



6.5 a Local Area Plan Ella Bay

Ella Bay Integrated Resort Proposal

SEIS Submission Response

Volume Six

Local Area Plan



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1. Introduction

This document provides the Ella Bay Local Area Plan (EBLAP), definition, role and function and forms part of the Preliminary Approval Application to be lodged with the Cassowary Coast Regional Council (CCRC).

The EBLAP will be defined by three zoning areas, Conservation Zone, Development Precincts and Recreational Open Space. The development will be in sympathy with the environmental and sustainability vision of Ella Bay.

The Development Precincts and Recreational Open Space will be constrained by the Ella Bay Conservation Zone Plan which includes all setbacks, fauna corridors, riparian and revegetated areas for environmental protection. This development plan is not cadastrally based, and it is intended that development be considered 'generally in accordance with'. It should be noted the names given to precincts are for descriptive purposes and may be different to the final precinct names.

For each of the Precincts, the Ella Bay Local Area Plan Document:

- Categorises precincts in relation to their principle functional characteristics (Precinct Type) and broadly defines their function and role in this context.
- Provides individual statements of desired character for individual Precincts. These statements of character include specific statements of Intent, nominate Development Controls and establish Supplementary Assessment Framework Tables for different forms of development.

The aforementioned items are set out in Sections 4-3 of this document and are to be used as the principle measures to guide growth and development within individual Precincts.

Section 6 of the Ella Bay Local Area Plan Document sets out the Ella Bay Code Elements that apply to development and will be included in the application to Cassowary Coast Regional Council for a Preliminary Approval, and which work in conjunction with or override the Code requirements of CCRC Planning Scheme as nominated.



2. Statutory Context

The Ella Bay Integrated Resort is described by title as Lot 320 on N157629. The land is registered as 449.201 hectares. The property boundary includes two gazetted but unconstructed roads easements which will contribute an additional 20 ha on road closure resulting in a total area of 470 hectares. The proponent will apply for revocation of the two gazetted unformed roads in consultation with Wet Tropics Management Authority.

For the purposes of this document the total land of 470 hectares shall be referred to as 'Ella Bay'.

This Ella Bay Local Area Plan forms part of the Preliminary Approval Application to be lodged with the Cassowary Coast Regional Council, pursuant to Section 3.1.6 of the Integrated Planning Act ('IPA') and is intended to override Cassowary Coast Regional Council Planning Scheme ('CCRCPS') (refer to Johnstone Shire Council Planning Scheme 2005) as amended by:

- Identifying development that is exempt, self assessable, code-assessable or impact-assessable for the subject land;
- Identifying codes that apply to the development of the land and limitations that will apply to the application of these codes; and

For assessable development, the Ella Bay Local Area Plan Document defers to all relevant CCRCPS Codes, except for the following variations:

- As outlined in Section 6 Ella Bay Development Code.



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 this special World Heritage Area.

All development has been carefully and sensitively designed to maintain the ecological balance between nature and the built environment. Ella Bay will adopt a clearly planned, eco-caring environment, which will develop a strong neighbourhood character and set new standards in energy, water and conservation management.

3.1.1 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 470ha area will consist of;

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

For the purposes of this document the land described as transferred to National Parks is described as Conservation Zone.

It is a large rural site 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 which generally follow creeks and gullies. The site rises gently to the west. The boundary of the site is common with Ella Bay National Park and WTWHA on the North, West and parts of the South. The freehold property described by title as Lot 337 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.

3.1.2 Land Uses

Ella Bay is a community providing for a mix of short and long term residential accommodation options within a resort community, focusing on a mix of residential options 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 become the focus of the long term residential development with residences aligned along and fronting the course. Educational/Recreational land uses will provide opportunities for the development of an international school, joint ventures arrangements with James Cook and Queensland Universities focusing on sustainable urban development and ecological research, and outdoor sporting and recreational facilities for the community.

3.1.3 Natural Attributes

The Ella Bay site is located in a natural amphitheatre, and is surrounded by the Wet Tropics World Heritage Area on the North, West and part of the southern boundaries and on the East by the Great Barrier Reef World Heritage Area.

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.



3.1.4 Urban Form, Design and Density

Land uses are intended to be formed in three clusters of resort style accommodation along the Beach frontage, and 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 the an active and vibrant café and restaurant lifestyle, along with business and professional services.

3.1.5 Sustainability

All built environment is intended to respect the local environment and reduce the ecological footprint of each residence. The central aim for the design of buildings is to make them climate positive, to reduce energy consumption, to reduce waste and increase recycling wherever possible including for water, waste and building processes yet achieve the highest standards of comfort, protection and enjoyment.

By adopting the highest built standard, environmental stewardship and amenity planning the overall quality of life for residents and visitors at Ella Bay will be significantly improved.

3.1.6 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 not only the quantity of stormwater runoff but also provide quality treatment to ensure that the development has no negative impacts on receiving waters. Where possible, natural drainage paths within the development will be kept or enhanced.

3.1.7 Power

In the terms of energy use, generation and management, achieving the objective of a low energy footprint will require a very high level of self sufficiency and for electricity to be generated from green resources. To achieve this, each building will be designed to minimise energy use and the major electricity supply will be provided by solar panels with LPG backup power supply systems.

3.1.8 Transport

The Ella Bay development will be focussed on the control of transport with the objective of reducing reliance on high emission cars. The internal goal will be underpinned by a comprehensive system of electric cart, bicycle and pedestrian linkages focussed on providing direct and easy connection between precinct and in particular connecting residents and visitors to the village centre.

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

4. Ella Bay Local Area Plan Summary

4.1 Overview

The Elements of this Local Area Plan (EBLAP) are to be read in conjunction with the Ella Bay Environmental Development Plan (EBEDP), refer to Figure 4.1. The Plan is diagrammatic in form. The boundaries of the Conservation Zones will be cadastrally registered after approval.

It is intended that development will be undertaken generally in accordance with the approved EBEDP Plan. The Plan identifies the key elements that define the key physical context in which development and environmental conservation measures may occur on the site.

Elements of this plan outline the Conservation Zone, Development and Open Space requirements for the project.

4.2 Conservation Zones

The protected areas of the Ella Bay Development will be managed according to the following Conservation Management 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 5..

The permitted activities in each Conservation Zone are provided in Table 5.1

4.2.1 Zone A – National Park

The 62.8ha of high integrity land will be incorporated into Ella Bay National Park.

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

4.2.2 Zone B – Nature Conservation

This area of 67.8ha is adjacent to and borders Zone A and serves as a 100m buffer to Zone A on the west, and 300m (minimum) buffer to Zone A in the North.

4.2.3 Zone C – Fauna Corridors

Zone C is 87.3ha 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.

4.2.4 Zone D – Setback & Easement

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

Zone D provides;

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



4.3 Development Precincts

The location and area for each of the seven Development Precincts for Ella Bay are shown on the EBEDP Plan in Figure 4.1. The information provided on the EBEDP Plan is diagrammatic in form and is to be read as 'generally in accordance with'. In this regard, the shape and location of Development Precincts as provided on the EBEDP Plan may vary slightly from that shown.

However, the nominated area will not exceed those shown on the EBEDP Plan. Development that is undertaken in line with possible revised shapes and locations of these Precincts, will not intrude within Conservation Zones identified on the EBEDP Plan. The only movement in precinct boundary will be in detailed definition within the Open Space.

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.

4.3.1.1 Climate Change and Storm Surge

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 200m on the northern resort and 80m for the central and village resort areas.

The minimum habitable floor level has been set at 3.4m AHD providing a buffer of 0.3m over the 3.1m AHD calculated for the 100ARI storm surge (including sea level from climate change) rise inundation level.

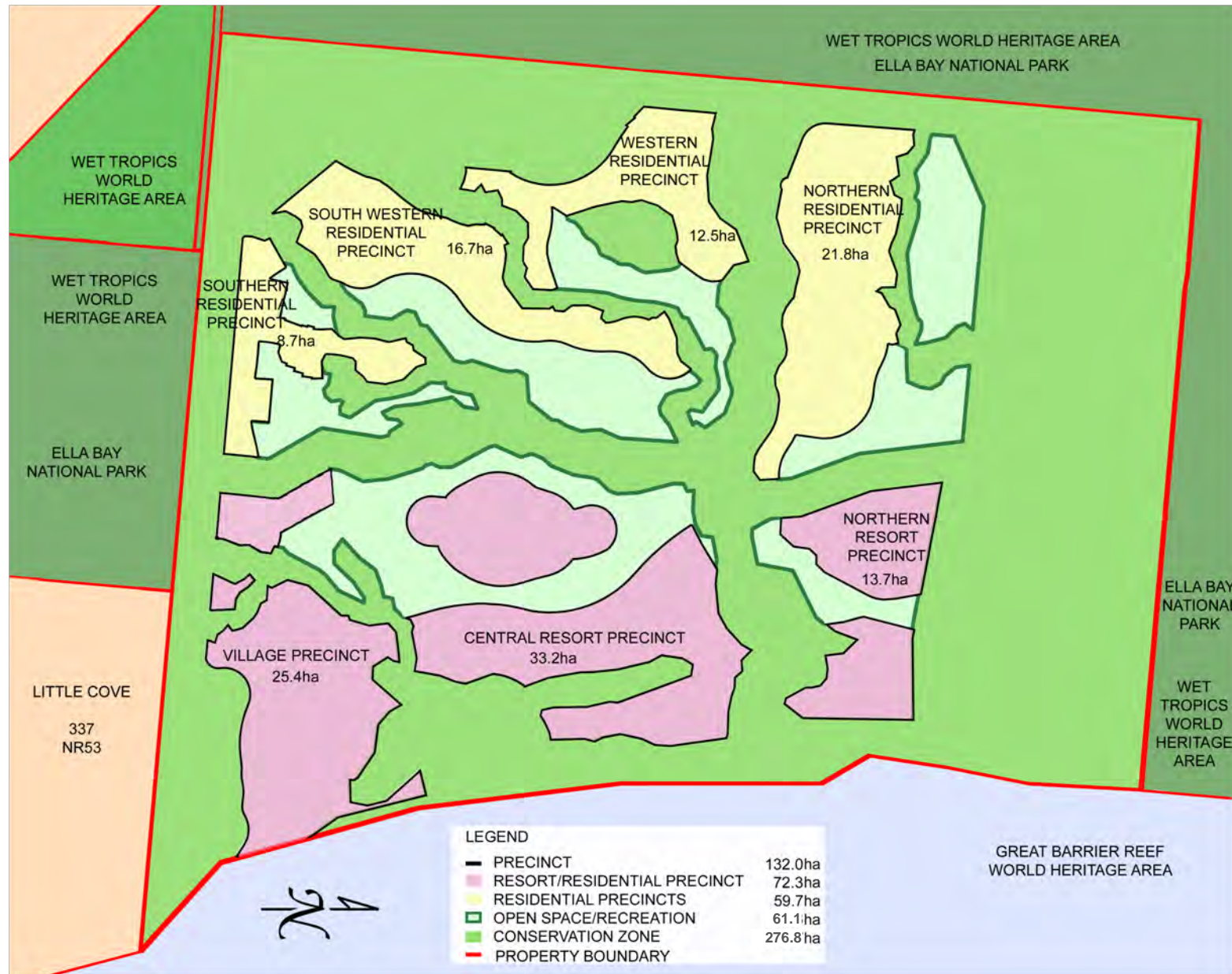


Figure 4:1 Ella Bay Conservation Zone, Precinct and Open Space boundaries.



4.3.2 Coastal Precincts

The coastal Precincts will be focussed on 5 star ecotourism resort accommodation with a mix of like minded residential. The target audience for the Resorts will be predominantly the tourist market, however, some dwellings may have a mix of permanent 'lifestyle living' residents. Each of the Resort 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.

4.3.2.1 Village Precinct

This Precinct includes a mix of land use including, resort accommodation and resort residential, villa housing, multiple story dwellings, restaurant, retail, education, car parking, community uses as well as associated services and infrastructure as per the Masterplan.

A Country Club/Golf Clubhouse is proposed to be located within this precinct adjacent to the golf course and will contain the associated golf clubhouse (comprising pro shop, restaurant, function rooms and club amenities/facilities) and the golf courses ancillary maintenance and storage facilities.

The development precinct area is 25.4 Hectares with an average Plot ratio of 0.7 applicable.

A minimum lot size of 400 sq metres is applicable for resort residential lots.

Building height is up to 4 storeys. The maximum height of any building shall be less than 18m. The maximum height if any building where the ground floor elevation is greater than 20m AHD Height shall be less than 15m.

4.3.2.2 Central Resort Precinct

This 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.

Resort villas and resort residential lots are interchangeable provided that the maximum development area for the Precinct is not exceeded and the maximum Lot/Unit numbers are not exceeded.

The development precinct area is 33.2 Hectares.

The resort/unit/villa and associated uses component of this Precinct will not exceed a development area of 21 Hectares with a maximum plot ratio of 0.4 (average) being nominated.

Resort villas and units are predominantly two to three storeys in height. Building height is up to 3 storeys. The maximum height of any building shall be less than 15m.

A minimum lot size of 400 sq metres is applicable for resort residential lots.

Resort residential houses are a maximum of 2 storeys in height. A non habitable ground floor is permitted not contributing to the 2 story maximum limit. The maximum height of any resort residential building shall be less than 10m.

4.3.2.3 Northern Resort Precinct

This 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 development precinct area is 13.7 hectares.

The resort/unit/villa and associated uses component of this Precinct will not exceed a development area of 7 Hectares with a maximum plot ratio of 0.4 (average) being nominated.



Resort villas are predominantly at level or elevated single storey with 2 storeys for central facilities.

A minimum lot size of 400 sq metres is applicable for resort residential lots.

Resort residential houses are a maximum of 2 storeys in height. A non habitable ground floor is permitted not contributing to the 2 story maximum limit. The maximum height of any residential building shall be less than 10m.

4.3.3 Residential Precincts

These Precincts are the:

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

Primarily these Precincts comprise detached resort residential lots and ancillary structures and have similar development parameters which are set out as follows:

- Houses upon resort residential lots are predominantly up to 2 storeys in height.
- A non habitable ground floor is permitted not contributing to the 2 story maximum limit.
- The maximum height of any residential building shall be less than 8m.
- A minimum lot size of 400 sq metres is applicable for resort residential lots.
- Associated local services including community centres, recreational areas and infrastructure are also provided as appropriate.

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 Recreation/Open Space Areas

The Recreational/Open Space Areas surround and buffer much of the development areas from the Conservation Zone elements. Only non-habitable ancillary development may be established within these areas of Ella Bay, these are primarily for recreational/open space purposes and the provision of related infrastructure. The predominant feature of the open space will be the 18 hole golf course.

The built form of this precinct includes only minor and ancillary buildings to the golf course use (i.e. course toilets and pavilions) and Community Facilities including meetings rooms and shared community recreational areas such as tennis courts and swimming pools may be located in this area.



5. Ella Bay Local Area Plan Development Controls

5.1 Village Precinct

This section of the Ella Bay Local Area Plan applies to the Village Precinct as shown on the 'Ella Bay Environmental Development Plan' in Figure 4.1.

5.1.1 Statement of Intent – 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 commercial area is inclusive of the plot ratio calculations for this precinct. 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 likely be located at ground-storey level fronting a village square.

Offices for professional services, such as a solicitor, accountant, real estate office and medical practitioners may also be provided to service the local community, while offices would likely be provided to support the working professional residents within the Ella Bay community.

It is also proposed to include uses such as a community recreation centre, a free public pool, a sports centre, a small church, and a proposed International School, an Institute for Sustainable Development in collaboration with the University of Queensland and James Cook University, Country Club/Golf clubhouse along with a Welcome Centre and multi storey car park.

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 location of the utilities within any precinct is indicative only and may vary in final location as a result of detailed design.

This 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 aim for the community is to be self sustaining and therefore there is a need to provide infrastructure for the development. Infrastructure including water, sewerage, power, and telecommunications are permitted within this precinct



5.1.1.1 Development Control Mechanisms – Village Precinct

Precinct Area	25.4 Hectares
Plot Ratio	The maximum plot ratio for entire precinct is 0.7 (average) inclusive of commercial land uses
Building Height	The maximum Building Height for all development is 18m and 4 storeys. The maximum Building Height is 15m where the ground floor elevation is greater than 20m AHD,
Lot Size	Minimum lot size is 400m ² . No minimum area for titling of approved buildings.

5.1.1.2 Supplementary Assessment Framework Table – Village Precinct

The preferred and acceptable uses, which are consistent with the intent for this Precinct, and the level of assessment for such uses are set out in the Supplementary Assessment Framework Table as follows:

Type of development	Assessment Category	Relevant assessment criteria**
Material Change of Use		
Budget Accommodation	Code Assessment.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Car Park	Code Assessment	Ella Bay Development Code Commercial Use Code All Operational Works and General Development Code/s
Childcare Centre	Code Assessment	Ella Bay Development Code Community Activities Code All Operational Works and General Development Code/s
Commercial Activities	Code Assessment: where the gross floor area not exceeding the maximum plot ratio identified in the Development Control Mechanisms.	Ella Bay Development Code Commercial Use Code All Operational Works and General Development Code/s
Community Installation	Exempt if the criteria for Impact assessable does not apply. Impact Assessment: where the development involved the construction of a new (ie not on the same site or adjoining an existing): a) refuse transfer station; b) refuse disposal facility a) sewerage treatment facility	
Dual Occupancy Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Educational	Code Assessment	Ella Bay Development Code



Type of development	Assessment Category	Relevant assessment criteria**
Establishment		Community Activities Code All Operational Works and General Development Code/s
Holiday Accommodation	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Home Business	Self Assessable is complying with the acceptable solutions of the Home Business Code and Ella Bay Development Code Code Assessable if the criteria for Self Assessable do not apply	Ella Bay Development Code Home Business Code All Operational Works and General Development Code/s
Hotel	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Commercial Use Code All Operational Works and General Development Code/s
Indoor Recreational Facilities	Code Assessment	Ella Bay Development Code Commercial use Code All Operational Works and General Development Code/s
Light Industry	Code Assessment: where being a service industry (i.e. bakery, dry cleaners, etc.)	Ella Bay Development Code Industry Uses Code All Operational Works and General Development Code/s
Multiple Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Outdoor Recreational Facilities	Code Assessment	Ella Bay Development Code Outdoor Recreational facilities Code All Operational Works and General Development Code/s
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Place of Assembly	Code Assessment	Ella Bay Development Code Community Activities Code All Operational Works and General Development Code/s
Plant production	Code Assessment	Ella Bay Development Code Intensive Agriculture Code All Operational Works and General



Type of development	Assessment Category	Relevant assessment criteria**
		Development Code/s
Retirement/Supported Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Single Residential	Self Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Single Residential Code All Operational Works and General Development Code/s
Telecommunications Facility	Code Assessment	Ella Bay Development Code Telecommunication Facility Code All Operational Works and General Development Code/s
Temporary Building	Exempt Development	
Tourist Facility	Code Assessment	Ella Bay Development Code Tourist Facility Code All Operational Works and General Development Code/s
Transport facilities	Code Assessment	Ella Bay Development Code Transport Facilities Code All Operational Works and General Development Code/s
Utility Installation	Exempt Development	
All other uses except for road	Impact Assessment	
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment where not exceeding the maximum residential density identified in the Development Control Mechanisms	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated with a material change of use	Self Assessment	Ella Bay Development Code
Operational Work		
Advertising Device	Self Assessment: if the criteria for code assessment do not apply. Code Assessment: where advertising device is: a) freestanding and is greater than 1m ² in area; or	Ella Bay Development Code All Operational Works and General Development Code/s



Type of development	Assessment Category	Relevant assessment criteria**
	b) freestanding and is greater than two (2) metres in height; or c) attached flush to a commercial or industrial building but the advertisement increases the bulk of the building; or d) not attached flush to a commercial or industrial building.	
Carrying out operational Works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational Works or reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

** applicable code if development is self assessable or requires code assessment



5.2 Central Resort Precinct

This section of the Ella Bay Local Area Plan applies to the Central Resort Precinct as shown on the 'Ella Bay Environmental Development Plan' in Figure 4.1.

5.2.1 Statement of Intent – Central Resort Precinct

This 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.

Resort villas and resort residential lots are interchangeable provided that the maximum development area for the Precinct is not exceeded.

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

The development precinct area is 33.2 Hectares.

The resort/unit/villa and associated uses component of this Precinct will not exceed a development area of 21 ha with a maximum plot ratio of 0.4 (average) being nominated.

Resort villas and units are predominantly two to three storeys in height.

A minimum lot size of 400 sq metres is applicable for resort residential lots.

Resort residential houses are a maximum of 2 storeys in height. A non habitable ground floor is permitted not contributing to the 2 story maximum limit..

The aim for the community is to be self sustaining and therefore there is a need to provide infrastructure for the development. Infrastructure including water, sewerage, power, and telecommunications are permitted within this precinct

5.2.2 Development Control Mechanisms – Central Resort Precinct

Precinct Area	33.2 Hectares
Plot Ratio	For the resort/unit/villa component the maximum plot ratio is 0.4 (average) and is based on an area of 21 Hectares.
Building Height	The maximum Building Height for all development is 15m and 3 storeys.
Building Height resort residential	The maximum Building Height for resort residential is 10m and 2 storeys.
Lot Size	Minimum lot size is 400m2. No minimum area for titling of existing or approved buildings.

5.2.3 Supplementary Assessment Framework Table – Central Resort Precinct

The preferred and acceptable uses, which are consistent with the intent for this Precinct and the level of assessment for such uses, along with other forms of development are set out in the Supplementary Assessment Framework Table as follows:



Type of development	Assessment Category	Relevant assessment criteria**
Material Change of Use		
Dual Occupancy Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Community Installation	Exempt if the criteria for Impact assessable does not apply. Impact Assessment: where the development involved the construction of a new (ie not on the same site or adjoining an existing): a) refuse transfer station; b) refuse disposal facility c) sewerage treatment facility	Ella Bay Development Code Community Installation Code All Operational Works and General Development Code/s
Holiday Accommodation	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Home Business	Self Assessable is complying with the acceptable solutions of the Home Business Code and Ella Bay Development Code Code Assessable if the criteria for Self Assessable do not apply.	Ella Bay Development Code Home Business Code All Operational Works and General Development Code/s
Multiple Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Outdoor Recreational Facilities	Code Assessment	Ella Bay Development Code Outdoor Recreational facilities Code All Operational Works and General Development Code/s
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Place of Assembly	Code Assessment	Ella Bay Development Code Community Activities Code All Operational Works and General Development Code/s
Retirement/Supported Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General



Type of development	Assessment Category	Relevant assessment criteria**
		Development Code/s
Single Residential	Self Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Single Residential Code All Operational Works and General Development Code/s
Temporary Building	Exempt Development	
Utility Installation	Exempt Development	
All other uses except for road	Impact Assessment	
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment where not exceeding the maximum residential density identified in the Development Control Mechanisms	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated with a material change of use	Self Assessment	Ella Bay Development Code
Operational Work		
Advertising Device	Self Assessment: if the criteria for code assessment do not apply. Code Assessment: where advertising device is: a) freestanding and is greater than 0.3m ² in area; or b) freestanding and is greater than 1.5 metres in height; or c) attached flush to a commercial or industrial building but the advertisement increases the bulk of the building; or d) not attached flush to a commercial or industrial building.	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational Works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational Works for reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

** applicable code if development is self assessable or requires code assessment



5.3 Northern Resort Precinct

This section of the Ella Bay Local Area Plan applies to the Northern Resort Precinct as shown on the ‘Ella Bay Environmental Development Plan’ at Figure 4.1.

5.3.1 Statement of Intent – Northern Resort Precinct

This 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.

The resort is likely 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.

The resort/unit/villa and associated uses component of this Precinct will not exceed a development area of 7 Hectares with a maximum plot ratio of 0.4 (average) being nominated.

Resort villas are predominantly single storey with 2 storeys for central facilities.

A minimum lot size of 400 sq metres is applicable for resort residential lots.

Resort residential houses are predominantly 2 storeys in height.

The aim for the community is to be self sustaining and therefore there is a need to provide infrastructure for the development. Infrastructure including water, sewerage, power, and telecommunications are permitted within this precinct

5.3.2 Development Control Mechanisms – Northern Resort Precinct

Precinct Area	13.7 Hectares
Plot Ratio	For the resort/unit/villa and associated uses component the maximum plot ratio is 0.4(average) and is based on an area of 7 Hectares.
Building Height	The maximum Building Height for all development is 10m and 2 storeys.
Lot Size	Minimum lot size 400m ² - No minimum area for titling of existing or approved buildings.

5.3.3 Supplementary Assessment Framework Table – Northern Resort Precinct

The preferred and acceptable uses, which are consistent with the intent for this Precinct and the level of assessment for such uses, along with other forms of development are set out in the Supplementary Assessment Framework Table as follows:



Type of development	Assessment Category	Relevant assessment criteria
Material Change of Use		
Budget Accommodation	Code Assessment	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Car Park	Code Assessment	Ella Bay Development Code Commercial Use Code All Operational Works and General Development Code/s
Community Installation	Exempt if the criteria for Impact assessable does not apply. Impact Assessment: where the development involved the construction of a new (ie not on the same site or adjoining an existing): b) refuse transfer station; c) refuse disposal facility c)sewerage treatment facility	Ella Bay Development Code Community Installation Code All Operational Works and General Development Code/s
Dual Occupancy Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Holiday Accommodation	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Home Business	Self Assessable is complying with the acceptable solutions of the Home Business Code and Ella Bay Development Code Code Assessable if the criteria for Self Assessable do not apply	Ella Bay Development Code Home Business Code All Operational Works and General Development Code/s
Indoor Recreational Facilities	Code Assessment	Ella Bay Development Code Commercial use Code All Operational Works and General Development Code/s
Multiple Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Outdoor Recreational Facilities	Code Assessment	Ella Bay Development Code Outdoor Recreational facilities Code All Operational Works and General Development Code/s



Type of development	Assessment Category	Relevant assessment criteria
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Retirement/Supported Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Single Residential	Self Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Single Residential Code All Operational Works and General Development Code/s
Telecommunications Facility	Code Assessment	Ella Bay Development Code Telecommunication Facility Code All Operational Works and General Development Code/s
Utility Installation	Exempt Development	
All other uses except for road	Impact Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment where not exceeding the maximum residential density identified in the Development Control Mechanisms	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated with a material change of use	Self Assessment	Ella Bay Development Code
Operational Work		
Advertising Device	Self Assessment: if the criteria for code assessment do not apply. Code Assessment: where advertising device is: a) freestanding and is greater than 0.3m ² in area; or b) freestanding and is greater than 1.5 metres in height; or c) attached flush to a commercial or industrial building but the advertisement increases the	Ella Bay Development Code All Operational Works and General Development Code/s



Type of development	Assessment Category	Relevant assessment criteria
	bulk of the building; or d) not attached flush to a commercial or industrial building.	
Carrying out operational works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational works for reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

5.4 Residential Precincts

This section of the Ella Bay Local Area Plan applies to the Residential Precincts as shown on the 'Ella Bay Environmental Development Plan' at Figure 4.1.

5.4.1 Statement of Intent – Residential Precincts

It is proposed that these precincts contain residential dwellings, with a minimum lot size of 400m² in area.

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

The aim for the community is to be self sustaining and therefore there is a need to provide infrastructure for the development. Infrastructure including water, sewerage, power, and telecommunications are permitted within this precinct

5.4.2 Development Control Mechanisms – 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	The maximum site cover is 50%.
Building Height	The maximum Building Height for all development is 8m and 2 storeys.
Lot Size	Minimum lot size 400m ² .

5.4.3 Supplementary Assessment Framework Table – Residential Precincts

The preferred and acceptable uses, which are consistent with the intent for this Precinct and the level of assessment for such uses, along with other forms of development are set out in the Supplementary Assessment Framework Table as follows:

Type of development	Assessment Category	Relevant assessment criteria**
Material Change of Use		
Community Installation	Exempt if the criteria for Impact assessable does not apply. Impact Assessment: where the development involved the construction of a new (ie not on the same site or adjoining an existing): a) refuse transfer station; b) refuse disposal facility c) sewerage treatment facility	Ella Bay Development Code Community Installation Code All Operational Works and General Development Code/s
Dual Occupancy Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Holiday Accommodation	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Home Business	Self Assessable is complying with	Ella Bay Development Code



Type of development	Assessment Category	Relevant assessment criteria**
	the acceptable solutions of the Home Business Code and Ella Bay Development Code Code Assessable if the criteria for Self Assessable do not apply.	Home Business Code All Operational Works and General Development Code/s
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Place of Assembly	Code Assessment	Ella Bay Development Code Community Activities Code All Operational Works and General Development Code/s
Retirement/Supported Residential	Code Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Multi Unit Residential Code All Operational Works and General Development Code/s
Single Residential	Self Assessment: where not exceeding the maximum residential density identified in the Development Control Mechanisms.	Ella Bay Development Code Single Residential Code All Operational Works and General Development Code/s
Temporary Building	Exempt Development	
Utility Installation	Exempt Development	
All other uses except for road	Impact Assessment	
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment where not exceeding the maximum residential density identified in the Development Control Mechanisms	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated with a material change of use	Self Assessment	Ella Bay Development Code
Operational Work		

Type of development	Assessment Category	Relevant assessment criteria**
Advertising Device	Self Assessment: if the criteria for code assessment do not apply. Code Assessment: where advertising device is: <ul style="list-style-type: none"> a) freestanding and is greater than 0.3m² in area; or b) freestanding and is greater than 1.5 metres in height; or c) attached flush to a commercial or industrial building but the advertisement increases the bulk of the building; or d) not attached flush to a commercial or industrial building. 	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational Works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational Works for reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

** applicable code if development is self assessable or requires code assessment



5.5 Recreation/Open Space Precinct

This section of the Ella Bay Local Area Plan applies to the Recreational/Open Space Precinct as shown on the 'Ella Bay Environmental Development Plan' at Figure 4.1.

5.5.1 Statement of Intent – Recreation/Open Space Precinct

The Recreation/Open Space Precinct will consist of an 18-hole golf course as part of the Ella Bay Development, and may also include recreational areas and infrastructure areas associated with adjoining residential precincts.

The built form of this precinct includes only minor and ancillary buildings to the golf course use (i.e. course toilets and pavilions) and Community Facilities including meetings rooms and shared community recreational areas such as tennis courts and swimming pools may be located in this area.

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.

The aim for the community is to be self sustaining and therefore there is a need to provide infrastructure for the development. Infrastructure including water, sewerage, power, and telecommunications are permitted within this precinct.

5.5.2 Development Control Mechanisms –Recreation/Open Space Precinct

Residential Density	No residential development is envisaged in this precinct.
Plot Ratio	No commercial development is envisaged other than a Place of Assembly or ancillary uses to Outdoor Recreation in this precinct.
Building Height	The maximum Building Height for all development is 5m and 1 storey.
Lot Size	No reconfiguration of a lot is envisaged in this precinct.

5.5.3 Supplementary Assessment Framework Table – Recreation/Open Space Precinct

The preferred and acceptable uses, which are consistent with the intent for this Precinct and the level of assessment for such uses, along with other forms of development are set out in the Supplementary Assessment Framework Table as follows:



Type of development	Assessment Category	Relevant assessment criteria**
Material Change of Use		
Car Park	Code Assessment	Ella Bay Development Code Commercial Use Code All Operational Works and General Development Code/s
Community Installation	Exempt if the criteria for Impact assessable does not apply. Impact Assessment: where the development involved the construction of a new (ie not on the same site or adjoining an existing): a) refuse transfer station; b) refuse disposal facility c) sewerage treatment facility	Ella Bay Development Code Community Installation Code All Operational Works and General Development Code/s
Outdoor Recreational Facilities	Code Assessment	Ella Bay Development Code Outdoor Recreational facilities Code All Operational Works and General Development Code/s
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Place of Assembly	Code Assessment	Ella Bay Development Code Community Activities Code All Operational Works and General Development Code/s
Telecommunications Facility	Code Assessment	Ella Bay Development Code Telecommunication Facility Code All Operational Works and General Development Code/s
Temporary Building	Exempt Development	
Utility Installation	Exempt Development	
All other uses except for road	Impact Assessment	
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated	Self Assessment	Ella Bay Development Code



Type of development	Assessment Category	Relevant assessment criteria**
with a material change of use		
Operational Work		
Advertising Device	Exempt where here interpretative/directional signage only Code Assessment: where advertising device is: a) freestanding and is greater than 0.3m ² in area; or b) freestanding and is greater than 1.5 metres in height; or c) attached flush to a commercial or industrial building but the advertisement increases the bulk of the building; or d) not attached flush to a commercial or industrial building.	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational works for reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

** applicable code if development is self assessable or requires code assessment



5.6 Environmental Conservation Zone Precinct

This section of the Ella Bay Local Area Plan Document applies to Environmental Conservation Zone Areas as shown on the ‘Conservation Zone Plan’ in Figure 5.1. Permitted activities within the Conservation Zone zones is detailed in Table 5.1.

5.6.1 Statement of Intent – Environmental Conservation Precinct

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). The Development Proposal aims to incur no negative impacts upon the native fauna and flora population, and through an extensive re-vegetation and re-habilitation program, including the net expansion of potential habitat and the protection and widening of east-west and north-south movement corridors, aims to achieve a net positive impact and fauna recovery throughout the development. The proposed fauna corridors will link the Ella Bay National Park on three sides of the property so that wildlife can move between protected habitats.

The Environmental Conservation Zone Precinct consists of four zones of Conservation Management:

- Zone A – **National Park**
- Zone B – **Nature Conservation**
- Zone C – **Fauna Corridors**
- Zone D – **Setback & Easement**

Zone A will be transferred in title to National Parks and managed by Queensland Parks and Wildlife Service.

Zone B will be undergoing recovery or rehabilitation towards its natural state. Facilities will be minimal impact walking track (rough track) and ancillary structures. Management will be limited to activities required for the maintenance of recreational low impact structures.

Zone C will be to allow vegetated, unimpeded passage for all native fauna across the site. The land will be undergoing recovery or rehabilitation towards 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.

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 this element is the designation of environmental corridors which will be secured through a mix of dedication, conservation covenants (between the proponent, Cassowary Coast Regional Council and the Environmental Protection Agency).

5.6.2 Development Control Mechanisms – Ella Bay Environmental Conservation Precinct

Residential Density	No residential development is permitted in this precinct.
Site Cover	No commercial or residential development is permitted in this precinct.
Building Height	No building is permitted in this precinct. Exception is limited to Zone D Fauna Monitoring Research Station.
Lot Size	No reconfiguration of a lot is permitted in this precinct.



5.6.3 Supplementary Assessment Framework Table – Environmental Conservation Zones C and D only.

The preferred and acceptable uses, which are consistent with the intent for this Precinct and the level of assessment for such uses, along with other forms of development are set out in the Supplementary Assessment Framework Table as follows:

Type of development	Assessment Category	Relevant assessment criteria
Material Change of Use		
Park	Exempt: where not involving the construction of any building or on-site car parking. Code Assessment: if the criteria for exempt do not apply.	Ella Bay Development Code Outdoor Recreational Facilities Code All Operational Works and General Development Code/s
Utility Installation	Exempt Development: only if for the underground supply of infrastructure	
All other uses except for road	Impact Assessment (Inconsistent)	
Reconfiguring a Lot		
Reconfiguration of a lot	Code Assessment	Ella Bay Development Code Reconfiguration Code All Operational Works and General Development Code/s
Building Work		
Carrying out building work not associated with a material change of use	Code Assessment	Ella Bay Development Code
Operational Work		
Advertising Device	Exempt where here interpretative/directional signage only Code Assessment: where advertising device is: e) freestanding and is greater than 0.3m ² in area; or f) freestanding and is greater than 1.5 metres in height; or	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational works for material change of use	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s
Carrying out operational works for reconfiguring a lot	Code Assessment	Ella Bay Development Code All Operational Works and General Development Code/s

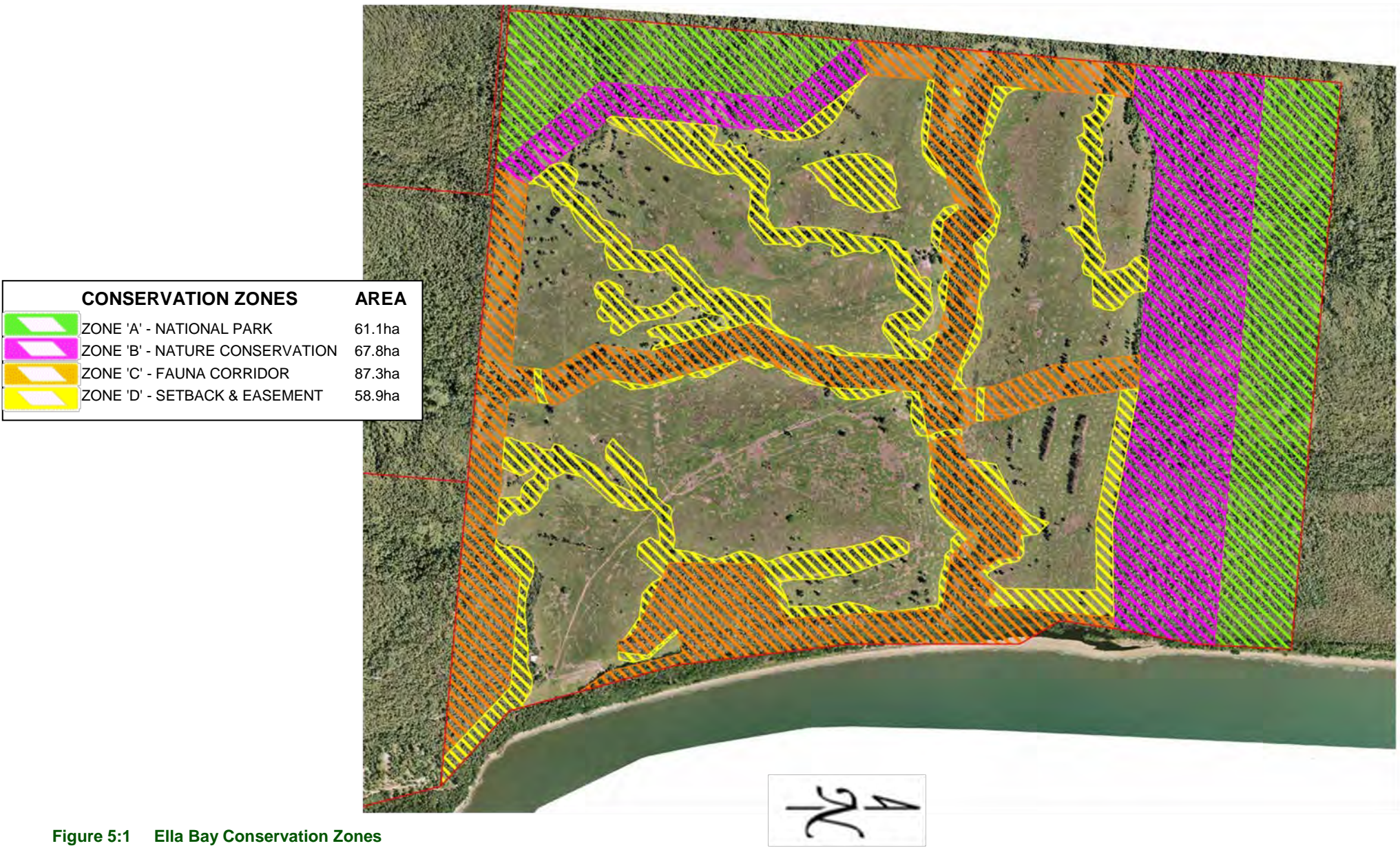


Figure 5:1 Ella Bay Conservation Zones



Activities Permitted within Conservation Zones	Zone A Gifted 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 5:1 Conservation Zone permitted activities



6. Ella Bay Development Code

6.1 Preamble

Development within the Ella Bay Local Area Plan will be assessed against the Codes in the Cassowary Coast Regional Planning Scheme (JSPS 2005) as identified in the Supplementary Assessment Framework Tables for each precinct. However certain specific outcomes, acceptable and probable solutions of codes within CCRCPS are modified by the 'Ella Bay Development Code' detailed below.

In accordance with the Integrated Planning Act, where there is a conflict between the provisions of the Ella Bay Development Code and the provisions of the Codes of the Cassowary Coast Regional Planning Scheme 2005, the Ella Bay Development Code prevails.

The applicable CCRCPS Codes applying to Development within the Preliminary Approval area are those that exist at the date the Preliminary Approval takes effect.

6.2 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.

6.3 Definitions

Term used in the Preliminary Approval document, including the Supplementary Assessment Framework Tables and the Ella Bay Code are as per the definitions provided in 'Schedule 1-Definitions' of the Cassowary Coast Regional Planning Scheme (JSC 2005). However, the following additional defined land use terms are specific to this Preliminary Approval:

- "Plot ratio": the ratio of the gross floor area of the building/s on the site to the development area of the site excluding areas used for car parking and service rooms.
- "Utility Installation" means the use of premises for:
 - supply of potable and recycled water, treatment, distribution, storage and any associated ancillary infrastructure;
 - supply of electricity or gas, distribution, storage and any associated ancillary infrastructure;
 - provision of sewerage or drainage services including a sewage treatment works; and
 - provision of postal or telecommunications services, excluding the use of premises as a Telecommunications Tower.
- "Temporary buildings" means buildings associated with a material change of use, building works or operational works, including temporary workers accommodation

Element 1 – Conservation Measures

SPECIFIC OUTCOMES	ACCEPTABLE SOLUTION / PROBABLE SOLUTION
<p>S1 The endangered Southern Cassowary is protected from the adverse impacts of development.</p>	<p>P1. Development is to be undertaken consistent with the Ella Bay Southern Cassowary Management Sub-Plan.</p>
<p>S1.2 Vegetation and Fauna corridors are protected in an appropriate land tenure arrangement.</p>	<p>P1.2 Land is designated as Conservation Covenant generally in accordance with the Conservation Protection Plan at Figure 5.1.</p> <p>AND</p> <p>P1.3 Land is protected under a series of Conservation Covenants between the proponent, Cassowary Coast Regional Council and the Environmental Protection Agency generally in accordance with the Conservation Protection Plan at Figure 5.1.</p>

Element 2 – Integrated Water Management

SPECIFIC OUTCOMES	ACCEPTABLE SOLUTION / PROBABLE SOLUTION
<p>S2 Control of stormwater quantity and quality discharging from ‘Ella Bay’ shall achieve non-worsening in both respects by providing stormwater management measures consistent with an Integrated Water Management approach.</p>	<p>P2.1 Management of stormwater quantity and quality within Ella Bay shall include the following stormwater management provisions:</p> <ul style="list-style-type: none"> • Areas for Stormwater Treatment and attenuation devices including retention and stormwater drainage are to be designed and constructed in accordance with the Ella Bay Stormwater Management Plan. • Stormwater management within these areas are undertaken in a manner consistent with an Integrated Water Management approach.

Element 3 – Waterway Corridor Protection

SPECIFIC OUTCOMES	ACCEPTABLE SOLUTION / PROBABLE SOLUTION
<p>S3 Significant vegetation along existing waterway corridors shall be retained to ensure the long term viability and sustainability of these areas is achieved through development of the land.</p>	<p>P3.1 Retain riparian vegetation around waterways for bank stability and to ensure such vegetation is protected despite the impacts of development.</p>

Element 4 - Home Business

SPECIFIC OUTCOMES	ACCEPTABLE SOLUTION / PROBABLE SOLUTION
<p>S4 Use of multiple residential premises for home business protects the amenity of the area</p>	<p>P4.1 Employs only persons who are the permanent residents of the dwelling</p> <p>P4.2 No more than one-third of the dwelling is</p>



SPECIFIC OUTCOMES	ACCEPTABLE SOLUTION / PROBABLE SOLUTION
	<p>to be used for the business</p> <p>P4.3 No customers or delivery persons attend the site</p> <p>P4.4 No goods are on display</p> <p>P4.5 No signage is permitted</p> <p>P4.6 The use does not involve an environmentally Relevant Activity as defined by the Environmental Protection Act</p> <p>P4.7 No commercial vehicles are required for the business</p>