

**YOUR REF:** 14-20/R000112  
**OUR REF:** ROL 617/2015 SEDA (437861)

2 March 2015

NV & JS Pty Ltd  
C/- Planning Plus Pty Ltd  
PO Box 8046  
**CAIRNS QLD 4870**

Attention: Ms Claire Simmons

Dear Madam

**ACKNOWLEDGEMENT NOTICE FOR PRELIMINARY APPROVAL TO  
OVERRIDE THE PLANNING SCHEME FOR USE RIGHTS ASSOCIATED WITH  
THE RESIDENTIAL 1 PLANNING AREA & RECONFIGURING A LOT (1 LOT  
INTO 19 LOTS) – 12 CRAWFORD STREET, MOSSMAN**

Receipt of the above application for a Reconfiguring A Lot (1 Lot into 19 Lots) is acknowledged. Please be advised that the application was properly made on 17 February 2015.

Please find attached an Acknowledgement Notice prepared in accordance with sections 267 & 268 of the *Sustainable Planning Act 2009*. The Acknowledgement Notice contains information relevant to the processing and assessment of the application.

After a preliminary examination of the above application, the following information is required in order to complete an assessment of the proposal:

1. The type of development proposed is identified as being Impact Inconsistent i.e in conflict with the Planning Scheme. However the planning report does not clearly identify this issue or articulate clearly the planning grounds relied upon to support the proposal despite the conflict.

Please provide the planning grounds relied upon to overcome the conflict with the Planning Scheme.

2. The planning report includes an assessment against the Community & Recreational Facilities Planning Area Code with a statement advising the application seeks a Preliminary Approval to override the Planning Scheme. No regard or comment is provided with respect to the purpose of the code. It appreciated that the State Government recently sold the land as it was deemed surplus to their requirements. However educational purposes is not the only form of "community facilities" to locate on land

designated for this purpose. Further information is required to address the potential loss of designated land having regard to the purpose of the code and the proximity of the site to the Town Centre and the Mossman State High School. This information request items relates to item 1 and Item 3 below.

The 10 metre setback from Parker Creek to be a walking track for the wider public is insufficient to justify the alienation of community zoned land.

3. The author and qualifications of the person who prepared the "Research Report" on behalf of Heron Todd White is unknown. The report correctly identifies considerable Residential 1 land stocks are suitably designated in the balance stages of Sheppard Valley and Daintree Horizons and the lack of market demand at present for such product. It is noted that Cooya Beach was excluded even though in close proximity to the site.

The report fails to adequately investigate and respond to the loss of land designated for Community and Recreational Facilities. This particular issue was raised by Council in the prelodgement response dated 25 July 2014 issued to the applicant.

Please consider providing additional assessment / information relating to this matter and confirm that such material is being put forward by a qualified economist.

4. The assessment against the Residential 1 code and Reconfiguring a Lot code advises that the respective performance criteria relating to the establishment of Multi-Unit Housing is not applicable to the proposed development. The proposed layout would seek to foster and promote this form of housing product given the large lot sizes.

Provide further information why this performance criterion is not applicable when large vacant lots over 1000m<sup>2</sup> are being proposed. Alternatively, nominate the lots which are intended to be developed for this purpose. If it is intended that all lots be marketed and developed for this purpose then this ought to be made known and considered.

It is understood that the lot sizes is a point of difference from a marketing perspective. However, in the event the application is approved by Council, it must be made clear to potential purchasers the extent of development considered in the Preliminary Approval.

5. Relating to the above item, the FNQ Regional Plan encourages the efficient use of land and the cost effective use of infrastructure and services. Providing a single house on such large lots in close proximity to the Town Centre does not further this intent. Please advise.
6. The location of the pump station does not provide the setbacks nominated in the FNQROC Development Guideline section D7.17, please advise how the layout will be amended to achieve the setbacks required.

FNQROC D7.17 point 5 requires "Pump stations shall be located as far as possible away from existing or proposed habitable dwellings. A 100m setback is desirable with absolute minimum of 30m unless otherwise approved by Council for

standard pump stations only. New developments are to comply with the setback conditions from existing pump stations.”

Tenure, access to the pump station (including manoeuvring at the site), and flood immunity also need to be addressed to confirm a satisfactory location and implications for the lot layout.

The current location of the pump station behind Lot 5 is not supported noting the above issues. It also results in the sewage rising main being at the rear of the lots. The width of land between Lot 5 and the property boundary is also at its narrowest.

Deleting Lot 9 and including the pump station in that location may need to be considered.

Assessment of the impacts on the existing system for water supply and sewerage are required to confirm any upgrades. Council accepts that these can be provided prior to operational works approval but notes that additional works may be required at that time if the investigations uncover any capacity issues.

7. The provision of flood data for the Mossman River Study is noted. The adjacent tributary may be impacted by more localised events that may be critical to this reach of the system and local catchment. A local drainage study will be required prior to operational works and Council accepts that this can be undertaken prior to operational works being issued.

The results of that later study may impose additional requirements on the development if flood levels are higher for other rainfall events.

No information on the drain through Lot 1 has been provided. Whilst Council will accept this information being provided at operational works stage, the depth, width and freeboard of the ultimate drain may have implications on the lot utility and could impact the lot layout.

The lot layout channels the runoff from the school site through a proposed 4m easement. The final width of the easement and the associated piped drainage capacity will need to be confirmed at detailed design phase after the local drainage study has been completed.

Concern is raised regarding the overland flows that are required to turn through 90 degrees after discharging from the easement between lots 11 and 12. The flows are then required to turn through a further 90 degree bend at the southern boundary of Lot 9.

Consideration of a more direct flow path is requested. Details of transitions into and out of the easements is required to assess implications for the road form and the lot layout.

8. On street parking in the vicinity of the park will need to be considered and would benefit from formalised indented parking bays. Council requests advice on how these could be included in the road reserve.

The size of the park is substantially less than the minimum of 0.5 hectares nominated in the Planning Scheme and Planning Scheme Policy No.9 for a Local Park. It is noted that the submission is seeking an open space credit for the setback off Parker Creek. Please detail how the distribution of open space being proposed is supported by the Planning Scheme.

The road reserve width is consistent with the road geometry layouts specific to Cairns Regional Council. The proposed development would be considered infill development in an area characterised by traditional wider streets. Council requests further consideration be given to this matter and how the turnaround can be achieved within the development site.

9. Statements addressing various codes advise that the land is generally flat and does not exceed 15% yet the proposal involves substantially filling an existing gully which is of concern. Please provide advice on the depth of fill for Lots 6,9,11 and 12.

In accordance with section 279 of the *Sustainable Planning Act 2009*, the application will lapse if no response to this information request is received within six (6) months.

Should you require any further information or assistance, please contact Neil Beck of Development and Environment on telephone number 07 4099 9451.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

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**ACKNOWLEDGEMENT NOTICE PURSUANT TO S 267 & S 268  
SUSTAINABLE PLANNING ACT 2009 FOR DEVELOPMENT APPLICATION  
12 CRAWFORD STREET, MOSSMAN**

**PROPOSAL:** Preliminary Approval to Override the Planning Scheme for Use Rights Associated with the Residential 1 Planning Area & Reconfiguring a Lot (1 Lot into 19 Lots)

**APPLICANT:** NV & JS Pty Ltd  
C/- Planning Plus Pty Ltd  
PO Box 8046  
CAIRNS QLD 4870

**LOCATION OF SITE:** 12 Crawford Street Mossman

**REAL PROPERTY DESCRIPTION:** Lot 12 on SP252360

**TYPE OF DEVELOPMENT:**

The application seeks development approval for:-

	<b>Sustainable Planning Regulation 2009, schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Development of a material change of use made assessable under the planning scheme for preliminary approval to which the <i>Sustainable Planning Act 2009</i> section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reconfiguring a lot	<i>Part 1, table 3, item 1</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**REFERRAL AGENCIES** None

**CODE ASSESSMENT REQUIRED:** No

**IMPACT ASSESSMENT REQUIRED:** Yes

The requirements for public notification are set out in the *Sustainable Planning Act 2009*, chapter 6, part 4. You should have regard to the legislation when carrying out the public notification. In summary, you are required to:

- publish a notice at least once in a newspaper circulating generally in the locality of the land;
- place a notice on the land in the way prescribed under the *Sustainable Planning Regulation 2009*, and
- give a notice to the owners of all land adjoining the land.

All of the above notices must be in the approved form available on the Department of State Development, Infrastructure and Planning's website at [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au).

The notification period for the application must be at least:

**30 business days** (not including any business days between and including 20 December in a particular year and 5 January in the following year) as the application is the subject of an application for a preliminary approval mentioned in section 242 of the *Sustainable Planning Act 2009*.

The notice placed on the land must remain on the land for all of the notification period.

**ASSESSMENT MANAGER INTENDS TO MAKE AN INFORMATION REQUEST:** Yes (See Attached)