

Our Ref: 22-04/001302  
Your Ref: MCUC 2022\_4732/1  
Date: 22 April 2024

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Via: Email – [daniel.lamond@douglas.qld.gov.au](mailto:daniel.lamond@douglas.qld.gov.au)

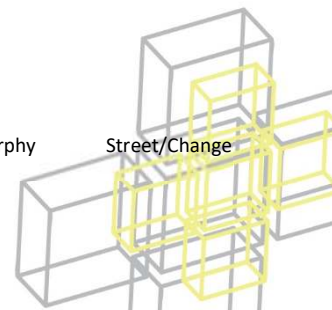
Dear Sir,

**RE: CHANGE APPLICATION UNDER SECTION 78 OF THE PLANNING ACT 2016 IN RELATION TO A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR 'DWELLING HOUSE' ON LAND AT 14 MURPHY STREET, PORT DOUGLAS**

Planning Plus (QLD) Pty Ltd has been engaged by Patagorang Pty Ltd (the 'applicant') to prepare and lodge the abovementioned 'change application' with Douglas Shire Council.

Completed DA Forms (Form 5, Part 7 of Form 1 and landowner consent) are included as **Annexure 1**. It is requested that Council provide an invoice for the relevant application fee.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.



## 1.0. Background

The subject Development Permit (copy included as **Annexure 2**) was granted by Council in October 2022. Since this time, the applicant has sought Operational Works approval for civil construction works and it has been determined that benefit exists in coordinating civil design and construction with the adjoining property, being 12 Murphy Street, which is also proceeding with the establishment of a new Dwelling House.

This end, it has been determined by Council that both Dwelling House approvals need to be changed to include both respective lot descriptions. This application seeks to make that change, as well as update various civil drawings and vegetation report to reflect the current Operational Works application.

## 2.0. Proposal

This application seeks an 'other' change to Development Permit MCUC 2022\_4732/1 which comprised a Material Change of Use for a Dwelling House. Revised civil drawings are included as **Annexure 3** and a revised vegetation report with covering letter is included as **Annexure 4**.

The proposed changes can be summarised as follows:

- Revised civil design which includes integrated interface with land at 12 Murphy Street. The attached civil drawings reflect the current Operational Works application which is afoot with Council and the DA forms included as **Annexure 1** include this additional land in the description (along with consent of the landowner); and
- Revised extent of vegetation clearing which reflects the changes to civil design.

We understand that the above changes have been discussed with Council and are considered to represent an agreed beneficial outcome for all parties.

### **3.0. Legislative Considerations**

#### **3.1 *Planning Act 2016***

This section provides an overview of the legislative context of the application under the provisions of the Planning Act 2016.

##### **3.1.1 *Type of Change Application***

The proposed changes are considered to be ‘other’ changes for the purpose of the Planning Act 2016 as they include additional land.

##### **3.1.2 *Responsible Entity***

The ‘responsible entity’ for this application is Douglas Shire Council.

##### **3.1.3 *Referral Agencies***

The original application did not trigger any referral agencies, nor does the proposed change application.

##### **3.1.4 *Public Notification***

The original application did not require public notification, nor does the proposed change application.



## **4.0 Assessment Benchmarks**

### **4.1 Overview**

This section provides an assessment of the application against relevant assessment benchmarks.

### **4.2 State Planning Regulatory Provisions**

No State Planning Regulatory Provisions are relevant to this application.

### **4.3 State Planning Policy**

The State Planning Policy is relevant to the assessment of this application where a State interest is not appropriately reflected in the Planning Scheme relevant to the site. It is understood that no updates to the State Planning Policy have occurred since approval of the original application.

### **4.4 State Development Assessment Provisions (SDAP)**

No State Development Assessment Provisions are identified as being applicable to the proposal.

### **4.5 Douglas Shire Council Planning Scheme**

The proposed changes are understood to be deemed appropriate by Council and represent a suitable outcome for all parties. The changes are not considered to result in any new or increased impacts which would cause any conflicts with the Douglas Shire Planning Scheme which have not already been considered and addressed.

## 5.0 Conclusion

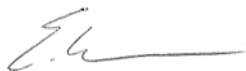
This submission supports an application by Patagorang Pty Ltd for an 'other' change to a Development Permit for Material Change of Use for a Dwelling House over land at 14 Murphy Street, Port Douglas.

The submission has included an assessment of the proposal against the relevant statutory planning controls at both the local and state level and included supporting information intended to address the likely concerns of Council and assessing authorities.

In summary, we submit that the proposed development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions.

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours Faithfully



**Evan Yelavich**  
**Director / Planner**  
**Planning Plus QLD Pty Ltd**

Annexure 1:	DA Forms (Form 5 & 1 (Part 7) & Landowner Consent)
Annexure 2:	Existing Approval
Annexure 3:	Revised Civil Drawings
Annexure 4:	Revised Vegetation Report

## **Annexure 1: DA Forms (Form 5 & 1 (Part 7) & Landowner Consent)**

# Change application form

**Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.**

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Patagorang Pty Ltd c/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	Redlynch
State	QLD
Postcode	4870
Country	
Email address (non-mandatory)	evan@planningplusqld.com.au
Mobile number (non-mandatory)	0402073082
Applicant's reference number(s) (if applicable)	

2) Owner's consent - Is written consent of the owner required for this change application?	
<b>Note:</b> Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input type="checkbox"/> No	

## PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address <b>AND</b> lot on plan (all lots must be listed), <b>or</b>				
<input type="checkbox"/> Street address <b>AND</b> lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).				
a)	Unit No.	Street No.	Street Name and Type	Suburb
		14	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	114	PTD2094	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
		12	Murphy Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	113	PTD2094	Douglas Shire

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

**3.3) Additional premises**

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

## PART 3 – RESPONSIBLE ENTITY DETAILS

**4) Identify the responsible entity that will be assessing this change application**

**Note:** see section 78(3) of the Planning Act 2016

Douglas Shire Council

## PART 4 – CHANGE DETAILS

**5) Provide details of the existing development approval subject to this change application**

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU2 2022_4732/1	7 October 2022	DSC
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

**6) Type of change proposed**

**6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):**

Changes to earthworks and vegetation clearing. Inclusion of adjoining property due to integrated earthworks interface.

**6.2) What type of change does this application propose?**

- ☐ Minor change application – proceed to Part 5
- ☒ Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 <b>Note:</b> section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

**Note:** To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

9) Development details
<b>9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
<b>9.2) Does the change application involve building work?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
<b>Note:</b> The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the <a href="#">Referral checklist for building work</a> is also completed.

11) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
  - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

## 12) Further details

- ☒ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

# PART 7 – CHECKLIST AND APPLICANT DECLARATION

## 13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

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

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☒ Yes  
☐ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes  
☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes  
**Note:** This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

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

## 14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

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

**Privacy** – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

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

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

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

## PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

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Date received:  Reference number(s):

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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



# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	
Suburb	
State	
Postcode	
Country	
Contact number	
Email address <i>(non-mandatory)</i>	
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

**5) Are there any existing easements over the premises?**

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

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☐ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

**a) What is the type of development? (tick only one box)**

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

**b) What is the approval type? (tick only one box)**

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

**c) What is the level of assessment?**

- ☐ Code assessment    ☐ Impact assessment (requires public notification)

**d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):**

**e) Relevant plans**

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

- ☐ Relevant plans of the proposed development are attached to the development application

**6.2) Provide details about the second development aspect**

**a) What is the type of development? (tick only one box)**

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

**b) What is the approval type? (tick only one box)**

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

**c) What is the level of assessment?**

- ☐ Code assessment    ☐ Impact assessment (requires public notification)

**d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):**

**e) Relevant plans**

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

- ☐ Relevant plans of the proposed development are attached to the development application

**6.3) Additional aspects of development**

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☐ Not required

## Section 2 – Further development details

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

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

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

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

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

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

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

### Division 3 – Operational work

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

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

## PART 4 – ASSESSMENT MANAGER DETAILS

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

☐ Airport land

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

☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*

☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

☐ Yes – referral response(s) received and listed below are attached to this development application

☐ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

## PART 6 – INFORMATION REQUEST

**19) Information request under Part 3 of the DA Rules**

☐ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** *By not agreeing to accept an information request I, the applicant, acknowledge:*

- *that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

*Further advice about information requests is contained in the [DA Forms Guide](#).*

## PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCU2 2022_4732/1	7 October 2022	DSC
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

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

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

#### **Hazardous chemical facilities**

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

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

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



### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ No

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☐ Yes

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

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

☐ Yes

☐ Not applicable

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

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

☐ Yes

Relevant plans of the development are attached to this development application

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

☐ Yes

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

☐ Yes

☐ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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

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

Date received:  Reference number(s):

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

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

**Individual owner's consent for making a development application under the *Planning Act 2016***

We, Neil Biddle & Kim Cullen

as owner of the premises identified as follows:

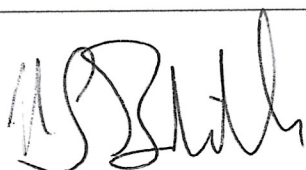
12 Murphy Street, Port Douglas (Lot 113 PTD 2094)

consent to the making of a development application under the *Planning Act 2016* by:

George Argyrou

on the premises described above for:

Dwelling House including provision of access and earthworks associated with the Dwelling House site location



[signature of owner and  
date signed]

14/4/2024

## **Annexure 2: Existing Approval**

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](mailto: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](mailto: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](http://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](http://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*.

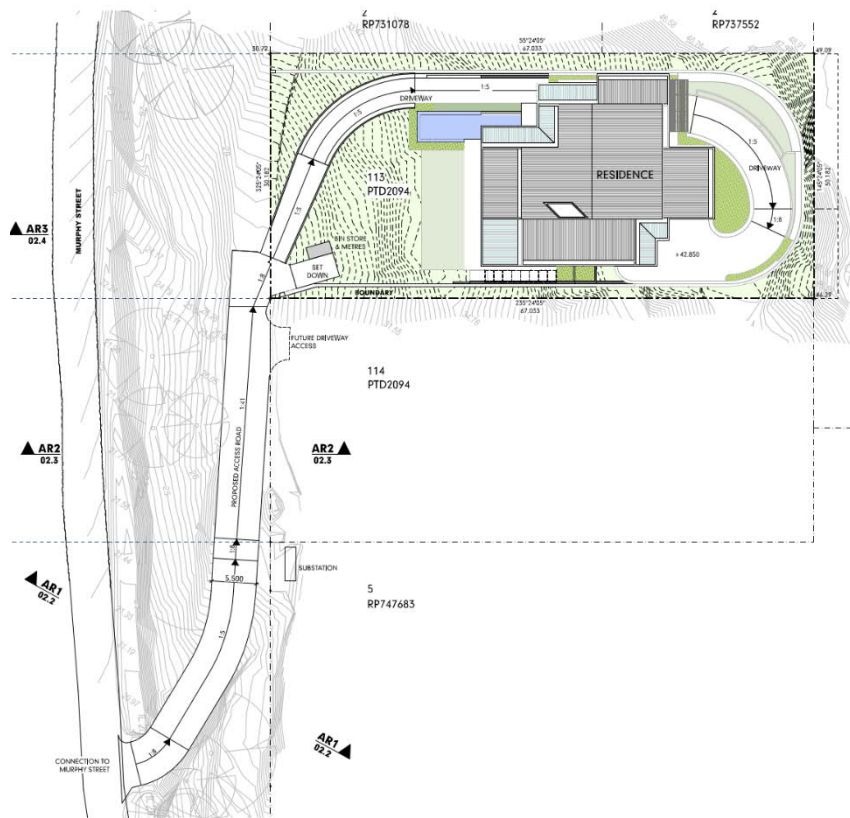
## **Rights to make Representations & Rights of Appeal**

---

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

SEE DRAWING NO. 08.1  
FOR AREA CALCULATIONS

READ IN CONJUNCTION WITH:  
- LANDSCAPE PLANS  
- CIVIL PLANS

**SITE ENVIRONS PLAN**

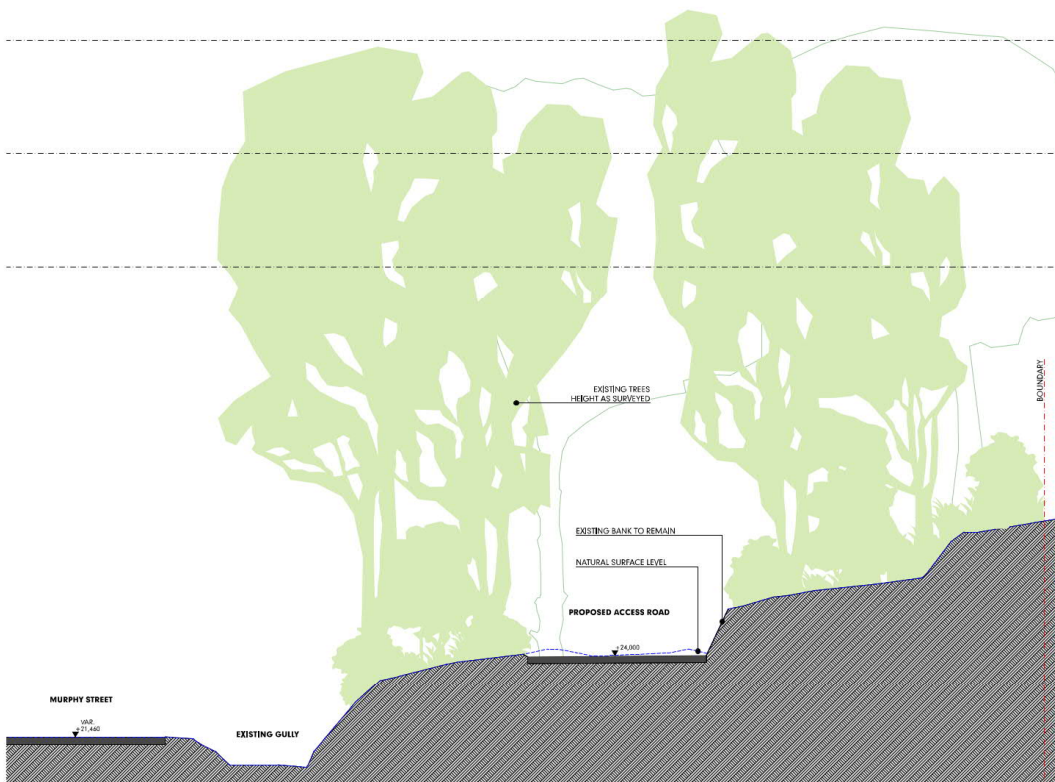
**MURPHY STREET RESIDENCE**  
PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
ON LOT 113 (PTD2094)  
FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
SITE & ENVIRONS PLAN  
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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

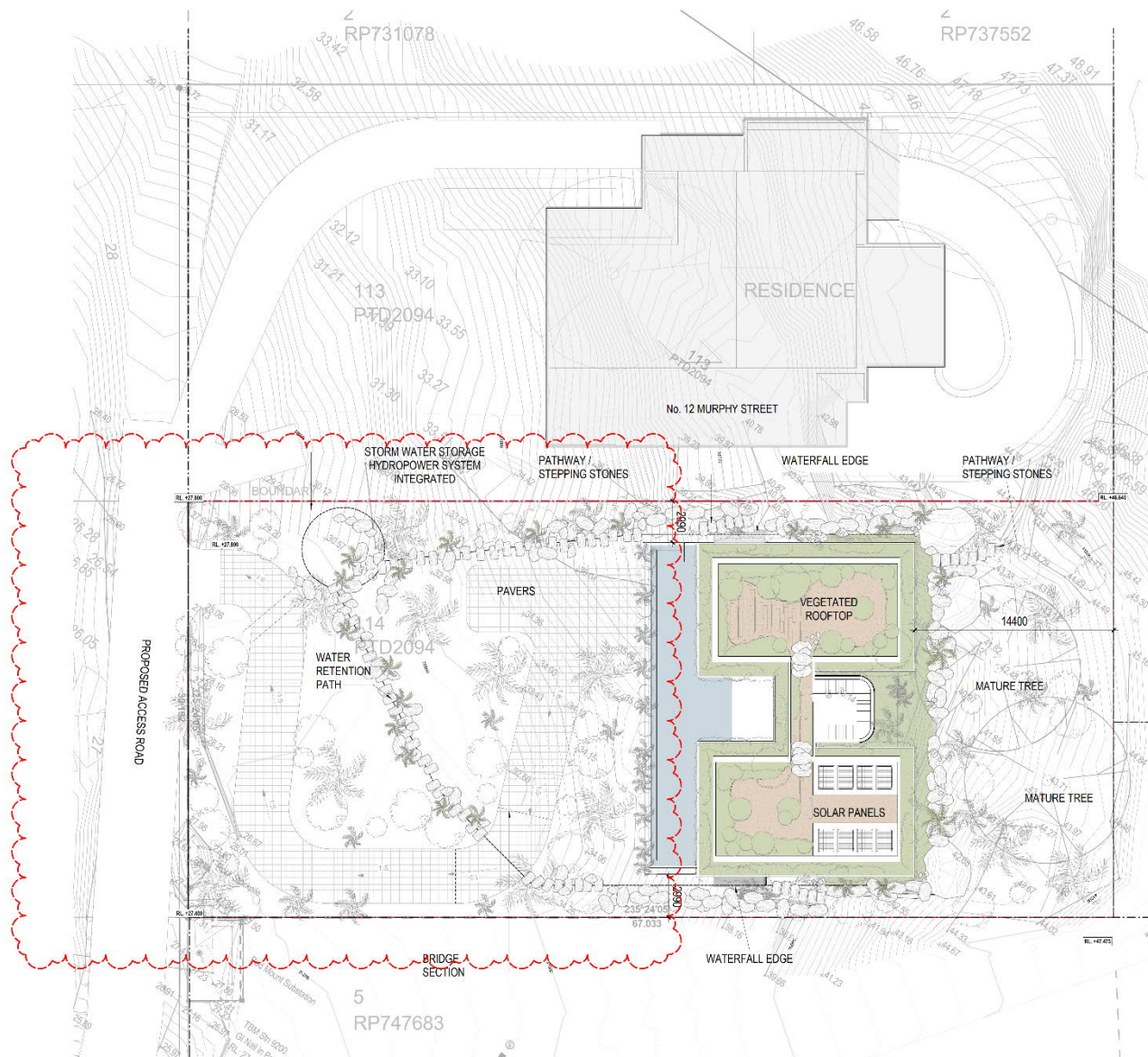
**MURPHY STREET RESIDENCE**  
 PROPOSED NEW RESIDENCE AT No 12 MURPHY STREET  
 ON LOT 113 (PTD2094)  
 FOR : KIM CULLEN & NEIL BIDDLE

DEVELOPMENT APPLICATION  
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DEVELOPMENT APPLICATION  
 PROJECT NO. MURPHY001  
 DRAWING NO. 02.4  
 REVISION NO. 01  
 DATE 2/6/22







GENERAL NOTES  
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REVISION  
 REV. DESCRIPTION  
 1. INITIAL L10 - 14/04/2020

DATE  
 16/05/22

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 Chancell Street  
 Southbank VIC 3005  
 T: 03 9656 0222  
 E: info@bayleyward.com



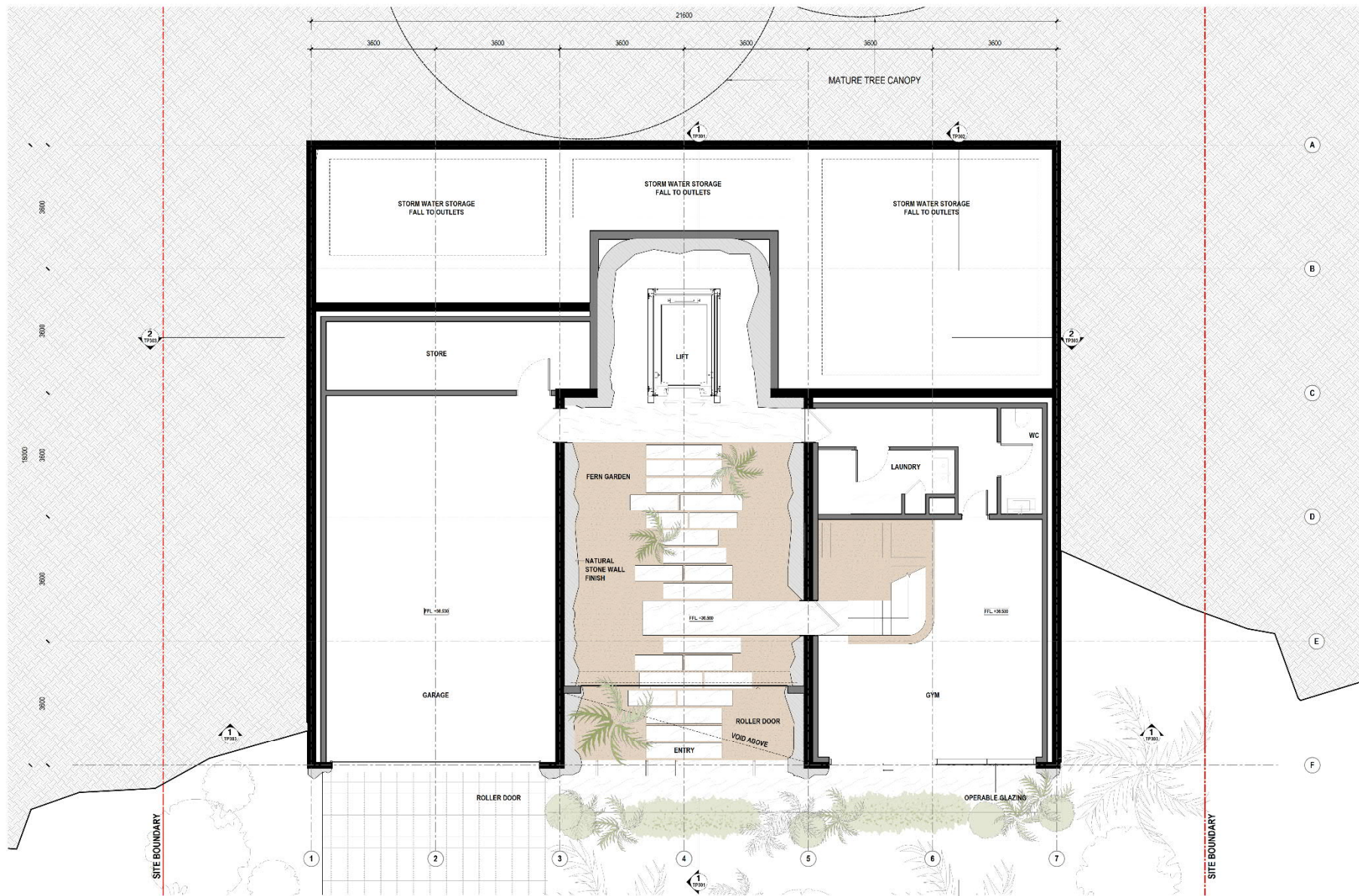
DRAWING NAME  
 SITE PLAN

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.  
 03. THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.  
 04. ANY CHANGES TO THE DESIGN SHALL BE MADE IN WRITING AND SIGNED BY THE ARCHITECT.

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

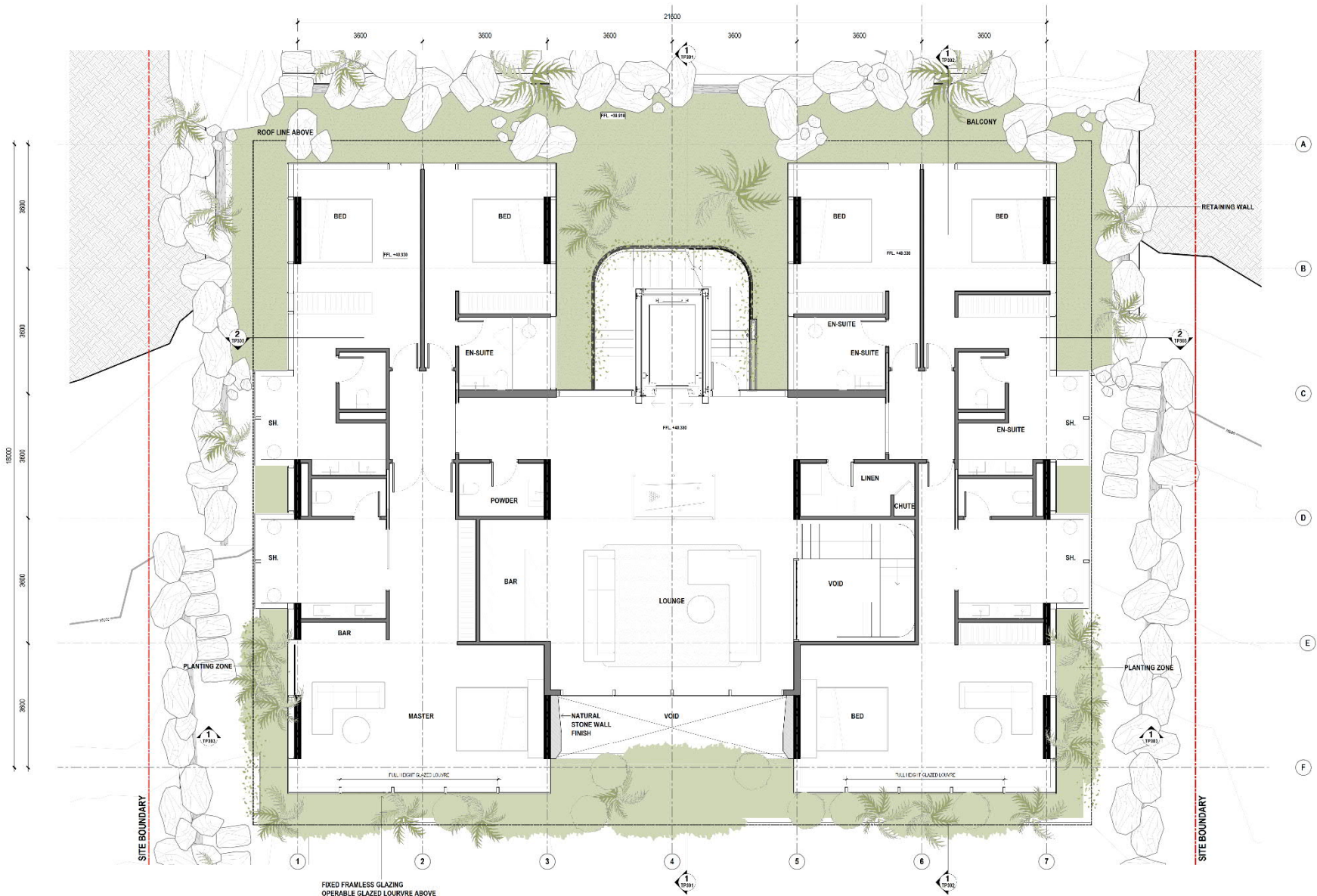
PROJECT NO.  
 1789  
 PROJECT NAME  
 14 MURPHY ST, PORT DOUGLAS

BayleyWard  
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 Southbank VIC 3206  
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 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 TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. ALL WALLS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE BUILDING REGULATIONS.  
 3. ALL FLOORS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 4. ALL ROOFS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 5. ALL EXTERIOR WALLS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 6. ALL EXTERIOR FLOORS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 7. ALL EXTERIOR WALLS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 8. ALL EXTERIOR FLOORS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 9. ALL EXTERIOR WALLS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.  
 10. ALL EXTERIOR FLOORS ARE TO BE FINISHED TO A LEVEL OF 100mm ABOVE FINISH LEVEL.

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

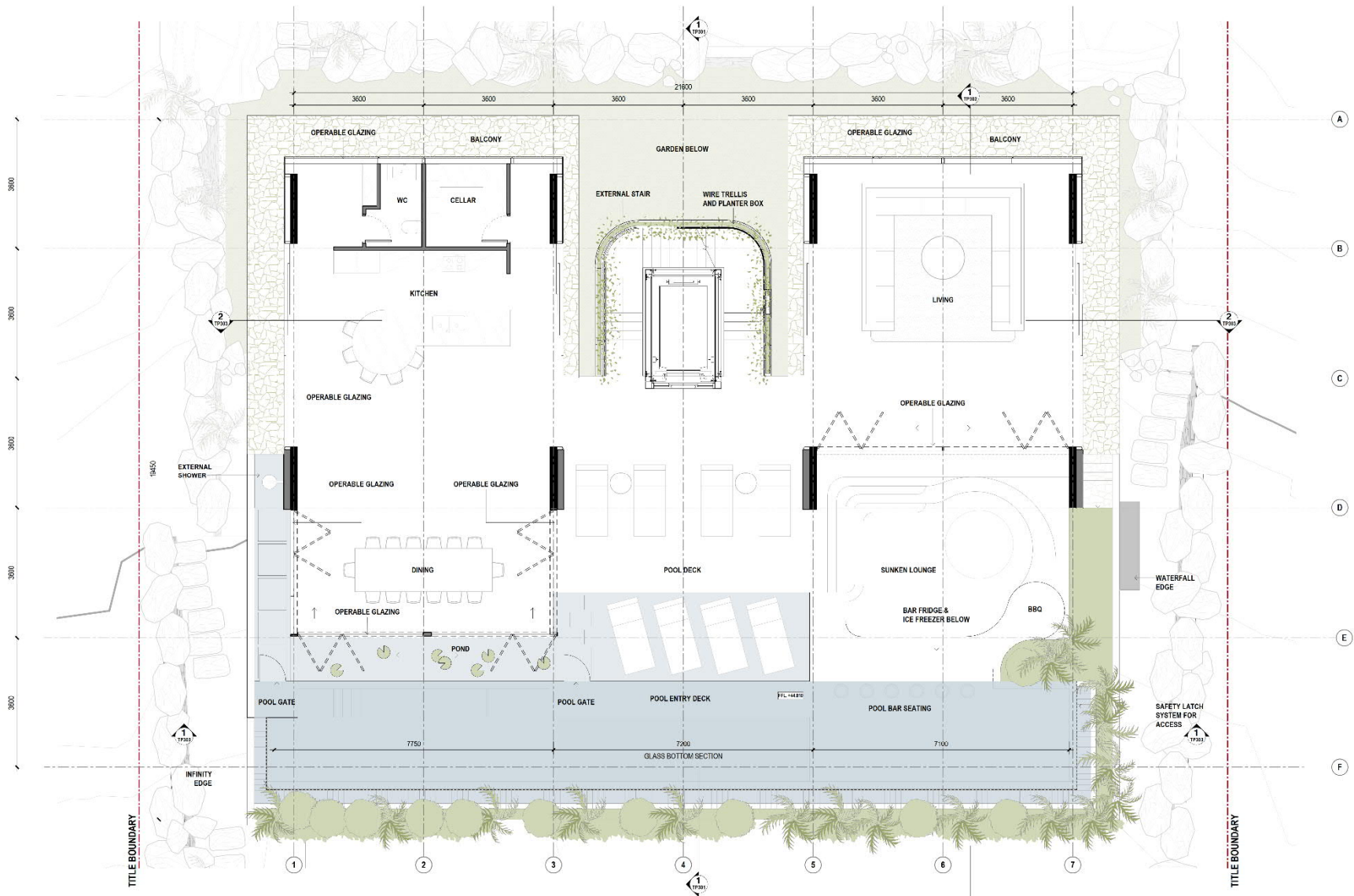
PROJECT NO.  
 1789  
 PROJECT NAME  
 14 MURPHY ST, PORT DOUGLAS

BAYLEY WARD  
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 21-23 Chancell Street  
 Southbank VIC 3206  
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 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  
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 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
 3. THE DRAWING IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A CONTRACT.  
 4. ANY CHANGES TO THE DESIGN MUST BE APPROVED BY THE ARCHITECT.

REVISION  
 REV. DESCRIPTION  
 1. INITIAL 1/10/2020

PROJECT STATUS  
 DEVELOPMENT APPLICATION  
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CLIENT  
 George Arggyrou

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

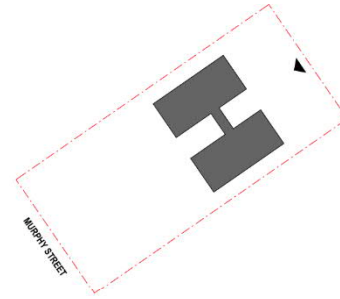
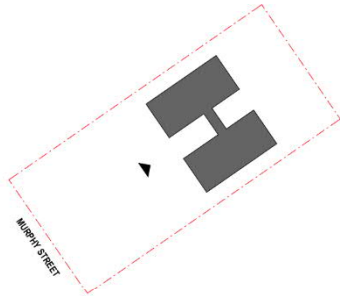
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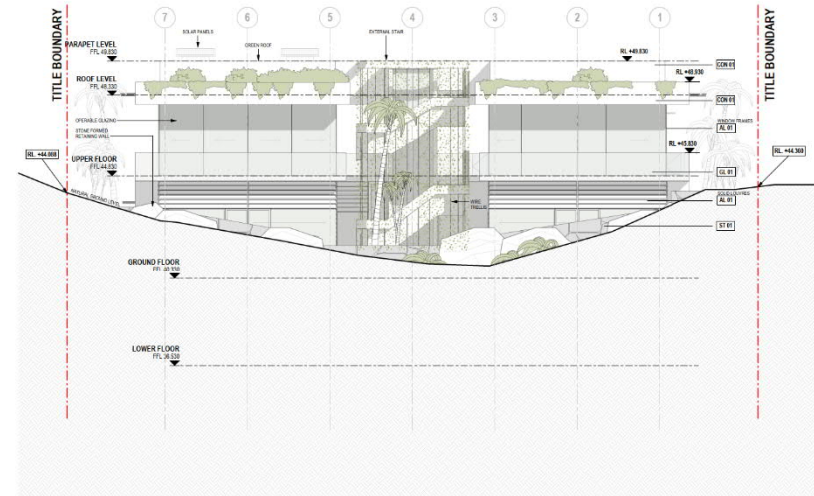
DRAWING NAME  
 GA PLAN - UPPER LEVEL  
 SCALE 1:50 @ A1 50% @ A3  
 DRAWN BY Author CHECKED BY Checker  
 DRAWING NUMBER  
 TP103  
 REVISION  
 2







**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 RELEVANT AUSTRALIAN STANDARDS AND SPECIFICATIONS.  
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REVISION

REV. DESCRIPTION

2. UPDATED SITE PLAN

DATE

10/04/22

PROJECT STATUS

DEVELOPMENT APPLICATION

NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Argyrou

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard  
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71-73 Chesnut Street  
Southbank VIC 3006  
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E: info@bayleyward.com

**BAYLEY  
WARD**

DRAWING NAME

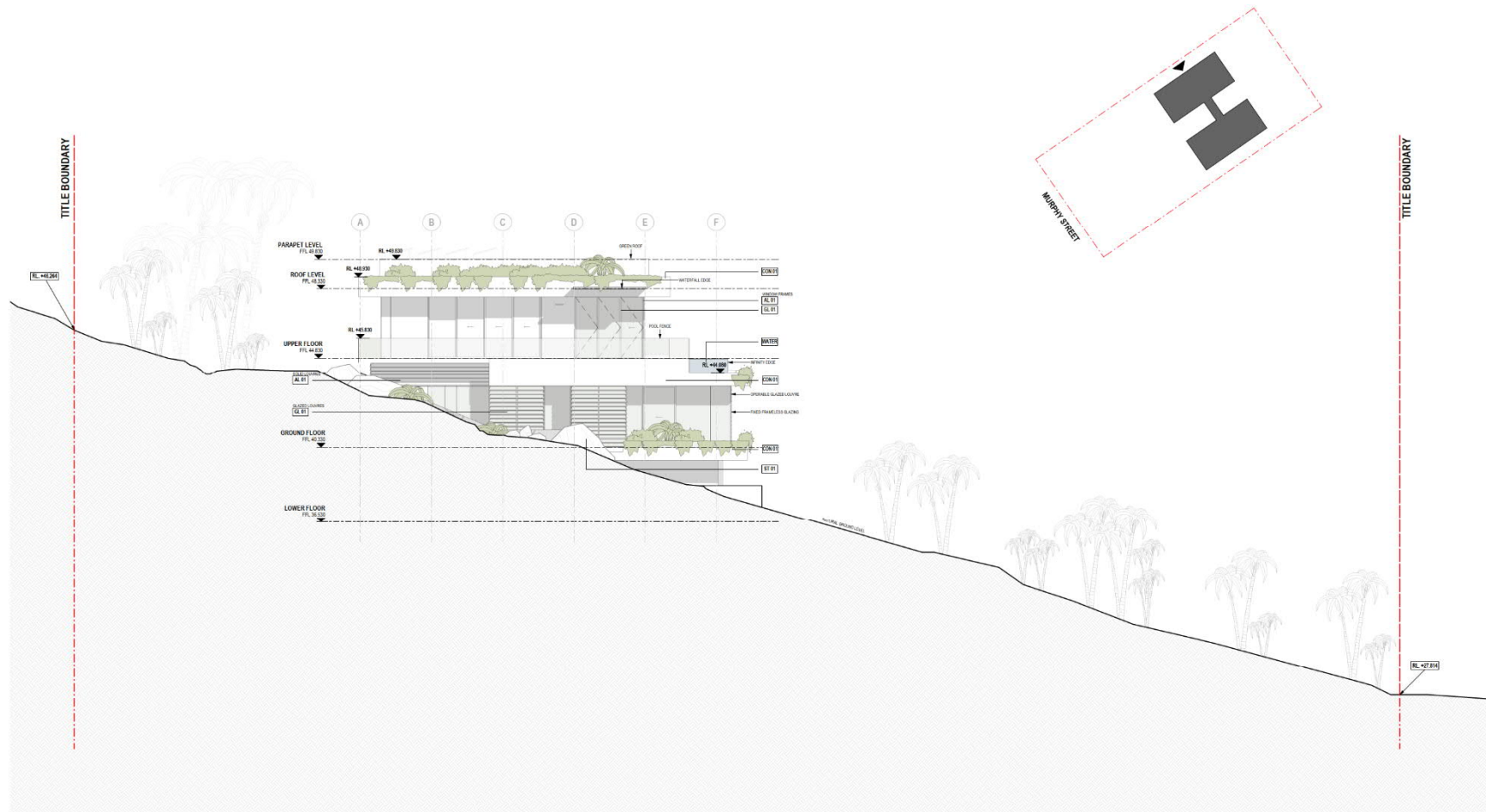
SOUTH WEST AND NORTH EAST ELEVATIONS

SCALE: 1:100 @ A1 / 50% @ A3 DRAWN BY: Author CHECKED BY: Checker

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 DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
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.  
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

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

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Southbank VIC 3006  
T: 03 9655 6222  
E: info@bayleyward.com

**BAYLEY  
WARD**

DRAWING NAME

NORTH WEST ELEVATION

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

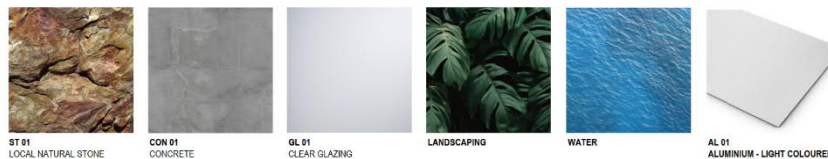
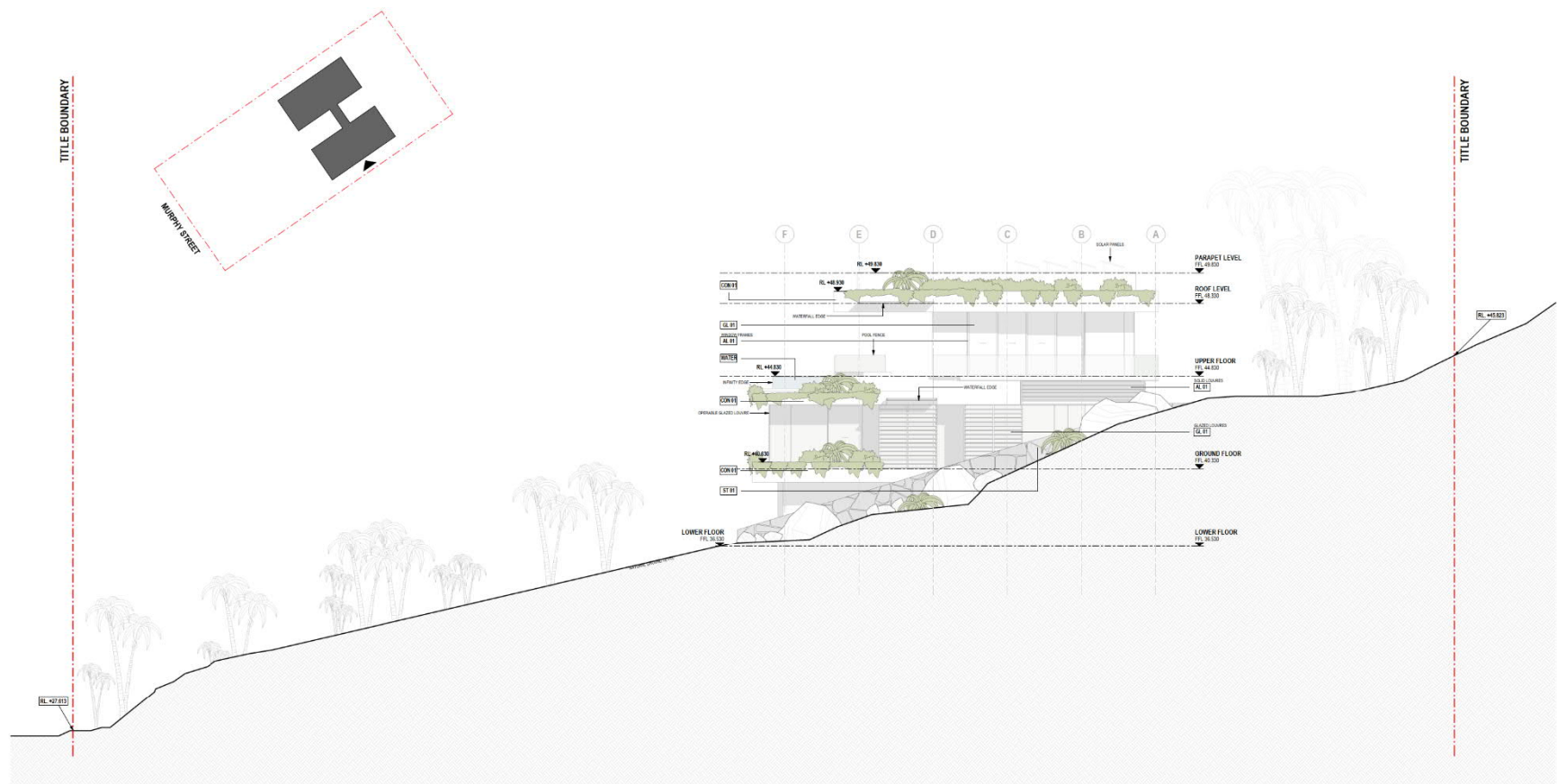
DRAWING NUMBER

TP202

REVISION

2





#### GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND STANDARDS OF AUSTRALIA.

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

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

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

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

#### 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

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71-73 Chesnut Street  
Southbank VIC 3006  
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E: info@bayleyward.com

**BAYLEY  
WARD**

#### DRAWING NAME

SOUTH EAST ELEVATION

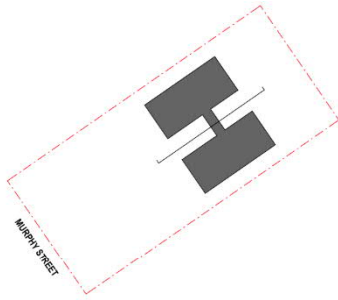
SCALE As Indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker

#### DRAWING NUMBER

TP203

REVISION 2

TITLE BOUNDARY



MURPHY STREET

TITLE BOUNDARY



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REVISION

REV. DESCRIPTION

2. UPDATED SITE PLAN

DATE

10/02/22

PROJECT STATUS

DEVELOPMENT APPLICATION

NOT TO BE USED FOR CONSTRUCTION

CLIENT

George Arggyro

PROJECT NO.

1789

PROJECT NAME

14 MURPHY ST, PORT DOUGLAS

BayleyWard  
Architecture & Interiors  
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Southbank VIC 3006  
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**BAYLEY  
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.
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#### REVISION

REV. DESCRIPTION  
1. TP181 SECTION BB  
1:100

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

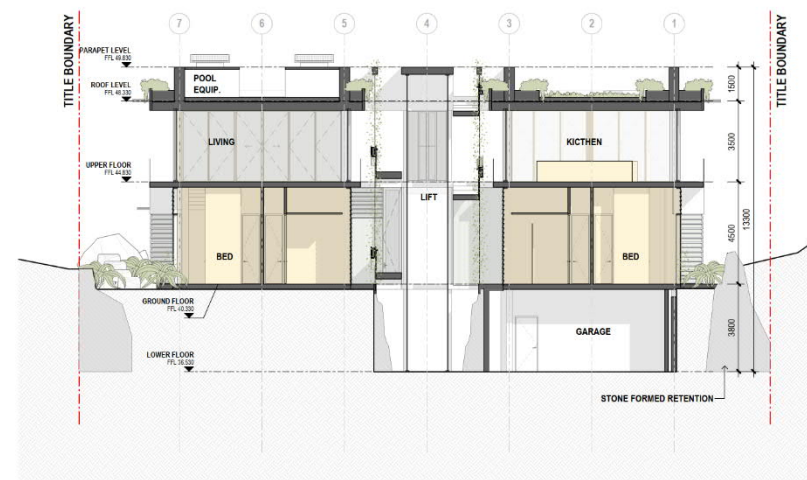
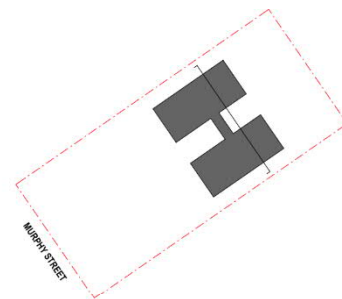
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SCALE As Indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker

#### DRAWING NUMBER

TP302

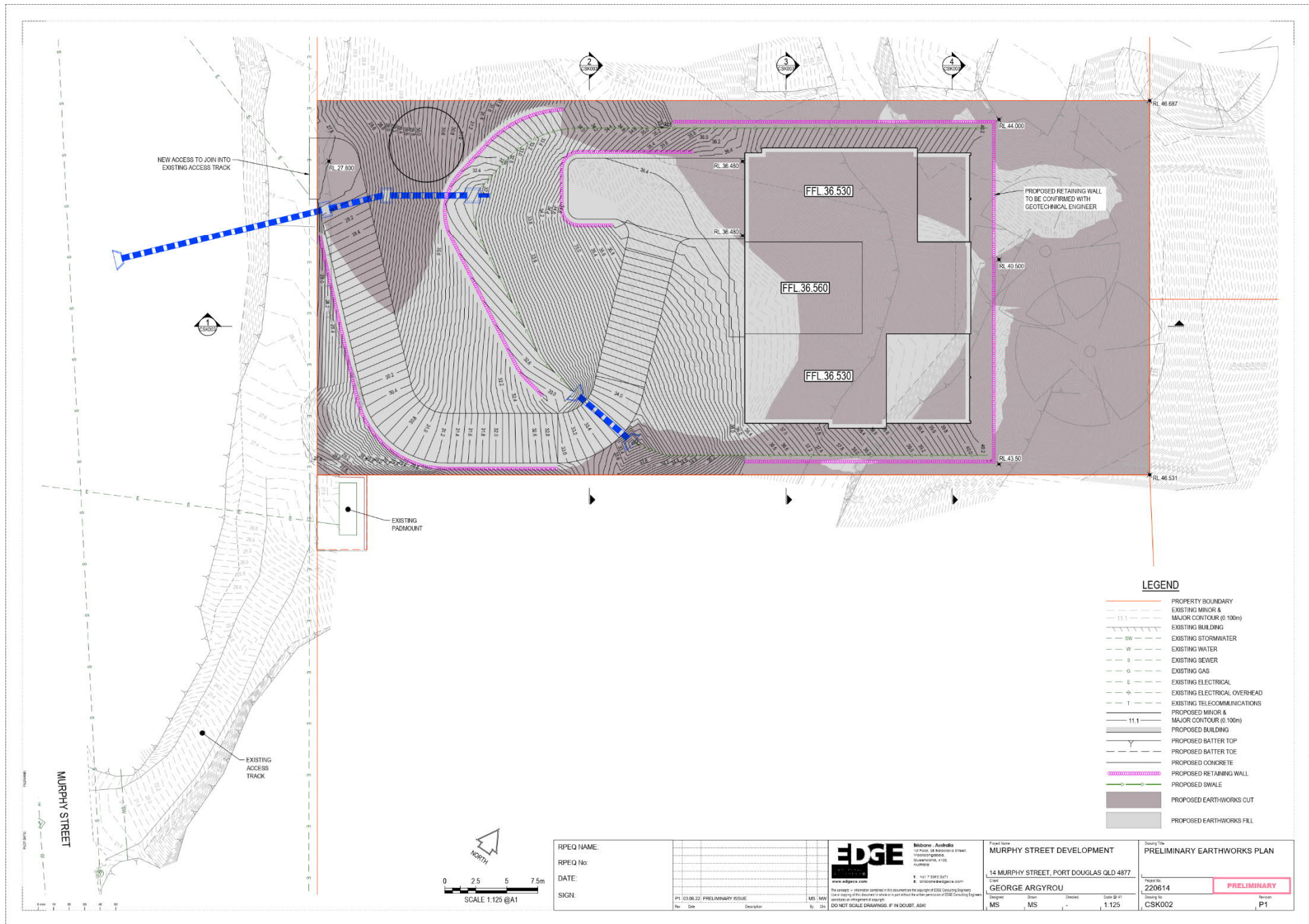
REVISION 2



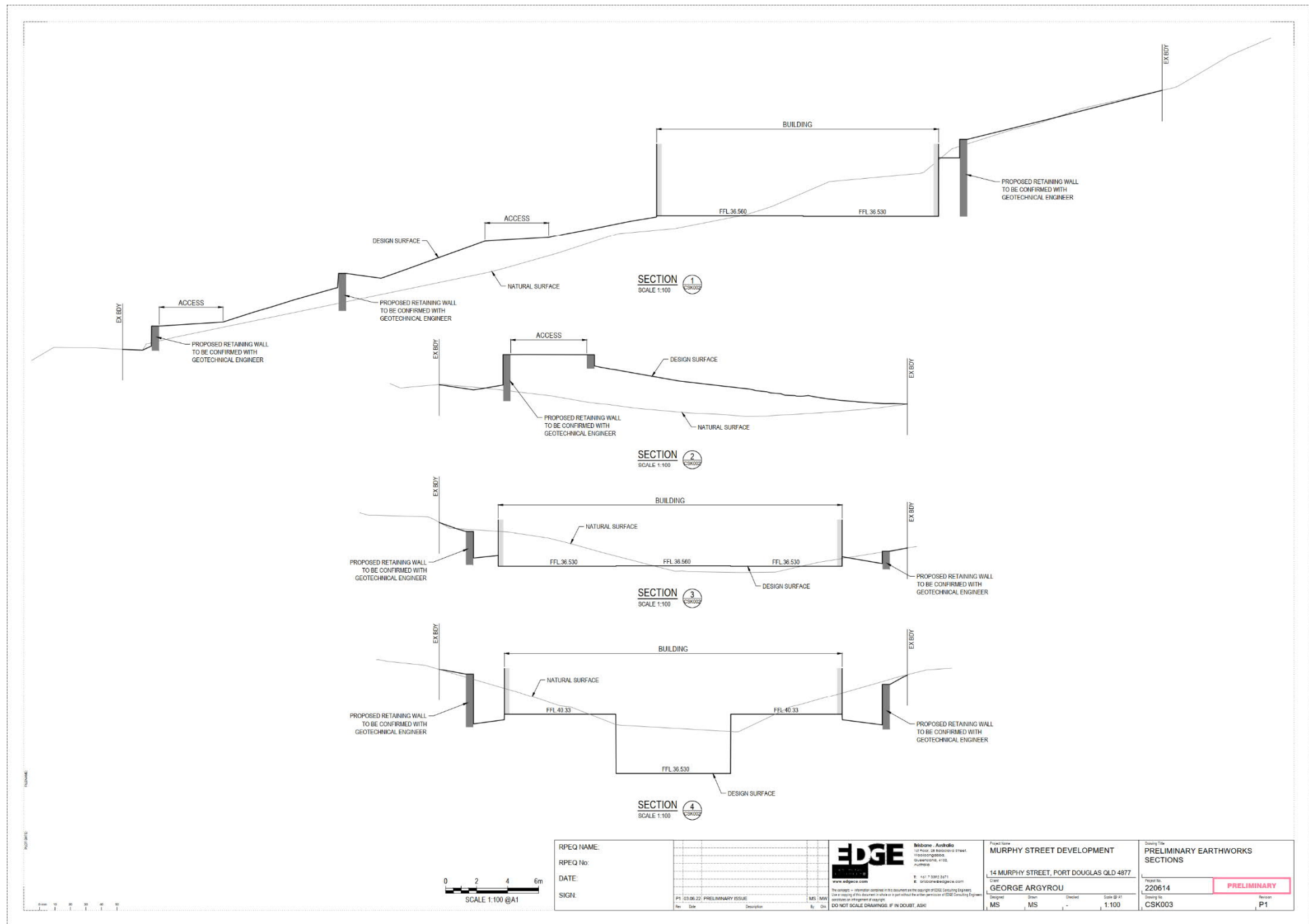
**2** **SECTION DD**  
TP101 1 : 100

GENERAL NOTES		REVISION		PROJECT STATUS		CLIENT		PROJECT NO		PROJECT NAME		<div>BayleyWard Architects &amp; 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	
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NOT TO BE USED FOR CONSTRUCTION														SCALE As indicated @ A1 / 50% @ A3 DRAWN BY Author CHECKED BY Checker		REVISION 2	









**TYPICAL SECTION 1**  
**REAR RETAINING WALL**  
**N.T.S.**

**FACADE**

- PLACED ROCK OR,
- WIRE MESH TO ALLOW VINE GROWTH OR,
- OTHER FACADE

150mm THK POLYFIBRE REINFORCED SHOTCRETE MIN 32 MPa

CONCRETE LINED DRAIN

0.5m

1.0m

1.0m

1.0m

0.5m

STRIPDRAIN MEGAFLOW 160 AT 3.0m SPACINGS OUTLET AT TOE

28mm $\phi$  SOILNAILS  
 4.0m EMBEDMENT INSTALLED IN 127mm $\phi$  DRILLED HOLES  
 1.5m H 1.0m V GRID

50mm $\phi$  uPVC SUB HORIZONTAL DRAIN  
 3.0m LONG @ 3m H SPACING

ISSUED FOR  
**PRELIMINARY**  
NOT FOR  
CONSTRUCTION

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

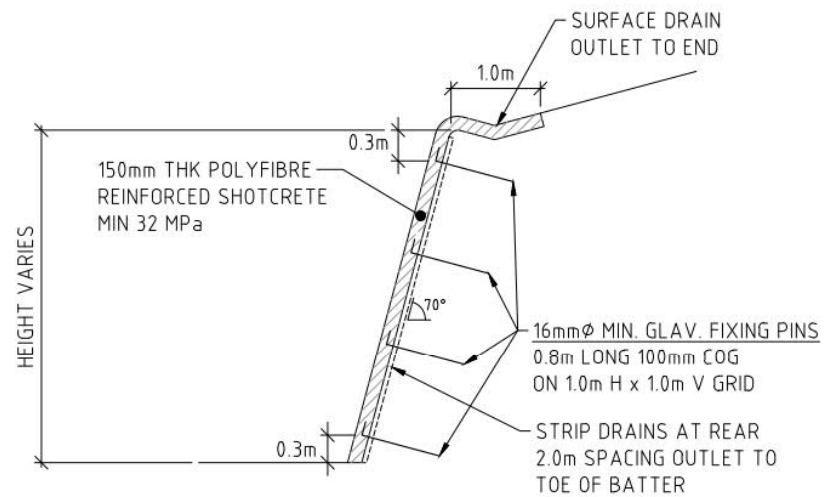
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R.P.E.Q. No.:	25762
SIGNATURE:	
DATE:	

# GEO

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 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

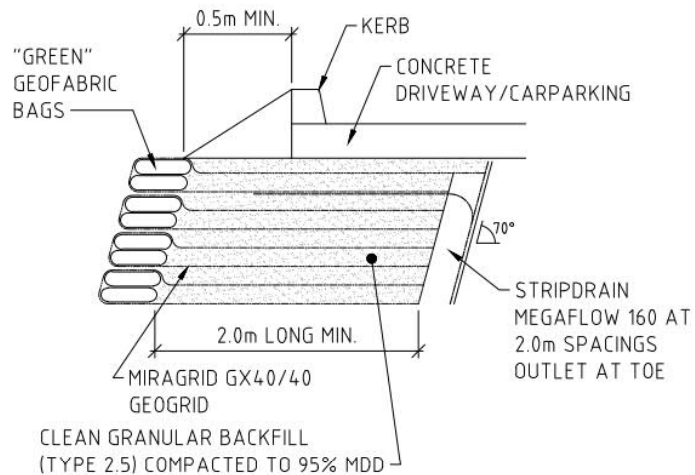
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R.P.E.Q. No.:	25762
SIGNATURE:	
DATE:	

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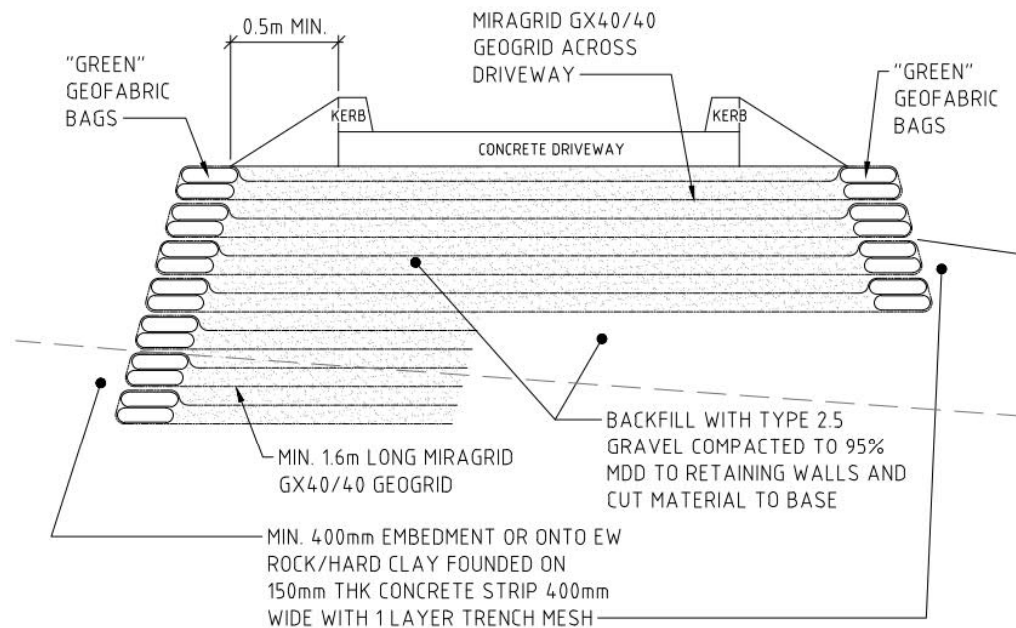
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DRAWN	KCDD
DATE	14/07/22
CHECKED	EWK
DATE	14/07/22
SCALE	

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.

ISSUED FOR  
**PRELIMINARY**  
NOT FOR  
CONSTRUCTION

REV	DESCRIPTION	APP'D	DATE
P1	PRELIMINARY ISSUE		14/07/22

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 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 30<sup>th</sup> 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**

<b>TREE 12.</b>	<i>Acacia crassicaarpa</i>	Lancewood	Height; 4m	Girth; 1200mm	Age; 40+	Canopy Diameter; 0m	Removal Status; <b>Remove Dead</b>
			Structural Root Zone (radius from trunk); 0m				
<b>TREE 13.</b>	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 750mm	Age; 30+	Canopy Diameter; 4m	Removal Status; <b>Remove due to age</b>
			Structural Root Zone (radius from trunk); 2.9m				
<b>TREE 14.</b>	<i>Mangifera indica</i>	Mango Tree	Height; 9m	Girth; 600mm	Age; 20	Canopy Diameter; 5m	Removal Status; <b>Remove not native</b>
			Structural Root Zone (radius from trunk); 2.7m				
<b>TREE 15.</b>	<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				
<b>TREE 16.</b>	<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				
<b>TREE 17.</b>	<i>Acacia crassicaarpa</i>	Lancewood	Height; 11m	Girth; 1175mm	Age; 40+	Canopy Diameter; 6m	Removal Status; <b>Remove due to age</b>
			Structural Root Zone (radius from trunk); 3.5m				
<b>TREE 18.</b>	<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				
<b>TREE 19.</b>	<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				
<b>TREE 20.</b>	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 600mm	Age; 30+	Canopy Diameter; 5m	Removal Status; <b>Remove due to age</b>
			Structural Root Zone (radius from trunk); 2.7m				
<b>TREE 21.</b>	<i>Acacia crassicaarpa</i>	Lancewood	Height; 6m	Girth; 690mm	Age; 30+	Canopy Diameter; 4m covered in vine	Removal Status; <b>Remove due to age</b>
			Structural Root Zone (radius from trunk); 2.9m				
<b>TREE 22.</b>	<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				
<b>TREE 23.</b>	<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**

<b>TREE 36.</b> <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			
<b>TREE 37.</b> <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			
<b>TREE 38.</b> <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			
<b>TREE 39.</b> <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			
<b>TREE 40.</b> <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			
<b>TREE 41.</b> <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.

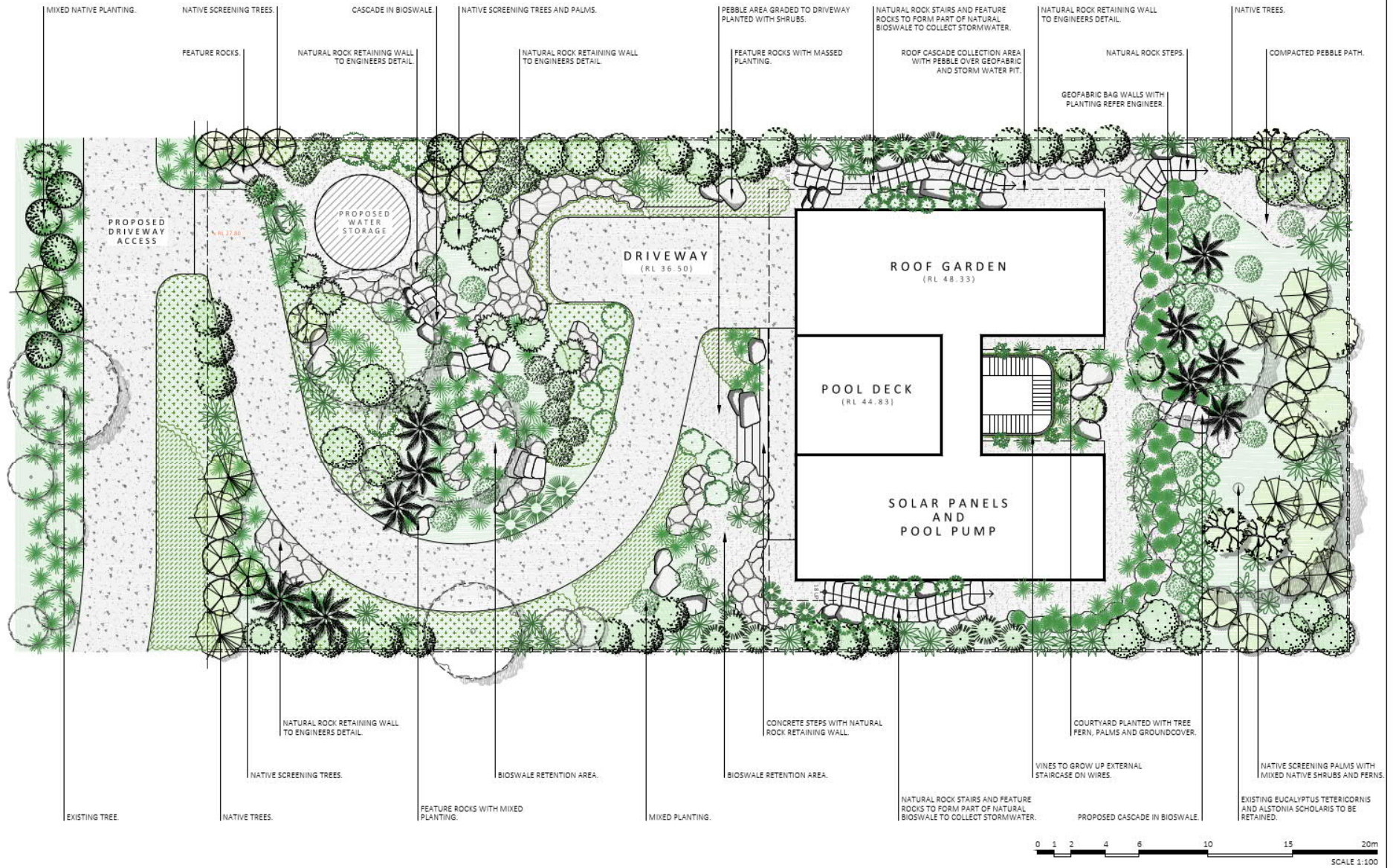
From the southern edge of bitumen on the Murphy Street pavement, there will be a majority of existing trees left in the road easement and lower portion of the site with the additional planting as provided on the Planting Plan to screen any views to the proposed residence above.

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

338 Port Douglas Road | Port Douglas QLD Australia 4877

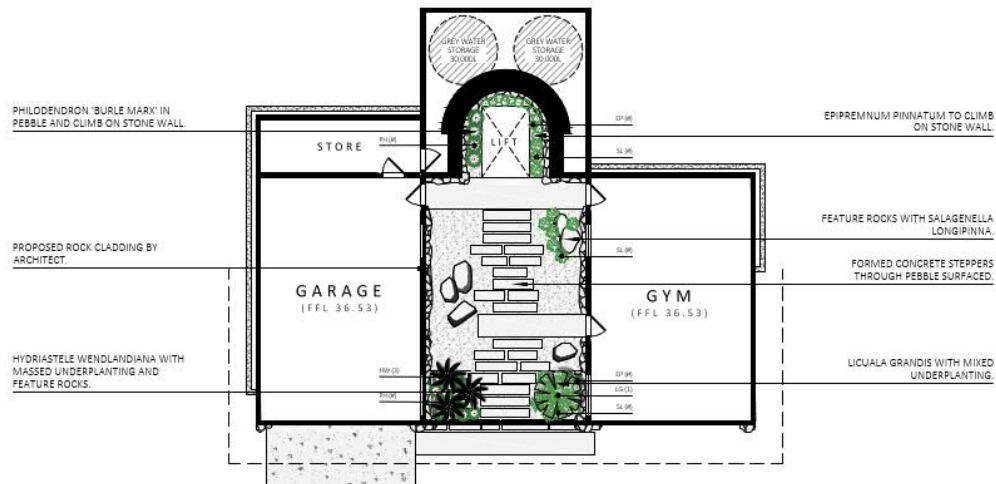
T: 0412944793

W: www.hortulus.com.au

E: design@hortulus.com.au







1 LOWER GROUND FLOOR PLAN  
1:100

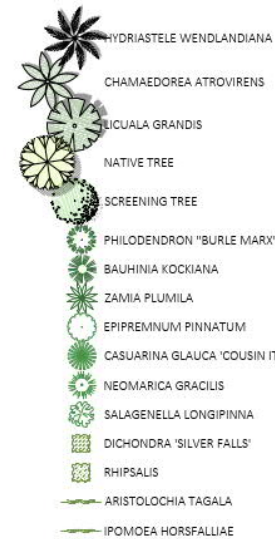


2 GROUND FLOOR PLAN  
1:100

### PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	Type	H x W
<b>TREES &amp; PALMS</b>						
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
<b>SHRUBS, GRASSES, GROUNDCOVERS &amp; CLIMBERS</b>						
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

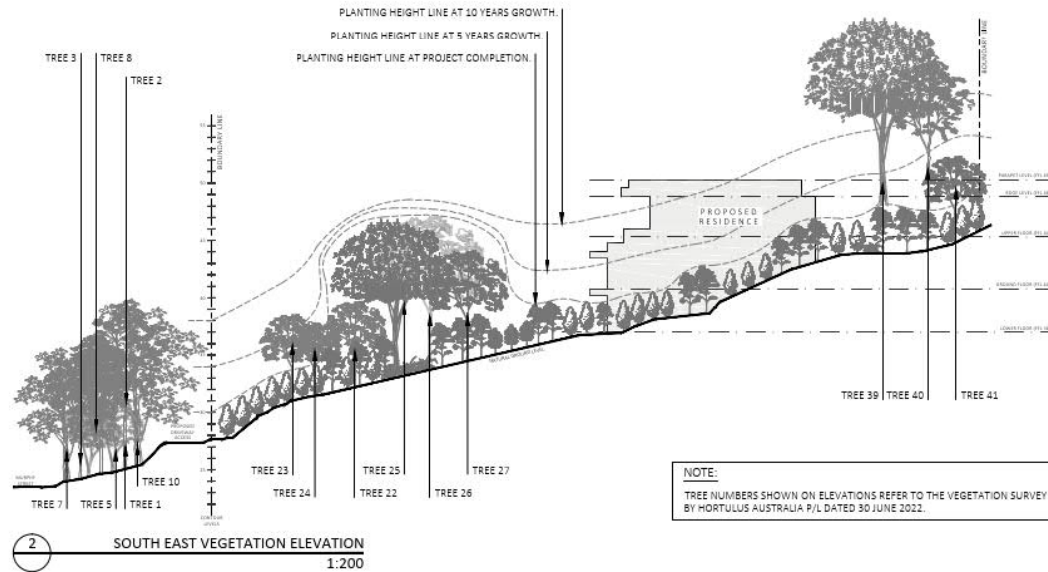
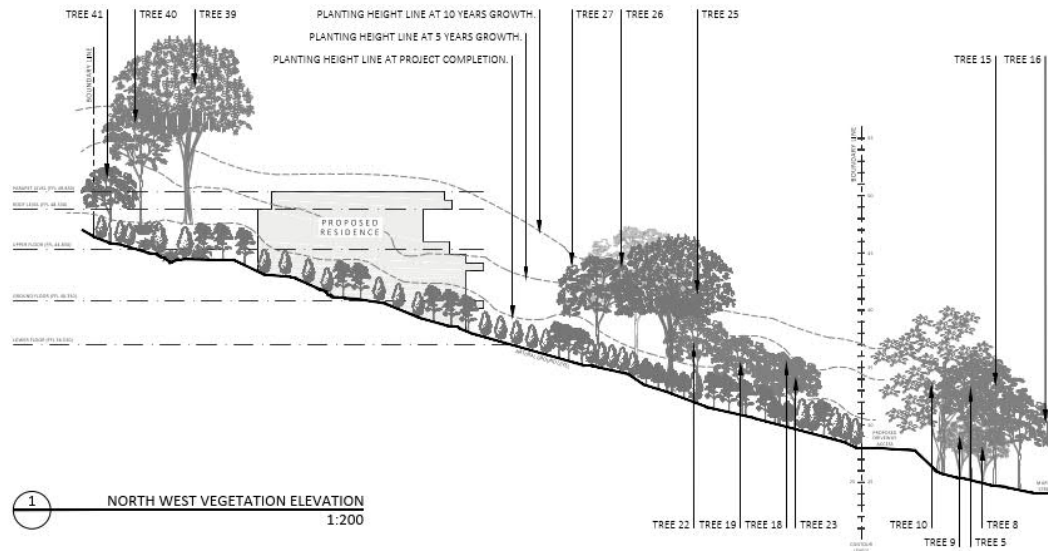
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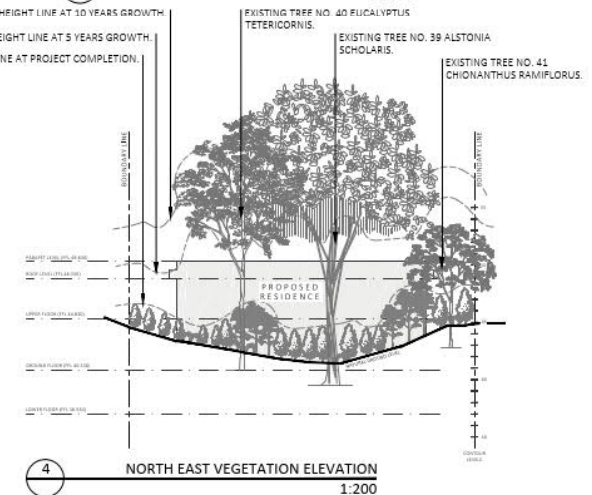
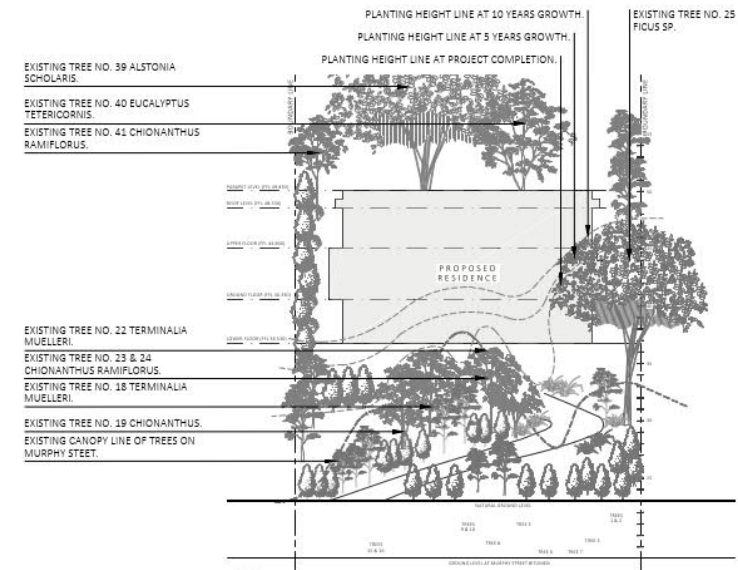
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NOTE:  
TREE NUMBERS SHOWN ON ELEVATIONS REFER TO THE VEGETATION SURVEY  
BY HORTULUS AUSTRALIA P/L DATED 30 JUNE 2022.



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

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

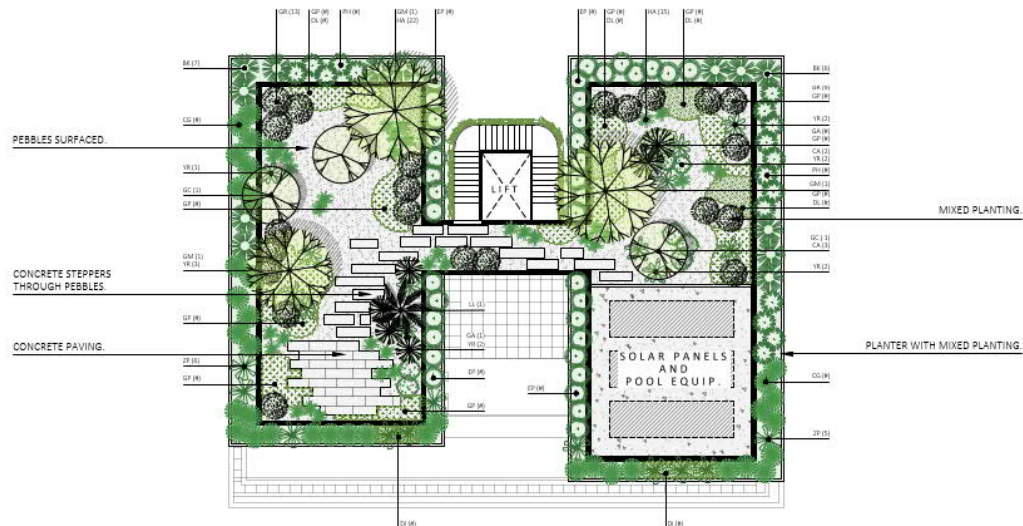
DRAWING NO. 6  
REV. A

HORTULUS AUSTRALIA PTY LTD  
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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
<b>TREES &amp; PALMS</b>						
PL	Pachypodium lamerei	Madagascar palm	1	400mm	T	4x2
LG	Licuala grandis	Vanuatu fan palm	1	300mm	P	8x4
<b>SHRUBS, GRASSES, GROUNDCOVERS &amp; CLIMBERS</b>						
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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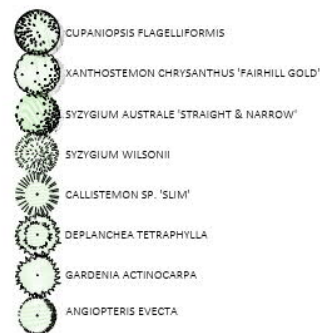
## PLANT SCHEDULE

Code	Botanical Name	Common name	Qty.	Pot Size	Type	H x W
<b>TREES &amp; PALMS</b>						
AR	Archidendron lucyi	Silver tree fern	3	200mm	T	6x4
AF	Atractocarpus fitzalanii	Brown gardenia	12	200mm	T	8x6
CF	Cupaniopsis flagelliformis	Brown tulipwood	6	200mm	T	6x6
DO	Dorlingia darlingiana	Brown silky oak	4	200mm	T	10x6
DT	Deplanchea tetraphylla	Golden bougainvillea	5	200mm	T	6x6
SA	Gardenia scabrella	Common gardenia	8	200mm	T	1x3
JE	Justicia denneyi	Overseer fern palm	10	400mm	P	8x6
ME	Melicope elleryana	Juvies tree	3	200mm	T	10x6
MI	Mimusops elengi	Mimusops tree	10	300mm	T	6x6
PE	Phycosperma elegans	Soft cane palm	9	400mm	P	8x6
MC	Xanthostemon chrysanthus 'Fairhill Gold'	Dwarf golden panda	18	400mm	T	6x6
AA	Arenga australasica	Native sugar palm	4	200mm	P	8x6
CA	Callistemon sp. 'Slim'	Bottlebrush	9	300mm	S	4x2
GS	Gardenia subrella	Cape yolk gardenia	6	200mm	S	2x5
PM	Phycosperma macarthurii	Macarthur palm	37	400mm	P	8x6
SA	Syzygium australe 'Straight & Narrow'	Straight & narrow silky paly	22	200mm	T	4x2
SM	Syzygium alatum	Powercraft silky paly	11	200mm	T	6x6
<b>SHRUBS, GRASSES, GROUNDCOVERS &amp; CLIMBERS</b>						
AE	Angiopteris evecta	Bringing fern	3	200mm	T	4x4
CF	Crinum pedunculatum	Native swamp lily	7	140mm	S	1x3
CT	Cyathea cooperi	Sun tree fern	19	300mm	T	6x4
SA	Samolus atrovirens	Blue Saxifrage	84	140mm	S	0.1x0.3
GR	Gardenia psidioides 'Glennie River'	Glennie river gardenia	95	140mm	GC	0.5x2
LI	Lomandra hystrix	Mat rush	243	200mm	S	1x1
MC	Moliniera capitulate	Woolly lily	318	200mm	S	1x1
VT	Xanthostemon verticillatus	Bloomfield pandia	8	140mm	S	2x1
AP	Alpinia purpurata	Red shell ginger	49	200mm	GC	0.2x2
AZ	Alpinia zerumbet variegata	Variegated shell ginger	7	200mm	GC	1.2x1.2
CC	Cyathea deborae	Debor plant	124	140mm	GC	0.1x0.5
HC	Heliconia chartacea 'Sexy Pink'	Sexy pink crab's claw	3	200mm	GC	3x2
JP	Ophiopogon japonicus 'Nana'	Dwarf mondo grass	102	140mm	GC	0.1x0.2
PH	Philodendron 'Burle Marx'	Burle Marx philodendron	84	140mm	S	1x0.5
PH	Philodendron gloriosum	Curled philodendron	12	200mm	S	1x2
TC	Tacca chantrieri	Black bat plant	5	200mm	S	0.7x0.7
AT	Aristolochia tagala	Cuckoo's pipe vine	4	140mm	C	1x5
IF	Ipomoea horsfalliae	Cardinal creeper	5	140mm	C	1x5
<b>EXISTING TREES</b>						
AL	Alpinia purpurata	Red shell ginger	1	Existing	T	2.2x1.8
AM	Archidendron lucyi	Silver tree fern	1	Existing	T	1.2x1.0
CR	Crinum pedunculatum	Native swamp lily	4	Existing	T	8x6
DT	Deplanchea tetraphylla	Golden bougainvillea	4	Existing	T	8x6
DT	Deplanchea tetraphylla	Golden bougainvillea	1	Existing	T	20x10
PS	Polka spots	Polka spots	1	Existing	T	20x14
PM	Phycosperma macarthurii	Macarthur palm	2	Existing	T	20x8
TS	Thamnia speciosa	Thamnia	2	Existing	T	20x8
TS	Thamnia speciosa	Thamnia	2	Existing	T	20x8
<b>GROUNDWALLS</b>						
AS	Asplenium australasicum	Woods' nest fern	24	140mm	S	2x1
CM	Cordyline marmorata	Native swamp cordyline	40	140mm	S	3x1.3
BS	Bowenia spectabilis	Bowenia fern	22	200mm	S	1x1
LI	Lomandra hystrix	Mat rush	60	200mm	S	1x1

C = Climber G = Ginger SE = Sedg P = Palm T = Tree GC = Groundcover S = Shrub



## 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.

-

## HORTULUS AUSTRALIA PTY LTD

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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]

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## **Division 2                      Changing development approvals**

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

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

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

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

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

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

## **76 Deciding change representations**

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

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



## Chapter 6 Dispute resolution

### Part 1 Appeal rights

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

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

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

*Note—*

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

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



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

## **230 Notice of appeal**

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

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

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

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

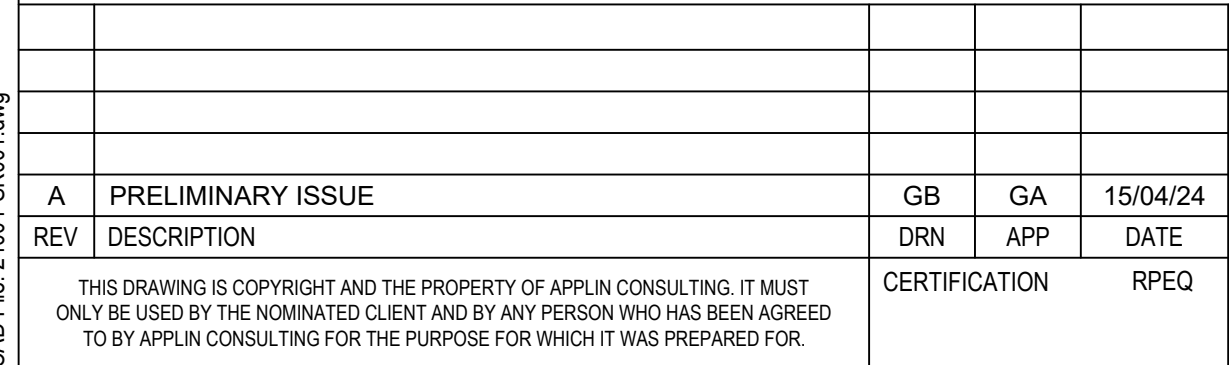
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part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

## 232 Rules of the P&E Court

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

## **Annexure 3: Revised Civil Drawings**





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**GEORGE ARGYROU**

PROJECT	<b>KYRENIA RESIDENCE</b> <b>14 MURPHY STREET (LOT 114 PTD2094)</b>
TITLE	<b>CONCEPT LAYOUT</b>

STATUS	
<b>PRELIMINARY</b>	
SCALE (AT FULL SIZE)	SIZE
1:100	<b>A1</b>
DRAWING NUMBER	REVISION
<b>24004-SK001</b>	<b>A</b>



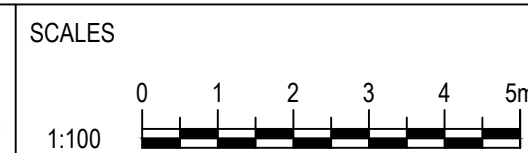


1. REFER DRG 24003-C002 FOR STANDARD NOTES AND LEGENDS.
2. REFER DRG 24003-C013 FOR DRIVEWAY LONGITUDINAL SECTION AND TYPE SECTION.
3. REFER DRG 24003-C015 FOR DRIVEWAY CROSS SECTIONS.
4. A 3D DIGITAL TERRAIN MODEL TO BE PROVIDED TO THE CONTRACTOR PRIOR TO CONSTRUCTION.



A	PRELIMINARY ISSUE	GB	GA	13/03/24
REV	DESCRIPTION	DRN	APP	DATE
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CLIENT

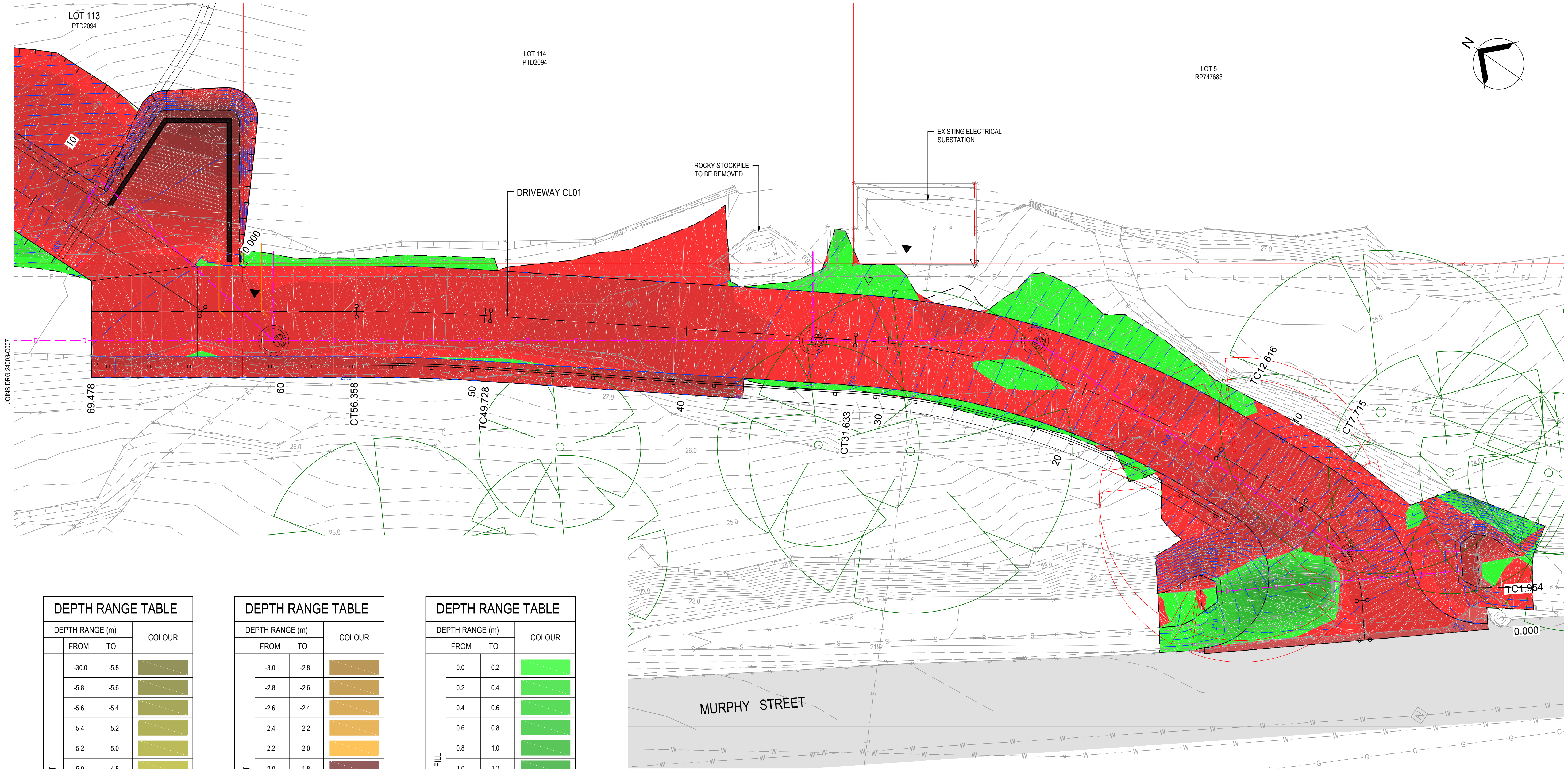
**KIM CULLEN & NEIL BIDDLE**

DESIGNED	G. BROWNING
DRAWN	G. BROWNING
CHECKED	

PROJECT	<b>CULLEN-BIDDLE RESIDENCE</b> <b>12 MURPHY STREET (LOT 113 PTD2094)</b>
TITLE	<b>GENERAL ARRANGEMENT PLAN</b> <b>SHEET 1 OF 2</b>

STATUS		<b>PRELIMINARY</b>	
SCALE (AT FULL SIZE)		SIZE	
1:100		<b>A1</b>	
DRAWING NUMBER		REVISION	
<b>24003-C004</b>		<b>A</b>	





DEPTH RANGE TABLE			
	DEPTH RANGE (m)		COLOUR
	FROM	TO	
CUT	-30.0	-5.8	
	-5.8	-5.6	
	-5.6	-5.4	
	-5.4	-5.2	
	-5.2	-5.0	
	-5.0	-4.8	
	-4.8	-4.6	
	-4.6	-4.4	
	-4.4	-4.2	
	-4.2	-4.0	
	-4.0	-3.8	
	-3.8	-3.6	
	-3.6	-3.4	
	-3.4	-3.2	
	-3.2	-3.0	

DEPTH RANGE TABLE			
	DEPTH RANGE (m)		COLOUR
	FROM	TO	
CUT	-3.0	-2.8	
	-2.8	-2.6	
	-2.6	-2.4	
	-2.4	-2.2	
	-2.2	-2.0	
	-2.0	-1.8	
	-1.8	-1.6	
	-1.6	-1.4	
	-1.4	-1.2	
	-1.2	-1.0	
	-1.0	-0.8	
	-0.8	-0.6	
	-0.6	-0.4	
	-0.4	-0.2	
	-0.2	0.0	

DEPTH RANGE TABLE			
	DEPTH RANGE (m)		COLOUR
	FROM	TO	
FILL	0.0	0.2	
	0.2	0.4	
	0.4	0.6	
	0.6	0.8	
	0.8	1.0	
	1.0	1.2	
	1.2	1.4	
	1.4	1.6	
	1.6	1.8	
	1.8	2.0	

NOTE  
CUT/FILL SHADING SHOWN IS MEASURED  
BETWEEN EXISTING SURFACE (AS SURVEYED)  
AND THE BULK EARTHWORKS SURFACE.

**ESTIMATED EARTHWORKS VOLUMES (MURPHY STREET)**

CUT : 127 m<sup>3</sup>  
FILL : 72 m<sup>3</sup>

EARTHWORKS VOLUMES SHOWN ARE STRAIGHT VOLUMETRIC MEASUREMENTS BETWEEN SURVEYED NATURAL SURFACE AND THE PROPOSED BULK EARTHWORKS SURFACE. VOLUMES ARE FOR EARTHWORKS WITHIN MURPHY STREET ROAD RESERVE ONLY

THE ABOVE VOLUMES DO NOT ALLOW FOR THE FOLLOWING

- LOSSES/COMPACTION
- TOPSOIL STRIPING
- DETAILED EXCAVATION / BACKFILL OF FOOTINGS/RETAINING STRUCTURES

PLAN  
SCALE 1:100

NOTES

1. REFER DRG 24003-C002 FOR STANDARD NOTES AND LEGENDS.
2. REFER DRG 24003-C008 FOR TYPICAL BULK EARTHWORK PLATFORM DETAILS.
3. A 3D DIGITAL TERRAIN MODEL TO BE PROVIDED TO THE CONTRACTOR PRIOR TO CONSTRUCTION.

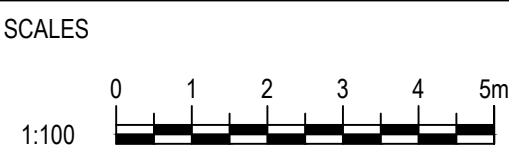
NOTE  
ALL BATTERS, TEMPORARY OR PERMANENT, STEEPER THAN 1H:4V OR HIGHER THAN 1.5m MUST BE INSPECTED WITHIN 24HRS OF EXCAVATION AND CERTIFIED BY AN RPEQ GEOTECHNICAL ENGINEER TO CONFIRM THEIR SHORT TERM AND LONG TERM STABILITIES.



A	PRELIMINARY ISSUE	GB	GA	13/03/24
REV	DESCRIPTION	DRN	APP	DATE
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CLIENT  
**KIM CULLEN & NEIL BIDDLE**

DESIGNED  
G. BROWNING

DRAWN  
G. BROWNING

CHECKED

PROJECT  
**CULLEN-BIDDLE RESIDENCE**  
**12 MURPHY STREET (LOT 113 PTD2094)**

TITLE  
**BULK EARTHWORKS PLAN**  
**SHEET 1 OF 2**

STATUS <b>PRELIMINARY</b>	
SCALE (AT FULL SIZE) 1:100	SIZE <b>A1</b>
DRAWING NUMBER <b>24003-C006</b>	REVISION <b>A</b>



## **Annexure 4: Revised Vegetation Report**

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17/04/2024

Att. Neal Beck  
Douglas Shire Council  
64-66 Front Street,  
Mossman  
Ph; 40999444

Dear Sir/Madam,

**RE; 14 Murphy Street (Lot 114 on PTD2094), Port Douglas.  
DSC Ref. OP 2023\_5422/1 (1169747). Landscape Conditions.**

With the revision and submission of new civil works for 14 Murphy Street (April 2024), please find attached the reviewed Tree Survey overlayed (in the report) on the civil plan for your approval of site trees. Based on these new works the tree report seeks approval for all onsite trees to be removed except for Trees 40 & 41.

The report notes tree 39 as remove, however, we are seeking to try to retain it through a staged approach, due to the encroachment of the site excavation on the structural root zone (SRZ). A series of assessments by the consulting arborist will ultimately determine if, during or post excavation, the tree is safe to remain. We have come to this point through the client wanting to retain the tree & through working closely with consultant Arborist Jim Scott from Central Tree Services. We are hoping that Douglas Shire Council are happy with this approach.

The new approach to earthworks is generally aligned with the submitted Landscape Plans Revision B dated 30 September 2022. With the approval of civil works and tree removals a new landscape plan can be submitted for approval to reflect the changes but retain the intent of species and suitable screening to the site. The current Landscape Plan utilizes 100% native species with 229 trees and palms proposed to be planted on the site.

The proposed rock lined drainage swale locations allow for 2000mm wide dense planting along the sides of the building and where the swales move closer to the boundary both sides can be planted to provided required plantings.

Please do not hesitate to contact me to discuss any of these points further.  
Kind Regards,

John Sullivan Bach.App.Sc.Hort.

HORTULUS LANDSCAPES

# Revision of Vegetation Survey and Tree removal 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

by John Sullivan Bach.App.Sc.Hort.

Hortulus Australia Pty/Ltd

PO Box 798 Port Douglas Q. 4877

17th April 2024.



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



## Introduction

Hortulus Australia Pty Ltd has been asked to provide a revision of the tree survey on 14 Murphy Street (Lot 114 PTD 2094) Port Douglas, dated 30th June 2022. Since the original report the design of the residence and proposed earthworks have been completed and in the light of these works a revision of the tree retention is required.

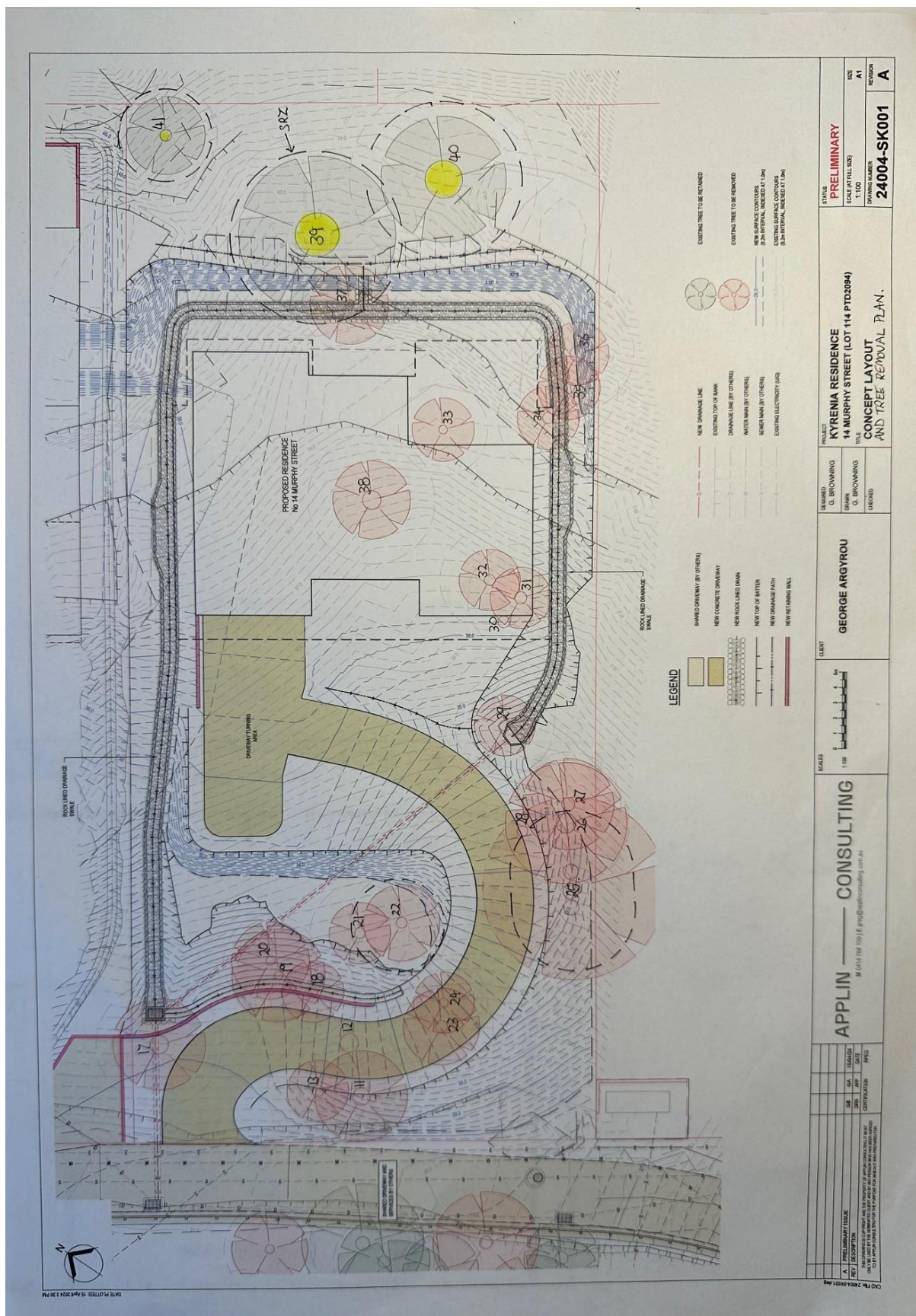
The tree retention survey includes all on-site trees with a trunk diameter of 500mm or more as measured from 1000mm above natural ground level. The revision refers to the previous report for Site description, Weed Species, and Visual Amenity commentary. The retention status of trees in this report supersedes those contained in the report of the 30<sup>th</sup> of June 2022.



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

In revising the tree to be removed there are several trees that are now in the way of the proposed driveway or the required fill areas to form up the driveway. There are several trees that could be retained with appropriate horticultural techniques, however, based on Douglas Shire Council's adherence to Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) it is simpler to remove these mature trees and replace with appropriate native species.





## SITE TREE SURVEY

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

- 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.** *Acacia crassicaarpa* Lancewood  
Height; 4m Girth; 1200mm Age; 40+ Canopy Diameter; 0m  
Structural Root Zone (radius from trunk); 0m Removal Status; Remove Dead
- TREE 13.** *Acacia crassicaarpa* Lancewood  
Height; 6m Girth; 750mm Age; 30+ Canopy Diameter; 4m  
Structural Root Zone (radius from trunk); 2.9m Removal Status; Remove due to age.
- TREE 17.** *Acacia crassicaarpa* Lancewood  
Height; 11m Girth; 1175mm Age; 40+ Canopy Diameter; 6m  
Structural Root Zone (radius from trunk); 3.5m Removal Status; Remove due to age.
- TREE 18.** *Terminalia muelleri* Mueller's Damson  
Height; 7m Girth; 600mm Age; 15 Canopy Diameter; 4m  
Structural Root Zone (radius from trunk); 2.5m Removal Status; Remove as in fill zone.
- TREE 19.** *Chionanthus ramiflorus* Native Olive  
Height; 7m Girth; 540mm Age; 10 Canopy Diameter; 6m  
Structural Root Zone (radius from trunk); 2.5m Removal Status; Remove as in fill zone.
- TREE 20.** *Acacia crassicaarpa* Lancewood  
Height; 6m Girth; 600mm Age; 30+ Canopy Diameter; 5m  
Structural Root Zone (radius from trunk); 2.7m Removal Status; Remove due to age.
- TREE 21.** *Acacia crassicaarpa* Lancewood  
Height; 6m Girth; 690mm Age; 30+ Canopy Diameter; 4m covered in vine.  
Structural Root Zone (radius from trunk); 2.9m Removal Status; Remove due to age.
- TREE 22.** *Terminalia muelleri* Mueller's Damson  
Height; 7m Girth; 700mm Age; 15 Canopy Diameter; 5m  
Structural Root Zone (radius from trunk); 3m Removal Status; Remove as there is slight fill encroachment into SRZ.
- TREE 23.** *Chionanthus ramiflorus* Native Olive  
Height; 7m Girth; 790mm Age; 10 Canopy Diameter; 5m  
Structural Root Zone (radius from trunk); 3m Removal Status; Remove as in driveway.
- 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; Remove as in driveway.

**TREE 25.** *Ficus sp.*(possibly *ficus rubignosa*)      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; **Remove as it is in fill zone**

**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; **Remove as it is in fill zone.**

**TREE 27.** *Euroschinus falcata*      Pink Poplar  
Height; 12m      Girth; 880mm      Age;20+      Canopy Diameter; 6m  
Structural Root Zone (radius from trunk); 3m      Removal Status; **Remove as it is in fill zone.**

**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.** *Acacia crassicarpa* 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.** *Polyscias elegans* 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.** *Polyscias elegans* 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.** *Alstonia scholaris* Milky Pine  
 Height; 20m Girth; 2800mm Age; 40+ Canopy Diameter; 10m  
 Structural Root Zone (radius from trunk); 5m Removal Status; **Remove/Determine onsite;**  
**the status of this tree will be determined onsite during earthworks with the consulting Horticulturalist and consulting Arborist. The tree has a 34% encroachment into it's SRZ, and the method of proposed retention is discussed below.**
- TREE 40.** *Eucalyptus tetericornis* 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.** *Choinanthus ramiflorus* Native Olive  
 Height; 8m Girth; 750mm Age; 10 Canopy Diameter; 5m  
 Structural Root Zone (radius from trunk); 2.9m Removal Status; **Retain.**

## PROPOSAL FOR RETENTION OF TREE 39

Tree 39 presents as a feature and backdrop for the proposed building. With a 34% encroachment into the theoretically aligned Structural Root Zone (SRZ) it is impossible to determine the actual location and depth of the structural roots without excavation onsite. Milky Pines are known for their strength and integrity during cyclone periods. They will show visible signs of stress prior to failure. The process below has been determined in collaboration with Jim Scott (arborist) from Central tree Services.

It is proposed to take a staged approach to try and retain this tree as a feature of the site. At each step the tree will be accessed for its health and vigour, and if during this process the arborist doubts the trees safety it will be **removed**.

**Step 1.** Crown assessment and crown reduction by arborist. This will be done prior to any earthworks onsite.

**Step 2.** Marking out of the SRZ and excavation area.

**Step 3.** Supervised excavation of the SRZ by horticulturalist. Working from the outside of the SRZ, identifying significant roots (Milky Pinke roots contain a milky sap) and their diameter to identify the overall loss of roots in this area.

**Step 4.** Determine if remediation or further crown reduction is required for the safety of the tree.

**Step 5.** Weekly monitoring of the tree for a 12-month period.

**Proposed Landscape Plan**

The submitted Landscape Plan Revision B, drawings 1-6 by Hortulus dated 30 September 2022 remain relevant. The latest proposed earthworks containing rock lined drainage swales follow a similar course. A new Landscape Plan will be submitted once earthworks & tree removals are approved using the same native species.

**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-1400mm wide drainage swale (refer engineering plans). This will leave at least 2000mm 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.

Away from the building the drainage swale allows for planting on both sides providing for dense planting.

**THE AUTHOR**

John Sullivan Bach.App.Sc.Hort. has a science degree from Melbourne University specialising in plant science, Environmental Horticulture & Landscape Design. He has been specialising in tropical landscape in northern Australia since 1992 working as a designer & 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 consulted and constructed works with Douglas Shire Council for over 25 years & been a Director at the Mossman Botanic Gardens for 10 years.