

7 October 2022

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2022_4732/1 (Doc ID 1114104)
Your Ref: 22-04

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

Mr George Argyrou
C/- Planning Plus
PO Box 399
REDLYNCH QLD 4870

Email: Evan@planningplusqld.com.au

Attention Mr Evan Yelavich

Dear Sir

**Development Application for Material Change of Use (Dwelling house)
At 14 Murphy Street Port Douglas
On Land Described as Lot 114 on PTD 2094**

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

Please quote Council's application number: MCUC 2022_4732/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Sara Roberts
A/Manager Environment & Planning

encl.

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



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Mr George Argyrou
Postal Address: C/- Planning Plus
PO Box 399
Redlynch Qld 4870
Email: evan@planningplusqld.com.au

Property Details

Street Address: 14 Murphy Street Port Douglas
Real Property Description: Lot 114 on PTD2094
Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use for a Dwelling house.

Decision

Date of Decision: 7 October 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.

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

Drawing or Document	Reference	Date
Site and Environs Plan	Hunt Design Drawing No. 02.1, Revision 01.	2 June 2022
Access Road- Sections	Hunt Design Drawing No. 02.2 Revision 01, 02.3 Revision 01 and 02.4 Revision 01.	2 June 2022

Drawing or Document	Reference	Date
Site Plan	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP021 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined.
GA Plan - Lower Ground FI	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP101 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
GA Plan - Ground FI	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP102 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
GA Plan - Upper Level	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP103 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
GA Plan - Roof Plan	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP104 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
South West And North East Elevations	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP201 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
North West Elevation	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP202 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
South East Elevation	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP203 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined

Drawing or Document	Reference	Date
Building Section A-A	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP301 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
Building Section B-B	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP302 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
Building Section C-C & D-D	Generally in accordance with Bayley Ward Architects Project 1789 Drawing TP303 Revision 2 dated 16 June 2022 and as amended by Conditions of the approval.	To be determined
Vegetation Amenity report and Vegetation Survey	Generally in accordance with Hortulus Australia (Council document 11004736) dated 30 June 2022, including: Landscape Concept Plan, Drawing No. 1, Revision A, dated 22 July 2022; Drawing NO.2, dated 14 March 2022; Schematic Elevation, Drawing No.6 Revision A dated 22 July 2022; landscape Concept Plan, Drawing No.3 dated 14 March 2022; and Planting Plan Drawing no.5 dated 22 July 2022, and as amended by the Conditions of the approval.	To be determined
Retaining Wall Design and Certification	Report prepared by Stephen Ford RPEQ 25762 for Geo Design Reference 22058AA-D-L01-v1.	21 July 2022
Preliminary Earthworks Plan	Generally in accordance with Edge Project 220614, Drawing CSK002Revision P1, dated 3 June 2022 and as amended by the conditions of the approval.	To be determined.
Preliminary Earthworks Sections	Generally in accordance with Edge Project 220614, Drawing CSK003 Revision P1, dated 3 June 2022 and as amended by the conditions of the approval.	To be determined.
Typical Sections, Sheet 1. Proposed Retaining Wall, 14 Murphy Street, Port Douglas	Geo Design Project 22010AA-D, drawing C01, Revision A	14 July 2022

Drawing or Document	Reference	Date
Typical Sections, Sheet 2, Proposed Retaining Wall, 14 Murphy Street, Port Douglas	Geo Design Project 22010AA-D, drawing C02, Revision A	14 July 2022
Typical Sections, Sheet 3 Proposed Retaining Wall, 14 Murphy Street, Port Douglas	Geo Design Project 22010AA-D, drawing C03, Revision A	14 July 2022

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

Assessment Manager Conditions & Advices

Conditions

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

Except where modified by these conditions of approval

Timing of Effect

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

Amendment to Design

3. The proposed development must be amended to accommodate the following changes:
 - a. Setback and design the geotechnical earthworks at the rear of the house so as to conserve and maintain the root systems and the ongoing health of the following two trees number as follows on the Hortulus Vegetation Survey Plan (Council document 1100473):
 - i. Tree No.39 *Alstonia scholaris* (Milky Pine); and
 - ii. Tree No.40. *Eucalyptus tetericornis* (Queensland Blue Gum).

The design of any earthworks, structures and buildings must be subservient to the geotechnical design for the dwelling and associated retaining walls;

- b. Setback and design the driveway to conserve and maintain the root systems and ongoing health of the following tree, numbered as follows on the Hortulus Vegetation Survey Plan (Council document 1100473):
 - i. Tree No.25 *Ficus sp* (possibly *ficus ubignosa*) (Fig Tree); and
 - ii. All other trees within the proximity of the driveway that are identified as "retain" on the Vegetation Survey Plan.

Note – this may require redesign of the driveway.

The design of any earthworks, structures and buildings must be subservient to the geotechnical design for the dwelling, driveway and associated retaining walls;

- c. Setback all retaining walls (including any associated soil nailing) a minimum of 2000mm from the side boundaries, as measured in a horizontal distance from the property boundary to the inside of the retaining wall structure and any associated spoon drain. This setback is to be established with deep planting to achieve a dense vegetation screen of at least 6000mm height within 3 years of growth. All retaining walls and hard landscaping elements, including rock work, paving and spoon drains must not be located within this setback areas from the property side boundaries;
- d. Where the retaining wall is positioned within 2000mm from the front boundary, it must be of a maximum height of 1200mm and be suitably landscaped to provide a dense vegetation buffer;
- e. All exposed retaining walls must be finished with a natural rock face with a range of dark colour finishes;
- f. Remove all proposed vegetation changes to the adjacent road verge. Any proposed removal of vegetation in the adjacent road verge must be discussed with and sought from Council;
- g. Only remove the trees within the land boundary as identified as "Removal Status" on the Hortulus Vegetation Survey Plan (Council document 1100473);
- h. Undertake measures to protect and conserve all other trees as numbered on the Hortulus Vegetation Survey Plan, other than those identified as "Removal Status" as per the Australian Standard Protection of Trees on Development Sites AS 4970-2009;
- i. Replace the Yucca rostrata plants with a more suitable species;
- j. All plants introduced to the site are to be local endemic species; and
- k. Reduce the total overall height of the dwelling house to be a maximum of 11.5 metres as measured as a vertical height, from any point above natural ground level. The overall height must include all roof areas including the parapet to the roof terrace;

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

Clearing Limitation

- 4. Clearing is limited to the vegetation within the land and those associated with the path of the private, external driveway, as detailed in the Hortulus Vegetation Survey Plan (Council document 1100473) and the Hunt Design Drawings Nos. 02.1, 02.2 and 0.23 all dated 2 June 2022 (Council document 1093290).

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

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

Operational Works

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

- a. Drainage work to deliver stormwater to Murphy Street being the lawful point of discharge;
- b. Earthworks internal and external to the site;
- c. Required internal and external work within the road reserve for the driveway and retaining walls; and
- d. Water and sewerage work required to service the site.
- e. Trees to be removed as per Condition 3h above with the remaining trees to be protected as per the Australian Standard Protection of Trees on Development Sites AS 4970-2009;
- f. 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; and
- g. All work must be carried out in accordance with the requirements and recommendations from the Geotechnical Report prepared by Geo Design, Reference 22058AA-D-L01-v1, dated 21 July 2022, prepared by Stephen Ford RPEQ 25762, and Geo Design Project 22010AA-D, Drawings C01, C02 and C03. In particular all works are to be carried out under the direction and supervision of Geo to confirm design and construction adequacy.

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

Access Driveway

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

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

Water Supply and Sewerage Works External

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. Construct new sewer to accommodate the development. Detailed plans are to be provided showing levels and alignment and must be designed in accordance with the FNQROC Development Manual.

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

Water Supply and Sewerage Works Internal

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.

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.

Bushfire Hazard

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

Landscaping

11. Prior to commencement of use provide a remediation and landscaping plan to be endorsed by the Chief Executive Officer. The plan must detail plant locations, plant size and must be in accordance with *Planning Scheme Policy SC6.7 Landscaping*. Landscaping must be established prior to the commencement of use and must be maintained thereafter to the satisfaction of the Chief executive Officer.

Building Colours

12. Prior to the issue of a Development Permit for Building Work, the external colours of the building must be submitted to Council for endorsement by the Chief Executive Officer. The external building colours must be reflective of the surrounding natural environment, must not be white or metallic. The building exterior finishes, including any exposed concrete, fixed / louvered and pool glazing, must be of suitably dark colours to marry into the natural vegetation. All glazing must be of a non-reflective finish.

Lawful Point of Discharge

13. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

Note: the above works are not considered to be creditable or trunk related works in accordance with Section 145 of the *Planning Act 2016*.

Damage to Council Infrastructure

14. 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.

Stockpiling and Transportation of Fill Material

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

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

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

Details of Development Signage

17. The development must provide clear and legible signage incorporating the street number for the benefit of the public.
18. Noise from air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

ADVICE

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 the provisions of s85 of the *Planning Act 2016*.
2. 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.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Light emanating from the site must not cause a light nuisance to surrounding properties in accordance with the *Environmental Protection Act 1994*.
5. The development approval does not permit the landscaping beyond the property boundary. Any such work would be subject to achieving suitable tenure and approval under the Planning Scheme.
6. For information relating to the *Planning Act 2016* log on to www.dsdmip.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; and
- All Operational Work for the driveway and land.

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

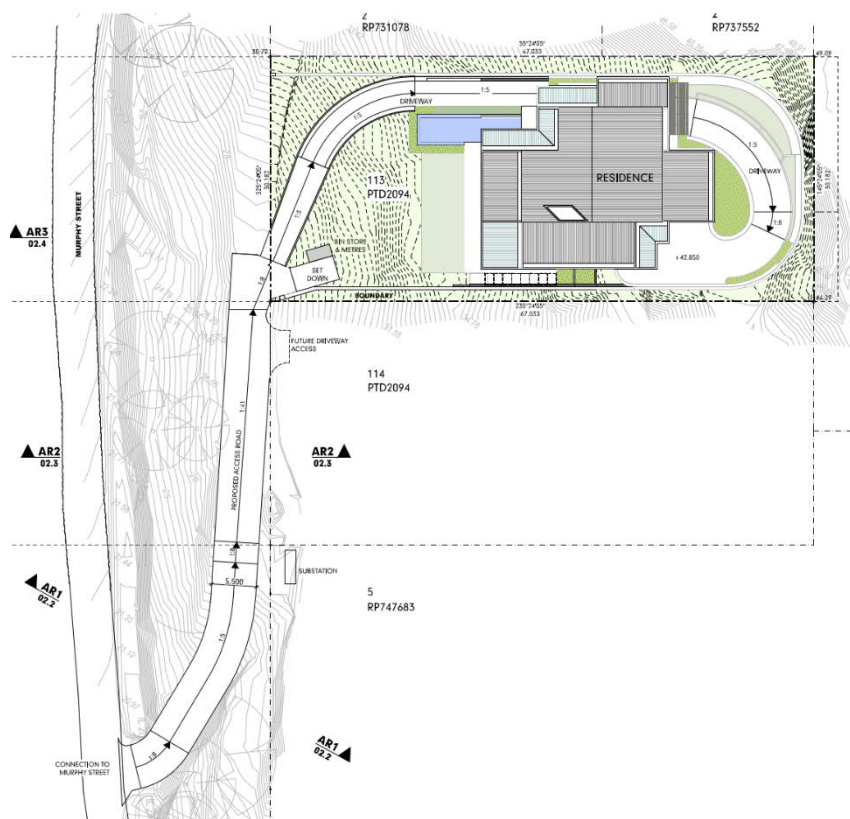
Currency Period for the Approval

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

Rights to make Representations & Rights of Appeal

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

A copy of the relevant appeal provisions is attached.



SITE ANALYSIS

SITE AREA	2.023m ²
COVERED AREA	581m ²
SITE COVERAGE:	29%
GROSS FLOOR AREA	701m ²
PLOT RATIO:	0.35:1

SEE DRAWING NO. 08.1
FOR AREA CALCULATIONS

READ IN CONJUNCTION WITH:
- LANDSCAPE PLANS
- CIVIL PLANS

SITE ENVIRONS PLAN

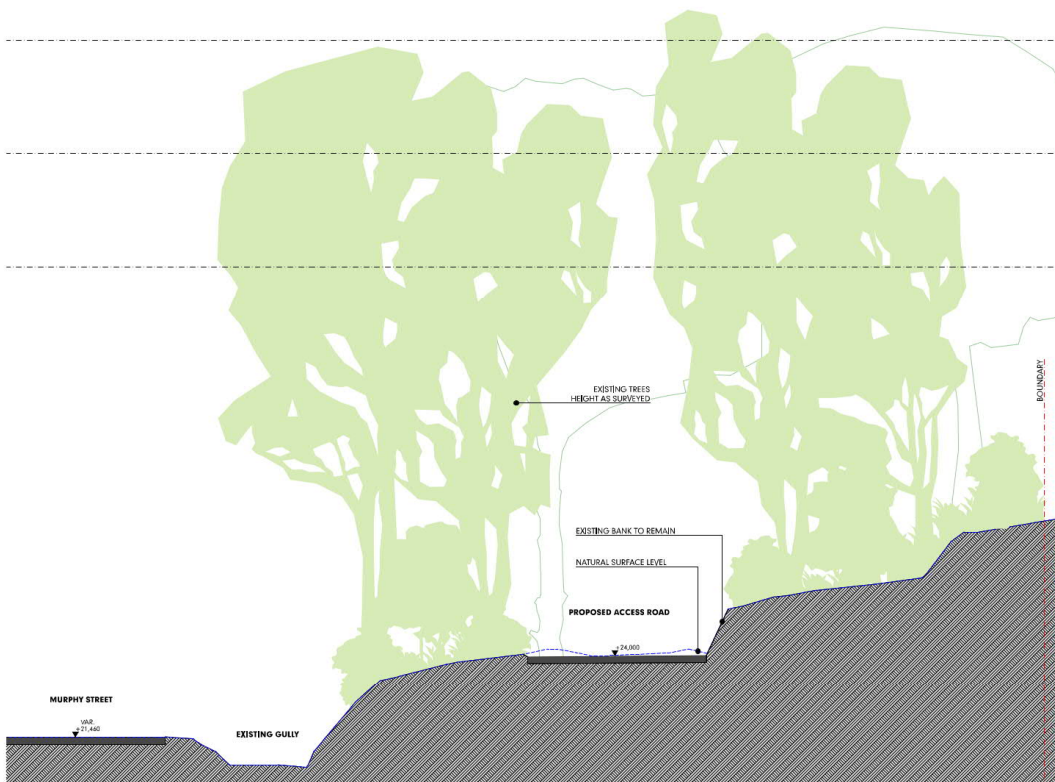
MURPHY STREET RESIDENCE
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET
ON LOT 113 (PTD2094)
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION
SITE & ENVIRONS PLAN
© COPYRIGHT HUNT DESIGN



DEVELOPMENT APPLICATION
PROJECT NO. MURPHY001
DRAWING NO. 02.1
REVISION NO. 01
DATE 2/4/22





SECTION AR1

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

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





SECTION AR2

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

DEVELOPMENT APPLICATION
 ACCESS ROAD - SECTIONS
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DEVELOPMENT APPLICATION
 PROJECT NO. MURPHY001
 DRAWING NO. 02.3
 REVISION NO. 01
 DATE 2/6/22





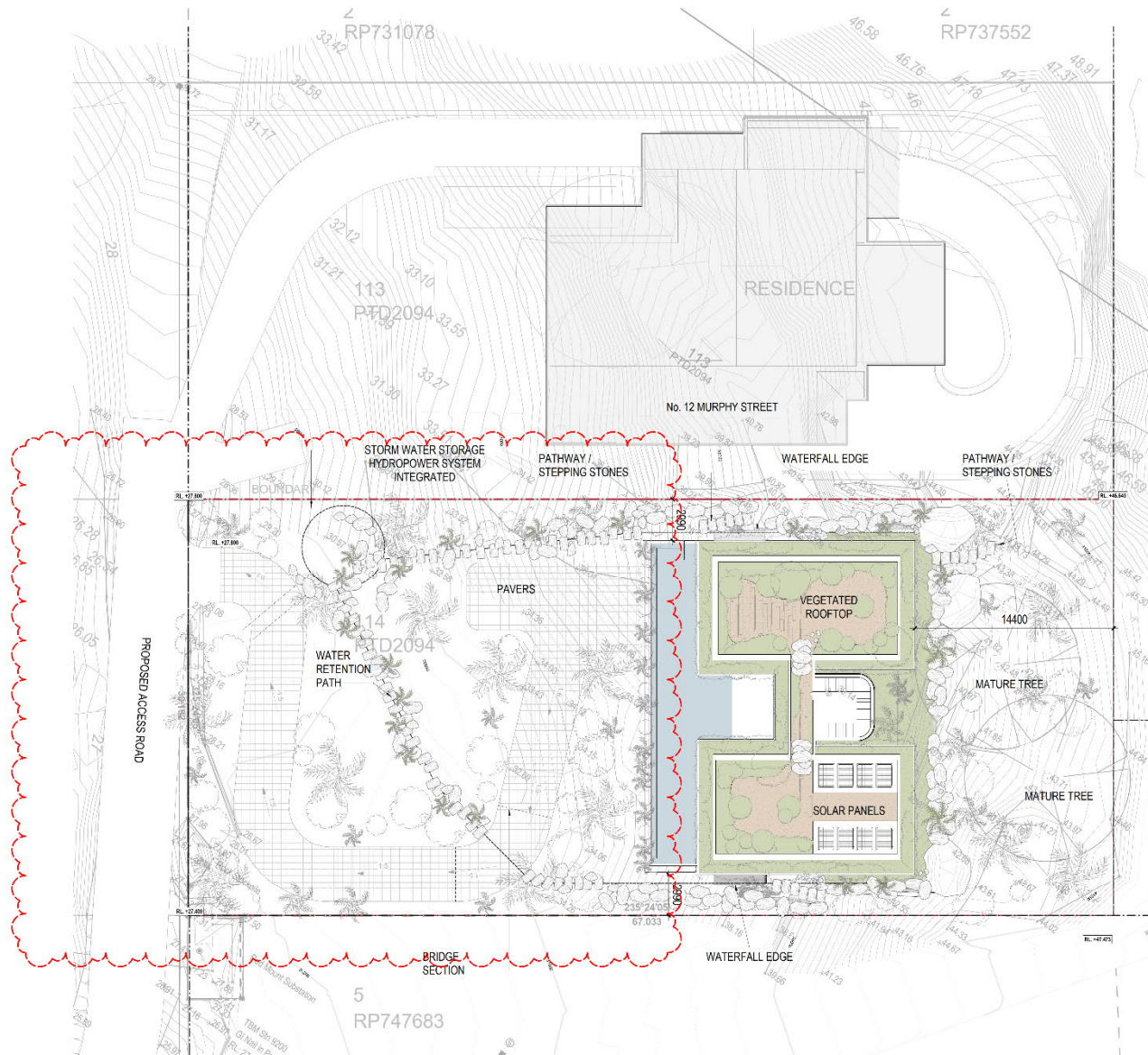
SECTION AR3

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

DEVELOPMENT APPLICATION
 ACCESS ROAD - SECTIONS
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DEVELOPMENT APPLICATION
 PROJECT NO. MURPHY001
 DRAWING NO. 02.4
 REVISION NO. 01
 DATE 2/6/22





GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AUSTRALIAN STANDARDS FOR CONSTRUCTION.
 2. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.
 3. THE DRAWING IS THE PROPERTY OF THE DESIGNER AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

REVISION
 1. INITIAL 1/10 1/10

DATE
 16/01/17

PROJECT STATUS
 DEVELOPMENT APPLICATION
 NOT TO BE USED FOR CONSTRUCTION

CLIENT
 George Argrou

PROJECT NO
 1789
 PROJECT NAME
 14 MURPHY ST, PORT DOUGLAS

Bayley Ward
 Architects & Interiors
 21-23 Chancery Street
 Southbank VIC 3005
 T: 03 9656 0222
 E: info@bayleyward.com

BAYLEY WARD

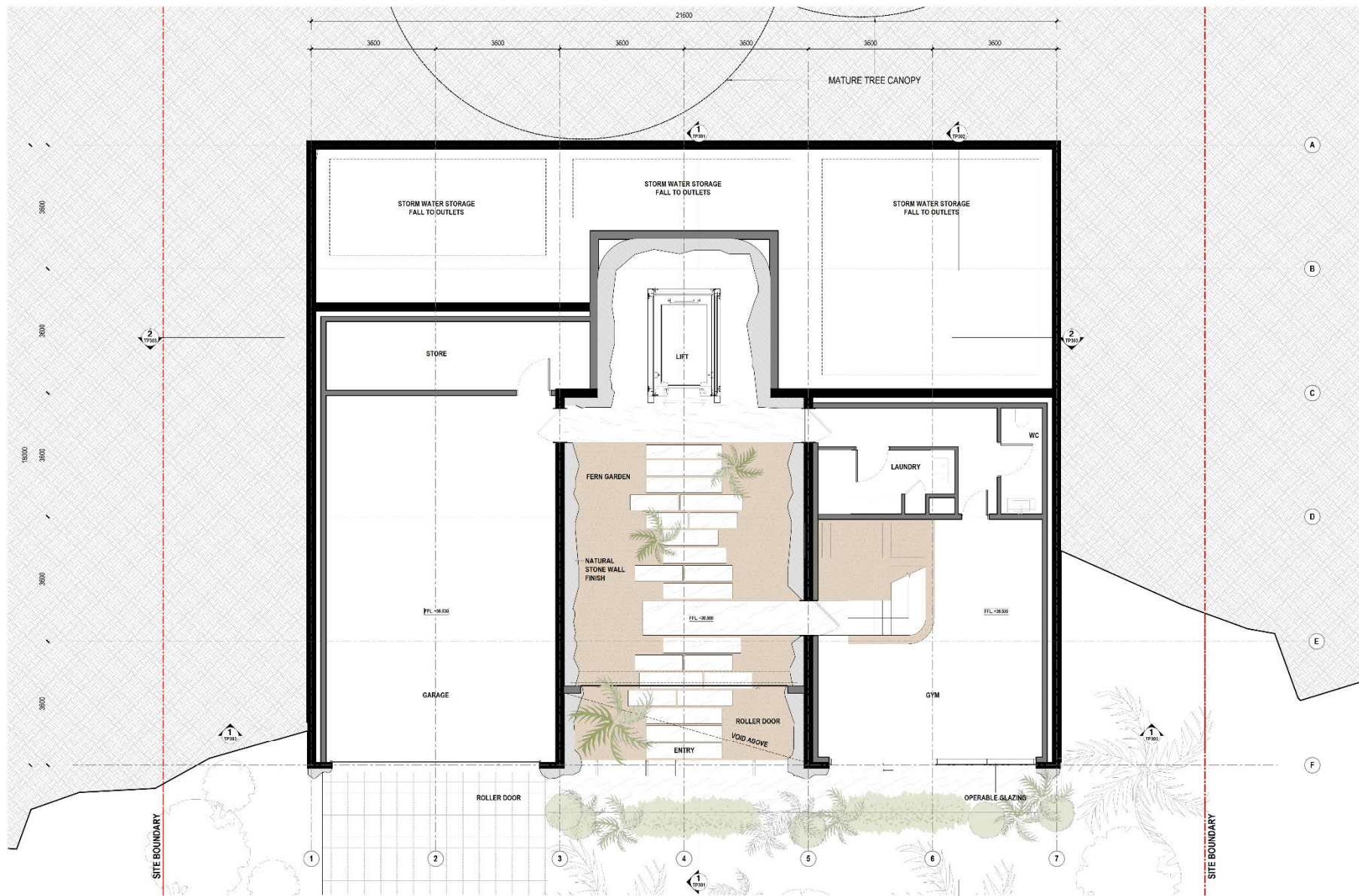


DRAWING NAME
 SITE PLAN

SCALE: 1:150 @ A1 / 50% @ A3 DRAWN BY: Author CHECKED BY: Checker

DRAWING NUMBER
 TP021

REVISION: 2



GENERAL NOTES
 01. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE LATEST EDITIONS OF THE NATIONAL BUILDING STANDARDS.
 02. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
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REVISION
 REV. DESCRIPTION
 1. INITIAL L10 - 14/04/2022

DATE
 16/04/22

PROJECT STATUS
 DEVELOPMENT APPLICATION
 NOT TO BE USED FOR CONSTRUCTION

CLIENT
 George Arggyrou

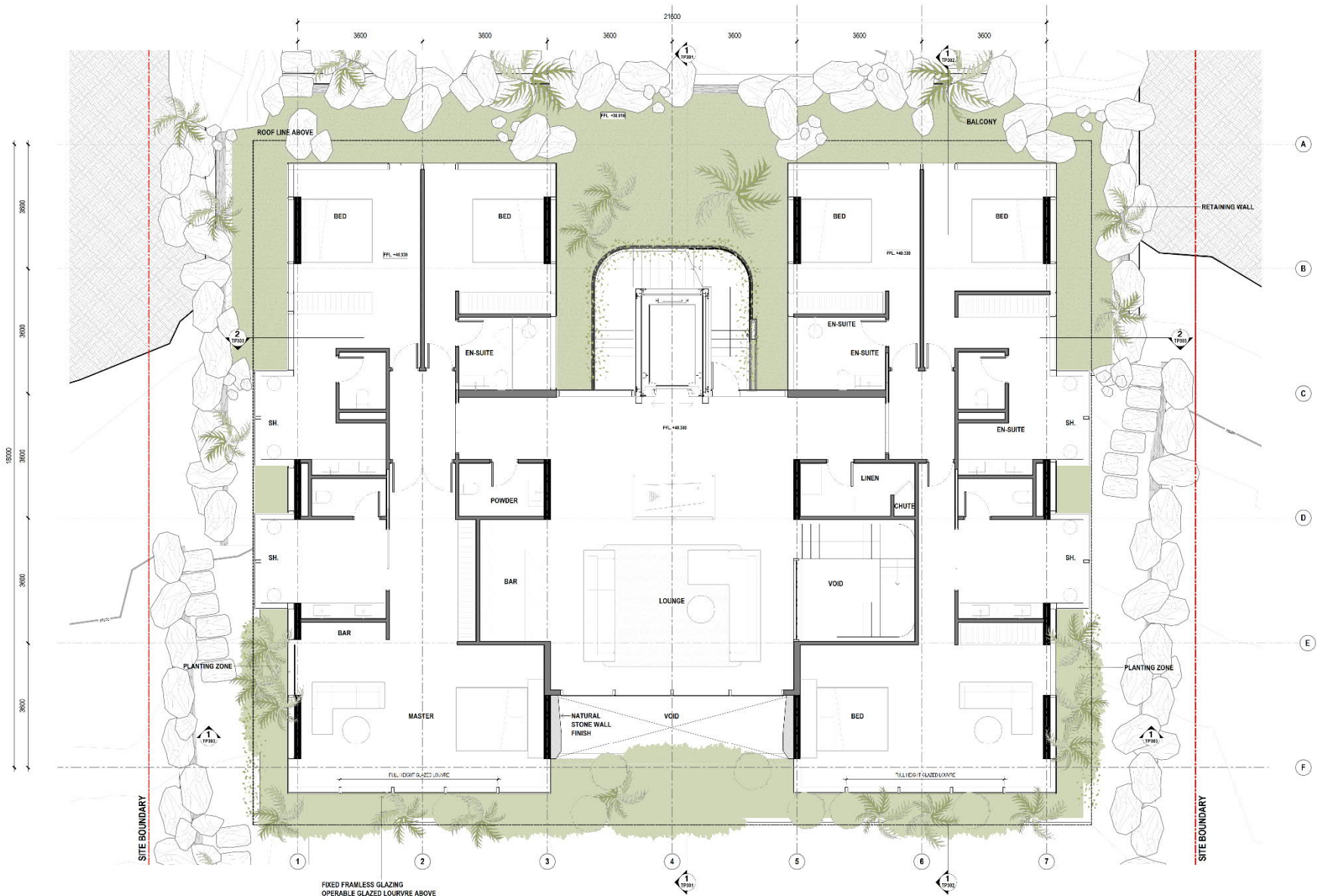
PROJECT NO.
 1789
 PROJECT NAME
 14 MURPHY ST, PORT DOUGLAS

BayleyWard
 Architecture & Interiors
 21-23 Chancell Street
 Southbank VIC 3206
 T: 03 9656 6292
 E: info@bayleyward.com



DRAWING NAME
 GA PLAN - LOWER GROUND FL
 SCALE 1:50 @ A1 / 50% @ A3
 DRAWN BY Author
 CHECKED BY Checker
 REVISION 2

DRAWING NUMBER
 TP101



GENERAL NOTES
 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2. THE CLIENT HAS ADVISED THAT THE BUILDING IS TO BE USED AS A RESIDENTIAL DWELLING.
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REVISION
 REV. DESCRIPTION
 1. 10/04/21 1/10 1/10

DATE
 10/04/21

PROJECT STATUS
 DEVELOPMENT APPLICATION
 NOT TO BE USED FOR CONSTRUCTION

CLIENT
 George Arggyrou

PROJECT NO.
 1789
 PROJECT NAME
 14 MURPHY ST, PORT DOUGLAS

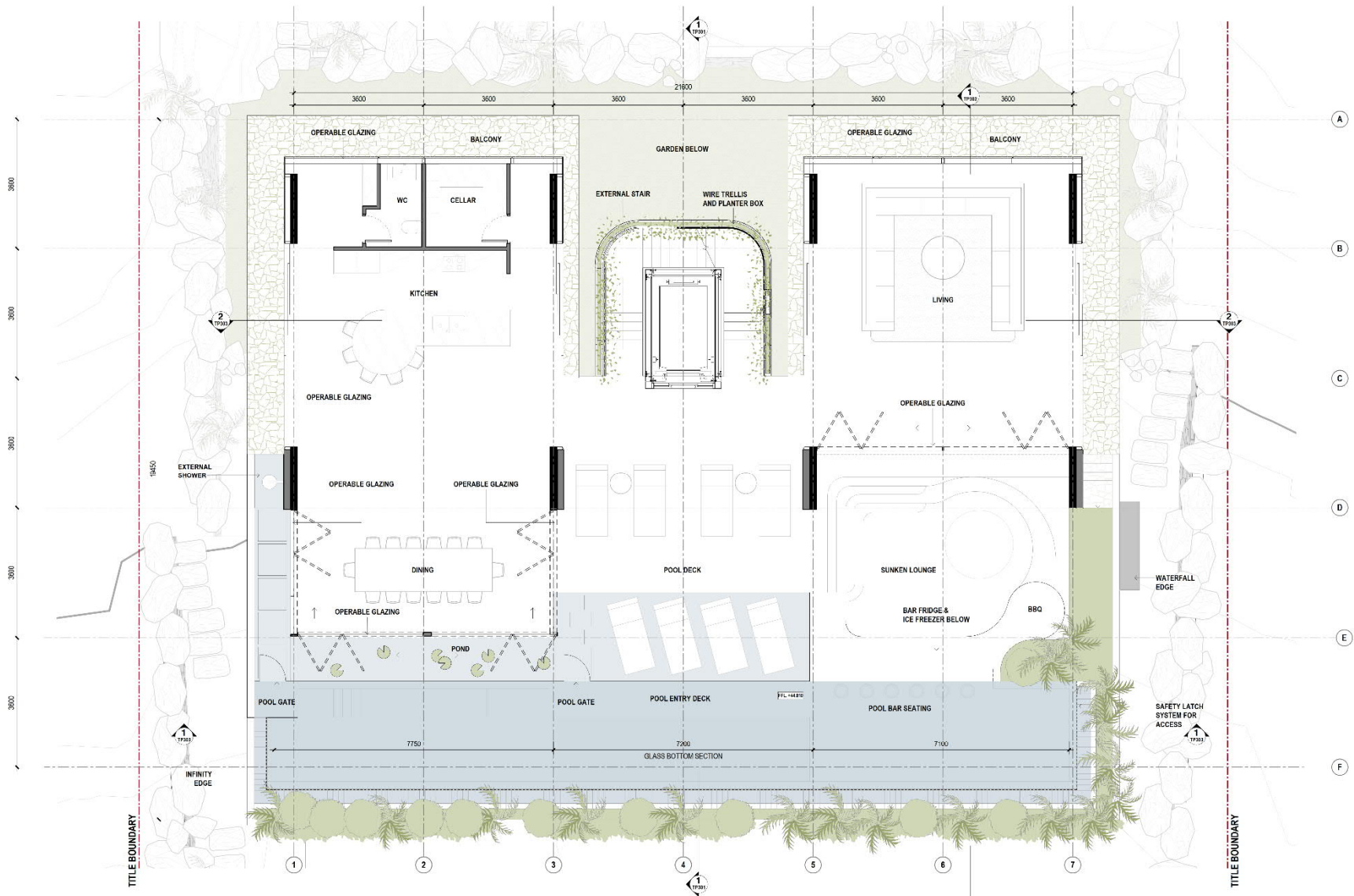
BAYLEY WARD
 Architecture & Interiors
 21-23 Chancell Street
 Southbank VIC 3206
 T: 03 9656 6222
 E: info@bayleyward.com



DRAWING NAME
 GA PLAN - GROUND FL
 SCALE 1:50 @ A1 50% @ A3
 DRAWN BY Author CHECKED BY Checker

DRAWING NUMBER
 TP102

REVISION
 2



GENERAL NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
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REVISION
 REV. DESCRIPTION
 1. INITIAL 1/10/2020

PROJECT STATUS
 DEVELOPMENT APPLICATION
 NOT TO BE USED FOR CONSTRUCTION

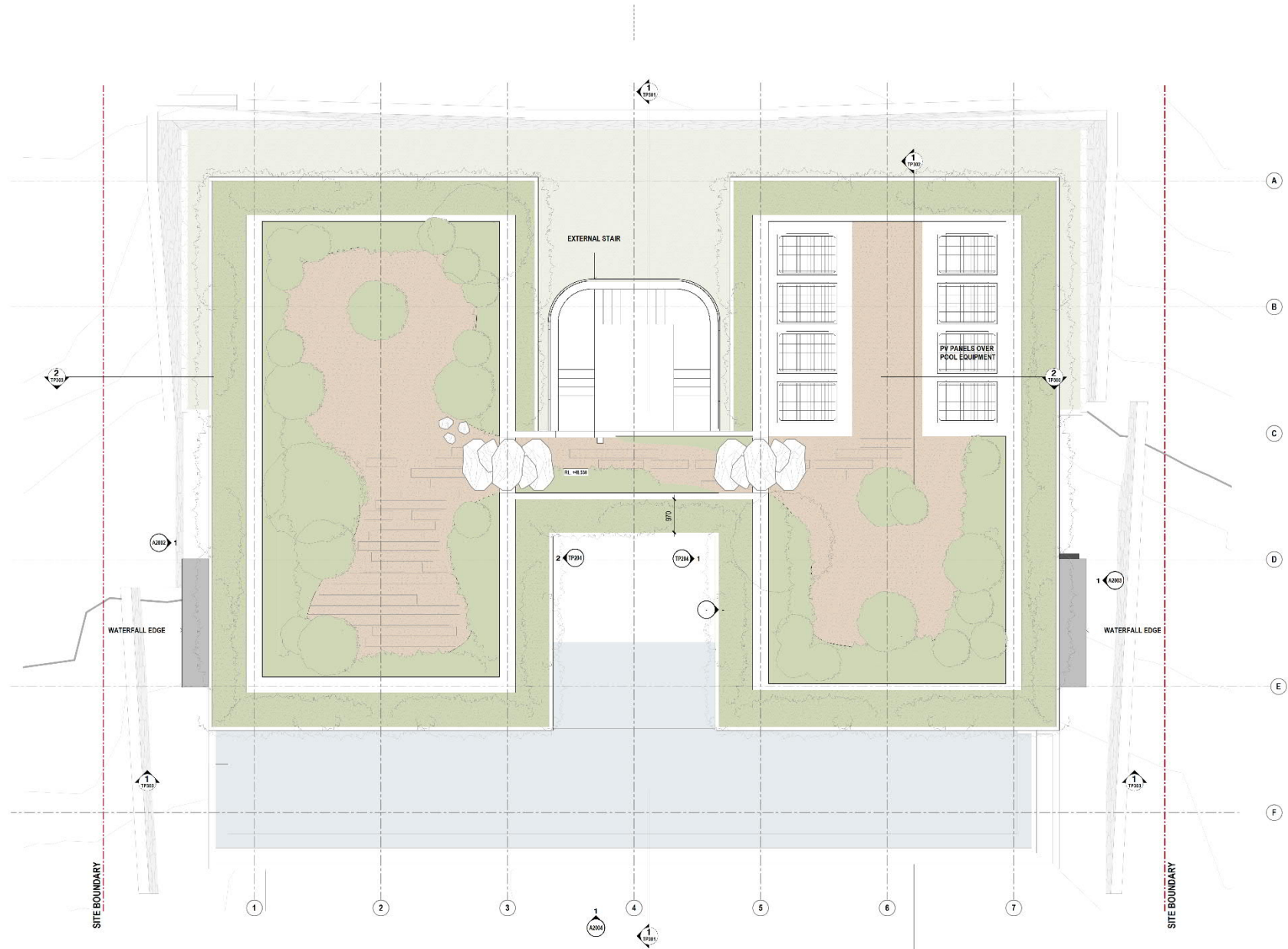
CLIENT
 George Arggyrou

PROJECT NO. 1789
 PROJECT NAME 14 MURPHY ST, PORT DOUGLAS

Bayley Ward
 Architecture & Interiors
 21-23 Chancell Street
 Southbank VIC 3206
 T: 03 9656 6277
 E: info@bayleyward.com



DRAWING NAME
 GA PLAN - UPPER LEVEL
 SCALE 1:50 @ A1 50% @ A3
 DRAWN BY Author CHECKED BY Checker
 DRAWING NUMBER TP103
 REVISION 2



GENERAL NOTES
 1. ALL ROOFING SHALL BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING CODES.
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REVISION
 REV. DESCRIPTION
 1. INITIAL 1/10/2020

DATE
 10/10/20

PROJECT STATUS
 DEVELOPMENT APPLICATION
 NOT TO BE USED FOR CONSTRUCTION

CLIENT
 George Argrou

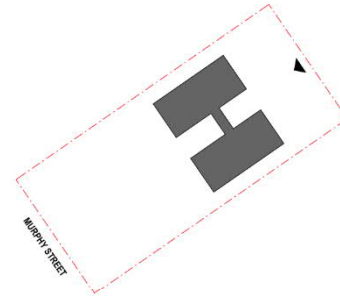
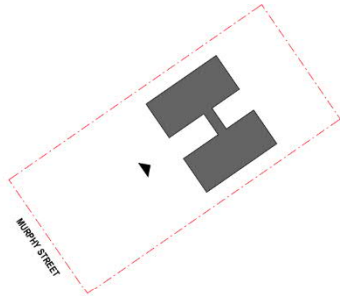
PROJECT NO.
 1789
 PROJECT NAME
 14 MURPHY ST, PORT DOUGLAS

BayleyWard
 Architecture & Interiors
 21-23 Chancery Street
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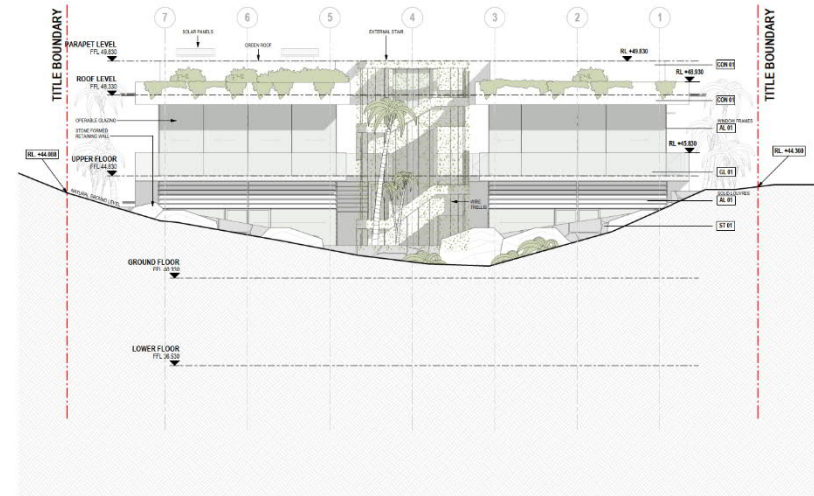


DRAWING NAME
 GA PLAN - ROOF PLAN
 SCALE 1:50 @ A1 / 50% @ A3
 DRAWN BY Author
 CHECKED BY Checker
 REVISION 2

DRAWING NUMBER
 TP104



1 SOUTH WEST ELEVATION
TP104 1:100



2 NORTH EAST ELEVATION
1:100



ST 01
LOCAL NATURAL STONE



CON 01
CONCRETE



GL 01
CLEAR GLAZING



LANDSCAPING



WATER



AL 01
ALUMINIUM - LIGHT COLOURED

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND STANDARDS.
2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE DRAWING IS A PRELIMINARY DESIGN AND SHALL BE USED FOR INFORMATION ONLY.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. THE DRAWING IS A PRELIMINARY DESIGN AND SHALL BE USED FOR INFORMATION ONLY.

REVISION

REV. DESCRIPTION
2. UPDATED SITE PLAN

DATE

10/02/22

PROJECT STATUS

DEVELOPMENT APPLICATION
NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Argyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard
Architecture & Interiors
71-73 Chesnut Street
Southbank VIC 3006
T: 03 9655 6222
E: info@bayleyward.com

**BAYLEY
WARD**

DRAWING NAME

SOUTH WEST AND NORTH EAST ELEVATIONS

SCALE 1:100 @ A1 / 50% @ A3

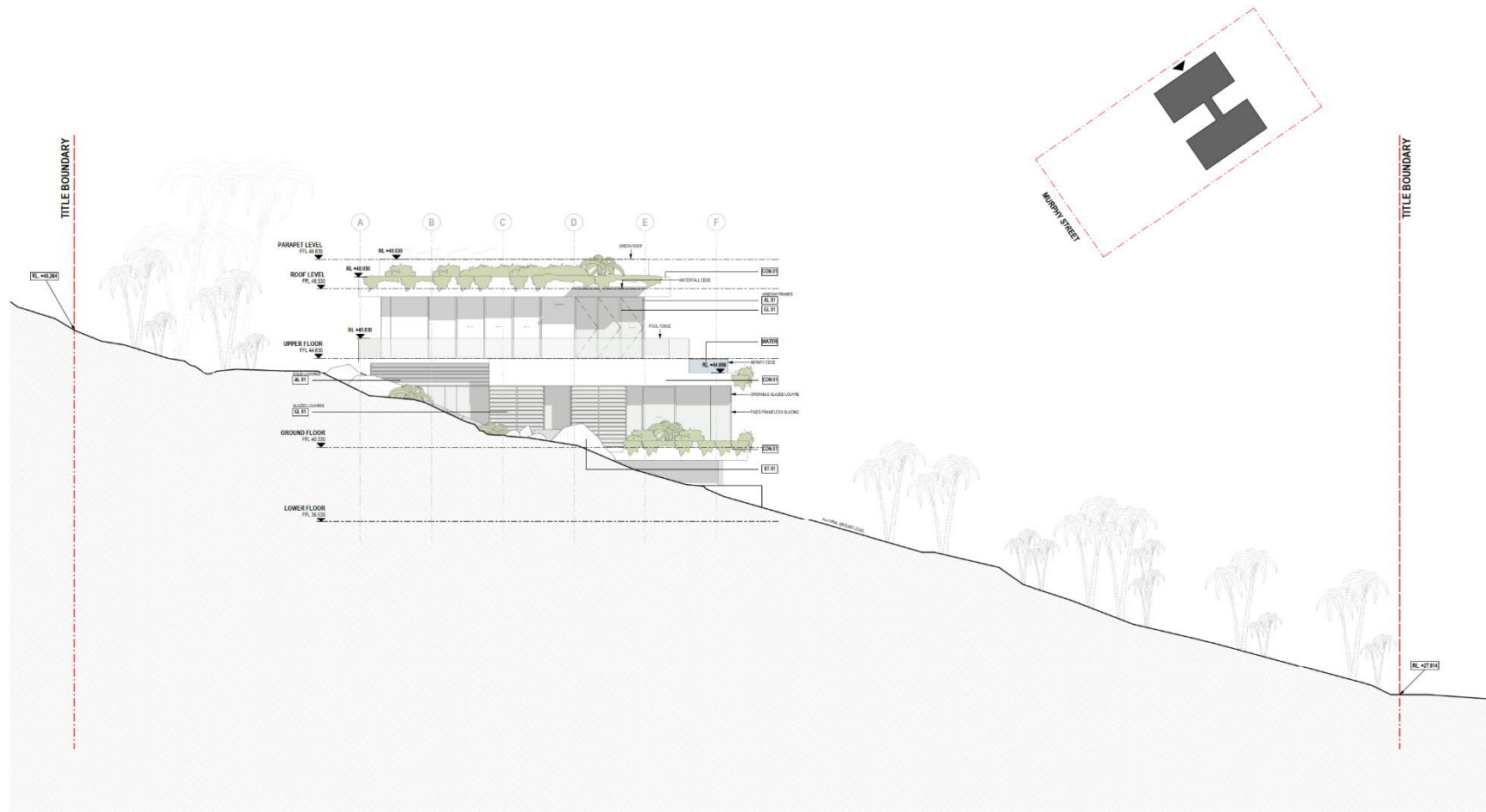
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DRAWING NUMBER

TP201

REVISION 2



ST 01
LOCAL NATURAL STONE



CON 01
CONCRETE



GL 01
CLEAR GLAZING



LANDSCAPING



WATER



AL 01
ALUMINIUM - LIGHT COLOURED

GENERAL NOTES

1. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.
2. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.
3. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.
4. ALL MATERIALS TO BE SUPPLIED AND INSTALLED BY THE CONTRACTOR.
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REVISION

REV DESCRIPTION
2 UPDATED SITE PLAN

DATE

10/06/22

PROJECT STATUS

DEVELOPMENT APPLICATION
NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Argyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard
Architecture & Interiors
21-23 Chesnut Street
Southbank VIC 3006
T: 03 9655 6222
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**BAYLEY
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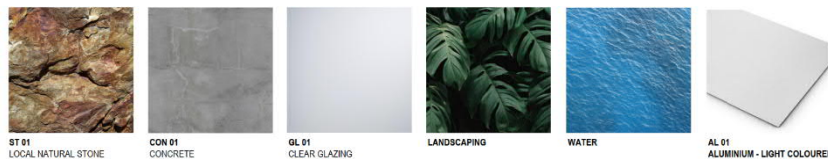
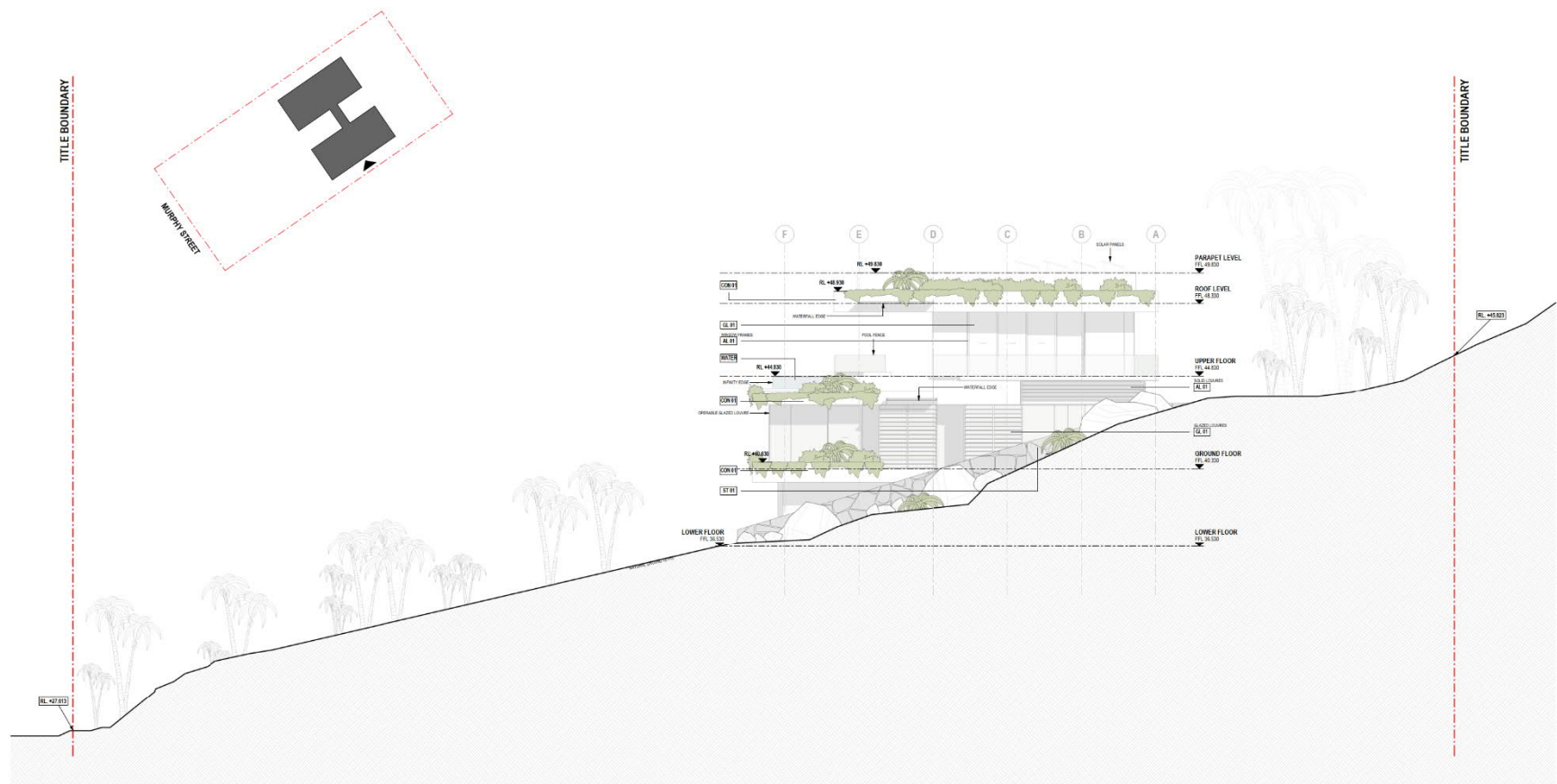
NORTH WEST ELEVATION

SCALE As Indicated@ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker

DRAWING NUMBER

TP202

REVISION 2



GENERAL NOTES

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02. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
03. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.
04. THE CLIENT SHALL BE RESPONSIBLE FOR THE FINISHES AND MATERIALS TO BE USED IN THE BUILDING.

(CONTINUING ON SEPARATE SHEET)

REVISION

REV. DESCRIPTION
2. UPDATED SITE PLAN

DATE
10/06/22

PROJECT STATUS

DEVELOPMENT APPLICATION
NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Argyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard
Architecture & Interiors
71-73 Chesnut Street
Southbank VIC 3006
T: 03 9655 0222
E: info@bayleyward.com

**BAYLEY
WARD**

DRAWING NAME

SOUTH EAST ELEVATION

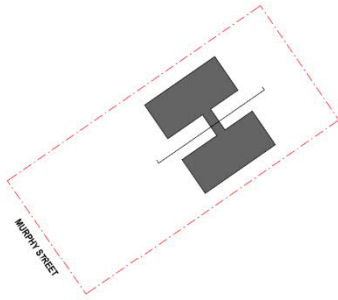
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DRAWING NUMBER

TP203

REVISION 2

TITLE BOUNDARY



TITLE BOUNDARY



GENERAL NOTES

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- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

REVISION

REV DESCRIPTION
2 UPDATED SITE PLAN

DATE
10/02/22

PROJECT STATUS

DEVELOPMENT APPLICATION
NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Arggyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard
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WARD**

DRAWING NAME

BUILDING SECTION A-A

SCALE As Indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker

DRAWING NUMBER

TP301

REVISION 2



GENERAL NOTES

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2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.
3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.
4. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS FROM THE RELEVANT AUTHORITIES.

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REVISION

REV	DESCRIPTION	DATE
1	SECTION BB	10/02/22
TP181	1:100	

PROJECT STATUS

DEVELOPMENT APPLICATION
NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Argyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard
Architecture & Interiors
71-73 Chesnut Street
Southbank VIC 3006
T: 03 9655 0222
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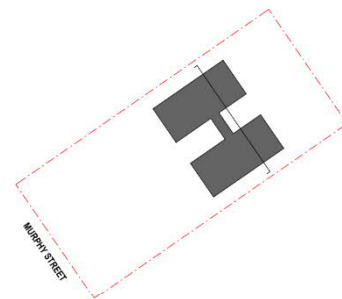
BUILDING SECTION B-B

SCALE As Indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker

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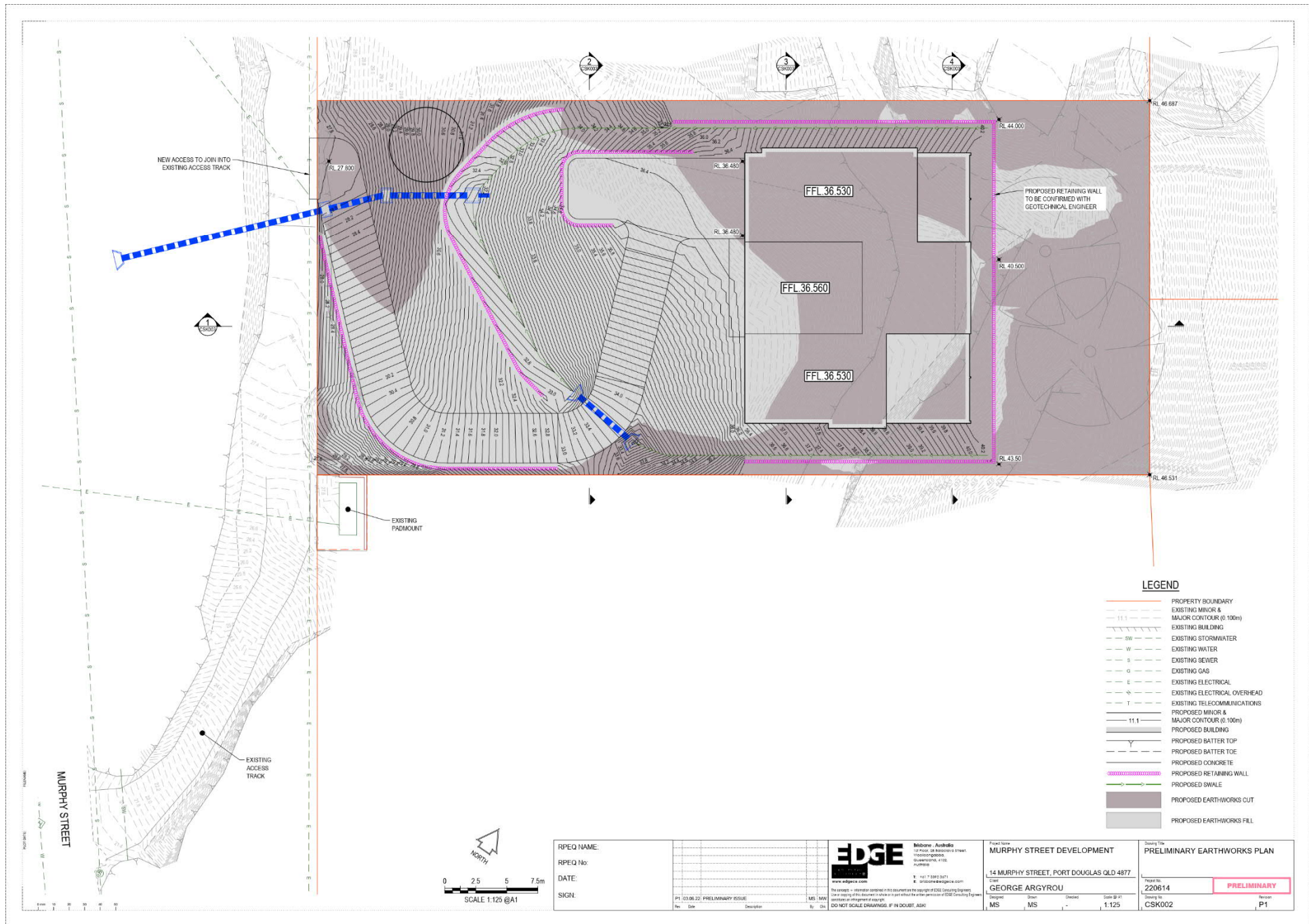
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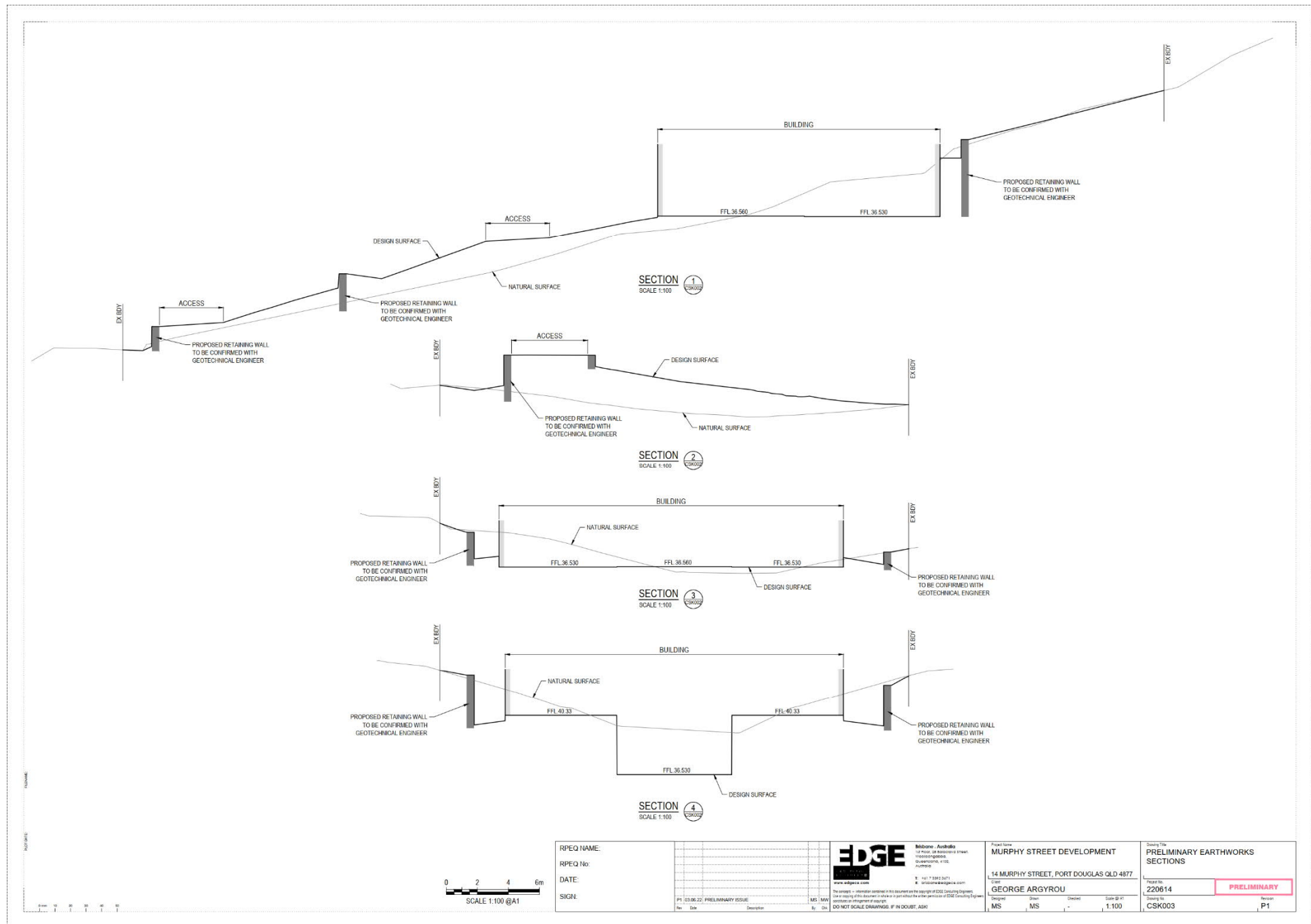
REVISION 2



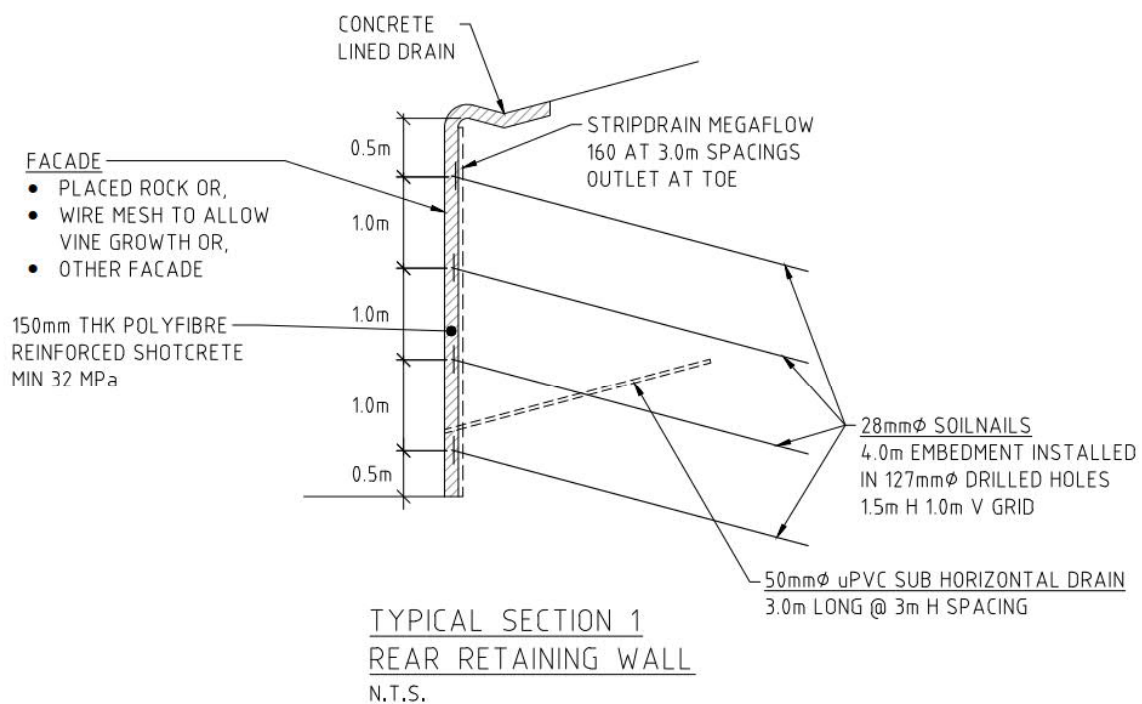
2 **SECTION DD**
TP101 1 : 100

GENERAL NOTES		REVISION		PROJECT STATUS		CLIENT		PROJECT NO		PROJECT NAME		<div>BayleyWard Architects & Interiors 21-23 Chassell Street Southbank VIC 3006 T: 03 9695 0222 E: info@bayleyward.com</div> <div>BAYLEY WARD</div>		DRAWING NAME		DRAWING NUMBER	
1. SEAL OFF ALL OPENINGS EXCEPT FOR REQUIRED VENTILATION ONLY. 2. SEAL OFF ALL OPENINGS EXCEPT FOR REQUIRED VENTILATION ONLY. 3. COMPLETION OF WORK AT PERMANENCE OF ALL OPENINGS. 4. ALL MATERIALS AND METHODS TO BE APPROVED BY THE ARCHITECT.		REV DESCRIPTION 1. UPDATED SITE PLAN		DATE 10/08/22		DEVELOPMENT APPLICATION		George Argyrou		1789		14 MURPHY ST, PORT DOUGLAS		BUILDING SECTION C-C & D-D		TP303	
						NOT TO BE USED FOR CONSTRUCTION								SCALE As indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker		REVISION 2	





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REV	DESCRIPTION	APPD	DATE
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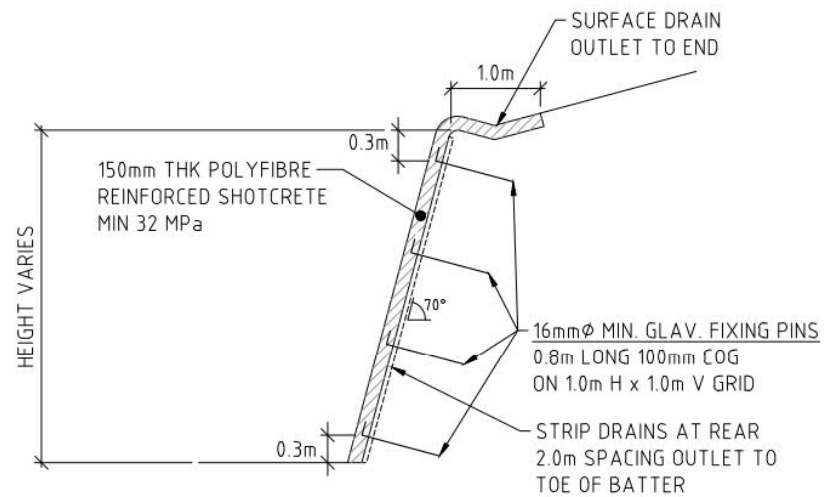
R.P.E.Q. NAME:	Steve Ford
R.P.E.Q. No.:	25762
SIGNATURE:	
DATE:	

GEO

CLIENT	
DRAWN	KCDD
CHECKED	EWK
SCALE	

PROJECT	PROPOSED RETAINING WALL 14 MURPHY STREET, PORT DOUGLAS
TITLE	TYPICAL SECTIONS SHEET 1
PROJECT No	22010AA-D
DRAWING No	C01
REV	A
A3	

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TYPICAL SECTION 2
SIDE RETAINING WALL
N.T.S.

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REV	DESCRIPTION	APPD	DATE
P1	PRELIMINARY ISSUE		14/07/22

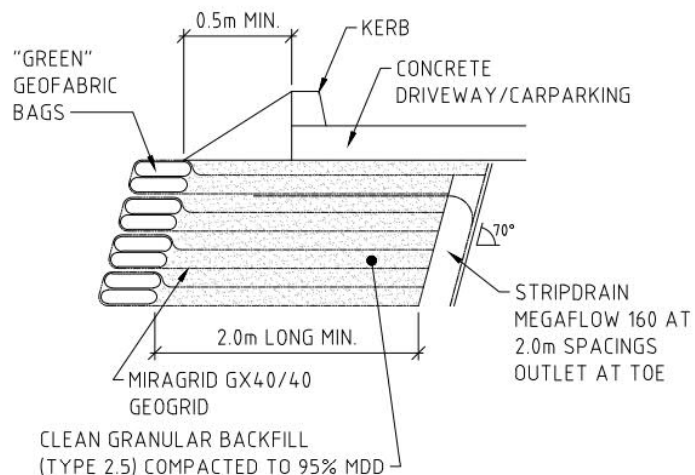
R.P.E.Q. NAME:	Steve Ford
R.P.E.Q. No.:	25762
SIGNATURE:	
DATE:	

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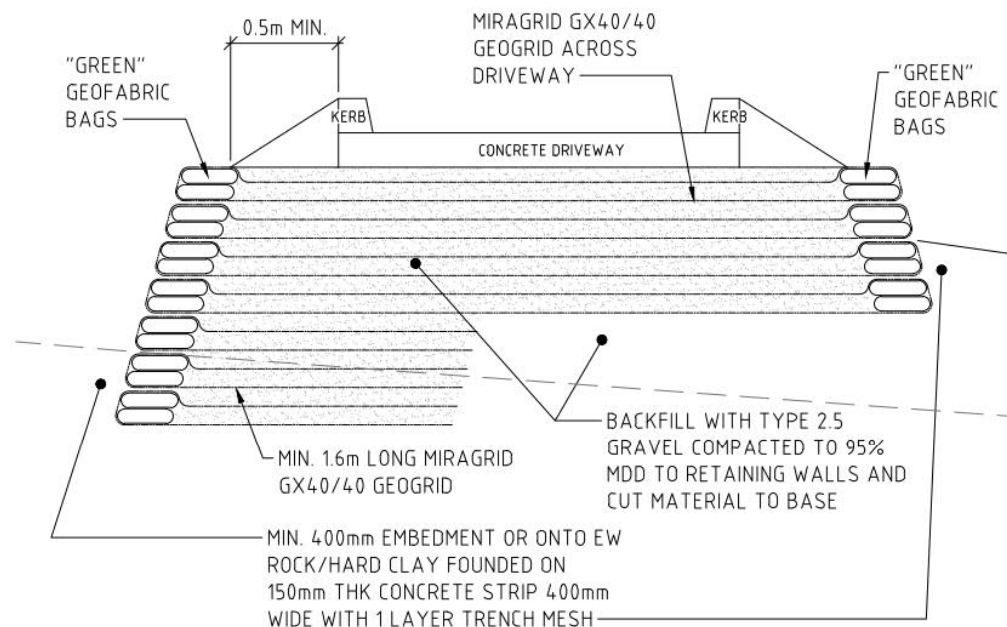
CLIENT	
DRAWN	KCDD
DATE	14/07/22
CHECKED	EWK
DATE	14/07/22
SCALE	

PROJECT	
PROPOSED RETAINING WALL 14 MURPHY STREET, PORT DOUGLAS	
TITLE	
TYPICAL SECTIONS SHEET 2	
PROJECT No	22010AA-D
DRAWING No	C02
REV	A
A3	

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TYPICAL SECTION 3
(GCS WALL IN AREAS OF CUT OR
WHERE SINGLE FACE ONLY REQUIRED)
N.T.S.



TYPICAL SECTION 4
(SITE ACCESS)
N.T.S.

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PRELIMINARY
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CONSTRUCTION

REV	DESCRIPTION	APPD	DATE
P1	PRELIMINARY ISSUE		14/07/22

R.P.E.G. NAME:	Steve Ford
R.P.E.G. No.:	25762
SIGNATURE:	
DATE:	

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CLIENT	
DRAWN	KCDD
CHECKED	EWK
SCALE	

PROJECT	PROPOSED RETAINING WALL 14 MURPHY STREET, PORT DOUGLAS
TITLE	TYPICAL SECTIONS SHEET 3
PROJECT No	22010AA-D
DRAWING No	C03
REV	A
A3	

Visual Amenity Report & Vegetation Survey for 14 Murphy Street Port Douglas (Lot 114 on PTD2094)

Prepared for Patagorang Holdings Pty Ltd

In relation to Information Request by Douglas Shire Council (ref.
MCUC2022_4732/1)

by John Sullivan Bach.App.Sc.Hort.

Hortulus Australia Pty/Ltd

PO Box 798 Port Douglas Q. 4877

30th June 2022.



Figure 1 Alstonia scholaris (Tree 39) Canopy from base of tree.



Introduction

Hortulus Australia Pty Ltd has been asked to provide a tree survey of existing vegetation on 14 Murphy Street (Lot 114 PTD 2094) Port Douglas and the adjoining Murphy Street, road verge to the front of the site. In addition to this provide comment on the Visual Amenity of the Landscape with reference to privacy and views to the site over time. The survey is to include all trees with a trunk diameter of 500mm or more as measured from 1000mm above natural ground level. The survey is to include species name, approximate height, trunk girth, estimated age, extent of canopy, and estimated root zone.

The survey was conducted Thursday 30th June 2022.

The Site

The subject site currently exists largely as a derelict site with climaxed wattle trees to the south and west of the site. The central area is cleared land dominated by weed species, remnants of previous gardening. The land falls approximately 20m over the 67m length of the site, with areas evident of previous access tracks and embankments from earthworks. At the north of the site stands two majestic trees, a Queensland Blue Gum (Tree 40) & a Milky Pine (Tree 39).



Figure 2 Trees 39 & 40 viewed from Lot 113 north west boundary note cleared site with weed species.

The Murphy Street road easement on the southwest boundary, is approximately 30m wide with vegetation dominating 20m of this area adjoining the property, with drainage and bitumen carriageway the remaining. There is currently a cleared gravel track to the site, from the bitumen road.



Figure 3 South west corner boundary peg center of photo showing existing gravel access road to boundary.

Vegetation Survey

The site was surveyed on foot with transects along each boundary and locations of each tree measured or approximated in relation to existing survey marks, trees already located and topography. These locations have been noted on the current survey plan, with locations approximate and not shown for construction purposes at this stage.

Species have been identified from foliage, fruit, and trunk characteristics available at the time of survey.

Girth has been measured on each tree.

Height & Canopy has been estimated onsite.

Estimated age of the trees is approximate, and based on the known longevity of each species, their current condition, knowledge of fire regimes and previous tree surveys of the site publicly available.

Root zones of large trees vary greatly, with some having roots up to 2km away from their trunk. In providing an estimate of root zone, we have assumed an estimate of Structural Root Zone is required. This figure varies greatly, not only considering the distance from the trunk but also the percentage of Total Root System proposed to be damaged on any individual specimen. The Structural Root Zone is a mathematical formula determined by the girth of the tree and is only an indication of an area of roots to be protected to provide stability of the tree if excavation is required. The species & post excavation care of a tree/palm also influences its ability to cope with root disturbance on an individual basis.

Removal status has been determined on individual specimens being in a proposed construction zone (house, driveway or excavation/retaining) or being part of a climax community. The Wattle Trees (*Acacia* sp.) on the site, generally belong to a community of plants that are short lived (20 years) & regenerated by fire. Fire hasn't been present on the western side of Flagstaff Hill for over 40 years. Most of the Wattles are in senescence showing evidence of reduced canopies, rot, and collapse, rendering them dangerous to build around. Additional evidence of regenerating native species clearly indicates a shift to closed rainforest species with juvenile Solitaire Palms (*Ptycosperma elegans*), Flame Trees (*Brachychiton acerifolius*), Native Olive (*Chionanthus ramiflorus*), Umbrella

Tree (*Schefflera actinophylla*), Lime berry (*Micromelum minutum*) amongst others, occurring below the existing canopy.

Weed species

The site is dominated by shrubby weeds with most native tree species to the southwest boundaries of the site. A large percentage of the vine growth over trees is a deciduous Yam species (*Dioscorea* sp.) that maybe a cultivated form, based on other tropical food plants present on site. Many of the species present seem to be largely garden escapees, which should be managed through the construction process. The development of a predominantly native garden as per proposed landscape plan by Hortulus (14 March 2022), in accordance with requirements for the Special Area Flagstaff Hill Zoning, should produce better visual & habitat outcomes.

The Murphy Street road easement has predominantly native species however the access driveway has an infestation of Tree Lucerne (*Leucaena leucocephala*) and Singapore Daisy (*Sphagneticola trilobata*) with the latter being presents across the entire site. Notable weed species are listed below.

BOTANICAL NAME	COMMON NAME
<i>Allamanda cathartica</i>	Climbing Allamanda
<i>Elaeis guineensis</i>	African oil Palm
<i>Heliconia stricta</i>	Bird of Paradise
<i>Leucaena leucocephala</i>	Tree Lucerne
<i>Manihot esculenta</i>	Cassava
<i>Megathyrsus maximus</i>	Guinea Grass
<i>Musa acuminata</i> var.	Sugar Banana
<i>Ravenala madagascariensis</i>	Travellers palm
<i>Sphagneticola trilobata</i>	Singapore Daisy
<i>Stachytarpheta cayennensis</i>	Blue Snake weed



Figure 4 view from Tree 20 looking up hill to Trees 39 & 40 at the top of the site. Note general weed growth.

[illegible]

Tree Numbers refer to the accompanying Tree Survey Plan (Above).

- TREE 1.** *Euroschinus falcata* Pink Poplar
Height; 10m Girth; 860mm Age; 20 Canopy Diameter; 5m
Structural Root Zone (radius from trunk); 2.9m Removal Status; Remain
- TREE 2.** *Euroschinus falcata* Pink Poplar
Height; 10m Girth; 760mm Age; 20 Canopy Diameter; 5m
Structural Root Zone (radius from trunk); 2.8m Removal Status; Remain
- TREE 3.** *Euroschinus falcata* Pink Poplar
Height; 11m Girth; 875mm Age; 25 Canopy Diameter; 7m
Structural Root Zone (radius from trunk); 2.9m Removal Status; Remain
- TREE 4.** *Euroschinus falcata* Pink Poplar
Height; 11m Girth; 850mm Age; 25 Canopy Diameter; 7m
Structural Root Zone (radius from trunk); 2.9m Removal Status; **Remove for entry road**
- TREE 5.** *Chionanthus ramiflorus* Native Olive
Height; 6m Girth; 560mm Age; 15 Canopy Diameter; 5m
Structural Root Zone (radius from trunk); 2.5m Removal Status; Remain
- TREE 6.** *Acacia crassicaarpa* Lancewood
Height; 7m Girth; 670mm Age; 30 Canopy Diameter; 5m
Structural Root Zone (radius from trunk); 2.7m Removal Status; Remain
- TREE 7.** *Acacia crassicaarpa* Lancewood
Height; 8m Girth; 780mm Age; 30 Canopy Diameter; 5m
Structural Root Zone (radius from trunk); 2.8m Removal Status; Remain
- TREE 8.** *Euroschinus falcata* Pink Poplar
Height; 9m Girth; 1090mm Age; 30 Canopy Diameter; 8m
Structural Root Zone (radius from trunk); 3.3m Removal Status; Remain
- TREE 9.** *Buchanania arborescens* Satinwood
Height; 11m Girth; 820mm Age; 40 Canopy Diameter; 6m
Structural Root Zone (radius from trunk); 2.9m Removal Status; Remain
- TREE 10.** *Terminalia sericocarpa* Damson
Height; 14m Girth; 910mm Age; 20 Canopy Diameter; 8m
Structural Root Zone (radius from trunk); 3m Removal Status; Remain
- TREE 11.** *Acacia crassicaarpa* Lancewood
Height; 10m Girth; 1140mm Age; 40+ Canopy Diameter; 6m
Structural Root Zone (radius from trunk); 3.4m Removal Status; **Remove due to age**

TREE 12.	<i>Acacia crassicaarpa</i>	Lancewood	Height; 4m	Girth; 1200mm	Age; 40+	Canopy Diameter; 0m	Removal Status; Remove Dead
			Structural Root Zone (radius from trunk); 0m				
TREE 13.	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 750mm	Age; 30+	Canopy Diameter; 4m	Removal Status; Remove due to age
			Structural Root Zone (radius from trunk); 2.9m				
TREE 14.	<i>Mangifera indica</i>	Mango Tree	Height; 9m	Girth; 600mm	Age; 20	Canopy Diameter; 5m	Removal Status; Remove not native
			Structural Root Zone (radius from trunk); 2.7m				
TREE 15.	<i>Buchanania arborescens</i>	Satinwood	Height; 11m	Girth; 740mm	Age; 30+	Canopy Diameter; 6m	Removal Status; Remain
			Structural Root Zone (radius from trunk); 2.9m				
TREE 16.	<i>Euroschinus falcata</i>	Pink Poplar	Height; 10m	Girth; 1460mm	Age; 40+	Canopy Diameter; m	Removal Status; Remain
			Structural Root Zone (radius from trunk); 3.9m				
TREE 17.	<i>Acacia crassicaarpa</i>	Lancewood	Height; 11m	Girth; 1175mm	Age; 40+	Canopy Diameter; 6m	Removal Status; Remove due to age
			Structural Root Zone (radius from trunk); 3.5m				
TREE 18.	<i>Terminalia muelleri</i>	Mueller's Damson	Height; 7m	Girth; 600mm	Age; 15	Canopy Diameter; 4m	Removal Status; Retain pending drive design
			Structural Root Zone (radius from trunk); 2.5m				
TREE 19.	<i>Chionanthus ramiflorus</i>	Native Olive	Height; 7m	Girth; 540mm	Age; 10	Canopy Diameter; 6m	Removal Status; Retain pending drive design
			Structural Root Zone (radius from trunk); 2.5m				
TREE 20.	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 600mm	Age; 30+	Canopy Diameter; 5m	Removal Status; Remove due to age
			Structural Root Zone (radius from trunk); 2.7m				
TREE 21.	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 690mm	Age; 30+	Canopy Diameter; 4m covered in vine	Removal Status; Remove due to age
			Structural Root Zone (radius from trunk); 2.9m				
TREE 22.	<i>Terminalia muelleri</i>	Mueller's Damson	Height; 7m	Girth; 700mm	Age; 15	Canopy Diameter; 5m	Removal Status; Retain pending drive design
			Structural Root Zone (radius from trunk); 3m				
TREE 23.	<i>Chionanthus ramiflorus</i>	Native Olive	Height; 7m	Girth; 790mm	Age; 10	Canopy Diameter; 5m	Removal Status; Retain pending drive design
			Structural Root Zone (radius from trunk); 3m				

- TREE 24.** *Chionanthus ramiflorus* Native Olive
Height; 6m Girth; 580mm Age; 10 Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.6m Removal Status; Retain pending drive design
- TREE 25.** *Ficus sp.* (possibly *ficus rubiginosa*) Fig Tree This tree has 4 trunks
Height; 14m Girth; 4000mm Age; 25+ Canopy Diameter; 12m
Structural Root Zone (radius from trunk); 4m (due to vigour) Removal Status; Retain
- TREE 26.** *Euroschinus falcata* Pink Poplar
Height; 13m Girth; 1300mm Age; 30+ Canopy Diameter; 8m
Structural Root Zone (radius from trunk); 3.5m Removal Status; Retain
- TREE 27.** *Euroschinus falcata* Pink Poplar
Height; 12m Girth; 880mm Age; 20+ Canopy Diameter; 6m
Structural Root Zone (radius from trunk); 3m Removal Status; Retain
- TREE 28.** DEAD TREE
Height; 4m Girth; 700mm Age; NA Canopy Diameter; 0m
Structural Root Zone (radius from trunk); NA Removal Status; **Remove dangerous**
- TREE 29.** *Acacia crassicaarpa* Lancewood
Height; 7m Girth; 720mm Age; 30+ Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.9m Removal Status; **Remove due to age**
- TREE 30.** DEAD TREE *Acacia crassicaarpa* Lancewood
Height; 6m Girth; 760mm Age; NA Canopy Diameter; 0m
Structural Root Zone (radius from trunk); NA Removal Status; **Remove dangerous**
- TREE 31.** *Acacia crassicaarpa* Lancewood
Height; 7m Girth; 800mm Age; 30+ Canopy Diameter; 4m smothered in vine
Structural Root Zone (radius from trunk); 3.1m Removal Status; **Remove due to age**
- TREE 32.** *Acacia crassicaarpa* Lancewood
Height; 8m Girth; 720mm Age; 30+ Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.9m Removal Status; **Remove due to age**
- TREE 33.** *Acacia crassicaarpa* Lancewood
Height; 7m Girth; 550mm Age; 25+ Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.6m Removal Status; **Remove due to age**
- TREE 34.** *Acacia crassicaarpa* Lancewood
Height; 8m Girth; 720mm Age; 30+ Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.9m Removal Status; **Remove due to age**
- TREE 35.** *Acacia crassicaarpa* Lancewood
Height; 8m Girth; 700mm Age; 30+ Canopy Diameter; 4m
Structural Root Zone (radius from trunk); 2.8m Removal Status; **Remove due to age**

TREE 36. <i>Acacia crassicaarpa</i>	Lancewood			
Height; 8m	Girth; 980mm	Age; 30+	Canopy Diameter; 4m	
Structural Root Zone (radius from trunk); 3.1m	Removal Status; Remove due to age			
TREE 37. <i>Polyscias elegans</i>	Celerywood			
Height; 6m	Girth; 580mm	Age; 10+	Canopy Diameter; 5m	
Structural Root Zone (radius from trunk); 2.7m	Removal Status; Remove construct zone			
TREE 38. <i>Polyscias elegans</i>	Celerywood			
Height; 8m	Girth; 1200mm	Age; 15+	Canopy Diameter; 5m	
Structural Root Zone (radius from trunk); 3.5m	Removal Status; Remove construct zone			
TREE 39. <i>Alstonia scholaris</i>	Milky Pine			
Height; 20m	Girth; 2800mm	Age; 40+	Canopy Diameter; 10m	
Structural Root Zone (radius from trunk); 5m	Removal Status; Retain			
TREE 40. <i>Eucalyptus tetericornis</i>	Queensland Blue Gum			
Height; 18m	Girth; 2400mm	Age; 40+	Canopy Diameter; 8m	
Structural Root Zone (radius from trunk); 4.8m	Removal Status; Retain			
TREE 41. <i>Choinanthus ramiflorus</i>	Native Olive			
Height; 8m	Girth; 750mm	Age; 10	Canopy Diameter; 5m	
Structural Root Zone (radius from trunk); 2.9m	Removal Status; Retain			

VISUAL AMENITY COMMENTS

The comments on visual Amenity of the site and its vegetation refer to.

1. The existing Vegetation Survey and proposed tree removal (within this report),
2. The proposed ground Planting Plan by Hortulus Australia P/L dated 20 July 2022 &
3. The vegetation Schematic Elevations of existing trees to be retained and proposed planting at establishment, five years growth & 10 years growth.

Existing Trees

There are three significant trees on this site. Tree 25. *Ficus* sp., Tree 39. Milky Pine and Tree 40. the Queensland Blue Gum. They are all trees of good health, vigour and are young trees in relation to their species known longevity. Trees 39 & 40 have always intended to be retained, with the proposed building designed suitably. Tree 25 will require the driveway to be slightly adjusted in the Building Design process but can be easily retained as it sits close to the boundary and figs are known to cope well with root disturbance. This tree will become a major feature on the way up the driveway to the house.

Tree retention onsite will be based on the percentage of root disturbance being balanced with the Structural Root Zone, with protection areas to be excluded from all building site activity, debris, and waste. Supervision and required tree shaping will be undertaken by a qualified consulting arborist.

All Wattle Trees (*Acacia* sp.) are advised to be removed and replaced with native trees of better longevity, and better screening capabilities to provide neighbours privacy.

Many of the remainder of the trees are in suitable positions to remain with only a few requiring removals pending the location of the driveway when detail design occurs. The trees that remain will form part of the existing screening and ecosystem of Flagstaff Hill and will be enhanced through irrigation, horticultural practices & added native planting. Being predominantly to the Murphy Street portion of the site, these trees will provide some initial screening to the building site on the upper area.

Proposed Landscape Plan

The proposed Landscape plan provides for a predominantly dense native planting scheme (total site plants 1683), with 76.5% (1289 plants) of plants on the ground level to be native with 23.5% exotics (394 plants) generally located directly around the building. There are 176 existing & new native trees and palms on the plan that have a minimum mature height of at least six meters.

The landscape is intended to emulate the flow of water across the site into bioswales to allow the recharging of the water table and the excess to be captured to provide some irrigation over the Dry Season. This design allows for several microclimates to be created, utilising rainforest plants like Tree ferns, Daintree Gardenia, and Lilly Pilly. The top of the site allows for slightly dryer plantings with more honey flora for the creation of habitat, including the fast-growing Ulysses Butterfly Tree, Dwarf Golden Penda, and Dutchman's Pipe Vine for the Cairns Birdwing Butterfly.

Plant sizes have been recommended knowing that plants in smaller pot sizes, recover more quickly from transplanting and will initially outgrow larger plant stock in a shorter period, producing stronger and more stable plants.

Side Boundary Screening

The proposed building footprint leaves 4000mm on each side of the building to the property side boundaries. In this area it is intended to provide a 1000mm to 1500mm wide access pathway and steps including a naturalistic stormwater catchment swale. This will leave a 2500mm wide planting area, to provide screening to the neighbouring properties. It is assumed that adjoining properties would provide a similar area of planting in accordance with the requirements for special area Flagstaff Hill in the Douglas Shire Town plan. In total an area of screen would be achieved of 5000mm wide, adequate for screening between windows & balconies.

Planting density in this zone, has been specified to allow the selected species to provide dense foliage from the top of the plant all the way down. Heavily planted screening areas often end up shading out the lower foliage of the trees & palms allowing views in the understory. The *Syzygium australe* "Straight & narrow", *Ptycosperma macartherii*, and *Callistemon* "Slim", specifically have narrow forms with dense foliage provided they are not shaded out. Additional screen planting can be added as an understory as shade allows and as it is required.

Murphy Street Visibility

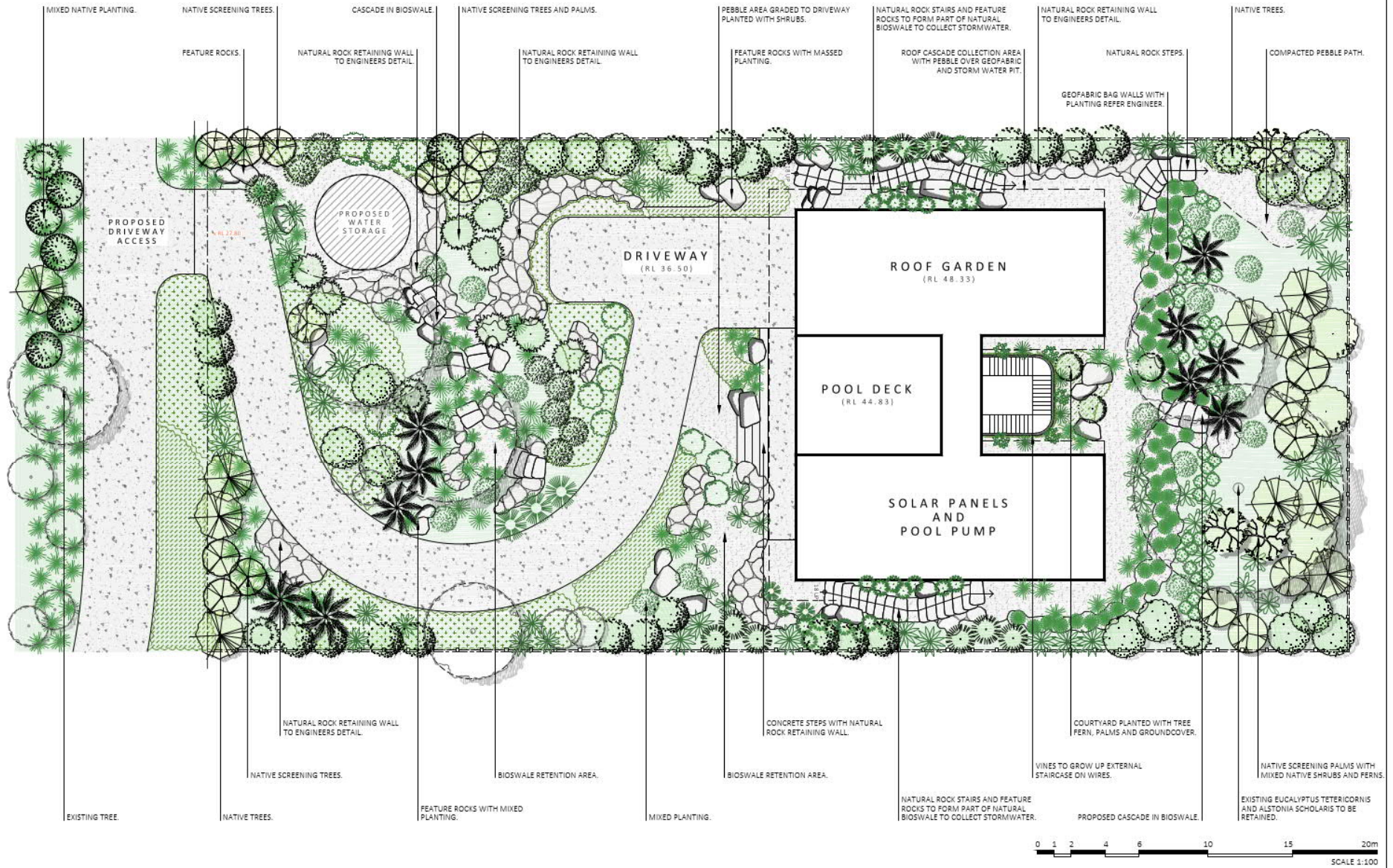
The lower half of the site provides for excellent screening of the built from Murphy Street, as the building is over 30m from the front of the site, with some existing trees remaining and additional screen planting provided.

From the southern edge of bitumen on the Murphy Street pavement, there will be a majority of existing trees left in the road easement and lower portion of the site with the additional planting as provided on the Planting Plan to screen any views to the proposed residence above.

As the driveway enters from the Southwest corner of the site there will be no visual access to the building from Murphy Street.

THE AUTHOR

John Sullivan Bach.App.Sc.Hort. has been specialising in tropical landscape in northern Australia since 1992 acting as a consultant in vegetation management in both natural and urban environments. He has designed & constructed many landscapes with several featuring in books & publications both in Australia & overseas. Sullivan has been a Director at the Mossman Botanic Gardens for 8 years.



ARGYROU RESIDENCE

SITE ADDRESS: 14 Murphy Street | Port Douglas

DRAWING TITLE

LANDSCAPE CONCEPT PLAN

SCALE: 1:100@A1

DATE: 22 July 2022

DRAWING NO. 1

REV. A

HORTULUS AUSTRALIA PTY LTD

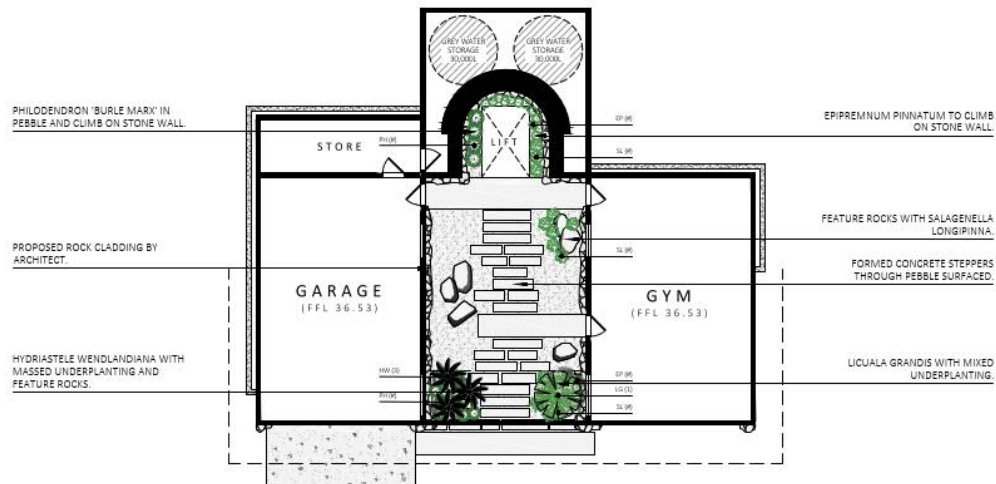
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1 LOWER GROUND FLOOR PLAN
1:100

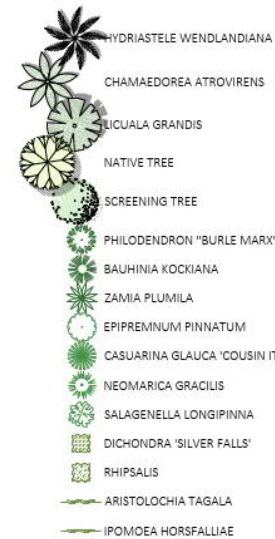


2 GROUND FLOOR PLAN
1:100

PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	Type	H x W
TREES & PALMS						
HW	Hydriastele wendlandiana	Elegant swamp palm	3	400mm	P	8x1.5
LG	Licuala grandis	Vanuatu fan palm	1	300mm	P	8x4
CA	Chamaedorea atrovirens	Cascade palm	4	200mm	P	1.5x1.5
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS						
EP	Epipremnum pinnatum	Native monstera		200mm	S	5x2
PH	Philodendron 'Burle Marx'	Burle marx philodendron		140mm	S	1x0.5
SL	Salagenella longipinna	Native club fern		140mm	GC	0.1x0.2
BK	Bauhinia kockiana	Kock's bauhinia	10	200mm	C	3x3
CG	Casuarina glauca 'Cousin It'	Cousin it plant		140mm	S	0.3x1
DI	Dichondra 'Silver Falls'	Silver falls		140mm	GC	0.1x1
NG	Neomarica gracilis	Brazilian walking iris		140mm	S	0.3x0.3
RH	Rhipsalis	Misttoe cacti				
ZP	Zamia plumila	Coontie	6	200mm	S	1x1
AT	Aristolochia tagala	Dutchman's pipe vine		140mm	C	5x5
IH	Ipomoea horsfalliae	Cardinal creeper		140mm	C	5x5
C = Climber P = Palm GC = Groundcover S = Shrub						

KEY TO SYMBOLS



ARGYROU RESIDENCE

SITE ADDRESS: 14 Murphy Street | Port Douglas

DRAWING TITLE

LANDSCAPE CONCEPT PLAN

SCALE: 1:100@A1

DATE: 14 March 2022

DRAWING NO. 2

REV. -

HORTULUS AUSTRALIA PTY LTD

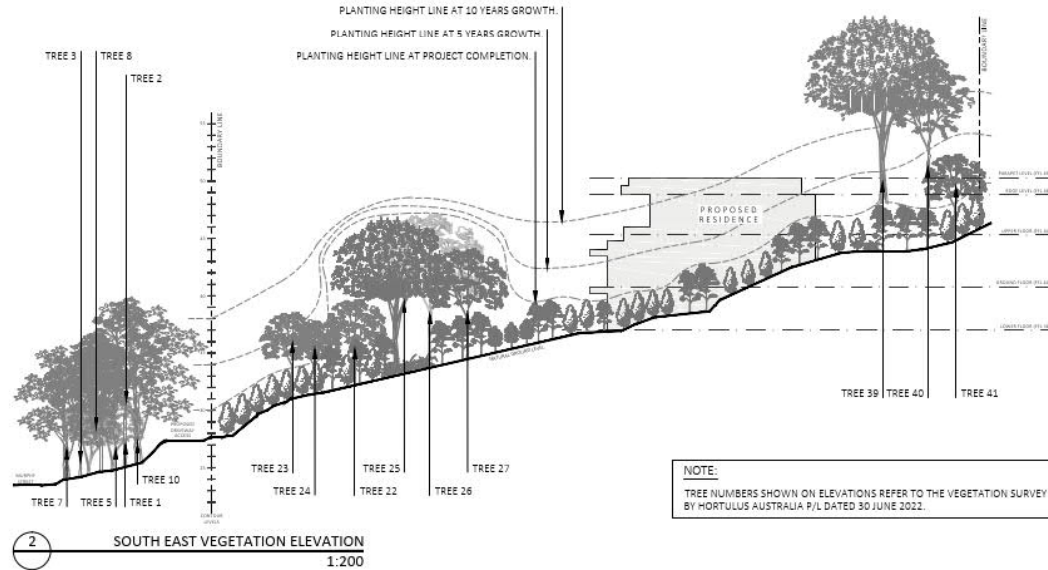
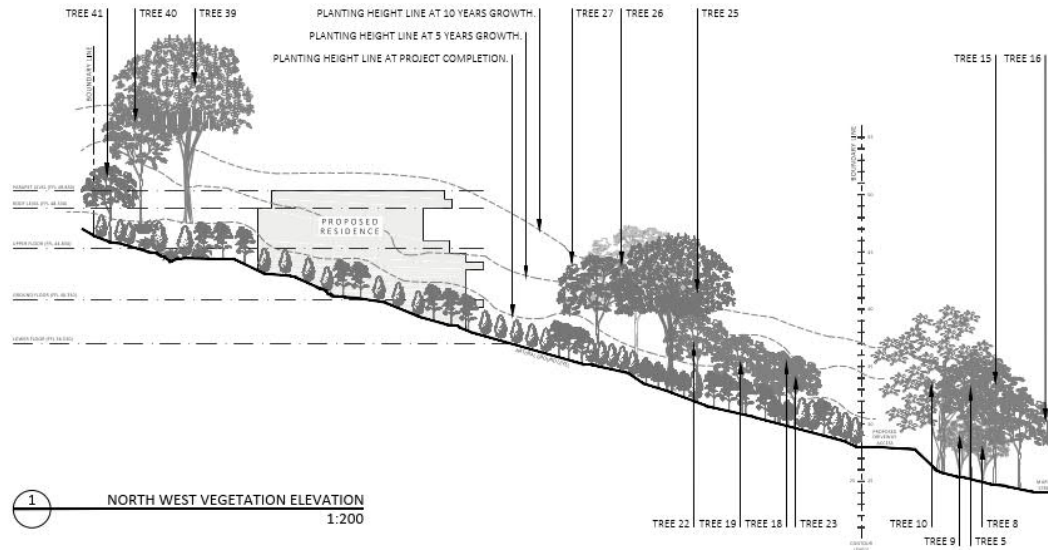
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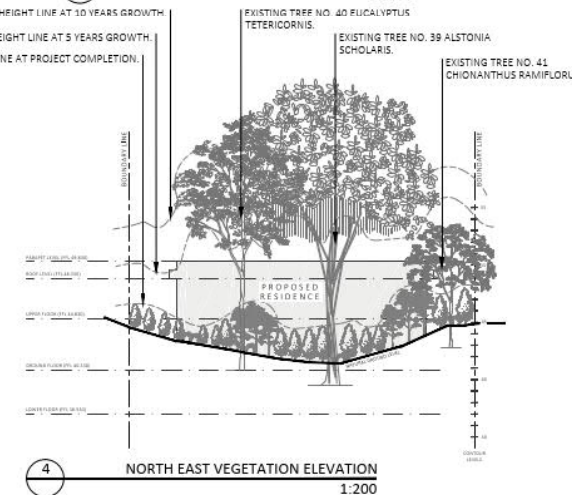
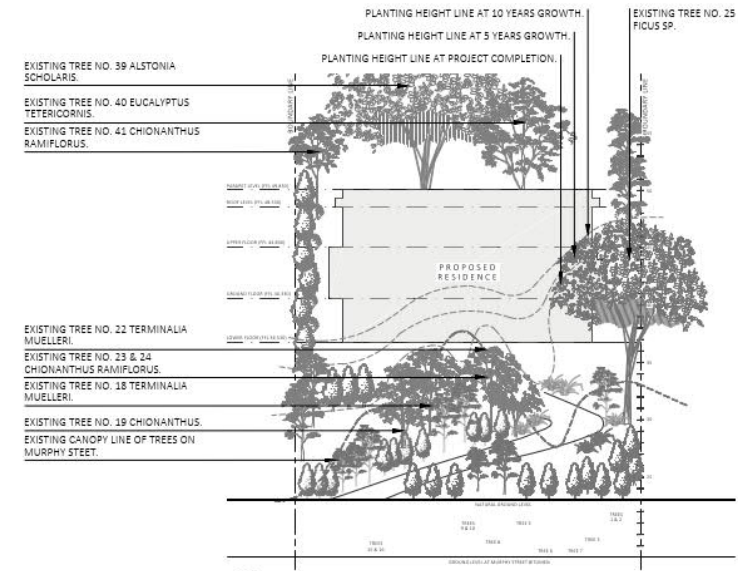
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NOTE:
TREE NUMBERS SHOWN ON ELEVATIONS REFER TO THE VEGETATION SURVEY
BY HORTULUS AUSTRALIA P/L DATED 30 JUNE 2022.



ARGYROU RESIDENCE
SITE ADDRESS: 14 Murphy Street | Port Douglas
DRAWING TITLE
SCHEMATIC ELEVATION

SCALE: 1:200@A1
DATE: 22 July 2022

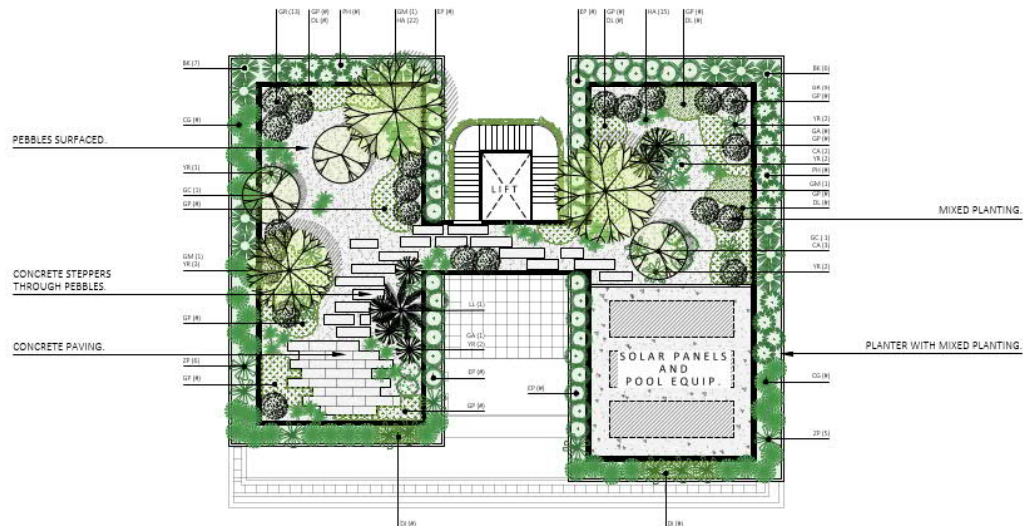
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1
UPPER LEVEL PLAN
1:100



2
ROOF LEVEL PLAN
1:100

PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	Type	H x W
TREES & PALMS						
PL	Pachypodium lamerei	Madagascar palm	1	400mm	T	4x2
LG	Licuala grandis	Vanuatu fan palm	1	300mm	P	8x4
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS						
LL	Ludovia lancifolia	Native monstera	3	200mm	S	1x1
NY	Nymphaea sp.	Water lily	7	200mm		0x2
CC	Cyrtosperma cuspidispatum	Giant aroid	1	300mm	S	4x2
AN	Antherium sp. Giant	Giant antherium		200mm	S	1x1
CG	Casuarina glauca 'Cousin It'	Cousin it plant		140mm	S	0.3x1
DI	Dichondra 'Silver Falls'	Silver falls		140mm	GC	0.1x1
SC	Scindapsus pictus	Satin pothos		140mm	C	4x2
RH	Rhipsalis	Mistletoe cacti				
SP	Spathophyllum 'Pablo'	Peace Lily		140mm	C	4x2
ZP	Zamia plumila	Coontie	11	200mm	S	1x1
BK	Bauhinia kockiana	Kock's bauhinia	13	200mm	C	3x3
YR	Yukka rostrata	Blue beaked yucca	12	300mm	S	2x1
PH	Philodendron 'Burle Marx'	Burle marx philodendron		140mm	S	1x0.5
GM	Gardenia mutabilis 'Solil D'or'	Golden sun gardenia	3	200mm	S	3x2
GC	Grevillea 'Cooroora Cascade'		3	140mm	GC	0.5x3
GR	Grevillea 'Amber Blaze'		22	140mm	GC	0.5x3
GA	Grevillea 'Alex Pink'		1	140mm	GC	0.5x3
CA	Casuarina glauca 'Green Wave'		7	100mm	S	3.5x1.5
DL	Dianella 'Little Jess'	Dwarf flax lily		140mm	S	0.3x0.3
HA	Haworthia dwarf aloe					
GP	Gardenia psidioides	Gardenia 'Glennie River'				
EP	Epipremnum pinnatum	Native monstera		200mm	S	5x2

C = Climber P = Palm T = Tree GC = Groundcover S = Shrub

KEY TO SYMBOLS



0 1 2 4 6 10 15 20m
SCALE 1:100

ARGYROU RESIDENCE

SITE ADDRESS: 14 Murphy Street | Port Douglas

DRAWING TITLE

LANDSCAPE CONCEPT PLAN

SCALE: 1:100@A1

DATE: 14 March 2022

DRAWING NO. 3

HORTULUS AUSTRALIA PTY LTD

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PLANT SCHEDULE

Code	Botanical Name	Common name	Qty	Plant Size	Type	H x W
TREES & PALMS						
AF	Archidendron lucyi	Silver tree fern	3	200mm	T	6x4
AF	Archidendron lucyi	Silver tree fern	12	200mm	T	6x4
CF	Cupaniopsis flagelliformis	Brown tulip	6	200mm	T	6x4
DO	Dorlingia darlingiana	Brown silky oak	4	200mm	T	10x6
DT	Deplanchea tetraphylla	Golden bougainvillea	5	200mm	T	6x4
GA	Gardenia scabrella	Common gardenia	8	200mm	T	1x3
JE	Justicia sp.	Common fire palm	10	400mm	T	6x4
ME	Melicope elleryana	Avicoria tree	3	200mm	T	10x4
MI	Mimosa elengi	Mimosa tree	10	300mm	T	6x4
PM	Phycosperma elegans	Soft cane palm	9	400mm	T	6x4
MC	Xanthostemon chrysanthus 'Fairhill Gold'	Cherry golden penda	18	400mm	T	6x4
AA	Arenga australasica	Native sugar palm	4	200mm	T	6x4
CA	Callistemon sp. 'Slim'	Bottlebrush	9	300mm	S	4x2
GS	Gardenia scabrella	Cape York gardenia	6	200mm	S	2x5
PM	Phycosperma macarthurii	Macarthur palm	37	400mm	T	6x4
SA	Syzygium australe 'Straight & Narrow'	Straight & narrow silky palm	22	200mm	T	4x2
TA	Tacca chantrieri	Black bat plant	11	200mm	T	6x4
SHRUBS, GRASSES, GROUNDCOVERS & CLIMBERS						
AE	Angiopteris evecta	Bringing fern	3	200mm	T	4x4
CF	Cupaniopsis flagelliformis	Native swamp lily	7	140mm	S	1x3
CF	Cupaniopsis flagelliformis	Native swamp lily	19	300mm	T	6x4
GA	Gardenia scabrella	Blue wax lily	84	140mm	S	0.1x0.3
GP	Gardenia psidioides 'Glennie River'	Glennie river gardenia	95	140mm	GC	0.5x2
MC	Molineria capitulate	White lily	243	200mm	S	1x1
MC	Molineria capitulate	White lily	318	200mm	S	1x1
MC	Molineria capitulate	White lily	8	140mm	S	2x1
MC	Molineria capitulate	White lily	49	200mm	S	2x2
MC	Molineria capitulate	White lily	7	200mm	S	1.5x1.5
MC	Molineria capitulate	White lily	124	140mm	S	0.1x0.5
MC	Molineria capitulate	White lily	3	200mm	S	3x2
MC	Molineria capitulate	White lily	102	140mm	GC	0.1x0.2
MC	Molineria capitulate	White lily	84	140mm	S	1x0.5
MC	Molineria capitulate	White lily	12	200mm	S	1x2
MC	Molineria capitulate	White lily	5	200mm	S	0.1x0.7
MC	Molineria capitulate	White lily	4	140mm	S	1x5
MC	Molineria capitulate	White lily	5	140mm	S	1x5
EXISTING TREES						
AE	Angiopteris evecta	Bringing fern	1	Existing	T	2x4x8
AE	Angiopteris evecta	Bringing fern	1	Existing	T	1x4x8
CF	Cupaniopsis flagelliformis	Native swamp lily	4	Existing	T	6x4
CF	Cupaniopsis flagelliformis	Native swamp lily	4	Existing	T	6x4
CF	Cupaniopsis flagelliformis	Native swamp lily	1	Existing	T	20x10
CF	Cupaniopsis flagelliformis	Native swamp lily	1	Existing	T	20x14
CF	Cupaniopsis flagelliformis	Native swamp lily	1	Existing	T	20x8
CF	Cupaniopsis flagelliformis	Native swamp lily	1	Existing	T	20x8
GROUNDWALLS						
AE	Angiopteris evecta	Bringing fern	24	140mm	S	1x1
AE	Angiopteris evecta	Bringing fern	40	140mm	S	3x1.5
AE	Angiopteris evecta	Bringing fern	22	200mm	S	1x1
AE	Angiopteris evecta	Bringing fern	60	200mm	S	1x1



KEY TO SYMBOLS



0 1 2 4 6 10 15 20m
SCALE 1:300

ARGYROU RESIDENCE

SITE ADDRESS: 14 Murphy Street | Port Douglas

DRAWING TITLE

PLANTING PLAN

SCALE: 1:100@A0

DATE: 22 July 2022

DRAWING NO.

5

REV.

-

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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 20 June 2022 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Environmental Management Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - 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. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Subject to the conditions the development complies with the Planning Scheme Assessment Benchmarks.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

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

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

76 Deciding change representations

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

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

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

Note—

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

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

232 Rules of the P&E Court

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