

YOUR REF: P81722  
OUR REF: CA 2144/2017 (D#820018) SC

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

10 July 2017

The Corporation of the Diocesan Synod  
of North Queensland  
C/- Planz Town Planning  
PO BOX 181  
EDGE HILL QLD 4870

Attention: Ms Nikki Huddy

Dear Madam

**ACKNOWLEDGEMENT NOTICE AND INFORMATION REQUEST  
FOR A COMBINED APPLICATION FOR A RECONFIGURATION OF A LOT  
(1 INTO 5 LOTS) AND A MATERIAL CHANGE OF USE FOR A HOUSE ON  
EACH OF FOUR LOTS AT 6 ENDEAVOUR STREET PORT DOUGLAS**

Receipt of the above application for a combined application, for a reconfiguration of a lot (1 into 5 lots) and a material change of use for a house on each of four lots, is acknowledged as being properly made on 29 June 2017. It is agreed that the development of a rectory on the land is an ancillary development to the continued use as a Place of Worship.

Please find attached an Acknowledgement Notice prepared in accordance with sections 288 and 289 *Planning Act 2016* (PA 2016) and sections 267 and 268 of the *Sustainable Planning Act 2009* (SPA 2009). The Acknowledgement Notice contains information relevant to the processing and assessment of the application.

**Assessment Manager Information Request**

After a preliminary examination of the above application and under sections 288 and 289 PA 2016 and section 276 SPA 2009, the following information is required in order to complete an assessment of the proposal.

**1. Clarification of Proposal in Report**

Page 15 of the accompanying planning report refers to be development being a proposal for 3 new lots. This is inconsistent with other parts of the report and the lodged IDAS forms. Please confirm the application is for a combined application, for a reconfiguration of a lot (1 into 5 lots) and a material change of use for a house on each of four lots.



## 2. Assessment Against DEO's

### Comment

As the development is impact assessable the application is required to be assessed against the whole of the Planning Scheme.

### Request

Please provide an assessment of the application against the Planning Scheme's Desired Environmental Outcomes.

## 3. Need for Development

### Comment

The proposed use of a House on each of four of the proposed lots is development of a use identified by the 2006 Planning Scheme as impact assessable (inconsistent) development and such development conflicts with the Performance Criteria P1 of the *Community and Recreational Facilities Planning Area Code*. Section 326 of SPA 2009 states,

*"The assessment manager's decision must not conflict with a relevant instrument unless— ...*

*(b) there are sufficient grounds to justify the decision, despite the conflict."*

The SPA 2009 also defines grounds as follows,

*"grounds, for sections 326(1)(b) and 329(1)(b)—*

*1 Grounds means matters of public interest.*

*2 Grounds does not include the personal circumstances of an applicant, owner or interested party."*

### Request

Please provide advice on how the development meets the *Purpose* (in particular the first and second purpose) of the *Community and Recreational Facilities Planning Area Code* and where there is a conflict the sufficient grounds on which Council should consider to support the development despite the conflict.

Please note the application for a development approval is a separate, independent and exclusive process to the lodgement of a submission to an exhibited major planning scheme amendment. Please clarify advice that is referred to in your planning report in regards to the application that has been lodged. There should be no reliance on advice provided to Council in a planning scheme submission.

#### **4. Proposed Planning Scheme**

##### **Comment**

Council at the Ordinary Meeting held on 26 April 2017 resolved to seek approval of the Minister to adopt a proposed major scheme amendment. The proposed major scheme amendment is currently available to be viewed on Council's website ([www.douglas.qld.gov.au](http://www.douglas.qld.gov.au)). Under the SPA 2009 Council as the Assessment Manager may give weight to this proposed instrument.

##### **Request**

Please provide advice as to how the development achieves compliance with the proposed major planning scheme amendment, or where conflict exists, grounds on which the approval should be supported despite the conflict.

#### **5. Drainage**

##### **Comment**

The Douglas Shire Council mapping (as attached) shows a large portion of the proposed development is impacted by flooding. The nearby Hope Street is also impacted by the Medium Storm Tide Hazard. Concern is raised with the need to retain the existing spoon drain as the report advises that it is envisaged the new lots will drain to the street. There is no current easement on the land or adjacent land for the spoon drain.

The lots will need to be filled to achieve the required immunity from flooding and confirmation is required of the 1%AEP (Q100) Flood level. All lots including the rear portion of the land (rectory and proposed Lot 4) need to be graded and drained to the legal point of discharge.

In addition the Applicant will need to demonstrate that the development does not cause worsening to existing lots and the school.

There are two potential issues:

- i. The lots fronting Hope Street may grade to the rear and filling to the boundary may impact those lots; and
- ii. The school runoff may be "detained" by the apparent ponding in this corner of the site, (filling the ponded area may negate some detention and increase peak flows into the drain/culvert at the end of Hope Street.

It is expected that the drainage report, required below, will address these issues to satisfactorily demonstrate that these are not major issues.

If the stormwater assessment with the benefit of detailed survey finds that the existing lots drain south into this land, easements may be an option to address this and may provide an offset to the new fill zone.

## Request

Provide a detailed survey of the site together with the proposed site regrading to demonstrate that the site will remain free draining after development.

Please also provide a local drainage study of the site, prepared by a RPEQ to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:

- a. the contributing catchment boundaries;
- b. the extent of the 100 year ARI flood event in relation to the site both pre and post development;
- c. primary and secondary flow paths for the 5, 20, 50 and 100 year ARI flood events;
- d. identify any requirement for drainage easements;
- e. identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties and surrounding properties for the entire development;
- f. information on the proposed works (including fill) and any impacts proposed at the drainage outlet from the proposed development;
- g. any impact of confluence with storm tide hazard including 0.8m sea level rise; and
- h. lawful point of discharge.

## 6. Sewer

### Comment

The sewer should be on a standard alignment of 1.5m from the front boundary (per FNQROC). In addition the applicant may need to consider the inclusion of an additional manhole for grading purposes. FNQROC nominates the last length of sewer to be at a grade of 1:100.

It is noted that proposed Lot 4 will need to be filled due to the flood overlay and this lot may also need to be filled to get the sewerage levels to work. Lot 4 would need to have its house drain designed to confirm the control level (FFL) based on grading from the house site down the battle-axe leg into the new sewer.

The proposed relocated sewer is adjacent to the existing trees on the land

### Request

Please provide advice by a RPEQ Engineer and demonstrate the design meets the FNQROC Development Manual requirements for sewer alignment.

Please provide a suitably scaled plan identifying the details of the proposed sewer and the expected impact on the root systems of the adjacent trees. Please include advice from a qualified arborist as to the expected outcome for the health of the trees post development.

## **7. Earthworks**

### **Comment**

Earthworks (filling) will be required to provide the immunity from flooding to the new lots and fill of approximately 1m may be required on the northern boundary.

Consideration needs to be given where new heights are proposed in terms of amenity impacts on adjoining lots.

### **Request**

Provide advice as to how increased levels are to be achieved on the new lots and how amenity impacts are mitigated.

## **8. Traffic and Street Lighting**

### **Comment**

Vehicle crossovers for the proposed Lots 1 to 3 are not shown. The location of these accesses relative to existing on-road infrastructure would be beneficial to the assessment of the application.

Concern is raised with the close location of the proposed double vehicle crossing to proposed Lot 5 and the pedestrian crossing over Endeavour Street as shown on the Best Overend and Associates Architects Job BOA-PDREC Drawing WD02 Revision A dated 22 November 2016.

The proposed northern exit from the church lot is close to the existing pedestrian crossing. The dominant exit turning movement is expected to be right to connect with St Crispin's Street. The proximity of the proposed exit does not appear to allow the exiting vehicle to complete its turn into the southbound lane on Endeavour Street prior to the existing pedestrian crossing. Concern is raised with the potential increased conflict from this egress movement at the proposed northern driveway from the reduced church lot.

Note the proximity to the existing kerb inlet pit also needs to be considered and will likely require the driveway to be closer to the crossing.

Initial indications are that the driveway should not be located between the crossing and the kerb inlet pit in order to allow for the exit movement to fully complete a turn into the left lane before the crossing.

Street lighting in Endeavour Street does not appear to be to the current standard. The applicant is introducing new conflict points to the road way and any changes to the pedestrian crossing would trigger lighting upgrades at the pedestrian crossing.

It is understood the Church was established under a rezoning approval and the development was subject to compliance with the relevant planning scheme. Concern is raised with the lack of setback of the car parking spaces immediately adjacent to road.

## Request

Please provide detail of all vehicle crossovers and nominate any existing infrastructure and street trees that are to be removed/replaced.

Please clarify the ability to relocate the car parking spaces immediately adjacent to Endeavour Street to a more appropriate location on the proposed Lot 5 and that the exist driveway can achieve sufficient driver visibility for safe vehicle movements.

Please provide advice from a RPEQ Engineer certifying that the proposed design meets appropriate safety standards for the vehicle crossovers, street infrastructure and pedestrian crossing including FNQROC Development Manual requirements.

## 9. Landscape Areas

### Comment

Landscape areas are marked on the on the Best Overend and Associates Architects Job BOA-PDREC Drawing WD02 Revision A dated 22 November 2016 on proposed Lot 5 and to neighbour the proposed Lot 1 and also to either side of the access driveway for Proposed Lot 4.

### Request

Please advise as to how it is envisaged that these landscaping areas are to be regulated through an approval.

## Other

In accordance with section 279 of the *Sustainable Planning Act 2009*, the application will lapse if no response to this information request is received within six (6) months (three (3) months for enforcement notices).

Please note that the information response to Council should include two (2) complete copies of the response and if plans form part of the response then two (2) sets of such plans at scale should also be provided.

## Public Notification

Public notification of the application may not commence until the end of the Information and Referral Stage.

Should you require any further information or assistance, please contact Jenny Elphinstone of Development Assessment and Coordination on telephone number 07 4099 9482.

Yours faithfully



Paul Hoyer  
Manager Sustainable Communities

Att

# Plan for 6 Endeavour Street for 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies



## 6 Endeavour Street 100 Year ARI Flood



©2017 Douglas Shire Council (DSC). Based on or contains data provided by DSC and the State of Queensland Department of Natural Resources & Mines (NR&M) [2017].  
In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used at breach of the privacy laws.

Scale = 1 : 750 750

5-Jul-2017



# Plan for 6 Endeavour Street, Port Douglas for Storm Tide Hazard

**DOUGLAS**  
SHIRE COUNCIL

- Land Parcels (Feb 2017)
  - Land Parcels
- Property Information
  - Easements
- 2016 Planning Scheme - Flood
  - Road Reserves
  - Medium Storm Tide Hazard
- Roads
  - DSC Roads
  - State
  - Local
  - Private
- Boundaries
  - Locality Boundaries
  - Boundary\_DSC
- Drainage
  - Drainage

6 Endeavour Street Storm Tide Hazard



5-Jul-2017



Scale = 1 : 759.780

20 m

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Lidar Map



YOUR REF: P81722  
OUR REF: CA 2144/2017 (D#820018)

10 July 2017

**ACKNOWLEDGEMENT NOTICE PURSUANT TO S 267 & S 268  
SUSTAINABLE PLANNING ACT 2009 FOR DEVELOPMENT APPLICATION  
6 ENDEAVOUR STREET PORT DOUGLAS**

**PROPOSAL:**

A combined application, for a reconfiguration of a lot (1 into 5 lots) and a material change of use for a house on each of four lots.

**APPLICANT:**

The Corporation of the Diocesan  
Synod of North Queensland  
C/- Planz Town Planning  
Attn: Nikki Huddy  
PO Box 181  
Edge Hill QLD 4870

**LOCATION OF SITE:**

6 Endeavour Street, Port Douglas

**REAL PROPERTY DESCRIPTION:**

Lot 2 on RP739097

**TYPE OF DEVELOPMENT:**

The application seeks development approval for

	<b>Sustainable Planning Regulation 2009, schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
A preliminary approval to which the <i>Sustainable Planning Act</i> 2009 section 242 applies for development of a material change of use for a House on each of four of the proposed lots		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reconfiguring a lot	<i>Part 1, table 3, item 1</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



REFERRAL AGENCIES None

CODE ASSESSMENT REQUIRED: No

IMPACT ASSESSMENT REQUIRED: Yes

The requirements for public notification are set out in the *Sustainable Planning Act 2009*, chapter 6, part 4. You should have regard to the legislation when carrying out the public notification. In summary, you are required to:

- publish a notice at least once in a newspaper circulating generally in the locality of the land;
- place a notice on the land in the way prescribed under the *Sustainable Planning Regulation 2009*, and
- give a notice to the owners of all land adjoining the land.

All of the above notices must be in the approved form available on the Department of Infrastructure, Local Government and Planning's website at [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

The notification period for the application must be at least:

- **30 business days** (not including any business days between and including 20 December in a particular year and 5 January in the following year) as the application involves one (1) or more of the following:
  - three (3) or more concurrence agencies;
  - all or part of the development is assessable under a planning scheme and is prescribed under a regulation; or
  - all or part of the development is the subject of an application for a preliminary approval mentioned in section 242 of the *Sustainable Planning Act 2009*.

The notice placed on the land must remain on the land for all of the notification period.

**ASSESSMENT MANAGER INTENDS  
TO MAKE AN INFORMATION  
REQUEST:**

Yes. Refer to enclosed correspondence.

