LOT RECONFIGURATION - 2 LOTS INTO 45 LOTS (COMMON PROPERTY, OPEN SPACE & ROADS) – CAPTAIN COOK HIGHWAY, CLIFTON BEACH – DIVISIONS 9 & 10

J Elphinstone : 8/13/1278 : #1621610

PROPOSAL: LOT RECONFIGURATION (2 LOTS INTO 45 LOTS, COMMON PROPERTY, OPEN SPACE & ROADS) AND PRELIMINARY APPROVAL FOR REMOVAL OF MARINE PLANTS

APPLICANT: PARAWINA P/L
C/- CONICS (CAIRNS) PTY LTD
PO BOX 1949
CAIRNS QLD 4870

LOCATION OF SITE: CAPTAIN COOK HIGHWAY, CLIFTON BEACH

PROPERTY: LOT 1 ON RP731761 & LOT 1 ON RP731765

PLANNING DISTRICT: CAIRNS BEACHES

PLANNING AREA: PART RESIDENTIAL 2 / PART TOURIST AND RESIDENTIAL

PLANNING SCHEME: CAIRNSPLAN

REFERRAL AGENCIES: DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT (FORMERLY DEPARTMENT OF NATURAL RESOURCES & WATER AND ENVIRONMENTAL PROTECTION AGENCY)
DEPARTMENT OF TRANSPORT AND MAIN ROADS (FORMERLY DEPARTMENT OF MAIN ROADS)
DEPARTMENT OF EMPLOYMENT, ECONOMIC DEVELOPMENT AND INNOVATION (FORMERLY DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES)
POWERLINK

NUMBER OF SUBMITTERS: NOT APPLICABLE

APPLICATION DATE: 14 NOVEMBER 2007
STATUTORY ASSESSMENT
DEADLINE: EXPIRED

DIVISIONS: 9 & 10

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS
3. DEVELOPER CONTRIBUTION CALCULATIONS
4. COUNCIL REQUIREMENTS FOR A DETAILED TRAFFIC REPORT
5. SUPPORTING INFORMATION TO PLANNING REPORT

LOCALITY PLAN

RECOMMENDATION:
That Council approves the Development Application for Reconfiguring a Lot over land described as Lot 1 on RP731761 and Lot 1 on RP731765, located at Captain Cook Highway, Clifton Beach, 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:
<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Parawina Pty Ltd, Reconfiguration of a Lot, Sheet 3, Overall Layout</td>
<td>CONICS (Cairns) Pty Ltd Drawing 8517-26 Issue F</td>
<td>7 May 2009</td>
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<td>Clifton Beach Reconfiguration, landscape screening Detail, Parawina Pty Ltd</td>
<td>CAB Consulting Pty Ltd</td>
<td>August 2008</td>
</tr>
<tr>
<td>Clifton Beach, Captain Cook Highway, Parawina Group, Reconfiguration Submission, Landscape Plan</td>
<td>CAB Consulting Pty Ltd</td>
<td>As submitted to Council on 22 September 2008 (Council document reference 1837219)</td>
</tr>
<tr>
<td>Sketch and Photograph Details of Boardwalk</td>
<td>Unreferenced</td>
<td>As submitted to Council on 22 September 2008 (Council document reference 1837219)</td>
</tr>
</tbody>
</table>

**ASSESSMENT MANAGER CONDITIONS**

Assessment Manager Conditions

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
   a. The specifications, facts and circumstances as set out in the application submitted to Council;
   b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

   Except where modified by these conditions of approval.

Timing of Effect

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

Amended Plan

3. The proposed development must be redesigned to accommodate the following changes:
   a. Limit of the developable land of proposed Lot 90 to areas beyond the 10 metre setback from the top of banks of the existing Creek;
b. The deletion of the reference to proposed Lot 90 as a “Pavilion Lot;” and

c. Demonstrate a no-worsening condition to all adjacent properties to the development or suitably modify the development to achieve a no-worsening effect. In particular Council notes the impact on adjacent properties upstream of Site 2 and adjacent to Sites 6 & 7, as detailed in the Clifton Beach, Deep Creek, Cairns, Flooding investigate report prepared by Cardno Lawson Treloar dated September 2007 (Job No. J8715/R1).

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work.

Boardwalks

4. The boardwalks must:

   a. Comply with all relevant standards, such as Disability Discrimination Act 1992, Australian Standards, Cairns Plan, FNQROC Development Manual and Building Regulations;

   b. Have appropriate shared and disabled access and be appropriately transitioned to external paths/facilities;

   c. Be constructed of low maintenance materials;

   d. Be maintained in a safe and amenable manner;

   e. Be maintained with consideration to maintaining a high level of public access;

   f. Be provided with suitable illumination; and

   g. Be covered by an Easement in Gross in favour of Council.

The easement must be registered together with the signing and sealing of the Survey Plan.

Water Supply Contributions

5. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of water supply infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $188,290.31 (39.2 ERAs).
Payment is required prior to approval and dating of the Plan of Survey.

Wastewater Contributions

6. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of sewerage infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $109,123.00 (37.0 ERAs).

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

Road Network Contributions

7. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision and upgrading of the road network.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $202,268.24 (37.0 ERAs).

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

Public Art Contribution

8. Pay a monetary contribution to Council in accordance with Council’s General Policy – Public Art towards the provision of Public Art within the community.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $7,800.00 ($200 / Lot).

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

Stormwater Quality

9. Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the improvement of Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $34,595.45 for Stormwater Quality.

Payment is required prior to approval and dating of the Plan of Survey.
Community Purpose Infrastructure Contributions

10. Community Purpose Infrastructure Contributions

Pay a monetary contribution to Council in accordance with the Planning Scheme Policy towards the provision of Community Purpose Infrastructure.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are $55,611.00 (111 EPs).

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

Water Supply & Sewerage Infrastructure Plan

11. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:-

a. Identify any reticulation and trunk infrastructure external to the subdivision that may require upgrading to accommodate the development;

b. Provide the Master Plan and staging of internal sewer and water infrastructure; and

c. Identify on the Master Plan population densities, demands and loadings for each lot and Super Lot.

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Water Supply and Sewerage Works External

12. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:-

a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage; and

b. Augment existing sewers downstream of the site, to the extent required to accommodate the increased flows generated by the development;
Any upgrade to or construction of a sewerage pump station will require full design drawings and a commissioning plan in accordance with FNQROC Development Manual submitted with the plan of works and will be subject to compliance with the State Purchasing Policy for competitive Tendering.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Water Supply and Sewerage Works Internal

13. Undertake the following water supply and sewerage works internal to the subject land:-

   a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;

   b. Sewerage pump stations shall be privately owned and maintained;

   c. Construct internal property sewers and private pump stations if required to connect individual premises to the property connection branch servicing the development;

   d. Water supply sub-metering must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000.

All the above works including internal property sewers and pump stations must be designed and constructed in accordance with the FNQROC Development Manual.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

14. CCTV inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. An assessment of the CCTV records will be undertaken and any identified defects are to be rectified to the satisfaction of the Chief Executive Officer at no cost to Council.

Damage to Infrastructure

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

Sewer Easement/s

16. Create an easement in favour of Council over the existing 225mm and 375 sewer rising main and other sewers that will be owned by Council within the site to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval by Council’s solicitors at no cost to Council.

The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Water in conjunction with the Plan of Survey.

Developer Credits for Network Road Construction

17. The cost of constructing the elements of the network road, being the Intersuburban Connection (CCC) and more particularly the cost of the crossing of Deep Creek less the cost of road pavement and seal for that crossing distance, must be agreed to by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works to construct the road whereby:

a. An Infrastructure Agreement detailing the circumstances on which the monies will be reimbursed must be entered into prior to the issue of a Development Permit for Operational Works;
b. The agreed costs of the network road can be claimed against applicable traffic contributions generated by the development. For any residual monies owed after the completion of the development, an Infrastructure Agreement detailing the circumstances on which the monies will be reimbursed must be entered into prior to approval and dating the Plan of Survey for the last stage of the development.

General External Works

18. Undertake the following external works:-

a. The North – South Connector Road shall have a reserve of not less than 18m and shall have a pavement width of not less than 10m kerb to kerb (as defined in Council’s FNQROC Development Manual);

b. Construct a roundabout at the intersection of the extension of Cottesloe Drive to the East-West highway link and North-South intersuburban connector road including street lighting, landscaping, line-marking and signage in accordance with the Department of Mains Roads, Road Planning and Design Manual (Chap 14), Manual of Uniform Traffic Control Devices (MUTCD) and Council’s Development Manual (FNQROC);

c. The applicant is to provide a Channelised Right (CHR) turn intersection treatment on the Northbound leg of the intersuburban Connector Road, at the access into the South Precinct. In addition to this a slip lane must be provided on the South-bound portion of this intersection. All works are to completed at no Cost to Council.

Alternatively,

The applicant must demonstrate the appropriate treatment of the intersection in accordance with the relevant and current Standards. Council’s requirements for a detailed traffic report have been attached in Appendix 4;

d. Provision of a 2.0 metre wide footpath is to be constructed on all Access Streets and higher order roads in accordance with Table D1.3 of Council’s FNQROC development Manual;

e. The proposed intersection on the Northern boundary of the development is to be designed in accordance with the current and relevant design standards and submitted to Council for approval prior to the issue of a development Permit for operational works;
f. Private Roads are to be separated and identifiable from the existing Council road network by a gate or similar. Vehicles entering the Southern Precinct must be able to enter and leave the private roads in a forward gear.

Alternatively,

If the private roads are developed to the standards outlined in Council’s Development Manual – FNQROC, no permanent measures of delineation are required; and

g. Provide a full detail design complete with costing and undertake construction of the crossing of Deep Creek. Credits will be available for this work in accordance with Condition 18.

If the cost of the crossing are less than or equal to the cost identified in Council’s Transport Network Plan (TNP) then payments will be made immediately available. If the costs of the works are greater than the contributions made available under the TNP then a partial payment of costs shall be made by Council up to the TNP costing of the crossing. Any balance amount will be payable through the terms and conditions identified in an infrastructure agreement – to be agreed to by both parties.

The details of the infrastructure agreement must be agreed to in-writing prior to any works associated with creditable infrastructure being constructed. Any works undertaken prior to agreement being reached will be done so at the applicants risk and expense.

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

Acid Sulfate Soil Investigation

19. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development in consideration of the fill to the land and the impact on the adjacent areas. Soil sampling and analysis must be undertaken in accordance with procedures specified in, ‘Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland’ (1998) or updated version of document produced by Department of Natural Resources and Water (DNRW – QASSIT), and State Planning Policy 2/02 - ‘Planning and Managing Development involving Acid Sulfate Soils’. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Temporary Vehicle Turnaround

20. A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds sixty (60) metres (i.e. maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

Stockpiling and Transportation of Fill Material

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

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

   a. peak traffic times; or
   b. before 7am or after 6pm Monday to Friday; or
   c. before 7 am or after 1pm Saturdays; or
   d. on Sundays or Public Holidays.

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

Storage of Machinery & Plant

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

Construction Access

24. Vehicular access to the site for construction and demolition purposes must be provided from Captain Cook Highway only, unless authorised by the Chief Executive Officer.
Landscape Plan

25. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

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

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

c. Construction of a landscaping and if necessary a new common boundary fence to the abuttal of Lots 51, 52 and 53 on RP730674, as per the approved schematic landscape plan;

d. The rehabilitation of degraded riparian corridors;

e. For the purpose of filling lots for development no retaining wall is to be constructed within two (2.0) metres of the boundary to a riparian corridor. Any slope required within these areas should be suitably battered and stabilised with vegetation; and

f. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant’s Landscape Architect/Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

Vegetation Clearing

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

Vegetation to be retained is to be identified and adequately fenced off for protection purposes prior to construction work commencing on the site.
Buffer Around Vegetation

27. A minimum 2 metre wide buffer shall be provided around the vegetation to be retained. This buffer must consist of suitable fencing to ensure that machinery, equipment or construction materials are not stored or used within this area. This buffer is to be established prior to the commencement of any works on the site and must be maintained at all times for the duration of the construction to the satisfaction of the Chief Executive Officer.

Council's Development Assessment Branch is to inspect the buffer prior to machinery, equipment or construction materials being delivered to the site.

Wildlife

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

Ant Plants & Removal of Protected Vegetation

29. An Ecoaccess approval must be obtained from the Environmental Protection Agency for:

   a. The relocation of all specimens of Ant Plant (*Myrmecodia beccarii*) prior to the removal of any host trees. Ant Plants are listed as Vulnerable under both the *Nature Conservation Act 1992* and the *Environment Protection & Biodiversity Conservation Act 1999*; and

   b. Prior to the clearing of vegetation and/or tree removal as plant species protected under the provisions of the *Nature Conservation Act 1992* are known to occur within the area covered by this development approval.

   Information on Ecoaccess approvals may be obtained at [www.epa.qld.gov.au](http://www.epa.qld.gov.au) or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

Notification of Vegetation Clearing

30. Council's Development Assessment Branch must be notified two business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.
Riparian Area Protection

31. Existing riparian corridors, being a setback of ten (10) metres from the top of the existing banks must be fully protected from development and must be temporarily delineated and fenced off to restrict building access for the duration of construction activity. With the exception of the ‘Future Intersuburban Connector (Developer)’ link road, the ‘Intersuburban Connection (CCC)’ link road, the north south internal private road link to Super Lot D and the adjacent individual lots and boardwalk construction no development is to occur within the riparian corridor.

Statutory Covenant for Environmental Purposes

32. A Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches), must be registered generally over the naturally vegetated areas of the proposed Common property, excluding the boardwalks. The Covenant is to be registered at the same time of registering of the Plan of Survey with the Department of Natural Resources & Water. The covenant is required to include the following clauses:

a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area;

b. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials;

c. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows;

d. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area;

e. The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area. For the movement of native fauna and for stormwater purposes, fences must have a 80% permeable area (such as post & rail type fencing, or post and wire strand type fencing for side boundary fencing only. No fencing is permitted within the bed of the gully / creek. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area;
f. The covenantor may apply to the Council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot;

g. The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem; and

h. Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant/owner and approved by Council Officers prior to being removed. Council’s Development Assessment Branch is to be notified of the proposed date of commencement of any approved vegetation clearing.

Weed Management

33. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

34. A vehicle wash down and inspection facilities for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Easements Over Creeks and Streams

35. A Drainage Easement containing all land below the top of the high bank and a ten (10) metre minimum wide strip adjacent to the top of the bank or the limit of the Q100 ARI event, whichever is the greater must be transferred free of cost to Council for Drainage Purposes. The land (reserve) must be transferred in conjunction with registration of the Plan of Survey.

Existing Creek and Drainage Systems

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

The applicant/owner must obtain any necessary approvals from the Department of Natural Resources and Water for carrying out works in a watercourse.
Plan of Drainage Works

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

a. Drainage infrastructure in accordance with the FNQROC Development Manual

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

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

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

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

iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.

c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and

d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Sediment and Erosion Control

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

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

   a. Relocate the services to comply with this requirement; or
   
   b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

Electricity Supply

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

Electricity and Telecommunications

41. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to approval and dating of the Plan of Survey.

Street Lighting

42. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:

   a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

   The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:
Intersections
Pedestrian Refuges
Cul-de-sacs
LATM Devices (Including Roundabouts)

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

b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.

d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two spans either side of the intersection to the relevant Lighting Category.

CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

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<th>Concurrency Agency</th>
<th>Concurrence Agency Reference</th>
<th>Date</th>
<th>Council Electronic Reference</th>
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<tr>
<td>Department of Environment and Resource Management (formerly Environment Protection Agency)</td>
<td>321721</td>
<td>3 February 2009</td>
<td>1961505</td>
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<tr>
<td>Department of Employment, Economic Development and Innovation (formerly Department of Primary Industries and Fisheries)</td>
<td>NFC/140/000(956)</td>
<td>20 October 2008</td>
<td>1861545</td>
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<td>Department of Transport and Main Roads (formerly Department of Main Roads)</td>
<td>158/20A/102(1497.02)</td>
<td>21 May 2008</td>
<td>1714292</td>
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</tbody>
</table>
Refer to Appendix 2: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

**ADVICE**

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

2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.

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


5. Headwork contribution calculations are attached as Appendix 3. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.

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<tr>
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<tr>
<td>Department of Environment and Resource Management (formerly Department of Natural Resources and Water)</td>
<td>ICO108CNS0012/CNS022542</td>
<td>25 February 2008</td>
<td>1662644</td>
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6. The subject site is located adjacent to a pest quarantine area declared under section 4(1) of the Plant Protection (Electric Ant) Quarantine Notice 2006. The Plant Protection (Electric Ant) Quarantine Notice 2006 places restrictions on the movement of electric ants and “high risk items” within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the Plant Protection (Electric Ant) Quarantine Notice 2006 consult either the Department of Primary Industries and Fisheries (21-23 Redden Street, Cairns), Council’s Land Protection or the following website: www.dpi.qld.gov.au

7. An Ecoaccess approval should be obtained, if necessary, from the Environmental Protection Agency prior to the clearing of vegetation and/or tree removal that involves damage or destruction of plant species protected under the provisions of the Nature Conservation Act 1992. Information on Ecoaccess approvals may be obtained at www.epa.qld.gov.au or by contacting the Ranger Flora at the Cairns Office of QPWS on Phone: 4046 6609.

EXECUTIVE SUMMARY:

The land is a significantly large area that was previously used for farming and has remained unused for a number of years. It extends from the Captain Cook Highway through to Arlington Esplanade through which Deep Creek traverses. Application is made to develop the land providing intersuburban connecting link roads, private roads, super lots (for future development), individual house lots and common property. The road construction component of the intersuburban link is the applicant’s responsibility. The Transport Network Plan costs the component for the link to cross Deep Creek is Council’s responsibility. A condition of the approval requires the applicant to construct the intersuburban link with credit given for the cost of the crossing.

The applicant intends to construct a network of boardwalks adjacent to the creek areas traversing the land allowing public access to part of this network while the ownership and maintenance will be the responsibility of the body corporate. The applicant suggests Council consider the public access to the boardwalks together with the retention of the natural creek and mangrove areas as sufficient provision of community purpose land. This is not considered an appropriate provision and the conditions of the approval require a monetary provision. While the applicant prefers to keep ownership of the Creek, upstream of the erosion prone area which is to transfer to the State with Council as trustee, this should at minimum be a drainage easement protected by a statutory covenant for environmental purposes.
The land is constrained by riparian corridors through the site and the erosion prone area in the eastern section of the land. Many of the creek areas are boarded by weed inundation and require rehabilitation. Development is recommended to be limited to beyond the ten (10) metre setback from the top of banks. The report recommends the application be supported subject to conditions.

The application was not required to undergo public notification. The applicant has undertaken joint inspections of the site with Councillors and local community representatives as a consultation process to inform the public of the proposal.

**TOWN PLANNING CONSIDERATIONS:**

**Background**

Since lodging the application, a Development Permit (8/13/1249) was issued by delegated approval on 30 September 2008 to reconfigure part of the land (Lot 1 on RP731761) together with the neighbouring Lot 203 on SP165258 to realign the boundary so that the common boundary is consistent with the creek edge. A copy of the approved plan is included in Appendix 5. To date the survey plan has not been lodged for signing and dating by Council.

The Department of Environment and Resource Management (formerly the Environmental Protection Agency) stopped the IDAS processing of the application in order to consider a land surrender requirement in respect to the coastal area and the Department sought Council’s acceptance of trusteeship of any land identified for surrender. Council considered the Department’s request at the Ordinary Meeting held on 11 December 2008 where the following was resolved:

*That Council advise the Environmental Protection Agency that it agrees to accept trusteeship over two (2) metres offset on the seaward side of the proposed boardwalk and the ocean, being erosion prone land over part of Lot 1 on RP731765 and part of Lot 1 on RP731761, Captain Cook Highway, Clifton Beach, with the balance of the land remaining in the ownership of the future Body Corporate.*

*Further, that the Applicant (“Parawina Pty Ltd”) be requested to ensure the boardwalk:*

- complies with all relevant standards, such as Disability Discrimination Act 1992, Australian Standards, Cairns Plan, FNQROC Development Manual and Building Regulations;
- has appropriate shared and disabled access and be appropriately transitioned to external paths/facilities;
- be constructed of low maintenance materials;
- be maintained in a safe and amenable manner;
- be maintained with consideration to maintaining a high level of public access; and
- be covered by an Easement in Gross in favour of Council.
Furthermore, that Council delegate authority to the Mayor and Chief Executive Officer in accordance with section 472 of the Local Government Act 1993 to determine and finalise any and all matters associated with the matter.

A condition of the approval reiterates these requirements. Detail of the creek system that runs through the site is included in Appendix 5.

Proposal

The original plan detailed 45 lots including super lots, common land, roads and a number of very small house lots. A copy of the original layout is included in Appendix 5. It was envisaged that the developer would reconfigure and then develop the housing on the site for private sales. Where the individual house lots would be created, the establishment of a house would be self assessable development.

The applicant submitted a plan detailing the majority of the waterways, in the upper reaches of the Creek systems, have a riparian corridor of 40-64m wide. A copy of this plan is included in Appendix 5. While CairnsPlan classifies the waterways to range from Category 1 to Category 4 the applicant suggests that given the physical attributes of the creeks all of the creeks should be considered as Category 4 waterways, giving rise to a minimum 10 metre setback from the top of bank. This setback has been achieved.

Council officers raised concern with the initial design, in particular the small house lots which had minimal street frontage widths and would not be controlled by building envelopes.

Through the response to Council’s request for further information the applicant amended the layout design. The amended plan is included in Appendix 1. The amendments included:

i. A separate lot for the land surrender area, as required by the Department of Environment and Resource Management (formerly the EPA);

ii. Road links as required by the Department of Transport and Main Roads (formerly the Department of Main Roads);

iii. Nomination of the extent of private and public roads;

iv. Separation buffers to neighbouring residential properties to the northern boundary which front Hope Street;

v. Replacement of the smaller lots with super lots;

vi. An updated concept landscape plan;

vii. Removal of narrow areas and isthmus separating Super Lots E and D and the narrow peninsula east of Super Lot B;
viii. Deletion of the proposed vehicle, creek crossing between Super Lot A / Lot 10 and Super Lots B and H and replacement with a pedestrian link. Inclusion of a second road access provided off the proposed connection road to Super Lot B, via which access will be achieved to the remainder of the development east of Super Lot B;

ix. Conversion of Superlot G to Lot 90 and nomination as a “Pavilion Lot;” and

ix. Nomination of the extent of boardwalks through the low lying, remnant vegetation areas.

The applicant would propose to maintain ownership of the creeks within the site, similar to the arrangement on the western side of the Highway at the Paradise Palms golf course development. The applicant contends that as it would hold ownership of both sides of the creek maintenance of the Creek in private ownership would allow for a superior level of maintenance and upkeep of the creek and riparian areas.

The applicant confirmed the following:

a. Public access will be provided to riparian parks, the boardwalks and pathway networks;

b. The body corporate will be responsible for ongoing maintenance of boardwalk and pathway infrastructure; and

c. Council will not be liable for future maintenance of the private access road, boardwalk and pathway network.

The applicant suggests Council’s standard community purpose (open space) requirement, being 10% of developable land or a monetary contribution of 10% of the capital unimproved land value is unreasonable given 18 hectares (65%) of the land is to be set aside for the following:

a. The extent of land to be transferred to public ownership, for either future state-controlled road widening, Council network roads or for environmental protection purposes; and

b. The extent of land protected and maintained in a natural vegetated / revegetated state, via inclusion of all riparian and riparian buffer areas within common property of the proposed Community title Scheme.
Provision of formal landscaping is to be limited to the new private roads as the majority of the site remains abundant with remnant and non-remnant vegetation, in particular along the creek systems.

Conceptual architectural layout plans have been provided for the smaller lots demonstrating how these could be development. Detail of the indicative house styles and landscape plan is included in Appendix 5.

### CairnsPlan Assessment

<table>
<thead>
<tr>
<th>CairnsPlan Cairns Beaches Planning District</th>
<th>Code Applicability</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Area Part Residential 2 &amp; Part Tourist and Residential</td>
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<tr>
<td>Land Use No land use proposed</td>
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<tr>
<td>Hillslopes</td>
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<tr>
<td>Vegetation Conservation &amp; Waterway Significance</td>
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<tr>
<td>Cultural Heritage</td>
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<td>Potential or Actual Acid Sulphate Soil Material</td>
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<td>Satisfied through conditions</td>
</tr>
<tr>
<td>Bushfire Management</td>
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<td>Satisfactory</td>
</tr>
<tr>
<td>Flood Management</td>
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<td>Height and Impact of Buildings</td>
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<td>Operational Aspects of the Cairns International Airport</td>
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<td>Complies</td>
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<td>Demolition</td>
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<tr>
<td>Excavation and Filling Code</td>
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<tr>
<td>Infrastructure Works Code</td>
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<tr>
<td>Landscaping Code</td>
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<td>Parking &amp; Access Code</td>
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<tr>
<td>Reconfiguring a Lot Code</td>
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<tr>
<td>Development Near Major Transport Corridors &amp; Facilities</td>
<td>✓</td>
<td>Refer to comment</td>
</tr>
</tbody>
</table>

### Compliance Issues

**Residential 2 Planning Area, Tourist and Residential Planning Area, Vegetation Conservation & Waterway Significance Overlay & Reconfiguring a Lot Codes**

The eastern part of the land is included in the Tourist and Residential Planning Area. No developable lots are proposed in this area. The land is within the erosion prone area and is to be surrendered to the State with Council as trustee. (Note the 2009 CairnsPlan has included this area in the Conservation Planning Area.)

The development provides a range of lots sizes and therefore a range of housing choices. The super lots are intended to be developed further, most likely with units. The applicant has demonstrated that housing on the small lots can be achieved. Where a building does not achieve standard building setbacks dispensation for siting will be required under the Queensland Development Code (QDC) and there is no need for building envelopes on these lots.
Concern remains with the future development of Lot 90, in particular the formalising of the Creek and the loss of the natural environment. The natural environment and creek are constraints on the land and development should have regard to these constraints. Where possible all natural areas should be maintained in a natural state as these can provide links to ecological systems.

The Waterway Significance Overlay Code nominates the creek systems ranging from Category 1 to Category 4 Waterways. The Scheme specifies that the associated riparian corridors have widths respective to each Category ranging from Category 1 Waterways having a riparian corridor of 10 metres from top of bank up to 50 metres for a Category 4 Waterway. The Performance Criteria for the Code requires the riparian corridors be maintained and where degraded the corridor is to be rehabilitated. Development adjoining or containing a waterway must not adversely affect the integrity of the Waterway or the riparian corridor. The applicant’s approach to reclassify all Waterways as Category 4 is acceptable. With the exception of the connecting road link to the Super Lot D and adjacent individual lots, the extent of the proposed lots do not interfere with the minimum 10 metre setback from the top of existing creeks. Care must be taken to ensure the connecting link road has minimal impact on the riparian corridor.

**Excavation and Filling Code**

The flood modelling nominates indicative areas where fill would occur. Areas below 2.5 m AHD would not be filled. Areas to be filled range from 2.5 m AHD to 17.5 m AHD, generally coinciding with the proposed lots except Lot 90 where no fill is proposed.

The acceptable measures nominate that no fill should occur in the riparian corridor or below the 1 in 100 flood line. The respective Performance Criteria states that fill and/or excavation should not adversely impact on other premises as a result of stormwater drainage flows or flooding. Flood modelling has been provided and concern is held as the models show reasonably significant impacts on the adjacent property. Although the applicant also owns this adjacent land, the application does not include this site. The modelling suggests consideration has been given to the proposed crossing however further detail is required to give certainty to this consideration. A condition of the approval requires either the applicant suitably demonstrates that there is no detrimental impact or the development is suitably amended.

Concern is held with the filling of riparian areas. A condition of the approval nominates that no fill can occur to the riparian areas, being the creeks and the ten (10) metre setback from the top of banks and that no retaining walls are constructed within 2 metres of the boundary to the riparian corridor land. In order to provide for development it would appear that part of Lot 90, excluding the area of riparian corridor. A condition of the approval requires a drainage plan and this should include the need to fill part of proposed Lot 90.
Development Near Major Transport Corridors & Facilities

The Transport Network Plan (TNP) nominates a ‘Future Intersuburban Connector (Developer)’ link road through the site in a north – south direction, as well as a connection from this link to the Captain Cook Highway (including the roundabout for the new link roads). These roads are the applicant’s responsibility. The TNP nominates the cost of the crossing of Deep Creek as an ‘Intersuburban Connection (CCC)’ and thus Council’s responsibility.

The TNP nominates a further ‘Future Intersuburban Connector (Developer)’ to link through the land to Hope Street. This road link has not been incorporated in the design and its execution would inappropriately be through a riparian area.

A condition of the approval requires the applicant to construct the intersuburban link roads with credits attributable for the crossing of Deep Creek.

Referrals

The Department of Environment and Resource Management (formerly the Environmental Protection Agency) is both a concurrence and an advice agency and has conditioned the approval limiting the extent of development. In particular:

a. Clearance of native vegetation is limited to four (4) metres in width;

b. Proposed Lot 40 is be voluntarily surrendered to the State as a reserve for beach protection and coastal management purposes under the trusteeship of the Council;

c. No development is to occur within the erosion prone area;

d. The Plan is to be amended for Super Lot C to ensure that remnant vegetation classified as part of the regional ecosystem is not removed;

e. The plan is to be amended to ensure that Lots 29, 30 and 31 do not result in the removal of vegetation; and

f. Inclusion of the remnant vegetation and land within the common property (as detailed on the submitted plan) in a conservation covenant.

The Department has also required that the proposed boardwalk be accessible to the public during all daylight hours. A copy of the Department’s requirements is included in Appendix 2. Note the approved plan nominates an amended layout which creates a new Lot 40 that contains the erosion prone area in which no development is proposed.

The Department of Employment, Economic Development and Innovation (formerly the Department of Primary Industry and Fisheries) has supported the application for a Preliminary approval to remove marine plants. The Department’s requirements are included in Appendix 2.
The Department of Transport and Main Roads (formerly the Department of Main Roads) previously advised the applicant that a significant area of land is required, parallel to the Captain Cook Highway for road resumption and the layout plan has given due regard to this requirement. The Department issued initial conditions to apply to the development to which the applicant made representations. An amended decision was issued a copy of which is included in Appendix 2.

The Department of Environment and Resource Management (formerly the Department of Natural Resources and Water) considered the impact of the development on the regional ecosystem and the remnant vegetation. The Department has nominated conditions to apply to the approval. The Department also provided advice regarding acid sulphate soils, noting that there is insufficient data to determine whether the State Planning Policy S2/02 Planning and Managing Acid Sulfate Soils is applicable. The Department suggests Council require an Acid Sulphate Soils Study and Management Plan be prepared prior to the commencement of any excavations to ensure that any impacts are properly managed. This requirement is achieved through a condition of the approval. A copy of the Department’s decision is included in Appendix 2.

Powerlink is an advice agency and has advised that it has no requirements for conditions applicable to the development.

**HEADWORKS / CONTRIBUTIONS:**

The proposed development triggers Developer’s Headworks Contributions. Refer to Appendix 3 to view calculations. Contributions have been calculated on the basis of the submitted amended plan.

The applicant’s request that the Community Purpose contribution be negated by the surrender of land to public ownership, provision of public access to the boardwalks and retention of vegetation in particular in the riparian corridors is not supported. The natural areas are a physical constraint on the land and limit the extent of development. Similarly, land required for road networks is a constraint. Low lying, unusable areas are not considered appropriate park land. Where no park is provided the community contribution is a monetary contribution is required based on the impact of the development (equivalent persons to be provided for).

Jenny Elphinstone  
Senior Planning Officer  
**Action Officer**

Simon Clarke  
Manager Development Assessment
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)
Boardwalk Section

- Decking 45 x 120 HW
- Balustrade in accordance with architectural details
- 150 - 175Ø F27 pole
- Bracing 2-100 x 50 F14 HW
- Screw pile

Varies - 2000 nominal
APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Notice

Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Cairns City Council
PO Box 359
CAIRNS QLD 4870

CC: Parawina Pty Ltd
c/- C & B Consultants Pty Ltd
PO BOX 1949
CAIRNS QLD 4870

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

The Environmental Protection Agency (EPA), wishes to advise that the referral for a concurrence agency response, received on 15-JAN-2008, has been assessed, and on 3-FEB-2009 it was decided.

1. Property/Location:
   Street address - Clifton Beach and KEWARRA BEACH QLD 4879
   Lot/Plan - Lot 1 Plan RP731761, Lot 1 Plan RP731765

2. Details of the recommendation
   Aspect of Development
   - Advice Agency Response
   - MCU on land in or within 100m of a wetland
   Recommendation
   - Grant with conditions
   EPA Ref Number
   - IPAR00856908

Page 1 of 3 • AP080109

Environmental Protection Agency
www.epa.qld.gov.au • 6700 231 666 769

Queensland Government
Environmental Protection Agency
Queensland Parks and Wildlife Service
Aspect of Development
- Concurrence Response for Reconfiguration
- Reconfiguration completely or partly within a coastal management district
Recommendation
- Grant with conditions
EPA Ref Number
- IPCC00857008

Aspect of Development
- Concurrence Response for Operational Work
- Tidal work in, on, or above tidal waters
Recommendation
- Grant with conditions
EPA Ref Number
- IPCC00857108

3. Currency period
This development approval takes effect -
  • From the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court; or
  • When the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court; or
  • Subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.
[refer to sections 3.5.19 and 3.5.20 of the Integrated Planning Act 1997 for further details]

This approval will lapse unless substantially started within the standard currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of development in this approval.

4. The approved plans
The approved plans and/or documents for this approval are:

<table>
<thead>
<tr>
<th>Plan/Document No.</th>
<th>Plan/Document Name</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>8517-26 Issue D</td>
<td>Reconfiguration of a Lot Kewarra Beach (Sheet 1 of 2 and sheet 2 of 2)</td>
<td>22/01/2009</td>
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5. Codes for self-assessable development
Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.
6. Assessment Manager Responsibilities

Please note that it is a requirement under Sections 35.15 and 35.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the EPA’s concurrence response) for this application issued by the Cairns City Council, be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the EPA’s Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@epa.qld.gov.au.

In addition, the State’s Native Title Work Procedures indicate that responsibility for assessment of native title issues for an IDAS application rest with the Assessment Manager. Therefore in this instance, the EPA has not provided a notification to native title parties.

If you require more information, please contact Lyn Wallace, the Project Manager, on the telephone number listed below.

Yours sincerely

[Signature]

Ingrid Formia
Manager
Far Northern Region
Environmental Protection Agency
03-FEB-2009

Enquiries:
ES - Reg Serv - Cairns - William McCormack
PO Box 2066
CAIRNS QLD 4870
Phone: (07) 4046 6602
Fax: (07) 4046 6606
EPA Permit number: IPCC00857108

Assessment Manager reference: 8/13/1278
Date application received by EPA: 15-JAN-2008
Concurrence Response for Operational Work

Permit Type: 

Date of Decision: 3-FEB-2009
Decision: Granted with Conditions

Relevant Laws and Policies: Coastal Protection and Management Act 1995 and any subordinate legislation
Item 9 in Table 2 of Schedule 2 of the Integrated Planning Regulation 1998

Jurisdiction:

The approval attaches to the land described below, which either connects to or receives the benefits of the structure or activity that is the tidal work.

The approval applies to and binds the Cairns Regional Council

<table>
<thead>
<tr>
<th>Property</th>
<th>Lot/Plan</th>
<th>Aspect of Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clifton Beach and Kewarra Beach QLD 4879</td>
<td>Lot 1 Plan RP731761, Lot 1 Plan RP731765</td>
<td>Tidal work in, on, or above tidal waters</td>
</tr>
</tbody>
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Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the Integrated Planning Act 1997 and section 278 of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for coastal management under the Coastal Protection and Management Act 1995, excluding amenity or aesthetic significance or value.

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service.
EPA Permit number: IPCC00857108

Additional information for applicants

Contaminated Land
It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined by Schedule 2 of the Environmental Protection Act 1994) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.

Ingrid Forniatti Minnesma
Manager
Far Northern Region
Environmental Protection Agency
03-FEB-2009
CONDITIONS OF APPROVAL

General Permit Condition

Agency Interest: Coastal

PC1 All works are to be constructed in accordance with the attached approved drawings and specifications listed in the approved plans section in the notice attached to this concurrence agency response.

PC2 The chief executive administering the Coastal Protection and Management Act 1995 may order the works to be removed or modified, within a reasonable time, if the works have or are likely to have a significant effect on coastal management because the works:

(a) create a navigation hazard or other danger to the public; or
(b) cause erosion or land degradation; or
(c) are unstable or have not been constructed according to the approved plans.

PC3 All reasonable and practicable measures must be taken to prevent pollution of Deep Creek or any other waterways as a result of silt run-off, oil and grease spills from machinery, concrete truck washout and alike. Concrete agitator wash out must only be conducted in a specified area to facilitate the removal of waste concrete from the area to landfill. Wastewater from cleaning equipment must not be discharged directly or in-directly to any watercourses or stormwater systems.

PC4 Any erosion or loss of sand surrounding the works that occurs because of changes caused by the works must be rectified.

PC5 Removal of native vegetation must be kept within a maximum width of 4 metres.

PC6 Support structures must be positions appropriately to minimise disturbance to creek bed and banks and existing vegetation.

PC7 The boardwalk must be publicly accessible during all daylight hours.

PC8 Contaminant must not be released from the site to any waters or the bed and banks of any waters (including groundwater) unless otherwise authorised.
DEFINITIONS

Words and phrases used throughout this permit are defined below. Where a definition for a term used in this permit is sought and the term is not defined within this permit the definitions provided in the relevant legislation shall be used.

"approval" means 'notice of development application decision' or 'notice of concurrence agency response' under the Integrated Planning Act 1997.

"coastal dune" means a ridge or hillock of sand or other material on the coast and built up by the wind.

"dredge spoil" means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

"erosion prone area" means an area declared to be an erosion prone area under section 70(1) of the Coastal Protection and Management Act 1995.

"high water mark" means the ordinary high water mark at spring tides.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"site" means the place to which this development approval relates or the premises to which this development approval relates.

"tidal water" means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently.

- in a natural channel, whether artificially improved or not; or
- in an artificial channel that has changed the course of the watercourse.

"waters" includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

END OF CONDITIONS
Section 3.3.16 Integrated Planning Act 1997

EPA Permit\(^1\) number: IPCC00857008

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<td>Date application received by EPA:</td>
<td>19-JAN-2008</td>
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<td>Concurrence Response for Reconfiguration</td>
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<td>3-FEB-2009</td>
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<tr>
<td>Decision:</td>
<td>Granted with conditions</td>
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<td>Relevant Laws and Policies:</td>
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| Jurisdiction: | |,

The approval applies to and binds the Caims Regional Council.

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Reasons for inclusion of development conditions

In accordance with section 3.3.18(8) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reasons for the inclusion of development conditions are:

The Environmental Protection Agency is a concurrence agency under the Integrated Planning Regulation 1998 for coastal management under the Coastal Protection and Management Act 1995, excluding amenity or aesthetic significance or value.

\(^1\) Permit includes licences, approvals, authorisations, certificates, sanctions or equivalents/similar as required by legislation administered by the Environmental Protection Agency and the Queensland Parks and Wildlife Service.
Additional advice to the Assessment Manager

Mitigating the Adverse Impacts of Storm Tide Inundation

The subject lots are located in a potential storm tide inundation area. Council is advised to ensure that appropriate conditions are imposed to mitigate the adverse impacts of storm tide inundation in accordance with the Mitigating the Adverse Impacts of Storm Tide Inundation Guidelines available on the EPA website www.epa.qld.gov.au/publications?id=1699.

Biodiversity and wetlands

The site contains remnant vegetation with significant coastal values, including estuarine wetlands associated with Deep Creek. To mitigate impacts on the estuarine wetlands and prevent issues of nuisance associated with residents and biting insects, Council is advised to impose relevant conditions to require a 25m setback from the high banks of Deep Creek. In addition, a conservation covenant will ensure preservation of the wetlands and minimise impacts from adjacent residential development.

Additional information for applicants

Other approvals

This concurrence response pursuant to Section 104 of the Coastal Protection and Management Act 1995 does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

Approvals for removing/destroying R&T plants

The applicant should note that the plant species Myrmecodia beccarii [or INSERT other listed species name] has been located on this site. This species is listed as vulnerable under the Nature Conservation Act 1992. The habitat of this species includes all Melaleuca woodland in the area. The Myrmecodia beccarii plant provides habitat for the endangered Apollo jelly butterfly. A permit is required from EPS for activities which involve the removal of this plant.

Land surrender

It is noted that the applicant is voluntarily contributing land within the coastal management district to the State as a Reserve for Beach Protection and Coastal Management purposes. Cairns Regional Council have accepted trusteeship of the land to be dedicated to the State.

As this land is to be voluntarily contributed, the chief executive has not included a land surrender condition in accordance with section 113 of the Coastal Protection and Management Act 1995. The chief executive’s decision to not include a land surrender condition does not prejudice future decisions regarding land surrender for further applications to reconfigure a lot that is land completely or partly within the coastal management district.

Contaminated Land

It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined by Schedule 2 of the Environmental Protection Act 1994) is being carried out on the land or that the land has been affected by a hazardous contaminant, they must, within 30 days after becoming so aware, give notice to the Environmental Protection Agency.
EPA Permit number: IPCC00857008

Ingrid Foroni Minnesma
Manager
Far Northern Region
Environmental Protection Agency
03-FEB-2006
CONDITIONS OF APPROVAL

General Permit Condition

Agency Interest: Coastal

PC1 The development is approved in accordance with drawing number 8517-26 issue D dated 22/01/2009 which shows proposed lot number 40 to be voluntarily contributed to the State as a reserve for beach protection and coastal management purposes, under the trusteeship of the Cairns Regional Council.

PC2 No development (including operational works) is to be undertaken within that part of the land within the erosion prone area that is to be surrendered to the State.

PC3 Any disturbance of the land to be surrendered to the State caused by the development must be rehabilitated prior to the surrender of the land.

PC4 Amend the boundaries of Superlot C to ensure that remnant vegetation classified as part of a regional ecosystem is not removed as part of this development.

PC5 Amend the plan to ensure that lots 29, 30 and 31 do not result in the removal of remnant vegetation classified as part of a regional ecosystem.

PC6 Erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment in accordance with an erosion and sediment control plan endorsed by a Certified Professional in Erosion and Sediment Control.

PC7 At the time of lodging of the new title and prior to the commencement of any works, the owner of the land the subject of this development approval must enter into a covenant with the local government over the common property shown on Plan Number 8517-26 issue D. The covenant must contain conditions relating to requirements to retain the remnant native vegetation within the common property.

PC8 The common property shown on Plan Number 8517-26 issue D is to be maintained in accordance with the covenant.

PC9 All works are to be constructed in accordance with the attached approved drawings and specifications listed in the approved plans section in the notice attached to this concurrence agency response.
DEFINITIONS

Words and phrases used throughout this permit are defined below. Where a definition for a term used in this permit is sought and the term is not defined within this permit, the definitions provided in the relevant legislation shall be used.

“approval” means ‘notice of development application decision’ or ‘notice of concurrence agency response’ under the Integrated Planning Act 1997.

“coastal dune” means a ridge or hillock of sand or other material on the coast and built up by the wind.

“dredge spoil” means material taken from the bed or banks of waters by using dredging equipment or other equipment designed for use in extraction of earthen material.

“erosion prone area” means an area declared to be an erosion prone area under section 70(1) of the Coastal Protection and Management Act 1995.

“high water mark” means the ordinary high water mark at spring tides.

“quarry material” means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

“site” means the place to which this development approval relates or the premises to which this development approval relates.

“tidal water” means the sea and any part of a harbour or watercourse ordinarily within the ebb and flow of the tide at spring tides.

“watercourse” means a river, creek or stream in which water flows permanently or intermittently—
• in a natural channel, whether artificially improved or not, or
• in an artificial channel that has changed the course of the watercourse.

“waters” includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off and groundwater and any part thereof.

END OF CONDITIONS
20 October 2008

Simon Clarke
Manager
City Assessment
Cairns Regional Council
PO Box 369
Cairns Qld 4870

Attention: Jenny Elphinstone

Dear Mr Clarke

CONCURRENCE AGENCY RESPONSE
(Issued pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the Integrated Planning Act 1997)

Applicant: Parawina Pty Ltd
Address: C/o Conics PO Box 1949, Cairns Qld 4870
Proposal: Reconfiguration of a lot into 45 lots (common property, open space and roads)
Location: Captain Cook Highway, Clifton Beach

Property Description: Lot 1 on RP731765 and Lot 1 on RP731761

The Department of Primary Industries and Fisheries (DPI&F), as a concurrence agency under the Integrated Planning Act 1997, has assessed the development application against the purposes of the Fisheries Act 1994.

Should the application be approved, the DPI&F requires that the following aspects of the development be subject to the requirements and conditions stated in or attached to this response.

Type of approval

<table>
<thead>
<tr>
<th>Aspect of development</th>
<th>Type of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational works involving the removal, damage or destruction of marine plants</td>
<td>Preliminary Approval (subject to conditions)</td>
</tr>
</tbody>
</table>
Conditions
Conditions imposed by DPI&F on the aspects of development listed above are stated in the 'DPI&F conditions' attached.

Approved plans
The alignment of the proposed development must be generally consistent with the following approved plans:

<table>
<thead>
<tr>
<th>Plan/Document Number</th>
<th>Plan/Document Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>8517-26 C</td>
<td>Reconfiguration of a lot Kawarra Beach</td>
<td>19/01/08</td>
</tr>
<tr>
<td></td>
<td>sheet 2 of 2</td>
<td></td>
</tr>
</tbody>
</table>

Relevant period
The following relevant period applies to the following aspects of development in this approval:

<table>
<thead>
<tr>
<th>Aspect of development</th>
<th>Expiry date of approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operational works involving the removal, damage or destruction of marine plants</td>
<td>20th October 2010</td>
</tr>
</tbody>
</table>

If you require any further information regarding the above, please contact Louise Johns on telephone 40573708 or email louise.johns@dpi.qld.gov.au.

Yours sincerely

Phil Hales
Manager (Planning and Assessment)
Fisheries (North)

Cc: Parawina Pty Ltd
    C/o Conics
    PO Box 1949
    Cairns Qld 4870
    Attention: Kristy Gilvear

Mr John Robertson
General Manager (Fisheries and Aquaculture Industry Development)
Department of Primary Industries and Fisheries
GPO Box 46
Brisbane Qld 4001
Attention: John Beumer
DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES

CONDITIONS

Applicant(s)/Address: Parawina Pty Ltd of c/- Conics Pty Ltd, PO Box 1049, CAIRNS, QLD 4870
Development: Operational works that is the removal, destruction or damage of marine plants
DPI&F Reference: 2008CA0019
File Number: NFC/140/000(956)

Department of Primary Industries and Fisheries has assessed the above development application against the purpose of the Fisheries Act 1994.

It has been determined that the approval should be a Preliminary Approval to which the following conditions apply:

1. The removal, damage or destruction of marine plants within Lot 1 on RP731765 and Lot 1 on RP731761 to construct a public access path, boardwalk and viewing platforms must not occur without a Development Permit for the operational works.
2. The proposed public access path including a boardwalk and viewing platforms must be generally within the footprint shown in Drawing 8617-28 titled Reconfiguration of a lot Kawara Beach sheet 2 of 2 dated 16/01/08.
3. The currency period for this preliminary approval expires on the 20 October 2010.
4. Requirements specified in any future development approvals must be complied with. This includes notification, signage, marking of boundaries and marine plant trimming and disposal requirements.

Basis for inclusion of conditions:

- The Department of Primary Industries and Fisheries must assess the development application against the purposes of the Fisheries Act 1994. This application can only comply with those purposes, including promoting ecological sustainable development, if compliance with the abovementioned conditions is achieved.

[Signature]
Delegate of the Chief Executive
Date
Page 1 of 1
21 May 2008

Mr N Briggs  
Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
Cairns Qld 4870

Dear Mr Briggs

Cairns Regional Council : Captain Cook Highway  
Situated opposite Paradise Palms Drive intersection, Kewarra Beach & Clifton Beach  
Lot 1 on RP 731761 & Lot 1 on RP 731765, Parish of Smithfield  
Parawina Pty Ltd  
Notification of Changed Conditions of Development (DMR as Referral Agency)

I refer to:
- the above application received at the Department 14 January 2008 requesting consideration of the above development,
- the Department's letter of conditions of development dated 31 January 2008, and
- written representations from the applicant's consultants received at the Department 8 May 2008 seeking the deletion of the condition 2 reference to a link road to Hope Street and amendments to conditions 4(i) and 5(a).

Following a site inspection with representatives of the applicant, Council, Environmental Protection Agency and Queensland Transport, the Department has reviewed the application and is able to amend conditions 2 and 3(a) but retain condition 4(i). The amendment to condition 2 also affects amendments to condition 7 and 8.

In accordance with section 3.3.17 of the Integrated Planning Act, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following amended conditions of development for the subject application.

A. AMENDED CONDITIONS OF DEVELOPMENT

1. Permitted Road Access Location

   (i) Vehicular access between the State-controlled road (i.e. Captain Cook Highway) and the subject land shall be via a new road located about 187m north of the Paradise Palms Drive intersection to the satisfaction of the Director-General of the Department of Main Roads and Chief Executive Officer, Cairns City Council.
(ii) No additional direct vehicular access between the State-controlled road (i.e. Captain Cook Highway) and the subject land is permitted.

2. Provision of Link Road

(i) The applicant/landowner shall dedicate a road reserve from the permitted road access location (above) to:
   - Cottlesloe Drive, and
   - the southern boundary of Lot 1 on RP 724959, to connect with a planned future link road, centred about 23.69m east of the ‘Exclusion Area’ in condition 3 below.

   The above required road reserve shall be designed to allow full size 14m low floor buses to drive through the site and dropoff and pickup passengers (including intersection and kerbside treatment and appropriately located bus bays and shelters) in accordance with Cairns City Council’s and Queensland Transport’s specifications.

   The above required road reserve shall be dedicated prior to:
   - or in conjunction with, the first registration of each plan of survey of the subject land which progressively defines the link road, or
   - in conjunction with, the registration of the plan of survey creating more than 50% of the approved lots,
   whichever comes first.

(ii) The applicant/landowner shall provide infrastructure within the above road reserve in accordance with Cairns City Council’s specifications prior to the submission of the plan of survey to Council for approval and dating creating more than 50% of the approved lots.

3. Land Requirement for Future Road Purposes

(i) DMR Plan No. PD235 Rev ‘B’ dated 3 June 2005 identifies the portion of Lot 1 on RP 731765 and DMR Plan No. PD251 Rev ‘C’ dated 22 May 2006 identifies the portion of Lot 1 on RP 731761 required to accommodate a future upgrade of Captain Cook Highway. This area is hereafter referred to as the ‘Exclusion Area’.

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

(iii) The portions of the ‘Exclusion Area’ indicated on DMR Plan Nos. PD235 Rev ‘B’ and PD251 Rev ‘C’ for “Land Dedication” shall be dedicated as road reserve at the time of the dating and approving of the first registration of plan of survey of the subject land.

   Should the State of Queensland not have acquired the balance of the ‘Exclusion Area’ within twelve (12) months of:
   - the dating and approving of the first registration of plan of survey of the subject land, and
4. Intersection Works

(i) The landowner/applicant shall design and construct an intersection at the permitted road access location (above) in accordance with:
- the Department of Main Roads Road Planning and Design Manual, and
- current Department of Main Roads standards.

A recent site inspection indicates the intersection shall be designed and constructed with:
- left turn acceleration lane for traffic joining Captain Cook Highway,
- left turn deceleration lane for traffic leaving Captain Cook Highway,
- extension of existing concrete kerbed median north of the existing Highway/Paradise Palms Drive intersection to at least 100m north of new permitted road access location intersection,
- safe re-alignment of the existing bicycle path within the Captain Cook Highway road reserve, and
- intersection streetlighting in accordance with AS 1158 incorporating a preferred luminaire of 250W/HPS Aeroscreen GEC and with slip Base poles where within the roadway clear zone.

(ii) The landowner/applicant shall submit intersection design drawings prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) for approval of the Cairns office of the Department of Main Roads prior to commencing works within the State-controlled road reserve (i.e. Captain Cook Highway).

(iii) All required intersection works and land dedication shall be completed to the satisfaction of the Director-General of the Department of Main Roads prior to the landowner/applicant requesting Council to approve and date the first plan of survey containing any lots on the subject site.

5. Road Traffic Noise & Visual Treatments

For the purposes of this condition:
- "SCR" shall be defined as the Captain Cook Highway; and
- "SCR boundary" shall be defined as the Captain Cook Highway boundary including the land requirement for future road purposes (above); and
- DMR Plan PD85 C (dated 03/2004) shall hereafter be referred to as the ‘DMR Buffer Plan’.

(a) Creation of Buffer Strip

The applicant/landowner shall create a minimum of a ten metre wide buffer strip, located adjacent to the ‘SCR boundary’ and within the subject land or adjacent to the eastern boundary of the link road in condition 2 above. Where the buffer strip is located adjacent to the eastern boundary of the link road, the applicant/landowner
shall erect a continuous vehicular barrier, including headlight glare screening, approved by the Cairns office of the Department of Main Roads between the link road and the 'Exclusion Area' prior to the dedication of the link road. This buffer shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created via:
- a six metre wide freehold strip located adjacent to the SCR boundary or adjacent to the eastern boundary of the link road, and
- and a four metre wide registered covenant (buffer) located adjacent to and generally east of the above freehold strip generally in accordance with the 'DMR Buffer Plan'.

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

The freehold section of the buffer strip shall be created and transferred to Council ownership. The registered covenant section of the buffer strip shall be created, and the covenant agreement shall be registered in the Titles Office of the Department of Natural Resources & Mines. All three aforementioned requirements shall be completed prior to the applicant/landowner:
- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100 metres of SCR boundary, or
- lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating, whichever occurs first.

(b) Visual Amenity Works

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

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirement is that they are native, low maintenance species, which are effective at providing the necessary screening specified above and do not create a safety risk (i.e. no thorns, heavy nuts, or poisonous fruits or berries). All works within the buffer strip are to comply with the requirements specified in the 'DMR Buffer Plan'.
All landscaping of the buffer shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
• lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating, whichever occurs first.

(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

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

(ii) Maximum Noise Levels and Time Horizons

The maximum noise intervention levels within 10 years of completion of the full development generated by traffic on the SCR are:
• External noise levels shall not exceed 60B(A) 10h (free field) where existing levels measured at the deemed-to-comply setback distance are greater than 40dB(A) L90 (8h) between 10pm and 6am (free field)
• External noise levels shall not exceed 57(A) 10h free field where existing levels measured at the deemed-to-comply setback distance are less than or equal to 40 dB(A) L90 (8h) between 10pm and 6am (free field), and
• Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

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

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report which demonstrates how the development is to be designed to conform with the above requirements. The report shall:
• predict the road traffic noise levels and identify all lots that exceed the external noise levels in condition (c)(ii) prior to any noise amelioration works,
• identify the ameliorative works required within the buffer strip, the rest of the subject land, and buildings (including staking building pad levels in AHD),
• identify proposed allotments where it has not been demonstrated that condition (c)(ii) above would be met for a low-set or 2 or more storied dwelling house on the allotments. These identified lots will require registered covenants (building) over the lots. The covenants (building) shall require that either no house or only a low-set house is permissible without Main Roads approval on the identified lots, and
• contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
• seeking Council approval for a development permit for Operational Works associated with any reconfiguration of a lot application within 100 metres of the SCR boundary, or
• lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating, whichever occurs first.

(v) Incorporation of Works into the Development

Noise ameliorative works within the buffer shall conform to the requirements of the 'DMR Buffer Plan' unless altered in writing by the Director-General of the Department of Main Roads.

All noise ameliorative works required in the buffer shall be completed prior to the applicant/landowner:
• seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land, or
• lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating, whichever occurs first.

(vi) Covenant (Building)

When a covenant is required by the Road Traffic Noise (acoustical) Report then the following requirements shall be met:
• The covenants shall be included on the same Plan of Survey which creates the lots which are the subject to the covenant and lodge
concurrently the Plan of Survey and validly executed Covenant Form 31 referred to in the above conditions.

- Acknowledges to Main Roads that an acoustic covenant will be annexed to the REIQ contract for the relevant lots prior to execution of the Covenants Forms 31.
- Submit to Main Roads for approval a Noise Covenant Plan which shows:
  - the final layout plan with finished contour levels and highlighting lots affected by a covenant,
  - summary of noise amelioration works and covenant conditions, and
  - a table showing, pad levels in Australia Height Datum (AHD) and the type of covenant, prior to execution of the Covenants Forms 31.
- Submit to Main Roads, certification (RPEQ) from the civil engineer that the pad levels in (AHD) used on the Covenant Plan comply with the acoustical report, prior to the execution of the Covenant Form 31. If the building pad levels have risen by more than 300mm, a new acoustical assessment must be submitted. Any new works or covenants to be registered or amended as detailed in the new acoustical assessment must be completed within the above relevant timeframes.
- Submit to Main Roads a properly executed Covenant Form 31 pursuant to Land Title Act 1994, and in terms approved by the District Director covering all lots where it has not been demonstrated that condition (c)(ii) above would be met, prior to the submission of the Plan of Survey to Council for approval and dating.
- Submit to Main Roads a copy of the receipt of the Registration Confirmation Statements for the Covenants within 14 days of the receipt being forwarded to the applicant or their agents.

6. **Hydraulic Considerations**

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

7. **Provisions for Buses**

The internal layout shall be designed to allow full size buses to:
- dropoff and pickup passengers (bus stops),
- drive through the site from the permitted road access location (above) to Cottesloe Drive, and
- drive through the site from the permitted road access location (above) to a future link road at the southern boundary of Lot 1 on RP 724959.

8. **Pedestrian/ Bicycle Path Works**

(i) The applicant/landowner shall design and construct an off road bicycle path between the proposed internal road network on the subject land and the existing bicycle path
within the Captain Cook Highway road reserve, to the requirements and satisfaction of Cairns City Council.

(ii) The applicant/landowner shall nominate proposed locations of the shared pedestrian/bicycle path for consideration of the Chief Executive Officer of Cairns City Council. The Council will approve and date the plan of survey of the subject land, only after the Chief Executive Officer of Cairns City Council has approved a location of the shared pedestrian/bicycle path.

(iii) The applicant/landowner shall provide a shared pedestrian/bicycle path from the link road reserve in condition 2 above to Hope Street prior to:
- or in conjunction with, the first registration of each plan of survey of the subject land which progressively defines the link road, or
- in conjunction with, the registration of the plan of survey creating more than 50% of the approved lots, whichever comes first, to the requirements and satisfaction of Cairns Regional Council.

9. Advertising

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

Reasons

The reasons and information used in the setting of conditions detailed above include:
- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- CairnsPlan.

B. GENERAL DISCUSSION

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

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

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

Yours sincerely

Malcolm Hardy

SENIOR PLANNER FAR NORTH
Parish of Smithfield

Rev. 'B' Land dedication area added.
Rev. 'A' Original issue.

PRELIMINARY PLAN

Lot 1, on R.P. 731765

Area dedication approx. 1830 m²
Area: land reg approx. 1.347 ha.

COMPiled
CHECKED

Scale in metres

CAIRNS CITY
CAPTAIN COOK HIGHWAY
CAIRNS - MOSSMAN
Requirement from Lot 1, on R.P. 731765

D.M.R Plan PD.235 Rev 'B'

Shows approx. area of land dedication.

Shows approx. area of land requirement.

All dimensions are in metres and are approx. only.
Development | Land | 4 m. Covenant Private property | 4 m. | 5 m. | 6 m. | Existing/future Road reserve 

V = Landscaping to the requirements and satisfaction of the Chief Executive Officer of the Council.

E = Embankment material constructed to Department of Main Roads Standard Specification.

M&S = A minimum 100 mm layer of fertile topsoil with a minimum 200 mm layer of mulch on top.

B = Noise Barrier designed in accordance with Main Roads Department Road Traffic Noise Management Code of Practice, January 2000.

Note: All work shall be designed and approved in accordance with the above requirements unless altered in writing by the Director General, Department of Main Roads.

DMR Plan No. PD85 (C)

Rev. A - Original issue (Date 03/2001) - 80
Rev. B - Tree in Buffer removed, maintenance issue - (Date 03/2004) - 80
25 February 2008

The Chief Executive Officer
Cairns City Council
PO Box 359
Cairns  Qld  4870

Attention: Ms Jenny Elphinstone

Dear Sir/Madam

APPLICATION FOR RECONFIGURATION OF LOT (2 LOTS INTO 45 LOTS), COMMON PROPERTY, OPEN SPACE AND ROADS ON LOT 1 ON RP731761 AND LOT 1 ON RP731765, CAPTAIN COOK HIGHWAY, CLIFTON BEACH—REFERRAL AGENCY RESPONSE

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

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

Should you have any questions about this advice, please contact David McGill on 07 4039 8284.

Yours sincerely

David McGill

Senior Natural Resource Officer
Landscapes and Community Services
North Region

Department of Natural Resources and Water
Level 3, 5b Sheridan Street
PO Box 837
Cairns Queensland 4870
Australia
Telephone + 617 4039 8270
Facsimile + 61 7 4057 3365
Website www.nrwc.qld.gov.au
ENCL.  Referral Agency Response (including approved plan)

CC

Parawina Pty Ltd
C/- C&B Group Pty Ltd
PO Box 1949
CAIRNS QLD 4870
Department of Natural Resources and Water –
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application details
   1.1. Applicant’s name: Parawina Pty Ltd
   1.2. Property description: 1 RP731761 & 1 RP731765
   1.3. Development type: Reconfiguring a Lot (RaL)
   1.4. Assessment manager (AM): Cairns City Council
   1.5. AM reference: 8/13/1278 (1598012)
   1.6. Referral date: 17 January 2008
   1.7. Our references: eLVAS – 2008/000508
       File – MBA/000451
       Trackjob – 1C0108CNS0012

2. Concurrence agency response

   The chief executive of the Department of Natural Resources and Water (NRW)
   directs that the following conditions must be imposed on any approval given by
   the Assessment Manager –

   2.1. Clearing within an area of vegetation mapped as containing a remnant
       endangered regional ecosystem is not permitted to occur as a result of the
       RaL.

   2.2. Clearing as a result of the RaL is not permitted to occur in areas marked as
       ‘Area A1 – Remnant endangered regional ecosystem’ as shown on the
       attached Referral Agency Response (Vegetation) Plan Final 2008/000508

3. Reasons for the concurrence agency response

   NRW has assessed the application against the Concurrence Agency Policy for
   Reconfiguring a Lot (RaL) 23 August 2007 and has determined that the application
   meets the requirements of Criteria Table B because clearing as a result of the RaL
   will only occur—

   • For an urban purpose in an urban area on freehold land; and
NRW – referral agency response

- In a ‘Category 2 area’ or a ‘Category 3 area’, where the land is shown on a Property Map of Assessable Vegetation (PMAV); or

- In remnant vegetation that does not contain an *endangered* regional ecosystem, where the land is not shown on a PMAV.

4. Advice Agency Response - Acid Sulfate Soils

The subject site is located in close proximity to tidal environments and the majority of the site is below 5 metres AHD, indicating potential for underlying acid sulfate soil (ASS).

It is unclear whether the filling and excavation works for this development meet the thresholds for assessment under *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and managing development involving acid sulfate soils (ASS). The applicant has stated in the application material that an ASS Study and Management Plan (if required) could be prepared prior to the commencement of any excavations to ensure that any impacts are properly managed.

Recommendation

*State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02) and associated guideline applies to all development that would result in:

- excavations at or below 5m AHD of 100 m³ or more; or

- filling of land at or below 5m AHD with an average depth of 0.5m or more, with 500 m³ or more of material.

In accordance with SPP 2/02, all proposed disturbances that exceed the above limits and trigger SPP 2/02 should be investigated for the presence of ASS. Should these studies identify that ASS will be excavated or disturbed by construction, then a suitable ASS management plan will need to be developed prior to operation works approval.

5. Aboriginal cultural heritage advice

Under Section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure that the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the cultural heritage duty of care are $750 000 for a corporation and $75 000 for an individual.
Applicants will comply with the cultural heritage duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with the cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the NRW’s website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

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

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

**Coordinating Officer:** David McGill  
**Address:** PO Box 937, Cairns QLD 4870  
**Phone:** 07 4039 8284

David McGill  
**Senior Natural Resource Officer**  
**Landscapes and Community Services**  
**North Region**

25 February 2008
### APPENDIX 3 DEVELOPER CONTRIBUTION CALCULATIONS

#### DEVELOPERS CONTRIBUTIONS

**SUMMARY**

**Preliminaries**
- **Developer**: Ferreira Pty Ltd
- **State**: NA
- **Suburb**: Captain Cook Highway
- **Option**: NA
- **Lot and RP No.**: L1 RP723710, L2 RP731700
- **Development Permit No.**: 2007007

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**Westwater**
- **District No**: NA
- **Adjustment Index**: RNB
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00

**GRAAS**
- **District No**: NA
- **Adjustment Index**: RNB
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00

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**Beach Rate**
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00
- **Base Rate**: $250.00

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**Amendments**
- **Prepared**: J. Whyte
- **Checked**: D. Whyte

**TOTAL**: $557,098.01
# DEVELOPERS HEADWORKS CONTRIBUTIONS

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**WATER**

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*Water sub. total* $188,490.24

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*Sewerage sub. total* $106,477.00

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**ROAD NETWORK**

(Road Network Catchment) Cairns Urban

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**TOTAL** $597,698.01

---

Prepared by: J Elphinston on 10 Mar 09

Checked by: Kelly Barnes on 10 Mar 09

1. The Developer should confirm these details with City Assessment prior to arranging payment.
2. City Assessment must update these details if the effective quarter is no longer current.
3. City Assessment must update these details in the event of policy change or variation to Development Approval.
4. These details must be presented at time of payment.
5. A photocopy of these details to be forwarded to City Assessment once payment is received.
6. The original of these details to be forwarded to Finance Department with receipt once payment is received.
7. Payment details to be entered into Developer Contributions Register by Finance Officer.

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Agenda – Ordinary Meeting 27/5/09 - #2055870
APPENDIX 4 COUNCIL’S REQUIREMENTS FOR A DETAILED TRAFFIC REPORT

Information Requirements for a Detailed Traffic Impact Report

1. Introduction

1.1 This Planning Scheme Policy applies throughout the whole of the Cairns Regional Council.
1.2 The purpose of this Policy is to facilitate the assessment of the potential traffic impacts of development proposals, if required by Council or by the Department of Main Roads (or equivalent State Government Department or agency), by providing guidelines for traffic impact assessment.
1.3 This Planning Scheme Policy applies from the commencement day of the Council’s IPA Planning Scheme.

2. Objectives

2.1 To provide guidance on the information expected as part of a Detailed Traffic Impact Report.

3. Matters to be Addressed

The matters that the Council (or the relevant State Government Department) will seek to be addressed in a Detailed Traffic Impact Report include but may not be limited to the following:

General
- Expected traffic generation, comprising average daily morning and afternoon peak hours.
- Expected travel patterns, traffic distribution and vehicular types for both commercial and passenger.
- Analysis of intersection(s), including proposed treatment and method of control. The report should contain a summary of the analysis of average delay, degree of saturation (DOS), 95% queue lengths and available capacity.
- Acceptable mitigation works and their timing to offset identified impacts and to maintain acceptable traffic operations and levels of safety to the planning horizon year.
- Full intersection analysis based on AUSTROADS “Guide To Traffic Engineering Practice (Part 5)” or using the Signalised and unsignalised Intersection Design and Research Aid computer program (SIDRA) published by the Australian Road Research Board. Detail will include copies of input/output data, phasing diagrams for signals and intersection layout sketches.
- Site verification of the existing signal operations and equipment. This may involve consultation with the relevant State Government Department.
- All critical movement effects, such as degree of saturation, average delay, 95% queue and capacity, identified. All works necessary to improve traffic operations to an acceptable level shall be detailed. This will include modification requirements for existing traffic signal installations. It is to be noted that various groups of signals within the Shire are co-ordinated. Consideration is to be given to the potential effects on co-ordination that may result. In all cases, traffic signal proposals must be functional and use equipment and operating features that are acceptable to Council and the State Government.
• Estimated likely U-turn demands and determination of whether facilities are required to accommodate these movements.
• Estimated vehicle storage requirements.
• An assessment of whether provision of slip lanes is beneficial.
• Identification of potential implications for pedestrian movements and if special facilities may be needed.
• Identification of potential implications for cyclists and requirements for bicycle facilities as identified by Council’s Bikeways Plan.

Design Horizon
• A ten (10) year design horizon from the anticipated date of completion of the development is to be adopted. Existing and proposed development in the area and/or cumulative background through-traffic is to be considered.

Traffic Counts
• Through-road traffic predictions may be based on existing counts if available and current. These can be projected forward at appropriate growth rates. If traffic counts have to be undertaken, full details of the count (such as location, time of day, date, type of count, percentage commercial vehicles) are to be included in the Report.

Upgrading Works
• Interim construction and compatibility with State Government and/or Council future upgrading requirements (ultimate planning) is to be identified.
• If it is proposed to stage upgrading construction of the works, appropriate discussion and data shall be included in the Report to support the recommendations. This will include a summary indicating anticipated timing for future stages of upgrading and the works required at each stage.

Adverse Impacts
• Any adverse implications for existing property accesses, traffic safety, roadway and intersection capacity and levels of service shall be identified and appropriate recommendations made with regard to any measures necessary to minimise such adverse effects.

Assumptions/References
• All assumptions and references are to be detailed.

4. Documentation

The traffic study is to be undertaken by an appropriately qualified and experienced Traffic Engineer. Concept plans of proposed intersection arrangements should be included in the report and include the following:
• lane layouts;
• turning radii;
• storage lengths;
• auxiliary lanes;
• lane widths;
• raised medians; and
• median dimensions.
APPENDIX 5 SUPPORTING INFORMATION TO PLANNING REPORT
Approved Plan for Development Permit 8/13/1249