

## 8.5 CROFT DEVELOPMENTS PTY LTD - MATERIAL CHANGE OF USE - RESIDENTIAL CARE FACILITY (120 BEDS) - LOT 1 ON SP298397 - 2-18 HAREN STREET, MAREEBA - MCU/19/0019

**Date Prepared:** 29 June 2020

**Author:** Senior Planner

**Attachments:**

1. Proposal plans
2. State Assessment and Referral Agency response dated 26 June 2020

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Croft Developments Pty Ltd	<b>ADDRESS</b>	2-18 Haren Street, Mareeba
<b>DATE LODGED</b>	7 January 2020	<b>RPD</b>	Lot 1 on SP298397
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Residential Care Facility (120 beds)		
<b>FILE NO</b>	MCU/19/0019	<b>AREA</b>	2.893 hectares
<b>LODGED BY</b>	Urban Sync Pty Ltd	<b>OWNER</b>	Signature Care Land Holdings Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

### EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The applicants propose the development of the site into a 120 bed residential care facility (nursing home) which will focus primarily on providing "high care" accommodation.

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme. The proposed development is consistent with the intent of the Low Density Residential zone and no significant town planning issues have been identified.

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	Croft Developments Pty Ltd	ADDRESS	2-18 Haren Street, Mareeba
DATE LODGED	7 January 2020	RPD	Lot 1 on SP298397
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Residential Care Facility (120 beds)		

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), referral 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.

APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Residential Care Facility (120 beds)(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA00	Cover Page & Development Summary	Croft Developments Pty Ltd	12/12/2019
DA01	Site Analysis	Croft Developments Pty Ltd	12/12/2019
DA02	Proposed Site Plan	Croft Developments Pty Ltd	12/12/2019
DA03	Proposed Ground Floor Plan	Croft Developments Pty Ltd	12/12/2019
DA04	Proposed Elevations & Sections	Croft Developments Pty Ltd	12/12/2019
DA05	Shadow Diagrams	Croft Developments Pty Ltd	12/12/2019
1907-038-SD-L1.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape 13/12/2019
1907-038-SD-L2.01_Rev2	Mareeba Aged Care - Design Development	Landplan Architecture	Landscape 13/12/2019

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

##### (a) Development assessable against the Planning Scheme

- 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 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 the 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 Air Conditioner & Building Plant Screening

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.

### 3.6 Waste Management

All on site refuse storage area/s must 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.

### 3.7 Hours of Operation

Operation of trucks and commercial vehicles (excluding waste collection vehicles) during the operational phase of the development must only occur between 7am - 7pm Monday to Saturday and 9am to 5pm on Sundays.

## 4. Infrastructure Services and Standards

### 4.1 Access

A **Commercial** access crossover to Constance Street must be constructed (from the edge of the road pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Access between the development and the Mareeba Connection Road must be constructed to the requirements of the State Assessment and Referral Agency.

#### 4.2 Stormwater Drainage/Water Quality

4.2.1 Carry out all stormwater drainage work in accordance with the Site Based Stormwater Management Plan prepared by Morgan Consulting Engineers, dated 12 December 2019, document reference 19157 - SBSMP/1.

4.2.2 Prior to the commencement of the use, submit to Council certification from a Registered Professional Engineer Queensland, that all the treatments and measures recommended in the approved Site Based Stormwater Management Plan have been implemented and constructed into the development.

#### 4.3 Erosion and Sediment Control

Implement and maintain an Erosion and sediment control (ESC) management plan on-site for the duration of the operational and/or building works, and until all exposed soil areas are permanently stabilised (e.g. turfed, hydromulched, concrete, landscaped).

#### 4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Revision 1, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and 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.

#### 4.5 Landscaping & Fencing

4.5.1 Complete landscaping of the development as shown on the approved Mareeba Aged Care - Design Development (1907-038-SD-L1.01\_Rev2 & 1907-038-SD-L2.01\_Rev2), prepared by Landplan Landscape Architecture, dated 13 December 2019.

4.5.2 The landscaping of the site must be carried out in accordance with the approved landscaping plan, irrigated and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.5.3 Boundary fencing, in accordance with Drawing DA02 Revision 1, must be erected prior to the commencement of the use.



4.5.4 All fencing must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

Design and install all external lighting in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

4.7 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.

4.8 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 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 (house connection branch installation)

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) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(f) A Trade Waste Permit will be required prior to the commencement of use.

(g) 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.

(h) 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.

(i) 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).

(j) 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) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 26 June 2020.

## (F) 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);

## (G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

## (H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1

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

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per m <sup>2</sup> GFA	\$	\$	\$
Essential Services (residential care facility)	\$96.35	4,126m <sup>2</sup>	\$397,540.00	\$19,280.00	\$378,260.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$378,260.00</b>

## THE SITE

The subject site is situated at 2-18 Haren Street, Mareeba, and is described as Lot 1 on SP298397. The site is generally triangular in shape, has a total area of 2.893 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 314 metres of frontage to the Mareeba Connection Road, 210 metres frontage to Haren Street, 20 metres frontage to Constance Street and 15 metres frontage to Antonio Drive. All frontage roads are constructed bitumen sealed roads of varying widths. Informal access to the site is available from Antonio Drive and the Mareeba Connection Road.

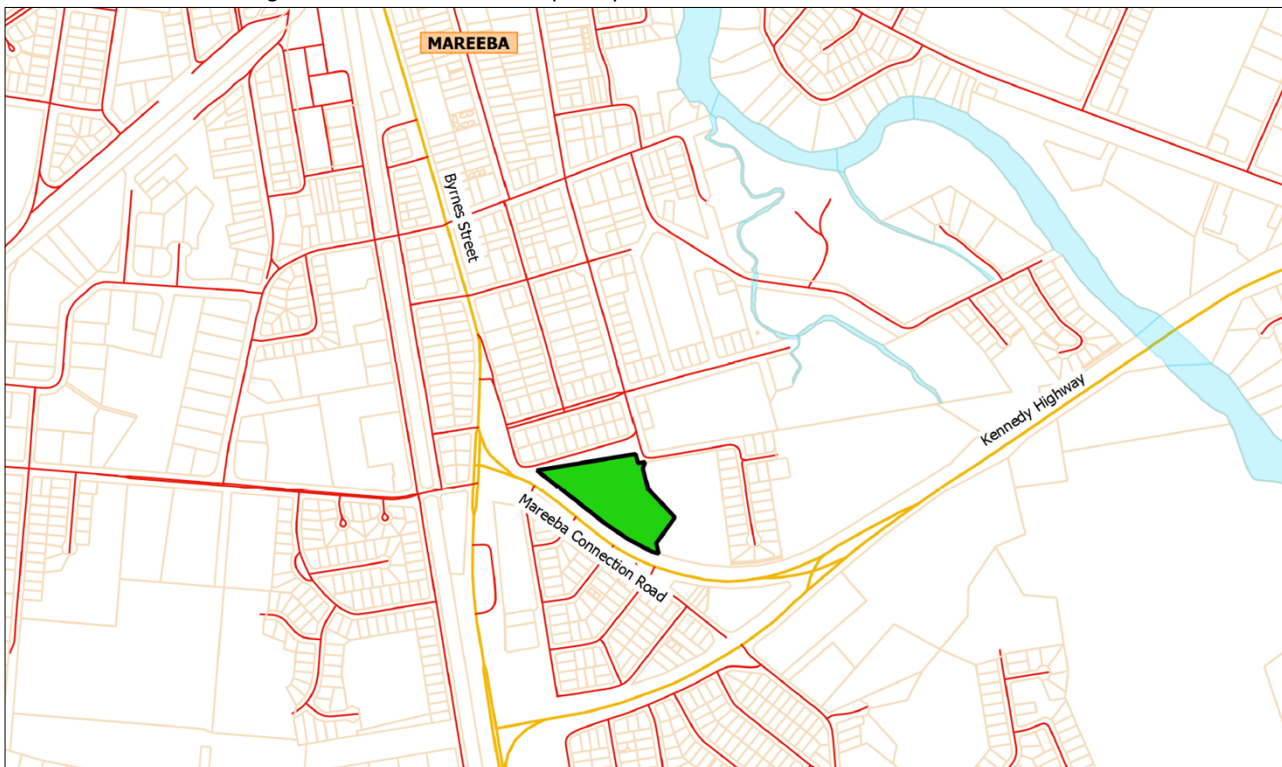
The site is unimproved with sparse vegetation remaining over its full extent. The site falls gently from the Mareeba Connection Road frontage towards the north-eastern corner.

Council sewerage infrastructure (gravity sewer main & rising main) traverses along the eastern boundary of the subject land and is protected by an easement. All urban services are established in proximity to the subject land.

The majority of neighbouring allotments are zoned *Low Density Residential* and are predominantly used for single dwelling houses. The Department of Natural Resources, Mines and Energy (Mareeba Office) is located directly to the north-east of the subject land.

**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 - Residential Care Facility (120 Beds) in accordance with the plans shown in **Attachment 1**.

The following is a summary of the proposed development provided by the applicants:

*"The Applicant is a significant provider of purpose-built aged care facilities across Australia, and in particular, north Queensland, with several facilities currently constructed and operational in the Cairns region. Assessment by the Applicant has determined a need exists in the Mareeba area (and surrounds) for residential aged care.*

*Due to the size of the facility, site options are limited. The site was chosen due to its size, proximity to the town centre of Mareeba and adjacent and easily accessible transport infrastructure.*

*The proposed development will be of a nature, size and scale akin to the other, recently completed similar aged care facilities in the Cairns region and will focus on predominantly 'high care' accommodation.*

*The proposed development will generally include the following elements:*

- *Single storey with a maximum height of approximately 6.34m above ground level;*
- *A total building footprint of 7,630m<sup>2</sup> and a site coverage of 26%;*
- *120 rooms (with several differing rooms types) each with their own ensuite, spread between five (5) 'wings';*
- *Several communal lounges, activity rooms and dining areas;*
- *Doctor and nursing facilities;*
- *A library, hairdresser, café, and a chapel;*
- *Two (2) kitchens for the on-site provision of all meals;*
- *Back of house (laundry, linen, staff rooms etc.);*
- *Reception, concierge and entry foyer;*
- *Offices for staff;*
- *Meeting rooms;*
- *Central, outdoor courtyards and gazebos;*
- *Entry signage;*
- *Landscaping and the removal of all existing trees from within the development footprint, generally as shown on the Landscape Plan in Attachment 11; and*
- *A mix of boundary and internal fencing, inclusive of 1.8m and 1.4m high Colourbond fencing and 1.4m high 'pool' style fencing;"*

## 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:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• State Controlled Road</li> <li>• Principal Cycle Route</li> </ul>
Zone:	Low Density Residential Zone
Overlays:	<ul style="list-style-type: none"> <li>• Airport Environs Overlay</li> <li>• Bushfire Hazard Overlay</li> <li>• Residential Dwelling House and Outbuilding Overlay Code</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>
<b><i>Residential Care Facility</i></b>	<i>A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care.</i>	<i>Convalescent home, nursing home</i>	<i>Community residence, dwelling house, dual occupancy, hospital, multiple dwelling, retirement facility</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 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
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.10 Residential dwelling house and outbuilding 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.

<b>Relevant Codes</b>	<b>Comments</b>
Low Density Residential Zone Code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>PO4/AO4</li> <li>PO5/AO5</li> </ul> Refer to planning discussion section of report.
Airport Environ 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).
Residential Dwelling House and Outbuilding 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).

Transport Infrastructure 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 complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>PO4/AO4.1</li> </ul> Refer to planning discussion section of report.
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).

#### **(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 Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 1) 2020 - Table 1 places a residential care facility into the Essential Services category.

The charge rate for an Essential Services use is \$96.35 per m2 of gross floor area (GFA).

The Mareeba Shire Council Planning Scheme 2016 defines GFA as:

*The total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:*

- (a) building services, plant and equipment*
- (b) access between levels*
- (c) ground floor public lobby*
- (d) a mall*
- (e) the parking, loading and manoeuvring of motor vehicles*
- (f) unenclosed private balconies whether roofed or not.*



The calculated GFA for the proposed development is 4,126m<sup>2</sup> (2,293m<sup>2</sup> age care rooms, 1,833m<sup>2</sup> other area). This calculation has been reasonable in the application of the GFA exemptions outlined in (a) to (f) above.

Based on the above charge rate, the adopted infrastructure charge for the development is as follows:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per m <sup>2</sup> GFA	\$	\$	\$
Essential Services (residential care facility)	\$96.35	4,126m <sup>2</sup>	\$397,540.00	\$19,280.00	\$378,260.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$378,260.00</b>

## REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (SARA) as a referral agency for State controlled road infrastructure.

SARA advised in a letter dated 26 June 2020 that they require the conditions to be attached to any approval (**Attachment 2**).

## Internal Consultation

Technical Services, Water & Waste.

The proposed development has been calculated to equate to 127 Equivalent Persons (EP) for water and sewerage demand purposes. Council's Water & Waste Engineer confirms that the existing sewer and water reticulation infrastructure is able to accommodate the additional 127 EP.

## 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 specific outcome can be achieved.

### Low Density Residential Zone Code

*Accommodation density*

#### **PO4**

*The density of Accommodation activities:*

- (a) *contributes to housing choice and 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**

The site has an area of 28,930m<sup>2</sup> and the proposed facility includes 120 single accommodation units (beds), resulting in a density of 1 unit per 241m<sup>2</sup> of site area, which is non-compliant with the required 250m<sup>2</sup> of site area per unit outlined in Table 6.2.6.3B.

Notwithstanding the minor noncompliance with AO4, the proposed development satisfies PO4.

**PO5**

*The density of Accommodation activities:*

- (a) contributes to housing choice and 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*

**AO5**

Gross floor area does not exceed 600m<sup>2</sup>.

**Comment**

The acceptable solution figure of 600m<sup>2</sup> is based on the premise that the development site is a typical 1,012m<sup>2</sup> allotment. This would equate to a 60% site coverage.

The proposed development has a total building footprint of 7,630m<sup>2</sup> and the site has an area of 28,930m<sup>2</sup>. The proposed development equates to a site coverage percentage of 26.4%, well below the 60% maximum intended by AO5.

The proposed development is an efficient and balanced use of the site.

**Accommodation Activities Code****PO4**

*Accommodation activities are provided with sufficient private and communal open space areas which:*

- (a) accommodate a range of landscape treatments, including soft and hard landscaping;*
- (b) provide a range of opportunities for passive and active recreation;*
- (c) provide a positive outlook and high quality of amenity to residents;*
- (d) is conveniently located and easily accessible to all residents; and*
- (e) contribute to an active and attractive streetscape.*

**AO4.1**

*Development, except for Caretaker's accommodation, Dwelling house, Dual occupancy or Home based business, includes communal open space which meets or exceeds the minimum area, dimension and design parameters specified in Table 9.3.1.3C.*

**Comment**

The proposed development is for a residential care facility.

Whilst the proposed development will not provide all the communal open space requirements specified by Table 9.3.1.3C, it will provide sufficient facilities for the residents.

*"The proposed development is a purpose built complex for a specific demographic, i.e., elderly persons who need a specific level of care and is akin to various other examples of similar development undertaken by the Applicant across Australia. Based on previous examples, the Applicant is aware of the key elements that need to be included to ensure a successful and functional operation. Accordingly, the proposed development will be designed to suitably accommodate all resident's needs.*

*With this in mind, it is not considered all the open space requirements are, nor should they necessarily be applicable."*

Hard and soft landscape treatments will be implemented throughout the proposed development.

Indoor lounge, TV and activity areas, internal, albeit outdoor courtyards and the wider grassed outdoor grounds (playgrounds and gazebos etc.) will provide ample opportunity for a variety of recreational pursuits for both residents and their families when visiting.

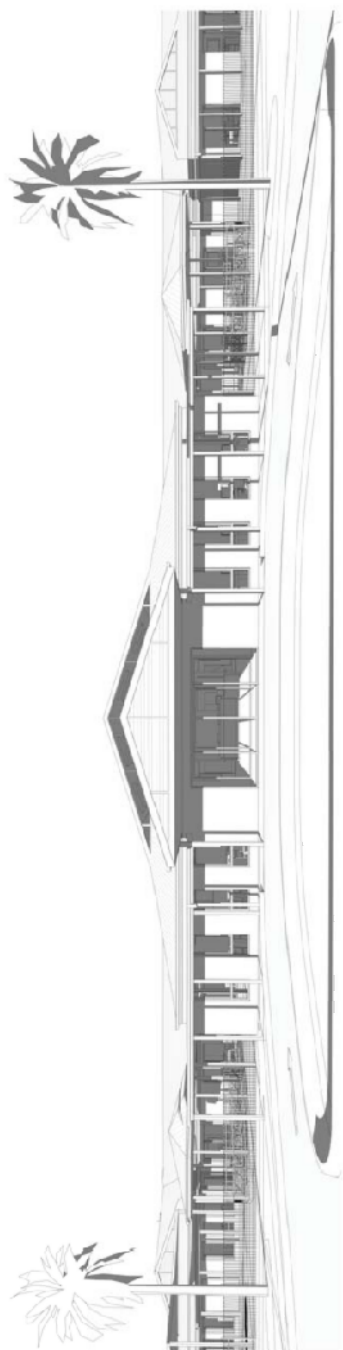
All recreational areas will be of a high quality and provide high levels of amenity

Numerous indoor recreation and outdoor courtyards are proposed, ensuring both indoor and outdoor recreation opportunities are provided to and easily accessible by each resident.

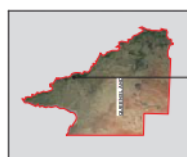
The proposed landscape design demonstrates that the proposed development will not have a negative impact on the surrounding streetscapes.

The development complies with PO4.

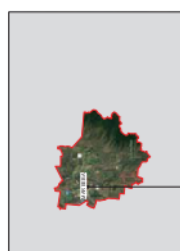
## 2-18 HAREN ST, MAREEBA QLD 4880



## MAIN ENTRANCE



### LOCALITY DIAGRAM



SITE AERIAL PHOTO &amp; SUBJECT SITE

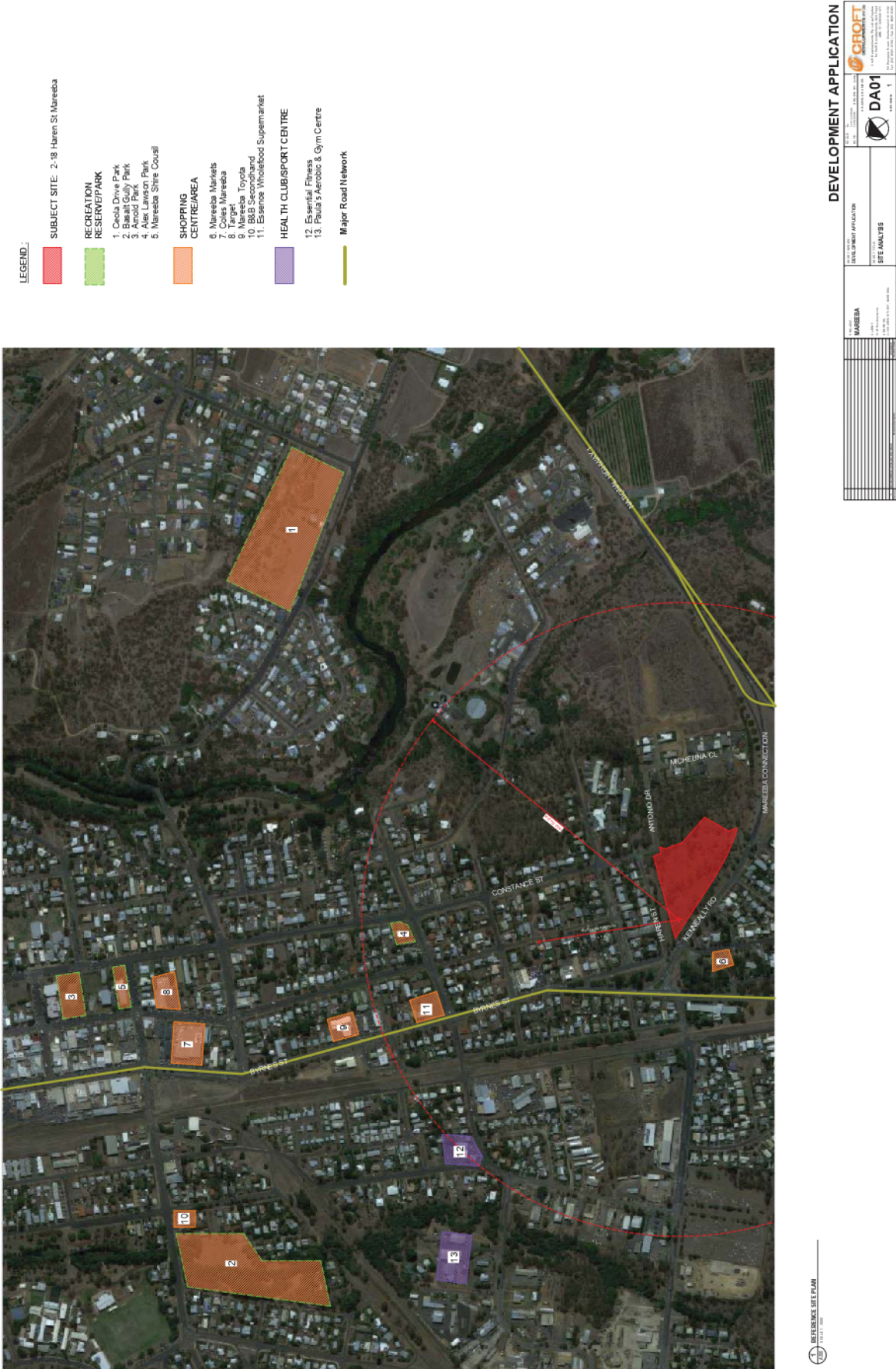


NOTE: THIS IS NOT AN ACCURATE  
REPRESENTATION OF THE TITLE COMPANY

SHEET LIST	
NO.	DESCRIPTION
1	COVER SHEET
2	GENERAL NOTES
3	SECTION 101-102
4	SECTION 101-103
5	SECTION 101-104
6	SECTION 101-105
7	SECTION 101-106
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133	SECTION 101-232
134	SECTION 101-2

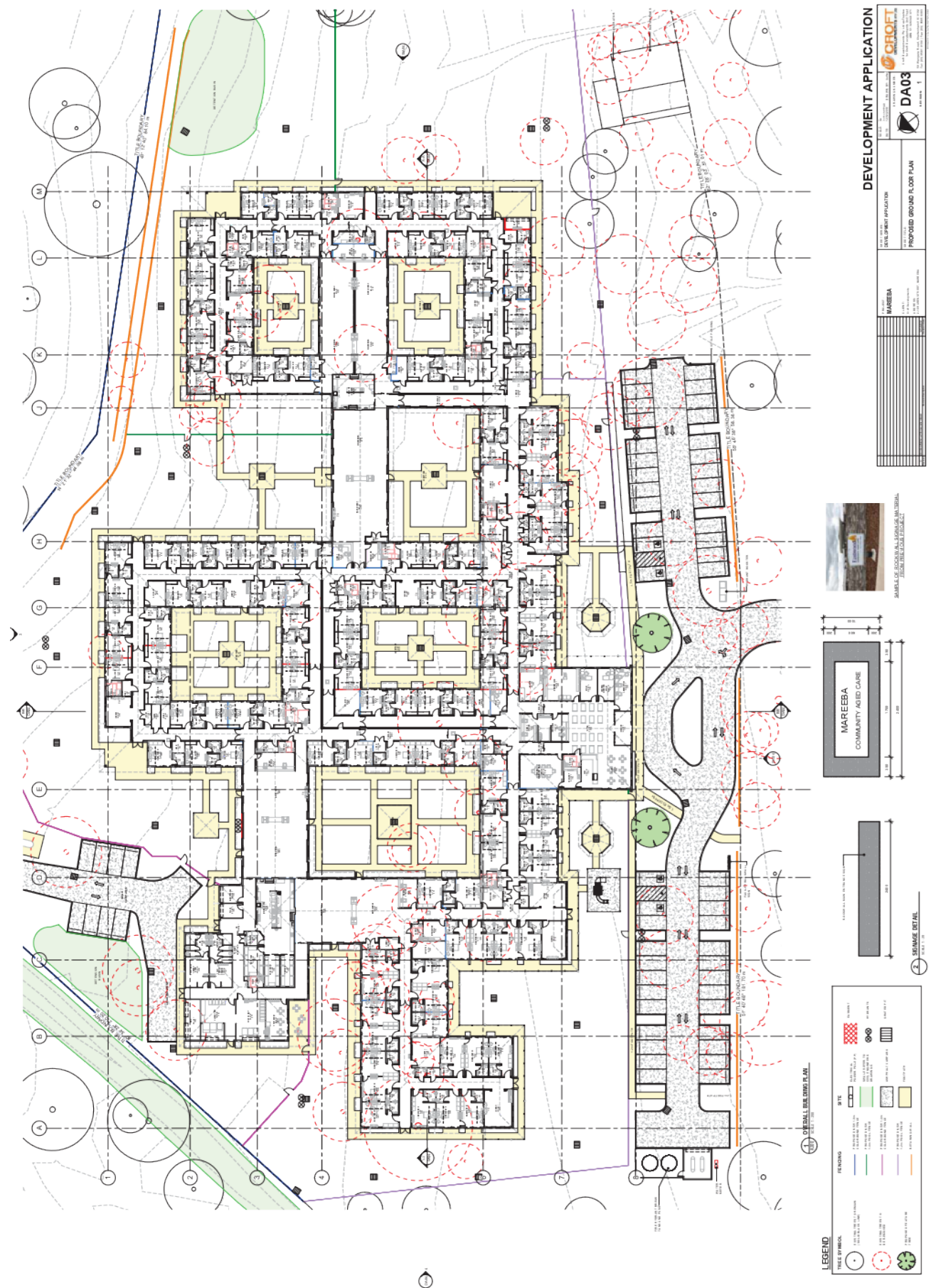
## DEVELOPMENT APPLICATION

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SHADOW DIAGRAM - 9 AM  
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SHADOW DIAGRAM - 12 PM  
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SHADOW DIAGRAM - 3 PM  
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SHADOW DIAGRAM - 6 PM  
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<p><b>DEVELOPMENT APPLICATION</b></p> <p><b>CHOTI</b></p> <p><b>DA05</b></p>	
<p><b>NAME</b></p> <p>MADEIRA</p>	<p><b>DATE OF SUBMIT APPLICATION</b></p> <p>15/07/2020</p>
<p><b>PROJECT NAME</b></p> <p>SHADOW DIAGRAMS</p>	<p><b>DATE OF SUBMIT APPLICATION</b></p> <p>15/07/2020</p>
<p><b>PROJECT ADDRESS</b></p> <p>100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 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**MAREEBA AGED CARE** - Design Development

scale 1:1000 @A3 1907-038-SD-L1.01\_Rev2 - 13/12/2019



**LANDPLAN**  
LANDSCAPE ARCHITECTURE

Document Ref ID: 3062752

a PO Box 781 Bungalow 4870 | m 0439 005 294 | e simon@landplan.com.au

## PLANT PALETTE

### Groundcovers



Lomandra confertifolia  
Shrubs (Medium)



Lomandra confertifolia



Dianella silver streak



Dianella silver streak



Hymenocallis speciosa  
Shrubs (Large)



Baeckea virgata



Lomandra hystrix



Lomandra hystrix



Pholidotum saffordii



Calathea lutea

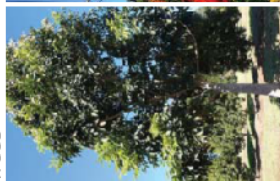


Rapanea scolopendria



Curculigo recurvata

### Trees



Findleria brayleyana



Brachychiton acerifolius - Feature tree



Atractodes ficiformis

## PRELIMINARY LANDSCAPE SPECIFICATION NOTES

### 1. GENERAL

Scope of works as shown on drawings. All work to be carried out by suitably qualified tradesmen with experience in Landscape Construction works. All planting works are to be carried out by a QAL1 registered landscape contractor. A flush durable edge is to be provided between all garden beds and turfed areas, areas of other loose material and under all fences on common boundaries and road frontages.

### 2. MULCH

Standards: To AS4454-2003 'Compost, soil conditioners and mulches'.

Mulch type: Hoop Pine bark - 75mm deep.

### 3. CULTIVATION

All garden and turfed areas cultivated to a depth of 150mm prior to the spreading of topsoil.

### 4. TOPSOIL

Standards: To AS 4419-2003 'Soils for landscaping and garden use'.

Minimum depths -

To garden beds - 300mm depth.

To turfed areas - 100mm depth.

To tree holes and pits - 1.5 x rootball diameter and 2 x rootball depth.

### 5. PLANTING

All beds to be prepared over decompacted subgrade and suitably drained with perforated PVC pipe or similar to site stormwater network.

All trees in turf shall have 600mm diameter mulch collar. Staking: all trees shall be staked to future detail.

All trees marked within adjacent to vehicle sightlines are to be set out on site prior to installation and approved by the superintendent and traffic engineer.

### 6. SHRUBS AND GROUNDCOVERS

Shrubs and groundcovers shall provide complete coverage of planting areas at maturity. Minimum sizes:

Shrubs - 200mm stock

Groundcovers - 140mm stock

### 7. TREES TO BE RETAINED

Trees noted as 'Trees to be Retained' shall be protected from damage. Install temporary fencing to prohibit the storage of materials or equipment within the drip line. Do not remove topsoil from, or add topsoil to the area within the drip line of the tree. If it is necessary to excavate within the drip line, use hand methods such that root systems are preserved intact and undamaged. Do not cut tree roots exceeding 50mm diameter, however where deemed necessary, use means that do not unduly disturb the remaining root system and apply a bituminous fungicidal sealant to the cut surface. Backfill to excavations around tree roots with a mixture consisting of three parts by volume of topsoil and one part of well rotted compost with a neutral pH value. Free from weed growth and harmful materials. Compact to a dry density similar to that of the original surrounding soil. Do not compact the existing ground under trees. Prevent windblown materials such as cement from harming trees and plants. Remedial pruning to hazard reduction including the removal of dead and hazardous wood shall be undertaken where necessary in accordance with AS4373-1986 'Pruning of Amenity Trees'.

### 8. TURFING

Turf Type: Cyndon dactylon (Green Couch), A Grade.

### 9. DRAINAGE

All garden beds and planting beds shall be drained with sub-surface drains connected to stormwater. Surface runoff shall be directed towards garden beds, turf or other permeable surfaces where water quality is conducive to plant growth.

### 10. IRRIGATION

Irrigated garden beds shall be irrigated by an automatic irrigation system connected to a metered water supply.

Hose cocks shall be provided in landscaped areas.

Irrigation to be provided on a design and construct system of installation.

### 12. ESTABLISHMENT AND DEFECTS LIABILITY

An establishment period of 12 weeks from the date of practical completion shall apply to landscape softworks.

A defects liability period of 12 months from the date of practical completion shall apply to all landscaped works.



MAREEBA AGED CARE - Design Development

scale N.T.S. 1907-038-SD-L2.01\_Rev2 - 13/12/2019



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Document Set ID: 3602752





Queensland Treasury

RA6-N  
SARA reference: 2001-15062 SRA  
Council reference: MCU/19/0019  
Applicant reference: 19-468

26 June 2020

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

Attention: Carl Ewin

Dear Sir/Madam

## SARA response—2-18 Haren Street, Mareeba - Residential Care Facility – 120 Beds

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 3 February 2020.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 June 2020
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

Description:	Development permit	Material Change of Use for a Residential Care Facility (120 Beds)
SARA role:	Referral Agency.	

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

2001-15062 SRA

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 1, Table 1** (Planning Regulation 2017)  
Development impacting on state transport infrastructure thresholds (Residential Care Facility use with more than 50 beds)

**Schedule 10, Part 9, Division 4, Subdivision 2, Table 4** (Planning Regulation 2017)  
Material change of use within 25m of a state-controlled road

SARA reference: 2001-15062 SRA

Assessment Manager: Mareeba Shire Council

Street address: 2-18 Haren Street, Mareeba

Real property description: Lot 1 on SP298397

Applicant name: Croft Developments Pty Ltd

Applicant contact details: C/- Urban Sync  
PO Box 2970  
Cairns QLD 4870  
justin@urbansync.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR20-029327 (500-1091)
- Date: 22 June 2020

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

## Representations

An applicant may make representations to a referral agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson  
A/Manager (Planning)

cc Croft Developments Pty Ltd, justin@urbansync.com.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations provisions  
Attachment 5 - Approved plans and specifications

State Assessment and Referral Agency

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2001-15062 SRA

### Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Aspect of development stated in schedule 20, and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—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 condition(s):		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (662 – 0.28km), prepared by Queensland Government Transport and Main Roads, dated 19/06/2020, Reference TMR20-29327 (500-1091), Issue A.</p> <p>(b) Road access works comprising of a sealed property access with high angle entry onto Mareeba Connection Road including an auxiliary left-turn lane with a short turn lane (AUL(S)), (at the road access location) must be provided generally in accordance with Site Access Design: Functional Layout Plan prepared by Cardno, dated 17/06/2020, Drawing No V181440-TR-DG-2501 and Revision 5.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design Part 4: Intersections and Crossings – General and Part 4A: Unsignalised and Signalised intersections, specifically:</p> <p>(i) Figure 7.4 rural property access specifically designed for articulated vehicles.</p> <p>(ii) Figure 8.3 Rural AUL(S) treatment with a short turn lane.</p> <p>(iii) Section 6.1.3 Raised High-entry angle and Free-flow left-turn Islands.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>
2.	<p>(a) Road works comprising of a shared centre median turn lane, must be provided generally in accordance with Site Access Design: Functional Layout Plan prepared by Cardno, dated 17/06/2020, Drawing No V181440-TR-DG-2501 and Revision 5.</p> <p>(b) The road works must be designed and constructed in accordance with the Road Planning and Design Manual, 2nd edition, Department of Transport and Main Roads, 2016, Volume 3 – Guide to Road Design.</p>	Prior to the commencement of use.
3.	(a) The development must be in accordance with section 6 of the Mareeba Stormwater Management Report prepared by Biofilta, dated 9 October 2019, and sections 7 and 8 of the Site Based Stormwater Management Plan prepared by Morgan Consulting Engineers, dated 12 December 2019, Reference 19157-	At all times.

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	<p>SBSMP/1, in particular:</p> <ul style="list-style-type: none"><li>(i) The creation of four (4) detention basins, Basin A, Basin B, Basin C and Basin D.</li><li>(ii) External flows from the Meehan Street catchment to be diverted via an open channel.</li><li>(iii) The lawful point of discharge is the Haren Street swale drain and the Constance Street stormwater culvert crossing, north of the site.</li></ul> <p>(b) RPEQ certification, with supporting documentation, must be provided to the Program, Delivery and Operations Unit, Far North Queensland Region (<a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a>) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>Prior to the commencement of use.</p>
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## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.5]. If a word remains undefined it has its ordinary meaning.
2.	<p><b>Advertising device</b></p> <p>Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the approved development intends to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015 to require removal or modification of an advertising sign and / for a device which is deemed that it creates a danger to traffic.</p>
3.	<p><b>Roads Works Approval</b></p> <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the <i>Transport Infrastructure Act 1994</i> to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>



### Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

#### The reasons for the SARA decision are:

- The site has road frontage to Kenneally Road (Mareeba Connection Road), a state-controlled road and to Haren Street and Antonio Drive, both local roads.
- Traffic loadings will be via a new primary access to Kenneally Road (within a 60km/h urban speed zone), and via a new service access to Antonio Drive.
- The design of the new access works to Kenneally Road will ensure that impacts from increased traffic loadings on the state-controlled road are controlled and reduced, and the development will not worsen operating conditions on the state-controlled road network.
- The proposed buildings for the development will be setback approximately 23m from the property boundary and approximately 47m from the carriageway of Kenneally Road.
- All excavation and filling works will be undertaken completely within the site, with connections for essential services and infrastructure obtained from local roads.
- Stormwater and drainage flows are appropriately managed and will not impact the state-controlled road.
- The development is sufficiently separated from the state-controlled road to minimise noise intrusion to future residents.
- The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment, and State code 6: Protection of state transport networks.

#### Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.5)
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

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## **Attachment 4—Change representation provisions**

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(page left intentionally blank – attached separately)

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## **Attachment 5—Approved plans and specifications**

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## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

