

## 8 CORPORATE AND COMMUNITY SERVICES

**8.1 S TORRISI - MATERIAL CHANGE OF USE - WAREHOUSE (STORAGE SHED) - LOT 19 ON M356128 & LOT 23 ON CP903074 - 34B JAMES STREET & 135 MASON STREET, MAREEBA - MCU/18/0029**

**Date Prepared:** 5 March 2019

**Author:** Senior Planner

**Attachments:** 1. [Proposal Plans](#) [↓](#)  
2. [Submission](#) [↓](#)

### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	S Torrissi	ADDRESS	34B James Street & 135 Mason Street, Mareeba
DATE LODGED	13 December 2018	RPD	Lot 19 on M356128 & Lot 23 on CP903074
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Warehouse (Storage Shed)		
FILE NO	MCU/18/0029	AREA	Lot 19 - 1.296ha Lot 23 - 6,224m2
LODGED BY	Emergent Building Approvals	OWNER	S Torrissi
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

### EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and one (1) properly made (no objection) submission was received in response to public notification of the application.

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

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

It is recommended that the application be approved in full with conditions.

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	S Torrisi	ADDRESS	34B James Street & 135 Mason Street, Mareeba
DATE LODGED	13 December 2018	RPD	Lot 19 on M356128 & Lot 23 on CP903074
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Warehouse (Storage Shed)		

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), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

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 - Warehouse (Storage Shed)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DWG No. S001	Site Plan	Cardinal Metal Roofing	n/a
n/a	Elevation & Floor Plan	Cardinal Metal Roofing	n/a
MARB11239 Sheet 1	Foundation Plan	Fairdinkum Sheds	31/5/2018
MARB11239 Sheet 2	Elevations	Fairdinkum Sheds	31/5/2018
MARB11239 Sheet 6	Elevations	Fairdinkum Sheds	31/5/2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally 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.
2. 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 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.
- 3.2 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.
- 3.3 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.
- 3.4 Noise Nuisance
- 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.5 Waste Management
- If an onsite refuse storage area is provided for the approved use, it must be screened from view from adjoining properties and road reserve by either a 1 metre wide landscaped screening buffer, a 1.8m high solid fence or by a building.
4. Infrastructure Services and Standards
- 4.1 Access
- The access crossover onto Mason Street must be maintained in good order for the life of the approved use, to the satisfaction of Council's delegated officer.
- 4.2 Stormwater Drainage/Water Quality
- 4.1.1 The applicant 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.

4.1.2 All stormwater drainage from the approved use must be discharged to an approved legal point of discharge.

- 4.3 All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, asphalt or bitumen sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and 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.

4.4 Fencing

A 1.8 metre high solid screen (no gaps) timber or Colorbond fence of neutral colour is to be erected along the subject land's entire common boundary with Lots 36 to 40 on M356114, to the satisfaction of Council's delegated officer.

All fencing must be kept clean, in good order and safe repair for the life of the approve use, 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.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) 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.

- (b) 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.

- (c) 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.

(d) 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](http://www.environment.gov.au).

(e) 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](http://www.datsip.qld.gov.au).

(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

- Nil

**THE SITE**

The subject land is situated within a predominately industrial area located at 135 Mason Street and 34 James Street, Mareeba, and described as Lot 23 on CP903074 and Lot 19 on M356128, Parish of Tinaroo, County of Nares.

The proposed Warehouse (storage shed) will be established on Lot 19 with access gained exclusively through Lot 23.

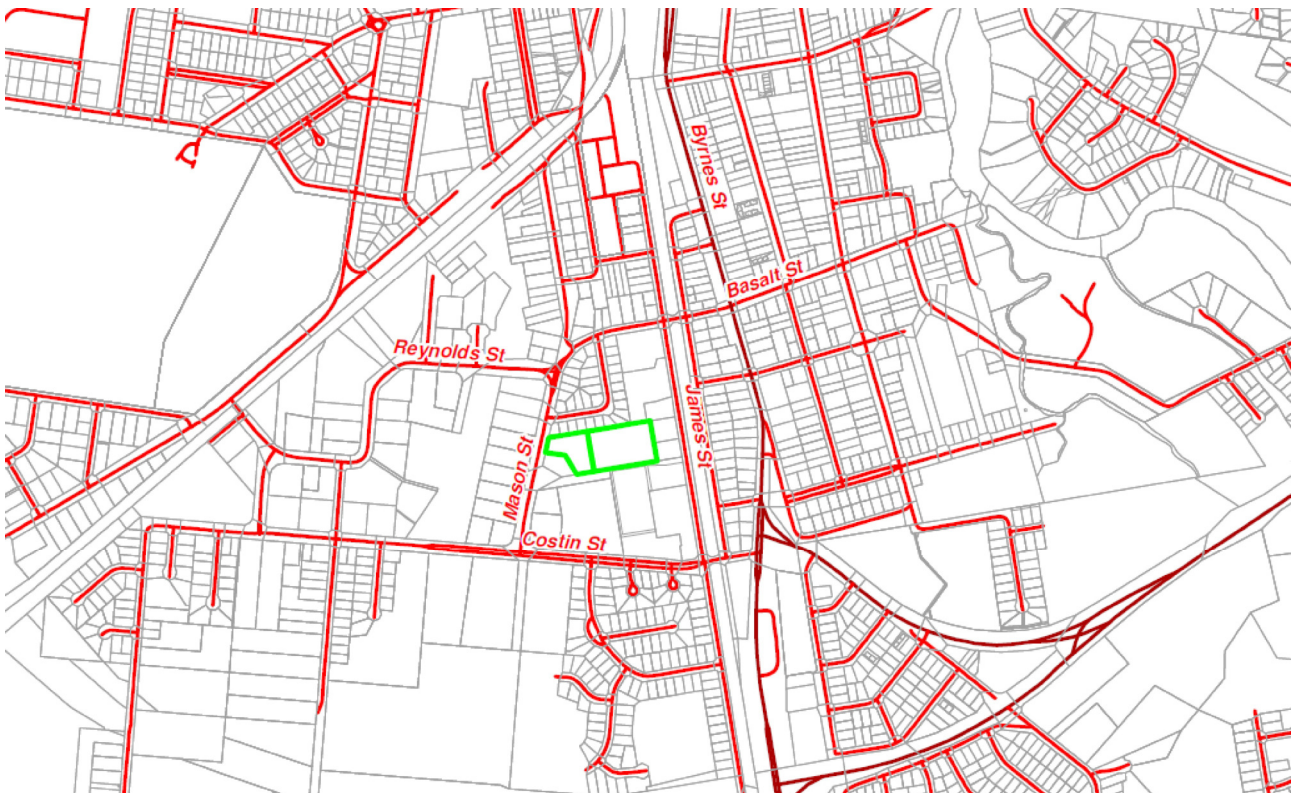
The subject land has a combined area of 1.918 hectares with both allotments zoned Industry under the Mareeba Shire Council Planning Scheme 2016. Lot 23 has approximately 34 metres of frontage to Mason Street while Lot 19 has approximately 34 metres frontage to an unconstructed road reserve.

Mason Street is constructed to asphalt sealed standard including kerb and channel for the full length of Lot 23. Access to Lot 23 is gained from Mason Street via a single access crossover. A reinforced concrete driveway has been constructed within Lot 23 adjacent the lots northern property boundary. The driveway spans from the Mason Street crossover to the rear of Lot 23 and is the primary point of access for Lot 19 and subsequently the proposed development.



**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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The subject land contains a number of industrial uses including community self storage sheds, large and small industrial/storage sheds, a large scrap metal yard and NBN telecommunications tower. A dwelling house is also established on Lot 23.

The surrounding allotments to the south, east, west and north-east are zoned Industry and are used for a variety of industrial uses while the allotments to the north are zoned and used for residential purposes.

#### **BACKGROUND AND CONTEXT**

Nil

#### **PREVIOUS APPLICATIONS & APPROVALS**

Nil

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Warehouse (Storage Shed) in accordance with the plans shown in **Attachment 1**.

The applicant proposes the erection of a 30m x 6m x 3.5m (high) storage shed containing 10 x 18m<sup>2</sup> (approx.) individual self-storage units. Each storage unit will be accessed via a single roller door. The proposed storage shed will be sited towards an extended concrete driveway to allow for easy access to each storage unit.

Access to the proposed storage shed will be gained via the site's existing side access which runs along the northern boundary of the site from Mason Street.

It is understood the facility may be available for access 24 hours a day.

#### **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 Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

#### **PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"><li>• Industry Area</li></ul>
Zone:	Industry zone
Preferred Area/Precinct:	Trades and Services Precinct
Overlays:	<ul style="list-style-type: none"><li>▪ Airport Environs Overlay</li><li>▪ Transport Infrastructure Overlay</li></ul>

**Planning Scheme Definitions**

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Warehouse	<p><i>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</i></p> <p><i>The use may include sale of goods by wholesale where ancillary to storage.</i></p> <p><i>The use does not include retail sales from the premises or industrial uses.</i></p>	Self storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

**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****3.3.12 Element—Industry areas****3.3.12.1 Specific outcomes**

- (6) *The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.*

Comment

The application proposes a low impact industrial use within an established Industry zoned area. The use is a minor expansion of the self storage use that has been occurring on the subject land for over 15 years.

The scale and nature of the proposed development is appropriate and will not adversely impact on the health, wellbeing and amenity of the community. The development complies.

**3.4.8 Element—Air and noise quality****3.4.8.1 Specific outcomes**

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

Comment

The application proposes a low impact industrial use within an established Industry zoned area. The use is a minor expansion of the self storage use that has been occurring on the subject land for over 15 years.

The scale and nature of the proposed development is appropriate and will not adversely impact on the health, wellbeing and amenity of the community. The development complies.

**3.7 Economic development****3.7.1 Strategic outcomes**

- (3) *Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in activity centres and are particularly focussed within Mareeba. Kuranda, as a village activity centre, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.*
- (5) *Industry areas provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. Industry areas are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.*

Comment

The development complies with Strategic Outcomes 3 and 5.

**3.7.8 Element—Industry****3.7.8.1 Specific outcomes**

- (2) *Industry areas are located within activity centres to accommodate for trades and industrial development that provide employment and services to the catchments of these activity centres.*
- (3) *Industry areas are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.*
- (4) *A high level of infrastructure, services and amenity in existing industry areas is provided to support business investment and expansion of industry areas.*

- (5) *The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.*

#### Comment

The application proposes a low impact industrial use within an established Industry zoned area. The use is a minor expansion of the self storage use that has been occurring on the subject land for over 15 years.

The scale and nature of the proposed development is appropriate and will not adversely impact on the health, wellbeing and amenity of the community. The development complies.

The proposed development complies with Strategic Outcomes 2 - 5.

#### **Relevant Developments Codes**

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

- 6.2.5 Industry zone code
- 8.2.2 Airport environs overlay code
- 9.3.5 Industrial 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 outcomes (or performance outcomes where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Industry zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Industrial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application complies with applicable acceptable outcomes from the following: <ul style="list-style-type: none"> <li>• AO1 (complies with Performance Outcome PO1)</li> </ul> Refer to planning discussion section of report.
Parking and access code	The application complies with applicable acceptable outcomes from the following: <ul style="list-style-type: none"> <li>• AO1 (complies with Performance Outcome PO1)</li> </ul> Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

**(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 development of a warehouse in the Industry zone is typically *Accepted Development subject to requirements*. Accepted Development does not require material change of use development approval from Council and would not be subject to infrastructure charges.

The level of assessment for a warehouse increases to *Impact Assessment* where it is proposed on land adjoining land in the Low Density Residential zone, as is the case for this proposed development.

If the same development was proposed on most of the other Industry zoned allotments in this locality, it could proceed without needing material change of use development approval and without the payment of infrastructure charges.

To be consistent, it is not proposed to charge this warehouse development infrastructure charges simply because the land it is on adjoins the Low Density Residential zone.

**REFERRAL AGENCY**

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

**Internal Consultation**

Technical Services

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 9 January 2019 to 2 February 2019. The applicant submitted the notice of compliance on 8 February 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received and raised no objection to the proposed development.

**Submitters**

Name of Principal submitter	Address
1. SunWater Limited	PO Box 15536, City East QLD 4002

**PLANNING DISCUSSION**

The development's compliance with the Performance Outcomes of the Landscaping Code and Parking and Access Code are summarised as follows:

**9.4.2 Landscaping Code****PO1**

*Development, other than in the Rural zone, includes landscaping that:*

*(a) contributes to the landscape character of the Shire;*

- (b) *compliments the character of the immediate surrounds;*
- (c) *provides an appropriate balance between built and natural elements; and*
- (d) *provides a source of visual interest.*

**AO1**

*Development, other than in the Rural zone, provides:*

- (a) *a minimum of 10% of the site as landscaping;*
- (b) *planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species;*
- (c) *for the integration of retained significant vegetation into landscaping areas;*
- (d) *on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional Development Manual.*

Comment

The proposed shed will be sited such that it will be substantially screened from view by existing buildings and distance.

The additional shed will not alter the overall development's appearance from Mason Street, or from the residential lots on Jebreen Street.

The potential impacts of the expanded development are limited to the increased vehicle traffic along the internal driveway. To mitigate these impacts, a 1.8 metre high screen fence will be conditioned along the common boundaries with Lots 36 to 40 on M356114.

No other additional landscaping is proposed and the development satisfies PO1.

**9.4.3 Parking and Access Code****PO1**

*Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) *nature of the use;*
- (b) *location of the site;*
- (c) *proximity of the use to public transport services;*
- (d) *availability of active transport infrastructure; and*
- (e) *accessibility of the use to all members of the community.*

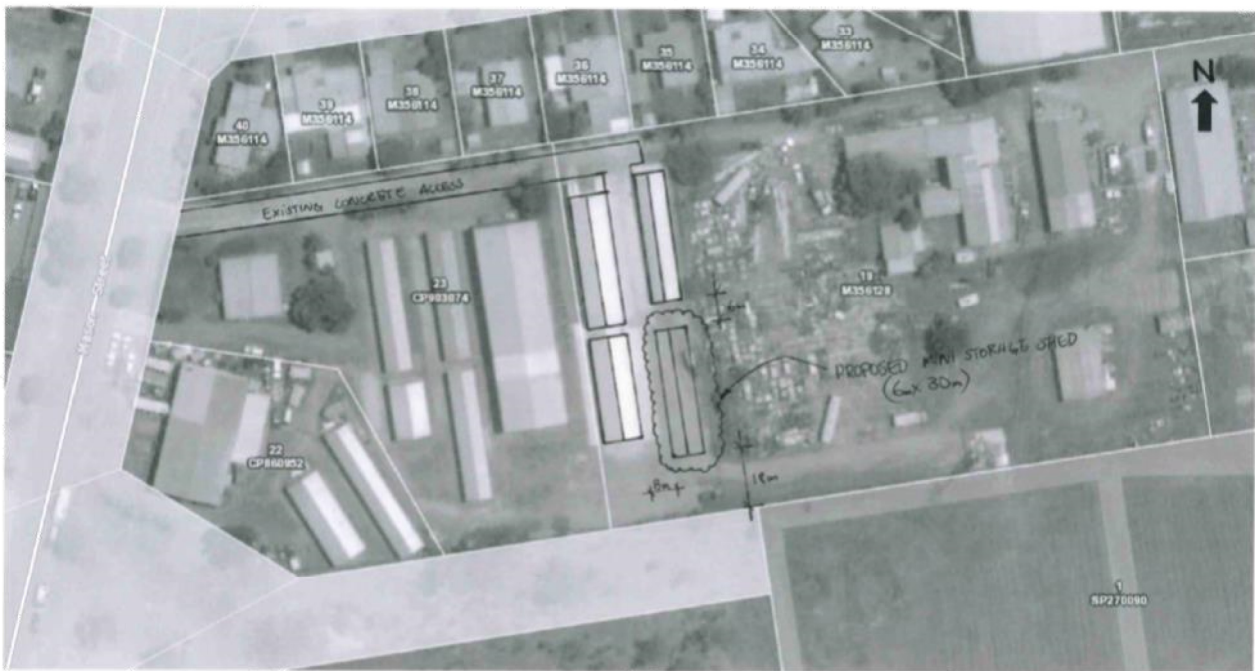
Comment

The proposed development is for mini self storage.

The nature of this use is that vehicles park on the driveway immediately adjacent to the respective self storage unit, load/unload and move on.

There is no need for dedicated on site car parking spaces as part of this development.

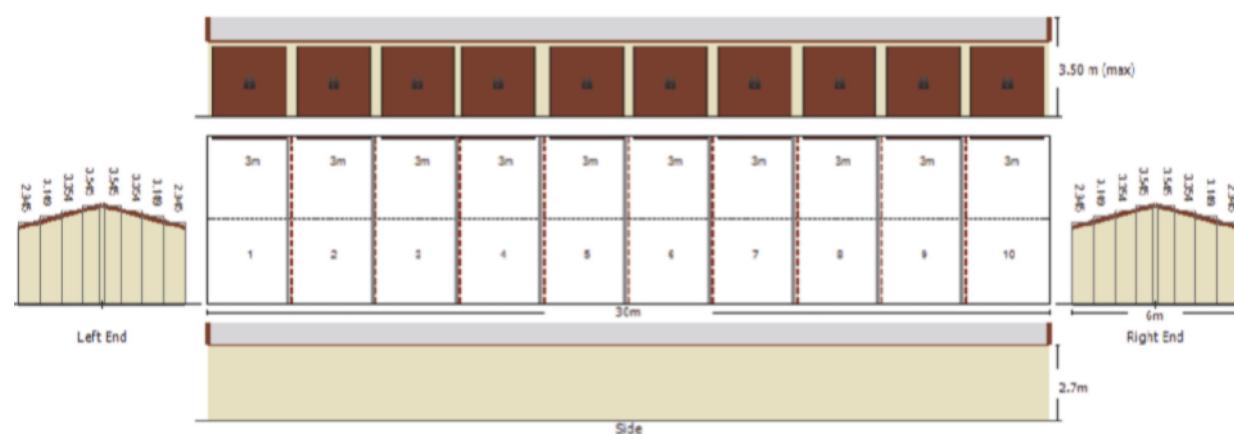
The development satisfies PO1.



Address- 348 James St, Mareeba	Site Plan N.T.S	Project: Storage Shed Extension - 10 bays (3m x 6m)- GFA- 180m2
Property Description- Lot 19 on M 356128	DWG No: 5001	Drawn By: Cardinal Metal Roofing QBCC Lic: 1056639

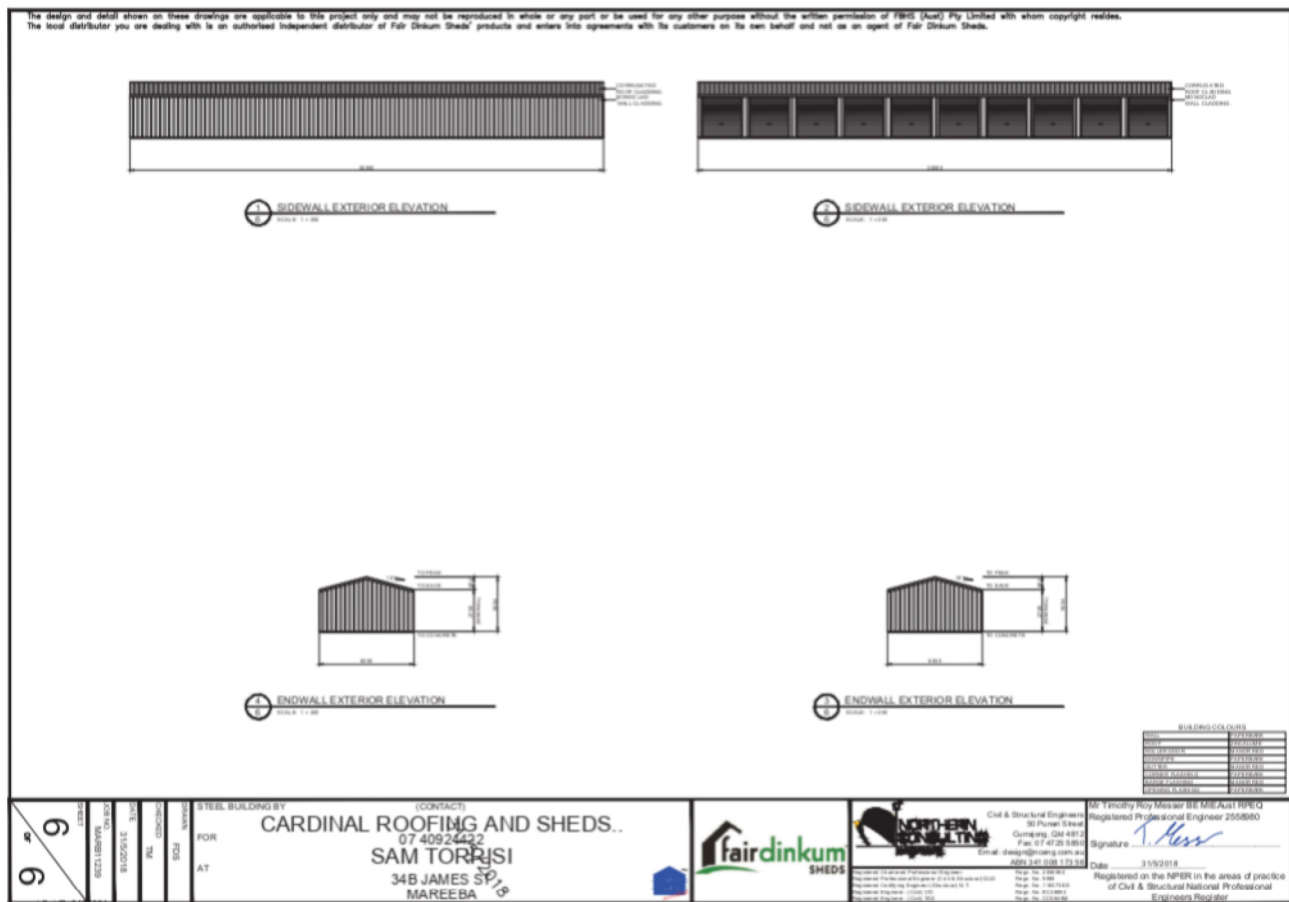
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Version: 1, Version Date: 12/12/2018

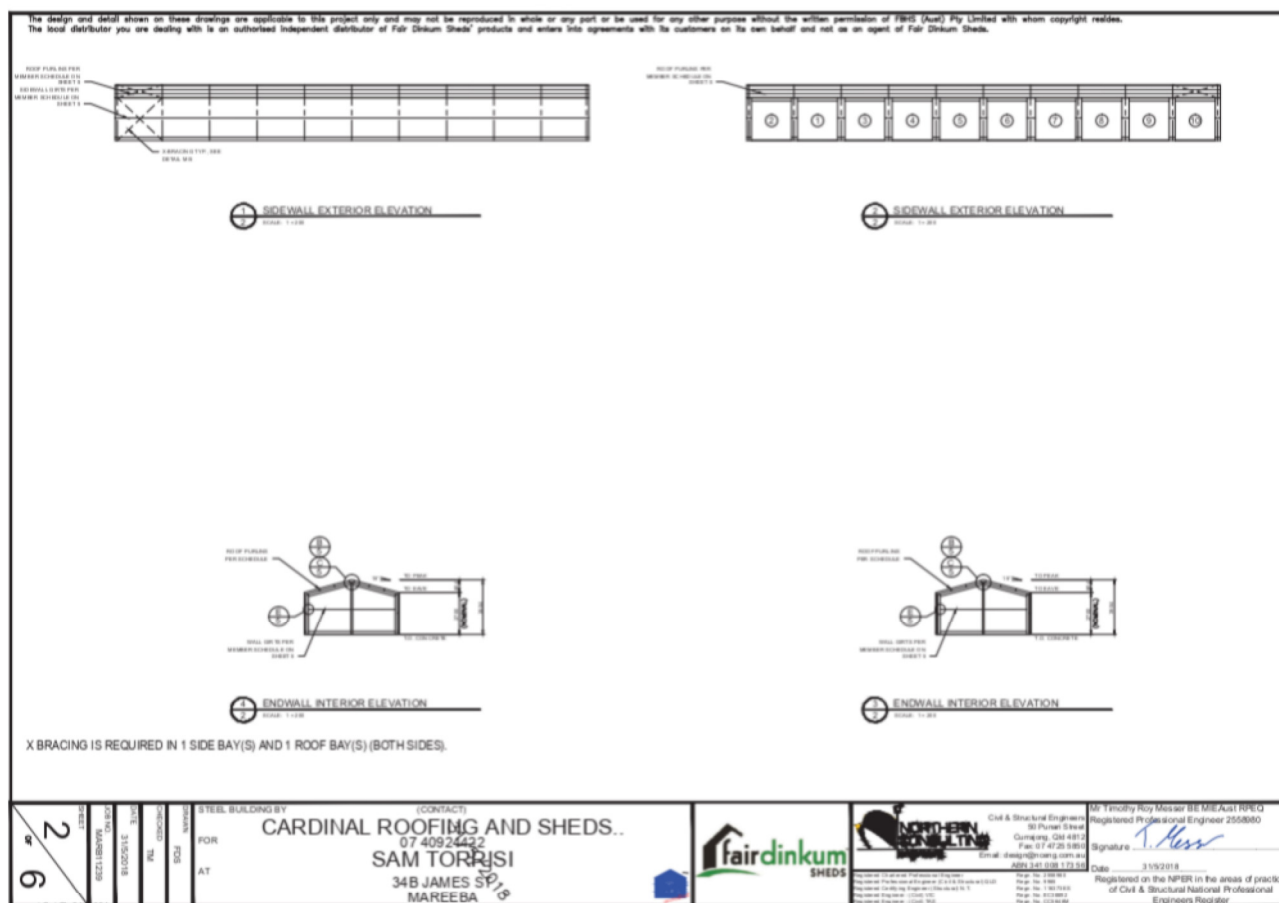
Building For:  
 Nam Torrisi  
 4b James St Mareeba  
 Job Number: 11239  
 Produced by:  
 Cardinal Roofing and Sheds..  
 Phone: 07 40924422

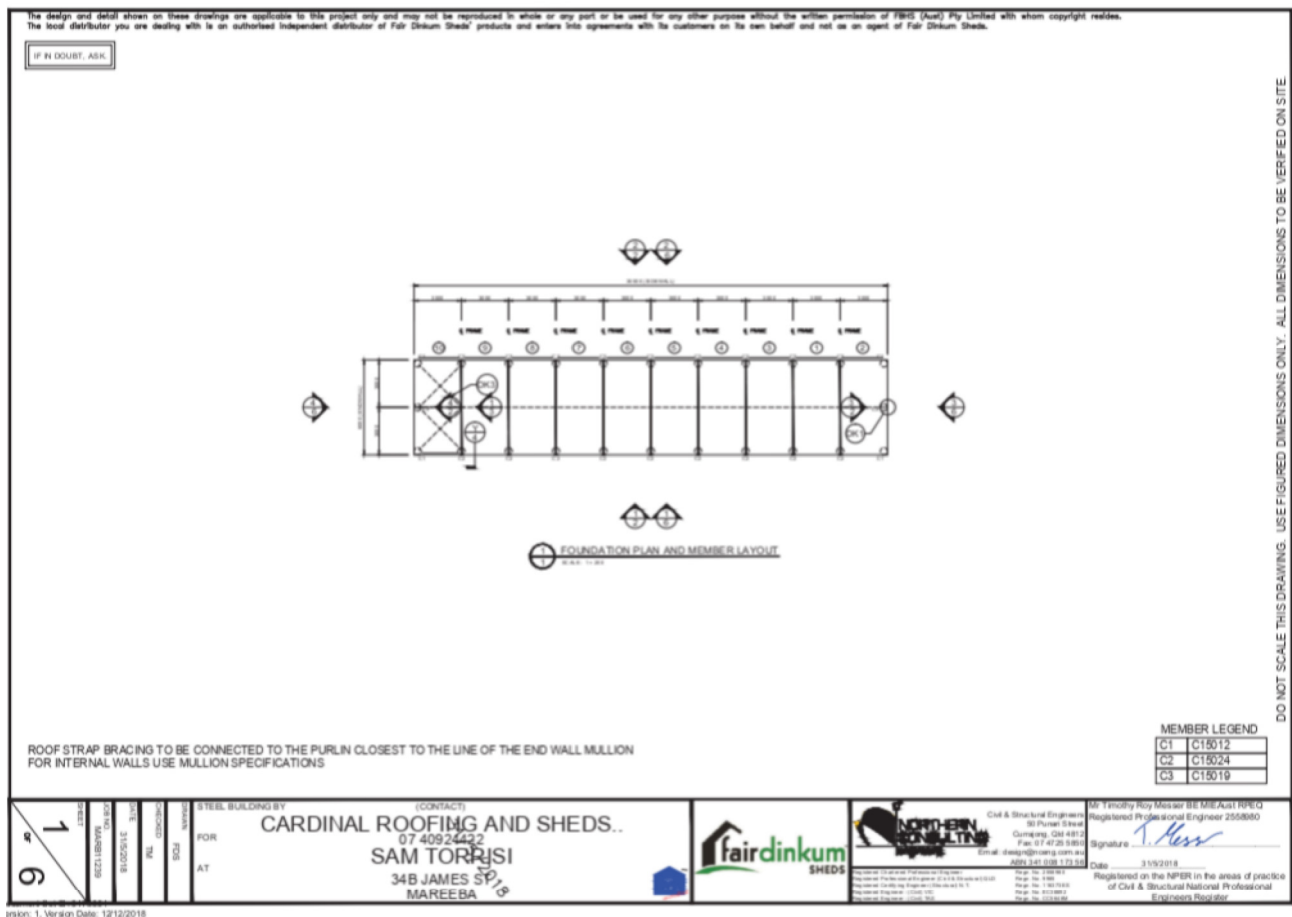


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 Version: 1, Version Date: 12/12/2018









Your ref: MCU/18/0029  
 Our ref:  
 Contact Name: Robyn Desrettes  
 Telephone: 07 3120 0087

SunWater Limited  
 Level 10, 179 Turbot Street  
 PO Box 15536 City East  
 Brisbane Queensland 4002  
 www.sunwater.com.au  
 ACN 131 034 985

25 January 2019

Mareeba Shire Council  
 PO Box 154  
**MAREEBA QLD 4880**

Dear Sir

**Proposed Development Permit**  
**Lot 19 M356128 & 23CP903074**  
**34B James Street & 135 Mason Street, Mareeba**

We refer to the above and Public Notice of Development Permit sent on the 7<sup>th</sup> January 2019.

SunWater's has reviewed information provided and SunWater has no concerns with the MCU.

If there are any further developments considered in this location SunWater would require to be notified.

Should you have any queries regarding the above, please contact either Senior Property Advisor, Robyn Desrettes 3120 0087.

Yours sincerely



Robyn Desrettes  
 Senior Property Advisor