SARA reference:	1904-10940 SRA
Assessment Manager:	Cairns Regional Council

Page 1 of 7

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

1906-11627 SRA

Street address: Fairweather Access, Goldsborough
Real property description: Lot 2 on NR97, Lot 2 on RP49938 and Lot 1 on RP708709
Applicant name: Nameha Pty Ltd C/- RPS Australia Asia Pacific Pty Ltd
Applicant contact details: 135 Abbott Street
Cairns QLD 4870
owen.dalton@rpsgroup.com.au

Representations

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

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Nameha Pty Ltd C/- RPS Australia East Pty Ltd, owen.dalton@rpsgroup.com.au

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

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Reconfiguring a Lot		
10.3.4.2.1—Clearing native vegetation - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Natural Resources, Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	No clearing of vegetation is to occur within areas identified as Area A (Parts A1-A6) as shown on the attached Technical Agency Response Plan (TARP) 1904-10940 SRA dated 13 January 2020.	At all times
2.	No built structure, other than for fences, roads and underground services is to be established, constructed or located within areas identified as Area B (Parts B1-B7) as shown on attached Technical Agency Response Plan (TARP) 1904-10940 SRA dated 13 January 2020.	At all times
3.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	Prior to clearing

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.4. If a word remains undefined it has its ordinary meaning.
2.	To request an electronic file of the Derived Points (Attached to Plan: 1904-10940 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy at northvegetation@dnrme.qld.gov.au and include application reference (1904-10940 SRA).

Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- The proposed development layout avoids impacts on vegetation and where avoidance is not reasonably possible the impacts have been minimised.
- The applicant has submitted building envelopes to ensure that buildings are appropriately setback from regulated vegetation to remove exemptions associated with clearing for firebreaks and safety buffers.
- The impact of the development on connectivity or loss of biodiversity and the ecosystem function is considered minimal.
- The proposed development complies with performance outcomes of State code 16: Native vegetation clearing.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

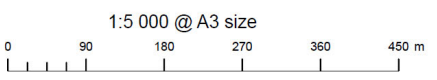
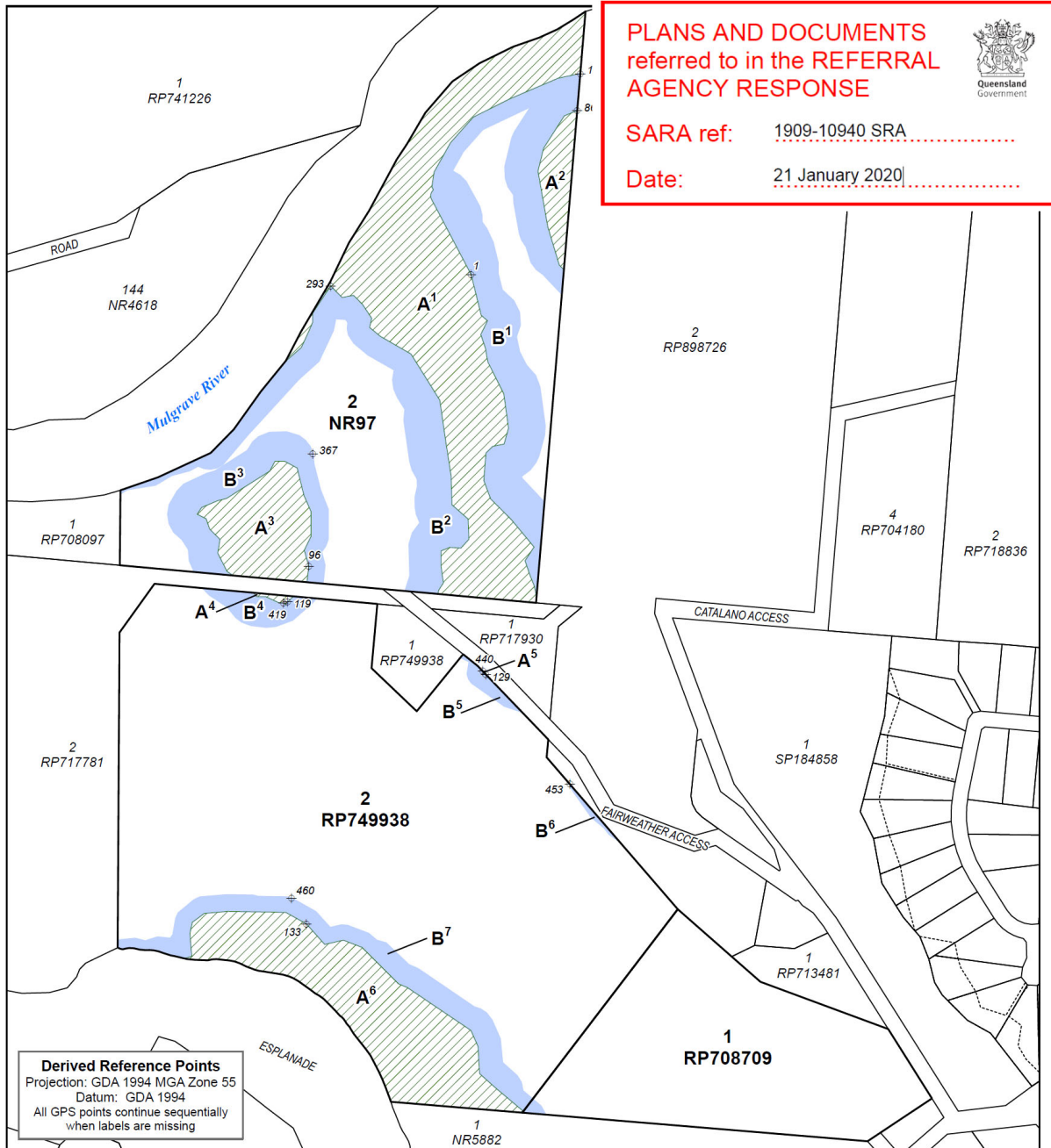
30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)





Projection: GDA 1994 MGA Zone 55 Datum: GDA 1994

Note: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with Decision Notice 1904-10940 SRA

<p>LEGEND</p> <ul style="list-style-type: none"> ⊕ Derived Reference Points for GPS (see Attachment to Plan) (Area start points shown only) ▭ Subject Lot(s) ▨ Area A (Parts A¹ - A⁶) ▭ Area B (Parts B¹ - B⁷) <p><small>Note: This is a colour plan and should only be reproduced in colour.</small></p>	<p>Technical Agency Response Plan</p> <p>Plan of Area A (Parts A¹ - A⁶), Area B (Parts B¹ - B⁷) in Lot 2 on Plan RP749938, Lot 2 on Plan NR97, and Lot 1 on Plan RP708709</p> <p style="text-align: right;">eLVAS Case ID: 2019/002116</p>		 N	 Queensland Government
	LOCAL GOVT: Cairns Regional LOCALITY OF Goldsborough		Version: 1	
	File Reference: eDOCS: 082/0003338	Compiled from: DCDB, RVM & NRM Notes on File		
	Prepared by: SAK - j5565 Department: DNRME Region: NORTH Date: 13 January 2020	<p>TARP</p> <p>1904-10940 SRA</p> <p>Sheet 1 of 1</p>		

Attachment to Plan: 1904-10940 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 1909-10940 SRA

Date: 21 January 2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
B2	361	364823	8103848	B4	421	364826	8103533	B7	481	365138	8102861
B2	362	364844	8103867	B4	422	364834	8103540	B7	482	365136	8102863
B2	363	364855	8103890	B4	423	364863	8103538	B7	483	365099	8102895
B2	364	364859	8103900	B4	424	364859	8103532	B7	484	365078	8102913
B2	365	364859	8103912	B4	425	364833	8103509	B7	485	365076	8102949
B2	366	364883	8103948	B4	426	364811	8103501	B7	486	365067	8102970
B3	367	364859	8103728	B4	427	364798	8103500	B7	487	365066	8102970
B3	368	364861	8103714	B4	428	364778	8103502	B7	488	365063	8102972
B3	369	364869	8103680	B4	429	364766	8103506	B7	489	365008	8103010
B3	370	364879	8103655	B4	430	364758	8103513	B7	490	365007	8103010
B3	371	364879	8103616	B4	431	364747	8103526	B7	491	365006	8103010
B3	372	364876	8103606	B4	432	364723	8103542	B7	492	364983	8103026
B3	373	364871	8103599	B4	433	364715	8103551	B7	493	364972	8103031
B3	374	364875	8103581	B4	434	364781	8103545	B7	494	364924	8103079
B3	375	364873	8103557	B4	435	364786	8103540	B7	495	364912	8103083
B3	376	364852	8103559	B4	436	364798	8103540	B7	496	364899	8103088
B3	377	364854	8103580	B4	437	364809	8103534	B7	497	364875	8103083
B3	378	364848	8103601	B4	438	364814	8103532	B7	498	364851	8103110
B3	379	364857	8103619	B4	439	364821	8103531	B7	499	364824	8103125
B3	380	364857	8103652	B5	440	365086	8103437	B7	500	364809	8103125
B3	381	364848	8103673	B5	441	365133	8103388	B7	501	364747	8103126
B3	382	364839	8103709	B5	442	365111	8103396	B7	502	364717	8103123
B3	383	364829	8103714	B5	443	365068	8103426	B7	503	364710	8103118
B3	384	364823	8103718	B5	444	365064	8103432	B7	504	364701	8103112
B3	385	364822	8103718	B5	445	365062	8103438	B7	505	364698	8103097
B3	386	364810	8103718	B5	446	365065	8103454	B7	506	364701	8103067
B3	387	364803	8103705	B5	447	365053	8103460	B7	507	364691	8103064
B3	388	364746	8103669	B5	448	365056	8103464	B7	508	364679	8103067
B3	389	364734	8103666	B5	449	365076	8103449	B7	509	364673	8103068
B3	390	364713	8103657	B5	450	365082	8103442	B7	510	364663	8103071
B3	391	364707	8103648	B5	451	365082	8103441	B7	511	364657	8103074
B3	392	364719	8103642	B5	452	365086	8103437	B7	512	364650	8103075
B3	393	364724	8103628	B6	453	365196	8103293	B7	513	364645	8103075
B3	394	364737	8103615	B6	454	365260	8103219	B7	514	364640	8103075
B3	395	364735	8103597	B6	455	365248	8103228	B7	515	364632	8103076
B3	396	364747	8103573	B6	456	365242	8103236	B7	516	364625	8103078
B3	397	364754	8103568	B6	457	365225	8103250	B7	517	364619	8103078
B3	398	364704	8103572	B6	458	365200	8103285	B7	518	364614	8103077
B3	399	364698	8103587	B6	459	365196	8103293	B7	519	364611	8103076
B3	400	364697	8103602	B7	460	364831	8103143	B7	520	364608	8103076
B3	401	364688	8103615	B7	461	364863	8103126	B7	521	364606	8103077
B3	402	364677	8103625	B7	462	364882	8103105	B7	522	364605	8103078
B3	403	364671	8103636	B7	463	364897	8103108	B7	523	364603	8103078
B3	404	364669	8103648	B7	464	364905	8103108	B7	524	364603	8103088
B3	405	364671	8103660	B7	465	364933	8103097	B7	525	364626	8103090
B3	406	364681	8103678	B7	466	364943	8103088	B7	526	364640	8103087
B3	407	364690	8103687	B7	467	364955	8103084	B7	527	364656	8103092
B3	408	364720	8103701	B7	468	364985	8103056	B7	528	364673	8103091
B3	409	364731	8103705	B7	469	364997	8103051	B7	529	364676	8103095
B3	410	364774	8103732	B7	470	365071	8103000	B7	530	364680	8103117
B3	411	364781	8103743	B7	471	365079	8102998	B7	531	364683	8103124
B3	412	364788	8103750	B7	472	365087	8102993	B7	532	364703	8103141
B3	413	364802	8103756	B7	473	365094	8102983	B7	533	364711	8103145
B3	414	364825	8103756	B7	474	365105	8102959	B7	534	364748	8103148
B3	415	364842	8103751	B7	475	365108	8102927	B7	535	364781	8103147
B3	416	364849	8103745	B7	476	365127	8102910	B7	536	364788	8103145
B3	417	364856	8103737	B7	477	365132	8102902	B7	537	364825	8103145
B3	418	364859	8103728	B7	478	365135	8102890	B7	538	364831	8103143
B4	419	364821	8103531	B7	479	365159	8102870				
B4	420	364822	8103530	B7	480	365165	8102859				

Attachment to Plan: 1904-10940 SRA
Derived Reference Points for GPS
Datum: GDA 1994, Projection: MGA Zone 55

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 1909-10940 SRA

Date: 21 January 2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
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Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A6	181	364763	8103058	B1	241	365130	8103862	B2	301	364988	8103859
A6	182	364757	8103060	B1	242	365139	8103844	B2	302	365026	8103798
A6	183	364751	8103061	B1	243	365151	8103830	B2	303	365034	8103743
A6	184	364733	8103063	B1	244	365157	8103816	B2	304	365041	8103699
A6	185	364727	8103063	B1	245	365164	8103764	B2	305	365042	8103660
A6	186	364722	8103062	B1	246	365163	8103752	B2	306	365063	8103642
A6	187	364704	8103062	B1	247	365156	8103725	B2	307	365064	8103615
A6	188	364694	8103064	B1	248	365152	8103716	B2	308	365053	8103604
A6	189	364691	8103064	B1	249	365144	8103706	B2	309	365039	8103605
A6	190	364701	8103067	B1	250	365133	8103698	B2	310	365027	8103600
A6	191	364698	8103097	B1	251	365134	8103695	B2	311	365027	8103579
A6	192	364701	8103112	B1	252	365163	8103664	B2	312	365031	8103558
A6	193	364710	8103118	B1	253	365153	8103540	B2	313	365028	8103554
A6	194	364717	8103123	B1	254	365151	8103550	B2	314	365025	8103549
A6	195	364747	8103126	B1	255	365150	8103554	B2	315	365023	8103543
A6	196	364809	8103125	B1	256	365144	8103569	B2	316	364987	8103547
A6	197	364824	8103125	B1	257	365138	8103587	B2	317	364981	8103547
A6	198	364851	8103110	B1	258	365150	8103605	B2	318	364987	8103567
B1	199	365210	8104227	B1	259	365125	8103634	B2	319	364986	8103609
B1	200	365206	8104179	B1	260	365120	8103641	B2	320	364990	8103623
B1	201	365202	8104177	B1	261	365093	8103668	B2	321	365000	8103637
B1	202	365189	8104172	B1	262	365084	8103692	B2	322	364995	8103648
B1	203	365162	8104129	B1	263	365086	8103728	B2	323	364994	8103657
B1	204	365155	8104099	B1	264	365095	8103737	B2	324	364994	8103671
B1	205	365167	8104026	B1	265	365102	8103739	B2	325	364997	8103685
B1	206	365183	8103975	B1	266	365110	8103740	B2	326	364996	8103694
B1	207	365185	8103973	B1	267	365116	8103761	B2	327	364990	8103706
B1	208	365189	8103969	B1	268	365110	8103806	B2	328	364987	8103717
B1	209	365186	8103938	B1	269	365089	8103848	B2	329	364979	8103771
B1	210	365162	8103963	B1	270	365086	8103866	B2	330	364980	8103786
B1	211	365153	8103970	B1	271	365080	8103884	B2	331	364970	8103802
B1	212	365146	8103979	B1	272	365089	8103902	B2	332	364966	8103813
B1	213	365139	8104000	B1	273	365080	8103910	B2	333	364964	8103825
B1	214	365134	8104008	B1	274	365067	8103963	B2	334	364966	8103838
B1	215	365131	8104016	B1	275	365019	8104054	B2	335	364932	8103858
B1	216	365123	8104057	B1	276	365015	8104062	B2	336	364913	8103873
B1	217	365123	8104068	B1	277	365015	8104063	B2	337	364906	8103884
B1	218	365116	8104078	B1	278	365014	8104065	B2	338	364905	8103892
B1	219	365112	8104089	B1	279	365014	8104067	B2	339	364905	8103900
B1	220	365111	8104105	B1	280	365014	8104068	B2	340	364903	8103904
B1	221	365121	8104143	B1	281	365015	8104070	B2	341	364889	8103905
B1	222	365124	8104151	B1	282	365015	8104072	B2	342	364886	8103890
B1	223	365145	8104184	B1	283	365016	8104072	B2	343	364867	8103849
B1	224	365082	8104154	B1	284	365018	8104075	B2	344	364841	8103825
B1	225	365056	8104125	B1	285	365016	8104078	B2	345	364774	8103752
B1	226	365042	8104099	B1	286	365018	8104098	B2	346	364741	8103713
B1	227	365052	8104093	B1	287	365040	8104137	B2	347	364734	8103709
B1	228	365060	8104085	B1	288	365070	8104170	B2	348	364725	8103708
B1	229	365078	8104052	B1	289	365117	8104194	B2	349	364717	8103708
B1	230	365081	8104041	B1	290	365181	8104221	B2	350	364709	8103711
B1	231	365081	8104032	B1	291	365206	8104226	B2	351	364698	8103706
B1	232	365087	8104024	B1	292	365210	8104227	B2	352	364674	8103699
B1	233	365096	8104006	B2	293	364883	8103948	B2	353	364653	8103686
B1	234	365102	8103979	B2	294	364898	8103933	B2	354	364616	8103680
B1	235	365102	8103964	B2	295	364913	8103936	B2	355	364607	8103675
B1	236	365108	8103943	B2	296	364915	8103933	B2	356	364607	8103680
B1	237	365123	8103929	B2	297	364925	8103924	B2	357	364656	8103697
B1	238	365130	8103914	B2	298	364937	8103906	B2	358	364725	8103729
B1	239	365131	8103897	B2	299	364934	8103894	B2	359	364756	8103760
B1	240	365126	8103881	B2	300	364948	8103882	B2	360	364791	8103809

Attachment to Plan: 1904-10940 SRA
 Derived Reference Points for GPS
 Datum: GDA 1994, Projection: MGA Zone 55

PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE



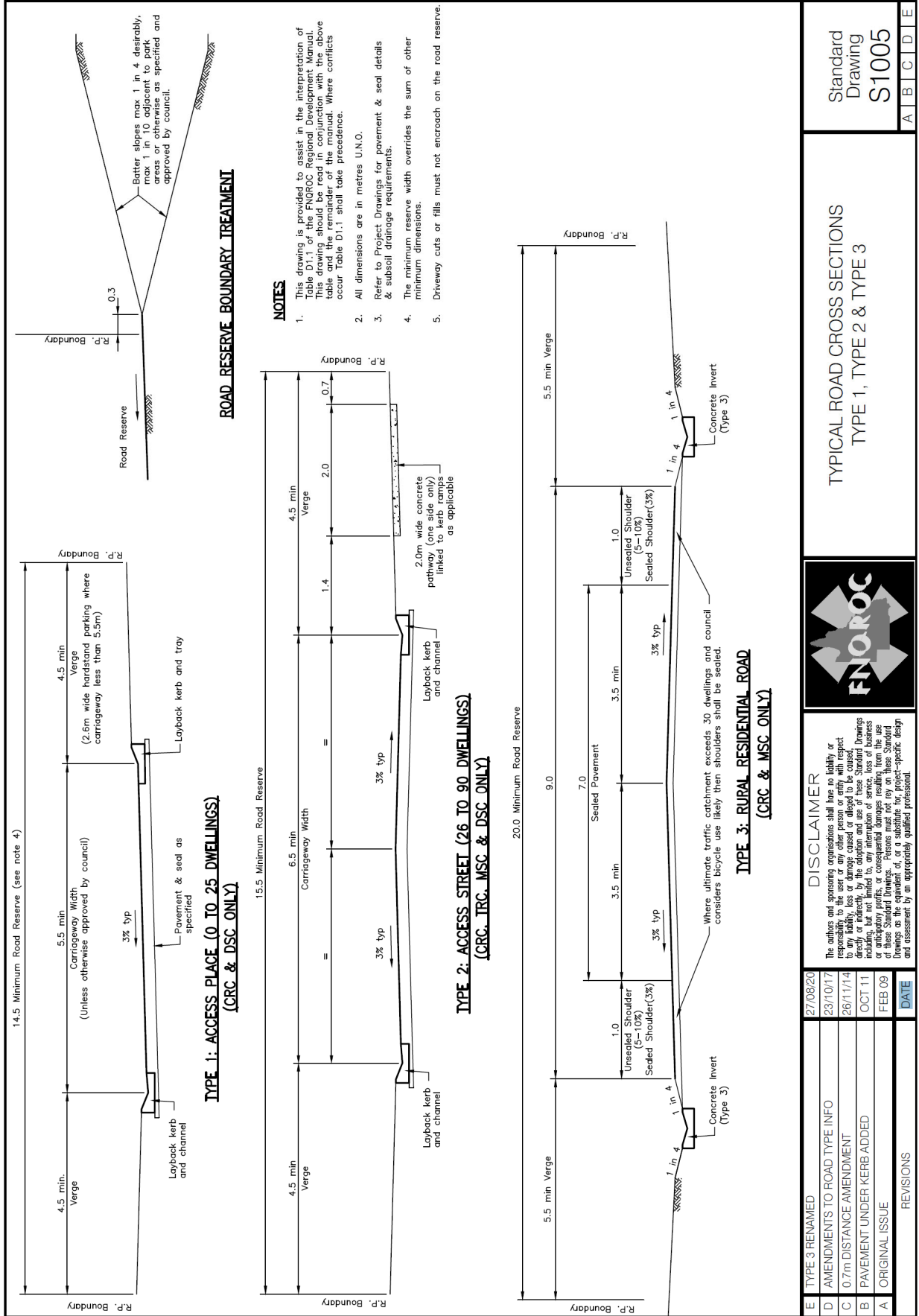
SARA ref: 1909-10940 SRA

Date: 21 January 2020

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
A1	1	365067	8103963	A1	61	365078	8104241	A4	121	364821	8103531
A1	2	365080	8103910	A1	62	365122	8104263	A4	122	364814	8103532
A1	3	365089	8103902	A1	63	365156	8104274	A4	123	364809	8103534
A1	4	365080	8103884	A1	64	365180	8104285	A4	124	364798	8103540
A1	5	365086	8103866	A1	65	365202	8104299	A4	125	364786	8103540
A1	6	365089	8103848	A1	66	365217	8104309	A4	126	364781	8103545
A1	7	365110	8103806	A1	67	365210	8104227	A4	127	364834	8103540
A1	8	365116	8103761	A1	68	365206	8104226	A4	128	364826	8103533
A1	9	365110	8103740	A1	69	365181	8104221	A5	129	365082	8103442
A1	10	365102	8103739	A1	70	365117	8104194	A5	130	365086	8103437
A1	11	365095	8103737	A1	71	365070	8104170	A5	131	365082	8103441
A1	12	365086	8103728	A1	72	365040	8104137	A5	132	365082	8103442
A1	13	365084	8103692	A1	73	365018	8104098	A6	133	364851	8103110
A1	14	365093	8103668	A1	74	365016	8104078	A6	134	364875	8103083
A1	15	365120	8103641	A1	75	365018	8104075	A6	135	364899	8103088
A1	16	365125	8103634	A1	76	365016	8104072	A6	136	364912	8103083
A1	17	365150	8103605	A1	77	365015	8104072	A6	137	364924	8103079
A1	18	365138	8103587	A1	78	365015	8104070	A6	138	364972	8103031
A1	19	365144	8103569	A1	79	365014	8104068	A6	139	364983	8103026
A1	20	365150	8103554	A1	80	365014	8104067	A6	140	365006	8103010
A1	21	365151	8103550	A1	81	365014	8104065	A6	141	365007	8103010
A1	22	365153	8103540	A1	82	365015	8104063	A6	142	365008	8103010
A1	23	365152	8103532	A1	83	365015	8104062	A6	143	365063	8102972
A1	24	365023	8103543	A1	84	365019	8104054	A6	144	365066	8102970
A1	25	365025	8103549	A1	85	365067	8103963	A6	145	365067	8102970
A1	26	365028	8103554	A2	86	365206	8104179	A6	146	365076	8102949
A1	27	365031	8103558	A2	87	365189	8103969	A6	147	365078	8102913
A1	28	365027	8103579	A2	88	365185	8103973	A6	148	365099	8102895
A1	29	365027	8103600	A2	89	365183	8103975	A6	149	365136	8102863
A1	30	365039	8103605	A2	90	365167	8104026	A6	150	365138	8102861
A1	31	365053	8103604	A2	91	365155	8104099	A6	151	365134	8102861
A1	32	365064	8103615	A2	92	365162	8104129	A6	152	364962	8102876
A1	33	365063	8103642	A2	93	365189	8104172	A6	153	364960	8102881
A1	34	365042	8103660	A2	94	365202	8104177	A6	154	364958	8102886
A1	35	365041	8103699	A2	95	365206	8104179	A6	155	364955	8102894
A1	36	365034	8103743	A3	96	364854	8103580	A6	156	364950	8102906
A1	37	365026	8103798	A3	97	364852	8103559	A6	157	364946	8102916
A1	38	364988	8103859	A3	98	364754	8103568	A6	158	364935	8102937
A1	39	364948	8103882	A3	99	364747	8103573	A6	159	364929	8102945
A1	40	364934	8103894	A3	100	364735	8103597	A6	160	364913	8102965
A1	41	364937	8103906	A3	101	364737	8103615	A6	161	364909	8102972
A1	42	364925	8103924	A3	102	364724	8103628	A6	162	364908	8102974
A1	43	364915	8103933	A3	103	364719	8103642	A6	163	364904	8102978
A1	44	364913	8103936	A3	104	364707	8103648	A6	164	364902	8102981
A1	45	364898	8103933	A3	105	364713	8103657	A6	165	364900	8102985
A1	46	364883	8103948	A3	106	364734	8103666	A6	166	364897	8102988
A1	47	364859	8103912	A3	107	364746	8103669	A6	167	364895	8102989
A1	48	364859	8103900	A3	108	364803	8103705	A6	168	364888	8102996
A1	49	364855	8103890	A3	109	364810	8103718	A6	169	364874	8103011
A1	50	364844	8103867	A3	110	364822	8103718	A6	170	364868	8103015
A1	51	364823	8103848	A3	111	364823	8103718	A6	171	364863	8103018
A1	52	364824	8103850	A3	112	364829	8103714	A6	172	364857	8103022
A1	53	364844	8103888	A3	113	364839	8103709	A6	173	364840	8103034
A1	54	364882	8103954	A3	114	364848	8103673	A6	174	364833	8103039
A1	55	364907	8104005	A3	115	364857	8103652	A6	175	364828	8103041
A1	56	364933	8104047	A3	116	364857	8103619	A6	176	364820	8103043
A1	57	364970	8104115	A3	117	364848	8103601	A6	177	364795	8103047
A1	58	364983	8104135	A3	118	364854	8103580	A6	178	364788	8103048
A1	59	365007	8104176	A4	119	364826	8103533	A6	179	364784	8103049
A1	60	365042	8104217	A4	120	364822	8103530	A6	180	364772	8103054

APPENDIX 3: FNQROC STANDARD DRAWINGS



Standard Drawing S1005

A B C D E

TYPICAL ROAD CROSS SECTIONS
TYPE 1, TYPE 2 & TYPE 3



DISCLAIMER

The authors and sponsoring organisations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or other financial loss. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

E	TYPE 3 RENAMED	27/08/20	DATE
D	AMENDMENTS TO ROAD TYPE INFO	23/10/17	
C	0.7m DISTANCE AMENDMENT	26/11/14	
B	PAVEMENT UNDER KERB ADDED	OCT 11	
A	ORIGINAL ISSUE	FEB 09	
REVISIONS			

APPENDIX 4: APPEAL RIGHTS**Chapter 6 Dispute resolution****Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

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- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

-
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

Planning Act 2016
Chapter 6 Dispute resolution

[s 231]

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

Statement of Reasons

The following information is provided in accordance with Section 63 of the *Planning Act 2016*.

Development application:	8/13/2221
Property Address:	Fairweather Access, Goldsborough
Property Description:	Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709
Application proposal:	Reconfiguring a Lot (3 Lots Into 95 Lots, 2 balance lots and new road)
Approved:	Under Instrument of Delegation
Approved on:	22 April 2021
Planning Scheme:	CairnsPlan 2016 v2.1

REASONS FOR DECISION

The reasons for this decision are.

1. Use of Land

The proposed development represents the conversion of land previously utilised for grazing / cane farming to rural residential development, in accordance with the zoning of the land pursuant to the CairnsPlan 2016.

Lots proposed comply with the acceptable outcome prescribed for the Rural Residential Zone, being a minimum of 4,000m², incorporating a minimum of 2,000m² that is exclusive of land with slopes exceeding 1 in 4 (25%). The proposed development is consistent with development occurring within the surrounding locality, pursuant to the zoning of land for Rural Residential purposes under CairnsPlan 2016.

2. Constraints

The layout of the proposed subdivision has been designed generally in response to geographical and environmental constraints, predominantly avoiding potential landslip hazard areas, waterways and natural areas to the extent practicable. Development is proposed on cleared areas of the site, retaining the vegetated corridors throughout the site (which will be transferred to Council as drainage / open space).

Environmental Covenants are proposed within Lots 17 and 18 to achieve compliance with the relevant provisions of the Natural Areas Overlay Code.



Notwithstanding that the site is identified to contain Medium and High Landscape Values, development of the site is consistent with the zoning of the land. That is, notwithstanding the conflicts between applicable assessment benchmarks, use of the subject land for rural residential development is considered to be consistent with the zoning of the land and site context.

Development Conditions have been imposed with respect to flooding and drainage matters.

3. Access

Preliminary Approval for Stage 8 has been recommended to enable access to be provided via Catalano Access as part of the development of adjoining land (to be undertaken by others).

Development Conditions have been imposed with respect to necessary road and intersection upgrades.

4. Infrastructure

An engineering report (prepared by Jacobs) was provided with the application, providing information with respect to traffic and access, drainage and flooding, water supply, sewer reticulation and electricity and telecommunications matters.

In response to emergent development fronts, Council commissioned the Goldsborough Water Supply Study to determine what, if any, thresholds might exist in relation to the catchment in terms of its water supply serviceability.

The Water Supply Study included the subject development within modelled supply and demand projections. In that existing water supply infrastructure was found to hold sufficient capacity to service the development within the Study, Council officers consider it appropriate to approve Stages 1 – 7 of the development and preliminarily approve Stage 8 of the application (as requested by the Applicant).

Stage by stage Operational Works applications will enable Council to accurately monitor the need for water infrastructure upgrades on a 'per stage' basis, in the context of development occurring within the catchment area more broadly.

ASSESSMENT BENCHMARKS

The proposed development was assessed against the following assessment benchmarks of CairnsPlan 2016.

Assessment Benchmarks	Zone <ul style="list-style-type: none"> • Rural residential Local Plans <ul style="list-style-type: none"> • None applicable Overlays <ul style="list-style-type: none"> • Acid sulfate soils • Bushfire hazard • Flood and inundation hazards • Hillslopes • Landscape values
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	<ul style="list-style-type: none"> • Natural areas • Potential landslip hazard • Transport network <p>Development codes</p> <ul style="list-style-type: none"> • Environmental performance • Excavation and filling • Infrastructure works • Landscaping • Reconfiguring a lot
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NON-COMPLIANCE WITH BENCHMARKS

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Bushfire Hazard Overlay Code	
<p>AO2.2 Development (including the potential for future buildings or structures) on lots:</p> <p>(a) are sited in locations of lowest hazard within the lot;</p> <p>(b) provide a minimum building setback from hazardous vegetation of 20 metres or the distance required to achieve a Bushfire Attack Level BAL-29 (as identified in AS3959-2009), whichever is the greater.#</p>	<p>PO2 Development maintains the safety of people and property by:</p> <p>(a) avoiding areas of Medium, High or Very high bushfire hazard; or</p> <p>(b) mitigating the risk through:</p> <p style="margin-left: 20px;">(i) lot design and the siting of development;</p> <p style="margin-left: 20px;">(ii) including firebreaks that provide adequate:</p> <p style="margin-left: 40px;">(A) setbacks between buildings/structures and hazardous vegetation;</p> <p style="margin-left: 40px;">(B) Access for firefighting/other emergency vehicles.</p> <p style="margin-left: 20px;">(iii) provide adequate road access for firefighting/other emergency vehicles and safe evacuation;</p> <p style="margin-left: 20px;">(iv) providing adequate and accessible water supply for firefighting purposes.</p> <p>Complies with Performance Outcome</p> <p>Lots intended for future rural residential development in the south of Stages 5 and 6 (Lots 29-34) are mapped as containing a small portion of Bushfire Hazard Buffer area.</p> <p>Lot 991 (a balance parcel) contains land mapped as having high potential intensity bushfire hazard. No rural residential lots are proposed to be located within areas of Medium, High or Very high bushfire hazard area. Development complies with PO2 on this basis.</p> <p>Building envelopes have been provided to Lots 29-33 providing a minimum 10 metre setback to Lot 991 and the area mapped as High Potential Intensity Bushfire hazard.</p>
<p>AO2.3 Firebreaks are provided by:</p> <p>(a) a perimeter road that separates lots from areas of bushfire hazard and that road has:</p> <p>(i) a minimum cleared width of 20 metres;</p> <p>(ii) a constructed road width and weather standard complying with Planning</p>	<p>Complies with Performance Outcome</p> <p>Firebreaks are not proposed to be provided within the development. Notwithstanding that balance parcel Lot 991 contains high potential intensity Bushfire Hazard, no rural residential lots are proposed to be located within areas of Medium, High or Very high bushfire hazard area. Development complies with PO2 on this basis.</p> <p>Building envelopes have been provided to Lots 29-33 providing a minimum 10 metre setback to Lot 991 and the area mapped as High Potential Intensity Bushfire hazard.</p>

<p>scheme policy – FNQROC Regional Development Manual; Or (b) a fire maintenance trail/s located as close as possible to the boundaries of the lots and the adjoining bushfire hazard, and: (i) have a minimum cleared width of 6 metres; (ii) have a minimum formed width of 4 metres; (iii) have a gradient that does not exceed 25%; (iv) have a cross slope that does not exceed 5%; (v) connect to roadways at each end and have passing bays at least every 200m, with access points at least every 400m - where possible.</p>	
<p>AO3.3 Bushfire hazard is minimised with planting of bushfire resistant species near Medium, High and Very high Bushfire Hazard areas identified on the Bushfire hazard overlay maps contained in Schedule 2.</p>	<p>PO3 Development does not materially intensify the use of bushfire hazard areas.</p> <p>Complies with Performance Outcome Areas of High potential bushfire hazard are to be wholly contained within Lot 991, a balance parcel to be designated as Public Open Space. Building envelopes are provided a 10 metre setback from Lot 991. Rural residential development is not proposed within an area of medium, high or very high potential bushfire hazard. Development complies with PO3 on this basis.</p>
Flood and Inundation Hazard Overlay Code	
<p>AO1.1 Development is sited on parts of the land that is not within the Defined inundation event area as shown on the Flood and inundation hazards overlay maps contained in Schedule 2;</p>	<p>PO1 Development is located and designed to: (a) ensure the safety of all persons; (b) minimise damages to the development (c) and contents of buildings; (d) provide suitable amenity; (e) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</p> <p>Will Comply with Performance Outcome Flood mapping provided by the Applicant regarding the subject land (prepared by Kellogg Brown and Root Pty Ltd, dated 16 January 2015) indicates that the Mulgrave River flood extent is clear of the proposed lots adjacent to the river, with the exception of possible 0 – 1 metre flood depths affecting proposed Lots within Stage 8. The sketch also indicates flood depths of 0 – 1 metre within several lots that contain existing gullies on the site. Conditions of approval have been imposed regarding flooding and drainage to ensure development complies with PO1.</p>
<p>AO7.1 Development ensures there is no adverse change to the profile of flood or storm tide hazard events or its</p>	<p>PO7 Development does not directly or cumulatively cause or increase adverse impacts from flood or storm tide inundation on: (a) properties or land; (b) ecological functions of waterways or other drainage paths, including water quality or their hydraulic capacity;</p>

behaviour over land that is upstream, downstream or adjacent to the development site.	(c) natural coastal processes. Will Comply with Performance Outcome Conditions of approval have been imposed regarding flooding and drainage to ensure development complies with PO7.
<p>AO7.3 Development: (a) avoid any reductions of on-site flood storage capacity and storm tide inundation, and contain within the subject site any changes to depth/duration/velocity of flood or storm tide hazards up to and including the 1% AEP Event; or (b) do not change the flood or storm tide characteristics at the Defined Inundation Event outside the site in ways that result in: (i) loss of flood storage capacity; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows; (iv) any reduction in warning times elsewhere; or</p> <p>AO7.4 Development ensures there is no adverse change to the profile of flood or storm tide hazard events or its behaviour over land that is upstream, downstream or adjacent to the development site.</p>	Will Comply with Performance Outcome Conditions of approval have been imposed regarding flooding and drainage to ensure development complies with PO7.
<p>AO10.1 Development ensures there is no adverse change to the profile of flood or storm tide hazard events or its behaviour over land that is upstream, downstream or adjacent to the development site.</p>	<p>PO10 Development does not directly or cumulatively cause or increase adverse impacts from flood or storm tide inundation on: (d) properties or land; (e) ecological functions of waterways or other drainage paths, including water quality or their hydraulic capacity; (f) natural coastal processes.</p> <p>Will Comply with Performance Outcome Conditions of approval have been imposed regarding flooding and drainage to ensure development complies with PO10.</p>
Hillslopes overlay code	
<p>AO1.1 Excavation and filling does not exceed 50m3.</p>	<p>PO1 The landscape character and scenic amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.</p> <p>Complies with Performance Outcome The Application seeks approval for Reconfiguring a Lot only and does not include information regarding the nature and extent of associated</p>

	<p>earthworks.</p> <p>The development has however been designed to predominantly avoid parts of the site affected by the Hillslopes Overlay.</p> <p>On the basis that the site is within the Rural Residential Zone, rural residential development is an anticipated and expected form of development for the subject land; and development is consistent with surrounding rural residential development occurring within the Goldsborough locality.</p> <p>Further, land to be developed for rural residential purposes on the site is cleared land, historically used for cane farming purposes; no additional native vegetation clearing is intended to occur as a result of subdivision, maintaining vegetated slopes and gullies within the subject site.</p> <p>The applicant has identified building envelopes to preclude future construction of dwellings and structures where land generally has a gradient in excess of 1 in 6. Rooflines will not protrude above nearby ridgelines.</p> <p>In consideration of the above, the proposed development is considered to sufficiently minimise impacts to the landscape character and scenic amenity quality of hillslopes areas proximate to the site, relevant to the zoning of the land.</p> <p>Operational Works matters (including excavation and fill requirements) will be assessed as part of future Operational Works applications for the development.</p>
<p>AO2.1 Excavation or fill: (a) is not more than 1.8 metres in height for each batter or retaining wall; (b) is set back a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with the requirements of Planning scheme policy - Landscaping; (d) does not exceed a maximum of 2 batters and 2 berms (i.e. not greater than 3.6 metres in total height) on any one lot. Note – Planning Scheme Policy - FNQROC Regional Development Manual provides guidance for excavation and filling associated with batters and retaining walls.</p>	<p>PO2 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions.</p> <p>Complies with Performance Outcome</p> <p>The Application seeks approval for Reconfiguring a Lot only and does not include information regarding the nature and extent of associated earthworks requirements.</p> <p>Notwithstanding, conditions of approval have been imposed with respect to future earthworks batters and retaining walls.</p> <p>Operational Works matters (including excavation and fill requirements) will be assessed as part of future Operational Works applications for the development.</p>
<p>AO3.2 Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment;</p>	<p>PO3</p> <p>The landscape character and scenic amenity quality of the hillslopes areas are retained and remain the scenic backdrop to the region.</p> <p>Will Comply with Performance Outcome</p> <p>A condition of approval has been applied with respect to provision of a driveway to Lot 17, to ensure compliance with AO3.2 / PO3.</p> <p>A condition of approval has been included within the Preliminary</p>

<p>(b) landscaped with dense planting; (c) provided with erosion control measures.</p>	<p>Approval with respect to provision of a driveway to Lot 89 to ensure future compliance with AO3.2 / PO3.</p>
Landscape values overlay code	
<p>AO1.3 Development is screened from view from roads or other public places by an existing natural landform or a native vegetation buffer.</p>	<p>PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <ul style="list-style-type: none"> (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; (g) extractive industry operations are avoided or screened from view. <p>Complies with Performance Outcome</p> <p>Given that the site is within the Rural Residential Zone, rural residential development is an anticipated and expected form of development for the subject land; and is consistent with surrounding rural residential development occurring within the locality.</p> <p>Further, the land to be developed for rural residential purposes is cleared land, historically used for cane farming; no clearing is intended to occur as a result of subdivision, maintaining vegetated slopes and gullies within the subject site.</p> <p>Building envelopes have been adopted to preclude future construction of dwellings and structures where land has a gradient in excess of 1 in 6. Rooflines will not protrude above nearby ridgelines.</p> <p>Further, the scale of development is of low density (with lots generally in excess of 4,000m²), consistent with the zoning of the land and compatible with the landscape values of the locality.</p> <p>In consideration of the above, the proposed development is considered to sufficiently minimise impacts to surrounding landscape values visible hillslopes and ridgelines, in accordance with PO1.</p> <p>Conditions of approval have been imposed with respect to future earthworks batters and retaining walls. Operational Works matters (including excavation and fill requirements) will be further assessed at future Operational Works stages of development.</p>

<p>AO1.7 Where for accommodation activities or reconfiguration of a lot involving 5 or more dwellings or 5 or more new lots in a High landscape value area development demonstrates that the height, design, scale, position on site, proposed construction materials and external finishes are compatible with the landscape values.</p>	<p>Complies with Performance Outcome Refer to response to AO1.3 above.</p>
<p>AO2.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	<p>PO2 Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <ul style="list-style-type: none"> (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) Is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) Retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) Incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) Avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; (f) Avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; (g) Extractive industry operations are avoided or screened from view. <p>Complies with Performance Outcome The site contains land identified to contain medium landscape values. In that the site is within the Rural Residential Zone, rural residential development is contemplated on the subject land; and is consistent with surrounding rural residential development occurring within the locality. Further, the land to be developed for rural residential purposes is cleared land, historically used for cane farming; no clearing is intended to occur as a result of subdivision, maintaining vegetated slopes and gullies within the subject site. Building envelopes have been adopted to preclude future construction of dwellings and structures where land has a gradient in excess of 1 in 6. Rooflines will not protrude above nearby ridgelines. Further, the scale of development is of low density (with lots generally in excess of 4,000m²), consistent with the zoning of the land and compatible with the landscape values of the locality.</p>

	<p>In consideration of the above, the proposed development is considered to sufficiently minimise impacts to surrounding landscape values visible hillslopes and ridgelines, in accordance with PO2.</p> <p>Conditions of approval have been imposed with respect to future earthworks batters and retaining walls. Operational Works matters (including excavation and fill requirements) will be further assessed at future Operational Works stages of development.</p>
Natural areas overlay code	
<p>AO1.1 Development does not occur on the part of the lot affected by the waterway corridor.</p> <p>Note – Waterway corridors are identified within Table 8.2.11.3.b.</p>	<p>PO1 Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and instream habitat values and connectivity; (f) instream migration. <p>Will Comply with Performance Outcome</p> <p>Conditions of approval have been imposed requiring building envelopes be setback a minimum of 25 metres from the top of bank of waterways and/or environmental covenants be registered for waterway corridor areas contained within lots, in order to achieve compliance with AO1.1 / PO1.</p> <p>Vegetated corridors will otherwise be contained within balance parcels, to be transferred to Council as public open space and/or drainage reserve.</p>
<p>AO3.2 Where development cannot be avoided, development ensures adverse impacts on biodiversity values do not occur by:</p> <ul style="list-style-type: none"> (a) designing, siting, operating and managing development to: (i) be situated within existing cleared areas, including necessary fire management infrastructure and fire breaks; (ii) ensure unrestricted fauna movement; (iii) retain and restore habitat corridors and biodiversity values; (iv) provide appropriate buffers to biodiversity areas; (v) minimise light and noise emission into biodiversity areas; (vi) manage domestic animal movements, through adequate containment. (b) protecting and maintaining the values of biodiversity areas; 	<p>PO3 Development does not cause adverse direct or indirect impacts on biodiversity values.</p> <p>Will Comply with Performance Outcome</p> <p>The site is mapped as containing biodiversity areas in the north of the site and within proximity to vegetated ridgelines.</p> <p>Notwithstanding, the development has been designed to utilise areas of cleared land, avoiding vegetated ridgelines and gullies. Covenants are proposed where proposed lots include part of the waterway corridor.</p> <p>Vegetated corridors will otherwise be contained within balance parcels, to be transferred to Council as public open space and/or drainage reserve. Development therefore seeks to minimise impacts on biodiversity values.</p> <p>It is also relevant that development is proposed on those parts of the site which have historically been utilised for cane farming.</p>

<p>(c) providing for strategic rehabilitation of vegetation species and coverage, and habitat connectivity;</p> <p>(d) protecting undeveloped areas of biodiversity through appropriate land tenure;</p> <p>(e) rehabilitating degraded areas to improve habitat condition, function and extent.</p>	
Potential landslip hazard overlay code	
<p>AO1.1</p> <p>Development is located on the part of the site that is not affected by the Potential landslip hazard overlay.</p>	<p>PO1</p> <p>The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste water disposal areas. <p>Will Comply with Performance Outcome</p> <p>The subject site includes land identified as containing Potential Landslip Hazard Area.</p> <p>A condition of approval has been imposed requiring that a suitably qualified person undertake a geotechnical assessment prior to issue of an Operational Works permit.</p>
<p>AO2.1</p> <p>Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.8 metres in height for each batter or retaining wall; (b) is set back a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with the requirements of Planning scheme policy - Landscaping; (d) does not exceed a maximum of 2 batters and 2 berms (i.e. not greater than 3.6 metres in total height) on any one lot. <p>Note – Planning Scheme Policy – FNQROC Regional Development Manual provides for excavation and filling associated with batters and retaining walls.</p>	<p>PO2</p> <p>The siting and design of necessary retaining structures does not cause an adverse visual impact on the landscape character or scenic amenity quality of the hillslopes areas.</p> <p>Will Comply with Performance Outcome</p> <p>The Application seeks approval for Reconfiguring a Lot only and does not include information regarding the nature and extent of associated earthworks requirements.</p> <p>Conditions of approval have been imposed with respect to future earthworks batters and retaining walls. Operational Works matters (including excavation and fill requirements) will be further assessed at future Operational Works stages of development.</p>



ENQUIRIES: Ian Elliott-Smith
PHONE: (07) 4044 3031
YOUR REF: 4392
OUR REF: 8/13/2221 / (6644018)

27 April 2021

Nameha Pty Ltd
 C/- RPS Australia Asia Pacific Pty Ltd
 PO Box 1949
 CAIRNS QLD 4870

Dear Sir/Madam,

Infrastructure Charges Decision Notice

Section 119 of the *Planning Act 2016*

Infrastructure charges notice:	9324 / 2019
Development application:	8/13/2221
Property Address:	Fairweather Access, Goldsborough
Property Description:	Lot 2 on NR97, Lot 2 on RP749938 and Lot 1 on RP708709
Application proposal:	Reconfiguring a Lot (3 Lots Into 95 Lots, 2 balance lots and new road)

DECISION

The relevant decision is the decision to issue the Infrastructure Charges Notice No. **9324 / 2019** to which this decision notice is attached.

DECISION DATE

22 April 2021

APPEAL RIGHTS IN RELATION TO THE DECISION

The recipient of Infrastructure Charges Notice No. 9324 / 2019 may appeal against the decision to issue that notice.

Attached as Appendix B is an extract from Schedule 1 the *Planning Act 2016* that details your appeal rights.

Should you have any enquires in relation to this Infrastructure Charges Notice, please contact Ian Elliott-Smith of Council's Development, Planning & Property team on telephone number (07) 4044 3031.

Yours faithfully

Ian Elliott-Smith
 Team Leader Planning – Development, Planning & Property
Att

Infrastructure Charges Notice

(Section 121 of the *Planning Act 2016*)

Nameha Pty Ltd	File Ref	8/13/2221 (6644018)	
C/- RPS Australia Asia Pacific Pty Ltd PO Box 1949 CAIRNS QLD 4870	Date Issued	27 April 2021	
	Notice Number	9324 / 2019	
	Officer	Ian Elliott-Smith	
Type of Development Approval	Reconfiguring a Lot	Index Used	Consumer Price Index – All groups, Brisbane

This infrastructure charges notice is levied by Cairns Regional Council.

Charges levied under this infrastructure charges notice are calculated in accordance with Council's Infrastructure Charges Resolution (No.2) 2017 and the *Planning Act 2016*.

Premises to which charges apply	Site address Fairweather Access Goldsborough Real property description Lot 2 on N 97, 749938
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Decision Notice	Pursuant to section 121 of the <i>Planning Act 2016 (PA)</i> this notice is accompanied by a decision notice about the decision to give the notice. See above for that decision notice.
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Local government trunk infrastructure networks to which the charge applies	<ul style="list-style-type: none"> • Water supply • Stormwater • Transport • Public parks and land for community purposes
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Levied Charge	Current amount of Levied Charge	\$1,392,300.00
Detail of how the levied charge is calculated	See Appendix A (Calculator)	

Offset	Not applicable
Details of how the offset for trunk infrastructure is calculated	Not applicable


Refund	Not applicable
Details of how the refund for trunk infrastructure is calculated	Not applicable
When the refund will be given	Not applicable

Automatic increase of levied charge	The levied charge is subject to automatic increases. The charge is to be increased from the date of this notice to the day the levied charge is paid by the Consumer Price Index (CPI), All Groups Brisbane in accordance with Council's Infrastructure Charges Resolution and the <i>Planning Act 2016</i> .
When the levied charge is payable	The levied charge is payable in accordance with the timing stated in section 122 of the <i>Planning Act 2016</i> , namely for reconfiguring a lot - when Council approves a plan for the reconfiguration.
Making a payment	Payment is to be made to the Cairns Regional Council at any of Council's business offices or by mail and with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be payable to "Cairns Regional Council" and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post-dated cheques will not be accepted.

Notes

1. Pursuant to section 119 of the *Planning Act 2016*, this notice stops having effect to the extent the development approval stops having effect.
2. Pursuant to section 119 of the *Planning Act 2016*, infrastructure charges levied under this Notice attach to the land identified in the Notice.
3. Please contact the Development Assessment team on (07) 1300 692 247 or by email townplanner@cairns.qld.gov.au if you have any queries regarding infrastructure charging, and to confirm the payment amount (including index adjustments) prior to payment.
4. GST is not payable on infrastructure charges.

APPENDIX A: (Calculator)

Appendix A to Infrastructure Charges Notice					
Applicant:	Nameha Pty Ltd	DA/ICN Number: 8/13/2221	DM5 Ref: 6642170		
Address:	Fairweather Access, Goldsborough	Development Type:	ROL		
Parcel Number/s:	107773 75738 75742	Contributions Issued Under:	Infrastructure Charges Resolution (No.2) 2017		
Lot & RP Number/s:	L2 NR97, L2 RP749938 & L1 RP708709	Index Used:	CPI	31-Dec-20	117.5
Levied Charge Calculation				Adopted Charge Rate	Capped Charge Rate
C - (EXISTING LAND USE CHARGE)					
Category	Use		Quantity	Charge	
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 25,200.00 per 3 or more bedroom dwelling	3	\$75,600.00
		Stormwater Charge	\$ - No stormwater charge	0	\$0.00
<i>* Existing Deductions:</i>				EXISTING CHARGE	\$75,600.00
				* TOTAL DEDUCTIONS	\$26,460.00 35%
				FINAL EXISTING	\$49,140.00
AC - (PROPOSED LAND USE CHARGE)					
Category	Use		Quantity	Charge	
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 25,200.00 per 3 or more bedroom dwelling	88	\$2,217,600.00
		Stormwater Charge	\$ - No stormwater charge	0	\$0.00
<i>* Proposed Deductions:</i>				PROPOSED CHARGE	\$2,217,600.00
				* TOTAL DEDUCTIONS	\$776,160.00 35%
				FINAL PROPOSED	\$1,441,440.00
				LC (LEVIED CHARGE)	\$1,392,300.00 Account: T648 05446
CHECKED BY: K Johnston					
			OFFICE USE ONLY:	DATE PAYABLE	
				DATE PAID	
				RECEIPT NUMBER	

APPENDIX B: APPEAL RIGHTS AND REPRESENTATIONS

Planning Act 2016

Schedule 1

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

-
- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

Schedule 1

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ol style="list-style-type: none"> (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

4. Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
(i) the application of the relevant adopted charge; or

Examples of errors in applying an adopted charge—

- the incorrect application of gross floor area for a non-residential development
- applying an incorrect ‘use category’, under a regulation, to the development

(ii) the working out of extra demand, for section 120; or

(iii) an offset or refund; or

- (b) there was no decision about an offset or refund; or

- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or

- (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

Planning Act 2016

Schedule 1

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—