

**Victor G Feros
Town Planning Consultants**

195 Dornoch Terrace
cnr Gladstone Road
Highgate Hill
Brisbane 4101
Queensland
Australia

Telephone 07 3844 2862
Facsimile 07 3846 1840
brisbane@ferosplanning.com.au

Level 1
127 Abbott Street
PO Box 1256
Cairns 4870
Queensland
Australia

Telephone 07 4031 3663
Facsimile 07 4031 2238
cairns@ferosplanning.com.au

Level 8, Zurich House
8-10 Karp Court, Bundall
Gold Coast 4217
PO Box 7956
GCMC 9726
Queensland Australia
Telephone 07 5574 1896
Facsimile 07 5574 1118
gcoast@ferosplanning.com.au

2 May 2006

The Chief Executive Officer
Douglas Shire Council
PO Box 357
MOSSMAN QLD 4873

Facsimile No: (07) 4098 2902

Attention: Tracey Pascoe

DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME	<i>Reconfiguration</i>
DOCUMENT NO	<i>SUB</i>
- 3 MAY 2006 010/06	
ATTENTION	<i>TAP</i>
INFORMATION	

Our Ref: VGF - C572

Dear Tracey,

RE: PROPOSED RECONFIGURATION OF A LOT APPLICATION ON LAND LOCATED AT 1407 MOSSMAN-DAINTREE ROAD, ROCKY POINT AND DESCRIBED AS LOT 11 ON SP132055, PARISH OF WHYANBEEL, COUNTY OF SOLANDER
COUNCIL'S REFERENCE NO - SUB 010/06

Further to Council's Acknowledgement Notice dated 26 April 2006, received on Friday 28 April 2006 (copy attached), a series of inconsistencies have been found between the application lodged and the Acknowledgment Notice. On this basis, we respectfully request that the following matters be reviewed: -

1. Incorrect Residential Address (should be 1407 Mossman-Daintree Road, Rocky Point). Discussions with Annette Watson in Council Rates Section indicate that the Residential Address for Lot 11 on SP132055 is 1407 Mossman-Daintree Road, Rocky Point and Lot 10 on SP132 (the rear lot) is 1429 Mossman-Daintree Road, Rocky Point;
2. The trigger for the Department of Natural Resources and Mines is inconsistent with the application forms (IDAS Assessment Checklist and Form J) and the Department of Nature Resources and Mines Regional Ecosystem Map obtained electronically. The following triggers are applicable: -

*IDAS Assessment Checklist

3. (ii) reconfiguring a lot -

- (a) on a lot containing a category 1, 2 or 3 area shown on a property map of assessable vegetation or, if there is no property map of assessable vegetation for the lot, remnant vegetation;
- (b) where the size of the lot before the reconfiguration is 2 hectares or larger;
- (c) where 2 or more lots are created; and
- (d) where the size of any lot created is 25 hectares or smaller - complete Part J of Form 1

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Principal
Victor G Feros
BA MUS FPIA CMILT LGTP(O)

Bachelor of Arts (Urban Geography)(Old)
Master of Urban Studies (Urban & Reg. Planning)(Old)
Fellow Planning Institute of Australia
Member Chartered Institute of Logistics & Transport
Local Government Town Planner (Old)

US Bicentennial Fellowship Award 1976

Administrative Director
Marion C Feros
B Pharm MBA MPS ASA AFACP

Associate & Office Manager, Cairns
Nick Hardy
BRTP (Hons) MPA LGTP(O)

Senior Consultant Planner
Ken Todd
DQIT (T&CP), Dip. Soc. PL LFPIA LGTP(O)

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Town Planning
Consultant Pty Ltd**

ABN E1 0 0 417 302

www.ferosplanning.com.au

3. The identification of an incorrect trigger for Ergon Energy on the IDAS Assessment Checklist form. Charles O'Neill Pty Ltd Consulting Surveyors prepared the survey plan creating Lot 10 and Lot 11 on SP132055 and Easement A, and have confirmed that Easement A is for the provision of access to Lot 10 via Lot 11. In addition, discussions with Ergon Energy indicated that there are no easements for the provision of electricity contained within the site. However a substation is situated within 100m of the site. On this basis, we submit that the trigger should be noted as follows: -

"18. (i) *reconfiguring a lot where any part of the lot is -*

- *situated within 100m of a substation site;" and*

4. It is noted that our letter lodged with the application on Monday 10 April 2006 (copy attached), requested that Council determine that the development "would in the Assessment Manager's opinion, be unlikely to have significant effects on the environment" in accordance with Section 3.3.5(2) of the *Integrated Planning Act 1997* and Referral Co-ordination not necessary. We seek Council's confirmation that due consideration was given to this matter and has been considered at a Council Meeting.

Given the above matters we seek that an amended Acknowledgment Notice be issued as a matter of urgency.

Should you have any queries regarding these matters please contact Nick Hardy at our Cairns Office on (07) 4031 3663.

We await your further advice.

Yours faithfully
VICTOR G FEROS TOWN PLANNING CONSULTANTS



Nick Hardy
Associate and Cairns Office Manager

cc: Mrs T L Fowler

4. Referral Agencies

The names of the relevant Referral Agencies for this application are:

Concurrence Agencies

Department of Main Roads
PO Box 6185
CAIRNS QLD 4870

Attn: Mr Malcolm Hardy

Trigger: A

Senior Resource Planning Officer
Catchment and Regional Planning
Department of Natural Resources, Mines & Energy
PO Box 210
ATHERTON Q 4883

Trigger: Schedule 2, Table 2 (4) Reconfiguring a lot-

- (b) where the size of the lot before reconfiguration is ha or larger;
- (c) where 2 or more lots are created; and
- (d) where the size of any lot created is 25h or smaller

Environmental Protection Agency
ECSU
PO Box 155
BRISBANE QLD 4002

Trigger: Reconfiguration of a lot assessable under Schedule 8 of the IPA where the land is situated completely or partly in a Coastal Management District

Advice Agency

Ergon Energy
PO Box 1090
GARbutt QLD 4815

Trigger: Schedule 2, Table 2 (20) - Reconfiguration of a Lot where part of the lot is subject to an easement in favour of a distribution entity or transmission under the *Electricity Act 1994* and the easement is for a transmission grid or supply network under the act.

Please note it is the Applicant's responsibility to forward to the Referral agency(s) the following: (at about the same time).

- *A copy of the Application;*

.../3.

- *A copy of the Acknowledgement Notice;*
- *Written Notice to Council (Assessment Manager) of the date that the above information was provided to the Referral Agency.*
- *The Agency's application fee prescribed under a regulation under the IPA or another Act.*

5. Information Request

Council, as Assessment Manager, intends to make an information request.

6. Referral Co-Ordination

The Application will require referral co-ordination.

Department Local Government & Planning
PO Box 5194
CAIRNS QLD 4870

- Trigger:
- Involves a *material change of use* (other than a dwelling house, outbuilding or farm building) made assessable under a planning scheme, or *reconfiguring a lot*, in an area prescribed in Schedule 8 of the IP Regulation.
 - Involves 3 or more concurrence agencies

Should you require any further information in relation to this matter, please do not hesitate to contact Ms Tracey Pascoe on telephone (07) 4099 9456.

Yours faithfully,


Per: Paul Trotman
General Manager - Development & Environment

**Victor G Feros
Town Planning Consultants**

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DOUGLAS SHIRE COUNCIL RECEIVED	
FILE NAME:	
DOCUMENT NO:	10 APR 2006
ATTENTION	
INFORMATION	

10 April 2006

The Chief Executive Officer
Douglas Shire Council
PO Box 367
MOSSMAN, QLD 4873

Our Ref: VGF - C572

Dear Sir,

**RE: PROPOSED RECONFIGURATION OF A LOT APPLICATION FOR LAND LOCATED AT
1407 MOSSMAN DAINTREE ROAD, ROCKY POINT**

We act on instructions received from T L Fowler, the applicant and owner of the subject land described as Lot 11 on SP132055, Parish of Whyanbeel, County of Solander.


We also refer to the attached application forms and report.

As detailed in the attached forms and report, the subject site adjoins the Wet Tropics World Heritage Boundary.

Given the nature of the proposal, it is requested that Council determine that the development "would in the Assessment Manager's opinion, be unlikely to have significant effects on the environment" in accordance with Section 3.3.5(2) of the *Integrated Planning Act 1997*. Council is requested to refer to the attached Town Planning Report in the consideration of this matter.

Council's favourable consideration of this matter is commended and we await Council's advice.

Yours faithfully



VICTOR G FEROS GCSJ BA MUS FPIA CMILT LGTP(Q)
VICTOR G FEROS TOWN PLANNING CONSULTANTS

Adjunct Professor
School of Geography, Planning & Architecture
The University of Queensland

cc: Mrs Fowler

cc: Andrew Franklin

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ABN 51 010 417 302

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