**CASSOWARY COAST REGIONAL COUNCIL**

**MCU 17/0001**

**SUBMISSION IN RELATION TO**

**MCU APPLICATION:- CRAFT DISTILLERY**

**AT**

**BUTLER ROAD, BINGIL BAY, BEING LOT 4 RP747211**

**PREPARED BY**

**ELIZABETH TAYLOR, TOWN PLANNER**

**FOR**

**Bill Honeywell, 7 Butler Rd, Bingil Bay**

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**Craig Chibnall, 3 Butler Rd, Bingil Bay**

1. **INTRODUCTION**

The proposed development of a Craft Distillery somewhere in the Greater Mission Beach Area is generally supported as a unique venture that would add to the eclectic mix of businesses in the local area.

However, the proposed location at Butler Road, Bingil Bay is not an appropriate or suitable location for the establishment of a Craft Distillery and is certainly not supported in the Cassowary Coast Planning Scheme 2015.

The proposed development is Impact assessable development and on that basis requires assessment against the whole of the Planning Scheme. However, the supporting town planning report does not provide an assessment against the whole of the Planning Scheme and in fact, by omission, fails to identify clear conflicts with the Planning Scheme.

**2.0 CASSOWARY COAST PLANNING SCHEME**

The Strategic framework outlined in the Planning Scheme establishes the overarching policy position in terms of land use planning.

Map 2 – Natural Areas, identifies the settlements and townships of Bingil Bay, Mission Beach, Wongaling Beach and South Mission Beach as being in the urban footprint. The area surrounding these settlements and townships is included primarily in the Protected Areas and in the Non-Urban Areas designations. The site of the proposed Craft Distillery is located in the Protected Areas.

Map 3B - Economic Development, includes the same designations but identifies Mission Beach and Wongaling Beach as Village Activity Centres. Bingil Bay is not identified as a Village Activity Centre

Map 6 - Greater Mission Beach - does not include Bingil Bay but clearly shows those areas of Mission Beach, Wongaling Beach and South Mission Beach where urban development is expected to occur.

The Strategic framework includes numerous Themes and Strategic Outcomes with which the proposed development is in conflict, as follows:

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| *3.3 Settlement Pattern*  *3.3.1 Strategic Outcomes*  *Development in Greater Mission Beach ensures that it remains an area comprised of pristine natural environment and highly attractive coastal villages nestled in the rainforest beside the sea.*  *Future urban growth and development in the Cassowary Coast Region is accommodated within its existing towns and villages and within the designated urban footprint of these towns and villages. The majority of this growth will occur in Innisfail and Tully, with development in the remainder of the Region's villages largely occurring by way of infill and consolidation.*  *The villages of Mission Beach and Wongaling Beach contain village activity centres. The activity centre in Mission Beach is located within the Greater Mission Beach tourism precinct and provides dining, retail, tourism and tourist accommodation activities catering predominately to tourists and the local tourism industry. The activity centre in Wongaling Beach is contained within the Greater Mission Beach business and community purpose precincts and provides a range of retail, business, government and community activities servicing residents of the local Greater Mission Beach area.*  *Small scale industrial activities servicing residents of the local Greater Mission Beach area are contained in the Greater Mission Beach industry precinct at Mission Beach. The Greater Mission Beach local business precinct located within Bingil Bay and South Mission Beach contains small scale commercial development that services the residents of and tourists visiting these villages.*  *Urban development in Cardwell and Greater Mission Beach is limited to the Cardwell and Greater Mission Beach local plan areas to maintain the existing village character of these areas, while minimising impacts on ecological values. The focus is on low density development to maintain existing character of these areas. Buildings will be limited to 2 storeys in the Greater Mission Beach local plan area.* |

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| *3.4 Natural environment*  *3.4.1 Strategic outcomes*  *The ecological values of the Region are protected from the potential adverse impacts of urban development and urban development will only occur within the T*  *ownship zone, unless the locational requirements of the development necessitate its location outside the urban footprint.*  *The cassowary is recognised as an iconic symbol of the Region. Ensuring that conditions exist for its survival, for example through the preservation of cassowary habitat and habitat corridors and reducing/minimising conflicts with urban development and associated impacts such as traffic, is extremely important.*  *Urban development is located within the Township zone, except where this is not feasible due to the size and specific locational requirements of the development. However, development must avoid environmentally significant areas.* |

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| *3.9 Economic development*  *3.9.1 Strategic outcomes*  *Tourism and nature-based tourism development that is easily integrated and consistent with the Region's natural and scenic values is envisaged as the dominant form of tourism development in the Region. A range of compatible tourism products throughout the Region is encouraged where their location and design is consistent with the maintenance of the Region's character and environmental and scenic values. Regardless of scale, all tourism and nature-based tourism development will only be undertaken in a way and in locations that ensures the development does not detract from the environmental values, scenic values, coastal values and town/village character that attracts visitors to the Region.*  *Industrial activities in the Region's towns and villages are located within the industry precinct. The consolidation of industrial activities within the industry precinct will ensure a greater use of this precinct to the benefit of the Region's economy.* |

The proposed Craft Distillery is NOT proposed to be:

* accommodated within an existing designated town or village area or within the designated urban footprint of a town or village.
* contained in the Greater Mission Beach industry precinct at Mission Beach.
* located within the Greater Mission Beach Local Plan area, in order to maintain the existing village character of these areas, while minimising impacts on ecological values.
* located within the Township zone, where urban development will only occur.

The establishment of a Craft Distillery at the proposed location will NOT:

* reduce or minimise conflicts with the cassowary, where minimising traffic impacts, is extremely important.
* avoid an environmentally significant area .

The Craft Distillery does not require a location outside the Township zone due to the size and specific locational requirements of the development to establish.

**The proposed Craft Distillery is in conflict with these Strategic outcomes.**

The Planning Scheme only includes seven (7) Zones, with all townships and villages included in the Township zone with a Local Plan providing a mix of different Precincts for the location of development within the different townships and villages of the local authority area.

The proposed site of the Craft Distillery is not located in the Township zone. It is located in the Environmental Management and Conservation Zone, where the form of development proposed is not contemplated or supported.

The areas of Township zone at Mission Beach are all contained within the Greater Mission Beach Local Plan (GMBLP) area which covers the settlements and townships of Bingil Bay to the north, Mission Beach, Wongaling Beach and South Mission Beach to the south. Within the GMBLP area, land is designated in Precincts as follows:

Bingil Bay- primarily Residential Precinct with two small lots currently developed for commercial purposes in the Local Business Precinct; and

Mission Beach - primarily Tourism Precinct and Residential Precinct with specific areas included in the Business Precinct, Industry Precinct and Recreation Precinct; and

Wongaling Beach - primarily Business Precinct and Residential/Residential Choice Precincts and Community Purposes Precinct; and

South Mission Beach – primarily Residential Precinct with smaller areas of Residential Choice Precinct and Business Precinct.

The proposed site of the Craft Distillery, at Bingil Bay, is not located within the GMBLP area and yet within the GMBLP area there is vacant land that would be far more suitable for the development of a Craft Distillery and it would also then be sited it in close proximity to the tourists who may visit the premises.

The proposed site is inappropriately located in the Environmental Management and Conservation Zone on an unformed road adjacent to six (6) existing dwelling houses. There is no proposal in the documentation submitted with the Application that states that the road will be upgraded in any way to service the development. In fact, quite the contrary, as part of the road reserve running parallel to the site is proposed to be taken over by selected native species to form a natural screening of the development and the access and car parking area on site are proposed to be constructed of “shingle” - not a road base material called up in the FNQROC specifications and certainly not suitable for an industrial activity where large trucks, forklifts and utilities access and service the site, in addition to tourist traffic.

The proposed Craft Distillery is proposed to be located outside the GMBLP area and on land in the Environmental Management and Conservation Zone, where this form of development is not supported or contemplated.

**The proposed Craft Distillery is in conflict with Environmental Management and Conservation zoning of the site and the planning intent for the GMBLP area.**

The proposed development is required to be assessed against all relevant Codes. An assessment against the Codes reveals that it is in conflict with a number of provisions. For ease of reference the Code extracts are reproduced below with comment.

ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE CODE

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| **PERFORMANCE OUTCOME** | **ACCEPTABLE OUTCOME** | **COMMENT** |
| **AMENITY** |  |  |
| PO1 Buildings and other structures are of an appropriate design, scale and location so as to:   1. blend in with the surrounding environment; 2. avoid any detrimental impact on the amenity of the locality; 3. avoid any detrimental impact on surrounding land uses; 4. minimise the clearing of native vegetation. | AO1.1▼  Buildings and other structures do not exceed:  (a) a maximum height of 9.5 metres;  (b) a maximum of 2 storeys.  AO1.2▼  Buildings and other structures are set back at least:  (a) 6 metres from the street frontage where fronting a private road;  (b) where the lot is 4,000m2 or less in area, 10 metres from the street frontage when fronting a public road; or  (c) where the lot is greater than 4,000m2 in area, 20 metres from the street frontage when fronting a public road.  AO1.3▼  Buildings and other structures are set back at least 10 metres from any side and rear boundaries.  AO1.4▼  Buildings used for residential activities must be located:  (a) at least 20 metres from a cane railway line;  (b) at least 40 metres from a cane railway siding or cane bin loading point.  AO1.5▼  Buildings not used for residential activities must be located:  (a) at least 10 metres from a cane railway line;  (b) at least 20 metres from a cane railway siding or cane bin loading point.  AO1.6▼  Development is limited to existing cleared areas of the site and the maximum combined gross floor area of all buildings located within the existing cleared  area/s is no more than 400m2.  AO1.8▼  Residential activities are designed to incorporate  architectural/design elements detailed in Planning Scheme Policy SC6.2 Building design. | Complies  The applicable provision requires a 20 metre setback from the public road frontage. The proposed development has a zero setback from the public road frontage (Butler Road) and so is significantly non-compliant with this provision.  The proposed development complies in terms of the rear boundary and eastern side boundary but has minimal setback from the western side boundary.  N/A  N/A  The proposed development is generally located in a cleared area, however it significantly exceeds the specified gross floor area of 400m2 with a total and 963m², which is more than double the floor area specified in the acceptable provision.  N/A |

The Environmental Management and Conservation Zone Code also includes the following Performance Outcomes for Traffic and Access which have no Acceptable Outcomes prescribed. Given the location of the site, the unformed dead -end configuration of Butler Road, the lack of any real understanding of the likely traffic generation resulting from the proposed development and the potential for conflicts with local cassowaries, it is considered that the proposed development is in conflict with PO11, PO12 PO13, as outlined below.

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| * **PO11** – *Vehicular traffic generated by the development does not conflict with local or through traffic and will not have a detrimental impact on the safety and amenity of the locality.* * **PO12** – *Development is designed to ensure that vehicular traffic generated by the development does not have a detrimental impact on the safety of wildlife in the locality*. * PO13 - *The surrounding road system is capable of accommodating additional traffic generated by the proposal without creating any adverse impact.* |

Environmental Significance Code

The site is mapped as being of High Environmental Significance (HES) and is part of a larger area that is all mapped as HES. In addition, there are large tracts of land in the locality, mapped as Cassowary Corridor (CC).

The Code states:

*The purpose of the Environmental significance code is to ensure that the Region's significant ecological values and associated ecosystem services are protected, managed, expanded and enhanced.*

*The purpose of the code will be achieved through the following Overall outcomes:*

*(a) The Region's environmentally significant areas and wildlife and habitat corridors are protected;*

*(b)Areas, identified as strategic rehabilitation areas on the environmental significance overlay maps, are protected, rehabilitated and revegetated so that ecological connectivity is improved, habitat extent is increased and the biological integrity of degraded areas is restored.*

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| **PERFORMANCE OUTCOMES** | **ACCEPTABLE OUTCOMES** | **COMMENT** |
| **AREAS OF ENVIRONMENTAL**  **SIGNIFICANCE** |  |  |
| **PO1** Outside the urban footprint, development does not occur within an area of HES unless it can be demonstrated that the mapped area of high  environmental significance does not possess the environmental and biodiversity values and attributes to warrant its classification as an area of high environmental significance | **AO1.1** Development outside the urban footprint is:  (a)not located within an area of HES; or  (b)associated with a port, an airport or an aerodrome; or  (c)for minor public marine development and associated access facilities; or  (d)for an extractive industry within a resource/processing area as shown on Extractive Resources Overlay Map (OM-008); or  (e)for essential community infrastructure; or  (f)for nature-based tourism; or  (g)for an agricultural activity. | The site is located within a large area mapped as HES that connects with land designated Cassowary Corridor and there is extensive evidence of cassowaries in the local area. |
| **PO2** Development within or adjacent to an area of  HES is located, designed and operated to:  (a)avoid adverse impacts on ecological | **AO2.1** Development is not located within an area of HES.  **AO2.2** Development is setback at least 100 metres from the area of HES; or  (b)where avoidance is not practicable, minimise any adverse impacts on  ecological values. | The proposed development appears to be primarily located on the cleared area of the site which is not mapped HES but the balance of the site and large tracts of surrounding land are designated HES.  The proposed development immediately abuts those areas of the site designated as HES and there is no opportunity to setback the proposed development even 5 metres from the areas of HES let alone the specified 100 metres. |

**The proposed Craft Distillery is in conflict with the following Environmental Management and Conservation Zone Code provisions:**

* **The proposed development has a zero setback from the public road frontage of Butler Road and so is significantly non-compliant with the Code, which specifies a 20 metre setback from a public road frontage.**
* **The proposed development has minimal setback from the western side boundary and so is non-compliant with the Code, which specifies a 10 metre setback from side and rear boundaries.**
* **The proposed development has a gross floor area of 963m² which is significantly non-compliant with the Code, which specifies a maximum gross floor area of 400m2.**
* **Performance Outcomes 11, 12 and 13.**

**The proposed Craft Distillery is in conflict with the following Environmental Significance Code provisions:**

* **Development is not supported in areas of HES and the site is located within a large area mapped as HES that connects with land designated Cassowary Corridor and there is extensive mapped and anecdotal evidence of cassowaries in the local area.**
* **The proposed development appears to be primarily located on the cleared area of the site which is not mapped HES but the balance of the site and large tracts of surrounding land are designated HES.**
* **The proposed development immediately abuts those areas of the site designated as HES and there is no opportunity to setback the proposed development even 5 metres from the areas of HES, let alone 100 metres specified in the Code.**

1. **CONCLUSION**

The proposed development is in conflict with the Cassowary Coast Planning Scheme. There are more suitable and appropriate locations for a Craft Distillery at Mission Beach that would be compliant with the relevant provisions of the Planning Scheme.

A more suitable and appropriate location, in land use planning terms, would be somewhere within the Greater Mission Beach Local Plan area, which contemplates and supports this form of development.

The proposal to establish a Craft Distillery on land outside the Greater Mission Beach Local Plan area on land zoned Environmental Management and Conservation and identified as Protected Areas on the Strategic framework maps suggests the selection of the site was purely opportunistic with no regard to sound town planning principles.

The application should be refused.

**E A TAYLOR**

**25 AUGUST, 2017**