

ORDINARY MEETING 30 MAY 2012	11
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MATERIAL CHANGE OF USE - HOUSE - 48 ISLAND POINT ROAD,
ISLAND POINT ROAD AND 42 MURPHY STREET, PORT DOUGLAS -
DIVISION 10

Michelle Henderson 8/8/1224 3513802

PROPOSAL: HOUSE

APPLICANT: C L GRAHAM
PO BOX 790
PORT DOUGLAS QLD 4877

LOCATION: 48 ISLAND POINT ROAD,
ISLAND POINT ROAD, AND
42 MURPHY STREET, PORT DOUGLAS

PROPERTY: LOT 1 ON SR836119
LOT 20 ON RP907331, AND
EASEMENT C IN LOT 21 ON RP907331

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: RESIDENTIAL 1 / CONSERVATION

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: DEPARTMENT OF ENVIRONMENT &
RESOURCE MANAGEMENT (ADVICE)

NUMBER OF SUBMITTERS: ONE (1) SUBMISSION

STATUTORY ASSESSMENT DEADLINE: 1 JUNE 2012

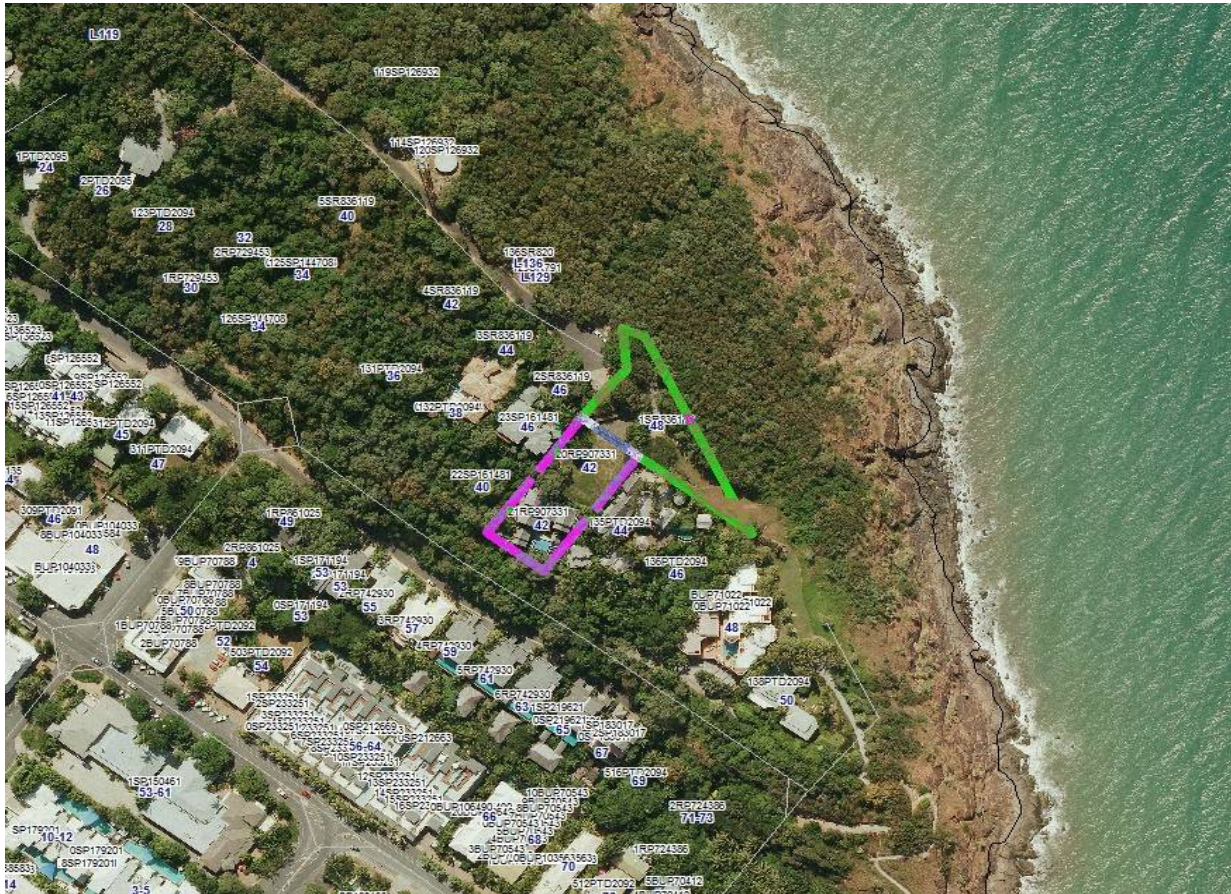
APPLICATION RECEIVED 29 FEBRUARY 2012

DIVISION: DIVISION 10

APPENDIX:

1. APPROVED PLAN(S) & DOCUMENT(S)
2. ADVICE AGENCY COMMENT (DERM)

LOCALITY PLAN



RECOMMENDATION

That Council approves a Material Change of Use (Impact Assessment) for House over land described as Lot 1 on SR836119, Lot 20 on RP907331, and Easement C in Lot 21 on RP907331 located at 48 Island Point Road, Island Point Road and 42 Murphy Street, Port Douglas, 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
Site Plan and Floor Plan	Drawing no A300 Rev P4 Prepared by Charles Wright Architects Pty Ltd (Council Ref No 3529244)	24 Feb 2012
Sections	Drawing nos A410 Rev P2 and A412 Rev P2 Prepared by Charles Wright Architects Pty Ltd (Council Ref No 3529244)	27 Feb 2012

Elevations	Drawing nos A401 Rev P4 and A402 Rev P4 Prepared by Charles Wright Architects Pty Ltd (Council Ref No 3529244)	24 Feb 2012
Landscaping Report and Associated Plans	Drawing nos LP-01 and LC-01 to LC06 Prepared by Andrew Prowse and Charles Wright Architects Pty Ltd (Council Ref No 3529244)	27 Feb 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, including recommendations and findings confirmed within technical reports; and**
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

Timing of Effect

- 2. The conditions of the Development Permit must be satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.**

Lawful Point of Discharge

- 3. The flow of all external stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.**

Details of the peak runoff from the site for the 2, 5, 10 and 100 year ARI rainfall event are to be advised in a drainage plan for the site. The point(s) of discharge are to be shown and the capacity of the existing downstream system at these points is to be confirmed. Supporting calculation for determination of the runoff and the capacity is to be provided to Council for review and must be endorsed by the Chief Executive Officer prior to the issue of a development permit for Building Work.

Water Supply and Sewerage Works Internal

- 4. Undertake the following water supply and sewerage works internal to the site:**
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;**

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

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Damage to Infrastructure

5. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, Cairns Water & Waste must be notified immediately of the affected infrastructure and have it repaired or replaced by Cairns Water & Waste at no cost to Council.

Vegetation Clearing

6. Existing vegetation on the land must be retained in all areas in accordance with the approved plans and report prepared by Andrew Prowse (Council Ref No 3529244), except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans.

Retention of Vegetation

7. Existing vegetation along the eastern boundary between the concrete drain and the boundary as outlined in the report prepared by Andrew Prowse dated 28 February 2012 must be protected from any damage to the trunk, roots and branches during the construction period. Effective fencing or barriers are to be installed and maintained in accordance with Australian Standard AS 4970-2009 *Protection of trees on development sites*.

Landscaping

8. Sixty (60) per cent of the total proposed species for landscaping must consist of native and endemic species. Areas affected by building works must be landscaped. In particular:
 - a. Landscaping to obscure views of supporting structures;
 - b. Landscaping with screening qualities must be retained/planted along side and rear boundaries to obscure views of neighbouring property;

All landscaping works must be undertaken in accordance with the endorsed plans and report prepared by Andrew Prowse (Council Ref No 3529244) prior to the issue of a Certificate of Classification or Commencement of Use, whichever occurs first.

Building Colours

9. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown.

The following proposed building colours are approved for use:

Exterior Walls –	Non-reflective finish in natural green shades and/or moderately dark to darker shades of grey
Windows & Doors –	Moderately dark to darker shades of grey, glazed timber entry in dark to darker natural shades of brown
Water Tank -	Natural green shades or moderately dark to darker shades of grey
Roof –	Moderately dark to darker shades of grey

The applicant must provide colour samples prior to the issue of the Development Permit for Building Works.

The above requirements must be made known in writing to all prospective purchasers.

Sediment and Erosion Control

10. Soil and water management measures 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).

Weed Management

11. The site is known to contain invasive and / or declared weed species. All works must be undertaken in a manner which does not spread these species off site. Vehicles and machinery are to be washed down effectively before leaving the site. Identified weed species must be eradicated from the site over time. For assistance with eradication methods visit the Queensland Biosecurity website on www.dpi.qld.gov.au.

Fencing

12. Any proposed fences and/or walls to the frontage of the site are to be limited to a maximum of 1.2 metres in height, and fences at the side and the rear boundaries of the site are to be limited to a maximum of 1.8 metres in height.

Details of the street fencing must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Geotechnical Report

13. An updated geotechnical report must be prepared by a suitably qualified and experienced geotechnical engineer. The report is to assess the level of risk in accordance with AGS 2007. If the landslide risk for persons and/or property to the site and surrounding locale is not assessed as either low or very low risk in accordance with the guidelines, the Applicant must undertake detailed geotechnical design and detail any structures/elements which may be required in order to reduce the site's risk classification to the levels. Construction must be in accordance with any new requirements of the updated report and with the current recommendations of the Geotechnical Report number 117672059-001-R-Rev0 prepared by Golder and Associates dated January 2012. The works must be supervised by a Registered Professional Engineering Queensland (RPEQ) with all work detailed on a certificate of supervision and a copy of the supervision certificate submitted to Council upon completion;

All earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer prior to the Commencement of Use.

Structural Certification

14. All retaining walls (existing or proposed) or structures higher than 900mm must be structurally certified prior to the issue of a Development Permit for Building Work. Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

The Applicant/owner must ensure that the retaining wall does not result in the ponding or concentration of stormwater flows.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 and Section 341 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.

3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. For information relating to the *Sustainable Planning Act 2009* log on to www.dip.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.
6. The site is located within a pest quarantine area declared under section 4(1) of the *Plant Protection (Electric Ant) Quarantine Notice 2006*. The *Plant Protection (Electric Ant) Quarantine Notice 2006* places restrictions on the movement of electric ants and 'high risk items' within and out of the pest quarantine area and places certain obligations and restrictions on land owners within the quarantine area. For further information on the *Plant Protection (Electric Ant) Quarantine Notice 2006* consult either the Department of Employment, Economic Development and Innovation (21-23 Redden Street, Cairns), Council's Land Protection Unit, or the following website: - www.dpi.qld.gov.au.

LAND USE DEFINITIONS*

In accordance with the Douglas Shire Planning Scheme the approved land use of House is defined as:

Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:

- *Outbuildings/structures incidental to and necessarily associated with the residential use;*
- *The care of children in accordance with the Child Care (Family Day Care) Regulation 1991;*
- *Accommodation for a member or members of the extended family of the Household occupying the House and for personal staff; and*
- *A display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of twelve (12) months and which then converts to a House for the exclusive use of one Household.*

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the *FNQROC Development Manual*.

EXECUTIVE SUMMARY:

Council is in receipt of a Material Change of Use development application for a House to be constructed at Murphy Street, Port Douglas, described as Lot 20 on RP907331. Vehicular access to the site is provided via 48 Island Point Road, Port Douglas, described as Lot 1 on SR839119. Services are to be provided via an easement located in 42 Murphy Street, Port Douglas, described as Easement C in Lot 21 on RP907331 which was created in favour of Lot 20 for the provision of services and for drainage purposes.

The House site is located in the Port Douglas and Environs Locality, with the House site and Easement C within the Residential 1 Planning Area and the land providing access located in the Conservation Planning Area. The site is largely cleared, and the concrete driveway has already been constructed through 48 Island Point Road. The proposed House is generally in accordance with relevant Codes of the Douglas Shire Planning Scheme 2008 and is able to be conditioned to comply. The House is recommended for approval subject to conditions.

PLANNING CONSIDERATIONS:

Background

The site is located on the southern slope of Flagstaff Hill, directly below the lookout at the top of Island Point Road. The land is vacant and predominantly cleared of vegetation. The land adjoins residential lots to the southeast and southwest. To the northwest, the site is adjoined by a house, a vacant lot, Island Point Road, and the lookout contained in the Island Point Road reserve. Houses in the immediate vicinity of the subject site have been constructed in a variety of architectural styles, including houses with Asian and Mediterranean features, as well as houses incorporating contemporary Australian design features.

Proposal

The proposal is to construct a single storey House. The House includes two (2) bedrooms, four (4) bathrooms, lounge, kitchen, dining, scullery, laundry, outdoor living areas, swimming pool, water feature, port-cochere and double garage. The proposal has a gross floor area of 292m² and as the subject site does not have a road frontage, lawful access is gained via Lot 1 on SR836119 through a lease agreement. The applicant has indicated that discussions are ongoing with DERM to facilitate the creation of an access easement over Lot 1 on SR836119.

Douglas Shire Planning Scheme Assessment

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
Locality	Port Douglas and Environs Locality Code	✓	Complies – see comment below
Planning Area	Residential 1 Planning Area Code	✓	Complies – see comment below
	Conservation Planning Area Code	✓	Complies

Defined Use	House Code	✓	Complies
Overlay Codes	Acid Sulfate Soils Code	✗	-
	Cultural Heritage and Valuable Sites Code	✓	Complies
	Natural Hazards Code	✗	-
General Codes	Design and Siting of Advertising Devices Code	✗	-
	Filling and Excavation Code	✓	Complies – see comment below
	Landscaping Code	✓	Complies – see comment below
	Natural Areas and Scenic Amenity Code	✓	Complies
	Reconfiguring a Lot Code	✗	-
	Vehicle Parking and Access Code	✓	Complies
	Sustainable Development Code	✗	-

Compliance Issues

Port Douglas and Environs Locality Code

The site is located within Special Management Area 1, in a prominent location directly below the lookout at the top of Island Point Road. Performance Criteria P24 states:

All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through:

- a. *Building design which minimises excavation and filling; and*
- b. *Buildings being designed to step down the site and incorporate foundations and footings on piers or poles; and*
- c. *Buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and viewshed; and*
- d. *Protection of the views from public viewing points.*

The proposed development incorporates a building design which minimises excavation and filling. The House is designed to be supported by columns and pad footings, with excavation limited to cutting a bench adjacent to the uphill corner of the residence to allow the driveway extension and garage slab levels to match the existing driveway. The single storey design minimises the visual impact of the House.

The House is constructed primarily of concrete, with the roofing and 'skirt' at the base of the building to be a sandwich panel façade system such as 'Smartfix' to be fixed directly to the concrete and steel superstructure. The intent is for a matte (non-reflective) finish, with colours to be natural shades of green and moderately dark to darker shades of grey.

The Douglas Shire Planning Scheme allows for two-storey development on Flagstaff Hill. Despite this, the owners specified a single storey design in order that mid distance views from the Island Point Road lookout to Four Mile Beach and adjoining coastal areas and long distance views to the Macalister Ranges be retained with as minimal impact as possible, with the loss of views limited to some of the lower slopes of Flagstaff Hill. The proposal is considered to comply with Performance Criteria pertaining to Special Management Area 1 – Flagstaff Hill.

Drainage and Stormwater Management

There is currently a concrete spoon drain running down the eastern boundary of the property until it meets the rear boundary, whereby it is collected through a grated stormwater pit to an underground stormwater pipe that is located in an easement through the lower property to connections in Murphy Street. The approval is conditioned to ensure no external stormwater flow from the site adversely affects surrounding or downstream properties.

Residential 1 Planning Area Code

Performance Criteria 9-12 deal with development on sloping sites. P9 requires buildings/structures are designed and sited to be responsive to the constraints of sloping sites. The Geotechnical Investigation provided with the application indicates that the site is stable, albeit just within minimum parameters. It has been Council practice to require reports for sloping sites to address and comply with AGS guidelines, which are a suite of guidelines addressing landslide risk management. In order to ensure the stability of the site with greater certainty, the approval is conditioned to require an updated geotechnical report to assess the level of risk in accordance with the AGS 2007.

The proposed House is designed to minimise any impact on the landscape character of the surrounding area. The approval contains conditions requiring landscaping of the site in order to screen the House from view and the use of external wall and roof colours that will complement the surrounding vegetation and viewshed.

Filling and Excavation General Code

The purpose of this Code is to ensure that filling and excavation do not:

- affect visual/scenic amenity values of the Shire;
- cause flooding and drainage problems;
- impact upon the environment of an area;
- cause land instability; or
- adversely impact upon utility services

Excavation on the site consists of cutting a bench to allow the driveway extension and garage slab levels to match the existing driveway, with the cut face to be supported by an engineered retaining wall with an average height of 1.2m. The entire building will be supported by columns and pad footings, thereby minimising excavation of the site.

The approval contains a number of conditions to ensure that filling and excavation work does not create a detrimental impact on the slope stability, erosion potential and visual amenity of the area. The approval also contains conditions to ensure excavation does not result in a detrimental impact upon the site, nearby land or adjacent road reserves.

Landscaping

The landscaping proposed for this development will maintain and strengthen the tropical and native landscaping character of the area, as well as to screen the proposed House to reduce its bulk and enhance the landscape character of the locality. The site contains a number of trees that will be required to be removed within the proposed House site. The site is vegetated along property boundaries, with a large cleared area that contains an infestation of Singapore Daisy.

The approval is conditioned to require landscaping to be in accordance with the requirements of the Landscape Report provided by Andrew Prowse and associated landscaping plans including Landscaping Plan number LP-01, which is able to be viewed at Appendix 1 of this report.

The approval is also conditioned to ensure that measures are to be undertaken to ensure the Class 3 Pest Plant Singapore Daisy is not spread off site, and is eradicated on the site over time.

Public Notification / Submissions

The application was publicly notified in accordance with the *Sustainable Planning Act 2009* between 5 April 2012 and 2 May 2012. One (1) properly made submission was received objecting to the application. The following section summarises the key grounds contained in the submission and provides an officer response for each key ground.

Approval of the proposal would be unsightly and result in a loss of amenity for surrounding properties.

The Code Assessable proposal is for a House on Residential 1 land. The proposal is consistent in terms of built form and development intensity to surrounding land uses. The proposal is designed to minimise the visibility of the development through building design, choice of external colours and provision of screening through landscaping. The proposed House will result in the retention of views from the Island Point Road lookout with as minimal impact as possible, with the loss of views limited to some of the lower slopes of Flagstaff Hill. The application was assessed on its merits and found to comply with the Douglas Shire Planning Scheme subject to conditions.

Approval of the proposal may potentially result in erosion which could compromise nearby properties – particularly if vegetation and established root systems are damaged/removed.

The House will be supported by columns and pad footings, thereby minimising excavation on the site. The proposal involves no filling of the site, and excavation limited to cutting a small bench adjacent to the uphill corner of the residence to allow the driveway extension and garage slab levels to match the existing driveway. Although the removal of a number of trees is necessary in order to construct the House, the existing vegetation along the eastern boundary between the concrete drain and boundary is to be retained, and the site will be landscaped.

The proposal includes provision of rainwater tanks with associated collection of rainwater from the roof, thereby lessening the total runoff from the site and therefore the potential for erosion. Sediment and erosion control conditions are attached to the approval to ensure surrounding/downstream properties are not adversely impacted.

HEADWORKS / CONTRIBUTIONS:

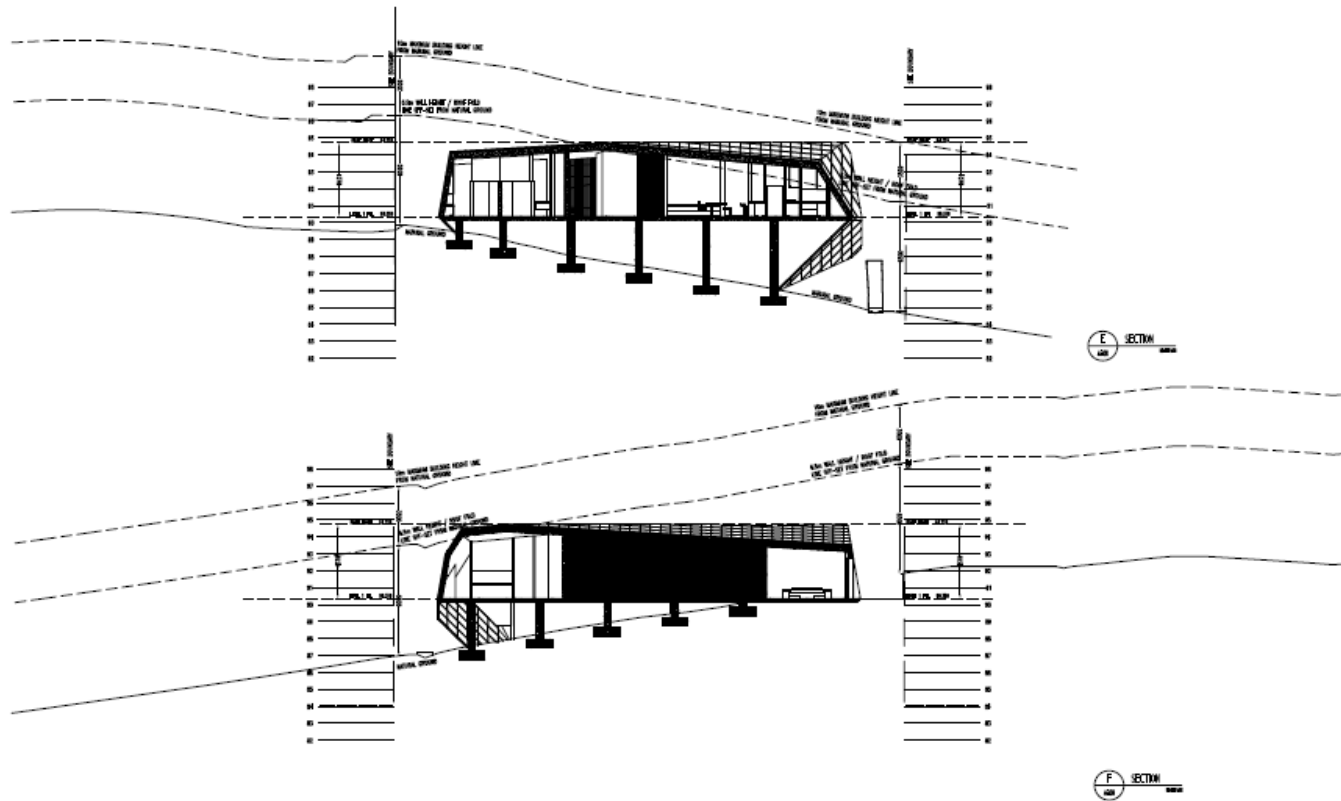
The proposed development does not trigger Developer's Headwork's Contributions.

REFERRAL AGENCY COMMENT:

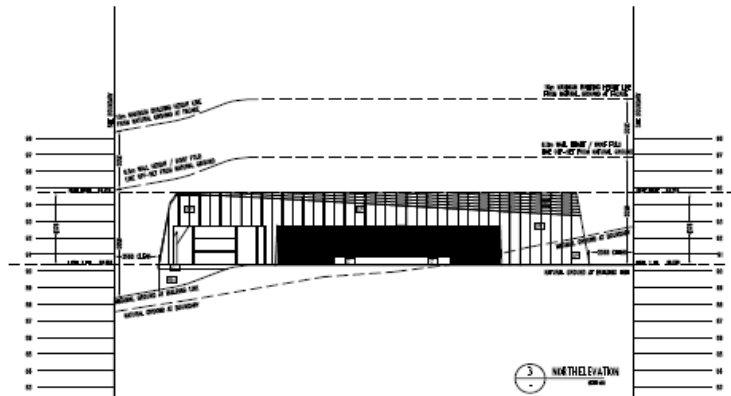
The Department of Environment and Resource Management (DERM) have provided comment as an Advice Agency (Council Ref No 3546696). DERM recommends that development should maintain habitat and biodiversity values, and that the development should demonstrate that there will be no adverse impacts on the ecological values and functioning of the conservation estate. The access is existing; therefore no further clearing or works are required to provide access to the site. The site is mostly cleared, and the proposal involves the removal of a small number of trees, the retention of vegetated boundaries, and landscaping along boundaries utilising a minimum of 60% native species. DERM comment is attached at Appendix 2.

Michelle Henderson
Planning Officer
Action Officer

Kelly Reaston
Manager, Development Assessment



<p>PRELIMINARY ISSUE</p>	<p>D & A CONSULTANTS PTY LTD Civil & Building Engineers</p>	<p>ANDREW PROWSE LANDSCAPE ARCHITECT PTY LTD</p>	<p>DAVIS LANGDON AN ASSOCIATE OF</p>	<p>charles wright architects</p>	<p>DESIGN DEVELOPMENT</p> <p>PROJECT GRAHAM RESIDENCE LOT 29 ISLAND POINT ROAD PORT BEAUFORT QLD</p>	<p>PROPOSED SECTIONS</p> <p>SECTION A410</p>
	<p>GILROY HYDRAULIC SOLUTIONS</p>	<p>DAVIS LANGDON AN ASSOCIATE OF</p>	<p>charles wright architects</p>	<p>DESIGN DEVELOPMENT</p> <p>PROJECT GRAHAM RESIDENCE LOT 29 ISLAND POINT ROAD PORT BEAUFORT QLD</p>	<p>PROPOSED SECTIONS</p> <p>SECTION A410</p>	



EXTERNAL FINISHES SCHEDULE

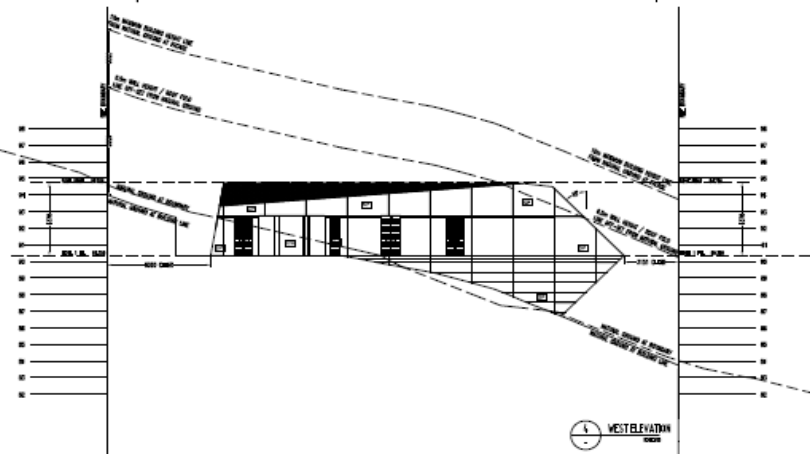
- ☐ NON-REFLECTIVE FINISH, EXTERIOR GRADE COLOR
- ☐ FINISH: BRICK - EXTERIOR GRADE COLOR
- ☐ FINISH: ALUMINUM PANELS - EXTERIOR GRADE COLOR
- ☐ FINISH: CONCRETE WALLS - EXTERIOR GRADE COLOR
- ☐ FINISH: ALUMINUM PANELS - EXTERIOR GRADE COLOR
- ☐ FINISH: BRICK - EXTERIOR GRADE COLOR

GENERAL NOTES

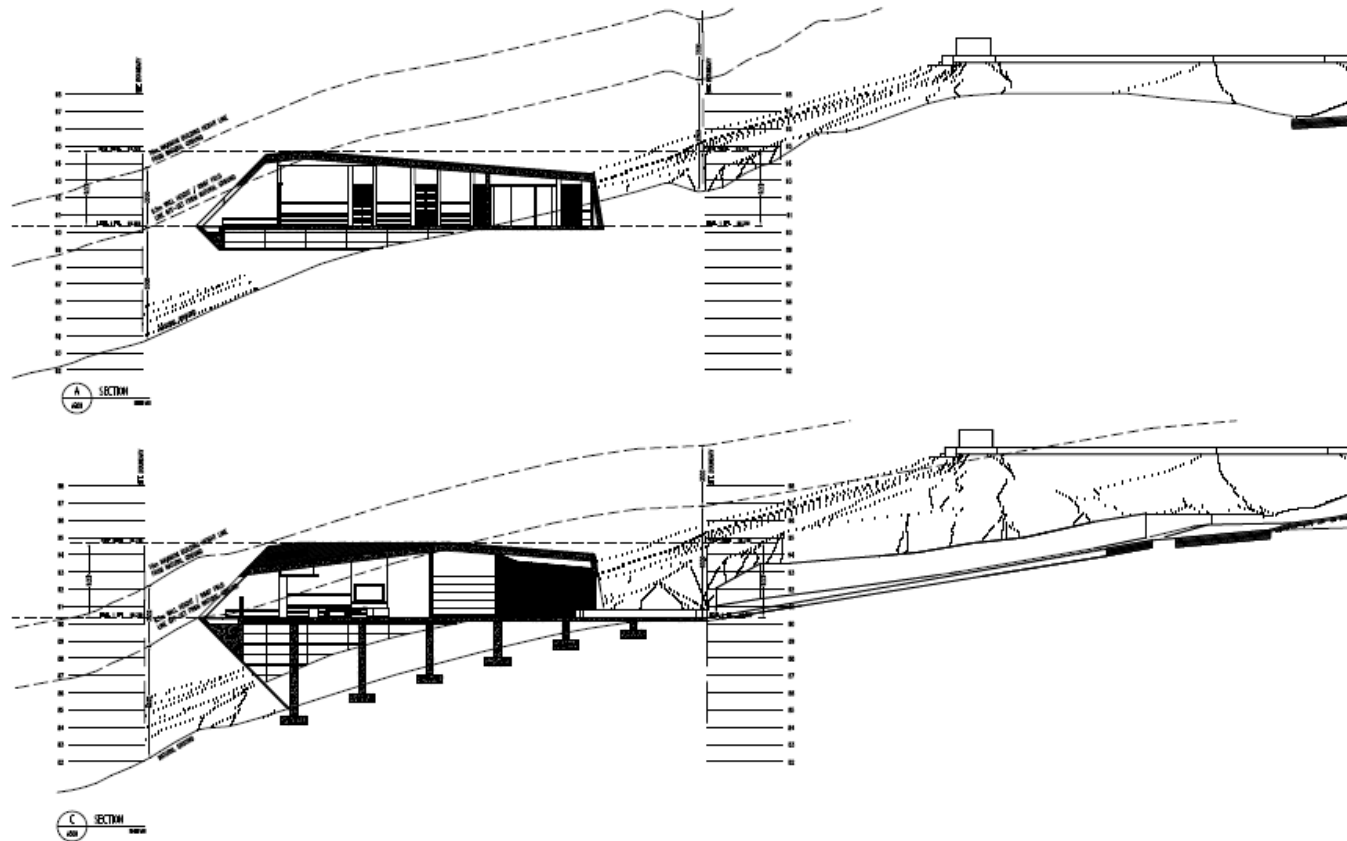
FINISHES SCHEDULE
 The finishes schedule and notes of this drawing are non-negotiable and must be followed to the letter in the construction of the building.

Notes refer to the schedule and to the notes of this drawing.

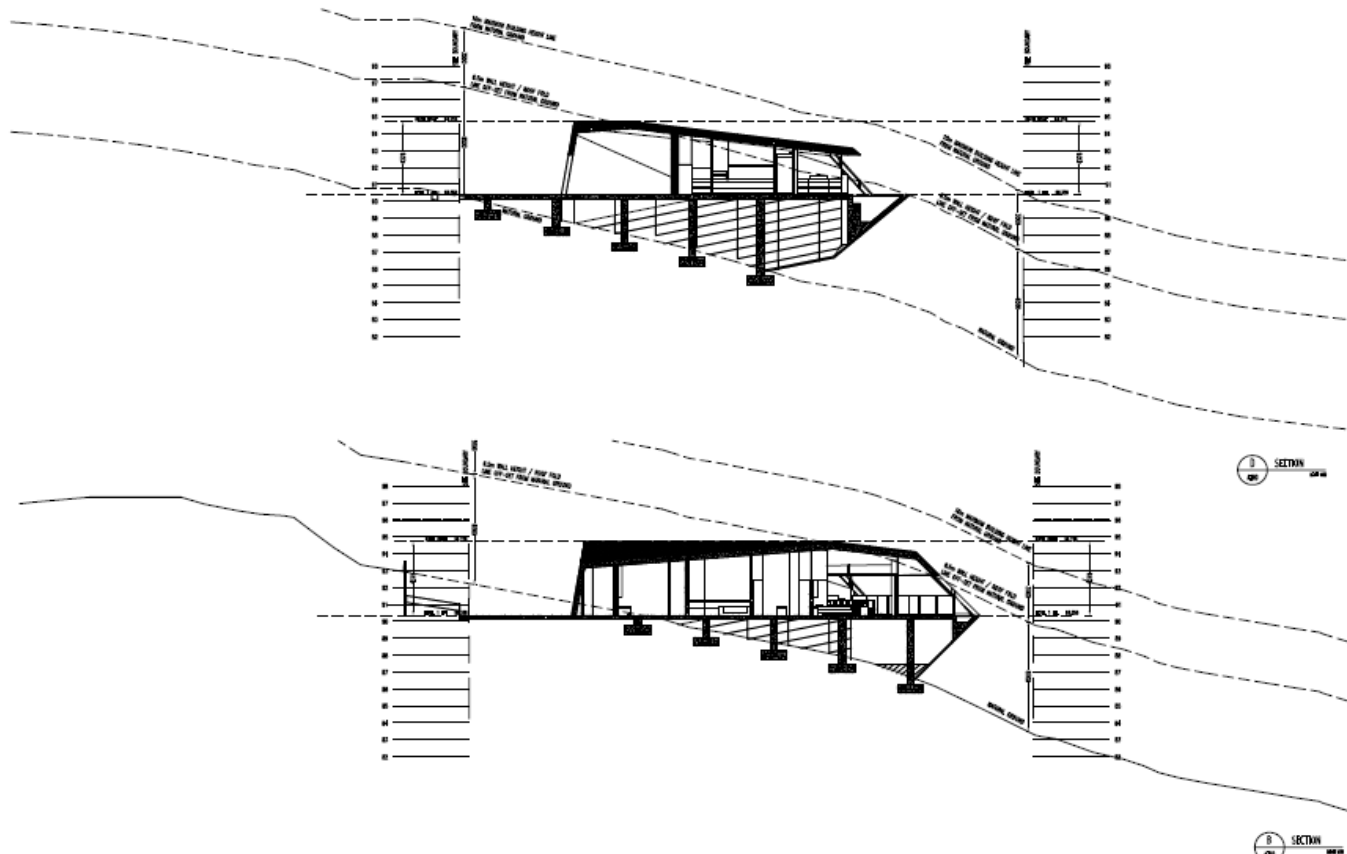
Details of construction are to be taken from the notes of this drawing and the notes of the architect.



<p>PRELIMINARY ISSUE</p>	<p>PROFESSIONAL SEAL S.A. CONSULTANTS PTY LTD Consulting Engineers</p>	<p>ANDREW PROWSE LANDSCAPE ARCHITECT PTY LTD 14-17 40th St PO Box 1419 Glenview QLD 4051 0837 594 364 andrew@andrewprowse.com.au</p>	<p>DAVIS LANGDON An ACCOM Group 2000 LAMINGTON, An ACCOM Company Suite 4, 10 St Johns Road, VICENT, QLD 4075 T: (07) 5551 1900 F: (07) 5551 1901</p>	<p>CWA charles wright architects 2nd Floor, 100 St Johns Road, VICENT, QLD 4075 T: (07) 5551 1900 F: (07) 5551 1901</p>	<p>DESIGN DEVELOPMENT</p>	<p>PROPOSED ELEVATIONS</p>
					<p>PROJECT GRAHAM RESIDENCE LOT 23 HILAND POINT ROAD PORT DOUGLAS QLD</p>	<p>Scale: 1:100 Date: 30/05/2012 P01 A402 P4</p>



<p>PRELIMINARY ISSUE</p>	<p>ENGINEER D. B. CONSULTANTS PTY LTD Central Business</p>	<p>LANDSCAPE ARCHITECT ANDREW PROWSE T 07 457 1010 P 07 457 1010 www.andrewprorowse.com</p>	<p>DAVIS LANGDON 2001 LANGDON AVE, 2200 SYDNEY NSW 1570 T 61 61 439 440 F 61 61 439 441</p>	<p>CWA charles wright architects Pty Ltd architects interior design landscape design 100/100 WILSON ROAD, PORT DOUGLAS QLD 4222 T 61 7552 2222 F 61 7552 2222</p>	<p>DESIGN DEVELOPMENT</p>	<p>PROPOSED SECTIONS</p>
	<p>PROJECT GRAHAM RESIDENCE LOT 29 ISLAND POINT ROAD PORT DOUGLAS QLD</p>	<p>DATE NOV 2011</p>	<p>SCALE 1:100</p>	<p>PROJECT NO A411</p>	<p>DATE NOV 2011</p>	<p>NO. OF SHEETS 12</p>



<p>PRELIMINARY ISSUE</p>	<p>PROJECT OFFICE T & C CONSULTANTS PTY LTD Civil & Mechanical Engineers</p>	<p>ANDREW PROWSE LANDSCAPE ARCHITECT PTY LTD</p>	<p>DAVIS LANGDON AN ACCOY COMPANY</p>	<p>CHARLES WRIGHT ARCHITECTS PTY LTD</p>	<p>DESIGN DEVELOPMENT</p>	<p>PROPOSED SECTIONS</p>
	<p>PROJECT NAME Graham Residence</p>	<p>14/17 40/11 30/10 P.O. Box 1479 Cairns QLD, 4870 08 4917 9436 www.prowseandcrows.com.au</p>	<p>20/88 Langdon, An Accoy Company 5/8-6, 10/10 Brown Road, Cairns, QLD, 4870 7 491 223 4447 7350 F 491 223 4447 7351</p>	<p>charles wright architects pty ltd ARCHITECTS ENGINEERS DESIGN DEVELOPMENT 10/10 Brown Road, Cairns QLD, 4870 08 491 223 4447 7350 F 491 223 4447 7351</p>	<p>PROJECT GRAHAM RESIDENCE LOT 23 ISLAND POINT ROAD PORT DOUGLAS QLD</p>	<p>DATE 15/05/12</p> <p>SCALE 1:100</p> <p>NO A412</p> <p>REV P2</p>



APPENDIX 2: ADVICE AGENCY COMMENT

Department of Environment
and Resource Management

Notice

Advice Agency Response - Referable Conservation Estate

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Cairns Regional Council
PO Box 359
Cairns QLD 4870

C L Graham
C/-Victor Feros
PO Box 1256
Cairns QLD 4870



Project reference: 490236
DERM referral Number: SPAR04007712

Application Details

Assessment Manager Reference: 8/8/1224(3526943) ATTN: Michelle Henderson

Date application referred to DERM: 28 March 2012

Development approval applied for: Development permit

Aspect of development: Material Change of Use for urban purposes if any part of the lot is situated in, or within 100m of, any of the following –

- (a) protected area, forest reserve, critical habitat or area of major interest under the *Nature Conservation Act 1992*;
- (b) a State forest or timber reserve under the *Forestry Act 1959*;
- (c) a marine park under the *Marine Parks Act 2004*;
- (d) a recreation area under the *Recreation Areas Management Act 2006*;
- (e) a world heritage area listed under the World Heritage Convention;
- (f) Brisbane Forest Park under the *Brisbane Forest Park Act 1977*

Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 22

Notice
Advice Agency Response

Development description: *Material Change of Use – Impact Assessment for a House.*

Property/Location description: 48 Island Point Road, Island Point Road and 42 Murphy Street, Port Douglas, Lot 20 on RP907331, Lot 1 on SR836119 (Access) and Easement C, and Lot 21 on RP907331 (Services).

Recommendation

The Chief Executive, Department of Environment and Resource Management (DERM), makes the following recommendation to the assessment manager:

The Assessment Manager should consider the potential impacts of the proposed development on both the habitats and environmental values contained within the conservation estate, as well as to the management intent of the conservation estate. Development should ensure the following outcomes:

- **Maintain habitat and biodiversity values:** development avoids or minimises and mitigates adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate
- Development demonstrates there will be **no adverse impacts on the ecological values** and functioning of the conservation estate. An ecological report prepared by a suitably qualified professional may be one way that the Assessment Manager may choose to assess this outcome.
- Development **maintains, conserves and enhances the current extent and connectivity** within and between conservation estate areas
- Development **does not compromise the management intent** of the conservation estate.

The Assessment Manager should ensure that there is a sufficient buffer distance between any proposed works including access tracks and roads and the conservation estate boundary in order to maintain the ecological functioning and integrity of the conservation estate. Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to avoid edge effects. The buffer may also assist in ensuring that stormwater, wastewater, dust and erosion from the development site can be appropriately managed to avoid adverse impacts on the conservation estate. A stormwater and wastewater management plan may be one way the assessment manager may choose to ensure off-site impacts of development are ameliorated. Revegetation of buffer zones using native species representative of the pre-clearing regional ecosystem is recommended.

Establishing building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

Neighbours to the conservation estate have a responsibility to keep dwellings and other infrastructure near Queensland Parks and Wildlife Service (QPWS) managed lands in a condition that minimises fire risk to themselves and their property as well as the protected estate and to appropriately ameliorate light and noise issues. Consultation with QPWS officers is recommended to ensure management objectives of the conservation estate including fire management, emergency services access and pest controls are met. A QPWS 'Good Neighbour Policy' may be of assistance and is available on the web at: <http://www.derm.qld.gov.au/register/p01658aa.pdf>

Notice
Advice Agency Response

General information for assessment managers

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the Department of Environment and Resource Management.

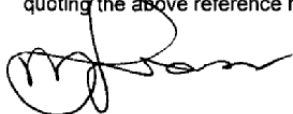
Aboriginal Cultural Heritage

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage

Should you have any questions about the above, please contact Katrina Theilemann on 1300 130 372, quoting the above reference number.



Delegate
Mark Franco
Delegate for the Chief Executive administering the
Coastal Protection and Management Act 1995,
Environmental Protection Act 1994,
Nature Conservation Act 1992.
Department of Environment and
Resource Management

Enquiries:
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Permit and Licence Management
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28 March 2012

APPENDIX 3: Standard Drawing – Access Crossover

