

5.1. NEGOTIATED DECISION LOT RECONFIGURATION 12-36 ALCHERA DRIVE MOSSMAN

REPORT AUTHOR(S)	Simon Clarke, Planning Coordinator
GENERAL MANAGER	Nick Wellwood, General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Reconfiguring a Lot (1 Lot into 67 Lots and Balance)
APPLICANT	Maxholl Pty Ltd C/- Brazier Motti Pty Ltd PO Box 1185 CAIRNS QLD 4870
LOCATION OF SITE	12-36 Alchera Drive MOSSMAN
PROPERTY	Lot 113 on SP213765

LOCALITY PLAN



Figure 1 - Locality Plan

LOCALITY	Mossman and Environs
PLANNING AREA	Residential 1
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	State Assessment Referral Agency
NUMBER OF SUBMITTERS	Not applicable.
STATUTORY ASSESSMENT DEADLINE	13 April 2017
APPLICATION DATE	16 March 2016 (Negotiated Decision Request)

RECOMMENDATION

That Council approves the request for a negotiated decision notice for the proposed lot reconfiguration (1 into 67 lot and balance lot) over land described as Lot 113 on SP213765, located at 12-36 Alchera Drive Mossman subject to the following:

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

Drawing or Document	Reference	Date
Stage Plan	Brazier Motti Job 31122/42-1 Drawing No 31122/121A Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval	1 March 2017 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.

Lot Yield

3. The allotment yield as detailed on the approved drawing Drawing 31122/119 G dated 3 November 2015 prepared by Brazier Motti may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design have potential implications to the lot layout.

Extension to Daintree Horizon Drive Amendment to Design

4. ~~The lot reconfiguration layout as shown on Drawing 31122/119 G must be amended to provide:~~
 - a. ~~road access to balance Lot 1000 in minimum of two (2) locations (nominally opposite Lot 349 in Stage 4A and an extension to Daintree Horizons Drive nominally in the vicinity of Lot 368 in Stage 4B). The extension to Daintree Horizon Drive is to be designed to be suitable for buses in accordance with the FNQROC Development Manual;~~
 - b. ~~The location and configuration of the park as shown in Stage 4A is not approved. A centrally located area of park is to be provided within the estate to provide a centrepiece for the estate and to adequately cater for the existing stages (1, 2 and 3) and remaining stages of the estate. The park is to be provided with substantial road frontage. A minimum of 10 per cent of the entire estate area (ie all stages inclusive) is to be provided as park.~~

~~An amended plan showing the above amendments must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.~~

Traffic Impact Study

5. A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development (components of Stage 4) and for the ultimate development on the road network and compliance with Austroads, (in particular *Guide to Traffic Management Part 12: Traffic Impacts of Developments*), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:
 - a. Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);
 - b. Impact on the operation of the intersections at:
 - i. Daintree Horizon drive with Johnson Road; and
 - ii. Johnson Road with Front Street,
- for current and ultimate development traffic generation rates from the development in addition to existing and expected external traffic growth;

- c. **Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersections per the analysis in a and b above;**
- d. **Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;**
- e. **Consideration of the need for traffic calming to be installed at the internal intersections onto to the major internal collector route Daintree Horizon Drive including in particular at its intersections with Riflebird Close and Springhill Close.**

Three (3) copies of the Traffic Impact Study report must be submitted and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

Road Safety Audit – Road Layout

- 6. **Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual.**

Three (3) copies of the road safety audit that is approved by a Registered Professional Engineer of Queensland (RPEQ) and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Where specific access locations are nominated for particular allotments, the crossover and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.

Drainage Study of Site

- 7. **Undertake a local drainage study of the proposed development components of Stage 4 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 and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing 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 and 100 year ARI flood events;**

- d. Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;
- e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and
- g. Lawful point of discharge.

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

Filling Lots

8. Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto.

Street Layout and Design

9. The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:
 - a. Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;
 - b. All roads must have a minimum road reserve width of 16.5 metres;
 - c. Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;
 - d. Provide a convex viewing mirror at the bend in the pathway between lots **402/403** 332/333 and 351/352;
 - f. **Provide a four (4) metre wide grassed buffer strip between the farm land and the southern boundary of the approved residential lots and park.**

~~Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;~~

- g. The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;

- h. Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;
- i. Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;
- j. Nomination of location and provision of driveways for the proposed Lots 401, 508, 707, 708, 710, 711, 713, 714 and 715 ~~353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394~~ to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;
- k. A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and
- l. Provision of on-street car parking spaces as identified in the above parking Master Plan and as a minimum, within the cul-de-sac in the vicinity of lots 804 and 809 ~~403 to 408~~ to satisfy Queensland Streets.

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.

Provision of Park

- 10. The applicant is to provide park ~~in accordance with the requirements of Condition 4b~~ in prior to Council being required to issue a certificate of compliance for Stage 5 ~~4B~~. The park area 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.

Note: The provision of park in Stage 5 is only in partial compliance with park requirements for the overall master plan approved for the estate.

Water Supply and Sewerage Master Plan

11. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the proposed stages and the ultimate development can be serviced. Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the master plan.

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 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 Sewerage Works Internal

12. 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 a water supply reticulation network to enable future connection of 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. Plans and supporting documentation 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.

Acid Sulfate Soil Investigation

13. 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.

Access to Hatchet or Battleaxe Lots

14. Construct a concrete driveway or other approved surface to battleaxe Lot **806 405** extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the FNQROC Development Manual Standard Drawings. Construction of the concrete driveway must be in accordance with the FNQROC Development Manual.

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

15. Provide service conduits to Lot **806 405** 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.

Demolish Structures

16. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.

Temporary Vehicle Turnaround

17. A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds 60 metres (ie maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

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 unless the mounded earth is grassed, maintained and does not detrimentally impact on

stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than one (1) month.

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 Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.

~~Fence Requirement – Protection from ongoing cane usage~~

- ~~22. Construct an acoustic fence (that may be a standard 1.8m timber paling fence) to the common boundary of the residential lots to the proposed Lot 1000, authorised under this approval.~~

Vegetation Clearing

22. No vegetation clearing, other than regular agricultural activity is to occur on the Balance Lot 1000 unless further approval is gained as is necessary.

Weed Management

23. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
24. A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

Lawful Point of Discharge

25. 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

26. The subject land must be drained to the satisfaction of the Chief Executive Officer. 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 must 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.
 - v. In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.
 - c. All new allotments shall have immunity from flooding associated with a one (1) per cent AEP (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).

Sediment and Erosion Control

27. 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

28. 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

29. 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

30. 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

31. 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
- 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.

Damage to Council Infrastructure

32. In the event that any part of Council's existing sewer / 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/owner's/builder's cost, prior to the Commencement of Use.

Landscape Plan

33. 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, especially in parks;
 - 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.

REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency	SDA-0215-018102	24 November 2015	761664

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

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.
4. Road and Site Grading Master Plan

Any future development of Lot 1000 will require a Road and Site Grading Master plan to be undertaken for the entire site to a preliminary level. Stages contained in Stage 4 (A, B, C and D) and as amended by the conditions of the approval set the road alignments and geometry for future road connectivity within the estate. **In order for any potential future development layouts of Lot 1000 to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.** ~~In order for Stage 4 layouts to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.~~

Council notes that the road layout appears to follow the contours indicating limited longitudinal fall along the road. Provision of preliminary road grading together with the drainage study will need to demonstrate that layout is responsive to the topography and does not impose excessive stormwater infrastructure requirements.

5. Drainage

Future development of Lot 1000 will require the submission of a Drainage Study and master plan.

6. Infrastructure Charges Notice

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

7. For information relating to the *Sustainable Planning Act 2009* log on to 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.

EXECUTIVE SUMMARY

Council is in receipt of a negotiated decision request for the decision notice issued on 2 February 2016 for the approval to reconfigure Lot 113 on SP213765 into 67 lots in 5 additional stages (Stages 4-8). The subdivision also includes a 'balance' lot for future stages of the estate.

The decision notice required the applicant to relocate the proposed park into a more central location to act as a 'centre piece' for the estate, rather than being positioned to suit drainage requirements behind the Woolworths Shopping Centre. The applicant has amended the proposed layout to cater for this requirement and has requested that the revised plan be approved along with a number of changes to conditions within the approval.

The majority of the conditions requested for adjusting are acceptable and a negotiated decision is recommended for approval.

TOWN PLANNING CONSIDERATIONS

The requested adjustments to Council's decision notice issued on 2 February 2016 are as follows:

Approved Drawing(s) and/or Document(s)

The proposed lot reconfiguration plan has been amended to revise the location of the park. As shown on the amended plan (Brazier Motti Drawing 31122/121A dated 1 March 2017) the park has been centrally located in line with Council's expectations.

Comments: The amended plan meets Council's expectations with respect to the parkland location. It is further recommended that a note be placed at the end of condition 10 to acknowledge that the provision of park in Stage 5 is only in partial compliance with respect to the overall parkland contribution required for the ultimate development.

Condition 3 – Lot Yield

As identified above the proposed approved drawing has been amended. Accordingly, the reference to the old plan needs to be amended.

Comments: No issues are raised with the requested change.

Condition 4 – Amendment to Design

Condition 4(a) and 4(b) identify the amendments that are required to the lot reconfiguration plan. The plan has been amended to substantially address the requirements contained within the amendment and the conditions can be deleted.

Comments: The amended plan does substantially address the amended requirements contained in the condition. However, condition 4(a) contains a requirement to ensure that the extension to Daintree Horizons Drive is designed to be suitable for buses in accordance with the FNQROC Development Manual. It is recommended that this requirement be retained in an amended condition 4.

Condition 5 – Traffic Impact Study

On the developer's previous experience with respect to the rate of residential lots sales, the developer advises that the number of lots approved as part of the decision notice is likely to be sufficient stock for up to 10 years. Therefore, it is the developer's intention to not progress with the balance development at this stage. It is acknowledged that further approvals will need to be sought over the balance land and that a traffic impact study will be required at this stage.

Comment: It is recommended that the reference to 'ultimate' development and 'Stage 4' be removed from the Traffic Impact Study condition.

Condition 7 – Drainage Study of the Site

Due to amendments to the allotment layout and the stage numbering, it is requested that references to the proposed development as being 'components of stage 4' be removed and the condition read as follows:

'Undertake a local drainage study of the proposed development...'

Comment: It is recommended that the references to stage 4 be removed from the condition.

Conditions 9(d), 9(j) 9(i), 14 and 15

Conditions 9(d), 9(j), 9(i), 14 and 15 refer to lot numbers which have been changed from those listed on the original approved plan.

Comment: The affected lot numbers within the respective conditions have been amended.

Condition 9(f) – Street Layout and Design

This condition requires a timber fence (1.8 metres high) to be installed along the boundary of all lots that interface with the on-going cane cultivation on proposed balance Lot 1000. The developer is of the opinion that future land owners are likely to prefer a natural outlook onto green-space and surrounding views rather than a timber paling fence. Accordingly, from a marketing perspective, it would be preferred to provide a grassed separation buffer between the rear of the lots and adjoining Lot 1000.

Comment: A 4.0 metre separation distance is considered reasonable separation distance between the on-going cane cultivation on proposed Lot 1000 and future lots. It is proposed to remove the condition for a 1.8 metre high timber fence for the reasons outlined in the negotiated decision request and to help alleviate the cost and maintenance burden occasioned by the condition.

Condition 10 – Provision of Park

Condition 10 refers to the provisions of park. It is proposed to provide the centrally located portion of parkland in Stage 5. It is requested that the condition be amended to reflect the requirement to provide parkland in Stage 5.

Comment: Condition 10 has been adjusted to reflect the requirement to provide parkland in Stage 5.

Condition 11 – Water Supply and Sewerage Master Plan

Condition 11 of the decision notice states that a water supply and sewerage master plan must be prepared to demonstrate how the proposed stages and the ultimate development can be serviced. The developer is of the view that this matter can be deferred as the proposed development is likely to provide at least 10 years of lot supply.

Comment: Contrary to the claim, it is critical that the infrastructure provided within these stages takes into account the ultimate capacity of the balance area of the estate. To defer this consideration now may seriously compromise the viability of the balance stage. It is not recommended that the condition be amended in this instance.

Condition 22 – Fence Requirement

Condition repeats the requirements at Condition 9(f).

Comment: Condition 22 can be deleted.

Advice Statement 4 – Road and Site Grading Master Plan

It is requested that the advice statement be amended to read as follows:

'In order for any potential future development layouts of Lot 1000 to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.'

Comment: There are no objections to the proposed wording change within this advice statement.

Advice Statement 5 - Drainage

It is requested that the word 'Future' be replaced by 'Potential'.

Comment: The change makes no material difference to the understanding of the advice statement. The change is not necessary and is not recommended.

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.

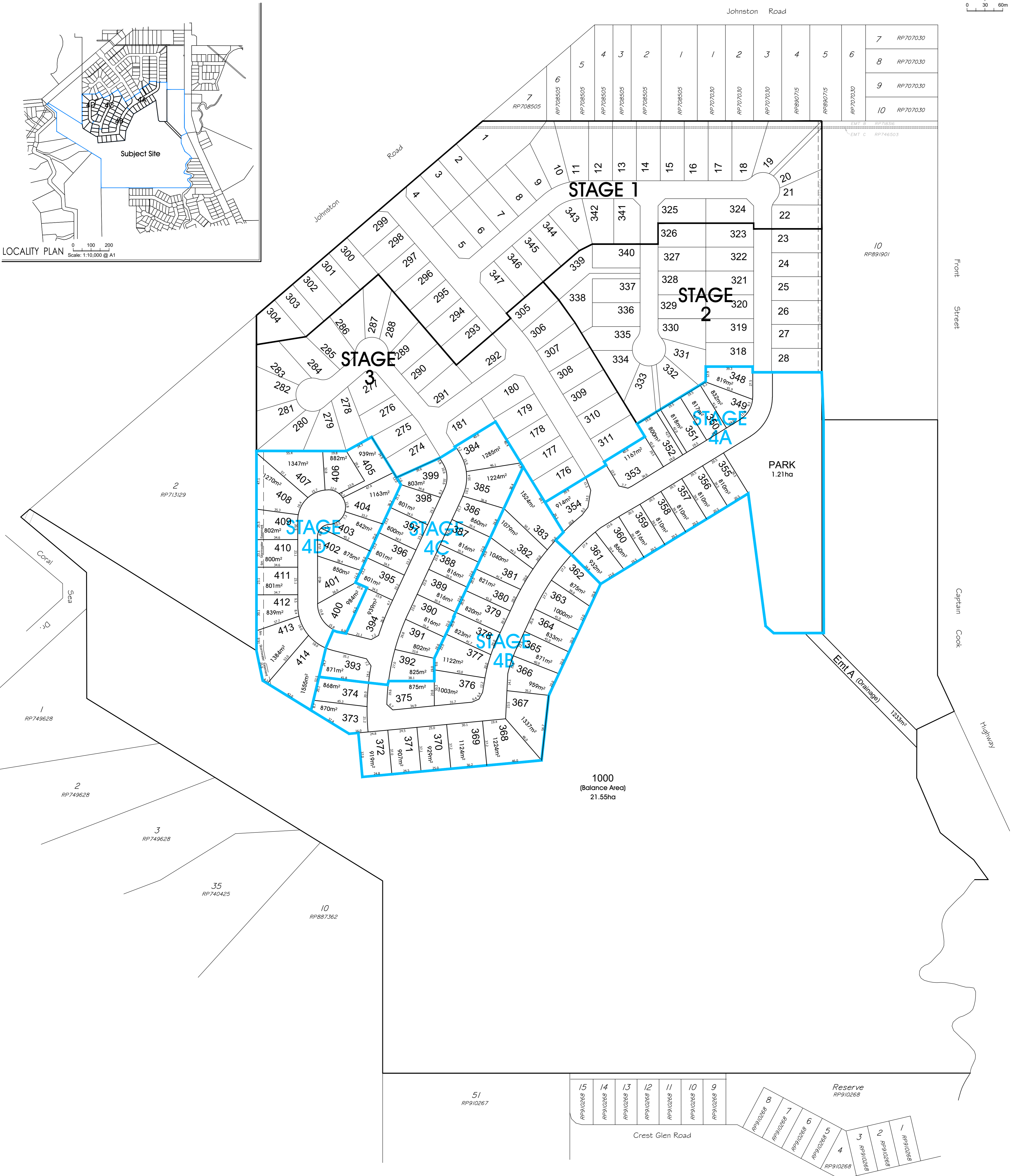
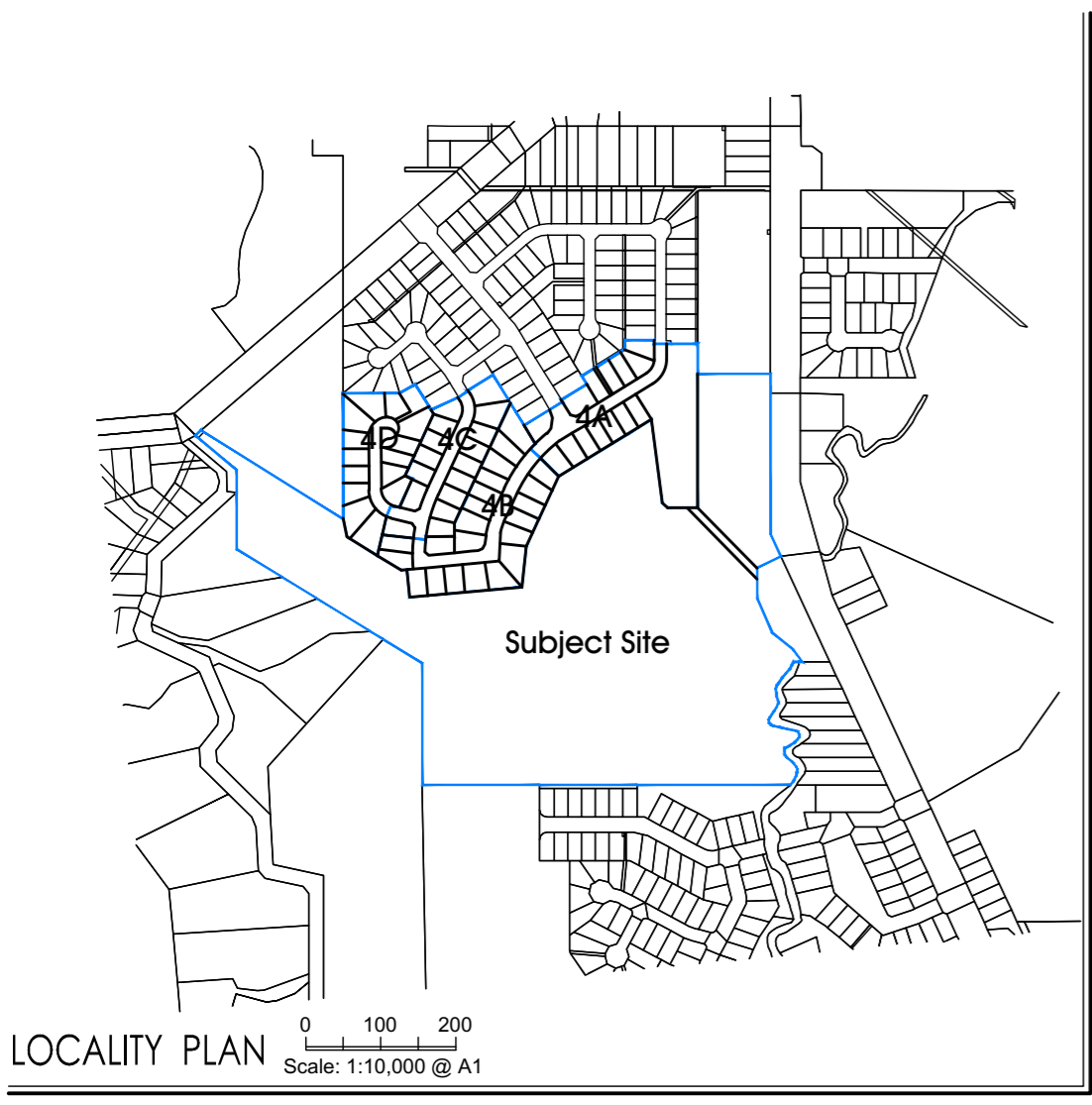
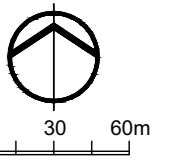
The following area outlines where Council has a clear responsibility to act:

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

1. Negotiated Decision Notice Amended Approved Plan **[5.1.1]**
2. Original Approved Plan with Unsatisfactory Park Configuration **[5.1.2]**



- STAGE 4A -	- STAGE 4B -	- STAGE 4C -	- STAGE 4D -
Stage Area 2.92 ha	Stage Area 2.68 ha	Stage Area 1.82 ha	Stage Area 1.80 ha
Residential Area..... 1.23 ha	Residential Area..... 2.19 ha	Residential Area..... 1.40 ha	Residential Area..... 1.53 ha
Total Residential..... 14	Total Residential..... 22	Total Residential..... 16	Total Residential..... 15
Average Lot Area..... 878m ²	Average Lot Area..... 993m ²	Average Lot Area..... 875m ²	Average Lot Area..... 1020m ²
Total Length of New Road ... 265m	Total Length of New Road ... 280m	Total Length of New Road ... 250m	Total Length of New Road ... 125m

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.