REQUEST TO EXTEND CURRENCY PERIOD – MATERIAL CHANGE OF USE (CODE ASSESSMENT) - 3 MULTIPLE DWELLING UNITS – 25 MURPHY STREET, PORT DOUGLAS – DIVISION 10

Leon Doutre : 8/38/2: #2037283

PROPOSAL: EXTENSION OF CURRENCY PERIOD

APPLICANT: PALLAS GROUP INVESTMENTS PTY LTD
C/- PAD ARCHITECTS PTY LTD
PO BOX 16100
COLLINS STREET WEST VIC 8007

LOCATION: 25 MURPHY STREET
PORT DOUGLAS

PROPERTY: LOT 112 ON PTD2091

LOCALITY: PORT DOUGLAS AND ENVIRONS

PLANNING AREA: RESIDENTIAL 1

PLANNING SCHEME: DOUGLAS SHIRE PLANNING SCHEME 2008

REFERRAL AGENCIES: DEPARTMENT MAIN ROADS

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: NOT APPLICABLE

DIVISION: 10

APPENDIX:
1. APPROVED PLANS
2. CONCURRENCE AGENCY RESPONSE
LOCALITY PLAN:

RECOMMENDATION:

That Council refuse an extension to the currency period for the Development Permit TPC 1185 issued 19 April 2005 (by the former Douglas Shire Council) for Multiple Dwelling Units at 25 Murphy Street, Port Douglas, on the following grounds:

1. The current approval is in conflict with the desired outcomes for the Port Douglas & Environs Locality Code under the current Planning Scheme.

2. The current approval is in conflict with the desired outcomes for the Residential 1 Planning Area Code under the current Planning Scheme.

EXECUTIVE SUMMARY:

Council is in receipt of a request to extend the Relevant Period of a Development Approval under s3.5.22 of the Integrated Planning Act (IPA) 1997. On the 19 April 2005, the former Douglas Shire Council issued a Development Permit for the development of three (3) Multiple Dwelling Units (Residential) at 25 Murphy Street, Port Douglas, on land properly described as Lot 112 on PTD2091.
A request for an extension of the currency period was lodged with Council on 9 April 2009, prior to the expiration of currency period for TPC 1185, as required under IPA 1997. No change to the location and scale of the development is proposed. Copies of the approved plans are contained in Appendix 1.

Since the issue of the approval, the Douglas Shire Planning Scheme 2008 has taken effect. The land was previously included in the Residential B zone within the Residential Area (Medium Density) identified in DCP 2 Port Douglas under the 1996 Douglas Shire Planning Scheme. Under the current Douglas Shire Planning Scheme 2008, the site is now included within the Residential 1 Planning Area and Special Management Area 1 Flagstaff Hill.

Under the Douglas Shire Planning Scheme 2008, Multi-Unit Dwellings in the Residential 1 Planning Area are Impact Assessable except when included in Special Management Area 1 and then are identified as Impact Assessable (Inconsistent). An extension to an approval now recognised as ‘inconsistent’ development, is contrary to current Scheme and its desired outcomes.

The application for an extension of currency period is recommended for refusal.

Leon Doutre
Planning Officer

Simon Clarke
Manager Development Assessment
APPENDIX 1 – APPROVED PLANS - Figure 1 – Drawing A002, Basement Floor Plan
Figure 2 – Drawing A003, Ground Floor and First Floor Levels
Figure 3 – South Elevations
Figure 4 – North and West Elevations and View from Murphy Street
Figure 5 – Landscape Plan