

PLANNING & ENVIRONMENT COMMITTEE**11****11 AUGUST 2010**

PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE OVER RIDING THE PLANNING SCHEME TO PERMIT THE DEVELOPMENT OF A RETIREMENT VILLAGE (APPROX 250 DWELLINGS) AND ASSOCIATED COMMUNITY FACILITIES - REDLYNCH CONNECTOR ROAD, REDLYNCH - DIVISION 6

Sarah Cook : 8/8/863 : #2673707

PROPOSAL: PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE OVERRIDING THE PLANNING SCHEME TO PERMIT THE DEVELOPMENT OF A RETIREMENT VILLAGE (SUBJECT TO A SPECIFIC PLAN OF DEVELOPMENT) FOR APPROXIMATELY 250 DWELLINGS AND ASSOCIATED COMMUNITY FACILITIES

APPLICANT: SIRFORD PTY LTD (TTE)
C/- EMINATE LEGAL
PO BOX 1984
TOWNSVILLE QLD 4810

LOCATION OF SITE: REDLYNCH CONNECTOR ROAD, REDLYNCH

PROPERTY: LOT 119 C157213, LOT3 RP703129 & LOT 4 SP100467

PLANNING DISTRICT: REDLYNCH VALLEY

PLANNING AREA: RURAL 1

PLANNING SCHEME: CAIRNSPLAN 2005

REFERRAL AGENCIES: DEPARTMENT OF MAIN ROADS (CONCURRENCE)
DEPARTMENT OF NATURAL RESOURCES (CONCURRENCE, ADVICE & THIRD PARTY ADVICE)
QUEENSLAND TRANSPORT (CONCURRENCE)
ERGON ENERGY (ADVICE)
POWERLINK (ADVICE)
ENVIRONMENTAL PROTECTION AGENCY (ADVICE)

DEPARTMENT OF LOCAL GOVERNMENT,
SPORT & RECREATION (ADVICE)
MULGRAVE CENTRAL MILL (THIRD PARTY
ADVICE)

NUMBER OF SUBMITTERS: SEVEN (7)

STATUTORY ASSESSMENT
DEADLINE: EXPIRED

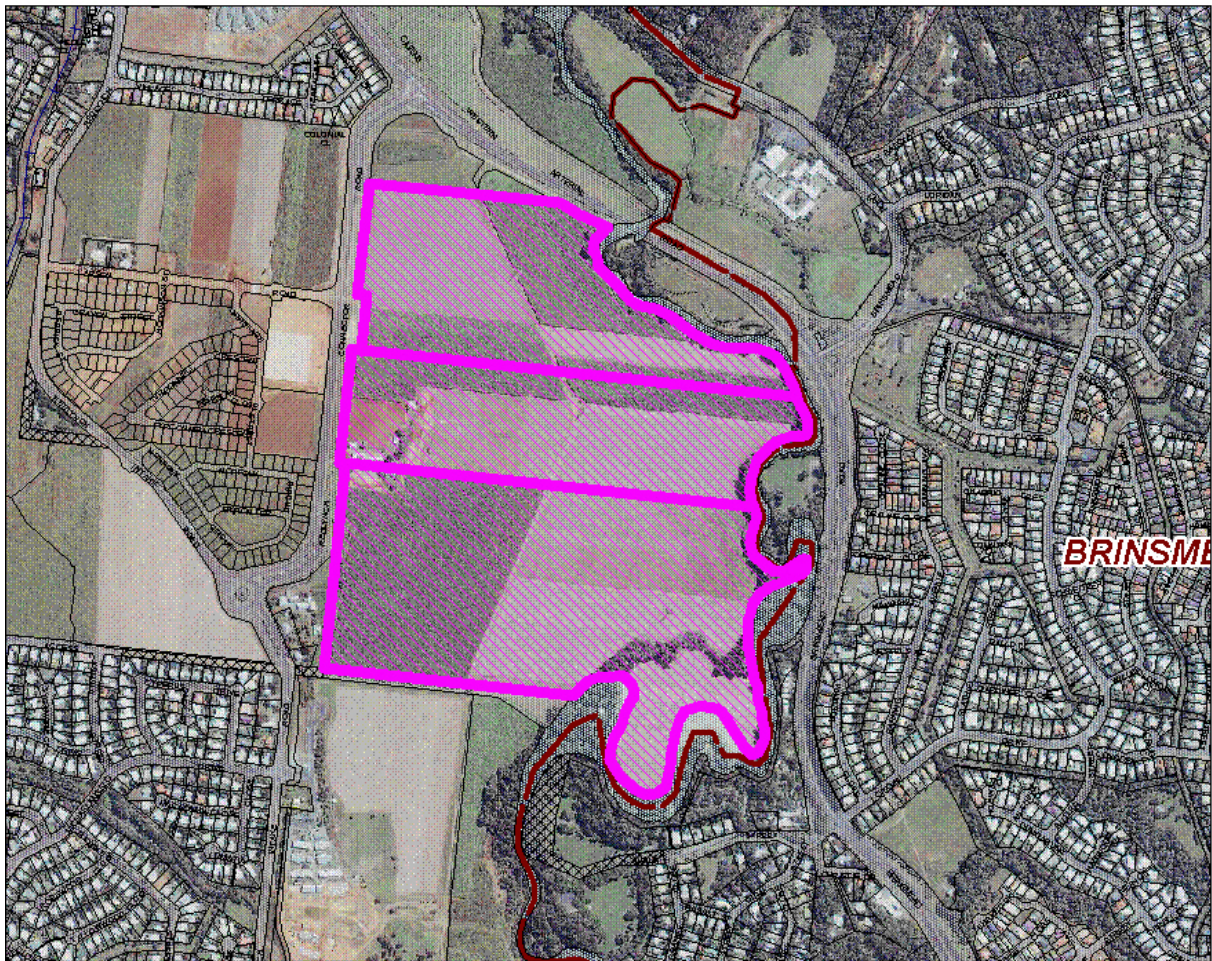
APPLICATION DATE: 09 FEBRUARY 2007

DIVISION: 6

APPENDIX:

1. APPROVED PLAN OF DEVELOPMENT
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. SUPPORTING INFORMATION TO PLANNING REPORT

LOCALITY PLAN



RECOMMENDATION:

That Council approves the development application for Preliminary Approval for a Retirement Village and associated uses over land described as Lot 119 on C157213, Lot 3 RP703129 and Lot 4 SP100467, located at Redlynch Connector Road, Redlynch, subject to the following:

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
Approved Plan of Development (as attached within Appendix 1)	Not Referenced	Not dated

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved plan of development, and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - 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

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Subsequent Development Applications

3. All development applications for Material Change of Use or Reconfiguring a Lot, subsequent to the Preliminary Approval, must demonstrate compliance with the applicable planning scheme, as modified by this approval.

Amendment to Precinct Plan

4. **The Precinct Plan must be amended in conjunction with the lodgement of the first development application for either Material Change of Use or Reconfiguring a Lot to incorporate a buffer within Precinct 2. The buffer must be provided between Precinct 2 and Precinct 3 to reduce the potential for conflict between existing and future farming activities in Precinct 3 and the future residential development within Precinct 2. The width and characteristics of the buffer area must be calculated in accordance with the State Planning Policy 1/92: Development and the Conservation of Agricultural Land and the Planning Guidelines: Separating Agricultural and Residential Land Uses.**

Location of Access

5. **In conjunction with the lodgement of the first application for Material Change of Use or Reconfiguring a Lot the location of vehicular access to Precinct 3 must be confirmed. The location of the access must be separated from the proposed residential uses contained within Precinct 2 and provided to the satisfaction of the Chief Executive Officer.**

Infrastructure Contributions

6. **A monetary contribution must be paid to Council in accordance with Council's Trunk Infrastructure Contributions Policy or Priority Infrastructure Plan, for any Development Permit for Material Change of Use or Reconfiguring, towards infrastructure charges applicable under the relevant charging policy at the time of making the subsequent development application.**

Contributions must be paid at the rates applicable at time of payment in accordance with the method of calculation charged under the relevant policy.

Payment is required prior to commencement of use or approval and dating of the Plan of Survey for each respective Development Permit granted as a result of this Preliminary Approval.

Water Supply and Sewerage Master Plan

7. **In conjunction with the lodgement of the first development application for either Material Change of Use or Reconfiguring a Lot, the applicant must provide an updated Water Supply and Sewerage Master Plan with supporting calculations which demonstrates how the development can be serviced by Council's infrastructure. In particular the plan must identify any trunk and reticulation infrastructure external to the site that may require upgrading to accommodate the increased load / demands generated by the development; and**

Water Supply and Sewerage Works

- 8. The applicant / owner will be responsible for undertaking necessary water supply and sewerage infrastructure works to connect future development on the subject land to Council Infrastructure.**

External Works

- 9. The applicant / owner will be responsible for undertaking necessary external works, including: footpaths, drains, intersection upgrades, etc, as deemed appropriate by the Chief Executive Officer at the time of approval of a subsequent development application for Material Change of Use or Reconfiguring a Lot.**

Drainage Study of Site

- 10. In conjunction with the lodgement of the first development application for either Material Change of Use or Reconfiguring a Lot, the applicant must provide a Local Drainage Study of the site which must demonstrate that the proposed infrastructure complies with the requirements of QUDM. In particular, the study must address the following:**
 - a. The contributing catchment boundaries;**
 - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development.**
 - c. Primary and secondary flow paths for the 5, 10 and 100 year ARI flood events;**
 - d. Identify any requirements for drainage easements;**
 - e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;**
 - f. Detail the proposed works and any impacts proposed at the drainage outlet from the proposed development; and**
 - g. Identify the lawful point of discharge.**

Plan of Drainage Works

- 11. In conjunction with the lodgement of the first application for either Material Change of Use or Reconfiguring a Lot, it must be demonstrated that the land can be drained to the satisfaction of the Chief Executive Officer. In particular:**
 - a. Drainage infrastructure is in accordance with the FNQROC Development Manual;**

- b. **The drainage system for the development incorporates gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:**
 - i. **End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.**
 - ii. **SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.**
 - iii. **The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.**
 - iv. **SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.**
- c. **All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and**
- d. **Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).**

Acid Sulfate Soil Investigation

- 12. **In conjunction with the lodgement of the first application for either Material Change of Use or Reconfiguring a Lot the applicant / owner must submit an Acid Sulfate Soil Investigation.**

Social Impact Analysis

- 13. **In conjunction with the lodgement of the first Material Change of Use application for Precinct 2, the applicant must provide a Social Impact Study. The study must investigate the need for social, recreational and community facilities throughout the development to cater for the intended residents.**

Any recommendations included within the study must be incorporated into the development.

Future Conditions

14. Any conditions deemed necessary by the Chief Executive Officer to ensure compliance with the requirements of CairnsPlan 2005 (as modified by this approval) and this Preliminary Approval will be imposed upon any subsequent development applications at the time of approval.

Riparian Buffer

15. A reserve containing all land below the top of the high bank and a fifty (50) metre minimum width strip adjacent to the top of the high bank adjacent to Freshwater Creek must be transferred to the Crown for the purposes of drainage and recreation. The reserve must be transferred prior to the commencement of the first use associated with a future Material Change of Use or the issue of a Compliance Certificate for the Plan of Survey associated with a future Reconfiguration of a Lot application, whichever occurs first.

Lot Amalgamation

16. In conjunction with the first subsequent development application the applicant / owner must propose to reconfigure the allotments to create a single lot for each Precinct 1 and Precinct 3 as detailed in the approved plan of development.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrency Agency	Concurrency Agency Reference	Date	Council Electronic Reference
Department of Natural Resources & Water (currently Department of Environment & Resource Management)	IC1007CNA0006	9 February 2009	1965149
Department of Transport & Main Roads (Formerly Queensland Transport & Department of Main Roads)	CRN-114 214/647/102(2716)	23 March 2010	2529253

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

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 802 of the *Sustainable Planning Act 2009* and 3.5.21 of the *Integrated Planning Act 2007*.
 2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
 3. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
 4. From the information available Council is unlikely to support a future application for reconfiguring (subdivision) of Precinct 3.
- B. That in respect of the inconsistency between the Rural 1 Planning Area and the proposed development, Council provides the following Statement of Reasons for approval pursuant to section 802 of the *Sustainable Planning Act* (s3.5.15(2)(k)(i) of the *Integrated Planning Act*):**
1. The site is situated within proximity to urban services, such as schools, shops and transport, and a developing residential community.
 2. The extent of urban development is contained within Precinct 2, which will not be subject to flood inundation, the remaining land which is subject to flood inundation is retained for rural pursuits.

EXECUTIVE SUMMARY:

Council is in receipt of a Development Application seeking a Preliminary Approval for a Material Change of Use to Override the Planning Scheme to facilitate the future development of a Retirement Village catering to approximately 250 dwellings at Redlynch Connector Road, Redlynch, more particularly described as Lot 119 on C157213, Lot 3 on RP703129 & Lot 4 on SP100467.

The application was deferred from Council's Ordinary meeting held on 28 July 2010 at the request of the Divisional Councillor for further consultation.

The proposal facilitates a change to the planning scheme which is inherently inconsistent with the purpose and the desired development outcomes of the Rural 1 Planning Area. Notwithstanding this conflict, the development is considered to be an appropriate outcome over the subject site for the following reasons:

1. The site is situated within proximity to urban services, such as schools, shops and public transport, and a developing residential community.

2. The extent of urban development is contained within Precinct 2, which will not be subject to Q100 flood inundation, the remainder land (Precinct), which is subject to flood inundation is being retained for rural pursuits. With the potential for a single detached dwelling – provided flood immunity can be achieved.

The application is recommended for approval, subject to the inclusion of conditions.

Background

The original application was received by Council on 9 February 2007. This application was seeking a Development Permit for a Material Change of Use for a Retirement Village. While the approval was being sought for a Material Change of use for a Retirement Village, the submitted plans detail the intent to accommodate approximately 721 lots plus communal facilities. This development involved significant extents of fill within the flood plane of Freshwater Creek.

On 28 May 2007, the applicant made a change to the application, in accordance with s3.2.9 of the *Integrated Planning Act 1997*. This change resulted in the application seeking a Preliminary Approval to Override the Planning Scheme to facilitate development consistent with the nominated Plan of Development:

- A medium density residential strip along the Redlynch Connector Road;
- A Retirement Village to be built in three stages with around 400 individual dwelling units and community centre;
- A sporting club and oval; and
- Open space adjacent to Freshwater Creek.

While the proposed development required less fill than what was previously required, there was still a need for re-contouring of the land in order to achieve flood immunity. The extent of proposed development extended from Larsen Road to the existing cane tram line. This application was publicly notified between 12 May 2008 and 24 June 2008. Queensland Transport, as a concurrence agency, required Council to refuse the application. Subsequently the applicant halted the decision making period to make representations to QT.

On 18 December 2008 the applicant made a further change to the application. This change decreased the extent of development on-site to, predominantly, that area free flood inundation, generally in the vicinity of the existing farm house. The change to the application was for Preliminary Approval Overriding the Planning Scheme for a Plan of Development within three precincts. Essentially the proposed application was seeking approval for a Retirement Village of approximately 250 dwellings and associated land uses, while also modifying the level of assessment for certain land uses and a proposed modification to the minimum lot sizes for created allotments under the Reconfiguring a Lot Code.

Proposal

Council is in receipt of a Development Application seeking Preliminary Approval for a Material Change of Use to Override the Planning Scheme to facilitate the establishment of a Retirement Village accommodating approximately 250 dwelling units at Redlynch Connector Road, Redlynch.

The site consists of three allotments, Lot 119 on C157213, Lot 3 on RP703129 and Lot 4 on SP100467, with a total site area of 81.7 hectares. The site is situated within the Rural 1 Planning Area of the Redlynch Valley Planning District and has frontage to Cairns Western Arterial Road and Redlynch Connector Road. The site is bounded to the east by Freshwater Creek and to the south by an unformed road. Currently the site is used for sugar cane cultivation and contains a dwelling and associated buildings and farm sheds.

While the site is situated within the Rural 1 Planning Area, it is situated opposite Redlynch Connector Road from a District Centre Planning Area, Redlynch Central Shopping Centre, and a Residential 2 Planning Area. To the south is both St Andrews School and Redlynch State School.

The site is affected by the following Overlays of CairnsPlan; Vegetation Conservation and Waterway Significance Overlay, Acid Sulfate Soils Overlay, Potential Bushfire Hazard Overlay and the Flood Overlay. Freshwater Creek is a tributary of the Barron River and the Delta. The lower areas of the site are prone to flood inundation on a regular basis, only a small portion of the site, adjacent to Redlynch Connector Road, remains free from inundation within a Q100 flood event.

The proposal is seeking a Preliminary Approval Overriding The Planning Scheme for a Retirement Village of approximately 250 dwellings and associated community facilities. In order to facilitate the development, a plan of development has been proposed. The proposed (not approved) plan of development is contained within appendix 3. The plan of development establishes three (3) precincts; Precinct 1 for road purposes, Precinct 2 for the Retirement Village and associated community infrastructure and Precinct 3 for the remaining rural land.

Precinct 1 – Precinct 1 is established for road purposes and maybe turned over to Queensland Transport, at a later stage, for the provision of a public transport corridor. The purpose of the precinct is to preserve the land for this purpose, if necessary at a later point.

Precinct 2 – Precinct 2 is established to facilitate the development of a future Retirement Village and associated community infrastructure. The retirement village will cater to approximately 250 dwelling units, in a mix of dwelling types. These will include 2 and 3 bedroom detached cottages, 2 bed duplex and terrace style homes as well as apartments. The apartment buildings are proposed to be up to three storeys. The intent of a wide mix of dwelling types for singles and couples from 60 years old and upwards. The proposed layout is detailed within the indicative master plan which is included within Appendix 1.

A buffer, with a minimum width of 40 metres and utilised as a park, is proposed to be provided around the Precinct 2 to buffer the proposed urban area from the remaining rural land within Precinct 3.

Precinct 3 – Precinct 3 is established for the remaining rural land. There is very limited scope for further development within Precinct 3 as this land is identified as Good Quality Agricultural Land and is subject to Flood Inundation.

The proposal is seeking to modify the applicability of the overlay codes increasing the level of assessment, reduce the minimum lot size within a Rural Planning Area to 5 hectares and allowing for a currency period of 10 years.

It should be noted that the recommended Plan of Development varies from the proposed Plan of Development. The recommended Plan of Development retains the increase in the level of assessment, where an overlay is applicable, maintains the CairnsPlan minimum lot sizes for the rural precinct and allows for a currency period of 4 years.

TOWN PLANNING CONSIDERATIONS:

The assessment of the Request to Override the Planning Scheme is guided by section 802 of the *Sustainable Planning Act 2009* (s3.5.5A of the *Integrated Planning Act 1997*). As an impact assessable application, the proposed variation must be assessed against the entire Planning Scheme and other relevant statutory planning instruments.

CairnsPlan Assessment

Desired Environmental Outcomes

The following is an assessment of the proposal against the Desired Environmental Outcomes of CairnsPlan 2009.

2.2.1 Ecological Processes and Biodiversity

The biodiversity and nature conservation values of the marine, terrestrial and freshwater ecosystems within the City are conserved and enhanced.

The Overlay Mapping of CairnsPlan identifies that the site contains vegetation of conservation significance and waterways; this area is contained to Freshwater Creek and a corridor adjacent. Site is currently utilised for sugar cane cultivation. The proposal for urban development is separated from Freshwater Creek.

It is considered that the proposal will not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.2.2 Catchments and Waterways

Water quality, in-stream and riparian values and nature based recreation values of natural and modified waterways and wetlands and their catchments within the City are conserved and enhanced.

The site is located adjacent to Freshwater Creek, with significant areas being contained within the Freshwater Creek Floodplain. However, urban development is not proposed within either the floodplain or proximity to Freshwater Creek. Development is limited to precinct two, which is separated from the Creek by 250m – 650m.

It is considered that the proposal will not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.2.3 Tropical Coastline

The values of all the coastal system of the City for coastal stability, ecological processes and nature based recreation are conserved and enhanced.

The site is not situated within proximity to the coastline. It is considered that the proposal will not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.2.4 Risk Management

The location and design of development minimises the potential risk to the safety and health of the community as a result of: Flood or Storm Surge, Slope Instability, Bushfire, Contaminated Land, Reduction in Air Quality and Increased Noise Levels.

The Overlay Mapping of CairnsPlan identifies that the site has potential Bushfire Hazards, potential for Flood Inundation and may contain Potential or Actual Acid Sulfate Soils.

It is considered that the potential for bushfire risk is minimal as the area intended to be developed is surrounded by urban development and agricultural land. The proposal has been conditioned to provide an Acid Sulfate Soil investigation with the first application for either MCU or ROL lodged on-site.

In conjunction with the assessment of this application, a flood study was provided. It was demonstrated that limited filling would occur to achieve Q100 immunity, as the area intended for urban development was already afforded Q100 immunity, as detailed in the Flood Overlay mapping of CairnsPlan.

It is considered that the proposal will not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.2.5 The Scenic Landscape

The scenic landscape of the City is valued and enjoyed by residents and visitors, and the essential elements of this landscape, the forested hills and foothills, beaches and headlands, streams and rivers, wetlands, open spaces and rural land are conserved and enhanced.

The development is situated within proximity and adjacent to existing urban development. It is considered that the development will not have a detrimental impact on the above Desired Environmental Outcome.

2.3.1 Primary Production

Primary industries, particularly sugar cane production, continue to contribute to the economy of the City and to employment within the City. The effects of urban development on the resource of good quality agricultural land and on the operation of primary industries are minimised. The preferred pattern of development shown on the Structure Plan Map 4 limits the encroachment of urban development on to good quality agricultural land.

The site is identified as GQAL, the proposal represents the loss of approximately 5 hectares to urban purposes, with an adjoining buffer for recreational purposes, with the remainder of the site being for rural / agricultural pursuits. The site is adjacent to an existing centre and within a residential area. It is considered that the loss of the GQAL for agricultural purposes is small and as such will not have a significant impact on the achievement of the above Desired Environmental Outcome in a city wide context.

2.3.2 Economic Activity and Employment Centres

Business, retail and industrial activities are located in a hierarchy of centres and in designated areas throughout Cairns to encourage continued investment and an increase in the diversity and number of employment opportunities. Sub-regional, District and Local Centres are developed that contributed to a sense of community life and belonging for the people they serve. The Sub-regional and District Centres and the major industrial and employment areas identified on the Structure Plan Map 4, are established and consolidated.

The proposed development does not represent the establishment of a centre and is sited adjacent to an existing centre. It is considered that the development will not have a detrimental impact on the above Desired Environmental Outcome.

2.3.3 Tourism Industry

The tourism industry continues to play a major role in the economic growth of the City and Region. The sustainable use of the resources of the natural environment contributes to the strength of the industry. Development of major tourist accommodation is concentrated in the areas identified on Map 2. The major tourist attractions depicted on Map 2 are maintained and consolidated. The potential conflicts between tourist accommodation, attractions and facilities and local communities are minimised.

Proposed development is not tourist based or associated. It is considered that the proposed development will not contravene the achievement of the above Desired Environmental Outcome.

2.3.4 Preservation of Resources

Natural resources, such as extractive resources, good quality agricultural land, water and forestry resources within the City, are protected from encroachment by, and the adverse effects of, urban development and are utilised in a sustainable manner. The extractive resource sites identified on Map 3 remain available for the extraction of materials. The extractive industry haul routes identified on Map 3 are, to the extent possible taking account of the established pattern of land use, protected from incompatible development. The preferred pattern of development shown on the Structure Plan, Map 4 limits the encroachment of urban development into areas containing natural resources.

The site is identified as GQAL, the proposal represents the loss of approximately 5 hectares to urban purposes, with an adjoining buffer for recreational purposes, with the remainder of the site being for rural / agricultural pursuits. The site is adjacent to an existing centre and within a residential area. It is considered that the loss of the GQAL for agricultural purposes is small and as such will not have a significant impact on the achievement of the above Desired Environmental Outcome in a city wide context.

2.3.5 Pattern of Urban Development

The pattern of urban development recognises the importance of the natural environment, natural resources and quality of life to the viability of Cairns and the wellbeing of its residents. The pattern of urban development provides opportunities for growth and consolidation within the framework established by the Regional Plan and achieves the efficient use of existing and planned infrastructure. The preferred pattern of development shown on the Structure Plan Map 4 is achieved.

The proposed development is adjacent to an existing centre and within proximity to existing schools and residential developments. It is considered that the development will not be contrary to the achievement of the above Desired Environmental Outcome.

2.3.6 Physical Infrastructure

The pattern of urban development facilitates the efficient use of existing and committed infrastructure. Physical infrastructure is provided in an efficient and equitable manner and to a level necessary to achieve contemporary environmental standards.

The site currently has access to necessary physical infrastructure. Conditions have been recommended requiring, where necessary, the development to upgrade infrastructure. It is considered that the development will not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.3.7 Transportation

Air, sea and rail transport systems, public transport, road transport and facilities for cyclists and pedestrians are integrated with urban development to facilitate the safe, efficient and effective movement of people and goods locally, nationally and internationally. The establishment and maintenance of the major transport infrastructure of the Cairns International Airport, Cairns Seaport, highways/ arterial roads and railways required to provide for this movement of people and goods, as identified on the Structure Plan, Map 4, is facilitated. The implementation of the Long Term Public Transport Network, shown on Map 4, is facilitated.

The site is currently serviced by the road network. It is considered that the development will not have a detrimental impact on the above Desired Environmental Outcome.

2.4.1 Liveable, Sustainable, Tropical City

The combination of natural features, built environment, and development patterns result in a liveable, sustainable, and tropical city promoting a distinct Cairns style. The essential elements of outdoor living, access to natural areas, good air quality, efficient housing and tropical design are promoted to ensure the Cairns lifestyle is maintained and enhanced.

The proposed development is for preliminary approval for a Retirement Village and as such does not provide details on the exact built form. However, the development incorporates outdoor areas and a proposed open space area as both a buffer to the rural precinct and for recreation activities. It is considered that the development will not have a detrimental impact on the achievement of the above identified Desired Environmental Outcome.

2.4.2 Housing

The provision of a diverse choice of housing that is responsive to the climate, landscape and the changing demographic structure of the Cairns population while being affordable and efficient.

The proposed development provides for a range of housing choice for retirees. It is considered that the proposed development does not have a detrimental impact on the above Desired Environmental Outcome.

2.4.3 Cultural Heritage

Places of cultural heritage significance are conserved to retain their significance for the benefit of present and future generations.

The site is not identified as being of cultural heritage significance. It is considered the proposal does not contravene the above Desired Environmental Outcome.

2.4.4 Sense of Community

Communities are created with the recognisable character and sense of place and which have a high level of amenity, safety, connectivity and integration between existing and new areas.

The proposed development is for a Retirement Village and associated community infrastructure adjacent to an existing centre in Redlynch Valley. It is considered that the proposed development does not have a detrimental impact on the achievement of the above identified Desired Environmental Outcome.

2.4.5 Community and Social Facilities

Access to a range of community and social facilities for both established and new residential communities is facilitated, with community and social facilities being located so as to be convenient and highly accessible to the individuals, families and communities they serve.

The proposed development is adjacent to a centre and recently approved, currently under construction sporting facilities. As such it is considered that the proposal does not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

2.4.6 Accessibility and Mobility

Accessibility and mobility, for all members of the community, are enhanced through the location of services and facilities in a network of centres; the location of employment nodes in proximity to residential communities; and through integration of the transport systems with residential areas and commercial centres. The implementation of the Long Term Public Transport Network, shown on Map 5, is facilitated.

The proposed development is for a Retirement Village and associated uses and as such it does not propose additional transport. However, a precinct of the development, adjacent to the road is set aside for future transport uses, as required by the Department of Transport and Main Roads. It is considered that the proposed development does not have a detrimental impact on the achievement of the above Desired Environmental Outcome.

Redlynch Valley Planning District

The intent of the Redlynch Valley Planning District, as relevant to the proposed development is for *areas of the lower section of the Valley located outside the floodplains are intended for conventional residential living, and areas within the floodplains in the lower section of the Valley should be retained for agriculture.*

The proposal is to facilitate future urban (Retirement Village) development on the areas within the site which are Q100 immune. It is considered that that proposal is not in contravention of the intent for the Redlynch Valley Planning District.

Planning Area Codes

The proposed development, being a Preliminary Approval To Override The Planning Scheme, is for proposed development which is inherently inconsistent with the Rural 1 Planning Area. The purpose of the Rural 1 Planning Area is preserve areas of Good Quality Agricultural Land for primary production purposes. The proposed development is to facilitate a conversion of part of the Rural 1 land for future urban development, with the remainder being contained within Precinct 3, which is set aside for future rural pursuits.

It is considered that there are sufficient grounds to override the inconsistency of the development with the Rural 1 Planning Area. The land is situated across the road from the Redlynch Valley Shopping Centre, which provides a district function. The land which is free from encumbrances is intended to be developed with the remaining constrained land being retained for rural pursuits.

Overlay Codes

The site is identified on the Overlay Mapping of CairnsPlan as being affected by the Flood Inundation Overlay, the Vegetation Conservation and Waterway Significance Overlay, the Bushfire Management Overlay and the Potential Acid Sulfate Soils Overlay. These overlays have been addressed below.

Flood Inundation Overlay Code

The site is identified on the Flood Inundation Overlay of CairnsPlan as being affected by a Q100 flood event. Most of the site is identified as being subject to inundation.

The submitted application was accompanied by detailed flood studies. The studies demonstrated that the proposed development was predominantly contained on Q100 immune land, with the exception of a small portion on the eastern side. With minimal cut and fill required to achieve immunity to this section.

A condition has been recommended which requires a detailed drainage study to be undertaken prior to the lodgement of the first application for either Material Change of Use or Reconfiguring a Lot. The study is to demonstrate that a no worsening effect occurs.

Vegetation Conservation & Waterway Significance Overlay Code

The site is identified as containing vegetation of conservation significance and is adjacent to a significant waterway. Both the waterway and the vegetation are contained to the eastern section of the site, adjacent to Freshwater Creek. This area is to be retained within Precinct 3 for rural pursuits. The area intended for future development is not within proximity to the significant areas.

A condition has been imposed requiring the transfer of a fifty metre wide riparian buffer to the crown adjacent to Freshwater Creek. The buffer is for the dual purposes of recreation and drainage.

Bushfire Management Overlay Code

The site is identified as being subject to a potential medium bushfire hazard. The area intended to be developed is sited between the road and proposed rural precinct and will be buffered by a park. In a broader sense, the site is surrounded by urban development to the west and Freshwater Creek to the east. It is considered that the threat of bushfire is sufficiently mitigated on-site.

Potential Acid Sulfate Soils Overlay Code

The site is identified as potentially containing acid sulphate soils, based on the height of the ground. A condition has been imposed that in conjunction with the first application for either MCU or ROL, an Acid Sulfate Soils Investigation must be provided. The investigation will detail any necessary remediation works to be undertaken during the carrying out of the development.

Land Use & General Codes

The submitted application is seeking a Preliminary Approval To Override The Planning Scheme. No development permit is being issued on-site. With the exception of a few self assessable landuses (park, public utility, primary industry, local utility & house) all land uses on-site will require the lodgement of a further development application seeking a development permit for Material Change of Use. The recommended Plan of Development identifies that the applicable codes of CairnsPlan or the applicable Planning Scheme at the time of lodgement of a subsequent application are still relevant. It will be at this time that the proposed development will be assessed against the relevant Land Use and General Codes of the Planning Scheme.

It should be noted, that the above identified self assessable land uses are also subject to the self assessable provisions of the relevant codes of the applicable Planning Scheme.

Far North Queensland Regional Plan

The application was lodged on 9 February 2007, prior to the Far North Queensland Regional Plan or draft FNQ Regional Plan coming into effect on 9 May 2008.

Under the designations of the FNQ Regional Plan the site is situated outside of the urban footprint within the Regional Landscape and Rural Production Area.

The proposed form of development is not consistent with the desired outcomes of the Regional Landscape and Rural Production Area. However, as the development was lodged prior to the Regional Plan and the Draft Regional Plan coming into effect, whilst the inconsistencies are recognised, limited weight is given to these inconsistencies in the assessment of the application. Predominantly the proposal has been assessed against the applicable Planning Scheme.

Issues / Comments

The approval of the development would allow for the establishment of some three storey buildings. The buildings would be sited to the centre of the community, and decreasing in height and density to the periphery of the village. Development of this height is inconsistent with the rural designation of the site. However, the site is across Redlynch Connector Road from a District Centre Planning Area, which allows for taller development.

The information accompanying the submitted information did not incorporate sufficient detail of the extent of community, social and recreational facilities to be incorporated into the Retirement Village within Precinct 2. A condition has been imposed requiring the applicant to provide a Social Impact Study which addresses the need for such facilities within the development. The report is required to be provided in conjunction with the first application for Material Change of Use lodged over Precinct 2.

Public Notification / Submissions

Public Notification was undertaken twice during the assessment of the application. Initially public notification was undertaken between 12 May 2008 and 24 June 2008 on the originally submitted application (for medium density residential & Retirement Village – approx 400 dwellings, and associated uses). During this period seven submissions were received.

Secondly public notification was undertaken regarding the changed application (the current application), the notification period started out from 27 February 2010 to 23 March 2010. However, as a 30 business day notification period was required, the notification period was halted and recommenced from 5 March 2010 to 21 April 2010. During this period two submissions were received.

In accordance with s802 of the *Sustainable Planning Act* (s3.4.9A of the *Integrated Planning Act*) Council must take into consideration all submissions received, including those received during the initial public notification period.

Of the received submissions one was in favour of the development, one was neutral and five raised grounds of objection. The following is a summary of the grounds of objection contained within the received submissions followed by planning officer comments. The submissions have been broken up into two categories, those from the initial notification period and those from the second notification period.

Initial Notification Period (2008)

The application did not include a traffic report which detailed the affects/ upgrading of the Connector Road / Larsen Road intersection. The affects are not known but should be taken into account should the application be approved.

The application has reduced in yield since this submission was lodged. Furthermore a Condition has been recommended which requires the applicant to undertake necessary upgrade works, as deemed appropriate, to connect the development to the existing network, including but not limited to footpaths and intersection upgrades in conjunction with either the first Material Change of Use or Reconfiguration of a Lot to occur on-site.

The submitter requested that the proposed open space be made available to their model airplane and helicopter club.

This is not considered to be a ground of submission.

The proposed development conflicts with CairnsPlan.

The development's consistency and conflicts with CairnsPlan have been discussed above.

The proposal conflicts with the State Planning Policy (SPP1/92) on Good Quality Agricultural Land. The proposal will result in a decrease in GQAL in and around the Barron Delta, reducing economies of scale for agricultural production in the area. In particular it will affect the viability of the cane industry in the region, and the efficiency of cane transport from this area to the Mulgrave Mill.

The extent of development has been reduced since this submission was received. However, the loss of GQAL for agricultural practices is a reasonable ground and has been discussed further in relation to a submission received on the subject application. Refer to below comments.

The site has over 70 hectares of agricultural land, capable of producing in excess of 6000 tonnes of cane per annum, with productivity per hectare above the average for the Mulgrave Mill area due to the fertile nature of the Freshwater Creek Flood plain.

The extent of development has been reduced since this submission was received. It is intended to retain the majority of the site for rural / agricultural pursuits. The loss of cane production and GQAL for agricultural pursuits has been discussed further in response to a ground of submission received on the subject application. Refer to comments below.

An operating cane railway passes through the site, for which Mulgrave Mill has a recorded interest.

The extent of development has been reduced following the change to the application in December 2008. Nil development is proposed within the vicinity of the train line.

The submitter is not opposed to the development, however has reservations in relation to the extent of filling, the number of dwellings, potential for acid sulphate soils, average lot sizes and the number of retirements dwellings on-site.

The extent of development in terms of density and size has been reduced since this submission was received. It is considered that the grounds have been adequately addressed through the changed application. It is noted that this submitter did not provide a submission on the changed application.

The submitter raises the grounds that the development would compromise the achievement of the Desired Environmental Outcomes of CairnsPlan and that an approval of the current Development Application would conflict with the CairnsPlan in circumstances where there are no sufficient planning grounds to justify an approval despite the conflict. These grounds are substantiated by significant commentary and comparison with CairnsPlan and primarily centre around flooding, excavation and filling (the effects on the riparian corridor, creek and flood plains), loss of stream and water quality, loss of GQAL for agricultural purposes and the proposal conflicts with the FNQ Regional Plan (noted the draft version).

It is important to note that the extent of development has been reduced since this submission was received. The development is now contained to the flood immune areas of the site and the areas within the flood plain and adjacent to Freshwater Creek are intended to be retained for rural purposes. It is noted that this submitter did not provide a second submission on the changed application.

Second Notification Period (2010)

During the second notification period only one submission objecting to the development was received.

The site is located in the Rural 1 zone of CairnsPlan. The applicant claims there is an overriding need for a retirement village, and that the current rural use of the land (sugarcane production) is no longer viable due to the small size of the land. This is not correct, and reflected a short-term view of the profitability of the sugar industry at the time of the original application and did not acknowledge the cyclical nature of the agricultural enterprises. Present-day returns from sugarcane are very attractive and are likely to remain so for some years. As such there is no economic argument to remove land from the rural zone for other purposes.

and

The land is considered "Class A" Good Quality Agricultural Land (GQAL) and therefore should be retained in agricultural production according to State Planning Policy 1/92. While the site is in proximity to residential and non-residential uses, the agricultural activity is buffered by the presence of Freshwater Creek and several main roads. It is therefore suitable for retention as agricultural land.

The application has demonstrated a need for a Retirement Village. The site is situated within proximity to an existing District Centre, approved recreational uses, schools and residential land. The development does not represent a loss of all GQAL on-site. The remainder of the land will be retained for rural / agricultural pursuits. In a city wide context the loss of GQAL is minimal.

The establishment of the Retirement Village on the high ground of the parcels of land will diminish the agricultural value of the remaining floodplain, as the houses and sheds will be removed from the farm enterprise, with no other flood-free land on which they could be relocated.

The House and sheds are not an integral component of the Precinct 3 being utilised for agricultural production. Agricultural practices could occur on-site by a neighbouring farmer. Furthermore the plan of development does allow for a single dwelling to be established on Precinct 3, subject to compliance with the applicable Planning Scheme requirements.

The separation of the site from the existing land titles will create remnant titles less than 40 hectares in area, in conflict with requirements for Lot reconfiguration under the Regional Plan at the time of application.

A condition has been imposed requiring the amalgamation of lots within Precinct 3 to create a single title. This is required to occur as a condition of approval of the first downstream application on-site. This will result in a single title for the rural precinct and prevent further fragmentation by securing the precinct as a single title.

OFFICERS COMMENTS

At its Planning & Environment Meeting on 8 July 2009 Council was presented with a report recommending approval for an application for Preliminary Approval Overriding the Planning Scheme to adopt use rights consistent with the Rural 2 Planning Area, Local Centre Planning Area and Open Space Planning Area (DA 8/8/994) at 357 Redlynch Intake Road (a different site). This DA was also lodged over land within the Rural 1 Planning Area. At this meeting Council resolved to refuse the application. The applicant lodged an appeal against the refusal and Council is currently engaged in an appeal within the Planning & Environment Court. The recommendation for approval of the subject application is consistent with the previous Officer recommendation on a site with similar constraints located further out Redlynch Valley from the subject site.

The site is situated within proximity to existing Residential 2 land located on the opposite side of the Redlynch Connector Road. Whilst such land is currently vacant, development approvals exist over the land and it is not available for future development.

The demographics of the broader population indicate that there is an aging population, which results in a greater demand for retirement and aged care facilities, than is currently catered for in the area.

The approval of the application does not allow the retirement village to proceed. The applicants will still be required to lodge a Code Assessable application for a retirement village, which will be assessed against the requirements of the relevant planning scheme, as modified by this approval. It is at this point where specific conditions and developer contributions will be imposed.

The proposal limits development to the areas of the site which are relatively unconstrained and within proximity to the existing district centre. The retirement village will be buffered from the remaining rural land by open space.

The development has demonstrated a need for a Retirement Village and sufficiently demonstrated that the impacts of the development can be managed and mitigated. The loss of Good Quality Agricultural Land for rural pursuits is minimal, with the remainder of the site being retained within a rural precinct.

It is recommended that the application be approved, subject to the inclusion of reasonable conditions.

HEADWORKS / CONTRIBUTIONS:

The proposed development is for Preliminary Approval Overriding The Planning Scheme and as such does not trigger developer contributions. It should be noted that any subsequent development application on site will trigger developer contributions charges. These will be charged at the rate applicable at the time of assessment of any subsequent development application.

S M Cook
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

APPENDIX 1 APPROVED PLAN OF DEVELOPMENT

APPROVED PLAN OF DEVELOPMENT
For
RETIREMENT VILLAGE AND OTHER USES
At
REDLYNCH CONNECTOR ROAD, REDLYNCH

Amended extract from Council Ref #1916487

1.0 PREAMBLE

This plan of Development applies to the land which is subject to the preliminary approval (Council Reference 8/8/863) and is described as:

- Lot 119 on C157213;
- Lot 3 on RP703129; and
- Lot 4 on SP100467.

2. JURISDICTION

The preliminary approval overrides the Planning Scheme (CairnsPlan) provisions that would otherwise control development of the land by: -

- Establishing preferred development outcomes for the land;
- Defining levels and types of assessment for development which is a Material Change of Use or Other Development; and
- Providing that where it is contrary to the Planning Scheme, it will prevail over that planning instrument; and
- Shall lapse four (4) years from the date on which it has effect.

3. PREFERRED DEVELOPMENT OUTCOME

The principal objective of the Preliminary Approval and Plan of Development is to facilitate a Material Change of Use for a retirement village and associated uses. To achieve this outcome, the Plan of Development divides the land into three (3) precincts in accordance with the attached Precinct Plan. Additionally an alternative table of assessment (to CairnsPlan) is provided and attached.

4. PRECINCT DETAILS

Precinct	Name	Description
Precinct 1	Road	Precinct 1 is for future road purposes.
Precinct 2	Retirement Village	Precinct 2 is for the establishment of a retirement village of up to 250 dwellings and necessarily associated community infrastructure.
Precinct 3	Rural	Retained for rural or otherwise appropriate uses as identified under the applicable planning scheme. This precinct contains a buffer around Precinct 2

5. TABLES OF ASSESSMENT

The table of assessment, as attached, defines whether development is self assessable, code assessable or impact assessable.

Where development is not specifically identified in the attached table of assessment, the development is Impact Assessable;

All development, whether it is self assessable, code assessable or impact assessable must be assessed against the applicable Planning Scheme Codes identified within Column 3 of the attached table of assessment.

Where self assessable development does not comply with the acceptable solutions in the Codes it is deemed instead to be code assessable development. Development which is code assessable and which does not comply with the acceptable solutions in the codes continues to be code assessable, with any alternative solutions put forward in the Development Application considered by Council during the assessment of the application.

Unless otherwise specified, the defined uses as listed in Column 2 of the table of assessment shall have the same meaning as the Land Use Definitions in CairnsPlan 2005.

6. RECONFIGURING A LOT CODE

For development to reconfigure a lot within the land, all development must be assessed against the Reconfiguring a Lot Code of the planning scheme. Where lot sizes vary from that described in Table 1 of the Reconfiguring a Lot Code, the following Acceptable Measure is acceptable instead, as defined in the table below:

PRECINCT	MINIMUM AREA	MINIMUM ROAD FRONTAGE
1 – Road	n/a	n/a
2 – Retirement Village	5 ha	250m
3 – Rural	As per CairnsPlan / FNQ Regional Plan	As per CairnsPlan / FNQ Regional Plan

PRECINCT PLAN



TABLE OF ASSESSMENT

Table 1 – Assessment Categories for Material Change of Use

Column 1	Column 2	Column 3
Level of Assessment	Use & Precinct	Relevant Assessment Codes
Exempt	Park (Precinct 3)	
Self Assessable	House (Precinct 3)*	#
	Primary Industry (Precinct 3)	#
	Local Utility (Precinct 3)	#
	Public Utility (Precinct 3)	#
Code Assessable	Retirement Village (Precinct 2)	All applicable codes as identified by the relevant Planning Scheme with the exception of the Rural Planning Area Code.
	Home Activity (Precinct 3)	#
	Caretaker's Residence (Precinct 3)	#
	Telecommunications Facility (Precinct 3)	#
	Outdoor Sport & Entertainment (Precinct 3)	#
Impact Assessable	All other uses unless specified otherwise within the Sustainable Planning Regulations 2009.	For impact assessable development, regard will be given to the planning scheme as a whole.

- * Except where the vegetation conservation and significant waterway overlay is applicable. Then the level of assessment is increased to Code Assessable.
- # Relevant Codes are all codes identified as applicable to the use on the site having regard to applicable overlays under the relevant Planning Scheme of the day, except where detailed otherwise.

Table 2 – Assessment Categories for other development

Column 1	Column 2	Column 3
Level Assessment	Use & Precinct	Relevant Assessment Codes
Exempt	Building work not associated with a Material Change of Use	
Self Assessable	Any other development not listed below	#
Code Assessable	Reconfiguring a Lot	#
	Operational Work – associated with reconfiguring a lot	#
	Operation Work – excavation or filling of more than 50m ³ of material not associated with a Material Change of Use	#
	Operational Work – vegetation clearing not associated with a Material Change of Use	#

- * Except where the vegetation conservation and significant waterway overlay is applicable. Then the level of assessment is increased to Code Assessable.
- # Relevant Codes are all codes identified as applicable to the use on the site having regard to applicable overlays under the relevant Planning Scheme of the day, except where detailed otherwise.

APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



Your Reference: 8/8/863
 Our Reference: IC1007CNS0006
 Contact: Cristina Froemmcke
 Directorate / Unit: Planning and Environment
 Phone: 07 4057 3890

Department of
Natural Resources and Water

9 February 2009

The Chief Executive Officer
 Cairns Regional Council
 PO Box 356
CAIRNS QLD 4870



Attention: Jenny Elphinstone

Dear Jenny,

Amended application for Material Chance of Use (MCU) for Preliminary Approval to override the planning scheme (Impact Assessment) for a Retirement Village on, Lot 119 on RP157213, Lot 3 on RP703129 and Lot 4 on SP100467, Redlynch Connector Rd, Redlynch – REFERRAL AGENCY RESPONSE

The chief executive of the Department of Natural Resources and Water (concurrence and advice agency for the application) advises as follows:

The referral agency response for the application, prepared pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, is **enclosed**. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about this advice, please contact Cristina Froemmcke on 07 4057 3890.

Yours sincerely

Cristina Froemmcke
 Natural Resource Officer
 Landscapes and Community Services
 North Region
ENCL. Referral Agency Response

CC
 Sirford Pty Ltd (Tte)
 P O Box 72
 HAMILTON QLD 4007

Attn: Mike McKeown

Department of Natural
 Resources and Water
 Level 3, 5b Sheridan Street
 PO Box 937
 Cairns Queensland 4 870
 Australia
 Telephone + 617 4057 3890
 Facsimile + 61 7 4057 3365
 Website www.nrw.qld.gov.au

Department of Natural Resources and Water – Referral agency response

Given under Section 3.3.16 of the *Integrated Planning Act 1997*

1. Application details

1.1. Applicant's name	Sirford Pty Ltd (Tte)
1.2. Property description	Lot 119 on RP157213, Lot 3 on RP703129 and Lot 4 on SP100467 – Redlynch Connector Rd, Redlynch, Qld 4870.
1.3. Development type	Material Change of Use
1.4. Assessment manager	Cairns Regional Council
1.5. Assessment manager reference:	8/8/863
1.6. Referral dates:	14 January 2009 (2 nd amendment)
1.7. Our references	TrackJob – IC1007CNS0006 File No: CNS022504

2. Concurrence agency response – Remnant Vegetation

Please refer to the attached concurrence agency response from Vegetation Management Officer Lisa Collins dated 19 January 2009.

3. Advice agency response – State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02).

The amended proposal, dated 5 January 2009 and supported by a report 'Change to application', dated December 2008, shows that the proposed retirement village of 250 dwellings will cover a site of 5 ha. The site is located well above 10 m AHD. No AASS or PASS was found in a nearby NRW investigated site (Project site No 205), at the south boundary of the subject site. Hence there is very little risk of exposure to ASS.

As minimal cut and fill of land is proposed to regularize development platform, NRW has no requirements for this proposal.

4. Third Party Advice – State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

It is acknowledged by NRW that the changed application proposes residential land uses (retirement village) outside the floodplain and above Q100 flood level. Hence the *State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide* does not apply for the changed application as long as Freshwater Creek Floodplain remains in its natural state and used for agricultural purposes.

NRW – referral agency response

5. Third party Advice – State Planning Policy 1/92 - Development and the Conservation of Agricultural Land (SPP 1/92).

The entire cleared area of the subject lots (81.7 ha) is considered Class A good quality agricultural land (GQAL) by this department in accordance with *State Planning Policy 1/92 - Development and the Conservation of Agricultural Land (SPP 1/92)*.

The Queensland Government considers that GQAL is a finite National and State resource that must be conserved and managed for the longer term. On a local level, this is supported by the Rural 1 zoning in the planning scheme relevant to this locality within Cairns Regional Council (Cairnsplan) that establishes a minimum lot size of 40 hectares. The relevant desired environmental outcome for the Rural 1 Planning Area in Cairnsplan being that *'areas for use for primary production, particularly areas of Good Quality Agricultural Land, are conserved and are not unnecessarily fragmented'*.

NRW assessed the report titled 'Assessment of Need Proposed Retirement Village – Sirford Pty Ltd' prepared by Urban Economics and dated April 2007, to address below detailed policy 1 of 'SPP1/92'.

1. Good quality agricultural land has a special importance and should not be built on unless there is an overriding need for the development in terms of public benefit and no other site is suitable for the particular purpose.

The report concludes that:

- There is no land size in Redlynch Valley to cater for the proposed development;
- An ageing population will generate increased demand for retirement housing, which is currently experiencing a shortfall in supply in the Cairns area; and
- There is no suitable land in the proximity of public facilities such as shops and medical facilities.

It is acknowledged that the changed proposal will cover only 5 ha or 6% of the total land and the remainder (more than 90%) of the land will be maintained for agricultural/rural uses, and NRW accept that the proposed 'Retirement Village', defined as Precinct 2, is considered an overriding need in terms of public benefit. However, it is noted that the suggested lot reconfiguration code for precinct 3 (balance land) has a minimum lot size of 5 hectares. NRW considers that the Rural 1 zoning in the planning scheme that establishes a minimum lot size of 40 hectares remains relevant to the balance land, and that the remaining rural land should be utilized as a viable agricultural unit.

Recommendation

NRW do not oppose the material change of use of land for the proposed retirement village. However, NRW does not support the proposed minimum lot size of 5 ha for Precinct 3 – Rural..

NRW – referral agency response

NRW recommends the balance of Lot 4 SP100467, Lot 3 RP703129 and Lot 119C1572, outside of the retirement village footprint, be amalgamated and remain within the Rural (1) planning area of Cairnsplan.

6. Third Party Advice - Aboriginal Cultural Heritage

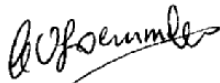
Under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the cultural heritage duty of care are \$750 000 for a corporation and \$75 000 for an individual.

Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the NRW's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, NRW. Application forms to undertake a free search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the NRW's website—www.nrm.qld.gov.au/cultural_heritage.

Any queries about the assessment should be made to the coordinating officer for the application. Contact details for the coordinating officer are:

Coordinating Officer: Cristina Froemmcke
Address: PO Box 937, Cairns QLD 4870
Phone: 07 4057 3890



Cristina Froemmcke
Natural Resource Officer
Landscapes and Community Services
North Region

9 February 2009



Department of
Natural Resources and Water

Author: Lisa Collins
File / Ref number: 2007/011010
Rec'd no: INS 026699
Trackjob No: IC1007CNS0006
Unit: Vegetation Management
Phone: 07 4048 4719

19 January 2009

Sirford Pty Ltd
PO Box 72
Hamilton Qld 4007

Dear Sir or Madam

Application for Material Change of Use on Lot 19 on C157213, Lot 3 on RP703129 and Lot 4 on SP100467- Cairns Regional Council – Request to Change Existing Approval

Thank you for your letter dated 19 January 2009 regarding a request to change the existing approval for the above-mentioned properties. The Department of Natural Resources and Water (acting as a Concurrence Agency) wishes to advise we have no objection to the proposed changes to the development application.

It is important to note that our original referral agency response, conditions and referral agency response plan, dated 28 November 2007, are unaffected by this advice and remain relevant and unchanged. A copy is attached for your records.

Should you have any questions about the above, please contact Miss Lisa Collins, Vegetation Management Officer, North Region, of the department on telephone number 07 4048 4719, quoting the above reference number.

Yours sincerely

Lisa Collins
Vegetation Management Officer
North Region

Att. Referral Agency Response
Referral Agency Response (Vegetation) Plan

NRW Mareeba
167 Walsh Street
Mareeba
PO Box 156
Mareeba Qld 4880
Telephone 4048 4730
Facsimile 4092 2366
Website www.nrw.qld.gov.au
ABN 83 705 537 586

Referral Agency Response – Material Change of Use / Reconfiguring a Lot

s 3.3.16 Integrated Planning Act 1997

1. Application information

- 1.1. **Applicant's name:** Sirford Pty Ltd
- 1.2. **Property description:** 119 C157213, 3 RP703129 and 4SP100467- Cairns City Council
- 1.3. **Assessment Manager/Reference:** Simon Clarke, Ref: 8/8/863
- 1.4. **Date application was referred to Department:** 13 July 2007
- 1.5. **Departmental Reference:** eLVAS Case No: 2007/011010, File Ref. No: TNS/026699, Trackjob No: IC1007CNS0006
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use

2. Concurrence Agency response:

The Chief Executive of the Department of Natural Resources and Water directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- Clearing for the material change of use must only occur within Area A shown on Referral Agency Response Plan 2007/011010

3. Reasons:

A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:

Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the Department's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Natural Resources and Water. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the Department's website www.nrn.qld.gov.au/cultural_heritage.

IDAS Referral Agency Response

5. Authorised Officer Signature:



Julie Warner
Acting Senior Vegetation Management Officer

Date of Response: 28 November 2007

Att. Schedule 1 – Statement of Reasons

eL.VAS Case No:	2007/011010
File Ref. No:	TNS/026699
Trackjob No:	IC1007CNS0006

Schedule 1

Statement of Reasons Referral Agency Response Application for Material Change of Use / Reconfiguring a Lot Sirford Pty Ltd

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

Introduction

1. The Department of Natural Resources and Water (NRW) received an application from Sirford Pty Ltd on 12 October 2007.
2. The application is for 12 October 2007 MCU (Concurrence-Multiple Issue) on 119 C157213, 3 RP703129 and 4SP100467 Cairns City Council
3. An Assessment Report was sent to the Delegate of the Chief Executive, Julie Warner, on 27 November 2007.
4. The Delegate determined the Referral Agency Response on 28 November 2007.

Evidence

1. Application dated 12 October 2007.
 - a) Completed IDAS Form 1 Part "A", "D" and "J".
 - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Department of Natural Resources and Waters Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated [insert date of approval of policy]*
5. *State Planning Policy (SPP) 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. eL.VAS interaction: 776186
7. Assessment Report dated 27 November 2007..

Finding of fact

1. An application was received from Sirford Pty Ltd for the subject lots 119 C157213, 3 RP703129 and 4SP100467 Cairns City Council
2. This was assessed by NRW as a Concurrence Agency against the objectives of the *Vegetation Management Act*, as provided for under the *Integrated Planning Act* and the *Regulations* attached to that act.
3. The application was assessed against the Criteria Table A of the *Concurrence Agency Policy for Material Change of Use 23 August 2007*.
4. The proposed application for material change of use is from a cane farm to Retirement Village

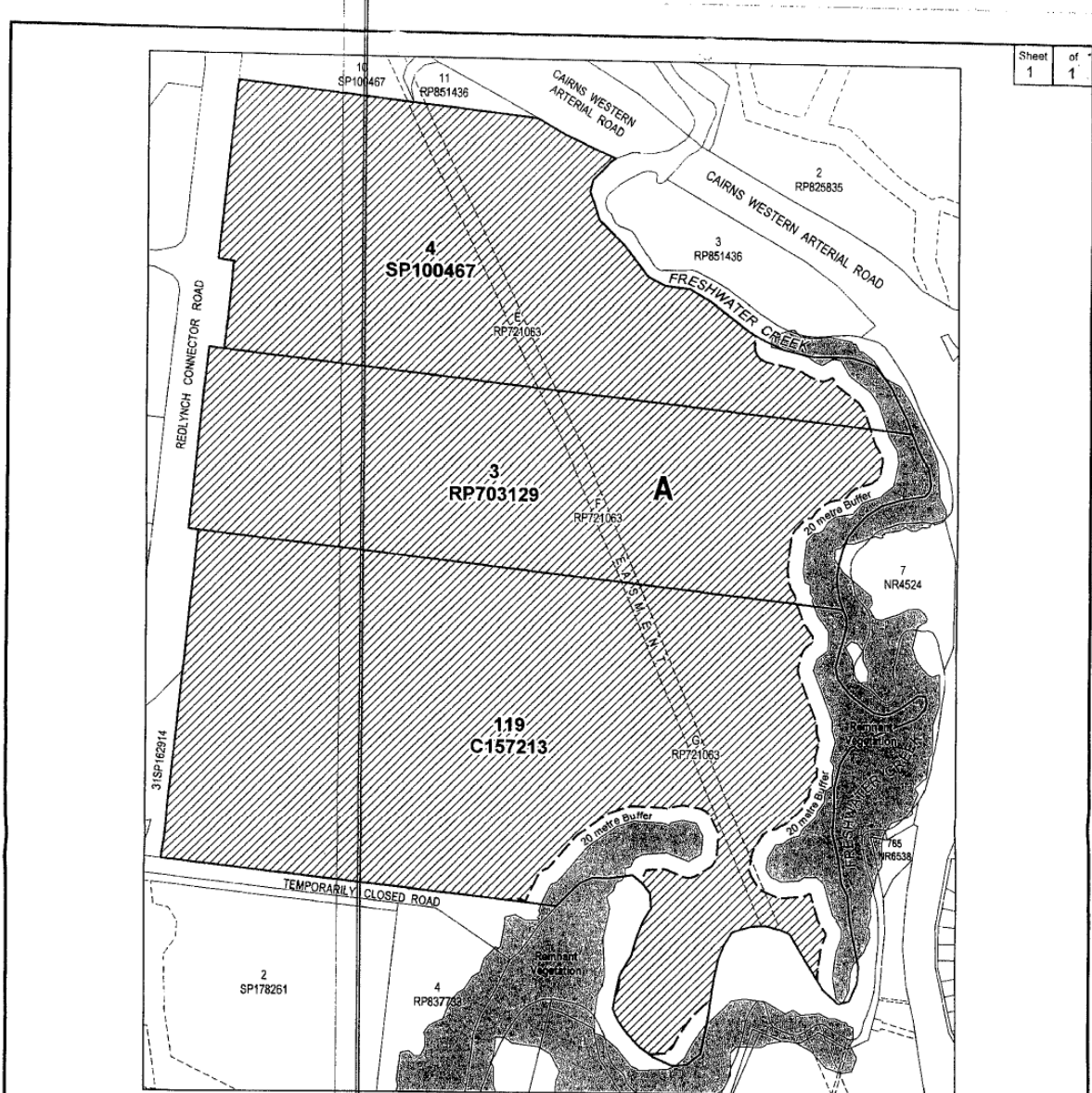
5. The site of the location is predominantly cleared however there is remnant *endangered* vegetation mapped along the watercourse which borders the proposed lots.
6. A Referral Agency Response Plan was produce to ensure that the remnant *endangered* vegetation is conserved and therefore there will be no clearing as a result of the Material Change of Use within the identified area.
7. The application meets the performance requirement for Criteria Table A of the *Concurrence Agency Policy for Material Change of Use 23 August 2007*.

Reasons

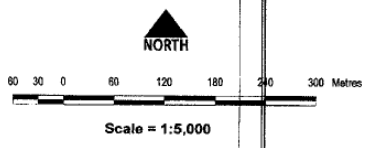
The application is considered by the assessing officer to meet Performance Requirement A.1 of the *Concurrence Agency Policy for Material Change of Use 23 August 2007* because the clearing as a result of the MCU will not occur within assessable vegetation.



Julie Warner
Acting Senior Vegetation Management Officer
Date: 28 November 2007




Sheet 1 of 1

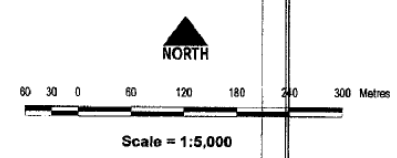
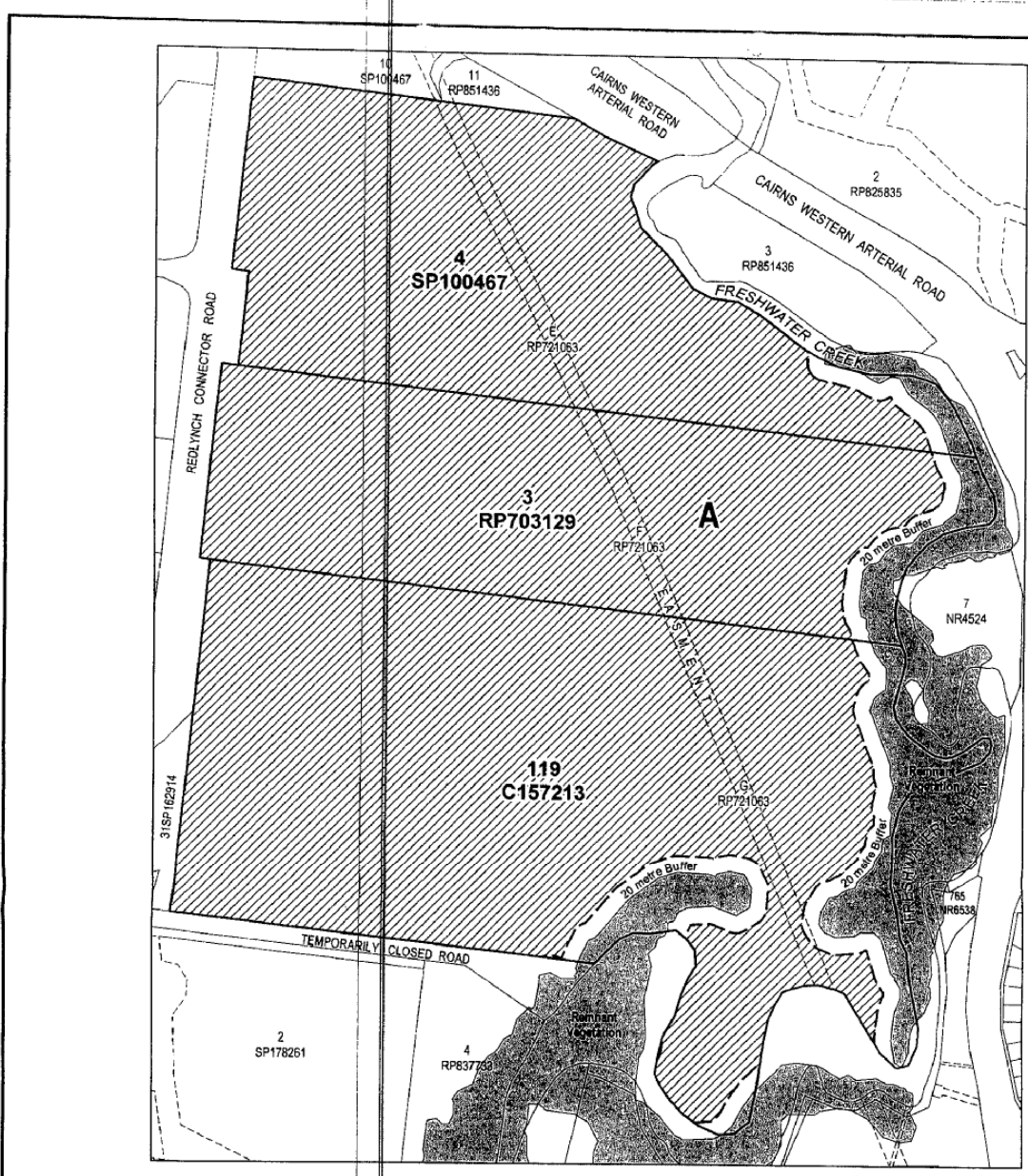


A Area A - Total Area not to exceed 71.6 ha
Material Change of Use


Remnant Vegetation

NOTE: Development NOT TO OCCUR within 20 metres of Remnant Vegetation


 <p>Queensland Government Natural Resources and Water</p> <p>The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.</p> <p>Note: This plan must be read in conjunction with the MCUI document: 2007/011010</p> <p>© Natural Resources & Water, 2007</p>	<p>PLAN OF AREA A</p> <p>REFERRAL AGENCY RESPONSE (VEGETATION) PLAN:</p> <p>For Material Change of Use over Parts of Lots 3 on RP703129, 4 on SP100467 and 119 on C157213</p>		<p>Scale = 1:5,000</p> <p>NOTE: Original size A3</p>
	<p>LOCAL AUTH: CAIRNS CITY</p>	<p>LOCALITY: REDLYNCH</p>	
	<p>Compiled from: DCDB & Regional Ecosystem mapping (EPA)</p>	<p>Drawn by: G.Nelson-White</p>	
<p>File Reference: RECFOUND TNS026699</p>	<p>Date: 26/11/2007</p>		<p>2007/011010 (FINAL)</p>



A Area A - Total Area not to exceed 71.6 ha
Material Change of Use

 Remnant Vegetation

NOTE: Development NOT TO OCCUR within 20 metres of Remnant Vegetation


Queensland Government
Natural Resources and Water

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

Note: This plan must be read in conjunction with the MCU document: 2007/011010

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PLAN OF AREA A	
REFERRAL AGENCY RESPONSE (VEGETATION) PLAN: For Material Change of Use over Parts of Lots 3 on RP703129, 4 on SP100467 and 119 on C157213	
LOCAL AUTH: CAIRNS CITY	LOCALITY: REDLYNCH
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File Reference: RECFIND TNS026699	Date: 26/11/2007

Scale = 1:5,000
NOTE: Original size A3

PREPARED BY:
SPATIAL PRODUCTS & ANALYSIS UNIT
TOWNSVILLE OFFICE, NORTH REGION
DEPT NATURAL RESOURCES & WATER

3rd floor State Govt Building
Cnr Stanley & Walker Sts, Townsville Q 4810

**2007/011010
(FINAL)**



Your Ref: 8/8/863

23 March 2010

Department of
Transport and Main Roads

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870



Attention: Mrs Jenny Elphinstone

Dear Mrs Elphinstone

Referral Agency Response – Integrated Planning Act 1997

Applicant: Sirford Pty Ltd

Application: Material Change of Use (Retirement Village)

Location: Lot 119 on C 157213, Lot 3 on RP 703129 & Lot 4 on SP 100467, Parish of Cairns
Redlynch Connection Road, Redlynch

I refer to:

- the Retirement Village, Multi Unit Housing and Outdoor Sport & Recreation application received at this office on 12 October 2007, requesting consideration of the development,
- the former Department of Main Roads (DMR) letter 30 October 2007 of conditions of development,
- the former Queensland Transport (QT) information request letter 27 November 2007,
- information request response received 28 April 2008,
- QT refusal letter 25 June 2008,
- written representations received 20 August 2008,
- QT letter 1 October 2008 of conditions of development,
- the amended application for a proposed retirement village only received at this office 7 January 2009 and 19 January 2009,
- DMR letter 8 January 2009 of conditions of development,
- QT letter 20 January 2009 of conditions of development, and
- response to Cairns Regional Council information request received at the Department of Transport & Main Roads (TMR) 22 February 2010, maintaining the Indicative Master Plan.

TMR has reviewed the application and is able to retain the previously submitted DMR and QT conditions.

Pursuant to section 3.3.17 of the *Integrated Planning Act 1997*, TMR as a Concurrence Agency, requires that Council include the following conditions of development for the subject application.

A. Impacts on state-controlled roads

1. Layout

Unless otherwise approved in writing by TMR the development site layout must generally comply with Sirford Pty Ltd Redlynch Retirement Village Indicative Master Plan, dated

Integrated Transport Planning (ITP)
Floor 9 Cairns Corporate Tower 15 Lake Street
PO Box 6542 CAIRNS Queensland 4870
ABN 39 407 690 291
Enquiries MALCOLM HARDY
Our Ref CRN-114
Telephone +61 7 4050 5511

Assets & Operations (A&O)
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6185 CAIRNS Queensland 4870
ABN 39 407 690 291
Enquiries MALCOLM HARDY
Our Ref 214/647/102(2716)
Telephone +61 7 4050 5511



Department of
Transport and Main Roads

December 2008.

2. Permitted Road Access Location

- (i) Vehicular access between Cairns Western Arterial Road and the proposed development shall be via Redlynch Intake Road only, to the satisfaction of Cairns Regional Council.
- (ii) No direct vehicular access is permitted between Cairns Western Arterial Road and the proposed development.

3. Advertising

No advertising device for the proposed development is permitted within the Cairns Western Arterial Road reserve or the adjoining Lots 10 and 11 on SP 100467.

4. Parking

When calculating carparking requirements associated with the proposed development, no parking is permitted within the Cairns Western Arterial Road reserve or the adjoining Lots 10 and 11 on SP 100467.

Reasons

The reasons and information used in the setting of conditions detailed above include:

- TMR Access Policy,
- TMR Involvement in Development Applications Referrals and Assessment Guide, and
- CairnsPlan.

B. Integration between land use & transport

Conditions 1 to 10 in Attachment 1.

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant's consultant.

Yours sincerely

Rachel Reese
A/ Director (Regional Partnerships) ITP

Malcolm Hardy
Senior Planner (A&O) Far North




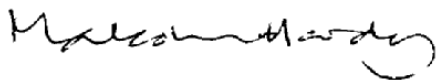
B/c

Sirford Pty Ltd
C/- emanate
PO Box 1984
Townsville Qld 4010

Department of
Transport and Main Roads

For your information


- Rachel Reese
A/Director (Regional Partnerships) ITP


Malcolm Hardy
Senior Planner (A&O) Far North

Attachment 1

Queensland Transport Concurrence Agency Statement of Reasons

Applicant: Sirtford Pty Ltd

Amended Application for: Preliminary Approval to Override the Planning Scheme for Material Change of Use – Retirement Village
 Redlynch Connector Road, Redlynch
 Lot 119 on C157213, Lot 3 on RP703129 and Lot 4 on SP100467
 Cairns Regional Council Reference 8/8/863 (1501955)
 Queensland Transport Reference Number – CRN-114

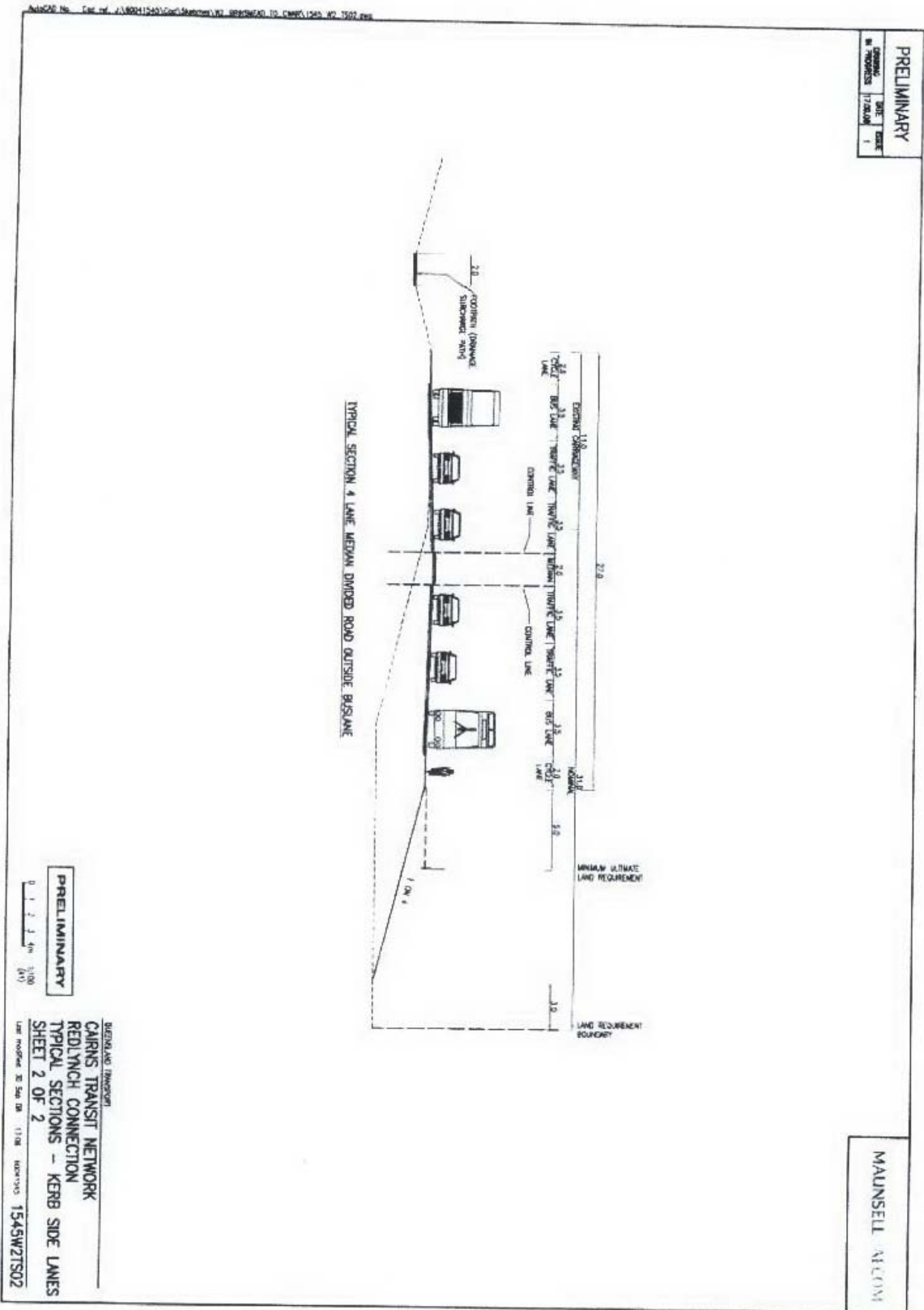
Please note: Where 'future Public Transport Corridor' or 'proposed Public Transport Station' are referred to in the conditions below, these refer to the alignment, location and land requirements as depicted on the following plans prepared by Maunsell, dated 19 September 2008:

- 1545_SK05 Cairns Transit Network Redlynch Connector Land Requirement – Kerbside Lanes
- 1545_W2_TS01
- 1545_W2_TS02

Requirements for the subject application	Conditions for the subject application	Justification for the condition and reasons
<p>To be maintained at all times</p>	<p>Protection of Future Public Transport Corridor</p> <p>1. Redlynch Retirement Village Indicative Master Plan prepared by Sirtford Pty Ltd dated December 2008, and any plans for future stages of development shall incorporate the alignment, locations and land requirements for the future public transport corridor and proposed public transport station (as discussed in the <i>Change to Development Application</i> prepared by Sirtford Pty Ltd dated December 2008) as shown on the following plan prepared by Maunsell /AL/COM, dated 19 September 2008:</p>	<p>S8A of the <i>Transport Planning and Coordination Act 1994</i></p> <p>Queensland Transport has a mandate to protect the operational integrity of the future Public Transport Corridors. When development occurs, these corridors will ultimately form a network of public transport corridors throughout the Cairns urban area.</p>

Title	Conditions for the application	Justification for the condition and reason
	<p>1545 SK05 Cairns Transit Network Redlynch Connector Land Requirement <i>Kerbside Lanes</i></p> <ul style="list-style-type: none"> - 1545 W2 TS01 - 1545 W2 TS02 <p>2. Any amendments to the Master Plan identified above must be approved in writing by Queensland Transport.</p>	
<p>Prior to the issue of a development permit for operational works</p>	<ol style="list-style-type: none"> 3. The applicant must erect and maintain fencing in a safe and secure condition along the length of all common boundaries and the future public transport corridor. This fencing shall be constructed to a standard which prevents unauthorised access. 4. The final fencing design must be submitted to Queensland Transport for approval prior to its construction. 5. No buildings, structures or landscaping shall be located within the future public transport corridor. 6. No works shall be carried out within the future public transport corridor other than works directly associated with the protection, provision or construction of the corridor. 	<p>S8A of the <i>Transport Planning and Coordination Act 1994</i></p> <p>This fencing is required to delineate the exact boundary of the future Public transport corridor and prevent unauthorised access onto the corridor.</p>
<p>To be maintained at all times</p>	<ol style="list-style-type: none"> 7. Any plans of the development to be viewed by the public must have the future public transport corridor labelled as such 	<p>S8A of the <i>Transport Planning and Coordination Act 1994</i></p> <p>This condition is applied to ensure future residents are informed of the future use of the corridor.</p>
<p>To be maintained at all times</p>	<ol style="list-style-type: none"> 8. The development shall not direct or increase stormwater flows onto the future public 	<p>S8A of the <i>Transport Planning and Coordination Act 1994</i></p>

Training	Conditions for the subject application	Justification for the condition and Reason
all times	transport corridor or otherwise threaten the safety or integrity of future transport operations.	It is essential the corridor is not threatened by an increase in run-off or flooding that will threaten or otherwise undermine its operational integrity. QT permits infill material to be placed on to the corridor for this condition to be satisfied.
Public Transport Accessibility and Connectivity		
To be maintained at all times	9. Public pedestrian linkages shall be maintained from the entrance of the Retirement Village to the future public transport station and the taxi area.	S8A of the <i>Transport Planning and Coordination Act 1994</i> It is essential that there is a high level of connectivity to the future stations. Any adjacent development must maintain these connections.
Prior to the sealing of the plan of survey	10. The development shall be designed with a network of pedestrian and cyclist paths providing safe, direct and convenient connections to future public transport stops and stations. These pathways shall be designed generally in accordance with the <i>Redlynch Retirement Village Indicative Master Plan</i> prepared by Siford Pty Ltd dated December 2008 and the <i>FVQRDC Development Manual</i>	S8A of the <i>Transport Planning and Coordination Act 1994</i> To minimise reliance on private car based transport and provide alternative transport options it is essential that pedestrians and cyclists are provided with safe, direct and convenient opportunities to access Public Passenger Transport by providing active transport infrastructure.



**APPENDIX 3 SUPPORTING INFORMATION TO PLANNING REPORT
PLAN OF DEVELOPMENT (AS PROPOSED)**

Appendix A



PLAN OF DEVELOPMENT
For
RETIREMENT VILLAGE AND OTHER USES
At
REDLYNCH CONNECTOR ROAD, ROAD



1. PREAMBLE

This Plan of Development applies to the land which is subject to the preliminary approval and is described as:

- Lot 119 on C157213
- Lot 3 on RP703129
- and Lot 4 on SP100467

This land is also shown on the plan in Schedule 1.

2. JURISDICTION

- 2.1 The Preliminary Approval follows an Application under Section 3.1.6 of the Integrated Planning Act (IPA) to override the Cairns City Council Planning Scheme (CairnsPlan) provisions that would otherwise control development of the Land by: -

- Establishing preferred development outcomes for the Land;
- Defining levels and types of assessment for development which is a Material Change of Use or Other Development;
- Providing that where it is contrary to the Planning Scheme, it will
- Prevail over that planning instrument; and
- Lapsing ten (10) years from the date on which it has effect.

3. PREFERRED DEVELOPMENT OUTCOME

- 3.1 The principal objective of this Preliminary Approval and Plan of Development is to facilitate the Material Change of Use of the land for a retirement village and other uses, which recognises the physical constraints of and respects the environmental qualities of the Land.
- 3.2 Specifically, the Plan of Development seeks to:
- Encourage the development of a retirement village to meet the needs of the community.
 - Ensure that development respects the natural characteristics of the site, including Freshwater Creek and its floodplain.
 - Maintain the landscape character and rural function of the floodplain.
 - Encourage a retirement village that is sustainable, liveable and tropical in its character.
- 3.3 To achieve these outcomes, the Plan of Development divides the land into three precincts in accordance with the precinct plan at Schedule 2.
- 3.4 Levels of assessment for different uses in each precinct are defined in the Tables of Assessment in Schedule 3.

4. TABLES OF ASSESSMENT

- 4.1 The Tables of Assessment at Schedule 3 define in Column 1 whether development is assessable, code assessable or impact assessable as defined in the IPA;



- 4.2 Where development is not identified in the Table of Development, the development becomes Impact assessable;
- 4.3 All development, whether it is self assessable, code assessable or impact assessable must be assessed against the applicable Planning Scheme codes identified in Column 3 in the Tables of Development.
- 4.4 Where a self assessable development does not comply with the acceptable solutions in the Codes it is deemed instead to be code assessable development. Development which is code assessable and which does not comply with the acceptable solutions in the Codes continues to be code assessable with the alternate solutions put forward in the Development Application considered by Council during the assessment of the Application.
- 4.5 Unless otherwise specified, the defined uses as listed in Column 2 of the Tables of Development shall have the same meaning as assigned to them in the Land Use Definitions in Chapter 5 of the Planning Scheme for the City of Cairns.

5. CODES

- 5.1 Where there is conflict between the Codes of the Planning Scheme and the Preliminary Approval, then the Preliminary Approval shall prevail.

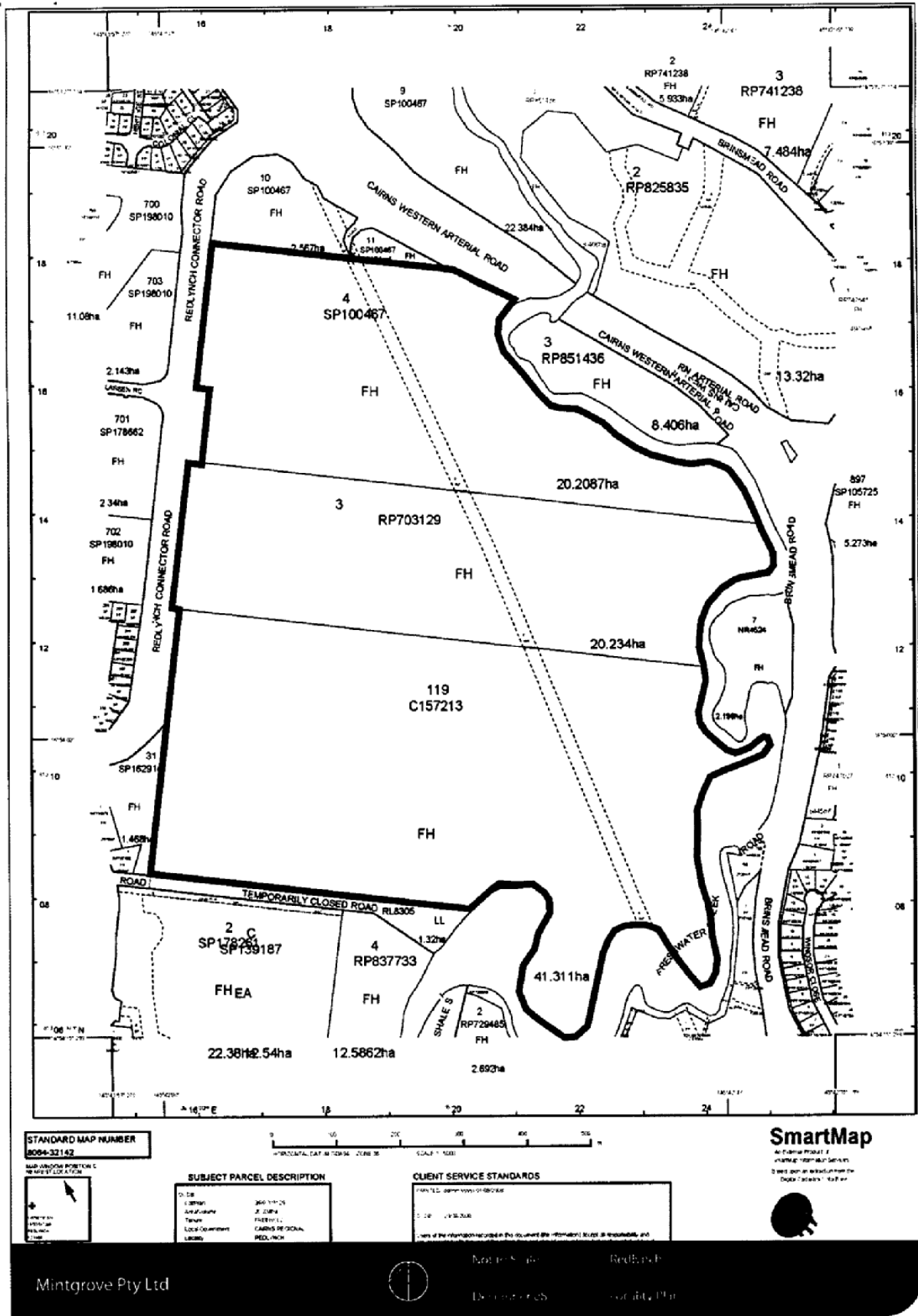
6. RECONFIGURING A LOT CODE

- 6.1 For development to reconfigure a lot within the land, all development must be assessed against the Reconfiguring a Lot Code of the planning scheme. Where lot sizes vary from that described in Table 1 of the Reconfiguring a Lot Code, the following Acceptable Measure is acceptable instead, as defined in the table below:

PRECINCT	MINIMUM AREA	MINIMUM ROAD FRONTAGE
1 - Road	n/a	n/a
2- Retirement Village	5ha	250m
3 – Rural	5ha	50m



Schedule 1 - Locality Plan



STANDARD MAP NUMBER
8094-32142



SUBJECT PARCEL DESCRIPTION

City	Red Bank
Local Government	CARNS REGIONAL COUNCIL
Local Government	REDYNGH

CLIENT SERVICE STANDARDS

City	Red Bank
Local Government	CARNS REGIONAL COUNCIL
Local Government	REDYNGH

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Mintgrove Pty Ltd



Red Bank
Carns Regional Council
Red Bank
Carns Regional Council

Schedule 2 - Precinct Plan







Schedule 3 - Tables of Assessment

TABLE 1 – ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR MAKING A MATERIAL CHANGE OF USE

COLUMN 1	COLUMN 2	COLUMN 3
	USE*	RELEVANT ASSESSMENT CODES#
EXEMPT	Park (Precinct 3)	
SELF ASSESSABLE	House (Precinct 3)	House Code Excavation and Filling Code
	Primary Industry (Precinct 3)	Infrastructure Works Code
	Local Utility (Precinct 3)	Parking and Access Code Excavation and Filling Code Landscaping Code Infrastructure Works Code
	Public Utility (Precinct 3)	Parking and Access Code Excavation and Filling Code Landscaping Code Infrastructure Works Code
CODE ASSESSABLE	Retirement Village (Precinct 2)	Retirement Village Code Parking and Access Code Excavation and Filling Code Landscaping Code Infrastructure Works Code
	Home Activity (Precinct 3)	Home Activity Code
	Caretaker's Residence (Precinct 3)	Caretaker's Residence Code Infrastructure Works Code
	Telecommunications Facilities (Precinct 3)	Telecommunications Facilities Code Excavation and Filling Code Landscaping Code Infrastructure Works Code
	Outdoor Sport and Entertainment (Precinct 3)	Parking and Access Code Excavation and Filling Code Landscaping Code Infrastructure Works Code
IMPACT ASSESSABLE	All other uses unless: <ul style="list-style-type: none"> ▪ A road ▪ Specified in Schedule 9 of the IPA 	For impact assessable development, regard will be given to the planning scheme as a whole in accordance with section 3.5.5 of the IPA

*Use definitions are found in the Cairnsplan

#Codes from Cairnsplan

Note: Assessment categories are not affected by the overlays identified in Chapter 4 of the planning scheme



TABLE 2 – ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR OTHER DEVELOPMENT

COLUMN 1	COLUMN 2	COLUMN 3
	USE*	RELEVANT ASSESSMENT CODES#
EXEMPT	Building work not associated with a material change of use other than minor building work	
	Any other development not listed below	
CODE ASSESSABLE	Reconfiguring a Lot	Flood Management Code Excavation and Filling Code Landscaping Code Reconfiguring a Lot Code Infrastructure Works Code
	Operational Work – associated with reconfiguring a lot	Excavation and Filling Code Landscaping Code Reconfiguring a Lot Code Infrastructure Works Code Flood Management Code
	Operational Work – excavation or filling of more than 50m ³ of material not associated with a material change of use	Excavation and Filling Code Infrastructure Works Code Flood Management Code
	Operational work – vegetation clearing not associated with a material change of use	Excavation and Filling Code Infrastructure Works Code

*Use definitions are found in the Cairnsplan

#Codes from Cairnsplan

Note: Assessment categories are not affected by the overlays identified in Chapter 4 of the planning scheme