

5.2. 2 MURPHY STREET- BUILDING WORK ASSESSABLE AGAINST THE PLANNING SCHEME (ADDITIONS TO DWELLING HOUSE)

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Preliminary Approval- Building Work (Extensions to Dwelling House)
APPLICANT	Sandringham Animal Hospital Pty Ltd C/- Planning Plus Pty Ltd PO Box 8046
LOCATION OF SITE	2 Murphy Street PORT DOUGLAS
PROPERTY	Lot 26 on PTD20925

LOCALITY PLAN



Figure 2 - Locality Plan

ZONE	Environmental Management
PLANNING SCHEME	Douglas Shire Planning Scheme 2018 version 1.0
REFERRAL AGENCIES	There were no referral agencies for this application
NUMBER OF SUBMITTERS	There were no submitters for this application
STATUTORY ASSESSMENT DEADLINE	23 July 2018
APPLICATION DATE	4 June 2018

RECOMMENDATION

That Council approves the development application for a Preliminary Approval for building work (Extensions to Dwelling House) over land described as Lot 26 on PTD20925, located at 2 Murphy Street PORT DOUGLAS, subject to the following:

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

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

Drawing or Document	Reference	Date
Existing Second Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/1 DA	January 2018
Ground Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/2 DA	January 2018
First Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/3 DA	January 2018
Proposed Second Floor Plan	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/4 DA	January 2018
Front Elevation- South West	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/5 DA	January 2018
Rear Elevation- North East	Plan prepared by Driscoll Carvey Building Design & Interiors, 1752/6 DA	January 2018

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and

- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.**

Except where modified by these conditions of approval

Vegetation Clearing

- 2. Existing vegetation on the subject land must be retained in all areas to the satisfaction of the Chief Executive Officer.**

Damage to Council Infrastructure

- 3. 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.**

ADVICE

- 1. This approval, granted under the provisions of the *Planning Act 2016* shall lapse six (6) years from the date the approval takes effect.**
- 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.**

EXECUTIVE SUMMARY

Council is in receipt of a development application for a preliminary approval for building work assessable against the planning scheme to develop extensions to the existing dwelling house at 2 Murphy Street, Port Douglas.

The site is within the environmental management zone of the 2018 Douglas Shire Planning Scheme version 1.0. Building Work is made code assessable in this zone.

The proposal generally includes additional living space in the form of a lounge/bedroom with kitchenette to the rear and additional lounge with a BBQ and sink to the front of the site. It is also proposed to extend the lift to the second level and roof the existing verandah which is currently covered by shade sails. A condition has been imposed to retain all existing vegetation on site in order for the proposal to achieve compliance with the performance outcomes of the relevant codes. No increase in site cover or development footprint is proposed. The application is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The house has an existing building approval and was lawfully established with a section achieving three storeys in height.

The site is a 577 square metre truncated allotment on the corner of Murphy and Wharf Street and can be described as being at the base of flagstaff hill. The main street frontage is from Murphy Street, which is also where access to the site is formed.

The site is characterised by a relatively moderate slope toward Wharf Street. The lot has been cut and levelled prior to the house being built. The natural ground profile slopes parallel with Murphy Street and falls to Wharf Street. The adjoining boundary to 1 Island Point Road is made up of a large retaining wall retaining land for the tennis court at 1 Island Point Road.

Proposal

Proposed are extensions to the existing house which generally include additional living space in the form of a lounge/bedroom with kitchenette to the rear and additional lounge with a BBQ and sink to the front of the site. It is also proposed to extend the lift to the second level and roof the existing verandah which is currently covered by shade sails.

Building setbacks and height exceed the acceptable solutions of the Environmental management zone code. Breaches of the acceptable solutions include a maximum building height of 8.5 metres with a proposed height of 11 metres and setbacks to the road boundary requiring 6 metres but achieving 5.5 metres. However, setbacks are not being proposed for further dispensation, with the building alterations proposed to be sited within the existing setback. It is proposed to add another storey onto the front sections of the existing building to make these sections three storeys in height, consistent with the rest of the existing building.

Essentially the proposal is to elevate two parts of the existing house to a third storey to be consistent with the centre of the house where a third storey currently lawfully exists.

State Planning Requirements

The proposal is identified within the urban area of the Far North Queensland Regional Plan and is consistent with its intent. The provisions of the State Planning Policy are not considered relevant to building work on an existing house in an urban area and won't be assessed.

Douglas Shire Planning Scheme Assessment

Table 1.

	Planning Scheme Code	Code Applicability	Compliance
Zone	Environmental Management Zone	✓	See comment below
Defined Use	Dwelling House	✓	See comment below
Overlay	Potential Landslip Hazard	✓	See comment below

Compliance Issues

Environmental Management Zone Code

Assessment benchmark AO1.1 of the code requires a maximum building height of 8.5 metres above the revised ground level. The extensions propose a maximum building height of 11 metres. This 2.5 metre breach of the acceptable solution is considered compliant with the corresponding performance criteria because the modified ground level is cut into the bank to a depth of approximately one storey. This building height is consistent with the existing height of the building, albeit to a greater extent of the building footprint on the top level.

The performance criterion requires that buildings are not unduly visible from external sites and keep with the natural characteristics of the site. Given the existing structure, significant vegetative screening onsite and the location of the site in the lower area of Flagstaff Hill, the proposal is not considered to result in undue visual impacts that are out of character with the area. Next door to the subject lot is an existing large house with an elevation far exceeding that of the proposal. That being said, it is considered that the proposal is consistent with the built form of surrounding development and maintains the existing character of the area.

Assessment Benchmark AO2 requires a six metre main road frontage setback. Proposed extensions exceed the 6 metre road setbacks proposed as 5.5 metres. The setbacks already breach the requirement with the existing siting of the building but are not proposed for further relaxation so the proposed setbacks are of no consequence. No further building footprint or site cover is proposed. Essentially the proposal is to add another storey to two parts of the existing building.

The side and rear boundary setbacks are existing non-compliant. These setbacks are proposed at varying 2.3 – 2.6 metres from the side and rear boundaries. These setbacks are consistent with the existing structure and the boundaries are generally well screened with existing vegetation. Furthermore, the proposed extensions adjoin a tennis court on one side and vacant lot on the other so any amenity impacts are likely to be negligible.

Dwelling House Code

Assessment Benchmark A03 requires the development meets the acceptable outcomes for building height in the applicable zone code associated with the site. Building height has been justified above, however, this code requires that where the acceptable solution cannot be met, assessment against the corresponding performance criteria is required. PO3 requires that development;

- a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area;
- b) does not create an overbearing development for adjoining dwelling houses and their private open space;
- c) does not impact on the amenity and privacy of residents in adjoining dwelling houses;

- d) ensures that garages do not dominate the appearance of the street.

Building height is shown on the elevations as being slightly greater than 8.5 metres from natural ground level on the front elevation. The administrative definition of building height requires it to be taken from the lawfully modified ground level under the current Planning Scheme, meaning the figure becomes 11 metres, which is 2.5m above the acceptable outcome under the Environmental Management Zone. Despite this breach, the proposal is considered to comply with PO3 on the basis that the proposal is consistent in scale with existing development in the street and surrounding area. The area is characterised by particularly large dwellings, many of which are of similar or greater height than the proposal.

The proposal will have limited to no adverse visual impacts due to the fact that the existing dwelling is already three (3) levels (albeit to a lesser extent), is located in a lower portion of Flagstaff Hill not in prominent view from vantage points within the town and is significantly screened by existing onsite vegetation. Amenity and privacy of adjoining dwellings is not affected as the neighbouring lot adjoins the site with a tennis court separating them. The house was initially designed with significant implementation of tropical design features and does not include a garage dominating the street frontage.

Potential Landslip Hazard Overlay Code

Assessment Benchmark AO1.1 requires that Development is located on the part of the site not affected by the Potential landslide hazard overlay. The allotment is picked up by the overlay mapping and is classified as a potential landslip hazard site. No earthworks are proposed and development is limited to additions to the top of the existing structure. A structural engineer will be responsible for ensuring existing footings are capable of accommodating the additional loads of the structure at the building approval stage of development.

Referral Agency Requirements

There were no referral agencies for this application.

Public Notification / Submissions

The application is code assessable. Submissions do not make up any part of the development assessment process under the planning Act 2016 for applications triggering code assessment. No submissions were received.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1- Approved Plans **[5.2.1]**

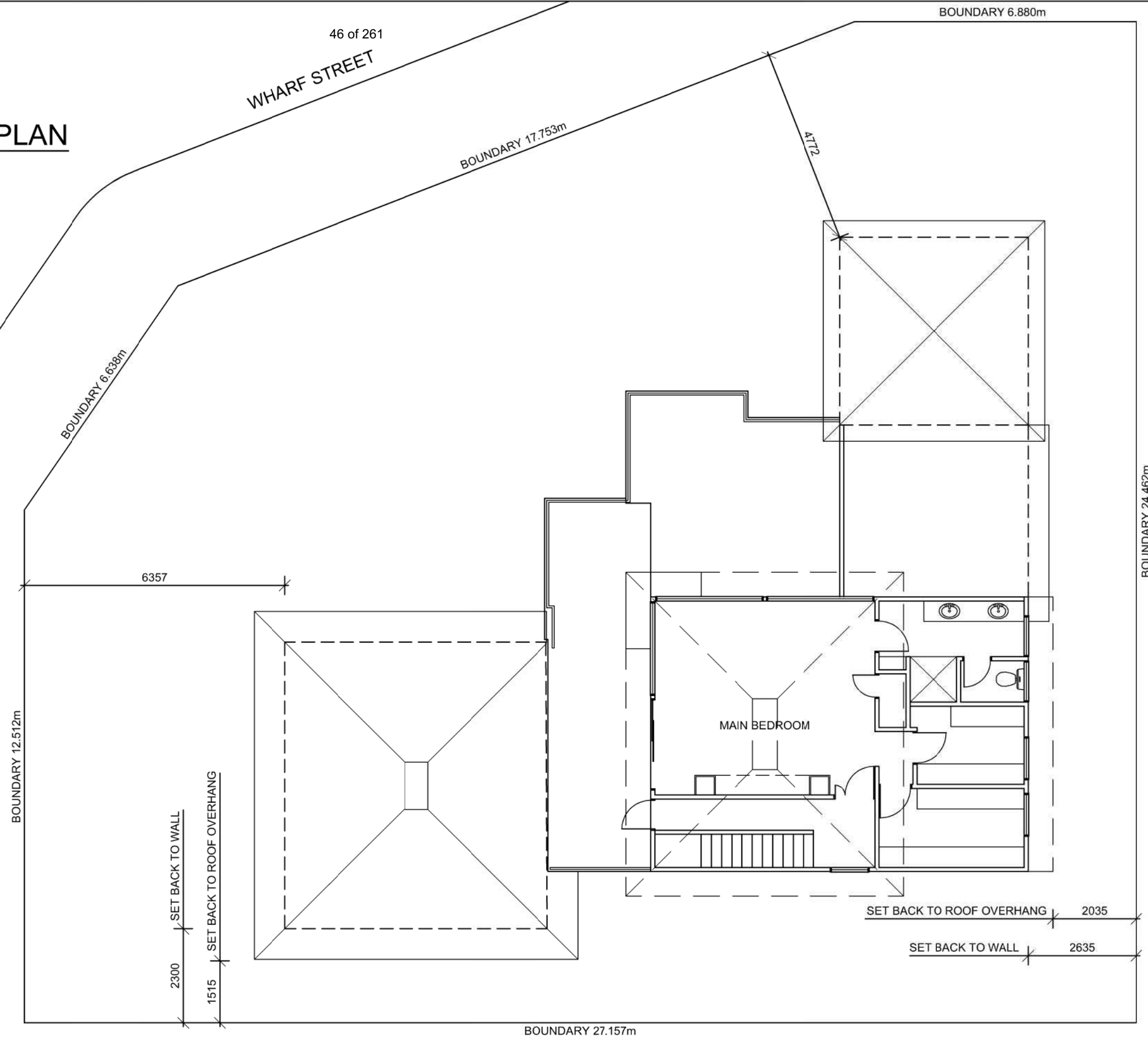
EXISTING SECOND FLOOR PLAN

SCALE 1:100



MURPHY STREET

WHARF STREET



DATE	REVISION

PROPOSED RENOVATIONS & EXTENSIONS
for S & A COLES
No 2 MURPHY STREET
PORT DOUGLAS
Ordinary Council Meeting 26 June 2018

scale: AS SHOWN @ A1
drawn: L CARVEY
date: JANUARY 2018
dwg no.: 1752/1 DA

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AEN 35 721 486 136



BOUNDARY 24.462m

COLES

GROUND FLOOR PLAN

SCALE 1:100



MURPHY STREET

WHARF STREET

BOUNDARY 6.880m

BOUNDARY 17.753m

BOUNDARY 6.638m

Lot 26 on
PTD20925

BOUNDARY 12.512m

4322

6322

2300
SET BACK TO WALL

POOL

VERANDAH

GARAGE

LIFT

BOUNDARY 27.157m

LIVING / DINING

KITCHEN

LAUNDRY

BBQ AREA

BBQ

BATHROOM

BEDROOM

BEDROOM

BATHROOM

SET BACK TO WALL 2635

BOUNDARY 24.462m

DATE	REVISION

PROPOSED RENOVATIONS & EXTENSIONS
for S & A COLES
No 2 MURPHY STREET
PORT DOUGLAS
Ordinary Council Meeting 26 June 2018

scale: AS SHOWN @ A1
drawn: L CARVEY
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dwg no.: 1752/2 DA

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FIRST FLOOR PLAN

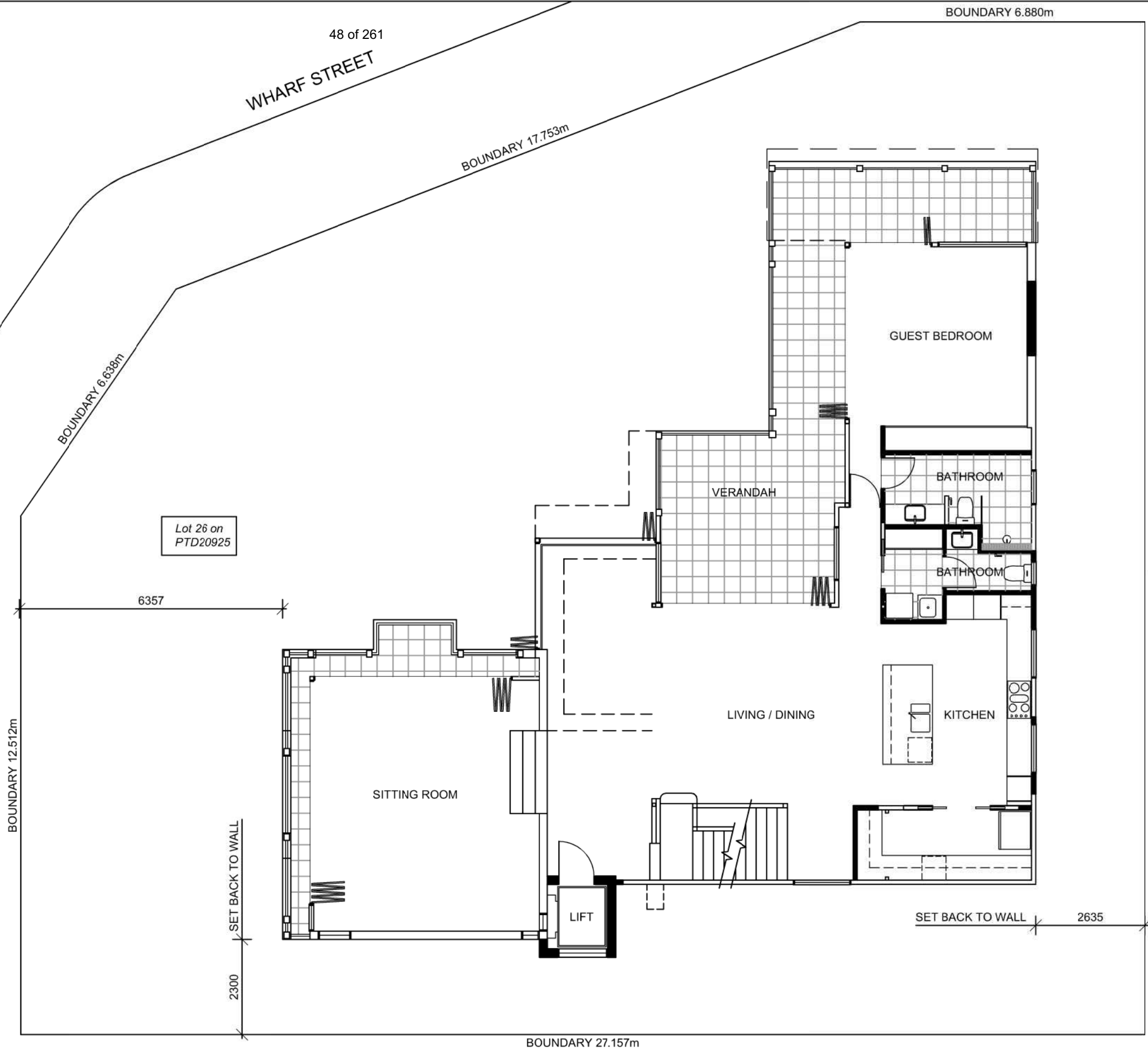
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MURPHY STREET

WHARF STREET

Lot 26 on
PTD20925



DATE	REVISION

PROPOSED RENOVATIONS & EXTENSIONS
for S & A COLES
No 2 MURPHY STREET
PORT DOUGLAS
Ordinary Council Meeting 26 June 2018

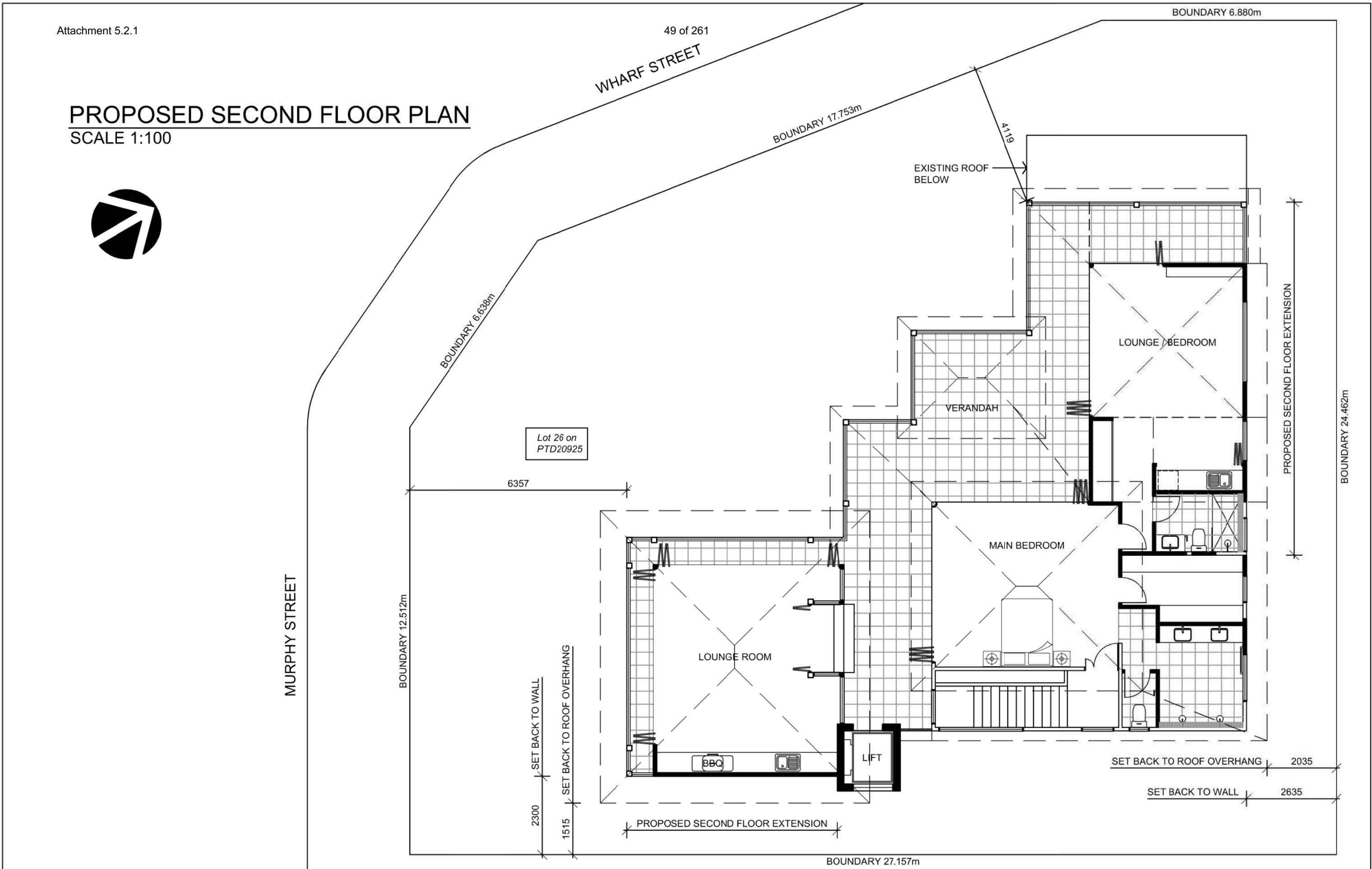
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drawn: L CARVEY
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dwg no.: 1752/3 DA

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PROPOSED SECOND FLOOR PLAN

SCALE 1:100



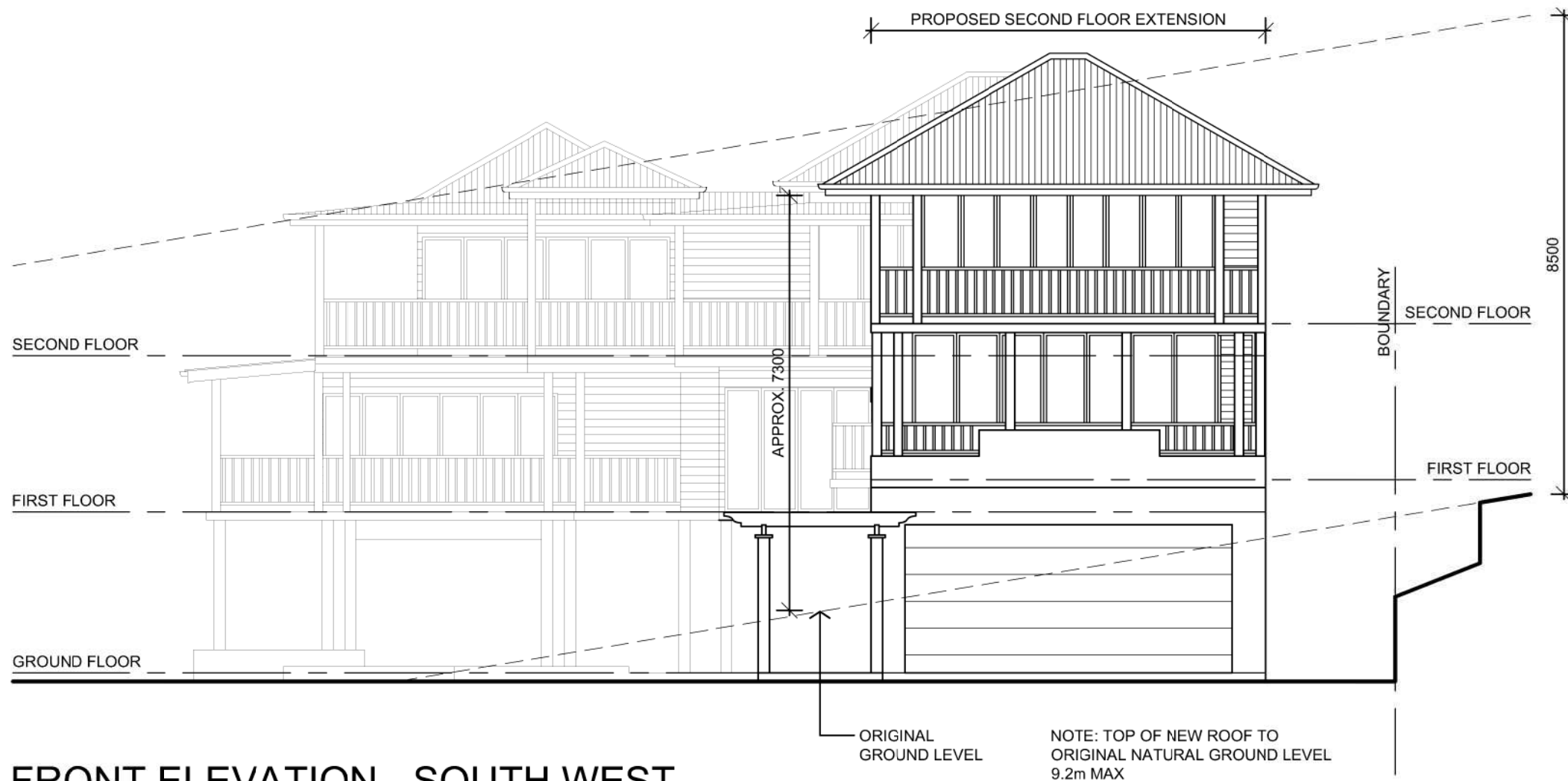
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 for S & A COLES
 No 2 MURPHY STREET
 PORT DOUGLAS
 Ordinary Council Meeting 26 June 2018

scale: AS SHOWN @ A1
 drawn: L CARVEY
 date: JANUARY 2018
 dwg no.: 1752/4 DA

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FRONT ELEVATION - SOUTH WEST
SCALE 1:100

ORIGINAL GROUND LEVEL
NOTE: TOP OF NEW ROOF TO ORIGINAL NATURAL GROUND LEVEL 9.2m MAX

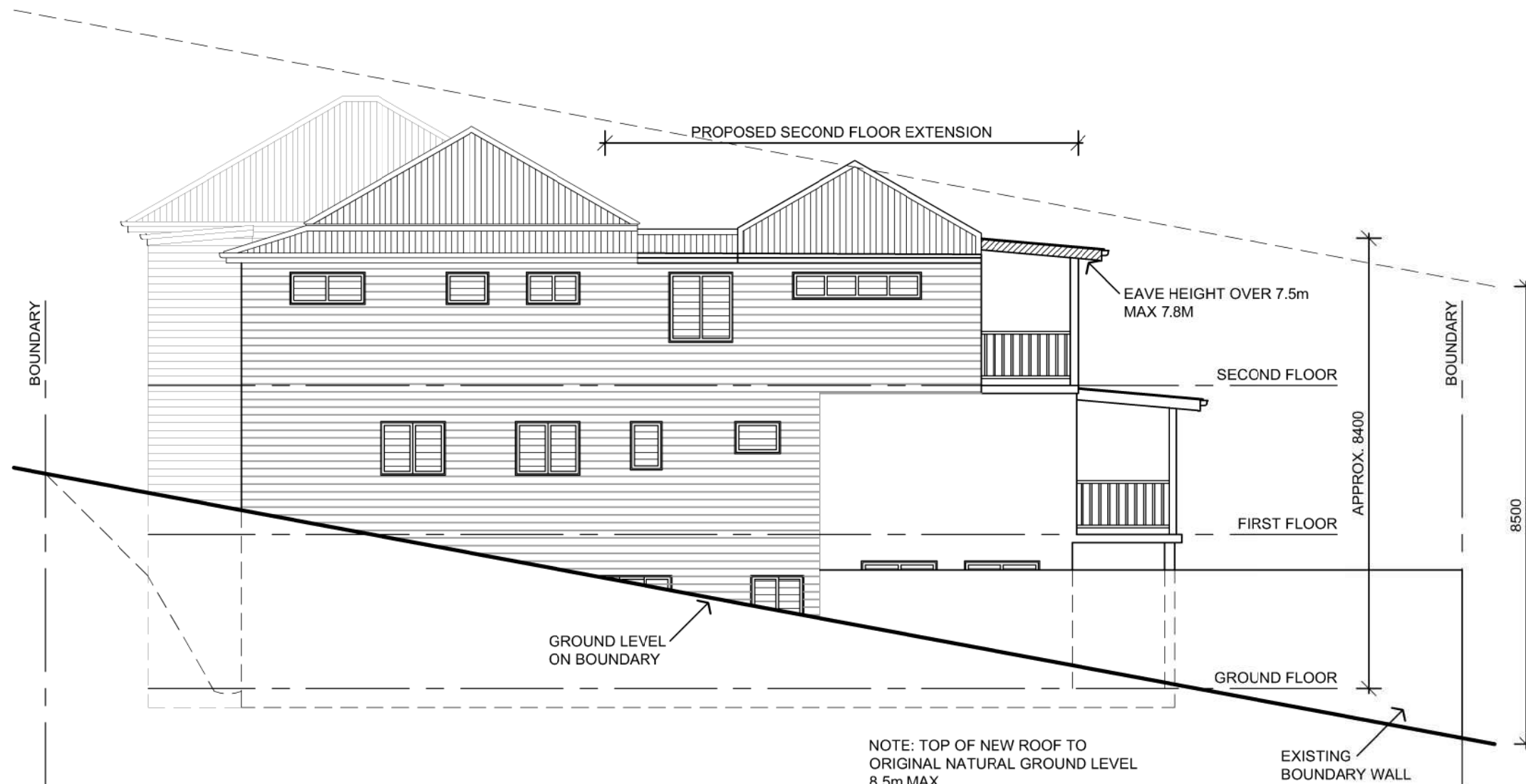
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PROPOSED RENOVATIONS & EXTENSIONS
for S & A COLES
No 2 MURPHY STREET
PORT DOUGLAS
Ordinary Council Meeting 26 June 2018

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REAR ELEVATION - NORTH EAST
SCALE 1:100

NOTE: TOP OF NEW ROOF TO ORIGINAL NATURAL GROUND LEVEL 8.5m MAX

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