CAIRNS CITY COUNCIL
SPECIAL MEETING – CAIRNSPLAN
13 MAY 2004
9.00a.m. to 4.00p.m.

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CAIRNSPLAN – REPORT ON SUBMISSIONS RECEIVED DURING THE CONSULTATION PERIOD PART A – PROFORMA SUBMISSIONS

Deborah Wellington: 8/26/5-05: 782245

RECOMMENDATION:

That in addition to the itemised recommendations contained in this report, it is recommended that:

1. Multi-unit housing be a minimum of Code Assessable in the Residential 2 Planning Areas, and where it is already impact assessable, it remains impact assessable.

2. A separate report be provided to Council, with a view to having the following incorporated into CairnsPlan prior to adoption by Council:
   a. The Residential 2 Planning Area Code be reviewed to incorporate character and amenity elements and parameters for achieving a mix of housing types;
   b. The Multi Unit Housing Code be reviewed to incorporate provisions relating to character, streetscape, privacy and access to sunlight. In particular, the Brisbane City Council City Plan Multi-Unit Housing Code shall be used as a guide;
   c. Further consideration be given to how residential densities are applied. In particular, the CairnsPlan increases densities without any corresponding changes to the development requirements, this increase in density also provides an excellent opportunity to introduce a bonus system for developments incorporating desirable environmental and amenity elements.

3. A Small Lot Housing Code be developed within the next 12 – 24 months, using the Brisbane City Council City Plan code as a guideline.

Advice

That the recommendations above, be incorporated as advice statements into responses to relevant submissions below.

INTRODUCTION:

Of the 1420 submissions received in relation to CairnsPlan approximately 1000 can be categorised into 11 primary issues.
This report specifically addresses the proforma submissions. For ease of reference for the submitters and for ease of future reference, the names and address of each submitter is included in the report, prior to the relevant issue.

In addition to the primary recommendations that have arisen from the submissions, there are also a number of additional recommendations that have arisen from these submissions, these relate to:

- The need for a review of the Residential 2 Code;
- The need for a review of the Multi Unit Housing Code;
- The need for a Small Lot Housing Code to be developed;
- Further consideration of the level of assessment required for residential dwellings and multi-unit housing in the Residential 2 Planning Areas;
- The need for a further consideration of how the residential densities are applied. In particular, the CairnsPlan increases densities without any corresponding changes to the development requirements. A number of submissions have suggested that this increase in density also provides an excellent opportunity to introduce a bonus system for developments incorporating desirable environmental and amenity elements.

Minimum Lot Size Low Density Residential

A number of submissions were received on the minimum lot size of blocks within Low Density Residential Planning Area in the Cairns Beaches District. A majority of submissions were seeking a change back to 4000 square meters and this has been recommended.

Mt Sheridan Plaza/ Edmonton Business and Industry Centre

A number of submissions were received seeking a change to the Residential 3 Planning Area for the balance of the Mt Sheridan Plaza site. A change to Sub-Regional Centre was sought in submissions from investors in the centre, however it has been recommended that the entire site be included in the District Centre Planning Area and the Residential 3 be removed.

It is acknowledged that more detailed investigations need to be undertaken for the Edmonton Business and Industry Precinct and this will be undertaken within the next 12-24 months and recommendations be incorporated in the CairnsPlan as part of a future review.

Limits of the Urban Growth Boundary

A number of submissions have been received from residents within the Rural 2 Planning Area who are seeking to change the planning area to residential and to review the development sequence timeframes. The CairnsPlan largely remains the current urban boundary as shown on the Strategic Plan within the Planning Scheme for the Balance of the City and this is consistent with the FNQ Regional Plan which seeks to achieve consolidation.
It is recommended that there be no change to the planning area for these properties, however a review of the timing provisions to make them more performance based will be undertaken.

**Additional Low Density Residential land at Goldsborough Valley**

Two submissions were received seeking from residents in the Goldsborough Valley seeking to a change to their Planning Area from Rural to Low Density Residential. If approval was granted to these residents then it there would be a need to look at adjoining blocks as the circumstances are similar.

A decision needs to be made on the limit to Low Density Residential in the Goldsborough Valley as Cairns Water are currently constructing the water supply network for this area. Given the concerns over transport matters and the area’s susceptibility to being isolated it is recommended that no additional Low Density Residential be allocated in the Goldsborough area.

**Residential Land at Bramston Beach**

Council agreed to release a small part of Residential 1 land in Bramston Beach in response to the need for further residential in the area. Another submission has been received seeking to change the planning area from Rural to Residential 1. It has been recommended that the planning area be changed as the block is unsuitable for agriculture and is close to existing services.
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**Appendix 2**
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**Appendix 4**
- Clifton Beach Lot 1 RP734974, Lot 54 RP738906, Lot 1 RP732379

**Appendix 5**
- Barron Smithfield Petition / Smithfield Industrial Precinct

**Appendix 6**
- Minimum Lot Size Low Density Residential Planning Area A. Seeking to change to tack to 4000 square metres

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- Minimum Lot Size Low Density Residential Planning Area B. Seeking to keep it as 5000 square metres as shown in the draft CairnsPlan

**Appendix 8**
- Mt Sheridan Plaza / Edmonton Business & Industrial Precincts
1. EDUCATION QUEENSLAND SITE, KEWARRA BEACH LOT 8 PLAN C84351

DIVISION 11

Name & Address of Submitters @ Appendix 1

Grounds of Submission

Concerns relating to the possible social impacts resulting from a change of designation for a large site in Poolwood Road from Residential 1 to Residential 2. The submission proposes that small-lot development will undermine the “unique amenity” and character of the area, and identifies the suburb as a “residential 1 township”.

The submission identifies that multi-unit dwellings are not considered by that person to be appropriate or desired forms of housing in the suburb. Poor quality examples of increasing neighbourhood densities through small lot development are noted, as are the social and environmental consequences of these. These consequences include further traffic impacts on Poolwood Road.

Officer Comment

Education Queensland has advised Council that this land is not to be re-designated in the Scheme until further consultation has been carried out by the Department. This means that the designation will need to be changed to ‘community facility’.

As a general principle, however, the decision to make the larger parcels of land Residential 2 was based on regional planning principles of land use efficiency.

The intent is to protect the existing character of the area and improve it where appropriate by improving the variety of housing types.
Council’s Traffic Management Plan takes into consideration certain densifications and has allowed for higher densities associated with Residential 2 development. Additional traffic will be able to be accommodated on the road network according to the Traffic Management Plan.

Recommendation No. 1

1. That the Education Queensland land located at Poolwood Road, Kewarra Beach and described as Lot 8 on Plan C84351 be designated as a ‘community facility’, and the Residential 2 Planning Area designation be removed.

2. That the recommendations 1, 2 & 3 contained at the start of this report be included as an advice statement in the response letter to the submitters.
2. **POOLWOOD ROAD KEWARRA BEACH LOT 18 & 19 RP718406**

DIVISION 11

Name & Address of Submitters at Appendix 2

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**Grounds of Submission**

Concerns relating to the possible social impacts resulting from a change of designation for a large site in Poolwood Road from Residential 1 to Residential 2. The submission proposes that small-lot development will undermine the “unique amenity” and character of the area, and identifies the suburb as a “residential 1 township”.

The submission identifies that multi-unit dwellings are not considered by that person to be appropriate or desired forms of housing in the suburb. Poor quality examples of increasing neighbourhood densities through small lot development are noted, as are the social and environmental consequences of these. These consequences include further traffic impacts on Poolwood Road.

**Officer Comment**

As a general principle, the decision to make the larger parcels of land Residential 2 was based on regional planning principles of land use efficiency.

The intent is to protect the existing character of the area and improve it where appropriate by improving the variety of housing types.

Council’s Traffic Management Plan takes into consideration certain densifications and has allowed for higher densities associated with Residential 2 development. Additional traffic will be able to be accommodated on the road network according to the Traffic Management Plan.
Recommendation No. 2

1. That there be no change to the Planning Area Residential 2 for Lots 18 and 19 RP718406, located at Poolwood Road, Kewarra Beach.

2. That the recommendations 1, 2 & 3 contained at the start of this report be included as an advice statement in the response letter to the submitters.
3a. TRIVIA STREET, PALM COVE LOT 1 RP722991

DIVISION 11

Name & Address of Submitters at Appendix 3

Grounds of Submission

Under the current Planning Scheme the property is zoned Residential 1. However under CairnsPlan the zone would become Tourist and residential. In economic terms this would devalue all of the surrounding properties adjoining a tourist facility.

The current Residential 1 zone allows 70 persons per hectare, while the Tourist and Residential Planning Area allows 400 persons per hectare. This is an unacceptable and massive increase which would generate more noise, more traffic and more pollution. The need would exist to create more tourist facilities and services to accommodate the increase in population. The impact and burden on the environment would be substantial and, a drain on possibly Council resources and local ratepayers.

Environmentally speaking Palm Cove has built its reputation on its surroundings and that would include the vacant land in question being a wildlife sanctuary for wallabies, goannas, bird life and other native wildlife and last but not least the famous paperbacks, the Melaleucas. The land is low lying which must act as a water catchment area.

The tourists visit Palm Cove to appreciate what is has to offer, and that would include the last remaining virgin bushland in Palm Cove 33-41 Cedar Road, Palm Cove. The majority of locals are concerned about the over development of Palm Cove and the impact it will have on their quality of life.
Officer Comment

It is reasonable to expect that the land in this locality would be developed for tourist and residential uses. It is adjacent to tourist and commercial uses to the north and east, with residential uses to the south and west.

Discussions with the consultant for the landowner have indicated that including part of the land in the Residential 2 Planning Area would be acceptable. A further submission from the landowner and his consultant follows.

The land is low lying and there are drainage issues in the locality. These will need to be addressed as part of any future development application.

3b. FLANAGAN CONSULTING GROUP ON BEHALF OF RATTCLIFFE ARCHITECTURE COMMERCIAL FACILITIES – PALM COVE

DIVISION 11

#746158

Grounds of Submission

The commercial activities in Palm Cove are limited and do not provide the full range of services required by tourists and local residents of the area. The Draft CairnsPlan recognises the need for a commercial node at Palm Cove and this is commended. Notwithstanding this, it is considered that the expansion of the commercial node is required due to the expected growth in tourist accommodation and residential development.
To facilitate commercial services growth, it is good planning practice to consolidate and incrementally expand commercial activities where they are presently located. Our client is of the opinion that given the land directly to the north and south of the existing commercial node is fully developed, for tourist accommodation purposes, the logical expansion commercial activities should occur to the west, possibly including mixed uses.

To achieved this it is requested that Council amend the draft CairnsPlan in the following manner:

1. Include the eastern part of Lot 1, east of the extension of Amphora Street to Cedar Road in the Local Centre Planning Area.
2. Amend the Cairns Beaches District Assessment table to include the Category ‘Shopping Facilities 501-5000m² gfa’ as code assessable in the Planning Area.
3. Amend the Cairns Beaches District Plan Intent to clarify the function of retail and commercial facilities located at Palm Cove.

Palm Cove is a discrete residential community and a local centre is required which caters for the full commercial and retail needs of the locality.

Officer Comment

The submission raises reasonable points, and the proposal has merit. As highlighted in the submission above, there is considerable community interest and concern regarding what development does occur on the site.

The developer has indicated that he is prepared to accept a lower density (Residential 2 as opposed to Tourist and Residential) on the rear of the property, however some concessions are required in relation to the use of the land at the front of the property.

In considering this submitter request, the main outstanding issues are parameters for design and community expectation. The Tourist and Residential Planning Area offers some opportunities for commercial uses, however the change to Local Centre also offers a different scale of development. The community has viewed the plan and accepted Tourist and Residential at the front of the site, a change to the designation at this time is not considered to be sufficiently transparent, given the level of interest shown by the submitters.

However, it is also considered that if Council is of a mind to change part of the zoning of the site to Residential 2, some indication of support for the proposal should be shown to the landowner and this should also be conveyed to the 75 submitters mentioned above.

Recommendation No 3a & 3b

1. That part of 33-41 Cedar Road, Palm Cove, described as Lot 1 RP 722991 be excluded from the Tourist and Residential Planning Area and included in the Residential 2 Planning Area, generally in accordance with the diagram below. The area shall generally follow the alignment from Oliva Street across to Coral Coast Drive, with a slight bend towards the west.
2. That the landowner be advised that Council is prepared to further consider a proposal for a Local Centre designation over the eastern part of the site, however any further consideration would be subject to a Material Change of Use (Impact) application that amongst other things, specifically address:

   a) Overall population density for the site;
   b) Traffic, access and parking;
   c) The facilities and services proposed to be included in the local centre, and the need for these services in the locality;
   d) Environmental matters including drainage and vegetation retention.

3. That the owner of 33-41 Cedar Road, Palm Cove, described as Lot 1 RP 722991 be advised of this decision.

4. The 75 submitters in relation to the 33-41 Cedar Road, Palm Cove, described as Lot 1 RP 722991 be advised of this decision.

   Area of land proposed to be included in the Residential 2 Planning Area.
4. **LINDEN STREET, CLIFTON BEACH LOT 1 RP734974, LOT 54 RP738906 AND LOT 1 RP732379 (BALATOX)**

DIVISION 11

Name & Address of Submitters at Appendix 4

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**Grounds of Submission**

The inclusion of this land in the Residential 2 Planning Area is not supported for the following reasons:

1. The property is a natural extension of existing surrounding Residential 1.
2. There is already an adequate supply of existing higher zoned parcels of land on the adjoining Daikyo property to the north.
3. A Residential 2 designation for the property would provide an opportunity for around 340 persons to be placed on the site in small lots or multiple dwelling units. This compact style of development adjoining established Residential 1 areas is not desirable and is in conflict with the development in the general area.
4. Traffic generated from the site will have an impact on adjoining streets and a higher density Residential 2 category would only increase that impact.
5. The present owners / developers of the land have clearly stated their intentions to develop the site as a Residential 1 subdivision and therefore a Residential 2 zoning is not being requested and is therefore not necessary.

Considering these facts, Council is formally requested to designate the property in the Residential 1 Planning Area.
Officer Comment

- Lot 1 RP732379, forms part of the Daikyo / Balatox land, this has been part of an extensive approval process and P&E Court decision. The land is included in the Rural zone in CairnsPlan, however the approval is generally for Residential 2 style development. The proposed CairnsPlan designation of Residential 2 should remain.

- The Council considered application no. 8/13/687 for Reconfiguring a Lot (1 Lot into 46 Lots) at the meeting of 29 January 2004. The construction of the development, generally in accordance with the Residential 1 provisions is underway.

There is no Planning Objection to changing the Planning Area from Residential 2 to Residential 1. The parkland on this site contains vegetation identified as regional endangered ecosystem and significant effort has been put into retaining this land, accordingly it should be designated Conservation rather than Open Space.

It should be noted that the lot 54 referred to in the submission, is a 0.10m wide access restriction strip along the Linden Street frontage

Recommendation No. 4

1. That there be no change to the Residential 2 Planning Area for Lot 1 RP732379.

2. That land located at Linden Street, Clifton Beach, described as Lot 1 RP734974 & Lot 54 RP738906, be included in the Residential 1 Planning Area. With the exception of the land shown as park (on Drawing No. 31004/003 issue (H) dated 17 December 2003 prepared by Brazier Motti) which shall be included in the Conservation Planning Area.
5a. BARRON SMITHFIELD PETITION/ SMITHFIELD INDUSTRIAL PRECINCT

Name & Address of Submitters at Appendix 5

Grounds of Submission

The submission outlines a preferred vision and objectives for the area, and comments that a number of current and proposed development types in the area threaten this vision and these objectives.

This includes the industrial land designation on the Highway. This is consistent with a number of other submissions, where local residents are stating a preference for the land to be changed to Tourist and Residential.

The submission also highlights the range of issues currently threatening the character of the area that relate to inappropriate development types along the highway. Improved mechanisms for avoiding the further “proliferation of ugly buildings, with little to recommend them architecturally, that are highly visible to passing motorists”.

The submission proposes that the essential character of the northern corridor should be preserved and enhanced through the encouragement of ecologically compatible development. It is considered that the Tourist and Residential designation would allow for an integrated range of tourist focussed development, as well as permanent residential dwellings – including caravan village, apartments or green street developments, and integrated residential resort development.

Officer Comment

The submission is consistent with others made, and with media attention given to the issue prior to the State Government elections. Commitments were made by the State Government member and by the Council that the designation would be changed from industrial to a more appropriate use.
There are considerable amenity, legibility, accessibility, and centre hierarchy issues affecting the Smithfield section of the Highway that need addressing. It is the intention of Council, through the Corporate Plan to undertake an integrated local area planning process (including a master plan for the sub-regional centre) in the next 12-24 months. This planning process would incorporate the mixed use-commercial strip from McGregor Road to Smithfield shopping centre.

In order to achieve the range of desired environmental outcomes and the intent of IPA, the Scheme must plan for future employment and social needs of locations. As a viable and effective sub-regional centre, it is necessary for Smithfield to provide a range of activities, not just residential and tourist. There are, however, many ways of achieving economic diversification, and a whole of LGA approach to short and long term industry development (and location) must be considered.

5b. Cattana Road, Smithfield C & B Group on behalf of CEC Group PO Box 1949, Cairns QLD 4870

DIVISION 10

#748744

Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Remove the site from the 'Major Industry' designation and include it within the 'Urban' designation on the Structure Plan.

2. Remove land included within the 'Industry' Planning Area and include it within the alternative Planning Areas which most suitably accommodates land uses proposed within the Development Application lodged with Council on the 16/12/2003 over the subject site.

3. Amend table 1B - so that the self assessable development is not altered to code assessable development for lands affected by the Primary light control plans / bird strike hazard overlay.

Officer Comment

The site is currently the subject of an application (8/30/33) for a range of Residential, Industry and Commercial land use rights and reconfiguring a lot. The application required referral co-ordination and is at the information response stage.

The site is bounded to the west by the Captain Cook Highway and to the east by the proposed Department of Main Roads by pass road. The site is low, and is relatively dislocated from the balance of Smithfield. These factors make this locality undesirable for Residential development.
The intention of the Industrial Planning Area was to generate employment in Smithfield, to accommodate regional growth. In light of submissions received the area is now recommended to be included in the Commercial Planning Area.

Accordingly, items 1 & 2 above are not supported. Item 3 relating to birdstrike, has been considered separately, and will be amended.

**Recommendation No. 5a & 5b**

1. That the area designated as Industrial be changed to commercial.

2. That the code for character and amenity – business and commercial be reviewed and amended to incorporate concerns highlighted in this and other submissions.

3. That the code for sub-regional centres be reviewed and amended to incorporate concerns highlighted in this and other submissions.

4. That an integrated local area plan for Smithfield be undertaken in the next 12 months, and include a Master Plan for the Smithfield sub-regional centre.

**Advice**

In accordance with a separate resolution of Council, the Bird Strike Hazard Overlay should be amended to limit it to those land uses with the potential to attract birds or bats as set out in the State Planning Policy. The conversion table will also be reviewed to make it clear where the relevant overlays increase the level of assessment.
6a. MINIMUM LOT SIZE LOW DENSITY RESIDENTIAL PLANNING AREA SEEKING TO CHANGE IT BACK TO 4000 SQUARE METRES

DIVISION 11 & 12

Name & Address of Submitters at Appendix 6

Grounds of Submission

Draft CairnsPlan proposes future subdivision of acreage blocks in our area will be restricted to a minimum block size of 5000 square metres. This is a major material change to existing policy which currently allows for 4000 square metres. There seems little reason for making the proposed change and in fact many residents in the area have taken advantage of the current regulations by dividing their larger blocks into two or more 4000 square metre blocks.

Seeking no change to the current situation – that the minimum size of Northern Beaches acreage blocks continues to be approximately 4000 square metres.

6b. MINIMUM LOT SIZE LOW DENSITY RESIDENTIAL PLANNING AREA SEEKING TO KEEP IT AS 5000 SQUARE METRES

DIVISION 11 & 12

Name & Address of Submitters at Appendix 7

Grounds of Submission

Support Low Density Residential lots being a minimum of 5000 square metres as shown in the CairnsPlan.

Officer Comment

The change in the minimum lot size for Low Density Residential blocks in the Northern Beaches was a result of feedback received during consultation on the preferred direction for Cairns Beaches district, which was undertaken in December 2000.

Majority of submissions received on this issue are seeking that the provisions in the CairnsPlan be changed back so that the minimum lot size is 4000 square metres.

Recommendation No. 6a & 6b

That the reconfiguration of a lot code be amended so that the minimum lot size for the Low Density Residential Planning Area is 4000 square metres in all districts.
7. LITTLE BARLOW PARK PETITION

Petition with 106 signatures. Local residents propose that the CairnsPlan be revised so that the currently open, recreational area of Little Barlow Park is guaranteed to remain available for informal, public recreational use. Rezoning the area from sport and recreation to public open space is recommended as the means to provide this guarantee to local residents, future generations and other interested persons.

Officer Comment

Precincts and Facilities have had discussions with residents in the area and have given a commitment to change the planning area from sport and recreation to open space.

Recommendation No. 7

That the Planning Area for Lot 20 RP706600, known as Little Barlow Park be changed from Sport and Recreation to Open Space.
8a. MT SHERIDAN PLAZA/ EDMONTON BUSINESS AND INDUSTRY PRECINCT

DIVISION 3

Name & Address of Submitters at Appendix 8

Grounds of Submission

The submissions relate to the proposed redesignation of Mt Sheridan Plaza from Sub Regional Centre to District Centre and the change of planning area on the balance of the Mt Sheridan Plaza land from Commercial to Residential 3.

The proposed Edmonton Business and Industry Precinct is also raised, in particular the impact on Mt Sheridan Plaza and its ability to serve its identified catchment.
A number of submissions relate directly to the proposed Edmonton Business and Industry Precinct and the Rural 2 Planning Area designation over this area.

**Comment**

The preferred location for the Sub-Regional Centre is at Edmonton as recommended in the review of Council’s Centres Strategy. The FNQ Regional Plan has identified the southern corridor as the future growth corridor and there is a need to ensure opportunities for employment are created in this corridor.

It is acknowledged that further detailed investigations need to be undertaken for the Edmonton Business and Industry Precinct with regards to land allocation, traffic network, services and infrastructure both physical and social. It is proposed that this work be undertaken in the next 12 months. Submissions relating to this area will be incorporated into those investigations.

The Rural 2 Planning Area attempts to ensure the continued use of the area for agricultural pursuits while protecting the area from development that is not compatible with urban growth.

In relation to submissions received on Mt Sheridan Plaza it is proposed to change the planning area for the balance of the land from Residential 3 to District Centre.

**Recommendation No. 8a**

1. That the Planning Area for the balance of Mt Sheridan Plaza described as Lot 4 SP136776 be changed from Residential 3 to District Centre.

2. That detailed investigation be undertaken for the Edmonton Business and Industry Precinct within the next 12-24 months and recommendations be incorporated in the CairnsPlan as part of a future review, and that the submissions relating to the Edmonton Business and Industry Precinct be taken into consideration at this time.
8b. MT SHERIDAN PLAZA – BARNARD DRIVE & TRAFALGAR ROAD PETITION

John and Jan Kirk
129 Barnard Drive, Cairns QLD 4870

#744804 & #747208

DIVISION 3

Grounds of Submission

Petition with 196 signatures who live in close proximity of Barnard Drive and Trafalgar Road and object to the change in zoning from Commercial to Residential 3.

Officer Comment

The balance of the land at Mt Sheridan Plaza was changed to Residential 3 in response to the role of the centre as a District level centre. The preferred location for the sub-regional centre is at Edmonton.

In light of the submissions regarding the Residential 3 it is recommended that the whole of the Mt Sheridan Plaza site be included in the District Centre Planning Area.

Recommendation No. 8b

That the Planning Area for the balance of Mt Sheridan Plaza Lot 4 SP136776 be changed from Residential 3 to District Centre.
9a. LIMITS OF THE URBAN GROWTH BOUNDARY

C & B Group on behalf of FGF Developments
Mt Peter Road
Lot 2 RP851419

DIVISIONS 1 & 2

#748666
9b. LIMITS OF THE URBAN GROWTH BOUNDARY

Flanagan Consulting Group on behalf of William Cooper
PO Box 5820, Cairns QLD 4870
Lots 2 & 3 on SP126545 and Lot 2 on RP802254

# 740368

Leo Manassero
Lots 3 & 7 on RP704171 and Lot 1 on NR3114
#740369
Ghidella Holdings
Lots 2 & 3 on RP887247
#740366

Grounds of Submission

Seeking Council support for amending the Planning Area over the subject lands from Rural 2 Planning Area in the Rural Lands District Plan to include in a Residential Planning Area and to include them in the White Rock – Edmonton District Plan.

This will allow for the suitable sequencing of development and to manage growth in the southern corridor.

Comment

The FNQ Regional Plan sets the broad sequencing of development. The short term objectives for Cairns are to consolidate existing development activities and set the framework for the medium and long term development pattern.

Within the life of the CairnsPlan it is not envisaged that development will occur outside the urban boundaries identified in the strategic plan within the Planning Scheme for the Balance of the City. There is still a significant amount of land available for urban development within the White Rock – Edmonton District Plan and Gordonvale – Goldsborough District Plan.

The Rural 2 Planning Area has been established to ensure that the future urban corridor is not compromised by the establishment of inappropriate land uses or by inappropriate subdivision, particularly the fragmentation of larger parcels of land. This approach continues to support the agricultural industry at least in the short to medium term and is supported in the submission from the Mulgrave Mill and Bundaberg Sugar.
It is intended that master planning will be undertaken for the Edmonton to Gordonvale urban corridor and that the staged release of land will be facilitated to respond to residential demand and the timely provision of physical and social infrastructure.

**Recommendation No. 9a & 9b**

That the following lots remain in the Rural 2 Planning Area within the Rural Lands District Plan:

- Lot 2 RP851419
- Lot 2 & 3 SP126545 and Lot 2 RP802254
- Lots 3 and 7 RP704171 and Lot 1 NR3114
- Lots 2 & 3 RP887247.

**9c C & B Group PO Box 611, New Farm QLD 4005 on behalf of CEC Group Pty Ltd**

Boarder of Draper, Maitland, Hinkling Road and the Bruce Highway, Gordonvale

#748759, #749367

**Theo Bacalakis**

Castlereagh Street, Meringa

Lot 31 on SP118090

#746838

DIVISION 1

**Grounds of Submission**

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:
Properties North-West of Gordonvale between Draper Road and Maitland Road - all of the properties are shown on Structure Plan No.4 as 'future urban'. Properties are also shown on the Gordonvale-Goldsborough District Plan as partly rural lands, partly Res 2, partly Res 1 and partly low-density residential. Area of concern is the relatively strict and arbitrary nature of the development sequencing set out in section 1.4.3.

Submission supports the principles espoused in the CairnsPlan for future urban designation of the Edmonton-Gordonvale corridor. The only area seeking amendment is in the specific sequencing provisions applied to this area. CairnsPlan needs to be amended to delete the specific reference to year's for this corridor and to replace it with a performance based approach.

It is the land owners intention to commence work on the preparation of various background studies required for the preparation of an overall structure plan for this area.

Officer Comment

The FNQ Regional Plan sets the broad sequencing of development. The short term objectives for Cairns are to consolidate existing development activities and set the framework for the medium and long term development pattern.

Within the life of the CairnsPlan it is not envisaged that development will occur outside the urban boundaries identified in the strategic plan within the Planning Scheme for the Balance of the City. There is still a significant amount of land available for urban development within the White Rock – Edmonton District Plan and Gordonvale – Goldsborough District Plan.

The Rural 2 Planning Area has been established to ensure that the future urban corridor is not compromised by the establishment of inappropriate land uses or by inappropriate subdivision, particularly the fragmentation of larger parcels of land. This approach continues to support the agricultural industry at least in the short to medium term and is supported in the submission from the Mulgrave Mill and Bundaberg Sugar.

It is intended that master planning will be undertaken for the Edmonton to Gordonvale urban corridor and that the staged release of land will be facilitated to respond to residential demand and the timely provision of physical and social infrastructure.

A review of the wording and development sequence provisions can be undertaken to take a more performance based approach.

Recommendation 9c

1. That a review of the wording of ‘Section 1.4.3 Development Sequence’ be undertaken with respect of the timing of development in the Edmonton-Gordonvale locality. The recommended changes shall be provided to Council for consideration, prior to the adoption of CairnsPlan.

2. That the Planning Area for Lot 31 SP118090 remain as Rural 2.
10. ADDITIONAL LOW DENSITY RESIDENTIAL LAND AT GOLDSBOROUGH VALLEY

Peter Robinson on behalf of J & J Dockery
Goldsborough and Downing Road
Lot 21 & 22 SP116176

DIVISION 1

JA and BR Trevor
PO Box 126, Gordonvale QLD 4870
Lots 1 & 2 NR5067

#739692

#733877
Grounds of Submission

CairnsPlan has expanded – mostly in a westerly direction the land available for Low Density Residential development but has kept the land at the entrance to the Goldsborough Valley in the Rural zone.

The land is relatively unconstrained for Low Density Residential development, however is constrained in relation to agricultural activities. These lands are well supplied with access to infrastructure, electricity and Council’s proposed water main will pass along the frontage.

It is requested that the Planning Area be amended to include land described as Lots 21 and 22 SP116176 and Lots 1 & 2 NR5067 in the Low Density Residential Planning Area.

Comment

A number of additional lots were included in the Low Density Residential Planning area as part of the preparation of the Draft CairnsPlan. These were mainly infill blocks surrounded by existing LDR development or land approved for LDR development. If Council were to agree to the inclusion of the abovementioned additional blocks there would be a need to also look at including the other blocks adjoining them as their circumstances are similar.

Cairns Water are currently constructing the water supply network for this area. Advice from Cairns Water is that that the system could cope with the additional lots, however it would require larger pumps to be ordered. A decision on this matter is needed prior to them ordering the pumps for the area.

The concern with allowing more LDR in the area is defining a limit to the growth in the area. There are also concerns related to transport matters, in particular allowing further development in an area that is isolated during times of flooding over Peets Bridge.

Recommendation No. 10

1. That no additional Low Density Residential be allocated in the Goldsborough area.

2. That Lot 21 & 22 SP116176 and Lots 1 & 2 NR5067 remain in the Rural 1 Planning Area.
11a RESIDENTIAL LAND AT BRAMSTON BEACH

Michael Lang, Merilyn Lang, Rodney Fulwood and Rosalie Fulwood
Bramston Beach Road, Bramston Beach
Lot 11 NR7225

DIVISION 1

# 748033

Grounds of Submission

The Draft CairnsPlan shows part of the site as Residential 1 and Open Space. An assessment of the site has been undertaken and a layout for reconfiguring the land prepared. Accordingly a variation to the new Planning Areas is required to accommodate the proposal.

The proposed alteration to the planning area is justified on the following grounds:

- The amended area of residential 1 is in response to the proposed layout for residential allotments on the subject land and has been prepared as a result of master planning for the inclusion of residential lots and open space areas over the entire site. The layout is also responsive to preserving the remaining vegetation which is located on the site. The area that is requested to be included (attached below) in the Residential 1 Planning Area will provide for the first two stages of development.

The amendment to the Open Space Planning Area designation is also in response to the master planning and provides for parkland on the eastern side of the main access road.
Legend

Council's current proposed division between Res I, Open Space and Rural I planning areas.

Suggested amendment to proposed division between Res I, Open Space and Rural I planning areas.

Every effort has been made to ensure the correctness of the information displayed on this map. However, Brazer Motti takes no responsibility for any acts or omissions that may occur due to its use.

The road and lot layout shown on this drawing is schematic only and may change when the final geometry is established. This proposed layout has been prepared for planning purposes and must not be used for final engineering designs. All areas and dimensions shown are approximate only.

Revision B:
Division of Planning areas amended.
SJB 29/01/04

Scale: 1:2000

MCFRED
S.J.BURBIA

3M Brazier Motti
Surveying | Town Planning | Project Management | Mapping & GIS
Brazier Motti Pty Ltd (ABN 56 086 411 041)
Cnr Hale St & Prince St, Buncrana, Cairns, QLD 4870
Phone: (07) 4055 2377 Fax: (07) 4055 2399
Email: cairns@brazermotti.com

Job No: 30928/1-1
Scale: 1:2000 (A3)
Drawing No: 30928/0028

Michael Lang & Rod Fulwood

Project
PROPOSED DIVISION BETWEEN PLANNING AREAS & PROPOSED LAYOUT
OF 59 LOTS – BRAMSTON BEACH

Parish: RUSSELL
County: NARES

Local Authority: Cairns City Council

Original Plan

Special Meeting – CairnsPlan – Part A - 13/5/2004 - #782245
Comment

Council made the decision at the workshop held on the 12 June 2003 to include a small part of the site in the Residential 1 Planning Area in response to the need for further residential land at Bramston Beach.

The proposed amendment to the Planning Area does not significantly alter the area identified for Residential and takes account of the physical characteristics of the site.

Recommendation No. 11a

That for Lot 11 NR7225 amend the Planning Area designation in accordance with the future reconfiguration layout provided by Brazier Motti (Plan No. 30928/002).

11b Charlie and Jane Robino
PO Box 180, Miriwinni QLD 4871

#731891

DIVISION 1

Grounds of Submission

Lot 1 on RP 732481 is only 2.419 ha and does not comply with the minimum 40 ha minimum for Rural Planning Area.

Frontage is directly opposite Bramston Beach Resort which is Tourist and Residential. Property adjoins main road of the residential area of Bramston Beach.

Request that property is suitable for rezoning.
Officer Comment

Council has previously resolved to include a portion of Lot 11 NR7225 into and similar considerations of need for additional residential land and the consideration of services and infrastructure apply in this circumstance.

A small area of vegetation with moderate conservation value exists on the lot.

Recommendation No. 11b

1. That the Planning Area for Lot 1 on RP732481 be changed from Rural 1 to Residential

11c  Bramston Beach Progress Association  
Evans Road, Bramston Beach QLD 4871

#746971

DIVISION 1

Grounds of Submission

Request the establishment of a boat ramp facility that provides all tidal access to the sea. The current facility is not all tidal. The channel remains silted and impassable for 95% of the year.

Officer Comment

The provision of a boat ramp is a combined effort from Queensland Transport who provide the water based components such as the boat ramp and navigation marks, and the local managing authority who provide the land based components such as the car trailer park and access road.

Consulting Engineers Patterson Britton investigated various proposal in 1997/98 and recommended:

- None of the options meet the design requirements satisfactorily.
- It is unlikely that any of the three proposed training works would improve entrance navigability significantly, as they do not address the littoral transport mechanisms causing the build-up of sand inside the Joyce Creek entrance. Some of the proposals could actually decrease navigation safety and introduce longshore transport problems.
- It is important to recognise that Joyce Creek is only a small tidal inlet, and that entrance conditions will always be somewhat hazardous. The estuary is too small in relation to the energy of storm waves and the amount of sand transported along the coast, to maintain a deep, stable ebb tide channel.
At present Council is contributing towards dredging costs at the Joyce Creek (Bramston Beach) boat ramp.

Any new boat ramp requests need to be submitted to Council. Council will then forward prioritised requests to Queensland Transport for approval and funding.

Recommendation No. 11c

That the Bramston Beach Association looks at a more permanent solution to the boat ramp issue. A possible solution would be to construct a new boat ramp on the beach, north of the northern groyne.

11d  Cr Paul Gregory, 232 Redbank Road, Gordonvale
   Character and Amenity Bramston Beach

DIVISION 1

Grounds of Submission

There is a need to define the amenity and character of Bramston Beach, in order to promote appropriate future development in the area. Facilitating appropriate future development that meets the aspirations of the local community requires a number of inclusions to the draft CairnsPlan. These inclusions would allow the community a degree of confidence that future developments within the district will not have an extremely adverse effect on the amenity or be in extreme conflict with the character of the buildings' neighbourhood.

An inclusion to Section 3.18.1 Rural Lands District – Description and Intent, covering the Bramston Beach area is required. This would ensure all stakeholders in the development of the district have a common unifying vision. A short paragraph, such as the one outlined below that details the intent of the area would be deemed sufficient.

“Bramston Beach should ideally retain the quiet and peaceful village atmosphere that exists at present, reflecting the current primarily residential use. Future developments, both tourist and residential, should ideally complement the architectural style and character of the area, in terms of building form, scale, materials and fencing. All proposed development shall have low environmental and visual impact. Significant existing vegetation along the beachfront should be retained and enhanced by tropical landscaping on both public and private gardens.”

A Character Code for the area is also suggested. Following some consultation with residents, a draft has been developed. This code has a range of performance criteria as well as acceptable measures which outline possible ways of achieving the desired outcomes. The inclusion of this code in Section 4.5 Planning Area Codes, would more clearly indicate the nature and form of appropriate development.
Officer Comment

The inclusion of the character statement for Bramston Beach is supported.

In relation to the Character Code, in accordance with the Corporate Plan, character and amenity studies are to be undertaken for each of the Districts as part of the preparation of Integrated Local Area Plan, over the next 5 years, and incorporate this information into the CairnsPlan as part of future reviews.

There is however no objection to the inclusion of the draft code as part of the Rural Lands District Planning Area.

Recommendation 11d

1. That the following words be included in Section 3.18.1 Rural Lands District – Description and Intent:

   “Bramston Beach should ideally retain the quiet and peaceful village atmosphere that exists at present, reflecting the current primarily residential use. Future developments, both tourist and residential, should ideally complement the architectural style and character of the area, in terms of building form, scale, materials and fencing. All proposed development shall have low environmental and visual impact. Significant existing vegetation along the beachfront should be retained and enhanced by tropical landscaping on both public and private gardens.”

2. That the following code be added to the Rural Lands District:

Character

<table>
<thead>
<tr>
<th>PERFORMANCE CRITERIA</th>
<th>ACCEPTABLE MEASURES</th>
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</table>
| P1. Development of residential housing at Bramston beach must complement the architectural style and character of the area, in terms of building form, scale, materials and fences. | A1.1 Building height is not more than 7.5 metres with dwellings forming part of the existing low-set streetscape.  
AND  
A1.2 External building materials should complement the surrounding area’s built form. Materials should include; but are not limited to painted masonry, weatherboard or custom-orb profile metal to all wall surfaces and metal sheeting for the roof.  
AND  
A1.3 Fencing where essential must be low key, not visually prominent and integrate elements of the low-key nature of the locality. |
Site Coverage

**PERFORMANCE CRITERIA**

P1. Dwellings are to be of a size and bulk generally consistent with the low density nature of the locality.

**ACCEPTABLE MEASURES**

A1.1 Gross floor area is no more than 0.5 times the site area.

**AND**

A1.2 The site area is a minimum of 600m² and has a minimum frontage of 15m.

Building Setbacks

**PERFORMANCE CRITERIA**

P1. Buildings must be set back to:

- Maintain the character of the residential neighbourhood
- Achieve separation from neighbouring buildings and from road frontages.

**ACCEPTABLE MEASURES**

A1.1 Setbacks from the road frontages and from the side and rear boundaries are in accordance with the Standard Building regulation.

**AND**

A1.2. Building work above a single storey in height requires additional set back from the front alignment.

Landscaping

**PERFORMANCE CRITERIA**

P1. The road reserve and streetscape must reflect the beachside village character of Bramston Beach, particularly with regard to the landscape character of the low density housing land use.

**ACCEPTABLE MEASURES**

A1.1 Existing mature vegetation along the beachfront should be maintained and enhanced.

**AND**

A1.2 Landscaping on both public and private gardens should reflect the tropical character of the locality.

**OR**

A1.3 Landscape treatment in a corridor along Bramston Beach Road and Evans Road incorporates the retention of desirable existing mature native vegetation.

**AND**

A1.4 The landscaping treatment along the roads mentioned in A3, should include at least the following:

- trees planting at irregular spacing
- grouping or clumping of trees
- occasional views of built form through landscaped area.
## APPENDIX 1

**EDUCATION QUEENSLAND SITE, KEWARRA BEACH LOT 8 ON PLAN C84351**

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<td>Richard Graham Thomas</td>
<td>76 Ganet St Kewarra Beach</td>
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<td>Ian D &amp; Joy T Lindsay</td>
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<td>Jonathan Hobart</td>
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<td>Greg Gibb</td>
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Ian Gordon Foley
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Indra Gerhardy
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Miki Davis
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Smithfield Qld 4878
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Paul Davis
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David Poulsen
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Mrs. N. Stirzaker
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Kayleen van Horck
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Tracey Warnerice
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Joanne Walker
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Andy Fernandes 24 Portsea Crescent, Kewarra Beach Qld 4879 745534
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Chris Tomlinson 16 Sarina Close, Kewarra Beach Qld 4879 745587
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Janet Fletcher 2 Miara Close, Kewarra Beach Qld 4879 745596
Rosemary Bennett 16 Dolphin Close, Kewarra Beach Qld 4879 745599
Geoff Lacey 17 Kurrimine Close, Kewarra Beach Qld 4879 745664
P. Warren 14 Squeaky Close, Kewarra Beach Qld 4879 745665
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Steve Walker 39 Cottlesloe Drive, Kewarra Beach Qld 4879 745673
Patricia Mair 53 Bondi Crescent, Kewarra Beach Qld 4879 745674
Leonie Costello  
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Cathy Fernandes  
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John Grank  
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Dagmar Larcombe  
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Susan Greb  
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D.I Warnes  
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Sean McKinnon  
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Mark Robb  
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Christine Edlund  
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Patricia Mangano  
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Adam Lichtenstein  
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Carole Thompson  
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Cassidy Lichtenstein  
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Norm Archer  49 Gannet Street, Kewarra Beach  Qld  4879  745738
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David Stevenson
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Jessie Martin
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Jeff Higgins
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Maria Dineen
1 Noosa Close, Kewarra Beach Qld 4879
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Martin Truman
4/101 Arlington Esplanade, Clifton Beach Qld 4879
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Christl Schuhmacher
14 Mornington Street, Kewarra Beach Qld 4879
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Bev Biggs
36 Portsea Crescent, Kewarra Beach Qld 4879
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Patrick Biggs
36 Portsea Crescent, Kewarra Beach Qld 4879
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Mark Senia
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Megan Sharman
12 Cabarita Street, Kewarra Beach Qld 4879
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Eddie Sharman
12 Cabarita Street, Kewarra Beach Qld 4879
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Jan Pearson
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R.A. Carrapiett
19 Jules Street, Kewarra Beach Qld 4879
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Phillip Graham Tucker
13 Shell Close, Kewarra Beach Qld 4879
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Jean Bell
60 Cottesloe Drive, Kewarra Beach Qld 4879
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Kym Higgins
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M.V. Carrapiett
19 Jules Street, Kewarra Beach Qld 4879
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Graeme Sherr
41 Kewarra Street, Kewarra Beach Qld 4879
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Kathryn Cruickshank
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Justine Johnstone
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# APPENDIX 2

**LOT 18 & 19 RP718406, POOLWOOD ROAD KEWARRA BEACH**

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Jim Davies 1 Jules Street, Kewarra Beach Qld 4879
Juliet Smith 1 Jules Street, Kewarra Beach Qld 4879
Daryl Taylor 1 Maurice Street, Kewarra Beach Qld 4879
Mark O'Connor P.O. Box 35, Trinity Beach Qld 4879
Charmaine Morris 9A Mahab Street, Kewarra Beach Qld 4879
Jonathan Hobart 4 Coolangatta Close, Kewarra Beach Qld 4879
Carol O'Reilly C/- 26 Gannet Street, Kewarra Beach Qld 4879
Frank Collins 33 Kewarra St Kewarra Beach 4879
M. Corrigan 4 Jules Street, Kewarra Beach Qld 4879
Robyn Smith 9 Wau Close, Trinity Beach Qld 4879
N. Silke 12 Poolwood Road, Kewarra Beach Qld 4879
Stella Smith 14 Poolwood Road, Kewarra Beach Qld 4879
Mr & Mrs M Tree 9B Mahab Street, Kewarra Beach Qld 4879
K. Smith 9 Wau Close, Trinity Beach Qld 4879
Geoff Cooke 25 Cyprea Close, Trinity Beach Qld 4879
Roslyn Smith 14 Poolwood Road, Kewarra Beach Qld 4879
Derek Smith 16 Poolwood Road, Kewarra Beach Qld 4879
Mr & Mrs M Tree 9B Mahab Street, Kewarra Beach Qld 4879
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Fiona Fry 16 Jules Street, Kewarra Beach Qld 4879 748024
William Fry 16 Jules Street, Kewarra Beach Qld 4879 748025
Tony Robb 8 Mahab Street, Kewarra Qld 4879 743889
Kevin Mitton 2 Mahab Street, Kewarra Qld 4879 743852
Mark Robb 8 Mahab Street, Kewarra Qld 4879 743851
Agnes Robb 8 Mahab Street, Kewarra Qld 4879 743850
Helen Swinkles 8 Sarina Close, Kewarra Qld 4870 743464
Ross Steeze 6 Pelcowe Street, Kewarra Qld 4870 743461
Carol O'Reiley 7 Kewarra Street, Kewarra Qld 4879 743509
Vicki Harradine 53 Cottesloe Drive, Kewarra Qld 4879 743536
Juliana Smith 6 Portsea Crescent, Kewarra Qld 4879 736781
Dave & Renae PO Box 602, Smithfield Qld 4878 743903
Paul Cross 62 Sidlaw Street, Smithfield Qld 4878 745890
D & D Stevenson PO Box 169, Smithfield Qld 4878 740378

Marnie & John Awram
Lot 19, Poolwood Road, Kewarra Beach QLD 4879
#744578

Pamela M Fraser
6 Heron Close, Kewarra Beach QLD 4879
#741928
Melinda HSU  
18 Bramble Street, Clifton Beach  QLD  4879

#742866

D & D Stevenson  
PO Box 269, Smithfield  QLD  4878

#740378

Stephen James  
27 Starling Street, Kewarra Beach  QLD  4879

#737629

Grahame Finnigan  
33 Dolphin Close, Kewarra Beach  QLD  4879

#748411

Ian & Joy Lindsay  
19 Kewarra Street, Kewarra Beach  QLD  4879

#712083
## APPENDIX 3

### LOT 1 RP722991, PALM COVE

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Kirsten Salmi 15/28 Oliva Street, Palm Cove Qld 4879 745951
JJ Walsh 5 Talpa Close, Palm Cove Qld 4879 745955
Stuart Spencer P.O. Box 150, Palm Cove Qld 4879 745957
Marcus Frawler 22 Ellis Close, Kewarra Beach Qld 4879 745958
Patrick King 285 Grafton Street, Cairns Qld 4870 745959
Shane Miller Manunda Cairns Qld 4870 745960
Brent McConnochie 4/29 Amphora Street, Palm Cove Qld 4879 745962
Lee Vale 8/30 Oliva Street, Palm Cove Qld 4879 745965
S. Shahin 29 Hope Street, Clifton Beach Qld 4879 745966
Denis Dagl 18 Amphora Street, Palm Cove Qld 4879 746432
Robyn H.S James 147 Williams Esplanade, Palm Cove Qld 4879 746433
Brian McKinley 24/26 Warren Street, Palm Cove Qld 4879 746434
Mark Soultan 63 Veivers Road, Palm Cove Qld 4879 746435
Bianca Haigh 55 Terebra Street, Palm Cove Qld 4879 746437
Wendy Crook 56 Terebra Street, Palm Cove Qld 4879 746438
Glenda Gai Smith 29 Oliva Street, Palm Cove Qld 4879 746439
David Landers Smith 29 Oliva Street, Palm Cove Qld 4879 746440
Llody Shepherd 55 Terebra Street, Palm Cove Qld 4879 746441
June Seddon 1/31 Oliva Street, Palm Cove Qld 4879 746451
P.G. Lovett 24 Terebra Street, Palm Cove Qld 4879 746453
Ann Lovett 24 Terebra Street, Palm Cove Qld 4879
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Ross Morehead 45 Terebra Street, Palm Cove Qld 4879
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Joy Summer Potts 50 Cedar Road, Palm Cove Qld 4879
746457

Leah Buchanan 25 Giles Street, Mirboo North Vic 3871
743995

John Young 17 Lambus Street, Palm Cove Qld 4879
744172

Alan & Rita Ellwood
53 Veivers Road, Palm Cove QLD 4879
#745299

Earle & Judith McNamara
26 Trivia Street, Palm Cove QLD 4879
#744127

M A McRae
55 Trivia Street, Palm Cove Qld 4879
#742314

Marija Juknevics
36 Trivia Street, Palm Cove Qld 4879
#742317

Anthony & Ruth Walsh
PO Box 562, Palmwoods Qld 4555
#742824

David Chan
3 Lambus Street, Palm Cove Qld 4879
#749343

Max Bikins
28 Bishop Street, St Lucia QLD 4067
#742356
## APPENDIX 4

**LOT 1 RP734974, LOT 54 RP738906 AND LOT 1 RP732379, CLIFTON BEACH**

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Maria Marczuk 5 Barrier Close, Clifton 744343 Beach Qld 4879
Berni & Shane McKean 39 Satellite Street, Clifton 744346 Beach Qld 4879
Sally Metzeling 16 Satellite Street, Clifton 744931 Beach Qld 4879
Barry George Searle 37 Satellite Street, Clifton 746107 Beach Qld 4879
Jennifer Lynne Searle 37 Satellite Street, Clifton 746154 Beach Qld 4878
A.J. McCormack 4 Satellite Street, Clifton 746872 Beach Qld 4879
Lorraine McCormack 4 Satellite Street, Clifton 746874 Beach QLD 4879
Maria Cseri 8 Satellite Street, Clifton 737649 Beach QLD 4879

Luis Marin-Gomez
4 Haycock Street, Clifton Beach Qld 4879
#742341

Gloria Burge
3 Egmont Close, Clifton Beach Qld 4879
#743885

Michael Purucker
12 Satellite Street, Clifton Beach Qld 4879
#727838

John and Gweneth Roma Nagl
10 Opal Reef Close, Clifton Beach Qld 4879
#725956

Sharynne & John Hunt
12 Linden Street, Clifton Beach Qld 4879
#731019
Caroline Sommer  
1 Opal Reef Close, Clifton Beach  Qld  4879  
#721956

M A Winsbury  
11 Opal Reef Court, Clifton Beach  Qld  4879  
#720535

Mr & Mrs K Cromack  
3 Linden Street, Clifton Beach  QLD  4879  
#739708

John C Thorsborne  
18 Linden Street, Clifton Beach  Qld  4879  
#744530

D & G Quigley  
16 Linden Street, Clifton Beach  Qld  4879  
#721956

Maree Callaway  
7 Egmont Close, Clifton Beach  Qld  4879  
#722328

Robin & Marie Fifield  
53 Arlington Esplanade, Clifton Beach  Qld  4879  
#735580

Ian K Sapwell  
2 Egmont Close, Clifton Beach QLD  4879  
#745029

Margaret Sapwell  
2 Egmont Close, Clifton Beach  QLD  4879  
#743069

Caroline Sommer  
1 Opal Reef Close, Clifton Beach  QLD  4879  
#721199
## APPENDIX 5

### BARRON SMITHFIELD PETITION/ SMITHFIELD INDUSTRIAL PRECINCT

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<td>John Tannock</td>
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Colin Pitt  6 Mesa Close, Smithfield  746139  4878
Ian Pease  13 Marian Close, Smithfield  746142  Qld  4878
Andrea Pease  13 Marian Close, Smithfield  746145  Qld  4878
Neville Dunn  10 Anne Street, Smithfield  746146  Qld  4878
Klona Ghee  15 Grampian Close, Smithfield  746150  Qld  4878
Alan Courtney & Andrea Collins  6 Jarda Street, Smithfield  746156  Qld  4878
Gary Beattie  3 County Close, Smithfield  746171  Qld  4878
Robyn Twomey  P.O. Box 874, Atherton  746551  4883
Shane Leahy  8 Amaroo Close, Smithfield  746575  Heights  Qld  4878
Elizabeth Kendall  P.O. Box 416, Smithfield  746635  Qld  4878
David B Kendall  16 Amaroo Close, Smithfield  746646  Qld  4878
Jay Hillman  11A Darkin Close, Smithfield  746859  Qld  4878
Debbie Hillman  11A Darkin Close, Smithfield  746861  Qld  4878
Jennifer Anne Taylor  9 Speculation Street, Smithfield  746864  Qld  4878
Dr. J Newland  P.O. Box 5090, Cairns  746885  4870
SJ & GJ Summers  23 Darkin Close, Smithfield  746891  Heights  Qld  4878
SJ & GJ Summers  23 Darkin Close, Smithfield  746913  Heights  Qld  4878
Dr Jill Newman  P.O. Box 5090, Cairns  746941  4870
BE Mitchell & SJ Mason  P.O. Box 244N North Cairns  746983  Qld  4870
David & Flora Mulley  32 Anne Street, Smithfield  747320  Qld  4878
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Marie Harding-Smith  P.O. Box 1274, Cairns  Qld 747901 4878
Jill Lenok  1 Furrow Close, Smithfield 747906 Qld  4878
L.McGoldrick  P.O. Box 5498, Cairns  Qld 747907 4870
Emma Croumer  9-19 Mt Milman Drive, 747909 Smithfield Qld  4878
Shirley Thomas  4/19 Mt. Milman Drive, 747911 Smithfield Qld  4878
C. Warland  17 Cameron Close, 747913 Smithfield Qld  4878
K.M. Kenny  26 Anne Street, Smithfield 747923 Qld  4878
G. Collenette  28 Cairnwell Street, 747930 Smithfield Qld  4878
Jill Spackman  P.O. Box 892, Smithfield 747932 Qld  4878
Roland Ziegler  P.O. Box 471N, Cairns 747938 North Qld  4870
Irene Wood  10/19 Mount Milman Drive, 747939 Smithfield Qld  4878
Robert & Helen Ruddell  P.O. Box 99, Smithfield 748070 Qld  4878
Robert Jackson  18 Darkin Close, Smithfield 748364 Qld  4878
Sandra Baker  18 Darkin Close, Smithfield 748365 Qld  4878
Ian Williams  72 Stanton Road, Smithfield 748375 Qld  4878
Owen Davies  5 Marian Close, Smithfield 748378 Qld  4878
Terry Pates  P.O. Box 146, Kuranda 748379 Qld  4872
James Smith  27 Stanton Road, Smithfield 748389 Qld  4878
Enid Ryan  29 Gavin Street, Smithfield 748400 Heights Qld  4878
John & Lucia Millwood  P.O. Box 288, Smithfield 748419 Qld  4878
Graham Cawley  29 Cambrain Avenue, 748420 Smithfield Qld  4878
Jan Lahney 40 Ardisia Street, Smithfield 748423 Qld 4878
Mam Sirimaya 8 Carbine Close, Smithfield 748424 Qld 4878
JR & SP Morris 9 Skye Court, Beaconsfield 748430 Qld 4740
Mark & Angela Grace 23 Cambrian Avenue, Smithfield 748433 Qld 4878
James Turmeur 1 Kimanne Street, Smithfield 749113 Qld 4870
Tiffany Yu 1 Kimanne Street, Smithfield 749116 Qld 4878
Penny Stewart 15 Garnet Street, Kewarra Beach 749347 Qld 4879
Karen Stewart 15 Garnet Street, Smithfield 749352 Qld 4878
Marnie Bolton P.O Box 434N North Cairns 749464 Qld 4870
Erika Batemerski 7 Anne Street, Smithfield 749466 Heights Qld 4878
Joseph R Smoglian 20 Jarda Street, Smithfield 746932 Qld 4878
D Affleck 9 Stanton Road, Smithfield 747489
Karen Jensen 39 Survey Street, Smithfield 747493 Qld 4878
Tom Bouwman 12 Toolong Close, Smithfield 747495 Qld 4878
BF & JW Thornton 8 Sidlaw Street, Smithfield 748937 Qld 4878
Ros Demetrios 11 Speculation Street, Smithfield 747504 Qld 4878
G.R.F Turton 14 Gavin Street, Smithfield 747506 Qld 4878
John & Mario Liston 2 Lytia Street, Smithfield 747524 Qld 4878
M Pavusa 32 Ardisia Street, Smithfield 748944 Qld 4878
Christine Clifford PO Box 1122, Cairns Qld 748947 4878
June Vale PO Box 510, Smithfield Qld 748950 4878
Gabriele Becrer
31 Cairnwell Street, Smithfield  Qld  4878

TE Lindenmayer
PO Box 190, Cairns  Qld  4870

Jane Pyron
5 Gavin Street, Smithfield  Qld  4870

Marcia and John McInerney
6 Atlas Close, Smithfield  Qld  48862

Sandra Young
4 Nimba Close, Smithfield  Qld  4878

John Maguire
19 Cheviot Street, Smithfield  Qld  4870

W.G Hunter
PO Box 280, Smithfield  Qld  4877  4870

R & J Hinchley
16 Cairnwell Street, Smithfield  Qld  4878

Anthony & Carla Pappas
75 Survey Street, Smithfield  Qld  4878

Brenda & Stewart Burton
PO Box 997, CMC  4870  748893

J Richmond
25 Speculation Street, Smithfield  Qld  4878

Tina Rainer
29 Anne Street, Smithfield  Qld  4878

Bill Clogan & Roslyn Backman
69 Survey Street, Smithfield  Qld  48958

Paula Villiers
12 Cantal Close, Smithfield  Qld  4878

S J Dawessandro
21 Lesley Street, Smithfield  Qld  4878

Peter and Inese Kubu
203 Cook Highway, Smithfield  Qld  4878

J T O'Donoghue
9 Nina Close, Smithfield  Qld  48720  4878

Sandra Javis
37 Survey Street, Smithfield  Qld  48718

John Honan
2 County Close, Smithfield  Qld  4876

Greg Hunt
15 Knight Road, Smithfield  Qld  4876

R.E. Potter
30 Jarda Street, Smithfield  Qld  4870

Special Meeting – CairnsPlan – Part A - 13/5/2004 - #782245
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Diane Roberts  
Gk50@bigpond.net.au  
747318

Wayne Dagleish  
8 Bena Street, Smithfield 744857  
Qld 4878

BJ & MA Englebretsen  
PO Box 60, Smithfield Qld 746066  
4878

Kelly Roberts  
26 Queens Street, 745698  
Paramatta Park Qld 4870

Saichem Swain  
PO Box 887, Smithfield QLD 4878

#748235

Laura Phillips  
8 Elliver Street, Smithfield Qld 4878

#746628

C & B Group for Half Moon Bay Marina  
PO Box 611, Newfarm QLD

#749357

A H Penny  
26 Lesley Street, Stratford QLD 4870

#743817

Phillip Hardcastle – PO Box 206, Bungalow QLD 4870

#744819

Phillip Hardcastle – PO Box 206, Bungalow QLD 4870

#744817

Graham and Nicole Nicholls – Lot 2 MacPeak Crescent, Smithfield Qld 4878

#747900

Joseph Smoglian  
20 Jarda Street, Smithfield QLD 4878

#747921
Adam Lichtenstein – AJ Hackett Bungy
PO Box 700, Smithfield QLD 4878
#746871

Peter MacDougall – Stateland Pty Ltd
PO Box 6320, Cairns QLD 4870
#747566

Doris Boothe
2 Metric Close, Smithfield QLD 4878
#744355

H.G. Boothe
2 Metric Close, Smithfield QLD 4878
#744361

DJ Jones
5 Survey Street, Smithfield QLD 4878
#744355

Steve John Waton
PO Box 652, Smithfield QLD 4878
#748125

Kylie Anderson
No Address Supplied
#747750

G (B) Szabo
21 Centaur Street, Trinity Park QLD 4879
#746136

Kristen Phillips
8 Elliver Street, Smithfield Heights QLD 4878
#744377

Michael Phillips
8 Elliver Street, Smithfield Heights QLD 4878
#744376
APPENDIX 6

MINIMUM LOT SIZE LOW DENSITY RESIDENTIAL PLANNING AREA

A. SEEKING TO CHANGE IT BACK TO 4000 SQUARE METRES

Eric Wilson
66 James Cook Drive, Kewarra Beach QLD 4879
#747984

G. Ketting
Lot 15 Lark Close, Clifton Beach QLD 4879
#731007

Ronald & Mauriatte Mulacek
20 Mauri Close, Clifton Beach Qld 4879
#730732

John and Christine Blackford
7 Stevens Street, Clifton Beach QLD 4879
#737330

Charles Charalombous
1 Evergreen Street, Clifton Beach QLD 4879
#732599

J. Legon
63 James Cook Drive, Kewarra Beach QLD 4879
#733377

C. Johnstone
35 Nicholas Street, Clifton Beach QLD 4879
#733379

Kathy Manoff
25 Heuston Street, Clifton Beach QLD 4879
#744028

L & B Gallagher
29 Maori Close, Clifton Beach Qld 4879
#744031
Michelle Vinson
20 Nicholas Street, Clifton Beach QLD 4879
#744033

TJ & MT Barlow
8 Steven Street, Clifton Beach QLD 4879
#744036

Max & Ilze Bikins
28 Bishop Street, St Lucia QLD 4067
#742346

Peter Robinson Planner
PO Box 4751, Cairns QLD 4870
# 745048

Patrick John Scanlan
51 James Cook Drive, Kewarra Beach QLD 4879
#747171

Graham & Sue Yeoman
PO Box 5845, Cairns Qld 4870
#744900

P.H Prendergast-White
PO Box 250, Smithfield Qld 4878
#747177
APPENDIX 7

MINIMUM LOT SIZE LOW DENSITY RESIDENTIAL PLANNING AREA

B. SEEKING TO KEEP IT AS 5000 SQUARE METRES AS SHOWN IN THE DRAFT CAIRNSPLAN

S I Terry
Lot 40 Stevens Street, Clifton Beach QLD 4879
#744025

K Simpson
38 Hanston Street, Clifton Beach QLD 4879
#746467

Cheryle Smith
21 Maori Close, Clifton Beach QLD 4879
#746468

Chris Cruischshank
29 Ellison Street, Clifton Beach QLD 4879
#746469

Peter Jense
53 Ellison Street, Clifton Beach QLD 4879
#746470

David Collins
52 Ellison Street, Clifton Beach QLD 4879
#746471

Jane Paisell
28 Ellison Street, Clifton Beach QLD 4879
#746472

Zlatha Grcic
2 Evergreen Street, Clifton Beach QLD 4879
#746475
Ivy Grcic
2 Evergreen Street, Clifton Beach QLD 4879
#746478

Barber Philip
36 Nicholas Street, Clifton Beach QLD 4879
#746481

N & G.M Ghidella
19 Nicholas Street, Clifton Beach QLD 4879
#746484

Ann Fagg
Lot 31 Forrester Street, Clifton Beach QLD 4879
#746486

Kate & Ron Williams
5 Forrester Street, Clifton Beach QLD 4879
#746488

Ann Barber
36 Nicholas Street, Clifton Beach QLD 4879
#746491

John McDougall
4 Steven Street, Clifton Beach QLD 4879
#746493

Alexa Patalano
Lot 3, Forrester Street, Clifton Beach QLD 4879
#746495

David Malcom
10 Petricola Street, Clifton Beach QLD 4879
#746499

Susan Barclay
Lot 41, Tobias Close, Clifton Beach QLD 4879
#746500
Peter Butler
31 Ellison Street, Clifton Beach  QLD  4879
#746521

I Spence
Lot 30, Ellison Street, Clifton Beach  QLD  4879
#746522

Jan Daly-Tompson
27 Lark Close, Clifton Beach  QLD  4879
#746523

W H Burgess
5 Evergreen Street, Clifton Beach  QLD  4879
#746524

Geoff James
10 Evergreen Street, Clifton Beach  QLD  4879
#746526

John & Karen Gibson
Lot 8, Evergreen Street, Clifton Beach  QLD  4879
#746527

David N Goodman
Lot 30, Maori Close, Clifton Beach  QLD  4879
#746466

Suzy Grinter
16 Nicholas Street, Clifton Beach  QLD  4879
#746520

Pat Warburton
38 Petricola Street, Clifton Beach  QLD  4879

Murray Jones
15 Nicholas Street, Clifton Beach  QLD  4879
#746517
Mick & Marie Bacon  
14 Nicholas Street, Clifton Beach  QLD  4879  
#746514

A Fishburn  
Lot 55, Ellison Street, Clifton Beach  QLD  4879  
#744017

Brian Gainter  
39 Petricola Street, Clifton Beach  QLD  4879  
#744018

John & Chris Blackford  
7 Stevens Street, Clifton Beach  QLD  4879  
#744021
**APPENDIX 8**

**MT SHERIDAN PLAZA/ EDMONTON BUSINESS AND INDUSTRY PRECINCT**

James Fielding Group Submission

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<tr>
<th>Submitter Name</th>
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<tr>
<td>L Cohen</td>
<td>54 Murrinverie Road, North Bondi NSW 2026</td>
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<td>K G Powell</td>
<td>2/11 Allfield Road, Woy Woy NSW 2256</td>
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<td>Mrs Olive Barrett</td>
<td>4 Kauri Place, Duncraig WA 743909 6023</td>
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<td>P. A Herbert</td>
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<td>Stanley &amp; Joy Inold</td>
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<td>R.J. Balzer</td>
<td>20 Wattle Street, Evans Head NSW 2473</td>
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<td>Jack F Harding</td>
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<td>B &amp; M Thompson</td>
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Ken G Baylis                  No Address Provided                744325
J.S. McKeowin                No Address Supplied                 744358
R.B Walker                   P.O. Box 1604, Atherton Qld 4883 744381
K.J & M.E. Simpkin           P.O. Box 75, Edmonton Qld 4869        744504
J Winterhalder               107 GlenIsla Road, Bickley WA 6076          744533
E Pakchung                   Address Not Supplied                      744541
Josephine Springfield        P.O. Box 666, Noosa Heads Qld 4567          744913
Kathleen Caniel              6 Ian Crescent, Mitcham Vic 3132              744960
N.L. Fidge                   127 Ridge Road, Wantirna South, Victoria 3152 744998
Name Unreadable              No Address Supplied                          745004
Mr. M.J. Cahill              P.O. Box 11, Manly NSW 1655                  745006
Ian Conden                   No Address Supplied                          745008
Jan Toomba Stanton Pty Ltd   No Address Supplied                          746052
UNREADABLE                   NO address                                 746098
J & K Laurie                 No address                                 746099
A. Matthews                  No Address Supplied                          746113
Name unreadable - ATF G & No Address Supplied 746120
M Jones Superannuation Fund
B.J. Emanuel & J.R.Knight    No Address Supplied                          746129
Desley Markham               50 Oceanview Cres Torquay Vic 3228             746506
M & J Wright                 12 Noela Close, Bayview Heights Qld 4868    747316
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<td>Jim Kelly</td>
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<td>JA &amp; WP Cooper</td>
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<td>Peter &amp; Ann Doyle</td>
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<td>Jenaze Superannuation Fund</td>
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<td>W Butler</td>
<td>PO Box 7186, Vic</td>
<td>747501</td>
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<tr>
<td>Adrienne Butler</td>
<td>No Address Supplied</td>
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<tr>
<td>D J Masasso</td>
<td>PO Box 16, Tolga Qld 4882</td>
<td>746130</td>
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<tr>
<td>Clive Stokes</td>
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<td>750597</td>
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<td>KR &amp; WA Eames</td>
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<td>Matthew Lorimer</td>
<td>No Address Supplied</td>
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<td>DB Warden</td>
<td>67 Watson Street, Bondi</td>
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<td>IA &amp; HD Warden</td>
<td>67 Watson Street, Bondi</td>
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<td>GE &amp; A Cansdale</td>
<td>35 Volunteer Road, Kenthurst NSW 2156</td>
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<td>P M Brown</td>
<td>PO Box 210, Miranda NSW</td>
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<td>Gapgate Pty Ltd &amp; G Gjidella</td>
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<td>Gillian Forsythe</td>
<td>7 Marett Street, Stratford QLD 4870</td>
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<td>22 Mirbella Street, Kenmore Hills 4069</td>
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<td>Julie Ryan</td>
<td>14 Lynshanel Court, Springwood Vic</td>
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<td>David Karpin</td>
<td>3/28 Viewland Drive, Noosa Heads Qld 4567</td>
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<td>Olga Fewster</td>
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The Piccone Family
117 Bruce Highway, Edmonton  Qld  4869

#748415

Sebastian & Krissie Scarcella
PO Box 14204, Mt Sheridan  Qld  4868

#741933

Peter Rigney
106 Barnard Drive, Mt Sheridan  Qld  4868

#747329

Trust Corporate
35 Clarence Street, Sydney  NSW  2000

Keilar Fox McGhie
PO Box 608, Spring Hill  Qld  4004

#744964

G Flower
18 Arbar Close, Edmonton  Qld  4868

#744880

Rhonda Wallace
10/24 Sulthe Street, Edmonton  Qld  4868

#746083

Ellen Adams
21 Pyne Street, Edmonton  Qld  4868

#744870

Nith Basso
57 Pyne Street, Edmonton  Qld  4868

#744883

Bec Huey
20 Baailla Street, Edmonton  Qld  4868

#744887
J Barane
9 Donovan Close, Edmonton  Qld  4868
#744890

Mary BaRane
9 Donovan Close, Edmonton  Qld  4868
#744894

Irene Marshall
38 Leeuwin Crescent, Bentley Park  Qld 4868
#744897

Joan Wilson
1/27 Mann Street, Edmonton  Qld  4869
#744899

Gloria Farley
1/14 Badella Street, Edmonton  Qld  4869
#744901

Clohesy Properties Pty Ltd
PO Box 14204, Mt Sheridan QLD 4868
#741933

Brian and June Peach
PO Box 93, Edmonton QLD 4869
#740925

Frances Lindsay
15 Brutus Close, Edmonton  Qld  4869
#749119

Jeff Pezzutti
PO Box 359, Cairns QLD 4870
#749132

Peter Robinson
Po Box 4751, Cairns QLD 4870
#746332, #743814, #743812

C & B Group on behalf of Hardwick Pty Ltd
Bruce Highway, Edmonton  
Lot 3 SP105994  

#742313  

Victor Feros on behalf of James Fielding Retail Fund  
PO Box 1256, Cairns QLD 4870  

#749145  

Gillian Forsythe  
7 Maret Street, Stratford Qld 4870  

#743818  

Shane Smith  
PO Box 608, Spring Hill Qld 4004  

#744964
CAIRNSPLAN – REPORT ON SUBMISSIONS RECEIVED DURING THE CONSULTATION PERIOD HILLSLOPES – PART B

Deborah Wellington: 8/20/1-90 : #775458

RECOMMENDATION:

Individual recommendations follow each particular item.

INTRODUCTION:

The current Hillslopes Development Control Plans and the Hillslopes Overlay and Code in CairnsPlan recognise that it is important that the attractiveness of the hillslopes and their value as habitat be maintained.

The forested hillslopes above the coastal plain and river valleys are landscape features representative of, and uniquely characteristic of, the City. They are features which make the City attractive to both residents and tourists and which contribute in distinguishing Cairns from other cities. The hillslopes are also an important habitat and form a link between the coastal lowlands and mountain ranges.

MAIN FINDINGS

That the majority of hillslopes have been included in the appropriate Planning Areas, and that there are instances where the Hillslopes Designation should be changed. However it also recognised that the Hillslopes Designation is very site specific, and that this is best undertaken by the landowner/developer at the time of an application.

The hillslopes in the land covered by the Part of the City of Cairns, does require further consideration as there has been some loss of the intent of the current Hillsides Development Control Plan in the transition to CairnsPlan. This is reflected in the recommendations for land in the inner city which is:

That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:
• The individual submissions;
• Past approvals including the type and intensity of the development;
• Community expectations and the rights of private landowners;
• The topography and visual sensitivity of the various sites;
• The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.

It will also be necessary to undertake a high level review the Hillslopes Code.

BACKGROUND:

There were 111 submissions received in relation to hillslopes in Cairns. Of these submissions, the Save Our Slopes (SOS) group submitted very comprehensive analysis of key hillslopes within Cairns. In particular, the SOS submission has highlighted the importance of considering the grade of slopes, not just the elevation, and with the improvements in mapping and technology in recent years, it is reasonable for Council to consider further refining the hillslopes mapping in the future, to refine the parameters on which the hillslopes categories are based.

The SOS submission made up 58 of the 111 submissions. The remaining 53 submissions were received from:

a. Consultants on behalf of individual landholders;
b. Individual landowners commenting on the Planning Scheme provisions relating to their own property;
c. Individual residents commenting on other specific properties;
d. Individual residents commenting on hillslopes across Cairns, in general;
e. Consultants commenting on the hillslopes provisions within CairnsPlan.

The submissions received in relation to hillslopes development represented a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

There is a substantial amount of background information available on hillslopes across the city, including:

• Information provided in past studies for the establishment of the Mulgrave Shire and Cairns City Development control Plans.
• The Council’s geographic information systems data.
• Information provided in past development applications.
To provide a starting point to consider the hillslopes submissions, a series of base assumptions and principles have been adopted these include:

- Height of the land in metres.
- Visual prominence. Localities such as Buchans Point, Double Island, Earl Hill and Taylors Point, and individual localities along the ranges, which can be viewed from scenic routes such as the Kuranda Railway, the Kennedy Highway, the Captain Cook Highway or the Bruce Highway.
- Slope stability and the history of landslides in particular localities.
- Slope gradient, and the suitability of land for development based on gradients. To this end, the slope analysis supplied in the SOS submission was of some assistance, provided further detailed information for localities across the city.
- Potential bushfire risk and history of bushfire in particular localities.
- Vegetation types and level of disturbance.
- The presence of watercourses, gullies and the like on the land.
- Where a change to a Planning Area (zone) was considered, would the change in zone result in a split zone (i.e. 2 Planning Areas on one lot). Split zones on properties are undesirable from the simple perspective of managing development – in terms of having a reasonable understanding on the ground, as to where the zone split is located. Split zones (e.g. Residential 2 and Conservation) are also undesirable in that it is likely to encourage the development of at least one house in the area above the split line.

Where possible all Planning Areas and Hillslopes designations have been established using current data, with minimal change. It is acknowledged that each hillslope property is different, and ideally should be assessed individually on its merits. It is expected that any development within the designations require further assessment, and accordingly applications will be accompanied by supporting information.

The Planning Areas are generally capable of being identified without having to be ground truthed, that is they are identifiable by property boundaries or other geographic features. Hillslopes designations are able to be a little bit more flexible in the location of the boundaries, as it is expected that any development within the designations require further assessment, and accordingly applications will be accompanied by supporting information.

Also taken into consideration were:

- Past approvals including the type and intensity of the development;
- Community expectations and the rights of private landowners;
- The vast differences between vegetation, topography and visual sensitivity between various sites in different locations;
- The scale and method of available mapping.
- The potential presence of underground water in the localities.

This report commences with a summary of the submissions, generally in a north to south sweep of the City, with reference to the relevant Council Division.
Each individual submission contains one or more locality maps and in many instances includes a contour plan, taken from Council’s GIS mapping data. Where the land has been approved for further subdivision, the submission may also include a Council approved plan, for reference. Where a consultant has provided further information, this is generally included also.

For ease of use, it is recommended that this report be read with the CairnsPlan Planning Area Maps and Hillslopes Overlay Maps.
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<td>#748171, #749335 Brazier Motti on behalf of T.W. Hedley, Lot 2 SP144124, Captain Cook Highway</td>
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<td>Paradise Palms, West of Clifton Beach Lot 5 CP891005, Lot 359 SP105747</td>
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<td>Daikyo Group of Companies – Paradise Palms Area Lot 5 CP891005, Paradise Palms Drive, Smithfield. Submission #749159</td>
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<td>Taylor Point</td>
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<td>Division 11</td>
<td>#746421, #746492, #746424 Peter Robinson for Robert Prettejohn</td>
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<td>8c</td>
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<td>#739873 R M Mackay-Payne Taylor Point, Trinity Beach</td>
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<td>Division 11</td>
<td>#748556 John Babet Taylor Point, Trinity Beach</td>
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<td>Division 12</td>
<td>Lot 2 SP123890 submission #746022 Barton Pursche Director Coastal Pacific Consolidated Pty Ltd</td>
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<td>Lot 15 RP896124 submission #746017 Barton Pursche Director United Pacific</td>
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<td>Division 12  Submission #744350 Bruce Dickson (landowner)</td>
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<td>Division 12  #748716 C &amp; B Group on behalf of Mr Sam Monte - Fig Tree Drive, Caravonica</td>
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<td>Division 9  Submission #747658, #749198 Charles O’Neil (lots 1 &amp; 2 RP724523)</td>
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<td>Division 9  Submission #749198 Peter Robinson (lots 1 &amp; 2 RP724523)</td>
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<td>Division 12  Harvey Road, Redlynch Victor G Feros on behalf Anthony Woolley #748997</td>
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<td>Division 12  Redlynch Quarry, Redlynch Intake Rd</td>
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<td>Division 12  #733611 Humphrey Reynolds Perkins for Boral Resources Lot 8 RP749301</td>
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29a Division 12  Redlynch Quarry, Redlynch Intake Road - Lot 9 RP749301
29b Division 12  #733611 Humphrey Reynolds Perkins for Boral Resources Lot 9 RP749301
30a Division 12  Twin Streams Redlynch Quarry, Redlynch Intake Rd
30b Division 12  #743809 GHD on behalf of Anthony Milligan - Lot 2 SP106972
31a Division 12  West of Redlynch Intake Road, Redlynch - Lot 62 SP106972.
31b Division 12  #747657 & #746956 Charles O'Neill
31c Division 12  #749202, #749210 Peter Robinson
32a Division 9  Hillview Crescent, Whitfield, Butland Crescent, Brinsmead
32b Division 9  Joan Beacroft #748182 - Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613, Lot 2 RP744812, Lot 1 RP726716, Lot 4 RP745077, Lot 1 RP730251
32c Division 9  Nicole Reardon #748984 - Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613
32d Division 9  R & J Callahan #748948 - Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613
32e Division 9  Peter Robinson on behalf of Australia Estates P/L, Hillview Crescent,
              Whitfield #745072, #745058
33 Division 9  East Parkridge Drive, Brinsmead
34 Division 9  The Peak, Brinsmead
35a Division 9  Marino's Hill, Kanimbla
35b Division 9  #748680 C & B Group on behalf of S & F Marino Pty Ltd
36a Division 9  Lake Morris Road, Kanimbla
36b Division 9  Lot 4 RP718792 Lake Morris Road, Kanimbla Williams Graham & Carman on Behalf of Barbara Grebenschikoff
36c Division 9  Lot 13 RP731121 Lake Morris Road, Kanimbla Alban Scotland
37 Division 12  The Rocks, Redlynch. Watson’s Land and others
38 Division 12  Redlynch Valley Estate (north), Redlynch
39a Division 10  Stratford Parade, Parade
39b Division 10  #746430, #746335 Peter Robinson Planner on behalf of Sevemere P/L - 1 Stratford Parade, Stratford
40 Division 10  Tully Street, Stratford
41a Division 9  Heavey Cres, Gloucester St & Mullins St Whitfield
41b Division 9  #748729 C & B Group on behalf of D & M Moule Holdings
              Heavey Crescent Whitfield
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<td>Brazier Motti on behalf of Rob Higham - 28 Collins Ave Edge Hill</td>
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<td>Terry Conlan Developments C/GH PO Box 819</td>
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<td>Sisters of Mercy Convention Centre Balaclava Rd, Earlville</td>
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<td>#745012 C&amp;B on behalf of David Chapman, Lot 7 SP109482, 8 Kurrajong Street, Earlville</td>
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<td>#746340 Peter Robinson, Upper End of Falcon Street, Bayview Heights</td>
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<td>#746326 &amp; #746323 Peter Robinson on behalf of Australia Estates</td>
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<td>P/L. Red Hill 107 Anderson Street, Woree</td>
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<td>Foster Road and Nutmeg St, Mt Sheridan</td>
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<td>Verbena Dr, Mount Sheridan</td>
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<td>Walker Rd, Bentley Park</td>
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<td>Hillview Estate, Edmonton #749399 C &amp; B Group on behalf of CEC.</td>
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<td>Isabella Road, Edmonton - Lot 1 RP734771, Lot 20 SP133790, Lot 21 SP146541 (2 Lots)</td>
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<td>Joalma Poultry Farm, Mt Peter - Lot 2 RP724512</td>
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<td>Division 2</td>
<td>B Group on behalf of Starline Australia Holdings - False Cape – Tourist / Residential Development Site - Lot 108 on RP712063</td>
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<td>Victor G Feros on behalf of Prestige Resort Developments – False Cape Proposed Lot 904 intended for Hotel Development – Lot 108 RP712063</td>
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<td>Victor G Feros on behalf of TPC Group - Ellis Beach - Statutory Planning Considerations - Lot 13 NR5512 &amp; Lot 22 SP147762</td>
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<td>All Divisions</td>
<td>Peter Robinson - Hillslopes Code - Overlay Maps - General Issues</td>
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<td>Isobel McRae-Morris, 27 Queen Street, Parramatta Park, 4870 – Hillslopes General</td>
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<td>All Divisions</td>
<td>John Rainbird CAFNEC, Michael Martin, Hillslopes General</td>
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<td>Division 9 &amp; 10</td>
<td>Andrew Munro, Megan Close, Freshwater</td>
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<td>Victor G Feros for the Savina Family, Lot 4 Primo Street, Freshwater</td>
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<td>Flanagan Consulting Group on behalf of Ross Fenn &amp; Nora Pennyfeather - 50 Cassowary St Freshwater</td>
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<td>Danny and Sarah Reardon - 7-11 Cochrane Street, Stratford</td>
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<td>Peter Robinson Planner on behalf of Maximus No 37 P/L – 145 Cochrane St Stratford</td>
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<td>Janet Walder - 2 Fulton Close, Whitfield - Hillslopes General</td>
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<td>68</td>
<td>All Divisions</td>
<td>D. Blaslov - 23 Lily St Atherton - Hillslopes General</td>
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<td>69</td>
<td>All Divisions</td>
<td>K. Holmes - 64 Granadilla Dr, Cairns - Hillslopes General</td>
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<td>70</td>
<td>All Divisions</td>
<td>Ivor Morgan - 8 Bloomfield Close, Mt Sheridan – City Character General</td>
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</table>
1a Division 11. Buchans Point Palm Cove

Real Property Description: Lot 34 NR7550, Lot 3 RP747724 & Lot 1 RP748655.

Planning Areas:
Draft Planning Scheme: Residential 1, Open Space & Tourist Residential & Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 Urban, Nil
Proposed: Category 1 Urban

Comment on Draft Plan:
This crest of a steeply sloping headland is conspicuous from 180deg. Both steepness and visibility require Hillslopes Category 1 (Urban) and Planning Area: Conservation.

The Draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery) and 2.2.3 (Coastline). Current development errors should be "existing non-conforming use" rather than be allowed to distort the planning scheme.

1b Lot 34 NR7550 - Submission #749183 Flanagan Consulting Group for Buchan Point Pty Ltd

- In the Current Douglas Shire (1981 Scheme) the parcel is contained within the Resort-Business zone. This allows as of right use of Camping Grounds, Caretakers residence, Caterer’s Rooms, General Stores, Health Centres, Indoor Entertainment, Motels, Off Street Car Parks, Recreation Centres, Refreshment Services and Shops.
- As a result of the Planning Area and Hillslopes Overlay, no land uses are self-assessable. It is requested that the Council include the land in a Special Facilities Planning Area (proposed table of development provided) to reflect the existing permissible uses of the Douglas Shire Scheme.
- Maximum site cover should be 80% and building height should be 11.5 metres.
- In addition the Special Facilities Planning Area, it is recommended that council undertake a review of the overlay codes and the development specific codes, and seek their amendment to provide greater guidance for development in relation to the purpose and performance criteria for development that does not meet the acceptable solution.
- It is further recommended that council review how the Overlay codes are triggered in relation to the changes of the level of assessment, and the inclusion of the subject land in the Low Conservation Value and Category 3 watercourse be deleted.
That the design and siting parameters permitted and permissible for lot 34 NR7550 by the proposed Tourist and Residential Planning Area do not in any way adversely effect the viewscape available from Unit 2, located on the adjoining land to the south (lot 33 NR7550). In particular, regard should be given to:

- Building height,
- Building mass,
- Setbacks from the foreshore, and
- Side boundaries and road frontage.

**Officer Comment:**

Approvals on Lot 34
- 8/30/36 (Combined Application 21-27 Colonial Cummings Drive) - This application was put to the Ordinary Meeting 25/4/04.
- Approval under Douglas Shire Planning Scheme for ROL (1 Lot into 4 Lots) in 1999.

Approvals on Lot 3
- 8/8/130 (MCU Impact – Tourist Resort) (Extensions to Novotel)
- Application for Extension of Currency Period 8/8/130
Approvals on Lot 1
- 8/8/130 (MCU Impact – Tourist Resort) (Extensions to Novotel)
- Application for Extension of Currency Period 8/8/130

The Buchan Point land (lot 34) has been in the Douglas Shire Scheme. The land is proposed to be included in the Residential 1 Planning Area. There is a current application to further subdivide the land. It is in a significant location and is very prominent visually. This lot rises up to around the 60m contour.

The remaining lots previously formed part of the Novotel and is to be include in the Tourist & Residential Planning Area. There are some development expectations for this land. The land is also in a significant location and is visually prominent. This land also rises up to around the 60m contour.

Having regard for the visual impact of the development of this land and the possible use rights, is considered appropriate that there be no changes to the Planning Areas, but that there be some changes to the Hillslopes designation to reflect the visual prominence of these allotments.

**Recommendation No. 1a, b, c**

1. No change to planning areas for Lot 34 NR7550, Lot 3 RP747724 & Lot 1 RP748655.
2. Where Lot 34 NR7550, Lot 3 RP747724 & Lot 1 RP748655 are above the 20m contour, change the Hillslopes category from Category 1 (Urban) to Category 2 (Urban).
3. That Mr Zupp the owner of Lot 33 on NR7550 be advised that there are no legal rights to a view and that the grounds and nature of the submission are outside of the scope of the Planning Scheme.
2 Division 11. Double Island

Real Property Description: Lot 20 SP119697

Planning Areas:
Draft Planning Scheme: Conservation, Open Space & Tourism
Proposed: Conservation. Open Space & Tourism and Residential

Hillslopes Category:
Draft Planning Scheme: No Hillslope Category
Proposed: Category 1 Urban

Comment on Draft Plan:
The Draft treatment of this visual icon is supported. However the 'Conservation' Planning Area should be reinforced by a Category 1 (Urban) Hillslopes Overlay and by a Conservation Value Vegetation Overlay to make the Planning Scheme clear and complete for future uses.

Officer Comment:

Having regard for the visual impact of the development of this land, and the possible use rights, is considered appropriate that there be no changes to the Planning Areas, but that there be some changes to the Hillslopes designation to reflect the visual prominence of these allotments.
Recommendation No. 2.

1. For Lot 20 SP119697 where it is included in the Conservation Planning Area include this land in the Category 2 (Urban) Hillslopes Overlay.
2. For Lot 20 SP119697 where it is included in the Tourist Residential Planning Area, include the land in the Category 1 (Urban) Hillslopes Overlay.
3a Division 11. Foley Rd, Palm Cove (SOS)

Real Property Description: Lot 137 RP744021, Lot 2 RP808351, Lot 1 RP808351, Lot 138 RP744021

Planning Areas:
Draft Planning Scheme: Low Density Residential & Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 Urban
Proposed: Category 1 Urban

Comment on Draft Plan:
This steep Hillslope is highly visible from the Captain Cook Highway and from Palm Cove. It provides the green backdrop for Palm Cove.

The Draft designations conflict with Desired Environmental Outcomes 2.2.1 (Ecology), 2.2.4 (Risk), 2.2.5 (Scenery), 2.3.5 (Urban Pattern) and 2.3.6 (Infrastructure).

3b Foley Rd, Palm Cove (submission #745069, #745068, #745053, #745063 Peter Robinson)

Real Property Description: Lot 2 RP808351, Lot 119 NR3443, Lot 169 NR6078 (Peter Robinson)

The CairnsPlan Hillslopes overlay shows the subject land partly included in the Category 1 (Urban) and partly in Category 2 (Urban). None of this land is so severely constrained that it ought to be included in Category 2 (Urban).

It is requested that the whole of the subject land be included in the Residential 2 Planning Area. If any of the land is to be included in the Conservation Planning Area, it should be limited to the strip along the south western boundary with a width not exceeding 70 metres.

It is requested that the Hillslopes overlay be amended to accord with the plan provided.

It is requested that the entire site be re-mapped on the vegetation conservation overlay. Those parts of the site previously disturbed for residential and other development and those parts of the site currently declared be undesignated and the balance of the land be included in the Low Vegetation Conservation Value Designation.
3c  Lot 138 RP744021 Submission #749111 for Pamela Buxton (Canas Pty Ltd)

- Disappointed that company cannot develop her property any further.
- Is essentially paying money in rates to keep green backdrop for other people.
- No specific request or recommendation put forward.

3d  137 RP744021 Submission #748828 Flanagan Consulting Group for Phil Hartwig

- Low Density Residential Planning Area does not allow for approved Multiple Unit Dwellings on site as per previous approval.
- Land should be included in Tourist Residential Planning Area.
3e  #748171, #749335 Brazier Motti on behalf of T.W. Hedley, Lot 2 SP144124, Captain Cook Highway

Grounds of Submission

The current Planning Scheme includes the land in the Rural zone. The draft Planning Scheme includes the site partly in Residential 2 and the balance in the Conservation Planning Area.

The extent of the proposed Residential 2 Planning Area is identical to the current hillslopes category A. We concur with the methodology, however we believe that the extent of the Residential 2 Planning Area can be increased beyond that currently proposed, in recognition of the provision of the attached slope analysis.

Officer Comment:

![Map showing Lot 2 - Hedley](image-url)
Officer Comment:

3a & 3b
All allotments are currently in the Rural Zone of the Planning Scheme for the Balance of the City of Cairns.

There is a substantial conflict between the submissions. The SOS Submission 13a provides more substantial information for Council to base its decision on.

It is apparent that the Category 1 / 2 line does not follow the contours in this locality.

Reference back to the supporting information for the Mulgrave Shire (Balance of the City of Cairns) Planning Scheme, it is apparent that at the time of the designation there was difficulty identifying the interface between Category C (now Category 2) and Category B (now Category 1). This was because the level of detail required to make specific land use decisions was not available. Category C land was constrained land which should not be developed. It was recognised that the final location of the B/C line should be determined at the time of a Development Application.

A guiding principle of the formulation of the Mulgrave Shire Planning Scheme was that land above the 40m contour and below the 80m contour should be included in Category 1 (Urban) and land above the 80m contour is land that should be included in Category 2 (Urban).

The vegetation for the site is mapped as low conservation value. While there may be parts of the site that have been cleared for grazing / agriculture in the past, the majority of the mapped vegetation is at the rear of the site, which is still covered in vegetation. The submitter has not provided any official vegetation surveys in support of the request.

The identification of valuable features is a core matter in the preparation of the planning scheme. The vegetation mapping was compiled based on aerial photography interpretation at a scale of 1:25000. Fieldwork was undertaken where practical. This methodology was employed as detailed site survey and analysis was impractical due to the size of the local government area. Conservation values were assigned based the demonstration of a range of attributes.

It is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification, radial distortion and the DCDB data.

The mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal. This approach adopts the precautionary principle which is one measure of advancing the purpose of IPA.
It is requested that the bushfire hazard mapping be revised and detailed assessment of the subject site made so that it is correctly designated. It is believed that the correct designation is no designation given the topography, surrounding land use and forest types on the land.

The Bushfire Hazard mapping has been prepared by the rural fire service of the Queensland Fire and Rescue Service. The use of this mapping is in accordance with the State Planning Policy 1/03 in the absence of a detailed bushfire hazard assessment.

3c
Use rights have not changed. No action required by Council.

3d
Approvals on Lot 137 on RP744021

- Lapsed – Consent C5/98 (Multiple Unit Dwellings and Commercial Activities)
- Lapsed – 2000 Approval for Recording Studio and Caretakers Residence
- No development rights other than those provided in the Rural Zone currently apply to the land.

3e
The site has an area of 39.33 hectares. Parts of the site are level, while other parts are steep and inaccessible. Parts of the site rare also affected by easements that relate to access to a Council Reservoir.

The submission raises valid points, and has supported these with the relevant slope analysis. It is noted however that the site is now subject to a combined application (8/30/37) for reconfiguring and changing to the zone.

At this stage in the revision of CairnsPlan, and in the development application process, it is not considered necessary to amend the Planning Area in CairnsPlan. It can be amended following the determination of the Development Application.

**Recommendation No. 3a, b, c, d, e**

1. Lot 137 RP744021 – no change to current Low Density Residential Planning Area and no change to the Hillslopes Category.
2. Lot 1 RP808351 – no change to Residential 1 Planning Area and no change to Hillslopes Category 1 (Urban).
3. Lot 2 RP808351 – no change to Planning Area or Hillslopes Category.
4. Lot 119 NR3443 – no change to Planning Area or Hillslopes Category.
5. Lot 169 NR6078 – no change to Conservation Planning Area or Hillslopes Category 2 (Urban), as the property boundary provides a logical boundary for the developable land, and also having consideration of the land use rights under the current zoning and to the visual prominence of this locality.

6. Lot 2 RP808351, Lot 119 NR3443, Lot 169 NR6078 No change to the Vegetation Conservation Overlay or Bushfire Risk Analysis Overlay.
**4a Division 11. Bokissa Road North of Wild World**

**Real Property Description:** Lot 998 SP139628, Lot 2 SP115207, Lot 252 NR7646.

**Planning Areas**
Draft Planning Scheme: Low Density Residential, Residential 2  
*Proposed:* Conservation

**Hillslopes Category:**
Draft Planning Scheme: Category 1 & Category 2 (Urban)  
*Proposed:* Category 2 (Urban)

**Comment on Draft Plan:**
This steep hillslope is particularly visible as it is within 250m of the Captain Cook Highway. Adjacent areas to south and north of same elevation. The planning area and category are inconsistent with the adjacent areas to the north and south of the same elevation. These have been designated ‘Conservation’.

The draft designations conflict with Desired Environmental Outcome 2.2.5 (Scenery).

**4b #745077 & #745074 Peter Robinson for Graf & Abberton**

It is requested that the Hillslopes Overlay be amended to exclude the site from either Urban classifications.

It is requested that the site be removed from the Residential 2 Planning Area and be included in the Tourist and Residential Planning Area.

It is requested that the bushfire hazards overlay be amended to completely exclude this site from the overlay.
Officer Comment:

Approvals in Place for Lot 2 on SP115207.

- 8/8/502 – MCU Impact Commercial Premises (Approved 6/1/04)
- 8/13/592 – ROL (2 into 29 Lots)
- 8/13/402 – ROL (2 into 8 Lots)
- 8/8/226 – MCU Impact Art Gallery

1. Lot 998 SP139628 is Council parkland and is included in the Conservation Planning Area, and Category 1 (Urban).
2. Lot 2 is land currently in the Special Facilities zone and Category B (now Category 1) Hillslopes. It has use rights equivalent to Residential 2. The current use rights are not consistent with Council’s Hillslopes requirements and is out of character for the area. The designations should be similar to the land adjoining to the north.

3. Lot 252 is currently in the Low Density Residential zone and the Category C (now Category 2) Hillslopes precinct. The land could be included in the Conservation Planning Area, as there would be no change in the use rights of 1 residential dwelling, and it would also indicate the significance of the allotment for any future landowner.

4. The Bushfire Hazard mapping has been prepared by the rural fire service of the Queensland Fire and Rescue Service. The use of this mapping is in accordance with the State Planning Policy 1/03 in the absence of a detailed bushfire hazard assessment.

**Recommendation No. 4a, b.**

1. Lot 998 SP139628 - no change to planning area, change to Category 2 (Urban)
2. Lot 2 SP115207 be included in the Residential 1 Planning Area instead of the Residential 2 Planning Area.
3. Lot 2 SP115207 no change to the Category 1 (Urban) designation.
4. Lot 252 NR7646 change to Conservation Planning Area with no change to the Category 2 (Urban).
5. Lot 998 SP139628, Lot 2 SP115207, Lot 252 NR7646 - no change to the Bushfire Risk Analysis Overlay.
5 Division 11. West of Evergreen Street and Sudbury Close Clifton Beach

Real Property Description: Lot 999 SP146125, Lot 997 SP146125

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
The draft plan is supported for this uniformly steep (1 in 11/2) hillside in a conspicuous location.

Officer Comment:

Approvals for Lot 999 on SP146125:

- No approvals however application there is a current application 8/13/610 for a Reconfiguring a Lot (1 Lot into 2 Lots), that has not been determined yet.
**Recommendation No. 5.**

No Change.
6 Division 11. North of Celebration Close and south of Sudbury Close, Clifton Beach

Real Property Description: Lot 998 SP146125

Planning Areas:
Draft Planning Scheme: Low Density Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Part Category 2 (Urban) & part Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is a forested spur rising steeply (1 in 1) from the Captain Cook Highway road reserve and is particularly conspicuous. It relieves the continuous urban development planned for both sides of the highway and forms part of the scenic character of the Northern Beaches. The economic benefit of the few dwellings that could be constructed under Low Density Residential, and with a service road to avoid direct egress onto the highway, would not be worth the loss of scenic amenity.

The draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk), 2.2.5 (Scenery), 2.3.5 (Urban Pattern), 2.3.6 (Infrastructure) and 2.4.3 (Community).

Officer Comment:
The allotment is a balance parcel from previous development. It is not suited to further subdivision. The additional information provided in the submission further justifies the proposed change.

The 27ha of land is currently included in the Low Density Residential zone and recently was the subject of a Material Change of Use (Code) application (8/7/123) for approval of a single residential dwelling. Due to the steepness of the site, there was significant work put in to determining the location of the dwelling – from the applicants, their consultants and Council Officers.

**Recommendation No. 6**

1. Change the Planning Area for Lot 998 SP146125 to be wholly within the Conservation Planning Area rather than the Low Density Residential Planning Area.
2. Change the Hillslopes Designation for Lot 998 SP146125 to be wholly within the Category 2 (Urban) designation (from part Category 2 (Urban) & part Category 1 (Urban)).
7a Division 12. Paradise Palms

Real Property Description: Lot 5 CP891005, Lot 359 SP105747

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This steep (1 in 2) part of the spur is conspicuous from Paradise Palms, Captain Cook Highway and Moore Rd residential area. Both steepness and visibility require Category 2 (Urban) designation and preservation of natural appearance and stability.

The draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk), 2.2.5 (Scenery) and 2.3.6 (Infrastructure).

7b Daikyo Group of Companies – Paradise Palms Area B/C/D, Lot 5 CP891005, Paradise Palms Drive, Smithfield. Submission #749159

a. Lot 5 is included within the Conservation Planning Area and this will have a significant impact upon development opportunities when compared to the Planning Scheme for the Balance of the City of Cairns. It is unreasonable to include the subject land within the Conservation Planning Area. The site should be included within the Residential 3 Planning Area, consistent with the current Planning Scheme.

b. Obstacle Limitation Surfaces Overlay levels of assessment should not be increased by this overlay.

c. Bushfire Risk Hazard Overlay should be amended.
**Officer Comment:**

a. The subject land is currently located within the Residential 3 zone in the Planning Scheme for the Balance of the City of Cairns. The site has some constraints and discussions have been held with representatives for the landowners, with a view to creating residential allotments in the locality. It is reasonable that the land be placed in the Residential 1 Planning Area, to complement the Residential 1 areas for the rest of the Paradise Palms and the similar Hillslopes to the north.

b. Agree with the concerns regarding the need for changes to the Obstacle Limitation Surface overlay these will be made in a separate resolution.

c. The Bushfire Hazard mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.

The Bushfire Hazard mapping has been prepared by the Rural Fire Service of the Queensland Fire and Rescue Service. The use of this mapping is in accordance with the requirements of the State Planning Policy 1/03 in the absence of a detailed bushfire hazard assessment.
**Recommendation 7a, b**

1. Lot 359 SP105747 no change to Conservation Planning Area.
2. Lot 359 SP105747 change to Hillslopes Category 2 (Urban).
3. Lot 5 CP891005 change the Planning Area from Conservation to Residential 1.
4. Lot 5 CP891005 no change to the Hillslopes Category 1 (Urban) designation.
5. Obstacle Limitation Surface Overlay Levels of Assessment Triggers be amended in accordance with the separate resolution in relation to this matter.
6. No change be made to the Bushfire Risk Overlay mapping or Levels of Assessment Triggers.
8a **Division 11. Taylor Point**

Real Property Description: Lot 10 RP724040, Lot 1 RP742848, Lot 1–5 inclusive RP742848

Planning Areas:
Draft Planning Scheme: Conservation, Residential 1 & Tourist Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This headland is an iconic feature, visible from all directions. Existing development rights are better accommodated as 'existing non-conforming use' than by compromising the planning scheme.

The Draft designations conflict with Desired Environmental Outcomes 2.2.1 (Ecology), 2.2.3 (Coast) 2.2.5 (Scenery) 2.3.5 (Urban Pattern) and 2.4.3 (Community).

8b #746421, #746492, #746424 Peter Robinson for Robert Prettejohn

The recent Development application demonstrates that the land is suitable for residential purposes and is unconstrained, other than with the exception of the small steep area along the eastern face of the knoll.

There is no evidence of slope instability of any significance and there is no vegetation of any significance on the site, other than a small area of vine forest. There is nothing in the supporting information to the Planning Scheme that demonstrates any rational basis for the inclusion of this site in the Category 1 Hillslopes designation. It is requested that the site be undesignated on the Hillslopes Overlay.

The whole of the site should also be included in the Residential 1 Planning Area.

The whole of the site should be removed from the vegetation overlay as there is no vegetation of any conservation value on the land. The bushfire hazard overlay should also be amended.

8c #739873 R M Mackay-Payne Taylor Point, Trinity Beach

Taylors Point should remain within the current zoning, which reflects the Court decision. The site is constrained and is not suitable to further development.
8d #748556 John Babet Taylor Point, Trinity Beach

This vitally important headland be utilised as a nature reserve or by the youth of Cairns as was the request of the owner who donated it to the church. Or alternatively as per Judge Quirks comments.

Officer Comment:
The CairnsPlan designations reflect the decision of the Planning and Environment Court Appeal.

There is a new application 8/8/547 over the subject land for – over 35 Low Density Residential allotments, generally over the whole lot. As shown on the plan below. The comments made by Mr Robinson in his submission are entertaining in their broadness, and amusing in the lack of information provided to support the statements.

Having regard for the visual impact of the development of this land, and the possible use rights, is considered appropriate that there be no changes to the Planning Areas, but that there be some changes to the Hillslopes designation to reflect the visual prominence of these allotments.

The Vegetation and Waterways Conservation Overlay is based on mapping produced from aerial photography interpretation and limited field work. Conservation values were assigned based the demonstration of a range of attributes.

It is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification, radial distortion and the DCDB data.

The bushfire and vegetation mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.
Figure B: Vegetation Communities

Legend:

- W: Woodland
- 1, 2, 3, 4, 5: Rainforest Patches
- B: Beach
- R: Rock Sheets
- G: Old Gardens
- M: Mangroves
Recommendation 8a, b, c, d.

1. For Lot 10 RP724040, Lot 1 RP742848, Lot 1–5 inclusive RP742848 no change to Planning Area.
2. Change the Hillslopes designation to Category 2 (Urban) for that area above the 20m contour.
3. That there be no change to the vegetation overlay or bushfire risk mapping for the allotments.
9a Division 12. - Leonard St, Kewarra Beach

Real Property Description: Lot 2 RP742321, Lot 2 SP123890, Lot 15 RP896124

Planning Areas:
Draft Planning Scheme: Low density Residential / Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) / none
Proposed: Category 2 (Urban) / none (Creek retention basin)

Comment on Draft Plan:
The side of a spur comes right to Leonard St and is visible from substantial residential areas to the north, north east and the Captain Cook Highway. Low level areas consist of a creek retention basin with extensive capacity.

The Draft designation conflicts with Desired Environmental Outcome 2.2.5 (Scenery), 2.2.1 (Ecology).

9b Lot 2 SP123890 submission #746022 Barton Purshce
Director Coastal Pacific Consolidated Pty Ltd.

The land is included in the Conservation Planning Area. An amendment is sought such that the major part of Lot 2 SP123890 is placed in the Residential 2 Planning Area, with the remainder (corresponding to the area designated Hillslopes Category C in the current Planning Scheme) placed in the Conservation Planning Area. The grounds of the submission are:

- Lot 2 SP123890 contains extensive areas capable of development for residential purposes, without unacceptable environmental impacts.
- Council has recently approved residential subdivisions to the east and west of the land.
- All urban services are available to the land.
- The current Planning Scheme clearly envisages urban residential development taking place on the land.

Given the above, the inclusion of the whole of the land in the Conservation Planning Area of the draft Planning Scheme is unjustified.
9c Lot 2 SP123890 submission #743994 David Duncan (GHD)

That the Cairns Beaches District Planning Area Map be amended such that the portion of Lot 2 on RP123890 shown as Category A and B in the current Planning Scheme for the Balance of the City of Cairns be included in the Residential 2 Planning Area, with the remainder of the land (corresponding to the area designated Hillslopes Category C in the current Planning Scheme) remaining in the Conservation Planning Area.

9d Lot 15 RP896124 submission #746017 Barton Pursche Director United Pacific

The purpose of the submission is to seek the amendment of the draft Planning Scheme such that lot 15 RP896124 is included in the Residential 2 Planning Area. Lot 15 is a 13.26ha parcel. The draft as proposed shows the northern portion of the land in the Low Density Residential Planning Area and the southern balance area in the Conservation Planning Area. The grounds of the submission are:

- The proposed designation does not correspond to Council's recent approval for Lot 15 to be subdivided into 61 residential lots, in accordance with the uses available in the Residential 2 zone.
- The current Planning Scheme includes the land in the Special Facilities – University Heights Plan of development.
- The Strategic Plan includes the northern portion in the Urban Preferred designation while the balance area is designated Rural Constrained.
- The Draft Planning Scheme places the northern portion of the land in the Low Density Residential Planning Area. The balance land is in the Conservation Planning Area. Both designations run completely counter to Council's recent approval for 61 residential lots with an average area of 1090m².
- If successful in the P&E Court Appeal, United Pacific properties could proceed to subdivide land under the terms of Council's approvals within the Currency period of that approval, irrespective of the contents of any new Planning Scheme. However on each allotment within the Conservation Planning Area, a planning application subject to impact assessment would be required before a dwelling could be constructed this would make those lots virtually unsaleable.
- It appears that the land was included in these designations prior to the Council's Material Change of Use approval for residential subdivision of the land.
Officer Comment:

With the exception of a small corner of lot 2 RP742321, the land is below the 80m contour. Most of the land is above the 40m contour. Lot 2 RP742321 and lot 15 have development approvals on them.
Lot 2 SP123890 is currently zoned rural and has no approvals for further development. The grounds of submission in relation to this land raise relevant and reasonable points and it is agreed that the majority of the land should be included in the Residential 1 Planning Area.

Lot 2 RP742321, this allotment has been subject to recent development approvals (8/13/616). The subject land has an area of approximately 7.8 hectares and has a 25 metre frontage to an un-constructed part of Leonard Street. The land is currently included partly in the Residential 1 zone and partly within the Open Space zone. The Open Space zone generally reflects the location of the proposed park and the drainage reserve (Moores Gully).

During the assessment process, the allotment was been subject to detailed assessment, and the final approval allows for approximately 22 residential allotments ranging in size from around 600m² in the unconstrained areas of the site to 5000m² in the constrained areas. The proposal also nominates around 1.5 hectares as park and a Drainage Reserve over Moores Gully. The proposal plan follows. Any changes to this allotment should reflect the layout plan.
Similarly, Lot 15 RP896124 is currently awaiting the decision of the Planning and Environment Court for a residential subdivision. The application is 8/30/25 and the designation should reflect the findings of the Court.

**Recommendation 9a, b, c, d.**

1. For Lot 2 RP742321, the planning areas be amended to reflect the approval 8/13/616. Particularly in relation to Open Space. Also allotments over 1000m² should be included in the Conservation Planning Area and allotments below this size should generally be included in the Residential 1 Planning Area.
2. For Lot 2 RP742321, include the entire area in the Category 1 (Urban) Hillslopes Designation.

3. Lot 2 SP123890 below the Category 2 (Urban) Hillslopes Designation shall be included in the Residential 1 Planning Area.

4. Lot 2 SP123890 above the Category 2 (Urban) Hillslopes Designation shall remain in the Conservation Planning Area.

5. Lot 2 SP123890 shall remain within Hillslopes Category (Urban) 1.

6. For Lot 15 RP896124, the planning areas be amended to reflect the approval 8/30/25. Particularly in relation to Open Space. Also allotments over 1000m² should be included in the Conservation Planning Area and allotments below this size should generally be included in the Residential 1 Planning Area.

7. For Lot 15 RP896124, include the entire area in the Category 1 (Urban) Hillslopes Designation.
10 Division 11. Reed Road, Earl Hill

Real Property Description: Lot 2 SP126547, Lot 20 SP129123, Lot 90 SP129123, Lot O GTP70285.

Planning Areas:
Draft Planning Scheme: Conservation & Tourist Residential & Residential 2
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Conservation: Category 2 (Urban) proposed above the slope at 40m A.H.D. Earl Hill is in sight of residential areas and the Captain Cook Highway from the north and west. It is also visible from the south by sea. Most slopes are steeper than 1 in 2.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.4 (Scenery).

Officer Comment:
Approvals on Lot 20 SP129123:
- 8/13/713 – ROL (1 Lot into 105 Lots) at Information Request as at April 2004
- 8/13/365 – ROL (Boundary Realignment)
- 8/13/344 – ROL (1 Lot into 3 Lots)
- 8/13/255 – ROL (1 Lot into 2 Lots)

Approvals on Lot 2 SP126547:
- 8/13/255 – Reconfiguring a Lot (1 Lot into 2 Lots)

Having regard for the visual impact of the development of this land, and the possible use rights, is considered appropriate that there be some changes to the Planning Areas, and the Hillslopes designation to reflect the visual prominence of these allotments.

1. No change to planning areas for Lot 34 NR7550, Lot 3 RP747724 & Lot 1 RP748655.
2. Where Lot 34 NR7550, Lot 3 RP747724 & Lot 1 RP748655 are above the 20m contour, change the Hillslopes category from Category 1 (Urban) to Category 2 (Urban).
3. Lot 2 SP126547, is on the north western side of Earl Hill and is in the Residential 2 Planning Area with part Category 1 (Urban) Hillslopes Designation. The area above the 40m contour should be included in the Conservation Planning Area. While the Hillslopes designation should be Category 2 (Urban).

4. Lot 20 SP129123, is on the southern side of Earl Hill and is in the Residential 2 Planning Area with part Category 1 (Urban) Hillslopes. The area above the 40m contour should be included in the Conservation Planning Area. While the Hillslopes designation should be Category 2 (Urban).

5. Lot 90 SP129123, is relatively low lying although it contains a spur that rises up to 40m which does have a development approval (8/17/152) on it. The approval includes a number of cabins on the spur, with most of the development on the low lying areas. The front of the lot is already included in the Conservation Planning Area and it would be reasonable to include the area above the 20m contour in this designation also. Similarly the Hillslopes designation should be Category 2 (Urban).

6. Lot O GTP70285 is the balance area of a Group Title subdivision on the north side of Earl Hill, there is likely to be limited development if any on this area. It can be included in the Conservation Planning Area and Category 2 (Urban).

**Recommendation No. 10.**

1. Generally, land located above the 40m contour on Earl Hill be included in Category 2 (Urban) with further amendments as follows:
   a. All of Lot O GTP70285 be included in Category 2 (Urban).
   b. Lot 90 SP129123 where above the 20m contour be included in Category 2 (Urban).

2. Generally, land located above the 40m contour on Earl Hill be included in the Conservation Planning Area with further amendments as follows:
   a. All of Lot O GTP70285 be included in Conservation Planning Area.
   b. Lot 90 SP129123 where above the 20m contour be included in Conservation Planning Area.
11a Division 12. Timber Terrace, Smithfield

Real Property Description: Lot 1 RP741221

Planning Areas:
Draft Planning Scheme: Low Density Residential
Provision: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 2 (Urban)
Provision: Category 2 (Urban)

Comment on Draft Plan:
This spot is high on a ridge peaking at almost 200m AHD and visually prominent from south and northeast. It is mostly steeper than 1 in 2. Economic gain from the few buildings possible in a Low Density Residential Area is far outweighed by the loss of visual amenity.

The Draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk) 2.2.5 (Scenery) and 2.3.6 (Infrastructure).

11b Submission #744350 Bruce Dickson (landowner)

The property was part of a subdivision which created Timber Terrace in 1985. The developer at the time retained the property for further subdivision and completed preliminary earthworks to facilitate future subdivision which has not occurred to date. Provides statement from Robert Bass Surveyor that the site has number of sites suitable for residential development.

I request that the property be included in Hillslopes Category 1 (Urban) rather than Category 2 (Urban) Hillslopes Designation.
Officer Comment:

This lot is 9.7ha and is in the Low Density Residential designation. It is elevated and steep should be included in the Conservation Planning Area. It is well above the 80m contour which is the basic level for Category 2 (Urban) Hillslopes Designation.
Council officers have had several discussions with the landowner about locating a house on the property. The property has had some earthworks to facilitate Telstra infrastructure. There is a driveway to the property and also a suitable house pad for one dwelling.

**Recommendation No. 11a, b.**

1. Change Lot 1 RP741221 to Conservation Planning Area (from Low Density Residential).
2. No change to the Category 2 (Urban) Hillslopes Designation.
**12 Division 12. Kennedy Highway, Smithfield**

**Real Property Description:** Lot 154 NR6988, Lot 5 SP105735 (now lot 5 SP160333)

**Planning Areas:**
- **Draft Planning Scheme:** Low Density Residential & Conservation & Residential 2
- **Proposed:** Conservation

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban) & Category 2 (Urban)
- **Proposed:** Category 2 (Urban)

**Comment on Draft Plan:**
This is on the face of the main mountain range, highly visible from the Kennedy and Captain Cook Highways, from the Smithfield residential area, and from the tourist facilities just south of Smithfield. Any economic gain from the few buildings allowed by the Draft Plan would be outweighed by loss of scenic amenity.

The draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).

**Officer Comment:**

![Map of Kennedy Highway, Smithfield](image)
Some of the land shown in front of Lot 5 has since been dedicated as road reserve, the balance of this land is included in the Residential 2 Planning Area. Lot 154 is 7.5 ha, owned by D. Wilson and G. Gosmann. It is in a very steep and prominent locality. Access to the allotment is also likely to be difficult. The area of this land above the 50m contour is generally in the Conservation Planning Area and Category 2 (Urban), while the rest of the allotment is in Low Density Residential and Category 1 (Urban).

**Recommendation No. 12.**

1. Remove Planning Areas from Road Reserve in front of Lot 5 SP105735 (now lot 5 SP160333).
2. For Lot 154 NR6988, no change.
13 Division 12. Behind Skyrail

Real Property Description: Lot 2 RP894173, Lot 1 RP894173

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is on the eastern face of Red Peak with a very marked break of slope from the Barron flood plain only 300m from the Brinsmead-Kamerunga Rd and facing the Captain Cook Highway.

The Draft Plan designation of part Category 1 (Urban) (i.e., Hillslopes available for developments with care) conflicts with Desired Environmental Outcome 2.2.5 (scenery).

Officer Comment:
Recommendation No. 13.
Agree. Include land in Category 2 (Urban). This reflects the conservation zone, and will not alter use rights.
14a Division 12. Red Peak, Caravonica

Real Property Description: Lot 900 SP152636

Planning Areas:
Draft Planning Scheme: Residential 2
Proposed: Refer notes below

Hillslopes Category:
Draft Planning Scheme: Category 1 Urban
Proposed: Refer notes below

Comment on Draft Plan:
SOS have omitted these areas from our proposal. We cannot support 100 persons per hectare 200metres up Red Peak but we understand planning permits have already been given and most of the land is concealed from most directions by the knoll marked “104”above the substation.

Officer Comment:
A submission (#746416) was also received by Midden Pty Ltd. The contents were not particularly Hillslopes related and have therefore been considered separately.

**Recommendation No. 14a.**

No change.

**14b Division 12. #748716 C & B Group on behalf of Mr Sam Monte. Fig Tree Drive, Caravonica**

**Real Property Description:** Lot 33 SP160307

**Planning Areas:**

**Draft Planning Scheme:**

**Proposed:**

**Hillslopes Category:**

**Draft Planning Scheme:**

**Proposed:**
Grounds of Submission:

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

Remove the south eastern portion of the subject land from the 'Conservation' Planning Area and include it within the 'Low Density Residential' Planning Area of the Barron Smithfield District Plan.

Comment:

The site is currently zoned part Open Space and part Low Density Residential. A Reconfiguring a Lot approval (8/13/537) for 3 Low Density Residential lots and the balance open space lot, was issued in July 2003. There is no objection to the 3 Low Density Residential allotments being included in the Low Density Residential Planning Area, in accordance with the approved plan of subdivision.

Recommendation No. 14b.

That the Barron-Smithfield District Map be amended such that Lot 33 SP160307 located at Fig Tree Drive, Caravonica be included partly within the Low Density Residential Planning Area (for the 3 approved lots) and the balance area remain in the Conservation Planning Area, as per the approved plan (see Development Permit 8/13/537).
15 Division 12. Barron Gorge Road, Caravonica

Real Property Description: Lot 2 RP717525, Lot 6 RP896902.

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Support the drafts proposal to rezone this area as conservation. This is a category 1 and category 2 slope abutting a tourist drive.

Officer Comment:

Recommendation No. 15.

No change
16 Division 12. Stoney Creek Road, Kamerunga

Real Property Description: Lot 19 RP804194, Lot 1 RP804194, Lot 5 RP804193.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Low Density Residential

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 1 (Urban)

Comment on Draft Plan:
SOS cannot support building on forested slopes of 1 in 5 but this is part of a small enclave already committed. Area visible from Kuranda Train. Suggest minimising density to reduce potential cut and fill of sites.

Officer Comment:
All allotments are below the 80m contour and generally are not that elevated. The suggestion to minimising density to reduce potential cut and fill of sites has some merit, particularly above the 50m contour where the sites get steeper.

**Recommendation No. 16.**

1. Lot 19 RP804194, Lot 1 RP804194, Lot 5 RP804193 no change to the Planning Area or Hillslopes Designation.
2. Review the Hillslopes code to ensure that the suitability for subdividing and / or building or building within hillslopes gives consideration to the gradients of areas to be developed.
17 **Division 12. Harley St / Daphne Dr, Redlynch**

**Real Property Description:** Lot 174 NR6855, Lot 806 NR7732, Lot 116 SP139626.

**Planning Areas:**
- **Draft Planning Scheme:** Rural 1 & Open Space
- **Proposed:** Rural 1 & Conservation

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban) & Category 2 (Urban)
- **Proposed:** Category 1 (Urban) & Category 2 (Urban) (above 40m contour)

**Comment on Draft Plan:**
See Planning area map for detail of proposed changes – Category 2 (Urban) extended southwards between railway and 40m contour - All Category 2 (Urban) included in planning area "Conservation".

This north and north east facing slope is conspicuous from residential areas at Redlynch, Freshwater, Lake Placid and from the Brinsmead - Kamerunga Rd as well as the Kuranda tourist train. Slopes are steep, between 1 in 2 in the north and 1 in 4 in the south. Leaving Category 2 (Urban) Hillslopes in the Planning Area: Rural 1, in this location would give mixed messages about appropriate future land use.

The draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk), 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).

**Officer Comment:**
Part of this land has been further subdivided since the original submission was prepared. The land includes land further approved for subdivision between Harley Street and Daphne Street, including a link road.
It can be seen that much of the newly subdivided Daphne Street area is included in the Open Space Planning Area. This addresses some of the concerns of the submission. The larger allotment to the west owned by the Crown (lot 174) and is partially in the Residential 1 Planning Area and partly in the Rural Planning Area.

Lot 806 owned by Mr & Mrs Harris (lot 806) is currently included in the Rural 1 Planning Area, with a small area designated Hillslopes Category 1 (Urban). The hillslopes designation does not reflect the steepness or visibility of the allotment and it is recommended that the entire site be included in the Hillslopes Category 1 (Urban) designation to trigger the requirement for further detailed site assessment at the time of any future development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.

**Recommendation No. 17.**

1. For Lot 174 NR6855 and Lot 806 NR7732 include the land Conservation Planning Area.
2. For Lot 174 NR6855 no change to the Hillslopes Category designations.
3. For Lot 806 NR7732 no change to the Rural Planning Area.
4. For Lot 806 NR7732 include the entire allotment in the Hillslopes Category 2 (Urban).
5. Include lots 801, 74, 75, 76, 77 and 78 SP 153903 (part of land formerly described as Lot 116 SP139626) in the Conservation Planning Area and the Category 2 (Urban) Hillslopes Designation.
Real Property Description: Lot 11 SP154565, Lot 14 RP 808373 (open space)

Planning Areas:
Draft Planning Scheme: Low Density Residential, Residential 1 & Open Space
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
See map for detail of proposed changes:

- Category 2 (Urban) extended SE below the railway to include the Open Space Planning Area and Residential 1 Lot.
- All Category 2 (Urban) land included in the Conservation Planning Area.

This north and north east facing slope is conspicuous from residential areas at Redlynch, Freshwater, Lake Placid and from the Brinsmead - Kamerunga Road and the Kuranda tourist train. Slopes are steep, average 1 - 2 1/2 the draft “Open Space” designation is inappropriate for land so steep. It should be kept protected with vegetation.
Officer Comment:

The open space (lot 14) was dedicated as park as part of an earlier subdivision. This land can reasonably be included in the Conservation Planning Area. There is no particular need to change the hillslopes designation from Hillslopes Category 1 (Urban).

Lot 11 is contained predominantly within the Residential 1 Planning Area, with an area to the rear included in Low Density Residential. Given the topography of the land, it is recommended that changes be made to the Planning Area and Hillslopes designation.

It is noted that in both Low Density Residential and Conservation, one house is permitted, however further subdivision is not permitted in the Conservation Planning Area.

Recommendation No. 18.

1. Lot 14 RP 808373 be included in the Conservation Planning Area, rather than Open Space.
2. Lot 11 SP154565 land currently included in Low Density Residential is to be included in Conservation Planning Area, and this area also be included in the Hillslopes Category 2 (Urban).
3. For the balance of Lot 11 SP154565 land currently included in Residential 1 no change to Planning Area or Hillslopes designation.

4. Review the Hillslopes code to ensure that the suitability for subdividing and / or building or building within hillslopes gives consideration to the gradients of areas to be developed.
19 Division 9. Stratford Connection Road, Freshwater

Real Property Description: Lot 1 RP733156, Lot 2 RP717715.

Planning Areas:
Draft Planning Scheme: Residential 2
Proposed: Residential 2 & Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 1 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
Proposed Planning Area:
- below 30m contour Residential 2: Category 1 (Urban)
- above 30m contour Conservation: Category 2 (Urban).

The end of the western ridge from Mt. Whitfield is conspicuous from the Redlynch residential area, the Brinsmead-Kamerunga Road and the Kuranda tourist train. Above 30m AHD slope is 1 in 2 1/2.

The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment:
The land is currently included in the Residential 2 zone. There is a steep area at the rear of lot 1. The slopes of lot 2 do not appear to be as significant, although the area is visually prominent.

Lot 1 has a recent approval for 8/13/699 – Reconfiguring a Lot (1 Lot into 4), as shown on the plan below. It is considered that this subdivision took into consideration the practical development of this land and accordingly it is considered that the balance of the land can be included in the conservation planning area.
Recommendation No. 19.

1. Lot 1 RP733156 and Lot 2 RP717715 be included in the Residential 1 Planning Area instead of the Residential 2 Planning.

2. Lot 1 RP733156 and Lot 2 RP717715 no change to the Hillslopes Category 1 (Urban).
20 Division 9. Charlekata Cl, Freshwater

Real Property Description: Lot 6 RP843520

Planning Areas:
Draft Planning Scheme: Low Density Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is between 60 and 100 AHD. It is conspicuous from the Redlynch residential area, Brinsmead-Kamerunga Road and Kuranda tourist train. Slope is 1 in 2 1/2.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) 2.2.5 (Scenery) 2.3.5 (Urban Pattern).

Officer Comment:
The area of this land is approximately 2.5 hectares and it is elevated, with the majority of the land being above 60m. The land is currently included in the Rural zone, and accordingly only one dwelling is permitted, with no further subdivision permitted.

There is a file history to this site, and substantial work was undertaken in 1997 to determine the suitability of the site for one residential dwelling.

Recommendation No. 20.

1. Lot 6 RP843520 be included fully within the Conservation Planning Area, as this will not alter the scale of residential use rights from the current Rural Designation.
2. Lot 6 RP843520 be included fully within the Category 2 (Urban) Hillslopes designation.
21a  Division 9  Brinsmead Road, Freshwater

Real Property Description: Lot 2 RP724523, Lot 2 RP726694.

Planning Areas:
Draft Planning Scheme: Tourist Residential & Low Density Residential
Proposed: Tourist Residential & Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 1 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
Proposed Planning Area: below 30m contour - Tourist: Category 1 (Urban) above 30m contour - Conservation: Category 2 (Urban)

The end of the Western ridge from Mt. Whitfield rising to 60m AHD is conspicuous from the Redlynch residential area, the Brinsmead - Kamerunga Road and the Kuranda Tourist train. Slopes vary from 1 in 3 1/2 to 1 1/2.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).

21b  Submission #747658, #749198 Charles O’Neil (lots 1 & 2 RP724523)

Draft hillslopes boundary between categories 1 & 2 is incorrect. The boundary through the Tourist Residential Land follows the original Category B/C boundary, prior to approval of its relocation in conjunction with Development approval 8/8/133 in February 2000. The subsequent relocation was approved following extensive ground surveys and site inspections with Council Officers. The draft boundary is also inconsistent near the existing residence. The subject land in vicinity of driveway and residence satisfies requirements for inclusion in Category 1.

Request that the hillslopes category 1 / 2 boundary through the Tourist Residential land follow the existing category B / C boundary. The boundary in the vicinity for the existing driveway and residence should include this land in category 1 (proposed amendments shown on following drawing).

21c  Submission #749198 Peter Robinson (lots 1 & 2 RP724523)

It is also requested that the Category 1 (Urban) / Category 2 (Urban) Hillslopes Designations on the Hillslopes overlay be amended such that the Category 2 (Urban) Designation is aligned with the area of vegetation having Key conservation value.
Further that the Category 1 (Urban) designation be restricted to the east of a line to the point that is the south-western corner of Lot 8 RP737227 that fronts Charlekata Close, freshwater.
Officer Comment:

Lots 1 & 2 RP724523, are currently in the Residential 2 with Planning Approval 8/8/133 for a tourist resort in CairnsPlan.

Lot 2 RP726694 is included in the Rural zone under the current Planning Scheme. It is proposed to be partly included in Tourist Residential to reflect an earlier Planning Approval. The rear of the allotment (approx above the 70m contour) is proposed to be included in the Conservation Planning Area.

The approvals relate to an historic approval a back zoning and subsequent compensation claim. In essence the land has had some development rights on and off for many years. No development has been undertaken to date. A tourist resort in this locality is not the preferred land use and it is considered inappropriate to perpetuate this planning decision.

The four year currency period for the Tourist Resort is up, and the applicant has requested an extension to this approval. This is a matter that will be submitted to Council as a separate report, and is not related to CairnsPlan.
Recommendation No. 21a, b, c.

1. Lots 1 & 2 RP724523 be included in the Residential 1 Planning Area.
2. The Hillslopes Designation for Lot 2 RP724523 be amended to reflect the decision of Material Change of Use 8/8/133.
3. That part of Lot 2 RP726694 currently shown as Residential 2, be included in the Residential 1 Planning Area and no change be made to the area of land included in the Conservation Planning Area.
4. For Lot 2 RP726694 no change to the Hillslopes designation.
22 Division 9  Brinsmead Road, Brinsmead

Real Property Description: Lot 1 RP721634

Planning Areas:
Draft Planning Scheme: Low Density Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is the end of the western ridge from Mt. Whitfield rising to 50m AHD, is conspicuous from the Redlynch residential area, the Brinsmead-Kamerunga Road and the Kuranda tourist train. The slope close to the road is particularly steep i.e. 1 in 2. Retaining the natural break between Freshwater and Brinsmead as a visual amenity.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk), 2.2.5

Officer Comment:

Land above the Category 1 / 2 line is included in the Conservation Planning Area and Category 2 (Urban) Hillslopes.
Land below the Category 1 / 2 line is included in the Low Density Residential Planning Area and Category 1 (Urban) Hillslopes.

**Recommendation No. 22.**

Lot 1 RP721634 - no change to Hillslopes designation or Planning Area.
**Division 9**  
**Brinsmead Road, Brinsmead**

**Real Property Description:** Lot 1 RP722379, Lot 2 RP722379.

**Planning Areas:**
- **Draft Planning Scheme:** Low Density Residential  
  **Proposed:** Low Density Residential

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban)  
  **Proposed:** Category 1 (Urban)

**Comment on Draft Plan:**
The Draft Plan is supported for this slope below 30m and with gradient 1 in 5.

**Officer Comment:**

As with the neighbouring land, addressed in the submission relating to Hillslope Number 26C (discussed above), the allotments contain a split between Low Density Residential and Conservation Planning Areas and a split between the Category 1 (Urban) and Category 2 (Urban).

Lot 1 has an approval for a B&B.
Recommendation No. 23.

Lot 1 RP722379, Lot 2 RP722379 – no change to Hillslopes designation or Planning Area.
24 Division 9 Brinsmead Road, Brinsmead

Real Property Description: Lot 2 RP741238, Lot 3 RP741238.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation & Residential 1

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 1 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
Above 30m AHD - Conservation: Category 1 (Urban)
Below 30m AHD - Residential 1: Category 1 (Urban)

These are the sides of a gully incised into the western ridge of Mt. Whitfield with gradients of 1 in 2 1/2. The site is conspicuous from the Brinsmead-Kamerunga Road.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

Officer Comment:
In the current Planning Scheme the land is zoned Residential 1, with a split Hillslopes designation. No change has been made in CairnsPlan.

**Recommendation No. 24.**

1. For Lot 2 RP741238 and Lot 3 RP741238 no change to Residential 1 Planning Area or Hillslopes Designation.
2. Review the Hillslopes code to ensure that the suitability for subdividing and/or building or building within hillslopes gives consideration to the gradients of areas to be developed.
**Division 9. Brinsmead Road, Brinsmead**

**Real Property Description:** Lot 14 RP895993, Lot 15 RP895993, Lot 2 RP733372, Lot 16 RP895993.

**Planning Areas:**
- **Draft Planning Scheme:** Low Density Residential
- **Proposed:** Low Density Residential & Conservation

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban) & Category 2 (Urban)
- **Proposed:** Category 1(Urban) & Category 2 (Urban)

**Comment on Draft Plan:**
- **Proposed Planning Area:**
  - below 30m AHD – Low Density Residential : Category 1 Urban
  - above 30m AHD – Conservation : Category 2 (Urban)

This site is the sides and crest of a spur from the western ridge of Mt. Whitfield with gradients of 1 in 2 1/2. It is conspicuous from Redlynch residential area and stands immediately above Brinsmead and the Brinsmead-Kamerunga Rd. The Draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Scenery).

**Officer Comment:**
In the current Planning Scheme lots 14 & 15 are zoned Rural and lots 16 & 2 are zoned Low Density Residential. All allotments have a split Hillslopes designation.

In CairnsPlan all allotments will be in Low Density Residential, and no change will be made to the Hillslopes designation.

**Recommendation No. 25.**

1. Lot 14 RP895993, Lot 15 RP895993, Lot 2 RP733372, Lot 16 RP895993 where the land is in the Hillslopes Category 2 (Urban) also include in the Conservation Planning Area.

2. Lot 14 RP895993, Lot 15 RP895993, Lot 2 RP733372, Lot 16 RP895993 where the land is in the Hillslopes Category 1 (Urban) no change to Low Density Residential Planning Area.

3. Review the Hillslopes code to ensure that the suitability for subdividing and / or building or building within hillslopes gives consideration to the gradients of areas to be developed.
Division 9. Barclay Road, Brinsmead

Real Property Description: Lot 3 RP733372, Lot 2 RP728672, Lot 3 RP717128, Lot 1 RP892255.

Planning Areas:
Draft Planning Scheme: Low Density Residential
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This site is all above 30m AHD and overlooking Brinsmead. Most gradients are 1 in 4.

The Draft conflicts with Desired Environmental Outcomes 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).

Officer Comment:

In the current Planning Scheme all lots 3, 2 & 3 are in the Low Density Residential zone with a split Hillslopes designation around the rear of Lot 3 RP717128. Lot 1 is in the Rural zone and fully within the Category C.
In CairnsPlan all lots are in the Low Density Residential Planning Area, with no change to Hillslopes.

**Recommendation No. 26.**

1. Lot 1 RP892255 include in the Conservation Planning Area.
2. Lot 1 RP892255 no change to Category 2 (Urban) Hillslopes.
3. Lot 3 RP733372, Lot 2 RP728672, Lot 3 RP717128 where the land is in the Hillslopes Category 2 (Urban) also include in the Conservation Planning Area.
4. Lot 3 RP733372, Lot 2 RP728672, Lot 3 RP717128 where the land is in Hillslopes Category 1 (Urban) include in the Low Density Residential Planning Area (i.e. no change).
5. Review the Hillslopes code to ensure that the suitability for subdividing and / or building or building within hillslopes gives consideration to the gradients of areas to be developed.
**27a Division 12. Tognolini’s Corner, Redlynch**

**Real Property Description:** Lot 2 RP894179

**Planning Areas:**
- **Draft Planning Scheme:** Conservation & Rural 1
  - **Proposed:** Conservation

- **Hillslopes Category:**
  - **Draft Planning Scheme:** Category 1 (Urban) & Category 2 (Urban)
  - **Proposed:** Category 2 (Urban)

**Comment on Draft Plan:**
The Draft designations west of the Railway are supported. These should be continued for the spur east of the railway loop. It is conspicuous from residential areas immediately north and south as well as from the intake road and the Kuranda Tourist Train. The spur reaches 80m AHD and has gradients of 1 in 3.

**Officer Comment:**

![Map of Tognolini’s Corner, Redlynch]

The land is currently all in the Rural zone and is owned by S. Tognolini. In CairnsPlan most will be in the Conservation Planning Area with the approximate area circled to be included in the Rural Planning Area. This circled area also reflects the Category 1 (Urban) designation.
There is very limited flat land available for development in this locality.

**Recommendation No. 27a.**

1. Lot 2 RP894179 be wholly included in the Conservation Planning Area.
2. Lot 2 RP894179 be wholly included in the Category 2 (Urban) Hillslopes designation.

**27b Division 12. Harvey Road, Redlynch** Victor G Feros on behalf Anthony Woolley #748997

**Real Property Description:** Lot 17 RP703170

**Grounds of Submission:**

1. The inclusion of the entire site in the Conservation Planning Area does not represent a logical allocation of this designation. In particular, the inclusion of the eastern section of the site in the Conservation Planning Area, has no logical planning basis given that:
   i) The Hillslopes Overlay has excluded over 50% of the site from any area containing conservation values.
   ii) Significant parts of the subject site have been previously cleared and has been the subject of previous earthworks.
   iii) The land has similar characteristics to other land to the east currently developed and designated for residential purposes. Such development can be undertaken in a manner that does not compromise the visual amenity or environmental values of the Redlynch Valley.
2. Given that the allocation of both the hillside designation and the conservation Planning Area is not based on actual ground conditions, that further detailed investigations be undertaken to provide a logical and sustainable basis for the allocation of the proposed designations.

3. The eastern part of the site can be developed for residential purposes incorporating in the other 5 to 6 home sites and such investigations and reallocations of the designations will enable the rational and efficient use of the land for residential purposes based on sound town planning principles.

Comment:
The land is located above the Kuranda Railway Line. Access to the site requires crossing the Railway Line. The site is also located above the Council water reservoir in the locality.

The site is currently vacant except for a Telstra Facility located on the northern section of the site. A concrete driveway has been constructed along the eastern boundary of the site to provide access to the Telstra Facility. The site is very steep and the access very narrow.

The site forms part of the lower slopes of the Lamb Range and is dissected by a number of drainage lines. In general, the upper slopes are vegetated with the lower areas having been partially cleared as a result of previous earthworks and bushfires.

The land is currently included in the Rural zone and hillslopes Category C. The grounds of the submission are slightly ambiguous. It should be noted that in CairnsPlan the site is included fully in the Conservation Planning Area and Hillslopes Category 2 (Urban).

It is acknowledged that the site may have areas capable of accommodating residential allotments, and the Conservation Planning Area allows for one residential dwelling. It is considered that the site is constrained and that the Kuranda Railway Line provides a clear and logical boundary for development and that the inclusion of the site in the Conservation Planning Area is reasonable (the current zone of Rural, reflects the fact that there was no other suitable zone in the current Planning Scheme).

Recommendation No. 27b.

1. Lot 17 RP703170 remain in the Conservation Planning Area.

2. No change be made to the Vegetation Conservation Overlay or Hillslopes Overlay as the mapping is a trigger for further detailed site assessment at the time of development. The onus is on the landowner to confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.
28a  Division 12  Redlynch Quarry, Redlynch Intake Rd

Real Property Description: Lot 8 RP749301

Planning Areas:
Draft Planning Scheme: Rural 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is a mountainside between 70m and 250m AHD with a gradient of 1 in 2. The Draft designations are indefensible.

28b  #733611 Humphrey Reynolds Perkins for Boral Resources Lot 8 RP749301

We believe that most of the provisions of the Planning Scheme are appropriate in the circumstances. There are some instances however, where we believe the draft Planning Scheme should be amended to ensure the protection of extractive resources and associated activities in line with the intent of the DEOs.

The submission does not relate to Hillslopes elements, and is therefore addressed in a different recommendation.
It is noted that this land forms part of the quarry at Redlynch Valley. There is Special Facilities approval on the land and the Special Facilities overlay remains, preserving the use rights for the land, and determining the form and scale of extraction on the property.

**Recommendation 28a, b.**

For Lot 8 RP749301 no change to Planning Area or Hillslopes designation.
**29a Division 12. Redlynch Quarry, Redlynch Intake Rd**

**Real Property Description:** Lot 9 RP749301.

**Planning Areas**
- **Draft Planning Scheme:** Rural 1
- **Proposed:** Conservation & Rural

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban) & Category 2 (Urban)
- **Proposed:** Category 2 (Urban)

**Comment on Draft Plan:**
- **Above 50m AHD –** Conservation : Category 2 (Urban)
- **Below 50m AHD –** Rural 1 : None

This is part mountainside rising to 90m AHD with gradient of 1 in 2 and partly valley floor.

**29b #733611 Humphrey Reynolds Perkins for Boral Resources Lot 9 RP749301**

We believe that most of the provisions of the Planning Scheme are appropriate in the circumstances. There are some instances however, where we believe the draft Planning Scheme should be amended to ensure the protection of extractive resources and associated activities in line with the intent of the DEOs.

**Officer Comment:**

The submission does not relate to Hillslopes elements, and is therefore addressed in a different recommendation.
It is noted that this land forms part of the quarry at Redlynch Valley. It is the land that is currently being quarried.

There is Special Facilities approval on the land and the Special Facilities overlay remains, preserving the use rights for the land, and determining the form and scale of extraction on the property.

**Recommendation No. 29a, b.**

For Lot 9 RP749301 no change to Planning Area or Hillslopes designation.
30a  Division 12. Twin Streams Redlynch Quarry, Redlynch Intake Rd

Real Property Description: Lot 2 SP106972

Planning Areas:
Draft Planning Scheme: Rural 1
Proposed: Conservation & Rural 1

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Above 70m AHD – Conservation: Category 2 (Urban)
Below 70m AHD – Rural 1: None

Only the head of this tributary valley is Hillslope, but that rises at a gradient of 1 in 2 to 100m AHD.

30b  #743809 GHD on behalf of Anthony Milligan

The whole of Lot 2 SP106972 should be included in the Low Density Residential Planning Area rather than the Rural Planning Area.

Should Council not wish the whole of the land to be included in the Low Density Residential Planning Area, at this stage, the following alternative amendment is proposed to allow for the continued operation of the nursery while providing for Low Density Residential at the front of the land:
1. That the eastern portion be placed in Low Density Residential.
2. The remainder of the site be included in the Special Facilities designation.
3. A new item 5 in the Schedule of Special Facilities Approvals be included – 'Nursery in accordance with Development Plan no 1 (d)'.

Should Council not wish to any residential development of the land at this stage, the following alternative amendment is proposed, to simply preserve the existing Special Facilities approval, as Council has generally done with other such approvals throughout its draft Planning Scheme:
1. The whole of the site be included in the Special Facilities designation.
2. A new item 5 in the Schedule of Special Facilities Approvals be included – 'Driver Training Academy and associated uses, Nursery in accordance with Development Plan no. 1 (d)'.
Officer Comment:

This land is adjacent to the quarry and is currently included in the Special Facilities Driver training academy and associated uses, nursery, in accordance with Plan of Development No. 1d zone.

The nursery is developed as a flower farm, however the driver academy has not commenced. Council has previously determined to remove this Special Facilities designation.

While the use of the flower farm has its place, the driver academy does not have any reasonable claim to use rights. There is no need for the Special Facilities designation as the rural designation allows Rural Industries as ‘self assessable’ uses, these include:

- growing of crops, trees, fruit, vegetables, flowers, turf or the like;
- cultivation of seedlings, plants, flowers, shrubs or trees; or
- breeding, keeping and/or rearing of any animal for commercial purposes.

The use includes storing, packing and/or processing of vegetable or plant produce grown on the premises and the preparation of this for consignment to market or sale elsewhere, or for wholesale from the farm property.
The use includes activities commonly described as farming, grazing, agriculture or horticulture.

The rear of site is actually constrained by waterways and vegetation and it is reasonable to include this area in the Hillslopes Category 2 (Urban) designation, similarly to the adjoining properties.

**Recommendation No. 30a b.**

1. For Lot 2 SP106972 no change to the Rural Planning Area.

2. For Lot 2 SP106972 the land to the west of the 50m contour be included in the Hillslopes Category 2 (Urban).
31a  Division 12.  West of Redlynch Intake Rd, Redlynch

Real Property Description: Lot 62 SP106972.

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
The Draft designation of this gully as Category 1 (Urban) is mistaken, as the height is 70m to 190m AHD and gradients exceed 1 in 3.

31b  #747657 & #746956 Charles O’Neill
31c  #749202, #749210 Peter Robinson

The Hillslopes Category 1 / 2 boundary should follow the approved (Material Change of Use 1 / 98 approved August 1998) relocation of the Category B/C Boundary, as shown on the following plan.

The cleared and grassed areas should be included in the Low Density Residential Planning Area, similar to the adjoining Low Density Residential. The eco-lodge land should remain in the Rural 1 Planning Area. The majority of the property is proposed Conservation in accordance with the draft CairnsPlan, as shown on the following plan.
In relation to the Boral Quarry, at the time of the quart approval a sign was erected on the Redlynch Intake Road, advising the public that the quarry permit was for 25 years from 19 May, 1990, that is until the year 2015. Purchasers of lots in Currunda Downs and surrounding land made their investments on this basis.

The statement in section 3.9.1 Description and Intent, contains the statement ‘It is intended that extraction of the hard rock resource located in the upper section of the Valley should continue’. This statement should be amended to include the following ‘…until the expiry of the existing permit’

**Officer Comment:**

Recommendation No. 31a, b, c.

1. That the Planning Areas for Lot 62 SP106972 be amended to reflect the plan submitted (that which was approved in MCU 1/98).
2. No change to the Hillslopes designations
3. The statement in section 3.9.1 Description and Intent, contains the statement ‘It is intended that extraction of the hard rock resource located in the upper section of the Valley should continue’. This statement shall be amended to include the following ‘…until the expiry of the existing permit’.
4. That the owners of lots 8 & 9 RP749301 be advised, as a courtesy, of the change to the statement of intent.
32a Division 9. Hillview Cres, Whitfield, Butland Cres Brinsmead

Real Property Description: Lot 1 RP730251, Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613 require rezoning to Conservation, as land is steep and unstable. Past history of severe slippage on these slopes has been well documented and used for legal precedent.

Real Property Description: Lot 3 SP160313, Lot 7 RP747584, Lot 6 RP747584 as below

Planning Areas:
Draft Planning Scheme: Conservation, Open Space & Res.
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is the slope and ridge rising from 50m to 130m. It is immediately above residential areas, with gradients greater then 1 in 3. It is conspicuous from the central part of Cairns to the Esplanade. It extends the visual amenity of Mt Whitfield southwards contributing to the green backdrop of Cairns.

This slope is renown for its instability and slips occur regularly. Planning for absence of disturbance reassures inhabitants of the substantial residential areas below the ridge that the risk of landside and erosion is taken seriously.

It is also a popular walking area for residents and offers significant public amenity similar to the Red Arrow track in Edge Hill. The Ridge is unique for its 360 deg views of Cairns encompassing Double Island, the city, the Esplanade, the Hillslopes on the opposite side of the inlet, Kanimbla, Lake Morris Rd, Redlynch and Caravonica. It is imperative that this hill maintains public access and that the views be preserved for all to enjoy.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

32b Joan Beacroft #748182

Real Property Description: Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613, Lot 2 RP744812, Lot 1 RP726716, Lot 4 RP745077, Lot 1 RP730251
32c  Nicole Reardon #748984

Real Property Description:  Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613

32d  R & J Callahan #748948

Real Property Description:  Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613

This land should be saved from any development and listed as Hillslopes Category 2 (Urban).

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

32e  Peter Robinson on behalf of Australia Estates P/L, Hillview Cres, Whitfield #745072, #745058

Real Property Description:  Lot 1 RP730251

The Vegetation Conservation Mapping appears to be incorrect. Examination of the site indicates that none of the land in the Residential zone appears to have any vegetation of conservation significance. It is requested that the vegetation conservation overlay be amended to delete the Vegetation Conservation designations from that part of the site included in the Residential zone.

It is also requested that the Hillslopes Category 1 (Urban) designation be removed from the developable parts of the site including but not limited to the bench on the top.
Officer Comment:
The general intent of submission d, is to remove the Category 1 (Urban) designation from the developable parts of the site including, but not limited to the bench on the top.

The general intent of submissions a,b,c,d are to prevent further development in the locality. This is not supported, however it is acknowledged that there has been an error in the drafting of the CairnsPlan in this locality.

The lots on the eastern side of the hill (Lot 2 RP748607, Lot 2 RP728613, Lot 1 RP728613, Lot 2 RP744812, Lot 1 RP726716, Lot 4 RP745077. Lot 1 RP730251) are currently included in the Hillslopes Residential zone. This land has a requirement for a minimum lot size of 5000m².

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, the provisions for the Balance of the City were chosen. This has resulted in land that previously had a requirement for a minimum lot size of 5000m², now having a requirement for a minimum lot size of 1000m². This is a straight drafting error and it is considered appropriate that further consideration be given to including this land in the Low Density Residential Planning Area in CairnsPlan.

In particular, the submissions received in relation to hillslopes in Whitfield and other parts of the city covered by the Planning Scheme for the Parts of the City (old Cairns City Council) represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.
**Recommendation No. 32a, b, c, d.**

That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:

- The individual submissions;
- Past approvals including the type and intensity of the development;
- Community expectations and the rights of private landowners;
- The topography and visual sensitivity of the various sites;
- The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.
33 Division 9 East Parkridge Drive, Brinsmead

Real Property Description: 950 SP139180

Planning Areas:
Draft Planning Scheme: Conservation
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: C1 Urban
Proposed: Category 2 (Urban)

This Western slope of Whitfield Hill rises from 50m to 120m and has a gradient of 1 in 4. Height, visibility, gradient and protection for the people and houses in Brinsmead require a Category 2 (Urban) designation.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

Officer Comment:
This land is parkland, dedicated as part of the original subdivision. It is steep land, off the side of the hill. There is grounds for including this site in the Category 2 (Urban) Hillslopes Designation.
**Recommendation No. 33.**

That land located at East Parkridge Drive, Brinsmead described as Lot 950 SP139180, be included in the Category 2 (Urban) Hillslopes Designation.
34 Division 9 The Peak, Brinsmead

Real Property Description: Lot 1 SP155104, Lot 5 SP117170.

Planning Areas:
Draft Planning Scheme: Open Space & Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is part of the eastern face of the hill which bounds Whitfield to the west. The height is 60m to 100m AHD. The gradient is 1 in 2 1/2. Visual amenity of Whitfield and further east, steepness of slope and protection for houses and residents living below require a Category 2 (Urban) designation. Steepness of slope requires a "Conservation" Planning Area for maintenance of protective vegetation.

The draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).
Officer Comment:
The general intent of this submission is to prevent further development in the locality. This is not supported, however it is acknowledged that there has been an error in the drafting of the CairnsPlan in this locality.

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, the provisions for the Balance of the City were chosen. This has resulted in land that previously had a requirement for a minimum lot size of 5000m², now having a requirement for a minimum lot size of 1000m². This is a straight drafting error and it is considered appropriate that further consideration be given to including this land in the Low Density Residential Planning Area in CairnsPlan.

In particular, the submissions received in relation to hillslopes in Whitfield and other parts of the city covered by the Planning Scheme for the Parts of the City (old Cairns City Council) represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

Recommendation No. 34.

That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:

- The individual submissions;
- Past approvals including the type and intensity of the development;
- Community expectations and the rights of private landowners;
- The topography and visual sensitivity of the various sites;
- The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.
35a Division 9

Marino’s Hill, Kanimbla

Real Property Description: Lot 795 SP158394, Lot 796 SP158394, Lot 810 SP146132, Lot 811 SP146132, Lot 2 NR7586.

Planning Areas:
Draft Planning Scheme: Conservation, Residential 1 & Open Space
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:

This southern end of the ridge connected to Mount Whitfield is part of the character of central Cairns. It rises from 30m to 100m AHD immediately above residential development. The sides of the hill are steep, 1 in 2 on the north side and 1 in 4 on the southwest side.

Marino’s Hill is part of a natural link from Mt Whitfield, through the Reservoir Road swamp forest and the Jensen Street drain and open space, to the Cairns Central Swamp north of Brinsmead Shopping Centre, Centenary Lakes and Mount Whitfield.

The Draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).
Lot 22 NR8005 and part of Lot 791 SP101082 – Marino’s Quarry.

1. Amend the Conservation Planning Area designation on the Planning Area Map according to Figure 1:
2. Amend the Hillslopes Overlay according to Figure 2: Hillslopes Overlay.
3. Amend Table 1B – Conversion Table for the Inner Suburbs District Plan so that the self assessable development is not altered to code assessable development for lands affected by the Primary Light Control Plans / Bird Strike Hazard Overlay.

Submitter’s Proposed Hillslopes Overlay Plan
Submitter's Proposed Conservation Planning Area

Officer Comment:

Planning approval was granted for the extractive industry on the subject land in March 1972. The approval is still valid as the Quarry continues to operate. Upon completion of quarrying the site, the land will be at RL60.

In the current Planning Scheme, the site is predominantly contained in the Non-Urban zone, with a small area contained in the Residential zone.

In CairnsPlan, the property will be included in the Residential 1, Residential 2, Residential 3, Open Space and Conservation Planning Areas. The landowner also proposes to include more land in the Conservation Planning Area. In particular the proposed Conservation Planning Area will contribute towards maintaining the visual backdrop, when viewed from the City.

The submission by the landowner proposes to reduce the area included in the Hillslopes Category 1 (Urban) designation, to reflect the area that is being and will be quarried. The proposed change is reasonable.

The submission relating to bird strike has been raised in several submissions, this matter will be amended.
Recommendation No. 35a, b.

1. That for Lot 22 NR8005 and Lot 791 SP101082 the Conservation Planning Area be changed to reflect the plan 8137-1 provided by C&B Group, the balance of the land remaining as designated.

2. That for Lot 22 NR8005 and Lot 791 SP101082 the Hillslopes Overlay be amended to reflect the plan 8137-2 provided by C&B Group.

3. That for Lot 795 SP158394, Lot 796 SP158394, Lot 810 SP146132, Lot 811 SP146132, Lot 2 NR7586 no further changes.

4. That Review Table 1B – Conversion Table be reviewed for all Districts to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.
36a Division 9 Lake Morris Road, Kanimbla

Real Property Description: Lot 795 SP158394

Planning Areas:
Draft Planning Scheme: Residential 1 & Open Space
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is the face of the Whitfield Range between 60m and 110m AHD and with a gradient of 1 in 4. It is along a high voltage transmission line. It is conspicuous from much of the inner city and at risk of landslip from the mountainside and Copperlode Dam Road above. It also stands immediately above Kanimbla residential area.

The draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

Officer Comment
Part of the site is currently included in the Residential zone, with the elevated areas included in the Hillside Residential zone.
In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, the provisions for the Balance of the City were chosen. This has resulted in land that previously had a requirement for a minimum lot size of 5000m², now having a requirement for a minimum lot size of 1000m². This is a straight drafting error and it is considered appropriate that further consideration be given to including this land in the Low Density Residential Planning Area in CairnsPlan.

**Recommendation No. 36a.**

That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:

- The individual submissions;
- Past approvals including the type and intensity of the development;
- Community expectations and the rights of private landowners;
- The topography and visual sensitivity of the various sites;
- The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.
Grounds of Submission

The submission is against:

- The inclusion of the allotments in the Conservation Planning Area, and;
- The level of assessment for the Conservation Planning Area within the Inner Suburbs District Planning Area, whereby the construction of a House will require Material Change of Use (Impact) assessment.

Both submissions indicate that they have undertaken works to establish a house on the properties and request that Council:

- Include the land in the Low Density Residential Planning Area, or
- Include that part of the land identified in the current Strategic Plan and Hillsides DCP as being suitable for Hillside Residential Development in the Ldr Planning Area, and amend the assessment table for the Conservation Planning Area (at least for those lots situated above Lake Morris Road) so that the construction of a house remains permitted (self–assessable) use.
Officer Comment

The important thing to acknowledge in this instance, is that the development of a house on the land remains possible. Within the first 2 years, of the life of the CairnsPlan (i.e. until approximately January 2007) the landowner has the opportunity to apply to build a house under the current Planning Scheme, and the use would be self-assessable. Any approval to build a house is likely to have a 2 year currency period, taking the possible date for building the house to 2009.

Alternatively, should the landowner apply under CairnsPlan the ability to erect a house in the locality will require an Impact Assessable application. This is intended to ensure that the construction on the allotment is suited to the site/topography, and that the visual impact is minimised.

The proposal to create a split zone is not supported, as this potentially creates a line for which subdivision of the land occurs.

Given the number of submissions regarding hillslope development, and the amount of time that the landowner has to construct a dwelling, there is no merit in changing the designation or Planning Scheme provisions at this time.

Recommendation No. 36b,b.

That for Lot 4 RP718792 and Lot 13 RP731121 Lake Morris Road, Kanimbla there be no change to the Planning Area or Hillslopes Designation, or the provisions of the Planning Scheme relating to assessment within the Conservation Planning Area.

That the submitters be reminded that within the first 2 years, of the life of the CairnsPlan (i.e. until approximately January 2007) landowners have the opportunity to apply to build a house under the current Planning Scheme, and the use would be self-assessable. Any approval to build a house is likely to have a 2 year currency period, taking the possible date for building the house to 2009.
**37 Division 12**  
The Rocks, Redlynch. Watson’s Land and others

**Real Property Description:** Lot 1 RP707534, Lot 2 RP707534, Lot 16 NR1068.

**Planning Areas:**
Draft Planning Scheme: Rural 1  
Proposed: Conservation

**Hillslopes Category:**
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)  
Proposed: Category 2 (Urban)

**Comment on Draft Plan:**
This is the Western face of the Whitfield Range rising from 20m to 600m AHD, with gradient becoming steeper from 1 in 4 to 1 in 1 1/2 and is conspicuous from the residential area of Redlynch and the Intake Road.

This Draft designation is different from similar land north and south and is anomalous.

**Officer Comment**

The submission raises a valid point. Lots 1 & 2 are in the Rural Planning Area, with the land behind being included in the Conservation Planning Area. Lot 16 is contained fully within the Rural Planning Area. All allotments are steep, and form part of the backdrop to the valley.
Watson’s land (Lots 2) is currently the subject of 2 planning applications (8/8/521 & 8/8/580) for use rights generally in accordance with the Residential 1 zone. One is for access via Redlynch Valley and one is for access via Tunnel Hill.

Council has the option at this time to consider alternative Planning Areas for the location, and one option would be to include Lot 2 in the Low Density Residential Planning Area. An earlier draft of CairnsPlan had proposed to include the land in the Low Density Residential however in light of the application for Residential 1 development, the designation was removed as the application process would determine the final zone. Also as with other parcels across the City, it was not considered appropriate to change the Planning Area where the supporting survey and other data has not been considered.

The other option is to include the land fully within the Conservation Planning Area. As there is an intention from the landowner to develop the land to a Residential 1 standard, it may be appropriate to consider leaving the designation as Rural, which reflects the current zone.

**Recommendation No. 37.**

1. That Lot 16 NR1068 be included fully within the Conservation Planning Area.
2. That Lot 1 RP707534, Lot 2 RP707534 remain in the Rural Planning Area.
3. That there be no change to the Hillslopes Designation.
Special Meeting – CairnsPlan – Part B – 13/5/04 - #775458

Real Property Description: Lot 999 SP147764 (Now known as 999 on 155114)

Planning Areas:
Draft Planning Scheme: Residential 1 & Open Space & Rural 1
Proposed: Conservation, Residential 1, Open Space, Rural 1, Low Density Residential

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 1 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
Below 50m AHD - Residential 1 & Rural 1: None
Above 50m AHD – Low Density Residential & Conservation: Category 1 (Urban) & Category 2 (Urban)

This Hillslope includes both river flat in the north and the tip of a mountain spur in the south. On the spur, below 50m AHD the gradient is less than 1 in 5. This is proposed to continue as Category 1 (Urban) with Planning Area Low Density Residential and Hillslopes Category 1 (Urban). Above 50m AHD the gradient of the spur is 1 in 4 so Planning Areas Conservation and Low Density Residential and Category 1 & Category 2 (Urban) is proposed.

The Draft designation conflicts with Desired Environmental Outcome 2.2.5.(Scenery).
Officer Comment

This land is currently the subject of a Planning and Environment Court Appeal. The applicant has applied for Residential 1 style development over the site.

The dark area which is within the hatched area is recommended to be included in the Conservation Planning Area.
The submission raises valid grounds and it is considered that where the land is currently contained within the Category 2 (Urban) Hillslopes Designation, it should be included in the Conservation Planning Area. The area in particular is shown as the dark area, within the hatched area on the above diagram.

However no changes are recommended to the Planning Area, pending the outcome of the Appeal.

**Recommendation No. 38.**

1. That all land contained within the Hillslopes Category 2 (Urban) the Redlynch Valley Estate, Redlynch, be included within the Conservation Planning Area.

2. That there be no changes to the proposed Planning Areas.
39a Division 10 Stratford Parade, Parade

Real Property Description: Lot 2 RP73679, Lots 1-28 SP144923, Lot 6 RP717301.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is between 30m and 70m AHD on the face of Mt Whitfield immediately above Stratford with a gradient of 1 in 2.

The Draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

Officer Comment

The middle parcel has been developed for multi unit housing and strata titled. The lot to the east (lot 2) has been discussed in the submission below. Lot 6 to the west is in the Residential 1 Planning Area in CairnsPlan, with the rear of the lot in the Open Space Planning Area.
As the uses for the sites are reasonably determined, there is merit in including all the land in the Residential 1 Planning Area. This will serve as a further indication of Council’s preference for residential dwellings, rather than Multi Unit housing in this locality.

**39b #746430, #746335 Peter Robinson Planner on behalf of Sevemere P/L - 1 Stratford Parade, Stratford**

Lot 2 RP736479

**Grounds of Submission**

CairnsPlan designates the small lower part of this site Residential 3 and the balance Conservation.

The whole of the site is an old quarry that ceased operations about 25 years ago. The upper part of the site is benched with an access track. The upper most part of the site is at or below the elevation of similar residential development in the suburb.

There is little if any vegetation of significance on the land, owing to the previous use. It is requested that the vegetation conservation overlay be amended by deleting any vegetation conservation value designation from the subject land.

There is no justification for the site’s exclusion from the Residential 3 Planning Area and inclusion in the Conservation Planning Area. It is requested that the site be included entirely within the Residential 3 Planning Area.

It is also requested that the hillslopes Overlay be modified by removing from any designation, that part of the site presently included in the Hillslopes Category 1 (Urban) designation and by including that part of the site currently in Hillslopes Category 2 (Urban), in Hillslopes Category 1 (Urban).

**Officer Comment**

At the Ordinary Meeting of 29 January 2004, Council resolved to approve a request for an extension of currency period for two years only for the Development Permit for a Material Change of Use for 43 Multiple Dwellings and Ancillary Facilities located on the subject land.

The overall philosophy behind Planning Areas is that they reflect the strategic intent of the area, not just the zone. Accordingly, the Conservation Planning Area on the site indicates that Council does not see the highest and best use for this land as being high density housing.

Accordingly, the current Material Change of Use provides an approval consistent with the Residential 3 zone, however the use must commence before the currency of this approval expires.
There is no merit in changing the Planning Area or the Hillslopes Designation in this locality. With regard to the vegetation mapping, it should be noted that areas of low vegetation significance only need to comply with the self assessable provisions of the biodiversity code.

It is also noted that the decision of the Council occurred the day before submissions for CairnsPlan closed. As such the events of the time have to some extent overtaken the relevance of the submission.

**Recommendation No. 39a, b.**

That in relation to Lot 2 RP736479, 1 Stratford Parade, Stratford, no change be made to the Planning Area or Hillslopes Designations or Vegetation Conservation / Watercourse Significance Overlay.
40 Division 10 Tully Street, Stratford

Real Property Description: Lot 2 RP737248

Planning Areas:
Draft Planning Scheme: Residential 1
    Proposed: Conservation & Residential 1

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
    Proposed: Category 1 (Urban) & Category 2 (Urban)

Comment on Draft Plan:
Above 30m AHD - Conservation: Category 2 (Urban)
Below 30m AHD - Residential 1: Category 1 (Urban)

This is a steep (1 in 21/2) face of Mount Whitfield rising to 80m AHD above Stratford. The Draft designation conflicts with Desired Environmental Outcomes 2.2.4 (Risk) and (Scenery).

Officer Comment

The submission contained some errors in relation to this allotment. Upon checking the allotment in CairnsPlan, it is determined that the proposed designations are similar to those requested. No further change.

Recommendation No. 40.

That there be no change to the Planning Area or Hillslopes designation for Lot 2 RP737248, Tully St, Stratford.
41a Division 9  Heavey Cres, Gloucester St & Mullins St Whitfield

Real Property Description: Lot 11 RP892238, Lot 2 RP911566, Lot 2 RP728085, Lot 1 RP749593.

Planning Areas:
Draft Planning Scheme: Low Density Residential & Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is a high knoll protruding from the face of Mt Whitfield, rising steeply from 30m to 90m AHD immediately above Whitfield with a gradient of 1 in 2 1/2. The Draft conflicts with Desired Environmental Outcomes 2.2.4 (Risk) and 2.3.5 (Urban Pattern).
Grounds of Submission:
To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend the Planning Area Maps to include a greater part of the site within the Residential 1 Planning area, in accordance with the developed land located either side of the site.
2. Amend A1.2 and A1.3 of the Reconfiguring a Lot Code - Infrastructure for Local Community Purposes to include the following:
   - a maximum of 25% of the open space contribution may comprise of public reserves for vegetation conservation / riparian conservation purposes (and buffers).
3. Amend A1.3 of the Biodiversity Code – Identification and Protection of Conservation Values & Riparian corridors to include:
   - Development bonuses (such as increased residential densities) may be granted by Council if areas containing 'Key or Moderate' vegetation or riparian corridors are transferred to public ownership for protection. Development bonuses are determined by Council after considering the extend and quality of land transferred to public ownership.
4. Amend A1.3 of the Biodiversity Code – Identification and Protection of Conservation Values & Riparian corridors to include:
   • Areas transferred to public ownership for vegetation conservation / riparian conservation purposes (including buffers) may comprise a maximum of 25% of open space contributions (cash or land contributions) required by the reconfiguring a Lot Code.

5. Amend Table 1B - so that self assessable development is not altered to code assessable development for lands affected by the primary light control plans / bird strike hazard overlay.

6. Review the Bushfire Risk Analysis Overlay to illustrate a more accurate representation of bushfire threats in the Inner Suburbs District.

Officer Comment:
The lots are currently included in the Hillslopes Residential zone (although the front part of the Moule properties are currently in the Residential zone). This land has a requirement for a minimum lot size of 5000m².

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, the provisions for the Balance of the City were chosen. This has resulted in land that previously had a requirement for a minimum lot size of 5000m², now having a requirement for a minimum lot size of 1000m². This is a straight drafting error and it is considered appropriate that further consideration be given to including this land in the Low Density Residential Planning Area in CairnsPlan.

In particular, the submissions received in relation to hillslopes in Whitfield and other parts of the city covered by the Planning Scheme for the Parts of the City (old Cairns City Council) represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

Recommendation No. 41a, b.

1. That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:
   • The individual submissions;
   • Past approvals including the type and intensity of the development;
   • Community expectations and the rights of private landowners;
   • The topography and visual sensitivity of the various sites;
   • The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.
**Division 8**

**Real Property Description:** Lot 1 RP710767, Lot 5 RP731481, Lot 1 RP724847, Lot 6 RP731479, Lot 7 RP731480, Lot 8 RP731479.

**Planning Areas:**
- **Draft Planning Scheme:** Residential 1, Open Space.
- **Proposed:** Conservation

**Hillslopes Category:**
- **Draft Planning Scheme:** Category 1 (Urban)
- **Proposed:** Category 2 (Urban)

**Comment on Draft Plan:**
This is the crest and south side of a spur of Mt Whitfield rising from Collins Ave. to 70m AHD with a gradient of 1 in 4. It is conspicuous and a natural corridor linking Mt Whitfield with Centenary Lakes and Cairns Central Swamp. It is a visual break between Edge Hill and North Cairns. The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).
Grounds of Submission:
The draft CairnsPlan provides through the Reconfiguring a Lot Code that where land will be included in the Residential 1 Planning Area, and where included on the hillslopes overlay, the minimum allotment size will be 1,000m². We submit that this provision is appropriate and we request that Council maintain this provision when finalising the new Planning Scheme.

The lots are currently included in the Hillslopes Residential zone (although the front part of the Moule properties are currently in the Residential zone). This land has a requirement for a minimum lot size of 5000m².

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, the provisions for the Balance of the City were chosen. This has resulted in land that previously had a requirement for a minimum lot size of 5000m², now having a requirement for a minimum lot size of 1000m². This is a straight drafting error and it is considered appropriate that further consideration be given to including this land in the Low Density Residential Planning Area in CairnsPlan.

In particular, the submissions received in relation to hillslopes in Whitfield and other parts of the city covered by the Planning Scheme for the Parts of the City (old Cairns City Council) represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

Recommendation No. 42a, b.

That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:

- The individual submissions;
- Past approvals including the type and intensity of the development;
- Community expectations and the rights of private landowners;
- The topography and visual sensitivity of the various sites;
- The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.
43 Division 12  Gamburra Drive, Redlynch Valley Estate

Real Property Description: Lot 999 SP147764.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 Rural
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is on the Western side on the Whitfield Range between 30m and 90m AHD, with a slope of 1 in 4. It is conspicuous from the Redlynch Intake Road and from the residential areas on the valley floor. The Draft designation of Category 1 Rural over the valley floor and mountainside alike is inadequate in a place under urban development interest. The Redlynch Valley District Plan, sheet 1, should extend 3kms further south to include the whole valley.

Officer Comment
This matter has been discussed in item 38 above. This land is currently the subject of a Planning and Environment Court Appeal. The applicant has applied for Residential 1 style development over the site.
The submission raises valid grounds and it is considered that where the land is currently contained within the Category 2 Hillslopes designation, it should be included in the Conservation Planning Area. The area in particular is shown underneath the hatched area on the diagram below.

No further changes are recommended, pending the outcome of the Appeal.

**Recommendation No. 43.**

1. That all land contained within the Hillslopes Category 2 (Urban) the Redlynch Valley Estate, Redlynch, be included within the Conservation Planning Area.

2. That there be no changes to the proposed Planning Areas.
44 Division 12 Redlynch Valley Estate (south)

Redlynch

Real Property Description: Lot 998 SP147764, Lot 998 SP160304.

Planning Areas:
Draft Planning Scheme: Conservation, Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Rural)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is a shallow gully on the Western side of the Whitfield Range between 50m and 120m AHD. It is conspicuous from the Redlynch Intake Road and from the residential areas on the valley floors. The draft designation of Category 1 (Rural) is inadequate for a place under urban development interest. The Redlynch Valley District Plan, Sheet 1, should extend 3kms further south to include the whole valley.

Officer Comment

This matter has been discussed in item 38 and 43 above. This land is currently the subject of a Planning and Environment Court Appeal. The applicant has applied for Residential 1 style development over the site.
The submission raises valid grounds and it is considered that where the land is currently contained within the Category 2 Hillslopes designation, it should be included in the Conservation Planning Area. The area in particular is shown underneath the hatched area on the diagram below.

No further changes are recommended, pending the outcome of the Appeal.

**Recommendation No. 44.**

1. That all land contained within the Hillslopes Category 2 (Urban) the Redlynch Valley Estate, Redlynch, be included within the Conservation Planning Area.

2. That there be no changes to the proposed Planning Areas.
**45a Division 12**  
**Cascades Drive / Frond Close, Crystal Cascades**

**Real Property Description:** Lot 2 SP155975.

**Planning Areas:**  
Draft Planning Scheme: Low Density Residential  
Proposed: Conservation

**Hillslopes Category:**  
Draft Planning Scheme: Category 1 (Rural)  
Proposed: Category 2 (Urban)

**Comment on Draft Plan:**  
This is part of the western side of the Whitfield Range between 70m and 150m AHD with a slope of 1 in 2. This is conspicuous from the Redlynch Intake Rd and from residential areas on the valley floor. The Draft designation of Category 1 Rural over valley floor and mountainside alike is inadequate in a place under urban development interest. The Redlynch Valley District Plan Sheet 1 should extend 3 kms further south to include the whole valley.

**Officer Comment**
The land highlighted above (lot 2) is the last residential estate in Freshwater Valley. The area that has not been subdivided is designated Conservation Planning Area in CairnsPlan. There has been a previous Material Change of Use application made over the subject land, for the area currently included in the Low Density Residential Planning Area, and the proposed change is not reasonable in this instance. The change in CairnsPlan is considered to be a drafting error that should be amended.

The land further to the south is the side of the hill, below Lake Morris which included in the Conservation Planning Area and the Hillslopes Category 1 (Rural) designation. It is not considered necessary to change the hillslopes category, in this instance.

45b

#742873 Terry Conlan Developments
C/- GHD PO Box 819 Cairns Lot 2
SP133387 Cascades Drive / Frond Close, Crystal Cascades

Grounds of Submission

The inclusion of land previously zoned Low Density Residential in the Conservation Planning Area is unreasonable. The lot is approximately 160 hectares, and currently has a split zone of Low Density Residential and Rural.

Comment

The submission has some merit, however the site is constrained by a number of gullies and watercourses, vegetation of key, moderate and low values and topography.
The designation allows for one dwelling to be erected, and may allow for further subdivision, upon an application to change the Planning Area. At any future stage of application the vegetation and hillslopes mapping serve as a trigger for further detailed site assessment. This approach adopts the precautionary principle which is one measure of advancing the purpose of IPA.

**Recommendation No. 45a, b.**

1. That for land described as Lot 2 SP133387 located at Cascades Drive / Frond Close, Crystal Cascades that part of the land in the Low Density Residential zone in the current Planning Scheme, be included in the Low Density Residential Planning Area in CairnsPlan.

2. That for that part of Lot 2 SP155975 included in Hillslopes Category 2 (Urban), which is not currently in the Low Density Residential zone, also be included in the Conservation Planning Area.

3. No further change to the Hillslopes designation for the balance of the land in the locality.
Real Property Description: Lot 5 SP106718.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is the indented end of a spur of the Whitfield Range at a height of 40m to 100m AHD and crossed by a high voltage transmission line. It has gradients of 1 in 2 1/2, stands immediately above residential properties, and is conspicuous from the inner city as far as the Esplanade, and from the Bruce Highway and the Sunlander train.

The Draft designations are inappropriate. They conflict with Desired Environmental Outcomes 2.2.4 (Risk) and 2.2.5 (Scenery).

Officer Comment:

The comments relating to the prominence of this site are agreed with.
Grounds of Submission:
To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:
1. Remove the subject land from the hillslopes overlay of the inner suburbs district plan.
2. Remove the subject land from the Vegetation Conservation/Waterway Significance Overlay of the inner Suburbs district plan.
3. Amend Table 1B - Conversion Table of the Inner Suburbs District Plan so that the self assessable development is not altered to code assessable development for lands affected by the Cairns International Airport Overlay.
4. Review the Bushfire Risk Analysis Overlay to illustrate a more accurate representation of bushfire threats in the Inner Suburbs District.

Comment:
At the Council meeting of 22 March 1999 an application to create 2 lots (now known as lots 7 & 6) was considered. The minimum lot size for Hillside Residential was 5000m², and the land had an area of 6,574 m². Accordingly, the subdivision did not comply with the Planning Scheme. However after substantial work by the consultant and Council Officers it was determined that the proposed lot 6 did not form part of the visual backdrop to the City, and could be excluded from the Hillside Residential zone, and accordingly be subdivided to less than 5000m².
That the submitter would now request Council to remove the larger parcel from the Hillslopes requirements of the CairnsPlan is wearisome and the proposal is not entertained. However, in recognition of the previous assessment by Council, it is recommended that Lot 6 SP109482 be removed from the Hillslopes Category 1 (Urban).

Additionally, no change is proposed to the Vegetation and Waterways Conservation Overlay or the Bushfire Hazard mapping. The mapping is intended to be used as trigger for further detailed site assessment at the time of future development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.

The Airport Overlay will be amended in a separate recommendation.

**Recommendation No. 46a, b.**

1. That part of Lot 5 SP106718 included in Hillslopes Category 1 (Urban), be amended to be included in Hillslopes Category 2 (Urban). No change to Planning Area proposed.
2. Lot 6 SP109482, Kurrajong St Earlville be removed from the Hillslopes Category 1 (Urban) designation.
3. That there be no change to the Hillslopes Category 1 (Urban) designation for Lot 7 SP109482, Kurrajong St Earlville.
4. That there be no change to the Vegetation and Waterways Conservation Overlay or the Bushfire Hazard mapping for Lot 7 SP109482, Kurrajong St Earlville.
**47a Division 4**  
**Falcon Street, Bayview Heights**

**Real Property Description:** Lot 202 SP160303.

**Planning Areas:**
- Draft Planning Scheme: Low Density Residential
- **Proposed:** Conservation

**Hillslopes Category:**
- Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
- **Proposed:** Category 2 (Urban)

**Comment on Draft Plan:**
This is the north east side of Mt Sheridan between 60m and 130m AHD with gradient of 1 in 2 1/2. It is conspicuous from parts of Cairns city from Bayview Heights to Westcourt, from the Bruce Highway and from the Sunlander train. The draft designations conflict with Desired Environmental Outcomes 2.2.4 (Risk), 2.2.5 (Scenery) and 2.3.5 (Urban Pattern).

**Comment:**
The submission raises valid points regarding the Planning Area and site visibility.

**Recommendation No. 47a.**

For Lot 202 SP160303, Falcon Street Bayview Heights, that part of the site included in the Hillslopes Category 2 (Urban) also be included in the Conservation Planning Area.
No further change to the Low Density Residential Planning Area, as the site is included in the hillslopes overlay and vegetation and conservation overlay, and this will trigger further detailed site assessment at the time of any future development.

**47b #746340 Peter Robinson, Upper End of Falcon Street, Bayview Heights**

**Grounds of Submission:**
It is requested that the whole of the subdivided area be removed from the Hillslopes Category 1 (Urban). These lots have now been largely developed for residential dwellings. There is no vegetation of particular significance to the visual amenity of hillslopes. The land is safe and stable. The land is not steep and most lots are benched. The land does not suffer from high or moderate bushfire hazard.

**Comment:**
There is no planning merit in this request. The Hillslopes provisions do not only relate to land prior to subdivision, they also provide guidelines for the scale and intensity of the dwellings that are to be erected.

The site is visually prominent and no change is proposed.

**Recommendation No. 47b.**

No change to the hillslopes designation of land located at the end of Falcon Street, Bayview Heights.
48a Division 4
Red Hill, West of St Mary's College, Woree

Real Property Description: Lot 1 RP728455, Lot 501 SP129122, Lot 502 SP129122.

Planning Areas:
Draft Planning Scheme: Conservation & Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
This is an outlying spur of Mt Sheridan 30m to 130m AHD with gradients mostly 1 in 2, and 1 in 3 on the easternmost extension to the Bruce Highway. This land is conspicuous from Bayview Heights, Woree, Bentley Park and from the Bruce Highway and Sunlander train. The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery).

Comment:
The site is visually prominent. It is a feature of the drive into and out of Cairns, and is also visible from places such as the Radisson Convention rooms. It is desirable to retain the site as the landmark that it is. The area designated residential is contained within lot 501 and has planning and subdivision approval and are currently being constructed. There have been issues with the steepness of the site and the construction methods on the site.
Lot 502 is currently zoned rural and is designated Residential 1 in CairnsPlan. It is considered that lot 502 which is also on the spur, be included in the Low Density Residential Planning Area rather than the Residential 1 Planning Area, with no change to the Hillslopes Category 1 (Urban) designation.

48b #746326 & #746323 Peter Robinson on behalf of Australia Estates P/L. Red Hill 107 Anderson Street, Woree

Lot 1 RP728455

Grounds of Submission:
It is requested that the site be included in both the Conservation and Residential 2 Planning Areas, generally in accordance with the attached plan. There is also no justification for including the site in the hillslopes designations.
Comment:
Firstly, the request asks for Residential 2, while the plan shows Residential 1. The submission provides no detailed reasoning for the layout proposed. Information to hand, in relation to a proposed dwelling on the site (8/7/113) indicates that the site is constrained and that access is difficult. The site is also known to be prone to bushfires.

The subject land is currently located within the Rural zone in the Planning Scheme for the Balance of the City of Cairns. Red Hill is a visible landmark for the Inner Suburbs of Cairns and contains significant Cultural Heritage Value for its role during the defence of Cairns during the Second World War. It is not unreasonable to conserve this southern Natural Icon of Cairns.

48c #749159 C&B Group on behalf of Daikyo Group of Companies, Red Hill

Lot 1 RP728455

Grounds of Submission:

a. The inclusion of the subject land in the Conservation Planning Area has a significant impact upon the development opportunities and development standards currently available under the Planning Scheme for the Balance of the City of Cairns. It is unreasonable to include the subject land within the Conservation Planning Area. The site should be included within the Rural (1) Planning Area, consistent with the current Planning Scheme.

b. Bushfire Risk Hazard Overlay is amended.

Comment:

a. The subject land is currently located within the Rural zone in the Planning Scheme for the Balance of the City of Cairns. Red Hill is a visible landmark for the Inner Suburbs of Cairns and contains significant Cultural Heritage Value for its role during the defence of Cairns during the Second World War. It is not unreasonable to conserve this southern Natural Icon of Cairns.

b. Red Hill is affected by Bushfire annually.

Recommendation No. 48a, b,c.

1. Lot 1 RP728455 no change to Planning Area or Hillslopes designation.

2. Lot 501 SP129122 no change to Planning Area or Hillslopes designation.

3. Lot 502 SP129122 no change to the Residential 1 Planning Area and no change to the Hillslopes designation.
49 Division 3 Forest Gardens

Real Property Description: Lot 14 SP160314.

Planning Areas:
Draft Planning Scheme: Residential 1 & Category 1 (Urban)
Proposed: Conservation & Low Density Residential

Hillslopes Category:
Draft Planning Scheme: Category 2 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Above 50m AHD - Conservation : Category 2 (Urban)
Below 50m AHD – Low Density Residential : Category 1 (Urban)

This eastern side of Mt Sheridan, between 30m and 100m AHD and is conspicuous from White Rock, the Bruce Highway and the Sunlander train. Gradients are 1 in 5. The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (scenery).

Comment
The land within Forest Gardens Estate has a long history, and a specific Plan of Development. It is not considered appropriate to amend the designations as proposed.
It is well acknowledged that the location of the upper end of the residential area and hillslopes line in the estate was derived from the developer and Council representatives walking the boundary and agreeing on the location of the line.

**Recommendation No. 49.**

That for Lot 14 SP160314 there be no change to the hillslopes designation or Planning Area.
50 Division 3 Foster Road and Nutmeg St, Mt Sheridan

Real Property Description: Lot 3 SP109477, Lot 200 SP153391.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Residential 1 / Conservation (area above 40m contour)

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban) (area above 40m contour)

This eastern side of Mt Sheridan, between 80m and 150m, is conspicuous from White Rock, Bentley Park, the Bruce Highway and the Sunlander train. Gradients are 1 in 5. The Draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery).
Comment

The land is elevated, and prominent. When comparing the location of the Hillslopes Category 2 (Urban) designation in this locality to that of Forest Gardens, it is noted that generally all land above the 100m contour is included in the Hillslopes Category 2 (Urban) designation, however Lot 3 SP109477, Lot 200 SP153391 include this land within the Hillslopes Category 1 (Urban).

It is considered appropriate that the Hillslopes line for these allotments be similar to that of Forest Gardens. However,

**Recommendation No. 50.**

1. That for Lot 3 SP109477 and Lot 200 SP153391 there be no change to the Planning Area.
2. That for Lot 3 SP109477 and Lot 200 SP153391 the land above the 100m contour be included in the Hillslopes Category 2 (Urban) designation.
3. That for Lot 3 SP109477 and Lot 200 SP153391 above the 80m contour and below the 100m contour be included in the Hillslopes Category 1 (Urban) designation.
51 Division 3  Verbena Dr, Mount Sheridan

Real Property Description: Lot 3 SP144910, Lot 900 SP158383.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban) & Category 2 (Urban)
Proposed: Category 2 (Urban)

This is on the side of the Whitfield Range, between 70m and 180m AHD overlooking Bentley Park conspicuous from White Rock, the Bruce Highway and the Sunlander train. The gradient is 1 in 3 1/2.

The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment
This land particularly lot 3, is elevated, and considered to be at the upper end of the limit for the provision of water supply. There is an historical approval over this site. It is suggested that it may be appropriate to include the balance of the lot, which is contained within the Hillslopes Category 2 (Urban) designation, also within the Conservation Planning Area.

Lot 900 has been further subdivided and no further action is proposed.

**Recommendation No. 51.**

1. That for Lot 3 SP144910 above the 80m be included in the conservation Planning Area.
2. That for Lot 3 SP144910 the land above the 100m contour be included in the Hillslopes Category 2 (Urban) designation.
3. That for Lot 3 SP144910 above the 80m contour and below the 100m contour be included in the Hillslopes Category 1 (Urban) designation.
4. That for Lot 3 SP144910, and the land formerly known as Lot 900 SP158383 there be no change to the Planning Area.
**52a Division 2**

**Walker Rd, Bentley Park**

**Real Property Description:** Lot 100 SP105721, Lot 43 RP704153, Lot 2 RP704191, Lot 47 RP704153.

**Planning Areas:**
- Draft Planning Scheme: Residential 1
- **Proposed:** Conservation above AHD 60m

**Hillslopes Category:**
- Draft Planning Scheme: Category 1 (Urban) / Category 2 (Urban)
- **Proposed:** Category 1 (Urban) / Category 2 (Urban) above AHD 60m

The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery).
Grounds of Submission

We request that Council:
1. Remove the subject land from the Conservation Planning Area and include it within the Residential 1 Planning Area, with the exception of the Reservoir lot and land included within the Residential 2 Planning Area.
2. Remove the subject land from the Hillslopes Category 2 (Urban) designation and include it within the Hillslopes Category 1 (Urban) designation.

Officer Comment

The site is currently included in the Rural zone and is included within Category B (constrained) and Category C (restricted) designations on the Hillslopes Development Control Plan.

Council has instigated the change of designation in CairnsPlan to include the site partly within Residential 1, partly within Residential 2 and partly within the Conservation Planning Areas. The hillslopes designation has not changed.

The submission does not provide any further detailed information / mapping to support the request. There is no apparent reason to make any further changes to the Planning Areas or Hillslopes designation at this time. The applicant should provide a detailed site assessment at the time of development. The detailed assessment will provide the information required to amend Planning Area or Hillslopes designation.
**Recommendation No. 52a, b.**

That there be no change to the Planning Area or Hillslopes Designation for land described as Lot 43 RP704153, Lot 2 RP704191, Lot 47 RP704153.

That there be no change to the Planning Area or Hillslopes Designation for land known as Hillview Estate, Walker Road, Bentley Park described as Lot 100 SP105721.
Division 2

Real Property Description: Lot 603 N157224, Lot 100 SP105721, Lot 42 RP704152, Lot 41 RP704152.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Low density Residential / Conservation

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Eastern slope of the Isley Hills between 50m and 80m AHD with average gradient about 1 in 5. The Draft designation conflicts with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment
The site is currently included in the Rural zone and is included within Category B (constrained) and Category C (restricted) designations on the Hillslopes Development Control Plan.
Council has instigated the change of designation in CairnsPlan to include the site partly within Residential 1, partly within Residential 2 and partly within the Conservation Planning Areas. The hillslopes designation has not changed.

The change generally reflects the current Strategic Plan indication for Residential Development to occur in the locality. The Council applied Planning Areas reflect the FNQ Regional Plan, and the strategy of accommodating the population within certain centres.

The further development of the land will be subject to Reconfiguring a Lot applications to Council at which time the applicant should provide a detailed site assessment providing the information to support which areas are developed.

**Recommendation No. 53.**

That there be no change to the Planning Area or Hillslopes Designation for land described as Lot 603 N157224, Lot 100 SP105721, Lot 42 RP704152, Lot 41 RP704152.
54a Division 2 South of Whereat Rd, Edmonton

Real Property Description: Lot 339 C157266, Lot 44 RP704152, Lot 31 N157602, Lot 45 RP704152, Lot 43 RP704152.

Planning Areas:
Draft Planning Scheme: Residential 1
Proposed: Conservation (Hillslope areas), Low Density Residential & Residential 1

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban)

Comment on Draft Plan:
Above 50m AHD - Conservation : Category 2 (Urban)
Below 50m AHD – combination of Low Density Residential and Residential 1: Category 1 (Urban)

The upper part of the Blackfellow Creek valley rises to 120m AHD, is conspicuous from the Edmonton residential area, and has average gradient of 1 in 6. The Draft designation conflicts with Desired Environmental Outcome 2.2.5 Scenery.
To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend the Vegetation Conservation / Watercourse Significance Overlay for the site according to C&B Group Plan 8137-3 attached.
2. Amend clauses A1.2 and A1.3 of the Reconfiguring a Lot Code – Infrastructure for Local Community Purposes to include the following:
   • “a maximum of 25% of the open space contribution may comprise of public reserves for vegetation conservation / riparian conservation purposes (and buffers)”.
3. Amend Clause A1.3 of the Biodiversity Code – Identification and Protection of Conservation Values & Riparian Corridors to include:
   • “Development bonuses (such as increased residential densities) may be granted by Council is areas containing ‘Key or Moderate’ vegetation or riparian corridors are transferred to public ownership for protection. Development bonuses are determined by Council after considering the extent and quality of land transferred to public ownership.”
4. Amend clause A1.3 of the Biodiversity Code – Identification and Protection of Conservation Values & Riparian Corridors to include:
   • “Areas transferred to public ownership for vegetation conservation / riparian conservation purposes (including buffers) may comprise a maximum of 25% of open space contributions (Cash or land contributions) required by the Reconfiguring a Lot Code.”

Officer Comment

The land is currently included in the Rural and Residential zones and is included within Category B (constrained) and Category C (restricted) designations on the Hillslopes Development Control Plan.

Council has instigated the change of designation in CairnsPlan to include the site partly within Residential 1, partly within Residential 2 and partly within the Conservation Planning Areas. The hillslopes designation has not changed.

The change generally reflects the current Strategic Plan indication for Residential Development to occur in the locality. The Council applied Planning Areas reflect the FNQ Regional Plan, and the strategy of accommodating the population within certain centres.

The further development of the land will be subject to Reconfiguring a Lot applications to Council at which time the applicant should provide a detailed site assessment providing the information to support which areas are developed.
Specifically in relation to Lot 43 RP704152 the proposed amendment to the Vegetation shown on the Vegetation Conservation / Watercourse Overlay is supported, as the mapping has taken into consideration regional ecosystem mapping and the location of native timber plantation. No change to the watercourse designation (Blackfellow Creek) is proposed.

The other requests in the C&B submission relating to the Reconfiguring a Lot Code and the Biodiversity Code have some merit. There is a general concern that land will need to be dedicated in light of the Vegetation Conservation / Watercourse Overlay as well as the normal contribution for open space. The suggestion that up to 25% of the Open Space contribution may comprise of vegetation conservation / riparian conservation is considered excessive given that the current amount accepted for land with community benefit is 3%.

However the issues raised in the C&B submission do require further consideration.

**Recommendation No. 54a, b.**

1. That there be no change to the Planning Area or Hillslopes Designation for land described as Lot 339 C157266, Lot 44 RP704152, Lot 31 N157602, Lot 45 RP704152.
2. Amend the vegetation element only, of the Vegetation Conservation / Watercourse Significance Overlay for the site according to C&B Group Plan 8137-3.
3. That a general review of the Biodiversity Code and Reconfiguring a Lot Code be undertaken and the contents of submission #744803 be considered in the review and that a separate report on the review be provided to Council for consideration, prior to the adoption of CairnsPlan.
55 Division 2 Isabella Road, Edmonton

Real Property Description: Lot 1 RP734771, Lot 20 SP133790, Lot 21 SP146541 (2 Lots)

Planning Areas
Draft Planning Scheme: Low Density Residential
Proposed: Conservation to areas of Hillslope

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 2 (Urban) to areas of Hillslope

Comment on Draft Plan:
Pristine hillslopes rising from level farming land. Average gradient varies from about 1 in 6 to 1 in 2 (to be confirmed). Conspicuous from surrounding future suburban areas.

The Draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment
The land is currently included in the Rural and Residential zones and is included within Category B (constrained) and Category C (restricted) designations on the Hillslopes Development Control Plan.
Council has instigated the change of designation in CairnsPlan to include the site partly within Residential 1, partly within Residential 2 and partly within the Conservation Planning Areas. The hillslopes designation has not changed.

The change generally reflects the current Strategic Plan indication for Residential Development to occur in the locality. The Council applied Planning Areas reflect the FNQ Regional Plan, and the strategy of accommodating the population within certain centres.

The further development of the land will be subject to Reconfiguring a Lot applications to Council at which time the applicants should provide a detailed site assessment providing the information to support which areas are developed.

**Recommendation No. 55.**

That there be no change to the Planning Area or Hillslopes Designation for land described as Lot 1 RP734771, Lot 20 SP133790, Lot 21 SP146541.
Real Property Description: Lot 2 RP724512.

Planning Areas:
Draft Planning Scheme: Rural 2
Proposed: Conservation to areas of Hillslope

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 1 (Urban)

Comment on Draft Plan:
Pristine hillslopes rising from level farming land. Average gradient about 1 in 5 (to be confirmed). Conspicuous from South Edmonton. Numerous similar hillslopes in Rural areas. Review required of all Rural Hillslopes to ensure zoning reflects Desired Environmental Outcome as stated in the Cairns Plan. The Draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment
The land is currently included in the Rural zone and is included within Category B (rural) designation on the Hillslopes Development Control Plan. The land is used as the Joalma Poultry Farm.
The land is included in the Rural 2 Planning Area in CairnsPlan, with no change to the Hillslopes (rural) designation.

There is merit in including the land in the Hillslopes Category B, in the Conservation Planning Area. The further development of the land will be subject to Reconfiguring a Lot applications to Council at which time the applicant should provide a detailed site assessment providing the information to support which areas are developed.

**Recommendation No. 56.**

That for Lot 2 RP724512, the area covered by the Hillslopes Category in CairnsPlan also be included in the Conservation Planning Area and that there be no change to the Planning Area for the balance of the allotment.
57 Division 2 Cooper Road, Mount Peter

Real Property Description: Lot 33 N157607, Lot 7 NR6462, Lot 1 RP704174.

Planning Areas:
Draft Planning Scheme: Rural 2
Proposed: Conservation to areas of Hillslope

Hillslopes Category:
Draft Planning Scheme: Category 1 (Urban)
Proposed: Category 1 (Urban)

Comment on Draft Plan:
Pristine hillslopes rising from level farming land. Average gradient about 1 in 4 (to be confirmed). Conspicuous from South Edmonton. Numerous similar hillslopes in Rural areas. Review required of all Rural Hillslopes to ensure zoning reflects Desired Environmental Outcome as stated in the Cairns Plan.

The Draft designations conflict with Desired Environmental Outcomes 2.2.5 (Scenery).

Officer Comment

The land is currently included in the Rural zone and is included within Category B (rural) designation on the Hillslopes Development Control Plan. The land is included in the Rural 2 Planning Area in CairnsPlan, with no change to the Hillslopes (rural) designation.
There is merit in including the land in the Hillslopes Category B, in the Conservation Planning Area. The further development of the land will be subject to Reconfiguring a Lot applications to Council at which time the applicant should provide a detailed site assessment providing the information to support which areas are developed.

**Recommendation No. 57.**

That for Lot 33 N157607, Lot 7 NR6462, Lot 1 RP704174 the area covered by the Hillslopes Category in CairnsPlan also be included in the Conservation Planning Area and that there be no change to the Planning Area for the balance of the allotments.
Grounds of Submission:
To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:
1. Acknowledge the subject site as 'Major Tourist Accommodation' on the Tourism Strategy Map.
2. Recognise the current Special Facilities Approval over the site by including the site within the Schedule of Special Facilities Approvals for the Rural Lands District. This amendment will also necessitate the inclusion of the site on the Special Facilities Map for the Rural Lands District.
3. Remove the site from the Rural 1 Planning Area and include it within the Tourism and Residential Planning Area.
4. Amend Table 1B - Conversion Table for the Rural Lands Planning District so that the self assessable development is not altered to code assessable development for lands affected by the Cairns International Airport Overlay.
5. The Draft CairnsPlan does not recognise the existing Special Facilities zoning on the land. We suggest that the land be placed in the following Planning Areas as shown on plan 7766-22.dwg.
58b. Division 11 Victor G Feros on behalf of Prestige Resort Developments - False Cape Proposed Lot 904 intended for Hotel Development - Lot 108 RP712063

Grounds of Submission:
Our client has ownership interests in part of the False Cape development. In particular, the proposed lot 904 which will be used for a hotel and associated purposes. Lot 904 is 6 hectares within the 120 hectare development.

The site is currently in the Special Facilities (Tourist Resort Development as per Plan of Development) Zone. The current Strategic Plan designates the site as ‘Rural Constrained’, however the notation ‘Major Future Tourist Accommodation’ is noted on the Tourism Strategy Diagram.

In direct contrast, the draft Planning Scheme seeks the following inclusions, with reference to the subject lands:
- Structure Map – Non Urban / Rural Designation.
- Rural Lands District Plan – Rural 1 Planning Area.
- Rural Lands District Plan: Vegetation Conservation / Watercourse Significance; World Heritage Area – Wet Tropics Vegetation Conservation Value – Moderate Watercourse Significance – Category 1 Hillslopes Overlay – Category 1 (Rural) Bushfire Risk Hazard – Medium Risk.

That is, the draft Planning Scheme would render the proposed development, including all development on proposed lot 904, inconsistent with and directly opposed to, the Scheme, notwithstanding its total consistency with the relevant provisions of the current Planning Scheme.

Such an outcome is submitted to be both undesirable and unacceptable, for reasons stated above.

There is, having regard to these submissions, not merely a reasonable expectation that the subject land can be developed consistent with the current Planning Scheme provisions but a confidence and certainty that such outcomes are fully capable of realisation.

The remedy sought is that the draft Planning Scheme, with reference to the structure Plan, designate Proposed lot 4 and its environs, for ‘Major Future Tourist Facility’ or words to that effect, with subordinate Rural Lands District Plan nomenclature, specific to the subject lands, describing the intended uses, including tavern and associated accommodation and commercial facilities as ‘consistent uses’, requiring code assessment.
Comment:
The site has a long history with Council, and has been zoned for a tourist development since the late 1980s.

Council has investigated back zoning the site, however the subsequent compensation issues, resulted in no change being made to the zone.

While the land is zoned for a tourist resort and accommodation the developers propose to subdivide the land. Application 8/13/615 to reconfigure one lot into 163 lots was submitted to Council on 5/6/2003. There has been ongoing discussions with the developer in relation to issues such as effluent disposal and the size, shape and utility of the proposed allotments.

The application is expected to be considered by Council at the May Ordinary meeting. It is desirable that these submissions be considered as part of the overall assessment of the application. The grounds of these submissions will also be considered as part of the report to the May meeting.

The site is included in the Hillslopes Category 1 (Rural) designation, given the Urban nature of the proposed residential subdivision and tourist resort it is recommended that the site be included in the Hillslopes Category 1 (Urban) and Hillslopes Category 2 (Urban) designations. The differentiation between the categories shall be determined according to the slopes analysis provided by the applicant, and in accordance with the review of the draft code.

Recommendation No. 58a, b.

#748650; #759646; #748176

That the submissions received in relation to False Cape, described as Lot 108 RP712063, be considered as part of the Planning Report to be prepared for the Ordinary Meeting of 27 May, 2004.

Further, Lot 108 RP712063 be included in the Hillslopes Category 1 (Urban) and Hillslopes Category 2 (Urban) designations. The differentiation between the categories shall be determined according to the slopes analysis provided by the applicant, and in accordance with the review of the draft code. A separate report shall be provided to Council on this matter prior to the adoption of the CairnsPlan.
Grounds of Submission:

1. Lot 13 NR5512

   a) Ensure that no use rights are lost for this site in relation to the current development potential offered by the Resort Business zone, when compared with the tourist and Residential Planning Area and Conservation Planning Area. In this regard, particular emphasis is given to the Assessment Table and Codes.

   b) The allocation of the proposed Tourist and Residential Planning Area should be linked with the actual contour levels. In particular the area of the site below 70m should be included within the Tourist and Residential Planning Area.

   c) For areas of the site included within the Conservation Planning Area, the designation should not be an impediment to:
      - the continued use of the land for the collection and storage of water for domestic purposes;
      - the establishment of other infrastructure to service future development of the site;
      - providing walking tracks and viewing points within the area as part of any future development of the site.
d) In relation to specific aspects of the significant waterways, ensure that there is no impediment to current arrangements to gain either access to the waterways or drawing water from the waterways for domestic water supply.
e) As part of the review of the allocations of the Tourist and Residential Planning Area, it is recommended that the alignment of the existing power line located to the south west of Lot 12 would provide a rational and logical boundary for the Tourist and Residential Planning Area in the vicinity of Lot 13.

2. Lot 22 SP147762

Ensure that no use rights are lost for the site in relation to the current development potential offered by the Resort Business zone when compared with the Tourist and Residential Planning Area and Conservation Planning Area. In this regard, particular emphasis is given to the Assessment Table and Codes.

Comment:
The land is currently included in the Resort Business zone in the Planning Scheme for the Douglas Shire.

The Douglas Shire Planning Scheme was gazetted in 1981. The owners of the land have had 23 years to take advantage of the zone. Further, the land has been within the Cairns City Council jurisdiction since 1995. The landowners must have had a reasonable expectation that the Planning provisions for the site would change sometime in the last 10 years, particularly when it is considered that the Douglas Shire has had a new Planning Scheme since 1996.

The use rights of the 1981 Douglas Shire Planning Scheme should not be transferred to this land. The Tourist and Residential Planning Area reflects the expectations of Council for the use of such land. It is also noted that the submitter has not provided specific detail in relation to what use rights will be lost, and this is seen as a reflection of the fact that the old zone and the new Planning Area are reasonably consistent.

The area of land to be included in the Conservation Planning Area is generally in accordance with the 50m contour. Given the visual prominence of the site, it is considered reasonable for the Tourist and Residential Planning Area to remain as is.
Recommendation No. 59.

For Lot 13 NR5512 & Lot 22 SP147762 located at Ellis Beach that there be no change to the Conservation or Tourist and Residential Planning Area mapping.

There be no change to the Planning Scheme provisions relating to the Conservation or Tourist and Residential Planning Areas.
INDIVIDUAL SUBMISSIONS

60 Division  Peter Robinson - Hillslopes Code - Overlay Maps - General Issues

#746345

Grounds of Submission:
The overlay maps for each Planning Area, have never been ground truthed. In preparing previous Planning Schemes, the Councils of the day have relied upon development applications being supported with sufficient information to allow the Council to determine a more accurate location of the Hillslope Category boundaries, once the application was received.

It is requested that council amend the CairnsPlan provisions to reflect the inherent inaccuracies in the Overlay Mapping and allow applicants to seek from Council and for council to amend the Hillslopes Designation for particular parcels of land upon submission of satisfactory supporting information from the landowner.

Comment:
The sentiments of the submission are agreed with and it is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification, radial distortion and the DCDB data.

Recommendation No. 60.

It is recommended that the following words be added to the end of Section 3.5.1 of the Hillslopes Overlay, after the description of the different hillslopes categories.

It is acknowledged that each Hillslope property is different and ideally should be assessed individually on its merits. It is expected that any development within the designations require further assessment and accordingly where there is a discrepancy or doubt regarding the Hillslope Category Designation, the onus is on applicants to provide appropriate supporting information to confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.
INDIVIDUAL SUBMISSIONS

61 All Divisions  Isobel McRae-Morris, 27 Queen Street, Parramatta Park, 4870 - Hillslopes General

#748186

Grounds of Submission

The Plan contains a number of inaccuracies or inconsistencies in categorising hillslopes around Cairns.

I suggest that:
- sites within inappropriate developments be given the true (safe) hillslopes classification.
- Poor developments be marked clearly on the plan as an 'inconsistent existing structures';
- Where there is doubt about a hillslope classification, the stricter zone should be automatically applied.

Officer Comment

A number of the submissions received in relation to hillslopes represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

It is agreed that the hillslopes code does require further revision and amendment.

Recommendation No. 61.

1. That consideration of this matter be deferred to enable a separate report to be submitted addressing all submissions received for the Whitfield / Inner City locality. The report will consider:
   - The individual submissions;
   - Past approvals including the type and intensity of the development;
   - Community expectations and the rights of private landowners;
   - The topography and visual sensitivity of the various sites;
   - The implications of any recommendations on the Hillslopes Code, and any amendments that should be made.

2. That the Hillslopes Code be reviewed and a copy of the revised code be provided to the submitter.
INDIVIDUAL SUBMISSIONS

62 All Divisions John Rainbird CAFNEC, P.O. Box 323N, Cairns North Qld 4870 -
Hillslopes General - Michael Martin,
3/18 Machans Beach Qld 4878

#746169, #748189

Grounds of Submission

Inadequate protection is afforded to hillslopes in the Plan, which contradicts several of the Desired Environmental Outcomes, and the results of community consultation during the planning process. The plan does not make clear the difference between Category 1 and 2 Hillslopes and there are no clear restrictions on the scale of development. In some cases hillslopes areas are classified Residential 2. There is significant community opposition to the degradation of the scenic values of the hillslopes as a consequence of vertically creeping development. Greater protection needs to be given, mostly though substantial limits on the allowable density of development and total restrictions on development of ridge lines. All hillslope residential developments should be at minimum code assessable.

Officer Comment

A number of the submissions received in relation to hillslopes represent a number of competing and sometimes conflicting points of view in relation to what point on the hillslopes that development should cease and at what intensity any such development should occur.

It is agreed that the hillslopes code does require further revision and amendment.

Recommendation No. 62.

That the Hillslopes Code be reviewed and a copy of the revised code be provided to the submitter.
Grounds of Submission

The Council registered building plans for some residences in Megan Close refers to the land as a Category 3 or worst type of hillslope land at the time of registration. This has in due course required expensive foundations and robust construction of buildings to conform to the council requirements. I consider this was a correct appraisal, particularly considering a landslide in the area destroyed a pool. I note that Hillslope category 1 no longer applies in the vicinity of my property and now only applies at the top of the slope near the end of Megan Close.

It is requested that Council review the hillslopes provisions around Megan Close, a known landslide area.

Officer Comment
The Hillslopes Category 2 (Urban) designation in the locality has not changed, however there has been the addition of some Hillslopes Category 1 (Urban) designated land in the locality.

The Hillslopes Category 2 (Urban) designation already applied to part of the Megan Close property. The content of the submission is acknowledged and as the mapping is intended to be used as trigger for further detailed site assessment at the time of development, there is some merit in including the more elevated and / or steep allotments within Megan Close, in the Hillslopes Category 1 (Urban) designation. Thus, for future development, a detailed assessment will determine the geotechnical characteristics of the sites.

**Recommendation No. 63.**

That for properties located within Megan Close, Freshwater, those allotments within the 50m contour or higher, be included in the Hillslopes Category 1 (Urban) designation. In particular house numbers 31, 32, 33, 34, 35 and 36 shall be included in the designation.
Grounds of Submission:

1. The inclusion of the entire site in the conservation Planning Area does not represent a logical allocation of this designation. In particular, the inclusion of the north eastern section of the site in the Conservation Planning Area has no logical planning basis given that:
   a) Both existing and proposed Planning Schemes exclude this land from hillslopes designations and the site has low vegetation conservation values.
   b) The land has previously been cleared and subject to previous earthworks.
   c) The provision of the existing stub road connections to the north and east clearly indicates intention of this land to be developed for residential purposes.

   It is appropriate to exclude then north eastern section of the site from the conservation Planning Area and include the land within the Residential 1 Planning Area to enable the land to be developed for residential purposes.

2. Other areas of the site (outside that described above) have similar characteristics to other land in the locality, currently developed for residential purposes. The Hillslopes Overlay should be reviewed and such areas excluded from the Hillslopes Designation.
3. Given the allocations and designations shown by both the Hillslopes overlay and Conservation Planning Area are not based on actual ground conditions, that further detailed investigations be undertaken to provide a logical and sustainable basis for the proposed allocations and designations.

Comment:

1. The entire site is currently included in the Rural zone. Any further development on the site would require a Material Change of Use (Impact) application. This would provide the local residents with the opportunity to comment, and Council with the opportunity to consider in details all elements of the site / proposal.

   Based on the current and draft Planning Schemes, the residents of the locality have a reasonable expectation that the land is zoned Rural or Conservation, which allow for one dwelling. It is not reasonable to rezone part of this land without public consultation.

2. The submission does not contain information that is detailed enough to justify amending the designations as requested.
3. The Conservation Planning Area reflects the fact that the Rural zone was effectively a holding zone, for the land and will not be amended as a result of this submission. The hillslopes mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal. This approach adopts the precautionary principle which is one measure of advancing the purpose of Integrated Planning Act.

**Recommendation No. 64.**

For Lot 4 RP740789, Primo Street, Freshwater:

1. No change to the Conservation Planning Area.

2. No change to the Hillslopes Designation.
Grounds of Submission:
The site should be excluded from the Conservation Planning Area and included in the Low Density Residential or Residential 1 Planning Area. The basis for this is:

- An historical lapsed approval exists on the site to allow for residential activity, and house pads and access paths have been constructed.
- The land has been mapped and includes Hillslopes Category 2 (Urban) land, however there is a significant portion of the property which is not included in the Hillslopes area. It is achievable to create suitable residential land within the unconstrained parts of the property.
- The site has been mapped with low and very low conservation vegetation on it and contains no remnant or endangered ecosystems.
- The site has low bushfire risk.
- The site is currently in the Rural zone and urban strategic plan designation, and the Urban Residential housing area.
- It is clear that the inclusion of this land in the Conservation Planning Area does not meet the purpose of the Conservation Planning Area code.
Comment:
The submission raises some reasonable and relevant points, and indicates that there may be some merit in amending the Planning Area for the site.

However, the entire site is currently included in the Rural zone. Any further development on the site would require a Material Change of Use (Impact) application. This would provide the local residents with the opportunity to comment, and Council with the opportunity to consider in details all elements of the site / proposal.

Based on the current and draft Planning Schemes, the residents of the locality have a reasonable expectation that the land is zoned Rural or Conservation, which allow for one dwelling. It is not reasonable to rezone part of this land without public consultation.

**Recommendation No. 65.**

For Lot 55 RP808415 located at 50 Cassowary St Freshwater, there be no change to the Conservation Planning Area.
INDIVIDUAL SUBMISSIONS

66 Division 10 Danny and Sarah Reardon - 7-11 Cochrane Street, Stratford

Lot 10 RP846962.

#747692

Grounds of Submission:
We would like Council to reconsider the inclusion of the rear of or property in Hillslopes Category 2 (Urban). I have been a resident of the area for 30 years and consider myself one of the people who contributed to establishing the character of the area.

I would like to be able to offer my three children, third generation Stratford people, the opportunity to build on the block, if they desire to do so in the future.

The issue can be overcome by repositioning the Hillslopes Category 2 boundary around the rear of our property, a very small change in the overall picture. This would put our property in the Category 1 area which I believe would allow my children to apply for a permit to build on the property if they so desired.

Comment:
The property is included in the Residential 1 Planning Area and is primarily within the Hillslopes Category 1 designation. The presence of a small area of Hillslopes Category 2 (Urban) will not impact on the ability of this site to be developed.

The site has an area of 5441m² and in order to be able to locate any additional dwellings on the subject land, an application for Reconfiguring a lot is required. This application would need to address the requirements of the Hillslopes Code, as well as the Vegetation and Waterways Overlay Code and other provisions of the Scheme.
Recommendation No. 66.

1. In relation to 7-11 Cochrane Street, Stratford, Lot 10 RP846962, no change be made to the Hillslopes Designations.

2. Mr Danny and Mrs Sarah Reardon be thanked for taking the time to review the CairnsPlan, and for making a submission in relation to their property and that they be advised of the following:

The property has an area of 5441m² and in order to be able to locate any additional dwellings on the subject land, an application for subdivision (Reconfiguring a Lot) is required. This application would need to address the requirements of the Hillslopes Code, as well as the Vegetation and Waterways Overlay Code and other provisions of the Scheme. The presence of a small area of Hillslopes Category 2 (Urban) is not the primary or only aspect of the site that will need to be considered at the time of application and accordingly the mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.
Grounds of Submission:
I am informed that about 20 years ago, a track was constructed from Cochrane Street to the ridge which when paved would have been suitable for use by conventional vehicles. This track has remained stable although it is now overgrown. Along the track there are sites with relatively flat slopes, stable building areas and screening vegetation.

1. CairnsPlan should be amended to exclude that part of the subject land presently included in the Conservation zone from that zone and include it in the Low Density Residential zone.
2. With the possible exception of the steepest parts of the internal gully the southern part of the Hillslopes Category 2 (Urban) designation be removed from the site and replaced by Hillslopes Category 1 (Urban).
3. Where the site is included in the Residential 1 designation, the site be excluded from the Hillslopes Category 1 (Urban) designation.
Comment:
The axe handle shaped part of the site is currently included the Residential 1 zone while the balance of the parcel is in the Rural zone. In CairnsPlan, the area that is currently zoned Rural becomes Conservation, while the Residential 1 remains.

Any further development on the site would currently require a Material Change of Use (Impact) application. This would provide the local residents with the opportunity to comment, and Council with the opportunity to consider in details all elements of the site / proposal.

Based on the current and draft Planning Schemes, the residents of the locality have a reasonable expectation that the land is zoned Rural or Conservation, which allow for one dwelling. It is not reasonable to rezone part of this land without public consultation.

Further, there is insufficient information provided with the submission to justify amending the Hillslopes Designation. The hillslopes mapping will not be amended as it is intended to trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal. This approach adopts the precautionary principle which is one measure of advancing the purpose of Integrated Planning Act.

Recommendation No. 67.

That in relation to Lot 2 RP719919 located at 15 Cochrane St Stratford, no change be made to the Planning Area or Hillslopes Designations.
INDIVIDUAL SUBMISSIONS

68 Division Janet Walder - 2 Fulton Close, Whitfield - Hillslopes General

#748234

Grounds of Submission:
I write to express my support for the submission by Save our Slopes about the protection of Cairns and District Hillslopes. As a ratepayer and resident of Whitfield for the past 17 years I am very concerned about the damage to our hillslopes through excessive development and I fully endorse the comments and recommendations put forward in the Save Our Slopes submission.

Comment:
Noted.

Recommendation No. 68.

That Janet Walder be thanked for taking the time to review the CairnsPlan and for making a submission and that she be advised that the content of her submission was noted, and taken into consideration when considering the hillslopes submissions.
INDIVIDUAL SUBMISSIONS

69 Division D. Blaslov - 23 Lily St Atherton - Hillslopes General

# 712173

Grounds of Submission:
One thing that grates on my eyes is homes with different coloured roofs, built on hillslopes. My personal opinion is that all roofs on hills above a certain height should be different shades of Green, so they do not stick out.

If you can incorporate such a scheme in your new draft plan, it would be a better looking Cairns.

Comment:
The provisions to control roof colours is contained in the draft Planning Scheme.

Recommendation No. 69.

That D. Blaslov be thanked for taking the time to review the CairnsPlan, and for making a submission and that they be advised that the provisions to control roof colours is contained in the draft Planning Scheme.
INDIVIDUAL SUBMISSIONS

70 Division K. Holmes - 64 Granadilla Dr, Cairns - Hillslopes General

# 718241

Grounds of Submission:
I would like the council to give serious consideration to the use of hillslopes overlooking Cairns for development of housing. I feel that utilising some of the hillslopes in high growth areas like the City, Gordonvale and Babinda, would help take the pressure off fertile cane and other agricultural land.

I am also in favour of allowing high density resorts up to 20 stories high in special areas on the slopes, situated in such a way that they would not disadvantage other residents who have houses nearby. The mountains would provide a perfect backdrop for this development.

Comment:
This submission is not supported, at officer level, in the current or draft Planning Schemes, or generally in the other submissions received.

Recommendation No. 70.

That K. Holmes be thanked for taking the time to review the CairnsPlan and for making a submission and that they be advised that the content of the submission was noted, and taken into consideration when considering the hillslopes submissions. However, these submission was not supported, as it is in conflict with the current and draft Planning Schemes, or generally in the other submissions received.
INDIVIDUAL SUBMISSIONS

71  All Divisions  Ivor Morgan - 8 Bloomfield Close, Mt Sheridan - City Character General

#749461

Grounds of Submission:
Stop building on the hillslopes and the foreshores.
Take car yards off the main entry roads to the city.
Stop building units amongst streets that contain Queenslanders.
Brighten the dingy street lighting.
Think tropical, regarding building design.
Allow for small licensed premises rather than big drinking houses.
Stop pandering to Real Estate Agents who bulldoze great swathes of land.

Comment:
Noted.

Recommendation No. 71.

Ivor Morgan be thanked for taking the time to review the CairnsPlan and for making a submission and that he be advised that the content of his submission was noted, and taken into consideration when considering the submissions received in relation to CairnsPlan, particularly in relation to hillslopes, tropical building design and residential character in streets containing Queenslanders.

Nikki Huddy
Manager – City Assessment

Peter Tabulo
General Manager – City Development
CAIRNSPLAN – REPORT ON SUBMISSIONS RECEIVED DURING THE CONSULTATION PERIOD - PART C - PLANNING AREA CHANGES REQUESTED BY CONSULTANTS AND INDIVIDUALS

Deborah Wellington: 8/26/5-05: 773601

RECOMMENDATION:

Individual recommendations are contained within each item below.

INTRODUCTION:

A number of submissions were received from planning consultants on behalf of clients or from individuals and relate to particular properties, primarily seeking a change to the planning area.

The accuracy and requirements of the vegetation and watercourse overlay, bushfire risk analysis overlay and the operational aspects of the airport overlay were also raised in many of these submissions. A general discussion of these issues is provided below.

Vegetation & Watercourse Overlay.

A number of submissions raise concern over the accuracy of the Vegetation Conservation/ Watercourse Significance Overlay and request that the mapping be removed or amended from affected blocks.

The identification of valuable features is a core matter in the preparation of the planning scheme. The vegetation mapping was compiled based on aerial photography interpretation at a scale of 1:25000. Fieldwork was undertaken where practical. This methodology was employed as detailed site survey and analysis was impractical due to the size of the local government area. Conservation values were assigned based the demonstration of a range of attributes.

It is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification, radial distortion and the DCDB data.

The mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal. This approach adopts the precautionary principle which is one measure of advancing the purpose of IPA.
Bushfire Risk Analysis Overlay

The Bushfire Hazard mapping has been prepared by the rural fire service of the Queensland Fire and Rescue Service. The use of this mapping is in accordance with the State Planning Policy 1/03 and is used as a default in the absence of a detailed bushfire hazard assessment. The provisions of the code are applicable to areas of medium and high bushfire hazard. It is proposed to delete the mapping of the low bushfire hazard areas.

The Natural Hazard (Bushfire) Management Code is based on the provisions set out in Appendix 5 of the State Planning Policy Guideline.

Mapping at the district level is course however it is necessary to ensure applicants can determine if they are affected by the overlay or not.

Flooding

A number of submissions raise concerns about the applicability and level of assessment of the Q100 flood inundation overlay.

The State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood Bushfire and Landslide has been reflected in the Draft CairnsPlan where the information is available. Council has undertaken a number of detailed studies with regard to flood inundation. The information relating to the flood inundation area for the Barron Delta has been incorporated into the CairnsPlan. A review of the approach taken in the CairnsPlan will be undertaken to ensure it complies with the requirements of the State Planning Policy without creating unreasonable or onerous requirements that would have an impact on the efficiency of developers or Council.

Operational Aspect of the Airport

A number of submissions raise concerns about the applicability of the overlays relating to the operational aspects of the cairns international airport, in particular the bird strike overlay.

The State Planning Policy 1/02 Development in the Vicinity of Airports has been reflected in the Draft CairnsPlan. The mapping relating to the operational aspects of the airport at the district plan level can be improved by including information for adjoining districts.

Furthermore, the conversion table needs to be reviewed to make it clear where the relevant overlays increase the level of assessment. With regard to the Bird Strike Hazard Overlay this should be amended to limit it to those land use with the potential to attract birds or bats as set out in the policy.
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<td>C &amp; B Group on behalf of Nick Trompf Paul and Paul Bantoft Raymond and Carol Bansemer Penny James Pty Ltd Joanne Owen Arlington Esplanade and Crispin Street - Lot 1-8 on SP158835, Lots 1-3 on SP161763, Lots 6 &amp; 7 on RP712506</td>
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<td>C &amp; B Group on behalf of DaySun Australia Novotel Palm Cove Resort Lot 4 RP747724</td>
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<td>C &amp; B Group on behalf of PC Cairns Properties Esplanade, Palm Cove Lot 3 on RP747724 &amp; Lot 1 on RP748655</td>
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<td>C &amp; B Group on behalf of Redlynch Valley Property Company - Intake Road, Redlynch Lot 998 on SP160320 &amp; Lot 999 on SP142686</td>
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<td>60</td>
<td>WD &amp; AD Armbrust, 63 Clarke Street, Manunda, QLD 4870; Margaret Eustance, 5 Foley Street, Manunda, QLD 4870; S &amp; J Greaves, PO Box 337W, Westcourt, QLD 4870; Mary Clare Marsh, 4 Egan Street, Manunda, QLD 4870; JE &amp; GM Ward, 2 Foley Street, Manunda, QLD 4870</td>
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<td>61</td>
<td>Division 10, Ingrid &amp; Danny Eustace, PO Box 27 Machans Beach, QLD 4878 - Lot 107 on SP162903</td>
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<td>62</td>
<td>Division 10, Patricia Hoffmann, 50 Christensen Street, Machans Beach, QLD 4870 - Lots 101 and 102 on SP162892 and Lots 104, 405 and 106 on SP162903</td>
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<td>63</td>
<td>Division 10, C&amp;B Group, Waite Street, Machans Beach – Lot 2 on RP739952 (Antons Land)</td>
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<td>Division 11, Enaide Freeman, PO Box 214, Clifton Beach, QLD 4879 - Lot 1 on RP734964, Lot 2 on Sp101232, Lot 2 on RP734964</td>
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<td>65</td>
<td>Division 6, Roman Catholic Trust Corporation for the Diocese of Cairns C/- Kevin Malone, 1 Duffy Street, Freshwater, QLD 4870 - Lot 4 on SP153389</td>
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<td>66</td>
<td>Division 3, Gavin Forest, 23 Mission Road, White Rock, QLD 4870 - Lots 2 and 3 on RP724049</td>
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<td>67</td>
<td>Division 11, Peter Strangman, 42 Kewarra Street, Kewarra Beach, QLD 4870 - Lot 5 on RP728025</td>
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<td>Division 10, Holloways Beach Residents Association, C/- Col Evans, PO Box 52 Machans Beach, QLD 4878 Lot 184 on NR6528</td>
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<td>Division 11, Axgold Pty Ltd, C/- Ken Chappell, Po Box 1912, Cairns, QLD 4870 - Lot 14 on RP735377</td>
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<td>Division 12, Redlynch Hall Committee C/-Karen Stanton, PO Box 154 Redlynch QLD 4870 - Lot 7 on RP709165 #731942 Yvonne Kay Pengilly, P.O. Box 63, Clifton Beach Qld 4879 - #747645</td>
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<td>Division 11, Gina Masutti, 603/3 Abbott Street, Cairns, QLD 4870 Lot 1 on RP 727768</td>
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<td>Properties bounded by Spence, Buchan, Hartley and Kidston Streets</td>
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CONSULTANT SUBMISSIONS

Submissions Prepared By: Peter Robinson
PO Box 4751, Cairns QLD 4870

Grounds of Submission

The Bushfire Risk Analysis Overlay mapping is inappropriate for its purpose. It is obviously based on grids, not on the actual properties on the land and as such it is inaccurate, misleading and should not be included in the CairnsPlan in its current form. Such information often becomes accepted as a status beyond its accuracy and significance.

Until such time as bushfire mapping is done completely and accurately, the provisions should be deleted from the CairnsPlan.

Any future bushfire mapping should exclude areas of rainforest and all suburban land on generally flat slope with the possible exclusion of Rural or Low Density Residential allotments.

The overlay shows approximately two-thirds to three quarters of the CBD-North Cairns District included in the low bushfire hazard designated.

The Natural Hazards (Bushfire) Management Code the acceptable measure A1.1 the words “or for all development” should be removed. It is an unnecessary imposition on applicants and a waste of Council resources to do a bushfire hazard assessment in relation to all development irrespective of its location and actual hazard level.

Comment

Comments regarding the Bushfire Risk Analysis Overlay and the Natural Hazard (Bushfire) Management Code are provided in the general discussion above.

Recommendation No. 1

1. That the Bushfire Risk Analysis Overlay mapping be amended to delete the low bushfire hazard areas.

2. That no change to the Natural Hazard (Bushfire) Management Code.
Grounds of Submission

The land is currently in the Residential 3 Planning Area. The change to the Residential 1 Planning Area will make the future development of the land difficult. The allotment is 4491m² and is around 195m long and 23m wide. Due to the unusual shape, the allotment is not readily developed in a Residential 1 style.

The most practically solution is to develop the site for townhouses, as originally approved by Council. A similar allotment a short distance to the south is zoned Residential 3 in CairnsPlan.

It is requested that in accordance with Council’s obligation under the rezoning deed that Council amend the zoning to include the subject land in the Residential 3 Planning Area.

It is also requested that the Cairns Beaches District Plan should be modified to include the previously approved Special Facilities zoning on the appropriate Overlay Map and the necessary reference in Section 3.7.2.
Comment

The land previously was included in the Special Facilities zone, and then in the current Planning Scheme included in the Residential 3 Planning Area.

The submission raises reasonable grounds. It is considered that the current zone of Residential 3 should remain, rather than regressing to an older Special Facilities zone.

Recommendation No. 2

That land located at Unity Street, Clifton Beach described as Lot 1 RP 722931, be included in the Residential 3 Planning Area, and excluded from the Residential 1 Planning Area.
Grounds of Submission

CairnsPlan shows the site being classified as Low Vegetation Significance in the Vegetation Conservation/ Watercourse Significance Overlay. There is almost no vegetation on the property other than a few stand alone melaleucas and some mangroves in the eastern section.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended to delete the site from any vegetation of value.

CairnsPlan shows the site almost totally included in the Low Risk (Bushfire) Hazard designation. The site is almost entirely surrounded by urban development on small residential allotments or mangroves wetland areas. By any reasonable assessment it has no bushfire hazard risk of any significance.

It is requested that the site be removed from the Low Risk (Bushfire) Hazard designation and not included in any designation.

Comment

Comments regarding the Bushfire Risk Analysis Overlay and Natural Hazard (Bushfire) Management Code are provided in the general discussion above.

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.
Recommendation No. 3

1. That no change be made to the Vegetation Conservation/ Watercourse Significance Overlay

2. That the Bushfire Risk Analysis Overlay mapping be amended to delete the low bushfire hazard areas.
Grounds of Submission

Land is currently in the Special Facilities zone in accordance with the Plan of Development. In the CairnsPlan, the majority of the site has been excluded from the Special Facilities zone leaving only a very small section adjacent to Trinity Beach Road. This is unacceptable.

While the development application has been lodged for an alternative project of a lower scale and intensity there is no guarantee that this project will proceed. If all approvals are not forthcoming, the applicant intends to rely on the existing zoning.

It is requested that the whole of the land currently in the Special Facilities zone be annotated according in the CairnsPlan.

The Vegetation Conservation/ Watercourse Significance Overlay mapping is inaccurate. The majority of the site has no vegetation value.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended to remove the site from any classification.

Comment

Application 8/30/26 permits Dwelling Houses, Dual Occupancy, Multi Dwellings, Holiday Apartments & Shops and the reconfiguring of 5 lots into 58 lots. This application was initially approved in June 2003. There were ongoing negotiations with the developer, and the submitters appeal period is due to expire in early May 2004.
A further Material Change of Use 8/8/571 has commenced public notification to enable the approved development (8/30/26) to be further developed for Multiple Dwellings (Max 4 Storeys).

It is intended that the provisions of the relevant Special Facilities approval apply where the development will proceed in accordance with those provisions and no change is required. As there is a new approval over the site, with different use rights, and an additional application to further expand these uses, it is unlikely that the Special Facilities use will apply. The site will be included in the Tourist & Residential Planning Area in CairnsPlan, which will provide use rights consistent with Council’s current planning expectations for the locality. There is no need to annotate the Special Facilities approval on this land.

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 4

1. That land known as Bluewater at 28 – 36 Trinity Beach Road, being part of Lot 200 SP106704, there be no change to the proposed Planning Area, and the Special Facilities Overlay not be applied.

2. That land known as Bluewater at 28 – 36 Trinity Beach Road, being part of Lot 200 SP106704, there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The site is the location of the Yorkeys Knob Bures / Eco lodge. It has been substantially developed with a tourist project.

While it contains some isolated melaleuca trees there are no stands of remnant vegetation on the site that have any significant value. The Vegetation Conservation/ Watercourse Significance Overlay mapping is inaccurate in that it shows a large portion of Kempton Street along the frontage to be in the moderate value when it is a fully constructed road reserve.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended by deleting the designation from the whole of the subject land.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 5

That for land at 23 Sims Esplanade, Yorkeys Knob, described as Lot 33 RP808844 there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The Vegetation Conservation/ Watercourse Significance Overlay shows almost half of the site being included in the Key (Vegetation) Conservation Value designation.

An inspection of the site shows that it is an ordinary suburban residential allotment occupied by a dwelling and the artificial landscaping within the grounds of the dwelling have no conservation value.

Problem relates to the inaccuracy of the vegetation mapping. There appears to be a datum shift of at least 50 metres in a north westerly direction. The vegetation of key value lies in the wetland along the drainage path adjoining the property.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended to totally clear the subject land of any designation.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 6

That for land at 34 Kewarra Street, Kewarra Beach described as Lot 7 RP728025, there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

CairnsPlan shows the subject site almost entirely included in the Moderate (Vegetation) Conservation Value classification. An examination of the site reveals that it has been substantially cleared and there are only a few isolated eucalypt trees remaining.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended to exclude the subject site from any vegetation classification.

It is further requested that until such time as the vegetation mapping is prepared with some reasonable degree of accuracy the overlay be deleted from the planning scheme.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

The subject site is actually included in the Low (Vegetation) Conservation Value classification.

Areas of Low (Vegetation) Conservation Value classification only need to comply with the self assessable provisions of the Biodiversity Code.

Recommendation No. 7

That for land at 23 Panguna Street, Trinity Beach described as Lot 23 RP728029 there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The land is owned by the Cairns City Council and is a disused reservoir site. On the vegetation overlay a large proportion of the site is included in the low value designation. An inspection of the site will show that it is cleared and mown.

It is requested that the cleared and mown parts of the subject land be excluded from any vegetation conservation designation.

Comment

The Vegetation Conservation/ Watercourse Significance Overlay mapping is used as a trigger for more detailed site investigations. Areas of Low (Vegetation) Conservation Value only need to comply with the self assessable provisions of the Biodiversity Code.

Recommendation No. 8

That for land at 11 Brinsmead Road, Freshwater described as Lot 1 RP709390, there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The Vegetation Conservation/ Watercourse Significance Overlay shows the majority of the site is included in the Moderate (Vegetation) Conservation Value classification. A vegetation report by Siteplan and provided to Council as part of development application demonstrates that none of the vegetation on the site has any significance as a vegetation community albeit that there area a few large isolated trees that are impressive in their size.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended by deleting the Moderate (Vegetation) Conservation Value designation on the whole of the subject site.

Comment

The development application 8/13/583 is to reconfigure the site into 17 allotments of around 757m² to 1236m². The vegetation report submitted with the application does indicate that the site vegetation values do not reflect the vegetation values of the Moderate (Vegetation) Conservation Value classification.
However, the report goes on to indicate that the site contains Melaleucas, Blood Wood Trees, Swamp Box Trees and Blue Paperbarks and hoop pines lining both sides of the driveway, however the overall description of the site is an overgrown garden.

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

**Recommendation No. 9**

That for land at Caribbean and Oleander Streets, Holloways Beach described as Lot 2 RP729505 there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The Bushfire Risk Analysis Overlay shows the subject land largely included in the Medium (Bushfire) Risk Hazard category. An examination of the site shows it is largely unvegetated and as such has little or no risk.

It is requested that the Bushfire Risk Analysis Overlay be amended to exclude that part of the land shown as Medium (Bushfire) Risk Hazard from any designation in the overlay.

Comment

Comments regarding the Bushfire Risk Analysis Overlay and the Natural Hazard (Bushfire) Management Code are provided in the general discussion above.

Recommendation No.10

That for the development known as Island View Estate, Foley Road, Palm Cove there be no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The Vegetation Conservation/ Watercourse Significance Overlay shows the eastern half of the site in the Very Low (Vegetation) Conservation Value designation. The whole of the site is a slashed grass paddock. There is no difference between the eastern half and the western half.

It is requested that the vegetation mapping be withdrawn until such time as the inaccuracies are resolved and the mapping made suitable for its intended purpose.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended in respect of the subject land and delete it from any designation.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Areas of Very Low (Vegetation) Conservation Value classification only need to comply with the self assessable provisions of the Biodiversity Code.

Recommendation No. 11

That for land in Ardisia Street Smithfield particularly described as Lot 11 RP720187 there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

On the Vegetation Conservation/ Watercourse Significance Overlay in the CairnsPlan the subject land is partly included in the Moderate (Vegetation) Conservation Value designation.

An examination of the site will show that it has been almost totally cleared and has no vegetation of any conservation significance.

It is requested that the Vegetation Conservation/ Watercourse Significance Overlay be amended to totally exclude the subject land from any vegetation conservation value.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 12

That for 22-26 and 40-62 Clifton Road, Clifton Beach described as Lot 1 RP736317 and Lot 6 RP728049, there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Grounds of Submission

The land is included in the Residential 3 Planning Area in the CairnsPlan and has been previously approved for medium density residential development. On the northern boundary of the subject land there is a small drainage swale discharging from a narrow park reserve in Council ownership. Along this drainage path is a belt of trees. Elsewhere on the land there are a number of large isolated trees including mango trees.

The Vegetation Conservation/ Watercourse Significance Overlay does not show the watercourse of any significance but maps a large proportion of the site as Moderate (Vegetation) Conservation Value.

Proper assessment of the site shows that there is no vegetation of any significance of moderate value.

It is requested that the vegetation conservation designation be entirely removed from the subject land.

Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 13

That for 17 Bruce Highway, Edmonton described as Lot 10 RP704143 there be no change to the Conservation/ Watercourse Significance Overlay.
Grounds of Submission

It is requested that Council include the subject land in the Residential 3 Planning Area. The subject land is one of seven large parcels, two of which have been already developed for multiple dwelling purposes.

Comment

Subject land is in an area suitable for higher residential development and it is intended to consolidate the Residential 3 in this location. The area is in close proximity to public transport and other services. Outcome is consistent with the requirements of the Regional Plan.

Recommendation No. 14

That Lot 181 RP746749 located on the corner of Anderson Road and Kowinka Street, White Rock be included in the Residential 3 Planning Area.
Grounds of Submission

Subject land is on of two large parcels of land between the Bruce Highway, Skull Road and a large concrete drain. Across the Bruce Highway from the subject land is the southern end of the Cairns Coconut Village Caravan Park. Subject land is irregular in shape and would be difficult and inefficient to subdivide into conventional residential lots. It is requested that Council include the subject land in the Residential 2 Planning Area.

Comment

Subject land is suitable for infill residential development. Site has good access from Skull Road which is in close proximity to a public transport route. Outcome is consistent with the requirements of the Regional Plan.

Recommendation No. 15

That 8 Skull Road, White Rock described as Lot 4 RP727282 be included in the Residential 2 Planning Area.
Grounds of Submission

Lots 1 and 2 on RP 722758 has been used for many years as a poultry farm – a fundamentally incompatible land use with the surrounding residential development. The land immediately to the east is zoned Residential 3 as is the land opposite the subject land across Mt Peter Road. The land immediately to the west is zoned Residential 2 and has been developed with a small lot group title subdivision.

While the land remains Residential 1 and Residential 2 there is little incentive for the owner to redevelop it for Residential purposes. Relocation of the poultry farm to a more rural location would be costly and unable to be recouped.

Increasing the residential population around the town centre of Edmonton will add to the viability of the existing infrastructure and provide increased trade for business.

Comment

Subject site is suitable for higher residential development as it adjoins existing Residential 3 development and will add to the viability of existing infrastructure and services. Outcome is consistent with the requirements of the Regional Plan.

Recommendation No. 16

That 32-44 Mt Peter Road, Edmonton described as Lots 1 & 2 RP722758 be included in the Residential 3 Planning Area.
Grounds of Submission

The subject site is currently developed as a poultry farm and is a long established viable and worthwhile business. The poultry farm is also a significant employer in the Edmonton area. Because of the size of the operation and its complexity, there is significant capital investment in the land and infrastructure. CairnsPlan includes the land in the Rural 2 Planning Area in anticipation of its future development for urban purposes.

A poultry farm is obviously an incompatible land use when surrounded by residential development. Future residential development may impose management and operational constraints on the poultry farm that will make it difficult to continue. Such constraints are difficult to resist if future purchasers are unaware or unsure of the location and status of the operation.

It is requested that the Special Facilities Overlay on the Rural Lands District Plan be amended to show the subject site as a poultry farm and the schedule in Section 3.18.2 be amended accordingly to include reference to the subject land and the poultry farm approved use.

Comment

Providing a notation on the Draft CairnsPlan will ensure future purchasers are aware of the operation of a poultry farm.
Recommendation No. 17

That Lot 2 on RP724512 located at Mt Peter Road, Edmonton have a notation placed on the property in CairnsPlan to show the land as a poultry farm.
Division 5

#745055

Grounds of Submission

Under the current planning scheme the whole of the land is included in the Residential Medium Density designation. The CairnsPlan proposes to excise the eastern part of the site and include it in the Sub-Regional Centre Planning Area.

The eastern part of the site has no connection to Mulgrave Road and lies at the rear of the existing commercial premises. It has a very short frontage to Ishmael Road and no commercial exposure. There is a proposal before Council to use the land for multiple dwellings.

It is requested that the whole of the site be included in the Residential 3 Planning Area.

Comment

The development application for multiple dwellings has been approved by Council, which is consistent with the outcomes for Residential 3 Planning Area.

Recommendation No. 18

That for land described as Lot 6 RP713440 and Lot 11 RP712433, Ishmael Road, Earlville the entire site be included in the Residential 3 Planning Area.
Grounds of Submission

The land is not included in the Special Facilities zone in the CairnsPlan but is included in the Low Density Residential Planning Area. The land was previously zoned Special Facilities (Restaurant and Dwelling) and is believed to be the subject of a development agreement between the owners and Council.

The land is suited for commercial purposes and is unconstrained physically.

It is requested that the provisions of CairnsPlan be amended to reinstate the Special Facilities zone both on the overlay mapping and in the relevant parts of the text in Section 3.7.2 of the Cairns Beaches District Plan.

Comment

Council made the decision to remove the Special Facilities approval from this site at the workshop held on the 22 September 2002. The Low Density Residential Planning Area is consistent with the surrounding land use. Under the provisions of the Integrated Planning Act the owner can lodge an application under the superseded planning scheme within 2 years from the commencement of CairnsPlan.

Recommendation No. 19

That Lot 14 RP735377 remain in the Low Density Residential Planning Area. No change to the Special Facilities Overlay or Schedule.
Grounds of Submission

The subject land is a cane farm lying between Brinsmead-Kamerunga Road and the Barron River. It incorporates the old township of Smithfield.

Council has previously taken the view that development can occur in the Barron River Delta subject to a number of basic requirements. Development of flood prone cane land at Redlynch, Caravonica, Smithfield and Trinity Park has been approved on this basis. The Marino land is no different in terms of its physical characteristics.

It is not suggested that the whole of the farm is suitable for urban purposes. The combination of the Residential 2 zone and the inclusion in the Flooding Overlay will ensure that any residential development takes place on part of the land will be flood free and the impacts of the development will be nil in relation to adjoining land.

It is requested that the Marino farm including land described as Lot 57 and 125 on plan C157314 and Lot 5 on RP706560 and Lot 1-3, 5, 14-16, 18-19,104, 106-113, 117, 201-220 on plan S1991 and Lot 301-320, 401-420 on plan S1992 Parish of Smithfield be included in the Residential 2 Planning Area.
If Council is unwilling to include the subject land in the Residential 2 Planning Area at this point it should be included in the Rural 2 Planning Area in the Smithfield District. The justification is that agricultural production in the Barron Delta flood plain has a limited life.

The CairnsPlan shows a public transport corridor through the Marino farm generally aligned with the existing cane tramline. If the Marino farm is not to be rezoned for Residential 2 then the public transport corridor should be deleted. If the Marino farm is to be rezoned to Residential 2 then Council should give more comprehensive and serious consideration to the most appropriate public transport network in the area and not just rely on the route of the tramline.

Comment

The request to change the Planning Area to Residential 2 or Rural 2 is not acceptable. There are issues with placing further development in the flood plain and it is also contrary to the State Planning Policy 1/92 Development and Conservation of Agricultural land.

Within the life of the CairnsPlan it is not envisaged that development will occur outside the urban boundaries identified in the strategic plan within the Planning Scheme for the Balance of the City.

The Cairns Integrated Public Transport Study’s (CIPTS) Strategy and Actions Plan requires the following:

- “Preserve the cane rail corridors to allow for potential priority bus based system” (High Priority).
- “Incorporate the CIPTS public transport network plans into the CairnsPlan strategic mapping and Local Area Plans”.

Recommendation No. 20

That land situated at Redford Road, Caravonica Lot 57 & 125 on C157314, Lot 5 RP706560, Lot 1-3, 5, 14-16, 18-19,104, 106-113, 117, 201-220 on S1991, Lot 301-320, 401-420 on S1992:

1. There be no change to the Rural 1 Planning Area designation.
2. There be no change to the future public transport corridor overlay.
Grounds of Submission

To avoid the adverse impacts upon development opportunities over the subject land the following amendment to the CairnsPlan is sought:

1. Amend the Vegetation Conservation/ Watercourse Significance Overlay to include the subject site within the Low (Vegetation) Conservation Value classification.
2. Amend the Vegetation Conservation/ Watercourse Significance Overlay by excluding the cleared house from the overlay.
3. Amend the Vegetation Conservation/ Watercourse Significance Overlay by nominating all watercourses over the subject land as Watercourse Significance Category 3-4.
Comment

Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 21.

That for Lot 115 on NR1093, there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
Half Moon Bay Joint Venture
Reed Road, Trinity Park
Lot 3 RP745338

Division 11

#749357

Grounds of Submission

To avoid an adverse impact upon the development opportunities and development standard for the likely land uses to be established on the subject site, the following amendments to the CairnsPlan are sought.

Amend Table 1B – Conversion Table for the Barron Smithfield District Plan so that the self assessable development is not altered to code assessable for the land affected by the Primary Light Control Plan/ Bird Strike Hazard Overlay.

Amend table 1B – Conversion Table for the Barron Smithfield District Plan so that the self assessable development is not altered to code assessable development for land affected by the Q100 Flood Inundation Overlay.

Comment

Comments regarding the Primary Light Control Plan/ Bird Strike Hazard Overlay are provided in the general discussion above.

Comments regarding the Q100 Flood Inundation Overlay are provided in the general discussion above.
Recommendation No. 22

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That the requirements be reviewed relating the development for lands affected by the Q100 Flood Inundation Overlay in accordance with the requirements of the State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood Bushfire and Landslide.
Grounds of Submission

To avoid an adverse impact upon development opportunities, development standards and intended use over the subject land the following amendments to CairnsPlan are sought.

Amend section 3.7.2 of CairnsPlan – Schedule of Special Facilities Approvals for Cairns Beaches District Plan to state:

“The development of the premises listed in the Schedule may proceed in accordance with the requirements of the approvals (including compliance with the conditions imposed under listed approval) or with the requirements of the relevant Planning Area in which the premises are located.”

Amend Table 1B – Conversion Table for the Cairns Beaches District Plan to include:

- A statement providing an exemption for land included within a Special Facilities Approval or
- Remove all overlays from land included within a Special Facilities Approval area.

Amend Table 1B – Conversion Table for the Cairns Beaches Planning District so that self assessable development is not altered to code assessable development for lands affected by the Obstacle Limitation Surfaces Overlay.

Review the Bushfire Risk Analysis to illustrate a more accurate representation of bushfire threats to Cairns Beaches District.
Comment

As it is currently worded, the explanation dealing with Special Facilities approvals is not clear in regards to the applicable development requirements.

It is intended that the provisions of the relevant Special Facilities approval apply where the development will proceed in accordance with those provisions and no change is required. The CairnsPlan overlay requirements will not be applicable in this case.

In the circumstance where a change to the approval or the conditions of the approval is required then the level of assessment would be code assessable and the requirements of the applicable Planning Area would need to be met along with any applicable overlay requirements.

The wording and assessment tables should be amended to make this distinction clear.

Comments regarding State Government Planning Policy 1/02 Development in the Vicinity of Airports and the Obstacle Limitation Surfaces Overlay are provided in the general discussion above.

Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 23

1. That wording for the Special Facilities be amended for all districts to read –

   “The development of the premises listed in the Schedule may proceed in accordance with the requirements of the approval (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located.”

2. That Table 1B – Conversion Table for all Districts be amended to provide exemption for land included within a Special Facilities Approval where it is developed in accordance with the approval.

3. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

4. That for Lot 111 on RP908159 no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend the building setback requirements for the 'Residential 2' Planning Area to be consistent with the building setback requirements of the current Planning Scheme for the subject site.
2. Amend Table 1B - so that the self assessable development is not altered to code assessable development for lands affected by the Primary Light Control Plans / Bird Strike Hazard Overlay.
3. Remove the 'Category 4' Watercourse notation from the subject site on the Vegetation Conservation / Watercourse Significance Overlay.

Comment

A number of submissions were received which relate to the Residential 2 Planning Area particularly with regard to the character and amenity issues of existing small lot housing estates. It is intended that a review of the Residential 2 Planning Area Code will be undertaken and the issue of building setback requirements will form part of that review.

Comments regarding State Government Planning Policy 1/02 Development in the Vicinity of Airports and the Primary Light Control Plans / Bird Strike Hazard Overlay. are provided in the general discussion above
Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 24

1. That a review of the building setback requirements be included as part of the overall review of the Residential 2 Planning Area Code.

2. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

3. That Lot 18 SP100469 located at Redlynch Intake Road, Redlynch there be no change to the Vegetation Conservation/ Watercourse Significance Overlay.
25 C & B Group on behalf of
Nick Trompf
Paul and Paul Bantoft
Raymond and Carol Bansemer
Penny James Pty Ltd
Joanne Owen
Arlington Esplanade and Crispin Street
Lot 1-8 on SP158835, Lots 1-3 on SP161763, Lots 6 & 7 on RP712506

Division 11

#748688, #746570, #746160, #746563, #746559

Claus Kraemer and Jna Flockhart
29 Lark Close, Clifton Beach

Division 11

#716151

Robin and Marie Fifield
53 Arlington Esplanade, Clifton Beach

Division 11

#735580

Paul and Pauline Bantoft
44 Yule Avenue, Clifton Beach

Division 11

#746538
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

Remove Lots 1-8 on SP158835, Lots 1-3 on SP161763 and Lots 6 & 7 on RP712506 from the Residential 3 planning area and include it within the Residential 1 planning area of the Cairns Beaches District.

The Draft CairnsPlan includes the site in the Residential 3 Planning Area. This will increase the density of the site from 70PPH to 400PPH. The area consists of predominantly single detached residential dwellings with a mix of tourist and permanent let units. Clifton Beach provides inadequate parking within the road reserve and there will be increased traffic movements from tour coaches.

The recent development “Reflections” created 8 x 600m² blocks. These blocks can be potentially be surrounded by three storey units.

Comment

The subject lands are currently zoned Residential 1. The change in the CairnsPlan to from Residential 1 to Residential 3 was an attempt to consolidate the Residential 3 along the esplanade from Clifton Road to St Crispin Street. Since the early drafting of the CairnsPlan the majority of the subject land has been developed with single detached dwellings consistent with the Residential 1 Planning Area. There is a concessus from the owners to change the Planning Area back to Residential 1.

Five of the subject allotments could potentially be reconfigured to enable compliance with the minimum allotment size of 800m² for Multi Unit Housing. The allotments are currently within the Residential 1 zone and the Residential 3 zone to the north represents an existing use. The 8 allotments that were created as part of the “Reflections” estate are not large enough to be developed into Multi Unit Housing under the Draft CairnsPlan. Should the allotments facing St Crispin Street be reconfigured to facilitate the construction of Multi Unit Housing, the residential dwellings will be located between two areas of higher density development.

Recommendation No. 25

1. That for Lot 1-8 on SP158835, Lots 1-3 on SP161763, Lots 6 & 7 on RP712506 change the Planning Area from Residential 3 to Residential 1.

2. That should the allotments be included in a Planning Area with a higher residential density, the Residential 2 Planning Area may provide a suitable alternative. This will ensure that the height of the site is in line with the adjoining residential dwellings and the other developments in St Crispin Street whilst enabling a higher residential density.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

Remove the 'Bike lane - proposed' from the subject site on the Bikeways/Open Space Links Overlay for the Cairns Beaches District Plan. - Connect a 'Bike lane - proposed' with the 'Shared Path - Existing' on the subject site for the Bikeways/Open Space Links Overlay on the Cairns Beaches Overlay.

Comment

Council is currently undertaking a Pedestrian and Cycle Movement Strategy. As part of that strategy the pedestrian and cycle paths have been reviewed. The mapping from the Pedestrian and Cycle Movement Strategy will replace the bikeway mapping in the Draft CairnsPlan. The proposed bike land shown over the subject site has been removed in the draft mapping for the strategy.

Recommendation No. 26.

That the bikeway mapping be replaced with the mapping from the Cairns Pedestrian Movement and Cycle Travel Strategy, 2004
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Remove the 'Bike Lane - Proposed' from the subject site on the Bikeways/Open Space Links Overlay for the Cairns Beaches District Plan.

2. Connect a 'Bike Lane - Proposed' with the 'Shared Path - Existing' on the subject site for the Bikeways / Open Space Links Overlay on the Cairns Beaches Overlay.

Comment

The information contained in the Bikeways / Open Space Links Overlay on the CairnsPlan was derived from the maps contained in the Cairns Bikeway Strategy (1996). Council has recently developed a draft ‘Cairns Pedestrian Movement and Cycle Travel Strategy’, 2004 which will update and replace the Cairns Bikeway Strategy. Once this strategy has been adopted by Council the maps in CairnsPlan will be updated accordingly.
Information contained in the Draft Cairns Pedestrian Movement and Cycle Travel Strategy identifies a strategic investigation corridor connecting Williams Esplanade to Colonel Cummings Drive from Cedar Road along Coral Coast Drive to Colonel Cummings Drive.

Recommendation No. 27.

That the bikeway mapping be replaced with the mapping from the Cairns Pedestrian Movement and Cycle Travel Strategy, 2004
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend the Special Facilities Overlay to include the entire site, consistent with the existing approvals over the subject land.

2. Amend the Schedule of Special Facilities Approvals to include the entire site, consistent with the existing approvals over the subject land.

3. Amend Section 3.14.2 of CairnsPlan - Schedule of Special Facilities Approvals for Redlynch Valley District Plan to state - The development premises listed in the schedule may proceed in accordance with the requirements of the approvals (including compliance with the conditions of imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located.

Comment

Council at its workshop on the 26 September 2003 dealt with treatment of Special Facilities sites within the Draft CairnsPlan. It was decided that Redlynch Valley Estate would be kept as a record. The inclusion of only part of the site within the Special Facilities Overlay is a mapping error and should be amended to include the entire site. The schedule should be amended to include the entire site.

The explanation of the applicable development requirements for Special Facilities will be amended in all Districts to clearly identify that development may proceed in accordance with the requirements of the approval or with the requirements of the relevant planning area.

Recommendation No. 28.

1. That the Special Facilities Overlay for the Redlynch Valley District be amended to include the entire site of Lot 998 on SP160320 & Lot 999 on SP142686.

2. That the Special Facilities Schedule for the Redlynch Valley District be amended to include the entire site of Lot 998 on SP160320 & Lot 999 on SP142686.
3. That the wording for the Special Facilities for all districts be amended to read –

“The development of the premises listed in the Schedule may proceed in accordance with the requirements of the approval (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located.”
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Remove the subject site from the 'Residential 3' Planning Area and include it within the 'Tourist and Residential' Planning Area.

2. Amend Table 1B - Conversion table for the Inner Suburbs Planning District so that the self assessable development is not altered to code assessable development for lands affected by the Cairns International Airport Overlay.

3. Review the Bushfire Risk Analysis Overlay to show a more accurate representation of bushfire threats in the Inner Suburbs District.

Comment

The Residential 3 Planning Area provides primarily for the development of medium density residential housing. The Lakes Resorts comprises of a range of uses that most appropriately relate to the Tourist and Residential Planning Area. Other similar developments to the Lakes Resort have been included in the Tourist and Residential Planning Area.
The State Planning Policy 1/02 Development in the Vicinity of Airports has been reflected in the Draft CairnsPlan. The mapping relating to the operational aspects of the airport at the district plan level can be improved by including information for adjoining districts. Furthermore, the conversion table needs to be reviewed to make it clear where the relevant overlays increase the level of assessment.

Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 29.

1. That the Lakes Resort (Lot 0 on SP109461 & Lot 15 on SP164250) be removed from the Residential 3 Planning Area and be included in the Tourist and Residential Planning Area.

2. That the mapping for the overlays relating to the operational aspects of the Airport be amended to include information for adjoining districts.

3. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

4. That for the Lakes Resort (Lot 0 on SP109461 & Lot 15 on SP164250) there be no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

Remove the subject site from the 'Rural 1' planning area and include it within the 'Industry' Planning Area of the Rural Lands District.

Comment

The uses rights associated with the continued operation of the Coconut Slipway are preserved under IPA. The Rural 1 Planning Area expresses the long term intent for the site and surrounding lands.

Recommendation No. 30.

That Lot 102 NR6840 remain in the Rural 1 Planning Area.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

The land currently included within the 'Commercial' zone pursuant to the provisions of the transitional planning scheme should be removed from the 'residential 2' planning area and include it within the 'local centre' planning area.

Comment

Part of the site is currently zoned Commercial. CairnsPlan proposes to include all the site within the Residential 2 Planning Area. It was a mapping error to exclude the area approved for Commercial. As such the Planning Area map for the White Rock – Edmonton District should be amended to include the part of the site currently within the Commercial zone and include it within the Local Centre Planning Area.

Recommendation No. 31.

That the Planning Area map for the White Rock to Edmonton District be amended to include that part of Lot 2 RP714413 currently zoned commercial in the Local Centre Planning Area.
Grounds of Submission

That to avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend the schedule of special facilities approvals to include the entire site consistent with the existing approvals over the subject land.

2. Amend section 3.14.2 of the CairnsPlan to state "The development of the premises listed in the schedule may proceed in accordance with the requirements of the approvals (including compliance with the conditions of imposed under the listed approval) or with the requirements of the relevant planning area in which the premises are located".

3. Amend Table 1B to include:
   
   * a statement providing an exemption for land included within a Special Facilities Approval or
   * removal all Overlays from land included within a Special Facilities Approval area.
4. Remove the subject land from the 'Rural 1' Planning Area and include it within the 'Commercial' Planning Area.

5. Amend Table 1B so that the self assessable development is not altered to code assessable development for lands affected by the Primary Light Control Plans / Bird Strike Hazard Overlay.

Comment

Lots 321 and 322 are currently included in the Special Facilities zone (Service Station and Shopping Centre Development generally in accordance with the Plan of Development number 10300-1). In the CairnsPlan Lots 321 and 322 are included in the Special Facilities Overlay and Schedule for the Smithfield Barron District. It is not proposed to change the Special Facilities Overlay as it reflects the current situation.

It is intended to amend the wording relating to Special Facilities such that the development must either satisfy the requirements of the approval or the relevant Planning Area.

Lot 33 is currently zoned Rural and is included in the Rural Planning Area in the CairnsPlan along with Lots 321 and 322. It is not considered appropriate to include all the sites within the Commercial Planning Area. The commercial uses can be established on Lots 321 and 322 in accordance with the Special Facilities approval.

Comments regarding the State Planning Policy 1/02 Development in the Vicinity of Airports and the Bird Strike Hazard Overlay are provided in the general discussion above.

Recommendation No. 32.

1. That the wording for the Special Facilities for all districts be amended to read –

   “The development of the premises listed in the Schedule may proceed in accordance with the requirements of the approval (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located.”

2. That Table 1B – Conversion Table for all Districts be amended to provide exemption for land included within a Special Facilities Approval where it is developed in accordance with the approval.

3. That Lot 321 on SP142702, Lot 322 on SP142706, Lot 33 on RP851526 no change to the Planning Area.

4. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Remove the subject site from the 'Industry' Planning Area and include it within the 'Commercial' Planning Area of the Portsmith Woree Industrial District.

2. Inspect the site to determine whether any buildings have Local Heritage significance.

3. Amend Table 1B - so that the self assessable development is not altered to code assessable development for lands affected by the Cairns International Airport Overlay.

4. Amend the bushfire risk analysis overlay to show a more accurate representation of bushfire threats in the Portsmith Woree Industrial District.
Comment

A number of blocks have been included in the Commercial Planning Area in the Draft CairnsPlan. These incorporate the blocks bounded by Bunda, Spence, Fearnley and Hartley Streets. It is considered that Hartley Street is a suitable boundary between the Commercial and Industrial Uses.

The Open Space buffer which exists over Lot 17 SP116186 can be extended to ensure there is limited conflict between commercial and industrial land uses.

The site was identified in the Heritage Study prepared by Allom Lovell Marquis-Kyle for Cairns City Council in 1994. The local heritage places from this study and the Study prepared for the Mulgrave Shire Council form the basis for the Local Heritage Register. The significance of the Cairns Plywood site is rare evidence of the timber industry in the Cairns region.

It is acknowledge that this evidence may not exist anymore and an independent assessment of the significance by a heritage expert will be undertaken.

Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 33.

1. That Lots 11-14 on C19829 to remain in the Industrial Planning Area.

2. That the review of the local heritage sites, to be undertaken by a suitably qualified consultant, particularly include the subject site (Lots 11-14 on C19829).
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend section 3.14.2 of CairnsPlan to state: The development of the premises listed in the schedule may proceed in accordance with the requirements of the approvals (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant planning area in which the premises are located.
2. Amend Table 1B to include: a statement providing an exemption for land included within a Special Facilities approval or remove all overlays from land included within a special facilities approval area.

Comment

As it is currently worded, the explanation dealing with Special Facilities approvals is not clear in regards to the applicable development requirements.

It is intended that the provisions of the relevant Special Facilities approval apply where the development will proceed in accordance with those provisions and no change is required. The CairnsPlan overlay requirements will not be applicable in this case.

In the circumstance where a change to the approval or the conditions of the approval is required then the level of assessment would be code assessable and the requirements of the applicable Planning Area would need to be met along with any applicable overlay requirements.
The wording and assessment tables should be amended to make this distinction clear.

Recommendation No. 34:

1. That the wording for the Special Facilities for all districts be amended to read –

   “The development of the premises listed in the Schedule may proceed in accordance with the requirements of the approval (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located.”

2. That Table 1B – Conversion Table for all Districts be amended to provide exemption for land included within a Special Facilities Approval where it is developed in accordance with the approval.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend table 1B so that the self assessable development is not altered to code assessable development for lands affected by the Primary Light Control Plans / Bird Strike Hazard Overlay.

2. Amend table 1B so that the self assessable development is not altered to code assessable development for lands affected by the Q100 Flood Inundation Overlay.

Comment

The State Planning Policy 1/02 Development in the Vicinity of Airports has been reflected in the Draft CairnsPlan. The mapping relating to the operational aspects of the airport at the district plan level can be improved by including information for adjoining districts.

Furthermore, the conversion table needs to be reviewed to make it clear where the relevant overlays increase the level of assessment. With regard to the Bird Strike Hazard Overlay this should be amended to limit it to those land use with the potential to attract birds or bats as set out in the policy.
Comments regarding the Q100 Flood Inundation Overlay and The State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood Bushfire and Landslide are provided in the general discussion above.

Recommendation No. 35.

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That the requirements relating the development for lands affected by the Q100 Flood Inundation Overlay be reviewed in accordance with the requirements of the State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood Bushfire and Landslide.
Grounds of Submission

To avoid adverse impacts upon future use of the subject land, our clients have requested that the following amendments to the CairnsPlan be made:

1. Amend section 3.8.2 to state 'the development of the premises listed in the Schedule may proceed in accordance with the requirements of the approvals (including compliance with the conditions imposed under the listed approval) or with the requirements of the relevant Planning Area in which the premises are located'.

2. Amend table 1B to include: a statement providing an exemption for land included within a Special Facilities Approval or remove all overlays from land included within a Special Facilities Approval Area.

3. Amend the Planning Area designations over the subject site to accord with the recent approval issued by Cairns City Council for a Cable Ski Water Park. In particular, extend the 'Open Space' Planning Area to the west and retract the 'Open Space' Planning Area land to the north and include it within the 'Residential 2' Planning Area.
4. Amend the Vegetation Conservation / Watercourse Significance Overlay to illustrate only the Avondale Creek as a Significant Watercourse. (Remove all other watercourses from the overlay).

5. Amend Table 1B so that the self assessable development is not altered to code assessable development for lands affected by the Primary Light Control Plans / Bird Strike Hazards Overlay.

6. Amend Table 1B - so that the self assessable development is not altered to code assessable development for lands affected by the Q100 Flood Inundation Overlay.

7. Amend A1.2 and A1.3 of the Reconfiguring a Lot Code to include the following: a maximum of 25% of the open space contribution may comprise of public reserves for vegetation/riparian conservation purposes (and buffers).

8. Amend A1.3 of the Biodiversity Code to include development bonuses (such as increased residential densities) may be granted by Council if areas containing 'key or moderate' vegetation or riparian corridors are transferred to public ownership for protection. Development bonuses are determined by council after considering the extent and quality of land transferred to public ownership.

9. Amend A1.3 of the Biodiversity Code to include areas transferred to public ownership for vegetation conservation / riparian conservation purposes (including buffers) may comprise a maximum of 25% of open space contributions (cash or land contributions) required by the Reconfiguring a lot code.

Comment

There are two (2) valid approvals over the subject site. The Planning and Environment Court granted a Consent Order on 9 April 2001 for a Preliminary Approval for a Material Change of Use for the purpose of a residential estate development; and Council resolved at its meeting held on 11 September 2003 to approve an application for Outdoor Entertainment (Cable Water Ski Park). The Planning Areas should accurately reflect the approved land uses.

Recommendation No. 36.

That the Planning Area designation be amended in order to reflect the approved Plan of Development for Outdoor Entertainment (Cable Water Ski Park) being Drawing Number SK 01a dated 22 October 2002 and prepared by C.M.G Consultants.
37. C/- C&B Group, PO Box 1949, Cairns, QLD, 4870
Lot 21 on SP147763 and Lot 1 on RP732379, Captain Cook Highway, Palm Cove

Division 11

#749159

Grounds of Submission

a. That mapping associated with Vegetation Conservation and Watercourse Significance Overlay be amended to match mapping completed by the Department of Natural Resources, Mines and Energy and remove Moderate and Key Vegetation mapped from the sites.

b. Bushfire Hazard Mapping is amended.

Comment

a. The submitter has submitted a Vegetation Plan for the properties in question that shows a lesser amount of Key and Moderate vegetation on the parcels in question. The Vegetation Map does not clearly link the data to the Department of Natural Resources, Mines and Energy and is denoted by a disclaimer stating:

‘C&B Consulting Group Pty Ltd accepts no responsibility for any changes to detail from 1990 to current date.’

The areas that do differ are mainly located in the Low Significance layer of the Overlay and do not alter the level of assessment for development affected by this overlay.
GIS revision on this site should only take place in the area shown by an arrow in the map included above. It is in this area where Key vegetation is shown to have been cleared in the Vegetation Map provided by the submitter. This amendment would see two pockets of Key Vegetation changed to Low Significance, so that the level of assessment for development in this area is not affected.

b. Bushfire Risk Analysis Overlay mapping is the latest mapping provided by the Rural Fire Service. This mapping is the latest mapping available for compliance with State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Recommendation No. 37.

1. That two minor changes are made to the Vegetation Conservation/ Watercourse Significance Overlay of the CairnsPlan to change the Key (Vegetation) Conservation Value area highlighted above into Low (Vegetation) Conservation Value classification so as not to affect the assessment level of development in this area.

2. That no changes will be made to Bushfire Risk Analysis Overlay.
Grounds of Submission

a. That Caravan Park site currently zoned Residential 3 in the Planning Scheme for the Balance of the City of Cairns, located at Upolu Esplanade, Palm Cove, be placed in the Residential 3 Planning Area in the CairnsPlan as opposed to the Residential 1 Planning Area. Reasons given include:

- Subject land in located adjacent to land included within the Tourist and Residential Planning Area;
- The subject land, if it were placed in the Residential 3 Planning Area would provide a buffering land use between land included within the Tourist and Residential Planning area;
- Including the site within the Residential 3 Planning Area promotes higher density residential development on a site which is well serviced by Public Transport, a tourism hub and recreational opportunities; and
- The subject land is considered infill development, with a higher density designation representing an efficient use of the City’s infrastructure and services.

b. Bushfire Risk Analysis Mapping is amended.
Comment

a. The site is currently zoned Residential 3, owned by Cairns City Council and is used as a Caravan Park. The change in Planning Area to Residential 1 has been designed from an Urban Design perspective of creating a number of residential opportunities in the Northern Beaches of Cairns and to complement the Residential 1 Planning Area for Gibson Close and the northern end of Upolu Esplanade.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 38.

1. That Lot 1 RP746457, Upolu Esplanade, Palm Cove should remain in the proposed Residential 1 Planning Area to complement the Residential 1 areas of Gibson Close and Upolu Esplanade.

2. That no changes will be made to CairnsPlan Bushfire Risk Analysis Overlay.
Grounds of Submission

1. a. The subject land is identified as a ‘Commercial Tourist Attraction’ in the Tourism Strategy Diagram of the Planning Scheme for the Balance of the City of Cairns. The Golf Course should be identified on Map 2 of the Desired Environmental Outcomes as a Major Tourist Attraction and Facility.

   b. Obstacle Limitation Surfaces Overlay levels of assessment should not be increased by this overlay.

   c. Bushfire Risk Hazard Overlay is amended.

Comment

a. As a City Based on a Tertiary Industry such as Tourism, Planning for the City should incorporate all forms of Tourism into the Planning Scheme. The Desired Environmental Outcome, Tourism Industry should accurately indicate Tourist Attractions throughout the City.

b. Changes to the Obstacle Limitation Surface overlay will be made at a Planning Scheme level, beyond this submission.
c. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 39

1. That there will be requirements for alteration to Map 2, Tourism Strategy from the GIS department, which will require purple star to be placed on the Paradise Palms Golf Course site.

   A review of Major Tourist Attractions and Facilities for the CairnsPlan should be undertaken at a later date. Scheduling of this review should be timed for 6 months following adoption of CairnsPlan. The review should seek out all Major Tourist Attractions and Facilities for the Desired Environmental Outcome, Tourism Industry.

2. Obstacle Limitation Surface Overlay Levels of Assessment Triggers should remain as they stand.

3. Bushfire Risk Analysis Overlay - Levels of Assessment Triggers should remain as they stand.
Grounds of Submission

a. The subject land is included within the Conservation Planning Area and this will have a significant impact upon development opportunities when compared to the Planning Scheme for the Balance of the City of Cairns. It is unreasonable to include the subject land within the Conservation Planning Area. The site should be included within the Residential 3 Planning Area, consistent with the current Planning Scheme.

2. That the Obstacle Limitation Surface Overlay Levels of Assessment Triggers should remain as they stand.

3. That the Bushfire Risk Analysis Overlay- Levels of Assessment Triggers should remain as they stand.

Comment

This submission will be determined with the Hillslopes Submissions (refer to item 1.7 Hillslope Number 6, 7 & 8 Paradise Palms)
Recommendation No. 40.

1. That the recommendation relating to the Conservation Planning Area was included in item 7 of clause 2 – Hillslopes. No further consideration is required.

2. That the Obstacle Limitation Surface Overlay Levels of Assessment Triggers should remain as they stand.

3. That the Bushfire Risk Analysis Overlay- Levels of Assessment Triggers should remain as they stand.
Grounds of Submission

a. The site of the Quarry Located at Lot 359 on SP150747 is included in the Conservation Planning Area in CairnsPlan. This is considered inappropriate for the following reasons:

- The site is currently utilised as a quarry and concrete batching plant;
- The site has been significantly altered from its natural state; and
- The site does not have significant values for biological diversity, ecological integrity and scenic amenity, which are sought for protection under the provisions of the Conservation planning Area Code.

It is considered that after remediation, the site will be suitable for low density residential development. The subject site should be included within the Residential 1 Planning Area.

b. Obstacle Limitation Surfaces Overlay levels of assessment should not be increased by this overlay.

c. Bushfire Risk Analysis Overlay is amended.
Comment

a. The subject land is currently located within the Rural zone in the Planning Scheme for the Balance of the City of Cairns.

b. Changes to the Obstacle Limitation Surface overlay will be made at a Planning Scheme level, beyond this submission.

c. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 41.

1. That land is placed in the Residential 1 Planning Area as requested by the submitter.

2. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

3. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

a. A future access street and collector road is identified through the subject land. Both of these road pass through areas identified as key conservation area. It is considered unnecessary to provide a collector street through the subject land when higher order access is provided along the Captain Cook Highway. A collector road through the subject side will erode the amenity for residents and holidaymakers of any future residential or tourist development.

b. The Bikeway Mapping shows a future Bikeway passing through the subject site through an area of Key conservation significance. A connection to Hope Street should be removed to ensure that these vegetation values are maintained.

c. Obstacle Limitation Surfaces Overlay levels of assessment should not be increased by this overlay.

d. Bushfire Risk Analysis Overlay is amended.
Comment

a. The argument that a collector road through the subject site will erode the amenity for residents and holidaymakers of any future residential or tourist development is flawed. A collector road connecting Clifton Beach and Kewarra Beach is essential for a Public Transport system that would be useful and convenient for travellers to use whilst staying in Cairns. From a Planning perspective, a collector road connecting these two suburbs would be considered to enhance amenity of residing in these areas as a tourist or a resident.

b. A Bikeway would have minimal impacts on the Key Conservation Area shown in the Vegetation Conservation and Waterway Significance Overlay of CairnsPlan. A connection linking Clifton Beach and Kewarra Beach will be essential for connectivity for the Bikeway Network.

c. Changes to the Obstacle Limitation Surface overlay will be made at a Planning Scheme level, beyond this submission.

d. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 42

1. That CairnsPlan to remain as it stands for future Road Hierarchy Overlay.

2. That CairnsPlan to remain as it stands for Bikeway Overlay.

3. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

4. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 43.

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Bushfire hazard mapping is the latest mapping provided by the Rural Fire Service. This mapping is the latest mapping available for compliance with State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Recommendation No. 44.

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects to the Primary Light Control Plans/Bird Strike Hazard Overlay and their affect on level of assessment.

Comment

Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

Recommendation No. 45

That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.
Grounds of Submission

The submitter objects to the Primary Light Control Plans/Bird Strike Hazard Overlay and their affect on level of assessment.

Comment

Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

Recommendation No. 46

That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 47.

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 48

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 49

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The submitter objects for the following reasons:

- Primary Light Control Plans/Bird Strike Hazard Overlay; and
- Bushfire Risk Analysis Overlay.

Comment

a. Changes to the Obstacle Limitation Surface/Bird Strike Hazard overlay will be made at a Planning Scheme level, beyond this submission.

b. Comments regarding the Bushfire Risk Analysis Overlay are provided in the general discussion above.

Recommendation No. 50

1. That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.

2. That there is no change to the Bushfire Risk Analysis Overlay.
Grounds of Submission

The grounds for the submission include:

- Green Island is a major tourist attraction in North Queensland. Therefore, CairnsPlan should acknowledge the site as a Major Tourist Attraction and Facility on the Tourism Strategy Map; and
- The Island District Assessment Table assigns a higher level of assessment for a number of land uses compared to the current Planning Scheme for Part of the City of Cairns. It is considered to be inappropriate to assign a higher level of assessment for this use given the site is developed as a major tourist attraction. CairnsPlan should protect the establishment (an associated expansion) of these land uses.

Comment

a. As a City Based on a Tertiary Industry such as Tourism, Planning for the City should incorporate all forms of Tourism into the Planning Scheme. The Desired Environmental Outcome, Tourism Industry should accurately indicate Tourist Attractions throughout the City.
b. The intent of the Tourist and Residential Planning Area in the CairnsPlan is to ensure applicable tourism development is captured for assessment. An increase in level of assessment for the Tourist and Residential Planning Area, in comparison with the Tourist Facilities zone in the Planning Scheme for Part of the City of Cairns is consistent with the desired intent for the Tourist and Residential Planning Area.

Recommendation No. 51.

1. That there will be requirements for alteration to Map 2, Tourism Strategy from the GIS department, which will require purple star to be placed on the Green Island section of the map.

2. That the Tourist and Residential Planning Area to remain over the site.
Grounds of Submission

The submitter objects to the Obstacle Limitation Surface Overlay and its affect on level of assessment.

Comment

Changes to the Obstacle Limitation Surface Overlay will be made at a Planning Scheme level, beyond this submission.

Recommendation No. 52.

That Table 1B – Conversion Table for all Districts be reviewed to make it clear where the overlays relating to the Operational Aspects of the Airport change the level of assessment in accordance with the requirements of the State Planning Policy 1/02 Development in the Vicinity of Airports.
INDIVIDUAL SUBMISSIONS

53 Victor G Feros on behalf of Arthur and Raymond Hussey
McGregor Road, Smithfield
Lot 1 RP710692

Division 12

Grounds of Submission

The land should be excluded from the Residential 2 Planning area and be included within an appropriate Industrial Planning Area with equivalent use rights to those currently available within the Trades and services Zone.

Comment

See also submission no 57 in this report from Arthur Hussey. The site backs onto Macalister Street which is a small lot housing estate. It is undesirable to have industry backing onto small lot housing. There have been ongoing issues between the residents and the industrial uses.

James Cook University has also expressed support for the proposed Residential 2 designation, as the University is keen to have accommodation in close proximity. The University has pointed out that the existing student accommodation on the eastern side of the highway is dislocated from the campus, and they have found that students are unwilling to walk to the campus.

Recommendation No. 53.

That Lot 1 RP710692 situated at McGregor Road, Smithfield remain in the Residential 2 Planning Area.
Grounds of Submission

1. The south western section of the site should be excluded from the Conservation Planning Area and included within the Low Density Residential Planning Area. This action will ensure that the entire site is within the Low Density Residential Planning Area.

2. The current use rights for the site, currently available within the Low Density Residential should be retained over the entire site.

3. Given the allocations and designations shown by both the Vegetation Conservation / Watercourse Significance Overlay and the Hillslopes overlay are not based on actual ground conditions, that further detailed investigations be undertaken to provide a logical and sustainable basis for the proposed allocations and designations.

Comment

1. The area included in the Conservation Planning Area is that part of the land identified as Hillslopes Category 2 (Urban). The land is steep, and visually prominent. It also contains several watercourses and vegetation of low and moderate value. It is undesirable to include this land in the Low Density Residential Planning Area, however it is acknowledged that in the event that an application is lodged over the site, that there may be potential for development in this locality, depending on the outcomes of a detailed site assessment.
2. The current use rights for the site, are protected for 2 years under the Integrated Planning Act, no further action is required by Council on this matter.

3. Comments regarding the Vegetation Conservation/ Watercourse Significance Overlay are provided in the general discussion above.

Recommendation No. 54a & 54b

That Lot 29 NR1486 at McGregor Road, Smithfield:

1. No change to the Conservation or Low Density Residential Planning Areas.

2. No further action in relation to use rights for Low Density Residential, as this is addressed in the Integrated Planning Act.

3. No change to the Vegetation Conservation/ Watercourse Significance Overlay as the mapping is a trigger for further detailed site assessment at the time of development. The onus is on the land owner to confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal.
Grounds of Submission

This area of land on Callum Street, Mooroobool has been subject to landslips. The site should be included in the Open Space of similar designation to both provide a suitable area of park in the area and to ensure that there are no ongoing issues with the site.

Comment

An application to reconfigure the site has been made to Council. This application is for a reconfiguration in accordance with the provisions of the Residential zone. There are a number of issues regarding the slope stability that are currently being investigated by the applicant.

Recommendation No. 55.

That the site remain in the Residential 1 Planning Area as slope stability issues will be specifically addressed through the assessment of the current reconfiguration application.
Division 2

#749404

Grounds of Submission

Lots 2 and 3 on RP731027 should be included in the Commercial Planning Area to enable the Grafton Hotel to be expended. They are currently in the Residential 1 zone and under the Draft CairnsPlan are included in the Residential 1 Planning Area.

Comment

The inclusion of the site in the Commercial Planning Area will enable Restaurant, Business Facilities and Display Facilities to be Self Assessable and Multi Unit Housing and Holiday Accommodation to be Code Assessable. Under the Residential 1 Planning Area only a House will be self-assessable.

Recommendation No. 56

That the Lots 2 and 3 RP731027 remain in the Residential 1 Planning Area to enable any impacts of future expansion of the Grafton Hotel to be assessed by Council.
Lot 1 RP710692 is currently included in the Trades and Services zone in the Planning Scheme. There is a demand for this use and it is our intention to develop the site in this way. The wider community acknowledges that this is the use that will occur on the site.

Comment

The site is within the Residential 2 Planning Area in the Draft CairnsPlan. This designation is consistent with the existing residential development to the south of the site.

See comments from submission number 53 in this report, from James Cook University.

Recommendation No. 57

That Lot 1 RP710692 site remain in the Residential 2 Planning Area as per the Draft CairnsPlan.
Grounds of Submission

28 Anderson Street, Trinity Beach is currently included in the Residential 3 zone. Under the Draft CairnsPlan this site will be in the Residential 1 Planning Area. The site is close to transport and other facilities for medium density residential development. The Draft scheme disadvantages owners as there may be a need to rebuild due to catastrophic events. If Council needs to have a consistent zone in the street, then the Residential 3 Planning Area makes more sense as there are existing units in the street.

Comment

The subject site is currently improved by 2 flats (duplex). The residential 3 designation has a considerably higher residential density than this existing use. There are three sites in Anderson Street that are in the Residential 3 zone in the current Planning Scheme. These sites represent a ‘spot zoning’ when looking at the surrounding area. The existing use of the duplex/units will be retained should a natural disaster or other catastrophic event occur. This will not disadvantage the owners with regard to redevelopment of the current uses.

Recommendation No. 58.

That the site be included in the Residential 1 Planning Area as per the Draft CairnsPlan.
Division 5

#744423

Grounds of Submission

The site is currently included in the Residential zone. I have obtained a Home Occupation approval over the site to operate my business (Massage Therapy). If the site is included in the Commercial Planning Area the rates will rise significantly although the use will not. The site should remain in the Residential zone.

Comment

The site is currently included in the Residential zone and is included in Mixed Use Area 9 in the Planning Scheme. Mixed Use Area 9 includes commercial uses that are permitted under the Draft Cairns Plan designation of Commercial. The site has been designated for such uses under the Planning Scheme for Part of the City of Cairns. The site is located on a Sub Arterial road in the road hierarchy. The properties adjoining the site along Nelson Street are included in the Residential 1 Planning Area. The inclusion of the site in a Residential Planning Area is not supported.

Recommendation No. 59

That the site remain in the Commercial Planning Area.
WD & AD Armbrust, 63 Clarke Street, Manunda, QLD 4870; Margaret Eustance, 5 Foley Street, Manunda, QLD 4870; S & J Greaves, PO Box 337W, Westcourt, QLD 4870; Mary Clare Marsh, 4 Egan Street, Manunda, QLD 4870; JE & GM Ward, 2 Foley Street, Manunda, QLD 4870

Glenys Jensen 16 Card Avenue, Manunda QLD 4870
#750710

John Seccull & Anna Middleton 71 Clarke Street, Manunda QLD 4870
#749312, #750708

Christine Bell 3 Card Street, Manunda QLD 4870
#749341

John and Joyce Ault 18 Card Street, Manunda QLD 4870
#748004

Estelle Dan 27 Cominos Avenue, Manunda QLD 4870
#747945

Katrina Rowe 29A Kiernan Street, Manunda QLD 4870
#749345

George and Catherine Powell 12 Cominos Place, Manunda QLD 4870
#747950

Dianne Fraser 31 Kieran Street, Manunda QLD 4870
#747879

Division 6
Grounds of Submissions

The area of Manunda between Clarke Street, Hoare Street and Wilkinson Street should be included in the Residential 1 Planning Area, not the Residential 2. There are increasing numbers of break and enters and by increasing the number of people in the area this will increase. The area contains a large proportion of homeowners. Units are not a characteristic of this area. Social Problems such as excess drinking and abusive behaviour may result.

Comment

The site and surrounding area is currently included in the 100PPH density of DCP 1 – Residential Densities. The Residential 2 Planning Area reflects this density. There is no change to the Residential Density of the sites or surrounding area. Whilst Multi-Unit Housing is Self Assessable in the Residential 2 designation, the height is the same as the Residential 1 Planning Area and the density is consistent with the current DCP density.

Recommendation No. 60

That the site and surrounding area remain in the Residential 2 Planning Area as it reflects the current residential density provisions under the Planning Scheme.
Grounds of Submission

The site is currently included in both the Rural and Residential zones. The Draft CairnsPlan includes the whole site in the Rural 1 Planning Area. Council has recently connected Machans Beach to Council sewer which further reinforces the area as residential. We have recently subdivided 5 blocks from the site.

Comment

The Strategic Plan has included the part of the site within the Urban designation. This is consistent with the current Planning Scheme designation whereby part of the site is included in the Residential 1 zone. The site has recently been reconfigured to provide residential allotments facing the road frontages. Each of these allotments has been void of vegetation and have frontages to existing roads. The Draft CairnsPlan designates a significant portion of the site as having Key (Vegetation) Conservation Value. When combined with the low-lying nature of the site, and the proximity of the site to the airport (25 ANEF) the site is not considered the most suitable location for further residential development.
The CairnsPlan does reduce the residential area on the subject site and it is recognised that there may be the option to develop some of the site, similar to the existing residential to Waite Street to the north.

Ideally the balance of the land should be included in the Conservation Planning Area rather than the Rural Planning Area.

Recommendation No. 61.

That for Lot 107 SP162903 the current Residential 1 zone be carried over to the CairnsPlan and that the balance of the site be included in the Conservation Planning Area.
Grounds of Submission

The sites should be included in the Residential 1 Planning Area not the Rural 1 Planning Area. The sites are not large enough to be used for rural land uses.

Comment

The sites have been created since CairnsPlan began. The sites are residential in nature.

Recommendation No. 62.

That Lots 101 and 102 on SP162892 and Lots 104, 405 and 106 on SP162903 be included in the Residential 1 Planning Area.
Grounds of Submission

The site should be included in the Residential 1 Planning Area not the Rural 1 Planning Area. The site is not large enough to be used for rural land uses.

Comment

The Strategic Plan has included the part of the site within the Urban designation. This is consistent with the current Planning Scheme designation whereby part of the site is included in the Residential 1 zone. The Draft CairnsPlan designates a significant portion of the site as having Key (Vegetation) Conservation Value. When combined with the low-lying nature of the site, and the proximity of the site to the airport (25 ANEF) the site is not considered the most suitable location for further residential development.

The CairnsPlan does reduce the residential area on the subject site and it is recognised that there may be the option to develop some of the site, similar to the existing residential to the north. Ideally the balance of the land should be included in the Conservation Planning Area rather than the Rural Planning Area.

Recommendation No. 63.

That for Lot 2 RP739952 the current Residential 1 zone be carried over to the CairnsPlan and that the balance of the site be included in the Conservation Planning Area.
Grounds of Submission

The current use of the site (Cairns Tropical Zoo) is permitted under a Special Facilities zone. The inclusion of the site in the Commercial Planning Area does not reflect the existing approvals. Future development may be negatively impacted on by the Commercial designation.

Comment

The existing Special Facilities approval is included in the Special Facilities overlay of the Draft CairnsPlan. The Commercial Planning Area will not restrict the existing uses due to the site being included as a Special Facilities Overlay.

Recommendation No. 64.

That the site remain in the Commercial Planning Area with the Special Facilities overlay as per the Draft CairnsPlan.
Grounds of Submission

The property was part of the Calvary Hospital until 2003 when it was sold to Ramsey Health. The site is currently used as a commercial office building. The inclusion of the site in the Community Facilities Planning Area is not appropriate given the current use. The site should be included in the Tourist and Residential Planning Area as per the surrounding sites.

Comment

Council records have the site under the ownership of the Roman Catholic Diocese of Cairns. Although the site is currently being used for commercial purposes, it’s proximity to existing community uses render the site suitable for additional community facilities. The inclusion of the site in the Community Facilities Planning Area will not impact on the current land uses.

Recommendation No. 65.

That the site remain in the Community Facilities Planning Area as per the Draft Cairns Plan.
Division 3

#742831 and #742834

Grounds of Submission

The sites have been used for grazing horses for nearly 30 years. The proposed changes in zones will affect us, and not the owners of properties opposite on Mission Road. Are the current uses able to continue if the site is rezoned and will the rates increase.

Comment

The site is included in the Residential 2 Planning Area in the Draft CairnsPlan. The sites are currently in the Low Density Residential zone. Both sewer and water is available to the subject allotments. The existing uses are able to continue. It is not known if rates are to increase.

Recommendation No. 66

That the subject allotments be included in the Residential 2 Planning Area as per the Draft CairnsPlan.
Grounds of Submission

The Biodiversity Overlay Code includes a portion of the site as having Moderate (Vegetation) Conservation values. This area of the site (ocean front) consists of a lawn area and ornamental garden. Could Council please clarify what is of significance.

Comment

The area included in the Moderate (Vegetation) Conservation Values designation of the Vegetation Conservation/ Watercourse Significance Overlay may not contain the values prescribed under that Code.

Recommendation No. 67

That the submitter be advised that the Vegetation and Waterways Conservation Overlay is based on mapping produced from aerial photography interpretation and limited field work. Conservation values were assigned based on the demonstration of a range of attributes. It is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification and radial distortion. However, the mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of any future development. At that time, the landowner / applicant will have the opportunity to demonstrate the applicability of such values.
Grounds of Submission

That the site designated as a ‘School Reserve’ be included in the Conservation Planning Area. It is acknowledged that Holloways Beach does not contain a population to warrant a school. However it would be a shame if this area of bushland were cleared for more houses. The site should remain as it is to enable it to become a community asset. The adjoining sporting facilities may one day require it for future expansion or it may provide an area of bushland accessible to all.

Comment

The site is included in the Open Space Planning Area. It is an asset owned by the Department of Education. The site is not included in a Residential Planning Area as suggested by the submitter. The Open Space Planning Area is a suitable designation for the site as per the submitters comments.

Recommendation No. 68.

That Lot 184 on NR6528 remain in the Open Space Planning Area as per the Draft CairnsPlan.
Grounds of Submission

The subject site currently is zoned as Special Facilities – Restaurant and Dwelling. The Draft CairnsPlan includes the site in the Low Density Residential Planning Area. The exclusion of this Special Facilities zone is either erroneous or the decision lacks and substance. The site is considered suitable for a restaurant and dwelling as Council approved the use in 1981 and included it in the review of the Planning Scheme in 1993 and 1996. There has been no change in circumstances since this decision. There are no foreseeable impacts on the amenity of the adjoining dwellings as they are located more than 70 metres from the proposed use. The use will be an addition to the tourist industry uses in Cairns.

Comment

The subject use was approved more than 20 years ago without a currency period. Current approvals have a currency period of four years. This ensures that changes in circumstances are able to be assessed if the applicant wishes to extend a currency period. As the use was approved more than 20 years ago and it is yet to commence it is believed that there may be a change in circumstances that should be investigated. Should the applicant wish to operate the use from the site they have a period of two years in which that are to establish the use.

Recommendation No. 69.

That the inclusion of Lot 14 on RP735377 in the Low Density Planning Area remain as per the Draft CairnsPlan.
Grounds of Submission

The Redlynch Hall should be included in the Community Facilities Planning Area not the Residential 3 Planning Area. More than 400 people use the hall each week for a variety of activities. The hall plays a very important role for the Redlynch community.

Comment

The site is currently used for a variety of community activities such as kindergarten, martial arts, yoga and community meetings. The hall provides an essential service to the Redlynch Community.

Recommendation No. 70.

That Council review the inclusion of the site in the Residential 3 Planning Area and possibly include it in the Community Facilities Planning Area.
Grounds of Submission

The site is currently in the Residential 2 zone. Council has permitted unit developments on the opposite side of the road that are higher than the permitted height. It does not make sense to have one side of the road with units and the other with single houses. There is no merit in changing one side of the street to Residential 1 when the other side contains high density units. Council should include the street in the Residential 2 Planning Area.

Comment

The subject site and respective side of Moore Street is currently zoned Residential 2. The current density permitted in the Residential 2 zone for Multiple Dwellings is 120 persons per hectare. Under the Residential 2 zone Multiple Dwellings are Impact Assessable. The construction of a Dual Occupancy is Permitted Development. The density permitted in the Residential 1 Planning Area is 100 persons per hectare. Within the Residential 1 Planning Area, any form of Multi Unit Housing is Impact Assessable (Inconsistent Use).

The western side of the street is predominantly detached dwellings and the intent is that the street will serve as a boundary between Tourist / High Density Residential, and the residential community.

Recommendation No. 71.

That there be no change to CairnsPlan in Moore St, Trinity Beach.
Grounds of Submission

The site should be included in the Residential 2 Planning Area as per the Draft CairnsPlan.

Comment

The draft CairnsPlan includes the site in the Residential 2 Planning Area. The subject site complies with the minimum allotment size of 800m².

Recommendation No. 72.

That the site be included in the Residential 2 Planning Area as per the Draft CairnsPlan.
Grounds of Submission

The submitter states that the site is a disused reservoir site that has been maintained by themselves. They request that the site be given a more appropriate designation other than Community Facilities. The submission includes reference to a number of species that frequent the site.

Comment

The site is included in the Community Facilities Planning Area in the Draft CairnsPlan. The site is currently zoned Special Purposes and given that it is a CairnsWater asset it is best left in the current Planning Area.

Recommendation No. 73.

That there be no change to the Planning Area of Lot 1 RP721960.
Grounds of Submission

The subject property can be developed into a luxury dual occupancy development. The Draft CairnsPlan includes Dual Occupancy development in the Multi Unit Housing Code. This use is classified as Impact Assessable (Inconsistent Use) in the Residential 1 Planning Area. A dual occupancy on the corner allotment would pose no adverse impacts to the adjoining properties or visitors to Palm Cove.

Comment

Under the current Planning Scheme provisions a Dual Occupancy development can be developed on allotments with areas greater than 800m² with Council approval. Whilst this use is not ‘permitted development’, the Draft CairnsPlan does not consider such a use as compatible with the Residential 1 Planning Area.

If the landowner wishes to apply for a Dual Occupancy, the matter will require a Material Change of Use (impact) assessable application. The landowner can also apply under the Current Planning Scheme for the use, in the first 2 years of CairnsPlan.

Recommendation No. 74.

In relation to Lot 17 RP718589, there be no change to the Planning Area or Planning Scheme Provisions, and that the submitter be advised that if a landowner wishes to apply for a Dual Occupancy, the matter will require a Material Change of Use (impact) assessable application. Alternatively, a landowner can also apply under the Current Planning Scheme for the use, in the first 2 years of CairnsPlan.
Grounds of Submission

The two subject allotments should be included in the Residential 2 Planning Area as they are currently in the Residential 2 zone. Rates have been paid for the sites for over twenty years and to change the zone from Residential 2 to Residential 1 will cost me money.

Comment

The current Residential 2 zoning of the subject sites represents a ‘spot zoning’. The inclusion of the subject sites in the Residential 1 Planning Area maintains consistency with land uses in the surrounding area.

Recommendation No. 75.

That the subject allotments remain in the Residential 1 Planning Area as per the Draft CairnsPlan.
Grounds of Submission

The current use of the site would be included in the definition of Place of Assembly. Such a use is not classified as Prohibited Development, therefore if cannot be deemed to be an existing non-confirming use.

Comment

The existing use rights will not be reduced by the CairnsPlan.

Recommendation No. 76.

That the subject site remain in the Residential 3 Planning Area as per the Draft CairnsPlan as the existing use rights will not be affected.
Grounds of Submission

The site should be included in the Commercial Planning Area. Lots 7 and 8 are included in a Special Facilities zone that permits Indoor Sports and Games, Child Care Centre and shops with a maximum gross floor area of 800m². The site is suitable for commercial development for the following reasons:

- The land is affected by the Australian Noise Exposure Forecast (35 ANEF). This renders the sites unsuitable for residential development.
- The inclusion of Lot 1 and Lot 2 in the Residential 1 Planning Area is misleading given the ANEF for the site.
- The inclusion of Lots 7 and 8 in the Rural Planning Area with the Special Facilities Overlay do not give any guidance to the future development options available.
- Lot 2 has a common boundary with the Special Facilities approval and is bounded to the north by a drainage easement. Land to the west of lot 2 is included in both the Residential 1 and Open Space Planning Areas. Lot 1 is buffered from residential areas by a Council Drainage Reserve.
- Lots 7 and 8 are located on the corner of Oleander Street and Holloways Beach Access Road. These allotments share no boundaries with land developed for residential purposes.
Due to the common ownership of Lots 1n 2 and 8 and the agreement of the owner of Lot 7, there is an opportunity to provide a clear forward planning intent for the site by including Lots 1, 2, 7 and 8 in the Commercial Planning Area. Such a designation will overcome the current and historical planning problems that are associated with the site being under the flight path.

The Commercial Planning Area code should be amended to include an additional outcome in the Purpose Statement. This should include something such as:

“Vacant land in the Commercial Planning Area, which is situated in a highly visible location with, or immediately adjacent to, extensive street frontage is developed to achieve a high level of amenity when viewed from the street.”

Comment

The site is significantly constrained due to the proximity to the airport and the high noise from the flight path. The inclusion of Lots 1 and 2 in the Residential 1 Planning Area (they are both currently zoned Residential 1) is not suitable due to the noise exposure from the flight path. A designation such as the Commercial Planning Area requested is more suitable. The existing residential areas that adjoin the subject site are buffered to the north by a drainage reserve and the allotments to the west collectively adjoin approximately 85 metres of the site.

The existing Special Facilities Approval over Lots 7 and 8 permits Indoor Sports and Games, Child Care Centre and shops with a maximum gross floor area of 800m². Each of these uses is either Code Assessable or Impact Assessable within the Commercial Planning Area.

To include Lots 1, 2, 7 and 8 in the Commercial Planning Area would result in the following uses becoming Self Assessable:

- Display Facilities;
- Business Facilities;
- Restaurant;

Additional uses that would become Code Assessable uses include:

- Multi Unit Housing (noise exposure would not enable though);
- Holiday Accommodation (noise exposure would not enable though);
- Detached Bottle Shop;
- Service Station;
- Child Care Centre;
- Veterinary Facilities;
- Industry Class A;
- Motor Vehicle Repair Workshop; and
- Place of Assembly.

Possible impacts of including Lots 1, 2, 7 and 8 in the Commercial Planning Area include that the maximum height permitted in the Commercial Planning Area is 10 metres and the Residential 1 Planning Area has a maximum height of 7 metres.
The inclusion of the site in the commercial Planning Area would reflect the existing Special Facilities Approval over the Lots 7 and 8 and would alleviate the problems faced by the inclusion of Lots 1 and 2 in the Residential 1 Planning Area due to the Australian Noise Exposure Forecast Overlay.

Access issues that may be encountered have been alleviated due to the presence of two Access Restriction Strips (ARS). These can be seen in the figure below.

The inclusion of an addition an Purpose Statement is considered to be acceptable as it may result in more aesthetically pleasing development that addresses the streetscape.

Recommendation No. 77.

1. That Council include, Lot 8 SP114491 and Lot 7 SP114491 in the Commercial Planning Area.

2. That Council advise the applicant that it may consider a Material Change of Use application being lodged on Lot 2 RP713136 and Lot 1 RP736335 for inclusion in the Commercial Planning Area subject to the application addressing relevant issues including:
   - the need for additional Commercial land at Holloways Beach;
   - the buffering of the residential land to the west and north;
   - the allocation of land for drainage and park purposes;
   - addressing the requirements of the ANEF, Flooding and other constraints.

3. Lot 2 RP713136 and Lot 1 RP736335 Holloways Beach be included in the Rural Planning Area.
Grounds of Submission

The submitter supports the notation of the ongoing operation of the Queerah Explosives Reserve in the CairnsPlan.

Comment

No comment is required.

Recommendation No. 78.

That the submission be noted and that no change be made to the Draft CairnsPlan.
Clayon Mitchell, 2 Magnolia Street, Holloways Beach, QLD 4878

Structure of CairnsPlan

Grounds of Submission

The Draft CairnsPlan did not incorporate digital bookmarks that enabled its content to be easily accessed. The electronic version was merely the paper copy included as Adobe files. There are many features that are simple to implement that have not been included in the digital version.

The submitter also questions the use of imagery throughout the document. The large coloured bars across that appear across the top of the pages consume a large amount of ink. A text version that does not include this would be more user friendly for people who want the information.

Comment

The submitter’s comments have been noted and will be considered during the production of the final version of CairnsPlan.

Recommendation No. 79.

That the submitter’s comments be considered during the development of the final CairnsPlan.
Grounds of Submission

The submitters are concerned that two houses on the western side of Winkworth Street may be redeveloped for units. The submitters state that there is an existing stormwater drainage problem in the street and that any additional units will increase the flows to this system. They request that there be no more units or only units on the eastern side of the street.

Comment

The exact location of the houses is not specified. It is noted that the submitters live in units in Winkworth St.

The majority of the street is currently zoned Medium Density Residential. These properties have been included in the Residential 3 Planning Area in CairnsPlan. Such a designation is consistent with the intent of the Medium Density Residential zone. The units that have established in the street have not required planning approval from Council.

Recommendation No. 80.

That the sites remain in the Residential 3 Planning Area as per the Draft CairnsPlan.
Grounds of Submissions

The site is developed as a park and contains play equipment and a water tap and is maintained by Council. This site should be included in the Open Space Planning Area not the Residential 1 Planning Area as per the Draft CairnsPlan.

Comment

The site was dedicated as open space during the reconfiguration of the surrounding area. The site has been developed as a park and should be included in the Open Space Planning Area.

Recommendation No. 81.

That Lot 60 on RP862227 be included in the Open Space Planning Area.
Grounds of Submission

The site is a park (Mrs Morro's Park) that is maintained by Council. The Draft CairnsPlan includes the site in the Residential 3 Planning Area. The site should be in the Open Space Planning Area.

Comment

The site should be included in the Open Space Planning Area as it is a park.

Recommendation No. 82.

That Lot 3 on C198408 be included in the Open Space Planning Area.
Cominos Place Park

Division 6

#746148

Grounds of Submission

The submitter states that there is a park in the middle of Cominos Place that is not recognised in the Draft CairnsPlan. They request that the park be recognised and marked accordingly.

The submitter also states that the proposed density levels are too high and that they should be left as they currently are.

Comment

The park is contained within the Road Reserve and not within an allotment. Although the park is not indicated on the Planning Area maps, it is acknowledged on Council’s GIS as a park. It is not possible to allocate a Planning Area to a portion of the Road Reserve. This can be seen in the figure above.

The proposed density levels for Cominos Place are 100 persons per hectare. The current Planning Scheme Development Control Plan permits 100 persons per hectare. There is no change to the residential densities.

Recommendation No. 83.

That there be no change to the Draft CairnsPlan.
Grounds of Submission

The submitter states that the site should remain as Council Park and not be sold or used for any other purpose. The submitters states that that have been told by a divisional Councillor that the site may be used for parking spaces. The site features a number of large paperbark trees that should be retained.

Comment

The site is included in the Open Space Planning Area in the Draft CairnsPlan. The future use of the site cannot be guaranteed by the designation of a site in the CairnsPlan. The future intent for the site is indicated as being Open Space.

Recommendation No. 84.

That there be no change to the Draft CairnsPlan.
Grounds of Submission

This submission is seeking amendments specifically to lot 900 SP152636 at Red Peak, but the grounds of the submission are generally applicable across the Cairns Area.

1. CairnsPlan imposes unnecessary restrictions on existing development rights and can be used to unreasonably expropriate private property.
2. CairnsPlan is a nightmare of overregulation:
   a. Clearing;
   b. Building work.
3. Reduced value of land.
4. CairnsPlan is unworkable.

The following amendments to CairnsPlan are proposed.

1. Operational Work for clearing should be exempt development in the Residential 1 and Residential 2 Planning Areas, impact assessable in the Conservation Planning Area and self-assessable in all other Planning Areas.
2. The Conservation Overlay should be amended to exclude all Residential 1 and Residential 2 Planning Areas, from any level of conservation significance.
3. The Biodiversity Code should be amended to provide for:
   a. No more than 15m riparian buffer for Category 1 watercourses in the Residential 1 and Residential 2 Planning Area, reducing to 10m for Category 2 watercourses and 5m for Category 3 & 4 watercourses.
   b. To exclude building work and operational work from the application of the code unless it is actually proposed to take place within the riparian buffer area nominated above.
4. Council should completely review its approach to assessing building work. The current arrangement where self-assessment applies to domestic building work only for matters such as setbacks, building height and site coverage is simple and adequate. To make even the most minor of building works assessable against the provisions of the Planning Scheme is excessive and unnecessary.

Comment

1. The undertaking of Operational Work, generally results from a Reconfiguring a Lot approval. Operational Works results in assets for Council. It is in both Council’s and the community’s interest that such works / assets are subject to an operational works application process.
2. It is an interesting concept that the Residential Planning Area should come before any other values of land. There is absolutely no merit in the request to exclude all Residential 1 and Residential 2 Planning Areas, from any level of vegetation / conservation significance. This request shows little understanding or regard for the broader values of land, environment or community.

3. Similarly, the request to amend the Biodiversity Code particularly in relation to waterways and riparian buffers shows little understanding or regard for the broader values of land, environment or community.

4. While the request for Council review its approach to assessing building work is vague, it is agreed that the levels of assessment triggered in CairnsPlan, are not necessary in some instances. This is being reviewed separately and will be addressed in a variety of different submissions.

Recommendation No. 85.

1. That no change is proposed to Operational Work, as this work results in assets for Council. It is in both Council’s and the community’s interest that such works / assets are subject to an operational works application process.

2. That Council, having regard for the broader values of land, environment and community determined no change be made to the Vegetation Conservation/ Watercourse Significance Overlay.

3. That Council, having regard for the broader values of land, environment or community determined that no change be made to the Biodiversity Code.

4. That while the request for Council review its approach to assessing building work is vague, it is agreed that the levels of assessment triggered in CairnsPlan, are not necessary in some instances. This has been reviewed separately and will be addressed in a variety of different responses to submissions.

5. That as it is evident that Midden P/L has a good understanding of the broader and specific elements of CairnsPlan and Council looks forward to receiving compliant applications in the future.
Grounds of Submission

This site is Boral’s concrete batching plant. We have reviewed the provisions of CairnsPlan in relation to this site and believe the proposed planning scheme provisions are appropriate.

Comment

Humphreys Reynolds Perkins, on behalf of Boral is seeking confirmation that their interpretation of the provisions relating to this site is correct.

No change is required.

Recommendation No. 86.

That Humphrey Reynolds Perkins on behalf of Boral Resources be advised that their understanding of the provisions of the Planning Scheme in relation to Lot 2 C198374, Corner of Kenny Street & Fearnley Street Portsmith are correct and that no change is proposed.
87 Humphrey Reynolds Perkins on behalf of Boral Resources
Corner of Tingira Street & Aumuller Street, Cairns Asphalt Plant
Lot 1 SP122862

Division 5

#733611

Grounds of Submission

This site is the location of Boral’s Asphalt Plant. We have reviewed the provisions of CairnsPlan in relation to this site and believe the proposed planning scheme provisions are appropriate.

Comment

Humphreys Reynolds Perkins, on behalf of Boral is seeking confirmation that their interpretation of the provisions relating to this site is correct.

No change is required.

Recommendation No. 87.

That Humphrey Reynolds Perkins on behalf of Boral Resources be advised that their understanding of the provisions of the Planning Scheme in relation to Cairns Asphalt Plant, Lot 1 SP122862 on the corner of Tingira Street & Aumuller Street, are correct and that no change is proposed.
Grounds of Submission

This site is the location of Boral’s Redlynch Quarry. We have reviewed the provisions of CairnsPlan in relation to this site and understand the following:

a. The site is included in the Redlynch Valley District Plan area;
b. The site is included partially in the Rural 1 Planning Area and partially in the Conservation Planning Area.
c. The current use of the site is defined as Extractive Industry;
d. An application for MCU in the Rural 1 area would be subject to impact assessment and would be generally appropriate.
e. An application for MCU in the Conservation area would be subject to impact assessment and would be generally inappropriate.
f. Any MCU would be assessable against the Rural 1 Planning Area code, Hillslopes Code and all of the general codes.
g. Inclusion of the premises in the Schedule of Special Facilities at section 3.9.2 allows the previously approved development of the premises to proceed in accordance with conditions. Any minor change to the existing approved development would be submitted to code assessment only.
h. We caution that the Conservation Planning Area boundary in this location should accommodate the Key Resource Area boundary nominated by the Department of Natural Resources and Mines.
We believe that most of the provisions of the Planning Scheme are appropriate in the circumstances. There are some instances however, where we believe the draft Planning Scheme should be amended to ensure the protection of extractive resources and associated activities in line with the intent of the DEOs. Our grounds for these amendments are as follows:
Ground 1. Extractive industry, concrete manufacturing plants and asphalt plants should be uses that are subject to code assessment where it is proposed to occur in areas designated on the draft ‘Planning Scheme Map 3: Extractive Resources and Extractive Industry Haul Routes’ and designated a Key Resource Area by NRM.

Ground 2. ‘Map 3: Extractive Resources and Extractive Industry Haul Routes’ is not supported by effective regulatory provisions to ensure that existing future extractive resources and operations are protected from sterilization through the encroachment of incompatible development. An Extractive Resources Overlay code should be included in Section 4.6 of the draft Planning Scheme.

Ground 3. ‘Map 3: Extractive Resources and Extractive Industry Haul Routes’ should nominate appropriate separation distances surrounding areas of extractive operations and haul routes. Proposals for incompatible development within these separation distances should trigger impact assessment and be subject to further information requests by Council.

Ground 4. The Rural 1 Planning Area Purpose Statement does not appropriately recognise or protect both existing and future extractive industry operations that will be occurring in the Rural 1 Planning Area.

Comment

By way of clarification, for items d, e & f above, it has been assumed that this is in reference to a further application related to the Extractive Industry use.

In relation to specific grounds 1 - 4 the general substance of the submission is agreed with. However, further consideration is required before any changes are made. In particular, there is Extractive Industry Code and any changes would need to include the re-drafting of a code and definition.

Recommendation No. 88.

1. That Humphrey Reynolds Perkins on behalf of Boral Resources be advised that their understanding of the provisions of the Planning Scheme in relation to Lots 8 & 9 RP749301 located at Redlynch Quarry, Redlynch Intake Road, Redlynch are correct and that no change is proposed.

2. That a separate report be prepared and submitted to Council prior to the adoption of the draft Planning Scheme. The report shall consider and make recommendations on the need to amend the definition of Extractive Industry and the Extractive Industry code, particularly in relation to code assessable uses and haul routes.
Grounds of Submission

This site is the location of Boral's Holloways Beach Sand Extraction and Processing and Concrete Batching Plant. We have reviewed the provisions of CairnsPlan in relation to this site and understand the following:

a. The site is included in the Barron – Smithfield District Plan area;
b. The site is included in the Rural 1 Planning Area.
c. The current use of the site is defined as Extractive Industry;
d. An application for MCU in the Rural 1 area would be subject to impact assessment and would be deemed as a generally inconsistent land use within the planning district;
e. Inclusion of the concrete batching plant premises in the Schedule of Special Facilities approvals at section 3.8.2 allows the previously approved development of the premises to proceed in accordance with conditions. Any minor change to the existing approved development would be submitted to code assessment only.
We believe that most of the provisions of the Planning Scheme are appropriate in the circumstances. There are some instances however, where we believe the draft Planning Scheme should be amended to ensure the protection of extractive resources and associated activities in line with the intent of the DEOs. Our grounds for these amendments are as follows:

- **Ground 1.** Extractive industry, concrete manufacturing plants and asphalt plants should be uses that are subject to code assessment where it is proposed to occur in areas designated on the draft ‘Planning Scheme Map 3: Extractive Resources and Extractive Industry Haul Routes’ and designated a Key Resource Area by NRM.

- **Ground 2.** ‘Map 3: Extractive Resources and Extractive Industry Haul Routes’ is not supported by effective regulatory provisions to ensure that existing future extractive resources and operations are protected from sterilization through the encroachment of incompatible development. An Extractive Resources Overlay code should be included in Section 4.6 of the draft Planning Scheme.

- **Ground 3.** ‘Map 3: Extractive Resources and Extractive Industry Haul Routes’ should nominate appropriate separation distances surrounding areas of extractive operations and haul routes. Proposals for incompatible development within these separation distances should trigger impact assessment and be subject to further information requests by Council.

- **Ground 4.** The Rural 1 Planning Area Purpose Statement does not appropriately recognise or protect both existing and future extractive industry operations that will be occurring in the Rural 1 Planning Area.

**Comment**

Humphreys Reynolds Perkins, on behalf of Boral is seeking confirmation that their interpretation of the provisions relating to this site is correct and no change is required.

In relation to specific grounds 1 - 4 the general substance of the submission is agreed with. However, further consideration is required before any changes are made. In particular, there is Extractive Industry Code and any changes would need to include the re-drafting of a code and definition.

**Recommendation No. 89.**

1. That Humphrey Reynolds Perkins on behalf of Boral Resources be advised that their understanding of the provisions of the Planning Scheme in relation to Lot 5 RP906407 Captain Cook Highway, Holloways Beach being the Boral Sand Extraction & Processing & Concrete Batching Plant are correct and that no change is proposed.

2. That a separate report be prepared and submitted to Council prior to the adoption of the draft Planning Scheme. The report shall consider and make recommendations on the need to amend the definition of Extractive Industry and the Extractive Industry code, particularly in relation to code assessable uses and haul routes.
Grounds of Submission

Map 3 of the draft Planning Scheme locates a number of existing quarry sites and extractive resource precincts. The designation ‘Extractive Resource Precinct’ simply acknowledged the presence of a significant extractive resource body, while the ‘Quarry’ designation identifies an actual operational quarry.

This submission argues that the Nashvying lease land at Behana Gorge Road should, in the interests of accuracy and completeness, be included as an additional extractive resource precinct on Map 3 of the draft Planning Scheme. The inclusion of the land should be regarded as a simple matter of established fact which does not prejudice the outcome of any future town planning application for a quarry.

Any application for the development of the extractive resource body would require a detailed planning and environmental assessment and consideration against the provisions of Council’s Planning Scheme and relevant state legislation and policies.
Comment

The lease is a vegetated knoll rising to an elevation of 120m from Behana Gorge Road. Surrounding land is zoned rural and used for cane farming. The entire locality is included in the Rural 1 Planning Area in CairnsPlan.
The land has been subject to two previous town planning applications for the purposes of establishing a quarry operation. The first of these was decided by the former Mulgrave Shire council in 1993 and was recommended for approval by Officers and an independent Planning Consultant, however it was refused by the Council of the day.

The second application was decided by Cairns City Council in 1995 and refused by an independent planning consultant on the basis of no need. An appeal was lodged, but was discontinued before reaching Court.

The two previous applications have verified the availability of the resource on the site, and there is no planning objection to recognising the site in the Planning Scheme.

Recommendation No. 90.

1. That Lease A on Lot 5 RP731931 (Nashvving lease land), Behana Gorge Road be included as an additional extractive resource precinct on Map 3 of the draft Planning Scheme.

2. That the applicant further be advised that the inclusion of the land does not fetter Council’s right to assess any future application on its merits. The determination of any future application, is a matter for Council, following detailed assessment of any application including any objections/submissions which may be received.

Any application for the development of the extractive resource body would require a detailed planning and environmental assessment and consideration against the provisions of Council’s Planning Scheme and relevant state legislation and policies.
INDIVIDUAL SUBMISSIONS

91    William Pursche
C/- C&B Group, PO Box 1949, Cairns, QLD, 4870
North Woolanmaroo
Division 1

#748918 (maybe no 748918)

Grounds of Submission

All allotments have an area of 1012m². The current Rural Zoning is removed under the CairnsPlan, in favour of the Conservation Planning Area. It is recommended that, to ensure the existing development rights of the subject land are recognised and maintained, that the Draft Planning Scheme be amended to include the site in either the Residential 1 Planning Area or the Tourism and Residential Designation.

Officer Comment

The Conservation Planning Area offers landowners the ability to build a single residential dwelling. This is similar to the rights of the Rural zone. The Conservation Planning Area reflects the fact that the site is contained within the World Heritage Area and that services and access to the site are limited.

The Conservation Planning Area is the most appropriate designation for this land.
Recommendation No. 91.

Grounds of Submission

The Council should consider the reduction of the minimum lot size for rural land to allow for the future influx of retirees and elderly persons that desire to have a rural property suitable for small scale activities. Perhaps the allotment sizes adopted by the Bega Valley Shire of 2ha to 10 ha would be appropriate.

Officer Comment

The site does not represent the most desirable characteristics for residential development. The site is approximately 31ha and is constrained by the Waterways, flooding, Acid Sulphate Soils and Airport Overlays.

The request to reduce the minimum lot size is not acceptable and it is contrary to the State Planning Policy 1/92 Development and Conservation of Agricultural land.

Within the life of the CairnsPlan it is not envisaged that development will occur outside the urban boundaries identified in the strategic plan within the Planning Scheme for the Balance of the City.

Recommendation No. 92.

That after considering submission #745659 from Caysand No. 60 Pty Ltd C/- Business Centre 2838 Southport QLD 4215, there be no change to the minimum lot size for the Rural 1 Planning Area.
Properties bounded by Spence, Buchan, Hartley and Kidston Streets

Edward Kinnersly
123 Buchan Street
Lot 197 on RP729084

#748783

Grounds of Submission

The submitter states that there should not be a limitation of the area between Buchan Street and Aumuller Street being placed in the Residential 1 Planning Area in CairnsPlan. With the limitation being, that in the Residential 1 Planning Area, the Residential density is 70 Persons per Hectare. The submitter states that the area is already dominated by units, and whilst there should be areas in the city which maintain an undeveloped feel, this area close to town should be left the opportunity to be more intensely developed in the future, especially as the blocks of land are over 1000m².

Rod Halpin
125 Buchan Street
Lot 6 on C198104

#748777

Grounds of Submission

The submitter states that there should not be a limitation of the area between Buchan Street and Aumuller Street being placed in the Residential 1 Planning Area in CairnsPlan. With the limitation being, that in the Residential 1 Planning Area, the Residential density is 70 Persons per Hectare. The submitter states that this area close to town should be left the opportunity to be more intensely developed in the future, especially as the blocks of land are over 1000m².

Carlos Castillo
12 Kidston Street
Lot 20 on C198104

#747793

Grounds of Submission

The submitter states that there should not be a limitation of the area between Buchan Street and Aumuller Street being placed in the Residential 1 Planning Area in CairnsPlan. With the limitation being, that in the Residential 1 Planning Area, the Residential density is 70 Persons per Hectare. The submitter states that this area close to town should be left the opportunity to be more intensely developed in the future, especially as the blocks of land are over 1000m². Additionally, the submitter asks for the lot to be included in a 400 persons per hectare Planning Area in CairnsPlan.
Grounds of Submission

The submitter states that there should not be a limitation of the area between Buchan Street and Aumuller Street being placed in the Residential 1 Planning Area in CairnsPlan. With the limitation being, that in the Residential 1 Planning Area, the Residential density is 70 Persons per Hectare. The submitter states that this area close to town should be left the opportunity to be more intensely developed in the future, especially as the blocks of land are over 1000m². Additionally, the submitter asks for the lot to be included in a 400 persons per hectare Planning Area in CairnsPlan.
Grounds of Submission

The submitter states that there should not be a limitation of the area between Buchan Street and Aumuller Street being placed in the Residential 1 Planning Area in CairnsPlan. With the limitation being, that in the Residential 1 Planning Area, the Residential density is 70 Persons per Hectare. The submitter states that this area close to town should be left the opportunity to be more intensely developed in the future, especially as the blocks of land are over 1000m². Additionally, the submitter asks for the lot to be included in a 400 persons per hectare Planning Area in CairnsPlan.

Officer Comment

Currently the parcels of land bound by Spence, Buchan, Hartley and Kidston Streets are zoned Residential (Residential C 200 Persons per Hectare in Development Control Plan 1) in the Planning Scheme for Part of the City of Cairns.

Recommendation No. 93.

That the area bounded by Spence, Buchan, Hartley and Kidston Streets should be placed in the Residential 2 Planning Area to allow for development up to 100 persons per hectare. This will be a decrease from the current Residential density of the properties in the Planning Scheme for Part of the City of Cairns of 100 Persons per Hectare.
Grounds of Submission

This submission argues that the requirement of the draft Planning Scheme for a 50m riparian buffer to be provided along the watercourse adjoining the land is unreasonable. The land adjoining the watercourse has little or no environmental value and the current and draft Planning Scheme designate the land for intense residential development.

The 4.6ha site is generally flat and covered with guinea grass, although some trees remain along the eastern boundary.

Comment

The drain that forms part of the site, is the extension of the concrete lined drain that runs under Jensen Street.

The submission raises a valid point, in that a 50m setback to the Watercourse should not apply. However, a setback is required for maintenance and access purposes, consistent with the other stretches of the drain.

Watercourse Significance Category 4 should be applied to the site, which would require a 10m setback.
Recommendation No. 94.

That in relation to Lot 30 RP736343 located at 15 Oregon St Manoora, the Vegetation Conservation/ Watercourse Significance Overlay map be amended such that the drain along the southern boundary is designated as Watercourse Significance Category 4, rather than a Watercourse Significance Category 1.
Grounds of Submission

The site is proposed to be included in the Residential 2 Planning Area in CairnsPlan. The proposal is supported and is in general terms consistent with the Smithfield Waters Development Plan, which is part of the current application 8/30/28 before Council.

We note that the Draft CairnsPlan through Conversion tables proposes to amend the level of assessment as it applies to land in the City where that land is identified as being affected by an overlay.

This approach is not supported in the case where Material Change of Use applications which would be otherwise self assessable – e.g. house or multi unit housing or where land is already subject of investigations that have satisfactorily addressed the issue subject of the overlay.

In its current form the Draft CairnsPlan provisions will lead to an inefficient assessment regime with a requirement for unnecessary development applications resulting in time and cost delays for applicants and resource issues for Council.

Accordingly, it is appropriate that the Smithfield Waters development plan provide the future planning framework for the site, rather than the Residential 2 Planning Area.
Comment

The submission has some merit, however there are competing approaches to the site and the proposed Residential 2 Planning Area and the Development Plan.

Basically, if the Residential 2 Planning Area remains, and if the applicant has done the work to determine the assessment table does not apply, then it can be submitted with each application to prove that the overlay is not applicable. This approach also contributes to the usability of the Planning Scheme. There are administrative and operating inefficiencies in having special plans of developments for unique sites, and CairnsPlan has specifically attempted to reduce these Plans of Development.

If the Plan of Development is adopted, there will be a separate set of rules that apply to the site, and these will be less likely to be amended in reviews of the Planning Scheme.

Recommendation No. 95.

That the submissions received in relation to Smithfield Waters, described as Lot 6 RP894527, Lot 4 RP748727 and Lot 456 RP748727 be considered as part of the Planning Report to be prepared for a separate Planning and Environment Committee Meeting. The separate report shall be provided to Council prior to the adoption of the CairnsPlan.
CAIRNSPLAN – REPORT ON SUBMISSIONS RECEIVED DURING THE CONSULTATION PERIOD PART D – SPECIFIC ISSUES

Deborah Wellington: 8/26/5-05: 782223v2

RECOMMENDATION:

That in addition to the itemised recommendations contained in this report, it is recommended that:

Multi-Unit Housing

1. That a separate report to be submitted to Council in relation to Multi-Unit Housing and related codes. The report will consider:

   ▪ The individual submissions received on this matter;
   ▪ Past approvals including the type and intensity of the development;
   ▪ Community expectations and the rights of private landowners;
   ▪ The character and amenity;
   ▪ The implications of any recommendations on the Code and related codes, and any amendments that should be made.

The review shall seek the input from a panel of local architects and designers. Additionally, an independent professional Architect preferably with Planning qualifications shall also provide input into the review.

2. Desired Environmental Outcomes:

   i. A general review of the Desired Environmental Outcomes (DEOs) will be undertaken with a view to removing the words “effects of development will be minimised”.

   ii. That three new DEOs be added as follows:

      a. That Cairns Local Government Area has socially just, cohesive and identifiable communities with a high level of amenity, strong sense of vitality, fairness and capacity for self-help, reflected in:

         ▪ Defined urban growth management boundaries which create distinct urban and rural town communities
         ▪ The integration of new communities with existing communities
         ▪ Safe, healthy and pleasant living environments
▪ Access to a range of good quality, appropriate and affordable housing
▪ Business centres that contribute to a sense of community life and belonging
▪ Development which maintains enduring social networks and positive community identity
▪ Services which support individual and family wellbeing and facilitate positive community interaction
▪ Economic security

b. A DEO specific to the built environment, describing Cairns as a liveable, sustainable, tropical city. e.g. “Development patterns and practices ensure Cairns is a liveable, sustainable, tropical city.”

c. A DEO generally reflecting the content of a DEO from Gold Coast City Council's Planning Scheme which is a high-level DEO that is directly related to the production of housing, and highlights the local government's role in influencing the affordability and diversity of housing.

iii. That no further changes will be made to the DEOs at this time, however a further review of the DEOs and Performance Indicators will be undertaken as part of a future review of CairnsPlan.

3. That Council engage a suitably qualified consultant to undertake the following:

a. Review of the boundaries of the character precincts to ensure they are inclusive of all areas of known character housing or queenslander style housing.

b. Develop a general character statement for each character precinct.

c. Undertake a review of the local heritage sites to ensure it includes all the places identified in Council’s Heritage Strategy where appropriate.

d. Review the Cultural Heritage Code to ensure the performance criteria and acceptable measure achieve the stated purpose of the code and include reference to the Australian ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (Burra Charter) as the tool for assessing heritage values and the impact of development on them. Performance criteria and acceptable measures are developed for character precincts and requirements for archaeological investigations are included.

e. Develop demolition control provisions using Brisbane City Council City Plan provisions as a model.

That character and amenity studies are undertaken for each of the Districts as part of the preparation of Integrated Local Area Plan, over the next 5 years, and incorporate this information into the CairnsPlan as part of future reviews.
INTRODUCTION:

This report contains individual submissions that have been grouped into common issues.

The first section contains 8 submissions with similar themes and these are summarised as:

1. Desired Environmental Outcomes
2. Built Environment / Energy Efficiency
3. Residential Planning Areas & Residential Building Codes
4. Infrastructure Works Code
5. Biodiversity / Hillslopes Protection / Vegetation Conservation and Watercourse Significance
7. Multi-Unit Housing
8. Site Coverage / Tree Protection
9. Hillslopes and Planning Areas

The report then considers
10. Multi-Unit Housing General
11. Cultural Heritage
12. The Commercial Planning Area
13. Rural Lands / Sugar Mills

Finally, a number of individual submissions relating to general matters across the city are included.

This report also contains submissions from a number of individuals, which relate to the items above, and also address a number broader issues across the city.

MAIN FINDINGS

Desired Environmental Outcomes

The DEOs are designed to encapsulate a number of environmental parameters and planning goals for the city of Cairns. One of the common themes across the submissions relates to Desired Environmental Outcomes. In particular, there is concern that:

1. The Desired Environmental Outcomes are weak and not legally defendable;
2. The Performance Indicators in the Planning Scheme do not attached to the Desired Environmental Outcomes.

As Council would be aware, the structure and wording of the DEOs have evolved from a number of studies and background papers. The DEOs have been through a legal check and the State Interest Check and they provide a reasonable foundation for the CairnsPlan.
No change is recommended for the DEOs with the exception of the removal of the specific wording "effects of development on these areas are minimised" which was added to a number of the DEOs to address comments from DLGP as part of the State Interest Check. General indications from the DLGP is that this statement can be removed if Council prefers.

And the adoption of the following 3 new Desired Environmental Outcomes:

1. That Cairns Local Government Area has socially just, cohesive and identifiable communities with a high level of amenity, strong sense of vitality, fairness and capacity for self-help, reflected in:
   - Defined urban growth management boundaries which create distinct urban and rural town communities
   - The integration of new communities with existing communities
   - Safe, healthy and pleasant living environments
   - Access to a range of good quality, appropriate and affordable housing
   - Business centres that contribute to a sense of community life and belonging
   - Development which maintains enduring social networks and positive community identity
   - Services which support individual and family wellbeing and facilitate positive community interaction
   - Economic security

2. A DEO specific to the built environment, describing Cairns as a liveable, sustainable, tropical city. e.g. “Development patterns and practices ensure Cairns is a liveable, sustainable, tropical city.”

3. A DEO generally reflecting the content of a DEO from Gold Coast City Council’s Planning Scheme which is a high-level DEO that is directly related to the production of housing, and highlights the local government’s role in influencing the affordability and diversity of housing.

It is, however acknowledged that the DEOs could be improved and that the submissions in relation to this matter do have merit. The review of the DEOs, as part of a future review of CairnsPlan is supported. In particular, the future review should consider:

- Inclusion of the Performance Indicators next to each DEO will assist in ensuring that they are considered during assessment. A review of the Performance Indicators and their wording is necessary to ensure there are standards, benchmarks, and other measurable parameters by which CCC can quantify their performance against. In the adoption of these measurable targets, Council will be required to undertake continual monitoring of the parameters to ensure compliance with the agreed standards.
- The introduction of Planning district DEO’s with the introduction of Integrated Local Area Plans ILAPS.
- A DEO specific to the built environment, describing Cairns as a liveable, sustainable, tropical city. E.g. “Development patterns and practices ensure Cairns is a liveable, sustainable, tropical city.”

That a review be undertaken of the Biodiversity Code and provisions relating to the protection and management of natural features.

A recommendation relating to this is included above

**Multi-Unit Housing / Residential Character**

There are a number of submissions relating directly to Multi-Unit Housing. The common wording across the majority of the submitters, including designers and residents was that the code was inadequate. This view is generally shared by Planning Officers as well. Multi-Unit Housing is one of the major development issues in the City and there is a need to review the code.

It is suggested in a number of submissions that the Brisbane City Council code be used as a guideline. This is supported as the code does contain elements relating to liveability and design which are relevant to Cairns.

A number of the submissions on Multi-Unit Housing also cover broader residential living issues. The concerns of these submissions relate to:

- The need for a review of the Residential 2 Code;
- The need for a review of the Multi Unit Housing Code;
- The need for a Small Lot Housing Code to be developed;
- Further consideration of the level of assessment required for residential dwellings and multi-unit housing in the Residential 2 Planning Areas;
- The need for a further consideration of how the residential densities are applied. In particular, the CairnsPlan increases densities without any corresponding changes to the development requirements. A number of submissions have suggested that this increase in density also provides an excellent opportunity to introduce a bonus system for developments incorporating desirable environmental and amenity elements.

A recommendation relating to this is included above

**Cultural Heritage**

A number of submissions relating to the retention and protection local cultural heritage were received. The inclusion of heritage in the Planning Scheme has been undertaken in a similar way to the State Heritage Register. All individual properties and character areas included in the register have been identified by a Heritage professional.

Accordingly, to maintain the integrity of the Heritage provisions, any substantial changes should also involve a Heritage professional.
The submissions have again raised relevant and valid points and accordingly it has been recommended that Council engage a suitably qualified consultant to undertake the following:

- Review of the boundaries of the character precincts to ensure they are inclusive of all areas of known character housing or queenslander style housing.
- Develop a general character statement for each character precinct.
- Undertake a review of the local heritage sites to ensure it includes all the places identified in Council’s Heritage Strategy where appropriate.
- Review the Cultural Heritage Code to ensure the performance criteria and acceptable measure achieve the stated purpose of the code and include reference to the Australian ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (Burra Charter) as the tool for assessing heritage values and the impact of development on them. Performance criteria and acceptable measures are developed for character precincts and requirements for archaeological investigations are included.
- Develop demolition control provisions using Brisbane City Council City Plan provisions as a model.

That character and amenity studies are undertaken for each of the Districts as part of the preparation of Integrated Local Area Plan, over the next 5 years, and incorporate this information into the CairnsPlan as part of future reviews.

A recommendation relating to this is included above

**COMMENT:**

Before considering the individual submissions below, Council is required to consider these broader issues, and make resolutions accordingly.
INDEX – PART D – INDIVIDUAL SUBMISSIONS

1. All Divisions  Desired Environmental Outcomes
2. Built Environment / Energy Efficiency
3. Residential Planning Areas & Residential Building Codes
4. Infrastructure Works Code
5. Biodiversity / Hillslopes Protection / Vegetation Conservation & Watercourse Significance
7. Multi-Unit Housing
8. Site Coverage / Tree Protection
9. Hillslopes and Planning Areas
10. Multi-Unit Housing
11. Cultural Heritage
12. Commercial Planning Area
13. Sugar Mills
INDIVIDUAL SUBMISSIONS

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All Divisions
1. DESIRED ENVIRONMENTAL OUTCOMES

Grounds of Submission

- DEOs are weak, not legally defended and contain contradictions.

- DEOs contain subjective statements such as “minimised” which are open to interpretation.

- The Performance Indicators are not attached to the DEO’s and are subjective in nature and not backed by quantifiable indicators or data sources.

- The Housing DEO could negate many other DEOs by interpretation of the second sentence that would allow any approach to be argued on the grounds it was the most cost effective. The Housing DEO is not supported by the Codes for Residential 1 and 2 and the House Code, as they do not encourage alternative housing models. The DEO requires further work.

- The plan doesn’t supply strategies and mechanisms to deliver DEOs.

- A DEO is needed to require the front of all developments to compliment the existing streetscape.

- Performance Indicators should contain quantifiable data and measurements

- District and Special planning areas to have their own DEOs

- Due to the lack of information included in the Plan the Precautionary Principle must be initiated where impacts of a development cannot be clearly identified.

Additional DEOs are recommended, some of which were included in the Statement of Proposals, but have not been included in the draft Scheme. These include:

- a DEO specific to the built environment, describing Cairns as a liveable, sustainable, tropical city. E.g. “Development patterns and practices ensure Cairns is a liveable, sustainable, tropical city.”

- DEOs specific to planning districts.

Community input is required during the revision of the wording and contents of the Desired Environmental Outcomes and the Performance Indicators.

Recommendation No. 1

That the recommendations contained at the start of this Clause relating to Desired Environmental Outcomes be included as an advice statement in the response letter to the submitters.
2. BUILT ENVIRONMENT / ENERGY EFFICIENCY

Grounds of Submission

1. Codes are required for local areas, these would define ‘character’ as per DEO 2.4.3 and would establish controls to achieve appropriate response for each local area.

2. There are not sufficient Codes to address the diverse types of commercial buildings, including office buildings, shops and shopping centres, hotels and motels, etc. This is a substantial omission that will fail to ensure all development is appropriate to the community and encompasses ESD principles.

3. There are no codes to encourage or require environmentally sustainable buildings and no incentives for good design solutions. It is recommended that these be added to the plan. The submission provides sound advice in relation to improving the current approach.

The Planning Scheme needs to provide
- Greater attention on Energy efficiency
- Greater attention on water efficiency including solar hot water systems
- Improved Public Transport
- Energy efficiency should be mandatory in all building codes from residential to industrial.

The plan should be more flexible to encourage developers to achieve better outcomes for ecological sustainability in terms of building design and housing development. The use of bonus points is strongly recommended with a particular bias towards development that enhance the local environment, add to streetscape values, or achieve high energy efficiency ratings. The use of water harvesting and rainwater tanks is strongly recommended, particularly in contrast to the talk of a new dam. Plan should include mechanisms to reward good design

4. The increased population density in the CairnsPlan without attention to building design is an incredible missed opportunity which must be corrected. Increased density increases land value. It should not be given away but should be offered as an incentive for care with building design. I suggest:
   a. That Council compiles a list of desirable features for each class of residential building, then incorporating desirable features into multi unit dwellings would permit more units/bedrooms/beds than would be permitted with bare compliance.
   b. The list of desirable features is a technical matter for a panel of architects but could include insulation, high ceilings, deep eaves, ease-set orientation, such screens for western walls, penetration of natural light, impacts on neighbours, covered parking, cyclone shutters, screen fencing, solar hot water, rainwater for toilets and laundry, high set houses, traditional facades, integration of building placement on several adjacent lots.
Officer Comment

1. Codes at the local and district levels are a sound idea and they are consistent with the proposed District level DEOs, and the significant number of submissions received that relate to common local area issues (e.g. character housing, housing densities, industrial development).

   It is envisaged that in amendments to the Scheme in the next 2-3 years, District level DEOs and associated codes will be introduced as more local level planning information is produced (e.g. through Integrated Local Area Plans).

2. It the intention of Council to address the range of identified gaps in the planning mechanisms that deal with the quality of the built form. This includes reviewing and amending codes that relate to the various forms of housing, and of commercial development (including centres).

3. In its current form, the development style of Cairns is a fairly energy intensive form of built environment, in light of the scope of energy efficient technologies and proven energy efficient housing designs and materials currently available.

   The public transport needs in Cairns have long been identified. Identifying existing and potential public transport routes now will see the integration of these with development nodes, such as Edmonton. Council is currently working on the cycling and pedestrian strategy, which aims to encourage these forms of transport through the provision of programs and infrastructure.

4. Item 4 above, raises valid grounds and in particular will be considered in the review of the Multi-Unit Housing code and associated elements of the Plan.

Recommendation No. 2

1. That a program for the delivery of Integrated Local Area Plans be considered as part of Council’s annual budgetary deliberation items.

2. That the recommendations contained at the start of Clause 1, and the start of this Clause relating to Multi-Unit Housing and residential character and the like be included as an advice statement in the response letter to the submitters.
3. RESIDENTIAL PLANNING AREAS AND RESIDENTIAL BUILDING CODES

Grounds of Submission

- The plan should be more flexible to encourage developers to achieve better outcomes for ecological sustainability in terms of building design and housing development. The use of bonus points is strongly recommended with a particular bias towards development that enhance the local environment, add to streetscape values, or achieve high energy efficiency ratings.

- Providing models of higher density housing can lead to stronger communities and reduce demand for additional residential and, helping constrain the urban spread.

- The plan has no strategy to increase open space in parallel with increases in residential density.

- Some specific residential zonings seem to be inconsistent or at odds with the DEOs, and in other cases land that appears to be of good residential quality is not zoned residential, which again is inconsistent with the plan.

- Diverse housing types are not encouraged. The Acceptable Measures need to be reviewed to encourage more diverse housing choices, as visualised in the Housing DEO, and the Purpose Statements for the Residential Planning Area Codes.

- The Housing Code needs development to include site coverage controls. Additional codes are required for attached housing and small lot housing as neither of these are adequately covered by existing codes.

- Multi unit housing developments, by their nature, impact on adjoining residences, streets, public spaces and natural environments. All Multi-unit housing should therefore be Code Assessable to give council staff, whose role it is to represent the best interests of the entire community, the role of assessing these proposals.

- The Multi unit housing code needs considerable additional work relating to performance criteria, local area conditions, layout requirements, balconies and liveability.

- Site densities need to be considered in terms of an entire area/subdivision rather than only on individual sites to produce more diversity. Performance criteria do not adequately describe the goals of achieving the more sustainable higher density options envisaged in the Housing DEO.

- Parking requirements should be varied so that developments closer to the city, service centres or public transport have lesser parking requirements.

- Performance Criteria need to be more comprehensive and the acceptable measures more effective.
- A small lot housing code needs to be included in the plan.

- Energy efficiency should be mandatory in all building codes from residential to industrial.

**Officer Comment**

The grounds of the submission raise excellent points. The submissions are consistent with the intention of Council to address the range of identified gaps in the planning mechanisms that deal with the quality and diversity of housing.

It is considered to be accurate that diversity of housing is easier to achieve if considered at a broad scale. Where large areas are being developed by one development proponent, it is possible to implement planning mechanisms of this nature.

It is agreed that the current approach by CairnsPlan to designating and codifying R1, R2 and R3 residential areas will not lead to a mixture of housing. There is an opportunity to re-write the Codes that underpin these forms of housing, so that they focus on achieving a mix of housing, rather than one type. This would include building in requirements for reconfiguring a lot, as well as referring to site densities and scale in the planning area codes relating to housing.

The trend towards ‘master planning’ is an obvious indication that some developers are acknowledging the significant impacts of producing one type of house form over a large scale. One of the key factors affecting the diversity of housing forms in contemporary times is the fact that most development in a local area does not now occur gradually, or by various developers/ home owners; but rather the development of housing occurs on a large scale by development companies.

It is agreed that the Multi Unit housing code, in particular requires further amendments to respond to the submissions received, recent experiences with development applications and community expectations for character and amenity and liveability.

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, some of the changes to provisions have greatly altered the development potential and expectation for landowners.

There is a need to review the codes separately, taking into consideration the differing ground of submission, and the implications of any changes. It is likely that in changing the Multi-unit housing code, changes will also need to be made to a number of other codes including the Height of Impact of Buildings Code and Parking and Access Code.

The review shall seek the input from a panel of local architects and designers. Additionally, an independent professional Architect preferably with Planning qualifications shall also provide input into the review.

Council has already considered this matter as part of Clause 1 of this special meeting.
Recommendation No. 3

That the recommendations contained at the start of Clause 1, and the start of this Clause relating to Multi-Unit Housing and residential character and the like be included as an advice statement in the response letter to the submitter.
4. INFRASTRUCTURE WORKS CODE

Grounds of Submission

The infrastructure Works code does not encourage best practice ESD infrastructure. It is not clear, what developer contributions for headworks and infrastructure may be required for what types of development or what the triggers may be.

Officer Comment

The code is compliant with the requirements of the Integrated Planning Act, and it is suggested that other elements of design provide a good foundation for ESD. To this end, the approach to reviewing the Multi-Unit Housing code and Residential 2 Planning Area code are commended.

Recommendation No. 4

That there be no change to the Infrastructure Works Code at this time.
5. BIODIVERSITY / HILLSLOPES PROTECTION / VEGETATION CONSERVATION AND WATERCOURSE SIGNIFICANCE

Grounds of Submission

- Inadequate protection is afforded to hillslopes in the plan.
- The classification system for vegetation values and watercourses has resulted in eco-systems having several classifications in the same area.
- Environmental Data used to make decisions on development is not adequate or incomplete.
- Vegetation used as sole indicator of biodiversity, Cairns Plan needs to factor in other information, studies, environmental factors.
- Plan fails to identify ecological processes migratory routes/ flight paths and seasonal distribution of habitats.
- Conservation significance values are subjective.
- Vegetation listed as Key Conservation Value is not given absolute protection in the plan.
- Top down regional or generic data applied at local scales.
- Scale of vegetation mapping is scaled to large.
- Include the legal status of vegetation as overlay.
- Keep mapping current and update as necessary.
- Conservation Planning area zone should apply to all forms of development in all areas identified as high conservation value.
- Acceptable measure for the conservation values need to be strengthened to include processes to achieve protection.
- Classification of waterways strengthened to include ecological importance of waterway itself.
- Need to develop Fire hazard management zones for natural hazards.
- The Plan does not account for secondary impacts by development, on the water table and habitat fragmentation and it fails to recognise environmental and social impacts of continued growth and there are no mechanisms to monitor and assess environmental well-being.
• There is no emphasis on the restoration of important ecosystems. The adoption of the precautionary principles as information is inadequate.

Officer Comment

1. The references to hillslopes are addressed fully in the consideration of hillslopes submissions.

2. It is acknowledged that there are inherent limitations of the data due to the process of manual interpretation, the aerial photography rectification, radial distortion and the DCDB data.

The mapping will not be amended as it is intended to be used as trigger for further detailed site assessment at the time of development. The detailed assessment will confirm the values associated with the area and the direct and cumulative impacts associated with any development proposal. This approach adopts the precautionary principle which is one measure of advancing the purpose of IPA.

Recommendation No. 5

1. That the submitters be advised that their concerns were taken into consideration when reviewing the Hillslopes submissions.

2. That there be no change to the mapping or classification system for vegetation values and watercourses.

3. That the content of the submissions be noted and considered as part of a future review of CairnsPlan.
6. HISTORIC CULTURAL AREA PROVISIONS

Grounds for Submission

The performance criteria for development on a local heritage site should make mention of the recommendation of ICOMOS Burra Charter, including requirement for consultation with interested community groups and guidelines for building works on heritage sites.

There are no performance criteria against which proposed development in a character precinct can be assessed. Appropriate performance criteria are required that set out what the character of the area is and how it can be protected, including the grounds for assessment of development.

There are no provisions to protect streets or local areas which have particular heritage value by ensuring the retention of older housing. An additional overlay category, such as a demolition control precinct with performance criteria, is required.

There are numerous buildings included in the Council’s own heritage register that are not listed in the plan. Notably, the Cairns Yacht Club is not listed as a local heritage site, despite its obvious cultural heritage values and importance to the Cairns community. These buildings must be added to the plan.

A provision for an indigenous heritage listing, with relevant code, is required.

The Character Precinct Code needs detail and specific criteria to be met.

There should be additional special development controls on all buildings in Queen Street and Denbeigh Street in Parramatta Park as per resident’s wishes. Refer to Brisbane City Council and in particular West Toowong for details of appropriate controls.

Other Cairns Streets should be able to gain such controls easily in future if they wish.

All code assessable development should require notification of adjoining owners.

Officer Comment

The protection of local heritage has been highlighted as an important issue by a number of submissions.

A review of the Cultural Heritage Significance Code should be undertaken to ensure the performance criteria and acceptable measures are practical and provide for the protection of local heritage places and character precincts. The use of the Burra Charter as the accepted method to assess the impact on heritage significance is acknowledged and will be incorporated into the Code.
It is acknowledged that there is no definition of character for the different precincts and this work should be undertaken. The general characteristics of the heritage places should be identified prior to the adoption. The development of Integrated Local Area Plans (ILAP's) for each district has been identified as a priority for City Assessment to undertake. The development of these plans will include character and amenity studies which will define in more detail the community values and character for specific locations. The outcomes of the ILAP’s and associated studies will be incorporated into the CairnsPlan as part of future reviews.

The incorporation of demolition control provisions into the CairnsPlan has been identified in a number of submissions. This suggestion should be considered and the Brisbane City Plan provisions provide a useful model. Those areas of character precincts with particularly high heritage values will be included in the demolition control areas.

A review of the local heritage sites and precincts will be undertaken to ensure it includes the places identified in Council’s Heritage Strategy.

The Cairns Yacht Club is located on Strategic Port Land and as such is controlled by the Cairns Port Authority under their Land Use Plan.

It is acknowledged that there are no provisions in the CairnsPlan for Indigenous Cultural Heritage. The *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* commenced on the 16th April 2004. The Acts impose a statutory “cultural heritage duty of care” on all proponents of projects and activities that may harm Indigenous cultural heritage. As Council undertakes further studies relating to Indigenous cultural heritage the information and recommendations will be incorporated in future reviews of the CairnsPlan.

Recommendation No. 6

That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.
7. MULTI UNIT HOUSING

Grounds of Submission

The draft CairnsPlan Multi-Unit Housing and Retirement Code and CairnsPlan Height of Impact of Buildings Code require amendment. The submission identifies issues requiring further consideration including:

- Inappropriate unit design;
- Physical effects on neighbouring houses
- Loss of privacy;
- Loss of green cover;
- Population density particularly in Residential 3;
- Ability of locals to live in the city centre;
- Design for the tropics
- Stormwater flow
- Lack of parks and open spaces;
- Bike paths.

Specific suggestions include:

- Make all Multi-Unit Housing including tourist development, impact assessable;
- Allow and encourage properly designed town houses and residential towers as well as breeze and sunlight;
- Insist that development have to provide daylight to neighbouring houses;
- Require shadow diagrams for all buildings over 2 storeys;
- Require living areas to be oriented so they do not directly overlook neighbours;
- Ban the use of small room air-conditions in unit – split systems only;
- Give minimum vegetation requirements.

Recommendation No. 7

That the recommendations contained at the start of Clause 1, and the start of this Clause relating to Multi-Unit Housing and residential character and the like be included as an advice statement in the response letter to the submitters.
8. SITE COVERAGE / TREE PROTECTION

Ground For Submission

- Development has resulted in higher speed and amounts of surface stormwater runoff and lowering site coverage to a maximum of 50% and increasing vegetation would negate some of this runoff.
- Established trees to be protected and introduce the requirement to plant a specified amount of native trees per m² of development.

Officer Comment

Tree protection is addressed in the Local Law, rather than the Planning Scheme. Protecting established trees would also assist in the maintenance of vegetation communities and special habitats. The replanting of native plants as part of every development would also go towards promoting the maintenance of native vegetation communities, and possibly create habitats for those species who's habitat is currently rare, degraded to endangered.

The development manual provides guidelines for the species of vegetation to be planted. A majority of Landscape plans are checked by Council Officers to ensure compliance with the Council Policies, however there are insufficient resources for officers to physically check that what is planted, matches the approved plan.

Recommendation No. 8

That there be no change to the Site Coverage / Tree Protection provisions of CairnsPlan.
9. HILLSLOPES AND PLANNING AREAS

Grounds of Submission

1. Precaution with the Hillslopes Overlay Maps requires:
   a. The lower boundary of Hillslopes Category 1 (Urban and Rural) to be at the break of slope between hill and plain. This is particularly important so that all applications on hillslopes are at least code assessable.
   b. The lower boundary of Hillslopes Category 2 (Urban) to be wherever gradient exceeds 1 in 3 or where the hillslope is conspicuous from nearby residential areas, tourist areas or main road.
   c. Inclusion within Hillslopes Categories of land with existing development permits so that CairnsPlan demonstrates consistency. Landowners are not disadvantaged because existing uses are recorded; and because categorisation does not preclude development but alters to constraint.

2. Precaution with Conservation Planning Areas requires:
   a. Inclusion of all Category 2 (Urban) from the Hillslopes overlay maps, except where development permits are already in place.
   b. Inclusion of all Key and Moderate Conservation Values from the Vegetation Overlay Maps.
   c. Inclusion of riparian zones of all categories of Watercourse from the Watercourse Significance Overlay, except where development has already displaced natural vegetation.

3. Precaution generally would be assisted by adding definitions to Chapter 5 including Forested Hill and Visual Amenity.

4. The draft hillslopes Code needs rethinking because the style is not performance based – it is regulatory in a world where there is no ongoing enforcement of detailed planning conditions. In particular attention should be given to:
   a. The Siting and Design of Building provisions should be deleted and replaced with Siting and Design of Buildings, Fences, Walls, Access Driveways, Parking Facilities and Lights.
   b. Excavation and Fill.

Comment

The grounds of the submission are noted. The submission raises valid points, worth considering in both the current and future revisions of the CairnsPlan.
It is considered that the content of item 1 above has been substantially addressed in the review of all hillslopes submissions. The code will be reviewed and further considered by Council prior to the adoption of the CairnsPlan.

The content of item 2 above, is relevant, and with improving technology and mapping, it is reasonable to consider moving in this direction. However such a change is not considered practical at this stage in the drafting of CairnsPlan, and accordingly the changes may best be made in future revisions of the Scheme.

In regard to the suggestion about further definitions, there may be some merit in this, however there has been a focus on reducing the number of definitions, as this is considered to be a means of reducing the ambiguity of the scheme.

Item 4 above, raises valid grounds and will be considered in the review of the Hillslopes Code.

Recommendation No. 9

1. That the contents of submission no 747386 be taken into consideration when reviewing the Hillslopes Code and that a report on the review of the Code be provided to Council prior to the adoption of CairnsPlan.

2. That as part of the future review of CairnsPlan, consideration be given to the defining of Planning Areas, through the use of Overlays such as vegetation and hillslopes. To this end, land that is constrained should be included in the Conservation Planning Area, or lesser intensity Planning Areas. This approach would need to take into consideration previous approvals, rights and expectations of landowners and the community and the technology available, quality of data and errors that may be inherent in the data.

3. That as part of the future review of CairnsPlan, consideration be given to the inclusion of additional definitions, depending on the issues that arise in the use of the scheme once gazetted.

4. That the contents of submission no 747386 be taken into consideration when reviewing the Hillslopes Code and the Population density provisions as part of the separate report on Multi-Unit Housing and Residential Planning Areas, which is to be submitted to Council prior to the adoption of the CairnsPlan.
INDIVIDUAL SUBMISSIONS

10. MULTI – UNIT HOUSING

A & S Henson, 12 Vandeleur Street, Cairns  Qld  4870  
Nina Crook, 38 Upward Street, Cairns  Qld  4870  
M. Foulger, 258 Lyons Street, Cairns  Qld  4870  
Shelley Cass, 37 Grove Street, Parramatta Park  Qld  4870  
John & Megan Bergman, 10 Queen Street, Parramatta Park  
L. Dixon  20 Trivia Street, Palm Cove  Qld  4879

Multi-Unit Housing General

#748570, #748569, #748566, #748559, #749456, #746162

Grounds of Submission

The draft CairnsPlan, Multi-Unit Housing and Retirement Code is inadequate to ensure unit developments that complement streetscapes, minimise adverse effects on neighbours and ensure a good living environment for residents. These developments should not be self-assessable, but should be Code Assessable and ideally adjoining property owners would be consulted.

In particular the code needs to be strengthened to address the following:

- Limits to size and bulk of units;
- Limits on the area that can be sealed with concrete, as this bounces noise around and creates glare and heat – more landscaping is needed;
- Better shading of walls and windows;
- Requirements for split system air conditioners;
- Stricter controls about overlooking;
- New controls for overshadowing.

The submission outlines concerns with the change of zoning in Palm Cove and the increasing incidences of lack of suitability of form to location – e.g. coastal development that is not conscious of the impacts of such things as tidal surge.

The submitter requests that development ensure:

- That floor space or bedroom requirements be increased to avoid the ‘pigeonhole’ effect.
- A mix of housing and concentrated building with strict codes that maintain the individual identity of each beach, and the Cairns region.
- Strict adherence to regulations.
- Restrict development to 3 storeys maximum height.
- Blocks of units of no more than 20 units depending on the land size.
- Development sites include substantial garden / recreational areas to help maintain the sanity of inhabitants.
- Building plans are in line with the tropical nature of our inherited environment.
The resident reports feedback from visitors to the area that reinforce her views that Cairns is losing the natural attractions that people come to the area to enjoy.

Comment

The general intent of the submissions received is to amend the relevant codes to either loosen or tighten the development provisions. There is a general theme also relating to character and amenity.

It is agreed that the Multi-Unit Housing code, in particular requires further amendments to respond to the submissions received, recent experiences with development applications and community expectations for character and amenity and liveability.

In amalgamating the Planning Scheme for the Part of the City with the Planning Scheme for the Balance of the City, some of the changes to provisions have greatly altered the development potential and expectation for landowners.

There is a need to review the codes separately, taking into consideration the differing ground of submission, and the implications of any changes. It is likely that in changing the Multi-Unit Housing code, changes will also need to be made to a number of other codes including the Height of Impact of Buildings Code and Parking and Access Code.

Urban design and the quality of the built form are issues facing the city as a whole. This submission is consistent with others concerned with densities, amenity and character in the northern beaches.

The Scheme intends to protect the individual character of the beach communities, and so district plans and codes will be reviewed given this and other feedback. The review of all residential codes to improve the quality and design of small lot housing and multi unit accommodation is currently being undertaken, with a view to achieving more positive outcomes for existing and new residents.

Recommendation No. 10a

That the recommendations contained at the start of Clause 1, and the start of this Clause relating to Multi-Unit Housing and residential character and the like be included as an advice statement in the response letter to the submitters.
Grounds of Submission

The draft CairnsPlan, Multi-Unit Housing and Retirement Code is inadequate to deal with the scope of residential development currently taking place in Cairns.

The draft CairnsPlan Multi-Unit Housing and Retirement Code and CairnsPlan Height of Impact of Buildings Code require amendment. The submission provides detailed suggested amendments to:
- Boundary setbacks
- Air conditioners
- Waste collection
- Parking
- Open space, landscaping and design elements
- Overshadowing and heart creation from tall buildings
- Amenity and character
- Reducing density
- Site requirements
- Access
- Layout
- General provisions
- Plot ratio
- Height and formatting
- Car parking.

Officer Comment

The concerns contained in these submissions have been discussed earlier in this report.

Recommendation No. 10b

That the recommendations contained at the start of Clause 1, and the start of this Clause relating to Multi-Unit Housing and residential character and the like be included as an advice statement in the response letter to the submitters.
11. CULTURAL HERITAGE

A number of submissions relating to the retention and protection local cultural heritage were received. The grounds of each of the submissions are summarised below.

Jan Wegner Chair Far Northern Branch, National Trust of Queensland
PO Box 2935, Cairns QLD 4870
# 747405

Group Submission from Residents in Queen St, Denbeigh St & Cairns St
Refer to appendix 1 for name and address of submitters

Shelly Cass 37 Grove Street, Parramatta Park
#748559

Grounds of Submission

1. The major problems identified by the Branch for the CairnsPlan include:

   That the performance criteria and acceptable measures stated will not preserve the heritage significance of heritage places and precincts for Cairns.

   The performance criteria and acceptable measure do not carry out the purpose of the code as stated. In nearly all cases these criteria merely require that development or redevelopment be designed to be sympathetic with and respectful of the significance of the site.

   The performance criteria should aim first and foremost to preserve the cultural heritage significance of the site. Brisbane City Council provides criteria and measures that safeguard heritage significance and is a useful model.

   It is vital that this be corrected as the Cairns City Council under IPA is the guardian of locally significant heritage places and precincts – no one else will be able to save them.

   There is no yardstick definition of “character” for the heritage character precincts which is to be preserved or respected through sympathetic development. This could be as simple as “pre-1940 structures” or a set of architectural characteristics.

   There is no indication of how impacts on heritage significance is to be assessed. The universal method is Australia for assessing heritage values and the impact on them by development is the Australian ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (Burra Charter). The acceptable measures to ensure that heritage values are preserved and respected should ensure that the Burra Charter is used to assess development impacts on heritage places and precincts.

   The list of heritage places does not include all the places identified in the Council’s own Heritage Strategy document.
It is recommended that:
A new P1 of the Performance Criteria be inserted as follows:
“any proposal for development or redevelopment of a site of Historic Cultural Heritage Significance must preserve the cultural heritage significance of the site”.

The accompanying Acceptable Measure to the new P1 should read:
“A report on the proposal will show that the proposal conforms to the Australian ICOMOS Charter for the conservation of places of cultural significance (Burra Charter)”.

That the current P1 be renumbered to P2 and the remainder of the document renumbered accordingly.

That the Acceptable Measure A12-6 and A2 1-9 of the Historic Cultural Heritage Significance Code be adapted for use with Character Precincts.

That appropriate strategies and incentives be developed to encourage the retention of character houses in Character Precincts, including the development of more stringent performance criteria and acceptable measures which will discourage the demolition of character houses and create flexible development options for large blocks containing character houses which will encourage retention of the original house.

That “character” be defined in some way for each precinct.

That those areas of Character Precincts with particularly high heritage values such as Cairns Street, North Cairns be covered by demolition control areas to prevent demolition or removal of character houses.

That additional places as outlined in the submission be incorporated into the schedule of heritage sites and additional precincts into the heritage overlay.

That there be a mechanism for continued community recommendations for new additions. In particular the Cairns Yacht Club should be added to the schedule as a place with particularly high social heritage value.

2. Properties within Queen Street, Denbeigh Street and Cairns Street to be included in a Character Precinct with the following requirements:

- A complete ban on the removal or demolition of houses. This is not a heritage building listing allowing owners to renovate and extend the house.
- In the event that a building is destroyed the replacement building is to be designed in a manner similar to the existing “queenslander” buildings in the immediate area.
- Review allowable densities to ensure unit development are not allowed.
- Prevention of development in the surrounding areas that impacts on the character/ privacy of back yards.
Review allowable densities across the greater Parramatta Park area.

All developments above 100 persons/ha in Parramatta Park area to be code assessable.

Codes to be improved for multi-unit development in Parramatta Park.

3. Concerned at present that it is too easy for developers to destroy the character of some of Cairns local areas without taking any responsibility for unacceptable outcomes or there being any recourse by neighbours and others living in close proximity. Disappointed in the way special character of Parramatta Park has been diminished.

Current criteria are inadequate and unacceptable in ensuring unit development complements streetscapes, minimises adverse effects on neighbourhoods and ensures an amenable living environment for all residents.

The following items should be addressed/ modified in the CairnsPlan:

Parramatta Park including streets bordering North Cairns and Cairns to be zoned as a character residential precinct with the following requirements

- Ban on the removal or demolition of houses, but not a heritage listing, so that owners may renovate and extend houses
- A requirement for all new buildings to be constructed in a manner and with materials which complement the scale, form and streetscape of existing buildings in the vicinity
- A review of the allowable development density such that large scale high density unit developments are not permitted
- Restrictions on development in the surrounding area to ensure the character of backyards and the streetscape is not lost.

Review of allowable densities across the greater Parramatta Park are to ensure appropriate development to preserve the character of the area.

Limits on the size of developments to blend with neighbouring properties, such as the use of designs incorporating a number of small buildings rather than large monolith.

All developments of 6 units or more on a standard residential block to be code assessable.

Appropriate codes to be incorporated in the CairnsPlan governing development in character precincts and multi-unit housing generally.

Create a register of queenslander houses where the building is structurally sound and meets character criteria and disallow destruction of such historically important queenslanders for development purposes.
Require developers to advertise queenslander houses for relocation for specified periods before being allowed to consider commencement of land clearance/demolition and then only where the existing building would not meet the requirements in the previous dot point.

A set of procedures to be put in place to require developers to include neighbours in formal consultations prior to any approval or commencement of site development, including others in close proximity who may be impacted by the proposed development.

Requirements for landscaping including appropriate plantings in front of multi-unit buildings to reduce noise reverberation and heat reflection.

Noise controls such as for air conditioning units.

Stricter controls to minimise multi-unit overlooking neighbours properties such as placement of windows and balconies.

Controls on overshadowing so that neighbours do not lose previous available natural light and breezeways.

Controls over security lighting locations and angles so that this doesn’t impact on neighbouring houses, particularly in regards to sleeping areas.

Controls over placement of rubbish bins so that neighbours do not have to endure unsavoury smells or having rubbish tossed over to neighbours fences due to unit residents unhealthy practices.

Controls on body corporate to actively manage their properties.

Neighbours rights to be given tenant/owner information by Body Corporates.

Cairns City Council to initiate regular mailouts to residents about current and new issues regarding the CairnsPlan.

**Officer Comment**

The concerns contained in these submissions have been discussed earlier in this report.

**Recommendation No. 11a**

That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.
DIVISION 6

Grounds of Submission

Rezoning of Parramatta Park residential area, particularly those areas comprising queenslander housing to Residential 3. This rezoning makes a clever and easier path for the developments that pop up all over the place to the detriment of the character of certain areas. Inner city living does not mean unit living.

No high density residential development (Residential 3) should be permitted in Parramatta Park.

Numerous residents respect and cherish the history and heritage of inner city suburbs by choosing to live and enhance these area. It’s a shame Cairns City Council does not have the same respect or value for our history.

The inner city suburbs displaying character housing areas showcase the past of our city. These areas need to be preserved and their preservation supported by Council. This can be done by character housing listing interim areas which are yet to fall to developer dollar.

Need to preserve the past because when it is lost it is lost for all generations.

Officer Comment

Parramatta Park has not been rezoned under the CairnsPlan. The residential density of 400 persons per hectare is currently established through the current Planning Scheme for the Part of the City Cairns in the Development Control Plan for Residential Densities. The CairnsPlan simply represents residential density differently through a number of Planning Areas. The Residential 3 Planning Area allows for 400 persons per hectare.

Concern for the protection of character precincts and the buildings therein, namely “Queenslanders”. Unit development is fast encroaching upon and destroying unique sections of Cairns.
A working committee has been set up in Parramatta Park to facilitate change to the plan.

Ensure the protection to these precincts for the future.

Officer Comment

The concerns contained in these submissions have been discussed earlier in this report.

Recommendation No. 11b

That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.
Grounds of Submission

There are no performance criteria against which the proposed development in a character precinct can be assessed and so the qualities of these areas can not be protected. Appropriate performance criteria must be included in the Plan.

There are no provisions to protect traditional Queenslander housing in Cairns. Pre-1946 housing has particular heritage value that is worthy of special protection. Many of our traditional Queenslanders have already been demolished and it is important for historical and social reasons that the new CairnsPlan ensures that precincts of pre-1946 houses are retained and that redevelopment in those precincts complements the pre-1946 houses. An additional demolition control precinct overlay category is required.

The performance criteria and acceptable measures for multi unit developments are inadequate to ensure unit developments that complement streetscapes, minimises adverse effects on neighbours and ensure a good living environment for residents. These developments should not be self assessable, but should be code assessable, and ideally adjoining property owners would be consulted.

Officer Comment

The concerns contained in these submissions have been discussed earlier in this report.

Recommendation No. 11c

That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.
Mary Low Cairns and District Chinese Association  
PO Box 5951, Cairns QLD 4870  
#749356

Division 6

Grounds of Submission

Concern regarding the lack of provisions which address the protection of cultural heritage places.

Main area of concern is Grafton Street as the former Chinatown precinct of Cairns from 1880 to about 1920. Despite the identification of Rusty’s Market on the local heritage register as a significant part of the old Chinatown, much of its heritage significance was lost in the recent re-development.

I advocate the establishment of planning controls that will regulate heritage conservation. In instances where original buildings are no longer there, provision should be made for proper archaeological investigation and monitoring by the developer.

Officer Comment

A number of buildings are individually listed as local heritage places along Grafton Street and a character precinct has been identified for the area bounded by Sheridan, Shields, Lake and Spence Streets. The boundary of the character precinct should be reviewed to ensure it does not exclude any places of local cultural significance.

At a future stage, a review of the Cultural Heritage Significance Code should be undertaken to ensure the performance criteria and acceptable measures are practical and provide for the protection of local heritage places and precincts. In particular, the review should examine provisions for proper archaeological investigations.

Recommendation No. 11d

1. That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.

2. That as part of a future review of CairnsPlan, the Cultural Heritage Significance Code should be reviewed with further consideration being give to the performance criteria and acceptable measures relating to the protection of local heritage places and precincts.
Grounds of Submission

Objection to the proposed heritage listing of the old Queerah meatworks site situated at Hargreaves Road Centenary Park.

The draft supporting material states that the building that housed the meatworks remains, but all the old freezers and infrastructure for processing meat have been removed for hygienic reasons.

The above statement is correct. The building was constructed in 1972 and what remains is indistinguishable from many other portal frame buildings built from that date until the present.

There is no evidence the building was a meatworks as it has been completely refurbished into a modern self storage facility that trades as Big blue Self Storage.

Since the facility ceased being a meatworks it has had a large skillion roofed building constructed by a mushroom farm.

A new paved road leads into the facility and the previous administration building has been completed, renovated and converted into a caretakers residence and archival storage units.
Welcome an inspection of the facility to substantiate that the building in its present state has no heritage values.

Officer Comment

The site was identified in the Heritage Study prepared by Pawsey and Prowse for the Mulgrave Shire Council in 1996. The local heritage places from this study and the study prepared for the Cairns City Council by Allom Lovell Marquis-Kyle in 1994 form the basis for the Local Heritage Register.

It is acknowledge that evidence of heritage significance may not exist anymore and an independent assessment of the significance by a heritage expert will be undertaken.

Recommendation No. 11e

1. That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.

2. That the review identified in recommendation 1 specifically include Lot 21 SP111321, known as Queerah Meatworks.
Grounds of Submission

Objection to the inclusion of 95-99 Grafton Street in the schedule of heritage sites and consequent application of the Heritage Overlay. Extensive research was undertaken to determine the origin and age of the buildings on the land. Details of the research are documented in the submission.

In summary:

Number 95 was the site of a joss house destroyed by the 1927 cyclone, partially rebuilt and again demolished in the 1960's however no part of the building survived. It has been completely and totally demolished, as a result of disuse and lack of interest.

Number 97 was the site of a galvanised iron and timber structure which was completely demolished in the 1927 cyclone. We have no evidence of the age of the existing building except to say it was post 1927.

Number 99(a) and 99(b) were constructed during the period 1946 to mid 1950's.

It was determined that there is no evidence to support the inclusion of the premises within the heritage schedule or the completion of the overlay. There is no building at the premises dating from the 1881's to the early twentieth century and the restriction imposed on the premises is unjustified and unsustainable.
Officer Comment

The site was identified in the Heritage Study prepared by Allom Lovell Marquis-Kyle for Cairns City Council in 1994. The local heritage places from this study and the Study prepared for the Mulgrave Shire Council form the basis for the Local Heritage Register.

It is acknowledge that evidence of the buildings may not exist anymore and an independent assessment of the significance by a heritage expert will be undertaken. The heritage significance may include archaeological significance.

Recommendation No. 11f

1. That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.

2. That the review identified in recommendation 1 specifically include 95-99 Grafton Street.
Linda Tomic  
4 Royal Saxon Close, Tamarind Gardens QLD 4870  
#748102

Angela Murphy  
18 Valley Street, Freshwater QLD 4870  
#748104

Ann Mauger  
47 Tari Place, Trinity Beach QLD 4879  
#748098

Diane Forsyth  
114 Woodward Street, Edge Hill QLD 4870

Grounds of Submission

Since the Cairns Yacht Club has been identified by the Queensland Heritage Commission as a building with significant heritage and community values Council must make provisions to preserve this site as such.

The proposed Aquatic Club centre serves limited purpose to the community to further enjoy its unique heritage identify as it diminishes direct access to the inlet by residents and ratepayers and it also diminishes storage of small boats.

Officer Comment

The Queensland Heritage Council at its meeting on the 12 December 2003 resolved not to permanently enter the Cairns Yacht Club in the Queensland Heritage Register. The Cairns Yacht Club is located on Strategic Port Land and as such is controlled by the Cairns Port Authority under their Land Use Plan.

The CairnsPlan provisions will not apply. The Cairns Wharfs have been shown on the CairnsPlan Heritage Overlay as they are a State Heritage place and are shown for information purposes only.

Recommendation No. 11g

That the Cairns Yacht Club not be included in the schedule of local heritage places and associated overlay for the CBD – North Cairns District.
Grounds of Submission

The heritage and Northern Australian character of the Cairns Esplanade and the properties listed have a unique and endearing value to visitors and the permanent residents of Cairns. They are also excellent examples of period architecture and building design.

All of these buildings need to be retained in order to preserve the character of the remaining area of the esplanade. If we are to preserve the unique northern ethos and style it is important that the last undeveloped buildings listed are preserved for future generations to admire and understand.

Officer Comment

The local heritage places have been identified through previous studies undertaken for Cairns City Council and the then Mulgrave Shire Council. Council will be undertaking further heritage studies to ensure more places are added to the local heritage register.

Council has prepared a Draft Planning Scheme Policy - Nominations for the inclusion or removal of a place from the Local heritage register which provides a mechanism for additional places to be added to the heritage schedule.

A general review of the boundaries of character precincts will be undertaken and will investigate including the parts of the Cairns Esplanade in a character precinct.

Recommendation No. 11h

1. That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.

2. That the review identified in recommendation 1 also specifically include consideration of the boundaries for character precincts and include an assessment of the potential to include parts of the Cairns Esplanade within a precinct in the CBD – North Cairns District.
Hedwig Mathews  
199 The Esplanade, Cairns QLD 4870  
#751916

Division 6

Grounds of Submission

Object to my home, 199 The Esplanade, being listed on the local heritage register and require its immediate removal.

In 1996 when consultants approached me with my neighbours at 201 and 203 The Esplanade, we responded that we did not want to be on the register. It was our understanding that our homes were then deleted from the list.

Home was built approximately 80 years ago and has withstood many a cyclone. However, the whole front has been changed and updated. Currently 199 The Esplanade is under contract for sale and the sale is in jeopardy because of the local heritage register.

Officer Comment

The site was identified in the Heritage Study prepared by Allom Lovell Marquis-Kyle for Cairns City Council in 1994. The local heritage places from this study and the Study prepared for the Mulgrave Shire Council form the basis for the Local Heritage Register.

It is acknowledge that the building may have changed and been updated and an independent assessment of the significance by a heritage expert will be undertaken.

Recommendation No. 11i

1. That the recommendations contained at the start of this Clause relating to Heritage be included as an advice statement in the response letter to the submitters.

2. That the review identified in recommendation 1 specifically include 199 The Esplanade.
Lyn Wallace & Rowan Silva, 6 Passchendale Street, Stratford
General
#748767

All Divisions, Division 10, Division 6

Chinese Historical Precinct

Grounds for Submission

Support the concept of the Grafton Street Chinese Historical Precinct and would like to ensure that it is preserved with interpretative signage.

Comment

Council has adopted the Cairns Heritage Strategy which includes measures such as interpretive signage and the production of information material including heritage walk brochures.

The implementation of the Cairns Heritage Strategy is ongoing and subject to budget allocations.

Recommendation No. 11j

1. That support for the Grafton Street Chinese Historical Precinct and suggestion for interpretative signage for the area is noted.

2. That no action required, as this is not a planning matter.

Public Consultation Process

Grounds of Submission

Prior to making changes on the CairnsPlan, the planners produce a public document which provides an analysis of public submissions, itemises suggestions for change made by the community, and details with respect to each suggestion what decisions have been made in regard to the suggestions, what process was undertaken to arrive at the decisions and why this particular decision is the best one.

Officer Comments

The community deserves transparency in planning and decision making. The Council report dealing with each submission is a public document and provides a summary of each submission, commentary on how each suggestion was considered and a recommendation. This document will be available on Council’s web page and at each library.

Each submitter will be notified of the date of the Council meeting when the CairnsPlan submissions will be considered by Council and invited to attend the meeting.
Council is required under the Integrated Planning Act to report to each person who made a submission to give an explanation of how their submission was dealt with.

Recommendation No. 11k

1. That no further action required as letters outlining the process have been sent to all submitters.

2. Copy of the Council report be available on Council’s web page and at each library.

Freshwater Stratford Aeroglen Planning Areas

Grounds for Submission

Freshwater Stratford – Multi-Unit Housing. There is little in the Plan to prevent an increase in Multi-Unit Housing in this Planning Area. There should be no further unit development in the area. It is crucial that the main street be allowed to retain some of the character of the adjacent housing areas. Stratford should be specifically designated as a precinct where only single unit dwellings are permitted.

Comment

Freshwater Stratford. The overall philosophy behind Planning Areas is that they reflect the strategic intent of the area, not just the zone. Accordingly, there has been a substantial reduction in the areas designated Residential 3, this is combined with the Character Precincts, which are intended to be expanded in the locality.

Recommendation No. 11l

That in response to the submission, there be no change to the Planning Area for Stratford, as the CairnsPlan reasonably addresses the concerns of the submitter.

Bike Lanes

Grounds for Submission

Bike lanes. We suggest a well sealed and wide bike path continuing along the railway side of Stratford Parade with strategic crossing to the Stratford shops, Freshwater school and Freshwater shops.

Officer Comment

This matter is not a CairnsPlan issue, it more reasonably forms part of the bikeway strategy. The concerns of the submitter have been forwarded to Infrastructure management for future consideration in the Bikeways Strategy.
Recommendation No. 11m

That the matter be noted for consideration as part of future bikeway strategy reviews.

Island Planning Area

Grounds for Submission

The plan notes that there is a camping ground on Fitzroy Island. This camping ground has been closed for several years. The Plan should identify the Fitzroy Island camping ground as a priority for upgrading and improvements.

Comment

Physical upgrades and amendments to the camping ground at Fitzroy Island are a budgetary and policy matter, outside the provisions of the scheme.

Recommendation No. 11n

That no action is required, as this is not a planning matter.
12. COMMERCIAL PLANNING AREA

Ben Williams; Christopher Ruis; Terry & Laurette Lubbers-Johns; Alfio Curcuruto; M & R Jalilehvand; and a Group Submission
56 – 80 Reservoir Rd, between Mahogany and Enmore Streets
Lots 5 – 17 RP 711963

Division 8

#742010; 742013; 742009; 742054; 742012; 730225

Grounds of Submission

The residents from 57 to 80 Reservoir Road, unanimously object to the proposed zoning for our area as High Density Residential. The following grounds are provided:

The land is zoned for high density residential. However, Reservoir Road has become a highway, linking the city with the northern beaches and beyond. It is also an extremely busy thoroughfare.

Research has shown that the traffic has increased by 60% between 1998 and 2001. The amount of heavy traffic has equally increased. The noise levels are extreme.

Property values in the area have increased. Ours have not, this may be attributable to the fact that no one wants to live on a busy road.

The property sizes are better suited to small business than high density residential. Reservoir Road is an ideal road for setting up a commercial venture. There is plenty of exposure, it is central and easily accessible. One has to look only directly to the opposite side of the road where a take away service station and nursery are operating safely and profitably. So too are businesses near the Pease Street lights.
The land should be in a commercial or multi-use zone. A home occupation (office, display and storage area) has been approved at one locality, this indicates there is merit in more commercial uses.

The rezoning will not reduce noise or pollution however it will give rectification to the current inequitably of those ratepayer’s properties.

Infrastructure upgrades have occurred on the road, including road upgrades, reinforced loading pad for busses, bus shelters etc.

Comment

The land is currently zoned R1 and the Residential Densities DCP permits a population density of 400 persons per hectare.

The subject land will be included in the Residential 3 Planning Area in CairnsPlan which also allows for a population density of 400 persons per hectare.

The ultimate use for allotments fronting Reservoir Road is not a straightforward determination. The allotments are small, with most having an area of around 570m² and dimensions of approximately 36.5m x 15.5m. The lots are narrow and not very deep. Consequently, any use other than single residential dwellings will require allotments to be combined. This is evidenced by the day care centre in the next block, which utilises 2 lots (it is also noted that this day care centre does not meet the current Planning Scheme requirements).

Regardless of the final use, there will be difficulties in creating safe access, and providing sufficient parking on site.

Reservoir Road is basically 2 lanes wide in this locality, however there are also bus stops, and turning lanes in the vicinity of the lots. It is likely that the road will become three lanes wide in the future.

A review of vacant shops / tenancies within 1.5km of the site, reveals that there are no real vacancies, however there are opportunities for additional commercial / retail tenancies to be developed within existing approved commercial areas (along Pease St and Anderson St).

One of the most distinguishing characteristics of the other commercial / retail land in the locality is access. The land on the opposite side of Reservoir Road, has 2 frontages – one to Reservoir Road and one to Perkins Street. There is also an usual parking / turning area at the end of Perkins Street which can provide alternative access and parking to the nursery. There is also a similar road reserve situation, providing additional parking at the end of Miles Street, before it reaches Pease Street.

Accordingly, it is not possible to compare the land between Enmore and Mahogany Streets with the land on the opposite side of the road, as there is a substantial difference in access and parking.
The submission from the residents was well prepared and the joint submission is commended. It is however undesirable to create strips of commercial land along major roads, without suitable parking and access. Any solution provided in response to this submission should also be applicable to other land in a similar situation.

These allotments should not be gaining access from Reservoir Road, and ideally, they should be accessed via Quondong Close, which is also included in the Residential 3 Planning Area.

Recommendation No. 12a

That the residents of 56 – 80 Reservoir Rd, between Mahogany and Enmore Streets (Lots 5 – 17 RP 711963) be advised that:

1. There be no change to the Residential 3 Planning Area designation for Lots 5 – 17 RP 711963, located between 56 – 80 Reservoir Road, Manoora.

2. The residents should also be commended on the approach taken and quality of their submission.
Grounds of Submission

1. The submission claims that only a small proportion of land in the locality that is zoned industrial, is used for industrial purposes. It claims that the uses have no uniformity and that they are not industrial uses.

The submission requests that the land be used for medium density residential, siting overlooking from existing units and the lack of neighbours as supporting grounds.

The submission also requests that the land on the eastern side of Mayers street between Patience Street and the rear of the lots fronting Anderson Street, be included in the Residential 3 Planning Area. This would bring it into conformity with land on the western side and greatly improve the amenity, utility and planning for the area.
2. We request that the land at Lot 61 C198101 Patience St remain in the Industry Planning Area and not allow use rights consistent with Residential 3. The reasons for this relate to heavy traffic demands, access to Pease street from Patience St, Creek and Drainage implications, parking practices, noise, environmental and birdlife considerations.

Comment

The land is currently in the Light Industry zone and is to be included in the Industry Planning Area in CairnsPlan.

Mayers Street forms a logical boundary between residential and industrial uses and in particular the introduction of residential uses adjacent to the current use of shark cage sporting centre is not desirable.

A land use survey undertaken by officers, and there are no compelling circumstances to warrant the change.

Recommendation No. 12b

That Peter Robinson Planner on behalf of Mr Richard Lindsay and D & M Bragg, be advised that:

1. The land located at 170 –180 Mayers Street (corner of Patience Street) Manunda described as Lot 61 C198101 is to remain in the Industrial Planning Area, and will not be included in the Residential 3 designation.

2. The land on the eastern side of Mayers street between Patience Street and the rear of the lots fronting Anderson Street, will not be included in the Residential 3 Planning Area.
Grounds of Submission

The land is included in the Industrial Planning Area in CairnsPlan. Examination of land in this section of Sheridan Street shows that there is little if any true industrial development in this locality.

Sheridan Street is the major arterial north of Cairns and offers some of the best commercial exposure of any location in the City.

Council recently upgraded the landscaping in this locality to mark the entrance to the City. The mishmash of industrial and commercial development on either side detracts from Council's efforts. To entrench industrial development along this section of Sheridan Street will further detract from council's efforts.

There is no overwhelming need for Industrial land within the city.

It is requested that the land in the industrial designation either side of Sheridan Street from O'Keefe Street to Saltwater Creek be excluded from the Industrial Planning Area and included in the commercial Planning Area.
Comment

This locality is currently included in the Light Industry zone, or designated to be included in the Light Industry zone in the Current Strategic Plan.

At first glance the submission raises some valid grounds. However, upon closer examination of the permitted uses in each Planning Area. It is considered that the proposed industrial designation is correct.

The table below compares some of the requirements for the two Planning Areas. Consideration should be given to the landscaping, buffering, parking, access and signage requirements for the different uses, and the ability of these to be provided on the allotments given their size and shape.

<table>
<thead>
<tr>
<th>Element</th>
<th>Industrial Planning Area</th>
<th>Retail / Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback to a:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Main Road</td>
<td>8m</td>
<td>Not specified</td>
</tr>
<tr>
<td>2. Land in same zone</td>
<td>0m</td>
<td></td>
</tr>
<tr>
<td>3. Other land</td>
<td>2.5m minimum</td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>10% of the area of the site</td>
<td>Not Specified</td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The setback areas from the road frontage(s)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The setback areas from side and rear boundaries in the case where the site adjoins land not in an Industry Planning Area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Areas used for storage are screened from view from the street by landscaping, fencing or buildings.</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>10m</td>
<td>10m</td>
</tr>
<tr>
<td>Loading Areas</td>
<td>Required for sites adjacent to Main Road.</td>
<td>Not specified</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Vehicle Repair Workshop</td>
<td>5 spaces plus - 1 space per 90m² of net lettable area</td>
<td>Retail: 0m²–1000m² net lettable area 1 space per 25m² net lettable area; 1001m²–20000 m² net lettable area – 1 space per 16m² net lettable area;</td>
</tr>
<tr>
<td>Display Facilities:</td>
<td>For garden supplies, hardware &amp; the like;</td>
<td>Display Facilities: For garden supplies, hardware &amp; the like;</td>
</tr>
<tr>
<td></td>
<td>• 1 space per 50m² net lettable area.</td>
<td>• 1 space per 50 m² net lettable area.</td>
</tr>
<tr>
<td></td>
<td>For boats, caravans, machinery, motor vehicles and the like;</td>
<td>For boats, caravans, machinery, motor vehicles and the like;</td>
</tr>
<tr>
<td></td>
<td>• 1 space per 100m² net lettable area.</td>
<td>• 1 space per 100m² net lettable area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Self Assessable Uses</th>
<th>Vehicle Repair station</th>
<th>Industry Class A</th>
<th>Display facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Business Facilities</td>
<td>Veterinary Facilities</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code Assessable Uses</th>
<th>Display facilities</th>
<th>Bottle shop</th>
<th>Business Facilities</th>
<th>Service Station</th>
<th>Veterinary Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Restricted Premises</td>
<td>Bottle shop</td>
<td>Business Facilities</td>
<td>Chile Care Centre</td>
<td>Service Station</td>
</tr>
<tr>
<td></td>
<td>Restaurant</td>
<td>Business Facilities</td>
<td></td>
<td></td>
<td>Tavern</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impact Assessable Uses</th>
<th>Shopping up to 500m²</th>
<th>Shopping up to 10,000m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact</td>
<td>Undesirable Shopping over 500m²</td>
<td>Shopping over 10,000m²</td>
</tr>
</tbody>
</table>

There is a hierarchy of retail, business, commercial, administrative and community facilities within the City, and it is considered that the changing the designation from Industry to Commercial is unnecessary, and would potentially dilute the viability of the existing centres.
Recommendation No. 12c

1. That Peter Robinson Planner on behalf of Australia Estates P/L be advised that there is no changed proposed to the Industrial Planning Area for the Foxwood Site Captain Cook Highway Aeroglen described as Lot 2 NR6367.

2. That no change is made to the land in the Industrial Designation either side of Sheridan Street from O'Keefe Street to Saltwater Creek.
Grounds of Submission

The area bounded by Sheridan, Lake, Moffat and Rutherford Streets should remain as a Residential zone. There are a number of residential dwellings in the area. The site is suitable for Residential as there are schools close by, sporting fields and the esplanade. The site will be devalued by changing to the Industry Planning Area. Lake Street is already busy enough without further traffic generated by industrial uses. The area is a main route into the city for tour busses and taxis.

Comment

Although the site is currently included in the Residential zone, the site is included in the Industry designation of the Strategic Plan. To reaffirm that the area is intended for industrial uses the site has not been included in DCP1 – Residential Densities. The site is located beneath the flight path and is included within the 35 Australian Noise Exposure Forecast designation. Such an area is not considered suitable for residential uses as per the Airport Installations Development Control Plan. The State Planning Policy ½ Development in the Vicinity of Certain Airports and Aviation Facilities requires areas such as that in question to be developed for Industrial uses as part of the public safety zone requirements.

Recommendation No. 12d

That the site and surrounding area be included in the Industry Planning Area.
Grounds of Submission

The site should remain as a Residential zone. I am currently building a house on the site. The site is suitable for Residential as there are schools close by, sporting fields and the esplanade. The site will be devalued by changing to the Industry Planning Area. Lake Street is already busy enough without further traffic generated by industrial uses. The area is a main route into the city for tour busses and taxis. Tourists should be presented with houses, not industrial buildings. The recent planting of the road reserve will be detracted by the presence of large industrial buildings.

Comment

Although the site is currently included in the Residential zone, the site is included in the Industry designation of the Strategic Plan. To reaffirm that the area is intended for industrial uses the site has not been included in DCP1 – Residential Densities. The site is located beneath the flight path and is included within the 35 Australian Noise Exposure Forecast designation. Such an area is not considered suitable for residential uses as per the Airport Installations Development Control Plan. The proposed Industry area is essential as it is located within close proximity to the airport and it is located on the main transport route north. It is unfortunate that the submitter did not review the current Planning Scheme prior to constructing the residence.

Recommendation No. 12e

That the site and surrounding area be included in the Industry Planning Area.
C & B Group, P.O. Box 1949 - Re: Various planning issues (item 3.13)
Inner Suburbs District Planning Area Map
Various allotments

Division 6 & Division 5

# Part of 749394

ANDERSON STREET / PEASE STREET
GENERAL LOCATION OF COMMERCIAL, INDUSTRIAL AND CENTRES
ANDERSON STREET / PEASE STREET
GENERAL LOCATION OF COMMERCIAL, INDUSTRIAL AND CENTRES

Grounds of Submission

A large part of James Street, Anderson Street and Mulgrave Road are proposed to be included within the Industry Planning Area (including sites such as Brothers Leagues club, squash courts, Retail warehouses). The Industry Planning Area provides for uses such as concrete batching plants. Such uses are not suitable in this location. It is considered that these sites should be included within the Commercial Planning Area.

Comment

It is agreed that there are some allotments that could be included in the Commercial Planning Area, not the Industrial Planning Area. Particularly along Anderson St and Mulgrave Road.

However, it is also acknowledged that the actual landowners have not made the submission, and that they may be satisfied with the proposed Planning Area. Accordingly, the only changes recommended are to those allotments where such a change would clearly reflect the current land use.

It is considered appropriate that a complete review of the land uses and designations be undertaken at a future stage. Any changes should then be advertised as part of a review of CairnsPlan.

In considering this submission, a land use inspection was been undertaken and it was apparent that one allotment in particular was not included in the correct Planning Area. The parcel was included in the Residential 3 Planning Area, but has had a new commercial building erected on it within the last 18 months. This building now contains Andersons Carpets, Pet Café, Camping World and this allotment should now be included in the Commercial Planning Area.
Recommendation No. 12f

1. That 19 – 29 Anderson Street described as Lot 49 SP149826 be excluded from the Residential 3 Planning Area and included in the Commercial Planning Area.

2. That in regard to Commercial and Industrial Planning Areas in the Inner Suburbs District a complete review of the nature of the land uses and Planning Area designations be undertaken during the next 2 years, with consideration being given to the Centres Strategy. Any changes should then be advertised as part of a review of CairnsPlan.

INDIVIDUAL SUBMISSIONS

William L Peach, P.O. Box 949, Gordonvale  Qld  4865
Parking Requirements

All Divisions

#746843

Grounds of Submission

Parking requirements for Commercial (Business Facilities) premises do not make any differentiation for the type of business being conducted at the premises. There should be some different parking requirement for a doctor’s surgery where patients are queued for consultation and turnover can be four or more an hour than for a service business that does not require visitations to the premises for operation, e.g. consulting engineer.

The basis for requiring 1 parking space for 25m² of net lettable floor area is discriminatory against the businesses that have low client or staff visitation numbers.

The variation in parking requirements between City Centre Planning area and outside that area is also discriminatory.

Comment

It is agreed that the parking rates for Commercial / Business uses require review. Officers had also come to this conclusion whilst checking applications against the new Planning Scheme.

The submitter’s statement regarding the differing rates outside the CBD is noted, and has been strongly considered. However, it remains practical and desirable to have a reduced parking rate for businesses within the CBD. Land uses in this locality, are able to support each other, and it is likely that a user of a business in the CBD is also likely to shop and use other businesses in the CBD, thus gaining the benefit of a concentrated supply of businesses.

The CBD also offers a range of parking options spread across the area, including parking stations and paid on street parking. These are make the park and walk option viable within the CBD, a situation which is unlikely to occur in the suburban centres.
Recommendation No. 12g

That the parking rates for commercial / business land uses be reviewed and a separate report be provided to Council, prior to the final adoption of the Planning Scheme. In particular the review should considered the requirements for Medical Centres and Professional Offices.
Grounds of Submission

The sites are included in the Business zone in the current Planning Scheme which permits both shops and offices. The Draft CairnsPlan includes the site in the Commercial Planning Area which does not permit Shops ‘as of right’. The applicant has expressed that the area is in need of low cost retail sites and that there should be a Planning Area that enables both shops and offices to co-locate.

The Commercial Planning Area is not a suitable designation for the area as it does not allow a variety of uses to co-locate as the current Business zone does.

Comment

The Local Centre Planning Area permits both offices and shops to co-locate as self-assessable development. The area that the submitted refers to is located on a State Controlled Road between two major intersections; Anderson Street roundabout and Reservoir Road and Pease Street intersection. This site is not considered the most suitable for high traffic movement land uses such as shops. Although the use of the site as shops is not self assessable, it is not classified as an inconsistent use in the Commercial Planning Area. An application for shops will require an application to Council to assess the impacts of the proposed use.

Recommendation No. 12h

That Lots 8 and 10 RP71087 remain in the Commercial Planning Area as per the Draft CairnsPlan.
Grounds of Submission

Council is effectively proposing a ‘backdoor’ rezoning of this parcel of land without undertaking detailed investigations of the impacts associated with such actions, such as ‘need’. Traffic, amenity, etc and without providing potential affected stakeholders the opportunity to critically review supporting information which would otherwise be required if the proposed changes were subject to the normal approval process (MCU – Impact).

To avoid adverse impact upon the approved commercial centre located at Larsons Road, Redlynch, Council is requested to remove the site from the ‘Commercial’ Planning Area designation on the Planning Areas Map and include it within the Residential 2 Planning Area.

Comment

The proposed change is considered inappropriate without the consent of the landowners. The landowners have not made a submission, however they have indicated their intentions to develop the land in accordance with the Commercial Planning Area.
Finally, the provisions of CairnsPlan were intended clearly delineate between commercial uses and those allowed within the Sub-regional Centre (Smithfield) and the District Centre (Larsen Road). However, upon considering the provisions in light of this submission, it is clear that the provisions could be made firmer.

For example in a District Centre the following uses are:

- **self assessable:** shops <500m²; business facilities, restaurant; special residential use
- **code assessable:** shops 500-10,000m²; display facilities, bottleshop; service station; childcare, veterinary, vehicle repair workshop, indoor sport and entertainment; tavern
- **impact assessable:** shops >10,000m²; retirement village; Industry Class A

For example in the Commercial Planning Area the following uses are:

- **self assessable:** veterinary
- **code assessable:** Industry Class A
- **impact assessable:** retirement village; special residential use; shops <500m²; shops 500-10,000m²; tavern
- **undesirable:** shops >10,000m²

**Recommendation No. 12i**

1. That no change be made to the Commercial Planning Area designation over Lot 115 SP149839 located at the corner of Lower Freshwater Road and Brinsmead Kamerunga Road, Redlynch.

2. That the Commercial Planning Area for all districts be amended to create a clearer distinction between Commercial uses and Centres (Local, District, Sub-regional and City) such that:
   a. shopping facilities 501-10,000m² gfa shall be impact assessable inconsistent use;
   b. shopping facilities >10,000m² gfa shall be impact assessable inconsistent use

3. That the Commercial Planning Area Centre for the Redlynch Valley District be amended such that:
   a. the following uses are changed from impact assessable uses to impact assessable inconsistent uses: Holiday Accommodation; Caravan and Relocatable Home Park;
   b. the following uses are changed from code assessable uses to impact assessable uses: Shared Housing Accommodation; Short Term Accommodation; Detached Bottleshop, display facilities.
   c. the following uses are changed from self assessable uses to impact assessable uses: Restaurant
Grounds of Submission

We have reviewed the relevant provisions of CairnsPlan, current and past Planning Schemes and the Centres Strategy and believe that the land is inappropriately included in the commercial Planning Area in the Redlynch Valley District Plan, for the following reasons:

1. The land has historically (and appropriately) been intended to be developed for residential development, contrary to this, the draft CairnsPlan encourages commercial development on the site.
2. There is a current oversupply of commercial land in the city.
3. The Commercial Planning Area for the subject site is inappropriately located with respect to the surrounding centres.
In light of the above, we believe that:

1. The subject land should be developed for residential purposes consistent with previous planning strategies expressed in the current and former Planning Schemes.
2. Development of the subject land for retail warehousing (as provided for in the commercial Planning Area) will significantly impact on established businesses within the Smithfield Sub-regional Centre;
3. There is a significant supply of suitable commercial development land around the Smithfield Centre and the Commercial Planning Area in Redlynch is contrary to Council’s Centres Planning Strategy.

Comment

The land is currently zoned Residential 2. Of the other allotments that access of Ernest Street, 1 is zoned light industry and the rest are zoned Residential 1. All allotments that access of Earnest Street are proposed to be included in the Commercial Planning Area. It is noted that the submission does not request the change of the other land off Earnest Street. (A check has also revealed no further submissions relating to the commercial land in the locality).

It is noted that of the 11 Submitters, none own the subject land only one lives adjacent to the subject land. That person is Gary Tenney the owner of the light industrial land.

The proposed change is considered inappropriate without the consent of the landowners. The landowners have not made a submission, however they have indicated their intentions to develop the land in accordance with the Commercial Planning Area.

Finally, the provisions of CairnsPlan were intended clearly delineate between commercial uses and those allowed within the Sub-regional Centre (Smithfield) and the District Centre (Larsen Road). However, upon considering the provisions in light of this submission, it is clear that the provisions could be made firmer.

For example in a District Centre the following uses are:
- self assessable: shops <500m²; business facilities, restaurant; special residential use
- code assessable: shops 500-10,000m²; display facilities, bottleshop; service station; childcare, veterinary, vehicle repair workshop, indoor sport and entertainment; tavern
- impact assessable: shops >10,000m²; retirement village; Industry Class A

For example in the Commercial Planning Area the following uses are:
- self assessable: veterinary
- code assessable: Industry Class A
- impact assessable: retirement village; special residential use; shops <500m²; shops 500-10,000m²; tavern
- undesirable: shops >10,000m²
Recommendation No. 12j

1. That no change be made to the Commercial Planning Area designation over Lot 115 SP149839 and Lots 1 & 2 RP703158 located at the corner of Lower Freshwater Road and Brinsmead Kamerunga Road, Redlynch.

2. That the Commercial Planning Area for all districts be amended to create a clearer distinction between Commercial uses and Centres (Local, District, Sub-regional and City) such that:
   a. shopping facilities 501-10,000m² gfa shall be impact assessable inconsistent use;
   b. shopping facilities >10,000m² gfa shall be impact assessable inconsistent use.

3. That the Commercial Planning Area Centre for the Redlynch Valley District be amended such that:
   a. the following uses are changed from impact assessable uses to impact assessable inconsistent uses: Holiday Accommodation; Caravan and Relocatable Home Park;
   b. the following uses are changed from code assessable uses to impact assessable uses: Shared Housing Accommodation; Short Term Accommodation; Detached Bottleshop, display facility;
   c. the following uses are changed from self assessable uses to impact assessable uses: Restaurant.
Grounds of Submission

The boundary of the Residential 2 is currently based on the location of the Tramline. The extent of the Residential 2 Planning Area in the vicinity of the subject site should be redefined based on ground conditions rather than the tramline. The logical extent of the Residential 2 Planning Area is further east.
Comment

The extent of the current and proposed Planning Area reflects the directions and requirements of a P&E Court Appeal.

The future ‘rezoning’ of the land will require demonstrated compliance with the Development in the Barron Delta Policy which requires flood modelling. This assessment should be undertaken at the time of any future Planning Application, along with other studies to demonstrate the suitability of the land for residential purposes.
Recommendation No. 12k

That no change be made to the boundary between Residential 2 and Rural for land located at Fairweather Road, Cairns Western Arterial, Kamerunga Road described as Lots 1 & 4 RP703109 and Lot 119 SP149839.
13  SUGAR MILLS

The Mulgrave Central Mill Co Ltd
Gordon Street, Gordonvale

#734239

Division 1

Grounds of Submission

Request for stronger protection of the cane railway line infrastructure and the inclusion of the infrastructure on the mapping.

Officer Comment

The request for the infrastructure to be included on the mapping is most suitable. The request for stronger protection of the line itself is agreed with. The submitter has highlighted instances where new development has resulted in reduced safety caused by new vehicle; crossings over the rail lines and possible conflict of uses (dwellings being constructed adjacent to rail lines).

Recommendation No. 13a

That the infrastructure on the mapping be included. In conjunction with the submitter Council officers prepare a new code for development of land adjacent to the cane railway infrastructure.
Grounds of Submission

Timing release of land west of the Bruce Highway between Edmonton and Gordonvale and the alienation of Good Quality Agricultural Land and sequencing of development of the Edmonton Business and Industry Centre east of the Bruce Highway at Edmonton.

Officer Comment

The submitter acknowledges the long term (15 + years) change of land use from agricultural activities to urban development. As the submitter notes this future growth corridor is currently used for cane farming and utilizes the cane railways. The submitter considers that change to urban use will result in two actions: a loss of cane production land and therefore a reduced viability for the Mulgrave Mill; and secondly, a loss of land adjacent to the existing cane rail line and therefore a reduced benefit from the existing rail infrastructure and a increased reliance on transport of cane by road haulage.

The urbanisation of the agricultural land within this corridor is inevitable based on the current demand and trends. However, the timing of the land release appears more difficult to qualify with certainty. The demand for land is influenced by many factors and not all of these are local. For example, the recent changes to property land tax in NSW appear to have caused a significant sudden drop in sales in that state and an increase in enquiries for property investment in Cairns. The Mill is currently dependent on a number of external factors that underpin its viability. Should these external factors, such as value of Australian dollar and international sugar prices vary these may result in a significant change of circumstance for the Mill.

Recommendation 13b

That the land between Edmonton and Gordonvale shall remain as shown on the draft CairnsPlan, the land is shown as Rural on the FNQ 2010 plan and is outside the scope of residential development for the life of this plan.

Officer Comment

The current pattern of conversion of rural land holdings is influenced by a number of social factors: an increasing creep of urbanisation within the corridor; a change in traditional farming areas; and an increasing desire for rural residential land use. While there is a small limited number of Low Density Residential lots available there are so few that it appears that “new owners” are prepared to take on larger lots. Changes to traditional farming practices have seen a move away from cane farming. This is also influenced by an aging of farmers and fewer farm holdings transferring within the farming family. The move was first influenced by the creation of family lot subdivisions.

The current Planning Scheme requires a minimum lot size of 40Ha and this is maintained in the new Scheme. It is anticipated, given the inability for future family lot subdivisions, that the further alienation of land will be limited. There is no ability of the Scheme however, to restrict the type of occupancy or ownership status.
Recommendation No. 13c

That the minimum lot size of 40ha in Rural Planning Area be maintained.

Grounds of Submission

Request for the use of house to be self-assessable only on lots of 40ha or more in land area. The use of house on land less than 40ha should be impact assessable.

Officer Comment

This is a significant change but one that would limit the expansion of the urban area onto the GQAL. The request has some merit and is applied to the vineyard production area of the Barossa Valley to restrict the loss of vineyards and expansion of urban development. The Mill is in a difficult position as it requires the co-operation of the cane farmers to ensure a sufficient amount of land is under cane production to therefore ensure economic viability of the Mill. This is not only influenced by the fragmentation of land parcels from a single land holding but also changes in types of agriculture undertaken. It would be anticipated that future pressure could arise from other types of farming given that the tropical coast of North Queensland is the only drought resistant farming area in Australia. Consideration should be given on a much broader basis, than reflective only to future of the Sugar Cane Industry. Given the climatic growing conditions the need for 40ha may be debatable to provide sustainable farming practice. No indication is given as to what are the elements for a possible land use code. That is, on what basis would one application be supported and another refused.

Recommendation No. 13d

That the provisions of CairnsPlan be maintained as proposed and that the submitter be advised Council is prepared to participate with the State Government and key stakeholders in a study to investigate options for the rural/sugar industries and changes that may need to be included to future Planning Schemes.
Grounds of Submission

Conservation of Good Quality Agricultural Land is of crucial importance to the long term viability of the Sugar Cane Industry. Subdivision for small family lots and rural residential land is inappropriate as it fragments land into economically unviable units, raises the potential for land use conflicts and is difficult to service efficiently. Submitter seeks that the reconfiguration of land be Impact Assessable.

Officer Comment

The submitter’s intent is so that applications for reconfiguration of land creating lots less than 40ha can be objected to and an ability for third party appeals. The proposal does not seem justified as Council could seek advice from the Mill generally for this purpose. The proposed maintenance of minimum lots of 40ha would appear to achieve this aim. (Refer also to comments made in response to a similar submission by the Gordonvale Mill.)

The concern raised by the Mill is significant and it effects not only the future viability of the local Sugar Cane Industry of the Sugar Mill but the future quality of living for farming communities, not only the cane farmers. The issue does need to consider the future of the industry at a broader level.
Recommendation No. 13e

That the provisions of CairnsPlan be retained proposed and the submitter be advised Council is prepared to participate with the State Government and key stakeholders in a study to investigate options for the rural/sugar industries and changes that may need to be included to future Planning Schemes.

Grounds of Submission

The Draft Scheme over-regulates development and unnecessarily will require planning applications to be submitted for a range of building and operational work (including clearing) where there is currently no requirement. This would be an unnecessary impediment to efficient functioning of farms.

Officer Comment

The provisions are no different to those that currently exist. A review of the code provisions and overlays can be undertaken to confirm that Council does not wish to require building, operational works and agro-forestry in the rural planning areas to be anything other than self-assessable development.

Recommendation No. 13f

That a review of the Planning Scheme be undertaken to confirm that building operational works and agro-forestry in the rural planning areas are self-assessable development.

Grounds of Submission

The proposed environmental overlays and Biodiversity Code impose unreasonably onerous controls on development of existing agricultural land. This is especially the case with provisions requiring riparian buffers of up to 50m width to be provided along watercourses.

Officer Comment

There does appear to be an issue with what is the most appropriate width of buffer. The width from a watercourse varies through the scheme for the same watercourse. The Scheme does consider long term impacts, hence the width of buffers proposed. Consideration should be given to interpreting existing use rights for continuing existing farming operations within these proposed buffer corridors. Most agricultural practices are setback some distance from a watercourse. The applicant suggests that the riparian corridor be transferred to public ownership or affected by an environmental covenant. It is suggested that Council could require this through a condition of approval however such conditioning appears contrary to the submitter’s concern however of over-regulation.

It is noted that the Draft Scheme states that some of the vegetation mapping may not as yet be fully qualified and further on-site investigation is required.
Recommendation No. 13g

That the submitter be advised that it is the Planning Scheme’s and Council’s intent that the proposed buffer width distances will be accurately determined at the time of development occurring.

Grounds of Submission

The listing of the Babinda Sugar Mill on the Cultural Heritage Features overlay would require a planning approval for minor building or operational work on the mill site. This over-regulation would be a major impediment to the routine management and maintenance functions carried out at the mill.

Officer Comment

The concerns raised by the Mill’s Management are noted. This issue has been adequately addressed theoretically in the State heritage legislation by the creation of “exemption” certificates. It would be suitable for the Draft Scheme to include the ability to include “exemption” certificates. The certificate is developed with the landowner and identifies what work can be routinely conducted without further planning approval.

Recommendation No. 13h

That consideration is given to including the issue of “exemption” certificates under the draft Scheme and that Council Officers and the applicant work together to develop such a certificate for the Babinda Mill site.
INDIVIDUAL SUBMISSIONS

Jenny Green 10 Whelk St Trinity Beach 4878
General

All Divisions

#717061

Grounds of Submission

1. Natural Waterholes should be protected.
2. Stop building on the hills.
3. The garden competition needs to recognise low water usage.

Comment

Noted.

Recommendation 13i

That Jenny Green of 10 Whelk St Trinity Beach 4878 be advised that:

1. The CairnsPlan introduces a Vegetation And Waterways Overlay which along with the Biodiversity Code, specifies setback distances to watercourses and measures to protect both the watercourses and vegetation.
2. Your comments in relation to building on hillslopes were noted and taken into consideration when Planning Officers and Council considered the submissions received in relation to hillslopes.
3. While the Garden Competition is not specifically related to the Planning Scheme, your suggestion was forwarded to the relevant competition organisers.

CONSIDERATIONS:

Statutory:

Council has now considered the majority of the submissions received during the CairnsPlan public consultation period. The remaining submissions will be provided to Council in a report for the meeting of 27 May 2004.

Policy:

Officers will now commence the drafting and amendments required as a result of the submissions, and a final amended document will be submitted to Council for final adoption.
Financial:

As a result of the submissions, a number of consultants will be engaged to assist with specific elements for example a Heritage Consultant and Design experts for Multi-Unit Housing and residential code reviews.

This has been catered for in the CairnsPlan budget.

Social:

The submissions have been considered, and a letter advising of the recommendation(s) relating to their submission will be provided to each submitter.

ATTACHMENTS:

Appendix of Submitters For Group Submission From Residents In Queen Street, Denbeigh St & Cairns St

Nikki Huddy
Manager City Assessment

Peter Tabulo
General Manager City Development
APPENDIX 1 - Group Submission from Residents in Queen Street, Denbeigh St & Cairns St

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<tr>
<th>Submitter Name</th>
<th>Submitter Address</th>
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<tbody>
<tr>
<td>Anna Delamain</td>
<td>55 Charles Street</td>
<td>749151</td>
</tr>
<tr>
<td>D.W. Redman</td>
<td>3 Queen Street</td>
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<td>Gary Owens</td>
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<td>Steve Habjan</td>
<td>2/7 Queen Street</td>
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<td>Robyn Smith</td>
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<td>Laurel Drekins</td>
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<td>Richard Gordon Cater</td>
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<td>Allison Tyson</td>
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