

15 December 2023

**Our Ref: 23-1045**

**Chief Executive Officer**

Douglas Shire Council  
PO Box 723  
PORT DOUGLAS QLD 4870

Attention: Rachel Brophy – Chief Executive Officer

Dear Rachel,

**RE: APPLICATION SEEKING A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (DWELLING HOUSE) OVER LAND AT 12 MURPHY STREET, PORT DOUGLAS, MORE FORMALLY DESCRIBED AS LOT 113 ON PTD2094.**

We refer to the above-described matter and confirm that Urban Sync Pty Ltd are supporting Neill Biddle & Kim Cullen (the 'applicant') and their preferred contractors to submit an application to Douglas Shire Council for development assessment with respect to the construction of a 'Dwelling House' over the above-described land.

Council officers will note that the land has recently been the subject of similar development assessment in 2022, including subsequent approvals (DSC Ref: 2022\_4867/1) and this project while consistent with the approved landuse for a 'Dwelling House' seeks to have substantially different development plans approved for construction. The need for the re-submission of this development assessment will be established through the Planning Report though there will be a level of reliance on the previous planning assessment referenced throughout the application, where applicable.

In support of the application, we attach the following documents to assist with Council's assessment:

- DA Form 1 as **Attachment 1**;
- Past Approvals as **Attachment 2**;
- Proposal Plans prepared by Bälly Vandyke as **Attachment 3**;
- Site Searches as **Attachment 4**; and
- Assessment of the applicable development codes under the *Douglas Shire Planning Scheme 2018* as **Attachment 5**

In accordance with s51(2) of *Planning Act 2016*, landowners' consent has not been provided as the Applicant is the owner of the land. Councils' application fee to the amount of **\$3,500.00** will be paid upon lodgement of this application and a receipt will be provided in due course.

Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully



Stuart Ricketts  
Director

E stuart@urbansync.com.au | T 07 4051 6946 | M 0418 985 935

# TOWN PLANNING REPORT

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE

(‘DWELLING HOUSE’) AT

12 MURPHY STREET, PORT DOUGLAS

FOR

NEIL BIDDLE & KIM CULLEN

*15 December 2023*

# CONTENTS

1	EXECUTIVE SUMMARY .....	6
2	APPLICATION DETAILS .....	7
2.1	Application summary .....	7
2.2	Plans of development .....	8
3	SITE DETAILS .....	9
3.1	Site Description .....	9
3.2	Site analysis .....	10
3.3	Surrounding land uses .....	10
3.4	Infrastructure and services .....	11
4	DEVELOPMENT BACKGROUND .....	13
4.1	Relevant Development Approvals .....	13
4.2	Prelodgement Meetings .....	13
4.3	Breakdown of Application Fees .....	13
5	DEVELOPMENT PROPOSAL .....	14
5.1	General Description .....	14
5.2	Proposal Details .....	14
5.3	Staging .....	15
5.4	Engineering and Infrastructure Provision .....	16
5.4.1	Water Supply .....	16
5.4.2	Sewerage Supply .....	16
5.4.3	Electricity .....	16
5.4.4	Telecommunications .....	16
5.4.5	Stormwater Drainage (Quantity) .....	16
5.4.6	Stormwater Drainage (Quality) .....	16
5.4.7	Bulk Earthworks .....	16
5.4.8	Erosion and Sediment Control .....	16
5.5	Transport and Accessibility .....	16
5.5.1	Carparking .....	16
5.5.2	Access .....	16
5.5.3	Internal Driveway .....	17
5.6	Infrastructure Charges Estimate .....	17
6	LEGISLATIVE REQUIREMENTS .....	18
6.1	Planning Act 2016 .....	18
6.1.1	Confirmation that the Proposed Development is not Prohibited .....	18
6.1.2	Assessment Manager .....	18
6.1.3	Category of Development .....	18
6.1.4	Level of Assessment .....	18
6.2	Far North Queensland Regional Plan .....	18
6.3	State Planning Policy .....	19
6.4	Referrals & State Development Assessment Provisions .....	19
6.5	Planning Scheme (Douglas Shire Planning Scheme 2018) .....	20
6.5.1	Land Use Definition .....	20



6.5.2	Applicable Planning Scheme Overlays.....	20
6.5.3	Applicable Planning Scheme Codes.....	20
6.6	Planning Scheme Assessment .....	21
6.6.1	Strategic Framework.....	21
6.6.2	Environmental Management Zone Code.....	21
6.6.3	Overlay Codes .....	23
	Bushfire Hazard Overlay Code.....	23
	Coastal Environmental Overlay Code .....	23
	Hillslope Overlay Code .....	23
	Landscape Values Overlay Code.....	23
	Natural Areas Overlay Code .....	23
	Potential Landslide Hazard Overlay Code .....	23
	Transport Network Overlay Code .....	24
6.6.4	Development Codes .....	24
	Dwelling House Code.....	24
	Access, Parking and Servicing Code .....	24
	Excavation and Filling Code.....	24
	Infrastructure Works Code.....	24
	Vegetation Management Code .....	24
7	DISCUSSION – KEY PLANNING MATTERS.....	25
7.1	Site Constraints (Vegetation and Slope) .....	25
7.2	Landscape Values (Visual Amenity).....	25
7.3	Physical Access and Driveway.....	26
7.4	Building Footprint & Setbacks .....	27
7.5	Geotechnical & Retaining Walls .....	28
8	CONCLUSION .....	28

## FIGURES

Figure 1: Site location – 12 Murphy Street, Port Douglas (Source: Queensland Globe, State of Queensland 2023). .....	9
Figure 2: Surrounding Zoning Designations (Source: Douglas Shire Council, 2023). .....	10
Figure 3: Location of Existing Services in proximity to the site (Source: Douglas Shire Council Local Government Infrastructure Plan, 2017) .....	12
Figure 4: Site Plan (Source: Bälly Vandyke, 2023) .....	15
Figure 5: Perspective (Source: Bälly Vandyke, 2023) .....	15
Figure 6- June 2022 (Dwelling House Approval Cross Section).....	27
Figure 7 – December 2023 (Revised Development Cross Section).....	27

## TABLES

Table 1: Relevant Approvals .....	13
Table 2: Infrastructure Charges Estimate .....	17
Table 3: SPP Assessment of Natural Areas, Risk and Resilience Performance Outcomes .....	19
Table 4: Applicable Planning Scheme Codes for Assessment .....	20
Table 5: Assessment Against Purpose and Overall Outcomes of Environmental Management Zone Code .....	22





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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Neill Biddle & Kim Cullen and considers the instructions and requirements of Neill Biddle & Kim Cullen with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
23-1045	1.0	07/12/2023	NCD		SDR
23-1045	2.0	14/12/2023	NCD	SDR	SDR

15/12/2023

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# I EXECUTIVE SUMMARY

Urban Sync Pty Ltd are supporting Neil Biddle & Kim Cullen (the 'Applicant') and their preferred contractors being Prime Constructions (Aust) Pty Ltd to apply to Douglas Shire Council for development assessment with respect to the construction of a 'Dwelling House' over the above-described land. Douglas Shire Council approved a similar development proposal in 2022, (DSC Ref: 2022\_4867/1) and this project while consistent with the approved landuse for a 'Dwelling House' seeks to have substantially different development plans approved for construction.

Neil Biddle & Kim Cullen (the 'Applicant') have revisited the approach with their preferred contractors as design and cost planning require a redesign of the earthworks, access and housing design and now seek a 'new' approval to establish 'Dwelling House' (the proposed development) at 12 Murphy Street, Port Douglas (the 'site'). In a planning context, the site remains within the Environmental Management Zone and Port Douglas/Craigie – Precinct 1 – 1f Flagstaff Hill of the *Douglas Shire Planning Scheme 2018* (Planning Scheme), where assessment is required and the need for a **Code Assessable** development application to be lodged and approved by Council.

Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use -Dwelling House.**

This report has been undertaken to:

- Examine the physical characteristics of the site and the site's development history including previous technical reporting, assessment and development conditions that apply to the land;
- Accurately describe the revised Proposal Plans prepared by Bälly Vandyke Architects;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulation 2017* (PR), *State Planning Policy 2017* (SPP) and the Planning Scheme; and
- Address any 'key' planning issues and non-compliances with the applicable aspects of the Planning Scheme and other Assessment Benchmarks.

Under the Planning Scheme, the Environmental Management zone intends to provide for *"recognise environmentally sensitive areas and provide for houses on lots and other low impact activities where suitable"*.

Development of a 'Dwelling House' will be supported where there is some consideration of the environmental and physical constraints affecting the land and consideration is also given to minimising the impacts of development consistent with the established natural features and characters of the locality. A reasonable expectation remains that the site will accommodate residential developments like that being proposed. Construction of this revised housing design will result in two story storeys dwelling and as such, is providing a development bulk, scale and density that is equal to that envisioned by the Planning Scheme AND that which could be reasonably expected to occur on the site.

A performance-based assessment has been undertaken to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome can still be achieved.

In this instance, the key assessment matters relate to building and retaining wall setbacks, access from Murphy Street, earthworks/vegetation and visual impacts with the report providing extensive commentary in this regard. The assessment and recommendations acknowledge some land-based impacts will occur because of construction of the 'Dwelling House' on this currently vacant site though this should be entirely expected, and conditions will seek to manage and minimise the impacts to a reasonable level. The site and the surrounding residential premises are of a high quality and require a level of construction that is in keeping with the established character of the street. Departures from the Acceptable Outcomes relating to these key assessment matters are suitable and the proposed development will not have an unacceptable, negative impact on the amenity of the locality or adjacent residents, nor have an unacceptable, detrimental impact on the existing or future residential character of the locality.

The report concludes that in the context of the site, adjoining neighbors, the pattern of existing and approved urban development that compliance with the applicable assessment benchmarks and other relevant State legislation can be suitably demonstrated. For this reason, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed. As such, the proposed development should be approved by Council subject to the imposition of reasonable and relevant conditions of approval and with the above in mind, we now submit this application to Council for assessment.



## 2 APPLICATION DETAILS

### 2.1 APPLICATION SUMMARY

<b>Approval Sought:</b>	<b>Development Permit for a Material Change of Use – Dwelling House</b>
<b>Registered Landowner:</b>	Neil Biddle & Kim Cullen
<b>Applicant:</b>	Neil Biddle & Kim Cullen C/- Urban Sync Pty Ltd PO Box 2970 CAIRNS QLD 4870
<b>Project Description Details:</b>	The project will involve the establishment of a 'Dwelling House' on the site.
<b>ASSESSMENT DETAILS</b>	
<b>Assessment Manager:</b>	Douglas Shire Council
<b>Development Category:</b>	Assessable Development
<b>Assessment Category:</b>	Code Assessable
<b>Public Notification:</b>	N/A
<b>PRE-LODGEMENT CONSULTATION</b>	
<b>Council:</b>	Nil
<b>State:</b>	N/A
<b>RELEVANT STATE PLANNING INSTRUMENTS</b>	
<b>Legislation:</b>	<i>Planning Act 2016 (Qld)</i>
<b>Planning Policy:</b>	<i>Queensland State Planning Policy (July 2017)</i>
<b>Planning Policy State Interests:</b>	<ul style="list-style-type: none"> <li>▪ Biodiversity; and</li> <li>▪ Natural Hazards Risk and Resilience</li> </ul>
<b>Regional Plan:</b>	Far North Queensland Regional Plan 2009-2031
<b>Regional Plan Land Use:</b>	Urban Footprint
<b>Development Assessment Mapping:</b>	Nil
<b>Referrals:</b>	Nil
<b>RELEVANT LOCAL PLANNING INSTRUMENTS</b>	
<b>Planning Scheme:</b>	<i>Douglas Shire Planning Scheme 2018</i>
<b>Local Plan:</b>	Port Douglas/Craigie



<b>Local Plan Precinct:</b>	Precinct 1 - 1f Flagstaff Hill
<b>Zone:</b>	Environmental Management
<b>Zone Precinct:</b>	Nil
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>▪ Bushfire Hazard;</li> <li>▪ Coastal Processes;</li> <li>▪ Hillslopes;</li> <li>▪ Landscape Values;</li> <li>▪ Landslide;</li> <li>▪ Natural Areas; and</li> <li>▪ Transport Network.</li> </ul>

## 2.2 PLANS OF DEVELOPMENT

Drawing Title	DWG No.	Sheet No.	Rev	Prepared By	Date
Upper Floor Plan	01	1	E	Bàlay Vandyke	06/12/23
Mid Floor Plan	02	2	E	Bàlay Vandyke	06/12/23
Lower Floor	03	3	E	Bàlay Vandyke	06/12/23
Elevations 1	04	4	D	Bàlay Vandyke	23/11/23
Elevations 2 - 3	05	5	E	Bàlay Vandyke	06/12/23
Elevations 4 – Cross Section A	06	6	D	Bàlay Vandyke	23/11/23
Site Plan	07	7	D	Bàlay Vandyke	23/11/23
Earthworks Model	08	8	B	Bàlay Vandyke	01/11/23
Murphy Street Port Douglass Entry Perspective 1	09	9	D	Bàlay Vandyke	23/11/23
Murphy Street Port Douglass Entry Perspective 2	10	10	D	Bàlay Vandyke	23/11/23
Murphy Street Port Douglass Entry Perspective 3	11	11	D	Bàlay Vandyke	23/11/23
Views	12	12	D	Bàlay Vandyke	23/11/23
Upper Floor Plan	13	13	D	Bàlay Vandyke	23/11/23
Lower Floor Plan	14	14	D	Bàlay Vandyke	23/11/23



## 3 SITE DETAILS

### 3.1 SITE DESCRIPTION

<b>Registered Landowners:</b>	Neil Biddle & Kim Cullen
<b>Site Location:</b>	12 Murphy Street, Port Douglas
<b>Lot and Description:</b>	Lot 113 on PTD2094
<b>Site Area:</b>	2023 m <sup>2</sup>
<b>Tenure:</b>	Freehold
<b>Easements:</b>	Nil
<b>Encumbrances:</b>	Nil
<b>Local Government Authority:</b>	Douglas Shire Council

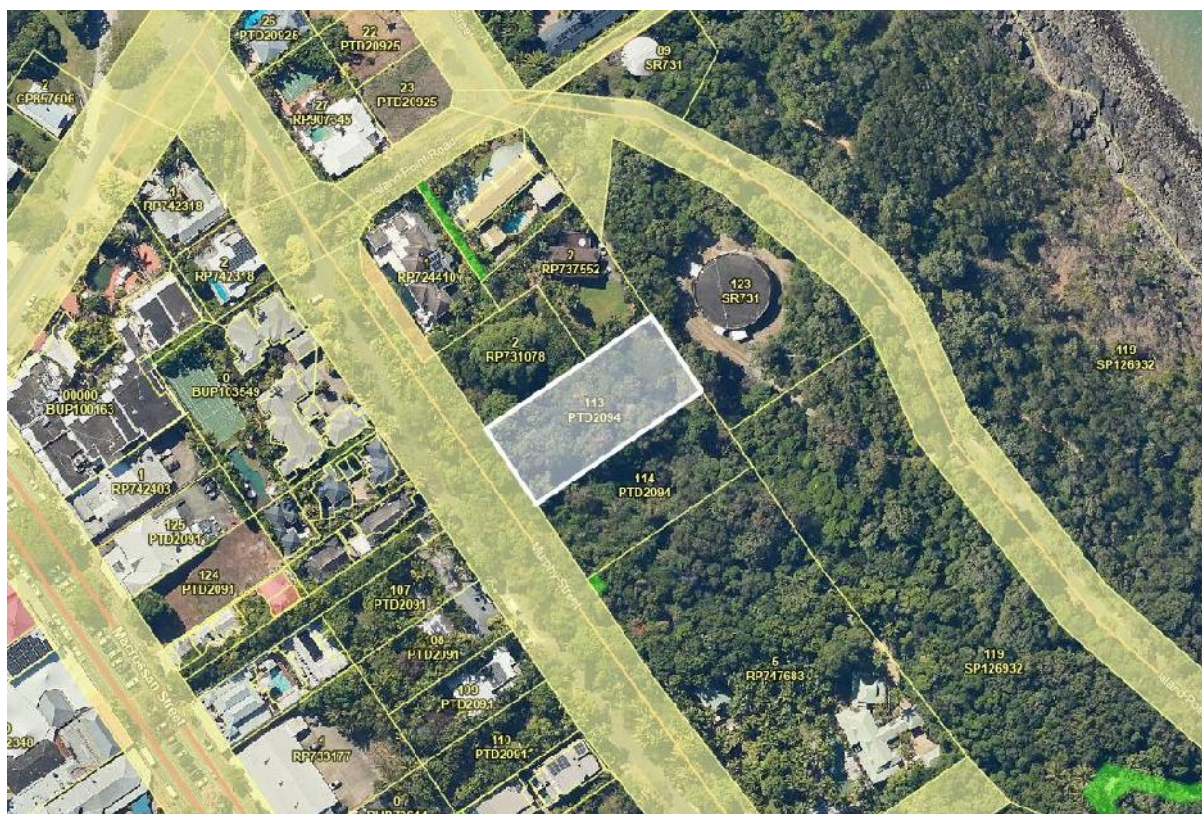


Figure 1: Site location – 12 Murphy Street, Port Douglas (Source: Queensland Globe, State of Queensland 2023).



### 3.2 SITE ANALYSIS

<b>Current Use/s:</b>	Vacant Lot
<b>Existing Improvements:</b>	The site is currently unimproved.
<b>Topography:</b>	The site has a steady fall towards Murphy Street with a slope of 1 in 3 across the site. An earth batter exists between the frontage and the physical Murphy Street carriageway
<b>Waterways:</b>	There are no waterways that traverse the site.
<b>Vegetation:</b>	The site includes mature vegetation throughout the site (refer to ENV Report).
<b>Environmental Management &amp; Contaminated Land:</b>	To the best of Urban Sync's knowledge, the site is not located on the Environmental Management or Contaminated Land Registers.
<b>Heritage Places:</b>	The site is not an identified State or local 'Heritage Place', nor are any adjacent sites.

### 3.3 SURROUNDING LAND USES

Geographically, Port Douglas serves as the primary township of the Douglas Shire region with the area surrounding the site consisting of areas of Low-Medium Density Residential, Environmental Management, Centre, Conservation, Recreation and Open Space and Special Purpose zoned land.

In a more local context, the site is located in an area of substantial housing sites and some tourist accommodation within close proximity to the Central Business District area characterised by commercial and residential land uses of a low-medium rise nature, generally between 1 and 3 storeys and varying densities. The site is bound by the following Planning Scheme zones (see **Figure 2**):

- North: Environmental Management, Conservation and Special Purpose (Water Reservoir) zoned land;
- South: Environmental Management Low-Medium Density Residential and Centre zoned land;
- East: Environmental Management, Conservation and Special Purpose zoned land;
- West: Low-Medium Density Residential and Centre zoned land.



Figure 2: Surrounding Zoning Designations (Source: Douglas Shire Council, 2023).



<b>Road Frontage:</b>	<p>The site has an approximate 30 metre frontage to Murphy Street, which is identified as an Access Road in Council's Road hierarchy.</p> <p>Physical access to Murphy Street carriageway is restricted by the earth batters and changes in grade which exist along this frontage. The project seeks access via a shared driveway like other situations in this locality and will be wholly contained within the Road Reserve</p> <p>Murphy Street is a single lane, undivided two-way, seven (7) metre wide, sealed carriage way within a 30m wide road reserve. The road reserve includes unmarked, informal parallel parking and kerb and channel on both sides of the road reserve. No footpaths are present.</p>
<b>Water Supply:</b>	<p>The site will be serviced with a reticulated water supply via a water main which runs along the site's frontage on Murphy Street (see <b>Figure 3</b>). Proposed dwelling will be connected as part of this development.</p>
<b>Sewerage Supply:</b>	<p>The site will be serviced with reticulated sewerage by way of a connection from the closest sewer main to the site (see <b>Figure 3</b>). Proposed dwelling will be connected as part of this development.</p>
<b>Stormwater:</b>	<p>Stormwater appears to be discharged to the kerb and channel of Murphy Street towards the council stormwater infrastructure. Additional on-site drainage infrastructure will be constructed as part of this development.</p>
<b>Electricity &amp; Telecommunications:</b>	<p>The site is connected to both electricity and telecommunications services will be connected as part of this development.</p>





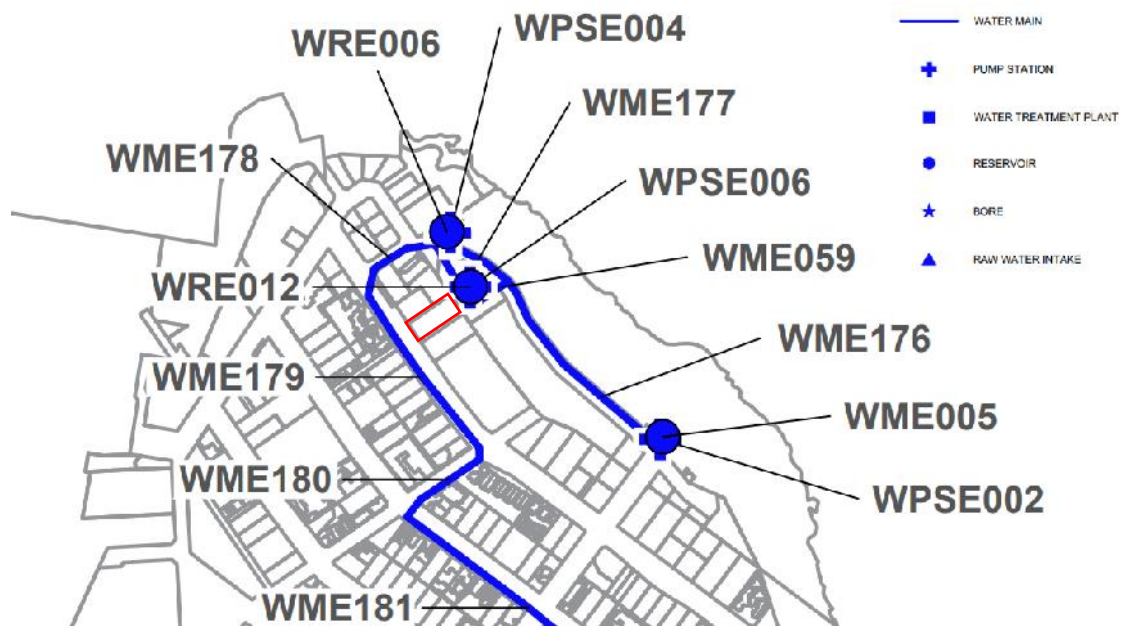


Figure 3: Location of Existing Services in proximity to the site (Source: Douglas Shire Council Local Government Infrastructure Plan, 2017)

## 4 DEVELOPMENT BACKGROUND

### 4.1 RELEVANT DEVELOPMENT APPROVALS

Details relating to these approvals are provided below in Table 1 and a copy of these approvals are provided in **Attachment 2**.

*Table 1: Relevant Approvals*

Decision Date	Type of Development	Aspect of Development	Proposal	Council Reference
30 August 2022	Development Permit	Material Change of Use	Dwelling house	MCUC 2022_4867
12 December 2022	Development Permit	Material Change of Use – Minor Change	Dwelling House	MCUC 2022_4867
5 July 2023	Development Permit	Operational Works	Earthworks	OP 2023_5234/1

In June 2022, an application was lodged with Douglas Shire Council for a Material Change of Use to establish a Dwelling House on 12 Murphy Street, Port Douglas. The design plans prepared by Hunt Designs Pty Ltd includes significant earthworks and provision of a shared access (between 12 & 14 Murphy Street) that would extend to the rear of the premises. This development application would be approved by Council on the 30 August 2022. Detailed design works then progressed and a 'Minor Change' to the proposal was resolved and submitted in November 2020 to amend this existing approval (MCUC 2022\_4867). This Minor Change application addressed changes in design for setbacks and building approach and was approved by Council on 12 December 2022.

Consultants Reports address the physical constraints of the land and the approach to the development remain relevant and are referenced below for consideration:

1. Ecological and Botanical Report (RPS Group Dated: 15 June 2023) Ref PR152390-R81338
2. Geotechnical Investigations (Golder Associates Dated: 1 June 2022)
3. Supporting Civil Engineering Commentary (Edge Consulting Engineers Dated: 31 May 2022)

More detailed design was progression the revised drawings and this included geotechnical and engineering works for the initial excavation of the site. A development application was lodged with Council for an Operational Works seeking Development Permit for earthworks on 12 Murphy Street, Port Douglas. This development application would be approved by Council on the 5 July 2023.

#### Current Status

The applicant has now engaged Prime Constructions (Aust) Pty Ltd to assist with the 'Dwelling House' construction and methodology. Significant revisions to the 'Dwelling House' design are being proposed including setbacks, earthworks and site access.

The project team are confident in the revised design and request a 'new' approval to progress with the development.

### 4.2 PRELODGEEMENT MEETINGS

No pre-lodgement discussions were held with Council regarding the proposed development.

### 4.3 BREAKDOWN OF APPLICATION FEES

The application fee of **\$3,500.00** was broken down as outlined below:

- **Material Change of Use (Domestic and Minor Development with Murphy Street or Island Point Road access)** - \$3,500.00 base fee.



## 5 DEVELOPMENT PROPOSAL

### 5.1 GENERAL DESCRIPTION

This application seeks the requisite statutory development approval from Douglas Shire Council to support the establishment of a 'Dwelling House' over Lot 113 on PTD2094 at 12 Murphy Street, Port Douglas. Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use – 'Dwelling House'.**

### 5.2 PROPOSAL DETAILS

The revised design plans by Balay Vandyke Building Designs (**Attachment 3**) involve the establishment of a 'Dwelling House' complex on the site, which will generally include the following elements:

- The establishment of one (1) new dwelling comprising four (4) x bedrooms, garage, one (1) x bathroom and four (4) ensuites;
- Vehicular access from Murphy Street via shared driveway arrangement within the Road Reserve servicing 12 & 14 Murphy Street (5.5 metres wide) then decreasing with width to (2.6 metre wide). All services including water, sewer and stormwater arrangements will be contained within this corridor and connect to Council's networks at a point be endorsed by RPEQ Engineer.
- The revised design includes the garage and provision of suitable turn-around for private vehicles at the front of the 'Dwelling House' rather than at the rear of the premises;
- The 'Dwelling House' will have an approximate gross floor areas:
  - Lower Floor – Foyer – 56.3m<sup>2</sup>,
  - Lower Floor – Garage – 57.2m<sup>2</sup>,
  - Lower Floor – Services – 41.2m<sup>2</sup>;
  - Mid Floor Balcony – 51.8m<sup>2</sup>,
  - Mid Floor Internal – 205.3m<sup>2</sup>; and
  - Upper Floor Balcony – 172.2m<sup>2</sup>,
  - Upper Floor Internal – 335.2m<sup>2</sup>;

A total floor area of approximately 919.3m<sup>2</sup>.

- Two storey and a height of approximately eight (8.5) metres above natural ground level;

Elevations are contained in the design package and reflect the approach previously supported with a design height being consistent with the 'natural' ground level. Excavation of the land will be undertaken with the view of expanding the development areas by ensuring limited encroachment above 8.5m above Natural Ground Level

- Total site coverage of 26.84%;
- Generous amounts of private open space to the front of the new dwelling; and
- Landscaping to the rear and sides of the new dwelling.

Please refer to the Proposal Plans provided in **Attachment 3** and **Figures 4 and 5** below for further information.



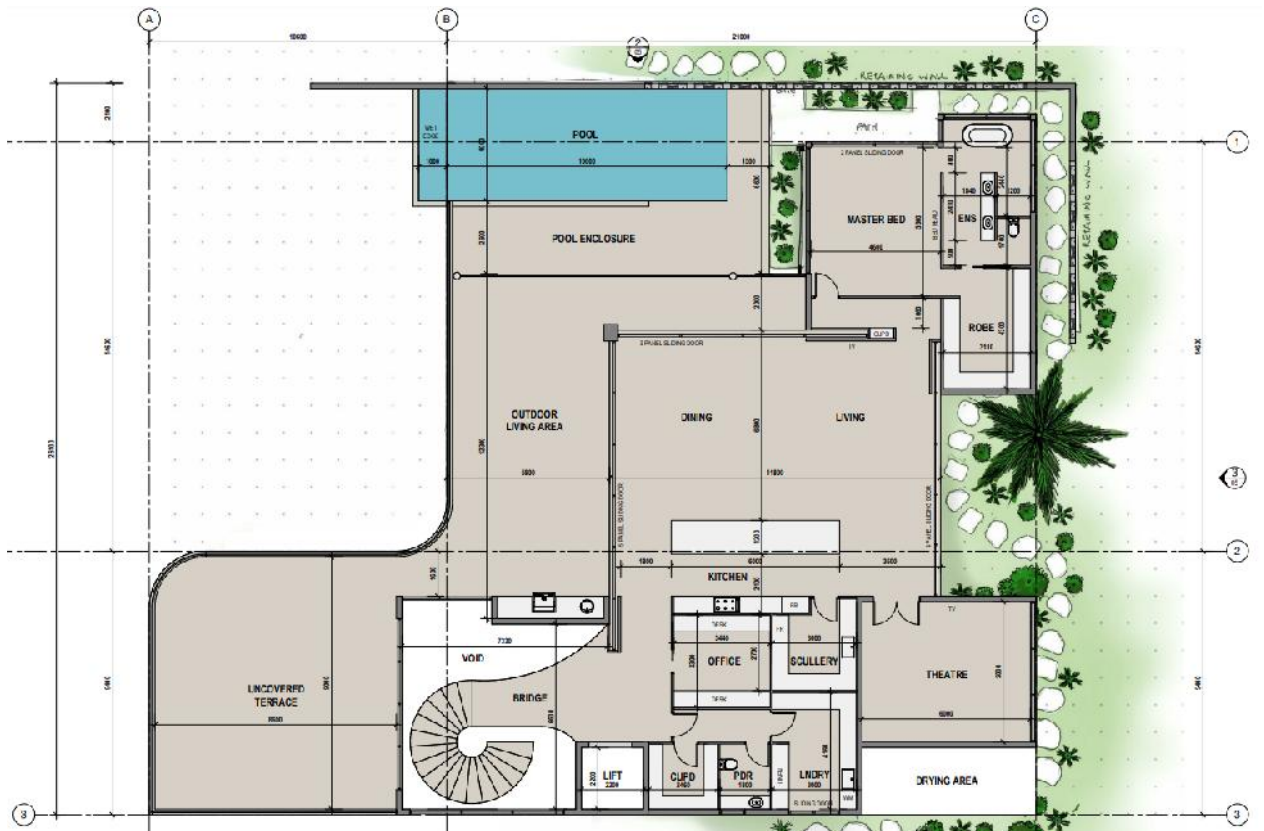


Figure 4: Site Plan (Source: Bâlay Vandyke, 2023)



Figure 5: Perspective (Source: Bâlay Vandyke, 2023)

### 5.3 STAGING

The proposed development will not be staged.



## 5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

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### 5.4.1 Water Supply

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The 'Dwelling House' will connect to the existing water main in Murphy Street in accordance with Council's requirements and via the provision of a design contained in the Shared Driveway arrangements. All new works will be undertaken in accordance with the FNQROC Development Manual. Any existing water house connections that are no longer needed will be removed.

### 5.4.2 Sewerage Supply

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The sewerage house connections to the site will be through a new connection to the sewer main closest to the site. All new dwelling connections will be located more than one (1) metre from any structures. All new works will be undertaken in accordance with the FNQROC Development Manual.

### 5.4.3 Electricity

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The proposed development will utilise the existing electricity infrastructure in Murphy Street. All new works will be undertaken in accordance with the FNQROC Development Manual and Ergon requirements.

### 5.4.4 Telecommunications

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The 'Dwelling House' will be provided with telecommunications services in accordance with NBN's requirements.

### 5.4.5 Stormwater Drainage (Quantity)

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The 'Dwelling House' will collect and discharge stormwater to the kerb and channel in Murphy Street.

### 5.4.6 Stormwater Drainage (Quality)

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In accordance with the *State Planning Policy 2017*, as the proposed development is not on a site 2,500m<sup>2</sup> or greater, nor does it include six (6) or more dwellings, no stormwater quality measures are proposed for the operational phase. Compliance can be conditioned for the construction phase.

### 5.4.7 Bulk Earthworks

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Bulk earthworks will be required, although they will generally be limited to that required for efficient site drainage/grading and the creation of building pads.

### 5.4.8 Erosion and Sediment Control

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An erosion and sediment control plan will be prepared and implemented during the construction phases of the proposed development.

## 5.5 TRANSPORT AND ACCESSIBILITY

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### 5.5.1 Carparking

Two (2) car parking space will be provided within the proposed garage to ensure the proposed development can meet its car parking requirements.

### 5.5.2 Access

The vehicle access will be provided from Murphy Street with a shared driveway with 114 Murphy Street. The access proposed is a standard cross over within the Murphy Street Road reserve.



### 5.5.3 Internal Driveway

The internal driveway serving all dwellings on the site will be widened to a two (2.6) metre wide FNQROC compliant access driveway.

## 5.6 INFRASTRUCTURE CHARGES ESTIMATE

Chapter 4 – Infrastructure of the PA outlines provisions for local governments to prescribe infrastructure charges for demands placed on trunk infrastructure where a Local Government Infrastructure Plans (LGIP) is included as part of the Planning Scheme and is adopted by resolution. These provisions have been reflected in Douglas Shire Council Infrastructure Charges Resolution (No. 2) of 2021, which came into effect from 1 March 2021. The site is in the Environmental Management zone of the Douglas Shire Council Local Government Area. In accordance with Council's AICR, Infrastructure Charges are applicable to the development calculated as follows and shown in **Table 1** below:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses.

*Table 2: Infrastructure Charges Estimate*

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
<b>Proposal</b>					
Residential	Dwelling House (with 3 or more bedrooms)	Per dwelling	\$29,697.35	1	<b>\$29,697.35</b>
<b>Credit</b>					
Residential	Dwelling House (with 3 or more bedrooms)	Per dwelling	\$29,697.35	1	<b>\$29,697.35</b>
<b>TOTAL</b>					<b>\$0.00</b>



## 6 LEGISLATIVE REQUIREMENTS

### 6.1 PLANNING ACT 2016

#### 6.1.1 Confirmation that the Proposed Development is not Prohibited

The development is not prohibited. This has been established by considering all the relevant State and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20 of the *Planning Regulation 2017* ('PR').

#### 6.1.2 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council, as determined by Schedule 8 of the PR.

#### 6.1.3 Category of Development

The development involves a Material Change of Use in respect to *'the start of a new use of the premises'*.

The development occurs in the Environmental Management Zone where Dwelling Houses require a development approval under the Planning Scheme. In accordance with s43(1) of the PA, the proposed development is therefore, 'Assessable Development'.

#### 6.1.4 Level of Assessment

The development is Code Assessable and as such, the assessment must only be carried out against the assessment benchmarks relevant to the development, as identified in the categorising instrument for the development, being the Planning Scheme. Section 45(3) of the PA States that a Code Assessment must be carried out only —

- a) *"against the assessment benchmarks in a categorising instrument for the development; and*
- b) *having regard to any matters prescribed by regulation for this subparagraph"*

When assessing the application, the relevant considerations of the Assessment Manager in making the decision are in accordance with Sections 59, 60(2), and 62 of the PA and Sections 25-28 of the PR. Section 26 of the PR establishes the Assessment Benchmarks for Code Assessment while section 27 of the PR list the matters Code Assessment must have regard to. Specifically, in deciding the application, section 60(2) of the PA states for a Code Assessable application, the Assessment Manager:

- a) *"Must decide to approve the application to the extent the development complies with all of the assessment benchmarks;*
- b) *May decide to approve the application even if it does not comply with some of the assessment benchmarks, provided for example, a decision to approve resolves a conflict between the assessment benchmarks;*
- c) *May impose development conditions on a development approval; and*
- d) *May, to the extent the development does not comply with some or all the assessment benchmarks, **decide to refuse the application, only if compliance cannot be achieved by imposing development conditions**"* (emphasis added).

### 6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

The site is located within the 'Urban Footprint' Regional Land Use Category of the Far North Queensland 2009-2031 (see **Attachment 3**). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009-2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).





## 6.3 STATE PLANNING POLICY

The State Planning Policy (SPP) came into effect on July 2017 under the PA. Part E of the SPP includes an array of State interests and associated assessment benchmarks which need to be considered during the development assessment process. A review of the SPP mapping indicates that the project is subject to the following (see also **Attachment 4**):

- Biodiversity
  - (MSES - Wildlife habitat (endangered or vulnerable); MSES - Wildlife habitat (special least concern animal); MSES - Regulated vegetation (category B); MSES - Regulated vegetation (essential habitat)); and
- Natural Hazards Risk and Resilience
  - (Flood hazard area - Local Government flood mapping area\*; Bushfire prone area; Erosion prone area).

To demonstrate compliance with the Erosion Prone Area State Interest from the SPP, an assessment against the applicable assessment benchmarks in Part E of the State Planning Policy is provided below in **Table 3**.

*Table 3: SPP Assessment of Natural Areas, Risk and Resilience Performance Outcomes*

Assessment Benchmark	Comment
<i>"Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level"</i>	As the 'Dwelling House' is located within a Hazard Area, mitigation strategies in respect of landslip and bushfire have been implemented into the proposed plans to counter these risks.  Therefore, the proposed development does not result in any unacceptable risks to property or people because of potential future erosion or bushfire hazard.
<i>"Development supports and does not hinder disaster management response or recovery capacity and capabilities".</i>	Due to the position of the 'Dwelling House' on Flagstaff Hill and the Murphy Street access point, the proposed development is not located within an area essential to disaster management response or recovery capacity.
<i>"Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties".</i>	As above.
<i>"Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided".</i>	The proposed development does not involve any hazardous materials.
<i>"The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced".</i>	The proposed development does not involve changes to any existing landforms that may provide hazard mitigation.

## 6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

A review of the DA mapping system indicates that the site is NOT SUBJECT to any matters that would trigger referral of the application to State Agencies (see **Attachment 3**). As such, in consultation with Schedule 10 of the PR it is confirmed that the proposed development does not trigger any State referrals.



### 6.5.1 Land Use Definition

The proposed development is defined under the Planning Scheme as:

**‘Dwelling House’:**

*“A residential use of premises for one household that contains a single dwelling.*

*The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.”*

### 6.5.2 Applicable Planning Scheme Overlays

The site is affected by the following Planning Scheme overlays:

- Bushfire Hazard;
  - (Very High Potential Bushfire Intensity; High Potential Bushfire Intensity)
- Coastal Processes;
  - (Erosion Prone Area);
- Hillslopes
  - (Area Affected by Hillslopes)
- Landscape Values
  - (High landscape values)
- Landslide
  - (Landslide Hazard (High & Medium Hazard Risk))
- Natural Areas
  - (MSES – Regulated Vegetation)
- Transport Road Hierarchy.
  - (Noise Corridor (Category 1: 58 dB(A) = < Noise Level < 63 dB(A), Category 2: 63 dB(A) < Noise Level < 68 dB(A), Category 3: 68 dB(A) = < Noise Level < 73 dB(A) - Pedestrian Cycle Principal Route - Road Hierarchy Collector Road)

### 6.5.3 Applicable Planning Scheme Codes

**Table 2** below lists the applicable codes of the Planning Scheme the proposed development is subject to assessment against.

*Table 4: Applicable Planning Scheme Codes for Assessment*

Scheme Component	Comment
<b>Zone Code</b>	
Environmental Management Zone Code	Refer to <b>Attachment 5</b> and <b>Section 6.6.2</b>
<b>Local Plan Code</b>	
Port Douglas/Craiglie Code	Refer to <b>Attachment 5</b> and <b>Section 6.6.3</b>
<b>Overlay Codes</b>	
Bushfire Hazard Overlay Code;	Refer to <b>Attachment 5</b> and <b>Section 6.6.4</b>



Coastal Environmental Overlay Code; Hillslope Overlay Code; Landscape Values Overlay Code; Natural Areas Overlay Code; Potential Landslide Hazard Overlay Code; and Transport Network Overlay Code.	
<b>Development Codes</b>	
Dwelling House Code; Access, Parking and Servicing Code; Filling and Excavation Code; Infrastructure Works Code; and Vegetation Management Code	Refer to <b>Attachment 5</b> and <b>Section 6.6.5</b>

## 6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme generally encourages the development of land to accommodate residential development in Environmental Management Zone.

However, assessment needs to consider and ensure that all site features, constraints and development impacts can be suitably managed. Accordingly, the design of a 'Dwelling House' needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development, and the design arrangements proposed. Based on this understanding, Urban Sync undertook an assessment of the design plans against the applicable codes of the Planning Scheme and this assessment is included in **Attachment 5** and summarised below.

In this instance, the design of the 'Dwelling House' has a handful of non-compliances with the deemed to comply acceptable outcomes that need to be suitably addressed. **Section 7** demonstrates how the design proposes to suitably address these matters and provides a performance-based assessment to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed.

### 6.6.1 Strategic Framework

The development is Code Assessable and hence, in accordance with s45(3) of the PA, no assessment against the Strategic Framework is required.

### 6.6.2 Environmental Management Zone Code

The development complies with, or can be conditioned to comply with, the Environmental Management Zone Code where the relevant physical and natural values of the land can be reflected through design and construction. However, to demonstrate full compliance with the code, specifically PO3, a full assessment demonstrating the proposed developments compliance with the Purpose and Overall Outcomes of the Code has been provided below in **Table 3**.



Table 5: Assessment Against Purpose and Overall Outcomes of Environmental Management Zone Code

Code Requirement	Comment
<b>Purpose</b>	
<i>"The purpose of the Environmental Management Zone is to provide for:</i>	
"recognise environmentally sensitive areas and provide for houses on lots and other low impact activities where suitable."	The development involves a 'Dwelling House' that is entirely consistent with the intent and purpose of the zone (reflective of the physical and environmental constraints) and will further contribute to the variety of dwelling types in the locality.
<b>Overall Outcomes</b>	
<i>"The purpose of the code will be achieved through the following overall outcomes:</i>	
"Development is generally restricted to a dwelling house;."	The development include only a dwelling house on the site consistent with the intent and purpose of the zone.
"Adverse impacts on natural systems, both on-site and on adjoining land are minimised through the location, design and management of development."	<p>The site is included in the Environmental Management Zone where there should be a reasonable community expectation that the site will accommodate a Dwelling House.</p> <p>In this instance, the site could lawfully be developed with a two (2) storey residential dwelling style development. Such an outcome would be consistent with the Planning Scheme intent for the site. The design retains the 8.5m height from the natural ground level and seeks to be in keeping with the character and amenity of the visual environment. There are no unacceptable, negative impacts on natural systems or residential amenity (<i>traffic, noise, dust, odour, lighting</i>) beyond what should reasonably be expected or envisioned to occur on the site.</p>
"Development reflects and responds to the natural features and environmental values of the area."	<p>The revised 'dwelling house' design will result in the removal of vegetation within the building area of the building envelope.</p> <p>This has been reduced on the previous approvals.</p> <p>A detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.</p>
<i>"Visual impacts are minimised through the location and design of development."</i>	The dwelling design by Van Dyke Designs will be two storeys and generally reflects the previous approval heights where the max level above natural ground is limited to 8.5m.



	The design will be a lower than the approved past application, which was higher than the 8.5m required 8.5m above ground level.
<i>"Development does not adversely affect water quality."</i>	The site does not include any waterways and as such, will not adversely affect water quality.
<i>'Development responds to land constraints, including but not limited to topography, vegetation, bushfire, landslide and flooding.'</i>	The revised Dwelling House will include management plans for the required land constraints as part of the BA process.

### 6.6.3 Overlay Codes

#### ***Bushfire Hazard Overlay Code***

As with the past approval on the site, the bushfire hazard will be mitigated by on-site works and clearing with any addition considerations being subject to compliance in the BA construction phase. As such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

#### ***Coastal Environmental Overlay Code***

As stated in section 6.3 of the planning report, the coastal environment – erosion prone area, will be mitigated through the implementation of mitigation strategies around stability of the hillslope and landslide hazard that have been implemented into the proposed plans to counter these risks.

Previous geotechnical works are relevant to the assessment and will be reflective in the development approval conditions and the contractors who are seeking to complete the development works.

As such, a full assessment against the code is not considered necessary and for this reason, has not been undertaken.

#### ***Hillslope Overlay Code***

The proposed development complies or can be conditioned to comply with the Hillslope Overlay Code. previous visual impact assessment that was the subject of earlier approvals continue to be relevant and this Dwelling House design includes a slightly lower building height around the natural ground level.

To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

#### ***Landscape Values Overlay Code***

The proposed development complies or can be conditioned to comply with the Landscape Value Overlay Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

#### ***Natural Areas Overlay Code***

The proposed development complies or can be conditioned to comply with the Natural Areas Overlay Code. the Ecological Reports previously submitted continue to reflect the current situation for the land and this development seeks a building site coverage of around 26%. Setbacks and the position of the driveway, building footprint and the setbacks will retain the environmental values of the site consistent with the expected development outcomes and reflective of the other buildings on Flagstaff Hill.

#### ***Potential Landslide Hazard Overlay Code***

The proposed development complies or can be conditioned to comply with the Potential Landslide Hazard Overlay Code. Geotechnical Works and investigations continue to remain relevant to the building footprint and the position of the Dwelling House. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.



### ***Transport Network Overlay Code***

The proposed development complies or can be conditioned to comply with the Transport Network Overlay Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

## **6.6.4 Development Codes**

### ***Dwelling House Code***

The updated designs prepared by Balay Vandyke Designs reflects a design outcome that can be more reasonably constructed on the land with the support of Prime Constructions (Aust) Pty Ltd. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

### ***Access, Parking and Servicing Code***

Access via a shared driveway will remain the preferred method of physical access given the past assessment and the design to limit the extent of earthworks and construction along the Murphy Street Frontage. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

### ***Excavation and Filling Code***

The access provided will be generally consistent with the already approved engineering plans and designs by Edge Civil and these reflects the outcomes and intent of the Excavation and Filling Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

### ***Infrastructure Works Code***

The proposed development complies and/or can be conditioned to comply with the Infrastructure Works Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.

### ***Vegetation Management Code***

Vegetation will be damaged and removed to provide for access and the overall building footprint and earthworks. Though based on previous assessment and the expected changes being a reduction in the entire building there is a reasonable assessment that the revised design plans comply with the Vegetation Management Code.

To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 5**.



## 7 DISCUSSION – KEY PLANNING MATTERS

This section of the report provides additional commentary in support of the key matters considered relevant to the assessment of this development application:

### 7.1 SITE CONSTRAINTS (VEGETATION AND SLOPE)

The location of the site on Murphy Street, Port Douglas has been recognised for Environmental Management (Residential) and in context the land is intended to accommodate some form of residential activity where design has considered the physical constraints of the land. The land is heavily vegetated through ecological reports have been completed that indicate that the land does not present 'high' ecological function and most of the vegetation is of a low status.

*"Predominantly the vegetation consists of invasive weed species and regrowth of pioneer species that are opportunistic in their proliferation with many showing evidence of mould, termites, dieback, fallen limbs. The significant tree species previously not identified such as the Black Bean (Castanospermum) & Raintree (Samanea saman) have very large and invasive root systems that would compromise proposed infrastructure and building works. It is our professional opinion that the site and environs have suffered years of neglect and that removal coupled with sensitive revegetation strategies would only enhance the environs."*

Source : RPS Group August 2022

The position of the access being designed as a shared driveway from Murphy Street has also considered the removal of vegetation and the slope arrangements. Updated design plans are submitted for Douglas Shire Council's consideration, and it will remain that the vegetation around the driveway and around the building envelop will be retained to manage visual impacts and the overall intent of the Environmental Management Zone.

### 7.2 LANDSCAPE VALUES (VISUAL AMENITY)

Areas of Flagstaff Hill have been identified for future development and this is evidence through the works completed under previous assessment. Within this context, the development of a Dwelling House on this land was suitably evidence and supported with the approval being granted.

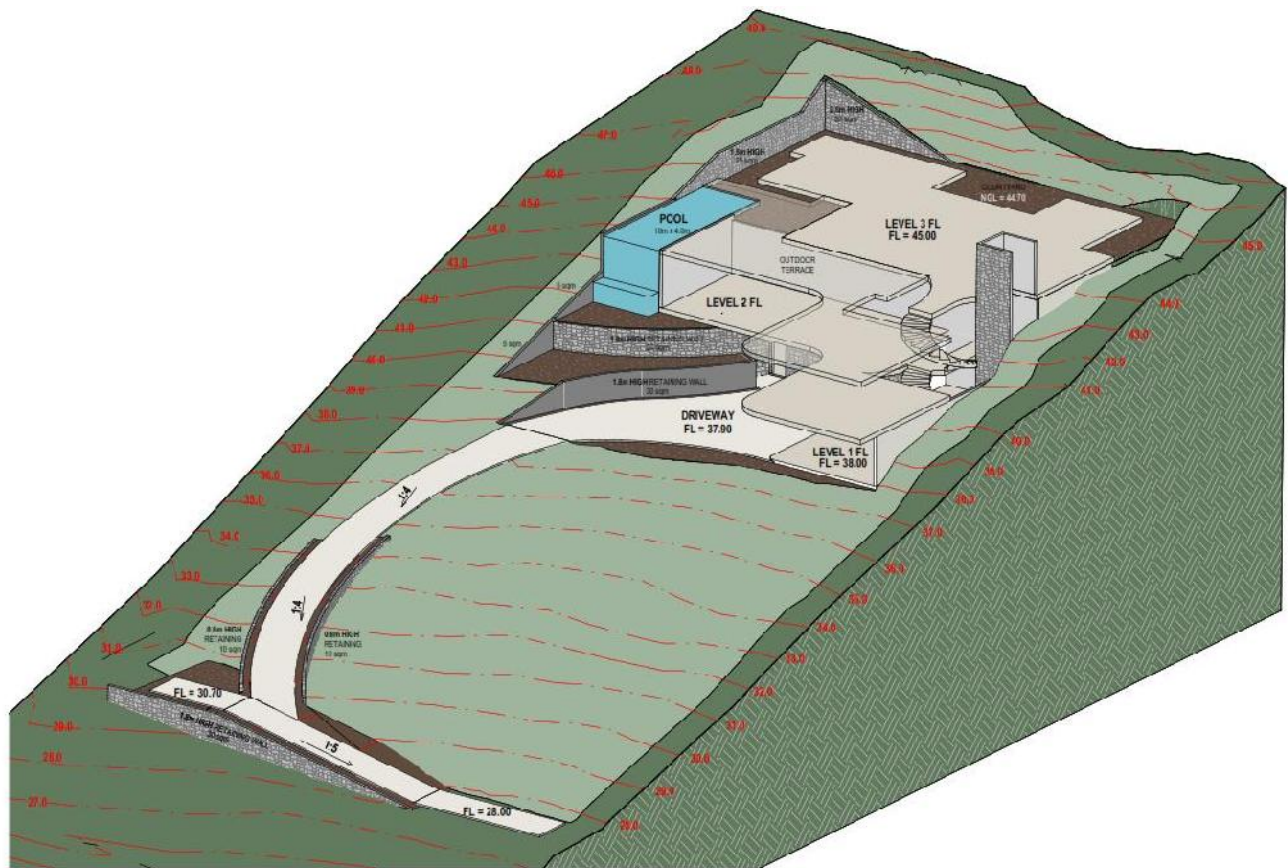
Changes in design and position of the Building Footprint are now proposed through the areas for clearing off the vegetation are not substantially different. the design is more set into the hillside and the Visual Impact Assessment and that Council should look to support a revision that limit visual impact. (see below previous assessment)







Figure 7: View from Wharf Street car park



### 7.3 PHYSICAL ACCESS AND DRIVEWAY

The share access and driveway arrangement previously submitted and approved will be retained with the constraints along the Murphy Street frontage.

Revisions to the design for access to be at grades (25%) have been considered to limit earthworks and retaining walls.



## 7.4 BUILDING FOOTPRINT & SETBACKS

This section of the report provides additional commentary in support of the key matters considered relevant to the assessment of this development application, in this instance, these matters relate to setbacks.

The overall site coverage of the building has been reduced from 29% to 26% with the primary changes to the design being as follows:

- Changes to the position of the driveway alignment have been identified to reduce grade and the need for retaining walls for the driveway access to a garage located on the front of the building (rather than the rear of the building)
- Position of the building footprint has been progressed towards the rear of the allotment to allow for the grade of the driveway and garage to be located on the front of the Dwelling House. The effect is to reduce the rear setback to the boundary to something in the order of 3.0 for a period of the boundary. This setback will not increase any negative impacts such as residential amenity or overlooking neighbouring properties.
- Excavation and works under the previous design arrangement allowed for retaining walls within 1.5 metres of the rear boundary



Figure 6- June 2022 (Dwelling House Approval Cross Section)



Figure 7 – December 2023 (Revised Development Cross Section)

Previous assessments continue to indicate that there are some areas of the site that require investigations for retaining walls and geotechnical stability. The site technical assessments were complete (GEO Consultants) and submitted to Council and these reflected the OPW Approval for earthworks.

Site conditions have not changed and this revision to engineering plans prior to the construction of the driveway (crossover included) will be updated on receiving the confirmation of the latest Dwelling House' plans and approvals.

## 8 CONCLUSION

This report has been prepared by Urban Sync and supports an application made by Neil Biddle & Kim Cullen (the 'Applicant') who are working with an updated project team lead by Prime Constructions (Aust) Pty Ltd requesting a 'NEW' approval from Douglas Shire Council to support the establishment of a Dwelling House over Lot 113 on PTD2094 at 12 Murphy Street, Port Douglas.

Accordingly, this development application has sought the following development approvals from Council:

- **Development Permit for a Material Change of Use for Dwelling House.**

This report has described the revisions to the approved development plans, identified the applicable statutory and legislative requirements of Douglas Shire Council under their Planning Scheme, the *Douglas Shire Planning Scheme 2018*, as well as those at the State level under the *Planning Act 2016*, *Planning Regulation 2017*, *State Planning Policy 2017*.

The planning assessment has established that Council supports the development of the land for a residential purpose and that the site constraints have been considered in issue of relevant approvals. Updated and revised engineering plans for the retaining walls, driveway and access from Murphy Street will be submitted to Council prior to constructions.

In terms of assessment of the proposed development, there are some departures from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been undertaken to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval.





Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20700242</b>	<b>Search Date:</b>	15/12/2023 08:49
<b>Date Title Created:</b>	28/02/1966	<b>Request No:</b>	46616228
<b>Previous Title:</b>	20573033		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 113 CROWN PLAN PTD2094  
Local Government: DOUGLAS

**REGISTERED OWNER**

Dealing No: 721353324 17/12/2021

NEIL GREGORY BIDDLE  
KIM PATRICIA CULLEN

JOINT TENANTS

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10369047 (ALLOT 3 SEC 11)

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

\*\* End of Current Title Search \*\*

# DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Neill Biddle & Kim Cullen
Contact name (only applicable for companies)	Stuart Ricketts – Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	C/- Urban Sync Pty Ltd, PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4051 6946
Email address (non-mandatory)	admin@urbansync.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	23-1045

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

#### 3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**  
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		12	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	113	PTD2094	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

#### 3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
☒ Not required

#### 4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:



<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**  
*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application

☒ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

<b>6.1) Provide details about the first development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
The project will involve the establishment of a Dwelling House on the site.
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.2) Provide details about the second development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.3) Additional aspects of development</b>
<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
<input checked="" type="checkbox"/> Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Dwelling House	A residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.	One (1)	919.2m <sup>2</sup>
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

### Division 3 – Operational work

**Note:** This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

### 17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

#### Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

#### Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the <b>Chief Executive of the distribution entity or transmission entity:</b>
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul>
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council:</b>
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:</b>
<input type="checkbox"/> Ports – Brisbane core port land ( <i>where inconsistent with the Brisbane port LUP for transport reasons</i> )
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the <b>relevant port operator</b> , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits ( <i>below high-water mark</i> )
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b>
<input type="checkbox"/> Ports – Land within limits of another port ( <i>below high-water mark</i> )
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district ( <i>in Gold Coast waters</i> )
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district ( <i>involving a marina (more than six vessel berths)</i> )

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application ( <i>if applicable</i> ).		

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<p><b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge:</p> <ul style="list-style-type: none"> <li>• that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> <p>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</p>

## PART 7 – FURTHER DETAILS

### 20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application  
☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC 2022_4867	30 August 2022	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application	OP 2023_5234/1	5 July 2023	Douglas Shire Council

### 21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

### 22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached  
☒ No

### 23) Further legislative requirements

#### **Environmentally relevant activities**

#### 23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

#### **Hazardous chemical facilities**

#### 23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.



### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmp.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmp.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application  
☒ No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title
- ☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below  
☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
☒ No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
☒ No

### Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

**Note:** See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

**Note:** This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

**Note:** Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

### 25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

## PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

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Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	





1 September 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4867/1 (1106956)  
**Your Ref:** KRDPS:MURPHY

K P Cullen & N G Biddle  
C/- Kelly Reaston Development & Property  
44 McLeod St  
CAIRNS QLD 4870

Dear Sir/Madam

**Development Application for Material Change of Use (Dwelling house)  
At 12 Murphy Street PORT DOUGLAS  
On Land Described as LOT: 113 TYP: PTD PLN: 2094**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2022\_4867/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9444.

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Concurrence Agency Response
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



## Decision Notice

### Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

#### Applicant Details

Name: K P Cullen & N G Biddle  
Postal Address: C/- Kelly Reaston Development & Property  
44 McLeod St  
CAIRNS QLD 4870  
Email: kelly@kellyreaston.com.au

#### Property Details

Street Address: 12 Murphy Street PORT DOUGLAS  
Real Property Description: LOT: 113 TYP: PTD PLN: 2094  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit - Material Change of Use (Dwelling house)

#### Decision

Date of Decision: 30 August 2022  
Decision Details: Approved (subject to conditions)

#### Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
Site and Environs Plan	Hunt Design Drawing No. 02.1	2 June 2022
Access Road- Sections	Hunt Design Drawing No. 02.2	2 June 2022
Access Road- Sections	Hunt Design Drawing No. 02.3	2 June 2022
Access Road- Sections	Hunt Design Drawing No. 02.3	2 June 2022
Floor Plan- Lower ground level	Hunt Design Drawing No. 03.1	2 June 2022
Floor Plan- Ground level	Hunt Design Drawing No. 03.2	2 June 2022

Floor Plan- First Floor	Hunt Design Drawing No. 03.3	2 June 2022
Section A	Hunt Design Drawing No. 04.1	2 June 2022
Section B	Hunt Design Drawing No. 04.2	2 June 2022
Section C	Hunt Design Drawing No. 04.3	2 June 2022
Elevations	Hunt Design Drawing No. 05.1	2 June 2022
Rear Retaining Walls- Plan	Hunt Design Drawing No. 06.1	2 June 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.2	2 June 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.3	2 June 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.4	2 June 2022
Cover Sheet	Landplan Drawing No. L0.01	3 June 2022
Landscape Plan	Landplan Drawing No. L1.01	3 June 2022
Landscape Plan	Landplan Drawing No. L1.02	3 June 2022
Landscape Standard Details	Landplan Drawing No. L2.01	3 June 2022
Landscape Specification	Landplan Drawing No. L3.01	3 June 2022

### **Assessment Manager Conditions & Advices**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - (a). The specifications, facts and circumstances as set out in the application submitted to Council;
  - (b). The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of use, except where specified otherwise in these conditions of approval.

### **Operational Works**

3. An Operational Works Approval is required for the water, sewer, earthworks and driveway construction associated with the development. The application for Operational Works must include, but not be limited to, the following:
  - a. Decommissioning of the existing services within the site including demolition and removal of redundant services and site remediation;
  - b. Drainage works to deliver stormwater to Murphy Street being the lawful point of discharge;
  - c. Earthworks internal and external to the site;
  - d. Required internal and external works within the road reserve for the driveway and retaining walls;

- e. Water and sewerage works required to service the site.

Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

### **Access Driveway**

- 4. The access driveway must be developed in accordance with the latest version of AS2890-2004 with the following design parameters being met:
  - a. Retaining walls supporting the access driveway on road reserve must not exceed 1000mm in height.
  - b. Vehicle access to any other allotment must not be inhibited by the section of private access driveway in the Murphy Street road reserve.

The section of private access driveway within the road reserve of Murphy Street will not become a Council asset and will never be maintained by Council. The ongoing maintenance obligation of the driveway in the Murphy Street road reserve remains with the property owner at all times.

### **Water Supply and Sewerage Works External**

- 5. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
  - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
  - b. Construct new sewer to accommodate the development. Detailed plans are to be provided showing levels and alignment and must be designed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

### **Water Supply and Sewerage Works Internal**

- 6. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
  - b. Provide a single internal water connection.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

### **Inspection of Sewers**

- 7. Where altering existing sewer mains or construction of new sewer main, provide CCTV inspections of sewers both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to

### **Exterior Finishes**

8. The exterior finishes and colors of the house must be non-reflective and must blend with the natural colors of the surrounding environment. The exterior finishes must be generally in accordance with the Material Palette Plan by Hunt Design, Drawing No. 01.3 dated 2 June 2022.

### **Air-conditioning Screens**

9. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

### **Damage to Council Infrastructure**

10. In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it replaced at no cost to Council.

### **Vehicle Parking**

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) spaces located on site. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

### **Storage of Machinery and Plant**

12. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

### **Landscaping Plan**

13. The site must be landscaped in accordance with details included on the landscaping plan prepared by Landplan Landscape Architecture, project number 2112-055 dated 3 June 2022.

### **Ponding and/or Concentration of Stormwater**

14. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

### **Sediment and Erosion Control**

15. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Operational Work. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

### **Bushfire Hazard**



12. The house must be developed in accordance with AS3959- 2009.

### **Further Development Permits**

---

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building Work
- Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

### **Currency Period for the Approval**

---

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

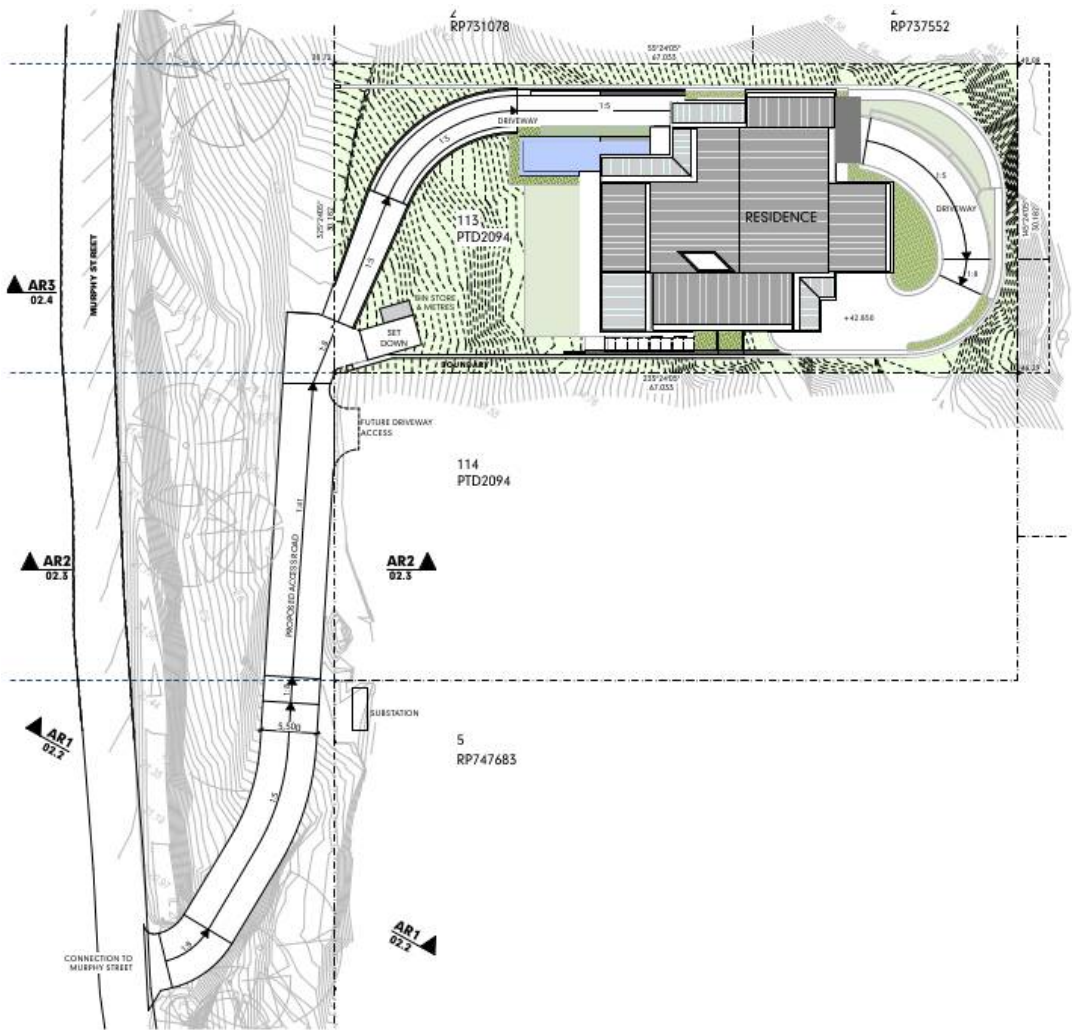
### **Rights to make Representations & Rights of Appeal**

---

The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

Approved Drawing(s) and/or Document(s)



**SITE ANALYSIS**

SITE AREA	2.023m <sup>2</sup>
COVERED AREA	581m <sup>2</sup>
<b>SITE COVERAGE:</b>	<b>29%</b>
GROSS FLOOR AREA	701m <sup>2</sup>
<b>PLOT RATIO:</b>	<b>0.35:1</b>

SEE DRAWING NO. 08.1  
FOR AREA CALCULATIONS

**SITE ENVIRONS PLAN**  
SCALE: 1:200

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

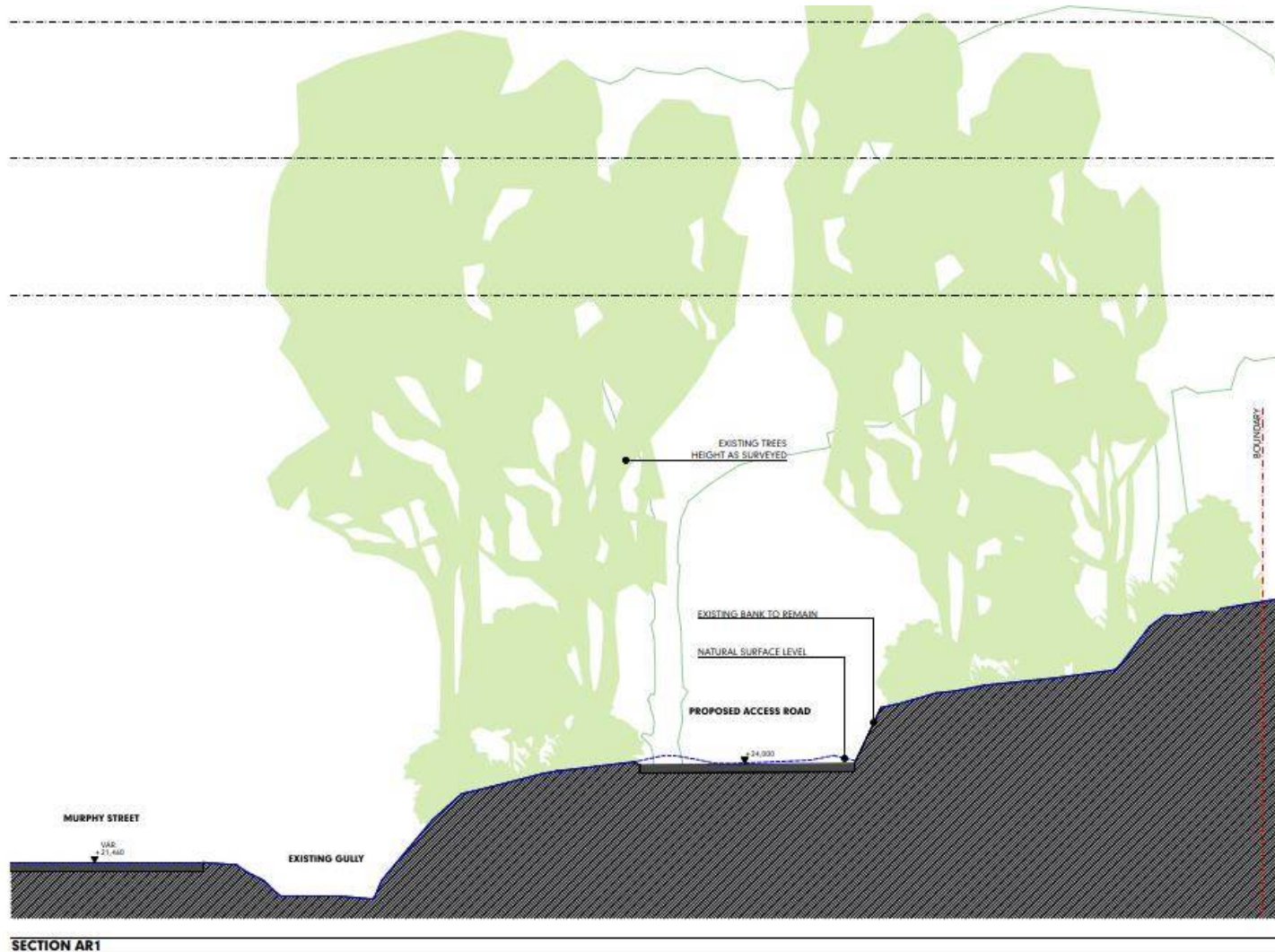
DEVELOPMENT APPLICATION  
SITE & ENVIRONS PLAN  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 02.1  
REVISION NO. 01  
DATE 24/22



READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS



**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

**DEVELOPMENT APPLICATION**  
**ACCESS ROAD - SECTIONS**  
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**DEVELOPMENT APPLICATION**  
**PROJECT NO. MURPHY001**  
**DRAWING NO. 02.2**  
**REVISION NO. 01**  
**DATE 2/6/22**

**LANDPLAN**  
LANDSCAPE ARCHITECTURE

**GEO**  
environmental design & assessment

**EDGE HUNT**  
DESIGN



SECTION AR2

**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

**DEVELOPMENT APPLICATION**  
**ACCESS ROAD - SECTIONS**

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DEVELOPMENT APPLICATION  
 PROJECT NO. MURPHY001  
 DRAWING NO. 02.3  
 REVISION NO. 01  
 DATE 2/4/22

**LANDPLAN**  
 LANDSCAPE ARCHITECTURE

**GEO**  
 ENGINEERING

**EDGE HUNT**  
 DESIGN





SECTION AR3

**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

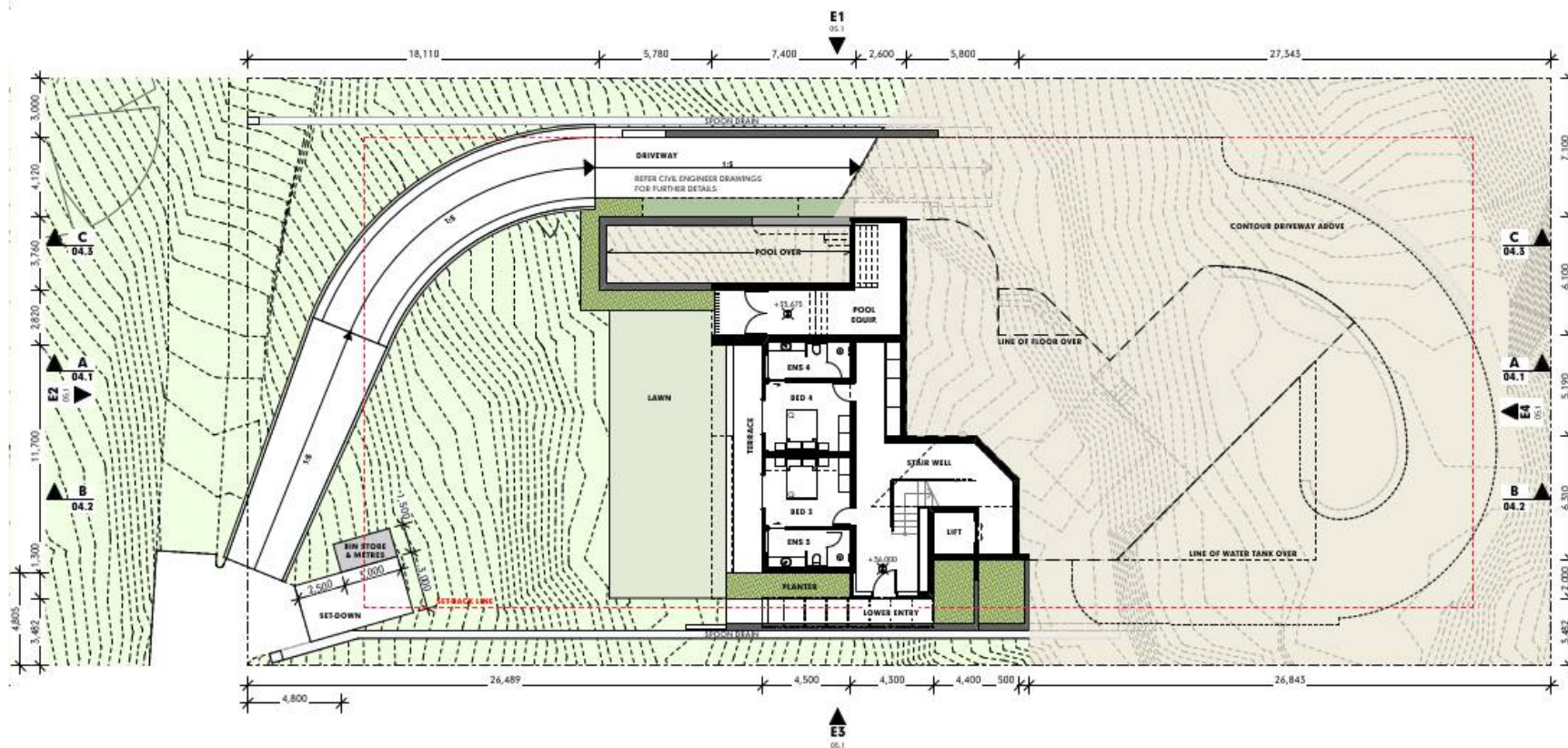
**DEVELOPMENT APPLICATION**  
**ACCESS ROAD - SECTIONS**  
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**DEVELOPMENT APPLICATION**  
**PROJECT NO. MURPHY001**  
**DRAWING NO. 02.4**  
**REVISION NO. 01**  
**DATE 2/4/22**

**LANDPLAN**  
LANDSCAPE ARCHITECTURE

**GEO**  
landscape design + context

**EDGE HUNT**  
DESIGN



READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
FLOOR PLAN - LOWER GROUND LEVEL

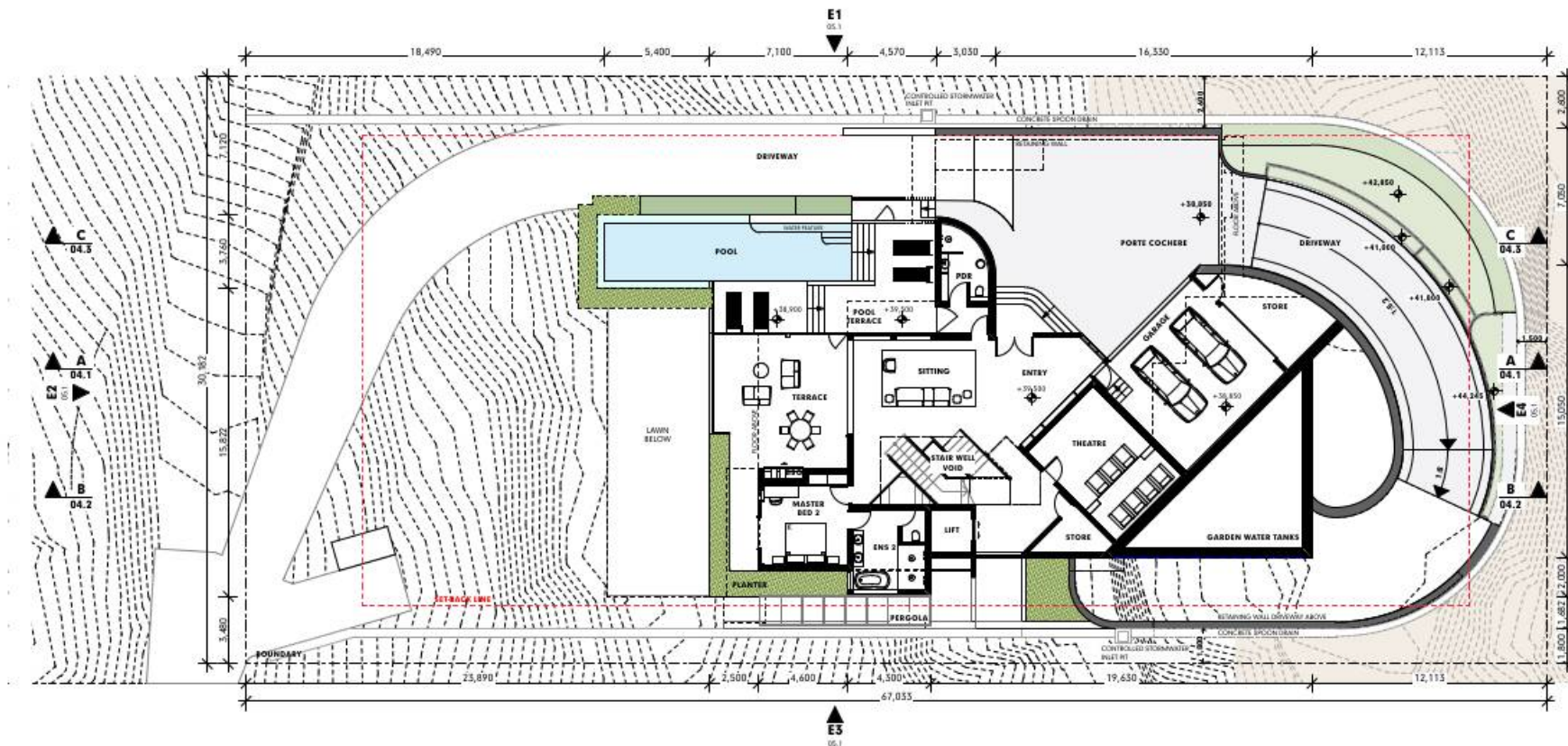
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY901  
DRAWING NO. 05.1  
REVISION NO. 01  
DATE 2/6/22

**HUNT**  
DESIGN





READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
FLOOR PLAN - GROUND LEVEL  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 05.2  
REVISION NO. 01  
DATE 2/6/22

**HUNT**  
DESIGN







**SECTION A**  
SCALE 1:100

# **LEGEND**

- EXCAVATION
- FILL
- NATURAL SURFACE LEVEL (N.S.L.)
- AVERAGE N.S.L.
- 8.5M ABOVE N.S.L.
- AVERAGE 8.5M ABOVE N.S.L.

READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

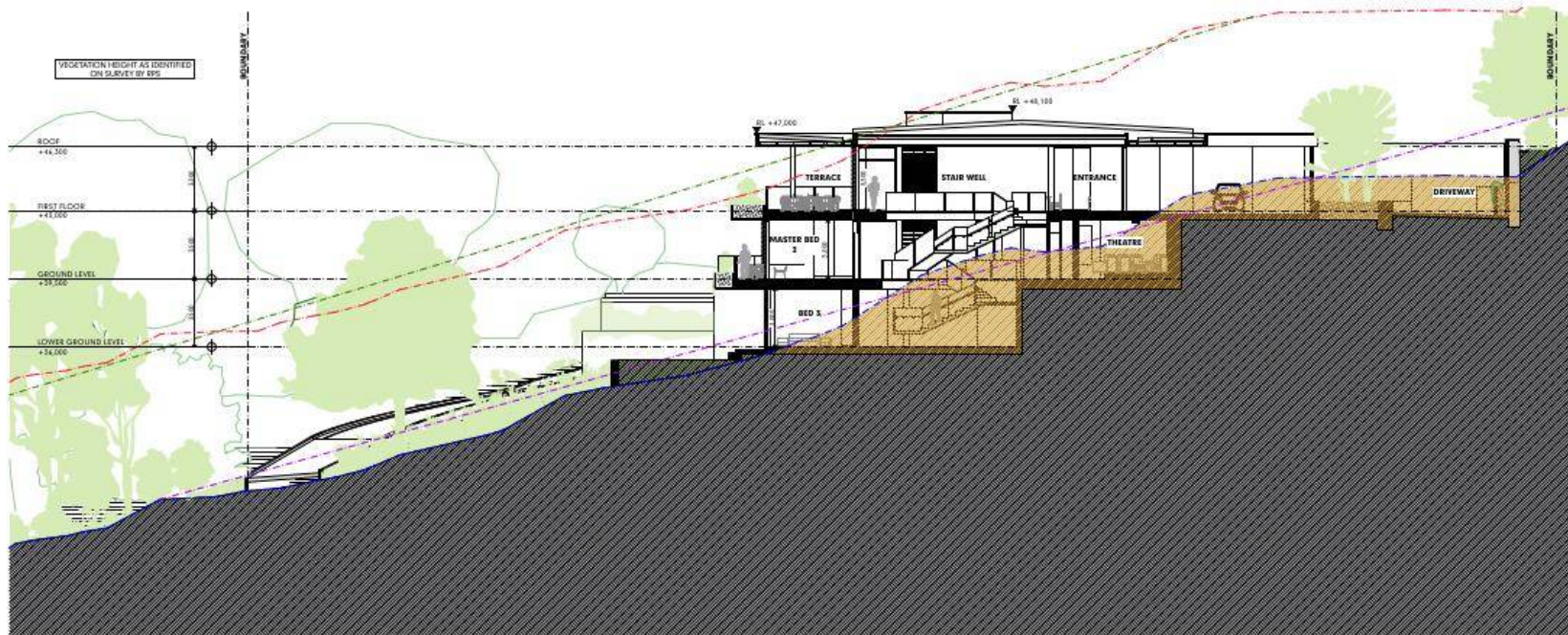
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**SECTION A**  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 04.1  
REVISION NO. 01  
DATE 2/6/22

**HUNT**  
DESIGN





**SECTION B**  
SCALE: 1:100

# **LEGEND**

- EXCAVATION
- FILL
- NATURAL SURFACE LEVEL (N.S.L.)
- AVERAGE N.S.L.
- 8.5M ABOVE N.S.L.
- AVERAGE 8.5M ABOVE N.S.L.

READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**SECTION B**  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 04.2  
REVISION NO. 01  
DATE 2/6/22

**HUNT**  
DESIGN





#### LEGEND

- EXCAVATION
- FILL
- NATURAL SURFACE LEVEL (N.S.L.)
- AVERAGE N.S.L.
- 8.5M ABOVE N.S.L.
- AVERAGE 8.5M ABOVE N.S.L.

READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

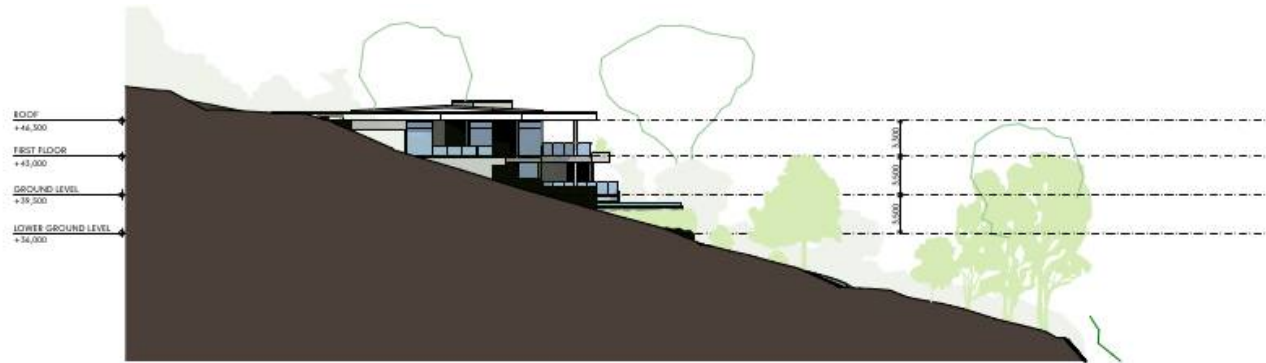
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
SECTION C  
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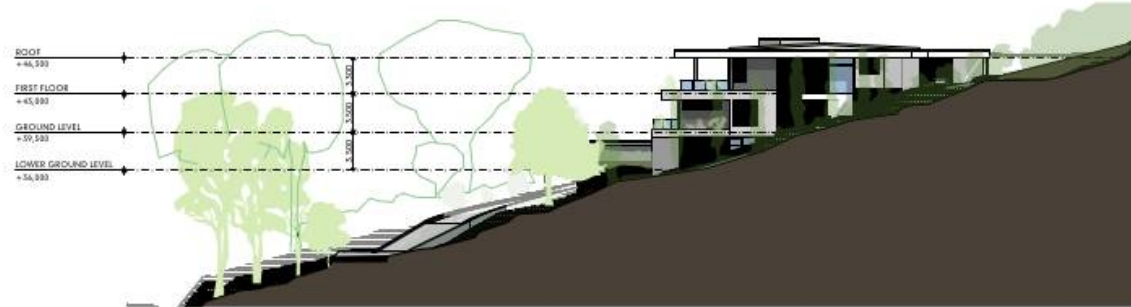


DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 04.3  
REVISION NO. 01  
DATE 2/6/22

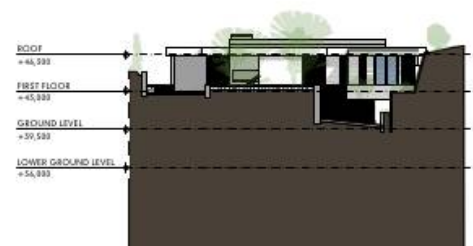
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DESIGN



**NORTH-WEST ELEVATION**  
SCALE: 1:200



**SOUTH-EAST ELEVATION**  
SCALE: 1:200



**NORTH-EAST ELEVATION**  
SCALE: 1:200



**NORTH-EAST ELEVATION**  
SCALE: 1:200

READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION  
ELEVATIONS**  
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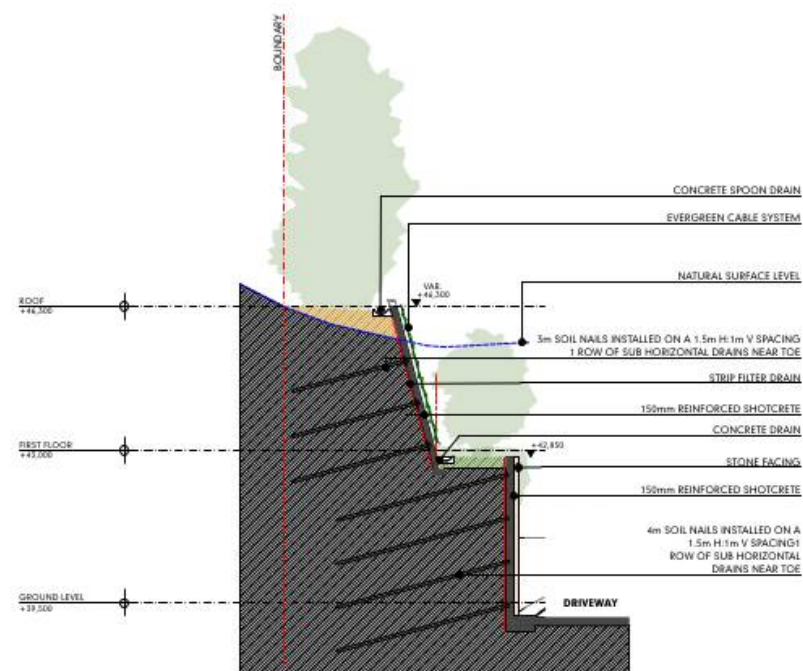
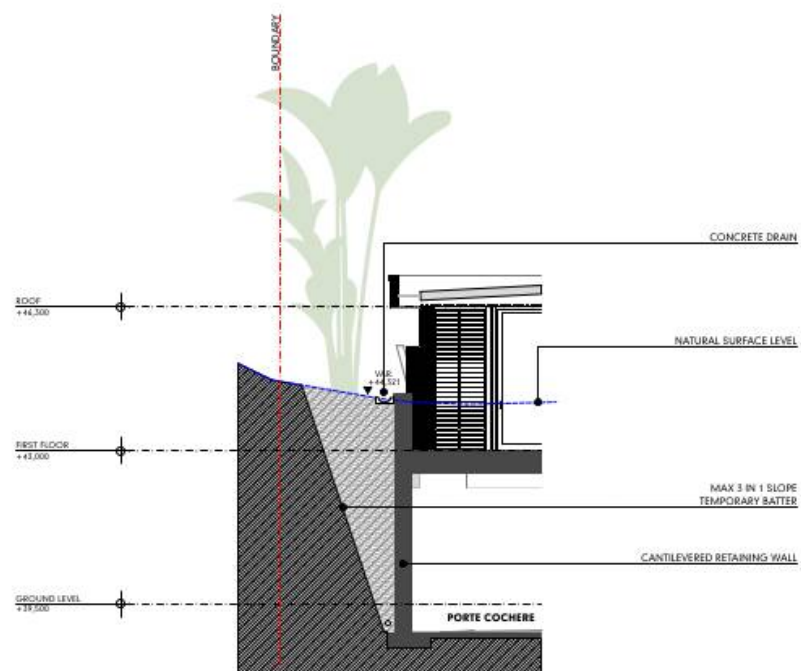


DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 05.1  
REVISION NO. 01  
DATE 2/6/22

**HUNT**  
DESIGN







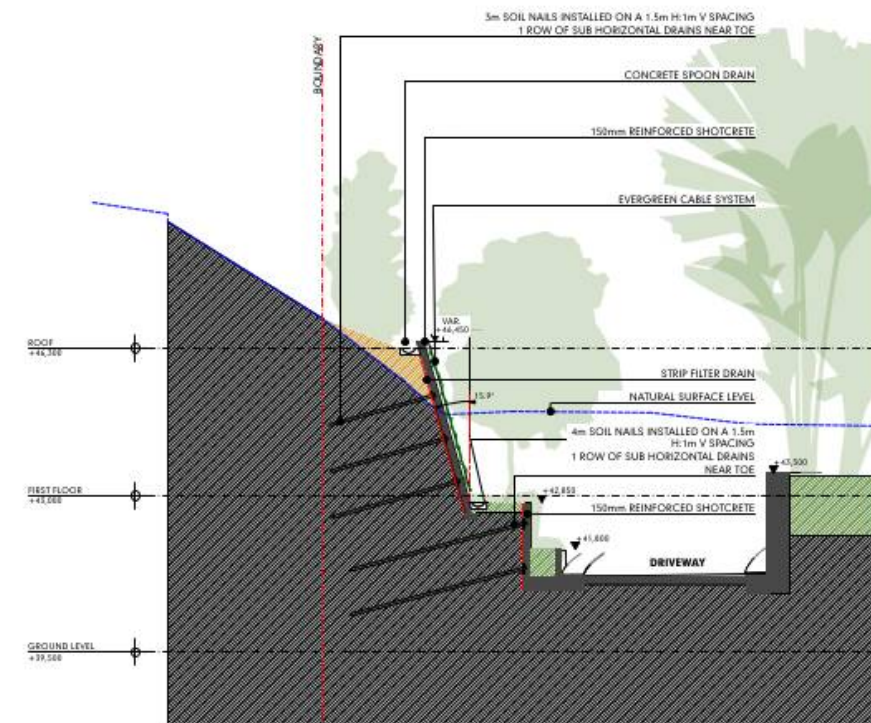
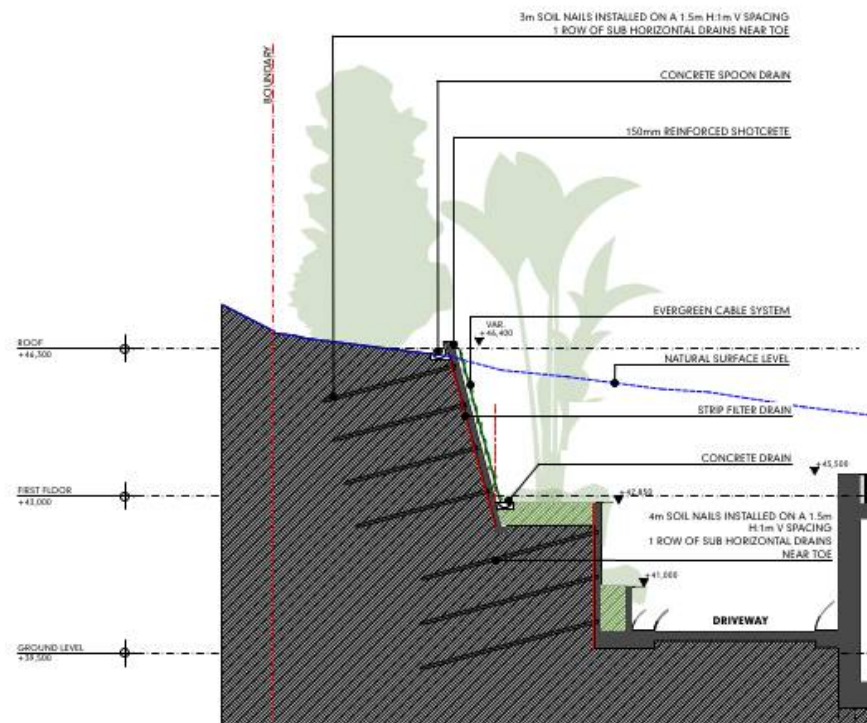
PLANTS AT MATURE HEIGHT AS DEPICTED ON LANDSCAPE PLAN

**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

**DEVELOPMENT APPLICATION**  
**REAR RETAINING WALLS - SECTIONS**  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 06.2  
REVISION NO. 01  
DATE 2/6/22





PLANTS AT MATURE HEIGHT AS DEPICTED ON LANDSCAPE PLAN

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 115 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
REAR RETAINING WALLS - SECTIONS  
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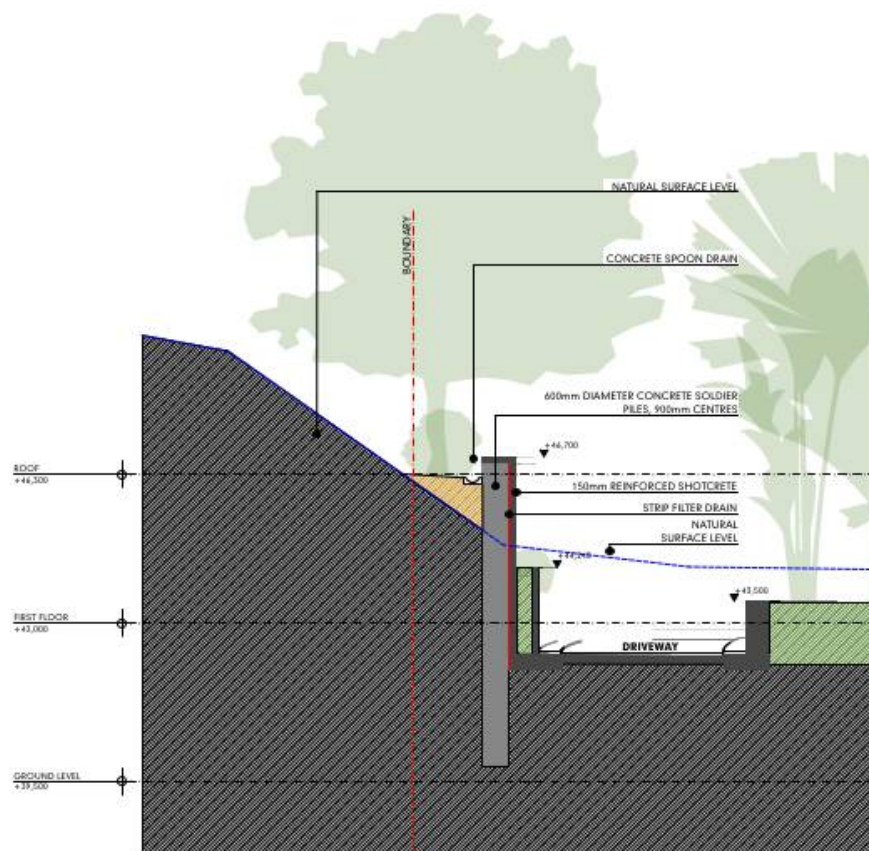
DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 04.3  
REVISION NO. 01  
DATE 2/6/22

**LANDPLAN**  
LANDSCAPE ARCHITECTURE

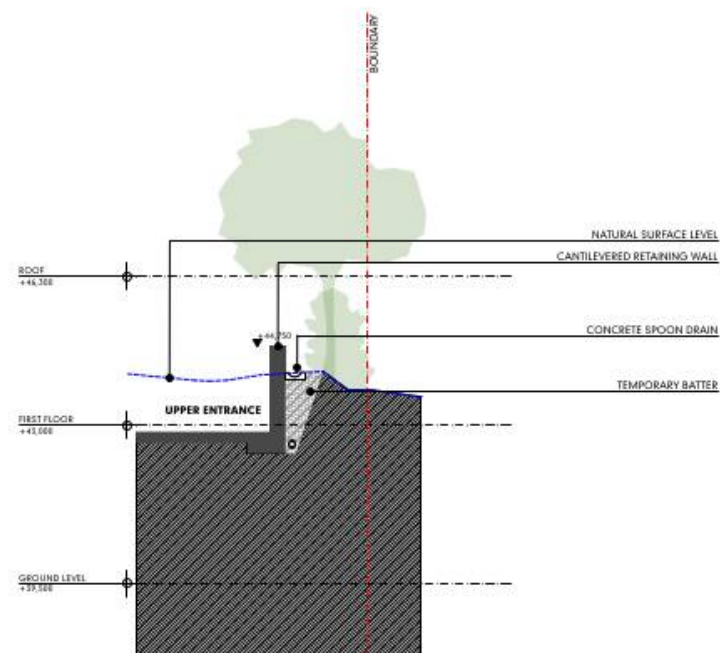
**GEO**  
ENGINEERING

**EDGE HUNT**  
DESIGN





SECTION RW05



SECTION RW06

PLANTS AT MATURE HEIGHT AS DEPICTED ON LANDSCAPE PLAN

**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 115 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

**DEVELOPMENT APPLICATION**  
**REAR RETAINING WALLS - SECTIONS**  
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**DEVELOPMENT APPLICATION**  
**PROJECT NO. MURPHY001**  
**DRAWING NO. 06.4**  
**REVISION NO. 01**  
**DATE 2/6/22**

**LANDPLAN**  
LANDSCAPE ARCHITECTURE

**GEO**  
ENGINEERING

**EDGE**  
DESIGN

**HUNT**  
DESIGN

# MURPHY STREET RESIDENCE

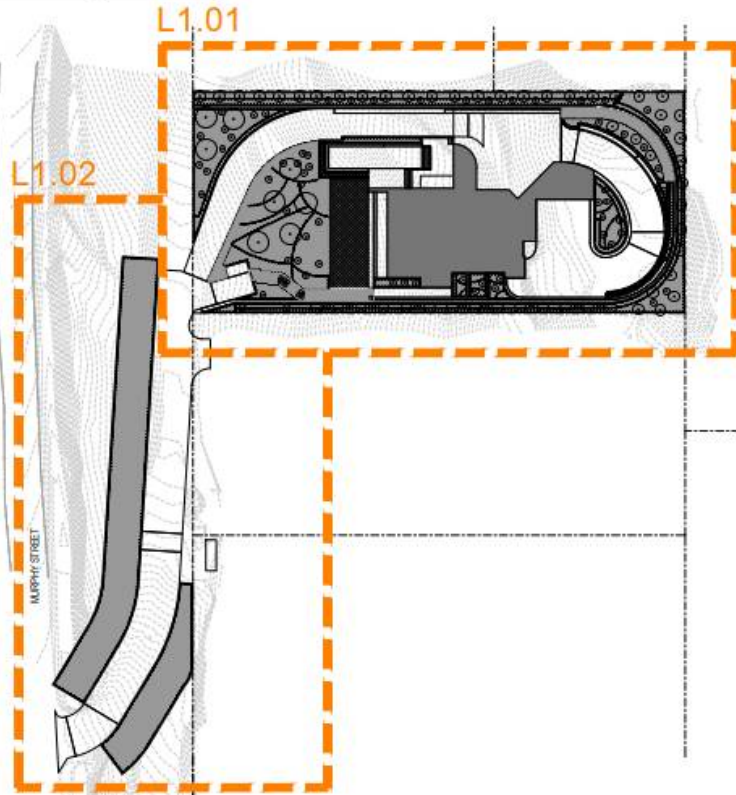
12 MURPHY STREET ON LOT 113 (PTD2094)

## LANDSCAPE DOCUMENTATION

Issue: OPERATIONAL WORKS

Date: 03-06-2022

SHEET PLAN 1:300@A1



### DRAWING SCHEDULE

DRAWING NUMBER	TITLE	REVISION
L0.01	COVER SHEET	02
L1.01	LANDSCAPE PLAN	02
L1.02	LANDSCAPE PLAN	02
L2.01	LANDSCAPE STANDARD DETAILS	02
PROJ. NO. 15TAGEL3.01	LANDSCAPE SPECIFICATION	02

### PLANT SCHEDULE

CODE	SPECIES	COMMON NAME	POT SIZE	QUANTITY
ACM HEM	ACEMEN HEMIPHYLLA	LILLY PILLY	200mm	6
BAR ACU	BARRINGTONIA ACUTANGULAR	INDIAN CAM	200mm	6
DYZ FIB	DYZYGUM FIBROSUM	PEROUSH SATINASH	25 Litre	8
DYZ AUS	DYZYGUM AUSTRALIS	BRUSH CHERRY	25 Litre	20
KAN CHR	KANTHOSANTHUS CHRYSANTHUS	GOLDEN PANDA	25 Litre	6
PHY CUS	PHYLLANTHUS CUSCUTIFLORUS	PINK PHYLLANTHUS	200mm	32
GLE HYL	GLESTANTHUS HYLANCHI	BERNIE'S CLESTANTHUS	180mm	16
LOM LOW	LOMANDRA LONGIFOLIA	NAT RUSH	180mm	160
DYZ CAS	DYZYGUM CASCADE	CASCADE LILLY PILLY	180mm	17
GAR PSI	GARDENIA PSIDIODES	GLENNIE RIVER	180mm	32
CYR REM	CYRTOSTACHYS RENDAI	LIPSTICK PALM	100 Litre	30
LIC RAM	LICUALA RAMSAYI	AUSTRALIAN FAN PALM	100 Litre	15
TEC HL	TECCOMANTHE HILLI	FRASER ISLAND CREEPER	180mm	15
GRA EXC	GRAPTOPHYLLUM EXCELSUM	SCARLET FUCHSIA	180mm	10
ALP CER	ALPINA CERULEA	NATIVE GINGER	180mm	20
ATR FIT	ATRACTOCARPUS FITZALARI	BROWN GARDENIA	100 Litre	2
NOY AUS	NOYA AUSTRALIS	WAYVINE	180mm	10
GEP TET	GEPLANCHIA TETRAPHYLLO	GOLDEN BOUQUET TREE	100 Litre	5
CLM CAP	CLYDEA CAPILLATA	PALM GRASS	180mm	180
BRA ACE	BRACHYCHITON ACERIS OLUS	ILLAWARRA FLAME TREE	100 Litre	5
ALP PUR	ALPINA PURPUREA	RED GINGER	180mm	40
PHI BEL	PHILODENDRON BELLOID	PHILODENDRON	180mm	5
VIO HED	VIOLEA HEDERACEA	NATIVE VIOLET	180mm	12
BLE SIL	BLECHNUM SILVER LADY	SWART TISE FERN	180mm	16
PHI KAN	PHILODENDRON KANAKI	WINTERBURN	180mm	17
CAL ZEB	CALATHIA ZEBERNA	ZEBRA PLANT	180mm	6
CAL HND	CALATHIA HANGSBERGII	CALATHIA	180mm	12
HEL CHA	HELIOTHA CHARTACEA	SEXY PINK HELIOTHA	180mm	6
GRE SPD	GREVILLEA SPECIES	GREVILLEA	180mm	5
BRD SPD	BRIDGEMAN SPECIES	RADICANS	180mm	8
GAR RAD	GARDENIA RADICANS	PROSTRATE GARDENIA	180mm	12
SIL BEL	SILVER BELLA	SILVER PONYFOOT	180mm	20
SEP CAN	SEPTENTRIONIA CANDIDA	PARTY LILY	180mm	20
DIA SIL	DIANELLA SILVER STREAK	NATIVE FLAX	180mm	20
ETL SLA	ETLINGERA SLATOR	TORCH GINGER	180mm	20
DOR CAR	DORVILLEA CARANFOLIA	THE PALM LILY	180mm	24
CGI PED	CGRUM PEDUNCULATUM	SWAMP LILY	180mm	12
BIA CAE	BIANELLA CAERULEA	FLAX LILY	180mm	12

### REVEGETATION SCHEDULE

CODE	SPECIES	COMMON NAME	POT SIZE	QUANTITY
A	LOMANDRA HYSTRIX	CREEK MAT RUSH	TUBES	42
A	LOMANDRA LONGIFOLIA	NAT RUSH	TUBES	42
A	GARHIA ASPERA	ROUGH SAW EDGE	TUBES	42
A	GARDENIA PSIDIODES	GLENNIE RIVER	TUBES	42
A	HEBERTIA BANKSII	GUINEA FLOWER	TUBES	42
A	ASPENIUM NOLUS	BIRD'S NEST FERN	TUBES	42
TOTAL - (21MODULE)				252
B	ACACIA FLAVESCENS	RED WATTLE	TUBES	18
B	ANTIDISSIA BUNUS	CHINESE LAUREL	TUBES	18
B	PAVETTA AUSTRALIENSIS	BUTTERFLY BUSH	TUBES	18
B	LESA INDICA	BANDICOOT BERRY	TUBES	18
B	GRAPTOPHYLLUM EXCELSUM	SCARLET FUCHSIA	TUBES	18
B	GREVILLEA LONGISTYLIA	LONG JOHN	TUBES	18
B	GLESTANTHUS HYLANCHI	BERNIE'S CLESTANTHUS	TUBES	18
B	ALPINA MODESTA	NARROW-LEAF GINGER	TUBES	18
TOTAL - (12MODULE)				144
C	ACACIA ALACOCARPA	HICKORY WATTLE	TUBES	3
C	ACACIA BRASSICARPA	NORTHERN WATTLE	TUBES	3
C	DYZYGUM AUSTRALIS	BRUSH CHERRY	TUBES	3
C	PHYLLANTHUS CUSCUTIFLORUS	PINK PHYLLANTHUS	TUBES	3
TOTAL - (1MODULE)				12

Based on 12 50mm modules

The Contractor shall review the plant schedule to ensure that drawings and schedules concur. Where insufficient detail or discrepancies may exist on either the plans or the schedule, it is the Contractor's responsibility to resolve immediately with the Landscape Architect and prior to providing Tender pricing, signing work contracts or commencement of works.

### IMPORTANT NOTE

This plan was prepared for the sole purpose of the Client for the specific purpose of the Client. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is prepared without the assumption of a duty of care to any other person (other than the Client (Third Party)) and may not be relied on by Third Party. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incident to:  
a. Third Party publishing, using or relying on the plan; Landplan LA relying on base and services information provided to it by the Client or a Third Party where the base and services information is inaccurate, incomplete, inaccurate, out-of-date or unreliable;  
b. any inaccurate or other facts with information or data sourced from a Third Party;  
c. Landplan LA relying on surface indications that are inaccurate or unreliable;  
d. the Client or any Third Party not verifying information in this plan where recommended by Landplan LA; or  
e. the Client or any Third Party not verifying information in this plan with any local authority against the recommendation of Landplan LA.  
f. the accuracy, reliability, suitability or completeness of any estimates or approximations made or referred to by Landplan LA in this plan.

Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan. The dimensions, area, size and location of improvements and number of lots shown in this plan are approximate only and may vary. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the base scale. Cadastral boundaries are obtained by title dimensions and digitized from existing cadastral maps. These boundaries have not been verified and are approximate only. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incident to Landplan LA relying on base information provided to it by where the base information is inaccurate, incomplete, inaccurate, out-of-date or unreliable. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incident to Landplan LA relying on building information provided to it by where the building information is inaccurate, incomplete, inaccurate, out-of-date or unreliable. Deliver to: Civil Engineer's drawings for finished surface levels unless shown on Landscape drawings. Retain existing levels to buildings and adjacent surfaces except where indicated by the Landscape Architect. All new finished surfaces are to align flush with existing surface levels. Refer to: Civil Engineer's drawings for path and kerb cross-section setting out.

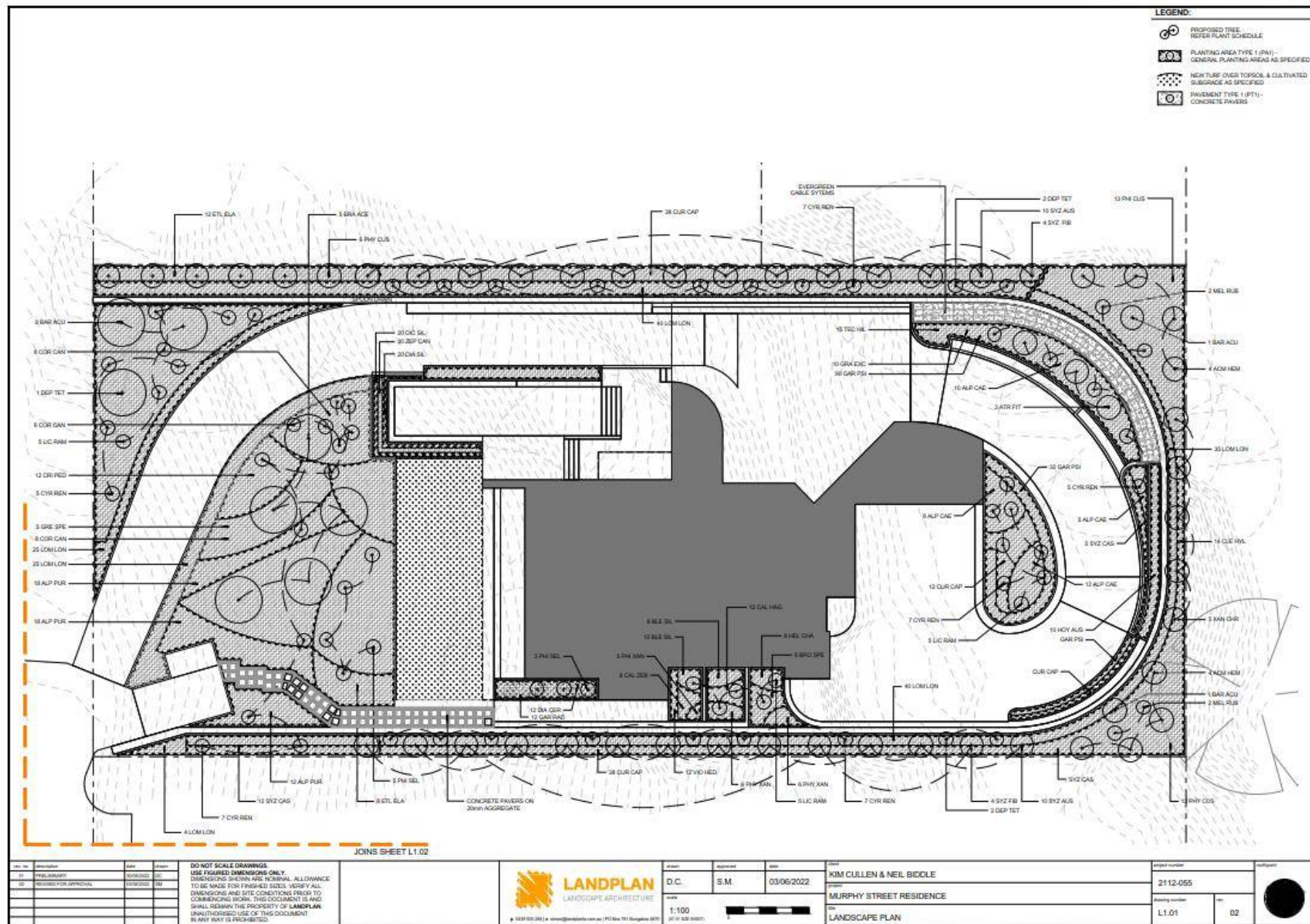
Refer to: Civil Engineer's drawings for service locations. All services are to be verified on site prior to any excavation / construction. There to be located minimum 1m from services. All services are indicative only.

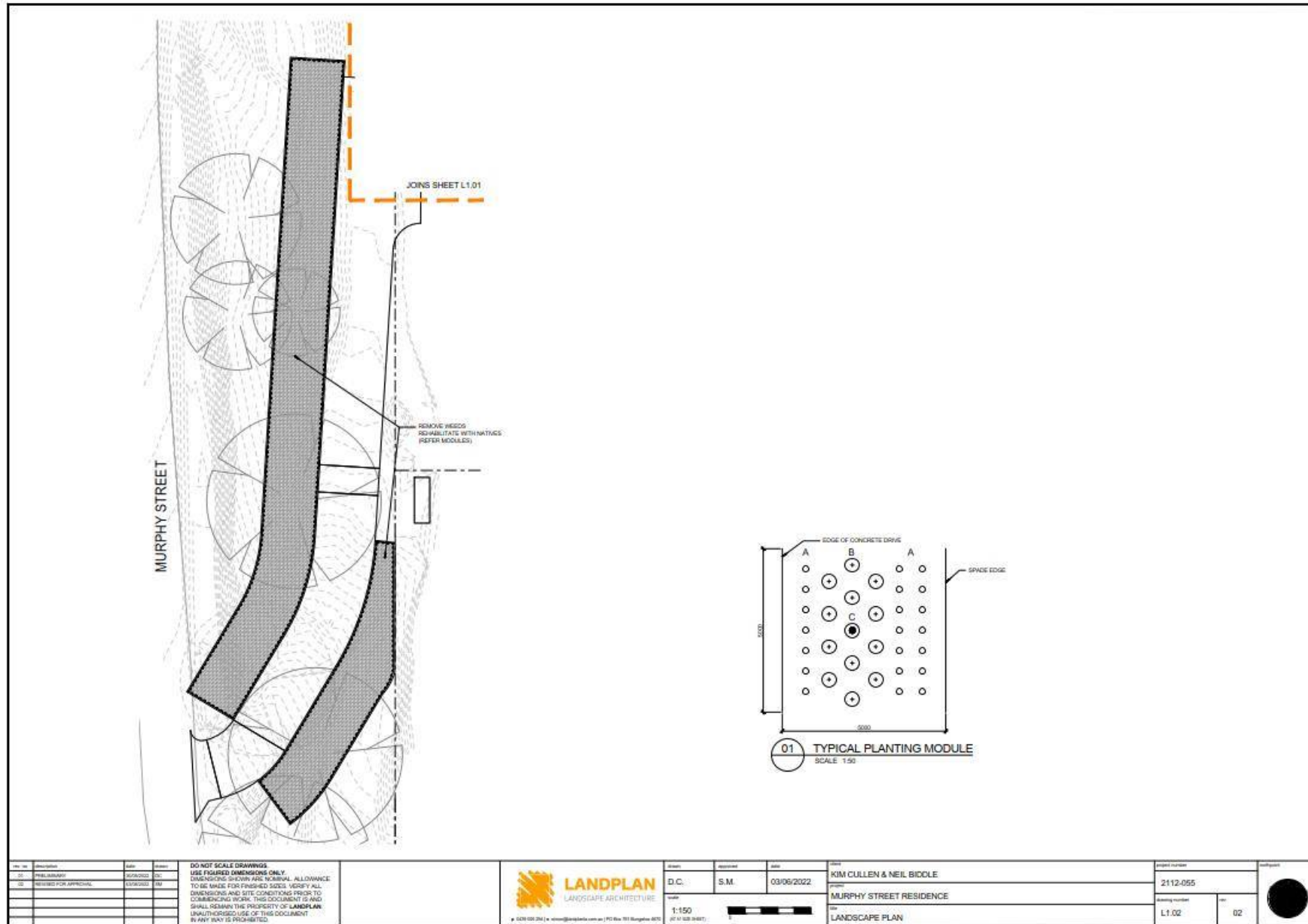
Final set out for all landscape treatments to be confirmed on site by the Landscape Architect. Unless shown on the landscape drawings, refer to Structural Engineer's drawings for parking, reinforcement, structural things etc. for all walls and pavements. All trees marked with 'i' adjacent to surface signatures are to be set out on site prior to installation and approved by the Landscape Architect and Traffic Engineer.

For Lighting requirements refer Electrical Engineer's drawings. The Contractor shall ensure the plant schedule to ensure that drawings and schedules concur. Where insufficient detail or discrepancies may exist on either the plans or the schedule, it is the Contractor's responsibility to resolve immediately with the Landscape Architect and prior to providing tender pricing, signing work contracts or commencement of works.

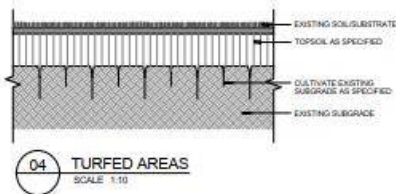
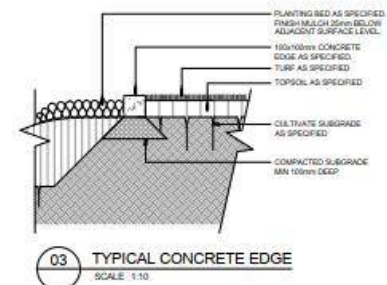
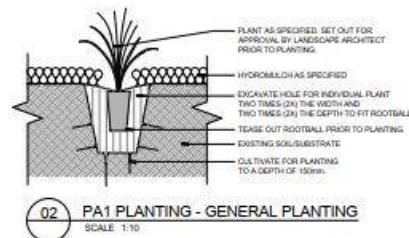
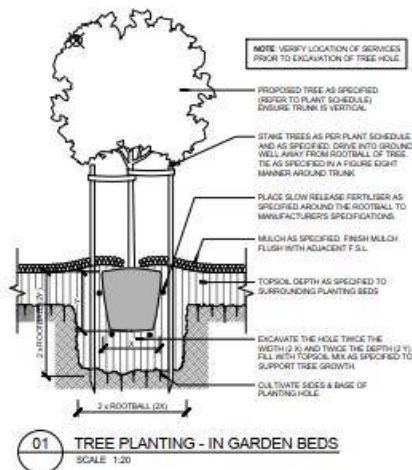
Rev	Description	Date	Drawn	Check	Project Number	Sheet Number
01	PRELIMINARY	20/02/2022	01		2112-055	
02	REVISED FOR APPROVAL	03/06/2022	02			
DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS GIVEN ARE TOLERANCE ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF LANDPLAN. UNAUTHORIZED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.					Drawing Number: L0.01	
LANDPLAN LANDSCAPE ARCHITECTURE 12/09/2022 12/09/2022 12/09/2022 12/09/2022					Project Name: MURPHY STREET RESIDENCE Drawing Title: COVER SHEET	
D.C. S.M. 03/06/2022					Project Number: 2112-055	
Scale: 1:300					Sheet Number: 02	











Rev	Description	Date	Drawn	Check	Project	Client	Project Number	Sheet Number
01	PRELIMINARY	03/06/2022	CM			KIM CULLEN & NEIL BIDDLE	2112-055	
02	REVISED FOR APPROVAL	03/06/2022	CM			MURPHY STREET RESIDENCE		
							Working Number	02
						LANDSCAPE STANDARD DETAILS	L2.01	

**DO NOT SCALE DRAWINGS**  
USE FIGURED DIMENSIONS ONLY.  
DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE  
TO BE MADE FOR FINISHED SURF. VERIFY ALL  
DIMENSIONS AND SITE CONDITIONS PRIOR TO  
COMMENCING WORK. THIS DOCUMENT IS AND  
SHALL REMAIN THE PROPERTY OF LANDPLAN.  
UNAUTHORISED USE OF THIS DOCUMENT  
IN ANY WAY IS FORBIDDEN.



Drawn	Checked	Date	Project
D.C.	S.M.	03/06/2022	KIM CULLEN & NEIL BIDDLE
Scale	AS SHOWN		
	1" = 100mm		

Project	Client	Project Number
	MURPHY STREET RESIDENCE	2112-055
	LANDSCAPE STANDARD DETAILS	

## SPECIFICATIONS

### SCOPE OF WORK

The work includes the organisation for and supply of all relevant labour, materials, plant and equipment as required to execute the works.

The scope of work includes but is not limited to the following:

- Trimming of areas to be landscaped;
- Removal of deleterious material;
- Cultivation;
- Supply and spreading of additives;
- Supply and installation of imported topsoil;
- Supply and installation of mulch;
- Planting; and
- Maintenance.

### WORKS BY OTHERS

- All hard pavement
- Retaining walls
- All fencing types
- Subsoil drainage

### EARTHWORKS

Earthworks shall involve the removal of existing compacted material, the cultivation of subsoil, the supply and mixing in of additives, the supply and spreading of topsoil and the fine grading of such soil and existing soil profiles to all landscaped areas to form the finished levels and profiles.

Finished surfaces shall finish flush with adjacent surfaces.

#### Preparation

Eradicate all weeds using environmentally acceptable methods, such as non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate.

Maintain all areas in a weed free state for the duration of the contract and Plant Establishment periods.

#### Cultivation

Excavate and remove from site compacted fill resulting from the building works. Cultivate all planting and turf areas to a depth of 150mm and place 100g/m<sup>2</sup> of Blood and Bone and 100g/m<sup>2</sup> of Gypsum.

### IMPORTED TOPSOIL (FOR PLANTING)

Import and spread premium topsoil mix. Soil shall be free of weeds, sticks, rocks and other deleterious matter. Imported topsoil is to comply with AS4419.

### MULCH

Mulch to be spread evenly across all planting areas. Mulch to planting areas shall be approved rainforest mulch free of soil, stones, weeds, rubbish or any other deleterious materials. Spread mulch to garden bed areas to a depth of 75mm, to finish 20mm below adjacent surfaces. Keep mulch clear of plant stems. Spread mulch following planting and watering in. Avoid mixing of soil and mulch materials. Do not use recycled garden mulch. Mulch to comply with AS4454.

### PLANTING AREAS

Finished soil depth to all garden areas shall be 300mm crowned towards centre of beds ensuring positive falls to drainage structures. Use 'Agriform' 10g fertilizer tablets (or approved equivalent) to base of all plant root balls at manufacturer's recommended rate.

### PLANTS

Provide plants with the following characteristics:

- Large healthy root systems, with no evidence of root cut, restriction or damage;
- Vigorous well-established stock free from pests and diseases, of good form consistent with the pot size, species or variety;
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site.

Label at least one plant from each species in a batch with a durable, readable tag. Plant stock immediately after it is delivered to site. For all plant stock excavate a hole twice the diameter of the rootball and at least 200mm deeper than the rootball. Loosen compacted sides and base of holes to prevent confinement of root growth. Fill all holes to half deep with water in advance of planting, allowing time for water to soak away. After planting, fill hole with amended/imported soils.

### STAKES AND TIES

All 45L stock and larger are to be staked and tied.

### GRASS AREAS

Refer Civil Engineers Specifications.

### TIMBER EDGE

To be located in ALL areas between turfed areas and planting beds. Supply and install in accordance with the details and the drawings.

#### Installation:

Set edging's flush with adjoining surfaces to define planting to turf or turf/reinforced turf junctions. Fix to pegs with galvanized nails, two per fixing. Drive pegs into the ground at 150mm max centres on both sides of joints between boards, with peg tops 15mm below the top of the edging. Refer to details.

### CONDUITS

The contractor is responsible for co-ordination with the building contractor to ensure that conduits under proposed paved or concreted areas have been installed. Conduits for irrigation purposes shall be 90mm PVC pipe - top min. 250mm below finished surface levels.

### TURF AREAS

Spread 50mm layer of imported topsoil to all nominated turf areas.

Install an A-grade green couch that is weed free.

### PLANTING ESTABLISHMENT

Establish and maintain the works for a period of thirteen (13) weeks from the Date of Practical Completion.

Establishment shall include the care of the contract areas by accepted horticultural practices, as well as rectifying any defects that become apparent in the works under normal 'use'. This shall include, but not be limited to, the following works:

- Repair and/or replace any defects due to failure and/or inferior quality materials and/or workmanship;
- Replace plants that have failed and/or have been damaged or died;
- Weed and pest control;
- Maintain all landscape areas in a neat and tidy condition at all times;
- Maintain fertilising and pruning as required;
- Check and adjust levels to attain those specified by addition or removal of mulch and/or topsoil.

All planted beds are to be weeded to maintain same in a grass and weed free environment. Carry out any other work that is specified or is necessary to establish the landscape works in a first class condition.

### GARDEN EDGING

#### Location:

To be located in areas between grass/garden areas and PT1 as indicated on the drawings. Supply and install in accordance with the details and the drawings.

#### Installation:

Set top of edge strip to be flush with the surface level of surrounding turf. Install 100mm x 100mm depth concrete edging strip as detailed.

### IRRIGATION

The design, supply, and installation of a fully automatic irrigation system to provide coverage to all turf and planting areas specified. The system shall be capable of delivering an application rate of 32mm per week.

To avoid water wastage, ensure that the correct sprinkler nozzle is used for the particular application required, and also adjust sprinklers and solenoid valves as required to avoid overspray onto paths and roadways.

### SYSTEM DESIGN SPECIFICATIONS

This is a general design specification and does not relate specifically to any particular site. The purpose of these specifications is to provide general guidelines and operating parameters by which an irrigation system can be installed which complies to relevant government, authorities, and industry standards.

Any irrigation layout drawings containing pipe work, valves, sprinkler outlets, wiring and controllers are diagrammatic and contractor is required to obtain all necessary information, including but not limited to: correct measurements, on site flow/pressure test of water supply, and other necessary information to carry out complete installation of system.

Exact alignment of irrigation lines to be determined onsite and approved by landscape architect prior to commencement of works.

Any impact on existing trees to be minimized and avoided where possible.

All materials to be supplied and installed are to be of professional standard and compliant to any relevant Government standards.

Any fees, licenses or associated installation costs are the responsibility of the irrigation contractor.

Fully automatic irrigation system appropriate for specific site requirements;

Appropriately sized commercial controller in weatherproof enclosure if mounted externally;

Turf areas to be watered utilizing pop-up sprinklers:

- -Hunter Model 120 or similar for commercial installations;
- Garden areas to be watered utilizing pop-up sprinklers, garden shrub sprays on 15mm poly risers or drip irrigation dependent on customer's specifications;
- Solenoid valves to be appropriately sized for individual station flow rate requirements;
- -Hunter ICV solenoid valve or similar;
- Mainline and lateral pipework to be PVC Class 12 or poly pipe PN12.5;
- Drip-line pipework to be low density poly pipe and associated fittings with stainless steel hose clamps;
- Solenoid valve wiring to be appropriately sized, according to distance between valve and controller, power losses through cable, and inrush amperage of valve;
- Solenoid valve control wire joints are to be waterproof connections
- -CEY or similar;
- Backflow prevention device with associated valves and filter assembly to comply with relevant government authorities and sized according to maximum flow rate of system

### COMMISSIONING AND MAINTENANCE

Prior to commissioning of system the following works will have been carried out:

Operation of each individual solenoid valve from controller;

- Minimum 7 days of continuous automatic operation of entire system from controller;
- Programming of controller to allow for 32mm of precipitation during a 7 day period;
- Testing of rain sensor to ensure proper operation of same to over-ride controller during rain periods;
- Attach all contact details of contractor to door of controller for future reference;
- Provide a detailed irrigation schedule for controller programme, showing all relevant details;
- Provide personal and written operating instructions to nominated personnel on site;
- Provide a detailed as constructed drawing showing:
  1. Solenoid and gatevalve locations (including station number and irrigated area)
  2. Mainline location
  3. Backflow and other isolation valve locations
  4. Controller and rain sensor locations.

### Maintenance Period

This period shall be 13 weeks in duration, during which period the contractor shall undertake the following:

Additional flushing of system as necessary to ensure correct sprinkler operation;

Repair of any pipework or fitting leaks and/or blockages;

Ensure correct overall operation of system, including valves, sprinklers and nozzles;

Ensure correct programming and operation of controller;

Adjust controller program as required for individual station watering to ensure over-watering and run-off does not occur.

On completion of the maintenance period, the final programming of the controller shall be recorded in the control box and in the instruction manual, and the appropriate personnel advised of the irrigation scheduling. These personnel shall at this time relate any queries or questions they have regarding the installation or operation of the system to the irrigation contractor.

### Defects Liability Period

The defects liability period for the irrigation system shall be 52 weeks from the date of practical completion.

Rev	Description	Date	By	Check	DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF LANDPLAN. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.		Drawn	Approved	Date	Client	Project Number	Signature
01	PRELIMINARY	03/06/2022	DC				D.C.	S.M.	03/06/2022	KIM CULLEN & NEIL BIDDLE	2112-055	
02	REVISED FOR APPROVAL	03/06/2022	SM				N.T.S.			MURPHY STREET RESIDENCE		
											L3.01	02

## Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
  - a) to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - b) to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
  - a) the development application was properly lodged to the Douglas Shire Council on 14 June 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b) the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - c) the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
  - d) Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - e) the applicant's reasons have been considered and the following findings are made:
    - i) Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## **Division 2                    Changing development approvals**

### **Subdivision 1            Changes during appeal period**

#### **74        What this subdivision is about**

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### **75        Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or



- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or



- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.



- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

12 December 2022

**Enquiries:** Daniel Lamond  
**Our Ref:** MCUC 2022\_4867/1 (1127848)  
**Your Ref:** KRDPS:MURPHY

K P Cullen & N G Biddle  
C/- Kelly Reaston Development & Property  
44 McLeod St  
CAIRNS QLD 4870

Dear Sir/Madam

**Minor Change to Development Approval for Material Change of Use (Dwelling house)  
At 12 Murphy Street PORT DOUGLAS  
On Land Described as LOT: 113 TYP: PTD PLN: 2094**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: MCUC 2022\_4867/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Daniel Lamond on telephone 07 4099 9444.

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)



## Decision Notice

### Minor Change Approval (with conditions)

*Given under s 81 of the Planning Act 2016*

#### Applicant Details

Name: K P Cullen & N G Biddle  
Postal Address: C/- Kelly Reaston Development & Property  
44 McLeod St  
CAIRNS QLD 4870  
Email: kelly@kellyreaston.com.au

#### Property Details

Street Address: 12 Murphy Street PORT DOUGLAS  
Real Property Description: LOT: 113 TYP: PTD PLN: 2094  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Minor Change to Development Permit- Material Change of Use (Dwelling house)

#### Decision

Date of Decision: 12 December 2022  
Decision Details: Approved (subject to conditions)

#### Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing or Document	Reference	Date
Site Plan- Existing (Survey)	Hunt Design Drawing No. 02.0	22 November 2022
Site and Environs Plan	Hunt Design Drawing No. 02.1	22 November 2022
Floor Plan- Existing (Survey)	Hunt Design Drawing No. 03.0	22 November 2022
Floor Plan- Lower ground level	Hunt Design Drawing No. 03.1	22 November 2022
Floor Plan- Ground level	Hunt Design Drawing No. 03.2	22 November 2022



Floor Plan- First Floor	Hunt Design Drawing No. 03.3	22 November 2022
Floor Plan- Roof	Hunt Design Drawing No. 03.4	22 November 2022
Section A	Hunt Design Drawing No. 04.1	22 November 2022
Section B	Hunt Design Drawing No. 04.2	22 November 2022
Section C	Hunt Design Drawing No. 04.3	22 November 2022
Elevations	Hunt Design Drawing No. 05.1	22 November 2022
Rear Retaining Walls- Site Plan	Hunt Design Drawing No. 06.1	22 November 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.2	22 November 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.3	22 November 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.4	22 November 2022
Rear Retaining Walls- Sections	Hunt Design Drawing No. 06.5	22 November 2022
Area Calculation	Hunt Design Drawing No. 08.1	22 November 2022
Cover Sheet	Landplan Drawing No. L0.01	3 June 2022
Landscape Plan	Landplan Drawing No. L1.01	3 June 2022
Landscape Plan	Landplan Drawing No. L1.02	3 June 2022
Landscape Standard Details	Landplan Drawing No. L2.01	3 June 2022
Landscape Specification	Landplan Drawing No. L3.01	3 June 2022

### Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
  - (a). The specifications, facts and circumstances as set out in the application submitted to Council;
  - (b). The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

### Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of use, except where specified otherwise in these conditions of approval.

### Operational Works

3. An Operational Works Approval is required for the water, sewer, earthworks and driveway construction associated with the development. The application for Operational Works must include, but not be limited to, the following:

- a. Decommissioning of the existing services within the site including demolition and removal of redundant services and site remediation;
- b. Drainage works to deliver stormwater to Murphy Street being the lawful point of discharge;
- c. Earthworks internal and external to the site;
- d. Required internal and external works within the road reserve for the driveway and retaining walls;
- e. Water and sewerage works required to service the site.

Such works must be completed to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

#### **Access Driveway**

4. The access driveway must be developed in accordance with the latest version of AS2890-2004 with the following design parameters being met:
  - a. Retaining walls supporting the access driveway on road reserve must not exceed 1000mm in height.
  - b. Vehicle access to any other allotment must not be inhibited by the section of private access driveway in the Murphy Street road reserve.

The section of private access driveway within the road reserve of Murphy Street will not become a Council asset and will never be maintained by Council. The ongoing maintenance obligation of the driveway in the Murphy Street road reserve remains with the property owner at all times.

#### **Water Supply and Sewerage Works External**

5. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
  - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;
  - b. Construct new sewer to accommodate the development. Detailed plans are to be provided showing levels and alignment and must be designed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

#### **Water Supply and Sewerage Works Internal**

6. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection which must be clear of any buildings or structures;
  - b. Provide a single internal water connection.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

## **Inspection of Sewers**

7. Where altering existing sewer mains or construction of new sewer main, provide CCTV inspections of sewers both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use.

## **Exterior Finishes**

8. The exterior finishes and colors of the house must be non-reflective and must blend with the natural colors of the surrounding environment. The exterior finishes must be generally in accordance with the Material Palette Plan by Hunt Design, Drawing No. 01.3 dated 2 June 2022.

## **Air-conditioning Screens**

9. Air-conditioning units located above ground level and visible from external properties and the street must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the Commencement of Use.

## **Damage to Council Infrastructure**

10. In the event that any part of Council's existing sewer, water or road infrastructure is damaged as a result of construction activities occurring on the site, the applicant/owner must notify Council immediately of the affected infrastructure and have it replaced at no cost to Council.

## **Vehicle Parking**

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) spaces located on site. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

## **Storage of Machinery and Plant**

12. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

## **Landscaping Plan**

13. The site must be landscaped in accordance with details included on ~~the landscaping plan prepared by Landplan Landscape Architecture, project number 2112-055 dated 3 June 2022~~ a landscaping plan prepared by an experienced landscape architect. The plan must;
  - a. be developed in accordance with Planning Scheme Policy SC6.7;
  - b. be inclusive of native and endemic species only;
  - c. include dense planting of species with high screening qualities on the side boundaries.

The landscaping plan must be endorsed by the Chief Executive Officer prior to commencement of use.

## **Ponding and/or Concentration of Stormwater**

14. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

### **Sediment and Erosion Control**

15. All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be submitted to Council prior to the issue of a Development Permit for Operational Work. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

### **Bushfire Hazard**

16. The house must be developed in accordance with AS3959- 2009.

### **Further Development Permits**

---

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work
- All Operational Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

### **Currency Period for the Approval**

---

This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the original development approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

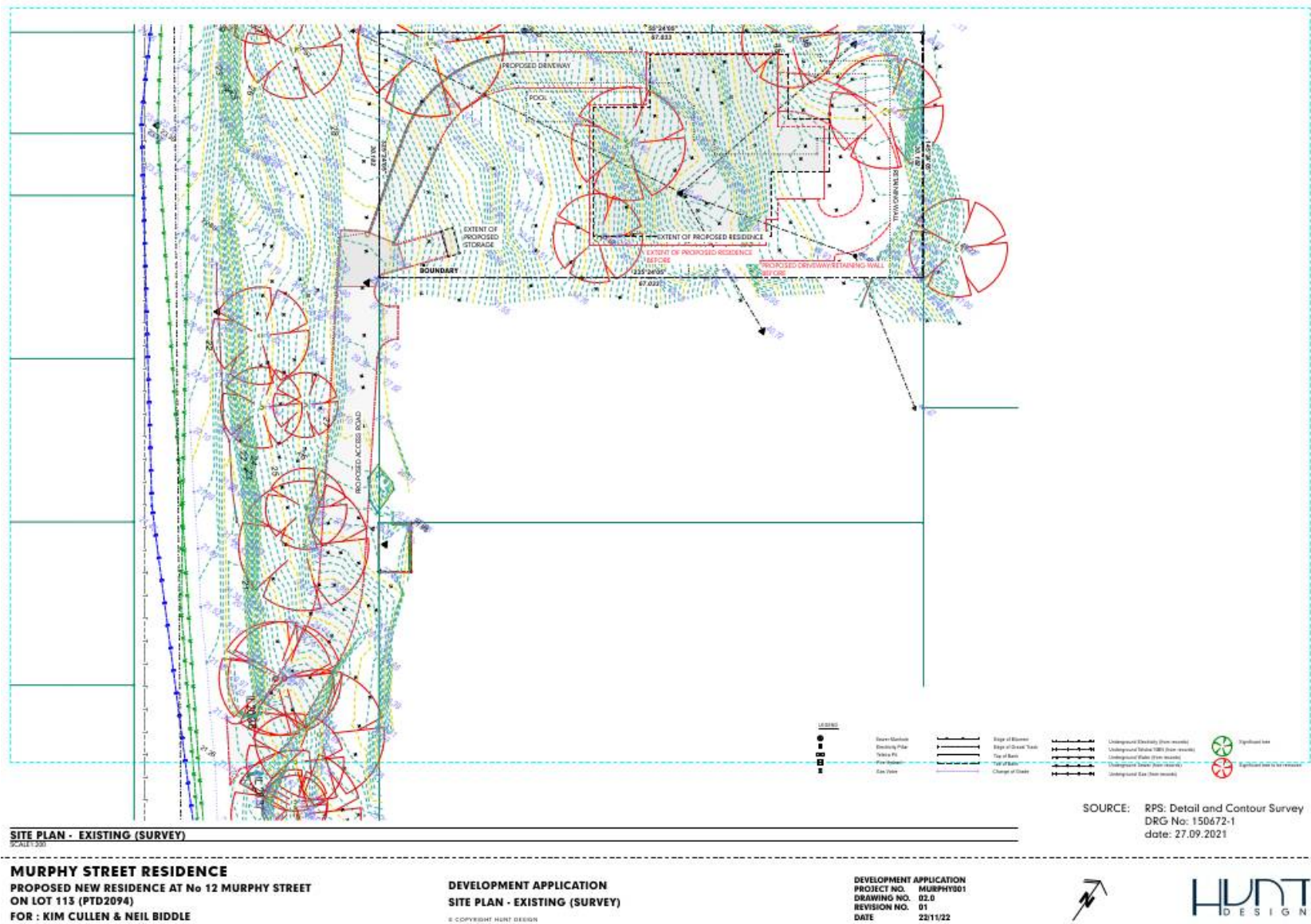
### **Rights to make Representations & Rights of Appeal**

---

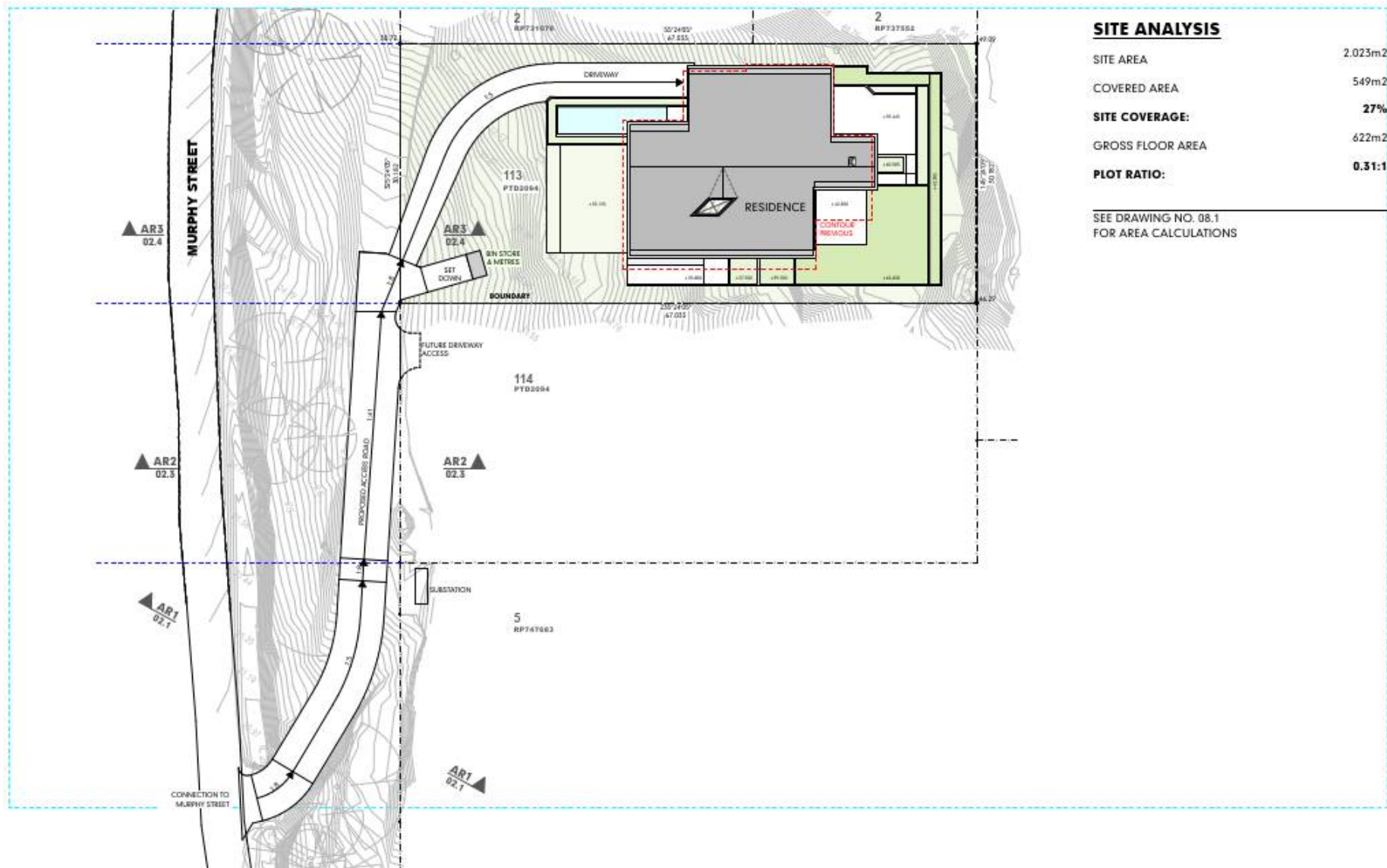
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

Approved Drawing(s) and/or Document(s)







### SITE ANALYSIS

SITE AREA	2.023m <sup>2</sup>
COVERED AREA	549m <sup>2</sup>
<b>SITE COVERAGE:</b>	<b>27%</b>
GROSS FLOOR AREA	622m <sup>2</sup>
<b>PLOT RATIO:</b>	<b>0.31:1</b>

SEE DRAWING NO. 08.1  
FOR AREA CALCULATIONS

**SITE PLAN**  
SCALE: 1:200

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

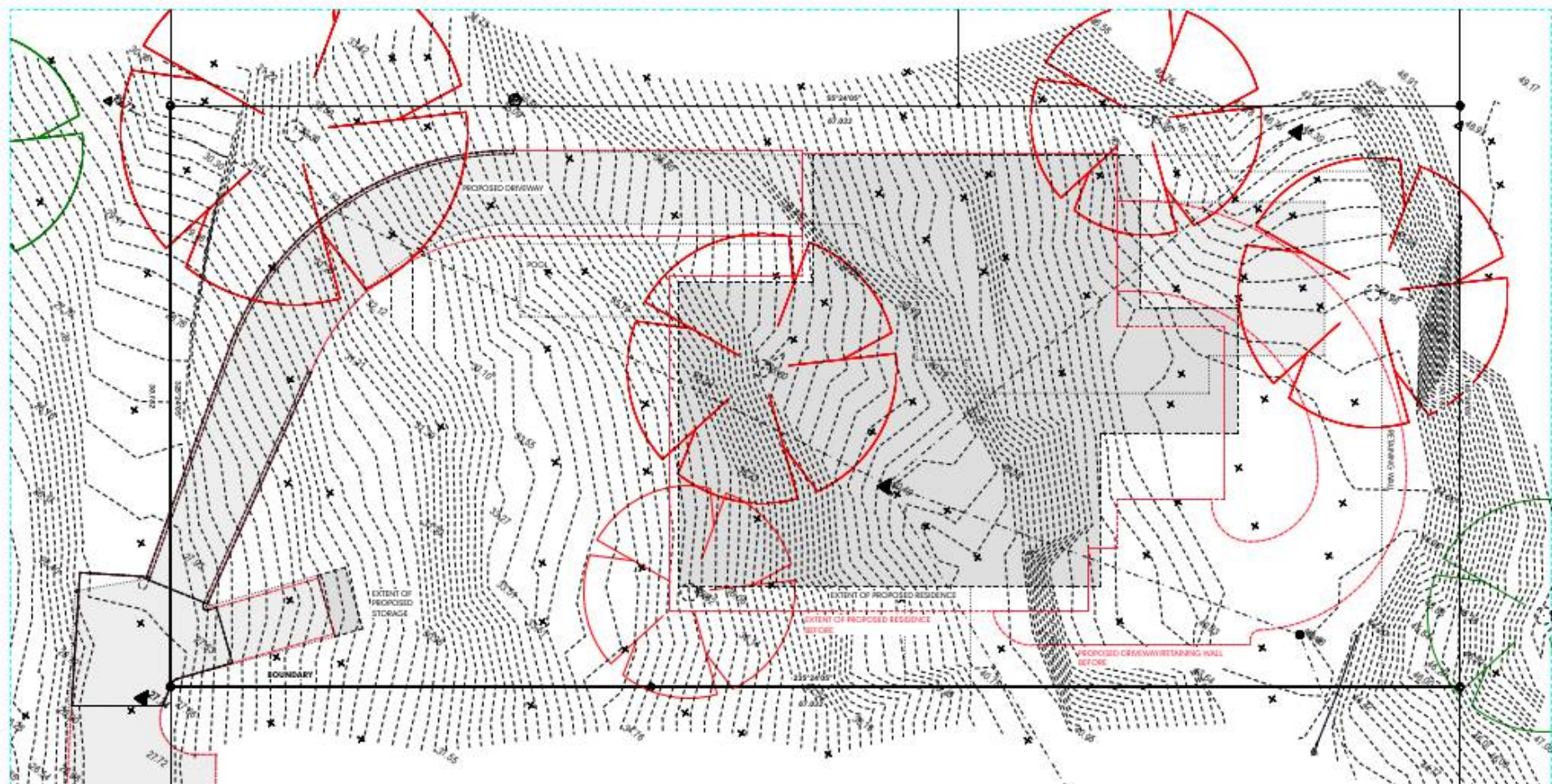
**DEVELOPMENT APPLICATION**  
**SITE & ENVIRONS PLAN**

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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 02.1  
REVISION NO. 01  
DATE 22/11/22



**HUNT**  
DESIGN



**SITE PLAN - EXISTING (SURVEY)**

SCALE: 1:50

**LEGEND**

	Sewer Manhole		Edge of Bitumen		Underground Electricity (from records)		Significant tree
	Electricity Pillar		Edge of Gravel Track		Underground Telstra/ NBN (from records)		Significant tree to be removed
	Telstra Pit		Top of Bank		Underground Water (from records)		
	Fire Hydrant		Toe of Bank		Underground Sewer (from records)		
	Gas Valve		Change of Grade		Underground Gas (from records)		

SOURCE: RPS: Detail and Contour Survey  
DRG No: 150672-1  
date: 27.09.2021

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**FLOOR PLAN- EXISTING (SURVEY)**

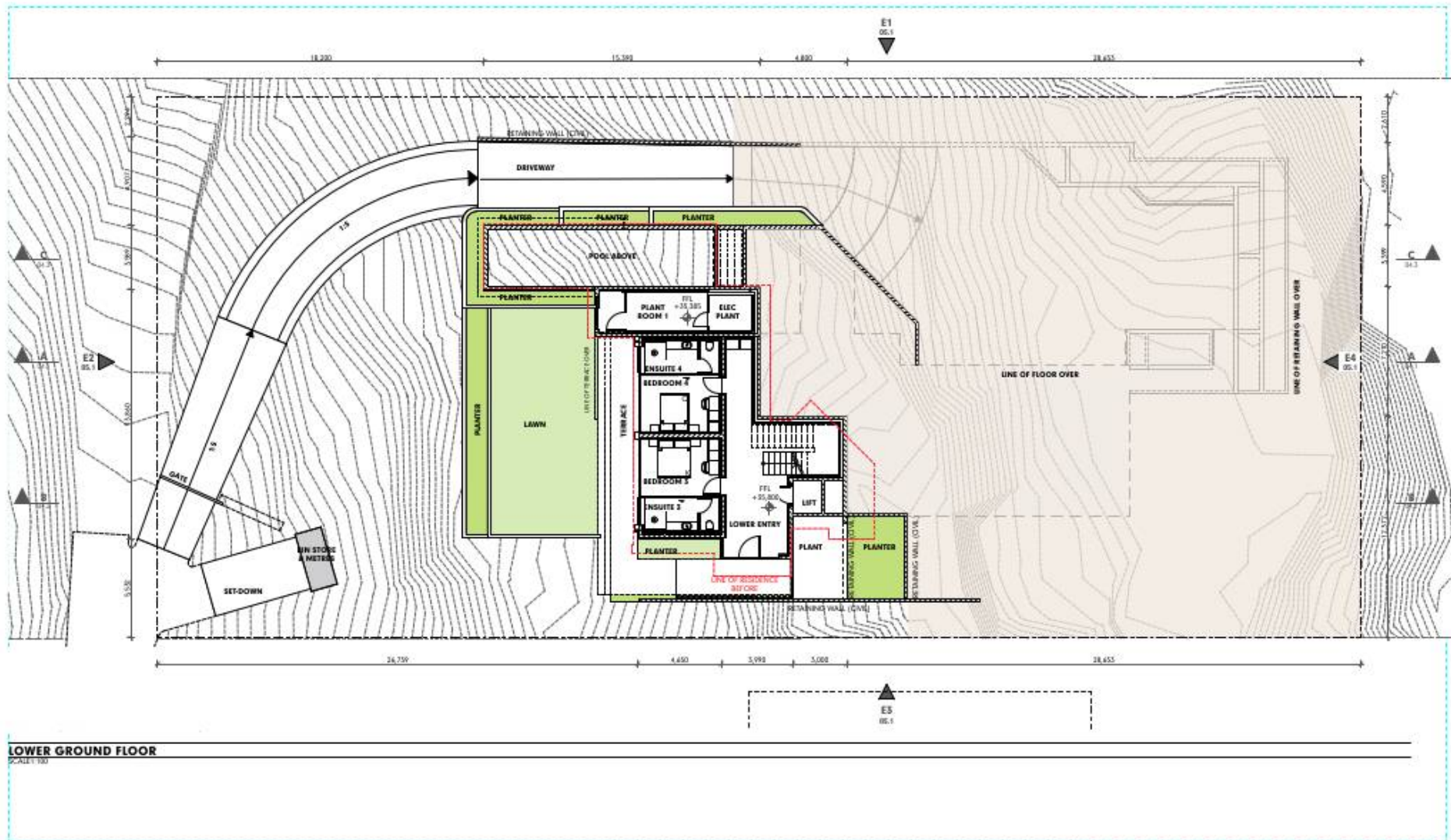
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 05.0  
REVISION NO. 01  
DATE 22/11/22



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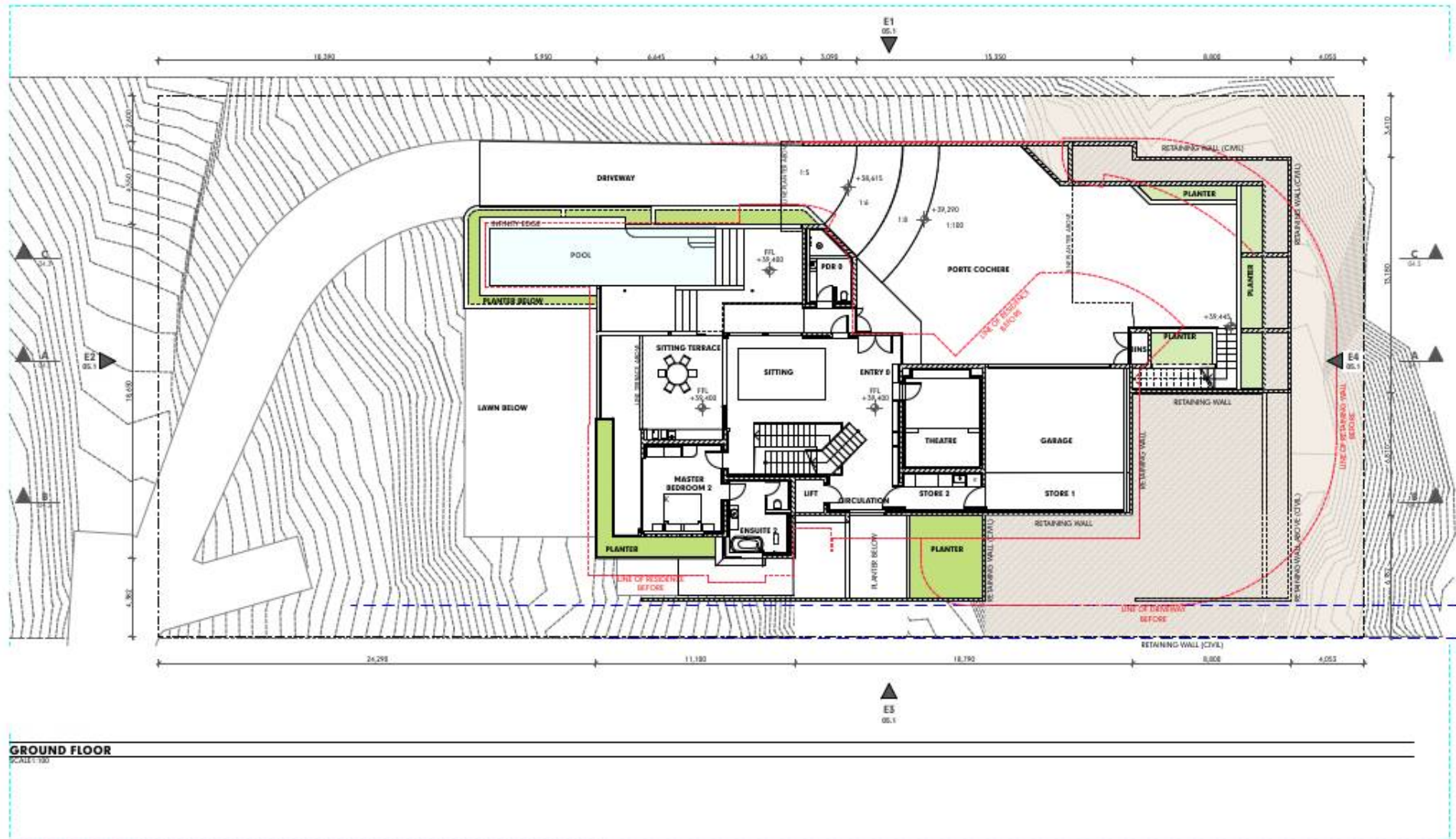
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
FLOOR PLAN- LOWER GROUND LEVEL  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 05.1  
REVISION NO. 01  
DATE 22/11/22



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**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**FLOOR PLAN - GROUND LEVEL**

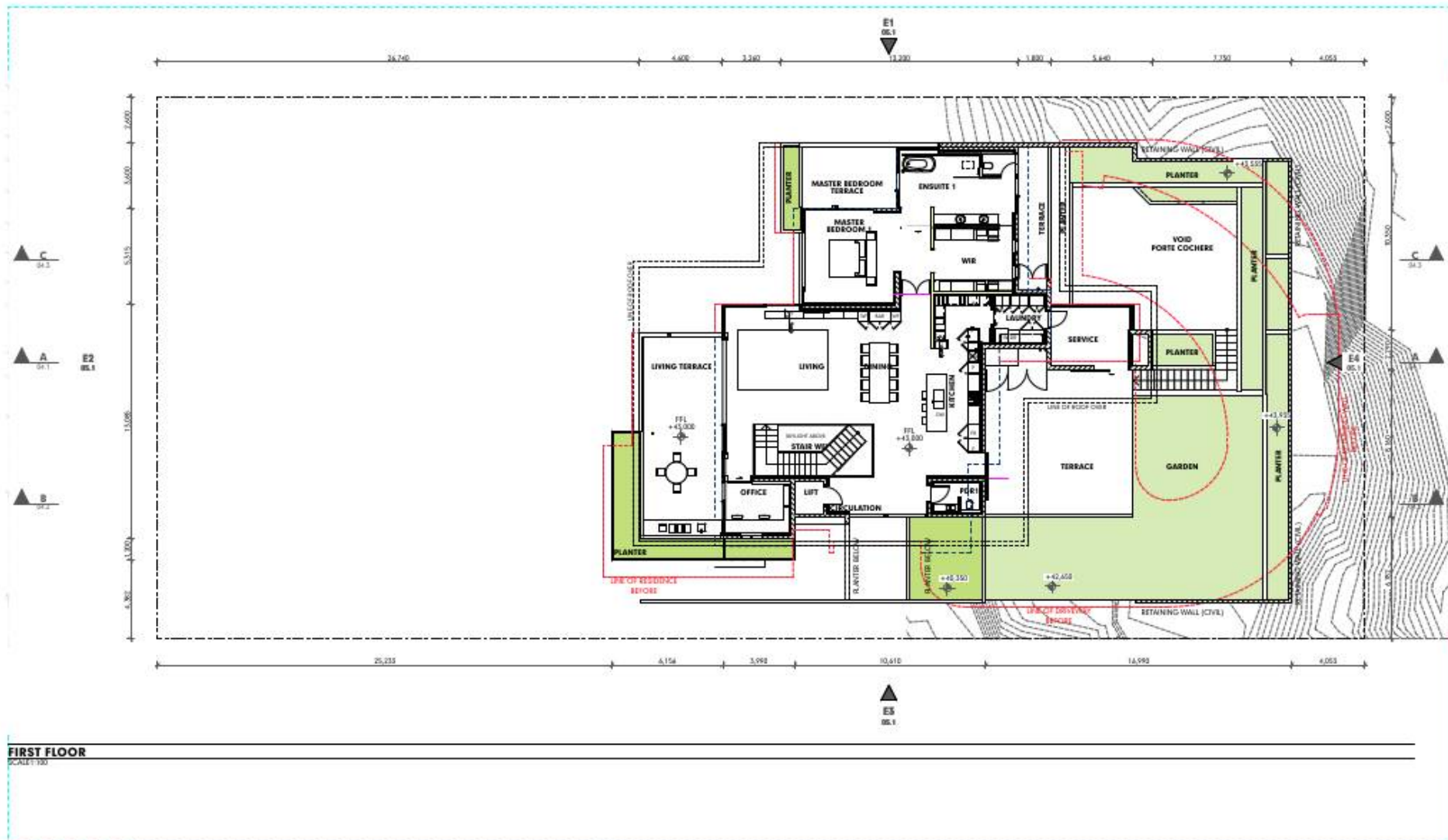
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 05.2  
REVISION NO. 01  
DATE 22/11/22



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DESIGN





**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

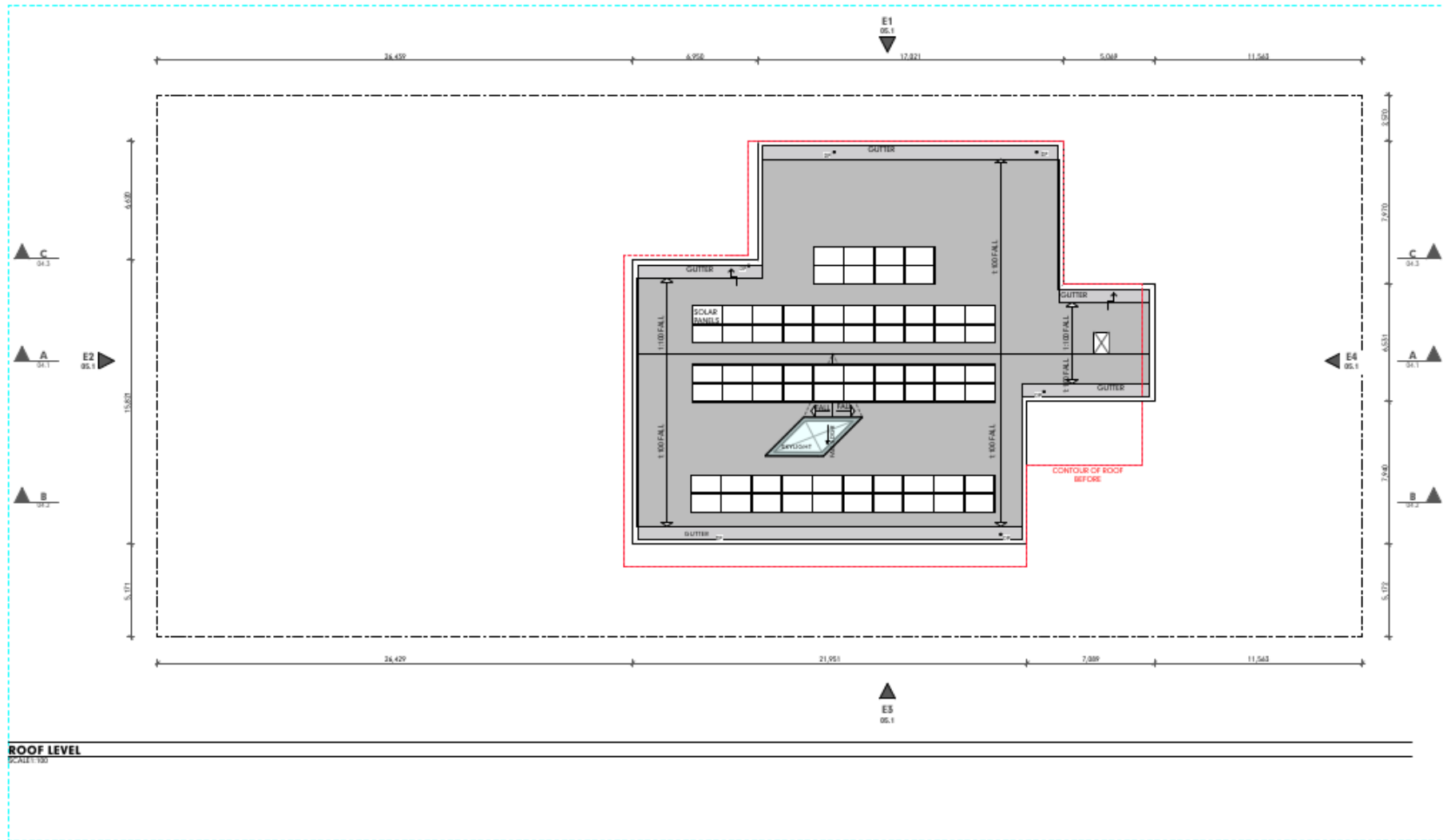
**DEVELOPMENT APPLICATION**  
**FLOOR PLAN - FIRST FLOOR**

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**DEVELOPMENT APPLICATION**  
**PROJECT NO. MURPHY001**  
**DRAWING NO. 03.5**  
**REVISION NO. 01**  
**DATE 22/11/22**



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**DESIGN**



ROOF LEVEL  
SCALE: 1:50

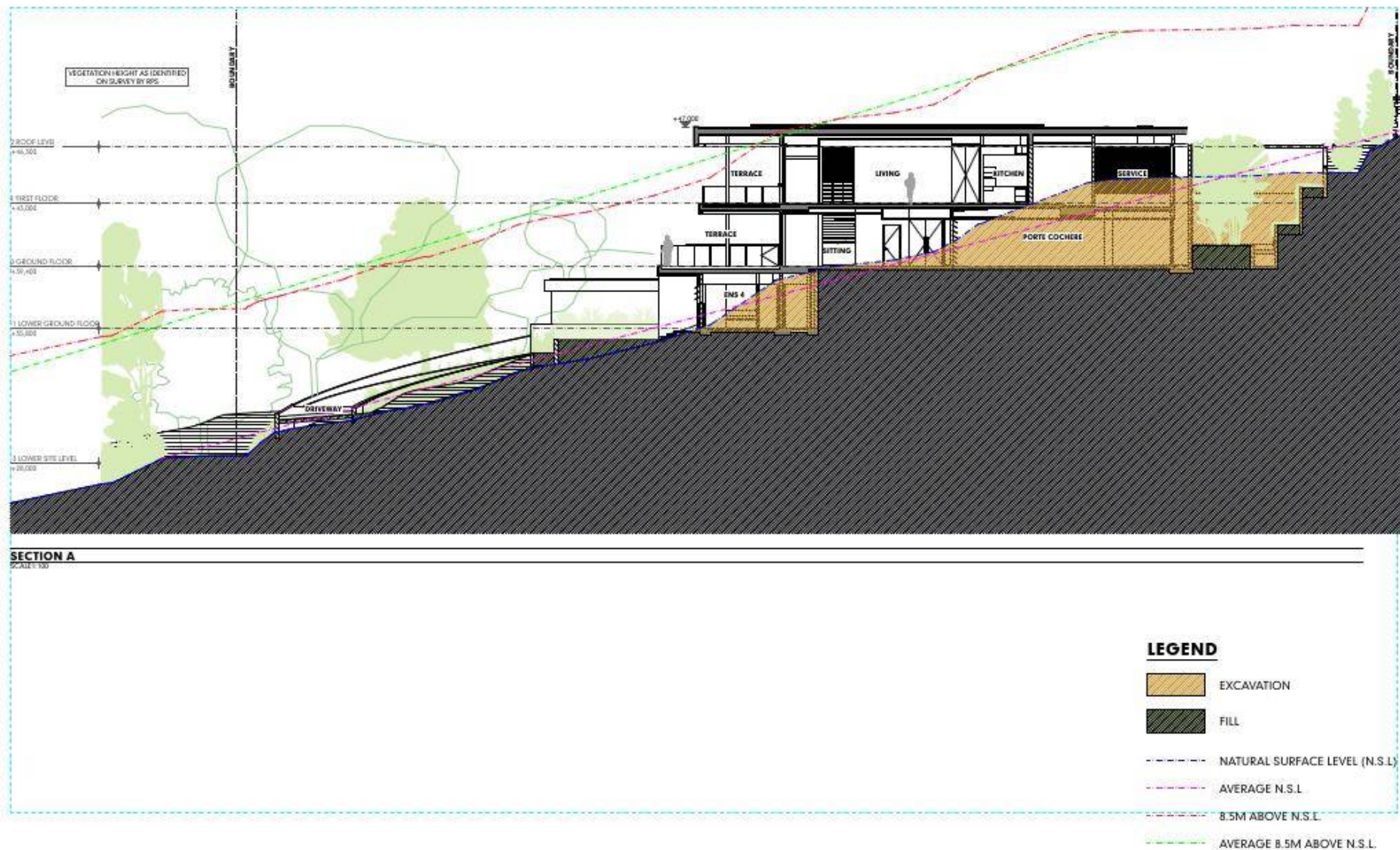
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
**FLOOR PLAN - ROOF**  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 03.4  
REVISION NO. 01  
DATE 22/11/22



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**MURPHY STREET RESIDENCE**  
 PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
 ON LOT 113 (PTD2094)  
 FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
 SECTION A  
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DEVELOPMENT APPLICATION  
 PROJECT NO. MURPHY001  
 DRAWING NO. 04.1  
 REVISION NO. 01  
 DATE 22/11/22

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**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

**DEVELOPMENT APPLICATION**  
**SECTION B**  
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**DEVELOPMENT APPLICATION**  
 PROJECT NO. MURPHY001  
 DRAWING NO. 04.2  
 REVISION NO. 01  
 DATE 22/11/22

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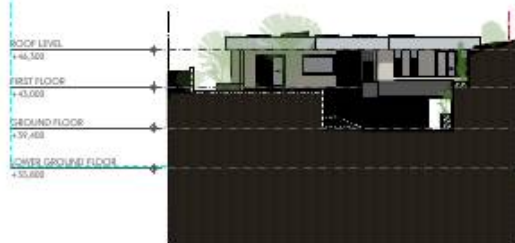
**NORTH-WEST ELEVATION**

SCALE:1:200



**SOUTH-EAST ELEVATION**

SCALE:1:200



**NORTH-EAST ELEVATION**

SCALE:1:200



**SOUTH-WEST ELEVATION**

SCALE:1:200

**MURPHY STREET RESIDENCE**  
**PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET**  
**ON LOT 113 (PTD2094)**  
**FOR : KIM CULLEN & NEIL BIDDLE**

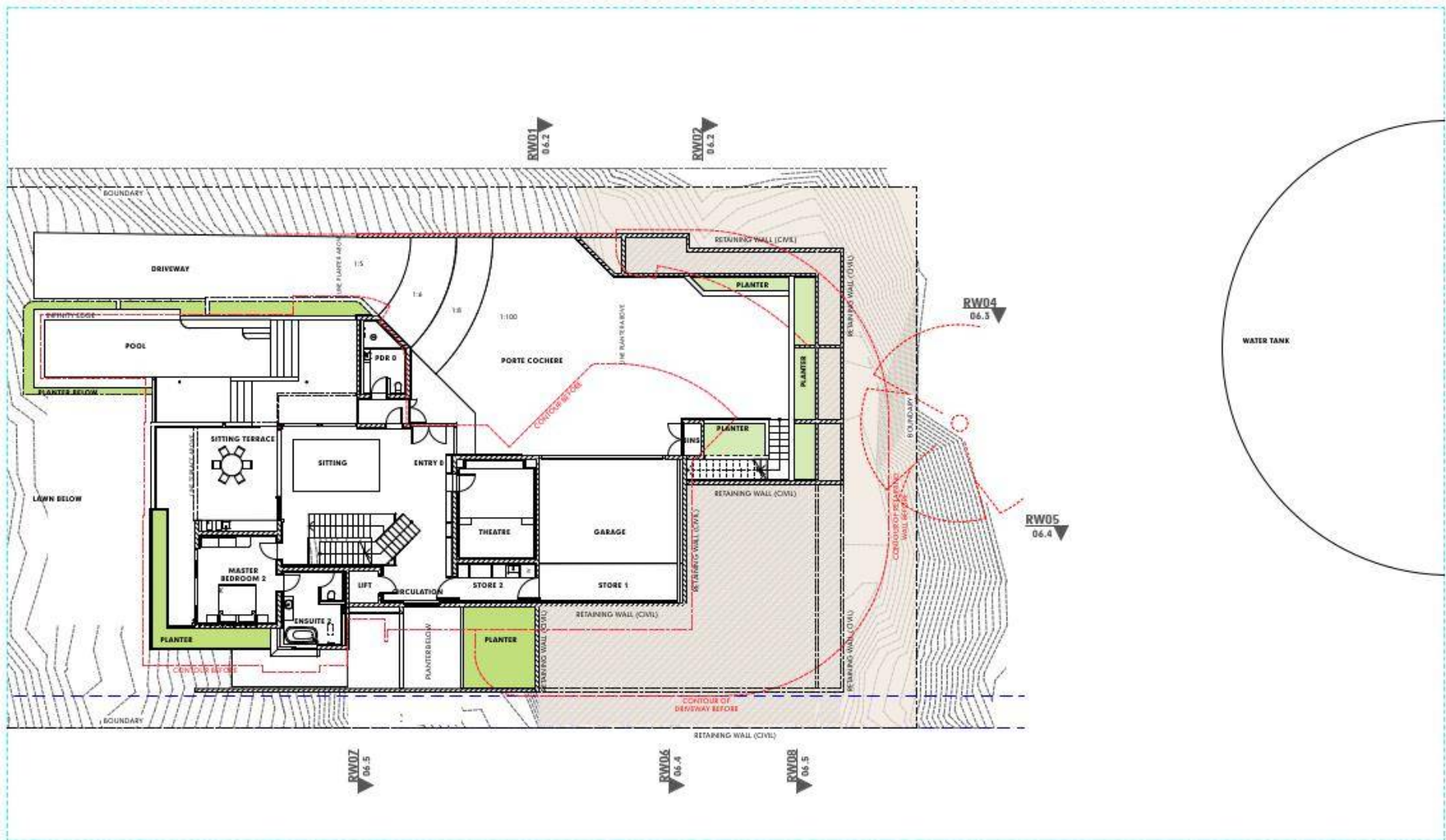
**DEVELOPMENT APPLICATION**  
**ELEVATIONS**

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**DEVELOPMENT APPLICATION**  
**PROJECT NO. MURPHY001**  
**DRAWING NO. 05.1**  
**REVISION NO. 01**  
**DATE 22/11/22**

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**DESIGN**





**REAR RETAINING WALLS - SITE PLAN**  
SCALE: 1:100

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

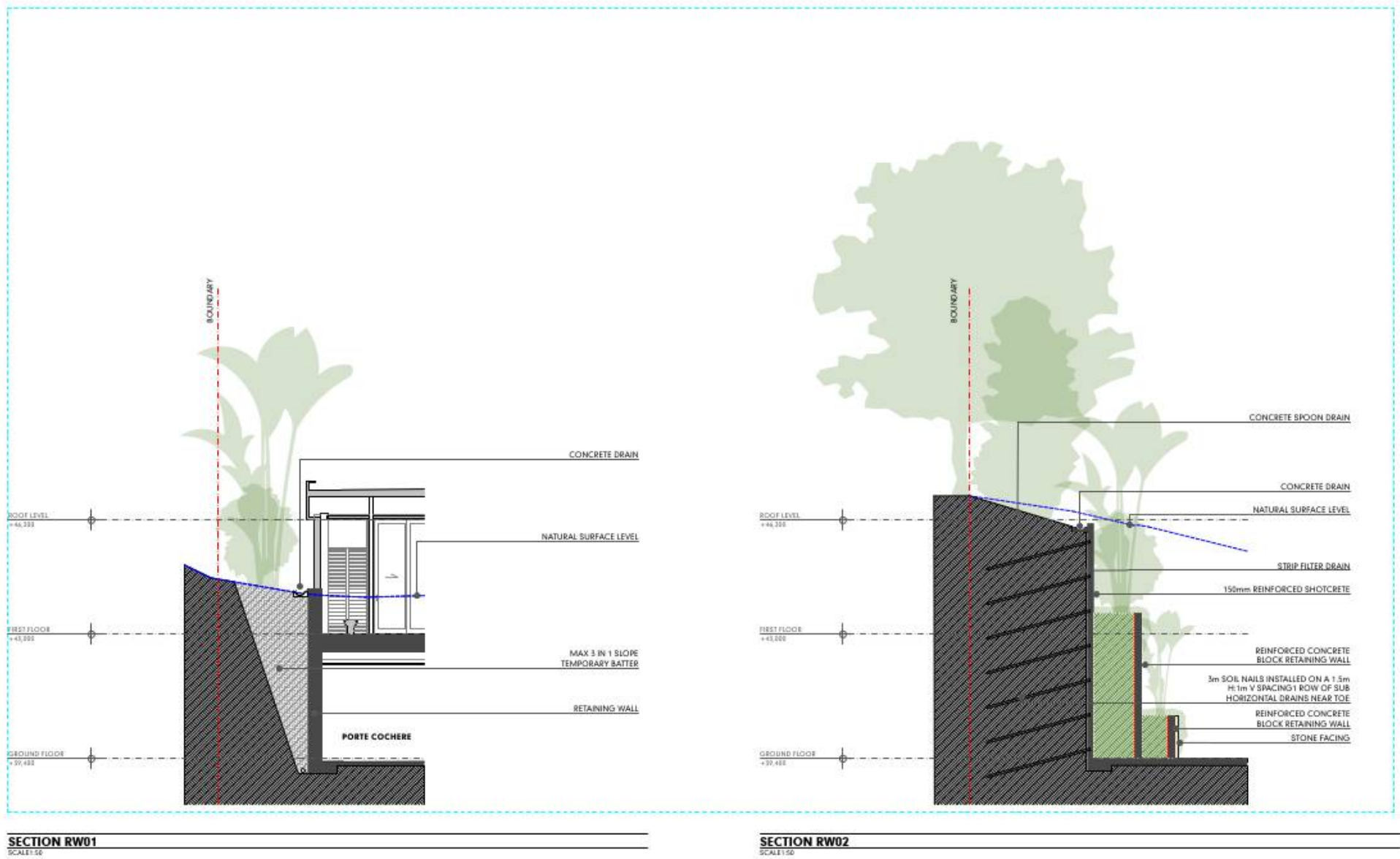
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**REAR RETAINING WALLS - SITE PLAN**

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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 06.1  
REVISION NO. 01  
DATE 22/11/22



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DESIGN



PLANTS AT MATURE HEIGHT

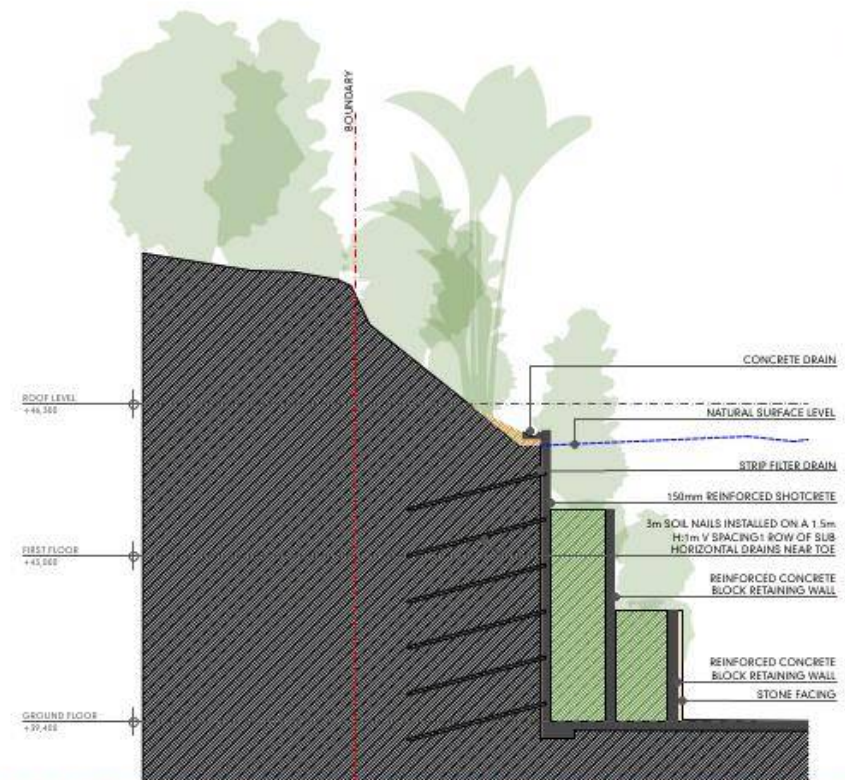
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**REAR RETAINING WALLS - SECTIONS**  
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**DEVELOPMENT APPLICATION**  
PROJECT NO. MURPHY001  
DRAWING NO. 06.2  
REVISION NO. 01  
DATE 22/11/22

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DESIGN





SECTION RW04  
SCALE 1:50

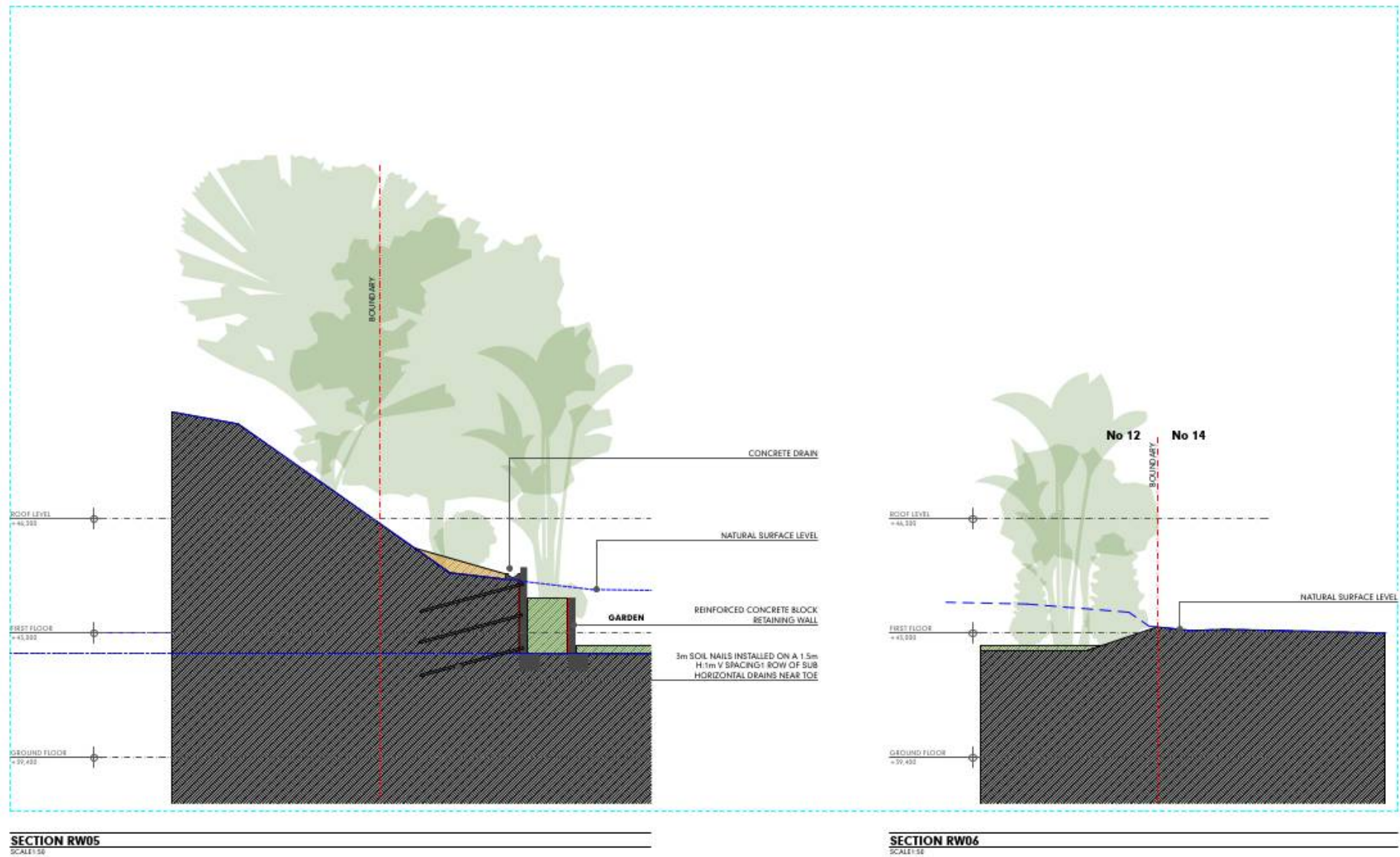
PLANTS AT MATURE HEIGHT

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
REAR RETAINING WALLS - SECTIONS  
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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 06.5  
REVISION NO. 01  
DATE 22/11/22

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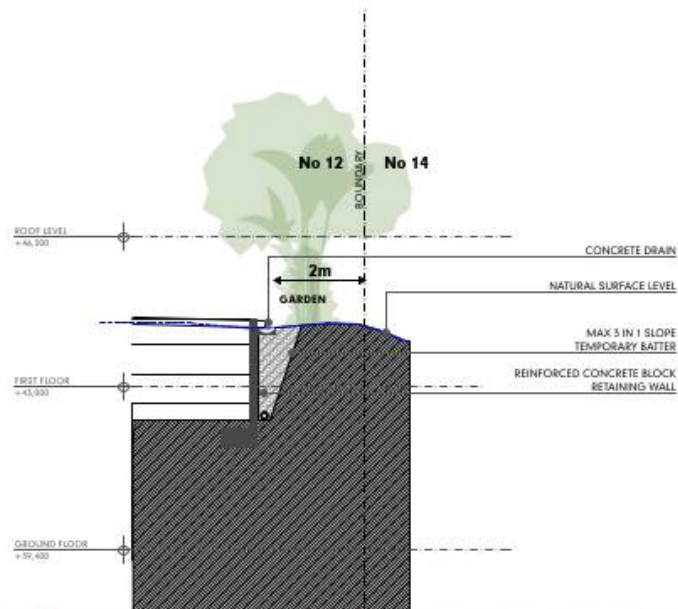
PLANTS AT MATURE HEIGHT

**MURPHY STREET RESIDENCE**  
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 FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
 REAR RETAINING WALLS - SECTIONS  
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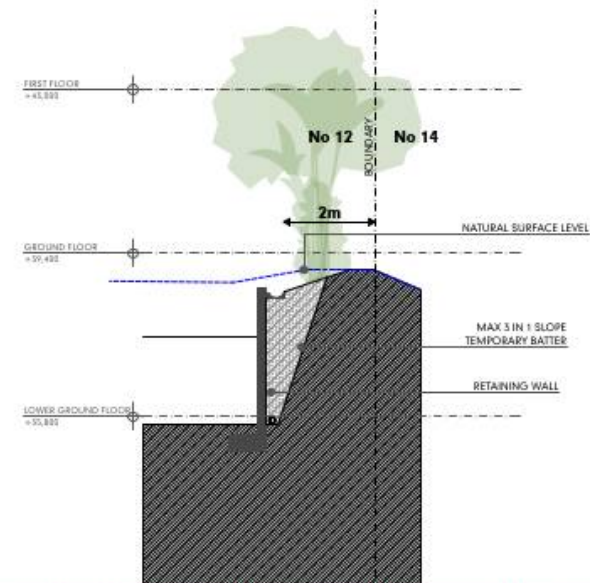
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 PROJECT NO. MURPHY001  
 DRAWING NO. 06.4  
 REVISION NO. 01  
 DATE 22/11/22

**HUNT**  
 DESIGN



SECTION RW07

SCALE 1:50



SECTION RW08

SCALE 1:50

PLANTS AT MATURE HEIGHT

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

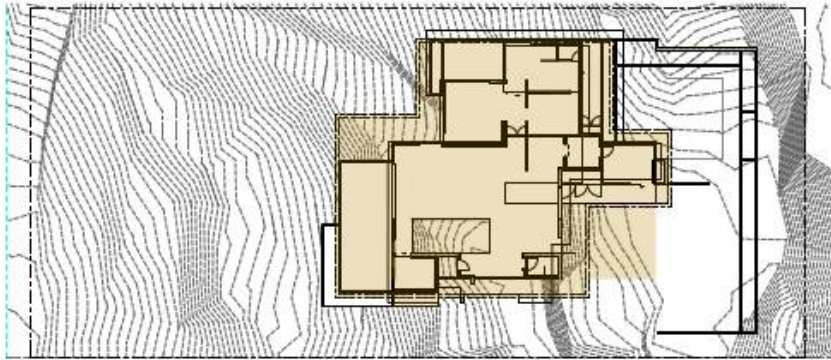
DEVELOPMENT APPLICATION  
REAR RETAINING WALLS - SECTIONS

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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 04.5  
REVISION NO. 01  
DATE 22/11/22

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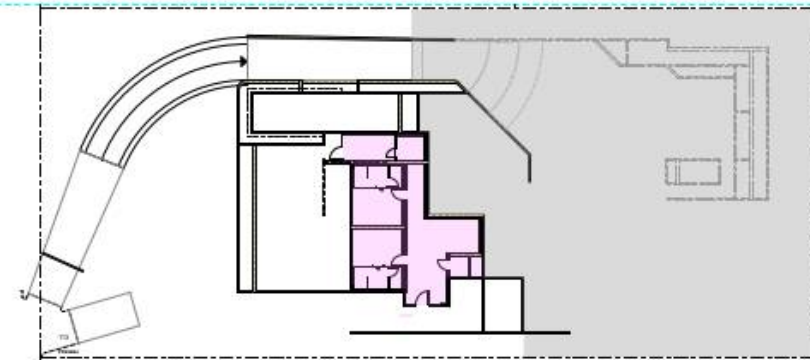


**SITE COVERAGE**  
SCALE: 1:200

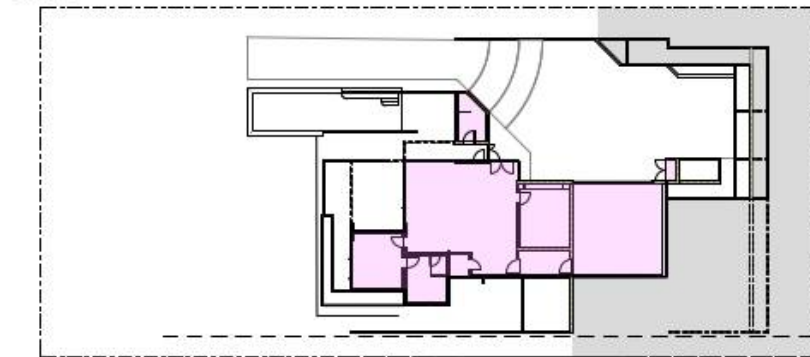
SITE AREA	
	AREA (m <sup>2</sup> )
SITE	2,023

COVERED AREA	
	AREA (m <sup>2</sup> )
COVERED	549

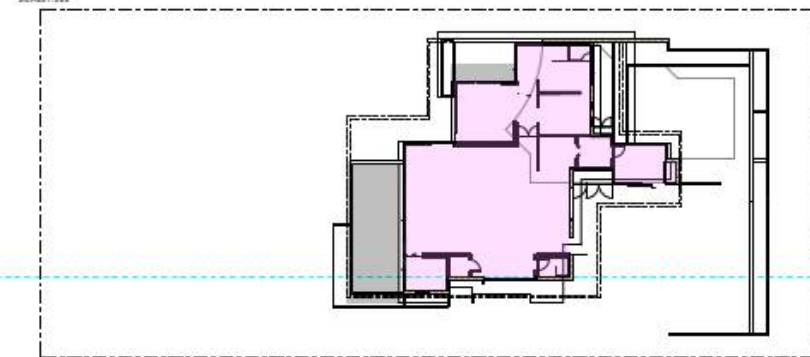
GROSS FLOOR AREA (GFA)	
STORY	AREA (m <sup>2</sup> )
LOWER GROUND FLOOR	116
GROUND FLOOR	232
FIRST FLOOR	274
	622 m <sup>2</sup>



**LOWER GROUND FLOOR - GFA**  
SCALE: 1:200



**GROUND FLOOR - GFA**  
SCALE: 1:200



**FIRST FLOOR - GFA**  
SCALE: 1:200

**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

**DEVELOPMENT APPLICATION**  
**AREA CALCULATION**

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DEVELOPMENT APPLICATION  
PROJECT NO. MURPHY001  
DRAWING NO. 08.1  
REVISION NO. 01  
DATE 22/11/22

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DESIGN



## Reasons for Decision

1. The reasons for this decision are:
  - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
  - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
  - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
  - a. the development application was properly lodged to the Douglas Shire Council 9/12/22 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
  - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
  - a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
  - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
  - c. the applicant's reasons have been considered and the following findings are made:
    - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Planning Act 2016  
Chapter 3 Development assessment

[s 74]

---

## **Division 2                    Changing development approvals**

### **Subdivision 1            Changes during appeal period**

#### **74        What this subdivision is about**

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### **75        Making change representations**

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
  - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
- (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and



- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.



- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

28 July 2023

**Enquiries:** Neil Beck  
**Our Ref:** OP 2023\_5234/1 (1169419)  
**Your Ref:**

K P Cullen & N G Biddle  
C/- EDGE Consulting Engineers  
Level 1, 28 Balaclava St  
WOOLLOONGABBA QLD 4102

Dear Sir

**Development Application for Operational Works (Earthworks)  
At 12 Murphy Street PORT DOUGLAS  
On Land Described as LOT: 113 TYP: PTD PLN: 2094**

Please find attached the Decision Notice for the above-mentioned development application.

Please quote Council's application number: OP 2023\_5234/1 in all subsequent correspondence relating to this development application.

Also find attached a 'Pre-Start' meeting template, which identifies the information that must be provided for Council approval, prior to the commencement of works.

The template also provides the Consulting Engineer with a format for conducting the meeting. An invitation to attend the meeting must be sent to Council's representative Neil Beck on telephone number 07 4099 9451, giving at least five (5) working days notification if possible.

In addition to the Decision Notice, Council provides the following 'Advice Statement' which relates to issues that are relevant to the proposed works:

1. The Consulting Engineer is to present all contractors with a copy of this Decision Notice and the Council approved plans, prior to the commencement of works.

Should you require any clarification regarding this, please contact Neil Beck on telephone 07 4099 9451.

Yours faithfully



**For**  
**Paul Hoyer**  
**Manager Environment & Planning**

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
- Advice For Making Representations and Appeals (Decision Notice)



## Decision Notice

### Approval (with conditions)

*Given under s 63 of the Planning Act 2016*

#### Applicant Details

Name: K P Cullen & N G Biddle  
Postal Address: C/- EDGE Consulting Engineers  
Level 1, 28 Balaclava St  
WOOLLOONGABBA QLD 4102  
Email: civiladmin@edgece.com

#### Property Details

Street Address: 12 Murphy Street PORT DOUGLAS  
Real Property Description: LOT: 113 TYP: PTD PLN: 2094  
Local Government Area: Douglas Shire Council

#### Details of Proposed Development

Development Permit for Operational Works (Earthworks)

#### Decision

Date of Decision: 5 July 2023  
Decision Details: Approved (subject to conditions)

#### Approved Drawing(s) and/or Document(s)

Copies of the following plans, specifications and/or drawings are enclosed.

Drawing No.	Title	Revision
C001	COVER SHEET	P5
C002	CONSTRUCTION NOTES	P5
C101	EROSION & SEDIMENT CONTROL PLAN	P6
C201	BULK EARTHWORKS PLAN SHEET 1	P6
C202	BULK EARTHWORKS PLAN SHEET 2	P6



C231	BULK EARTHWORKS SECTIONS SHEET 1	P5
C232	BULK EARTHWORKS SECTIONS SHEET 2	P5
C301	STORMWATER & SITE GRADING PLAN SHEET 1	P6
C302	STORMWATER & SITE GRADING PLAN SHEET 2	P6
C331	DRIVEWAY LONGTIDUNAL SECTIONS	P4
C332	DRIVEWAY CROSS SECTIONS	P3
C341	STORMWATER LONGTIDUNAL SECTIONS	P6
C601	WATER RETICULATION PLAN	P6
C701	SEWER RETICULATION PLAN	P6

## EROSION AND SEDIMENT CONTROL DRAWINGS

The following drawings must form the basis of the contractor's Erosion and Sediment Control Plan in accordance with the *FNQROC Development Manual*, Clause CP1.06.

Drawing Description	No	Rev
EROSION AND SEDIMENT CONTROL PLAN	C101	P6

**Note** – The plans referenced above may require amending in order to comply with conditions of this Decision Notice.

## Assessment Manager Conditions & Advices

### 1. General

- a. Where the conditions require amendments to the drawings, the revised drawings must be submitted "for construction" and must be certified as approved by a registered professional engineer of Queensland (RPEQ).
- b. Materials shall be in accordance with the provisions of the FNQROC Development Manual. Where alternative materials are proposed details are to be provided to Council for consideration and approval prior to incorporation into the works.

This information must be provided prior to the pre-start meeting (or such other timeframe agreed with Council) and the elements are not approved unless confirmed by Council in writing.

### 2. Earthworks

- a. The applicant is to ensure that any earthworks undertaken as part of the works maintains a free draining surface with no ponding of standing water resulting. Any amendments proposed to the finished surface profiles are to be identified and reported to Council prior to being undertaken.
- b. The applicant is to ensure that all earthworks are undertaken under supervision of the project geotechnical consultant and that the site remains stable and safe

at all times.

### **3. Vegetation Retention**

- a. Provide an arborist report and recommendation on the measures required to maximise the viability of the trees downslope from the driveway where in close proximity to the proposed retaining wall and associated footing. This should include confirming that the structural root zone is not impacted, and any specific construction measures required within the Tree Protection Zone, including nominating compaction techniques and limits on machine size.

The Applicant must provide an overlay of the trees on the driveway civil design plans. The overlay must include the (SRZ) and tree protection zone (TPZ) for each tree with appropriate annotations. Reference to AS4970 is made with respect to construction clearances to retained trees civil plans.

- b. The Applicant is to advise the measures that will be employed to protect and conserve all trees in the batter.

In addition, the Applicant is to confirm that a suitably qualified arborist, has reviewed the proposed works and clearances to the retained trees and provides confirmation that the operational works proposed within the tree protection zone (TPZ) of any retained trees can be undertaken without significant risk of loss of the tree. Such confirmation must confirm that no works are occurring within the structural root zone (SRZ) and that the amount of impact is consistent with the best practice standards and AS4970.

### **4. Stormwater**

- a. Provide amended stormwater design plans for complying with the maximum pipe grades nominated in the Queensland Urban Drainage Manual (QUDM) Table 7.12.1.

The amended plans required under this condition must be submitted prior to the pre-start meeting for Operational works and must be approved by Council prior to any works occurring on stormwater elements.

- b. Prior to the prestart meeting, the applicant is to provide additional drainage calculations to demonstrate capacity and ability for the proposed swale drains to accommodate stormwater flows up to 1% AEP stormwater events in accordance with FNQROC Development Manual D4.12 and Queensland Urban Drainage Manual (QUDM).

The information must include internal and external contributing catchment boundaries and associated stormwater calculations for the perimeter swale drains. In the event that the drainage calculations require changes to the drain profiles, these will need to be updated on amended drawings provided to Council and approved prior to construction of drainage elements on site.

### **5. Water Supply and Sewerage**

- a. The applicant is to provide updated designs for water supply and sewerage to connect the lots to Council's network. The design requirements within the driveway are nominated in conditions of this approval.

### **6. Retaining Walls**

Prior to the prestart meeting, the applicant must provide updated drawings detailing the clearances between the stormwater pipe and proposed retaining wall/footing at the southern end of the shared driveway access shown on Edge Drawing C302.

The retaining wall appears to encroach on the existing stormwater alignment. FNQROC Development Manual D2.13 is referenced which requires that the minimum horizontal clearances between adjacent services and retaining wall structures.

The Applicant is to provide additional details on amended plans to demonstrate that retaining walls are designed in accordance with FNQROC Development Manual D2.13 and Australian Standard 4678 (AS4678).

The amended Drawings must be approved by Council prior to driveway works commencing on site. The works must be constructed in accordance with the approved drawings prior to the application for Works Acceptance.

7. The retaining wall extent shown on the lefthand side of the internal driveway MC02 must not commence before Chainage 10m. The interface back to the current access track formation must be completed with a batter of maximum slope 1v in 10h within the Murphy Street road reserve.

Updated drawings detailing the above changes must be provided prior to the prestart meeting.

8. All geotechnical works relating to the shotcrete walls and earthworks batters identified must be supervised by the geotechnical consultant to ensure that the site works are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines.
9. The supervising geotechnical assessment must provide a final geotechnical report confirming that the constructed works comply with the approved designs. The final report must be endorsed by the Chief Executive Officer prior to Works Acceptance and commencement of building works.

The geotechnical report must include designs and treatments for the site for temporary works and for the staging of construction. The temporary works are to be certified by a suitably qualified RPEQ.

10. As-constructed details of the geotechnical shotcrete wall solution are to be provided to Council and records must be kept by the applicant/land owner. Certification from the RPEQ that the works have been undertaken in accordance with the approved plans and recommendations of the geotechnical investigation and compliance with these conditions is required prior to the Commencement of Use.

Where the proposed temporary or permanent geotechnical design solution requires soil nails, the extent of the nails must not extend beyond the property boundary without written consent from the adjacent landowner. The design must fully disclose the extent, depth, and potential impact on future development of adjoining land so that the owner provides informed consent to any encroachment.

## **11. External Driveway**

The water and Sewer design within Murphy Street must be extended from the bottom of the driveway to the entry point to each of Lots 12 and 14 Murphy Street to ensure that no future works impact the driveway. Stubs for Water and Sewer are to be extended beyond the north west driveway extent for adjacent lots.

In particular;

1. The sewer must be constructed as a 150mm gravity sewer with manholes or maintenance shafts at changes in direction;
2. The sewer must be provided with a manhole within the Murphy Street Road reserve north west from the proposed driveway extent;
3. Property connection branches for Lot 12 and 14 Murphy Street are to be provided within each lot beyond the driveway extent;
4. A 100mm Water main is to be constructed within the driveway footprint with property services provided to Lots 12 and 14 Murphy Street;
5. The water main must be provided with a hydrant within the Murphy Street Road reserve north west from the proposed driveway extent.

Updated plans must be provided for the driveway showing the integrated design for the water and sewerage services and the offsets and clearances to the Stormwater, power and communications services.

The amended plans required under this condition must be submitted prior to the pre-start meeting for Operational works and must be approved by Council prior to any works occurring within the Murphy Street Road reserve. The works must be constructed in accordance with the approved drawings prior to the application for Works Acceptance.

12. Prior to the prestart meeting, the Contractor must provide construction methodology for earthworks on site.

The methodology must include details on staging and construction sequencing of deep excavation and supporting shotcrete walls along the north and western property boundary. In particular, the stabilisation of the upper sections prior to the full excavation of the batter profile, and the maximum height proposed of unsupported batters.

In addition, the applicant is requested to advise the volume of earthworks to be removed from site and the traffic management plan to address truck numbers and conflicts within Murphy Street road carriageway and in the site access driveway.

The Contractors management plan must identify the proposed haul routes, vehicle numbers and expected work times. Assessment of safe traffic conditions and allowable turn movements at intersections must be part of the management plan for the works.

Details must include how truck movements will be managed safely and with minimal disruption to road traffic including restriction on work in peak hours where appropriate.

The construction methodology must be approved by Council prior to earthworks commencing on site.

### **13. Haul Route**



Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road haulage route(s) from the site to the approved disposal site(s). The report is to identify relevant existing defects or problems with the roadway along the identified route. On completion of the works, the haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred. Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

#### **14. Miscellaneous**

- a. Prior to the pre-start meeting, the applicant must provide construction methodology, management plans, and condition surveys and must confirm the engagement and scope of the project geotechnical supervisor. No works will be permitted to commence on site until approval of these elements is provided by Council in writing.
- b. CCTV inspections are to be reviewed by the supervising engineer and the Engineering Report and Certification by an RPEQ provided to Council prior to Works Acceptance as required under FNQROC Development Manual CP1.25 Project Documentation.

#### **15. Landscape Plans**

Provide revised Landscape Plans for the site that account for the amendment to the house design as detailed in the development approval for the minor change dated 12 December 2022 and reflects the extent of works as detailed in this approval. The landscape plans must be submitted and endorsed by the Chief Executive Officer.

All approved landscaping works taking place external to the site must be installed in accordance with endorsed landscape plans prior to Works Acceptance. The balance of approved landscaping works taking place internal to the site must be established prior to the commencement of use.

#### **Further Development Permits**

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Please be advised that the following development permits are required to be obtained before the development can be carried out:

- All Building Work

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2018*.

#### **Concurrence Agency Response**

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Not Applicable

#### **Currency Period for the Approval**

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This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

## **Rights to make Representations & Rights of Appeal**

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The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions are attached.

12 MURPHY STREET RESIDENCE  
LOT113 PTD2094 MURPHY STREET, PORT DOUGLAS QLD 4877

[illegible]

## GENERAL NOTES

- ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM
- ALL SERVICE ADJUSTMENTS SHALL BE NOTED IN WRITING SEVEN DAYS PRIOR TO COMMENCEMENT OF WORK.
- TEMP TO BE RE-ESTABLISHED BY THE LICENSED SUPERVISOR IF FOUND TO BE MISSING AT THE COMMENCEMENT OF CONSTRUCTION THE CONTRACTOR WILL BE RESPONSIBLE FOR CARE AND MAINTENANCE OF THIS THEREAFTER.
- ALL EXISTING SURFACE LEVELS SHOWN ON THE ENGINEERING DRAWINGS HAVE BEEN RECORDED FROM 20 SURVEY AND LOCAL TERRAIN MODEL. THESE LEVELS HAVE BEEN USED AS THE BASIS FOR ALL ENGINEERING DESIGN AND DETERMINATION OF QUANTITIES. CONTRACTOR TO ENSURE WORKS FOLLOW DESIGN INTENT. CONTRACTOR TO ADVISE SUPERINTENDENT OF MAJOR DISCREPANCIES.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING APPROVAL OF THE TRAFFIC MANAGEMENT PLAN FROM COUNCIL AT LEAST 7 DAYS PRIOR TO WORKS COMMENCING OR EARLIER IF REQUIRED. THE TRAFFIC MANAGEMENT PLAN AND TRAFFIC CONTROL PLAN INCLUDING ANY ACCESS REQUIREMENTS SHALL BE APPROVED BY THE COORDINATING ROAD AUTHORITY APPROPRIATE TO THE PROJECT.
- THE CONTRACTOR IS REQUIRED TO CONFORM CONSTRUCTION VEHICLES TO THE INTERNAL ROAD RESERVE AND CARPARK. ANY DAMAGE CAUSED TO EXISTING KERB, CHANNEL OR FOOTPATHS MUST BE MADE GOOD.
- INSTALL ALL VEGETATION PROTECTION, EROSION AND SEDIMENT CONTROL, AND SITE-SPECIFIC MEASURE PRIOR TO COMMENCEMENT OF ANY WORK.
- ANY BUILDINGS, TROUSERS, FENCES AND OTHER STRUCTURES ON SITE ARE TO BE REMOVED AS DIRECTED BY THE ENGINEER. THE COST OF REMOVAL IS TO BE INCLUDED IN THE OVERALL EARTHWORKS FIGURE UNLESS A SPECIFIC ITEM FOR REMOVAL IS DETECTED IN THE SCHEDULE.
- THE CONTRACTOR SHALL VERIFY THE LOCATION OF EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF WORK. ALL EXISTING SERVICES AND STRUCTURES ARE TO BE MAINTAINED IN GOOD ORDER FOR THE DURATION OF THE CONTRACT. ANY COSTS ASSOCIATED WITH REPAIRING DAMAGE TO EXISTING SERVICES SHALL BE BORNE BY THE CONTRACTOR.
- THE SITE OF THE PROPOSED WORKS SHALL BE CLEARED OF ALL UNDERSIDE WATER. THIS SHALL INCLUDE DEAD TREES, TRUNKS, BRANCHES, GRASS, OLD FOUNDATIONS, CONCRETE, REDUNDANT BUILDING MATERIALS, GARBAGE, DEBRIS AND OTHER OBSTRUCTIONS VIOLES LEFT BY THE REMOVAL OF MATERIAL. SHALL BE FILLED WITH APPROVED COMPACTED MATERIAL.
- CLEARED MATERIAL AND EARTHWORKS SPILL SHALL BE REMOVED FROM SITE OR STOCKPILED IF MATERIAL IS TO BE PLACED ON ANY RESERVE OR COMMON PROPERTY UNLESS OTHERWISE DIRECTED BY THE SITE ENGINEER OR SUPERINTENDENT.
- TOPSOIL SHALL BE STRIPPED AND STOCKPILED PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS OPERATION. TOPSOIL IS TO BE REAPPLIED TO LANDSCAPE AREAS AFTER CIVIL WORKS ARE COMPLETE SURPLUS TOPSOIL TO BE REMOVED FROM SITE.
- ALL BATTERS SHALL BE 1:4 UNLESS OTHERWISE SHOWN.
- THE LOCATION OF EXISTING SERVICES SHOWN ON THESE PLANS SHALL BE PROVEN ON SITE. THE APPROPRIATE AUTHORITY SHALL BE CONTACTED AND THE SERVICES LOCATED PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- BUILD EARTHWORKS LEVELS AT BUILDING PLATFORMS ARE BASED ON PRELIMINARY FOUNDATION DESIGN. LEVELS TO SUIT FINAL DESIGN SHOULD BE CONFIRMED PRIOR TO FINAL TRIM OF BUILDING PLATFORMS.

## TREE PROTECTION NOTES

- THREE PROTECTION MEASURES (TP2 FENCE & GROUND PROTECTION) ARE TO BE INSTALLED IN ACCORDANCE WITH AS 4750-2000 PROTECTION OF TREES ON DEVELOPMENT SITES.
- WHERE TREES TO BE RETAINED HAVE A 15% ENCROACHMENT INTO THE TP2, THE FOLLOWING CONDITION APPLY:  
100mm DEPTH OF FOREST MULCH TO BE APPLIED TO TP2

## EARTHWORKS NOTES

- GENERAL EARTHWORKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEOTECHNICAL ENGINEER AND LOCAL REGIONAL COUNCIL.
- THE CONTRACTOR SHALL PREPARE THE SUBGRADE FOR PROOF ROLLING TO BE WITNESSED BY THE SUPERINTENDENT AND SITE ENGINEER. PROOF ROLLING SHALL BE CARRIED OUT BY FULLY LOADED WATER TRUCK OR SIMILAR CONSTRUCTION MACHINERY APPROVED BY THE SUPERINTENDENT.
- FILLING SHALL BE COMPACTED IN LAYERS TO A DENSITY NOT LESS THAN 80% OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH AS 1289 S111 (STANDARD COMPACTION). ROADWAY EARTHWORKS SHALL BE CARRIED OUT IN ACCORDANCE WITH QUEENSLAND DEPARTMENT OF MAIN ROADS SPECIFICATION MRS08 GENERAL EARTHWORKS.
- THE VOID BENEATH THE STEPPED SLAB IS TO BE FILLED WITH NON-REACTIVE FILL MATERIAL WITH A MAXIMUM SHRINK-SWELL INDEX NO GREATER THAN 1% PER A/F.

## EROSION AND SEDIMENT CONTROL NOTES

- ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH:
  - LOCAL AUTHORITY REQUIREMENTS
  - EPA - POLLUTION CONTROL MANUAL FOR URBAN STORMWATER
  - ICMA - BEST PRACTICE EROSION & SEDIMENT CONTROL
- EROSION AND SEDIMENT CONTROL DRAWINGS AND NOTES ARE PROVIDED FOR THE WHOLE OF THE WORKS. SHOULD THE CONTRACTOR STAGGER THESE WORKS THEN THE DESIGN MAY BE REQUIRED TO BE MODIFIED. VARIATION TO THESE DETAILS MAY REQUIRE APPROVAL BY THE RELEVANT AUTHORITIES. THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE IMPLEMENTED AND ADAPTED TO MEET THE VARYING SITUATIONS AS WORK ON SITE PROGRESSES.
- MAINTAIN ALL EROSION AND SEDIMENT CONTROL DEVICES TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY.
- WHERE STORMWATER PITS ARE CONSTRUCTED PREVENT SITE RUNOFF ENTERING THE PITS UNLESS SAT FENCES ARE DIRECTED TO THE DISTURBED SITES.
- MINIMIZE THE AREA OF SITS BEING DISTURBED AT ANY ONE TIME.
- PROTECT ALL STOCKPILES OF MATERIALS FROM SCOUR AND EROSION DO NOT STOCKPILE LOOSE MATERIAL IN ROADWAYS, NEAR DRAINAGE PITS OR IN WATERCOURSES.
- ALL SOIL AND WATER CONTROL MEASURES ARE TO BE PUT BACK IN PLACE AT THE END OF EACH WORKING DAY AND MODIFIED TO BEST SUIT SITE CONDITIONS.
- CONTROL WATER FROM UPSTREAM OF THE SITE SUCH THAT IT DOES NOT ENTER THE DISTURBED SITE.
- ALL CONSTRUCTION VEHICLES SHALL ENTER AND EXIT THE SITE VIA THE TEMPORARY CONSTRUCTION ENTRY/EXIT.
- ALL VEHICLES LEAVING THE SITE SHALL BE CLEANED AND INSPECTED BEFORE LEAVING.
- CLEAN OUT ALL EROSION AND SEDIMENT CONTROL DEVICES AFTER EACH STORM EVENT. AFTER EACH RUNOFF EVENT, INSPECT THE EROSION DAMAGE AT EARTH BUNDLES AND SEDIMENT FENCES IF DAMAGE HAS OCCURRED MAKE THE NECESSARY REPAIRS.
- CHECK ALL EMBANKMENTS FOR EXCESSIVE SETTLEMENT. SLUMPING OF THE SLOPES MAKE ALL NECESSARY REPAIRS.
- SEDIMENT FLOCCULATION IS REQUIRED PRIOR TO DISCHARGE OF ACCUMULATED RUNOFF ON SEDIMENT BASINS.

## APPLICATION

- GENERALLY, GYPHUM IS MIXED INTO SLURRY WITH WATER AND THEN SPRAYED OVER THE FENCED WATER. ALTERNATE FLOCCULANTS SHOULD BE APPLIED FOR MANUFACTURER GUIDELINES. IT IS ESSENTIAL THAT THE FLOCCULATING AGENT IS SPREAD EVENLY OVER THE ENTIRE SURFACE FOR PROPER TREATMENT OF WATER UNLESS LOCAL EXPERIENCE OR OTHER CRITERIA SUGGEST DIFFERENTLY.
- STANDARD BASIN FLOCCULATION RATES FOR GYPHUM GENERALLY VARY BETWEEN 20 KILOGRAMS PER 100 CUBIC METRES TO 70 KILOGRAMS PER 100 CUBIC METRES IN AREAS WHERE REPEATED HIGH INTENSITY FLOODS ARE LIKELY. THE APPLICATION RATE MUST BE CALCULATED.
- SETTLEMENT TIME - NORMALLY, SUFFICIENT SEDIMENT WILL HAVE FLOCCULATED AND SETTLED WITHIN ABOUT 24 TO 48 HOURS IN THE CASE OF GYPHUM. HOWEVER, RESULTS MAY BE EVIDENT SOONER DEPENDING ON THE FLOCCULANT AGENT.

## WATER QUALITY TESTING

- A SUSPENDED SOLID CONTENT OF LESS THAN 30 MILLIGRAMS PER LITRE IS REQUIRED.
- TURBIDITY (NTU) VALUE NOT GREATER THAN 10 NTU PER THE ACID SULFATE SOILS MANAGEMENT PLAN.
- PH VALUE MUST BE IN THE RANGE 7.0 TO 8.0 PER THE ACID SULFATE SOILS MANAGEMENT PLAN.
- UPON THE FIRST DISCHARGES, OBTAIN SAMPLES AND TEST SAMPLES IN A LABORATORY TO ENSURE THAT THE SUSPENDED SOLID CONTENT, TURBIDITY AND PH ARE WITHIN ACCEPTABLE LEVELS. REGULAR SAMPLING OF THE DISCHARGED WATER SHOULD BE COMPLETED TO VERIFY COMPLIANCE WITH TSS, TURBIDITY AND PH DISCHARGE REQUIREMENTS.
- WATER QUALITY RESULTS ARE TO BE RECORDED WITHIN A WATER QUALITY TESTING REGISTER.

## WATER DISCHARGE

- DISCHARGE SHOULD BE ACHIEVED WITH A SYSTEM THAT PERMITS DRAINAGE OF THE BASIN IN LESS THAN 30 MINUTES.
- THE OUTFLOW MUST NOT CAUSE EROSION OR ADVERSELY AFFECT DOWNSTREAM ENVIRONMENTS.
- A MARKER PEG SHOULD BE INSTALLED IN THE BASIN TO CLEARLY IDENTIFY THE MAXIMUM SEDIMENT STORAGE LEVEL.
- SEDIMENT EXTRACTED FROM THE BASIN SHALL BE SUITABLY DISPOSED OF IN SEGMENT DUMPS OR MIXED WITH ON-SITE SOILS IN A MANNER THAT WILL NOT RESULT IN UNDESIRABLE SOIL EROSION OR SEDIMENT RUNOFF FROM THE SITE. OTHERWISE, THE SEDIMENT SHALL BE DRIED AND REMOVED FROM THE SITE.

## SEQUENCE OF WORKS

- PRIOR TO COMMENCEMENT OF EXCAVATION THE FOLLOWING SOIL MANAGEMENT DEVICES MUST BE INSTALLED:
  - CONSTRUCT SALT FENCES BELOW THE SITE AND ACROSS ALL POTENTIAL RUNOFF SITES
  - CONSTRUCT TEMPORARY CONSTRUCTION ENTRY EXIT AND INVERT RUNOFF TO SUITABLE CONTROL SYSTEM
  - CONSTRUCT MEASURES TO DIVERT UPSTREAM FLOWS INTO EXISTING STORMWATER SYSTEM
  - CONSTRUCT SEDIMENTATION TRAPS BASIN INCLUDING OUTLET CONTROL AND OVERFLOW

PROVIDE SAND/SILT SEDIMENT TRAPS UPSTREAM OF EXISTING PITS.

## ROADWORKS

- ALL DIMENSIONS AND SETOUT ARE TO TOP OF KERB UNLESS NOTED.
- LEVELS ARE TO FACE OF KERB/SLIP OF KERB/ROAD AND CHANNEL UNLESS NOTED.
- PAVEMENT SETOUT SHOWN ON THE DRAWINGS ARE NOMINAL ONLY AND SHALL BE DETERMINED AFTER INSPECTION AND TESTING OF SUBGRADE. THE CONTRACTOR SHALL IN ALL CASES OBTAIN PARTICULARS OF THE PAVEMENT THICKNESS BEFORE PROCEEDING WITH THE FORMATION OF THE ROAD BOX. CBR TESTING SHALL BE UNDERTAKEN AT 50m INTERVALS ALONG THE PAVEMENT AND ANY ADDITIONAL LOCATIONS DETERMINED BY THE GEOTECHNICAL ENGINEER SUPERINTENDENT SUPERVISING THE WORKS AND SHALL BE AT LEAST THE MINIMUM SPECIFIED IN THE PROJECT SPECIFICATION.
- PAVEMENT MATERIALS SHALL BE AS FOLLOWS:
  - ASPHALTIC CONCRETE TO AS 2150
  - BASE COURSE - OTHER TYPE 2.1, SOAKED CBR 8
  - SUBGRADE COURSE - OTHER TYPE 2.1, SOAKED CBR 4.5
  - SUBGRADE REPLACEMENT - OTHER TYPE 1.5, SOAKED CBR 15
- MINIMUM FINISHING COMPACTION TO BE AS FOLLOWS:
  - SUBGRADE AND BASE - 90% MODIFIED MAXIMUM DRY DENSITY TO AS1289S4.1
  - SUB-SOIL DRAINAGE SHALL BE INSTALLED UNDER ALL NEW KERB AND CHANNEL AND ROAD EDGES AND GRADED TO CONNECT WITH DRAINAGE INLET PITS AT A MINIMUM OF 0.5%.
- EARTHWORKS SUBGRADE SHALL BE COMPACTED TO 98% S.D.O STANDARD COMPACTION.
- GRAVEL PAVEMENT SHALL BE CRUSHED ROCK OR SOIL AGGREGATE MAKING A FOUR DAY CBR-SOAKED VALUE OF 80 AND COMPACTED TO 98% R.D.O MODIFIED COMPACTION.
- ASPHALT SURFACING SHALL BE 18% 30mm COMPACTED THICKNESS AND IN ACCORDANCE WITH DEPARTMENT OF TRANSPORT AND MAIN ROAD SPECIFICATIONS.
- SUBSOIL DRAIN SHALL BE IN ACCORDANCE WITH PWD640 STD SRS 50-140 AND 142.
- CONSTRUCTION OVER PIPES TO USE SUITABLE CONSTRUCTION/CONSTRUCTION PLANT TO ENSURE MAXIMUM STRUCTURAL CAPACITY OF PIPEWORK IS NOT EXCEEDED.
- ALL WORKS TO CONFORM TO LOCAL AUTHORITY STANDARDS UNLESS NOTED.
- ALL IMPORTED AND EXPORTED MATERIALS ARE TO BE TRANSPORTED ONLY ON ROUTES APPROVED BY THE LOCAL AUTHORITY.
- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THE SAFETY OF VEHICULAR AND PEDESTRIAN TRAFFIC DURING CONSTRUCTION.
- CONSTRUCTION TEST RESULTS AND TEST LOCATIONS FOR SUBGRADE SHALL BE SUBMITTED TO AND APPROVED BY THE ENGINEER PRIOR TO PLACING PAVEMENT MATERIALS.
- PROOF ROLL TESTS OF THE SUBGRADE ARE TO BE UNDERTAKEN TO IDENTIFY LOCALISED POOR GROUND TO BE REMOVED OR REWORKED PRIOR TO THE PLACING OF PAVEMENT MATERIAL.
- ALL LAYERS OF PAVEMENT WORKS AND EARTHWORKS ARE TO BE PROOF ROLLED AND TESTED AS PER THE SPECIFICATION AND TO THE APPROVAL OF THE SUPERINTENDENT.
- ALL CONSTRUCTION SHALL JOIN SMOOTHLY AND NEATLY TO EXISTING SURFACES AND STRUCTURES. TACTILE INDICATORS TO BE PROVIDED AT FRAM RAMPS WHERE THEY CONNECT WITH CONCRETE FOOTPATH.

## SIGNAGE AND UNIMARKING

- ALL WORKS TO BE IN ACCORDANCE WITH AS1742, AS2886 AND OTHER MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
- ALL UNIMARKING AND SIGNAGE TO BE IN ACCORDANCE WITH LOCAL COUNCIL'S UNIMARKING AND TRAFFIC MANUALS.

## CONCRETE

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH AS3600 UNLESS SHOWN OTHERWISE.
- CONCRETE SHALL HAVE A STRENGTH GRADE OF N20 UNLESS NOTED OTHERWISE.

- NOMINAL MAXIMUM AGGREGATE SIZE SHALL BE 20mm UNLESS NOTED OTHERWISE.
- CONCRETE SLUMP SHALL BE NOMINAL 80mm UNLESS NOTED OTHERWISE.
- ADJUSTMENTS SHALL NOT BE USED WITHOUT WRITTEN APPROVAL.
- ALL CONCRETE SURFACES SHALL BE CURED BY APPROVED MEANS FOR A MINIMUM CONTINUOUS DURATION OF 7 DAYS COMMENCING IMMEDIATELY AFTER THE INITIAL SET OF THE CONCRETE.
- CONCRETE COVER TO REINFORCEMENT INCLUDING FITTINGS SHALL BE 50mm UNLESS NOTED OTHERWISE.
- CONCRETE FACES AT CONSTRUCTION JOINTS SHALL BE THOROUGHLY SCABBLED, FREE OF LANTACE, CLEANED AND WETTED THOROUGHLY PRIOR TO THE PLACEMENT OF ABUTTING CONCRETE.
- CONSTRUCTION JOINTS WHERE NOT SHOWN ON THE DRAWINGS SHALL BE LOCATED TO THE APPROVAL OF THE SUPERINTENDENT.

## STORMWATER

- ALL PIPES LESS THAN OR EQUAL TO 250mm ARE TO BE SOLVENT WELD-JOINTED SEWER GRADE UPVC CLASS 3H OR MIN CLASS 2 RUBBER-RING JOINTED RCP (JRP).
- WHERE UPVC STORMWATER LINES PASS UNDER FLOOR SLABS SEWER GRADE RUBBER RING JOINTS ARE TO BE USED.
- WHERE GREATER THAN OR EQUAL TO 300mm ARE TO BE (MIN) CLASS 3 RUBBER RING JOINTED RCP (JRP).
- FRP PIPES EQUIVALENT TO THE STEEL REINFORCED CONCRETE PIPE CLASS SPECIFIED ON THE DRAWINGS MAY BE USED - OBTAIN SUPERINTENDENT'S APPROVAL.
- ALL PIPES ARE TO BE LAID AT (MIN) 1.0% GRADE (JRP).
- THE USE OF PRE-CAST STORMWATER DRAINAGE PITS IS NOT ACCEPTED WITHOUT CONFIRMATION BETWEEN EDGE CONSULTING ENGINEERS AND THE CONTRACTOR REGARDING QUALITY CONTROL, AND CERTIFICATION OF FINISHES.
- COVERS:
  - USE HOT DIPPED GALVANNEED COVERS AND GRATES COMPLYING WITH RELEVANT AUSTRALIAN AND COUNCIL STANDARDS
  - ALL COVERS AND GRATES TO BE POSITIONED IN A FRAME AND MANUFACTURE AS A UNIT
  - COVERS TO BE POSITIONED WITH THE TYPED SIDE COVER LIFTING KEYS
  - OBTAIN SUPERINTENDENT'S APPROVAL FOR THE USE OF CAST IRON SOLID COVERS AND GRATES. CAST IRON SOLID COVERS (IF APPROVED) TO CONSIST OF CROSS-WEBBED, CELLULAR CONSTRUCTION WITH THE RIBS UPWARDS TO ALLOW INFILLING WITH CONCRETE. INSTALL POSITIVE COVER LIFTING KEYS AND PLASTIC PLUGS
  - UNLESS DETAILED OR SPECIFIED OTHERWISE COVERS AND GRATES TO BE CLASS "C" IN VEHICULAR PAVEMENTS AND CLASS "B" ELSEWHERE
- ALL PIPE JUNCTIONS, ETC. ARE TO BE PROVIDED USING PURPOSE MADE FITTINGS OR STORMWATER SITS.
- ALL CONNECTIONS TO EXISTING DRAINAGE PITS SHALL BE MADE IN A TRADESMAN-LIKE MANNER AND THE INTERNAL WALL OF THE PIT AT PIPE PENETRATIONS SHALL BE CEMENT RENDERED TO ENSURE A SMOOTH FINISH.
- THE CONTRACTOR SHALL SUPPLY AND INSTALL ALL FITTINGS AND SPECIALS INCLUDING VARIOUS PIPE ADAPTERS TO ENSURE PROPER CONNECTION BETWEEN DISSIMILAR PIPEWORK.
- UNLESS MATERIAL USED FOR BEDDING OF PIPES SHALL BE APPROVED NON-COESIVE GRANULAR MATERIAL HAVING HIGH PERMEABILITY AND HIGH STABILITY WHEN SATURATED AND FREE OF ORGANIC AND CLAY MATERIAL.
- WHERE TRENCHES ARE IN ROCK, THE PIPE SHALL BE BEDDED ON A MIN. 50mm CONCRETE BED (OR 75mm THICK BED OF 15mm BLUE METAL) UNDER THE BARREL OF THE PIPE. THE PIPE COLLAR AT NO POINT SHALL BEAR ON THE ROCK.
- BEDDING SHALL BE (UN) TYPE 152 UNDER ROADS; NO GENERAL AREAS, IN ACCORDANCE WITH CURRENT RELEVANT INDUSTRY STANDARDS AND GUIDELINES.
- THE WEATHER PROOFING OF THE BUILDING IS THE ARCHITECT'S RESPONSIBILITY. THIS INCLUDES THE SPECIFICATION AND FINISH DETAILS OF CLADDING, SHEETING, FLASHING AND MEMBRANES.
- THE CONTRACTOR SHALL ENSURE AND PROTECT THE INTEGRITY OF ALL STORMWATER PIPES DURING CONSTRUCTION. ANY AND ALL DAMAGE TO THESE PIPES AS A RESULT OF THESE WORKS SHALL BE REPAIRED BY THE CONTRACTOR UNDER THE DIRECTION OF THE SUPERINTENDENT AND AT AN EXTRA COST.
- NOTE THAT THE PIT COVER LEVEL, NOMINATED IN GUTTERS ARE TO THE INVERT OF THE GUTTER WHICH ARE 40mm LOWER THAN THE PAVEMENT LEVEL AT UP OF GUTTER.
- 300mm SUB-SOIL DRAINAGE LINES WITH NON-WOVEN GEOTEXTILE SOCK SURROUND SHALL BE CONNECTED TO A STORMWATER DRAINAGE PIT (AT MIN. 1% LONGITUDINAL GRADE) AND PROVIDED IN THE FOLLOWING LOCATIONS:
  - THE HIGH SIDE OF PROPOSED TRAFFICED AND CARPARK PAVEMENT AREAS.
  - ALL PLANTER AND TREE BEDS PROPOSED ADJACENT TO PAVEMENT AREAS.
  - BEHIND RETAINING WALLS (IN ACCORDANCE WITH DRAWINGS)
  - ALL OTHER AREAS SHOWN ON THE DRAWINGS.
- THE CONTRACTOR SHALL INSTALL INSPECTION OPENINGS TO ALL SUBSOIL DRAINAGE LINES AND DOWNPIPE LINES AS SPECIFIED ON DRAWINGS. AT MAXIMUM 60m CENTERS AND AT ALL UPSTREAM ENDS/POINTS.
- WHERE SUBSOIL DRAINAGE LINES PASS UNDER FLOOR SLABS AND VEHICULAR PAVEMENTS SEALED UPVC SEWER GRADE PIPES SHALL BE USED.
- PROVIDE 3m LENGTH OF 150mm SUBSOIL DRAINAGE PIPE WRAPPED IN A NON-WOVEN GEOTEXTILE FABRIC TO THE UPSTREAM SIDE OF STORMWATER PITS. LAID IN STORMWATER PIPE TRENCHES AND CONNECTED TO THE DRAINAGE PIT.
- ALL RECTANGULAR HOLLOW SECTIONS (RHS) SPECIFIED AS STORMWATER CONDUITS TO BE HOT DIPPED GALVANNEED AND HAVE (MIN) 5mm WALL THICKNESS.

## TENDER NOTES

- THESE DRAWINGS ARE PRELIMINARY DRAWINGS ISSUED FOR TENDER AS AN INDICATION OF THE EXTENT OF WORKS ONLY. THEY ARE NOT A COMPLETE CONSTRUCTION SET OF DRAWINGS.
- TO DETERMINE THE FULL EXTENT OF WORKS, THESE DRAWINGS SHALL BE READ IN ACCORDANCE WITH THE ARCHITECTURAL DRAWINGS AND OTHER CONTRACT DOCUMENTS. ALLOW FOR ALL ITEMS SHOWN ON ARCHITECTURAL AND OTHER DRAWINGS AS NOT ALL ITEMS ARE SHOWN ON THE STRUCTURAL/CIVIL WORKS DRAWINGS.
- SHOULD ANY AMBIGUITY, ERROR, OMISSION, DISCREPANCY, INCONSISTENCY OR OTHER FAULT EXIST OR SEEM TO EXIST IN THE DOCUMENTS, IMMEDIATELY NOTIFY IN WRITING TO THE SUPERINTENDENT.
- RATES SHOWN ON THE DRAWINGS ARE FOR THE FINAL STRUCTURE/CIVIL WORKS IN PLACE AND DO NOT ALLOW FOR ANY WASTAGE, ROLLING MARGINS, OVER SUPPLY OR FABRICATION REQUIREMENTS.

RFPQ NAME: ERIN HOGAN

RFPQ No: 21411

DATE: 30.05.23

SIGN: 

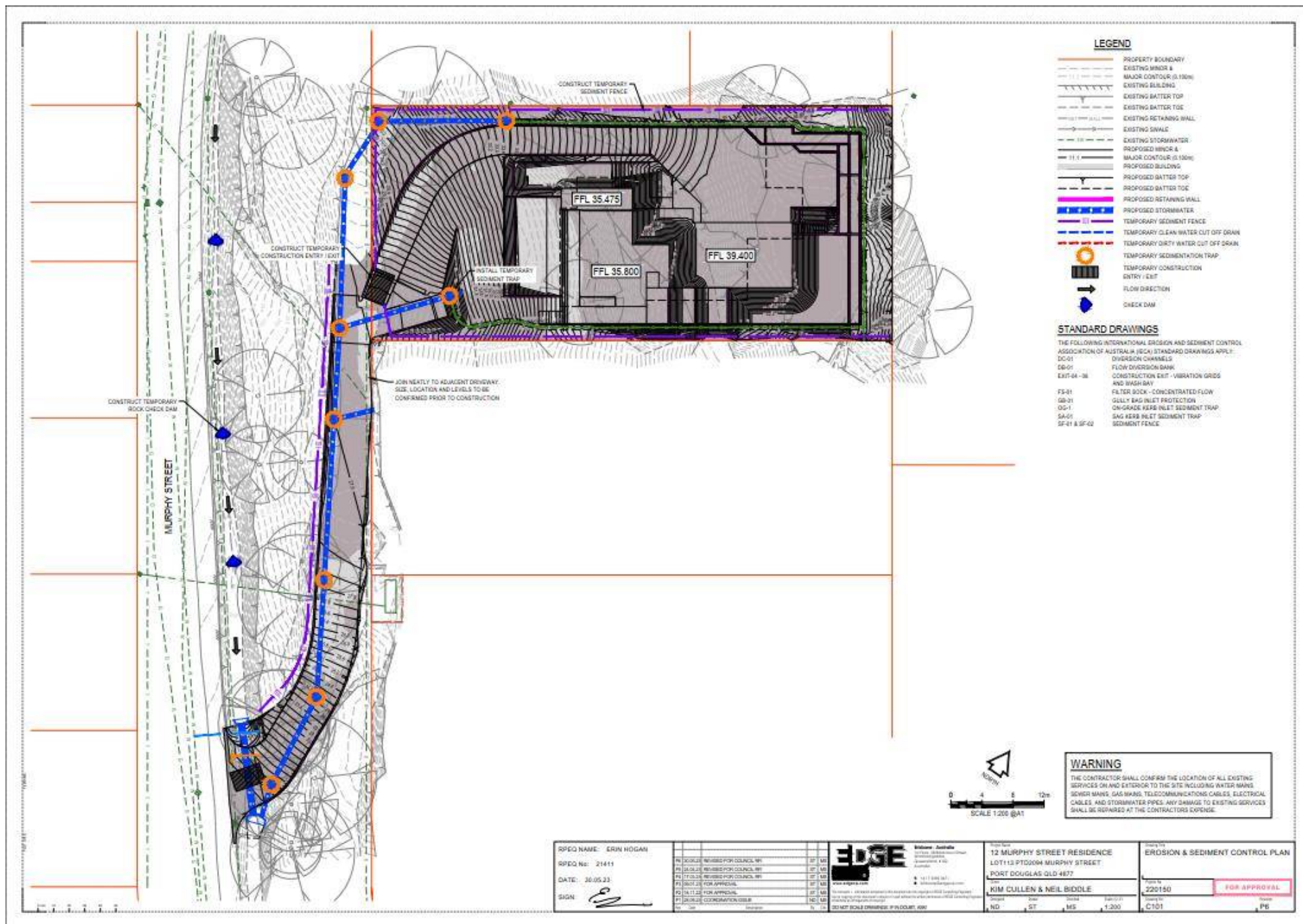
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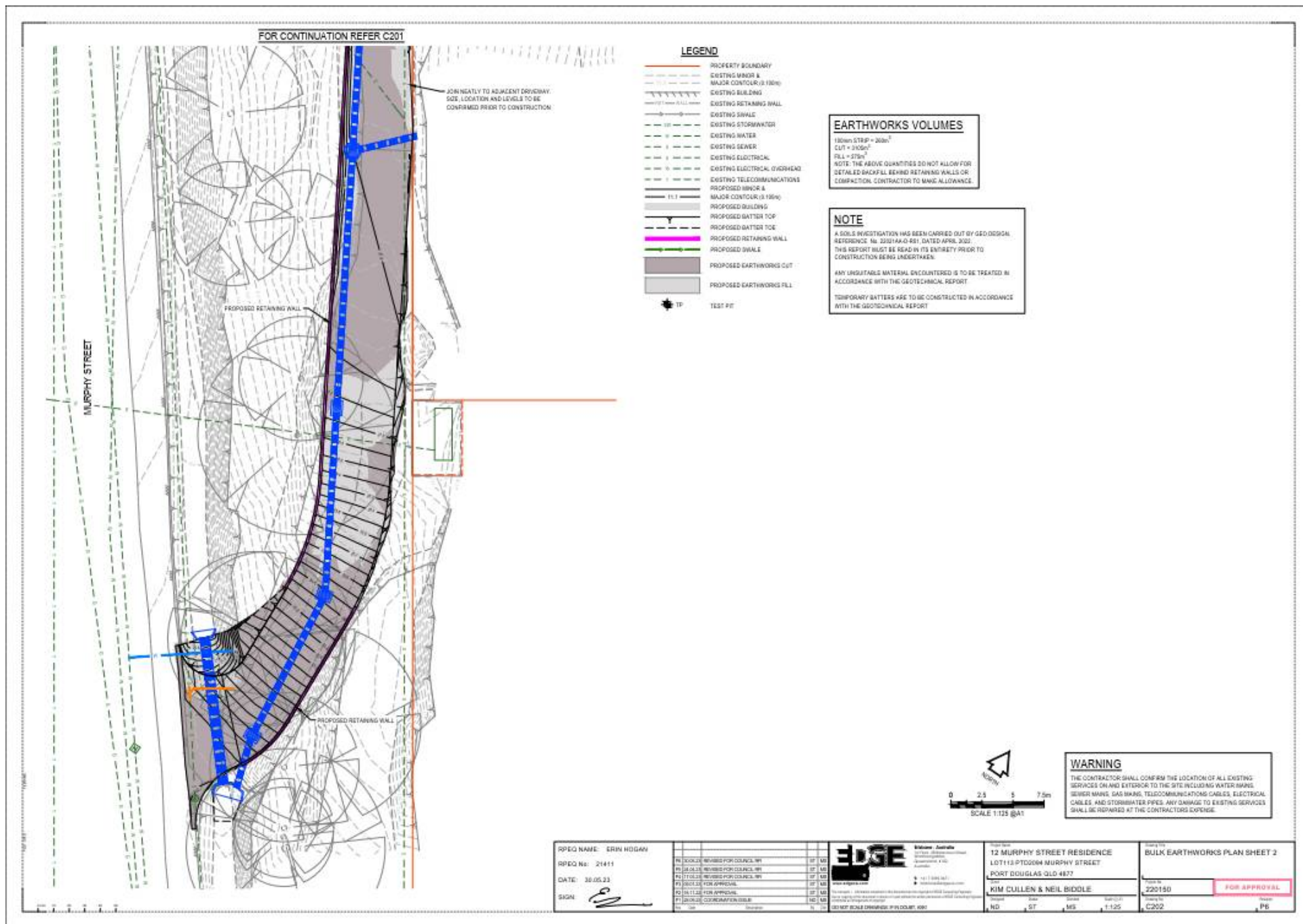
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Prepared by <b>KIM CULLEN &amp; NEIL BIDDLE</b>	Drawing No. <b>220150</b>
Date <b>ND</b>	Date <b>ST</b>
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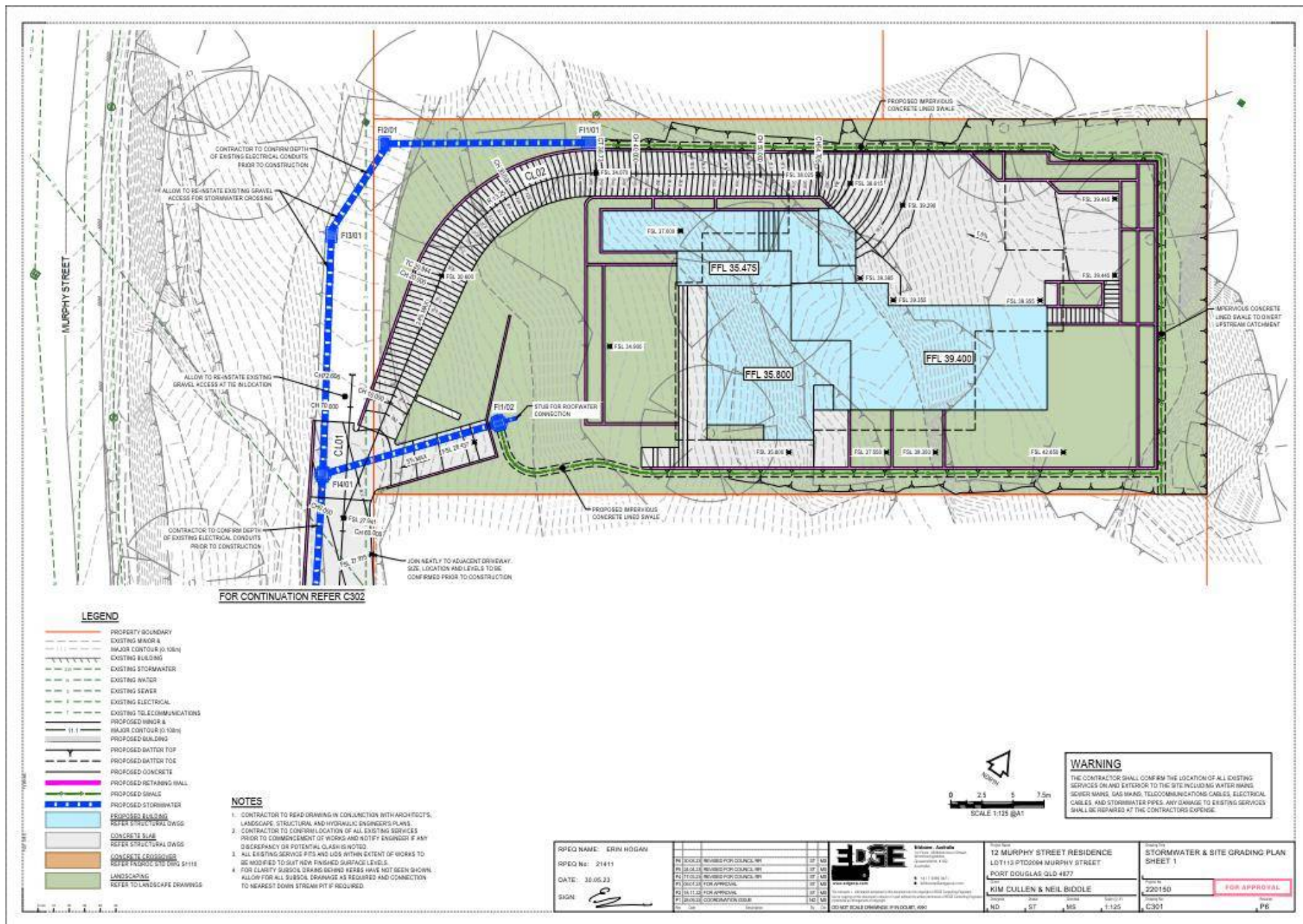








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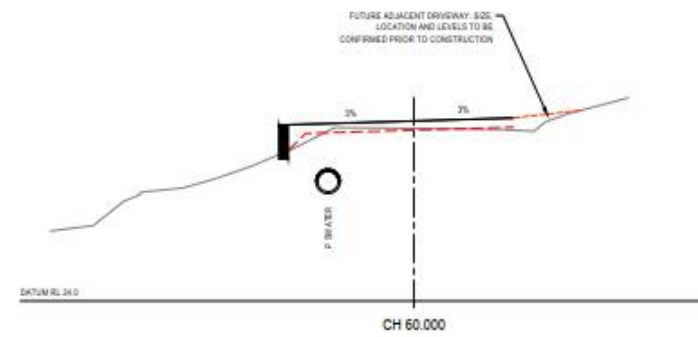
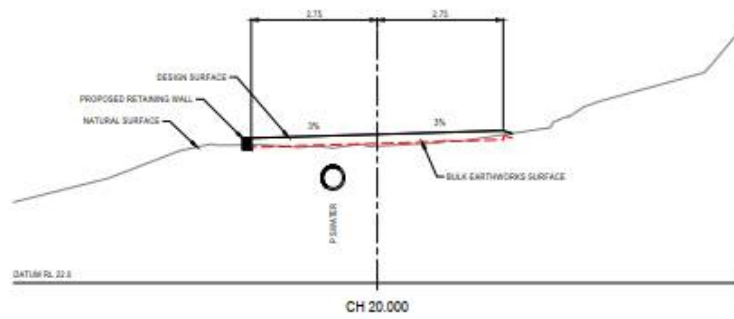
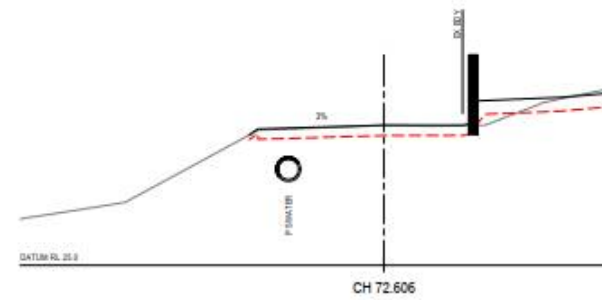
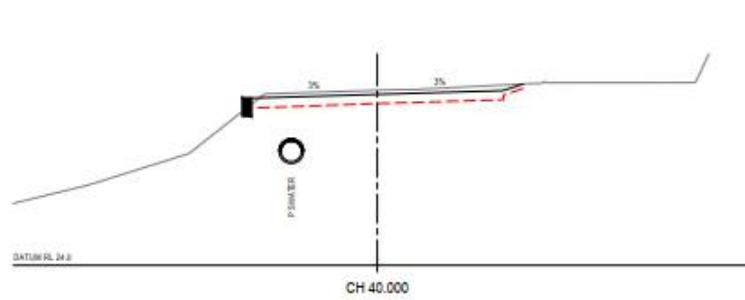








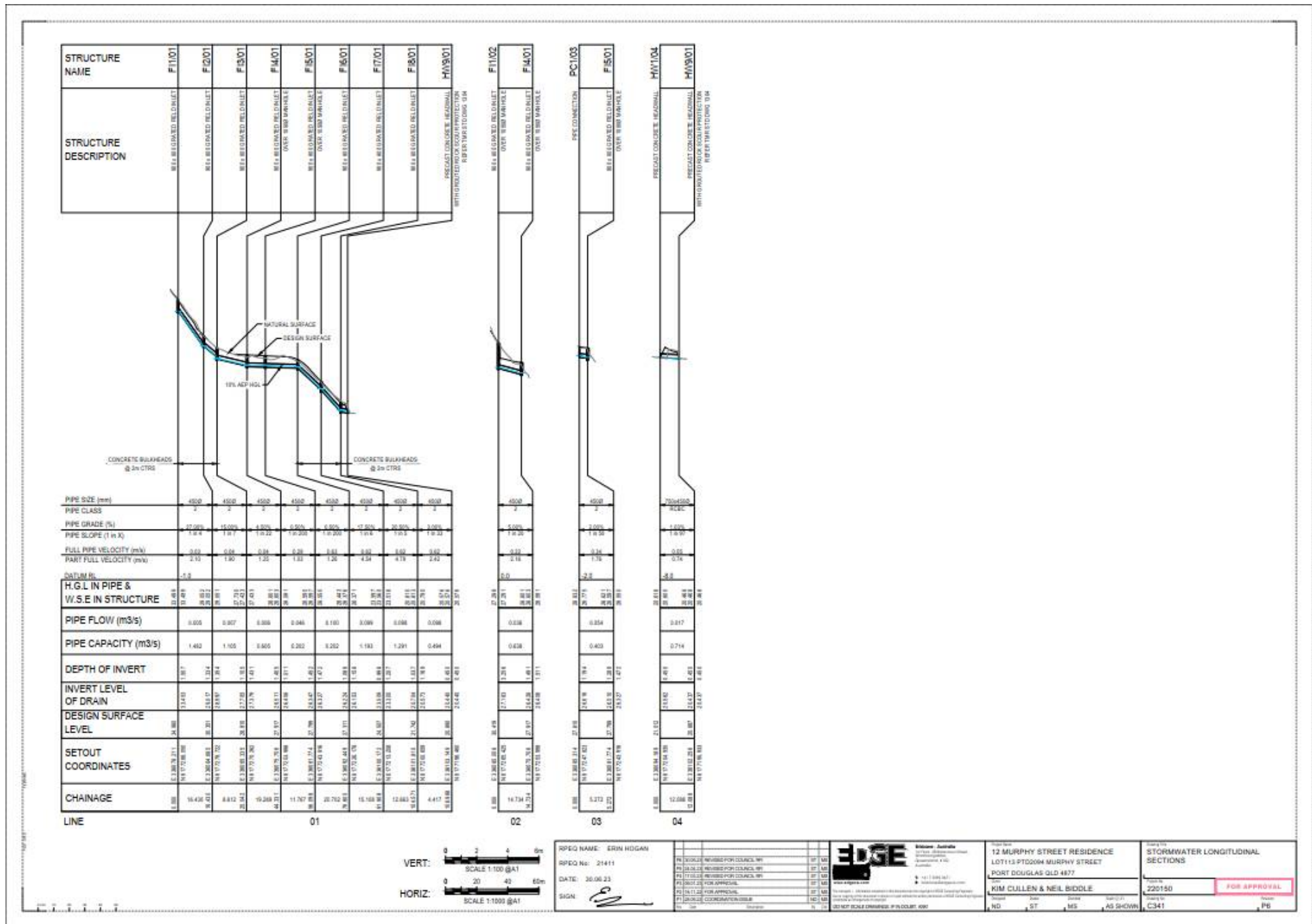


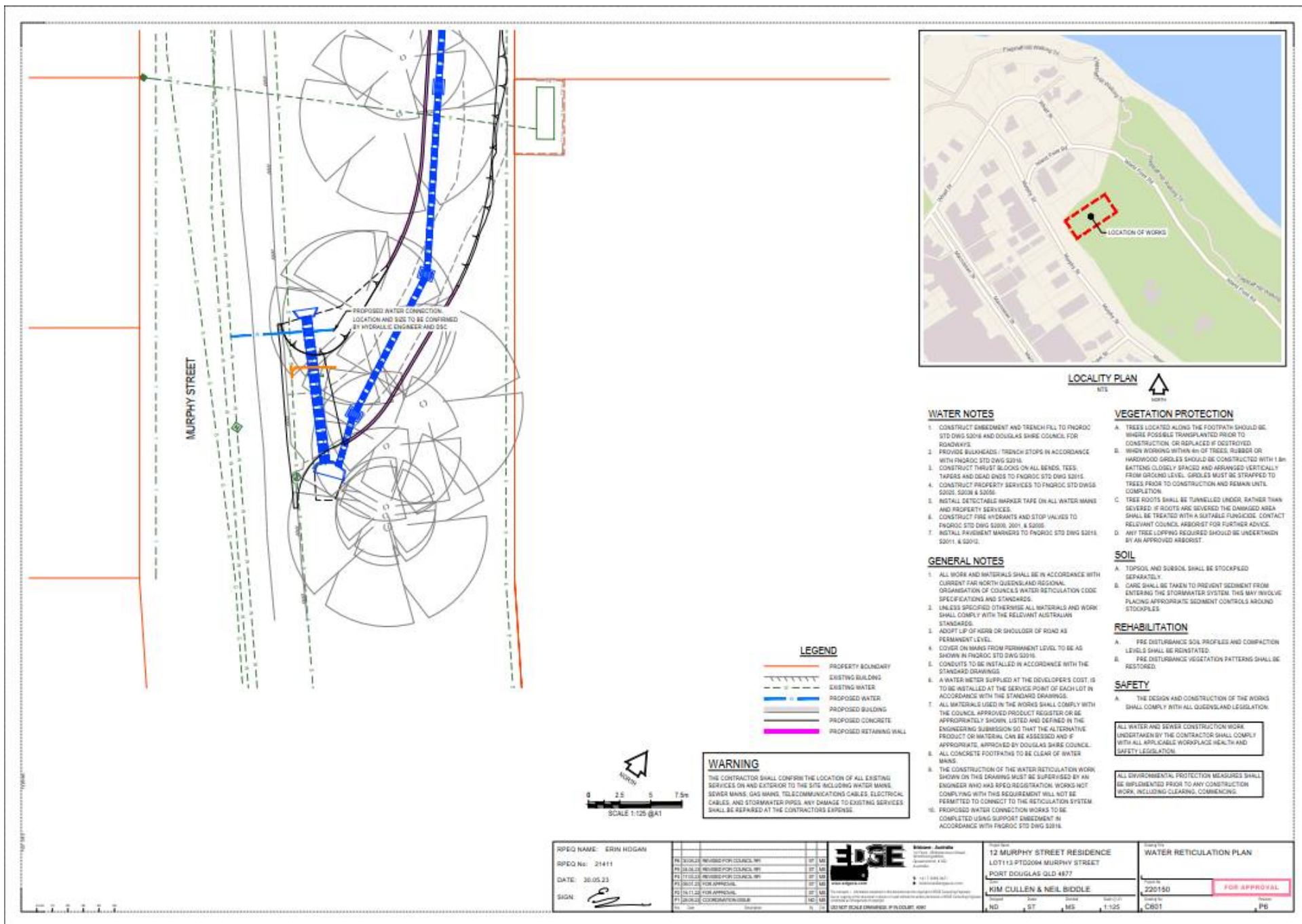


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RPEQ NAME: ERIN HOGAN RPEQ No: 21411 DATE: 30.05.23 SIGN:		 Brisbane, Australia 131 131 131 www.edge.com.au		Project Name: <b>12 MURPHY STREET RESIDENCE</b> LOT113 PTD2004 MURPHY STREET PORT DOUGLAS QLD 4877 Client: <b>KIM CULLEN &amp; NEIL BIDDLE</b>		Drawing Title: <b>DRIVEWAY CROSS SECTIONS</b> Drawing No: <b>220150</b> Status: <b>FOR APPROVAL</b>	
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Planning Act 2016  
Chapter 3 Development assessment

[s 74]

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## Division 2                      Changing development approvals

### Subdivision 1                Changes during appeal period

#### 74        What this subdivision is about

- (1) This subdivision is about changing a development approval before the applicant's appeal period for the approval ends.
- (2) This subdivision also applies to an approval of a change application, other than a change application for a minor change to a development approval.
- (3) For subsection (2), sections 75 and 76 apply—
  - (a) as if a reference in section 75 to a development approval were a reference to an approval of a change application; and
  - (b) as if a reference in the sections to the assessment manager were a reference to the responsible entity; and
  - (c) as if a reference in section 76 to a development application were a reference to a change application; and
  - (d) as if the reference in section 76(3)(b) to section 63(2) and (3) were a reference to section 83(4); and
  - (e) with any other necessary changes.

#### 75        Making change representations

- (1) The applicant may make representations (*change representations*) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
  - (a) a matter in the development approval, other than—
    - (i) a matter stated because of a referral agency's response; or

- (ii) a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
- (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- (2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- (3) Only 1 notice may be given.
- (4) If a notice is given, the appeal period is suspended—
  - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
  - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
    - (i) the applicant withdraws the notice, by giving another notice to the assessment manager; or
    - (ii) the applicant receives notice that the assessment manager does not agree with the change representations; or
    - (iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- (5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

## **76 Deciding change representations**

- (1) The assessment manager must assess the change representations against and having regard to the matters that

- must be considered when assessing a development application, to the extent those matters are relevant.
- (2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
- (a) the applicant; and
  - (b) if the assessment manager agrees with any of the change representations—
    - (i) each principal submitter; and
    - (ii) each referral agency; and
    - (iii) if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
    - (iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
    - (v) another person prescribed by regulation.
- (3) A decision notice (a *negotiated decision notice*) that states the assessment manager agrees with a change representation must—
- (a) state the nature of the change agreed to; and
  - (b) comply with section 63(2) and (3).
- (4) A negotiated decision notice replaces the decision notice for the development application.
- (5) Only 1 negotiated decision notice may be given.
- (6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the *appellant*); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or



- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
  - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
  - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

## **230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
  - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
  - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

## **231 Non-appealable decisions and matters**

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.



- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—  
**decision** includes—
  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

## 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.





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**balay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
01

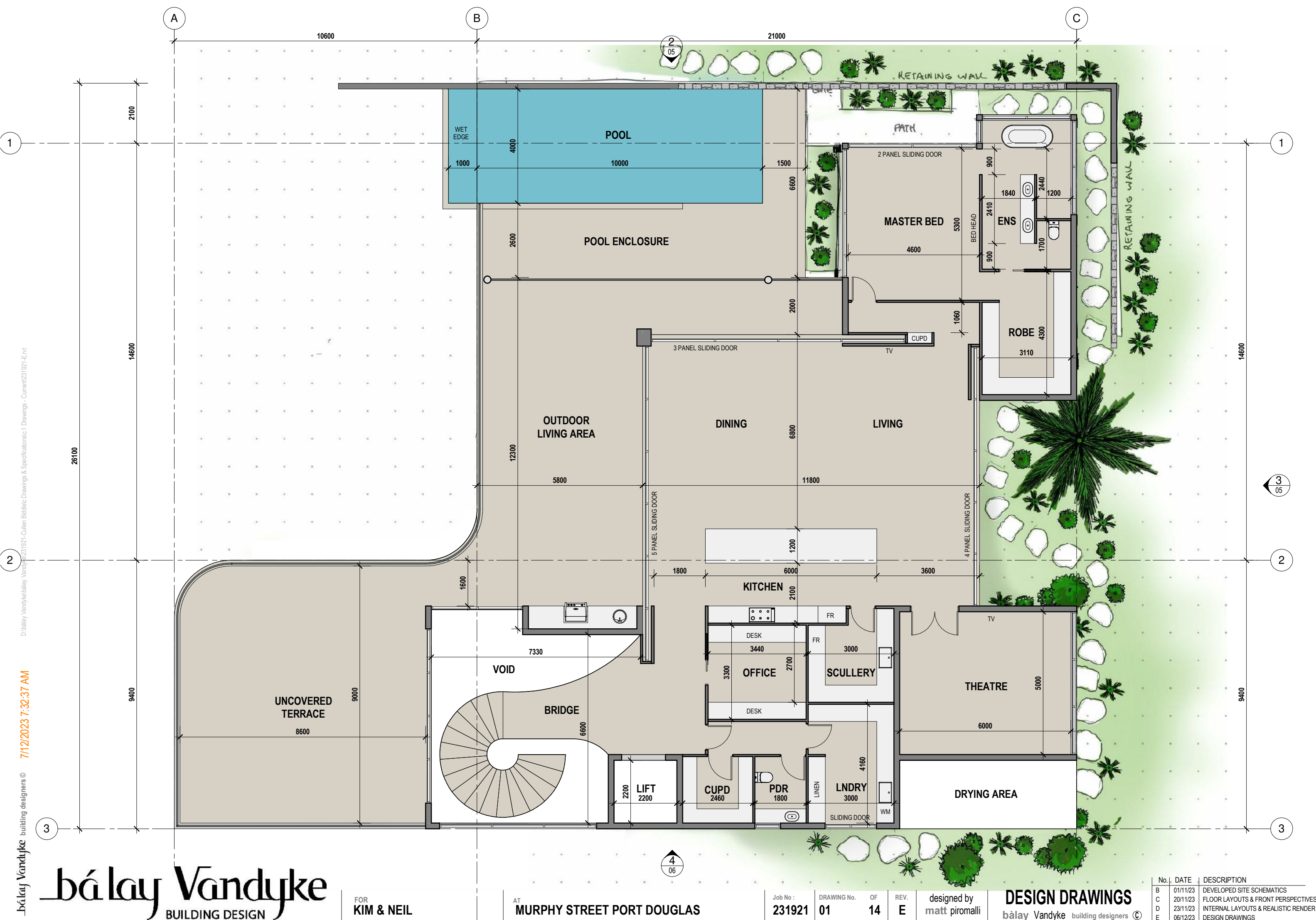
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designed by  
matt piromalli

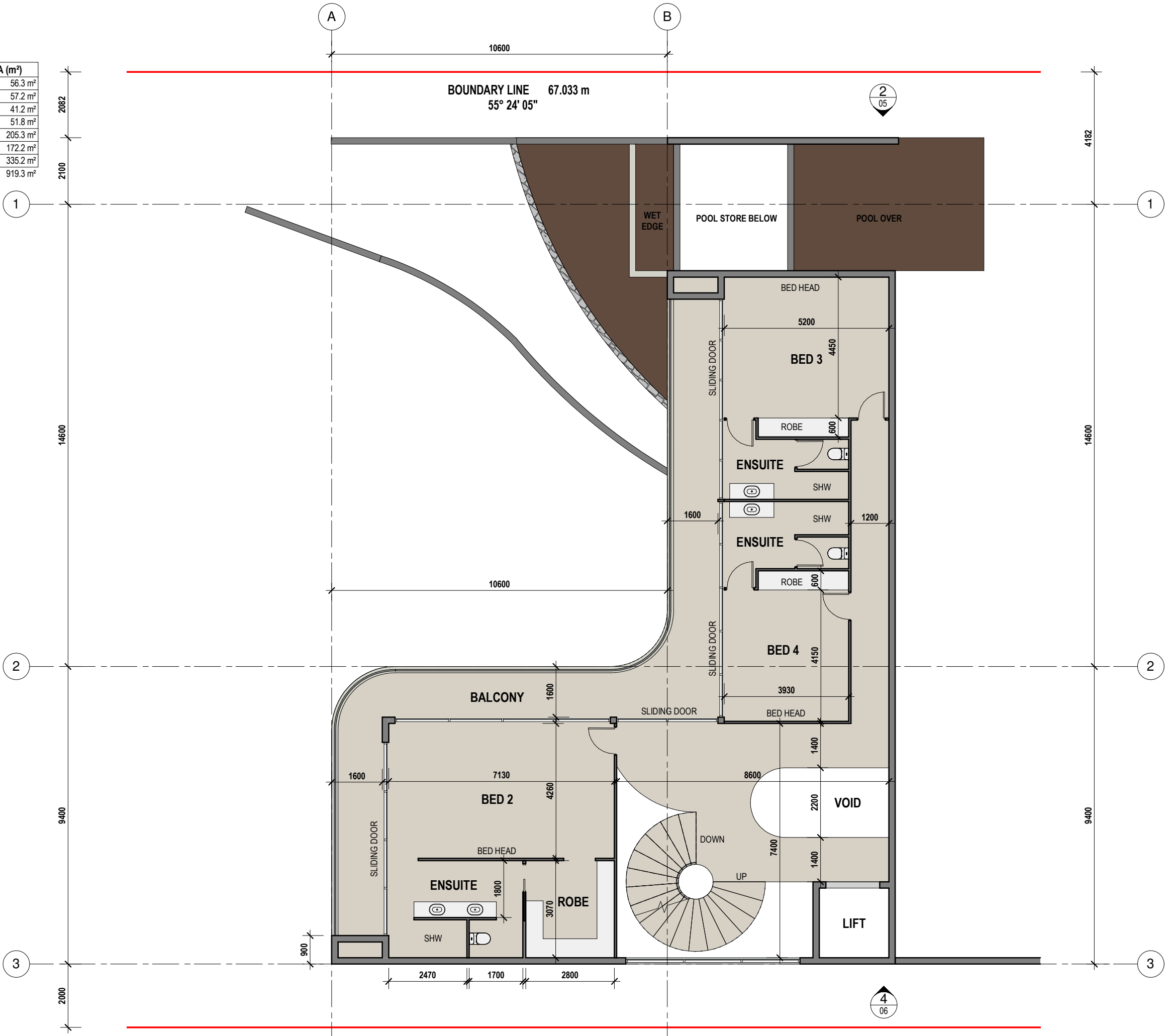
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C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER
E	06/12/23	DESIGN DRAWINGS



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NAME	AREA (m²)
LOWER FLOOR - FOYER	56.3 m²
LOWER FLOOR - GARAGE	57.2 m²
LOWER FLOOR - SERVICES	41.2 m²
MID FLOOR BALCONY	51.8 m²
MID FLOOR INTERNAL	205.3 m²
UPPER FLOOR BALCONY	172.2 m²
UPPER FLOOR INTERNAL	335.2 m²
Grand total	919.3 m²



2  
04 MID FLOOR PLAN  
SCALE 1 : 120 ON A3

**bálay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
02

OF  
14

REV.  
E

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matt piromalli

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C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER
E	06/12/23	DESIGN DRAWINGS

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2  
04

LOWER FLOOR

SCALE 1 : 120 ON A3

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BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
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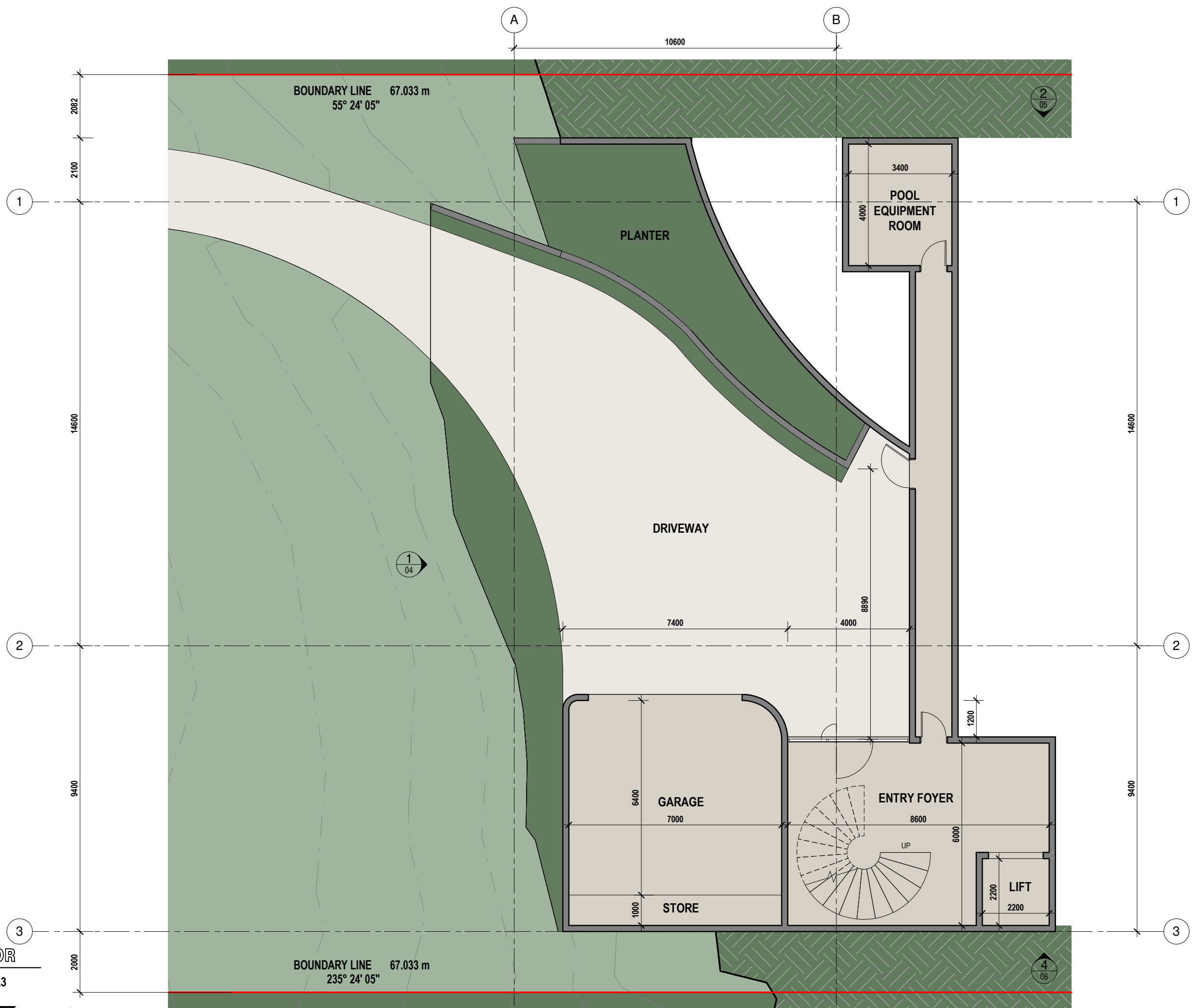
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matt piromalli

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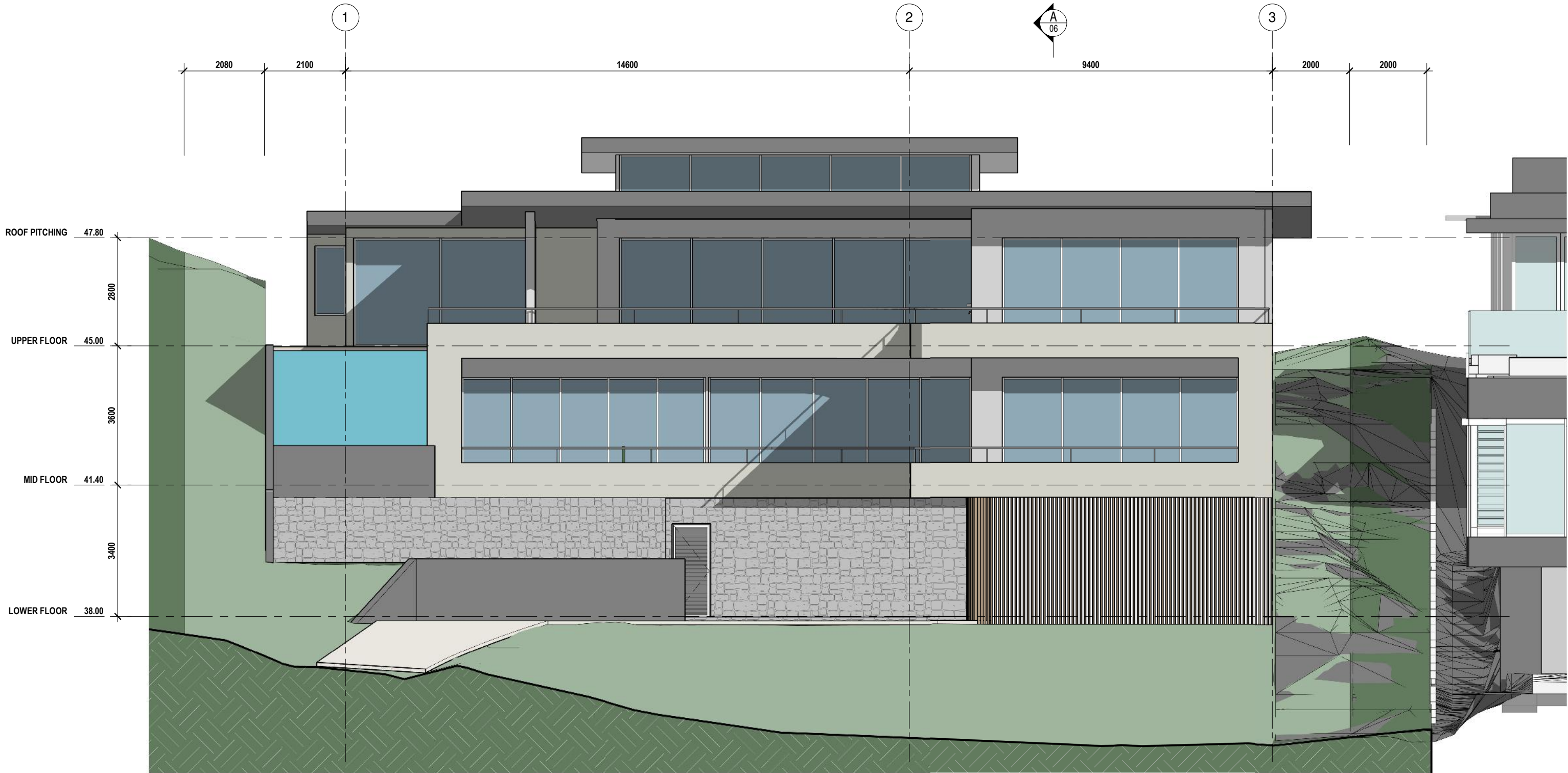


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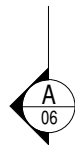
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D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER



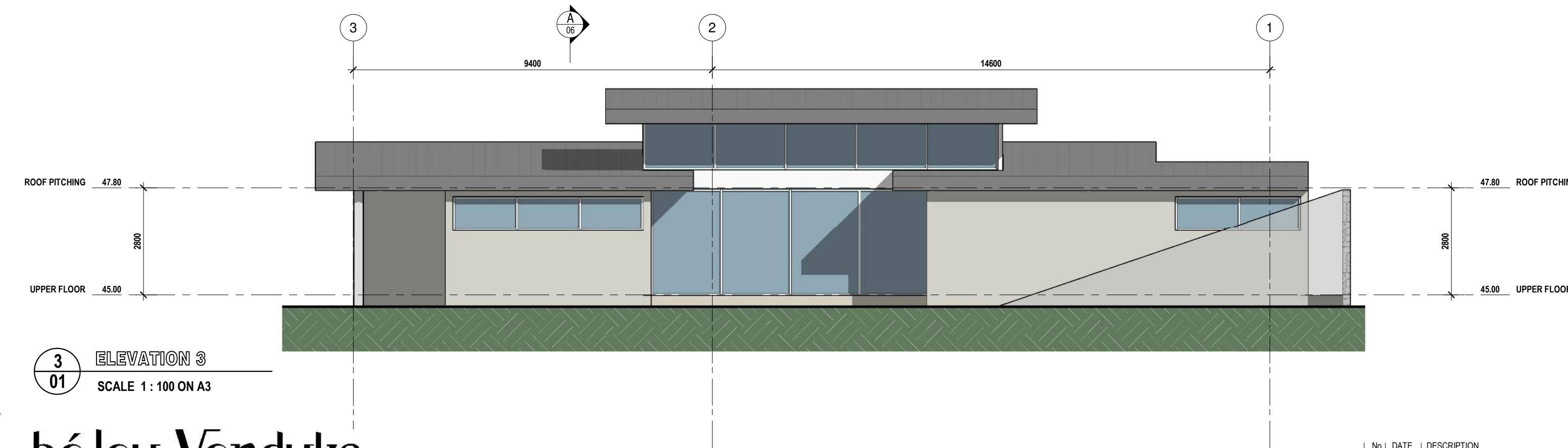
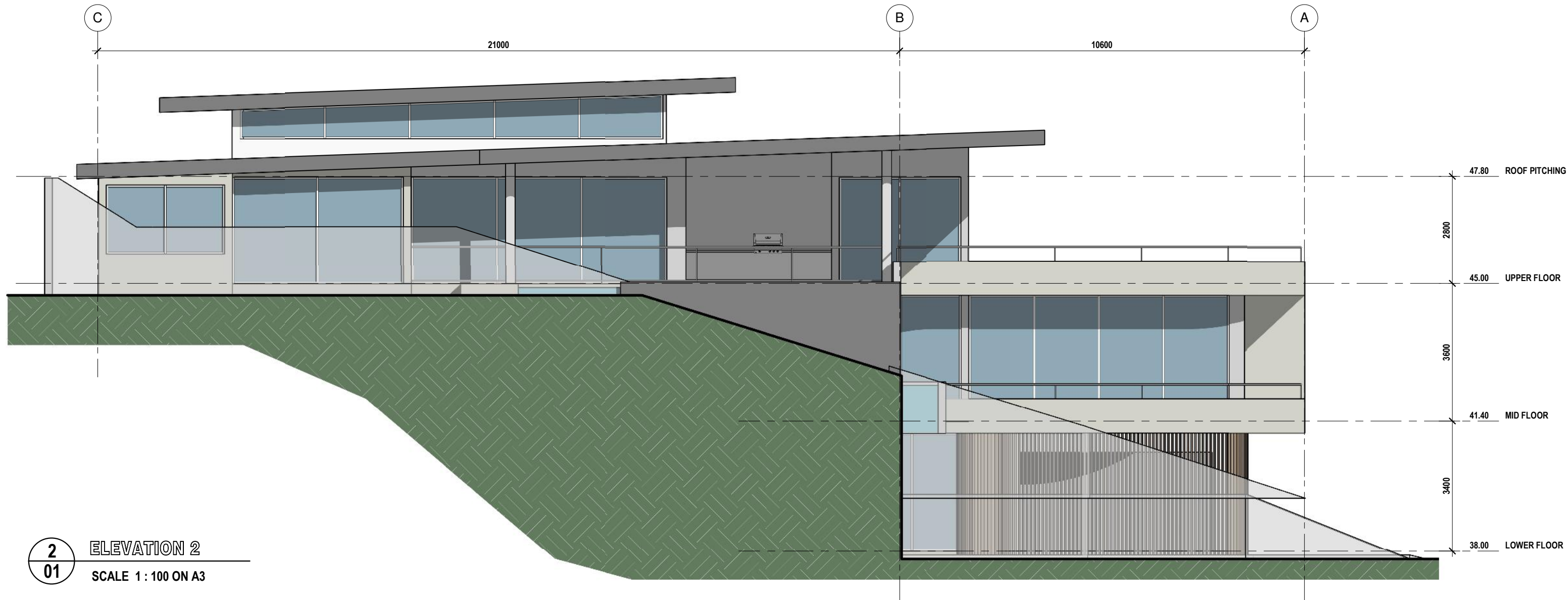
**1**  
**03** ELEVATION 1  
SCALE 1 : 100 ON A3



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**balay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
05

OF  
14

REV.  
E

designed by  
matt piromalli

**DESIGN DRAWINGS**  
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No.	DATE	DESCRIPTION
B	01/11/23	DEVELOPED SITE SCHEMATICS
C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER
E	06/12/23	DESIGN DRAWINGS



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4  
01

ELEVATION 4

SCALE 1 : 110 ON A3

ROOF PITCHING 47.80  
2800  
UPPER FLOOR 45.00  
3600  
MID FLOOR 41.40  
3400  
LOWER FLOOR 38.00

A

B

C

10600

21000

LIFT SHAFT

8.5 METRE HEIGHT LINE ABOVE GROUND

A

B

C

10600

21000

ROOF PITCHING 47.80  
2800  
UPPER FLOOR 45.00  
3600  
MID FLOOR 41.40  
3400  
LOWER FLOOR 38.00

MID  
FLOOR

LOWER  
FLOOR

UPPER FLOOR

NATURAL GROUND LEVEL

A  
04

CROSS SECTION - A

SCALE 1 : 110 ON A3

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BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
06

OF  
14

REV.  
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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS
C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER



1  
04

SITE PLAN

SCALE 1 : 200 ON A3

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BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

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07

OF  
14

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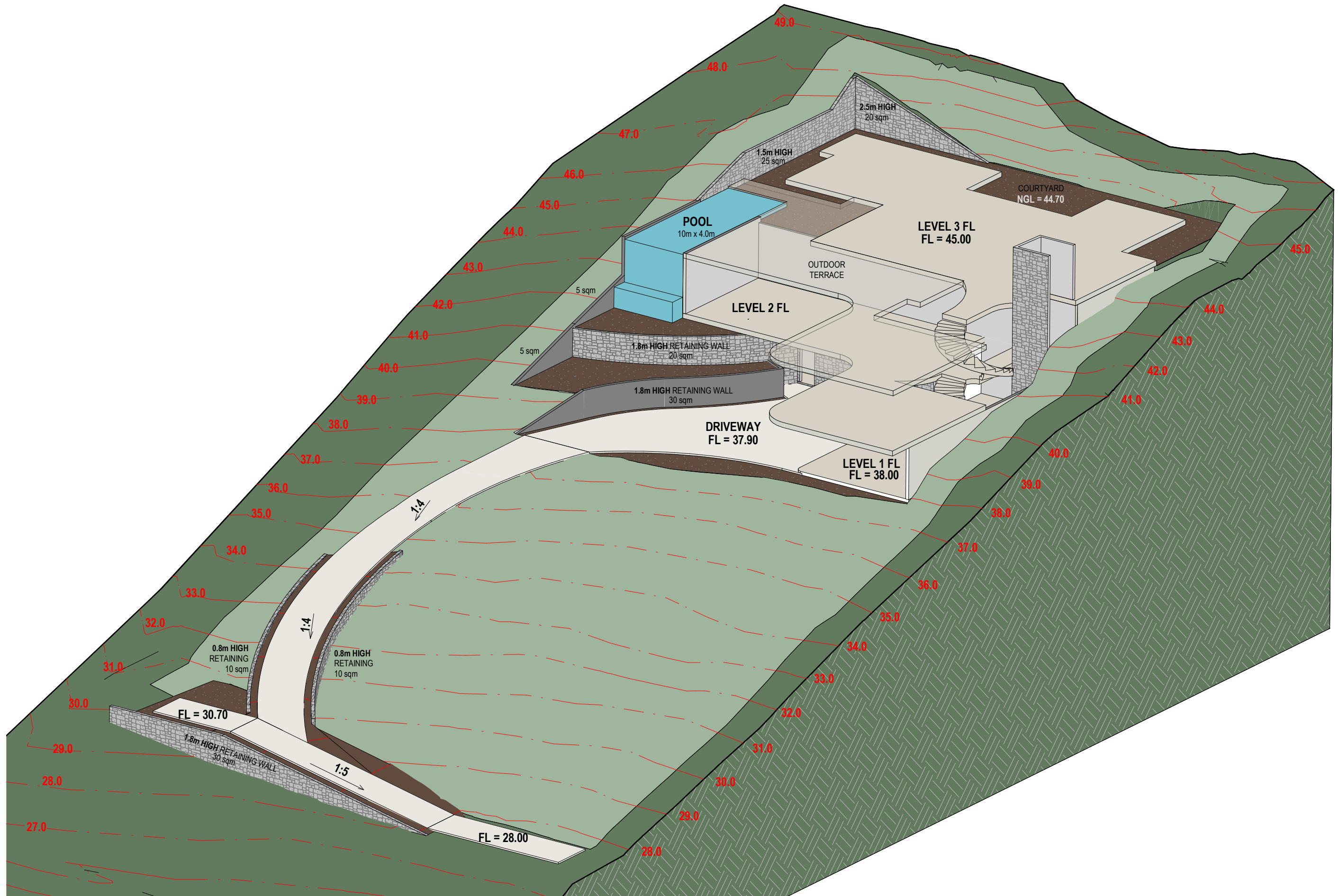
No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS
C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER



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# 1 EARTHWORKS MODEL

SCALE ON A3

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BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
08

OF  
14

REV.  
B

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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS





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**1** MURPHY STREET PORT DOUGLASE ENTRY PERSPECTIVE 1  
SCALE 1 : 1 ON A3

**bálay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
**231921**

DRAWING No.  
**09**

OF  
**14**

REV.  
**D**

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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS
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D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER





2

MURPHY STREET PORT DOUGLASE ENTRY PERSPECTIVE 2

SCALE 1 : 1 ON A3

**bá lay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
10

OF  
14

REV.  
D

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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS
C	20/11/23	FLOOR LAYOUTS & FRONT PERSPECTIVES
D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER





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3

MURPHY STREET PORT DOUGLASE ENTRY PERSPECTIVE 3

SCALE 1 : 1 ON A3

**bálay Vandyke**  
BUILDING DESIGN

FOR  
KIM & NEIL

AT  
MURPHY STREET PORT DOUGLAS

Job No :  
231921

DRAWING No.  
11

OF  
14

REV.  
D

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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
B	01/11/23	DEVELOPED SITE SCHEMATICS
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D	23/11/23	INTERNAL LAYOUTS & REALISTIC RENDER





AERIAL VIEW



FRONT VIEW



SIDE BY SIDE BULK COMPARISON

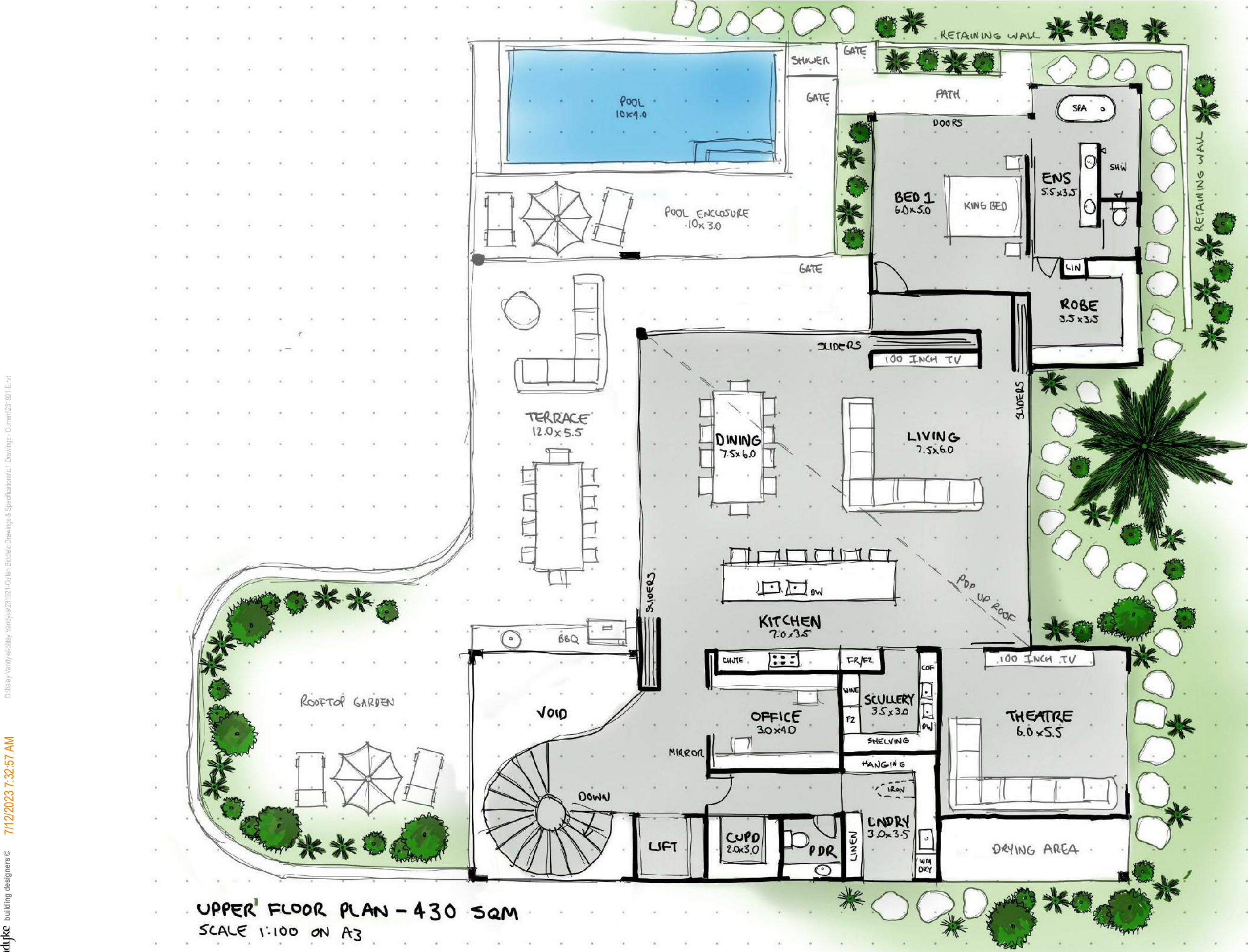


EARTHWORKS COMPARISON

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No.	DATE	DESCRIPTION
A	25/10/23	SITE SCHEMATICS
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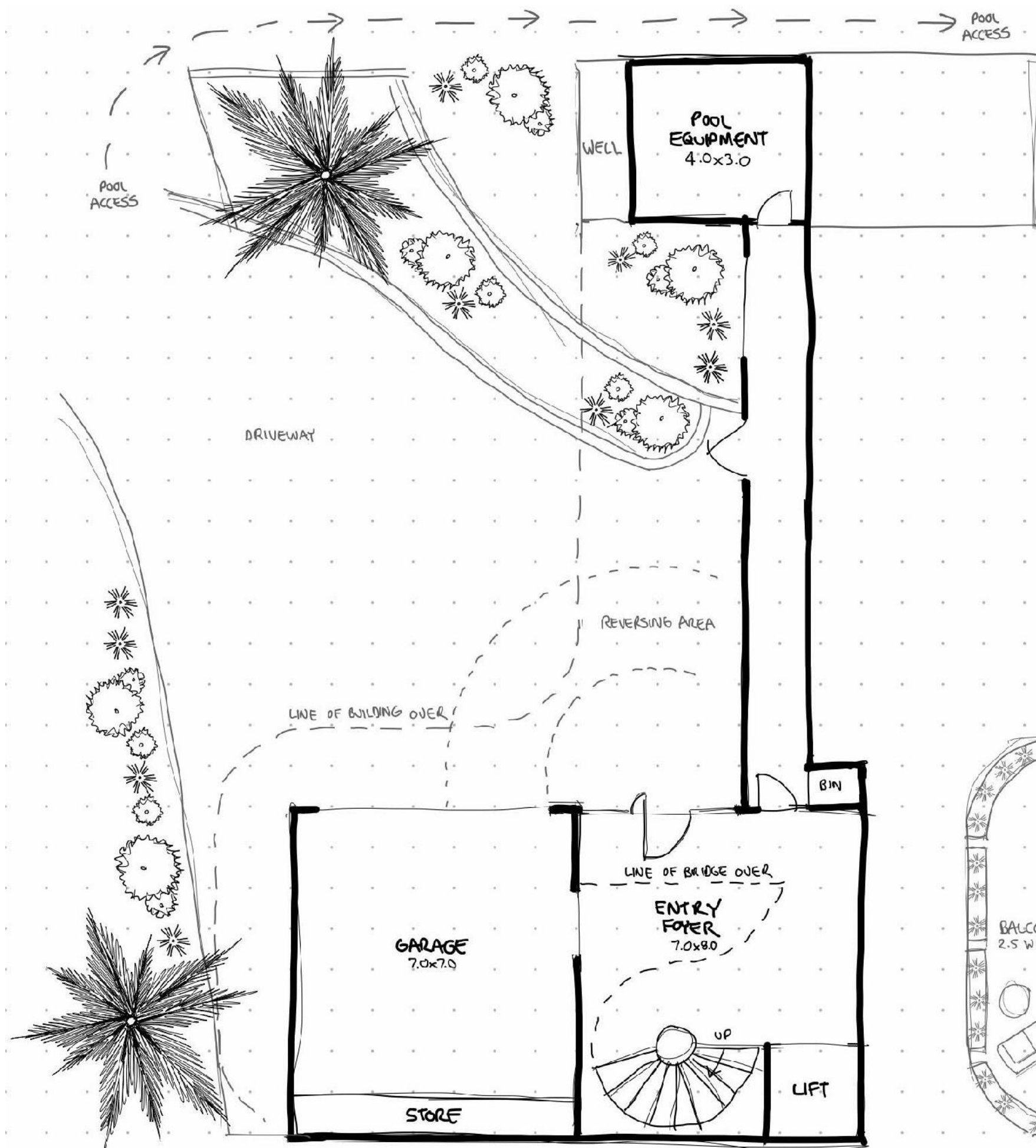




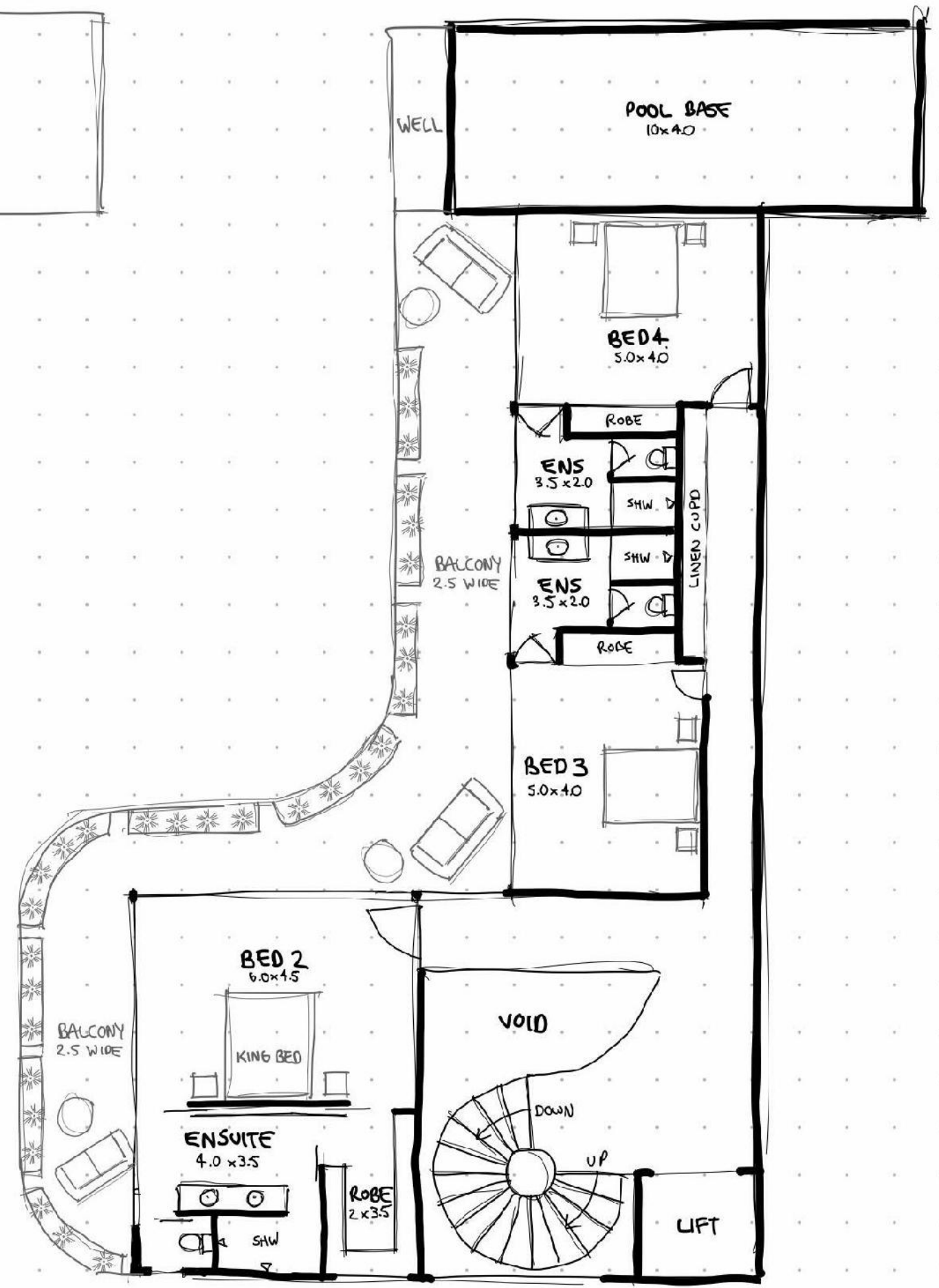
UPPER FLOOR PLAN - 430 SQM  
SCALE 1:100 ON A3



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LOWER FLOOR PLAN - 130 SQM  
SCALE 1:100 ON A3



MID FLOOR PLAN - 240 SQM  
SCALE 1:100 ON A3









## State Planning Policy

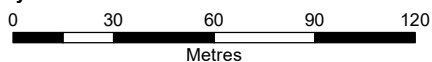
Making or amending a local planning instrument  
and designating land for community infrastructure

Date: 07/12/2023



Queensland Government

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# Legend

## Drawn Polygon Layer

Override 1

## Cadastre



Cadastre

## MSES - Wildlife habitat (endangered or vulnerable)



MSES - Wildlife habitat (endangered or vulnerable)

## MSES - Wildlife habitat (special least concern animal)



MSES - Wildlife habitat (special least concern animal)

## Erosion prone area



Erosion prone area

## Flood hazard area - local government flood mapping area



Flood hazard area - local government flood mapping area

## MSES - Regulated vegetation (category B)



MSES - Regulated vegetation (category B)

## MSES - Regulated vegetation (essential habitat)



MSES - Regulated vegetation (essential habitat)

## Bushfire prone area



Very High Potential Bushfire Intensity



High Potential Bushfire Intensity



Medium Potential Bushfire Intensity



Potential Impact Buffer



Date: 07/12/2023

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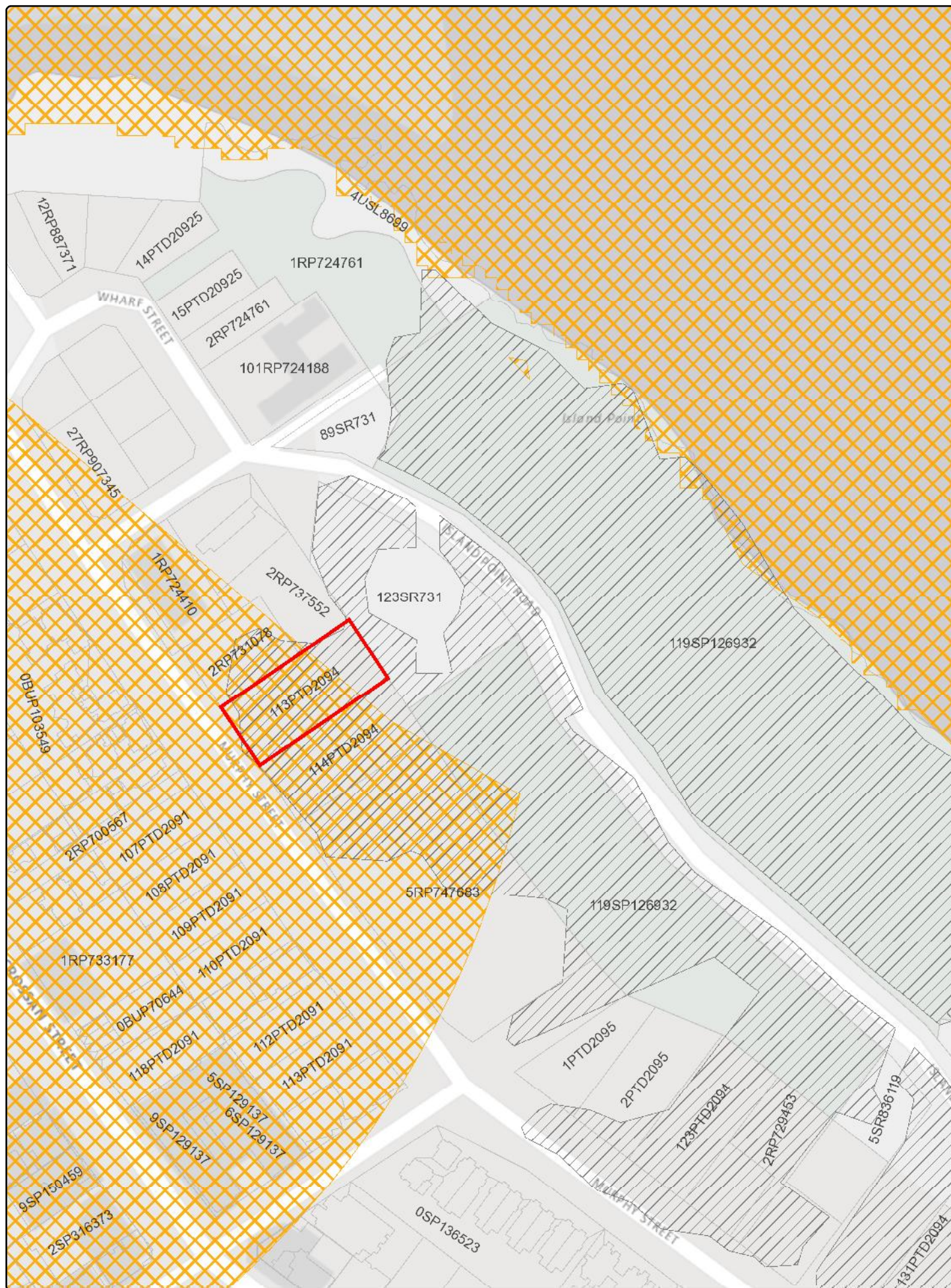
## State Planning Policy

Making or amending a local planning instrument  
and designating land for community infrastructure

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## DA Mapping System – Print Screen

Date: 07/12/2023

0                      30                      60                      90                      120

Metres



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# Legend

## Drawn Polygon Layer

Override 1

## Cadastre



Cadastre

## Regulated vegetation management map (Category A and B extract)



Category A on the regulated vegetation management map



Category B on the regulated vegetation management map

## Coastal area - erosion prone area



Coastal area - erosion prone area

## DA Mapping System – Print Screen

Date: 07/12/2023

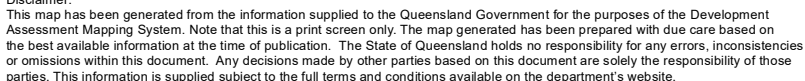
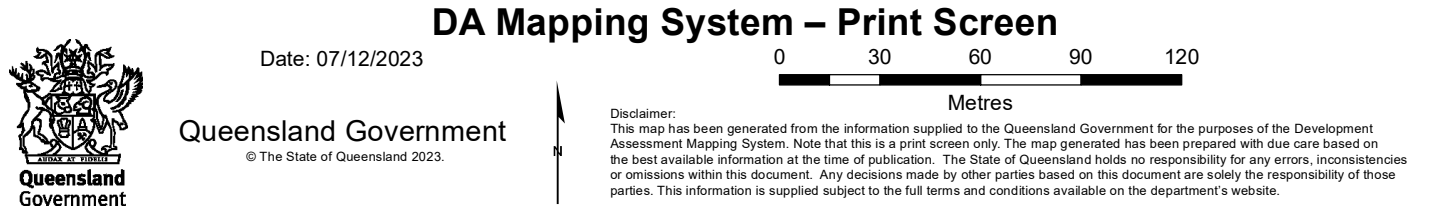
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# Legend

## Drawn Polygon Layer

Override 1

## Cadastre



Cadastre

## SEQRP 2009-2031 development area (superseded)



Local Development Area



Regional Development Area

## Regional biodiversity corridor (SEQ, NQ)



Regional biodiversity corridor (SEQ, NQ)

## Regional greenspace network (SEQ)



Regional greenspace network (SEQ)

## Regionally significant scenic amenity (SEQ)



Regionally significant scenic amenity (SEQ)

## Townsville Urban Area (NQ)



Townsville Urban Area (NQ)

## Renewable Energy Investigation Area (Planning - NQ)



Renewable Energy Investigation Area (Planning - NQ)

## Strategic Environmental Area (Planning - NQ)



Strategic Environmental Area



Strategic Environmental Area - Designated Precinct

## Priority Agricultural Area (Planning -



Priority Agricultural Area (Planning -

## Regional Biodiversity Value (SEQ, NQ)



Regional Biodiversity Value (SEQ, NQ)

## Regional land use categories (SEQ, WBB, MIW, FNQ)



Urban Footprint



Rural Living Area



Regional Landscape and Rural Production Area

## DA Mapping System – Print Screen

Date: 07/12/2023

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### Application

- (1) This code applies to assessing development in Environmental management zone.
- (2) When using this code, reference should be made to Part 5.

### Criteria for assessment

**Table 6.2.4.3.a - Environmental management zone – Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> The height of all buildings and structures is in keeping with the natural characteristics of the site. Buildings and structures are low-rise and not unduly visible from external sites.	<b>AO1.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height. <i>Note - Height is inclusive of the roof height.</i>	<b>YES</b>	The design of the Dwelling House is approximately 8.3 metres above natural ground level with excavation and design being used to incorporate the house within the landscape.  Notably, the dwelling footprint has been positioned to a slightly higher elevation on the site with access driveway earthworks being limited.
	<b>AO1.2</b> Buildings have a roof height not less than 2 metres.	<b>YES</b>	The proposed development has a roof height of 2.6 metres.
<b>PO2</b> The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses.	<b>AO2.1</b> Buildings and structures are set back not less than: <ol style="list-style-type: none"> <li>a) 40 metres from the frontage of a state controlled road;</li> <li>b) 25 metres from the frontage to Cape Tribulation Road;</li> <li>c) 6 metres from any other road;</li> </ol>	<b>Performance Outcome</b>	The proposed development has the following setbacks: <ol style="list-style-type: none"> <li>a) N/A</li> <li>b) N/A</li> <li>c) Street Frontage: 31.7 metres</li> <li>d) <ul style="list-style-type: none"> <li>- Side: 2 metres</li> <li>- Rear: 3 metres</li> </ul> </li> </ol>



## 6.2.4 Environmental Management Zone Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	d) 6 metres from the side and rear boundaries of the site.		<p>Refer to Section 7.0 of the Planning Report</p> <p>Position of the Building Footprint will be guided by the access driveway and the earthworks levels (with the retaining structures at the rear of the site being a maximum of 2.52 metres high)</p> <p>Suitable separation between structures (neighbouring properties) has been provided and with the retention of vegetation along the Murphy Street frontage throughout this will be in keeping with the existing character for Murphy Street.</p>
<b>PO3</b> Development is consistent with the purpose of the Environmental Management Zone and protects the zone from the intrusion of inconsistent uses.	<b>AO3</b> Inconsistent uses as identified in Table 6.2.4.3.b are not established in the Environmental management zone.	<b>YES</b>	<p>A Dwelling House that is responsive to the site constraints and reflective of the outcomes sought for the locality is considered suitable.</p> <p>See Section 6.6.2 of the Planning Report.</p>
<b>PO4</b> The site coverage of all buildings and structures and associated services do not have an adverse effect on the environmental or scenic values of the site.	<b>AO4</b> No acceptable outcomes are prescribed.	<b>YES</b>	<p>Positioning of the Dwelling House has been amended to make the build more cost effective and though the design process the building heights and access provisions have been important.</p> <p>the proposed development will have an approximate site coverage of 26.84%.</p>

## 6.2.4 Environmental Management Zone Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO5</b>  Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.  <i>Note - Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.</i>	<b>A05.1</b>  Buildings, structures and associated access, infrastructure and private open space are sited: <ul style="list-style-type: none"> <li>a) within areas of the site which are already cleared; or</li> <li>b) within areas of the site which are environmentally degraded;</li> <li>c) to minimise additional vegetation clearing.</li> </ul>	<b>YES</b>	The proposed development will result in the removal of vegetation within the building area of the dwelling house.  Positioning to the dwelling house has been revised to reduce earthworks and retaining wall structure and this means that the position of the dwelling is slightly higher on the site.  Maintaining the vegetation in front of the dwelling will continue to provide for a degree of protection and screening of the dwelling from places of visual significance.  However, as highlighted in the past approval, a detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.
	<b>A05.2</b>  Buildings and structures and associated infrastructure are not located on slopes greater than 1 in 6 (16.6%) or on a ridgeline.	<b>PERFORMANCE SOLUTION</b>	The building footprint is located on sloping topography that averages approximately 1 in 3.  Geotechnical reports, the other engineering information previously submitted indicates that excavation will be used to ensure slope stability and the suitability of the building footprint for construction
<b>PO6</b>	<b>A06</b>  Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural	<b>PERFORMANCE SOLUTION</b>	See above

## 6.2.4 Environmental Management Zone Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>Buildings and structures are responsive to steep slope through innovative construction techniques so as to:</p> <ul style="list-style-type: none"> <li>a) maintain the geotechnical stability of slopes;</li> <li>b) minimise cut and/or fill;</li> <li>c) minimise the overall height of development.</li> </ul>	<p>contours of the land and single plane concrete slab on-ground methods of construction are not utilised.</p>		<p>Excavation works and geotechnical investigations will be updated as per the engineering and earthworks philosophy to ensure that retaining structures meet all construction obligations</p>
	<p><b>AO6</b></p> <p>Access and vehicle manoeuvring and parking areas are constructed and maintained to:</p> <ul style="list-style-type: none"> <li>a) minimise erosion;</li> <li>b) minimise cut and fill;</li> <li>c) follow the natural contours of the site.</li> </ul>	<b>YES</b>	<p>Refer to <b>Attachment 3</b> of the Planning Report</p> <p>The engineering for the driveway access from Murphy Street will be consistent with the previous design philosophy and shared between Lots 12 and 14.</p> <p>All information currently provided ensures that retaining walls for access will be less than 1.0 metre with associated stormwater and services contained in this location.</p>
<p><b>PO7</b></p> <p>The exterior finishes of buildings and structures are consistent with the surrounding natural environment.</p>	<p><b>AO7</b></p> <p>The exterior finishes and colours of buildings and structures are non-reflective and are moderately dark to darker shades of grey, green, blue and brown or the development is not visible external to the site.</p>	<b>YES</b>	<p>The proposed development will have a colour scheme that incorporate darker shades to reduce the visual impact of the development.</p>
<p><b>PO8</b></p> <p>Development does not adversely affect the amenity of the zone and adjoining land uses in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p>	<p><b>AO8</b></p> <p>No acceptable outcomes are prescribed.</p>	<b>YES</b>	<p>The site is included in the Environmental Management Zone where the site will accommodate a Dwelling House.</p> <p>In this instance, the site could lawfully be developed with a two (2) storey residential dwelling style development.</p>



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO9</b> The density of development ensures that the environmental and scenic amenity values of the site and surrounding area are not adversely affected.	<b>AO9</b> The maximum residential density is one dwelling house per lot.	<b>YES</b>	The proposed development will include one (1) dwelling house.
<b>PO10</b> Lot reconfiguration results in no additional lots. <i>Note - Boundary realignments to resolve encroachments and lot amalgamation are considered appropriate</i>	<b>AO10</b> No acceptable outcomes are prescribed.	<b>N/A</b>	The proposed development does not include a lot reconfiguration.

### Application

- (1) This code applies to assessing development in the Port Douglas/Craigie local plan as identified on the Port Douglas/Craigie local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

### Criteria for assessment

**Table Error! No text of specified style in document.4.a – Port Douglas / Craigie local plan – Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>DEVELOPMENT IN THE PORT DOUGLAS / CRAIGIE LOCAL PLAN AREA GENERALLY</b>			
<b>PO1</b> Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.	<b>AO1</b> A pedestrian and cycle movement network is integrated and delivered through development.	<b>N/A</b>	The proposed development is not located on a road identified as a part of the pedestrian and cycle movement network.
<b>PO2</b> Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2).	<b>AO2.1</b> Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the lush tropical character of the town, including: <ol style="list-style-type: none"> <li>a) the tree covered backdrop of Flagstaff Hill;</li> <li>b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet;</li> </ol>	<b>YES</b>	The proposed development will involve a shared driveway and access arrangement for Lots 12 & 14 to be constructed under Council's requirements.  Beyond the need of clearing for the building footprint and access driveway the design of the project maintains the existing vegetation along the street frontage, side and rear boundaries.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> <li>c) the tidal vegetation along the foreshore;</li> <li>d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms;</li> <li>e) the oil palm avenues along the major roads;</li> <li>f) the lush landscaping within major roundabouts at key nodes;</li> <li>g) Macrossan Street and Warner Street;</li> <li>h) Port Douglas waterfront.</li> </ul>		
	<p><b>AO2.2</b></p> <p>Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular:</p> <ul style="list-style-type: none"> <li>a) Flagstaff Hill;</li> <li>b) Four Mile Beach;</li> <li>c) Across to the ranges over Dickson Inlet;</li> <li>d) Mowbray Valley.</li> </ul>	<b>YES</b>	<p>The position of the revised dwelling house design is higher on the site that the previous dwelling house approval.</p> <p>The height of the dwelling will be retained at 8.5 metres above the natural ground level, and this is reflected in the plans by Balay Vandyke Designs</p> <p>Visual impact from the development continues to be relevant to the assessment and the change in the position of the dwellings might be in the order of 3.0 metres above the previous supported and approved development .</p>
	<p><b>AO2.3</b></p> <p>Important landmarks, memorials and monuments are retained.</p>	<b>N/A</b>	The site does not contain any Important landmarks, memorials or monuments.
<p><b>PO3</b></p> <p>Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key</p>	<p><b>A03</b></p> <p>Development adjacent to the gateways and nodes as identified on the Port Douglas / Craigie local plan maps contained in Schedule 2 incorporates architectural features</p>	<b>N/A</b>	The proposed development is not located within proximity to any identified gateways and nodes.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
intersections identified on the Port Douglas / Craigie local plan maps contained in Schedule 2.	and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.		
<b>PO4</b> Landscaping of development sites complements the existing tropical character of Port Douglas and Craigie.	<b>AO4</b> Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	<b>YES</b>	Compliance can be conditioned.
<b>PO5</b> Development does not compromise the safety and efficiency of the State-controlled road network.	<b>AO5</b> Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	<b>YES</b>	The proposed development will only be accessed by Murphy Street.
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>ADDITIONAL REQUIREMENTS IN PRECINCT 1 – PORT DOUGLAS PRECINCT</b>			
<b>PO6</b> The views and vistas identified on the Port Douglas / Craigie local plan maps contained in Schedule 2 are maintained.	<b>AO6.1</b> Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	<b>YES</b>	The consideration of the dwelling position and design continues to be relevant to the assessment and will be undertaken with Council to ensure approval outcomes are achieved
	<b>AO6.2</b> Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	<b>YES</b>	The proposed development is setback 31.7 metres from the primary street frontage.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO7</b> Vehicle access, parking and service areas: <ul style="list-style-type: none"> <li>a) do not undermine the relationship between buildings and street or dominate the streetscape;</li> <li>b) are designed to minimise pedestrian vehicle conflict;</li> <li>c) are clearly identified and maintain ease of access at all times.</li> </ul>	<b>A07.1</b> For all buildings, parking is: <ul style="list-style-type: none"> <li>a) to the side of buildings and recessed behind the main building line; or</li> <li>b) behind buildings; or</li> <li>c) wrapped by the building façade, and not visible from the street.</li> </ul>	<b>YES</b>	The proposed development parking: <ul style="list-style-type: none"> <li>(a) N/A</li> <li>(b) N/A</li> <li>(c) is wrapped by the building façade, and not visible from the street due to the existing mature vegetation along the street frontage.</li> </ul>
	<b>A07.2</b> Ground level parking incorporates clearly defined pedestrian routes.	<b>N/A</b>	Not considered applicable to a residential development.
	<b>A07.3</b> Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.	<b>N/A</b>	Not considered applicable to a residential development.
	<b>A07.4</b> Where the development is an integrated mixed- use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.	<b>N/A</b>	Not considered applicable to a residential development.
	<b>A07.5</b> On-site car parking available for public use is clearly signed at the site frontage.	<b>N/A</b>	Not considered applicable to a residential development.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>A07.6</b> Boom gates pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	N/A	Not considered applicable to a residential development.
<b>PO8</b> Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	<b>A08</b> No acceptable outcomes are prescribed.	N/A	Not considered applicable to a residential development.
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1A – TOWN CENTRE SUB-PRECINCT</b>			
<b>PO9</b> Building heights: <ul style="list-style-type: none"> <li>a) do not overwhelm or dominate the town centre;</li> <li>b) respect the desired streetscape;</li> <li>c) ensure a high-quality appearance when viewed from both within the town centre sub- precinct and external to the town centre sub- precinct;</li> <li>d) remain subservient to the natural environment and the backdrop of Flagstaff Hill.</li> <li>e) do not exceed 3 storeys.</li> </ul>	<b>A09</b> Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres.  <i>Note – Height is inclusive of the roof height.</i>	N/A	The proposed development is not located within Precinct 1A – Town Centre Sub-Precinct.
<b>PO10</b> Building design, the streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	<b>AO10</b> No acceptable outcomes are prescribed.	N/A	See AO9 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO11</b> Buildings: <ul style="list-style-type: none"> <li>a) address street frontages;</li> <li>b) ensure main entrances front the street or public spaces;</li> <li>c) do not focus principally on internal spaces or parking areas.</li> </ul>	<b>AO11</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.
<b>PO12</b> Setbacks at ground level provide for: <ul style="list-style-type: none"> <li>a) connection between pedestrian paths and public places;</li> <li>b) areas for convenient movement of pedestrians;</li> <li>c) changes in gradient of the street.</li> </ul>	<b>AO12</b> Setbacks at ground level: <ul style="list-style-type: none"> <li>a) are clear of columns and other obstructions;</li> <li>b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites;</li> <li>c) connect without any lip or step to adjoining footpaths.</li> </ul>	<b>N/A</b>	See AO9 above.
<b>AO13</b> Buildings do not result in a reduction of views and vistas from public places to: <ul style="list-style-type: none"> <li>a) Flagstaff Hill;</li> <li>b) Dickson Inlet;</li> <li>c) public open space;</li> <li>d) places of significance.</li> </ul>	<b>AO13</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO14</b> Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for the length of the building.	<b>AO14</b> Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the length of the street frontage/s; or If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3 metres and the required awning is still maintained along the length of the street frontage/s.  <i>Note – PO24 provides more detail on awning design.</i>	N/A	See AO9 above.
<b>PO15</b> Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street- level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	<b>AO15.1</b> Centre activities establish: <ul style="list-style-type: none"> <li>a) at street level on active street frontages;</li> <li>b) a maximum of one level above street level.</li> </ul>	N/A	See AO9 above.
	<b>AO15.2</b> Any residential development activities or short-term accommodation is located above street level of the active frontage, but not on or up to the street frontage in any development, including mixed use development.	N/A	See AO9 above.
<b>PO16</b> Detailed building design: <ul style="list-style-type: none"> <li>a) enhances the visual amenity of the streetscape;</li> <li>b) has a legible and attractive built form that is visually enhanced by architectural elements;</li> </ul>	<b>AO16</b> No acceptable outcomes are prescribed.	N/A	See AO9 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> <li>c) contributes to a distinctive tropical north Queensland, seaside tourist town character;</li> <li>d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.</li> </ul>			
<p><b>PO17</b></p> <p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> <ul style="list-style-type: none"> <li>a) surface decoration;</li> <li>b) wall recesses and projections;</li> <li>c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</li> <li>d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</li> </ul>	<p><b>AO17</b></p> <p>No acceptable outcomes are prescribed.</p>	<b>N/A</b>	See AO9 above.
<p><b>PO18</b></p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <ul style="list-style-type: none"> <li>a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Town Centre sub-precinct;</li> <li>b) service structures lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</li> </ul>	<p><b>AO18</b></p> <p>No acceptable outcomes are prescribed.</p>	<b>N/A</b>	See AO9 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
c) rooftops are not used for advertising.			
<b>PO19</b> Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to: <ul style="list-style-type: none"> <li>a) shade windows;</li> <li>b) reduce glare;</li> <li>c) assist in maintaining comfortable indoor temperatures;</li> <li>d) minimising heat loads;</li> <li>e) enrich the North Queensland tropical character of the Town Centre sub-precinct;</li> <li>f) provide architectural interest to building façades.</li> </ul>	<b>AO19</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.
<b>PO20</b> Buildings are finished with high quality materials, selected for: <ul style="list-style-type: none"> <li>a) their ability to contribute the character of Town Centre sub-precinct;</li> <li>b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.</li> </ul>	<b>AO20</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.
<b>PO21</b> Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	<b>AO21</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO22</b> Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.	<b>AO22.1</b> Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	N/A	See AO9 above.
	<b>AO22.2</b> Any break in the building façade varies the alignment by a 1 metre minimum deviation.	N/A	See AO9 above.
	<b>AO22.3</b> A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: <ul style="list-style-type: none"> <li>a) a change in roof profile;</li> <li>b) a change in parapet coping;</li> <li>c) a change in awning design;</li> <li>d) a horizontal or vertical change in the wall plane; or</li> <li>e) a change in the exterior finishes and exterior colours of the development.</li> </ul>	N/A	See AO9 above.
<b>PO23</b> Building facades that face public spaces at ground level: <ul style="list-style-type: none"> <li>a) complement the appearance of the development and surrounding streetscape;</li> <li>b) enhance the visual amenity of the public place;</li> <li>c) include a variety of human scale architectural elements and details;</li> </ul>	<b>AO23</b> Building facades at the ground floor of development that face public space are designed to ensure: <ul style="list-style-type: none"> <li>a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development;</li> <li>b) a visually prominent main entrance that faces the principal public place;</li> </ul>	N/A	See AO9 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
d) provide an opportunity for the casual and convenient surveillance of public space from within the development.	c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.		
<b>PO24</b> Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub- precinct and: <ul style="list-style-type: none"> <li>a) extend and cover the footpath to provide protection from the sun and rain;</li> <li>b) include lighting under the awning;</li> <li>c) are continuous across the frontage of the site;</li> <li>d) align to provide continuity with existing or future awnings on adjoining sites;</li> <li>e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above pavement height;</li> <li>f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow;</li> <li>g) are cantilevered from the main building with any posts within the footpath being non-load-bearing.</li> </ul>	<b>AO24</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO9 above.
<b>PO25</b> Development integrates with the streetscape and landscaping improvements for Port Douglas.	<b>AO25</b> Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.	<b>N/A</b>	See AO9 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<i>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance Outcome.</i>		
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1B – WATERFRONT NORTH SUB-PRECINCT</b>			
<b>PO26</b> The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North.	<b>AO26</b> Uses identified as inconsistent uses in Table 7.2.4.4.b — Inconsistent uses in sub-precinct 1b - Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North.	<b>N/A</b>	The proposed development is not located within Precinct 1B – Waterfront North Sub-Precinct.
<b>PO27</b> The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct.	<b>AO27</b> Buildings and structures are not more than: <ul style="list-style-type: none"> <li>a) 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street;</li> <li>b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts of the precinct north of Inlet Street.</li> </ul> <i>Note – Height is inclusive of roof height.</i>	<b>N/A</b>	See AO26 above.
<b>PO28</b> Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.	<b>AO28</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO29</b> Public pedestrian access along the water's edge is maximised.	<b>AO29.1</b> Public pedestrian access is provided along the frontage of the water's edge consisting of a boardwalk of a minimum width of 4 metres that is available of 24-hour use.	N/A	See AO26 above.
	<b>AO29.2</b> A public plaza is incorporated into the design generally reflecting the requirements of the Port Douglas Waterfront Master Plan, focussing in the vicinity of the 'Duck Pond'.	N/A	See AO26 above.
	<b>AO29.3</b> Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like.	N/A	See AO26 above.
<b>PO30</b> Buildings: <ul style="list-style-type: none"> <li>a) address street frontages;</li> <li>b) ensure main entrances front the street or public spaces.</li> </ul>	<b>AO30</b> No acceptable outcomes are prescribed.	N/A	See AO26 above.
<b>PO31</b> Setbacks at ground level provide for: <ul style="list-style-type: none"> <li>a) connection between pedestrian paths and public places;</li> <li>b) areas for convenient movement of pedestrians;</li> <li>c) changes in gradient.</li> </ul>	<b>AO31</b> Setbacks at ground level: <ul style="list-style-type: none"> <li>a) are clear of columns and other obstructions;</li> <li>b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites;</li> </ul>	N/A	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	c) connect without any lip or step to adjoining footpaths.		
<b>PO32</b> Buildings do not result in a reduction of views and vistas from public places to: <ul style="list-style-type: none"> <li>a) Dickson Inlet;</li> <li>b) public open space;</li> <li>c) places of significance.</li> </ul>	<b>A032</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO33</b> Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at ground level including shade protection across the footpath and open space areas.	<b>A033</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO34</b> Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street- level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	<b>A034.1</b> Centre activities establish: <ul style="list-style-type: none"> <li>a) at street level on active street frontages;</li> <li>b) a maximum of one level above street level.</li> </ul>	<b>N/A</b>	See AO26 above.
	<b>A034.2</b> Residential development activities or short-term accommodation is located above street /ground floor level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development.	<b>N/A</b>	See AO26 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO35</b> Detailed building design: <ul style="list-style-type: none"> <li>a) enhances the visual amenity of the streetscape;</li> <li>b) has a legible and attractive built form that is visually enhanced by architectural elements;</li> <li>c) contributes to a distinctive tropical north Queensland, seaside tourist town character;</li> <li>d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained.</li> </ul>	<b>AO35</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO36</b> Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through: <ul style="list-style-type: none"> <li>a) surface decoration;</li> <li>b) wall recesses and projections;</li> <li>c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</li> <li>d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</li> </ul>	<b>AO36</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO37</b> Roofs are not characterised by a cluttered display of plant and equipment, in particular: <ul style="list-style-type: none"> <li>a) building caps and rooftops contribute to the architectural distinction of the building and create</li> </ul>	<b>AO37</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> <li>a coherent roofscape for the Waterfront North sub-precinct;</li> <li>b) service structures lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</li> <li>c) rooftops are not used for advertising.</li> </ul>			
<p><b>PO38</b></p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <ul style="list-style-type: none"> <li>a) shade windows;</li> <li>b) reduce glare;</li> <li>c) assist in maintaining comfortable indoor temperatures;</li> <li>d) minimising heat loads;</li> <li>e) enriching the North Queensland tropical character of the Waterfront North sub- precinct;</li> <li>f) architectural interest to building façades.</li> </ul>	<p><b>AO38</b></p> <p>No acceptable outcomes are prescribed.</p>	<b>N/A</b>	See AO26 above.
<p><b>PO39</b></p> <p>Buildings are finished with high quality materials, selected for:</p> <ul style="list-style-type: none"> <li>a) their ability to contribute the character of Waterfront North sub-precinct;</li> <li>b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.</li> </ul>	<p><b>AO39</b></p> <p>No acceptable outcomes are prescribed.</p>	<b>N/A</b>	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO40</b> Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	<b>AO40</b> No acceptable outcomes are prescribed.	N/A	See AO26 above.
<b>PO41</b> Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces.	<b>AO41.1</b> Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	N/A	See AO26 above.
	<b>AO41.2</b> Any break in the building façade varies the alignment by a 1 metre minimum deviation.	N/A	See AO26 above.
	<b>AO41.3</b> A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: <ul style="list-style-type: none"> <li>a) a change in roof profile;</li> <li>b) a change in parapet coping;</li> <li>c) a change in awning design;</li> <li>d) a horizontal or vertical change in the wall plane; or</li> <li>e) a change in the exterior finishes and exterior colours of the development.</li> </ul>	N/A	See AO26 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO42</b> Building facades that face public spaces at ground level: <ul style="list-style-type: none"> <li>a) complement the appearance of the development and surrounding streetscape;</li> <li>b) enhance the visual amenity of the public place;</li> <li>c) include a variety of human scale architectural elements and details;</li> <li>d) provide an opportunity for the casual and convenient surveillance of public space from within the development.</li> </ul>	<b>AO42</b> Building facades at the ground floor of development that face public space are designed to ensure: <ul style="list-style-type: none"> <li>a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development;</li> <li>b) a visually prominent main entrance that faces the principal public place;</li> <li>c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.</li> </ul>	N/A	See AO26 above.
<b>PO43</b> Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North sub- precinct and: <ul style="list-style-type: none"> <li>a) extend and cover the footpath to provide protection from the sun and rain;</li> <li>b) include lighting under the awning;</li> <li>c) are continuous across pedestrian circulation areas;</li> <li>d) align to provide continuity with existing or future awnings on adjoining sites;</li> <li>e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height;</li> <li>f) do not extend past a vertical plane, 1.2 metres inside the street kerb-line to enable street trees to be planted and grow;</li> </ul>	<b>AO43</b> No acceptable outcomes are prescribed.	N/A	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
g) are cantilevered from the main building with any posts within the footpath being non load-bearing.			
<b>PO44</b> The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.	<b>AO44.1</b> Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality.	N/A	See AO26 above.
	<b>AO44.2</b> Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line and station does not generate a requirement for additional vehicle parking.	N/A	See AO26 above.
<b>PO45</b> Development recognises the importance of and relationship between the marina, commercial and residential development in the Waterfront North sub-precinct, and includes measures to mitigate the impact of: <ul style="list-style-type: none"> <li>a) noise;</li> <li>b) odour;</li> <li>c) hazardous materials;</li> <li>d) waste and recyclable material storage.</li> </ul>	<b>AO45</b> No acceptable outcomes are prescribed.	N/A	See AO26 above.
<b>PO46</b> Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.	<b>AO46</b> No acceptable outcomes are prescribed.	N/A	See AO26 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO47</b> Buildings, civic spaces, roads and pedestrian links are enhanced by: <ul style="list-style-type: none"> <li>a) appropriate landscape design and planting;</li> <li>b) themed planting that defines entry points, and creates strong 'entry corridors' into the waterfront;</li> <li>c) lighting and well-considered discrete signage that complements building and landscape design;</li> <li>d) public artwork and other similar features that reflect the heritage and character of the Port Douglas Waterfront.</li> </ul>	<b>AO47</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO48</b> Buildings are designed and sited to provide vistas along shared pedestrian/open space and movement areas in suitable locations.	<b>AO48</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO49</b> Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation.	<b>AO49</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.
<b>PO50</b> Marine infrastructure to service the tourism, fishing and private boating community is provided.	<b>AO50</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO26 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO51</b> Changes to the Port Douglas Waterfront quay- line do not cause adverse impacts to the environmentally sensitive Dickson Inlet.	<b>AO51</b> Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes.  <i>Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.</i>	<b>N/A</b>	See AO26 above.
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1C – WATERFRONT SOUTH SUB-PRECINCT</b>			
<b>PO52</b> The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	<b>AO52</b> Uses identified as inconsistent uses Table 7.2.4.4.c are not established in Precinct 1c – Waterfront South.	<b>N/A</b>	The proposed development is not located within Precinct 1C – Waterfront South Sub-Precinct.
<b>PO53</b> Development does not adversely impact on the natural environment, natural vegetation or watercourses.	<b>AO53.1</b> An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed.  <i>Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.</i>	<b>N/A</b>	See AO52 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><b>AO53.2</b></p> <p>An Environmental Management Plan is prepared to manage potential impacts of the operation of the development on surrounding natural areas.</p> <p><i>Note - Planning scheme policy SC6.4 – Environmental management plans contains information to demonstrate compliance and guidance on preparing an Environmental Management Plan.</i></p>	N/A	See AO52 above.
<p><b>PO54</b></p> <p>Development of land at the end of Port Street adjacent to Dickson Inlet incorporates a slipway, or an alternative functioning facility, with capacity to service the Port Douglas marine and tourism industry.</p>	<p><b>AO54</b></p> <p>A master plan for the development is provided and implemented to demonstrate the integration of the slipway, or an alternative functioning facility, with other supporting service industry activities that service the marine and tourism industry of Port Douglas.</p>	N/A	See AO52 above.
<p><b>PO55</b></p> <p>Buildings and structures are of a height and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected.</p>	<p><b>AO55.1</b></p> <p>Development has a height of not more than 10 metres.</p>	N/A	See AO52 above.
	<p><b>AO55.2</b></p> <p>Development is setback from all property boundaries not less than 3 metres.</p>	N/A	See AO52 above.
<p><b>PO56</b></p> <p>The site coverage of all buildings and structures ensures development:</p> <ul style="list-style-type: none"> <li>a) is sited in an existing cleared area or in an area approved for clearing;</li> <li>b) has sufficient area for the provision of services;</li> </ul>	<p><b>AO56</b></p> <p>No acceptable outcomes are prescribed.</p>	N/A	See AO52 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
c) development does not have an adverse effect on the environmental, habitat, conservation or landscape values of the on-site and surrounding sensitive areas.			
<b>PO57</b> Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to: <ul style="list-style-type: none"> <li>a) be accommodated on-site;</li> <li>b) maximise safety and efficiency of loading;</li> <li>c) protect the visual and acoustic amenity of sensitive land use activities;</li> <li>d) minimise adverse impacts on natural characteristics of adjacent areas.</li> </ul>	<b>AO57.1</b> Sufficient manoeuvring area is provided on-site to allow a Medium Rigid Vehicle to enter and leave the site in a forward gear.	N/A	See AO52 above.
	<b>AO57.2</b> Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded.	N/A	See AO52 above.
	<b>AO57.3</b> Driveways, parking and manoeuvring areas are constructed and maintained to: <ul style="list-style-type: none"> <li>a) minimise erosion from storm water runoff;</li> <li>b) retain all existing vegetation.</li> </ul>	N/A	See AO52 above.
<b>PO58</b> Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised.	<b>AO58</b> No acceptable outcomes are prescribed.	N/A	See AO52 above.
<b>PO59</b> Entry to the site is landscaped to enhance the amenity of the area and provide a pleasant working environment.	<b>AO59</b> Areas used for loading and unloading, storage, utilities and car parking are screened from public view:	N/A	See AO52 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	a) by a combination of landscaping and screen fencing; b) dense planting along any road frontage is a minimum width of 3 metres.		
<b>PO60</b> Landscaping is informal in character and complementary to the existing natural environment, provides screening and enhances the visual appearance of the development.	<b>AO60</b> For any development landscaping is in accordance with the Plant species schedule in Planning scheme policy SC6.7–Landscaping.	<b>N/A</b>	See AO52 above.
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1D – LIMITED DEVELOPMENT SUB-PRECINCT</b>			
<b>PO61</b> The height of buildings and structures contributes to the desired form and outcomes for the sub- precinct and are limited to a single storey.	<b>AO61</b> Buildings and structures are not more than one storey and 4 metres in height.  <i>Note - Height is inclusive of the roof height.</i>	<b>N/A</b>	The proposed development is not located within Precinct 1D – Limited Development Sub-Precinct.
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1E – COMMUNITY AND RECREATION SUB-PRECINCT</b>			
<b>PO62</b> The precinct is developed for organised sporting activities and other community uses.	<b>AO62</b> No acceptable outcomes are prescribed.	<b>N/A</b>	The proposed development is not located within Precinct 1E – Community and Recreation Sub-Precinct.
<b>ADDITIONAL REQUIREMENTS FOR SUB-PRECINCT 1F – FLAGSTAFF HILL SUB-PRECINCT</b>			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO63</b> Flagstaff Hill is protected from inappropriate development to protect the hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Town centre.	<b>AO63</b> No acceptable outcomes are prescribed.	<b>YES</b>	The proposed development is consistent with the environmental management zone and will include one (1) dwelling house as well as retain existing vegetation along the street frontage, side and rear boundary.
<b>PO64</b> All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through: <ul style="list-style-type: none"> <li>a) building design which minimises excavation and filling;</li> <li>b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles;</li> <li>c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and view-shed;</li> <li>d) protection of the views from public viewing points in the Port Douglas precinct.</li> </ul>	<b>AO64</b> No acceptable outcomes are prescribed.	<b>YES</b>	The proposed developemnt will be subservient to the natural landscape and topography by: <ul style="list-style-type: none"> <li>(a) minimise excavation and fill to will to that required for efficient site drainage/grading and the creation of building pads for the proposed development</li> <li>(b) see (a) above.</li> <li>(c) The proposed development will have a colour scheme that incorporate darker shades to reduce the visual impact of the development.</li> <li>(d) the proposed development will protect views form public viewing points similar to the past approval on the site. Refer to <b>Attachment 2</b> for visual impact assessment.</li> </ul>
<b>ADDITIONAL REQUIREMENTS FOR PRECINCT 3 – CRAIGLIE COMMERCIAL AND LIGHT INDUSTRY PRECINCT</b>			
<b>PO65</b> Development supports the tourism and marine industries in Port Douglas, along with the small- scale commercial and light industry land uses that support the local	<b>AO65</b> Development consists of service and light industries and associated small scale commercial activities.	<b>N/A</b>	The proposed development is not located within Precinct 3 – Craiglie Commercial and Light Industry Precinct.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.			
<b>PO66</b> Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development.	<b>AO66.1</b> Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater.	N/A	See AO65 above.
	<b>AO66.2</b> The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site.	N/A	See AO65 above.
	<b>AO66.3</b> Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway frontage, or within any landscaped setback area.	N/A	See AO65 above.
	<b>AO66.4</b> Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.	N/A	See AO65 above.
<b>ADDITIONAL REQUIREMENTS FOR PRECINCT 6 – VERY LOW RESIDENTIAL DENSITY / LOW SCALE RECREATION / LOW SCALE EDUCATIONAL / LOW SCALE ENTERTAINMENT USES PRECINCT</b>			



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO67</b> No additional lots are created within the precinct.	<b>AO67</b> No acceptable outcomes are prescribed.	<b>N/A</b>	The proposed development is not located within Precinct 3 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses Precinct.
<b>PO68</b> Reconfigured lots have a minimum lot size of 2 hectares, unless the lot reconfiguration transfers lots to the higher parts of the land, to avoid the need to fill existing lots to accommodate dwelling houses.	<b>AO68</b> No acceptable outcomes are prescribed.	<b>N/A</b>	See AO67 above.

### Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Hillslopes overlay, if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land in the Hillslopes overlay is identified on the Hillslopes overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Hillslopes constraint sub-category.
- (3) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 8.2.5.3.a - Hillslopes overlay code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	<b>AO1.1</b> Development is located on parts of the site that are not within the Hillslopes constraint sub- category as shown on the Hillslopes overlay Maps contained in schedule 2.		
<b>FOR ASSESSABLE DEVELOPMENT</b>			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO2</b> The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	<b>AO2.1</b> Development does not occur on land with a gradient in excess of 1 in 6 (16.6%)  or	<b>YES</b>	The proposed development is located on sloping topography that averages approximately 1 in 3.
	<b>AO2.2</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.	<b>N/A</b>	See AO2.1 above.
	<b>AO2.3</b> Access ways and driveways are: <ul style="list-style-type: none"> <li>(a) constructed with surface materials that blend with the surrounding environment;</li> <li>(b) landscaped with dense planting to minimise the visual impact of the construction;</li> <li>(c) provided with erosion control measures immediately after construction.</li> </ul>	<b>YES</b>	Compliance can be conditioned.
	<b>AO2.4</b> The clearing or disturbance of vegetation is limited to clearing and disturbance that: <ul style="list-style-type: none"> <li>(a) is necessary for the construction of driveways;</li> <li>(b) is necessary to contain the proposed development;</li> <li>(c) minimises canopy clearing or disturbance;</li> <li>(d) minimises riparian clearing or disturbance.</li> </ul>	<b>YES</b>	The proposed development will result in the removal of vegetation within the building area of the dwelling house. However, as highlighted in the past approval, a detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO2.5</b> On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).	<b>N/A</b>	See AO2.1 above.
	<b>AO2.6</b> Development does not alter the sky line.	<b>YES</b>	The proposed development as does not alter the sky line as it will be two storeys and below the required 8.5m above ground level. The proposed development will be a lower than the approved past application, which was higher than the 8.5m required 8.5m above ground level. As such, the findings of the past visual impact assessment would still be relevant to the proposed development and at a reduced visual impact.
	<b>AO2.7</b> Buildings and structures: <ul style="list-style-type: none"> <li>(a) are finished predominantly in the following exterior colours or surfaces:               <ul style="list-style-type: none"> <li>i. moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or</li> <li>ii. moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape;</li> </ul> </li> <li>(b) are not finished in the following exterior colours or surfaces:               <ul style="list-style-type: none"> <li>i. pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright</li> </ul> </li> </ul>	<b>YES</b>	The proposed development will include a dwelling house: <ul style="list-style-type: none"> <li>(a)               <ul style="list-style-type: none"> <li>i. The proposed development will have a colour scheme that incorporate darker shades external colour to reduce the visual impact of the development.</li> <li>ii. The proposed development does include timber building materials of darker hues to visually merge with surrounding vegetation.</li> </ul> </li> <li>(b)</li> </ul>



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	ii. colours that do not blend with the surrounding vegetation and landscape; reflective surfaces.		i. The proposed development does not bright coloured building materials. ii. The proposed development does not include reflective surfaces.
	<b>AO2.8</b> Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features	<b>YES</b>	See Attachment 3 of the Planning Scheme. The proposed development does not include bright to the exterior trim or architectural features
	<b>AO2.9</b> Areas between the first floor (including outdoor deck areas) and ground level are screened from view.	<b>YES</b>	the proposed development will screen areas between the first floor and ground level with landscaping along the exterior trim.
	<b>AO2.10</b> Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: with a gradient of 1 in 6 (16.6%) or more; are designed to be sited and respond to the natural constraints of the land and require minimal earthworks.	<b>YES</b>	The proposed development includes a swimming pool along the northern boundary incorporated into the built form and is located on sloping topography that averages approximately 1 in 3.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO3</b> Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: <ul style="list-style-type: none"> <li>(a) loss of privacy;</li> <li>(b) loss of access to sunlight;</li> <li>(c) intrusion of visual or overbearing impacts;</li> <li>(d) complex engineering solutions.</li> </ul>	<b>AO3</b> Excavation or fill: <ul style="list-style-type: none"> <li>(a) is not more than 1.2 metres in height for each batter or retaining wall;</li> <li>(b) is setback a minimum of 2 metres from property boundaries;</li> <li>(c) is stepped with a minimum 2-metre-wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;</li> <li>(d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.</li> </ul>		
<b>LOT RECONFIGURATION</b>			
<b>PO4</b> For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.	<b>AO4.1</b> The frontage and depth of all lots is of sufficient width to: <ul style="list-style-type: none"> <li>allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%);</li> <li>accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve.</li> </ul>	N/A	The proposed development does not involve reconfiguring a lot.
	<b>AO4.2</b> Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible.	N/A	See AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<i>Note – The size of rectangular areas is outlined within each zone code.</i>		
	<b>AO4.3</b> Development does not alter ridgelines.	N/A	See AO4.1 above.
	<b>AO4.4</b> Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.	N/A	See AO4.1 above.

### Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Landscape values overlay, if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land in the Landscape values overlay is identified on the Landscape values overlay map in Schedule 2 and includes in following sub-categories:
  - (a) High landscape value sub-category;
  - (b) Medium landscape value sub-category;
  - (c) Scenic route buffer / view corridor area sub-category;
  - (d) Coastal scenery area sub-category.
- (3) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 8.2.6.3.a – Landscape values overlay code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>DEVELOPMENT IN A HIGH LANDSCAPE VALUE AREA</b>			



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO1</b> Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: <ul style="list-style-type: none"> <li>(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</li> <li>(b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;</li> <li>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</li> <li>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</li> <li>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</li> <li>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of</li> </ul>	<b>AO1.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.  Note - Height is inclusive of roof height.	<b>YES</b>	The proposed development is approximately 8.3 metres above natural ground level and two storeys in height.
	<b>AO1.2</b> Buildings and structures are setback not less than 50 metres from ridgelines or peaks.	<b>ALTERNATIVE SOLUTION SOUGHT</b>	As the proposed development is located within Flagstaff Hill, it is not possible to be setback less than 50 metres from ridgelines or peaks. The proposed development does not comply with the Acceptable Outcome, as such, assessment against the PO is required. <ul style="list-style-type: none"> <li>(a) The proposed development will result in the removal of vegetation within the building area of the dwelling house. However, as highlighted in the past approval, a detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.</li> <li>(b) The proposed development will maintain the existing vegetation along the street frontage to screen the proposed dwelling house.</li> <li>(c) The proposed development will include new landscaping along the boundaries and external trims of the dwelling house to soften built form elements</li> <li>(d) See 8.2.5 Hillslopes Overlay Code in <b>Attachment 5</b>.</li> </ul>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>telecommunications facilities, electricity towers, poles and lines and other tall infrastructure; (g) extractive industry operations are avoided.</p> <p><i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i></p>			<p>(e) The proposed development avoids detrimental impacts on landscape values by minimising excavation and fill to will to that required for efficient site drainage/grading and the creation of building pads for the proposed development.</p> <p>(f) Compliance can be conditioned.</p> <p>(g) Not applicable to a residential application.</p>
	<p><b>AO1.3</b></p> <p>Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	YES	See AO1.2 above.
	<p><b>AO1.4</b></p> <p>Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <ul style="list-style-type: none"> <li>(a) development follows the natural; contours of the site;</li> <li>(b) buildings are split level or suspended floor construction, or a combination of the two;</li> <li>(c) lightweight materials are used to areas with suspended floors.</li> </ul> <p><i>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</i></p>	N/A	The proposed development is located on sloping topography that averages approximately 1 in 3.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO1.5</b> The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.  <i>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</i>	<b>YES</b>	Refer to <b>Attachment 3</b> of the Planning Report. The proposed development will have a colour scheme that incorporate darker shades to reduce the visual impact of the development.
	<b>AO1.6</b> No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).	<b>YES</b>	See AO1.2 above.
	<b>AO1.7</b> Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.  <i>Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.</i>	<b>N/A</b>	the proposed development does not involve ant accommodation activities or reconfiguration of a lot.
	<b>AO1.8</b> Advertising devices do not occur.	<b>YES</b>	the proposed development does not include advertising devices.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>DEVELOPMENT WITHIN THE MEDIUM LANDSCAPE VALUE AREA</b>			
<b>PO2</b> Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;	<b>AO2.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.  <i>Note - Height is inclusive of the roof height.</i>	N/A	the proposed development is not located within the Medium Landscape Value Area.
	<b>AO2.2</b> Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	N/A	See AO2.1 above.
	<b>AO2.3</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors.  <i>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</i>	N/A	See AO2.1 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.</p> <p><i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i></p>	<p><b>AO2.4</b></p> <p>The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p><i>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</i></p>	N/A	See AO2.1 above.
	<p><b>AO2.5</b></p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p>	N/A	See AO2.1 above.
	<p><b>AO2.6</b></p> <p>Advertising devices do not occur.</p>	N/A	See AO2.1 above.
<b>DEVELOPMENT WITHIN A SCENIC ROUTE BUFFER / VIEW CORRIDOR AREA</b>			
<p><b>PO3</b></p> <p>Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) retains visual access to views of the surrounding landscape, the sea and other water bodies;</p>	<p><b>AO3.1</b></p> <p>Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code.</p>	N/A	the proposed development is not located within the Scenic Route Buffer/ View Corridor Area.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors; incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character; (c) minimises visual impacts on the setting and views in terms of: (d) the scale, height and setback of buildings; (e) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways; (f) the scale, extent and visual prominence of advertising devices.  <i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i>	<b>AO3.2</b>  No clearing of native vegetation is undertaken within a Scenic route buffer area.	N/A	See AO3.1 above.
	<b>AO3.3</b>  Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code.	N/A	See AO3.1 above.
	<b>AO3.4</b>  Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.	N/A	See AO3.1 above.
<b>DEVELOPMENT WITHIN THE COASTAL SCENERY AREA</b>			
<b>PO4</b>  The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.	<b>AO4.1</b>  The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.	N/A	The proposed development is not located within the Coastal Scenery Area.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i></p>	<p><b>AO4.2</b></p> <p>Where located adjacent to the foreshore buildings and structures are setback:</p> <ul style="list-style-type: none"> <li>(a) Where no adjoining development, a minimum of 50 metres from the coastal high-water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or</li> <li>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high-water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code.</li> </ul>	<b>N/A</b>	See AO4.1 above.
	<p><b>AO4.3</b></p> <p>Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p> <p>where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or</p> <p>where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	<b>N/A</b>	See AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><b>PO5</b></p> <p>Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical.</p> <p><i>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome</i></p>	<p><b>AO5</b></p> <p>No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code</p>	<p><b>N/A</b></p>	<p>See AO4.1 above.</p>



### Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
  
- (2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
  - (a) MSES – Protected area;
  - (b) MSES – Marine park;
  - (c) MSES – Wildlife habitat;
  - (d) MSES – Regulated vegetation;
  - (e) MSES – Regulated vegetation (intersecting a Watercourse);
  - (f) MSES – High ecological significance wetlands;
  - (g) MSES – High ecological value waters (wetlands);
  - (h) MSES – High ecological value waters (watercourse);
  - (i) MSES – Legally secured off set area.

*Note – MSES = Matters of State Environmental Significance.*

- (3) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 8.2.7.3.a – Natural area overlay code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE DEVELOPMENT AND ASSESSABLE DEVELOPMENT</b>			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PROTECTION OF MATTERS OF ENVIRONMENTAL SIGNIFICANCE</b>			
<b>PO1</b> Development protects matters of environmental significance.	<b>AO1.1</b> Development avoids significant impact on the relevant environmental values.  or	<b>N/A</b>	See AO1.2 below.
	<b>AO1.2</b> A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance.  or	<b>YES</b>	The proposed development will result in the removal of vegetation within the building area of the dwelling house. However, as highlighted in the past approval, a detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.
	<b>AO1.3</b> Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	<b>N/A</b>	See AO1.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>MANAGEMENT OF IMPACTS ON MATTERS OF ENVIRONMENTAL SIGNIFICANCE</b>			
<b>PO2</b> Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	<b>AO2</b> The design and layout of development minimises adverse impacts on ecologically important areas by: <ul style="list-style-type: none"> <li>(a) focusing development in cleared areas to protect existing habitat;</li> <li>(b) utilising design to consolidate density and preserve existing habitat and native vegetation;</li> <li>(c) aligning new property boundaries to maintain ecologically important areas;</li> <li>(d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas;</li> <li>(e) ensuring that significant fauna habitats are protected in their environmental context; and</li> <li>(f) incorporating measures that allow for the safe movement of fauna through the site.</li> </ul>		
<b>PO3</b> An adequate buffer to areas of state environmental significance is provided and maintained.	<b>AO3.1</b> A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: <ul style="list-style-type: none"> <li>(a) 100 metres where the area is located outside Urban areas; or</li> <li>(b) 50 metres where the area is located within a Urban areas.</li> </ul> or	<b>N/A</b>	The site does not include vegetation identified as of state environmental significance (Wetland protection area).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>A03.2</b> A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	N/A	See AO3.1 above.
<b>PO4</b> Wetland and wetland buffer areas are maintained, protected and restored.  <i>Note – Wetland buffer areas are identified in AO3.1.</i>	<b>A04.1</b> Native vegetation within wetlands and wetland buffer areas is retained.	N/A	The proposed development does not include Native vegetation within wetlands and wetland buffer areas.
	<b>A04.2</b> Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem	N/A	See AO4.1 above.
<b>PO5</b> Development avoids the introduction of non- native pest species (plant or animal), that pose a risk to ecological integrity.  <i>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome</i>	<b>A05.1</b> Development avoids the introduction of non-native pest species.	YES	Compliance can be conditioned.
	<b>A05.2</b> The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	YES	Compliance can be conditioned.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>ECOLOGICAL CONNECTIVITY</b>			
<b>PO6</b> Development protects and enhances ecological connectivity and/or habitat extent.	<b>A06.1</b> Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and	<b>YES</b>	All vegetation outside the proposed building envelope will be retained. See <b>Attachment 3</b> of the Planning Report for proposed plans.
	<b>A06.2</b> Development within an ecological corridor rehabilitates native vegetation. and	<b>N/A</b>	The site does not include an ecological corridor.
	<b>A06.3</b> Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.	<b>N/A</b>	The site does not include a conservation corridor.
<b>PO7</b> Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	<b>A07.1</b> Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation. and		
	<b>A07.2</b> Development does not encroach within 10 metres of existing riparian vegetation and watercourses.	<b>N/A</b>	The site does not include existing riparian vegetation or watercourses.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>WATERWAYS IN AN URBAN AREA</b>			
<b>PO8</b> Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration.</li> </ul>	<b>AO8.1</b> Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve;  or	<b>N/A</b>	The site does not contain an identified waterway within an easement or a reserve.
	<b>AO8.2</b> Development does not occur on the part of the site affected by the waterway corridor.  <i>Note – Waterway corridors are identified within Table 8.2.7.3.b.</i>	<b>N/A</b>	See AO8.1 above.
<b>WATERWAYS IN A NON-URBAN AREA</b>			
<b>PO9</b> Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration.</li> </ul>	<b>AO9</b> Development does not occur on that part of the site affected by a waterway corridor.  <i>Note – Waterway corridors are identified within Table 8.2.7.3.b.</i>	<b>N/A</b>	The site does not contain an identified waterway

### Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Potential landslide hazard overlay; if
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land in the Potential landslip hazard overlay is identified on the Potential landslide hazard overlay maps in Schedule 2 and includes the following sub-categories:
  - (a) Places of potential landslide hazard sub-category.
- (3) When using this code, reference should be made to Part 5.

*Note – The Potential landslide hazard overlay shows modelled areas where the factors contributing to landslip potential accumulate to provide a moderate or higher risk if certain factors are exacerbated (e.g. factors include significant vegetation clearing, filling and excavation, changes to soil characteristics, changes to overland water flow, or changes to sub-surface water flow). It shows areas that the Council has identified where landslides may occur and where land may be impacted by a landslide but does not mean that landslides will occur or that the land will be impacted by a landslide. Other areas not contained within the potential landslide hazard overlay may sustain landslides or be impacted by landslides and consideration should be given to this issue, where appropriate.*

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 8.2.9.3.a – Potential landslide hazard overlay code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE DEVELOPMENT AND ASSESSABLE DEVELOPMENT			

## 8.2.9 Potential Landslide Hazard Overlay Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO1</b> The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through: <ul style="list-style-type: none"> <li>(a) building design;</li> <li>(b) increased slope;</li> <li>(c) removal of vegetation;</li> <li>(d) stability of soil;</li> <li>(e) earthworks;</li> <li>(f) alteration of existing ground water or surface water paths;</li> <li>(g) waste disposal areas.</li> </ul>	<b>AO1.1</b> Development is located on that part of the site not affected by the Potential landslide hazard overlay.  or	<b>N/A</b>	See AO1.3 below.
	<b>AO1.2</b> Development is on an existing stable, benched site and requires no further earthworks  or	<b>N/A</b>	See AO1.3 below.
	<b>AO1.3</b> A competent person certifies that: <ul style="list-style-type: none"> <li>(a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development;</li> <li>(b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site;</li> <li>(c) the site is not subject to the risk of landslide activity on other land;</li> <li>(d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented;</li> </ul>	<b>YES</b>	The site does include small intrusions of the Potential landslide hazard overlay along the street frontage boundary and northern boundary. As such, the proposed development has completed a past application for Operational Works with a Geotechnical Report completed by GEO Construct that certifies: <ul style="list-style-type: none"> <li>(a) stability on the site will be ensured through the installation of soil nails and the placement of reinforced shotcrete.</li> <li>(b) See (a) above.</li> <li>(c) The proposed development is not at risk of landslide activity in adjacent allotments, according to council mapping.</li> <li>(d) See <b>Attachment 2</b> of the Planning Report.</li> </ul>



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>(e) development does not concentrate existing ground water and surface water paths;</p> <p>(f) development does not incorporate on-site waste water disposal.</p> <p><i>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.</i></p> <p><i>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report but should ensure that its final disbursement is as-per pre-developed conditions.</i></p> <p><i>Consideration for location, velocity, volume and quality should be given.</i></p>		<p>(e) The proposed development will include temporary rock drain structure during earthworks and permanent stormwater works during competition. See <b>Attachment 2</b> of the Planning Report.</p> <p>(f) The proposed development does not include on-site waste water disposal.</p>
<p><b>PO2</b></p> <p>The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p><b>AO2</b></p> <p>Excavation or fill:</p> <p>(a) is not more than 1.2 metres in height for each batter or retaining wall;</p> <p>(b) is setback a minimum of 2 metres from property boundaries;</p> <p>(c) is stepped with a minimum 2-metre-wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;</p> <p>(d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot.</p>	<p><b>ALTERNATIVE SOLUTION SOUGHT</b></p>	<p>See Section 7.2 of the Planning Report.</p>
<p><b>ADDITIONAL REQUIREMENTS FOR COMMUNITY INFRASTRUCTURE</b></p>			

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><b>PO3</b></p> <p>Development for community infrastructure:</p> <ul style="list-style-type: none"> <li>(a) is not at risk from the potential landslide hazard areas;</li> <li>(b) will function without impediment from a landslide;</li> <li>(c) provides access to the infrastructure without impediment from the effects of a landslide;</li> <li>(d) does not contribute to an elevated risk of a landslide to adjoining properties.</li> </ul>	<p><b>AO3</b></p> <p>Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p><i>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</i></p>	<b>N/A</b>	Not considered applicable to the proposed residential development.

### Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
  
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Transport network (Road Hierarchy) overlay sub-categories:
    - (i) State controlled road sub-category;
    - (ii) Sub-arterial road sub-category;
    - (iii) Collector road sub-category;
    - (iv) Access road sub-category;
    - (v) Industrial road sub-category;
    - (vi) Major rural road sub-category;
    - (vii) Minor rural road sub-category;
    - (viii) Unformed road sub-category;
    - (ix) Major transport corridor buffer area sub-category.
  - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
    - (i) Principal route;
    - (ii) Future principal route;
    - (iii) District route;
    - (iv) Neighbourhood route;
    - (v) Strategic investigation route.
  
- (3) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 8.2.10.3.a – Transport network overlay code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> Development supports the road hierarchy for the region.  <i>Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i>	<b>AO1.1</b> Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	<b>YES</b>	Murphy Street has been identified as a Access Road on Council's Road Hierarchy. Such roads have the capacity to service up to 200-740 vehicle movements per day (as per Table D1.1 of the FNQROC Development Manual). This, combined with the fact there is no known capacity issues on Murphy Street, leads Urban Sync to the opinion that the proposed development will not result in any adverse impacts on the intended role and function of the existing or future transport network. As such, the proposed development can remain compatible with, and will not compromise the safety or efficiency of Murphy Street and/or the surrounding road network.
	<b>AO1.2</b> Development does not compromise the safety and efficiency of the transport network.	<b>YES</b>	See AO1.1 above.
	<b>AO1.3</b> Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	<b>YES</b>	The site fronts only one (1) road, being Murphy Street (Access Road).
<b>PO2</b> Transport infrastructure is provided in an integrated and timely manner.	<b>AO2</b> Development provides infrastructure (including improvements to existing infrastructure) in accordance with:	<b>YES</b>	Murphy Street is constructed to a suitable standard in accordance with Table D1.1 of the FNQROC Development Manual. As Murphy Street does not current includes a footpath along the road reserve and



## 8.2.10 Transport Network Overlay Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i></p>	<p>(a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan.</p> <p><i>Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</i></p>		<p>is not identified on pedestrian cycle network, it would in this instance, be unreasonable to require the construction of a new footpath or cycle lane along the site's frontage.</p>
<p><b>PO3</b></p> <p>Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.</p>	<p><b>AO3</b></p> <p>No acceptable outcomes are prescribed.</p> <p><i>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</i></p>	N/A	<p>The site is not situated on a major transport corridor.</p>
<p><b>PO4</b></p> <p>Development does not compromise the intended role and function or safety and efficiency of major transport corridors.</p> <p><i>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i></p>	<p><b>AO4.1</b></p> <p>Development is compatible with the role and function (including the future role and function) of major transport corridors.</p>	N/A	<p>See AO3.1 above.</p>
	<p><b>AO4.2</b></p> <p>Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p>	N/A	<p>See AO3.1 above.</p>
	<p><b>AO4.3</b></p>	N/A	<p>See AO3.1 above.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>Intersection and access points associated with major transport corridors are located in accordance with:</p> <ul style="list-style-type: none"> <li>(a) the Transport network overlay maps contained in Schedule 2; and</li> <li>(b) any relevant Local Plan.</li> </ul>		
	<p><b>AO4.4</b></p> <p>The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.</p>	N/A	See AO3.1 above.
<p><b>PO5</b></p> <p>Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.</p>	<p><b>AO5</b></p> <p>No acceptable outcomes are prescribed.</p>	N/A	See AO3.1 above.
<b>PEDESTRIAN AND CYCLE NETWORK</b>			
<p><b>PO6</b></p> <p>Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.</p>	<p><b>AO6.1</b></p> <p>Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.</p>	N/A	The proposed development is not located within the proximity of an element of the pedestrian and cycle Movement network.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><b>AO6.2</b></p> <p>The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.</p>	<b>N/A</b>	See AO6.1 above.

### Application

- (1) This code applies to assessing development for a dwelling house if:
  - (a) self-assessable development or assessable development where this code identified in the assessment criteria column of a table of assessment; or
  - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

*Note—Where the land is identified in an overlay map, additional provisions relating to that overlay also apply. For example, minimum floor levels for a dwelling house on a site subject to certain types of flooding are identified in the Flood and storm tide inundation overlay code.*

*Note – For a proposal to be self-assessable, it must meet all of the self-assessable outcomes of this code and any other applicable code. Where it does not meet all the self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding performance outcomes. Other self-assessable outcomes that are met are not assessed as part of the development application.*

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 9.3.8.3.a – Dwelling house code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ASSESSABLE AND SELF-ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> Secondary dwellings: <ol style="list-style-type: none"> <li>a) are subordinate, small-scaled dwellings;</li> <li>b) contribute to a safe and pleasant living environment;</li> <li>c) are established on appropriate sized lots;</li> </ol>	<b>AO1</b> The secondary dwelling: <ol style="list-style-type: none"> <li>a) has a total gross floor area of not more than 80m<sup>2</sup>, excluding a single carport or garage;</li> <li>b) is occupied by 1 or more members of the same household as the dwelling house.</li> </ol>	<b>N/A</b>	The proposed development does not include a secondary dwelling.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
d) do not cause adverse impacts on adjoining properties.			
<b>PO2</b> Resident's vehicles are accommodated on- site.	<b>AO2</b> Development provides a minimum number of on- site car parking spaces comprising: <ul style="list-style-type: none"> <li>a) 2 car parking spaces which may be in tandem for the dwelling house;</li> <li>b) 1 car parking space for any secondary dwelling on the same site.</li> </ul>	<b>YES</b>	The proposed development includes two (2) on-site car parking spaces within the proposed garage on the lower floor.
<b>PO3</b> Development is of a bulk and scale that: <ul style="list-style-type: none"> <li>a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area;</li> <li>b) does not create an overbearing development for adjoining dwelling houses and their private open space;</li> <li>c) does not impact on the amenity and privacy of residents in adjoining dwelling houses;</li> <li>d) ensures that garages do not dominate the appearance of the street.</li> </ul>	<b>AO3</b> Development meets the acceptable outcome for building height in the applicable Zone code associated with the site.	<b>YES</b>	The proposed development will be an approximate height of eight (8.5) metres above ground level and two storeys in height.

### Application

- (1) This code applies to assessing:
  - (a) operational work which requires a compliance assessment as a condition of a development permit; or
  - (b) a material change of use or reconfiguring a lot if:
    - (i) self-assessable or assessable development where this code is identified in the assessment criteria column of the table of assessment;
    - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 9.4.1.3.a – Access, parking and servicing code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> 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: <ol style="list-style-type: none"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> </ol>	<b>AO1.1</b> 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.  <i>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.</i>	<b>YES</b>	According to Table 9.3.7.3.b, the proposed development is required to provide a minimum of 2 parking spaces per dwelling house. The proposed development provides two spaces within the garage.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation.	<b>AO1.2</b> 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.	N/A	Not considered applicable to a residential development.
	<b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	N/A	Not considered applicable to a residential development.
	<b>AO1.4</b> 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.	N/A	Not considered applicable to a residential development.
<b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	YES	The parking lot on site has been design and constructed in accordance with the FNQROC Development Manual.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO3</b> Access points are designed and constructed: <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> <li>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</li> </ul>	<b>AO3.1</b> Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul>	<b>YES</b>	There is one (1) existing access crossover to the site.
	<b>AO3.2</b> Access, including driveways or access crossovers: <ul style="list-style-type: none"> <li>(a) are not placed over an existing:</li> <li>(b) telecommunications pit;</li> <li>(c) stormwater kerb inlet;</li> <li>(d) sewer utility hole;</li> <li>(e) water valve or hydrant;</li> <li>(f) are designed to accommodate any adjacent footpath;</li> <li>(g) adhere to minimum sight distance requirements in accordance with AS2980.1.</li> </ul>	<b>N/A</b>	The crossover on site is existing and has been designed in accordance with all relevant standards of the FNQROC Regional Development Manual.
	<b>AO3.3</b> Driveways are: <ul style="list-style-type: none"> <li>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</li> </ul>	<b>N/A</b>	The crossover on site is existing and has been designed in accordance with all relevant standards of the FNQROC Regional Development Manual.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> <li>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</li> <li>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</li> <li>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</li> <li>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</li> </ul>		
	<b>A03.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	<b>N/A</b>	The crossover on site is existing and has been designed in accordance with all relevant standards of the FNQROC Regional Development Manual.
<b>PO4</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	<b>A04</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	<b>YES</b>	All carparking onsite is existing and has been designed and constructed in accordance with the relevant standards of the FNQROC Regional Development Manual.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.	<b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.	<b>YES</b>	All carparking onsite is existing and has been designed and constructed in accordance with the relevant standards of the FNQROC Regional Development Manual.
<b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	<b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	<b>YES</b>	All carparking onsite is existing and has been designed and constructed in accordance with the relevant standards of the FNQROC Regional Development Manual.
<b>PO7</b> Development provides secure and convenient bicycle parking which: <ul style="list-style-type: none"> <li>(a) for visitors is obvious and located close to the building's main entrance;</li> <li>(b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building;</li> <li>(c) is easily and safely accessible from outside the site.</li> </ul>	<b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	<b>N/A</b>	The scale of this development it is not deemed necessary to provide these facilities.
	<b>AO7.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	<b>N/A</b>	See AO7.1 above.
	<b>AO7.3</b> Development provides visitor bicycle parking which does not impede pedestrian movement.	<b>N/A</b>	See AO7.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO8</b> Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul>	<b>AO8</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>	<b>N/A</b>	The scale of this development it is not deemed necessary to provide these facilities.
<b>PO9</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> <li>(b) so that they do not interfere with the amenity of the surrounding area;</li> <li>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</li> </ul>	<b>AO9.1</b> Access driveways, vehicle manoeuvring and on- site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	<b>N/A</b>	See AO9.2 below.
	<b>AO9.2</b> Service and loading areas are contained fully within the site.	<b>N/A</b>	The proposed development does not include service or loading areas and is not considered applicable to a residential development.
	<b>AO9.3</b> The movement of service vehicles and service operations are designed so they: <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>	<b>N/A</b>	See AO9.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	<b>AO10.1</b> Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive-through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul>	<b>N/A</b>	Not considered applicable to a residential development.
	<b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	<b>N/A</b>	Not considered applicable to a residential development.



### Application

- (1) This code applies to assessing:
- (a) operational work for filling or excavation which is self-assessable or code assessable development if this code is an applicable code identified in the assessment criteria column of a table of assessment; or
  - (b) a material change of use or reconfiguring a lot if:
    - (i) assessable development where this code is identified as a prescribed secondary code in the assessment criteria column of a table of assessment; or
    - (ii) impact assessable development, to the extent relevant.

*Note—This code does not apply to building work that is regulated under the Building Code of Australia.*

- (2) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 9.4.4.3.a – Filling and excavation code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>FILLING AND EXCAVATION - GENERAL</b>			
<b>PO1</b> 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.	<b>AO1.1</b> The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.  and	<b>ALTERNATIVE SOLUTION SOUGHT</b>	As the proposed development does not comply with the Acceptable Outcomes, assessment against the PO is required.  The proposed filling and excavation work will not result in a negative impact to the slope stability, erosion potential or visual amenity of the site as

#### 9.4.4 Filling and Excavation Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.		outlined in the Geotechnical Report prepared by GEO Construct.
	<b>AO1.2</b> Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	N/A	See AO1.1 above.
	<b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.	N/A	See AO1.1 above.
	<b>AO1.4</b> Topsoil from the site is retained from cuttings and reused on benches/terraces.	N/A	See AO1.1 above.
	<b>AO1.5</b> 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.	N/A	See AO1.1 above.

## 9.4.4 Filling and Excavation Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO1.6</b> 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.	N/A	See AO1.1 above.
<b>VISUAL IMPACT AND SITE STABILITY</b>			
<b>PO2</b> Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	<b>AO2.1</b> The extent of filling and excavation does not exceed 40% of the site area, or 500m <sup>2</sup> whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	YES	The estimated fill in the proposed development will be approximately 315m <sup>3</sup> .
	<b>AO2.2</b> Filling and excavation does not occur within 2 metres of the site boundary.	YES	the proposed Filling and excavation will not occur within 2 metres of the site boundary, with the exception of the driveway access point.
<b>FLOODING AND DRAINAGE</b>			
<b>PO3</b> 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.	<b>AO3.1</b> Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	YES	The proposed development will include temporary rock drain structures during earthworks and permanent stormwater works during competition. See <b>Attachment 2</b> of the Planning Report.

## 9.4.4 Filling and Excavation Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO3.2</b> Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	<b>YES</b>	See AO3.2 above.
	<b>AO3.3</b> Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	<b>YES</b>	See AO3.2 above.
	<b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	<b>YES</b>	Compliance can be conditioned.
<b>WATER QUALITY</b>			
<b>PO4</b> Filling and excavation does not result in a reduction of the water quality of receiving waters.	<b>AO4</b> Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	<b>YES</b>	Compliance can be conditioned.
<b>INFRASTRUCTURE</b>			



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>P05</b> Excavation and filling does not impact on Public Utilities.	<b>A05</b> Excavation and filling is clear of the zone of influence of public utilities.	<b>YES</b>	Compliance can be conditioned.

### Application

- (1) This code applies to assessing:
- (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
  - (b) a material change of use or reconfiguring a lot if:
    - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
    - (ii) impact assessable development, to the extent relevant.

*Note – The Filling and excavation code applies to operational work for filling and excavation.*

- (1) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 9.4.5.3.a – Infrastructure works code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>WORKS ON A LOCAL GOVERNMENT ROAD</b>			
<b>PO1</b> Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	<b>AO1.1</b> Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>YES</b>	Murphy Street is constructed to a suitable standard in accordance with Table D1.1 of the FNQROC Development Manual. As Murphy Street does not current includes a footpath along the road reserve and is not identified on pedestrian cycle network, it would in this instance, be unreasonable to require the construction of a new footpath or cycle lane along the site's frontage

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO1.2</b> Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	<b>YES</b>	Compliance can be condition.
	<b>AO1.3</b> New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: <ul style="list-style-type: none"> <li>a) are installed via trenchless methods; or</li> <li>b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</li> </ul>	<b>YES</b>	Compliance can be condition.
	<b>AO1.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: <ul style="list-style-type: none"> <li>a) similar surface finishes are used;</li> <li>b) there is no change in level at joins of new and existing sections;</li> <li>c) new sections are matched to existing in terms of dimension and reinforcement.</li> </ul> <i>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</i>	<b>YES</b>	Compliance can be condition.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>A01.5</b> Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	<b>N/A</b>	The proposed development does not include structures within the road reserve.
<b>ACCESSIBILITY STRUCTURES</b>			
<b>PO2</b> Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.  <i>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</i>	<b>A02.1</b> Accessibility structures are not located within the road reserve.	<b>YES</b>	The proposed development does include a lift within the proposed dwelling.
	<b>A02.2</b> Accessibility structures are designed in accordance with AS1428.3.	<b>YES</b>	Compliance can be conditioned.
	<b>A02.3</b> When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.	<b>N/A</b>	The proposed development is not within an existing building.
<b>WATER SUPPLY</b>			



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO3</b> An adequate, safe and reliable supply of potable, firefighting and general use water is provided.	<b>AO3.1</b> The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;  or	<b>YES</b>	See <b>Section 5.4.1</b> of the Planning Report. Compliance can also be conditioned.
	<b>AO3.2</b> Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.	<b>N/A</b>	See AO3.1 above.
<b>TREATMENT AND DISPOSAL OF EFFLUENT</b>			
<b>PO4</b> Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result	<b>AO4.1</b> The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design	<b>YES</b>	See <b>Section 5.4.2</b> of the Planning Report. Compliance can also be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
of the system or as a result of increasing the cumulative effect of systems in the locality.	Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;  or		
	<b>AO4.2</b>  Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	<b>N/A</b>	See AO4.2 above.
<b>STORMWATER QUALITY</b>			
<b>PO5</b>  Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:  a) achieving stormwater quality objectives; b) protecting water environmental values; c) maintaining waterway hydrology.	<b>AO5.1</b>  A connection is provided from the premises to Council's drainage system;  or	<b>YES</b>	Please see <b>Section 5.4.5</b> of the Planning Report for commentary on the proposed stormwater methodology for the proposed development which demonstrates compliance with the Acceptable Outcome i.e., the proposed development will discharge to a lawful point of discharge. Compliance can also be conditioned.
	<b>AO5.2</b>  An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>N/A</b>	See AO5.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><b>AO5.3</b></p> <p>A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> <li>a) erosive, dispersive and/or saline soil types;</li> <li>b) landscape features (including landform);</li> <li>c) acid sulfate soil and management of nutrients of concern;</li> <li>d) rainfall erosivity.</li> </ul>	<b>YES</b>	Please see <b>Section 5.4.6</b> of the Planning Report for commentary on the proposed stormwater methodology for the proposed development which demonstrates compliance with the Acceptable Outcome i.e., the proposed development will discharge to a lawful point of discharge. Compliance can also be conditioned.
	<p><b>AO5.4</b></p> <p>Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.</p>	<b>YES</b>	Please see <b>Section 5.4.8</b> of the Planning Report.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><b>AO5.5</b></p> <p>Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.</p> <p><i>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the Environmental Protection Act 1994.</i></p> <p><i>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</i></p>	<b>YES</b>	The proposed development will include temporary rock drain structure during earthworks and permanent stormwater works during competition. See <b>Attachment 2</b> of the Planning Report.
<b>NON-TIDAL ARTIFICIAL WATERWAYS</b>			
<p><b>PO6</b></p> <p>Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> <li>a) protect water environmental values;</li> <li>b) be compatible with the land use constraints for the site for protecting water environmental values;</li> <li>c) be compatible with existing tidal and non-tidal waterways;</li> </ul>	<p><b>AO6.1</b></p> <p>Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> <li>a) environmental values in downstream waterways are protected;</li> <li>b) any ground water recharge areas are not affected;</li> <li>c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;</li> <li>d) existing areas of ponded water are included.</li> </ul>	<b>N/A</b>	the proposed development is not located in proximity to Non-tidal Artificial Waterways.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
d) perform a function in addition to stormwater management; e) achieve water quality objectives.	<b>AO6.2</b> Non-tidal artificial waterways are located: <ul style="list-style-type: none"> <li>a) outside natural wetlands and any associated buffer areas;</li> <li>b) to minimise disturbing soils or sediments;</li> <li>c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</li> </ul>	N/A	See AO6.1 above.
	<b>AO6.3</b> Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> <li>a) there is sufficient flushing or a tidal range of &gt;0.3 m; or</li> <li>b) any tidal flow alteration does not adversely impact on the tidal waterway; or</li> <li>c) there is no introduction of salt water into freshwater environments.</li> </ul>	N/A	See AO6.1 above.
	<b>AO6.4</b> Non-tidal artificial waterways are designed and managed for any of the following end-use purposes: <ul style="list-style-type: none"> <li>a) amenity (including aesthetics), landscaping or recreation; or</li> <li>b) flood management, in accordance with a drainage catchment management plan; or</li> </ul>	N/A	See AO6.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> <li>c) stormwater harvesting plan as part of an integrated water cycle management plan; or</li> <li>d) aquatic habitat.</li> </ul>		
	<b>AO6.5</b> The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.	<b>N/A</b>	See AO6.1 above.
	<b>AO6.6</b> Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway	<b>N/A</b>	See AO6.1 above.
	<b>AO6.7</b> Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	<b>N/A</b>	See AO6.1 above.
<b>WASTEWATER DISCHARGE</b>			
<b>PO7</b> Discharge of wastewater to waterways, or off site: <ul style="list-style-type: none"> <li>1) meets best practice environmental management;               <ul style="list-style-type: none"> <li>a) is treated to:</li> </ul> </li> </ul>	<b>AO7.1</b> A wastewater management plan is prepared and addresses: <ul style="list-style-type: none"> <li>a) wastewater type;</li> <li>b) climatic conditions;</li> <li>c) water quality objectives;</li> </ul>	<b>N/A</b>	Not considered applicable to a residential development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> <li>i. meet water quality objectives for its receiving waters;</li> <li>ii. avoid adverse impact on ecosystem health or waterway health;</li> <li>iii. maintain ecological processes, riparian vegetation and waterway integrity;</li> <li>iv. offset impacts on high ecological value waters.</li> </ul>	d) best practice environmental management.		
	<b>A07.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that: <ul style="list-style-type: none"> <li>a) avoids wastewater discharge to waterways; or</li> <li>b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.</li> </ul>	N/A	See A07.1 above.
	<b>A07.3</b> Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	N/A	See A07.1 above.
	<b>A07.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and: <ul style="list-style-type: none"> <li>a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</li> <li>b) manages wastewater so that:</li> </ul>	N/A	See A07.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> <li>c) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</li> <li>d) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</li> <li>e) visible iron floc is not present in any discharge;</li> <li>f) precipitated iron floc is contained and disposed of;</li> <li>g) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</li> </ul>		
<b>ELECTRICITY SUPPLY</b>			
<b>PO8</b> Development is provided with a source of power that will meet its energy needs.	<b>AO8.1</b> A connection is provided from the premises to the electricity distribution network;  or	<b>N/A</b>	See AO8.2 below.
	<b>AO8.2</b> The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.  <i>Note - Areas north of the Daintree River have a different standard.</i>	<b>YES</b>	The proposed development will utilise the existing electricity infrastructure in Murphy Street.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO9</b> Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	<b>AO9.1</b> Pad-mount electricity infrastructure is: <ul style="list-style-type: none"> <li>a) not located in land for open space or sport and recreation purposes;</li> <li>b) screened from view by landscaping or fencing;</li> <li>c) accessible for maintenance.</li> </ul>	<b>N/A</b>	The proposed development will not require any padmount electricity infrastructure.
	<b>AO9.2</b> Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.  <i>Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.</i>	<b>N/A</b>	See AO9.1 above.
<b>TELECOMMUNICATIONS</b>			
<b>PO10</b> Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	<b>AO10</b> The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	<b>YES</b>	See <b>Section 5.4.4</b> of the Planning Report.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO11</b> Provision is made for future telecommunications services (e.g. fibre optic cable).	<b>AO11</b> Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>YES</b>	Compliance can be conditioned.
<b>ROAD CONSTRUCTION</b>			
<b>PO12</b> The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: <ul style="list-style-type: none"> <li>a) pedestrians and cyclists to and from the site;</li> <li>b) pedestrians and cyclists adjacent to the site;</li> <li>c) vehicles on the road adjacent to the site;</li> <li>d) vehicles to and from the site;</li> <li>e) emergency vehicles.</li> </ul>	<b>AO12.1</b> The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.	<b>YES</b>	Murphy Street is constructed to a suitable standard in accordance with Table D1.1 of the FNQROC Development Manual.
	<b>AO12.2</b> There is existing road, kerb and channel for the full road frontage of the site.	<b>YES</b>	Murphy Street is improved by an existing road, kerb and channel for the full road frontage of the site.
	<b>AO12.3</b> Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	<b>YES</b>	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>ALTERATIONS AND REPAIRS TO PUBLIC UTILITY SERVICES</b>			
<b>PO13</b> Infrastructure is integrated with, and efficiently extends, existing networks.	<b>AO13</b> Development is designed to allow for efficient connection to existing infrastructure networks.	<b>YES</b>	Compliance can be conditioned.
<b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO14.1</b> Public utility mains, services and installations are not required to be altered or repaired as a result of the development;  or	<b>YES</b>	The proposed development will connect to the existing public utility mains, services and installations and as such, no alteration are proposed.
	<b>AO14.2</b> Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>N/A</b>	See AO14.1 above.
<b>CONSTRUCTION MANAGEMENT</b>			
<b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	<b>AO15</b> Works include, at a minimum: <ul style="list-style-type: none"> <li>a) installation of protective fencing around retained vegetation during construction;</li> <li>b) erection of advisory signage;</li> </ul>	<b>YES</b>	Compliance can be conditioned.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; d) removal from the site of all declared noxious weeds.		
<b>PO16</b> Existing infrastructure is not damaged by construction activities.	<b>AO16</b> Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.  <i>Note - Construction, alterations and any repairs to State- controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</i>	<b>YES</b>	Compliance can be conditioned.
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>HIGH SPEED TELECOMMUNICATION INFRASTRUCTURE</b>			
<b>PO17</b> Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	<b>AO17</b> No acceptable outcomes are prescribed.	<b>YES</b>	Compliance can be conditioned.
<b>TRADE WASTE</b>			



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO18</b> Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: <ul style="list-style-type: none"> <li>a) off-site releases of contaminants do not occur;</li> <li>b) the health and safety of people and the environment are protected;</li> <li>c) the performance of the wastewater system is not put at risk.</li> </ul>	<b>AO18</b> No acceptable outcomes are prescribed.	<b>N/A</b>	Not considered applicable to a residential development.
<b>FIRE SERVICES IN DEVELOPMENTS ACCESSED BY COMMON PRIVATE TITLE</b>			
<b>PO19</b> Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO19.1</b> Residential streets and common access ways within a common private title places hydrant at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	<b>N/A</b>	The proposed development does not include common access ways within a common private title places.
	<b>AO19.2</b> Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	<b>N/A</b>	The proposed development is not located on a commercial and industrial street.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><b>PO20</b></p> <p>Hydrants are suitable identified so that fire services can locate them at all hours.</p> <p><i>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for firefighting purposes' available under 'Publications'.</i></p>	<p><b>AO20</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>N/A</b></p>	<p>Not considered applicable to a residential development.</p>

### Application

- (1) This code applies to assessing operational works for vegetation damage if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
  - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

### Criteria for assessment

Part A – Criteria for self-assessable and assessable development

**Table 9.4.9.3.a – Vegetation management code –Assessable Development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT</b>			
<b>PO1</b> Vegetation is protected to ensure that: <ol style="list-style-type: none"> <li>a) the character and amenity of the local area is maintained;</li> <li>b) vegetation damage does not result in fragmentation of habitats;</li> <li>c) vegetation damage is undertaken in a sustainable manner;</li> <li>d) the Shire's biodiversity and ecological values are maintained and protected;</li> <li>e) vegetation of historical, cultural and / or visual significance is retained;</li> </ol>	<b>AO1.1</b> Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over; or	<b>N/A</b>	See AO1.12 below.
	<b>AO1.2</b> Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government; or	<b>N/A</b>	See AO1.12 below.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
f) vegetation is retained for erosion prevention and slope stabilisation.	<b>AO1.3</b> Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of: <ul style="list-style-type: none"> <li>a) vegetation declared as a pest pursuant to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>; or</li> <li>b) vegetation identified within the local government's register of declared plants pursuant to the local government's local laws; or</li> <li>c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or</li> <li>d) vegetation is located within the Conservation zone or Environmental management zone and the trunk is located within three metres of an existing or approved structure, not including a boundary fence.</li> </ul> or	N/A	See AO1.12 below.
	<b>AO1.4</b> Vegetation damage that is reasonably necessary for carrying out work that is: <ul style="list-style-type: none"> <li>a) authorised or required under legislation or a local law;</li> <li>b) specified in a notice served by the local government or another regulatory authority;</li> </ul> or	N/A	See AO1.12 below.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO1.5</b> Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;  Or	<b>N/A</b>	See AO1.12 below.
	<b>AO1.6</b> Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the <i>Vegetation Management Act 1999</i> ;  Or	<b>N/A</b>	See AO1.12 below.
	<b>AO1.7</b> Vegetation damage is essential to the maintenance of an existing fire break;  Or	<b>N/A</b>	See AO1.12 below.
	<b>AO1.8</b> Vegetation damage is essential to prevent interference to overhead service cabling;  Or	<b>N/A</b>	See AO1.12 below.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO1.9</b> Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the <i>Vegetation Management Act 1999</i> ; or	N/A	See AO1.12 below.
	<b>AO1.10</b> Vegetation damage is undertaken in accordance with section 584 of the <i>Sustainable Planning Act 2009</i> .	N/A	See AO1.12 below.
	<b>AO1.11</b> Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).	N/A	See AO1.12 below.
	<b>AO1.12</b> Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.	YES	The proposed development will result in the removal of vegetation within the building area of the dwelling house. However, as highlighted in the past approval, a detailed, site-specific vegetation survey and ecological report had been undertaken which determined the site is heavily degraded and impacted by invasive weed species and there is no significant vegetation on site that is proposed to be removed.
<b>PO2</b> Vegetation damaged on a lot does not result in a nuisance	<b>AO2.1</b> Damaged vegetation is removed and disposed of at an approved site; or	YES	Compliance can be conditioned

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO2.2</b> Damaged vegetation is mulched or chipped if used onsite.	<b>N/A</b>	See AO2.2 above
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>PO3</b> Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	<b>AO3</b> No acceptable outcomes are prescribed.	<b>N/A</b>	The site does not located on an identified Places of significance overlay