

# Information request

*Sustainable Planning Act s 276*



PLEASE QUOTE: DEV2016/0062  
YOUR REFERENCE: HRP14114  
OUR REFERENCE: DEV2016/0062:BJ:mp1609050839  
ENQUIRIES TO: Byron Jones - Senior Planner/Strategic Planner

5 September 2016

Buxton Superannuation Fund  
C/- Cardno Pty Ltd  
PO Box 1619  
CAIRNS QLD 4870

**Via:** Smart eDA

Attention: Dominic Hammersley

Dear Sir

**DEV2016/0062 Development Application for a Preliminary Approval for a Material Change of Use (Section 242 of the Sustainable Planning Act 2009) overriding the Planning Scheme to facilitate use rights in accordance with the Cassowary Rise Eco-Residential Estate - Precinct Plan, Assessment Tables and Code and Plan of Development and a Development Permit for Reconfiguring a Lot (1 Lot into 10 Lots + Balance Land) on land described as Lot 5 on SP202686 situated at El Arish-Mission Beach Road, Mission Beach**

I refer to the abovementioned development application. The following further information is required to enable the application to be fully assessed:

## Planning

1. Please provide a report prepared by a suitably qualified professional to demonstrate the need and demand for.
  - (a) 10 Eco-residential allotments;
  - (b) Commercial activities;
  - (c) Environmental Facility; and
  - (d) Nature Based Tourism.
2. The Cassowary Rise Eco-Residential Estate Plan of Development refers to the "Johnstone Shire Planning Scheme 2005", this planning scheme was superseded by the "Cassowary Coast Regional Council Planning Scheme 2015" on 3 July 2015. Please provide an amended Cassowary Rise Eco-Residential Estate Plan of Development which refers to the provisions of the "Cassowary Coast Regional Council Planning Scheme 2015" and provide details on how the proposed development addresses the revised assessment criteria in the levels of assessment tables.

3. Please be advised that Council does not wish to take control of the Cassowary Conservation Area or Cassowary Corridor Precinct and these areas should be a nature refuge arrangement with the State or as a covenant on private property.
4. Please provide details on the tenure, stature and management, including a support plan, for the entire site. Such details should include:
  - (a) A statement clearly defining the responsibility of Council or any other agency in on-going maintenance of either infrastructure established within the subject site or open space/environmental conservation areas within the site.
5. Please provide a definition for "Multiple Rural Occupancy" as referred to in the Cassowary Rise Eco-Residential Estate Plan of Development.
6. Please provide a definition for "Rural Service Industry" as referred to in the Cassowary Rise Eco-Residential Estate Plan of Development.
7. It is noted Table of Assessment for the Cassowary Conservation Precinct that a Nature Based Tourism use requires Code Assessment if the GFA does not exceed 3,000m<sup>2</sup>. Please provide justification as to why a Nature Based Tourism use in the Cassowary Conservation Precinct should not be an Impact Assessable use regardless of the Gross Floor Area.
8. It is noted Table of Assessment for the Cassowary Conservation Precinct that an Environment Facility use requires Code Assessment if the GFA does not exceed 3,000m<sup>2</sup>. Please provide justification as to why an Environment Facility use in the Cassowary Conservation Precinct should not be an Impact Assessable use regardless of the Gross Floor Area.
9. The increase in resident numbers of the site is likely to cause some indirect conflict with native fauna species such as the cassowary, beach stone curlew, mahogany glider and micro bats. It is considered necessary that a management strategy be prepared that addresses conflicts that have the potential to exist between the proposed use and native species. Examples of these conflicts include human/animal interaction and the possibility of car strike. It is considered necessary for the basic concepts of the management strategy be prepared and submitted to Council at this stage of the proposal to assist in the determination of likely impacts of the development on environmental values.
10. Strategic Outcome (12 of 3.3.1) of the Planning Scheme Strategic Framework (3.3 Settlement Pattern) outlines that; 'as new urban development occurs, it will be sequenced to minimise the burden on Council's infrastructure networks (for example transport, water, sewerage). Infill development and urban consolidation is the preferred form of development to maximise efficiencies in the delivery of infrastructure and other services '. Please justify how the proposed development will meet this strategic outcome.

11. Strategic Outcome (16 of 3.3.1) of Planning Scheme Strategic Framework (3.3 Settlement Pattern) outlines that; 'Development is designed to take into account the potential impacts of climate change'. Please provide justification regarding how the proposed development will be able to meet this strategic outcome.
12. Strategic Outcome (17 of 3.3.1) of the Planning Scheme Strategic Framework (3.3 Settlement Pattern) outlines that; 'Rural residential development is located on land already within the rural residential zone. Rural residential development occurs as to achieve cost-effective delivery of services and infrastructure'. Please justify how the proposed development will meet this strategic outcome.
13. Strategic Outcome (4 of 3.4.1) of the Planning Scheme Strategic Framework (3.4 Natural Environment) outlines that; 'The ecological values of the Region are protected from the potential adverse impacts of urban development and urban development will only occur within the township zone, unless the locational requirements of the development necessitate its location outside the urban footprint'. Please justify how the proposed development will meet this strategic outcome.
14. Strategic Outcome (7 of 3.4.1) of the Planning Scheme Strategic Framework (3.4 Natural Environment) outlines that; 'Development is carried out in a way that is sensitive to and protective of the Region's endangered and threatened species, including the cassowary and the mahogany glider. This means that urban impacts, such as fencing, traffic and the introduction of pest plants and animals do not impact on the future viability of these species'. Please justify how the proposed development will meet this strategic outcome.
15. Specific Outcome (2 of 3.4.2) of Planning Scheme Strategic Framework (3.4 Natural Environment) outlines that; 'Urban development is located within the township zone, except where this is not feasible due to the size and specific locational requirements of the development. However, development must avoid environmentally significant areas. Nature-based tourism may be located in environmentally significant areas, provided the activity:
  - (a) is low key and low impact;
  - (b) is reliant upon, consistent with and does not degrade the ecological values of the area;
  - (c) maintains ecological connectivity or habitat extent'.

Please provide justification as to how any proposed development is capable of meeting the Specific Outcome.

16. Specific Outcome (10 of 3.5.2.1) of the Planning Scheme Strategic Framework. (3.5.2 Element - Social Infrastructure) outlines that; 'Social infrastructure is provided in sequence with new residential development as appropriate'. Please provide details of the social infrastructure provided in accordance with the development and at what stage/s of the development this infrastructure will be provided.

17. Specific Outcome (11 of 3.5.2) of Planning Scheme Strategic Framework (3.5 Safe and Strong Communities) outlines that ' Development provides for:
- (a) safe access to the surrounding road network;
  - (b) for development involving the reconfiguration of a lot, multiple points of access to the external road network;
  - (c) access to public transport (where applicable);
  - (d) access to useable open space and natural areas;
  - (e) integrated or linked pedestrian and bikeways;
  - (f) appropriate lighting;
  - (g) sight lines and passive surveillance of public areas;
  - (h) the incorporation of Crime Prevention through Environmental Design Principles;
  - (i) subdivision and building layout that minimises opportunities for criminal activity and situations causing social conflict between residents'.

Please provide justification regarding how the proposed development will be able to meet this Specific Outcome.

18. Specific Outcome (12 of 3.5.2) of Planning Scheme Strategic Framework (3.5 Safe and Strong Communities) outlines that; 'Urban development is designed to take into account the possible health impacts of biting insects and incorporates measures to prevent associated health impacts'. Please provide justification regarding how the proposed development will be able to meet this Specific Outcome.

19. Strategic Outcome (3 of 3.6.1) of the Planning Scheme Strategic Framework (3.6 Natural Resources and Landscapes) outlines that; 'Land classified as important agricultural land is prevalent in the Region (see strategic framework maps SFM-03a, SFM-03b and SFM-03c). This land is important in maintaining the viability of the Region's agricultural industries. ALC Class A and B land must be protected from development that may lead to its alienation or diminished productivity'. Please justify how the proposed development will meet this strategic outcome.

20. Specific Outcome (6 of 3.6.2.1) of Planning Scheme Strategic Framework (3.6.2 Element - Rural and agricultural land) outlines that; 'ALC Class A and B land is not reconfigured into lot sizes or used for any purpose that is inconsistent with the current or potential use of the land for agriculture'. Please provide justification regarding how the proposed development will be able to meet this Specific Outcome.

21. Specific Outcome (7 of 3.6.2.1) of Planning Scheme Strategic Framework (3.6.2 Element - Rural and agricultural land) outlines that; 'ALC Class A and B land is not alienated by development when suitable alternative land exists for that development. Development that would have the impact of alienating ALC Class A and B land does not occur on that land unless there is an overriding need for the development in terms of public benefit and no other site is suitable'. Please provide justification regarding how the proposed development will be able to meet this Specific Outcome.

22. Specific Outcome (8 of 3.7.2.1) of the Planning Scheme Strategic Framework (3.7.2 Element - Active and public transport) outlines that;

'Development incorporates integrated opportunities for walking and cycling between destinations within and outside the development site'. Please justify how the proposed development will meet this specific outcome.

23. Strategic Outcome (3 of 3.8.1) of the Planning Scheme Strategic Framework (3.8 Infrastructure and services) outlines that; 'The Region's relatively low population is generally well serviced by extensive infrastructure networks. To minimise the need to further extend these infrastructure networks, infill and consolidation is the preferred form of development to ensure maximum efficiency and cost effectiveness'. Please justify how the proposed development will meet this strategic outcome.
24. Specific Outcome (4 of 3.8.2.1) of the Planning Scheme Strategic Framework (3.8.2 Element - Delivery of infrastructure) outlines that; 'New infrastructure is designed and located to avoid areas at risk of natural hazards, such as bushfire, storm tide inundation, landslide and flooding. Where avoidance is not practicable, infrastructure is designed and located to ensure maximum resilience from the impacts of natural hazards. The design of infrastructure also takes into account the impacts of climate change'. Please justify how the proposed development will meet this specific outcome.
25. Strategic Outcome (1 of 3.11.1) of the Planning Scheme Strategic Framework (3.11 Natural Hazards) outlines that; 'The Cassowary Coast Region is subject to a range of natural hazards, notably flooding and cyclones. Development in the Region must be able to either withstand the impacts of these natural hazards or recover quickly when affected. The highest priority in the design of a development is that people are kept safe from natural hazards. The protection of property is also important, although a secondary concern to ensuring people are safe'. Please justify how the proposed development will meet this strategic outcome.
26. Strategic Outcome (2 of 3.11.1) of the Planning Scheme Strategic Framework (3.11 Natural Hazards) outlines that; 'The first option is always to locate development away from natural hazards and outside areas subject to natural hazards. However, this may not always be practical given the extent of certain natural hazards in the Region, such as flooding, and the pattern of historical development making infill development likely. Therefore, the focus is on designing and locating development to ensure maximum resilience to natural hazard events. However, land subject to extreme hazard flooding is not considered suitable for urban development and high coastal hazard areas are not considered suitable for any intensification of development'. Please justify how the proposed development will meet this strategic outcome.
27. Strategic Outcome (4 of 3.11.1) of the Planning Scheme Strategic Framework (3.11 Natural Hazards) outlines that; 'Climate change, and in particular the likelihood of more intense and frequent events, is taken into account when incorporating disaster and natural hazard mitigation features into a development'. Please justify how the proposed development will meet this strategic outcome.

28. Strategic Outcome (6 of 3.11.1) of the Planning Scheme Strategic Framework (3.11 Natural Hazards) outlines that; 'Large parts of the Region are subject to flooding. The Region's residents accept this aspect of living in the Wet Tropics, and are resilient to this aspect of living "up north". However, new development must be designed to provide maximum protection to people and property during flood events. Subdivision design provides for an evacuation route for persons wanting to leave a potentially affected property for the duration of a flood event'. Please justify how the proposed development will meet this strategic outcome.
29. Specific Outcome (1 of 3.11.2.1) of the Planning Scheme Strategic Framework (3.11.2 Element - Safety and resilience) outlines that, 'Development provides for the safe evacuation of persons by road'. Please justify how the proposed development will meet this specific outcome.
30. Specific Outcome (3 of 3.11.2.1) of the Planning Scheme Strategic Framework (3.11.2 Element - Safety and resilience) outlines that, 'New residential and commercial subdivisions allow persons to be evacuated by road out of the development site'. Please justify how the proposed development will meet this specific outcome.
31. Specific Outcome (4 of 3.11.2.1) of the Planning Scheme Strategic Framework (3.11.2 Element - Safety and resilience) outlines that; 'If part of a development is below the 1% annual exceedance probability flood event level, the development site or building contains an area above the 1% annual exceedance probability flood event level for persons within the development site to evacuate to during a flood'. Please justify how the proposed development will meet this specific outcome.

## **Engineering**

32. The Planning Report mentions the construction of 'building pads', do these "building pads" also contain the proposed effluent disposal areas and are outside of the effects of inundation from flooding?, and are consistent with setbacks required within the planning scheme codes?.
33. Please identify the proposed road infrastructure i.e. standard of seal, roadside drainage.
34. The existing easement access works were completed to an "access" standard. Council will require all documentation including Registered Professional Engineer Queensland endorsement of ITP; test results; CBR and pavement design, drainage/culvert design and "as constructed" details and endorsed plans prior to assessing the development further. Please identify if this information is readily available, and if so please submit to Council. This information is required so Council can be confident that the access has been constructed in accordance with current standards.
35. Council's preference is that the current access easement remains a private asset (ownership to be outlined refer item 34) and does not become a council asset. Should the applicant prefer to have the current access become a Council asset the road will need to be to FNQROC standards, including all driveways coming off it, both future and existing (existing

driveways will need to be sealed to the property boundary). How is this to be achieved on existing lots outside of the current development proposal but included as part of the development plan of approval?. Construction to FNQROC standard could be avoided if the easement remains a private road under body corporate agreement; however it will still need to meet AS2890 for off road access.

36. Two of the proposed dams cross property boundaries, which may lead to ownership and maintenance issues and disputes between neighbors in the future. How will this be manage/ resolved?, can the dams be included as part of a body corporate arrangement ?.
37. How is to be ascertained prior to any plan endorsement the requirements of onsite treatment and disposal of effluent in particular PO11 & P13 of Council's Infrastructure Code will be able to be complied with? Please note Council needs to be sure the statements made in the planning report can be verified by feasibility studies for each proposed lot prior to assessment for reconfiguration especially as significant areas will become inundated during local and regional flood events and are included in conservation areas.
38. The application confirms the site is subject to inundation with the supporting flood study concentrating on the local flooding events. There is a significant height difference between the local and regional flood levels. Please submit details of property inundation with respect to the regional flood events for Q100 (property and floor levels) and Q50 (road/access levels). Please also confirm that house pads, roads and accesses were modelled in the post development flood model. Please provide details as to how stormwater and floodwater will be managed in respect to the substantial embankments and pads that will be constructed for roads, accesses and dwelling pads. It is also required as part of this information request that all flood modelling be peer reviewed at no cost to Council, BMT WBM are Council's consultants.
39. Please provide a statement of compliance that all signage used as part of the flood mitigation risk management, particularly in terms of road flooding is in accordance with the MUTCD. It will not be acceptable to utilize non standard signage for this purpose.
40. The plan of development shows cross drainage on the internal roads, where do these discharge to ensure all storm water flows are directed to a legal point of discharge?. Please ensure there are easements for drainage flow paths if required, with these easements burdened over the respective properties and the responsibility of the property owners to maintain not Council.
41. There is mention of cassowary treatments on the road. Please identify what these are? Council is not supportive of road humps or traffic control devices and don't see the need for these in a low speed low traffic environment.

In accordance with Section 278 & 279 of the Sustainable Planning Act 2009, the application will lapse within six (6) months of the date the Request for Further Information was received by the applicant unless a response is provided.

The applicant has three (3) options available in response to this Information Request.

The applicant must respond by giving the Assessment Manager—

- (a) all of the information requested; or
- (b) part of the information requested together with a written notice asking the Requesting Authority to proceed with the assessment of the application; or
- (c) a written notice—
  - (i) stating that the applicant does not intend to supply any of the information requested; and
  - (ii) asking the requesting authority to proceed with the assessment of the application.

Response to this Request for Further Information should be forwarded to:-

Chief Executive Officer  
Cassowary Coast Regional Council  
PO Box 887  
INNISFAIL QLD 4860

It is requested that you supply the Assessment Manager with your response to this Information Request.

Should you have any questions in relation to this Information Request, please contact Senior Planner/Strategic Planner Byron Jones on Ph: (07) 4030 2208.

Yours faithfully



**JOHN PETTIGREW**  
**DIRECTOR PLANNING & ENVIRONMENTAL SERVICES**