

**Application for Development Permit for Material Change of Use for ‘Multiple Dwellings’, ‘Short-Term Accommodation’ and ‘Food and Drink Outlet’ over Land at 69 – 73 Murphy Street, Port Douglas, described as Lot 2 on RP724386 and Lot 516 on PTD2094**

November 2020

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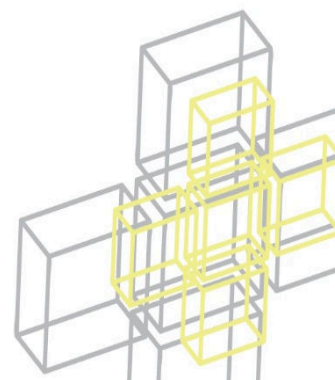
Prepared for:

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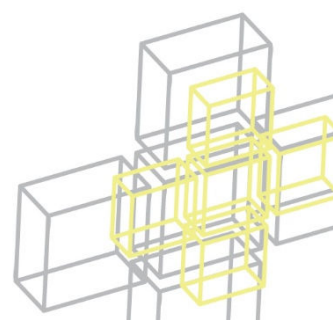
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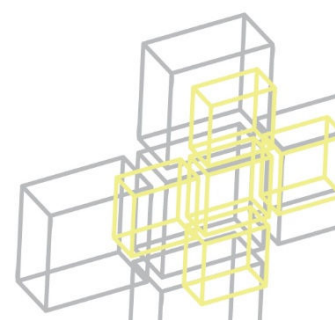


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## Executive Summary

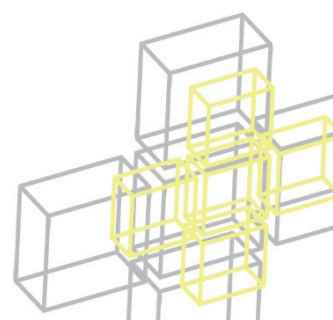
This Planning Report has been prepared by Planning Plus (QLD) Pty Ltd (Planning Plus) on behalf of Gurner TM Nominee Pty Ltd (the 'applicant') in support of an application to Douglas Shire Council seeking a Development Permit for Material Change of Use for 'Multiple Dwellings', 'Short-Term Accommodation' and 'Food and Drink Outlet' over land at 69 – 73 Murphy Street, Port Douglas, described as Lot 2 on RP724386 and Lot 516 on PTD2094 (the 'site').

The proposal comprises a high-quality residential development comprising a mix of permanent and holiday accommodation, as well as a restaurant/bar and range of recreation amenities. The proposal is somewhat unique given the characteristics of the site which have been formed from past quarrying activities. The site now exhibits a large benched area partly surrounded by steep cut batters and is essentially "sunken" into the hillslope, providing the ability to absorb the proposed built form and integrate it into the surrounding landform. This has created the opportunity for a proposal with increased building height that is still able to sit appropriately within the broader landscape and maintain the visual characterises of the area.

The development proposed is 'assessable development' as defined under Section 44 of the *Planning Act 2016* and thus requires assessment against local Planning Scheme provisions and relevant State legislation. This report provides an overview of the development proposed and addresses the various planning considerations relevant to Council and other agencies' assessment of the proposal.

In summary, the report concludes that:

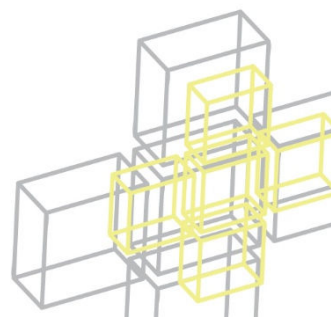
- The submitted information conforms to the requirements for making a 'code-assessable' development application under the *Planning Act 2016*; and
- The proposed development is considered to be consistent with the outcomes sought by the Douglas Shire Planning Scheme 2018 and associated policies, and adequate justification is considered to exist to facilitate the intended development including any relaxations sought against relevant technical code provisions.



## 1.0. Background

Originally, it is understood that the site was subject to a quarry operation. Evidence of this past use can be found in the existing topography of the site, which is somewhat “benched”, with a steep cutting present along the Murphy Street frontage.

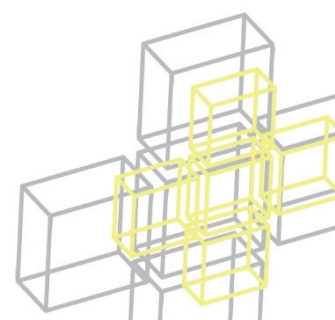
More recently, the site was subject to an approval for a Material Change of Use for ‘Multiple Dwellings’. The approval was ultimately granted by the Planning & Environment Court in 2013 following a submitter appeal, and while extended in 2017, is understood to have recently lapsed. A copy of the Agenda Report for the 2017 Extension Application is included as **Annexure 1**.



## 2.0. Application Summary

DA Form 1 is included as **Annexure 2**. A summary of relevant application details is provided in the following:

<b>Applicant:</b>	Gurner TM Nominee Pty Ltd
<b>Registered Owner/s:</b>	Roger William Allen <i>Refer to Title Searches (Annexure 3)</i>
<b>Contact:</b>	Mr Evan Yelavich Planning Plus (QLD) Pty Ltd PO Box 399 REDLYNCH QLD 4870 E: <a href="mailto:Info@planningplusqld.com.au">Info@planningplusqld.com.au</a> P: 4039 3409
<b>Real Property Description:</b>	Lot 2 on RP724386 and Lot 516 on PTD2094
<b>Location:</b>	69 – 73 Murphy Street, Port Douglas
<b>Tenure:</b>	Freehold
<b>Total Area:</b>	2,833m <sup>2</sup>
<b>Local Government Authority:</b>	Douglas Shire Council
<b>Easements and Encumbrances:</b>	Easement A on SP183023 (easement in gross benefitting Douglas Shire Council.
<b>Proposal:</b>	Development Permit for Material Change of Use for 'Multiple Dwellings', 'Short-Term Accommodation' and 'Food and Drink Outlet'.
<b>Our Reference:</b>	20-12



## 3.0. Site

### 3.1. Details and Description

The land the subject of this application is situated at 67 – 73 Murphy Street, Port Douglas, and is described as Lot 2 on RP724386 and Lot 516 on PTD2094. A QLD Globe Aerial Overlay and SmartMap of the site are included for reference as **Annexures 4 & 5**, respectively.

The site covers a total area of 2,833m<sup>2</sup> with frontage to Murphy Street to the north and Esplanade road reserve to the east.

The land generally falls from north to south, being at the foothill of Flagstaff Hill which is located to the north. Given past quarrying activities on the site, a large cutting exists along the Murphy Street frontage, with much of the site being significantly lower than the road and a large benched area remains, as evidenced by the Detail and Contour Survey Plan included as **Annexure 6**.

The site remains vacant of any built improvements and is currently vegetated.

### 3.2. Locality

The surrounding locality is largely comprised of residential land uses, predominately in the form of medium density accommodation used for both short-term holiday and permanent occupation. Further up Flagstaff Hill to the north of the site, large detached dwellings are also prominent.

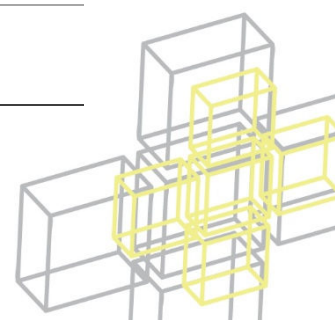
In all cases, the built form in the surrounding locality could be described as “up-market”, with the area being highly desirable and commanding high values. This has resulted in some relative large and architecturally distinctive structures which assist in reinforcing Port Douglas’s image as a luxurious and desirable holiday destination.

The site is located within very short distance of Four Mile Beach, as well as Macrossan Street and the heart of Port Douglas.

### 3.3. Planning Context

The planning context of the site includes:

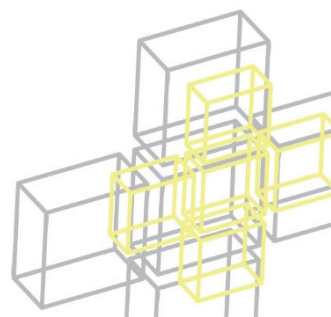
<b>Regional Plan Designation:</b>	Urban Footprint
<b>Planning Scheme Local Plan Area:</b>	Port Douglas/Craiglie <i>Refer to Douglas Shire Council Planning Scheme Property Report included as <b>Annexure 7</b>.</i>
<b>Planning Scheme Zone:</b>	Tourist Accommodation <i>Refer to Douglas Shire Council Planning Scheme Property Report included as <b>Annexure 7</b>.</i>
<b>Planning Scheme Overlays:</b>	Acid Sulfate Soils Overlay; Bushfire Hazard Overlay;



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	Hillslopes Overlay; Landscape Values Overlay; Potential Landslide Hazard Overlay; and Transport Road Hierarchy Overlay. <i>Refer to Douglas Shire Council Planning Scheme Property Report included as <b>Annexure 7.</b></i>
<b>State Development Assessment Mapping:</b>	Coastal Protection <i>Refer to SDAP Mapping included as <b>Annexure 8.</b></i>

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## 4.0. Proposal

This application seeks a Development Permit for Material Change of Use for 'Multiple Dwellings', 'Short-Term Accommodation' and 'Food and Drink Outlet' over the subject site. The proposed uses are defined under the Douglas Shire Planning Scheme 2018 as follows:

Multiple Dwelling:

*Premises containing three or more dwellings for separate households.*

Short-Term Accommodation:

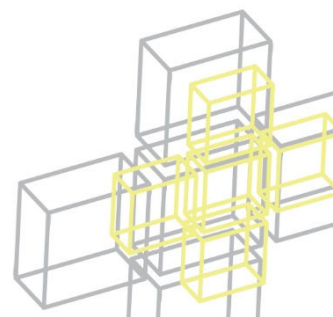
*Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.*

Food and Drink Outlet

*Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.*

The following Architectural Plans, prepared by Powell & Glenn and Wolveridge Architects, are included as **Annexure 9**:

<b>Plan No.</b>	<b>Plan Name</b>
	COVER PAGE
P0.00	DESIGN STATEMENT
P0.01	SITE CONTEXT
P0.02	SITE IMAGERY
P0.03	SITE IMAGERY
P0.04	SITE ANALYSIS
P0.05	SITE SURVEY
P0.06	SITE SURVEY
P0.07	INTERPOLATED SURVEY DIAGRAM
P0.08	PRECEDENT IMAGERY
P0.09	PRECEDENT IMAGERY
P0.10	PRECEDENT IMAGERY
P0.11	PRECEDENT IMAGERY
P0.12	PRECEDENT IMAGERY
P1.01	SITE PLAN
P1.02	B1 BASEMENT LEVEL
P1.03	LG LOWER GROUND LEVEL
P1.04	00 GROUND LEVEL
P1.05	01 FIRST LEVEL
P1.06	02 SECOND LEVEL
P1.07	03 THIRD LEVEL
P1.08	04 FOURTH LEVEL
P1.09	RL ROOF LEVEL
P1.10	DRIVEWAY / ENTRY FLOOR PLANS
P2.01	SOUTH ELEVATION



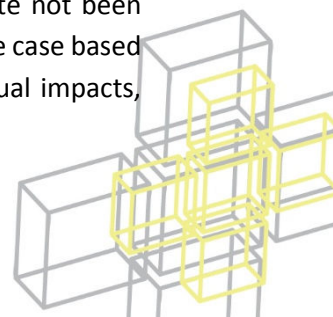
P2.02	WEST ELEVATION
P2.03	NORTH ELEVATION
P2.04	EAST ELEVATION
P2.05	DRIVEWAY ENTRY
P3.01	S.01 CROSS SECTION
P3.02	S.02 CROSS SECTION
P3.03	S.03 CROSS SECTION
P3.04	S.11 LONGITUDINAL SECTION
P3.05	S.12 LONGITUDINAL SECTION
P3.06	S.02A SITE CROSS SECTION
P4.01	FINISHES PALETTE
P4.02	PERSPECTIVES - ARTIST IMPRESSION
P4.03	PERSPECTIVES - ARTIST IMPRESSION
P4.04	PERSPECTIVES - ARTIST IMPRESSION
P4.05	PERSPECTIVES - ARTIST IMPRESSION
P4.06	PERSPECTIVES - ARTIST IMPRESSION
P4.07	PERSPECTIVES - EXISTING TREE CANOPY
P5.01	SHADOW DIAGRAMS - JUNE
P5.02	SHADOW DIAGRAMS - DECEMBER
P5.03	DEVELOPMENT SUMMARY
P5.04	DEVELOPMENT SUMMARY
P5.05	DEVELOPMENT SUMMARY
P5.06	DEVELOPMENT SUMMARY
P5.07	DEVELOPMENT SUMMARY
P5.08	DEVELOPMENT SUMMARY

In summary, the proposal includes:

- 16 x apartments (6 x 2br, 4 x 3br & 6 x 4br);
- 18 x hotel rooms;
- 27 car parking spaces in basement area;
- Access via Esplanade road reserve;
- Podium level recreation space including pool; and
- Restaurant/bar (approx 250m<sup>2</sup> including outdoor areas).

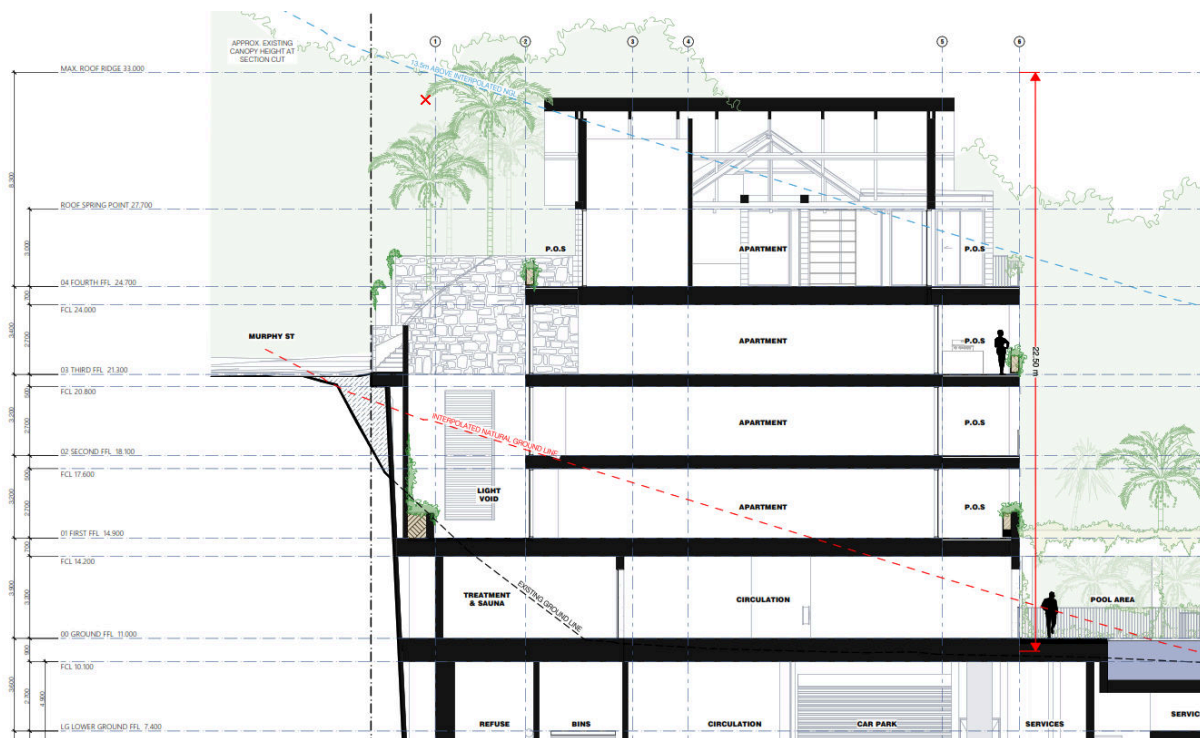
As evidenced by the plans, the proposal is somewhat unique given the characteristics of the site which have been formed from past quarrying activities (see Detail and Contour Survey Plans). The site now exhibits a large benched area partly surrounded by steep cut batters and is essentially “sunken” into the hillslope, providing the ability to absorb the proposed built form and integrate it into the surrounding landform. This has created the opportunity for a proposal with increased building height that is still able to sit appropriately within the broader landscape and maintain the visual characterises of the area.

The above-described concealment of the built form can be better understood by looking at the Cross Sections which include both the “existing ground line” and the “interpolated ground line”, the existing being of course the current ground line and the interpolated being the original/natural ground line prior to past quarrying activities. The interpolated ground line shows that had the site not been modified from past activities, the real building height would be significantly less than is the case based on the existing ground line, yet the actual building height, and in turn the broader visual impacts,



would be the same. It is further noted that the proposal includes additional excavations, mainly to create basement car parking and services areas, thereby further increasing building scale without additional visual impacts.

Maximum building height based off the existing ground line is identified as being 22.5m (measured as per below).

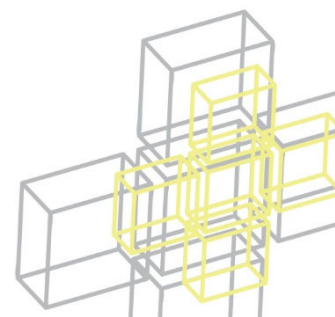


As shown on the Cross Sections however, the 13.5m prescribed building height line when taken off the interpolated ground line demonstrates that only a small proportion of the building exceeds the height line. This small portion of the front of the building consists primarily of a dark-coloured, pitched roof structure with an overall reduced building bulk and visual prominence.

The result of the building height being absorbed into the site is a limited visual impact when viewed from surrounding viewpoints. To this end, a Visual Impact Assessment has been prepared and is included as **Annexure 10**. The assessment, undertaken against Council’s Landscape Values Planning Scheme Policy, includes various views of the proposal taken from significant surrounding viewpoints and demonstrates that the proposal is largely hidden and is only able to be seen in limited circumstances from the south and east.

Where the proposal is visible, the impacts have been mitigated through the use of appropriate colours and significant attention to tropical urbanism design principles, including a well-considered landscaping package. The following set of Landscaping Plans, prepared by Myles Baldwin Design, is included as **Annexure 11**:

Plan No.	Plan Name
511_TP_01	COVER PAGE
511_TP_02	GENERAL SPECIFICATION



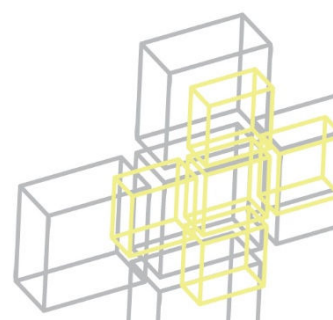
511_TP_03	PLANT SCHEDULE
511_TP_04	PLANT PALETTE
511_TP_05	SITE PLAN
511_TP_10	LANDSCAPE PLAN - BASEMENT LEVEL
511_TP_11	LANDSCAPE PLAN - LOWER GROUND
511_TP_12	LANDSCAPE PLAN - GROUND LEVEL
511_TP_13	LANDSCAPE PLAN - GROUND LEVEL - EAST
511_TP_14	LANDSCAPE PLAN - LEVEL 1
511_TP_15	LANDSCAPE PLAN - LEVEL 2
511_TP_16	LANDSCAPE PLAN - LEVEL 3
511_TP_17	LANDSCAPE PLAN - LEVEL 4
511_TP_20	SOUTHERN ELEVATION
511_TP_21	NORTHERN ELEVATION
511_TP_22	WESTERN ELEVATION
511_TP_30	TYPICAL DETAILS

The following additional reports have also been prepared to support the application:

- Engineering Services Report prepared by Inertia (**Annexure 12**);
- Traffic Engineering Report prepared by Traffix Group (**Annexure 13**); and
- Geotechnical Assessment Report prepared by GEO Design (**Annexure 14**).

Several points are worth noting with respect to the above reports, as follows:

- Flood levels are understood to be currently under review by Council. The proposal includes a minimum finished floor level of 4.2m AHD, being the ARI 100 (including 0.8m sea level rise) + 300mm freeboard level, which is considered appropriate and consistent with the current accepted approach to flood immunity.
- Access to the site is via the extension of the Esplanade road reserve to the east of the site and includes a “tunnel” arrangement into the basement car park. While unconventional, this arrangement is considered to provide a “wow factor” to the arrival experience and also negates the need for a significant cut batter whilst blending the proposed development into the existing topography and providing a seamless pedestrian thoroughfare to the foreshore.
- Geotechnical stability of the site will be improved through the various retaining and stabilisation techniques proposed as part of the development. Whilst some significant earthworks are proposed, it is noted that the site exhibits existing stability issues and the proposal will rectify these matters to provide for a suitable level of safety for future users.



## 5.0. Legislative Considerations

### 5.1. Planning Act 2016

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

#### 5.1.1. Assessable Development

The proposed development is identified as 'assessable' under the *Planning Act 2016* due to the effect of the *Planning Regulation 2017*.

#### 5.1.2. Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

#### 5.1.3. Assessment Categories & Benchmarks

The following table outlines the Assessment Categories and Assessment Benchmarks applicable to the various aspects of development proposed:

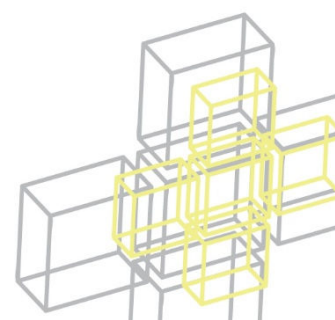
Aspect of Development	Categories of Assessment	Assessment Benchmarks
Material Change of Use for: <ul style="list-style-type: none"><li>• Multiple Dwellings</li><li>• Short-Term Accommodation</li><li>• Food and Drink Outlet (associated with on - site tourist accommodation)</li></ul>	Code Assessment	Relevant Codes of Douglas Shire Planning Scheme 2018

#### 5.1.4. Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the application will not trigger any State agency referrals.

#### 5.1.5. Public Notification

This application is 'code-assessable' and therefore does not require public notification.



## 6.0. Statutory Planning Assessment

### 6.1. Overview

This section provides an assessment of the application against relevant statutory planning provisions and assessment benchmarks.

### 6.2. State Planning Policy

The State Planning Policy (SPP) 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 all State interests are adequately reflected in the Planning Scheme.

### 6.3. State Development Assessment Provisions

No State Development Assessment Provisions are identified as being relevant to the application.

### 6.4. Douglas Shire Planning Scheme 2018

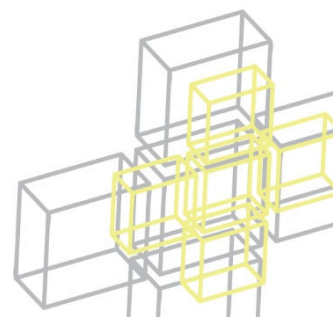
The proposed development is identified as being subject to 'code assessment' under the Douglas Shire Planning Scheme 2018. Assessment of the proposal against the relevant code provisions is provided below.

#### 6.4.1. Code Assessment

By reference to the Tourist Accommodation Zone Assessment Table, the following codes have been identified as being applicable to this proposal:

- Tourist Accommodation Zone Code;
- Port Douglas/Craiglie Local Plan Code;
- Multiple Dwelling , Short Term Accommodation and Retirement Facility Code;
- Acid Sulfate Soils Overlay Code;
- Bushfire Hazards Overlay Code;
- Hillslopes Overlay Code;
- Landscape Values Overlay Code;
- Potential Landslide Hazard Overlay Code;
- Transport Network Overlay Code;
- Access, Parking and Servicing Code;
- Environmental Performance Code;
- Infrastructure Works Code; and
- Landscaping Code.

A detailed assessment against the above codes is included as **Annexure 15** to this report.



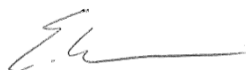
## 7.0. Conclusion

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It is submitted that the application has demonstrated that the proposed development is consistent with the outcomes sought by the Douglas Shire Planning Scheme 2018 and associated policies, and includes adequate justification to facilitate the intended development proposal, including any relaxations sought against technical code provisions.

We trust the information provided herein is sufficient for Council's purpose, however should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully



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

Encl.

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