

5.2. MATERIAL CHANGE OF USE FOR EXTENSION TO EXISTING COMMUNITY USE- 20 MILL STREET, MOSSMAN

REPORT AUTHOR(S)	Daniel Lamond, Planning Officer
GENERAL MANAGER	Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Material Change of Use (Extension to existing Community Use)
APPLICANT	Douglas Shire Community Services Association Ltd C/- Gilvear Planning, Patrick Clifton PO Box 228 BABINDA QLD 4861
LOCATION OF SITE	20 Mill Street MOSSMAN
PROPERTY	Lot 4 on RP706271

LOCALITY PLAN



Figure 1 - Locality Plan

ZONE	Centre Zone
PLANNING SCHEME	2018 Douglas Shire Planning Scheme version 1.0
REFERRAL AGENCIES	There were no referral agencies for this application
NUMBER OF SUBMITTERS	There were no submitters for this application
STATUTORY ASSESSMENT DEADLINE	2 October 2018
APPLICATION DATE	7 August 2018

RECOMMENDATION

A. That Council approves the development application for material change of use (extension to existing community use) over land described as Lot 4 on RP706271, located at 20 Mill Street MOSSMAN, 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 applicant marked up on Lend Lease base plan	Submitted with application 2 August 2018
Elevation and Layout Plan	Plan prepared by Shade Sheds	February 2007

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.**

Lawful Point of Discharge

3. 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.

Ponding and/or Concentration of Stormwater

4. The development is not to create ponding nuisances.

Flood Immunity

5. The development must have a Q100 flood immune floor level.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect.
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.

LAND USE DEFINITIONS*

In accordance with the 2018 *Douglas Shire Planning Scheme version 1.0*, the approved land use of development assessment application MCUC2802/2018 is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples	Column 4 Does not include the include following examples
Community Use	Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink.	Art gallery, community centre, community hall, library, museum.	Cinema, club, hotel, nightclub entertainment facility, place of worship.

*This definition is provided for convenience only. This Development Permit is limited to the specifications, facts and circumstances as set out in the application submitted to Council and is subject to the abovementioned conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

B. That Council resolves to waive the infrastructure charges levy generated by the development under the Local Government Infrastructure Plan.

C. Further Permits

- 1. The following Development Permits are required to be obtained before the development can be carried out:**
 - a. Development Permit for Building Works.**

D. Currency period for the approval

Under section 85(1)(a)(i) of the *Planning Act 2016*, the relevant period for the Preliminary Approval is six (6) years starting from the day the approval takes effect.

E. Reasons for Decision

The reasons for this decision are:

- 1. Sections 60, 62 and 63 of the *Planning Act 2016*:**
 - a. A Community Use is code assessable development in the Centre Zone and is an expected form of development to establish in the Centre zone.**
 - b. To ensure the development satisfies the associated benchmarks of the applicable codes within the 2018 Douglas Shire Planning Scheme;**
 - c. To ensure the development satisfies the associated benchmarks of the applicable parts of the State Planning Policy;**
 - d. Where non-compliant with the applicable benchmark, the development does not compromise the corresponding Performance Outcome of the applicable code.**
 - e. To ensure compliance with the *Planning Act 2016*.**
- 2. Findings on material questions of fact:**
 - a. The development application was properly lodged to the Douglas Shire Council on 7 August 2018 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and**
 - b. The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2018 Douglas Shire Planning Scheme in making its decision as Assessment Manager.**
- 3. Evidence or other material on which findings were based:**
 - a. The development triggered code assessable development under the Assessment Table associated with the Centre zone;**

- b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and**
 - c. The applicant's reasons have been considered and the following findings are made:**
 - i. Subject to compliance with conditions of this Development Permit the development satisfactorily meets the Planning Scheme requirements.**
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EXECUTIVE SUMMARY

Council is in receipt of a development application for a material change of use (extension to existing community use) over land located at 20 Mill Street, Mossman, formally described as Lot 4 on RP706271.

The land is currently contained within the Centre zone under the 2018 Douglas Shire Planning Scheme version 1.0. The site has been used as a 'community use' since the 1980's. The site is currently used for community purposes in association with the adjoining land at 22 Mill Street, Mossman, by Douglas Shire Community Services Association Ltd. The site has been developed to contain a community centre and a disability service centre and contains 9 on-site car parking spaces associated with the existing use. Mill Street, at the sites frontage, is a fully constructed road with kerb and channel and line marking.

The proposal consists of siting a 6m x 3m demountable building central to the site which will be used as a break out space for quiet learning and activities. The proposal is made code assessable by the Planning Scheme as self assessable requirements only extend to the community uses taking place within existing buildings. The proposal is consistent with the surrounding pattern of development and land use.

The assessment of the application has identified a non-compliance with the Planning Scheme that is to be addressed in order to legitimise the use of the premises as proposed. Overall, the application satisfies the intent of the Planning Scheme and is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS

Background

The site is contained within the Centre zone under the Planning Scheme. The proposed use falls within the land use definition of community use. The community use requires code assessment when not taking place within an existing building in the Centre zone.

In 1991, the former Douglas Shire Council allowed the development of a new building at the rear of the lot for community services. Council at the time did not formally require any parking spaces to be developed at the site at this time. That being said, it is taken that the 9 existing spaces satisfy the parking demand generated by the existing development.

Proposal

The proposal consists of siting a 6m x 3m demountable building (see figure 2) at the centre of 20 Mill Street on the existing lawn. The building is proposed for a quiet breakout area for learning and activities associated with the community services on site. This would include use as a sensory room, time out room, art room, quiet meeting room and other activities that are required to be separated from noise and distraction.

The proposed building is a single storey building and would be located to the rear of the site and adjacent to existing on-site car parking. It would not be visible directly from the street and would not have a height greater than the existing buildings on the site. It would be located on an existing grassed area adjacent to the on-site car parking and would be setback from the western side boundary by 3 metres. The setback area is currently landscaped by established vegetation, which would be retained as part of the development.

Access to the site is via the existing constructed access from Mill Street and would terminate at the existing 9 car parking spaces.



Figure 2- Proposed Structure

State Planning Requirements

Regional Plan

The subject site is within the Urban Footprint of the Far North Queensland Regional Plan. It is understood that the Douglas Shire Planning Scheme is considered to appropriately reflect the Regional Plan and on that, basis, no further assessment is required in this instance.

State Planning Policy

The site is subject to the following State Interests of the State Planning Policy:

- Safety and Resilience to Hazards
 - Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay;

A condition has been imposed to mitigate the risk to the development associated with flooding.

Douglas Shire Planning Scheme Assessment

Table 1.

2018 Douglas Shire Planning Scheme Codes		Code Applicability	Compliance
Zone	Centre Zone Code	✓	Complies
Local Plan Code	Mossman Local Plan Code	✓	Complies
Use Code	Community Facilities Code	✓	Complies
Development codes	Access, Parking and Servicing Code	✓	See comment below
	Infrastructure Works Code	✓	Complies
	Landscaping Code	✓	Complies

Compliance Issues

Access, Parking and Servicing Code

The Access, Parking and Servicing development code requires 1 parking space per 15 square metres of gross floor area (GFA) for the community use.

The site contains an existing community use that provides on-site car parking to meet the on-site car parking demand generated by that use (9 spaces). The proposed development would create an additional 14.4m² of Gross Floor Area, which, in accordance with the car parking rates established as an Acceptable Outcome, creates a requirement for an additional 1 on-site car parking space. No additional car parking is proposed as part of the application.

The relevant Performance Outcome of the Access, Parking and Servicing Code requires:
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:

- (a) the desired character of the area;*
- (b) the nature of the particular use and its specific characteristics and scale;*
- (c) the number of employees and the likely number of visitors to the site;*
- (d) the level of local accessibility;*
- (e) the nature and frequency of any public transport serving the area;*
- (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building;*
- (g) whether or not the use involves a heritage building or place of local significance;*
- (h) whether or not the proposed use involves the retention of significant vegetation.*

In this instance, the site is located in close proximity to the main street of Mossman being Front Street. The site is readily accessible to visitors of the community use. The proposed development is a small-scale transportable building to provide an additional private and quiet space on site for the existing clients. It is not expected that the proposed additional space would increase the number of employees or patronage of the site nor increase demand for car parking spaces above that generated by the current use. On this basis, it is considered that sufficient on-site car parking is provided to cater for the minor development proposed in association with an existing community use. The proposed development is able to satisfy Performance Outcome PO1 of the planning scheme.

Referral Agency Requirements

There were no referrals triggered for this application.

Public Notification / Submissions

The application required code assessment against the planning scheme. In accordance with section 53 (1) of the Planning Act 2016, public notification is not required for code assessable development applications.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development triggers local government infrastructure charges in accordance with the Councils Local Government Infrastructure Plan (LGIP).

Charges for community services are levied under the LGIP at \$4.09 per square metre of gross floor area. The proposal triggers an infrastructure charge of \$58.90.

It is proposed to waive the infrastructure charge because of the minor nature of the proposed development and the nature of the genuine community service that the development represents.

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 *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 2- Non-compliance with Assessment Benchmarks **[5.2.1]**
2. Attachment 1- Approved Plans **[5.2.2]**

ATTACHMENT 3 - NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

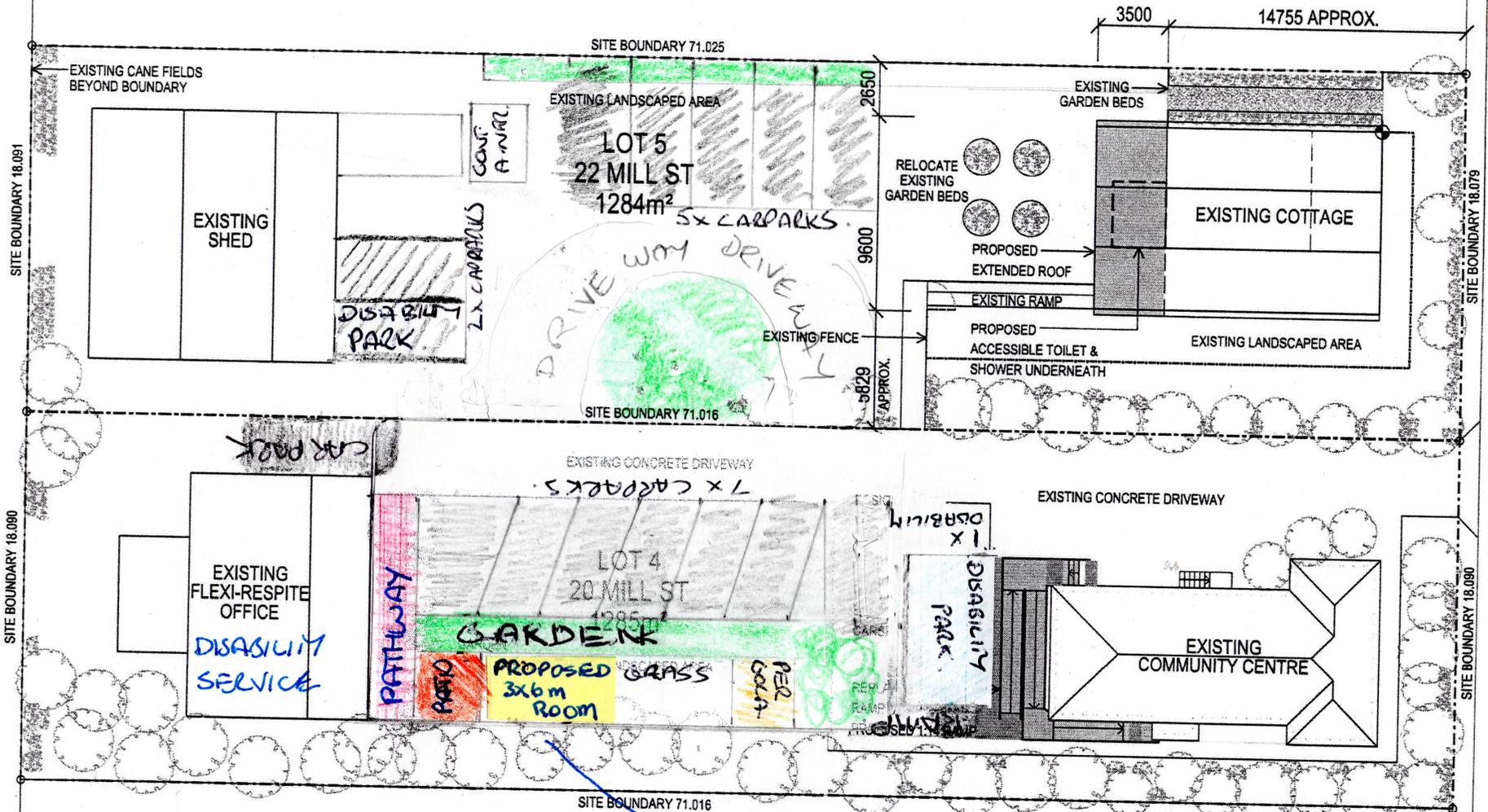
ASSESSMENT BENCHMARKS

Assessment Benchmark	Reasons for approval despite non-compliance with benchmark
<p data-bbox="150 488 443 551">Access, Parking and Servicing Code</p> <p data-bbox="150 586 236 618">AO1.1</p> <p data-bbox="150 654 478 716">The minimum number of on-site vehicle parking</p> <p data-bbox="150 752 478 815">spaces is not less than the number prescribed in</p> <p data-bbox="150 851 450 927">Table 9.4.1.3.b for that particular use or uses.</p>	<p data-bbox="523 488 1439 1016">In this instance, the site is located in close proximity to the main street of Mossman being Front Street. The site is readily accessible to visitors of the community use. The proposed development is a small-scale transportable building to provide an additional private and quiet space on site for the existing clients. It is not expected that the proposed additional space would increase the number of employees or patronage of the site nor increase demand for car parking spaces above that generated by the current use. On this basis and, notwithstanding that no additional car parking is being provided, it is considered that sufficient on-site car parking is provided to cater for the traffic expected to be generated by this additional minor development at an existing community use. The proposed development is able to satisfy Performance Outcome PO1 of the planning scheme.</p>

EXISTING COTTAGE + PROPOSED EXTENSION = 42.7m² + 8.6m² = 51.3m²

STRUCTURE TO BE DESIGNED FOR REGION C (CYCLONIC) WINDS IN ACCORDANCE WITH AS 1170.2 - 2011

EXISTING MEASUREMENTS ON SITE PLAN = 1mm = 300mm



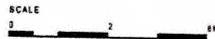
01 Site Plan

1:200 AS PER EXISTING MEASUREMENTS
SCALE IS 1mm = 300mm

PROPOSED 3mx6m Room

LEND LEASE

Lend Lease, Project Management & Construction P/L
30 The Bend, 30 Hickson Road, Millers Point NSW 2000
ACN 000 098 162



03	ISSUE FOR REVIEW	22.03.12
02	ISSUE FOR REVIEW	20.03.12
01	ISSUE FOR REVIEW	01.03.12
Issue	Revision Description	Date

PROJECT
MOSSMAN COMMUNITY CENTRE
20-22 MILL ST, MOSSMAN, 4873

Title
SITE PLAN

Drawn	Checked	Approved	Date	Scale
CL	JD	13	22.03.12	1:

Drawing
DA-0001

Issue
17 03

