

DELEGATED REPORT

SUBJECT: A & D TUDINI SUPERANNUATION FUND - MATERIAL CHANGE OF USE - LOW IMPACT INDUSTRY - LOT 11 ON NR808322 - 4 MCELHINNEY STREET, MAREEBA - MCU/20/0002

DATE: 24 March 2020

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A & D Tudini Superannuation Fund	ADDRESS	4 McElhinney Street, Mareeba
DATE LODGED	7 February 2020	RPD	Lot 11 on NR808322
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Low Impact Industry		

FILE NO	MCU/20/0002	AREA	1232m2
LODGED BY	Emergent Building Approvals	OWNER	AW & DC Tudini
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry zone (Trades and Services Precinct)		
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.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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	A & D Tudini Superannuation Fund	ADDRESS	4 McElhinney Street, Mareeba
DATE LODGED	7 February 2020	RPD	Lot 11 on NR808322
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Low Impact Industry		

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 - Low Impact Industry

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0575 Issue B	Site Plan	Gregory Terzi	Oct 2019
0575 Issue A	Elevations - External	Gregory Terzi	Oct 2019

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

(a) Development assessable against the Planning Scheme

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.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 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 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.

4. Infrastructure Services and Standards

4.1 Access

The existing industrial access crossover servicing the site from Reynolds Street must be maintained to FNQROC Development Manual standards for the life of the development, to the satisfaction of Council's delegated officer.

No access to the site is permitted from McElhinney Street.

4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of two (2) additional on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways/trafficable areas must be concrete, bitumen or asphalt sealed, line-marked 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/trafficable areas 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.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

4.4 Water Supply

- (a) 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).
- (b) 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.

4.5 Sewerage Connection

- (a) 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).
- (b) 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.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A Trade Waste Permit may be required prior to the commencement of use.

(b) Compliance with applicable codes/policies

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

(c) Compliance with Acts and Regulations

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(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

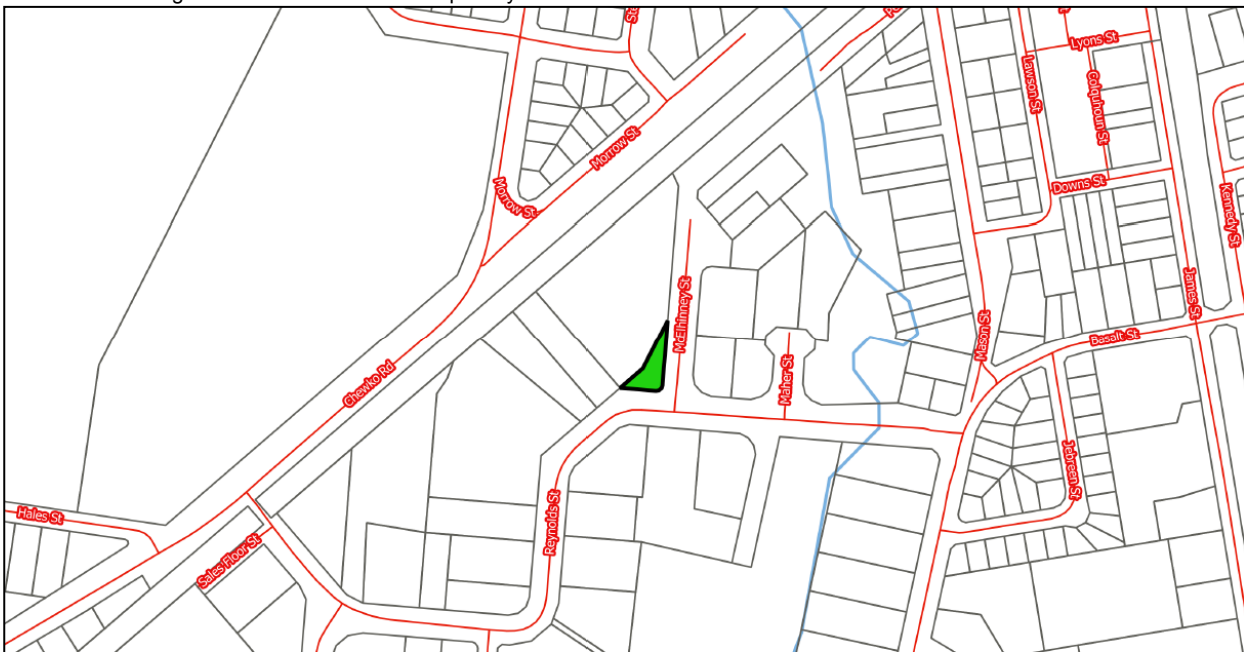
- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject site is situated on the corner of Reynolds and McElhinney Streets at 4 McElhinney Street, Mareeba and is described as Lot 11 on NR808322. The site is almost triangular in shape, with a total area of 1,232m² and is zoned Industry (precinct A - trades and services) under the Mareeba Shire Council Planning Scheme 2016.

**Map Disclaimer:**

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

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The site contains 76.7 metres of frontage to McElhinney Street and a further 36.7 metres of frontage to Reynolds Street. McElhinney Street, being the lower order street is constructed to a bitumen sealed standard with a width ranging from 5 - 5.5 metres only and does not include kerb and channel while Reynolds Street is constructed to a bitumen/asphalt standard with an approximate sealed width of 15 metres and does include kerb and channel on both sides.

The site is improved by a single industrial shed of approximately 200m² in area sited in the south-east corner of the property. It is currently used as a depot for a soil testing company. The site is connected to all urban services. All surrounding lots are zoned Industry and contain industrial uses that include a panel beating workshop and Ergon Energy works depot.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

MC2002/26

In 2002, Council approved a development application for Material Change of Use made by AW & DC Tudini for the inclusion of land described as Lot 11 on NR808322, situated at 4 McElhinney Street, Mareeba, within the Industry Zone.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Low Impact Industry in accordance with the plans shown in **Attachment 1**.

The applicant proposes the construction of a 153m² shed to be used as a workshop and for storage associated with the current soil testing business that utilises the site as a depot.

A small 17m² roof addition is proposed between the existing shed and proposed shed to provide an undercover link between the two sheds.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Zone:

Precinct:

Overlays:

Land Use Categories

- *Industry Area*

Industry zone

Precinct A - Trades and Services

Airport Environs 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
Low impact industry	<p>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:</p> <ul style="list-style-type: none"> • negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise • minimal traffic generation and heavy-vehicle usage • demands imposed upon the local infrastructure network consistent with surrounding uses • the use generally operates during the day (e.g. 7am to 6pm) • offsite impacts from storage of dangerous goods are negligible • the use is primarily undertaken indoors. 	<p>Repairing motor vehicles, fitting and turning workshop</p> <p><i>Note—additional examples may be shown in SC1.1.2 industry thresholds.</i></p>	<p>Panel beating, spray painting or surface coating, tyre recycling, drum reconditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</p>

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:

- 6.2.5 Industry zone code
- 8.2.2 Airport environs overlay code

- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance 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
Industry zone code	<p>The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided) apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO2 <p>Refer to Code Assessment document for commentary. Despite not meeting the acceptable outcome, it is considered the development still satisfies the higher order Performance Outcome PO2.</p>
Airport environs 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).
Industrial 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/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 relevant development works be designed and constructed in accordance with FNQROC Development Manual Standards.

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

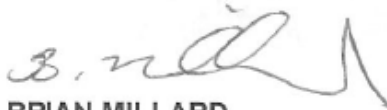
Date Prepared: *24 March 2020*

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.

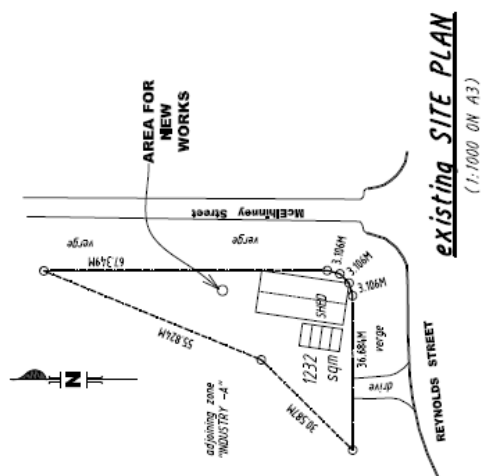
Dated the 24TH day of MARCH 2020



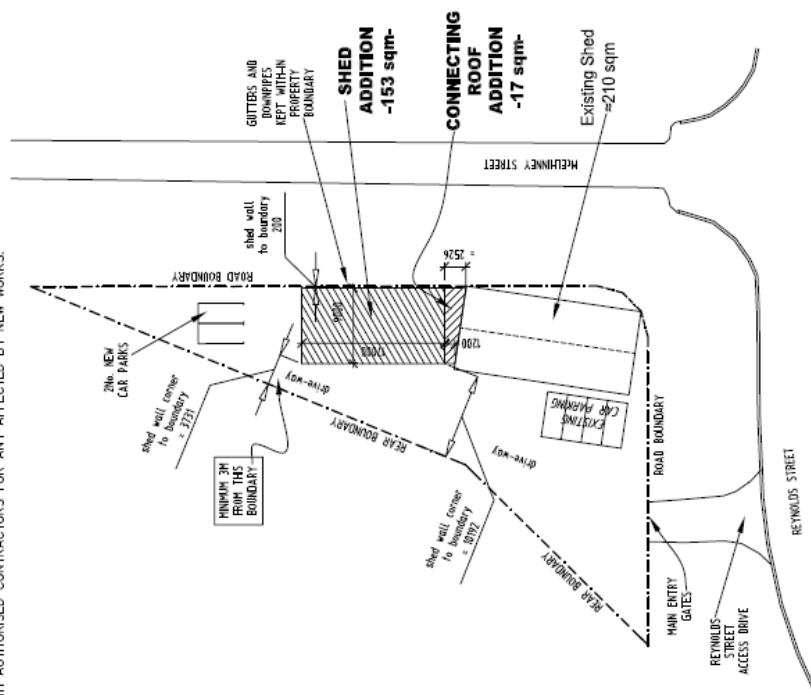
BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



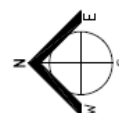
DATE: OCT 2019	SCALE: AS SHOWN ON A3 SHEET
DRAWING TITLE: SITE PLAN	
PROJECT: CORNER of REYNOLDS and McELHINNEY ST MAREEBA, 4880	
JOB NO. 051/5	SHEET NO. B
ISSUE	



Building Floor Areas:
STRUCTURAL FLOOR SIZE

- Existing Shed: 210 sqm
INCLUDES EXTERNAL WALLS, EXCLUDES ROOF EAVES
 - Shed Addition: 153 sqm
INCLUDES EXTERNAL WALLS, EXCLUDES ROOF EAVES
 - Connecting Roof Addition: 17 sqm
- total: 380 sqm

LOT 11 on NR 808 322
SITE AREA = 1232 sqm



EXISTING SERVICES BEING UNDERGROUND, OVERHEAD, OR WITH-IN BUILDINGS.
CHECK WITH ALL EXISTING SERVICE PROVIDERS PRIOR TO CONSTRUCTION.
CONSULT WITH AUTHORISED CONTRACTORS FOR ANY AFFECTED BY NEW WORKS.



PROJECT: CORNER OF REYNOLDS and MCILHINNEY ST
MAREEBA, 4880
SHEED ADDITION

DATE: OCT 2019
SCALE: AS SHOWN ON A3 SHEET
DRAWING TITLE: ELEVATIONS -EXTERNAL

JOB NO. SHEET No. ISSUE
00000 00000 A