

PLANNING & ENVIRONMENT COMMITTEE**11 NOVEMBER 2009****9**

MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) SHOPPING FACILITIES – BUCKLEY STREET YORKEYS KNOB – DIVISION 8

Nick Bowden : 8/8/1097 : #2167035

<u>PROPOSAL:</u>	SHOPPING FACILITIES (CHANDLERY)
<u>APPLICANT:</u>	LAPNOR PTY LTD (TRADING AS HALF MOON BAY CHANDLERY) PO BOX 286 YORKEYS KNOB QLD 4878
<u>LOCATION OF SITE:</u>	BUCKLEY STREET YORKEYS KNOB
<u>PROPERTY:</u>	LOT 118 ON CP867130
<u>PLANNING DISTRICT:</u>	BARRON SMITHFIELD
<u>PLANNING AREA:</u>	SPORT AND RECREATION
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2009
<u>REFERRAL AGENCIES:</u>	NONE APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	EIGHT (8)
<u>STATUTORY ASSESSMENT DEADLINE:</u>	24/11/2009
<u>APPLICATION DATE:</u>	15/07/2009
<u>DIVISION:</u>	8
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. DEVELOPER CONTRIBUTION CALCULATIONS

LOCALITY PLAN



RECOMMENDATION

That Council approves the development application for a Chandlery over land described as Lot 118 on CP867130, located at Buckley Street Yorkeys Knob, 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	3038	August 2009
Floor plan	3038 Issue A Sheet 2	1 August 2009
Elevations	3038 Issue A Sheet 4	1 August 2009

ASSESSMENT MANAGER CONDITIONS

1. The applicant/owner must at all times during development of the subject land carry out the development and construction of any building thereon and conduct the approved use(s) generally in accordance with:
 - a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;

- b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

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.

Stormwater Mitigation

3. Pay a monetary contribution to Council in accordance with the Planning Scheme Council's Trunk Infrastructure Contributions Policy towards the provision or augmentation of stormwater drainage services.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$1,239.59 for Stormwater Mitigation.

Payment is required prior to commencement of Use.

Stormwater Quality

4. Pay a monetary contribution to Council in accordance with Council's Trunk Infrastructure Contributions Policy towards the improving Stormwater Quality.

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$1,711.98 for Stormwater Quality.

Payment is required prior to commencement of Use.

Water Supply and Sewerage Works Internal

5. Undertake the following water supply and sewerage works internal to the subject land:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

Public Art Contribution

- 6. Pay a monetary contribution to Council in accordance with Council's General Policy – Public Art towards the provision of Public Art within the community.**

Contributions must be paid at the rates applicable at time of payment. On the present method of calculation, the contributions are \$2,350.00.

Payment is required prior to commencement of Use.

Damage to Infrastructure

- 7. In the event that any part of Council's existing sewer/water 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 Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Water & Waste, at the developer's cost, prior to the Commencement of Use.**

Water Saving

- 8. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to 9 litres of water per minute.**

Vehicle Parking

- 9. The amount of vehicle parking must be as specified in Council's Planning Scheme which is a minimum of fourteen (14) spaces of which. 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. All parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.**

Provision must be made for vehicles trailing boats to park and turn within the site such that they may enter and leave the site in a forward gear.

Parking provision must also be maintained to cater for the remaining floor space within the building which is not associated with the chandlery.

Amended plans showing the above changes must be submitted to Council and approved by the Chief Executive Officer prior to commencement of use.

Use

- 10. The proposed Chandlery is confined to the area identified on plan 3038 Issue A Sheet 2. Such area must not be used for any purposed other than a boat Chandlery and must not be converted to any other shopping facility use. The premises must not be utilised for the sale of food for human consumption or other similar grocery items.**

Hours of Operation

- 11. The chandlery must not be operated outside of the hours of 7am to 6pm.**

Landscaping Plan

- 12. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:**
 - a. Deep planting of front boundary on the boundary with Buckley Street;**
 - b. Planting of the footpath with trees, using appropriate species with regard to any site constraints.**

Two (2) A1 copies and one (1) A3 copy of the landscape 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. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Protection of Landscaped Areas from Parking

- 13. Landscaped areas adjoining the parking area must be protected by a 150mm 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.**

Refuse Storage

- 14. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – ‘Requirements for Refuse Storage’ are available from CRC Water & Waste.**

Advertising Signage

- 15. Signs on the subject land must conform with Council's Local Law No. 28 (Control of Advertising), to the requirements and satisfaction of the Chief Executive Officer.**

Crime Prevention through Environmental Design

- 16. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention through Environmental Design (CPTED).**

External Works

- 17. Undertake the following works external to the land at no cost to Council:**
 - a. Provision of a concrete crossover and apron in accordance with FNQROC Development Manual Standard Drawing 1015;**
 - b. Make good the kerb at redundant crossover;**
 - c. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.**
 - d. The applicant must ensure that the safety of the entrance to the proposed development is not adversely affected by the existing treatment of the stormwater to the site. The applicant must either:**
 - (i) modify the existing access or,**
 - (ii) re-align the kerb inlet pit with the existing kerb and channel;**

In order to ensure safe vehicle access to the site.

The external works outlined above require approval from Council in accordance with Local Law 22 – (Activities on Roads). Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Lawful Point of Discharge

- 18. 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.**

Sediment and Erosion Control

19. 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).

ADVICE

1. This approval, granted under the provisions of the *Integrated Planning Act 1997*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 3.5.21 of the *Integrated Planning Act 1997*.
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. Headwork contribution calculations are attached as Appendix 2. Please note that the contributions must be paid at the rates applicable at the time of payment. Updated calculations must be requested prior to payment.
5. For information relating to the *Integrated Planning Act 1997* log on to www.ipa.qld.gov.au. To access Council's Development Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

EXECUTIVE SUMMARY:

Council is in receipt of a Development Application for Material Change of Use for a Chandlery falling within the definition of Shopping Facilities under CairnsPlan definitions. The site is located on Buckley Street in Yorkeys Knob more particularly described as Lot 18 on CP867130. The application is generally considered to be in accordance with the provisions of CairnsPlan and is recommended for approval subject to conditions.

TOWN PLANNING CONSIDERATIONS:

Background

The existing site comprises the former club house to the Yorkeys Knob boat club. The premises comprises a detached single storey brick building with a floor space of approximately 335 square metres. The building is set towards the north western end of the site with a gravel area used for parking to the south east. This area also provides access to Lot 119 which is used for the purposes of a boat storage area.

Proposal

The application seeks consent for Material Change of Use to a Chandlery comprising 168.5 square metres of the existing building. The remainder of the building would be retained for purposes associated with the boat club. No external alterations are proposed to the building with internal works comprising a fit out and the insertion of partitions. The existing gravel area would be retained and used for parking purposes.

CairnsPlan Assessment

CairnsPlan Barron Smithfield Planning District		Code Applicability	Compliance
Planning Area	Sport and Recreation	✓	Yes - refer to discussion
Land Use	Shopping and Business Facilities	✓	Yes – refer to discussion
Overlays	Hillslopes	✗	
	Vegetation Conservation & Waterway Significance	✗	
	Cultural Heritage	✗	
	Potential or Actual Acid Sulphate Soil Material	✓	Complies
	Bushfire Management	✗	
	Flood Management	✗	
	Height and Impact of Buildings	✗	
	Operational Aspects of the Cairns International Airport	✓	Complies
General	Demolition	✗	
	Excavation and Filling Code	✓	Complies
	Infrastructure Works Code	✓	Complies
	Landscaping Code	✓	Complies with conditions
	Parking & Access Code	✓	Complies with conditions
	Reconfiguring a Lot Code	✗	
	Development Near Major Transport Corridors & Facilities	✗	

Compliance Issues

The subject site is located within the Sport and Recreation Planning Area but is presently used for ancillary purposes associated with the main Yorkeys Knob Boat Club building to the north. The site is also associated with the boat store for the boat club to the south.

The proposal comprises the establishment of a ship chandlery to service members of the boat club in association with their use of the facility for launching boats from the boat ramp.

The applicant advises that the intention is to provide small scale items from the premises such as life jackets, fishing pots, rope, batteries, bait and other such items connected with boating. The premises would not be used for the sale of large scale items such as boats and is indeed of an insufficient size to allow this in any case.

The existing premises comprises the former boat club and has been lawfully used as an ancillary facility to the main building since that was constructed in the mid 1990s. The site is also used for access from Buckley Street to the boat store yard to the south.

The proposed use of the premises as a chandlery falls within the definition of Shopping Facilities in accordance with the CairnsPlan definition. Whilst such a use would not generally be envisaged for the Sport and Recreation Planning Area regard is given to the nature of the use and the existing lawful use presently operating.

The proposal comprises a small scale retail operation which is ancillary to the operation of the wider area as a boat club. It is considered that when viewed in the wider context of the operation of a boat club per se that a chandlery could be incorporated in equal proportions as could a boat ramp, boat store, club house, bar or restaurant. As such, mindful of this background the proposal is considered consistent with the Desired Environmental Outcomes of CairnsPlan. This is subject to a condition restricting the use to a chandlery associated with the operation of the boat club only in order to prevent the establishment of a retail use unrelated to the boat club which is not the intended purpose of this approval.

Parking provision is available for the proposed use by way of the existing gravel car park. The submitted plans indicate eleven (11) car parking spaces are to be provided whereas CairnsPlan requires four (4) for the proposed chandlery use and ten (10) for the retained boat club use. Whilst the submitted plans indicate only eleven (11) spaces, ample parking space exists for additional provision which can be conditioned.

Further, while there is no specific requirement under CairnsPlan to provide vehicle and trailer (for boats) parking this is considered to be an important aspect of the development mindful of its use as a chandlery in the context of a boat club. As such conditions require the provision of a car and trailer park that can turn within the site. This is achievable as per the applicants submitted plan which indicate a turning circle within the site.

Public Notification / Submissions

Eight (8) submissions were received in relation to the application. The submissions are summarised and addressed as follows:

Concerns expressed regarding the operation of a retail premises in a Residential 1 area.

Comment: The site is not located within a Residential 1 Planning Area although it is located partly adjacent to one. This area of Yorkeys Knob is characterised by a variety of Planning Areas including Sport and Recreation, Community Facilities, Residential 1 and Residential 3. Further the site has a lawful use as a boat club and could be reasonably operated in this manner without planning restriction. Consideration has to be given to this and the implications as to how the operation of a chandlery would change the operation.

The Sport and Recreation Planning Area is not envisaged for retail use:

This is noted and generally a retail use in the Sport and Recreation Planning Area would probably not be agreed to by Officers. However, mindful that the site has an existing lawful use as a boat club and is set in the wider context of adjoining two much larger lots also in that same use it is not considered that the introduction of a chandlery would result in a significantly different use.

Buckley Street is a narrow residential street with a large amount of traffic due to the boat club:

As noted in the body of the report above, it is considered that the introduction of a chandlery would not constitute a significant change in the amount of traffic as it would exist as a facility to service pre-existing traffic already utilising the established boat club. While there may be some increased level of traffic the facility is of an insufficient size to become a destination in its own right when compared to the context of the boat club.

The site is located on a dangerous section of road:

As noted, the proposal is not expected to trigger a large increase in vehicle traffic in its own right and there is therefore minimal change to which objection could be made.

The existing building does not comply with set back controls:

The building has been in situ for many years and no external changes are proposed to it. It would be unreasonable to object to a lawful building when no external changes are proposed.

The car park is unsealed and would create dust and noise:

Given the proximity of the site from neighbouring residential properties this is considered to be unlikely.

The chandlery should be located in the Yorkeys Knob shopping precinct:

There is nothing preventing the establishment of a chandlery in the Yorkeys Knob shopping precinct. However this is not what this application is proposing and does not warrant further consideration.

The site should be turned into a car park as tourist buses cause noise and disturbance when large boats come in:

The site has a lawful use as a boat club which invariably incorporates some noise, disturbance and increased traffic from time to time. Introducing a small chandlery is unlikely to change this.

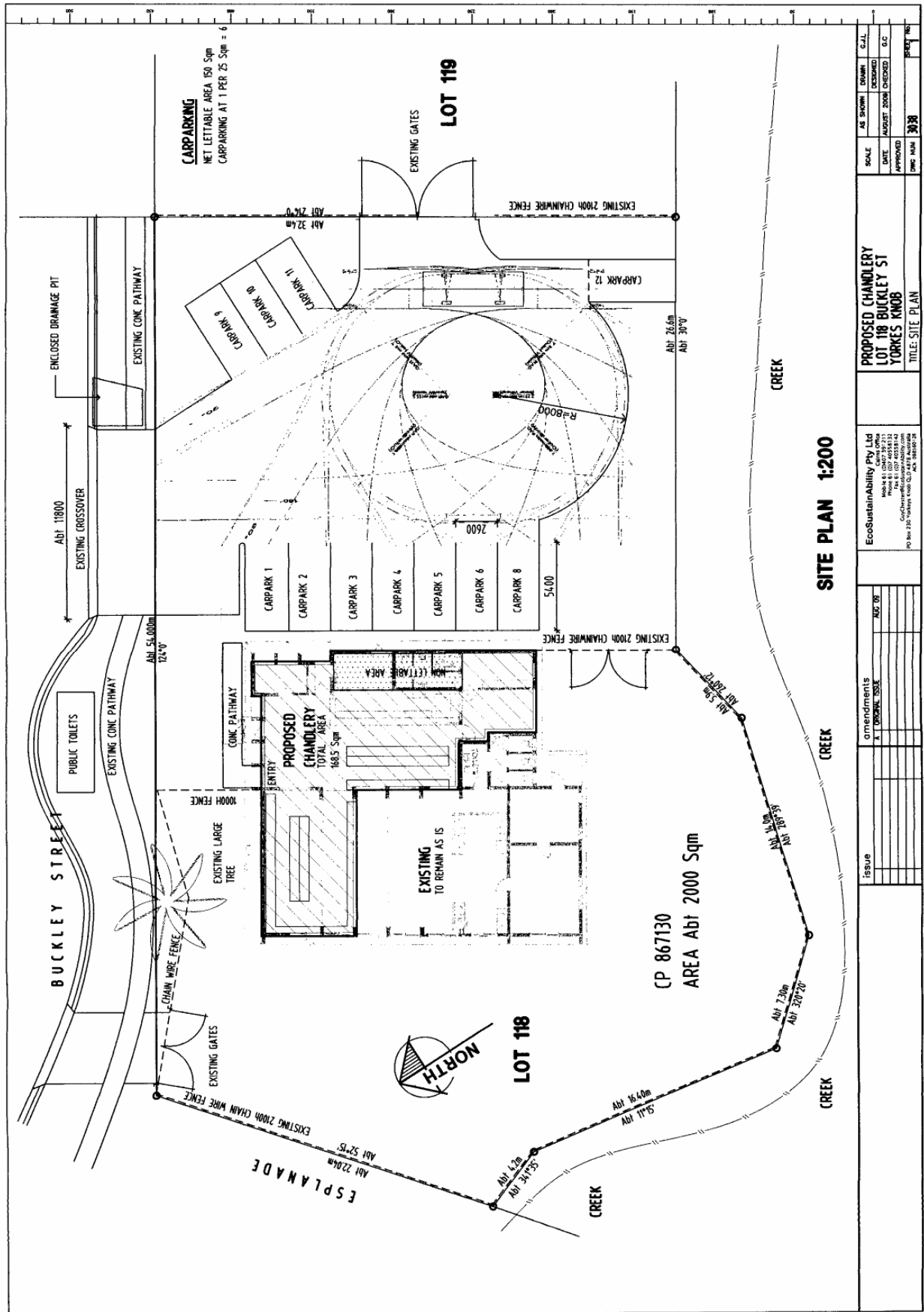
HEADWORKS / CONTRIBUTIONS:

The proposed development triggers Developer's Headwork's Contributions. Refer to Appendix 2 to view calculations.

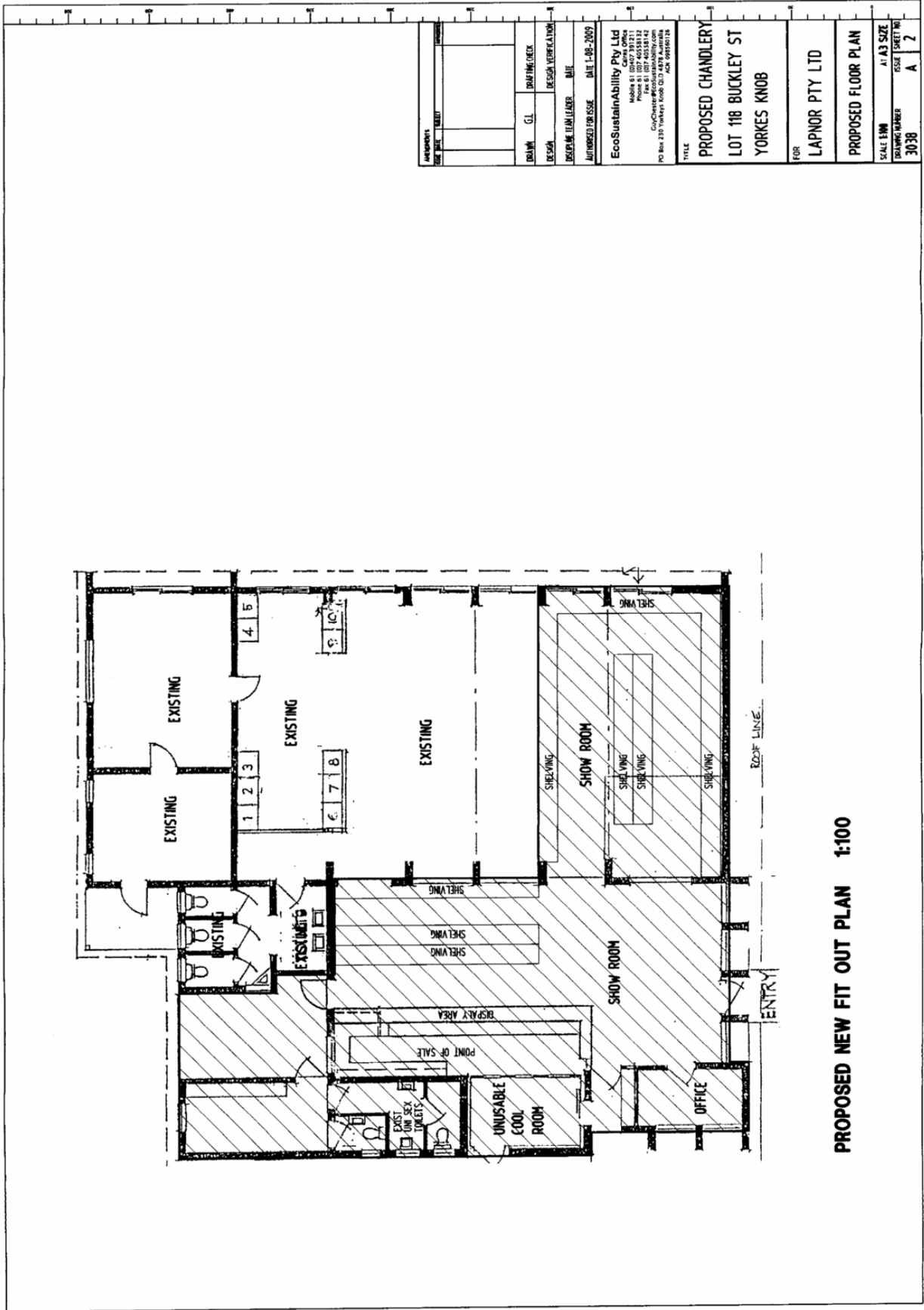
Nick Bowden
Planning Officer
Action Officer

Simon Clarke
Manager Development Assessment

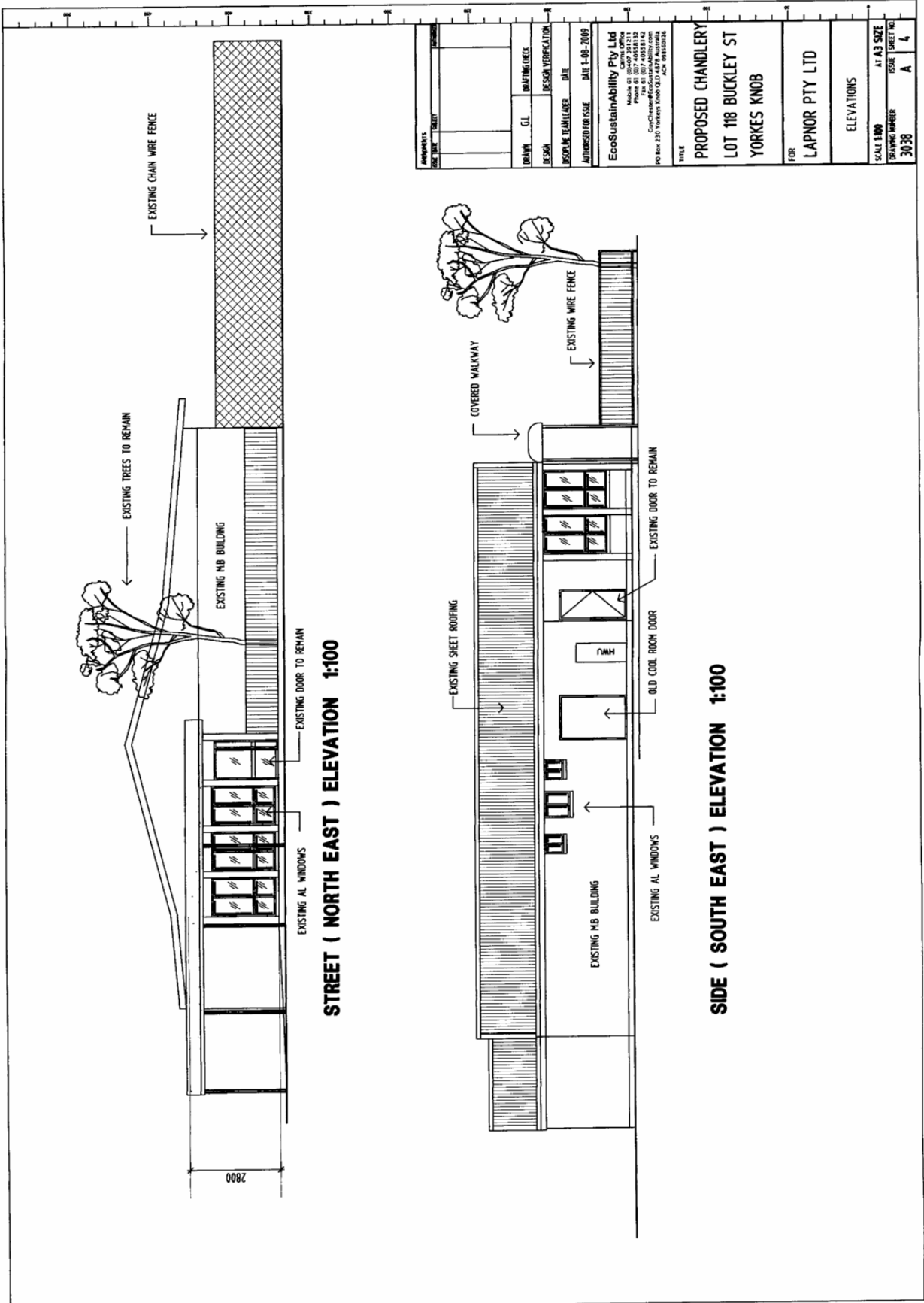
APPENDIX 1 APPROVED PLAN(S) & DOCUMENT(S)




EcoSustainability Pty Ltd Proposed Chandlery Lot 118 Buckley St Yorkes Knob		EcoSustainability Pty Ltd Proposed Chandlery Lot 118 Buckley St Yorkes Knob	
TITLE: SITE PLAN		TITLE: SITE PLAN	
SCALE: AS SHOWN DATE: AUGUST 2008 APPROVED: [Signature]		SCALE: G.A.L. DESIGNED: G.C. CHECKED: G.C.	
SHEET NO: 3038 DATE: 30/08/08		SHEET NO: 3038 DATE: 30/08/08	
Issue Amendments 1. 11/08/08 ISSUE		Issue Amendments 1. 11/08/08 ISSUE	



AMENDMENT	NO.	DATE	DESCRIPTION
DESIGN	CL	DRAWING CHECK	
DESIGN		DESIGN VERIFICATION	
DESIGN TEAM LEADER		DATE	
APPROVED FOR ISSUE		DATE	1-08-2009
EcoSustainability Pty Ltd Mobile 01 (0)407 391211 Fax 01 (0)2 4058112 PO Box 231 Yarrery QLD 4012 PO Box 231 Yarrery QLD 4012 CityCheshire@ecosustainability.com ACT 098550128			
TITLE PROPOSED CHANDLERY LOT 118 BUCKLEY ST YORKES KNOB			
FOR LAPNOR PTY LTD			
PROPOSED FLOOR PLAN			
SCALE 1:100	A1 A3 SIZE		ISSUE SHEET NO
DRAWING NUMBER	3038		A 2



APPENDIX 2 DEVELOPER CONTRIBUTION CALCULATIONS

	<div style="border: 1px solid black; padding: 2px; background-color: #e0e0e0;"> CAIRNSPLAN APPLICATIONS RECEIVED AFTER 1/7/2009 </div> Planning Scheme Policy 4:04:05 - Trunk Infrastructure Contributions DEVELOPERS HEADWORKS CONTRIBUTIONS
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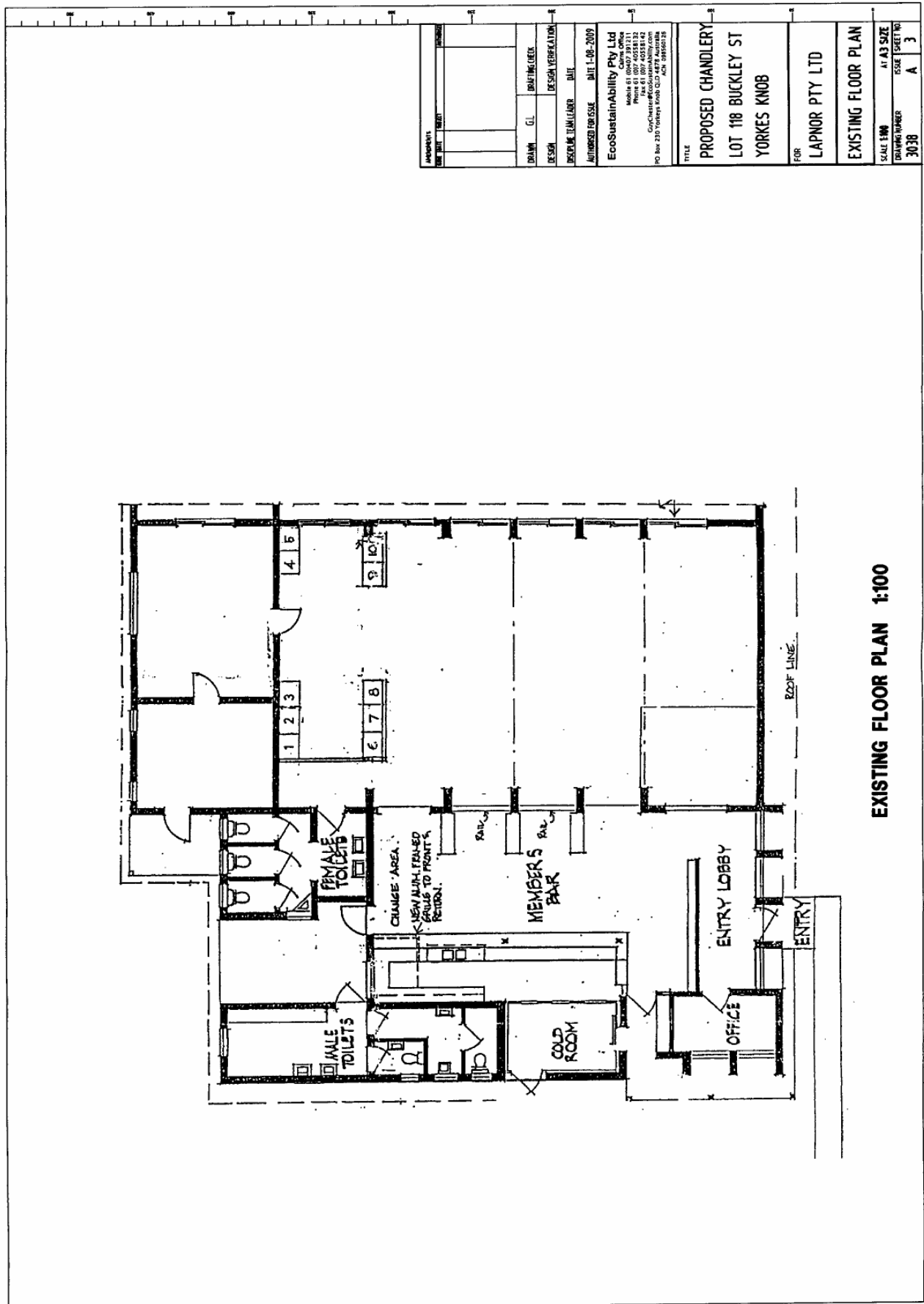
Lapnor P/L	n/a	n/a
<small>DEVELOPERS NAME</small>	<small>ESTATE NAME</small>	<small>STAGE</small>
Buckley Street	Yorkeys Knob	Lot 18 on CP867130
<small>STREET No. & NAME</small>	<small>SUBURB</small>	<small>LOT & RP No.s</small>
Shopping Facilities (Chandlery)	8/8/1097	30-Jun-09
<small>DEVELOPMENT TYPE</small>	<small>COUNCIL FILE NO.</small>	<small>QUARTER ENDING</small>
2373270	1	4
<small>SKIDS No.</small>	<small>VERSION No.</small>	<small>VALIDITY PERIOD</small>
This logsheet is indexed appropriately only for payments made within the quarter noted above.		

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
University	2.00	4,349.00 X	0.00	0.00	\$0.00		635 / 05731
WASTEWATER							
Marlin Coast	1	3,616.00 X	0.00	0.00	\$0.00		636 / 05731
Transport (Roads)							
Cairns Urban				DMR Component	\$0.00		348/ 05764
District 1				CRC Infrastructure	\$0.00		348/ 05716
				Sub Total Transport	\$0.00		
DRAINAGE							
Smithfield / Yorkeys Knob / Storm Management					\$1,239.59		358/ 5052
				Stormwater Quality	\$1,711.98		400/5140
Public Parks & Community Land							
Barron - Smithfield							
ROL					\$0.00		354/ 05721
BONDS							
	0.00				\$0.00		
	0.00				\$0.00		
OTHER							
Public Art Commercial					\$2,350.00		T 363
	0.00				\$0.00		
TOTAL					\$5,301.57		

Prepared by	Nick Bowden	on	28-Oct-09	Amount Paid	
Checked by	Luke Jackson	on	2-Nov-09	Date Paid	
Amendments			Date	Receipt No.	
				Cashier	

1. The Developer should confirm these details with Development Assessment prior to arranging payment
2. City Assessment must update these details if the effective quarter is no longer current
3. City Assessment must update these details in the event of policy change or variation to Development Approval
4. These details must be presented at time of payment
5. A photocopy of these details to be forwarded to Development Assessment once payment is received
6. The original of these details to be forwarded to Finance Department with receipt once payment is received
7. Payment details to be entered into Developer Contributions Register by Finance Officer

APPENDIX 3 – SUPPORT INFORMATION TO PLANNING REPORT



EXISTING FLOOR PLAN 1:100