

Our Ref: RCU2373AS-08
Enquiries: Alison Stevens
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North Queensland Planning Branch

Department of
Local Government, Planning,
Sport and Recreation

12 July 2006

T.L. Fowler
C/- Victor G Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870

Attention: Nick Hardy

DOUGLAS SHIRE COUNCIL	
RECEIVED	
FILE NAME	<i>Reconf. Grn 2006</i>
DOCUMENT NO.	<i>Plan Gen 2006</i>
13 JUL 2006	
<i>SUB 01/06</i>	
ATTENTION	<i>TAP</i>
INFORMATION	

Dear Sir

Finalised Information Request

I refer to your letter dated 29 May 2006 in relation to an application for Referral Coordination for the following proposal:

- Applicant** : T.L. Fowler
- Proposed Development** : Reconfiguration of a Lot (1 residential lot into 42 residential lots)
- Referral Coordination Trigger** : *Integrated Planning Act 1997*
Section 3.3.5(1)(a)
There are 3 or more concurrence agencies

Integrated Planning Regulation 1998

Schedule 8 Item (c)(i)

Contains or shares a common boundary with or is within 100m of the boundary of an area that is a critical habitat, a protected area, subject to a conservation agreement or an area of major interest under the *Nature Conservation Act 1992*.

- Referral Agencies** : **Concurrence Agencies**
- Department of Main Roads (Contiguous to State Controlled Road)
 - Department of Natural Resources, Mines & Water (Vegetation Clearing)
 - Environmental Protection Agency (Coastal)

LEVEL 2, ORCHID PLAZA, 79-87 ABBOTT STREET
PO BOX 5194, CAIRNS QLD 4870
PHONE 07 4039 8867 FAX 07 4039 8866

Management District)

Advice Agency

- Ergon Energy (Substation)

Third Party Advice Agency

- Department of Natural Resources, Mines & Water (Other Agency Matters)
- Environmental Protection Agency (Other Agency Matters)

Location : 1407 Mossman-Daintree Road, Rocky Point
Lot 11 on SP132055

Assessment Manager : Douglas Shire Council

I wish to advise that your request has been examined and it has been determined that, based upon the information supplied, the proposal requires additional material to be provided.

The following agencies were contacted for the purposes of this information request:

Douglas Shire Council (Assessment Manager);
Department of Main Roads (Concurrence Agency);
Department of Natural Resources, Mines & Water (Concurrence Agency and Third Party Advice);
Environmental Protection Agency (Concurrence Agency and Third Party Advice); and
Ergon Energy (Advice Agency);

Distinction has been made between the requirements of each agency to assist in any consultation you may have with them. A copy of your response to the Information Request must be provided to the Assessment Manager and Referral Agencies. It is also requested that a copy of the response is forwarded to any other agency listed above to enable the information to be assessed.

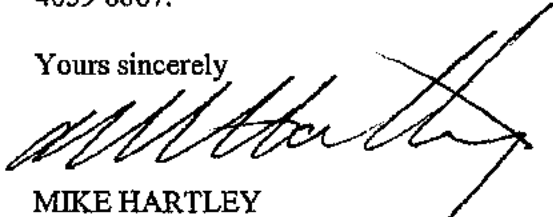
The applicant has 12 months to respond to the Information Request. There are three options which the applicant may choose from in responding:

- provide all the information requested; or
- provide part of the information requested, together with a notice asking the assessment manager and each referral agency to proceed with the assessment of the application; or
- provide a written statement saying no further information will be provided and that assessment of the application should proceed (s3.3.8(3) of the IPA).

It should be noted that in the event of an appeal against a decision on a development application, costs may be awarded against an applicant if the court considers the applicant did not give all information reasonably requested (s4.1.23(2)(g) of the IPA).


If you have any queries in relation to this matter, please contact **Alison Stevens** on 4039 8867.

Yours sincerely



MIKE HARTLEY
Principal Planner – Statutory Planning
North Queensland Planning Branch

B/c Ian Sinclair – DNRM&W
Malcolm Hardy – DMR
The District Manager - EPA


Chris Souter -- Ergon Energy

Information Request RCU2373

Applicant : T.L. Fowler

Proposed Development : Reconfiguration of a Lot (1 residential lot into 42 residential lots)

Referral Coordination Trigger : *Integrated Planning Act 1997*
Section 3.3.5(1)(a)

Location : 1407 Mossman-Daintree Road, Rocky Point
Lot 11 on SP132055

Assessment Manager : Douglas Shire Council

ASSESSMENT MANAGER REQUIREMENTS

Douglas Shire Council

The following additional information is requested:

1. Provide an site assessment for each individual allotment including:
 - details on cut & fill required to facilitate a suitable building pad for each allotment such detail is to include any batters and retaining walls for each site that may be required in the formation of the individual allotments;
 - a Geotechnical report on site suitability and stability for each allotment;
 - an onsite waste water disposal on each allotment with regards to the ability for each allotment to provide waste disposal;
 - details of stormwater runoff and disposal methods so that stormwater runoff does not directly affect the onsite gullies, Mossman-Daintree Road and the adjoining beach;
 - a contour map of the subject site overlaying the proposed reconfiguration and addressing the stormwater issues as requested in the Engineering Department section of the information request;
 - A Survey plan showing AHD particularly the area of the site below 5 metres AHD;
 - The Amount of excavation below 5 metre AHD;
 - The amount of fill to be placed on site below 5 metre AHD;
 - If amount of excavation below 5 mere AHD exceeds 100m³ or fill exceeds 500m³ then an ASS/PASS report is required and subsequent management plan for any ASS/PASS present.
2. Provide an accurate recent aerial photograph of the site overlaying the proposed reconfiguration onto the aerial photograph to ascertain the correct location of the existing Dwelling House, existing cleared areas and existing natural drainage lines.

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APPLICANT :

T.L. Fowler

REFERRAL COORDINATION TRIGGER/S :

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Section 3.3.5 (1)(a)

3. No Erosion and Sediment Control Plan has been submitted. The applicant is required to submit an erosion and sediment control plan. This can be should be incorporated as part of the Environmental Management Plan and needs to comply with the requirements of the:
 - *Environmental Protection (Water Policy) 1997*
 - *Environmental Protection Regulation 1998*
 - *FNQROC Development Manual*
4. According to the Regional Ecosystem mapping there are three vegetation types occurring on the subject lot. The following information is required
 - Confirmation from the Chief Executive of Department of Natural Resources and Mines is satisfied the clearing is for an ongoing purpose is required to be attached to Form J.
 - PVMP (Property Vegetation Management Plan) as required under the *Vegetation Management Act 1999*. This needs to be attached to Form J.
 - A report by a consultant identifying all specimens of environmental weed particularly African Tulip (*Spathodea campanulata*) and Mango (*Mangifera indica*) and a management plan for their removal.
 - Updated aerial photographs showing the vegetation communities that would be impacted by the reconfiguration with overlay of the proposed Reconfiguration of a Lot (can be completed as part of No. 2 above).
5. No Landscape plan was submitted. A street tree planting plan would normally be required for a reconfigure of a lot, however given the nature of this subdivision there should be remnant vegetation along the road reserve with the exception of Lots 5 – 10.

Parkland Contribution

There are three separate land parcels given over as parkland contributions. All of these are step gullies with temporary creeks in them. Whilst they are valuable remnants of vegetation and are important to conserve to protect the water course, they are mostly nominated for parkland contributions as they are unsuitable for house blocks. The total size of the parkland contributions is 30% of the parcel of land proposed for reconfiguration.

Council will not accept the gullies as park land and will expect that they become a drainage easement on the land in perpetuity. A revised plan will need to allocate usable parkland where people can engage in active recreation.

It would also be desirable to have pedestrian access provided along the front of the lot to enable people to access the environmental parks.

6. A revised plan indicating parkland is to be provided and should address the following issues:-

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APPLICANT :

T.L. Fowler

REFERRAL COORDINATION TRIGGER/S :

Integrated Planning Act 1997

Section 3.3.5 (1)(a)

- A report by a consultant identifying all specimens of environmental weed particularly African Tulip (*Spathodea campanulata*) and Mango (*Mangifera indica*) and a management plan for their removal from the parkland/drainage areas.
- Updated aerial photographs showing the areas that are proposed as parkland contribution with overlay of updated Reconfiguration of a Lot.
- Details of further parkland contribution including pedestrian access.

Environmental Health Department Requirements

7. Provide an Environmental Management Plan. The EMP must address key objectives including but not limited to:
- Ensure all environmental safeguards are carried out correctly; and
 - Manage site activities effectively and coordinate with other trades; and
 - Minimise adverse impacts on the environment; and
 - Minimise disruption to existing residents; and
 - Meet the requirements of all relevant legislation.
 - Provide a site risk assessment, identifying potential sources and potential harm of the proposed works as well as performance indicators, management strategies and incident reporting; and
 - Details of control measures to be implemented, construction details, dimensions, materials used and expected outcomes; and
 - Photographs of the site(s) and overlay of the site plans; and
 - Details of the planned stages of erosion and sediment control measures in relation to the operational works.
 - Site map(s) including but not limited to:
 - The entire Lot & North Point;
 - Total area to be exposed;
 - Land contours, drainage patterns and watercourses (above and around the site);
 - Location of proposed control measures;
 - Stockpile & soil locations;
 - Internal roads, tracks & vehicle access points;
 - Proposed site buildings & compound areas; and
 - Vegetation, buffer zones, protected areas and fenced areas.

Engineering Department Requirements

8. Provide details with regards to the design of the internal road network addressing the following:

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Section 3.3.5 (1)(a)

- Details of the proposed construction of the road with bitumen seal;
- Details of the proposed kerb and channel;
- Details of compliance with the FNQROC Development Standards;
- Provide a contour map indicating stormwater runoff and disposal; and
- Provide details of proposed water supply and construction of water infrastructure.

CONCURRENCE AGENCY REQUIREMENTS

Department of Main Roads

No additional information required.

Department of Natural Resources, Mines and Water

No further information is required with regard to the *Vegetation Management Act 1999*.

Environmental Protection Agency

The following additional information is requested:

Please note that the issues in relation to cassowary conservation and biodiversity (pursuant to the *State Coastal Management Plan – Queensland's Coastal Policy* (2001) and the *Wet Tropical Coast Regional Coastal Management Plan* (2003): (refer to Policy 2.8.3 below) should be carefully considered, as this will be one of the major considerations in the assessment of the application.

Plans and Information About the Activity

9. Please provide a recent colour aerial photograph of the site, to a scale of not more than 1:12000 showing the boundaries mentioned above showing the proposed boundaries of allotments, roads, and parks, and the location of any existing buildings or other structures, related by metric dimensions to the Real Property boundaries of the land;
10. Please provide a plan at a scale not smaller than 1:2500 showing the location, size and points of discharge of pipes or drains proposed for the discharge of stormwater, related by dimensions to the Real Property boundaries of the land.
11. Please provide a plan showing the location of the boundary of the coastal management district and the erosion prone area in relation to the proposed use.

Information addressing the State Coastal Management Plan and Wet Tropical Coast Regional Coastal Management Plan (WTCRCMP) Policies:

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2.1.2 Settlement Pattern and design

12. This policy states that *"Reconfiguration of lots within and adjacent to existing urban areas is to retain remnant native vegetation whenever practicable, particularly where that vegetation provides a wildlife corridor or habitat for the southern cassowary."*

The regional ecosystem over most of the area is 7.11.5b and there is a small area of 7.11.1a. Both of these regional ecosystems are identified in the *Vegetation Management Act 1999* codes as Cassowary habitat.

Provide justification for the proposal with regard to this policy and demonstrate what measures can be undertaken to ensure that as much remnant native vegetation as possible is retained in perpetuity. The applicant may wish to consider the option of increasing the size of the parkland and reducing the size of the lots. Another option may be to identify building envelopes on the individual parcels of land and place statutory conservation covenants on each lot to retain native vegetation in perpetuity.

13. The Development Control Plan for this area indicates a buffer along the Mossman-Daintree Road. Please identify the location of this buffer on the Plan of Proposed Subdivision and demonstrate that residential development will not encroach on to this buffer.

2.4.2 Wastewater discharges to coastal waters

14. Provide details of how the applicant's proposal will comply with the WTCRCMP State and Regional Policy 2.4.2 particularly as this development is in an extremely high rainfall area and could contribute significantly to the density of wastewater discharges to coastal waters. Provide all the details of the proposed wastewater system to be used for this proposal.

2.4.4 Stormwater Management

15. Provide an **urban stormwater quality management plan** that improves the quality of stormwater in a way that is consistent with the water quality objectives for waters affected by the stormwater system.

2.7.1 Areas of State significance (scenic coastal landscapes)

16. Provide details of how the applicant's proposal will comply this policy. The proposed development is identified as an Area of State Significance (scenic coastal landscapes), having a very high scenic landscape value.

2.8.3 Biodiversity

17. The proposed development site is locally and regionally significant with regard to biological diversity. The site contains remnant vegetation including regional ecosystems which are identified as cassowary habitat pursuant to the *Vegetation Management Act 1999*.

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REFERRAL COORDINATION TRIGGER/S :

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The State policy requires the conservation and management of areas of important biodiversity value including the rehabilitation of riparian vegetation, remnant native vegetation and wildlife corridors. Habitat areas should be consolidated to avoid small pockets of development and to reduce edge effects i.e. weed and fire invasion.

Please demonstrate how the proposal can be redesigned to protect and maintain remnant native vegetation to the greatest extent possible. As discussed above, the applicant may wish to consider the option of increasing the size of the parkland and reducing the size of the lots.

Alternatively, the applicant may consider amending the proposal to identify building envelopes on individual parcels of land with statutory conservation covenants placed on each lot to retain native vegetation in perpetuity. The use of statutory conservation covenants to achieve biodiversity conservation objectives in perpetuity may be appropriate for this site given its high conservation values. If it is determined that conservation covenants are the most appropriate method of protecting native vegetation in this case, please provide a draft of a perpetual and binding statutory covenant, able to be registered under Division 4A of the *Land Title Act 1994*. The covenant should be designed to comply with Regional policy 2.8 of the *Wet Tropics Regional Coastal Management Plan*.

The applicant is advised to contact the EPA, prior to finalising the response to additional information request, to discuss appropriate acceptable measures to ensure compliance with this policy.

ADVICE AGENCY REQUIREMENTS

Ergon Energy

No additional information required.

THIRD PARTY ADVICE REQUIREMENTS

Department of Natural Resources, Mines and Water

The following additional information is requested:

Acid Sulfate Soils

18. The subject lot is located within the local authority of Douglas Shire, and as shown on the Mossman 50 000 topographic map part of the subject lot is below the 20 m contour line. This Department has not been identified by the assessment manager as an Advice Agency for Acid Sulfate soils, although the proposed development may result in disturbance of sub-surface material. The applicant has provided no material with regard to how this issue will be managed. It is requested that the applicant provide material on how the matter of acid sulfate soils will be addressed. This material should be consistent with the requirements outlined in the State Planning Policy 2/02 Planning & Managing Development involving Acid Sulfate Soils.

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Section 3.3.5 (1)(a)

Surface Water

It is noted that part of the development may potentially impact on a watercourse, lake or spring as defined by the *Water Act 2000*. Any activities within these features will require approval and must satisfy sustainability criteria under WA 2000. Any activity in a watercourse, lake or spring may be subject to a permit or license under the *Water Act 2000* before the works commence. In this regard the applicant is advised to seek a prior determination of the precise extent of any watercourses, lakes or springs that may be impacted by such activities and to reflect the results of such determinations on maps. The applicant may be unsure as to what water features constitute a watercourse, lake or spring in respect of the Act. In this case the applicant is advised to seek clarification from NR&M before proceeding with any works.

Additionally, information is requested regarding:

19. Details of the development including detailed contour maps, a line depicting top of high bank and 50 or 100 year flood levels and details of any proposed taking or interfering with surface water, taking of groundwater, drainage, extraction of quarry materials and all excavation, placement of fill and destruction of native vegetation within the high bank of the watercourse lake or spring.
20. Details of all expected impact of any such activity on the physical and environmental integrity of the watercourse, lake or spring.
21. Available quantity and quality of groundwater, surface water and sediment in the watercourse, lake or spring.

The following is provided for information only:

Cultural Heritage

The Department takes this opportunity to advise applicant(s) / landowner(s) of their responsibility under the *Aboriginal Cultural Heritage Act 2003*.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

You will comply with the cultural heritage duty of care if you are acting in accordance with gazetted cultural heritage duty of care guidelines. An assessment of your proposed activity against the duty of care guidelines will help determine whether or to what extent Aboriginal cultural heritage may be harmed by your activity. It will also help determine if you need to undertake a search of the cultural heritage database and register.

If following an assessment of the duty of care guidelines you believe cultural heritage may be harmed by your proposed activity, you should contact the Cultural Heritage

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REFERRAL COORDINATION TRIGGER/S :

Integrated Planning Act 1997

Section 3.3.5 (1)(a)

Coordination Unit for further advice on (07) 323 83838 or email
cultural.heritage@nrm.qld.gov.au.

Further information on cultural heritage, together with a copy of the duty of care
guidelines and cultural heritage search forms, may also be obtained from
www.nrm.qld.gov.au/cultural_heritage/index.html.

Land Protection

It is recommended that the applicant contact Kylie Galway Project Coordinator (Tropical
Weed Eradication) on 40 641 185 for advice on the management and prevention of class 1
weeds as under the Land Protection (Pest and Stock Route Management) Act 2002.