

6 December 2018

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

Attention: Development Assessment

Delivery via email: enquiries@douglas.qld.gov.au

Cardno (Qld) Pty Ltd
ABN 57 051 074 992

15 Scott Street
Parramatta Park
Cairns QLD 4870
Australia

Phone: 61 7 4034 0500

www.cardno.com

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A PRELIMINARY APPROVAL FOR CARRYING OUT BUILDING WORK (RETAINING WALL) OVER LAND AT 23 MURPHY STREET, PORT DOUGLAS (LOTS 0 – 3 ON SP227598)

On behalf of the Applicant, *Murphy Street Properties Pty Ltd*, this correspondence forms a Development Application seeking a Preliminary Approval for Carrying Out Building Work for a Retaining Wall, pursuant to Sections 50 and 51 of the *Planning Act 2016* ('the Planning Act').

Please find **enclosed** the following documentation associated with this application:

- a) **Attachment A: Application Form** which contains DA Form 2 – Building Work details;
- b) **Attachment B: Proposal Plan & General Construction Notes**, prepared by Cardno;
- c) **Attachment C: Statement of Code Compliance** prepared by Cardno; and
- d) **Attachment D: Site Searches.**

We understand that the relevant application fee in this instance is calculated on the fee for Council engaged Building Certifier's plus 10% administration fee. The application fee will be paid on receipt of an invoice from Douglas Shire Council.

1. THE SITE

The application relates to land located at 23 Murphy Street, Port Douglas ('the site') which is more properly described as Lots 0 – 3 on SP227598.

2. THE PROPOSED DEVELOPMENT

The Applicant seeks to construct a retaining wall located at the rear of the site adjacent to an existing swimming pool and deck, at a height of 2.6 metres. The retaining wall is being constructed to restore support to the existing batter.

An easement in gross for the purpose of drainage, traverses the rear of the subject property and the three properties to the south-east. The easement contains an existing stormwater pipe and discharges into Grant Street. The stormwater drainage pipe is to be located and protected during construction.

Further detail in relation to the proposed development is provided in **Attachment B – Proposal Plan & General Construction Notes.**

3. PLANNING SCHEME

The *Douglas Shire Planning Scheme 2018* ('the Planning Scheme') is the applicable planning scheme in the instance.

The Planning Scheme identifies the following designations as being applicable to the site:

- Low Density Residential Zone;
- Port Douglas Craiglie Local Plan (Precinct 1: Port Douglas Precinct and Sub-Precinct: 1F Flagstaff Hill);
- Bushfire Hazard Overlay (Medium Bushfire Hazard, Buffer Impact Area);
- Coastal Environmental Overlay (Erosion Prone Area);
- Natural Areas Overlay (Regulated Vegetation intersecting a watercourse); and
- Potential Landslide Hazard Overlay (Potential Landslide Hazard Area).

The Planning Scheme identifies that Carrying Out Building Work in the Low Density Residential Zone is subject to Self-Assessment. The proposed development does not achieve compliance with AO2 of the Potential Landslide Hazard Overlay Code and is therefore subject to Code Assessment, pursuant to Section 5.4(1)(a)(iii) of the Planning Scheme.

The Planning Scheme identifies that the following codes as assessment benchmarks for the proposed development:

- Low Density Residential Zone Code
- Port Douglas / Craiglie Local Plan Code
- Bushfire Hazard Overlay Code
- Coastal Environment Overlay Code
- Potential Landslide Hazard Overlay Code

A detailed assessment of the proposed development against the above codes has been undertaken and is documented in **Attachment C – Statement of Code Compliance**. In summary, the proposal is consistent with the relevant Performance Outcomes and subsequently the Purposes and Overall Outcomes of the applicable codes.

4. CONCLUSION

We trust that Council will favourably consider the proposed development and approve the development application, subject to reasonable and relevant conditions.

If you have any queries, please contact myself on (07) 4034 0500 or via email at daniel.favier@cardno.com.au.

Yours faithfully



Daniel Favier
Senior Planner
For Cardno

Enc: Attachments A-D

Attachment A

Application Form

DA Form 2 – Building work details

Approved form (version 1.1 effective 22 JUNE 2018) made under Section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving building work**.

For a development application involving **building work only**, use this form (DA Form 2) only. The DA Forms Guide provides advice about how to complete this form.

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

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) (individual or company full name)	Murphy Street Properties Pty Ltd
Contact name (only applicable for companies)	C/- Cardno (Daniel Favier)
Postal address (PO Box or street address)	PO Box 1619
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	07 4034 0500
Email address (non-mandatory)	daniel.favier@cardno.com.au
Mobile number (non-mandatory)	-
Fax number (non-mandatory)	-
Applicant's reference number(s) (if applicable)	Q184133

PART 2 – LOCATION DETAILS

2) Location of the premises (complete 2.1 and/or 2.2 if 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 Form Guide: Relevant plans](#).

2.1) 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).

Unit No.	Street No.	Street Name and Type	Suburb
	23	Murphy Street	Port Douglas
Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	0 – 3	SP227598	Douglas Shire

2.2) Additional premises

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

3) 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 the [DA Forms Guide](#)

- Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- No

PART 3 – FURTHER DETAILS

4) Is the application only for building work assessable against the building assessment provisions?

- Yes – proceed to 8)
- No

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

Douglas Shire Council

6) 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
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

7) Information request under Part 3 of the DA Rules

- I agree to receive an information request if determined necessary for this development application
- 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:

- 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 [DA Forms Guide](#).

8) Are there any associated development applications or current approvals?

- Yes – provide details below or include details in a schedule to this development application
- No

List of approval/development application	Reference	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

9) Has the portable long service leave levy been paid?

- Yes – the yellow local government/private certifier’s copy of the receipted QLeave form is attached to this development application
- 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
- Not applicable

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

10) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- Yes – show cause or enforcement notice is attached
- No

11) Identify any of the following further legislative requirements that apply to any aspect of this development application

- The proposed development is on a place entered in the **Queensland Heritage Register** or in a local government’s **Local Heritage Register**. See the guidance provided at www.des.qld.gov.au about the requirements in relation to the development of a Queensland heritage place

Name of the heritage place:	Place ID:

PART 4 – REFERRAL DETAILS

12) Does this development application include any building work aspects that have any referral requirements?

- Yes – the *Referral checklist for building work* is attached to this development application
- No – proceed to Part 5

13) Has any referral agency provided a referral response for this development application?

- Yes – referral response(s) received and listed below are attached to this development application
- No

Referral requirement	Referral agency	Date 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 5 – BUILDING WORK DETAILS

14) Owner’s details

- Tick if the applicant is also the owner and proceed to 15). Otherwise, provide the following information.

Name(s) (<i>individual or company full name</i>)	
Contact name (<i>applicable for companies</i>)	

Postal address (<i>P.O. Box or street address</i>)	
Suburb	
State	
Postcode	
Contact number	
Email address (<i>non-mandatory</i>)	
Mobile number (<i>non-mandatory</i>)	
Fax number (<i>non-mandatory</i>)	

15) Builder's details

Tick if a builder has not yet been engaged to undertake the work and proceed to 16). Otherwise provide the following information.

Name(s) (<i>individual or company full name</i>)	
Contact name (<i>applicable for companies</i>)	
QBCC licence or owner – builder number	
Postal address (<i>P.O. Box or street address</i>)	
Suburb	
State	
Postcode	
Contact number	
Email address (<i>non-mandatory</i>)	
Mobile number (<i>non-mandatory</i>)	
Fax number (<i>non-mandatory</i>)	

16) Provide details about the proposed building work

a) What type of approval is being sought?

- Development permit
 Preliminary approval

b) What is the level of assessment?

- Code assessment
 Impact assessment (*requires public notification*)

c) Nature of the proposed building work (tick all applicable boxes)

- | | |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> New building or structure | <input type="checkbox"/> Repairs, alterations or additions |
| <input type="checkbox"/> Change of building classification (<i>involving building work</i>) | <input type="checkbox"/> Swimming pool and/or pool fence |
| <input type="checkbox"/> Demolition | <input type="checkbox"/> Relocation or removal |

d) Provide a description of the work below or in an attached schedule.

Retaining wall.

e) Proposed construction materials

External walls	<input type="checkbox"/> Double brick	<input type="checkbox"/> Steel	<input type="checkbox"/> Curtain glass
	<input type="checkbox"/> Brick veneer	<input type="checkbox"/> Timber	<input type="checkbox"/> Aluminium
	<input checked="" type="checkbox"/> Stone/concrete	<input type="checkbox"/> Fibre cement	<input type="checkbox"/> Other
Frame	<input type="checkbox"/> Timber	<input type="checkbox"/> Steel	<input type="checkbox"/> Aluminium
	<input type="checkbox"/> Other		
Floor	<input type="checkbox"/> Concrete	<input type="checkbox"/> Timber	<input type="checkbox"/> Other

Roof covering	<input type="checkbox"/> Slate/concrete <input type="checkbox"/> Aluminium	<input type="checkbox"/> Tiles <input type="checkbox"/> Steel	<input type="checkbox"/> Fibre cement <input type="checkbox"/> Other
f) Existing building use/classification? (if applicable)			
g) New building use/classification? (if applicable)			
h) 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 .			
<input checked="" type="checkbox"/> Relevant plans of the proposed works are attached to the development application			

17) What is the monetary value of the proposed building work?	\$unknown
---------------------------------------------------------------	------------------

18) Has Queensland Home Warranty Scheme Insurance been paid?		
<input type="checkbox"/> Yes – provide details below		
<input checked="" type="checkbox"/> No		
Amount paid	Date paid (dd/mm/yy)	Reference number
\$		

PART 6 – CHECKLIST AND APPLICANT DECLARATION

19) Development application checklist	
The relevant parts of <i>Form 2 – Building work details</i> have been completed	<input checked="" type="checkbox"/> Yes
This development application includes a material change of use, reconfiguring a lot or operational work and is accompanied by a completed <i>Form 1 – Development application details</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
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 .	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

20) Applicant declaration
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct
<input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> Note: It is unlawful to intentionally provide false or misleading information.
Privacy –pPersonal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any 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 <i>Planning Act 2016</i> , <i>Planning Regulation 2017</i> and the DA Rules except where: <ul style="list-style-type: none"> such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or required by other legislation (including the <i>Right to Information Act 2009</i>); 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 7 –FOR COMPLETION BY THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference numbers:

For completion by the building certifier

Classification(s) of approved building work

Name	QBCC Certification Licence number	QBCC Insurance receipt number

Notification of engagement of alternate chosen 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	

Additional information required by the local government

Confirm proposed construction materials:

External walls	<input type="checkbox"/> Double brick	<input type="checkbox"/> Steel	<input type="checkbox"/> Curtain glass
	<input type="checkbox"/> Brick veneer	<input type="checkbox"/> Timber	<input type="checkbox"/> Aluminium
	<input type="checkbox"/> Stone/concrete	<input type="checkbox"/> Fibre cement	<input type="checkbox"/> Other
Frame	<input type="checkbox"/> Timber	<input type="checkbox"/> Steel	<input type="checkbox"/> Aluminium
	<input type="checkbox"/> Other		
Floor	<input type="checkbox"/> Concrete	<input type="checkbox"/> Timber	<input type="checkbox"/> Other
Roof covering	<input type="checkbox"/> Slate/concrete	<input type="checkbox"/> Tiles	<input type="checkbox"/> Fibre cement
	<input type="checkbox"/> Aluminium	<input type="checkbox"/> Steel	<input type="checkbox"/> Other

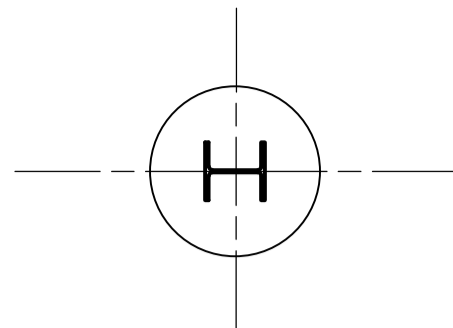
Additional building details required for the Australian Bureau of Statistics

Existing building use/classification? <i>(if applicable)</i>			
New building use/classification?			
Site area (m ²)		Floor area (m ²)	

Attachment B

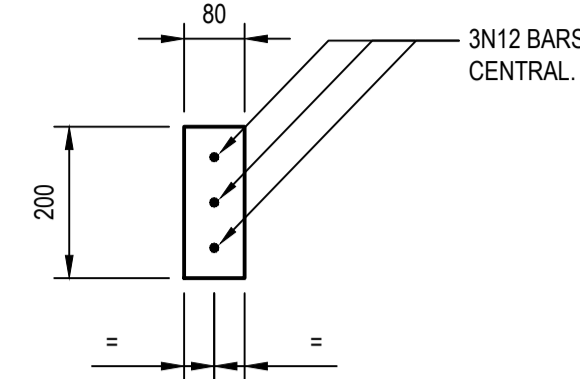
Proposal Plan & General Construction Notes

DATE PLOTTED: 14 November 2018 8:31 AM BY: NEIL BROWNING



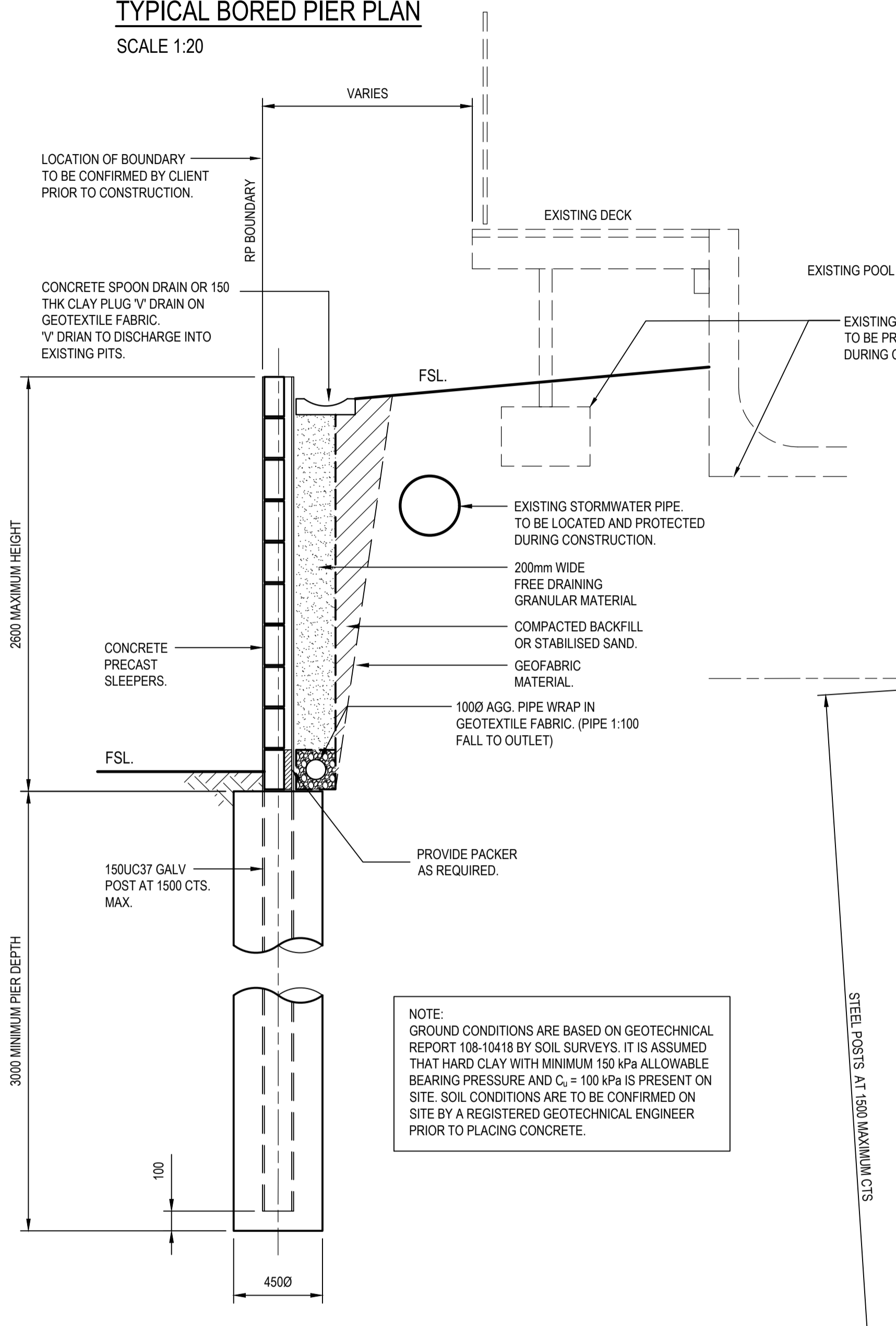
TYPICAL BORED PIER PLAN

SCALE 1:20



TYPICAL CONCRETE SLEEPER SECTION

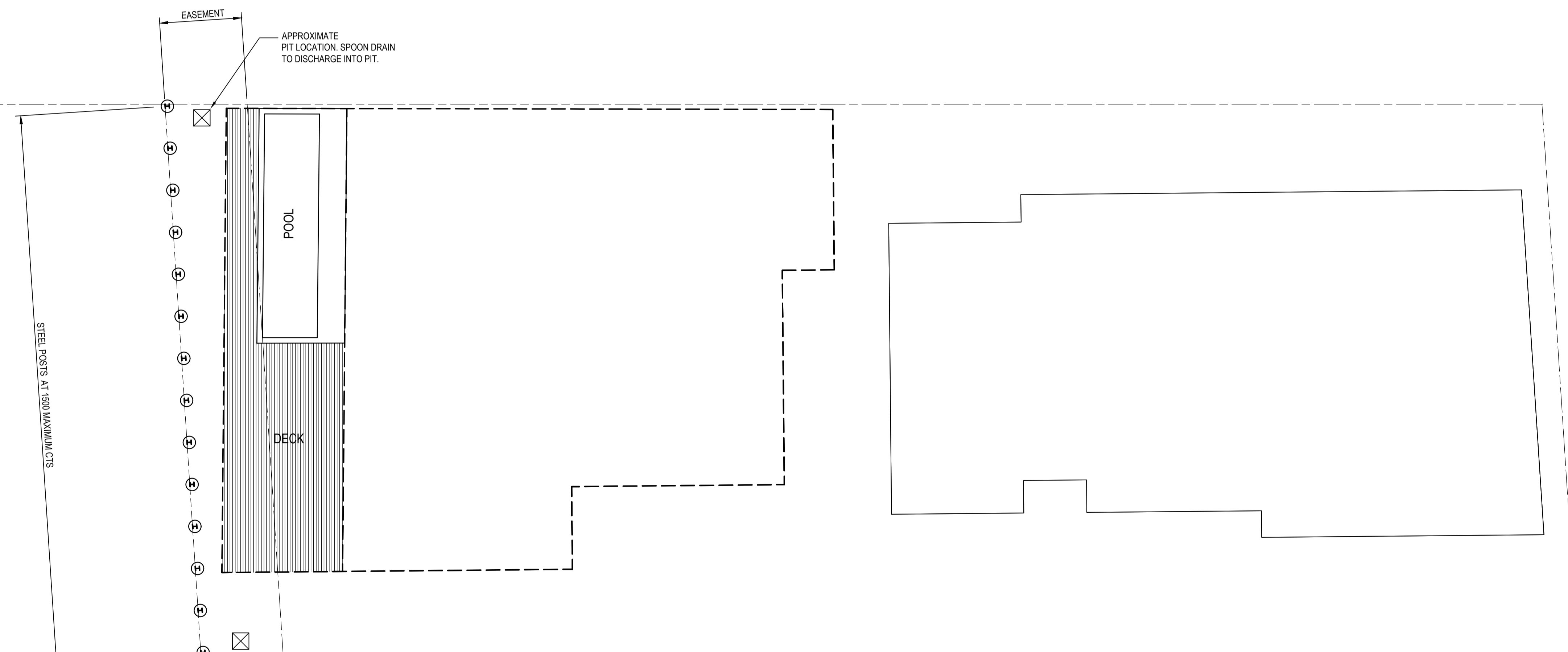
SCALE 1:10



TYPICAL WALL SECTION

SCALE 1:20

NOTE:
GROUND CONDITIONS ARE BASED ON GEOTECHNICAL REPORT 108-10418 BY SOIL SURVEYS. IT IS ASSUMED THAT HARD CLAY WITH MINIMUM 150 kPa ALLOWABLE BEARING PRESSURE AND $C_u = 100$ kPa IS PRESENT ON SITE. SOIL CONDITIONS ARE TO BE CONFIRMED ON SITE BY A REGISTERED GEOTECHNICAL ENGINEER PRIOR TO PLACING CONCRETE.

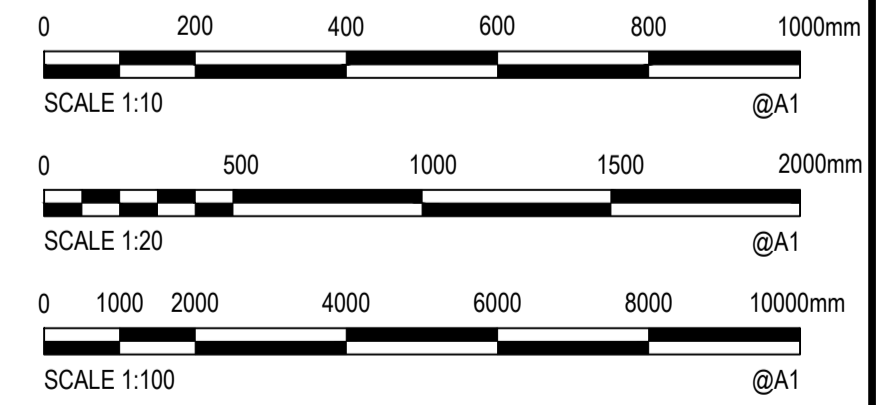


OVERALL PLAN

1:100

NOTES

1. REFER DRAWING Q184133 - S01 FOR GENERAL CONSTRUCTION NOTES.
2. DESIGN SOIL PARAMETERS:
 - a. $\gamma = 20$ kN/m³
 - b. $\phi = 28^\circ$
 - c. ASSUME CLAY WITH $C_u = 100$ kPa FOR BORED PIER.
3. CHECK EACH COURSE OF SLEEPERS FOR LEVEL, AND ALIGNMENT PRIOR TO PROCEEDING WITH EACH ADDITIONAL COURSE.
4. PRIOR TO PLACING BACKFILL IT MAY BE NECESSARY TO WEDGE SLEEPERS AGAINST THE FRONT FLANGE OF THE POST.
5. WALL CONSTRUCTION TOLERANCES:
 - a. VERTICAL ALIGNMENT : PLUS OR MINUS 20mm OVER ANY 3m DISTANCE WITH A MAXIMUM DIFFERENTIAL OF 50mm OVER THE LENGTH OF THE WALL.
 - b. HORIZONTAL LOCATION CONTROL FROM PLAN: STRAIGHT LINES PLUS OR MINUS 20mm OVER ANY 3m DISTANCE WITH A MAXIMUM DIFFERENTIAL OF 50mm OVER THE LENGTH OF THE WALL.
 - c. INTERMEDIATE POST CONSTRUCTION WALL BATTER: WITHIN 2° OF THE DESIGN BATTER OF THE CONCRETE RETAINING WALL UNITS.
 - d. BULGING: PLUS OR MINUS 20mm OVER ANY 3m DISTANCE.



XREFs: CAD File: H:2018\0184133 - Retaining Wall - 23 Murphy Street\04 - Structural Engineering\Design\CAD & Models\Acad\Q184133-S01_S02.dwg

Rev.	Date	Description	Des.	Verif.	Appd.
B	14.11.18	CONSTRUCTION ISSUE		ML	ML
A	5.11.18	PRELIMINARY			

© Cardno Limited All Rights Reserved.
This document is produced by Cardno Limited solely for the benefit of and use by the client in accordance with the terms of the retainer. Cardno Limited does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.

Cardno
Cardno (QLD) Pty Ltd | ABN 57 051 074 992
15 Scott Street, Parramatta Park
Cairns QLD 4870
Tel: 07 4034 0500
Web: www.cardno.com.au

Drawn	NB	Date	31.10.18
Checked	ML	Date	14.11.18
Designed	ML	Date	26.10.18
Verified		Date	
Approved	RPEQ 18786	Date	
M. LANCINI		14.11.2018	

Client	23 MURPHY STREET
Project	PROPOSED RETAINING WALL 23 MURPHY STREET, PORT DOUGLAS
Title	PLAN AND DETAILS

Status	FOR CONSTRUCTION	
Scale	AS SHOWN	Size A1
Drawing Number	Q184133-S02	Revision B

GENERAL

- G1 THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT.
- G2 THE INFORMATION CONTAINED ON THESE DRAWINGS IS FOR STRUCTURAL ENGINEERING PURPOSES ONLY. ALL DISCREPANCIES THAT COULD RESULT IN CHANGES TO THE STRUCTURAL DETAILS SHALL BE REFERRED TO THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
IF IN DOUBT - ASK.
- G3 CONSTRUCTION FROM THESE DRAWINGS AND ASSOCIATED CONSULTANTS' DRAWINGS SHALL NOT COMMENCE UNTIL APPROVED BY THE LOCAL AUTHORITIES.
- G4 ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT AUSTRALIAN STANDARDS AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.
- G5 ALL DIMENSIONS SHOWN SHALL BE VERIFIED BY THE BUILDER ON SITE. ENGINEERS' DRAWINGS SHALL NOT BE SCALED FOR DIMENSIONS.
- G6 DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERSTRESSED. TEMPORARY BRACING SHALL BE PROVIDED BY THE BUILDER TO KEEP WORKS AND EXCAVATIONS STABLE AT ALL TIMES.
- G7 THE BUILDER SHALL GIVE 48 HOURS NOTICE FOR ALL ENGINEERING INSPECTIONS.
- G8 UNLESS NOTED OTHERWISE ALL LEVELS ARE IN METRES AND ALL DIMENSIONS ARE IN MILLIMETRES.
- G9 THE STRUCTURAL COMPONENTS DETAILED ON THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE RELEVANT AUSTRALIAN STANDARDS AND LOCAL GOVERNMENT ORDINANCES FOR THE FOLLOWING LOADINGS :

DESIGN LOADS		
AREA	LIVE LOAD kPa	SUPERIMPOSED DEADLOAD kPa
SURCHARGE	10	NIL

SAFETY IN DESIGN AND CONSTRUCTION

- D1 CONSTRUCTION WORK UNDERTAKEN BY THE BUILDER/CONTRACTOR IS TO COMPLY WITH THE REQUIREMENTS OF THE WORK PLACE HEALTH AND SAFETY ACT.
- D2 CONSTRUCTION ACTIVITY CAN BE HAZARDOUS. POTENTIAL SAFETY HAZARDS CONSIDERED BY THE DESIGNERS TO HAVE A HIGHER RISK THAN NORMAL CONSTRUCTION ACTIVITY ARE IDENTIFIED WITH APPROPRIATE NOTES ON THESE DRAWINGS. IT SHOULD BE NOTED THAT DESIGNERS HAVE A LOWER LEVEL OF UNDERSTANDING OF THE RISKS INVOLVED IN CONSTRUCTION COMPARED TO THAT OF A COMPETENT CONTRACTOR. IT IS THEREFORE ESSENTIAL THAT AN ADEQUATE SAFETY PLAN IS PREPARED BY THE CONTRACTOR FOR THE WORKS. SAFETY PLANS ARE TO BE PREPARED IN COMPLIANCE WITH THE STATUTORY REQUIREMENTS. THE DESIGNERS MAY NOT BE AWARE OF ALL SAFETY RISKS AND HAZARDS INVOLVED IN THIS PROJECT AND THE ABSENCE OF COMMENT DOES NOT IMPLY THAT THERE ARE ONLY LOW LEVEL RISKS OR HAZARDS INVOLVED IN THIS PROJECT. APPROPRIATE WORK METHOD STATEMENTS ARE TO BE PREPARED FOR ANY HIGH RISK ACTIVITY BY THE CONTRACTOR. THE DESIGNERS ARE AVAILABLE TO BE CONSULTED WHEN REQUIRED CONCERNING THEIR AREA OF CONTROL WITH REGARD TO SAFETY PLANS.
- D3 PRIOR TO FABRICATION OF STEELWORK THE CONTRACTOR SHALL AGREE WITH THE ENGINEER ON AREAS OF RISK WHICH HAVE BEEN ADDRESSED BY THE DESIGN WHERE POSSIBLE AND AGREE ON SUITABLE CONSTRUCTION PROCEDURES WHERE AREAS OF RISK STILL EXIST.
- D4 PRIOR TO ANY ERECTION THE CONTRACTOR SHALL HAVE COMPLETED A RISK ASSESSMENT OF ALL CONSTRUCTION PROCEDURES AND ENSURED THAT WHERE POSSIBLE, ALL RISKS HAVE BEEN ELIMINATED AND WHERE NOT POSSIBLE THEIR SAFETY PLAN HAS ADDRESSED THOSE ISSUES AND IT HAS BEEN FORMULATED AND DOCUMENTED FOR STRICT ADHERENCE DURING THE CONSTRUCTION WORKS.
- D5 PRIOR TO THE USE OF THE PROJECT AS DESIGNED, THE OWNER SHALL HAVE COMPLETED A RISK ASSESSMENT OF ALL WORK PRACTICES AND ENSURED THAT WHERE POSSIBLE ALL RISKS HAVE BEEN ELIMINATED AND WHERE NOT POSSIBLE THEIR SAFETY PLAN HAS ADDRESSED THOSE ISSUES AND IT HAS BEEN FORMULATED AND DOCUMENTED FOR STRICT ADHERENCE AFTER COMMISSIONING.

EARTHWORKS NOTES

- 1. A SOILS INVESTIGATION REPORT 108-10418 OF THE SITE HAS BEEN CARRIED OUT BY SOIL SURVEYS.
- 2. BULK EARTHWORKS IS TO BE CARRIED OUT IN ACCORDANCE WITH FNQROC STANDARDS AND THE REQUIREMENTS OF AS 3798 AND THE GEOTECHNICAL REPORT.
- 3. THE CONTRACTOR SHALL ALLOW TO PAY ALL ASSOCIATED COSTS TO ENGAGE AN APPROVED GEOTECHNICAL CONSULTANT TO CARRY OUT ALL INSPECTIONS, TESTING AND CERTIFICATIONS AS NECESSARY OF THE EARTHWORKS SHOWN IN THE DOCUMENTATION.
- 4. THE GEOTECHNICAL ENGINEER SHALL PROVIDE ALL SERVICES AS REQUIRED TO SATISFY LEVEL 1 SUPERVISION AS SPECIFIED IN AS3798.
- 5. PRIOR TO COMMENCEMENT OF WORKS THE CONTRACTOR IS TO IDENTIFY AND BE SATISFIED OF THE CORRECT LOCATIONS OF ALL EXISTING SERVICES WHETHER INDICATED OR NOT ON THE PLANS. ANY DAMAGE TO EXISTING SERVICES IS TO BE RECTIFIED AS SOON AS POSSIBLE AT THE CONTRACTORS EXPENSE.
- 6. REMOVE ALL VEGETATION, ORGANIC TOPSOIL, AND OTHER DELETERIOUS MATERIAL AND DISPOSE OF ALL SUCH MATERIAL OFF SITE. EXCAVATE AND TRIM THE BUILDING OR PAVEMENT PLATFORMS AS REQUIRED.
- 7. FILL MATERIAL SHALL BE EITHER IMPORTED SELECT MATERIAL OR EXISTING EXCAVATED SOILS (IF APPROVED BY THE GEOTECHNICAL ENGINEER & FREE OF ORGANIC MATERIAL). IMPORTED FILL MATERIAL SHALL BE LOW PLASTICITY. GRANULAR FILL HAVING THE FOLLOWING CHARACTERISTICS:-
MINIMUM CBR 15%
PLASTICITY INDEX <15%
% PASSING 0.075mm SIEVE <25%
- 8. FILL MATERIAL SHALL BE COMPACTED IN MAXIMUM 200mm THICK LAYERS (COMPACTED THICKNESS) TO 100% STANDARD DRY DENSITY RATIO IN ACCORDANCE WITH AS1298 U.N.O.
- 9. FILL SHALL BE COMPACTED AND MAINTAINED AT MOISTURE CONTENTS AT PLACEMENT WITHIN THE RANGE OF PLUS 2% TO MINUS 2% OF STANDARD OPTIMUM MOISTURE CONTENT.
- 10. THE MINIMUM FREQUENCY OF TESTING FILL COMPACTION SHALL BE IN ACCORDANCE WITH TABLE 8.1 OF AS3798 FOR TYPE 2 EARTHWORKS AND FNQROC REQUIREMENTS.
- 11. ALL EXCAVATED BATTERS AND FILL EMBANKMENTS ARE TO BE INSPECTED AND APPROVED BY THE GEOTECHNICAL ENGINEER.
- 12. IT IS THE CONTRACTORS RESPONSIBILITY TO PROTECT THE SITE AND SURROUNDING AREAS FROM DAMAGE RESULTING FROM STORMWATER RUNOFF. TEMPORARY DIVERSION DRAINS AND OR OTHER DRAINAGE CONTROL DEVICES ARE TO BE IMPLEMENTED BY THE CONTRACTOR DURING CONSTRUCTION TO MINIMISE THE EFFECTS OF WEATHER.

FOOTING NOTES

- 1. A SOILS INVESTIGATION REPORT 108-10418 OF THE SITE HAS BEEN CARRIED OUT BY SOIL SURVEYS.
- 2. THE BUILDER SHALL ALLOW TO ENGAGE AN APPROVED GEOTECHNICAL ENGINEER IN ACCORDANCE THE BORED PIER SECTIONS OF THE NOTES TO CARRY OUT ALL INSPECTIONS AND TESTING TO CERTIFY THAT THE FOUNDING MATERIAL FOR THE BORED PIERS COMPLIES WITH THAT NOMINATED IN THE DOCUMENTATION. THE CERTIFICATION IS TO BE SIGNED BY A REGISTERED PROFESSIONAL ENGINEER OF QUEENSLAND.
- 3. FOR BORED PIERS AN ULTIMATE END BEARING PRESSURE OF 150 kPa AND SKIN FRICTION OF 25 kPa HAS BEEN ASSUMED IN THE DESIGN OF THE FOOTINGS.
- 4. WHERE EXCAVATION WORK IS TO BE CARRIED OUT ADJACENT TO EXISTING FOOTINGS THE EXACT LEVEL OF THE UNDERSIDE OF THE FOOTINGS SHALL BE DETERMINED BY TEST PITS PRIOR TO EXCAVATION. UNDERPINNING SHALL BE CARRIED OUT AS DETAILED OR REQUIRED BY THE STRUCTURAL ENGINEER

CONCRETE

- C1 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS 3600, AS 1379 & AS 3610 CURRENT EDITIONS WITH AMENDMENTS, EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.

TABLE 1 - CONCRETE QUALITY			
ELEMENT	STRENGTH GRADE	SLUMP (mm)	MAXIMUM AGGREGATE SIZE (mm)
BORED PIERS	N32	80±15	20
PRECAST SLEEPERS	N50	80±15	20
EXPOSURE CLASSIFICATION			
EXTERNAL	B1		

TABLE 2 - CLEAR COVER TO REINFORCEMENT (UNO)			
ELEMENT	TOP (mm)	BTM (mm)	SIDE (mm)
BORED PIERS	50	50	50
PRECAST SLEEPERS	30	30	30

PROJECT ASSESSMENT SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 1379, EXCEPT THAT SAMPLING FREQUENCY SHALL BE AS FOLLOWS. ONE SAMPLE SHALL CONSIST OF 3 CYLINDERS.

NUMBER OF TRUCKS	NUMBER OF SAMPLES
1	1
2 - 10	2
11 - 20	3
FOR EACH ADDITIONAL 10 TRUCKS	1 EACH

- C2 NO ADMIXTURES OTHER THAN LOW RANGE WRA SHALL BE USED IN CONCRETE UNLESS APPROVED IN WRITING.
- C3 CLEAR CONCRETE COVER TO ALL REINFORCEMENT SHALL BE AS SHOWN ON PLANS.
- C4 CONCRETE SIZES SHOWN DO NOT INCLUDE THICKNESS OF APPLIED FINISHES. NO FINISH WHICH DECREASES COVER IS ALLOWED WITHOUT THE WRITTEN APPROVAL OF THE ENGINEER.
- C5 NO HOLES, CHASES, BLOCKOUTS, DUCTS OR EMBEDMENT OF PIPES OTHER THAN THOSE SHOWN ON THE STRUCTURAL DRAWINGS SHALL BE MADE IN CONCRETE MEMBERS WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ENGINEER.
- C6 CONSTRUCTION JOINTS WHERE NOT SHOWN SHALL BE LOCATED TO THE APPROVAL OF THE ENGINEER.
- C7 THE FINISHED CONCRETE SHALL BE MECHANICALLY VIBRATED TO ACHIEVE A DENSE HOMOGENEOUS MASS, COMPLETELY FILLING THE FORMWORK THOROUGHLY EMBEDDING THE REINFORCEMENT AND FREE OF STONE POCKETS. ALL CONCRETE INCLUDING SLABS ON GROUND AND FOOTINGS SHALL BE COMPACTED WITH MECHANICAL VIBRATORS.
- C8 USE EVAPORATIVE RETARDANT DURING CONCRETE PLACING AND IMMEDIATELY AFTER BULL FLOATING.
- C9 CURING OF ALL CONCRETE IS TO BE ACHIEVED BY KEEPING SURFACES CONTINUOUSLY WET FOR A PERIOD OF THREE DAYS, AND THE PREVENTION OF LOSS OF MOISTURE FOR A TOTAL OF 7 DAYS FOLLOWED BY A GRADUAL DRYING OUT. APPROVED SPRAYED ON CURING COMPOUNDS THAT COMPLY WITH AS 3799 MAY BE USED WHERE FLOOR FINISHES WILL NOT BE AFFECTED (REFER MANUFACTURERS SPECIFICATIONS). POLYTHENE SHEETING OR WET HESSIAN MAY BE USED IF PROTECTED FROM WIND AND TRAFFIC.
- C10 REPAIRS TO CONCRETE SHALL NOT BE ATTEMPTED WITHOUT THE PERMISSION OF THE ENGINEER.
- C11 CAST-IN FIXINGS, BOLTS ETC. SHALL NOT BE ALTERED WITHOUT THE PERMISSION OF THE ENGINEER.

STRUCTURAL STEEL

- S1 ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS4100, AS4600 AND AS 1554 EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
 - S2 UNLESS NOTED OTHERWISE ALL MATERIAL SHALL BE:
- GRADE 250 HOT-ROLLED PLATES COMPLYING WITH AS 3678;
- GRADE 250 HOT-ROLLED FLATS, TFC, TFB, ANGLS 100x100 EA OR 125x75 UA AND SMALLER COMPLYING WITH AS 3679.1;
- GRADE 300 PLUS UB, UC, PFC AND ANGLES 125x125 EA OR 150x90 UA
 - S3 WELDING SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 1554.1. WELDING CONSUMABLES SHALL BE E48XX OR W50X U.N.O. ALL WELDS SHALL BE 6 mm CFW SP CATEGORY U.N.O. CPBW SHALL BE SP CATEGORY U.N.O. INSPECTION SHALL BE CARRIED OUT TO AS 1554.1. ALL GP/SP WELDS SHALL BE 100% VISUALLY SCANNED. SP WELDS ALLOW FOR 100% VISUAL EXAMINATION U.N.O. BUTT WELDS SHALL BE COMPLETE PENETRATION WELDS TO AS 1554.
 - S4 ALL DETAILS, GAUGE LINES ETC. WHERE NOT SPECIFICALLY SHOWN ARE TO BE IN ACCORDANCE WITH AISC DESIGN CAPACITY TABLES FOR STRUCTURAL STEEL AND AISC STANDARDIZED STRUCTURAL CONNECTIONS. PLATES TO BE 10mm THICK, EX-STANDARD SQUARE EDGE FLATS U.N.O.
 - S5 IT IS THE BUILDER'S RESPONSIBILITY TO ENSURE THAT STEELWORK IS SECURELY TEMPORARILY BRACED AS NECESSARY TO STABILISE THE STRUCTURE DURING ERECTION.
 - S6 STRUCTURAL STEELWORK SHALL HAVE THE FOLLOWING SURFACE TREATMENT IN ACCORDANCE WITH THE SPECIFICATION.
- | ELEMENT | SURFACE CLEANING | PROTECTIVE COATING |
|----------|------------------|---------------------------------------------------------------------------|
| EXTERNAL | | HOT DIP GALVANISED TO AS 4680 AND AS2312 SYSTEM DESIGNATION TO BE HDG 500 |
- S7 THE FABRICATION AND ERECTION OF THE STRUCTURAL STEELWORK SHALL BE SUPERVISED BY A QUALIFIED PERSON EXPERIENCED IN SUCH SUPERVISION, IN ORDER TO ENSURE THAT ALL REQUIREMENTS OF THE DESIGNS ARE MET. ALL BEAMS AND RAFTERS SHALL BE FABRICATED AND ERECTED WITH NATURAL CAMBER UP. BEAMS AND TRUSSES OVER 6m SPANS SHALL BE PRECAMBERED 1 IN 500 UNLESS NOTED OTHERWISE. ALL MEMBERS SHALL BE SUPPLIED IN SINGLE LENGTHS. SPLICES SHALL ONLY BE PERMITTED IN LOCATIONS SHOWN ON THE STRUCTURAL DRAWINGS.

REINFORCEMENT

- R1 ALL REINFORCING BARS SHALL BE GRADE D500N TO AS 4671 UNLESS NOTED OTHERWISE. IT SHALL BE CUT AND BENT IN ACCORDANCE WITH AS3600. ACCEPTABLE MANUFACTURERS AND PROCESSORS OF STEEL REINFORCEMENT MUST HOLD A VALID CERTIFICATE OF APPROVAL, ISSUED BY THE AUSTRALIAN CERTIFICATION AUTHORITY FOR REINFORCING STEELS (ACRS), OR TO SUCH AN EQUIVALENT CERTIFICATION SYSTEM AS MAY BE APPROVED IN WRITING BY THE SPECIFIER. EVIDENCE OF COMPLIANCE WITH THIS CLAUSE MUST BE OBTAINED WHEN CONTRACT BIDS ARE RECEIVED. ALL MESH SHALL BE GRADE 500L TO AS4671 AND SHALL BE SUPPLIED IN FLAT SHEETS.
- REINFORCEMENT NOTATION SHALL BE AS FOLLOWS IN THE FOLLOWING
-
- THE FIGURES FOLLOWING THE FABRIC SYMBOLS RL, SL, L, TM IS THE REFERENCE NUMBER FOR FABRIC TO AS 4671.
- R2 REINFORCEMENT IS REPRESENTED DIAGRAMMATICALLY AND NOT NECESSARILY IN TRUE PROJECTION.
 - R3 SPLICES IN REINFORCEMENT SHALL BE MADE ONLY IN POSITIONS SHOWN OR OTHERWISE APPROVED IN WRITING BY THE ENGINEER. LAPs SHALL BE IN ACCORDANCE WITH AS 3600 AND NOT LESS THAN THE DEVELOPMENT LENGTH FOR EACH BAR, AS SHOWN IN THE TABLE BELOW.

BAR LAPs (mm) FOR BEAMS & SLABS		
BAR SIZE	TOP BAR	BOTTOM BAR
N12	500	500
N16	600	600
N20	800	800
N24	1200	1000
N28	1500	1200

- MINIMUM LAP FOR ALL REINFORCING FABRIC SHALL BE ONE MESH SQUARE PLUS 30mm.
- R4 WELDING OF REINFORCEMENT SHALL NOT BE PERMITTED UNLESS SHOWN ON THE STRUCTURAL DRAWINGS OR APPROVED BY THE ENGINEER. WHERE APPROVED, WELDING MUST COMPLY WITH AS1554.3 STANDARD STEEL WELDING, PART 3 : WELDING OF REINFORCING STEEL. NO WELDING IS ALLOWED WITHIN 120mm OF BENDS.
 - R5 FABRIC SHALL BE LAPPED TWO TRANSVERSE WIRES PLUS 25mm. BUNDLED BARS SHALL BE TIED TOGETHER AT 30 BAR DIAMETER CENTRES WITH 3 WRAPS OF THE WIRE.
 - R6 WHERE TRANSVERSE TIE BARS ARE NOT SHOWN PROVIDE N12-300 SPLICED WHERE NECESSARY AND LAP WITH MAIN BARS 400 mm UNLESS NOTED.
 - R7 JOGGLES TO BARS SHALL COMPRISE A LENGTH OF 12 BAR DIAMETERS BETWEEN BEGINNING AND END OF AN OFFSET OF 1 BAR DIAMETER.
 - R9 ALL REINFORCEMENT SHALL BE FIRMLY SUPPORTED ON MILD STEEL PLASTIC TIPPED CHAIRS, PLASTIC CHAIRS OR CONCRETE CHAIRS AT NOT GREATER THAN 1 METRE CENTRES BOTH WAYS, AND 800 EACH WAY FOR FABRIC. WHEN POURED ON GROUND AS FORMWORK PROVIDE PLATES UNDER ALL BAR CHAIRS. PLASTIC TIPPED STEEL CHAIRS SHALL NOT BE USED ON EXPOSED FACES IN EXPOSURE CLASSIFICATION B1, B2 AND C ONLY PLASTIC OR CONCRETE CHAIRS.
 - R10 SITE BENDING OF REINFORCEMENT SHALL BE AVOIDED IF POSSIBLE. WHERE SITE BENDING IS UNAVOIDABLE IT SHALL BE CARRIED OUT COLD, WITHOUT THE APPLICATION OF HEAT, AND IN ACCORDANCE WITH THE PRACTICE NOTE RPN1 OF THE STEEL REINFORCEMENT INSTITUTE OF AUSTRALIA. REINFORCEMENT SHALL NOT BE REBENT WITHOUT APPROVAL OF THE SUPERINTENDENT.
 - R11 THE STRUCTURAL ENGINEER SHALL BE GIVEN 24 HOURS NOTICE FOR REINFORCEMENT INSPECTION AND CONCRETE SHALL NOT BE DELIVERED UNTIL FINAL APPROVAL HAS BEEN OBTAINED FROM THE STRUCTURAL ENGINEER.

Rev.	Date	Description	Des.	Verif.	Appd.
B	14.11.18	CONSTRUCTION ISSUE		ML	ML ML
A	5.11.18	PRELIMINARY			

© Cardno Limited All Rights Reserved.
This document is produced by Cardno Limited solely for the benefit of and use by the client in accordance with the terms of the retainer. Cardno Limited does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.



Cardno (QLD) Pty Ltd | ABN 57 051 074 992
15 Scott Street, Parramatta Park
Cairns QLD 4870
Tel: 07 4034 0500
Web: www.cardno.com.au

Drawn	Date
NB	31.10.18
Checked	Date
ML	14.11.18
Designed	Date
ML	26.10.18
Verified	Date
Approved	RPEQ 18786
M. LANCINI	14.11.2018

Client	23 MURPHY STREET
Project	PROPOSED RETAINING WALL 23 MURPHY STREET, PORT DOUGLAS
Title	GENERAL CONSTRUCTION NOTES

Status	FOR CONSTRUCTION	
Scale	NTS	Size A1
Drawing Number	Q184133-S01	Revision B

Attachment C

Statement of Code Compliance

6.2.6.3 Low Density Residential Zone Code

Table 6.2.6.3.A – Low Density Residential Zone Code –Assessable Development

Performance Outcomes	Acceptable Outcomes	Response
For self-assessable and assessable development		
<p>PO1 The height of all buildings and structures must be in keeping with the residential character of the area.</p>	<p>AO1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.</p>	<p>R1 Complies The proposed retaining wall will not exceed 8.5 metres in height. Refer to Attachment B for details.</p>
For assessable development – Not Applicable		

7.2.4 Port Douglas / Craiglie Local Plan Code

Table 7.2.4.4.A – Port Douglas / Craiglie Local Plan –Assessable Development

Performance Outcomes	Acceptable Outcomes	Response
For self-assessable and assessable development		
Development in the Port Douglas / Craiglie local plan area generally		
<p>PO1 Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.</p>	<p>AO1 A pedestrian and cycle movement network is integrated and delivered through development.</p>	<p>R1 Complies The proposed retaining wall located at the rear of the property will not prevent or prejudice the delivery of a pedestrian and cycle network.</p>
<p>PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craiglie (as identified on the Port Douglas/ Craiglie Townscape Plan map contained in Schedule 2).</p>	<p>AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: (a) the tree covered backdrop of Flagstaff Hill; (b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet; (c) the tidal vegetation along the foreshore; (d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms; (e) the oil palm avenues along the major roads; (f) the lush landscaping within major roundabouts at key nodes; (g) Macrossan Street and Warner Street; (h) Port Douglas waterfront.</p>	<p>R2.1 Complies The proposed retaining wall does not require the removal of key landscape elements existing on the site.</p>
	<p>AO2.2 Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular: (a) Flagstaff Hill; (b) Four Mile Beach; (c) Across to the ranges over Dickson Inlet; (d) Mowbray Valley.</p>	

Performance Outcomes	Acceptable Outcomes	Response
	<p>AO2.3 Important landmarks, memorials and monuments are retained.</p>	<p>R2.3 Complies The proposed retaining wall will not alter or impact upon important landmarks, memorials or monuments. The site is not identified as containing or being proximate to such aspects.</p>
<p>PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.</p>	<p>AO3 Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.</p>	<p>R3 Not Applicable The site is not identified as adjacent to the gateways and nodes pursuant to Council's mapping.</p>
<p>PO4 Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.</p>	<p>AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.</p>	<p>R4 Not Applicable The proposal is limited to Building Work for a retaining wall. No new landscaping is proposed as part of this application.</p>
<p>PO5 Development does not compromise the safety and efficiency of the State-controlled road network.</p>	<p>AO5 Direct access is not provided to a State-controlled road where legal and practical access from another road is available.</p>	<p>R5 Complies The proposal is limited to Building Work for a retaining wall. No changes to the existing vehicle access is proposed. The site does not front a State-controlled road.</p>
<p>For assessable development – Not Applicable</p>		

8.2.2 Bushfire Hazard Overlay Code

Table 8.2.2.3.A – Bushfire Hazard Overlay Code – Assessable Development

Performance Outcomes	Acceptable Outcomes	Response
For self-assessable and assessable development		
Compatible development		
<p>PO1</p> <p>A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.</p> <p>Note - See the end of this code for examples of vulnerable uses.</p>	<p>AO1</p> <p>Vulnerable uses are not established or expanded.</p> <p>Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan.</p> <p>Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan.</p> <p>Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.</p>	<p>R1 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall. No vulnerable uses are included as part of this application.</p>
<p>PO2</p> <p>Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.</p>	<p>AO2</p> <p>Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.</p>	<p>R2 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall. No uses are proposed as part of this application.</p>
<p>PO3</p> <p>Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.</p>	<p>AO3</p> <p>The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.</p>	<p>R3 Complies</p> <p>The proposal is limited to Building Work for a retaining wall. Manufacturing or storage of hazardous materials in bulk is not proposed.</p>

Performance Outcomes	Acceptable Outcomes	Response
Development design and separation from bushfire hazard – reconfiguration of lots		
<p>PO4.1</p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m² at the edge of the proposed lot(s).</p> <p>Note - “Urban purposes” and “urban area” are defined in the <i>Sustainable Planning Regulations 2009</i>. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m² and 2ha in area. “Smaller scale” rural residential purposes will be taken to be where the average proposed lot size is 6000m² or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p> <p>PO4.2</p> <p>Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m² at any point.</p>	<p>AO4.1</p> <p>No new lots are created within a bushfire hazard sub-category.</p> <p>Or</p> <p>AO4.2</p> <p>Lots are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves radiant heat flux level of 29kW/m² at all boundaries; and</p> <p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	<p>R4 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO5</p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p>	<p>AO5.1</p> <p>Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (e) has a minimum of 4.8m vertical clearance above the road; (f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and (g) incorporates roll-over kerbing. <p>AO5.2</p> <p>Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p>	<p>R5 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO6</p> <p>Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area. The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p>AO6</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	<p>R6 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO7</p> <p>Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area. However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p>AO7</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	<p>R7 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO8</p> <p>The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.</p>	<p>AO8</p> <p>The lot layout:</p> <ul style="list-style-type: none"> (a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; (c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion. <p>Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots. In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan. Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate</p>	<p>R8 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>
<p>PO9</p> <p>Critical infrastructure does not increase the potential bushfire hazard.</p>	<p>AO9</p> <p>Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.</p>	<p>R9 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
Development design and separation from bushfire hazard – material change of use		
<p>PO10</p> <p>Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:</p> <p>(a) 10kW/m2 where involving a vulnerable use; or</p> <p>(b) 29kW/m2 otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>	<p>AO10</p> <p>Buildings or building envelopes are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m2 for a vulnerable use or 29kW/m2 otherwise; and</p> <p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	<p>R10 – R11 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO11</p> <p>A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area. However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<p>AO11</p> <p>Development sites are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	<p>R11 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>
All development		
<p>PO12</p> <p>All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.</p>	<p>AO12</p> <p>Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60m from the street to the building; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5m; (d) have a minimum of 4.8m vertical clearance; (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than 3 dwellings or buildings. 	<p>R12 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall. No changes are proposed to the existing driveway.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO13</p> <p>Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.</p>	<p>AO13</p> <p>A water tank is provided within 10m of each building (other than a class 10 building) which:</p> <ul style="list-style-type: none"> (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: <ul style="list-style-type: none"> (i) 10,000l for residential buildings <p>Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams.</p> <ul style="list-style-type: none"> (ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings; (c) includes shielding of tanks and pumps in accordance with the relevant standards; (d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank; (e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and (f) is clearly identified by directional signage provided at the street frontage. 	<p>R13 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall.</p>
<p>PO14</p> <p>Landscaping does not increase the potential bushfire risk.</p>	<p>AO14</p> <p>Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.</p>	<p>R14 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall. No new landscaping is proposed as part of this application.</p>
<p>PO15</p> <p>The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).</p>	<p>AO15</p> <p>Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.</p>	<p>R15 Not Applicable</p> <p>The proposal is limited to Building Work for a retaining wall. No bushfire risk mitigation treatments are considered to be necessary as part of this application.</p>

8.2.3 Coastal Environment Overlay Code

Table 8.2.3.3.A – Coastal Environment Overlay Code – Self-Assessable and Assessable Development

Performance Outcomes	Acceptable Outcomes	Response
For self-assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	AO1.1 Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line. Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.	R1.1 Complies The proposed development is not located seaward of a coastal building line.
	AO1.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.	R1.2 Not Applicable The proposal is limited to Building Works for a retaining wall. The proposal does not involve coastal protection works.
	AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.	R1.3 Not Applicable The proposal is limited to Building Works for a retaining wall. The proposal does not involve coastal protection works.
	AO1.4 Coastal protection work mitigates any increase in the coastal hazard.	R1.4 Not Applicable The proposal is limited to Building Works for a retaining wall. The proposal does not involve coastal protection works.
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	AO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	R2 Not Applicable The site does not front or adjoin the coast.
For assessable development – Not Applicable		

8.2.9 Potential Landslide Hazard Overlay Code

Table 8.2.9.3.a – Potential landslide hazard overlay code – assessable development

Performance Outcomes	Acceptable Outcomes	Response
For self-assessable and assessable development		
<p>PO1</p> <p>The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas. 	<p>AO1.1</p> <p>Development is located on that part of the site not affected by the Potential landslide hazard overlay.</p> <p>Or</p> <p>AO1.2</p> <p>Development is on an existing stable, benched site and requires no further earthworks</p> <p>Or</p> <p>AO1.3</p> <p>A competent person certifies that:</p> <ul style="list-style-type: none"> (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development; (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented; (e) development does not concentrate existing ground water and surface water paths; (f) development does not incorporate on-site waste water disposal. <p>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.</p> <p>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given.</p>	<p>R1.3 Complies</p> <p>The site is presently improved with a batter which has suffered erosion.</p> <p>The proposed retaining wall is being constructed to restore support to the existing batter, in lieu of undertaking extensive earthworks.</p> <p>As such, the proposed works will have minimal impact on the existing site and will have negligible impacts on any stormwater flows.</p> <p>The wall has been designed and certified by an RPEQ engineer and certification by an RPEQ engineer will be provided upon completion of the construction.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p>PO2</p> <p>The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p>AO2</p> <p>Excavation or fill:</p> <p>(a) is not more than 1.2 metres in height for each batter or retaining wall;</p> <p>(b) is setback a minimum of 2 metres from property boundaries;</p> <p>(c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;</p> <p>(d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot.</p>	<p>R2 Alternative Outcome</p> <p>The proposed retaining wall involves filling to a maximum height of 2.6 metres, with the retaining wall located along the rear property boundary and incorporating a single unstoppped structured. The proposal is therefore alternative to AO2.</p> <p>Notwithstanding, the proposed retaining wall is not considered to result in adverse visual impact on the landscape character or scenic amenity quality of the area, based on the following:</p> <ul style="list-style-type: none"> ▪ The retaining wall is located at the rear of the premises, not visible from Murphy Street streetscape. ▪ The land slopes to the rear of the property, reducing the visual impact of the retaining wall on neighbouring properties. ▪ Vegetation is existing to the rear and side boundaries of the site which will be maintained.
Additional requirements for Community infrastructure		
<p>PO3</p> <p>Development for community infrastructure:</p> <p>(a) is not at risk from the potential landslide hazard areas;</p> <p>(b) will function without impediment from a landslide;</p> <p>(c) provides access to the infrastructure without impediment from the effects of a landslide;</p> <p>(d) does not contribute to an elevated risk of a landslide to adjoining properties.</p>	<p>AO3</p> <p>Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>	<p>R3 Not Applicable</p> <p>The proposal is limited to Building Work associated with a retaining wall. No community infrastructure is proposed as part of this application.</p>

Attachment D

Site Searches

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30146619
Search Date: 04/12/2018 08:32

Title Reference: 50800888
Date Created: 16/02/2010

Previous Title: 20448229

REGISTERED OWNER

Dealing No: 713043094 08/02/2010

MURPHY STREET PROPERTIES PTY LTD A.C.N. 124 458 475

ESTATE AND LAND

Estate in Fee Simple

LOT 3 SURVEY PLAN 227598
Local Government: DOUGLAS
COMMUNITY MANAGEMENT STATEMENT 41115

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10332065 (ALLOT 11 SEC 1)
2. MORTGAGE No 711925349 16/09/2008 at 14:22
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2018]
Requested By: D-ENQ URBIS PRO



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

UrbisPro Pty Ltd
Level 6 / 410 Ann Street
Brisbane QLD 4000

Transaction ID: 50501183 EMR Site Id: 04 December 2018
Cheque Number:
Client Reference:

This response relates to a search request received for the site:

Lot: 3 Plan: SP227598
3/23 MURPHY
PORT DOUGLAS

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated.
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Administering Authority

QUEENSLAND LAND REGISTRY
Land Title Act 1994 and Land Act 1994

EASEMENT

FORM 9 Version 4

Page 1 of 3



713004396

\$124.20
19/01/2010 15:24

CS 601

Client No: <u>1050415</u>	Duties Act 2001
Transaction No: <u>500987292</u>	
Duty Paid \$ <u>NIL</u>	<input type="checkbox"/> Exempt
UTI \$	
Date: <u>14/12/09</u>	Signed:

Department's website.

1. Grantor MURPHY STREET PROPERTIES PTY LTD A.C.N. 124 458 475	Lodger (Name, address, E-mail & phone number) MacDonnells Cnr Shields & Grafton Streets CAIRNS QLD 4870 PH: (07) 4030 0600 Ref: MRS:93185	Lodger Code 754
-----------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land) EASEMENT D IN LOT 111 ON PTD2091 ON SP 227593	SOLANDER	SALISBURY	20448229
*Dominant Tenement (benefited land)			
# not applicable if easement in gross			

3. Interest being burdened Fee Simple	#4. Interest being benefited # not applicable if easement in gross
-------------------------------------------------	------------------------------------------------------------------------------

5. Grantee Given names	Surname/Company name and number	(include tenancy if more than one)
CAIRNS REGIONAL COUNCIL		

6. Consideration ONE DOLLAR (\$1.00)	7. Purpose of easement Drainage
------------------------------------------------	-------------------------------------------

8. **Grant/Execution**
The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of: *the attached schedule; *~~the attached schedule and document~~ no. _____ *document no. _____

* delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

MURPHY STREET PROPERTIES PTY LTD A.C.N. 124 458 475

..... signature
..... full name
..... qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

26/10/2009
Execution Date

Director

Director/Secretary
Grantor's Signature

..... signature
Krislyn B James full name
Justice of the Peace (Qual) qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

09/12/2009
Execution Date

CAIRNS REGIONAL COUNCIL

Mayor

Acting Chief Executive Officer
Grantee's Signature

Title Reference 20448229

Item 8 Grant/Execution

1. EASEMENT FOR DRAINAGE

The Grantee shall have the free right and liberty at all times hereafter of using the Servient Tenement or any part or parts thereof for drainage purposes **AND** all that the full and free right and liberty at all times and from time to time to receive and convey upon the Servient Tenement rainwater and drainage of all kinds inclusive of stormwater runoff flowing continuously intermittently or occasionally into over and along the Servient Tenement from lands adjoining the Servient Tenement and/or any other lands whatsoever and whether flowing naturally or by way of drains pipelines or other artificial means.

2. DRAINAGE WORKS

The Grantee shall have all that the free right and liberty at all times hereafter of filling in the Servient Tenement or any part or parts thereof and of excavating therein and erecting constructing and maintaining above or below or partly above and partly below the surface of the Servient Tenement drains and/or pipelines and all appurtenances thereof for the passage or conveyance of rainwater and drainage of all kinds **AND** with liberty to the Grantee by its officers servants agents workmen with or without trucks and other vehicles plant and materials to enter upon the Servient Tenement at all times for the purpose of removing and disposing of spoil constructing extending deepening widening maintaining and repairing the drains and/or pipelines and all appurtenances thereof and for the purpose of keeping the same in good order and condition and for all other lawful purposes incidental thereto.

3. NO OBLIGATION TO USE

The Grantee shall not be obliged to use the Servient Tenement for the purposes aforesaid nor to exercise or do any or all the powers or things herein mentioned but shall be at liberty to do so from time to time at its pleasure and to such extent as it may think fit.

4. GRANTEE NOT LIABLE TO FENCE

The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement.

5. GRANTOR TO KEEP DRAINS CLEAR

The Grantor shall at all times keep any drain or drains now or hereafter constructed on the Servient Tenement clear of debris and all other obstructions without the Grantee being liable to contribute towards any cost in respect thereof.

6. GRANTOR'S RIGHT TO DISCHARGE WATER

The Grantor shall at all times have the right to the flow of surface roof and other water from the land of the Grantor into the Servient Tenement and to any drains now or hereafter to be constructed or maintained on the Servient Tenement.

7. GRANTOR NOT TO CONSTRUCT OR INTERFERE

The Grantor will not execute or construct any excavations drains channels or other works of any kind on the Servient Tenement nor remove from or interfere with any existing drainage works or any retaining walls howsoever constructed or any other works within the area of the Servient Tenement without the prior approval in writing of the Grantee.

8. FURTHER RIGHTS OF GRANTEE

The Grantee shall be at liberty to take up and remove the whole or any part of any drains or pipelines at any time during the continuance of this Easement or within six months of the determination of this Easement.

Title Reference 20448229

9. **GRANTEE'S STATUTORY RIGHTS**

Nothing herein expressed or implied shall limit or destroy any right or privilege of the Grantee to at any time purchase take by agreement resume or otherwise acquire the whole or any part of the Servient Tenement.

10. **COSTS**

The Grantor shall pay the Grantee's costs properly incurred in the preparation stamping and registration of this Easement.

11. **CONSIDERATION**

The consideration in Item 6 of the Form 9 in this Easement shall be paid by the Grantee to the Grantor upon the registration of this Easement by the Registrar of Titles.

12. **DEFINITIONS AND INTERPRETATION**

Unless the contrary intention appears:-

"Easement" shall mean this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto.

"Grantor" shall mean and include the Grantor named in Item 1 of the Form 9 in this Easement and the executors administrators successors and assigns (as the case may be) of the Grantor and all successors in title, lessees, trustees, occupiers and mortgagees of the registered proprietor's interest in the Servient Tenement and any other person deriving an interest in the Servient Tenement.

"Grantee" shall mean and include the Grantee named in Item 5 of the Form 9 in this Easement and its successors and permitted assigns.

"Servient Tenement" means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

Words importing the masculine gender shall be construed to include the feminine and neuter gender.

Words importing the singular number shall be construed to include the plural number and vice versa.

Words relating to persons shall be construed to include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the State and any statutory, public or local authority.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

1. Lot on Plan Description	County	Parish	Title Reference
LOT 111 ON CROWN PLAN PTD2091	SOLANDER	SALISBURY	20448229

2. Instrument/document being consented to

Instrument/document type EASEMENT

Dated 26 / 10 / 2009 .

Names of parties MURPHY STREET PROPERTIES PTY LTD A.C.N. 124 458 475

3. Instrument/document under which consent required

Instrument/document type MORTGAGE

Dealing No 711925349


Name of consenting party COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

COMMONWEALTH BANK OF AUSTRALIA
ABN 48 123 123 124 BY ITS ATTORNEY


signature
 Ross Ewen Smith
full name
 C:Dec 86723
qualification

15, 12, 09
Execution Date



 Manager Settlements
 Under Power of Attorney No. 704569343

 Consenting Party's Signature

Witnessing Officer
(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in NR&W, see the department's website.