**ENQUIRIES:** Ms Jenny Elphinstone **PHONE:** (07) 4044 9482 **FAX:** (07) 4044 3836

**YOUR REF:** VGF – C937 (WP: 21359) **OUR REF:** 8/7/2772 (4136044)

#### 1 October 2013

Kass Investments Pty Ltd
ATF The Partridge Family Trust
C/- Victor G Feros Planning Consultants
PO Box 1256
CAIRNS QLD 4870

Attention: Mr Nick Hardy

Dear Sir

# DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR 34 MURPHY STREET, PORT DOUGLAS

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 25 September 2013, please find attached the relevant Decision Notice.

Minor administrative corrections have been made to the Decision Notice to reflect advice received by the Applicant (Council document reference 4129447).

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development Services team on telephone number (07) 4099 9482.

Yours faithfully

Neil Beck Acting Manager Development & Regulatory Services

Att

#### **APPLICANT DETAILS**

Kass Investments Pty Ltd ATF The Partridge Family Trust C/- Victor Feros Planning Cons PO Box 1256 CAIRNS QLD 4870

#### **ADDRESS**

34 Murphy Street, Port Douglas

#### **REAL PROPERTY DESCRIPTION**

Lot 126 on SP144708

#### **PROPOSAL**

House (Special Management Area 1 – Flagstaff Hill)

#### **DECISION**

Approved subject to conditions (refer to approval package below).

#### **DECISION DATE**

25 September 2013

#### **TYPE**

Material Change of Use (Development Permit)

#### REFERRAL AGENCIES

None Applicable

#### **SUBMISSIONS**

There were no submissions for this application.

# **FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Building Works Development Permit for Plumbing Works

#### CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

# DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

# APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date		
Proposed Site Plan	Charles Wright Architecture Drawing A300 Revision R2	26 August 2013		
Proposed Site Plan & Undercroft Level Floor Plan	Charles Wright Architecture Drawing A301 Revision R4			
Proposed Floor Plan Level 1 & Level 2	Charles Wright Architecture Drawing A302 Revision R4	26 August 2013		
Colour Plan, Proposed Site Plans & Undercroft Level Floor Plan	Charles Wright Architecture Drawing A303 Revision R3	26 August 2013		
Colour Plan, Proposed Floor Plan, Level 1 & Level 2	Charles Wright Architecture Drawing A304 Revision R3	26 August 2013		
Proposed Pool & Undercroft, Suspended Slab & Footings	Charles Wright Architecture Drawing A311 Revision R2	26 August 2013		
Proposed South Elevation & East Elevation	Charles Wright Architecture Drawing A401 Revision R3	26 August 2013		
Proposed North Elevation & West Elevation	Charles Wright Architecture Drawing A402 Revision R3	26 August 2013		
Proposed Sections	Charles Wright Architecture Drawing A411 Revision R4	26 August 2013		
Existing & Proposed Driveway	Charles Wright Architecture Drawing A501 Revision R4	26 August 2013		
Landscape Plan Set:	Andrew Prowse Landscape Architect Drawings, Revision A:	13 August 2013		
Cover Sheet; Existing Site Vegetation; Landscape Planting Concept – Trees & Palms;	LP-P1.0; LP-P2.0; LP-P3.0;			
Landscape Planting Concept – Shrubs;	LP-4.0;			

Landscape Planting List &	LP-P5.0;	
Specifications; Landscape Elevation – North/East;	LP-E1.0;	
•	LP-E2.0; and	
West / South; and Landscape Drainage Swale – Typical Detail.	LP-D1.0.	
Geotechnical Investigation L126 Murphy Street	Golder Associates Report 137632049-001-R- Revision 1	August 2013
Cut and Fill Plan Report	G &A Consulting Pty Ltd	4 September 2013
Benching Plan	Drawing 13-3375 SK01	4 September 2013
Outline of Cut Bench Plan	G &A Consulting Pty Ltd Drawing 13-3375 SK02	4 September 2013

#### **ASSESSMENT MANAGER CONDITIONS**

- 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.

# **Airconditioning Screens**

 Airconditioning 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.

#### **Lawful Point of Discharge**

4. The flow of all external stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development.

#### **Drainage Study of Site**

5. Undertake a local drainage study on the subject land to determine drainage impacts on downstream properties and the mitigation measures required to minimise such impacts. In particular, the post-development discharge of stormwater from the subject site must have no worsening effect on the drainage of upstream or downstream properties. The proposed development is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.

In addition the drainage study needs to consider the upslope catchment and flows and compare these to the existing capacity of the northern boundary drain. The drainage study needs to assess what freeboard the existing drain provides and what the impact of any blockages in the drain and inlet structure would have on its functionality. Should the study demonstrate that the drain is likely to overtop on a regular basis, the impact on the downstream batter and building needs to be considered and adequate erosion protection measures needs to be introduced to the design.

The study must also identify the need and location of any drainage easements to convey stormwater to the lawful point of discharge. The drainage study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work with the necessary works being undertaken prior to Commencement of Use.

6. The concept for excavation and earthworks as detailed on G & A Consultants Pty Ltd drawings 13-3375 SK01 and SK02 dated 4 September 2013 is generally approved subject to compliance with the geotechnical and drainage conditions as identified in the Golder Associates Geotechnical investigation report 137632049-001-R-Rev 1 dated August 2013. All construction works must be in regards to the requirements of the Golder Associates Geotechnical investigation report 137632049-001-R-Rev 1 dated August 2013 unless otherwise approved by the Chief Executive Officer.

Earthwork details must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. Such earthworks must be completed in accordance with the approved plans prior to the commencement of use.

#### **Sediment and Erosion Control**

7. Soil and water management measures must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act* 1994, and the *FNQROC Development Manual*).

#### Structural Certification and Geotechnical Assessment

8. All earthwork batters steeper than 1 in 2 and/or higher than 1.8 metres must be certified by a qualified Geotechnical Engineer prior to the Commencement of Use. All batters must be constructed in a manner that minimises the construction footprint and has the ability to be screened.

All retaining walls or structures higher than one (1) metre must be structurally certified prior to the issue of a Development Permit for Building Work. The retaining wall must be constructed of materials and/or finished in colours, which blend with the surrounding natural environment.

Where the profile or height of the wall is redesigned during structural certification, amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

#### Stockpiling and Transportation of Fill Material

9. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times;
- b. before 7:00 am or after 6:00 pm Monday to Friday;
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.
- Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

#### **Vehicle Parking and Access Driveway**

11. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of two (2) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

The driveway's surface roughness needs to be improved through using a deep stencil print on the concrete surface, or similar approved methods.

# Water Supply and Sewerage Works External

- 12. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
  - a. Extend a 100 DN road crossing across Murphy Street terminating just short of the access driveway on the western side of the lot frontage. Bore a 50mm conduit under the access driveway such that a water service can be made to the Lot.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

#### Water Supply and Sewerage Works Internal

- 13. Undertake the following water supply and sewerage works internal to the subject land:
  - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
  - b. Provide internal water pump and storage tanks to the extent necessary to provide adequate supply and pressure at the house pad. A minimum pressure (50 kPa (5m head) as per Standard 3.3.2 of AS/NZ 3500.1:2003, Plumbing and drainage, Part 1: Water Services refer to Advice 2) must be provided at the house pad;
  - c. Supply and installation construction of the pump and associated pipework and fillings is to be at the applicant's cost.

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.

### **Damage to Council Infrastructure**

14. In the event that any part of Council's existing road infrastructure, including any embankment on the road reserve, is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the Commencement of Use.

### **Retention of Vegetation**

15. Trees identified to be retained as detailed on Drawing No LP-P2.0, Project 1108 prepared by Andrew Prowse Landscape Architect dated 13 August 2013, as well as vegetation on the adjacent road reserve area of Owen and Murphy Streets together with the vegetation on the neighbouring Lot 1 on RP729453 and Lot 125 on SP144708 Street must be protected from any damage to the trunk, roots and branches during the construction period. Effective fencing or barriers are to be installed and maintained in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.

The common boundaries with Council road reserve, excepting the driveway entry point must be temporarily delineated and fenced off to restrict building access for the duration of construction activity.

16. All pruning of trees is to be in accordance with the requirements of Australian Standard Pruning of Amenity Trees AS 4373-2007.

#### Wildlife

17. Prior to removal of any tree, an inspection must be carried out for any signs of protected wildlife including nests and animal habitat. Should any recent wildlife activity be identified, removal of the tree must not occur until the animal has vacated the area of immediate danger. If the animal does not move from the area of danger, the Queensland Parks and Wildlife Services must be contacted for advice. Important habitat trees should be retained wherever possible.

#### **Notification of Vegetation Clearing**

 Council's Development Services Branch must be notified two (2) business days prior to the proposed date of commencement of any approved vegetation clearing.

# Landscaping

19. All landscaping and garden maintenance is to be in accordance with the Landscape Planting Concept plans and Schedules, Project 1108 Drawings LP-P3.0, LP-P4.0, LP-P5.0 and LP-D1.0, revision A dated 13 August 2013 by Andrew Prowse, Landscape Architect.

Any change to the approved Landscape Plan must be to the satisfaction of the Chief Executive Officer prior to the undertaking of works.

# **Building Colours**

20. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs and structures (including water tanks) must be of moderately dark to darker shades of green, grey, blue and brown. Glazed balconies are to be nonreflective.

The applicant must also provide colour samples to the Chief Executive Officer prior to the issue of the Development Permit for Building Works.

The above requirements must be made known in writing to all prospective purchasers.

#### **ADVICE**

- 1. This approval, granted under the provisions of the *Sustainable Planning Act* 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act* 2009.
- 2. Copy of the Building Siting Dispensation is included in Appendix 3.
- 3. Standard 3.3.2 AS/NZ 3500.1:2003 Plumbing & Drainage, Part 1: Water Services, reads as follows:

#### '3.3.2 Pressure at Outlets

The minimum working head at the furthermost or most disadvantages fixture or outlet shall not be less than 5-kPa (5 m head) at the flow rate specified in Table 3.1.

NOTE: Storage tanks complying with Section 8, or booster pumps with Section 11, may be required to achieve the minimum pressure.'

- 4. The applicant/owner is advised that this approval does not approve the construction of the building work. A Development Permit for Building Work must be obtained in order for construction to commence.
- 5. Materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
- 6. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
- 7. For information relating to the *Sustainable Planning Act* 2009 log on to <a href="https://www.dsdip.qld.gov.au">www.dsdip.qld.gov.au</a>. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to <a href="https://www.cairns.qld.gov.au">www.cairns.qld.gov.au</a>.

#### LAND USE DEFINITIONS\*

In accordance with *Douglas Shire Planning Scheme* 2008 the approved land use of House is defined as:

#### House

Means the use of premises comprising one Dwelling Unit, located on one lot for the exclusive residential use of one Household. The use includes:

- Outbuildings/structures incidental to and necessarily associated with the residential use;
- The care of children in accordance with the Child Care (Family Day Care) Regulation 1991;
- Accommodation for a member or members of the extended family of the Household occupying the House and for personal staff; and
- A display house which displays to the general public the type of construction or design offered by a builder/developer, for a maximum period of 12 months and which then converts to a House for the exclusive use of one (1) Household.

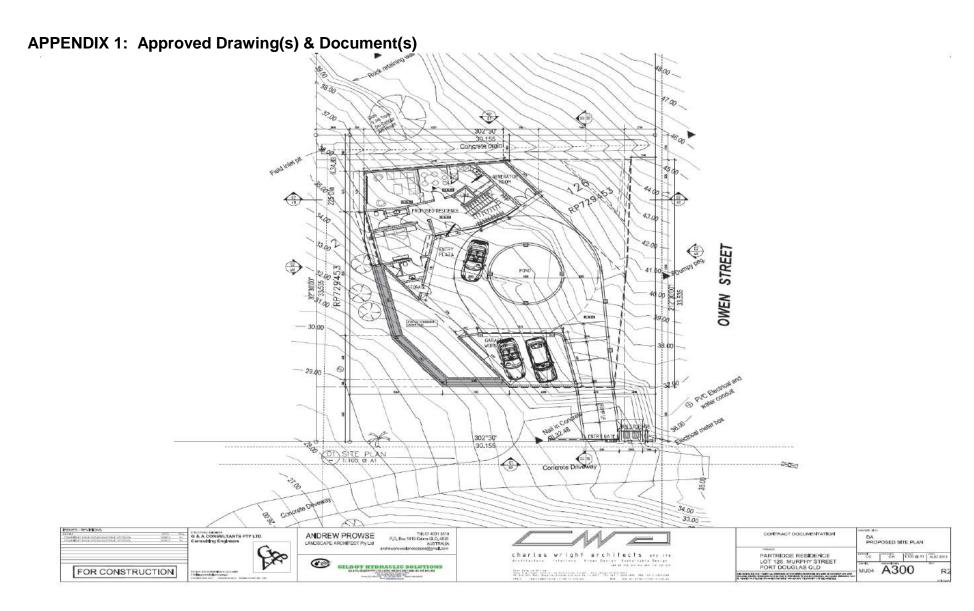
<sup>\*</sup>This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

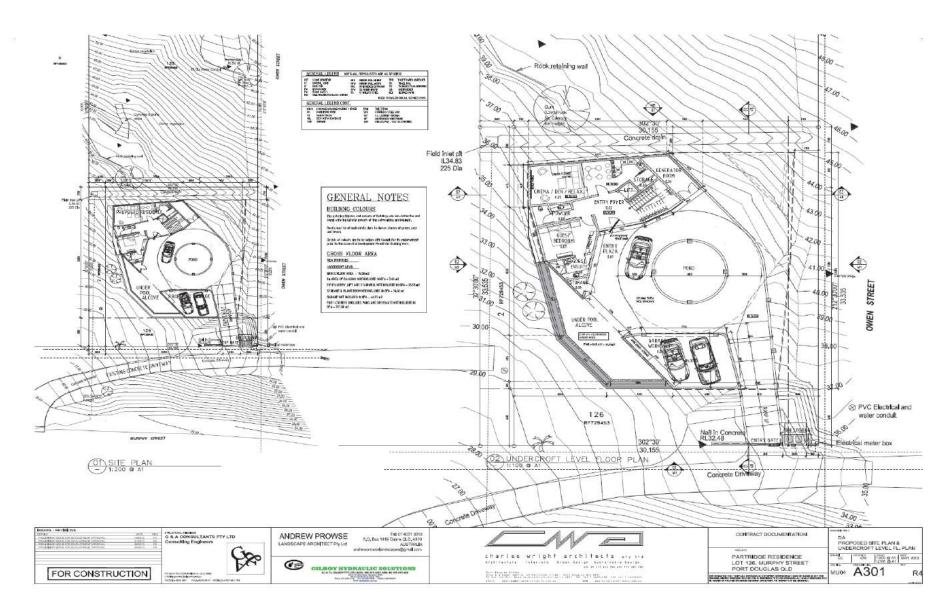
# B. The following notations will be placed on Council's future rates record:

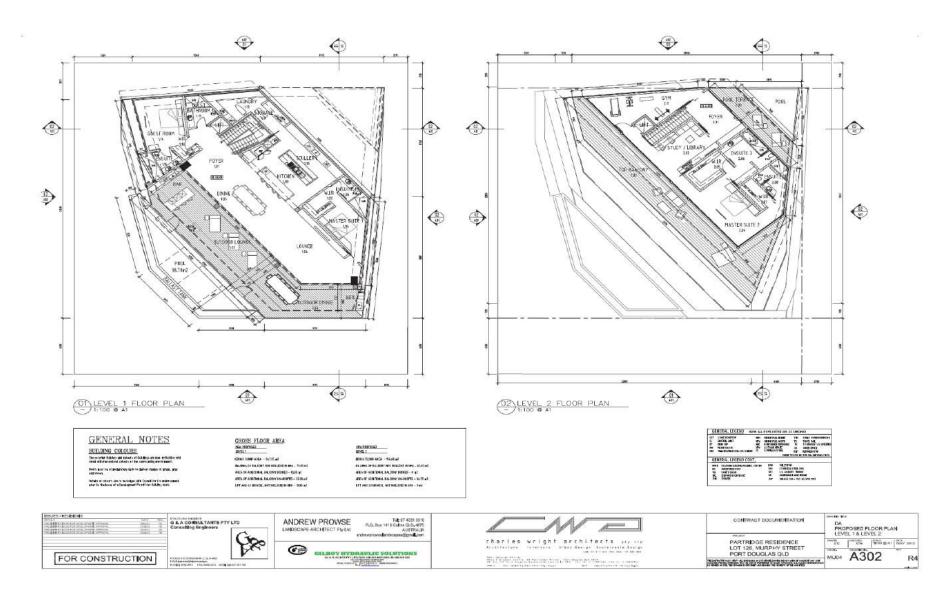
- 1. The owner (s) of this lot will be responsible for providing adequate pressure (50 kPa (5m head) as per Standard 3.3.2 of AS/NZ 3500.1:2003, Plumbing and drainage, Part 1: Water Services) to the house pad. Any pump required must be supplied, maintained and replaced at the owner's expense.
- 2. The exterior colour and materials of any proposed structures must be non-reflective and must blend with the natural colours of the surrounding environment. Details of the proposed building materials and colour scheme for the exterior walls, features and roof, including any changes to the building materials and colour scheme must receive prior approval from the Chief Executive Officer.

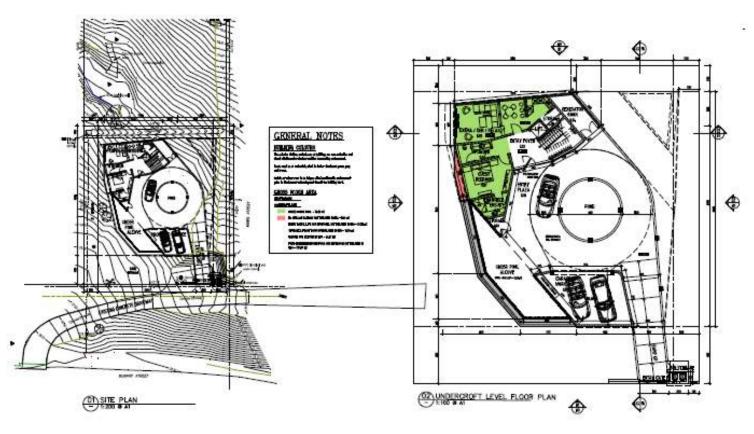
RIGHTS OF APPEAL Attached

**End of Decision Notice** 





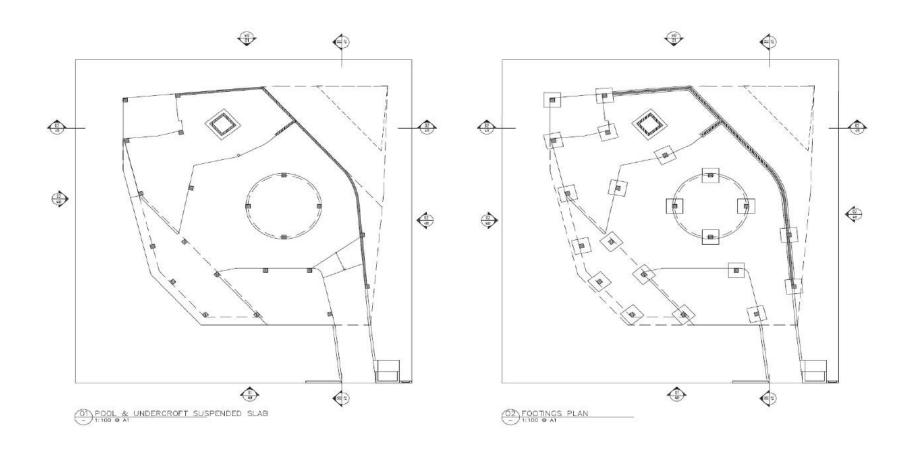




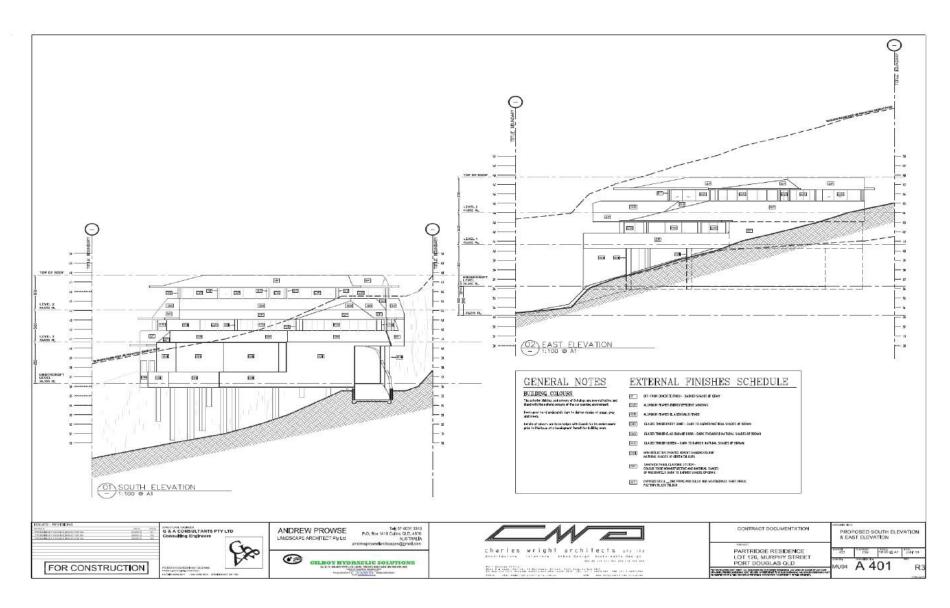


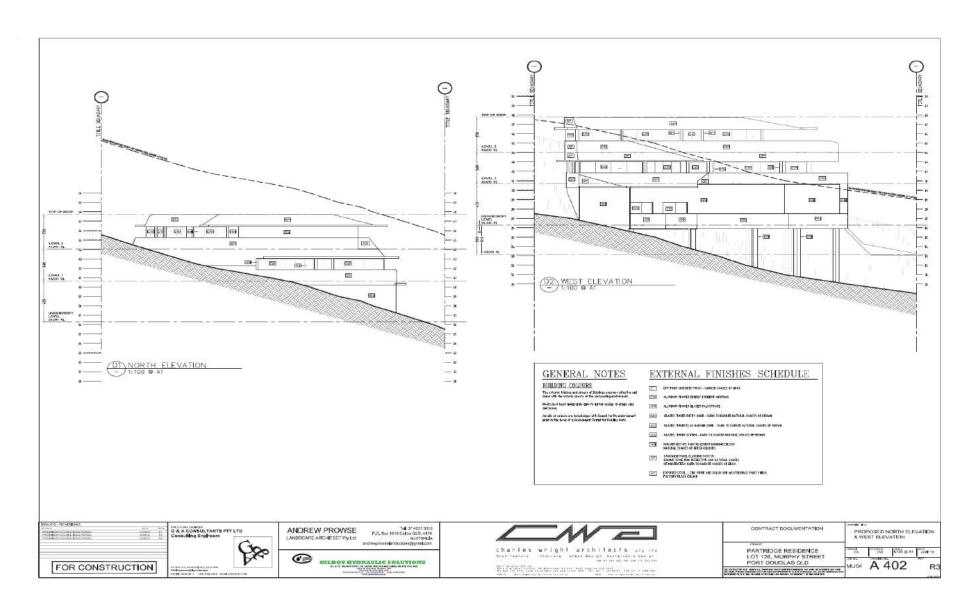


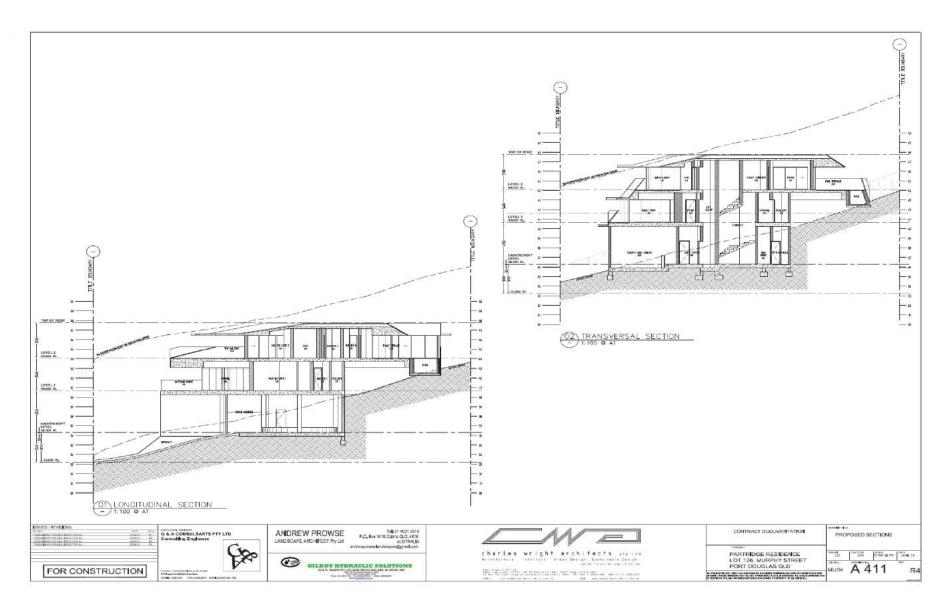


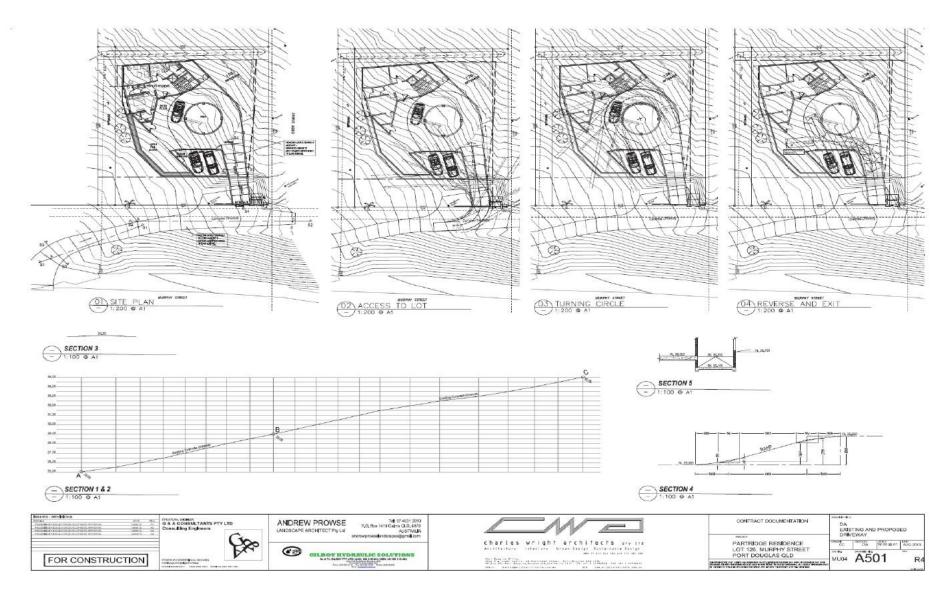


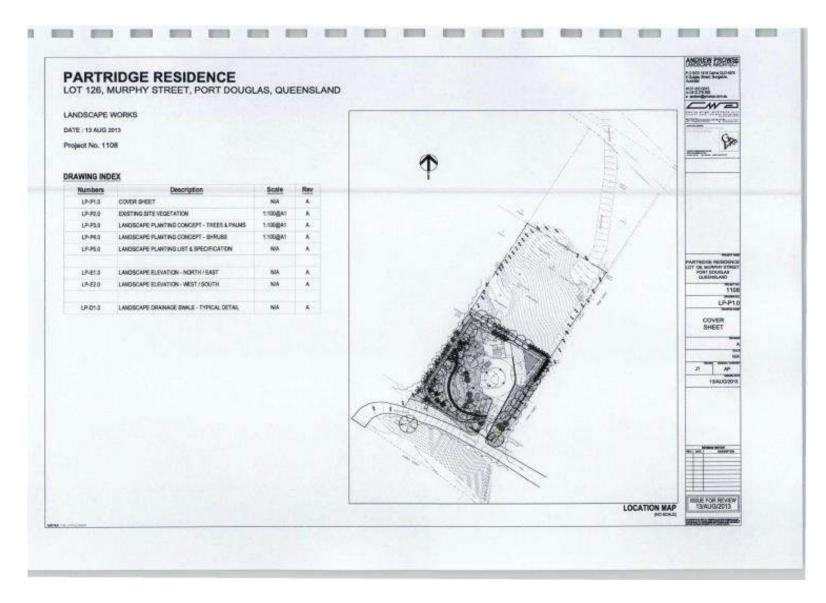


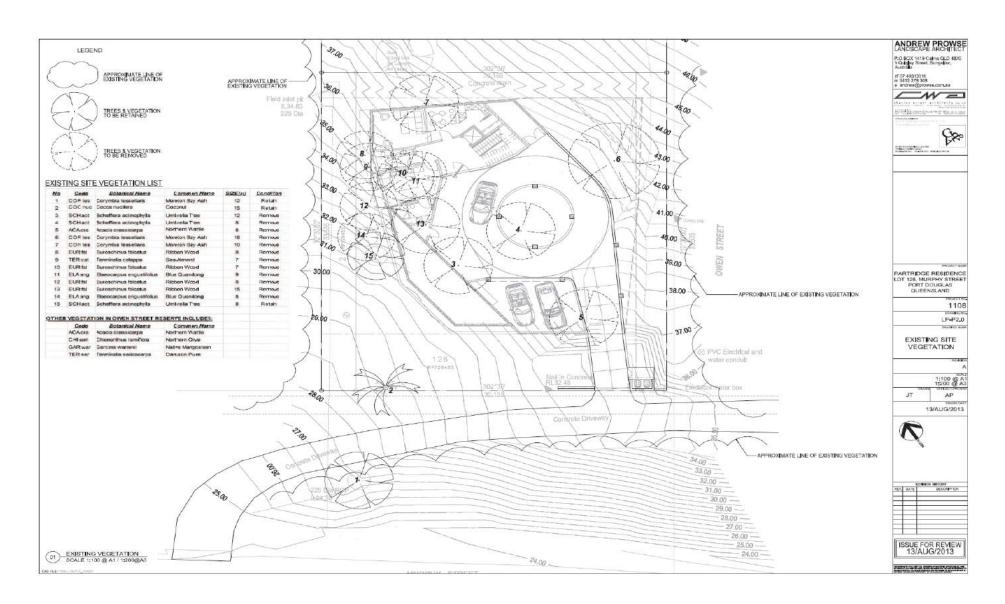


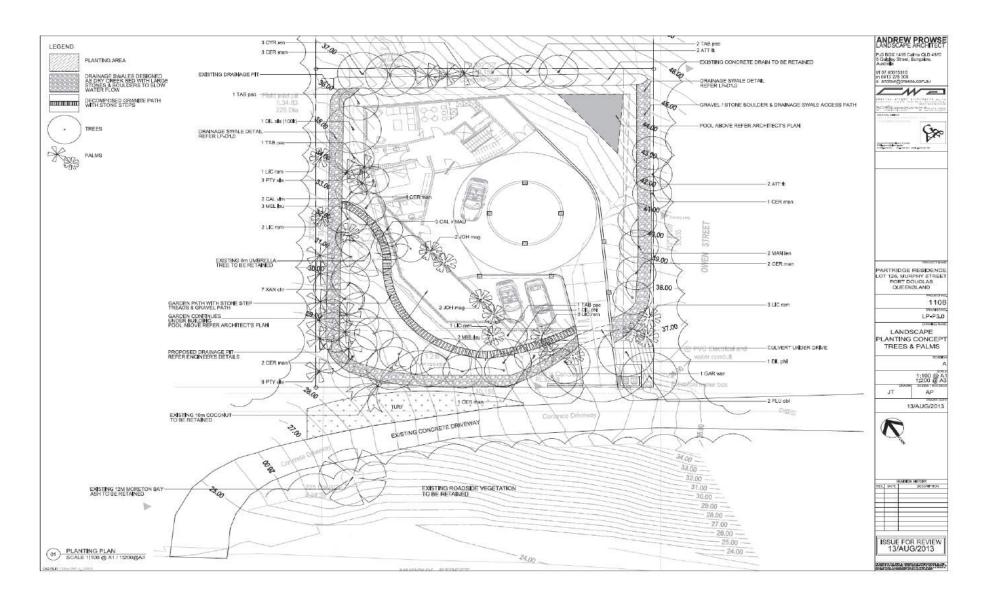


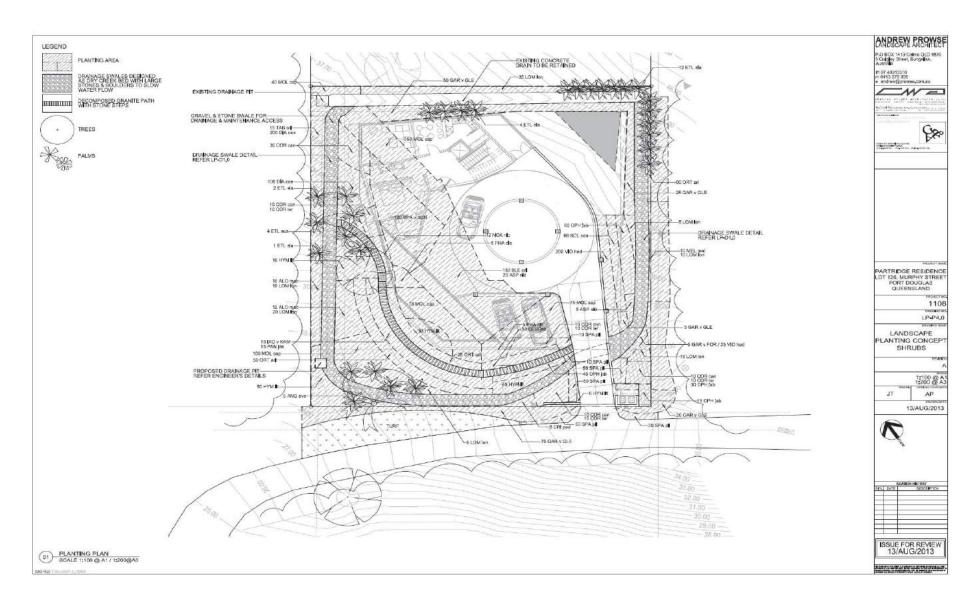












#### LANDSCAPE PERFORMANCE SPECIFICATION

EXCAVATION - All building rubble and other unsuitable material including weeds to be removed from new garden areas. All excavated material to be removed from site and disposed of in an approved manner.

GARDEN MIX - Garden mix shall be spread where required to all shrub beds and to a 25mm depth to all turf areas.

Garden mix shall consist of:

1 part aged sawdust / 1 part well composted chicken manure / 1 part aged bagasse / 2 parts coarse sand / 3 parts imported Premium topsoil (free of Nutgrass)

Imported topsoil shall be fertile and friable premium loam with good moisture holding capacity and containing a minimum of 2% organic matter for sandy loams. The topsoil acidity shall be between 5.5 - 7.0ph and shall be free from any subsoil admixtures and contain no more than 1% salt measured on an oven-dried basis. All imported topsoil shall be free from materials toxic to plant growth, noxious weeds, stones, roots and other extraneous materials.

TURF - Zoysla 'Matrella' or approved equivalent shall be laid on prepared subgrade, evenly laid and finished flush.

#### FERTILISER / SOIL CONDITIONING

TURFING - Type; Terra Cottem' soil conditioner - Application rate; 200g/m2 to depth of 200mm 
PLANTING - Type; Terra Cottem' - Application rates; 40g per 140mm pot - 100g per 200mm pot - 750g per > 45lt bag

MULCH - Teatree mulch or equivalent shall be spread to a minimum depth of 100mm over all garden beds,

IRRIGATION - The Irrigation system will be capable of watering all the new landscape areas a shown on the Landscape drawings. Care is to be taken to avoid any overspray onto paving. No low-density pipe is to be used up stream of the solendid valves. No drip line or barbed micro-jet fittings etc to be used. The irrigation system will conform to all relevant local authority regulations including the provision of the necessary backflow prevention devices. The irrigation system will include a filter guaranteed by the manufacturer to function effectively within these site conditions. The contractor will submit with his tender an Irrigation drawing showing the location of all the valves, sprikklers, controllers and associated equipment.

#### PLANTING LIST

Code	ACRES SALL AND LES						
1 m 1 m	Botanical Name	Common Name	Spacing	Size	Approx 2vrs	Approx 10 rrs	Qty
Vines							
1100	11000100000	1000	- Ivani	S simi (S. Salti)	V.114	3,111	
VIO hed	Vicia hederacea	Native Violet	15/mi	140 mm (0.05m)	0.1m	0.1m	225
TAB on	Tabernaemontana orientalis	Geneola Bush	1/ni	200 mm (0.3m)	ter	3-4m	15
SPApl	Spathogicitis clicata	Ground Orchid	15/11	140 mm (0.2)	0.3m	0,3m	200
SPAVSEN	Spathighyllum wallisi 'Sersation'	Giant Peace Lily	3/11/	300 mm (0.6m)	in:	1m	120
SOLaci	Solenostemon scutellarioides	Ccleus	4/mi	140 mm (0.2m)	0.5m	0.5m	60
PHAcle	Phaleria derocendron	Native Dephne	1/mi	200 mm (0.3m)	100	3-5m	10
ORTai	Orthosiohon aristatus	Cat's Whisiers	3/201	140 mm (0.2m)	1m	1m	135
OPHiab	Ochiopogon japuran	Giant Wordo Grass	9/mi	140 mm (0.2m)	0.5m	0.5m	200
NOA nic	Noadendron nicolasii	Ncacerdron	1/n(	140 mm (0.2m)	0.5m	1m	12
MOL Cap	Molineria capitulata	Wee/il Palm	5/mi	tubes (0.2m)	im	1m	640
WEL mail	Melastoma malabarhroum	Native Lassandra	1/ni	140 mm (0.2m)	1.5m	1.5-2m	10
LOMion	Lomandra loncifolia	Matt Rush	1/mi	140 mm (0.2m)	0.5m	1m	100
XO V KAM	trora coccinea 'Kampoons Pride'	Kampoons Pride Ixora	1/mi	200 mm (0.5m)	in	1.5m	15
HYMIII	Hymenocallis Ittoralis	Spider Lily	4/mi	bulbs (0.2m)	0.5m	0.5m	140
GARVGLE	Gardenia psidlodis Glennie River	Prostate Gardenia	1/mi	140 mm (0.2m)	im	1m	175
GARVEOR	Gardania vietnamensis Forever More	Gardenia Forever More	3/11/	290 mm (0.5m)	100	1.5m	5
ETL ela	Etingera etation	Torch Ginger	1/mi	300 mm (1.5m)	2-3m	3-4m	19
ETL aus	Etingera australosica	Native Ginger	1/mi	300 mm (1.5m)	2:3m	3-4m	4
DIA cae	Dianella caeru es	Swamp Lity Blue Flax Lily	12/mi	200 mm (0.5m) 140 mm (0.2m)	0.5m	7.5m	30
CRI ped	Crinum pedendunculatum	Swamp Lily	3/111	200 mm (0.3m)	im im	1.5m	8
COR ter	Cordyline terminalis	Ti Plant	1/mi 5/mi	200 mm (0.3m)		1.5m	45
COR can	Corddine carrifola	Native Cordvine		140 mm (0.3m)	0.5m	3m	75
ASP nid BLE on	Asplenium ridus Blechnum orientale	Bird's Nest Fern Blechnum Fem	3/mi	200 mm (0.3m)	1m 0.5m	1m	15
ANG eve	Angioptaris evects	King Fern	0.00	300 mm (1m)	2m	3-4m	25
ANG eve			1/mi		177		30
ALO mac	Alogasia macrombiga	Elephants Ears	1/mi	300 mm (1.5m)	3rr	3-4m	Qt
Code	Botanical Name	Common Name	Spacing	Size	d married States	Approx 10 ms	-
Shrubs and Grou	ad Cours						
PTY ele	Ptychosperma elegans	Sclitare Palm	as shown	100 it (3m trunks)	4-5m	7-9m	12
JOH mag	Johannesteijsmannia magnifica	Silve: Joey Parm	as shown	300mm (0.6m)	im	1.5m	4
LIC ram	Licuala ramsavi	Daintres Fan Palm	as shown	100 t (1.5m)	2-3m	4-5m	10
CYRren	Cyrtostachys renda	Lipstok Palm	as shown	200 it (3 5m stems)	4 m	7-9m	3
Code	Botanical Name	Common Name	Spacing	Size		Approx 10/rs	Qt
Palms	2 10 20 20 20 20 20 20 20 20 20 20 20 20 20						
XAN chr	Xanthostemon chrysanthus	Golden Penda	as shown	45 It (1.5m)	3m	5-1Dm	7
TAB pac	Tabernaemontana pachysiphon	Giant Tabernaemontane	as shown	45 It (1.5m)	2rr	4-5m	5
PLU obt	Plumeria obtusa	Evergreen Francipani	as shown	ex ground (5m)	2-3m	5-6m	2
MELleu	Metaleuca leucacendra	Paperbark	as shown	300 mm (1.5m)	5-8m	15-18m	6
MANIen	Manitoa lenticellata	Hanckerchief Tree	as shown	45 II (1.5m)	2-3m	5-6m	2
GAR war	Garcinia warrenii	Native Mangosteen	as shown	300 mm (1.5m)	3-5m	7-9m	1
DIL phi	Ditienia philippinensis	Philippines Simpoh	as shown	100 t (3.0m)	3-5m	5-8m	2
DL sla (100t)	Olieria alata	Red 3each	as shown	100 t (3.0m)	5-6m	7-9m	1
CER man	Cerbora managhas	Sea Mango	as shown	100 t (2.5m)	3-5m	5-6m	10
	Callistemon viminalis	Weeping Bottlebrush	as shown	200 mm (0.7m)	1.5m	4m	2
CAL vim							
ATT fit CAL vim	Atractocarpus fitzianii	Brown Gardenia	as shown	45 H (1.5m)	3er	5-6m	4

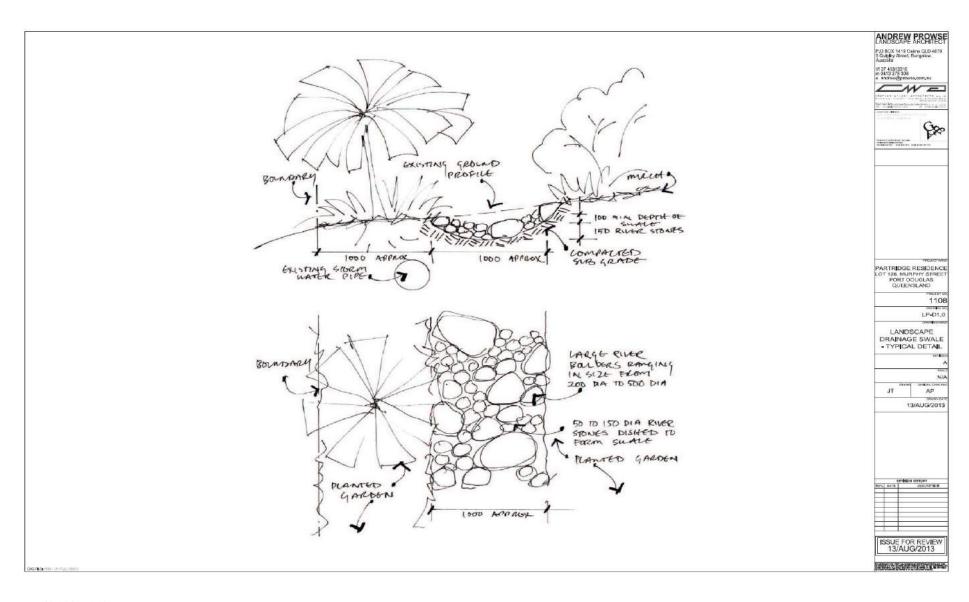
ANDREW PROWSE PARTRIDGE RESIDENCE LOT 126, MURPHY STREET PORT DOUGLAS QUEENSLAND 1108 LP-P5.0 LANDSCAPE SPECIFICATION & PLANTING LIST N/A JT AP 13/AUG/2013 ISSUE FOR REVIEW 13/AUG/2013

HELITER BETTER BOTH

CASHLE HITH CHEST IL DIES







# Queensland Development Code Part MP 1.1 (Lots under 450m<sup>2</sup>) and MP 1.2 (Lots 450m<sup>2</sup> and over)

#### PRELIMINARY APPROVAL

#### FORM LETTER

DATE:

9 August 2013

ADDRESS:

34 Murphy Street PORT DOUGLAS 4877

APPLICANT:

Victor G Feros Town Planning Consultants

PROPOSAL:

Siting dispensations for the construction of a new dwelling

The decision on a Preliminary Approval for the above siting layout request under the Performance Criteria may be given considering that the above proposal does not meet the Deemed to Satisfy provisions of the Queensland Development Code MP 1.2 as referred in Schedule 7 Table 1 of the Sustainable Planning Regulation 2009...

#### Recommendation

The proposed siting layout request generally appears to satisfy the performance criteria stated in MP 1.2 of the Queensland Development Code, it is considered acceptable to approve the siting of a new tiered dwelling on the primary road frontage of Murphy Street that the side boundary encroachment of Owen Street which is currently a gazetted but as yet unformed road @ up to 2.5 metres and the rear boundary @ up to 2 metres from the outermost projections as per the provided stamped plans. Due to the nature of the slope and the significant mature vegetation that contributes to the visual amenity and stability it is considered that the proposed structure will not impose on the streetscape or neighbouring properties therefore approval recommended.

**OFFICER:** 

M Thorley



#### **Development Application Concurrence Agency Response**

Sustainable Planning Act 2009 Sustainable Planning Regulation 2009 Schedule 7 Table 1

APPLICANT: Victor G Feros Town Planning Consultants PO Box 1256 CAIRNS QLD 4870

FULL SITE ADDRESS: 34 Murphy Street PORT DOUGLAS 4877 LOT: 126 SP: 144708

Dear Applicant

The Development Application No. 2013/2606. Siting dispensations for a new tiered dwelling on the primary road frontage of Murphy Street that the side boundary encroachment of Owen Street which is currently a gazetted but as yet unformed road @ up to 2.5 metres and the rear boundary @ up to 2 metres from the outermost projections as per the provided stamped plans. Due to the nature of the slope and the significant mature vegetation that contributes to the visual amenity and stability it is considered that the proposed structure will not impose on the streetscape or neighbouring properties therefore approval recommended was assessed and was approved with conditions

The decision was made by Cairns Regional Council on 09/08/2013

9. Assessment Manager - Cairns Regional Council

The following schedule provides all the relevant details. 1. Referral agencies Concurrence Agencies Cairns Regional Council Advice Agencies Not Applicable 2. Conditions if applicable Assessment Manager's Conditions: Not Applicable Concurrence Agency Conditions 3. Reasons for refusal if applicable Not Applicable 4. Approval Type Concurrence Agency Response for Siting Development Permit 5. Development permits required A Development permit for carrying out building work must be obtained 6. Rights of appeal A copy of the relevant provisions is attached." 7. This concurrence agency response notice is in relation to a siting only and it is the responsibility of the Building Certifier to ensure that the application complies with all relevant acts and fire safety 8. Regulatory Officer M Thorley

Signature:

Date 09/08/2013

