

**5.3. APPLICATION TO EXTEND CURRENCY PERIOD FOR ROL (1 INTO 68 LOTS AND PARK) AT 12-36 ALCHERA DRIVE MOSSMAN**

<b>REPORT AUTHOR</b>	Jenny Elphinstone, Senior Planning Officer
<b>MANAGER</b>	Paul Hoyer, Manager Environment and Planning
<b>DEPARTMENT</b>	Environment and Planning
<b>APPLICATION NO</b>	ROL 2015_612/60
<b>PROPOSAL</b>	Extension application for the reconfiguring a lot approval for 1 Lot into 68 Lots and Park.
<b>APPLICANT</b>	Maxholl Pty Ltd C/- Brazier Motti Pty Ltd PO Box 1185 Cairns Qld 4870
<b>LOCATION</b>	12-36 Alchera Drive Mossman (Now known as 91 Front Street Mossman)
<b>PROPERTY</b>	Lot 113 on SP213765 (land now Lot 401 on SP317071)
<b>PLANNING SCHEME</b>	2018 Douglas Shire Council Planning Scheme Version 1.0
<b>ZONING</b>	Low Density Residential Zone
<b>LEVEL OF ASSESSMENT</b>	Code
<b>PROPERLY MADE DATE</b>	23 June 2021
<b>STATUTORY ASSESSMENT DEADLINE</b>	29 July 2021
<b>REFERRAL AGENCIES</b>	Department of State Development Infrastructure and Planning (for the original application). No referral required for the extension application.

**LOCALITY PLAN**



Figure 1 – Locality Plan



Figure 2 – Area of Stages 4-7

## RECOMMENDATION

- A. That Council approves the extension application for the Development Permit for the Reconfiguring of a Lot for 1 Lot into 68 Lots and Park over land described as Lot 113 on SP213765 (now known as Lot 401 on SP317071), as per the Negotiated Decision Notice dated 28 March 2017, for a further six (6) years, up to and including 28 September 2027.
- B. That Council advise the developer that when designing the remainder of the balance land the future application is to include a Master Plan and consideration of the Mossman Local Plan, in particular the need for connectivity between residential estates and the provision of parkland in the southeast corner of the land.

## EXECUTIVE SUMMARY

The land is located between Alchera and Coral Sea Drives, south of Johnston Road and is part of the Daintree Horizon residential estate.

In March 2017 Council approved a Negotiated Decision Notice for stages 4-7, expanding the development of the Daintree Horizon estate.

The application was determined under the 2006 Planning Scheme (as amended).

The Permit is due to expire on 28 September 2021 and the developer has made an application requesting a six (6) year extension to currency period up to and including 28 September 2027.

No concern is raised with the request. The approval, encompassing a detailed set of conditions, is generally consistent with the 2018 Planning Scheme.

It is recommended the extension application be approved and an updated Infrastructure Charges Notice issue.

A further recommendation advises the developer, when designing the remainder of the balance land to include a Master Plan and consideration of the Mossman Local Plan, in particular the need for connectivity between residential estates and the provision of parkland in the southeast corner of the land.

## TOWN PLANNING CONSIDERATIONS

### Background

#### **Combined Application CA57**

The Daintree Horizons residential subdivision commenced in 2005.

The original Application (Combined Application CA 57) was lodged for a Material Change of Use to use the land for purposes consistent with the Residential A Zone and reconfiguration of part of the land into 102 allotments, being the first three stages of the housing estate.

The application was lodged under the 1996 Planning Scheme and at that time the Scheme included the land in the Future Urban Zone.



For the Reconfiguration of a Lot:

*A Development Permit to create Residential A lots and Public Open Space on land described as Lot 11 on RP891901 and situated at Front Street, Johnston Road and Coral Sea Drive, Mossman.*

The first three stages of the development have been undertaken where the Residential lots have been created and the majority of these lots have since been developed for detached housing.

A condition of the approval required the provision of the link road between Johnston Drive and the common boundary of the site with Lot 51 on RP910267, being neighbouring land to the south.

A separate condition required the lodged design to be amended where the proposed park in the south-eastern corner of the site extends, generally parallel to the southern boundary of the site, to the main internal link road and has a frontage of at least 100 metres to this road. The conditions also required an open space connection along Parker Creek to Front Street to be maintained. The conditions required park dedication to commence in association with Stage 3 and the balance parkland being dedicated inclusive of road access prior to endorsement of the second stage after Stage 3. To date, no park has been transferred to Council.

At the time of the original approval of CA57 Council also resolved to undertake a consequential amendment to rezone Lot 11 on RP891901 to the Residential A and Public Open Space zones to reflect the approval of the Material Change of Use. However, this did not eventuate. Under the 2006 Douglas Shire Planning Scheme the whole of the land was included in the Residential 1 Planning Area with no reference to any open space in the south-eastern corner of the land.

While the Material Change of Use approval component of CA57 was issued for a staged reconfiguration of the entire land holding, the reconfiguration application only sought approval for Stages 1-3. The development of any further stages therefore required additional approvals.

#### **ROL 2015\_612 Reconfiguration for Stages 4-7**

In 2015 application was lodged for the reconfiguration of a lot for Stages 4-7. When this application was initially lodged, the applicant had included the ability to provide a future road connection through the proposed balance lot (Lot 1000) and an indicative layout plan for the future subdivision of Lot 1000.

The indicative plan nominated the whole of the park to be provided in the south-eastern corner of the land (within Proposed Lot 1000), along Parker Creek and adjacent to the neighbouring Park to the south. However, this design did not provide for the release of any park for the existing stages 1-3 already developed or to be released within the timing of the then proposed stages 4-7. On the 28 January 2016 Council approved an application to reconfigure the lot to enable Stages 4-7 of the residential development subject to conditions including the provision of park.

The Applicant had indicated a desire to provide some parkland to the estate and following lengthy discussions with Council officers the design was amended and approved through a Negotiated Decision Notice determined by Council at the Ordinary Meeting held on 28 March 2017. The approval, that is current on the land, has a Park to the southern edge of approved stages 4-7 with a requirement for it to be provided at Stage 5.

Condition 10 of the approval clarifies that the park provided at Stage 5 is only part of the provision required for the overall Daintree Horizon estate.

The layout plan for Stages 4-7 is as per the figure below.



Figure 4 – Approved layout for Stages 4-7 ROL 2015\_612

Due to uncertainty of the development industry and economic considerations arising from the Covid-19 pandemic outbreak, in July 2020, the Honourable Cameron Dick MP, the Minister for Infrastructure Planning provided notice under section 275R of the *Planning Act 2016*, extending all relevant approvals in effect for a further period of six (6) months.

The Notice applied to have effect from 21 July 2020 to 31 October 2020. In accordance with section 275R of the *Planning Act 2016*, the relevant period of the subject approval is now current up to and including 28 September 2022.

Since the issue of the approval and effect of the 2018 Scheme part of the land fronting Alchera Drive has been reconfigured to provide the new Mossman Fire and Rescue Station. The Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning has recently approved a Ministerial Infrastructure Designation (MID) for the Mossman Fire and Rescue Station (the station).

The reconfiguration of the lot, creating the station land, is not considered to affect the current approval for Stages 4-7, as the station land was part of the balance lot and no Master Plan has been agreed to for the remainder of the residential estate. The land is now known as Lot 401 on SP317071 with a street address of 91 Front Street, Mossman.

The undeveloped remainder of the balance land continues to be used for used for cane production. The land also contains a substantial stockpile of fill material that is grassed.

### Proposal

The Applicant has advised that the economic uncertainty in the land market up to and following the outbreak of COVID-19 has resulted in the proposed development being delayed. The applicant acknowledges that while the land market has improved in recent months, there has not been sufficient time to commence and complete works associated with the development.

Pursuant to section 86 of the Planning Act 2016, the Applicant requests a six (6) year extension to the currency period to the Negotiated Decision. The application includes a planning report assessing the development against the current Planning Scheme.

### Planning Act 2016 (PA)

The request has been lodged under section 86 of the *Planning Act 2016* (PA).

Council must decide the request for an extension approval to the Decision Notice under section 87(a) of the PA,

*“When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.”*

No referrals are necessary for extension applications.

In deciding the request section 87(2) of the PA states that the assessment manager must decide whether to:

- “(a) give or refuse the extension sought; or*
- (b) extend the currency period for a period that is different from the extension sought.”*

### State Planning Requirements

The assessment of the original application had regard to state infrastructure (state-controlled road) and residential development threshold trigger matters.

The approval includes conditions as required by the Department of State Development, Infrastructure and Planning. No further state triggers apply.

### DOUGLAS SHIRE PLANNING SCHEME ASSESSMENT

The 2018 Planning Scheme includes the land in the Low Density Residential Zone and the Local Plan Map includes the land in an Emerging Community area and nominates the south-eastern corner of the land as Indicative Future Open Space.

Refer to the Local Plan Map in Attachment 2.

The following benchmarks are applicable to the proposed development:

**Table1:**

<b>Douglas Shire Planning Locality</b>	<b>Comment</b>
<b>Planning Zone</b>	
Low Density Residential Zone	Complies through the conditions of the approval. All lots are at least 800m <sup>2</sup> .
<b>Local Plan Code</b>	
Mossman	Satisfactory through the conditions of the approval. A separate recommendation seeks the applicant to consider the need for a Master Plan that includes connectivity and appropriate Park in the design of future stages in line with the Mossman Local Plan.
<b>Overlay Codes</b>	
Acid sulphate soils overlay	Complies.
Bushfire hazard overlay	Complies. Stages 4-7 are not affected by the mapped hazard area.
Flood and storm tide hazard overlay	Complies. Stages 4-7 are not affected by the mapped hazard area.
Natural areas overlay	Complies. Stages 4-7 are not affected by the mapped hazard area.
Transport network overlay	Complies through the conditions of the approval.
<b>Other Development Codes</b>	
Access, parking and servicing code	Complies through the conditions of the approval.
Environmental performance code	Refer to comment below.
Filling and excavation code	Complies through the conditions of the approval.
Infrastructure works code	Complies through the conditions of the approval.
Landscaping code	Complies through the conditions of the approval.
Reconfiguring a lot code	Generally complies through the conditions of the approval. Refer to comment below.
Vegetation management code	Complies – no native vegetation is affected by Stages 4-7.

## Compliance Issues

### Environmental performance code

The Code requires consideration of adverse amenity issues for noise and dust. A condition of the original approval requires the developer to construct an acoustic fence to the common boundary of the residential lots and the proposed Lot 100 to protect the approved residential lots from ongoing cane usage. Through the negotiated decision this condition was removed and replaced with an amended plan requirement that detailed a four (4) metre wide grassed buffer strip between the farm land and the southern boundary of the approved residential lots and park. Future residents have the ability to erect a timber fence should they wish to do so.

### Reconfiguration of a lot code

The code seeks Master Planning for large residential estates. While the application is only for stages 4-7 careful consideration has been given in the approval to enable the desired connectivity with the neighbouring residential development to the south of Parker Creek to be achieved under future applications. A future application for the remaining balance land would also need to consider the suitable location of park.

## Internal Referrals

Nil. Referrals unnecessary due to the nature of the application to extend.

## ADOPTED INFRASTRUCTURE CHARGES

The development does trigger Infrastructure Charges.

Refer to Attachment 1 to review the updated calculated Infrastructure Charge.

## 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 *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

## ATTACHMENTS

1. Infrastructure Charges [5.3.1 - 1 page]
2. Mossman Local Plan Map [5.3.2 - 1 page]



**ADOPTED INFRASTRUCTURE CHARGES NOTICE**

<b>Maxholl Pty Ltd</b> DEVELOPERS NAME		<b>Daintree Horizons</b> ESTATE NAME	<b>0</b> STAGE
<b>12-36 Alchera Drive</b> STREET No. & NAME	<b>Mossman</b> SUBURB	<b>L401 SP317071</b> LOT & RP No.s	<b>1022579</b> PARCEL No.
<b>ROL (1 into 68 lots and park)</b> DEVELOPMENT TYPE		<b>ROL 2015_612/2</b> COUNCIL FILE NO.	<b>6</b> VALIDITY PERIOD (year)
<b>1017635</b> DSC Reference Doc. No.	<b>1</b> VERSION No.	<b>Payment before the signing and dating of the Survey Plan</b>	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

	Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
0						
0						
<b>Proposed Demand</b>						
Residential lots	per 3 or more bedroom dwelling	24,143.38	58	1,400,315.75		
	Total Demand			<b>1,400,315.75</b>		
<b>Existing Credit</b>						
Residential Lot	per 3 or more bedroom dwelling	24,143.38	1	24,143.38		
	Total Credit			<b>24,143.38</b>		
						Code 895 GL 7470.0135.0825

Required Payment or Credit **TOTAL** \$1,376,172.37

Prepared by	<b>Jenny Elphinstone</b>	<b>9-Jul-21</b>	Amount Paid	
Checked by	<b>Daniel Lamond</b>	<b>12-Jul-21</b>	Date Paid	
Date Payable	<b>ROL - Before the Local Government approves the plan of subdivision</b>		Receipt No.	
Amendments		Date	Cashier	

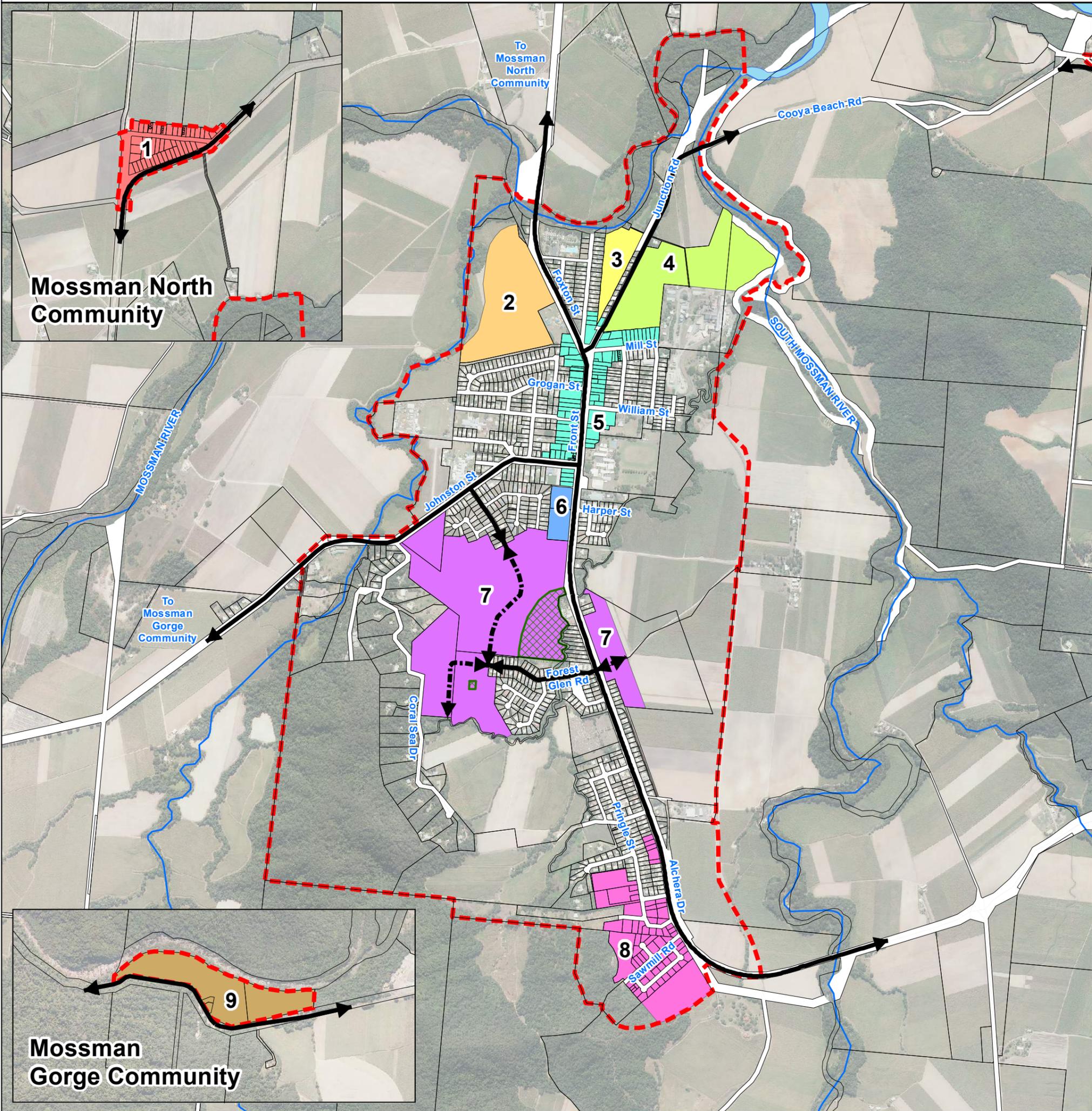
**Note:**  
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.  
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

# Local Plan Map Sheet - LPM-004



## Mossman Local Plan Precincts

### Other Map Layers:

- Property Boundaries
- Waterbodies
- Major Rivers / Creeks

### Local Plan Precincts:

- Transport Investigation Corridor
- Major Road Connections
- Local Plan Boundary
- Indicative Future Open Space
- Precinct 1 - Mossman North
- Precinct 2 - Foxtan Road
- Precinct 3 - Junction Road Residential
- Precinct 4 - Junction Road Industry
- Precinct 5 - Town Centre
- Precinct 6 - Front Street
- Precinct 7 - Emerging Community
- Precinct 8 - Mossman South Industry
- Precinct 9 - Mossman Gorge Community

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Projection: MGA94 Zone 55  
Approx. Scale @ A3 1:17,500

0 0.2 0.4 0.6 Kms



### Overview:

