

31 August 2022

Enquiries: Neil Beck
Our Ref: MCUC 2021_4490/1 (1106735)
Your Ref: 20-12

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

Gurner TM Nominee Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Decision Notice for
For Material Change of Use – 4 Multiple Dwellings & Short-term Accommodation at
69 – 73 Murphy Street Port Douglas**

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

Please quote Council's application number: MCUC 2021_4490/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



**For
Paul Hoyer
Manager Environment & Planning**

cc. State Assessment and Referral Agency (SARA) E: CairnsSARA@dilgp.qld.gov.au
encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Reasons for Decision - non-compliance with assessment benchmark.
- Advice For Making Representations and Appeals (Decision Notice)
- Adopted Infrastructure Charges Notice
- Advice For Making Representations and Appeals (Infrastructure Charges)



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Gurner TM Nominee Pty Ltd
Postal Address: C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870
Email: evan@planningplusqld.com.au or

Property Details

Street Address: 69 Murphy Street PORT DOUGLAS, 71-73 Murphy Street
PORT DOUGLAS
Real Property Description: LOT: 516 TYP: PTD PLN: 2094, LOT: 2 RP: 724386
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for MCU - Material Change of Use (Material Change of Use (4 x multiple dwellings/short term accom))

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 Context	Gurner TM Drawing No. DA01.001 Job No. 9663 Rev. E	13/07/2022
Site Survey	Gurner TM Drawing No. DA01.005 Job No. 9663 Rev. E	13/07/2022

Drawing or Document	Reference	Date
Site Survey	Gurner TM Drawing No. DA01.006 Job No. 9663 Rev. E	13/07/2022
Interpolated Survey	Gurner TM Drawing No. DA01.007 Job No. 9663 Rev. F	13/07/2022
Proposed Site Plan	Gurner TM Drawing No. DA03.001 Job No. 9663 Rev. G	13/07/2022
Site Access Plan	Gurner TM Drawing No. DA03.002 Job No. 9663 Rev. C	13/07/2022
Ground Floor Plan	Gurner TM Drawing No. DA010.001 Job No. 9663 Rev. K	13/07/2022
LO1 Floor Plan	Gurner TM Drawing No. DA010.002 Job No. 9663 Rev. K	13/07/2022
LO2 Floor Plan	Gurner TM Drawing No. DA010.003 Job No. 9663 Rev. K	13/07/2022
LO3 Floor Plan	Gurner TM Drawing No. DA010.004 Job No. 9663 Rev. K	13/07/2022
Roof Plan	Gurner TM Drawing No. DA010.005 Job No. 9663 Rev. J	13/07/2022
North Elevation	Gurner TM Drawing No. DA20.001 Job No. 9663 Rev. H	13/07/2022
East Elevation	Gurner TM Drawing No. DA20.002 Job No. 9663 Rev. H	13/07/2022
South Elevation	Gurner TM Drawing No. DA20.003 Job No. 9663 Rev. H	13/07/2022
West Elevation	Gurner TM Drawing No. DA20.004 Job No. 9663 Rev. G	13/07/2022
Murphy St Elevation	Gurner TM Drawing No. DA20.100 Job No. 9663 Rev. A	13/07/2022
Typical Sections	Gurner TM Drawing No. DA30.001 Job No. 9663 Rev. K	13/07/2022
Typical Sections	Gurner TM Drawing No. DA20.102 Job No. 9663 Rev. G	13/07/2022

Drawing or Document	Reference	Date
Pool Sections	Gurner TM Drawing No. DA30.003 Job No. 9663 Rev. B	13/07/2022
Development Summary - GFA	Gurner TM Drawing No. DA50.001 Job No. 9663 Rev. F	13/07/2022
Development Summary - Site Cover	Gurner TM Drawing No. DA50.002 Job No. 9663 Rev. F	13/07/2022
Development Summary- Landscape	Gurner TM Drawing No. DA50.003 Job No. 9663 Rev. F	13/07/2022
Materials	Gurner TM Drawing No. DA90.001 Job No. 9663 Rev. D	13/07/2022
Landscape Plans		
Cover Page	511 DA 01	12/07/2022
Planting Schedule	511 DA 02	12/07/2022
Planting Schedule	511 DA 03	12/07/2022
Tree Retention & Removal Plan	511 DA 04	12/07/2022
Landscape Plan – Entry Road & Western Boundary	511 DA 10	12/07/2022
Landscape Plan – Ground Level & Green Roof	511 DA 11	12/07/2022
Landscape Plan – Level 1	511 DA 12	12/07/2022
Landscape Plan – Level 2	511 DA 13	12/07/2022
Landscape Plan – Level 3	511 DA 14	12/07/2022
Typical Details	511 DA 35	12/07/2022
General Specification	511 DA 50	12/07/2022
Stormwater Catchment & Upgrade		
DSC Drainage Catchments – North Catchment 2	Sketch DSC-001	18/08/2022

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

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; 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 effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Amended Plan

3. The access driveway design is to be revised to comply with the Australian Standard AS2890.1 Parking Facilities – Off-Street Parking and good engineering design. The following design parameters must be addressed:
 - a. The horizontal geometry must be amended to comply with Table 2.2 of AS2890.1;
 - b. The width of the driveway must be sufficient for one-way traffic movement, provided a Traffic Management Plan for managing right of way for the driveway is prepared and approved by Council;
 - c. The driveway width must be supported by turn templates for the appropriate service vehicle. At a minimum the driveway must be demonstrated to cater for both the B99 vehicle and an SRV vehicle as independent ingress and egress movements;
 - d. The inside gradient of any bends must not exceed 20%;
 - e. The roadside safety barriers identified on the Inertia Engineering drawings are to be detailed and approved by Council with consideration to be given to visual impact. Council's approval may require additional visual amelioration treatments to address visual impact;
 - f. The southern most projection of the driveway must not extend further than the limit shown on the revised Inertia engineering Sketch SK007-Rev D dated 07/07/2022.

The revised plans must be certified by an RPEQ as part of Operational Works application for the driveway, earthworks and retaining walls in the road reserve.

The amended plans must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

The section of private access driveway and landscaping treatments within the unconstructed road reserve will not become a Council asset and will never be maintained by Council. The ongoing maintenance obligation of the driveway in the road reserve remains with the property owner/s (or future body corporate) at all times. This requirement must be reflected in any future Community Management Statement for the development.

Operational Works

4. An Operational Works Approval is required for the water, sewer, stormwater, earthworks and driveway 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;
- b. Drainage works nominated as detailed in conditions of approval and any additional works confirmed by the local drainage study;
- c. Earthworks internal and external to the site;
- d. Required external works within the road reserve for the driveway and retaining walls and Murphy Street;
- e. Water and sewerage works required to provide additional capacity (where required) to enable connectivity of the site to Council's system without impacted existing levels of service.

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

Road condition survey

- 5. 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.

Building Colours & Finishes

- 6. A submission detailing the colours of all of the external walls and structures is to be re-submitted for endorsement by the Chief Executive Officer prior to the issue of a Development Permit for Building Work. The use of lighter colours and material finishes such as the nominated REN-1, REN-2 & RET-1 are to be avoided for upper storeys of the development.

Water Supply and Sewerage Works External

- 7. 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. Augment existing sewers or construct new sewer to accommodate the development. If connection is proposed to the existing sewer on the north western boundary, detailed plans are to be provided showing levels, capacity and existing sewerage demands through to the pump station downstream of the site. Alternatively, a new sewer connection will need to be designed through to the pump station. The connection point is to be into the existing incoming sewer and not into the pump station. The design is to be in accordance with the FNQROC Development Manual and submitted for Operational Works approval;
 - c. Extend the water main shown on Inertia Engineering Sketch SK004 Rev E dated 7/07/2022 north to Murphy Street terminating in the middle of the existing formation to enable future connection by Council;

The external works outlined above require Operational Works approval from Council.

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

8. 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 with appropriate metering and capacity for firefighting bypass arrangements as required.

Note: Council does not guarantee the pressure in its external water network beyond the minimum pressures nominated under FNQROC Development Manual. Where the building classification or use require greater pressures, these must be addressed by on-site measures as required to suit the building approval requirements;

- c. Where required, water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Act 2000*

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

9. 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.

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 including but not limited to; mobilisation of heavy construction equipment; stripping; and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owners/builders cost, prior to the Commencement of Use.

General External Works

11. Undertake the following external works:-

- a. Provide a full detail design for the driveway and reprofiling works in the verge including landscaping treatments and pedestrian access;
- b. The detail design in a. above must include sufficient details on the local drainage, verge grading, concrete pathway grades and crossfall. The applicant is to ensure that the development complies with the requirements of AS2890.6, and other all-abilities access provisions applicable for this development classification;

The plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. All works must be carried out in accordance with the approved plan prior to the issue of a Commencement of the Use.

Drainage Study of Site

12. Undertake a local drainage study of the site to determine the catchment contributing to the existing pipe system that the development proposes to connect into.

The study must also address the following concerns with the current design concepts:

- a. The existing pipes are part way through their design life and the new development places permanent filling within the zone of influence of the pipe(s) applying additional loads to the pipe(s) that were not considered in their original design. Additionally, significant construction traffic will impact the existing pipes;
- b. The contributing catchment does not match Council's catchment (and resulting predicted peak flows);
- c. There are conflicts within the applicant's drawings with the southern open stormwater swale drain nominated on the Inertia Engineering Sketches competing with dense screening planning nominated by the landscape designer to ameliorate the visual impacts; and
- d. There are known capacity issues within the existing stormwater system.

Noting the above impacts and current deficiencies and the conflicts with internal stormwater swales and landscaping, Council proposes to collaborate with the developer to achieve a mutually beneficial solution. This includes:

- a. Permitting site stormwater to be collected in surface swales within Council's lot to the south west of the subject site, (Lot 1 on RP 724386), (to preserve the landscaping corridor for screening);
- b. The developer is to construct a new stormwater pipeline along the north western side of the development site, (size and invert levels to be confirmed with this study). Note: drainage required upslope of retaining solutions is permitted to utilise this pipe line;
- c. The developer is to upgrade the existing stormwater along the south western boundaries of the site and through to the esplanade discharge point including provision of appropriate pipe class to address the pipe loads from the development and access driveway;
- d. The above concept is shown on Council Sketch DSC-001 attached;

The updated study (including the proposed system changes) is to be undertaken in conjunction with Council's drainage team to verify:

- a. The contributing catchment boundaries for the existing stormwater pipe system. Council's internal catchment plans do not match the calculations provided by Inertia Engineering;
- b. The conveyance path and flow characteristics for the 100 year ARI flood event in relation to the site both pre- and post-development;
- c. Primary and secondary peak flow volumes for the 5, 10 and 100 year ARI rainfall events;

- d. Proposed pipe infrastructure sizes and capacity compared with the peak flows.
- e. Identify any requirement for amendments to the drainage easements;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
- g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Drainage Easements (General Drains)

- 13. A Drainage Easement having a minimum width of 3 metres along the entire length of north western boundary must be granted in favour of Council. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be lodged and registered with the Department Resources prior to the Commencement of Use.

Plan of Drainage Works

- 14. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
 - a. Drainage infrastructure as identified in the drainage study condition including but not limited to:
 - A new underground stormwater pipe within the development site adjacent the north western boundary on the site;
 - Upgraded underground pipes to 1 in 100 year ARI capacity and suitable pipe class along the south western boundary of the site and within Lot 1 on RP724386; and
 - Overland swale drain along the south western boundary parallel to the swale nominated in Inertia Engineers drawing (and replacing that swale).
 - b. The drainage system from the development must incorporate a stormwater quality improvement devices (SQID) internal to the site. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system and be positioned to provide appropriate access for maintenance equipment.
 - c. The drain age concept shown on Inertia Engineering Sketch SK02 is to be redesigned to eliminate the conflicts with the architectural and landscape plans in relation to the significant screening planting of the buffer area. The following drainage design is to be provided.

Geotechnical Investigation / Design

- 15. An updated geotechnical assessment by a qualified and experienced geotechnical consultant must be submitted with the application for Operational Works, with a final geotechnical report to be endorsed by the Chief Executive Officer prior to the Commencement of Use.
 - a. The updated geotechnical assessment must address the recommendations In the Geo Design letter dated 5 October 2021 and the Geo Design Report dated 29 October 2020 including but not limited to:
 - A revised and updated geotechnical report should be prepared based on the final architectural designs and consider footings, stability and construction recommendations;

- The updated geotechnical report may require the completion of additional fieldwork;
 - A detailed slope stabilisation design should be adopted for the Murphy Street batter that decreases the risk to the proposed development and Murphy Street;
 - Retaining works or slope retention systems may be required on other batters or natural slopes subject to a review of the final design;
 - Drainage works are considered essential to the successful completion of the works to minimise potential sediment and erosion issues together with decreasing the risks of instability.
- b. The updated geotechnical assessment must address the cut batter along the northern boundary, and provide specific details on the staging of work and control measures required on this batter to maintain the safety of the site to enable work activities to be undertaken within the site;
- c. Geotechnical details to be submitted include, but are not limited to, the following:
- Details of the specific means of supporting or retaining to be used. This must include geotechnical specifications identifying the required treatments at specific times, heights on the batter and the location within the site;
 - Drawings (plans, longitudinal and cross sections) clearly showing the extent of the proposed treatments at each location;
 - Methods to be used to minimise the visual impact (where not included within the building); and
 - Elevations showing the visual impact when viewed from vantage points and duration that the treatment is expected to be exposed to public view.

All works identified must be supervised by the geotechnical consultant to ensure that the siteworks are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines. 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 the issue of a Development Permit for Operational Works.

16. 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 and must be supervised by the geotechnical consultant to ensure that the siteworks are undertaken in a manner that maintains a low to very low risk rating in accordance with AGS Guidelines.

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. As-constructed details of the geotechnical solution are to be provided to Council and records must be kept by the applicant/land owner and provided to future owners/body corporate. 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 the conditions is required prior to the Commencement of Use.

Construction Management Plan for Earthworks

17. The site development requires excavation and earthworks and will require material to be imported and exported from the site with access through the Esplanade road and car park area.

The applicant is to prepare a traffic management plan and detail the controls necessary to manage the impacts for movement of materials to and from the site. The plan must nominate the type and number of truck movements required including total truck movements, daily truck movements and management of movements throughout the day.

The final earthworks design is to be lodged with the application for a Development Permit for Operational Works. Such earthworks must be completed in accordance with the approved plans prior to the Commencement of Use.

Stockpiling and Transportation of Fill Material

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

Storage of Machinery and Plant

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

Landscape Plan

21. The site and external areas must be landscaped generally in accordance with the Landscape Plans prepared by Myles Baldwin Design dated 12 July 2022 subject to the following requirements. An amended landscape plan/s must be provided which shows:-
- a. The retention of the Calophyllum tree located in the unconstructed road reserve which is earmarked for removal unless otherwise approved at the time of assessing the Landscape Plans;
 - b. The Landscape Plan is to detail protection measures to be installed for vegetation to be retained. Protection measures are to be in accordance with AS 4970-2009;
 - c. Further detail on the proposed refuse facility located in the unconstructed road reserve in terms of building material, finishes and screening. The refuse facility is to be of a high quality and be appropriately screened;
 - d. Landscaping and deep planting of cut and fill areas and other disturbed areas as a consequence of installing services;
 - e. Undertaking deep planting of building setback areas;
 - f. Deep landscaping of the setback area adjacent Dwelling 3 & Dwelling 4 to screen the building piers overtime. Landscaping is also permitted within Lot 1 on RP724386 following the installation of the new stormwater pipe to create an effective buffer

between the development and the existing buildings.

- g. Detail ground preparation and removal of any unsuitable material. The soil must be well prepared (not compacted) and fertilized with organic fertilizers to encourage strong growth;
- h. Species to have regard to Council's Planning Scheme Policy SC6.7 Landscaping;
- i. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

The Landscape Plan must be endorsed by the Chief Executive Officer at the time of seeking a Development Permit for Operational Works. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use and maintained at all times to the satisfaction of the Chief Executive Officer.

Sediment and Erosion Control

- 22. 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.

Existing Services

- 23. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to Commencement of Use.

Electricity Supply

- 24. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided and accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Above Ground Transformer Cubicles / Electrical Sub-Stations

- 25. Any required above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of the road frontage and footpath areas. This will require cubicles / sub-stations to be setback from the street alignment behind suitable screening, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Electricity and Telecommunications

- 26. Written evidence of negotiations with the telecommunication authority must be submitted to Council stating that a telecommunications service will be provided to the development prior to the issue of a Development Permit for Building Work.

Street Lighting

27. The following arrangements for the installation of upgraded street lighting within the Esplanade Road Reserve must be provided prior to Commencement of the Use:

- a. Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined for an Access Street per the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The lighting scheme must show a new light pole supplied by underground power and located to identify the driveway entry point onto the Esplanade roadway and parking areas. The new “flag light” is to be located to avoid conflicts with the existing stormwater pipes and inlet pits and other services and the proposed refuse facility.

The existing light pole north east from the driveway connection point and the overhead power supply are to be decommissioned and removed.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the driveway entry/exit point assessed as an “intersection”.

- b. Prior to the Commencement of the Use provide evidence that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.

Vehicle Parking

28. The amount of vehicle parking to be provided onsite is a minimum of eleven (11) 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 and these attributes must be maintained for the life of the development.

Amalgamation of Lots Required

29. The applicant/owner is to ensure that the subject lots are held together as one site for the duration of the approved land use. This is to be achieved by the amalgamation of Lot 1 on RP718896 and Part of Lot 1 on SP267838 into one lot. The Plan of Survey must be registered with the Department of Natural Resources and Mines and Energy and a new certificate of title issued at the applicant's/owner's cost prior to Commencement of Use.

Construction Signage

30. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;

- b. Project Coordinator;
- c. Architect / Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect

Advices

1. 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 sections 85(1)(b) and 71 of the Planning Act 2016.
2. The Douglas Shire Council area is subject to water restrictions during dry season months that may limit and/or restrict the use of Council water for landscaped areas. Council recommends water harvesting and water saving devices to be included to cater for the dry season periods.
3. 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.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. In particular, the use of the adjacent sidewalk area is subject to a Local Law approval for outdoor dining. The use of the sidewalk area for outdoor dining is subject to a Local Laws approval.
5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Team at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Infrastructure Charges Notice.

6. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

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*.

Concurrence Agency Response

Not Applicable

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)



All dimension to be verified on site before producing shop drawings or commencing any work. Do not scale. The copyright of this drawing remains with Warren and Mahoney Architects New Zealand Ltd.

Issue Status & No

DEVELOPMENT APPLICATION

ExRL +00.000
RL +00.000
EXISTING RL - REFER TO SURVEY
PROPOSED LEVEL
INDICATIVE SITE FILL

ORIGINAL DRAWING IN COLOUR

Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

Client

GURNER TM

GURNERTM

Warren and Mahoney Architects Australia Pty Ltd

Level 4, 141 Flinders Lane
Melbourne VIC 3000
Australia
Phone + 61 3 8547 6977

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

69-73 MURPHY STREET
PORT DOUGLAS

WARREN AND MAHONEY

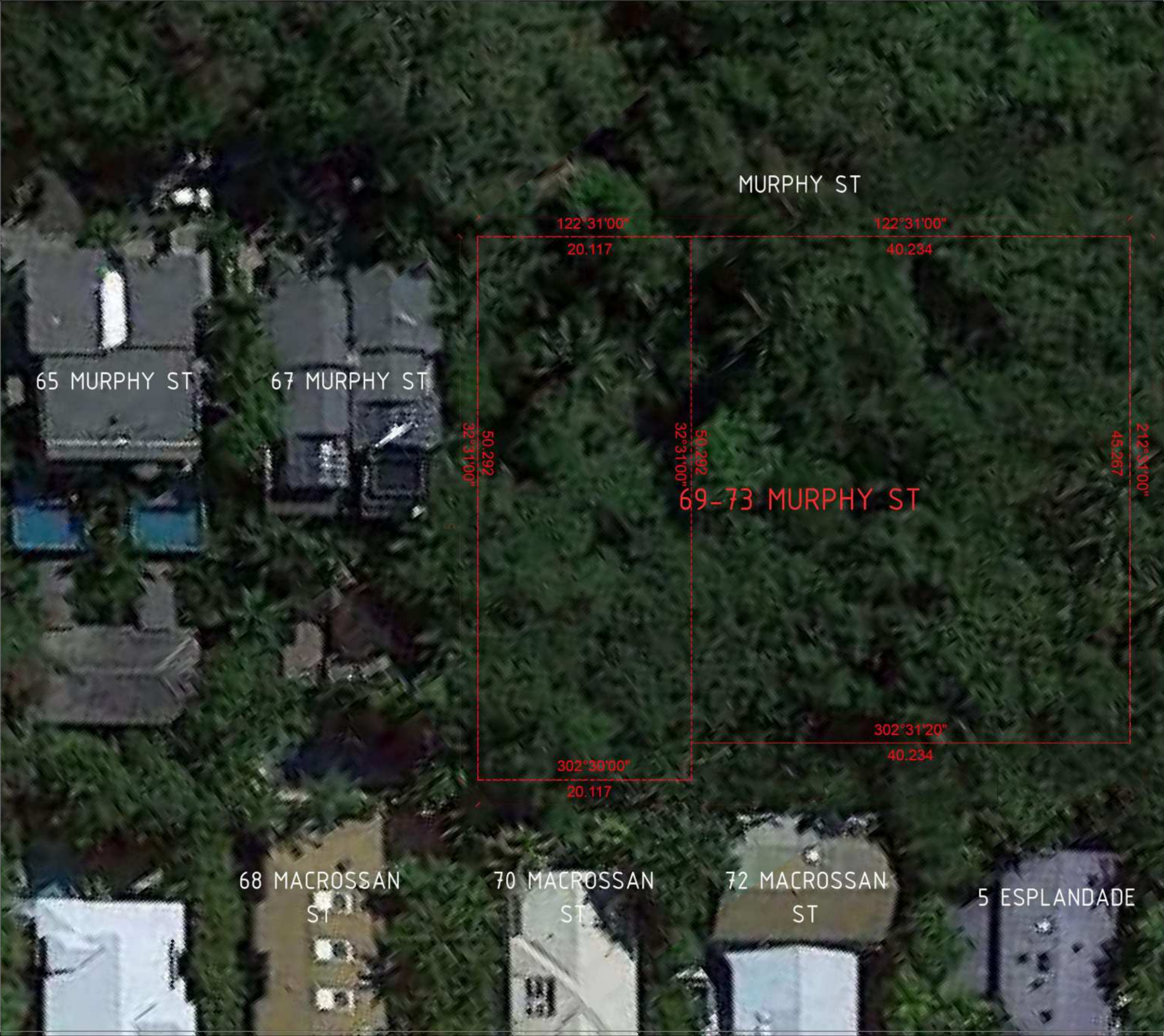
69 - 73 MURPHY STREET | PORT DOUGLAS

DEVELOPMENT APPLICATION

JULY 2022

DA DRAWING LIST

DA01.001	SITE CONTEXT	E	DA30.001	TYPICAL SECTIONS	K
DA01.002	SITE IMAGERY	E	DA30.002	TYPICAL SECTIONS	G
DA01.003	SITE IMAGERY	E	DA30.003	POOL SECTIONS	B
DA01.004	SITE ANALYSIS	E	DA50.001	DEVELOPMENT SUMMARY - GFA	F
DA01.005	SITE SURVEY	E	DA50.002	DEVELOPMENT SUMMARY - SITE COVER	F
DA01.006	SITE SURVEY	E	DA50.003	DEVELOPMENT SUMMARY - LANDSCAPE	F
DA01.007	INTERPOLATED SURVEY	F	DA80.001	SOLAR ANALYSIS - JUNE 21	F
DA03.001	PROPOSED SITE PLAN	G	DA80.002	SOLAR ANALYSIS - DECEMBER 21	F
DA03.002	SITE ACCESS PLAN	C	DA90.001	MATERIALS	D
DA010.01	GROUND FLOOR PLAN	K	28		
DA010.02	L01 FLOOR PLAN	K			
DA010.03	L02 FLOOR PLAN	K			
DA010.04	L03 FLOOR PLAN	K			
DA010.05	ROOF PLAN	J			
DA20.001	NORTH ELEVATION	H			
DA20.002	EAST ELEVATION	H			
DA20.003	SOUTH ELEVATION	H			
DA20.004	WEST ELEVATION	G			
DA20.100	MURPHY STREET ELEVATION	A			



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D 04/10/21	ISSUE FOR DA
E 13/07/22	ISSUE RFI 02

Notes

Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

GURNER TM
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Project Title

69-73 MURPHY STREET
PORT DOUGLAS

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Drawing Title

SITE CONTEXT

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 1@ A1
Date	13/07/22
Job No	9663
Drawn	-
Checked	-

Drawing No

DA01.001

Revision

E



UAV DRONE POSITION 1
Lat 16.29.1090 Long 145.28.0318



UAV DRONE POSITION 2
Lat 16.29.0733 Long 145.27.5673



UAV DRONE POSITION 2
Lat 16.29.1991 Long 145.28.0479

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Consultants

Project Manager

Structural Engineer

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69-73 MURPHY STREET
PORT DOUGLAS

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Drawing Title

SITE IMAGERY

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 1@ A1
Date	13/07/22
Job No	9663
Drawn	-
Checked	ND

Drawing No

DA01.002

Revision

E



Site 4 – Elevation 1.5m



Site 4 – Elevation 4.5m



Site 4 – Elevation 7.5m



Site 4 – Elevation 10.5m



Site 4 – Elevation 22m



Site 5 – Elevation 1.5m



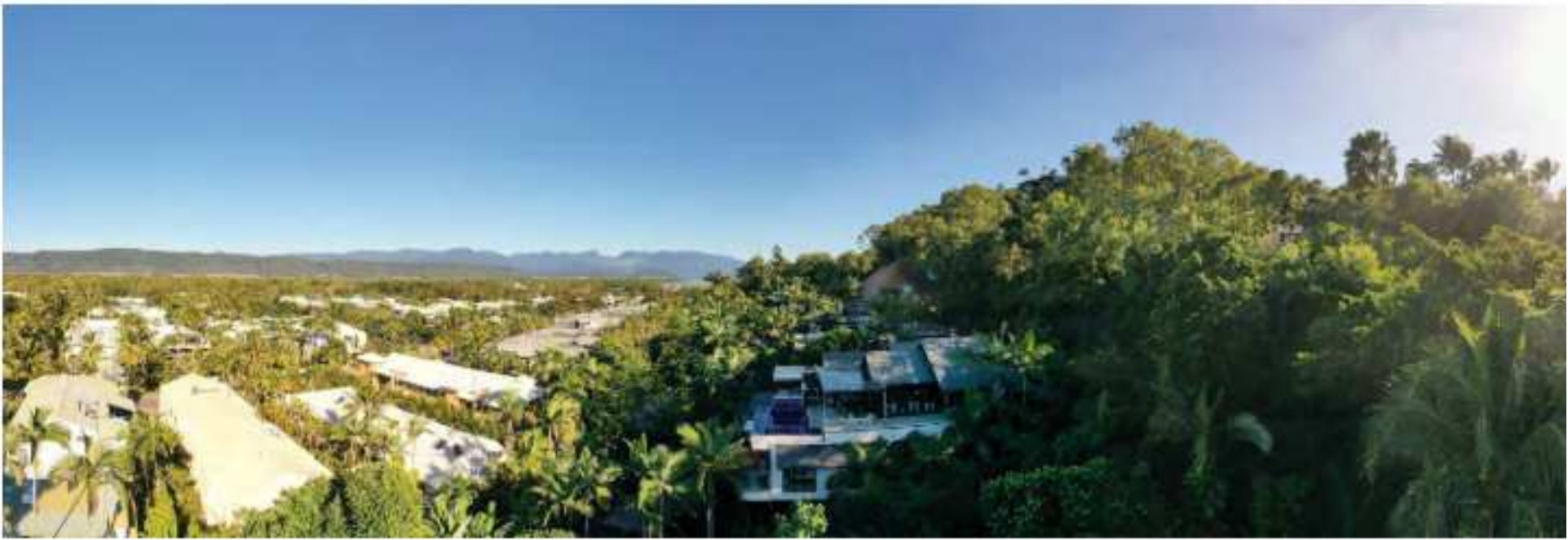
Site 5 – Elevation 4.5m



Site 5 – Elevation 7.5m



Site 5 – Elevation 22m



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Notes

Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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**69-73 MURPHY
STREET**
PORT DOUGLAS

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Drawing Title

SITE IMAGERY

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

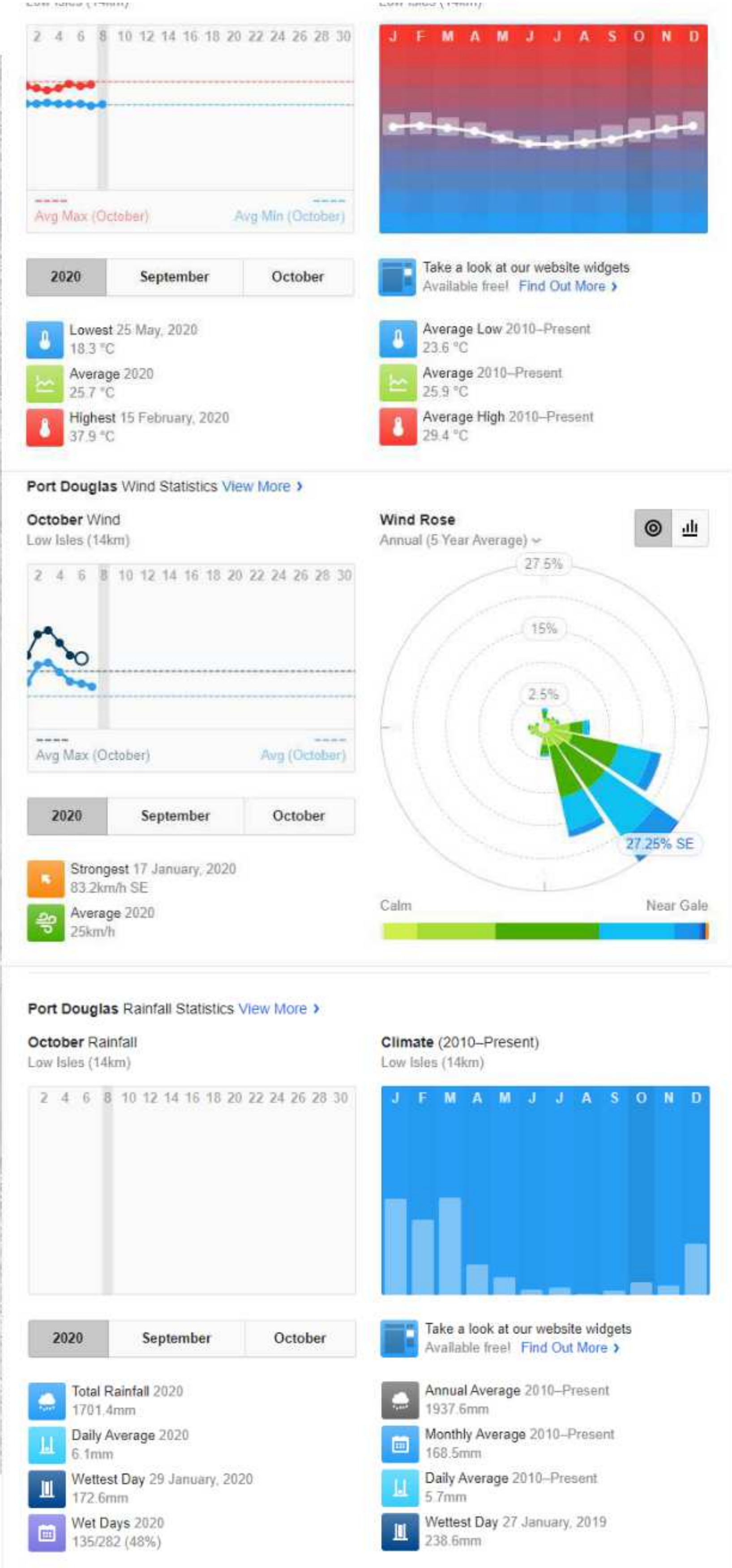
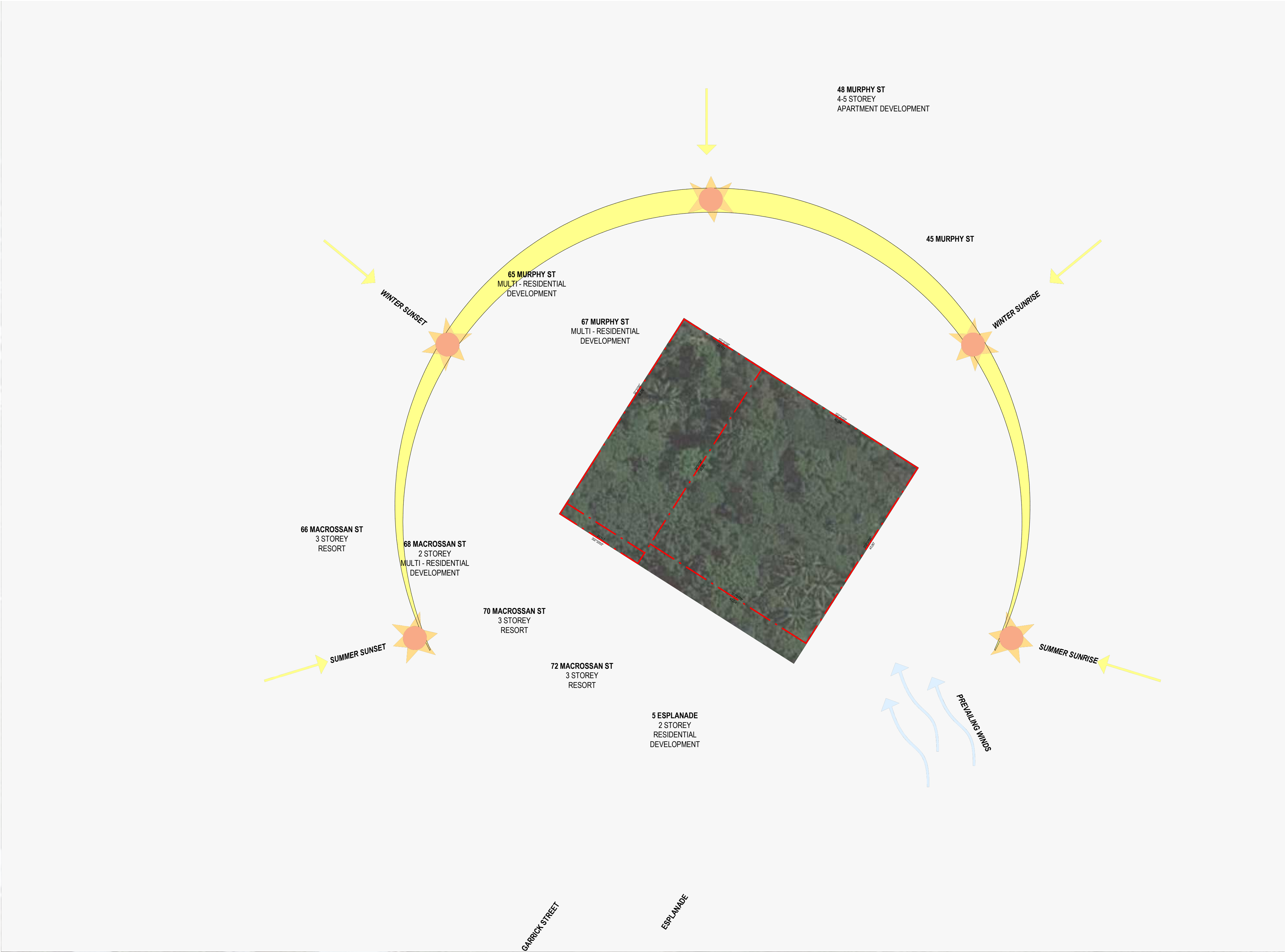
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Date	13/07/22
Job No	9663
Drawn	-
Checked	ND

Drawing No

DA01.003

Revision

E





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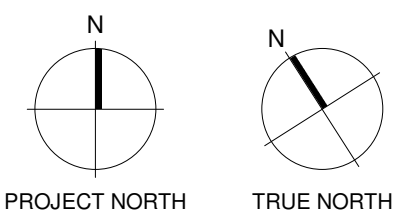
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Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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Drawing Title

SITE SURVEY

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

Scale	1 : 200@ A1
Date	13/07/22
Job No	9663
Drawn	-
Checked	ND

Drawing No

DA01.005

Revision

E

MACROSSAN

STREET

CP
BUP103563

512
PTD2092

CP
BUP70412

141
SR530

141
SR530

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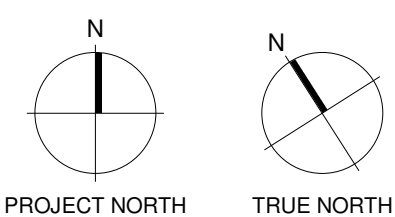
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ORIGINAL DRAWING IN COLOUR



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Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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PORT DOUGLAS

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Drawing Title

SITE SURVEY

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

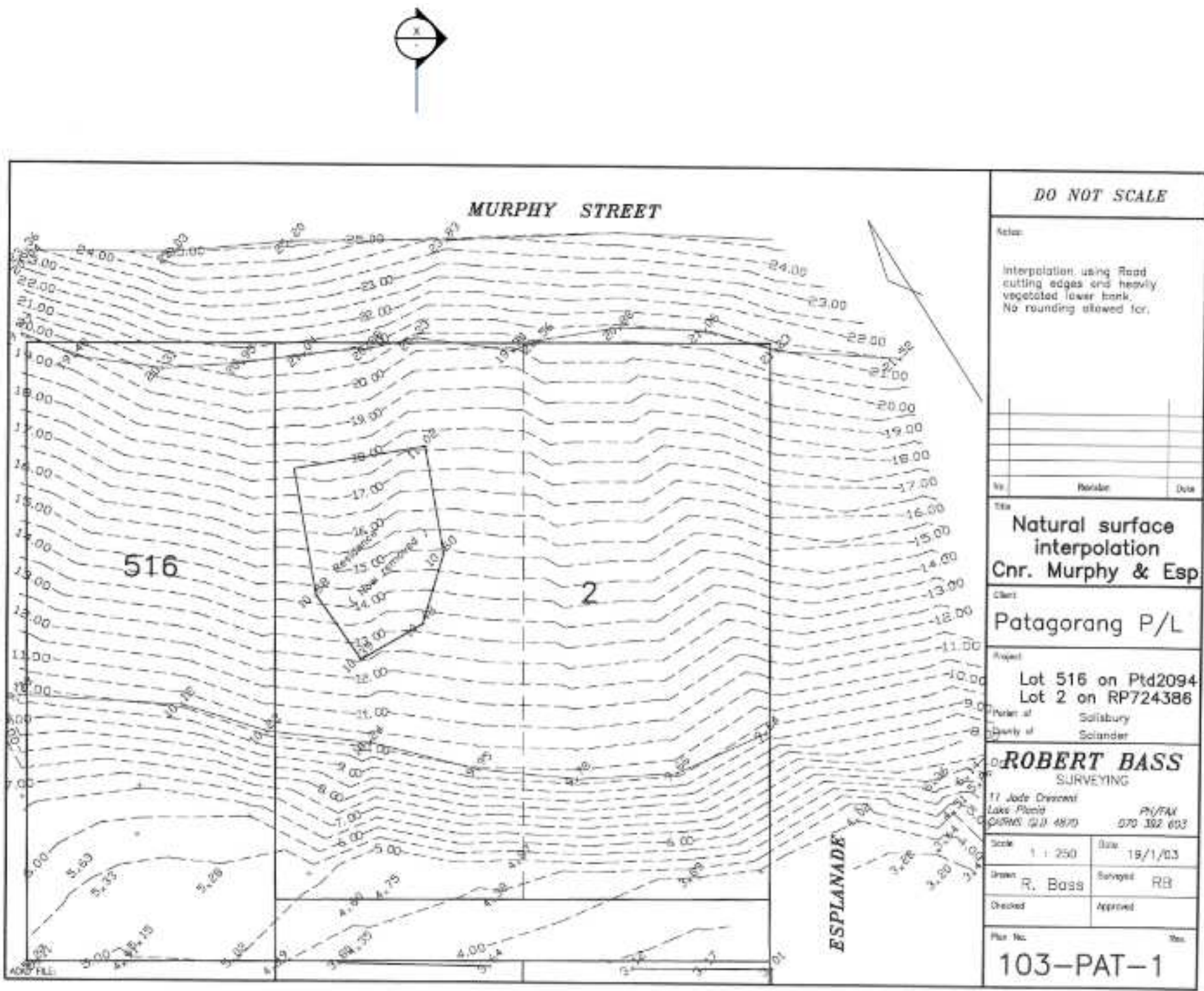
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Checked	ND

Drawing No

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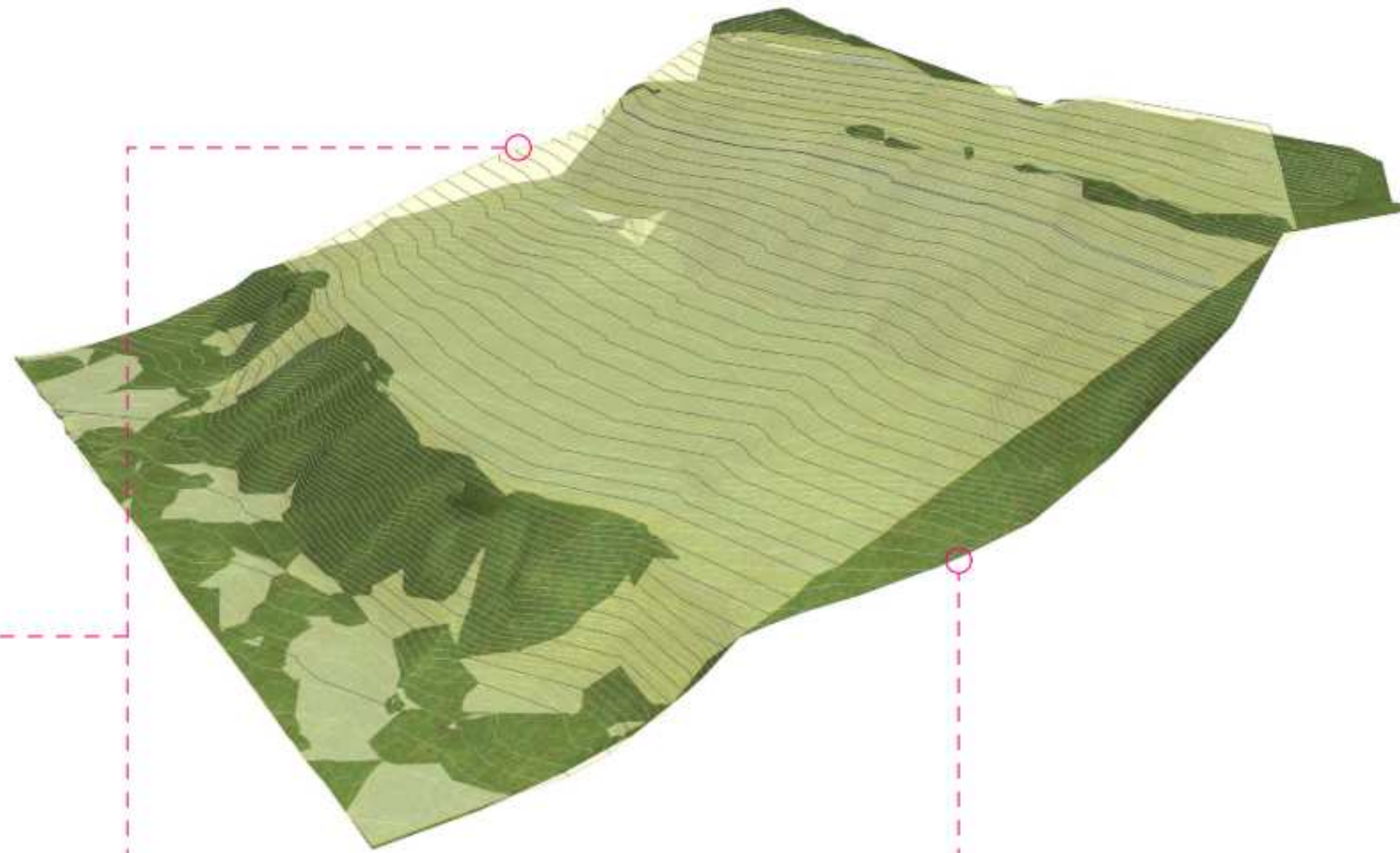
Revision

E

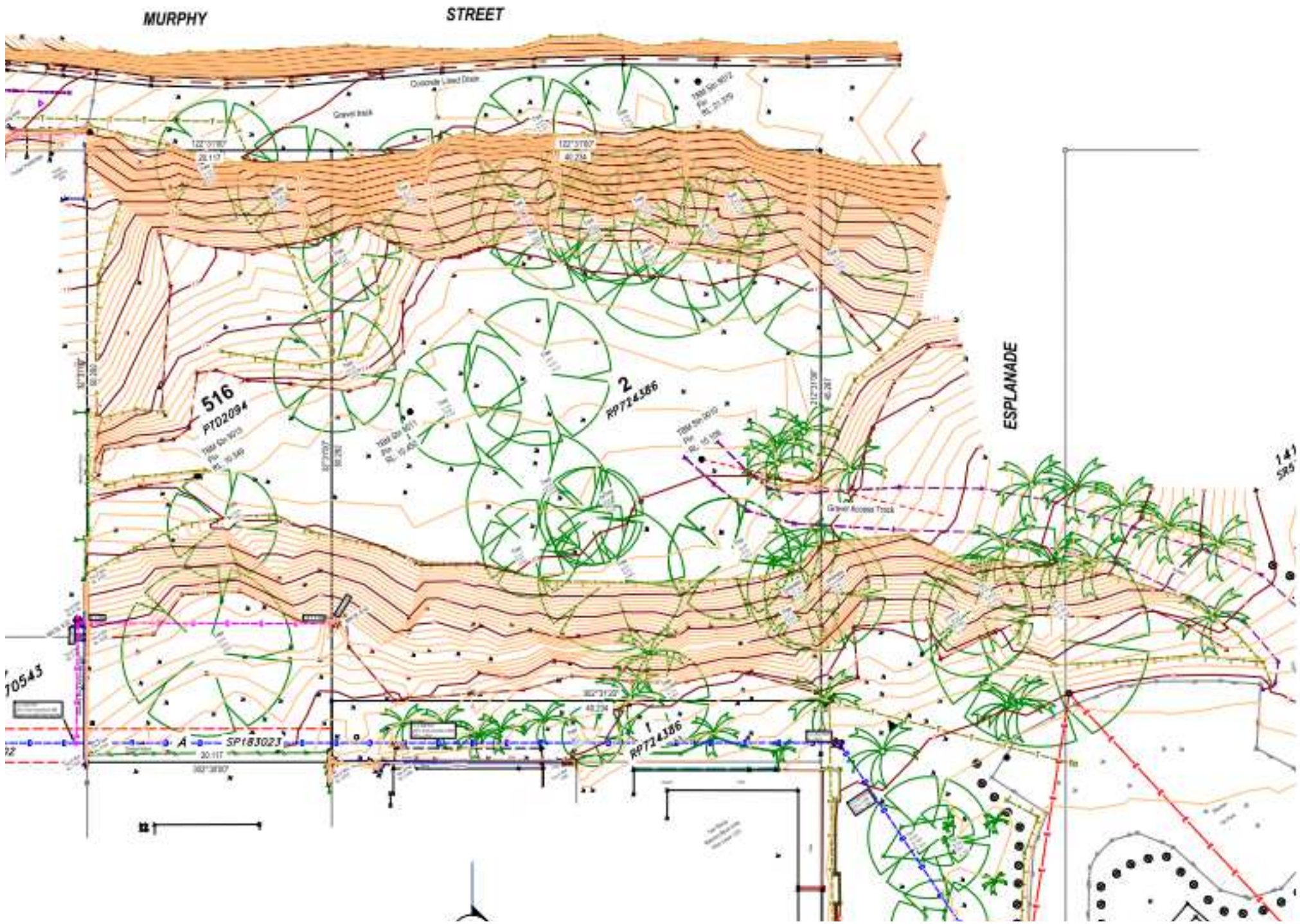


INTERPOLATED SURVEY PREPARED BY ROBERT BASS
DATED 18/01/2003
SURVEY SHOWS ORIGINAL NATURAL GROUND LEVELS
THESE LEVELS FORMED THE BASIS OF THE CURRENT
DEVELOPMENT APPROVAL ON THE SUBJECT SITE.

LANDSURVEY - INTERPOLATED
SCALE: 1:400

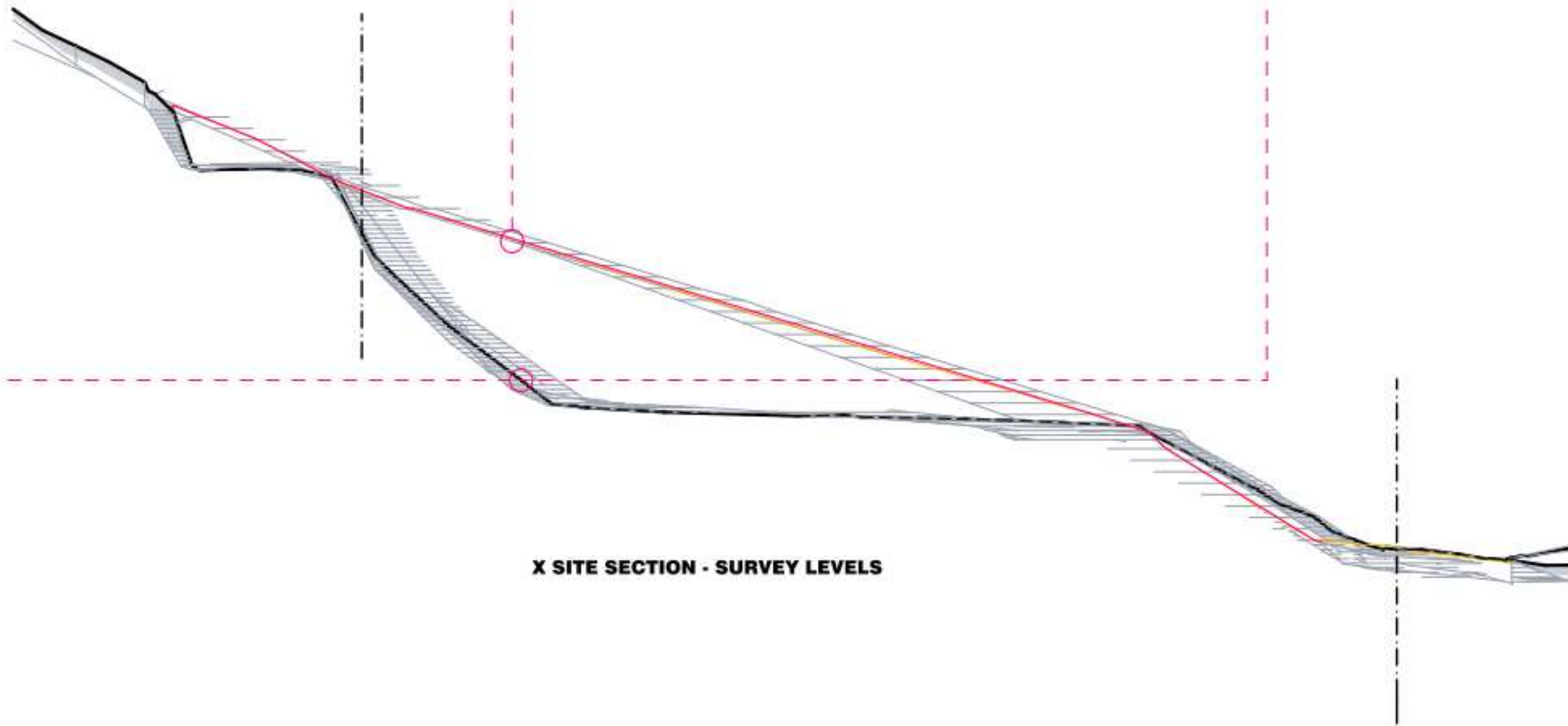


INTERPOLATED SURVEY (YELLOW) & CURRENT SURVEY (GREEN)



CURRENT SURVEY PREPARED BY RBS DATED 30.09.2020
SHOWING EXISTING GROUND LEVELS ON SITE

LANDSURVEY - CURRENT
SCALE: 1:400



X SITE SECTION - SURVEY LEVELS

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Notes

Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

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69-73 MURPHY STREET
PORT DOUGLAS

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Drawing Title

INTERPOLATED SURVEY

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale 1 : 1@ A1
Date 13/07/22
Job No 9663
Drawn -
Checked ND

Drawing No

DA01.007

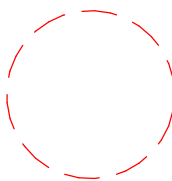
Revision

F

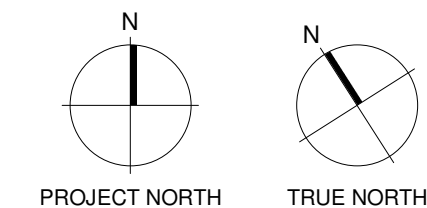
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Notes



TREES TO BE REMOVED



Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

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Client

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Project Title

69-73 MURPHY STREET
PORT DOUGLAS

Drawing Title

PROPOSED SITE PLAN

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 200@ A1
Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA03.001

Revision

G



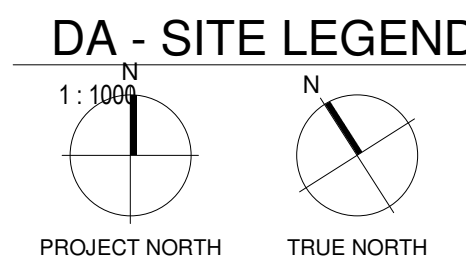
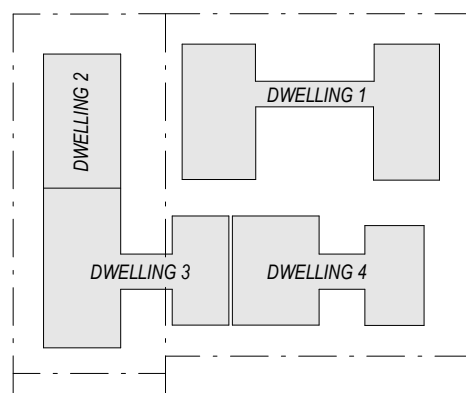
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Revisions

A 18/02/22 FOR INFORMATION
B 10/03/22 ISSUE RFI 01
C 13/07/22 ISSUE RFI 02

Notes

CODE	DESCRIPTION
BAL-1	FRAMELESS GLAZED BALUSTRADE 1200mm
CON-1	IN-SITU CONCRETE
FEN-1	TIMBER FENCING
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Project Title

**69-73 MURPHY
STREET**
PORT DOUGLAS

Drawing Title

SITE ACCESS PLAN

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

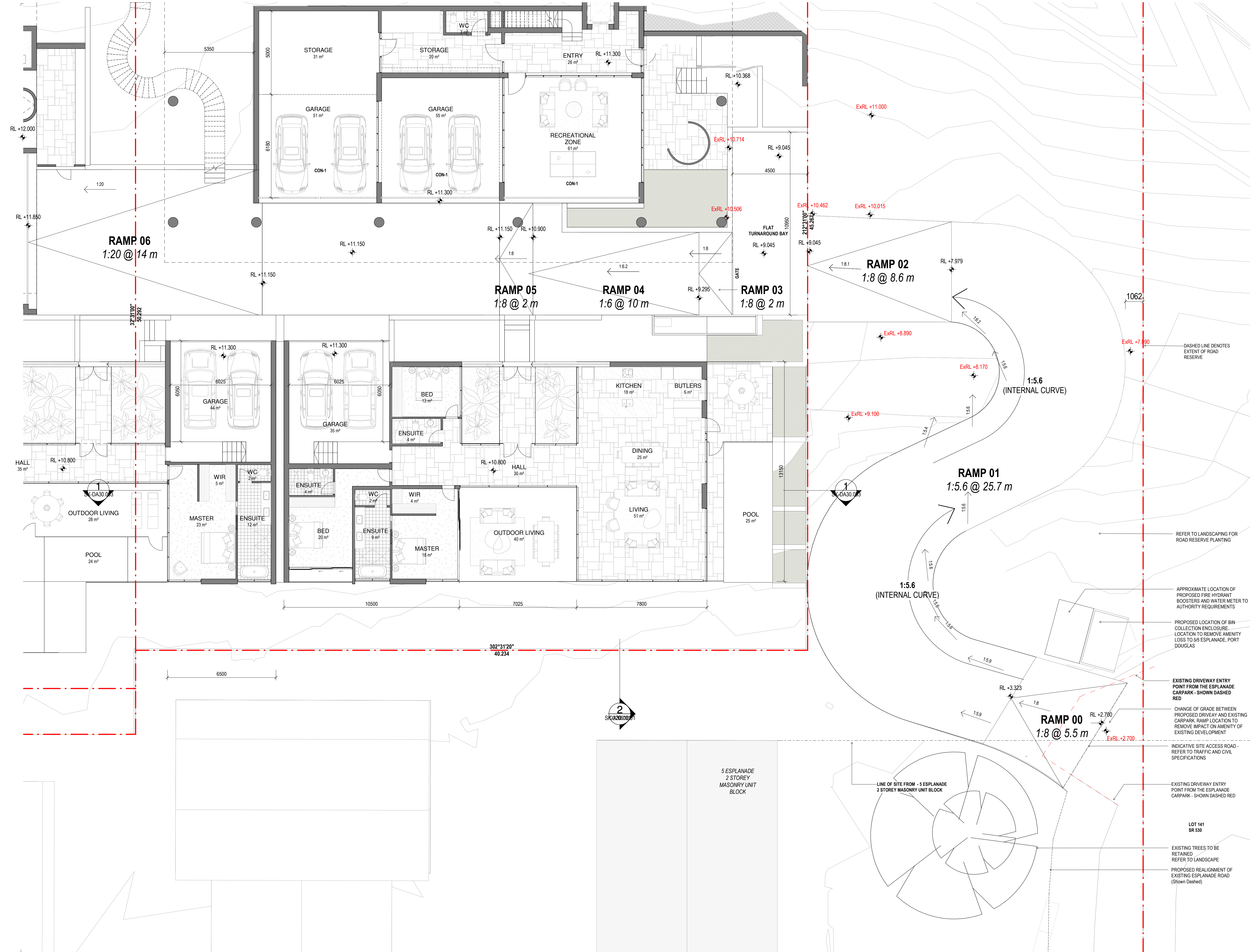
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Date 13/07/22
Job No 9663
Drawn Author
Checked Checker

Drawing No

DA03.002

Revision

C

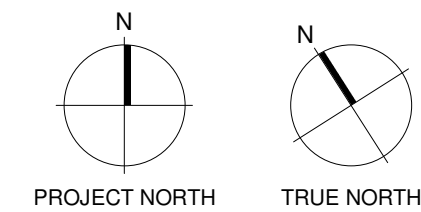
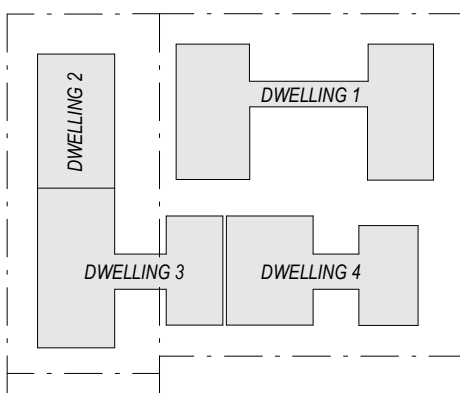


Revisions

C 15/09/21	FOR INFORMATION
D 17/09/21	FOR INFORMATION
E 21/09/21	FOR COORDINATION
F 22/09/21	DRAFT DA
G 04/10/21	ISSUE FOR DA
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Notes

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Consultants

Project Manager

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Project Title

**69-73 MURPHY
STREET**
PORT DOUGLAS

Drawing Title

**GROUND FLOOR
PLAN**

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

Scale	As indicated@ A1
Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

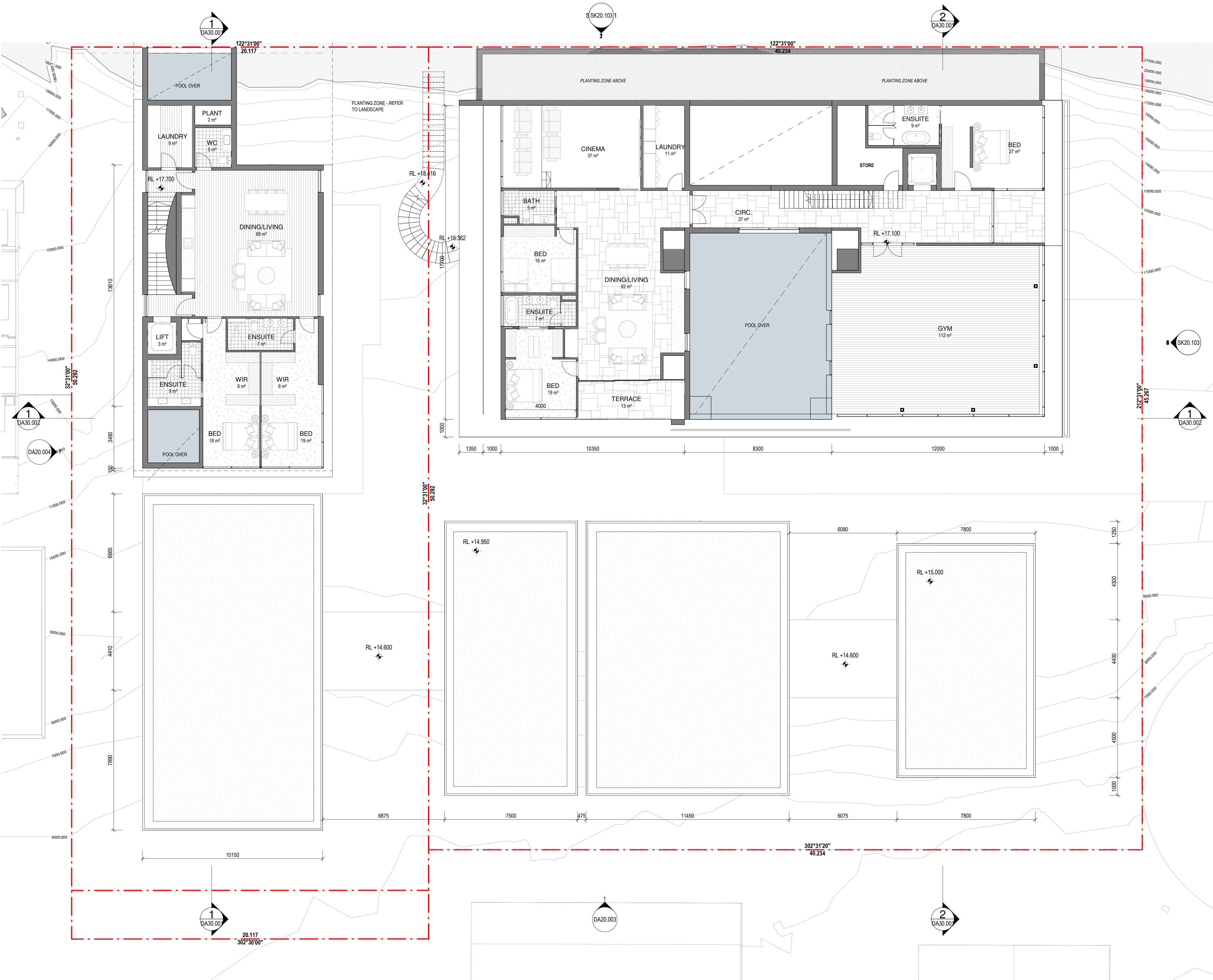
Drawing No

DA010.01

Revision

(K)





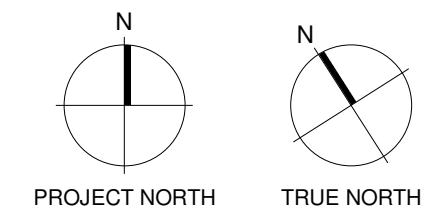
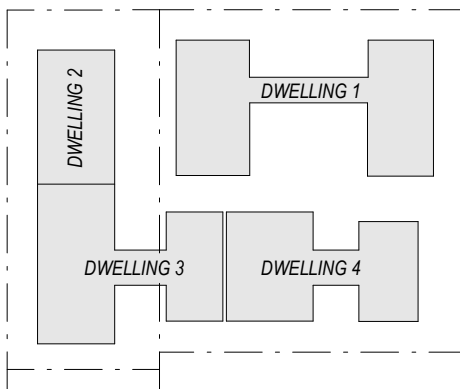
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Consultants

Project Manager

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Project Title

**69-73 MURPHY
STREET**
PORT DOUGLAS

Drawing Title

L01 FLOOR PLAN

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

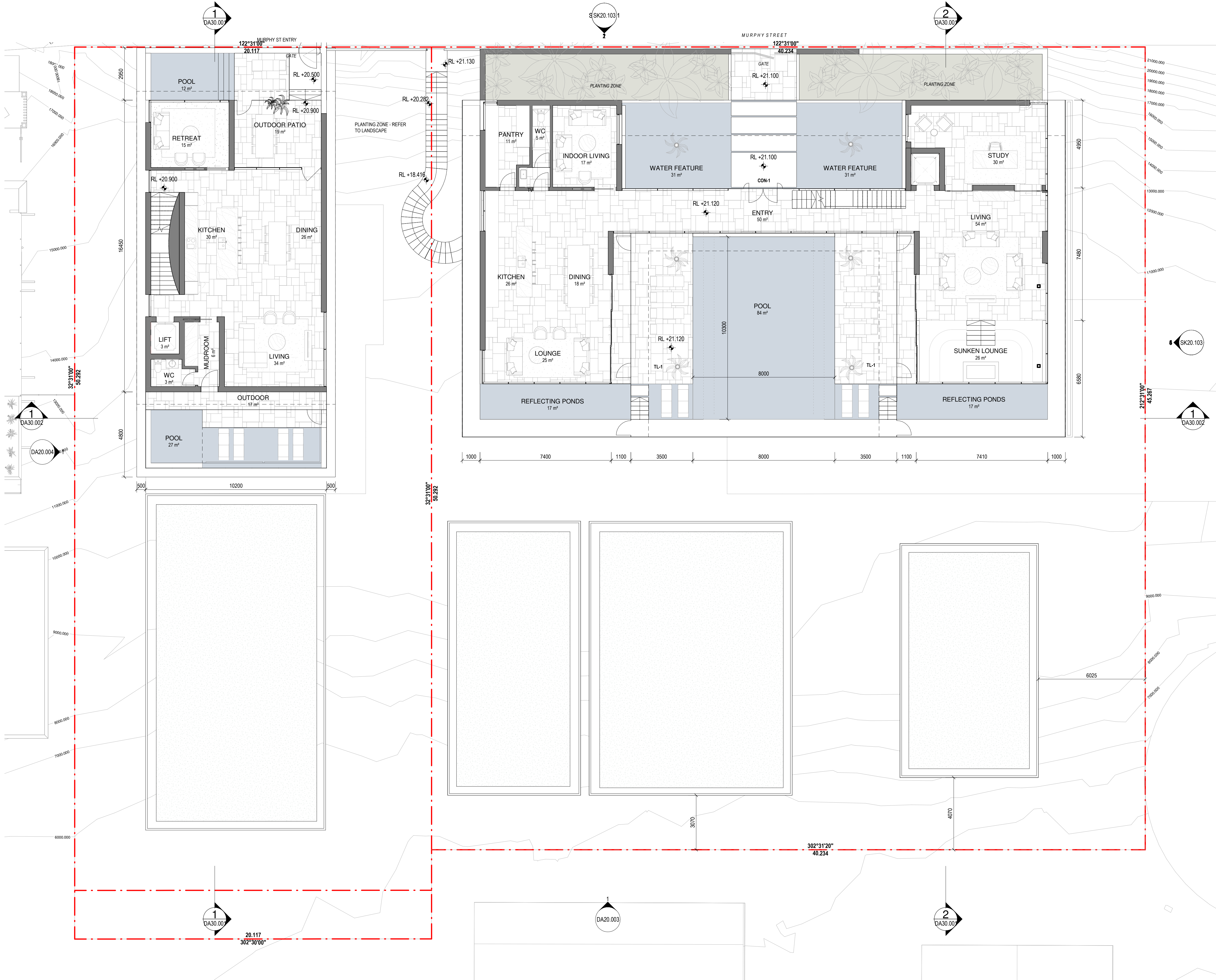
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Job No	9663
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Drawing No

DA010.02

Revision

(K)



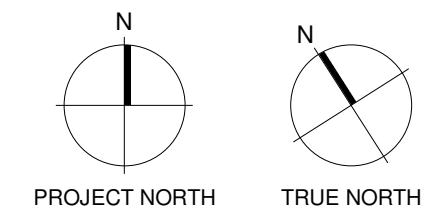
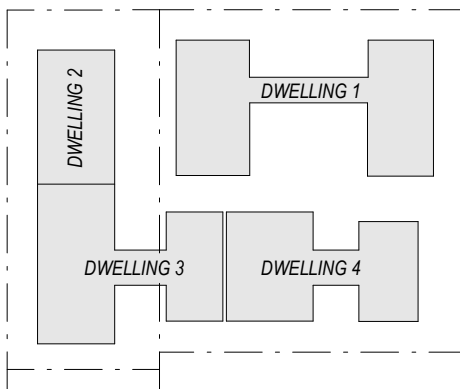
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Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

Client

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Project Title

69-73 MURPHY STREET
PORT DOUGLAS

Drawing Title

L02 FLOOR PLAN

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

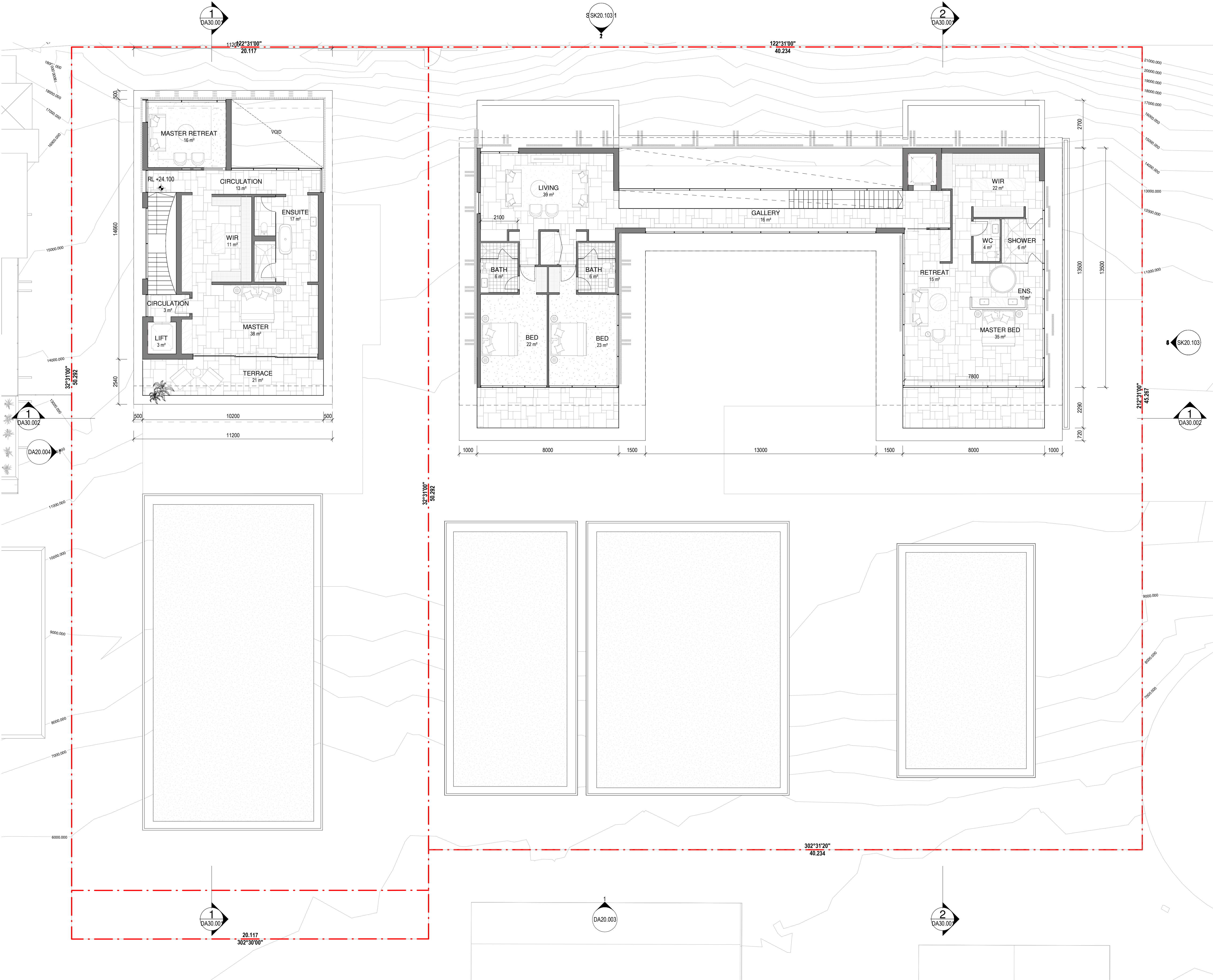
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Job No	9663
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Drawing No

DA010.03

Revision

(K)



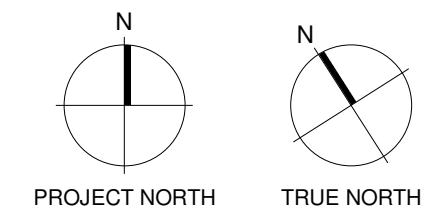
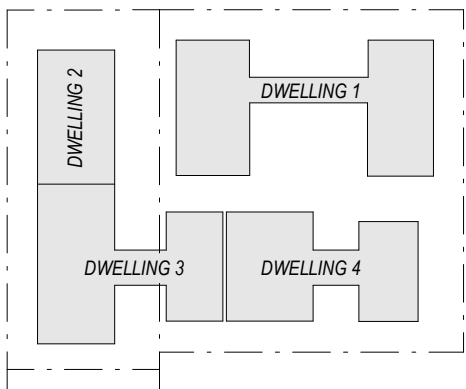
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Consultants

Project Manager

Structural Engineer

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Project Title

**69-73 MURPHY
STREET**
PORT DOUGLAS

Drawing Title

L03 FLOOR PLAN

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

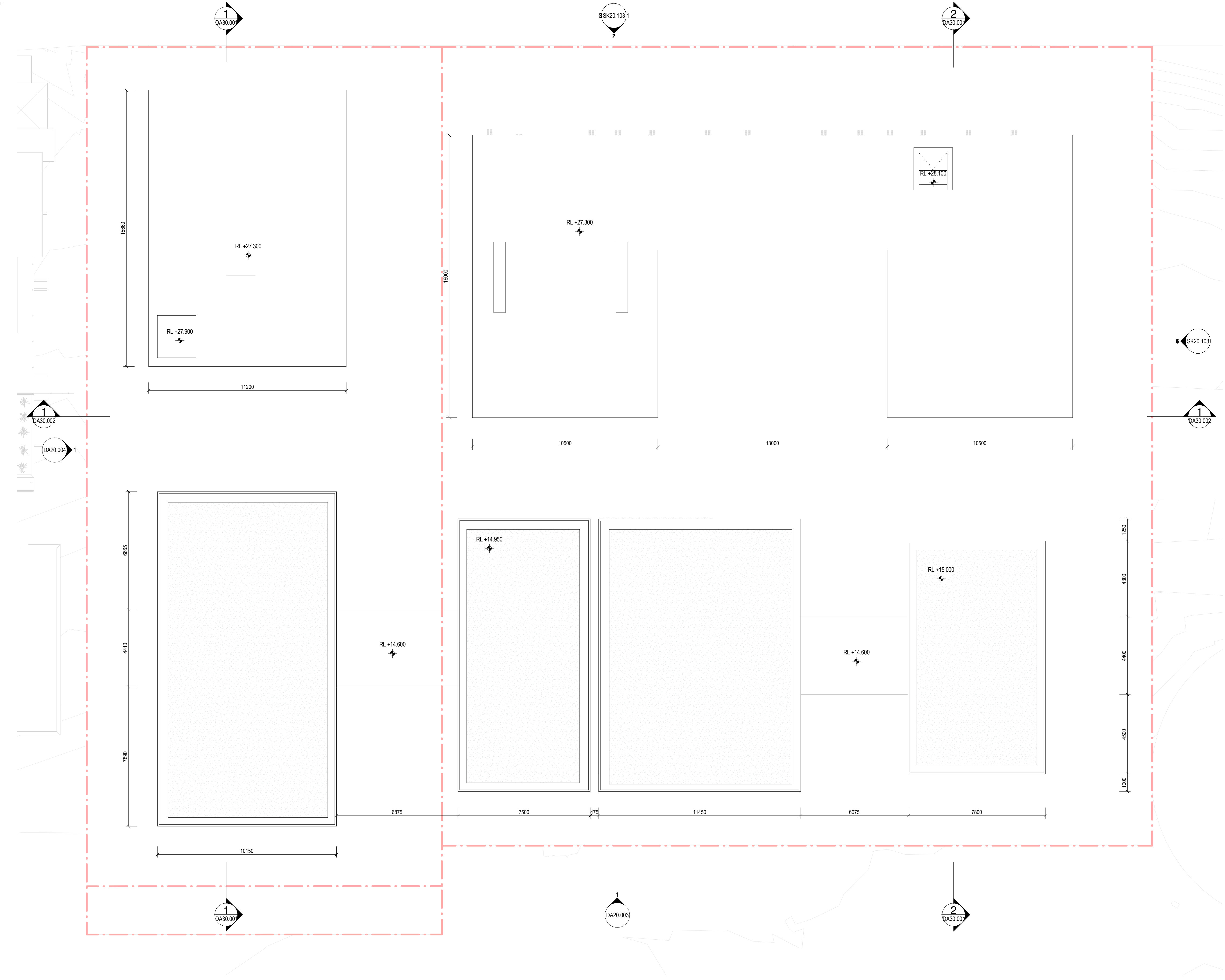
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Drawn	SG
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Drawing No

DA010.04

Revision

(K)



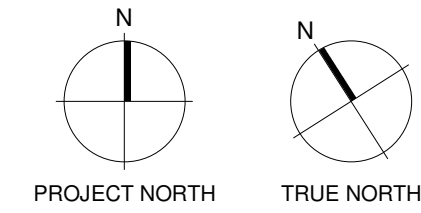
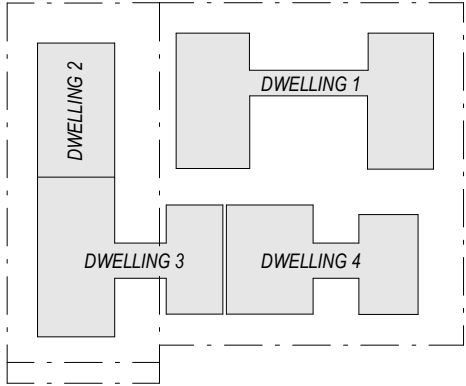
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Revisions

B 15/09/21	FOR INFORMATION
C 17/09/21	FOR INFORMATION
D 21/09/21	FOR COORDINATION
E 22/09/21	DRAFT DA
F 04/10/21	ISSUE FOR DA
G 18/02/22	FOR INFORMATION
H 10/03/22	ISSUE RFI 01
J 13/07/22	ISSUE RFI 02

Notes

CODE	DESCRIPTION
BAL-1	FRAMELESS GLAZED BALUSTRADE 1200mm
CON-1	IN-SITU CONCRETE
FEN-1	TIMBER FENCING
GLZ-1/PC-3	CLEAR GLAZING / LIGHT GREY OR SIMILAR
PAV-1	TILED PAVING
PAV-2	COBBLED STONE PAVING OR STAMPED CONCRETE OR SIMILAR
REN-1	TEXTURED RENDER FINISH
ST-1	STACKED STONE WALL
TC-1	TIMBER CLADDING OR FC SHEET, OR SIMILAR



Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

Client

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Level 4, 141 Flinders Lane
Melbourne VIC 3000
Australia
Phone + 61 3 8547 6977

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Project Title

69-73 MURPHY STREET
PORT DOUGLAS

Drawing Title

ROOF PLAN

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

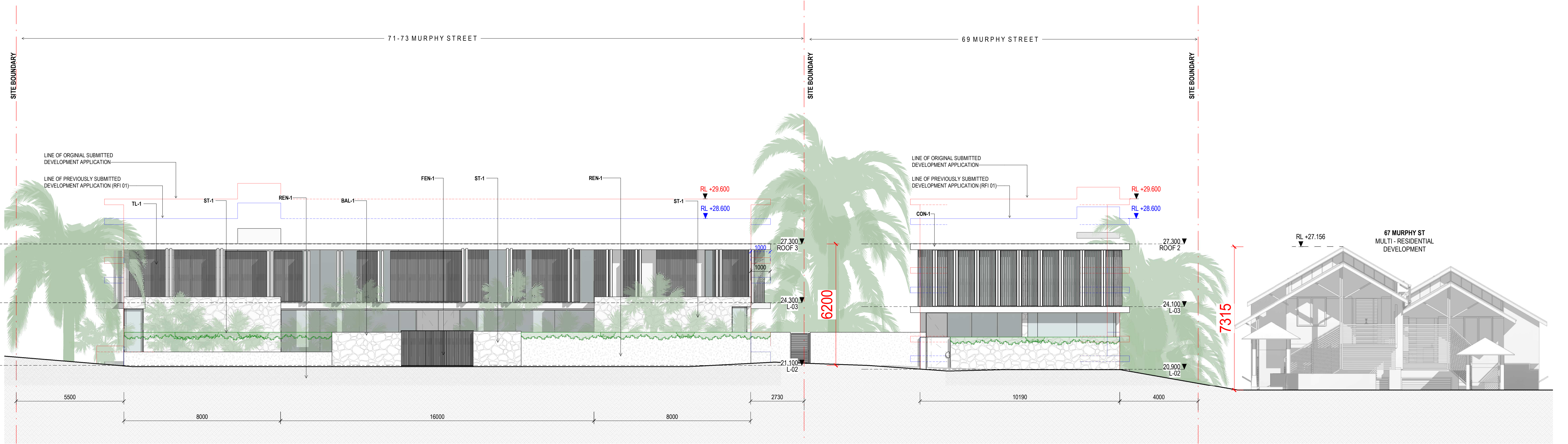
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Date	13/07/22
Job No	9663
Drawn	SG
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Drawing No

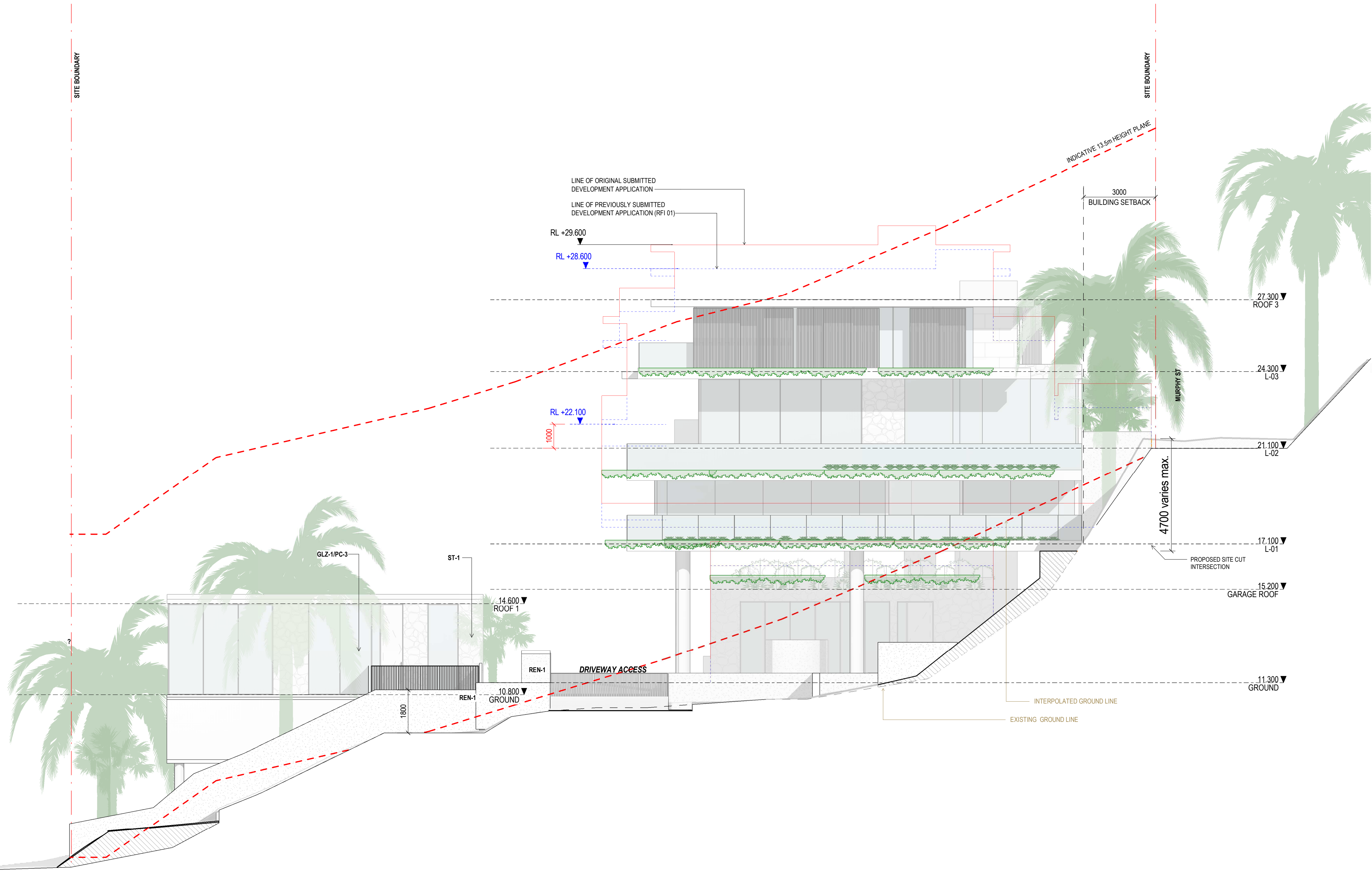
DA010.05

Revision

J



5 ESPLANADE
2 STOREY
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DEVELOPMENT



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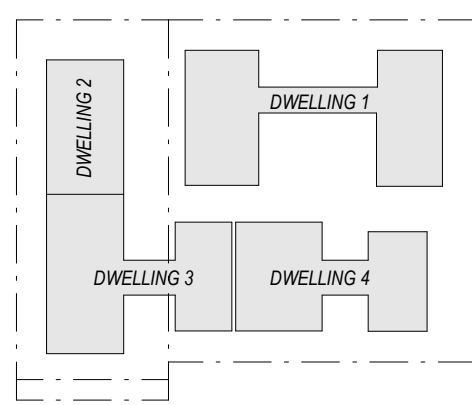
Revisions

A 03/09/21	FOR CLIENT COMMENT
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C 17/09/21	FOR INFORMATION
D 22/09/21	DRAFT DA
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Notes

ExRL +00.000	EXISTING RL - REFER TO SURVEY
RL +00.000	PROPOSED LEVEL
	INDICATIVE SITE FILL



Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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Project Title

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STREET
PORT DOUGLAS

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Drawing Title

EAST ELEVATION

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

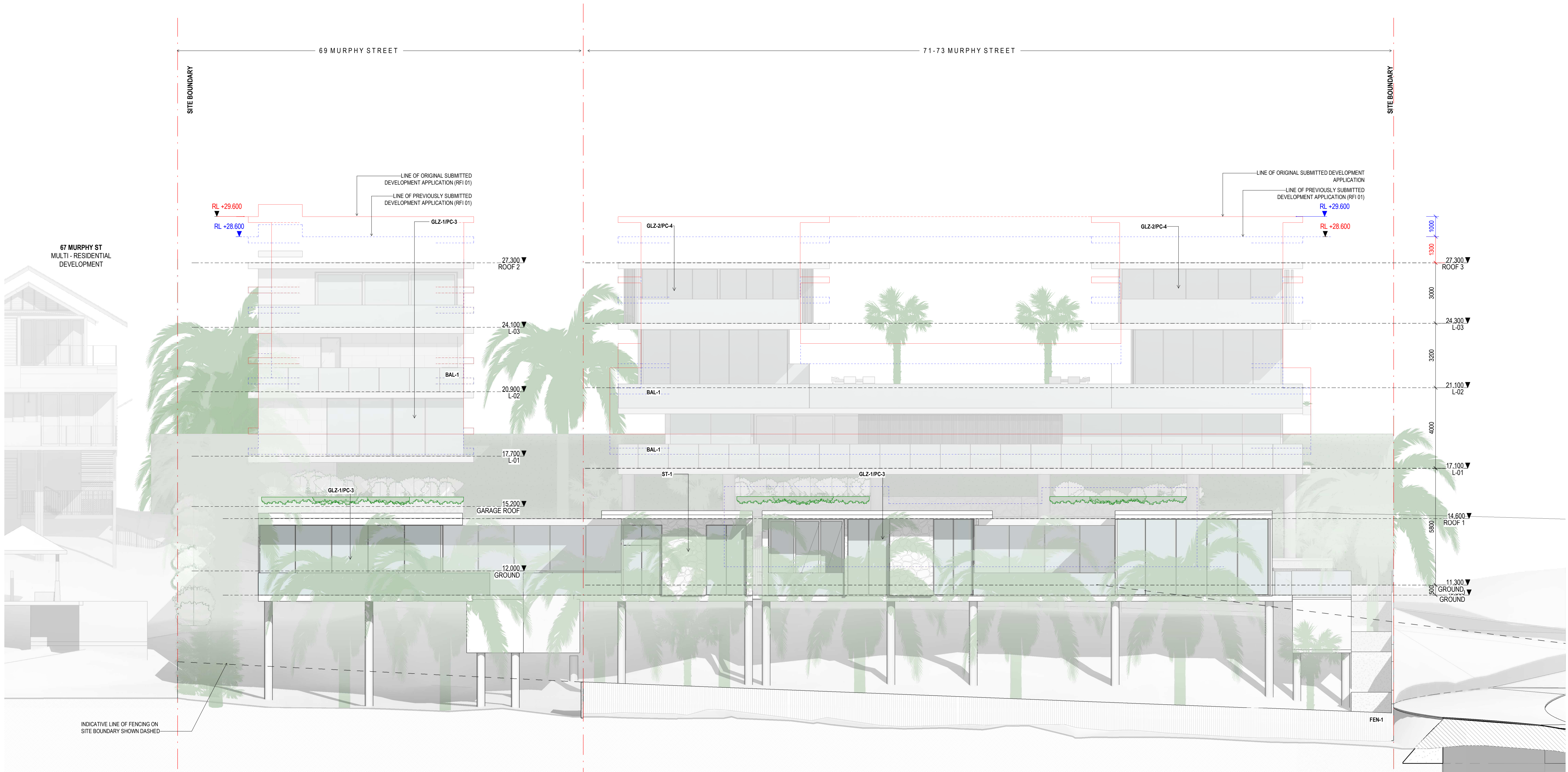
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Job No	9663
Drawn	SG
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Drawing No

DA20.002

Revision

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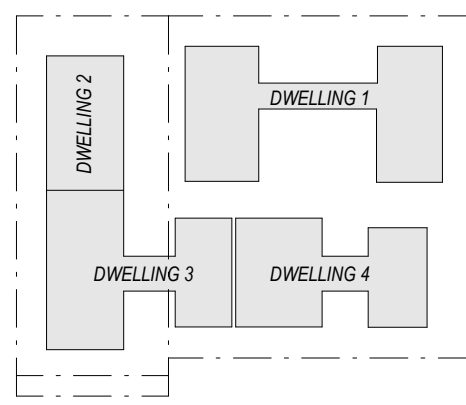
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Notes



Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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Project Title

69-73 MURPHY STREET
PORT DOUGLAS

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Drawing Title

SOUTH ELEVATION

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

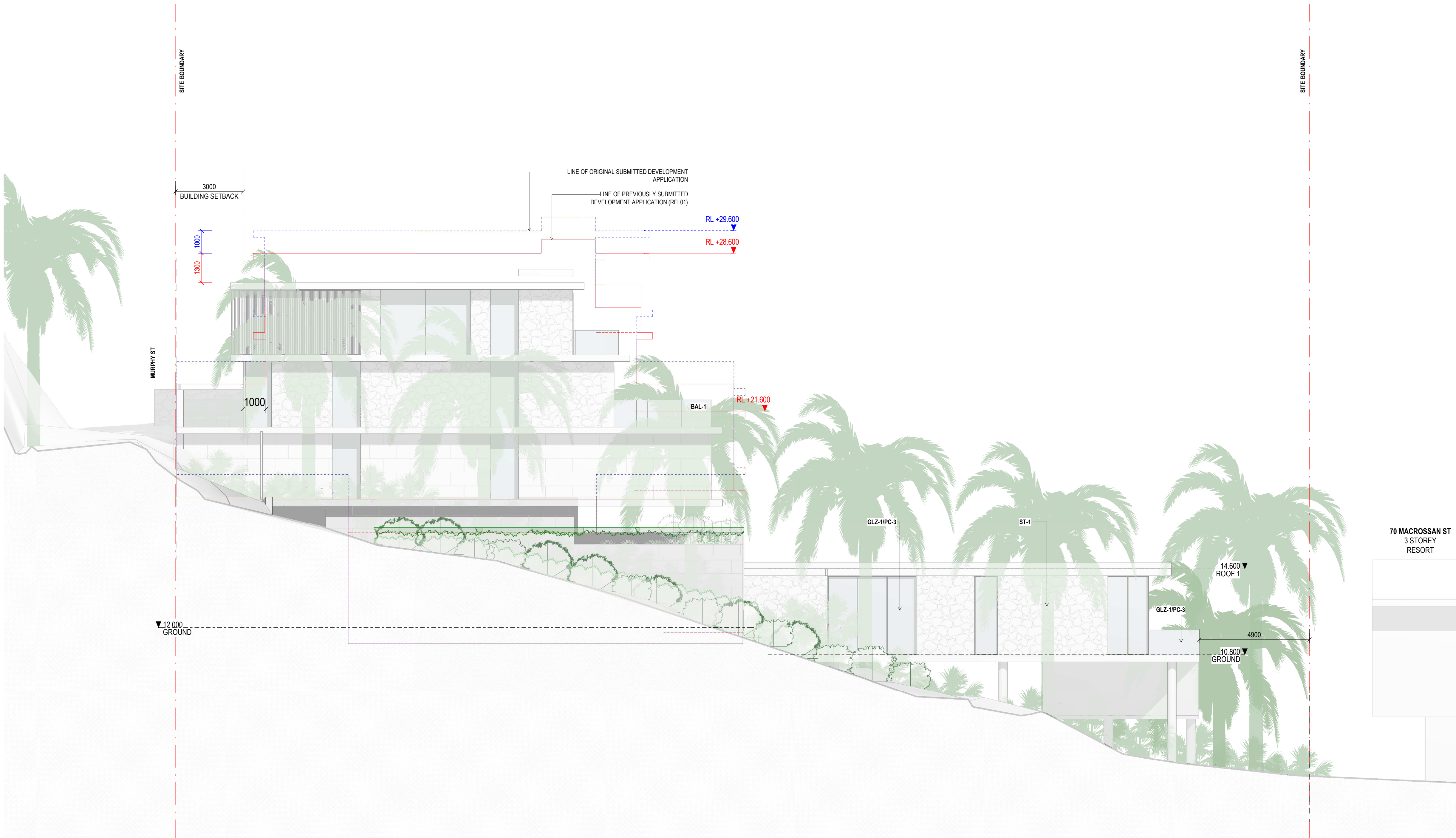
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Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA20.003

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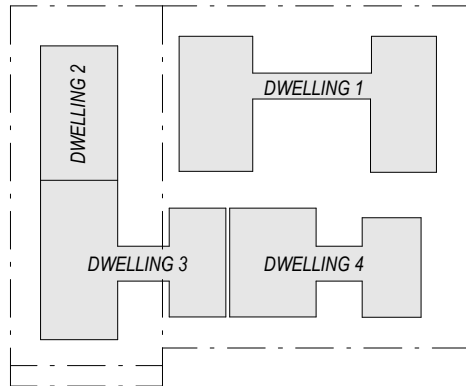
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Notes



Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

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PORT DOUGLAS

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WEST ELEVATION

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

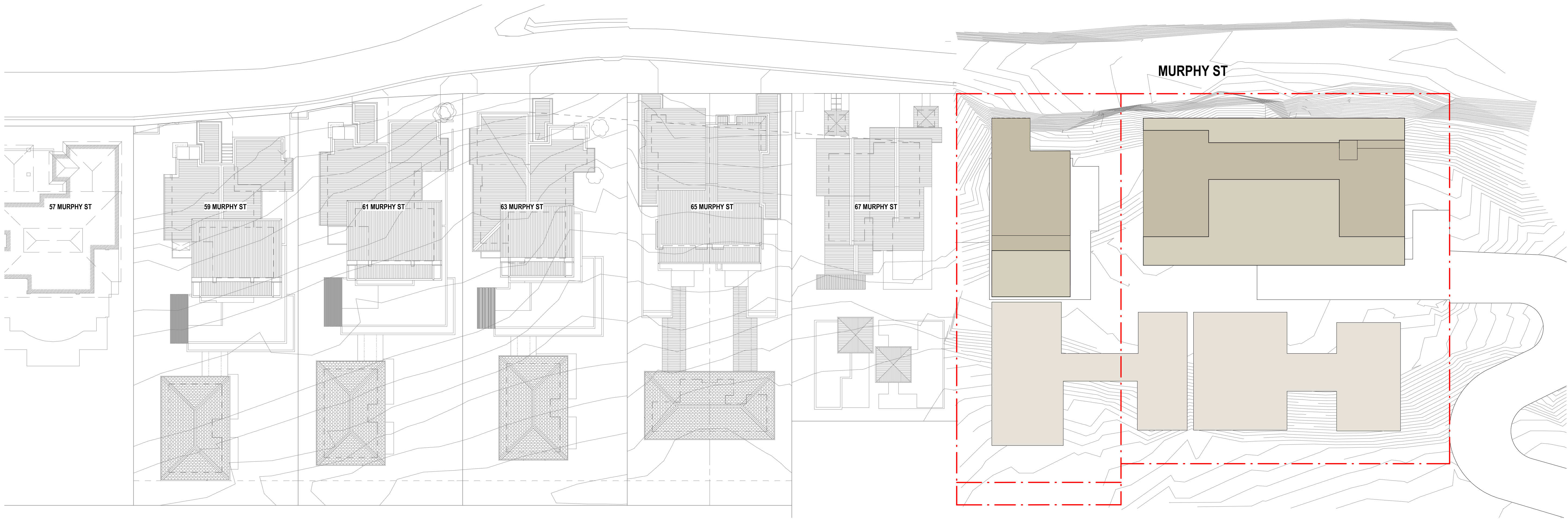
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Job No	9663
Drawn	SG
Checked	ND

Drawing No

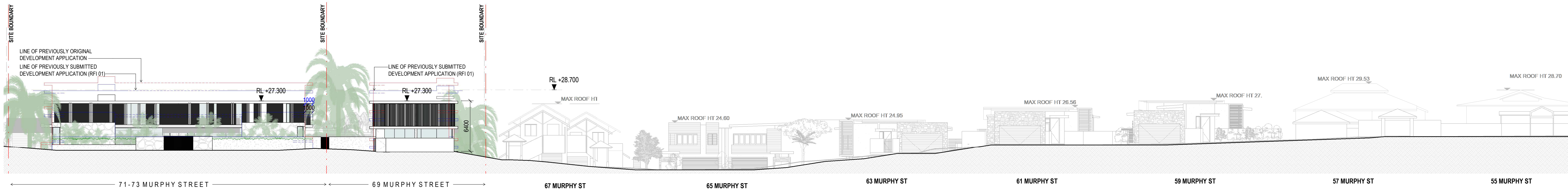
DA20.004

Revision

G



2 SITE CONTEXT - MURPHY ST PLAN
1 : 250



1 SITE CONTEXT - MURPHY STREET ELEVATION
1 : 250

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Revisions

A 13/07/22 ISSUE RFI 02

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Structural Engineer
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Fire Engineer
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PORT DOUGLAS

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Drawing Title

MURPHY STREET
ELEVATION

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

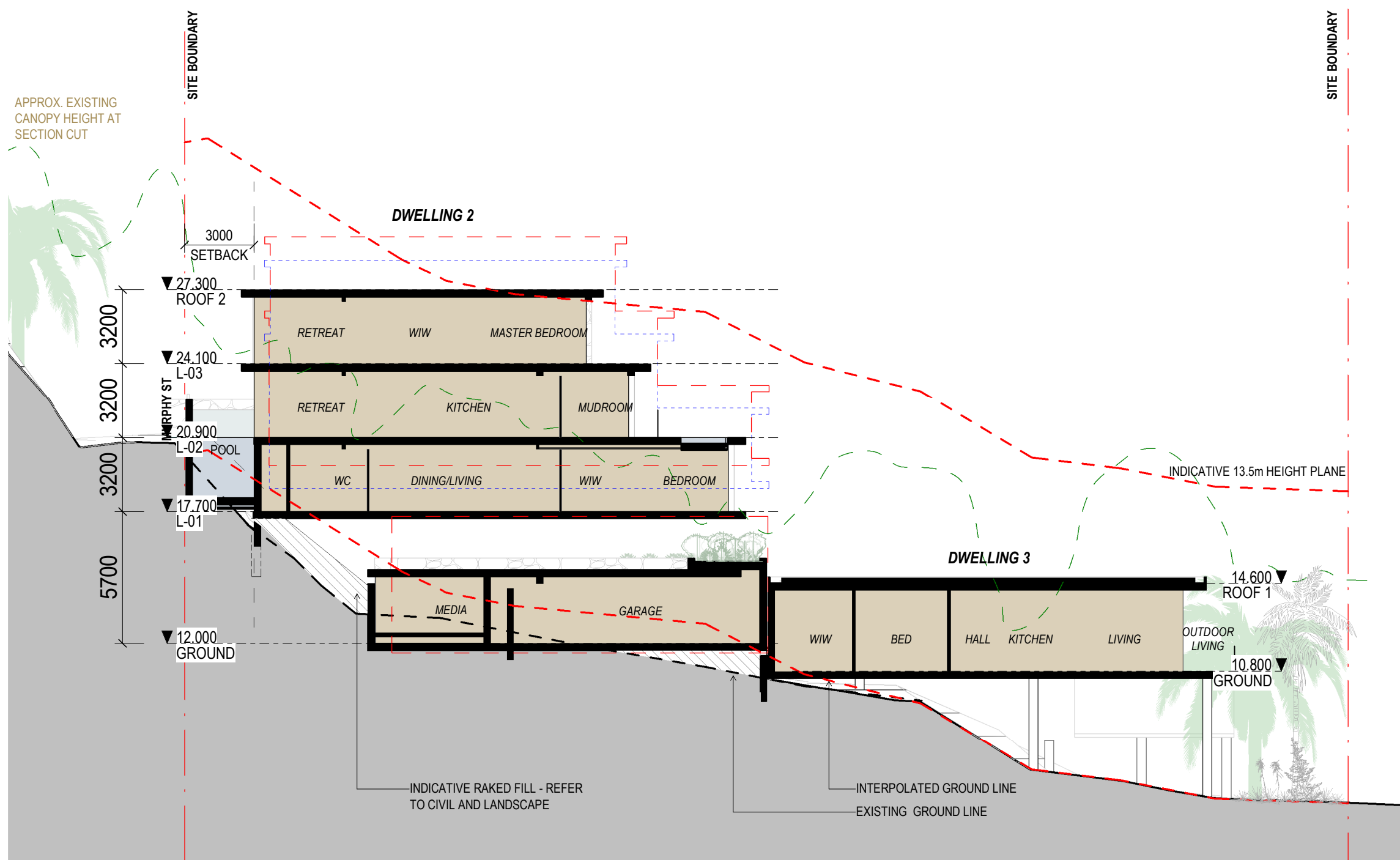
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Job No 9663
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Checked Checker

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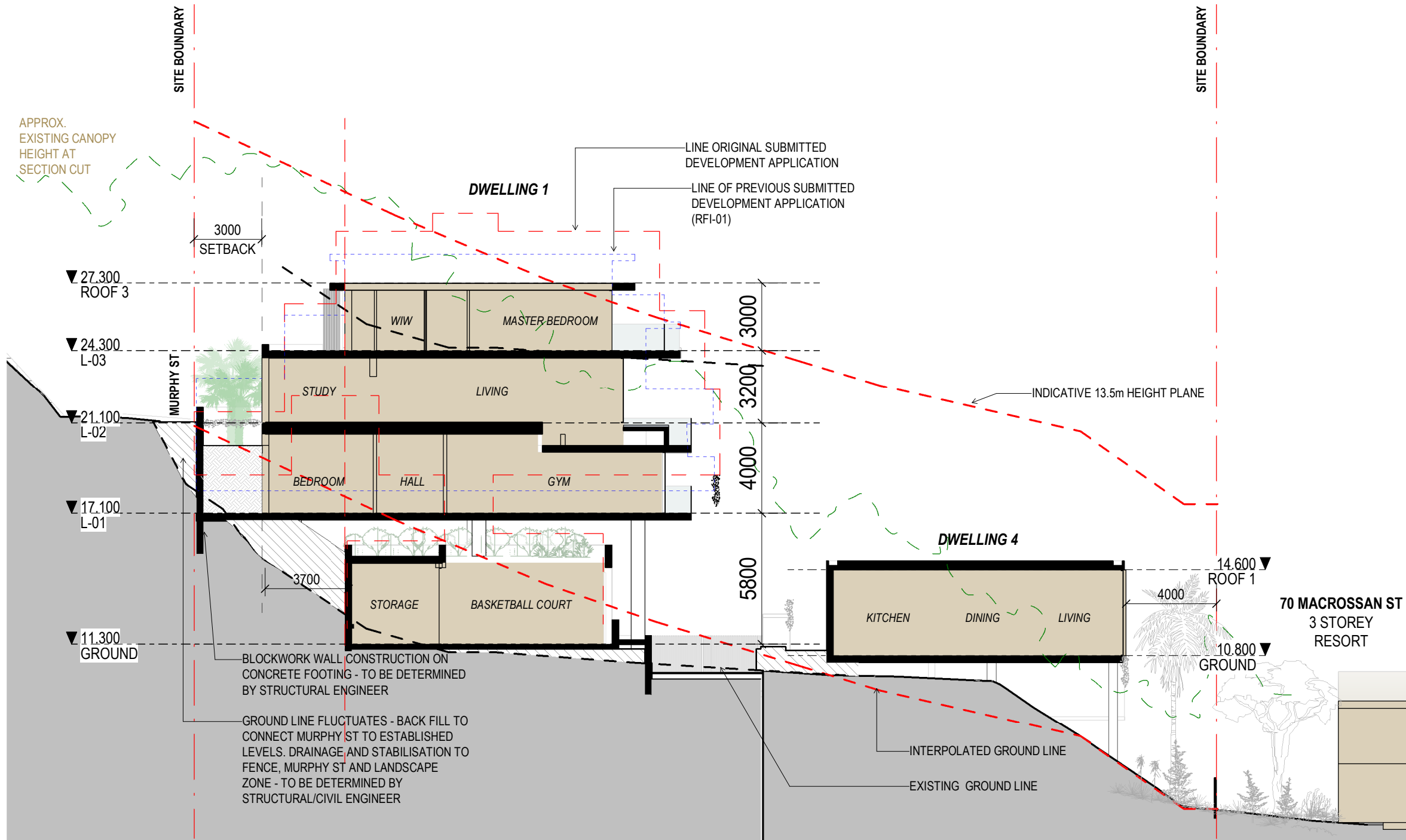
Revision

A



SECTION 1

1 : 200



SECTION 2

1 : 200

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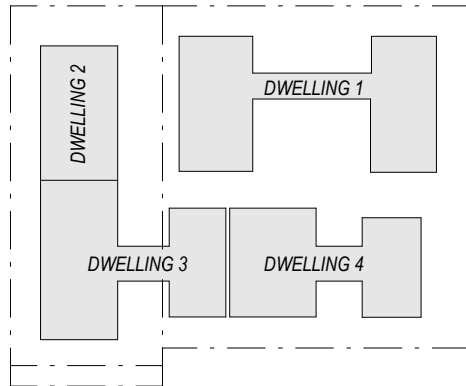
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J 10/03/22	ISSUE RFI 01
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Consultants

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Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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Drawing Title

TYPICAL SECTIONS

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

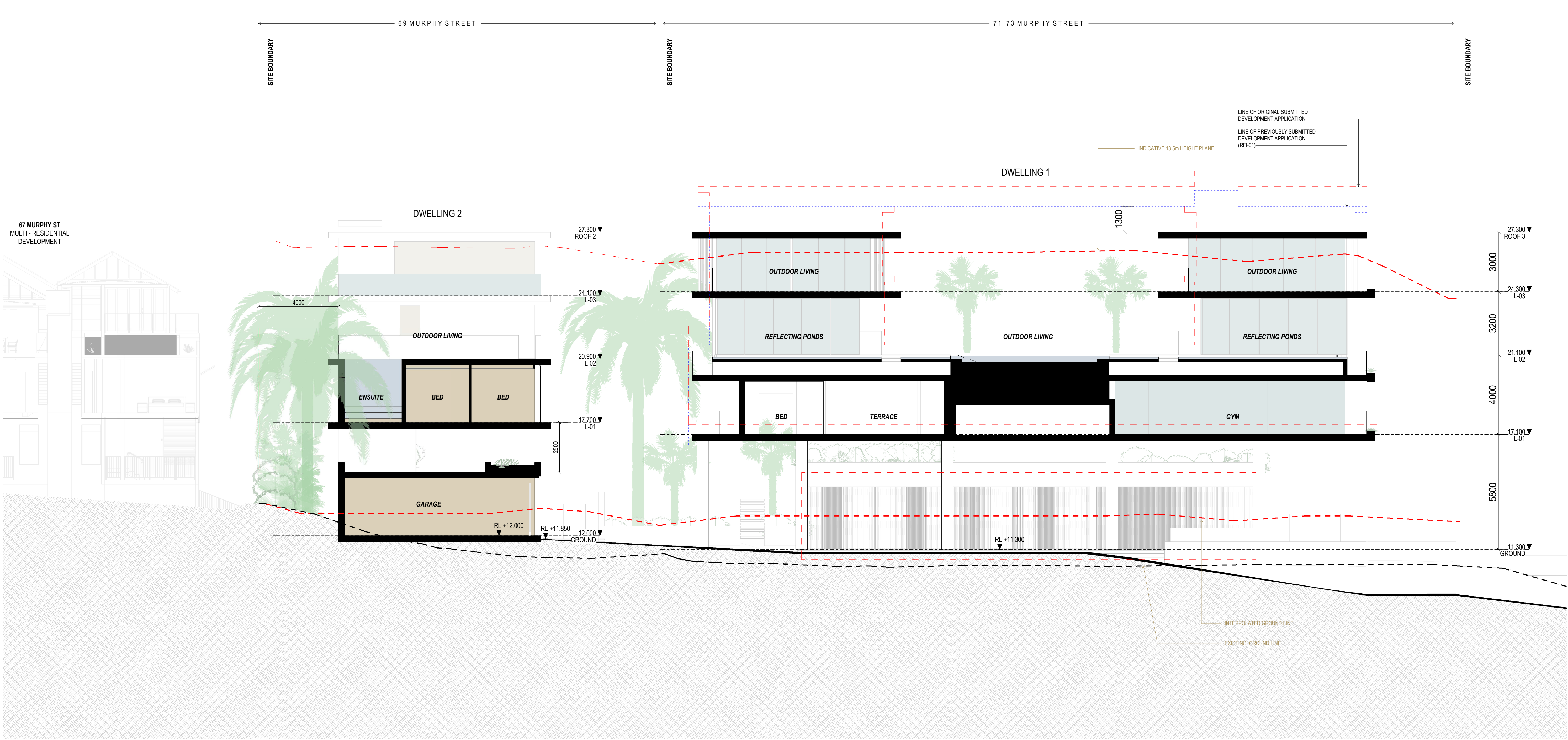
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Drawn	SG
Checked	ND

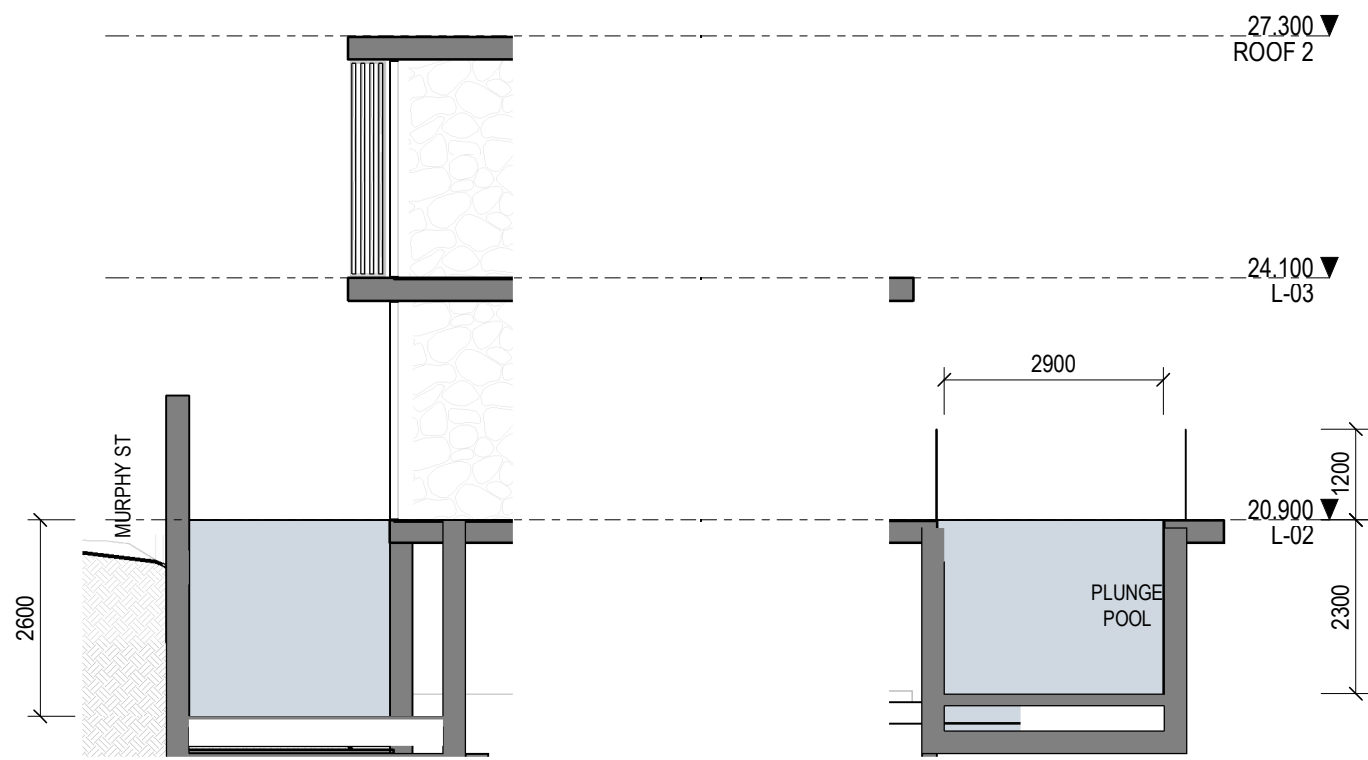
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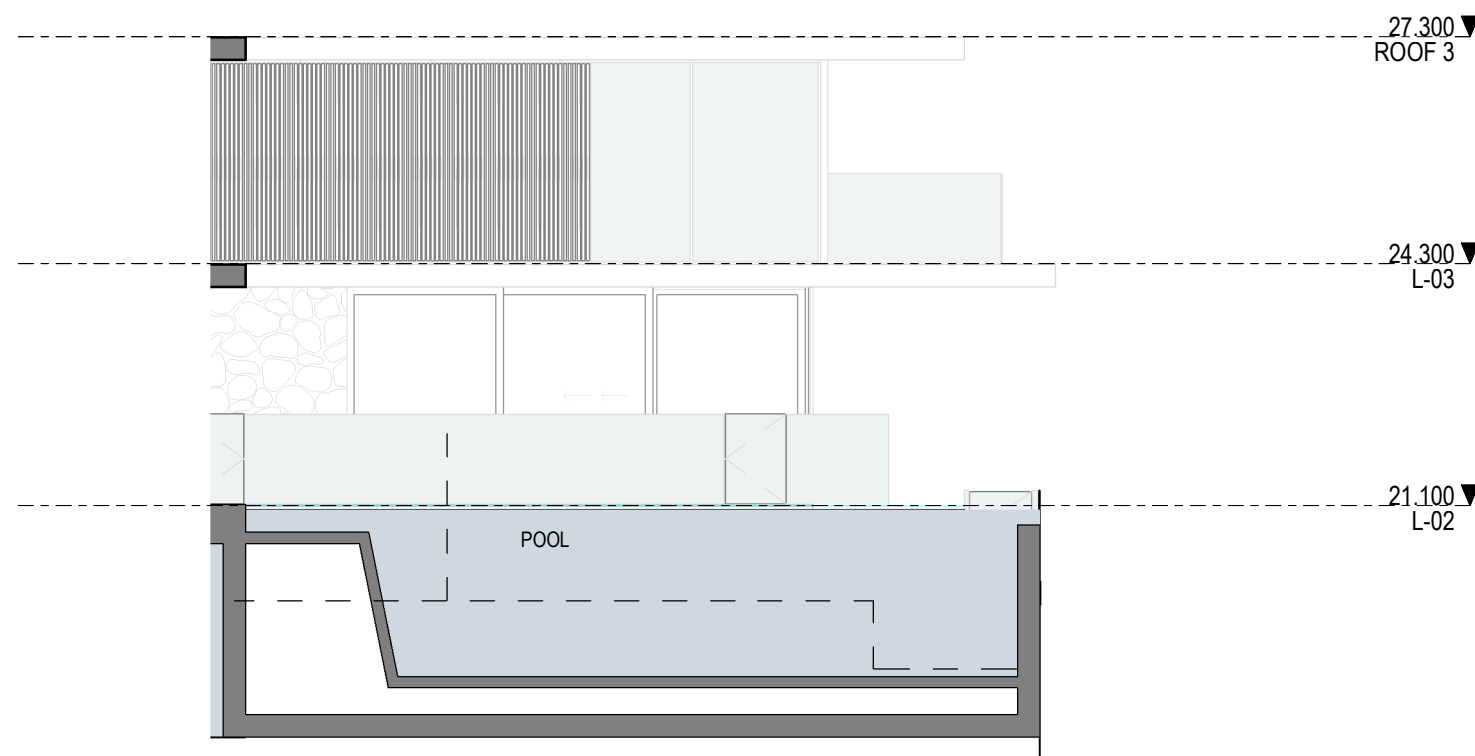
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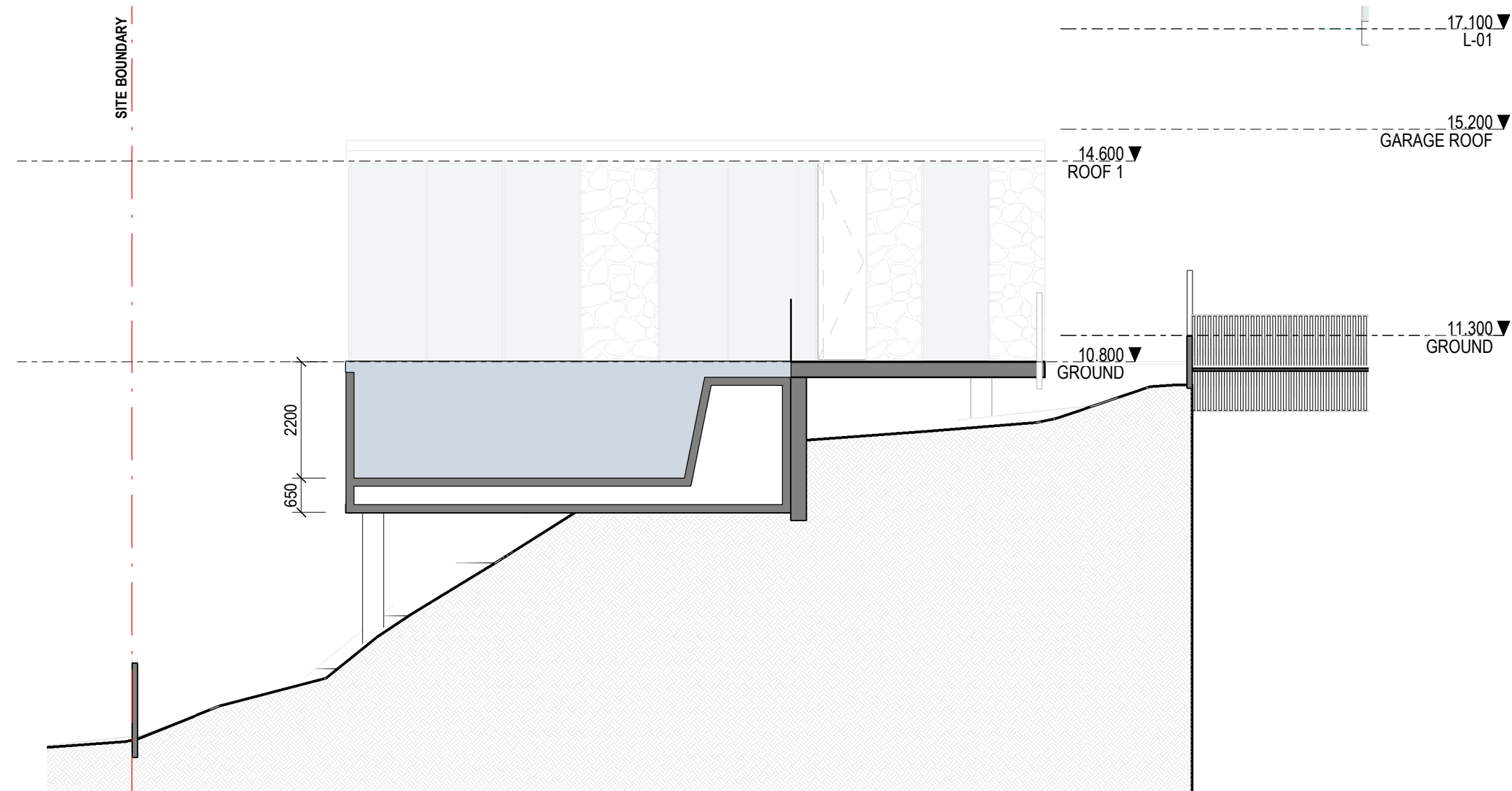




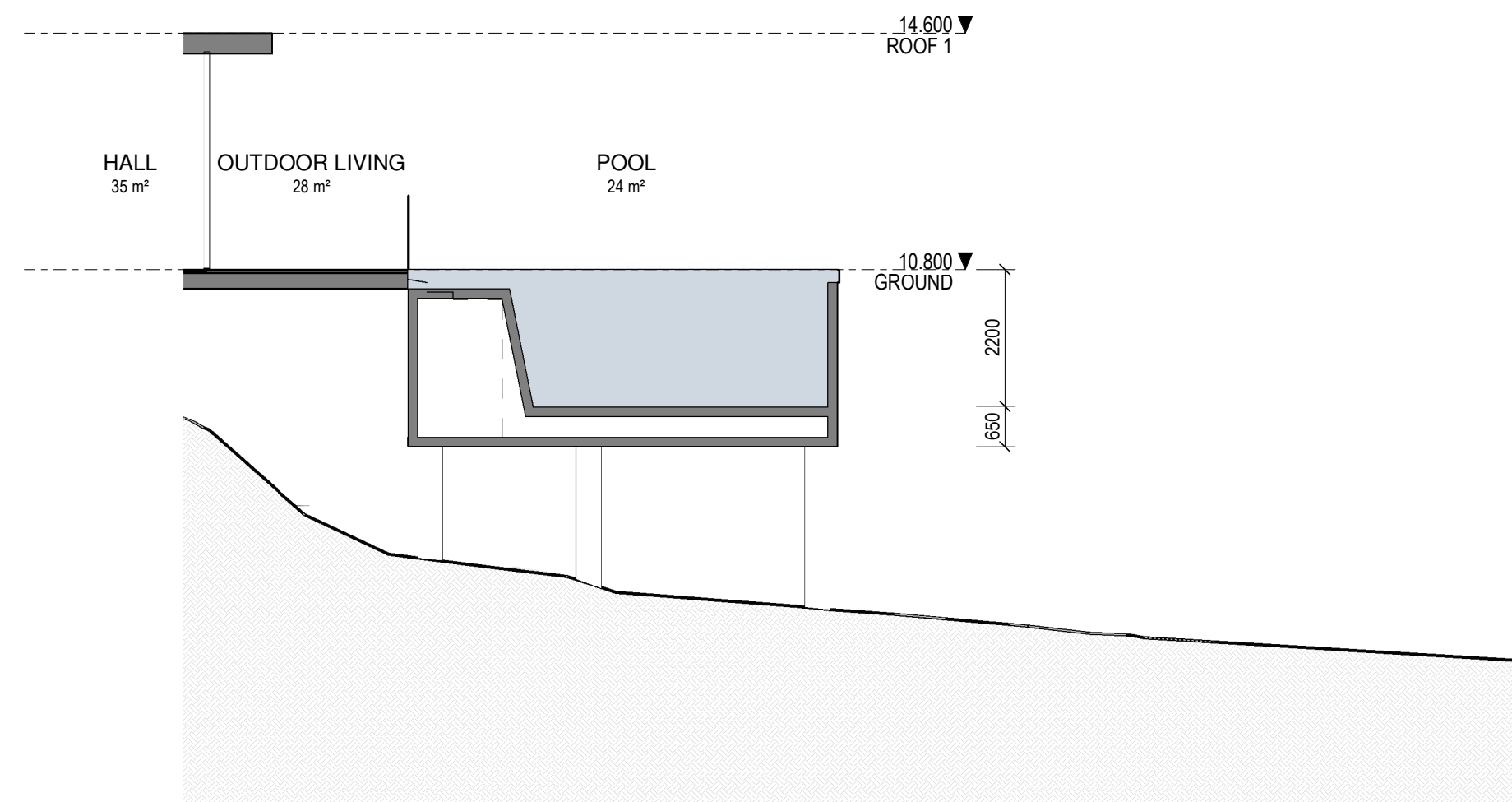
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1:100



1 DWELLING 1 - POOL SECTION
1:100



4 DWELLING 4 - POOL SECTION
1:100



3 DWELLING 3 - POOL SECTION
1:100

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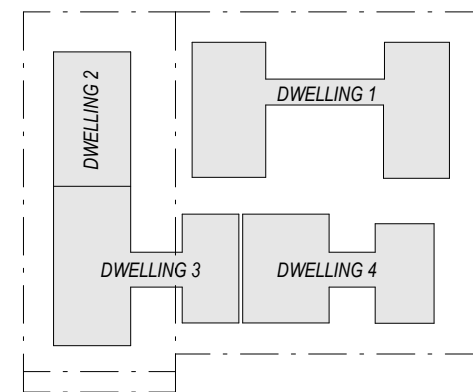
Revisions

A 10/03/22 ISSUE RFI 01
B 13/07/22 ISSUE RFI 02

Notes

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RL +00.000
INDICATIVE SITE FILL

EXISTING RL - REFER TO SURVEY
PROPOSED LEVEL
INDICATIVE SITE FILL



Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

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Project Title

69-73 MURPHY
STREET
PORT DOUGLAS

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Drawing Title

POOL SECTIONS

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

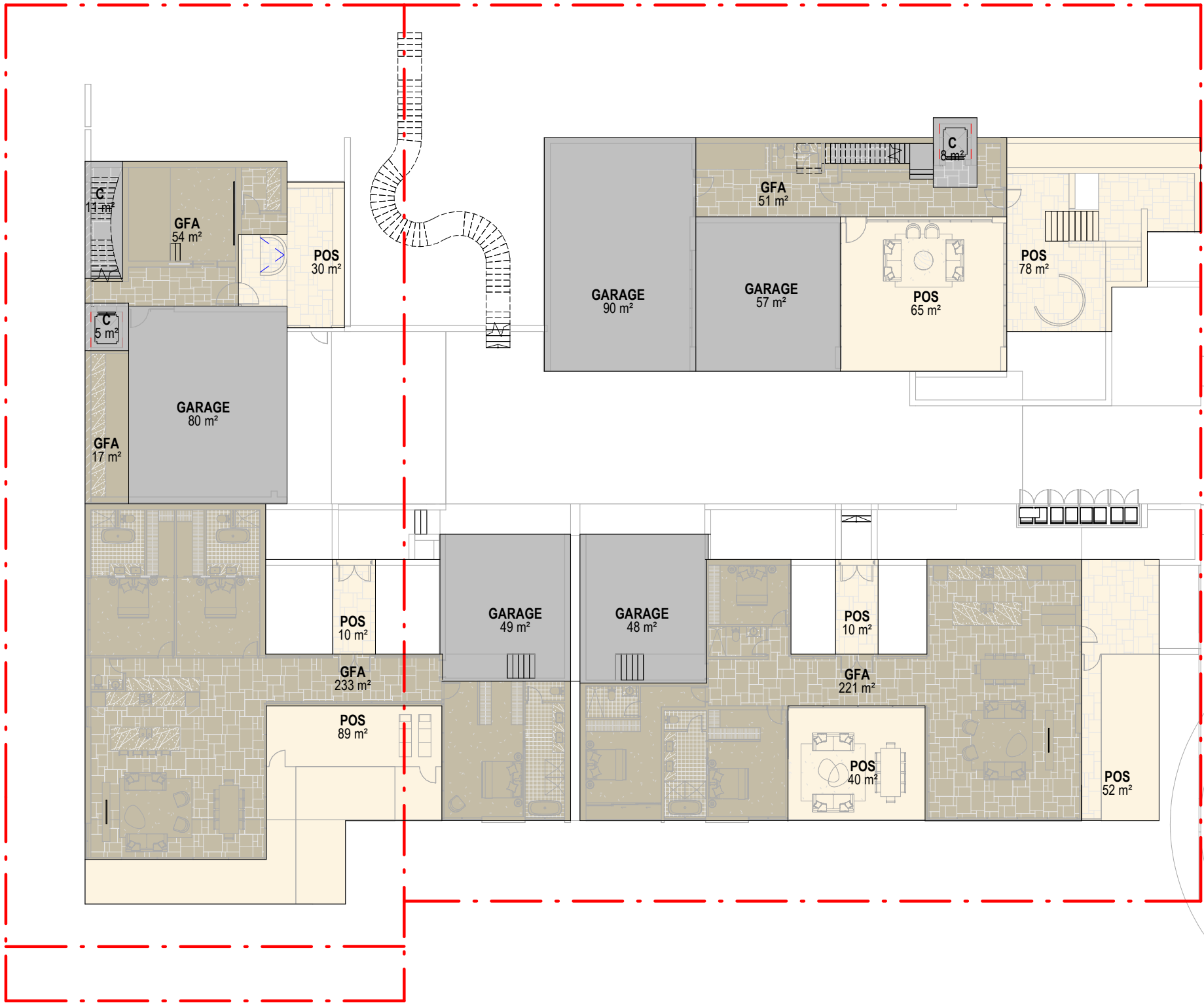
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Job No 9663
Drawn SG
Checked BG

Drawing No

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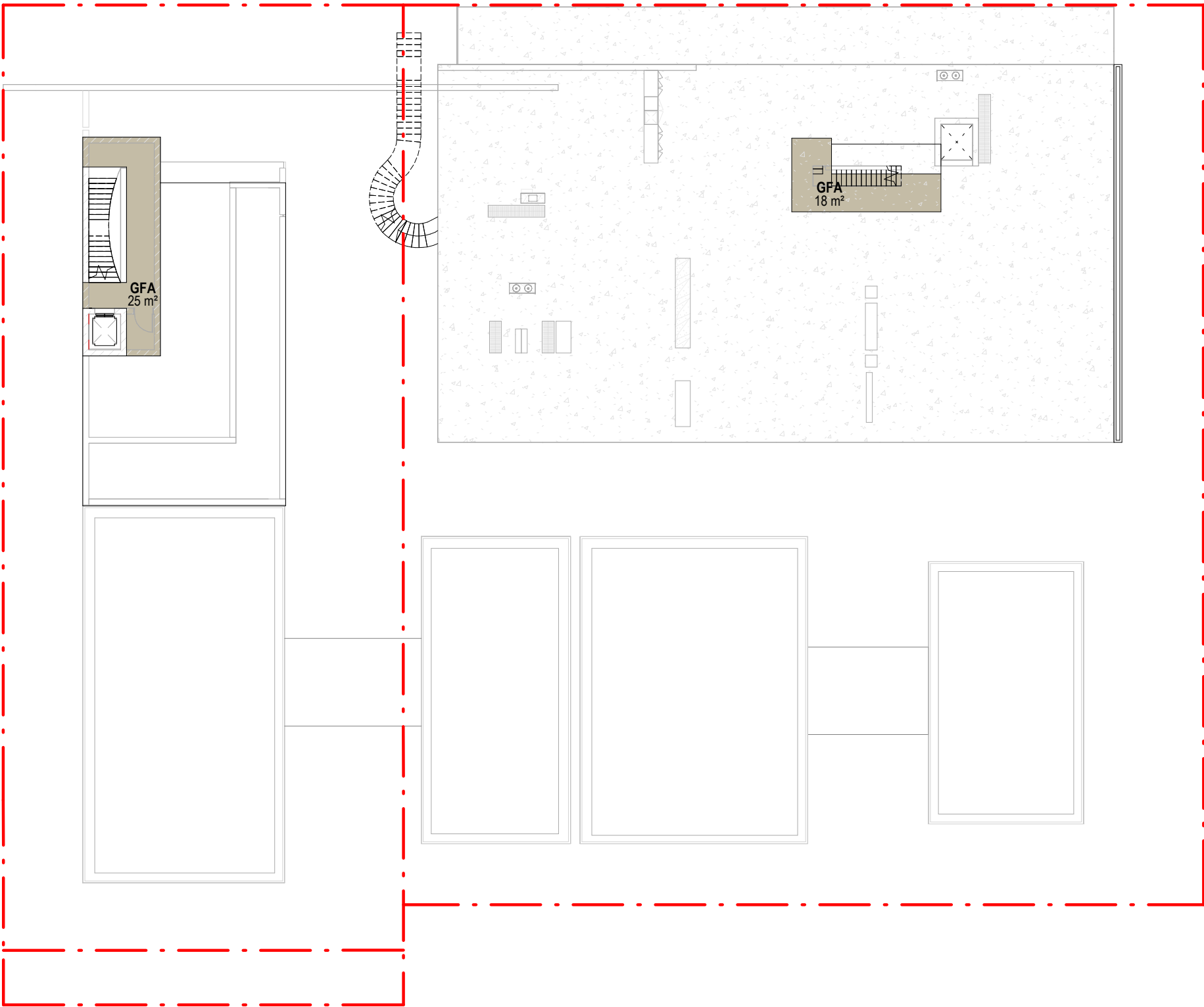
Revision

B



GROUND - GFA

1 : 250

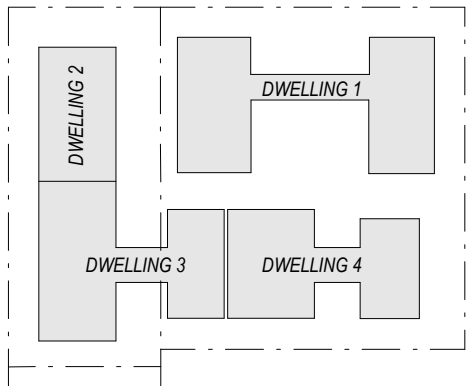


GARAGE ROOF - GFA

1 : 250

GURNER Scheme

GFA



GROSS FLOOR AREA (PLANNING):

The total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:
(a) building services, plant and equipment
(b) access between levels
(c) ground floor public lobby
(d) a mail
(e) the parking, loading and manoeuvring of motor vehicles
(f) unenclosed private balconies whether roofed or not.

GFA (PLANNING)

TYPE	AREA
DWELLING 1	
GFA	1015 m²
DWELLING 2	
GFA	506 m²
DWELLING 3	
GFA	233 m²
DWELLING 4	
GFA	221 m²
	1976 m²

POS (PLANNING)

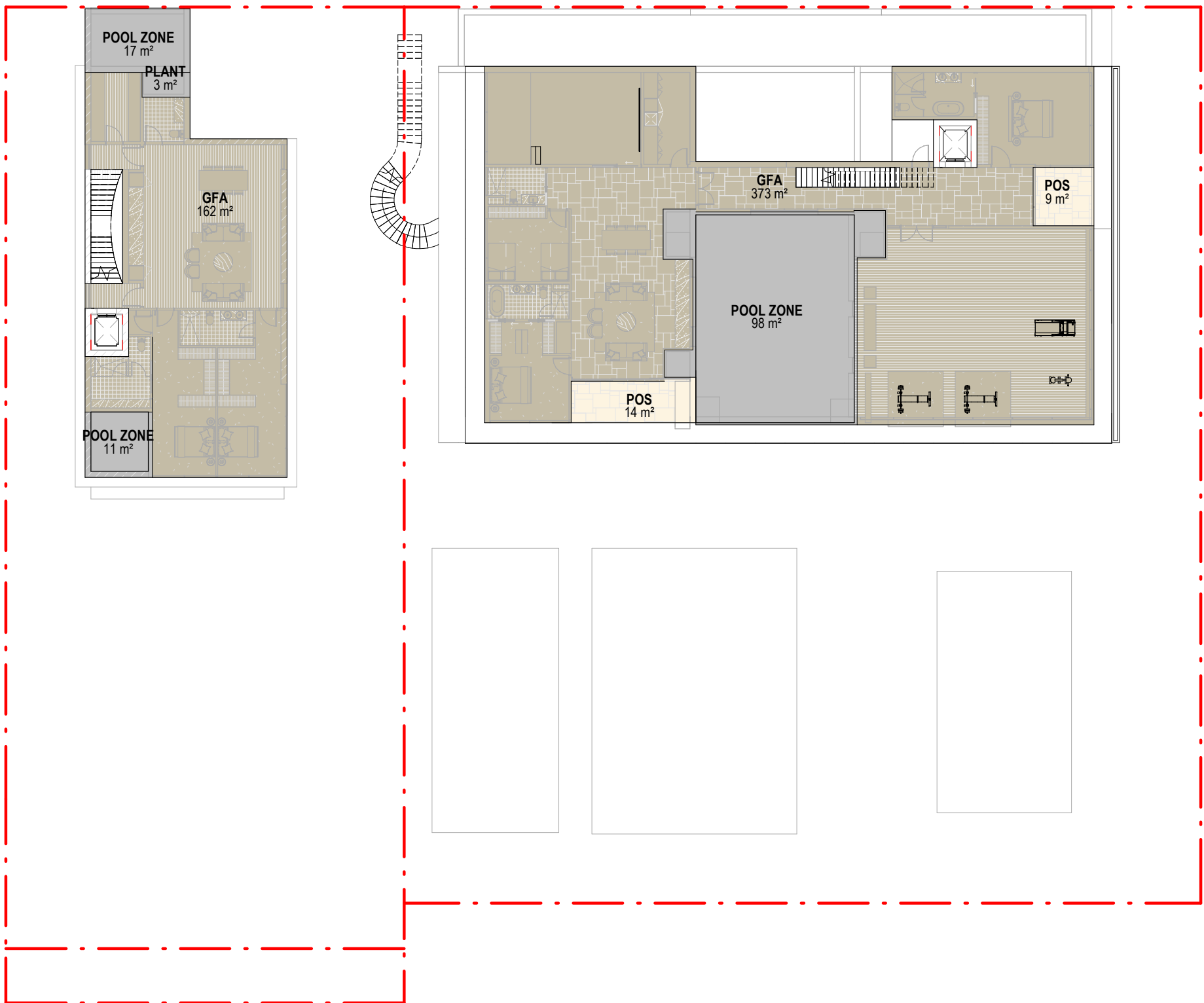
TYPE	AREA
DWELLING 1	
POS	533 m²
DWELLING 2	
POS	182 m²
DWELLING 3	
POS	190 m²
DWELLING 4	
POS	102 m²
	1007 m²

CIRCULATION AND SERVICES ZONES

TYPE	AREA
DWELLING 1	
CARPARK	147 m²
CIRCULATION	14 m²
SERVICES	98 m²
DWELLING 2	
CARPARK	80 m²
CIRCULATION	17 m²
SERVICES	31 m²
DWELLING 3	
CARPARK	49 m²
DWELLING 4	
CARPARK	48 m²

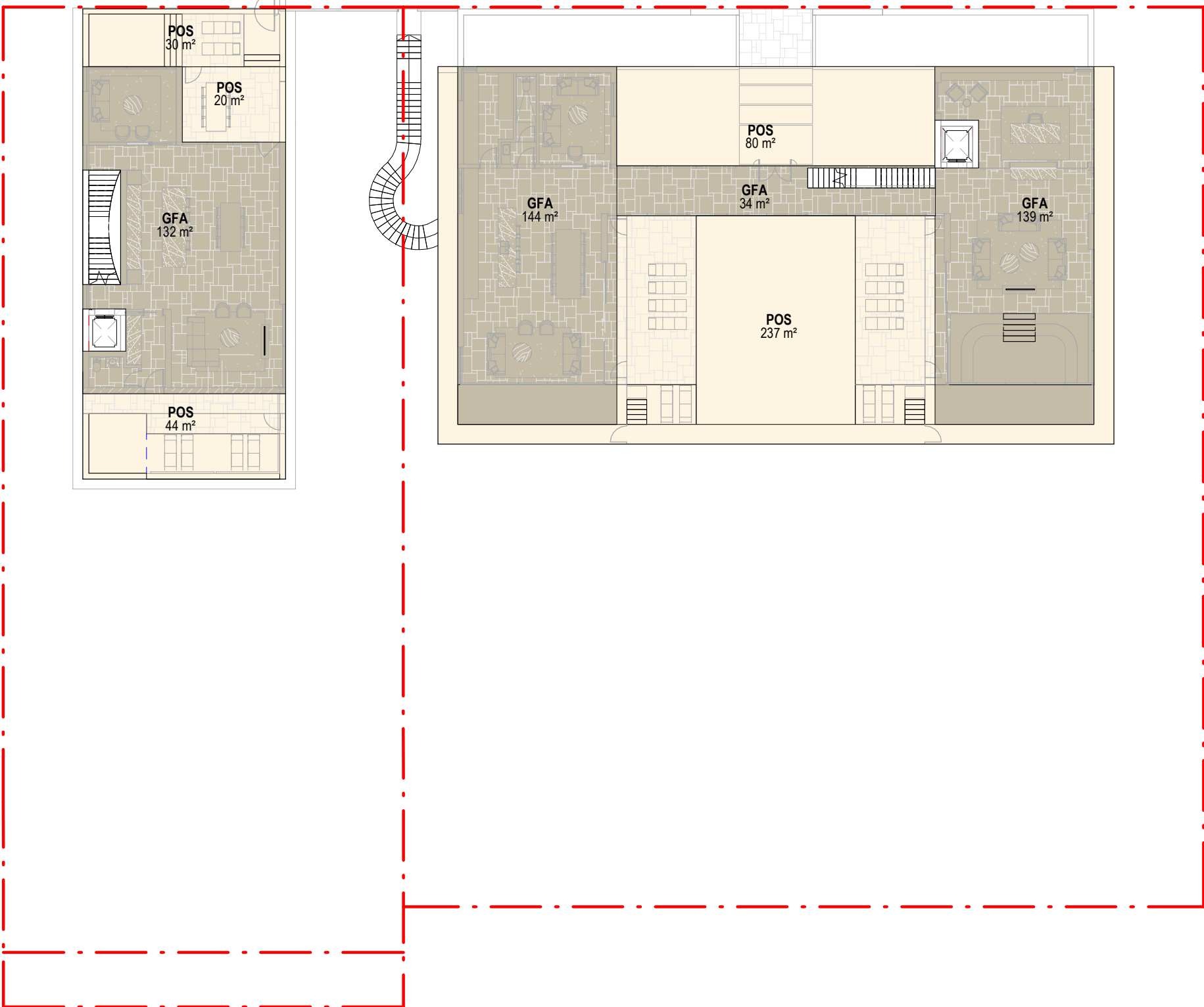
FSR (PLANNING)

GFA	SITE AREA	FSR	FSR
			:1
1976 m²	2832	0.70	:1



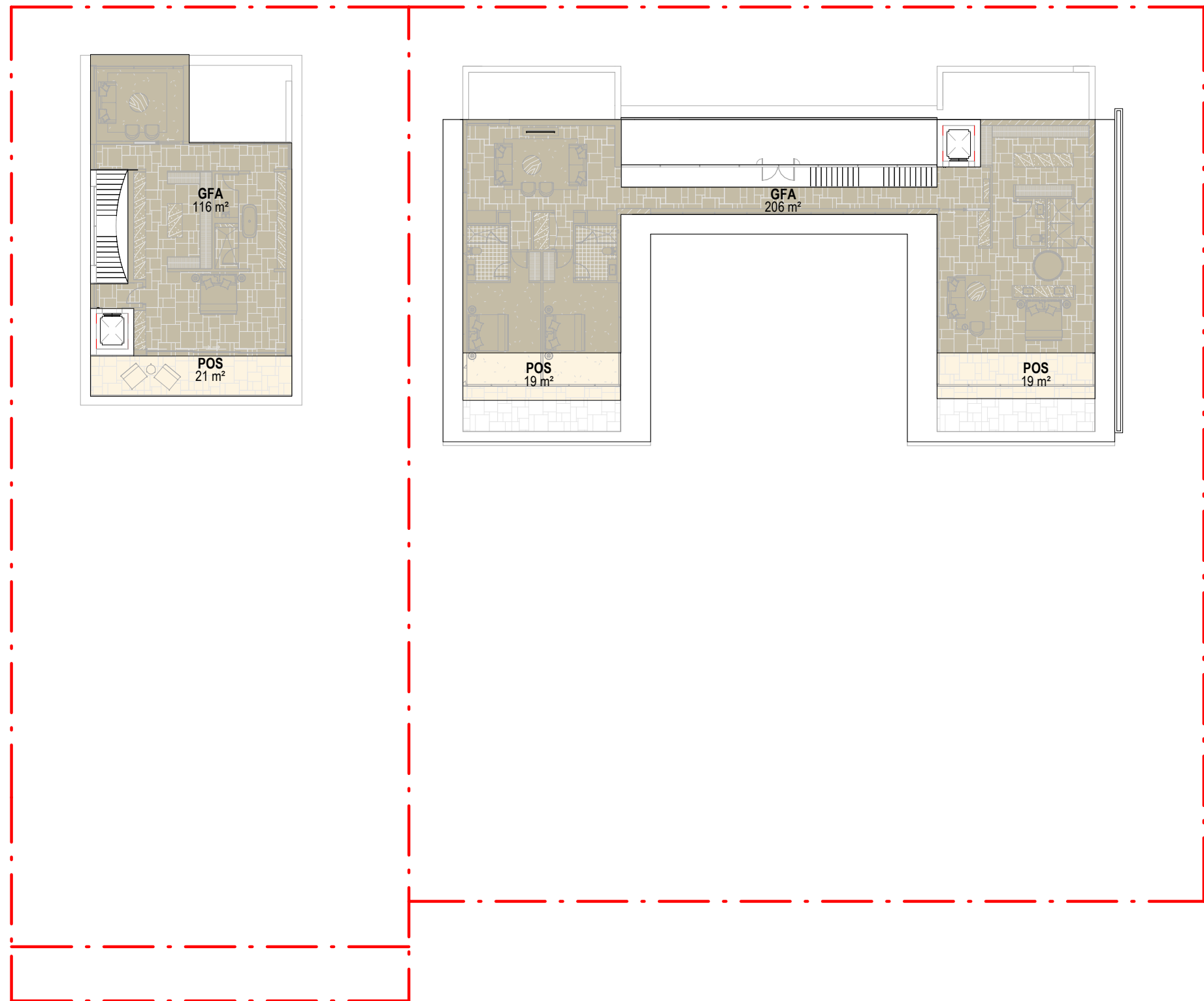
L-01 - GFA

1 : 250



L-02 - GFA

1 : 250



L-03 - GFA

1 : 250

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Notes

Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

Client

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Project Title

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STREET
PORT DOUGLAS

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DEVELOPMENT
SUMMARY - GFA

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

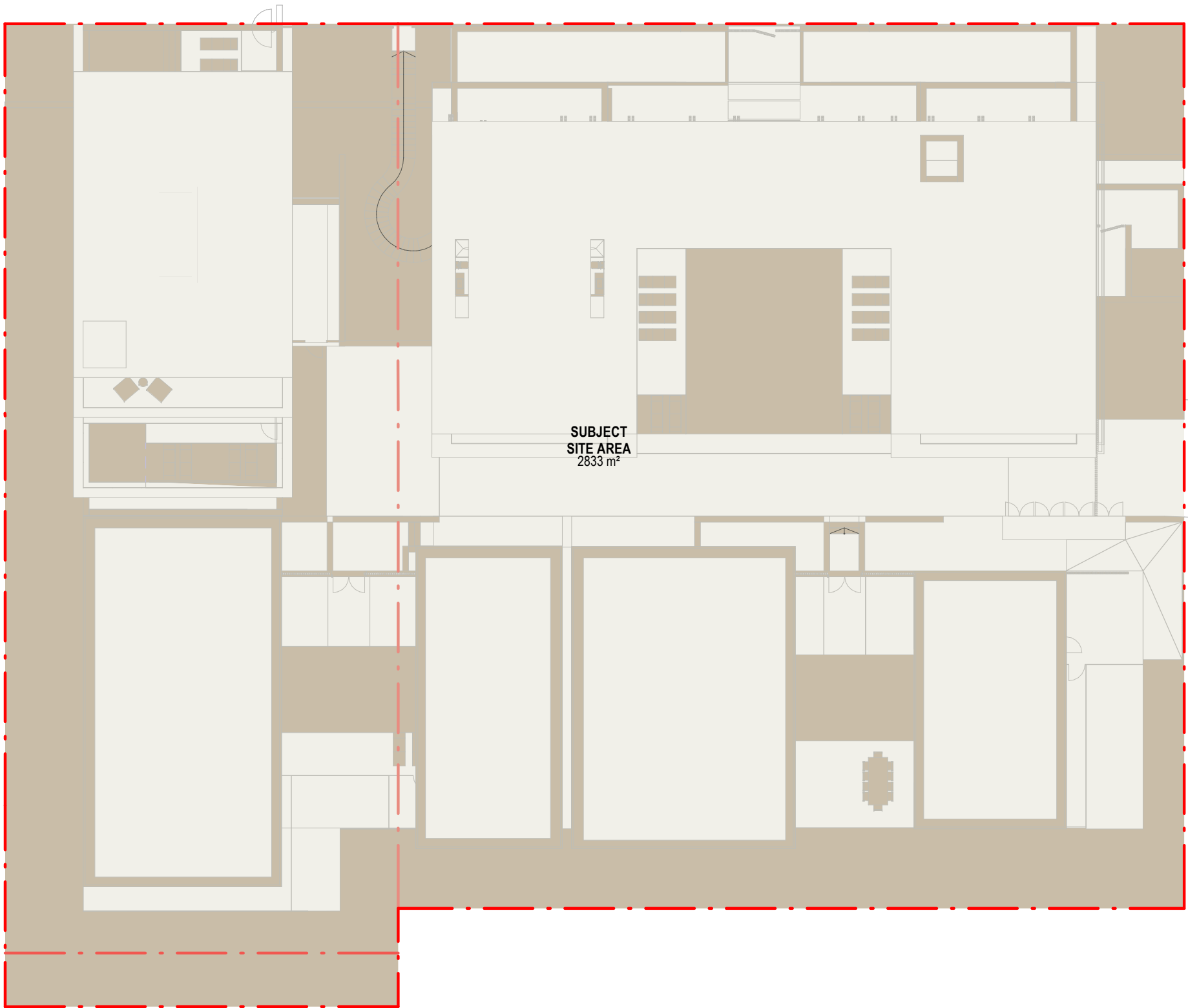
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Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA50.001

Revision

F

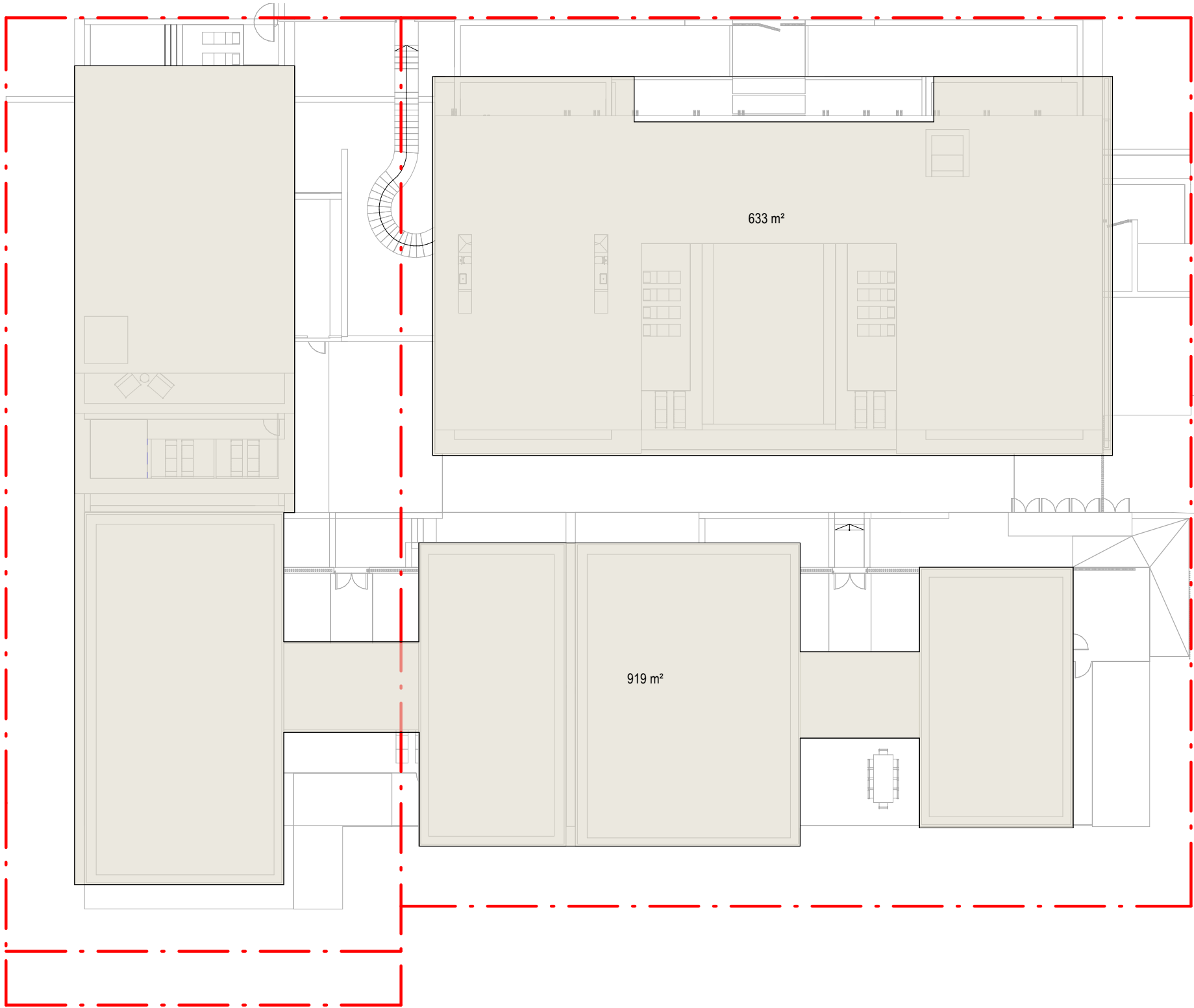


SITE AREA

2833 m²

SITE AREA

1 : 250



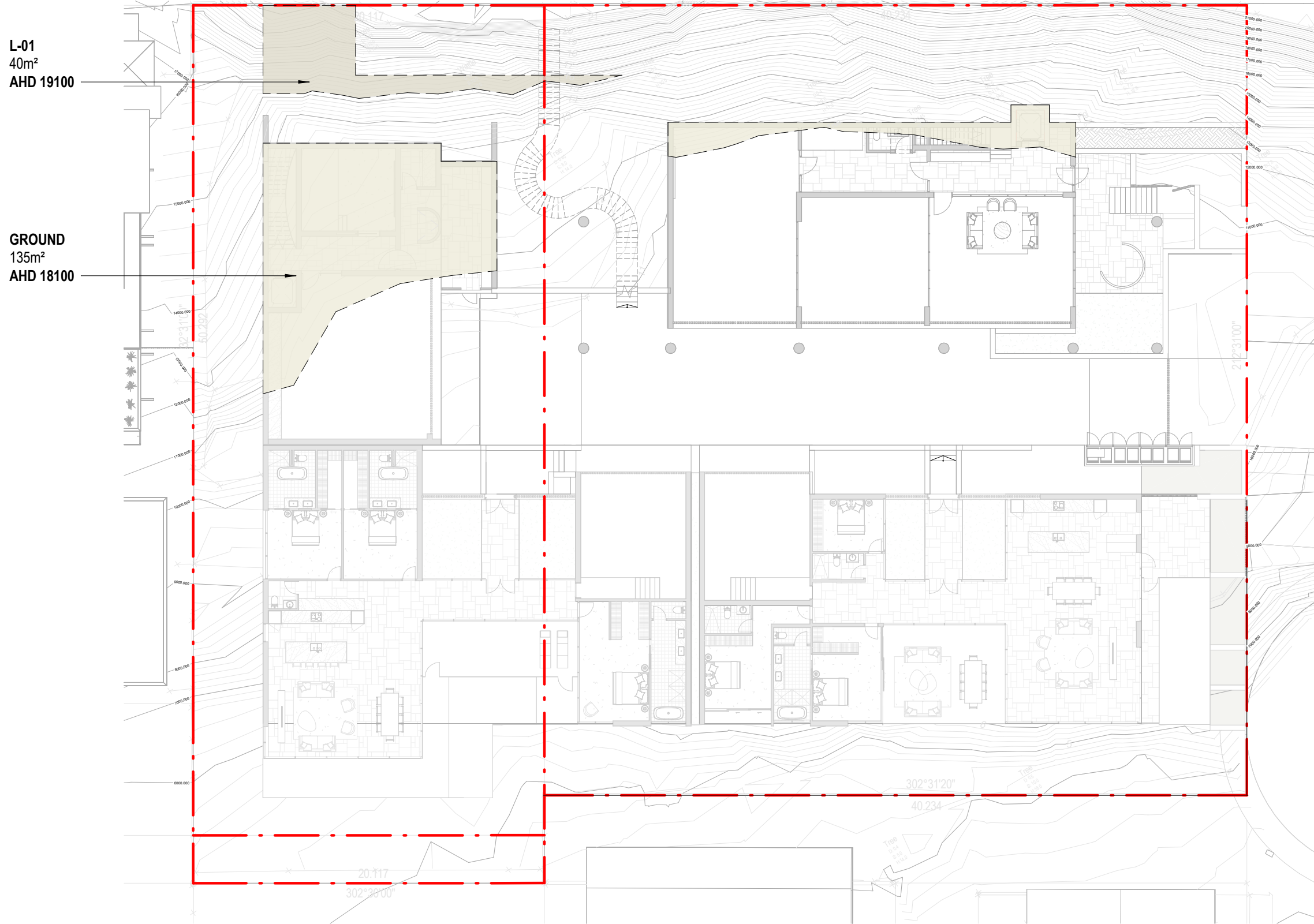
SITE COVER

1552 m²

(54%)

TOTAL SITE COVER

1 : 250



PROPOSED EXCAVATED AREAS

1 : 250

SITE COVER (PLANNING):

THE PROPORTION OF THE SITE COVERED BY A BUILDING(S), STRUCTURE(S) ATTACHED TO THE BUILDING(S) AND CARPORT(S), CALCULATED TO THE OUTER MOST PROJECTIONS OF THE BUILDING(S) AND EXPRESSED AS A PERCENTAGE.

THE TERM DOES NOT INCLUDE:

- (A) ANY STRUCTURE OR PART THEREOF INCLUDED IN A LANDSCAPED OPEN SPACE AREA SUCH AS A GAZEBO OR SHADE STRUCTURE;
(B) BASEMENT CAR PARKING AREAS LOCATED WHOLLY BELOW GROUND LEVEL.

GROUND LEVEL DEFINITION:

THE LEVEL OF THE NATURAL GROUND, OR, WHERE THE LEVEL OF THE NATURAL GROUND HAS BEEN CHANGED, THE LEVEL AS LAWFULLY CHANGED.

LOT 141
SF 430

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Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

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Client

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Project Title

**69-73 MURPHY
STREET**
PORT DOUGLAS

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**DEVELOPMENT
SUMMARY - SITE
COVER**

Drawing Status

**DEVELOPMENT
APPLICATION**

Drawing Details

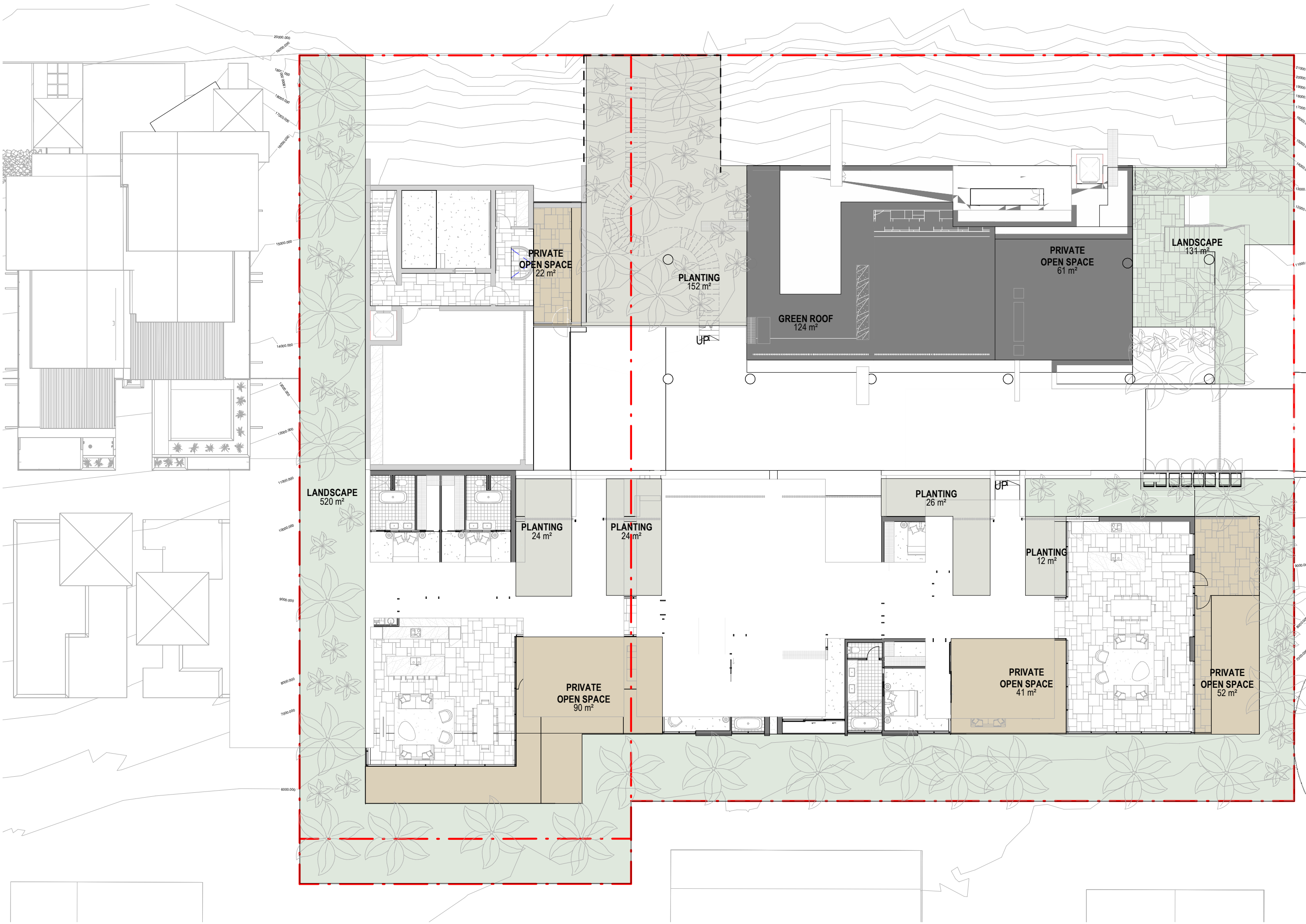
Scale	1 : 250@ A1
Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA50.002

Revision

F



GROUND

1 : 200



L-02

1 : 200

LANDSCAPE/OPEN SPACE REQUIREMENTS:

A minimum of 35% of the site is allocated as landscaping and recreation area.

Development provides landscaping as follows:
(a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages;
(b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries.

*not including green roof area

Development provides private open space which:
(a) for ground storey dwellings, comprises of a minimum area of 35m2 with a minimum dimension of 3 metres;
(b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m2 and a minimum dimension of 3 metres.

Development provides private open space areas that are:
(a) directly accessible from internal primary living area of the dwelling (not bedrooms);
(b) provided with a screened area of 2m2 minimum dimension capable of screening air conditioning plant, private clothes drying etc...
(c) provided with adjustable, moveable or operable privacy screening where appropriate.

Name	Area
LANDSCAPE	652 m²
PLANTING	343 m²
	994 m²

35% Landscape Coverage*

Name	Area
GREEN ROOF	609 m²
	609 m²

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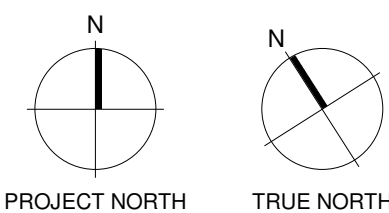
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DEVELOPMENT
SUMMARY -
LANDSCAPE

Drawing Status

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APPLICATION

Drawing Details

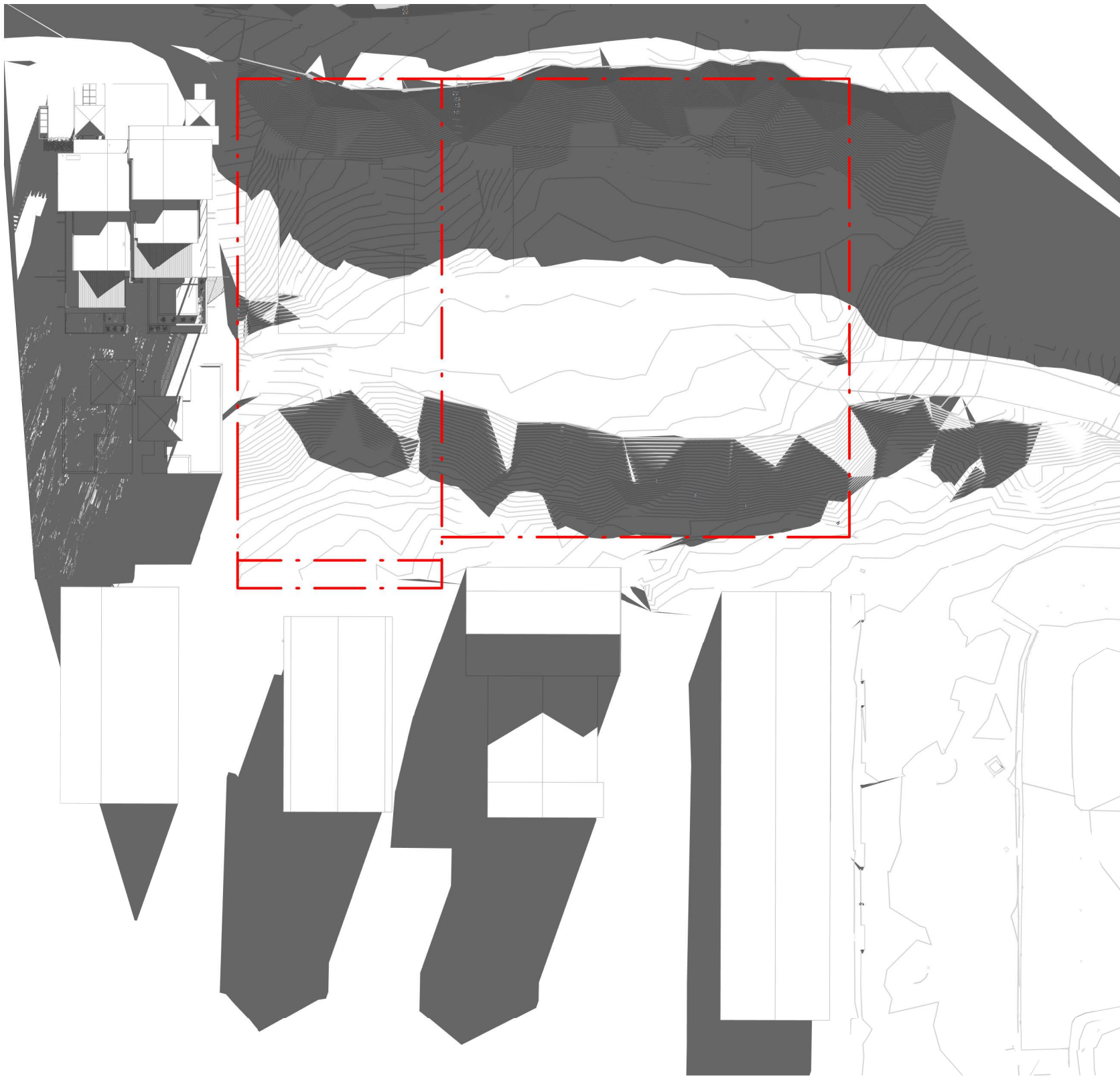
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Job No	9663
Drawn	SG
Checked	ND

Drawing No

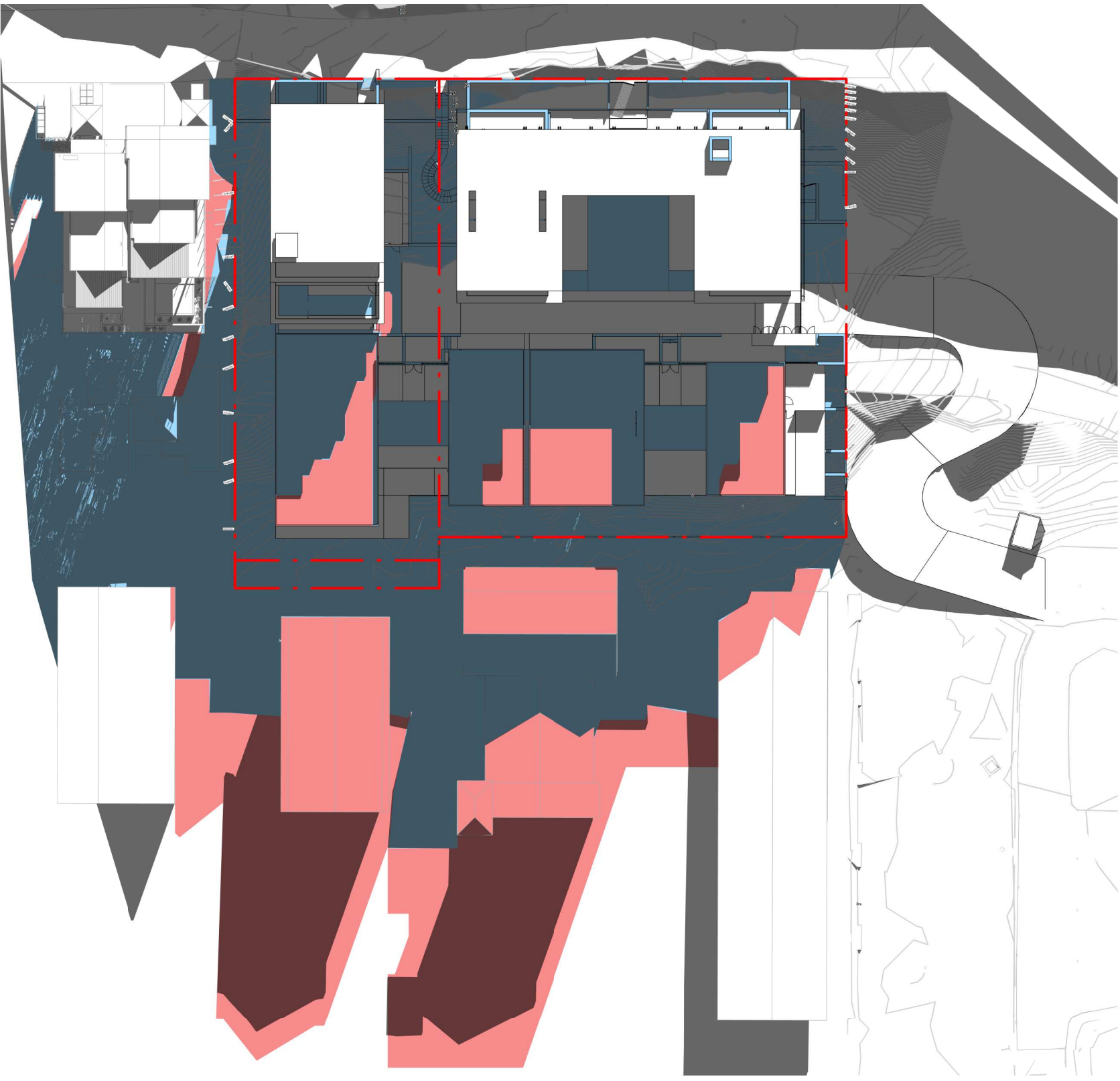
DA50.003

Revision

F

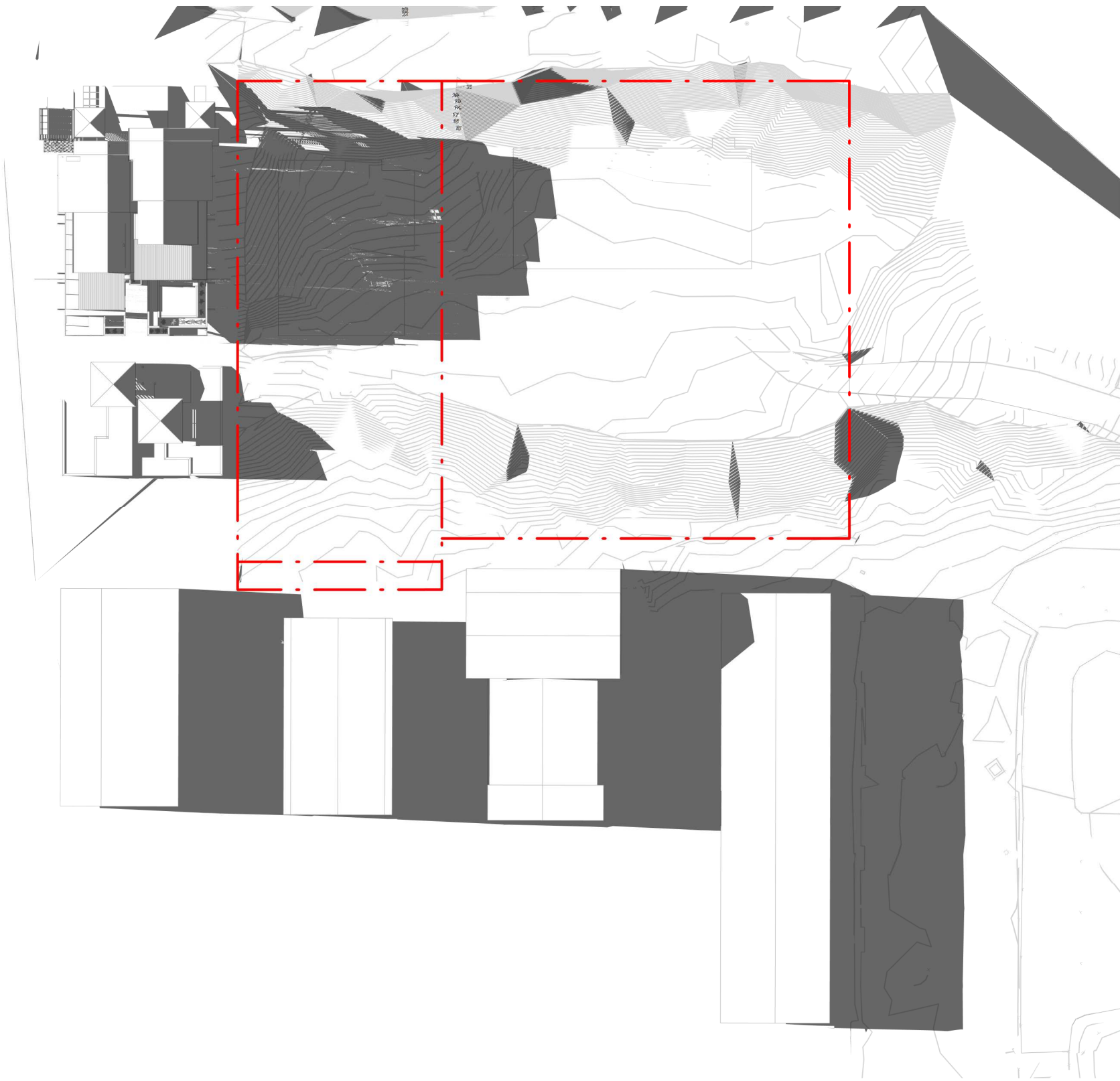


21 JUNE - 9AM EXISTING
1 : 500



21 JUNE - 9AM PROPOSED
1 : 500

EXTENT OF PROPOSED SCHEME - SHADOW DENOTED IN BLUE
EXTENT OF HOTEL SCHEME - SHADOW DENOTED IN RED



21 JUNE - 4PM EXISTING
1 : 500



21 JUNE - 4PM PROPOSED
1 : 500

Warren and Mahoney Architects
Australia Pty Ltd

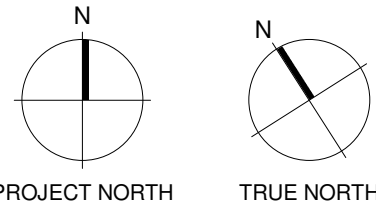
Level 4, 141 Flinders Lane
Melbourne VIC 3000
Australia
Phone + 61 3 8547 6977

Registered Architects and Designers
www.warrenandmahoney.com
WARREN AND MAHONEY

Revisions

A 15/09/21	FOR INFORMATION
B 22/09/21	DRAFT DA
C 04/10/21	ISSUE FOR DA
D 18/02/22	FOR INFORMATION
E 10/03/22	ISSUE RFI 01
F 13/07/22	ISSUE RFI 02

Notes



Consultants

Project Manager
Structural Engineer
Mechanical Engineer
Fire Engineer
Electrical Engineer

Client

GURNER TM
GURNER™

Project Title

69-73 MURPHY
STREET
PORT DOUGLAS

All dimension to be verified on site before producing
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Drawing Title

SOLAR ANALYSIS -
JUNE 21

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

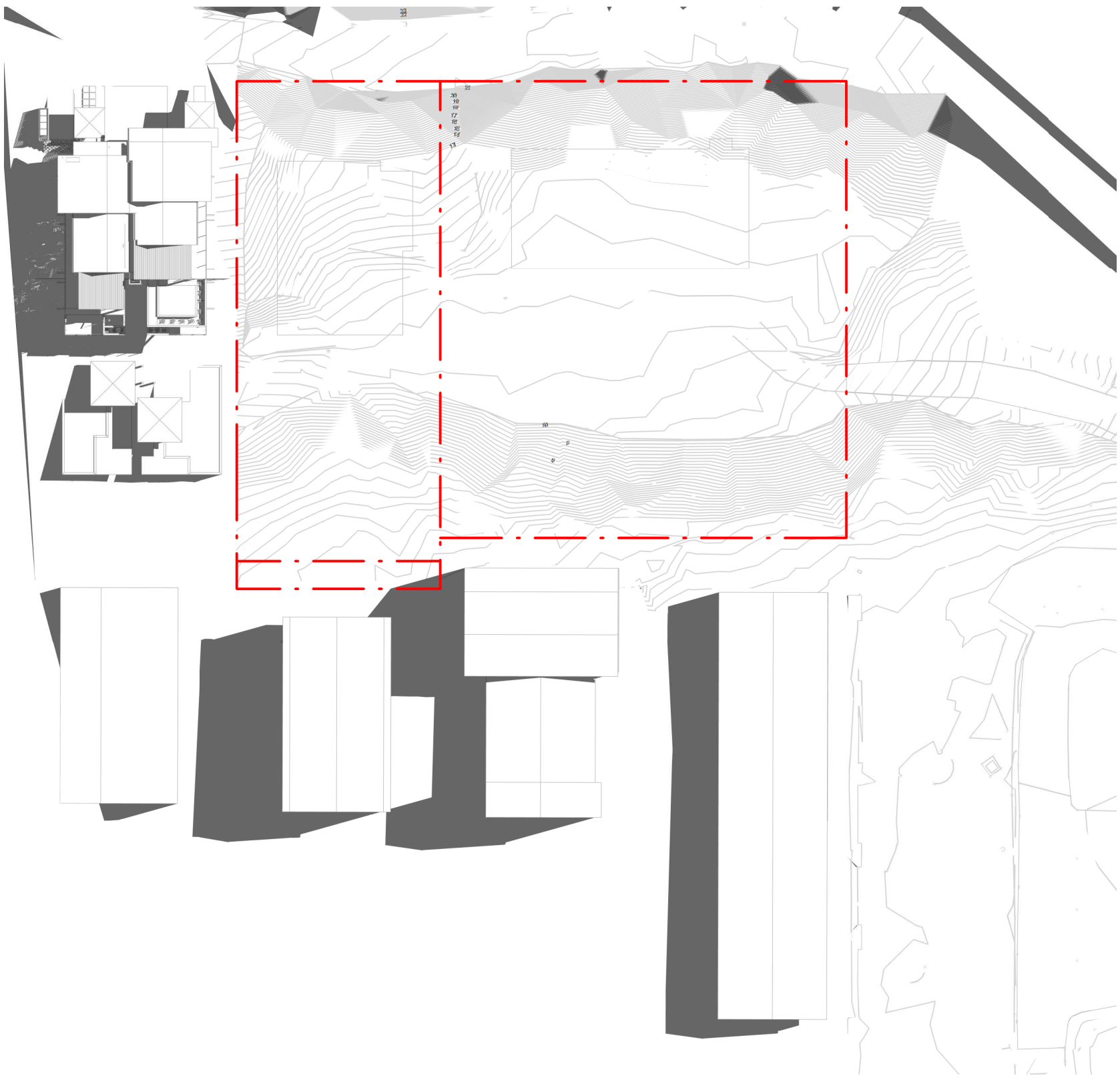
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Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA80.001

Revision

F



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1 : 500



21 DEC - 9AM PROPOSED

1 : 500

EXTENT OF PROPOSED SCHEME - SHADOW DENOTED IN BLUE

EXTENT OF HOTEL SCHEME - SHADOW DENOTED IN RED



21 DEC - 4PM EXISTING

1 : 500



21 DEC - 4PM PROPOSED

1 : 500

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Revisions

A 15/09/21	FOR INFORMATION
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C 04/10/21	ISSUE FOR DA
D 18/02/22	FOR INFORMATION
E 10/03/22	ISSUE RFI 01
F 13/07/22	ISSUE RFI 02

Notes

Consultants

Project Manager

Structural Engineer

Mechanical Engineer

Fire Engineer

Electrical Engineer

Client

GURNER TM

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Project Title

69-73 MURPHY
STREET
PORT DOUGLAS

All dimension to be verified on site before producing
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Drawing Title

SOLAR ANALYSIS -
DECEMBER 21

Drawing Status

DEVELOPMENT
APPLICATION

Drawing Details

Scale	1 : 500@ A1
Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND


Drawing No

DA80.002


Revision

F

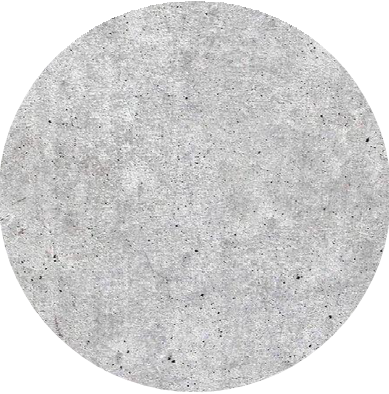
MATERIAL FINISHES PALETTE




REN-1




REN-2




CON-1




TC-1




ST-1




GLZ-1 / PC-3




TC-2




RET-1




TL-1



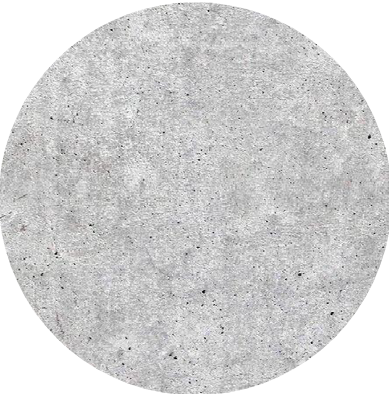
PAV-1




PAV-2




TD-1



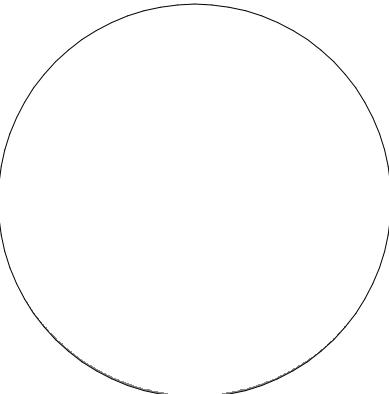
CON-1



CON-1



FEN-1



PC-1

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Revisions

- A 15/09/21 FOR INFORMATION
- B 22/09/21 DRAFT DA
- C 04/10/21 ISSUE FOR DA
- D 13/07/22 ISSUE RFI 02

Notes

CODE	DESCRIPTION
BAL-1	FRAMELESS GLAZED BALUSTRADE 1200mm
CON-1	IN-SITU CONCRETE
FEN-1	TIMBER FENCING
GLZ-1/PC-3	CLEAR GLAZING / LIGHT GREY OR SIMILAR
PAV-1	TILED PAVING
PAV-2	COBBLED STONE PAVING OR STAMPED CONCRETE OR SIMILAR
REN-1	TEXTURED RENDER FINISH
ST-1	STACKED STONE WALL
TC-1	TIMBER CLADDING OR FC SHEET, OR SIMILAR

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Electrical Engineer

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Registered Architects and Designers
www.warrenandmahoney.com

Project Title

69-73 MURPHY STREET
PORT DOUGLAS

Drawing Title

MATERIALS

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 1@ A1
Date	13/07/22
Job No	9663
Drawn	SG
Checked	ND

Drawing No

DA90.001

Revision

D



69 - 73 MURPHY STREET

PORT DOUGLAS

DRAWING SCHEDULE

511_DA_01	COVER PAGE
511_DA_02	PLANTING SCHEDULE
511_DA_03	PLANTING SCHEDULE
511_DA_04	TREE RETENTION & REMOVAL PLAN
511_DA_10	LANDSCAPE PLAN - ENTRY ROAD & WESTERN BOUNDARY
511_DA_11	LANDSCAPE PLAN - GROUND LEVEL & GREEN ROOF
511_DA_12	LANDSCAPE PLAN - LEVEL 1
511_DA_13	LANDSCAPE PLAN - LEVEL 2
511_DA_14	LANDSCAPE PLAN - LEVEL 3
511_DA_35	TYPICAL DETAILS
511_DA_50	GENERAL SPECIFICATION

GENERAL NOTES

- ALL LANDSCAPE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S AND ADDITIONAL CONSULTANT'S DRAWINGS, SPECIFICATIONS AND REPORTS
- ALL PUBLIC UTILITY SERVICES ARE TO BE LOCATED ON SITE BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF WORKS. THE LOCATION, PRESENCE AND EXTENT OF SERVICES SHOWN ARE NOT GUARANTEED COMPLETE OR CORRECT
- PERFORM EXCAVATION IN THE VICINITY OF UNDERGROUND UTILITIES WITH CARE AND IF NECESSARY, BY HAND. THE CONTRACTOR BEARS FULL RESPONSIBILITY FOR THIS WORK AND DISRUPTION OR DAMAGE TO UTILITIES SHALL BE REPAIRED IMMEDIATELY AT NO EXPENSE TO THE OWNER
- NO TREES PROTECTED UNDER THE LOCAL COUNCIL'S TREE PRESERVATION ORDER ARE TO BE REMOVED UNLESS APPROVED BY DEVELOPMENT CONSENT OR PERMIT OBTAINED FROM COUNCIL
- ALL PAVING IS INDICATIVE, TO BE TO FUTURE SPECIFICATION, AND SET OUT ON SITE
- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE LOCAL COUNCIL'S APPROVAL, STANDARDS AND CODES
- THE CONTRACTOR IS TO ENSURE THAT ALL THE WORKS ARE CARRIED OUT IN ACCORDANCE WITH THE WORK HEALTH AND SAFETY ACT
- MBD TO REVIEW PLANT MATERIALS AT SOURCE OR BY PHOTOGRAPHS PRIOR TO PURCHASE AND DELIVERY
- EXACT LOCATIONS OF NEW PLANT MATERIAL TO BE SETOUT AND APPROVED BY THE MBD ONSITE PRIOR TO INSTALLATION. MBD RESERVES THE RIGHT TO ADJUST PLANTS TO EXACT LOCATION ONSITE

DRAINAGE AND IRRIGATION NOTES

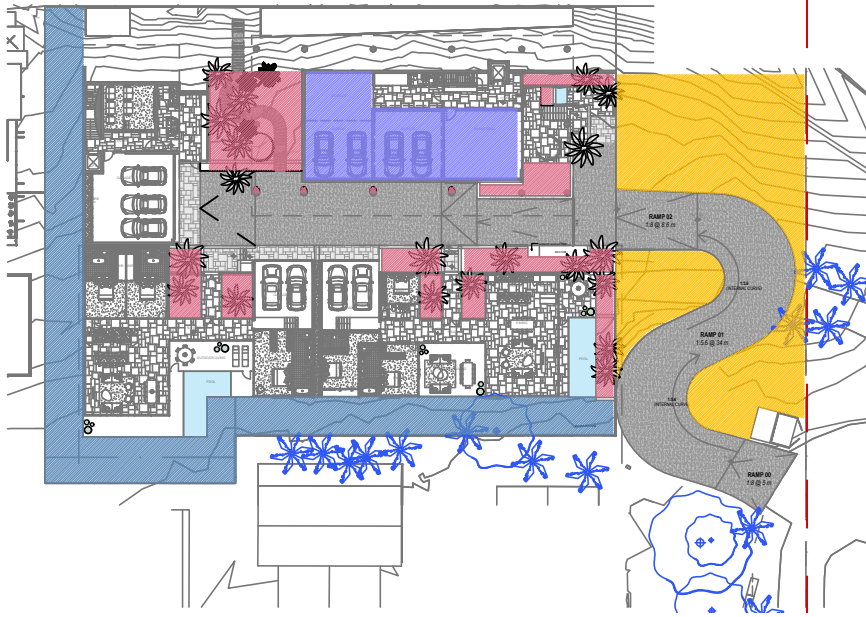
- REFER TO CIVIL ENGINEER'S UTILITY AND DRAINAGE PLANS FOR UTILITY LOCATION AND DRAINAGE INFORMATION.
- REQUIREMENTS FOR LANDSCAPE DRAINAGE TO BE CONFIRMED ONSITE UNLESS OTHERWISE SHOWN ON THE LANDSCAPE PLANS
- TREE PITS THAT HAVE BEEN EXCAVATED INTO HEAVY EARTH OR STONE TO CONTAIN A RING OF AG PIPE LAID AT THE INVERT OF THE PIT WITHIN A MINIMUM 200mm LAYER OF FREE DRAINING MATERIAL. AG PIPE TO BE CONNECTED TO A DRAINAGE OUTLET (REFER TO TYPICAL TREE PIT DRAINAGE SECTION)
- ALL POTS TO HAVE AN IRRIGATION ALLOWANCE (SHRUBBLERS OR DRIP)
- FOR POTS LOCATED ON PAVED SURFACES, TYPICAL PAVING IRRIGATION DETAIL TO BE USED AS SHOWN
- POTS ADJACENT TO GARDEN BEDS TO BE IRRIGATED VIA IN GARDEN IRRIGATION SYSTEM
- ALL LAWN AREAS TO HAVE POPUP ROTORS
- ALL GARDEN BEDS TO HAVE FIXED SOLID RISERS WITH SPRAYS

PLANT SCHEDULE

TREES												
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	TOTAL	POT SIZE	MATURE HEIGHT
CA	Cupaniopsis anacardioides	Tuckeroo	4	8						12	Mature	12m
CI	Calophyllum inophyllum	Beach calophyllum	3	4				2		9	Mature	12m
CN	Cocos nucifera	Coconut Palm	11	9	22			15		57	Mature	6-10m
FI	Ficus lyrata	Fiddle Leaf Fig				●	●		●		400mm	3m
GF	Glochidion ferdinandi	Cheese Tree	5	3						8	Mature	8m
LD	Livistona decipens	Ribbon Fan Palm	3	12						15	Mature	6-10m
Lg	Licuala grandis	Ruffled Fan Palm			●			●			400mm	2-3m
PS	Plumeria species	Frangipani	1					2		3	300L	6m
RF	Randia fitzalanii	Native Gardinia	3	8						11	300L	3m
SA	Schefflera arboricola	Umbrella Tree	4	3						7	Mature	9m
SP	Schizolobium parahyba	Brazilian Fire Tree			●			●			200L	6-8m
WF	Waterhousea floribunda	Weeping Lilly Pilly	●	●							200L	3-5m
SHRUBS & PERENNIALS												
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7		POT SIZE	MATURE HEIGHT
Am	Alocasia macrorrhiza	Giant Taro	●		●			●			400mm	1.5-2.5m
Ach	Acmena hemilampra	Broad leaved lilly pilly	●	●							300mm	4m
Ac	Alpinia caerulea	Native Ginger	●	●							400mm	3m
Az	Alpinia zerumbet	Shell Ginger	●	●	●			●			200mm	2-3m
Cm	Carissa macrocarpa 'Emerald star'	Natal Plum			●	●	●	●			300mm	0.6m
Fm	Ficus microcarpa 'Green island'	Greenisland Fig			●	●	●	●	●		300mm	0.6m
Mc	Molineria capitulata	Palm Grass	●	●							140mm	0.8m
Md	Monstera deliciosa	Delicious Monster	●	●	●	●		●			400mm	3m
Mp	Muraya paniculata	Orange Jasmine	●	●				●			400mm	1-3m
Px	Philodendron 'Xanadu'	Philodendron			●	●		●			300mm	0.8m
Re	Rhapis excelsa	Broadlead lady palm	●	●	●			●			300mm	4m
FERNS												
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7		POT SIZE	MATURE HEIGHT
Am	Asparagus densiflorus 'Myersii'	Foxtail Asparagus	●	●		●					200mm	0.7m
Aa	Asplenium antiquum	Birdsnest Fern	●	●		●					200mm	1m
Bg	Blechnum gibbum	Silver Lady Fern	●	●		●					200mm	1m
Md	Microsorium diversifolium	Kangaroo Fern	●	●		●					140mm	0.4m
GROUNDCOVERS & CLIMBERS												
CODE	BOTANIC NAME	COMMON NAME	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7		POT SIZE	MATURE HEIGHT
Cf	Chonemorpha fragrans	Frangipani Vine			●						140mm	Climber
Fp	Ficus pumila	Creeping fig	●	●	●			●			140mm	Climber
Hc	Hedera canariensis	The Canarian Ivy		●	●		●	●	●		100mm	Cascading Groundcover
Hs	Hibbertia scandens	Guinea flower	●	●							140mm	Groundcover
Rc	Rhaphidophora cryptantha	Shingle Plant		●	●						140mm	Climber
Ve	Tarlmounia elliptica	Curtain creeper				●	●	●	●		140mm	Cascading
Vo	Viola odorata	Native violet	●	●	●	●		●			140mm	Groundcover

NOTES

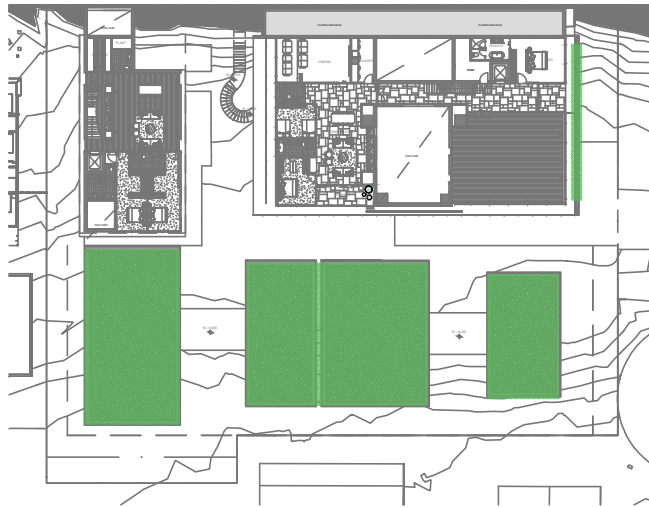
- IF SPECIFIED POT SIZES ARE NOT READILY AVAILABLE, PLEASE CONTACT MBD TO CLARIFY SUBSTITUTE SIZES AND CHANGES TO QUANTITIES
- ALL MATURE TREES TO BE SOURCED AND SUPPLIED BY MYLES BALDWIN DESIGN
- THE PLANT SCHEDULE IS CALCULATED BASED OFF THE LANDSCAPE PLANS PROVIDED BY MBD. ADDITIONAL PLANTS OUTSIDE OF THIS SCHEDULE MAY BE REQUIRED TO REACH THE DESIRED PLANT DENSITIES ONSITE
- ALL PLANT MATERIAL TO BE SETOUT ONSITE BY MYLES BALDWIN DESIGN PRIOR TO INSTALLATION



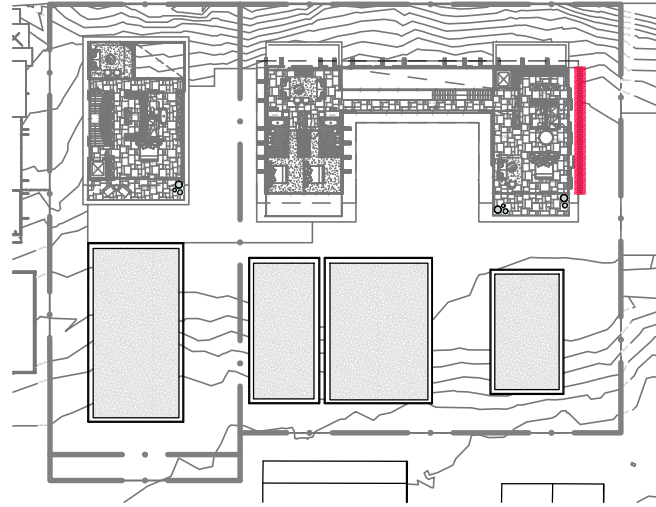
GROUND FLOOR
PLANTING KEY PLAN



LVL 2
PLANTING KEY PLAN



LVL 1
PLANTING KEY PLAN



LVL 3
PLANTING KEY PLAN

LEGEND

- ZONE 1
- ZONE 2
- ZONE 3
- ZONE 4
- ZONE 5
- ZONE 6
- ZONE 7

TREES



Beach calophyllum
Calophyllum inophyllum



Coconut Palm
Cocos nucifera



Tuckeroo
Cupaniopsis anacardioides



Umbrella Tree
Schefflera arboricola



Cheese Tree
Glochidion ferdinandi



Fiddle Leaf Fig
Ficus lyrata



Ruffled Fan Palm
Licuala grandis



Ribbon Fan Palm
Livistona decipens



Frangipani
Plumeria obtusa



Native Gardinia
Randia fitzalanii




Brazilian Fire Tree
Schizolobium parahyba




Weeping Lilly Pilly
Waterhousea floribunda


SHRUBS, PERENNIALS & FERNS




Giant Taro
Alcacia macrocarpa




Shell Ginger
Alpinia zerumbet




Natal Plum
Carissa macrocarpa 'Emerald Star'




Green Island Fig
Ficus microcarpa 'Green Island'




Native Ginger
Alpinia caerulea




Frangipani Vine
Choromorpho fragrans




Creeping Fig
Ficus pumila




Curtain Creeper
Vernonia elliptica




Palm grass
Melinis capitulata



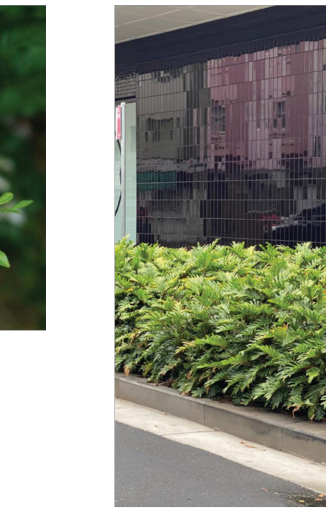
Orange Jasmine
Murraya paniculata




Philodendron
Philodendron 'Xanadu'




Broadleaf Lady Palm
Rhaps excelsa




Broad-leaved lilly pilli
Acmena hemilampra



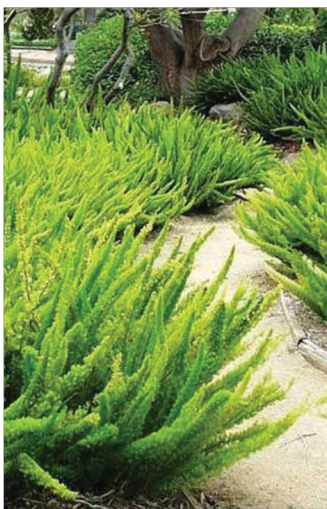
Swiss Cheese Plant
Monstera adansonii



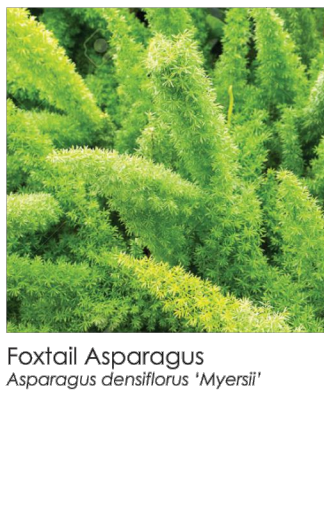
Delicious monster
Monstera deliciosa




Shingle Plant
Rhipidophora cryptantha




Foxtail Asparagus
Asparagus densiflorus 'Myersii'




Birdsnest Fern
Asplenium cernitium




Silver Lady Fern
Blechnum gibbum




Kangaroo Fern
Microsorium diversifolium



Native violet
Viola odorata

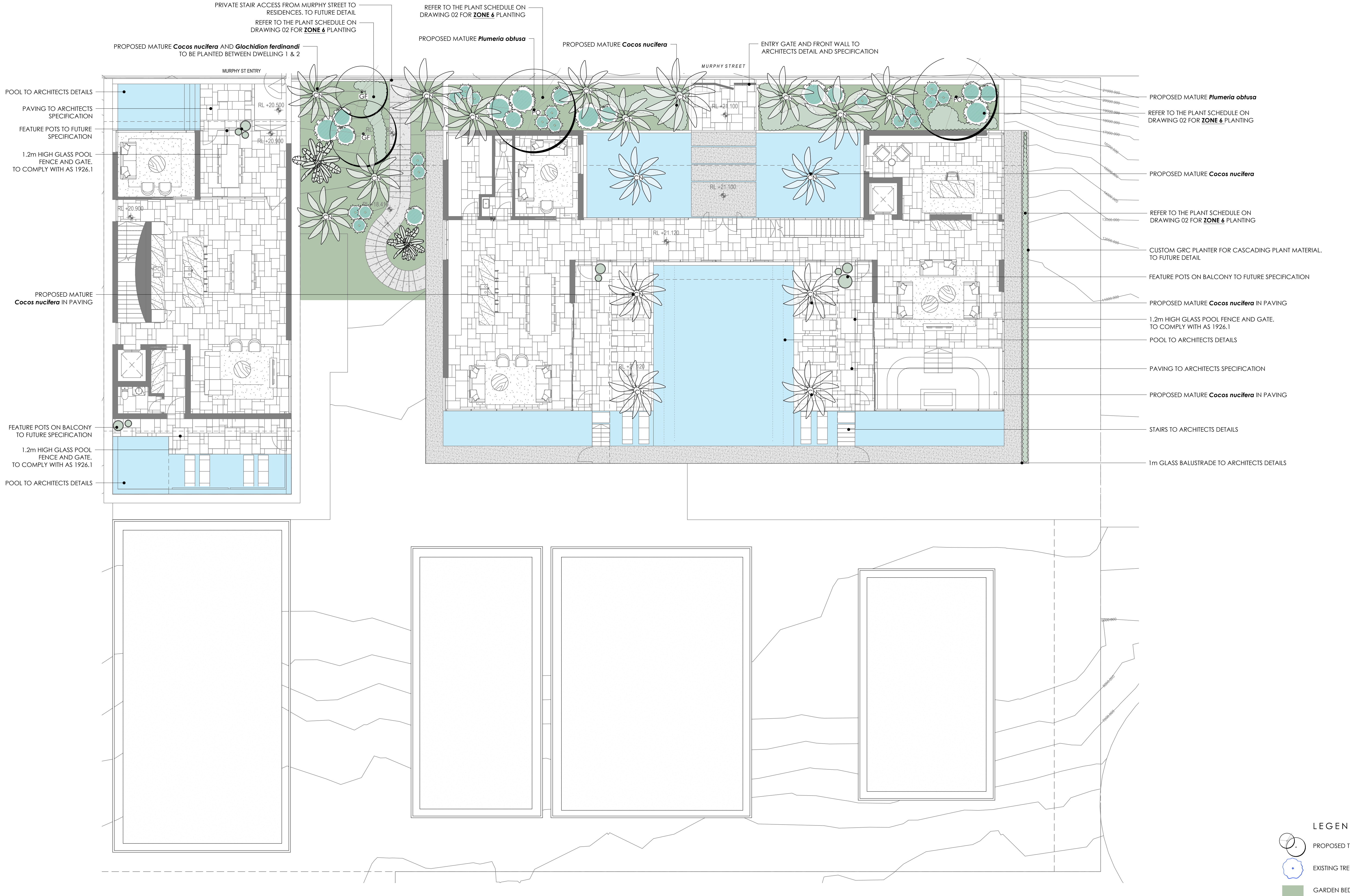


Canarian Ivy
Hedera canariensis

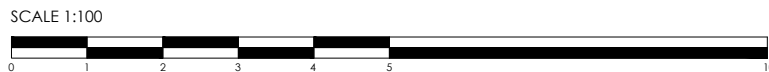


Guinea flower
Hibbertia scandens

CLIMBERS, HANGING PLANTS & GROUNDCOVERS



- LEGEND
- PROPOSED TREE
 - EXISTING TREE
 - GARDEN BED



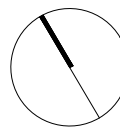
PROJECT:
69-73 MURPHY STREET

CLIENT:
GURNER

AMENDMENT		DETAILS
ISSUE	DATE	
A	14.03.22	ISSUE FOR DA
B	12.07.22	UPDATED ISSUE FOR DA

M&B MUST BE PRESENT ON-SITE FOR THE POSITIONING OF **ALL PLANTS**.
CONTACT M&B IF DISCREPANCIES OCCUR BETWEEN LANDSCAPE AND CONSULTANTS DOCUMENTS.
BUILDER TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION.

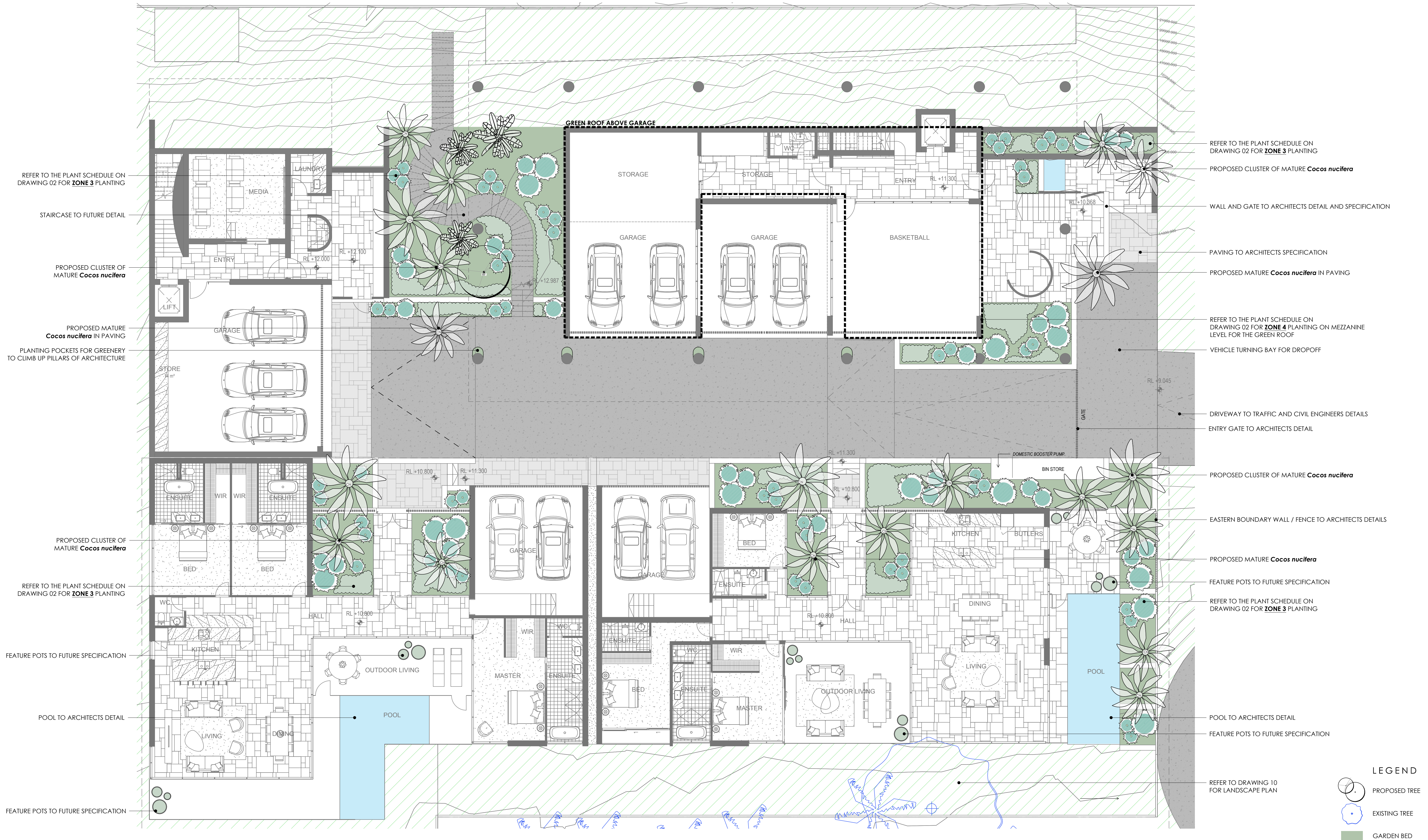
DRAWING:
LANDSCAPE PLAN - LVL 2

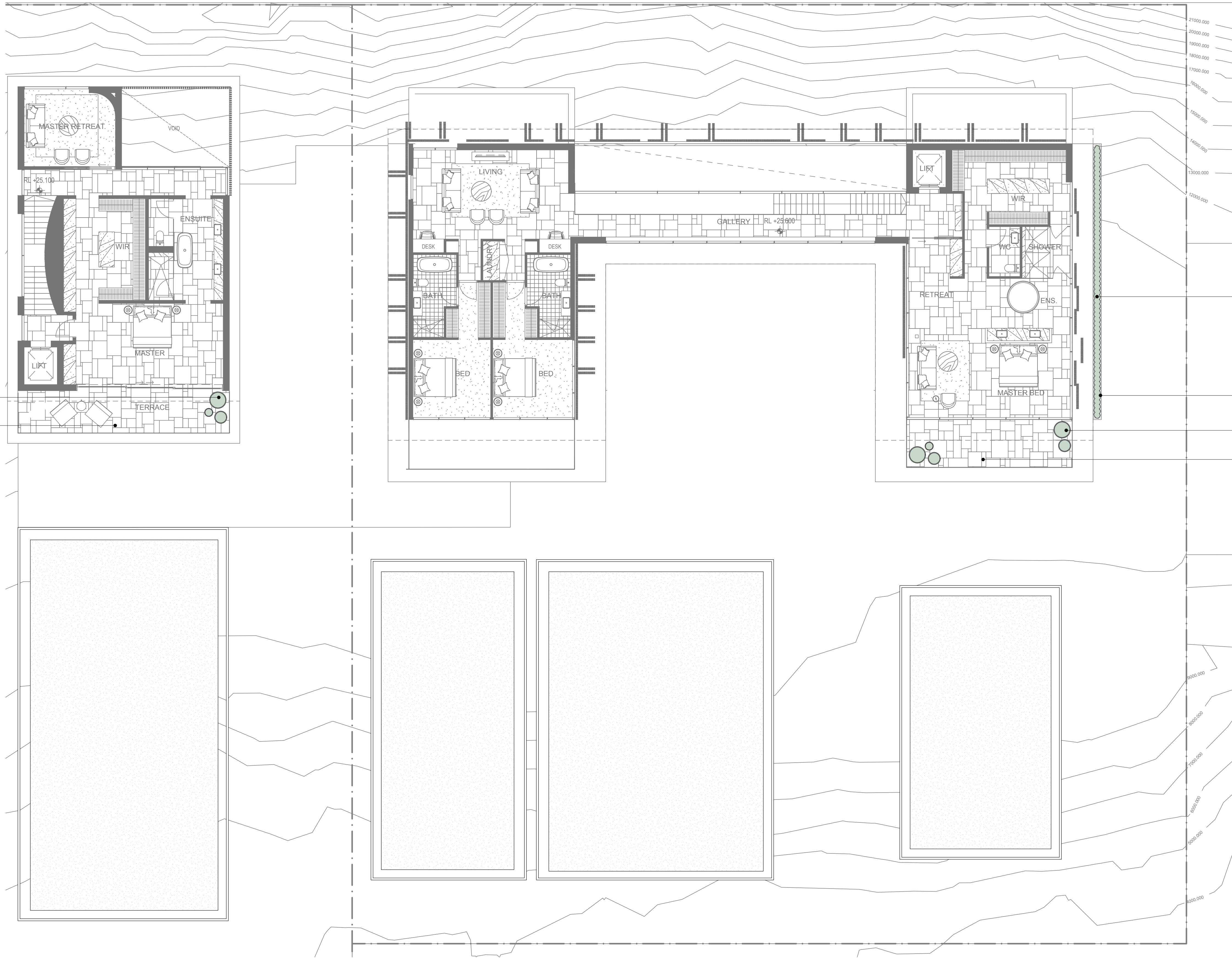


DWG No: 511_DA_13
SCALE: AS NOTED
DRAWN: RM

CHECKED: LM
ISSUE: B
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FEATURE POTS ON BALCONY
TO FUTURE SPECIFICATION

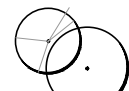


PAVING TO ARCHITECTS
SPECIFICATION

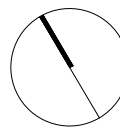
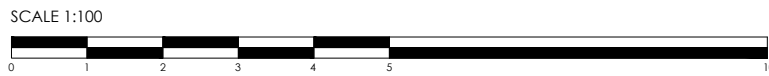
REFER TO THE PLANT SCHEDULE ON
DRAWING 02 FOR **ZONE 7** PLANTING

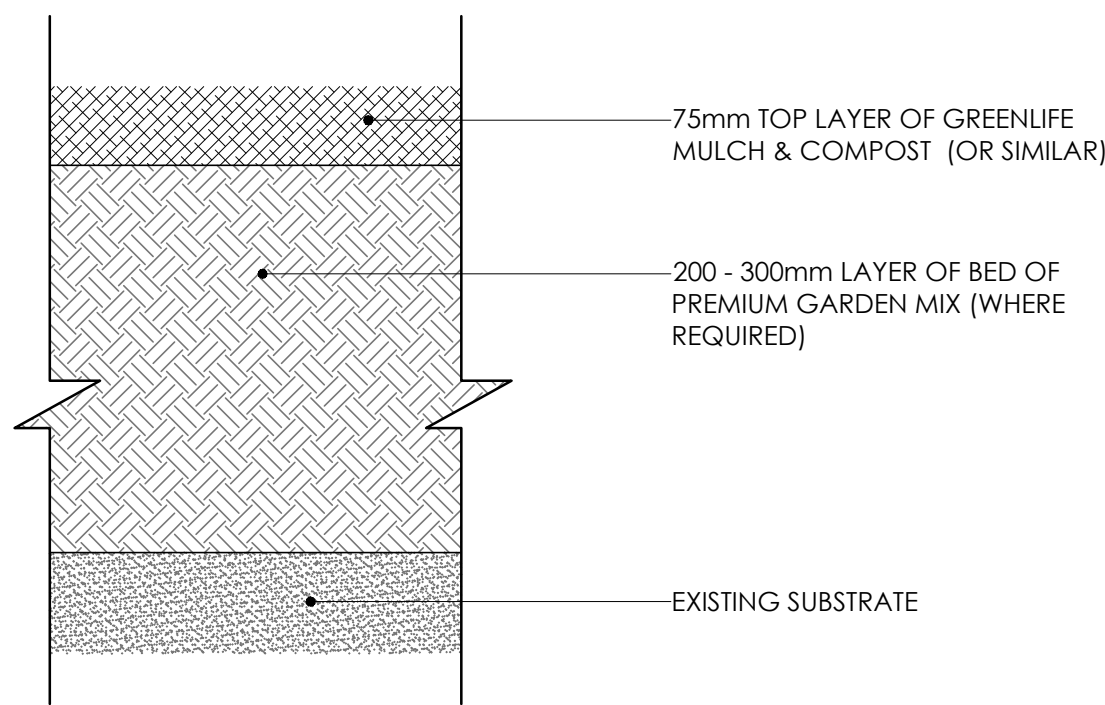
CUSTOM GRC PLANTER FOR CASCADING PLANT MATERIAL.
TO FUTURE DETAIL

FEATURE POTS ON BALCONY TO FUTURE SPECIFICATION

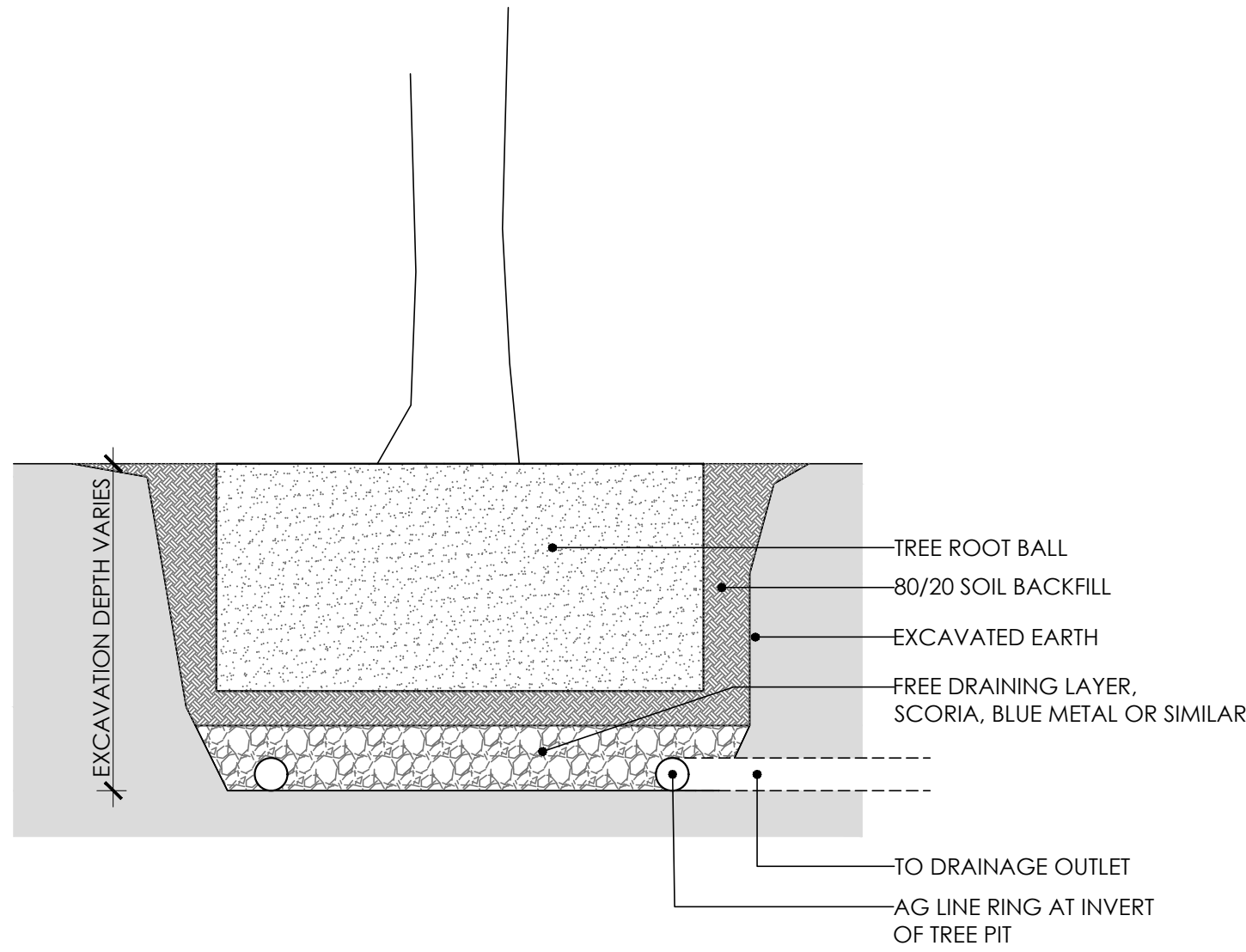
PAVING TO ARCHITECTS SPECIFICATION

- LEGEND**
-  PROPOSED TREE
 -  EXISTING TREE
 -  GARDEN BED

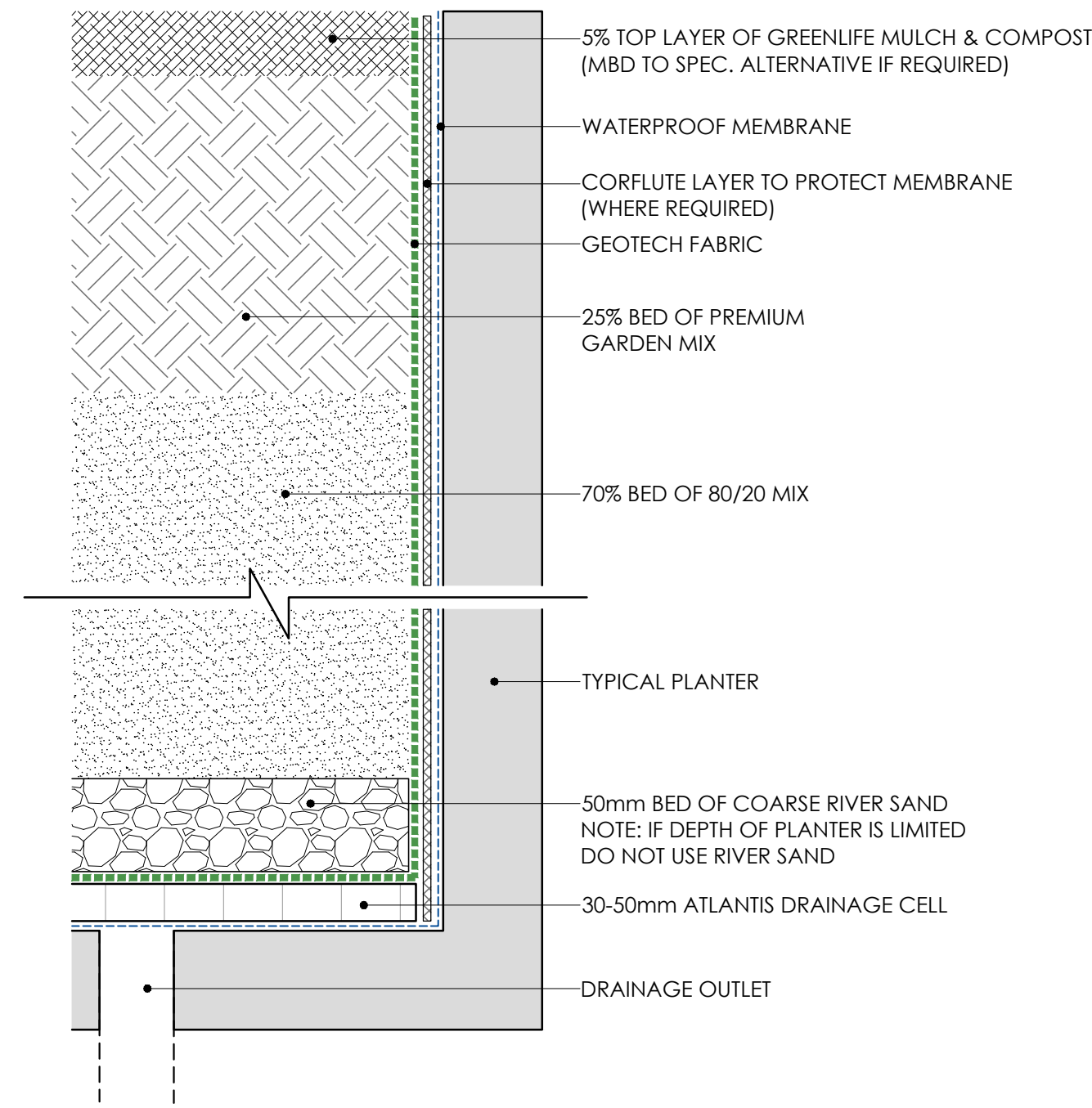




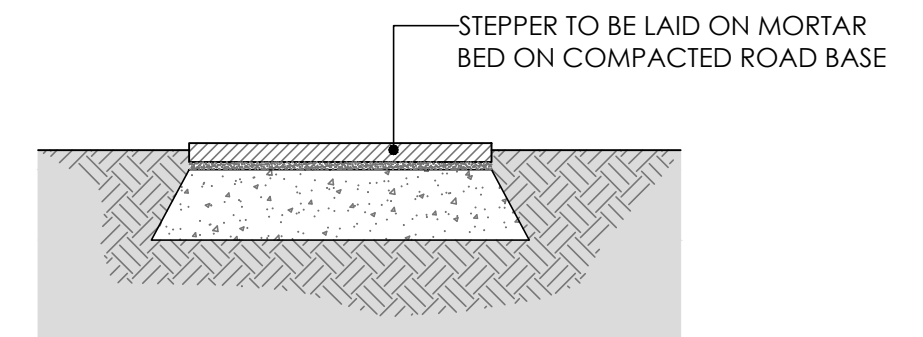
TYPICAL GARDEN SOIL PROFILE
SCALE: 1:5 @ A1



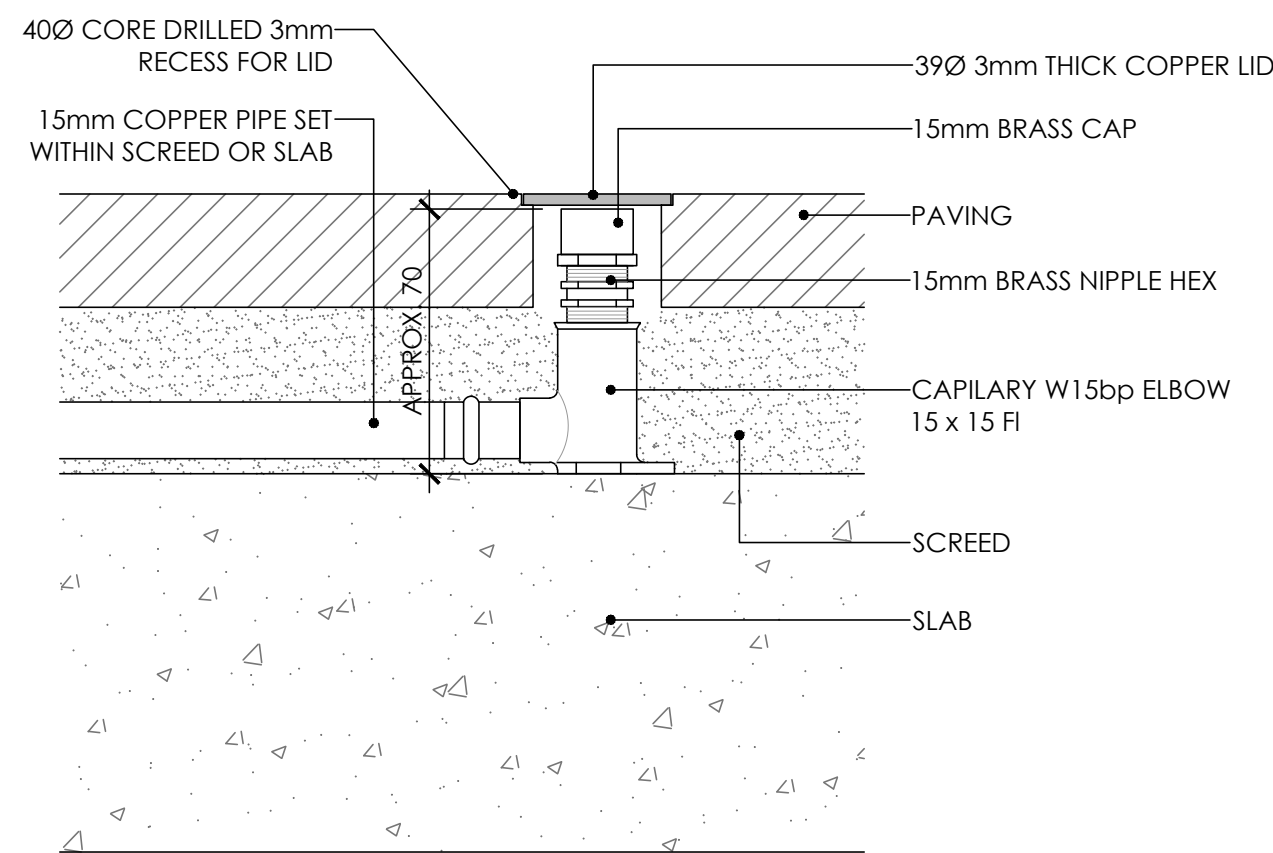
TYPICAL TREE PIT DRAINAGE
SCALE 1:20 @ A1



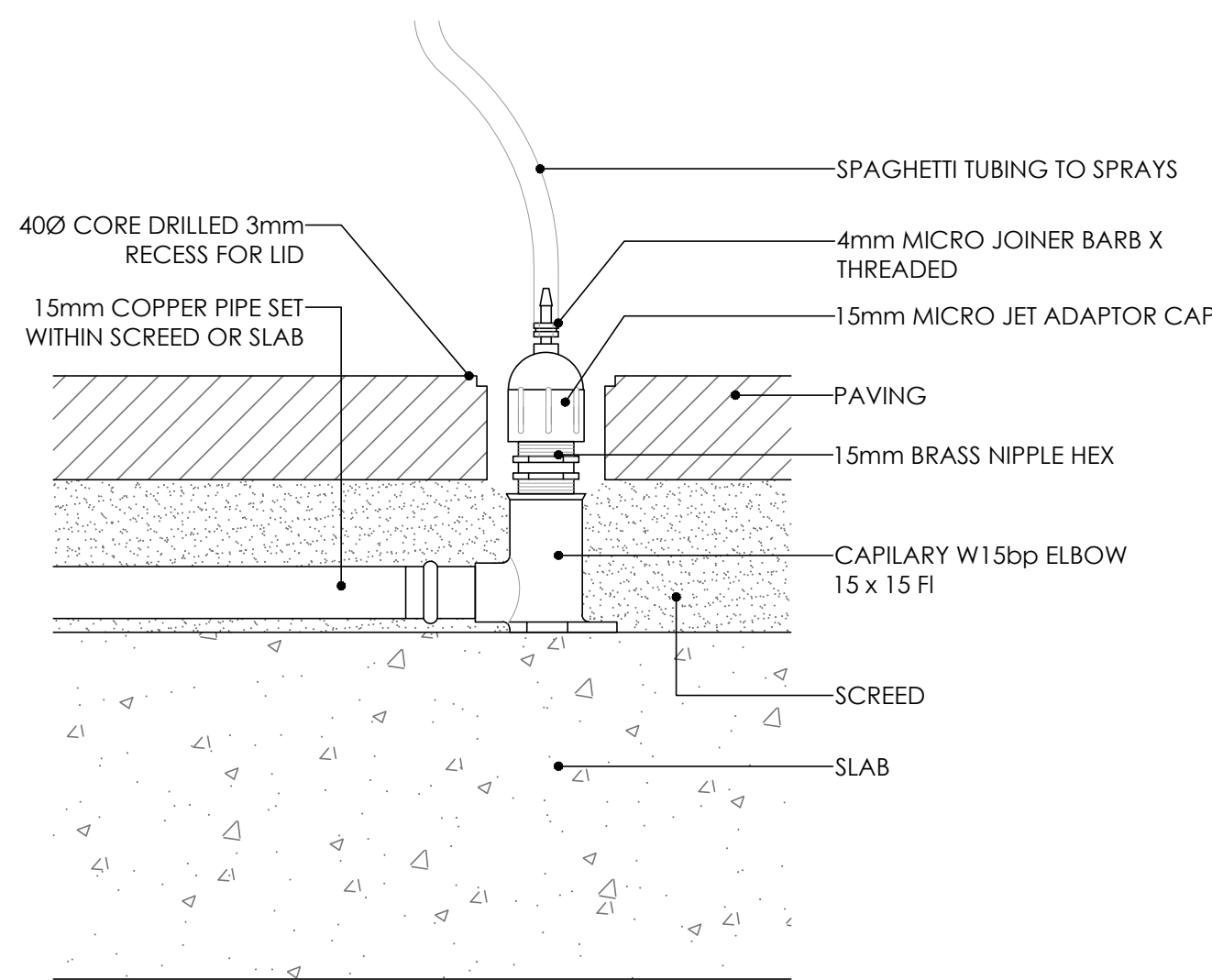
TYPICAL PLANTER SOIL PROFILE
SCALE: 1:5 @ A1



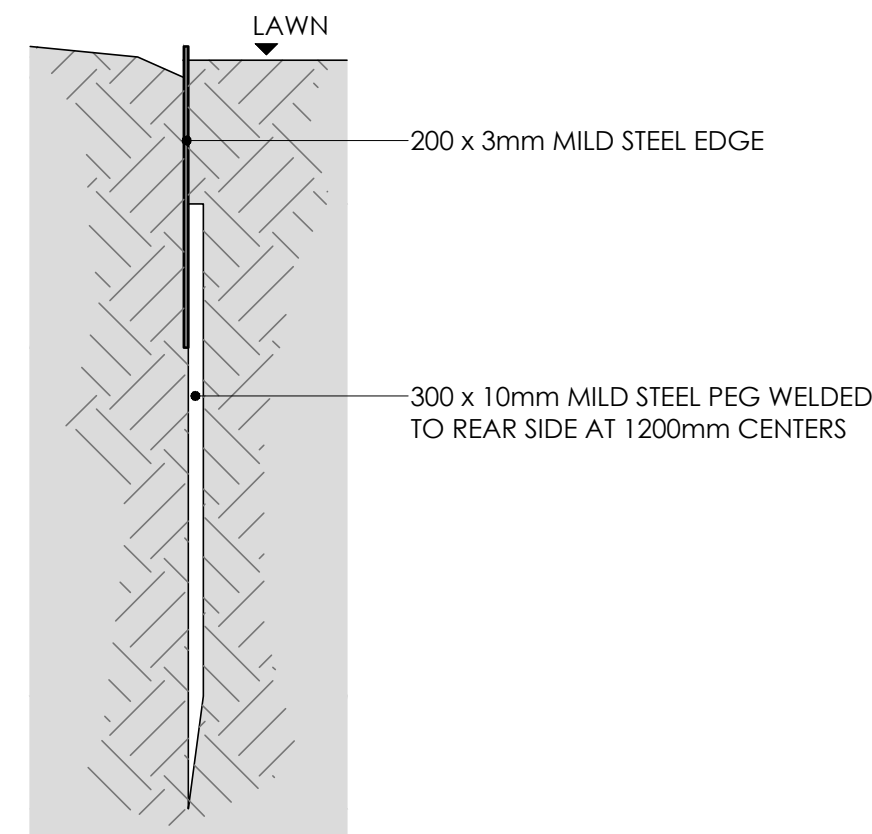
TYPICAL GARDEN STEPPER
SCALE: 1:10 @ A1



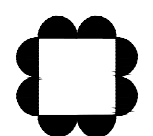
TYPICAL PAVING IRRIGATION CLOSED
SCALE 1:2 @ A1



TYPICAL PAVING IRRIGATION OPEN
SCALE 1:2 @ A1



TYPICAL STEEL EDGE
SCALE 1:5 @ A1



MYLES BALDWIN DESIGN
8 Maddison Lane, Redfern, NSW 2016 Australia
PH +61 2 9699 2622 | www.mylesbaldwin.com

PROJECT:
69-73 MURPHY STREET

CLIENT:
GURNER

AMENDMENT	DATE	DETAILS
A	14.03.22	ISSUE FOR DA
B	12.07.22	UPDATED ISSUE FOR DA

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DRAWING:
TYPICAL DETAILS

DWG No: S11_DA_35
SCALE: AS NOTED
DRAWN: RM
CHECKED: LM
ISSUE: 8
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GENERAL SPECIFICATION NOTES

1.0 STANDARDS

1.1 SOILS

- AS 4419: Soils for Landscaping and Garden Use
- AS 3743: Potting Mixes
- AS 4454: Composts, Soil Conditioners and Mulches

1.2 Plants

- AS 2303: Tree Stock for Landscape Use
- AS 4970: Protection of Trees on Development Sites

2.0 PRODUCTS

2.1 MATERIAL

Topsoil

- Source: Provide topsoil, which contains organic matter, is free from stones, contaminants and weeds
- Site: If available, provide material recovered from the site

Turf

- Supplier: Obtain turf from a specialist grower of cultivated turf
- Quality: Provide turf of even thickness, free from weeds and other foreign matter

Fertiliser

- General: Provide proprietary fertilisers, delivered to the site in sealed bags marked to show manufacturer or vendor, weight, fertiliser type, N:P:K ratio, recommended uses and application rates

Plants

- Health: Supply plants with foliage size, texture and colour at time of delivery consistent with the size, texture and colour shown in healthy specimens of the nominated species
- Vigour: Supply plants with extension growth consistent with that exhibited in vigorous specimens of the species nominated
- Damage: Supply plants free from damage and from restricted habit due to growth in nursery rows
- Pests and disease: Supply plants with foliage free from pest attack or disease
- Substitutes: Plant substitution (species or quantities) is not acceptable unless approved by Myles Baldwin Design.

3.0 EXECUTION

3.1 SITE PREPARATION

Weed eradication

- Herbicide: Eradicate weeds with a non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate
- Earth mounds
- Placing: Place clean filling in layers approximately 150 mm thick compacted to 85% of the dry density ratio of the surrounding soil as determined by AS 1289.5.4.1. Minimise slumping and further internal packing down

Edges

- Construct changes in grade over a minimum width of 500 mm to smooth, gradual and rounded profiles with no distinct joint

Existing trees

- Tree protection zones (TPZ) shall be established around all trees to be retained and in accordance of AS 4970. The area within the fence shall be mulched and maintained at 75mm depth
- No excavation, construction activity, grade changes, storage of materials, stock piling, siting of sheds, preparation of mixes or cleaning of tools is permitted within the TPZ

Planting beds

- Excavated: Excavate to bring the subsoil to at least 300 mm below finished design levels. Shape the subsoil to fall to subsoil drains where applicable. Break up the subs to a further depth of 100 mm
- Unexcavated: Remove weeds, roots, building rubble and other debris. Bring the planting bed to 75 mm below finished design levels
- Services and roots: Do not disturb services or tree roots; if necessary, cultivate these areas by hand

Placing topsoil

- General: Spread the topsoil on the prepared subsoil and grade evenly, making the necessary allowances to permit the following:
- Required finished levels and contours may be achieved after light compaction
- Grassed areas may be finished flush with adjacent hard surfaces such as kerbs, paths and mowing strips

Topsoil depths

- General: Spread topsoil to the following typical depths:
- Excavated planting areas: If using organic soil, 300 mm. Refer to typical soil profile detail
- Irrigated grassed areas generally: 150 mm
- Irrigated grassed areas, heavy use (e.g. playing fields, playgrounds, and public parks): 200 mm

Sediment and Erosion Control

- Sediment and erosion control measures are required during the construction of all developments and building works. It shall be the contractor's responsibility that works are carried out in accordance with a sediment and erosion control plan and council/approving authority's requirements.

3.2 TURFING

General

- Supply: Deliver the turf within 24 hours of cutting, and lay it within 36 hours of cutting. Prevent the turf from drying out between cutting and laying. If it is not laid within 36 hours of cutting, roll it out on a flat surface with the grass up, and water as necessary to maintain a good condition
- Laying: Lay the turf in the following manner:
- In stretcher pattern with the joints staggered and close butted
- Parallel with the long sides of level areas, and with contours on slopes
- To finish flush, after tamping, with adjacent finished surfaces of ground, paving edging, or grass seeded areas
- Tamping: Lightly tamp to an even surface immediately after laying. Do not use a roller
- Fertilising: Mix the fertiliser thoroughly into the topsoil before placing the turf. Apply lawn fertiliser at the completion of the first and last mowings, and at other times as required to maintain healthy grass cover
- Watering: Water immediately after laying until the topsoil is moistened to its full depth. Continue watering to maintain moisture to this depth
- Levels: Where levels have deviated from the design levels after placing and watering, lift turf and re-grade topsoil to achieve design levels

3.3 PLANTING

General

- Individual plantings in grassed areas: Excavate a hole twice the diameter of the root ball and at least 100 mm deeper than the root ball. Break up the base of the hole to a further depth of 100 mm, and loosen compacted sides of the hole to prevent confinement of root growth
- Watering: Thoroughly water the plants before planting, immediately after planting, and as required to maintain growth rates free of stress
- Placing: Remove the plant from the container with minimum disturbance to the root ball, ensure that the root ball is moist and place it in its final position, in the center of the hole and plumb, and with the top soil level of the plant root ball level with the finished surface of the surrounding soil
- Fertilising plants: In planting beds and individual plantings, place fertiliser pellets around the plants at the time of planting
- Backfilling: Backfill with topsoil mixture. Lightly tamp and water to eliminate air pockets

3.4 TREES

General

- All trees must be planted by an AQF Level 3 Qualified Arborist, Landscape Gardener or Horticulturalist

Clay Soils

- The base of each tree pit within clay soils shall be laid with 100mm deep scoria. A 90mm ag line ring shall sit within the scoria and drain directly to a suitable location. Lay geo-textile fabric evenly above the scoria, prior to tree placement and backfilling with 80/20 mineral soil

3.5 MULCHING

Placing mulch

- General: Place mulch to the required depth, clear of plant stems, and rake to an even surface flush with the surrounding finished levels. Spread and roll mulch so that after settling, or after rolling, it is smooth and evenly graded between design surface levels sloped towards the base of plant stems in plantation beds, and not closer to the stem than 50 mm in the case of gravel mulches.
- Garden beds: Greenlife Mulch and Compost
- Tree mulch ring: Mushroom compost
- Depths: Spread organic mulch to a depth of 75 mm, and gravel mulch to a depth of 50 mm

3.6 STAKES AND TIES

Stakes

- Material: Hardwood, straight, free from knots or twists, pointed at one end
- Installation: Drive stakes into the ground at least one third of their length, avoiding damage to the root system

Ties

- General: Provide 50 mm hessian webbing ties fixed securely to the stakes, one tie at half the height of the main stem, others as necessary to stabilise the plant

3.7 WATERING

Establishment

- Extent: Available soil moisture content of grass areas and garden beds to be monitored on a weekly basis using an approved moisture probe and water applied on a demand basis. Readings should be taken at a depth of 250mm
- All grass areas and garden beds should be maintained within a range of 50-80% available soil moisture. Under no circumstance should areas under irrigation fall below a level of 30% available soil moisture
- No visible signs of wilting of leaves or stems, with all plants fully turgid at all times.
- No sign of over-watering such as constantly wet soil, brown leaf margins, stem rot or brown spots on foliage

3.8 LANDSCAPE SUBSOIL DRAINAGE

General

- Include subsoil drainage behind retaining walls, along path edges and in mass planting beds, including lawn areas. Maintenance access points shall be every 15m

Materials

- Geotextile fabric: shall consist of a woven or a non-woven type to be manufactured from synthetic materials other than polyamide
- Aggregate: shall be a single size with a nominal dimension of 10-40mm
- Subsoil pipe: shall be 90 mm diameter corrugated flexible slotted PVC pipe in a geofabric sock, or 100mm µPVC if under pavement. All pipes to requirements of AS 1254. Where vehicle loads are encountered, reinforced concrete pipe shall be used only

Construction

- Trenches to be minimum 300mm wide and extend 500mm below the subgrade level or 150mm if into bed rock
- Trenches to be lined with geotextile fabric and backfilled with aggregate. Pipe to be laid 50mm above trench floor
- Prior to backfilling the trench, drainage and connection to stormwater is to be approved by the site manager

3.9 COMPLETION

Cleaning

- Stakes and ties: Remove those no longer required at the end of the planting establishment period
- Temporary fences: Remove temporary protective fences at the end of the planting establishment period

4.0 ESTABLISHMENT & DEFECTS LIABILITY

4.1 ESTABLISHMENT

General

- All landscaping works will have an establishment period of 26 weeks in which the subcontractor will be responsible for the maintenance and upkeep of the contracted scope, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.2 DEFECTS LIABILITY PERIOD

General

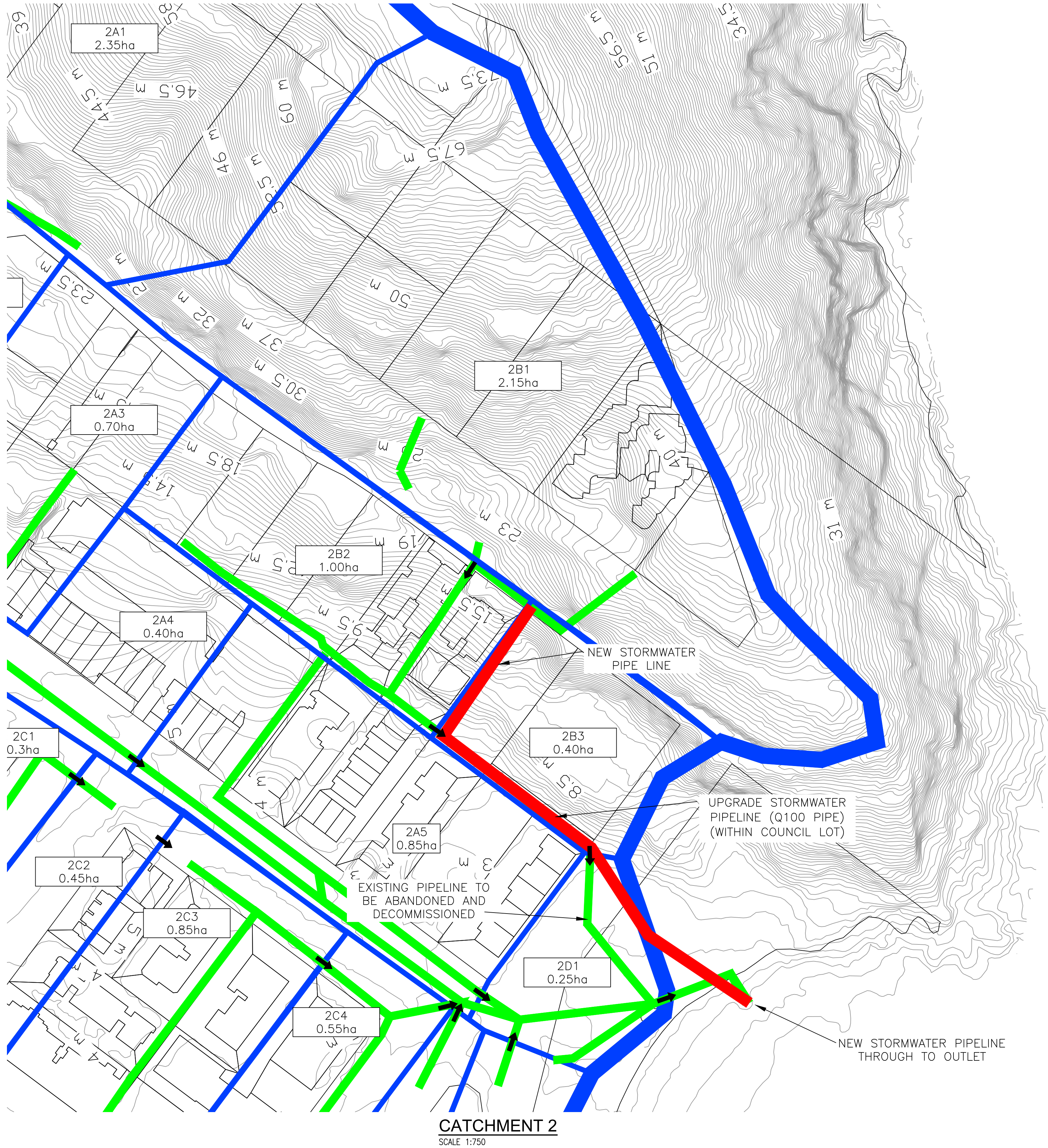
- All landscaping works will be subject to a defects liability period of 52 weeks, commencing from the date of Practical Completion, unless otherwise noted in the project documentation. If applicable refer to the project manager / builder for confirmation

4.3 FAILED PLANTINGS

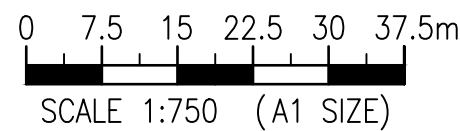
General

- Photographic images of plants shall be approved by Myles Baldwin Design prior to procurement of replacement plant and tree stock

Printed: 19 August 2022, 11:21 AM (Iam) TEC File: T:11457 DSC Engineering AdvicesDrawings\SKETCH-DSC-001.dwg



CATCHMENT 2
SCALE 1:750



PRELIMINARY ONLY

Client DOUGLAS SHIRE COUNCIL				
Project PORT DOUGLAS DRAINAGE				
Title DSC DRAINAGE CATCHMENTS - NORTH CATCHMENT 2				
JOB No. DSC	Scale (A1 size) 1:1500	Date 18 AUG 2022	Drawing No. SKETCH DSC-001	Revision A

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 25 November 2021 2022 under s51 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 Tourist Accommodation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of s60, s62 and s63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. The proposed use and built form is an acceptable outcome for the site which in keeping with similar building heights and building setbacks of adjoining development. Plans of development have been modified during the assessment process to adequately address concerns raised over building height and vehicle access to the site; and
 - ii. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non Compliance with Assessment Benchmarks

Benchmark Reference	Alternative Measure/Comment
Tourist Accommodation Zone	<p>The development does not meet the assessment benchmarks of AO1 and AO2 of the code as it relates to building height, setbacks and site cover. However, the development is considered to meet the corresponding Performance Outcomes, as the development:</p> <ol style="list-style-type: none">(a) is of a similar height to the adjoining development to west being 67 Murphy Street;(b) is located on an existing benched site established as a result of previous quarry activities;(c) Flag staff hill forms the back drop of the development with building heights and building setbacks remaining consistent with existing building heights and established building setbacks along Murphy Street;
	<ol style="list-style-type: none">(d) provides acceptable building setbacks from the unconstructed road reserve. The presence of the driveway and landscaping treatments will achieve visual relief of the building when viewed from areas external to the site.

	<p>The development does not meet the assessment benchmarks of AO3.1 which limits the length of building to 30m. The development meets the corresponding Performance Outcome as the site is at the end of Murphy Street with the building façade of Dwelling 1 facing the vegetated bank of Flagstaff Hill.</p>
Access, Parking and Servicing Code	<p>Despite the non achievement of the Acceptable Outcome AO2 the development achieves the respective Performance Outcome, namely:</p> <ul style="list-style-type: none"> a) Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use. b) Any inconvenience with the car parking layout is internalised and does not involve high turnover vehicle parking;

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.

31 August 2022

Enquiries: Neil Beck
Our Ref: MCUC 2021_4490 (Doc ID)
Your Ref: 20-12

Gurner TM Nominee Pty Ltd
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Material Change of Use – 4 Multiple Dwellings & Short-term Accommodation at
69 – 73 Murphy Street Port Douglas**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Please quote Council's application number: MCUC 2021_4490 in all subsequent correspondence relating to this matter.

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.

- Adopted Infrastructure Charges Notice
- Rights to Make Representations and Appeals Regarding Infrastructure Charges

Adopted Infrastructure Charges Notice

DOUGLAS SHIRE COUNCIL		2018 Douglas Shire Planning Scheme version 1.0 Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			
Gunner TM Nominee Pty Ltd DEVELOPERS NAME		NA ESTATE NAME	0 STAGE
69, 71-73 Murphy Street STREET No. & NAME	Port Douglas SUBURB	L516 PTD2094, L2 RP724386 LOT & RP No.s	P2344, P2343 PARCEL No.
MCU Multiple dwelling & short-term accommodation DEVELOPMENT TYPE		MCUC 2020_3867 COUNCIL FILE NO.	6 VALIDITY PERIOD (year)
1104025 DSC Reference Doc. No.	1 VERSION No.	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for RDL	

Infrastructure Charges as resolved by Council at the Ordinary Meeting held on 23 February 2021 (Came into effect on 1 March 2021)

		Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand	Residential Multiple dwelling	\$ per 3 or more bedroom dwelling	24,553.82	4	\$98,215.28		
	Total Demand				\$98,215.28		
Credit	Existing land use						
	3 or more bedroom dwelling Per Lot	\$ per 3 or more bedroom dwelling	24,553.82	2	\$49,107.64		
	Total Credit				\$49,107.64		Code 895 GL GL7500.135.825
Required Payment or Credit			TOTAL		\$49,107.64		

Prepared by	J Elphinstone	18-Aug-22	Amount Paid	
Checked by	Neil Beck	18-Aug-22	Date Paid	
Date Payable	MCU - prior to the commencement of use			
Amendments		Date		Receipt No.
			Cashier	

Note:
The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the Planning Act 2016 as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

This subdivision applies to the recipient of an infrastructure charges notice given by a local government.

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and
 - (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—
 - (a) trunk infrastructure—
 - (i) has not been provided; or
 - (ii) has been provided but is not adequate; and
 - (b) the trunk infrastructure is or will be located on—
 - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
 - (ii) other premises, but is necessary to service the subject premises.

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.