

DELEGATED REPORT**TO:** SENIOR PLANNER**FROM:** Planning Officer**FILE:** OPW/19/0004**DATE:** 10 July 2019

APPLICATION DETAILS

APPLICATION		PREMISES	
FILE NO:	OPW/19/0004	ADDRESS:	308 Byrnes Street, Mareeba
APPLICANT:	Gregg Constructions Pty Ltd	RPD:	Lot 2 on M35663
LODGED BY:	Gregg Constructions Pty Ltd	AREA:	1,381m ²
DATE LODGED:	5 July 2019	OWNER:	Clean Choices Carwash Pty Ltd
TYPE OF APPROVAL:	Development Permit		
PROPOSED DEVELOPMENT:	Operational Works (Roadworks) for Development Permit MCU/17/0007		
PLANNING SCHEME:	Mareeba Shire Council Planning Scheme 2016		
ZONE:	Low Density Residential Zone		
LEVEL OF ASSESSMENT:	Code Assessment		
SUBMISSIONS:	N/A - Code assessment only		

PREVIOUS APPLICATIONS & APPROVALS

MCU/17/0007

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operation Works (Roadworks) for Development Permit MCU/17/0007.

ASSESSMENT**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.

Relevant Development Codes

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

6.2.6	Low density residential zone code
9.4.5	Works, services and infrastructure code

The application did not include 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.

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

Compliance with conditions of earlier related approval (MCU/17/0007)

1. *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.*
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.*
 - 2.3 *Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.*
3. *General*
 - 3.1 *The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.*
 - 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 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/Control*

- 3.4.1 *Refrigeration equipment, pumps, filter systems, mechanical plant, 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.*

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.

- 3.4.2 *All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use to the satisfaction of Council's delegated officer.*

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

- 3.4.3 *Within three (3) months of the commencement of use, the applicant/developer or subsequent owner/operator, at their sole cost, must commission a suitably qualified acoustical consultant (Member of the Australian Acoustical Society (AAS) or eligible for membership to the AAS) to conduct an acoustic assessment to verify that the noise emissions from the site are compliant with the conditions of approval and the Environmental Protection (Noise) Policy, 2008. The assessment report will be supplied to Council within fourteen (14) days of receipt by the applicant/developer or subsequent owner/operator, and no longer than six (6) months after the commencement of the use.*

Where compliance with the Environmental Protection (Noise) Policy, 2008 is not achieved, the applicant/developer or any subsequent owner/operator is required to locate the source of the noncompliant noise and reduce this to within acceptable levels within three (3) months of Council receiving the acoustic assessment by implementing the further mitigation measures outlined in the assessment.

Where compliance with the Environmental Protection (Noise) Policy, 2008 is achieved in the first instance, or where compliance is not achieved and Council is satisfied that subsequent noise nuisance mitigation strategies have been implemented, the applicant/developer or subsequent owner/operator will not be required to undertake any further noise nuisance investigations unless significant operational changes are made to the car wash use, including mechanical plant.

3.5 Waste Management

On-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

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 prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operate 24 hours a day, 7 days per week.

3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

3.7 Signage

3.7.1 Building Signage

Any signage erected on any buildings:

- *Must only contain content relating to the approved use;*
- *Must not exceed the height of the building they are mounted on; and*
- *Must not move, revolve, strobe or flash;*

3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Councils delegated officer.

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

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover (at minimum) must be constructed (from the edge of Lerra Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Roadworks External Construction

Prior to the commencement of the use, the applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

- **The development side of Lerra Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.**
- **The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.**

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

4.3 Stormwater Management

4.3.1 Prior to building works commencing, the applicant 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.

4.3.2 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.

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

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

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete 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.*

4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6 of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, 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 development, to the satisfaction of Council's delegated officer.

No fencing is to be erected along the Byrnes Street frontage of the site.

4.6 Lighting

Where 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.

4.7 Water Supply

A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

4.8 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 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).

FNQROC Regional Development Manual

The submitted plans have been checked for compliance against the FNQROC Development Manual and are considered to comply.

REFERRALS

Internal Consultation

Technical Services

OFFICER'S RECOMMENDATION

- That in relation to this operational works development application:

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and in accordance with the Planning Act 2016, as amended, the applicant be notified that the application for operational works is:

Approved subject to the following assessment manager conditions:

(A) APPROVED DEVELOPMENT: Development Permit for Operational Works (Roadworks) for Development Permit MCU/17/0007

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
39319 Sheet No. C3 of 3	Proposed Pavement Layout Plan	TMC Building Design Group	October 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) General

- (i) All operational works must be designed and constructed in accordance with the procedures as set out in the FNQROC Development Manual.
- (ii) 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, and subject to any alterations:
 - found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
 - to ensure the works comply in all respects with the requirements and procedures of the FNQROC Development Manual and good engineering practice; and
 - to ensure compliance with the following conditions of approval.
- (iii) Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.
- (iv) The widening on the northern side of Lerra Street must extend from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street as per Condition 4.2 of Councils Negotiated Decision Notice Approval for MCU/17/0007.

(b) Pre-start Meeting

- (i) In addition to the requirements of Clause CP1.07 and CP1.08 of the FNQROC Development Manual; after documentation has been approved by Council, a pre-start meeting is to be held on site prior to the commencement of work. Part 1 of the **attached** pre-start meeting pro-forma is to be completed and returned prior to the meeting including clause 1.u 'Request for Meeting' together with the prescribed Construction Monitoring Fee as set out in Council's Schedule of Fees.

(c) Inspections

- (i) Inspections are to be carried out as detailed in the FNQROC Manual unless advised otherwise at the pre-start meeting.

(d) Construction Security Bond and Defects Liability Bond

- (i) In addition to Clauses CP1.06 and CP1.20 of the FNQROC Development Manual; the Construction Security Bond and Defects Liability Bond shall each be a minimum of \$1000 and Bank Guarantees shall have no termination date.
- (ii) During the Defects Liability period, it is the responsibility of the developer to rectify any works found to be defective due to design faults and or found to exhibit faults attributed to the performance of the construction activities in terms of quality and conformance with design and specifications. The bond will be returned on satisfactory correction of any defective work and after expiration of the maintenance period. Failure to comply with a Council issued instruction to correct defective work may result in the call up of the bond to have the work completed.

(e) Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
 - 7.00am to 6.00pm, Monday to Friday;
 - 7.00am to 1.00pm Saturdays;
 - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

(f) Transportation of Soil

- (i) 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 pavement from works on the subject land, it must be removed no later than at the end of each working day. Sediment must not enter Council's stormwater drainage network.

(D) RELEVANT PERIOD

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

- Two (2) years (starting the day the approval takes effect).

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

- Nil

DECISION BY DELEGATE

DECISION

Having considered the Planning Officer's report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 10TH day of JUL 2019



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

