

### **5.03. 24 MURPHY STREET, PORT DOUGLAS, REQUEST FOR EXTENSION OF RELEVANT PERIOD – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A HOUSE AND A PRELODGE MENT ENQUIRY FOR ALTERNATIVE ACCESS DESIGN**

**REPORT AUTHOR(S):** Simon Clarke, Planning Consultant  
**GENERAL MANAGER:** Paul Hoyer, General Manager Operations  
**DEPARTMENT:** Development and Environment

#### **PROPOSAL**

Request for extension of relevant period of the Development Permit for a Material Change of Use for a House and a Prelodgement enquiry for an alternative access design

#### **APPLICANT**

Darryl & Lennee Croser  
C/- Planz Town Planning Pty Ltd  
17 Atherton Street  
Whitfield QLD 4870

#### **LOCATION OF SITE**

24 Murphy Street Port Douglas

#### **PROPERTY**

Lot 1 on PTD2095

#### **LOCALITY PLAN**



#### **LOCALITY**

Port Douglas and Environs

#### **PLANNING AREA**

Residential 1

#### **SPECIAL MANAGEMENT AREA**

Flagstaff Hill

#### **PLANNING SCHEME**

Douglas Shire Planning Scheme 2006

**REFERRAL AGENCIES**

None Applicable

**NUMBER OF SUBMITTERS**

Not Applicable

**STATUTORY ASSESSMENT  
DEADLINE**

Extended with Applicant's Agreement

**APPLICATION DATE**

28 August 2014

**RECOMMENDATION**

- A. That Council approves a two (2) year extension to the period of approval up to and including 1 February 2018 for the Negotiated Decision Notice issued 1 December 2010 for a Material Change of Use for a House over land described as Lot 1 on PTD2095, located at 24 Murphy Street, Port Douglas.**
- B. On a without prejudice basis, with respect to the prelodgement enquiry for an alternative access design, that Council advises the following:**
- 1. Where built structures are proposed within the road reserve (i.e. the bridge structure), that portion of the road reserve is to be closed and converted to private freehold tenure and incorporated into Lot 1. The maintenance of all driveway infrastructure will be the responsibility of the land owner. The issue of this advice does not fetter Council's ability to determine a future Development Permit for the driveway;**
  - 2. Any part closure of the Grant Street road reserve to facilitate private ownership is the applicant's responsibility. The application seeking such closure is lodged with the Department of Natural Resources and Mines. In pursuing any part closure of the Grant Street road reserve the applicant will need to take into account Council's desire for future pedestrian access through the road reserve from Murphy Street to Island Point Drive and the ability to maintain access for services and infrastructure including drainage work;**
  - 3. In pursuing the proposal for an alternative driveway access design, the applicant will also need to lodge a request to change for Condition 14 of the Negotiated Decision Notice issued 1 December 2010 to provide for the alternative driveway design;**
  - 4. The proposed alternative driveway access design must be undertaken via an application for Operational Works that incorporates Lot 1 on PTD2095 as part of the application.**
  - 5. Any proposed alternative access driveway design is to be designed to:**
    - minimise impacts on vegetation within the road reserve;**
    - minimise the extent of earthworks required for the driveway;**
    - take into account drainage regimes and geo-technical instability**
    - provide a safe low-speed driveway that is suitable for shared use by pedestrians;**
    - a standard capable of RPEQ certification.**
- C. That Council notate the property file for Lot 1 on PTD2095 regarding the advice contained in part B of the recommendation.**
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## EXECUTIVE SUMMARY

An approval was issued by the Cairns Regional Council for a Material Change of Use for a new House on the land on 1 December 2010. Prior to the expiration of the four-year currency period the applicant requested an extension to the period of approval. The construction of the vehicle access to the site is subject to a separate, further approval. The approval of the request for the extension of the currency period is exclusive to and does not fetter Council's ability to determine a future application for the development of the vehicle access. It is therefore recommended that Council support the extension to the currency of the development approval.

The applicant has also sought Council's advice, through a prelodgement enquiry, in respect to the development of a "driveway" on the Murphy and Grant Streets road reserves. While no application has been lodged for development of these works, it is considered undesirable to construct built 'private' structures (e.g. the bridge component as shown at Attachment 2) associated with the driveway on gazetted public road. Such structures should be contained within private land to ensure that land owner is responsible for the maintenance and liability of the structure. The acquisition of private land through a part road closure is a matter for the applicant to pursue with the Department of Natural Resources and Mines. It is recommended that this advice be provided to the applicant on a without prejudice basis and that a notation is included on the Council's property file regarding this matter and advice.

## TOWN PLANNING CONSIDERATIONS

### Background

A house currently exists on the land. Vehicle access to the existing premises is gained via the upper track of Murphy Street.

An approval was issued by Delegated Authority by Cairns Regional Council via a Negotiated Decision Notice for a Material Change of Use for a new House. The approved plans detail a multi level structure that would replace the existing dwelling. A copy of the Negotiated Decision Notice is included in the attachments to this report.

The original application was lodged over the land at 24 Murphy Street and did not include the adjacent unconstructed road area, that is, the application did not include the adjacent Grant Street road reserve.

Plans accompanying the application detailed a new "driveway" access commencing at the formally constructed road pavement of Murphy Street, traversing across an unconstructed part of Murphy Street road reserve and over the Grant Street road reserve to connect with land at a distance of some forty metres east of the lot's intersection of Grant and Murphy Streets. Condition 14 of the Negotiated Decision Notice requires the access to meet the FNQROC Development Manual standard. That standard is considered to be the standard of an Access Street. The proposed "driveway" as indicated on the application plans does not meet an Access Street standard under the FNQROC Development Manual.

Grant Street is unconstructed. Part of an access track has previously been formed on the Grant Street road reserve providing access to the property at 16-22 Murphy Street. Part of this unconstructed track has also been utilised and is occupied by infrastructure associated with the house at 16-22 Murphy Street. A significant part of the remaining, proposed driveway access has regrowth vegetation and this area is mapped as remnant vegetation. Concern is also held with the stability of the proposed driveway access area as it may contain uncontrolled fill and may have inherent geotechnical instability.

## Proposal

The applicant has requested an extension of the relevant period of the approval. The approval had a four year currency until 1 December 2014. The request for an extension, having been lodged prior to 1 December 2014, remains valid until the request is determined.

The applicant has also requested that Council provide advice on a prelodgement enquiry for a Development Permit for Operational Work to construct the proposed “driveway” on the adjacent Grant Street road reserve. These works include a vehicle access over the Grant Street road reserve. A copy of the proposed design together with the applicant’s submission is included in the attachments to this report.

## **S388 Sustainable Planning Act 2009**

In deciding a request to extend an approval the *Sustainable Planning Act 2009* requires Council to determine the application having regard to the following criteria:

- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, parts 2 and 3; and
- (b) the community’s current awareness of the development approval; and
- (c) whether, if the request were refused—
  - (i) further rights to make a submission may be available for a further development application; and
  - (ii) the likely extent to which those rights may be exercised; and
- (d) the views of any concurrence agency for the approval given under section 385.

### **(a) Consistency with the approval with current requirements - Douglas Shire Planning Scheme Assessment Compliance Issues**

The original application was referred to the then Iconic Places Panel who directed that the Council determine the application. The application was determined by the Cairns Regional Council.

Concern has previously been raised regarding the appropriateness or otherwise of the proposed vehicle access. Councillors and Council officers met with the applicant’s Architect and Town Planning Consultant on site to consider the proposed access design.

The original application was only over the land, being 24 Murphy Street, and this remains as the “land” for which an extended approval would apply. The approval gives consent to a particular access point for vehicles to the land. A review of the original decisions made by the Cairns Regional Council Officers regarding the extent of consideration of appropriateness of the approved vehicle access point has not been undertaken. Condition 14 of the approval requires the design of the access to meet particular standards. The applicant has not lodged a request to vary Condition 14 so these requirements remain relevant to the approval.

As far as has been investigated the approval is considered to comply with the current Planning Scheme.

The proposed development does not trigger Adopted Infrastructure Charges.



**(b) & (c) The community's current awareness of the development approval and if refused the rights to make further submissions and the likelihood of those rights being exercised.**

It is not likely that the community is aware of the current proposal. The proposal is a code assessable development under the current Planning Scheme which does not require public notification. As such, there would be no further rights to make a submission, if the application were refused and a new application lodged.

**(d) Any concurrence agency views**

There is no concurrency agency in this instance.

Having regard to the above matters, as specified by the SPA it is considered appropriate that Council support the request for an extension to the relevant period of approval.

**PRELODGE MENT ENQUIRY**

The following comments are made:

1. The ability for the applicant to undertake work on the road reserve is a matter for Council to determine.
2. Once constructed any structure and / or other infrastructure developed in the road area is then Council's asset. The responsibility for ongoing maintenance and liability rests with Council. It is therefore important that any built structures remain the responsibility of the applicant. Private land could possibly be achieved by the closure of part of the adjacent road reserve. An application for road closure is a matter for the individual land owner to lodge with and pursue with the Department of Natural Resources and Mines.
3. The frequency and extent of use of a private driveway is less than that of a public road. A private driveway can therefore have a different design to a public road due primarily to reduced frequency and private nature of the use.
4. The consideration of an application for a road closure by the Department of Natural Resources and Mines usually includes referral to Council inviting comment, and consideration of the community and any neighbouring land owner's interests.
5. It is not necessary to close the entire road reserve area to achieve a "driveway" access. Any part road closure of the adjacent road reserve should have regard to Council's need for servicing, infrastructure and drainage work in the road area together with the need for future maintenance. A natural drainage path is present over the Grant Street road reserve area east of Murphy Street and this would need to be provided for.
6. Considerations for future use should also have regard to Council's recently released proposed design for walking tracks over Flagstaff Hill including a pedestrian access utilising the Grant Street road reserve area, from Murphy Street connecting to Island Point Road.

7. Considerations for future use and design of any access should include:

- minimising vegetation loss and therefore loss of visual amenity;
- detailed attention to the geophysical terrain given that Flagstaff Hill is known to be unstable. Detailed geotechnical investigation would in such instance, be examined through the assessment of a future application.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

Under the *Local Government Act 2000* Council is the responsible for works constructed on the Council roads.

## ATTACHMENTS

- Attachment 1 – Current Approval
- Attachment 2 – Proposed Driveway Design
- Attachment 3 – Supporting Information to Planning Report



**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**APPLICANT DETAILS**

M L Croser & D K Croser  
C/- Planz Town Planning  
17 Atherton St  
WHITFIELD QLD 4870

**ADDRESS**

24 Murphy Street, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lot 1 on PTD2095

**PROPOSAL**

House

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

This Negotiated Decision Notice dated 1 December 2010 replaces the Decision Notice dated 29 October 2010

**TYPE**

Material Change of Use (Development Permit)

**REFERRAL AGENCIES**

None Applicable

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works  
Development Permit for Plumbing Works

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None



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**SUSTAINABLE PLANNING ACT 2009**

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

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

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

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plan	Drawing TP.2 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Floor Plan – Ground Floor	Drawing TP.5 SKD05 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Floor Plan – First Floor	Drawing TP.6 SKD05 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Floor Plan – Second Floor	Drawing TP.7 SKD05 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Elevations 1	Drawing TP.9 SKD05 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Elevations 2	Drawing TP.10 Prepared by Hunt Design (Council Ref No 2708164)	11 Aug 2010
Landscape Plan	Drawing LP_01 Issue A Prepared by Hortulus Landscape Design and Management (Council Ref No 2708164)	18 Aug 2010
Landscape Plan	Drawing LP_02 Issue A Prepared by Hortulus Landscape Design and Management (Council Ref No 2708164)	18 Aug 2010

### 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. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

Except where modified by these conditions of approval

### Timing of Effect

- ## Weed Management

- ## Building Colours

- The applicant/owner must provide appropriate colours to Council for approval prior to the issue of a development permit for building works. The applicant/owner must ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

5. The 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*).

6. All stormwater from the property must be directed to a lawful point of discharge (nominally Murphy and Grant Streets) such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

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

- ~~a. Construct full width bitumen widening to Murphy Street frontage;~~





**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

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.

## Legal Requirements

14. An appropriately qualified and experienced civil engineer must certify that the access complies in all respects with AS 2890.1 and FNQROC and is safe and serviceable. Certification must be achieved prior to the issue of a Development Permit for Building Works.

## Geotechnical Assessment

15. 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.

## Batter Treatment

16. All earthworks are to be fully contained on site, unless the adjoining land owner has given written permission, or a resource entitlement approved.
17. The height of batters/retaining structures shall be generally limited to 1.8 metres with a total height of 3.6 metres in successive batters. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

### Water Supply and Sewerage Works Internal

18. Undertake the following water supply and sewerage works internal to the subject land:
  - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - b. Any disconnection/reconnection to the property connection branch must be subject to a plumbing permit.

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.



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### **Damage to Infrastructure**

19. 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, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Cairns Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Cairns Water & Waste, at the developer's cost, prior to the Commencement of Use.

### **Water Saving**

20. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

### **House**

21. The lot must not contain more than one (1) House and such House is to be occupied by one (1) household.

### **Landscaping**

22. Landscaping is to be in accordance with the requirements of the Landscape Report by Hortulus dated 18 August 2010 and Landscaping Plans Drawings LP-01 and LP-02, Issue A by Hortulus dated 18 August 2010. Any changes or substitution of plants is to be approved by Council prior to planting.

### **FURTHER ADVICE**

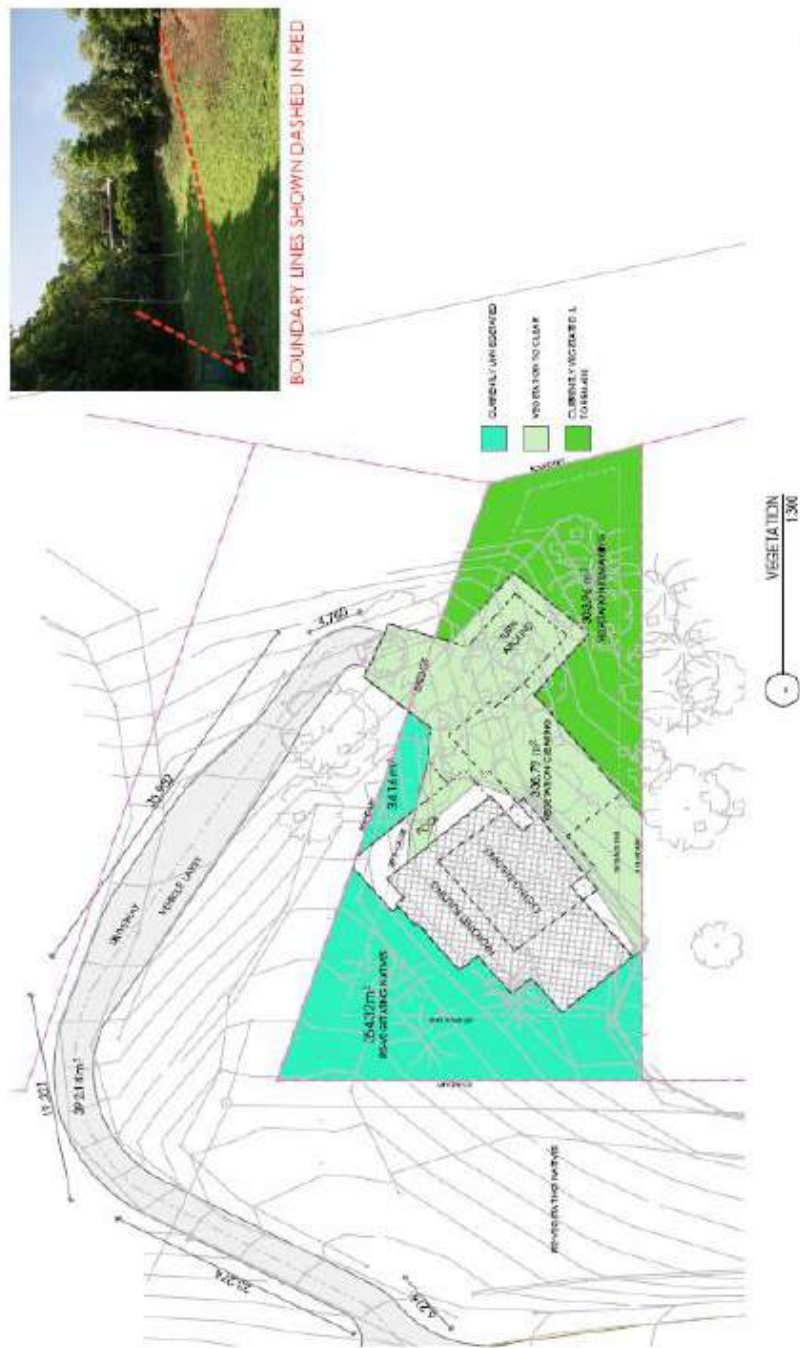
1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary 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.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. An Ecoaccess approval under the *Nature Conservation Act 1992* must be obtained from the Department of Environment and Resources Management prior to the clearing of vegetation and/or tree removal from the road reserve.





**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

## APPENDIX 1 APPROVED PLAN(S) AND DOCUMENT(S)

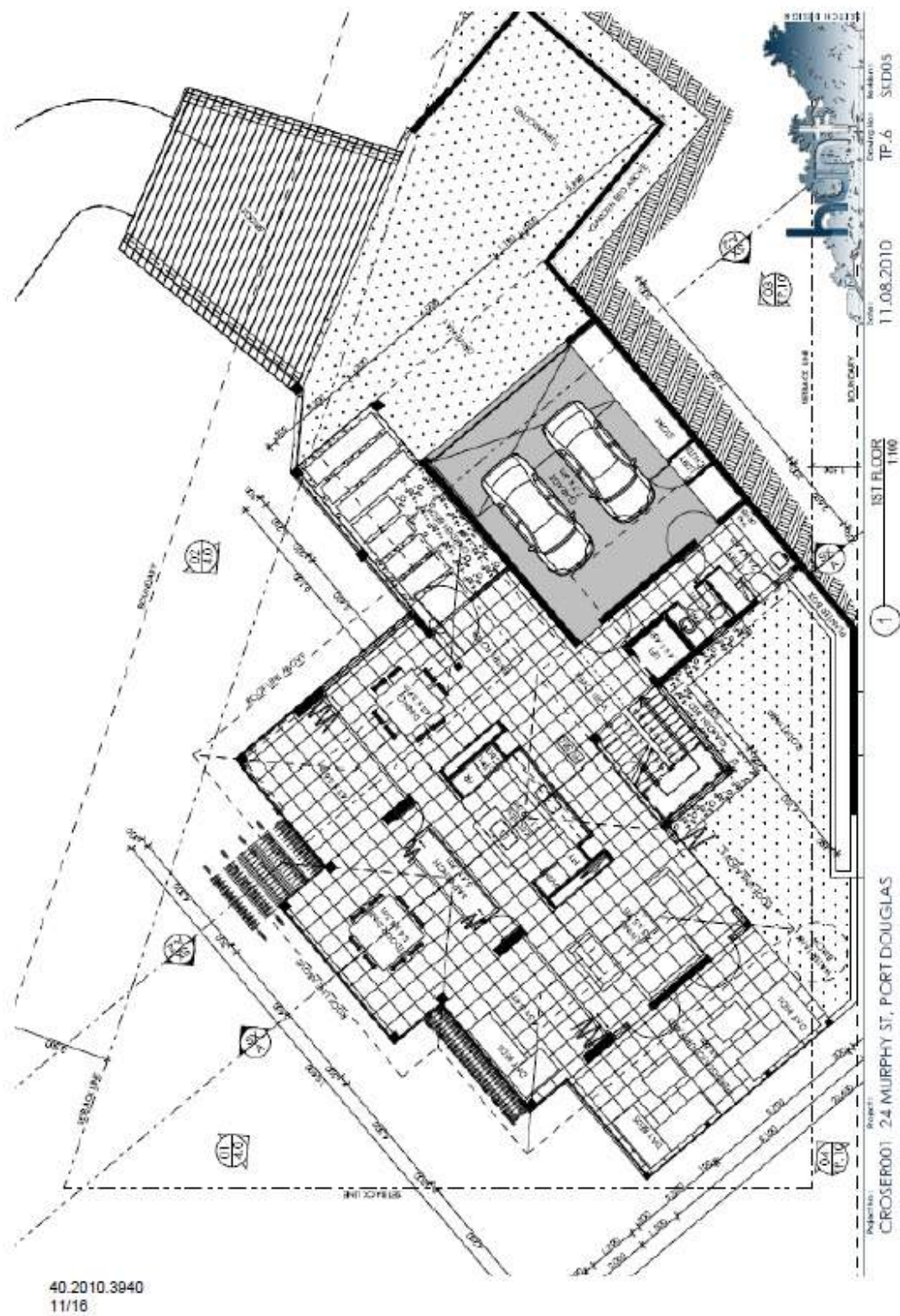


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**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

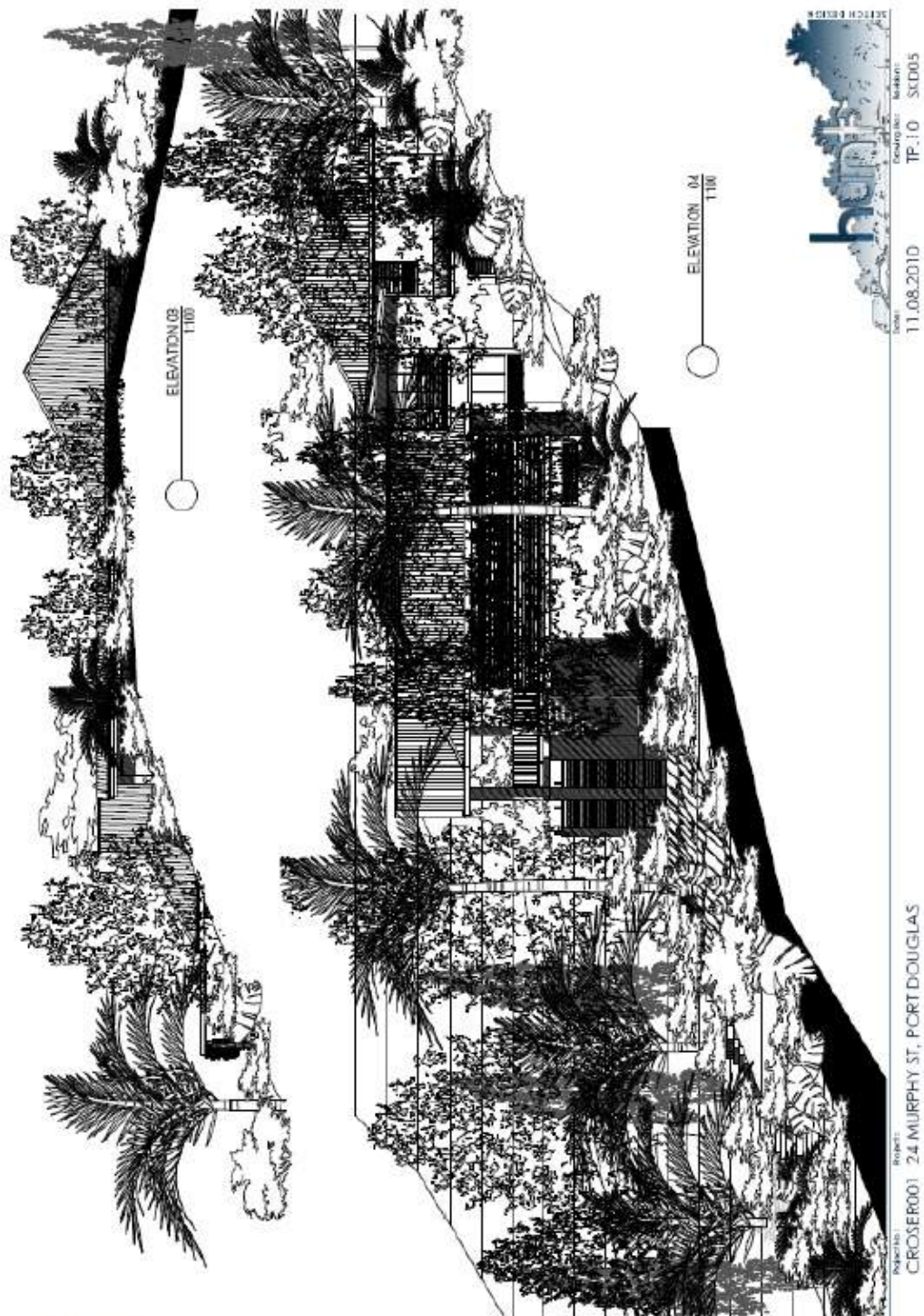








**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**



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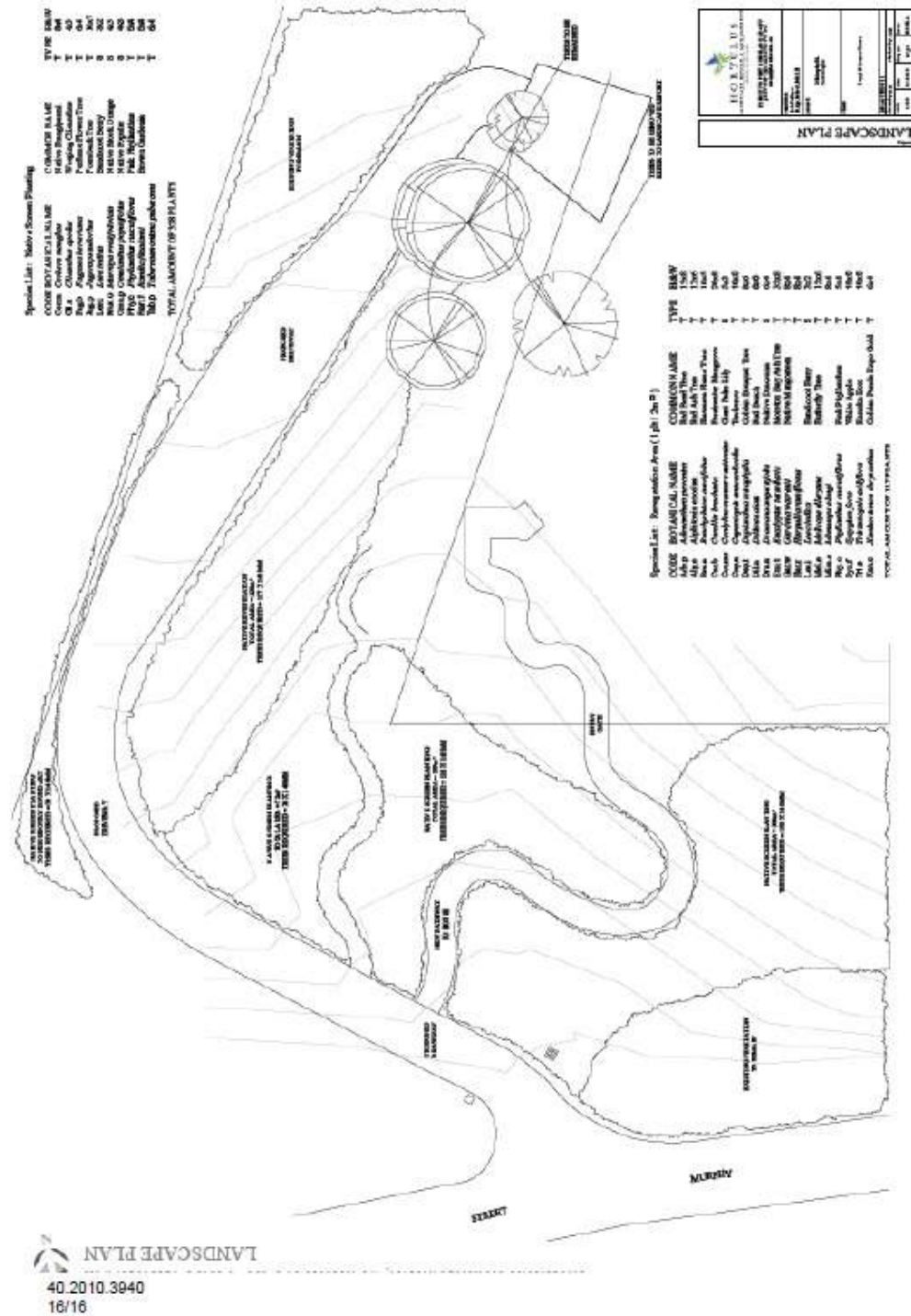
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**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**





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## Contents

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1.	PRE-LODGEEMENT APPLICATION – OPERATIONAL WORKS.....	1
1.1	Access.....	1
	Figure 1: View to premises from Murphy Street.....	3
1.2	Drainage Management.....	4
1.3	Vegetation Clearing Grant Street .....	4
1.4	Port Douglas Waterfront Master Plan.....	5
	Figure 2: PD Waterfront Master Plan - Proposed Lookout Island Point Rd ...	7
	Figure 3: PD Waterfront Master Plan - Proposed Walking Track Grant St....	7
2.	EXTENSION OF CURRENCY PERIOD .....	8
	Figure 4. Planning areas and street layout .....	8
2.1	State Government Agencies .....	9
2.2	Iconic Queensland Places.....	9
2.3	Vegetation 24 Murphy Street.....	9
APPENDIX 1	PROPOSAL PLANS .....	12
APPENDIX 2	ENGINEERING & GEOTECHNICAL REPORTS.....	13
APPENDIX 3	DRAINAGE MANAGEMENT REPORT.....	14
APPENDIX 4	VEGETATION / LANDSCAPE REPORT AND PLAN .....	15



**Access via Grant Street** is the most practical engineering solution and allows residents and visitors to arrive at the living area level. A gravel access exists in Grant Street in the same location as the proposed driveway. The existing gravel driveway has slopes steeper than 1 on 4 at the first right hand bend after Murphy Street with slopes steeper than 1 on 3 on the access to the property to the west.

This access allows for a pedestrian corridor to be provided immediately adjacent to the proposed access. The topography and width of the Grant Street corridor above the proposed access is very steep and does not allow for the possibility of any future vehicular access.



Figure 1: View to premises from Murphy Street

The Engineering Report in **Appendix 2** concludes that the design and layout of the proposed residence (which includes the location of parking and access) allows for conventional construction techniques whilst minimizing the effects of any earthworks and maintaining the visual amenity of the area. The stability of the existing slopes will be maintained and will not be compromised by the construction and structures. The natural gully located in Grant Street and on the property allows for efficient discharge of stormwater over and above that which will be “harvested” and stored in tanks.

This development will increase discharge from this catchment by 0.007 m3/sec or 1.2%. This is a minimal increase of stormwater discharge from this site and will have a negligible effect on upstream or downstream properties.

The current driveway located in Grant Street will be regarded to a grade of 22.7% which allows for efficient access to the residence.



## 1.2 Drainage Management

Murphy Street contains a table drain on the north side of the street. A natural gully exists along the site boundary with Grant Street. The upstream catchment that contributes to flows within this gully is relatively small and is bounded by Island Point Road to the north east.

Stormwater from the house will be collected in a field inlet pit and piped to the lawful point of discharge – the existing gully through the new bridge abutment. Roof water drainage will be collected via downpipes, pits and underground pipes and conveyed to the existing gully in Grant Street.

The Drainage Management Report (**Appendix 3**) finds that the existing gully can accommodate these flows and will be able to accommodate the catchment flows through to Murphy street, and there will be no adverse effects on upstream or downstream properties.

## 1.3 Vegetation Clearing Grant Street

Access to the house will be via the existing 90 metre long Grant Street road reserve which is currently a dirt track, however this will be upgraded to an engineered driveway standard. The DNRM list of vegetation clearing exemptions (2013) Table 5 Exemptions on a road under the *Land Act 1994* identifies clearing activities *Necessary for reasonable access to adjoining land from the existing formed road for a maximum width of 10m* as exempt, for clearing of vegetation Category A or Category B. The road will be less than 4m wide.

The access will cross into the site via a bridge over the gully (Refer **Appendix 1** – Proposed Plans). The majority of the driveway does not require vegetation clearing, however the bridge access from the Grant Street road reserve to the proposed lot does require some clearing.

The Vegetation / Landscape Report in **Appendix 4** confirms that the removal of trees on the Grant Street are mostly exotic. The trees on the northern side

of the Grant Street that will be required to be removed are two Poinciana trees and a Mango Tree. The trees are old and have not been maintained. They show signs of decay which will need to be addressed for safety at some point, especially if public access is ever a consideration in this area.

There are three trees that will require removal at the proposed bridge entry to the site. The two smaller trees are below the significant girth size. The third tree, which is in the process of identification has a trunk circumference of 1640mm at 1000mm above the ground and will require approval to be removed. In the scheme of these works the loss of only one significant native tree, to be replaced by over 445 native trees and large shrubs in this area, will more than compensate for the loss, and overall will:

- a) Maintain and enhance the character and amenity of the area; and
- b) Will strengthen the local habitat – the proposal will not result in fragmentation of habitats and
- c) Ensure Vegetation removal and replacement will be undertaken in a sustainable manner – with selective clearing; and
- d) Not deplete and will maintain and protect the region's biodiversity and ecological values; and
- e) Not result in the loss of vegetation of historical, cultural and / or visual significance; and
- f) Will retain and enhance vegetation for erosion prevention and slope stabilisation.

On 5th December 2012, the Council adopted the following amendment, gazetted on 11th January 2013 to take effect from the date of gazettal: Vegetation Management Amendment 2012, which applies to Operational Work. The amended codes are included as **Appendix 5**.

## 1.4 Port Douglas Waterfront Master Plan

The Port Douglas Waterfront Master Plan recognises the views toward the ocean from Flagstaff Hill along the alignment of Grant Street and the

potential for a pedestrian connection from Grant Street through to Island point road (refer to **Figure 2** and **Figure 3**).

The Engineering Report confirms that the proposed access does allow for a pedestrian corridor to be provided immediately adjacent to the proposed access. In approving this access Council will not fetter its ability to deliver a future link to Island Point Road. As there will be minimal disturbance to the vegetation in Grant Street or the subject site, and significant revegetation is proposed, the access and dwelling will not have a detrimental effect on visual amenity. This is evident in the photomontage views provided previously to Council as indicated in the report by Hortulus.

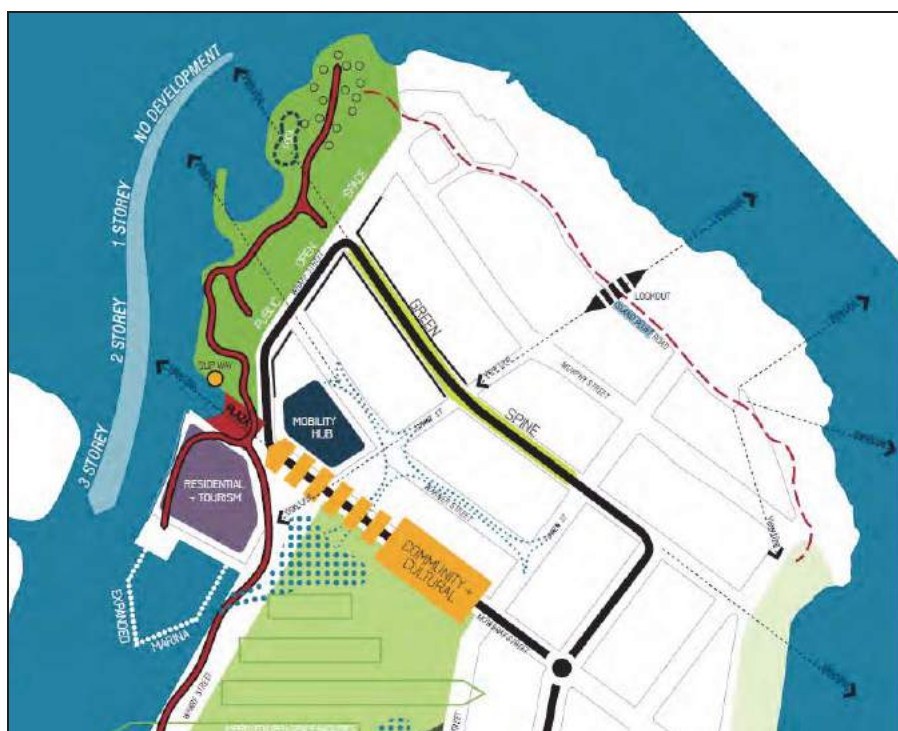




Figure 2: PD Waterfront Master Plan - Proposed Lookout Island Point Rd



Figure 3: PD Waterfront Master Plan - Proposed Walking Track Grant St

## 2. EXTENSION OF CURRENCY PERIOD

Cairns Regional Council provided approval (negotiated decision notice issued 1 December 2010) for a 4 bedroom house at 24 Murphy Street (corner of Grant Street), Port Douglas. The design is comprised of two pavilions linked by a central circulation stair and lift. The building has been designed to minimize the excavation and filling by stepping down the site and utilizing the existing benching. The proposed house will be well within and below the tree line and the construction of the house will be partially slab on ground and incorporate suspended concrete slabs and rendered masonry blockwork with timber roof framing (Refer **Appendix 1** – Proposed Plans).

The site is in the Residential 1 Planning Area and the Special Management Area – Flagstaff Hill applies and a house is code assessable (**Figure 4**).

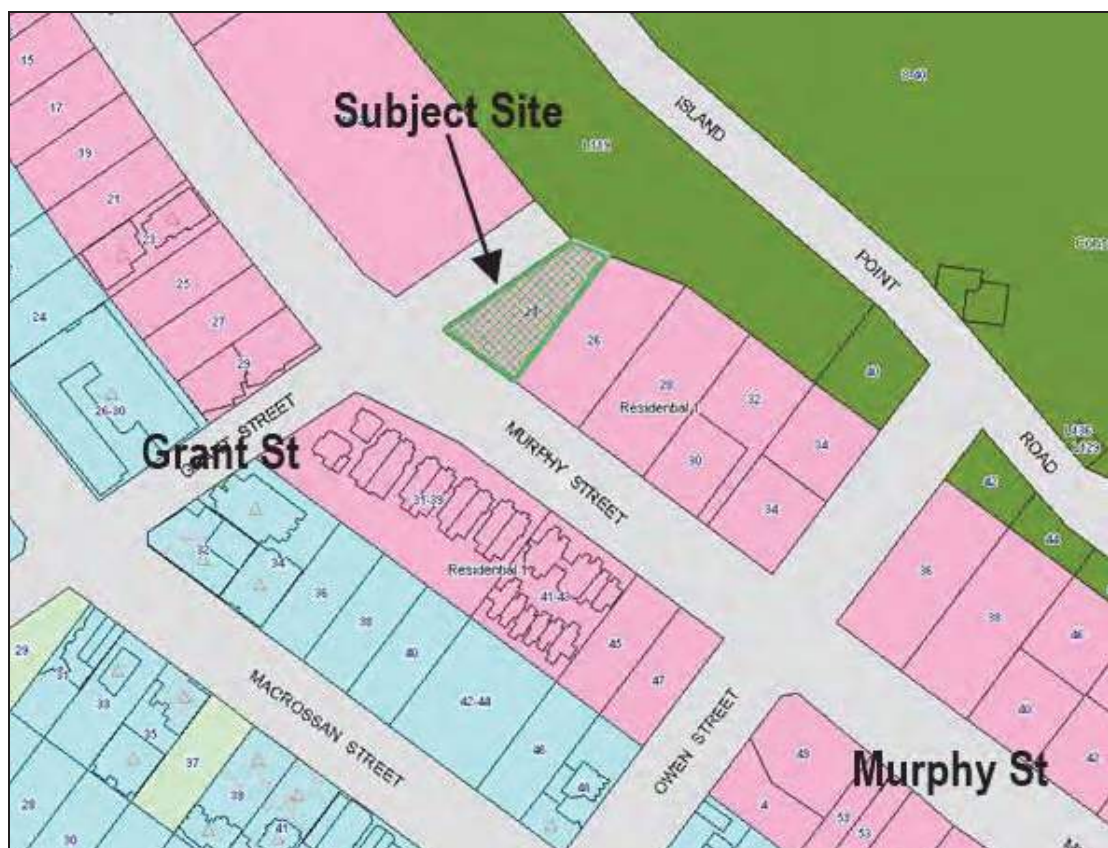


Figure 4. Planning areas and street layout

## 2.1 State Government Agencies

At the time of lodgement, the application did not trigger referral to any State Agencies. The application for a dwelling still does not require referral to State Agencies. Application to DNRM may be required for the road, however it appears to be included as an exemption on a road under the Land Act 1994.

## 2.2 Iconic Queensland Places

The Iconic Panel considered the original application to Cairns Regional Council and approved the application.

In essence the Iconic Panel assessment determined that:

- that proposed dwelling (and access which was discussed in detail in the original application) does not alter the appearance of the locality and will not impact on the iconic values, and will actually improve the overall appearance of the site through landscaping and remedial works.
- The landscape and scenic values of the area were not detrimentally affected by the proposal.

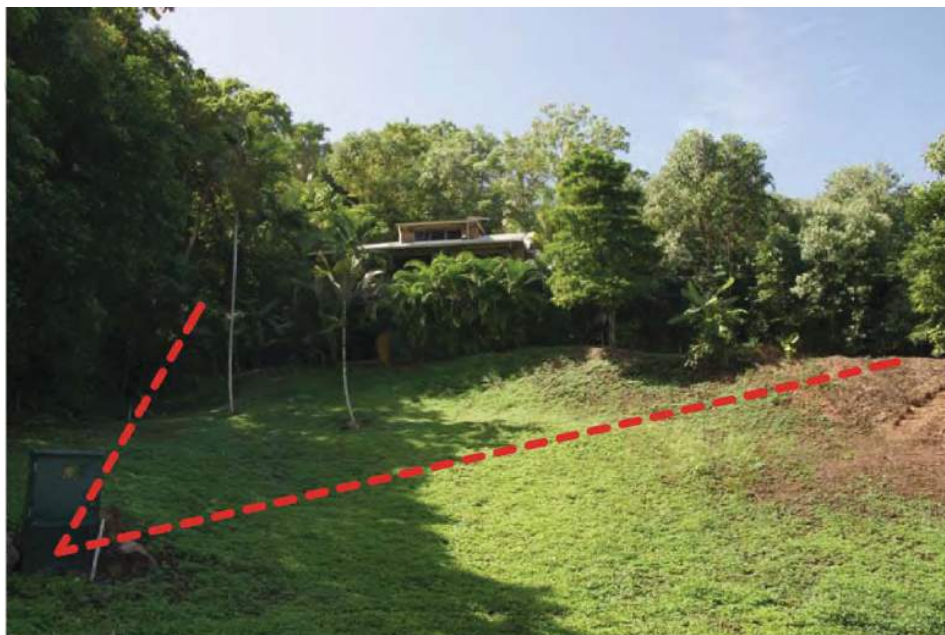
## 2.3 Vegetation 24 Murphy Street

Currently there is a 3 metre severe fall to the front of the property from the current bench level of the residence. This drop and the ground below it, is essentially un-vegetated (cleared) and covered in an introduced ground cover weed species. The proposal intends to soften this drop with battered terracing and natural rock retaining between 1 – 1.5 metre maximum height. The re-introduction of native species vegetation to this cleared area will benefit the stability of the existing slope and the visual amenity of the proposed house and will screen the void between the floor of the building and the ground level. The house becomes part of the hill, surrounded by vegetation on all sides.



The access will cross into the site via a bridge over the gully (Refer **Appendix 1 – Proposed Plans**). Parking will be provided for 2 cars in the garage and a turn out area has also been provided. The turnaround area is necessary to allow the vehicles to leave the site in a forward gear, as reversing down the Grant Street road reserve / driveway is not desirable. The turnaround area will require minimal excavation and retaining walls, as identified in **Appendix 2 – Engineering & Geotechnical Reports**.

The majority of the driveway does not require vegetation clearing, however the bridge access from the Grant Street road reserve to the proposed lot does require limited clearing. There is also some vegetation clearing required for the 2<sup>nd</sup> level of the dwelling and turn around refer drawing TP7.



BOUNDARY LINES SHOWN DASHED IN RED

On 5th December 2012, the Council adopted the following amendment, gazetted on 11th January 2013 to take effect from the date of gazettal: Vegetation Management Amendment 2012, which applies to Operational Work. The amended codes are included as **Appendix 5**.

Extensive landscaping has been proposed to re-vegetate with native species,

areas that are currently cleared and small portions where vegetation will be cleared. Garden terrace levels have been designed to the front of the house to soften the overall impact of any development to the site. A landscape report is contained as **Appendix 4**, along with further photographs. Drawing TP2 of **Appendix 1** shows the:

- currently un-vegetated areas, which will be landscaped (approx 354m<sup>2</sup> plus areas of the road reserve up to approx 1000m<sup>2</sup>)
- vegetation to be cleared for the second (rear) pavilion and parking (approx 310m<sup>2</sup>)
- vegetation to remain (approx 304m<sup>2</sup>).

The area of earthworks is shown on drawings contained in Engineer's report and will constitute 516m<sup>2</sup> and 40.4% of the total site area. The majority of excavation will be to create the form of the building to be constructed and accordingly – the excavation will be temporary as it will be retained and stabilised by the building that will be constructed – and therefore hide these earthworks.

The fill generated by the excavation will be placed in the lower flatter section of the site, adjacent to the entry road for landscaping purposes. The Geotechnical report has found that:

- There is no major signs of instability;
- The slope is stable in wet and dry conditions;
- Any instability is expected to be in the form of relatively minor slips and slumps;
- There is a low risk of landslide;
- The development can be undertaken using conventional construction procedures with footings to be founded on extremely weathered rock.