

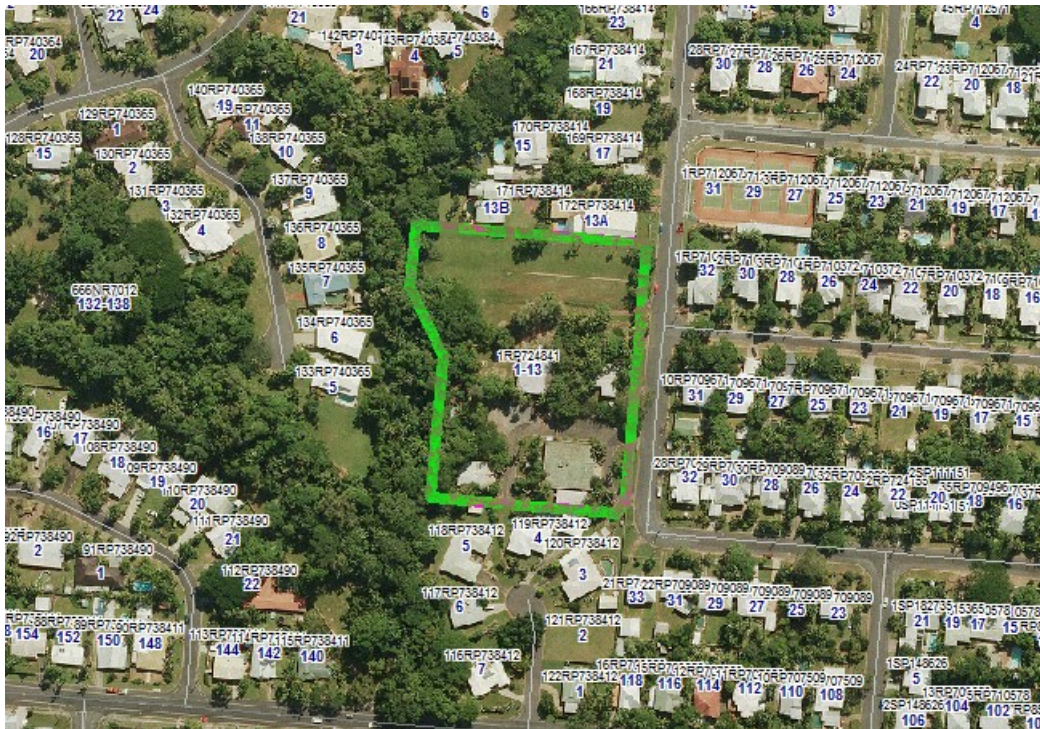
PLANNING & SUSTAINABILITY COMMITTEE**7****12 SEPTEMBER 2012**

RECONFIGURING A LOT 1 LOT INTO 5 LOTS – 1-13 JUNCTION STREET
EDGE HILL – DIVISION 7

Neil Beck : 8/13/1679 : #3678480

<u>PROPOSAL:</u>	RECONFIGURATION OF A LOT (1 LOT INTO 5 LOTS)
<u>APPLICANT:</u>	STATELAND PTY LTD C/- PLANNING FAR NORTH P/L PO BOX 7801 CAIRNS QLD 4870
<u>LOCATION OF SITE:</u>	1-13 JUNCTION STREET EDGE HILL
<u>PROPERTY:</u>	LOT 1 ON RP724841
<u>PLANNING DISTRICT:</u>	INNER SUBURBS
<u>PLANNING AREA:</u>	RESIDENTIAL 1
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2009
<u>REFERRAL AGENCIES:</u>	NONE
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	13 SEPTEMBER 2012
<u>APPLICATION DATE:</u>	3 AUGUST 2012
<u>DIVISION:</u>	7
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. FUTURE POTENTIAL LAYOUT

LOCALITY PLAN



RECOMMENDATION:

That Council approves the Development Application for Reconfiguring a Lot (1 Lot into 5 Lots) over land described as Lot 1 on RP724841 located at 1 – 13 Junction Street Edge Hill 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 Lots 1 – 5	PR114046-1 Issue A	25 June 2012

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

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

Operational Works

- 3. An Operational Works Approval is required for the water, sewer and stormwater works associated with the development. The application for Operational Works must also detail the following:-**
 - a. Decommissioning of the site and the capping and/or removal of all redundant services including underground stormwater infrastructure;**
 - b. The filling in of the erosion gullies and the creation of the new top of bank in Lot 2 and between the common boundary of Lots 4 & 5. In particular, specific treatment of the top and toe of the batter to be illustrated to ensure bank stability. Such works must not detrimentally impact on the two large trees in this location in Lot 2. Any filling is to be accompanied by a specification and construction detail for the filling works and must include but not limited to:-**
 - (i) preparation of subgrade prior to filling;**
 - (ii) keying in of fill to existing bank;**
 - (iii) depth of fill layers and compaction standard to be achieved;**
 - (iv) any details required for the batter (possibly including overfilling and trimming back to compacted material;**
 - (v) any subsoil drainage (if required).**
 - c. Locate the piped drain from Junction Street to the gully at the rear of the site adjacent the southern boundary of Lot 2.**
 - d. Detail on the piped drainage outlet into the gully including localised scour protection around headwall and extending downstream from apron. The details must include a cross section to show the level of the outlet relative to the banks and bed of the receiving drainage line;**
 - e. Provide an assessment of the development against the outcomes identified in the CBD & Environs Drainage Management Plan (DMP) for the site. Such an assessment must include information of the flood heights reported in the DMP compared with the lot levels along the rear boundaries. The drainage engineer is to confirm that the 1 in 100 year ARI flood levels are contained within the drainage line or advise the extent of the property impacted by the flood waters. Freeboard to the lots is to be assessed based on this information and the drainage engineer is to confirm that there are no constraints imposed on the lots for future building floor levels.**

As Constructed Drawings

4. **As-Constructed Drawings for Water, Sewer and Stormwater Plans are compliance assessable documents. These documents will be assessed against the Planning Scheme, conditions of the Development Permit and FNQROC Development Manual pursuant to *Section 398 of the Sustainable Planning Act (2009)*. A Compliance Certificate for As-Constructed Drawings must be obtained prior to, or in conjunction with the Compliance Certificate for the Plan of Survey.**

Western Boundary

5. **The alignment of the western boundary of proposed Lots 2 - 5 inclusive must coincide with the top of bank (excluding the minor erosion gullies) as detailed on Drawing No. PR114046-3A Issue A dated 14 August 2012. The land (Reserve) must be transferred in conjunction with registration of the Plan of Survey.**

Future Reconfiguration of the Land

6. **A Statutory Covenant under Section 97A of the Land Title Act for Environmental Purposes must be registered over Lots 1 – 5 inclusive generally in accordance with the Draft Covenant lodged with the application under cover letter dated 2 August 2012 by Williams Graham Carman Solicitors. The Covenant is to be registered at the same time of registering of the Plan of Survey with the Department of Natural Resources & Mines. The principle objectives of the Covent is to achieve the following:-**
 - a. **Each lot can only be reconfigured once to create one additional lot; and,**
 - b. **Access to Junction Street must be via the driveway which provides access to the balance lot.**

The Covenant is to also include a provision advising that driveways located either side of the child parcel is to be avoided where possible.

All associated costs to enact the registration of this Covenant are to be borne by the applicant.

Water Supply and Sewerage Works

7. **Undertake the following water supply and sewerage works internal to the subject land:-**
 - a. **Realign the sewer as detailed on the Approved Plan and provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual. The realignment of the sewer must be undertaken having regard to the retention of significant vegetation as detailed in Condition 15;**

- b. Ensure that the relocated sewer main can service all areas of the proposed lots;
- c. Any redundant sewer and water infrastructure must be decommissioned, capped and / or removed;
- d. Extend the water main in Junction Street to provide access for Lot 5.

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

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to issue of a Compliance Certificate for the Plan of Survey.

Inspection of New Sewers

- 8. Closed Circuit Television (CCTV) inspections of all constructed sewers must be undertaken for all sewers that will become an asset of Council. A summary report must be approved by the Chief Executive Officer at the time of seeking a Compliance Certificate for As Constructed Drawings. Defects identified must be rectified at no cost to Council prior to issue of a Compliance Certificate for the Subdivision Plan.

Damage to Infrastructure

- 9. In the event that any part of Council's existing sewer / water infrastructure is damaged as a result of work associated with the development, Council's Water & Waste must be notified immediately of the affected infrastructure and have it repaired or replaced by Water & Waste at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.

Stormwater Drainage

- 10. Augment the piped stormwater network which currently terminates at the Junction Street frontage of the site to deliver the external stormwater catchment to a lawful point of discharge being the gully adjacent the western boundary. The design and construction of this infrastructure fulfils all obligations for payment of headwork contributions for the development of the land as detailed in this Development Permit.

Inspection of Stormwater Drainage

- 11. Closed Circuit Television (CCTV) inspections of all underground drainage (including culverts) must be undertaken for all drainage lines that will become an asset of Council. A summary report must be approved by the Chief Executive Officer at the time of seeking a Compliance Certificate for As Constructed Drawings. Defects identified must be rectified at no cost to Council prior to issue of a Compliance Certificate for the Plan of Survey.**

Undergrounding of Electricity

- 12. All electricity lines along the full frontages of the subject site and the existing aerial supply from the eastern side of Junction Street are to be placed underground. Such works are to be undertaken by Ergon Energy or an Ergon Energy approved contractor at the applicant's expense. Ergon Energy must be notified of these requirements when making an application for power supply.**

External Works

- 13. Undertake the following works external to the subject land at no cost to Council:**
 - a. Construct a 2.0 metre wide concrete footpath to the Junction Street frontage;**
 - b. Street lighting is to be upgraded to Lighting Category P4 as per AS/NZS 1158 and the FNQROC Development Manual along the full frontage of the site. Existing street lights can be utilised with new lighting columns being of steel construction;**
 - c. Place electricity underground;**
 - d. Street tree planting in accordance with the FNQROC Development Manual;**
 - e. Remove all crossovers and aprons and reinstate kerb and channel.**

The external works outlined above require an Operational Works approval from Council and must be completed to the satisfaction of the Chief Executive Officer prior to issue of a Compliance Certificate for the Plan of Survey.

Demolish Structures

- 14. All buildings/structures (including disused services and utilities) must be removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.**

Retention of Vegetation

15. The significant trees contained in Lot 2 as detailed on Drawing No. PR114046-3 Issue A must be protected from any damage to the trunk, roots and branches when undertaking earthworks associated with the filling of the gully when installing the new sewer. Effective fencing or barriers are to be installed and maintained in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.

Council's Development Assessment Branch must be contacted to inspect the buffer prior to machinery, equipment or construction materials being delivered to the site.

Bank Stability

16. A geotechnical assessment / investigation must be carried out by a qualified and experienced geotechnical consultant investigating the integrity of the bank of the gully adjacent the western boundary. The investigation must address the existing profile of the bank and areas of potential slip failures. The report must provide recommendations as to works required to prevent further scouring and ensure bank stability.

The report must be lodged with the application for a Development Permit for Operational Works. Recommendations of the report must be incorporated into the application for Operational Works.

Storage of Machinery and Plant

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

Lawful Point of Discharge

18. All stormwater from Proposed Lots 1- 5 must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Drainage Easement

19. A Drainage Easement in favour of Council covering:-
 - a. The length of piped drain from Junction Street to the gully adjacent the western boundary. This easement to be a nominal width of three (3) metres;
 - b. A 10 metre strip adjacent the top of bank for the length of the western boundary or limit of the 1 in 100 ARI, whichever is the greater.

The easement documents must be submitted at the same time as seeking a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey. For the easement over the piped drain, the easement documents must allow for a driveway to be constructed within the easement and must contain provisions that the driveway must be designed and constructed in a manner which will not impact on the stormwater infrastructure.

Sewer Easement

20. Create an easement in favour of Council over sewers on non-standard alignments to the requirements and satisfaction of the Chief Executive Officer. The easement documents must be submitted at the same time as seeking a Compliance Certificate for the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey.

Sediment and Erosion Control

21. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

Wildlife

22. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

Electricity and Telecommunications

23. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to all lots in the development prior to the issue of a Compliance Certificate for the Plan of Survey.
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EXECUTIVE SUMMARY:

Council is in receipt of a Development Application for Reconfiguring a Lot (1 Lot into 5 Lots) at 1 – 13 Junction Street, Edge Hill, more particularly described as Lot 1 on RP7724841.

The development would result in five large vacant lots ranging in size from 2436m² to 2917m² all with direct frontage to Junction Street. While not representing the typical layout for the reconfiguration of land within the Residential 1 Planning Area, the application is considered to be consistent with the Planning Scheme and approval of the application is recommended subject to conditions.

PLANNING CONSIDERATIONS:

Background

The lot has an area of 1.309 hectares with a frontage of 126.7 metres to the western side of Junction Street. The site was the Cairns Base for the Royal Flying Doctor Service until the base was moved to the General Aviation area of the Cairns International Airport. The site contains a number of buildings consisting of two houses, an administration building and a Visitor Centre building which housed an interpretive centre providing information on the Royal Flying Doctor Service for those visiting the facility. All buildings are currently vacant and have been for quite some time.

A waterway / gully is located at the rear of the site and extends into the site at certain locations along this western boundary. The gully and the area of land adjacent is vegetated with a mix of endemics species, palms and other exotic species. The gully at the rear is contained within a Reserve for Open Space and/or Drainage Purposes. Practical access for the length of the reserve is not possible due the boundaries of the adjacent lots extending to the top of bank of the steep gully.

The site is located within the established suburb of Edge Hill with the surrounding pattern of development consisting of single detached dwellings on the conventional larger lots.

Proposal

The reconfiguration component seeks to create five (5) lots ranging in size from 2436m² to 2917m². All lots will have a frontage of 26 metres to Junction Street with the exception of proposed Lot 5 which will have a frontage of 22.7 metres. Junction Street is a fully constructed road with kerb and channel with an existing footpath extending partially along the frontage of the site.

Limited works are proposed for the land with the exception of formalising an existing drainage line from Junction Street and realigning the sewer line through the site to provide for practical access to it and remove the requirement to place the sewer within a separate easement. Other standard works of removing all services not associated with the development including underground stormwater infrastructure will be undertaken.

All lots are provided with a lawful point of discharge being the gully adjacent the western boundary of the site.

A proposal plan is attached at Appendix 1.

CairnsPlan Assessment

CairnsPlan Cairns Beaches Planning District		Code Applicability	Compliance
Planning Area	Residential 1	✓	Complies (see below)
Land Use	Reconfiguring a Lot (1 Lot into 5 Lots)	✓	Complies (see below)
Overlays	Hillslopes	✗	-
	Vegetation Conservation & Significant Waterway	✓	Complies (see below)
	Character Precinct	✗	-
	Potential or Actual Acid Sulphate Soil Material	✓	Complies
	Bushfire Management	✗	-
	Flood Management	✓	Conditioned to Comply (See below)
	Height and Impact of Buildings	✗	-
	Operational Aspects of the Cairns International Airport	✗	-
	Local Heritage Code	✗	-
General	Excavation and Filling Code	✓	Complies
	Infrastructure Works Code	✓	Conditioned to comply
	Landscaping Code	✓	Complies
	Parking & Access Code	✗	-
	Reconfiguring a Lot Code	✓	Complies (see below)
	Development Near Major Transport Corridors & Facilities	✗	-

Compliance Issues

Residential 1 Planning Area Code

The proposed development is consistent with the purpose of the Residential 1 Planning Area Code in terms of providing single detached dwelling on single house lots. While these lots are significantly larger than the surrounding residential lots, no issue is raised with ability of the proposed development to comply with the Planning Scheme in this regard.

Reconfiguration of a Lot Code

The proposed lots easily meet the minimum lot areas of 600m² for the Residential 1 Planning Area. While the Applicant does not seek to further reconfigure the land; where such an opportunity exists, the future subdivision potential is to be explored in an attempt to improve future lot layouts.

A plan illustrating the future subdivision of the land as anticipated by the Applicant is attached at Appendix 2. In order to address concerns raised with respect to the further subdivision of the lots over and above that illustrated in Appendix 2, the Applicant has nominated that Covenant, under Section 97A of the Land Titles Act is implemented to limit future subdivision.

This is considered a suitable option to explore as both the Applicant and Officers agree that the further subdivision of the large lots to create multiple hatchet shape blocks from each of the proposed larger lots represents an undesirable outcome. A condition has been worded accordingly.

Vegetation Conservation & Significant Waterway Code

The site adjoins a Category 3 Waterway which takes the form of a vegetated gully with a defined top of bank and is contained within a Reserve for Open Space Purposes. The boundary of the site extends over the top of bank along parts of the western boundary and in other parts the top of bank is beyond the western boundary and therefore not contained within the site. A mix of endemic and exotic species are present within and adjacent the top of bank.

In two locations, the applicant will be undertaking works to create a new top of bank where some erosion has taken place and “tidying up” the alignment of the waterway. Works will involve filling and compaction, however such works are relatively minor and conditions have been included requiring some further detail in relation to this work at Operational Works stage.

As previously mentioned, practical access adjacent this waterway / gully is not possible due to the adjacent lot boundaries extending to the bank of the gully.

The proposal plan nominates a 10 metre setback from the top of bank and places this land within a drainage easement. The applicant also seeks to realign the sewer and place a new sewer within the 10 metre setback.

For practical purposes, it is considerable reasonable that the western boundary of the proposed lots coincide with the top of bank and that area of land which extends into the actual waterway is transferred as Drainage Reserve. As illustrated on the proposal plan, this will result in a small loss of land from proposed Lots 2 – 5 inclusive. No issue is raised with the 10 metre setback being placed within a drainage easement as there is no connectivity along the corridor to the north or south due to the lots extending to the top of bank.

With respect to the realigned sewer, a condition has been included that the new alignment is not to compromise the integrity of some large trees located within and adjacent the top of bank within proposed Lot 2. There is opportunity to revisit the alignment of the sewer in order to achieve this outcome.

Infrastructure Works Code

Stormwater from the surrounding residential catchment and road network currently discharges into the site via a 675mm diameter stormwater pipe located several metres into the site from the Junction Street frontage. Stormwater flows across the site in an open swale drain in an east to west direction to find its way the gully located adjacent the western boundary. No easements are currently in place to deliver this stormwater to a lawful point of discharge.

As part of the proposal, the open drain is intended to be realigned adjacent the southern boundary of Lot 1, piped and placed within an easement in order to formalise this arrangement. The applicant has also requested that the easement allow for a driveway to be constructed over the pipe. With respect to the location of the pipe, a condition has been included to place the drain adjacent the southern boundary of Lot 2 as this will assist in avoiding a future lot (as detailed in Appendix 2 for Lot 2) to have a driveway either side of the land.

The applicant has offered to pay for all costs associated with the piping of the drain and that the costs of such works are to offset the headwork contributions triggered by the development notwithstanding that the costs of the work significantly exceeds the headwork contributions. The applicant is aware of this and is happy to undertake the work on behalf of Council for which they are commended.

An internal transfer of monies will take place between Infrastructure Management and Water and Waste to ensure that the money which would have ordinarily been collected for water and sewer infrastructure is still received by Water & Waste for that particular asset class.

All other urban services are readily available to the land.

Public Notification / Submissions

The application is Code Assessable and no public notification is required.

HEADWORKS / CONTRIBUTIONS:

As detailed above, no headwork contributions are being levied as a consequence of the applicant piping to the stormwater drain which dissects the land.

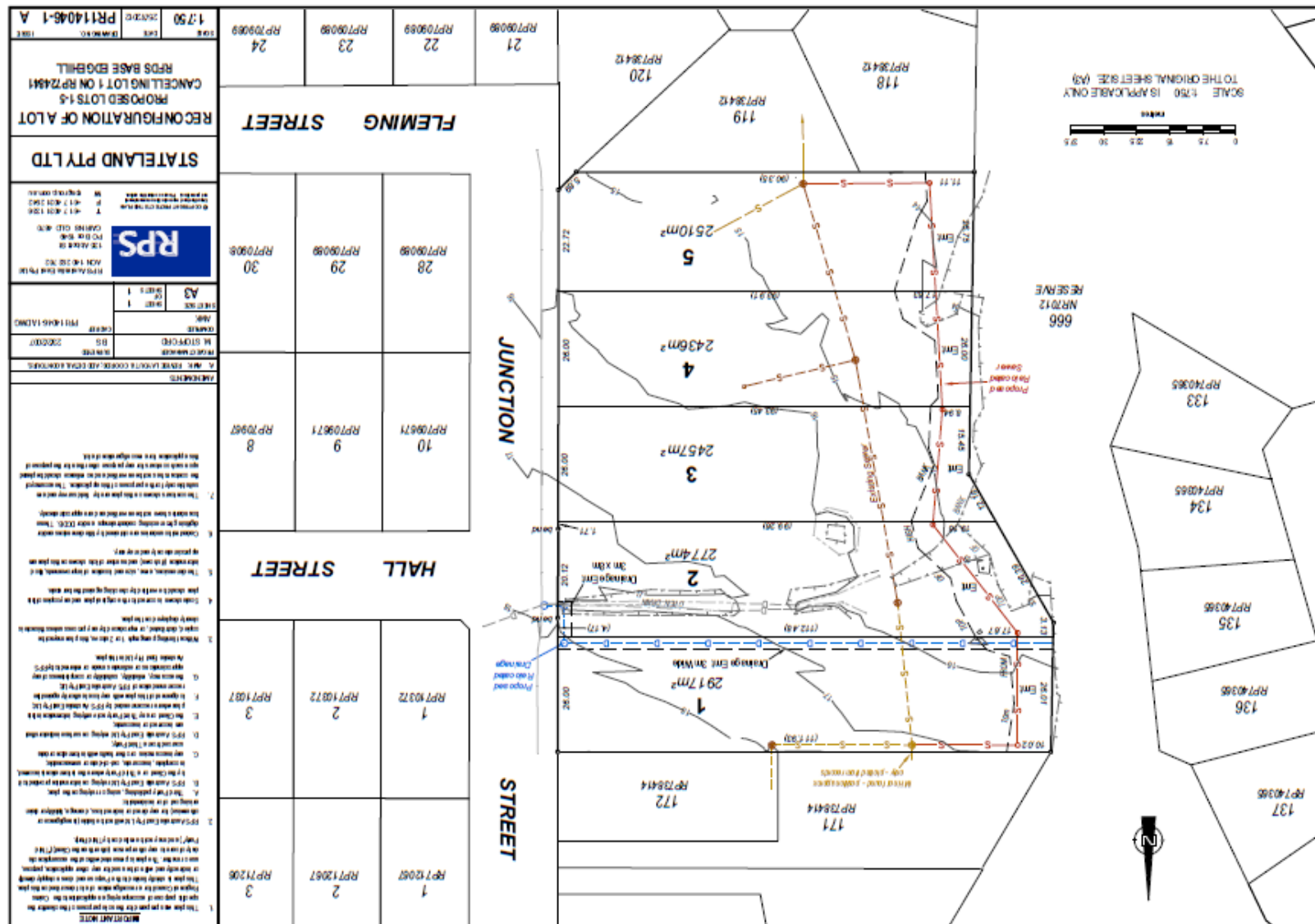
Neil Beck

Team Leader Development Assessment

Kelly Reaston

Acting General Manager Planning & Environment

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



APPENDIX 2 – FUTURE POTENTIAL LAYOUT

