

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Mr Phillip Walker and Ms Dianne Perry
Contact name <i>(only applicable for companies)</i>	C/- Elizabeth Taylor – Town Planner
Postal address <i>(P.O. Box or street address)</i>	23 Valley Street
Suburb	Freshwater
State	QLD
Postcode	4870
Country	Australia
Contact number	Liz - 40552548
Email address <i>(non-mandatory)</i>	liz@elizabethtaylor.net.au
Mobile number <i>(non-mandatory)</i>	Liz - 0407584966
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	ET16-022

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2, and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

Street address **AND** lot on plan (all lots must be listed), **or**

Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		82-90	Mitre Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	901	SP274759	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

Four Mile Beach

On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

Name of local government for the tidal area (if applicable):

Douglas Shire

Name of port authority for tidal area (if applicable):

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	<input type="text"/>

5) Are there any existing easements over the premises?
Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Operational Works - Earthworks

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*

e) Relevant plans
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input checked="" type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/>			

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment
12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input checked="" type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:	<input type="text"/>	

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

Yes – specify number of new lots:

No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

UNKNOWN

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

Yes – a copy of the decision notice is attached to this development application

Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached

No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the chief executive of the Planning Regulation 2017:

Clearing native vegetation

Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government: <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity: <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994: <input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator: <input type="checkbox"/> Brisbane core port land <i>(below high-water mark and within port limits)</i>
Matters requiring referral to the chief executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the <u>DA Forms Guide</u> .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input checked="" type="checkbox"/> Yes – show cause or enforcement notice is attached <input type="checkbox"/> No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

No

Note: Application for an environmental authority can be found by searching “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:

Proposed ERA threshold:

Proposed ERA name:

Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application

No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

Yes – this development application is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: See www.qld.gov.au for further information.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

Yes

No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

Yes – the relevant template is completed and attached to this development application

No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

Yes – the ‘Notice Accepting a Failure Impact Assessment’ from the chief executive administering the Water Supply Act is attached to this development application

No

Note: See guidance materials at www.dews.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district?**

Yes – the following is included with this development application:

Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)

A certificate of title

No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government’s **Local Heritage Register**?

Yes – details of the heritage place are provided in the table below

No

Note: See guidance materials at www.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:

Place ID:

Brothels

23.14) Does this development application involve a **material change of use for a brothel?**

Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*

No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application

Yes
 Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (*see 21*)

Yes
 Not applicable

25) Applicant declaration

By making this development application, I declare that all information in this development application is true and correct

Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the *DA Rules* except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

Individual owner's consent for making a development application under the *Planning Act 2016*

I, Phillip Walker and Dianne Perry

as owner of the premises identified as follows:

82-90 Mitre Street, Port Douglas
Lot 901 SP274759

consent to the making of a development application under the *Planning Act 2016* by:

Elizabeth Taylor – Town Planner

on the premises described above for:

Operational Works - Earthworks

.....
P WALKER

.....
D PERRY

.....
Date

**APPLICATION FOR OPERATIONAL WORKS
EARTHWORKS**

PREPARED

FOR

PHILLIP WALKER & DIANNE PERRY

PREPARED

BY

ELIZABETH TAYLOR

26 OCTOBER, 2017

1.0 INTRODUCTION

This Application for Operational works – earthworks, relates to a site located at 82 - 90 Mitre Street, Port Douglas and described as Lot 901 SP274759.

In early/mid 2016 Council issued (an undated) Show cause notice.

In June 2016 the Department of Agriculture and Fisheries (DAF) issued an Enforcement notice and subsequent agreement was reached with the landowner in February, 2017 in relation to works associated with a Rehabilitation plan to rectify the Department's concerns, the subject of the Enforcement notice.

In a letter dated 12 July, 2017 Council confirmed that an Operational works permit was not required to undertake the work associated with the Rehabilitation plan. However, Council advised that an Operational works permit would be required to relocate any of the spoil associated with actioning the Rehabilitation Plan on to the subject site.

This Application for Operational work seeks approval to relocate the spoil from the Rehabilitation area onto the cleared areas of the site.

Copies of the Council Show cause notice, the DAF Enforcement notice, the agreed Rehabilitation plan and the Council letter are attached at [Appendix 1](#).

2.0 PROPOSED DEVELOPMENT

It is proposed to remove the spoil in the Rehabilitation area and deposit it in the two cleared areas on the site, which have already been filled previously.

The following plans accompany the Application, refer [Appendix 2](#):

- Aerial photograph of the site, dated October 2015, showing:
 - Area below highest astronomical tide (HAT);
 - HAT boundary line; and
 - AHD contours (0.25m) of 2.0, 2.25, 2.5, 2.75 and 3.0 metres onsite.
- Existing Site/Earthworks Plan showing:
 - Lidar survey prior to filling, levels as above;
 - Existing surface levels, as above; and
 - Existing fill area.
- Proposed Earthworks Plan showing:
 - Existing surface levels;
 - Design surface levels ranging from 2.8 to 3.0 metres on the front cleared area to 2.8 to 3.2 metres on the rear cleared area;
 - Extent of Rehabilitation Plan area; and
 - Fill area.

An FNQROC Certification of Operational Works, dated 01 June 2017 is attached at [Appendix 3](#).

3.0 SARA REFERRALS

There are no SARA referrals for the Application on the basis that there is no vegetation clearing and the new Queensland wetlands mapping for the site now excludes the cleared areas of the site from being 'a nominated area of interest'.

The earthworks will be carried out wholly within the cleared area and therefore the wetlands trigger does not apply.

A copy of the new QLD Wetland Map for the site is attached at [Appendix 4](#).

PLANNING REQUIREMENTS

Under the current Douglas Shire Planning scheme the site is zoned, primarily, Residential 1 with a small area adjoining the Esplanade zoned Conservation. Under the current Planning scheme operational works, not associated with a material change of use, requires code assessment.

An assessment is required against the following codes:

- Port Douglas and environs locality code;
- Residential 1 planning area code;
- Acid sulfate soils overlay code;
- Natural hazards overlay code;
- Filling and excavation code; and
- Natural areas and scenic amenity code.

Due to the nature of the development not all codes require complete or detailed assessment, as many of the provisions do not relate to this form of development. Outlined below is an assessment against the relevant provisions of all relevant codes.

3.1 Port Douglas and environs locality code

The locality code is not particularly relevant to the Application, however, P22 is relevant and states:

P22 - Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute to the Scenic Amenity and natural values of the locality.

The earthworks associated with the Application result from actioning the Rehabilitation plan to restore the natural, fish habitat areas of the site and to ensuring that the natural values of the entire site are protected and not compromised.

3.2 Residential 1 planning area code

There is nothing in the Residential 1 planning area code that is relevant to the Application. However, it is important to note that the residential zone covers the majority of the site and the fill is only being placed within the cleared areas of the site that are zoned Residential 1 planning area.

3.3 Acid sulfate soils overlay code

The code is not applicable as the criteria for applicability are not met, as follows:

Development involving:

- excavating or otherwise removing more than 100 m³ of material- **NO**; or
- **filling of a Site involving placing more than 500 m³ of material at greater than an average depth of 0.5 metres- **NO**,**

WHERE

- the Site is at or below 5 metres Australian Height Datum (AHD) ; or
 - the activity affects subsoil below 5 metres AHD, although the Ground Level of the Site exceeds 5 metres AHD;
- as depicted on the Acid Sulfate Soils Overlay on the Locality Maps.*

On the basis that the filling does not involve 500m³ at a depth greater than an average of 0.5 metres, the Code is not triggered.

3.4 Natural hazard code

The Natural hazard code is not considered relevant to the application, which relates to filling cleared areas of the land. This will have no impact or worsening effect on bushfire potential.

3.5 Filling and excavation code

4.6.2 Filling and Excavation Code

Purpose

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.*

Applicability

This Code applies to assessable development for:

- *Material Change of Use:*

Except for the following Uses in all Localities:

- *Business Facilities – using and existing Building*
 - *Home Activity*
 - *Off Premises Advertising Device*
 - *Primary Industry*
 - *Private Forestry*
 - *Restaurant – using and existing Building*
 - *Shopping Facility – using an existing Building*
- *Operational Work Associated with Reconfiguring a Lot;*
 - *Operational Work – Filling or Excavation not associated with a Material Change of Use; and*
 - *Operational Work – Engineering Works not associated with a Material Change of Use;*

Elements of the Code

Filling and Excavation – General

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
-----------------------------	-----------------------------

<p>P1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the Site or the surrounding area.</p>	<p>A1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. COMPLIES</p> <p style="text-align: center;">AND</p> <p>Cuts in excess of those stated in A1.1 above are separated by benches/terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.</p> <p>A1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation. N/A</p> <p>A1.3 Cuts are screened from view by the siting of the Building/structure, wherever possible. N/A</p> <p>A1.4 Topsoil from the Site is retained from cuttings and reused on benches/terraces. N/A</p> <p>A1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure, is located closer than 600 mm to any boundary of the property, unless the prior written approval of the adjoining landowner and the Council, has been obtained. COMPLIES</p> <p>A1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, Landscaping or other protective/aesthetic measures. CAN COMPLY</p>
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Visual Impact and Site Stability

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	<p>A2.1 The extent of filling or excavation does not exceed 40% of the Site area or 500 m² whichever is the lesser. COMPLIES</p> <p style="text-align: center;">EXCEPT THAT</p> <p>A2.1 does not apply to reconfiguration of 5 lots or more.</p> <p>A2.2 Filling and excavation does not occur within 2 metres of the Site boundary. COMPLIES</p>

Flooding and Drainage

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P3 Filling and excavation does not result in a change to the run off characteristics of a Site which then have a detrimental impact upon the Site or nearby land or adjacent Road reserves.	<p>A3.1 Filling and excavation does not result in the ponding of water on a Site or adjacent land or Road reserves. CAN COMPLY</p> <p>A3.2 Filling and excavation does not result in an increase in the flow of water across a Site or any other land or Road reserves. COMPLIES</p> <p>A3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a Watercourse and overland flow paths. COMPLIES</p> <p>A3.4 Filling and excavation complies with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual. COMPLIES – Refer Appendix 3</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	<p>A4.1 Water quality is maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual. COMPLIES – Refer Appendix 3</p>

Water Quality

	PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P4	Filling and excavation does not result in a reduction of the water quality of receiving waters.	A4.1 Water quality is maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual. COMPLIES – Refer Appendix 3

3.6 Natural areas and scenic amenity code

The purpose of this Code is to ensure that areas of natural value/environmental significance and Scenic Amenity value throughout the Shire are retained and conserved in order to:

- *maintain and improve landscape integrity and Scenic Amenity values;*
- *retain areas in their natural state and protect them from inappropriate, visually obtrusive development;*
- *protect areas as valuable natural, environmental and scenic areas which are an asset to the Shire;*
- *maintain areas for their combination of landscape elements which create the dominant landscape character of the Shire;*
- *protect fauna habitat and linkages;*
- *maintain and improve the ecosystem functions of aquatic systems;*
- *maintain essential ecological processes;*
- *protect Biodiversity; and*
- *protect the unique environmental values of the Shire which are of International significance.*

None of the specific Performance criteria in the code are relevant to the Application. However, the work undertaken in accordance with the Rehabilitation Plan and the associated earthworks the subject of this Application will allow ecosystem functions and ecological processes to be reinstated on the site and achieve the relevant Purpose statements of the Natural areas and scenic amenity code.

4.0 CONCLUSION

The Applicant cannot action the Rehabilitation plan, agreed with the DAF until an Operational Works Permit is in place to facilitate the removal and relocation of the spoil from the Rehabilitation plan area.

The Application is recommended to Council for approval, subject to reasonable and relevant conditions.

**EA TAYLOR
TOWNPLANNER**

APPENDIX 1

SHOW CAUSE NOTICE

*SUSTAINABLE PLANNING ACT 2009
SECTIONS 578, 588 and 589*

TAKE NOTICE THAT:

You of	Phillip Melville Walker and Dianne Perry PO BOX 380 PORT DOUGLAS QLD 4877
as	Owners
of premises described as	Lot 901 on SP274759
situated at	82-90 Mitre Street, Port Douglas in the State of Queensland ('the premises')

Douglas Shire Council ('Council'), the assessing authority, reasonably believes you have committed, or are committing development offences contrary to section 578 of the *Sustainable Planning Act 2009* (the 'SPA'), and invites you to show cause why an enforcement notice should not be given to you pursuant to section 590 of the SPA.

Facts and Circumstances Forming the Basis for Council's Belief that an Enforcement Notice Should be Given

The Premises

1. You are the owners of the above premises.
2. The premises has an area of 2.329ha and frontages to Mitre Street to the west, and currently unformed but dedicated roads to the north and east.
3. Under Council's current Douglas Shire Planning Scheme ("the Planning Scheme") the premises:-
 - (a) is vacant; however, part of a building has been, or is being constructed on the western part of the premises in an area proximate to the Mitre Street road frontage;
 - (b) is within the Port Douglas and Environs Locality;
 - (c) is located partly within the Residential 1 Planning Area;

- (d) is located partly within the Conservation Planning Area;
- (e) is shown on the Overlay Mapping as an Area below 20m AHD;
- (f) has the benefit of a development permit for building works issued by a private certifier on 18 December 2015, for which the works referred to in paragraph (a) above appear to have been, or are being, undertaken; and
- (g) had a benefit of a development permit for reconfiguring a lot (2 lots into 13 lots plus common property), which lapsed in or about March 2014.

Operational Work – Vegetation Management

4. Council has become aware that a large section in the eastern part of the premises, previously vegetated with trees, has been cleared. The vegetation clearing appears to have been undertaken in or about mid to late 2014. This clearing appears to have involved the removal of significant trees.
5. Within Residential 1 and Conservation Planning Areas in the Port Douglas and Environs Locality, operational work – vegetation management, that does not comply with Acceptable Solutions A1.1 – A3.2 of the Planning Scheme's Vegetation Management Code, is code assessable development.
6. Pursuant to SPA section 238, a development permit is necessary for assessable development, including code assessable development.
7. Council reasonably believes that the operational work – vegetation management carried out on the premises does not comply with Acceptable Solutions A1.1 – A3.2, and has no record of issuing a development permit to you for such work.
8. On this basis, Council reasonably believes you have committed, or are committing, a development offence contrary to SPA section 578, which states that a person must not carry out assessable development unless there is an effective development permit for the development.

9. Further, the development permit for building works could not have authorised the operational works – vegetation management to have been carried out on the premises. Nor was the development permit for reconfiguring a lot acted upon in a way that would have permitted the operational work - vegetation management to have occurred.

Operational Work – Filling

10. Council has also become aware that the surface of parts of the premises has been filled with a mix of rock, dirt and what appears to be pieces of broken bitumen. It appears that the fill in these areas has been compacted and watered.
11. Council believes that filling has occurred:
 - (a) within a drainage gully in the eastern part of the premises. This work is likely to result in an alteration of the flow of water, including tidal water, through the drainage gully;
 - (b) for the construction of a driveway along the southern boundary of the premises. The driveway traverses a drainage path in two locations, and works have occurred within the drainage path in these locations, as discussed below.
12. Within Residential 1 and Conservation Planning Areas in the Port Douglas and Environs Locality, operational work – filling and excavation, not associated with a material change of use, is code assessable development.
13. Pursuant to SPA section 338, a development permit is necessary for assessable development, including code assessable development.
14. Council reasonably believes that operational work – filling, within the meaning of that term as it is used in the Planning Scheme, not associated with a material change of use, has been carried out on the premises. Council has no record of issuing a development permit to you for such work.
15. On this basis, Council reasonably believes that you have committed or are committing, a development offence contrary to SPA section 578,

which states that a person must not carry out assessable development unless there is an effective development permit for the development.

16. Further, the development permit for building works could not have authorised the operational work - filling not associated with a material change of use to have been carried out on the premises. Nor was the development permit for reconfiguring a lot acted upon in a way that would have permitted the operational work - filling not associated with a material change of use to have occurred.

Operational Work – Engineering Works Not Associated with a Material Change of Use

17. Council has also become aware that the following operational works - engineering works, not associated with a material change of use, have been carried out on the premises:-
 - (a) a large culvert sectioned bridge of approximately 34 metres in length has been constructed near the southern boundary of the premises, in a location that adjoins Lot 5 on CPAP13745, which is a Council reserve ('Lot 5'). It appears that the culvert has been constructed in a location that may encroach upon Lot 5. The bridge extends from the driveway on the premises in a location that is set back approximately 50 metres from the Mitre Street road frontage, and traverses a drainage path; and
 - (b) a second culvert sectioned bridge has been constructed near the south-west corner of the premises, in a location that is proximate to the Mitre Street frontage of the premises. This bridge also extends from the driveway on the premises and traverses a further drainage path on the premises.
18. Within Residential 1 and Conservation Planning Areas in the Port Douglas and Environs Locality, operational work – engineering works, not associated with a material change of use, is code assessable development.
19. Pursuant to SPA section 338, a development permit is necessary for assessable development, including code assessable development.

20. Council reasonably believes that operational work – engineering works, not associated with a material change of use, have been carried out on the premises, and has no record of issuing a development permit to you for such works.
21. On this basis, Council reasonably believes that you have committed, or are committing, a development offence contrary to SPA section 578, which states that a person must not carry out assessable development unless there is an effective development permit for the development.
22. Further, the development permit for building works could not have authorised the operational work - engineering works not associated with a material change of use to have been carried out on the premises, nor was the development permit for reconfiguring a lot acted upon in a way that would have permitted the operational work - engineering works not associated with a material change of use to have occurred.

Requirements of Proposed Enforcement Notice

23. Having regard to the above matters, the requirements of the enforcement notice that Council believes should be given to you pursuant to section 590 of the SPA, would be:-
 - (a) Make development applications to Council within 20 business days of the date of the notice for Development Permits for:-
 - (i) operational work – vegetation management;
 - (ii) operational work - filling or excavation not associated with a material change of use; and
 - (iii) operational work - engineering works not associated with a material change of use.
 - (b) If one or more of the development applications (or any works to which the development applications apply) referred to in paragraph (a) of this Enforcement Notice is not approved, restore, as far as practicable, the premises to the condition the premises were in immediately before the particular development offence was committed, within six (6) calendar months of the determination of the development application.
-

- (c) For paragraph (b) above, a requirement to “restore” the premises to the condition the premises were in immediately before the development offence was committed includes an obligation to:-
- (i) prepare and submit a site rehabilitation plan to Council for approval prior to commencing restoration works; and
 - (ii) implement the Council approved site rehabilitation plan within a reasonable timeframe, to be approved by Council.

Development Application Referral Agency Requirements

With each of the above development applications you will need to give consideration to whether or not development carried out required a referral to any of the referral agencies prescribed by the *Sustainable Planning Regulation 2009*. For example, the operational work carried out may have involved constructing or raising waterway barrier works, or the removal, destruction or damage of marine plants. Such work would need to be referred to the Chief Executive of the Department of Infrastructure, Local Government and Planning for consideration, as a concurrence agency, as part of the overall assessment of a development application.

Entitlement to Make Representations

You may make representations about this Show Cause Notice. If you choose to make representations then your representations must be in writing and state why you consider that:-

- (a) the proposed Enforcement Notice should not be given; or
- (b) a different Enforcement Notice should be given to the one proposed.

How and Where you may Make or Send Your Representations

Written representations must be posted to Council at the following address:

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



Queensland
Government

Department of
Agriculture and Fisheries

ENFORCEMENT NOTICE

SUSTAINABLE PLANNING ACT 2009
SECTION 590

TO:

**You
of**

Phillip Melville Walker and Dianne Perry
PO BOX 380
PORT DOUGLAS QLD 4877

as

**of premises described as
situated at**

Registered Owner
Lot 901 on SP274759
82-90 Mitre Street, Port Douglas in the State
of Queensland ("the premises")

The Director-General of the Department of Agriculture and Fisheries ("the Department"), as an assessing authority, reasonably believes you have committed, or are committing, a fisheries related development offence contrary to section 578 of the *Sustainable Planning Act 2009* ("the Act") as described in the Show Cause Notice dated 8th June 2016 issued to you, and requires you to remedy the commission of this offence in the way stated in this Notice.

Failure to comply with an enforcement notice is an offence against the Act with a maximum penalty of 1665 penalty units (as at 1 July 2016 a penalty unit is \$121.90).

An Information sheet is attached to this Enforcement Notice advising you of your right to appeal against the giving of this Enforcement Notice to you.

Requirements of this Enforcement Notice

1. Make an application for a development permit for operational work that is the removal, destruction or damage of marine plants (“development application”) within 20 business days of the date of this Notice.

Advice Note: Development applications are lodged with the Department of Infrastructure Local Government and Planning (DILGP), State Assessment and Referral Agency (SARA). Prelodgement advice can be gained through SARA. The relevant DILGP SARA office should be contacted to arrange prelodgement advice:

SARA Office – Cairns PO Box 2358, Cairns Qld 4870

Tel: 07 4037 3208

Email: CairnsSARA@dilgp.qld.gov.au

2. If the development application is so made and not approved, or is not so made, you must restore the premises in accordance with the Restoration Plan provided for as follows by this Enforcement Notice.

Restoration Plan Objectives

1. To restore fisheries resources and the productivity of fish habitats compromised as a result of the unapproved operational work being placing of fill material on tidal land resulting in destruction of marine plants on the premises.
2. Reinstatement of fish habitat values at the premises by restoring the natural levels of the tidal land to the state which prevailed before the operational work was done. This tidal land area is shown on the LIDAR contour plan attached to the said Show Cause Notice marked “B” and dated 1/10/15 as an area of 2,207 square metres below highest astronomical tide and containing mangrove plants destroyed by the placing of fill material on the premises.
3. Reinstatement of fish habitat values specifically the marine plant community on the tidal land within the premises.

Restoration Plan Actions

Action 1. Within 10 business days from the date of the coming into effect of this Restoration Plan as provided for by the second requirement of this Enforcement Notice, provide to the Manager, Impact Assessment and Management, Fisheries Queensland, Department of Agriculture and Fisheries (“the Manager”) (or a later date specified by the Manager) by Email planningassessment@daf.qld.gov.au, written acknowledgement of the objectives and actions required by this Plan.

Action 2. Within 30 business days from the completion of Action 1 (or a later date specified by the Manager), submit to the Manager for written endorsement, a Restoration Project Plan detailing how the Restoration Plan Objectives are to be achieved. The development of the Restoration Project Plan is to be undertaken by a suitably qualified and experienced person/s. The Restoration Project Plan is to be developed in accordance with:

- a. *Code for self-assessable development MP06– Minor impact works in a declared Fish Habitat Area or involving the removal, destruction or damage of marine plants*, Department of Agriculture and Fisheries, Appendix 4 specifies the details for inclusion; and
- b. *Fish Habitat Guideline FHG 002 – Restoration of Fish Habitats* Department of Agriculture and Fisheries.

The Restoration Project Plan must provide a monitoring and reporting component with specified indicators to be used to demonstrate that the marine plant communities have been re-established, and also must provide for the following monitoring and reporting requirements.

- i. Initial monitoring is to occur once the restoration works as specified in the endorsement by the Manager are complete. Twice annual monitoring of the marine plants community is to

be undertaken until it is demonstrated that they are established. Within 20 business days after each monitoring period, a monitoring report is to be completed and provided to the Manager by Email planningassessment@daf.qld.gov.au

- ii. If any monitoring shows that the marine plant community is not re-establishing, recommendations are to be made within a monitoring report to address any identified issues causing this. Any such recommendations as endorsed by the Manager are to be completed in accordance with such endorsement.

Action 3. Complete all works and activities as set out in an endorsement of a Restoration Project Plan. The works, activities, monitoring and reporting are to be undertaken by a suitably qualified and experienced person/s.

Action 4. Within 20 business days of marine plant communities demonstrably being re-established, provide to the Manager by Email planningassessment@daf.qld.gov.au documentary evidence (photographs, video footage, report etc.) of this.

Dated: 4 August 2016



Mark Doohan

Director, Fisheries Queensland,

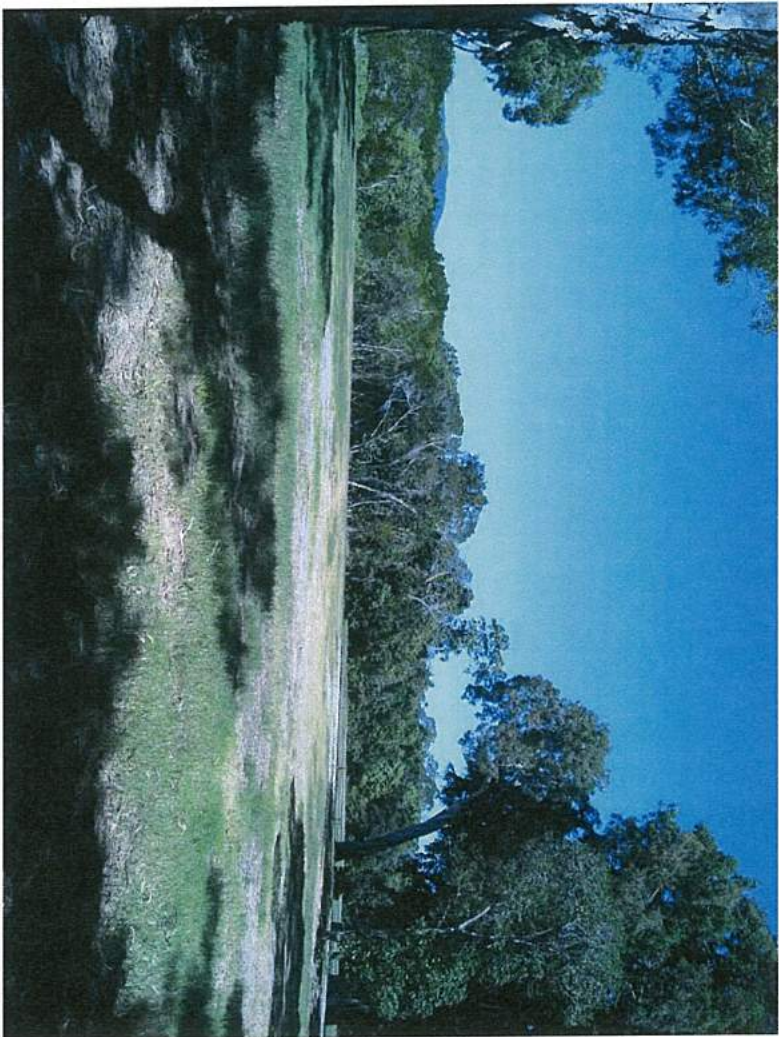
Department of Agriculture and Fisheries

Please refer all enquiries regarding this Notice to:

Contact:	Nicole Burow, Senior Compliance Officer, Department of Agriculture and Fisheries
Telephone:	5635 6909
Email:	nicole.burow@daf.qld.gov.au
DAF Reference:	F15/045

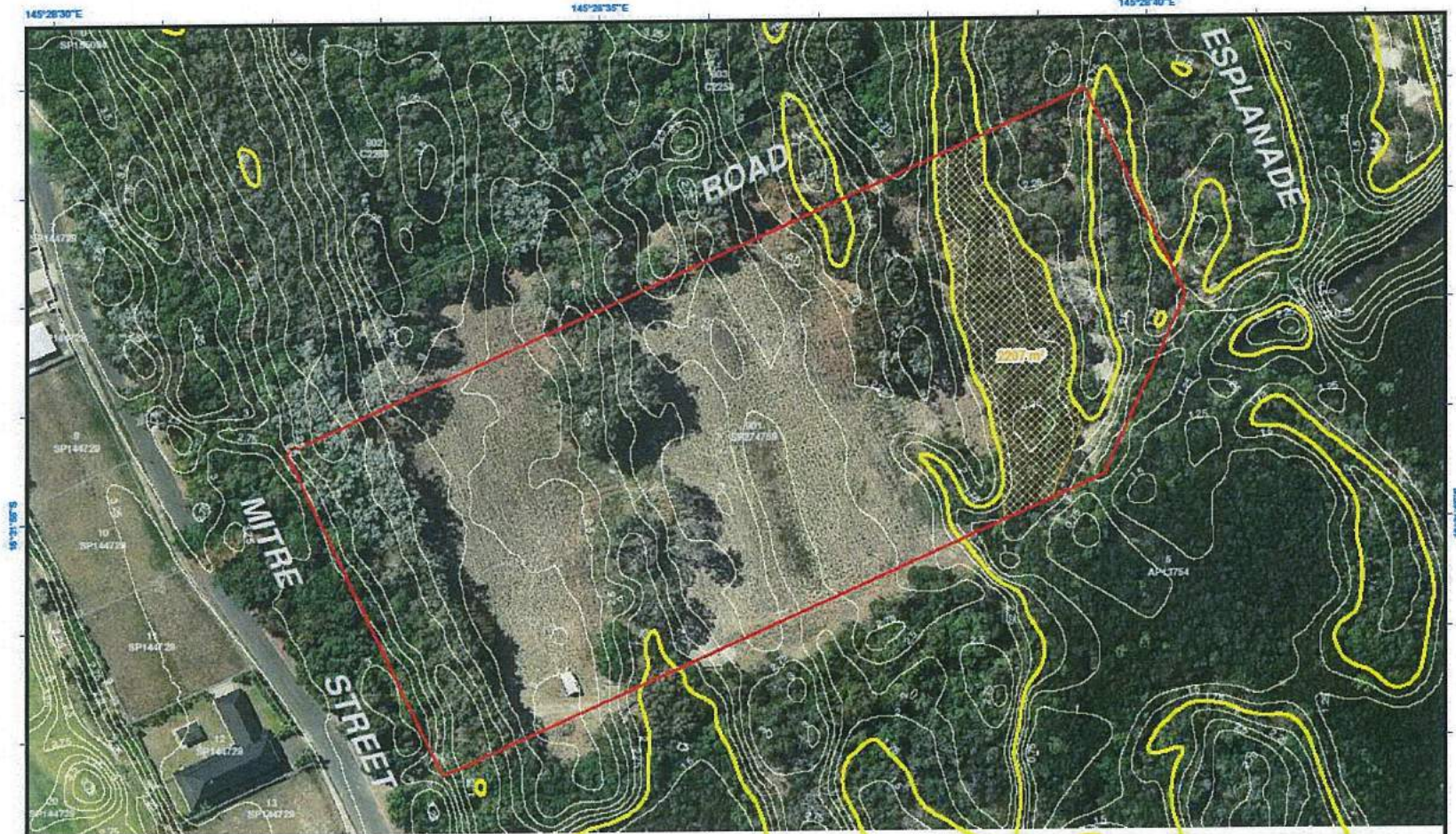
B/C DILGP, SARA
Attention: Mr Brett Nancarrow, SARA Regional Manager
PO Box 3038
CAIRNS QLD 4870

“A”



GPO Box 46
Brisbane
Queensland 4001 Australia
Business Centre 13 25 23
Website www.daf.qld.gov.au
ABN 66 934 348189

"B"



Legend

- Area Below HAT
- HAT (Port Douglas)
- AHD Contours (0.25m)
- Subject Property
- Road parcels
- Land parcels
- Water parcels

NOTES:
 © State of Queensland (Department of Natural Resources and Mines) 2015
 Based on or contains data provided by the State of Queensland (Department of Natural Resources and Mines) 2015. In consideration of the state permitting use of this data you acknowledge and agree that the State gives no warranty, in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damages) relating to any use of the data. Data must not be used for street maintenance or be used in breach of the privacy laws.



Notes:
 Areas and distances shown are approximate only, and subject to final field survey.
 Every effort has been made to ensure the quality of information shown on this map. However, in the extent permitted by law, Fisheries Queensland assumes no legal liability or responsibility for omissions, losses, damages and costs which might be incurred as a result of the data being inaccurate or incomplete. This map should not be interpreted beyond the scale limitations of the data.

Datum: GDA84
Drawn by: ICD
Date: 1 October, 2015

Project Ref: 003/0003439
Drawing Number: 003/0003439.001

PLAN OF AREAS BELOW HIGHEST ASTRONOMICAL TIDE

82-90 Mitre Street, CRAIGLIE
 Lot 901 on SP274759



Part of Queensland
 Project Assessment & Management
 PO Box 466
 MACKAY QLD 4740
 PH: (07) 4967 0000

© Queensland Government 2015

GPO Box 46
 Brisbane
 Queensland 4001 Australia
 Business Centre 13 25 23
 Website www.daf.qld.gov.au
 ABN 66 934 348189

“C”

Information about right to appeal against Enforcement Notice

Sustainable Planning Act 2009
Chapter 7 Appeals, offences and enforcement
Part 1 Planning and Environment Court
Current as at 20 November 2015 Page 293
Authorised by the Parliamentary Counsel

473 Appeals against enforcement notices

- (1) A person who is given an enforcement notice may appeal to the court against the giving of the notice.
- (2) The appeal must be started within 20 business days after the day notice is given to the person.

474 Stay of operation of enforcement notice

- (1) The lodging of a notice of appeal about an enforcement notice stays the operation of the enforcement notice until—
 - (a) the court, on the application of the entity issuing the notice, decides otherwise; or
 - (b) the appeal is withdrawn; or
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the enforcement notice is about—
 - (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) development the assessing authority reasonably believes is causing an environmental nuisance.



Rehabilitation Project Plan

82-90 Mitre Street,
Port Douglas, Queensland

Report prepared for P. Walker & D. Perry

17 February 2017
(Reference SG1609)



Rehabilitation Project Plan

82-90 Mitre Street, Port Douglas, Queensland

Report prepared for P. Walker and D. Perry

by Simon Glead

17 February 2017

(Reference SG1609)

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Simon Glead: sglead@internode.on.net

Photo credits in this report: Simon Glead

This document is confidential and its contents or parts thereof cannot be disclosed to any third party without the written approval of the author.

Simon Glead undertook the fieldwork and preparation of this document in accordance with specific instructions from P. Walker and D. Perry, to whom this document is addressed. This report has been prepared using information and data supplied by P. Walker and other information sourced by the author.

The conclusions and recommendations contained in this document reflect the professional opinion of the author based on the data and information supplied and available at the time of the work. The author has used reasonable care and professional judgment in the interpretation and analysis of the data. The conclusions and recommendations must be considered within the agreed scope of work, and the methodology used to perform the work, both of which are outlined in this report.

Document Status

Document Status	Author	Reviewer	Date of Issue
Draft Report	S. Glead	P. Walker	8 th November 2016
Final Report v1.0	S. Glead	P. Walker	11 th November 2016
Final Report v1.1	S. Glead	DAF, L. Bou-Samra	8 th December 2016
Final Report v1.2	S. Glead	DAF, L. Bou-Samra, P. Walker	29 th January 2017
Final report v1.2a	S. Glead	DAF, L. Bou-Samra, P. Walker	17 th February 2017

Distribution

Company	Copies	Contact Name
P. Walker	1 (electronic: PDF)	Via email to P. Walker
MBS Lawyers (L. Bou-Samra)	1 (electronic: PDF)	Via email to L. Bou-Samra
Simon Glead	1 (electronic)	S. Glead

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1.0 INTRODUCTION AND REQUIRED OBJECTIVES

1.1 Purpose

This Rehabilitation Project Plan has been prepared to achieve the following required objectives for rehabilitation of fish habitat on land located at 82-90 Mitre Street, Port Douglas, Queensland.

The plan is prepared for the property owners P. Walker and D. Perry in compliance with the Enforcement Notice issued to the owners under Section 590 of the *Sustainable Planning Act 2009* on 8th June 2016 and subsequently enforced by the Queensland Department of Agriculture and Fisheries (DAF).

This plan relates to the area shown in **Figure 1** to be below the Highest Astronomical Tide (HAT), which is indicated by the white hatched section in the figure and stated by DAF to be a fish habitat area.

1.2 Rehabilitation Plan Required Objectives

1. The ultimate objective of this plan is by 31/8/17 to rehabilitate the fish habitat on the premises which was destroyed as a result of the unapproved operational work described in the show cause notice dated 8/6/16, being placing of fill material on tidal land resulting in destruction of marine plants on the premises. For the purpose of this plan, the concept of "rehabilitation" means the same as defined in the Fish Habitat Guideline FHG 002 published in October 1998 by Fisheries in the then Department of Primary Industries as follows. **Rehabilitation:** Returning a site to a state where natural succession can continue the recovery process and allow fisheries values of the site to be returned. This ultimate objective comprises two related objectives as follows.
2. The fill material is to be removed so that tidal flows will return through the tidal land area and to the tidal area remaining on the road reserve to the north. This tidal land area is shown on the LIDAR contour plan attached to the show cause notice marked "B" and dated 1/10/15 as an area of 2,207 square metres below highest astronomical tide and containing mangrove plants destroyed by the placing of fill material on the premises. The rehabilitated tidal regime on the premises need not exactly replicate or restore that which existed before the fill was placed.
3. A marine plant community will be established within the tidal land area. This marine plant community will be such that it is capable of natural succession but need not exactly replicate or restore that which existed before the fill was placed.

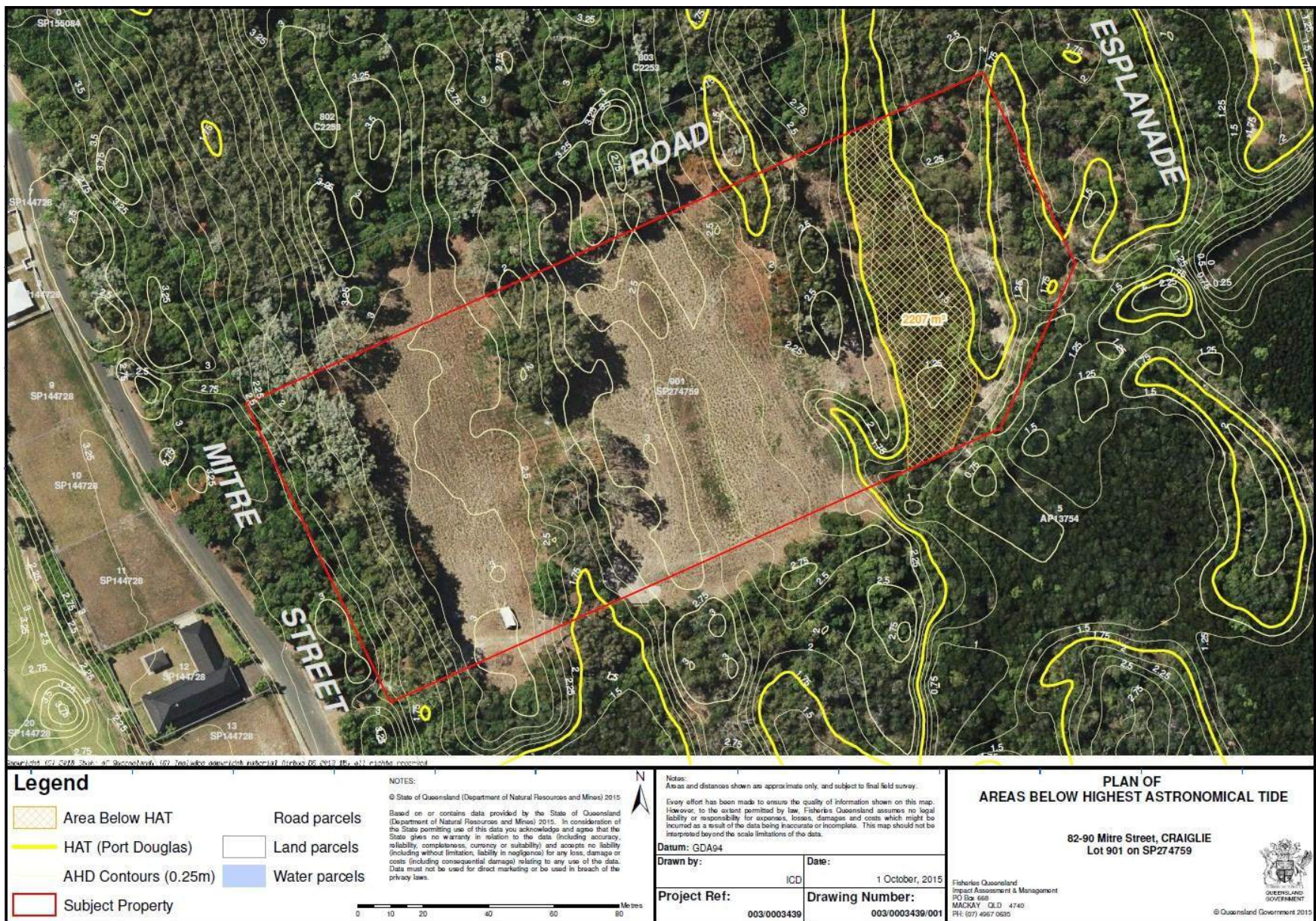


Figure 1. Location of the restoration site (hatched white area inside solid yellow line) to which this Restoration Project Plan applies. Image supplied by DAF.

2.0 REHABILITATION APPROACH

2.1 Rehabilitation Main Stages

The overall approach and main steps to the rehabilitation of the site is outlined in the stages below, and has considered the uncertainties surrounding the original species composition beneath the landfill and the relationship of the substrate with water inputs.

1. Identify area of cleared land within the property where excavated landfill can be placed. Maintain 5 m separation buffer from edge of excavated material and mangroves and fish habitat. This area is intended to be suitable for the treatment of Acid Sulfate Soils if required.
2. In accordance with the advice received from David Morrison of the Department of Natural Resources and Mines (DNRM), prior to major removal of fill, excavate a series of test pits longitudinally along the landfill area for Acid Sulfate Soil testing. Test pits can act as depth indicators for the base of the swale.
3. Post-wet season – approximately April/May 2017: excavate landfill area between test pits to levels identified in survey. Excavate progressively from high, compacted ground. Do not operate excavator in swale. Wherever possible, perform excavation work at low tide.
4. Place excavated material in thin layers (c. 100 mm) in demarcated fill treatment area. Maintain 5 m buffer from edge of fill to mangroves or fish habitat (swales, etc). If Acid Sulfate Soils¹ are excavated, the affected soil will need to be treated with a neutralising product such as finely ground agricultural lime (calcium carbonate). Lime should be mixed in with the affected soil by ploughing for example. Affected soil should not be stockpiled any deeper than a maximum depth of 400 mm.
5. When excavated to final grade, allow natural regeneration and recruitment of mangrove species within the swale. Direct plant mangrove propagules into Area 1 (see **Figure 2**) randomly at approximately 1 - 1.5 m spacing.
6. Maintain the restoration area by controlling weeds if necessary. Mangrove regeneration can be "assisted" and possibly accelerated by direct-planting of mangrove propagules into the swale bank environment and where mortalities or gaps occur.
7. Provide a final report as to rehabilitation of the site in or around July 2017.

2.2 Land Profiles

Cross-sectional drawings and a plan of the area to be excavated and rehabilitated is shown in **Figure 2**. The land requiring direct planting of mangrove propagules is identified as Area 1 in the figure. This area is further divided into two broad slope sections, and refers to the upper and lower slope.

The swale, referred to as Area 2, does not require planting of propagules, as this section of the site will be left to regenerate and recruit plants under natural circumstances from tidal inundation and from neighbouring seed/propagule sources.

¹ This Rehabilitation Project Plan does not give detailed information on the treatment of Acid Sulfate Soils. The information provided is intended as a guide only and reference should be made to specific documents and expertise.

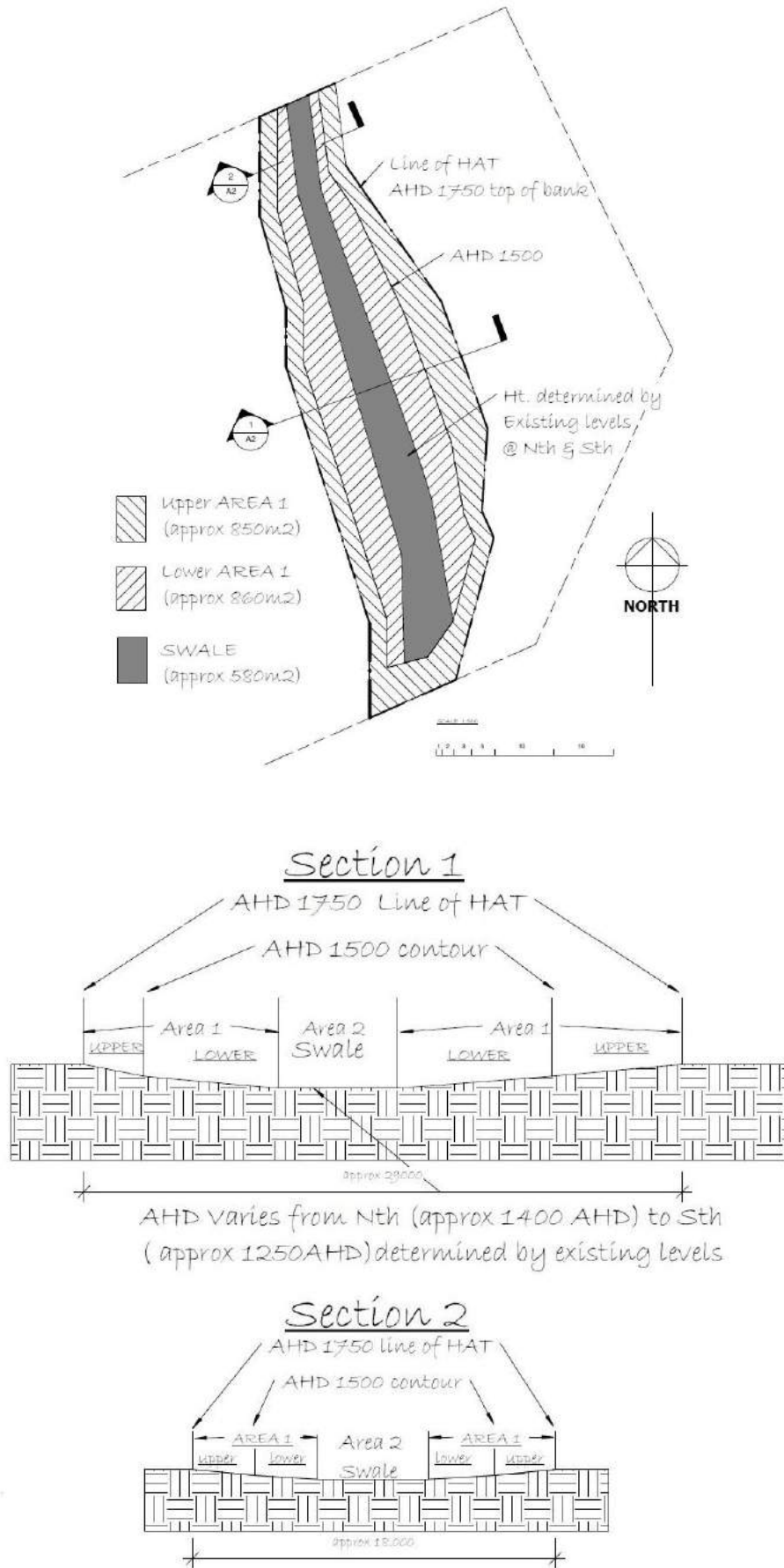


Figure 2. Plan and cross-sectional profiles of rehabilitation area (derived from LIDAR height data).

3.0 REHABILITATION SCHEDULE

3.1 Timeframes

The timeframes given in **Table 1** are indicative of the main sequence of events.

Table 1. Schedule of rehabilitation events.

Month	Project Stage Description
January 2017	<ul style="list-style-type: none"> Avoid excavation work during wet season heavy rain.
February 2017	<ul style="list-style-type: none"> Avoid excavation work during wet season heavy rain. Acid Sulphate Soil investigation with DNRM.
March 2017	<ul style="list-style-type: none"> Avoid excavation work during wet season heavy rain. Acid Sulphate Soil investigation with DNRM (if not already completed).
April 2017	<ul style="list-style-type: none"> Begin excavation work if weather conditions are suitable. Treat Acid Sulphate Soils on-site if required. Begin collecting propagules from local mangrove species if available. Plant propagules directly into ground of Area 1 - advice from botanist regarding position.
May 2017	<ul style="list-style-type: none"> Continue mangrove direct seeding and planting propagules if not already completed. Begin site maintenance if required (weeding, mulching, watering).
June 2017	<ul style="list-style-type: none"> Continue site maintenance as required. Keep records of planting and maintenance activities. Begin monitoring schedule (photos, species records, plant quantities, species available).
July 2017	<ul style="list-style-type: none"> Ensure site is completed (planting, maintenance). Seek final approval from DAF.
August 2017	<ul style="list-style-type: none"> Follow-up work (if required). Close rehabilitation project.

3.2 Plant Species Schedule

The species given in **Table 2** are recommended for use at the Mitre Street site. A more detailed listing according to topography is given in **Appendix A**. Species in bold have reasonable probability of having developed propagules ready at the time of planting during April to May (based on literature). Observations should be made at the site to detect other species with ripe propagules that may be ready outside of the times given in the table.

The following notes are in reference to **Table 2**.

Notes

All plant species listed in this schedule have been confirmed to occur on the site. Propagules or seed of the species shown in bold text could be the most readily available from or near the site; and easiest to apply in a practical sense (e.g. propagules could be available close to completion of excavation work in April and May).

1. Potted seedlings in SupaNative tubes available for purchase from Douglas Shire Revegetation Nursery (as at December 2016). Quantities available not known, and would require pre-order.
2. The species has potential to have propagule planted directly into prepared site.

3. The species has potential to have seed planted directly into prepared site.
4. Approximate times when propagules or seeds are available for collection based on published literature (see **References**). Propagules may be available outside of the timeframes indicated.

Table 2. Rehabilitation plant species schedule.

Species	Seedlings ¹	Propagule ²	Seed ³	Propagule/seed availability ⁴	Application ⁵
<i>Aegialitis annulata</i> (Club Mangrove)	-	Yes	-	January - May (FHG 002) January - May (Lovelock, 1993)	Lower Area 1 - near section 1.
<i>Avicennia marina</i> (Grey Mangrove)	-	Yes	-	Summer/autumn (FHG 002) May - October (Lovelock, 1993)	Lower and upper Area 1 - section 1 & 2.
<i>Bruguiera exaristata</i> (Rib-fruited Mangrove)	-	Yes	-	February - March (FHG 002) Not listed in Lovelock (1993)	Lower Area 1 - section 1 & 2.
<i>Bruguiera gymnorrhiza</i> (Large-leaved Orange Mangrove)	-	Yes	-	January - July (FHG 002) April - July (Lovelock, 1993)	Lower Area 1 & 2 - section 1.
<i>Ceriops tagal</i> (Yellow Mangrove)	-	Yes	-	December - May (FHG 002) December - May (Lovelock, 1993)	Lower Area 1 - section 1 & 2.
<i>Crinum pedunculatum</i> (Mangrove Lily)	Yes	-	-	-	Upper Area 1 - section 2.
<i>Excoecaria agallocha</i> (Blind-your-eye Mangrove)	-	-	Possible	January - March (FHG 002) January - March (Lovelock, 1993)	Lower and upper Area 1 - section 1 & 2.
<i>Heritiera littoralis</i> (Looking Glass Mangrove)	-	-	Possible	September - December (FHG 002) Sept. - November (Lovelock, 1993)	Lower Area 1 - section 2.
<i>Hibiscus tiliaceus</i> (Cottonwood)	Yes	-	-	-	Upper Area 1 - section 1 & 2.
<i>Lumnitzera racemosa</i> (Black Mangrove)	-	Yes	-	February - March (FHG 002) March (Lovelock, 1993)	Upper Area 1 - section 1 & 2.
<i>Osbornia octodonta</i> (Myrtle Mangrove)	-	-	Possible	February - March (FHG 002) February - March (Lovelock, 1993)	Lower Area 1 - section 1 & 2.
<i>Rhizophora stylosa</i> (Red Mangrove)	-	Yes	-	All year (FHG 002) All year (FHG 002)	Lower Area 1 - section 1.
<i>Sporobolus virginicus</i> (Salt Couch)	-	-	Possible	-	Upper Area 1 - section 1 & 2.
<i>Xylocarpus granatum</i> (Cannonball Mangrove)	-	-	Possible	June - September (FHG 002)	Lower Area 1 - section 1 & 2.

4.0 REFERENCES & FURTHER READING

- Clarke, A. and Johns, L. (2002). *Mangrove Nurseries: Construction, Propagation and Planting: Fisheries Guidelines*. Department of Primary Industries, Queensland, Fish Habitat Guideline FHG 004, 32 pp.
- DAFF (2013). *Code for Self-assessable Development - Minor impact works in a declared Fish Habitat Area or involving the removal, destruction or damage of marine plants*. Code number MP06. State of Queensland, Department of Agriculture, Fisheries and Forestry (DAFF).
- Dear, S-E., Ahern, C. R., O'Brien, L. E., Dobos, S. K., McElnea, A. E., Moore, N. G. & Watling, K. M., (2014). *Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines*. Brisbane: Department of Science, Information Technology, Innovation and the Arts, Queensland Government.
- Hopkins, E., White, M. and Clarke, A. (1998). *Restoration of Fish Habitats: Fisheries Guidelines for Marine Areas*. Department of Primary Industries, Queensland, Fish Habitat Guideline FHG 002, 44 pp.
- Lewis, R. and Brown, B. (2006). *Five Steps to Successful Ecological Restoration of Mangroves*. Mangrove Action Project, Yogyakarta, Indonesia.
- Lovelock, Catherine (1993). *Field Guide to the Mangroves of Queensland*. Australian Institute of Marine Science.
- Queensland Government (2013a). *Queensland Acid Sulfate Soil Technical Manual: Soil Management Guideline*. Department of Science, Information Technology, Innovation and the Arts, Brisbane.

APPENDIX A - Plant Species and Land Features

Plants recorded from swales (infrequently inundated)

Avicennia marina (Grey Mangrove)
Bruguiera exaristata (Rib-fruited Mangrove)
Ceriops tagal (Yellow Mangrove)
Crinum pedunculatum (Mangrove Lily)
Excoecaria agallocha (Blind-your-eye Mangrove)
Heritiera littoralis (Looking Glass Mangrove)
Hibiscus tiliaceus (Cottonwood)
Osbornia octodonta (Myrtle Mangrove)
Xylocarpus granatum (Cannonball Mangrove)

Plants recorded from crests, drier embankments and batters (free-draining soil)

Acacia oraria (Coastal Wattle)
Acacia polystachya (Wattle)
Barringtonia calypttrata (Mango Pine)
Canarium australianum (Scrub Turpentine)
Cansjera leptostachya (a scrambling vine)
Chionanthus ramiflorus (Northern Olive)
Clerodendrum inerme (Scrambling Clerodendrum)
Colysis ampla (Fern)
Corymbia tessellaris (Moreton Bay Ash)
Dillenia alata (Red Beech)
Elaeodendron melanocarpum (Black Olive Plum)
Excoecaria agallocha (Blind-your-eye Mangrove) - lowest section of crest slopes.
Ficus obliqua (Fig)
Flagellaria indica (Supplejack)
Hibiscus tiliaceus (Cottonwood)
Ipomoea pes-caprae (Goat's Foot Morning Glory)
Jagera pseudorhus (Foambark)
Melaleuca dealbata (Paperbark)
Melaleuca leucadendra (Weeping Paperbark)
Melia azedarach (White Cedar)
Mimusops elengi (Red Coonoo)
± *Osbornia octodonta* (Myrtle Mangrove)
Smilax australis (Smilax)
Sporobolus virginicus (Salt Couch)
Terminalia arenicola (Brown Damson)
Terminalia muelleri (Mueller's Damson)
Terminalia sericocarpa (Damson)

Plants recorded from mangroves and estuarine waterway (permanently saturated, anaerobic soils)

Aegialitis annulata (Club Mangrove)
Avicennia marina (Grey Mangrove)
Bruguiera gymnorrhiza (Large-leaved Orange Mangrove)
Bruguiera exaristata (Rib-fruited Mangrove)
Ceriops tagal (Yellow Mangrove)
Excoecaria agallocha (Blind-your-eye Mangrove)
Lumnitzera racemosa (Black Mangrove)
Rhizophora stylosa (Red Mangrove)

YOUR REF: LBS:160047
OUR REF: 82-90 Mitre St, Craiglie (D#821232) *SC*

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

12 July 2017

Miller Bou-Samra Lawyers
PO BOX 1089
CAIRNS QLD 4870

Attention Ms Leeanne Bou-Samra

leeannebs@mbslawyers.com.au

Dear Madam

**WITHOUT PREJUDICE
WALKER & PERRY AND DOUGLAS SHIRE COUNCIL –
SHOW CAUSE NOTICE
WALKER & PERRY V DAF ENFORCEMENT NOTICE**

Council refers to your without prejudice letter dated 15 June 2017 concerning the above matters. The considerations suggested in your correspondence are summarised as follows.

- a. the ability for works to be undertaken, as per the agreement between Walker and Perry and the DAF without necessitating a Development Permit for Operational Work; and
- b. the ability for demolition works, being the removal of a culvert crossing, without a Development Permit for Operational Work, which in part responds to Council's Show Cause Notice; and
- c. the ability for undertaking of other work, additional fill and approving culvert work, part of which is considered in Council's Show Cause Notice without necessitating a Development Permit for Operational Work.

It is understood your clients are concerned with the expense of referral triggers rising from applications for Operational Work for assessment by the State.

Council maintains concern for work having been undertaken on the land without necessary approval and assessment and which is considered to have caused detriment.

The following advice is provided on a without prejudice basis.

The proposed works, as outlined in the agreement between your clients and DAF, being the restoration plan forwarded to Council are considered to have been substantially assessed by DAF and aim to restore the land to a restored condition. Council does not require a Development Permit for Operational Work for the extent of these works.

For work your clients seek to undertake, being the demolition or removal of a constructed culvert to which no Development Permit has been issued, it is considered suitable that this removal be considered under a Development Permit for Building Work (Demolition). Council is of the opinion that some of the culvert work has been constructed over adjacent land. Please note suitable land owner's consent must be achieved to undertake a demolition that occurs on other land.

Where you clients seek to restore the remaining parts of the land to a previous undeveloped condition Council would consider an agreement to restore without necessitating a Development Permit for Operational Work, similar to that achieved with DAF. Council would need assurance that such works will be achieved in a timely and satisfactory manner.

Where your clients seek to undertake fill, being approval for existing fill and additional fill areas, this would necessitate a Development Permit for Operational Work. An application would need to include: a minimum of a local drainage study with considerations of coastal processes and flooding; and an assessment by a qualified person of the impact on acid sulphate soils.

The request for connection to Council's sewer is a separate issue. Where your clients are unable to connect through other land, then your clients need to connect to Council's pump station located north of your clients' land, on the east side of the road, being adjacent to 72-80 Mitre Street. Your clients will need to engage a civil design engineer for the proposed connection.

Should you require further information in regards to this matter please contact Jenny Elphinstone of Council's Development Assessment and Coordination branch, on direct telephone, (07) 4099 9482 or by email jenny.elphinstone@douglas.qld.gov.au .

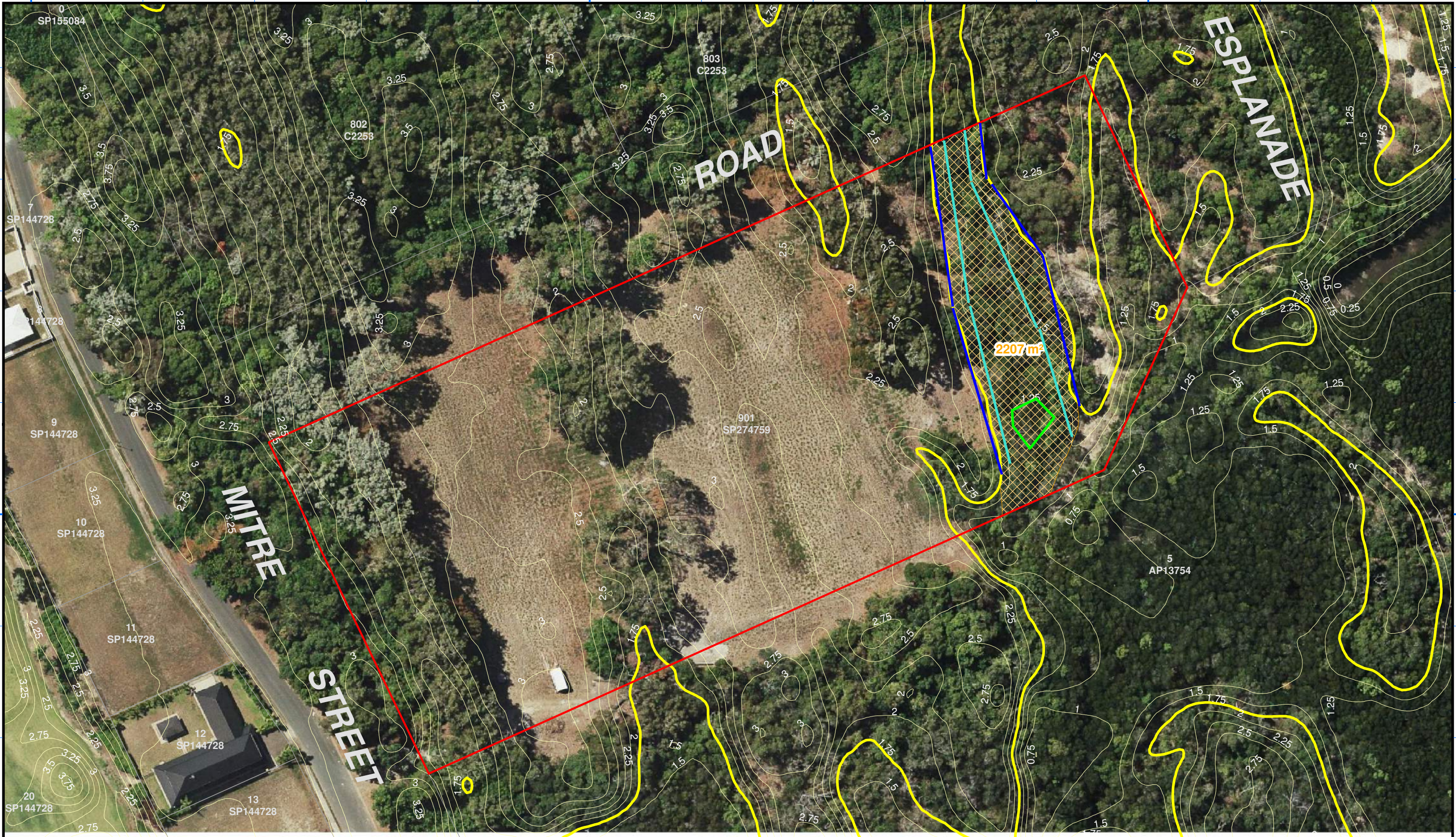
Yours faithfully



Paul Hove








MANAGER SUSTAINABLE COMMUNITIES

APPENDIX 2



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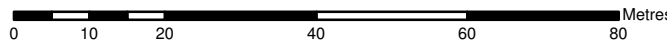
Legend

-  Area Below HAT
-  HAT (Port Douglas)
-  AHD Contours (0.25m)
-  Subject Property
-  Road parcels
-  Land parcels
-  Water parcels

NOTES:

© State of Queensland (Department of Natural Resources and Mines) 2015

Based on or contains data provided by the State of Queensland (Department of Natural Resources and Mines) 2015. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts 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 in breach of the privacy laws.



Notes:
Areas and distances shown are approximate only, and subject to final field survey.

Every effort has been made to ensure the quality of information shown on this map. However, to the extent permitted by law, Fisheries Queensland assumes no legal liability or responsibility for expenses, losses, damages and costs which might be incurred as a result of the data being inaccurate or incomplete. This map should not be interpreted beyond the scale limitations of the data.

Datum: GDA94

Drawn by:	Date:
ICD	1 October, 2015

Project Ref:	Drawing Number:
003/0003439	003/0003439/001

PLAN OF AREAS BELOW HIGHEST ASTRONOMICAL TIDE

**82-90 Mitre Street, CRAIGLIE
Lot 901 on SP274759**

Fisheries Queensland
Impact Assessment & Management
PO Box 668
MACKAY QLD 4740
PH: (07) 4967 0635





EXISTING SITE/EARTHWORKS PLAN

LEGEND	
	LIDAR SURVEY PRIOR TO FILLING
	EXISTING SURFACE LEVELS
	EXISTING FILL AREA

<table border="1"> <thead> <tr> <th colspan="2">issue</th> <th>amendments</th> <th>associated consultants</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>ORIGINAL ISSUE</td> <td>01.06.17</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		issue		amendments	associated consultants	A	ORIGINAL ISSUE	01.06.17														<p>C.M.G. CONSULTING ENGINEERS PTY. LTD. <small>AC.N. 011 065 375 STRUCTURAL AND CIVIL</small></p> <p>208 Buchan Street CAIRNS, 4870. Phone: (07) 4031 2775 P.O. Box 5901 Cairns Mail Centre Fax: (07) 4051 9013</p>	<p>PHILLIP WALKER AND DIANNE PERRY LOT 901 (82-90) MITRE STREET, PORT DOUGLAS <small>TITLE: EXISTING SITE / EARTHWORKS PLAN</small></p>	<table border="1"> <tr> <td>SCALE</td> <td>1:500 AT A1</td> <td>DRAWN</td> <td>AGM</td> </tr> <tr> <td>DATE</td> <td>MAY 17</td> <td>DESIGNED</td> <td>C.M.G.</td> </tr> <tr> <td>APPROVED</td> <td></td> <td>CHECKED</td> <td>C.M.G.</td> </tr> <tr> <td>DWG NUMBER</td> <td>37500 -C01</td> <td>AMDT</td> <td>A</td> </tr> </table>	SCALE	1:500 AT A1	DRAWN	AGM	DATE	MAY 17	DESIGNED	C.M.G.	APPROVED		CHECKED	C.M.G.	DWG NUMBER	37500 -C01	AMDT	A
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APPROVED		CHECKED	C.M.G.																																					
DWG NUMBER	37500 -C01	AMDT	A																																					



PROPOSED EARTHWORKS PLAN

ESPLANADE

NOTES

SITE PREPARATION

1. STRIP FILL SURFACE OF GRASS.
2. ALL FILLING TO BE CONTROLLED IN ACCORDANCE WITH AS 3798 AND TO A MINIMUM 98% SDDR.
3. FINISHED SURFACE TO BE GRADED UNIFORMLY BETWEEN LEVELS SHOWN.
4. ALL FILL SHALL BE UNIFORMLY COMPACTED IN LAYERS OF NOT MORE THAN 200MM FINAL THICKNESS

EROSION & ENVIRONMENTAL MANAGEMENT

CONTRACTOR TO SUPPLY EROSION AND ENVIRONMENTAL MANAGEMENT PLAN AND SEDIMENT CONTROL PLAN TO DOUGLAS SHIRE COUNCIL FOR APPROVAL PRIOR TO COMMENCEMENT OF WORKS.

STABILISATION

THE FOLLOWING MEASURES SHALL BE UNDERTAKEN IMMEDIATELY UPON COMPLETION OF EACH SECTION OF EARTHWORKS.
ALL FILL AREAS SHALL BE GRASS SEEDING.
REVEGETATION SHALL BE WATERED AND MAINTAINED UNTIL GROWTH IS ESTABLISHED.

LEGEND	
	EXISTING SURFACE LEVEL
	EXISTING SURFACE CONTOURS
	DESIGN SURFACE LEVEL
	REINSTATEMENT OF EARTHWORKS AND ACID SULPHATE MANAGEMENT STRICTLY IN ACCORDANCE WITH ENFORCEMENT NOTICE.
	FILL AREA

issue		amendments		associated consultants		C.M.G. CONSULTING ENGINEERS PTY. LTD.		PHILLIP WALKER AND DIANNE PERRY		SCALE 1:500 AT A1	DRAWN AGM
A	ORIGINAL ISSUE	01.06.17				AGM 011 065 375	STRUCTURAL AND CIVIL	LOT 901 (82-90) MITRE STREET, PORT DOUGLAS		DATE	MAY 17
						208 Buchan Street	P.O. Box 5901	TITLE: PROPOSED SITE PLAN		APPROVED	
						CAIRNS, 4870.	Cairns Mail Centre			CHECKED	C.M.G.
						Phone: (07) 4031 2775	Fax: (07) 4051 9013			APPROVED	RPEQ. 1370
										DWG NUMBER	37500 -C02
											AMDT A

APPENDIX 3

FNQROC DEVELOPMENT MANUAL

Council DOUGLAS SHIRE COUNCIL
(INSERT COUNCIL NAME)

STATEMENT OF COMPLIANCE OPERATIONAL WORKS DESIGN

This form duly completed and signed by an authorised agent of the Designer shall be submitted with the Operational Works Application for Council Approval.

Name of Development EARTHWORKS

Location of Development LOT 901 (82-90) MITRE ST, PORT DOUGLAS

Applicant PHILIP WALKER & DIANNE PERRY

Designer CMG CONSULTING ENGINEERS

It is hereby certified that the Calculations, Drawings, Specifications and related documents submitted herewith have been prepared, checked and amended in accordance with the requirements of the FNQROC Development Manual and that the completed works comply with the requirements therein, **except** as noted below.

Compliance with the requirements of the Operational Works Design Guidelines	Non-Compliance refer to non-compliance report / drawing number
Plan Presentation	X
Geotechnical requirements	X
Geometric Road Design	-
Pavements	-
Structures / Bridges	X
Subsurface Drainage	-
Stormwater Drainage	X
Site Re-grading	X
Erosion Control and Stormwater Management	CONTRACTOR TO PROVIDE PRIOR TO PRESTART MEETING WITH COUNCIL
Pest Plant Management	-
Cycleway / Pathways	-

Landscaping	–
Water Source and Disinfection/Treatment Infrastructure (if applicable)	–
Water Reticulation, Pump Stations and water storages	–
Sewer Reticulation and Pump Stations	–
Electrical Reticulation and Street Lighting	–
Public Transport	–
Associated Documentation/ Specification	X
Priced Schedule of Quantities	–
Referral Agency Conditions	AS PER ENFORCEMENT NOTICE
Supporting Information (AP1.08)	–
Other	REINSTATE EARTHWORKS AND ACID SULPHATE MANAGEMENT IN ACCORDANCE WITH ENFORCEMENT NOTICE

Conscientiously believing the above statements to be true and correct, signed on behalf of:

Designer CMG CONSULTING ENGINEERS PTY LTD **RPEQ No** 1370

Name in Full CHARLES MICHAEL GIANARAKIS

Signature  **Date** 01/06/2017

APPENDIX 4



Legend

WB	RE	Description
Orange	Blue hatched	Marine System (e.g. open ocean)
Yellow	Blue diagonal hatched	Estuarine System (e.g. mangroves, salt flats and estuaries)
Blue	Blue vertical hatched	Riverine System (e.g. river and creek channels)
Light Blue	Blue horizontal hatched	Lacustrine System (e.g. lakes)
Red	Red diagonal hatched	Palustrine System (e.g. vegetated swamps)
Blue triangle		Springs
Blue line		Riverine System Drainage Lines
Yellow rectangle		Remnant Regional Ecosystem 51-80% Wetland (mosaic units)
White rectangle		Nominated Area of Interest

For the purposes of mapping and classification, are:
 *Areas of permanent or periodic/intermittent inundation, with water that is static or flowing fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed 6m. To be a wetland the area must have one or more of the following attributes:

- at least periodically the land supports plants or animals that are adapted to and dependent on living in wet conditions for at least part of their life cycle, or
- the substratum is predominantly undrained soils that are saturated, flooded or ponded long enough to develop anaerobic conditions in the upper layers, or
- the substratum is not soil and is saturated with water, the substratum is covered by water at some time.*

Other features

- Towns
- ▭ Cadastral boundaries
- ▬ Roads
- ▬ Major Roads
- ▬ Built-up areas of QLD
- ▭ Ocean Areas

Queensland Wetland Map



Queensland Wetlands Program



Further information on wetland mapping (including methodology and digital data) is available from: www.wetlandinfo.qld.gov.au

Accuracy Information

The positional accuracy of wetland data mapped at a scale of 1:100 000 is +/-100m with a minimum polygon size of 5ha or 75m wide for linear features, except for areas along the east coast which are mapped at the 1:50 000 scale with a positional accuracy of +/-50m, with a minimum polygon size of 1ha or 35m wide for linear features. Wetlands smaller than 1ha are not delineated on the wetland data.

Consideration of the effects of mapped scale is necessary when interpreting data at a larger scale, eg. 1:25,000. For property assessment, digital line work should be used as a guide only.

The extent of wetlands depicted on this map is based on rectified 2009 Landsat ETM+ imagery supplied by Statewide Landcover and Trees Study (SLATS), Department of Science, Information Technology, Innovation and the Arts (DSITIA).

The extent of water bodies is based on the maximum extent of inundation derived from available Landsat imagery up to and including the 2009 imagery.

Data Sources

Water body mapping derived from satellite imagery, DSITIA; Regional Ecosystem mapping, DSITIA; drainage mapping, Geoscience Australia (GA), Department of Defence, DNRM; towns and built up areas GA, 2003, coastline, GA, 2004; Queensland 3NM Limit, Australian Maritime Boundaries Information System (AMBIS), GA, 2001; Digital Cadastral Database (DCDB) DNRM, July 2011; springs database, Queensland Herbarium, 2011; SRTM 90m DEM USGS/NASA, 2006. Landsat ETM+ imagery supplied by the Australian Centre for Remote Sensing (ACRES), Australian Surveying and Land Information Group (AUSLIG), Canberra. The satellite imagery used in this product has been pre-processed by SLATS, DSITIA.

Disclaimer

While every care is taken to ensure the accuracy of this product, the Queensland Government and Australian Government make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaim all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which might be incurred as a consequence of reliance on the product, or as a result of the product being inaccurate or incomplete in any way and for any reason.

Based on data from November 2011 © The State of Queensland 2017

Major Towns

(no results)

Local Government

Name	LGA Code	Abbreviation
DOUGLAS SHIRE	2810	DOUGLAS

NRM Regions

NRM Body Name
Terrain NRM

Basins

Basin Name
Mossman

Directory of Important Wetlands

Wetland Aggregaten	Area (ha)	ANCA Code	Location	Wetland Name
void	0.0			Great Barrier Reef Marine Park

Ramsar Wetlands

(no results)

World Heritage Areas

Area Name
Great Barrier Reef

Fish Habitat Areas

(no results)

Water Resource Plan Boundaries

SDI	Title	Internet
WM0959	Wet Tropics	http://www.dnrm.qld.gov.au/water/catchments-planning/catchments/wet-tropics

Bioregions

Region Name
WET

Individual owner's consent for making a development application under the *Planning Act 2016*

I, Phillip Walker and Dianne Perry

as owner of the premises identified as follows:

82-90 Mitre Street, Port Douglas
Lot 901 SP274759

consent to the making of a development application under the *Planning Act 2016* by:

Elizabeth Taylor – Town Planner

on the premises described above for:

Operational Works - Earthworks


.....
P WALKER


.....
D PERRY

30/10/17
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Date