7

| ORDINARY ME | ETING |
|-------------|-------|
|-------------|-------|

24 JANUARY 2024

RECONFIGURING A LOT (2 LOTS INTO 249 LOTS, BALANCE LOTS & COMMON PROPERTY) – REED ROAD & 42 RIVERSIDE PARADE, TRINITY PARK, 42 RIVERSIDE PARADE TRINITY PARK – DIVISION 8

8/13/2517: #7305676

| PROPOSAL: | RECONF | FIGURING A | LOT (2 | LOTS | INTO 249 |
|-----------|--------|------------|--------|------|----------|
| | LOTS, | BALANCE | LOTS | AND | COMMON |
| | PROPER | RTY) | | | |

LANDOWNER: GASPARIN DEVELOPMENTS PTY LTD GASPARIN HOLDINGS PTY LTD TRINITY PARK INVESTCO PTY LTD

APPLICANT: TRINITY PARK INVESTCO PTY LTD C/- PLANNING PLUS PO BOX 399 REDLYNCH QLD 4870

GASPARIN DEVELOPMENTS PTY LTD **INTERESTED PARTIES:** GASPARIN HOLDINGS PTY LTD TRINITY PARK INVESTCO PTY LTD PLANNING PLUS (QLD) PTY LTD VILLAWOOD PROPERTIES PTY LTD APPLIN CONSULTING FRC ENVIRONMENTAL FRANCISII ECOLOGY **RPS AAP CONSULTING PTY LTD** BMT COMMERCIAL AUSTRALIA PTY LTD ELLIVO PTY LTD STANTEC AUSTRALIA PTY LTD **PROGRESSION DESIGN & DEVELOPMENT** WSP AUSTRALIA PTY LTD GHD PTY LTD GOLDER ASSOCIATES PTY LTD LA3 PTY LTD WATER ENGINEERING PLUS COOTE BURCHILLS ENGINEERING PTY LTD

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

LOCAL PLAN:

PROPERTY:

PLANNING SCHEME:

LOCATION OF SITE:

REFERRAL AGENCIES:

NUMBER OF SUBMITTERS:

STATUTORY ASSESSMENT DEADLINE:

APPLICATION DATE:

DIVISION:

ATTACHMENTS:

REED ROAD, TRINITY PARK 42 RIVERSIDE PARADE, TRINITY PARK

LOT 3 ON RP745338 LOT 1 ON RP737273

TOURIST ACCOMMODATION ZONE LOW DENSITY RESIDENTIAL ZONE

NOT APPLICABLE

CAIRNSPLAN 2016 V3.1

STATE ASSESSMENT AND REFERRAL AGENCY

TEN (10) NOT PROPERLY MADE SUBMISSIONS

EXPIRED (13 DECEMBER 2023)

27 OCTOBER 2022

8

- 1. APPROVED PLAN(S) & DOCUMENT(S)
- 2. REFERRAL AGENCY RESPONSE
- 3. INFRASTRUCTURE CHARGES CALCULATIONS
- 4. SUPPORTING INFORMATION (INDICATIVE FUTURE HOUSING OUTCOMES)

LOCALITY PLAN



RECOMMENDATION

That Council approves the development application for a Development Permit for Reconfiguring a Lot (2 Lots into 249 Lots, Balance Lots & Common Property) over land described as Reed Road & 42 Riverside Parade, Trinity Park, located at Lot 3 on RP745338 & Lot 1 on RP745338, subject to the following:

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

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

| Drawing or Document | Reference | Date |
|---------------------------------------|----------------------------------|-------------------|
| Reconfiguration of a Lot – | Dwg No. PR151091-5 | 2 May 2023 |
| Proposed Community | Prepared by RPS AAP | |
| Title Development | Consulting Pty Ltd | |
| Plan of Development | Dwg No. DA-010 | 29 August 2023 |
| | Rev 4 | |
| | Prepared by Ellivo Pty | |
| Deed Liererehy Dien | Ltd | 40 May 2022 |
| Road Hierarchy Plan | Dwg No. 22012-SK107 Rev D | 18 May 2023 |
| | Prepared by Progression | |
| | Design & Development | |
| Entrance Intersection | Dwg No. 22012-SK108 | 18 May 2023 |
| Plan | Rev D | 10 may 2023 |
| | Prepared by Progression | |
| | Design & Development | |
| Proposed Sewer Pump | Dwg No.21005-SK021 | 16 February 2023 |
| Station 20m Min Setback | Rev B | - |
| with Odour Control | Prepared by Applin | |
| Concept Layout | Consulting | |
| Half Moon Bay Flood | File Ref. 30050 | 19 May 2023 |
| Impact Assessment | Rev 2 | |
| | Prepared by Water | |
| Deed Deed Tree Currier | Engineering Plus | 20 Contombor 2022 |
| Reed Road Tree Survey Sheet 1 of 3 | Dwg No. 21005-SK022 Rev C | 26 September 2023 |
| Sheet 1 of 3 | | |
| | Prepared by Applin Consulting | |
| Reed Road Tree Survey | Dwg No. 21005-SK023 | 26 September 2023 |
| Sheet 2 of 3 | Rev C | |
| | Prepared by Applin | |
| | Consulting | |
| Reed Road Tree Survey | Dwg No. 21005-SK024 | 26 September 2023 |
| Sheet 3 of 3 | Rev C | |
| | Prepared by Applin | |
| | Consulting | |

3/100

| Geotechnical and Acid F | Rev A | E Americat 2022 |
|---------------------------|-----------------------|-----------------|
| Sulfate Soil Desktop | Prepared by WSP | 5 August 2022 |
| Study | | |
| Landscape Intent S | Sheet 1 of 9 | October 2022 |
| Statement – Locality Plan | Prepared by LA3 | |
| | Sheet 2 of 9 | October 2022 |
| Statement – Overall | Prepared by LA3 | |
| Masterplan | | |
| | Sheet 3 of 9 | October 2022 |
| Statement – Streetscape | Prepared by LA3 | |
| Masterplan | | |
| Landscape Intent S | Sheet 4 of 9 | October 2022 |
| Statement – Entrance | Prepared by LA3 | |
| Masterplan | | |
| Landscape Intent S | Sheet 5 of 9 | October 2022 |
| • | Prepared by LA3 | |
| Masterplan | | |
| | Sheet 6 of 9 | October 2022 |
| Statement – Entry F | Prepared by LA3 | |
| Statement & Public Art | | |
| Intent | | |
| Landscape Intent S | Sheet 7 of 9 | October 2022 |
| Statement – Streetscape | Prepared by LA3 | |
| & Parkland Planting | - | |
| Palette | | |
| Landscape Intent S | Sheet 8 of 9 | October 2022 |
| Statement – F | Prepared by LA3 | |
| Environmental | | |
| Management Plan | | |
| Landscape Intent S | Sheet 9 of 9 | October 2022 |
| Statement – F | Prepared by LA3 | |
| Environmental | | |
| Rehabilitation Species | | |
| List | | |
| | Ref. | 14 October 2023 |
| | J2022_010_L_14_10_23 | |
| | Prepared by Francisii | |
| | Ecology | |
| - | Dwg No. 21005-SK026 | 16 October 2023 |
| - | Rev B | |
| | Prepared Applin | |
| | Consulting | |
| - | Job Ref. J2022_10 | 5 October 2022 |
| | Version 3 | |
| | Prepared by Francisii | |
| E | Ecology | |

ASSESSMENT MANAGER CONDITIONS

| Ger | neral Requirements | Timing |
|-----|---|---------------|
| 1. | Approved Plans and Documents 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. | As stated. |
| 2. | Maintain the Approved Development 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. | At all times. |
| 3. | Currency Period This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld). | As stated. |
| 4. | Staging The development must be undertaken in stages, in accordance with the approved plans. | At all times. |
| 5. | Plan of DevelopmentFuture development on Lots 101-139, 201-241, 301-341, 401- 422, 425-428, 601-622, 701-731 & 801-842 must be in accordance with the Building Envelope Plan identified on the approved plan(s) of development, including all design parameters.Note: A Rates Notation to this effect will be placed on the property file. | At all times. |

| <u> </u> | | Dui an t- ti |
|----------|--|--|
| | Community Management Statement Requirements | Prior to the issue of a |
| | Provide a Community Management Statement to Council hat includes the following matters: | Development Permit for Operational |
| a | a. Responsibility for the management of and ongoing maintenance of embellishments and private infrastructure, including entry statements, landscaping, roads, footpaths and other private services as identified on the approved plan(s) as common property areas; | Work. |
| | An allocation must be made in the administration fund for the specific purpose of enabling maintenance and management activities of the embellishments and private infrastructure; | |
| | c. Entity committing to the maintenance within the common property areas will ensure: | |
| | i. The operation and management are adequate to protect public health, safety and amenity, and prevent environmental harm; | |
| | ii. The works or activity must not significantly detract from the capacity of the road to provide a vehicular and pedestrian thoroughfare; | |
| | iii. The works or activity must not adversely affect the amenity of the area or the environment;iv. The person or entity is to ensure the contractor | |
| | Interpension of entity is to ensure the contractor has public liability insurance; and Implement a traffic guidance scheme to ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic erection of warning lights and barricades to the satisfaction of an authorised person. | |
| | d. Contain contact details and postal address of persons responsible for the management common property areas and private infrastructure; and | |
| | e. Demonstrate the location on the approved plan(s) of the common property areas and 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 stated in the Plan of Development. | |
| | Any amendments to the Community Management Statement must not remove the above requirements for he life of the development. | |

| 7. | Water Supply and Sewerage Master Plan | Prior to the issue of a |
|----|---|-------------------------|
| | Provide a Water Supply and Sewerage Master Plan in accordance with the FNQROC Development Manual. The | Development |
| | Water Supply and Sewerage Master Plan must be accompanied by supporting calculations that | Operational |
| | demonstrates how the development will be serviced. | |
| | The Master Plans must address the following at a minimum: | |
| | Water Supply | |
| | a. Obtain and apply boundary conditions for the ultimate catchment conditions per Section D6.05 Part 6 of the FNQROC Development Manual; | |
| | b. In addition to demonstrating compliance for the overarching master plan, demonstrate each stage of progressive works complies with the FNQROC | |
| | Development Manual, without reliance on future works; | |
| | c. Where a commercial land use is proposed within the development, demonstrate that a commercial fire flow can be achieved per Section D6.07 Part 3 of the FNQROC Development Manual; and | |
| | d. Provide a second connection for security of supply off Riverside Parade or end of Reed Road (Internal Road 10). | |
| | Sewerage | |
| | a. Update the sewer network master plan and analysis to ensure currency at the time of Operational Work application. The analysis is to demonstrate compliant | |
| | servicing is maintained for both the development and the existing serviced catchments impacted by the | |
| | design. Particularly, the analysis and detailed pump station design is to demonstrate no adverse service | |
| | impact to Council's existing sewerage network and the performance of existing pump stations RR12 and RR3; | |
| | b. Update the sewer network master plan to include sewerage infrastructure conditioned in the internal | |
| | and external works conditions in this approval;c. Provide a sewage pump station in accordance with | |
| | the approved masterplan; inclusive of rising main | |
| | connections, decommissioning existing sewerage | |
| | pump station RR4 and construction of a new gravity | |
| | main to redirect the RR4 catchment into the proposed pump station. Where minimum setback distances | |

201

| | from the proposed pump station are not maintained, provide an active odour control system suitable for managing and compensating for the reduced setback. All recoverable equipment associated with the decommissioning of sewage pump station RR4 is to be returned to Council; and d. Where minimum setback distances from the proposed pump station are not maintained, provide an active odour control system suitable for managing and compensating for the reduced setback. <i>This condition is imposed under section 145 of the Planning Act 2016 (Qld).</i> | |
|----|--|------------|
| 8. | Water Supply and Sewerage Works External Undertake the following water supply and sewerage work external to the premises to connect the land to existing water supply and sewerage infrastructure: a. All water supply and sewerage infrastructure identified on the approved Water Supply and Sewerage Master Plan prior to Council approval of the Plan of Subdivision of the relevant stage; b. All external sewerage infrastructure associated with the proposed pump station, inclusive of rising main connections, decommissioning existing sewage pump station RR4 and construction of a new gravity main to redirect the RR4 catchment into the proposed pump station prior to Council approval of the Plan of Subdivision for Stage 1; and c. The proposed new rising main and gravity main to redirect the RR4 catchment will be become Council infrastructure. All the above work must be designed and constructed in accordance with the FNQROC Development Manual prior to Council approval of the Plan of Subdivision of the relevant stage. This condition is imposed under section 145 of the Planning Act 2016 (Qld). | As stated. |

| 9. | Water Supply and Sewerage Work Internal | Prior to Council approval of the |
|----|--|----------------------------------|
| | Undertake the following water supply and sewerage works internal to premises: | Plan of Subdivision. |
| | a. Remove and dispose of redundant 100mm AC water main within the proposed development site as indicated on the masterplan and include details of the treatment on the as constructed drawings; | |
| | b. The development must be serviced by internal water and sewerage connection made clear of any buildings or structures. The number of connections must be in accordance with the approved water supply and sewerage masterplan prior to Council approval of the Plan of Subdivision for the relevant stage; | |
| | c. All sewerage infrastructure identified on the approved Water Supply and Sewerage Master Plan. This includes all internal sewerage infrastructure associated with the proposed pump station, inclusive of rising main connections, decommissioning existing sewage pump station RR4 and construction of a new gravity main to redirect the RR4 catchment into the proposed pump station prior to Council approval of the Plan of Subdivision of Stage 1; | |
| | d. The proposed new pump station, rising main and gravity main to redirect the RR4 catchment will be become Council infrastructure; | |
| | e. Internal sewers are to be 'smart sewers' built in accordance with the SEQ Water Supply Code; f. All recoverable equipment associated with the decommissioning of sewerage pump station RR4 is | |
| | g. Water supply sub-metering must be designed and installed in accordance with the <i>Plumbing and Drainage Act 2018</i> (Qld) and the <i>Water Supply (Safety and Reliability) Act 2008</i> (Qld); and | |
| | Any redundant sewer property connection(s) and water connection(s) must be decommissioned and removed. | |
| | All the above works must be designed and constructed in accordance with the FNQROC Development Manual. | |
| | All works must be carried out in accordance with the approved plan(s), to the requirements and satisfaction of Council. | |
| | This condition is imposed under section 145 of the Planning Act 2016 (Qld). | |

| 10. | Inspection of Sewers | Prior to Works |
|-----|--|----------------------------------|
| | CCTV inspections of all existing and constructed sewers | Acceptance. |
| | must be undertaken. | |
| | An assessment of the CCTV records must be undertaken by a suitably qualified person and a report along with the footage submitted to Council for review. | |
| | Identified defects are to be rectified to the satisfaction of Council at no cost to Council. CCTV Report – Sewer. | |
| | The CCTV report, video files and a digital file with coding information (WinCan format), must be submitted during Work Acceptance Submission in accordance with the clause S6.29 (3) FNQROC Development Manual. | |
| 11. | Pumping Stations | Prior to Council approval of the |
| | The proposed sewage pump station must be located on freehold land that is owned by Council at the time of Council approval of the Plan of Subdivision for Stage 1 as identified on the approved plans as Lot 1000. This land must be provided in freehold at no cost to Council. | Plan of |
| | This condition is imposed under section 145 of the Planning Act 2016 (Qld). | |
| 12. | Sewer Easement | Prior to Council approval of the |
| | Prepare for lodgement for registration at the Department of Resources (Titles Registry) a Sewer Easement in favour of Council, subject to Council's relevant standard terms document Registered Dealing Number 721329134, over Council sewers within the land. | Plan of |
| | The easement documents required must be: | |
| | a. In the approved form (Form 9) for lodgement to the Titles Registry; | |
| | b. Executed by each relevant landowner; and | |
| | c. Endorsement by Council prior to Council approval of the Plan of Subdivision and lodgement to the Titles Registry. | |

| 13. | Refuse Collection Other Provide a consent agreement from the owners of the private road to allow Council's waste services to utilise the private road/common property for refuse collection. | Prior to Council approval of the Plan of Subdivision. |
|-----|---|---|
| 14. | Waste Bin Siting Plan Provide a Waste Bin Siting Plan to Council for endorsement. The plan must demonstrate that the new private roads are sufficient to cater for a refuse vehicle and show that each lot has sufficient area within the road verge to provide for bin storage for at least two (2) bins. | Prior to the issue of a Development Permit for Operational Work. |
| 15. | External Road Works Upgrade Reed Road, extending from the development access to the roundabout at Harbour Drive/Roberts Drive to a Major Collector Standard in accordance with the FNQROC Development Manual prior to Council approval of the Plan of Subdivision. Detailed Engineering Drawings must be provided to Council for endorsement prior to the issue of a Development Permit for Operational Work. <i>This condition is imposed under section 145 of the</i> <i>Planning Act 2016 (Qld).</i> | As stated. |
| 16. | Roads and Footpaths Roads and Footpaths as shown on the Approved Plan(s), must be constructed in accordance with relevant design and specifications sections FNQROC Development Manual or as amended by the approved plans prior to Council approval of the Plan of Subdivision. All internal roads and footpaths will be considered as private infrastructure and must be maintained by the Applicant for the life of the development. This infrastructure will not be transferred or maintained by Council. | Prior to Council approval of the Plan of Subdivision |

| 17. | U-turn facility | As stated. |
|-----|--|--|
| | Facility for a passenger vehicle to perform a u-turn, in a single manoeuvre, must be provided before the gate prior to Council approval of the Plan of Subdivision. | |
| | Swept paths demonstrating the u-turn manoeuvre can be accomplished must be provided to Council for endorsement prior to the issue of a Development Permit for Operational Work. | |
| 18. | Dedication of Road Reserve | Prior to Council |
| | The land identified as New Road Reserve (903m ²) on the approved Reconfiguration of a Lot Plan, PR151091-5, dated 2 May 2025, prepared by RPS AAP Consulting Pty Ltd must be transferred to Council. | approval of the Plan of Subdivision of Stage 1. |
| 19. | No Additional Access | At all times. |
| | Access to the land for Lots 104-118 is limited to the new internal private road network, as shown on the Approved Plan(s). No additional crossover or access is permitted to Reed Road. | |
| | Note: A Rates Notation to this effect will be placed on the property file. | |
| 20. | New Allotments | As stated. |
| | All new allotments must have finished surface levels equal to the 1% AEP defined inundation event level prior to Council approval of the Plan of Subdivision of the relevant stage. | |
| | Confirmation of the finished surface levels must be provided prior to the issue of a Development Permit for Operational Work. | |
| 21. | Flood Impact Assessment | As stated. |
| | Provide an addendum to the Half Moon Bay Flood Impact Assessment, File Ref. 30050 Rev 2, prepared by Water Engineering Plus, dated 19 May 2023 prior to the issue of the first Development Permit for Operational Work that demonstrates the development is designed and can be constructed so as to result in: | |
| | a. No increase in peak flow rates downstream from the site; | |

| | b. No actionable nuisance external to the site; and c. No increase in duration of inundation external to the site. | |
|-----|---|---------------------------|
| | All recommendations of the Flood Impact Assessment must be implemented prior to Council approval of the Plan of Subdivision. | |
| 22. | Drainage Design Design a stormwater drainage system (internal and external to the land) to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development. | As stated. |
| | Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement prior to the issue of a Development Permit for Operational Work. Once approved, all work must be carried out in accordance with the approved plan(s) prior to Council approval of the Plan of Subdivision for the relevant stage. | |
| 23. | Stormwater Quality Improvement Provide a Stormwater Quality Management Plan that ensures the development is designed, constructed and operated to avoid or minimise adverse pre and post development related impacts on stormwater quality in natural and developed catchments by: | Permit for Operational |
| | a. Achieving stormwater quality objectives; b. Protecting natural ecosystems and environmental values; and c. Maintaining waterway hydrology. All recommendations of the Stormwater Quality | |
| | All recommendations of the Stormwater Quality Management Plan must be implemented. | |

| 24. | Concentration of Stormwater | At all times. |
|-----|--|----------------------------------|
| | Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following: | |
| | 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. | |
| | If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect. | |
| 25. | Discharge of Stormwater | At all times. |
| | Stormwater associated with development is discharged to: | |
| | a. a lawful connection provided from the premises to Council's stormwater network; or b. land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. an easement for drainage purpose immediately adjoining to the premises; or | |
| | 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: | |
| | i. change to the location of stormwater discharge; ii. an increase to peak flow velocity or volume; or iii. a concentration in stormwater discharge. | |
| 26 | Existing Kerb and Channel | Prior to Council approval of the |
| | The existing kerb and channel to the frontage of the subject site must be repaired where any sections show ponding or significant cracking. | Plan of Subdivision. |
| 27. | Outlet Protection | Prior to Works Acceptance. |
| | All stormwater outlets must have protection in accordance with Section D4.20 of the FNQROC Development Manual. | |

| Electricity Supply An underground electricity reticulation must be provided to each lot in accordance with the requirements of the Ergon Energy the Queensland Electrical installation – Wiring Rules Standard. | Prior to Council approval of the Plan of Subdivision. |
|---|--|
| Applicant is to maintain all private infrastructure for the entire development's life. | |
| Any existing overhead electricity reticulation within the subdivision must be recovered or placed underground. | |
| Any road crossings for the conveyance of HV/LV reticulation across Reed Road must be underground and tunnel bored. | |
| Electrical Design | Prior to Council |
| The development's internal underground electricity reticulation must be designed and certified by a suitably qualified RPEQ electrical engineer. | approval of the Plan of Subdivision. |
| Ergon Energy's external electricity reticulation supplying the development must be underground designed in accordance with the requirements of Section D8.04 and Section D8.06 of the FNQROC Development Manual. | |
| Electrical Transformer | Prior to Council |

| | reticulation must be designed and certified by a suitably qualified RPEQ electrical engineer. Ergon Energy's external electricity reticulation supplying the development must be underground designed in accordance with the requirements of Section D8.04 and Section D8.06 of the FNQROC Development Manual. | Subdivision. |
|-----|--|--|
| 30. | Electrical Transformer Padmount transformer(s) must be installed on site and positioned in accordance with the following requirements: a. not located on land used for open space or sport and recreation purposes; b. screened from view by landscaping, sightscreens and/or fencing; c. accessible for maintenance in accordance with the relevant utility provider; d. must be located clear of footpaths; e. must not be located over existing infrastructure; f. In new residential subdivisions, located in road reserve. | Prior to Council approval of the Plan of Subdivision. |
| 31. | Telecommunications Supply Each lot must be connected to the telecommunications network in accordance with section D8.05 of the FNQROC Development Manual. | Prior to Council approval of the Plan of Subdivision. |

28.

29.

| 32. | Evidence of Electrical and Telecommunication Connection Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply" or "Certificate of Electrical Acceptance". The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter". | Prior to Council approval of the Plan of Subdivision. |
|-----|--|---|
| 33. | Electrical and Street Lighting Plans Design and provide for endorsement by Council, layout plans for telecommunication, electrical services and road lighting generally in accordance with Section D8 of the FNQROC Development Manual for the entrance intersection on Reed Road. 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. | Prior to the issue of a Development Permit for Operational Work. |
| 34. | Street Lighting Provide the following arrangements for the installation of public street lighting for the entrance intersection on Reed Road: 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. 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; c. The existing Rate 2 lighting scheme on Reed Road is to be reconfigured for the realigned road and channelised right turn lane in accordance with the | |

| | relevant current Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual; d. Where the new intersection is formed on Reed Road for the purpose of accessing the new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category PR3; e. The lighting scheme must be approved by Council prior to the issue of a Development Permit for Operational Work; f. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service, and all existing Ergon Energy timber street light poles are to be recovered. The approved street lighting scheme must be fully constructed and completed. | |
|-----|---|--|
| 35. | Offsets for Electrical and Telecommunication Services All electrical and telecommunication services must be located within the road reserve at a distance of 0.3m – 1.2m from the property boundary, unless otherwise approved. | |
| 36. | Reinstatement of Verge All land adjacent to the new internal private road access in the road verge which is disturbed as a consequence of creating the access, including the existing kerb and channel, footway or roadway, must be reinstated to its pre- works condition. | Subdivision of |
| 37. | Threatened Species and Protected Plant Management Plan Submit a Threatened Species and Protected Plant Management Plan (TSPPMP) for Council approval. Note: The applicant must consider implications under the Commonwealth's EPBC Act and the Nature Conservation Act 1992 (Qld). The Coastal and Terrestrial Ecology Report with Annexure 7., notes although not limited to, trees supporting several hollows, particularly specimens of Corymbia intermedia, C. clarksoniana, C. tessellaris and Lophostemon suaveolens that are likely to provide nesting opportunities for a range of sepecies; specimens of the 'Vulnerable' Myrmecodia beccarii, Ant Plant under The Nature Conservation Act 1992 (QLD) abundant on site, and | Prior to issue of a Development Permit for Operational Work. |

the Estuarine Crocodile(s), a protected species under the Environmental Protection Biodiversity Conservation Act 1999. The TSPPMP must include, but not be limited to the following information: A description and identification on plan(s) of the a. areas of the site that may be utilised for breading, nesting, foraging, movement and other such activities: A description and identification on plan(s) of the b. 'Vulnerable' Ant Plant under the Nature Conservation Act 1992 (Qld); Identification of potential threats to the listed species C. on the site form impacts of the development; d. Identification of detailed management strategies and/or required actions to be implemented on the site for the ongoing protection of, and reduction in risk to the listed species. These may include, but not be limited recommendations regarding species to be used for rehabilitation on the land, identification of vegetation of significance to a particular species; Identification of timing, sequencing and staging of e. the management strategies and/or required actions for the listed species; and f. Identification of roles and responsibilities for stakeholders involved in the management of the listed species. Plan must be prepared by a suitably gualified and experienced ecologist. to 38. Statutory Covenant for Vegetated Coastal Buffer Prior the endorsement of A Statutory Covenant for Environmental Purposes must be а Plan of registered over the Vegetated Coastal Buffer Covenant Subdivision. area to provide for the ongoing protection of the land for that purpose. The covenant must include, but is not limited to, the following details: а. The total extent of the covenant area for a 10m wide area adjacent to the landward side of the upper seaward edge of the revetment wall within the site over Lots 825, 829-842 & 904: A description and purpose of the covenant; b. The responsibilities and obligations C. of the covenantee relating to the ongoing management of the covenant area to achieve the purpose of the covenant: that the covenantor must not use the covenant area for the construction of improvements

| | or erection of buildings or for the storage of materials; and d. All works must align with the Vegetated Coastal Buffer Strategy. Any works not in accordance with the covenant and/or strategy must be supported by relevant plans and documentation and approved by Council. The Covenant and Covenant documents must be provided to Council for review and approval and must be registered prior to Council approval of the Plan of Subdivision. | |
|-----|---|------------|
| 39. | Detailed Landscape Plan (Common Property) Undertake landscaping internal to the site prior to Council approval of the Plan of Subdivision, generally in accordance with the Landscape Intent Statement Sheets 1-9, prepared by LA3, dated October 2022 in accordance with the Planning Scheme Policy Landscaping and in accordance with a Detailed Landscape and Park Development Plan prepared by a suitably qualified Landscape Architect or Landscape Designer. The Detailed Landscape Plan must show: a. Location of the Statutory Covenant areas associated with the Vegetated Coastal Buffers; b. Location of all significant trees to be retained and incorporated with the onsite landscaping; c. Methodology for tree protection in accordance with Australian Standard AS4970 Protection of trees on development sites; d. A planting schedule including native tree species and landscaping species that are not listed in The FNQROC Development Manual Cairns Regional | As stated. |
| | Council Local Government Specific Requirements Appendix F Extended Environmental Weed List including the botanical name and common name, quantity, container size; e. Specifications for planting, mulching, edging and permanent irrigation; f. The provision of shade trees, especially in parks and open space; g. Planting of street trees, with a minimum of 1 tree per 15m each side of a new road in accordance with Schedule 12A of the <i>Planning Regulation 2017</i>, in accordance with accordance with the FNQROC Development Manual Standard Drawing for S2410 Street Tree Planting, Design Manual D9 Landscaping; | |

| | h. Suitable connectivity to be provided internally from Lot 905 through 906 connecting to the carpark; i. Open space areas to be graded to a maximum 1:4 to allow maintenance access and grassed; j. Provisions for treatment to boundaries restrict vehicles and allow access by maintenance machinery within open space areas; and k. Details and specifications of any fencing and retaining walls associated with the development. The Landscape and Park Development Plan must be approved by Council prior to the issue of a Development Permit for Operational Work. The approved landscape works must align with the Stage boundaries shown on the approved Plan of Development. Areas to be landscaped must be installed and inspected by Council at a Works Acceptance Inspection, prior the Council's approval of the Plan of Survey. Landscaping must be maintained for the duration of the on-maintenance period and until Final Works Acceptance, to the satisfaction of Council. The landscaping must be maintained to the satisfaction of Council for the life of the development, at no cost to Council. | |
|-----|--|------------|
| 40. | Detailed Landscape Plan (External Works) Undertake landscaping external to the site including Reed Road and any proposed areas within the Council Park identified in Stage 4B on the Plan of Development, in accordance with the FNQROC Development Manual and the Planning Scheme Policy Landscaping, and in accordance with a Detailed Landscape and Park Development Plan prepared by a suitably qualified Landscape Architect or Landscape Designer. The Detailed Landscape Plan must show: a. Location of all significant trees to be retained and incorporated on Reed Road and the Council Park; b. Methodology for tree protection in accordance with Australian Standard AS4970 Protection of threes on development sites; c. A planting schedule including native tree species and landscaping species that are not listed in The FNQROC Development Manual Cairns Regional Council Local Government Specific Requirements Appendix F Extended Environmental Weed List | As stated. |

| | including the botanical name and common name, quantity, container size; d. Specifications for planting & mulching; e. Details and specifications for the landscaping fronting Reed Road on Council land including the planting and establishment of street trees and the provision for tree protection including tree guards and eminence kerb surrounding tree(s) to be retained; f. Details and specifications of any fencing and retaining walls associated with the development. The Landscape and Park Development Plan must be approved by Council prior to the issue of a Development Permit for Operational Work. The approved landscape works must align with the Stage boundaries shown on the approved Plan of Development. Areas to be landscaped must be installed and inspected by Council at a Works Acceptance and established by the application/property owner until the Final Works |
|-----|--|
| | Acceptance. |
| 41. | Amended Significant Tree Assessment and Audit Plan (Significant Trees Fronting Reed Road) |
| | Submit an amended Tree Assessment and Audit Plan replacing plans titled Reed Road Tree Survey Sheet 1-3, drawings 21005-SK022, 21005-SK023, 21005-SK024 Rev C and obtain and approval by Council to provide: |
| | a. Nominate the species and location of trees described as fair or good condition that are located within a 6m area fronting Reed Road that are recommended for retention based on the suitability of the species and their health, form, and stability; and b. Nominate the species and location of trees described as good, fair condition or dead that are not suitable for retention within a 6m area fronting Reed Road. |
| | Note: The Francisii Ecology Report dated 14 October 2023 notes there are significant tree species in good condition that have inherent aesthetic value as larger specimens and that are contributing to the green avenue through to the Half Moon Bay Beach Access. An example of species noted as not suitable are fast growing species, exotics or trees with demonstrated poor health, form or stability. |
| | The proposed removal of a significant streetscape tree |

| | that has been assessed as good condition and that is suitable for retention within the 6m set back area from Reed Road are not supported for removal for the purpose of earthworks on the lots. Note: It is recommended to utilise service location services to show depth of roots. If the depth of roots is demonstrated on a scan to be greater than the depth of earthworks, this will confirm that the earthworks can be done in accordance with AS4970, without concern for the | |
|-----|--|---|
| 42. | tree health and stability. Tree Management Plan (Coastal Vegetation within Lot 906 and Significant Trees fronting Reed Road) All significant trees within Lot 906 as surveyed on the plan titled Tree Survey, drawing number 21005-SK026, Rev B and significant trees identified to be retained on an approved amended plan pursuant to condition 41., must be retained and protected in accordance with the Australian Standard AS4970 Protection of trees on development sites at all times. | Prior to the issue of a Development Permit for Operational Work. |
| | A Tree Management Plan must be prepared and submitted to Council by a certified project Arborist. The Tree Management Plan must provide the methodology to ensure tree protection in accordance with Australian Standard AS 4790-2009 Protection of trees on development sites at all times. | |
| | The project Arborist must ensure the approved tree protection methodology and specifications are installed, maintained, and managed in accordance with AS 4970 throughout the construction works and be available to provide advice to Council and the site supervisor as required. | |
| | Note: It is recommended to utilise service location services to show depth of roots. If the depth of roots is demonstrated on a scan to be greater than the depth of earthworks, this will confirm that the earthworks can be done in accordance with AS4970, without concern for the tree health and stability. | |

| 43. | Vegetated Coastal Buffer Strategy | As stated. |
|-----|---|------------|
| | In conjunction with the submission of a Detailed Landscape Plan, and with reference to the Half Moon Bay Terrestrial Ecology Report, Job ref. J2022_10, prepared by Francisii Ecology, dated 5 October 2022 assessment, the applicant/landholder must provide a Vegetated Coastal Buffer Strategy for a buffer area to be retained and further augmented for a 10m wide area adjacent to the eastern side of the revetment wall within the site over Lots 825, 829-842 & 904. | |
| | The Vegetated Coastal Buffer Strategy must be submitted for Council approval with the Development Permit for Operational Work and must include the planting of native vegetation characteristic of the coastal vegetation community and the retention of all existing native vegetation along the full length and within the 10m area of the buffer strip. | |
| | The Strategy must provide details and specifications for weed management, revegetation and the maintenance regime required to successfully establish and maintain the designated buffer including maintenance of the revetment wall. | |
| | All landscaping of the buffer shall be completed prior to Council approval of the Plan of Subdivision. | |
| 44. | Restoration and Revegetation Work (Coastal Vegetation) | As stated. |
| | In conjunction with the submission of a Detailed Landscape Plan, and with reference to the Coastal and Terrestrial Ecology Report with Annexure 7, Half Moon Bay Terrestrial Ecology Assessment, dated 5 October 2022 assessment, the applicant/landholder must provide to Council for approval prior to the issue of a Development Permit for Operational Work a Rehabilitation Management Plan specific for Lot 906 conservation area and the Park (Stage 4B) if works are proposed within the Council Park area. The Rehabilitation Management Plan must provide: | |
| | a. Identification of the areas of the site subject for restoration and revegetation; b. Methodology for the rehabilitation and revegetation works; c. Planting schedule with native endemic species; d. Identification of timing, sequencing and staging of the restoration and revegetation works and provision | |

| | rehabilitated areas; and e. Identification of roles and responsibilities for stakeholders involved in the rehabilitation works. The Rehabilitation Management Plan must be prepared by a suitably qualified and experienced person in ecosystem management and approved by Council prior to the issue of the Development Permit for Operational Work. All works must be constructed/installed in accordance with the Rehabilitation Management Plan prior to Council approval of the Plan of Subdivision. | |
|-----|--|--|
| 45. | Wildlife Prior to commencement of vegetation clearing, an inspection to determine the possible presence of native wildlife and particular animal breeding places must be undertaken by a suitably qualified and experienced spotter/catcher. The assessment must include the identification of any breeding places for any Endangered/Vulnerable or Near Threatened animal species, special least concern or colonial breeding species prior to the removal of any tree and/or vegetation. An Inspection Report must be prepared and submitted to Council within 7 business days of the field inspection. During the removal of trees and vegetation, the spotter/catcher must be present on site for the duration of tree and vegetation removal works. Note: Inspection reports must be emailed to planningadmin@cairns.qld.gov.au. The Department of Environment & Science must be contacted if native wildlife | As stated. |
| 46. | is found to be present. The suitably qualified and experienced spotter/catcher must be present during the clearing of vegetation. Bushfire Management Plan | Prior to Council |
| 40. | Prepare and provide to Council a land specific Bushfire Management Plan (BMP), prepared by a suitably qualified person, in accordance with Planning Scheme Policy – Natural Hazards, that addresses the bushfire risk to the land and the following matters: a. Identifies the nature and severity of the bushfire | approval of the Plan of Subdivision. |
| | hazard affecting the land; b. Requirements for firebreaks that provide adequate setbacks between building/structures and hazardous | |

| | vegetation; c. Specifies the level of fire risk that will trigger evacuation of the land and activation of the plan (e.g. nature and/or severity of the fire hazard, weather, landscape scale of fire risk, potential fire paths, etc.); d. An assessment of the specific risk factors associated with the development proposal, including matters such as the nature of activities and materials to be conducted/stored on the land, numbers and types of persons likely to be present particular warning and/or evacuation requirements; e. Pre-emptive, primary, secondary and contingency actions during a bushfire event; f. Identifies locations and availability of suitable on or off-site refuges, including safe evacuation route/s and procedures for evacuation; g. Time required to alert, muster and relocate persons using the land, the availability of evacuation transport (if required) and define roles and responsibilities. Consideration must be given to the potential of increased risk of exposing persons to a bushfire event during relocation or evacuation; h. Review and monitoring schedule for the plan; and i. The ongoing fire management practices which occur on the land including scheduled burns or other management techniques. | |
|-----|---|---|
| | The Bushfire Management Plan is to be implemened at all times, at no cost to Council. | |
| | Advice Note: Council is not responsible for implementing or auditing the Bushfire Management Plan. | |
| 47. | Construction Management Plan A Construction Management Plan must be prepared and submitted to Council. The Construction Management Plan must address all activities/operations associated with the construction including: a. Hours of construction; b. Location(s) of construction access; c. Parking of vehicles (including construction site employees and delivery vehicles); d. Traffic management and control (including loading and unloading); | Prior to the Commencement of Works. |
| | e. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area; | |

| | f. Tree protection management; g. Environmental management with a focus on isolating the development footprint from the surrounding wetlands; h. Site safety and security after hours to prevent public entry; and i. Location and details of construction signage including any signage that is to be illuminated. The CMP must be provided to Council and made available to all onsite workers at all times. The CMP must be implemented at all times for the duration of approved work. | |
|-----|--|--|
| 48. | Private Infrastructure All infrastructure internal to the subject site, unless otherwise altered by a condition, will be required to be private infrastructure. | At all times. |
| 49. | Sediment and Erosion Control – Water Discharge 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 <i>Environmental</i> <i>Protection Act 1994</i> (Qld), the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines). | At all times. |
| 50. | Acid Sulfate Soils Management Plan Construct all works in accordance with the recommendations from the Geotechnical and Acid Sulfate Soil Desktop Study, Rev A, prepared by WSP, dated 5 August 2022. The works must be supervised by an appropriately qualified professional, with all work detailed on a certificate of supervision. A copy of the certificate of supervision must be provided to Council upon completion. Any changes found necessary by the supervising professional during construction must be documented and accepted by Council before the changed work is carried out, unless deemed necessary to respond to an emergency or potentially dangerous situation. In the event of an emergency or potentially dangerous situation, advise Council immediately of the situation and then provide the necessary documentation as soon as practical following rectification works occurring. | Prior to Commencement of Work and at all times. |

| 51. | Damage to Infrastructure and Land | Prior to Council approval of the |
|-----|--|----------------------------------|
| | Where any part of Council's existing infrastructure or land | Plan of |
| | 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. | |

PART B: INFRASTRUCTURE CHARGES

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

PART C: REFERRAL AGENCY CONDITIONS & REQUIREMENTS

| Referral Agency | Referral Agency | Date | Council Electronic |
|-----------------|-----------------|-----------------|--------------------|
| | Reference | | Reference |
| SARA | 2211-32122 SRA | 26 October 2023 | #7294072 |

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

PART D: RATES NOTATIONS

1. Plan of Development

Development on Lots 101-139, 201-241, 301-341, 401-422, 425-428, 601-622, 701-731 & 801-842 must be in accordance with the Building Envelope Plan identified on the approved plan(s) of development.

2. No Additional Access

Access to the land for Lots 104-118 is limited to the new internal private road network, as shown on the Approved Plan(s). No additional crossover or access is permitted to Reed Road.

ADVICE

| 1. | Planning Laws |
|----|--|
| | Information relating to the <i>Planning Act 2016</i> (Qld), <i>Planning Regulation 2017</i> (Qld) and Development Assessment Rules is located on the Queensland Government's planning website. |
| 2. | Further Approvals Required to Carry out the Development |
| | The following further approvals are required prior to carrying out the development generally in accordance with the approved plan(s) and drawings: |
| | Development Permit for Operational Work. |
| 3. | Definitions |
| | All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016</i> (Qld) and <i>Planning Regulation 2017</i> (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016. |
| | To the extent of any inconsistency, the order of precedence of the above instruments is as follows: |
| | a. Planning Act 2016 (Qld); b. Planning Regulation 2017 (Qld); c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual. |
| 4. | FNQROC Development Manual |
| | Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council's website – <u>www.cairns.qld.gov.au</u> . |
| 5. | Infrastructure Charges Notice |
| | 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. |
| | The original Infrastructure Charges Notice will be provided under cover of a separate letter. |
| | The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. |

| | Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately. The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council's Development Assessment Team for review of the charge amount prior to payment. The time when payment is due is contained within the Infrastructure Charges Notice. |
|----|---|
| 6. | Weeds, Pest Animals and Ants |
| | 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. |
| 7. | Removal of Protected Vegetation |
| | This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following: a. Environment Protection and Biodiversity Conservation Act 1999 (Cth); b. Nature Conservation Act 1999 (Qld); and c. Vegetation Management Act 1999 (Qld). For further information see: https://www.qld.gov.au/environment/land/management/vegetation/da |
| | mage. |
| 8. | Native Wildlife Prior to any vegetation damage, an inspection to determine the possible presence of native wildlife and animal breeding places must be undertaken by a suitably qualified and experienced spotter/catcher. The assessment must include the identification of any breeding places for any Endangered/Vulnerable or Near Threatened animal species, special least concern or colonial breeding species prior to the removal of any trees and/or vegetation as per the requirements of section 332 of the <i>Nature Conservation (Wildlife Management) Regulation 2006</i> (Qld). The Department of Environment and Science must be contacted where any Endangered, Vulnerable or |

| | Near Threatened native wildlife is found to be present in any area subject to works. |
|-----|--|
| 9. | Environmental Protection and Biodiversity Act (Cth) |
| | The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act) applies to an action that has, will have, or is likely to have a significant impact on matters of national environmental significance. |
| | Further information on the EPBC Act and a copy of the Significant Impact Guidelines 1.1 – Matters of Environmental Significance (2013) can be obtained from the Department of Agriculture, Water and Environment |
| | https://www.awe.gov.au/environment/epbc/publications/significant- impact-guidelines-11-matters-national-environmental-significance. |
| | This approval does not negate the requirement for compliance with other relevant State and Federal statutory requirements, particularly with respect to the disturbance of Spectacled Flying Fox communities. For further information consult with the Queensland State Department of Environment and Science and the Federal Department of Agriculture, Water and Environment. |
| 10. | Environmental Protection and Biodiversity Conservation Act 1999 (Cth) Lowland Tropical Rainforest of the Wet Tropics Ecological Community |
| | <i>Environmental Protection and Biodiversity Conservation Act</i> 1999 (Cth) approval may be required for projects that may have a significant impact on the rainforest, typically projects involving significant vegetation damage and/or hydrological changes from new roads and large residential subdivisions. |
| 11. | Yellow Crazy Ants |
| | Yellow crazy ants are designated as invasive biosecurity matter under the <i>Biosecurity Act 2014</i> (Qld). All parties (whether landholders or not) are required to take all reasonable measures to prevent the movement of yellow crazy ants. This includes restrictions on the movement of any materials deemed to be infested with yellow crazy ants. For further information contact the Department of Environment and Science – <u>https://www.daf.qld.gov.au/business- priorities/biosecurity/policy-legislation-regulation/biosecurity-act- 2014/biosecurity-matter-report/restricted-matter.</u> |
| 12. | Electric Ant Quarantine Area |
| | The <i>Biosecurity Act 2014</i> (Qld) and the <i>Biosecurity Regulation 2016</i> (Qld) places restrictions on the movement of electric ants and "high risk items" within and out of the zone, and places certain obligations |

| 16. | Dial Before You Dig |
|-----|--|
| | Undertake a 'Dial Before You Dig' search and all information is to be verified and services located on site. Council accepts no responsibility for damaged assets as a result of these works. All damaged Council infrastructure is to be returned/replaced to an as- new state before works acceptance is issued. |
| 17. | Future Compliance |
| | 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. |
| 18. | Cultural Heritage |
| | Aboriginal cultural heritage is protected under the <i>Aboriginal Cultural Heritage Act 2003</i> (Qld). |
| | Under the Act, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity is properly managed to avoid or minimise harm to Aboriginal cultural heritage. |
| | The Duty of Care Guidelines provide further guidance on identifying and protecting Aboriginal cultural heritage and can be accessed at the following webpage – <u>https://www.qld.gov.au/firstnations/environment-land-use-native-</u> <u>title/cultural-heritage/cultural-heritage-duty-of-care</u> . |
| 19. | Road Closures and Works on a Local Government Road |
| | Road Closures and Works on a Local Government Road require further approvals from Cairns Regional Council that are not covered by this Permit. An <u>Application for a Temporary Road Closure</u> 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. |

EXECUTIVE SUMMARY

Council is receipt of a development application for a Development Permit for Reconfiguring a Lot (2 Lots into 249 Lots, Balance Lots & Common Property) over land located at Reed Road and 42 Riverside Parade, Trinity Park, formally described as Lot 3 on RP745338 & Lot 1 on RP737273.

The proposed development application relates to Stages 1-8 of a master-planned community title development that is known as 'Half Moon Bay'. The proposed development includes:

- 249 residential lots over the 8 stages ranging in lot sizes from 176m² to 698m²;
- A Plan of Development to facilitate and regulate future housing outcomes on the proposed lots;
- A balance parcel to facilitate a future community centre (Lot 800);
- New internal road, open space and drainage reserve which all form part of the Common Property within the Community Title Scheme;
- External open space over the existing esplanade road reserve;
- Balance Lot 907 which comprises mangrove vegetation on tidal land which will be transferred to the State Government for coastal management purposes;
- New intersection on Reed Road for site access; and
- New sewerage pump station.

The subject sites are located within the Tourist Accommodation and Low Density Residential Zones of the CairnsPlan 2016 v3.1. The site is also affected by several planning scheme overlays including Acid Sulfate Soils, Airport Environs, Bushfire Hazard, Coastal Processes, Flood and Inundation Hazards, Landscape Values, Natural Areas and Transport Network Overlays. Further, under the Far North Queensland Regional Plan 2009-2031, the majority of the site is included within the Urban Footprint, with a very small part of the western portion of the site situated within the Regional Landscapes and Rural Production Area.

The subject site contains an existing approval which is still current for a Preliminary Approval for a Material Change of Use for Holiday Accommodation & Multi-Unit Housing (8/7/2255 Council Ref. #3936963).

The application for Reconfiguring a Lot is subject to Code Assessment within the Tourist Accommodation and Low Density Residential Zones and has been assessed in accordance with the legislative framework for Code Assessment in accordance with the *Planning Act 2016* (Qld).

As a result of the development being subject to Code Assessment, Public Notification was not required to be undertaken, in accordance with section 45 of the *Planning Act 2016*, however 10 not properly made submissions were received regarding the Development.

The application was referred to the State Assessment Referral Agency (SARA) due to exceeding the thresholds in relation to State Transport Corridors and Reconfiguring a Lot within a coastal management district. The referral agency provided a Referral Agency Response, subject to conditions of approval.

The proposed development includes the provision of lot sizes that are below the prescribed minimum area of 800m² and the minimum frontages of 20m. A detailed Plan of Development (POD) has been submitted within the application to demonstrate that the lots will be able to provide for appropriate future housing outcomes on each lot. The POD has given consideration to a large range of matters including height, setbacks to all boundaries, site coverage, refuse, access, car parking, building design, private open space, infrastructure and landscaping. The contents of the POD have given consideration of matters that are in excess of considerations on a typical Dwelling House within the Tourist Accommodation Zone.

The prescribed height within the Tourist Accommodation Zone Code of the CairnsPlan 2016 v3.1 allows up to 15 metres and 4 storeys. The POD places a cap on the total height of future dwellings within the subdivision to be no more than 2 storeys and 9 metres or 3 stories and 11.5 metres in height to the peak of the roof which is more than 20% lower than the allowable height within the Zone.



Figure 1 – Indicative & potential future housing outcomes

The setbacks of future housing on the lots will be undertaken within the parameters of the POD and includes an integrated approach for the entire subdivision. The setbacks vary from those seen for typical dwellings due to the smaller lot sizes. Lots have been identified on the POD as 'Terrace' will provide for attached housing opportunities rather than detached houses. The setbacks for other lots are reflective of the layout and size, with most lots generally including a reduced 1 metre setback opportunity and the other setback being built to boundary for up to 50% and a maximum height of 3.5 metres. Due to the integrated approach, in addition to further requirements for the future housing on the lots, will ensure that the impacts between properties will be appropriately managed. There are some parts of the POD which do vary from this general position as mentioned for specific reasons relating to site specific purposes.



Figure 2 - Indicative future housing outcomes

The POD requires certain building design measures to be incorporated to ensure that each home has windows or balconies to face the street frontage, no more than three (3) houses in a row to be positioned on the same building setback and ensuring the garage is setback behind the closest portion of the dwelling by at least 1 metre from the street frontage. Additional landscaping requirements are required for each dwelling that include the provision for a minimum mass planting area of no less than 10m² to each street frontage that are mulched and edged, at least three (3) trees a minimum of 2 metres in height to be planted along each street frontage and ensuring that non-permeable surfaces are limited to driveways, patios and footpaths as to not dominate the street frontage.



Figure 3 - Indicative future housing outcomes

Due to the smaller lots, site coverage allowable is above that prescribed within the Tourist Accommodation Zone. However, this has been offset by more detailed requirements for landscaping and open space to ensure that each lot is appropriately designed. Some of these requirements include the provision for each dwelling with their main living areas on ground level having a minimum of $25m^2$ dedicated to private open space with dimensions no less than 4 metres and accessible from the main living area.

Given the proposed development will be transformed from a vacant unutilised lot to a subdivision, there will be an increase in demand from future residents. A Traffic Impact Assessment (TIA) was included within the application material which included an assessment of external traffic impacts, internal traffic arrangements including site access design, parking provisions, parking design, pedestrian connectivity and servicing provisions, and active and public transport connections. A rate of 0.85 vehicle movements per hour were anticipated during peak periods and applied to Dwelling Houses. Based on 249 residential lots, it is anticipated that the development will generate approximately 211 vehicle movements during morning and afternoon peak period is 685 vehicles exiting Reed Road onto the Captain Cook Highway and 728 vehicles entering from the Captain Cook Highway. In the afternoon peak period, the approximate demand includes 487 vehicles exiting Reed Road onto the Captain Cook Highway. Overall, the closed catchment will service between 300 and 600 dwellings.

In accordance with the FNQROC Development Manual Table D1.1 Street and Road Hierarchy – Deemed to Comply Requirements, the portion of road between the subject site and the Roberts and Harbour Drive Roundabout is required to be upgraded to a Major Collector Standard.

All vehicle access will occur via a new intersection from Reed Road and contain a gated access to the subdivision. A development condition has been imposed for the upgrade of Reed Road from the new intersection to the roundabout at Roberts and Harbour Drive. The combination of the assessment that has occurred and the upgrades required to occur, will ensure that the increase in demand will be able to be appropriately catered for in a full capacity setting.

The proposed development site includes a number of significant trees. In particular, to the boundary adjoining properties on Riverside Parade, fronting Reed Road and to the coastal side of the site. A portion of the vegetation is likely to be impacted by the proposal. A number of conditions have been recommended as part of the assessment and include retention of as much of the existing vegetation as practical. The provision of earthworks and drainage of the site are significant factors in the potential impact to a portion of the vegetation that exists on the subject site.

The proposed lot layout will not overlap with any parts of the site affected by the Natural Areas Overlay Code of the CairnsPlan 2016 v3.1 where regulated vegetation is identified. The portion of the site that is identified within this Overlay Code is to the south which is characterised by mangrove communities in Half Moon Creek. This portion of the site will be contained within a new lot to be transferred to the State for coastal management purposes.

Although the Coastal Hazard Adaptation Strategy (CHAS) has not been integrated with the current CairnsPlan, for commentary purposes only, a brief review has been undertaken to understand the consistency of the proposed development. The CHAS, when focusing on the Trinity Beach and Trinity Park community, identifies that Trinity Park Beach has experienced historical erosion since the construction of the entrance to Bluewater canal. Specifically, the CHAS includes the provision to maintain existing rock retaining structures. The proposed lot layout will be wholly located outside of the erosion prone area, and as a result, is considered to respond and reflect the erosion prone hazard that exists to the east of the subject site.

Additionally, the proposed development was referred to the State Assessment Referral Agency (SARA) for proposed Reconfiguring a Lot within a coastal management district. Conditions imposed by SARA included ensuring that a development free zone exists to the eastern portion of the site other than fencing, landscaping and coastal protection works and that remediation works to the revetment wall occur.

The development application is subject to a bounded Code Assessment, in accordance with section 60 of the *Planning Act 2016*. As a result, it is recommended that Council, as the Assessment Manager, approved the Development Application in full subject to lawful conditions, resulting from an assessment demonstrating compliance against the relevant benchmarks.

TOWN PLANNING CONSIDERATIONS

Background

The subject site contains a history of development approvals dating back in excess of the previous 30 years. Approximately 60 years ago, the site was used as a Caravan Park.

On 17 April 1990, a Consent was issued for Accommodation units, Caterer's Rooms, Hotel, Indoor Entertainment, Multiple Dwelling Class A & B and Outdoor Entertainment (Council Ref. #411098). The development incorporated a 372 room resort hotel, 120 condominiums and apartments and a country club. The development at the time was better known as Moon River Beach Resort.

On 10 August 1992, at Council's Ordinary Meeting, an extension for a period of two (2) years was approved and issued (Council Ref. #411101). A further extension was sought but was refused at Council's Ordinary meeting on 18 April 1995 (Council Ref. #418205). The approval has since lapsed.



Figure 4 - Original Resort Proposal

On 9 September 2009 Council, at the Planning & Environment Committee Meeting, approved a Development Permit for Reconfiguring a Lot (2 Lots into 6 Lots) – 8/13/1314 (Council Ref. #2318074). A Negotiated Decision Notice (Council Ref. #2615153) was issued on 8 June 2010. The approval has since lapsed.

On 9 May 2011, a Development Permit for Operational Work was lodged following the subsequent Reconfiguring a Lot approval for Bulk Earthworks – 8/10/94. Council issued a Decision Notice for the proposed works on 21 November 2011 (Council Ref. #3396483). A Negotiated Decision Notice was issued on 23 January 2012 (Council ref. #3455359). The approval has since lapsed.

On 21 December 2020, Council was in receipt of a Development Application for Operational Work for Bulk Earthworks and Vegetation Clearing. As a result of no Development Permit for an associated use being issued at the time, a Preliminary Approval was issued with a number of conditions required to be satisfied prior to the issue of a Development Permit.

There is a current Preliminary Approval for Material Change of Use for Multiple Dwellings and Holiday Accommodation in effect over the land. The currency period of the Preliminary Approval was extended to April 2025 by notice dated 28 January 2021 – 8/7/2255 (Council Ref. #6581240).

Site and Surround

The development sites include a uniquely shaped lot situated to the eastern end of Reed Road. The application consists of two (2) sites with an area of 18.7ha and 747m². The larger of the sites which is the predominant site for the proposed subdivision contains approximately 313m frontage to Reed Road. The southern portion of the site which is not proposed to be subdivided is characterised by existing mangroves and borders Half Moon Bay Creek. To the east and north, the development is bordered by low density scale residential uses, predominantly in the form of Dwelling Houses. To the east of the site, is the coastal area consistent with beach characteristics.



Figure 5 - Subject Site and Surrounds – CairnsPlan 2016 interactive mapping

Proposal

The proposed development application relates to Stages 1-8 of a master-planned community title development that is known as 'Half Moon Bay'. The proposed development includes:

- 249 residential lots over the 8 stages ranging in lot sizes from 176m² to 698m²;
- A Plan of Development to facilitate and regulate future housing outcomes on the proposed lots;
- A balance parcel to facilitate a future community centre (Lot 800);
- New internal road, open space and drainage reservice which all form part of the Common Property within the Community Title Scheme;

- External open space over the existing esplanade road reserve;
- Balance Lot 907 which comprises mangrove vegetation on tidal land which will be transferred to the State Government for coastal management purposes;
- New intersection on Reed Road for site access; and
- New sewerage pump station.

Materials Assessed in the Application

The applicant provided the following materials during the assessment process:

- Planning Assessment Report prepared by Planning Plus;
- Plans of Development prepared by Ellivo & RPS;
- Coastal Ecology Assessment prepared by FRC Environmental;
- Terrestrial Ecology Assessment prepared by Francisii Ecology;
- Coastal Processes and Hazards Assessment prepared by BMT;
- Traffic Impact Assessment prepared by Stantec;
- Engineering Assessment Report prepared by Applin Consulting;
- Geotechnical and Acid Sulfate Soil Desktop Study prepared by WSP;
- Sewer Capacity Assessment prepared by GHD;
- Water Network Analysis prepared by Applin Consulting;
- Flood Impact Assessment prepared by Water Engineering Plus; and
- Technical Memorandum prepared by Burchills Engineering Solutions.

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

LEGISLATIVE FRAMEWORK

Statutory Planning Considerations

| State Planning Policy | 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: |
|--------------------------|---|
| | Coastal Management District Costal Area – Erosion Prone Area, Medium Storm Tide Inundation Area & High Storm Tide Inundation Area Fish Habitat Management Area B Regulated Vegetation (Category A and B) |
| | The CairnsPlan 2016 advances the SPP except for erosion prone areas and the coastal management district. |
| | The subject site is wholly contained within the coastal management district with some portions of the eastern and southern parts of the site within the erosion prone area. The proposed development will include the provision of a large portion of the land within these areas to be transferred to the State for coastal management purposes or will be placed under a development free area to be reflected via covenant. The proposed development generally avoids these areas and ensures that the lot layout has responded appropriately. |
| | The development application in accordance with Schedule 10 of the <i>Planning Regulation 2017</i> was required to be referred to SARA due to works within the erosion prone area and coastal management district. An assessment has been undertaken for these matters as part of the referral process and conditions |

| | imposed as part of the response to ensure that certain remediation works are undertaken. |
|--------------------------------|---|
| FNQ Regional Plan 2009-2031 | The subject site is within the FNQ Regional Plan 2009-2031 designation - Urban Footprint & Regional |
| | The Regional Plan has been appropriately integrated and reflected through the CairnsPlan 2016. |

Matters Prescribed by Regulation

| Schedule 10 of the <i>Planning</i> <i>Regulation 2017</i> | The application was referred to the State Assessment and Referral Agency (SARA) due to exceeding the thresholds in relation to State Transport Corridors and Reconfiguring a Lot within a coastal management district The referral agency provided its response for the Development Application on response date. SARA requires conditions be attached to any development approval. A copy of the Referral Agency Response is attached in Attachment 2 . |
|--|---|
| Schedule 12A of the <i>Planning</i> <i>Regulation</i> 2017 | The proposed development ensures that an integrated transport network of roads and footpaths connect internally of the subdivision and to the existing public network. In particular, extensions are proposed to formalise a number of key pathways down to the foreshore area for public access. No blocks exist that exceed 250m in length. A development condition has been imposed to ensure that street trees are provided in accordance with the relevant requirements. Both open space within the community title subdivision for exclusive use as well as externally for public purposes has been provide in the proposed layout. As a result, the proposed development meets all relevant requirements listed in Schedule 12A. |

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

| CairnsPlan 2016 Assessment Benchmarks | | |
|---------------------------------------|---|--|
| Assessment Benchmark | Assessment | |
| Tourist Accommodation Zone Code | Complies – The subject site contains an existing approval for permanent residential accommodation in the form of Multi-Unit Housing. Although the proposal doesn't include provision for tourist purposes, it is providing an alternative type of permanent living that has previously been contemplated on the site in another form. The purpose of the Tourist Accommodation Zone Code outlines that the zone is to provide a range of accommodation activities to an appropriate scale and density, which can be in the form of Multiple Dwellings. Although a subdivision is not in the form of a Multiple Dwelling, it provides an alternative form of development that can meet the high density demands anticipated within the area. In particular, the subdivision has included the provision of smaller lots including terrace style lots which, in combination with the Plan of Development, will provide for attached housing opportunities. The development in conjunction with the POD also ensure that a high level of amenity will be | |

| | contributed towards, with conditions of the development being imposed for |
|---|---|
| | transport network upgrades of Reed Road to cater for the increased demand. The layout of the development has responded to the natural features and constraints of the subject site. As a result, it is considered that the proposed development aligns with the Purpose and Overall Outcomes of the Tourist Accommodation Zone Code. |
| Low Density Residential Zone Code | Complies - The portion of the subject site that is situated within the Low Density Residential Zone is the property situated at 42 Riverside Parade. As a result of no changes to this portion of this site that will continue to maintain the existing Dwelling House, it is considered that the proposed development will not compromise the intent of the Low Density Residential Zone Code. |
| Acid Sulfate Soils Overlay Code | Complies – The proposed development includes the provision of an Acid Sulfate Soils Assessment and will ensure that it will appropriately manage the disturbance of any Acid Sulfate Soils. |
| Airport Environs Overlay Code | Complies – The proposed development will protect the existing and future safety, efficiency and operational integrity of the Cairns Airport and associated aviation facilities. |
| Bushfire Hazard Overlay Code | Complies - In accordance with the overlay mapping, the hazard area is generally located to the west of the site. The subject site is separated from the higher order hazard area within the locality by a formed road reserve, will contain an evacuation route and route for emergency services that is generally free from bushfire hazard and will contain connection to adequate and accessible water supply for firefighting purposes due to being connected to Council's reticulated water network. A development condition has been imposed for the preparation and implementation of a bushfire management plan. |
| Coastal Processes Overlay Code | Complies – The proposed development with specific reference to the lot layout has responded to the coastal processes and hazards that exist on and around the subject site. As a result, it is considered that it will minimise the exposure of people and property to unacceptable coastal hazards. |
| Flood and Inundation Hazard Overlay Code | Complies – The proposed development has been designed to ensure that it protects the safety of people and minimises damage to the environment. The design and layout of the proposal ensures that it does not adversely impact upon the drainage catchment and coastal processes. In particular, the proposed development through the imposition of a development condition will require all lots to be filled to the 1% Annual Exceedance Probability Defined Inundation Event Level. Additionally, through the provision of a Flood Impact Assessment, the proposed development can be conditioned to ensure that no actionable nuisance will occur on the subject site and surrounding properties. |
| Landscape Values Overlay Code | Complies - A small portion of the subject site that will facilitate future urban development is contained within the High Landscape Value Area which have the ability to exceed the maximum height allowable. Outside of this small portion, the future allowable built form will be not be located within the landscape values area. Future urban built form in combination with screening vegetation to the eastern portion of the site is considered to ensure the proposal will not result in detrimental impacts to the coastal foreshore and ultimately maintain and protect the existing landscape values. Areas contained within this area closest to the beach, will be retained as areas for open space and not compromise these areas and the wider locality. Areas identified within the Coastal Scenery area of the overlay, will not contain the construction of any future residential development, but rather limited to open space areas and footpaths that will provide linkages to the foreshore. |
| Natural Areas Overlay Code | Complies – The proposed lot footprint of the development is not contained within any areas identified under the Natural Areas Overlay Code. A portion of the site to the east that is attributed as containing mangroves will be created as a separate parcel that will be transferred to State Government for coastal management purposes. |
| Transport Network Overlay Code | Complies – The proposed development ensures that it provides a safe, efficient and active transport network. |

| Environmental Performance Code | Complies – The proposed development ensures that it has been designed to avoid and mitigate any adverse impacts on sensitive receiving environments. |
|--------------------------------------|---|
| Excavation and Filling Code | Complies – The proposed earthworks ensure that excavation and filling will occur in a manner that does not adversely impact upon character and amenity, environmental values, flooding and drainage and land suitability. |
| Infrastructure Works Code | Complies – The proposed development ensures that infrastructure is provided in a manner and to a standard that meets the development's need, the communities need and is safe, efficient, and maintains and enhances the environmental qualities of the subject site and surrounding locality. |
| Landscaping Code | Complies – The proposed development has responded to the circumstances that exist on the subject site to ensure that it protects, maintains and enhances the landscape values of the Cairns region. |
| Reconfiguring a Lot Code | Complies – The proposed development ensures that it has been designed to respond to the particular characteristics of the subject site. Ultimately, this will ensure that it is to a high level of amenity, will result in lots that are suitable for their intended land use, is responsive to the land constraints and provides the relevant infrastructure to service the needs of the lots and community |

Assessment against the Outcomes of the Relevant Benchmarks

Where non-compliant with an Outcome of a relevant benchmark, a performance-based assessment has been undertaken, as detailed below.

| Assessment Benchmark | Performance-based assessment |
|--|---|
| Tourist Accommodation Zone Code | |
| PO2 Site Coverage The site coverage of all buildings and structures is in keeping with the tourist and residential character and amenity of the area. | The proposed subdivision development does not directly result in a non-compliance with the site coverage within the Tourist Accommodation Zone, but rather will incorporate a Plan of Development that will facilitate future housing outcomes that allow a variety of site coverage outcomes that exceed the allowable 50% for Dwelling Houses. On lots with a frontage of 8 metres, the POD will allow up to 70% site coverage. On lots with a 10 metre frontage, the POD will allow a maximum of 60% site coverage. On lots with a 12.5 frontage, the POD will allow a 55% site coverage. On terrace lots, the POD will allow up to 90% site coverage. |
| | In terms of the potential total site coverage in consideration to the existing site, there is a significant portion of the site that will be dedicated for the purposes of coastal management (Lot 908), drainage reserve (Lot 904) and internal open space (Lots 901, 902 & 906) and will not contain built form. As a whole, the potential future development in combination with requirements of the Plan of Development for increased landscaping and requirements for private open space, it is considered that the future built form will maintain the character and amenity, by way of each future dwelling containing sufficient area for these recreational opportunities. A large percentage of lots will result in small increases in potential site coverage of 55% and 60%. The lots that will be reduced include only the terrace lots and some narrow frontage lots which only make up 15 lots within the subdivision. |

| PO3 Uses and Other Development Development is consistent with the purpose and overall outcomes sought for the zone and the outcomes sought for the relevant precinct. | The subject site contains an existing approval for permanent residential accommodation in the form of Multi-Unit Housing. Although the proposal doesn't include provision for tourist purposes, it is providing an alternative type of permanent living that has previously been contemplated on the site in an alternative form. The purpose of the Tourist Accommodation Zone Code outlines that the zone is to provide a range of accommodation activities to an appropriate scale and density, which can be in the form of Multiple Dwellings. Although a subdivision is not in the form of a Multiple Dwelling, it provides an alternative form of development that can meet the high density demands anticipated within the area. In particular, the subdivision has included the provision of smaller lots including terrace style lots which in combination with the Plan of Development will provide for attached housing opportunities. The development in conjunction with the Plan of Development also ensures that a high level of amenity will be contributed towards, with conditions of the development being imposed for transport network upgrades of Reed Road to cater for the increased demand. The layout of the development has responded to the natural features and constraints of the subject site. As a result, it is considered that the proposed development aligns with the Purpose and Overall Outcomes of the Tourist Accommodation Zone Code. |
|---|---|
| PO5 Setbacks Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds. | The proposed subdivision development does not directly result in a non-compliance with the setbacks within the Tourist Accommodation Zone, but rather will incorporate a Plan of Development that will facilitate future housing outcomes that allow a variety of outcomes that exceed the prescribed setbacks within the zone. |
| | The Plan of Development provided incorporates a range of setbacks and has been holistically designed to ensure that each lot works in combination with each other giving consideration to the future built form. The POD includes a number of provisions relating to the built form that exceed the standard requirements of the CairnsPlan. The combination of the lot specific provisions and extra requirements, will ensure that future built form on these lots are appropriately designed to manage any conflicts between land uses. |
| P07 | The subject site contains an existing approval for |
| Amenity Development does not adversely affect the tropical, tourist and residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts. | Holiday Accommodation and Multi-Unit Housing. The proposed development in terms of the density that it provides will ensure that it will not adversely affect the tropical, tourist and residential character of the area in relation to traffic, noise, dust, odour, lighting or other physical or environmental impacts. |

| Bushfire Hazard Overlay Code | |
|---|---|
| P01 | The western portion of the subject site is situated within |
| Safety of People, Property and the Environment Development maintains the safety of people | the Medium & High Potential Bushfire Intensity Area and Potential Impact Buffer. |
| and property by: | In accordance with the overlay mapping, the hazard |
| (a) avoiding areas of Potential impact buffer | area is generally located to the west of the site. The |
| or Medium, High or Very high potential | subject site is separated from the higher order hazard |
| bushfire intensity or (b) mitigating the risk | area within the locality by a formed road reserve, will |
| through: | contain an evacuation route and route for emergency |
| (i) the siting of development; (ii) including firebreaks that provide | services that is generally free from bushfire hazard and |
| adequate: | will contain connection to adequate and accessible water supply for firefighting purposes due to being |
| (A) setbacks between | connected to Council's reticulated water network. As a |
| lots/buildings/structures and | result, it is considered that the proposed development |
| hazardous vegetation; | will maintain the safety of people and property. A |
| (B) access for firefighting/other | development condition has been imposed for the preparation and implementation of a bushfire |
| emergency vehicles. (iii) adequate road access for | preparation and implementation of a bushfire management plan. |
| firefighting/other emergency vehicles | |
| and safe evacuation; | |
| (iv) adequate and accessible water | |
| supply for firefighting purposes. | The proposed development has not completely |
| Safety of People, Property and the | avoided areas identified as potential bushfire hazard |
| Environment | and potential impact buffer. The portion of the site |
| Development maintains the safety of people | which contains the potential hazard and buffer is |
| and property by: | largely comprised of mangroves which will be |
| (a) avoiding areas of Potential impact buffer or Medium, High or Very high potential | transferred to the State Government for coastal management purposes and is unusable for urban |
| bushfire intensity; or | development. The remainder of the hazard free area |
| (b) mitigating the risk through: | has been maximised through the layout design of the |
| (i) lot design and the siting of | subdivision. |
| development; (ii) including firebreaks that provide | The subject site is concreted from the higher order |
| (ii) including firebreaks that provide adequate: | The subject site is separated from the higher order hazard area within the locality by a formed road |
| (A) setbacks between | reserve, will contain an evacuation route and route for |
| buildings/structures and | emergency services that is generally free from bushfire |
| hazardous vegetation; | hazard and will contain connection to adequate and |
| (B) Access for firefighting/other emergency vehicles. | accessible water supply for firefighting purposes due to being connected to Council's reticulated water network. |
| (iii) provide adequate road access for | As a result, it is considered that the proposed |
| firefighting/other emergency vehicles | development will maintain the safety of people and |
| and safe evacuation; | property. A development condition has been imposed |
| (iv) providing adequate and accessible water supply for firefighting purposes. | for the preparation and implementation of a bushfire management plan. |
| Coastal Processes Overlay Code | management plan. |
| PO4 | The subject site is wholly contained within the coastal |
| Coastal Processes | management district with some of the eastern and |
| Development allows for natural fluctuations | southern parts of the site within the erosion prone area. The proposed development will include the provision of |
| of the coast to occur, including appropriate allowance for climate change and sea level | a large portion of the land within these areas to be |
| rise. | transferred to the State for coastal management |
| | purposes or will be placed under a development free |
| | area to be reflected via covenant. The proposed |
| | development generally avoids these areas and ensures that the lot layout has responded appropriately to |
| | coastal processes. |
| | |

| POS Erosion Prone Areas Development is located, designed and managed to: (a) allow natural coastal processes to occur, (b) protect people and property from coastal rorsion risks; (c) avoid the use of coastal protection works, as far as practical. (c) avoid the use of coastal protection works, as far as practical. Landscape Values Overlay Code PO1 Development within He High Landscape Values Area Development within High landscape values area identified on the Landscape values area avoids detrimental impacts on the sholispoes, ridgelines, the coastal foreshore or the sost of vegetation; (b) is effectively screened from view from ative vegetation or will be offectively screened from view from ative vegetation within 5 years of construction; (c) retains ewisting vegetation and incorporates new landscape values of orestively screened from view from ative vegetation within 5 years oronstruction; (c) retains ewisting vegetation and incorporates new landscape values of the location, position on site, scale, design, neight, position on site, construction; A small protect secastal foreshore or the actively screened from view from ative wegetation within 5 years oronstruction; (c) retains ewisting vegetation and incorporates new landscape values of the location; A screevelopment the resisting landscape values and excreasive the actively screened from view form ative wegetation and incorporates development of a scale, design, height, position on site, scale, design, height, position on site, scale |
|---|
| Landscape Values Overlay CodePO1Development within the High Landscape Value AreaDevelopment within High landscape values areas identified on the Landscape values overlay maps contained in Schedule 2:(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore of the shoreline of other water bodies through the loss of vegetation;(b) is effectively screened from view from a coast, lookout or other public place by an existing natural landform or native vegetation within 5 years of construction;(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;(d) incorporates development of a scale, design, height, position on site, scale, design, neight, position on ste, scale, design, extent and alignment of earthworks, roads, driveways, retaining walues and other on-ground or inground infrastructure;(f) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or inground infrastructure;(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of elements;(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of elements;(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of elementia impacts on landscape values a |
| PO1 Development within the High Landscape Value Area Development within High landscape values areas identified on the Landscape values overlay maps contained in Schedule 2: (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillsloges, ridgelines, the coastal foreshore on the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation mithin 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or inground infrastructure; (f) avoids detrimental impacts on landscape values and visuals son landscape values and visuals on landscape values and visuals on landscape values and visuals and external finishes that are compatible with the landscape values of the locatify; (f) avoids detrimental impacts on landscape values and visuals and externat linishes that are compatible with the landscape values of the locatify; (f) avoids detrimental impacts on landscape values and visuals and externat linishes that are compatible with the landscape values on landscape values and visuals and externat and alignment of elecommunications facilities, electricity |
| infrastructure; (g) extractive industry operations are avoided or screened from view. |

| Transport Network Overlay Code | |
|--|--|
| PO1 | Given the proposed development will be transformed |
| PO1 Road Hierarchy Development supports the road hierarchy for the region. | Given the proposed development will be transformed from a vacant unutilised lot to a subdivision, there will be an increase in demand from future residents. A Traffic Impact Assessment (TIA) was included within the application material which included an assessment of external traffic impacts, internal traffic arrangements including site access design, parking provisions, parking design, pedestrian connectivity and servicing provisions, and active and public transport connections. A rate of 0.85 vehicle movements per hour were anticipated during peak periods and applied to Dwelling Houses. Based on 249 residential lots, it is anticipated that the development will generate approximately 211 vehicle movements during morning and afternoon peak periods. The approximate demand on the road network currently for the morning peak period is 685 vehicles exiting Reed Road onto the Captain Cook Highway and 728 vehicles entering from the Captain Cook Highway. In the afternoon peak period, the approximate demand includes 487 vehicles exiting Reed Road onto the Captain Cook Highway and 617 vehicles entering Reed Road via the Captain Cook Highway. Overall, the closed catchment will service between 300 and 600 dwellings. In accordance with the FNQROC Development Manual Table D1.1 Street and Road Hierarchy – Deemed to Comply Requirements, the portion of road between the subject site and the Roberts and Harbour Drive Roundabout is |
| | required to be upgraded to a Major Collector Standard. |
| Reconfiguring a Lot Code | |
| PO1 Lot Area and Dimensions Lots have areas and dimensions that: (a) are consistent with the purpose and overall outcomes of the applicable zones or zone; (b) can accommodate land uses that are consistent with the purpose and overall outcomes of the applicable zone or zones; (c) are generally rectangular in shape. | The subject site contains an existing approval for permanent residential accommodation in the form of Multi-Unit Housing. Although the proposal doesn't include the provision for tourist purposes, it is providing an alternative type of permanent living that has previously been contemplated on the site in an alternative form. The purpose of the Tourist Accommodation Zone Code outlines that the zone is to provide a range of accommodation activities to an appropriate scale and density, which can be in the form of Multiple Dwellings. Although a subdivision is not in the form of a Multiple Dwelling, it provides an alternative form of development that can meet the high density demands anticipated within the area. In particular, the subdivision has included the provision of smaller lots including terrace style lots which in combination with the Plan of Development will provide for attached housing opportunities. The development in conjunction with the Plan of Development also ensure that a high level of amenity will be contributed towards, with conditions of the development being imposed for transport network upgrades of Reed Road to cater for the increased demand. The layout of the development has responded to the natural features and constraints of the subject site. As a result, it is considered that the proposed development aligns with the Purpose and Overall Outcomes of the Tourist Accommodation Zone Code. |

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*, however ten (10) submissions were received regarding the Development. These are discussed below.

MATTERS RAISED IN SUBMISSIONS

The following matters were raised in the submissions.

| Issue | Assessment |
|----------------------|---|
| Vegetation Damage | The submitters raised concerns regarding vegetation damage and potential impacts to wildlife. |
| | The proposed development site includes a number of significant trees. In particular, to the boundary adjoining properties on Riverside Parade, fronting Reed Road and to the coastal side of the site. A portion of the vegetation is likely to be impacted by the proposal. A number of conditions have been recommended as part of the assessment and include retention of as much of the existing vegetation as practical. The provision of earthworks and drainage of the site are significant factors in the potential impact to a portion of the vegetation that exists on the subject site. |
| Lot Sizes & Layout | The submitter has raised concerns that the proposed development will compromise the residential character of the locality due to small lot sizes. |
| | The subject site contains an existing approval for permanent residential accommodation in the form of Multi-Unit Housing. Although the proposal doesn't include the provision for tourist purposes, it is providing an alternative type of permanent living that has previously been contemplated on the site in an alternative form. The purpose of the Tourist Accommodation Zone Code outlines that the zone is to provide a range of accommodation activities to an appropriate scale and density, which can be in the form of Multiple Dwellings. Although a subdivision is not in the form of a Multiple Dwelling, it provides an alternative form of development that can meet the high density demands anticipated within the area. In particular, the subdivision has included the provision of smaller lots including terrace style lots which in combination with the Plan of Development will provide for attached housing opportunities. The development in conjunction with the Plan of Development also ensure that a high level of amenity will be contributed towards, with conditions of the development being imposed for transport network upgrades of Reed Road to cater for the increased demand. The layout of the development has responded to the natural features and constraints of the subject site. As a result, it is considered that the proposed development aligns with the Purpose and Overall Outcomes of the Tourist Accommodation Zone Code. |
| Natural Waterways | The submitters raised concerns with regards to the potential impact on seasonal creeks which exist within the property. |
| | The Natural Areas Overlay Code does not identify any areas of environmental significance relating to any waterways within the area of the subject site to be developed. As a result of the proposed development, fill will occur on site. This will result in the design of a holistic drainage network to cater for existing water |

| | that traverses the site and introduced stormwater arrangements to ensure the |
|------------------------|---|
| | site drains adequately with no actionable nuisances to surrounding properties. |
| Retaining Wall & Fence | The submitter raised concerns regarding the potential for a retaining wall and fence to the boundary of properties on Riverside Parde. |
| Water Pressure | The detailed design of any of these works will be included within the Development Permit for Operational Works. A fence less than 2 metres does not require a building permit to be obtained. Any fence that exceeds this will be assessed as part of the Development permit for Operational Works. The submitter raised concerns that with increased demand on the infrastructure, |
| | that the water pressure in the surrounding locality will be compromised. |
| | As part of the development application, the Applicant included a design for all lots to be connected to the reticulated water supply network. Within the design, a capacity assessment for the water network was undertaken to ensure that sufficient capacity exists within the network and that there will be no impact on the greater network. The reporting submitted has demonstrated both of these matters. |
| Site Coverage | The submitter has raised concerns with the potential site coverage on lots exceeding the 50% prescribed requirements. |
| | The proposed subdivision development does not directly result in a non- compliance with the site coverage within the Tourist Accommodation Zone, but rather will incorporate a Plan of Development that will facilitate future housing outcomes that allow a variety of site coverage outcomes that exceed the allowable 50% for Dwelling Houses. On lots with a frontage of 8 metres, the POD will allow up to 70% site coverage. On lots with a 10 metre frontage, the POD will allow a maximum of 60% site coverage. On lots with a 12.5 frontage, the POD will allow a 55% site coverage. On terrace lots, the POD will allow up to 90% site coverage. |
| | In terms of the potential total site coverage in consideration to the existing site, there is a significant portion of the site that will be dedicated for the purposes of coastal management (Lot 908), drainage reserve (Lot 904) and internal open space (Lots 901, 902 & 906) and will not contain built form. As a whole, the potential future development in combination with requirements of the Plan of Development for increased landscaping and requirements for private open space, it is considered that the future built form will maintain the character and amenity, by way of each future dwelling containing sufficient area for these recreational opportunities. A large percentage of lots will result in small increases in potential site coverage of 55% and 60%. The lots that will be reduced include only the terrace lots and some narrow frontage lots which only make up 15 lots within the subdivision. |
| Lighting | The submitter raised concerns regarding potential lighting to service the subdivision. |
| | The proposed development will be serviced by the relevant standard of infrastructure that is compatible in accordance with Ergon Energy requirements. The requirements will reflect the relevant road hierarchy that will be established. |
| Height/Overlooking | The submitter raised concerns regarding the potential height of the development on the lots and overlooking that may occur. |
| | The prescribed height within the Tourist Accommodation Zone Code of the CairnsPlan 2016 v3.1 allows up to 15 metres and 4 storeys. The POD places a cap on the total height of future dwellings within the subdivision to be no more than 2 storeys and 9 metres or 3 stories and 11.5 metres in height to the peak of the roof which is more than 20% lower than the allowable height within the Zone. |
| Setbacks | The submitter raised concerns regarding setbacks from existing residences on Riverside Parade. |
| | The proposed subdivision development does not directly result in a non- |

| | compliance with the setbacks within the Tourist Accommodation Zone, but rather will incorporate a Plan of Development that will facilitate future housing outcomes that allow a variety of outcomes that exceed the prescribed setbacks within the zone. |
|----------------------------------|---|
| | The Plan of Development provided incorporates a range of setbacks and has been holistically designed to ensure that each lot works in combination with each other giving consideration to the future built form. The POD includes a number of provisions relating to the built form that exceed the standard requirements of the CairnsPlan. The combination of the lot specific provisions and extra requirements, will ensure that future built form on these lots are appropriately designed to manage any conflicts between land uses. |
| Aircraft Noise | In particular, the majority of future dwellings will be separated by a sewer easement that exceeds the prescribed setbacks from the rear boundary to properties on Riverside Parade, with all other lots required to adhere to a minimum 1.5 metre setback. As a result, it is considered specific to these properties, that prescribed setbacks will be maintained or will exceed those typically seen for dwellings. The submitter raised concern with no response in relation to the ANEF contours. |
| Allchait Noise | |
| Traffic | The proposed lots are not situated within the 20-40 ANEF contours. The submitter raised concerns regarding the increased traffic on Reed Road. |
| | Given the proposed development will be transformed from a vacant unutilised lot to a subdivision, there will be an increase in demand from future residents. A Traffic Impact Assessment (TIA) was included within the application material which included an assessment of external traffic impacts, internal traffic arrangements including site access design, parking provisions, parking design, pedestrian connectivity and servicing provisions, and active and public transport connections. A rate of 0.85 vehicle movements per hour were anticipated during peak periods and applied to Dwelling Houses. Based on 249 residential lots, it is anticipated that the development will generate approximately 211 vehicle movements during morning and afternoon peak periods. The approximate demand on the road network currently for the morning peak period is 685 vehicles exiting Reed Road onto the Captain Cook Highway and 728 vehicles entering from the Captain Cook Highway. In the afternoon peak period, the approximate demand includes 487 vehicles exiting Reed Road onto the Captain Cook Highway and 617 vehicles entering Reed Road via the Captain Cook Highway. Overall, the closed catchment will service between 300 and 600 dwellings. In accordance with the FNQROC Development Manual Table D1.1 Street and Road Hierarchy – Deemed to Comply Requirements, the portion of |
| | road between the subject site and the Roberts and Harbour Drive Roundabout is required to be upgraded to a Major Collector Standard. |
| Inundation | The submitter raised concerns that the subject site is currently inundated during hazard events. |
| | The Applicant provided a Flood Impact Assessment to undertake a review of conditions that exist within the catchment. Based on the information from this and in addition to an assessment of post-development conditions that will see all lots equal to r greater that the 1% AEP inundation event, it has been determine that each lot will provide the prescribed level of immunity for future residential land uses. |
| Electric Ants | The submitter raised concerns about the proposed development and what impact this will have on the Electric Ant Program. |
| | It is considered that this is not a relevant assessment matter with these matters being regulated under the <i>Biosecurity Act 2014</i> (Qld) and the <i>Biosecurity Regulation 2016.</i> |
| Lack of Tourist Accommodation | The submitter raised concern regarding limited lots zoned for tourist purposes within the Cairns area, of the subject site size and with the desirable |

| Zoned Land | characteristics. Concerns were also raised that there is sufficient land elsewhere to accommodate residential land uses. The subject site contains an existing approval for permanent residential accommodation in the form of Multi-Unit Housing. Although the proposal doesn't include provision for tourist purposes, it is providing an alternative type of permanent living that has previously been contemplated on the site in another form. The purpose of the Tourist Accommodation activities to an appropriate scale and density, which can be in the form of Multiple Dwellings. Although a subdivision is not in the form of a Multiple Dwelling, it provides an alternative form of development that can meet the high density demands anticipated within the area. In particular, the subdivision has included the provision of smaller lots including terrace style lots which, in combination with the Plan of Development, will provide for attached housing opportunities. The development in conjunction with the POD also ensure that a high level of amenity will be contributed towards, with conditions of the development being imposed for transport network upgrades of Reed Road to cater for the increased demand. The layout of the development has responded to the natural features and constraints of the subject site. As a result, it is considered that the proposed development aligns with the |
|--------------------------|---|
| Public Notification | Purpose and Overall Outcomes of the Tourist Accommodation Zone Code. The submitters raised concerns regarding the lack of consultation with the residents on the proposal. |
| | The development is subject to Code Assessment and therefore Public Notification was not required to be undertaken, in accordance with section 45 of the <i>Planning Act 2016.</i> |
| Internal Road Network | The submitter raised concerns regarding the width of the internal roads. The internal roads will remain as private infrastructure within the common property area. As a result, the internal roads are not required to be built in accordance with the FNQROC Development Manual. |
| Open Space | The submitter has raised concerns regarding the private open space not being accessible by the public. The proposed development will provide for upgrades to public land currently |
| | under a road permit on the foreshore side of the development. There are no statutory requirements for the development to provide this land within the common property for public purpose. |

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 proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 v3.1 and is considered to comply with the Overall Outcomes and Performance Outcomes of the applicable codes.
- 2. In assessing the proposed development, conditions have been imposed to ensure compliance with the assessment benchmarks of the CairnsPlan 2016 v3.1.
- 3. The proposed lot sizes cater for a higher density of future residential uses that are consistent with the purpose of the Tourist Accommodation Zone Code and align with those of a current approval for permanent living opportunities over the subject site.
- 4. A Plan of Development will ensure that future uses on the proposed lots will provide for a high level of amenity on the site and in conjunction with neighbouring lots, in consideration to setbacks, height, site cover, landscaping and built form
- 5. The proposed development through the provision of technical reporting reflecting increased vehicle movements from the subject site in combination with the conditioned upgrades to Reed Road in accordance with the FNQROC Development, will ensure that the transport infrastructure is sufficient to cater for the demand generated for the development.
- 6. The proposed development ensures that is has responded to the existing coastal processes and hazards in and around the subject site, to ensure that it minimises exposure of people and property to unacceptable coastal hazards, and flood and inundation hazards,
- 7. The proposed development has responded to the existing natural features and constraints of the subject site to ensure that it does not result in adverse impacts to the site and surrounds.

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

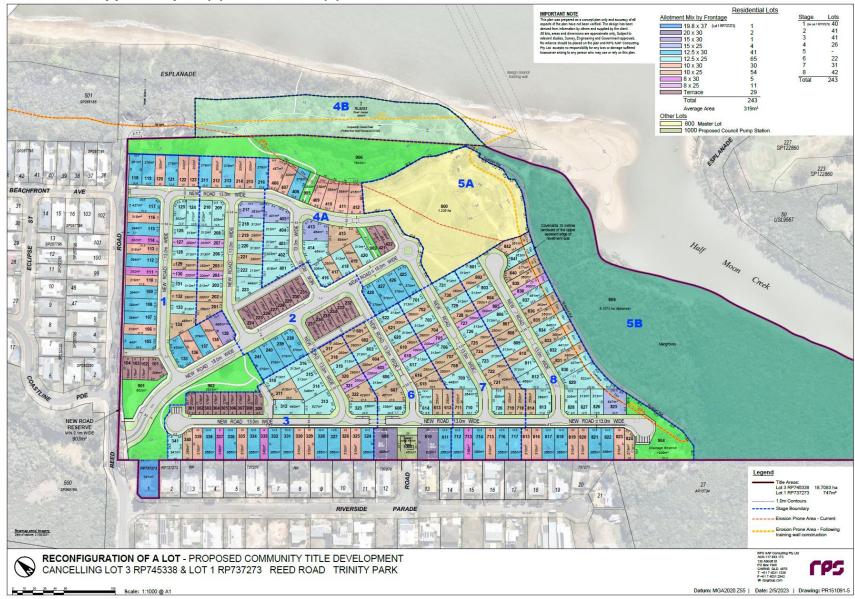
CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

ATTACHMENTS

- 1. APPROVED PLAN(S) & DOCUMENT(S)
- 2. REFERRAL AGENCY RESPONSE
- 3. INFRASTRUCTURE CHARGES CALCULATIONS
- 4. SUPPORTING INFORMATION (INDICATIVE HOUSING OUTCOMES)

Claire Simmons Executive Manager Development & Planning

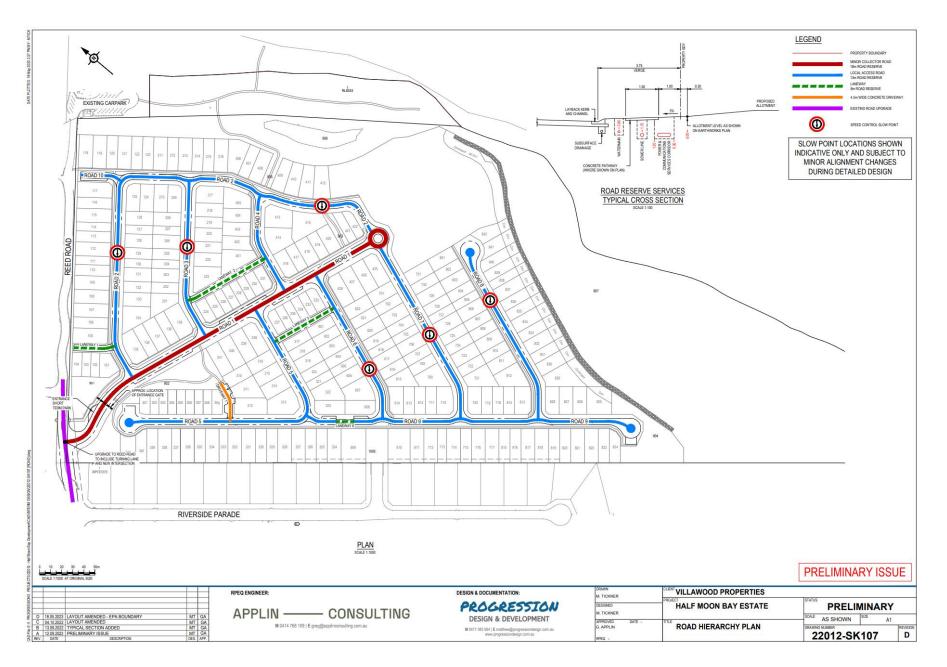
Ed Johnson Director Planning, Growth & Sustainability

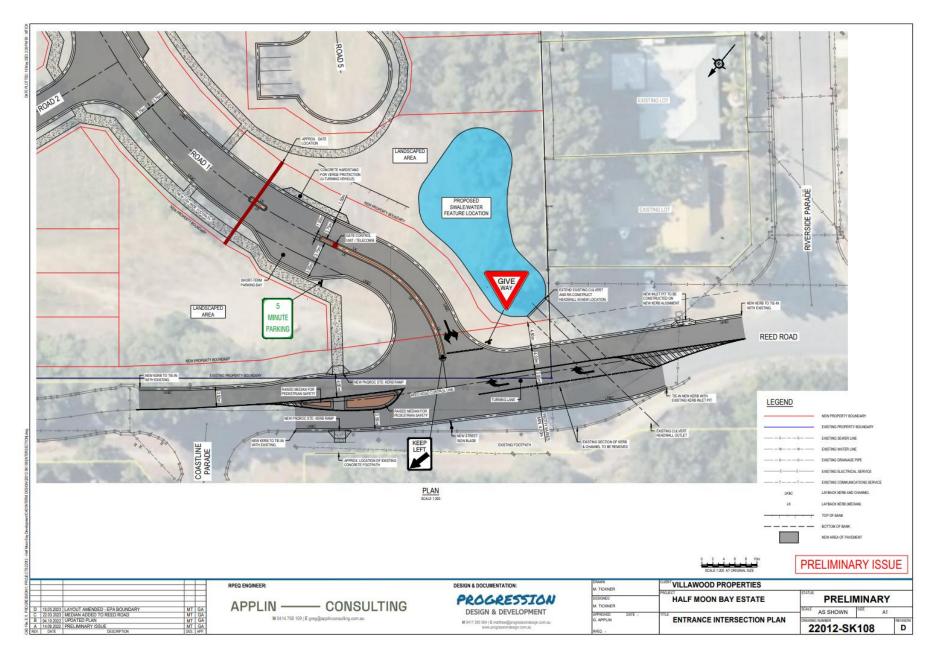


ATTACHMENT 1: Approved plan(s) & document(s)



Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355







43.2022.11990

00/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355

ATTACHMENT 2: REFERAL AGENCY RESPONSE

RA6-N



SARA reference:2211-32122 SRACouncil reference:8/13/2517 (online 11998/2022)Applicant reference:17-07

26 October 2023

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

Attention: Dylan Thomas

Dear Sir/Madam

SARA referral agency response—42 Riverside Parade and Reed Road, Trinity Park

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 6 December 2022.

| • | |
|-------------------|--|
| Outcome: | Referral agency response – with conditions |
| Date of response: | 26 October 2023 |
| Conditions: | The conditions in Attachment 1 must be attached to any development approval |
| Advice: | Advice to the applicant is in Attachment 2 |
| Reasons: | The reasons for the referral agency response are in Attachment 3 |
| | |

Development details

| Description: | Development permit | Reconfiguring a Lot (2 Lots into 266 Lots and Common Property and Balance Land) | | |
|---------------|---|---|--|--|
| SARA role: | Referral agency | | | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning | | | |
| | | | | |
| | | Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley | | |
| | | Street, Cairns | | |
| Page 1 of 7 | | PO Box 2358, Cairns QLD 4870 | | |
| | | | | |

2211-32122 SRA

| | Regulation 2017) Development application for reconfiguring a lot – State transport infrastructure (thresholds) Schedule 10, Part 17, Division 3, Table 5 (Planning Regulation 2017) Development application for reconfiguring a lot – Tidal works or work in a coastal management district |
|---|---|
| SARA reference: | 2211-32122 SRA |
| Assessment manager: | Cairns Regional Council |
| Street address: | 42 Riverside Parade and Reed Road, Trinity Park |
| Real property description: | Lots 1 on RP737273 and 3 on RP745338 |
| Applicant name: | Trinity Park Investco Pty Ltd |
| Applicant contact details: | Planning Plus PO Box 399 REDLYNCH QLD 4870 info@planningplusqld.com.au |
| <i>Human Rights Act 2019</i> considerations: | A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights. |

Representations

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

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

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373214 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Kuhuma

Brett Nancarrow Manager (Planning)

cc Trinity Park Investco Pty Ltd, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions

Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response

Attachment 4 - Representations about a referral agency response provisions

Attachment 5 - Documents referenced in conditions

State Assessment and Referral Agency

Attachment 1—Referral agency conditions

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

| No. | Conditions | Condition timing |
|---------------------------|--|---|
| Recor | nfiguring a lot | |
| <i>Planni</i> be the | .1.1 – State transport infrastructure (thresholds)— The chief executive a <i>ng Act 2016</i> nominates the Director-General of the Department of Trans enforcement authority for the development to which this development a istration and enforcement of any matter relating to the following condition | port and Main Roads to pproval relates for the |
| 1. | Provide a pedestrian crossing arrangement across Reed Road generally in accordance with the Entrance Intersection Plan, prepared by Progression Design & Development, dated 18.05.2023, drawing number 22012-SK108, revision D as amended in red by SARA on 26 October 2023. | Prior to submitting the Plan of Survey to the local government for approval. |
| 2. | Provide the internal pedestrian network generally in accordance with Reconfiguration of a Lot – Proposed Community Title Development, Cancelling Lot 3 RP745338 & Lot 1 RP737273 Reed Road Trinity Park prepared by RPS, dated 19/7/2023, drawing number PR151091-5 A, including additional pedestrian footpaths as amended in red by SARA 26 October 2023. | Prior to submitting the Plan of Survey to the local government for approval. |
| the <i>Pla</i> to be t | 3.5 - Tidal works or work in a coastal management district— The chief e anning Act 2016 nominates the Director-General of the Department of En he enforcement authority for the development to which this development istration and enforcement of any matter relating to the following condition | nvironment and Science t approval relates for the |
| 3. | The reconfiguration of a lot must be undertaken generally in accordance with Reconfiguration of a Lot – Proposed Community Title Development, Cancelling Lot 3 RP745338 & Lot 1 RP737273 Reed Road Trinity Park prepared by RPS, dated 19/7/2023, drawing number PR151091-5 A, as amended in red by SARA on 26 October 2023 | Prior to submitting the Plan of Survey to the local government for approval |
| 4. | The area outlined in red on Reconfiguration of a Lot - Proposed Community Title Development, Cancelling Lot 3 RP745338 & Lot 1 RP737273 Reed Road Trinity Park, prepared by RPS, dated 19/7/2023, drawing number PR151091-5 A, as amended in red by SARA on 26 October 2023 is to be retained as a development free zone. | At all times |
| | Development Free Zone means: | |
| | There is to be no building works, operational works or permanent development, other than fencing, landscaping and coastal protection works constructed within this zone. | |
| | Note: | |
| | No coastal protection works are permitted under this referral agency response; separate approvals must be sought for coastal protection works. | |
| 5. | Carry out remediation works to the revetment wall generally in accordance with the Preliminary Revetement Remediation Works | Prior to sealing of the plan of subdivision with |

Page 3 of 7

2211-32122 SRA

| | Plan, prepared by Progression Design & Development, Drawing number 22012-C108 (Revision A), dated 22.05.2023. | the local government |
|----|--|----------------------|
| b) | Submit RPEQ certification to PALM (<u>palm@des.qld.gov.au</u>) confirming that the remediation works have been undertaken in accordance with part a) of this condition and that the revetment is a fit for purpose revetment. | |

Attachment 2—Advice to the applicant

| Gene | General advice | | | | |
|-------|--|--|--|--|--|
| 1. | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning. | | | | |
| Opera | Operational Works (Tidal works) | | | | |
| 2. | It is noted that the proposed remediation works to the revetment wall, as referenced in condition 5 of SARA's referral agency conditions, are beyond the scope of works able to be undertaken as Excluded Works (maintenance works). Accordingly, a development approval for operational work (tidal works) will be required for the proposed remediation works. | | | | |

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The development complies with State code 6: Protection of state transport networks (State code 6) of the State Development Assessment Provisions (SDAP) version 3.0. Specifically, as conditioned, the development will:

- protect state transport infrastructure, public passenger transport infrastructure, active transport infrastructure and public passenger services from the adverse impacts of development.
- maintain the operating performance of the transport network.
- ensure development enables safe and convenient access to public passenger transport.

The development complies with State code 8: Coastal development and tidal works (State code 8) of SDAP. Specifically, as conditioned, the development is appropriately designed and located to:

- protect life, buildings and infrastructure from the impacts of coastal erosion.
- maintain coastal processes.
- conserve coastal resources.
- maintain appropriate public use of, and access to and along, State coastal land.
- account for the projected impacts of climate change.
- avoid impacts or, where the matters of state environmental significance cannot be reasonably avoided, impacts are reasonably minimised and mitigated.
- does not result in a significant residual impact on a matter of state environmental significance unless the significant residual impact is acceptable, and an offset is provided.

Material used in the assessment of the application:

- the development application material and submitted plans
- Planning Act 2016
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the Human Rights Act 2019
- the applicants response to the information requests and to the further advice notices.

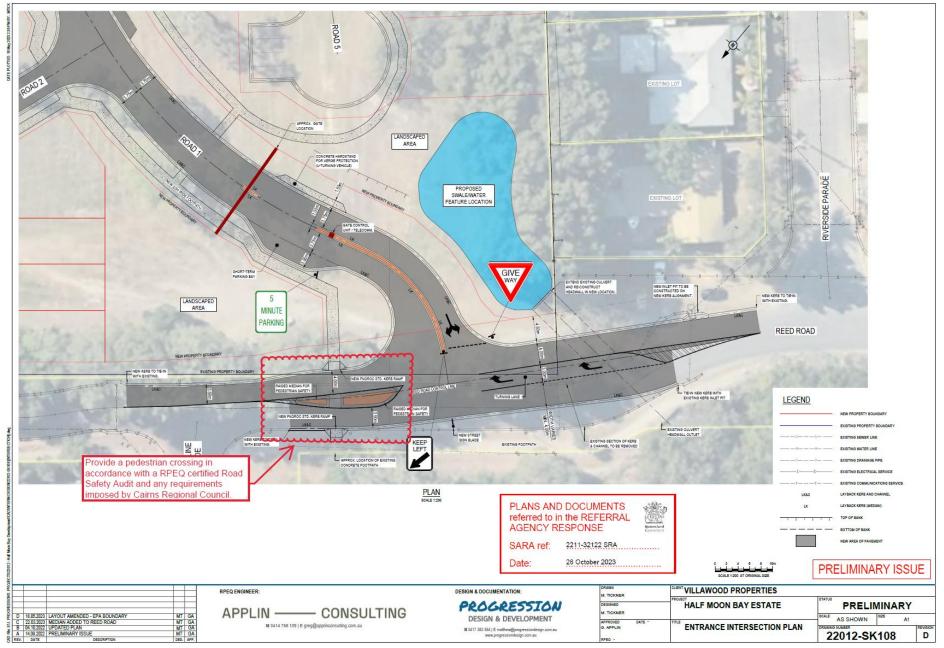
Attachment 4—Representations about a referral agency response provisions

(page left intentionally blank – attached separately)

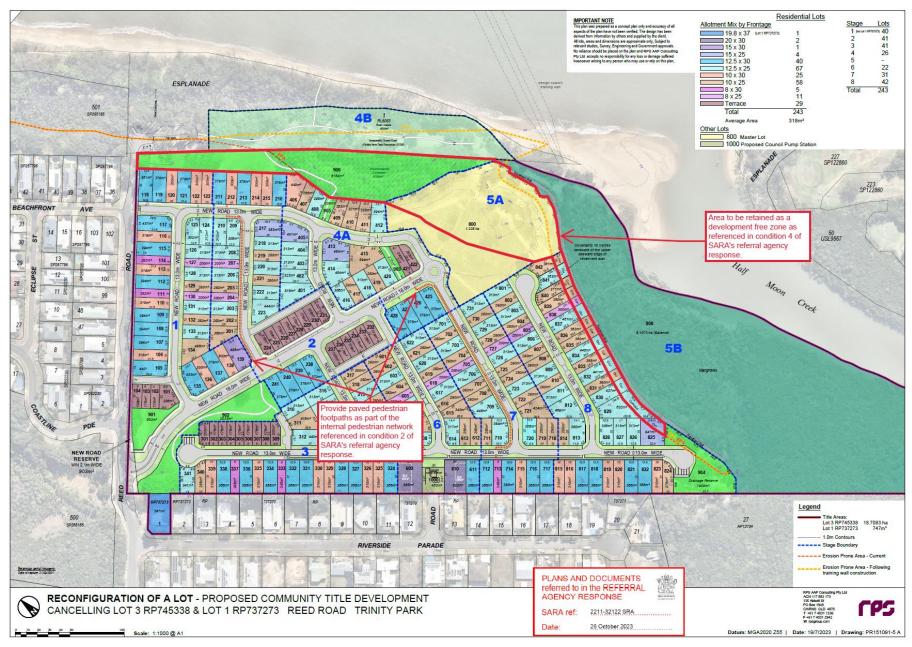
2211-32122 SRA

Attachment 5—Documents referenced in conditions

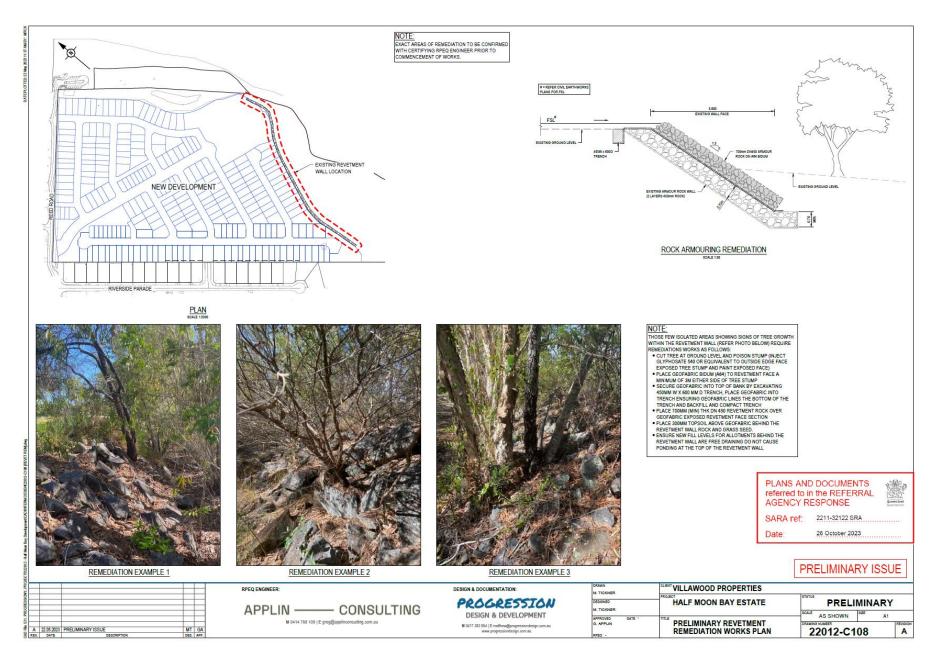
(page left intentionally blank – attached separately)



Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355



67/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355



45.2022.11998

68/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355

Development Assessment Rules—Representations about a referral agency response

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

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

Page 1 of 2

263

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

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

264

ATTACHMENT 3: Infrastructure Charges Calculations

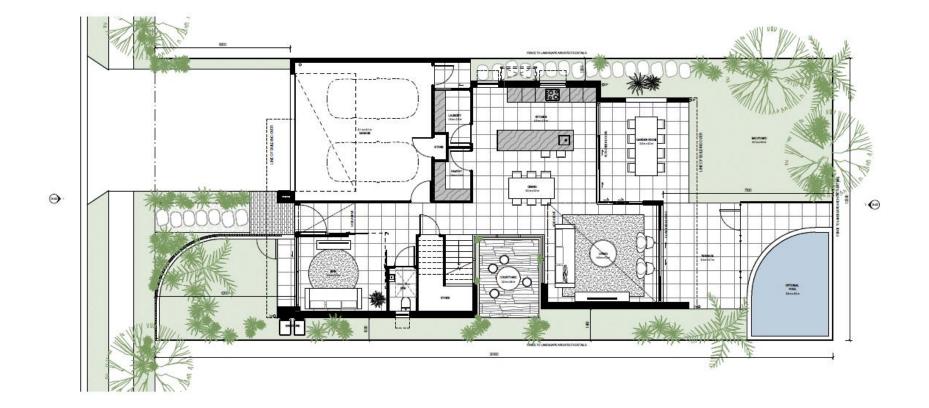
| Atta | achment to Infrastructure Char | ges Notice | | | | Cairns REGIONAL COUNCIL | |
|-------------------------|-----------------------------------|------------------------------|--------------------------|--|--|---|--|
| Applicant Name: | Trinity Park Investco Pty Ltd | | DA/ICN Number: | 8/13/2517 | DM5 Ref: | 7309682 | |
| Development Address: | Reed Road, Trinity Park | | Preparing Officer | : | | D Thomas | |
| | 42 Riverside Parade, Trinity Park | | Relevant Charges Policy: | | Cairns Regional Council Charges Resolution No. 2 of 2021 | | |
| Property Description: | Lat 3 on RP745338 | | Date Levied: | , i olicy. | 24-Nov-23 | | |
| Property Description. | Lot 1 on RP737273 | | | | | | |
| | | | index: | | 130.32 | | |
| Levied Charge Calco | ulation | | | | | | |
| AC - (BASE CHARGE) | | | | | | | |
| Category | Use | | | | Quantity | Sub Total Indexed Sub Total | |
| | | Use component | \$ 30,677.65 | for each dwelling with 3 or more bedrooms | 244 | \$7,485,346.60 \$8,122,750.25 | |
| Residential uses | Dwelling house | Impervious area component | s - | | | \$0.00 \$0.00 | |
| | | | | | PROPOSED CHARGE | \$7,485,346.60 \$8,122,750.25 | |
| C - (CREDIT) | | | | | | | |
| Category | Use | | | | Quantity | Sub Total Indexed Sub Total | |
| | | Use component | \$ 30,677.65 | for each dwelling with 3 or more bedrooms | 2 | \$81,355.30 \$88,579.92 | |
| Residential uses | Dwelling house | Impervious area component | s - | | | \$0.00 \$0.00 | |
| | | | | | EXISTING CHARGE | \$61,355.30 \$66,579.92 | |
| | | | | | LC (LEVIED CHARGE) | \$7,423,991.30 \$8,056,170.33 | |
| | | | | | | | |
| | | | | | DATE PAYABLE | ROL - Before the Local Government approves th | |
| REVIEWED A Davey | | | | OFFICE USE ONLY: | DATE PAID | | |
| | | | | OFFICE USE ONLY: | Account: | T648 GL 05446 | |
| | | | | | RECEIPT NUMBER | | |

ATTACHMENT 4: SUPPORTING INFORMATION (INDICATIVE FUTURE HOUSING OUTCOMES) HALF MOON BAY





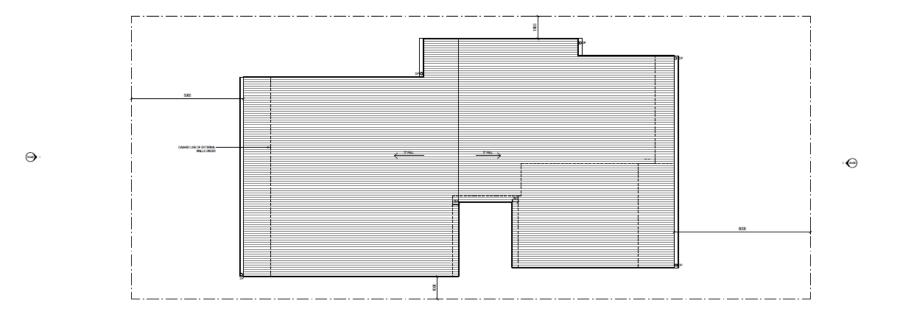
45.2022.11998







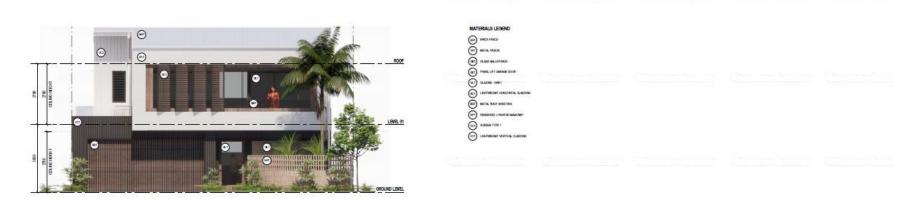




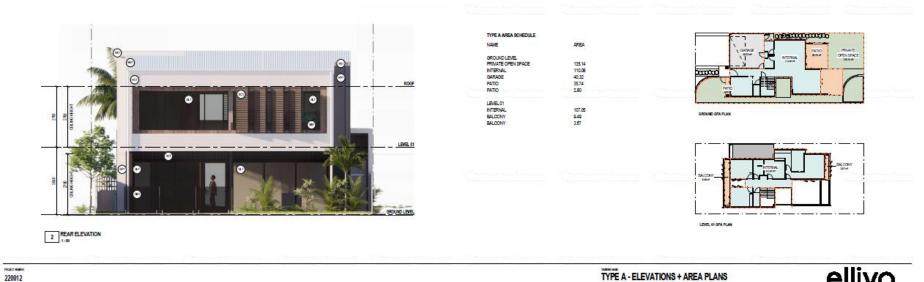


TYPE A - 4 BED + MPR, 2 BATH, 2 PDR, 2 CAR

NOTE: LANDSCAPING, FENCING AND STREET TREES BY LANDSCAPE ARD ITTECT. INDICATIVE DESIGN SHOWN FOR CONTEXT ONLY



1 FRONT ELEVATION



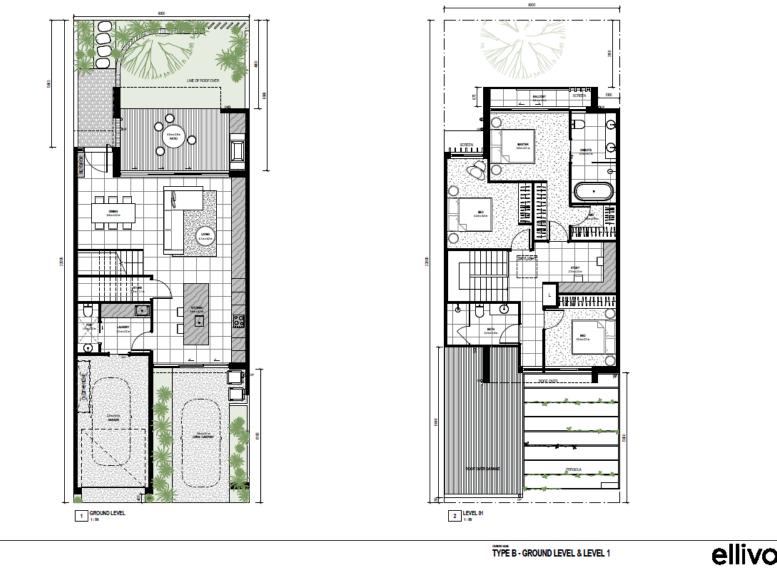


45.2022.11998





TYPE B - 3 BED + STUDY, 2.5 BATH, 2 CAR





PELECT HAMER 220012

STATISTICS.

.

STALEARL, 110

DA-B10

DEVELOPMENT APPLICATION

The B description on the before concerning density. These densitys are protocold by 1 copied or reproduced adhead the prior adhea

6/10/2022 9:51:21 AM

8.10.22



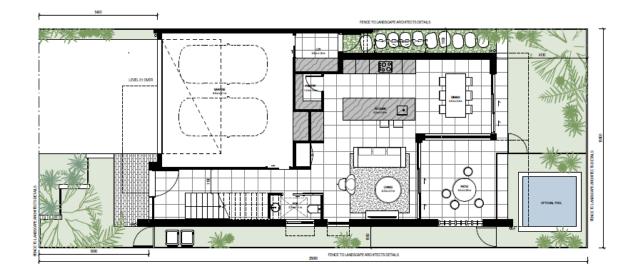
79/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355

TYPE B - 4 BED + STUDY, 2.5 BATH, 2 CAR

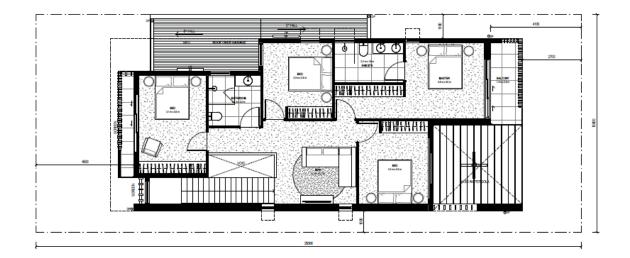




80/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355









TYPE C - 4 BED, 2.5 BATH, 2 CAR

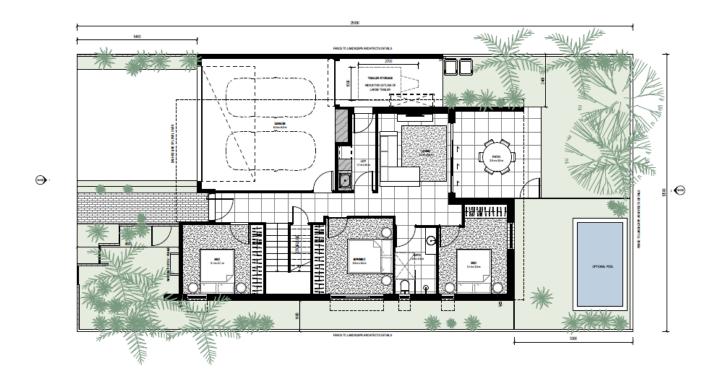
NOTE: LANDSCAPING, FENCING AND STREET TREES BY LANDSCAPE ARCHITECT. INDICATINE DESIGN SHOWN FOR CONTEXT ONLY



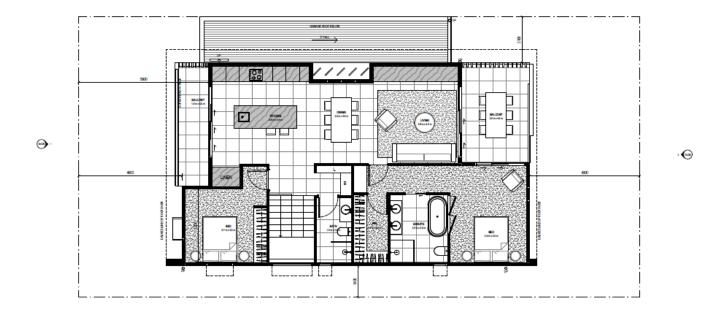
83/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355













86/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355









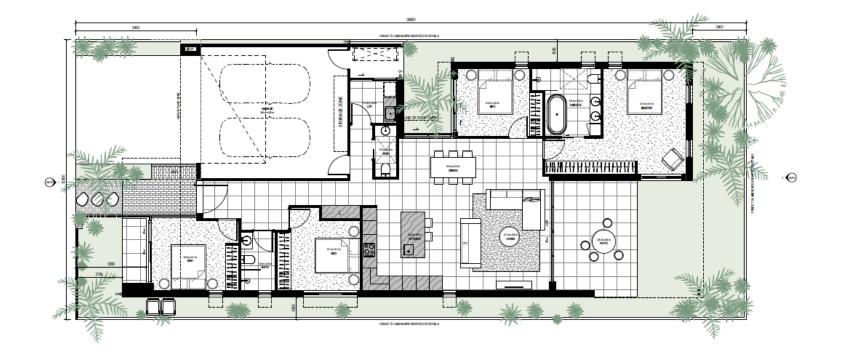




90/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355







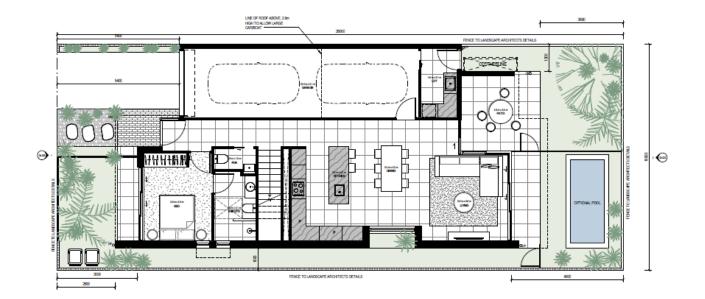


TYPE F - 4 BED, 2.5 BATH, 2 CAR

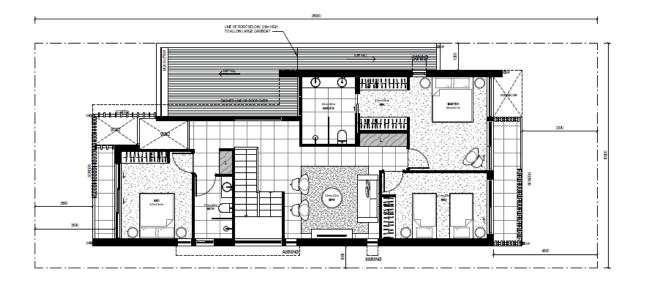








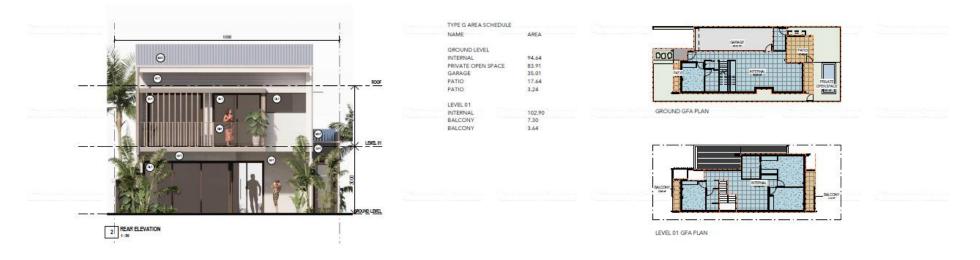






TYPE G - 4 BED, 3.5 BATH, 2 CAR TANDEM, MPR







45.2022.11998





98/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355



99/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355





45.2022.11998

100/100 Open Session Agenda – Ordinary Meeting – 24 January 2024 – #7340355