

## 5.2. COMBINED APPLICATION PLANNING SCHEME VARIATION AND ROL (1 INTO 5 LOTS) 6 ENDEAVOUR ST, PT DOUGLAS

<b>REPORT AUTHOR(S)</b>	Jenny Elphinstone, Senior Planning Officer
<b>GENERAL MANAGER</b>	Michael Kriedemann, Acting General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Combined application to reconfigure the land into five lots and for a preliminary approval to vary the effect of the Planning Scheme for a material change of use for a house on four of the new lots.
<b>APPLICANT</b>	The Corporation of the Diocesan Synod of North Queensland C/- Planz Town Planning PO Box 181 Edge Hill QLD
<b>LOCATION OF SITE</b>	6 Endeavour Street Port Douglas
<b>PROPERTY</b>	Lot 2 on RP739097

### LOCALITY PLAN



Figure 1 - Locality Plan

<b>LOCALITY</b>	Port Douglas and Environs
<b>PLANNING AREA</b>	Community & Recreation Facilities
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCIES</b>	None Applicable.
<b>NUMBER OF SUBMITTERS</b>	Three.
<b>STATUTORY ASSESSMENT DEADLINE</b>	18 May 2018
<b>APPLICATION DATE</b>	29 June 2017

### RECOMMENDATION

That Council approves the combined development application over land described as Lot 2 on RP739097, located at 6 Endeavour Street, Port Douglas, for: the reconfiguration of a lot (1 into 5 lots); and for a Preliminary Approval varying the effect of the 2006 Douglas Shire Planning Scheme (as amended) for a plan of development where the Material Change of Use for a House is self assessable development (subject to requirements) on proposed lots 1, 2, 3 and 4, subject to the following:

- A. Conditions of approval for the Reconfiguration of the Lot into five lots.

#### 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 Rectory Site Plan	Best Overend & Associates Drawing, WD0,3 Revision D, dated 27 September 2017 and as amended by Condition 3	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 the lodgement for the signing and dating of the Survey Plan except where specified otherwise in these conditions of approval.**

**Lot Design**

3. **The lot design is to be generally in accordance with Best Overend & Associates Drawing, Proposed Rectory Site Plan, WD0,3 Revision D dated 27 September 2017 subject to:**
  - a. **Proposed Lots 1, 2, 3 and the balance Church lot (Lot 5) must be regraded to drain directly to Endeavour Street;**
  - b. **Proposed Lot 4 may drain to the west, provided:**
    - i. **An easement is created over proposed Lot 4 to accept stormwater discharge from neighbouring properties that front Hope Street;**
    - ii. **The drainage is to a lawful point of discharge; and**
    - iii. **There is a no actionable nuisance or negligible impact to neighbouring or surrounding land or catchment area for 100% of post development flows on the proposed Lot (consider full development (100%) site coverage) and the existing stormwater discharge from neighbouring Hope Street land in a 1% AEP rainfall event;**

**Otherwise**

**Proposed Lot 4 must drain to Endeavour Street and ensure a no actionable nuisance or negligible impact to surrounding land and the catchment area;**

**Or**

**Proposed Lot 4 is removed from the plans.**

- c. **Suitable provision is to be made to accept the current storm water from lots north of the land (neighbouring Hope Street properties) and to discharge these waters to a lawful point of discharge that has a no actionable nuisance or negligible impact on upstream, downstream or surrounding land;**
- d. **Remove the drainage easement from proposed Lot 4 and the balance Church lot (rear of proposed Lots 1, 2 and 3);**

- e. Relocate the new sewer extension line to the front of the lots, with a standard off-set alignment as per FNQROC Development Manual. The plan must identify a single sewer connection for each lot at the Endeavour Street frontage. The connection for proposed Lot 4 must be adjacent to the Endeavour Street frontage. Only one sewer connection is to be provided to the balance Church lot (proposed Lot 5);
- f. Update street lighting at the intersection of Endeavour Street and St Crispins Avenue (refer to Condition 21);
- g. Construct a two (2) metre wide footpath is to be constructed along the frontage of the land to Endeavour Street;
- h. Any fill on the land, necessary to achieve a immunity of flood level for the 1 in 100 year ARI event (1% AEP rainfall event) plus a freeboard of 300mm, must be suitably graded away from the neighbouring houses that front Hope Street; and
- i. Provide a low screen, deep planted landscaped buffer of approximately 500mm high to the front setback of the Church balance land (proposed Lot 5).

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.

#### **Drainage Study of Site and Construction**

- 4. Having regard to Condition 3 above revise the local drainage study by Civil Walker (GLF Developments Pty Ltd) for the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts.

In particular, the study must establish the flood level for the 1 in 100 year ARI event (1% AEP event) for the site. The study must also confirm the allotment fill levels required to provide the freeboard of 300mm to the land as nominated in the Planning Scheme, the FNQROC Development Manual and Queensland Urban Drainage Manual.

The study must also confirm the post-development discharge of stormwater from the site and local external catchment for the point of reference being the kerb and piped drainage at the northern end of the site frontage. The capacity of the road and pipe drainage at this point is to be advised. The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be provided with the application for a Development Permit for Operational Works.

The resultant post development drainage design (assuming a 100% development on the land) must result in no actionable nuisance, or negligible impact. Where works are required to achieve a no actionable nuisance or negligible impact, the applicant is only responsible to a cost commensurate with the change caused by the development.

The applicant / owner must undertake the development of the land in accordance with the findings of the Drainage Study as required above. Associated earthworks and landscaping must be completed in accordance with the approved plans prior to the lodgement for the signing and dating of the Plan of Survey.

#### **Sewerage Works External**

5. Undertake the following sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure.
  - a. Extend the sewer main from the existing sewer line crossing Endeavour Street to the south from the site. If the sewer line at the connection point is not on a standard 1.5m offset, an easement will be required over the sewer along the frontage of proposed Lot 5. All other sewers must be on standard alignments as nominated in the FNQROC Development Manual.
  - b. Connection to the sewer for each lot is to be at the Endeavour Street frontage, including for the proposed Lot 4. For proposed Lot 5 only one sewer connection is to be provided and this is to cater for both the Church and any proposed future rectory.

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 lodgement for the signing and dating of the Plan of Survey.

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

6. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal water supply and sewer connection to each lot in accordance with the FNQROC Development Manual;
  - b. Provide an inspection outlet fixture to the private connection branch servicing the proposed Lot 4. From the internal sewer connection, extend a house drain for the full length of the access leg for proposed Lot 4. The house drain must be capped and staked for easy identification when a future house is constructed on this lot.

- c. **Provide the conduit for water supply for the full length of the access leg for proposed Lot 4. 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 proposed Lot 4 and at the end of the access leg for easy identification when a future house is constructed on this lot.**

**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 lodgement for the signing and dating of the Plan of Survey.**

#### **General External Works**

##### **7. Undertake the following external works:-**

- a. **Construct a 2.0 metre wide pedestrian footpath to the front of the land to Endeavour Street.**
- b. **Construct new vehicle crossings to proposed Lots: a single crossing, residential standard to proposed Lots 1-4; and a double crossing, commercial standard to the balance Church lot (proposed Lot 5);**
- c. **Provide updated street lighting in regards to Conditions 3 and 21;**
- d. **Remove existing redundant vehicle crossings and make good with new kerb and channel; and**
- e. **Construct a manhole cover over the existing stormwater inlet chamber in the vehicle crossover to proposed Lot 5 and provide a new kerb inlet and associated stormwater pipe extension to locate the new inlet upstream from the pedestrian crossing. The location of the new kerb inlet must allow for the transition to be completed clear of the pedestrian crossing and kerb ramp. Details of the separation and set out are to be shown on engineering drawings provided for operational works approval.**

**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 and the design must be RPEQ certified. All works must be carried out in accordance with the approved plan prior to the lodgement for the signing and dating of the Plan of Survey.**

#### **Access to the Battle-axe Lot**

8. **Construct a concrete driveway or other approved surface to the battle-axe lot (proposed Lot 4) 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 S1015. Construction of the**

concrete driveway must be in accordance with FNQROC Development Manual Standard Drawing S1110, for a Type 2 driveway with kerbing to contain runoff from entering existing properties to the north. The grated pit will be required at the end of the driveway prior to discharge across the verge.

A Type 2 driveway with kerbing must also be provided for the driveway to the rectory to contain runoff from entering proposed Lot 1. The grated pit will be required at the end of the driveway/new carpark access prior to discharge across the verge.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the lodgement for the signing and dating of the Plan of Survey.

#### **Service Conduits**

9. Provide service conduits to proposed Lot 4 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 lodgement for the signing and dating of the Plan of Survey.

#### **Demolish Structures**

10. Demolish the existing vehicle driveways to the Church and make good the kerb and channel prior to the lodgement for the signing and dating of the Plan of Survey.

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

11. 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.
12. 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**

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

### **Notification of Vegetation Clearing**

- 14. Council must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing to facilitate community awareness of such works.**

### **Lawful Point of Discharge**

- 15. With the exception proposed Lot 4, where compliance is achieved under condition 3 above, all stormwater from the property must be directed to a lawful point of discharge being Endeavour Street 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.**

### **Sediment and Erosion Control**

- 16. 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**

- 17. 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, prior to the lodgement for the signing and dating of the Plan of Survey creating the lot.**

### **Electricity Supply**

- 18. 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**

- 19. 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 lodgement for the signing and dating of the Plan of Survey.**

### **Electricity Supply**

- 20. Where Ergon Energy requires a padmount substation within the development site, written confirmation from Ergon Energy of this requirement and details of the proposed location must be submitted to the Chief Executive Officer. The facility must have a dark green exterior finish.**

### **Street Lighting**

- 21. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the lodgement for the signing and dating of 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:**

- i. Intersections**
- ii Pedestrian Refuges**
- iii Cul-de-sacs**
- iv 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.**

At a minimum a new light is to be provided at the intersection of St Crispins Avenue and Endeavour Street.

- 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**

22. In the event that any part of Council’s existing water, sewer 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.

B. Conditions for the Preliminary Approval to vary the Planning Scheme to allow a Material Change of Use for a House to be self assessable development subject to conditions as follows.

**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 Rectory Site Plan	Best Overend & Associates Drawing, WD03 Revision D, dated 27 September 2017 and as amended by Condition 3 of the ROL component conditions	To be determined.

Drawing or Document	Reference	Date
Proposed 4 Lot Subdivision Concept Layout Option 3	KFB Engineers Drawing K-2950, Sheet SK3, Revision B, dated 12 September 2017 and as amended by Condition 3 of the ROL component conditions.	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. Prior to the issue of a Development Permit for Building Work for the new residential lots (proposed Lots 1, 2, 3 and 4) the lots must be fully created as per the Reconfiguration of a Lot component of the combined approval and all associated works fully completed.

#### Approved Uses

3. The use of proposed Lots 1 to 4 inclusive is limited to the use of a House as defined in the 2006 Douglas Shire Planning Scheme (and as amended) whereby the siting of the House:
  - a. must comply with the Queensland Development Code MP 1.2 Lots greater than 400m<sup>2</sup> applicable at the time of application; or
  - b. where not complying with the Queensland Development Code MP1.2 for Lots greater than 400m<sup>2</sup>, must lodge a plan and request for a variation that is found to be satisfactory by the Chief Executive Officer.

#### C. Advices for the approval conditions are as follows.

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, and the *Planning Act 2016* shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of sections 339 and

**341 of the *Sustainable Planning Act 2009* and section 85 of the *Planning Act 2016*.**

- 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 Assessment and Coordination 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.**

- 2. 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).**

**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 the Environment's website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc) EPBC Act Policy Statement 1.1 *Significant Impact Guidelines Matters of National Environmental Significance* (Oct 2009).**

## **LAND USE DEFINITIONS\***

In accordance with the *Douglas Shire Planning Scheme 2006*, the approved preliminary land use of House is defined as:

**Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:**

- **outbuildings/structures incidental to and necessarily associated with the residential use;**
- **the care of children in accordance with the Child Care (Family Day Care) Regulation 1991;**
- **accommodation for a member or members of the extended family of the Household occupying the House and for personal staff;**
- **a display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of twelve (12) months and which then converts to a House for the exclusive use of one Household; and**
- **the short term letting of a house for the purpose of holiday rental accommodation.**

**\*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

**D. The Decision Notice states the following grounds are considered sufficient to overcome the conflict with the Planning Scheme in this particular instance.**

- 1. The land was created through the original rezoning and development of an urban area for a local resident population. The land was identified for the community use for a Church. The Church has identified that the entire site is no longer required and this area has been identified as surplus. The sale of the resultant residential lots will enable further community services to be provided on the remaining Church lot.**
- 2. 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.**
- 3. The land is located within an established residential estate of Reef Park and provides infill housing where future residents will have convenient access to a range of commercial and community facilities.**
- 4. All urban services associated with the development of land for residential purposes is available to the site.**
- 5. The local street hierarchy of Endeavour Street and the adjacent St Crispin's Avenue have capacity to cater for the increased number of lots.**

- 6. The development is consistent with the surrounding land use of residential and represents a logical extension of residential development fronting Endeavour Street.**

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## EXECUTIVE SUMMARY

The land lies at the head of the intersection of St Crispin's Avenue and Endeavour Street, Port Douglas, in the Reef Park estate. The lot was created through a rezoning approval under the former Douglas Shire Council in 1986 and was provided to the Anglican Diocesan. Part of the land has been developed by the Anglican Diocesan for a local church with associated onsite car parking.

A combined application has been made to vary the Planning Scheme and to reconfigure the land to create four residential lots, each of 800m<sup>2</sup> area, and one balance lot. The application seeks to vary the Planning Scheme to allow the further development of a House on each of the residential lots to be self assessable development subject to siting parameters reflecting the Queensland Development Code MP 1.2, for lots of area greater than 450m<sup>2</sup>. The Church will be retained on the balance lot with sufficient area for a rectory. The applicant advised that the sale of the future residential lots will provide for a rectory.

The proposed development is impact assessable requiring public notification and assessment against the whole of the Planning Scheme including the Desired Environmental Outcomes.

Public notification was undertaken in accordance with the requirements of the *Sustainable Planning Act 2009* and three submissions were received against the development and the concerns are summarised as follows.

- a. The development will result in a loss of recreational land in the area. The conversion of community land to residential lots is inappropriate. A covenant exists over the land limiting development to Church purposes.
- b. There is an existing problem of overflow parking to the surrounding area when there is a funeral, memorial, christening or other religious service. This problem is exacerbated with the drop-off and pick-up of children from the adjacent Port Douglas State Primary School and child care. Question is raised with the sufficiency for the remaining Church land and associated car parking to cater for ongoing ecclesiastical use. The location of the new vehicle crossover for the Church may be dangerous in respect to the adjacent pedestrian crossing. The crossing is utilised by school children.
- d. The impact of the development, being required to achieve a 1 in 100 year ARI event (1% AEP rainfall event) immunity level for stormwater on the local catchment, will impact on neighbouring residential lots that front Hope Street, and will possibly impact on home insurance.

While the application as lodged under the previous 2006 Planning Scheme (as amended), consideration can be given to the 2018 Planning Scheme. Under the 2018 Planning Scheme the land is not considered to be recreational in nature and other recreational land is available in the area. The Church has identified that part of the land is no longer required. The approval

does not negate the ability for a new land owner to utilise the new lot(s) for another community use as the Planning Scheme Community Facilities Zone remains in effect. There is no covenant over the land.

There is no increase in the scale of use of the Church nominated by the application. The car parking, as required when the Church was originally established, will be relocated elsewhere on the land. The times of high activity in the street is offset at other times when the Church is not attended and the school and child care are closed. A condition of the approval requires a RPEQ certified design having regard to the proximity of the vehicle crossing.

Much consideration has been given to the stormwater drainage design. A condition of the approval requires the majority of the land to drain to the street without exacerbating impact beyond a negligible extent. The conditions also cater for the continued receiving of stormwater from the abutting Hope Street residential houses. Until a detailed local drainage study is undertaken and the post development outcome calculated, the extent of impact is unknown.

The proposal to develop the land for residential purposes is consistent with the Desired Environmental Outcomes of the Planning Scheme. The proposal is inconsistent with the Purpose of the Community and Recreational Facilities Planning Area Code. However, the proposal is considered to have sufficient planning merit to be supported despite the conflict. Approval of the application is recommended subject to reasonable and relevant conditions.

## TOWN PLANNING CONSIDERATIONS

### Background

On 3 July 1986 through the rezoning, the land was included in a Special Facilities Zone for, *“Information Centre, Tea Rooms, Shopping Centre and Speciality Shops with approximate floor area of 2,000m<sup>2</sup>, 2 primary schools, church and other church or community uses, water reservoir and private open space, the location and intensity of uses within the site is to be generally as shown on Plan of Development No. DOU.3 date 3/7/86 which form part of this sheet 13/3 and 15/1 of the scheme Maps forming part of the Town Planning Scheme for the Whole of the Area of the Shire of Douglas.”*

The local Churches, the State Primary School and the water reservoir were developed as self assessable development under the original rezoning.

The referenced, *“Plan of Development No. DOU.3 date 3/7/86”* nominates the land now known as 6 Endeavour Street as being for the “Anglican Church.” The Planning Scheme at the time required the provision of one car space per ten (10) seats. The building plans lodged with Council include hand written advice of one hundred and seventy (170) seats within the Church. The onsite provision of seventeen (17) car spaces met the scheme car parking requirement.

The Church and the associated car parking do not use all of the land and part of the land remains undeveloped. Some local residents use the Church’s undeveloped area as non-authorised recreational space.

The adjacent roadway has a pedestrian crossing over it providing access between the west side of Endeavour Street and the north side of St Crispin’s Avenue.

The majority of the land has a drainage channel and overland flow to the north-west, to the neighbouring School land. There is no drainage easement on the neighbouring land for these existing flows.

The land is currently included in the Community Facilities Zone under the 2018 Douglas Shire Planning Scheme.

### **Proposal**

Application has been made by the Corporation of the Diocesan Synod of North Queensland for the local congregation to reconfigure the land into four new residential house lots and a balance lot that the Church will continue to occupy and develop. The further development of a rectory on the remaining Church lot is not part of the current application.

The application was lodged under the 2006 Douglas Shire Planning Scheme (as amended) and the *Sustainable Planning Act 2009*. The 2006 Planning Scheme included the land in the Community and Recreational Facilities Planning Area, in which the development of a House is tabled as an impact assessable (inconsistent) land use. The combined application also seeks to vary the Planning Scheme to allow the self-assessable development of a House on each of the new residential lots. The subsequent development of a house on each of the new lots is to adhere to the siting requirements of the Queensland Development Code MP1.2 for lots of 450m<sup>2</sup> or greater.

The balance Church lot and three of the new residential lots will have frontage to Endeavour Street and each residential lot will have an eighteen (18) metre frontage width. The fourth new residential lot is a battle-axe design with a six (6) metre wide frontage. The submitted plan proposed stormwater drainage easements on the balance Church land and over the battle-axe proposed Lot 4 providing for the front properties. The applicant proposes that the majority of all stormwater drains to the rear north-west corner of the land, formalising the existing flow pattern. A new sewer line is proposed at the rear of three of the residential lots and over the balance church land.

The Church car parking will be relocated to the southern boundary and a new driveway will be constructed north of the pedestrian crossing. The new vehicle crossover will service the Church, the associated onsite car parking area and the future rectory.

The proposed layout is included in Attachment 1.

### **State Planning Requirements**

The application was lodged under the *Sustainable Planning Act 2009*. The assessment of the application continues under the *Sustainable Planning Act 2009* until the Decision, or any subsequent Negotiated Decision is determined.

The site is located within the Urban Footprint under the Far North Queensland Regional Plan 2009-2031 in which is anticipated that the land is developed for a type of urban purpose. Surrounding land is also included in the Urban Footprint. The State Planning Policy considerations are for the majority, for the purpose of these applications, sufficiently provided for in the 2006 Douglas Shire Planning Scheme (as amended). Matters relevant to the risk for storm tide inundation and flooding have been considered as part of the assessment.



## **Douglas Shire Planning Scheme Assessment**

In the Community and Recreational Facilities Planning Area the use of land for a House is impact assessable (inconsistent) and the preliminary approval component of the application to permit this use is considered against the whole of the Planning Scheme including the Desired Environmental Outcomes. There are two components of this issue, firstly, consideration of the loss of land in the Community and Recreational Facilities Planning Area and secondly, the utilisation of this land for the purpose of a single house on each of the new lot lots.

The final form of each future House is yet to be determined, other than the siting and general form will be as per the Queensland Development Code MP1.2 (House on a lot of 450m<sup>2</sup> or greater in size).

## **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; and
- 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; and
- Cultural, Economic, Physical and Social Well-being of the Community.

## Ecological Processes and Natural Systems

Table 1.

Desired Environmental Outcome	Comment
<p><b>DEO 1:</b> 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.</p>	<p>The development of the land for residential purposes will not compromise the unique environmental values of the Shire. There is no detrimental impact on the nearby Crees Creek as a result of the development.</p>
<p><b>DEO 2:</b> 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.</p>	<p>The development of the land for residential purposes will not impact on the integrity of the World Heritage Areas of the Shire or other environmental areas.</p>
<p><b>DEO 3:</b> 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>	<p>Natural waterways, including their associated riparian values and scenic amenity values, will not be compromised by the proposal.</p> <p>There is no detrimental impact on the nearby Crees Creek as a result of the development.</p>
<p><b>DEO 4:</b> 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 maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.</p>	<p>The proposed development will not compromise the unique environmental character of the Shire.</p>

## Economic Development

Table 2.

Desired Environmental Outcome	Compliance
<p><b>DEO 5:</b> 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.</p>	<p>The proposed development will support the local economy through the through the creation of jobs in the construction phase. Ultimately, the construction of new houses will serve the local resident population.</p>
<p><b>DEO 6:</b> 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.</p>	<p>The proposed development will not deplete or compromise the natural resources of the Shire.</p>
<p><b>DEO 7:</b> 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>	<p>The development does not impact on GQAL.</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>
<p><b>DEO 8:</b> 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.</p>	<p>All urban services associated with the development of land for residential purposes are readily available to the site. The location and layout of the development is an efficient use of existing infrastructure.</p>

## Cultural, Economic, Physical and Social Well-being of the Community

Table 3.

Desired Environmental Outcome	Compliance
<p><b>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.</b></p>	<p>The proposed development does not impact on places of cultural or heritage significance in the Shire.</p>
<p><b>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.</b></p>	<p>The proposed development lot sizes typical to the local area which is highly accessible to a range of services.</p>
<p><b>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.</b></p>	<p>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.</p>
<p><b>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.</b></p>	<p>The proposed development is consistent and represents a continuation of the existing residential development front Endeavour Street and the Reef Park estate.</p>

### Overall Outcomes for Localities

The land is included within the Port Douglas & Environs Locality. The development is an infill to an existing residential area. As only single Houses are proposed for the new lots, the development protects the existing residential area from the intrusion of tourist accommodation and activity. The proposed use is considered to be generally consistent with the overall outcomes of the Locality Code.

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

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

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

### **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 is currently owned by the Corporation of the Diocesan Synod of North Queensland and has been determined by the Diocesan as no longer necessary and surplus to its needs. The sale of the land will assist in the development of a rectory on the balance Church lot for the local community.

The development of the land for residential 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* states (to the extent relevant):-

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

- (a) .....
- (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:

1. The land was created through the original rezoning and development of an urban area for a local resident population. The land was identified for the community use for a Church. The Church has identified that the entire site is no longer required and this area has been identified as surplus. The sale of the resultant residential lots will enable further community services to be provided on the remaining Church lot.
2. The land is contained within the Urban Footprint under the FNQ Regional Plan and the Regional Plan anticipates and supports the land being developed for an urban purpose.
3. The land is located within an established residential estate of Reef Park and provides infill housing where future residents will have convenient access to a range of commercial and community facilities.
4. All urban services associated with the development of land for residential purposes are available to the site.
5. The local street hierarchy of Endeavour Street and the adjacent St Crispin's Avenue have capacity to cater for the increased number of lots.
6. The development is consistent with the surrounding land use of residential and represents a logical extension of residential development fronting Endeavour Street.

## Specific Compliance Assessment

### Material Change of Use to Vary the Planning Scheme – Assessment Table

Table 4.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Refer to comment
<b>Planning Area</b>	Community & Recreation Facilities	✓	Refer to comment
<b>Defined Use</b>	House Land Use Code	✓	Refer to comment
<b>Overlay Codes</b>	Acid Sulfate Soils Code	x	-
	Cultural Heritage and Valuable Sites Code	x	-
	Natural Hazards Code	x	-
<b>General Codes</b>	Design and Siting of Advertising Devices Code	x	-
	Filling and Excavation Code	x	-
	Landscaping Code	x	-
	Natural Areas and Scenic Amenity Code	x	-
	Reconfiguring a Lot Code	x	-
	Vehicle Parking and Access Code	x	-
	Sustainable Development Code	x	-
	Vegetation Management Code	x	-

### Reconfiguration of a Lot – Assessment Table

The assessment of the application to reconfigure the land is code assessable development and is only against the relevant codes.

Table 5.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Refer to comment
<b>Planning Area</b>	Community & Recreation Facilities	✓	Refer to comment
<b>Defined Use</b>	Refer to Previous Table	x	-
<b>Overlay Codes</b>	Acid Sulfate Soils Code	x	-
	Cultural Heritage and Valuable Sites Code	x	-
	Natural Hazards Code	x	-
<b>General Codes</b>	Design and Siting of Advertising Devices Code	x	-
	Filling and Excavation Code	x	-
	Landscaping Code	x	-
	Natural Areas and Scenic Amenity Code	x	-
	Reconfiguring a Lot Code	✓	Refer to comment
	Vehicle Parking and Access Code	x	-
	Sustainable Development Code	x	-
	Vegetation Management Code	x	-

### **Port Douglas and Environs Locality Code**

Conditions of the approval require the provision of utility services, including underground power to each new lot.

The applicant's plan nominates the new sewer to align to the rear boundaries. This design is not supported and the applicant has indicated the realignment to the front of the lots can be achieved. A condition of the approval requires the realignment.

The applicant's plan proposes stormwater to drain to the rear, to the west, as per the current situation, firstly to the school and then to Council land. The applicant's design requires an open drain and easements over the battle-axe lot. This design is not supported. The placement of drains at the rear of lots, despite being encumbered by an easement, may be difficult and cumbersome to maintain, particularly during major events. The use of the battle-axe lot would be constrained by the easements and drains. A requirement to drain the land, except proposed Lot 4, to Endeavour Street has been raised with the Applicant. The applicant is concerned that directing stormwater may lead to increasing the extent of sag in the current stormwater design occurring in Egret Street. To date no detailed local study has been undertaken by the applicant and the extent of impact is unknown. Given the existing situation, a negligible impact may occur and this is outcome considered acceptable. Should more than a negligible impact occur, the applicant must identify suitable option(s). It is only the applicant's component of an actionable nuisance that Council can call on through the consideration of reasonable and relevant conditions.

Concern was raised with the initial design, with the conflict of the driveway, for the Church and rectory, over the pedestrian crossing on Endeavour Street and the multiple vehicle crossings to the street. The applicant's response to further information addressed this issue by separating the driveway to the Church and rectory away from the pedestrian crossing. It is important that the landscaping adjacent to this front boundary have a low profile to provide high visibility to the adjacent footpath and roadway for safety for school children. These matters are addressed in the conditions of the approval. The relocation of the vehicle access to the Church provides a non interrupted connectivity of footpath between the School and the pedestrian crossing.

### **Community and Recreational Facilities Planning Area Code**

The creation of a separate lot for the Church and rectory incorporates a relocation of the associated car parking to within 6m of the street boundary and within 3 metres of the side boundary. The relocation of the car park is constrained by the position of the built form including the covered passenger drop-off to the Church entrance. The parking to the southern boundary, to the Primary School, is setback 1.0m from the common boundary fence. A condition of the approval requires wheel stops to these car parking spaces to provide safety to this boundary.

While the Planning Scheme normally seeks a vegetation screen to the front setback area. In this instance a low profile planting is required to achieve the highest visual surveillance of the street and in particular the adjacent footpath, while providing some amenity to the neighbourhood.

The Planning Scheme seeks an acceptable outcome for a minimum 2m wide densely planted buffer to all side boundary setback areas. The setback from the car parking area is discussed above. There is a 2m separation between the driveway to the rectory and the common boundary to the new lot and this area should be landscaped with deep planting.

No details have been provided regarding illumination of the Church premises and car park. A condition of the approval requires external lighting be directed away from the new residential lots to the north of the Church so there is no detrimental impact from spill lighting.

### **Reconfiguring a Lot Code**

Under the Code there is no specified minimum area or dimensions for a new lot for land in the Community and Recreational Facilities Code. However, as the application for reconfiguration is combined with a Material Change of Use it is appropriate to consider whether the layout and form of the proposed lots would be comparable to new lots in the Residential 1 Planning Area within a sewered area. The new "residential" lots will achieve the minimum acceptable area of 800m<sup>2</sup>. The proposed minimum width of 18m falls short of the acceptable solution of 20m. This shortfall on width is considered acceptable in this instance as the lots have sufficient frontage to enable driveway access and are of a size to support a dwelling. The lots meet the minimum requirement under the 2018 Planning Scheme for lot size, minimum frontage and enable a 15m x 20m rectangle. The lots will utilise the existing road frontage and the battle-axe lot will be provide with a FNQROC residential access crossover.

The lot purpose seeks that land achieves good urban design outcomes, and while three lots easily achieve this outcome, the fourth has a diminished achievement. There are other battle-axe lots in the Reef Park estate, however these battle axe lots, face onto the lake or waterway and therefore these lots achieve a good level of amenity. The land to the rear of proposed Lot 4 is occupied by a Primary School and this could be developed in the future. . Amenity to this new lot, as proposed, is limited. This amenity will be improved with the removal of the proposed drainage easements and for the new adjacent lots to drain to the street.

### **Public Notification / Submissions**

Public notification was undertaken from 10 October 2017 to 27 November 2017. The notification was required in respect to the change in land use, being the residential use of each future lot, not the reconfiguring of the lot component. Three submissions were received against the proposal and the grounds of the submissions are summarised as follows.

#### **Submission ground: Use of land by the Church and open space issue and subdivision of the land into 5 house blocks.**

When a resident first purchased their house in the Reef Park estate they were advised by the selling agents that development on the Church land was limited to a rectory due to a covenant on the land. The resident understands this covenant previously hindered the development of a child care facility on the land.

The land was part of an area provided by Santana Pty Ltd, the original developer of Reef Park, for community and open space needs addressing the anticipated necessities for a new community.



The area has been developed for its intended purpose is not generally available to the community as open space. There is no general park area within the Reef Park estate. The area proposed for the residential lots is utilised by the local community on an almost daily basis for recreational activities such as dog walking and children playing ball games. The applicant has not demonstrated sufficient grounds as required by S326(b) of SPA to justify Council making a decision in conflict with Performance Criteria P1 of the Community and Recreational Facilities Planning Area Code and the area should remain as Community and Recreational Facilities.

#### Officer Comment

There is no covenant registered on the land title. The permitted use of the land is controlled by the Planning Scheme.

The application has been lodged to permit a change of land use. Through the application the Church has indicated that the Church no longer needs part of the land for a community use.

The development of the Reef Park estate was undertaken through a rezoning and associated deed with the then land owner, Santana Pty Ltd. The rezoning development specified uses for Churches, two primary schools and a water reservoir. Since the rezoning approval in 1986 the land has been developed for these purposes, albeit one instead of two primary schools. Locally there is provision of: land to the State for a State Primary School; lands to the Roman Catholic Church and to the Anglican Church; and land to Council for a water reservoir. The development of Reef Park also included the construction of an estuarine lake. While privately owned through lot titles, the amenity of the lake is available to the community.

Other land is available for recreational use including the Council owned 6 Ribbon Avenue and the large open space parks in the nearby Ferndale Lake Estate south of Port Douglas Road.

The current 2018 Planning Scheme that came into effect on 2 January 2018 separately zones Community Facilities from Recreation and Open Space. Under this current Planning Scheme, the change of land use is effectively a loss of Community Facilities zoned land, not Recreation and Open Space zoned land.

#### **Submission ground - Impact on School and roadway**

The development will be detrimental to local residents living in close proximity as it will affect pick-up and drop-off parking for the school and day care. On school days the street is grid locked in the mornings and afternoons drop offs and pick ups making it difficult for residents to get in and out of their properties and Endeavour Street. The proposed driveway entrance to the Church building is exceptionally close to the crossing that is used by children. And this may be dangerous. The new Church driveway will have a higher use, serving the rectory on a daily basis as opposed to the occasional current use by the Church and will increase the level of conflict. The relocation of the access Point will further concentrate this problem at the Endeavour Street and St Crispin's Avenue intersection. The proposal plan on the public sign is different to the plan on the Council's website. If some residential development is approved sufficient land should be retained within the existing zoning to prevent traffic being further concentrated at the intersection and pedestrian crossing.

The application proposes eighteen (18) car parking spaces for the remaining Church lot yet there is no reporting on the number of spaces currently provided or the number required by the Planning Scheme. There is significant impact to residents when there is a funeral, memorial service, wedding or christening or any other religious festival when the demand far exceeds the onsite supply. A greater number of car spaces should be provided. The loss of land available for Church use will exacerbate the existing parking problems in the area, resulting in spill parking on median strips and outside our homes.

Officer comment

Under the original Planning Scheme the development of the Church required the provision of seventeen (17) car spaces. These car spaces are to be relocated on the land and a total of eighteen (18) spaces, including one disable parking space will be provided. Council is unable to apply conditions that are unreasonable. The ongoing use of the Church is maintained under the continuing use rights. No further car parking can be legitimately required in association with the ongoing use of the Church. There is remaining, undeveloped land at the rear of the Church building, for additional parking should the Church seek to construct this in the future. The design was amended in the applicant's response to further information to reduce the conflict between the vehicle crossing to the Church and the pedestrian crossing over Endeavour Street. Conditions of the approval require the upgrade of street lighting at the road intersection.

**Submission Ground – Lot frontage width**

The frontage of the proposed residential lots appears to be 18 metre which is less than the 20 metre frontage provided for in the current (2006) Planning Scheme and less than the frontage of the surrounding lots.

Officer comment

Under the 2006 Planning Scheme the land is in the Community and Recreational Facilities Planning Area and there is no specified acceptable solutions nominated. The minimum square for a residential lot in the Residential 1 Planning Area has acceptable solutions of 20m sides with a total area of 800m<sup>2</sup>. These measurements are acceptable solutions, not prescribed measures. Many of the existing lots in the Reef Park Estate are generous in size and reflect earlier Planning Scheme controls. The proposed lots are marginally narrower than the acceptable solution and are considered satisfactory having regard to the current 2018 Planning Scheme that seeks as a Performance Outcome lots to achieve a minimum frontage of 15 metres. The proposed lots are of a sufficient size to accommodate a house and the car parking associated with a house use.

**Submission ground – stormwater drainage**

Concern is raised regarding the potential flooding impact associated with filling of the proposed residential lots. Currently water from the land runs into the rear yards of the neighbouring residential lots in Hope Street and residents continually put clippings and palm fronds against the fence to stem the drainage flows during the wet season. The raising of the land to Q100 flood immunity levels will result in the new lots being 12 to 14 inches higher than residential properties neighbouring in Hope Street.

The fall of the land as proposed, going back towards the School, is impractical and as that block has flooded in high rains, it will cause flooding on the back blocks of the Rectory and the school grounds. The fall of the land must come to Endeavour Street with appropriate drainage. Appropriate full drainage is not a spoon drain on the northern fence line adjacent to Lots 3 and 4 on Hope Street. The spoon drain was put in place with the assistance of the former Douglas Shire Council many years ago because the Church land had rainwater flooding into the Hope Street houses. If houses are constructed on proposed lots 3 and 4 then the stormwater will flow immediately into the Hope Street houses causing considerable damage.

Officer comment

The concerns are noted. There appears some pre-existing sag in the local drainage pattern. To address these concerns the conditions of the approval require as follows.

- a. Any fill on the land, necessary to achieve a immunity of flood level for the 1 in 100 year ARI event (1% AEP event) plus a freeboard of 300mm, must be suitably graded away from the neighbouring houses that front Hope Street.
- b. The proposed Lots 1, 2, 3 and 5 must drain to the front of the land, that is, to Endeavour Street.
- c. Suitable provision is to be made to accept the current storm water from lots north of the land (neighbouring Hope Street properties) and to discharge these waters to a lawful point of discharge that has a no actionable nuisance or negligible impact on upstream, downstream or surrounding land.

**Submission ground – Home Insurance costs**

Given the rise of land levels to the new blocks and assumed greater drainage flows to Hope Street properties, there is concern held by the neighbouring residents that they may be unable to either obtain or afford home insurance.

Officer comment

The concerns raised by the residents are noted. However, under the *Sustainable Planning Act 2009* grounds do not include the personal circumstances of an interested party. The issue of home insurance is a private financial arrangement for individual home owners. The conditions seek a no actionable nuisance or negligible impact on existing stormwater design.

**Submission ground – location of sewerage line**

The new sewer line should be continued straight adjacent to Endeavour Street for the connections for Lots 1, 2 and 3 should not result in the loss of a large beautiful melaleuca trees. There is an opportunity for the sewer to be aligned with the minimum 1000mm setback from other services to the front boundary. Minimum fill pad area can be setback 10m from the front property boundary.

### Officer comment

The condition of the approval requires the reposition of the sewer line to the front of the site. Whether there is sufficient room for the trees to remain, and the appropriateness of the species, is to be determined at the operational work stage. The trees are not of a considerable age.

### **ADOPTED INFRASTRUCTURE CHARGES**

The applicant seeks a reduced developer and open space contribution on the basis that the Church is a community use. The approval development is subject to the Adopted Infrastructure Charges, not the former Planning Scheme Policy for Developer contributions. The request to reduce the amount of charging on the basis of the Church is a community facility is not supported. While the intention of the reconfiguration is to financially assist in the development of a rectory, the resulting lots are for private residential development and not for a not-for profit facility. The Adopted Charges give credit for the exiting lot and no further reduction is recommended. Refer to Appendix Attachment 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:

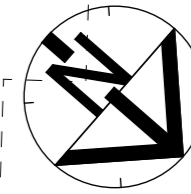
**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

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

### **ATTACHMENTS**

1. Attachment 1 Proposal 6 Endeavour St **[5.2.1]**
2. Attachment 2 Adopted Charges 6 Endeavour **[5.2.2]**

KINDAGARTEN



EXISTING FENCE TO BOUNDARY

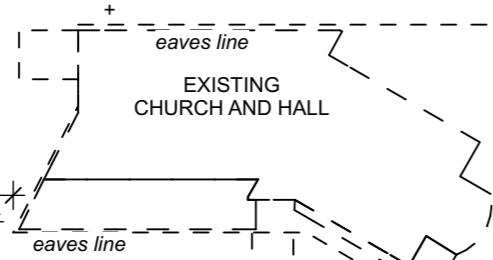
319°18'50"  
114000

EXISTING FENCE TO BOUNDARY

EXISTING FENCE TO BOUNDARY

49°18'50"  
71000

AREA TO REMAIN IN THE COMMUNITY  
AND RECREATIONAL FACILITIES  
PLANNING AREA (4516m<sup>2</sup>)



AREA TO BE EXCLUDED FROM  
COMMUNITY AND RECREATIONAL  
FACILITIES PLANNING AREA AND  
INCLUDED IN RESIDENTIAL 1 PLANNING  
AREA (3577m<sup>2</sup>)

EXISTING CARPARK

EXISTING TREES

EXIST FENCE

EXIST RESIDENCE

EXIST RESIDENCE

EXIST FENCE

EXIST RESIDENCE

EXIST HOUSE  
ROOF DRAIN  
TO KERB

HOPE STREET

STATE SCHOOL

14,000  
5,400 6,200  
1,000

71000  
49°18'50"

114000

139°18'50"

POWER

RELOCATE EXIST STORMWATER DRAIN/GRATE  
KERBING, SWD & CROSS-OVERS TO BE CHECKED

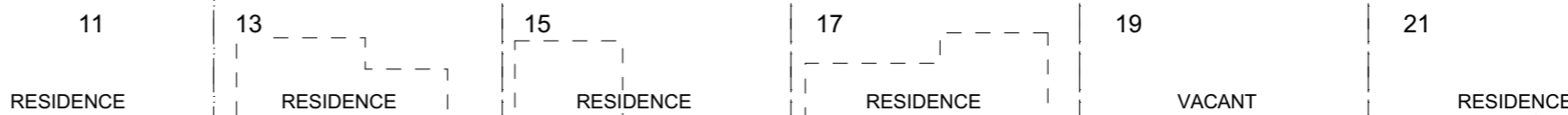
EXIST STORMWATER DRAIN

ENDEAVOUR STREET

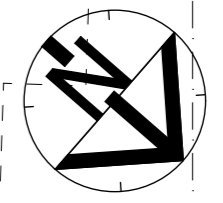
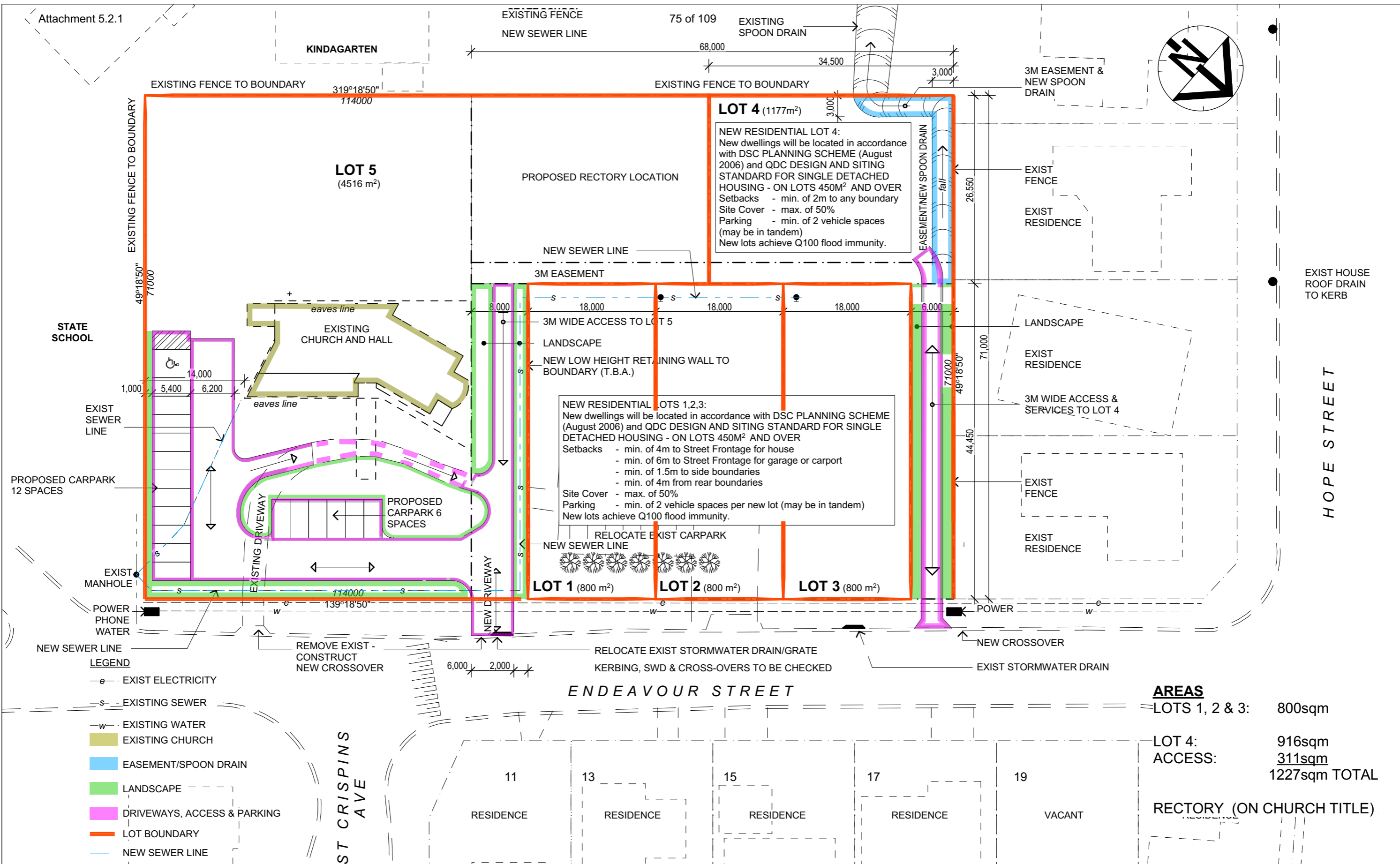
LEGEND

- e- EXIST ELECTRICITY
- s- EXISTING SEWER
- w- EXISTING WATER
- LOT BOUNDARY

ST CRISPINS  
AVE



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	D	GENERAL REVISIONS	27.09.17				
	C	GENERAL REVISIONS	08.08.17				
	B	GENERAL REVISIONS	27.06.17				
A	REVISED SUBDIVISION - 4 ALLOTMENTS	22.11.16		<p>Scale Bar 0m 10m 20m 1:500</p>	<p>Job Number <b>BOA-PDREC</b></p>	<p>Dwg Number <b>WD01</b></p>	<p>Revision <b>D</b></p>
REV	DESCRIPTION	Date					



**AREAS**

LOTS 1, 2 & 3:	800sqm
LOT 4:	916sqm
ACCESS:	311sqm
<b>1227sqm TOTAL</b>	
<b>RECTORY (ON CHURCH TITLE)</b>	

**LEGEND**

- e- EXIST ELECTRICITY
- s- EXISTING SEWER
- w- EXISTING WATER
- EXISTING CHURCH
- EASEMENT/SPOON DRAIN
- LANDSCAPE
- DRIVEWAYS, ACCESS & PARKING
- LOT BOUNDARY
- NEW SEWER LINE

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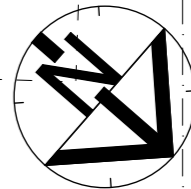
REV	DESCRIPTION	Date
D	GENERAL REVISIONS	27.09.17
C	GENERAL REVISIONS	08.08.17
B	GENERAL REVISIONS	27.06.17
A	REVISED SUBDIVISION - 4 ALLOTMENTS	22.11.16

Architect  
**BEST OVEREND & ASSOCIATES ARCHITECTS**  
 UNIT 4/25 LANGLEY ROAD, PORT DOUGLAS,  
 FAR NORTH QUEENSLAND 4877  
 TEL 4098 5572. FAX 4098 5230.  
 email: nirvana@cyberworld.net.au

Client  
**ST ANDREWS ANGLICAN CHURCH**  
 Job Title  
**RECTORY**  
 6 ENDEAVOUR ST PORT DOUGLAS

Drawing Status  
**PRELIMINARY**  
 Date Published 29/09/2017  
 Scale Bar  
 0m 10m 20m 1:500

Drawing Title  
**PROPOSED SUBDIVISION SITE PLAN**  
 Job Number **BOA-PDREC** Dwg Number **WD02** Revision **D**



KINDAGARTEN

EXISTING FENCE TO BOUNDARY 319°18'50" 114000

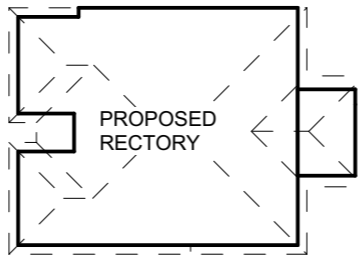
EXISTING FENCE TO BOUNDARY

3M EASEMENT & NEW SPOON DRAIN

EXISTING FENCE TO BOUNDARY 49°18'50" 71000

**LOT 5**  
(4516m<sup>2</sup>)

**LOT 4**  
(1177m<sup>2</sup>)



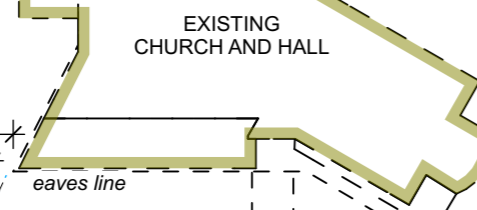
NEW SEWER LINE

EASEMENT/NEW SPOON DRAIN

EXIST FENCE  
EXIST RESIDENCE

EXIST HOUSE ROOF DRAIN TO KERB

STATE SCHOOL



EXISTING CHURCH AND HALL

FENCE

3M WIDE ACCESS TO LOT 5

LANDSCAPE  
NEW LOW HEIGHT RETAINING WALL TO BOUNDARY (T.B.A.)

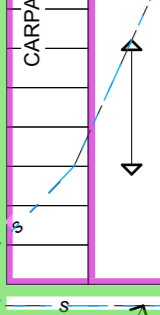
1,500 3,000 1,500

LANDSCAPE  
EXIST RESIDENCE

3M WIDE ACCESS & SERVICES TO LOT 4

1,000 5,400 6,200

EXIST SEWER LINE



CARPARK

**LOT 1**  
(800 m<sup>2</sup>)

**LOT 2**  
(800m<sup>2</sup>)

**LOT 3**  
(800m<sup>2</sup>)

NEW SEWER LINE



EXISTING DRIVEWAY

CARPARK

1,500

POWER

NEW SEWER LINE

CROSSOVER

RELOCATE EXIST STORMWATER DRAIN/GRATE  
KERBING, SWD & CROSS-OVERS TO BE CHECKED

CROSSOVER

EXIST STORMWATER DRAIN

**LEGEND**

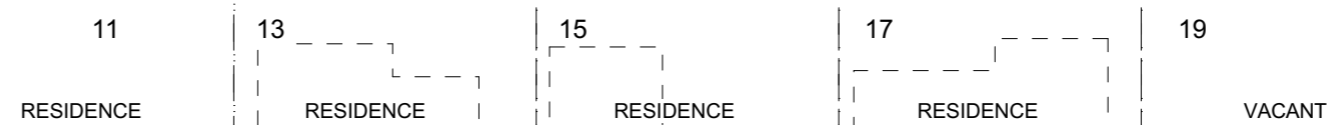
- e- EXIST ELECTRICITY
- s- EXISTING SEWER
- w- EXISTING WATER
- EXISTING CHURCH
- EASEMENT/SPOON DRAIN
- LANDSCAPE
- DRIVEWAYS, ACCESS & PARKING
- LOT BOUNDARY
- NEW SEWER LINE

ENDEAVOUR STREET

**AREAS**

LOTS 1, 2 & 3: 800sqm  
 LOT 4: 916sqm  
 ACCESS: 311sqm  
 1227sqm TOTAL  
 RECTORY (ON CHURCH TITLE)

ST CRISPINS AVE



Architect  
**BEST OVEREND & ASSOCIATES ARCHITECTS**  
 UNIT 4/25 LANGLEY ROAD, PORT DOUGLAS,  
 FAR NORTH QUEENSLAND 4877  
 TEL 4098 5572. FAX 4098 5230.  
 email: nirvana@cyberworld.net.au

Client  
**ST ANDREWS ANGLICAN CHURCH**  
 Job Title  
**RECTORY**  
 6 ENDEAVOUR ST PORT DOUGLAS

Drawing Status  
**PRELIMINARY**  
 Date Published 29/09/2017

Scale Bar  
 0m 10m 20m  
 1:500

Drawing Title  
**PROPOSED RECTORY SITE PLAN**

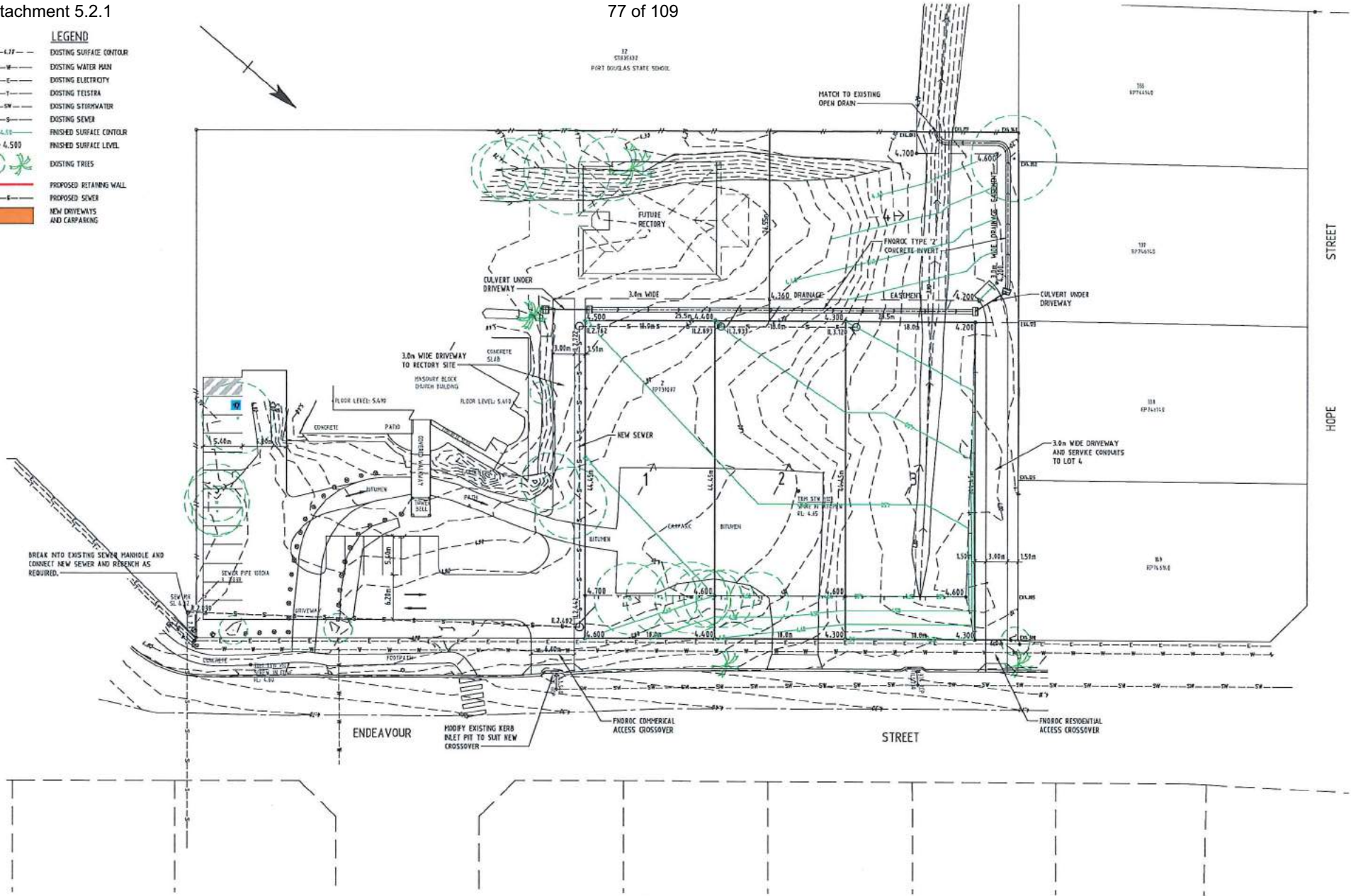
Job Number Dwg Number Revision  
**BOA-PDREC WD03 D**

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DO NOT SCALE FROM THE DRAWING ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE

REV	DESCRIPTION	Date
D	GENERAL REVISIONS	27.09.17
C	GENERAL REVISIONS	08.08.17
B	GENERAL REVISIONS	27.06.17
A	REVISED SUBDIVISION - 4 ALLOTMENTS	22.11.16

- LEGEND**
- L.F.F --- EXISTING SURFACE CONTOUR
  - W --- EXISTING WATER MAIN
  - E --- EXISTING ELECTRICITY
  - T --- EXISTING TELSTRA
  - SW --- EXISTING STORMWATER
  - S --- EXISTING SEWER
  - L.F.F --- FINISHED SURFACE CONTOUR
  - 4.500 FINISHED SURFACE LEVEL
  - EXISTING TREES
  - PROPOSED RETAINING WALL
  - PROPOSED SEWER
  - NEW DRIVEWAYS AND CARPARKING



PLAN  
SCALE: 1:250 (A1)



NO.	DATE	ISSUE / REVISIONS	DRN	CHKD
B	12/09/17	CARPARKING, SEWER AND LOT LEVELS REVISED	JMK	EWK
A	26/07/17	PRELIMINARY ISSUE	JMK	EWK
1				

DRAWING FILE: K:095-DWG-001.dwg      XREF FILE: N/A

**St. ANDREWS ANGLICAN CHURCH**  
 ENDEAVOUR STREET  
 PORT DOUGLAS

**PROPOSED  
 4 LOT SUBDIVISION  
 CONCEPT LAYOUT OPTION 3**

**KFB ENGINEERS**  
 ABN 28 351 246 509

Civil & Structural  
 1738-42 Pease St, Cairns | PO Box 927, Cairns Q 4870  
 P: 07 40320492 | F: 07 40320092  
 E: email@kfbeng.com.au

JOB No	K-2950
SHEET	SK3   B
SCALE	1:250 (@A1)



**DOUGLAS SHIRE COUNCIL** 2008 Douglas Shire Planning Schemes Applications  
**ADOPTED INFRASTRUCTURE CHARGES NOTICE**

Corporation of the Diocesan Synod of North Queensland		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
6 Endeavour Street	Port Douglas	L2 RP739097	911
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL 1 into 6 & MCU	CA 2144/2017		4
DEVELOPMENT TYPE	COUNCIL FILE	VALIDITY PERIOD (year)	
852886	1		
DSC Reference Doc. No.	VERSION No.		

	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			0.00		
<b>Urban Areas - Water only</b>					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
<b>Urban Areas - Water &amp; Sewer</b>					
Proposed lots	5	14,342.13	71,710.85		
	0	0.00	0.00		
Credit for existing lot	1	14,342.13	14,342.13		
Total			57,368.62		
<b>TOTAL</b>			<b>\$57,368.62</b>		

Prepared by	J Elphinstone	2-May-18	Amount Paid	
Checked by	D Lamond	3-May-18	Date Paid	
Date Payable				Receipt No.
Amendments	Date	Cashier		

**Note:**  
 The Infrastructure Charges in this Notice are payable in accordance with Section 830 of the Sustainable Planning Act 2009 (SPA) as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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