30 November 2023



Chief Executive Officer Douglas Shire Council 64-66 Front Street MOSSMAN QLD 4873

Via email: <a href="mailto:enquiries@douglas.qld.gov.au">enquiries@douglas.qld.gov.au</a>

### RE: RESPONSE TO FURTHER ISSUES LETTER – CHANGE APPLICATION (MINOR CHANGE) IN RELATION TO THE DEVELOPMENT PERMIT MATERIAL CHANGE OF USE (DWELLING HOUSE) OVER LAND AT 34 MURPHY STREET, PORT DOUGLAS, MORE FORMALLY DESCRIBED AS LOT 126 ON SP144708

Council ref: MCUC 2022\_5127/1

Aspire Town Planning and Project Services act of on behalf of Greg Smith and Donna Michelle Smith (the 'Applicant' and the 'Land Owner').

We make reference to Council's Further Issues Letter dated the 19 October 2023, and the subsequent extension to the Decision Period until 8 December 2023 which has been mutually agreed in order to afforded additional time to coordinate the required, revised technical documentation.

Council has requested that in order to proceed with the assessment of the Change Application (Minor Change), that the Applicant provide following information:

#### **Council Request Item 1: Retaining Wall**

The application requests permit to construct a 5513mm retaining wall on the eastern side boundary. The supporting drawings do not provide elevations or design details for the subject retaining wall. In addition, concerns are raised that the proposed retaining wall does not meet with following requirements of the Filling and Excavation code;

AO 1.5 No crest of any cut or toe of any fill, or any part of any retaining wall structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained; and

AO2.2 Filling and Excavation does not occur within 2 metres of the site boundary; and

PO3 Filling and Excavation does not result in a change to the run-off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.

PO BOX 1040, MOSSMAN QLD 4873 M. 0418826560 E. <u>admin@aspireqld.com</u> W. <u>www.aspireqld.com</u> ABN. 79 851 193 691 To facilitate assessment of the application, please address the above-mentioned code requirements, and provide detailed drawings for the proposed retaining wall. The drawings should show;

a. The specific means of supporting or retaining to be used and where relevant a geotechnical design detail;

b. Elevations and sections for the retaining structure; and

c. Proposed drainage solutions.

#### Response

The site drainage has been revised following concerns raised by Council Officers. Please find attached supporting correspondence from CMG Consulting Engineers and revised Drainage Management Plan and Detailed Drawings under **Attachment A**.

The proposed arrangement includes a retaining wall on the Owen Street boundary however all infrastructure is located within the subject lot.

It is acknowledged that this proposed solution does not achieve compliance with AO1.5. However, setting the proposed retaining wall back 600mm from the Owen Street boundary would not improve slope stability, erosion potential or visual amenity of the site or the surrounding area. The retaining wall would not be easily visible from public places and the likelihood of Owen Street ever being opened as a formed road is unlikely due to topographical constraints. The subject lot is heavily constrained in terms of topography and we therefore seek a performance solution. It is submitted that that the proposal complies with PO1 of the Filling and Excavation Code.

It is acknowledged that this proposed solution does not achieve compliance with AO2.2. However, the retaining wall would not be easily visible from public places and the likelihood of Owen Street ever being opened as a formed road is unlikely due to topographical constraints. It is submitted that the proposal complies with PO2 of the Filling and Excavation Code.

The supporting information included under Attachment A, demonstrates the capture of stormwater flowing externally flowing onto the site and direction to a lawful point of discharge. We trust this further information demonstrates suitable compliance with PO3 of the Filling and Excavation Code.

#### **Council Request Item 2: Pool Setback**

Please provide the setback distance from the outermost projection of the pool to the eastern side boundary.

#### Response

The pool setback to the eastern side boundary (Owen Street) is 0.894m, further refer to the revised First Floor Plan included under **Attachment B**.

#### **Council Request Item 3: Bin/Services and Entry Gate Structure**

Please provide elevations for the bin/service and entry gate structure at the south - western boundary.

#### Response

The height dimensions have for the bin/service and entry gate structure have been nominated on the revised Front Elevation at Boundary Plan, further refer to **Attachment B**. This structure is in keeping with scale and design of the Dwelling House and is not considered to be excessively sized.

Thank you for your time in considering the above matter. If you have any further queries, please contact the undersigned.

Regards,

Daniel Favier Senior Town Planner ASPIRE Town Planning and Project Services

### Attachment A

# Correspondence, Revised Drainage Management Plan and Detailed Drawings

Prepared by CMG Consulting Engineers

ABN 53 011 065 375 ACN. 011 065 375

Managing Director CHARLES GIANARAKIS B.Eng., M.I.E. Aust., C.P.Eng., R.P.E.Q. C.M.G. ENGINEERS PTY LTD STRUCTURAL AND CIVIL Postal Address P.O. Box 5901 Cairns, Qld, 4870 Phone 0740 312775 Email chas@cmgengineers.com.au

CONSULTING

Our Ref: 45853L2

27 November 2023

Chief Executive Officer Douglas Shire Council PO Box 723 Mossman Qld 4873

Attention: Rebecca Taranto

RE: Retaining Wall to Residence at 34 Murphy Street, Port Douglas. (MCUC 2022\_5127/2)

Dear Rebecca

We request consideration and approval for the construction of the proposed short retaining wall adjacent to the Owen Street Road Reserve.

The proposed wall location and the design is shown on the attached drawings. Also documented and attached is the stormwater management.

The stormwater discharging from the Owen Street Road Reserve onto this lot is collected by a stormwater pit upstream of the proposed retaining wall and discharges into on site stormwater pipes which convey this water to Murphy Street as shown on the drawings.

The proposal will maintain the existing drainage regime, that is, all water discharging from the Owen Street Reserve onto 34 Murphy Street is collected and discharged independently of the Owen Street Reserve. The topographical survey shown on the attached plan clearly identifies this.

The proposed position of this wall and associated drainage will not have any detrimental impact on the site, the nearby land or adjacent road reserves upstream or downstream from this retaining wall.

We note that the retaining wall is a reinforced concrete masonry retaining wall designed for the applied loads and in accordance with site specific Geotechnical Report and advice.

In our experience, across many projects, it is common practice for retaining walls to be located immediately adjacent to property boundaries.

The driveway grading and swept paths are also included on the attached drawings.

Yours faithfully

C.M.G. CONSULTING ENGINEERS PTY. LTD.

C.M. GANARAKIS (RPEQ 1370)



A.C.N. 011 065 375 STRUCTURAL AND CIVIL A.C.N. 011 065 375 STRUCTURAL AND CIVIL 208 Buchan Street P.O. Box 5901 CAIRNS, 4870. Cairns Mail Centre Phone: (07) 4031 2775 Fax: (07) 4051 9013 PROPOSED RESIDENCE AT 34 MURPHY STREET, F TITLE: STORMWATER MANAGEMENT		DONNA & GREG SM
208 Buchan Street P.O. Box 5901 CAIRNS, 4870. Phone: (07) 4031 2775 Fax: (07) 4051 9013	A.C.N. 011 065 375 STRUCTURAL AND CIVIL	PROPOSED RESIDENCE
	208 Buchan Street P.O. Box 5901 CAIRNS, 4870. Cairns Mail Centre Phone: (07) 4031 2775 Fax: (07) 4051 9013	TITLE: STORMWATER MANAGEMENT





## Attachment **B**

### **Revised First Floor Plan and Elevation Plans**

Prepared by Danny Vos Architect



