REQUEST TO EXTEND CURRENCY PERIOD – RECONFIGURATION OF A LOT FOR STAGES 2 & 3 OF OCEANS EDGE ESTATE – CAPTAIN COOK HIGHWAY PALM COVE – DIVISION 10

Luke Jackson : 8/13/1005 : #2333572

PROPOSAL: REQUEST TO EXTEND CURRENCY PERIOD – RECONFIGURATION OF A LOT FOR STAGES 2 & 3 OF OCEANS EDGE ESTATE

APPLICANT: INDIGO (NOVOTEL PALM COVE) LAND OWNER P/L (TTE) C/CONICS PO BOX 1949 CAIRNS QLD 4870

LOCATION OF SITE: CAPTAIN COOK HIGHWAY PALM COVE QLD

PROPERTY: LOT 1 ON SP189716

PLANNING DISTRICT: CAIRNS BEACHES

PLANNING AREA: TOURIST AND RESIDENTIAL

PLANNING SCHEME: CAIRNSPLAN

REFERRAL AGENCIES: NOT APPLICABLE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: 20 OCTOBER 2009

DIVISION: 10

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. APPROVED CONDITIONS
3. DEVELOPER CONTRIBUTIONS
RECOMMENDATION:

A That Council approves the request for an Extension of the Currency Period for Development Approval 8/13/1005, over land described as Lot 1 on SP189716, Captain Cook Highway, Palm Cove, for one (1) year up to and including 8 December 2010;

AND

B That Council approves the Request to Change Conditions of Approval for Development Approval 8/13/1005 over land described as Lot 1 on SP189716, Captain Cook Highway, Palm Cove, subject to the following:
1. That condition 4 be amended to read as follows:

Water Supply and Sewerage Contributions

4. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy (dated 30 June 2009) provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the provisions of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $393,279.48 (103.56 ERAs) for water, and $299,017.83 (79.0 ERAs) for sewerage.

Payment is required prior to the approval and dating of the Plan of Survey.

2. That condition 5 be amended to read as follows:

Road Network Contributions

5. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy (dated 30 June 2009) provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards Traffic Management and Road Upgrading Programs.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $202,477.59 (86.0 ERAs).

Payment is required prior to the approval and dating of the Plan of Survey.

3. That condition 7 be amended to read as follows:

Stormwater Mitigation

7. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy (dated 30 June 2009) provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the provision of augmentation of stormwater drainage services.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are $278,388.86 (18.53 ECAs) for Stormwater Mitigation.

Payment is required prior to the approval and dating of the Plan of Survey.
4. That condition 8 be amended to read as follows:

**Stormwater Quality**

8. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy (dated 30 June 2009) provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the improvement of Stormwater Quality.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are $61,268.81 (18.53 ECAs) for Stormwater Quality.

Payment is required prior to the approval and dating of the Plan of Survey.

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**EXECUTIVE SUMMARY:**

Council is in receipt of an application for an Extension of the Currency Period and a request to Change Conditions of Approval for Development Approval 8/13/1005, being the Reconfiguration of Lots (Stages 2 & 3) over land described as Lot 1 on SP189716 located at Captain Cook Highway, Palm Cove.

The Reconfiguration of a Lot proposal was approved on 8 December 2005. The applicant has completed Stage 1 of the development (which was approved under a separate development application 8/13/950) however due to the unfavourable economic circumstances was unable to commence stages 2 and 3 within the permitted time frame. As the market is now improving, the applicant requests a four year extension to the currency period which is due to expire on 8 December 2009. The applicant also requests that the headworks contributions conditions be updated to comply with the current headworks policy. Assessment of the application reveals that the development generally maintains compliance with the requirements of CairnsPlan 2009 and therefore should be approved.

The length of currency requested will be limited to 1 year to ensure that the approval is consistent with current Council policy, particularly the transitional developer headworks policy which will be superseded by the Priority Infrastructure Plan in the next year.

**TOWN PLANNING CONSIDERATIONS:**

This application requests an extension to the currency period of an approved development application – due to expire on 8 December 2009 - for four years up until December 2013. The proposal also requests changes to the headworks contribution conditions to reflect the requirements of the current headworks contribution policy.

The approved development is for the reconfiguration of land described as Lot 1 SP189716 (formerly Part Lot 2 on SP181505), Coral Coast Drive and Captain Cook Highway, Palm Cove. The site area is 16.84 hectares. The approved reconfiguration is for 87 Group Title residential allotments over two stages known as Stages 2 & 3 (Stage 1 of the 3 Stage development has been completed and was approved under a separate application – 8/13/950).
The approved reconfiguration includes 6 ‘superlots’ as part of the residential group title allotments.

The conventional residential allotments have areas between 300m² and 900m², while the 6 superlots have areas between 2,725m² and 1.57 hectares. The superlots will be the subject of further reconfiguration or Multi Unit Housing applications in the future.

The development will contain 8 Community Purpose open space allotments, which will contain reserves including general parkland.

The approval also included an amendment to the planning scheme to change the planning area of part of the land from Tourist and Residential to Residential 2. The planning areas have been amended and are included in CairnsPlan 2009.

Under the Residential 2 Planning Area, the acceptable measures require a minimum lot size of 450 sqm. Of the lots approved, 30 of them were under 450 sqm with most of these being between 350sqm and 430 sqm.

The original assessment of the application allowed the small lots sizes and provided the following justification:

No concern has been raised with the nominated lot sizes for the proposed development, as the applicant has provided Design Guidelines for development of the lots. These guidelines are available in Appendix 6. Conditions have been included to tie the guidelines to the lots through the Community Management Statement for the lot Body Corporate that will be created following the completion of the reconfiguration.

It is noted that the conditions of approval on the original application will remain in their entirety. Condition 24 of the approval tied in specific Design Guidelines for all potential dwellings on the site into the reconfiguration approval. The Design Guidelines specify several different dwelling styles/types that are designed specifically to suit the correllating lot size.

The overall proposal is for a mixed development containing a variety of lot sizes and dwelling types with the potential for higher density uses on the super lots which are located in the Tourist and Residential Planning Area. The development proposed 7 different lot sizes with a particular house design attached to each lot. The architectural style of the buildings will be a tropical style containing open plan living, orientation to capture breezes, deep overhangs for sun and rain protection, screening, a variety of architectural elements (particularly roof lines, materials and colours) and non enclosed lightweight structures. All of these elements will create a contemporary tropical design to achieve a high level of amenity. The Design Guidelines also incorporate requirements relating to improvements, restrictions to development, height, setbacks, walls, roofs, external materials and finishes, clothes drying areas, landscaping, water tanks, water conservation, energy efficiency, fencing and construction methods to name a few.
Despite part of the development containing some smaller lot sizes, the application attempts to provide variety and housing options in an effort to create a more vibrant community. The Design Guidelines ensure the development will be of a very high standard. The existing approval acknowledges this by approving all of the lots, including the 30 lots which fall below the minimum 450sqm in the Residential 2 Planning Area. It is considered that the proposed smaller lot sizes are appropriate given the vision for the site to have a mix of development and given the high quality of amenity, sustainability and design proposed.

The request for an extension to the currency period is therefore supported. However, the length of the currency period is required to be limited to 1 year. This is because developer contributions are currently calculated under a transitional Trunk Infrastructure Contributions Policy (endorsed by Council on 30 June 2009). The transitional policy will be superseded upon the establishment and endorsement of the Priority Infrastructure Plan which is anticipated to occur within the next year. New calculations will need to be made for contributions at that time.

**Developer Headworks Contributions.**

The application requests a Change to Conditions of the Approval, namely the developer headworks contributions. The Trunk Infrastructure Contributions Policy 4:04:05 was adopted by Council on 30 June 2009. The policy utilises a different method for the calculation of headworks based on a per hectare basis instead of a per lot basis. A total calculation for the proposal is not able to be made currently as the total area of land proposed within each planning area category has not been provided. A calculation will be made at the time that these areas are available and prior to approval of the final survey plan.

**REFERRAL AGENCIES**

In accordance with the requirements of the Integrated Planning and Assessment Act, the applicant advised the original concurrence agencies of the request to extend the currency period. A response was received from the Department of Main Roads and Transport raising no objections to the extension. No response was received within the allotted 20 business day time frame by the other agency (i.e. Department of Environment and Resource Management).

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Luke Jackson  
**Planning Officer**

Neil Beck  
**Acting Manager Development Assessment**
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)

Stages 2 & 3 for this application
APPENDIX 2 APPROVED CONDITIONS FOR STAGES 2 & 3

Assessment Manager Conditions

1. The proposed Plan of Development Drawing No. 7279-21 Revision C dated 30 October 2005 and prepared by PMM Group is approved subject to any alterations:
   a. The plans, specification, facts and circumstances as set out in the application submitted to Council;
   b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of the Council's Planning Scheme and relevant sections of the FNQROC Development Manual; and
   c. Subject to any alterations found necessary by the Council at the time of examination of the Engineering Plans or during the construction of the development because of particular engineering requirements.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to the approval and dating of the Plan of Survey, except where specified otherwise in these conditions of approval.

Connection Road

3. The applicant/owner must provide a permanent road connection from Coral Coast Drive to Warren Street to be constructed and dedicated in association with the second stage of the development. The road connection is to be generally in accordance with Figure 3 'Proposed Connectivity Improvement' prepared by Cardno Eppell Olsen.

The road must be constructed and dedicated to Council prior to the approval and dating of the Plan of Survey for the first lot of Stage 2 or 3 whichever occurs first. To remove any doubt, the road must be constructed and dedicated at end of Stage 1 of the development. If development begins on the western side of Coral Coast Drive prior to the completion of Stage 1 of the development, the road will be required to be built and dedicated to Council.
Water Supply and Sewerage Contributions

4. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the provisions of water supply and sewerage headworks.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $393,279.48 (103.56 ERAs) for water, and $299,017.83 (79.0 ERAs) for sewerage.

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The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total headworks contributions are $202,477.59 (86.0 ERAs).

Payment is required prior to the approval and dating of the Plan of Survey.

Community Purpose Infrastructure Contributions

6. The applicant/owner must transfer to the Crown ten (10) percent of the gross area of the subject site for Public Use Land – Park and Reserve in accordance with Council’s Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the Integrated Planning Act 1997.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. Parkland area must be a fair average of the type of land to be reconfigured and where appropriate shall be filled, graded and drained and all declared pest plants to be destroyed and left in a mowable condition. Bollards to prevent access must also be installed as part of the physical land dedication.

The physical provision of land must be dedicated in general accordance with the approved Plan 7279-40 Revision A, ‘Open Space Calculations’ dated 30 October 2005 and prepared by PMM Group.
The land must be transferred to the Crown at the same time as registering the Plan of Survey with the Department of Natural Resources, Mines and Energy.

Stormwater Mitigation

7. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the provision of augmentation of stormwater drainage services.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are $278,388.86 (18.53 ECAs) for Stormwater Mitigation.

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Stormwater Quality

8. The applicant/owner must contribute in accordance with Council’s Trunk Infrastructure Contributions Policy provided for as per Section 5.1.4 of the Integrated Planning Act 1997 towards the improvement of Stormwater Quality.

The contributions must be paid at the rates applicable at the time of payment. On the present method of calculation, the estimated total contributions are $61,268.81 (18.53 ECAs) for Stormwater Quality.

Payment is required prior to the approval and dating of the Plan of Survey.

Water Supply and Sewerage Works

9. The applicant/owner must carry out water supply and sewerage works to connect the subject land to Council’s existing water supply and sewerage headworks at a point determined by the Chief Executive Officer.

In particular, each allotment must be provided with a single internal sewer connection in accordance with the FNQROC Development Manual.

Three (3) copies of a plan of the works must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the approval and dating of the Plan of Survey.

Construction Access

10. Vehicular access to the site for construction and demolition purposes must be provided from Warren Street only, unless authorised by the Chief Executive Officer. No vehicles shall travel along Cedar Road or Coral Coast Drive, other than at the crossing point of the abovementioned access road providing access to Stage 1 of the Development.

General External Works

11. The applicant/owner must at its own cost undertake the following works external to the subject land:

a. Provide a full detail design and costing for the Type D Undivided 2 Lane Road, as detailed in Council’s Traffic Management Plan for Cedar Road between Williams Esplanade and Warren Street;

b. The detail design in (a) above must include a roundabout at the junction of Cedar Road and Coral Coast Drive. The roundabout must comply with the Road Planning and Design Manual, Chapter 14, Roundabouts Tables 14.2 and 14.3;

c. Construct the Type D Undivided 2 Lane Road, including the roundabout at the junction of Cedar Road and Coral Coast Drive, in accordance with Council’s Traffic Management Plan from Williams Esplanade to Warren Street.

The external works outlined above require an Operational Works approval. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be submitted to Council and endorsed by the Chief Executive Officer prior to Commencement of Works. Such work must be constructed in accordance with the endorsed plan prior to the approval and dating of the Plan of Survey.

Developer Credits for Network Road Construction

12. External works conditions requiring the design and construction of Cedar Road to Type D Undivided 2 Lane Road can be claimed against applicable traffic contributions in accordance with Council’s Traffic Management Plan providing construction is in accordance with an overall design for the ultimate standard of the Type D Undivided 2 Lane Road.
The applicant/owner must obtain permission from the Chief Executive Officer for the construction of any network road. The extent of roadworks for construction and value of developer’s contributions credit for such works must be determined by the Chief Executive Officer prior to the approval of a Development Permit to carry out Operational Works.

Council and the applicant/owner shall enter into an Infrastructure Agreement. The agreement shall document to the satisfaction of both parties, but not be limited to, the terms and conditions under which the applicant/owner can expect refunds for partial costs of such works where the cost exceeds the value of any required contributions.

Access Easement

13. The applicant/owner must prepare at their own cost easement documentation to secure Pedestrian and Bicycle Access to development lakes and to the path between Coral Coast Drive and the proposed boardwalk linking to Goldfinch Park and Palm Cove Beach to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of the Council’s solicitors at the expense of the owner. A Draft of the easement documentation must be submitted prior to the approval and dating of the Plan of Survey. The easement documents must be lodged and registered in the Department of Natural Resources and Mines immediately following the Plan of Survey.

Landscaping Plan

14. The applicant/owner must landscape the subject land in accordance with FNQROC Development Manual and generally in accordance the ‘Landscape Report’, dated July 2005 and prepared by EDAW Gillespies, Brisbane. A formalised landscape plan is to be submitted to and endorsed by the Chief Executive Officer. In particular, the plan must show:

a. Planting of the footpath with trees, using appropriate species with regard to any site constraints;

b. The provision of shade trees, especially in parks; and

c. Inclusion of all requirements as detailed in other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant’s Landscape Architect/Designer.
Two (2) A1 copies and one (1) A3 copy of the landscape plan and three (3) copies of supporting material must be submitted to and endorsed by the Chief Executive Officer. Areas to be landscaped must be established prior to the approval and dating of the Plan of Survey and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.

Vegetation Clearing

15. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of roadworks/access driveways, the installation of services as detailed on the approved plans as stated in Condition 1. Any further clearing requires an Operational Works Approval.

Prior to any such clearing occurring, those trees to be retained are to be tagged and approved by the Chief Executive Officer to ensure that minimal vegetation is disturbed. Council’s City Assessment Branch is to be notified two (2) days prior to the commencement of any approved tree clearing.

Vegetation to be retained is to be identified and adequately fenced off (using star pickets and orange mesh construction fencing) for protection purposes prior to construction work commencing on the site.

Wildlife

16. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Existing Creek and Drainage Systems

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

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.
Lawful Point of Discharge

18. The applicant/owner must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Stormwater Detention

19. The applicant/owner must be required to implement stormwater detention measures to ensure that peak flows from all stormwater events of average recurrence interval (ARI) from 1 to 100 years are limited to flows emanating from the property to ensure a no worsening effect on upstream or downstream properties.

Plan of Drainage Works

20. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,

a. Drainage infrastructure in accordance with the FNQROC Development Manual;

b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:

i. End-of line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.

ii. SQIDs shall remove at least 95% of all foreign matter with a minimum dimension of 3mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the 3 month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.

iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.

iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event.

Sediment and Erosion Control

21. During the construction phase of the development the applicant/owner shall be responsible for the installation and maintenance of erosion and sediment management facilities until the development has been accepted as completed by Council.

The applicant/owner shall submit details of erosion and sediment management procedures for approval by Council at the same time as engineering drawings for each stage of the development. The silt management plans shall include a schedule detailing the stages at which various management techniques would be in place.

Recommended erosion control techniques include:

a. Soil disturbance, particularly within nominated building envelopes, should be restricted to a minimum;

b. Runoff should be diverted away from disturbed areas; and

c. Disturbed area should be stabilized using mulches (straw, forest mulch, etc.) or other techniques. These mulches must be free of exotic weeds and declared pest plant seeds and other material capable of propagation.

Sediment control shall include but not be limited to the provision of gross pollutant traps, cut off drains, silt fences, hay bales and turfing.

The applicant/owner shall be responsible for the restoration of the site and any adjoining affected lands where sediment deposition has occurred as a consequence of the development. Such restoration shall be completed in a reasonable time determined by the Chief Executive Officer.

Installation of SWM Measures

22. The soil and water management measures endorsed by the Chief Executive Officer must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).
Building Setback Plans

23. The applicant/owner must lodge formal building setback plans for Lots 102, 103, 133, 134, 135, 136, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 184, 185, 186, 187, 188, 189, 190 and 191 as shown on Drawing No. 7279-44 Revision A, ‘Setbacks and Typology Plan’ dated 5 July 2005 and prepared by PMM Group. The formal building setback plans must be submitted to and endorsed by the Chief Executive Officer prior to the approval and dating of the Plan/s of Survey. The building setback plans must comply with the following requirements:

a. No building setback shall be closer than 1.5 metres to a completed sewer main.

b. No building envelope shall extend into an existing or proposed easement.

c. Exclude suitable areas required for vegetation protection areas.

d. Exclude driveway areas.

The boundary of building envelopes must be delineated with marker pegs at the time the lots are surveyed. Driveway access corridors must also be clearly marked.

The applicant/owner must also ensure that the endorsed building setback plans are made known to all prospective purchasers of these lots.

Community Management Scheme

24. The applicant/owner must prepare a Community Title Scheme which provides for the following:

a. Development must be in accordance with the approved Plan of Development 7279-21c, dated 30 October 2005 and prepared by PMM Group, Fortitude Valley (Appendix 1) and the document ‘Design Guidelines’, received by Council on 8 November 2005 and prepared by PMM Group, Brisbane (Appendix 6).

A copy of the Community Management Statement is to be provided to Council prior to the approval and dating of the Plan of Survey.
Survey Mark Protection

25. A survey mark is located on the footpath of Coral Coast Drive, approximately 300 metres north of the junction of Coral Coast Drive and Cedar Road. The applicant/owner must ensure that the mark is not disturbed.

Existing Services

26. The applicant is to provide written confirmation of the location of the existing services for the subject land. In any instance where the existing services are contained within another lot, then the applicant shall either:

a. Relocate the services to comply with this requirement; or

b. Arrange the registration of the necessary easements over the services which are located within another lot prior to or in conjunction with the submission of the Plan of Survey creating the Lot.

Electricity Supply

27. The applicant/owner must provide written evidence from Ergon Energy advising if distribution substation/s are required within the development. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

28. The applicant/owner must provide written evidence of negotiations with the electricity and telecommunications authorities stating that services will be provided to the development. Such evidence to be provided prior to the approval and dating of the Plan of Survey.

Lake

29. The lake will not be the responsibility of Council and will not be handed to Council as Parkland Contribution or Drainage Reserve. The lake and its maintenance will be the sole responsibility of the applicant/owner/future Body Corporate.
30. The applicant/owner shall ensure that the design of the lake is such that:

a. The zone of water depth that is supportive of plant growth weed species and of excess plant growth from undesirable species will be minimized so as to reduce maintenance costs to the Body Corporate.

b. An influx of nutrients into the lake does not create algal blooms that create potential management issues with associated financial and environmental implications.

c. Potential accumulation of litter and scum primarily dictated by prevailing winds can be removed without difficulty and without time consuming and laborious procedures.

d. Potential ‘dead water’ spots are eliminated.

31. If the proposed lake is to be used as a sediment trap during construction all silt shall be removed prior to any water entering the lake.

32. The proposed lake revetment walls adjacent to the lake site allotments shall be constructed to prevent slippage or settlement and be structurally certified by a Registered Professional Engineer of Queensland together with a geotechnical report on the stability of the walls.

Where reinforced concrete pipes are located below the revetment walls, the walls must be structurally designed to ensure that any future disturbance to pipes does not affect the walls.

The applicant/owner must provide as constructed advice on the lake bed levels at completion of construction.

OR

Other treatment as approved by the Chief Executive Officer shall be constructed to prevent slippage or settlement and be structurally certified by a Registered Professional Engineer of Queensland together with a geotechnical report.
Water Quality and Monitoring

33. The proposed lake must be constructed and so designed that water quality within the lake system is maintained at acceptable levels in accordance with the ‘Australian and New Zealand Guidelines for Fresh and Marine Water Quality’ (ANZECC and ARMCANZ 2000a) and with reference to the ‘Australian Guidelines for Water Quality Monitoring and Reporting’ (ANZECC and ARMCANZ 2000b).

34. The applicant/owner must undertake regular on-going testing and water quality monitoring in accordance with the relevant Australian Standards and Guidelines.

Usage of the Lake

35. Prior to the approval and dating of the Plan of Survey, the applicant/owner must forward to Council proposals for a Community Management Owner Statement to cover the uses of the lake. No motor craft shall be permitted on the lake.

Groundwater

36. A Hydraulic Groundwater Study must be undertaken by a suitably Qualified Consultant to determine any detrimental impact (such as groundwater levels, salinity) the proposed lake may have on the subject site and surrounding land and land uses. The report is to be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

37. The applicant/owner must ensure that the operational and any resulting change to groundwater patterns will not adversely effect the use or productivity of surrounding land, and any bore water extraction must be sustainable and not cause and detrimental impact on adjacent property owner in the area, in accordance with Department of Natural Resources and Mines requirements and to the satisfaction of the Chief Executive Officer.

If any bore water is to be pumped from groundwater in order to supplement the lake levels as part of this development, the necessary bore water extraction permit must first be obtained from the Department of Natural Resources and Mines.
Hydraulic Study – Stormwater

38. Prior to the issue of a Development Permit for Operational Works, the applicant/owner shall provide Council with a detailed hydraulic study for Stormwater. Design shall ensure that:

a. All pipes discharging Stormwater from the subject land into the proposed lake be routed via proprietary SQIDs (Stormwater Quality Improvement Devices), these device(s) shall be approved by the Chief Executive Officer;

b. All pipes with an invert below RL 1.8 metres AHD shall be provided with not less than 20mm cover inside and outside to reinforcing steel and installed with rubber ring joints;

c. All concrete (other than in pipes) in contact with salt water shall either by of strength 30Mpa or be of minimum strength 20Mpa and contain not less than 20% pulverised fly ash providing such concrete is cured in contact with fresh water. Where concrete strengths of more than 20Mpa are required, then such higher grated concrete shall be specified;

d. Cover to reinforcing steel in other than pipes shall not be less than 65mm for all concrete in contact with salt water. Where concrete is to be laid by pressure gun mechanisms, the cover shall be increased to 75mm and the minimum thickness of the concrete shall be 175mm concrete.

Vector Control


40. The lake shall be designed such that mosquito production does not pose a problem and the design of the lake takes into account the following:

a. The lake is maintained to ensure excessive vegetation in and around the fringes do not occur;

b. The pH of the water is maintained at a level to support fish and other aquatic organism and acid sulphate soils do not become a problem; and

c. Drainage outflow areas are constructed to prevent ponding of water.
Acid Sulphate Soils

41. The applicant/owner shall implement the recommendations of the Acid Sulphate Soil Investigation, dated March 2005 and prepared by C&B Group Cairns.

42. The lake excavation proposed may result in disturbance of potential acid Sulphate soils (PASS). Where it is found that PASS exist, treatment of soil must be undertaken on-site to neutralize acid, prior to disposal as fill, in accordance with an approved Acid Sulphate Soil Plan prepared in accordance with the most recent requirements of DNRM ‘Queensland Acid Sulphate Soil Technical Manual’ (2002) including Soil Management Guidelines (updated February 2003) which must be prepared to the satisfaction of the Chief Executive Officer.

Imported Soil Quality

43. The application for a Development Permit for Operational Works will nominate that prior to the use of road base material, the applicant/owner shall submit certified evidence from a qualified geotechnical consultant that the proposed unbound material to be used does not contain Sulphate amounts in excess of quantities that may induce Sulphate blistering in the bitumen seal.

Filling

44. All earthworks and testing must be carried out in accordance with Australian Standard AS3798.

Street Layout and Design

45. The street layout and design must be revised to comply with Queensland Streets, to the satisfaction of the Chief Executive Officer. In particular:

a. Provision of 2.0 metre wide footpaths within all streets serving more than 20 lots;

b. Ensure the access street ‘street leg length’ is designed in order to satisfy the 40km/h design speed control criteria;

c. Parking bays must be provided at the end of each T or Y head cul-de-sac and at road stubs at the rate of 0.5 parking bays per frontage lot as per 2.12 of Queensland Streets. Alternatively the cul-de-sac may be designed to provide a nine (9) metre radius cul-de-sac similar to examples in Queensland Streets.
An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

Street Lighting

46. The applicant/owner will make the following arrangements for the installation of street lighting within the proposed subdivision prior to the approval and dating of the Plan of Survey: -

a. A street lighting design will be prepared in accordance with the relevant Australian Standard by Ergon Energy or by a specialist consultant, and this design will be submitted to an approved by the Chief Executive Officer.

b. The applicant/owner will ensure that the street lighting will be constructed in accordance with this design by contributing the relevant capital contribution for the installation of the lighting to Ergon Energy.

c. Appropriate street lighting along Coral Coast Drive must be included in the street lighting plan.

Community Management Statement

47. The applicant/owner must include a clause in any future Community Management Statement for all residential lots which precludes future owners from establishing land uses which are in conflict with or not in keeping with the intended form of development.

CONCURRENCE AGENCY CONDITIONS

Department of Main Roads

1. Permitted Road Access Location

   (i) Access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via Coral Coast Drive, to the satisfaction of Cairns City Council, and via Warren Street, located at least 80m from the Captain Cook Highway frontage of the subject land.

   (ii) No direct access (including motor bikes) between the State-controlled road reserve (i.e. Captain Cook Highway) and the subject land is permitted.
2. Land Requirement for Future Road Purposes

(i) DMR Plan No. PD284 identifies the portion of the subject land required to accommodate a future upgrade of Captain Cook Highway. This area is hereafter referred to as the ‘Exclusion Area’.

(ii) The applicant/landowner shall not construct any structure/s nor commence any development under, on or over the ‘Exclusion Area’ unless the Department of Main Roads agrees to the proposed structures/works.

(iii) Should the State of Queensland not have acquired the ‘Exclusion Area’ within twelve (12) months of:

- the dating and approving of the plan of survey by Council in respect of the Reconfiguration of a Lot application and
- the applicant/landowner formally requesting, in writing, the District Director of the Cairns Office of DMR, or its successor or assign, to acquire/resume the land,

then parts (i) and (ii) above shall cease to have effect.

3. Road Traffic Noise & Visual Treatments

For the purposes of this condition:

- ‘SCR boundary’ shall refer to the Captain Cook Highway frontage of the subject land; and
- DMR Plan PD85C (dated 03/2004) shall hereafter be referred to as the ‘DMR Buffer Plan’.

(a) Creation of Buffer Strip

The applicant/landowner shall create a ten metre wide buffer strip, located adjacent to the SCR boundary and within the subject land. The buffer strip shall extend along the full length of the SCR boundary. This buffer shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created via:

- a six metre wide freehold strip located adjacent to the SCR boundary, and
- and a four metre wide registered covenant(buffer) located adjacent to and generally east of the above freehold strip generally in accordance with the ‘DMR Buffer Plan’.

The registered covenant (buffer) shall:

- allow representatives of Council and the Department of Main Roads and public utility authorities to construct/maintain/upgrade/remove noise attenuation treatments, landscaping and public utilities within the registered covenant,
• prevent (unless approved by Council and the Department of Main Roads) landowners from altering, damaging or destroying any noise ameliorative treatments, landscaping, or public utilities located within the registered covenant, and
• prohibit the construction of any structures within the registered covenant except where approved/required otherwise by Council and the Department of Main Roads.

The freehold section of the buffer strip shall be created and transferred to Council ownership. The registered covenant section of the buffer strip shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources & Mines. All three aforementioned requirements shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
• lodging a plan of survey of residential allotments to Cairns City Council on any part of the subject land for signing and dating, whichever occurs first.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip such that existing and future Captain Cook Highway infrastructure, noise ameliorative works within the buffer, and on site buildings and facilities, are screened as much as practicable from each other.

The species of plants used in the landscaping works shall be in accordance with Council’s standards. If Council doesn’t have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above. All works within the buffer strip are to comply with the requirements specified in the ‘DMR Buffer Plan’.

All landscaping of the buffer shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
• lodging a plan of survey of residential allotments on any part of the subject land to Cairns City Council for signing and dating, whichever occurs first.
(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise level shall not be exceeded within 10 years of completion of the full development.

- External noise levels shall not exceed 63dB(A) 18h, east of the SCR boundary.
- Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works.

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- For residential/accommodation development, internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

The traffic noise impact study Ron Rumble Pty Ltd Report No. 05-5166.Rpt – Rev0, dated June 2005 has been assessed and the applicant advised in Department of Main Roads letter 17 November 2005 of various amendments to reflect the requirements of this condition of development.

(iv) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the ‘DMR Buffer Plan’ unless altered in writing by the Director-General of the Department of Main Roads (e.g. to suit alternative noise amelioration works).
All noise ameliorative works required in the buffer shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
- lodging a plan of survey of residential allotments on any part of the subject land to Cairns City Council for signing and dating, whichever occurs first.

(v) Building Covenant

The traffic noise impact study Ron Rumble Pty Ltd Report No. 05-5166.Rpt – Rev0, dated June 2005, is assessed by the Department to require a building covenant for the proposed residential allotments along the SCR boundary covering habitable floor areas above the ground floor and the following requirements shall be met:

- The covenants shall be included on the same Plan of Survey which creates the lots which are subjected to the covenant and lodge concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.
- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
  - the final layout plan with finished contour levels and highlighting lots effected by a covenant,
  - summary of noise amelioration works and covenant conditions, and
  - a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant, prior to execution of the Covenants Forms 31.
- Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 200mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as detailed in the new acoustical assessment must be completed within the above relevant timeframes.
Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.

Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

4. Hydraulic Considerations

To protect the existing flood immunity of the State-controlled road (i.e. Captain Cook Highway), the applicant/landowner shall seek the approval of the Director-General of the Department of Main Roads prior to any works commencing on the subject land which may involve filling or reshaping the existing drainage gullies on the subject land.

5. Advertising

No advertising device for the proposed development is permitted within the State-controlled road reserve (i.e. Captain Cook Highway).

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.

2. Current requirements and estimates of headworks contributions may change when elements of the Cairns City Council Priority Infrastructure Plan (PIP) are adopted.

3. 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 potential cyclone warning is received and that the relevant emergency telephone contacts are provided to Council Officers, prior to the commencement of works.

4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.