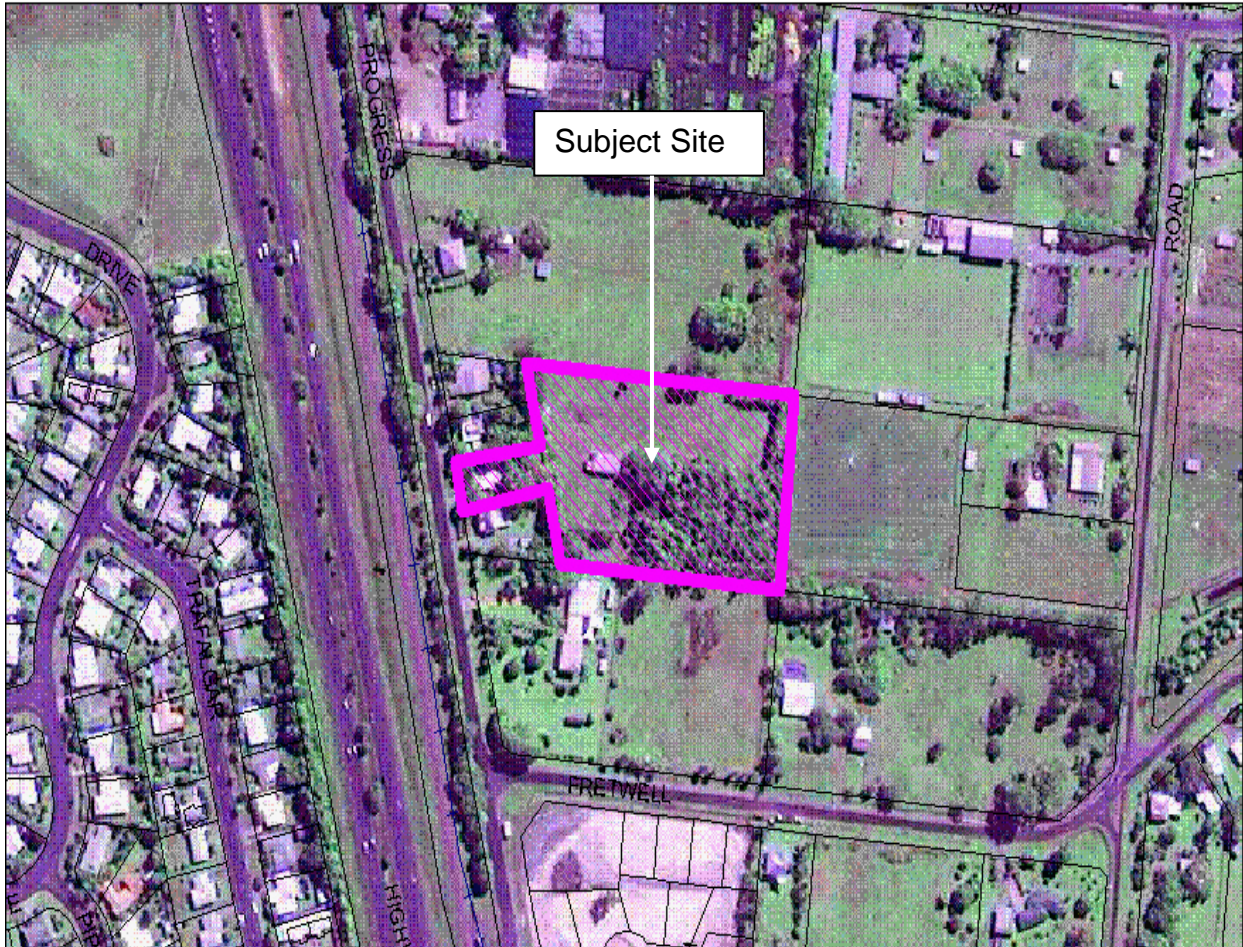


ORDINARY MEETING 29 MAY 2008	5
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MATERIAL CHANGE OF USE (IMPACT) MULTI-UNIT HOUSING – 52
PROGRESS ROAD, WHITE ROCK – DIVISION 3

L Jackson : 8/8/957 : #1657956

<u>PROPOSAL:</u>	MULTI-UNIT HOUSING
<u>APPLICANT:</u>	C ROSS C/- PROJEX NORTH PO BOX 4751 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	52 PROGRESS ROAD WHITE ROCK QLD 4870
<u>PROPERTY:</u>	LOT 220 ON NR4033
<u>PLANNING DISTRICT:</u>	WHITE ROCK, EDMONTON
<u>PLANNING AREA:</u>	RESIDENTIAL 2
<u>PLANNING SCHEME:</u>	CAIRNSPLAN
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF MAIN ROADS
<u>NUMBER OF SUBMITTERS:</u>	EIGHT
<u>STATUTORY ASSESSMENT DEADLINE:</u>	17 JUNE 2008
<u>DIVISION:</u>	3
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. APPROVED PLAN(S) & DOCUMENT(S) 2. CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

LOCALITY PLANRECOMMENDATION:

That Council refuse the development application for Multi-Unit Housing over land described as Lot 220 on NR4033, located at 52 Progress Road, White Rock subject to the following:

1. The proposed development is in conflict with the desired development outcomes of the Residential 2 Planning Area. In particular, the proposal fails to adequately provide development that is within reasonable walking distances to centres and is inappropriately designed in that it fails to facilitate the orderly and sequential development of land.
2. The proposed development is contrary to the purpose of the Multi Unit Housing land use Code. In particular the proposal fails to ensure that Multi-Unit Housing is compatible with and complimentary to the surrounding scale and character of development. The proposal also fails to ensure that Multi Unit Housing does not adversely impact upon the natural environment and features.

3. **The proposed development is contrary to the purpose of the Infrastructure Works Code in that there is not a formalised reticulated sewerage design that can cater for the development.**
 4. **The proposed development is contrary to the purpose of the Landscape Code. In particular, the proposal fails to satisfy Performance Criteria P1 (j) – in that it fails to integrate the existing significant stand of vegetation at the site into the development.**
 - 5 **The proposed development fails to satisfy the Performance Criteria within the Parking and Access Code – Vehicle Access to the Site – P1(d), in that it has not been designed to take into account future road networks.**
-

EXECUTIVE SUMMARY:

Council is in receipt of a development application for Multi-Unit Housing on land described as Lot 220 on NR4033 located at 52 Progress Road, White Rock.

The proposal is located in the Residential 2 Planning Area. The application proposes 31 residential villas in a mix of styles which are all accessed via a single entry point from Progress Road. The proposal involves removal of the vegetation on site.

The application was publicly notified receiving 8 submissions objecting to the proposal for a variety of reasons including land use, drainage, traffic, removal of vegetation, intensity, amenity impacts and character.

The development is considered inappropriate to the character and intent of the Residential 2 Planning Area, the Multi Unit Housing Code and there are issues associated with landscaping/vegetation, infrastructure, integrating with surrounding development and the application is not supported.

TOWN PLANNING CONSIDERATIONS:

Site and Surrounds

The subject site is located on the eastern side of Progress Road and is centrally located within the block bounded by Fretwell Road to the south and Giffin Road to the north. The site is relatively flat and contains a single dwelling. The land has an area of 1.407 ha and is a battle axe shaped lot with a 50m handle. A large area of significant vegetation is located at the south eastern side of the site. Aside from this, the site contains primarily grasslands and is used for the keeping of animals such as horses. A population of Agile Wallabies is resident at the site. Access to the site is via a gravel road from Progress Road.

Land adjacent to the north and south fronting Progress Road contains single residential dwellings. Adjacent to the site further to the rear and to the west, north and south are larger acreage lots that contain single dwellings and that are also used for grazing of animals. There is a distinctly rural feel to the area with most of the nearby uses and land sizes being of a rural/residential nature. The Leichardt Sporting Field is located to the north east of the site and contains lighting to enable night sports.

Proposal

The applicant proposes to construct a Multi Unit Housing development containing 31 x 3 bedroom residential villas within four different design styles. 12 of the units are proposed as town house style duplexes having two storeys and having both garage and carport that are located inside a proposed internal circular driveway. A duplex is also proposed at the entrance to the site. The remaining 19 dwelling units are detached single storey dwellings with three bedrooms, two bathrooms, study, deck and double garage. The dwellings have one of three different house designs. The average size of individual lots for the detached dwellings is 340 sq.m while the town house/duplex buildings occupy approximately 220 sq.m. The application does not involve a Reconfiguration of a Lot hence the lot sizes are indicative if the proposal became a community title subdivision. Landscaped pockets are provided within the development and a small park is proposed at the north eastern side of the site. The proposal is aimed at local permanent residents who desire a smaller yard to maintain. The proposal has a maximum height of 5.5m, a site population density of 66 persons per hectare, site cover of 29% and landscaped area totalling 47%.

CairnsPlan Assessment

CairnsPlan White Rock Edmonton Planning District		Code Applicability	Compliance
Planning Area	Residential 2	✓	See Discussion below
Land Use	Multi-Unit Housing	✓	See Discussion below
Overlays	Hillslopes Overlay	Not Applicable	-
	Vegetation Conservation & Waterway Significance Overlay	Not Applicable	-
CairnsPlan White Rock Edmonton Planning District		Code Applicability	Compliance
Overlays	Connectivity Overlay	Not Applicable	-
	Cultural Heritage Overlay	Not Applicable	-
	Potential or Actual Acid Sulphate Soil Material Overlay	✓	Can comply through application of conditions
	Bushfire Risk Analysis Overlay	Not Applicable	-
	Flood Inundation (ARI 100 year) Overlay	Not Applicable	-
	Height and Impact of Buildings Overlay	Not Applicable	-
	Cairns Airport - Obstacle Limitation Surfaces Overlay	✓	Complies
	Cairns Airport – Bird & Bat Strike Overlay	✓	Complies

	Cairns Airport – Australian Noise Exposure Forecast	Not Applicable	-
	Cairns Airport – Primary Light Control Plans Overlay	Not Applicable	-
	Cairns Airport – Airport Public Safety Zone	Not Applicable	-
	Road Hierarchy – Collector Road	✓	Complies
	Pedestrian & Cycle Movement Overlay – Neighbourhood Route	✓	Complies
	Special Facilities Overlay	Not Applicable	-
General	Development Near Major Transport Corridors & Facilities Code Bruce Highway – State Controlled Road	✓	Complies, conditions set by DMR
	Excavation and Filling Code	✓	Complies
	Infrastructure Works Code	✓	Does not comply, refer to comment
	Landscaping Code	✓	Does not comply, refer to comment
	Parking & Access Code	✓	See discussion below
	Reconfiguring a Lot Code	Not Applicable	-

Compliance Issues

Residential 2 Planning Area

The Intent of the Residential 2 Planning Area as expressed in *CairnsPlan* includes the following desired development outcomes:

- provide for higher densities where located within reasonable walking distance to public transport, centres, community facilities and opens space,
- provide efficiencies in the use of land and in the provision of physical and social infrastructure in developing residential neighbourhoods are facilitated through the orderly and sequential development of land,
- provide consolidation and the more efficient use of existing infrastructure within the established residential areas included within this Planning Area is facilitated.

It is important to note that the Residential 2 Planning Area is much more akin to the Residential 1 Planning Area than the Residential 3 Planning Area. That is, it is anticipated that the land be developed for a mixture of traditional and smaller lots (down to 450m²) and in select appropriate locations will also provide opportunities for dual occupancies and two storey townhouse living. The Forest Gardens Estate is an example of Residential 2 development.

In emerging areas where there is a lack of convenient access to public transport, centre facilities, community facilities and open space, it is not intended that sites be developed for broad acre town house/multi unit housing type development. This principle is reflected in the Residential 2 Planning Area Codes that state that development is not to adversely affect the amenity of the planning area or adjoining land uses as a Performance Measure.

The development does not reflect the character of the Residential 2 Planning Area which demonstrates on the whole small lot subdivisions down to 450 sq.m lots as opposed to gated Multi Unit Housing Development

The development is located beyond the acceptable measure of 400 metres to public transport, centres, community facilities and open space (travelling distance as prescribed in the Performance Criteria). In fact, the Mount Sheridan Shopping centre is beyond 1 kilometre from the site by road being separated by the Highway and the main East Coast Railway Line.

There is no planned connectivity between development on this land and adjoining land and no consideration has been given to the future planning and integration of this site with the adjoining properties and the precinct in general. Furthermore there are no other broad acre unit developments in White Rock at present and approval of this style of development will set the precedent for the balance development of the acreage lots in White Rock.

Multi Unit Housing Code

The proposed development fails to satisfy the purpose of the Multi Unit Housing Code, which includes:

- To ensure that Multi-Unit Housing is compatible with and complimentary to surrounding development, with regard to scale, bulk, appearance and streetscape; and
- To ensure that Multi Unit Housing does not adversely impact upon the natural environment and features.

The proposed development results in Multi Unit Housing Development which is a form of development which currently does not exist in the area. The surrounding area consists primarily of large rural/residential style lots with some smaller lot subdivisions located nearby.

The proposal results in the removal of vegetation that will adversely impact upon the natural environment. Trees and wildlife on the site will need to be completely removed to facilitate the proposed units.

The proposal is therefore contrary to the purpose of this code.

Future Road Hierarchy

The development proposes access from Progress Road only. Progress Road is likely to experience a significant increase in traffic in the future when Progress Road and the proposed future sub-arterial road to the south become connected. The proposal does not encourage an orderly and integrated planning approach with respect to the current and anticipated road framework of the area. The proposal would become an isolated gated community that relies solely on access from Progress Road which will become progressively much busier. The design is inefficient in that it does not cater for the likely future impacts of further development in the area and the increase in usage of Progress Road. A formal Residential 2 subdivision containing lots of adequate size to accommodate dual occupancies or small scale multi unit housing development is more desirable. Such an approach would enable a road framework to be designed that can be integrated in with potential development on other large sites within the block that have yet to develop. A design that relies solely on gaining access from Progress Road is strategically inappropriate.

It is noted that the Performance Criteria within the Parking and Access Code – Vehicle Access to the Site – P1(d), states that *The location of access points must minimise conflicts and must be designed to operate efficiently and safely taking into account the nature and extent of future road or intersection improvements.* The proposed development has not been designed to take into account future road networks hence this performance criteria is not satisfied.

Infrastructure Works

The subject site is connected to Council's reticulated water supply system. The development can be serviced by the existing 150 diameter water main on the footpath of Progress Road.

The subject site is not currently connected to Council's sewerage system. The development site falls outside the area currently covered by Council's Sewerage Headworks Districts. The provision of sewer is the responsibility of the developer and must connect to Council's Sewerage System at a point nominated by Cairns Water. Cairns Water is currently preparing a reticulated sewer design for the locality. Such design will seek to cater for a population density of 100 persons per hectare with a contingency factor. At this point in time the proposed design is incomplete and has not been adopted by Council. The development is not supported by existing infrastructure.

The site falls gently from west to east hence drainage from the site is to the east which is bounded by private properties. Drainage from the site will need to be conveyed either via an easement through an adjacent lot to the east or by impounding water on the site and pumping it to the stormwater drainage system in Progress Road. A drainage easement currently runs through the adjacent lot to the east.

Landscaping Code

The proposed development does not satisfy the performance criteria for site and street landscaping, in particular P1 (j) – in that it fails to integrate the existing significant stand of vegetation at the site into the development and hence address amenity and separation issues.

Public Notification/Submissions

The proposed development was publicly notified in accordance with the requirements of the Integrated Planning and Assessment Act. Eight submissions were received relating to the proposal and are addressed following:

The proposed density is too high. The blocks are way too small already. We live on a much larger allotment and feel such small blocks will downgrade the valuation of the White Rock area.

Officer Comment

The proposed development has a density of 66 persons per hectare which complies with the density requirement in the Residential 2 Planning Area of 100 persons per hectare. The proposed application does not involve subdivision of lots. Matters relating to the devaluation of surrounding properties are not a planning consideration.

Concerns that the area will become a slum and that too much vegetation is being removed between properties.

Officer Comment

There is no evidence to suggest that a development of this nature would create a slum. Matters relating to vegetation have been previously addressed in the report in the Landscaping section.

The site lies on swampy land that contains numerous springs that run all year long. Filling the site will not prevent issue relating to release of ground water onto the site. It may exacerbate groundwater flow onto adjacent sites. No stormwater drainage report has been prepared to identify what measures will be taken to prevent any problems arising.

Officer Comment

Drainage matters on the site would need to be resolved by the applicant preparing a Drainage Study demonstrating that the proposal would not adversely impact upon adjacent and surrounding properties as well as the site itself as a result of any development. This could be conditioned.

The proposed use if established would be contrary to the intended character of the area proposed in CairnsPlan and as expected by local residents and landowners. In particular the subject land is zoned Residential 2 as is much of the surrounding area. The Residential 2 zone has a particular purpose within CairnsPlan. It is a zone set aside for high quality residential subdivision in which single family housing predominates on lot sizes of not less than 450 sq.m. The proposal should therefore not be allowed. To change the site to Multi Unit Housing would be in direct conflict with the Scheme.

Officer Comment

These matters are addressed in the report and it is considered that the proposal is in conflict with the Residential 2 Planning Area and hence the planning scheme

The height of the buildings (i.e. 5.5m) is not in keeping with the existing residential character of the area.

Officer Comment

The maximum height specified in the Residential 2 planning area is 7.5m, hence the proposed buildings would comply. Despite this, the area exhibits virtually no two storey dwellings with most buildings being generally single storey only.

Objection is raised to the proposed 1.8m high boundary fence on the boundary. Costs must be incurred by the developer and be put on their own side of the fence.

Officer Comment

Boundary fencing is generally a civil matter. In any case – fencing would be required to be placed on the boundary at the cost of the developer.

With current development applications for proposal nearby being currently assessed by Council, the cumulative impact of these developments in terms of traffic would be an additional 6312 vehicles per day on Progress Road. Progress Road is a Major Collector Street which falls between 3,000 and 5,990 vehicles per day. These proposed developments already exceed the allowable figures. The proposal will exacerbate the traffic problems.

Officer Comment

These matters are addressed in the report and it is considered that the proposal does not integrate well into future road network planning.

Concerns with respect to filling the site by up to 1.8m in height.

Officer Comment

It is not proposed to fill the site up to 1.8m and no extensive filling is indicated as part of the proposal

There is no lawful easement for drainage or any other purpose our site. You cannot lawfully discharge water onto adjoining properties.

Officer Comment

Drainage from the site will need to be conveyed to a lawful point of discharge. This matter is addressed within the report.

The applicant claims the site is connected to Council's drainage system. There is no Council drainage system already in place.

Officer Comment

It is believed that the applicant is referring to the informal drainage system in Progress Road.

There is no kerb and channel in the street. Will kerb and channel be built along the length of Progress Road to cater for the development?

Officer Comment

The street currently has no kerb and channel. A standard requirement in new developments is to construct kerb and channel at least over the area fronting the property.

There is no explanation how the proposal will comply with some aspects of the Multi Unit Housing Code. The responses to many of the requirements of the code are answered "*will comply*".

Officer Comment

The applicant does not sufficiently address some matters in the code as asserted by the submitter.

The site is home to hundreds of wallabies and other animals such as bandicoots, birds and other wildlife associated with the substantial vegetation on the site. The vegetation forms part of a substantial wildlife corridor that connects wildlife to the creeks and bush further to the east. To say there is no worthwhile area of natural environment is ludicrous.

Officer Comment

The site contains a significant stand of vegetation and grassed areas that support a diverse array of local wildlife. Agile wallabies were present at the site during a site visit and it is understood there is over 100 of them that use the area as part of their home range. Any development of lots in the area would need to ensure that such animals are relocated effectively. With respect to the existing vegetation, the applicant has not integrated any of the vegetation into the current proposal. This is not supported.

Use of the adjacent land for sport and recreation will be compromised by the proposed use as light and noise will generate complaints from the new residents. The complaints will eventually curtail the activities. The club has been active at the site for 25 years and they do not have the funds to go elsewhere.

Officer Comment

Any proposed development of the subject land should be developed with the adjacent uses in mind. A greater buffer to the sporting field located to the north east of the site would be necessary to minimise complaints in relation to light and noise.

Referral

The development application was referred to the Department of Main Roads as a Concurrence Agency for proximity to the Bruce Highway. Department of Main Road provided conditions are included as Appendix 2.

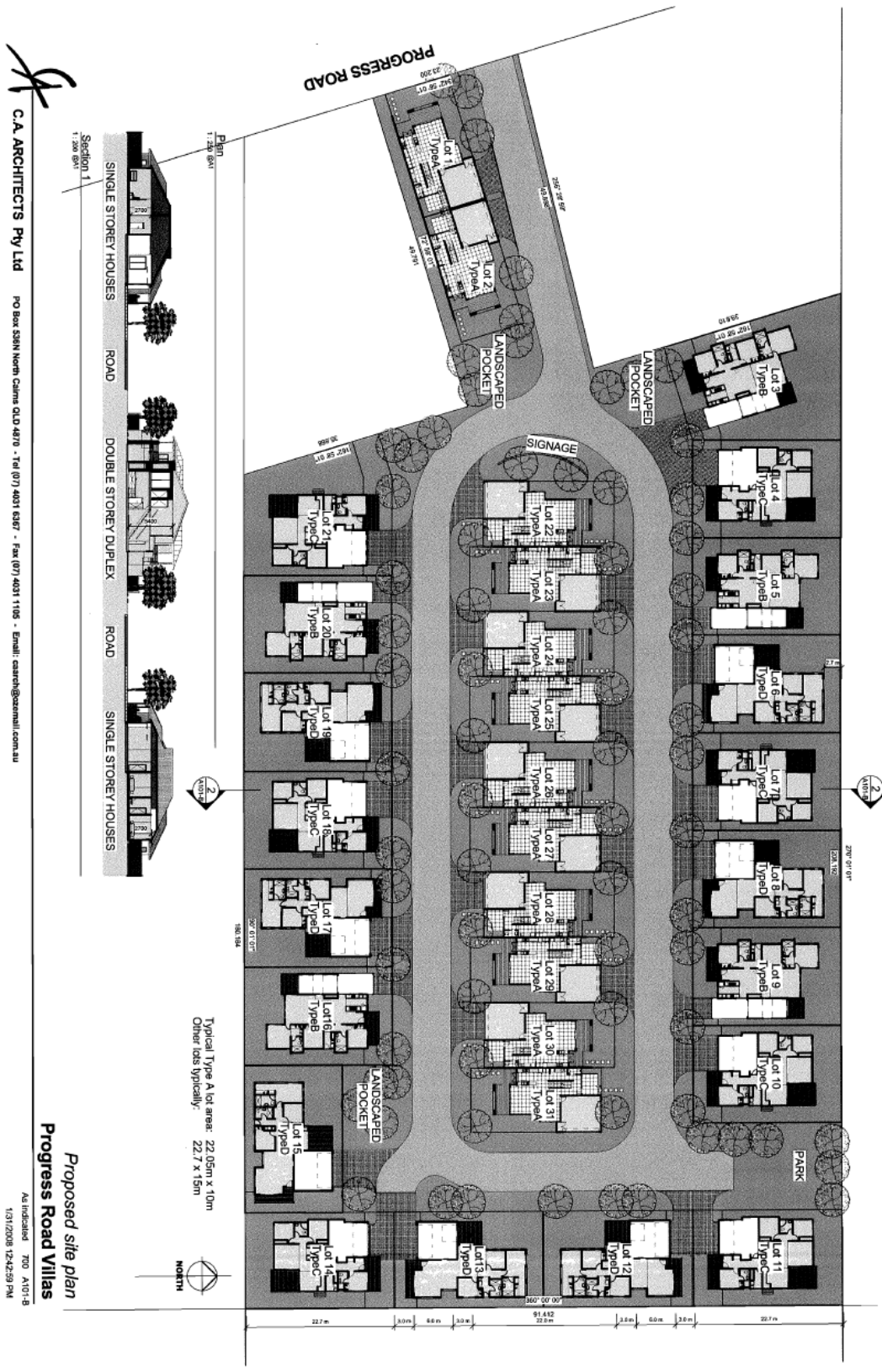
Conclusion

It is not the intent of the Residential 2 Planning Area to be a broad acre townhouse zone. It is intended to cater for a planned mix of traditional size (600m²) and smaller (>450m²) lots. Multi unit housing, dual occupancy developments and townhouses are considered appropriate only where they are conveniently located with respect to facilities and services. The proposed development does not represent this planned style of development intended the Residential 2 Planning Area. The proposed development is considered to be out of character with the surrounding area and will interfere with the logical planning for the future Residential 2 community in this part of the City. The proposal fails to address issues of landscaping, protection of vegetation, drainage, and access. Therefore the development proposal is not supported.

L Jackson
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

APPENDIX 1 - REFUSED PLAN(S) & DOCUMENT(S)



C.A. ARCHITECTS Pty Ltd
 PO Box 5388 North Cairns QLD 4870 • Tel (07) 4031 6387 • Fax (07) 4031 1105 • Email: carwin@caemail.com.au

Proposed site plan
 Progress Road Villas

As Issued: 700 A101-B
 13/10/08 12:42:59 PM

Typical Type A lot area: 22.05m x 10m
 Other lots typically: 22.7 x 15m



NORTH

APPENDIX 2 - CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS



4 March 2008

Mr N Briggs
Chief Executive Officer
Cairns City Council
PO Box 359
Cairns Qld 4870

Department of Main Roads



Dear Mr Briggs

Cairns City: Bruce Highway (Innisfail-Cairns)
Situated at 52 Progress Road, White Rock
Lot 220 on NR 4033, Parish of Cairns
Carol Ross
Proposed Material Change of Use (Multi Unit Housing) Application
Referral Agency's Response (conditions apply)

I refer to the above application received at the Department 3 March 2008, requesting consideration of the above development.

A. CONDITIONS OF DEVELOPMENT

Pursuant to the *Integrated Planning Act*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application.

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Bruce Highway) and the subject land shall be via Progress Road, to the satisfaction of Cairns City Council.
- (ii) No direct access (including motor bikes) between the State-controlled road reserve (i.e. Bruce Highway) and the subject land is permitted.

2. Road Traffic Noise & Visual Treatments

For the purposes of this condition:

- DMR Plan PD85C (dated 03/2004) shall hereafter be referred to as the 'DMR Buffer Plan'.

North Queensland Region
Peninsula District
PO Box 6185
CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 158/10P/102(3379)
Your ref 8/8/957
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

(a) Creation of Buffer Strip

The applicant/landowner shall create a two metre wide buffer strip, located adjacent to, and generally east of the full length of the Progress Road frontage of the subject land except for the permitted road access location. This buffer shall be provided at no cost to Council or the State of Queensland.

The buffer strip shall be created as road reserve prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100 metres of the Progress Road frontage, or
 - lodging a plan of survey to Cairns City Council on any part of the subject land for signing and dating,
- whichever occurs first.

(b) Visual Amenity Works

The applicant/landowner shall provide landscaping in and along the full width and length of the buffer strip such that existing and future Bruce Highway infrastructure, noise ameliorative works within the buffer, and on site buildings and facilities, are screened as much as practicable from each other.

The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council doesn't have standards, then the only requirement is that they are native, low maintenance species which are effective at providing the necessary screening specified above, and do not create a safety risk (no thorns, heavy nuts, or poisonous fruits or berries).

All landscaping of the buffer shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100 metres of the Progress Road frontage, or
 - lodging a plan of survey on any part of the subject land to Cairns City Council for signing and dating,
- whichever occurs first.

(c) Road Traffic Noise Ameliorative Works

(i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

A two metre high noise barrier fence shall be located along the full length of the buffer strip on the subject land and suitably screened from the Bruce Highway with landscaping as indicated in 2 (b) above.

(ii) Maximum Noise Levels and Time Horizons

The following maximum road traffic noise level shall not be exceeded within 10 years of completion of the full development.

- External noise levels shall not exceed 63dB(A) 18h, east of the Progress Road frontage.
- Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

(iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works.

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- For residential/accommodation development, internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

(iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report which demonstrates how the development is to be designed to conform with the above requirements. The report shall:

- predict the road traffic noise levels,
- identify the ameliorative works required within the buffer strip, the rest of the subject land, and the relevant buildings, and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner:

- seeking Council (or private certifier) approval for a development permit for carrying out building works on any part of the subject land within 100m of the Progress Road frontage, or
 - lodging a plan of survey on any part of the subject land to Cairns City Council for signing and dating,
- whichever occurs first.

(v) Incorporation of Works into the Development

All noise ameliorative works required in the buffer shall be completed prior to the applicant/landowner: