

17 April 2023

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Enquiries: Jenny Elphinstone
Our Ref: CA 2023_5331/1(Doc ID 1149927)
Your Ref: 23006

Angela Whittaker
c/- Scope Town Planning
38 Kowa Street
MAREEBA QLD 4880

Email: jburns@scopetownplanning.com.au

Attention Mr Johnathan Burns

Dear Sir

INFORMATION REQUEST
(Given under Section 12 of the Development Assessment Rules)

Council refers to your development application that was received as a properly made application on 13 April 2023 and for which a Confirmation Notice was issued on 17 April 2023.

Applicant Details

Name: Angela Whittaker, C/ Scope Town Planning
Attention Johnathan Burns

Postal Address: 38 Kowa Street
Mareeba Qld 4880

Email: jburns@scopetownplanning.com.au

Property Details

Street Address: 6133 Captain Cook Highway Craiglie

Real Property Description: Lot: 3 on RP743352

Local Government Area: Douglas Shire Council

Application Details

Application Number: CA 2023_5331/1

Nature of Development Proposed: Combined Application for a Development Permit for:

1. Material Change of Use for Low Impact Industry for the manufacture of residential and commercial window and door fabrication in addition to the continuing use of the dwelling house and secondary dwelling; and
2. Reconfiguring of a Lot of part of the lot by lease agreement for a period of more than ten (10 years); and
3. Reconfiguring of a Lot creating an access easement to a road.

Description of the Development Proposed:

1. Material Change of Use for Low Impact Industry for the manufacture of residential and commercial window and door fabrication in addition to the continuing use of the dwelling house and secondary dwelling; and
2. Reconfiguring of a Lot of part of the lot by lease agreement for a period of more than ten (10 years); and
3. Reconfiguring of a Lot creating an access easement to a road.

Additional Information Requested

The following additional information is requested in order to complete an assessment of the application:

Strategic framework

Development is outside the urban areas as identified on Context Map Sheet 2 of 2 CM-002, that reflects the urban footprint of the FNQ Regional Development Plan. The development is inconsistent with Theme 1 – settlement pattern and in particular: 3.4.1 – strategic outcomes; 3.4.2 element – urban settlement; 3.4.3 – Element – Activity centres; and 3.4.4 Element – Industry areas and activities. The development is inconsistent with Theme 5 – Economy, in particular in respect to 3.8.1 – Strategic outcomes land use conflicts.

1. Please provide a response to all the affected matters under the strategic framework.

Planning need

The report states as follows.

“While an Industrial Park is located within Craiglie, the cost of purchasing an industrial allotment and construction of a suitable shed would near \$1 million, a budget well outside of such a small yet critical local business. As such, while the Strategic Framework for Economic Growth and diversification recognizes the “important role” of “manufacturing” “in the future of economic growth opportunities in the Shire”, the Shire does not currently provide affordable industrial zoned land to support the promoted “lower operational costs for businesses”.

It is as a result of this lack of affordable and suitable industrial zoned land that the business owner has resorted to proposed (sic) the operation of the fabrication part of the business within the existing Shed located on the site.”

A review of websites (undertaken on 4 April 2023) identified a number of premises available for lease or sale within the Shire, located in industrial zoned land in both Craiglie and Mossman. The ground of need not being met within the Shire is not substantiated by the application. This statement with the application is not substantiated by evidence.

The *Planning Act* considers the local instrument to have regard to future long-term planning for the Shire and the *Act* does not consider individual financial circumstances as relevant planning considerations. Concern is raised with the Applicant’s submission that the lack of size of a rural property gives weight to the use expanding to include inconsistent land uses, in particular industrial uses when industrially zoned land is located nearby.

2. Please provide an economic analysis and evidence supporting the Applicant’s submission regarding need for the use given the extent of existing an intended industrial land already provided in the Shire.

Considerations of Codes

The purposes of the Planning scheme codes are benchmarks for outcomes and these benchmarks are also to be considered when assessing an impact assessable development. It is noted that the lot is not included in the area mapped area of the Port Douglas / Craiglie Local Plan. The access over the adjacent Captain Cook Highway is included in the mapped area of the Port Douglas / Craiglie Local Plan.

3. Please provide assessment of the Whole of the Scheme and the relevant codes where applicable.

Hours of use

The report state that the business serves, *“the Port Douglas, Mossman region and beyond.”* The report also states, *“With no other providers in this region, Port Douglas Windows & Glass (QLD) is an in-demand, crucial supplier of window and door products to the region and, with known crime and security issues in the region, their supply of window glazing and security window and door products is an essential service to the Port Douglas, Mossman region.”*

4. Please advise of location of the premises where the industrial activity associated with the business is currently operated from.
5. Given the above statement about security and being an essential service, please advise where there is any after-hours emergency service offered for glazing and security screens. Note, if such a service is provided this should be reflected in the opening hours for use of the premises.

Vegetation clearing

The report states, *“The proposed development does not require any vegetation clearing and all existing vegetation is to be retained.”* The report does not state that the applicant has received either an early referral advice or prelodgement advice. Conditions regarding the access from and egress onto the state-controlled road have not as yet been determined and therefore it is not known the extent of clearing that may be required.

6. Please provide advice as to the extent of clearing required for safe access and egress from the site.

Light industrial activity

7. Please advise whether the materials to be used will be exclusively aluminium, steel and glass.

Reverse amenity

Concern is held with the reverse amenity impacts of the industrial use on sensitive land uses. In particular, given the ability under current legislation for the secondary dwelling to be separately tenanted from the dwelling house.

8. Please provide sufficient evidence from a suitably qualified professional acoustic Engineer that the noise associated with the industrial activity is sufficiently attenuated in respect to all sensitive land uses within 300m of the shed. The noise report must include consideration of the shed doors being open for ventilation and heat impacts for work health and safety for employees in particular during hot weather events. The noise report should include the impacts in particular of cutting aluminium and glass.

Due Date

The due date for providing the requested information is 19 July 2023 accordance with section 14.2 of the Development Assessment Rules, if you do not provide a response before the above due date (or a further agreed period), it will be taken as if you have decided not to respond to the information request and Council will continue with the assessment of the application.

Other Details

Please quote Council's application number: MCUI 2023_5331/1 in all subsequent correspondence relating to this development application.

Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9444.

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning