

Our Ref: 0304/WD-00-001/2013

Your Ref: 8/13/1625(4135704)

23 October, 2013

The General Manager
Cairns Regional Council
PO Box 1949
Cairns Qld 4870



Attention: Mr Leon Doutre

Dear Leon,

Re: Negotiation of a Decision Notice
Reconfiguration of a Lot (Development Permit) in Respect of Lot 51 SP155078
Vixies Road, Wonga

We refer to Council's approved Reconfiguration of a Lot (Development Permit) dated 27 September, 2013 regarding the above referenced development application received on 3 October 2013, and to our application pursuant to Section 366 of the Sustainable Planning Act dated 22 October 2013.

We have reviewed the documentation and seek to negotiate changes to several conditions and facilitate the issue of a Negotiated Decision Notice.

The conditions in the Decision Notice which we wish to negotiate changes, pursuant to Section 361 of the Sustainable Planning Act, are as follows;

1. Amendment to Design (Condition 3)

Development Permit Conditions -

The existing alignment of Vixies Road and associated drainage features is not considered conducive to the direct access proposed to support Lots 74-78. Provide to Council an amended Plan showing:

- (a) Lots 40, 85, 86 & 87 are identified as having limited utility. These lots are to be redesigned or amalgamated with adjoining lots so as to be capable of accommodating a regular 600m² area for a building pad that meets all setback requirements;
- (b) A redesign of proposed Stage 7 where all lots are capable of internal access; or

(c) Provide a plan identifying how these lots are proposed to be accessed from Vixies Road. This Plan is to illustrate:

- (i) The alignment/treatment of Vixies Road to provide safe and serviceable access; and
- (ii) The treatment of drainage lines and the method of driveway construction (culverts etc).

The amended Plan is to be submitted to Council to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for Operational Works.

Negotiation Terms and Reasoning - In terms of the timing of when the amended plan for stage 7 is required to be submitted and approved by Council, it is suggested that the current condition requires the additional design detail earlier than necessary. Our requested amendment regarding the timing would be "The amended Plan is to be submitted to Council to the satisfaction of the Chief Executive Officer, prior to the issue of a Development Permit for the Stage 7 Operational Works".

In response to Condition 3(a), Proposed Lots 40, 83, 84 and 85 have been amended to accommodate a regular shaped building envelope of 600m² that adequately addresses building setback requirements. It is expected that the amended layout proposal is accepted and that the attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I, should be referred to in the Negotiated Decision Notice as the Approved Plan and that Condition 3(a) be deleted.

In response to condition 3(c), in relation to the Vixies Road access requirements, we are of the opinion that Proposed Lots 74 to 78 are able to gain access to Vixies Road via shared driveway accesses designed consistent with FNQROC Drawing S1105 which is consistent with the design requirements for the access required to be provided to Proposed Lot 80. The attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I, has been amended to include a notation that the access to Proposed Lots 74 to 78 shall be designed in accordance with FNQROC Drawing S1105. Whilst it is acknowledged that Council will require further detail prior to granting approval for the Operational Works for Stage 7, it is expected that the intended standard of access to Proposed Lots 74 to 78 is accepted and that the attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I, should be referred to in the Negotiated Decision Notice as the Approved Plan.

2. Concept Filling and Drainage Plan (Condition 4)

Development Permit Conditions -

The Concept Filling & Drainage Plan, referenced as RPS 9339-37 and dated 7 May 2013, must be amended as follows:

- (a) Provide a plan identifying a building pad of minimum 600m² above the identified Q100 ARI flood interval level for each lot on site;
- (b) Finished levels for the pads on the easternmost sections of the site must be at 3.4m AHD so as to provide suitable immunity from storm tide inundation; and

- (c) Location and finished levels for a dedicated on-site wastewater treatment, being the 90m² required to accommodate the Wisconsin Mounds.

The amended Plan must be submitted to Council, to the satisfaction of the Chief Executive Officer, prior to submitting a Development Application for Operational Works. All filling is to be completed in accordance with the approved Plan during the Operational Works stage.

Negotiation Terms and Reasoning - The terms and requirements of the conditions 4(a) and 4(c) are satisfactory. Condition 4(b) requires an amendment with the stated finished pad level of 3.4m AHD on the easternmost section of the site being contestable as it does not reflect the finished proposed building pad levels as determined in the site specific Wonga Beach Integrated Stormwater Management Plan prepared by BMT WBM as submitted as part of our Information Request. Our request is for condition 4(b) to be amended to state "Finished levels for the pads on the easternmost section of the site must be at 3.4m AHD or an alternative lower level proven to the satisfaction of the Chief Executive Officer to provide suitable immunity from storm tide inundation". The establishment of the contestable finished pad levels will be determined as part of satisfying condition 6, Updated Stormwater Management Plan of the Development Permit.

3. Active Parkland (Condition 8)

Development Permit Conditions -

The existing ponds proposed to be included within the active parkland for the site are to be filled, graded and grassed. The active parkland must be cleared of all pest and weed species. All works must be completed, to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

Negotiation Terms and Reasoning - The proposed lot layout for Stages 2, 3, 6 and 7 have been amended as detailed in the attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I. Council's requirement to fill the ponds has provided the opportunity to review the lot layout and to provide a lot layout where Proposed Lots 61 to 63 are integrated with the other residential lots and the active parkland merges with the vegetated Esplanade uninterrupted by residential lots. It is expected that the amended layout proposal is accepted and that the attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I, should be referred to in the Negotiated Decision Notice as the Approved Plan. Our request is for condition 8 to state "The existing ponds located within Stages 3 and 7 are to be filled, and where they are not to form part of the residential lot development as detailed in the attached Reconfiguration Proposal Plan, RPS Drawing 9339-20 Issue I are to be graded and grassed. The active parkland must be cleared of all pest and weed species. All works must be completed, to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey for Stage 3 or 7, where applicable."

4. Parkland Contributions (Condition 9)

Development Permit Conditions -

Provide the open space as shown on the Reconfiguration Staging Plan, referenced as RPS 9339-20 G and dated 14 March 2013 and pay a monetary contribution equivalent to 4.3 per cent of the Unimproved Capital Value (UCV) of the created allotment/s or

embellish the site (in accordance with a plan approved by council) to the value of the contribution (ie 4.3 per cent of the UCV of the land) in accordance with the Douglas Shire Planning Scheme Policy.

At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council or if embellishments are proposed, the embellishments must be installed to the satisfaction of the Council in accordance with a plan approved by Council. The security can take the form of a cash bond or guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.

The contribution payable must be made within three (3) months of the registration of the allotment/s.

Negotiation Terms and Reasoning - The terms of the Douglas Shire Planning Scheme Policy does not allow for circumstances where portions of the site may not be able to be developed due to various constraints and where these areas of land contribute to the amenity of the development and effectively represent a Passive Open Space contribution which should be accepted as a component of the open space provided in the development.

The subject land has a sandy swale which traverses the site and which has been protected from the development except for the proposed road crossing. In addition, wetland and remnant vegetation buffer requirements have added to the offsets provided to the sandy swales that traverse through the site and traverse the site's eastern and western boundaries. The sandy swale which traverses the site and the buffers provided throughout the site's development do not form part of the site's developable area but will contribute to the amenity of the overall development.

Council's Cairns Plan does allow for a credit to be given, a maximum of 3% of the overall open space contribution, for areas of constrained land which contribute to the amenity and open space provided within the development. Whilst this provision is not reflected in the former Douglas Shire Planning Scheme or the Planning Scheme Policy referenced in Condition 9, Council has recently accepted constrained land, which added to the amenity of the develop within the former Douglas Shire area, as a component of the open space contribution.

On the basis of the above and with reference to the attached RPS Drawing 9339-20 Issue I which provides for an Active Open Space area which has increased in size, we have calculated the open space contribution provided within the development as follows:

Active Open Space - 2.466ha (8% of developable area)

Passive Open Space (including areas of remnant vegetation and wetland and remnant vegetation buffer areas) - 5.998ha (represents 19.6% of developable area). Therefore, well in excess of the maximum of 3% of the overall open space contribution.

Therefore, the Active Open Space and Passive Open Space provided within the development is considered to adequately address the open space contribution required.

On the basis of the above, it is requested that Condition 9 be amended as follows;

"Provide the open space as shown on the Reconfiguration Staging Plan, referenced as RPS 9339-20 Issue I and dated 21 October 2013".

5. External Works (Condition 10)

Development Permit Conditions -

Undertake the following external works:-

- a. Construct access for Lot 80 in accordance with FNQROC Drawing S1105;

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

Negotiation Terms and Reasoning - The terms and requirements of the condition are satisfactory except for the certainty in regards to timing of when the plan and works are required. Our requested amendment regarding the timing would be "Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works for stage 4. All works must be carried out in accordance with the approved plan prior to the issue of a Compliance Certificate for the Plan of Survey for stage 4."

6. Plan of Drainage Works (Condition 11, Sub Clause d.)

Development Permit Conditions -

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

Negotiation Terms and Reasoning - The terms and requirements of the condition are incorrect and conflict with condition 4. Building pads are to have immunity from flooding with an ARI 100 year rainfall event and not the entire new allotment. Our requested is to have this condition removed.

7. Water Supply Master Plan (Condition 14)

Development Permit Conditions -

A Water Supply Master Plan accompanied by supporting calculations must be provided which demonstrates how the development will be staged and serviced.

The Water Supply Master Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Negotiation Terms and Reasoning - The terms and requirements of the condition are satisfactory except for the timing of when the Water Supply Master Plan is required to be submitted and approved by Council. Stages 1, 2 and 3 are able to be serviced from the existing infrastructure in Snapper Island Drive. Our request is for "The Water Supply Master Plan must be endorsed by the chief Executive Officer prior to the issue of a Development Permit for Operational Works for stages 3 - 8". Our request is required to avoid significant

delay in commencing site works for stages 1 and 2 as the Water Supply Master Plan cannot be finalised until Council are in a position to supply the developer with their updated Water Supply Master Plan for Wonga Beach. Verbal correspondence has indicated Councils Water Supply Master Plan will not be available until mid-2014.

8. Water Supply Infrastructure Plan (condition 15)

Development Permit Conditions -

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

- (a) Identify external catchments that will be connected to the internal water networks;
- (b) Identify any trunk infrastructure external to the subdivision that may require upgrading and/or extending to accommodate the development; and
- (c) Connect the site from both Snapper Island Drive and Vixies Road to provide security of supply.

The Water Supply Infrastructure Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Negotiation Terms and Reasoning - The terms and requirements of the condition are satisfactory except for the timing of when the Water Supply Infrastructure Plan is required to be submitted and approved by Council. As noted above, Stages 1, 2 and 3 are able to be serviced from the existing infrastructure in Snapper Island Drive. Our requested amendment regarding the timing would be "The Water Supply Infrastructure Plan must be endorsed by the chief Executive Officer prior to the issue of a Development Permit for Operational Works for stages 3 - 8". As noted above, the Water Supply Infrastructure Plan cannot be finalised until Council are in a position to supply the developer with their updated Water Supply Master Plan for Wonga Beach.

9. Water Supply Works External (condition 16)

Development Permit Conditions -

Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:

- (a) The applicant/owner must carry out water supply works in accordance with the approved Water Supply Infrastructure Plan;
- (b) Connect to, and augment existing water supply infrastructure to the extent necessary to accommodate the increased demand generated by the development;
- (c) Construct a new reservoir at Wonga Beach if the existing reservoir has inadequate storage volume to service the development; and

(d) Construct 225dia trunk water mains along Mossman-Daintree Road and Vixies Road.

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

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

Negotiation Terms and Reasoning - The terms and requirements of conditions (a) and (b) are satisfactory. We would like the removal of conditions 16(c) and 16(d) as these requirements are unknown until the Water Supply Master Plan and Water Supply Infrastructure Plan are finalised. Conditions 16(c) and 16(d) would also be covered as part of condition 16(a). We also request for the timing of when the plan of the works is required to be submitted and approved by Council. Our requested amendment regarding the timing would be "Three (3) copies of a plan of works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operation Works for stages 3-8".

10. On-site Effluent Disposal (Condition 18)

Development Permit Conditions -

The development must be serviced by lot based on site sewerage treatment and effluent disposal using a Wisconsin mound in accordance with the methodology set out in the On-site Wastewater Management Assessment dated March 2013 prepared by Gilbert & Sutherland, Council reference # 3985743.

Earthworks for the pads intended for disposal areas must be constructed as part of the operational works in the locations specified and in accordance with section 4.8 of the On-site Wastewater Management Assessment. The level of the pad must be a minimum 300mm above the highest of either the seasonal high groundwater level or the Q100 flood level.

The property owner will be responsible for supply, installation and maintenance of the on-site sewerage treatment and disposal system. In addition, the property owner would be responsible for preparing a site specific design report and obtaining the necessary plumbing approvals. A notation must be placed on the rates file to this effect at the time of plan sealing.

Negotiation Terms and Reasoning - Part of the terms and requirements of the condition above do not reflect the recommendations as provided in the On-site Wastewater Management Assessment dated March 2013 prepared by Gilbert & Sutherland, Council reference # 3985743 in regards to the minimum level separation of the earthworks pad. Our requested amendment to part of condition 18 would be "The level of the pad must be a minimum 300mm above the seasonal high groundwater level." No reference should be made to the Q100 flood level.

It is respectfully suggested that the above requested amendments to the Decision Notice are reasonably justified and it is requested that the amendments be reflected in a Negotiated Decision Notice issued by Council.

We welcome the opportunity to further discuss any aspect of the changes requested. Should Council seek any further information to facilitate your consideration of the requested changes, please do not hesitate to contact us at your earliest opportunity.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'James Goode', written in a cursive style.

JAMES GOODE
Development Manager

Legend

- Site boundary
- Toe of frontal dune
Approximated from edge of Remnant Vegetation
- Erosion prone area boundary
15m from toe of frontal dune or HAT, whichever provides the greater erosion prone area
- Eastern edge of developable area
Limited to Highest Astronomical Tide RL 1.78 AHD or edge of DERM's Referral Agency Response Plan
- Top of bank
From field survey
- Setback from HES Wetland. (20m from Mapped HES Wetland - Eastern Side)
(20m from Top of bank - Western Side)
- DERM Referral Agency Response (Vegetation) Plan
Flow RARF 200600473
- Dominant Remnant of Concern
Regional Ecosystem 2003 RE Mapping
Approximate location
- 6m Setback from Road Frontage
- 10m Setback from Mapped Remnant Vegetation
No new lot boundaries or roads are permitted within 10 metres of edge of mapped remnant vegetation
- 20m Setback from Mapped Remnant Vegetation
No building development is permitted within 20 metres of edge of mapped remnant vegetation
- 600m² Building Envelope of regular shape - approx 20m x 30m
- 50m x 50m Rural Settlement Minimum Rectangle
- Access from Vixie Road in accordance with FNQROC S1105

Statistics

- Total Site Area 38.93 ha
- Developable Area 30.64 ha
- Active Open Space required 3.064 ha (10%)
- Active Open Space supplied... 2.466 ha (8%)
- Passive Open Space 5.998 ha
- DERM Vegetation Plan 2.287 ha
- Total Passive Open Space 8.285 ha
(including DNRM RARP)
- Total No. of Allotments 99
- 4000m² + 7
 average 4140m²
- 2000m² + 92
 average 2160m²
- Total Length of New Road 2988 m
- 15.5m Wide Road 1791 m
- 20m Wide Road 1197 m
- Area of New Road Reserve 5.353 ha

- #### IMPORTANT NOTE
1. This plan was prepared for the sole purpose of the client for the specific purpose of accompanying an application to the Cairns Regional Council for a reconfiguration of all of the land described on this plan. This plan is solely intended for the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client ("Third Party")) and may not be relied on by Third Party.
 2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
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 - C. any inaccuracies or other facts with information or data derived from a Third Party
 - D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate
 - E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd
 - F. judgement of this plan with any local authority approval or recommendation of RPS Australia East Pty Ltd
 - G. the accuracy, reliability, suitability or completeness of any approximations or illustrative needs or related to RPS Australia East Pty Ltd in this plan.
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 4. Scale shown is correct for the original plan and any copies of the plan should be verified by checking against the base data.
 5. The dimensions, area, size and location of improvements, food information (if shown) and number of lots shown on the plan are approximate only and may vary.
 6. Cadastral boundaries are obtained by title dimensions and OCDE. These boundaries have not been verified and are approximate only.
 7. The contours shown on this plan are by field survey and are suitable only for the purposes of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application for a reconfiguring of use of land.
 8. The contents of this plan are conceptual only. For approval purposes, all lots, features, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approval.
 9. Survey base information has been compiled from the merger of detail surveys carried out over the site at various times from 1992/2003 to 11/1/2005. RPS Australia East Pty Ltd takes no responsibility for any differences found between original data and current values.

Stage	No Lots
1A	6
1B	8
2	11
3	12
4	12
5	12
6	10
7	16
8	12
Total	99

- #### AMENDMENTS
- A. Amend lots and statistics
 - B. Amend lots and statistics
 - C. AMK Amend lots and statistics per mapped vegetation setbacks
 - D. RMY: Add Stage Nos
 - E. AMK: Revise lots 95-99
 - F. AMK: Revise HES setback - lots 61-63 & 80, 82, 83, 85, 89, 92, 96-98
 - G. AMK: Revise connector road width
 - H. KJB: Add Stages 1A & 1B
 - I. AMK: Revise per Decision Notice

PROJECT MANAGER		SURVEYED	
O. DALTON			
COMPILED		CAD REF	
JLS		9339-201.DWG	
SHEET SIZE	SHEET 1	OF SHEETS	1
A1			6174105a.amk.dwg2.CCX

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WONGA BEACH AQUACULTURE RESORT PTY LTD

RECONFIGURATION PROPOSAL PLAN

LOT 51 ON SP155078
WONGA BEACH

SCALE	DATE	DRAWING NO.	ISSUE
1:1500	23/10/2013	9339-20	I



SCALE 1:1500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A1) (1:3000 @ A3)