

DELEGATED REPORT

SUBJECT: C KILPATRICK - MATERIAL CHANGE OF USE - COMMUNITY RESIDENCE (HOSPICE) - LOT 206 ON RP747217 - 276 EULUMA CREEK ROAD, JULATTEN - MCU/19/0015

DATE: 20 November 2019

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C Kilpatrick	ADDRESS	276 Euluma Creek Road, Julatten
DATE LODGED	2 October 2019	RPD	Lot 206 on RP747217
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Community Residence (Hospice)		

FILE NO	MCU/19/0015	AREA	5.85 hectares
LODGED BY	C Kilpatrick	OWNER	R & C Kilpatrick
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

The applicants propose the establishment of a community residence (hospice) for a maximum of 6 persons. The purpose of the hospice will be to aid, support and provide education to people who have moved away from conventional treatments to various diseases. The hospice will provide a peaceful and secluded environment, away from their normal homes, in which to refresh and restore peace and hope. The development will be carried out in 6 stages, the first Stage will include the construction of 2 cottages and a conference room, Stage 2, 3 and 4 will include the construction of an additional cottage per Stage, Stage 5 will include a spa/sauna and Stage 6 will include a chapel. All elements of the development will be available for use by hospice clients staying on-site only.

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.

Amenity impacts are always the critical planning consideration when assessing development applications proposing uses that include non-residential components, particularly within the Rural Residential Zone. However, considering the tranquil nature of the use, as well as its small scale, the development is not likely to have a detrimental impact on nearby residential uses.

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

OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C Kilpatrick	ADDRESS	276 Euluma Creek Road, Julatten
DATE LODGED	2 October 2019	RPD	Lot 206 on RP747217
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Community Residence (Hospice)		

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 - Community Residence (Hospice)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
19090601 A 02	Site Plan	Superior Steel Homes	9/09/2019
19090601 A 02A	Site Plan	Superior Steel Homes	9/09/2019

(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 demonstrate to 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/contributions contained 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 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 Waste Management

The applicant shall ensure there is no on-site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

 - (i) No refuse is to be stored on site outside the refuse bins at any time.
 - (ii) On site refuse storage area/s for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.6 Accommodation Capacity

A maximum of six (6) persons may be accommodated in the community residence at any one (1) time.

3.7 Notification of Potential Rural Zone Impacts

3.7.1 The applicant/developer is to erect signage at or near the entrance to the conference building advising occupants/visitors that the subject land is in a rural locality. The signage should generally state the following:

"Occupants, visitor and Guests should take note:

- *The locality may be used for intensive rural uses. People staying at or visiting the site may experience off site effects from rural activities including noise, sprays, odours and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

3.7.2 Administrative procedures are to be put in place ensuring that all persons residing on the site or visiting the site are made aware of the potential for the abovementioned off-site impacts, to the satisfaction of Council's delegated officer.

3.8 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external 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

Access crossovers servicing the development must be upgraded/constructed (from the edge of Euluma Creek Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development 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 an adequate number of carparks (minimum of four (4)) including disabled parking is provided on-site to accommodate the demands of the community residence.
- 4.3.2 The entire internal road network servicing the development must be wide enough to accommodate two (2) directional traffic.
- 4.3.3 All car parking spaces and internal roads must be concrete, bitumen or asphalt sealed, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- 4.3.4 Prior to works commencing, the developer must submit plans and details for the construction of proposed car parking facilities and internal driveways demonstrating:
- Compliance with Conditions 4.3.1 - 4.3.3;
 - Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
 - Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.
- 4.3.5 All internal driveways and carparks must be maintained to the above standard for the life of the development.

4.4 Landscaping/Landscape Buffering

Prior to the commencement of the use, the applicant / developer must prepare and submit a detailed landscape plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The landscape plan must include the following:

- (i) A minimum 1.5 metre wide landscape strip along that part of the northern boundary of the subject land commencing at the Euluma Creek Road frontage and extending to a point corresponding with the western wall of Cottage 1. This landscaping should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height;
- (ii) A minimum three (3) metre wide landscape strip along the entire Euluma Creek Road frontage of the site, excluding access points. This landscaping should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height; and
- (iii) any internal landscaping proposed.

All landscaping works shall be carried out in accordance with Planning Scheme Policy 6 - Landscaping and Preferred Plant Species and must be undertaken prior to the commencement of the use. A minimum of 25% of plants must be provided as larger, advanced stock with a minimum height of 0.7m. All landscaping must be mulched, irrigated and maintained for the life of the development and 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 eight (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.

Note: *The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.*

4.6 Water Supply

- (i) The development must be provided with a potable water supply that satisfies the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- (ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non-potable Water - not safe for Human Consumption.

4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Note: *Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.*

(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.
- (d) 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.

- (e) 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.

- (f) 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

- (g) 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

(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:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
	(road network only)		\$	\$	\$
Community Residence	\$4,700.00	1	\$4,700.00	Nil	\$4,700.00
TOTAL CURRENT AMOUNT OF CHARGE					\$4,700.00

THE SITE

The subject site is situated at 276 Euluma Creek Road, Julatten, and is described as Lot 206 on RP747217. The site is irregular in shape, with a total area of 5.85 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. The site is accessed from Euluma Creek Road via a single gravel crossover. Euluma Creek Road is constructed to a bitumen sealed standard.

The site is improved by a dwelling house and outbuildings set back approximately 230 metres from Euluma Creek Road on a ridgeline that follows the southern property boundary. From this ridgeline, the property falls downhill towards the northern property boundary. A large water storage dam is constructed towards the front of the property.

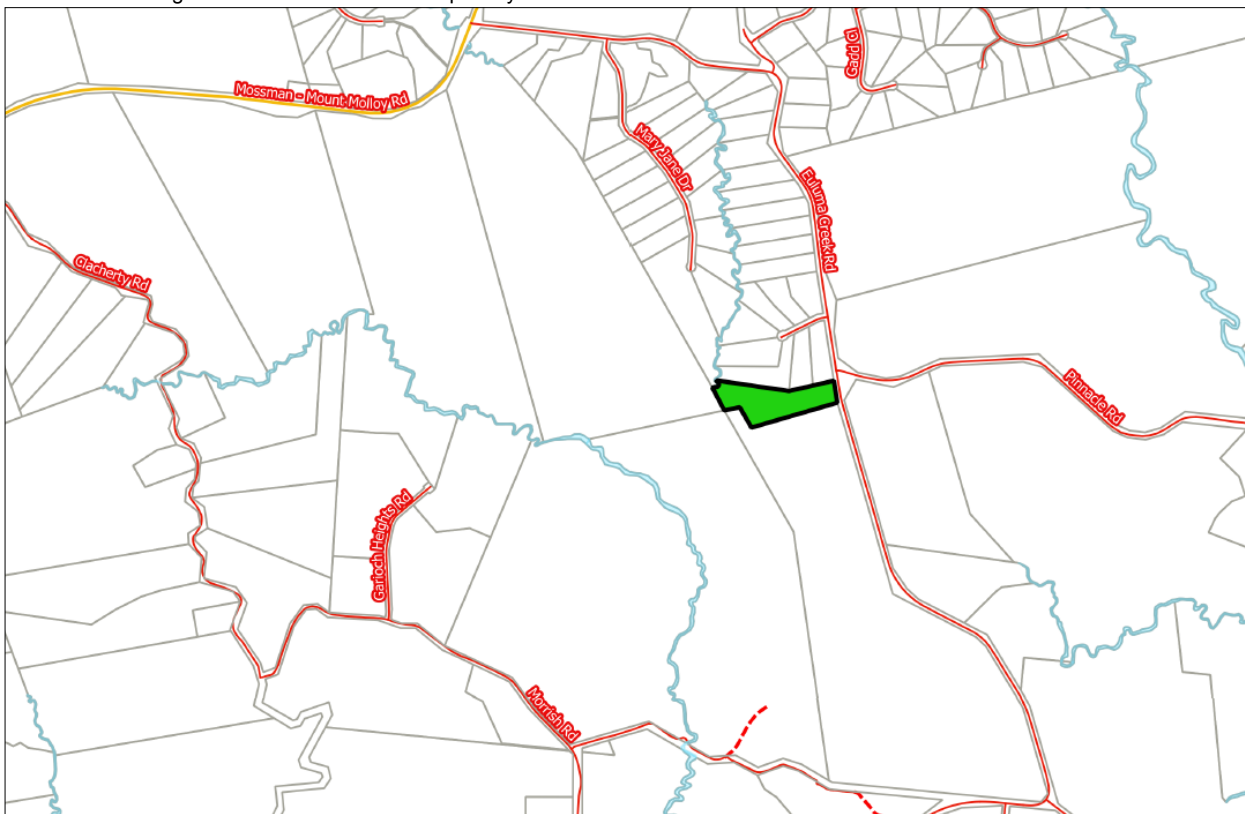
The rear quarter of the property is heavily vegetation and slopes down to Devil Devil Creek which forms part of the western boundary.

Land to the north is zoned Rural Residential and is development for rural residential living purposes. Land to the south, west and east is zoned Rural and is used for rural agricultural purposes.



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

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The applicants propose the establishment of a community residence (hospice) for a maximum of 6 persons. The purpose of the hospice will be to aid, support and provide education to people who have moved away from conventional treatments to various diseases. The hospice will provide a peaceful and secluded environment, away from their normal homes, in which to refresh and restore peace and hope.

The development will be carried out in the following 6 stages:

- Stage 1 - Conference building, disabled cottage, cottage 1, access and carpark;
- Stage 2 - Caretakers residence;
- Stage 3 - Cottage 2;
- Stage 4 - Cottage 3;
- Stage 5 - Spa/sauna; and
- Stage 6 - Chapel.

All elements of the development will be available for use by hospice clients staying on-site only.

The conference room is to be used by guests to have consultations, treatments, cooking demonstrations and showing videos pertaining to their health issues. The Chapel is for meditation and will be a place for guests to have a quiet contemplative time.

REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3 - 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
	<ul style="list-style-type: none"> • <i>Rural Residential Area</i>
Zone:	Natural Environment Elements
	<ul style="list-style-type: none"> • <i>Biodiversity Areas</i> • <i>Habitat Linkage</i>
Overlays:	Rural Residential zone (Precinct C)
	Agricultural Land Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood 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
Community residence	<p><i>Any dwelling used for accommodation for a maximum of six persons who require assistance or support with daily living needs, share communal spaces and who may be unrelated.</i></p> <p><i>The use may include a resident support worker engaged or employed in the management of the residence.</i></p>	<i>Hospice</i>	<i>Dwelling house, dwelling unit, residential care facility, rooming accommodation, short-term accommodation</i>

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**Relevant Development Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.3.1 Accommodation activities code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access 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 outcomes (or performance outcome 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
Rural residential zone code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Accommodation activities code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Community activities code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Parking and access code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(e) Planning Scheme Policies

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 relevant development works be designed and constructed in accordance with FNQROC Development Manual Standards.

(f) Adopted Infrastructure Charges Notice

The Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 2) 2019 applies to the development.

The subject land is not serviced by reticulated water and sewerage infrastructure.

The proposed use is for a hospice where guests are expected to have long stays with limited vehicle use and limited use of offsite open space infrastructure.

Given the location and nature of the proposed use, a reasonable infrastructure contribution would be the standard base charge of \$4,700.00.

REFERRALS

This application did not trigger referral to a Concurrence Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: 20 November 2019

DECISION BY DELEGATE

DECISION

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

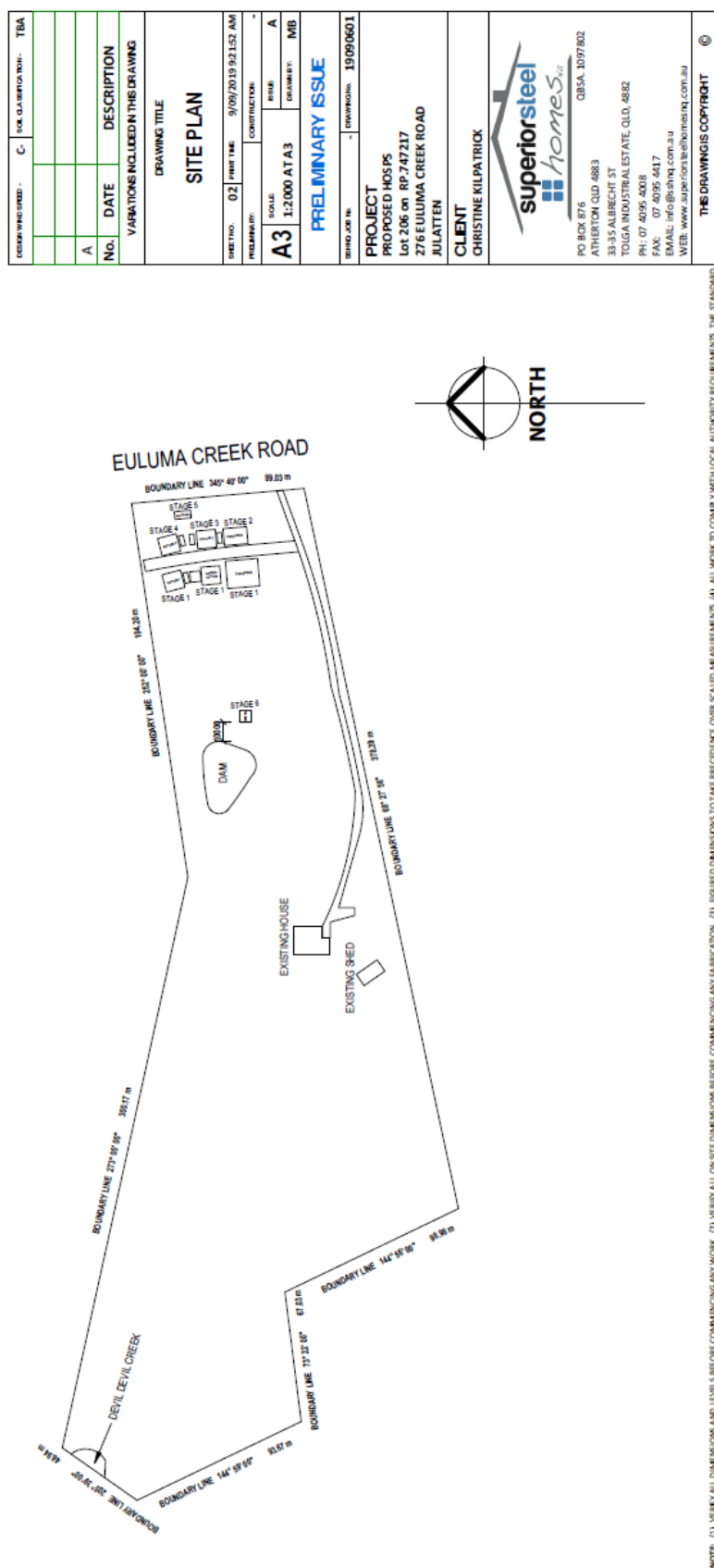
Dated the *20TH* day of *NOVEMBER* 2019



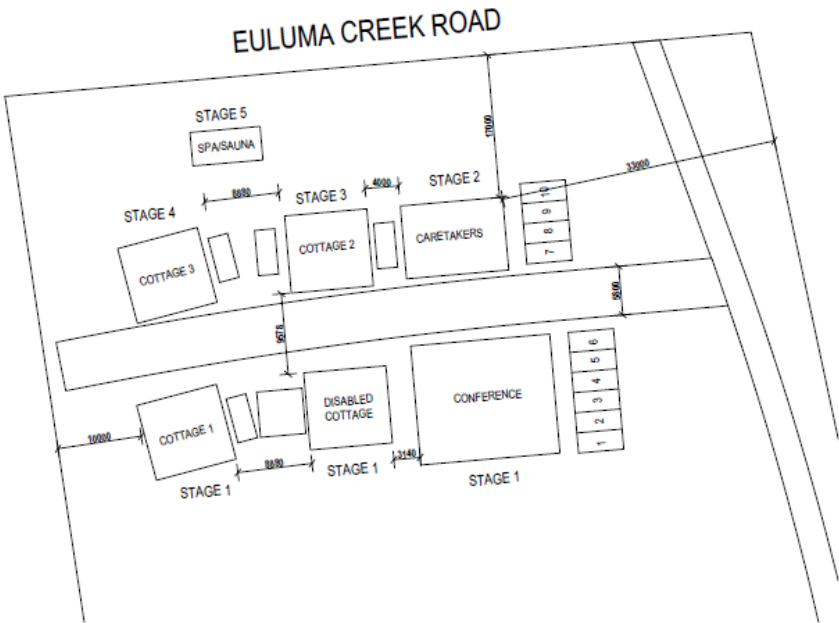
BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

APPROVED PLANS



DESIGN NAME (REVISED) -	C	FOR CLIENT REVIEW ONLY -	TBA			
No.	A	DATE	DESCRIPTION			
VARIATIONS INCLUDED IN THIS DRAWING						
DRAWING TITLE						
SITE PLAN						
SHEET NO. 02A	PRINT TIME 9/09/2019 12:15Z AM	DATE OF ISSUE -	CONTRACTOR -			
PRELIMINARY	SCALE 1:500 AT A3	DATE A	DRAWN BY MB			
PRELIMINARY ISSUE						
PROJECT	19090601					
PROPOSED HOUS	PROJECT					
Lot 206 on RP 747217	PROPOSED HOUSING					
276 EULUMA CREEK ROAD	LOT 206 ON RP747217					
JULATTEN	276 EULUMA CREEK ROAD					
CLIENT	JULATTEN					
CHRISTINE KILPATRICK	CLIENT					
superiorsteel homes						
PO BOX 875						
ATHERTON QLD 4883						
33-35 ALBRECHT ST						
TOLGA INDUSTRIAL ESTATE, QLD, 4882						
PH: 07 4095 4008						
FAX: 07 4095 4417						
EMAIL: info@superiorsteel.com.au						
WEB: www.superiorsteelhomes.com.au						
THIS DRAWING IS COPYRIGHT						



1 SITE PLAN ENLARGED
04 SCALE - 1:500

NOTE: (1) VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL ON-SITE DIMENSIONS BEFORE COMMENCING ANY CONSTRUCTION. (3) PROVIDE DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED. (4) ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAW, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5) SUBSTITUTION OF ANY STRUCTURAL MATERIALS OR VARIATIONS TO ANY PART OF THE DESIGN, WILL VOID ANY RESPONSIBILITIES OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.