

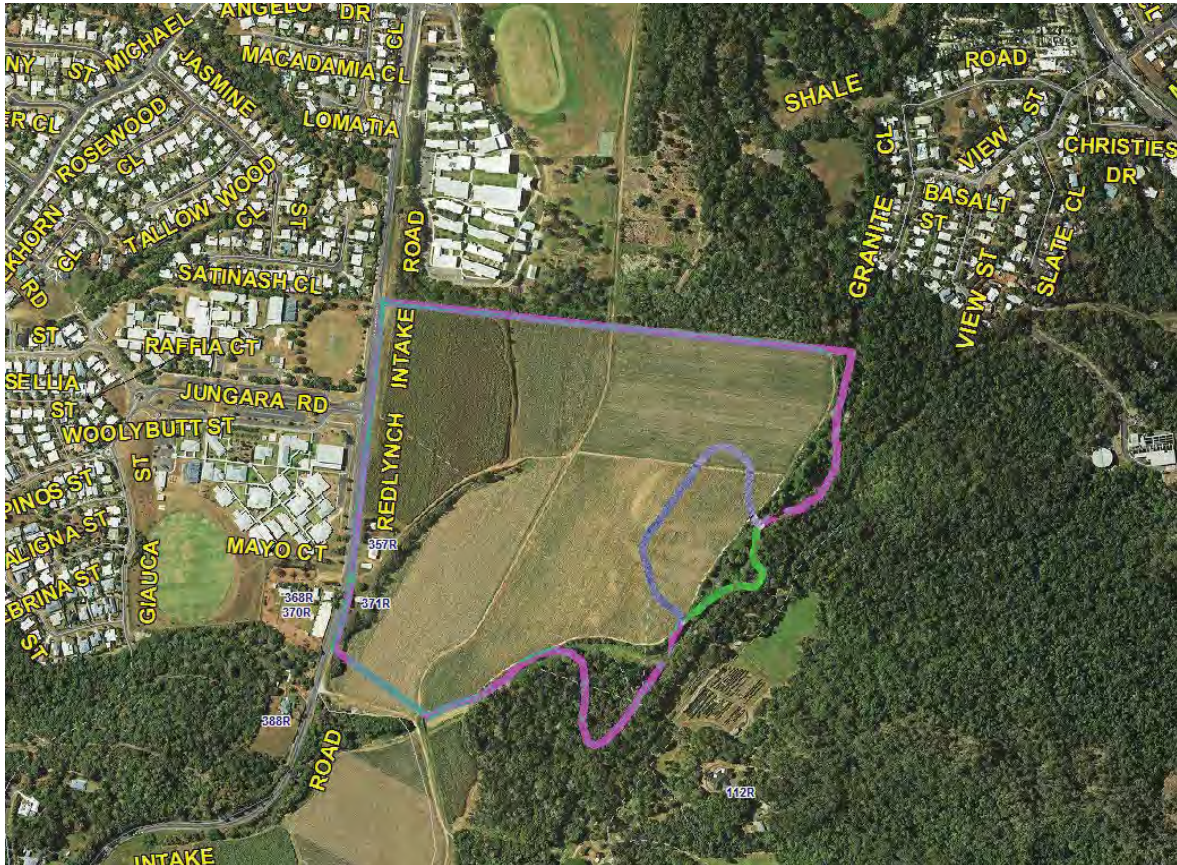
ORDINARY MEETING 22 JUNE 2016	2
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RECONFIGURING A LOT (80 LOTS, BALANCE LAND & NEW ROAD) –
REDLYNCH INTAKE ROAD, REDLYNCH – DIVISION 6

I Elliott-Smith | 8/13/1925 SEDA | #5028308v4

<u>PROPOSAL:</u>	80 LOTS, BALANCE LAND & NEW ROAD (STAGE 3 – REDLYNCH VISTA ESTATE)
<u>APPLICANT:</u>	KENFROST (1987) PTY LTD C/- CARDNO HRP PO BOX 1619 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	357R - 371R REDLYNCH INTAKE ROAD, REDLYNCH
<u>PROPERTY:</u>	LOT 5 CP857640, LOT 523 NR5565 & LOT 2 RP726219
<u>PLANNING DISTRICT:</u>	REDLYNCH VALLEY
<u>PLANNING AREA:</u>	RURAL 1
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2009
<u>REFERRAL AGENCIES:</u>	N/A
<u>NUMBER OF SUBMITTERS:</u>	N/A
<u>STATUTORY ASSESSMENT DEADLINE:</u>	EXTENDED
<u>APPLICATION DATE:</u>	31/08/2015
<u>DIVISION:</u>	6
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. ADOPTED INFRASTRUCTURE CHARGES NOTICE 3. SUPPORTING INFORMATION

LOCALITY PLAN



RECOMMENDATION

The Council approves the Development Application for Reconfiguring a Lot (80 Lots, Balance Land and New Road) over land described as Lot 5 CP857640, Lot 523 NR5565 and Lot 2 RP726219, located at 357R - 371R Redlynch Intake Road, Redlynch, subject to the following:

The Assessment Manager considers that the application is in conflict with the applicable codes contained within the relevant Planning Scheme. Specifically, the application is in conflict with the *Flood Management Overlay Code*, *Rural 1 Planning Area Code* and the *Reconfiguring a Lot Code*.

Statement of Reasons

In accordance with Section 326(1)(b) of the *Sustainable Planning Act (2009)*, the Assessment Manager considers that there exists the following sufficient grounds to justify the issue of a Preliminary Approval in relation to the application despite the conflict with the identified applicable codes:

- a. The site is designated wholly within the *Urban Footprint* of the Far North Queensland Regional Plan 2009 – 2031 and the urban residential lots proposed as part of this stage of the development will assist in the achievement of key objectives for the Desired Regional Outcomes relating to Urban Development;
- b. The proposed development represents a further and final logical extension to the urban developable area in this location; and
- c. There exists an appropriate level of infrastructure to service the development despite the site being designated within the Rural 1 Planning Area under CairnsPlan 2009 and partially designated within the Rural Zone under CairnsPlan 2016.

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
Redlynch Vista Proposed Plan of Reconfiguration – Stage 3	Dwg. No. Q144027-001-L03, Revision B	06/05/2016

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 this Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.

Timing of Development

3. The approved development must be constructed in conjunction with or after the completion of Stage 1 of the development approved via Development Permit 8/13/1888.

Amendment to Design

4. Proposed Lot 312 must be integrated into the park to be provided as part of Stage 1 (Development Permit 8/13/1888).

Staged Development

5. The development is able to be undertaken in stages as generally indicated on the approved Plan of Development. Council must be notified of any proposed changes to the approved stage boundaries, including as a result of Condition 4.

Operational Works

6. Development Approval for Operational Works is required for all internal and external earth works, civil works including, but not limited to road, water, sewerage and drainage works and landscape works associated with the development.

All such works must be completed to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey for the relevant stage of the development. Where plans are required to be submitted for approval, three (3) A1 size copies and one (1) A3 size copy of all relevant plans must be submitted.

Road Hierarchy Master Plan

7. The Road Hierarchy Master Plan being *Proposed Road Layout, Dwg. No. Q144027-003-SK002, Revision A, dated 24 March 2015* shall be amended to reflect the approved layout for the development i.e. that shown on the approved Plan of Development. The following road standards must be shown on the amended plan:
 - a. The road named as Sawyer Drive on the approved Plan of Development shall be designed and constructed to a Minor Collector Road standard from between Lots 316 & 317 to between Lots 301 & 327; and
 - b. The road named as Oxbow Loop shall be designed and constructed to an Access Street standard from its connection with Sawyer Drive, for the full frontage of Lots 357 – 364 and Lots 365 to 372.

The required Road Hierarchy Master Plan must be submitted for approval in conjunction with the first application for Operational Works for the development.

Road Works Internal

8. All streets must be designed and constructed in accordance with the FNQROC Development Manual. The required Road Hierarchy shall be as per the Road Hierarchy Master Plan required by Condition 7.
9. Individual property access must be designed in accordance with the requirements of AS2890.1. Appropriate distances are required from intersections.
10. A minimum of 0.5 spaces per allotment must be available on-street to accommodate parking in accordance with Section 2.4 of Queensland Streets.

Footpath Master Plan

11. Submit a Footpath Master Plan, prepared in accordance with the requirements of the FNQROC Development Manual, which details where footpaths will be constructed within the approved development.

The Master Plan shall detail where internal footpath networks are proposed to be joined to external networks i.e. along the northern boundary of the site. Where works are proposed to realign existing section(s) of footpath, the cost of such works shall be not be creditable works and shall be borne fully by the developer.

The required Footpath Master Plan must be submitted for approval in conjunction with the first application for Operational Works for the development.

All footpaths shown on the endorsed Footpath Master Plan must be constructed in accordance with the FNQROC Development Manual prior to the issue of a Compliance Certificate for the Plan of Survey.

Water Supply and Sewerage Master Plan

12. An updated Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the development can be serviced.

The Water Supply and Sewerage Master Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Water and Sewerage Works External

13. Undertake the following water supply works external to the site to connect the site to existing water supply infrastructure:

- a. **Extend water infrastructure to connect the site to Council's existing water infrastructure at a point that has sufficient capacity to service the development.**

The external works outlined above require approval from Council in accordance with an Operational Works Approval. Such work must be constructed in accordance with the Operational Works Approval, to the satisfaction of the Chief Executive Officer and prior to issue of the Compliance Certificate for the Plan of Survey.

Water and Sewerage Works Internal

14. **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. **Extend water mains such that each allotment can be provided with a water service connection to the lot frontage; and**
 - c. **Provide easements having a nominal width of 3m over sewers which are on a non-standard alignment.**

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

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 and prior to issue of a Compliance Certificate for the Plan of Survey.

Inspection of Sewers

15. **CCTV inspections of all constructed sewers must be undertaken. An assessment of the CCTV records must be undertaken by the developers' consultant and a report along with the footage submitted to Council for approval. Identified defects are to be rectified to the satisfaction of the Chief Executive Officer and at no cost to Council prior to the issue of a Compliance Certificate for the Plan of Survey.**

Sewer Easement(s)

16. Create an easement in favour of Council over any sewers on non-standard alignment to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document(s) must be submitted to Council for approval by Council's solicitors at no cost to Council. The approved easement document must be submitted at the same time as seeking a Compliance Certificate for a Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Easement over Trunk Water Main

17. Create a 3m wide easement in favour of Council over the existing 300DN trunk water main located within the property to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement document must be submitted to Council for the approval by Council's solicitors at no cost to Council. The approved easement document must be submitted at the same time as seeking compliance assessment of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Plan of Drainage Works

18. The site must be drained to the satisfaction of the Chief Executive Officer. In particular:
 - a. Drainage infrastructure in accordance with the FNQROC Development Manual; and
 - b. The drainage network for 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 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. The SQID shall be provided with a hardstand structure suitable to bear the weight of a design truck and located off of the road pavement so as to not to interfere with the movement of traffic or household driveways whilst in operation.

The Drainage design and associated plans must be submitted with the Operational Works application.

Flood Immunity

- 19. All new allotments must have immunity from flooding associated with a 100 year ARI rainfall event.
- 20. The development must be designed and constructed in accordance with the requirements of CairnsPlan 2009 and the FNQROC Development Manual to ensure that:
 - a. There is no increase in peak flow rates downstream from the site;
 - b. There is no significant increase in flood levels external to the site unless otherwise agreed to by written consent of the affected land owner(s); and
 - c. There is no increase in duration of inundation external to the site that could cause loss or damage.
- 21. As part of a future application for Operational Works (Civil Works) for the development, submit certification from a Registered Professional Engineer Queensland (RPEQ) stating that the Operational Works design has been carried out in accordance with the 'Outlook at Redlynch Flood Study, dated 29 March 2016, prepared by Cardno, Reference Q144027'.

Lawful Point of Discharge

- 22. All stormwater from the property and newly created allotments 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

Drainage Easement(s)

23. **Drainage Easement(s) must be created with a minimum width of 3 metres over any inter-allotment drainage infrastructure in favour of Council. A copy of the easement document(s) must be submitted to Council for approval by Council's solicitors at no cost to Council. The approved easement document(s) must be submitted at the same time as seeking a Compliance Certificate for a Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.**

Sediment and Erosion Control

24. **In conjunction with the first application for Operational Works, submit for approval a Sediment and Erosion Control Plan to be implemented on the site. The requirements of the plan must be adopted and 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 (1992), the FNQROC Development Manual and Best Practice Erosion & Sediment Control – IECA Australasia, November 2008).**

Stockpiling and Transportation of Material

25. **Soil used for filling or spoil from earthworks carried out on the site 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.**

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

- a. **within peak traffic times;**
 - b. **before 7:00am or after 6:00pm Monday to Friday;**
 - c. **before 7:00am or after 1:00pm Saturday; or**
 - d. **at any time on a Sunday or Public Holiday.**
26. **Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause nuisance to surrounding properties.**

Storage of Machinery and Plant

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

Landscape Plan

28. 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. Plants proposed to be removed;
 - b. Planting of the road verges, including the area between Lots 301 and 364, with trees, shrubs and grass, using locally endemic species and with regard to any overhead or underground services and lot access/crossover constraints;
 - c. Details of exclusion devices to ensure vehicular access is not available to
 - i. the park located off Levee Court, to the south of Lot 312; and
 - ii. the small area of road reserve between Lots 301 and 364.
 - d. Typical landscape sections for the Minor Collector Road (Sawyer Drive), the interface between Lots 345 – 356 and the existing bike path to the north and the interface between Lots 301, 356 – 364 and the Cane Rail Corridor;
 - e. Details of the fencing required by Conditions 30 and 31;
 - f. 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.

Three (3) 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 (Public Landscaping). 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.

Community Purpose/Drainage Infrastructure – Balance Allotment

29. The Balance Allotment (Lot 900) identified on the approved plan of development being Proposed Plan of Reconfiguration – Stage 3 (Dwg. No. Q144027-001-L03, Revision D, dated 06/05/2016, prepared by Cardno) must be transferred to Council in freehold for Town Planning Purposes – Drainage and Open Space.

The Balance Allotment must be transferred to Council prior to or in conjunction with the registration of a Plan of Survey for the fiftieth allotment within the approved development.

Utilities such as electricity substations, sewer and pump stations and the like are not permitted to be located within the Balance Allotment. It is recommended that a separate utility lot/road reserve indentation be sited in a suitable location to enable provision of such services.

Fencing: Lots 345 – 356

30. Prior to the issue of a Compliance Certificate for the Plans of Survey for these lots, an appropriate fencing system must be constructed that assists in achieving passive surveillance opportunities along the existing bike path located adjacent the northern boundary of the lots.

The fencing required by this condition shall be carried out to the satisfaction of the Chief Executive Officer and completed prior to the issue of a Compliance Certificate for the Plan of Survey for the relevant stage.

Fencing: Lots 301, 356 – 364

31. Prior to the issue of a Compliance Certificate for the Plan of Survey for these lots, an appropriate fencing system must be constructed that assists in achieving a defined edge to the common boundary with the Cane Rail corridor. Fencing must be a minimum of 1.8m in height and restrict access to the corridor.

Electricity and Communications

32. All new lots are to be provided with an underground electricity supply and telecommunication service.
33. Written evidence of negotiations with Ergon Energy and the telecommunications authority must be submitted to Council stating that both an underground electricity supply and telecommunication services will be provided to all new lots.
34. Where Ergon Energy requires the installation of a substation to augment their network, a pad mount type is to be incorporated within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.
35. The above conditions relating to electricity supply must be provided to Ergon Energy at the same time as the application for Network Connection Services.

Street Lighting

36. 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 issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant for the internal subdivision 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 lighting scheme must show light pole locations that align with property boundaries that represent the permitted design spacing and demonstrates no conflicts with stormwater, driveways, kerb inlet pits and other services.

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

- i. Intersections
- ii. Pedestrian Refuges
- iii. Cul-de-sacs
- iv. 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; and

- 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.

The above condition relating to street lighting must be provided to Ergon Energy at the same time as the application for Network Connection Services.

Damage to Existing Council Infrastructure

37. In the event that any part of Council's existing sewer, water, road or drainage 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/Developer must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced by Cairns Regional Council at the Applicant's/Owner's/Developer's cost, prior to the issue of a Compliance Certificate for the Plan of Survey.

Demolish Structures

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

Temporary Vehicle Turnaround

39. A temporary vehicle turnaround at the end of all partially constructed roads where the length of road exceeds sixty (60) metres (i.e. maximum acceptable reversing distance for a 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 three-point turn.

Cane Rail Corridor – Access Easement

40. An Access Easement must be created with a minimum width of 12 metres in favour of the Mulgrave Mill over the existing Jungara section of Cane Rail line which traverses the site. A copy of the easement document(s) must be submitted to Council for approval by Council's solicitors at no cost to Council. The approved easement document(s) must be submitted at the same time as seeking a Compliance Certificate for a Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

A copy of the easement document(s) must also be submitted to the Mulgrave Mill for review prior to submission and registration with the Department of Natural Resources and Mines.

Cane Rail Corridor – Impact of Development Works

41. A clear space of a minimum width of 4.2m measured from the centre line of the cane rail and extending westward must be provided for the length of the corridor adjacent to Lots 356 – 364, Lot 301 and the portion of road reserve located between Lots 301 and 364. This area must be retained as a generally flat, trafficable surface clear of obstruction to permit Mulgrave Mill vehicles access.

FURTHER ADVICE

1. This approval, granted under the provisions of the Sustainable Planning Act (2009), shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 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.

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 Assessment Team 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. The costs of constructing trunk infrastructure associated with the development may be able to offset some or all of the Applicant's obligations for the payment of infrastructure charges under an Adopted Infrastructure Charges Notice. Where trunk infrastructure is proposed to be constructed, the Applicant may enter into an Infrastructure Agreement regarding the provision of such infrastructure.

6. For information relating to the *Sustainable Planning Act (2009)* log on to www.dilgp.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au
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EXECUTIVE SUMMARY:

Council is in receipt of a Development Application for Reconfiguring a Lot (3 Lots into 80 Lots, Balance Land and New Road) over land at 357R – 371R Redlynch Intake Road, Redlynch. The site is formally described as Lot 5 on CP857640, Lot 2 on RP726219 and Lot 523 on NR5565 and comprises a total area of approximately 33.84ha. The development is known as Stage 3 of the *Redlynch Vista* estate.

The subject site is situated wholly within the Rural 1 Planning Area of CairnsPlan 2009; however with the adoption and subsequent commencement of CairnsPlan 2016 on 1 March 2016, the site is currently designated partially within the Emerging Communities Zone and partially within the Rural Zone.

The site is located on the eastern side of Redlynch Intake Road, immediately south from St Andrews Catholic College and to the east of Redlynch State College. The Redlynch Central Shopping Centre is located approximately 1.3km north of the site.

The current application before Council is a result of discussions with the Applicant in relation to the original application lodged for the development which encompassed Stages 1 and 2 in addition to the development the subject of this application. Amendments to the original application resulted in Stages 3 and 4 being withdrawn and the first application only contemplating Stages 1 and 2 of the estate.

The initial assessment of the original application identified a number of significant issues which were raised within Council's Information Request, significantly in relation to the extent of work required to facilitate the proposed development in its original form.

As part of Council's Information Request, the Applicant was advised of Council's intent to have the Flood Report reviewed by an external consultant given the reliance placed upon this by the Applicant.

The Applicant provided a partial response to Council's Information Request for the original application and asked that Council assess the application on the information that had been provided. Subsequent to the Applicant providing their response, a request to change the original application was submitted. This request modified the application to only encompass Stages 1 and 2 of the estate. Stages 3 and 4, the subject of this current application, were withdrawn and a separate application was submitted in late August 2015.

Advice provided by Officers to the Applicant through the course of the Third Party Review resulted in further changes being made to the application, with a number of lots within the south-eastern portion of the development being removed.

Through a combination of the outcomes of the Third Party Review and advice provided by Council officers to the Applicant through the course of the review, further changes to the development were proposed by the Applicant supported by an amended Flood Report.

The changes put forward had the result of removing the need for the Applicant to conduct significant earthworks in the portion of the site between the cane rail line and Freshwater Creek. Upon review of the revised footprint and supporting Flood Report, Officers provided 'in-principle' support for the revised footprint to the Applicant on the basis that the revised footprint would not cause an 'actionable nuisance' to property external of the site. Consequently, the Applicant provided a formal submission with an amended plan of development to Council in May 2016 which incorporated only Stage 3 of the development.

In addition to the Third Party Review of the Flood Report, Officers have conducted a comprehensive assessment of the proposed development against the relevant provisions of CairnsPlan 2009 and other relevant statutory instruments including the State Planning Policy, Far North Queensland Regional Plan and recently adopted CairnsPlan 2016.

Whilst conflicts have been identified with some of the applicable CairnsPlan 2009 codes, Council officers are satisfied that the Applicant has demonstrated sufficient grounds for Council to approve the application. On the basis of Officers' assessment of the grounds put forward by the Applicant and the supporting information provided to Council, it is recommended that Council approve the application subject to relevant and reasonable conditions.

TOWN PLANNING CONSIDERATIONS:

Background

The greater site has previously been subject to an application submitted in April 2008 for a Material Change of Use under Section 3.1.6 of the *Integrated Planning Act (1997)* for a Preliminary Approval to override the Planning Scheme to allow for uses consistent with the Residential 2 Planning Area and Open Space Planning Area. Whilst Council originally refused the application in July 2009, the application was ultimately approved via a Planning and Environment Court Consent Order (No. 185 of 2009) in April 2011. A copy of the Plan of Development approved under this Consent Order is provided at Appendix 3, Item A. The approved development provided for developable area of approximately 8ha which would potentially yield up to 266 dwelling houses or a site population of up to 800 persons (subject to detailed design and compliance with the conditions of the Consent Order).

The original application was first presented to Council as an alternate development scenario to that approved under the aforementioned Consent Order (Council Reference 8/13/1888). The Applicant held a number of pre-lodgement meetings with Council through the early part of 2015 leading up to the lodgement of the first application in April 2015. That application sought a Development Permit for Reconfiguring a Lot (3 lots into 181 lots plus park/drainage reserve) to be developed over four (4) stages (refer Appendix 3, Item B – Plan of Development for First Application).

Through the assessment of the first application, Council identified a number of potential issues in relation to the subdivision layout which were relayed to the Applicant via Council's Information Request. As a consequence of these issues and further discussions with the Applicant, the first application was amended to be only for Stages 1 and 2 of the development (containing 85 lots, park and new road), with Stages 3 and 4 being withdrawn.

The first application encompassing all 4 stages proposed to relocate approximately 75,000m³ of material from between the cane rail line and Freshwater Creek to a location west of the cane rail line to provide additional developable area. This would provide a significant increase in the developable area of the site when compared to the development which was approved under the Consent Order.

Council approved Stages 1 and 2 of the proposed development in early November 2015 and notified the Applicant of this decision via a Decision Notice dated 5 November 2015. A copy of the currently approved Plan of Development for Stages 1 and 2 is provided as Appendix 3, Item C – Outlook at Redlynch (Stages 1 and 2) Approved Plan of Development. Council subsequently received a request for a Negotiated Decision Notice for the Development Approval in December 2015. The request for Stages 1 and 2 has been outstanding pending the finalisation of this current application over the balance area of the site.

The current application for Stages 3 and 4 of the development was resubmitted to Council in early September 2015.

Upon receipt of the revised application and as notified to the Applicant as part of Council's Information Request for the first application, the flood report submitted in support of the application was provided to an external consultant to conduct a Third Party Review (TPR) on behalf of Council.

Through the course of the TPR process, the Applicant was advised that Officers did not support the full scope of the development incorporating both Stages 3 and 4, specifically regarding the extent of earthworks that would be required to facilitate the proposed development. Officers recommended the Applicant revisit the extent of the proposed development with a view to achieving a development footprint that had no requirement for earthworks on the floodplain between the cane rail line and Freshwater Creek.

As a result of Officers recommendations to the Applicant and the outcomes of the TPR, the Applicant submitted a revised Flood Report in April 2016 illustrating an amended development footprint. The amended footprint was indicated as being able to be developed without need for the previously proposed extensive earthworks. Officers provided the Applicant with 'in-principle' agreement to the amended footprint and based on this, the Applicant submitted an amended Proposed Plan of Reconfiguration for only Stage 3 on 17 May 2016.

Proposal

The proposed development the subject of this report incorporates Stage 3 of the *Redlynch Vista* residential estate (**refer Plan of Proposed Reconfiguration, Appendix 1**).

Stage 3 of the development is proposed to provide 80 urban residential allotments with sizes ranging from 340m² up to 698m², with an average lot size of approximately 414m².

The ultimate yield for Stage 3 will be reduced to 79 lots as Officers have recommended the allotment directly adjoining the Local Park in Stage 1 of the estate (proposed Lot 312) be amalgamated into this park to provide a more useable space of approximately 2,196m². A similar condition is proposed for the Negotiated Decision Notice for Stages 1 and 2 of the estate which will require the amalgamation of Lot 201 into the Local Park.

It is noted that the lots in Stage 3 provide a slightly lower average lot size compared to those lots contained within Stages 1 and 2 which have an average size of approximately 463m² (refer Appendix 3, Item D – Redlynch Vista Master Plan).

Through the extensive negotiations held with the Applicant in relation to the developable area of the site and the future options for the balance, it has been determined that the large balance lot of approximately 26.77ha (proposed Lot 900) will be transferred to Council for drainage and open space purposes. As part of the interim use of the land prior to the development proceeding, it is expected to remain under cane cultivation.

Assessment Process

The Application triggered Code Assessment as per the Table of Assessment for the Redlynch District (CairnsPlan 2009). Accordingly, Section 312(2) of the *Sustainable Planning Act (2009)* provides the relevant matters that Council as Assessment Manager must consider in the assessment of the Application. The following sections of this report provide Council's assessment against the relevant matters.

CairnsPlan 2009 Assessment

CairnsPlan Redlynch Valley Planning District		Code Applicability	Compliance
Planning Area	Rural 1	✓	Application in Conflict - refer discussion below
Land Use	ROL-Reconfiguring a Lot Stage 3 (80 Lots)	✓	
Overlays	Hillslopes	✗	N/A
	Character Precinct	✗	N/A
	Vegetation Conservation & Waterway Significance	✓	Complies subject to Conditions
	Potential or Actual Acid Sulphate Soil Material	✓	Complies subject to Conditions
	Bushfire Management	✓	Complies subject to Conditions
	Flood Management	✓	Complies with Purpose and Performance Criteria – refer discussion below
	Height and Impact of Buildings	✗	N/A
	Operational Aspects of the Cairns International Airport	✓	Complies
	Local Heritage	✗	N/A
General	Infrastructure Works Code	✓	Complies subject to Conditions
	Excavation and Filling Code	✓	Complies subject to Conditions
	Landscaping Code	✓	Complies subject to Conditions
	Parking & Access Code	✗	N/A
	Reconfiguring a Lot Code	✓	Application in Conflict - refer discussion below
	Development Near Major Transport Corridors & Facilities	✓	Complies subject to Conditions

Compliance Discussion

The following sections of this report discuss the proposed developments non-compliance with the relevant aspects of CairnsPlan 2009. Officers consider that the application is in conflict with a number of applicable Codes, however are satisfied that the Applicant has demonstrated sufficient grounds to justify approval of the application. Further, conditions of approval can be imposed to ensure the development complies with relevant criteria.

Flood Management Overlay Code:

Upon submission of the first application, Officers raised significant concerns with the Applicant regarding the extent of works that would be required to facilitate the development to ensure all lots were provided with the required flood immunity. The original development proposal required the excavation of approximately 75,000m³ of material from the Freshwater Creek floodplain, between the cane rail line and Freshwater Creek. This material was proposed to be transported to a location west of the cane rail line to provide additional developable area. The original proposal including a Flood Report demonstrating the impacts such a proposal would have.

Given the significance of the Flood Report submitted with the Application, the Applicant was advised as part of Council's original Information Request of its intent to have an external Third Party Review undertaken of the Flood Report.

As a result of the review process and further comments provided to the Applicant by Officers, a revised development footprint and supporting Flood Report was submitted. Officers consider that the revised Flood Report demonstrates the development is able to be undertaken in a manner consistent with the requirements of the Code. All new residential lots will be provided with the required flood immunity and the development will not result in an "*actionable nuisance*" to properties external of the site.

Rural 1 Planning Area Code:

Given the style of development that is proposed i.e. an urban residential subdivision, the development displays a number of conflicts with both the Purpose Statements and Performance Criteria of the *Rural 1 Planning Area Code*. Specific conflicts include that the development does not provide for the continued use of land for agricultural and / or animal husbandry purposes, the proposed Site Population Density, future Built Form and protection of Rural Amenity.

The Applicant submitted, as part of the first application and also in the response to Council's Information Request, that there are a number of grounds which support urban development occurring on the site, including that "*the proposed development represents an appropriate planning outcome with the consolidation of an existing urban area achieving optimum use of existing and proposed physical and social infrastructure*".

In relation to the ongoing viability of the site as a productive rural allotment for the purposes of sugar cane, Officers note that the site is situated in the rapidly urbanising suburb of Redlynch where large amounts of agricultural land have been progressively developed over the past 10 years. The subject site is located directly adjacent to St Andrews Catholic College and Redlynch State College, both of which offer schooling opportunities for children of all ages. The Redlynch Central Shopping Centre is located approximately 1.3km north of the site and provides a diverse range of services and facilities. The existing Redlynch bike path provides an off-road connection to the district level Goomboora Park on the eastern side of Freshwater Creek.

Whilst the site is currently designated within the *Rural 1 Planning Area* under CairnsPlan 2009, the whole site is designated within the *Urban Footprint* of the Far North Queensland Regional Plan and approximately one third of Stage 3 is designated within the *Emerging Communities Zone* of the recently commenced CairnsPlan 2016. The designation of part of the site within the *Emerging Communities Zone* is a direct result of the existing Planning & Environment Court Consent Order which remains in effect over the site.

With regard to the large balance lot (proposed Lot 900) located between the urban development and Freshwater Creek, this is initially envisaged to be retained in its agricultural state. Officers consider that the balance lot will assist in providing residential amenity for future residents.

The use of part of the balance lot for outdoor passive recreational purposes may be a future opportunity at a time when the production of sugar cane on the land becomes unviable due to the reduction in cropping area available within the general Redlynch/Redlynch Valley area.

Given the above matters, Officers consider that the proposed development has demonstrated sufficient grounds to justify the identified conflicts with both the Purpose Statements and Performance Criteria of the *Rural 1 Planning Area Code*.

Reconfiguring a Lot Code:

The proposed development includes allotments that are in conflict with the minimum lot size and frontage requirements for the Rural 1 Planning Area as specified within Table 1 of the *Reconfiguring a Lot Code*.

As noted within the application and also within this report, the site is designated wholly within the *Urban Footprint* of the Far North Queensland (FNQ) Regional Plan (refer further discussion below) and has been designated partially within the Emerging Communities Zone and partially within the Rural Zone of CairnsPlan 2016. In addition to these designations, there is a Preliminary Approval in effect which provides for use rights in accordance with the Residential 2 Planning Area under CairnsPlan 2009.

With regard to the existing Consent Order, Officers have analysed the currently proposed development (including the previously approved Stages 1 and 2) to a theoretical development scenario utilising the provisions of the Consent Order. The following points provide the key factors in the analysis:

- The area of the site within the Emerging Communities Zone under CairnsPlan 2016 (i.e. same footprint as Consent Order) = approx. 8ha;
- Residential 2 Planning Area – Site Population Density of 100 persons/ha as per Acceptable Outcome;
- Theoretical maximum site population of 800 persons;
- CairnsPlan 2009 provides a house has a density of 3 persons/house and a 3 bedroom multiple dwelling unit is 3.5 persons/unit;
- Theoretical Yield based on a max site population density of 800 persons is 266 Houses or 228 x 3 bedroom multiple dwellings;
- Additional area proposed for development outside of Consent Order footprint = ~2.5ha;
- Area of Development Footprint as currently proposed = ~10.5ha
- Current Yield across Stages 1, 2 & 3 = 167 dwellings;
- Site Population Density of current yield = ~47.7persons/ha

On review of the theoretical development scenarios avail, the current proposal, whilst occupying a larger portion of the site, will result in a development density of less than half of what may be achieved under the current Consent Order.

Officers do note that the above analysis is purely theoretical and only accounts for the maximum density of development without considering site specific factors are areas of the site required for road or park for new subdivision or communal facilities, driveways and parking areas for a unit development. Officers do however consider the analysis useful in that it demonstrates that the intensity of the development proposed is not inconsistent with that which could be expected to occur within the previous Residential 2 Planning Area.

Allotments within Stage 3 of the development are generally regular in shape with sizes varying from 344m² up to 698m², with an average size of 414m². Frontages vary in width from 12.5m to over 16m and depth of lots is typically in the range of 27m to 30m. The variety in lot sizes and frontages will assist in promoting diversity in the ultimate built form of the development.

In assessing the proposed development against the balance of the Performance Criteria contained within the *Reconfiguring a Lot Code*, the development will achieve compliance with either the relevant Acceptable Measure or the intent of the Performance Criterion when considered as an Urban Residential subdivision.

All essential infrastructure i.e. water, sewerage, drainage, electrical and telecommunications service are available for the development to connect to and the Applicant has indicated that there is sufficient capacity to cater for the increased demand that will be placed on this infrastructure by the development.

A Local Park is proposed to be provided as part of Stage 1 of the development. As a result of amendments to the internal layout, Officers have recommended that Lot 312 which directly adjoins the Local Park in Stage 1 be amalgamated into this area to ensure that the Local Park is of sufficient area to provide a functional space for future residents. Connections between this park and the wider recreational network will be provided to allow residents easy access to district level recreational facilities including Goomboora Park which is approximately 700m from the site along the recently constructed Redlynch bike path adjacent the northern boundary of the site and near Freshwater Creek.

In consideration of the Purpose Statements contained within the *Reconfiguring a Lot Code* and the above matters, Officers consider that the conflict the development exhibits with the lot design requirements for the *Rural 1 Planning Area* can be appropriately justified given the intent of the development to achieve a 'Residential 2' style subdivision and the justification provided for the development in response to the *Rural 1 Planning Area Code*.

Far North Queensland Regional Plan 2009 – 2031

Whilst the site is designated within the *Rural 1 Planning Area* under CairnsPlan 2009, it is acknowledged that the site is designated wholly within the *Urban Footprint* of the Far North Queensland Regional Plan 2009 – 2031. Whilst the *Urban Footprint* designation generally identifies land suitable for urban development, the Regional Plan also acknowledges that not all land designated as such will be suitable for development.

Officers consider that the proposed development will complement the Urban Development *Desired Regional Outcome* through the following:

- Promoting a compact urban form through the development of land that adjoins existing urban activities and which is serviced by an appropriate level of infrastructure;
- Supports the role of Redlynch as a *District Regional Activity Centre*;
- The development achieves the desired residential density for new greenfield development within the Cairns region; and
- The proposed development will assist in the provision of housing choice and diversity of product availability.

Given the above, Officers consider that the proposed development does not conflict with the Regional Plan.

CairnsPlan 2016

The Draft Cairns Region Planning Scheme has recently been adopted by Council and commenced on 1 March 2016. Under CairnsPlan 2016, the site is designated partly within the *Emerging Communities Zone* and partly within the *Rural Zone*. The portion of the site subject to the current application is entirely designated within the *Rural Zone*. As per the Level of Assessment Table for the *Rural Zone*, the proposed development would remain Code Assessable development.

Officers have reviewed the relevant sections of CairnsPlan 2016, Officers consider that the recommendation would be consistent should the development be assessed against CairnsPlan 2016.

State Planning Policy – Interim Development Assessment Provisions

The Single State Planning Policy (SPP) includes interim development assessment provisions to ensure that where a local planning instrument does not yet reflect the requirements of the SPP, that State Interests are appropriately considered by Local Government when assessing Development Applications.

Part E of the State Planning Policy provides the Interim Development Assessment Requirements which must be considered by Local Government when assessing Development Applications. A review of these requirements and associated mapping provided by the Department of Infrastructure, Local Government and Planning indicates that the following matters are triggers:

- Biodiversity;
- Water Quality;
- Natural Hazards Risk and Resilience; and
- Strategic Airports and Aviation Facilities.

With regard to the Biodiversity and Strategic Airports and Aviation Facilities matters, a review of the relevant assessment criteria indicates that the proposed development, if granted a development permit, would not require further assessment against these matters.

With regard to the Water Quality matter, Officers consider that the development would be capable of complying with the assessment requirements, including the SPP Code for Water Quality, through the imposition of appropriate conditions which include requirements to install end of line stormwater quality improvement devices (SQIDs) and implement an Erosion and Sediment Control Management Plan on the site.

The portion of the site the subject of this application is contained entirely within the designated *Flood Hazard Area* on the State Planning Policy mapping. The assessment requirements provided for in relation to this matter within Part E include that development:

- *avoids natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level;*
- *directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties; and*
- *maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard.*

Officers consider that the recommended conditions and the revised development layout have addressed these criteria.

Public Notification / Submissions

The proposed development was subject to Code Assessment and was not required to undergo Public Notification.

INFRASTRUCTURE CHARGES:

The proposed development triggers Infrastructure Charges in accordance with Council's current Adopted Infrastructure Charges Policy. Refer to Appendix 3 to view calculations.



Ian Elliott-Smith
Planning Officer
Action Officer

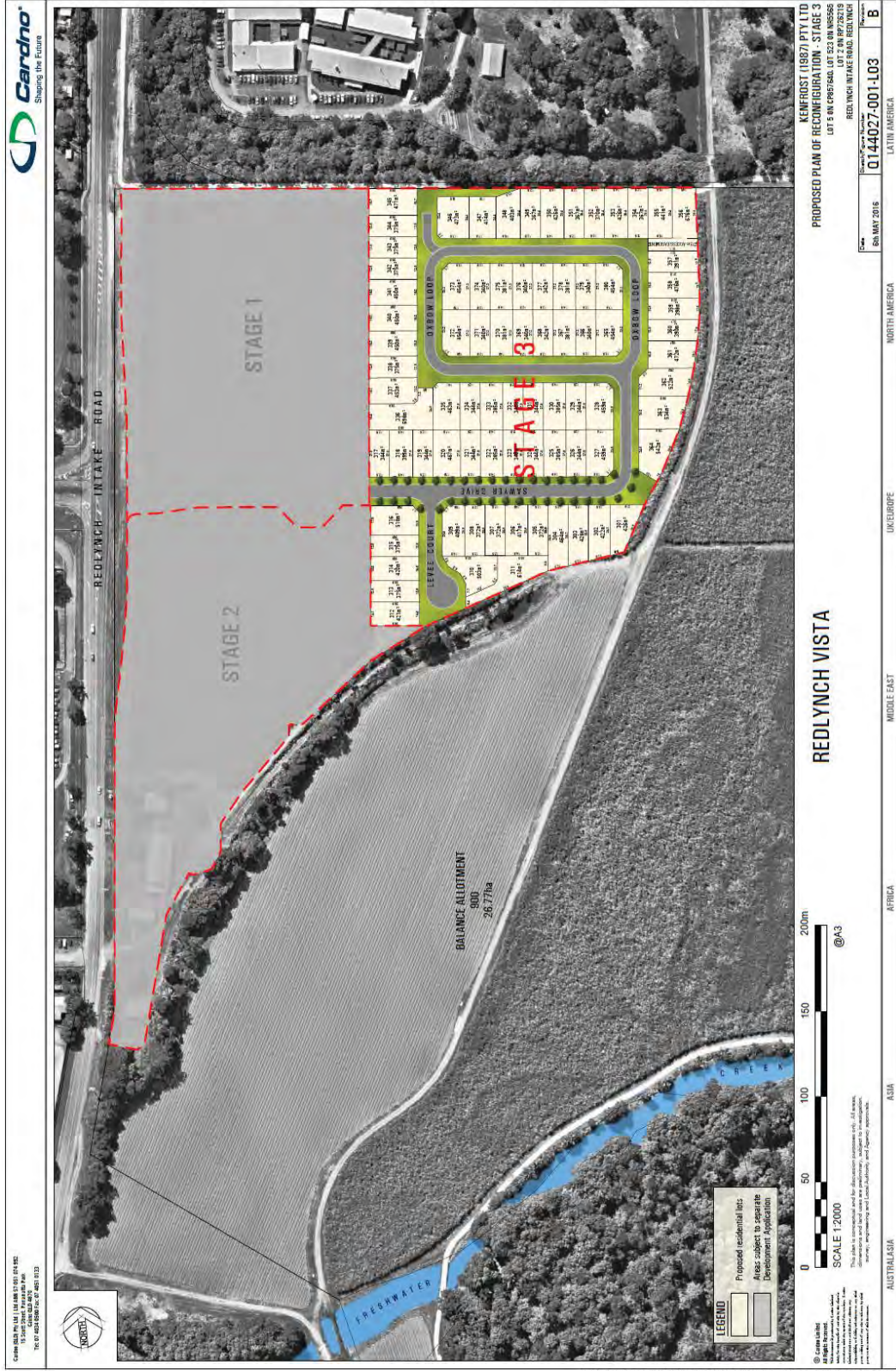


Peter Boyd
Manager Strategic Planning & Approvals




Kelly Reaston
General Manager, Planning & Environment

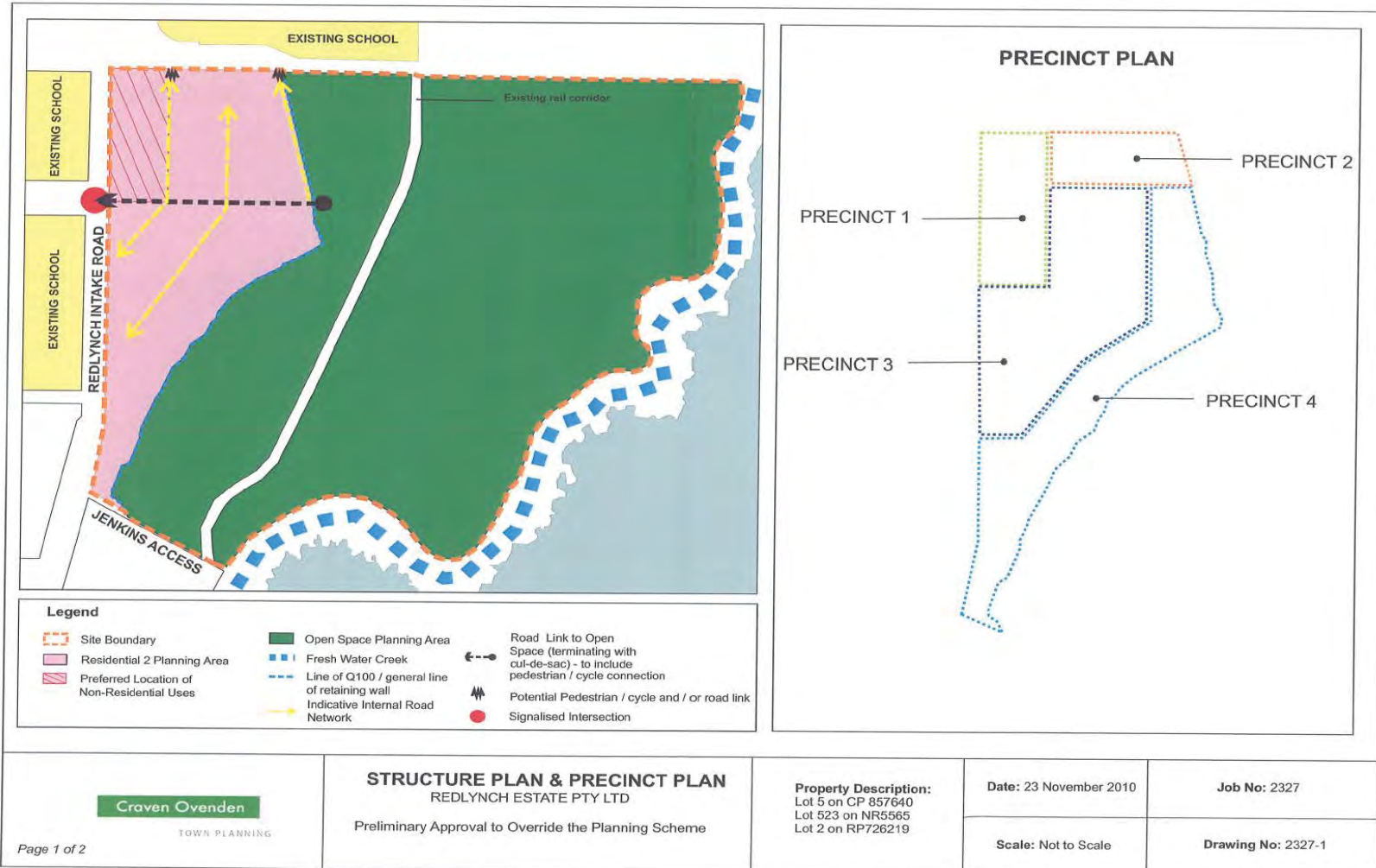
APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)



APPENDIX 2: ADOPTED INFRASTRUCTURE CHARGES NOTICE

Adopted Infrastructure Charges Notice					
Applicant:	Kenfrost (1987) Pty Ltd	File Number:	8/13/1925	DM5 Ref:	5124215
Address:	357 - 371 Redlynch Intake Rd, Redlynch	Date Issued:			15/06/2016
		Officer:			I Elliott-Smith
Parcel Number/s:	92883 92886 92887	Contributions Issued Under:			Council Adopted Charges Resolution - Sep 2015
Lot & RP Number/s:	L5 CP857640 L523 NR5565 L2 RP726219	Index Used:		CPI	31-Mar-16 108.5
Adopted Infrastructure Charge				Catchment	Cairns & Gordonvale & Adjacent Catchment Charge
EXISTING LAND USE					
Category	Use		Quantity	Charge	
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 22,964.89 per dwelling	3	\$68,894.67
		Stormwater Charge	\$ - per m2 impervious		\$0.00
EXISTING CHARGE					\$68,894.67
PROPOSED LAND USE					
Category	Use		Quantity	Charge	
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 22,964.89 per dwelling	79	\$1,814,226.21
		Stormwater Charge	\$ - per m2 impervious		\$0.00
PROPOSED CHARGE					\$1,814,226.21
TOTAL CHARGE					\$1,745,331.55
				Account:	T648 05446
CHECKED BY: _____		S Lisle		DATE PAYABLE	
				RCL - Before the Local Government approves the plan of subdivision	
Note:					
The infrastructure charges in this notice are levied in accordance with Section 635 of the Sustainable Planning Act 2009.					
It has been calculated in accordance with Council's Adopted Infrastructure Charges Resolution of 23 September 2015.					
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 Assessment Team, Cairns Regional Council prior to payment for review. No GST is payable on infrastructure charges.					
This Adopted Infrastructure Charges Notice attaches to the land identified in the notice.					
Charges are payable: by the date identified in the notice in accordance with Section 638 of the Sustainable Planning Act 2009 to Cairns Regional Council: at any of Council's Business Offices or by mail with your cheque or money order to Cairns Regional Council, PO Box 359, Cairns QLD 4870. Cheques must be made payable to Cairns Regional Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post-dated cheques will not be accepted. Cairns Regional Council ABN 24 310 025 910.					
Please contact the Development Assessment Team on 07 4044 3044 or by email townplanner@cairns.qld.gov.au if you have any enquiries regarding infrastructure charging.					

APPENDIX 3: SUPPORTING INFORMATION
A – PLAN OF DEVELOPMENT APPROVED UNDER CONSENT ORDER



B – PLAN OF DEVELOPMENT FOR FIRST APPLICATION (NOT RECOMMENDED FOR APPROVAL)



C – OUTLOOK AT REDLYNCH (STAGES 1 AND 2): CURRENT APPROVED PLAN OF DEVELOPMENT



D – REDLYNCH VISTA MASTER PLAN

