

8 CORPORATE AND COMMUNITY SERVICES

8.1 MAX SLADE DESIGNS PTY LTD - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION (4 X 4 BEDROOM UNITS) - LOT 1 ON RP725081 - 3 KENNEALLY ROAD, MAREEBA - MCU/18/0026

Date Prepared: 4 February 2019

Author: Planning Officer

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 30 November 2018 [↓](#)
3. Submissions [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	10 October 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation		
FILE NO	MCU/18/0026	AREA	2.026 hectares
LODGED BY	Max Slade Designs Pty Ltd	OWNER	G & R Tatti Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two Submissions Received		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During public notification of the application two (2) submissions were received.

The applicants propose the construction of 4 x 4-bedroom units in the north-east corner of the site. The units are pre-fabricated "donga" style units, each containing 4 separate rooms with individual toilets and showers and will be sited in pairs with a common area to be built between each set of units.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

Conditions have been recommended to minimise amenity impacts on residential uses adjoining and nearby to the site. These draft conditions were provided to the applicant, care of their consultant and have been agreed to.

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	10 October 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

The assessment manager does **not** consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Short-term Accommodation (4 x 4 Bedroom Units)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M 17 - 4595 Sheet No. A100	Overall Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A101	Site Plan	Max Slade Designs	November 2017
M 17 - 4595 Sheet No. A111	Stage 3 - 4/4 Bedroom Units	Max Slade Designs	November 2017

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

- Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

- Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the Adopted Infrastructure Charges Notice.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Noise Nuisance

- 3.5.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

- 3.5.2 Full time onsite manager

In order to minimise the likelihood of noise nuisance, a full time, onsite manager must be present onsite at all times during the operation of the approved use. The contact details for the onsite manager are to be made publicly accessible to all adjoining property owners.

3.6 Waste Management

An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a development permit for operational works.

Any refuse storage area must be constructed on an impervious surface such as a concrete slab and must be provided with a water connection to facilitate cleaning of bins, other receptacles and the collection area itself, and must be drained into the sites wastewater network.

Should an existing refuse storage area be proposed to satisfy this condition, the existing refuse storage area must comply with the above requirements.

3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided for the units and is to be appropriately screened from view of adjoining properties and the street, to the satisfaction of Council's delegated officer.

3.8 Window Screening

The applicant/developer is required to install and maintain suitable screening to all unit windows facing the south-east and north-east site boundaries for the purposes of privacy and reducing light spillage. The screening structures must be constructed from non-reflective materials that are consistent with materials used elsewhere on the facade of the building, to the satisfaction of Council's delegated officer.

3.9 Hot Water System Relocation

The applicant/developer is required to install and maintain appropriate screening to all hot water systems attached the unit structures. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the structures.

3.10 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external cladding/blockwork/render and window screening structures must be made

from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

Prior to the commencement of the use the existing site access must be upgraded to a commercial/industrial standard in order to accommodate two directional large vehicle traffic (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to the issue of a development permit for building works, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. Where staged works are proposed, the Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development and for each stage of the development.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.

4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure that each unit is provided with one (1) car parking space (16 total) which are available solely for the parking of vehicles associated with the accommodation. The car parking spaces must be located within proximity to the accommodation units.

4.3.2 Prior to the commencement of the use, all car parking spaces including the administration office set down/car parking areas, and all internal driveways servicing the approved use must be concrete, bitumen or

asphalt sealed, line marked and appropriately drained, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

- 4.3.3 The internal driveways servicing the approved use must be wide enough to allow for two direction vehicle traffic, to the satisfaction of Council's delegated officer. If this is not the case and the existing loop road through the existing caravan park is proposed or required to service the development (short-term accommodation units only), this loop road must be upgraded to a concrete, asphalt or bitumen sealed standard, to a minimum width of four (4) metres (including any widening required on corners) and appropriately drained, to the satisfaction of Council's delegated officer.

4.4 Landscaping & Fencing

- 4.4.1 Prior to the issue of a development permit for building works, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval (one plan may be submitted for the entire site).

The landscape plan must include a minimum 30m² of landscaping and must include plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

A minimum of 25% of the landscaping plants must be provided as larger, advanced stock with a minimum foliage height of 0.7 metres.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the entire length of the south-east boundary of the site.

Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the north-east boundary of the site from the north east corner of the site (behind the donga's) to a distance of no less than 40 metres along the boundary.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.7 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) Water Meters/Water Service Connection
Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

- (d) Property Connection to existing sewer main

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

- (e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (f) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

- (h) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care

guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(i) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the use.

(j) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	16	\$72,000.00
Total					\$72,000.00

THE SITE

The subject site contains the Mareeba Tropical Caravan Park and is situated at 3 Kenneally Road, Mareeba and is more particularly described as Lot 1 on RP725081. The site is generally regular in shape with a total area of 2.026 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site includes frontages to both Kenneally Road (approx. 86 metres) and the State controlled Kennedy Highway (approx. 244 metres) with access gained via a single crossover off Kenneally Road towards the southern corner of the lot.

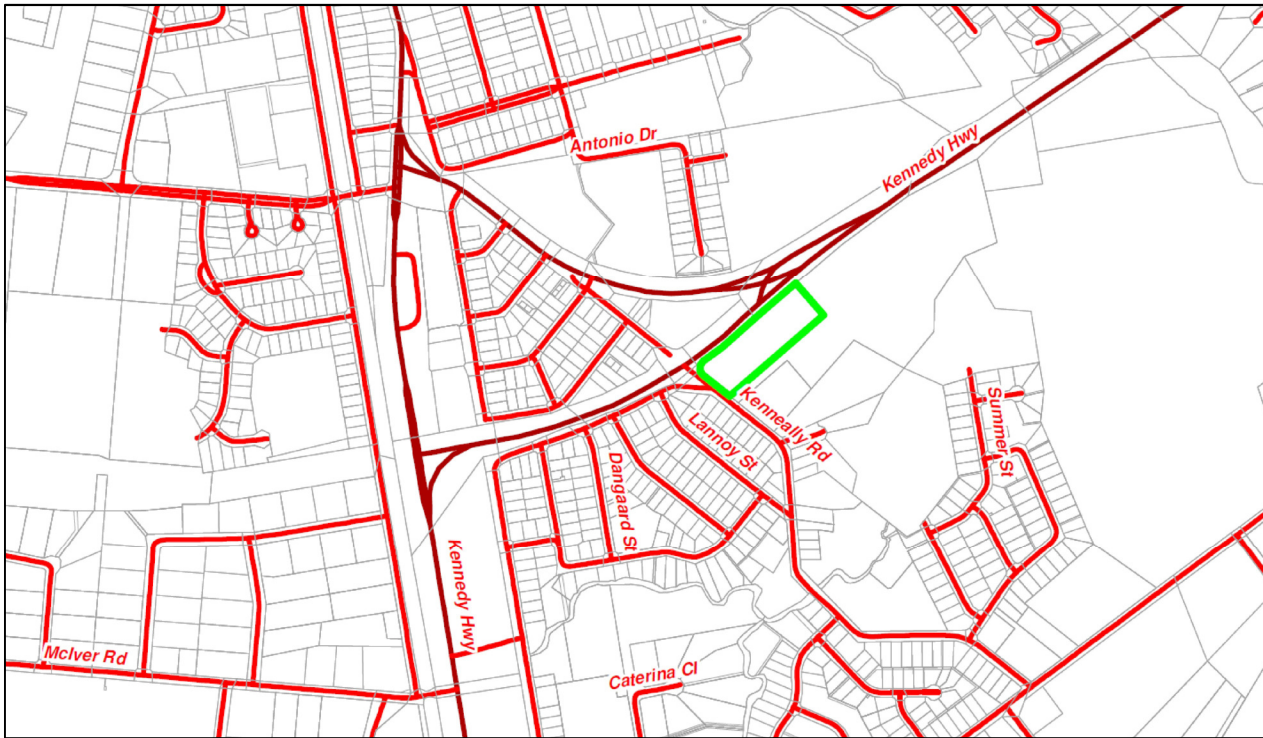
The site is improved by several buildings and structures consistent with the sites long established caravan park use which include a site office, manager/caretaker residence, ablutions/laundry blocks, caravan/motorhome/tent sites with some including concrete slabs, multiple accommodation donga's and an old general store which has since been converted to a dwelling. The site has a gradual slope down to the rear of the lot (north-east end) and in terms of vegetation, contains several large shade trees and smaller trees and shrubs scattered throughout the caravan park which are of no ecological significance.

The site is currently connected to all urban services including Council's reticulated water and sewerage networks. All adjacent lots are zoned Low density residential and contain single dwellings.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS**MC2006/31 / MCU/06/0031**

Council, at its Ordinary Meeting on 6 March 2007, approved a development application made by R & G Tatti for a development permit for material change of use - backpacker accommodation over land described as Lot 1 on RP725081, situated at 1-3 Kenneally Road, Mareeba. The Decision Notice was issued on 9 March 2007.

Development approval MC2006/31 / MCU/06/0031 was never acted upon and has lapsed.

MCU/11/0012

Council, at its Ordinary Meeting on 7 March 2012, approved a development application made by Victor G Feros Town Planning Consultants, on behalf of G & R Tatti for a development permit for material change of use - tourist facility (20 x 1-bedroom self-contained units) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 14 March 2012. A Negotiated Decision Notice was issued on 25 July 2012. Council, at its Ordinary Meeting on 15 November 2012 subsequently approved a further request by the applicant to amend the development approval.

Development approval MCU/11/0012 lapsed on 25 July 2018.

DA/12/0023

Council, at its Ordinary Meeting on 20 December 2012, approved a development application made by Victor G Feros Town Planning Consultants on behalf of Mareeba Tropical Caravan Park for a development permit for material change of use - tourist facility (10 x non-self-contained rooms & ablutions block) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 21 December 2012.

Development approval DA/12/0023 lapsed on 21 December 2016.

MCU/18/0003

Council, at its Ordinary Meeting on 16 May 2018, approved a development application made by Max Slade Designs Pty Ltd on behalf of G & R Tatti Pty Ltd for a development permit for material change of use - short-term accommodation (22 x 1 bedroom units) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 18 May 2018.

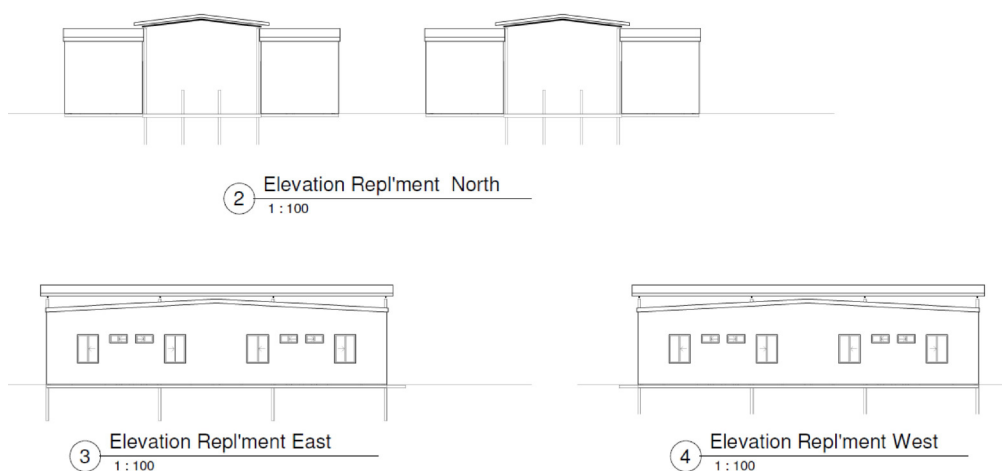
Development approval MCU/18/0003 is currently being acted upon, with construction of the motel style unit development underway (commenced in late 2018).

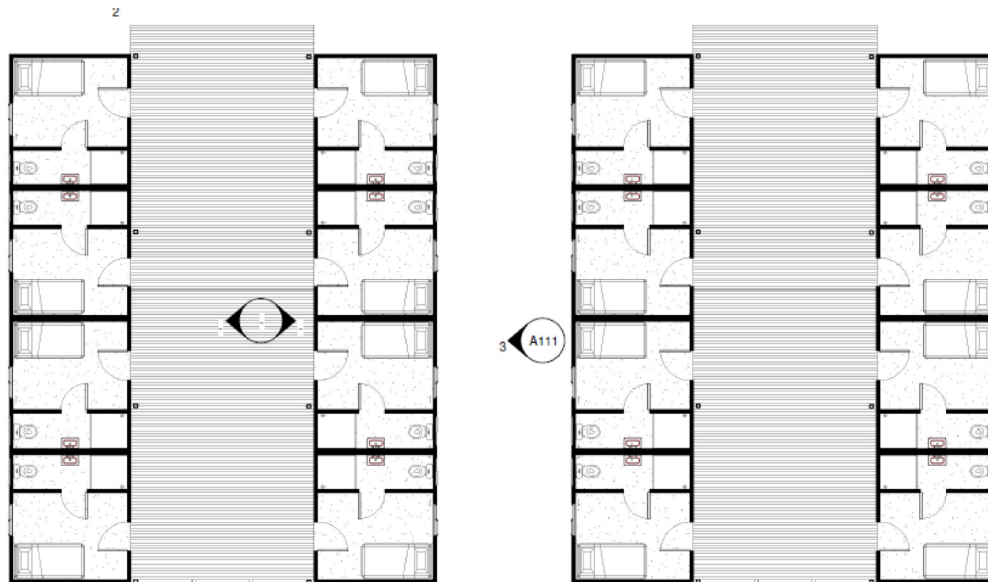
DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Short-term Accommodation (4 x 4 bedroom units) in accordance with the plans shown in **Attachment 1**.

The development will involve the siting of 4 x 4 bedroom pre-fabricated "donga" style structures in the north-east corner of the site to be primarily used for workforce accommodation. The donga's will be grouped in two's with a common area between each donga and a roof constructed over top (see plans below).

Each of the 16 rooms will have their own shower and toilet and car parking will be made available in proximity to the accommodation units.





REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • <i>Residential Area</i> Transport Elements <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>Principal Cycle Routes</i>
Zone:	Low Density Residential
Overlays:	Bushfire Hazard Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Short-term Accommodation	<p>Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.</p> <p>The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.</p>	Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay	Hostel, rooming accommodation, tourist park

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(A) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(B) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.3 Element - Activity centres network

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*

Comment

The proposed development will provide additional short-term accommodation for visitors, tourists and workers within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to strengthen Mareeba's role as the Shire's major regional activity centre.

- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*

Comment

The proposed development will provide additional short-term accommodation for visitors, tourists and workers within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to enhance the Shire's self-sufficiency with regards to short-term tourist/visitor accommodation.

3.7 Economic Development**3.7.7 Element - Tourism****3.7.7.1 Specific outcomes**

- (2) *Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.*

Comment

The proposed development will provide 16 x 1 bedroom short-term accommodation units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and contains minimum immediate adjoining residential uses. Given the nature and scale of the development, it is considered that the development can be appropriately conditioned to ensure minimal amenity impacts on these adjoining residential uses.

The development does not conflict with Specific Outcome (2).

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.6 Low density residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcomes AO4 Acceptable Outcome AO5 Refer to planning discussion section of report.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

- Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(E) Adopted Infrastructure Charges Notice

The following infrastructure charge/s for the development are derived from Council's Adopted Infrastructure Charges Resolution (No. 1) 2017.

The Adopted Infrastructure Charges Resolution (No. 1) 2017 nominates the following maximum charge for Accommodation (short term):

For a hotel or short-term accommodation:

- \$6,000.00 per suite (1 or 2 bedroom)

In calculating this maximum charge, it was assumed the development will access all four infrastructure networks (water, sewer, parks and roads). For this proposed development, the proximity to the State controlled road network (Kennedy Highway) means that any trunk infrastructure impacts are likely to be limited to water, sewer and parks. Accordingly, the applicable charge for accommodation (short term) for the proposed development has been amended as follows:

For a hotel or short-term accommodation:

- \$4,500.00 per suite (1 or 2 bedroom)

The adopted infrastructure charges for the development is tabulated as follows:

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	16	\$55,020.00
Total Charge					\$72,000.00

REFERRAL AGENCIES

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Referral Agency (SARA - DTMR).

That Department provided their Referral Agency Response on 30 November 2018 which included conditions of approval which are required to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services Department - Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 20 November 2018 to 18 December 2018. The applicant submitted the notice of compliance on 21 December 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received. Both submissions were from adjoining/nearby landowners who indicated that they did not object to the development, however wanted to raise concerns for Council's attention. These concerns are summarised and commented on the following page.

Submitter Concerns/Queries	Comment
Light projection and nuisance from light spill	A condition will be attached to any approval requiring outdoor lighting to be sited and directed as to not cause a nuisance to neighbouring properties.
Stormwater	A condition will be attached to any approval requiring the preparation and lodgement of a Stormwater Management Plan prior to building works commencing. This plan will need to be prepared by a registered engineer and endorsed by Council's Technical Services Department.
Boundary fencing	A condition will be attached to any approval requiring boundary fencing be erected along the south-east and north-east boundaries of the site to create an effective visual screening for neighbouring properties.
Air conditioner noise	A condition will be attached to any approval requiring air-conditioning units to be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
Rocks picked from the property may be dumped on adjoining allotments.	Any rock removed from the property during construction of the development will need to either be re-used on site or removed from the site and be legally disposed of. Council can act for any illegal placement of rock on adjoining properties.
A suitable number of bins needs to be provided to prevent rubbish from being dumped on neighbouring properties.	It is unusual for Planning approvals to dictate a specific number of rubbish bins for a development. This is usually a caravan park management issue. If any illegal littering occurs, it can be reported to Council's Environmental Health Department.
Adequate parking should be provided so as to minimise the risk of spill over parking occurring on neighbouring properties.	The applicant/developer will be required to provide 16 sealed car parking spaces for unit guests, to be sited in proximity to the units. This is considered adequate for what is proposed and is likely to discourage the parking of vehicles on neighbouring properties, as is the availability of ample space within the confines of the caravan park for the parking of any excess vehicles. Boundary fencing that is required to be installed will also reduce the likelihood of this occurring.
The existing access to the caravan park is not up to standard and large vehicles have issues entering and exiting the park.	The proposed short-term accommodation is not likely to attract people who own caravans and motorhomes. Notwithstanding this, a condition has been attached to the approval requiring the upgrade of the site access to a commercial/industrial standard.
The car parking at the entrance to the caravan park is inadequate. Under previous approval MCU/06/0031 (for backpacker accommodation) the developer was required to install 14 parking spaces for the approved backpacker accommodation. This requirement should be maintained and included in this approval.	The parking at the entrance to the caravan park is considered adequate and is required to be upgraded which will provide additional hardstand areas for vehicle queuing. Development approval MCU/06/0031 was never acted upon and has since lapsed, therefore the developer is not required to install the 14 parking spaces required for the backpacker accommodation covered under this approval. The access crossover servicing the site is required to be upgraded to a commercial/industrial standard.
Signpost and line marking should be installed along Kenneally Road to highlight the unsuitability of parking on the verge in this location.	This is considered an unreasonable requirement considering Council officers have not received any previous complaints regarding vehicles queuing along Kenneally Road, and that the short-term accommodation proposed is not likely to attract guests that own motor homes or caravans.

Submitters

Name of Principal submitter	Address
1. Steve Hogan	7 Kenneally Road, Mareeba QLD 4880
2. A & L Amante	PO Box 1049 Mareeba QLD 4880

PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

6.2.6 Low density residential zone code***Accommodation density******PO4***

The density of Accommodation activities:

- (a) contributes to the house choice an affordability;*
- (b) respects the nature and density of surrounding land use;*
- (c) does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and*
- (d) is commensurate to the scale and frontage of the site.*

AO4

Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.

Comment

Table 6.2.6.3B does not dictate a maximum density for short-term accommodation development within the Low density residential zone.

The application proposes the siting of 4 x 4 bedroom short-term accommodation "donga" style units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and the development is unlikely to cause amenity impacts on surrounding residential uses as reasonable separation from the development is achieved due to the larger lot sizes on the eastern side of Kenneally Road. Notwithstanding this, the development will be conditioned to require boundary treatments, window screening and driveway sealing to further minimise the likelihood of amenity impact.

Although not specifically conflicting with AO4, the development is considered to comply with higher order PO4.

Gross floor area***PO5***

Buildings and structures occupy the site in a manner that:

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

AO5

Gross floor area does not exceed 600m².

Comment

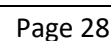
The proposed development, which will include the four (4) proposed "donga" structures as well as a raised floor for the common area in between each set of two (2) dongas and a roof constructed overhead. The development will add approximately 330m² of GFA to the sites existing cumulative GFA footprint which far exceeds 600m² and is therefore non-compliant with AO5.

The intention of AO5 (600m² GFA limit) is to limit the cumulative GFA of structures on standard residential sized allotments (700 - 1,000m²). In this instance, the subject site has a total area of 20,260m², or 2.026 hectares (or approximately 20 - 28 times the size of standard residential allotment in Mareeba).

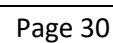
The proposed short-term accommodation units will be sited in the north-east corner of the site so as to make efficient use of an underutilised portion of the land and to not compromise the sites existing long established caravan park use. Furthermore, the proposed accommodation units are not inconsistent in scale with other development already established or approved on the property or on surrounding lots.

The development is not considered to conflict with PO5.

Date Prepared: 6 February 2019







GE78-N



Department of
**State Development,
 Manufacturing,
 Infrastructure and Planning**

Department of State Development, Manufacturing, Infrastructure and Planning

Statement of reasons for application 1810-8166 SRA

(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: G & R Tatti
 C/- Max Slade Designs Pty Ltd

Applicant contact details: PO Box 834
 Tolga QLD 4882
 maxslade@bigpond.net.au

Location details

Street address: 3 Kenneally Road, Mareeba

Real property description: Lot 1 on RP725081

Local government area: Mareeba Shire Council

Development details

Development permit: Material change of use for Short term accommodation - 4 x 4 bedroom units

Assessment matters

Aspect of development requiring code assessment	Applicable codes
Material change of use	State Development Assessment Provisions, version 2.3, effective 2 July 2018, State code 1: Development in a state-controlled road environment

Reasons for the department's decision

The reasons for the decision are:

- The department carried out an assessment of the material change of use application against State code 1 of the State Development Assessment Provisions and has found the proposal complies with the relevant performance outcomes.
- The proposed development does not require access to the state-controlled road (Kennedy Highway).
- Access to the proposed development is via a local government-controlled road (Kenneally Road).
- The proposed development does not impact on the safety, function and efficiency of the state-controlled road.
- The proposed development is appropriately setback from the Kennedy Highway and noise impacts will be minimised.

1810-8166 SRA

Decision

Nature of approval	Nature of response	Date of decision
Concurrence agency response	Attach conditions to any approval	30 November 2018

Relevant material

- Development application material and submitted plans including
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning (v2.3)
- *Planning Act 2016*
- Planning Regulation 2017
- SARA Development Assessment Mapping
- Development Assessment Rules version 1.1

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

SARA reference: 1810-8166 SRA
Council reference: MCU/18/0026

30 November 2018

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 31 October 2018.

Applicant details

Applicant name:	G & R Tatti C/- Max Slade Designs Pty Ltd
Applicant contact details:	PO Box 834 Tolga QLD 4882 maxslade@bigpond.net.au

Location details

Street address:	3 Kenneally Road, Mareeba
Real property description:	Lot 1 on RP725081
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Short term accommodation - 4 x 4 bedroom units
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Page 1 of 6

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

Set ID: 3477855

1810-8168 SRA

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the applicant

The department offers advice about the application to the applicant—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Site Plan	Max Slade Designs	9/10/2018	M17 – 4595 Sheet No A101	1

A copy of this response has been sent to the applicant for their information.

For further information please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD, on 40373239 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke
Acting Manager

cc G & R Tatti C/- Max Slade Designs Pty Ltd, maxslade@bigpond.net.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the applicant
Attachment 4—Approved plans and specifications

1810-8166 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – State transport corridor (state-controlled road)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The Stage 3 short term accommodation units must be located generally in accordance with the following plan, outside Category 2 and Category 3 transport noise corridor areas: <ul style="list-style-type: none"> Site Plan prepared by Max Slade Designs, dated 9/10/2018, Reference M17 – 4595, Sheet No A101 and Revision 1 as amended in red by SARA on 30 November 2018. 	Prior to the commencement of use and to be maintained at all times.
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

1810-8166 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To minimise noise intrusions on a development from a state-controlled transport corridor.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required

1810-8166 SRA

Attachment 3—Advice to the applicant

General advice	
Ref.	Transport noise corridor
1.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available on the departments website: https://planning.dsdmip.qld.gov.au/maps and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes layers within the State Planning Policy (SPP) mapping system.</p>

1810-8186 SRA

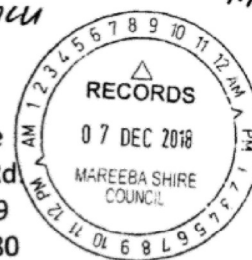


Assessment Manager
Mareeba Shire Council
P.O. Box 154
Mareeba 4880

A & L Amante
5 Kenneally Rd
P.O. Box 1049
Mareeba 4880

URP-MCU

N/A



Mareeba, 4th of December 2018

Dear Sir,

We refer to the proposed development.

"Development application for material change of use – Short Term
Accommodation (4 x 4 Bedroom units), at 3 Kenneally Road Mareeba on
Lot 1 R P 725081"

Application No: MCU/18/0026.

Whilst we are in no way against the development, we have listed below a few
concerns.

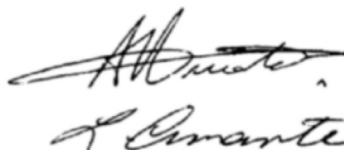
Mayor Concern:

- (1) All stormwater drainage be collected from site and discharged, so as to not
damage our road entrance to property and house, and damage our adjoining
property. No cost is to be incurred on us.
- (2) Will the development include the continuation of the same fencing as being
built along the South-Eastern boundary (Stage 1&2) on the Rear Boundary to
the main Road Boundary?
- (3) Within reason outdoor lighting, including any possible future additions, eg
Tennis Court, does not spill towards our house and property.
- (4) Adequate parking be provided, to prevent possible parking on the entrance
strip to our property.
- (5) Noise from air conditioners is controlled by suitable screening.
- (6) No dumping of rocks on our property (clean up on our side of the fence).
- (7) Suitable number of refuse bins is provided to prevent rubbish such as
bottles, cans, cartons, being dumped on our property as has been the case to
date.

Could we please ask that these concerns be addressed?
Looking forward to correspondence on these matters.

As a footnote we do not object to the removal of branches or trees close to the boundary if they interfere with the development. We would appreciate to be advised beforehand.

Yours Sincerely,
Angelo and Letizia Amante

The image shows two handwritten signatures in black ink. The top signature is a stylized, cursive 'A' followed by 'mante', likely representing Angelo Amante. The bottom signature is a more fluid cursive script, likely representing Letizia Amante.

Proposed development

Have your say

Development application for material change of use – Short term accommodation (4 x 4 bedroom units)

At 3 Kenneally Road Mareeba

ON Lot 1 RP 725081

By - Max Slade Designs Pty Ltd
Ph: 07 40 91 2099
Web – not applicable

Approval sought: Development Permit – material change of use
Application no.: MCU / 18 / 0026

Comment period: 21st Nov 2018 to 17th Dec 2018

Written comments to:
 The assessment manager
 Mareeba Shire Council
 PO Box 154 Mareeba QLD 4880
 info@msc.qld.gov.au
 1300 308 461
 www.msc.qld.gov.au

Copies of the full application can be viewed or obtained from the assessment manager Marteeba Shire offices 65 Rankin St Mareeba

**Public notification requirement per Queensland Government—
 Sustainable Planning Act 2009 Form 5 version 2.0**

From: Stephen Hogan
Sent: 17 Dec 2018 14:18:14 +1000
To: Info (Shared)
Cc: Stephen Hogan
Subject: MCU/18/0026 - Stephen Hogan submits concern with proposed development - Lot 1 RP725081 - 3 Kenneally Road Mareeba

Good afternoon Carl,

RE: MCU/18/0026

Thankyou for the opportunity to provide feedback on the proposed development.

As with the previous proposed development we have no objection to the proposal and our comments are made without prejudice.

The biggest potential impact we perceive from the further expansion of the accommodation at the caravan park is the impact on road traffic and the ability of the entrance to the caravan park to safely manage a further potential 16 daily vehicle movements each way through the single entry point. The previous proposal included the addition of 22 new fixed accommodation buildings, which in addition to the most recent application makes for a total of 38 additional accommodation sites.

Our estimate of the previous usage of the space which has been and is proposed for both of these developments, is that there were approximately 10 accommodation sites, including 2 sets of previous donga's. This new proposal has the potential to increase this by 28 additional sites, and subsequently, another potential 28 vehicle movements, each way, on a daily basis, potentially magnifying existing short comings of the site.

Our concerns are that the entrance and parking facilities at the main office are grossly inadequate to accommodate these vehicles, and that there is a real risk to traffic flow on Kenneally Road due to vehicles not being able to safely enter the van park. This perception is based on the existing experience of seeing multiple cars and caravans lined up from the entrance point, back to the Kennedy Highway waiting for the entrance to clear of other vehicles waiting to be checked in to their accommodation sites.

This is of particular concern due to the location of the Bailey St intersection adjacent to the entrance point, which sees traffic from 3 directions potentially verging on one point, with cars and caravans not allowing for safe passing due to the narrowness of the lane and the proximity to the two intersections.

We believe that the entrance to the caravan park needs to provide for the ability of two way traffic which allows for a large four wheel drive to be able to enter the caravan park whilst turning off Kenneally rd, whilst allowing for other vehicles to exit the caravan park. We also believe that there needs to be adequate parking for multiple numbers of these car and caravan combinations adjacent to the main office of the caravan park to allow for them to move off the roadway and reduce the potential for accidents.

At present there are approximately 5 single vehicle parking spots adjacent to the main office, and two vehicle parking spots adjacent to the dormitory style accommodation. It is our understanding that in a previous development approval (MCU/06/0031) there was a condition required to provide 14 on site parking spaces to provide for the dormitory accommodation, and for a commercial access be constructed to the caravan park. To our understanding, only two car parking spaces have been provided and there has been no commercial access constructed.

We believe that in addition to a car parking space for each of the proposed units, that the developer be required to satisfy the conditions of MCU/06/0031 to provide a total of 14 car parking spaces solely for the dormitory accommodation to ensure that the parking required for the main office is not burdened by cars associated with the dorms. We also believe that the developer needs to construct a commercial access from Kenneally Road which is fit for purpose of allowing adequate off street parking for multiple car and caravan combinations and for large vehicle combinations to be able to safely turn off Kenneally Rd whilst allowing for other vehicles to leave the premises.

To further support the reduction in risk to safety of vehicles and pedestrians, we would request that signage and road markings be put in place along Kenneally Rd between the Kennedy Highway and the South East boundary of the Caravan park on Kenneally Rd to highlight to drivers the unsuitability of parking on the verge in this location.

Many thanks for your consideration of our feedback

Kind Reagrds

Steve Hogan

7 Kennealy Rd
Mareeba QLD 4880
PH: 0439 601 380

**

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