

17 January 2024

Enquiries: Neil Beck
Our Ref: OP 2023_5560/1 (1204830)
Your Ref: ARO0188

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J S Donald
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Dear Sir

CONFIRMATION NOTICE & INFORMATION REQUEST

Council refers to the development application lodged with the Douglas Shire Council. This notice confirms that the following development application was properly made on 12 December 2023 pursuant to section 51(5) of the *Planning Act 2016*.

Applicant Details

Name: J S Donald
Postal Address: Lot 3 Port Douglas Rd
PORT DOUGLAS QLD 4877
Email: admin@arindustries.com.au or

Property Details

Street Address: 368-380 Port Douglas Road PORT DOUGLAS
Real Property Description: LOT: 3 RP: 729037
Local Government Area: Douglas Shire Council

Application Details

Application Number: OP2023_5560/1
Approval Sought: Development Permit
Nature of Development Proposed: Operational Works
Description of the Development Proposed: Operational Works (Earthworks)

Public Notification Details

The application is not required to be publicly notified.

Referral Details

The Application does not require referral to any referral agencies.

Information request

The following information request is made in order for Council to complete an assessment of the application. The Information Request also provides general advice on the proposal as submitted:

Operational Works – General

1. Council seeks clarification on the intent of the bulk earthworks application. The application provides a single plan with no reflection that existing features of site, clearing, pond removal and filling or removal of driveway given the footprint of the works as nominated. An Erosion and sediment control plan has not been provided despite the content of the Statement of Compliance.

The proposed works shown on the plan indicate that the “bulk earthworks” appears to be more consistent with a finished surface earthworks plan normally provided with a full subdivision operational works application. That is, final lot levels for finished lot grading and full footprint of the site.

The volume of material to complete the earthworks surface is nominated by the applicant to be over 3000m³ of material (assumed to be solid placed fill) to be imported to site.

Is it intended to import the required material (> 3000 m³) as one earthworks exercise, or is the intent that material will be imported to the site on an “as available” basis?

Note: Officers raise queries on the volume of fill nominated as audit checks on volume appear to indicate a greater volume may be required. No supporting volume calculations were provided to substantiate the earthworks volumes. Refer Item 6 of this Information Request.

2. The applicant is requested to confirm the maximum length of time that the exposed spoil piles will be on site before controlled filling and placement will be undertaken in accordance with FNQROC Development Manual specifications.

In the event that this period of time is greater than three months, the applicant is required to determine the size of stages of the works where filling can be completed and the area final trimmed and revegetated within a three-month window.

Note: The applicant’s attention is drawn to the location of the site at the entrance to Port Douglas and Officers note that it is evident there is a reasonably extensive number of “dumped” piles of dirt that have been on site for some time.

There is no current bulk earthworks approval for the site.

Observations from Port Douglas Road (and verified by Aerial Images from 2022 and 2023) indicate that spoil has been progressively deposited on the site for a period exceeding 12 months. Refer Images 1 to 3 below.

The images also indicate differing soil types as observed in the colouring of the spoil mounds suggesting varying fill sources. Concern also raised with the works extending into the adjoining drainage path allotment.



Image 1 Qld Globe Sept 2022 – spoil piles in east and northeast of site



Image 2 Qld Globe August 2023 – spoil piles along northern boundary of site and appearing to extend east into drainage path lot

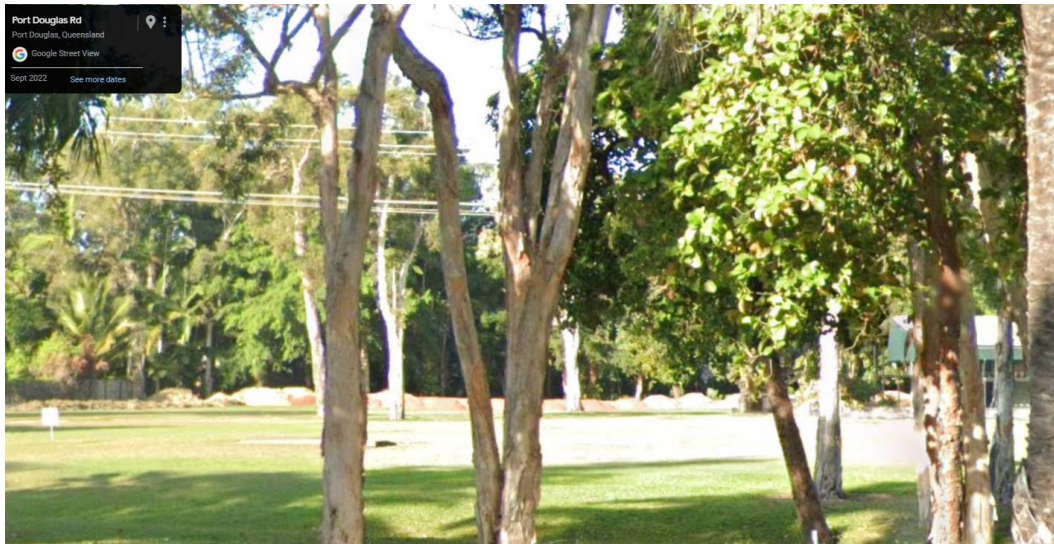


Image 3 Google Street View – Sept 2022 – spoil piles along eastern side of property

3. With regards to the placement of fill and its suitability for future residential purposes, Officers seek further information on how the current uncontrolled fill will be addressed.

This includes:

- How is the potentially varying soil quality being addressed in the application to ensure appropriate handling and treatment to meet the FNQROC Development Manual requirements?
 - What testing is required to verify the quality of the material currently on the site and proposed to be imported to site;
 - It is not clear if stripping of the grass and topsoil and preparation of the subgrade prior to importing the earthworks was undertaken, how will this be addressed in the proposed bulk earthworks processes currently being undertaken on site;
 - How is subgrade preparation being addressed? This is not addressed in the application material;
 - How will moisture control of the stockpiled material be addressed prior to placement given the recent (and ongoing) rainfall events;
4. The applicant is to confirm that the material currently placed along the eastern extent of the site is not within the drainage path or impacting the normal flow of rainfall runoff in the local area.

Advice Note: There appears to be an earth bund between the site and the drainage path to the east. The applicant is to confirm that the stockpiled earthworks are not impacting the drainage paths as required by conditions of the subdivision approval. Photographic evidence of the current status is required.

5. Filling of the existing pond will be required to construct the footprint of the works (filling in future Lot 3 and part of Lot 2). How does this application propose to ensure that the finished works are suitable for residential uses?

The Applicant is requested to clarify what geotechnical treatment costs are required to suitably stabilise these areas, including but not limited to, advice from an RPEQ Geotechnical Engineer.

6. Officers seek supporting information to clarify the volume of imported fill nominated in the Price Schedule, (3100m³). Council Officers noted up to 1m of fill in places and assessments of the depth of fill nominated at the boundary of the development indicates the average fill depth may be in the order of 0.6m.

With a development footprint in the order of 10,000m², this indicates an approximate volume of imported fill of 6,000m³.

The Applicant is requested to confirm the nominated volume (3100m³) of imported fill with appropriate earthworks modelling volume calculations.

7. The Applicant is requested to review and provide an RPEQ certification that the Price Schedule accurately reflects the cost of the works. Officers review noted as a number of items normally required for this type of work do not appear to have been considered. These include:
 - a. Establishment of construction site access does not appear to be included;
 - b. Erosion and Sediment Control measures do not appear to be included;
 - c. Revegetation of the bulk earthworks does not appear to be included;
 - d. Costs for removal and disposal of the large tree and an existing garden bed located within the building pad of proposed Lot 4.
 - e. Removal of the pond and ground surface treatments following removal;
 - f. cost to demolish, remove and dispose of unsuitable materials from the development site, including but not limited to, concrete, rock, and bituminous materials.

To address this item, Council requests that the schedule be amended to clarify the items, associated unit rates, and total cost of erosion and sediment controls shown on ARO Drawing ARO0188-C01, including but not limited to, stabilised construction access or accesses, the length of sediment fencing, number of check dams, and volume of temporary rock protection.

The Applicant is also requested to clarify any items and costs associated with creation of temporary accesses required to facilitate construction of the proposed bulk earthworks and/or maintain access from the existing residence to Port Douglas Road.

8. The Applicant is requested to identify where the topsoil stockpile is to be located on site.
9. The Applicant is requested to clarify how access will be provided to the existing building contained within proposed Lot 5 during the construction phase and post bulk earthworks, noting that the current driveway appears to enter the building on its southwest side. The applicant is to provide advise on how suitable sealed access arrangements will be provided (potentially including advice on timing of Road A) noting the existing driveway and building arrangement does not enable the use of the existing sealed driveway.
10. The applicant is requested to amend the plans to include a buffer between any bulk earthworks and the property boundary. This reflect that the Reconfiguration plan indicates that a future retaining wall is required along a number of boundaries. The information provided for the bulk earthworks does not indicate that any retaining elements are proposed under this application.

Advice Note: The setback is considered a reasonable measure in the absence of retaining structures to contain the imported fill required to raise the finished surface level of the development.

Recent heavy rainfall and soil movement are noted within the Douglas Local Government Area.

11. The applicant is requested to provide advice on cover to existing services along the western boundary of the development, including the reduced cover to facilitate construction of the cut drain conveying stormwater runoff from Road A to the existing swale within the Port Douglas Road, road reserve.
12. Supporting material is to include a statement addressing the conditions attached to the subdivision approval to the extent relevant to the proposed works in addition to a statement against the applicable codes of the Planning Scheme relating to such works.

For the reasons outlined in the above Information Request, concern is raised with the proposed approach to the development of the land for residential purposes, especially noting that assessable development has been undertaken on the site without relevant approvals being in place. It is suggested that the approach to the development of the land be reconsidered, and a more conventional operational works application be lodged for the development of the land.

Other Details

Please quote Council's application number: OP 2023_5560 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning