MATERIAL CHANGE OF USE – BAR AND FUNCTION FACILITY – 2-4 MT KOOLMOON STREET, SMITHFIELD – DIVISION 8

G Bartlett | 8/8/1534 | #6093020

PROPOSAL: BAR AND FUNCTION FACILITY

LANDOWNER: J SPELTA & T SPELTA (TTE) & A SPELTA (TTE) & M SPELTA (TTE)

APPLICANT: PLACID POOLS PTY LTD
C/- URBAN SYNC PTY LTD
PO BOX 2970
CAIRNS QLD 4870

LOCATION OF SITE: 2-4 MT KOOLMOON STREET SMITHFIELD

PROPERTY: LOT 19 SP188100

ZONE: MIXED USE
PRECINCT 2 - TRADES AND SERVICES

LOCAL PLAN: SMITHFIELD LOCAL PLAN

PLANNING SCHEME: CAIRNSPLAN 2016 V1.3

REFERRAL AGENCIES: NONE

NUMBER OF SUBMITTERS: 105 SUBMISSIONS (IN SUPPORT)

STATUTORY ASSESSMENT DEADLINE: 19 SEPTEMBER 2019

APPLICATION DATE: 23 MAY 2019

DIVISION: 8

APPENDIX: 1. APPROVED PLAN(S) & DOCUMENT(S)
2. STATEMENT OF COMPLIANCE
3. INFRASTRUCTURE CHARGES NOTICE
**LOCALITY PLAN**

**RECOMMENDATION:**

That Council approves the development application for Bar and Function Facility over land described as Lot 19 SP188100, located at 2-4 Mt Koolmoon Street, Smithfield, 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:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-01</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Basement and GF Plan</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-02</td>
<td>27 June 2019</td>
</tr>
<tr>
<td>Elevations</td>
<td>CA Architects Proposed Bar Drawing No. 0000 DA A-03</td>
<td>27 June 2019</td>
</tr>
</tbody>
</table>

Assessment Manager Conditions

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of select one Section 85 of the Planning Act 2016.

2. 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;

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

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

Notice of Intention to Commence Use

4. Prior to commencement of use, written notice must be given to Council that the development fully complies with the relevant conditions of this Development Permit. Please return the attached “Notice of Intention to Commence Use” form when the relevant use has commenced.

Limitation of Use

5. The Bar and Function Facility are limited to the areas shown on the approved plans.

6. A maximum capacity of one-hundred (100) persons inclusive of a seating capacity of sixty (60) persons.

Hours of Operation

7. The hours of operation of the Bar and Function Facility are restricted to between 12pm to 12am Monday to Sunday unless otherwise approved by the Chief Executive Officer.

Vehicle Parking

8. A minimum of thirty-one (31) car parking spaces must be provided on-site in accordance with the approved plan of development. The car parking layout must comply with the requirements of Australian Standard AS2890.1 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. All car parking, driveway and vehicular manoeuvring areas must be imperviously sealed and drained.

9. Two (2) car parking spaces must be provided for the existing Caretaker’s Accommodation on-site as demonstrated on the approved plan of Development.
10. Four (4) car parking spaces located on-site in the existing car parking area accessed from Mt Koolmoon Street, immediately adjoining the proposed Bar and Function Facility, must be clearly identified and provided for the exclusive use of the proposed Bar and Function Facility between the operational hours of 12pm - 5pm Monday to Friday.

Parking Signage

11. Erect signs identifying the availability for off-street visitor parking located at the two (2) entrances to the site from Mt Koolmoon Street and the entrance to the site from Mt Milman Drive.

Service Vehicles

12. Deliveries (including refuse collection vehicles) to the site must not be made prior to 7:00am or after 6:00pm, Monday to Sunday, including public holidays.

Internal Pedestrian Pathway

13. Provide a pedestrian pathway internal to the subject site that provides a link between the proposed Bar and Function Facility and the proposed amenities as shown on the Approved Plan of Development. The pathway must be differentiated in; colour, texture, and / or line marking, from the pathway surface finish. The pathway must be clearly identified and kept available and clear at all times.

14. Direct pedestrian access must be provided from the existing car parking area fronting the tenancy located at the south-western entrance of Mt Koolmoon Street and the proposed Bar and Function Facility.

Crime Prevention through Environmental Design

15. A plan detailing proposed lighting on-site must be provided to Council for approval prior to the commencement of use. The plan must identify the extent of lighting for the proposed pedestrian access pathways and the existing car parking areas.

16. Existing and proposed landscaping must be maintained adjoining the proposed pedestrian access pathways and existing car parking areas at all times to ensure clear sightlines.

17. Install external lighting in accordance with AS4282-1997 – Control of the Obtrusive Effects of Outdoor Lighting. The installation of external lighting in accordance with this condition must be certified by a suitably qualified person prior to the commencement of use.

18. The Applicant/Owner must ensure that all fencing, lighting and landscaping requirements comply with Council’s General Policy Crime Prevention through Environmental Design (CPTED).
Refuse Storage

19. Refuse collection bins storage area must be located in accordance with the location identified on the approved plans. The refuse bin enclosure must be roofed and enclosed.

Refuse Collection

20. General waste and recycling generated by the approved use, must be collected and disposed of by regulated waste contractors.

Damage to Council Infrastructure

21. 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 Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developer’s/owners/builders cost, prior to the Commencement of Use.

Lawful Point of Discharge

22. All stormwater from each lot must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Ponding and/or Concentration of Stormwater

23. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.

ADVICE

1. 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.

2. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

3. Any signage on the subject site not approved by this Development Permit must conform with the relevant provisions of Local Law No. 4 (Advertising Devices) 2016, to the satisfaction of the Chief Executive Officer. Details of signage proposed in association with the approved use of premises must be provided to Council prior to its establishment.
Health

4. The provision of serving or handling of food on the site may also require the need for a Food License to be obtained from Council. Please refer to Council’s Website for more information. Premises intended to be used for the storage, preparation, handling, packing and/or service of food must comply with the requirements of the Food Act 2006 and the Food Standards Code.

5. Prior to operation of the food business, the operator must hold a current Food Licence issued by Council’s Public Health Unit under the Food Act 2006. Every licensed food business is required to have a Food Safety Supervisor who has met specified competencies and is reasonably available at all times the business is operating. Contact the Council’s Public Health Unit for further information.

Trade Waste

6. Trade waste discharge to sewer must meet the requirements of Cairns Water and Waste’s Trade Waste Environmental Management Plan (TWEMP). Detailed Hydraulic Plans accompanied by a report which demonstrates that the facility complies with the TWEMP may be required to be submitted to Council prior to the issue of a Development Permit for Building Work. All measures for pre-treatment in accordance with the approved plans must be installed prior to Commencement of Use.

Liquor License

7. The sale of alcohol may also require a liquor license to be obtained from the Office of Liquor and Gaming Regulation. Please refer to the State Government, Department of Liquor and Gaming for more information.

Infrastructure Charges Notice

8. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The Planning Act 2016 confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

The amount in the Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Planning Approvals Team at council for review of the charge amount prior to payment.
The time when payment is due is contained in the Infrastructure Charges Notice.


LAND USE DEFINITIONS*

In accordance with CairnsPlan 2016 the approved land use of Bar and Function Facility is defined as:

‘Bar - Premises used primarily to sell liquor for consumption on the premises and that provides for a maximum capacity to seat sixty persons at any one time. The use may include ancillary sale of food for consumption on the premises and entertainment activities.’

‘Function Facility - Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.’

*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.

EXECUTIVE SUMMARY

Council is in receipt of a development application for a Material Change of Use for a Bar and Function Facility on land located at 2-4 Mt Koolmoon Street, Smithfield, described as Lot 19 SP188100.

The subject site is located within the Mixed Use Zone, Trades and Services Precinct (Precinct 2), and has a total area of 4,754m². The site is more commonly known as “Placid Pools” and currently contains a Showroom and Warehouse.

The proposal seeks to establish a Bar and Function Facility to utilise the existing gazebo pool areas on site. Currently “Placid Pools” operates from 8.30am-5pm Monday to Friday and 8.30am-12pm Saturday. The Bar and Function Facility proposes to operate Monday to Sunday from 12pm to 12am, and have a total capacity of 100 persons (only seating up to sixty (60) persons).
The proposed development received 105 submissions in support of the application. Ninety-six (96) submissions were properly made and nine (9) submissions were not properly made.

In assessing the proposed development, reasonable and relevant conditions have been recommended to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v1.3.

**TOWN PLANNING CONSIDERATIONS**

**Site Description**

The subject site is described as Lot 19 on SP188100 with an area of 4,754m² (Refer Figure 1: Subject Site – Surrounding Development Context). The site is an irregular “L” shape located on the corner of Mt Koolmoon Street and Mt Milman Drive. The site has a frontage of approximately 90m to Mt Koolmoon Street and approximately 95m to Mt Milman Drive.

The site is more commonly known as “Placid Pools” and currently contains a Showroom, Warehouse and Caretaker’s Accommodation. The site contains a number of display pools and a gazebo located on the corner of Mt Koolmoon Street and Mt Milman Drive, which are proposed to be utilised as part of this development application for a Bar and Function Facility. An approximate breakdown of gross floor area is detailed below:

- Warehouse = 620m².
- Showroom = 1,180m².
- Caretaker’s Accommodation = tenancy located on top level.

The majority of the building is occupied by Placid Pools, with a smaller tenancy located to the south-western corner of the site.

The site obtains vehicular access to existing car parking spaces from both Mt Koolmoon Street and Mt Milman Drive. The access points onto the site are detailed below:

- One access point from Mt Milman Drive which is located at the rear of the site (behind the tenancy), and provides customers to the majority of car parking spaces on-site (fourteen (14) car parking spaces available).
  
  *Note: two (2) additional car parking spaces are located within this area, however, are for the exclusive use for the existing Caretaker’s Accommodation on-site.*

- Two (2) separate access points from Mt Koolmoon Street:
  - First access point along Mt Koolmoon Street provides customers with eight (8) car parking spaces available immediately outside the Bar and Function Facility; and
  - Second access point along Mt Koolmoon Street provides customers with seven (7) car parking spaces available outside the existing Martial Arts tenancy.

The site is serviced with reticulated water and sewerage infrastructure. Stormwater from the site is discharged to the kerb and channel in both Mt Koolmoon Street and Mt Milman Drive. Furthermore, the site is connected to underground electricity and telecommunications infrastructure in Mt Koolmoon Street and Mt Milman Drive.
Additionally, the site is included within the following overlays of CairnsPlan 2016v1.3:

- Acid Sulfate Soils (Land above 5m & below 20m AHD)
- Airport Environs (- Obstacle limitation surface area, Wildlife hazard buffer zone, Aviation facility)
- Transport – Road Hierarchy Network (Access and Sub-Arterial Road)
- Transport – Pedestrian Cycle Network (Existing Principal Route)

**Figure 1: Subject Site – Surrounding Development Context**

**Description of Proposal**

The proposal seeks to establish a Bar and Function Facility on the existing site which is currently “Placid Pools”. The proposed development seeks to utilise the existing gazebo and pool areas on the site. Refer to Figure 2 – Proposed Plan of Development. The intention for the proposal is for the Bar to be the primary use, with the ability to hold Functions; being weddings and the like from time to time. A summary of the proposal is outlined below:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>GFA</td>
<td>46.24m²</td>
</tr>
<tr>
<td>Capacity</td>
<td>100 persons maximum with a seating capacity of sixty (60) persons.</td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>Monday to Sunday 12pm-12am.</td>
</tr>
<tr>
<td>Car Parking</td>
<td>- Thirty-one (31) existing car parking spaces for all uses on-site.</td>
</tr>
<tr>
<td></td>
<td>- Two (2) of the existing car parking spaces for the exclusive use of the</td>
</tr>
<tr>
<td></td>
<td>existing Caretaker’s Accommodation</td>
</tr>
</tbody>
</table>
The proposed development has direct pedestrian access to the existing car parking spaces accessed from Mt Koolmoon Street and the larger car parking area to the rear of the Showroom accessed from Mt Milman Drive.

Building works will be required for:

- The incorporation of an all access ramp on the eastern side of the site to access the proposed pool deck;
- A change of classification for the building (currently classed as Class 10b, and will need to obtain appropriate classification);
- Toilets (existing toilets located on the basement floor of the gazebo and existing and proposed toilets to the rear of the site adjoining the existing Showroom); and
- Existing refuse areas (as identified on the approved plan of development) will be utilised.
ASSESSMENT BENCHMARKS

The proposed development was assessed against the following assessment benchmarks of CairnsPlan 2016.

<table>
<thead>
<tr>
<th>Assessment Benchmarks</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed used, Precinct 2 – Trades and Services</td>
</tr>
<tr>
<td></td>
<td>Smithfield, Sub-precinct 1b – Employment</td>
</tr>
<tr>
<td></td>
<td>Acid sulfate soils</td>
</tr>
<tr>
<td></td>
<td>Transport network</td>
</tr>
<tr>
<td></td>
<td>Development codes</td>
</tr>
<tr>
<td></td>
<td>Centre design</td>
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<tr>
<td></td>
<td>Environmental performance</td>
</tr>
<tr>
<td></td>
<td>Excavation and filling</td>
</tr>
<tr>
<td></td>
<td>Infrastructure works</td>
</tr>
<tr>
<td></td>
<td>Landscaping</td>
</tr>
<tr>
<td></td>
<td>Parking and access</td>
</tr>
<tr>
<td></td>
<td>Vegetation management</td>
</tr>
</tbody>
</table>
## Strategic Framework Assessment

The development proposal requires assessment against the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are as discussed as follows:

<table>
<thead>
<tr>
<th>Strategic Framework</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3 Settlement Pattern Theme</strong></td>
<td></td>
</tr>
<tr>
<td>3.3.1 Strategic Outcomes</td>
<td>Complies. The Strategic Framework supports development that promotes a diverse and thriving economy. The proposed development will allow the existing use on site to diversify itself.</td>
</tr>
<tr>
<td>3.3.2 Element – Centres and Centre Activities</td>
<td>Complies. The Strategic Framework supports development of centre activities and is considered to contribute to the economic viability of centres.</td>
</tr>
<tr>
<td>3.3.3 Element – Mixed Use Areas and Specialised Centres</td>
<td>Complies. The Strategic Framework supports mixed use development integrating opportunities for business and employment. The scale and intensity of the proposal is not considered to compromise the function of existing centres.</td>
</tr>
<tr>
<td>3.3.4 Element – Industry Areas and Activities</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.5 Element – Residential Areas and Activities</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.6 Element – Rural Activities</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.7 Element – Townships and Small Communities</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.8 Element – Islands</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.9 Element – Built Form, Design and City Image</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.10 Element – Places of Significance and Neighbourhood Character</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.3.11 Element – Community Health and Wellbeing</td>
<td>Not Applicable</td>
</tr>
<tr>
<td><strong>3.4 Natural Areas and Features Theme</strong></td>
<td></td>
</tr>
<tr>
<td>3.4.1 Strategic Outcomes</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td><strong>3.5 Economic Theme</strong></td>
<td></td>
</tr>
<tr>
<td>3.5.1 Strategic Outcomes</td>
<td>Complies. The Strategic Framework supports development that contributes to diversifying the economy in locations where development is complimentary to scale, is highly accessible, avoids areas vulnerable to natural hazards and is supported by necessary infrastructure.</td>
</tr>
<tr>
<td>3.5.2 Element – Strong and Diverse Economy</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.5.3 Element – Tourism</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.5.4 Element – Agriculture</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3.5.5 Element – Ports, Aviation and Defence</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td><strong>3.6 Infrastructure Theme</strong></td>
<td></td>
</tr>
</tbody>
</table>
3.6.1 Strategic Outcomes

The proposed development will not compromise the Strategic Outcomes of the Infrastructure Theme. The existing infrastructure onsite has adequate capacity.

3.6.2 Element – Energy

Not Applicable.

3.6.3 Element – Transport

Not Applicable.

3.6.4 Element – Water and Waste

The development is connected to the reticulated water and sewer infrastructure.

3.6.5 Element – Open Space and Recreation

Not Applicable.

Overall Outcomes Assessment

<table>
<thead>
<tr>
<th>Mixed Use Zone Code</th>
<th>Overall Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall Outcomes</strong></td>
<td>Purpose 5(a) – ‘development within the precinct provides a mix of land uses where the predominant land use is for trades and services purposes’</td>
</tr>
</tbody>
</table>

The proposal consists of establishing a bar and function facility within the Mixed Use Trades and Services Precinct. Whilst the proposed use is not for trades and services purposes, the surrounding area consists predominately of low impact industry uses. Therefore, the proposed development will provide an alternative use that is considered to complement these existing surrounding uses.

The proposed hours of operation are not considered to impact on the surrounding uses within the area due to the nature of those uses being commercial and industrial based. Additionally, the site is removed from the residential zoned land to the north, and is considered that the proposed development will not have any additional adverse impact than already existing.

Furthermore, as the proposed development will be established within an existing gazebo area on site, it is not considered to compromise the opportunity for future trades and service uses to be established within the zone.

<table>
<thead>
<tr>
<th>Smithfield Local Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Overall Outcomes</strong></td>
</tr>
</tbody>
</table>

The subject site is located within Sub-Precinct 1b – Employment, where the proposed development is considered to attract economic activity by providing a use that does not have a presence in the immediate area.
Therefore, the convenience for the community will contribute to the economic viability of the area.

### Performance Outcome Assessment

<table>
<thead>
<tr>
<th>Smithfield Local Plan</th>
<th></th>
</tr>
</thead>
</table>
| **Performance Outcome PO8 – Additional Requirements for Sub-Precinct 1b - Employment** | The proposal will utilise the existing gazebo on site for the use of a bar and function facility. When “Placid Pools” operational hours close, all the existing car parking spaces on-site will be allocated to Bar and Function Facility; with the exception of two (2) spaces which will remain allocated to the Caretaker’s Accommodation on-site.

It is considered that the proposal of utilising the redundant space of “Placid Pools” is an efficient use of the building and land. This will allow the business to diversify themselves and potentially generate an increase for the existing business.

Hence officers consider that the proposed development will operate to ensure the car parking need is not diminished. |

<table>
<thead>
<tr>
<th>Mixed use Zone Code</th>
<th></th>
</tr>
</thead>
</table>
| **Performance Outcome PO8 - Additional Requirements for Mixed Use Precinct 2 – Trades and Services** | The site is mapped within the Trades and Services Precinct which is to provide for predominately trade and service uses. The proposed Bar and Function Facility will provide for an alternative use of the existing infrastructure on-site and is not considered to compromise the establishment of other preferred uses within the precinct. Therefore, the flexibility of uses that is proposed for the site is considered to be appropriate for the site, surrounding area and zone.

The proposal is considered to be consistent with the purpose and overall outcomes sought for the Mixed Use Precinct 2 – Trades and services. |

<table>
<thead>
<tr>
<th>Car Parking and Access Code</th>
<th></th>
</tr>
</thead>
</table>
| **Performance Outcome PO1 – Parking Rates** | The site has thirty-one (31) existing car parking spaces on-site. The required number of car parking spaces for all uses on the site is thirty-three (33). This results in a shortfall of two (2) car parking spaces on-site.

The proposed Function Facility is required to provide 3.08 spaces under Table 9.4.8.3.b – Car parking requirements. The use for a Bar does not have a defined number of car parking spaces required, and is therefore based on the demand generated by the development.

It is considered that the car parking spaces available on- |
site will be sufficient to accommodate the parking demands of the Bar and Function Facility; particularly considering that the peak use time for the proposed Bar and Function Facility will be when the Showroom is closed. To cater for the period when both uses are open, a condition of approval will require the designation of four (4) car parking spaces for the Bar and Function Facility to be available from 12pm-5pm Monday to Friday.

Additionally, there is on-street car parking on Mt Koolmoon Street and Mt Milman Drive that can be utilised. The option to line mark these spaces was considered, however, is not deemed warranted.

Therefore, Officers are satisfied that the proposed number of car parking spaces on-site is sufficient for the proposed development.

OTHER RELEVANT MATTERS FOR IMPACT ASSESSMENT

The following matters were given regard to or assessment carried out against, in undertaking the assessment of this development application under Section 45 of the Planning Act 2016 and Section 31 of the Planning Regulations 2017:

<table>
<thead>
<tr>
<th>Assessment Benchmark/Other Relevant Matters</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Far North Queensland Regional Plan (FNQRP) 2009-2031</td>
<td>The development proposal is for an urban activity in the urban footprint and there are no requirements in the FNQ Regional Plan applicable to the development proposal.</td>
</tr>
<tr>
<td>State Planning Policy (SPP)</td>
<td>Part E of the SPP contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is subject to several State interests including:</td>
</tr>
<tr>
<td></td>
<td>• Biodiversity (MSES – Regulated vegetation – intersecting a watercourse) – Not applicable;</td>
</tr>
<tr>
<td></td>
<td>• Natural Hazards, Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay);</td>
</tr>
<tr>
<td></td>
<td>• Strategic Airports and Aviation Facilities (Obstacle Limitation Surface Area, Wildlife Hazard Buffer Zone, &amp; Aviation Facility.</td>
</tr>
<tr>
<td></td>
<td>The CairnsPlan 2016v1.3 advances the SPP except for erosion prone areas and therefore all the State interests have been appropriately reflected in the Scheme.</td>
</tr>
</tbody>
</table>
MATTERS RAISED IN SUBMISSIONS

In accordance with Impact Assessable procedures outlined in Part 4 of the Development Assessment Rules (DA Rules) the proposal was publicly notified for 15 business days, the applicant declared the following actions were carried out:

- Publish a notice at least once in the newspaper circulating generally in the locality;
- Place a notice on the land in the way prescribed under the regulation; and
- Give a notice to the owners of all lots adjoining the premises.

A Notice of Compliance was received on 30 July 2019.

In accordance with section 53(3) the assessment manager considers the public notification that was carried out did not restrict the public’s opportunity to make properly made submission about the application. A summary of the submissions received is provided in the table below:

<table>
<thead>
<tr>
<th>No. of submissions received:</th>
<th>96</th>
<th>Properly Made</th>
<th>9</th>
<th>Not Properly Made</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of submission</td>
<td>105</td>
<td>Support</td>
<td>nil</td>
<td>Object</td>
</tr>
</tbody>
</table>

Outlined below is a summary of the points raised by submitters:

- There is a gap in the market for this type of development.
- It will create employment opportunities.
- It will create a social environment for Smithfield community.
- Identified that there is sufficient on-street parking along Mt Milman Drive and that there are bus stops within walking distance.

INFRASTRUCTURE CONTRIBUTIONS

The proposed development triggers Infrastructure Charges. The existing gazebo on the premises currently operates as part of the pool display and not the Showroom. No credit will be applied to the gazebo. The Infrastructure Charges have been generated based on the demand for the proposed use. It is noted that there is no change to the impervious areas on-site. Refer to Appendix 3 to view calculations.

Statement of Reasons

The following information is provided in accordance with section 63 of the Planning Act 2016.

REASONS FOR DECISION

The reasons for this decision are:

1. The proposed development complies with the Overall Outcomes and Performance Outcomes of the Smithfield Local Plan Code. The Smithfield Local Plan aims to facilitate development that contributes to an integrated community, and consists of new mixed use developments. The proposed Bar and Function Facility will provide a new use integrated into the existing
use of “Placid Pools” resulting in the outcome sought for the Smithfield Local Plan.

2. The proposed development complies with the Overall Outcomes and Performance Outcomes for the Mixed Use Zone Code. The Mixed Use Zone seeks a mix of land uses to be provided. The site is mapped within the Trades and Services Precinct which is to provide for predominately trade and service uses. The proposed Bar and Function Facility will provide for an alternative use and allow the existing use on site to be versatile. Therefore, the flexibility of uses that is proposed for the site is considered to be appropriate for the site, surrounding area and zone.

3. The number of car parking spaces proposed are considered to be sufficient for the proposed development. Consideration has been given the existing uses on site, and the demand of the existing and proposed use. Therefore, the proposed car parking is considered to comply with the provisions under the CairnsPlan 2016v1.3.

4. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016v1.3 and is considered to comply with the overall outcomes and performance criteria of the applicable codes.

5. In assessing the proposed development, conditions have been recommended to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v1.3.

6. The proposed development is generally consistent with the provisions of the Far North Queensland Regional Plan 2009-2031.

G Bartlett
Planning Officer
Action Officer

Peter Boyd
Manager Strategic Planning & Approvals

Kelly Reaston
General Manager Planning & Environment
APPENDIX 1: Approved plan(s) & document(s)
MT MILLMAN DRIVE ELEVATION
SCALE 1:100

MT Koolmoon STREET ELEVATION
SCALE 1:100

NOTE:
Do not scale from drawings.
All dimensions not indicated on site.
All earthwork to be completed by others.

CA ARCHITECTS
505 William Street
Cairns QLD 4870
Ph: 07 4061 7600

PROPOSED BAR
URBAN SYNC
1-4 M GOLMAN ST
SMITHFIELD QLD

Elevations
APPENDIX 2: Notice of Intention to Commence Use

DEVELOPMENT PERMIT

Planning Act 2016

<table>
<thead>
<tr>
<th>Development Permit</th>
<th>8/8/1534</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Approval</td>
<td>3 June 2019</td>
</tr>
<tr>
<td>Approved Use</td>
<td>Bar and Function Facility</td>
</tr>
<tr>
<td>Location</td>
<td>2-4 Mt Koolmoon Street SMITHFIELD</td>
</tr>
<tr>
<td>Property Description</td>
<td>Lot 19 on SP188100</td>
</tr>
</tbody>
</table>

I/we are hereby notifying Cairns Regional Council of my/our intention to commence the approved use outlined above on ______________________ (insert date).

I have read the conditions of the Decision Notice issued and believe that all the applicable conditions have been complied with.

Applicant:
Address:
Contact Phone:
Signature of Applicant/Owner:
Date:
# APPENDIX 3: Infrastructure charges notice

## Appendix A to Infrastructure Charges Notice

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Placid Pools Pty Ltd</th>
<th>DA/DCN Number</th>
<th>8/8/1534</th>
<th>DMS Ref:</th>
<th>0171004</th>
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<tbody>
<tr>
<td>Address</td>
<td>2-4 Mt Kooloom Street, Smithfield</td>
<td>Development Type:</td>
<td>MCU</td>
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<tr>
<td>Parcel Numbers</td>
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<td>Contributions Issued Under:</td>
<td>Infrastructure Charges Resolution (No.2) 2017</td>
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<tr>
<td>Lot &amp; RP Numbers</td>
<td>Lot 19 SP188100</td>
<td>Index Used:</td>
<td>CPI</td>
<td>30-Jun-19</td>
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### C - (EXISTING LAND USE CHARGE)

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<thead>
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<th>Category</th>
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<th>Charge</th>
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<tbody>
<tr>
<td>Use Charge</td>
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<td></td>
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</tr>
<tr>
<td>Stormwater Charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>EXISTING CHARGE</strong></td>
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<td><strong>$0.00</strong></td>
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### AC - (PROPOSED LAND USE CHARGE)

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<tr>
<th>Category</th>
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<th>Quantity</th>
<th>Charge</th>
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</thead>
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<td>Bor</td>
<td></td>
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<tr>
<td>Use Charge</td>
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<td>46.24</td>
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<td>Stormwater Charge</td>
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<td>$0.00</td>
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<tr>
<td><strong>PROPOSED CHARGE</strong></td>
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<td><strong>$7,808.80</strong></td>
</tr>
</tbody>
</table>

**LC (LEVIED CHARGE):** $7,808.80

**Account:** T543 05446

**CHECKED BY:** T Schmidt

**OFFICE USE ONLY:**

- DATE PAYABLE
- DATE PAID
- RECEIPT NUMBER

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Agenda – Ordinary Meeting 11 September 2019 - #6165626