

**5.01. PRELIMINARY APPROVAL TO OVERRIDE THE PLANNING SCHEME & RECONFIGURING A LOT (1 LOT INTO 19 LOTS & OPEN SPACE) - 12 CRAWFORD STREET MOSSMAN**

**REPORT AUTHOR(S):** Neil Beck, Planning Officer  
**GENERAL MANAGER:** Paul Hoye, General Manager Operations  
**DEPARTMENT:** Development and Environment

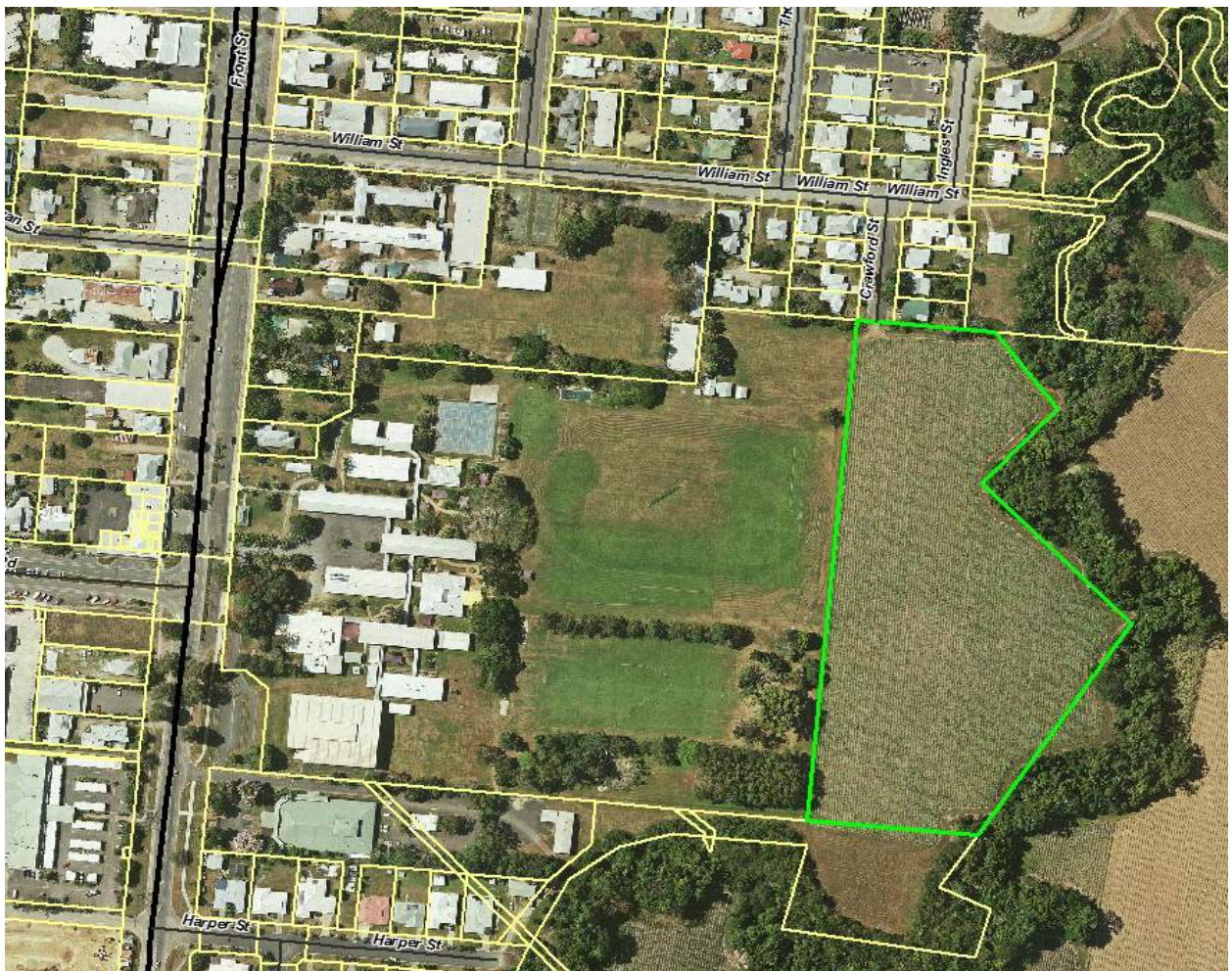
**PROPOSAL** Preliminary Approval to Override the Planning Scheme & Reconfiguring a Lot (1 Lot into 19 Lots & Open Space)

**APPLICANT** NV & JS PTY LTD  
C/- Planning Plus Pty Ltd  
PO Box 8046  
CAIRNS QLD 4870

**LOCATION OF SITE** 12 Crawford Street Mossman

**PROPERTY** LOT 12 ON SP252360

**LOCALITY PLAN**



<b>LOCALITY</b>	Mossman and Environs
<b>PLANNING AREA</b>	Community & Recreation Facilities
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2008
<b>REFERRAL AGENCIES</b>	None Applicable
<b>NUMBER OF SUBMITTERS</b>	One
<b>STATUTORY ASSESSMENT DEADLINE</b>	24 December 2015
<b>APPLICATION DATE</b>	19 January 2015

### RECOMMENDATION

That Council approves the development application for a Preliminary Approval to override the Planning Scheme and Reconfiguring a Lot (1 Lot into 19 Lots and Open Space) over land described as Lot 12 on SP252360, located at 12 Crawford Street Mossman, subject to the following:

#### APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Proposed Layout Plan	PR124232-4 Issue D	14 July 2015

#### ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

Except where modified by these conditions of approval

#### Timing of Effect

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

### **Street Layout and Design**

- 3. The street layout and design is to be generally in accordance with RPS Drawing No. PR124232-4 Issue D dated 14 July 2015 subject to any amendments to comply with the conditions and to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:**
  - a. The street name of 'Crawford Street' will apply to the proposed new road entering the development. The Applicant may propose a name for the section of road providing access to Lot 5 through to Lot 9;**
  - b. The road reserve widths are to be generally in accordance with RPS drawing PR124232-4 Revision D dated 14 July 2015. The road carriageway within the reserve is to be a minimum width of 7.5 m for all sections of the road. The Eastern Road verge in front of Lots 5 to 9 is to be maintained at 4.5 m minimum with a minor reduction permitted to the verge on the Park Side;**
  - c. Suitably constructed and sealed access to the sewer pump station to allow vehicles to access the wet well for maintenance purposes;**
  - d. Drainage calculations to demonstrate that the piped stormwater solution and overland flow paths are compliant with the Queensland Urban Drainage Manual for event flows up to and including the 100 year ARI rainfall event (1%AEP).**

**An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.**

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

### **Water Supply and Sewer**

- 4. An updated water supply and sewerage infrastructure plan and supporting information including hydraulic network analysis must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular the plan must:**
  - a. Identify external catchments that will be connected to the internal sewer or water networks;**
  - b. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development; and**
  - c. The applicant is to provide a network model for the water supply system operation demonstrating acceptable minimum and maximum pressures are achieved under the conditions nominated in the FNQROC Development Manual. Council may accept alternative supporting information in lieu of a network model subject to such supporting information demonstrating acceptable system operation.**

At a minimum this must include a hydrant flow and pressure test with pressures recorded at a minimum of two adjacent hydrants to demonstrate impact on the system for flows up to and including peak hour plus fire fighting flows. Suitable documentation and evidence of such tests must be endorsed by the RPEQ design engineer prior to achieving operational works approval.

The water supply and sewerage infrastructure plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

#### **Water Supply and Sewerage Works Internal**

5. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
  - b. Provide ability for water connection to each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

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

#### **Earthworks & Sewer Control Plan**

6. Provide a plan of the proposed site earthworks and finished surface design contours which address the following requirements:
  - a. Filling of the lots to achieve flood immunity. The earthworks plan is to nominate fill levels, batter slopes and the interface to existing surface levels for lots proposed to be filled;
  - b. Detail the extent and location of proposed filling to take place on proposed Lots 1, 6, 7, 9, 11 & 12;
  - c. Filling must be contained to each allotment with the toe of fill batters within property boundaries;
  - d. The area of lots to be controlled by sewer must be clearly identified and be of sufficient area to accommodate a residence;
  - e. Consideration to be given to the relocation of the sewer to the front of Lots 1 to 3 subject to sewer lot controls being satisfactory.

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

### **Building Envelope Plan**

7. **Dependent upon the sewer design and extent of fill, provide a plan nominating building envelopes for buildings on those lots to which the siting of buildings may be restricted.**

**The Building Envelope Plan must be submitted to Council at the time of seeking a Development Permit for Operational Works.**

**The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lots.**

### **Sewage Pump Station**

8. **The applicant is to provide detailed design plans for the Pump Station. The plans are to nominate all operating levels for the pump station as per the FNQROC Development Manual.**

**Supporting information for the pump station is to be provided at the time of seeking operational works approval and must include at a minimum:**

- a. **emergency storage capacity and duration;**
- b. **emergency overflow operation;**
- c. **freeboard achieved to each lot in the event of system overflow;**
- d. **RPEQ Certification.**

**The switchboard and pump station design including pump selection is to be provided to Council for approval prior to obtaining operational works approval. Council may nominate a preferred pump supplier and switchboard configuration to ensure consistency of infrastructure across Council's network.**

**The applicant is to provide a commissioning plan for the sewage pump station.**

### **Local Drainage Study**

9. **Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:**
  - a. **The contributing catchment boundaries;**
  - b. **The extent of the 100 year ARI flood event in relation to the site both pre and post development;**
  - c. **Primary and secondary flow paths for the 5, 10 and 100 year ARI rainfall (1%AEP) events;**
  - d. **Identify any requirement for drainage easements;**
  - e. **Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the development;**

- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development. Specific information on the pipe outlet and erosion protection in addition to the overland flow path outlet and its erosion protection measures is to be provided;**
- g. Supporting calculations must include specific advice on the western catchment run off and how this is conveyed through the site to the creek. The calculations must show how the minor rainfall event is conveyed underground and must include calculations on the overland flow for the major event. Information on the pit entry capacity, blockage factors, pit losses are to be included for the minor event. A severe impact assessment is required to demonstrate safe conveyance of flows in the event of complete inlet blockage;**
- h. Advice on storm water drainage and flooding is to be provided for lots 6, 7, 9, 11 and 12. Where lots are proposed to be filled to achieve the required immunity, and earthworks plan is to be provided demonstrating fill levels, batter slopes and the interface to existing surface levels;**
- i. Lawful point of discharge.**

**The study must be to the satisfaction of the Chief Executive Officer prior to issue of a Development Permit for Operational Works.**

#### **Plan of Drainage Works**

- 10. The subject land must be drained to the satisfaction of the Chief Executive Officer. This includes provision of the following:**
  - a. Drainage infrastructure generally in accordance with the concepts shown as Option 2 on RPS Drawing No. PR124232-4 Issue D. Calculations of the sub-catchment discharge and the flow width and depth in roadside drains and easements must be provided prior to the issue of a Development Permit for Operational Works. The calculations must demonstrate that the flows are fully contained in the drainage paths and do not enter private property except where easements exist;**
  - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:**
    - i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.**
    - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.**

- iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
- iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
- c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event;
- d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s); and
- e. Detail the outlet into Parker Creek and erosion and scour protection measures to be installed to the satisfaction of the Chief Executive Officer.

All drainage works must be completed to the satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **Existing Creek and Drainage Systems**

- 11. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

#### **Lawful Point of Discharge**

- 12. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

#### **Landscape Plan**

- 13. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:
  - a. Planting of the footpath with trees using appropriate species;
  - b. The provision of shade trees in the park;
  - c. Species to have regard to the Planning Scheme Policy No.7 Landscaping;
  - d. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

#### **Open Space & Drainage Reserve**

14. The area identified as park on RPS Drawing No. PR124232-4 Issue D must be transferred to Council as freehold land tenure. The area of land adjacent the Parker Creek corridor must be transferred to the Crown for Public Use Land – Drainage Reserve. The park area central to the development must include:-
- a. Water service and provision of a tap for the central park;
  - b. Bollards around the perimeter to prevent vehicle access with the exception of Council access;
  - c. Shelter and seating area in the central park;
  - d. Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;
  - e. Seeded and grassed.

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

#### **Damage to Infrastructure**

15. In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, Council must be notified of the affected infrastructure and have it repaired or replaced at no cost to Council.

#### **Electricity Supply**

16. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding underground electricity supply must be provided prior to the issue of a Development Permit for Operational Works.



### **Electricity and Telecommunications**

17. **Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.**

### **Stockpiling and Transportation of Fill Material**

18. **Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.**

**Transportation of fill or spoil to and from the site must not occur within:**

- a. **peak traffic times; or**
  - b. **before 7:00 am or after 6:00 pm Monday to Friday; or**
  - c. **before 7:00 am or after 1:00 pm Saturdays; or**
  - d. **on Sundays or Public Holidays.**
19. **Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.**

### **Storage of Machinery and Plant**

20. **The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.**

### **Construction Access**

21. **Vehicular access to the site for construction and demolition purposes must be provided from Crawford Street only, unless authorized by the Chief Executive Officer.**

### **ADVICE**

1. **This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.**
2. **All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.**
3. **This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**

## Infrastructure Charges Notice

4. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. *The Sustainable Planning Act 2009* confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au) .

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## EXECUTIVE SUMMARY

An application has been made seeking a Material Change of Use for land uses consistent with the Residential 1 Planning Area and to reconfigure the land to create 19 residential lots, open space and drainage reserve.

The application relates to land described as Lot 12 on SP252360 located behind the Mossman State High School with road frontage to Crawford Street.

The land is currently contained within the Community & Recreational Facilities Planning Area with site area of 3.638 hectares. The site is presently vacant and used for agricultural purposes.

The proposed development is Impact Assessable under the Planning Scheme requiring the application to be publically notified and assessed against the entire Planning Scheme. Public notification was undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* attracting one (1) properly made submission.

The proposal to develop the land for residential purposes is not inconsistent with the Desired Environmental Outcomes of the Planning Scheme and the proposal is considered to have planning merit. Approval of the application is therefore recommended subject to reasonable and relevant conditions.

## TOWN PLANNING CONSIDERATIONS

### Site & Surrounds

The site is described as Lot 12 on SP252360, has a site area of 3.638 hectares and is presently vacant. Access to the land is achieved via Crawford Street being an Access Street within the local road hierarchy.

The site is generally flat with a downward slope located towards the eastern boundary. The site is mostly cleared of vegetation and is currently used for the cultivation of sugar cane.

The land was previously owned by the State (Department of Education, Training & Employment) before being sold in September 2014 as such land was considered surplus to the Departments needs. The land is contained within the Community & Recreational Facilities Planning Area within the Planning Scheme.

A Minor Perennial Watercourse containing Category A or B vegetation exists along Parker Creek which forms the eastern boundary of the lot. Parker Creek forms the delineation between land designated for urban purposes and land within the Rural Planning Area.

The site is located towards the south-east of the Mossman township and is adjacent to Mossman State High School. As a consequence, the site is located in proximity to the township of Mossman which provides a range of commercial, retail and community facilities which services the residents of Mossman and surrounding areas.

All urban services associated with the development of land for residential purposes is available to the site.

### Proposal

The development application comprises a Preliminary Approval to override the Planning Scheme for land uses consistent with the Residential 1 Planning Area and to reconfigure the land to create 19 residential allotments, open space and drainage reserve. A plan of the proposed development forms Attachment 1.

The proposed layout provides for an extension of Crawford Street with lots either side of the road and a proposed central park area of 1190m<sup>2</sup>. The central park is proposed to be embellished by a BBQ facility and playground equipment as detailed on the proposal plan. A 10 metre setback is also provided from the top of high bank of Parker Creek.

The proposed layout was amended several times as a consequence of matters raised through the information request stage of the IDAS process. Such items related to the requirement to provide a turnaround area, the location and required clearance distances of the sewer pump station and the depth of sewers, the location and alignment of internal drainage lines and extent of fill.

The 19 lots proposed range between 1,000m<sup>2</sup> and 1,569m<sup>2</sup> in size.

The Applicant has advised that:-

*“the proposed development is intended to cater for an array of purchasers, with design and marketing of the site based on the current non-existent supply of large vacant land parcels within Mossman. Design features and characteristics are intended to reflect the unique environmental surroundings of Mossman and ensure walkability to the town centre, whilst providing larger lot sizes to attract purchasers who are generally older retired farmers or people seeking larger land parcels close to town”.*

### **State Planning Requirements**

The site is located within the Urban Footprint of the Far North Queensland Regional Plan (FNQRP) in which is anticipated that the land is developed for some type of urban purpose. Land further to the east and south of the site is included within the Regional Landscape and Rural Production Area which is not anticipated to be developed for urban purposes. The land use pattern identified in the FNQRP is reflected in the current Planning Scheme and is likely to remain unchanged.

The vegetation contained within the Parker Creek Corridor is identified as being Remnant Vegetation Category B and Reef Regrowth Watercourse Vegetation Category R. The supporting vegetation map produced by Department of Natural Resources and Mines also identifies the vegetation as containing endangered regional ecosystems.

The layout of the proposed development does not involve the removal or interference of the riparian vegetation within the creek corridor. The layout provides for a 10 metre setback from the top of high bank being consistent with the requirements of the Planning Scheme.

### **Douglas Shire Planning Scheme Assessment**

The land is part of the Mossman & Environs Locality and is included within the Community & Recreational Planning Area in which the land use of “House” is identified as an Impact Assessable (Inconsistent) use and Reconfiguring a Lot is Code Assessable development.

The Preliminary Approval component of the development application is subject to impact assessment and assessable against the entire Planning Scheme.

### **Achieving Outcomes through the Planning Scheme**

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability. Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay
- Specific Outcomes for Planning Areas or Particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome,
- Performance Criteria and associated or Acceptable Solutions for Overall Outcomes.

### **Desired Environmental Outcomes**

Chapter 2 of the Planning Scheme outlines the Desired Environmental Outcomes that underpin the Planning Scheme.

The Desired Environmental Outcomes are grouped under core matters which comprise ecological sustainability as follows:

- Ecological Processes and Natural Systems;
- Economic Development;
- Cultural, Economic, Physical and Social Well-being of the Community.

**(1) Ecological Processes and Natural Systems**

Desired Environmental Outcome	Comment
DEO 1: The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.	The development of the land for residential purposes will not compromise the unique environmental values of the Shire. Riparian vegetation of the Parker Creek Corridor will not be interfered with, removed or damaged.
DEO 2: Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.	The development of the land for residential purposes will not impact on the integrity of the World Heritage Areas of the Shire or the adjacent Riparian Creek Corridor.
DEO 3: Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in the coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.	<p>Natural waterways, including their associated riparian values and scenic amenity values, will not be compromised by the proposal.</p> <p>The layout does involve constructing a drainage outlet in Parker Creek. A requirement to provide a gross pollutant trap to collect gross pollutants prior to stormwater leaving the site forms a condition of the approval.</p>
DEO 4: The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are	The proposed development will not compromise the unique environmental character of the Shire.

Desired Environmental Outcome	Comment
maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.	

## (2) Economic Development

Desired Environmental Outcome	Compliance
DEO 5: A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities is supported by the sustainable use and management of the natural resources of the Shire.	The proposed development will support the local economy through the creation of jobs in the construction phase and ultimately the construction of new houses.
DEO 6: The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.	The proposed development will not deplete or compromise the natural resources of the Shire.
DEO 7: The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly sugar, horticulture and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.	<p>While the land is currently under sugar cane, such land is not identified as rural land within the Planning Scheme and is intended to be developed for urban purposes.</p> <p>The proposed development furthers the intent of this DEO insofar as the development of land for residential purposes in such close proximity to employment opportunities and a range of commercial and community facilities.</p>
DEO 8: The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.	All urban services associated with the development of land for residential purposes is readily available to the site. The location and layout of the development is an efficient use of existing infrastructure.

**(3) Cultural, Economic, Physical and Social Well-being of the Community**

Desired Environmental Outcome	Compliance
DEO 9: Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.	The proposed development does not impact on places of cultural or heritage significance in the Shire.
DEO 10: A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.	The proposed development offers a range of larger lot sizes which are larger in size than those typically created in the Residential 1 Planning Area in an area which is highly accessible to a range of services.
DEO 11: The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.	The distinctive character and unique sense of place of the Shire's towns, villages and other settlement areas will not be impacted by the proposed development.
DEO 12: Residential communities, particularly within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.	The proposed development is consistent and represents a continuation of the existing residential development fronting Crawford Street.

**Overall Outcomes for Localities**

The land is included within the Mossman & Environs Locality where the predominant form of surrounding development is residential with the Mossman Central Mill located further to the north. The site is located behind the Mossman State High School.

The proposed use is considered to be generally consistent with the overall outcomes of the locality code, as outlined below:

- While presently being used for the production of sugar cane, the land is contained within the Urban Footprint under the Regional Plan. It is therefore established that the proposed use will not compromise the long term retention of primary industry in the locality and will have minimal, if any, impact on the rural landscape character or scenic amenity values of the area;
- The proposed development is not an incompatible urban land use having regard to the established land use pattern of the locality. To the contrary, the proposed development will assist with the elimination of the conflict between the rural activities taking place on the land immediately adjacent residential properties and school.
- Despite the land not being designated as residential land within the Planning Scheme, the land is conveniently located and in proximity to the Town Centre of Mossman. The development represents a logical extension of the existing residential development fronting Crawford Street.
- The proposed development will not compromise valuable riverine vegetation along Parker Creek;
- Indigenous interests throughout the locality will not be impacted by the proposed development.

#### **Specific Outcomes for Areas affected by an Overlay**

The subject land is affected by the Acid Sulfate Soils Overlay and the Natural Hazards Overlay.

The Acid Sulfate Soils Overlay is not relevant to the proposed development as the elevation of the land and the extent of filling and excavation does not trigger an assessment against the code.

The Natural Hazards Overlay (Low - Medium Bushfire Hazard) is of limited relevance to the proposed use as the land is located within an urban setting. The purpose of the associated Natural Hazards Overlay Code is to ensure that development does not occur in areas prone to the natural hazard of bushfires and to minimize any risks associated with bushfires. The site has been cleared and used for sugar cane production. However well-established vegetation is located along the eastern boundary of the site. This vegetation is relatively narrow before opening back up to rural cane paddocks.

The Natural Hazards Overlay Code is of no consequence to the proposed development.

#### **Specific Outcomes for Planning Areas**

The land is included within the Community & Recreational Facilities Planning Area in which the establishment of houses is identified as an Impact Assessable (Inconsistent) use as land within this particular planning area is intended to be developed for a range of community facilities such as schools, community centres, sporting fields and associated club facilities and the like.



The land was previously owned by the Department of Education, Training & Employment (DETE) and was sold in September 2014. The site that was on sold in September 2014 formed part of a larger parcel of land that contained the Mossman High School before being excised in November 2011. The DETE disposed of the land as it was surplus to their needs. As a consequence, Lot 12 maintained the Community & Recreational Facilities Planning Area.

The development of the land for residential purposes is not consistent with the purpose of the Community & Recreational Facilities Planning Area and is therefore gives rise to conflict with the code. When deciding applications which seek to override the Planning Scheme, Section 329 of the Sustainable Planning Act 2009 amongst other thing states:-

*The assessment manager's decision must not conflict with a relevant instrument unless –*

*(b) there are sufficient grounds to justify the decision, despite the conflict;*

Sufficient grounds exist to overcome the conflict with the Planning Scheme in this particular instance having regard to the following:-

- The land was created by virtue of a reconfiguration of the parent parcel containing the Mossman State High School by the DETE in November 2011 and on sold in September 2014 due to the land being surplus to their needs. This is in contrast to being specifically identified and intended to be developed for community uses other than for educational purposes;
- The land is contained within the Urban Footprint under the FNQ Regional Plan and therefore the Regional Plan anticipates and supports the land being developed for an urban purpose;
- The land is located in proximity to the township of Mossman and therefore the future residents of the development will have easy and convenient access to a range of commercial and community facilities;
- All urban services associated with the development of land for residential purposes are available to the site;
- The local street hierarchy of Crawford Street and William Street have the ability to accommodate the additional vehicle movements generated by the development of the land for 19 residential lots;
- The development is consistent with the surrounding land use of residential and represents a logical extension of residential development fronting Crawford Street. The development of the land for residential purposes improves the amenity of the existing residential properties fronting Crawford Street through the removal of rural activities taking place on the land without adequate buffers and separation distances in place.
- The development of the land in the manner proposed offers a point of difference and diversity to that of other residential land available within and surrounding Mossman.

## Douglas Shire Planning Scheme Assessment

Douglas Shire Mossman and Environs Planning Locality		Code Applicability	Compliance
Locality	Mossman and Environs	✓	Complies
Planning Area	Community & Recreation Facilities	✓	Does not comply – see discussion above
Overlay Codes	Acid Sulfate Soils Code	✗	N/A
	Cultural Heritage and Valuable Sites Code	✗	N/A
	Natural Hazards Code	✓	Complies
General Codes	Design and Siting of Advertising Devices Code	✗	N/A
	Filling and Excavation Code	✓	Complies
	Landscaping Code	✓	Conditioned to comply
	Natural Areas and Scenic Amenity Code	✓	Complies
	Reconfiguring a Lot Code	✓	Complies

The following discussion is provided with respect to key considerations for the development.

### Flooding

The applicant has provided the findings of investigations undertaken by the Queensland Reconstruction Authority (QRA) with regard to the vulnerability of the site with regard to flood events. The flood study calculated the Average Recurrence Interval (ARI) 1 in 100 year rainfall for the site to be 7.3 metres AHD.

The flood investigations undertaken by the QRA provide sufficient information to gauge the impacts that a certain flood events has on a particular allotment where identified within the study area. However a more detailed local drainage study will be required to consider the flood impacts having regard to local drainage characteristics which may or may not exacerbate flood levels for defined flood events for the site.

Having regard to the existing elevation of the land, achieving the necessary flood immunity does not represent a constraint for the development. However, some filling will be required to take place on several allotments. Such filling is immaterial and is a standard response to achieve the necessary immunity.

The requirement to prepare a local drainage study forms a condition of approval.

### Road Layout

The layout provides for an extension of Crawford Street through the middle of the site with a “ring road” and turnaround provided in the southern portion of the site.

The proposed road reserve widths of 16.5 metres and 14.5 metres are satisfactory having regard to the number of lots to be constructed. While not adjusting the road reserve width, a condition of approval requires the road reserve of 14.5 metres to have a carriageway of 6.5 metres as opposed to 5.5 metres. The extra width of pavement will assist with continuity of the carriageway when accessing Lots 5 to 9 and will be more equipped to accommodate vehicles on road, especially where adjacent open space.

The proposal plan also suggests naming the new road to be constructed as “Louie Verri Drive”. However, as the new road forms an extension of Crawford Street, issue is raised with regard to changing the name of the road in the absence of a clear physical distinction or demarcation. As an alternative, the new road servicing Lots 5 – 9 has the opportunity to be provided with a new street name.

It is recommended that new road to be constructed adopts the name of Crawford Street while the other road is named after Lou Verri.

### **Water Supply & Wastewater**

The site is serviced by Council's reticulated water supply and sewer infrastructure.

Due to the shallow depth of Council's existing sewer infrastructure in Crawford Street, the proposal involves the construction of a sewer pump station in the southern portion of the site. The majority of lots will gravity feed to the pump station before being pumped via a rising main to discharge manhole which in turn will gravity feed into the existing network in Crawford Street.

Construction detail of the sewer network and how each proposed allotment will be controlled by sewer will be subject to downstream approvals.

A condition of approval has been added to ensure adequate access is provided to the proposed sewer pump station.

No concern or issue is raised with regard to water supply or sewer matters.

### **Open Space**

The proposed layout identifies an area central and adjacent to the southern boundary as being donated to Council as Park. The area adjacent the southern boundary has limited utility as Park due to the location of the proposed sewer pump station and drainage infrastructure.

Works will need to be undertaken in both areas to ensure that the open space is in an acceptable condition prior to being dedicated to Council. Conditions of approval require the central park to be provided with a water service, shelter and seating area with both areas having bollards installed along the road frontages to prevent vehicle access. Given the size and location of park and the limited catchment, any other embellishments will be determined at the time of seeking operational works approval.

The area adjacent to Parker Creek is conditioned to be dedicated to the Crown as Drainage Reserve.

### **Referral Agency Requirements**

The development application did not trigger referral under the Sustainable Planning Regulation 2009.

### **Public Notification / Submissions**

The application was publically notified in accordance with the requirements of the Sustainable Planning Act 2009 (SPA) and one (1) submission was received. The submission was a properly made submission for the purpose of SPA.

The grounds of the submission accompanied by an Officer comment in provided below:-

**Sufficient supply of residential land & sufficient zoned land already exists within Mossman to meet demand.**

**The pattern of development should be consistent with the Douglas Shire Planning Scheme to support the efficient and orderly delivery of urban infrastructure.**

**The proposal to override the Planning Scheme to allow residential development over the subject land conflicts with the pattern of development promoted by the Planning Scheme**

Officer Comment

The issue of existing zoned land for residential purposes within the Mossman Shire is a valid concern raised by the submitter.

In support of the proposal, the Applicant provided a "Mossman Needs Analysis Report" prepared by Herron Todd White. The report to the extent relevant to this issue advises:-

1. There is an average long term demand for approximately 10 new residential lots to be constructed in Mossman each year (though with significant variation in individual years);
2. Residential lots developed to date within Mossman's two existing land estates are completely sold out and there is no lot construction currently taking place.
3. There is a significant bank of future developable supply within the two existing estates and one further proposed subdivision i.e Junction Street.

The existing zoned land within the two residential estates of Shepherd Valley and Daintree Horizons estate in addition the Junction Street site has substantial capacity to cater for the uptake of residential land within Mossman for many years to come. Excluding the Junction Street site, the combined total of undeveloped lots between the two estates is approximately 380 lots. It is not disputed that there is sufficient land banks of residential zoned land within the existing Planning Scheme to cater for future residential demand.

When assessing the proposal over this particular site, there are also other planning considerations that must be taken into account when deciding the application. Such considerations, as identified and discussed within the body of the report relate to the locational characteristics of the site, the designation of the site under the FNQ Regional Plan, urban services which are readily accessible to the land and the existing use of the land for rural purposes and the adjoining residential uses.

While there is sufficient land banks of residential zoned land within the existing Planning Scheme to cater for future residential demand, this ground is considered to hold insufficient weight on which to refuse the application having regard to other planning considerations.

In response to the Submitter's concerns regarding the conflict with the existing Planning Scheme, it is detailed within the body of the report that the proposal does not conflict with the Desired Environmental Outcomes.

As also acknowledged within the report, the proposal does conflict with the purpose of the Community & Recreational Facilities Planning Area. However ability exists to approve development which is in conflict provided there are sufficient planning grounds to justify the decision despite the conflict. Sufficient grounds exist in this instance.

**The development results in the loss of land to be used for community and recreational purposes. While the land is not being used for this purpose does not imply that the land is no longer required for community and recreational purposes.**

**While the proposed development includes a park and an area adjacent Parker Creek, this will only benefit the owners within the estate and not the rest of the community. This is not considered sufficient justification for the alienation of land designated for Community and Recreational Facilities.**

Officer Comment

The Submitter raises a valid concern. However, as identified in the report, the land was created by virtue of a reconfiguration of the parent parcel containing the Mossman State High School by the DETE in November 2011 and on sold in September 2014 as the land was identified as being surplus to their needs. It is important to note that the land maintained the Community & Recreational Facilities designation as a consequence of the reconfiguration in contrast to the Planning Scheme specifically identifying and intending the land being developed for community uses other than for educational purposes. It is further noted that access to the site is via a discrete residential street and to develop the land for other community uses will involve the generation of non-residential traffic through a residential area.

The submitters concerns with respect to the proposed park and open space adjacent Parker Creek are concurred with. The Applicant's views with respect to the proposed park and open spaces areas as complying aspects of the development with Community & Recreational Planning Area are not supported. The open space areas proposed within the development in no way relate to the purpose Community & Recreational Planning Area contained within the Planning Scheme. No concern is raised with the proposed open spaces areas within the development. However, such areas will be for the sole benefit of the residents of the estate.

While the above concerns have merit, such concerns are considered insufficient to warrant refusing the application.

**If no longer required for educational purposes then it would be more appropriate for the land to be in the Rural Planning Area. Sugar cane farming and land use for these purposes should be maintained and protected to ensure the region retains its rural character and function.**

Officer Comment

The parcel of land has a site area 3.63 hectares, is alienated from other rural land holdings due to the existing pattern of development and Parker Creek and is contained within the Urban footprint under the FNQ Regional Plan. The land is also immediately adjacent residential.

The long term use of the land for rural purposes is not appropriate and is not supported.

**Offsetting the loss by changing a flood constrained parcel of land to the Community & Recreational Facilities Planning Area is inappropriate. Land to be developed for community uses should be free from inundation and not be restricted.**

### Officer Comment

The submitter has raised issue with the Applicant suggesting that the land on the western side of the Mossman-Daintree Road be included within the Community & Recreational Planning Area due to the flooding constraints of the property. The Applicant has suggested that the land could be used for community and recreational purposes such as sporting fields due to the land be impacted by flood.

The submitter has raised concern with this view as there are other community and recreational uses which must have flood immunity.

Both the Applicant and the Submitter raise valid points. However, it must be noted that such commentary is immaterial as the land does not form part of the development application and any future designation of the land or otherwise is a matter for Council and the property owner.

### **ADOPTED INFRASTRUCTURE CHARGES**

The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 2 to view calculations.

### **COUNCIL'S ROLE**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:


**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

### **ATTACHMENTS**

Attachment 1 – Approved Plan(s) & Document(s)

Attachment 2 – Infrastructure Charges Notice



**2006 & 2008 Douglas Shire Planning Schemes Application**

**INFRASTRUCTURE CHARGES NOTICE**

V Scomazzon <b>DEVELOPERS NAME</b>	N/A <b>ESTATE NAME</b>	0 <b>STAGE</b>
Vixies Road <b>STREET No. &amp; NAME</b>	Wonga Beach <b>SUBURB</b>	Lot 32 SP126925 <b>LOT &amp; RP No.s</b>
ROL <b>DEVELOPMENT TYPE</b>	3316/2009 <b>COUNCIL FILE</b>	10343 <b>PARCEL No.</b>
732376 <b>DSC Reference Doc . No.</b>	1 <b>VERSION No.</b>	4 <b>VALIDITY PERIOD (years)</b>

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
<b>Rural Areas - Water Only</b>					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			<b>0.00</b>		
<b>Urban Areas - Water only</b>					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			<b>0.00</b>		
<b>Urban Areas - Water &amp; Sewer</b>					
proposed	19	14,342.13	272,500.47		
	0	0.00	0.00		
existing	1	14,342.13	14,342.13		
Total			<b>258,158.34</b>		

**TOTAL                      \$258,158.34**

Prepared by	N Beck	7-Dec-15	Amount Paid	
Checked by	S Clarke	7-Dec-15	Date Paid	
Date Payable			Receipt No.	
Amendments			Cashier	

**Note:**  
 The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the *Sustainable Planning Act 2009 (SPA)*.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

# PRELIMINARY ONLY



Mossman High School

- DISCLAIMER NOTE**
- This plan was prepared in accordance with the provisions of the Land Use Act 2005 and the provisions of the Environmental Planning and Assessment Act 1979. It is a preliminary plan and is not intended to be used for any purpose other than to provide a general indication of the proposed development. It is not intended to be used as a basis for any decision on the proposed development.
  - The plan is subject to the provisions of the Environmental Planning and Assessment Act 1979 and the provisions of the Land Use Act 2005. It is not intended to be used as a basis for any decision on the proposed development.
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- DATA TABLE**
- |  |          |
|--|----------|
| Subject Lot 12 Area                      | 3.638 ha |
| Less Passive Open Space / Creek setback: | 4112m²   |
| Developable Area                         | 3.227 ha |
- Summary:**
- Number of Lots: 19
  - Minimum Area: 1000m²
  - Average Area: 1179m²
  - Length New Road: 432m

# PRELIMINARY ONLY

**LEGEND**

- Road Crown
- Edge of Burmen
- Drainage Pipe U/G
- Sewer Mainline
- Water Meter
- Electricity Cable A/G
- Electric Pole
- Telecom Pit
- Top of Bank
- Toe of Bank
- Fence
- Proposed Drainage Path
- Proposed Heavy Sewerage
- Proposed Return Main

**NOTES**

Level Datum: AHD  
Origin of Levels: RSN 65406  
N: 9.253  
Meridian: SP252360

Origin of Coordinates: RSN 98085  
E: 5002.531  
N: 10000.315

Contour Interval: 0.2m  
Index: 1.0m

SCALE 1:500 (AS SHOWN ON PLAN)  
TO THE ORIGINAL SHEET SIZE (A1)  
(1:1000 @ A3)

PROJECT NAME	A KERRIN
CLIENT	15/20214
DATE	15/20214
SHEET NO.	1
SHEET TOTAL	1
PROJECT NO.	PR222224
DATE	15/20214

**NW & JS PTY LTD**

**RECONFIGURATION OF A LOT  
PROPOSED RESIDENTIAL DEVELOPMENT  
CANCELLING LOT 12 ON SP252360  
CRAWFORD ST MOSSMAN**

**RPS**  
150 Adelaide St  
PO Box 1849  
Cairns QLD 4870  
T 4817 42011338  
F 4817 42011338  
W www.rps.com.au  
E info@rps.com.au

DATE: 15/20214  
PROJECT: PR222224