

## 5.2. MATERIAL CHANGE OF USE- 1-5 DICKSON STREET, CRAIGLIE

<b>REPORT AUTHOR(S)</b>	Daniel Lamond, Planning Officer
<b>GENERAL MANAGER</b>	Nick Wellwood, General Manager Operations
<b>DEPARTMENT</b>	Development Assessment and Coordination
<b>PROPOSAL</b>	Material Change of Use- Service Industry, Caretaker's Residence, Shopping Facility (Second hand sales/ repair) & Indoor Sport and Entertainment (Gymnasium)
<b>APPLICANT</b>	PDM Timber Pty Ltd 9 Yumba Cl WONGA QLD 4873
<b>LOCATION OF SITE</b>	1-5 Dickson Street CRAIGLIE
<b>PROPERTY</b>	Lot 10 on RP746523
<b>LOCALITY PLAN</b>	



Figure 1 - Locality Plan

<b>LOCALITY</b>	Port Douglas and Environs
<b>PLANNING AREA</b>	Industry
<b>PLANNING SCHEME</b>	Douglas Shire Planning Scheme 2006
<b>REFERRAL AGENCIES</b>	State Assessment and Referral Agency
<b>NUMBER OF SUBMITTERS</b>	There were no submitters for this application
<b>STATUTORY ASSESSMENT DEADLINE</b>	15 February 2018
<b>APPLICATION DATE</b>	30 June 2017

### RECOMMENDATION

That Council approves the development application for material change of use for Service Industry, Caretaker's Residence, Shopping Facility (Second hand sales/ repair) & Indoor Sport and Entertainment (Gymnasium), over land described as Lot 10 on RP746523, located at 1-5 Dickson Street CRAIGLIE, subject to the following:

#### APPROVED DRAWING(S) AND / OR DOCUMENT(S)

The term 'approved drawing(s) and / or document(s)' or other similar expressions means:

Drawing or Document	Reference	Date
Site Plan	Plan Prepared By Greg Skyring Design and Drafting Pty Ltd, Sheet 1 of 4, Revision C	24 October 2017
Ablution Floor Plan, Elevations	Plan Prepared By Greg Skyring Design and Drafting Pty Ltd, Sheet 2 of 4, Revision C	24 October 2017
Shed Floor Plan, Elevations	Plan Prepared By Greg Skyring Design and Drafting Pty Ltd, Sheet 3 of 4, Revision C	24 October 2017
Caretakers Floor Plan, Elevations	Plan Prepared By Greg Skyring Design and Drafting Pty Ltd, Sheet 4 of 4, Revision C	24 October 2017

#### ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:

- a. The specifications, facts and circumstances as set out in the application submitted to Council; and
- b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

#### **Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

#### **Landscaping Plan**

3. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:
  - a. Deep planting of setback areas using species as per the 2006 Douglas Shire Planning Scheme Policy No. 7.

One (1) A3 copy of the landscaping plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a certificate of classification or commencement of use, whichever occurs first. Landscaped areas must be maintained at all times.

#### **Vehicle Parking**

4. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of thirty-one (31) spaces must be provided for the land uses.

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design.

Prior to the commencement of use the following must be provided to the satisfaction of the Chief Executive Officer:

- a. The car parking and remaining driveway area must be drained, sealed and constructed with a gravel, concrete or bitumen surface.

#### **Protection of Landscaped Areas from Parking**

5. Landscaped areas adjoining the parking area must be protected by a 150 mm high vertical concrete kerb or similar obstruction. The kerb must be set back from the garden edge sufficiently to prevent vehicular encroachment and damage to plants by vehicles.

#### **Damage to Infrastructure**

6. In the event that any part of Council's existing sewer/water/road infrastructure is damaged as a result of construction activities occurring on the site, including but

not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced by Council, at the developer's cost, prior to the Commencement of Use.

#### **Advertising Signage**

- 7. Prior to the display of advertising signage the applicant must provide details of the signage including the content and proportions and method of erection to the Chief Executive Officer. The advertising device must be subservient in scale to the primary use of the land and where a banner sign must be maintained in good condition to the satisfaction of the Chief Executive Officer. A maximum of one sign per frontage is permitted for the uses. All signage must be within a landscaped setting. No flashing signage is permitted to face the State-controlled Road. All signage must be approved via an operational works development application.**

#### **Lighting**

- 8. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.**

#### **Lawful Point of Discharge**

- 9. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.**

#### **Refuse Storage**

- 10. Refuse storage is required to service the site in accordance with Council requirements. Adequate space on site for each tenancy, where appropriate, must be provided for in the refuse storage.**

#### **Limitations of Use**

- 11. Limitations of use apply beyond the scope of the land use definitions published in the 2006 Douglas Shire Planning Scheme for the below land uses:**

- a. Indoor Sport and Entertainment**

The Indoor sport and Entertainment land use is maintained and operated as a gymnasium. The use is contained to the area nominated on Plan number 703-17, Sheet 1 of 4, Revision C, prepared by Greg Skyring Design and Drafting Pty Ltd.

- b. Shopping Facility**

The Shopping Facility is to remain as an outlet for second hand goods. The sale of bulky, recycled or second hand goods is approved as part of this

approval. The repair of the goods for sale at the site remains ancillary to the approved use.

## REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0717-040809	22 November 2017	834837

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

### ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

### Infrastructure Charges Notice

1. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The Sustainable Planning Act 2009 confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

2. For information relating to the *Sustainable Planning Act 2009* or the *Planning Act 2016* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au). To access the *FNQROC Development*

**Manual, Local Laws and other applicable Policies, log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).**

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## EXECUTIVE SUMMARY

Council is in receipt of a Development Application for a Material Change of Use for Service Industry, Caretaker's Residence, Shopping Facility (Second hand sales/ repair) & Indoor Sport and Entertainment (Gymnasium), over land located at 1-5 Dickson Street, Craiglie, being formally described as Lot 10 on RP746523.

The application was made under the 2006 Douglas Shire Planning Scheme, and will continue to be assessed under this scheme. The land was within the Industry Planning Area of the Port Douglas and Environs locality under the 2006 Planning Scheme. Generally the proposal is also consistent with the 2018 Planning Scheme and is considered to meet the benchmark provisions.

The allotment has a site area of 4847 square metres and is predominantly utilised as a light industry yard.

The proposal for Service Industry and Caretakers Residence requires code assessment. The proposal for Indoor Sport and Entertainment and Shopping Facility requires impact assessment. The application required public notification in accordance with the *Sustainable Planning Act 2009*. No submissions were received in relation to the proposal.

The assessment of the application has identified a small number of non-compliance issues with the planning scheme. However, the proposal generally complies with the scheme and its purpose.

The proposal is recommended for approval subject to conditions.

## TOWN PLANNING CONSIDERATIONS

### Background

The site has been used for a range of industrial and service industrial land uses dating back to before the first (1981) Planning Scheme. The site has a range of existing use rights, and the application is made to clarify the historical, existing and proposed uses.

The ongoing use of the site, the changes in planning schemes and legislation, and the loss of local and corporate memory trigger the need to make this application. An approval of this nature will formalise the land uses on site and respond to the passage of time.

The site has had an approval for Indoor Sport and Entertainment issued on 10 October 2016, however, the nature of the proposed indoor sport and entertainment is substantially different to the facts and circumstances currently approved on site. This has triggered the requirement for a new approval for this component.

## Proposal

The application is for the development of Service Industry, Caretaker's Residence, Indoor Sport and Entertainment (gymnasium) and Shopping Facility (second hand sales/ repair) at 1 – 5 Dickson Street, Craiglie (Lot 10 RP746523).

The Indoor Sport and Entertainment component of the application is made to use part of the land, being primarily the former Shire Hall building for a gymnasium. Access to the site for the gymnasium use exists via Owen Street. Adequate onsite parking exists, including a disabled person's car parking space. No new signage is proposed.

The shopping facility proposed is for the sale of second hand goods and the repair of such goods. This land use requires two parking spaces which are developed on site. The site has lawfully established light industry use such as that of timber sales. This application is made to expand the land use to allow for the sale of other goods other than timber. The land use has its own existing dedicated access to Owen Street and is separated from the other tenancies by fencing.

The service industry component of the proposal is to supply a site for self storage of goods and vehicles, and supply tenancies for service industrial businesses servicing components of the established sectors in the region. For example, engineering and fabrication tenancies, as well as a tour bus depot use. The site is essentially split into two key service industry areas. The self storage and bus depot uses access the site via Dickson Street. Three coach parking spaces are provided in this area along with 11 car parking spaces and two new storage sheds of 492 and 152 square metres of gross floor area. Owen Street gives access to the other secluded area of service industrial tenancies for storage or workshop type development. This part of the site includes eight parking spaces for four separated tenancies of 55.5 square metres of gross floor area each, inside the existing shed.

The mixed use and nature of development proposed for the site forms the basis for a genuine need for a caretaker's residence. The caretaker's residence is accessed from Owen Street and has a dedicated parking space with ample recreation and landscaping area adjacent.

## State Planning Requirements

Schedule 7 of the Sustainable Planning Regulation 2009 prescribes that the development application triggers state agency referral to the State Assessment Referral Agency (SARA) as a concurrence agency due to the site adjoining a State controlled road (Captain Cook Highway). The application was referred to the Department of Transport and Main Roads through SARA.

Council has assessed the application against the State Planning Policy July 2014, and in particular the interim development assessment provisions (Part E) in relation to natural hazards, risk and resilience and to the extent it is relevant to the proposed development.

In this case, assessment on the works to take place on-site against the natural hazards of flooding, bush fire and acid sulphate soils requires consideration. The site characteristics show a gradual fall to Dickson Street, however, no risk is identified for the site in terms of storm tide inundation or being in an erosion prone area. No bushfire risk is identified for the site as it is

in an urban setting. Acid sulphate soils are not expected to be disturbed in any significant quantity by construction at the site, if they exist at the site. Generally, State Interests with respect to hazards and safety are not triggered by the proposal.

## **Achieving outcomes through the Planning Scheme**

### **Desired Environmental Outcomes**

Chapter 2 of the Planning Scheme outlines the Desired Environmental Outcomes (DEO) that underpin the Planning Scheme.

The Desired Environmental Outcomes are grouped under core matters which comprise ecological sustainability as follows:

- Ecological Processes and Natural Systems
- Economic Development
- Cultural, Economic, Physical and Social Well-being of the Community.

#### **1. Ecological Processes and Natural Systems**

The proposal is not on or adjacent to a major area of environmental significance, natural habitat or critical conservation area.

Each of the overlays in the current scheme and draft scheme have been reviewed and the site is not mapped for any environmental or heritage overlays.

The development is not likely to have a negative impact upon the environmental values of the Shire.

The site is not on or within a waterway – river or wetland. The development contains appropriate design and engineering solutions to manage water quality.

The development satisfies the design criteria of the applicable codes.

The development is not affected by the requirements of WTMA or GBRMPA.

#### **2. Economic Development**

The development does not reduce or impact upon GQAL or primary production.

The development will support the tourism and commercial base of the Shire and does not impact upon rural activities.

The development does not reduce or impact upon the natural resources of the Shire such as extractive resources, water and forestry.

The development does reinforce the values of the Shire, as the development is undertaken in accordance with the preferred pattern of development whereby industrial type uses are located at the Craiglie industry zoned land.

Collectively, no issue is raised with compliance with the DEOs contained within the planning scheme.

Consolidating growth and employment opportunities primarily in the urban location of Port Douglas is achieved.

The development contributes to the efficient use of the physical infrastructure networks including, circulation of traffic, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.

The development provides access to services and facilities to provide convenience to residents.

### **3. Cultural, Economic, Physical and Social Well-being of the Community**

The site does not contain or adjoin or affect a place of cultural or heritage significance (Indigenous or non-indigenous).

The proposal does not detract from the distinctive character and unique sense of place of the town.

The development is likely to contribute to community pride and well-being, community safety and prosperity.

#### **Strategic Framework (Douglas Shire Planning Scheme 2018)**

The Strategic Framework shows all of Port Douglas within an urban area. Section 3.2.2.1 relates to planning stewardship and recognises that the planning scheme has a very important role to play in ensuring that the Shire's growth is aimed at minimising human impact on the environment while continuing to support economic progress and social well-being. Essentially this entails strong stewardship and the pursuit of planning strategies that:

- a. conserve the Shire's natural environment and outstanding biodiversity values;
- b. utilise the region's natural resources efficiently, in particular water and energy, while reducing waste;
- c. ensure the region's atmosphere remains clear and clean;
- d. contain urban growth to a defined footprint and promote the best use of land that is allocated for that purpose;
- e. support development of a diverse thriving economy that complements the region's green and environmentally responsible image;
- f. provide opportunities that ensure everyone is able to participate, live, work and benefit in the healthy cohesive environment that the Shire promotes.

The development is consistent with the relevant provisions / strategic intent of the Draft Douglas Shire Strategic Framework.

#### **2006 Douglas Shire Planning Scheme Assessment**

The land is part of the Port Douglas & Environs Locality and is included within the Industry Planning Area. The land uses of 'Service Industry' and 'Caretakers Residence' are identified as 'Code Assessable' development and are therefore only assessable against the relevant codes of the Planning Scheme.

The 'Shopping facility' and 'Indoor Sport and Entertainment' land uses require impact assessment and are nominated as inconsistent uses. Accordingly, they are assessed against the entire planning scheme.

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Complies
<b>Planning Area</b>	Industry	✓	Complies
<b>Defined Use</b>	Caretakers Residence, Indoor Sports & Entertainment, Service Industry Shopping Facility	✓	See comment below
<b>Overlay Codes</b>	Acid Sulfate Soils Code	x	
	Cultural Heritage and Valuable Sites Code	x	
	Natural Hazards Code	x	
<b>General Codes</b>	Design and Siting of Advertising Devices Code	x	
	Filling and Excavation Code	x	
	Landscaping Code	✓	Complies
	Natural Areas and Scenic Amenity Code	x	
	Reconfiguring a Lot Code	x	
	Vehicle Parking and Access Code	✓	Complies

### Compliance Issues

#### Industry Planning Area Code

**Inconsistent Uses-** A1.1 of the code requires that land uses nominated as inconsistent uses with the locality tables of assessment do not establish in the industry planning area. The shopping facility land use and the indoor sport and recreation land use are both inconsistent uses under the table of assessment.

It is considered that the shopping facility is of an appropriate nature for the industry planning area as it is for the sale and repair of second hand goods. The planning scheme generally directs this land use to be in commercial planning areas. However, the sale of second hand goods, including bulky goods such as pinball machines, furniture and second hand timber does not constitute a desirable land use for commercial areas such as that of Macrossan Street and Front Street. Locating this use in an industry planning area is considered to be more appropriate. The proposal complies with the development codes and requirements for setbacks and parking, for example. The proposal is recommended for approval.

The indoor sport and entertainment component of the proposal has had an approval on site since 2014. The proposal was considered to be appropriate as the design and site layout separates the industrial and service industrial uses from the indoor sport and entertainment. There is no conflict between the other uses on site and the indoor sport and entertainment as it has its own fenced compound, its own set of compliant car parking, its own dedicated building and its own dedicated access and crossover. The new application to change the nature of the approved land use is of no consequence to the ability of surrounding land uses to continue to operate.

**Road Frontage Setback-** The proposal complies with the building setbacks from the Captain Cook Highway and the side boundaries but falls short for the caretaker's residence setback from the unconstructed road of Dickson Street as per A4.2 of the code. The unconstructed part of Dickson Street is not planned for any construction. Relaxing the setback from this part of the road is considered to comply with the performance criteria of the code and is of no consequence to amenity of the area.

**Additional Access Crossover-** A5.3 of the code requires only one access crossover per road frontage. The site already has three access crossovers from Owen Street, which access three different tenancies. The large street frontage and dedicated access are considered to be consistent with P5 of the code as no other tenancies or properties are located further along Owen Street. No significant traffic movements will be affected by the additional crossovers.

### Landscaping Code

A1.1 of the code requires a landscaping plan to be submitted as part of the proposal. A condition has been imposed to require a landscaping plan to be endorsed by the Chief Executive Officer prior to commencement of use.

### Referral Agency Requirements

The State Assessment Referral Agency (SARA) has referred the application to the Department of Transport and Main Roads (TMR). Conditions imposed by TMR are included in Attachment 2.

### Public Notification / Submissions

The application was advertised in the way prescribed under the *Sustainable Planning Regulation 2009*. Public notification was initiated on 13 November 2017 and was carried for a 15 business day period ending on 8 December 2017.

No submissions were received in relation to the development application.

### ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers Adopted Infrastructure Charges. Refer to Appendix 3 to view calculations.

### 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.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

## **ATTACHMENTS**

1. Attachment 3 Adopted Infrastructure Charges **[5.2.1]**
2. Attachment 1 Approved Plans and Documents **[5.2.2]**
3. Attachment 2 Referral Agency Conditions and Requirements **[5.2.3]**



**2006 & 2008 Douglas Shire Planning Schemes Application**

**INFRASTRUCTURE CHARGES NOTICE**

PDM Timber Pty Ltd DEVELOPERS NAME		0 ESTATE NAME	0 STAGE
1-5 Dickson Street STREET No. & NAME	Craiglie SUBURB	10RP746523 LOT & RP No.s	159 PARCEL No.
Material Change of Use DEVELOPMENT TYPE	2161/2018 COUNCIL FILE	15-Jan-18 VALIDITY PERIOD (years)	Four (4)
839735 DSC Reference Doc. No.	1 VERSION No.		

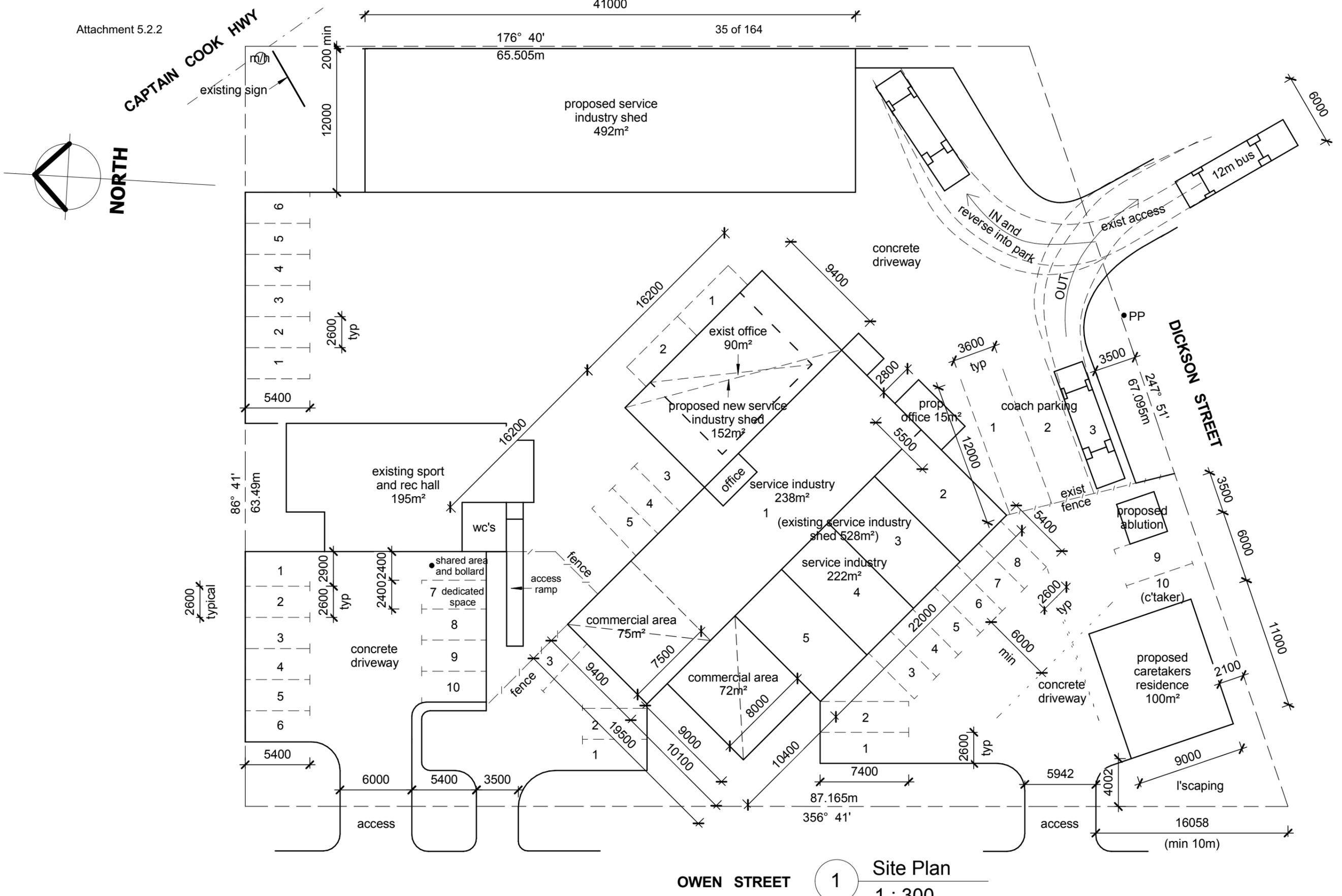
	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
<b>Rural Areas - Water Only</b>					
	proposed				
	existing				
	Total				
<b>Urban Areas - Water only</b>					
	proposed				
	existing				
	Total		0.00		
<b>Urban Areas - Water &amp; Sewer</b>					
	proposed	492	50.10	24,649.20	Receipt Type 886 GL07480.0135.0823
		152	50.10	7,615.20	
	existing	90	50.10	4,509.00	
	Total			27,755.40	
			<b>TOTAL</b>	<b>27,755.40</b>	

Prepared by	D Lamond	15-Jan-18	Amount Paid	
Checked by	J Elphinstone	16-Jan-18	Date Paid	
Date Payable	Prior to Commencement of Use		Receipt No.	
Amendments		Date	Cashier	

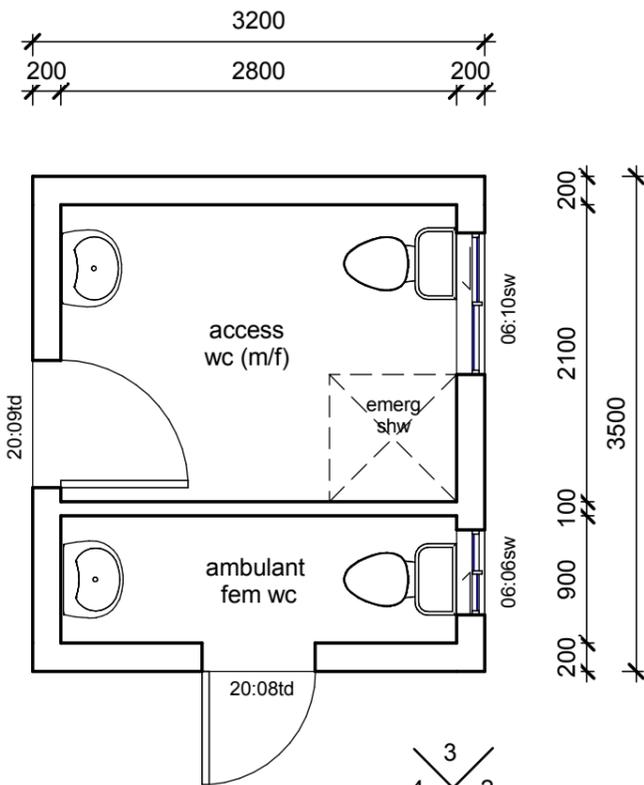
**Note:**  
 The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the *Sustainable Planning Act 2009 (SPA)*.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

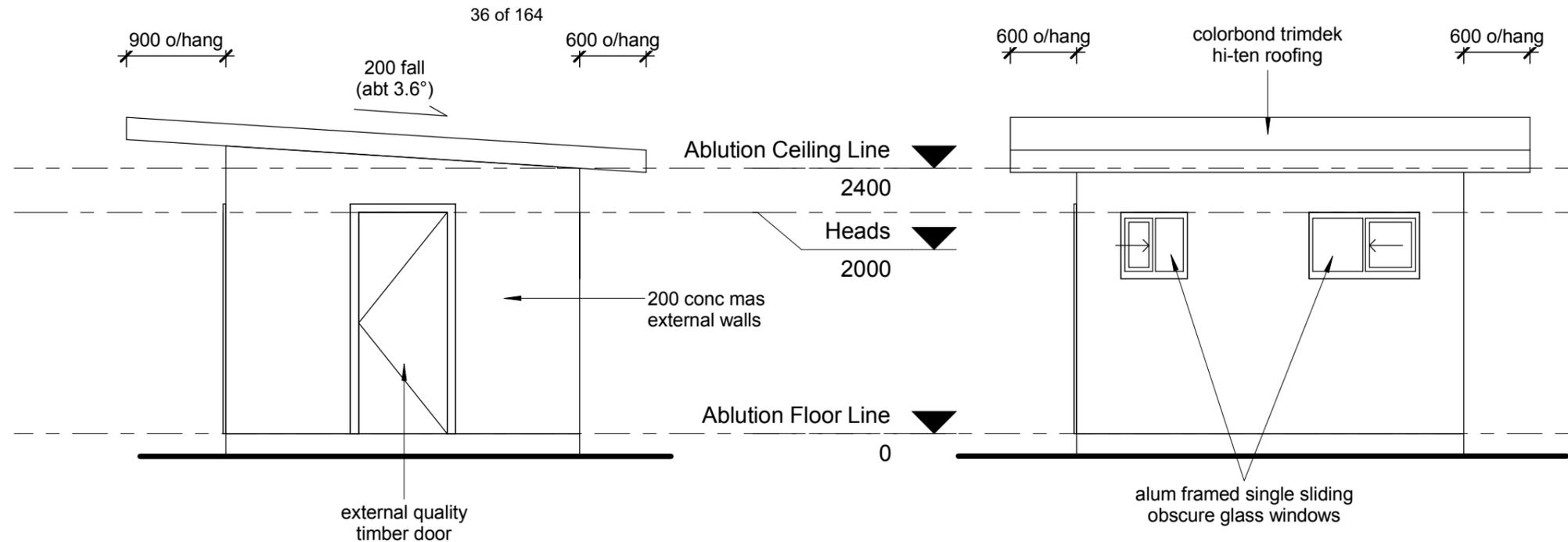


1 Site Plan  
1 : 300



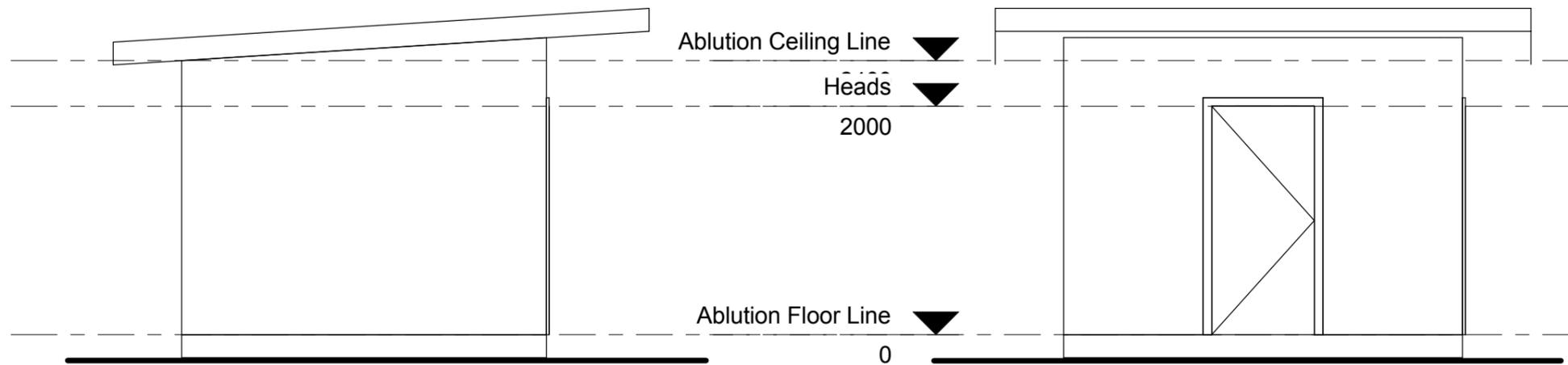
3  
4  
2  
1  
ELEVATION LAYOUT

1 Floor Plan Ablution  
1 : 50



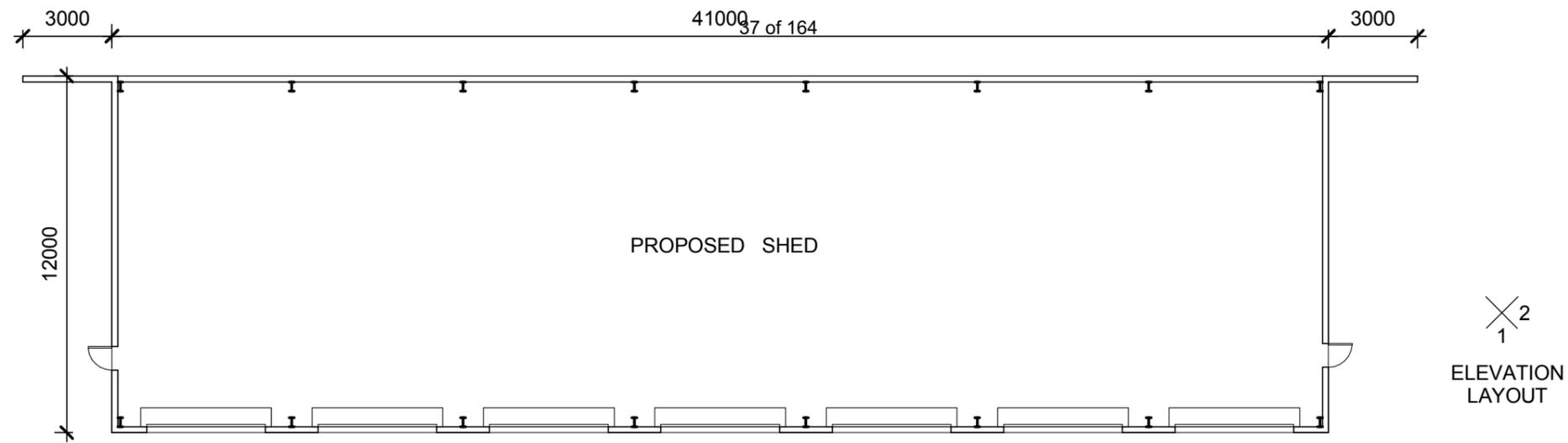
2 Elevation 1 - Ablution  
1 : 50

3 Elevation 2 - Ablution  
1 : 50

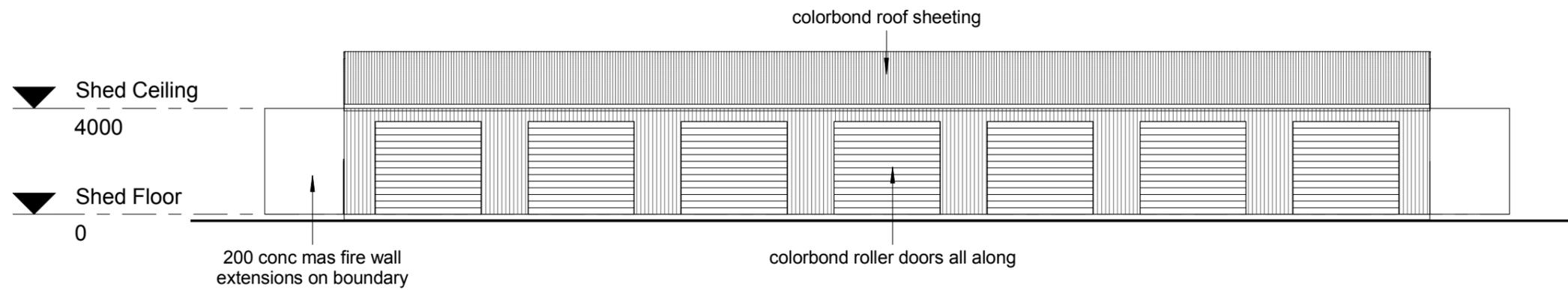


4 Elevation 3 - Ablution  
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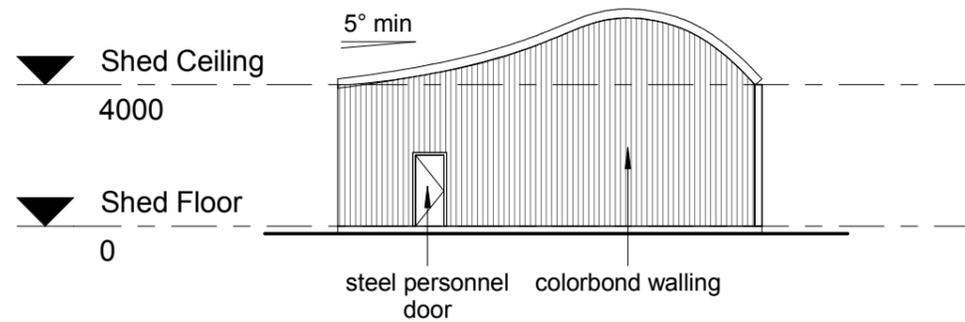
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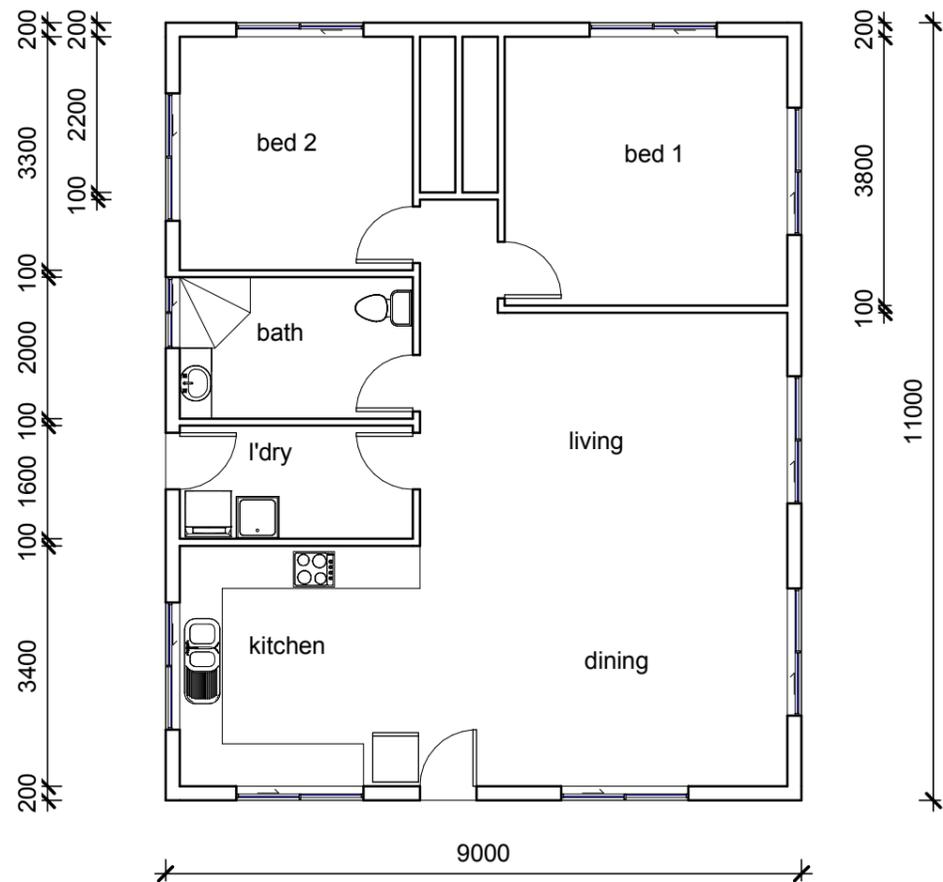
1 Floor Plan Shed  
1 : 200



2 Shed Elevation - 1  
1 : 200



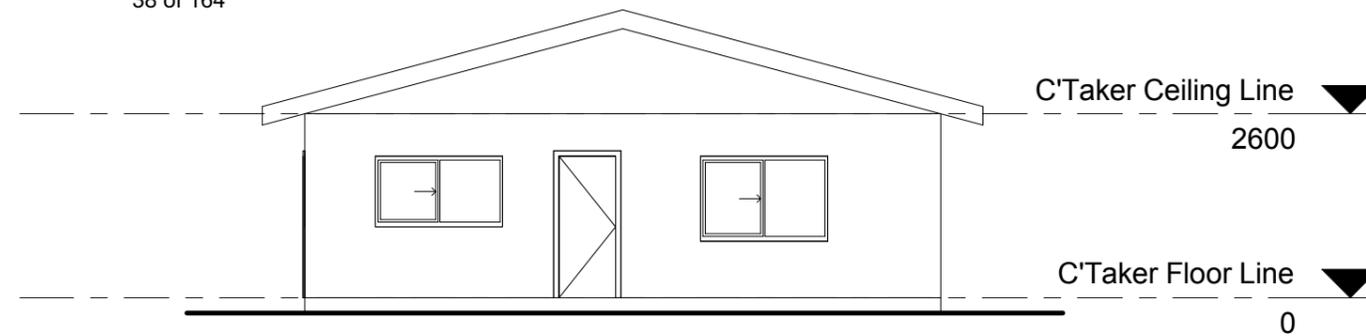
3 Shed Elevation 2  
1 : 200



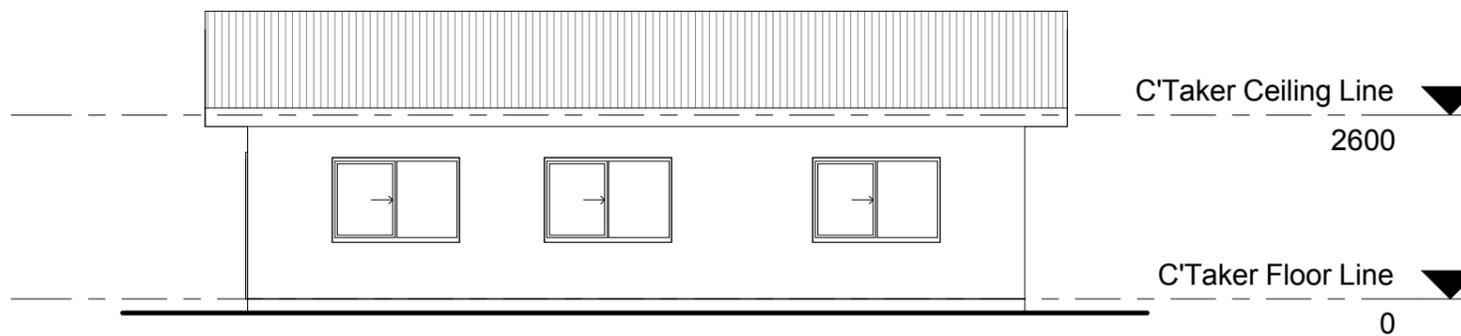
1 Floor Plan C'Takers  
1 : 100



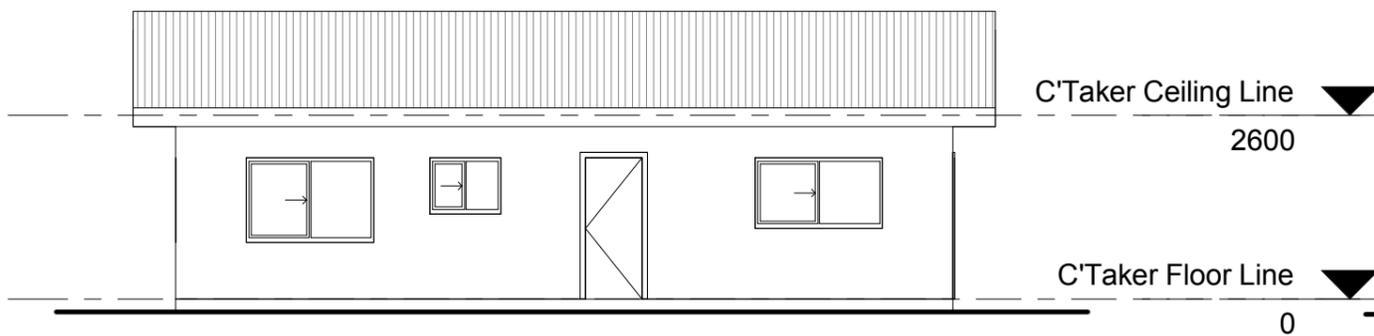
ELEVATION LAYOUT



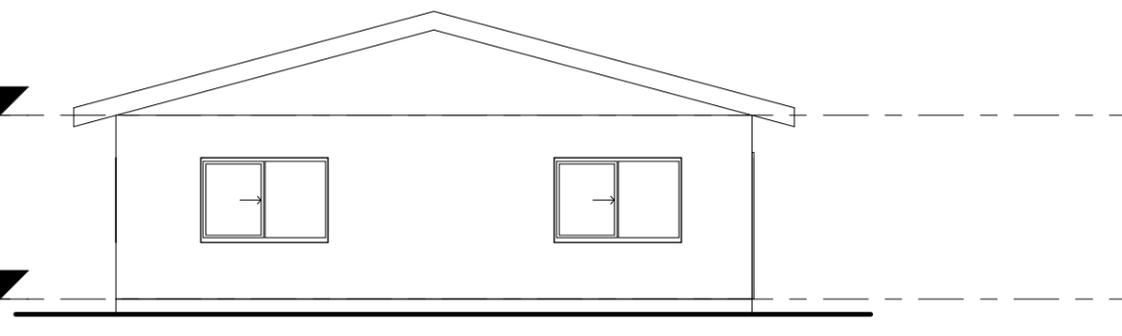
2 Elevation 1  
1 : 100



3 Elevation 2  
1 : 100



5 Elevation 4  
1 : 100



4 Elevation 3  
1 : 100



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0717-040809  
Council Reference: MCUI 2161/2017 (820329)

22 November 2017

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873

Dear Sir/Madam,

### **Concurrence agency response—with conditions**

Application for Material change of use (indoor sports and entertainment (gymnasium), shopping facility, service industry and caretaker's residence) on land situated at 1-5 Dickson Street, Craiglie, and described as Lot 10 on RP746523

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 14 July, 2017.

### **Applicant details**

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Applicant name: PDM Timber Pty Ltd  
Applicant contact details: 9 Yumba Close  
Wonga QLD 4873  
pdmtimber@gmail.com

### **Site details**

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Street address: 1-5 Dickson Street, Craiglie  
Lot on plan: Lot 10 on RP746523  
Local government area: Douglas Shire

### **Application details**

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Proposed development: Material change of use for indoor sports and entertainment (gymnasium), shopping facility, service industry and caretaker's residence

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Indoor sports and entertainment (gymnasium), shopping facility, service industry and caretaker's residence	Impact Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger                      Schedule 7, table 3, item 1 – State-controlled road

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version
<b>Aspect of development: Material change of use – indoor sport and entertainment (gymnasium), shopping facility, service industry, caretakers residence</b>				
Site Plan	Greg Skyring Design and Drafting Pty Ltd	24.10.17	703-17	C
Information Response Report – Figures 3a and 3b (page 6)	Planz Town Planning	24 October, 2017	-	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD on 4037 3239, or email [belinda.jones@dilgp.qld.gov.au](mailto:belinda.jones@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc: PDM Timber Pty Ltd, [pdmtimber@gmail.com](mailto:pdmtimber@gmail.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

Our reference: SDA-0717-040809

Council reference: MCUI 2161/2017 (820329)

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Development Permit – Material change of use (indoor sports and entertainment (gymnasium), shopping facility, service industry, caretakers residence)		
7.3.1 – State-controlled road - Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Road access to the development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>• Site Plan prepared by Greg Skyring Design and Drafting Pty Ltd, dated 24.10.17, Plan Number 703-17 and Revision C.</li> </ul>	At all times
2.	The development must be generally in accordance with the Information Response Report prepared by Planz Town Planning dated 24 October 2017, in particular: Section 1.4: The Site and Access / Egress <ul style="list-style-type: none"> <li>• Uses across the site are to be divided and separated by buildings and fences as shown by Figure 3 (a) &amp; (b) and the Site Plan.</li> </ul>	At all times

Our reference: SDA-0717-040809

Council reference: MCUI 2161/2017 (820329)

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To reduce the impact of the proposed development on the Dickson Street/Captain Cook Highway intersection. The report submitted in response to the information request identifies the site being divided by fencing, buildings and landscaping to ensure that the uses proposed on the western part of the site are accessed from Owen Street.

Our reference: SDA-0717-040809  
Your reference: MCU1 2161/2017 (820329)

### **Attachment 3—Further advice**

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<b>General Advice – Advertising device</b>	
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2015 to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>

Our reference: SDA-0717-040809  
Your reference: MCUI 2161/2017 (820329)

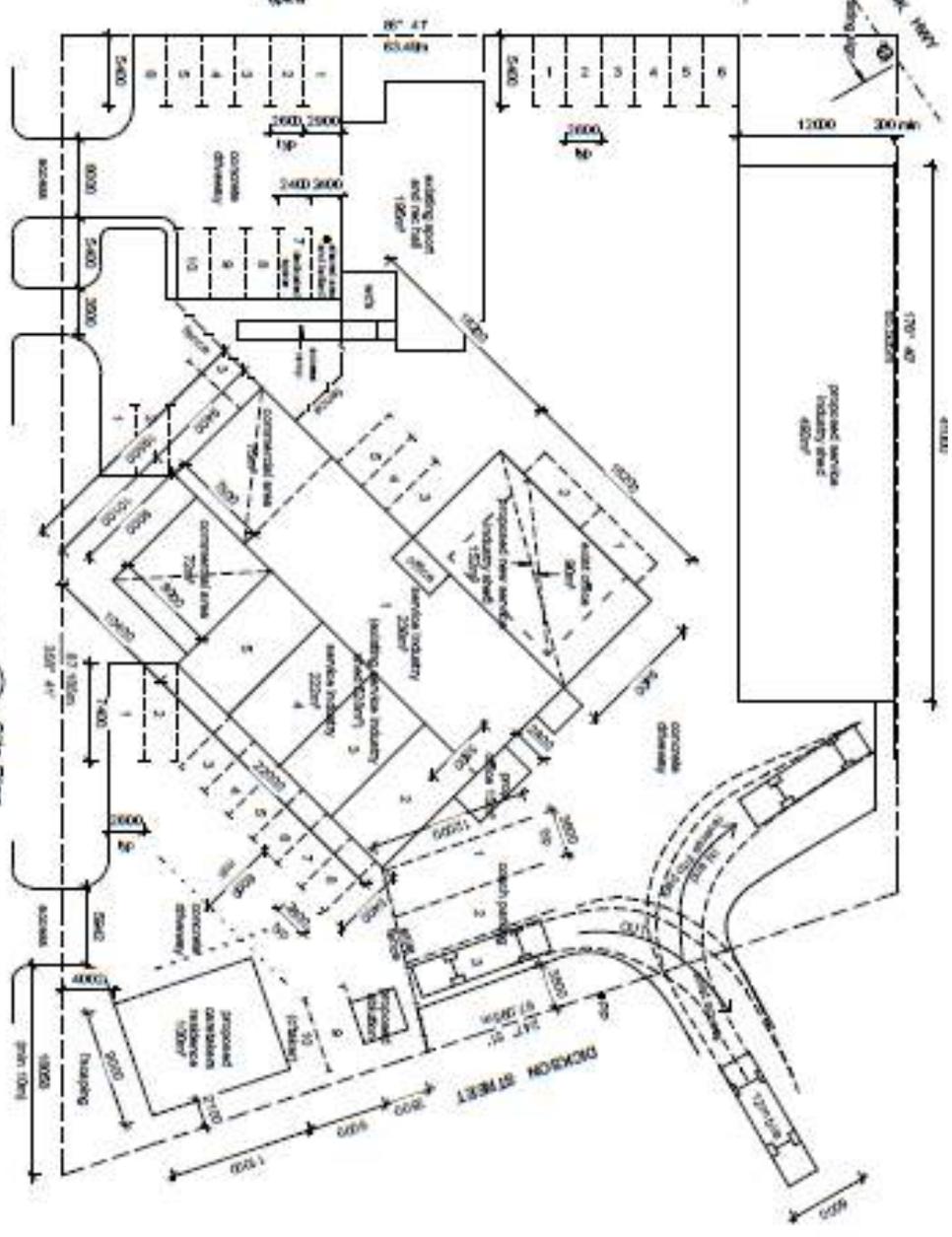
**Attachment 4—Approved plans and specifications**

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**PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE**



**SARA ref:** SDA-0717-040809  
**Date:** 22 November 2017

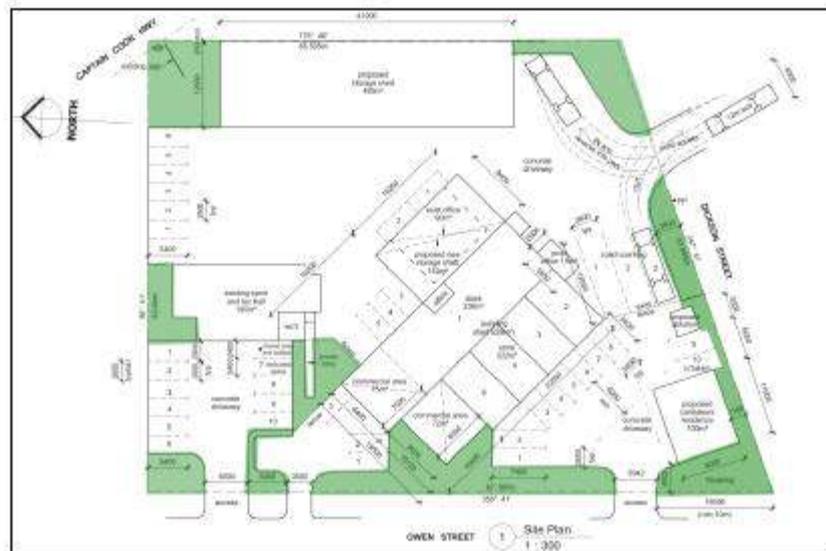


<p><b>GREG SKYRING</b>                  Design and DRAFTING Pty Ltd                  14, Latham Street, Brisbane, QLD 4000                  31 NASH DRIVE, Mount Cotton, QLD 4873                  Phone: 07 5530000                  Mobile: 04 8733282                  Email: greg@gregskyring.com.au</p>	<p>PROJECT: Proposed Car Parking and Building Layout                  1-5 DICKSON STREET,                  L110 RPT45523                  CRAIGLIE</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">CLASS: PDM Timber</td> <td style="width: 33%;">SCALE: 1 : 300</td> <td style="width: 33%;">DRAWN BY: [blank]</td> </tr> <tr> <td>DATE: 1 : 300</td> <td>SCALE: 1 : 300</td> <td>DATE: 24.10.17</td> </tr> <tr> <td>PROJECT: Proposed Car Parking and Building Layout</td> <td>SCALE: 1 : 300</td> <td>DATE: 24.10.17</td> </tr> <tr> <td>CLASS: PDM Timber</td> <td>SCALE: 1 : 300</td> <td>DATE: 24.10.17</td> </tr> <tr> <td>PROJECT: Proposed Car Parking and Building Layout</td> <td>SCALE: 1 : 300</td> <td>DATE: 24.10.17</td> </tr> </table>	CLASS: PDM Timber	SCALE: 1 : 300	DRAWN BY: [blank]	DATE: 1 : 300	SCALE: 1 : 300	DATE: 24.10.17	PROJECT: Proposed Car Parking and Building Layout	SCALE: 1 : 300	DATE: 24.10.17	CLASS: PDM Timber	SCALE: 1 : 300	DATE: 24.10.17	PROJECT: Proposed Car Parking and Building Layout	SCALE: 1 : 300	DATE: 24.10.17
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MCU: 1-5 DICKSON ST, CRAIGLIE



Figures 3a & 3b: Extract of Site Plan showing egress and landscaping



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