

Decision notice approval

Section 282 of the Planning Act 2016 for a decision notice (approval) under s63 Planning Act 2016



PLEASE QUOTE: MCU18/0033
YOUR REFERENCE: 445518-112
OUR REFERENCE: MCU18/0033:IN:mp1811090916
ENQUIRIES TO: Isabella Newman – Planning Officer

15 November 2018

Satori Resorts Ella Bay Pty Ltd
C/- Cardno
PO Box 1619
CAIRNS QLD 4870

Via email: urbi.musso@cardno.com.au

Attention: Urbi Musso

Dear Madam

MCU18/0033 - Development application for Preliminary Approval for a Material Change of Use including a Variation Approval - Ella Bay Integrated Resort (3 Resort precincts; 4 Residential Precincts; Village Community Precinct; Research & Education Precinct; Recreation/Open Space Area; Residential Communal Facilities) on land described as Lot 320 on N157629, situated at 367 Ella Bay Road, Wanjuru

I acknowledge receipt of the above application on 27 September 2018 and confirm the following details.

I wish to advise that, on 8 November 2018 the above development application was -

- approved in full or
- approved in part for the following or
- approved in full with conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them or
- approved in part for the following, with conditions

The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Approval under s64(5)

This application is / is not taken to have been approved (a deemed approval) under section 64(5) of the Planning Act 2016.

1. Details of the approval

The following approvals are given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
<p>Development assessable under the planning scheme, superseded planning scheme, a temporary local planning instrument, a master plan or a preliminary approval which includes a variation approval</p> <ul style="list-style-type: none"> - building work assessable under the planning scheme - plumbing or drainage work - material change of use - reconfiguring a lot - operational work 		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

2. Variation approval details

A preliminary approval which includes a variation approval is given and the assessment manager has approved a **variation to the local planning instrument::**

Cassowary Coast Regional Council Planning Scheme 2015

The variation(s) approved is –

- Alter the level of assessment for future development within the Ella Bay Integrated Resort to be in accordance with the Ella Bay Integrated Resort Local Area Plan Including precinct plan and assessment tables & codes

3. Conditions

This approval is subject to the conditions in Attachment 1.

4. Further development permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Development Permit for Material Change of Use
- Development Permit for Operational Works
- Development Permit for Reconfiguring a Lot
- Development Permit for Building Works
- Development Permit for Plumbing & Drainage Works

5. Properly made submissions

Properly made submissions were /were not made in relation to the application.

On 15 September 2005, the Coordinator-General declared the Ella Bay Integrated Resort proposal to be a 'significant project' (now known as a coordinated project) for which an environmental impact statement is required, pursuant to s26 of the State Development and Public Works Organisation Act 1971. Since this time, the Environmental Impact Statement (EIS) was completed and underwent public notification in 2007. Additional information was then provided as a result of the public submissions, known as the Supplementary Environmental Impact Statement (SEIS) which also underwent public notification in 2008.

There were 56 properly made submissions received for the Environmental Impact Statement and there were 67 properly made submissions received for the Supplementary Environmental Impact Statement

Submissions received on the EIS

Agency ⁶	No. submissions
Queensland Government <ul style="list-style-type: none"> • Department of Education, Training and the Arts • Department of Housing • Department of Employment and Industrial Relations • Department of Natural Resources and Water • Department of Primary Industries and Fisheries • Queensland Health • Environmental Protection Agency • Department of Main Roads • Department of Local Government and Planning • Queensland Transport • Department of Communities 	14
Australian Government <ul style="list-style-type: none"> • Department of the Environment and Water Resources 	
Queensland/Australian Government <ul style="list-style-type: none"> • Wet Tropics Management Authority 	
Local Government <ul style="list-style-type: none"> • Johnstone Shire Council 	
Private organisations/community groups <ul style="list-style-type: none"> • C4 (Community for Coastal and Cassowary Conservation Inc) • Cairns and Far North Environment Centre Inc • Johnstone Ecological Society 	3
Private individuals	17
Private individuals—pro-forma letter	20
Petitions (Petition 1: 166 signatures; Petition 2: 32 signatures)	2
TOTAL	56

Submissions received on the SEIS

Agency ⁶	No. submissions
Queensland Government <ul style="list-style-type: none"> • Department of Housing • Department of Employment and Industrial Relations • Department of Natural Resources and Water • Department of Primary Industries and Fisheries • Queensland Health • Environmental Protection Agency • Department of Main Roads • Queensland Transport • Department of Communities • Department of the Premier and Cabinet • Department of Tourism, Regional Development and Industry • Department of Emergency Services • Tourism Queensland Australian Government <ul style="list-style-type: none"> • Department of the Environment, Water, Heritage and the Arts Queensland/Australian Government <ul style="list-style-type: none"> • Wet Tropics Management Authority Local Government <ul style="list-style-type: none"> • Cassowary Coast Regional Council 	16
Private organisations/community groups <ul style="list-style-type: none"> • C4 (Community for Coastal and Cassowary Conservation Inc) • Cairns and Far North Environment Centre Inc • Environmental Defenders Office • Johnstone Ecological Society 	4
Private individuals	8
Private individuals—pro-forma letter	38
Petitions (Petition 1: 5 signatures)	1
TOTAL	67

6. Referral agencies for the application

The Coordinator-General's approval was issued in November 2012 and the conditions of the Coordinator-General's approval must be attached to a development approval and are taken to be concurrence agency conditions. *Shown as Appendix 1. Stated Conditions*

8. Approved plans and documents

Plan/Document number	Plan/Document name	Date
Version 7	Ella Bay Integrated Resort Local Area Plan October 2018 (Version 7)	October 2018 Received by Council on 25 October 2018
Unnumbered	Proposal Plan	Received by Council on 25 September 2018
Figure 4.1	Ella Bay Environmental Development Plan	October 2018 Received by Council on 25 October 2018
Figure 4.2	Ella Bay Conservation Zones	October 2018 Received by Council on 25 October 2018
Not applicable	Ella Bay Integrated Resort Proposal - Coordinator-General's Report on the Environmental Impact Statement	November 2012
Not applicable	Ella Bay Integrated Resort Proposal - Environmental Impact Statement (EIS)	February 2007
Not applicable	Ella Bay Integrated Resort Proposal - Supplementary Environmental Impact Statement (SEIS)	March 2008
Not applicable	Ella Bay Integrated Resort Proposal - Supplementary Environmental Impact Statement (SEIS) Submissions Response	June 2012

9. Currency period for the approval (s.85)

The currency period for the approval is six (6) years starting the day the approval is granted or takes effect, in accordance with section 85 of the Planning Act 2016. An applicant may request that Council extend the currency period provided that such request is made in accordance with section 86 of the Planning Act 2016 and before the development approval lapses in accordance with the Act.

10. When approval lapses if development started but not completed—preliminary approval to which a variation approval applies

The applicant/owner must ensure that the development in its entirety is completed within twenty (20) years, starting the day the approval is granted or takes effect, in accordance with section 88 of the Planning Act 2016.

11. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 2 is an extract from the *Planning Act 2016* that sets down the applicant's appeal rights and the appeal rights of a submitter regarding this decision.

If you wish to discuss this matter further, please contact Planning Officer, Isabella Newman on Ph: (07) 4043 8824.

Yours faithfully



Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT

Cc: Department of State Development, Manufacturing, Infrastructure & Planning

By email: cpdinfo@coordinatorgeneral.qld.gov.au

Attention: Office of the Coordinator-General

Dear Sir/Madam

Please find attached for your records. Your reference: Ella Bay Integrated Resort.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Manfred Boldy', with a stylized flourish at the end.

Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT

Decision notice approval

Section 282 of the Planning Act 2016 for a decision notice (approval) under s63(2) Planning Act 2016

NOTICE OF INTENTION TO COMMENCE USE

File Reference: MCU18/0033

Planning Approval: Preliminary Approval for a Material Change of Use including a Variation Approval - Ella Bay Integrated Resort (3 Resort precincts; 4 Residential Precincts; Village Community Precinct; Research & Education Precinct; Recreation/Open Space Area; Residential Communal Facilities)

Date of Approval: 8 November 2018

I am hereby notifying you of my intention to commence the approved use on
_____ (Insert date).

I have read the conditions of planning approval for my application for development on Lot 320 on N157629 and believe I have complied with all applicable conditions.

Applicant: Satori Resorts Ella Bay Pty Ltd

Address: C/- Cardno
PO Box 1619
CAIRNS QLD 4870

Signature of Applicant

Date:

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

1. **Proposal:** That the development be undertaken generally in accordance with the application, documentation and plans listed in the table below, accepted by Council on 27 September 2018 and 25 October 2018, all relating to application – MCU18/0033, except where varied by the following conditions.

Plan Number	Plan Name	Date
Version 7	Ella Bay Integrated Resort Local Area Plan October 2018 (Version 7)	October 2018 Received by Council on 25 October 2018
Unnumbered	Proposal Plan	Received by Council on 25 September 2018
Figure 4.1	Ella Bay Environmental Development Plan	October 2018 Received by Council on 25 October 2018
Figure 4.2	Ella Bay Conservation Zones	October 2018 Received by Council on 25 October 2018
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Not applicable	Ella Bay Integrated Resort Proposal - Supplementary Environmental Impact Statement (SEIS) Submissions Response	June 2012

The development may proceed subject to:

- (a) The plans, specifications, facts and circumstances as set out in the application submitted to Council;
- (b) Ensuring that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual, except where modified by the conditions, plans or specifications of this approval; and
- (c) Any alterations found necessary by the Chief Executive Officer or his delegate at the time of examination of the engineering plans or during construction of the development because of a particular requirement; except where modified by these conditions of approval.

2. **Currency Period:** The currency period for the approval is six (6) years starting the day the approval is granted or takes effect, in accordance with section 85 of the *Planning Act 2016*. An applicant may request that Council extend the currency period provided that such request is made in accordance with section 86 of the *Planning Act 2016* and before the development approval lapses in accordance with the Act.
3. **Development Completion:** The applicant/owner must ensure that the development in its entirety is completed within twenty (20) years, starting the day the approval is granted or takes effect, in accordance with section 88 of the *Planning Act 2016*.
4. **Timing of Effect:** The conditions of the Preliminary Approval must be complied with prior to the commencement of any use on the site, except where specified otherwise in these conditions of approval.
5. **Staging and sequencing:** The staging and sequencing of the development must be undertaken generally in accordance with the Proposal Plan received by Council on 25 September 2018 (shown as Attachment 2), 'Table 1: Proposed Staging' (shown as Attachment 3), and the development schedule included in Volume 1, section 3.2 of the SEIS Submission Response (dated June 2012). Future applications lodged with Council for a Development Permit for a Material Change of Use shall be consistent with this staging and sequencing, and not applications for individual uses within that stage.
6. **Ella Bay Integrated Resort Local Area Plan:** The development must occur generally in accordance with information provided in the Ella Bay Integrated Resort Local Area Plan - October 2018 (Version 7), received by Council on 25 October 2018.
7. **Development Permit for Carrying Out Operational Work:** The applicant/owner must obtain a Development Permit for Carrying Out Operational Work for each stage of the development, prior to the commencement of each stage. The application for a Development Permit for Carrying Out Operational Work must provide the relevant reports outlining the details of infrastructure and services required to service that stage of the development (as specified in 'Appendix 1: Stated Conditions' of the Coordinator-General's Report as shown in Attachment 7), including:
 - i) Water supply system and treatment;
 - ii) Wastewater collection, treatment and disposal;
 - iii) Power;
 - iv) Telecommunications;
 - v) Stormwater drainage systems (on site and on the access road);
 - vi) Recycled water treatment and supply;
 - vii) Access
 - viii) All wildlife and safety fencing throughout the Ella Bay development;
 - ix) Internal roads.The above infrastructure must be provided and fully completed for each stage prior to the commencement of any use on the site within the stage to which the infrastructure relates.
8. **Design Guidelines:** The applicant/owner must prepare design guidelines for the development which incorporates sustainability measures in accordance with Condition 21 of 'Appendix 1: Stated Conditions' of the Coordinator-General's Report as shown in Attachment 7. The Design Guidelines must be submitted to Council for approval prior to any change of use on the site. Future buildings and structures on the site must be consistent with the Design Guidelines.

9. **Waste Management Plan:** The applicant/owner must prepare and submit a Waste Management Plan that details the proposed arrangements for solid waste collection, storage and disposal, including all construction waste generated on the site, for the development. The Waste Management Plan must be approved by Council, prior to the commencement of any use on the site.
10. **Wastewater Treatment Plant:** The applicant/owner must ensure that approval from the Department of Environment and Science for an Environmentally Relevant Activity, and a Development Permit for a Material Change of Use from Council is obtained for the proposed sewage treatment plant, prior to the commencement of its construction and/or occupation of any use on the site.
11. **Water Treatment Plant:** The applicant/owner must ensure that a Development Permit for a Material Change of Use is obtained from Council for the proposed water treatment plant, prior to its construction and any change of use on the site. Where the waste stream from the water treatment process triggers an Environmentally Relevant Activity, approval must be sought from the Department of Environment and Science.
12. **Waste Service Provider:** The applicant/owner must ensure that approval is obtained from the Water Regulator to become a water and wastewater service provider and demonstrate to Council that all management plans and requirements of any conditional approval granted by the Water Regulator are in place prior to the commencement of any use on the site that utilises the water or wastewater treatment and distribution system on the site.
13. **Traffic Management Plan:** A traffic management plan for the construction and operational stages of the development, must be prepared by a qualified Traffic Engineer and provided to Council as part of the application for a Development Permit for Carrying Out Operational Work for approval prior to construction. The management plan must demonstrate how the impacts of construction traffic will be managed and communicated to the residents of Flying Fish Point and the Coconuts.
14. **Isolation Plan:** The applicant/owner must prepare an Isolation Plan for all stages of the project to address any situation where access to the site might be cut off due to a natural event such as, but not restricted to, damage caused by a landslide or cyclone. The isolation plan must be prepared in consultation with Council and other emergency services agencies, and submitted as part of the application for a Development Permit for Carrying Out Operational Work for approval prior to construction commencing.
15. **Ella Bay Access Road:** The applicant/owner must prepare the following reports to be submitted to Council as part of the application for a Development Permit for Carrying Out Operational Work:
 - i. an Access Road, Walking and Cycle Path Design and Construction Report;
 - ii. a Road Engineering Report supporting the long term stability of Ella Bay Road adjacent to the coastline and its ability to withstand collapse in a natural disaster event.

The reports must be completed in accordance with the requirements stated in 'Appendix 1: Stated Conditions' of the Coordinator-General's Report as shown in Attachment 7, and approved by Council prior to the commencement of construction.
16. **Transport Infrastructure Impact Study:** The applicant/owner must provide a Transport Infrastructure Impact Study, undertaken by an appropriately experienced Registered

Professional Engineer (Qld) (RPEQ) to be submitted as part of the application for a Development Permit for Carrying Out Operational Work. The study must be undertaken in accordance with requirements stated in 'Appendix 1: Stated Conditions' of the Coordinator-General's Report as shown in Attachment 7, and approved by Council prior to the commencement of any construction.

17. **Landscaping Master Plan:** The applicant/owner is to submit a detailed Landscaping Master Plan for the development, in accordance with the requirements stated in 'Appendix 1: Stated Conditions' of the Coordinator-General's Report as shown in Attachment 7. The Landscaping Master Plan must be approved by Council, prior to the commencement of any use on the site.

Part 2—Concurrence agency conditions

The conditions of the Coordinator-General's Report (November 2012) must be attached to a development approval and are taken to be concurrence agency conditions. These conditions are shown as **Part 2 – Concurrence Agency Conditions**.

Assessment Manager's Advice

- a) **Notice of Intention to Commence Use:** The applicant/owner must return to Council the attached Notice of Intention to Commence Use after acceptance of and compliance with these or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
- b) **Required Approvals:** A Development approval for Material Change of Use, Reconfiguring a Lot, Operational Works, Building works and Plumbing/Drainage works will be required, with a permit for these works issued prior to any works commencing.
- c) **Cultural Heritage:** The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes all landowners, developers and the alike.
- d) **Engineering Works:** The applicant/owner is to ensure that the engineering works involved in the proposed development are designed and constructed in accordance with the FNQROC Development Manual.
- e) **Environmental Nuisance:** The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the *Act* as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.
- f) **Local Laws:** This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.

Appendix 1. Stated conditions

This appendix includes the Coordinator-General's stated conditions, under section 39 of the SDPWO Act.¹³

These conditions must be attached to a development approval issued under SPA and are taken to be concurrence agency conditions.

The conditions stated do not limit the assessment manager's power to assess the development application. Under section 39(3) of the SDPWO Act the assessment manager may impose conditions not inconsistent with the conditions stated in this report.

CASSOWARY COAST REGIONAL COUNCIL

Condition 1. Required infrastructure

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) All physical infrastructure required for essential services to the Ella Bay development must be provided and maintained at no cost to state or local government.
- Required infrastructure includes the following:
- (i) water supply system
 - (ii) sewerage and sewage treatment
 - (iii) power
 - (iv) telecommunications
 - (v) stormwater drainage systems (on site and on the access road)
 - (vi) recycled water treatment and supply
 - (vii) wastewater collection, treatment and disposal
 - (viii) solid waste collection and disposal
 - (ix) access road from the proposed Esplanade (Bay Road) roundabout to the Ella Bay development (including an approved 'cut and cover' tunnel in stage 2 of the road construction)
 - (x) all wildlife and safety fencing throughout the Ella Bay development
 - (xi) internal roads.
- (b) The level of service of infrastructure throughout all development stages must be equivalent to, or better than, infrastructure services currently provided within the CCRC local government area.
- (c) Prior to the commencement of construction, the proponent must enter into an infrastructure agreement with CCRC to determine the level of service for infrastructure items (v), (viii), (ix) and (x) listed in (a) above.

¹³ For a definition of 'stated conditions', refer to the Glossary on page 239 of this report.

Condition 2. Development and access road footprint

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The number of dwellings for permanent residential use (that is, other than short term accommodation) must not exceed 40 per cent of the total number of constructed dwelling units within the Ella Bay development and must not exceed 540 dwellings when development is fully constructed.
- (b) The total area used for urban purposes on the Ella Bay site must not exceed 193.1 hectares (that is, 132 hectares for the development area and 61.1 hectares for open space, golf course and parks).
- (c) All development (except approved pathways and fauna infrastructure) is to be restricted to currently cleared areas on the Ella Bay site except where a vegetation clearing permit is approved by DNRM.
- (d) Development must be excluded from the littoral vineforest communities to the north of the development site and adjacent to the Village Precinct to protect the environmental value of these areas as described by RE 7.2.1 and 7.2.5 on maps provided in *Vegetation Survey Report of the proposed Ella Bay Integrated Resort Project*, Report 6.2, Volume 6 of SEIS Submission Response dated June 2012.
- (e) Unless otherwise stated in these conditions, the development is to be in accordance with the JSPS codes and policies applicable to the CCRC (or subsequently approved planning scheme and policies).

Note: 'short-term accommodation' is defined as:

premises used to provide short term accommodation for the general public which may be self contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of residents; and/or premises used, or intended to be used principally, for accommodating persons away from their normal place of residence.

Note: 'urban purposes' are defined by the Sustainable Planning Regulation 2009.

Advice—Master Plan

The proponent must finalise the Ella Bay development local area plan and Ella Bay Development Code to the requirements of CCRC.

The proponent must provide to CCRC, when submitting the development application, a revised master plan for the Ella Bay development which is generally in accordance with:

- (a) the master plan described in the EIS, revised in the SEIS and SEIS Submission Response dated June 2012, and further amended by any requirements of the conditions of development in this report and by CCRC in issuing a subsequent development approval consistent with this report
- (a) the precinct plan included in the additional information document (SEIS Submission Response dated June 2012) (Refer Figure 2.2 in this report).

Condition 3. Impacts on fauna communities

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

Appendix 1: Stated conditions
Ella Bay Integrated Resort:

Coordinator-General's report on the environmental impact statement

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- (a) The Ella Bay development must include property design elements that will avoid where possible or mitigate impacts upon fauna communities.
- (b) The property design will incorporate the following:
 - (i) conservation zones which permit fauna and flora dispersal across the Ella Bay site, including:
 - (A) national park (62.8 hectares)
 - (B) nature conservation area (67.8 hectares)
 - (C) fauna corridor (87.3 hectares)
 - (D) setback and easement (58.9 hectares)
 - (ii) site roads with fauna sensitive design
 - (iii) fauna crossings at ephemeral watercourse crossings
 - (iv) a minimum of 50 metre buffers between development, other than nature walkways, and waterways
 - (v) construction and maintenance of firebreaks within the site.
- (c) The conservation zones are to be agreed with DNRM, SEWPaC and CCRC, and will be generally in accordance with Figure 3.18 in Volume 1 (refer to Figure 5.3 in this report) and Section 4 in Report 6.5a in Volume 6 of the SEIS Submission Response, dated June 2012.
- (d) The site roads are to be designed in accordance with the *Fauna Sensitive Road Design Manual – Volume 2: Preferred Practices* (DTMR June 2010) and the requirements of WTMA and CCRC.

Advice—Land surrender

As part of an environmental offset package the proponent should surrender to the State, for inclusion in the Ella Bay National Park, that part of Lot 320 NR157629 described as Zone A and depicted in Figure 5.3 of this report.

Condition 4. Sequencing of development

The Chief Executive of CCRC is the entity with jurisdiction for this condition

- (a) Sequencing of the development must be generally in accordance with the development schedule included in Volume 1, section 2.3 of the additional information document (SEIS Submission Response dated June 2012).

Condition 5. Tourist and leisure facilities

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must develop, at no cost to state and local government, all tourist and leisure facilities in accordance with the EIS documentation and any requirements of these conditions of development including the following:
 - (i) three (3) resort precincts comprising 860 units and villas
 - (ii) 18 hole golf course
 - (iii) country club
 - (iv) visitors centre
 - (v) education and research centre

- (vi) retail and commercial facilities
 - (vii) restaurants and cafes
 - (viii) residential precinct community facilities, that is, swimming pool, barbecue facilities, playgrounds, tennis courts and club house for each residential precinct
 - (ix) public parks and open space (including environmental buffers)
 - (x) public parking areas
 - (xi) walking/cycle paths within the site
 - (xii) designated walking/cycle paths adjacent to the access road (linking the development site to Flying Fish Point)
 - (xiii) access the national park walking tracks (if approved for construction).
- (b) The residential precinct community facilities noted above must be constructed prior to the completion of each residential stage of the development.

Condition 6. Performance guarantee bond

The Chief Executive of CCRC is the entity with jurisdiction for this condition

- (a) The proponent must provide to CCRC, prior to commencement of construction, a performance guarantee bond for the development (including access road and any associated wildlife fencing).
- (b) The bond noted in (a) above is surety for the restoration of the site and access road to a safe and saleable condition, including provision for long-term environmental impact mitigation measures required under state and Australian Government approvals, should the project not be completed in accordance with the EIS documentation and commitments made by proponent.

Advice—Performance guarantee bond

The amount of, and arrangements relating to, the performance guarantee bond for the development, noted in Condition 6 in Appendix 1 of this report, should be negotiated with CCRC in consultation with SEWPaC and the Office of the Coordinator-General.

Condition 7. Isolation plan

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must prepare and implement an isolation plan for all stages of the project to address any situation where access to the site might be cut off due to a natural event such as damage caused by landslide and cyclone. The isolation plan must be prepared in consultation with CCRC and other emergency services agencies and approved by CCRC prior to commencing any construction works.

Condition 8. Construction of bypass road

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) Construction of the bypass road (that is, stage 2 of road construction) should commence once vehicular traffic through Flying Fish Point reaches 1000 vehicle movements per day (as determined by Condition 9 below) or prior to the commencement of stage 2 of the development schedule, whichever is sooner.

- (b) The bypass road is to be completed and fully operational within two years of commencement of construction of the road.

Condition 9. Vehicle movement monitoring

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must undertake vehicle movement monitoring to determine when vehicular traffic through Flying Fish Point reaches 1000 vehicle movements per day. The monitoring must be undertaken in accordance with council requirements, that is, the preferred location of monitoring, type of monitoring system, agreed methodology, monitoring commencement and end date and reporting regime.

Condition 10. Traffic management plan

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must provide the final traffic management plan for the construction and operational stages of the Ella Bay development as part of the development application to CCRC showing, amongst other things, how the impacts of construction traffic impacts will be managed and communicated to the residents of Flying Fish Point and the Coconuts.

Condition 11. Ella Bay access road

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The Ella Bay access road and associated infrastructure is to be provided by the proponent at no cost to local or state government and should be constructed generally in accordance with the alignment designated in section 1.4 Volume 1 and Appendix A2.6 Volume 4 of the SEIS (that is, the current Ella Bay Road alignment (from approximately 90 metres north of Ruby Street) with Option D for the bypass road), but may be subject to modification and refinement at the operational works development application stage.
- (b) An access road, walking and cycle path design and construction report is to be provided to CCRC for approval and must be in accordance with:
 - (i) the latest version of the FNQROC Development Manual and relevant safety requirements unless otherwise approved by CCRC
 - (ii) fauna sensitive design standards included in the *Fauna Sensitive Road Design Manual—Volume 2: Preferred Practices* (DTMR June 2010)
 - (iii) CCRC, WTMA and SEWPaC requirements to minimise the impact on wildlife, in particular the southern cassowary.
- (c) In the event that agreement cannot be reached between the relevant agencies and the proponent regarding the design and alignment of the access road and/or the requirements for provision and maintenance of fauna sensitive design elements, the matter(s) may be referred to the Coordinator-General for mediation, direction or necessary action.
- (d) The proponent must provide to CCRC a road engineering report supporting the long term stability of Ella Bay Road adjacent to the coastline and its ability to

withstand collapse in a natural disaster event (for example, landslide, heavy rainfall, cyclone, or extreme tidal event).

Condition 12. Traffic and transport

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must provide to CCRC, as part of the development application, a transport infrastructure impact study undertaken by an appropriately experienced registered professional engineer (Qld) (RPEQ).
- (b) The study noted in (a) above must:
 - (i) detail the traffic impacts of the development on the local road network from the development site to the Bruce Highway
 - (ii) identify any transport infrastructure (that is, roads, cycle lanes, bridges, pathways, public transport network infrastructure, etc) that may be impacted by the development
 - (iii) identify any mitigation measures required to address identified impacts of the development on the existing road network/transport infrastructure.
- (c) The proponent is required to contribute towards the cost of mitigating any impacts identified in (b) above.
- (d) The proponent may be required to enter into an infrastructure agreement with CCRC to contribute to any mitigation requirements identified in (b) above. The agreement should set out the contribution method and the amount and timing of the proponent's contribution. The proponent's contribution must be consistent with the mitigation measures identified in (b) above and may take the form of a financial contribution towards the cost of mitigation and/or a requirement that the proponent carry out certain works to address the mitigation.
- (e) CCRC will determine the value of any mitigation measures applicable to the Ella Bay development and method of contribution, taking into account the study noted in (a) above, the CCRC Priority Infrastructure Plan (forming part of the Johnstone Shire and Cardwell Shire Planning Schemes) and the CCRC Transport Network Plan.
- (f) Any works required to be undertaken by the proponent as identified in the agreement noted in (d) above must be carried out to comply with the CCRC Priority Infrastructure Plan, the FNQROC Development Manual and the CCRC Transport Network Plan.
- (g) In the event that agreement cannot be reached between CCRC and the proponent, the matter may be referred to the Coordinator-General, by either party, for mediation, direction or necessary action.

Condition 13. Road network plan

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must submit to CCRC, with a development application for each development stage, a detailed road network plan for each precinct of the Ella Bay development that is in accordance with Council's standards current at the time of development and relevant safety requirements.

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Condition 14. Water management

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must prepare a recycled water management plan in accordance with the *Water Supply (Safety and Reliability) Act 2008* and submit to DEHP and CCRC for approval prior to making an application for a development permit for material change of use within the Ella Bay development.
- (b) All permanent water storages must be constructed in accordance with the *Queensland Water Recycling Guidelines* (EPA 2005) and the *Australian Mosquito Control Manual* (Mosquito Control Association of Australia 2002). Temporary water storages must be constructed in accordance with the *WSUD Technical Design Guidelines* (Healthy Waterways 2006).

Condition 15. Sewage and sewage treatment

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) All sewage reticulation for the Ella Bay development must be designed, constructed and maintained in accordance with CCRC codes, policies, standards and specifications, applicable at the time and where relevant to CCRC requirements.
- (b) All sewage generated by the Ella Bay development must be directed to and treated at a sewage treatment plant(s) within the development area.
- (c) No septic tanks are to be installed within the Ella Bay development.

Condition 16. Stormwater and runoff

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The quantity of stormwater from the Ella Bay development site must be managed to avoid any increased flows to non-urban areas or adjacent urban areas.
- (b) Stormwater systems must be designed to comply with CCRC's planning scheme and policies and to:
 - (i) where practicable, make use of stormwater for recycling and water conservation
 - (ii) make use of drainage corridors for improved recreational values and open space or landscape area
 - (iii) avoid local flooding or increased risk to public safety
 - (iv) maintain existing runoff conditions and peak flow rates within existing drainage paths.
- (c) The quality of stormwater from the Ella Bay development site must be managed to avoid any contamination of groundwater or surface waters. Stormwater systems must be designed to:
 - (i) comply with the *Urban Stormwater Quality Planning Guidelines 2010* (DERM), the *State Planning Policy for Healthy Waters 2010* (DERM) and CCRC's planning scheme and policies
 - (ii) maintain environmental values specified in the *Environmental Protection (Water) Policy 2009*.

- (d) The stormwater designs and runoff assessment are to be submitted to DEHP and CCRC for review prior to the issue of a development permit for operational works.

Condition 17. Telecommunications

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The Ella Bay development is to be connected to telecommunications compatible with current modern housing in north Queensland. All works including any alterations, relocations, or upgrade work necessary for telephone/ internet installations resulting from or in connection with the Ella Bay development are to be provided at no cost to local or state government.

Condition 18. Landscaping

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) Landscaping is to be undertaken in accordance with the JSPS and CCRC's codes and policies applicable at the time of development and shall be maintained to the satisfaction of CCRC.
- (b) The proponent is to prepare a detailed landscaping master plan (LMP) for the development to be approved by CCRC.
- (c) The LMP required in (b) above must address the management of existing vegetation and the design and management of the public areas such as urban or tourist areas as well as adjacent to infrastructure such as roads. The LMP must detail plant species and densities, and proposed fertilizer and chemical usage.
- (d) The proponent must consult with DEHP and CCRC to determine appropriate vegetation to use in landscaping for the development.

Condition 19. Weed management

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent is to minimise the risk of dispersal of weed species by implementing its weed management plan which addresses all stages of the development from construction to operation and which meets standards acceptable to Department of Agriculture, Fisheries and Forestry (Biosecurity Queensland) and CCRC prior to any disturbance occurring on site.

Condition 20. Visual amenity

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must implement the following measures to avoid where possible or mitigate visual amenity impacts of the Ella Bay development:
 - (i) no building to exceed the height as set out in the Ella Bay Development Local Area Plan (Volume 6 Report 6.5a of the additional information document (SEIS Submission Response dated June 2012)
 - (ii) limit development on the elevated sections of Ella Bay as proposed in the Ella Bay Local Area Plan and conform to CCRC requirements
 - (iii) all buildings and essential infrastructure to be screened by native vegetation

- (iv) external finishes of buildings and roofs to be non-reflective and of muted tones, selected to match and blend with the existing and proposed vegetation
- (v) revegetation to be in accordance with the revegetation staging plan presented in Figure 3.17 Revegetation Staging Plan (Additional information document (SEIS Submission Response dated June 2012) prior to the commencement of each development stage
- (vi) plant landscaped areas in public and private spaces with species that are native and occur locally around Ella Bay and in the WTQWHA
- (vii) implement 'black sky' lighting (that is, no up-lighting) for the development and access road
- (viii) shield external lighting in environmentally sensitive areas within the development to limit extraneous light where necessary or face away from coastal and habitat areas
- (ix) screen embankments and cuttings with native vegetation and conserve mature trees where possible on the access road.

Condition 21. Sustainability measures

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent must incorporate sustainability measures, as outlined in the EIS, SEIS and list of commitments included in Appendix 3 of this report, in buildings and structures proposed to be erected in the Ella Bay development site. Such measures are to be included in the design guidelines for the development.

Condition 22. Environmental management plans

The Chief Executive of CCRC is the entity with jurisdiction for this condition.

- (a) The proponent and/or its contractor(s) must finalise the Ella Bay integrated resort development environmental management plans (EMPs) for construction and operational management to the satisfaction of DEPH and CCRC prior to the issue of a development permit for operational works.
- (b) The EMP must take account of the results of investigations and plans developed in accordance with other conditions relating to the Ella Bay development.
- (c) The proponent and/or its contractor(s) must comply with all requirements of approved EMPs.
- (d) The proponent and/or its contractor(s) must regularly review the EMP and implement further or alternative mitigation measures in response to monitoring results, where non-conformance is notified and corrective action is required.

DEPARTMENT OF ENVIRONMENT AND HERITAGE PROTECTION

Condition 23. Erosion prone area management

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) The proponent must provide to DEHP, prior to commencement of construction, a survey plan which clearly shows the erosion prone area on Lot 320 NR157629

measured in accordance with the erosion prone area definition on the Cassowary Coast Regional Local Government Area plan.

- (b) The survey plan noted in (a) above must be consistent with the linear distance depicted on Figure 5.1 of this report.
- (c) No development (including operational works) other than construction of nature walkways, pedestrian access to the beaches (including pedestrian bridges), the day spa area and any life saving structures, is to be undertaken within that part of Lot 320 NR157629 that is within the erosion prone area as noted in Figure 5.1 of this report.
- (d) The structures noted in (c) above are to be temporary in nature and not protected in the case of erosion.
- (e) The proponent must rectify any erosion or loss of sand resulting from the works required for the Ella Bay Road upgrade on Lot 337 NR53 prior to completion of works.
- (f) The proponent must stabilise all areas of exposed sand that are vulnerable to wind erosion.

Condition 24. Beach and foreshore management plan

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) The proponent must prepare and implement a beach and foreshore management plan (BFMP), in consultation with DEHP, to protect the environmental values within the coastal management district during construction and operation of the Ella Bay development. The BFMP is to be finalised prior to commencement of construction and must be provided to DEHP and CCRC. The objective of the plan is for the proponent to establish reasonable and practical measures to ensure:
 - (i) physical dimensions (height and width) and vegetative cover of the beach and dune system fronting the project site are maintained in the same condition as the beach and dune system fronting the adjoining undeveloped areas
 - (ii) water chemistry and ecological values of the natural wetlands adjacent to the site are not affected
 - (iii) local and regional drainage or hydrological systems are not affected.

Condition 25. Waste management

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) Construction and operation of the Ella Bay development shall minimise the generation of waste materials.
- (b) Management of waste generated by the development must avoid environmental harm.
- (c) Prior to the issue of a development permit for the operational works for the project, the proponent must prepare and submit to DEHP for review and approval a waste management and minimisation plan for the construction and operational activities.

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- (d) The plan noted in (c) above must be prepared in accordance with the *Environmental Protection (Waste Management) Policy (2000)*.

Condition 26. Erosion and sediment control

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) For all stages of the development (including construction of the access road) erosion protection and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment in accordance with an erosion and sediment control plan (ESCP) endorsed by a certified professional in erosion and sediment control. The ESCP should consider the requirements of CCRC's planning scheme and policies.
- (b) Best practice environmental management technology sediment and litter control devices must be included on stormwater systems within the development and along the access road in consultation with DEHP and CCRC.

Condition 27. Water quality monitoring

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) The proponent must develop and implement a water quality monitoring program (WQMP) which is to be designed in accordance with relevant guidelines including the *Queensland Water Quality Guidelines* (DERM 2009), the *Urban Stormwater Quality Planning Guidelines 2010* (DERM), the *State Planning Policy for Healthy Waters 2010* (DERM), the *ANZECC/ARMCANZ (2000) Guidelines* and the *Water Quality Guidelines for the Great Barrier Reef Marine Park* (GBRMPA 2009). The objective of the WQMP is to ensure that the stormwater discharges from the development do not significantly affect the environmental values of adjacent receiving water bodies.
- (b) The WQMP required in (a) above must be submitted to DEHP and CCRC for review prior to an application for a development permit for material change of use within the Ella Bay development.
- (c) As part of the WQMP, the proponent must undertake water quality baseline monitoring of turbidity, sediment pollutant concentrations and other parameters in streams and waterways impacted by the development and in the GBRWHA adjacent to the road access and the development.
- (d) The findings of the WQMP must be used to determine water quality parameters for discharges from the development into the surrounding receiving water bodies.

Condition 28. Rehabilitation

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) The proponent must undertake rehabilitation/revegetation within designated conservation areas with final success criteria including as a minimum:
 - (i) disturbed areas to have the same dominant species composition as the reference zones surveyed prior to disturbance
 - (ii) disturbed areas revegetated by re-establishing species recorded on site
 - (iii) evidence of weed control
 - (iv) all waste materials to be removed from site

- (b) The proponent must, prior to commencement of development, provide to DEHP for review and comment, a finalised rehabilitation/revegetation plan based on the commitments of the EIS and SEIS. The proponent must include DEHP requirements in the plan.
- (c) The rehabilitation/revegetation plan to be provided to the administering authority must include at least the following details:
 - (i) anticipated timetable (short and long term schedule for the revegetation/rehabilitation works)
 - (ii) technical requirements to be adopted including pedestrian control, planting, weed management, fire management, vehicle access management. Access control should incorporate restricting access to those rehabilitation/revegetation sites
 - (iii) final and milestone success criteria for successful rehabilitation/revegetation
 - (iv) monitoring and maintenance requirements to meet final success criteria
 - (v) appropriately qualified person to provide advice on successful rehabilitation/revegetation for the disturbed areas at the end of three years for the following attributes:
 - (A) species composition and percent cover or vegetation in representative areas of each zone
 - (B) species density in representative areas in each zone
 This information to be included in the final success criteria.
 - (vi) milestone success criteria developed for each year of the rehabilitation/revegetation works. Milestone success criteria are to include information on the attributes recorded for the reference site
 - (vii) details of progress reporting to the administering authority for each year of the rehabilitation/revegetation works. Progress reporting on the works should include details of the attributes recorded for the reference site
 - (viii) details of the contractual arrangements for the rehabilitation works until achievement of the final success criteria
 - (ix) details of contingency measures for not meeting yearly success criteria, unforeseen storm events and other scenarios such as fire, vandalism etc.

Condition 29. Protected plants

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) The proponent must undertake plant surveys on the proposed clearing sites. The survey needs to determine the presence or absence of Schedule 2-5 protected plants (that is, those species classified as Endangered, Vulnerable or Near Threatened (EVNT)) and the extent of vegetation that will be cleared as a result of proposed development.
- (b) The proponent must consider options for avoiding or minimising impacts to Schedule 2-6 protected plants listed in the *Nature Conservation (Wildlife)*

Regulation 2006 and discuss specific requirements and available clearing exemptions with DEHP, before commencing clearing.

- (c) If required, the proponent must obtain a permit under the *Nature Conservation Act 1992* to remove/clear protected plants. The application for a clearing permit must list all plant species to be cleared in accordance with the relevant schedules under the *Nature Conservation (Wildlife) Regulation 2006*.
- (d) If any of the protected plants to be cleared are EVNT plant species, the proponent's application may be required to include an offset proposal in line with the requirements set out in the Queensland Biodiversity Offset Policy.
- (e) The proponent must develop a species management program if an animal breeding place is to be impacted (as per the *Nature Conservation (Wildlife Management) Regulation 2006*) during the clearing and construction stages of development. The following conditions are must also be employed during clearing activities:
 - (i) clearing is to be conducted in a sequential manner and must be conducted in a way that directs escaping wildlife away from roads and into adjacent natural areas.
 - (ii) a licensed spotter/catcher must be employed where there is a risk to native fauna present within the clearing site. The permit holder must ensure any injured animals are referred to an appropriate wildlife carer group or veterinarian.
- (f) The proponent must obtain a wildlife rehabilitation permit under the *Nature Conservation (Wildlife Management) Regulation 2006* and *Nature Conservation (Administration) Regulation 2006* if protected animals need to be rescued, particularly during the clearing and construction stages of development.

Condition 30. Wildlife

The Chief Executive of DEHP is the entity with jurisdiction for this condition.

- (a) Prior to commencement of construction, the proponent must develop and implement, in consultation with DEHP and WTMA a monitoring program to determine the impacts of the Ella Bay access road and site roads on wildlife, in particular the southern cassowary.
- (b) The monitoring program noted in (a) above must set out parameters for monitoring including timing, recording methodologies, reporting responsibilities and how findings will be used to provide greater protection for wildlife near the road corridors.

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

Condition 31. Fish passage

The Chief Executive of DAFF is the entity with jurisdiction for this condition.

- (a) The proponent must meet DAFF requirements for waterway barriers, proposed creek crossings or in-stream infrastructure at the detailed planning stages and during construction and operation of the development (including road

infrastructure) to avoid, or otherwise minimise, any impacts on fish passage within the site.

Condition 32. Marine plants and fish habitats

The Chief Executive of DAFF is the entity with jurisdiction for this condition.

- (a) Any beach access and other infrastructure required to be placed within the wetland and foreshore dunal systems must avoid disturbance to marine plants and fish habitats. Where avoidance is not possible, the path and area of least disturbance is to be taken.
- (b) An operational works approval must be obtained from DAFF for any marine plant disturbance.

Condition 33. Pests

The Chief Executive of DAFF is the entity with jurisdiction for this condition.

- (a) The proponent must minimise the risk of dispersal of pest species to adjacent areas by developing and implementing a pest management plan for the site and surrounds which addresses all stages of the development from construction to operation and which meets standards acceptable to the DAFF, Queensland Health and DEHP prior to any disturbance occurring on site.

DEPARTMENT OF NATURAL RESOURCES AND MINES

Condition 34. Indigenous cultural heritage

The Chief Executive of DNRM is the entity with jurisdiction for this condition.

- (a) The proponent must submit a Cultural Heritage Management Plan (CHMP) prepared in consultation with, and signed by, the traditional owners to DNRM for approval prior to commencing development.

Condition 35. Regional ecosystems

The Chief Executive of DNRM is the entity with jurisdiction for this condition.

- (a) Before clearing any REs on the project site and adjacent to the access road, the proponent must:
 - (i) complete and submit detailed mapping of REs on and around the project site in consultation with DNRM
 - (ii) obtain a development permit for operational works for the clearing of native vegetation.
- (b) An application for a development permit for operational works for the clearing of native vegetation must include an offset for endangered and of concern REs in accordance with DNRM's *Policy for Vegetation Management Offsets—version 3* (30 September 2011) and the *Regional Vegetation Management Code for Coastal Bioregions—version 3* (6 November 2009)
- (c) The offset(s) must meet criteria 4 and 5 of the *Policy for Vegetation Management Offsets* and must be secured (if not already done so) prior to any clearing of native vegetation.

Condition 36. Acid sulfate soils

The Chief Executive of DNRM is the entity with jurisdiction for this condition.

- (a) All building or operational works within the Ella Bay development site must be managed to avoid any release of untreated acid sulfate material, and particularly to avoid contamination of groundwater or surface waters.
- (b) Acid sulfate soils must be managed in accordance with:
 - (i) *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soil*
 - (ii) *the State Planning Policy 2/02 Guideline: Acid Sulfate Soils, and with reference to the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland*
 - (iii) *the Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines*
 - (iv) *Instructions for the Treatment and Management of Acid Sulfate Soils* or any updates of them as they become available.
- (c) A site-specific acid sulfate soil management plan shall be developed in consultation with DNRM to demonstrate best practice measures as outlined in the abovementioned documents. The plan must be developed by consultants experienced in large scale development projects containing acid sulfate soils and finalised prior to commencement of any construction.

DEPARTMENT OF COMMUNITY SAFETY

Condition 37. Safety

The Chief Executive of the Department of Community Safety is the entity with jurisdiction for this condition.

- (a) The Ella Bay development must provide for the safety of residents and visitors during, and immediately after, emergency events.
Emergency events include tropical cyclones, local flooding, fire or any other serious disruption in the Ella Bay community that requires a coordinated response by State or local government entities to help the community recover from the disruption.
- (b) A risk management plan and emergency management/response and evacuation plan must be developed and implemented, for all stages of the project. The plan must be developed in consultation with the Department of Community Safety, other emergency services agencies and CCRC, and shall include measures that:
 - (i) provides safe refuge on-site
 - (ii) facilitates the safe and orderly evacuation of occupants to on site safe refuges or to appropriate off-site locations
 - (iii) does not significantly affect the resourcing of regional emergency services agencies and CCRC
 - (iv) ensures all on-site infrastructure maintains its function during, and immediately after, natural hazard events, up to and including one per cent annual exceedence probability.

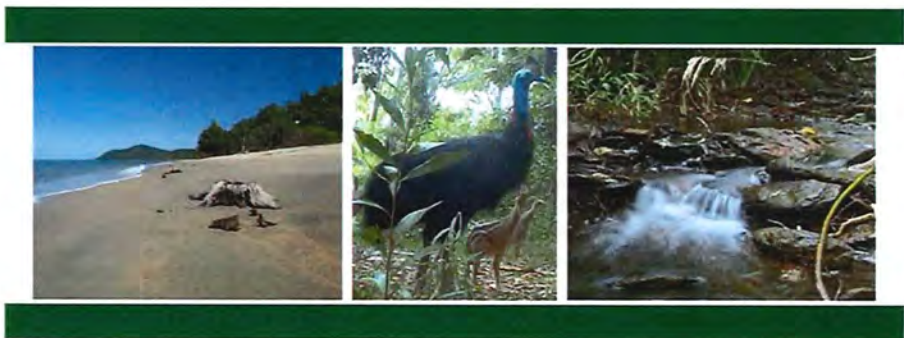
- (c) The emergency response measures throughout all development stages must be equivalent to, or better than those currently provided within the CCRC local government.



Ella Bay Integrated Resort

Local Area Plan

October 2018



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1. Introduction

This document provides the Ella Bay Local Area Plan ("the EBLAP"). The EBLAP articulates a statutory town planning framework for the assessment of development for the Ella Bay Integrated Resort over land shown in Figure 4:1 and presently described as Lot 320 on N157629 and road reserves.

The EBLAP, through the Ella Bay Environmental Development Plan, defines the land to which it applies into one of the following areas:

- Village Precinct
- Central Resort Precinct
- Northern Resort Precinct
- Northern Residential Precinct
- Western Residential Precinct
- South Western Residential Precinct
- Southern Residential Precinct
- Open Space / Recreation Precinct
- Conservation Zone

These areas are shown in Figure 4:1 and further discussed in Part 4 of the EBLAP.

Development under the EBLAP will be in sympathy with the environmental and sustainability vision of Ella Bay.

The EBLAP regulates development over the land to which it relates by:

- articulating an Ella Bay Vision in Part 3;
- identifying a statement of intent for each precinct/zone in Part 4;
- specifying the Category of Development and Assessment applicable to development in the Categorisation Tables in Part 5;
- specifying requirements for Accepted Development in the Categorisation Tables in Part 5;
- specifying assessment benchmarks for Assessable Development in the Categorisation Tables in Part 5; and
- by providing the Ella Bay Development Code in Part 6.



2. Statutory Context

2.1.1 Purpose

The EBLAP is a local categorising instrument for the purposes of Section 43(3) of the *Planning Act 2016* ('the PA'), in that it identifies the variations provided by a variation approval over the land to which it applies.

For the purposes of Section 43(7) of the PA, the EBLAP relates to all development on the land to which it applies.

The EBLAP applies to development in place of the *Cassowary Coast Regional Council Planning Scheme 2015* ('the Planning Scheme') or any subsequent local government planning scheme applicable to the land to which the EBLAP applies, except to the extent provided explicitly by the EBLAP.

2.1.2 Cassowary Coast Regional Council Planning Scheme 2015

The EBLAP prescribes certain elements of the Planning Scheme as being relevant to the assessment of a development application made pursuant to the EBLAP, including as assessment benchmarks. The following rules apply in relation to the application of the Planning Scheme to the assessment of a development application:

- in the event of any inconsistency between the EBLAP and an applicable element of the Planning Scheme, the EBLAP prevails to the extent of the inconsistency;
- the application of the Planning Scheme is strictly limited to the bounds/provisions prescribed by the EBLAP;
- the relevant component of the Planning Scheme is to be taken from Version 3 of the Planning Scheme (adopted 9 August 2018 for commencement on 17 August 2018); and

Note – In the event that Version 3 of the Planning Scheme becomes a superseded planning scheme, as defined in Section 29(2) of the PA, Version 3 of the planning scheme still applies, as if an amendment to the Planning Scheme or a new planning scheme that would otherwise be applicable had not occurred or commenced.

- despite any other provisions of the EBLAP, the provisions of the Planning Scheme listed in Table 2:1 are not to apply to the assessment of development to which the EBLAP relates.

Table 2:1 Provisions of the Planning Scheme that do not apply

Code	Excluded Provisions
Advertising Devices Code	PO6, AO6.1
Accommodation Code	PO1, AO1.1-AO1.3, PO2, AO2.1-AO2.2
Camping, Caravans and Cabins Code	AO3.2
Caretaker's Accommodation Code	PO6, AO6.1, PO13, AO13.1-AO13.5
Child Care Centre Code	AO1.1, AO6.1
Commercial Activities Code	PO6, AO6.1
Community Activities Code	AO6.1, AO6.2
Dual Occupancy Code	AO1.1, AO1.2, AO6.1, PO7, AO7.1-AO7.5
Dwelling House Code	PO1, AO1.1-AO1.6, PO2, AO2.1-AO2.5
Home Based Business Code	PO1, AO1.1-AO1.8, AO2.1-AO2.6



Code	Excluded Provisions
Industrial Activities Code	PO10, AO10.1
Infrastructure Works Code	PO7, AO7.1-AO7.2, PO8, PO10, AO10.1-AO10.2, AO20.1, AO21.1-AO21.2
Multiple Dwelling Code	PO1, AO1.1-AO1.6, AO6.1, PO8, AO8.1, PO9, AO9.1-AO9.2, PO10, AO10.1-AO10.5
Reconfiguring a Lot Code	PO3, AO3.1-AO3.2, AO5.1, PO6, AO6.1-AO6.5, PO7, AO7.1, PO8, AO8.1, PO19, AO19.1, AO21.1, AO22.1, PO26, AO26.1-AO26.5, AO30.1, PO31, PO32, PO34-PO41
Retirement and Residential Care Facilities Code	PO1, AO1.1-AO1.5, PO12, AO12.1, PO13, AO13.1, PO14, AO14.1-AO14.5
Telecommunications and Electricity Facilities Code	AO5.1-AO5.2
Tourism Activities Code	PO4, PO6, PO7

2.1.3 Interpretation

A term used in the EBLAP has the following meaning:

- (a) as defined in Part 7 of the EBLAP; or
- (b) as defined by the Planning Scheme, where a definition is not available under paragraph (a); or
- (c) as defined by the PA, where a definition is not available under paragraphs (a) or (b); or
- (d) as defined by the *Planning Regulation 2017*, where a definition is not available under paragraphs (a), (b) or (c); or
- (e) the ordinary meaning of the term otherwise.

2.1.4 Use of Codes

The EBLAP prescribes assessment benchmarks for Assessable Development in the Categorisation Tables in Part 5. Where an assessment benchmark is a code, the following rules applying in assessing development:

- (a) development is to be assessed against:
 - (i) all applicable Acceptable Outcomes of the code; and
 - (ii) any applicable Performance Outcomes, but only to the extent an Acceptable Outcome is not prescribed for a Performance Outcome;
- (b) where development does not comply with an applicable Acceptable Outcome (as per paragraph (a)(i)), the development is then to be assessed against the corresponding Performance Outcome; and
- (c) where development does not comply with an applicable Performance Outcome (in either paragraph (a) or (b) above), the statement of intent for the relevant precinct or zone prescribed in Part 4 and the Ella Bay Vision in Part 3 are to be considered.



3. Ella Bay Vision

The Ella Bay Vision is to create an ecologically minded residential and resort community, essentially surrounded by World Heritage National Park, and developed with exemplary environmental and design standards. The Land is the key to the project. With such a unique opportunity, residents will become part of a leading model of sustainability and will have a duty of care to protect and enhance the qualities of the World Heritage Area surrounds.

All development will be carefully and sensitively designed to maintain a balance between the natural and built environments. Ella Bay will adopt a clearly planned, environmentally sensitive form, which will develop a strong neighbourhood character and set new standards in energy, water and conservation management.

3.1 Site Context

Ella Bay Integrated Resort is located in the Cassowary Coast Regional Council, 80km south of Cairns and 10km north east of Innisfail. The site is generally rectangular in shape and has an area of 470 hectares. An esplanade is located along the foreshore of the site.

The 470 hectare area will consist of;

- 214.0 hectares of Conservation Zone;
- 62.8 hectares of land transferred to National Park;
- 132.0 hectares of developable footprint; and
- 61.1 hectares of open space, golf course and parkland;

For the purposes of the EBLAP the land transferred to National Park forms part of the Conservation Zone.

The Ella Bay site is a large rural land holding, much of which was cleared in the early 1900's for agriculture. The cleared areas are relatively level with bands of vegetation transecting the site, generally following creeks and gullies. The site rises gently to the west. The boundary of the site is common with Ella Bay National Park and Wet Tropics World Heritage Area to the north, west and parts of the south. A freehold property, more properly as Lot 337 on NR53 adjoins the southern boundary. The eastern boundary is common with an Esplanade and the foreshore of the Great Barrier Reef Marine World Heritage Area and Great Barrier Reef Marine Park.

Note – Lot 337 on NR53 does not form part of the land to which the EBLAP applies.

3.2 Land Uses

Ella Bay is a development providing for a mix of short and long term residential accommodation options within a resort community, focusing on a mix of housing styles and types at a range of residential densities. All residential accommodation will be available for holiday letting or for permanent residential use. The Ella Bay resort community includes a village centre providing for the convenience needs of residents and visitors including resort style retail, cafes and restaurants. In addition, the village centre will offer a business and professional office hub providing services to the local community. An 18-Hole Championship Golf Course will be constructed with many of the residences aligned along and fronting the course. Educational/recreational land uses will provide opportunities for the development of an international school, joint venture arrangements with James Cook University and other Queensland universities focusing on sustainable urban development and ecological research, and outdoor sporting and recreational facilities for the community.

3.3 Natural Attributes

The Ella Bay site is located in a natural amphitheatre, adjoining the Wet Tropics World Heritage Area on its northern, western and southern (part) boundaries and the Great Barrier Reef World Heritage Area to the east.



The area is inhabited by a range of endangered and protected fauna and flora species which through protection and education will become iconic to the community.

3.4 Urban Form, Design and Density

Development is intended to occur in three clusters of resort style accommodation along the beach frontage, with residential accommodation to the western part of the site. The residential resort density will not exceed a maximum of 1400 dwellings. The focus of the development will be the Ella Bay Village which forms the community centre and heart of the integrated resort development, providing for the convenience retail needs of the community and an active and vibrant café and restaurant lifestyle, along with business and professional services.

3.5 Sustainability

The built environment is intended to be respectful of, and responsive to, the sites natural environment. Development is to minimise its ecological footprint to the greatest extent possible. The central aims for the built environment are to be climate positive, to reduce energy consumption, to reduce waste and increase recycling wherever possible including for water, waste and building processes, whilst achieving the highest standards of comfort, protection and enjoyment for residents and visitors.

3.6 Water Quality

All development will incorporate 'best practice' approaches to water quality management to ensure that the development remains environmentally sustainable. Such measures are to be generally in accordance with an Integrated Water Management Approach.

The community will be self-sufficient in potable water supply through the use of a decentralised system rainwater collection and augmented with a centralised groundwater and recycled water backup system.

The stormwater drainage system will be designed using best practice engineering based on the principles of Water Sensitive Urban Design (WSUD). This will incorporate elements to manage both stormwater quality and quantity to ensure that the development has no negative impacts on receiving waters. Where possible, natural drainage paths within the development will be retained and enhanced.

3.7 Power

Development is to achieve the highest possible level of self-sufficiency for power generation, management and usage, to reinforce the low environmental footprint of the development. All buildings are to incorporate design features that seek to minimise energy usage, while the power supply for the development will be provided by solar panels, batteries with LPG backup power supply systems.

3.8 Transport

The Ella Bay development will be designed in a manner that reduces reliance on high emission cars. The development will be underpinned by a comprehensive system of electric cart, bicycle and pedestrian linkages focussed on providing direct and easy connection between precincts, particularly connecting residents and visitors to the village centre.

Ella Bay Road will form the sole connection for motor vehicle movements between the Ella Bay site and Flying Fish Point. Specifically designed fauna sensitive road features incorporating a low speed environment, fauna underpasses, an overpass, and fencing will be incorporated to help protect fauna movement and improve habitat connectivity.



3.9 Climate Change and Storm Surge

Development will be responsive to coastal hazards. The site development footprint has been setback to cater for extreme weather events with the erosion prone area, inundation levels and impact from climate change evaluated.

The erosion prone area setback has been evaluated at 165 metres on the northern resort and 110 metres for the central and village resort areas.



4. Ella Bay Statement of Intent

4.1 Overview

The Ella Bay Environmental Development Plan (EBEDP), shown in Figure 4:1, provides for the designation of land to which the EBLAP applies into precincts and zones.

The following sections outline the designations applied by the EBEDP to land to which the EBLAP applies.

4.2 Conservation Zones

The EBEDP includes the Conservation Zone, which provides for the protection and enhancement of the existing natural environment. The Conservation Zone includes the following specific zones::

- Zone A;
- Zone B;
- Zone C;
- Zone D.

The zones have been established according to the integrity, remoteness from disturbance, intended physical, social setting and management purpose of different parts of the area. The zones follow the methodology used by the Wet Tropics Management Authority (WTMA) Management Plan (WTMA, 2009). The zones are shown in Figure 4:2.

The permitted activities in each Conservation Zone are provided in Table 4:1.

An important aspect of the Ella Bay Integrated Resort is the presence of wildlife, including vulnerable and endangered species (such as the endangered Southern Cassowary). Development under the EBLAP aims to incur no negative impacts upon the native fauna and flora population. Through an extensive revegetation and rehabilitation program, including the net expansion of potential habitat and the protection and widening of east-west and north-south movement corridors, it is intended that a net positive impact will be achieved, with fauna recovery throughout the site. The proposed fauna corridors will link the Ella Bay National Park on three sides of the property, allowing wildlife to move between protected habitats.

4.2.1 Zone A – National Park

Zone A comprises 62.8 hectares of high integrity land that will be incorporated into Ella Bay National Park.

The conservation purpose of Zone A is to protect essential cassowary habitat and landscape corridors. The land is of high integrity and is remote from disturbance by activities associated with modern technological society.

Zone A will be transferred to National Park and managed by the Queensland Government.

4.2.2 Zone B – Nature Conservation

Zone B comprises 67.8 hectares of land bordering Zone A and serves as a 100 metre buffer to Zone A on the west and 300 metre (minimum) buffer to Zone A in the north.

Zone B is intended to undergo recovery or rehabilitation, to return the land to its natural state. Facilities within Zone B will be limited to minimal impact walking tracks (rough track) and ancillary structures. Management activities will be limited to those required for the maintenance of recreational low impact structures.



4.2.3 Zone C – Fauna Corridors

Zone C comprises 87.3 hectares of land which provides a 100m buffer to Ella Bay National Park on the western and southern boundary or is a minimum of 100m wide fauna corridor along the main east/west and north/south creek riparian vegetation. This corridor provides contiguous habitat connectivity across the site.

Zone C will allow vegetated, unimpeded passage for all native fauna across the site. The land will be undergoing recovery or rehabilitation, to return the land to its natural state. Facilities will be limited to graded/paved tracks and multi-use pathways. Infrastructure including water, sewerage, power, and telecommunications are permitted within this zone.

4.2.4 Zone D – Setback & Easement

Zone D comprises 58.9 hectares of land which provides a setback from the vegetated areas or riparian borders.

Zone D provides:

- A 25 metre buffer from the high bank, plus waterway envelope setback of identified watercourses on the site;
- A 50 metre setback in the north-east between vegetation (Zone B) and the resort; and
- A 20 metre easement through Zone C to connect the precincts across zoned areas.

Zone D will be revegetated towards its natural state and will ensure fauna corridor connectivity remains intact. Permitted infrastructure will include minimal impact fauna research activities and basic support infrastructure, vehicular access between precincts; graded/paved tracks and multi-use pathways. Infrastructure including water, sewerage, power, and telecommunications are permitted within this zone.

The primary intent of Zone D is the designation of environmental corridors which will be secured through a mix of dedication and conservation covenants.

4.3 Development Precincts

The EBEDP incorporates seven Development Precincts which are shown in Figure 4:1.

The seven Development Precincts depicted on the EBEDP Plan are:

Coastal Precincts – Resort Residential

- Village Precinct
- Central Resort Precinct
- Northern Resort Precinct

Residential Precincts

- Northern Residential Precinct
- Western Residential Precinct
- South-Western Residential Precinct
- Southern Residential Precinct

Development within Ella Bay comprises resort residential housing, resort villa housing and multiple dwelling units as well as resort accommodation facilities, village services and infrastructure.

The total accommodation and residential yield for the Ella Bay development is 1,400 dwellings (comprising lots/villa/units). Of these 1,400 dwellings, the Master Plan shows a breakdown of 860 units/villas and 540 lots.

Within the proposed Village, Central Resort and Northern Resort Precincts, lots and villas may be interchanged internally and between these precincts, provided that both the total dwelling development yield of 1,400 and the nominated development areas for the Coastal Zone Precincts are not exceeded.



All residential accommodation will be available for holiday letting or for permanent residential use.

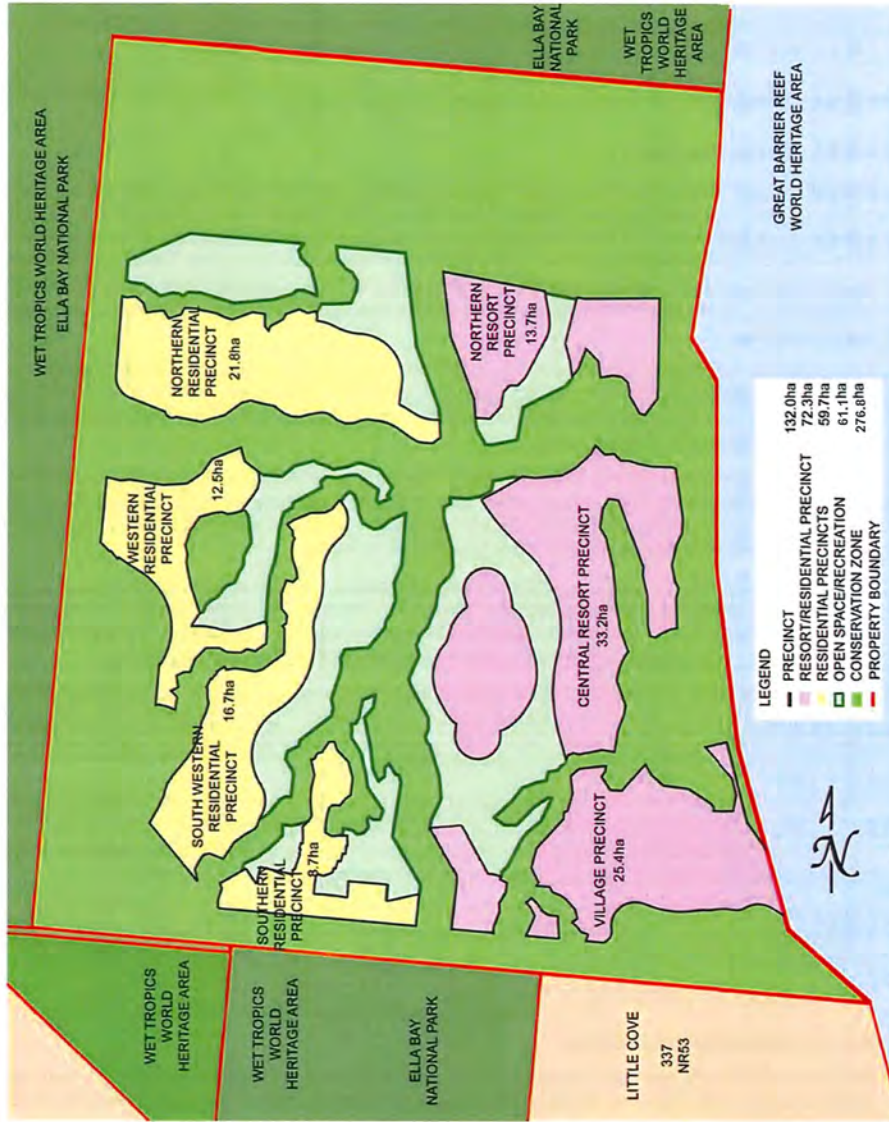


Figure 4:1 Ella Bay Environmental Development Plan

CASSOWARY COAST REGIONAL COUNCIL
APPROVED
 (SUBJECT TO CONDITIONS)
 D/A NUMBER: *MCU 18/0033*
[Signature]
 CHIEF EXECUTIVE OFFICER
 DATE: *12/11/2018*



4.3.1 Coastal Precincts

The Coastal Precincts will be focussed on 5 star ecotourism resort accommodation with a mix of associated residential uses. The resorts will be predominantly accommodate the tourist market, however, some dwellings may have a mix of permanent 'lifestyle living' residents. Each of the Coastal Precincts has been designed to also service the immediate residential areas, with license-sharing agreements between the Resorts and the surrounding lots.

In this way, all Ella Bay residents will be able to share resort facilities, therefore conserving valuable resources while enjoying the associated resort lifestyle.

4.3.1.1 Village Precinct

The Ella Bay Village Precinct provides a cosmopolitan community village that will service the needs of both the visiting and resident population. This Precinct is intended to be utilised for convenience scale commercial uses and medium-density resort and residential uses in the form of a mixed-use development. The ultimate mix of land uses is to be limited to a scale of commercial use that serves residents and visitors of the proposed resorts and residential communities. All residential accommodation will be available for holiday letting or for permanent residential use.

The proposal features a village area of up to four storeys, consisting of a supermarket, cafes, restaurants and resort fashion stores. Uses that create interest and contribute to the vitality of the urban centre streetscape such as restaurants and cafes will be primarily located at ground-storey level fronting a village square.

Professional services catering to the needs of the local community, including (but not limited to) a solicitor, accountant, real estate office and medical practitioners may also be provided to service the local community. Professional services uses are also provided to support the working professional residents within the Ella Bay community.

The Precinct is also to include a community recreation centre, a free public pool, a sports centre, a small church, an International School, an Institute for Sustainable Development in collaboration with the University of Queensland and James Cook University, Country Club/Golf clubhouse and a welcome centre, along with ancillary facilities such as car parking.

It is envisaged that community based infrastructure required to support the development and residents of Ella Bay would be located within this precinct. Comprising but not limited to a community nursery, power generation, fuel storage, community laundry, water supply and community sewage treatment and waste management facilities.

The Village Precinct is located on the coastal access road and consequently, development is to be of a high standard appropriate to a gateway location. Special attention is to be paid to the architectural quality of the buildings constructed; the provision of high quality landscaping; and the provision of simple yet high quality signage that complements the built form.

Particular attention should be given to the manner in which the village centre integrates and supports the adjoining resort development to ensure the maintenance of visitor amenity that will be incorporated within this Precinct.

The development precinct area is 25.4 hectares.

4.3.1.2 Central Resort Precinct

The Central Resort Precinct includes a mix of land uses including resort accommodation, resort residential lots, villa housing, multiple dwellings and resort facilities. In-house resort restaurants and tourist shops will also be included in the premises.

Resort villas and resort residential lots are interchangeable while all residential accommodation will be available for holiday letting or for permanent residential use.

The development precinct area is 33.2 hectares.



4.3.1.3 Northern Resort Precinct

The Northern Resort Precinct includes a mix of land use including, resort accommodation, resort residential lots, villa housing, multiple dwellings and resort facilities. In-house resort restaurants and tourist shops will also be included in the premises.

The resort is intended to be of five-star standard and comprise self-contained apartments and / or villas typically ranging from one to three bedrooms.

All resort residential accommodation will be available for holiday letting or for permanent residential use.

The development precinct area is 13.7 hectares.

4.3.2 Residential Precincts

The EBEDP comprises four Residential Precincts:

- Northern Residential Precinct
- Western Residential Precinct
- South-Western Residential Precinct
- Southern Residential Precinct

Primarily these Precincts comprise detached resort residential lots and ancillary structures. Associated local services including community centres, recreational areas and infrastructure are also provided in the Residential Precincts. All residential accommodation will be available for holiday letting or for permanent residential use.

In addition to the above:

- Northern Residential Precinct, the maximum developable area is 21.8 hectares.
- Western Residential Precinct, the maximum developable area is 12.5 hectares.
- South-Western Residential Precinct, the maximum developable area is 16.7 hectares.
- Southern Residential Precinct, the maximum developable area is 8.7 hectares.

4.4 Open Space / Recreation Precinct

The Open Space / Recreation Precinct surrounds and buffers much of the Development Precincts from the Conservation Zone. The primary feature of the Precinct will be an 18 hole golf course. Any development within the precinct is limited to open space or recreational purposes, supported by non-habitable buildings and structures directly associated with open space uses (i.e. course toilets and pavilions). All buildings and structures are to be minor in nature and form. Community Facilities including meetings rooms and shared community recreational areas such as tennis courts and swimming pools and infrastructure associated with adjoining and nearby development may also be located in this Precinct.

Landscape elements will reflect and enhance the existing landscape and designed to maximize the opportunity for environmental regeneration, through the retention of the vast majority of existing vegetation and extensive tree replanting.

CASSOWARY COAST REGIONAL COUNCIL
APPROVED
 (SUBJECT TO CONDITIONS)
 D/A NUMBER: 170418/0033
 D. J. H.
 CHIEF EXECUTIVE OFFICER
 DATE: 12/11/2018



CONSERVATION ZONES	AREA
ZONE 'A' - NATIONAL PARK	81.1ha
ZONE 'B' - NATURE CONSERVATION	67.8ha
ZONE 'C' - FAUNA CORRIDOR	87.3ha
ZONE 'D' - SETBACK & EASEMENT	58.9ha

Figure 4:2 Ella Bay Conservation Zones



Activities Permitted within Conservation Zones	Zone A Transferred to National Park	Zone B Nature Conservation	Zone C Fauna Corridor	Zone D Setback & Easement
Resort/Residential Buildings				
Golf Course				✓
Road Infrastructure				✓
Fauna Monitoring Research Station				✓
Precinct Fencing				✓
Above Ground Service Infrastructure (AGSI) ★			✓	✓
Access Track to AGSI			✓	✓
Constructed Wetland Bio-System			✓	✓
Graded Track/Concrete ★★			✓	✓
Dark-Sky lighting for above walkway			✓	✓
Buried Service Infrastructure			✓	✓
Rough Track ★★		✓	✓	✓
Viewing Platforms		✓	✓	✓
Rest Shelter		✓	✓	✓
Weed Control ★★		✓	✓	✓
Revegetation/Rehabilitation ★★		✓	✓	✓
Interpretive Signage		✓ (limited)	✓	✓
Walking Track - Marked Route ★★	✓	✓	✓	✓
Seed Collection ★★	✓	✓	✓	✓
Feral Animal Control ★★	✓	✓	✓	✓
EMP Monitoring	✓	✓	✓	✓
Research Project Activities ★★	✓	✓	✓	✓

★ Above Ground Service Infrastructure
 Water Tanks (inc. access and stairs), bores, pipes and conduits for reticulation of services
 Telecommunications building and mast inc. solar power panels and storage batteries
 Classification based on the *Track Classification System (2001) WTMA & Walking Strategies (2001) WTMA* – See Appendix 1
 Undertaken in accordance to Environmental Management Plan (EMP) parameters
 With relevant permit from authorities eg: Wet Tropics Management Authority (WTMA) or Queensland Parks and Wildlife Services (QPWS)

Table 4:1 Conservation Zone permitted activities



5. Categorisation Tables

5.1 Village Precinct

Table 5:1 Village Precinct Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Bar	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Caretaker's Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Caretaker's Accommodation Code Other Development Codes
Car Wash	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Child Care Centre	Assessable Development – Code Assessment	Ella Bay Development Code Child Care Centre Code Commercial Activities Code Other Development Codes
Club	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Recreational Activities Code Other Development Codes
Community Use	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Cropping	Assessable Development – Code Assessment	Ella Bay Development Code Agricultural Activities Code Other Development Codes
Dual Occupancy	Assessable Development – Code Assessment	Ella Bay Development Code Dual Occupancy Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Dwelling House	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Dwelling House Code Other Development Codes
	Assessable Development – Code Assessment otherwise.	
Dwelling Unit	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Educational Establishment	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Food and Drink Outlet	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Function Facility	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Garden Centre	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Hardware and Trade Supplies	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Health Care Services	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Community Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Home Based Business	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	Ella Bay Development Code Home Based Business Code Other Development Codes
Hotel	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Indoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes
Low Impact Industry	Assessable Development – Code Assessment	Ella Bay Development Code Industrial Activities Code Other Development Codes
Market	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Multiple Dwelling	Assessable Development – Code Assessment	Ella Bay Development Code Multiple Dwelling Code Other Development Codes
Office	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Outdoor Sales	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Outdoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Recreational Activities Code Other Development Codes
Parking Station	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Place of Worship	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Residential Care Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Resort Complex	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes
Retirement Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Rooming Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Sales Office	Accepted Development where complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment where not Accepted Development	
Service Industry	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Service Station	Assessable Development – Code Assessment	Ella Bay Development Code Industrial Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Shop	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Shopping Centre	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Short-Term Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes
Substation	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Theatre	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Telecommunications Facility	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Tourist Attraction	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Other Development Codes
Tourist Park	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Camping, Caravans and Cabins Code Other Development Codes
Transport Depot	Assessable Development – Code Assessment	Ella Bay Development Code Industrial Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Utility Installation	Accepted Development where not involving a new: (a) refuse transfer station; (b) refuse disposal facility; or (c) sewerage treatment facility. Note – The extension of an existing facility listed in paragraphs (a) – (c) is Accepted Development.	-
Veterinary Services	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Wholesale Nursery	Assessable Development – Code Assessment	Ella Bay Development Code Agricultural Activities Code Other Development Codes
Any other use not listed above	Assessable Development – Impact Assessment	Ella Bay Development Code The Planning Scheme
Reconfiguring a Lot		
Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; and (b) the advertising device is: (i) freestanding and is 1m ² or less in area; or (ii) freestanding and is two (2) metres or less in height; or (iii) attached flush to a commercial or industrial building and the device does not increase the bulk of the building.	Ella Bay Development Code Advertising Devices Code
	Assessable Development – Code Assessment where not Accepted Development	
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code
	Assessable Development – Code Assessment where not Accepted Development.	
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



5.2 Central Resort Precinct

Table 5:2 Central Resort Precinct Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Bar	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Caretaker's Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Caretaker's Accommodation Code Other Development Codes
Child Care Centre	Assessable Development – Code Assessment	Ella Bay Development Code Child Care Centre Code Commercial Activities Code Other Development Codes
Club	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Recreational Activities Code Other Development Codes
Community Use	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Dual Occupancy	Assessable Development – Code Assessment	Ella Bay Development Code Dual Occupancy Code Other Development Codes
Dwelling House	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Dwelling House Code Other Development Codes
	Assessable Development – Code Assessment otherwise.	
Dwelling Unit	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Educational Establishment	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Food and Drink Outlet	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Function Facility	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Home Based Business	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	Ella Bay Development Code Home Based Business Code Other Development Codes
Hotel	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Indoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes
Multiple Dwelling	Assessable Development – Code Assessment	Ella Bay Development Code Multiple Dwelling Code Other Development Codes
Office	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Outdoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Recreational Activities Code Other Development Codes
Parking Station	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Place of Worship	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Residential Care Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Resort Complex	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes
Retirement Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Rooming Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Shop	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Short-Term Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Substation	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Telecommunications Facility	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Tourist Attraction	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Other Development Codes
Tourist Park	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Camping, Caravans and Cabins Code Other Development Codes
Utility Installation	Accepted Development where not involving a new: (a) refuse transfer station; (b) refuse disposal facility; or (c) sewerage treatment facility. Note – The extension of an existing facility listed in paragraphs (a) – (c) is Accepted Development.	-
Any other use not listed above	Assessable Development – Impact Assessment	Ella Bay Development Code The Planning Scheme
Reconfiguring a Lot		
Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements. Assessable Development – Code Assessment otherwise.	Ella Bay Development Code



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; and (b) the advertising device is: (i) freestanding and is 0.3m ² or less in area; or (ii) freestanding and is 1.5 metres or less in height; or (iii) attached flush to a commercial or industrial building and the device does not increase the bulk of the building.	Ella Bay Development Code Advertising Devices Code
	Assessable Development – Code Assessment where not Accepted Development	
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code
	Assessable Development – Code Assessment where not Accepted Development.	
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



5.3 Northern Resort Precinct

Table 5:3 Northern Resort Precinct Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Bar	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Caretaker's Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Caretaker's Accommodation Code Other Development Codes
Child Care Centre	Assessable Development – Code Assessment	Ella Bay Development Code Child Care Centre Code Commercial Activities Code Other Development Codes
Club	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Recreational Activities Code Other Development Codes
Community Use	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Dual Occupancy	Assessable Development – Code Assessment	Ella Bay Development Code Dual Occupancy Code Other Development Codes
Dwelling House	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Dwelling House Code Other Development Codes
	Assessable Development – Code Assessment otherwise.	
Dwelling Unit	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Food and Drink Outlet	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Function Facility	Assessable Development – Code Assessment	Ella Bay Development Code Commercial Activities Code Other Development Codes
Home Based Business	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	Ella Bay Development Code Home Based Business Code Other Development Codes
Indoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes
Multiple Dwelling	Assessable Development – Code Assessment	Ella Bay Development Code Multiple Dwelling Code Other Development Codes
Outdoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Other Development Codes
Parking Station	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Residential Care Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Resort Complex	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes
Retirement Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Rooming Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Shop	Accepted Development where: (a) located within an existing building; (b) any building work is limited to minor building work; and (c) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Commercial Activities Code Other Development Codes
	Assessable Development – Code Assessment, where not Accepted Development.	
Short-Term Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Substation	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Telecommunications Facility	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Tourist Attraction	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Other Development Codes
Tourist Park	Assessable Development – Code Assessment	Ella Bay Development Code Tourism Activities Code Camping, Caravans and Cabins Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Utility Installation	Accepted Development where not involving a new: (a) refuse transfer station; (b) refuse disposal facility; or (c) sewerage treatment facility. Note – The extension of an existing facility listed in paragraphs (a) – (c) is Accepted Development.	-
Any other use not listed above	Assessable Development – Impact Assessment	Ella Bay Development Code The Planning Scheme
Reconfiguring a Lot		
Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements. Assessable Development – Code Assessment otherwise.	Ella Bay Development Code
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; and (b) the advertising device is: (i) freestanding and is 0.3m ² or less in area; or (ii) freestanding and is 1.5 metres or less in height; or (iii) attached flush to a commercial or industrial building and the device does not increase the bulk of the building.	Ella Bay Development Code Advertising Devices Code



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
	Assessable Development – Code Assessment where not Accepted Development	
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code
	Assessable Development – Code Assessment where not Accepted Development.	
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



5.4 Residential Precincts

Table 5:4 Residential Precincts Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Club	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Recreational Activities Code Other Development Codes
Community Use	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Dual Occupancy	Assessable Development – Code Assessment	Ella Bay Development Code Dual Occupancy Code Other Development Codes
Dwelling House	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Dwelling House Code Other Development Codes
	Assessable Development – Code Assessment otherwise.	
Home Based Business	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	Ella Bay Development Code Home Based Business Code Other Development Codes
Multiple Dwelling	Assessable Development – Code Assessment	Ella Bay Development Code Multiple Dwelling Code Other Development Codes
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Recreational Activities Code Other Development Codes
Place of Worship	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Residential Care Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Resort Complex	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Tourism Activities Code Other Development Codes
Retirement Facility	Assessable Development – Code Assessment	Ella Bay Development Code Retirement and Residential Care Facilities Code Other Development Codes
Rooming Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Short-Term Accommodation	Assessable Development – Code Assessment	Ella Bay Development Code Accommodation Code Other Development Codes
Substation	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Telecommunications Facility	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Utility Installation	Accepted Development where not involving a new: (a) refuse transfer station; (b) refuse disposal facility; or (c) sewerage treatment facility. Note – The extension of an existing facility listed in paragraphs (a) – (c) is Accepted Development.	-
Any other use not listed above	Assessable Development – Impact Assessment	Ella Bay Development Code The Planning Scheme
Reconfiguring a Lot		
Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; and (b) the advertising device is: (i) freestanding and is 0.3m ² or less in area; or (ii) freestanding and is 1.5 metres or less in height; or (iii) attached flush to a commercial or industrial building and the device does not increase the bulk of the building.	Ella Bay Development Code Advertising Devices Code
	Assessable Development – Code Assessment where not Accepted Development	
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code
	Assessable Development – Code Assessment where not Accepted Development.	



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



5.5 Open Space / Recreation Precinct

Table 5:5 Open Space / Recreation Precinct Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Community Use	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Educational Establishment	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Outdoor Sport and Recreation	Assessable Development – Code Assessment	Ella Bay Development Code Recreational Activities Code Other Development Codes
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Recreational Activities Code Other Development Codes
Parking Station	Assessable Development – Code Assessment	Ella Bay Development Code Other Development Codes
Place of Worship	Assessable Development – Code Assessment	Ella Bay Development Code Community Activities Code Other Development Codes
Substation	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Telecommunications Facility	Assessable Development – Code Assessment	Ella Bay Development Code Telecommunications and Electricity Facilities Code Other Development Codes
Utility Installation	Accepted Development where not involving a new: (a) refuse transfer station; (b) refuse disposal facility; or (c) sewerage treatment facility. Note – The extension of an existing facility listed in paragraphs (a) – (c) is Accepted Development.	-
Any other use not listed above	Assessable Development – Impact Assessment	Ella Bay Development Code The Planning Scheme



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Reconfiguring a Lot		
Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Accepted Development where complying with all the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment otherwise.	
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; and (b) the advertising device is: (i) freestanding and is 0.3m ² or less in area; or (ii) freestanding and is 1.5 metres or less in height; or (iii) attached flush to a commercial or industrial building and the device does not increase the bulk of the building.	Ella Bay Development Code Advertising Devices Code
	Assessable Development – Code Assessment where not Accepted Development	
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements.	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
	Assessable Development – Code Assessment where not Accepted Development.	
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



5.6 Conservation Zone

Table 5:6 Conservation Zone Categorisation Table

Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Material Change of Use		
Educational Establishment	Assessable Development – Code Assessment where the total gross floor area is limited to 100m ² .	Ella Bay Development Code Community Activities Code Other Development Codes
Environment Facility	Assessable Development – Code Assessment where the total gross floor area is limited to 100m ² .	Ella Bay Development Code Other Development Codes
Park	Accepted Development where not involving the construction of any building or on-site car parking.	-
	Assessable Development – Code Assessment where not Accepted Development	Ella Bay Development Code Recreational Activities Code Other Development Codes
Substation	Accepted Development if involving underground infrastructure.	-
Telecommunications Facility	Accepted Development if involving underground infrastructure.	-
Utility Installation	Accepted Development if involving underground infrastructure.	-
Any other use not listed above	Accepted Development where: (a) involving an activity that is identified as being permitted in Table 4:1; and (b) complying with all Acceptable Outcomes of the identified requirements.	Ella Bay Development Code
	Assessable Development – Code Assessment where: (a) involving an activity that is identified as being permitted in Table 4:1; and (b) not complying with all Acceptable Outcomes of the identified requirements.	
	Assessable Development – Impact Assessment, otherwise.	Ella Bay Development Code The Planning Scheme



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Reconfiguring a Lot		
Reconfiguring of a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Reconfiguring a Lot Code Other Development Codes
Carrying Out Building Work		
Carrying Out Building Work associated with a Material Change of Use	Accepted Development	-
Carrying Out Building Work not associated with a Material Change of Use	Assessable Development – Code Assessment	Ella Bay Development Code
Carrying Out Operational Work		
Where involving an Advertising Device	Accepted Development where for interpretative/directional signage only	-
	Accepted Development where: (a) complying with the Acceptable Outcomes of the identified requirements; (b) not for interpretative/directional signage; and (c) the advertising device is: (i) freestanding and is 0.3m ² or less in area; or (ii) freestanding and is 1.5 metres or less in height.	Ella Bay Development Code Advertising Devices Code
	Assessable Development – Code Assessment, where not Accepted Development	Ella Bay Development Code The Planning Scheme
Where involving Filling and Excavation	Accepted Development where: (a) the total volume of material moved is less than or equal to 50m ³ ; and (b) complying with the Acceptable Outcomes of the identified requirements,	Ella Bay Development Code Excavating and Filling Code Infrastructure Works Code
	Assessable Development – Code Assessment where not Accepted Development.	



Type of development	Category of Development and Assessment	Requirements for Accepted Development and Assessment Benchmarks for Assessable Development
Where associated with Reconfiguring a Lot	Assessable Development – Code Assessment	Ella Bay Development Code Excavating and Filling Code, if involving excavation or filling Infrastructure Works Code Landscaping Code, if involving landscaping



6. Ella Bay Development Code

6.1 Purpose

The purpose of 'Ella Bay Development Code' is to provide for specific outcomes for Ella Bay that ensure that design and form of all development accords and delivers a fully master planned, integrated tourism and residential lifestyle community which sets new benchmarks for sustainable development.

6.2 Performance Outcome and Acceptable Outcomes

Table 6:2a Performance Outcomes and Acceptable Outcomes for the Ella Bay Development Code

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Element 1 – Built Form and Development Intensity	
<p>PO1 Development comprises a scale, nature and intensity that:</p> <ul style="list-style-type: none"> (a) is consistent with the intended form and function of development within the precinct or zone within which it is located; (b) enables the efficient and effective use of land, including all necessary features associated with an existing, proposed or future use such as earthworks, vehicle parking and access, open space and landscaping; and (c) is responsive to the features, characteristics and constraints of the land upon which it is located. 	<p>AO1.1 Development does not result in the extent of development located within a zone/precinct exceeding the land area specified in Table 6:2b.</p> <p>AO1.2 Development does not exceed the relevant building height specified in Table 6:2b.</p> <p>AO1.3 Development does not exceed the relevant site cover specified in Table 6:2b.</p> <p>AO1.4 Any new lot has a size and frontage equal to or greater than the lot size and minimum frontage specified in Table 6:2b.</p> <p>AO1.5 Development does not result in the total intensity of development within the precinct exceeding that specified in Table 6:2b.</p> <p>Note – Where Table 6:2b does not prescribe a relevant parameter, the Acceptable Outcome does not apply.</p>
<p>PO2 Development for permanent residential purposes is commensurate to the nature and scale of the development, being primarily for visitor/tourist accommodation. Permanent residential accommodation is to not undermine the resort character of the site.</p>	<p>AO2 Development does not result in the supply of dwellings for permanent residential purposes exceeding:</p> <ul style="list-style-type: none"> (a) 40% of the total dwellings provided as part of the Ella Bay development; or (b) 540 dwellings.
<p>PO3 Buildings and structures are sited on land in a manner that:</p> <ul style="list-style-type: none"> (a) is reflective of the intended character of the area; (b) creates an appropriate level of amenity and privacy; (c) ensures that land uses are appropriately separated. <p>Note – An Acceptable Outcome is not specified for development not within a Residential Precinct. Development not within a Residential Precinct is to be assessed against PO3.</p>	<p>AO3.1 Buildings and structures in the Residential Precincts include setbacks equal to or greater than:</p> <ul style="list-style-type: none"> (a) three (3) metres from the front boundary; (b) 1.5 metres from the side boundaries; and (c) three (3) metres from the rear boundary. <p>Note – Where land has more than one front boundary, it is taken to not have a rear boundary, with all non-frontages considered side boundaries.</p>



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
<p>PO4 Class 10a buildings are of an appropriate size, scale and nature, having regard to their intended use and the character of the surrounding area.</p>	<p>AO4 A Class 10a building:</p> <p>(a) has a gross floor area that does not exceed 100m²; and</p> <p>(b) is associated with a Class 1-9 building on the same lot.</p>
<p>PO5 Buildings and structures provide a high quality of design have regard to:</p> <p>(a) the relationship and responsiveness to site characteristics;</p> <p>(b) variations in shape, form, materials and treatments;</p> <p>(c) use of openings such as windows and doors;</p> <p>(d) roof forms, shades, awnings and detailing;</p> <p>(e) the relationship between internal and external spaces;</p> <p>(f) the location and use of various features of the building or structure;</p> <p>(g) the use and quality of materials;</p> <p>(h) adjoining and nearby land uses;</p> <p>(i) sightlines, visibility and overlooking;</p> <p>(j) access to daylight, sunlight and prevailing breezes for internal and external spaces;</p> <p>(k) the responsiveness to the site's tropical climate; and</p> <p>(l) the location of vehicular and pedestrian movement, access and circulation space.</p>	<p>No Acceptable Outcome is nominated</p>
<p>Element 2 – Conservation Measures</p>	
<p>PO6 The endangered Southern Cassowary is protected from the adverse impacts of development.</p>	<p>AO6 Development is to be undertaken consistent with the Ella Bay Southern Cassowary Management Sub-Plan.</p>
<p>PO7 Vegetation and fauna corridors are protected in an appropriate land tenure arrangement.</p>	<p>AO7 Land is protected by Conservation Covenants generally in accordance with the Conservation Protection Plan at Figure 4:2.</p>



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Element 3 – Integrated Water Management	
PO8 Control of stormwater quantity and quality discharging from the Ella Bay site shall achieve a non-worsening in both respects.	AO8 Management of stormwater quantity and quality shall include the following stormwater management provisions: (a) Stormwater infrastructure is to be designed and constructed in accordance with the Ella Bay Stormwater Management Plan; and (b) Stormwater management is undertaken in a manner consistent with an Integrated Water Management approach.
Element 4 – Waterway Corridor Protection	
PO9 The long term viability and sustainability of waterway corridors is promoted through development of the land.	AO9 The clearing of vegetation along waterway corridors does not occur except where a vegetation clearing permit is approved by DNRM.
Element 5 – Home-Based Business	
PO10 A Home-Based Business use is of a scale, design and operation that protects the amenity of the area.	AO10.1 The use employs only persons who are the permanent residents of the dwelling. AO10.2 No more than one-third of the dwelling is to be used for the business. AO10.3 No customers or delivery persons attend the site. AO10.4 The use does not involve the display of goods. AO10.5 The use does not involve or require an advertising device. AO10.6 The use does not involve: (a) an Environmentally Relevant Activity; or (b) an activity that, were it not part of a Home-Based Business, would be associated with an industrial activity. AO10.7 The Home-Based Business, except to the extent it relates to a bed and breakfast or farm stay development, does not operate outside the following hours: (a) 8:00am to 8:00pm Monday to Friday; (b) 8:00am to 6:00pm Saturday and Sunday; and (c) no operation on public holidays. AO10.8 No commercial vehicles are required for the business.



PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES
Element 6 – Development Infrastructure	
<p>PO11 Buildings and lots are provided with safe, efficient and environmentally sensitive connections to the following services:</p> <ul style="list-style-type: none"> (a) water supply; (b) sewerage; (c) power; and (d) telecommunications. 	<p>AO11.1 Buildings and lots are connected to the Ella Bay water supply network.</p> <p>AO11.2 Buildings and lots are connected to the Ella Bay sewerage network.</p> <p>AO11.3 Buildings and lots are connected to the Ella Bay power network.</p> <p>AO11.4 Buildings and lots are connected to a telecommunications network.</p> <p>AO11.5 All service connections are provided in accordance with the relevant standards articulated in the FNQROC Development Manual.</p>
Element 7 – Coastal Hazards	
<p>PO12 Development is designed in a manner that mitigates risks to people and property associated with coastal hazards including coastal erosion, storm-tide inundation and sea level rise.</p>	<p>AO12 Buildings include a minimum habitable floor level of 3.4 metres AHD.</p>



Table 6:2b Development Parameters for Precincts and Zones

Village Precinct	
Precinct Area	25.4 hectares
Development Intensity	Maximum plot ratio of 0.7
Building Height	(a) 15 metres where the ground level is greater than 20 metres AHD; and (b) 18 metres and 4 storeys otherwise
Lot Size	400m ²
Minimum Frontage	10 metres
Central Resort Precinct	
Precinct Area	33.2 hectares
Development Intensity	Maximum plot ratio of 0.4
Building Height	15 metres and 3 storeys
Lot Size	400m ²
Minimum Frontage	10 metres
Northern Resort Precinct	
Precinct Area	13.7 hectares
Development Intensity	Maximum plot ratio of 0.4
Building Height	10 metres and 2 storeys
Lot Size	400m ²
Minimum Frontage	10 metres
Residential Precincts	
Precinct Areas	Northern Residential Precinct – 21.8 hectares Western Residential Precinct – 12.5 hectares South-Western Residential Precinct – 16.7 hectares Southern Residential Precinct – 8.7 hectares
Site Cover	50%
Building Height	8 metres and: (a) 3 storeys where the ground storey comprises solely non-habitable space; or (b) 2 storeys otherwise.
Lot Size	400m ²
Minimum Frontage	10 metres
Open Space / Recreation Precinct	
Building Height	5 metres and 1 storey



7. Definitions

“Environmentally Relevant Activity” means as per the definition in the *Environmental Protection Act 1994*.

“Maximum plot ratio” means the maximum plot ratio applicable in a precinct, applied as an average across all existing and proposed development across the precinct.

“Other Development Codes” means the following codes from the Planning Scheme:

- Advertising Devices Code
- Design for Safety Code
- Excavating and Filling Code
- Infrastructure Works Code
- Landscaping Code
- Parking and Access Code





“Permanent residential” means the use of land for Dwelling House, Dual Occupancy or Multiple Dwelling.

“Plot ratio” means the ratio of the gross floor area of the building/s on the site to the development area of the site.

Approved Plans - Ella Bay Proposal Plan

3. village centre - retail/commercial precinct/pedestrian plaza
4. eco day-spa facilities
5. public pool facility
6. protected public swimming zone
7. community centre
8. village green
9. welcome centre
10. education facility/institute of sustainability/private school
11. rainforest rehabilitation nursery
12. sports oval
13. infrastructure and utilities site
14. golf clubhouse
15. car parking
16. residential lots
17. special purpose resort/residential apartment lots
18. 3 storey resort/residential hotel/apartment blocks
19. village beachfront eco resorts
20. pedestrian beach connection paths
21. golf driving range
22. medium density eco beachfront resorts
23. low density eco beachfront resort
24. village/beach pedestrian connection
25. neighbourhood facility - pool, meeting room/cyclone shelter,
26. existing vegetation
27. watercourse conservation covenant
28. rehabilitation fauna corridor
29. infrastructure zone - including sewer
30. minimum 110m wide foreshore protection zone
31. ella bay beach
32. coral sea
33. wet tropics world heritage area
34. 18 hole championship golf course
35. community recycle centre
36. access control point
37. water infrastructure/flanks

Stage

- 1 
- 2 
- 3 
- 4 



CASSOWARY COAST REGIONAL COUNCIL
APPROVED
 (SUBJECT TO CONDITIONS)
 D/A NUMBER: *W/18/20033*
 CHIEF EXECUTIVE OFFICER
 DATE: *12/11/2018*

Approved Plans – Ella Bay Environmental Development Plan

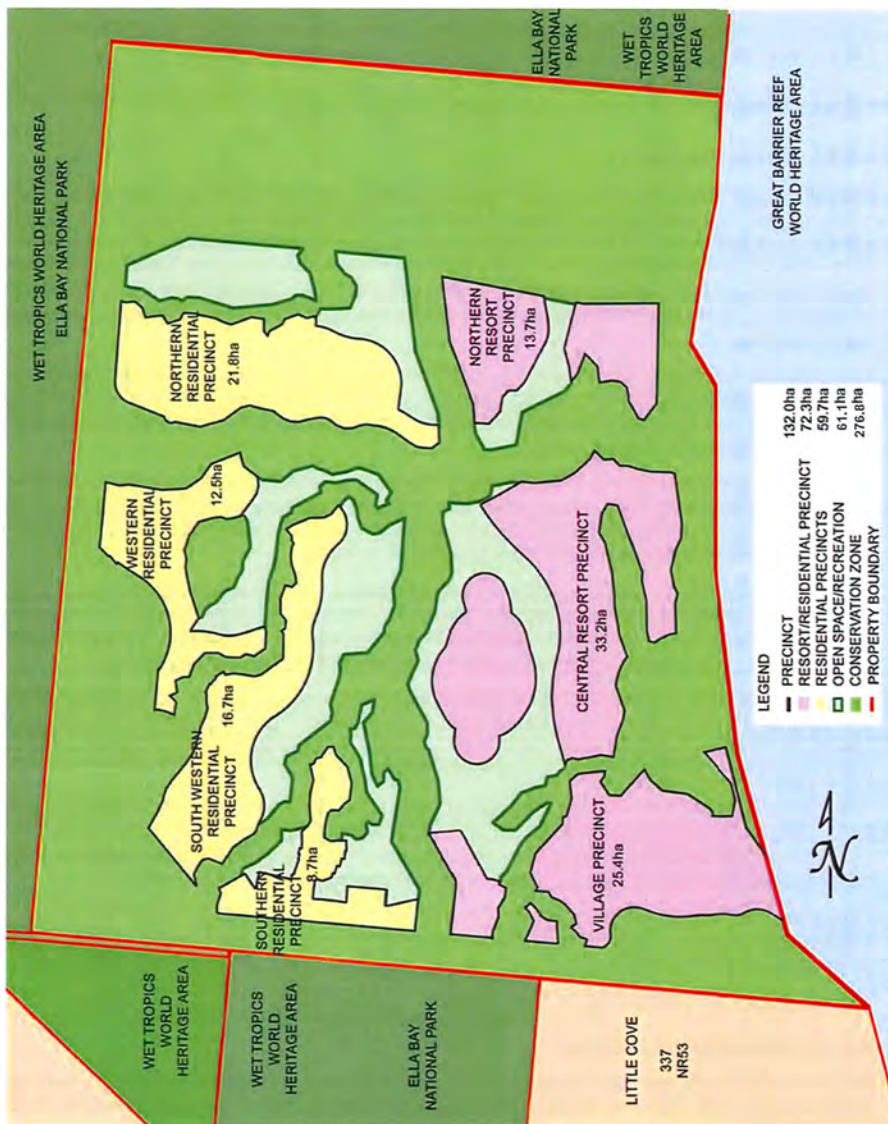


Figure 4:1 Ella Bay Environmental Development Plan

CASSOWARY COAST REGIONAL COUNCIL
APPROVED
 (SUBJECT TO CONDITIONS)
 D/A NUMBER: *MCU 15/0033*
[Signature]
 CHIEF EXECUTIVE OFFICER
 DATE: *12/11/2016*

Approved Plans – Ella Bay Conservation Zones



Figure 4.2 Ella Bay Conservation Zones

Approved Plans – Ella Bay Integrated Resort Proposal - Coordinator-General's Report on the Environmental Impact Statement

<https://www.statedevelopment.qld.gov.au/resources/project/ella-bay/ella-bay-eis-report.pdf>

Approved Plans - Ella Bay Integrated Resort Proposal - Environmental Impact Statement

<http://www.ellabay.com.au/ella-bay-eis/>

Approved Plans - Ella Bay Integrated Resort Proposal - Supplementary Environmental Impact Statement (SEIS)

<http://www.ellabay.com.au/ella-bay-supplementary-eis/>

Approved Plans - Ella Bay Integrated Resort Proposal - Supplementary Environmental Impact Statement (SEIS) Submissions Response

<http://www.ellabay.com.au/ella-bay-ella-bay-additional-information-package/>

Attachment 2–Planning Act 2016 extract on appeal rights

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the *Planning Act 2016* states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the *Planning Act 2016*)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and

- (d) for and appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision ; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Statement of Reasons

The following information is provided in accordance with section 63 of the Planning Act 2016.



Development Application:	MCU18/0033
Property Description:	Lot 320 on N157629
Property Address:	367 Ella Bay Road, Wanjuru
Proposal:	Preliminary Approval for a Material Change of Use including a Variation Approval - Ella Bay Integrated Resort (3 Resort precincts; 4 Residential Precincts; Village Community Precinct; Research & Education Precinct; Recreation/Open Space Area; Residential Communal Facilities)
Planning Scheme:	Cassowary Coast Regional Council Planning Scheme 2015
Decision Date:	Approved with conditions on 8 November 2018

REASONS FOR DECISION

Extensive assessments of reports, studies, and plans have been undertaken as part of the EIS, SEIS, and SEIS Submission Response. The Coordinator-General, numerous State agencies, and the Commonwealth Minister for the Environment have all assessed and approved the proposed development, which has resulted in a comprehensive list of conditions which must be complied with. As a result of these approvals, the site is specifically identified and zoned for the Ella Bay Integrated Resort and this intended use is reflected in the Strategic Framework and Major Tourism Zone Code of the planning scheme.

The purpose of the Major Tourism Zone code is 'to identify land and facilitate development of the proposed Ella Bay integrated resort development.' The planning scheme also states that, 'The development of this land for the Ella Bay integrated resort development will not be inconsistent with the approval under the State Development and Public Works Organisation Act 1971 as outlined in 'Ella Bay Integrated Resort Coordinator-General's report on the environmental impact statement November 2012' and will occur in accordance with a local area plan and associated development codes approved in accordance with a variation approval granted under the Act'. The application for Preliminary Approval for a Material Change of Use (including a Variation Approval) - Ella Bay Integrated is consistent with that purpose statement.

It is considered that all relevant matters have been appropriately assessed and addressed in the conditions for the development. The application is generally consistent with the provisions of the Cassowary Coast Regional Council Planning Scheme 2015 and therefore the application for MCU18/0033 - Preliminary Approval for a Material Change of Use (including a Variation Approval) - Ella Bay Integrated Resort (3 Resort precincts; 4 Residential Precincts; Village Community Precinct; Research & Education Precinct; Recreation/Open Space Area; Residential Communal Facilities) is recommended for approval subject to reasonable and relevant conditions.

ASSESSMENT BENCHMARKS

Assessment Benchmarks:	<p>State Planning Policy</p> <p>FNQ Regional Plan 2009-2031</p> <p>Cassowary Coast Regional Council Planning Scheme 2015</p> <ul style="list-style-type: none"> • Strategic Framework • Major Tourism Zone Code • Acid Sulfate Soils Code • Bushfire Hazard Code • Coastal Protection Code • Environmental Significance Code • Flood Hazard Code • Landslide Hazard Code • Scenic Amenity Code • Waterway Corridors and Wetlands Code • Accommodation Code • Caretaker's Accommodation Code • Child Care Centre Code • Commercial Activities Code • Community Activities Code • Dual Occupancy Code • Dwelling House Code • Home Based Business Code • Industrial Activities Code • Multiple Dwelling Code • Recreational Activities Code • Retirement and Residential Care Facilities Code • Telecommunications and Electricity Facilities Code • Tourism Activities Code • Utility Installations Code • Advertising Devices Code • Design for Safety Code • Excavating and Filling Code • Infrastructure Works Code • Landscaping Code • Parking and Access Code • Reconfiguring a Lot Code
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COMPLIANCE WITH BENCHMARKS

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
<p>Cassowary Coast Regional Council Planning Scheme 2015</p> <p>Major Tourism Zone Code</p> <p>AO1.1 ▼</p> <p>Buildings and other structures do not exceed:</p> <p>(a) a maximum height of 9.5 metres;</p> <p>(b) a maximum of 2 storeys.</p> <p>AO1.2 ▼</p>	<p>Complies with PO1</p> <p>The Ella Bay Local Area Plan proposes alternative building heights and setbacks to those specified in the Major Tourism Zone code. These alternative provisions are intended to:</p> <ul style="list-style-type: none"> • Ensure the efficient use of developable land to increase areas used for open

<p>Buildings and other structures are set back at least:</p> <p>(a) 6 metres from the street frontage where fronting</p> <p>(b) where the lot is 4,000m² or less in area, 10 metres from the street frontage when fronting a public road; or</p> <p>(c) where the lot is greater than 4,000m² in area, 20 metres from the street frontage when fronting a public road.</p> <p>AO1.3▼ Buildings and other structures are set back at least 10 metres from any side and rear boundaries.</p>	<p>space and conservation;</p> <ul style="list-style-type: none"> • Reflect the characteristics of the Ella Bay site; • Support mixed use areas; <p>It is considered that the heights and setbacks proposed in the Ella Bay Local Plan are appropriate for the site and will avoid detrimental impacts on the amenity.</p>
<p>AO13.1▼ The development site does not contain:</p> <p>(a) class 1 or 2 pests identified in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>;</p> <p>(b) local pests identified in Planning Scheme Policy SC6.4 Landscaping.</p>	<p>Complies with PO13 A pest management plan is conditioned in Condition 33 of the CG's report.</p>

RELEVANT MATTERS FOR IMPACT ASSESSABLE DEVELOPMENT

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application.

Other relevant matters to the assessment of the development under section 45(5)(b)	Benchmark reference	Assessment carried out against or assessment had regard to
Environmental Impact Statement	Not applicable	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to
Supplementary Environmental Impact Statement	Not applicable	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to
Supplementary Environmental Impact Statement Submission Response	Not applicable	<input type="checkbox"/> assessed against <input checked="" type="checkbox"/> had regard to

MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The application is Impact Assessable, however the State Development and Public Works Organisation Act 1971 determines that the application has no referral agencies, an information request cannot be made, and no public notification is required. The Act states that a properly made submission about the draft EIS or SEIS is taken to be a properly made submission about the application. Fifty-six (56) submissions were received for the EIS and sixty-seven (67) submissions on the SEIS.