

OUR REF: MCUC 15/2014 (436321)

17 December 2014

DPA Architects Pty Ltd
PO Box 6818
Gold Coast Mail Centre
BUNDALL QLD 9726

Attention: Mr Darryl Parker

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 1 MURPHY STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 16 December 2014, please find attached the relevant Decision Notice.

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 Development and Environment on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

DPA Architects Pty Ltd
PO Box 6818
Gold Coast Mail Centre
BUNDALL QLD 9726

ADDRESS

1 Murphy Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 2 on RP742318

PROPOSAL

House

DECISION

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

DECISION DATE

16 December 2014

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 Work
Development Permit for Operational Work

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

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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
Turning template	APA Architects drawing RFI-TT01, Issue A	27 May 2014
Civil Works General Arrangement	Colefax Associates Project 130066 Drawing C01, Revision A	4 November 2014
Ground Floor Plan	Generally in accordance with DPA Architects Drawing WD-102, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined
First Floor Plans	Generally in accordance with DPA Architects Drawing WD-103, Issue A dated 3 October 2014 and as amended by Conditions of this Development Permit.	To be determined.
Roof Floor Plan	Generally in accordance with DPA Architects Drawing WD-104, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined.
Elevations – N.E. & N.W.	Generally in accordance with DPA Architects Drawing WD-201, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined.
Elevations – S.W. & S.E.	Generally in accordance with DPA Architects Drawing WD-202, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined.
Section 1	Generally in accordance with DPA Architects Drawing WD-301, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined.
Section 2	Generally in accordance with DPA Architects Drawing WD-302, Issue A dated 3 October 2013 and as amended by Conditions of this Development Permit.	To be determined.

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Drawing or Document	Reference	Date
Landscape Report	Generally in accordance with Hortulus, Revision B report as submitted to Council on 8 July 2014 and as amended by Conditions of this Development Permit.	To be determined.

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, including recommendations and findings confirmed within technical reports; and
 - 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 satisfied prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amendment to Design

3. The proposed development must be redesigned to accommodate the following changes:
 - i. Include the retaining wall and engineering works as designed by Colefax and Associates;
 - ii. Reduce the building Height where: the total of all floor levels have a maximum height of 6.5 metres above existing ground level; the roof to have a maximum height of 3.5 metres; and the building is a maximum of two (2) storeys (that is, removal of the mezzanine level);
 - iii. Reduce the visual bulk and mass of the building;
 - iv. Include any requirements of any further geotechnical report that are necessary to ensure the development has a low to very low risk of failure;
 - v. Remove the separating wall at the front entrance at ground level, open this entry area to enable access to the whole of the building from the foyer central breezeway and ensure the development reflects the use of the development as a single House and used by a single Household;
 - vi. Provide details of the colours and finishes to the retaining wall in the driveway area. The retaining wall must be constructed of materials and/or finished in colours, which blend with the surrounding natural environment; and

- vii. Provide details of the exterior colours and finishes to the house that 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. The building colours are to promote diversity in light and shade and create a suitable backdrop when viewed from outside the site to enhance the scenic vegetated backdrop of Flagstaff Hill;

Details of the above amendments must be endorsed by the Chief Executive Officer prior to issue of a Development Permit for Building Work.

On-Road Drainage

- 4. Provide an updated stormwater plan including the specified street works nominated in Condition 5 below that connect to the downstream drainage inlet pit in Murphy Street prior to the issue of a Development Permit for Building Work.

The plan must be supported by appropriate stormwater calculations confirming flow width and depth across the driveway confirming runoff is contained on the road and does not overtop into either Lot 1 on RP7142318 or Lot 2 on RP742318. Where the pipe network is to be extended upstream from the existing inlet pit details of the proposed work must be provided including invert levels, pipe class, size and cover.

The plan and supporting information must be sufficient to demonstrate no adverse impacts on existing Council infrastructure and existing lots.

The plan must be submitted to the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

External Works

- 5. The applicant must undertake the following works external to the property at no cost to Council:
 - a. Identify the clearing required to construct the engineering works in the road reserve. In particular, the vegetation above the retaining wall proposed on Murphy Street to the south of the driveway must be assessed by both the landscaper and Engineer to confirm the practicality of retaining this vegetation.
 - b. Construct the retaining wall and engineering works as designed by Colefax and Associates for the driveway and road;
 - c. Provide a standard vehicle cross over in accordance with the *FNQROC Development Manual Standard Drawing S1015*;
 - d. Provide a guardrail to the edge of the elevated part of the road, above the driveway where the horizontal separation between the road and driveway levels are 500mm or greater;
 - e. Install kerb and channel for the full frontage of the site to prevent run-off down the batter off the Murphy Street road reserve. The kerb and channel and driveway interface needs to ensure the runoff is controlled past the driveway and remains on road;

- f. The kerb must continue between the driveway and the stormwater pit in Murphy Street in front of existing Lot 1 on RP742318. Alternatively extend the piped stormwater network from the existing pit up to the driveway for Lot 2 on RP742318 and detail invert levels, pipe class, size and cover;
- g. Include all works as required by Condition 4 above; and
- h. All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage for people with disabilities. That is, the provision of temporary kerb ramps if pedestrian diversions are necessary.

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.

Geotechnical

- 6. Provide a revised site specific Geotechnical Assessment Report prepared by a suitably qualified and experienced geotechnical consultant. The report is to include the geotechnical assessment and classification of the site risk per the AGS Guidelines (2007). At a minimum this must include the provision of the Hazard matrix and the resulting assessment of controls necessary to enable the site to be classified as having a low or very low risk in accordance with the guidelines.

The report must also provide details of the geotechnical parameters, including, but not limited to:

- a. Slope stability of the site and any proposed earthworks cut/fill batters;
- b. Soil/rock parameters for any retaining structure design, (and confirmation of upslope and downslope topography);
- c. Project specific foundation tests for the proposed dwelling; and
- d. Requirements for adequate site drainage and foundation maintenance for proposed development;

The geotechnical report is to indicate the treatments required to be implemented in order to ensure that there is only a low risk of failure in accordance with AGS Guidelines (2007) and show that the factor of safety for saturated and dry conditions are above standard tolerances for residential construction.

The geotechnical report is to be lodged with the application for a Development Permit for Operational Works and must be endorsed by the Chief Executive Officer prior to approval for Operational Works for any filling or excavation on the site or in the Murphy Street Road frontage or prior to the issue of a Development Permit for Building Work whichever issues first.

Lawful Point of Discharge

7. 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.

Water Supply and Sewerage Works Internal

8. Undertake the following water supply and sewerage works internal to the site:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;

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

Damage to Infrastructure

9. In the event that any part of Council's existing road, sewer and/or water infrastructure is damaged as a result of construction activities occurring on the site, the Douglas Shire Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council at no cost to Council.

Vegetation Clearing

10. Existing vegetation on the land must be retained in all areas except those affected by the construction of access driveways and/or the installation of services as detailed on the approved plans. Any further clearing requires a Permit for Operational Works.

Retention of Vegetation

11. Trees and vegetation identified to be retained as detailed on the amended Landscape Plan as required under Condition 13 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*.
12. All pruning of trees is to be in accordance with the requirements of Australian Standard *Pruning of Amenity Trees AS 4373-2007*.

Landscaping

13. An amended Landscape Plan must be prepared and endorsed by the Chief Executive Officer and comply with the following requirements:
 - a. Confirm the retention, or otherwise, of existing vegetation on the site. Where the current visual amenity assessment relies on existing vegetation that is to be removed the landscape plan must identify this as well as any constraints nominated by the geotechnical engineering report;

- b. The Engineer and landscaper are to verify the final design can be implemented without compromising the measures proposed by each activity (visual amenity screening and geotechnical considerations). The landscape plan must detail all vegetation that is to remain on the land;
- c. Landscaping must include planting of all cut and fill batter areas in accordance with any geotechnical Engineering requirements;
- d. Landscaping must obscure views of supporting structures; and
- e. Landscaping with screening qualities must be planted along the boundary adjoining lots to reduce the impacts of views of neighbouring property.

The amended Landscape Plan nominating the species and location of trees and shrubs to be planted must be endorsed by the Chief Executive Officer. Sixty per cent of the total proposed species for landscaping must consist of native and endemic species and must be planted in an irregular and random fashion to blend with existing vegetation.

The amended Landscape Plan does not need to be professionally drawn but does need to be of a standard which clearly illustrates the areas to be planted and the schedule of species to be used.

The amended Landscape Plan must be submitted with the application for Operational Works.

All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Sediment and Erosion Control

- 14. 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*).

House

- 15. The lot must not contain more than one (1) House and such House is to be occupied by one (1) Household.

Structural Certification

- 16. All retaining walls or structures higher than 900 mm must be structurally certified prior to the issue of a Development Permit for Building Work. 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.

The Applicant/owner must ensure that the retaining wall does not result in the ponding or concentration of stormwater flows.

ADVICE

1. For any Operational Work on other land the Applicant must obtain the affected adjoining landowner's consent as part of the application for a Development Permit for Operational Work.
2. 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 section 339 and section 341 of the *Sustainable Planning Act 2009*.
3. 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.
4. All building site managers must take all action necessary to ensure building 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.
5. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dsdp.qld.gov.au . To access the *FNQROC Development Manual*, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au .

LAND USE DEFINITIONS*

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

House

Means the use of premises comprising one Dwelling Unit, located on one (1) lot for the exclusive residential use of one (1) 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;*
- *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; and*
- *the short term letting of a house for the purpose of holiday rental accommodation.*

Household

Means an individual or group of individuals whether related or unrelated, who occupy or share the same Dwelling Unit, Expanded House or House as provided below:

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- *two (2) or more persons related by blood, marriage or adoption;*
- *not more than six (6) persons not related by blood, marriage or adoption;*
- *not more than six (6) persons under the age of eighteen years and not related by blood, marriage or adoption, and a married couple having the care and control of these persons either with or without domestic servants.*

For the purposes of this definition, a group of persons is deemed to be maintaining a Household by a common discipline unless one or more of the members of the group retains the power in and domination over the whole of the Dwelling Unit, Expanded House or House occupied by the group.

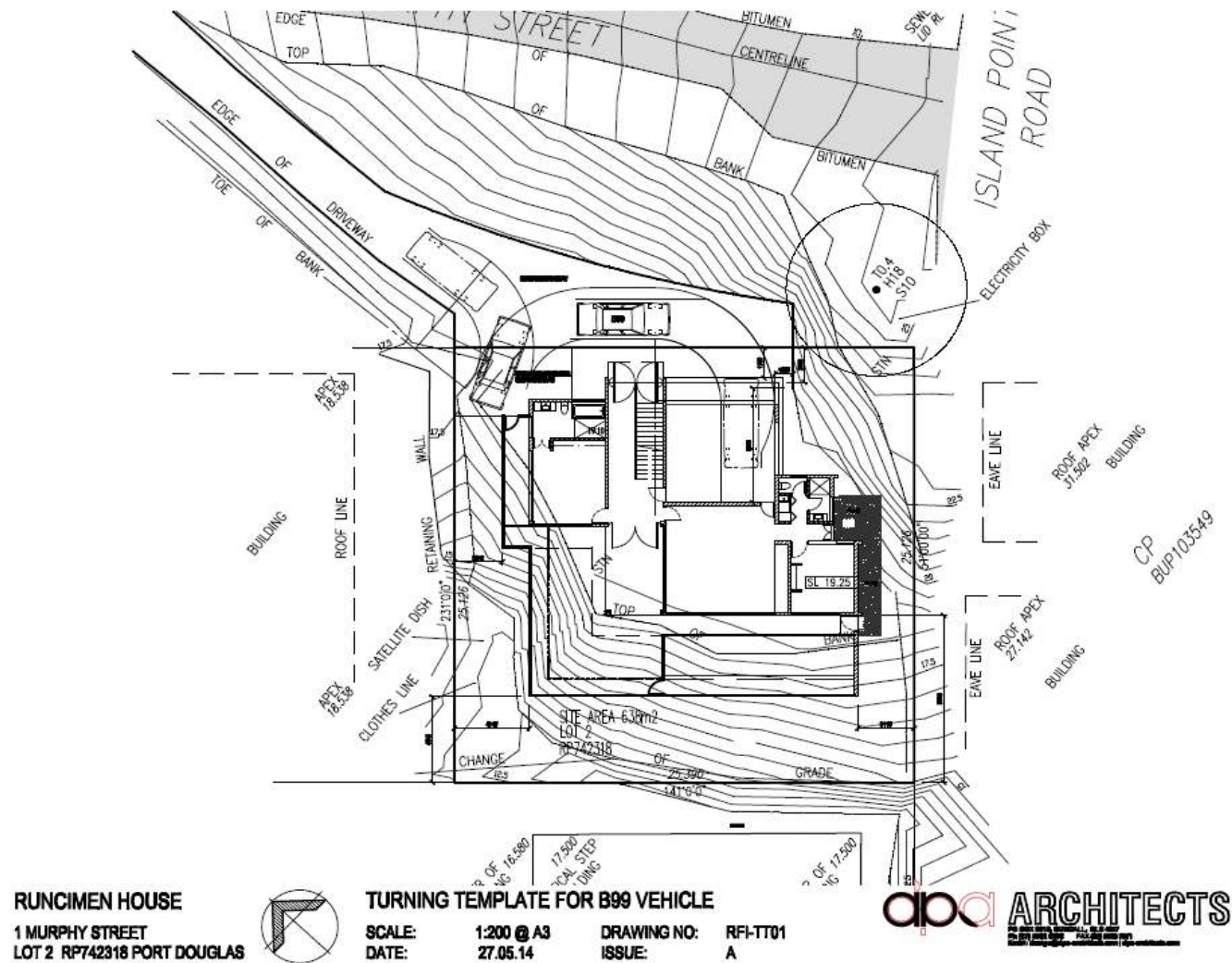
*These definitions are provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and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

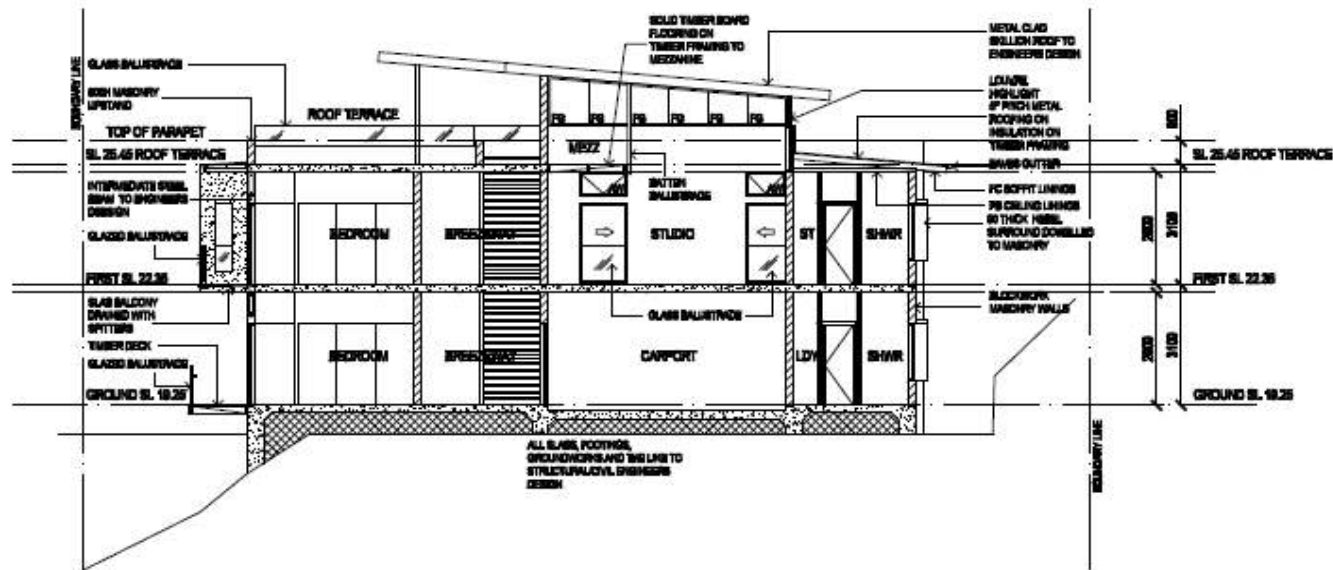
RIGHTS OF APPEAL

Attached

End of Decision Notice

APPENDIX 1: PROPOSED DRAWING(S) & DOCUMENT(S)



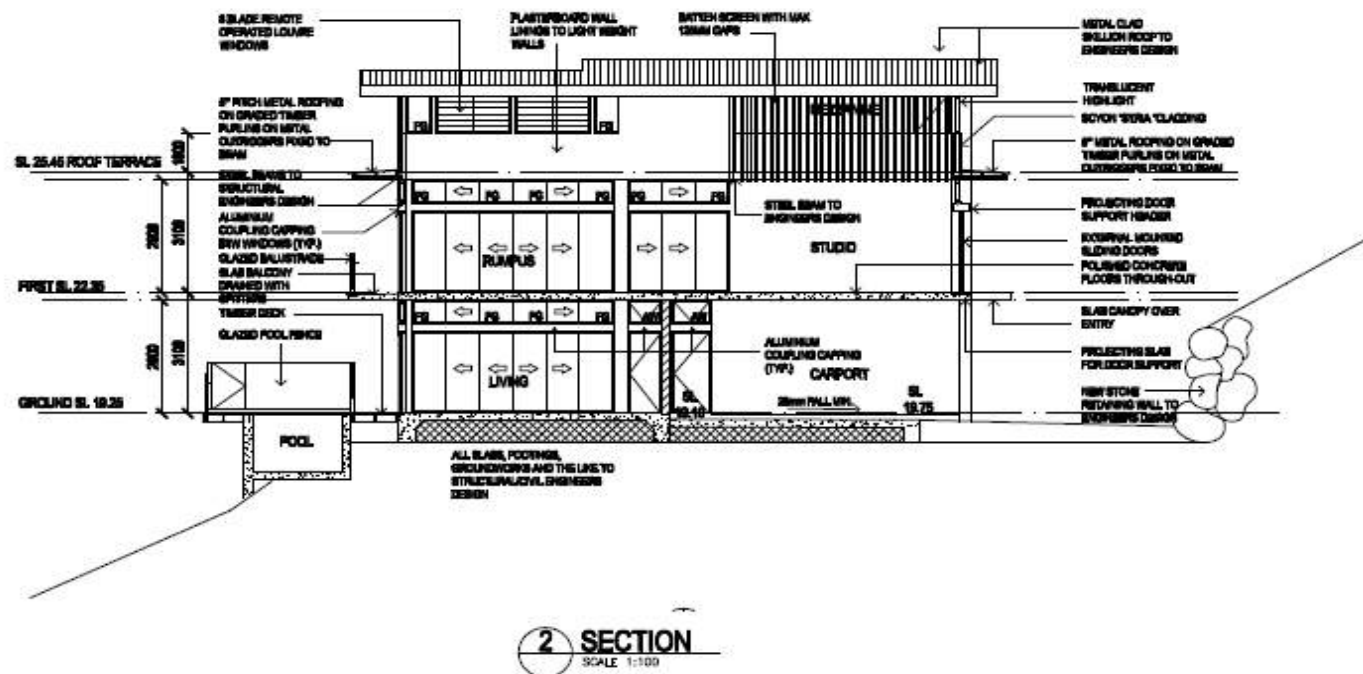


RUNCIMEN HOUSE
1 MURPHY STREET
LOT 2 RP742318 PORT DOUGLAS

SECTION 1.

SCALE: 1:100 @ A3
DATE: 03.10.13
DRAWING NO: WD-301
ISSUE: A



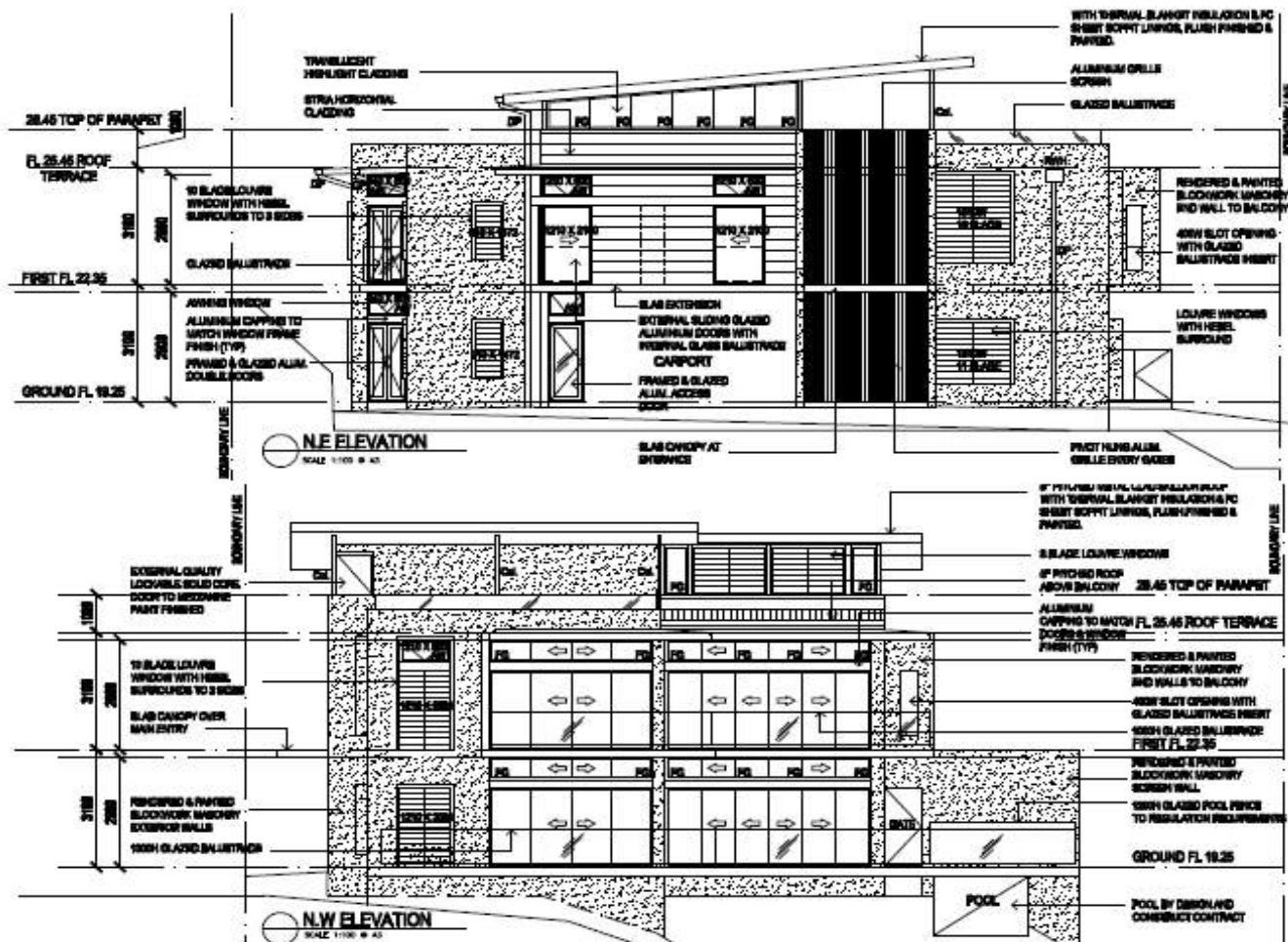


RUNCIMEN HOUSE
1 MURPHY STREET
LOT 2 RP742318 PORT DOUGLAS

SECTION 2.

SCALE: 1:100 @ A3
DATE: 03.10.13
DRAWING NO: WD-302
ISSUE: A

dpd ARCHITECTS
20/21 STATION STREET, PORT DOUGLAS, QLD 4222
07 5599 9999
www.dp architects.com.au

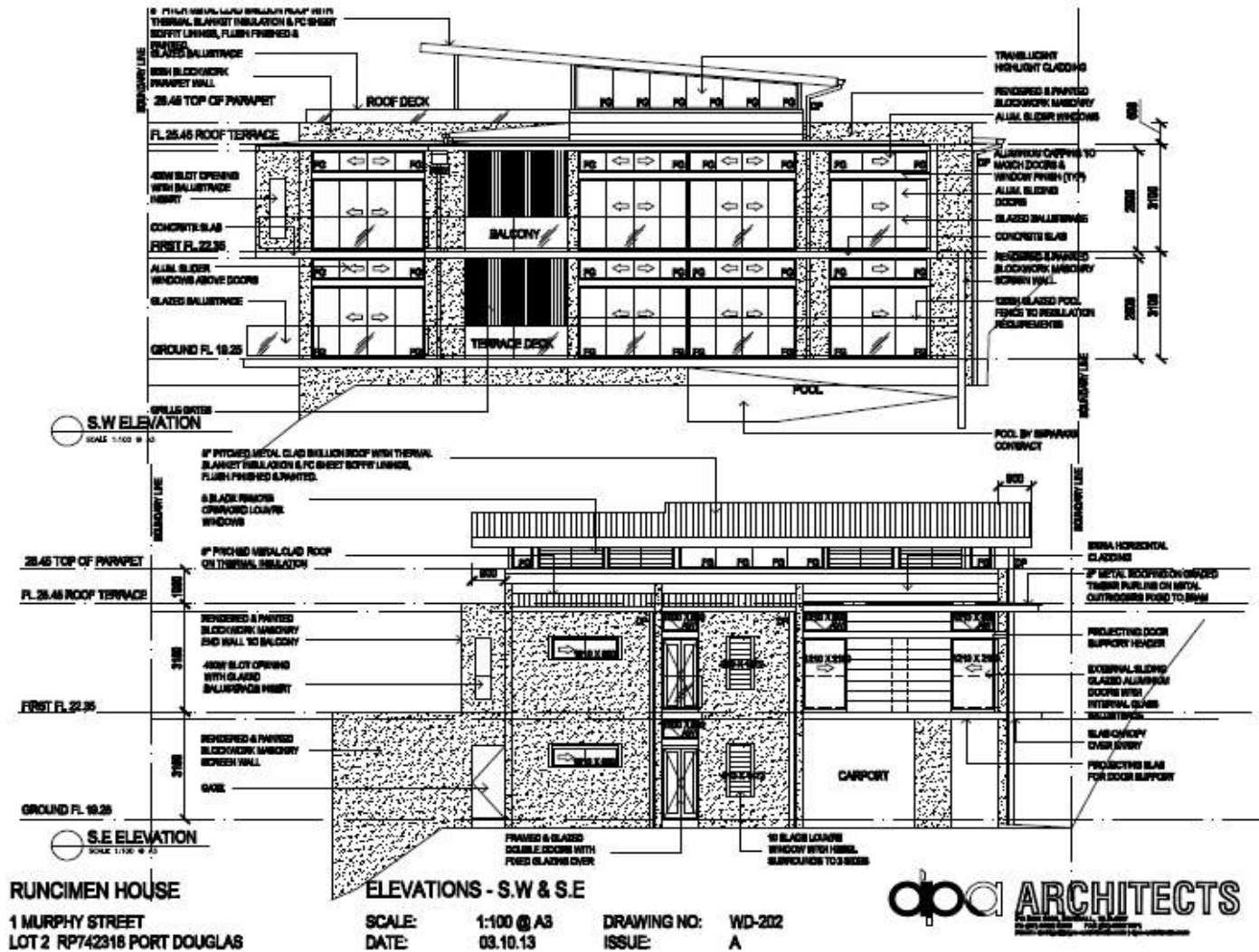


RUNCIMEN HOUSE
1 MURPHY STREET
LOT 2 RP742316 PORT DOUGLAS

ELEVATIONS - N.E. & N.W.

SCALE: 1:100 @ A3
DATE: 03.10.13
DRAWING NO: WD-201
ISSUE: A

apc ARCHITECTS
PO BOX 1000, PORT DOUGLAS, QLD 4222
07 5522 1000



Landscape Report – Photos and Sketches



Figure 2; End of Macrossan Street Vantage Point; Estimated building shown in Yellow.

From the figure 2 perspective, the onsite vegetation will have little screening potential due to the steep nature of the site. The proposed native screening trees will soften and stabilise the lower part of the site, however, it is inappropriate for safety reasons to provide larger trees in this zone in such close proximity to the building.

FOREGROUND VEGETATION

As the site is approached along Wharf Street (Figure 3) the significance of the foreground vegetation is apparent. A large Traveler's Palm (*Ravenala madagascariensis*) and cluster of assorted other palms screens the bulk of the site from the road. A little further up Wharf Street a gap in vegetation behind the entry to Club Tropical's car parking (Figure 4) a view to the site is revealed. It is proposed that a major part of this gap will be filled by proposed planting. Any further up Wharf Street the residence will be obscured by the Residence in front and Street vegetation.

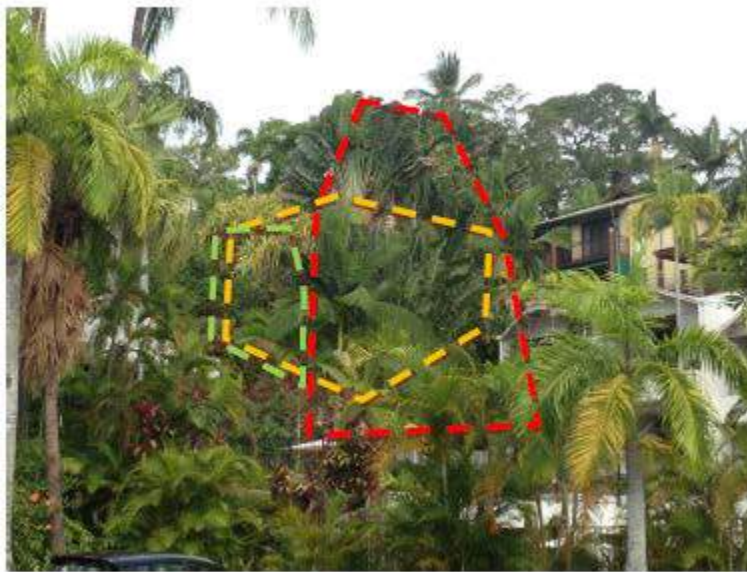


Figure 3 View from the front of Port Douglas Police Station; Foreground vegetation indicated in Red, Estimated building outline in Yellow and proposed vegetation at 10 years outside of the foreground vegetation in Green.



Figure 4 Club Tropical Car Park entry; Foreground vegetation in Red, Estimated building form in Yellow and proposed vegetation at 10 years in Green.

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design@hortulus.com.au www.hortulus.com.au

PROPOSED LANDSCAPE

The proposed Landscape Plan has considered the site carefully, and its relation to Flagstaff Hill and the desired vegetation requirements of the Regional Council. Native plants comprise 87% of the new planting, while the exotic species chosen allow the planting to blend with the existing gardens both onsite and on the remainder of Flagstaff Hill.

The views and amenity of adjoining properties has been considered, so too has the required upkeep of the vegetation on such a difficult site. Below are the projected growth rates of the planting at the boundary line of the site. It shows that the bulk of the dwelling is nestled well into the hill with screen achieved where possible. These are not "True Perspectives" but elevations provided to further the understanding of vegetation on the site.

The exception to screening is the South West, which drops away suddenly just below the western edge of the proposed dwelling. With the tight nature of the site, native screening trees have been provided to obtain 6m to 8m in height; however larger trees may prove detrimental to the property below, with very poor access for Arboricultural Equipment to maintain such trees and their subsequent canopies. Surprisingly this area is screened from the township below by "off site" vegetation (Figure 3).

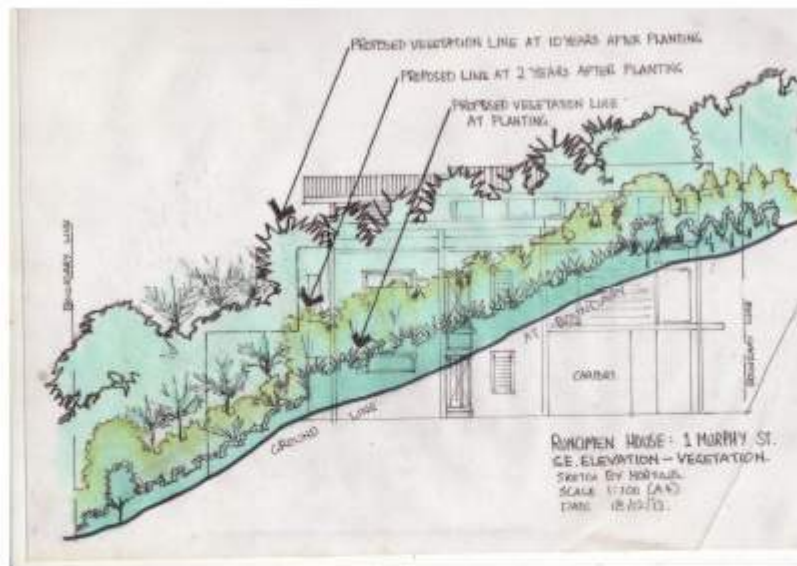


Figure 5 South East Vegetation Elevation at planting, 2years and 10 years.

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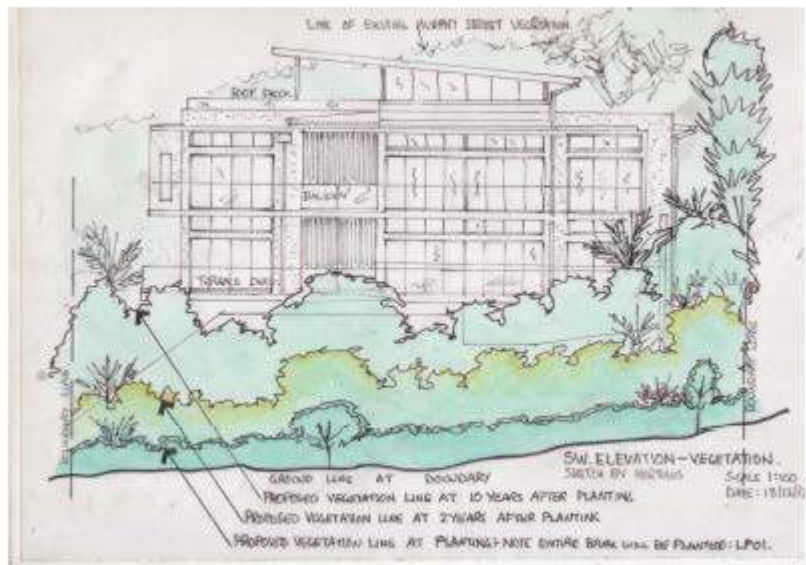


Figure 6 South West Vegetation Elevation at planting, 2years and 10 years.

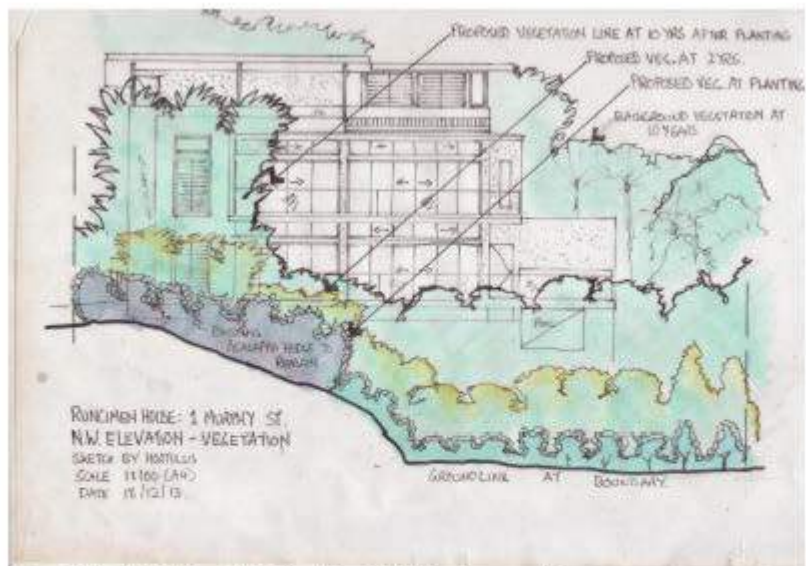


Figure 7 North West Vegetation Elevation at planting, 2years and 10 years.

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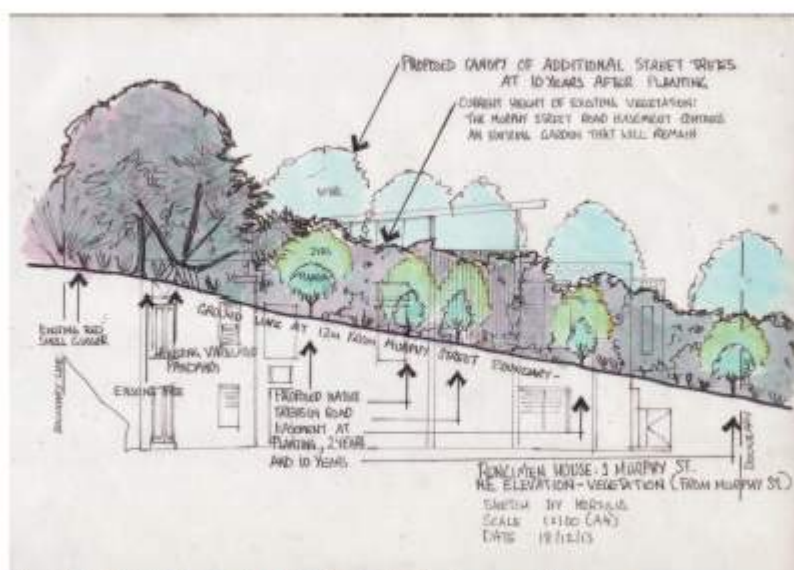


Figure 8 North East Vegetation Elevation at planting, 2 years and 10 years.

PLANT LIST; 1 Murphy Street, Port Douglas

CODE BOTANICAL NAME COMMON NAME NO. POT SIZE TYPE H&W.

*Alo.b	<i>Alocasia brisbanensis</i>	Canjaval	5	200mm	S	3x3
Alp.k	<i>Alpinia purpurata</i> "Jungle King"	Red Shell Ginger	22	200mm	T	4x2
*Atr.a	<i>Ardisia cuneata</i>	Rocky Point Gardenia	7	200mm	T	5x4
*Atr.f	<i>Ardisia cuneata</i>	Brown Gardenia	6	200mm	T	5x4
*Arc.a	<i>Archonophora alexandrea</i>	Alexander Palm	9	300mm	P	20x5
Bro.a	<i>Brownea angustifolia</i>		1	300mm	T	8x6
*Cli.a	<i>Cleistanthus apodas</i>	Weeping Cleistanthus	9	200mm	T	4x3
Cyt.r	<i>Cynotachya reida</i>	Lipstick Palm	6	400mm	P	5x1.5
*Fag.b	<i>Fagraea berteri</i>		3	200mm	T	6x4
*Gae.g	<i>Gardenia sp. "Glennie River"</i>	Glennie River Gardenia	48	140mm	G	0.3x1
Hel.f	<i>Heliconia luteopurpurea</i>		5	200mm	G	3x2
*Hyd.w	<i>Hydriastele wendlandiana</i>	Hydriastele Palm	8	300mm	P	10x2
*Lom.lv	<i>Lomandra longifolia variegata</i>	Variegated Mat Rush	12	140mm	S	1x1
*Man.l	<i>Manisotia leucellana</i>	Cascading Bean	3	300mm	T	8x6
Med.mi	<i>Medinilla molle</i>		4	200mm	S	1.5x1.5
*Mol.r	<i>Molisia capillata</i>	Woolly Lily	60	140mm	S	1x1
Pla.o	<i>Plumeria obtusa</i>	White Evergreen Frangipani	1	400mm	T	8x6
Pla.r	<i>Plumeria rubra</i>	Frangipani	2	400mm	T	5x5
*Pty.m	<i>Psychoporus macarthurii</i>	Macarthur Palm	11	300mm	P	8x4
Rha.e	<i>Rhaphe excelsa</i>	Lady Palm	1	300mm	P	4x4
Sat.t	<i>Saraca thalipogensis</i>	Yellow Ashoka Tree	1	300mm	T	7x5
*Syz.w	<i>Syzygium wilsonii</i>	Powderpuff Lilly Pilly	12	200mm	S	2x2
*Xan.fg	<i>Xanthorrhoea chrysanthus</i>	Golden Penda Fanthill Gold	17	200mm	T	6x4

NOTE: * indicates native species
Of the 253 proposed plants, 210 are native. Giving a percentage of 83% Native to 17% Exotic.
Suitable substitutions may be made depending on the availability of the species and pot size, at the time of construction.

KEY: C = Climber F = Fern GC = Ground Cover
G = Ginger P = Palm S = Shrub
Se = Sedge T = Tree

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