

PLANNING AND ENVIRONMENT COMMITTEE 14 OCTOBER 2020	1
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RECONFIGURING A LOT (1 LOT INTO 46 LOTS, PLUS NEW ROAD, PARK AND BALANCE LAND) – 300L COOPER ROAD, MOUNT PETER – DIVISION 1

L Cameron | 8/13/2307 | #6455466

<u>PROPOSAL:</u>	RECONFIGURING A LOT (1 LOT INTO 46 LOTS, NEW ROAD, PARK & BALANCE LAND
<u>LEVEL OF ASSESSMENT:</u>	CODE ASSESSMENT
<u>LANDOWNER:</u>	KROYMANS DEVELOPMENTS PTY LTD
<u>APPLICANT:</u>	KROYMANS DEVELOPMENTS PTY LTD C/- CARDNO PO BOX 1619 CAIRNS QLD 4870
<u>LOCATION:</u>	300L COOPER ROAD, MOUNT PETER
<u>PROPERTY:</u>	LOT 300 ON SP315904
<u>LOCAL PLAN:</u>	MOUNT PETER
<u>ZONE:</u>	LOW-MEDIUM DENSITY RESIDENTIAL
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 v2.1
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>NUMBER OF SUBMISSIONS:</u>	NONE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	14 OCTOBER 2020
<u>APPLICATION DATE</u>	20 JULY 2020
<u>DIVISION:</u>	1
<u>APPENDIX:</u>	<ol style="list-style-type: none"> 1. PROPOSAL PLAN(S) & DOCUMENT(S) 2. FNQROC DEVELOPMENT MANUAL STANDARD DRAWINGS 3. INFRASTRUCTURE CHARGES CALCULATIONS 4. SUPPORTING INFORMATION – PINECREST STRUCTURE PLAN

LOCALITY PLAN



RECOMMENDATION

- A. That Council approve the development application for Reconfiguring a Lot (1 Lot into 46 Lots, plus New road, Park and Balance Land) at 300L Cooper Road, Mount Peter, formally described as Lot 300 on SP315904.

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

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

Drawing Document	or	Reference	Date
Proposed Reconfiguration		Job No. Q194095 Plan No.: Q194095-SP01 C prepared by Cardno (Qld) Pty Ltd	26 August 2020
Access Review – Prohibited Driveway Locations		Plan No.: Q194140 – SK02 Revision A prepared by Cardno (Qld) Pty Ltd	24 August 2020

Note: The extent of this approval relates solely to Stage 1 shown on the approved drawings.

ASSESSMENT MANAGER CONDITIONS

1. This approval, granted under the provisions of the *Planning Act 2016 (Qld)*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016 (Qld)*.
2. 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, including recommendations and findings confirmed within technical reports; 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

3. The conditions of the Development Permit must be satisfied prior to Council's approval of the Plan of Survey, except where specified otherwise in these conditions of approval.

Limitation of Effect of Approval

4. This Development Permit approves the Lots contained in Stage 1 shown on the Approved Plans only.

Necessary infrastructure (LGIP identified – section 128(1) of the *Planning Act 2016 (Qld)*)

5. Provide the below-described necessary infrastructure to the specified standard, in accordance with the timing identified for each infrastructure item:

Infrastructure	LGIP Item No.	Standard and specifications	Timing
Water supply:			
Water Main	WMF174	225mm dia. FNQROC Development Manual	To be completed prior to Council's approval of the Plan of Survey.
Water Main	WMF181		

Public parks and land for community facilities:			
Local Park	OSF073	Recreation Node and adjacent to Creek in accordance with Council's Public Open Space General Policy	To be completed prior to Council's approval of the Plan of Survey.
Transport network – roads:			
Sub-arterial Road	TRF430	Type 8 2 Lane Median Divided FNQROC Development Manual	To be completed prior to Council's approval of the Plan of Survey, unless otherwise approved by the Chief Executive Officer.

6. Obtain an operational works approval for the design and construction of the above infrastructure.

Water Supply and Sewerage Master Plan

7. An updated Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the development can be serviced, addressing the following at a minimum:
- a. Confirm the location and sizing of the interim booster pump station required to service the development (both interim and any future sizing) and the extend of the catchment for the pump station; and
 - b. Confirm the reasoning behind the recommendation to upsize the proposed DN225 gravity sewer crossing Mount Peter Road to DN300.

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 Supply and Sewerage Infrastructure Plan

8. An updated Water Supply and Sewerage Infrastructure Plan and supporting information, including hydraulic network analysis, must be submitted demonstrating how the development will be serviced by Council's Infrastructure. In particular, the plan must:
- a. Identify external catchments that will be connected to the internal sewer or water networks; and
 - b. Identify any trunk infrastructure external to the subdivision that may require upgrading to accommodate the development.

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

Water Supply and Sewerage Works External

9. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Construct and extend the water and sewer infrastructure to connect the site to Council's existing water and sewer infrastructure at a point that has sufficient capacity to service the development, including the construction of any interim infrastructure identified as a result of completing the Water Supply and Sewerage Master plan required as item 7.

A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council's approval of the Plan of Survey.

Note: Infrastructure works required by this condition are considered to be non-trunk infrastructure for the purposes of Section 128 of the Planning Act 2016 (Qld).

Water Supply and Sewerage Works Internal

10. 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*; and
 - b. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.

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

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 plans, to the requirements and satisfaction of the Chief Executive Officer prior to Council approval of the Plan of Survey.

Inspection of Sewers

11. CCTV inspections of all constructed sewers must be undertaken. An assessment of the CCTV records must be undertaken by the developer's 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 at no cost to Council prior to Council's approval of the Plan of Survey.

Traffic Works External

12. Prior to seeking a Development Permit for Operational Works, the Applicant / Landowner must undertake detailed design in consultation with Council for:
 - a. The future trunk road (LGIP item: TRF430), being Cooper Road, from Mount Peter Road to the development to a 2-lane median divided sub-arterial road in accordance with the *FNQROC Development Manual*. The design must also detail the ultimate alignment of all associated infrastructure and services and identify land for resumption; and
 - b. An interim solution until the road is constructed to its ultimate standard as detailed above in item a.:
 - i. Accommodates a maximum catchment size of 2,990 vehicle movements per day (considering approximately 300 dwellings, or the mix of uses and residential densities identified under any approved Structure Plan;
 - ii. Incorporates services in their ultimate design location (e.g. street lighting, water, sewer, etc.); and
 - iii. Identifies any interim drainage and verge design arrangements.

All interim design solutions must be designed in accordance with the *FNQROC Development Manual*.

The external works outlined above require approval from Council in the form of a Development Permit for Operational Works.

Note: *The design of the ultimate road network is necessary trunk infrastructure under Section 128(1) of the Planning Act 2016 (Qld).*

Note: *The design of the interim road network and associated construction required by this condition may be considered as other necessary trunk infrastructure for the purposes of Section 128(2) of the Planning Act 2016 (Qld) where it directly contributes to the delivery of the identified infrastructure under the LGIP.*

13. Construct Cooper Road from Mount Peter Road to the internal road in accordance with the interim design endorsed as part of item 12, unless otherwise approved by the Chief Executive Officer.

Note: *The interim road network and associated construction required by this condition may be considered as other necessary trunk infrastructure for the purposes of Section 128(2) of the Planning Act 2016 (Qld) where it directly contributes to the delivery of the identified infrastructure under the LGIP.*

14. Undertake the following works external to the land at no cost to Council:

- a. Where the development relies on the existing Cooper Road, Mount Peter Road intersection, the cane rail crossing on Cooper Road on the approach to the intersection with Mount Peter Road must be audited to for its visibility and sightlines to maintain passive control in accordance with *Australian Standard AS1742.7*.

Where the audit identifies improvements required to achieve passive control, works must be designed and carried out in accordance with the audit, relevant standards and the *FNQROC Development Manual*. Where improvements cannot be made to achieve passive control, a revised design for the intersection must be prepared that maintains a safe and trafficable standard under Australian Standards AS1742.7, and the *FNQROC Development Manual*.

Note: *It is recommended that the Applicant consult with the Mulgrave Central Mill / MSF Sugar Pty Ltd who are responsible for the maintenance of the crossing for a distance of one (1) metre on each side of the railway, and between the railway over road where any works cannot achieve passive control standards.*

- b. Provide a Traffic Assessment of the Cooper Road / Mount Peter Road intersection to determine whether an appropriate treatment is required to this intersection to facilitate safe traffic movements prior to approval of a Development Permit for Operational Works. The identified intersection treatment must be approved and constructed prior to Works Acceptance.

All the above works must be designed and constructed in accordance with the *FNQROC Development Manual* and submitted as part of the 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 Council approval of the Plan of Survey.

Note: Infrastructure works required by this condition are considered to be non-trunk infrastructure for the purposes of Section 128 of the Planning Act 2016 (Qld).

Street Layout and Design

15. The street layout and design must comply with the *FNQROC Development Manual*, to the satisfaction of the Chief Executive Officer. In particular:
- a. The new internal roads must be designed and constructed in accordance with Council's *FNQROC Development Manual*, to a minimum Access Street standard;
 - b. Individual property access must be designed in accordance with the requirements of *FNQROC Development Manual*. Appropriate distances are required from intersections and tangent points;
 - c. The access to all properties with two (2) road frontages must be from the lower order road. No direct property access is permitted from a Major Collector Road or higher order roads; and
 - d. Provide a minimum of 0.5 spaces per lot for on-street parking;
 - e. Details for all internal four-way intersection treatments are required. All roundabouts must be in accordance with Council's Typical Bicycle Treatment;
 - f. Provision for a turn-around at the end of every road delivered as part of this development; and
 - g. Amendment of the lot layout to proposed Lots 43, 44, 45, and 46 to provide for direct road frontage by removing the battle-axe driveway.

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Council's approval of the Plan of Survey.

Footpath Masterplan

16. Prior to the issue of a Development Permit for Operational Works, the Applicant must submit a Footpath Masterplan for endorsement and approval by Council. The Masterplan is to include detail on pedestrian and cyclist connectivity requirements internally and access from external catchments and to public transport infrastructure.

All Access Street or higher order roads must include a minimum 2.0m wide footpath in accordance with *FNQROC Development Manual*.

All footpaths must be designed and constructed in accordance with the requirements of the *FNQROC Development Manual*, with details provided as part of a future Operational Works application. The footpath must be constructed prior to Council approval of the Plan of Survey, unless otherwise approved by the Chief Executive Officer.

Easements

17. Create an easement in favour of Council subject to Council's relevant standard terms document over any sewers on a non-standard alignment 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 Council's approval of the Plan of Survey and must be lodged and registered with the Department of Natural Resources, Mines and Energy in conjunction with the Plan of Survey.

18. At the same time as registering the new Plan of Survey with the Department of Natural Resources, Mines and Energy, the Applicant must take necessary actions to extinguish any redundant easements.

Refuse Hardstand Area

19. Provide a hardstand area within the road reserve servicing proposed Lots 43-46 for eight (8) wheelie bins in a location that is easily accessible and serviced by a standard refuse collection vehicle.

Details of the hardstand area must be included as part of a future Operational Works application. The hardstand area is to be a concrete stencilled pattern in order to clearly delineate the area.

The hardstand area must be constructed to the satisfaction of the Chief Executive Officer prior to the Council's approval of the Plan of Survey.

Note: a notation will be to the future rates file for Lots 43-46 advising that the hardstand area is to be used for bin storage on collection days.

Stony Creek Crossing

20. Prior to applying for a Development Permit for Operational Works, the Applicant must submit the following calculations to confirm the level of risk associated with the prospect of isolation or hindered evacuation during a flood event.

For the current height of the culvert or bridge structure, Council requires the following calculations be provided, including blockage scenarios:

- a. Time of Submergence (ToS) for the 10%, 5%, 2% and 1% AEP events;
- b. Average Annual Time of Submergence (AAToS);
- c. Lead/flood warning times for 10%, 5%, 2% and 1% AEP events; and
- d. Flow velocity and depth of water in the waterway at the culvert crossing for the 10%, 5%, 2% and 1% AEP.

This information must inform a risk assessment prepared under the Australian Institute for Disaster Resilience' *Technical flood risk management guideline: Flood hazard*.

Following analysis of the risk assessment, the immunity and design of crossing (to be donated assets to Council) will then be determined and endorsed by the Chief Executive Officer for the making of the development application for Operational Works.

Plan of Drainage Works

21. Design and construct, at no cost to Council, all necessary stormwater management and drainage works (internal and external to the site) required to satisfactorily drain the subject land. The subject land must be drained to the satisfaction of the Chief Executive Officer, in particular:
 - a. Drainage infrastructure in accordance with the *FNQROC Development Manual*, including the requirement for all internal allotment drainage to be conveyed by an above ground open channel catch drains in accordance with section *D4.13 – Allotment Drainage / Catch Drain*;
 - b. All rear allotment drainage pits and associated pipework contained within the lot boundaries of this development site shall be private infrastructure and shall not become an asset of Council;
 - c. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves are discharged to the existing drainage system via storm water quality device(s);
 - d. All new residential allotments shall have immunity from flooding associated with an 1% AEP rainfall event; and

- e. The location of any Stormwater Quality Improvement Devices (SQIDS) prior to installation.

SQIDS (e.g. GPTs) shall include a removal basket equivalent or similar to the CleansAll product, to allow simple and economical maintenance of the device. They shall be positioned to allow for economic and efficient maintenance operations and will require a reinforced concrete hard standing area to be provided from the edge of the carriageway to the SQID location. Vehicular access shall be provided to the hard standing area in the form of a crossover or lay back kerb, constructed in accordance with the provisions of *FNQROC Development Manual*, and access from the public road reserve to the SQID must remain unrestricted.

The above drainage measures should be submitted in conjunction with the application for Operational Works for the development. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.

Site Based Stormwater Management Plan

22. **The Applicant is required to submit a Site Based Stormwater Management Plan (SBSMP) for the development as part of the Operational Works Application. This document must nominate the required soil and water management measures that are to be installed/implemented on the subject site to control the severity and extent of soil erosion, pollutant transport and any other water quality issues that may arise on the subject site (or on adjacent properties as a result of development of the subject site) during the construction phase and post-construction phase of the development.**

The SBSMP must be in accordance with the requirements of the *Environmental Protection Act 1994 (Qld)*, the *Queensland Urban Drainage Manual*, and the *FNQROC Development Manual*; and must be submitted prior to works commencing on the subject site. All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer.

Electricity and Telecommunications

23. **An underground electricity reticulation must be provided to the subdivision in accordance with requirements of the *FNQROC Development Manual*.**
24. **Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that underground services for both an electricity supply and telecommunications service can be provided each lot, prior to Council's approval of the Plan of Survey.**

The Development Approval conditions relating to electricity supply must be provided to your chosen electricity provider with the application for power supply.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a “Certificate of Supply”, or alternatively a receipt for the full payment of the amount detailed under an “Offer of Supply”.

Such evidence from a telecommunications provider (NBN Co.) must be in the form of a receipt for the full payment of the NBN Co. “Development Application” or alternatively provide Council with a copy of the NBN Co. “Council Letter”.

A full copy of this Development Permit must be provided to both service providers.

25. Where Ergon Energy requires the installation of a substation to augment their network, provision must be made for a padmount substation within the development and positioned so that it does not detract from the appearance of the streetscape and must be clear of footpath areas. An overhead service line and / or pole mount transformer is not permitted. A dedicated vehicle access and parking space must be provided for access and maintenance by Ergon. Details of the electrical substation positioning must be endorsed by the Chief Executive Officer.
26. Once the underground power supply and reticulation is established within the subdivision, all existing overhead power lines impacting on the development site shall be removed. The existing overhead service line and timber poles must be recovered. Such works are to be undertaken by Ergon Energy or its approved contractor at the applicant’s expense.

Street Lighting

27. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to Council’s approval of the Plan of Survey:
 - a. A Rate 2 lighting scheme is to be designed in accordance with the relevant current 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 in the *FNQROC Development Manual*. The lighting scheme must demonstrate that light pole locations align with common property boundaries, represent the permitted design spacing, and that there are no conflicts with vegetation to be retained, stormwater, driveways, kerb inlet pits and other services.

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

- Intersections;
- Pedestrian Refuges;
- Cul-de-sacs; and
- Local Area Traffic Management (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.

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

- b. At the time Cooper Road is upgraded to the required standard to service the new development, Street Lighting is to be provided on Cooper Road from Mt Peter Road to the new entry intersection to the development in accordance with the relevant current *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 in the *FNQROC Development Manual*.

Note: *An interim standard of street lighting should be provided as part of the Interim Design of Cooper Road under condition 12.*

- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development or an existing intersection is to be upgraded as part of the Development Approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.
- d. All new lighting columns are to be of steel construction with LED luminaires installed at a zero-degree upcast and underground service, and all existing Ergon Energy timber street light poles are to be recovered.

Waterway Corridor

28. The boundary for all lots and roads adjacent to Stony Creek must be setback to allow for the natural function of the waterway, being the greater of either:

- a. 10 metres measured perpendicular from the top of high bank;**
- or**
- b. The area of land affected by the 1% AEP flood event.**

A plan (or other suitable documentation) must be lodged with Council prior to or as part of the request for Council's approval of the Plan of Survey to demonstrate compliance.

Restoration of the Waterway Corridor (Stony Creek)

29. The Waterway Corridor for Stony Creek must be restored in accordance with the following:

- a. Areas adjacent to the property Lots (Proposed Lots 1-6, 9, 33, 34 and 42-46) and the required revegetation extent adjacent to the top of bank of the Non-urban Waterway 'A' Trigger Area (Stony Creek) must be grassed at a grade that can be accessed and traversed by maintenance machinery. The minimum area for the access is four (4) metres wide.**
- b. Areas adjacent to the access roads and Stony Creek must either be revegetated with native endemic species in consideration to the adjacent infrastructure and road corridor, or grassed at a grade that can be maintained and accessed by maintenance machinery;**
- c. Treatment to boundaries is required to restrict public vehicles from entering the rear of Lots (Proposed Lots 1-6, 9, 33, 34 and 46) and enable Council maintenance;**
- d. Revegetation planting and weed eradication of both priority invasive and environmental weeds for the full length of Stony Creek for a minimum six (6) metre area from the top of bank is required where the riparian vegetation is degraded. Revegetation must be with native endemic species characteristic of the riparian watercourse to provide a vegetation buffer and assist with preventing future weed establishment. The species must be selected in consideration of not posing risk of damage to any adjacent infrastructure from destructive roots, trunk and excessive leaf and fruit drop;**

- e. Large endemic tree species are to be specified at toe of the waterway batter and smaller endemic tree shrubs and trees towards the top adjacent to the Council maintenance access; and
- f. Eradication of all priority invasive and environmental weeds from the development site.

All works must be completed to the satisfaction of the Chief Executive Officer prior Council's approval of the Plan of Survey to demonstrate compliance.

Vegetation Protection and Clearing

- 30. Any trees/vegetation outside the approved boundary extent for vegetation clearing associated with Stony Creek must be retained and protected in reference to the *Australian Standard AS 4970-2009 Protection of Trees on Development Sites*, except those areas affected by installation of services as detailed on the approved plans. Any further clearing of vegetation requires an Operational Works Development Approval.

Detailed Landscape and Park Development Plan

- 31. Undertake landscaping of the site, parks and street frontages of new roads in accordance with *FNQROC Development Manual* and in accordance with a Detailed Landscape and Park Development Plan prepared by a suitably qualified Landscape Architect or Landscape Designer. In particular, the plan must show:
 - a. Existing vegetation boundary extent proposed to be retained and removed;
 - b. Planting of the Park with trees, shrubs and grass, using appropriate species having regard to any constraints (i.e. powerlines). Planting of the Park with native species with a preference on species that attract native wildlife;
 - c. The provision of shade trees, particularly adjacent to play areas, picnic areas and seating;
 - d. Detail park embellishments in accordance with Council's Public Open Space General Policy;
 - e. Locations of any significant priority invasive and environmental weeds, such as *Bamboo sp.*, *Mango*, and *African Tulip Trees*, that are within Stony Creek and will require removal as part of the restoration works;

- f. Revegetation of degraded areas within the waterway buffer area pursuant to item 29;**
- g. Planting of the road verges with trees, using native species only, having regard to any service locations and lot access crossover constraints;**
- h. 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.**

One (1) A3 and one (1) electronic .pdf copy of the Landscape and Park Development Plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. The required landscape works must align with the Stage boundaries shown on the approved Plan of Development.

Areas to be revegetated within Stony Creek buffer area must be established prior to the Works Acceptance and must be maintained for the duration of the on-maintenance period and until Final Works Acceptance, to the satisfaction of the Chief Executive Officer.

Community Purpose Infrastructure

- 32. The Waterway identified on the approved drawings and documents must be transferred to Council for Public Use Land. The areas of land must be constructed and developed to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred to Council at the same time as registering the Plan of Survey with the Department of Natural Resources, Mines and Energy.**
- 33. The land identified as Park, located adjacent to proposed Lot 1, and on Plan No. Q194095-SP01 C, dated 26 August 2020 must be transferred to Council as freehold land for Public Use Land - Park. The land must be transferred to Council at the same time as registering the Plan of Survey with the Department of Natural Resources, Mines and Energy for the stage the lot is contained within.**

This Park must be a minimum area of 4,000m², with a usable node of 2,000m² in accordance with the requirement of the LGIP for Future Park OSF073.

The Applicant is to enter into discussions and obtain agreement from Council regarding the design and embellishments prior to submission to Council of a Landscape and Park Development Plan for determination.

All park improvements must be completed to the satisfaction of the Chief Executive Officer in accordance with the Landscape and Park Development Plan, *Council's Public Open Space General Policy* and the *FNQROC Development Manual, Design Guideline D9 – Landscaping*. The Park must be dedicated to Council and all improvements must be completed prior to Council's approval of the Plan of Survey, unless otherwise approved by the Chief Executive Officer.

Note: Utilities such as electricity substations, sewer and pump stations and the like are not permitted to be located within the Park. It is recommended that a separate utility lot be sited in a suitable location to enable provision of these services.

Batter Treatment

34. Where it is proposed to incorporate batters and/or retaining walls into the development, such batters and/or retaining walls shall be designed in accordance with the requirements of the *FNQROC Development Manual*. Details of all batters and/or retaining walls are to be included in the relevant Operational Works application to be submitted to and approved by Council.

Lawful Point of Discharge

35. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)* and to the requirements and satisfaction of the Chief Executive Officer.

Damage to Infrastructure

36. In the event that any part of Council's existing stormwater, sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to Council's approval of the Plan of Survey.

B. That the following attributes are notated on the rates of each property as follows:

1. All Lots:

A Dual Occupancy is an accepted form of development over any land greater than 600m² located within the Low-Medium Density Residential Zone. This type of development is encouraged by the CairnsPlan 2016 Planning Scheme. Given the size of the lots in your area, it expected that this development may occur without further approval from Council.

2. Lots 43, 44, 45 and 46:

There is a dedicated hardstand area available within your property's street frontage for the placement of refuse and recycling bins on collection day. Bins are not to be placed in other areas of the verge.

FURTHER ADVICE

- 1. 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.**
- 2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**
- 3 Large lots (i.e. significantly greater than 450m² - 600m²) are not encouraged and generally not supported in the Low-Medium Density Residential Zone and the Mount Peter Local Plan Area. Accordingly, the Pinecrest Structure Plan must be approved by Council prior any further application for a Development Permit for any other stages being accepted and assessed by Council.**

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. The original Infrastructure Charges Notice will be provided under cover of a separate letter.**

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Approvals Team at council for review of the charge amount prior to

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

Infrastructure Agreement

5. Council may seek an agreement with the Applicant / owner in relation to the costs associated with the delivery of Trunk Infrastructure under the conditions of approval.

Further Approvals Required to Carry out the Development

6. The following further approvals are required prior to carrying out the development:
 - a. Operational Work; and
 - b. Plumbing and Drainage Work.
 7. For information relating to the *Planning Act 2016* (Qld) log on to <https://planning.dsdmip.qld.gov.au>. To access *FNQROC Manual Development Manual, Local Laws* and other applicable *Policies* log on to www.cairns.qld.gov.au.
 8. For further information on *Natural Area Restoration Design Guidelines and Specifications* (currently under review), please follow the below links:

<http://www.fnqroc.qld.gov.au/files/media/original/003/cd8/f77/989/S9-Natural-Area-Restoration-Specification-FNQROC-Development-Manual-11-05.pdf>

<http://www.fnqroc.qld.gov.au/files/media/original/003/cd7/507/d86/D10-Natural-Area-Restoration-Guideline-FNQROC-Development-Manual-11-05.pdf>
 9. Council will be implementing “smart” water meters during the currency period of this development. The Plumbing contractor must confirm with Council, at the time of making a Development Application for Plumbing Works, what the type of water metre should be installed.
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EXECUTIVE SUMMARY

Council is in receipt of an Application for a Development Permit for Reconfiguring a Lot (1 Lot into 46 Lots, Park, New Road and Balance Land) over 300L Cooper Road, Mount Peter on land described as Lot 300 on SP315904.

The Applicant seeks to subdivide the 11.31 hectare site to create 46 freehold parcels ranging from 600m² to 1,891m² for the purpose of supporting future residential development. The development is referred to as Stage 1 of “Rocky Creek” as part of the wider “*Pinecrest Master Planned Community*” (PMPC).

The development comprises:

- The creation of a new road access from Cooper Road, including a culvert over Stony Creek and internal lower order road network;
- Creation of a Trunk Park adjacent to the estate entrance, plus the delivery of informal open space around Stony Creek; and
- A balance lot to support the further redevelopment of the land in accordance with the PMPC.

The subject site is located within Low-Medium Density Residential Zone of the Cairns Plan 2016. The site is also contained within the Mount Peter Local Plan Area and is affected by the following Overlays:

- Airport Environs (within PAN-OPS areas);
- Bushfire Hazard (high potential intensity and bushfire potential impact buffer);
- Flood and inundation hazards (1% AEP, Mount Peter precinct, sub-precinct 2a – low-medium hazard area, and sub-precinct 2b – high-extreme hazard area);
- Natural areas overlay (urban waterway ‘A’ trigger area and MLES & MSES protected areas);
- Transport network – road hierarchy (minor rural road (Cooper Road)); and
- Transport network – pedestrian and cycle network (future district route (Cooper Road)).

The application is Code Assessable and did not trigger referral to the State Assessment Referral Agency (SARA).

The development site is located outside of the Priority Infrastructure Area of the Local Government Infrastructure Plan and is currently only serviced by Council’s road network. The proposal includes the delivery, upgrade and augmentation of several infrastructure and services, including the bring forward of trunk infrastructure and the interim use of water pump stations. Assessment of the proposed infrastructure arrangements are considered to be an orderly and efficient extension of Council’s existing network and are of a capacity to appropriately service the development.

The application has been assessed in accordance with the legislative framework for Code Assessment, including the *Planning Act 2016* (Qld), *Planning Regulations 2017* (Qld), Development Assessment Rules, the applicable benchmarks contained in CairnsPlan 2016.

The development application is recommended for approval, subject to conditions.

Background

The Area – Mount Peter:

The site is located within the Mount Peter Local Plan Area. The purpose of this Local Plan Area is to facilitate a well-planned and integrated urban development for new communities in the southern corridor, including protecting existing industry and commercial nodes and providing lower densities and conventional living on the periphery, with medium to higher densities in proximity to centres, community services, facilities and public transport nodes.

Mount Peter is the major growth corridor for Cairns, with extensive planning completed by Council in conjunction with the State Government declaring the site as a Master Planned Area. It is noted that the State declaration was later rescinded, with the structure plan incorporated into the current Planning Scheme adopted in 2016.

The Site's Development History:

The land and an adjoining land formally described as Lot 100 on SP315904, were part of an earlier Reconfiguring a Lot application (Council Application Reference: 8/13/2276) where the Applicant sought to realign the dividing boundaries to manage the staging and delivery of the Rocky Creek Precinct. The Decision Notice was granted 9 April 2020 (Council Document Reference: #6348329), a Change Decision Notice managing drainage matters was granted 21 May 2020 (Council Document Reference: #6386055), with the new Survey Plan (SP315904) endorsed by Council on 17 June 2020 (Council Document Reference: #6409854).

The Site and Surrounds

The site is currently used for the cultivation of sugar cane and is surrounded by similar agricultural activities. The terrain generally slopes south-east from the forested foothills towards Cooper Road. Stony Creek intersects the sites southern and eastern boundaries.

The site has access from Cooper Road via an unsealed track through Stony Creek. The development will maintain this access point from Cooper Road; however, formal vehicular access will be provided via a culvert over Stony Creek.

The development is located within Precinct 2 – Cooper Road of the Mount Peter Local Plan Area, which has been designated as the initial development area to support the orderly redevelopment of the Mount Peter area for urban purposes.

Infrastructure and Services:

The site is located outside of the Priority Infrastructure Area. The site is not serviced by reticulated water or sewerage infrastructure, with Stormwater directed via overland flow into Stony Creek. The site access via Cooper Road is designated as a Minor Rural Road.

Note: the closest available reticulated water and sewerage infrastructure is located at the intersection of Mount Peter and Mackillop Roads.

Surrounding Development:

The site is surrounded by other areas that are subject to Reconfiguring a Lot Development Applications or Approvals – refer Figure 1 below. Further, it is understood that the State is currently exploring options to redevelop land adjoining the site, formally described as Lot 6 on SP310248 for a community purpose.

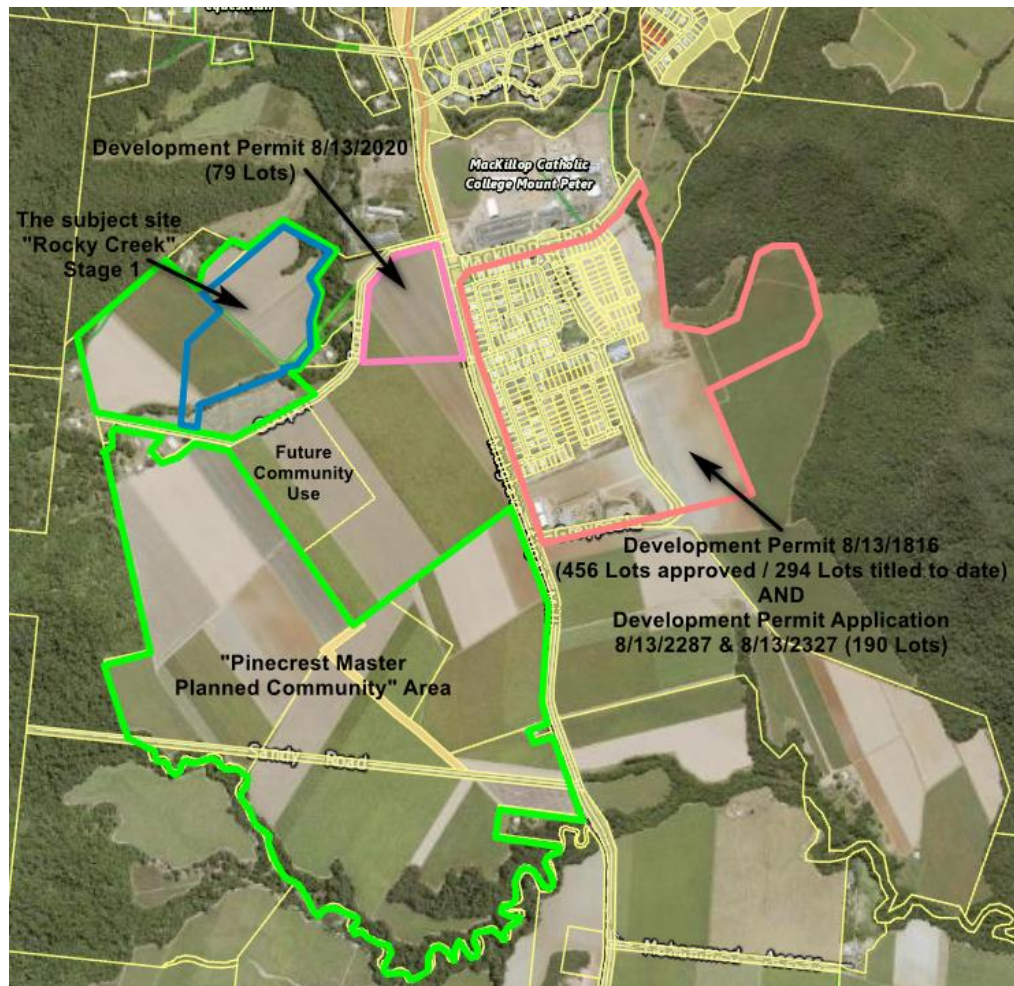


Figure 1: The subject land and locality.

Pinecrest Structure Plan

The development represents Stage 1 of the larger “*Pinecrest Master Planned Community*” (PMPC), which is currently before Council for assessment as a Structure Plan (Development Application Reference: 8/13/2318).

The Structure Plan represents the reconfiguration of seven Lots into 883 Lots, comprising a total of 876 residential lots and the creation of seven (7) larger lots intended to support Medium or High Density development, including the potential for a Retirement Village.

The assessment of the Structure Plan is currently in the Information Request Period, with the Information Request issued on 25 September 2020 (Council Document Reference: #6497564).

Conditions have been included in the recommendation to provide a connection to the Structure Plan, primarily to secure consistency in the overarching form of development particularly around staging and sequencing, the delivery and provision of infrastructure, and the distribution of density and yield.

The Proposal – Rocky Creek Stage 1

The proposed development is for 46 residential lots, plus one Park, New Road and one Balance allotment. The proposed Reconfiguration Plan is provided as Figure 2 below.

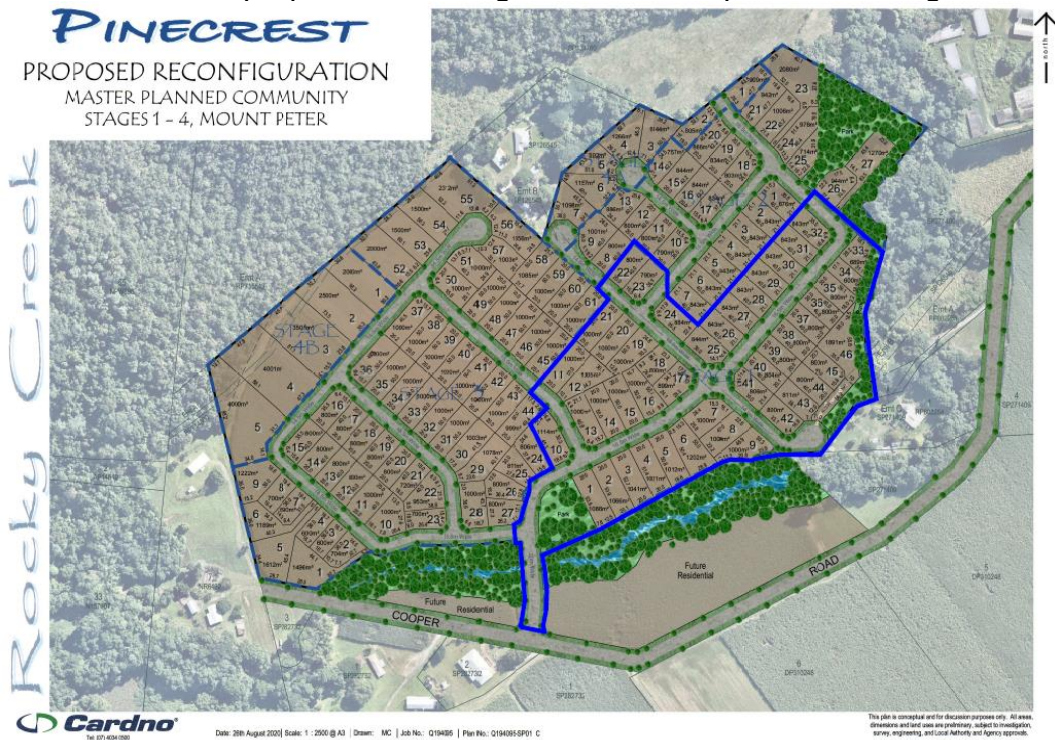


Figure 2: Proposed Reconfiguration Plan, Plan No.: Q194095-SP01 C dated 26 August 2020. (Emphasis added - Source: Council Document Reference: #6473057 p26).

The proposed residential lots range in size from 600m² to 1,891m². A summary of the mix of the lots sought to be created under this application are as follows:

< 599m ²	600m ² - 699m ²	700m ² - 799m ²	800m ² - 899m ²	900m ² - 999m ²	1,000m ² – 1,099m ²	> 1,100m ²
0	2	1	23	0	17	3

The majority of the residential allotments created are between 800m² to 899m² and 1,000m² to 1,099m².

The development also seeks to create a balance parcel of approximately 4.41 hectares, which will be subject of a future development application.

The development is proposed to be serviced via a new internal road, including a culvert over Stony Creek connecting to Cooper Road which intersects and provides dedicated access to Mount Peter Road. Stage 1 will be serviced by a minor collector road, two access streets and an access place.

TOWN PLANNING ASSESMENT

MATERIAL ASSESSED IN THE APPLICATION

The Applicant provided the following materials in the application:

- Planning assessment report (Council Document Reference: #6436075), which included:
 - Proposed plans of development,
 - Engineering report;
 - Flood impact assessment report;
 - Wastewater modelling report; and
 - Water supply assessment.
- Applicant's Response to the Information Request (Council Document Reference: #6473057), which included:
 - An update plan of subdivision;
 - A Copy of the *Pinecrest Structure, Stages & Catchments, Water Infrastructure, Sewerage Infrastructure, Drainage Infrastructure, and Road Hierarchy Plans*;
 - An updated engineer report; and
 - An updated water supply assessment report

In addition to the materials provided by the Applicant, the following additional materials were considered:

- The material submitted for assessment as part of the Pinecrest Structure Plan as Development Application 8/13/2318.

These materials have been considered in the assessment of the application.

Legislative Framework

Planning Act 2016 (Qld)

The application has been assessed in accordance with the provisions of *Planning Act 2016 (Qld)* and its associated instruments, *The Planning Regulation 2017 (Qld)* for code assessment.

Assessment Considerations

Mount Peter Local Plan Area:

Apart from applicable Overlays, the development is primarily guided by the Mount Peter Local Plan Code, which is underpinned by a Purpose to: *“facilitate the overall outcomes and precinct specific outcomes of the code through a well-planned, strategic and integrated approach to development of new communities in the Southern growth corridor.”*

This is reinforced through Overall Outcomes that seek to manage:

- Development sequencing and impacts of current activities;
- Structure planning and place making;
- Economic development and employment, including a hierarchy of Centres;
- Transport and mobility;
- Community facilities; and
- Recreation opportunities.

The Local Plan is structured to support the role and function of other Local Plan Areas, including:

- The Edmonton Industry and Business Local Plan;
- The Edmonton Local Plan; and
- The Gordonvale Local Plan.

In assessing the development against the Local Plan, it is recognised that the development is consistent the desired sequencing, being from the North. This is the preferred location of the earlier stages of the PMPC where the location fosters an efficient development of the land that appropriately integrates into existing and approved development in the area; as well as accommodates the orderly and efficient extension of Council’s infrastructure network.

The development, and the balance of the Rocky Creek Precinct, offers a yield and dwelling mix lower than that desired for a Low Medium Density Residential area and the Mount Peter Local Plan area. However, it is recognised that the broader PMPC seeks to offer a variety of residential products, with Rocky Creek planned to delivery larger “lifestyle” allotments.

As outlined above, this development forms part of and is underpinned by the Pinecrest Structure Plan, which will guide:

- The staging and sequencing of the entire PMPC area;
- The ultimate lot and road layout, lot sizes, mix and distribution of density; and
- The delivery and sequencing of associated infrastructure (i.e. traffic, sewer, water, drainage, etc.).

While the Structure Plan is still in the early phases of assessment, the Plan will ultimately manage the distribution of dwelling yields throughout the entire PMPC area to gain consistency with the Target Dwelling Yield provisions of the Mount Peter Local Plan Code. It is understood that the proposed balance and mix of lot sizes throughout the precinct will result in an integrated blend of larger lifestyle lots and smaller, more compact lots throughout the PMPC area.

NOTICE ABOUT DECISION - STATEMENT OF REASONS

The proposed development has been assessed in accordance with the provisions of the *Planning Act 2016* (Qld), *Planning Regulation 2017* (Qld) and CairnsPlan 2016 v2.1, where the reasons for decision are:

1. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016 and is considered to comply with the relevant benchmarks of the applicable Codes;
2. In assessing the proposed development, conditions have been imposed to ensure compliance with the assessment benchmarks of the CairnsPlan 2016;
3. The development is supported by a Structure Plan that is currently being developed to achieve the relevant benchmarks of the Mount Peter Local Plan Code;
4. The portion of the site subject to the development is free of Bushfire Hazard and the Applicant has suitably demonstrated that all proposed lots are or have the ability to be free from any impacts from a 1% AEP flood event;
5. In assessing the proposed development, conditions have been imposed to identify the level of risk associated with the proposed culvert over Stony Creek to ensure any prospect of isolation or hindered evacuation is limited and meets industry standards;
6. The body of the site is free of any vegetation and therefore is considered to hold limited-to-no biodiversity values. Conditions have also been imposed to ensure Stony Creek is restored and revegetated in accordance with the Waterway hierarchy prior to transfer to Council;
7. The development achieves the Purpose and Overall Outcomes of the Medium Density Residential Zone; and

8. The development is able to be appropriately serviced by all essential infrastructure and services; and represents an orderly and efficient extension of the existing infrastructure network.

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks apply to the development:

Assessment Benchmarks		Summary of Compliance
State Planning Policy (SPP)	The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The CairnsPlan 2016 advances the SPP, except for erosion prone areas and coastal management district.	The subject land is not subject to any of these interests; therefore, all the State interest are considered to have been appropriately reflected in CairnsPlan 2016.
Far North Queensland Regional Plan (FNQRP) 2009-2031	The FNQ Regional Plan 2009-2031 designation: Urban Footprint	The Regional Plan has been appropriately integrated and reflected through CairnsPlan 2016.
A Temporary Local Planning Instrument (TLPI)	Not Applicable – there are no TLPI's in effect in the Cairns Regional Council Local Government Area.	Not applicable
CairnsPlan 2016 v2.1	Low-medium density residential code	Generally consistent.
	Mount Peter local plan code	Generally consistent. Conditioned to comply with benchmarks.
	Airport environs overlay code	Considered to comply.
	Bushfire hazard overlay code	Considered to comply. The portion of land subject to this application is not impacted by any elements of this Overlay.
	Flood and inundation hazards overlay code	Generally consistent and conditioned to comply where relevant.
	Natural areas overlay code	Generally consistent and conditioned to comply where relevant.
	Transport network overlay code	Generally consistent and conditioned to comply where relevant.
	Environmental performance code	Considered to comply.
	Excavation and filling code	Generally consistent.

	Infrastructure works code	Generally consistent. Condition to manage works through the Operational Works Phase.
	Landscaping code	Generally consistent. Conditioned to comply and manage works through Operational Works Phase.
	Reconfiguring a lot code	Generally consistent.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes
Low-Medium Density Residential Code	
PO3 <i>Development is consistent with the purpose and overall outcomes sought for the zone.</i>	AO3.1 <i>No acceptable outcomes are provided.</i>
<p>Purpose</p> <p>(1) <i>The purpose of the Low-medium density residential zone code is to provide for a range and mix of dwelling types including dwelling houses and multiple dwellings supported by community uses and small-scale services and facilities that cater for local residents.</i></p> <p>(2) <i>The local government purpose of the code is to promote the mixed residential character and amenity of the zone.</i></p> <p>(3) <i>The purpose of the code will be achieved through the following overall outcomes:</i></p> <p>(a) <i>a range of accommodation activities are provided on a range of lot sizes;</i></p> <p>(b) <i>a high level of residential amenity is maintained, having regard to traffic, noise, dust, odour, lighting and other locally specific impacts;</i></p> <p>(c) <i>a mixed residential density and character is achieved;</i></p> <p>(d) <i>a low rise character is achieved;</i></p> <p>(e) <i>development reflects and responds to the natural features and constraints of the land;</i></p> <p>(f) <i>community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community are provided, enhanced or maintained;</i></p> <p>(g) <i>non-residential uses are established where they serve the local community and do not detract from the residential amenity of the area.</i></p>	
Benchmark Outcome Assessment	
<p>The development departs from the Purpose as:</p> <ul style="list-style-type: none"> • The proposed subdivision design provides a limited range of lot sizes, with a majority of lots between 800m² - 900m² and 1,000m² - 1,099m²; • A limited range of lot sizes may result in a limited mix in density and character; and • The residential character provided is more akin to rural residential, than the low rise character expected in the Low-medium Density Residential Area where lots well above the preferred 450m² – 600m² are provided. 	

<p>Despite this departure, the development is considered to achieve the Purpose and intent of this Zone when regarded in a larger context as part of the Pinecrest Structure Plan, where a greater range of lot sizes and mixture of density is provided under other Stages of the PMPC. Further, it is acknowledged that there is a potential for these larger allotments to either be further subdivided or accommodate higher density residential development as accepted development, such as a Dual Occupancy. An advice note has been applied to the Development Permit to maintain a relationship between this development and the Pinecrest Structure Plan.</p>	
<p>Mount Peter Local Plan Code</p>	
<p>PO2 <i>Development ensures the purpose and outcomes of the following local plans are not compromised through inefficient use of land within the Mount Peter local plan area:</i></p> <ul style="list-style-type: none"> (a) <i>Edmonton industry and business local plan;</i> (b) <i>Edmonton local plan;</i> (c) <i>Gordonvale local plan.</i> 	<p>AO2.1 <i>Development achieves the minimum dwelling yields and centre types as outlined within Table 7.2.7.4.b and essential infrastructure requirements.</i></p>
<p>PO4 <i>Development within the Initial development area does not compromise the ability for future precincts to achieve the overall outcomes sought for the Local Plan.</i></p>	<p>AO4.1 <i>No acceptable outcomes are provided.</i></p>
<p>Benchmark Outcome Assessment</p>	
<p>In assessing the development, it is recognised that the development provides dwelling yields lower than that expected. The application, however, is underpinned by a Structure Plan, which is currently before Council for assessment. This Plan seeks to provide a larger mix of lot sizes and distribution of density consistent with these provisions of the Local Plan Code. It is understood that the Applicant seeks to provide larger “lifestyle” lots throughout the Rocky Creek Precinct, with Target Dwelling Yields to be balanced throughout the PMPC area. Accordingly, all matters regarding yield will be managed through the assessment of the Pinecrest Structure Plan. It should also be noted that the large lots enable further subdivision and development by future landholders.</p>	
<p>Flood and Inundation Hazards Overlay Code</p>	
<p>PO10 <i>Development ensures evacuation routes and emergency services are not impeded or otherwise plans for the prospect and impact of isolation or hindered evacuation during a flood or storm tide hazard event.</i></p>	<p>AO10.1 <i>Development provides an effective evacuation route that remains passable, with sufficient flood or storm surge warning time, to enable people to progressively evacuate to areas above the Defined Inundation Event areas shown on the Flood and inundation hazards overlay maps contained in Schedule 2 in the lead up time to the event.</i></p>

Benchmark Outcome Assessment	
<p>The Rocky Creek Precinct is proposed to be access via a culvert over Stony Creek from Cooper Road. While this Precinct has planned for a second connection to is north (i.e. to Lot 2 on SP134760), the development remains accessible via a single connection that is subject to flooding for the foreseeable future.</p> <p>The proposed culvert crossing is listed as having a Q10 immunity in accordance with <i>FNQROC Development Manual</i> requirements for a structure for forming part of a minor collector road. Based on the requirements of the Acceptable and Performance Outcomes, which were adopted from the Queensland Floods Commission of Inquiry, the currently proposed arrangement is not acceptable as the prospect of isolation or hindered evacuation is currently unknown.</p> <p>To achieve the requirements of the Acceptable Outcome, a condition has been applied to this Development Permit for the Applicant to prepare a risk assessment in accordance with the <i>Australian Institute Disaster Resilience Technical Flood Risk Management Guideline: Flood Hazard</i>. This assessment will clearly identify the level of risk associated with this structure during a flood event, including determining the time of submergence, lead / flood warning times, flow velocity and depth of all 10%, 5%, 2% and 1% AEP events. This condition also allows for he design of the culvert to be determined by the Chief Executive Officer prior to the Applicant applying for a Development Permit for Operational Works where the risk of isolation or hinderance of evacuation too great.</p>	
Natural Areas Overlay Code	
<p>PO9 <i>Development is set back from waterways to protect and maintain:</i></p> <ul style="list-style-type: none"> (a) <i>water quality;</i> (b) <i>hydrological functions;</i> (c) <i>ecological processes;</i> (d) <i>biodiversity values;</i> (e) <i>riparian and instream habitat values and connectivity;</i> (f) <i>instream migration.</i> <p><i>Note – Planning scheme policy – Natural environment is applicable.</i></p>	<p>AO9.1 <i>Waterway corridors are provided adjacent to waterways in accordance with the requirements of Table 8.2.11.3.b.</i></p> <p><i>or</i></p> <p>AO9.2 <i>Where a waterway corridor of an alternative width is proposed, the alternative width is supported by an evaluation of the waterway to ensure the protection and maintenance of:</i></p> <ul style="list-style-type: none"> (a) <i>water quality;</i> (b) <i>hydrological functions;</i> (c) <i>opportunities for instream migration;</i> (d) <i>ecological processes;</i> (e) <i>riparian and instream habitat values and connectivity;</i> (f) <i>biodiversity values.</i>
Benchmark Outcome Assessment	
<p>All proposed development (i.e. lot boundaries, roads, etc.) adjacent to Stony Creek, identified as an Urban Waterway Trigger 'A' Area, appears to be setback ten or more metres from the top of the high bank as required under Table 8.2.11.3.b. The extent of this setback, however, is not clearly identified in the application material. Accordingly, a condition has been applied to this Development Permit to ensure the development complies with AO9.1.</p>	
<p>PO10 <i>Waterways and waterway corridors are protected, and degraded areas are restored and waterways and waterway corridors transferred to public ownership.</i></p>	<p>AO10.1 <i>Native vegetation within waterways and waterway corridors is retained.</i></p>

	<p>AO10.2 Waterway corridors are:</p> <p>(a) transferred to public ownership for an appropriate reserve purpose; or</p> <p>(b) protected through an Environmental Covenant.</p>
	<p>AO10.3 Degraded sections of waterways and waterway corridors are revegetated with endemic plant species in patterns and densities which emulate the natural state of waterway corridors within the area</p>
<p>Benchmark Outcome Assessment</p>	
<p>The plans of development illustrate the retention and restoration of Stony Creek. Conditions has been applied to this Development Permit to ensure compliance with AO10.1-10.3 and to facilitate future operational woks and the formal transfer of land prior to Council's approval of the new Plan of Survey.</p>	
<p>Transport Network Overlay Code</p>	
<p>PO2 <i>Transport infrastructure is provided in an integrated and timely manner.</i></p> <p><i>Note – A Traffic impact assessment report prepared in accordance with Planning scheme policy - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i></p>	<p>AO2.1 <i>Development provides infrastructure (including improvements to existing infrastructure) in accordance with:</i></p> <p>(a) the Transport network overlay maps contained in Schedule 2;</p> <p>(b) a Local Plan.</p> <p><i>Note – The TransLink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</i></p>
<p>Benchmark Outcome Assessment</p>	
<p>The proposal triggers the requirement to upgrade Cooper Road to adequately service the demand generated by the development (i.e. 46 lots). The Applicant has expressed a desire to deliver the ultimate road, being a two-lane median divided sub-arterial road (LGIP Item TRF430 planned for 2024). Assessment of the proposed development (and the balance of the Rocky Creek Precinct to a lesser extent) has identified that the demand generated can be accommodated by the development can be more appropriately accommodated by a minor collector road.</p> <p>There are several factors influencing the delivery of this infrastructure, including:</p> <ul style="list-style-type: none"> • The demand generated by the subject development; • The anticipated staging and sequencing of later stages under the Pinecrest Structure Plan and timing associated with network upgrade; and • The current width of the Cooper Road road reserve. The planned delivery of TRF430 includes the resumption of several adjoining properties to widen the reserve to accommodate the larger carriageway. <p>Council and the Applicant are currently exploring the design of both interim and ultimate designs to confirm the suitability of staging this infrastructure. A condition to this effect has been applied to this Development Permit to allow these design arrangements to be completed prior to the Applicant applying for a Development Permit for Operational Works.</p>	
<p>Reconfiguring a Lot Code</p>	
<p>PO6</p>	<p>AO6.1</p>

<p><i>New lots that are of a size or shape capable of further reconfiguration are designed so the further reconfiguration will achieve:</i></p> <p>(a) <i>sufficient area and dimensions to accommodate the appropriate intended land use;</i></p> <p>(b) <i>the provision of a safe, efficient and effective infrastructure network;</i></p> <p>(c) <i>limited proportions of rear allotments</i></p>	<p><i>The ability to further reconfigure the site is demonstrated by submitting a concept plan that meets requirements for the applicable zone.</i></p>
Benchmark Outcome Assessment	
<p>The application material includes a plan detailing the anticipated design of the balance of the site and Rocky Creek Precinct. The development departs from the Acceptable Outcomes as a plan has not been provided that details the further subdivision of each proposed lot.</p> <p>In assessing the proposed subdivision design against the Performance Outcome, it is acknowledged that most of the lots are able to be comfortably subdivided to meet the minimum lot requirements for land subject to the Low-Medium Density Residential Zone (i.e. minimum 450m² (or 350m² where compliant with the small residential lot provisions of the this Code)). While the further subdivision of the land is generally fostered by this code, the current design will primarily only allow for the creation of rear, battle-axe lots. This will need to be managed through subsequent requests to subdivide any allotment to ensure the character and amenity of the area is protected.</p>	

OTHER RELEVANT MATTERS

Planning (Walkable Neighbourhoods) Amendment Regulation 2020 (Qld)

The Queensland State Government has introduced a new subordinate legislation under the *Planning Act 2016* (Qld), being the *Planning (Walkable Neighbourhoods) Amendment Regulation) 2020* (Qld) that commenced on 28 September 2020.

This regulation applies to all new urban residential subdivisions that include road construction and introduces new benchmarks, which include a minimum of:

- Grid-like street patterns connecting to surrounding and future roads and paths;
- A maximum block length of 250 metres;
- Street trees, with a minimum of 1 tree per 15m each side of a new road;
- Footpaths, where a new footpath is required to be provided on at least 1 side of the new road where it provides direct lot access; and
- Access to existing or new park/s within 400 metres of each part of a block.

Although these provisions are noted as being “mandatory”, some of the benchmarks such as grid like patterns, connections, and access to parks requirements, are required to the extent permitted by topography and other physical constraints.

The regulations are intended to ensure the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure, and exercise in the locality of new lots.

Council, however, currently manages the design and layout of new residential subdivisions through various instruments that either reflect these benchmarks or provide alternate provisions that more appropriately consider the local context. These instruments include: the *CairnsPlan 2016 Planning Scheme*, the *Public Open Space General Policy* and the *FNQROC Development Manual*. In assessing the development, the proposed subdivision is considered to be consistent with these instruments.

In accordance with section 45 of the Planning Act 2016 (Qld) the Assessment Manager has considered no further matters within the assessment of the application, with the exception of the assessment benchmarks as discussed above.

REFERRAL AGENCY ASSESSMENT

Not Applicable. This Application did not trigger any State referrals.

INFRASTRUCTURE CHARGES

Council's Infrastructure Charges Resolution (No. 2) 2017 identifies that an Infrastructure Charge is levied for the development. The applicable charge has been calculated in accordance with the Resolution and section 120 of the *Planning Act 2016* (Qld).

A copy of the calculations is contained in Appendix 3.

LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The Local Government Infrastructure Plan (LGIP) was adopted by Council on 28 June 2017 (commenced on 1 July 2017), and forms part of the *CairnsPlan 2016*. The purpose of the LGIP is to:

- “(a) integrate infrastructure planning with the land-use planning identified in the planning scheme;*
- (b) provide transparency regarding a local government’s intentions for the provision of trunk infrastructure;*
- (c) enable a local government to estimate the cost of infrastructure provision to assist its long-term financial planning;*
- (d) ensure that trunk infrastructure is planned and provided in an efficient and orderly manner;*
- (e) provide a basis for the imposition of conditions about infrastructure on development approvals.”*

The LGIP includes the Priority Infrastructure Area (PIA), which identifies the prioritised areas throughout the LGA for the provision of trunk infrastructure to service the existing and assumed future urban development up to and including 2028. Planning assumptions, however, include projections up to and including 2036.

The LGIP identifies that the development is located outside of the PIA – refer Figure 3 below.

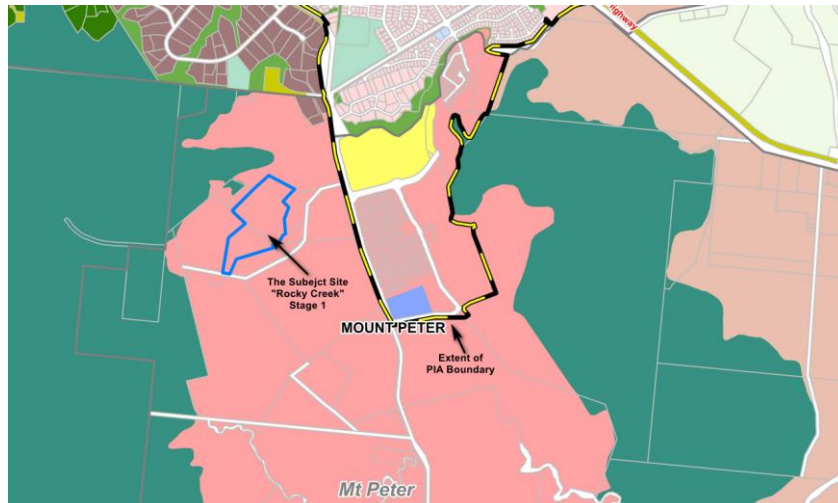


Figure 3: Excerpt of LGIP Priority Infrastructure Area Mapping (Sheet No. PIA-08 Source: [CRC Website](#)).

While the LGIP has identified and planned for infrastructure to be delivered outside of this area, it is noted that infrastructure inside of the PIA is given priority, whereas development outside must utilise existing infrastructure capacity, where available, and provide new capacity in an orderly and sequential manner to service growth ahead of planned delivery.

It is acknowledged that a portion of the Initial Development Area of the Mount Peter Local Plan area is located inside of the PIA remains partially developed. Further to this, there remains sufficient greenfield land available for redevelopment inside the PIA throughout the other parts of the LGA, signifying that the growth assumptions projected under the LGIP remain sound.

The proposed development is located outside the Priority Infrastructure Area and is serviced by the following infrastructure:

- Local road network (Cooper Road), designated as a minor rural road; and
- Stormwater, which is managed informally over the site as overland flow naturally directed to Stony Creek.

The site is not serviced by reticulated water or wastewater infrastructure.

The development requires the delivery of trunk and non-trunk infrastructure to facilitate the development, including:

- Stormwater:

Formal drainage arrangements can be constructed over the site, both interim (temporary) and permanent measures, to maintain the formal discharge into Stony Creek.

- Wastewater:

There is an existing reticulated wastewater services available at the Mackillop Road / Mount Peter Road intersection (300mm dia. PVC gravity main).

Current infrastructure planning undertaken by the Applicant has identified that this infrastructure can be extended up to the Cooper Road / Mount Peter Road and along Cooper Road to service the proposed development.

- Water:

The existing reticulated water services available along Mount Peter Road (300mm dia. PVC main) can be extended through to and along Cooper Road to service the proposed development.

To achieve the minimum service pressure requirements of the *FNQROC Development Manual*, the Applicant has identified that the proposed infrastructure requires the augmentations bring forward of the following trunk infrastructure:

- Water booster pump station; and
- LGIP items WMF174 and WMF181: Water Main.

Both water mains are scheduled for delivery in 2026. Assessment of the development's infrastructure provisions, including giving consideration to the planned delivery of the PMPC, the advanced delivery of this infrastructure is considered suitable in this instance.

The booster pump is only required as an interim solution to achieve the required service pressures. With this infrastructure to be decommissioned upon the completion of Mount Peter High Level Reservoir (LGIP item WRF002 and associated infrastructure).

The Reservoir is currently planned to be online by 2026; however, Council is currently exploring options to bring forward its design and construction to cater for the reported demand in the Mount Peter area. An application has been submitted for consideration under the Queensland Government's Building Acceleration Fund 2020 to sponsor the advanced delivery of this infrastructure. Assessment of all applications under this initiative is in its infancy, where no timeframe as been provided to process this application.

- Transport:

Infrastructure planning undertaken as part of this application (and the Pinecrest Structure Plan) has identified that Cooper Road is required to be upgraded to service the proposed development.

Council is currently working closely with the Applicant on the design and delivery of both interim and ultimate network solutions to align with the staging of the wider PMPC address current network restrictions (i.e. road reserve width and timing of land resumptions required through delivering the ultimate planned network). A condition to this effect has been applied to this Development Permit to accommodate these works prior to and as part of future Operations Works.

To confirm, the proposed drainage and sewerage infrastructure works required to be delivered as part of this application is are considered to be non-trunk infrastructure for the purposes of section 128 of the *Planning Act 2016* (Qld).

Overall, the application material has demonstrated that the development can be suitably serviced by all necessary infrastructure; and is considered to be a logical extension of Council's infrastructure networks in accordance with LGIP planning.

The following table summarises the trunk infrastructure items proposed to be delivered as part of the development:

Trunk Infrastructure	LGIP Item No.	Standard	LGIP Cost	Planned Timing
Local Park	OSF073	Recreation Node adjacent to Creek and in accordance with Council's Public Open Space General Policy	\$178,528.00	2028
Water Main	WMF174	225 dia. pipe in accordance with the FNQROC Development Manual	\$119,346.00	2026
Water Main	WMF181		\$249,257.00	2026
Sub-arterial Road	TRF430	Type 8 2 Lane Median Divided FNQROC Development Manual	\$2,415,825.00	2024

The above requirements are included in a condition of the approval. An offset and or repayment opportunity will be identified on the Infrastructure Charges Notice.

EXECUTION OF DELEGATION & DECISION

The Action Officer confirms that:

- The conditions (including the process) for executing delegated authority given by Council under section 259 of the *Local Government Act 2009* (Qld) have been fulfilled; and

- That in fulfilling the conditions of delegated authority, a copy of the development application was provided to Councillor Moller for Division 1, and the Deputy Mayor Councillor James, on 2 September 2020.

The recommendation is formed after considering the proposal, the relevant provisions of the *Planning Act 2016* (Qld), the assessment benchmarks, submissions received and other relevant materials.



Louise Cameron
Planning Officer



Peter Boyd
Manager Strategic Planning and Approvals



Kelly Reaston
General Manager Planning and Environment

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

PINECREST

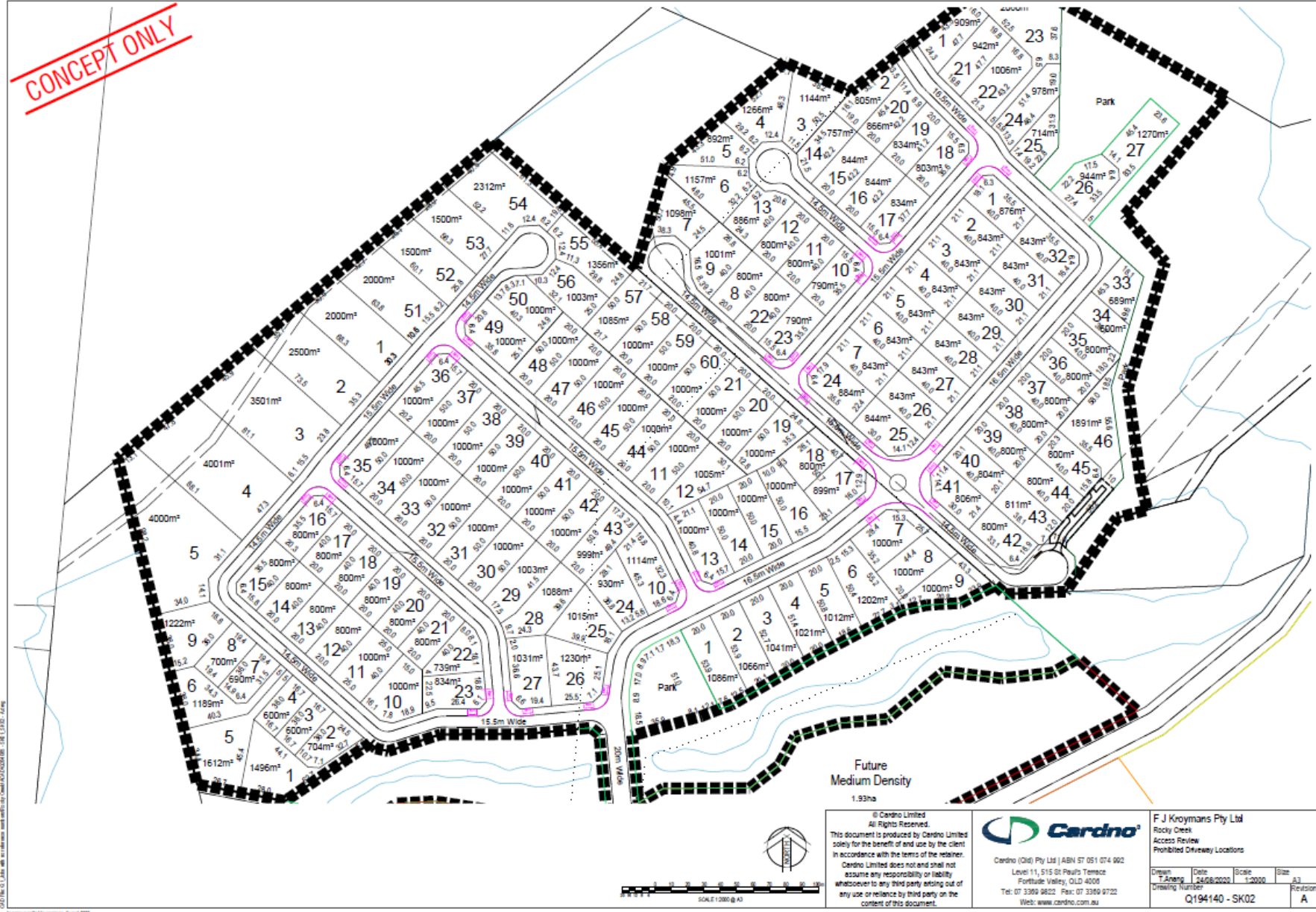
PROPOSED RECONFIGURATION MASTER PLANNED COMMUNITY STAGES 1 - 4, MOUNT PETER

Rocky Creek

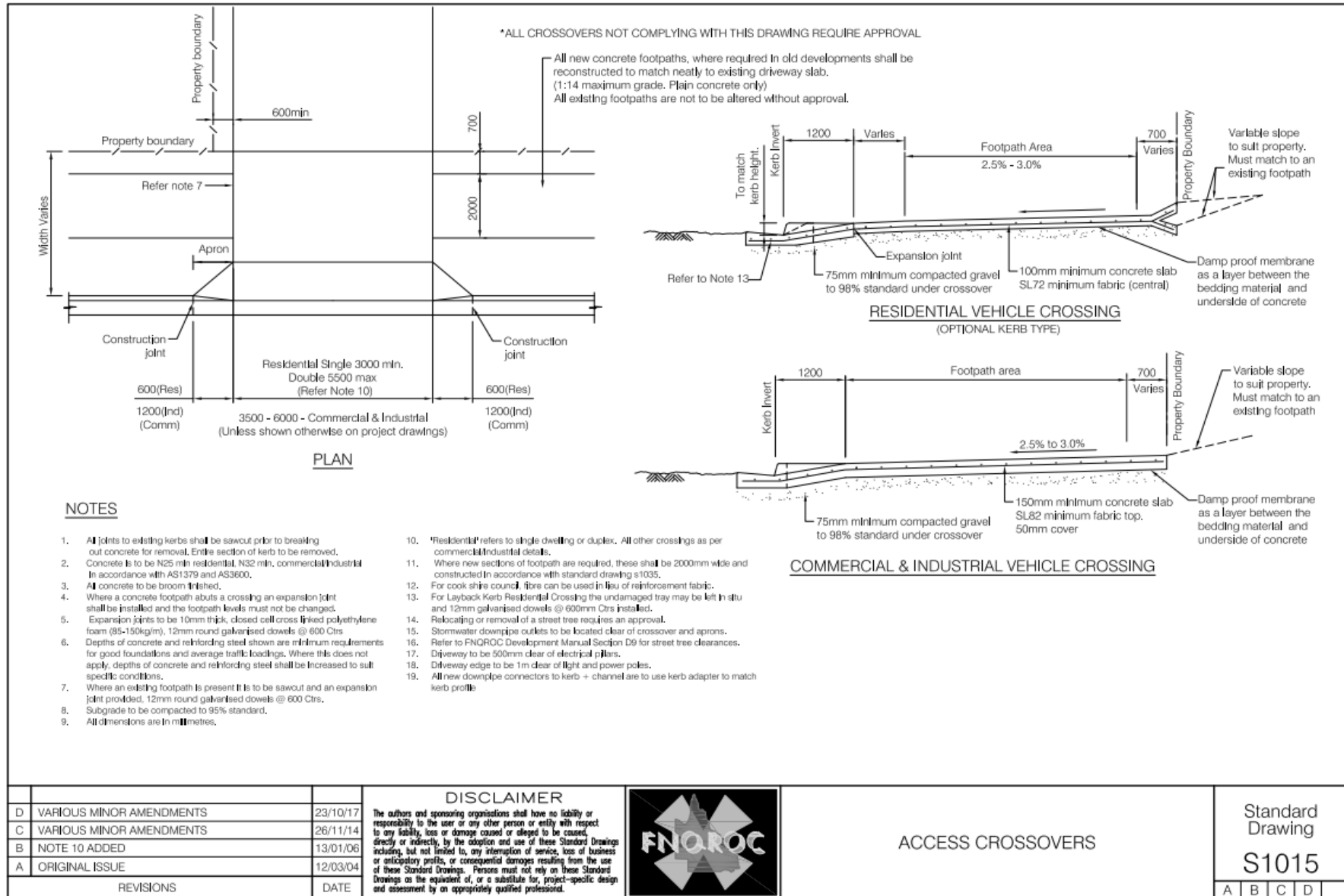


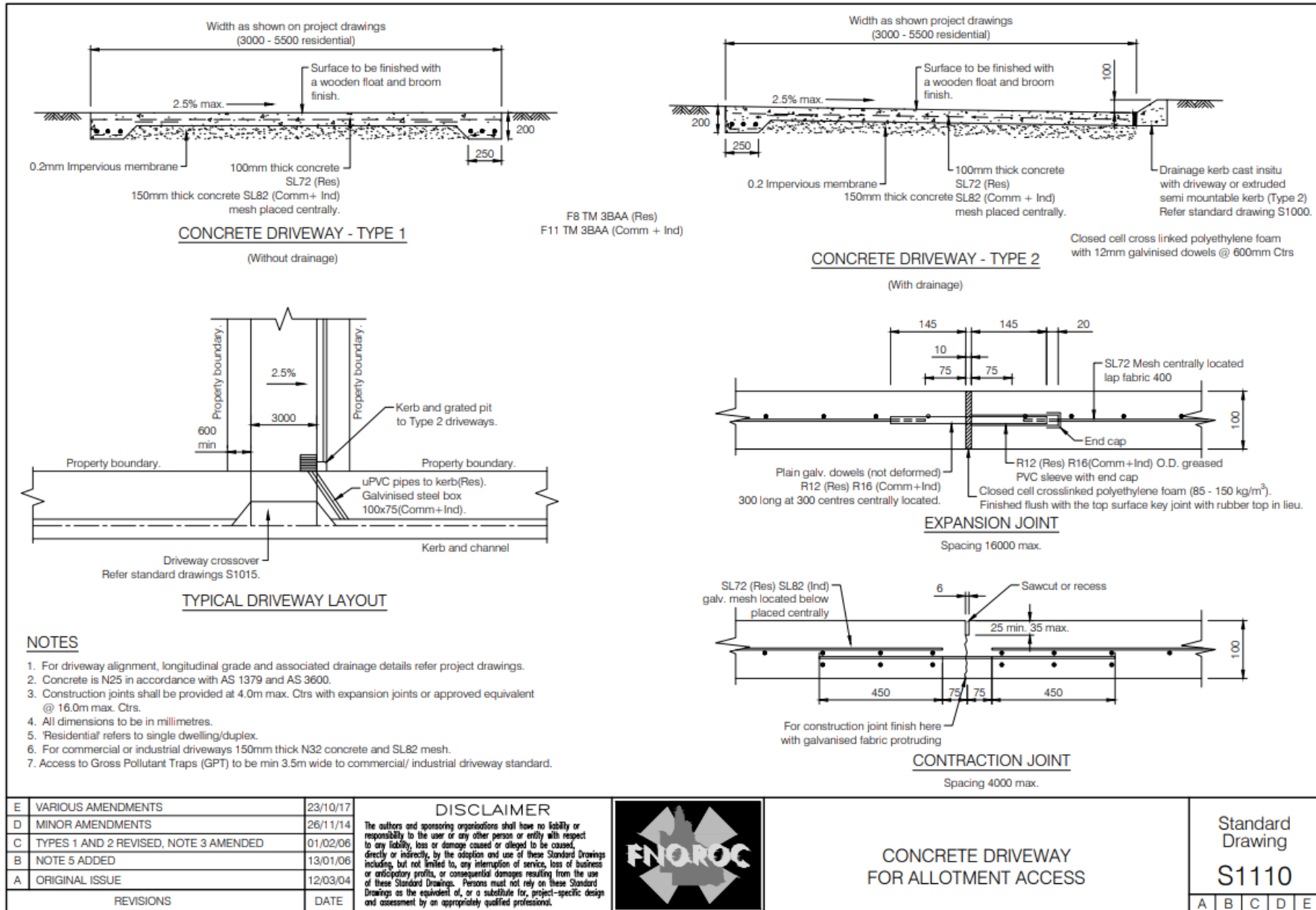
Date: 26th August 2020 Scale: 1 : 2500 @ A3 Drawn: MC | Job No.: Q194066 | Plan No.: Q194065-SP01 C

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approval.



APPENDIX 2: FNQROC DEVELOPMENT MANUAL STANDARD DRAWINGS





APPENDIX 3: INFRASTRUCTURE CHARGES CALCULATIONS

Appendix A to Infrastructure Charges Notice



Applicant:	Kroymans Developments Pty Ltd	DA/ICN Number 8/13/2307	DM5 Ref: #6503144
Address:	300L Cooper Road, Mounth Peter	Development Type:	ROL
Parcel Number/s:	163356	Contributions Issued Under:	Infrastructure Charges Resolution (No.2) 2017
Lot & RP Number/s:	Lot 300 on SP315904	Index Used:	CPI 30-Jun-20 113.6

Levied Charge Calculation	Adopted Charge Rate	Capped Charge Rate
---------------------------	---------------------	--------------------

C - (EXISTING LAND USE CHARGE)							
Category	Use			Quantity	Charge		
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 25,200.00	per 3 or more bedroom dwelling	1	\$25,200.00	
		Stormwater Charge	\$ -	No stormwater charge	1	\$0.00	
					EXISTING CHARGE	\$25,200.00	
					* TOTAL DEDUCTIONS	\$16,380.00	65%
					FINAL EXISTING	\$8,820.00	

* Existing Deductions:

AC - (PROPOSED LAND USE CHARGE)							
Category	Use			Quantity	Charge		
Residential	Dwelling house - 3 or more bedroom dwelling	Use Charge	\$ 25,200.00	per 3 or more bedroom dwelling	47	\$1,184,400.00	
		Stormwater Charge	\$ -	No stormwater charge	1	\$0.00	
					PROPOSED CHARGE	\$1,184,400.00	

LC (LEVIED CHARGE) \$1,175,580.00 Account: T648 05446

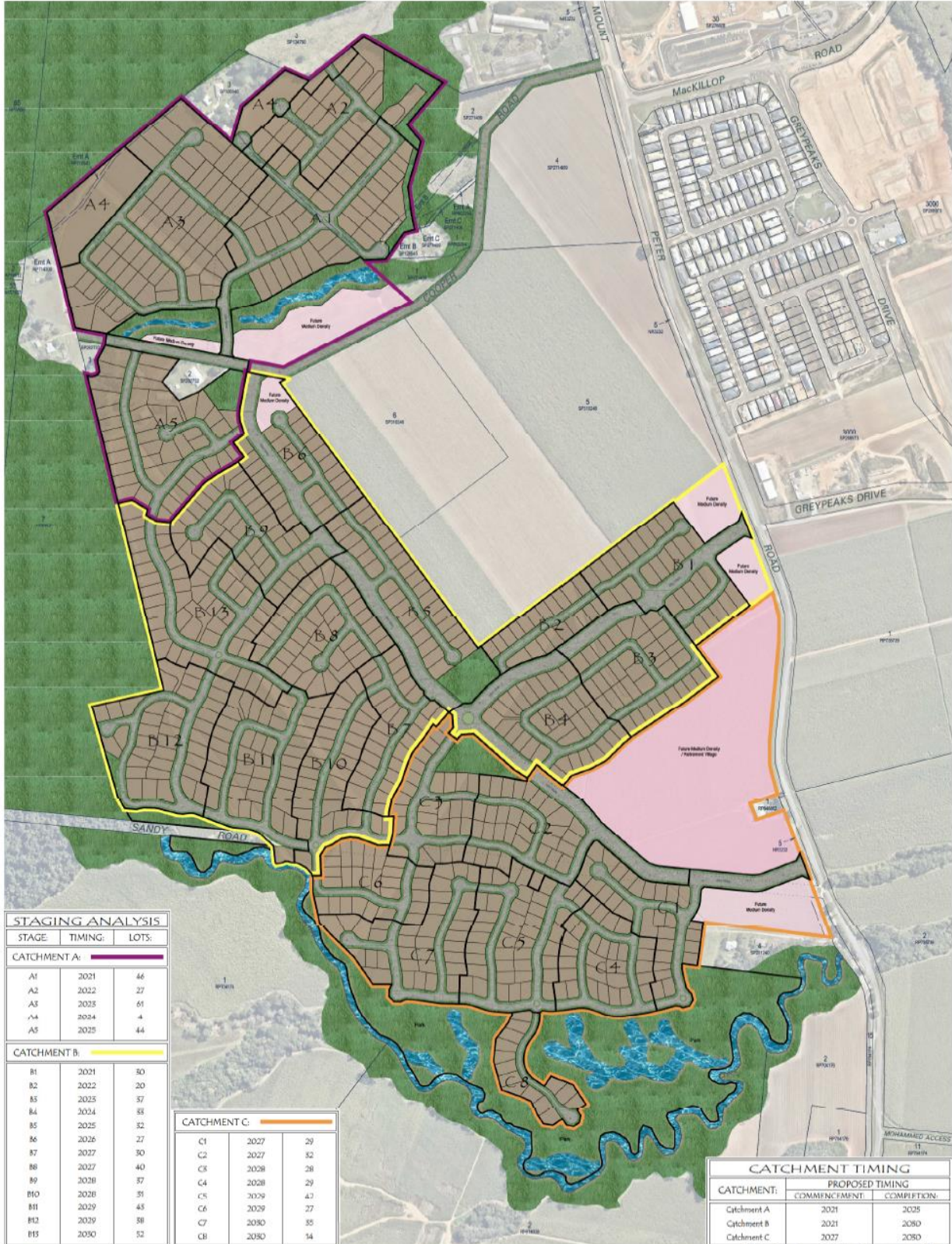
CHECKED BY: N Lazarus

OFFICE USE ONLY:	DATE PAYABLE	ROL - Before the Local Government approves the plan of subdivision
	DATE PAID	
	RECEIPT NUMBER	

APPENDIX 4: SUPPORTING INFORMATION TO PLANNING REPORT – PINECREST STRUCTURE PLANS



PINECREST
 MASTER PLANNED COMMUNITY
 STAGES & CATCHMENTS PLAN

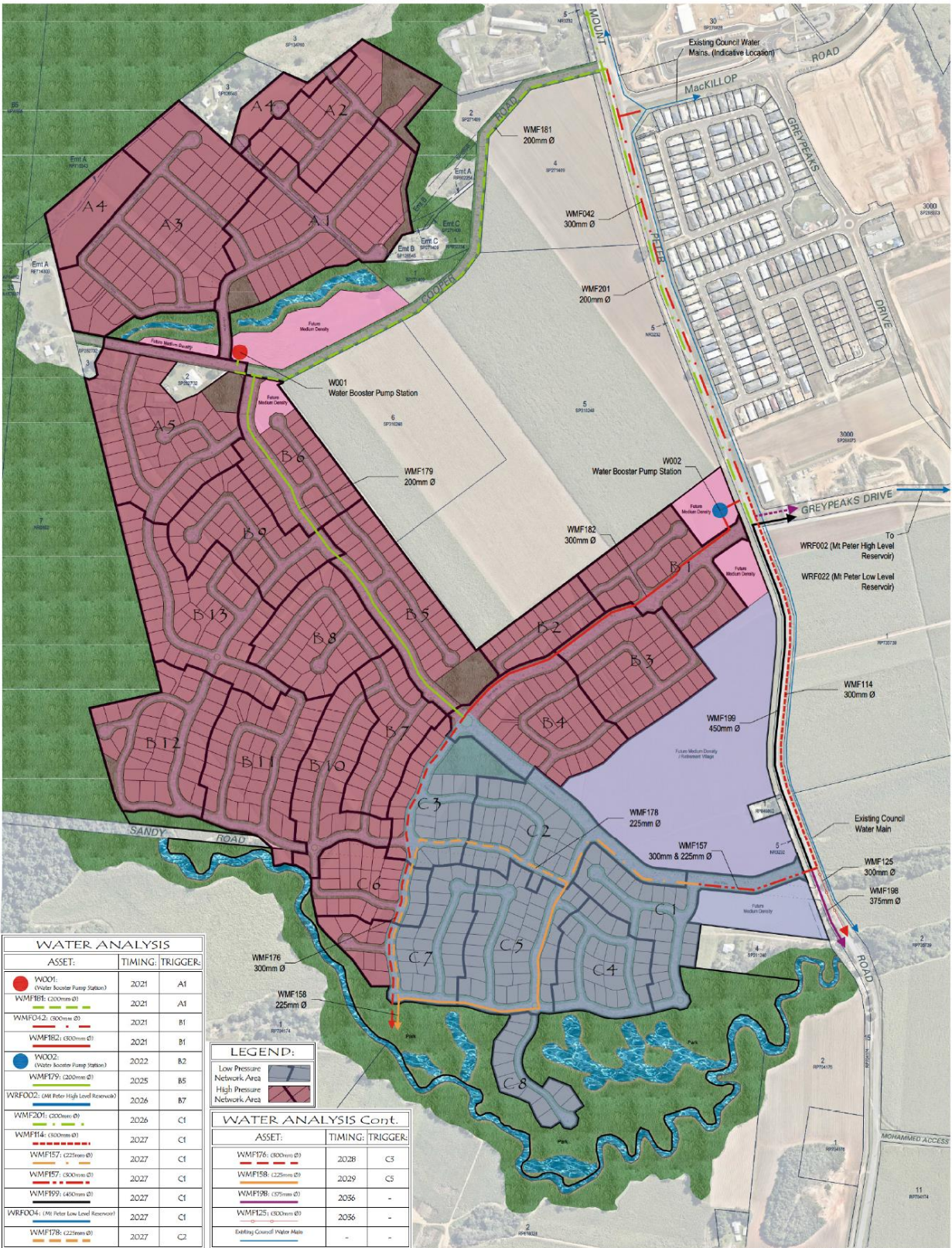


Date: 26th August 2020 | Scale: 1:300 @ A1 | Drawn: MC | Job No: Q15456 | Plan No: Q15456 PP11 A

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PINECREST

MASTER PLANNED COMMUNITY WATER INFRASTRUCTURE PLAN



WATER ANALYSIS		
ASSET:	TIMING:	TRIGGER:
W001: (Water Booster Pump Station)	2021	A1
WMF161: (200mm Ø)	2021	A1
WMF042: (300mm Ø)	2021	B1
WMF179: (200mm Ø)	2021	B1
W002: (Water Booster Pump Station)	2022	B2
WMF179: (200mm Ø)	2025	B5
WRF002: (Mt Peter High Level Reservoir)	2026	B7
WMF201: (200mm Ø)	2026	C1
WMF114: (300mm Ø)	2027	C1
WMF157: (225mm Ø)	2027	C1
WMF157: (300mm Ø)	2027	C1
WMF159: (450mm Ø)	2027	C1
WRF004: (Mt Peter Low Level Reservoir)	2027	C1
WMF178: (225mm Ø)	2027	C2

LEGEND:		
Low Pressure Network Area	(Light Blue)	
High Pressure Network Area	(Light Red)	
WATER ANALYSIS Cont.		
ASSET:	TIMING:	TRIGGER:
WMF176: (300mm Ø)	2028	C3
WMF158: (225mm Ø)	2029	C5
WMF198: (375mm Ø)	2036	-
WMF125: (300mm Ø)	2036	-
Existing Council Water Mains	-	-



Date: 27th August 2020 | Scale: 1:300 @ A1 | Drawn: MC | Job No.: C194295 | Plan No.: C194295-PP13 A

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PINECREST

MASTER PLANNED COMMUNITY SEWERAGE INFRASTRUCTURE PLAN



SEWERAGE ANALYSIS		
ASSET:	TIMING:	TRIGGER:
S001: (Aerial Sewer Crossing)	2021	A1
S002: (225mm Ø Gravity Main)	2021	A1
S003: (225mm Ø Gravity Main)	2025	A5
Mount Peter MPU2 (300mm Ø Gravity Main)	2021	B1
Mount Peter Transfer Stage 2 (Pump Station)	2027	C1
GMF003: (300mm Ø)	2027	C1
GMF008: (300mm Ø Gravity Main to S005 Pump Station)	2027	C1



Date: 27th August 2020 | Scale: 1:300 @ A1 | Drawn: MC | Job No.: Q19405 | Plan No.: Q19405-PP12 A

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PINECREST

MASTER PLANNED COMMUNITY SEWERAGE INFRASTRUCTURE PLAN



SEWERAGE ANALYSIS		
ASSET:	TIMING:	TRIGGER:
S001: (Aerial Sewer Crossing)	2021	A1
S002: (225mm Ø Gravity Main)	2021	A1
S003: (225mm Ø Gravity Main)	2025	A5
Mount Peter MPU2 (300mm Ø Gravity Main)	2021	B1
Mount Peter Transfer Stage 2 (Pump Station)	2027	C1
GMF003: (300mm Ø)	2027	C1
GMF008: (300mm Ø Gravity Main to S005 Pump Station)	2027	C1

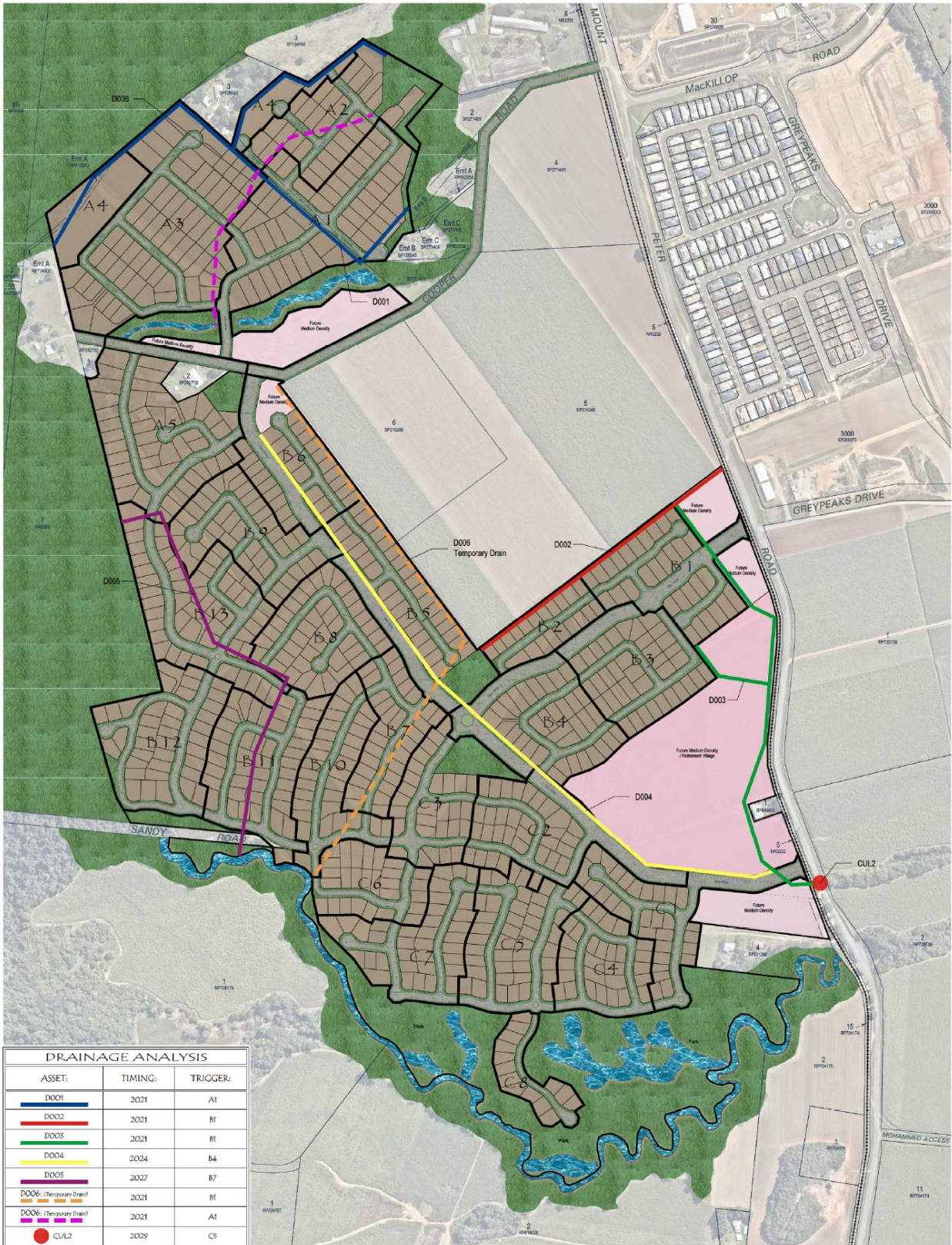


Date: 27th August 2018 | Scale: 1:300 @ A1 | Drawn: MC | Job No.: Q19405 | Plan No.: Q19405-PP12 A

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

PINECREST

MASTER PLANNED COMMUNITY DRAINAGE INFRASTRUCTURE PLAN

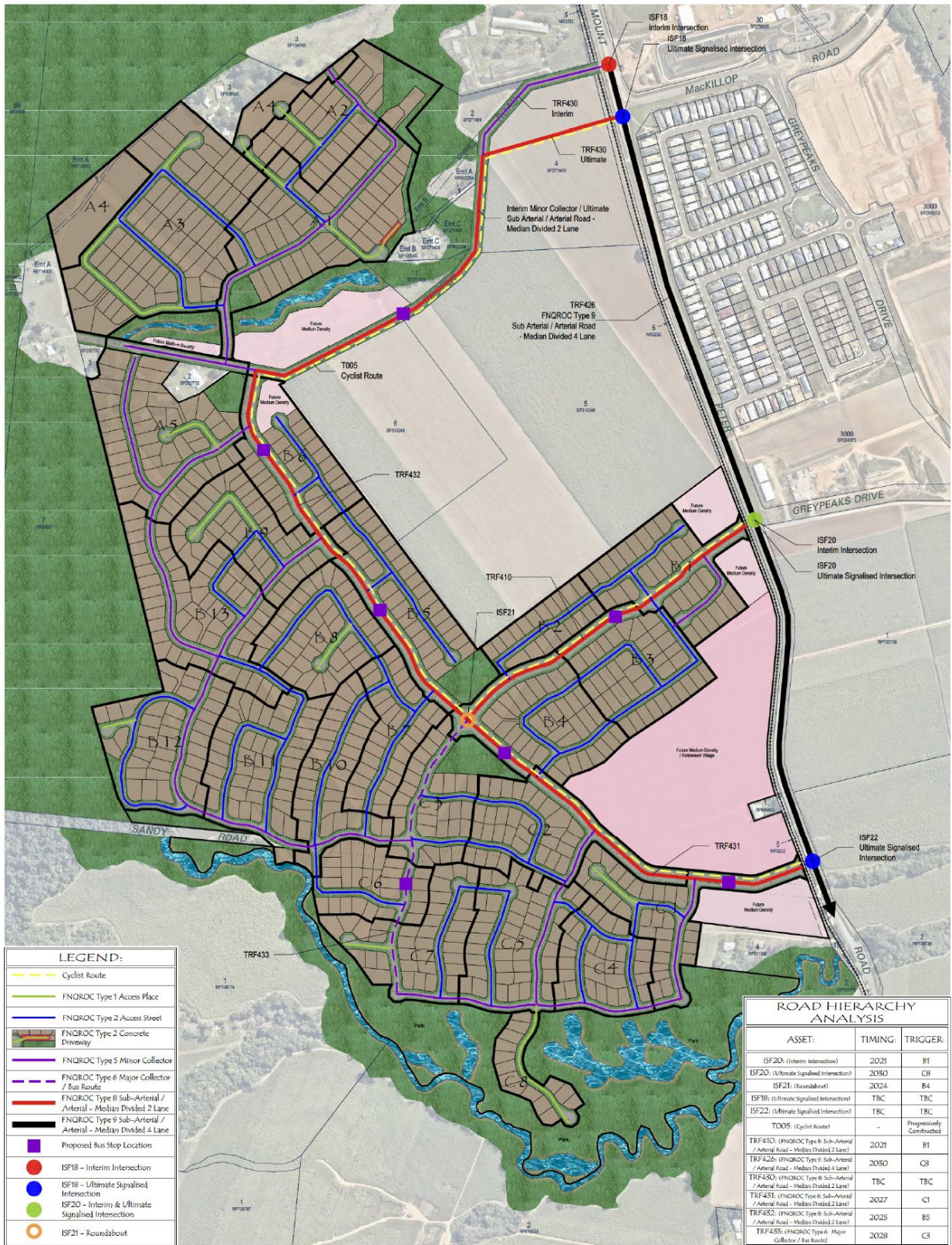


Date: 27th August 2020 | Scale: 1:300 @ A1 | Drawn: MC | Job No.: Q19405 | Plan No.: Q19405-PP15 A

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PINECREST

MASTER PLANNED COMMUNITY ROAD HIERARCHY PLAN



LEGEND:

- Cyclist Route
- FNQROC Type 1 Access Place
- FNQROC Type 2 Access Street
- FNQROC Type 2 Concrete Privately
- FNQROC Type 5 Minor Collector
- FNQROC Type 6 Major Collector / Bus Route
- FNQROC Type 8 Sub-Arterial / Arterial - Median Divided 2 Lane
- FNQROC Type 9 Sub-Arterial / Arterial - Median Divided 4 Lane
- Proposed Bus Stop Location
- ISF18 - Interim Intersection
- ISF18 - Ultimate Signalled Intersection
- ISF20 - Interim & Ultimate Signalled Intersection
- ISF21 - Roundabout

ROAD HIERARCHY ANALYSIS

ASSET:	TIMING:	TRIGGER:
ISF20: (Interim Intersection)	2021	B1
ISF20: (Ultimate Signalled Intersection)	2030	C8
ISF21: (Roundabout)	2024	B4
ISF18: (Ultimate Signalled Intersection)	TBC	TBC
ISF22: (Ultimate Signalled Intersection)	TBC	TBC
T005: (Cyclist Route)	-	Progressively Contributed
TRF410: (FNQROC Type 8 Sub-Arterial / Arterial Road - Median Divided 2 Lane)	2021	B1
TRF426: (FNQROC Type 9 Sub-Arterial / Arterial Road - Median Divided 4 Lane)	2030	C8
TRF430: (FNQROC Type 8 Sub-Arterial / Arterial Road - Median Divided 2 Lane)	TBC	TBC
TRF431: (FNQROC Type 8 Sub-Arterial / Arterial Road - Median Divided 2 Lane)	2027	C1
TRF432: (FNQROC Type 8 Sub-Arterial / Arterial Road - Median Divided 2 Lane)	2025	B5
TRF433: (FNQROC Type 6 Major Collector / Bus Route)	2028	C3



Date: 27th August 2020 | Scale: 1:3000 @ A1 | Drawn: MC | Job No.: Q19405 | Plan No.: Q19405.PPA.4

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