

YOUR REF: 62857/OCK/AF/L73064
OUR REF: SUP 2770/2008 (417714)

13 March 2014

Mr & Mrs Fred & Lola Langton
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

Attention: Mr Owen Caddick-King

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 27 MURPHY STREET, PORT DOUGLAS**

With reference to the abovementioned Development Application, which was determined by Council at the Ordinary Meeting held on 11 March 2014, please find attached the relevant Decision Notice.

Council further resolved to advise the Applicant that there remains opportunity to lodge an application for a Material Change of Use for the development of Holiday Accommodation on the land under the current Scheme, as the use is not prohibited development under the *Sustainable Planning Act 2009* and that any application would be considered on its merits.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number (07) 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

APPLICANT DETAILS

Fred & Lola Langton
C/- RPS Australia East Pty Ltd
PO Box 1949
CAIRNS QLD 4870

ADDRESS

27 Murphy Street, Port Douglas

REAL PROPERTY DESCRIPTION

Lot 113 on PTD2091

PROPOSAL

Request to extend Relevant Period - Multiple Dwellings (Tourist) (Superseded Planning Scheme)

DECISION

The request to extend the relevant period was refused.

PLANNING GROUNDS FOR REFUSAL

1. Since the issue of the Development Permit the 1996 Douglas Shire Planning Scheme has been superseded by new planning controls. The development approved under the Development Permit is inconsistent with the current Planning Scheme and planning controls;
2. The delay in effecting the approval for the Material Change of Use due to suppressed market conditions and the Applicant's economic circumstances and constraint on ability to develop and sell the Multiple Dwellings (tourist) are not planning considerations permitted to be considered for approving an extension to the period of the approval;
3. Based on the information provided in the Applicant's request to extend the Relevant Period of the Development Permit, it is not considered that the request has sufficient merit, having regard to section 388 of the *Sustainable Planning Act 2009*, to support an extension to the relevant period. Having regard to the *Sustainable Planning Act 2009* it is inappropriate for Council to extend the period of approval;
4. There is no demonstrated planning need for the proposed use of Multiple Dwellings (tourist) on the land to enable supporting the consolidation of Port Douglas as a major tourist accommodation centre. There is other land available in the Port Douglas and environs area that enable major tourist accommodation;
5. The extension to the Development Permit is contrary to the expected outcomes for the land held by the community; and

6. The development would, if applied for under the current Scheme, be likely to give rise to submissions against it.

DECISION DATE

11 March 2014

TYPE

Request to extend Relevant Period - Multiple Dwellings (Tourist) (Superseded Planning Scheme)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this request.

RIGHTS OF APPEAL

Attached

End of Decision Notice