

Jim Papas Civil Engineering Designer

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Design Excellence, Exceptional Service

The Chief Executive Officer,
Douglas Shire Council,
P.O. Box 723,
MOSSMAN QLD. 4873

July 31, 2014
1301 L02

Attn: Mr. Neil Beck

Dear Sir,

**RE: INFORMATION REQUEST FOR OPERATIONAL WORKS – STAGE 5B OCEAN BREEZE
ESTATE – COOYA BEACH**
(Your Ref.OP282 (424844))

We refer to your information request dated July 22, 2014 in which you requested further information in order for Council to complete its assessment of the Operational Works application. We respond as follows:

Request

Drainage Investigation

Provide a comprehensive drainage investigation/flood study of Stage 5B and the balance of Ocean Breeze Estate to achieve flood immunity from upstream contributing catchments and to determine the drainage infrastructure required to service the development in accordance with the Planning Scheme and the FNQROC Development Manual.

The investigation for the entire site is considered necessary at this point in time to ensure an appropriate drainage solution can be implemented for the development without being constrained or compromised by approved stages of development.

RESPONSE

As noted in our design report the stage of the development that is subject of this application is completely contained within the development property and is not affected by any external catchment. The design report clearly demonstrates that this stage of the development discharges to existing infrastructure which was designed to accommodate the discharge from this stage. To assist Council we have amended the submitted catchment plan to highlight the extent of the catchment associated with this application.

Furthermore, Council is in receipt of a draft copy of a stormwater drainage study which clearly demonstrates that development of this stage of the development does not in any way compromise future development.

Finally, we advise that detail survey work is currently being undertaken to enable finalisation of the drainage study to ensure that this matter is fully resolved before approval is sought for construction of the next stage.

End of Response to this item

Please address all
correspondence to:
**P.O. Box 2347,
Mareeba, Qld 4880**



Email: admin@jpced.com.au
Mobile: 0408 770 394

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Request

ROL Conditions

It is noted that the ROL conditions relating to the timing of external works, namely the upgrade of Bonnie Doon Road and the requirement for the construction of a channelized intersection of Cooya Beach Road and Bonnie Doon road is not nominated. Please provide representations from a qualified traffic engineer as to when these external works ought to be triggered. Such response is to be accompanied by supporting calculations / anticipated vehicle movements. In addition, provide an update on the intersection works and timing of such works on the State-controlled road as required by Concurrence Agency conditions.

RESPONSE

Our understanding of the conditions of the Amended Decision Notice is that the condition requiring the upgrading of the intersection of Bonnie Doon Rd and Cooya Beach Road (Condition 39) is to be carried out as part of the first development of the subdivision, being Stage 1. Our Clients inform us that this position is supported by the information provided with the sales documents when our Clients purchased the property. These documents state that Cairns Regional Council holds an Uncompleted Works Bond of \$1,149,994.50 for "*uncompleted works bond – Cooya Beach /Bonnie Doon intersection upgrade and upgrade of the eastern section of Cooya Beach Road*". The lodgement date for this bond was May 16, 2007 and the release date is the completion of the works. Therefore, Council is either satisfied that the works have been completed or hold a bond to ensure that the works are completed.

We contend that this condition has been satisfied either by construction or by bond and no further action is required. Furthermore, Condition 36 of the Amended Decision Notice states: "*The plan of Survey with associated documents shall not be endorsed by Council until all of the conditions of approval have been complied with.*" which would clearly demonstrate that Condition 39 must have been satisfied prior to the release of Stage 1.

In relation to the timing for the upgrading of Cooya Beach Road and Bonnie Doon Road beyond the intersection, we note that Advice Note 1 of the Decision Notice lists out each stage of the development which fronts these two roads, thereby indicating that the works are to be completed progressively as part of each respective stage. On this basis, upgrade works along Cooya Beach Road have been occurring as required, while Bonnie Doon Road works will be undertaken as part of the completion of Stage 4.

We are currently negotiating with the Department of Transport and Main Roads with respect to the upgrading works at the intersection of Captain Cook Highway and Boonie Doon Road. We will advise Council as to the outcome of these negotiations when they are concluded.

We also note that the DTMR development conditions require that any upgrading works required by the Department are completed "*prior to Council sealing of the plan of survey.*" Therefore, we assert that the Concurrence Agency Conditions do not prevent Council from issuing an Operational Works permit for Stage 5B.

End of Response to this item

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Request

While the statement of compliance against Condition 40 (b) is noted, the condition remains valid to the development of the land. Please provide further detail with respect to satisfactory compliance with this condition to reconfigure the land.

RESPONSE

Council has been satisfied that we have complied with the requirements of Clause 40(b) where we have undertaken a stage of the development that has frontage to one or more of the specified streets. We will continue to do comply with all relevant conditions where the buffer forms part of the proposed works, which in this case, it does not.

The condition requiring a fence along the un-constructed road reserve frontage has not been completed as it will compromise future construction and there is no need because at this time there is no residential use or public access to the vicinity besides the road reserve itself. Fencing of this boundary will form part of the construction works for the appropriate stage.

We draw Council's attention to the fact that our Clients are fencing each stage as it is completed although there is no compulsion for them to do so.

End of Response to this item

We believe that we have responded to all matters raised in your Information Request and have provided all the information requested. We ask that Council proceed with the assessment of the Operational Works application.

Yours faithfully,

JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.



JIM PAPAS

Attachment: Dwg No 1301 C13(B)

