

ORDINARY MEETING**22 MAY 2024****13****RECONFIGURING A LOT (1 LOT INTO 6 LOTS & BALANCE LAND) -
101R-103R COOPER ROAD, MOUNT PETER - DIVISION 1**

8/19/27 : #7403678

PROPOSAL: RECONFIGURING A LOT (1 LOT INTO 6 LOTS &
BALANCE LAND)

LANDOWNER: A F MANASSERO

APPLICANT: KROYMANS DEVELOPMENTS PTY LTD
C/- ASPIRE TOWN PLANNING & PROJECT
SERVICES
PO BOX 1040
MOSSMAN QLD 4873

INTERESTED PARTIES: KROYMANS DEVELOPMENTS PTY LTD
ANTONIETTA FERNANDA MANASSERO
ASPIRE TOWN PLANNING & PROJECT
SERVICES
STANTEC

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

LOCATION OF SITE: 101R-103R COOPER ROAD, MOUNT PETER

PROPERTY: LOT 100 ON SP322661

PLANNING SCHEME: CAIRNSPLAN 2016 V3.1

LOCAL PLAN: MOUNT PETER

ZONE: PART CONSERVATION AND
PART LOW-MEDIUM DENSITY RESIDENTIAL

REFERRAL AGENCIES: NONE

NUMBER OF SUBMITTERS: ONE (1)

STATUTORY ASSESSMENT
DEADLINE: 19 APRIL 2024

APPLICATION DATE: 1 AUGUST 2023

DIVISION: 1

ATTACHMENTS:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. INFRASTRUCTURE CHARGES CALCULATIONS

LOCALITY PLAN:



RECOMMENDATION

That Council approves the development application for a Development Permit for Reconfiguring a Lot (1 Lot into 6 Lots & Balance Land) over land described as 101R-103R Cooper Road, Mount Peter, located at Lot 100 on SP338654 (formerly Lot 100 on SP322661), subject to the following:

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

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

Drawing or Document	Reference	Date
Proposed Reconfiguration Master Planned Community Stages 1, 2, 2B, 3 & 4, Mount Peter	Job No.: 304701183 – Q194095 Plan No.: Q194095-SP01 K	1 August 2023

ASSESSMENT MANAGER CONDITIONS

General Requirements		Timing
1.	<p>Approved Plans and Documents</p> <p>The development is to be completed and carried out generally in accordance with the above approved plans and reports submitted with the development application, except where modified by the conditions of this Development Permit.</p>	As stated.
2.	<p>Currency Period</p> <p>This development approval, granted under the provisions of the <i>Planning Act 2016</i> (Qld), lapses six (6) years from the day the development approval takes effect, in accordance with the provisions of section 85 of the <i>Planning Act 2016</i> (Qld).</p>	As stated.
3.	<p>Limitation of Effect of Approval</p> <p>This Development Permit relates to the lots contained in Stage 4 shown on the approved Plan of Development only.</p>	As stated.
4.	<p>Development Approval 8/10/1423</p> <p>Achieve Works Acceptance for the Development Approval for Operational Work – Council Ref: 8/10/1423.</p>	Prior to Council approval of the Plan of Subdivision.

5.	<p>Earthworks Design</p> <p>All batters and/or retaining walls proposed for the development must be designed in accordance with the requirements of the planning scheme and FNQROC Development Manual. Details of all batters and/or retaining walls proposed within the approved development must be included on plans to be submitted as part of the Operational Work application for the development.</p> <p>All batters and/or retaining walls, where required to support an allotment, must be wholly contained within the lot and must not be located within road reserve or other public space.</p>	As stated.
6.	<p>All new batters steeper than 1 in 2 and/or higher than 1.5 metres or retaining walls greater than 1 metre in height, must be designed and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). Evidence of certification by a RPEQ must be submitted to Council.</p>	In conjunction with first application for Operational Work for the development or prior to commencement of work, whichever occurs first.
7.	<p>Water Supply and Sewerage Works External</p> <p>Undertake the following water supply and sewerage work external to the premises to connect the land to existing water supply and sewerage infrastructure:</p> <p>a. Extend water infrastructure to connect the land to Council's existing water infrastructure at a point that has sufficient capacity to service the development.</p> <p>All the above work must be designed and constructed in accordance with the FNQROC Development Manual.</p>	In accordance with a Development Permit for Operational Work.
8.	<p>Water Supply and Sewerage Work Internal</p> <p>Undertake the following water supply and sewerage works internal to premises:</p> <p>a. Provide a single internal water and sewerage connection to each lot; and</p>	Prior to Council approval of the Plan of Subdivision.

	<p>b. Extend water mains such that each allotment can be provided with a water service connection to the lot frontage.</p> <p>All the above works must be designed and constructed in accordance with the FNQROC Development Manual.</p> <p>All works must be carried out in accordance with the approved plan(s), to the requirements and satisfaction of Council.</p>	
9.	<p>Inspection of Sewers</p> <p>CCTV inspections of all constructed sewers must be undertaken.</p> <p>An assessment of the CCTV records must be undertaken by a suitably qualified person and a report along with the footage submitted to Council for review.</p> <p>Identified defects are to be rectified to the satisfaction of Council at no cost to Council.</p>	Prior to Council approval of the Plan of Subdivision.
10.	<p>Electricity Supply</p> <p>Each lot must be connected to the electricity network in accordance with the FNQROC Development Manual and the relevant electricity providers standards.</p> <p>An underground electricity reticulation must be provided to the approved development in accordance with the requirements of the FNQROC Development Manual, with the connection point being a service pillar installed by Ergon Energy at the property boundary.</p>	Prior to Council approval of the Plan of Subdivision.
11.	<p>Telecommunications Supply</p> <p>Each lot must be connected to the telecommunications network in accordance with section D8.05 of the FNQROC Development Manual.</p>	Prior to Council approval of the Plan of Subdivision.
12.	<p>Electrical Transformer</p> <p>Any padmount transformer must be installed on site and positioned in accordance with the following requirements:</p> <p>a. Not located on land used for open space or sport and recreation purposes;</p> <p>b. Screened from view by landscaping, sightcreens and/or fencing;</p>	Prior to Council approval of the Plan of Subdivision.

	<ul style="list-style-type: none"> c. Accessible for maintenance in accordance with the relevant utility provider; d. Must be located clear of footpaths; e. Must not be located over existing infrastructure; and f. Located in road reserve. 	
13.	<p>Evidence of Electrical and Telecommunication Connection</p> <p>Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply".</p> <p>The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter".</p>	<p>Prior to Council approval of the Plan of Subdivision.</p>
14.	<p>Environmental Covenant</p> <p>Register an instrument of Covenant for Environmental Purposes pursuant to Section 97A of the <i>Land Title Act 1994</i> (Qld) over the area identified as the 'Building Exclusion Zone' as illustrated on the approved Plan of Development.</p> <p>The purpose of the Covenant is to ensure areas of environmental significance and high landscape value are protected, retained and maintained at all times and the scenic backdrop of the region is maintained.</p> <p>The Covenant is required to include the following clauses:</p> <ul style="list-style-type: none"> a. The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area; b. The perimeter of the covenant area must not be fenced to allow the natural area to not be fragmented and disturbed; c. The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials; 	<p>In conjunction with the registration of the Plan of Subdivision.</p>

<p>d. The covenant area must be maintained in its natural state. Garden (or any other) waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem;</p> <p>e. The covenantor must not alter the drainage patterns of stormwater across the land or impede natural flows;</p> <p>f. The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area;</p> <p>g. The covenantor must allow free movement of all-natural wildlife in the covenant area and not allow household pets to enter the area. For the movement of native fauna and for stormwater purposes, fences must have an eighty (80) per cent permeable area (such as post and rail or post and wire strand type fencing). No fencing is permitted within the Covenant area;</p> <p>h. When fencing for domestic animals, pool type fencing must be constructed along the boundary between the rear of the garden and the front of the covenant area. This fence may include an access gate for pedestrian use only. Vehicles must not enter into the covenant area;</p> <p>i. The covenantor may apply to the Council for a Development Permit for Operational Work to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot; and</p> <p>j. Existing native and mature vegetation must only be removed in accordance with the Development Permit.</p> <p>A copy of the proposed Covenant document must be submitted to Council in conjunction with an application to endorse a Plan of Subdivision for the approved development.</p> <p><i>Note: A Rates Notation to this effect will be placed on the property file.</i></p>	
---	--

15.	<p>Stormwater Design</p> <p>Submit to Council, RPEQ (Stormwater) certification, with supporting information including a review of the local flood and drainage information currently available from Council (as a minimum this must include existing local drainage studies prepared for adjoining subdivisions and any new modelling available from Council and any internal and external works proposed), that the development is designed to provide immunity for each lot from the 1% AEP Defined Inundation Event level plus a freeboard of 300mm.</p>	<p>In conjunction with first application for Operational Work for the development or prior to commencement of work, whichever occurs first.</p>
16.	<p>Site Based Stormwater Management Plan</p> <p>Provide a Site Based Stormwater Management Plan (SBSMP) and associated amended design which details a stormwater point of discharge prior to the issue of the first Development Permit for Operational Work for the development.</p> <p>This document is required to report on the stormwater quantity and quality management required for the land, and must focus on, but not be limited to, the following:</p> <ol style="list-style-type: none"> a. Nominate best practice site management procedures to control the severity and extent of soil erosion and pollutant transport and other water quality issues that may arise during the construction phase and post-construction phase; b. The location of any Stormwater Quality Improvement Devices (SQIDS). SQIDS (e.g. GPTs) must be designed in accordance with section D5 of the FNQROC Development Manual. SQIDS must 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. <p>All works must be carried out in accordance with the approved plan(s) prior to Council approval of the Plan of Subdivision.</p>	<p>As stated.</p>

17.	<p>Sediment and Erosion Control – Water Discharge</p> <p>Soil and water management measures must be installed/implemented prior to discharge of water from the land, such that no external stormwater flow from the land adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994 (Qld)</i>, the FNQROC Development Manual and the International Erosion Control Association 2008 Guidelines).</p>	At all times.
18.	<p>Concentration of Stormwater</p> <p>Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties, associated with the following:</p> <ul style="list-style-type: none"> a. Diversion of stormwater; b. Concentration of stormwater flows; c. Changes in other flow characteristics; and d. Changes that affect the future use of land. <p>If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.</p>	At all times.
19.	<p>Discharge of Stormwater</p> <p>Stormwater associated with development is discharged to:</p> <ul style="list-style-type: none"> a. A lawful connection provided from the premises to Council’s stormwater network; or b. Land under Local Government control that has a lawful drainage function immediately adjoining to the premises; or c. An easement for drainage purpose immediately adjoining to the premises; or d. Where the site cannot discharge to a, b or c, stormwater is discharged from the site in a manner that does not result in: <ul style="list-style-type: none"> i. Change to the location of stormwater discharge; ii. An increase to peak flow velocity or volume; or iii. A concentration in stormwater discharge. 	At all times.

20.	Damage to Infrastructure and Land Where any part of Council's existing infrastructure or land is damaged as a result of construction activities occurring on the land, including but not limited to; mobilisation of heavy construction equipment, stripping, grubbing and vegetation damage, notify Council immediately of the affected infrastructure or land and have it repaired, replaced or reinstated at no cost to Council.	At all times and prior to Council approval of the Plan of Subdivision.
-----	---	--

PART B: INFRASTRUCTURE CHARGES

That an Infrastructure Charges Notice is issued for the development.

PART C: RATES NOTATION

The following attributes are notated to all lots as follows:

1. A Statutory Covenant for Environmental Purposes (under the *Land Title Act 1994* (QLD)) is registered on the title of the Lot. There are development approval conditions applicable in relation to the establishment and management of the covenant area. All property owner(s) must ensure compliance with the approved Covenant and relevant conditions of approval. All property owner(s) must ensure compliance with these conditions. A copy of Council's Decision Notice is available for viewing and download on Council's website www.cairns.qld.gov.au. Enquiries please contact Council's Town Planning department via townplanner@cairns.qld.gov.au.

ADVICE

1.	Planning Laws Information relating to the <i>Planning Act 2016</i> (Qld), <i>Planning Regulation 2017</i> (Qld) and Development Assessment Rules is located on the Queensland Government's planning website.
2.	Definitions All terms used in this development approval have those definitions as defined under the <i>Planning Act 2016</i> (Qld) and <i>Planning Regulation 2017</i> (Qld) (as at the date of the approval), Queensland Development Code and CairnsPlan 2016. To the extent of any inconsistency, the order of precedence of the above instruments is as follows:

	<ul style="list-style-type: none"> a. <i>Planning Act 2016</i> (Qld); b. <i>Planning Regulation 2017</i> (Qld); c. Queensland Development Code; d. CairnsPlan 2016; and e. FNQROC Development Manual.
3.	<p>FNQROC Regional Development Manual</p> <p>Access to FNQROC Development Manual, Local Laws, CairnsPlan 2016 and other referenced planning scheme policies are located on Council’s website – www.cairns.qld.gov.au.</p>
4.	<p>Infrastructure Charges Notice</p> <p>A charge levied for the supply of trunk infrastructure is payable to Council in accordance with Council’s Infrastructure Charges Resolution No. 2 of 2021 and the Infrastructure Charges Notice, a copy of which is attached for reference purposes only.</p> <p>The original Infrastructure Charges Notice will be provided under cover of a separate letter.</p> <p>The amount in the Infrastructure Charges Notice has been calculated according to Council’s Infrastructure Charges Resolution.</p> <p>Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The <i>Planning Act 2016</i> (Qld) confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.</p> <p>The amount in the Infrastructure Charges Notice is subject to index adjustments and may differ at the time of payment. Please contact Council’s Development Assessment Team for review of the charge amount prior to payment.</p> <p>The time when payment is due is contained within the Infrastructure Charges Notice.</p>
5.	<p>Removal of Protected Vegetation</p> <p>This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:</p> <ul style="list-style-type: none"> a. <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth); b. <i>Nature Conservation Act 1999</i> (Qld); and c. <i>Vegetation Management Act 1999</i> (Qld). <p>For further information see: https://www.qld.gov.au/environment/land/management/vegetation/damage.</p>

6.	<p>Native Wildlife</p> <p>Prior to any vegetation damage, an inspection to determine the possible presence of native wildlife and animal breeding places must be undertaken by a suitably qualified and experienced spotter/catcher. The assessment must include the identification of any breeding places for any Endangered/Vulnerable or Near Threatened animal species, special least concern or colonial breeding species prior to the removal of any trees and/or vegetation as per the requirements of section 332 of the <i>Nature Conservation (Wildlife Management) Regulation 2006</i> (Qld). The Department of Environment and Science must be contacted where any Endangered, Vulnerable or Near Threatened native wildlife is found to be present in any area subject to works.</p>
7.	<p>Yellow Crazy Ants</p> <p>Yellow crazy ants are designated as invasive biosecurity matter under the <i>Biosecurity Act 2014</i> (Qld). All parties (whether landholders or not) are required to take all reasonable measures to prevent the movement of yellow crazy ants. This includes restrictions on the movement of any materials deemed to be infested with yellow crazy ants. For further information contact the Department of Environment and Science – https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/biosecurity-matter-report/restricted-matter.</p>
8.	<p>Electric Ant Quarantine Area</p> <p>The <i>Biosecurity Act 2014</i> (Qld) and the <i>Biosecurity Regulation 2016</i> (Qld) places restrictions on the movement of electric ants and “high risk items” within and out of the zone, and places certain obligations and restrictions on landowners within the zone. For further information consult the following website – https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/land-management/health-pests-weeds-diseases/pests/electric-ants/movement-controls.</p>
9.	<p>Environmental Nuisance</p> <p>Construction or operational activities, including but not limited to, the operation of mechanical plant and equipment, must not cause an ‘environmental nuisance’ within the meaning of the <i>Environmental Protection Act 1994</i> (Qld) to any sensitive receptor as stated within Schedule 1 of the <i>Environmental Protection (Noise) Policy 2019</i> (Qld).</p> <p>Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would in the opinion of an Authorised Person (officer) of Council, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the <i>Environmental Protection Act 1994</i> (Qld).</p>

10. Cyclone Watch Site Management

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.

EXECUTIVE SUMMARY

Council is in receipt of a development application seeking a Development Permit for Reconfiguring a Lot (1 Lot into 6 Lots and Balance Land) at 101R-103R Cooper Road, Mount Peter, formally described as Lot 100 on SP322661.

The development seeks to subdivide the existing balance parcel into six residential lots ranging in area from 1,160m² to 5,512m². The development is known as Stage 4 of the Rocky Creek precinct within the Pinecrest Master Planned Community.

The subject site is located within the Conservation Zone and Low-medium Density Residential Zone of the CairnsPlan 2016 v3.1. The site is also contained within the Mount Peter Local Plan area. The site is affected by the following overlays:

- Airport Environs;
- Bushfire Hazard;
- Flood and Inundation Hazard;
- Hillslopes;
- Landscape Values;
- Natural Areas;
- Potential Landslip Hazard; and
- Transport Network.

Reconfiguring a Lot is identified as Code Assessable within the Low-medium Density Residential Zone and Impact Assessable within the Conservation Zone of the CairnsPlan 2016 v3.1. Section 5.2(10) of the CairnsPlan 2016 v3.1 states that where the level of assessment is varied, the highest level of assessment applies to the development, with Impact Assessment prevailing over Code Assessment.

The application was publicly notified between 19 February 2024 to 12 March 2024. One (1) properly made submission was received during the notification period.

The application was initially referred to the State Assessment Referral Agency (SARA) under Schedule 10, Part 3, Division 4, Table 2, Item 1 (Clearing Native Vegetation). However on 29 September 2023, SARA advised the Applicant that referral of the Application was not required as it was determined that the proposed lot boundaries provide a minimum 10m buffer from regulated vegetation.

The application has been assessed in accordance with the legislative framework for Impact Assessment, including the *Planning Act 2016*, *Planning Regulation 2017*, Development Assessment Rules and the applicable benchmarks contained in CairnsPlan 2016. The development application is recommended for approval, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The subject land was recently used for sugar cane cultivation and is now subject to residential development under the Pinecrest Master Planned Community (PMPC) Structure Plan. More broadly, the site is located within the Mount Peter Local Plan Area, which is identified as one of the major urban growth areas in the Cairns Region. The Purpose of the Local Plan is to facilitate a well-planned and integrated urban development for new communities in the southern growth corridor. It is acknowledged that Mount Peter has been identified as the future major growth corridor for Cairns, with extensive planning completed by Council in conjunction with the State Government. The area was previously declared a Master Planned Area by the State; however, this declaration was later rescinded, with the local plan incorporated into the current Planning Scheme adopted in 2016.

Council have issued decisions on several development applications over the land, which are summarised below:

Application	File Reference	Precinct	Date
Preliminary Approval for Reconfiguring a Lot for the "Pinecrest Master Planned Community" Structure Plan (7 Lots into 883 Lots, Plus New Road, Parks and Balance Land)	8/13/2318 (#6933427)	-	21 March 2022
Preliminary Approval for Reconfiguring a Lot (2 Lots into 31 Lots, Plus New Road)	8/13/2277 (#6457448)	The Grove	14 August 2020
Development Permit for Reconfiguring a Lot (Boundary Realignment)	8/13/2276 (#6385693)	-	21 May 2020
Development Permit for Reconfiguring a Lot (Boundary Realignment)	8/13/2384 (#6684650)	-	25 June 2021
Development Permit for Reconfiguring a Lot (Boundary Realignment)	8/13/2479 (#7002146)	-	12 July 2022
Development Permit for Reconfiguring a Lot (Boundary Realignment)	8/13/2586 (#7378726)	-	14 March 2024
Development Permit for Reconfiguring a Lot (Boundary Realignment)	8/13/2587 (#7378798)	-	14 March 2024
Stage 1 Rocky Creek			
Development Permit for Reconfiguring a Lot (1 Lot into 48 Lots, Plus New Road, Park and Balance Land)	8/13/2307 (#6712156)	Rocky Creek	3 August 2021
Development Permit for Operational Work (Bulk Earthworks)	8/10/1033 (#6596128)	Rocky Creek	15 February 2021
Development Permit for Operational Work (Civil Works)	8/10/1046 (#6665014)	Rocky Creek	14 September 2021

Development Permit for Operational Work (External Works – Cooper Road)	8/10/1188 (#7060259)	Rocky Creek	18 October 2022
Development Permit for Operational Work (External Works – Intersection Civil)	8/10/1153 (#6914981)	Rocky Creek	22 February 2022
Development Permit for Operational Work (Intersection Electrical)	8/10/1162 (#7180059)	Rocky Creek	5 May 2023
Stage 2 & 2B Rocky Creek			
Development Permit for Reconfiguring a Lot (2 Lots into 35 Residential Lots, New Road, Park and Balance Land)	8/13/2357 (#7215902)	Rocky Creek	23 June 2023
Development Permit for Operational Work (Civil Works)	8/10/1216 (#7270523)	Rocky Creek	20 September 2023
Development Permit for Reconfiguring a Lot (1 Lot into 8 Lots)	8/13/2495 (#7149039)	Rocky Creek	13 March 2023
Stage 3 Rocky Creek			
Development Permit for Reconfiguring a Lot (2 Lots into 68 Lots, New Road and Balance Land)	8/13/2504 (#7282784)	Rocky Creek	9 October 2023
Development Permit for Operational Work (Subdivision Operational Work)	8/10/1423	Rocky Creek	9 May 2024

Site and Surrounds

The subject site is located to the west of the Bruce Highway within Mount Peter with Stage 4 located in the western/north-western portion of the subject site.

The site generally slopes from the west where it meets the lower slopes of the Lamb Range to the south-east. Stony Creek traverses the southern part of the site from west to east. The banks of the creek are generally densely vegetated with much of the vegetation being identified as Regulated Vegetation (Category R) per the State Government Vegetation Mapping.

The portion of the site subject of this application currently appears to be used for cane farming and is accessed from Cooper Road.

Proposal

The proposal involves the subdivision of the parent parcel into six residential lots and balance land. The proposed lots range in size from 1,160m² to 5,512m². Stage 4 will be accessed from a new road that will be constructed as part of Stage 3 of Rocky Creek.

The lots are split zoned with Conservation Zone at the rear and Low-medium Density Residential across the front. A building exclusion zone is proposed over the part of the site within the Conservation Zone (shown as green hatching on the proposal plans). This part of the land will be subject to an environmental covenant.

Materials Assessed in the Application

The applicant provided the following materials in the application:

- Planning Assessment Report, prepared by *Aspire Town Planning and Project Services*;
- Plans of Development, prepared by *Stantec*;
- Water Supply and Waste Water Report, prepared by *Stantec*;
- Traffic Impact Assessment Memo, prepared by *Stantec*;
- Hydraulic Modelling Technical Memorandum, prepared by *Stantec*;
- Services Master Plan, prepared by *Stantec*.

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

LEGISLATIVE FRAMEWORK

Statutory Planning Considerations

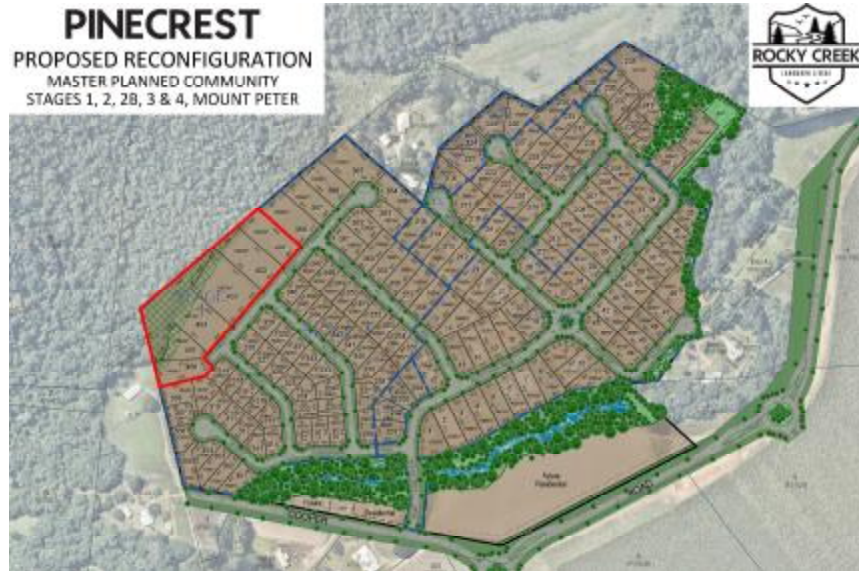
State Planning Policy	<p>The State Planning Policy (SPP) contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is affected by the following State Interests:</p> <ul style="list-style-type: none"> • Agriculture <ul style="list-style-type: none"> ○ Agricultural Land Classification – Class A and B • Biodiversity <ul style="list-style-type: none"> ○ MSES – Regulated Vegetation (Category B) ○ MSES – Regulated Vegetation (Category C) ○ MSES – Regulated Vegetation (Category R) ○ MSES – Regulated Vegetation (Intersecting a Watercourse) • Natural Hazards Risk and Resilience <ul style="list-style-type: none"> ○ Flood Hazard Area – Local Government Flood Mapping Area ○ Bushfire Prone Area <p>The CairnsPlan 2016 advances the SPP except for erosion prone areas and the coastal management district, and therefore all the relevant State interests have been appropriately reflected in CairnsPlan 2016.</p>
FNQ Regional Plan 2009-2031	<p>The subject site is within the FNQ Regional Plan 2009-2031 designation - Urban Footprint.</p> <p>The Regional Plan has been appropriately integrated and reflected through the CairnsPlan 2016.</p>

Matters Prescribed by Regulation

Schedule 9 of the Planning Regulation 2017	Not Applicable.
Schedule 10 of the Planning Regulation 2017	Not Applicable.
Schedule 12A of the Planning Regulation 2017	Not Applicable.

Pinecrest Master Planned Community Structure Plan

The development application represents Stage 4 of the Pinecrest Master Planned Community (PMPC) Structure Plan. The proposal is for six residential lots and balance land. The proposed reconfiguration plan is provided in the following Figures, with Stage 4 outlined in red:



The development is located within the Low Density Residential Precinct of the PMPC Structure Plan. The Low Density Residential Precinct seeks to promote a low density residential scale and character, with predominantly larger lot sizes and detached dwelling houses, that is responsive to the constraints of the land. The intended lot size within this Precinct is between 600m² to 1000m², however, they may be larger in response to natural characteristics and constraints on the land such as slopes, waterways, vegetation etc..

The dwelling yield target for the Precinct is 133-266 dwellings based on 7-14 dwellings per hectare over the 19 hectare area.

The proposed lots range in size from 1160m² to 5512m².

Whilst on the lower end of the scale, the overall Rocky Creek precinct of Pinecrest achieves the dwelling yield target of 133-266 dwellings as summarised below:

Stage	Dwelling Yield
1	48 Lots
2	35 Lots
2B	8 Lots
3	68 Lots
4	6 Lots
Total Dwelling Yield	165 Lots

In addition to the above, development in this Precinct is to be supported by necessary infrastructure and provided with open space and recreation opportunities. Stage 4 will be serviced by a new road constructed within Stage 3 and is required to provide water, sewer, electricity and telecommunications connections to all lots. Stage 4 has access to the Stony Creek waterway corridor for open space and recreation opportunities.

LOCAL CATEGORISING INSTRUMENT

CairnsPlan 2016 v3.1

Strategic Framework Assessment

The development is subject to Impact Assessment and therefore requires assessment against the Strategic Framework of the CairnsPlan 2016, in accordance with section 45 (5) of the *Planning Act 2016*.

3.3 Settlement Pattern Theme	
Strategic Outcome	Assessment
3.3.1 Strategic Outcomes Strategic Outcome 3.3.1 (2)	<p>Strategic Outcome 3.3.1 (1) requires that <i>the region grows and evolves in a way that:</i></p> <ul style="list-style-type: none"> (c) <i>provides a range of housing choices;</i> (e) <i>consolidates existing urban areas;</i> (f) <i>avoids putting people and property at risk from natural hazards;</i> (h) <i>conserves the natural environment, ecological processes and biodiversity values;</i> (l) <i>achieves a high standard of amenity;</i> (m) <i>maintains and enhances the scenic amenity, tropical character and identity of the region.</i> <p>The development is within an existing urban area and provides a variety of lot sizes that can accommodate a range of housing types. The natural environment and biodiversity values of the site will be conserved as well as scenic amenity as an environmental covenant will be created over the part of each lot that is within the Conservation Zone. The natural hazards, being bushfire and landslip, will largely be contained within the covenant area.</p> <p>Strategic Outcome 3.3.1 (2) states that <i>urban development in the region occurs within the urban area. Expansion beyond this boundary is not facilitated as it does not support the efficient and orderly delivery of urban infrastructure and a compact urban form.</i></p> <p>The development would occur within an existing urban area.</p> <p>Strategic Outcome 3.3.1 (3) states that <i>Future growth within the Southern growth corridor and Cairns South State Development Area</i></p>

	<p><i>occurs sequentially and, where relevant, in accordance with the Edmonton local plan, Edmonton industry and business local plan, Gordonvale local plan, Mount Peter local plan, any relevant structure plans and the Cairns South State Development Area development scheme.</i></p> <p>The development is located within the southern growth corridor and is occurring within the Pinecrest Master Planned Community. The development generally complies with the Mount Peter Local Plan.</p>
3.3.5 Element – Residential Areas and Activities	
Specific Outcome	Assessment
<p>Specific Outcome 3.3.5.1 (1)</p> <p>Specific Outcome 3.3.5.1 (2)</p>	<p>Specific Outcome 3.3.5.1 (1) requires that <i>the region’s urban residential growth is accommodated through in-fill and redevelopment of existing urban areas, development of emerging community areas and the development of the future urban area within the Southern growth corridor.</i></p> <p>The development would accommodate residential growth within an existing urban area in the southern growth corridor.</p> <p>Specific Outcome 3.3.5.1 (2) requires that <i>Residential development is located and designed to provide a wide range of living options that maintains and enhances the character and identity of individual communities.</i></p> <p>The development proposes a variety of lot sizes within the individual stage and differing lot sizes to previous stages of Rocky Creek which ensures there is a wide range of living options within this precinct of the overall Pinecrest Estate.</p>
3.4 Natural Areas and Features Theme	
Specific Outcome	Assessment
<p>Strategic Outcome 3.4.1 (1)</p> <p>Strategic Outcome 3.4.1 (2)</p> <p>Strategic Outcome 3.4.1 (3)</p> <p>Strategic Outcome 3.4.1 (6)</p>	<p>Strategic Outcome 3.4.1 (1) requires that <i>The region’s natural environment, resources, ecological processes and biodiversity values are protected, enhanced and rehabilitated in a manner that ensures their continuation as ecological, social, tourism and economic assets for present and future generations.</i></p> <p>An environmental covenant is required over areas of environmental significance and landscape values and is included in the development conditions.</p> <p>Strategic Outcome 3.4.1 (2) requires that <i>The region’s internationally renowned tropical landscapes incorporating the hillslopes and foothills, marine and freshwater wetlands, beaches, headlands, streams and rivers, rural lands and open spaces are valued economically, aesthetically, culturally and socially and are protected from development that diminishes their ecological, social and economic value.</i></p> <p>An environmental covenant is required over areas of environmental significance and landscape values and is included in the development conditions.</p> <p>Strategic Outcome 3.4.1 (3) requires that <i>Development avoids areas of environmental significance. Where avoidance is not possible, development is designed, sited, operated and managed to mitigate adverse impacts on areas of environmental significance.</i></p>

	<p>An environmental covenant is required over areas of environmental significance and landscape values and is included in the development conditions.</p> <p>Strategic Outcome 3.4.1 (6) requires that <i>development considers the impacts of natural hazards and is located and designed to avoid putting people, property and the environment at risk.</i></p> <p>The development has been designed to avoid putting people, property and the environment at risk from natural hazards.</p>
3.4.2 Element - Biodiversity	
Specific Outcome	Assessment
<p>Specific Outcome 3.4.2.1 (1)</p> <p>Specific Outcome 3.4.2.1 (4)</p>	<p>Specific Outcome 3.4.2.1 (1) requires that <i>The region's biodiversity values and associated habitats and ecosystems are maintained and protected from development, managed and where appropriate, ecological integrity and habitat connectivity is enhanced.</i></p> <p>An environmental covenant is required over areas of environmental significance and is included in the development conditions.</p> <p>Specific Outcome 3.4.2.1 (4) requires that <i>The integrity of the region's areas of environmental significance and their contribution to biodiversity is maintained for their intrinsic value and for present and future generations.</i></p> <p>An environmental covenant is required over areas of environmental significance and is included in the development conditions.</p>
3.4.4 Element - Landscapes	
Specific Outcome	Assessment
<p>Specific Outcome 3.4.4.1 (1)</p> <p>Specific Outcome 3.4.5.1 (2)</p> <p>Specific Outcome 3.4.4.1 (3)</p> <p>Specific Outcome 3.4.4.1 (4)</p> <p>Specific Outcome 3.4.4.1 (5)</p>	<p>Specific Outcome 3.4.4.1 (1) requires that <i>Development protects, maintains and enhances the region's landscape values.</i></p> <p>An environmental covenant is required over areas of high landscape values and within the Hillslopes Overlay and is included in the development conditions.</p> <p>Specific Outcome 3.4.4.1 (3) requires that <i>Major scenic routes and scenic outlooks are protected from both the detrimental visual impacts of development and inappropriate vegetation clearing that may detract from the scenic qualities of the scenic route or outlook.</i></p> <p>An environmental covenant is required over areas of high landscape values and within the Hillslopes Overlay and is included in the development conditions. Vegetation clearing is not permitted to occur.</p> <p>Specific Outcome 3.4.4.1 (4) requires that <i>The hillslopes are retained as the scenic backdrop to the region and the ecological values and landscape character of the hillslopes are protected from inappropriate development.</i></p> <p>An environmental covenant is required over areas within the Hillslopes Overlay and is included in the development conditions.</p> <p>Specific Outcome 3.4.4.1 (5) requires that <i>Development on hillslopes and potential landslip hazard areas responds to the constraints of the land including vegetation, gradient and slope stability.</i></p>

	An environmental covenant is required over areas within the Hillslopes Overlay and the Potential Landslip Hazard Overlay and is included in the development conditions.
3.4.6 Element – Natural Hazards	
Specific Outcome	Assessment
Specific Outcome 3.4.6.1 (1) Specific Outcome 3.4.6.1 (2) Specific Outcome 3.4.6.1 (3)	<p>Specific Outcome 3.4.5.1 (1) requires that <i>development, other than coastal-dependent development, avoids areas that are vulnerable to natural hazards and avoids putting people and property at risk from natural hazards.</i></p> <p>The proposed development contains areas of natural hazards which will be located in a future environmental covenant. This will ensure that no buildings or structures are placed in this area, which assists in reducing the risk of the hazard (bushfire and landslip) to people and property.</p> <p>Specific Outcome 3.4.5.1 (2) requires that <i>development in areas susceptible to impacts of natural hazards provides for effective disaster response and recovery through evacuation routes, access for emergency services and the supply of essential goods and services.</i></p> <p>Each lot will have direct access to a gazetted road to be provided as part of the Stage 3 development which will provide an evacuation route and access for emergency services.</p> <p>Specific Outcome 3.4.5.1 (3) requires that <i>development does not directly or cumulatively cause or increase adverse impacts of natural hazards on other properties.</i></p> <p>The development will not directly or cumulatively cause or increase adverse impacts of natural hazards on other properties.</p>

Relevant Assessment Benchmarks of CairnsPlan 2016

CairnsPlan 2016 Assessment Benchmarks	
Assessment Benchmark	Assessment
Mount Peter Local Plan Code	<p>Complies.</p> <p>The development is considered to be generally consistent with the PMPC Structure Plan in terms of achieving the outcomes sought for the Low Density Residential Precinct and the intended lot sizes and dwelling yield targets.</p>
Low-medium Density Residential Zone Code	<p>Complies.</p> <p>The minimum lot size within the Low-medium Density Residential Zone is 450m². The development proposes lots between 1,160m² to 5,512m².</p> <p>The proposed lot sizes are significantly larger than the minimum lot size for the Low-Medium Density Residential Zone and the development therefore represents a lesser density than sought for the zone. However, the proposed development achieves the outcomes regarding lot size and dwelling yield targets sought for the Low Density Residential Precinct of the PMPC Structure Plan.</p>

Conservation Zone Code	<p>Complies with Performance Outcomes.</p> <p>A small portion of the land in the north-western corner is within the Conservation Zone. This part of the site will be included within an environmental covenant which will ensure the management and protection of areas that support biological diversity and ecological integrity. The covenant will ensure the conservation and protection of environmentally significant areas.</p> <p>Performance Outcome PO11 requires that lot reconfiguration results in no additional lots, except where associated with a lease exceeding 10 years and associated with an existing or approved Telecommunications facility. While the development would result in additional lots, the boundaries of the lots will ensure the Conservation zoned area is wholly contained within a single lot, being Lot 404; no new boundaries are proposed that would further fragment this portion of land.</p>
Airport Environs Overlay Code	<p>Complies.</p> <p>The site is mapped within the Procedures for Air Navigation Services – Aircraft Operational (PANS-OPS) Surfaces.</p> <p>The proposed development will not impact on the safety and efficiency of operations at the Cairns Airport and associated aviation facilities.</p>
Bushfire Hazard Overlay Code	<p>Complies with Performance Outcome.</p> <p>A portion of the land in the north-western corner is within the Very High Potential Bushfire Intensity area and all lots are within the Potential Impact Buffer area.</p> <p>The part of the site within the Very High Potential Bushfire Intensity Area will be included within an environmental covenant which will ensure the future development on the lots is separated from the Very High hazard area and ensure potential adverse impacts of bushfire on people and property is minimised as no buildings or structures are permitted within the covenant area.</p> <p>All lots have direct access to a road to be constructed as part of Stage 3 and will have adequate and accessible water supply for firefighting purposes.</p>
Flood and Inundation Hazard Overlay Code	<p>Complies.</p> <p>The entire site is mapped within Precinct 2 – Mount Peter with Stony Creek within the designated flood hazard area. The footprint of Stage 4 will avoid the areas mapped within the designated flood hazard area.</p> <p>It is considered that the development has been designed to ensure the safety of persons and minimise damage to future residential development, disruption to residents and exposure of people and property to unacceptable risk from flooding.</p>
Hillslopes Overlay Code	<p>Complies.</p> <p>A small portion of the land in the north-western corner is within the Hillslopes Overlay. This part of the site will be included within an environmental covenant which will ensure the scenic backdrop of the region is maintained.</p>

Landscape Values Overlay Code	<p>Complies.</p> <p>A small portion of the land in the north-western corner is within the Landscape Values Overlay and is identified as having high landscape values. This part of the site will be included within an environmental covenant which will ensure the landscape values of the region are protected and maintained.</p>
Natural Areas Overlay Code	<p>Complies.</p> <p>The site is identified as containing a Non-urban Waterway on the north-eastern boundary; an Urban Waterway A traversing the southern section of the site from west to east (this waterway is known as 'Stony Creek'); and Regulated Vegetation (Intersecting a Watercourse and Category B, C and R).</p> <p>The non-urban waterway, urban waterway A and Regulated Vegetation (Intersecting a Watercourse and Category C and R) are not within the development footprint of Stage 4. The Regulated Vegetation (Category B) is within the north-western corner of the site. This part of the site will be included within an environmental covenant which will ensure the natural areas of the region are protected.</p>
Potential Landslip Hazard Overlay Code	<p>Complies.</p> <p>A very small part of Stage 4 is within the Overlay. These areas will largely be contained within the environmental covenant thus ensuring future development on the lots avoids areas where there is a potential risk of a landslide occurring.</p>
Transport Network Overlay Code	<p>Complies.</p> <p>The development is compatible with the intended role and function of the road network and will not impact on the safety and efficiency of the transport network.</p>
Environmental Performance Code	<p>Conditioned to Comply.</p> <p>Development conditions have been imposed for stormwater discharge, erosion and sediment control, the provision of a site based stormwater management plan and stormwater quality improvement devices. This will ensure the development does not have an adverse impact on sensitive receiving environments.</p>
Excavation and Filling Code	<p>Complies.</p> <p>The application material has not confirmed if any retaining walls or batters are required and it is intended that this will be demonstrated during detailed design and a future Operational Work application. Specific conditions are proposed in respect of the design of batters and/retaining walls to ensure they are appropriately located and certified.</p>

Infrastructure Works Code	<p>Conditioned to Comply.</p> <p>Development conditions have been imposed with requirements for electricity and telecommunications connections, padmount infrastructure where required, stormwater discharge, erosion and sediment control, water and sewerage connections, and damage to Council infrastructure and land. The above conditions will ensure that infrastructure is provided in a manner and to a standard that meets the development's needs, the community's needs and is safe, efficient and maintains and enhances the environmental qualities of the Region.</p>
Landscaping Code	<p>Complies.</p> <p>Given the scale of the development, landscaping is not considered necessary. Street trees will be installed on the new road adjacent to the lots as part of Stage 3.</p>
Reconfiguring a Lot Code	<p>Complies with Performance Outcomes.</p> <p>The proposed lots are compliant with the intended lot sizes for the Low Density Residential Precinct of the PMPC Structure Plan with sufficient area to accommodate intended residential land uses. The development provides a variety of lot sizes and frontage widths which enable a mix of housing choice. All lots are provided with direct access to a gazetted road (to be constructed as part of Stage 3).</p> <p>Stage 4 will connect to the existing roads and pathways in previous stages of Rocky Creek to ensure connectivity throughout the subdivision. The development will eventually be connected to the public transport network and bus stops/bays are to be installed. The locations of the bus stops are to be determine through future detailed design.</p> <p>The development will be connected to water, sewerage, electricity and telecommunications infrastructure. The plans do not show the locations of any major electricity infrastructure or substations. Development conditions have been included to address this.</p>

RELEVANT MATTERS

The development is subject to Impact Assessment and therefore consideration of other relevant matters may apply. In this instance, no other relevant matters have been identified that either favour approval or refusal of the development application.

PUBLIC NOTIFICATION

In accordance with Impact Assessment procedures outlined in Part 4: Public Notification of the Development Assessment Rules, the development was publicly notified for a minimum of fifteen (15) business days, with the following actions being carried out:

- Publish a notice at least once in the newspaper circulating generally in the locality;
- Place a notice on the land in the way prescribed under the regulation; and
- Give a notice to the owners of all lots adjoining the premises.

A Notice of Compliance was received on 13 March 2024. One (1) properly made submission was received during the Public Notification period.

MATTERS RAISED IN SUBMISSIONS FOR IMPACT ASSESSABLE DEVELOPMENT

The following matters were raised in properly made submissions.

Issue	How matter was dealt with
Ecological Impacts	<p>The submitter raised concerns that the development will cause disturbance to native fauna that adjoins the development.</p> <p>The approved Plan of Development nominates an area subject to a Building Exclusion Zone, consistent with the Referral Agency Response provided as part of the Preliminary Approval for the overall Pinecrest Master Planned Community. Conditions have been included requiring this area of land to be subject to an environmental covenant, the effect of which will be that no buildings or structures will be located in this area. The implementation of this covenant over the part of the site identified as containing the highest value will assist in ensuring disturbance of native fauna is minimised as much as practically possible.</p>
Construction Impacts	<p>The submission raised concerns about the impacts of construction activities, including noise and dust.</p> <p>Construction work is typically regulated through Development Permits for Operational Work, which are the permits which authorised construction work to occur. Such permits include conditions regarding the time at which construction activities may occur and the need to carry out dust suppression activities, in particular during bulk earthworks phase of development.</p>

INFRASTRUCTURE CHARGES

Council's Infrastructure Charges Resolution No. 2 of 2021 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*. A copy of the calculation is contained in **Attachment 2**.

LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

The development does not require the delivery of trunk infrastructure identified within the Local Government Infrastructure Plan to facilitate the development.

REASONS FOR DECISION

The reasons for this decision are:

1. The proposed development has been assessed in accordance with the provisions of the Cairns Plan 2016 v3.1 and is considered to be compliant with the Overall Outcomes and Acceptable Outcomes of the applicable assessment benchmarks.

2. The proposed development is considered to be consistent with the Pinecrest Master Planned Community Structure Plan, in that the development meets the intended lot sizes and dwelling yield targets sought for the Low Density Residential Precinct.
3. Each lot is of sufficient area, dimension and shape to be suitable for a range and mix of residential uses, taking into account areas of environmental significance and landscape values.
4. Each lot is able to be adequately serviced by all essential services and infrastructure.

RISK MANAGEMENT

Council Finance and the Local Economy

The development is to occur on privately owned land and all costs are the responsibility of the developer.

Community and Cultural Heritage

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

Natural Environment

CairnsPlan 2016 sets out framework to ensure appropriate development occurs. The framework is reflected within the overlay, local plan, zone and development codes of which this development application has been assessed against.

ATTACHMENTS

1. Approved Plan of Development #[7415035](#)
2. Infrastructure Charge Calculations



Claire Simmons
Executive Manager Development & Planning




Ed Johnson
Director Planning, Growth & Sustainability

ATTACHMENT 1: APPROVED PLAN OF DEVELOPMENT

PINECREST PROPOSED RECONFIGURATION MASTER PLANNED COMMUNITY STAGES 1, 2, 2B, 3 & 4, MOUNT PETER




Date: 1st August 2023 | Scale: 1:2500 @ A3 | Drawn: MC | Job No.: 334701183-Q154095 | Plan No.: Q194095-SP01 K

 Building Exclusion Zone in accordance with Federal Agency Response Conditions within the Preliminary Approval for Reconfiguring of Lot (dated 21 March 2022, Council Ref: 8132218).

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



ATTACHMENT 2: INFRASTRUCTURE CHARGES CALCULATIONS

Attachment to Infrastructure Charges Notice					
Applicant Name:	Kroymans Developments Pty Ltd	Development Application Number:	8/19/27		
Development Address:	101R-103R Cooper Road, Mount Peter	Preparing Officer:	I Elliott-Smith		
Property Description:	L100 SP322661	Development Type:	Reconfiguring a Lot		
Parcel Number/s:	165135	Relevant Charges Policy:	Cairns Regional Council Charges Resolution No. 2 of 2021		
Estate Name & Stage:	Rocky Creek Stage 4	Date Levied:	22-May-24		
DM5 Ref:	7415033	Index:	134.52		
Levied Charge Calculation					
AC - (BASE CHARGE)					
Category	Use	Use component	Quantity	Sub Total	Indexed Sub Total
Residential uses	Dwelling house	Use component Impervious area component	7 -	\$214,743.55 \$0.00	\$240,530.82 \$0.00
PROPOSED CHARGE				\$214,743.55	\$240,530.82
C - (CREDIT)					
Category	Use	Use component	Quantity	Sub Total	Indexed Sub Total
Residential uses	Dwelling house	Use component Impervious area component	1 -	\$30,677.65 \$0.00	\$34,361.55 \$0.00
EXISTING CHARGE				\$30,677.65	\$34,361.55
LC (LEVIED CHARGE)				\$184,065.90	\$206,169.28
<p>IMPORTANT NOTE: In accordance with section 3.5 of Council's Charges Resolution No 2 of 2021, all Levied Charges are subject to automatic indexation. Please contact Council's Development Assessment Team on 1300 692 247 or by email to townplanner@cairns.qld.gov.au to confirm the payment amount prior to payment.</p>					
REVIEWED: _____					
			OFFICE USE ONLY:	DATE PAYABLE	
				DATE PAID	
				ACCOUNT	T648 GL 05446
				RECEIPT NUMBER	