

1st September 2020

The Manager,
Planning Services,
Douglas Shire Council
P.O. Box 723
Mossman Q 4873

Attention: - Development Services

Dear Sir/Madam,

**RE: APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES –
DWELLING HOUSE with SECONDARY DWELLING and 2 DOMESTIC OUTBUILDINGS (SHEDS)
on L14 RP738160, SILKWOOD ROAD, FOREST CREEK For M. & K. Murphy
(AMENDED APPLICATION)**

Attached is DA Forms 1 and 2 duly completed, together with sketches of the proposed dwelling house with secondary dwelling and sheds, and soil classification and wastewater management report. In addition to the building sites, the attached site plan shows the approximate extent of existing and proposed vegetation.

The following report provides supporting information to show compliance or otherwise with the DSC planning scheme and codes within.

1.0 General Details

Applicant	M. & K. Murphy
Contact	Greg Skyring, Greg Skyring Design and Drafting Pty Ltd 11 Noli Close, Mossman QLD 4873 Ph - 07 40982061 Email - greg@skyringdesign.com.au
Registered Owner of Land	M. & K. Murphy
Real Property Description	L614RP738160
Location	Silkwood Road, COW BAY

1.0 – General Details continued

Tenure	Freehold
Land Area	10,600m ²
Present Use	Vacant
Easements and Encumbrances	None
Local Government Authority	Douglas Shire Council
Planning Scheme	2018 Douglas Shire Planning Scheme
Planning Area	Conservation Zone
Assessment Level	Code Assessable, Precinct 2
Applicable Codes	Refer Below

2.0 Assessment Against the Douglas Shire Planning Scheme Codes

Table 6.2.3.3.a - Conservation zone – assessable development

Performance Outcomes	Acceptable Outcomes	Comments
PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses	AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.	A dwelling and domestic outbuildings are not inconsistent uses
PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area	AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.	Complies
PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.	AO3 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.	Complies

<p>PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p>AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m² and is sited clear of the high bank of any watercourse.</p> <p>Note – The 700m² area of clearing does not include an access driveway.</p>	<p>Complies</p>
<p>PO5 Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies</p>
<p>PO6 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area</p>	<p>AO6 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p>All buildings comply with medium to dark colour schemes. Refer to plan set.</p>
<p>PO7 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development.</p>	<p>AO7.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p>AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p>Complies</p>
<p>PO8 Development is complementary to the surrounding environment.</p>	<p>AO8.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p>AO8.2 A driveway or parking areas are constructed and maintained to: (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site; (d) minimise vegetation clearing.</p> <p>AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%) or On land steeper than 1 in 6 (16.6%) gradient:</p>	<p>Complies.</p> <p>Complies</p> <p>Complies General land fall is in the region of 3% towards north</p>

	<p>(e) A split level building form is utilised;</p> <p>(f) A single plane concrete slab is not utilised;</p> <p>(g) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping.</p> <p>and</p> <p>(h) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.</p> <p>A08.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	Complies
<p>PO9 Development is located to:</p> <p>(a) protect the ecological values of the site and surrounding land;</p> <p>(b) maintain the scenic values of the area;</p> <p>(c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths;</p> <p>(d) avoid areas that are vulnerable to natural hazards;</p> <p>(e) minimise to the greatest extent possible on site excavation and filling;</p> <p>(f) provide buffers to cultural, historical or ecological features;</p> <p>(g) minimise visibility from external sites or public viewing points;</p> <p>minimises to the greatest extent possible the loss of native vegetation and fauna habitat.</p>	<p>A09 No acceptable outcomes are prescribed.</p>	Complies. Use of the development is consistent with all adjacent properties.
<p>PO10 Development does not result in adverse impacts on:</p> <p>(a) ecological function or features; on-site or surrounding waterways and wetlands.</p>	<p>A010 No acceptable outcomes are prescribed.</p>	Complies.
<p>PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>A011 No acceptable outcomes are prescribed</p>	Complies

PO12 Fencing is designed to not impede the free movement of native fauna through the site.	AO12 No acceptable outcomes are prescribed.	Complies. No fencing is intended to be installed.
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Table 7.2.1.10a - Cape Tribulation and Daintree Coast local plan – assessable development

Performance Outcomes	Acceptable Outcomes	Comments
PO1 Development does not result in a demand which exceeds the capacity of: (a) the Daintree River ferry crossing; (b) Alexandra Range Road; (c) the local road network.	AO1 No acceptable outcomes are prescribed.	A dwelling and shed is acceptable development, so should fit within the expected traffic density for the region.
PO2 Development provides a suitable standard of self-sufficient service for: (a) potable water; (b) water for fire fighting purposes; (c) electricity supply.	AO2.1 Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be: (a) fitted with a 50mm ball valve and camlock fitting; (b) installed and connected prior to occupation; (c) sited so as to be visually unobtrusive. AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects. AO2.3 An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.	Water storage tanks with minimum 30,000L capacity will be provided at each building for combined domestic use and fire fighting as set out in the acceptable outcomes. Solar panels and ancillary equipment will be installed to adequately service all buildings; the battery set and generator will be in a secured shed depicted on the site plan
PO3 On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.	AO3 No acceptable outcomes are prescribed	A waste water system, designed to the appropriate AS will provide minimum secondary level waste treatment. Refer to attached report.
PO4 The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes	AO4.1 If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore. AO4.2 Surface water is to be used for domestic purposes only.	A bore will be provided as a top-up for the water storage tanks. A relaxation of clearances is requested – refer also to continued comments at end of report. Roof catchment will be directed to sufficiently service the storage tanks.

<p>PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies</p>
<p>PO6 Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.</p>	<p>AO6.1 The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed. AO6.2 The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres. AO6.3 Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.</p>	<p>Complies</p> <p>Owner to be advised</p> <p>Owner to be advised</p>
<p>PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.</p>	<p>AO7.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping; AO7.2 All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.</p>	<p>Complies</p>
<p>PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.</p>	<p>AO8.1 Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic; AO8.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.</p>	<p>Driveway access to comply with FNQROC standard drawing S1105E current edition with the preference being the floodway type access to ensure no blockages occur.</p> <p>N/A</p>
<p>PO9 The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.</p>	<p>AO9.1 Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot. AO9.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other</p>	<p>Minor cut and fill (80m² total cut/fill) will be required for all buildings. A shallow table drain will be constructed at the base of the cut embankment, to be directed around the buildings and shed to ensure sheet flow of runoff water. The fill batter will be at min 1 in 4</p>

	<p>permanent stabilisation, has occurred.</p> <p>AO9.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.</p> <p>AO9.4 On-site drainage and stormwater management: (a) maintains natural flow regimes; (b) minimises impervious surfaces; avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)</p>	<p>grade, and revegetated with endemic grass species.</p> <p>Tree roots are a hazard to building foundations and trenches and are avoided at all times.</p> <p>Downpipes where not required for water harvesting are to be directed to 300 long 300 wide x 200 rubble pits to disperse concentrated flows.</p>
General requirements – Dwelling house		
<p>PO10 Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.</p>	<p>AO10.1 The elements of development and access to the site are included in a Designated Development Area (DDA).</p> <p>AO10.2 Development is sited in an existing cleared area or in an area approved for vegetation clearing.</p> <p>AO10.3 Any new clearing is limited to a maximum area of 700m² and is sited to be clear of the high bank of any watercourse. Note – The 700m² of clearing does not include an access driveway.</p>	<p>All buildings are located within existing cleared areas.</p>
<p>PO11 All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.</p>	<p>AO11 No acceptable solutions are prescribed.</p>	<p>complies</p>
<p>PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.</p>	<p>AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.</p> <p>AO12.2 External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.</p>	<p>No fences are planned to delineate boundary lines or are required for internally separated areas.</p> <p>Owner to be advised by approval condition</p>
<p>PO13 House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan</p>	<p>AO13.1 Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.</p> <p>AO13.2</p>	<p>Complies</p>

area.	Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface. AO13.3 Vehicular access is constructed prior to house construction.	Refer to plan set Site Plan note. This would be a necessary requirement
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Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development

Performance Outcomes	Acceptable Outcomes	Comments
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2 An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	This allotment is within the 5-20m AHD zone. However, reference to Figure 8.2.1.3a for no excavation below 5m AHD and also excavation >100m ³ indicates this code does not apply.

Table 9.3.8.3.a – Dwelling house code –assessable development

Performance Outcomes	Acceptable Outcomes	Comments
PO1 Secondary dwellings: (a) are subordinate, small-scaled dwellings; (b) contribute to a safe and pleasant living environment; (c) are established on appropriate sized lots; do not cause adverse impacts on adjoining properties.	AO1 The secondary dwelling: (a) has a total gross floor area of not more than 80m ² , excluding a single carport or garage; (b) is occupied by 1 or more members of the same household as the dwelling house.	An exemption is requested to allow a GFA of 134m ² for the secondary dwelling part (234m ² total). (refer to Floor Plans for areas)
PO2 Resident's vehicles are accommodated on- site.	AO2 Development provides a minimum number of on-site car parking spaces comprising: (a) 2 car parking spaces which may be in tandem for the dwelling house; (b) 1 car parking space for any secondary dwelling on the same site.	Complies.
PO3 Development is of a bulk and scale that: (a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area; (b) does not create an overbearing development for adjoining dwelling	AO3 Development meets the acceptable outcome for building height in the applicable Zone code associated with the site.	Complies.

houses and their private open space; (c) does not impact on the amenity and privacy of residents in adjoining dwelling houses; ensures that garages do not dominate the appearance of the street.		
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Table 9.4.1.3.a – Access, parking and servicing code – assessable development

Performance Outcomes	Acceptable Outcomes	Comments
<p>PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</p> <p>(a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (b) the number of employees and the likely number of visitors to the site; (c) the level of local accessibility; (d) the nature and frequency of any public transport serving the area; (e) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (f) whether or not the use involves a heritage building or place of local significance; whether or not the proposed use involves the retention of significant vegetation.</p>	<p>AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p> <p>AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p> <p>AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p>AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p>	<p>Considering the type of development, and compliance with the Dwelling House Code for sufficient on-site car parking (3 covered sites), the remainder of this code is not applicable.</p>

Table 9.4.4.3.a – Filling and excavation code – for self-assessable and assessable development

Performance Outcomes	Acceptable Outcomes	Comments
Filling and excavation - General		
<p>PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.</p>	<p>AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/terraces with a minimum width of 1.2</p>	<p>Complies with all acceptable outcomes of this code. Maximum/minimum cut is 350/100mm, maximum/minimum fill is 300/100mm. Fill batters to be min 1 in 4 grade, min 1.5m from the building, cut batters</p>

	<p>metres that incorporate drainage provisions and screen planting.</p> <p>AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p>AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.</p> <p>AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.</p> <p>AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.</p> <p>AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.</p>	<p>with table drain are also min 1.5 from the building –also noted on the plan set elevations.</p> <p>Boundaries will not be affected by the building pads. The worst case is at the secondary dwelling where the fill batter will be 3.5m from the building line, and a minimum 3.5m from the boundary.</p>
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Cape Tribulation and Daintree Coast local plan – Acceptable Outcomes AO4.1 – Continued:

The attached Site Plan shows existing bore locations, proposed land application area, and minimum clearances dictated by this local plan. No adjacent waste trenching locations are known.

It is clear that these provisions will be difficult to adhere to, and allow the provision of generally accepted basic amenities.

The minimum separation distance between secondary waste trenches and a bore is 30m (10m for an advanced secondary system) in accordance with the Qld Plumbing and Wastewater Code 2019. Council’s Plumbing Inspector has indicated by email that he has no issues with clearances to bores as long as distances are maintained for bore to treatment plant as set out in the Code, and that the size of the allotments will give a reasonable amount of separation between bores.

CONCLUSION

The development application seeks a Development Permit for Material Change of Use for the purpose of a dwelling house and secondary dwelling, and sheds, on land described as L14 RP738160, Silkwood Road, COW BAY. The report includes supporting information intended to address any concerns Council may have as the assessing authority.

The proposed development is considered generally consistent with the relevant Planning Scheme Codes and overlays.