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

October 2021

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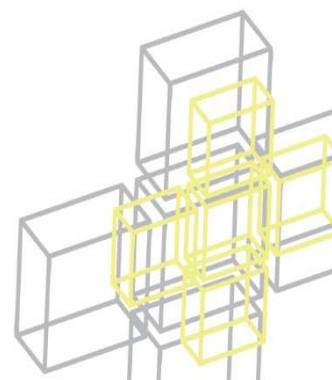
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town planning, project management & development consultants



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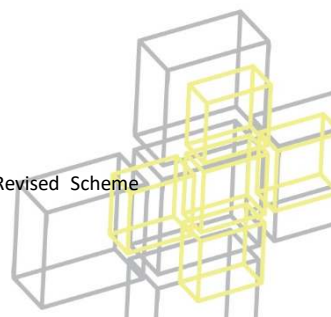
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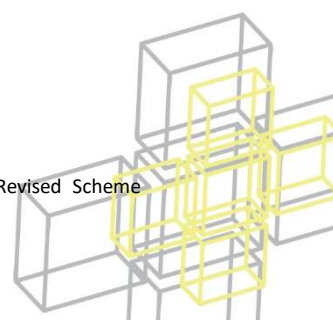


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Executive Summary

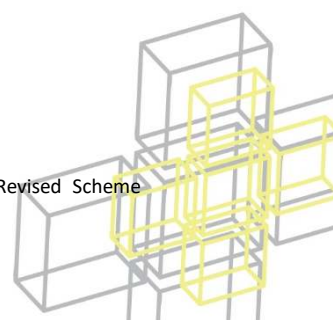
This Planning Report has been prepared by Planning Plus (QLD) Pty Ltd (Planning Plus) on behalf of Gurner TM Nominee Pty Ltd (the 'applicant') in support of an application to Douglas Shire Council seeking a Development Permit for Material Change of Use for 'Multiple Dwellings' and 'Short-Term Accommodation' 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 of four (4) luxury holiday homes which are consistent with the surrounding character of Flagstaff Hill and the Four Mile Beach locality. 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 characteristics 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.

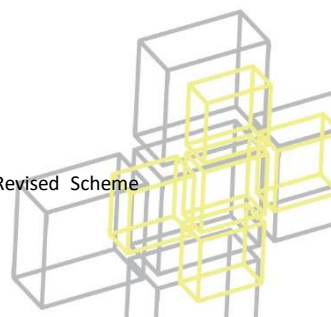


1.0. Background

The site has been subject to past quarry operations which is evidenced by 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**.

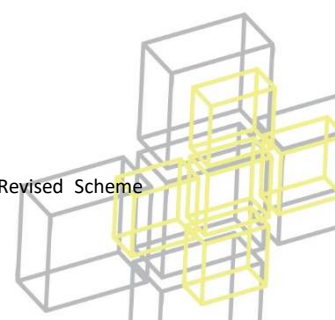
Most recently, an application was lodged by Gurner TM Nominee Pty Ltd for a Development Permit for Material Change of Use for ‘Multiple Dwellings’, ‘Short-Term Accommodation’ and ‘Food and Drink Outlet’. The application was reliant upon a closure of the road reserve which adjoins the site and therefore has not been considered ‘properly made’ at this stage.



2.0. Application Summary

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

Applicant:	Gurner TM Nominee Pty Ltd
Registered Owner/s:	Roger William Allen <i>Refer to Title Searches (Annexure 3)</i>
Contact:	Mr Evan Yelavich Planning Plus (QLD) Pty Ltd PO Box 399 REDLYNCH QLD 4870 E: Info@planningplusqld.com.au P: 4039 3409
Real Property Description:	Lot 2 on RP724386 and Lot 516 on PTD2094
Location:	69 – 73 Murphy Street, Port Douglas
Tenure:	Freehold
Total Area:	2,833m2
Local Government Authority:	Douglas Shire Council
Easements and Encumbrances:	Easement A on SP183023 (easement in gross benefitting Douglas Shire Council.
Proposal:	Development Permit for Material Change of Use for 'Multiple Dwellings' and 'Short-Term Accommodation'.
Our Reference:	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 2,833m² 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.

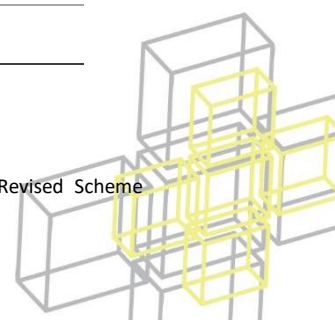
In all cases, the built form in the surrounding locality could be described as “up-market”, with the area being highly desirable and commanding high values. This has resulted in some relative large and architecturally distinctive structures which assist in reinforcing Port Douglas’s image as a luxurious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

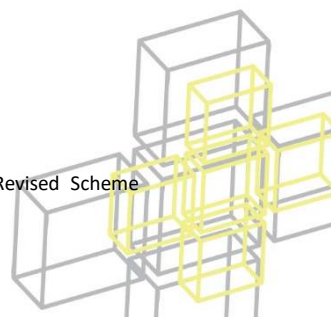
3.3. Planning Context

The planning context of the site includes:

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



	Bushfire Hazard Overlay; 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 Annexure 7.</i>
State Development Assessment Mapping:	Coastal Protection <i>Refer to SDAP Mapping included as Annexure 8.</i>



4.0. Proposal

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

Multiple Dwelling:

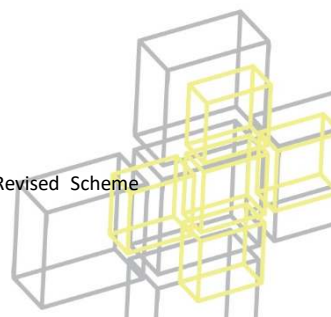
Premises containing three or more dwellings for separate households.

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.

An Urban Context Report and the following Architectural Plans, prepared by Warren & Mahoney Architects, are included as **Annexure 9**:

Plan No.	Plan Name	Rev
DA00.001	COVER SHEET	C
DA01.001	SITE CONTEXT	D
DA01.002	SITE IMAGERY	D
DA01.003	SITE IMAGERY	D
DA01.004	SITE ANALYSIS	D
DA01.005	SITE SURVEY	D
DA01.006	SITE SURVEY	D
DA01.007	INTERPOLATED SURVEY	D
DA03.001	PROPOSED SITE PLAN	D
DA010.01	LOWER GROUND FLOOR PLAN	F
DA010.03	GROUND FLOOR PLAN	F
DA010.04	L01 FLOOR PLAN	F
DA010.05	L02 FLOOR PLAN	F
DA010.06	ROOF PLAN	E
DA20.001	NORTH ELEVATION	D
DA20.002	EAST ELEVATION	D
DA20.003	SOUTH ELEVATION	D
DA20.004	WEST ELEVATION	D
DA30.001	TYPICAL SECTIONS	F
DA30.002	TYPICAL SECTIONS	D
DA50.001	DEVELOPMENT SUMMARY - GFA	C
DA50.002	DEVELOPMENT SUMMARY - SITE COVER	C
DA50.003	DEVELOPMENT SUMMARY - LANDSCAPE	C



DA80.001	SOLAR ANALYSIS - JUNE 21	C
DA80.002	SOLAR ANALYSIS - DECEMBER 21	C
DA90.001	MATERIALS	C
DA90.011	PERSPECTIVES - STREET VIEW 01	C
DA90.012	PERSPECTIVES - STREET VIEW 02	A
DA90.013	PERSPECTIVES - STREET VIEW 03	A
DA90.014	PERSPECTIVES - STREET VIEW 04	A
DA90.020	PERSPECTIVES -EX. TREE CANOPY	B

In summary, the proposal includes:

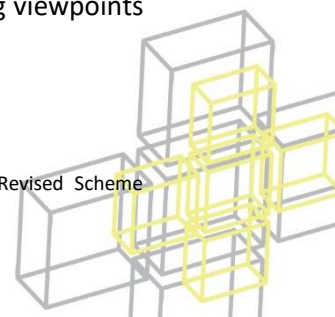
- 4 x dwellings (3 x 3br & 1 x 6br) intended for permanent or short-term occupation;
- 13 car parking spaces in garages (minimum of 2 spaces per dwelling);
- Shared access via Esplanade road reserve; and
- Significant site landscaping and private open space for each dwelling including individual pools.

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 Plan). 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 characteristics 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 technical 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.

Maximum building height based off the existing ground level is identified as being approximately 18.6m (Dwelling 1 measured from RL 11m AHD). Dwelling 2 steps down by 1m to better integrate with existing development to the west along Murphy Street. As shown on the Elevations and Sections however, the 13.5m prescribed building height line when taken off the interpolated ground line, being the original ground line prior to excavations for past quarry operations, demonstrates that only a small proportion of the building exceeds the height line.

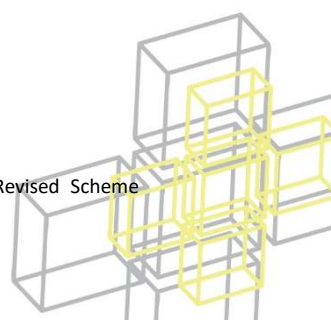
The result of the building height being absorbed into the site is a limited visual impact when viewed from surrounding viewpoints. To this end, a Visual Impact Assessment has been prepared and is included as **Annexure 10**. The assessment, undertaken against Council’s Landscape Values Planning Scheme 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 landscaping, as well as the breaking up of the building bulk with Dwelling 1 essentially being split into two (2) separate podiums and Dwelling 2 being a separate structure. The splitting of Dwelling 1 provides opportunities for landscaping around the pool on Level 01 which can assist in breaking up the building bulk. Based on the Street View Perspectives, the proposal is considered to result in an appropriate visual outcome in consideration of the existing built form and pattern of development in the locality.

Finally, a Geotechnical Assessment Report which was prepared by GEO Design as part of the previous application is included as **Annexure 11**, along with a letter providing further advice in relation to the revised proposal. It is noted that the site exhibits existing stability issues and that 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:

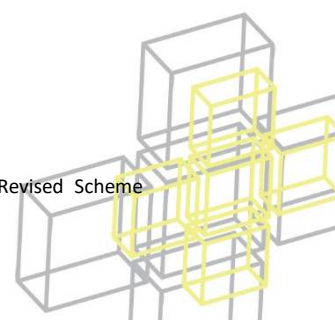
Aspect of Development	Categories of Assessment	Assessment Benchmarks
Material Change of Use for: <ul style="list-style-type: none">• Multiple Dwellings• Short-Term Accommodation	Code Assessment	Relevant Codes of Douglas Shire Planning Scheme 2018

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

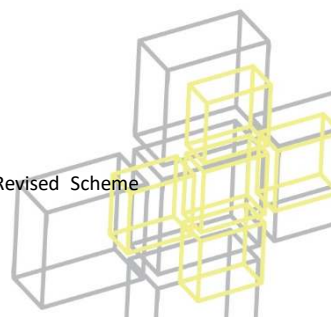
The proposed development is identified as being subject to 'code assessment' under the Douglas Shire Planning Scheme 2018. Assessment of the proposal against the relevant code provisions is provided below.

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/Craigie 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 12** to this report.



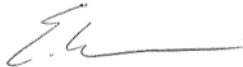
7.0. Conclusion

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' and 'Short-Term Accommodation' over land at 69 – 73 Murphy Street, Port Douglas, described as Lot 2 on RP724386 and Lot 516 on PTD2094 (the 'site').

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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