

LOCALITY	Mossman and Environs
PLANNING AREA	Residential 1
PLANNING SCHEME	Douglas Shire Planning Scheme 2008
REFERRAL AGENCIES	State Assessment and Referral Agency
NUMBER OF SUBMITTERS	Not Applicable
STATUTORY ASSESSMENT DEADLINE	Expired (23 December 2015)
APPLICATION DATE	14 January 2015 (Original Application) 3 November 2015 (Changed Application)

RECOMMENDATION

That Council approves the development application for a staged Reconfiguring of a Lot over land described as Lot 113 on SP213765, located at 12-36 Alchera Drive Mossman, subject to the following:

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

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

Drawing or Document	Reference	Date
Stage Plan	Brazier Motti Job 31122/42-1 Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval	To be Determined

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Lot Yield

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

Amendment to Design

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

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

Traffic Impact Study

5. A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development (components of Stage 4) and for the ultimate development on the road network and compliance with Austroads, (in particular Guide to Traffic Management Part 12: Traffic Impacts of Developments), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:
 - a. Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);
 - b. Impact on the operation of the intersections at:
 - (i) Daintree Horizon drive with Johnson Road; and
 - (ii) Johnson Road with Front Street,for current and ultimate development traffic generation rates from the development in addition to existing and expected external traffic growth;
 - c. Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersection per the analysis in a and b above;

- d. **Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;**

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

Road Safety Audit - Road Layout

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

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

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

Drainage Study of Site

7. **Undertake a local drainage study of the proposed components of Stage 4 to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:**
 - a. **The contributing catchment boundaries and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing contributing catchment boundaries;**
 - b. **The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;**
 - c. **Primary and secondary flow paths for the 5 and 100 year ARI flood events;**
 - d. **Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;**
 - e. **Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;**
 - f. **Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and**

- g. Lawful point of discharge.**

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

Filling Lots

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

Street Layout and Design

- 9. The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:**
 - a. Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;**
 - b. All roads must have a minimum road reserve width of 16.5 metres;**
 - c. Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;**
 - d. Provide a convex viewing mirror at the bend in the pathway between lots 332/333 and 351/352;**
 - f. Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;**
 - g. The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;**
 - h. Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;**
 - i. Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;**
 - j. Nomination of location and provision of driveways for the proposed Lots 353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394 to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;**
 - k. A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and**
 - l. Provision of on-street car parking spaces as identified in the above parking**

Master Plan and as a minimum, within the cul-se-sac in the vicinity of lots 403 to 408 to satisfy Qld Streets.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

Provision of Park

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

- a. Water service and provision of a tap for the central park;**
- b. Bollards around the perimeter to prevent vehicle access with the exception of Council access;**
- c. Shelter and seating area in the central park;**
- d. Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;**
- e. Seeded and grassed.**

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.

This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

Water Supply and Sewerage Master Plan

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

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

Water Supply and Sewerage Works Internal

12. Undertake the following water supply and sewerage works internal to the subject land:

- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
- b. Provide a water supply reticulation network to enable future connection of each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

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

Acid Sulfate Soil Investigation

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

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

Access to Hatchet or Battleaxe Lots

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

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

Service Conduits

15. Provide service conduits to Lot 405 adjacent to the driveway together with

associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

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

Demolish Structures

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

Temporary Vehicle Turnaround

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

Stockpiling and Transportation of Fill Material

18. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than 1 month..

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or
 - b. before 7:00 am or after 6:00 pm Monday to Friday; or
 - c. before 7:00 am or after 1:00 pm Saturdays; or
 - d. on Sundays or Public Holidays.
19. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Storage of Machinery and Plant

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

Construction Access

21. Vehicular access to the site for construction and demolition purposes must be provided from Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.

Fence Requirement – Protection from ongoing cane usage

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

Vegetation Clearing

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

Weed Management

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

Lawful Point of Discharge

26. **All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.**

Plan of Drainage Works

27. **The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,**
 - a. **Drainage infrastructure in accordance with the FNQROC Development Manual**
 - b. **The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:**
 - i. **End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.**
 - ii. **SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID must treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.**
 - iii. **The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.**

- iv. **SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.**
- v. **In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.**
- c. **All new allotments shall have immunity from flooding associated with a 1%AEP (ARI 100 year) rainfall event; and**
- d. **Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).**

Sediment and Erosion Control

- 28. **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

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

Electricity Supply

- 30. **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

- 31. **Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.**

Street Lighting

- 32. **The following arrangements for the installation of street lighting within the**

proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:

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

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

- Intersections
- Pedestrian Refuges
- Cul-de-sacs
- LATM Devices (Including Roundabouts)

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

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

Damage to Council Infrastructure

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

Landscape Plan

34. Undertake landscaping of the site and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a

landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

- a. Planting of the footpath with trees, using appropriate species;
- b. The provision of shade trees, especially in parks;
- c. Species to have regard to the Planning Scheme Policy No.7 Landscaping;
- d. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Road and Site Grading Master Plan

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

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

5. Drainage

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

6. Infrastructure Charges Notice

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

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

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

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

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

EXECUTIVE SUMMARY

The Daintree Horizons estate has been progressively developed over a number of years and further approval is necessary for additional stages of the estate to be constructed. The original approval issued in 2005 required the provision of open space in the south eastern corner of the estate. To date, no parkland has been provided with the first three stages of the estate.

The current application provides for Stage 4 of the estate, which is further sub-staged into Stages 4A – 4D. The subdivision also includes a “balance” lot for further stages of the estate and an area of land to be dedicated as a park. The original approval granted in 2005 provided a road connection through the Daintree Horizons estate connecting Johnston Road through to a future residential development of neighbouring land to the south.

Concerns were raised with the initial design for Stage 4 in relation to the lack of park land provision, the need to consider the design treatment at the intersection of Johnston Road, the need for master planning of infrastructure, the constrained internal lot layout configuration and the minimal size and dimensions of some of the new lots. These concerns were discussed with the applicant and an amended design was subsequently submitted. To the applicant's credit a number of the identified concerns have been suitably addressed by the amended design.

However, concern remains regarding:

- a. the lack of overall infrastructure master planning;
- b. the configuration and position of the proposed Park;
- c. the internalised street layout design, with no ability to connect to the residential estate to the south;
- d. the lack of suitable and sufficient separation of the new lots from the on-going cane harvesting activity on the “balance lot” and neighbouring lot.

The applicant has advised that it has no further intention of developing the “balance” land once Stage 4 has been constructed. The applicant has advised that master planning is unnecessary as it is intending to retain the “balance” for cane farming purposes for the foreseeable future. It is the applicant’s opinion that the “balance” lot can be developed via the neighbouring land to the south.

However, this approach is contrary to good town planning principles. Council has an interest and a responsibility to the community to ensure the delivery of infrastructure in a timely, efficient and coordinated manner. The approval can be conditioned to address the above concerns and it is recommended the application be approved on this basis.

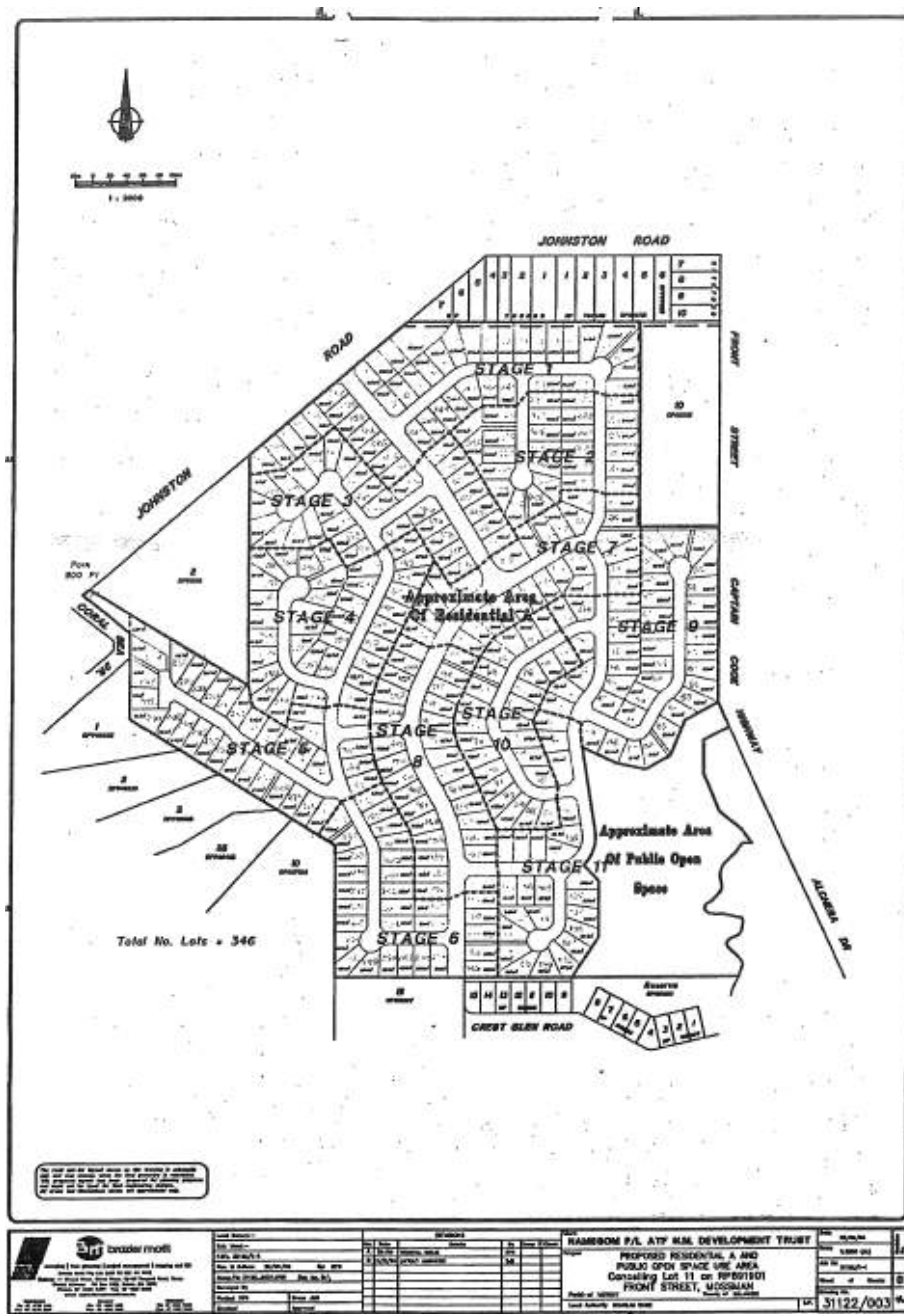
TOWN PLANNING CONSIDERATIONS

Background

The Daintree Horizons residential subdivision commenced in 2005 under a combined approval (CA57 refers) for residential land use and public open space over the entire land holding and reconfiguration for part of the land, being Stages 1-3. These first three stages of the development have been completed and the majority of these lots have since been developed for detached housing. The original master plan approved as part of CA57 is shown below.

Condition 4.19 of CA57 required the transfer of proposed Lot 900 to Council to satisfy the developer’s obligations to provide parkland for the estate. This condition also required the provision of park (equivalent to 10% of the land area per stage) to be provided adjacent to the reserve off Forest Glen Drive, with dedications commencing in association with Stage 3 of the estate, with 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 as part of Stages 1 – 3 of the estate. The former Douglas Shire Council, when approving the original first three stages, had also resolved to undertake a consequential amendment to the Planning Scheme to rezone the land to Residential A Zone and Public Open Space Zone to reflect the Material Change of Use as set out in the condition of the combined approval. However this did not eventuate.



Since the original approval was granted in 2005, the 2006 Douglas Shire Planning Scheme came into effect. The whole of the land was included in the Residential 1 Planning Area under the 2006 planning scheme, with no reference to any open space in the south-eastern corner of the land.

While the 2005 approval was issued for a staged reconfiguration of the entire land holding, only Stages 1-3 were applied for and granted subdivision approval. The development of any further stages therefore requires additional approvals.

The land is currently developed for housing, with the balance continuing to be used for used for cane production. The land also contains a substantial stockpile of fill material that is grassed.

Proposal

When the current Stage 4 lot reconfiguration 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 included 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. This design did not provide for the release of any park for the existing stages developed to date or for the proposed Stage 4. Following discussions with Council officers the design was amended twice by the Applicant.

The current layout plan is included in Attachment 1 and shows four sub-staged components of Stage 4 as follows:

Stage 4A: 2.92 hectares 14 Residential lots and park;
 Stage 4B: 2.68 hectares 22 Residential lots;
 Stage 4C: 1.82 hectares 16 Residential lots; and
 Stage 4D: 1.80 hectares 15 Residential lots.

All lots are 800m² in area or greater. All lots will be connected to Council's reticulated water and wastewater infrastructure. With the exception of Lot 1000, all lots will gain access through the existing road connection to Johnston Road. The applicant has suggested that the future development of the "balance" proposed Lot 1000 will be via the neighbouring lot to the south.

State Planning Requirements

The application does not trigger considerations under Part E of the State Planning Policy.

Douglas Shire Planning Scheme Assessment

Douglas Shire Mossman and Environs Planning Locality		Code Applicability	Compliance
Locality	Mossman and Environs	✓	
Planning Area	Residential 1	✓	
Defined Use	Reconfigure a Lot	NA	-
Overlay Codes	Acid Sulfate Soils Code	✗	-
	Cultural Heritage and Valuable Sites Code	✗	-
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✗	-
	Landscaping Code	✗	-
	Natural Areas and Scenic Amenity Code	✗	-
	Reconfiguring a Lot Code	✓	Refer to Comment
	Vehicle Parking and Access Code	✗	-
	Sustainable Development Code	✗	-

Level of Assessment

During the time of amalgamation with Cairns Regional Council, the Mossman and Environs Locality Table of Assessment was amended to include two new lot reconfiguration categories, being *Reconfiguring a Lot – within the Priority Infrastructure Area* and *Reconfiguring a Lot – Outside the Priority Infrastructure Area*. In the Residential 1 planning area lot reconfigurations are code assessable "within" the Priority Infrastructure Area and impact assessable "outside" the Priority Infrastructure Area.

This has created an anomaly in the planning scheme as there are no identified “*Priority Infrastructure Areas*” in the Planning Scheme or the Planning Scheme maps. “*Priority Infrastructure Areas*” usually refer to urban areas served by planned infrastructure. Therefore the level of assessment for this application is considered to be code assessable.

Compliance Issues

Provision of Open Space

The current layout as shown on Plan Ref: 31122/119 G provides 1.21 hectares of parkland as part of Stage 4A of the proposed development. The proposed location of the parkland is not in accordance with that envisaged when the overall concept plan for the Daintree Horizons Estate was approved in association with CA57. Furthermore, the proposed park location and shape is not practical or desirable.

However providing parkland in accordance with the original CA57 approval is impractical as it is located in the most distant portion of the land that the open space is intended to serve and cannot be provided with practical road access. It is recommended that the parkland shown as part of Stage 4A not be approved and that the applicant be required to provide a centre-piece parkland for the estate with adequate road frontage, catering for the existing and future stages of the estate. Attachment 4 shows an alternative, centrally located park location as an example.

Road Connectivity

The current layout as shown on Plan Ref: 31122/119 G no longer provides the road link that will connect Johnston Road to the estate of Forest Glen Drive that was originally proposed as part of the original master plan for the estate. The proposed connection is desirable from a planning and traffic perspective and was originally conditioned to include provision for a bus stop. The layout must be amended to show that a future connection through the balance lot to the estate off Forest Glen Drive is not compromised by the proposed subdivision. The connecting road will need to be of a suitable width to accommodate the future volume of traffic that the road is expected to carry.

Lot sizes and configuration

The current layout as shown on Plan Ref: 31122/119 G represents an amended design that brings lot sizes into conformity with the planning scheme. Refinement to the shapes of certain lots is provided for through proposed conditions of approval.

Water Supply and Sewerage Master Planning

The applicant’s consultant has indicated that their client is happy to allow for potential additional loading for both the water and sewerage network modelling. Conditions of approval have been applied accordingly.

Referral Agency Requirements

The Department of Infrastructure, Local Government and Planning has provided its coordinated State Agency requirements Advice in its letter dated 24 November 2015 (included as Attachment 2 to this report).

Public Notification / Submissions

Not applicable.

ADOPTED INFRASTRUCTURE CHARGES

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

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following 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

- Attachment 1 – Approved Plan(s) & Document(s)
- Attachment 2 – Referral Agency Conditions & Requirements
- Attachment 3 – Infrastructure Charges Notice
- Attachment 4 – Supporting Information to Planning Report – Alternative parkland location.





Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0215-018102
Your reference: ROL 612/2015

24 November 2015

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Dear Sir/Madam

Amended concurrence agency response - changed condition

Development permit for a reconfiguration of a lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4, on land located at 12-36 Alchera Drive, Mossman, QLD, described as Lot 113 on SP213765
(Given under section 290(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 23 February 2015. On 3 November 2015 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

Applicant details

Applicant name: Maxholt Pty Ltd

Applicant contact details: C/- Brazier Motti Pty Ltd
PO Box 1185
Cairns QLD 4870
Cns.planning@braziermotti.com.au

Site details

Street address: 12-36 Alchera Drive, Mossman, QLD
Lot on plan: Lot 113 on SP213765

4D				
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The applicant has provided written agreement to this amended concurrence agency response, as attached.

For further information, please contact Sue Lockwood, Senior Planning Officer, SARA Far North QLD on (07) 4037 3215, or email sue.lockwood@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Ad. Ch.

Robin Clark
Manager (Planning)

cc: Maxholt Pty Ltd, ons.planning@braziermott.com.au
enc: Attachment 1—Amended conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved plans and specifications
Applicant written agreement to amended concurrence agency response

Our reference: SDA-0215-018102

Your reference: ROL 612/2015

Attachment 2—Amended reasons for decision to impose conditions

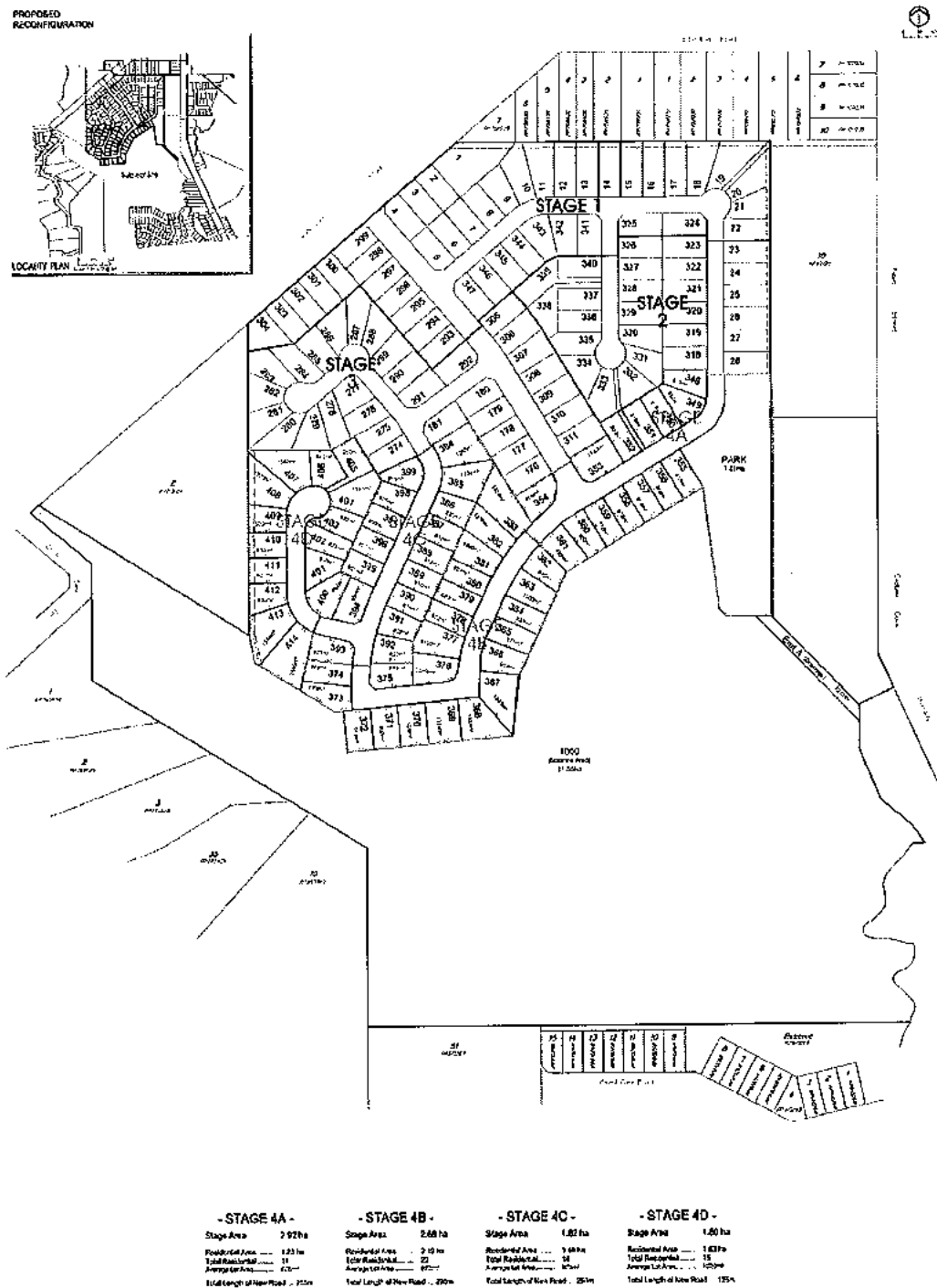
The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application

Our reference: SDA-0215-018102

Your reference: ROL 612/2015

Attachment 4—Approved plans and specifications



		Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only						
proposed	0	0.00	0.00			
	0	0.00	0.00			
existing	0	0.00	0.00			
Total				0.00		
Urban Areas - Water only						
proposed	0	0.00	0.00			
	0	0.00	0.00			
existing	0	0.00	0.00			
Total				0.00		
Urban Areas - Water & Sewer						
proposed development	68	14,342.13	975,264.84			
	0	0.00	0.00			
existing credit	1	14,342.13	14,342.13			
Total				960,922.71		
TOTAL				\$960,922.71		

TOTAL	<u>\$960,922.71</u>
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Amount Paid _____

Date Paid _____

Receipt No. _____

Cashier _____

Amendments

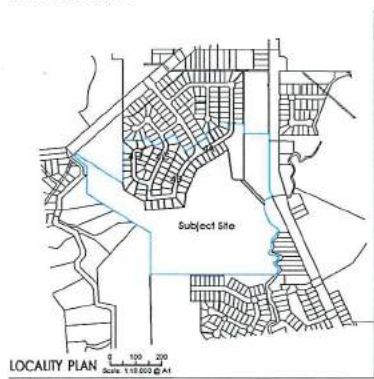
Date _____

Note:
The Infrastructure Charges in this Notice are payable in accordance with Section 630 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



- STAGE 4A -
Stage Area 2.92 ha
Residential Area 1.23 ha
Total Residential 14
Average Lot Area 878m²
Total Length of New Road ... 265m

- STAGE 4B -
Stage Area 2.68 ha
Residential Area 2.19 ha
Total Residential 22
Average Lot Area 993m²
Total Length of New Road ... 280m

- STAGE 4C -
Stage Area 1.82 ha
Residential Area 1.40 ha
Total Residential 16
Average Lot Area 875m²
Total Length of New Road ... 230m

- STAGE 4D -
Stage Area 1.80 ha
Residential Area 1.53 ha
Total Residential 15
Average Lot Area 1020m²
Total Length of New Road ... 125m