

<b>SPECIAL COUNCIL MEETING</b> <b>21 OCTOBER 2014</b>	<b>3.2</b>
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RECONFIGURING A LOT (1 LOT INTO 2 LOTS & BALANCE LOT) – CODE ASSESSMENT – 905L COOYA BEACH ROAD, BONNIE DOON

Neil Beck: ROL 382/2014 SEDA: 427577

<u>PROPOSAL:</u>	RECONFIGURING A LOT (1 LOT INTO 2 LOTS & BALANCE)
<u>APPLICANT:</u>	JONPA PTY LTD C/- PLANNING PLUS PTY LTD PO BOX 8046 CAIRNS QLD 4870
<u>LOCATION:</u>	905L COOYA BEACH ROAD BONNIE DOON QLD 4873
<u>PROPERTY:</u>	PART OF LOT 905 ON SP264287 (PROPOSED LOT 4)
<u>LOCALITY:</u>	COASTAL SUBURBS, VILLAGES & TOWNSHIPS
<u>PLANNING AREA:</u>	RESIDENTIAL 2
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	4 NOVEMBER 2014
<u>APPLICATION DATE:</u>	21 AUGUST 2014
<u>APPENDIX:</u>	<ol style="list-style-type: none"> <li>1. PLAN ILLUSTRATING FUTURE LOT SUBJECT OF THE APPLICATION</li> <li>2. APPROVED PLAN(S) &amp; DOCUMENT(S)</li> <li>3. ADOPTED INFRASTRUCTURE CHARGES</li> </ol>

**LOCALITY PLAN**



**RECOMMENDATION:**

- A That Council approves the request for Reconfiguring a Lot over land described as Part of Lot 905 on SP264287 being proposed Lot 4 on Draft SP270331 located at Bayil Drive, Bonnie Doon, subject to the following:**

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

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

Drawing or Document	Reference	Date
ROL Plan	As submitted with the Development Application	29 July 2014

## **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;**
  - 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 issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.**

### **Future Houses**

- 3. The Houses to be constructed on Lot 4A and 4B must be contained within the approved Building Envelopes for each allotment as detailed on the Approved Plan contained at Appendix 2.**

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

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

- 4. Undertake the following water supply and sewerage works internal to the subject land:**
  - a. Extend the water main to locate on the eastern side of Bayil Drive to enable a water connection to each lot in accordance with the *FNQROC Development Manual*;**
  - b. Extend the sewer main and provide a connection to proposed Lot 4B in accordance with the *FNQROC Development Manual*. The new sewer must maintain a minimum setback of 1.5 metres from the approved Building Envelope for Lot 4A.**

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

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

#### **Damage to Infrastructure**

5. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **External Works**

6. Undertake the following works external to the subject land at no cost to Council:
  - a. Provision of concrete crossovers and aprons to Proposed Lots 4A & 4B in accordance with *FNQROC Development Manual Standard Drawing 1015*;

All works must be carried out prior to the issue of a Compliance Certificate for the Plan of Survey.

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

7. The applicants/owners must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

#### **Electricity and Telecommunications**

8. The applicants/owners must provide written evidence of negotiations with electricity and telecommunications authorities stating that services are/will be provided to the development. Such evidence must be provided prior to the issue of a Compliance Certificate for the Plan of Survey.

#### **FURTHER ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of section 339 and section 341 of the *Sustainable Planning Act 2009*.

2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

#### **Infrastructure Charges Notice**

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

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

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

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

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

5. For information relating to the *Sustainable Planning Act 2009* log on to [www.dsdip.qld.gov.au](http://www.dsdip.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).

- B** That the following notation be placed on the property file for Proposed Lots 4A & 4B:

#### **Building Envelope**

1. The future House must be sited within the building envelope as detailed on the Building Envelope Plan held by Council (Council document reference 429137). The land use definition of House includes car accommodation and outbuildings. A copy of the Building Envelope Plan is available from Council's planning department.

**EXECUTIVE SUMMARY:**

Council is in receipt of a Development Application for Reconfiguring a Lot (1 Lot into 2 Lots) over land at Bayil Drive Bonnie Doon, more particularly described as part of Lot 905 on SP264287.

The land subject to the application is proposed Lot 4 which forms one of seven lots being constructed as part of Stage 3A1 of Ocean Breeze Estate.

The lot sizes proposed are smaller than suggested in the Acceptable Measures of the Reconfiguring a Lot Code for land within the Residential 2 Planning Area. However, having regard to the utility of each of the proposed lots and the intended form of development to take place in the Residential 2 Planning Area, approval of the application is recommended subject to conditions.

**PLANNING CONSIDERATIONS:****Background**

Lot 4 forms one of seven residential lots comprising Stage 3A1 of Ocean Breeze Estate. All civil works associated with Stage 3A1 are complete and it is anticipated that titles will be issued for this stage in the near future.

The draft Survey Plan being SP270331 for Stage 3A1 illustrating Lot 4 is attached at Appendix 1.

Lot 4 has an area of 1026m<sup>2</sup>, is flat and is connected to all reticulated services.

The surrounding area consists of house lots ranging in size from approximately 500m<sup>2</sup> to 1000m<sup>2</sup>, several of which are undeveloped, including the lot to the north of this site. A duplex (multi-unit housing) is located in close proximity to this site on Cooya Beach Road.

Land to the east and south of the site forms part of the balance of Stage 3 and will be development for residential purposes. Further to the east is a larger, commercial zoned lot that is yet to be developed.

**Proposal**

The proposal is for the reconfiguration of Lot 4 to create two vacant allotments being Lot 4A and Lot 4B having land areas of 517m<sup>2</sup> and 509m<sup>2</sup> respectively. Each proposed lot is regular in shape with road frontage of 20 metres for Lot 4A and 16 metres for Lot 4B.

The applicant has stated that it will be constructing the houses on each of the respective lots with the plans for each house being submitted as part of the Application.

As a House use is Self Assessable development in the Residential 2 Planning Area this application will not assess the House element beyond considering whether each new lot is capable of accommodating such a use.

In recognition that once the lots are created and the ability to enforce the construction of the house as detailed in the application is limited, the applicant has submitted a building envelope plan for Council endorsement. The building envelope plan reflects the building footprint of the submitted house plans for each lot.

A copy of the proposal is attached at Appendix 2.

### Douglas Shire Planning Scheme Assessment

Douglas Shire Coastal Suburbs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Coastal Suburbs, Villages and Townships Locality Code	✓	Complies
<b>Planning Area</b>	Residential 2 Planning Area Code	✓	Complies
<b>Overlay Codes</b>	Acid Sulfate Soils Code	✓	Complies
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✓	Complies
<b>General Codes</b>	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✗	-
	Landscaping Code	✗	-
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✓	Does not comply (see comment below)
	Vehicle Parking and Access Code	✗	-
	Sustainable Development Code	✗	-

### Compliance Issues

#### Lot frontage and Minimum Lot Size

Both proposed lots would have an area of less than that suggested in the Acceptable Measures which is 1,000m<sup>2</sup>. However, each lot is of a sufficient area and dimensions to accommodate a single detached House as demonstrated by the proposed house plans. Both allotments are regular in shape with considerable frontage to Bayil Drive.

As discussed above, the applicant will be constructing each of the dwellings and in order to demonstrate this intent, has submitted a building envelope plan which reflects the specific building footprint of each type proposed.

The land is contained within the Residential 2 Planning Area which is intended to be developed for a range of accommodation types including multi unit housing with such development being Code Assessable. A number of approvals have issued for multi unit housing and the further reconfiguration of lots within the estate fronting Cooya Beach Road. This is illustrated in the aerial image below.



*Lot 4 to be located on the eastern side of the “orange hatched” area*

The residential lots being created as part of this proposal are more conducive to accommodate a future House than the previously reconfigured lots fronting Cooya Beach Road given the regular shape of the allotments and the adequate road frontage. This is demonstrated by the house plans attached at Appendix 2.

Minor variations to the standard setback provisions of the Queensland Development Code are requested being 5.4 metres to the outermost projection for Lot 4A to accommodate the porch, and 5 metres for Lot 4B with the front wall of the House being 5.6 metres from Bayil Drive.

The variations being sought are minor and will not detrimentally impact on the street scape or the amenity of the adjoining allotments. In addition, the setbacks from Bayil Drive are highly likely to be more generous than the setbacks of the future house to be built on the corner allotment of Bayil Drive and Cooya Beach Road. In that instance, a setback of 3 metres would apply given that Bayil Drive is the secondary street frontage for this allotment.

In this particular circumstance, the only differences between an application for Multi-Unit Housing and Reconfiguring a Lot are the resulting type of titles. Should the same proposal be lodged as a Material Change of Use for Multi-Unit Housing, the proposal would be an acceptable form of development and be supported.

It is considered in this case, that as building envelopes are proposed which reflect the House types to be constructed on each allotment and that the building envelopes, for the most part, comply with the Queensland Development Code, any concerns regarding future dwellings not being suitable for the lots proposed are addressed.



In this respect, the two proposed lots comply with the Performance Criteria and are consistent with the surrounding pattern of development.

A notation is also recommended to be placed on the property file advising future owners of the approved Building Envelope Plan. While the intent is to produce a house and land package, once the title is created, it has the ability to be on-sold.

### Conclusion

It is considered that the higher density residential product being proposed is consistent with the Residential 2 Planning Area and that both of the proposed lots are of a sufficient area and dimensions to accommodate a House without impacting on adjoining properties or the residential character of the area.

The proposed development is considered to be consistent with the Performance Criteria of the Code.

### **ADOPTED INFRASTRUCTURE CHARGES**

The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 3 to view calculations.

### **COUNCIL'S ROLE**

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

### **ATTACHMENTS:**

- Appendix 1 – Future Lot Subject of the Application (Lot 4)
- Appendix 2 – Approved Plan(s) and Documents(s)
- Appendix 3 – Adopted Infrastructure Charges

APPENDIX 1: FUTURE LOT SUBJECT OF THE APPLICATION (LOT 4)



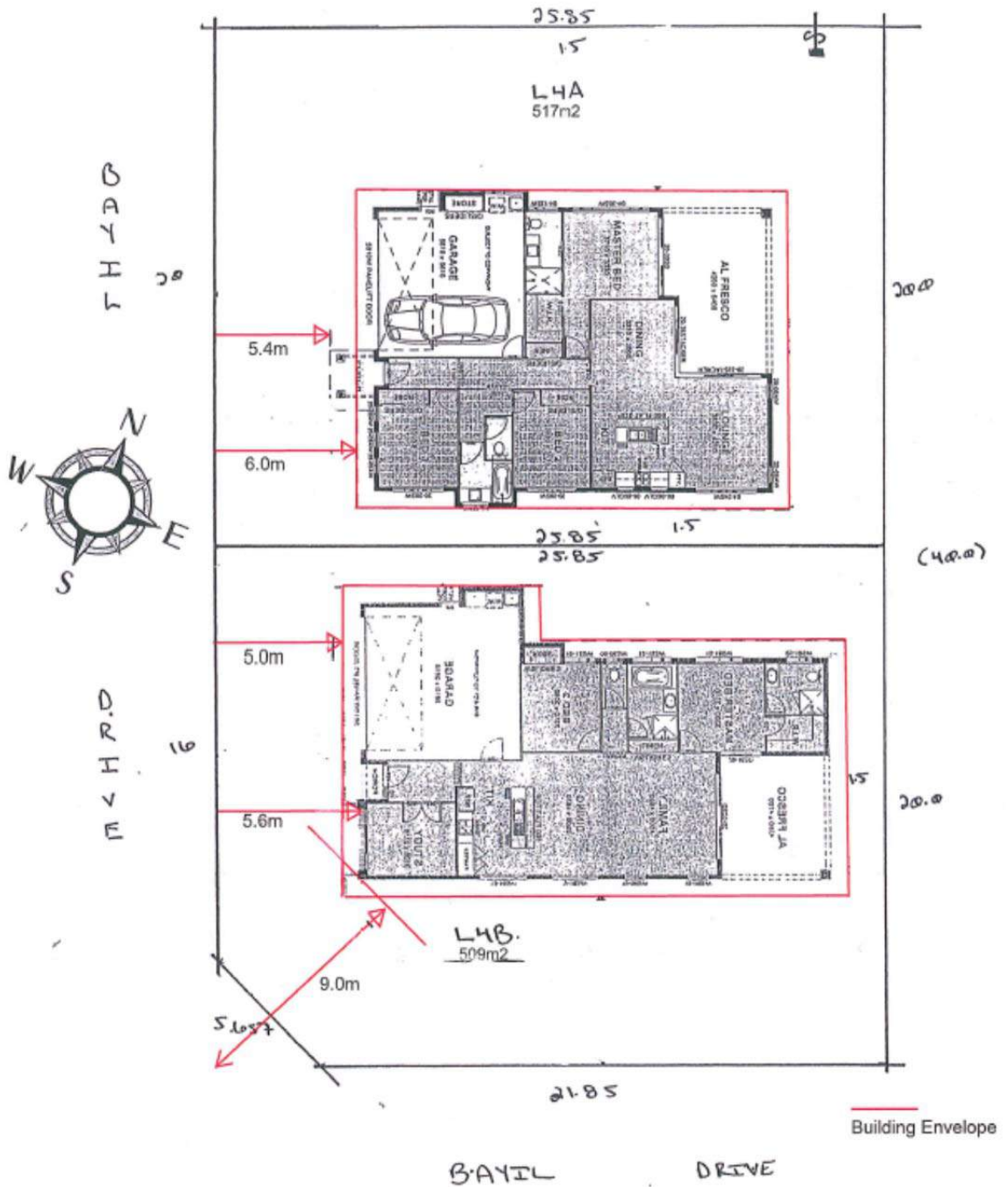
Land Title Act 1994 : Land Act 1994  
Form 2/A Version 1

ADDITIONAL SHEET

Sheet  
2 of 2

Insert  
Plan  
Number  
SP270331  
State copyright reserved.

APPENDIX 2: APPROVED PLAN(S) & DOCUMENT(S)



29Jul14  
 Preliminary Sighting Only – REGATTA 175  
 NQH H&L Pkg  
 L4a Bayil Drive  
 Cooya Beach, QLD.

29Jul14  
 Preliminary Sighting Only – COTTAGE SHELL 166  
 NQH H&L Pkg  
 L4b Bayil Drive  
 Cooya Beach, QLD.

## APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications				
INFRASTRUCTURE CHARGES NOTICE						
Jonpa Pty Ltd		Ocean Breeze Estate				
DEVELOPERS NAME		ESTATE NAME				
0		Cooya Beach				
STREET No. & NAME		LOT & RP No.s				
ROL		30-Jun-14				
DEVELOPMENT TYPE		COUNCIL FILE NO.				
429107		1				
DSC Reference Doc. No.		VERSION No.				
This logsheet is indexed appropriately only for payments made within the quarter noted above.						
DIST.	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code
<b>WATER</b>						
Existing	13	5,258.77	X 1.00	0.00	\$5,258.77	863
Proposed	13	2,452.03	X 1.00	0.00	\$2,452.03	877
Cooya Water sub - total					\$7,710.80	
<b>SEWERAGE</b>						
Existing	1	2,224.11	X 1.00	0.00	\$2,224.11	881
Proposed	1	6,668.77	X 1.00	0.00	\$6,668.77	887
Mossman / Coc Sewerage sub - total					\$8,892.87	
<b>OPEN SPACE</b>						
DSC Area					\$0.00	894
Off-Site Car Parking					\$0.00	
<b>TOTAL</b>					<b>\$16,603.68</b>	
Prepared by	Neil Beck		on	17-Sep-14		Amount Paid
Checked by			on			Date Paid
Date Payable						
Amendments			Date			
						Cashier

**Note:**

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009*. Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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