

### 5.3. REQUEST FOR OWNERS CONSENT- FOXTON AVENUE ALLOTMENTS

<b>REPORT AUTHOR(S)</b>	Daniel Lamond, Planning Officer
<b>GENERAL MANAGER</b>	Michael Kriedemann, Acting General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Request for Owners Consent to facilitate lodgement of a Development Application for a Material Change of Use (Impact Assessment) – Educational Establishment
<b>APPLICANT</b>	Tropical North Steiner School Inc C/- Planning Plus PO Box 399 Redlynch QLD 4870
<b>LOCATION OF SITE</b>	Foxton Avenue, Mossman
<b>PROPERTY</b>	Lot 127 on SR826 and Lot 29 on SP121816

#### LOCALITY PLAN



Figure 1 - Locality Plan

<b>ZONE</b>	Recreation and Open Space
<b>PLANNING SCHEME</b>	2018 Douglas Shire Planning Scheme

## **RECOMMENDATION**

**That Council delegate authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to provide Owner's Consent with respect to Lot 127 on SR826 and Lot 29 on SP121816 and sign the DA Form 1 to enable a development application to be considered properly made in accordance with section 51 of the *Planning Act 2016*.**

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## **EXECUTIVE SUMMARY**

Tropical North Steiner School Incorporated has made application for a lease with the Department of Natural Resources, Mines and Energy over 78 Foxtan Avenue, Mossman, known as the Girl Guides Association building in order to use the land as an educational establishment.

Access to this land exists through two reserves for which Council is trustee. These are Lot 127 on SR826 and Lot 29 on SP121816. A development application is triggered by the 2018 Douglas Shire Planning Scheme for a material change of use for the educational establishment to commence over 78 Foxtan Avenue, however, the two reserves in which Council is trustee are required to be utilised for practical access to 78 Foxtan Avenue, consequently they will need to be included in the development application.

No building work will be proposed over the reserves, they are proposed to be used for access purposes only (see attachment 1).

The establishment of the use will require impact assessment as the two Council properties are within the Recreation and Open Space Zone. In order for the applicant to make a properly made development application, owners consent must be provided in accordance with section 51 of the Planning Act 2016. As Council is trustee of the reserves, Council is devolved with the power to provide owners consent for the land.

## **TOWN PLANNING CONSIDERATIONS**

### **Proposal**

A request for owners consent has been lodged with Council to enable the Tropical North Steiner School Incorporated to make a properly made development application for an educational establishment over land that relies on two reserves in trust of Council for access.

As the land that the educational establishment will propose to commence use upon relies on the two Council trust allotments for access, these two allotments will need to form part of the development application.

### **Officer Comment**

No concerns are raised with the proposal at this point, notwithstanding that the development application when properly made will undergo impact assessment and will be recommended for approval or refusal on the basis of that assessment at that time.

Council's Property Services Unit have no concerns with the Steiner School gaining access to the land they are proposing to lease from the State, by way of the adjoining Reserve land, on the condition that they understand that this is not a permanent arrangement and that access may be revoked at a future date, at short notice should there be need to do so. Property Services advises that if this access was to be revoked, it will be the responsibility of the Tropical North Steiner School to make alternative access arrangements.

## 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.

Council is the trustee of the State owned land and under section 257 of the *Local Government Act 2009* can delegate authority for owner's consent to the Chief Executive Officer.

## CONSULTATION

**Internal:** Comment has been sought from Council's Property Services Unit as discussed above.

**External:** None required under the *Planning Act 2016*.

## ATTACHMENTS

1. Attachment 1- Plans for future development approval **[5.3.1]**

EXISTING FLOOR & SITE PLAN

TROPICAL NORTH STEINER SCHOOL  
MOSSMAN QLD 4873



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**CLIENT DETAILS**

**NOTES**

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STRUCTURAL DETAILS  
ADEQUATE AS CERTIFIED  
  
RODGERS  
CONSULTING ENGINEERS

DESIGNED BY: Julie Verri  
DRAWN BY: Nathan Verri  
APPROVED BY: TBC

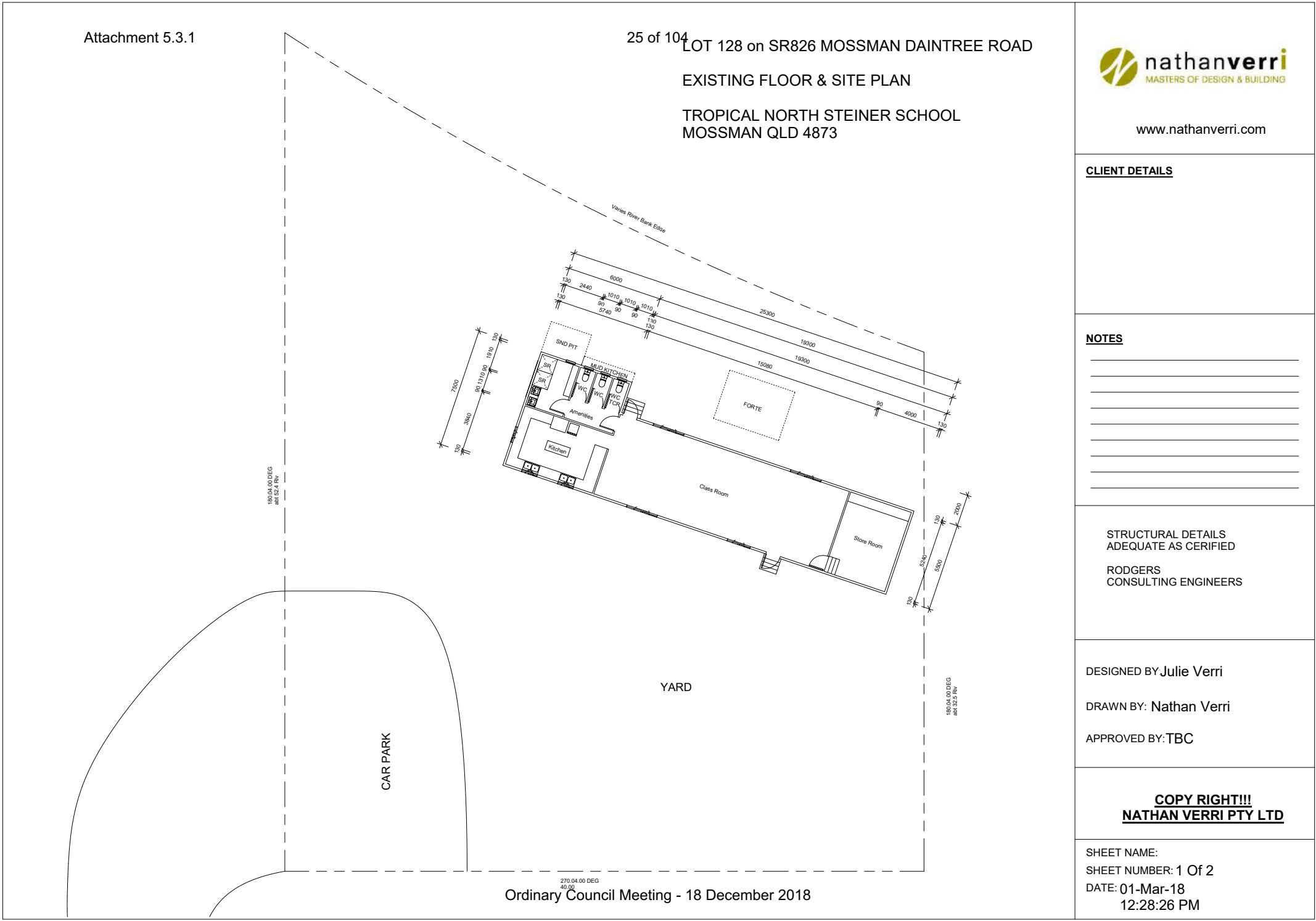
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PROPOSED FUTURE FLOOR & SITE PLAN

TROPICAL NORTH STEINER SCHOOL  
MOSSMAN QLD 4873



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**CLIENT DETAILS**

**NOTES**

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STRUCTURAL DETAILS  
ADEQUATE AS CERTIFIED  
  
RODGERS  
CONSULTING ENGINEERS

DESIGNED BY: Designer

DRAWN BY: Author

APPROVED BY: Approver

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**STAGE 1**

**STAGE 2**

PLAY GROUND

PLAY GROUND

GARDEN

CAR PARK

FORTE

