

## 5.2. MATERIAL CHANGE OF USE - EXTENSION TO EXISTING INDUSTRIAL USE

<b>REPORT AUTHOR(S)</b>	Neil Beck, 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 (Extension to existing industrial use)
<b>APPLICANT</b>	M & R Kitchens Pty Ltd C/- Planz Town Planning PO Box 181 EDGE HILL QLD 4870
<b>LOCATION OF SITE</b>	2-6 Beor Street CRAIGLIE
<b>PROPERTY</b>	Lot 12 on RP857607

### LOCALITY PLAN



Figure 2 - 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>	Department of Transport & Main Roads
<b>NUMBER OF SUBMITTERS</b>	Not Applicable
<b>STATUTORY ASSESSMENT DEADLINE</b>	13/09/2017
<b>APPLICATION DATE</b>	29/05/2017

### **RECOMMENDATION**

**That Council approves the development application for Material Change of Use for an extension to an existing Industry Use over land described as Lot 12 on RP857607, located at 2-6 Beor 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:

<b>Drawing or Document</b>	<b>Reference</b>	<b>Date</b>
Site Plan	103-17 Rev A – Sheet 1 of 3	17/05/2017
Floor Plan	103-17 Rev A – Sheet 2 of 3	17/05/2017
Elevations	103-17 Rev A – Sheet 3 of 3	17/05/2017

#### **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.

#### **External Works**

3. Undertake the following works external to the land at no cost to Council:
  - a. Provision of an industrial concrete crossover and apron on the Downing

**Street frontage and Beor Street frontage in accordance with FNQROC Development Manual Standard Drawing S1015. The concrete crossover and apron on Downing Street must be constructed to drain stormwater to the stormwater inlet pit in Beor Street;**

- b. Reinstate the kerb and channel at the redundant exit point and remove the concrete apron at the Beor Street frontage and undertake necessary works to the footpath to ensure connectivity.**

**Such work must be constructed prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.**

#### **Council Infrastructure**

- 4. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Douglas Shire Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.**

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

- 5. 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.**

#### **Landscaping Plan**

- 6. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:-**
  - a. Deep planting of the 2 metre setback area adjacent to the Beor Street frontage to soften the appearance of the development overtime;**
  - b. Retention of the existing vegetation within the Beor Street road reserve;**
  - c. No additional plantings to take place within the Beor Street road reserve;**
  - d. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping;**
  - e. Replace the fence paleings along the Beor Street frontage to create an effective screen fence and remove the gates along the Beor Street frontage.**

**The Landscape Plan does not need to be professionally prepared by a Landscape Architect. However must be of sufficient detail to establish plant species, planting density and bag size of plants to achieve the intent of the condition. The landscape plan must be endorsed by the Chief Executive Officer**

with the completion of landscaping works being undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs.

#### Vehicle Parking

7. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces. The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and Australian Standard AS2890.6 and be constructed in accordance with Austroads and good engineering design.

In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked. The parking area must be provided prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first.

#### Sediment and Erosion Control

8. Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the Environmental Protection Act 1994, and the FNQROC Development Manual).
9. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

#### Advertising Signage

10. Due to the reduced setback and the requirement to screen and soften the development when viewed from Beor Street and the Captain Cook Highway, advertising signage on the wall fronting Beor Street is not permitted.

#### REFERRAL AGENCY CONDITIONS & REQUIREMENTS

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency (Department of Infrastructure, Local Government & Planning)	SDA-0617-040165	19/07/2017	#822021

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.
  4. For information relating to the *Sustainable Planning Act 2009* 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

Application has been made for a Material Change of Use seeking approval for the expansion of an existing industrial use being M&R Kitchens located on the corner of Beor Street, Downing Street and Captain Cook Highway, Craiglie.

M&R Kitchens is a local business manufacturing cabinetry products and goods to the Port Douglas and Mossman region and also as far as Townsville, Cooktown and Gulf of Carpentaria.

Approval for an expansion of the premises very similar to the one that is now proposed was granted by Council in September 2004. The approval was not acted upon and subsequently lapsed.

The application required referral to the Department of Transport & Main Roads (DTMR) as a Concurrence Agency. The DTMR has forwarded its response approving the development subject to conditions.

The proposed development is consistent with the intent of the Industry Planning Area within the Port Douglas & Environs Locality and approval of the application is recommended subject to conditions.

## TOWN PLANNING CONSIDERATIONS

### Background

M&R Kitchens established in the region in 1986 and moved to the current site at Craiglie in 1997. Operations on the site consist of a workshop, showroom and offices and associated amenities.

In 2004, approval was granted for an expansion of the premises to cater for additional storage and unloading in a similar configuration to that now proposed. Conditions of the approval issued in 2004 required a 3 metre setback to Beor Street. This compares to the 2 metre setback now proposed.

### Proposal

The application is to facilitate a 305m<sup>2</sup> expansion of the existing building to create a new enclosed loading and storage area. The proposed expansion provides a 2m wide landscape buffer between the building and the Beor Street boundary.

The new enclosed extension will allow for the removal of the shipping containers that are presently located in this area and will provide for covered unloading and loading area. The enclosed area will continue to be used for the parking and accommodation of delivery vehicles associated with the business.

Vehicle entry and exit of vehicles will remain the same with vehicles entering the site via Downing Street and existing onto Beor Street. The exit location on Beor Street is being repositioned farther away from the intersection of Beor Street and Captain Cook Highway. The car parking configuration is being adjusted to make use of existing hardstand areas. Sufficient car parking spaces are provided onsite to accommodate the proposed expansion.

Plans detailing the proposed expansion forms Attachment 1.

### State Planning Requirements

The State Planning Policy applies as the Planning Scheme preceded the Policy. The development is consistent with the State interest requirements as identified in the State Policy.

### Douglas Shire Planning Scheme Assessment

Table 1

Douglas Shire Port Douglas and Environs Planning Locality		Code Applicability	Compliance
<b>Locality</b>	Port Douglas and Environs	✓	Complies
<b>Planning Area</b>	Industry	✓	Refer to discussion below
<b>Defined Use</b>	Industry / Service Industry	x	No applicable code
<b>Overlay Codes</b>	Acid Sulfate Soils Code	x	N/A
	Cultural Heritage and Valuable Sites Code	x	N/A
	Natural Hazards Code	x	N/A
<b>General Codes</b>	Design and Siting of Advertising Devices Code	✓	Complies through condition of approval
	Filling and Excavation Code	x	N/A
	Landscaping Code	✓	Complies through a condition of approval
	Natural Areas and Scenic Amenity Code	x	N/A
	Reconfiguring a Lot Code	x	N/A
	Vehicle Parking and Access Code	✓	Complies
	Sustainable Development Code	x	N/A
	Vegetation Management Code	x	N/A

## **Compliance Issues**

The proposed expansion is in accordance with the requirements of the Planning Scheme with the exception of the building setback from Beor Street. The Planning Scheme nominates a setback of 4 metres to secondary street frontages; the proposed plan nominates a 2 metre setback. As mentioned above, Council approved an application in 2004 with a 3 metre setback from Beor Street.

Prior to lodging the development application, the Applicant presented a plan seeking approval for a zero setback from Beor Street for the unloading and loading / storage area. The Applicant was advised that this would not be supported and to reconsider the footprint of the proposed expansion. The Applicant was advised that Council was aware of the previous approval issued in 2004 which provided a 3 metre setback from Beor Street. The Applicant was advised that a setback would be required and was encouraged to not pursue the zero setback. In response, the current application was lodged providing a 2 metre setback.

The proposed setback is supported on the basis that there is an ability to include some landscaping treatments between the wall of the shed and the side boundary in order to soften the appearance. In addition, well established screening vegetation exists within the Beor Street road reserve which will assist in screening and softening the expansion. The Site Plan nominates additional plantings within the Beor Street road reserve. However such additional planting is not supported. Landscaping treatments in addition to what exists presently is to be contained on the site. A condition of the approval reinforces this requirement.

In addition to the above, the area to be occupied by the proposed expansion is already utilised for the storage of shipping containers and parking of delivery trucks associated with the business. The proposed expansion seeks to formalise the existing use of this area while also providing a loading and unloading area which is protected from the elements. A condition of approval precludes advertising on the wall fronting Beor Street unless otherwise approved by Council.

The proposed development complies with all other requirement of the Planning Scheme and no other concerns or issues are raised.

## **Referral Agency Requirements**

The application was referred to DTMR as a Concurrence Agency due to the proximity of the site to the Captain Cook Highway. The Concurrence Agency response is contained in Attachment 2.

## **Public Notification / Submissions**

The application is code assessable development under the Planning Scheme and therefore public notification is not required.

## ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger infrastructure charges on the basis that the proposed extension seeks to provide a protected unloading and loading area which is already taking place on the site. The proposed extension will not create additional demand on Council's reticulated water supply and sewer infrastructure and on that basis, no charges are applicable.

## 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:

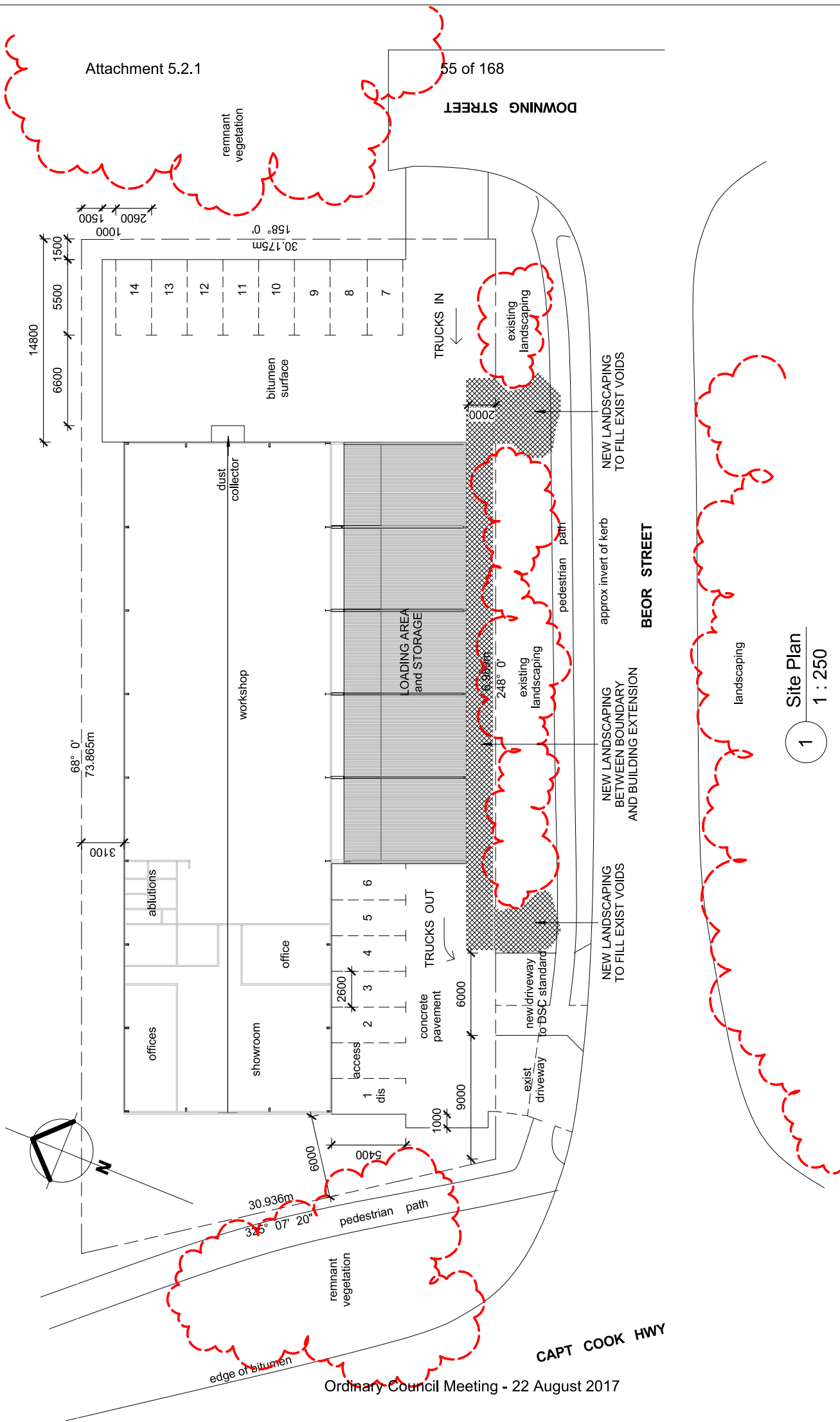
**Regulator:** Meeting the responsibilities associated with regulating activities through legislation or local law.

The application continues to be assessed under the *Sustainable Planning Act 2009*. Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

## ATTACHMENTS

10. Attachment 1 - Proposed Plans **[5.2.1]**
11. Attachment 2 - Concurrence Agency Conditions & Requirements **[5.2.2]**





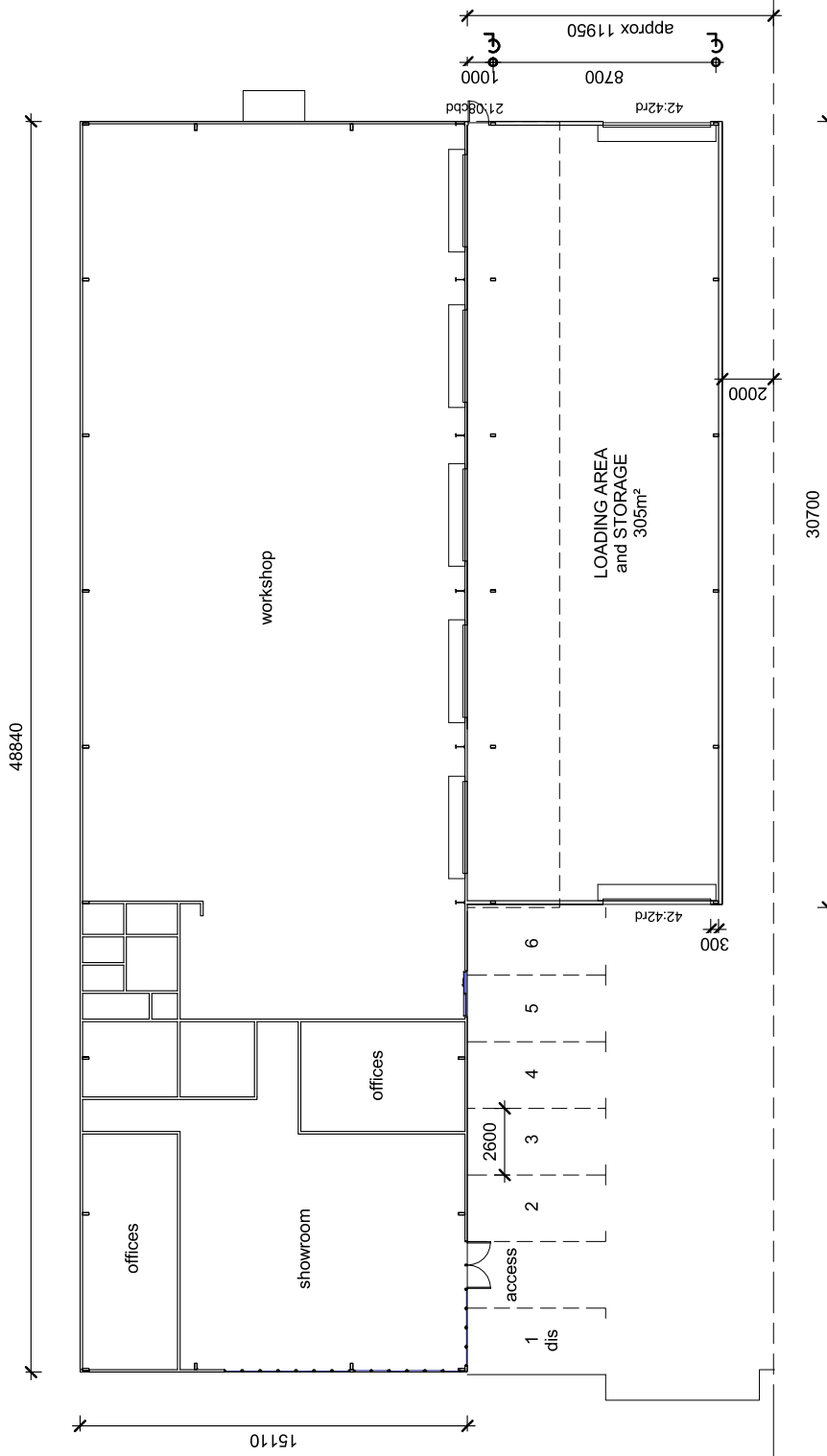
Attachment 5.2.1

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1 Site Plan  
1 : 250

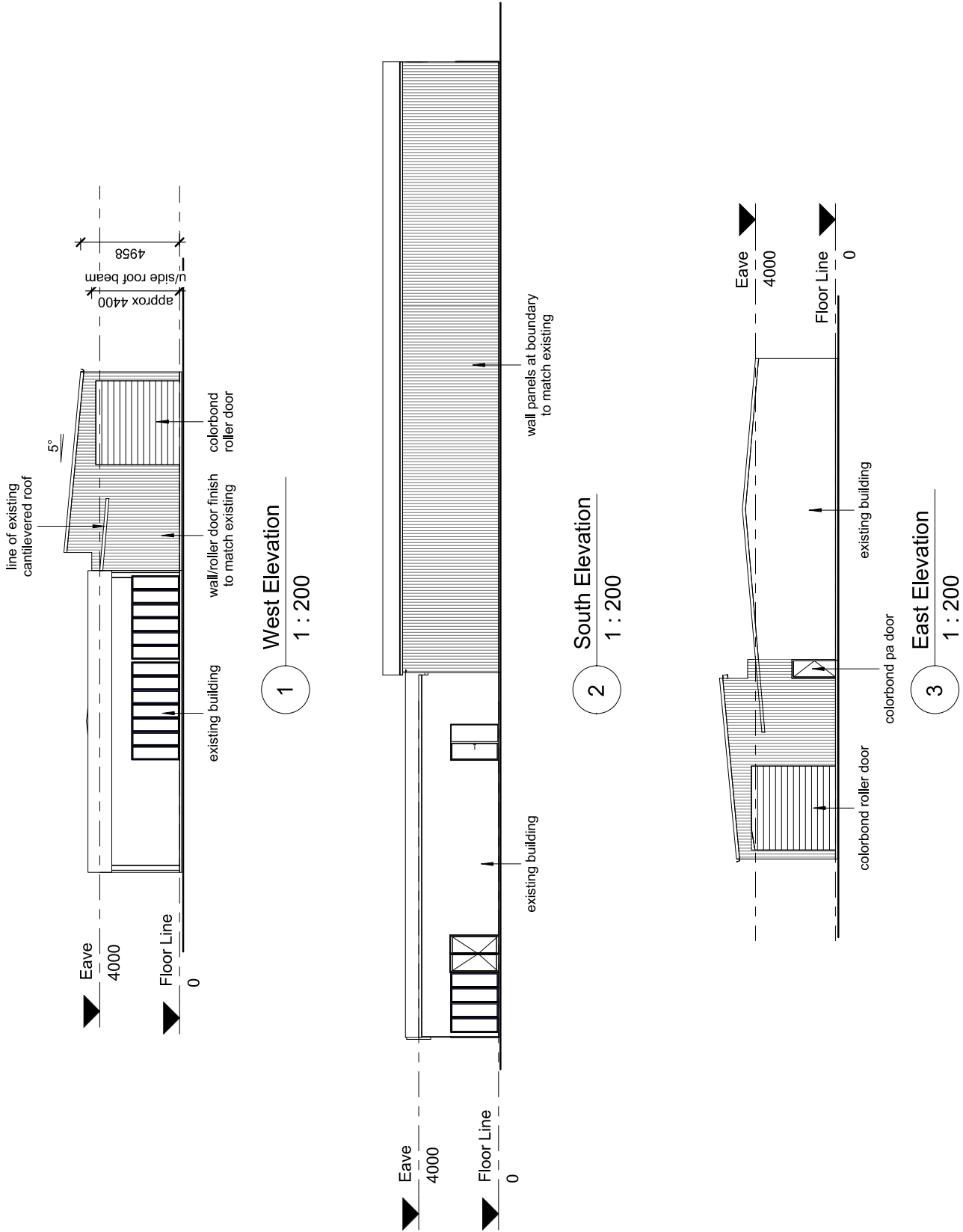
Ordinary Council Meeting - 22 August 2017

<b>GREG SKYRING</b> <i>Design</i> and DRAFTING Pty, Ltd. Lic Under OBASA Act 1991 - No 1040371 11 Noli Close, Mossman Q. 4873 Phone/Fax: (07) 40982061 Mobile: 0419212652 Email: greg@skyringdesign.com.au	PROJECT Proposed Extension to Existing Shed, 2 - 6 Beor St, (cnr Capt Cook Hwy), L12 RP857607, CRAIGLIE	CLIENT M & R Constructions SCALES 1 : 250	PLAN TITLE Site Plan	WIND CLASS C2	PLAN NUMBER 103-17	SHEET 1 of 3
	DATE OF ISSUE 17.05.17	REV A				



1 Floor Plan  
1 : 200

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	<p>SCALE 1 : 200</p>	<p>PLAN TITLE Floor Plan</p>	<p>DATE OF ISSUE 17.05.17</p>	<p>REV A</p>	



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	SCALES 1 : 200	PLAN TITLE Elevations	DATE OF ISSUE 17.05.17	REV A	



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0617-040165  
Your reference: MCUC2097/2017  
Applicant's ref: P71749

19 July 2017

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

*Attention: Neil Beck*

Dear Sir / Madam

**Concurrence agency response—with conditions Material Change Use (expansion of an industry use) 2-6 Beor Street, Craiglie - Lot 12 on RP857607**

(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 15 June 2017.

**Applicant details**

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Applicant name: M & R Kitchens Pty Ltd  
Applicant contact details: C/ Planz Town Planning  
PO Box 181  
Edge Hill QLD 4870  
info@planztp.com

**Site details**

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Street address: 2-6 Beor Street Craiglie  
Lot on plan: Lot 12 on RP857607  
Local government area: Douglas Shire Council

### Application details

Proposed development: Material Change of Use for extension to an existing industry use

### 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	Extension to an existing industry use	Code 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/ Issue
<b>Aspect of development: Material Change of Use</b>				
Site Plan	Greg Skyring Design and Drafting Pty Ltd	17.05.17	103-17	A

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

For further information, please contact Julie Colman, Senior Planning Officer, SARA Far North QLD on 4037 3233, or email [julie.colman@dilgp.qld.gov.au](mailto:julie.colman@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc: M & R Kitchens Pty Ltd, [info@planztp.com](mailto:info@planztp.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-0617-040165

Your reference: MCUC2097/2017

Applicant's ref: P71749

### Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use – extension to an existing industry use		
Schedule 7, Table 3, Item1: 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 <b>Department of Transport and Main Roads</b> 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.	Vehicular access to the site and circulation must be 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 17.05.17, Plan Number 103-17 and Revision A.</li> </ul>	Prior to the commencement of use and to be maintained at all times.

Our reference: SDA-0617-040165

Your reference: MCUC2097/2017

Applicant's ref: P71749

## **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 plan of development submitted with the application.
- To ensure development complies with State Development Assessment (version 1.10) – Modules 1, 18 and 19.



Our reference: SDA-0617-040165

Your reference: MCUC2097/2017

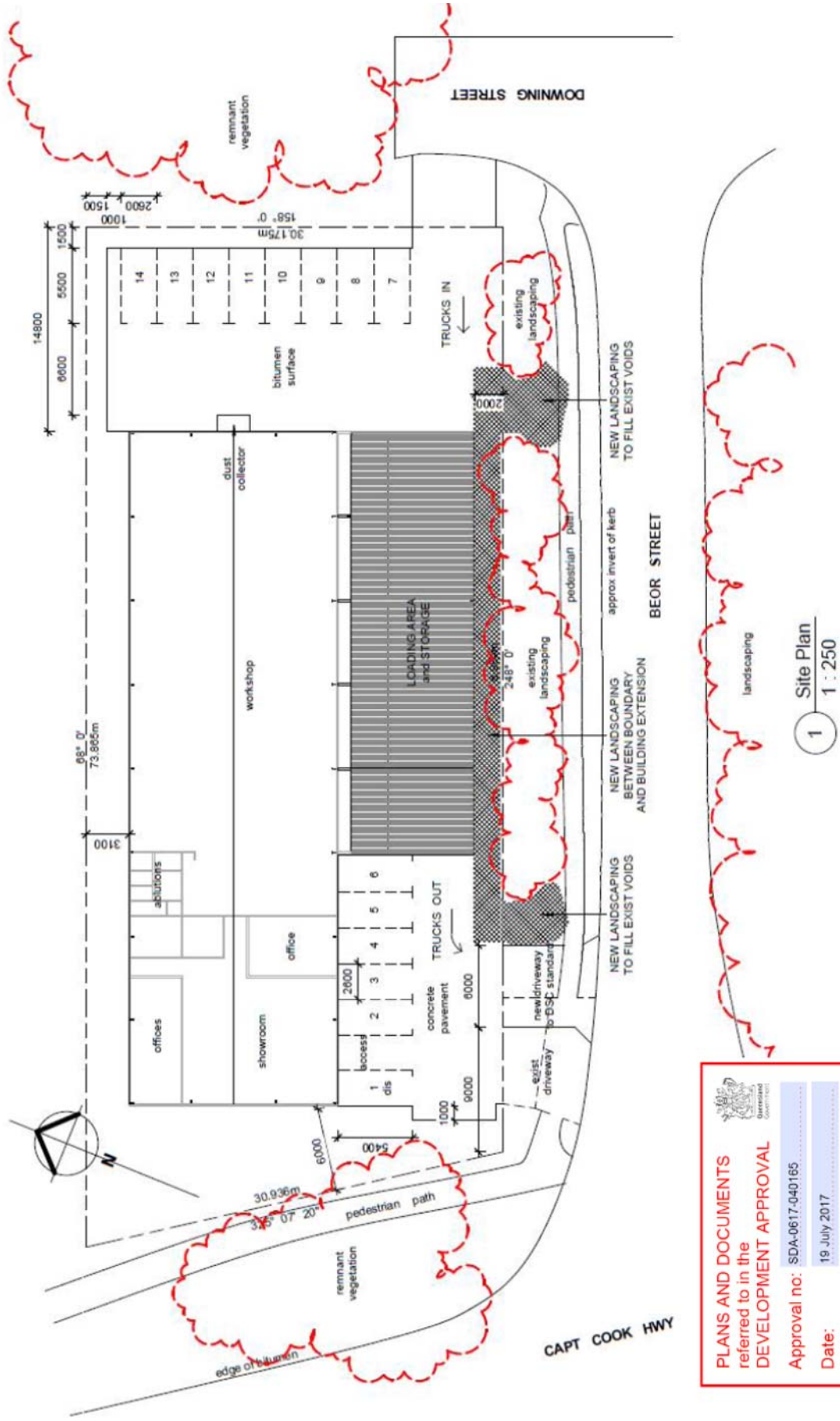
Applicant's ref: P71749

### **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>

**Attachment 4—Approved plans and specifications**



**PLANS AND DOCUMENTS** referred to in the **DEVELOPMENT APPROVAL**  
 Approval no: SDA-0617-040165  
 Date: 19 July 2017

<b>GREG SKYRING</b> <i>Design and Drafting</i> Pty. Ltd Lic Under OBCA Act 1991 - No 1040371 11 Noll Close, Mossman Q. 4873 Phone/Fax: (07) 40963261 Mobile: 0411212652 Email: greg@skyringdesign.com.au	PROJECT Proposed Extension to Existing Shed, 2 - 6 Beor St, (cnr Capt Cook Hwy), L12 RP857607, CRAIGLIE	CLIENT M & R Constructions	WIND CLASS C2	PLAN NUMBER 103-17	SHEET 1 of 3
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