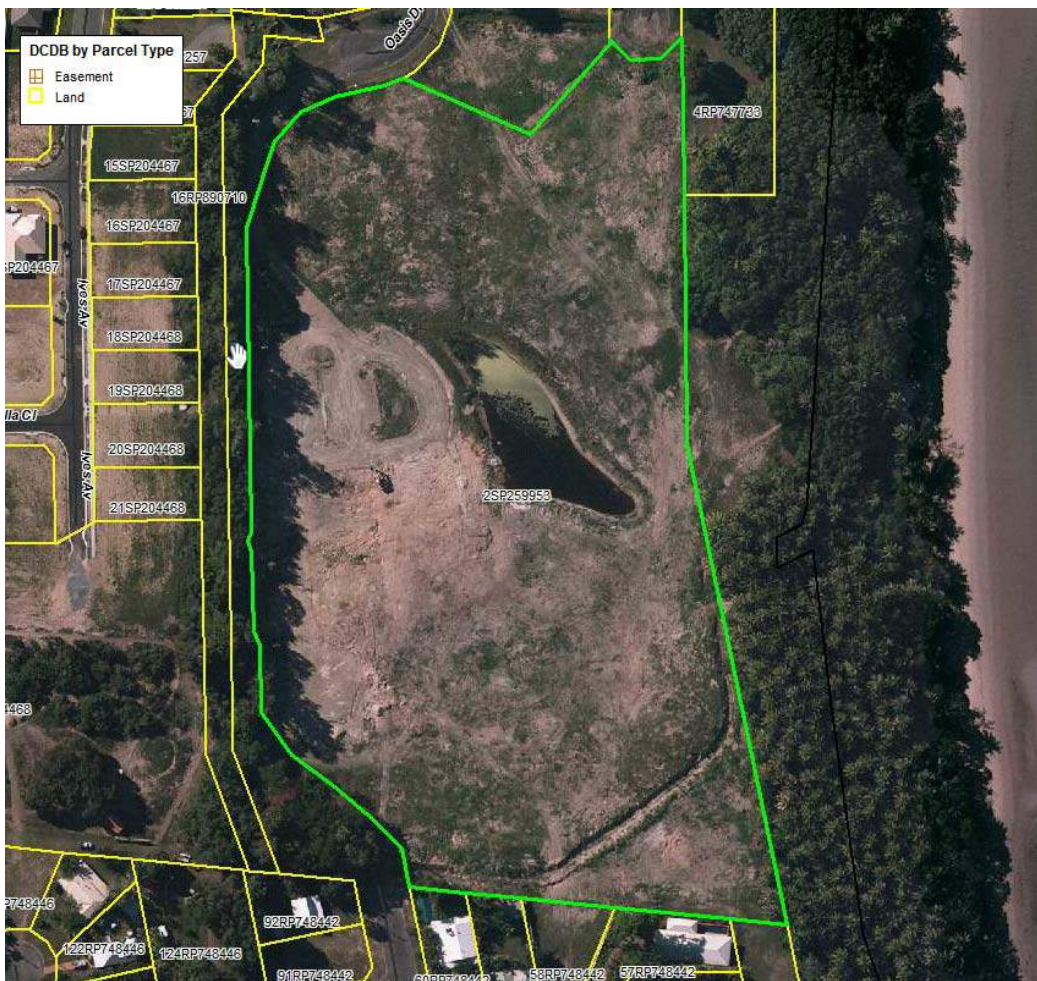


ORDINARY MEETING 14 APRIL 2015	5.1
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RECONFIGURING A LOT (CODE ASSESSMENT) (1 LOT INTO 17 LOTS) –
 2L OASIS DRIVE, WONGA BEACH

Jenny Elphinstone: ROL 591/2014: 436363

<u>PROPOSAL:</u>	RECONFIGURING A LOT (1 LOT INTO 17 LOTS)
<u>APPLICANT:</u>	WROXALL INVESTMENTS PTY LTD C/- FLANAGAN CONSULTING GROUP PO BOX 5820 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	2L OASIS DRIVE, WONGA BEACH
<u>PROPERTY:</u>	LOT 2 ON SP259953
<u>LOCALITY:</u>	COASTAL SUBURBS
<u>PLANNING AREA:</u>	TOURIST AND RESIDENTIAL
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NOT APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXPIRED
<u>APPLICATION DATE:</u>	10 DECEMBER 2014
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. PROPOSAL PLAN(S) & DOCUMENT(S) TO BE AMENDED BY THE CONDITIONS OF THE APPROVAL 2. INFRASTRUCTURE CHARGES NOTICE 3: SUPPORTING INFORMATION TO PLANNING REPORT

LOCALITY PLANRECOMMENDATIONS:

- A. That Council approves the development application for Reconfiguring a Lot (1 Lot into 17 Lots) over land described as Lot 2 on SP259953, located at 2L Oasis Drive, Wonga Beach, 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
Proposal Plan	Flanagan Consulting Group, Sketch 3969-SK03 dated 3 December 2014 and to be amended by the conditions of the approval.	To be determined.
Water Reticulation Plan	Flanagan Consulting Group, Sketch 3969-SK04, as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.

Drawing or Document	Reference	Date
Stormwater Drainage Plan	Flanagan Consulting Group, Sketch 3969-SK05 as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.
Drainage Details / Earthworks Plan	Flanagan Consulting Group, Sketch 3969-SK06 as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.
Marlin Drive Turnaround	Flanagan Consulting Group, Sketch 3969-SK07 as submitted to Council on 10 December 2014 and to be amended by the conditions of the approval.	To be determined.

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 Commencement of Use, except where specified otherwise in these conditions of approval.

Access

3. No lot is to be accessed from the Esplanade.

Street Layout and Design

4. The street layout and design is to be generally in accordance with Flanagan Consulting Group (FCG) Proposal Plan, Sketch 3969-SK03 subject to:
 - a. Deletion of the catch drain and easement at the eastern boundary of Lots 1-6 and Lots 15-17 inclusive;

- b. Setback of fill areas a minimum of 6m from the property boundary from all roads and Esplanade.**
- c. Setback of fill areas a minimum of 3.0 metres from the southern boundary of proposed Lot 17.**
- d. The fill pad for proposed Lot 7 is to be extended to the northern boundary and retained;**
- e. The fill pad for Lots 1 to 6 inclusive must be a continual plane with the pads draining to the new road to the west.**
- f. The fill pad for Lots 7 to 14 inclusive must be a continual plane with the pads draining to the new road to the east. The rear of these lots is to be graded to the west to negate ponding of water between the fill pad and the existing road reserve;**
- g. The fill pad for Lots 15 to 17 inclusive to be a continual plane with the pads draining to the new drainage reserve**
- h. On-street car parking spaces in the vicinity of lots 15 to 17 are to be provided as shown on FCG Sketches 3969-SK03 to 06 and the maintenance access to the new drainage reserve are to be designed with minimal increase of stormwater drainage to Marlin Drive.**
- i. Appropriate protection is to be provided to prevent non authorised vehicles from entering the drain including at a minimum, Barrier Kerbing. The applicant is to assess the need for additional barriers and or landscaping in these areas;**
- j. The access to the drainage channel is to be designed to facilitate normal maintenance machinery and is to be fitted with suitable gates;**
- k. Provision of estuarine crocodile warning signs to new road and public pedestrian pathways;**
- l. A 6m setback area from the eastern boundary (to the Esplanade) is to be included in a conservation covenant area and is to be vegetated in accordance with condition 25;**
- m. Provision of suitable vehicle access for Council from the pedestrian pathway to the Esplanade and foreshore for maintenance purposes. These purposes include the ability to access to maintain the open channel drainage flow path;**
- n. Provide a suitable lining and finish to the 20m wide drainage easement area to provide a stabilised channel that is able to be traversed by Council's maintenance equipment; and**
- o. Any amendments required to comply with the conditions and the requirements of Queensland Streets and the FNQROC Development Manual;**

The detailed design plans incorporating the above requirements must be submitted to the satisfaction of the Chief Executive Officer with the application for 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

5. Undertake water supply works internal to the subject land in accordance with the FNQROC development manual within the internal road system such that each lot can be connected to Council's water supply network at the lot frontage. A plan of the water supply reticulation network is to be generally in accordance with FCG Sketch 3969-SK04 and must be supported by appropriate calculations including hydraulic network analysis demonstrating compliance with FNQROC. In particular, the plan must include:
 - a. A minimum 100mm main on one side and a 50mm (63mm OD) main on the opposite side to provide a looped service;
 - b. A minimum 100mm connection from the southern end of the cul-de-sac to the northern end of Marlin Drive;
 - c. Provide the conduit for water supply for the full length of the access leg for proposed Lots 15 and 16. The conduit does not need to be connected to Council's water supply. The conduit must be capped and staked at the road frontage of the lots and at the end of the access leg for easy identification when a future house is constructed on this lot;

The plan must also identify any infrastructure external to the subdivision that may require upgrading to accommodate the development and achieve the minimum pressures for maximum hour and firefighting scenarios.

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.

On-Site Effluent Disposal

6. The method of on-site effluent disposal must be in accordance with the recommendations contained in the On-Site Sewage Disposal Assessment Report prepared by Gilbert and Sutherland or as otherwise approved by the Chief Executive Officer.

General External Works

7. Undertake the following external works:-

- a. Provide a new pedestrian and cycle connection across the realigned drain to reinstate the pathway connection from the northern end of Marlin Drive to the pathway running to the west from the development site.
- b. The detail design in a. above must include hydraulic assessment of the afflux through the culvert and must maximise the water way area to achieve minimum afflux through the culvert;
- c. The northern end of Marlin Drive currently has a levee/berm to prevent the stormwater flows within the drain entering Marlin Drive and creating flooding and trafficability issues. The construction of the Marlin Drive extension and turnaround is to be graded and designed to achieve a similar barrier to protect Marlin Drive from external flows entering the street. Council will be guided by advice from the designer on the appropriate configuration for stormwater infrastructure and overland flow path from Marlin Drive.

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

Acid Sulfate Soil Investigation

8. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) or updated version of document produced by Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – 'Planning and Managing Development involving Acid Sulfate Soils'. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRM – QASSIT: 'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland' (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: 'Queensland Acid Sulfate Soil Technical Manual' (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

Drainage Study of Site

9. The design of the drainage infrastructure is to be generally in accordance with the drainage study for the site by DHI International. The applicant must certify that there are no adverse drainage impacts on upstream and downstream properties and/or identify the mitigation measures required to minimise such impacts.

The study must be endorsed as remaining current for this development or must be updated and approved by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Extent of Earthworks

10. The concept for excavation and earthworks as detailed on FCG Sketch 3969-SK05 and SK06 is generally approved subject to compliance with the on-site disposal and drainage conditions and subject to the following amendments:
- a. The earthworks fill zones are to be continuous across the boundaries of lots to avoid localised low points between properties;
 - b. The rear of allotments are to be graded evenly in accordance with the concepts shown on FCG Sketch 3969-SK05 to ensure that they remain free draining throughout the property and through to the drainage reserve or Esplanade area.
 - c. The nominated fill level of 2.9m is to be increased to 4.04m AHD level unless otherwise approved by Council. Any reduction below 4.04m AHD must be supported by a further study, to the satisfaction of Council, to a lower level than 4.04 but no lower than 3.54m AHD. Any reduction below 4.04m AHD must utilise at least a 0.3 Sea Level Rise (SLR) and increase in intensity of cyclone action.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

Access to Hatchet or Battleaxe Lots

11. Construct a concrete driveway or other approved surface to battleaxe Lots 15 and 16 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with FNQROC Development Manual Standard Drawing. Construction of the concrete driveway must be in accordance with FNQROC Development Manual Standard Drawing.

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

Service Conduits

- 12. Provide service conduits to Lots 15 and 16 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.**

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

Building Envelope Plan

- 13. A building envelope plan for each of the lots must be lodged with Council prior to the issue of a Compliance Certificate for the Plan of Survey. The building envelope plan must comply with the following requirements:**
 - a. The building envelope must be pegged on site to the requirements and satisfaction of the Chief Executive Officer; and**
 - b. No building, structure, infrastructure or fill shall be sited or vehicle /pedestrian access provided through to the Esplanade within the conservation covenant area for lots 1 to 6 and 15 to 17 inclusive.**

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

Stockpiling and Transportation of Fill Material

- 14. 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.**
- 15. 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

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

Drainage Construction

17. The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study dated 28 November 2013 prepared by DHI Water and Environment Pty Ltd as detailed by FCG Sketch 3969-SK05 and SK06 with a robust channel base lining to facilitate trafficability and maintenance to the satisfaction of the Chief Executive Officer.

Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the issue of a Compliance Certificate for the Plan of Survey.

Lawful Point of Discharge

18. 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 to the requirements and satisfaction of the Chief Executive Officer.

Plan of Drainage Works

19. The subject land must be drained to the satisfaction of the Chief Executive Officer generally in accordance with FCG sketch 3969-SK05 . In particular:
- a. Drainage infrastructure in accordance with the FNQROC Development Manual;
 - 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; and
 - 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). Note the drainage easement shown on FCG Sketch 3969-SK05 in the eastern side of Lots 2 to 6, 15 and 16 is not required.

Sediment and Erosion Control

20. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).

Existing Services

21. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

Electricity Supply

22. 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 electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

23. 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.

Street Lighting

24. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:

- a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs (Including the new turnaround at the northern end of Marlin Drive)
- LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.
- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

Landscape Plan

25. Undertake landscaping of the conservation covenant areas for Lots 1 to 6 and 15 to 17 inclusive 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. The revegetation of the conservation covenant area including ground, lower, middle and upper storey canopy vegetation using species in accordance with the Planning Scheme Landscaping Policy;
 - b. The revegetation of cut and fill batters;
 - c. provision of suitable street trees; and

- 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.

Damage to Council Infrastructure

26. In the event that any part of Council's existing water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of any Use.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) 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. In respect to Condition 17 Council's current preference is for the base and the toe of the batter to a flow depth of 200mm to be concrete to enable trafficability and maintenance.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

Infrastructure Charges Notice

5. 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 appeal 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.

6. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdlip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Advice Statement for Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

You are advised that the EPBC Act applies to action that has, will have, or is likely to have, a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of Sustainability, Environment, Water, Population and Communities' website www.environment.gov.au/epbc EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).

- B. The following notation will be placed on Council's future rates record in respect of the new lots:
1. For each of the proposed Lots 1-6 and 15-17 inclusive:
 - a. There is a conservation covenant registered over part of the land, being a 6m setback from the eastern property boundary to the Esplanade. No building, structure or infrastructure may be developed in this covenanted area.
 - b. Access to the Esplanade from this lot is prohibited.
 2. For all lots:
 - a. The area of fill on the proposed lots must be setback 6m from all roads and Esplanade.

EXECUTIVE SUMMARY

Application has been made to reconfigure the land part of the former Redbacks site that is currently vacant, into large residential lots and new road. The development maintains pedestrian and cycle connectivity between the two residential areas of Wonga Beach without vehicle connectivity.

The design requires the lots to be filled for development to proceed once the lots are created. Concern is raised that the Applicant has not nominated a proposed level of fill but that the level will be significantly lower than that nominated in a published expert report commissioned by Cairns Regional Council. Conditions of approval set this published level from the BMT WBM Cairns Regional Storm Ride Inundation Study as a requirement. This fill level is higher than has been traditionally required. The conditions provide for a lower level where expert advice can assure suitability but maintains a minimum level of 3.54m AHD. On the basis of information lodged with the application and available to Council, officers are not prepared to support a level less than 3.54m.

Part of each new lot is to be filled with a setback of these platforms from new road, the Esplanade and the existing road reserve to the west of the land. Conditions of the approval also require the creation of a conservation covenant over the 6m setback area from Esplanade. This area includes part of the storm tide erosion area mapped by the State Government. A condition requires this area be suitably revegetated.

The design relocates the existing drain in a new position formalising this as a Council asset and providing means for maintenance for the drain and the foreshore.

The report recommends the application be approved subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Background

The land previously supported the Redbacks Resort and Tavern. During this period of occupation the former Douglas Shire Council constructed with the then owner's consent a wide, open, stormwater drain along the southern and eastern boundaries to the foreshore area. No formal drainage easement accompanied these works. Council has maintained the clearing of this drain including annual clearing of the channel mouth to the sea. During its history of use the drain has posed problems due to the low lying nature of the land and lack of significant discharge to enable self-opening through to the sea.

Previous approval issued over this land, together with neighbouring land to the north, for a residential subdivision of significantly more lots through a Court Order. This approval required costly drainage infrastructure connecting the existing drainage reserve to the west to the foreshore. A copy of the design plan approved through the Court Order is included in Appendix 3.

The land was reconfigured into its current form through Development Permit 8/13/1733 (boundary realignment) issued by Cairns Regional Council on 19 June 2013. Detail of the existing survey plan is included in Appendix 3.

Proposal

Application has been made to fill part of the land and create seventeen, large residential lots and new road. The lots being of 2,000m² to 3,000m² easily meet the minimum area of the reconfiguring a Lot Code's Acceptable Solution which is 1,000m². The extent of proposed fill by area (not height) for each lot also meets this minimum requirement. The area of fill is essentially to the middle of each lot providing a setback from the foreshore and Esplanade, from road and from the western road reserve. No Park is provided with the development.

New road will be constructed as extensions to Bells Reef Close and Marlin Drive. No vehicle connectivity is provided through the estate. The cycle / pedestrian connectivity to the west of the land will be maintained and a new crossing will be constructed over the drainage channel.

The design relocates the existing open drain to a more northerly position and provides a straighter alignment than what currently occurs. The design of the new open drain and extension to Marlin Drive has been developed through consultation with Council officers to address parking, pedestrian access, garbage collection, maintenance and drainage concerns. A new pedestrian access will be provided along the northern edge of the drain giving public connectivity from Marlin Drive and the new road to the Esplanade and foreshore.

The areas of fill are to drain to the new road and proposed drainage easement. Details of the proposed design are included in Appendix 1.

Douglas Shire Planning Scheme Assessment

Code Description		Code Applicability	Compliance
Locality	Coastal Suburbs	✓	
Planning Area	Tourist and Residential	✓	Complies
Defined Use	Reconfigure a Lot	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✗	Complies through conditions
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✓	Complies through conditions
	Landscaping Code	✗	-
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✓	Complies through conditions
	Vehicle Parking and Access Code	✗	-

Compliance Issues

The land is severely constrained by the existing drainage channel, the low lying nature of the land, the foreshore area and the natural underlying sand dune swale system.

The Applicant is agreeable to a reticulated looped water supply and this is required through the conditions of the approval. Each new lot will have a filled area capable of supporting a House and its associated onsite waste water treatment facility. Conditions of the approval require the fill pads to be constructed as continuous platforms to negate swale drains between lots.

A significant issue with the development is the level of fill to be achieved. This level needs to cater for drainage from and through the land for storm water and storm tide inundation. The level of fill also needs to have regard to sea level rise and expected impacts of increased cyclonic activity. A condition of the approval requires the lots where development is to occur (building and onsite waste water treatment areas) to be filled to a minimum of 4.04m AHD. This level reflects that nominated by the Cairns Regional Storm Tide Inundation Study prepared for Cairns Regional Council by BMT WBM in January 2013. The level takes into account and increase of 0.8 SLR for climate change and increased cyclonic action. This level is high by historical standards however this is the level nominated in the published expert advice commissioned by Cairns Regional Council. The 0.8 level had been applied as this had been nominated by the State. The condition provides for a lower level to be provided where further expert evidence is supported to vary that of the published advice. The Applicant has requested there be no specific minimum level nominated in the condition. Concern is raised with a lack of a minimum given Council and previous Council's have required a minimum fill of 3.4 for the last 15 years for coastal development. The nominated minimum of 3.54m AHD reflects a 0.3 SLR and can only be applied where it is supported by expert opinion for this land.

The proposed drainage channel has been reviewed by a senior RPEQ Engineer having regard to the needs of the local drainage system, the underlying dunal system and the ability for future maintenance by Council. The proposed design is found to be suitable with particular details for the surface and finish to be determined at the operational works stage through conditions of the Development Permits.

In the past concern has been raised by the community as to the vehicle connectivity through the land between the residential areas of “south” and “north” Wonga. It has not been established that there is a particular preference for vehicle connectivity by the community. The development maintained pedestrian and bicycle connectivity between the two areas. There is no specific requirement for vehicle connectivity through the site in the current Planning Scheme.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. Open space is provided through an Infrastructure charge. Benefit is also gained with the provision of pedestrian and bicycle paths through the land. A set charge of \$5,000.00 per lot is considered reasonable and gives certainty. Credit for water supply and open space for one lot has been applied. Refer to Appendix 3 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 areas outline 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.

APPENDIX 1: PROPOSAL PLAN(S) & DOCUMENT(S) TO BE AMENDED BY CONDITIONS OF THE APPROVAL



LEGEND

- Site Boundary
- Proposed Lots
- Proposed new Road Reserve
- Existing Drainage Reserve

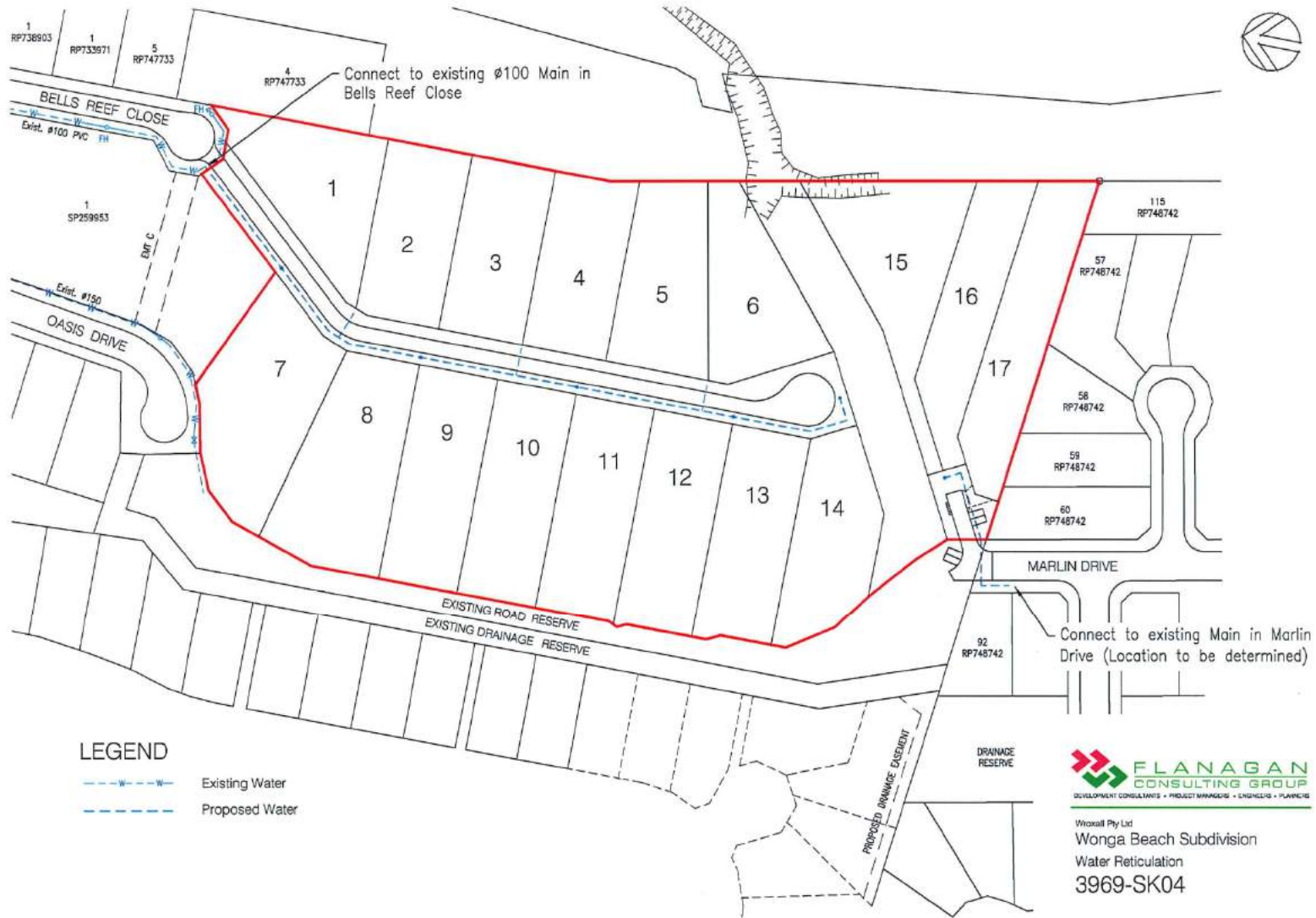
DISCLAIMER
 All allotment areas & dimensions are preliminary only subject to verification by surveyor.

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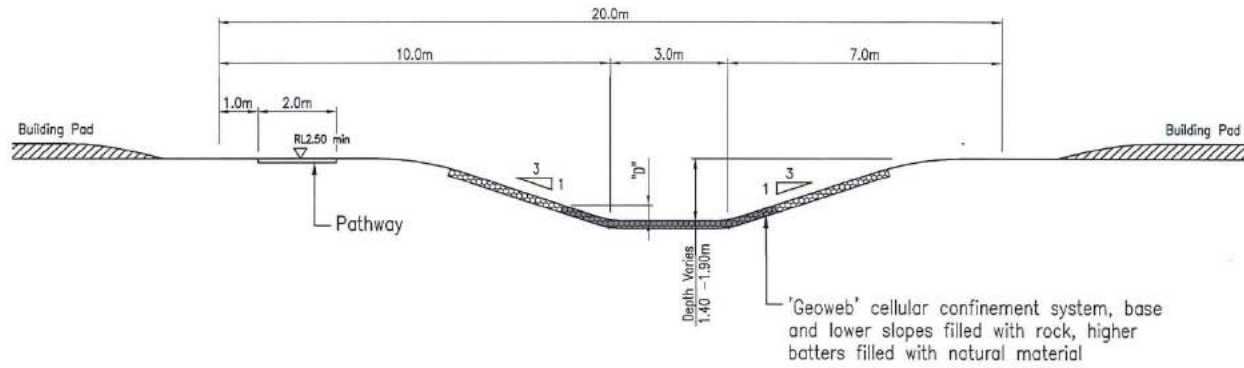
LOT 2 SP259953
 Proposed 17 Subdivision, Wonga Beach
PROPOSAL PLAN

3969-SK03 1:1000
A1 Full Size
Acad No. 3969-SK03 3 December 2014

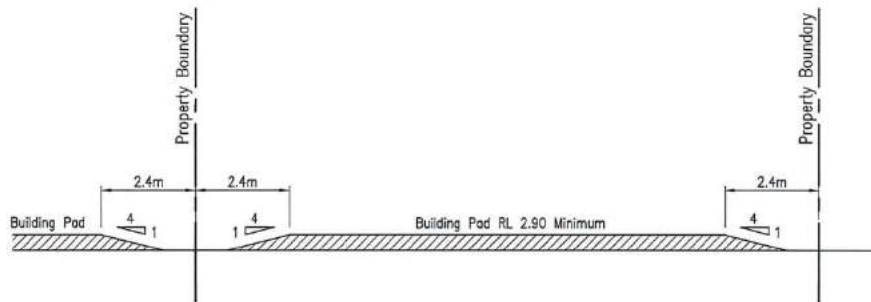




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 Wonga Beach Subdivision
 Stormwater Drainage
 3969-SK05



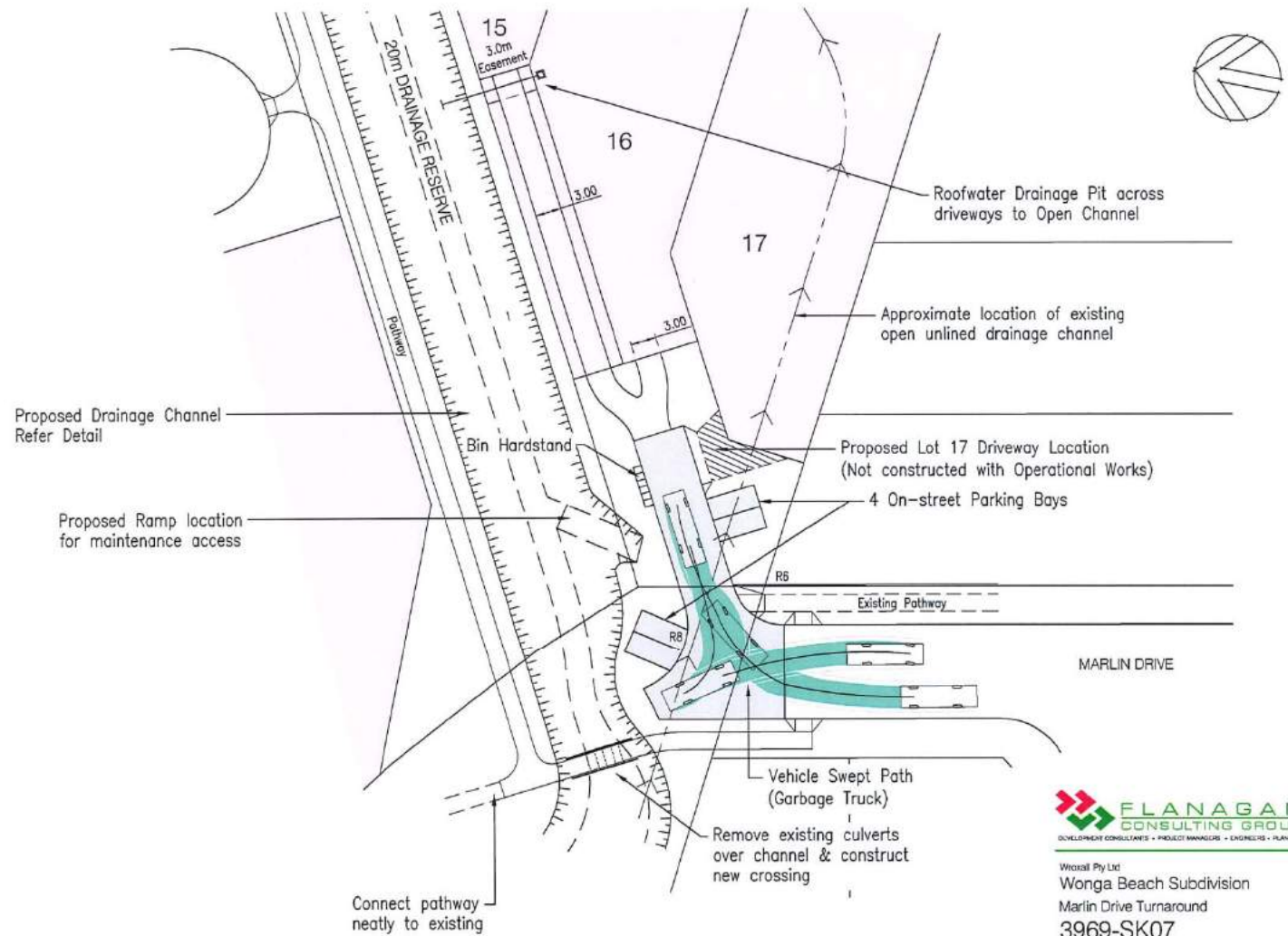
PROPOSED DRAINAGE CHANNEL
1:100



TYPICAL BUILDING PAD
1:100



Wroozell Pty Ltd
Wonga Beach Subdivision
Drainage Details / Earthworks Pad
3969-SK06



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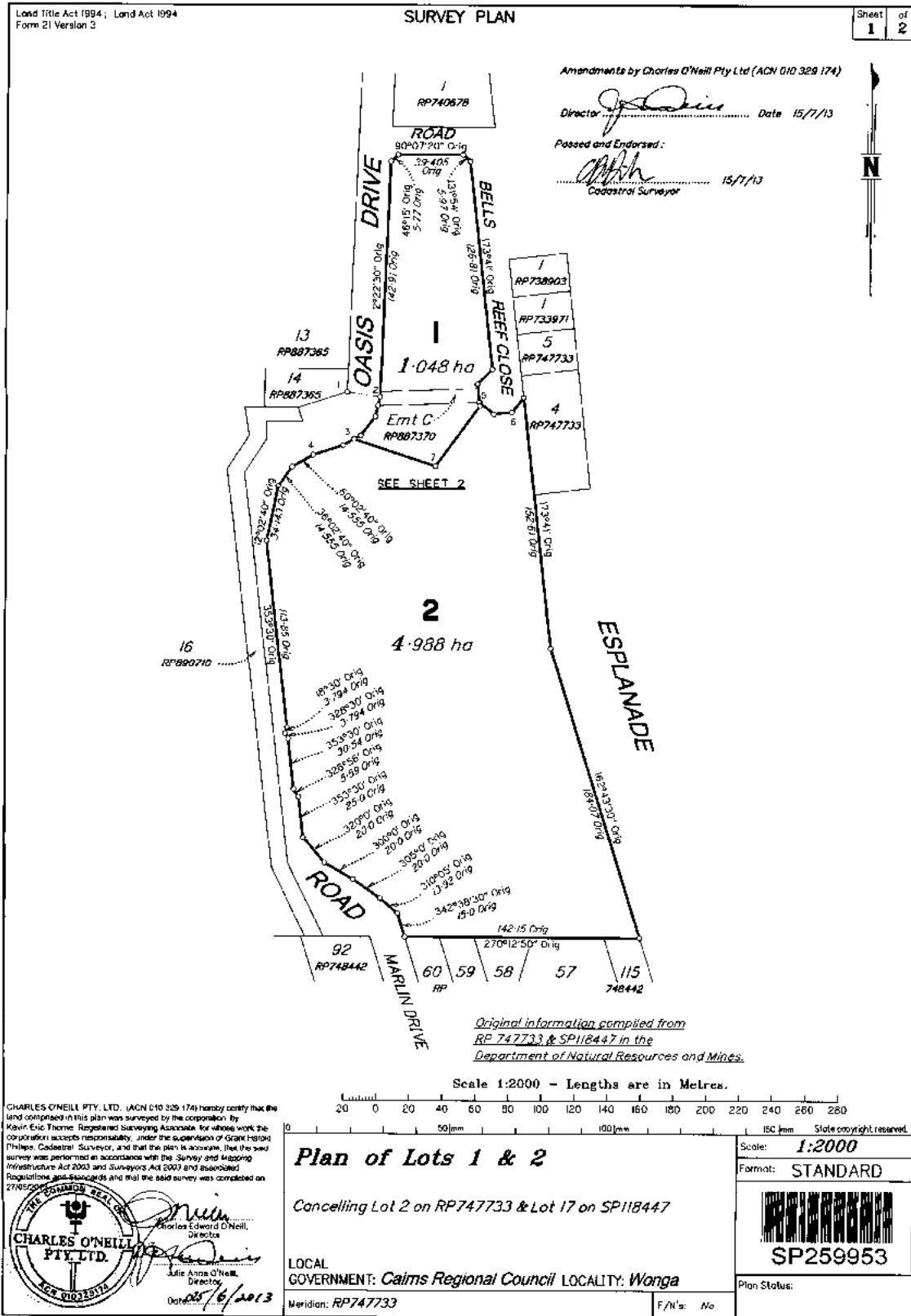
Wroxall Pty Ltd
Wonga Beach Subdivision
Marlin Drive Turnaround
3969-SK07

APPENDIX 3: SUPPORTING INFORMATION TO PLANNING REPORT

Extract form Previous Court Order for Planning and environment Court Appeal 3105 of 2008 (Brisbane)

Appendix 1 Approved Plan





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