

5.5. COUNCIL LANDOWNER CONSENT - 69 TEA TREE RD DIWAN - DAINTREE COAST COMMUNITY SHED INC MATERIAL CHANGE OF USE

REPORT AUTHOR	Helen Coulthard, Property Officer
MANAGER	Lisa Golding, Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

- 1. Provides landowner consent for a development application for a Material Change of Use (Community Facilities Activity – Club) for Daintree Coast Community Shed Inc at 69 Tea Tree Road Diwan, more particularly described as Lot 45 on RP739764 to allow the application to be considered a properly made development application under the *Planning Act 2016*; and**
- 2. Delegates authority to the Chief Executive Officer under s 257 of the *Local Government Act 2009* to finalise all matters in relation to the above.**

EXECUTIVE SUMMARY

A planning consultant has been engaged by Daintree Coast Community Shed Inc to prepare and lodge a Development Application for a Material Change of Use (Community Facilities Activity – Club) over land at 69 Tea Tree Road, Diwan, commonly known as the Diwan Sports Ground, and more particularly known as Lot 45 on RP739764.

For development applications to be assessed, all landowners included in a development application must consent to the application being made. As Council land is involved in the proposal, the land must be included in the application, along with Council's consent as landowner.

An Owner's Consent form is required to be signed by Council for the development application to be "properly made."

A properly made application enables the formal planning process to be undertaken, which may include information requests, referrals, and public notification. Without landowner consent a development application cannot proceed.

Providing Owner's consent simply allows the development application to be considered a properly made development application under the *Planning Act 2016*. An assessment of the proposal will then be undertaken against the Planning Scheme and the *Planning Act 2016*.

BACKGROUND

A planning consultant engaged by Daintree Coast Community Shed Inc has prepared and lodged a Development Application for a Material Change of Use (Community Facilities Activity – Club) over land at 69 Tea Tree Road, Diwan. The land is freehold land and owned by Douglas Shire Council. The application was submitted to Council on 21 October 2022. The

application seeks to allow the establishment of a facility more commonly referred to as a “Men’s Shed” although the proposed use of the facility will not be restricted to men only.

In order to be considered a properly made application under the *Planning Act 2016*, the development application must be accompanied by consent of the landowner. The recommendation placed before Council seeks to achieve this.

Douglas Shire Council owns 69 Tea Tree Road Diwan, currently accommodating emergency services facilities, a helipad, health clinic, public toilets, performance stage, playground, sporting club facilities and grounds, and Council Works depot.

An extract from the development application showing the proposed location of the facility is shown below.

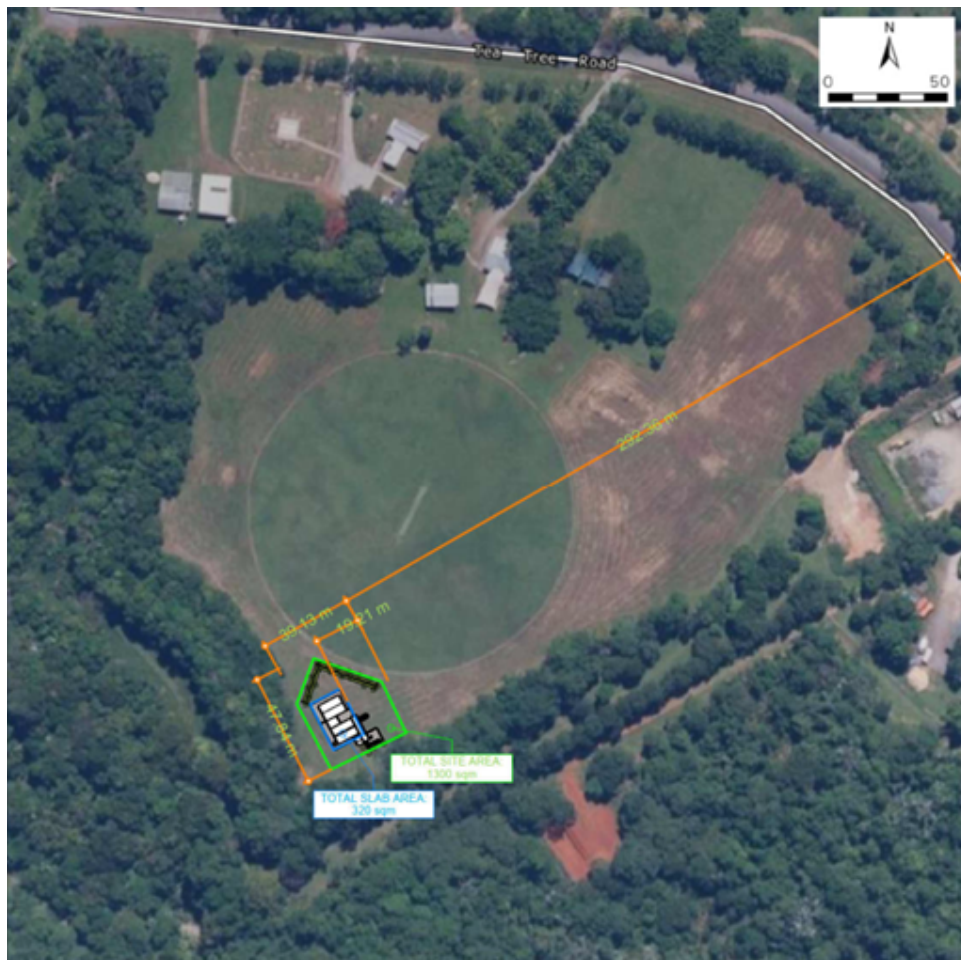


Figure 1. - Proposed location of the facility as submitted in the development application.

It is also important to note that Queensland Health is pursuing plans for the establishment of a community medical centre on the land with access via Tea Tree Road. It is anticipated that development application for the medical centre will be lodged with Council over the coming months.



Figure 2. - Indicative location of future medical centre by Queensland Health.

Despite the land being used for a range of community uses, the land is contained within the Conservation zone under the Planning Scheme. The proposal to establish a “Men’s Shed” on the site is an impact assessable use in the Conservation zone meaning public notification of the proposal will be required.

COMMENT

For development applications to be assessed, all landowners included in a development application must consent to the application being made. As Council land is involved in the proposal, the land must be included in the application, along with Council’s consent as landowner.

A properly made application enables the formal planning process to be undertaken, which may include information requests, referrals, and public notification. Without landowner consent a development application cannot proceed.

Owner’s consent to lodge the development application does not constitute nor imply approval of the development application, which will be subject to development assessment requirements under the *Planning Act 2016*.

Councillors’ and Officers’ feedback were considered when formulating the proposal.

PROPOSAL

That Council:

1. Provides landowner consent for a development application for a Material Change of Use (Community Facilities Activity – Club) for Daintree Coast Community Shed Inc at 69 Tea Tree Road Diwan, more particularly described as Lot 45 on RP739764 to allow the application to be considered a properly made development application under the Planning Act 2016; and
2. Delegates authority to the Chief Executive Officer under s 257 of the *Local Government Act 2009* to finalise all matters in relation to the above.

FINANCIAL/RESOURCE IMPLICATIONS

There is no cost for Council to provide landowner's consent for the application.

RISK MANAGEMENT IMPLICATIONS

Even if landowner consent is provided, the application is still subject to assessment under the requirements of the *Planning Act 2016*, including referrals to relevant agencies if applicable.

SUSTAINABILITY IMPLICATIONS

- Economic:** Economic impacts of the proposed development would be considered during the planning assessment phase.
- Environmental:** Environmental impacts of the proposed development would be considered during the planning assessment phase.
- Social:** Social impacts of the proposed development would be considered during the planning assessment phase.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

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 areas outline where Council has a clear responsibility to act:

Builder/Owner	Council makes a significant investment every year in the infrastructure that underpins the Shire through its capital works program. Council will manage its assets with appropriate frameworks and deliver its projects through robust project management.
Custodian	Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.
Service Provider	Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

CONSULTATION

Internal: Department Managers (Environment and Planning; Finance and Corporate Services; Governance; Infrastructure; People and Community Services; Project Office; Water and Wastewater)

Councillors - Workshop (25 October 2022)

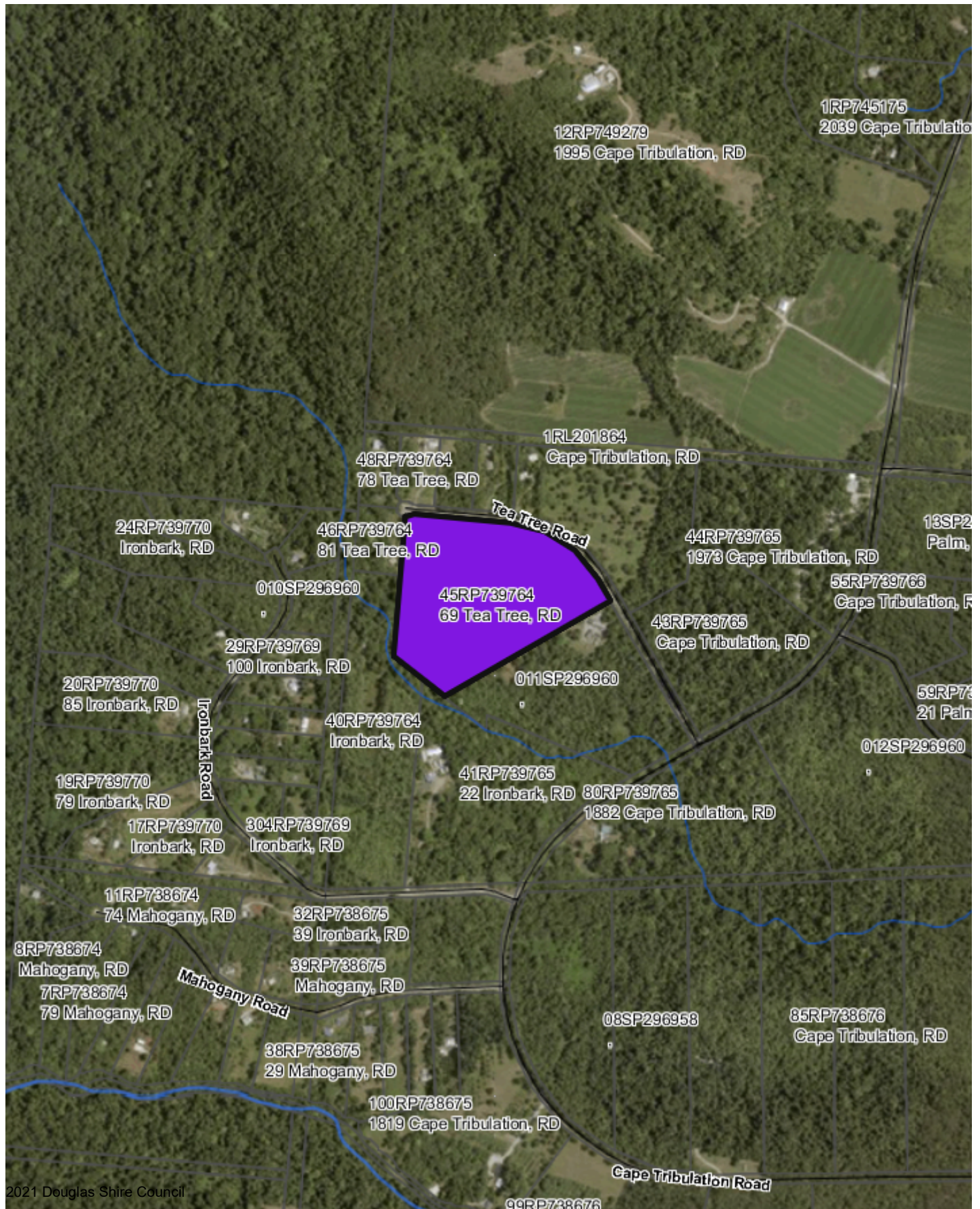
External: Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Locality Map - 69 Tea Tree Road Diwan [5.5.1 - 1 page]
2. Aerial Map - 69 Tea Tree Road Diwan [5.5.2 - 1 page]



2021 Douglas Shire Council



200 m

Scale = 1:10000

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69 Tea Tree Road Diwan

Attachment 5.5.2

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