MATERIAL CHANGE OF USE (IMPACT) PRELIMINARY APPROVAL
OVERRIDING THE PLANNING SCHEME TO SEEK USE RIGHTS IN
ACCORDANCE WITH A STRUCTURE/MASTER PLAN – BONNIE DOON ROAD BONNIE DOON – DIVISION 10

L Jackson : 8/8/984 : #1688758

**PROPOSAL:**
PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME TO SEEK USE RIGHTS IN ACCORDANCE WITH A STRUCTURE/MASTER PLAN

**APPLICANT:**
BONNIE DOON PROJECTS PTY LTD
C/- CONICS
PO BOX 1949
CAIRNS QLD 4870

**LOCATION OF SITE:**
BONNIE DOON ROAD
BONNIE DOON

**PROPERTY:**
PART LOT 2 RP 718188

**LOCALITY:**
COASTAL SUBURBS, VILLAGES & TOWNSHIPS

**PLANNING AREA:**
RURAL

**PLANNING SCHEME:**
DOUGLAS SHIRE PLANNING SCHEME 2006

**REFERRAL AGENCIES:**
DEPARTMENT OF NATURAL RESOURCES & WATER
DEPARTMENT OF MAIN ROADS
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF INFRASTRUCTURE AND PLANNING
DEPARTMENT OF PRIMARY INDUSTRIES AND FISHERIES
QUEENSLAND TRANSPORT

**NUMBER OF SUBMITTERS:**
36

**STATUTORY ASSESSMENT DEADLINE:**
30 OCTOBER 2009
APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

LOCALITY PLAN

RECOMMENDATION:
That Council refuses the development application for Preliminary Approval Overriding the Planning Scheme to Seek Use Rights in accordance with a Structure/Master Plan over land described as Part Lot 2 on RP 718188 located at Bonnie Doon Road, Bonnie Doon on the following grounds:

1. The development is contrary to the State Planning Policy for Good Quality Agricultural Land (GQAL);

2. The development is contrary to the State Planning Policy, the draft Far North Regional Plan 2025, the Far North Queensland Regional Plan 2031 and the accompanying State Planning Regulatory Provisions (Regional Plans);

3. There are insufficient grounds to justify a conflict with the state planning policies;
4. The development is contrary to the Planning Scheme and will compromise the achievement of the desired environmental outcomes of the planning scheme area, in particular:

DEO 4, DEO 5, DEO 6, DEO 7, DEO 8, DEO 11 and DEO 12;

5. The development is contrary to the following parts of the Planning Scheme;

a. S.4.2.5 Coastal Suburbs, Villages and Townships Locality Code.
   i. Performance Criteria: P6; and
   ii. The following purpose of the Code:
       • Ensure GQAL is protected from the impacts of residential development or indiscriminate residential expansion,

b. S.4.3.1 Rural Planning Area Code.
   i. Performance Criteria: P1 and P2; and
   ii. The following purposes of the Code:
       • Conserve areas for use for primary production, particularly GQAL;
       • Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;
       • Ensure that rural activities are protected from the intrusion of incompatible uses;

c. S.4.6.5 Reconfiguring a Lot Code
   i. Performance Criteria: P1, P2, P9, P12, P13, P14; and
   ii. The development is contrary to the purpose of the Code.

The purpose of this Code is to ensure:

• Lots are suitable for their intended purpose;
• The environmental and scenic values of the Shire are protected;
• Lot reconfiguration in the Rural Planning Area and Rural Settlement Planning Area does not result in the fragmentation or alienation of GQAL;

• Lot reconfiguration of land achieves good urban design outcomes; and

• Lot reconfiguration in the urban areas of the Shire facilitates:
  - the efficient use of land;
  - safe, convenient and attractive neighbourhoods and functional industrial or commercial areas;
  - the efficient provision of infrastructure;
  - the efficient provision of transport services;
  - the provision of public open space, Landscaping and Recreational Areas for outdoor recreation and community activities; and
  - opportunities for walking and cycling for recreation and as alternative methods of travel; and

6. There are insufficient grounds to justify the conflict with the Planning Scheme;

7. The development is beyond expected capabilities of Council’s water and wastewater services. There is insufficient information to demonstrate that the development can be adequately serviced;

8. Approval of the proposed development is likely to prejudice the orderly planning, use and development of land in surrounding areas targeted for residential expansion; and

9. The application fails to sufficiently establish that there is an overriding need for the development which would provide a community benefit.

**EXECUTIVE SUMMARY:**

An application has been received for Preliminary Approval Overriding the Planning Scheme to seek use rights in accordance with a Structure/Master Plan over land described as Part Lot 2 on RP 718188 located at Bonnie Doon Road, Bonnie Doon. The site contains cane farming land, is primarily clear of vegetation (except an area of remnant vegetation on the north eastern side of the site) and is located in a Rural Planning Area and in the Coastal Suburbs, Townships and Villages Locality of the Douglas Shire Planning Scheme (Planning Scheme). The application essentially seeks conceptual approval for primarily residential use rights over 43ha of land.
The application was submitted in April 2008 prior to the introduction of the draft Far North Regional Plan and prior to the establishment of the Iconic Panel. Notwithstanding this, considerable weight must be given to the Regional Plan which became effective in draft form shortly after the submission of the application. During the assessment of the application the applicant changed the scale of the development from the initial proposal over lots 1, 2 and 3 on RP 718188 (161.8ha) to part Lot 2 on RP 718188 (43ha). The reduced development was required as a result of requirements in an information request of the Department of Main Roads which could not be satisfied.

The application was publicly notified in accordance with the requirements of the Integrated Planning Act and received 35 submissions and 1 late submission. The submissions objected to the proposal for a variety of reasons including that the development would result in the loss of agricultural land, create traffic impacts, is out of sequence development, lacks adequate infrastructure to serve the development, undermines the intent of the Planning Scheme and does not comply with the Far North Queensland Regional Plan.

The proposal was referred to several referral agencies including the Department of Main Roads (DMR), Queensland Transport (QT), the Department of Natural Resources and Water (DNRW), the Environmental Protection Agency (EPA) and the Department of Infrastructure and Planning (DIP). DNRW and DIP as advice agencies recommended that the application be refused.

Assessment of the application reveals that the proposal is contrary to the State Planning Policy for Good Quality Agricultural Land (GQAL), is contrary to the Far North Queensland Regional Plan, will compromise the achievement of desired development outcomes of the Planning Scheme, is contrary to the purpose and Performance Criteria of the Coastal Suburbs, Villages and Townships Code, the Rural Planning Area Code and the Reconfiguration of a Lot Code, there is no overriding need for the development and the development is premature.

The application is recommended for refusal.

TOWN PLANNING CONSIDERATIONS:

Background

The development application was submitted to Council on 7 April 2008. Council issued an Acknowledgement Notice on 21 April 2008. An Amended Acknowledgement Notice was issued on 7 May 2008. No information request was issued by Council.

The original application encompassed 3 lots, being Lots 1 – 3 RP 718188 and proposed to develop all of the land which totalled 161.8 ha. On 9 June 2009, the applicant advised Council that it was changing the development application and reduced the area of the proposal to part of Lot 2 RP 718188, which encompasses 43 ha. All referral agencies were advised of the change. The change to the application came about due to the requirements contained in an information request of the Department of Main Roads which could not be accommodated in the development.
As a result of that information request, the proposal was altered and reduced to address traffic impacts.

The application was publicly notified between 1 July 2009 and 18 August 2009. The notice of compliance was received by Council on 20 August 2009. Several extensions to the Decision Making Period have been agreed to between the applicant and Council such that the expiry date for the Decision Making Period is 30 October 2009.

Site and Surrounds

The subject land is located on the southern side of Melaleuca Drive and the eastern side of Bonnie Doon Road, Bonnie Doon and is more particularly described as Lot 2 on RP 718188. Part of the lot also lies to the west of Bonnie Doon Road but is not incorporated in the development. The lot has an area of 52.522ha however the area proposed to be developed is 43ha. The site contains no dwellings and is utilised for cane farming purposes. A small portion of the site on the north eastern side contains natural vegetation. The land is primarily flat with a slight fall from west to east. There are no significant creeks or waterways that cross the site.

Surrounding development includes cane land to the west and south, the fringe of the urban area of Cooya Beach lies to the north of the site across Melaleuca Drive and to the east lies naturally vegetated land and waterways. Land to the north of the site is currently developing for urban purposes. Approximately 20ha of undeveloped land contained in either the Residential 1 or Residential 2 Planning area is located to the north of the site. The site is located 4km from Mossman and 8km from Port Douglas.

Proposal

The application seeks a Preliminary Approval to Override the Planning Scheme to establish in principle support for the proposed concept development, Master Plan and Precinct Design Guidelines. The proposal seeks to convert rural land to residential land with some commercial development for tourism (i.e. hotels/ tourist accommodation).

The Precinct Design Guidelines contain a table of assessable development, a Structure Plan, development precincts and codes with Acceptable Solutions and Performance Criteria. The guidelines essentially substitute the existing provisions in the scheme with a unique set of provisions which will only apply to the subject land and which would in the longer term be incorporated into amendments to the scheme.

The overall design of the Master Planned Village is based on a cluster of small walkable neighbourhoods centred around parks and open space areas. The Master Plan proposes a range of residential densities to allow for future flexibility in response to local community/economic and marketing variations. The expected mix and site population density estimates are as follows:

- Attached Residential – 2.314ha @ 139p/ha (320 persons);
- Conventional Residential – 23.94ha @ 9lots/ha (496 persons or 216 lots@2.3p/h);
- Hotel/Tourist Residential – 3.108ha @ 300p/ha (932 persons);
- Open Space Network – 2.479ha (8% of site).
The estimated total population density of the completed development is 1,748 persons (the current population for Cooya Beach from the 2006 census is 657 persons).

Key considerations of the design are summarised below:

- The flood affected land has been incorporated for passive recreation and to provide appropriate buffering to the conservation land to the east;
- A pedestrian/cycle network has been incorporated to integrate with existing residential community to the north;
- Open Space Network provides a focus for each neighbourhood cluster and links the pedestrian network;
- Lot sizes of the residential areas are not less than 800m² to maintain consistency with existing low-density development;
- Sequencing of the development over the long term will ensure that appropriate services are provided relative to demand; and
- Emphasis on ‘best practice’ methods for stormwater treatment, effluent disposal and supply of all other urban infrastructure will ensure minimal impact on the environment.

Water supply is proposed to be serviced by reservoirs constructed for the adjacent residential area to the north. The applicant submits that the reservoir being constructed for the adjacent development to the north will have adequate capacity to serve the proposed development.

Sewer reticulation is proposed to be serviced via a series of gravity mains, pump station and rising mains, that will outlet to the existing Mossman Sewerage Treatment Plant.

The site is proposed to be accessed primarily via a road which bisects the site and connects Bonnie Doon Road to Melaleuca Drive. A roundabout is proposed on Bonnie Doon Road to facilitate this.

**Far North Queensland Regional Plan**

The application was lodged on 7 April 2008. The state government introduced the Draft Far North Queensland Regional Plan (Draft Plan) on 9 May 2008. After exhibition of the Draft Plan and subsequent amendments to it, the Far North Queensland Regional Plan 2009 – 2031 (Regional Plan) was released in February 2009.

The site is included in the Regional Landscape and Rural Production Area (RLRPA) under the Regional Plan. The Regional Plan does not permit development of land for urban/residential purposes (i.e. beyond individual dwellings on existing lots) and subdivisions for urban/residential purposes outside of areas designated as urban footprint. The site is located in a Rural Planning Area under the Planning Scheme and is included in the Regional Landscape and Rural Production Area of the Regional Plan. Under the Regional Plan minimum lot sizes are restricted to 60 ha in the RLRPA.
Ordinarily, any future proposed reconfiguration of a lot would be prohibited development in the Regional Landscape and Rural Production Area under the State Planning Regulatory Provisions (Regional Plans). Had the applicant sought to lodge the application after the introduction of the Regional Plan (in either its draft form or its final form), the application would have been rejected as not properly made.

The development does not comply with the State Planning Regulatory Provisions of the Regional Plan and is contrary to the intent of the State Planning Policy to consolidate urban development within existing urban footprints and not extend such development into the Regional Landscape and Rural Production Area. The planning ground of need as stated in the economic report does not justify the conflict with the State Planning Policy (although this will be assessed in greater detail following).

Under section 3.5.6 of the Integrated Planning Act 1997, weight may be given to later codes, planning instruments, laws and policies that came into effect after the application was made.

It is noted that the application was made on 7 April 2008 and the Draft Regional Plan, which would have prevented the application being submitted, came into effect just one month later on 9 May 2008. The state government had widely advertised to the public the impending introduction of the plan and its potential impacts.

Therefore despite the application being submitted prior to the inception of the Draft Regional Plan, it was common knowledge in the industry that the plan was imminent. Hence it is considered that significant weight should be given to the Regional Plan.

The Department of Infrastructure and Planning has issued a referral (advice) agency response in relation to the application and made the following comments:

Pursuant to Section 3.3.16 (2) and Section 3.3.19 of the Integrated Planning Act 1997 (IPA), the Department of Infrastructure and Planning as an advice agency has assessed the proposed development against the purpose of the IPA and recommends that Council refuse the application unless satisfied the applicant has provided sufficient justification for overriding Douglas Shire Planning Scheme.

The application is also proposing development that is inconsistent with the underlying land use designation identified in the former Douglas Shire Council’s Integrated Planning Act 1997 (IPA) Planning Scheme. As a result, Council, acting assessment manager, must be satisfied that it is appropriate to depart from its policy if the policy is approved.

In accordance with Section 3.5.6 of IPA the assessment manager may give weight to later codes, planning instruments, law and policies with regards to the assessment of applications for a Section 3.1.6 preliminary approval to override the planning scheme.

The site is within the Regional Landscape and Rural Production Area (RLRPA) under the Far North Queensland Regional Plan 2009-2031 (FNQ Regional Plan) which came into effect from 13 February 2009. The proposal identifies uses that are generally inconsistent with the intent of the RLRPA land use category.
The subject sites are identified as being Good Quality Agricultural Land (GQAL). The state government has an interest in the protection of GQAL as currently reflected in State Planning Policy 1/92: Development and the Conservation of Agricultural Land (SPP1/92).

The FNQ Regional Plan includes policies to protect GQAL, prevent urban sprawl and encourage a compact urban form. The policies are achieved through the Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions (SPRP), which sets the boundary of the Urban Footprint, prevents further subdivision for rural residential development and sets a uniform lot size of 60 hectares for rural zoned land. Further, the FNQ Regional Plan recognises the preferred pattern of development for Far North Queensland and identifies the coastal settlement of Cooya Beach as a community that is not intended to grow or increase in density. The assessment manager should also consider Council’s infrastructure and sequencing plan for development in the Cooya Beach area.

There are also potential climate change risks associated with developing the sites for urban purposes along the coastline. These include global sea-level rise, 1 in 100 year storm tide event and an increase in the number of long-lived and severe eastern Australian cyclones (category 3-5).

In accordance with Section 3.5.5A of IPA the assessment manager must assess the part of the application having regard to the Region’s Regional Plan and State Planning Regulatory Provision.

Particular attention needs to be given to the Desired Environmental Outcomes (DEO’s) of the planning scheme to ensure the proposed development does not compromise their achievement. The IPA requires that an assessment manager refuse a development application that is inconsistent with the DEO’s for a planning scheme.

The Departments comments re-enforce the view that significant weight should be given to the Regional Plan which has been either in draft form or in full force throughout the majority of the period since the application was submitted to Council. As mentioned previously, the proposal is not consistent with the provisions of the Regional Plan, is contrary to the intent of the Regional Plan as it does not protect GQAL, does not prevent urban sprawl and does not encourage a compact urban form. The proposal results in a significant departure from current planning policy which targets other urban areas for residential growth.

Assessment of matters relating to section 3.5.5 and 3.5.5A of the act (i.e. assessment of the proposal against the planning scheme) are explored in later sections of this report.

**Iconic Panel**

The Iconic Places Act came into effect on 6 March 2008. The development application was submitted to Council on 7 April 2008. The Iconic Queensland Place of Douglas – Iconic Values Declaration was gazetted on 20 June 2008. The Iconic Panel was not formed until August 2008. Applications received prior to July 2008 were not required to be submitted to the Iconic Panel as the declaration and the panel had not been established to enable this. The application is therefore required to be determined by Council without referral to the Iconic Panel.

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Agenda – Ordinary Meeting 28/10/09 - #2330558
Consideration of Desired Environmental Outcomes

Having regard to the proposed Preliminary Approval to Override the Planning Scheme and the conflict of the development against numerous code purposes, consideration is to be given to the development's ability to satisfy the Desired Environmental Outcomes (DEO's) of the Planning Scheme. Under the Douglas Shire 2006 Scheme there are three subsets of DEO's, these being: Ecological Process and Natural Systems; Economic Development; and Cultural, Economic, Physical and Social Well-being of the Community.

The relevant DEO's relating to the proposal are provided following with an assessment of the proposal against the DEO's.

2.2.1 Ecological Processes and Natural Systems

**DEO 4** – The unique environmental character of the Shire comprised of internationally renowned landscapes, ecological significantly rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practises, which seek to minimise the effects of development on the natural environment.

It is proposed to retain the natural vegetation located on the north eastern side of the site. It is proposed to develop the remainder of the site which has been previously utilised for agricultural purposes (i.e. sugar cane). It is considered that the proposal does not satisfy the component of the DEO with respect to maintaining internationally renowned landscapes. The cane farming landscape surrounded by rainforest clad hills in Far North Queensland is considered to form a significant and unique component of the environmental character and renowned landscapes of the area which set it apart from other agricultural regions of Australia. The proposed development would result in the intrusion of urban development into that landscape and would increase the effects of development on the natural environment. The proposal is therefore contrary to the DEO.

2.2.2 Economic Development

**DEO 5** – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.

**DEO 6** – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.

**DEO 7** – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.
The expansion of the urban footprint into an area of GQAL is considered to be contrary to these DEOs as the proposal results in the complete removal of sugar cane farming from the site for urban development. The land is currently a productive sugar cane farm that supports the rural sector, provides economic value for present and future generations through employment and income generated in the sugar industry and provides GQAL.

It is noted that the Mossman Central Mill submitted an objection to this application on the grounds that the site has produced very good cane and sugar yields for many years and the land is not marginal cane land; any further loss of good agricultural land in Mossman and surrounding districts would seriously affect the viability of the Mill and the sugar industry in the region; and the loss of the sugar industry in the Mossman district would have disastrous consequences to the local economy. The proposal therefore fails to satisfy the DEOs by removing GQAL, does not sustain productive primary industries (particularly sugar), does not protect GQAL for present and future generations and undermines the strength and prosperity of the rural sector.

The Planning Scheme identifies areas of undeveloped residential land throughout the Council area. Such areas were identified during the formulation of the Scheme for several reasons including their ability to be served by infrastructure, their ability to provide adequate land stocks to satisfy the demand for urban land in certain areas, and the ability of the land to cater for urban expansion. In assessing applications within the area, Council needs to determine that development supports the planning and orderly development of the Region as envisaged by the Scheme. The planning purpose and intent of the Scheme is seriously undermined by enabling the conversion of rural land to residential land where it is out of sequence with the strategic intent of the scheme.

The proposal therefore will result in a reduction in the strength of the rural sector, will not protect rural land to ensure economic values are assured for present and future generations, and does not protect the preferred pattern of development.

The proposal is clearly contrary to the DEOs for economic development. Economic need is addressed in greater detail further within this report.

**DEO 8 – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WT WHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.**

The development seeks a reliance on Council’s infrastructure and infrastructure at nearby developing sites. There is inadequate evidence provided to demonstrate that the existing and proposed infrastructure will be able to adequately provide for the development without substantial upgrading.

**2.2.3 Cultural, Economic, Physical and Social Well-being of the Community**

**DEO 11 – The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.**
DEO 12 – Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.

The proposal represents a very large scale expansion of a very modest coastal village in terms of its population and area. Such an expansion will alter the character of Cooya Beach and its sense of place with respect to other towns and settlements. It is considered that the areas targeted for urban growth in the Cooya Beach area need to be allowed to develop before Council should consider extensions to the urban area. As it is anticipated that this will be some time off (i.e. 10 – 15 years minimum), it is considered that the proposal is premature.

New and existing residents have a choice of locating to the continuing expanding areas around Mossman, Port Douglas or areas closer to Cairns for the provision of housing. The Planning Scheme has a designated expansion area for Cooya Beach to the north of the site. This proposed development is outside the intended urban area. The submitted economic report does not establish a planning need for this site. The planning ground of need as stated in the economic report does not justify the conflict with the Desired Environmental Outcomes.

The proposal is considered to be contrary with the DEOs.

**Assessment against Scheme Codes**

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<tr>
<th>Douglas Scheme Coastal Suburbs, Villages &amp; Townships Locality</th>
<th>Code Applicability</th>
<th>Compliance</th>
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<tbody>
<tr>
<td>Locality (<a href="#">Coastal Suburbs, Villages &amp; Townships Locality Code</a>)</td>
<td>✓</td>
<td>Does not comply, refer to comment</td>
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<tr>
<td>Planning Area (<a href="#">Rural Planning Area Code</a>)</td>
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<td>Does not comply, refer to comment</td>
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<tr>
<td>Overlay (<a href="#">Acid Sulfate Soils code</a>)</td>
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<td>Satisfactory</td>
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<tr>
<td>Defined Use (<a href="#">Cultural Heritage and Valuable Sites Code</a>)</td>
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<td></td>
<td><a href="#">Natural Hazards Code</a></td>
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<td></td>
<td>Natural Areas and Scenic Amenity Code</td>
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<td></td>
<td>Reconfiguring a Lot Code</td>
<td>✓</td>
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**Compliance Issues**

**Coastal Suburbs, Villages & Townships Locality Code**

The purpose of this code is to facilitate the achievement of several outcomes. The code promotes development in these communities for a variety of uses and attempts to ensure the areas are maintained as attractive communities. The purpose of the code is also to:

- ensure GQAL is protected from the impacts of residential development or indiscriminate residential expansion,
The proposed development represents the loss of GQAL and fails to protect such land from residential expansion.

The purpose of the code is bolstered by the Performance Criteria and Acceptable Solutions which state the following:

**Performance Criteria P6**

*Any expansion of residential development in the Shire outside Mossman and Port Douglas only occurs in areas designated for future residential development.*

The site is not designated for future residential development.

**Acceptable Solutions A6.1**

*Residential expansion occurs in the designated area at Cooya Beach, identified on the Locality Plan…*

The site is not located in the designated Residential expansion area at Cooya Beach.

The applicant provided the following comment with respect to the code:

*While the proposal conflicts with the current intent for the area, it is noted that the project is a strategic development for the next 5 — 7 years that is not envisaged by the current planning scheme. However, significant merit exists for the proposal such as:*

  a) *The proposal represents a cohesive, urban community outside of Port Douglas and Mossman to reduce pressure on those environmentally sensitive environments;*

  b) *While the proposal does include opportunities for attached housing, it is primarily low-density residential development (72% conventional residential);*

  c) *The opportunity for low-scale, short-term, tourist accommodation is incorporated into the proposal to provide for a certain level of flexibility which will allow the proposal to be responsive to local community, economic and marketing variations;*

  d) *The proposal includes a broad mix of uses, including a substantial network of both active and passive open spaces;*

  e) *The proposal represents a unique opportunity to increase the available urban lands for the next 10 years to protect the existing sensitive urban environments and iconic values in the medium-long term; and*

  f) *Identified environmentally sensitive areas (Regional Ecosystems) have been retained and precluded from urban development. A significant area of passive open space has been included to ensure appropriate buffers are provided to sensitive coastal areas.*
Best practice infrastructure systems will be implemented to ensure that there are minimal impacts resulting from the development.

The applicant highlights that the proposal is a strategic project planned for the next 5 – 7 years which is not accommodated by the scheme. The scheme is designed to allow urban development throughout the area where appropriate. Significant stocks of vacant residential land are provided for in the scheme to enable anticipated growth. Land is available at Cooya Beach, Mossman, Port Douglas and other areas for such growth. To permit a proposal of this scale at this time would seriously undermine the strategic intent of the scheme and the orderly development of existing urban areas within the region.

It is considered that development of the site is premature and out of sequence with the preferred pattern of development for Cooya Beach. The proposed development does not achieve the outcomes of the Coastal Suburbs, Villages & Townships Locality Code.

**Rural Planning Area Code**

The development seeks the establishment of inconsistent land uses to the Planning Area and proposes to use Good Quality Agricultural Land for purposes other than agricultural use (i.e. urban uses). The proposal is not consistent with the outcomes contained in the purpose statement for the code and is not consistent with the Performance Criteria and Acceptable Solutions of the code. The proposal will result in residential land uses which are clearly in conflict with the intent, purpose and desired outcomes of the Rural Planning Area.

The applicant provided the following comment with respect to the Rural Planning Area Code:

*The proposed development does conflict with the intent of the Rural Planning Area, however it is submitted that the proposal, being long-term strategic approach to accommodate growth in the area, has merit in that:*

- a) The proposal represents a logical expansion of urban development (adjacent to existing residential development) in the long term growth management to ensure GQAL in appropriate locations is retained for the longer term;

- b) Opportunities for diversification in terms of agricultural pursuits are limited given proximity to established and future residential areas and environmental values;

- c) It is not feasible to support a viable farm forestry operation on the site, given the likely impacts on the adjacent sensitive environment;

- d) The site is not suitable for any form of extractive industry use given its coastal location;

- e) The proposed development incorporates buffering to reduce potential conflict between the urban use proposed, and adjoining agricultural uses;
f) **Identified areas of significant environmental value are retained as part of the proposal and could potentially be enhanced by the development; and**

g) **Stringent Design Guidelines ensuring minimum lot sizes and built form outcomes are included to reduce the impact on the scenic landscape of the area.**

The applicant notes that the proposal conflicts with the Rural Planning Area.

It is considered that the proposal particularly conflicts with the following purposes of the Code:

- Conserve areas for use for primary production, particularly GQAL;
- Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;
- Ensure that rural activities are protected from the intrusion of incompatible uses.

The information submitted by the applicant does not provide sufficient grounds to overcome the significant departure from and conflict with the purpose and requirements of the Rural Planning Area.

**Reconfiguring a Lot Code**

Despite no subdivision plan being submitted with the application (due to the nature of the application being for conceptual purposes), an assessment against the code is considered relevant given the primary purpose of the application is to facilitate the reconfiguration of the land in future.

The development is contrary to the purpose of the Code.

The purpose of this Code is to ensure that:

- Lots are suitable for their intended purpose;
- The environmental and scenic values of the Shire are protected;
- Lot reconfiguration in the Rural Planning Area and Rural Settlement Planning Area does not result in the fragmentation or alienation of GQAL;
- Lot reconfiguration of land achieves good urban design outcomes; and
- Lot reconfiguration in the urban areas of the Shire facilitates:
  - The efficient use of land;
  - Safe, convenient and attractive neighbourhoods and functional industrial or commercial areas;
  - The efficient provision of infrastructure;
  - The efficient provision of transport services;
- The provision of public open space, Landscaping and Recreational Areas for outdoor recreation and community activities; and
- Opportunities for walking and cycling for recreation and as alternative methods of travel.

The proposal does not satisfy the purposes of the code listed above. In particular, the lots are proposed for residential - not rural purposes, the proposal will result in the fragmentation of GOAL, and the proposal will not be able to adequately provide infrastructure services.

It is envisaged that the proposed residential lots will be a minimum of 800m². The minimum lot size in the Rural Planning Area specified in the code as an Acceptable Solution is 40 hectares. The development does not achieve the Acceptable Solution for minimum lot sizes of the code.

The proposal also fails to satisfy the following Performance Criteria:

P1 Lots are of sufficient area and dimensions to meet the requirements of the users and accommodate the form of development likely to be constructed in the respective Planning Areas, together with the open space, Landscaping, Access and car parking associated with the particular form of development.

P2 Lots are of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes, and to reduce potential for impacts on the natural environment by facilitating opportunities for the implementation of improved land management practices and through provision of safe and adequate water supply and sewage disposal.

P9 The Road Network:
- is integrated and consistent with the existing and proposed local Road network;
- is legible and retains existing features, views, topography and vegetation;
- is convenient and safe for local residents;
- facilitates walking and cycling within the neighbourhood;
- is compatible with the intended role of the State-Controlled Road and does not prejudice traffic safety or efficiency.

P13 An adequate, safe and reliable supply of potable water is provided.

P14 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.
Economic Need

The applicant has provided a Residential Needs Assessment with the application. The needs assessment highlighted the following findings:

The Douglas district area has an economically and demographically diverse population base, and the residential and social requirements of different groups are catered for within the distinct communities of the district. There are three distinct residential markets within the district: Port Douglas/Craiglie; inland regions; and coastal townships;

- The Cooya Beach community has a high proportion of young families with children, with relatively low incomes and thus requires more affordable housing;
- There is a significant imbalance in the current provision of residential land supply across the Douglas district, with the substantially larger portion located in the higher end residential market of Port Douglas/Craiglie. While the level of residential supply within the inland regions is considered to be appropriate and in line with the level of demand that exists for residential product in these areas, there is a significant undersupply of residential land in the coastal townships of the district;
- Future residential land supply is distributed across the district, including:
  - Craiglie - 52% (63ha);
  - Mossman - 28% (42ha); and
  - Cooya Beach - 3% (4ha).

This represents an uneven distribution of supply relative to demand (i.e. majority of supply is in Craiglie, whilst growth is in coastal locations). There is a requirement for the provision of appropriately zoned residential land in the more affordable areas of the district;

- The development of 216 lots and attached dwellings on the subject site will increase the household provision in the Cooya Beach area to 720+ dwellings, an increase of 50 per cent on the current and planned supply; and
- The proposed development will have the following benefits for the Douglas district area:
  - Improved housing affordability;
  - Greater residential choice; and
  - Provision for a range of residential housing needs (product type, price, location).
The Residential Needs Assessment provided the following conclusion with respect to need:

_The Douglas District has a demographically and economically diverse population base, and as such requires a diverse residential market to meet their social and financial needs when it comes to housing options. The provision of a wide range of residential options, in terms of location, place and type will be required to provide for the needs of the future community. Any residential land expansion plan considered by Council will need to consider the housing requirements of an economically and demographically diverse future population._

_It is considered that Council should amend the current planning scheme to increase the future supply of residential land and more importantly, make land available in a diversity of locations such as the Cooya Beach Township._

The needs analysis indicates that there will be demand for additional housing stock in Cooya Beach area in the future. However, it does not indicate when the current urban growth areas will reach capacity and it would appear that this will not occur in the short or medium term. An alternative report into residential need (indicated in the DNRW referral response and commissioned by CEC) at Cooya Beach indicated that Council has sufficient land allocated to provide approximately 15 years supply based on population growth, consumption, etc. There is no short or medium term need for additional housing at Cooya Beach and proposed is considered to be premature.

Notwithstanding the submission relating to need, simply because there may be a demand for land does not justify it being provided on an ad hoc basis. As mentioned previously, appropriate forward planning has already been carried out as part of the formulation of the Planning Scheme and the Regional Plan, both of which target various areas for urban development. The proposal sits outside of these targeted areas and therefore is out of sequence and not appropriately planned for with respect to services and infrastructure. The needs analysis does not justify the departure from the Planning Scheme and Regional Plan for targeted urban growth.

**Phone Survey**

The applicant also conducted two phone surveys of the Cooya Beach community to gauge greater appreciation of local attitudes to the development. Sixty nine phone interviews were conducted and a variety of information was gleaned from this. Importantly, the phone survey highlighted that 47% (the largest single response) believed the development should not go ahead.

** Provision of Infrastructure (Water & Sewer) **

It is proposed that the development will be serviced by the water reservoirs constructed for the adjacent ‘Cane Development’ which the applicant submits will have suitable capacity to serve both the ‘Cane Development” and their own development.

With respect to sewer, it is proposed that the development will be serviced via a series of gravity mains, pump station and rising main, that will outlet to the existing Mossman Sewerage Treatment Plant located north of Mossman.
Water and Waste have advised that the information submitted with respect to the proposal being serviced by the water reticulation system for the ‘Cane Development’ does not provide adequate evidence showing that the proposed development will be able to utilise the system and whether the system will have capacity to accommodate the proposal.

With respect to sewer, the existing Mossman Wastewater Treatment Plant (WWTP) is currently operating at near full capacity. Water and Waste has commenced planning for the upgrade of the Mossman WWTP and subsequent connection of the beach communities. Infrastructure planning of Cooya Beach is limited to the developed, un-sewered areas and does not include this site.

Council adopted a report and recommended actions and timeframes for sewering the beaches at the June 2009 Water and Waste Committee Meeting. The report determined that sewering of the beach communities should be deferred until at least 2017.

Despite the applicant potentially being able to connect to the water reticulation system at the adjacent Cane Development site to the north, sewering of the site is unlikely to be possible at least until 2017 for the existing dwellings at Cooya Beach.

**Engineering Issues**

The applicant has submitted information relating to flooding, drainage and traffic. Advice from Infrastructure Management indicated that the information submitted does not adequately demonstrate that the site can be made suitably flood immune, that stormwater can be drained to a lawful point of discharge, and that the site can sufficiently integrate into the surrounding road network infrastructure.

**Concurrence and Referral Agency Advices**

The DIP provided a response recommending that the application be refused as it is inconsistent with the Regional Plan.

The DNRW raised concern with the use of Good Quality Agricultural Land for non rural purposes and advised that the proposal will unnecessarily fragment Good Quality Agricultural Land and is in contravention of the State Planning Policy 1/92 Development and Conservation of Agricultural Land. DNRW advised that the application should be refused.

QT, the DMR, Environment Protection Agency (EPA) and the Department of Fisheries have provided responses also. Details of all referral agency requirements are contained in Appendix 2.

**Public Notification / Submissions**

The application was publicly notified between 1 July 2009 and 18 August 2009. The notice of compliance was received by Council on 20 August 2009. Thirty five submissions were received within the public notification period. One late submission was received outside of the public notification period and consequently that objector will not have appeal rights. The DIP requested that their referral response be considered to be a properly made submission as well.
The objections are outlined and assessed following:

**The loss of good productive agricultural land required for sugar cane farming will seriously erode the viability of the sugar industry in the district and that of the Mill. Maintaining the viability of the Mill has significant benefits to the local economy and assists in protecting the diversity of the local economy.**

*Officer Comment*

This matter is addressed in the report. The incremental loss of cane land for urban development will adversely impact upon the viability of the sugar industry.

**The application contravenes the current Douglas Planning Scheme under which the land in question is zoned rural.**

*Officer Comment*

This matter is addressed in the report.

**This land has also been zoned rural under the 2031 Regional Plan, which strongly recommends that no development take place outside the urban footprint.**

*Officer Comment*

This matter is addressed in the report.

**There is no demonstrated economic need for a development of this scale at this point in time.**

*Officer Comment*

This matter is addressed in the report.

**The proposal will result in the loss, fragmentation and alienation of agricultural land.**

*Officer Comment*

This matter is addressed in the report.

**The proposed development will result in a further loss of cane land, which further undermines the viability of the Mossman Mill with an attendant loss of ongoing employment.**

*Officer Comment*

This matter is addressed in the report.
The proposed subdivision will significantly increase traffic movements, not only in the immediate area, but also on the Cook Highway, which is already being used to capacity.

**Officer Comment**

This matter is addressed in the report. The applicant has not provided sufficient detail to adequately determine the impact of the development upon the surrounding road network. The DMR has however issued conditions of approval with respect to the development.

The water and sewerage infrastructure necessary to support a development of this scale does not presently exist, and in the case of water supply, is unlikely to exist in the future.

**Officer Comment**

These matters are addressed in the report.

The proposed development does not properly address the issue of flooding in the area. A development of this size will simply exacerbate the already existing drainage problems with significant increase in run off from built up areas to a section of the site that is already flood prone.

**Officer Comment**

This matter is addressed in the report. The applicant has not submitted sufficient detail to adequately determine the drainage and flooding impacts of the development.

The site is within 100m of a Conservation Estate, which is defined as a Marine Park and World Heritage Area.

**Officer Comment**

Relevant referral agencies have provided comment with respect to this matter. Conditions and comments in relation to this matter are provided by the EPA.

The application does not address the issue of climate change and rising sea levels and its effects. Already the high tides in the Far North are higher each year. With flooding and tidal surge mass movement of residents is a major issue that needs to be addressed. This proposal does not address that issue.

**Officer Comment**

It is noted in the report that the applicant has failed to provide adequate detail in relation to flooding and drainage (including tidal surge).

Any development should be made to adhere to the community developed and accepted Douglas Shire’s Planning Scheme. Ad hoc changes make a mockery of planned development.
Officer Comment

The report highlights that the development is premature and is not consistent with the provisions of the Douglas Scheme.

**The Douglas Scheme was designed to encourage controlled development and protect the sugar industry. Cooya Beach has a large residential development on its doorstep and at its present rate of occupation will take years to reach its full capacity. Other residential developments in the Mossman District with all infrastructure readily available are far from being completed. Allowing this change to the town plan will set a precedence and open the floodgates for other developers to do the same.**

Officer Comment

These matters are addressed in the report. It is agreed that there are no examples of other development proposals of this type that have been approved by Council and approval of the application would set an undesirable precedent. It is considered inappropriate to circumvent the Planning Scheme as proposed.

**The proposal is inconsistent with the Planning Area Code and the Locality. The proposal is impact assessable (inconsistent) and is therefore not consistent with achieving ecological sustainability of the DEOs for the Shire.**

Officer Comment

This matter is addressed in the report.

**The proposal is in conflict with characteristics 1,2,3,4,5 and 6 of the Douglas Iconic Place characteristics. The Structure Plan is in conflict with the iconic values by establishing urban development in a rural area.**

Officer Comment

This matter is addressed within the report. No assessment of the proposal against the iconic values has been made. However, the proposal conflicts with several of the iconic values, particularly with respect to loss of good quality agricultural land and visual amenity.

**People have bought acreage in the area and have invested significant money in building dwellings in the knowledge that the surrounding agricultural zoned land would remain under agricultural production protected affected by the proposal.**

Officer Comment

The impact to adjacent owner’s privacy and views is unable to be determined without full designs. However, the impact of the development to adjacent properties is likely to have an impact greater than uninhabited sugar cane land. Views to the ocean over cane land would drastically change.
The proposal will destroy what remains of the original character of the Cooya Beach settlement.

Officer Comment

The addition of a substantial urban development to modern standards will significantly increase the population of Cooya Beach and inevitably change the character of the area.

The proposal will become a dormitory suburb for people employed in Cairns. This is ecologically unsustainable and will create additional traffic loads on the Captain Cook Highway.

Officer Comment

The proposal is likely to result in additional traffic movements between the site and Cairns and hence create additional traffic loads.

Mossman will be the service and retail centre for the proposal. The proposal is located a significant distance from Mossman to prevent pedestrians from walking to the Mossman Town Centre. The population will not be large enough in Cooya Beach to support a bus network. People will need to drive to centres which is ecologically unsustainable and will require upgrading of surrounding roads.

Officer Comment

The proposal is not located within close enough proximity to Mossman for residents to access Mossman on foot. Mossman will need to be accessed via motor vehicle.

Residential development should expand outwards from urban centres to ensure adequate services, infrastructure, etc are capitalised upon. It is contrary to good planning principles to locate new urban areas in isolation from existing service and infrastructure.

Officer Comment

This matter has been addressed in the report.

The proposed development is of such a scale that it will, in the medium term, threaten the success of further residential land releases located in more appropriate locations.

Officer Comment

This matter has been addressed in the report.
Conclusion

The proposed development will result in the conversion of some 43 ha of agricultural land currently utilised for cane farming into residential land. The Planning Scheme identifies a variety of areas targeted for residential expansion. The subject site is not targeted for urban expansion and is located in a Rural Planning Area.

The proposal fails to satisfy the purpose, Performance Criteria and Acceptable Solutions of the Rural Planning Area, the Reconfiguration of a Lot Code, the Locality Code and the DEOs of the Planning Scheme. The proposal is inconsistent with the intent of the Regional Plan and the applicant has failed to demonstrate there is a need for the development. The proposal will adversely impact upon the character of Cooya Beach and will adversely impact upon the sugar cane industry. Insufficient information has been provided to fully ascertain the impact of the development with respect to traffic, drainage and flooding. Inadequate infrastructure is available to serve the development. It is considered that the proposal is premature.

It is recommended that the application be refused.

Luke Jackson
Action Officer

Neil Beck
A/Manager Development Assessment
APPENDIX 2 CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

11 August 2009

The Assessment Manager
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Attention: Simon Clarke

Dear Mr Clarke

RE: Advice Agency Response

I refer to the referral, received 16 May 2008 from Conics (Cairns) Pty Ltd regarding a development application for the following proposal:

Applicant: Bonnie Doon Group Pty Ltd
c/- Conics (Cairns) Pty Ltd

Proposed Development: Development application for:

- Preliminary Approval to Override the Planning Scheme to seek use rights in accordance with a Structure Plan

Referral Trigger: Integrated Planning Act 1997
Section 3.1.6 – preliminary approval overriding the planning scheme

Location: Bonnie Doon Road, Cooya Beach
Lots 1, 2 and 3 on RP718188

Assessment Manager: Cairns Regional Council

Council Reference No: 8/8/984
Advice to Assessment Manager

Pursuant to Section 3.3.16 (2) and Section 3.3.19 of the Integrated Planning Act 1997 (IPA), the Department of Infrastructure and Planning as an advice agency has assessed the proposed development against the purpose of the IPA and recommends that Council refuse the application unless satisfied the applicant has provided sufficient justification for overriding Douglas Shire Planning Scheme.

The application is also proposing development that is inconsistent with the underlying land use designation identified in the former Douglas Shire Council's Integrated Planning Act 1997 (IPA) Planning Scheme. As a result, Council, acting assessment manager, must be satisfied that it is appropriate to depart from its policy if the policy is approved.

In accordance with Section 3.5.6 of IPA the assessment manager may give weight to later codes, planning instruments, law and policies with regards to the assessment of applications for a Section 3.1.6 preliminary approval to override the planning scheme.

The site is within the Regional Landscape and Rural Production Area (RLRPA) under the Far North Queensland Regional Plan 2009-2031 (FNQ Regional Plan) which came into effect from 13 February 2009. The proposal identifies uses that are generally inconsistent with the intent of the RLRPA land use category.

The subject sites are identified as being Good Quality Agricultural Land (GQAL). The state government has an interest in the protection of GQAL as currently reflected in State Planning Policy 1/92: Development and the Conservation of Agricultural Land (SPP1/92).

The FNQ Regional Plan includes policies to protect GQAL, prevent urban sprawl and encourage a compact urban form. The policies are achieved through the Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions (SPRP), which sets the boundary of the Urban Footprint, prevents further subdivision for rural residential development and sets a uniform lot size of 60 hectares for rural zoned land.

Further, the FNQ Regional Plan recognises the preferred pattern of development for Far North Queensland and identifies the coastal settlement of Cooya Beach as a community that is not intended to grow or increase in density. The assessment manager should also consider Council's infrastructure and sequencing plan for development in the Cooya Beach area.

There are also potential climate change risks associated with developing the sites for urban purposes along the coastline. These include global sea-level rise, 1 in 100 year storm tide event and an increase in the number of long-lived and severe eastern Australian cyclones (category 3-5).
In accordance with Section 3.5.5A of IPA the assessment manager must assess the part of the application having regard to the Region's Regional Plan and State Planning Regulatory Provision.

Particular attention needs to be given to the Desired Environmental Outcomes (DEO's) of the planning scheme to ensure the proposed development does not compromise their achievement. The IPA requires that an assessment manager refuse a development application that is inconsistent with the DEO's for a planning scheme.

As an advice agency, this Department requests the assessment manager treat this response as a properly made submission in accordance with Sections 3.3.19(3)(b) and 4.1.29(1) of the IPA.

If you require any further information, please contact Ms Joanne Manson, Planner, Planning Group, Northern Region Division on 4039 8859 who will be pleased to assist.

Yours sincerely

[Signature]

Tony Croke
A/Manager
Northern Region Division

cc: Mr Stuart Ricketts
Conico (Cairns) Pty Ltd
c/o Bonnie Doon Group Pty Ltd
PO Box 1256
Cairns Qld 4870
30 July 2009

Department of Infrastructure and Planning
PO Box 5194
CAIRNS QLD 4870

Attention: Joanne Manson

Dear Joanne

MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME TO SEEK USES RIGHTS IN ACCORDANCE WITH A STRUCTURE PLAN—BONNIE DOON RD, BONNIE DOON. ADDITIONAL REFERRAL AGENCY RESPONSE

The Department of Environment and Resource Management (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, was submitted on 3 October 2000. However the Advice on 'Good quality Agricultural Land (GQAL)' is attached which was not provided with the original response.

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

Yours sincerely

Geoffrey T Smith
Principal Natural Resource Officer,
Planning & Environment,
Landscape and Community Services

CC
Bonnie Doon Projects Pty Ltd
C/- Conics
PO Box 1949
CAIRNS QLD 4870
Attention: Stuart Ricketts

Cc
The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870
Attention: Simon Clarke

ENCL. Additional Referral Agency Response
Department of Environment & Resource Management
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application details
1.1. Applicant's name: Bonnie Doon Projects Pty Ltd Cl- Conics.
1.2. Property description: 1.2 & 3 on RP718168
1.3. Development type: Material Change of Use (MCU)
1.4. Assessment manager: Cairns Regional Council
1.5. Referral date: 16 May 2008
1.6. Our references: IC0701NS0019
eLVAS Case No: 2008/007028

2. Advice Agency Response - Good Quality Agricultural Land (GQAL)

The following land resource information, in a map format prepared by CSIRO and DIP, was consulted for the determination of GQAL at the subject site:

1. 'Land suitability for Sugar-Cane – Mossman-Julatten Area' – DPI 1991(extract of map):

<table>
<thead>
<tr>
<th>Area (ha)</th>
<th>Suitable land with negligible to moderate limitations</th>
<th>25 129</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Marginal land presently considered unsuitable due to severe limitations</td>
<td>4 305</td>
</tr>
<tr>
<td></td>
<td>Unsuitable land</td>
<td>12 388</td>
</tr>
</tbody>
</table>
Department of Environment & Resource Management
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

2. 'Land suitability for sugar Cane – Northern Region – Mossman Mill' - DPI (extract of map)

Reference

Suitable and Available* 37 995ha
Suitable, may be available 780ha
(State forests, timber reserves)
Either unsuitable or unavailable

This suitable area contains only 40%
of soils suitable for sugar cane.

World Heritage Areas

Radial Distance from Mill

Note: These circles are distance indicators only
and do not imply that cane will be processed by
the mill from which the circle emanates.

* Available land not zoned for urban, industrial and
public use. This includes currently used suitable cane
lands which total 13,130ha for this district.
Department of Environment & Resource Management
Referral agency response

Given under Section 3.3.16 of the Integrated Planning Act 1997

Both maps show that most of the land is suitable for sugar cane, except for a strip along the eastern boundary of lot 2 and 3 RP718188.

The subject land is mapped as good quality agricultural land in the Douglas Shire Planning Scheme and confirmed by Map 6 of the FNQ 2009-2031 Regional Plan. The mapping in the Regional Plan is based on a recent review of all available land suitability and soil resource information consistent with a standardised suitability framework for the FNQ Regional Plan area. This Versatile Cropping Land analysis is the best and most up to date information available.

DERM's spatial database for Versatile Cropping Land has been queried for lots 1, 2 and 3 on RP718188 and shows that the majority of the land is considered suitable for sixteen rainfed crops (banana, citrus, coffee, cucurbit, custard apple, longan, lychee, mango, maize, pasture, persimmon, pineapple, rambutan, soy and tea, in addition to sugar) and three irrigated crops (macadamia, pawpaw and vegetables). An irregular area in the south of the combined lots is suitable for only seven crops (banana, cucurbit, pasture, sweet corn, sweet potato, sugar, and vegetables).

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

The Queensland Government considers that GQAL is a finite National and State resource that must be conserved and managed for the longer term. On a local level, this is supported by the Rural zoning in the planning scheme relevant to this locality within Cairns Regional Council (Douglas Shire Planning scheme- August 2006) that establishes a minimum lot size of 40 hectares. The relevant desired environmental outcome for the Rural Planning Area in Cairnsplan being that 'areas for use for primary production, particularly areas of Good Quality Agricultural Land, are conserved and are not unnecessarily fragmented'.

Background

It is acknowledged that the applicant addressed the 'State Planning Policy 1/92 - Development and the Conservation of Agricultural Land' in relation to 'overriding need in the public interest' by providing:

- 'Residential Needs Assessment – CEC Cooya Beach' report, prepared by Conics on 21 April 2008, and the statement that there is an overriding need to provide affordable residential housing at appropriate locations such as this, that respond to the housing needs of the community, as highlighted by SPP1/07 Housing and Residential Development.

DERM notes the following:

- That SPP 1/07 applies only to Cairns City.
- That the 'Residential needs assessment – CEC Cooya Beach report' indicates that Councils have sufficient future land allocated to provide approximately 15 years supply based on population growth, consumption, etc, as part of efficient planning practices.
- That the Far North Queensland Regional Plan 2009 - 2031 states that:

Department of Environment & Resource Management
Referral agency response
Given under Section 3.3.16 of the Integrated Planning Act 1997

- strategic direction is to limit growth pressure on the coast, and
- the Regional Land Use pattern on the coastal settlements of Wonga, Newell and Cooya Beach are not intended to grow or increase in density; and
- the subject land is within the Regional Landscape and Rural Production Areas. Footprint.

Recommendation:
DERM considers that the proposal will unnecessarily fragment GOAL, and is in contravention of SPP1/92.

State Planning Policy 1/92 applies to all areas of good quality agricultural land, irrespective of whether farming activity is present.

DERM recommends Council to refuse the application unless the applicant comprehensively addresses the requirements of SPP 1/92 in relation to the application by demonstrating:
- evidence that there is no other available non GOAL land for the purpose, in accordance with the guidelines attached to SPP 1/92; or
- That the land is not GOAL, in accordance with the guidelines attached to SPP 1/92 and despite evidence presented above.

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

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

Geoffrey T Smith
Principal Natural Resource Officer,
Planning & Environment,
Landscape and Community Services

30 July 2009
20 July 2009

Peter Tabulo
A/Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Attention: Simon Clarke

Dear Mr Tabulo

CONCURRENCE AGENCY RESPONSE

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

Applicant: Bonnie Doon Projects Pty Ltd
Address: C/o Conics (Cairns) Pty Ltd
Proposal: Master Planned Community – Bonnie Doon
Location: Bonnie Doon Road, Cooya Beach
Property Description: Lot 2 on RP718188

The Department of Employment Economic Development and Innovation (DEEDI), as a concurrence agency under the Integrated Planning Act 1997, has assessed the development application against the purposes of the Fisheries Act 1994.

The response to information request provided indicates that no marine plants will be disturbed as part of the proposed Master Planning process within Lot 2 on RP718188 so no conditions have been provided by DEEDI.

A boardwalk, which would result in the disturbance of marine plants, was indicated off the property on Lot 1 USL8683 on the 'Structure Plan Option A' provided with the additional information. This would require a separate new application and as such is not dealt with in this response. DEEDI would require a number of issues to be resolved prior to any boardwalk being supported or approved at this location.
If you require any further information regarding the above, please contact Louise Johns on telephone 4057 3706 or email louise.johns@deedi.qld.gov.au.

Yours sincerely

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

Cc: Stuart Ricketts
Conics Cairns Pty Ltd
PO Box 1949
Cairns Qld 4870
Notice

Concurrence Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to Section 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Cairns Regional Council (Cairns)
PO Box 359
CAIRNS QLD 4870

CC: Bonnie Doon Projects
cl/- Conics (Cairns)
PO Box 1949
CAIRNS QLD 4870

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

The Department of Environment and Resource Management (DERM), wishes to advise that the referral for a concurrence agency response, received on 20-MAY-2008, has been assessed, and on 8-JUL-2009 it was granted.

1. Property/Location:
   Lot/Plan - Lot 2 RP718188

2. Details of the recommendation
   Aspect of Development
   - Advice Agency Response
   - MCU of land in or within 100m of a conservation estate
   - MCU on land in or within 100m of a wetland

   Recommendation
   - Granted

   DERM Ref Number
   - IPAR01080408

   Aspect of Development
   - Concurrence Response for a MCU within a coastal management district
   - MCU completely or partly within a coastal management district if the MCU involves certain operational work - Preliminary approval.
3. Currency period

This preliminary approval takes effect from those times as referred to under the Integrated Planning Act 1997. The preliminary approval will lapse unless substantially started within the currency period 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>
</thead>
<tbody>
<tr>
<td>Job no 20439-9651-13A</td>
<td>Cooya Beach, Cairns, Structure Plan (Conics)</td>
<td>April 2008</td>
</tr>
</tbody>
</table>

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 3.5.15 and 3.5.17 of the Integrated Planning Act 1997 that a copy of the final Decision Notice (which includes the Departments concurrence response) for this application issued by the Cairns Regional Council (Cairns), be forwarded to each referral agency. Therefore could you please send a signed hardcopy to the Departments Ecoaccess Customer Service Unit, PO Box 15155 CITY EAST 4002 and an electronic copy to eco.access@derm.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 DERM has not provided a notification to native title parties.
Concurrence Agency Response

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

Yours sincerely

[Signature]
Rob Little
Delegate
Department of Environment and Resource Management
08-JUL-2009

Enquiries:
ES - Reg Serv - Cairns - William McCormack
PO Box 2066
CAIRNS QLD 4870
Phone: (07) 4046 6602
Fax: (07) 4046 6605
Suggested Plant Species to be Included in Revegetation

Selected Species of High Significance for
Fauna Wet Tropics Lowlands - Ingham to Cooktown

**various Pandanus spp**
(esp. *P. tectorcory, whitei, soms-lobachi*)
- Favoured nesting sites of the rare Crimson Finch.
The Cairns to Innisfail coastal area is habitat for a healthy
Crimson Finch population especially in the Skeleton Creek and
Mulgrava River areas. Flowers are a source of nectar for flying
foxes and birds.

**Pipturus argenteus**
(White Mulberry)
Food plant of numerous frugivorous bird species attracted to
fruits. Foliage is consumed by at least three large phasmid
species including the giant spiny stick insect and the white nymph
butterfly.

**Caralia brachiata**
(Corky Bark)
Fruits are consumed by a wide range of birds and flying foxes.
Foliage is eaten by the caterpillars of the attractive four o’clock
moth.

**various Ficus spp**
(Figs)
Fruits are eaten by a variety of birds including fruit pigeons and fig
parrots. Flying foxes and tube-nosed bats visit fig trees at night;
*Ficus racemosa* and *Ficus opposita* are particularly useful
species.

**Melicope elleryana**
(Pink Euodia)
Host plant of Ulysses butterfly. Flowers are visited by a range of
insects and birds. Fruits are eaten by a number of bird species.

**Archontophoenix alexandrae**
(Alexander Palms)
Fruits eaten by a range of fruit eating birds especially metallic
starlings and fruit pigeon. Nectar from flowers consumed by fruit
bats and a large range of insects.
**various Aristolochia spp.**
(Dutchman’s Pipe Vine)
Food plant of a number of attractive butterfly species including Cairns Birdwing, Red bodied swallowtail butterfly and Big greyish

**Adenia heterophylla.**
(Native Passionfruit Vine)
Food plant of several butterfly species including the imposing Red Lacewing and Orange Cruiser, as well as the Glasswing. Fruits are attractive to several bird species and fruit bats.

**Terminalia sericocarpa/ meulleri**
(Damson Trees)
Produces large volumes of fruit in a short season. Fruit attracts a wide variety of birds and is favoured by at least three megachiraptera - bats.

**Melaleuca leucodendra/ dealbata.**
(Paperbarks)
Nectar is produced in large amounts over a long period of time. These species are perhaps the most eagerly sought by nectar feeding birds, fruit bats and insects.

**Barringtonia racemosa.**
Like the Melaleucas this species attracts nectarous bats and birds in large numbers.

**Trema orientalis.**
Fruits are appealing to a variety of fruit eating birds. The foliage is particularly favoured by a variety of moth caterpillars, grasshoppers and crickets, phasmids (eg giant sping stick insect) and beetles.

**Eleocarpus angustifolius.**
(Blue Quandong)
Fruits consumed by a number of frugivorous birds and also by fruit bats.

**various Eucalyptus spp.**
(Gum Trees)
Nectar is highly attractive to a large range of birds and fruit bats. Foliage is eaten by a large number of insect species. Eucalypts are excellent Mistletoe hosts, which have outstanding value to wildlife.
Schefflera sp.  
(Umbrella Tree)  
Nectar enjoyed by a wide range of birds (including honeyeaters and lorikeets), insects and fruit bats. Foliage is a preferred food of both species of Tree-Kangaroos. Fruit eaten by many birds.

Omalanthus novo-guineensis.  
(Bleeding Heart)  
Host food plant of the giant hercules moth and a range of other insects. Fruits are eaten by a number of bird species.

Other important native Species for Wildlife in Wet Tropics Lowlands

- Syzygium spp (Satin-ashes/Lilly Pilly)
- Gmelina delrympleana (White Beech/Grey Teak)
- Cinnamomum laubati (Pepperwood)
- Litsea lefeanea (Bollywood)
- Neolitsea dealbata
- Cryptocarya spp
- Melia azedarach (White Cedar)
- Myristica insipida (Nutmeg)
- Ptychospernum elegans (Solitaire Palm)

Note. The above are especially useful plants for fauna in lowland Rainforest Riparian situations. By attracting fruit eating bats and birds, seeding from droppings helps to accelerate the establishment of a diverse and ecologically functional community. There are very few native fruits which are not consumed by cassowaries.

Mike Trenerry  
NPWS/CS Planner  
Far Northern Region

MT-56.8 TJ
Suggested Plant Species to be Included in Revegetation

Selected Species Of High Significance For Fauna, Wet Tropics
Uplands and Highlands

various *Ficus* spp. (Figs)
Fruit consumed by numerous bird species and
megachiropteran bats. Foliage eaten by Green Ringtail
Possum. Outstanding species include *F. leptoclada* and
*F. pleurocarpa*. Red-legged Pademelons often eat fallen
foliage.

various *Elaeocarpus* spp. (Quandongs)
A range of birds and bats eat fruit or visit flowers.
Herbert River Ringtail Possums and Lemuroid Possums
eat foliage and perhaps fruit. *E. ruminatus* *E*
*angustifolius* and *E. largiflorus* are particularly important
species.

various *Endiandra* spp. (Walnuts)
Fruit eaten by a range of birds and fruit bats with foliage
and fruit favoured by Green Ringtails and Lemuroid
Possums. *E. sankeyana* and *E. monophylla* are two of
the most useful species.

*Litsea leefeana* (Bollywood)
Excellent bird and bat attracting species which has
foliage also used by Lemuroid Possums, Green Ringtail
Possums and Triangle Butterflies.

various *Beilschmedia* spp. (Walnuts)
Outstanding group for birds, bats, Musky-Rat Kangaroos
and Lemuroid Possums. *B. bancroftii* and *B. oligandra*
are especially good species.

*Alphitonia whitei/petrei* (Ashes)
Fruits eaten by several rainforest bird species and bats.
Foliage consumed by Herbert River Ringtails, Green
Ringtails, Red-Legged Pademelons and attractive
rainforest butterflies.

*Polyscias* spp. (Celery Top)
Fruit eagerly sought by a variety of birds. A favoured
foliage for the Herbert River Ringtail.
various Syzygium spp (Lilly Pilly/Satin-ashes)
Fruit and flowers used by a wide range of bats, birds, insects, possums and terrestrial mammals.

Melicope elleryana (Pink Evodia)
Acacia aulacocarpa (Black Wattle)
Omolanthus novo-guineensis (Bleeding Heart)
Three outstanding pioneer species which have architectures and sometimes foliage favourable to arboreal mammals. Fruit and seeds are eagerly sought by a range of birds. Flowers provide useful amounts of nectar and each is host to at least one attractive moth or butterfly.

Other important Upland Rainforest Plants for Fauna

Archontophoenix alexandrae/maxima (Alexander Palms)

Castanospermum australe (Black Bean)

Elaeagnus triflora (Millaa Millaa Vine)

Acronychia spp (Acid Berries)

Apodytes brachystylus (Buff Alder)

Chionanthus spp (Native Olives)

Cryptocarya spp (Laurels)

Cinnamomum laubati (Pepperwood)

Diospyros spp (Ebony/Persimmon)

Dysoxylum pettigrewianum (Spur Mahogany)

Garcinia gibbsiae (Mountain Mangosteen)

Euroschnus falcata (Ribbonwood)

Flindersia brayleana (Queensland Maple)

Halfordia scleroxyla (Jitta)

Helicia nortoniana (Oak)

Pilidiostigma tropicum (Apricot Myrtle)
Polysoma spp (Alder/Polysoma)
Prunus turneriana (Almond Bark)
Siphonodon membranaceus (Ivorywood)
Symplocos spp (Hazelwoods)

Note: Areas of intermediate altitude such as Kuranda and Julatten may require a selection of upland and lowland species if planting is for faunal 'enhancement' (amongst a number of justifications for replanting).

Lists are not exhaustive but rather represent good examples from lists which may include hundreds of species. Numerous very useful species, e.g. Buff Beech (Gomphandra australiana) and the Olive (Olea paniculata) may well be added to lists, therefore they represent a starting point, rather than the definitive 'last word.'
Concurrence Agency Response
Section 3.3.16 and 3.3.18 Integrated Planning Act 1997

DERM Permit number: IPCC01080508

<table>
<thead>
<tr>
<th>DERM Permit number: IPCC01080508</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment Manager reference: 6/7/1417 (1861547)</td>
</tr>
<tr>
<td>Date application received by: 20-MAY-2008</td>
</tr>
<tr>
<td>DERM: Permit Type: Concurrency Response for a MCU within a coastal management district - Preliminary Approval</td>
</tr>
<tr>
<td>Date of Decision: B-JUL-2009</td>
</tr>
<tr>
<td>Decision: Granted with conditions</td>
</tr>
<tr>
<td>Relevant Laws and Policies: Coastal Protection and Management Act 1995 and any subordinate legislation</td>
</tr>
<tr>
<td>Jurisdiction: Item 6 in Table 3 of Schedule 2 of the Integrated Planning Regulation 1998</td>
</tr>
</tbody>
</table>

The preliminary approval applies to and binds the Cairns Regional Council.

Development Description

<table>
<thead>
<tr>
<th>Property</th>
<th>Lot/Plan</th>
<th>Aspect of Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boonie Doon Road, Cooya Beach</td>
<td>Lot 2 Plan RP718188</td>
<td>MCU completely or partly within a coastal management district</td>
</tr>
</tbody>
</table>

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 Department of Environment and Resource Management 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 Department of Environment and Resource Management and the Queensland Parks and Wildlife Service
Advice to Assessment Manager

Should the application be approved, the Department advises of the following be incorporated into the conditions of the approval.

- It is noted that overland flow for the northern sections of the property are proposed to be directed to remnant vegetation/wetland areas in the north-east. Where possible, storm water is to be redirected away from the wetlands, and applicant to investigate "best practice" methods for stormwater treatment, effluent disposal (gross pollution/fitter traps, detention basins, filter strips) to reduce pollution to wetland and the adjoining Marine Park.
- Proponent to implement mitigation strategies to manage environmental issues as outlined in section 3.6.1 of Environmental Assessment Report, Conics, Bonnie Doon Projects (10313-R65048), June 2009. This includes the development of a Sediment and Erosion Control Plan and Stormwater Quality Management Plan for the site.
- Due to the presence of Acid Sulfate Soils at one sample site, special consideration is to be given for deeper disturbances such as those for buried service infrastructure (ie sewer and stormwater). Appropriate management strategies are required to be developed in the event Acid Sulfate Soils are encountered.
- Limit development to areas which are not subject to frequent flooding. Contaminants from residential areas during flood and rainfall events are likely to contribute pollution to adjacent wetlands and marine park areas.
- Use native plants (preferably of local provenance) for public gardens and park land areas to reduce the spread of introduced plants (a suggested plant species list attached).
- DERM support the use of a road to separate residential areas from existing vegetation (as proposed by plans). This will provide an additional buffer for vegetation against potential weeds, domestic animals, and sediment control.
- The proposed boardwalk through mangrove areas will require additional approvals under the Coastal Protection and Management Act 1995 and Marine Parks Act 2004. A pre-lodgement meeting with the proponent is recommended to discuss licensing requirements.
- The department supports the proponents proposal to have the erosion prone areas of the proposal surrendered to the State.
- Require a minimum 40m buffer between built structures (fences/buildings etc) from remnant vegetation. This will reduce potential storm damage to built structures and provide a buffer to adjacent wetlands from the potential impacts from sediment/erosion and reduce contaminants from residential activities.

Additional comments or advice about the application

Preliminary approval
Please be advised that this preliminary approval does not authorise any development to commence but includes conditions in relation to a future development application. A development permit must be sought and approved by the relevant statutory authority in order to authorise any development.

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.

Contaminated Land
It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware 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 Department of Environment and Resource Management.
Additional information for applicants

The proposed boardwalk through mangrove areas are not authorised by this preliminary approval and may require additional approvals under the Coastal Protection and Management Act 1995 and Marine Parks Act 2004. A pre-lodgement meeting is recommended to discuss licensing requirements.

Rob Little  
Delegate  
Department of Environment and Resource Management  
08-JUL-2009
CONDITIONS OF APPROVAL

General Permit Condition
Agency Interest: Coastal

PC1 The development is approved in accordance with drawings, 20439-9651-13A, titled Cooya Beach, Cairns Structure Plan, dated April 2008 and prepared by Conics.

PC2 No development (including operational works) is to be undertaken within that part of the land within the Coastal Management District. The landward boundary of the Coastal Management District is defined by the western boundary of the vegetated dune system.

PC3 All reasonable and practical measures must be implemented so the following values within the Coastal Management District are not affected:
(a) local and regional drainage or hydrological systems;
(b) Water chemistry and ecological values and natural wetlands

PC4 All reasonable and practical measures must be implemented to ensure that stormwater entering the Coastal Management District is effectively managed and does not cause adverse impact on wetlands.
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.

"administering authority" means the Department of Environment and Resource Management or its successor.

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

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this development approval.

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

"commercial place" means a place used as an office or for business or commercial purposes.

"Department of Environment and Resource Management" means the department or agency (whatever called) administering the Coastal Protection and Management Act 1995 or the Environmental Protection Act 1994.

"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.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"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.

"works" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner / occupier of the land which is the subject of this development approval.

END OF CONDITIONS
Council Ref 8/8/984

6 July 2009

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

Attention Mr Simon Clarke

Dear Sir

Integrated Planning Act 1997 – Concurrence Agency Response

Applicant: Bonnie Doon Projects Pty Ltd

Application: Preliminary Approval Overriding the Planning Scheme in accordance with a Structure Plan

Location: Lots 1-3 on RP 718188, Parish of Victory
Bonnie Dooon Road, Cooya Beach

I refer to:

- the above application received on 16 May 2008 requesting consideration of the above development,
- former Main Roads request for additional information 12 June 2008,
- former Queensland Transport’s letter 27 November 2008, and
- an amended application received by the new Department of Transport and Main Roads on 5 June 2009 for Part Lot 2 on RP 718188 only.

Pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the Integrated Planning Act 1997, the Department, as a Concurrence Agency, has assessed the impact of the proposed development and requires that Council include the following attached conditions of development for the subject application. Attachment 1 supersedes former Queensland Transport’s letter 27 November 2008.

Should you have any queries regarding the response please contact Kris Ovesen (Lead Office Coordinator) on telephone 4050 5598.

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

Rachel Reese
A/ Regional Manager (ITP) Far North

Malcolm Hardy
Senior Planner (RAO) Far North
Attachment 1
Department of Transport and Main Roads
Road and Transport Concurrence Agency Conditions and Statement of Reasons

Applicant: Bonnie Doon Projects Pty Ltd
Application for: Preliminary Approval to Override the Planning Scheme for Material Change of Use Seeking Use Rights In Accordance With a Structure Plan
Address: Bonnie Doon Road, Bonnie Doon
Lot 1, 2 & 3 on RP718188
Cairns Regional Council Ref: 8/8/984 (1702436)

Approved Plans

<table>
<thead>
<tr>
<th>1. Layout</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unless otherwise approved in writing by the Department the development site layout must generally comply with Conica drawing numbers 9651-4a &quot;Cooya Beach Structure Plan Option A&quot;, dated 27-3-2009.</td>
<td>To ensure the development proceeds in accordance with the proposal</td>
</tr>
</tbody>
</table>

1. Road Asset and Operation (RAO) Concurrence Agency Conditions and Statement of Reasons

<table>
<thead>
<tr>
<th>Conditions for the subject application</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land shall be via Bonnie Doon Road and Junction Road (Mossman).</td>
<td>RAO must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road.</td>
<td>s. 62 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
<tr>
<td>2. No direct vehicular access between the state-controlled road (Captain Cook Highway) and the Subject Land is permitted.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Conditions for the subject application

**Intersection Works**

3. The applicant/landowner shall design and construct a new Channelised Right Turn (CIR) treatment generally in accordance with Figure 13.60 of RAOs’ Road Planning and Design Manual (RPDM) and a new Auxiliary Left Turn (AUL) treatment generally in accordance with Figure 13.82 of RPDM, for Captain Cook Highway traffic turning into Bonnie Doon Road.

The intersection shall include intersection lighting to a minimum V5 standard in accordance with Chapter 17 of RAOs’ Road Planning and Design Manual and shall comply with:

- The Electrical Safety Act and regulations 2002
- Australian Standards (AS1158.1.1 2005 Lighting for roads and public spaces, AS3000 2000 Australian wiring rules for electrical installations)
- RAO specifications MRS11.91, MRS11.92, MRS11.94 & MRS11.95
- RAO Standard Drawings and
- District specific standards, notes and drawing details (made available on request)

Registered Professional Engineer Queensland (RPEQ) (Electrical) certification is mandatory.

To this end:

(i) The applicant/landowner shall obtain RAO approval prior to commencing any works within the state-controlled road reserve.

(ii) The applicant/landowner shall submit to RAO for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works.

(iii) Subject to RAO approval of the engineering designs the applicant/landowner shall construct the works.

(iv) All required access works must be completed prior to the applicant/landowner requesting Council to approve and date the first plan of survey of the Subject land creating residential allotments.

### Reasons

Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.

### Condition Basis

- s. 33 Transport Infrastructure Act 1994 (Qld)
- RAOs’ Road Planning and Design Manual

- Any works within the state-controlled road reserve must have the written approval of the Chief Executive Officer

- s. 50 Transport Infrastructure Act 1994 (Qld)
### Conditions for the subject application

<table>
<thead>
<tr>
<th>Advertising</th>
<th>Reasons</th>
<th>Condition Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. No advertising device for the proposed development is permitted within the state-controlled road reserve (Captain Cook Highway).</td>
<td>Advertising devices may obscure signage and distract motorists.</td>
<td>s. 50 Transport Infrastructure Act 1994 (Qld)</td>
</tr>
</tbody>
</table>

### 2. Transport Concurrency Agency Conditions and Statement of Reasons

<table>
<thead>
<tr>
<th>Timing</th>
<th>Conditions for the subject application</th>
<th>Jurisdiction for the condition &amp; Reasons</th>
</tr>
</thead>
</table>
| Before the first permit for material change of use is issued in relation to this application | 1. Future Potential Bus Route  
The “Major Road” marked in black illustrated on the Cooyar Beach Structure Plan, Prepared by Conica (Cairns), Drawing Number: 9651-4a, Dated: 27.03.09, shall function as a future bus route allowing a future 12.5 metre length public transport bus to efficiently service the site.  
The Future Potential Bus Route must be designed and constructed to a minimum Minor Collector standard in accordance with the FNQROC Development Manual and to the standards outlined in the Transport Planning and Coordination Regulation 2005, Schedule 2. |
| | Section 8A of the Transport Planning and Coordination Act 1994.  
To minimise reliance on private car based transport and provide alternative public transport options it is necessary to ensure that the development can be adequately service by Public Passenger Transport once demand for the service is generated. |
| Before the first permit for material change of use is issued in relation to this application | 2. Pedestrian and Cycle Path Network  
The pedestrian and cycle path network throughout the development shall be located, designed and constructed generally in accordance with the plan prepared by Conica (Cairns): Title Cooyar Beach Structure Plan, Drawing Number: 9651-4a, Dated 27.03.2009.  
The cycle paths shall be designed and constructed linking to the identified Future Principal Cycle Network and Future Iconic Cycle Network, (Attachment 2).  
The pedestrian and cycle paths shall be designed to link with future adjoining developments where appropriate and constructed in accordance with Austroads Part 13 and Part 14. and in accordance with the relevant specifications of the FNQROC Development Manual. |
| | Section 8A of the Transport Planning and Coordination Act 1994  
Department of Transport and Main Roads has an interest in ensuring that active transport and public passenger transport offers an attractive alternative to private transport and that adequate infrastructure is provided to support both active transport and public passenger transport. |
Advice

Due to the nature and scale of the proposed development, the Department has an interest in all future stages of this development. Therefore where the Department has not been triggered as a concurrence agency for the subsequent stages of this development, the Department advises that Cairns Regional Council seek the Department's advice in relation to future transport and land use coordination.