

<b>ORDINARY MEETING</b>	<b>7</b>
<b>21 DECEMBER 2023</b>	

**MATERIAL CHANGE OF USE (RETIREMENT FACILITY) – 5-7 CLIFTON ROAD & 93 AND 95 ARLINGTON ESPLANADE, CLIFTON BEACH – DIVISION 9**

8/7/5514: #7266829

<u>PROPOSAL:</u>	MATERIAL CHANGE OF USE FOR A RETIREMENT FACILITY (32 ACCOMMODATION UNITS AND COMMUNITY FACILITIES)
<u>LANDOWNER:</u>	GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA CONSOLIDATED TRUST
<u>APPLICANT:</u>	ST JOHNS COMMUNITY CARE C/- URBAN SYNC PTY LTD PO BOX 2970 CAIRNS QLD 4870
<u>INTERESTED PARTIES:</u>	GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA CONSOLIDATED TRUST ST JOHNS COMMUNITY CARE URBAN SYNC PTY LTD TPG ARCHITECTS LA3 STANTEC AUSTRALIA PTY LTD ETS INFRASTRUCTURE MANAGEMENT PTY LTD <i>Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.</i>
<u>LOCATION OF SITE:</u>	5-7 CLIFTON ROAD & 93 AND 95 ARLINGTON ESPLANADE, CLIFTON BEACH
<u>PROPERTY:</u>	LOT 1 AND LOT 2 ON RP717363 & LOT 12 ON RP712039
<u>ZONE:</u>	MEDIUM DENSITY RESIDENTIAL
<u>LOCAL PLAN:</u>	NOT APPLICABLE
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 V3.1
<u>REFERRAL AGENCIES:</u>	NIL

NUMBER OF SUBMITTERS: TWENTY-ONE (21) NOT PROPERLY MADE SUBMISSIONS RECEIVED

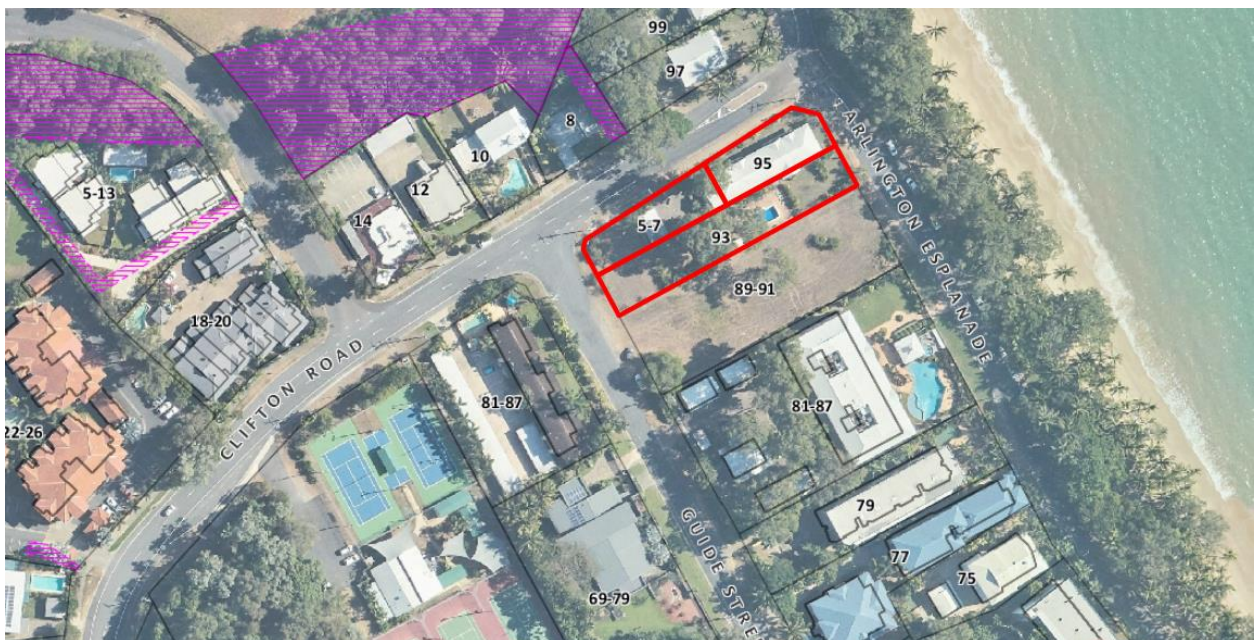
STATUTORY ASSESSMENT DEADLINE: 13 DECEMBER 2023

APPLICATION DATE: 9 AUGUST 2023

DIVISION: 9

- ATTACHMENTS:
1. APPROVED PLAN(S) & DOCUMENT(S)
  2. NOTICE OF INTENTION TO COMMENCE USE
  3. INFRASTRUCTURE CHARGES CALCULATIONS

**LOCALITY PLAN**



**RECOMMENDATION**

That Council approves the development application for a Material Change of Use (Retirement Facility) over land described as 5-7 Clifton Road, 91 and 93 Arlington Esplanade, Clifton Beach, located at Lot 1 and Lot 2 on RP717363 and Lot 12 on RP712039, subject to the following:

Approved Plan(s) and Document(s)

The term 'approved plan(s) and document(s)' or similar expression means:

Plan or Document	Reference	Date
Ground Floor Plan	SJC-02 SKD01 (2)	27 November 2023

Level 1 Floor Plan	SJC-02 SKD02 (A)	28 July 2023
Level 2 to 4 Floor Plans	SJC-02 SKD03 (A)	28 July 2023
Sections	SJC-02 SKD04 (A)	28 July 2023
Elevations	SJC-02 SKD05 (A)	28 July 2023
Overall Site Plan	Issue B	1 August 2023
Landscape Masterplan	Issue B	1 August 2023
Deep Planting Zone	No ref.	July 2023
Plant Palette	Issue B	1 August 2023
Structural Root Zone and Tree Protection Zone	SKD11 (2)	27 November 2023
Preliminary Tree Assessment Report prepared by ETS Infrastructure Management	DA2023/PTA/001	25 August 2023

General Requirements		Timing
1.	<p><b>Approved Plans and Documents</b></p> <p>The development is to be completed and carried out generally in accordance with the above approved plans and reports submitted with the development application, except where modified by the conditions of this Development Permit.</p>	At all times.
2.	<p><b>Maintain the Approved Development</b></p> <p>Maintain the approved development generally in accordance with the approved plan(s) and document(s), and any relevant approval required by these conditions of approval.</p>	At all times.
3.	<p><b>Currency Period</b></p> <p>This development approval, granted under the provisions of the Planning Act 2016 (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the Planning Act 2016 (Qld).</p>	As stated.

4.	<p><b>Notice of Intention to Commence Use</b></p> <p>Written notice must be given to Council that the development fully complies with this Development Permit.</p> <p>Return the attached “Notice of Intention to Commence Use” (attached at Appendix 2).</p>	<p><b>Prior to Commencement of Use.</b></p>
5.	<p><b>Amalgamation of Lots</b></p> <p>Amalgamate Lots 1 and 2 on RP717363 and Lot 12 on RP712039 into one (1) lot and register the Plan of Subdivision.</p>	<p><b>Prior to issue of a Development Permit for Building Work.</b></p>
6.	<p><b>Street Numbering</b></p> <p>The development is to provide clear and legible street numbering and must be maintained at all times while the use is occurring on the site.</p>	<p><b>At all times.</b></p>
7.	<p><b>Detailed Plans – Materials and Finishes</b></p> <p>Provide a schedule of materials and finishes for the development, for endorsement by Council.</p> <p>The schedule must include the following details:</p> <ul style="list-style-type: none"> <li>a. The final colour scheme and materials/finishes;</li> <li>b. The proposed façade treatment (including any materials and/or colours); and</li> <li>c. Variations in colours, scale and textures of exterior materials and finishes.</li> </ul> <p>The endorsed colours, materials and/or finishes must be implemented prior to Commencement of Use and maintained at all times.</p>	<p><b>As stated.</b></p>
8.	<p><b>Limitation of Use</b></p> <p>The ancillary Food and Drink Outlet (shown as Café on the approved plans) must only service residents and their visitors and staff. Public use of the Food and Drink Outlet is not permitted.</p>	<p><b>At all times.</b></p>

9.	<p><b>Water Supply and Sewerage Works Internal</b></p> <p><b>Undertake the following water supply and sewerage works internal to the premises:</b></p> <ul style="list-style-type: none"> <li><b>a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;</b></li> <li><b>b. Any redundant sewer property connection and water connection must be decommissioned and removed;</b></li> <li><b>c. Fire fighting pumped connections are to be provided with a break tank; and</b></li> <li><b>d. Any fire booster assembly, cabinet and water meter are to be located within the property.</b></li> </ul> <p><b>Note: Council does not guarantee a minimum service standard for fire fighting from Council's water network. It is the responsibility of the property owner to design the private fire system to ensure compliance with the relevant building codes and standards and install all necessary on-site pressure boosting and storage that may be required.</b></p> <p><b>All the above works must be designed and constructed in accordance with the FNQROC Development Manual.</b></p> <p><b>All works must be carried out generally in accordance with the approved plan(s), to the requirements and satisfaction of Council.</b></p>	<p><b>Prior to Commencement of Use.</b></p>
10.	<p><b>Car Parking</b></p> <p><b>The amount of on-site car parking must be as per the approved plan(s), being thirty-eight (38) spaces.</b></p> <p><b>The car parking layout must comply with the AS 2890.1:2004 Parking facilities – Off-street car parking and be constructed in accordance with Austroads and good engineering design.</b></p> <p><b>In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.</b></p>	<p><b>Prior to Commencement of Use.</b></p>

11.	<p><b>On-Street Parking</b></p> <p>The one (1) on-street car parking shown on the approved plans must be designed and constructed in accordance with AS 2890.5:2020 Parking facilities On-street parking, including parking bay dimensions, line marking and signage, etc. prior to Commencement of Use.</p> <p>Details of the car park must be provided to Council prior to the issue of the first Development Permit for Operational Work for the development.</p>	As stated.
12.	<p><b>Crossover and Driveway</b></p> <p>The access crossover and driveway as illustrated on the approved plan(s) must be constructed in accordance with FNQROC Development Manual Standard Drawings S1015 and S1110 to a commercial standard.</p>	Prior to Commencement of Use.
13.	<p><b>Ramping</b></p> <p>The development and any associated works must not alter the grade of the road verge:</p> <ol style="list-style-type: none"> <li>a. By more than 2.5%; or</li> <li>b. Where the existing crossfall of the road verge exceeds 2.5% in any direction, must not alter the existing crossfall of the verge.</li> </ol>	Prior to Commencement of Use.
14.	<p><b>Redundant Crossovers</b></p> <p>Remove the existing access crossover from Clifton Road and replace with a kerb and channel to match the existing with landscaping to be reinstated within the verge.</p>	Prior to Commencement of Use.
15.	<p><b>Reinstatement of Verge</b></p> <p>All land adjacent to the access crossover and driveway in the road verge which is disturbed as a consequence of creating the driveway, including the existing kerb and channel, footway or roadway, must be reinstated to its pre-works condition.</p>	Prior to Commencement of Use.
16.	<p><b>Kerb and Channel</b></p> <p>Existing current kerb and channel to the frontage of the land must be checked to ensure it is fit for purpose. Any sections showing ponding, significant cracking, etc, must be deemed as not fit for purpose and are to be replaced.</p>	Prior to Commencement of Use.

17.	<p><b>New Footpaths</b></p> <p>A minimum two (2) metre wide footpath must be provided on Arlington Esplanade, Clifton Road and Guide Street for the full frontage of the property in accordance with the FNQROC Development Manual Standard Drawing S1035.</p>	<p>Prior to Commencement of Use.</p>
18.	<p><b>Prioritised Pedestrian Pathways</b></p> <p>Provide prioritised pedestrian pathways internal to the subject land that provides a link between the Retirement Facility building to the new footpaths located on Arlington Esplanade, Clifton Road and Guide Street. The pathways must be differentiated in; colour, texture, and/or line marking, from the driveway surface finish.</p>	<p>Prior to Commencement of Use.</p>
19.	<p><b>Kerb Ramps</b></p> <p>Create a safe pedestrian crossing point on the three (3) road frontages by constructing kerb ramps in accordance with FNQROC Development Manual Standard Drawing S1016.</p>	<p>Prior to Commencement of Use.</p>
20.	<p><b>Road Shoulder</b></p> <p>Construct pavement, asphalt and kerb and channel to formalise the shoulder between the existing traffic lane along the frontage of the land on Guide Street in accordance with the FNQROC Development Manual.</p>	<p>Prior to Commencement of Use.</p>
21.	<p><b>Refuse Storage</b></p> <p>The development must be designed to be serviced by private bulk bin collection for both waste and recycling.</p> <p>A roofed bin enclosure must be provided in accordance with Council's requirements and waste contractors requirements.</p> <p>The bin enclosure must be constructed in the location shown on the approved plans and details of the bin enclosure must be provided to and approved by Council prior to the issue of a Development Permit for Building Work.</p> <p>The bin enclosure must be constructed in accordance with the approved plans prior to Commencement of Use.</p>	<p>As stated.</p>

22.	<p><b>Liquid Waste Disposal</b></p> <p>Trade waste discharge to sewer must meet the requirements of Cairns Infrastructure and Assets' Trade Waste Environmental Management Plan (TWEMP).</p> <p>Detailed Hydraulic Plan(s) must be provided accompanied by a report which demonstrates that the facility complies with the TWEMP and must be approved by Council prior to the issue of a Development Permit for Building Work.</p> <p>All measures for pre-treatment in accordance with the approved plan(s) must be installed prior to Commencement of Use.</p>	As stated.
23.	<p><b>Electrical Design</b></p> <p>Underground electricity reticulation must be designed and provided to service the development in accordance with the requirements of Section D8.06 of the FNQROC Development Manual.</p>	Prior to Commencement of Use.
24.	<p><b>Telecommunications Supply</b></p> <p>The development must be connected to the telecommunications network in accordance with section D8.05 of the FNQROC Development Manual.</p>	Prior to Commencement of Use.
25.	<p><b>Electrical Transformer</b></p> <p>Any padmount transformer must be installed on site and positioned in accordance with the following requirements:</p> <ol style="list-style-type: none"> <li>a. Screened from view by landscaping, sightscreens and/or fencing;</li> <li>b. Accessible for maintenance in accordance with the relevant utility provider;</li> <li>c. Must be located clear of footpaths; and</li> <li>d. Must not be located over existing infrastructure.</li> </ol>	Prior to Commencement of Use.
26.	<p><b>Street Lighting</b></p> <p>Prepare and provide for approval a Street Lighting scheme for the installation of public street lighting, including connections and energising on Clifton Road between Arlington Esplanade and Guide Street prior to the issue of a Development Permit for Operational Work.</p>	As stated.



<p><b>The street lighting network must meet the following:</b></p> <p><b>a. The application must include evidence in the form of detailed plans which show the locations of all existing and approved civil infrastructure, including water, sewer, drainage, road, footpaths and any existing or proposed telecommunication, lighting and electrical services;</b></p> <p><b>Note: Fees and charges apply as per the Council fees and charges schedule;</b></p> <p><b>b. A Rate 2 lighting scheme is to be designed in accordance with the relevant current Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The Rate 2 lighting scheme must be certified by a suitably qualified electrical/lighting Registered Professional Engineer Queensland;</b></p> <p><b>c. The applicable lighting category is Lighting Category PR3. The lighting scheme must demonstrate that light pole locations align with common property boundaries, represent the permitted design spacing, and that there are no conflicts with vegetation to be retained, stormwater, driveways, kerb inlet pits and other services;</b></p> <p><b>d. The design must provide the applicable illumination level specified in the current Road Lighting Standard AS/NZS 1158 at the following road elements;</b></p> <p><b>e. Local Area Traffic Management (LATM) Devices (Including Roundabouts);</b></p> <p><b>f. LATM Devices are to be shown on the civil layout design. The electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard; and</b></p> <p><b>g. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service.</b></p> <p><b>The approved street lighting scheme must be fully constructed and completed.</b></p>	
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27.	<p><b>Detailed Landscaping Plan</b></p> <p><b>Provide a Detailed Landscaping Plan in accordance with Planning Scheme Policy – Landscaping and the FNQROC Development Manual, prepared by a suitably qualified Landscape Architect or Landscape Designer, to Council, demonstrating:</b></p> <ul style="list-style-type: none"> <li><b>a. A landscaping design which is generally in accordance with that shown on the Overall Site Plan and Landscape Masterplan prepared by LA3;</b></li> <li><b>b. A detailed planting design and schedule for all proposed landscaped areas including but not limited to street frontages and vertical landscape features;</b></li> <li><b>c. A planting schedule including species, quantity, and container size;</b></li> <li><b>d. Deep planting with a mixture of shade trees and low shrubs within the street front setback area and adjacent to car parking areas;</b></li> <li><b>e. Specifications for planting, mulching and permanent irrigation;</b></li> <li><b>f. Any landscaped areas adjoining parking and manoeuvring areas are protected from vehicle encroachment by a 150mm high vertical concrete kerb or similar;</b></li> <li><b>g. Planting of the verge with street trees in accordance with the FNQROC Development Manual Standard Drawing for S2410 Street Tree Planting, Design Manual D9 Landscaping and the FNQROC Development Manual, Cairns Regional Council Specific Requirements;</b></li> <li><b>h. Specifications for grassing of the verge in accordance with the FNQROC Development Manual S9 Landscaping Specifications;</b></li> <li><b>i. Details and specifications for the vertical landscaping and trellises including relevant engineering specifications, potting media, trellising, irrigation and drainage to be incorporated to provide the vertical landscape features;</b></li> <li><b>j. Details of the size and location of the planter boxes including engineering and management of the planter boxes, and any associated irrigation system;</b></li> <li><b>k. Details of any fencing and retaining walls associated with the development; and</b></li> <li><b>l. A clearly delineated internal pedestrian pathway and link to Arlington Esplanade, Clifton Road and Guide Street.</b></li> </ul> <p><b>The Detailed Landscaping Plan must be provided to Council and endorsed prior to the issue of the first</b></p>	As stated.
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	<p><b>Development Permit for Operational Work for the development. Landscaping must be installed prior to Commencement of Use and must be inspected by Council at the time of landscaping completion.</b></p>	
28.	<p><b>Landscaping Maintenance and Management Plan</b></p> <p><b>In conjunction with the submission of a Detailed Landscaping Plan, provide to Council for endorsement a Landscaping Maintenance and Management Plan (including Vertical Landscaping).</b></p> <p><b>This plan must detail the maintenance and management regime(s) that are to be implemented to ensure the landscape features of the development are retained for the life of the development.</b></p> <p><b>The approved Landscaping Maintenance and Management Plan must be referenced within any Community Management Statement for the development.</b></p>	As stated.
29.	<p><b>Street Tree Removal &amp; Replacement – Arlington Esplanade</b></p> <p><b>The two (2) street trees within the Arlington Esplanade frontage of the site which are to be removed as part of the development must be replaced in an appropriate location along the Arlington Esplanade frontage of the site.</b></p> <p><b>The street trees must be retained until a Development Permit for Building Work for the development has been obtained and until within a minimum of two (2) weeks of works commencing on the site.</b></p> <p><b>Replacement street tree planting must be designed and installed in accordance with the FNQROC Development Manual – D9 Landscaping, S8 – Landscaping, and Standard Drawings, S4100 – Tree Guards and S4210 – Street Tree Planting, prior to Commencement of Use.</b></p> <p><b>Replacement Street trees must be maintained until the asset is accepted “off maintenance” by Council in accordance with the procedures in FNQROC Development Manual - C1 Construction Procedures.</b></p>	As stated.
30.	<p><b>Protection of Vegetation During Construction</b></p> <p><b>Tree Protection Zones (TPZ) must be designed and established for Tree 1 Melaleuca leucadendra, Weeping Paperbark and Tree 5 Corymbia tessellaris, Moreton Bay</b></p>	As stated.

	<p><b>Ash which must be retained as identified on the Preliminary Tree Assessment Report prepared by ETS Infrastructure Management (dated 25 August 2023). Each TPZ must be established in accordance with AS 4970 Protection of trees on development sites and must ensure:</b></p> <ul style="list-style-type: none"> <li><b>a. Tree protection measures are installed and maintained in accordance with the AS 4970-200 Protection of trees on development sites prior to commencement of works and for the duration of works;</b></li> <li><b>b. No construction related activities (such as construction vehicle parking, liquid disposal, stockpiling etc.) occurs within the Tree Protection Zone without certification from a certified Arborist;</b></li> <li><b>c. All existing retained trees within the area identified in accordance with the approved plans, are managed during construction activities in accordance with the AS 4970-2009 Protection of trees on development sites to avoid any of the following:</b> <ul style="list-style-type: none"> <li><b>i. Structural damage to the trees;</b></li> <li><b>ii. Compaction of the root plate;</b></li> <li><b>iii. Filling of soil within the drip zone; and</b></li> <li><b>iv. Long-term harm to the health of the tree.</b></li> </ul> </li> <li><b>f. Where any of the existing retained trees dies, are dying, or are structurally compromised for any reason, they are wholly removed in a manner that minimises damage to surrounding vegetation and replaced by trees of the same species and size or one of a species of a similar size prior to Commencement of Use.</b></li> </ul> <p><b>Any replacement planting must be endorsed by Council and installed prior to Commencement of Use and in accordance with the FNQROC Development Manual.</b></p>	
31.	<p><b>Management of Damaged Vegetation</b></p> <p><b>The vegetation must be either removed and disposed of at an approved site or mulched/chipped and used on site.</b></p> <p><b>All soil and woodchip material must be removed from pathways, roads, kerb and channel following the completion of work.</b></p>	<b>At all times.</b>

32.	<p><b>Construction Management Plan</b></p> <p><b>A Construction Management Plan must be prepared and submitted to Council for endorsement prior to Commencement of Work.</b></p> <p><b>The Construction Management Plan must address all activities/operations associated with the construction including:</b></p> <ul style="list-style-type: none"> <li><b>a. Hours of construction;</b></li> <li><b>b. Location(s) of construction access;</b></li> <li><b>c. Parking of vehicles (including construction site employees and delivery vehicles);</b></li> <li><b>d. Traffic management and control (including loading and unloading);</b></li> <li><b>e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area;</b></li> <li><b>f. Detailed methodology specific for the protection of Tree 1 Melaleuca leucadendra, Weeping Paperbark and Tree 5 Corymbia tessellaris, Moreton Bay Ash that must be retained as stated within the Preliminary Tree Assessment Report prepared by ETS Infrastructure Management (dated 25 August 2023). Tree protection methodology must be in accordance with AS4970-2009 – Protection of trees on development sites;</b></li> <li><b>g. Site safety and security after hours to prevent public entry; and</b></li> <li><b>h. Location and details of construction signage including any signage that is to be illuminated.</b></li> </ul> <p><b>The CMP must be made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work.</b></p>	As stated.
33.	<p><b>Acid Sulfate Soils Investigation</b></p> <p><b>Prepare and provide to Council an Acid Sulfate Soils Investigation Report for the area to be affected by this approval. The report must be prepared in accordance with the requirements of the Planning Scheme Policy – Acid Sulfate Soils and Queensland Acid Sulfate Soils Technical Manual (QASSTM).</b></p>	Prior to the Commencement of Work.

34.	<p><b>Acid Sulfate Soils Management Plan</b></p> <p>Where identification of soils with a pyrite content in excess of the action levels nominated in the Queensland Acid Sulfate Soils Technical Manual (QASSTM) prepare, provide for approval and comply with an Acid Sulfate Soils Management Plan.</p> <p>The Acid Sulfate Soils Management Plan must be prepared by a suitably qualified person.</p> <p>Construct all works in accordance with the recommendations of the Acid Sulfate Soils Management Plan.</p>	Prior to Commencement of Work and as stated.
35.	<p><b>Site Based Stormwater Management Plan</b></p> <p>Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design which details a stormwater point of discharge for endorsement prior to Commencement of Work.</p> <p>This document is required to report on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:</p> <p>a. Nominate best practice site management procedures to control the severity and extent of soil erosion and pollutant transport and other water quality issues that may arise during the construction phase and post-construction phase.</p> <p>All works must be carried out in accordance with the approved plan(s), prior to Commencement of Use.</p>	As stated.
36.	<p><b>Concentration of Stormwater</b></p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <p>a. Diversion of stormwater;  b. Concentration of stormwater flows;  c. Changes in other flow characteristics; and  d. Changes that affect the future use of land.</p> <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	At all times.

37.	<p><b>Discharge of Stormwater</b></p> <p>Stormwater associated with development is discharged to:</p> <ul style="list-style-type: none"> <li>a. A lawful connection provided from the premises to Council's stormwater network; or</li> <li>b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or</li> <li>c. An easement for drainage purpose immediately adjoining to the premises; or</li> <li>d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: <ul style="list-style-type: none"> <li>i. Change to the location of stormwater discharge;</li> <li>ii. An increase to peak flow velocity or volume; or</li> <li>iii. A concentration in stormwater discharge.</li> </ul> </li> </ul>	At all times.
38.	<p><b>Private Drainage Assets</b></p> <p>All rear allotment drainage pits and associated pipework contained within the lot boundaries of this development site must be private infrastructure and must not become an asset of Council.</p>	At all times.
39.	<p><b>Sediment and Erosion Control – Water Discharge</b></p> <p>Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994 (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).</p>	At all times.
40.	<p><b>External &amp; Security Lighting</b></p> <p>Install and maintain a suitable system of security lighting to operate from dusk to dawn within all areas where the public may gain access, including car parking areas, building entrances, footpaths under permanent awnings and vegetated areas.</p> <p>All external lighting must be in accordance with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting so as to not cause nuisance or distraction to nearby residents or passing motorists.</p>	Prior to Commencement of Use.

41.	<p><b>Identification Display Board</b></p> <p>An Identification Display Board must be installed in a visually prominent position at the main vehicular entry which includes the following:</p> <ol style="list-style-type: none"> <li>a. Contains an accurate site plan showing the overall layout of the development, including but not limited to communal facilities, manager's residence/office location, internal access ways and visitor carparking spaces;</li> <li>b. Provide lighting to allow for 24-hour viewing; and</li> <li>c. Identify the location of fire hydrants.</li> </ol>	<p><b>Prior to Commencement of Use.</b></p>
42.	<p><b>Damage to Infrastructure and Land</b></p> <p>Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.</p>	<p><b>At all times and prior to Commencement of Use.</b></p>

## **PART B: INFRASTRUCTURE CHARGES**

1. That an Infrastructure Charges Notice be issued for the development.

### **ADVICE**

1.	<p><b>Planning Laws</b></p> <p>Information relating to the Planning Act 2016 (Qld), Planning Regulation 2017 (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.</p>
2.	<p><b>Further Approvals Required to Carry out the Development</b></p> <p>The following further approvals are required prior to carrying out the development generally in accordance with the approved plan(s) and drawings:</p> <ul style="list-style-type: none"> <li>• Development Permit for Operational Work; and</li> <li>• Development Permit for Building Work.</li> </ul>



3.	<p><b>Definitions</b></p> <p>All terms used in this development approval have those definitions as defined under the Planning Act 2016 (Qld) and Planning Regulation 2017 (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016.</p> <p>To the extent of any inconsistency, the order of precedence of the above instruments is as follows:</p> <ol style="list-style-type: none"> <li>a. Planning Act 2016 (Qld);</li> <li>b. Planning Regulation 2017 (Qld);</li> <li>c. Queensland Development Code;</li> <li>d. CairnsPlan 2016; and</li> <li>e. FNQROC Development Manual.</li> </ol>
4.	<p><b>FNQROC Development Manual</b></p> <p>Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – <a href="http://www.cairns.qld.gov.au">www.cairns.qld.gov.au</a>.</p>
5.	<p><b>Infrastructure Charges Notice</b></p> <p>A charge levied for the supply of trunk infrastructure is payable to Council in accordance with Council's Infrastructure Charges Resolution No. 2 of 2021 and the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The original Infrastructure Charges Notice will be provided under cover of a separate letter.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council's Development Assessment Team for review of the charge amount prior to payment.</p> <p>The time when payment is due is contained within the Infrastructure Charges Notice.</p>

6.	<p><b>Weeds, Pest Animals and Ants</b></p> <p><b>Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Queensland Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.</b></p>
7.	<p><b>Environmental Nuisance</b></p> <p><b>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an 'environmental nuisance' within the meaning of the Environmental Protection Act 1994 (Qld) to any sensitive receptor as stated within Schedule 1 of the Environmental Protection (Noise) Policy 2019 (Qld).</b></p> <p><b>Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the Environmental Protection Act 1994 (Qld).</b></p>
8.	<p><b>Cyclone Watch Site Management</b></p> <p><b>All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.</b></p>
9.	<p><b>Connections to, Alteration or Realignment of Council Infrastructure</b></p> <p><b>Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), obtain the necessary approvals from the relevant public utility authority prior to works commencing.</b></p> <p><b>All connections or disconnection of water infrastructure must be undertaken by Council at the Applicant's cost.</b></p> <p><b>Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage, reinstatement of maintenance hole covers, stormwater drainage, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.</b></p>

10.	<p><b>Future Compliance</b></p> <p>This approval does not negate the requirement for compliance of any future use with CairnsPlan 2016 or any future in force planning schemes, all other relevant Local Laws and other statutory requirements.</p>
11.	<p><b>Road Closures and Works on a Local Government Road</b></p> <p>Road Closures and Works on a Local Government Road require further approvals from Cairns Regional Council that are not covered by this Permit. An <a href="#"><u>Application for a Temporary Road Closure</u></a> is required where an activity on Council managed road or footpath occurs and where the activity will create an interference with the normal flow of traffic or pedestrian movement. An activity pertains to construction works undertaken within the road reserve. Applicants should allow additional time before planned works commence to obtain the required approvals.</p>

## **LAND USE DEFINITIONS\***

In accordance with Schedule 24 of the Planning Regulation 2017, and CairnsPlan 2016 the approved land use of Retirement Facility is defined as:

“Retirement facility means a residential use of premises for—

- (a) accommodation for older members of the community, or retired persons, in independent living units or serviced units; or
- (b) amenity and community facilities, a manager’s residence, health care and support services, preparing food and drink or staff accommodation, if the use is ancillary to the use in paragraph (a).”

\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

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## **EXECUTIVE SUMMARY**

Council is in receipt of a development application for a Development Permit for a Material Change of Use (Retirement Facility) at 5-7 Clifton Road, 91 and 93 Arlington Esplanade, Clifton Beach, formally described as Lots 1 and 2 on RP717363 and Lot 12 on RP712039.

The development proposes the establishment of a new five storey Retirement Facility provided across two towers above a podium, with a total of thirty-two (32) accommodation units provided on floors 1 – 5. The ground floor comprises communal facilities such as a gym, dining hall and consultation rooms and on-site manager’s office. The development proposes a peak roof height of 17.52 metres and a total of five storeys.

The subject site is located within the Medium Density Residential Zone of the CairnsPlan 2016 v3.1. The site is affected by the following overlays: Acid Sulfate Soils; Airport Environs; Coastal Processes; Landscape Values; Natural Areas; and Transport Network.

The application is Code Assessable within the Medium Density Residential Zone of the CairnsPlan 2016 v3.1. To the extent an application involves development that requires Code Assessment, and subject to section 62 of the *Planning Act 2016*, the Assessment Manager (Council), after carrying out the assessment:

- (a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and
- (b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and
- (c) may impose development conditions on an approval; and
- (d) may, to the extent the development does not comply with some or all the assessment benchmarks (the Code in its entirety, including Overall Outcomes and Purpose Statements), decide to refuse the application only if compliance can not be achieved by imposing development conditions.

The application has been assessed in accordance with the legislative framework for Code Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, *Development Assessment Rules*, the applicable benchmarks contained in CairnsPlan 2016 v3.1. Officers are satisfied that the development has demonstrated compliance with the assessment benchmarks of the CairnsPlan 2016 v3.1, and where non-compliance has been proposed against an Acceptable Outcome, a reasonable and relevant condition imposed.

On balance, the assessment undertaken recommends that Council approves the Development Application in full, subject to reasonable and relevant development conditions.

## **TOWN PLANNING CONSIDERATIONS**

### **Background**

There is no relevant planning history for the site.

### **Site and Surrounds**

The development site consists of three lots with the following areas and improvements:

- Lot 1 on RP7717363 – has an area of 541m<sup>2</sup> and is improved by a vehicle parking area associated with the Multiple Dwelling and part of the Multiple Dwelling building on Lot 2;

- Lot 2 on RP7717363 – has an area of 544m<sup>2</sup> and is improved by a Multiple Dwelling; and
- Lot 12 on RP712039 – has an area of 1080m<sup>2</sup> and is improved by a swimming pool associated with the Multiple Dwelling.

The development site has a frontage of approximately 30 metres to Arlington Esplanade, 75 metres to Clifton Road and 23 metres to Guide Street. The site contains vegetation in the form of Melaleucas and other non-significant landscaping.

The lot adjoining to the southeast (Lot 110 on SP328271) contains an under-construction Retirement Facility, of a similar bulk and scale to the proposed. The remainder of the surrounding locality is characterised by Multiple Dwellings / Short Term Accommodation, Food and Drink Outlets and some Dwelling Houses.

## Proposal

The development proposes the establishment of a Retirement Facility over the subject lots. A summary of the particulars is provided in the table below:

Proposed Development	
<b>Use Proposed</b>	<p><u>Material Change of Use for Retirement Facility</u></p> <ul style="list-style-type: none"> <li>• 32 accommodation units provided on floors 1 to 5. There are four unit configurations, each containing two bedrooms, as follows: <ul style="list-style-type: none"> <li>○ Unit Type A – 113m<sup>2</sup>;</li> <li>○ Unit Type B – 114m<sup>2</sup>;</li> <li>○ Unit Type C – 123m<sup>2</sup>; and</li> <li>○ Unit Type D – 115m<sup>2</sup>.</li> </ul> </li> <li>• Three on-site staff comprising two staff for meal times and one full time on-site manager.</li> <li>• Communal facilities (gym, dining hall, consultation rooms and on-site managers office) on ground floor.</li> <li>• A communal recreation area fronting Arlington Esplanade comprising a dining area, swimming pool, outdoor lounge area and general communal areas with a gym and BBQ area.</li> <li>• Facilities on ground floor to allow for call-in services (allied health, for example). These services will not operate on site permanently.</li> </ul>
<b>Site Coverage</b>	1,247m <sup>2</sup> (57%).
<b>Building Height</b>	17.52 metres and five storeys.
<b>Vehicle Parking Spaces</b>	Thirty-eight (38) on-site parking spaces and one on-street parking spaces.
<b>Vehicle Access</b>	Via Guide Street and pedestrian access from all frontages.
<b>Landscaping</b>	320m <sup>2</sup> (14.8%).

## Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Planning Assessment Report and the Response to the Information Request prepared by *Urban Sync Pty Ltd*;
- Plans of Development prepared by *TPG Architects*;
- Landscape Plans, prepared by *LA3*;
- Detailed Survey prepared by *Stantec Australia Pty Ltd*;
- Visual Impact Assessment prepared by *Urban Sync Pty Ltd* and *TPG Architects*;
- Preliminary Tree Assessment report prepared by *ETS Infrastructure Management Pty Ltd*; and
- Engineering Report prepared by C.M.G. Consulting Engineers.

These materials have been considered in the assessment of the application.

## LEGISLATIVE FRAMEWORK

### Statutory Planning Considerations

<p><b>State Planning Policy</b></p>	<p>The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is affected by the following State Interests:</p> <ul style="list-style-type: none"> <li>• Coastal management district</li> <li>• Flood hazard area - Level 1 - Queensland floodplain assessment overlay</li> <li>• Flood hazard area - Local Government flood mapping area</li> <li>• Erosion prone area</li> <li>• Wildlife hazard buffer zone</li> <li>• Aviation facility</li> </ul> <p>The CairnsPlan 2016 advances the SPP except for erosion prone areas and the coastal management district. The entirety of Lot 2 on RP 717363 and the seaward portion of Lot 12 RP712039 are located within the erosion prone area. As there is vehicle and pedestrian access via Guide Street coupled with the units being located on a podium above the anticipated event level the risk to people and property is considered to be appropriately managed and adverse risk has been mitigated. All other relevant State interests have been appropriately reflected in CairnsPlan 2016.</p>
<p><b>FNQ Regional Plan 2009-2031</b></p>	<p>The subject site is within the FNQ Regional Plan 2009-2031 designation - Urban Footprint.</p> <p>The Regional Plan has been appropriately integrated and reflected through the CairnsPlan 2016.</p>

### Matters Prescribed by Regulation

<p><b>Schedule 9 of the Planning Regulation 2017</b></p>	<p>Schedule 9 of the <i>Planning Regulation 2017</i> is not applicable.</p>
<p><b>Schedule 10 of the Planning Regulation 2017</b></p>	<p>The application does not require referral to the State Assessment and Referral Agency (SARA) or another referral or advice agency.</p>

<b>Schedule 12A of the Planning Regulation 2017</b>	Schedule 12A of the <i>Planning Regulation 2017</i> is not applicable as the proposal is not for reconfiguring a lot.
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## LOCAL CATEGORISING INSTRUMENT

### **CairnsPlan 2016 v3.1**

#### Strategic Framework Assessment

The development is subject to Code Assessment and therefore assessment against the Strategic Framework of the CairnsPlan 2016 is not required, in accordance with section 45 (3) of the *Planning Act 2016*.

#### Relevant Assessment Benchmarks of CairnsPlan 2016

<b>CairnsPlan 2016 Assessment Benchmarks</b>	
<b>Assessment Benchmark</b>	<b>Assessment</b>
Medium Density Residential Zone Code	<p><b>Complies with Performance Outcomes.</b></p> <p>The purpose of the Medium Density Residential Zone is to provide for medium density multiple dwellings and community uses, small-scale services, facilities and infrastructure to support local residents. Additionally, the local government purpose of the Zone is to promote a mixed residential density character and amenity, with access to centres, major transport facilities, open space and recreation activities.</p> <p>The proposed Retirement Facility is considered to be consistent with the intent of the Zone in that it provides a medium density outcome in a similar built form outcome to a Multiple Dwelling. The development is of an appropriate scale and intensity that promotes a mixed residential density character in the area.</p> <p>In terms of setbacks, development in this Zone is required to maintain the residential character and amenity of the area and achieve separation from neighbouring buildings and frontages. It is noted that the Zone Code does not specify certain metres for setbacks. The proposed setbacks of the development are considered appropriate as:</p> <ul style="list-style-type: none"> <li>• The reduced southern side boundary setback is adjacent to an under-construction Retirement Facility that is similar in design;</li> <li>• The Arlington Esplanade setback is generally consistent with the setback of other buildings and structures along this road; and</li> <li>• Landscaping along the frontages and the retention of vegetation further softens the visual appearance of the building and maintains the character of the area.</li> </ul> <p>The development site is constrained by coastal and flood and inundation hazards, however, the development has been designed and sited to respond to the constraints of the site as follows:</p> <ul style="list-style-type: none"> <li>• The development is required to have a floor level 300mm above the defined 1% inundation event level;</li> <li>• The development involves the retention of significant vegetation and the supplementary landscaping where vegetation removal is required to facilitate the development; and</li> </ul>

	<ul style="list-style-type: none"> <li>The development responds to the splayed nature of the Clifton Road frontage by altering the building orientation.</li> </ul> <p>The development will not adversely affect the residential character and amenity of the area as contemplated by the zoning in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts. The development proposes non-compliance with two acceptable outcomes of the Code, as detailed in later sections of the report.</p>
Acid Sulfate Soils Overlay Code	<p><b>Conditioned to Comply.</b></p> <p>The earthworks associated with the development is limited to building pad preparation and landscape works. A development condition has been imposed requiring that an Acid Sulfate Soils Investigation is undertaken, and where such soils are found, a management plan is prepared and complied with.</p>
Airport Environs Overlay Code	<p><b>Complies.</b></p> <p>The development will not impact on the safety and efficiency of operations at the Cairns Airport and associated aviation facilities.</p>
Coastal Processes Overlay Code	<p><b>Complies with Performance Outcomes.</b></p> <p>The site is separated from the coastline/beach via road reserve (Arlington Esplanade) and the development is setback similarly to other established development along Arlington Esplanade. The development has taken into account the predicted changes in sea level rise as a consequence of climate change whereby the two towers are required to have a minimum floor level that is 300mm above the defined 1% inundation event level.</p>
Landscape Values Overlay Code	<p><b>Complies with Performance Outcomes.</b></p> <p>The majority of the development site is located with the Coastal Scenery Zone.</p> <p>The proposed development is considered to be generally consistent with the intent of the Overlay Code as:</p> <ul style="list-style-type: none"> <li>The development is screened by existing vegetation seaward of Arlington Esplanade to minimise visual impact;</li> <li>The development includes tropical design elements that is consistent with the existing natural and built form of the area;</li> <li>The development proposes landscaping, including vertical landscaping, and the retention of existing mature vegetation where possible to soften the visual appearance and impact of the development;</li> <li>The built form is considered generally consistent with what is intended within the Medium Density Residential Zone;</li> <li>The setback from the coast is similar to other development along Arlington Esplanade; and</li> <li>Landscape values are maintained when viewed from lookouts, scenic routes, gateways and public places considering existing built form, topography and vegetation in the locality.</li> </ul>
Natural Areas Overlay Code	<p><b>Complies.</b></p> <p>The northern portion of Lot 1 on RP717363 is located within the Urban Waterway A trigger area. The site is separated from the watercourse via road reserve and is appropriately setback from the top of the high bank.</p> <p>The development avoids areas of environmental significance and minimises direct and indirect impacts on these areas and sensitive receiving environments.</p>



Transport Network Overlay Code	<p><b>Complies.</b></p> <p>The development provides transport infrastructure that supports a safe, efficient transport network, including the active transport network. Development conditions have been imposed requiring the provision of a footpath and kerb ramps on all three road frontages of the site to ensure pedestrian connectivity and ease of movement.</p>
Retirement Facility and Residential Care Facility Code	<p><b>Complies with Performance Outcomes.</b></p> <p>The site has an appropriate area and road frontage to accommodate the proposed buildings and structures; appropriate setbacks; access, parking and circulation; pedestrian access; landscaping; and recreational areas and facilities.</p> <p>The development will have a communal outdoor area on the ground floor on the Arlington Esplanade side with a pool and lounge terrace, in addition to a café, which gives residents social and recreational opportunities. The café is limited to use by residents, their visitors and staff. The development is also within 200 metres of several bus stops which ensures residents can access social, health and recreational facilities off-site where necessary. The development provides rooms on the ground floor to cater for call-in services such as allied health professionals, hairdressers etc. and will also utilise a private bus to transfer residents to off-site engagements.</p> <p>The built form design has considered the tropical climate of the region and incorporated balconies at each level that overlook external streets and communal open space areas on site, ensured that units have openings to at least two aspects which permits breezes and natural lights to enter the units, varying structural elements and colours, vertical landscaping and variations to roof and building lines.</p> <p>The application material has demonstrated that the existing trees to be retained have appropriate separation between the vegetation canopy, root systems and buildings. The trees to be removed are identified as being in 'fair' condition meaning they have shown a reduction in optimal growth, there may be some twiggy deadwood in the canopy and there may be the presence of pests/diseases that are not causing a significant decline in the tree. Given the design of the development, it is not possible to replace the trees to be removed with feature trees of a similar species, however, the site will be landscaped in accordance with a Detailed Landscaping Plan.</p> <p>Development conditions have been imposed for external and security lighting, internal pathways, illuminated display board for wayfinding and limitations on ancillary uses.</p>
Environmental Performance Code	<p><b>Conditioned to Comply.</b></p> <p>The development has been designed and conditioned to operate in a manner that mitigates impacts on sensitive receiving environments.</p> <p>Development conditions have been imposed for outdoor lighting, refuse storage and collection, stormwater concentration and discharge, stormwater quality management and erosion and sediment control.</p>
Excavation and Filling Code	<p><b>Complies.</b></p> <p>The earthworks associated with the development is limited to building pad preparation and landscape works.</p>

Infrastructure Works Code	<p><b>Complies.</b></p> <p>Th development has been designed and conditioned to be appropriately serviced by relevant infrastructure.</p> <p>Development conditions have been imposed for utility connections, padmount electricity, stormwater concentration and discharge, water and sewer connections, damage to Council infrastructure and land, road shoulder construction, stormwater drainage, stormwater quality management, erosion and sediment control, street lighting, footpath construction and construction management.</p>
Landscaping Code	<p><b>Conditioned to Comply.</b></p> <p>The development has been designed and conditioned to be appropriately landscaped. The development will provide landscaping in excess of 10% of the site's area. Requirements for landscaping have been secured through development conditions including the provision of a Detailed Landscaping Plan and Landscaping Maintenance and Management Plan.</p>
Parking and Access Code	<p><b>Complies with Performance Outcomes.</b></p> <p>The development has been designed and considered to ensure parking and access infrastructure and facilities are provided and appropriately service the development.</p>
Vegetation Management Code.	<p><b>Considered to comply.</b></p> <p>The proposal involves the removal of significant vegetation that is to be offset but proposed landscaping. Additionally, the vegetation removal is to be considered further prior to the issue of a Development Permit for Operational Works. Refer to the below assessment for further assessment against the Outcomes of the relevant benchmarks.</p>

### Assessment against the Outcomes of the Relevant Benchmarks

Where non-compliant with an Outcome of a relevant benchmark or where an acceptable outcome(s) is not provided, a performance-based assessment has been undertaken, as detailed below.

Assessment Benchmark	Performance-based assessment
Medium Density Residential Zone Code – Performance Outcome PO1	<p>Acceptable Outcome AO1.1 of the Medium Density Residential Zone Code prescribes that Buildings and structures are not more than 15 metres and four (4) storeys in height.</p> <p>The proposal seeks a height of 17.52 metres and five (5) storeys. The ground floor consists of the car parking and communal and recreational areas, offices, consulting rooms and cafe with the four storeys above containing the 32 residential units.</p> <p>The matter is referred to Performance Outcome PO1 of the Code that stipulates that the height of all buildings and structures is in keeping with the amenity of adjoining premises and the residential character and amenity of the area. The development is considered to achieve compliance with PO1 as the proposal is of a bulk and scale that is consistent with the medium density character that is expected within the Medium Density Residential Zone. The proposal is considered to be consistent with the character of the surrounding locality, particularly along Arlington Esplanade and Clifton Road which is characterised by multi-storey, unit style development, some of which is four storeys in height.</p> <p>The location of the car park under the building rather than arranged around the outside of the development largely contributes to the building exceeding the height</p>

	<p>requirements. However, it is considered that the inclusion of the car parking area within/under the building is a good outcome visually as car parks often detract from the appearance of development where they are not able to be screened or hidden from view within a building and by fencing/walls and landscaping on the boundaries.</p> <p>Additional height is also added to the building to ensure the development meets minimum flood immunity requirements to ensure the safety of people and property on the site. The development will have a floor level that is 300mm above the 1% AEP inundation event level and carparking areas equal to or greater than the 5% AEP inundation event level.</p> <p>The building includes tropical design elements, including but not limited to, breaks and variations in form, wide eaves to ensure shading of walls, windows and balconies, and variations in materials, colours and finishes which all contribute to reducing the bulk and scale of the appearance of the development. To further ensure an appropriate tropical design outcome is achieved, a development condition has been imposed requiring that a detailed schedule of materials and finishes be provided to Council for endorsement and be implemented in the development at all times.</p> <p>Existing mature vegetation on the site will be retained where possible and landscaping, including street trees and vertical landscaping, is required to be installed to the soften the visual appearance of the development. The development is screened by existing vegetation seaward of Arlington Esplanade to minimise visual impacts on the Coastal Scenery Area.</p> <p>It is also noted that the development is consistent with the under-construction Retirement Facility on the lot immediately to the south of the subject site which is of the same height, bulk and scale as the proposal.</p>
<p>Medium Density Residential Zone Code – Performance Outcome PO2</p>	<p>Acceptable Outcome AO2.1 of the Medium Density Residential Zone Code prescribes that site coverage is not more than 40%.</p> <p>The proposal seeks a total site coverage of 57.59% for the ground floor and 50% for the towers. This site coverage consists of 50.57% for the two residential towers on floors 1 to 5 and an additional 7.02% (152m<sup>2</sup>) on the ground floor which is the result of roofing over the carparking area as the upper floors of the development do not extend far enough out to provide cover over the entirety of the car park.</p> <p>Performance Outcome PO2 requires that site coverage of all buildings and structures is in keeping with the residential character and amenity of the area. Although the proposal exceeds the maximum prescribed site cover of 40%, the development is considered to meet the requirements of Performance Outcome PO2 as the development maintains appropriate setbacks to all boundaries; does not compromise communal and recreational areas for residents which meet the minimum area requirements prescribed by the Multiple Dwelling and Short-term Accommodation Code; and the development reflects a medium density outcome as anticipated by the purpose of the Zone Code.</p> <p>In addition to the above, the development is further considered to achieve compliance with PO2 in that it:</p> <ul style="list-style-type: none"> <li>• Includes ancillary structures such as shade terraces, BBQ and pool areas and the like that promote a higher level of amenity for the residents;</li> <li>• Includes tropical design elements, including but not limited to, breaks in form, eaves and varied materials, to reduce the bulk of the development. To further ensure this occurs, a development condition has been imposed requiring that detailed materials and finishes be provided to Council for endorsement and be implemented at all times;</li> <li>• Retains existing mature vegetation on the site where possible and landscaping</li> </ul>

	<p>will be installed, including vertical landscaping and street trees, which will soften the visual appearance of the development; and</p> <ul style="list-style-type: none"> <li>• The development is consistent with the built form and character of the retirement facility currently under construction on the adjoining property to the south.</li> </ul>
<p>Retirement Facility and Residential Care Facility Code – Performance Outcome PO7</p>	<p>Acceptable Outcome AO7.1 of the Code prescribes that buildings and structures are set back not less than 6 metres from a road frontage.</p> <p>The proposal seeks the following setbacks:</p> <ul style="list-style-type: none"> <li>• 6 metres to Arlington Esplanade;</li> <li>• 3.5 metres to Clifton Road; and</li> <li>• 4.28 metres to Guide Street.</li> </ul> <p>Acceptable Outcome AO7.3 prescribes that the side boundary setback for buildings with five or more storeys is not less than 4.5 metres for the entire building. The proposal seeks a 3.5 metre setback from the southern side boundary for the main bulk of the building with ancillary structures having a side boundary setback between 0 metres to 3.5 metres.</p> <p>The matter is referred to the Performance Outcome PO7 that stipulates Development is sited so that the setback from boundaries:</p> <ol style="list-style-type: none"> <li>retains daylight access for adjoining premises;</li> <li>provides privacy for adjoining premises;</li> <li>provides adequate landscaping.</li> </ol> <p>The development has three road frontages so there is a large separation to development to the north and west by the road reserve which is considered to provide adequate privacy for residents to the north and west and will not reduce daylight access throughout the day at all times of the year as demonstrated by the shadow diagrams submitted with the application. Further, the development is separated by approximately 6.4 metres to the under-construction Retirement Facility on the site to the south which is considered sufficient to ensure daylight access is maintained at all times and to maintain privacy for residents of the adjoining Retirement Facility. Privacy screens are proposed to ensure any overlooking from the development is minimised where possible.</p> <p>The elevations show that the building will incorporate tropical design elements, including structural elements and building materials of varying scales, materials and colours which will assist in reducing the appearance of a bulky built form.</p> <p>The application included concept landscaping plans to demonstrate that adequate landscaping can be provided, including in areas where there are reduced setbacks along Clifton Road and the southern side boundary, and along all road frontages. In particular, the plans show large, landscaped areas at the intersections of Clifton Road and Guide Street and along Clifton Road. All these areas are of a dimension that can have trees that are able to achieve heights of 5 metres or more. Additionally, the proposal includes street trees for the length of the Clifton Road frontage and vertical landscaping of the building. In combination, these elements will ensure the visual appearance and bulk of the building is softened.</p>
<p>Retirement Facility and Residential Care Facility Code – Performance Outcome PO13</p>	<p>Acceptable Outcome AO13.1 of the Code prescribes that each unit has a private and functional outdoor living area:</p> <ol style="list-style-type: none"> <li>having minimum dimensions of 3 metres;</li> <li>directly accessed from internal living spaces (not bedrooms);</li> <li>is in the form of a balcony where above ground level.</li> </ol> <p>The proposal seeks a minimum balcony width of 2.5 metres. The matter is referred</p>

	<p>to Performance Outcome PO13 that stipulates that for a retirement village easily accessible and functional private outdoor living area is provided for each unit and adequate storage is provided for each unit.</p> <p>The proposal is considered to meet Performance Outcome PO13 as the 6.5 metre length of the balcony will result in an adequate and functional private outdoor living area.</p>
Parking and Access Code – Performance Outcome PO1	<p>Acceptable Outcome AO1.1 and Table 9.3.7.3.b of the Code prescribe that the development provides the following parking rates:</p> <p><u>Car Parking</u></p> <p>(a) 1 space per accommodation unit;  (b) 0.25 spaces per unit for visitor parking;  (c) 0.5 spaces per employee.</p> <p><u>Accessible Spaces</u></p> <p>Calculated by multiplying the total number of car parking spaces by the percentage of:</p> <p>(a) accessible self-contained accommodation units to the total number of sole occupancy units; or  (b) accessible bedrooms to the total number of bedrooms.</p> <p>This results in a requirement for 42 on-site spaces. The proposal seeks to establish a total of 38 car parking spaces including one on-street space on Guide Street for a total of 39 spaces.</p> <p>The proposed parking rates are considered acceptable as each unit would be provided with one car parking space each and the site is located within proximity to several bus stops on the public transport route. Additionally, the development intends to have a courtesy bus to transport residents to appointments/engagements where required and an on-call service so that professionals can visit residents on-site.</p>
Vegetation Management Code - Performance Outcome PO1 & PO3	<p>Acceptable Outcomes AO1.1 – AO13.1 prescribes that vegetation damage is undertaken under a number of specific circumstances.</p> <p>The proposal seeks the removal of three (3) significant trees on the subject site.</p> <p>The proposal is considered to meet the Performance Outcome PO1 as vegetation damage is to be undertaken in accordance with the recommendations of technical reporting prepared by ETS Infrastructure Management Pty Ltd (report number: DA2023/PTA/001 date: 25 August 2023).</p> <p>The supporting material submitted with the development application includes a Preliminary Tree Assessment prepared by ETA Infrastructure Management of the health of existing vegetation on the site. Some vegetation is required to be removed to allow for the development to occur as it is located in the central part of the development site. Development conditions have been imposed to ensure that the required vegetation damage occurs in a manner that is appropriate.</p> <p>It is noteworthy that the significant trees mid-way through the site are to be integrated within the building architecture.</p>

## RELEVANT MATTERS

The development is subject to Code Assessment and therefore no other relevant matters have been considered in accordance with section 45 of the *Planning Act 2016*.

## PUBLIC NOTIFICATION

The development is subject to Code Assessment and therefore Public Notification was not required to be undertaken, in accordance with section 45 of the *Planning Act 2016*.

## MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The development is subject to Code Assessment and therefore public notification is not required to be undertaken, in accordance with Part 4: Public Notification of the Development Assessment Rules. However, the following matters were raised in the not properly made submissions.

Matter	How Matter was Addressed
Support for the Development	A submission provided support for the development but did not outline reasons for this. The submission is noted.
Environmental Impact – Vegetation Removal	<p>The submissions raise concerns regarding the removal of three (3) existing trees on the site. The specific trees are generally located in the centre of the development site. It is noted that the site is not identified as containing vegetation of environmental significance (either vegetation or wildlife habitat), however, it is acknowledged that the site contains mature significant vegetation.</p> <p>It is considered that the removal of this vegetation will not have an adverse impact on the character and amenity of the local area and would not result in the fragmentation of habitats. The application material has demonstrated that the existing trees to be retained have appropriate separation between the vegetation canopy, root systems and buildings. The trees to be removed are identified as being in 'fair' condition meaning they have shown a reduction in optimal growth, there may be some twiggy deadwood in the canopy and there may be the presence of pests/diseases that are not causing a significant decline in the tree. Given the design of the development, it is not possible to replace the trees to be removed with feature trees of a similar species, however, the site will be landscaped in accordance with a Detailed Landscaping Plan.</p>
Inconsistency with the Locality – Height, Landscaping, Site Coverage and Setbacks	<p>The submissions raise concerns regarding the inconsistency of the development with the locality in regard to height, landscaping, site coverage and setbacks, would result in a high-density outcome and that the application is 'ignoring' the planning scheme codes.</p> <p>Assessment of the application is being undertaken in accordance with the relevant assessment benchmarks which include character and amenity benchmarks. It is noted that the site is zoned 'Medium Density Residential' where a mixed, medium density residential character and amenity is sought. It is considered that the development achieves the purpose of the code. The surrounding area is characterised by a mix of land uses and built forms including 3-4 storey buildings along Arlington Esplanade.</p> <p>The development incorporates tropical design features that reduce the bulk of the building including structural elements and building materials of varying scales and textures and eave overhangs to shade windows and walls.</p> <p>In regard to 'ignoring' the planning scheme codes, Acceptable Outcomes are one way of demonstrating compliance with the Planning Scheme however an Applicant is able to propose an alternative where it can be demonstrated that the alternative meets the corresponding Performance Outcome.</p> <p>It is acknowledged that the development does not comply with the prescribed</p>

	<p>Acceptable Outcomes for setbacks, site coverage and height, however, Officers are satisfied that the development has reasonably demonstrated compliance with the Performance Outcomes and is in keeping with the established character of the area and does not present an inconsistent bulk or scale.</p> <p>The development proposes more than the minimum site area of 10% for landscaping and the requirement for the submission of a Detailed Landscaping Plan has forms a condition of approval. The proposed setbacks are considered appropriate to achieve separation from neighbouring buildings and frontages to ensure no adverse impacts on adjoining premises.</p>
Traffic	<p>The submissions raise concerns that the development will increase the number of residents which will lead to traffic congestion and parking difficulties.</p> <p>The proposed Retirement Facility is an intended form of development within the Medium Density Residential Zone.</p> <p>Acceptable Outcome AO1.1 and Table 9.3.7.3.b of the Code prescribe that the development provides the following parking rates:</p> <p><u>Car Parking</u></p> <p>(a) 1 space per accommodation unit;  (b) 0.25 spaces per unit for visitor parking;  (c) 0.5 spaces per employee.</p> <p><u>Accessible Spaces</u></p> <p><i>Calculated by multiplying the total number of car parking spaces by the percentage of:</i></p> <p>(a) accessible self-contained accommodation units to the total number of sole occupancy units; or  (b) accessible bedrooms to the total number of bedrooms.</p> <p>This results in a requirement for 42 on-site spaces. The proposal seeks to have a total of 38 car parking spaces including one on-street space on Guide Street for a total of 39 spaces.</p> <p>The proposed parking rates are considered acceptable as each unit would be provided with one car parking space each and the site is located within proximity to several bus stops on the public transport route. Additionally, the development intends to have a courtesy bus to transport residents to appointments/engagements where required and an on-call service so that professionals can visit residents on-site.</p>
Assessment Process	<p>The submissions state that the application should include ratepayers feedback through a public notification period, professional consideration and recommendations by Council's Planning Officers and a vote in Council by elected members. Additionally, submitters are concerned that Council has accepted and is considering the application.</p> <p>The application is Code Assessable under the Planning Scheme and public notification is not required to be undertaken in accordance with the <i>Planning Act 2016</i>. An application cannot be made Impact Assessable due to community desire for that and Council cannot require an Applicant to undertake additional community consultation beyond what is required by the Act, Regulation and Development Assessment Rules (DA Rules).</p> <p>The development application is not prohibited development therefore an application may be made, and Council must assess and provide a decision on the application.</p>

	The application has been assessed in accordance with the DA Rules and associated legislation.
Benefit to the Community & Ownership of Units	<p>The submissions suggest that the development will have no benefit to the community and that the units will be sold off privately.</p> <p>The development is located on private land and there is no obligation for the developer to allow public use of the site or force residents of the development to spend time and money in the local community.</p> <p>The ownership of the units by the Applicant or another party is not a valid planning matter.</p> <p>The application has also made it clear that the café/kitchen, allied health services, hairdressers etc. that visit the site will be on an on-call, as needed basis by residents and will not be for public use. This is also reflected in the development conditions.</p>
Restrict Views	<p>The submissions raise concerns that the development will block their views and the outlook to the ocean will be degraded.</p> <p>Views are not a right that must be protected within the Planning Scheme and the applicable assessment benchmarks for this application do not require that views to the ocean are maintained.</p>

## INFRASTRUCTURE CHARGES

Council's Infrastructure Charges Resolution No. 2 of 2021 identifies that an Infrastructure Charge is levied for the development. The applicable charge has been calculated in accordance with the Resolution and section 120 of the *Planning Act 2016*.

A copy of the calculation is contained in **Attachment 3**.

## LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The development does not require the delivery of trunk infrastructure identified within the Local Government Infrastructure Plan to facilitate the development.

## REASONS FOR DECISION

The reasons for this decision are:

1. The development application has been assessed in accordance with the legislative framework for Code Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, *Development Assessment Rules* and the applicable benchmarks contained in CairnsPlan 2016.
2. The development has been assessed in accordance with the provisions of the CairnsPlan 2016 and is considered to comply with the Overall Outcomes and Performance Outcomes of the applicable codes.
3. In assessing the proposed development, reasonable and relevant conditions have been imposed to ensure compliance with the assessment benchmarks of the CairnsPlan 2016.



4. The development is considered to be consistent with the Purpose of the Medium Density Residential Zone Code in that:
  - a. an accommodation activity, as defined under the CairnsPlan 2016, is being provided in a built form that emulates medium rise multiple dwelling type development. The building height and bulk contributes to the provision of a medium residential density, scale and character contemplated for the area.
  - b. a high level of residential amenity is provided, addressing impacts result of traffic, noise, dust, odour and lighting. The development minimises offsite impacts through the use of sufficient building setbacks and an appropriate parking arrangement for the development. Dust, odour and lighting have been managed through the imposition of reasonable and relevant conditions. Aesthetically, the development includes tropical design elements, including but not limited to, breaks in form, eaves and varied materials, to reduce the bulk and scale of the development and integrate with the prevailing character of the area.
  - c. the development has been designed to reflect and respond to the natural features and constraints of the land. The development has taken into account the predicted changes in sea level rise as a consequence of climate change whereby the two towers are required to have a minimum floor level that is 300mm above the defined 1% inundation event level. Further, the development demonstrates the appropriate management and retention of vegetation on site (and integration into the design, where possible). Complementary landscaping has been proposed to further contribute to the landscape values attached to the site. Conditions to this effect have been imposed to ensure a quality landscaping outcome is provided for the development.
  
5. The development is considered to be consistent with the Purpose of the Retirement Facility and Residential Care Facility Code in that:
  - a. the development has demonstrated that the subject site is appropriately located with respect to centre zones and the public transport network. The development seeks to incorporate new footpaths to allow residents a safe and legible network to pre-existing transport nodes.
  - b. the retirement facility incorporates tropical design elements to ensure it is not 'institutional' in character. The architectural elements positively contribute to an attractive streetscape for the area. A condition to this effect has been imposed to ensure the long-term management of this aspect of the development.
  - c. the development includes facilities that provide residents opportunity for social, health and recreational activities. Conditions to ensure appropriate operation have been imposed.

- d. the retirement facility contributes to the housing and social mix of the neighbourhood, which is predominantly medium rise private development (unit development) along Arlington Esplanade.
6. The development presents an appropriate outcome with respect to parking and access infrastructure and facilities. Whilst a minor non-compliance is proposed with respect to parking figures, the development allows for a single parking space for each unit, one on-street parking space, a private courtesy bus, upgrades to the active transport network as well as upgrades to the transport network (Guide Street, in accordance with the FNQROC Development Manual).

## **RISK MANAGEMENT**

### **Council Finance and the Local Economy**

The development is to occur on privately owned land and all costs are the responsibility of the developer.

### **Community and Cultural Heritage**

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

### **Natural Environment**

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

## **ATTACHMENTS**

1. Approved Plan(s) and Document(s)
2. Notice of Intention to Commence Use
3. Infrastructure Charges Calculations



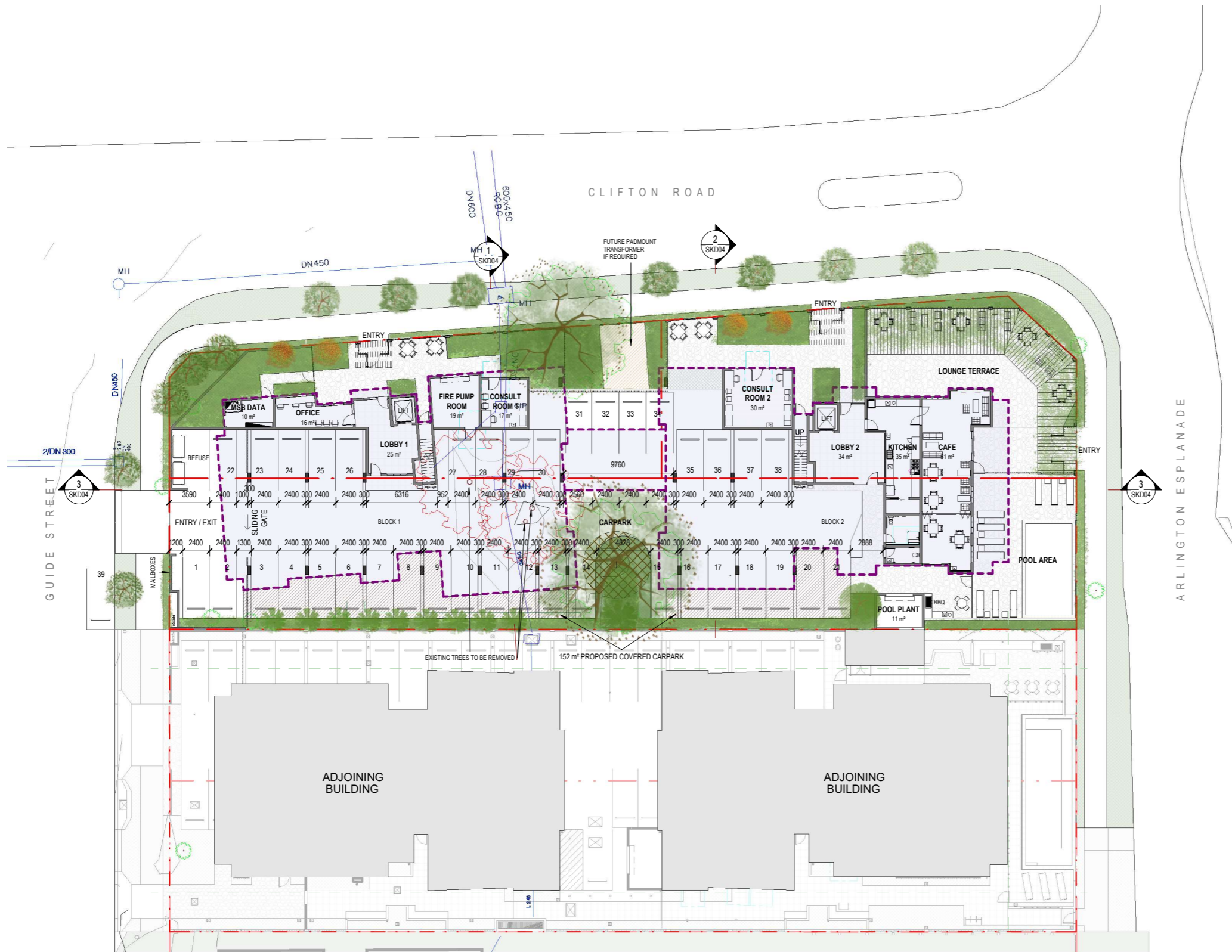
Claire Simmons  
Executive Manager Development & Planning



Ed Johnson  
Director Planning, Growth & Sustainability

**ATTACHMENT 1: Approved Plan(s) & Document(s)**

Approved Plans and Documents.



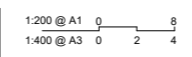
<b>SITE INFORMATION</b>	
<span style="border: 1px dashed red; display: inline-block; width: 20px; height: 10px;"></span> SITE AREA:	2165 m <sup>2</sup>
<span style="border: 1px dashed purple; display: inline-block; width: 20px; height: 10px;"></span> SITE COVERAGE:	1091 m <sup>2</sup>
LANDSCAPING:	320 m <sup>2</sup>
<b>UNIT TYPES</b>	
TYPE A: 113 m <sup>2</sup> (x12 = 1356 m <sup>2</sup> )	
TYPE B: 114 m <sup>2</sup> (x12 = 1368 m <sup>2</sup> )	
TYPE C: 123 m <sup>2</sup> (x4 = 492 m <sup>2</sup> )	
TYPE D: 115 m <sup>2</sup> (x4 = 460 m <sup>2</sup> )	
<b>TOTAL:</b>	<b>32 units</b>
<b>CAR PARKING</b>	
TYPE A (1.25 CAR PER UNIT) = 15 PARKING	
TYPE B (1.25 CAR PER UNIT) = 15 PARKING	
TYPE C (1.25 CAR PER UNIT) = 5 PARKING	
TYPE D (1.25 CAR PER UNIT) = 5 PARKING	
REQUIRED PARKINGS: 40 SPACES	
PARKING PROVIDED ON SITE: 38	
PARKING PROVIDED ON STREET: 1	

1 GROUND LEVEL (GS)  
1:200



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 PO Box 560 Manunda 4870 ABN 61 063 799 333  
 caims@tpgarchitects.com.au t. +617 4032 1944



**PRELIMINARY**

**GROUND FLOOR PLAN**  
 SJC-02 SKETCH DESIGN  
 SKD01 (2) 27/11/2023

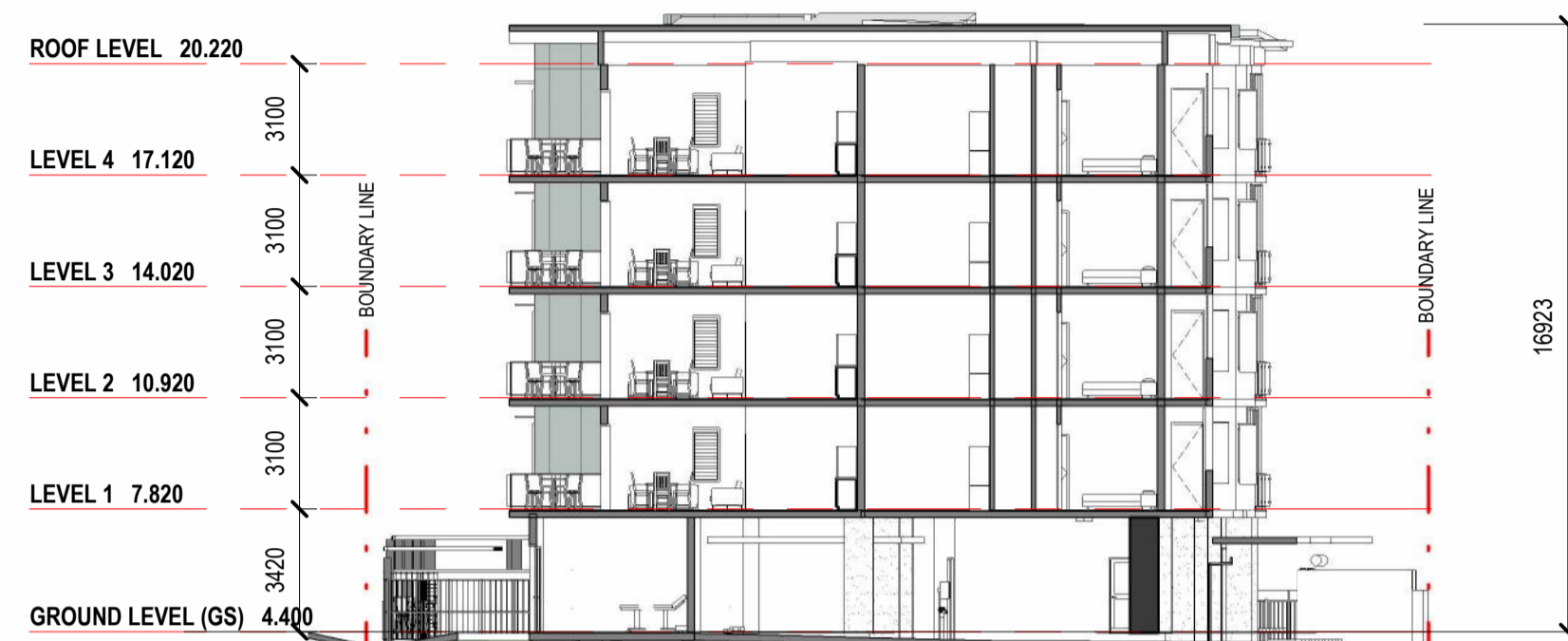
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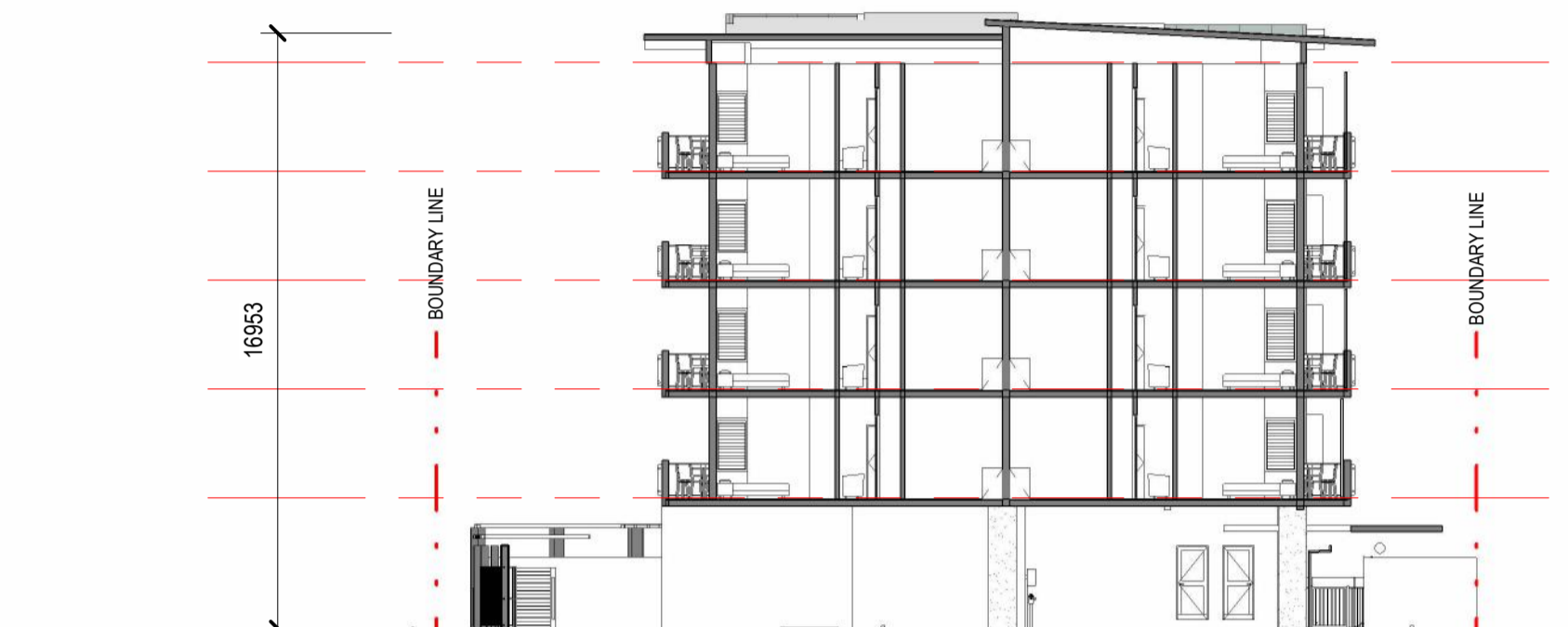
# ST. JOHN'S COMMUNITY



# ST. JOHN'S COMMUNITY



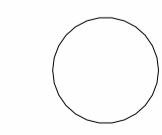
1 Section A  
1 : 200



2 SECTION B  
1 : 200



3 SECTION C  
1 : 200

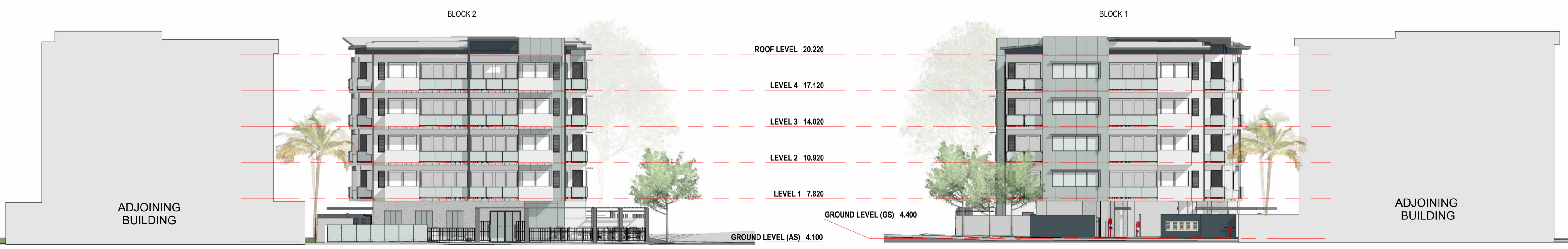


# ST. JOHN'S COMMUNITY



1 CLIFTON ROAD ELEVATION  
1 : 200

2 WEST ELEVATION  
1 : 200



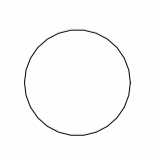
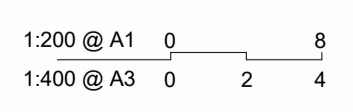
3 ARLINGTON ESPLANADE ELEVATION  
1 : 200

4 GUIDE STREET ELEVATION  
1 : 200



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PRELIMINARY

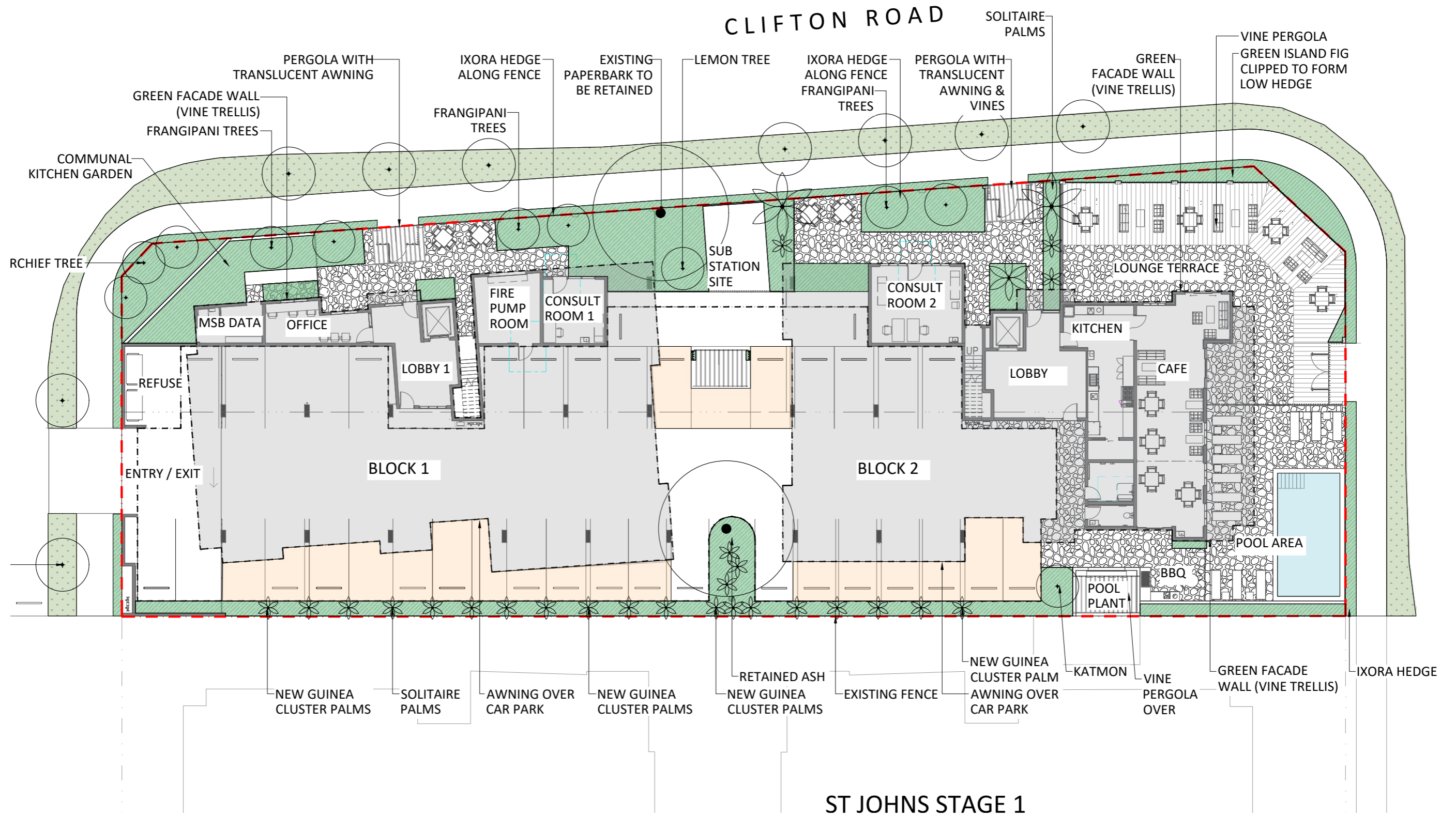
ELEVATIONS  
 SJC-02 SKETCH DESIGN  
 SKD05 (A) 28/07/2023





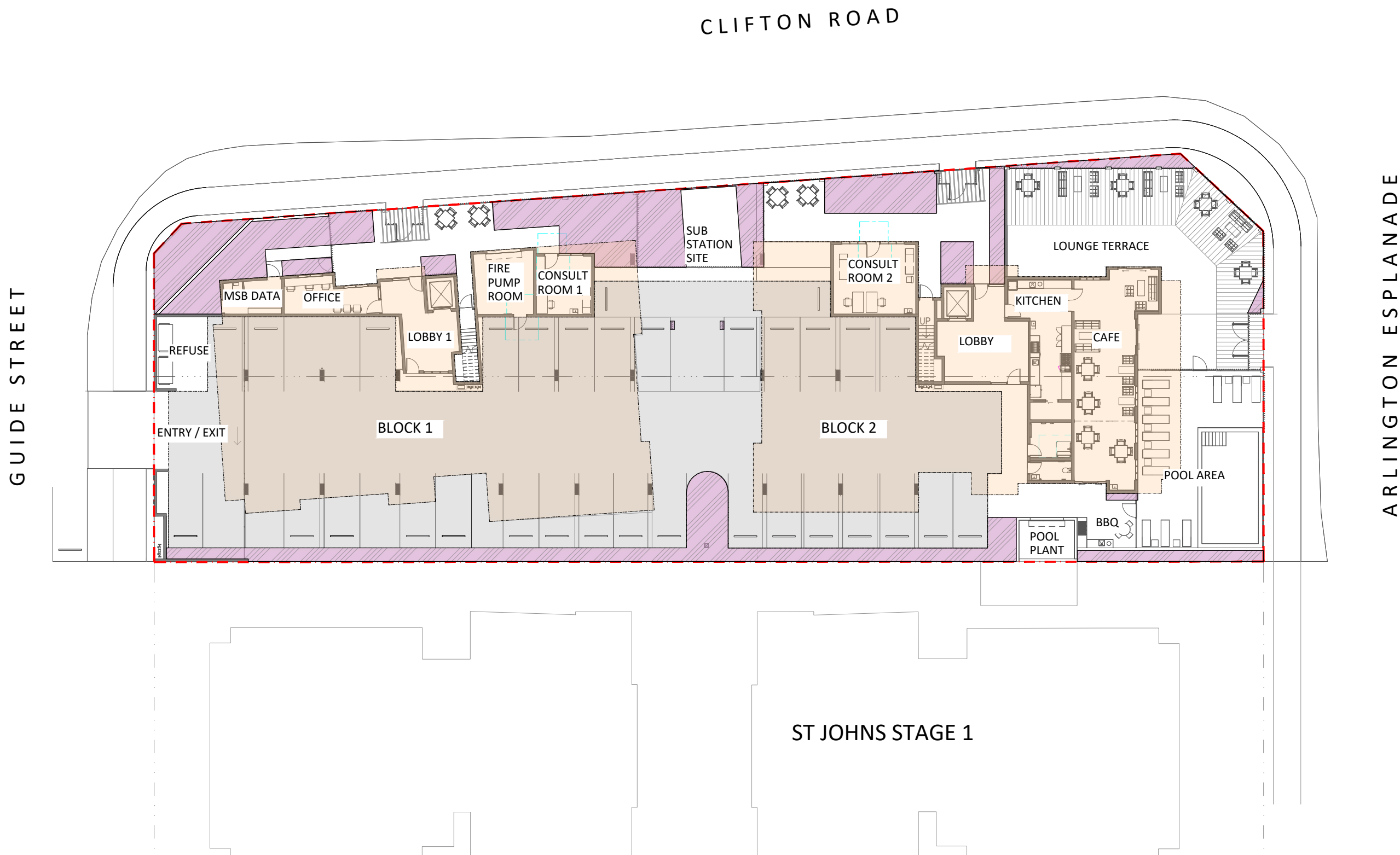
**OVERALL SITE PLAN**  
**ST JOHN'S COMMUNITY SENIOR SUPPORTED LIVING**  
 93-95 ARLINGTON ESPLANADE  
 CLIFTON BEACH, QUEENSLAND  
 1 August 2023 - Issue B





**LANDSCAPE MASTERPLAN**  
**ST JOHN'S COMMUNITY SENIOR SUPPORTED LIVING**  
 93-95 ARLINGTON ESPLANADE  
 CLIFTON BEACH, QUEENSLAND  
 1 August 2023 - Issue B





**DEEP PLANTING PLAN  
ARLINGTON ESPLANADE - STAGE 2**

93 - 95 Arlington Esplanade, Clifton Beach, Queensland  
July 2023



1:300  
A3 SIZE



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SHRUBS & GROUNDCOVERS



*Callistemon viminalis*  
'Slim'  
(Bottlebrush)



*Coccoloba uvifera*  
(Sea Grape)



*Cordyline stricta*  
(Palm Lily)



*Ficus microcarpa*  
'Green Island'  
(Green Island Fig)



*Gardenia jasminoides*  
(Gardenia Radicaus)



*Hymenocallis speciosa*  
(Beach Spider Lily)



*Ixora coccinea*  
'Kamboons Pride'  
(Ixora Kamboons Pride)



*Liriope muscari*  
'Evergreen Giant'  
(Giant Liriope)



*Lomandra hystrix*  
'Lucky Stripe'  
(Lomandra Lucky Stripe)



*Molineria capitulata*  
(Palm Grass)



*Philodendron xanadu*  
(Philodendron Xanadu)



*Viola hederacea*  
(Native Violet)

PALMS



*Adonidia merrillii*  
(Manilla Palm)



*Cyrstostachys renda*  
(Red Lipstick Palm)



*Ptychosperma microcarpum*  
(New Guinea Cluster Palm)



*Ptychosperma elegans*  
(Solitaire Palm)

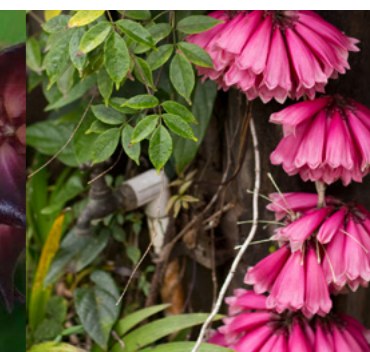
PERGOLA VINES



*Hoya australis*  
(Wax Flower Vine)



*Hoya macgillivrayi*  
(Hoya macgillivrayi)



*Tecomanthe hillii*  
'Roaring Meg'  
(Frazer Island Creeper)

TREES



*Dillenia philippinensis*  
(Katmon)



*Maniltoa lenticellata*  
(Silk Hankerchief Tree)



*Plumeria rubra*  
(Frangipani)



*Plumeria obtusa*  
(Frangipani)

TRELLIS VINES



*Mandevilla x amabilis*  
'Alice du Pont'  
(Pink Mandevilla Alice du Pont)



*Mandevilla splendens*  
'Aloha White'  
(Mandevilla Aloha White)



*Tristellateia australasiae*  
(Australian Gold Vine)

PLANT PALETTE

ST JOHN'S COMMUNITY SENIOR SUPPORTED LIVING

93-95 ARLINGTON ESPLANADE  
CLIFTON BEACH, QUEENSLAND  
1 August 2023 - Issue B



# PRELIMINARY TREE ASSESSMENT REPORT

## SITE LOCATION

93 and 95 Arlington Esplanade  
and 5-7 Clifton Road  
Clifton Beach QLD 4870

## PREPARED FOR

St Johns Community Care Ltd  
C/- Urban Sync Pty Ltd  
Level 1, 17 Aplin St Cairns QLD

## AUTHOR

Leo Soenario *BSc DipHort(Arb)*  
Consulting Arborist

## REPORT NUMBER

DA2023/PTA/001

## DATE

25 August 2023

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# PRELIMINARY TREE ASSESSMENT

## EXECUTIVE SUMMARY

Five (5) significant trees located over three (3) land parcels at 93 and 95 Arlington Esplanade and 5-7 Clifton Road Clifton Beach QLD were assessed for retention values in respect to a proposed development project.

Two trees, 1 *Melaleuca leucadendra* (Tree 1, Fig. 1) and 1 *Corymbia tessellaris* (Tree 5, Fig. 1) are recommended to be retained and integrated into the proposed development design.

Preliminary arboricultural approval is given to the proposed development design; and standard Tree Protection measures including nominal Tree Protection Zones (TPZ's) and Structural Root Zones (SRZ's) for trees to be retained have been calculated as per Australian Standard AS4970-2009 Protection of trees on development sites; subject to any encroachment amendments on final design and construction methodologies around retained trees.

## INTRODUCTION

### Client Brief

St Johns Community Care Ltd has engaged ETS Infrastructure Management Pty Ltd to undertake a Preliminary Tree Assessment of trees which may be impacted by proposed development works for a Retirement Facility located over three (3) land parcels at 93 and 95 Arlington Esplanade and 5-7 Clifton Road, Clifton Beach Qld 4870.

### Documentation supplied by Client

230712 SJC-02_SKD01-GROUND FLOOR PLAN	SJC-02_SK001 - Concept Plan
230712 SJC-02_SKD02-FLOOR PLAN TYPICAL UNITS	SJC-02_SK002 - Concept Plan - Typical Units
230712 SJC-02_SKD03 SECTIONS & ELEVATIONS	70/4/2 (#7225530) Pre-lodgement Meeting Minutes
21-679 Visual Impact Assessment	

**Table 1. Supplied documentation**



## Report Objectives

This report is intended to provide Arboricultural advice to assist with determining the appropriate scope for development and inform the development design.

Specifically, this report addresses the following Items and Matters from document 70/4/2 (#7225530) Pre-lodgement Meeting Minutes:

MATTERS AND ACTION / AGREEMENTS – Item 6 Vegetation Clearing; and  
ADDITIONAL ADVICE – Item 7 Significant Tree.

The following information is provided for each tree, in accordance with Australian Standard AS4970-2009 Protection of trees on development sites:

- Identification and description.
- Identify determining authorities and statutory controls.
- Assessments of age, health, structure and expected life span.
- Assessment of significance regarding heritage, cultural, ecological and/or habitat features
- Assessment of tree retention values.
- Protection measures for trees to be retained including indicative Tree Protection and Structural Root Zones (TPZ's and SRZ's).

The report concludes with a summary arboricultural assessment of potential development impacts and the design proposal.

## Methodology

All trees >7.5m height with potential to be impacted by the proposed development were surveyed and assessed from ground level by Leo Soenario, Consulting Arborist ETSIM between 4 August 2023 and 11 August 2023; with the following information obtained for each tree:

- Location of tree – Obtained from supplied drawing 230712 SJC-02\_SKD01-GROUND FLOOR PLAN.
- Unique tree identifier – Proprietary tree numbering.
- Photographic images – iPhone13 Camera.
- Botanic identification and provenance – arborist knowledge.
- Height and crown spread – range estimated by arborist.
- Diameter at breast height (DBH) and at base (DAB) – trunk diameter tape.
- Tree Health – Tree Assessment descriptors Appendix 1.
- Tree Structure – Tree Assessment descriptors Appendix 1.

- Age class and Useful Life Expectancy (ULE) - Tree Assessment descriptors Appendix 1.
- Tree significance (ecological/habitat and/or landscape values - Tree Assessment descriptors Appendix 1.
- Tree significance (heritage/cultural values) – desktop CairnsPlan.
- Tree retention values - Tree Assessment descriptors Appendix 1.
- Site and Tree statutory controls – desktop CairnsPlan.
- TPZ and SRZ - calculated as per Australian Standard AS4970-2009 Protection of trees on development sites, sections 3.2 and 3.3.5.

## SITE DETAILS

### Site Location

The development is proposed over three (3) land parcels at Clifton Beach Qld 4870 - 93 Arlington Esplanade (Lot 12 on Plan RP712039), 95 Arlington Esplanade (Lot 2 on Plan RP717363) and 5-7 Clifton Road, (Lot 1 on Plan RP717363) (Figure 1).

The subject trees are located primarily on Lot 12, with 1 tree located on the Northern extreme of the shared boundary of Lots 1 and 2 (Figure 1).

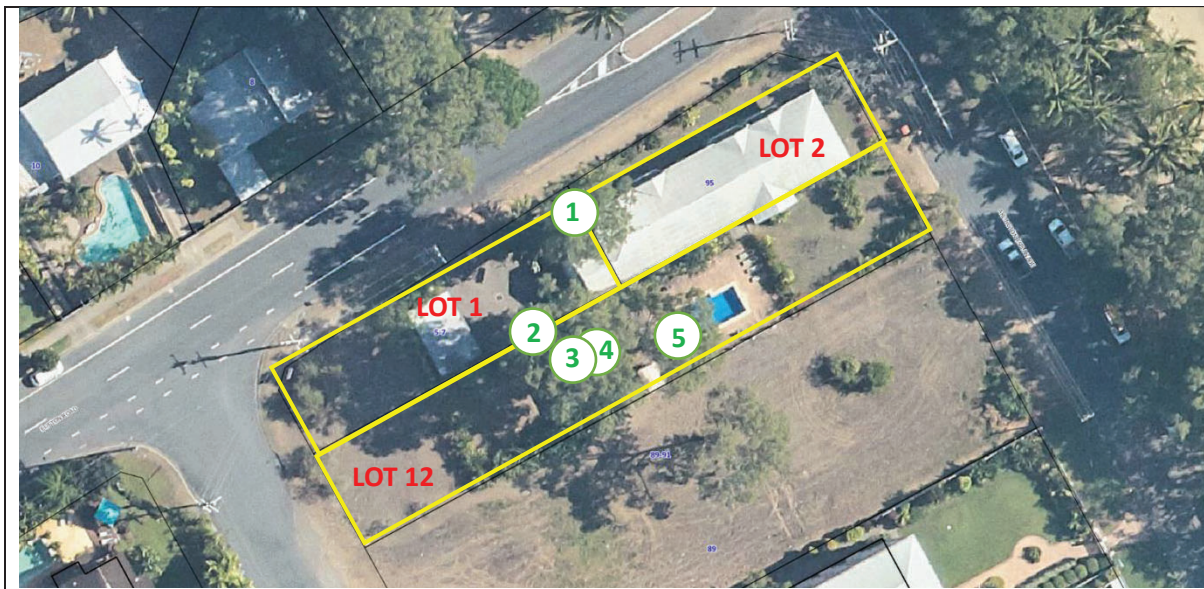


Figure 1. Site and Tree Location Plan – 93 and 95 Arlington Esp and 5-7 Clifton Rd Clifton Beach (Image CairnsPlan 2016 V3.1)

## Statutory Controls

All three Lots are located within the Cairns Regional Council LGA and are subject to the provisions of the CairnsPlan 2016 planning scheme.

The following controls for each Lot have been summarized from the respective CairnsPlan 2016 Property Reports:

Lot 12 on Plan RP712039	Lot 2 on Plan RP717363	Lot 1 on Plan RP717363
Zone Medium Density Residential	Zone Medium Density Residential	Zone Medium Density Residential
Acid Sulfate Soils Overlay	Acid Sulfate Soils Overlay	Acid Sulfate Soils Overlay
Airport Environs Overlay	Airport Environs Overlay	Airport Environs Overlay
Airport Environs Overlay – Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces	Airport Environs Overlay – Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces	Airport Environs Overlay – Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces
Airport Environs Overlay – Wildlife Hazard	Airport Environs Overlay – Wildlife Hazard	Airport Environs Overlay – Wildlife Hazard
Coastal Processes Overlay	Coastal Processes Overlay	Landscape Values Overlay
Landscape Values Overlay	Landscape Values Overlay	Natural Areas Overlay – MLES Waterway Trigger
Transport Network Overlay - Cycle network	Transport Network Overlay - Cycle network	Transport Network Overlay - Cycle network
Transport Network Overlay - Pedestrian network	Transport Network Overlay - Pedestrian network	Transport Network Overlay - Pedestrian network
Transport Network Overlay - Road Hierarchy	Transport Network Overlay - Road Hierarchy	Transport Network Overlay - Road Hierarchy

**Table 2. Summary statutory controls**

Additionally, all three Lots are subject to the provisions of the Vegetation Management Code Overlay.


## Site Description

Mix of sand/loam and urban fill over acid sulphate soils.


## TREE DETAILS

### Tree Assessments

A total of five (5) trees were surveyed and assessed; 4 *Melaleuca leucadendra* and 1 *Corymbia tessellaris*. Individual Tree Assessments as follows:

PROCESS	ITEM	TREE NUMBER 1			
INSPECTION	LOCATION	5-7 Clifton Rd Clifton Beach; Figure 1			
	BOTANIC NAME	<i>Melaleuca leucadendra</i>			
	COMMON NAME	Weeping paperbark			
	PROVENANCE	Indigenous			
	PHOTO				
	HEIGHT (m)	15-20	AV CROWN SPREAD (m)	10-15	
	DBH (m)	1.22	TPZ RADIUS (m)	14.6	
	DAB (m)	1.31	SRZ RADIUS (m)	3.7	
	ASSESSMENT	AGE CLASS	Mature	ULE (yrs)	20+
		FORM / STRUCTURE	Good		
HEALTH /VITALITY		Good			
SIGNIFICANCE - ENV VALUES		Tree identified within the Landscape values overlay – Coastal scenery. Tree identified within the Natural Areas Overlay – MLES Waterway Trigger.			
SIGNIFICANCE - CULTURAL VALUES		Site not identified within the Places of significance overlay			
SIGNIFICANCE - RETENTION VALUE		High			
RECOMMENDATIONS	TREATMENTS	Retain tree – Develop and implement a Tree Protection Management Plan to ensure long term viability of tree			
	EROSION / SEDIMENT CONTROL	N/A			
	EXCAVATION / EARTHWORKS	N/A			
	PROPOSED LANDSCAPING	As per 21-679 Visual Impact Assessment, Attachment 2: DESIGN AND LANDSCAPE PLANS (TPG ARCHITECTS & LA3)			
	ADDITIONAL INFO / NOTES	Tree likely to require some canopy pruning to provide clearance during construction phase.			

**Table 3. Assessment Summary – Tree 1**

PROCESS	ITEM	TREE NUMBER 2		
INSPECTION	LOCATION	93 Arlington Esp Clifton Beach; Figure 1		
	BOTANIC NAME	<i>Melaleuca leucadendra</i>		
	COMMON NAME	Weeping paperbark		
	PROVENANCE	Indigenous		
	PHOTO			
	HEIGHT (m)	15-20	AV CROWN SPREAD (m)	15-20
	DBH (m)	0.98	TPZ RADIUS (m)	11.8
	DAB (m)	1.21	SRZ RADIUS (m)	3.6
	AGE CLASS	Mature	ULE (yrs)	10-20
	FORM / STRUCTURE	Fair		
HEALTH /VITALITY	Fair			
ASSESSMENT	SIGNIFICANCE - ENV VALUES	Tree identified within the Landscape values overlay – Coastal scenery. As per 21-679 Visual Impact Assessment, 4.3 The Landscape values overlay code.		
	SIGNIFICANCE - CULTURAL VALUES	Site not identified within the Places of significance overlay		
	SIGNIFICANCE - RETENTION VALUE	Moderate		
	TREATMENTS	Remove tree – incompatible with proposed design		
RECOMMENDATIONS	EROSION / SEDIMENT CONTROL	N/A		
	EXCAVATION / EARTHWORKS	Remove / stumpgrind roots		
	PROPOSED LANDSCAPING	As per 21-679 Visual Impact Assessment, Attachment 2: DESIGN AND LANDSCAPE PLANS (TPG ARCHITECTS & LA3)		
	ADDITIONAL INFO / NOTES			

**Table 4. Assessment Summary – Tree 2**



PROCESS	ITEM	TREE NUMBER 3		
INSPECTION	LOCATION	93 Arlington Esp Clifton Beach; Figure 1		
	BOTANIC NAME	<i>Melaleuca leucadendra</i>		
	COMMON NAME	Weeping paperbark		
	PROVENANCE	Indigenous		
	PHOTO			
	HEIGHT (m)	10-15	AV CROWN SPREAD (m)	5-10
	DBH (m)	0.81	TPZ RADIUS (m)	9.7
	DAB (m)	0.82	SRZ RADIUS (m)	3.0
ASSESSMENT	AGE CLASS	Semi-Mature	ULE (yrs)	5-10
	FORM / STRUCTURE	Fair		
	HEALTH /VITALITY	Fair		
	SIGNIFICANCE - ENV VALUES	Tree identified within the Landscape values overlay – Coastal scenery. As per 21-679 Visual Impact Assessment, 4.3 The Landscape values overlay code.		
	SIGNIFICANCE - CULTURAL VALUES	Site not identified within the Places of significance overlay		
	SIGNIFICANCE - RETENTION VALUE	Low		
RECOMMENDATIONS	TREATMENTS	Remove tree – incompatible with proposed design		
	EROSION / SEDIMENT CONTROL	N/A		
	EXCAVATION / EARTHWORKS	Remove / stumpgrind roots		
	PROPOSED LANDSCAPING	As per 21-679 Visual Impact Assessment, Attachment 2: DESIGN AND LANDSCAPE PLANS (TPG ARCHITECTS & LA3)		
	ADDITIONAL INFO / NOTES			

Table 5. Assessment Summary – Tree 3

PROCESS	ITEM	TREE NUMBER 4			
INSPECTION	LOCATION	93 Arlington Esp Clifton Beach; Figure 1			
	BOTANIC NAME	<i>Melaleuca leucadendra</i>			
	COMMON NAME	Weeping paperbark			
	PROVENANCE	Indigenous			
	PHOTO				
	HEIGHT (m)	10-15	AV CROWN SPREAD (m)	5-10	
	DBH (m)	0.67	TPZ RADIUS (m)	8.1	
	DAB (m)	0.70	SRZ RADIUS (m)	2.8	
	ASSESSMENT	AGE CLASS	Semi-Mature	ULE (yrs)	5-10
		FORM / STRUCTURE	Poor		
HEALTH /VITALITY		Fair			
SIGNIFICANCE - ENV VALUES		Tree identified within the Landscape values overlay – Coastal scenery. As per 21-679 Visual Impact Assessment, 4.3 The Landscape values overlay code.			
SIGNIFICANCE - CULTURAL VALUES		Site not identified within the Places of significance overlay			
SIGNIFICANCE - RETENTION VALUE		Low			
RECOMMENDATIONS	TREATMENTS	Remove tree – incompatible with proposed design			
	EROSION / SEDIMENT CONTROL	N/A			
	EXCAVATION / EARTHWORKS	Remove / stumpgrind roots			
	PROPOSED LANDSCAPING	As per 21-679 Visual Impact Assessment, Attachment 2: DESIGN AND LANDSCAPE PLANS (TPG ARCHITECTS & LA3)			
	ADDITIONAL INFO / NOTES				

**Table 6. Assessment Summary – Tree 4**


PROCESS	ITEM	TREE NUMBER 5			
INSPECTION	LOCATION	93 Arlington Esp Clifton Beach; Figure 1			
	BOTANIC NAME	<i>Corymbia tessellaris</i>			
	COMMON NAME	Morton Bay Ash			
	PROVENANCE	Endemic			
	PHOTO				
	HEIGHT (m)	10-15	AV CROWN SPREAD (m)	10-15	
	DBH (m)	0.73	TPZ RADIUS (m)	8.7	
	DAB (m)	0.80	SRZ RADIUS (m)	3.0	
	ASSESSMENT	AGE CLASS	Semi Mature	ULE (yrs)	10-20
		FORM / STRUCTURE	Fair		
HEALTH /VITALITY		Fair			
SIGNIFICANCE - ENV VALUES		Tree identified within the Landscape values overlay – Coastal scenery.			
SIGNIFICANCE - CULTURAL VALUES		Site not identified within the Places of significance overlay			
SIGNIFICANCE - RETENTION VALUE		Moderate			
RECOMMENDATIONS	TREATMENTS	Retain tree – Develop and implement a Tree Protection Management Plan to ensure long term viability of tree			
	EROSION / SEDIMENT CONTROL	N/A			
	EXCAVATION / EARTHWORKS	N/A			
	PROPOSED LANDSCAPING	As per 21-679 Visual Impact Assessment, Attachment 2: DESIGN AND LANDSCAPE PLANS (TPG ARCHITECTS & LA3)			
	ADDITIONAL INFO / NOTES	Tree likely to require some canopy pruning to provide clearance during construction phase.			

Table 7. Assessment Summary – Tree 5



## DISCUSSION

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### Development Impact Summary

The current project design proposes the retention of Trees 1 and 5; and the removal of Trees 2, 3 and 4 to facilitate construction.

This Preliminary Tree Assessment supports the proposed design; subject to the effective protection of Trees 1 and 5 during all construction activities.

### Tree Protection Zones

The tree protection zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable. The TPZ incorporates the structural root zone (SRZ)

The SRZ is the area required for tree stability. A larger area is required to maintain a viable tree. The SRZ is required to be calculated when a major encroachment into a TPZ is proposed.

The nominal TPZ and SRZ dimensions have been calculated for trees to be retained (Table 8). TPZ and SRZ radii are provided in metres and are to be applied as a radius from the centre of the trunk at ground level. TPZ area in m<sup>2</sup> is provided to help calculate any TPZ encroachments and adjustments.

Tree Number	TPZ radius (m)	SRZ radius (m)	TPZ area (m <sup>2</sup> )
1	14.6	3.7	672.7
2	8.7	3.0	238.4

**Table 8. Nominal TPZ and SRZ dimensions for retained trees**

### Additional Tree Protection Measures

It is anticipated that establishing a nominal TPZ around Tree 1 will be difficult due to its location adjacent to a footpath and verge. Additional measures that may assist in tree protection during construction and in optimising the long-term viability of this tree include:

- Footing/foundation designs that minimise excavation near or within the TPZ;
- Maximising the use of permeable pavements near or within the TPZ; and

- Constructing any proposed footpaths above soil grade; or bridged near or within the TPZ.

## CERTIFICATION

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I hereby certify that I have the required qualifications and experience to make the arboricultural assessments contained in this report.



Leo Soenario *BSc DipHort(Arb)*  
Consulting Arborist

**DATE:** 25 August 2023

## APPENDIX 1 – TREE ASSESSMENT DESCRIPTORS

### Age Class

Juvenile	A newly planted tree or one which is not yet established in the landscape. Tree establishment practices such as regular watering will still be in place. Tree will generally be a newly planted specimen up to five years old; this may be species dependant.
Semi-Mature	A tree which has established but has not yet reached maturity. Normally tree establishment practices such as watering will have ceased. Tree will generally not have reached 20% of its expected life expectancy.
Mature	A mature tree is one that has reached its expected overall size, although the tree's trunk is still expected to continue growing. Tree maturity is also assessed based on species; as some trees are much longer lived than others. Tree will have generally reached 20-80% of its expected life expectancy.
Senescent	The tree has surpassed its optimum growing period and is declining and/or reducing in size. May be considered as a veteran in relation to its ongoing management. Tree will have generally reached greater than 80% of its expected life expectancy.

### Useful Life Expectancy (ULE)

0	The tree is either dead or has substantial defects requiring its removal in the short term.
1-5	The tree is a poor specimen in decline and is likely to require removal within 1-5 years.
5-10	The tree is in fair condition or a short-lived species. It is likely to provide contribution to the landscape for 5-10 years with an appropriate level of management at which point removal may need to be considered.
10-20	The tree is a reasonably healthy specimen in good or fair condition. It is expected to provide a degree of safety and contribution to the landscape for 10-20 years with an appropriate level of management.
20+	The tree is a healthy specimen in good condition. It is expected to provide a degree of safety and contribution to the landscape for at least another 20 years with an appropriate level of management.

### Health / Vitality

Dead	The tree is dead. Sap flow may persist, but tree is in advanced and irreversible terminal decline.
Poor	The tree is in decline with little growth. There may be sections of the canopy missing and pests or diseases may be prevalent.
Fair	The tree may have shown a reduction in optimal growth and/or there may be some twiggy deadwood within the canopy. There may be the presence of some pests or diseases that are not causing a significant decline in the tree.
Good	The tree is demonstrating good growth for the species in its location with respect to its location and broader context. The canopy is full and complete and there are no signs of pest or disease.
Excellent	The tree is demonstrating exceptional growth for the species, has a full, dense canopy and there is no sign of any pest or disease.

## Form / Structure

Hazardous	The tree has substantial defects associated with its primary trunk and scaffold structure that cannot be remedied with pruning or other measures. It is likely that the tree requires immediate removal or will require removal in the short term.
Poor	The tree will have 1 or more significant defect that may be able to be remedied with pruning. This tree is likely to have an atypical canopy and may contain defects such as included bark or codominant stems.
Fair	There may be minor defects in the canopy, but the overall tree is still relatively free of significant issues. The tree may need minor pruning to fix minor defects. The canopy will be mostly symmetrical and typical of the species.
Good	The tree's structure is typical of the species with no significant hazards such as included bark, trunk decay, splits, or tears. In general, there will be a single trunk with scaffold and/or subordinate branches that display good attachments.
Excellent	The tree's structure is exceptional for the species; and the tree should be preserved and placed in a British Museum.

## Tree Retention Value

None	The tree should be removed irrespective of development design as it is in severe decline, hazardous or dead.
Low	The tree is likely to be juvenile or in decline and could be retained; however, design changes are not considered worthwhile to retain a tree in this category.
Moderate	The tree is a semi-mature or mature specimen, in fair to good condition that is suitable for retention; however, is located such that its loss would not have a significant impact on the landscape.
High	The tree is a mature specimen in fair to good condition with a ULE of at least 10 years, is suitable to the site and should be retained in a new development.
Very High	The tree is an outstanding example of the species, and it should be retained at all costs.

**ATTACHMENT 2: Notice of Intention to Commence Use**

## Notice of Intention to Commence Use

### **DEVELOPMENT PERMIT** ***Planning Act 2016***

Development Permit	8/7/5514
Date of Approval	
Approved Use	Retirement Facility
Location	5-7 Clifton Road, 95 and 93 Arlington Esplanade, Clifton Beach
Property Description	Lots 1 & 2 on RP717363 and Lot 12 on RP712039

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above

on \_\_\_\_\_ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:


Address:

Contact Phone:

Signature of Applicant/Owner:

Date:


### ATTACHMENT 3: Infrastructure Charges Calculations

Attachment to Infrastructure Charges Notice												
Applicant Name:	St Johns Community Care Ltd	DA/ICN Number: 8/7/5514	DM5 Ref: 7309165									
Development Address:	5-7 Clifton Road and 93 & 95 Arlington Esplanade, Clifton Beach	Preparing Officer:	Ali Davey									
Property Description:	Lots 1 & 2 on RP717363 and Lot 12 on RP712039	Relevant Charges Policy:	Cairns Regional Council Charges Resolution No. 2 of 2021									
		Date Levied:	23-Nov-23									
		Index:	130.32									
Levied Charge Calculation												
AC - (BASE CHARGE)												
Category	Use	Use component	Quantity      Sub Total      Indexed Sub Total									
Accommodation (long-term)	Retirement facility	Use component	\$ 16,364.65 for each suite with 2 or less bedrooms      32      \$523,668.80      \$568,261.04									
		Impervious area component	\$ -      \$0.00      \$0.00									
			<b>PROPOSED CHARGE</b> \$523,668.80      \$568,261.04									
C - (CREDIT)												
Category	Use	Use component	Quantity      Sub Total      Indexed Sub Total									
Accommodation (short-term)	Short-term accommodation	Use component	\$ 7,553.51 for each suite with 2 or less bedrooms      8      \$60,428.08      \$65,573.74									
		Impervious area component	\$ -      \$0.00      \$0.00									
Residential uses	Dwelling house	Use component	\$ 30,677.65 for each dwelling with 3 or more bedrooms      2      \$61,355.30      \$66,579.92									
		Impervious area component	\$ -      \$0.00      \$0.00									
			<b>EXISTING CHARGE</b> \$121,783.38      \$132,153.66									
			<b>LC (LEVIED CHARGE)</b> \$401,885.42      \$436,107.38									
REVIEWED Jayne Proberts <input checked="" type="checkbox"/>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td rowspan="4" style="width: 30%; text-align: center; vertical-align: middle;">OFFICE USE ONLY:</td> <td style="width: 20%;">DATE PAYABLE</td> <td style="width: 50%; text-align: center;">MCU - Before the change occurs</td> </tr> <tr> <td>DATE PAID</td> <td></td> </tr> <tr> <td>Account:</td> <td style="text-align: center;">T648 GL 05446</td> </tr> <tr> <td>RECEIPT NUMBER</td> <td></td> </tr> </table>		OFFICE USE ONLY:	DATE PAYABLE	MCU - Before the change occurs	DATE PAID		Account:	T648 GL 05446	RECEIPT NUMBER	
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