

GMA Certification Group

BUILDING SURVEYORS

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PLANNING DIVISION

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P.O. Box 2760, Nerang Qld 4211



Our Ref: 20190541

Date: 20 August 2019

Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Via Email: enquiries@douglas.qld.gov.au

Dear Sir,

**RE: CHANGE OF DEVELOPMENT APPLICATION AND
RESPONSE TO INFORMATION REQUEST – MATERIAL
CHANGE OF USE FOR MULTIPLE DWELLINGS AND
RECONFIGURING A LOT (1 INTO 5) ON LAND LOCATED
AT 11-15 DICKSON STREET, CRAIGLIE (LOT 404
C2241)**

COUNCIL REF: CA3131/2019

I refer to the abovementioned application, which is currently in the information request stage with Council. Prior to responding to Councils Information and pursuant to section 52(1) of the *Planning Act 2016* we would like to formally notify the Council of a change to the application. The application is considered to be a minor change and, pursuant to section 52(3) does not affect the development assessment process.

Notice of Change of Application

Please find attached an amended plan of Reconfiguring a Lot and an amended site plan in respect of the proposed development. The plan of reconfiguration has been amended to increase the size of proposed lot 15 from 610.59m² to 1,001.11m² and to indicate the proposed staging of the development.

The effect of the amendment is that proposed lot 14 and proposed lot 15 each have a minimum lot size of 1,000m² and are compliant with the requirements of the Acceptable

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outcomes for allotment size and configuration required by the Medium Density Residential Zone Code of the Planning Scheme. Both of these lots comprise stage 1 of the proposed reconfiguration and, given that these lots now achieve the minimum allotment size and configuration, this stage can proceed as a standard application or reconfiguring a lot without the need for a material change of use for multiple dwellings. The only matter that is considered to require councils detailed consideration is the proposed setback of the existing Dwelling House on proposed lot 14 from the common boundary with proposed lot 15. The setbacks for Dwelling Houses is determined by the Queensland Development Code and the Building Code of Australia. The minimum achievable separation distance, according to the Building Code of Australia, is 450mm, which is consistent with that proposed.

Proposed lots 11, 12 and 13 would comprise Stage 2 of the reconfiguration proposal and would remain consistent with the original application plans and would require assessment as a combined Reconfiguring a Lot and Material Change of Use proposal.

The proposed change is considered to be a minor change for the purpose of the *Planning Act 2016*, as defined below:

minor change means a change that—

(a) for a development application—

(i) does not result in substantially different development; and

(ii) if the application, including the change, were made when the change is made—would not cause—

A. the inclusion of prohibited development in the application; or

B. referral to a referral agency if there were no referral agencies for the development application; or

C. referral to extra referral agencies; or

D. a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

E. public notification if public notification was not required for the development application;

The proposed change would not result in a substantially different development with the ultimate form of development, five dwelling houses on five allotments, being consistent with that proposed in the original application. Similarly the change would not include a prohibited development, require additional referral, require a referral agency to consider additional matters or require public notification, which was not required for the original application.

The proposed change is considered to satisfy the definition of minor change and pursuant to section 52(3) of the *Planning Act 2016* does not affect the development assessment process.

Information Request Response

Reference is made to Councils Information Request pursuant to section 12.2 of the Development Assessment Rules, dated 10 June 2019, in respect of the abovementioned application.

Specifically, the following information was requested to complete the assessment of the application:

- Details of final land contours where there is any necessity for fill or excavation to achieve suitable infrastructure to achieve gravity reticulation for sewerage;
- Details of the increased demand for water supply and the capacity of the Councils infrastructure to accommodate the increased demand;
- A layout design for the intended water supply infrastructure necessary to service the development.;
- Details of the capacity of Councils current wastewater infrastructure to meet the proposed demands for the proposed development;
- A layout design for the intended wastewater infrastructure necessary to service the development;
- A road safety assessment and intersection analysis of the Dickson Street and Old Port Road intersection;
- Where required by the above assessment, a design plan of the remodelling of the intersection of Dickson Street and Old Port Road;
- Street lighting assessment of the intersection of Old Port Road and Dickson Street intersection;
- Stormwater drainage design for minor and major run-off events in accordance with FNQROC Manual requirements, including required upgrades to the Dickson Street drainage infrastructure.
- A catchment management plan to demonstrate that the stormwater drainage infrastructure in Old Port Road and any upstream or downstream properties would not be impacted on by the proposed development;
- Layout of existing vegetation on Dickson Street, identifying what will be removed and what will be retained;
- Design of the extension of Dickson Street, including proposed verge width, kerb alignment, sections, water and stormwater infrastructure, sealing of road pavement and the interface with the intersection with Old Port Road

In accordance with section 13.2 of the Development Assessment Rules each of these matters is responded to separately below:

Land contours

As identified in the Planning Statement submitted with the application, it is not proposed to undertake any excavation or filling and it is considered that suitable hydraulic grades can be achieved without the need for filling or excavation. Notwithstanding, should it become apparent during the detailed design stage that filling or excavation is required this would be addressed as part of the subsequent operational works application that is required to facilitate the provision of infrastructure.

Infrastructure capacity to accommodate the development

The application site is identified within the Port Douglas and Environs Locality of the Councils adopted Local Government Infrastructure Plan (LGIP), which was adopted by Council on 5 June 2018. As advised in the officer report to Council, *“The LGIP is a section of the Council’s Planning Scheme which identifies and outlines the type, size, location and cost of trunk infrastructure which is required to service the expected population and non-residential sector envisaged by the Planning Scheme....The proposed LGIP considers trunk infrastructure for reticulated water, reticulated sewerage, parks and road networks and maps priority infrastructure areas. The proposed LGIP has been prepared on Council’s behalf by Trinity Engineering and Consulting”*.

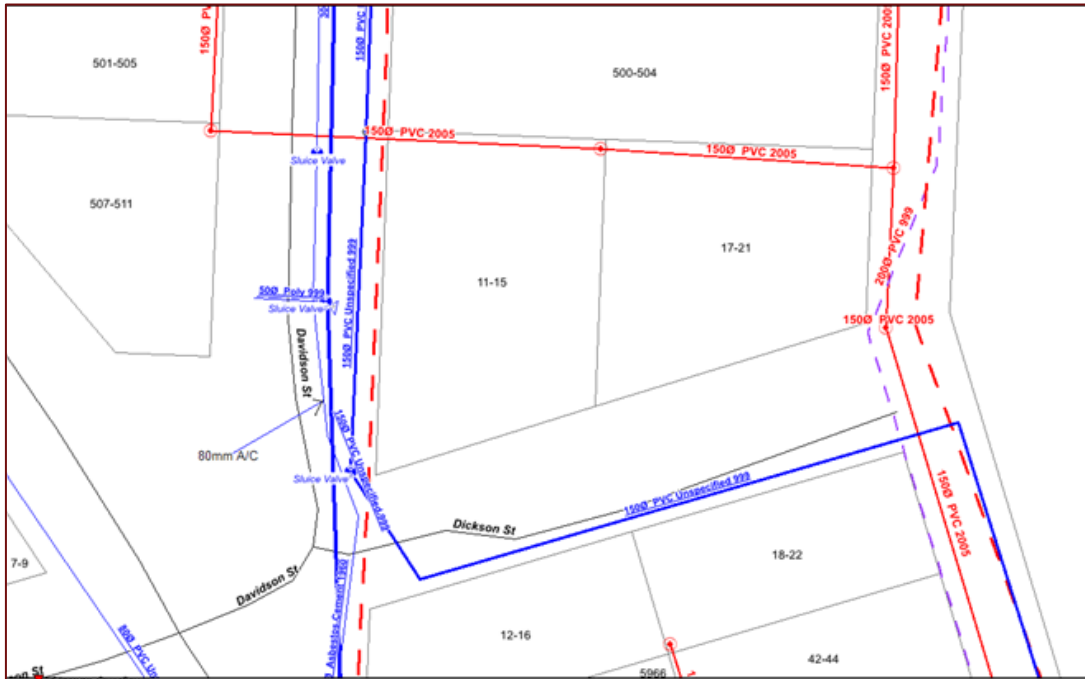
The site is located within the Medium Density Residential Zone of the Planning Scheme and the capacity of the council’s infrastructure to service the development of the land for medium density purposes and any upgrades required were considered as part of the preparation of the LGIP. The site is proposed to be developed to a residential density less than that envisaged by the Planning Scheme and, consequently, there are not expected to be any capacity issues above that previously considered and provided for by council in the preparation of the LGIP.

The Officers Report and the LGIP can be accessed at the following web link:

<https://douglas.qld.gov.au/development/planning-services/adopted-infrastructure-charges/>

Design Layout of necessary water and sewer infrastructure

Provided below is a plan of the location of Councils existing water and sewer infrastructure received from the Councils Water Reticulation department. The blue lines represent the water infrastructure and the red line sewer.



To provide a water service to the proposed allotments its it intended to extend the water main along the northern boundary of Dickson Street, within the road reserve and provide house connection branches at appropriate intervals.

To provide a sewer connection to each of the proposed allotments it is intended to extend the sewer main adjacent the common boundary of 11-15 Dickson Street and 17-21 Dickson Street and within 17-21 Dickson Street, which is in the ownership of the applicant. The sewer line would then be extended along the rear boundary of proposed lots 11-13 with appropriate construction to provide for buildings within proximity of sewers. The detailed design of the infrastructure layout is required to be undertaken at the time of application for operational works, which will require approval prior to the endorsement if a plan of survey of subdivision.

In terms of the requirement for sewer reticulation corridors or easements it is noted that the application would provide for a conventional residential subdivision at its completion. In such circumstances, easements are only required where the sewers are not on the preferred alignment, being 0.8 metres inside the allotment from a side boundary and 1.5 metres inside the allotments from the front boundary.

Where infrastructure is provided through adjacent properties and where easements are required, they are able to be addressed at the time of operational works application and are specifically provided for the in the FNQROC Manual, which states:

In the event that works are to be constructed through properties not under the control of the Developer, the Developer shall submit with the Operational works Application:

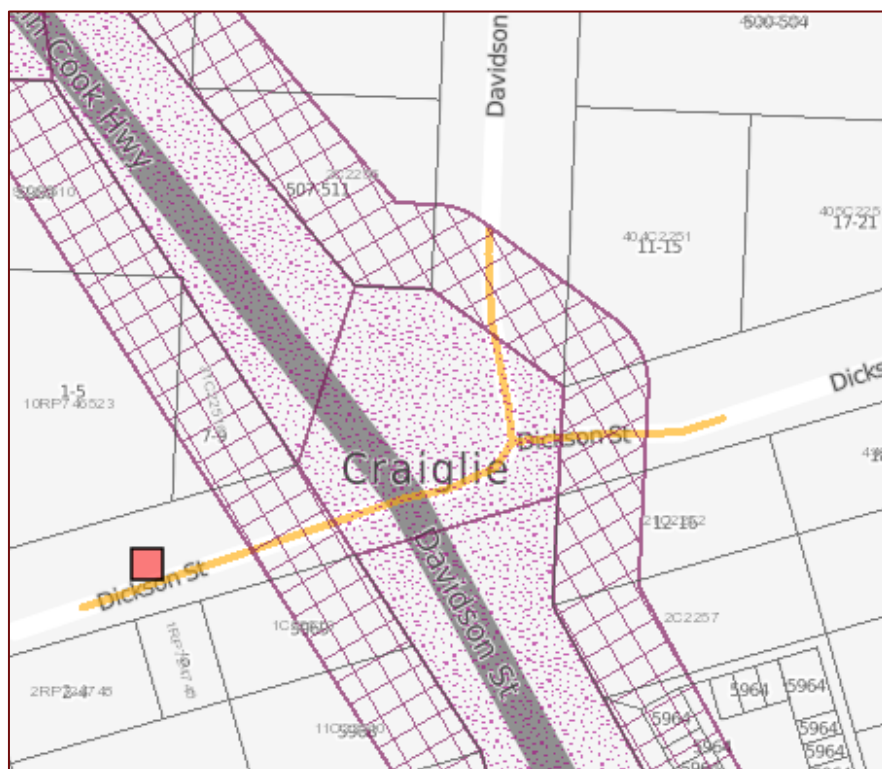
- *A 'Permit To Enter & Construct' letter, signed by each property owner through who's property the infrastructure is to be constructed, consenting to the construction of the works.*

- Where the property is owned or to be dedicated to Council approval of the relevant section of Council that will manage the property.
- Proof of the registration of easements in favour of Council as specified above.

The detailed design of the infrastructure layout and the requirement for easements is able to be addressed at the time of application for operational works, which is normal convention.

Road safety assessment and intersection upgrades

Provide below is an excerpt of the State Government Development Assessment Mapping, which identifies the whole of the intersection with Davidson Street, Dickson Street and the Captain Cook Highway as a state controlled intersection.



As such the issue of any intersection assessment and required upgrades is a matter for the state government and is considered to be outside of the jurisdiction of the Local Government.

It is note that in their referral response the State Government has no requirements in respect of the application, including any requirements for the upgrade or assessment of the state controlled intersection.

Stormwater drainage infrastructure and catchment plan

As identified above, the site is located within the Port Douglas and Environs Priority Infrastructure Area of the Local Government Infrastructure Plan. In the adoption of the LGIP the infrastructure capacity and upgrade requirements to accommodate the

development envisaged by the Planning Scheme were required to be considered. Whilst it is note that the assessment did not considered in detail the Stormwater Infrastructure, Council did resolve to receive Infrastructure Charges for stormwater infrastructure.

Notwithstanding the above, the detailed design of stormwater infrastructure is able to be undertaken prior to Council approving the required operational works application and endorsing a plan of subdivision. The proposed development is considered to be of a lesser density than that envisaged by the Planning Scheme and it is considered that the upgrades required to accommodate any increased demand placed on the stormwater infrastructure can be adequately accommodated. As identified in the Councils Information request it is considered appropriate that this be addressed as a condition of an approval.

Dickson Street road design

The design of Dickson Street, including the retention of any vegetation, the road alignment, infrastructure within the road and the interface with the intersection is dependent upon the ultimate design of the Dickson Street, Davidson Street and Captain Cook Highway Intersection. This intersection is a state-controlled intersection and the design of the intersection is outside of the jurisdiction of Council.

It is note that in the referral response from the State Assessment and Referral Agency (SARA) that no concerns were raised in respect of the capacity of the state controlled intersection and no upgrade works were required. It is also noted that the Council Officers have accepted that the Dickson Street Road reserve is larger than required and that it can accommodate the required upgrade works to facilitate access to the proposed development. The design of Dickson Street upgrades and its subsequent approval should form part of an Operational Works application that would be required following reconfiguring a lot approval and prior to commencing the works.

In giving this part-response I also advise that we wish Council to I proceed with your assessment of this application under section 13.3 of the Development Assessment Rules, effectively ending the applicant-response period.

In assessing the application, Council officers would be aware of the requirements of the *Planning Act 2016* and specifically section 60. Section 60 (2) provides for the council to attach conditions to the approval of a code assessable application and S60 (2) (d) only provides for the Council to refuse the application where compliance with the assessment benchmarks cannot be achieved by imposing conditions.

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We look forward to receiving your advice in respect of the proposal as soon as possible; should you have any queries regarding this matter please do not hesitate to contact the undersigned on 0438 755 374 or by email Patrick.c@gmacert.com.au

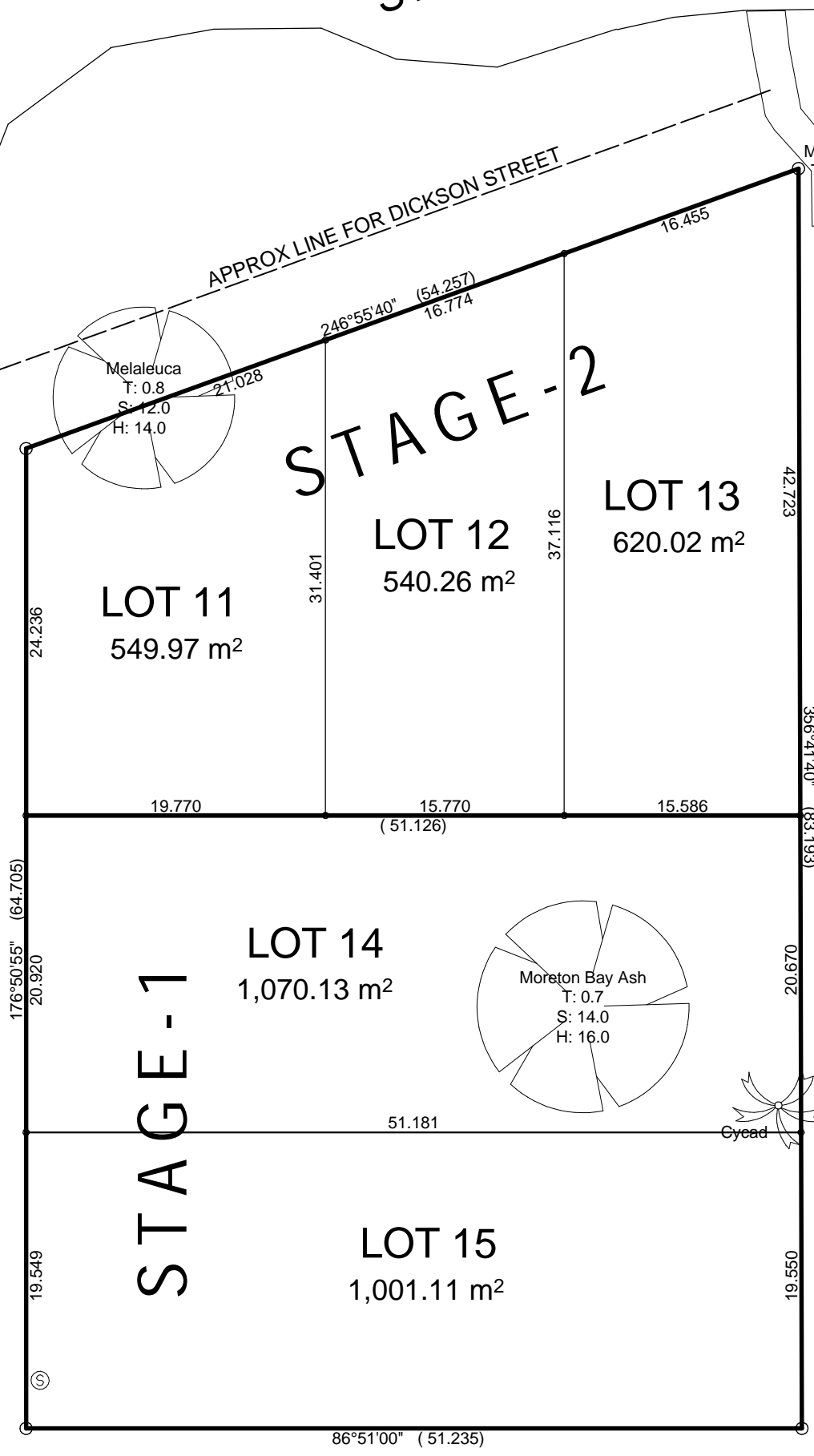
Kind Regards,

Patrick Clifton
PLANNING MANAGER
GMA CERTIFICATION GROUP

DICKSON

STREET

APPROX LINE FOR DICKSON STREET

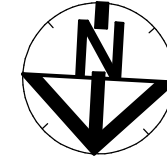


OLD

PORT

ROAD

LOT 404 ON C2251
OLD PORT ROAD
CRAIGLIE



Amendments:	07/05/19, 16/08/19
Job Number:	000
Sheet Number:	0 of 00

Drawn By:	
Date:	24/04/2019
Scale:	1:400

Design:	
Facade:	
Inclusions:	

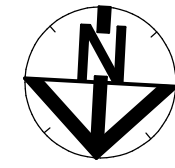
PEACEWORLD Pty. Ltd.
LOT 404, OLD PORT ROAD
CRAIGLIE

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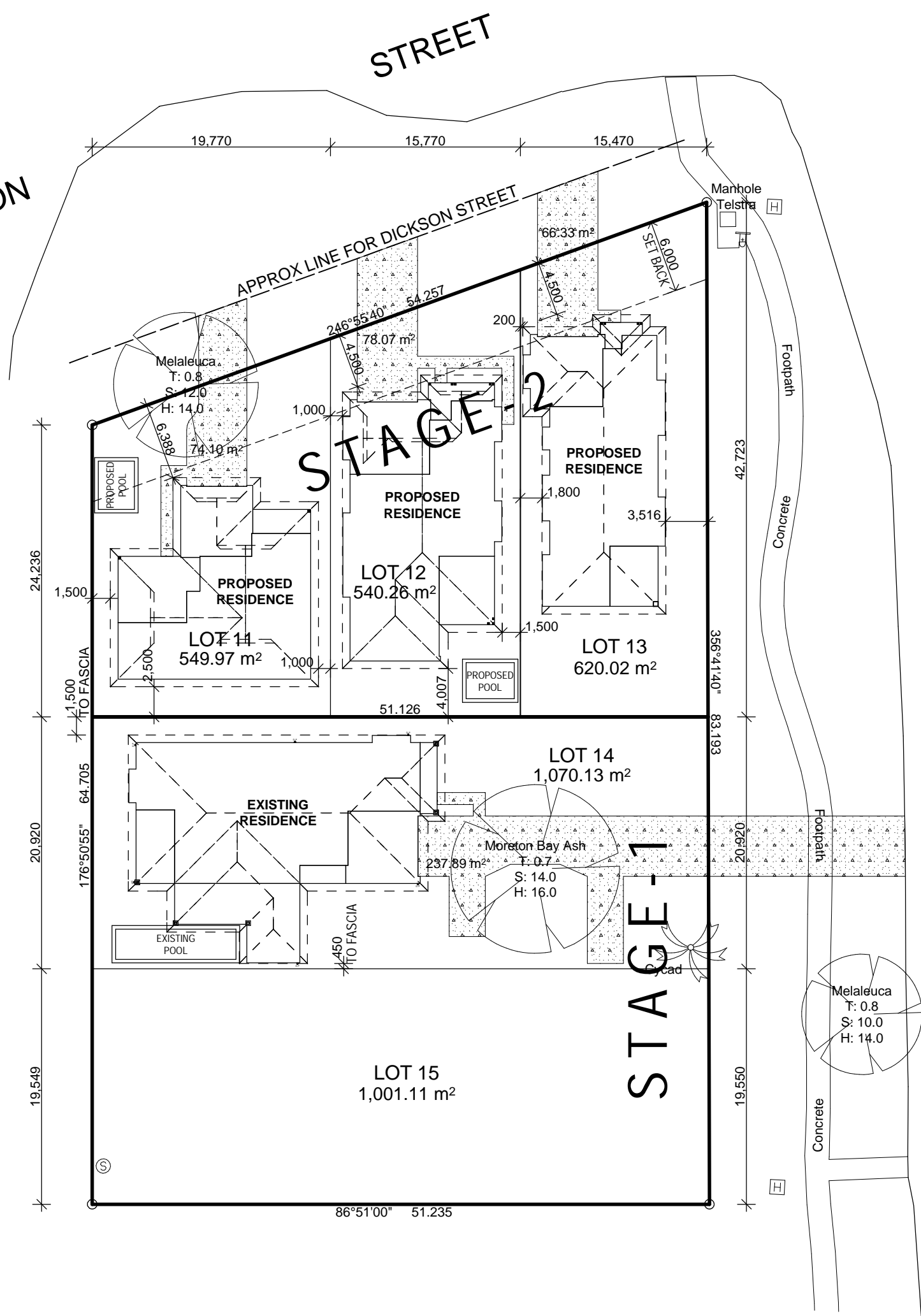
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Austart Homes Pty. Ltd.
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LOT PLAN

**LOT 404 ON C2251
OLD PORT ROAD
CRAIGLIE**



--- INDICATES APPROX EXTENT
OF 1800H TIMBER FENCING



OLD PORT ROAD

DICKSON STREET

SITE PLANS

<p>Amendments: 07/05/19, 15/08/19, 16/08/19</p>		<p>Job Number: 000</p>		<p>Sheet Number: 0 of 00</p>	
<p>Design: PEACEWORLD Pty. Ltd. LOT 404, OLD PORT ROAD CRAIGLIE</p>		<p>Date: 24/04/2019</p>		<p>Scale: 1:400</p>	
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