

8.1 GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA CONSOLIDATED TRUST - MATERIAL CHANGE OF USE - MULTIPLE DWELLING - LOT 3 ON RP865105 - 41-43 BYRNES STREET, MAREEBA - MCU/20/0005

Date Prepared: 12 May 2020

Author: Senior Planner

Attachments:

1. Proposal Plans
2. Department of State Development, Manufacturing, Infrastructure and Planning referral agency response dated 1 May 2020
3. Request to waive application fee dated 23 March 2020

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Greek Orthodox Archdiocese of Australia Consolidated Trust	ADDRESS	41-43 Byrnes Street, Mareeba
DATE LODGED	1 April 2020	RPD	Lot 3 on RP865105
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Multiple Dwelling		
FILE NO	MCU/20/0005	AREA	2,023m2
LODGED BY	Victor G Feros Town Planning Consultants	OWNER	Greek Orthodox Archdiocese of Australia Consolidated Trust
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

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

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

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

A separate request has been made for Council to waive the \$1,570.00 application fee paid for this application. The application fee is commensurate to the amount of Council resources that have been expended in assessing the development application. It is recommended that the request to waive the application fee be denied.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Greek Orthodox Archdiocese of Australia Consolidated Trust	ADDRESS	41-43 Byrnes Street, Mareeba
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PROPOSED DEVELOPMENT	Material Change of Use - Multiple Dwelling		

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), concurrence 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.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Multiple Dwelling

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2400 Sheet S1	Ground Floor & Site Plan	PD Designs	December 2019
2400 Sheet S2	First Floor Plan	PD Designs	December 2019
2400 Sheet S3	Elevations	PD Designs	December 2019
-	Fence Details	-	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
 - 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 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.
 - 3.6 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.
 - 3.7 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.

3.8 Letterbox

Each unit is to be provided with an individual letter box.

3.9 Clothes Drying Facilities

Clothes drying facilities are to be provided in accordance with Drawing No 2400 Sheet S1 of 3.

4. Infrastructure Services and Standards

4.1 Access

The proposed access crossover must be upgraded/constructed to a commercial access crossover standard (from the edge of Byrnes/Herberton Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Any redundant vehicle crossovers must be removed and kerb and channel and any footpaths reinstated, 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 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

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

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

4.2.6 In addition to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil and/or fuel will be removed and stored prior to stormwater being discharged from the site.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in accordance with Drawing No. 2400 Sheet S1 of 3 (excluding the community residence 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 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.

4.4 Landscaping & Fencing

4.4.1 Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s.

4.4.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

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

4.4.4 Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high solid screen fence constructed of colorbond (of neutral colour) or other suitable material approved by Council, along the entire length of the side and rear boundaries of Lot 3 on RP865105.

Where a building wall with a height of 1.8 metres or above is already established on part of the side or rear boundary, a screen fence will not be required for that same part of the side or rear boundary.

4.4.5 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.

4.5 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to

cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.6 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.

4.7 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) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 1 May 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

2. That Council deny the request to waive the \$1,570.00 application fee for development application MCU/20/0005.

THE SITE

The subject site is described as Lot 3 on RP865105 and is situated at 41-43 Byrnes Street, Mareeba. The site is located on the eastern (south bound) side of Byrnes Street, approximately 40 metres north of Lloyd Street.

The site is rectangular in shape with an area of 2,023m², having a frontage of approximately 40 metres to Byrnes Street. Byrnes Street is formed to a dual lane sealed standard with upright kerbing for the entire frontage of Lot 3.

The site presently has two (2) accesses to Byrnes Street with the northernmost of these accesses being closed off as part of this development.

The subject site includes the following existing features:

- a) a single storey dwelling located in the north western corner of the site;
- b) a centrally located driveway and a second driveway servicing a garage as part of the dwelling connected with Byrnes Street;
- c) storage sheds located adjoining the rear boundary; and
- d) a large tree located adjoining the rear boundary;
- e) a large tree located in the southern part of the site; and
- f) existing sewer main located within the rear section of the site extending in a north-south direction.

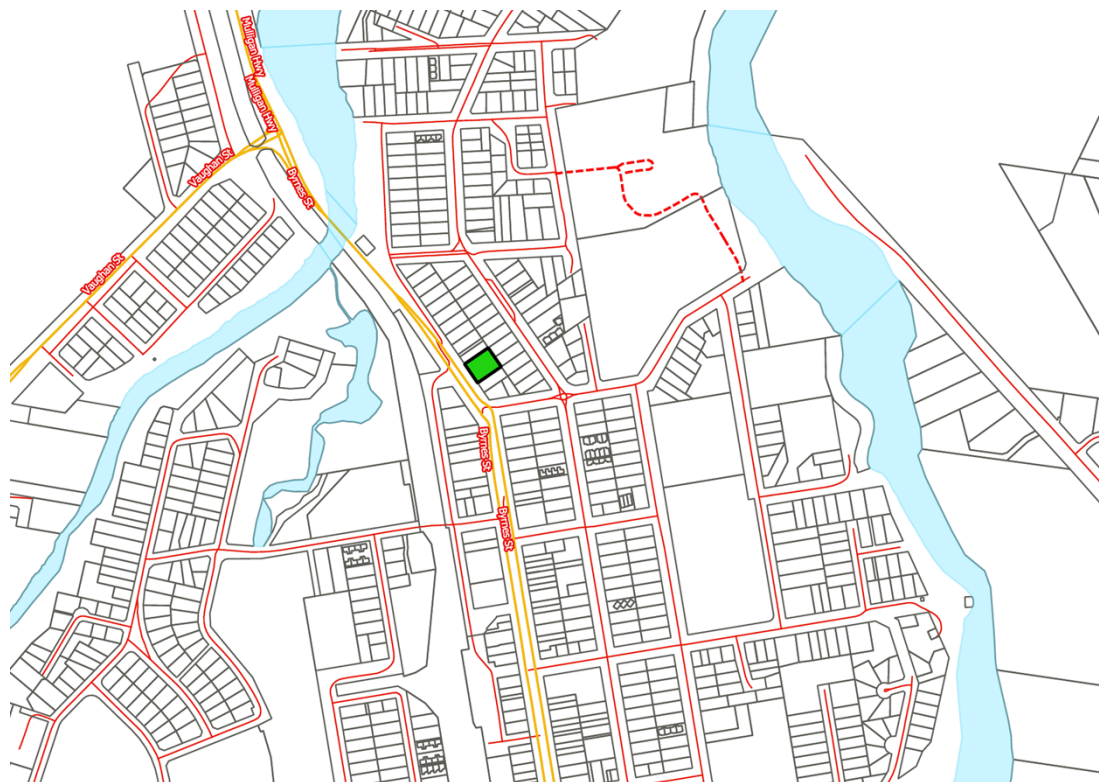
To the north, the site is adjoined by a vacant commercial building constructed to the common boundary with the subject site. To the east and south, the site is adjoined by detached dwellings. To the west across Byrnes Street, the site is adjacent to a public park and industrial uses.

The subject land has access to all urban services.



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 - Multiple Dwelling in accordance with the plans shown in **Attachment 1**.

The single storey community residence building adjacent to the multiple dwelling building is accepted development under the *Planning Act 2016* and is not part of this application.

The application includes the following comprehensive description of the proposed development:

"6.01 General

The proposed accommodation is to be operated by St John's Community Care as an activity of the Greek Orthodox Archdiocese of Australia.

St John's currently provides disability and aged care services in Mareeba at the facility located at 1-5 Quill Street, Mareeba.

These services in Mareeba have been provided since 2000.

The proposal to provide independent and shared supportive living is based on similar facilities currently provided by St. John's in Gordonvale and at Taigum (northern suburbs of Brisbane).

The proposal will assist with meeting an identified need for independent and shared supportive accommodation within Mareeba and the surrounding area.

6.02 General Design and Siting Principles

The following design principles have been identified:

- a) the development will be purpose-built to provide accommodation for the needs of residents. This includes the provision of on-site recreation areas;*
- b) the proposal will remain domestic in scale and appearance;*
- c) the activity areas and living areas are to be orientated to the centre or rear of the site and with minimise exposure to the Byrnes Street frontage;*
- d) suitable buffers and setbacks are to be provided to all boundaries;*
- e) the building and outdoor living areas will include design and siting features to mitigate existing and future road noise from the adjoining Byrnes Street road corridor;*
- f) the positioning of the buildings on the site retains access for maintenance purposes to the sewer main located in the rear part of the site; and*
- g) a single entry and exit point will be provided to Byrnes Street.*

6.03 Development Details

The following development is proposed for the subject site:

- a) the existing structures including the dwelling house and sheds will be demolished and existing vegetation will be removed from the site;*
- b) a single storey building is to be constructed in the northern section of the site and a two (2) storey building will be constructed in the southern section of the site;*
- c) the single storey building is to contain four (4) bedrooms and central lounge and dining area;*

A kitchen, laundry and office will adjoin the dining area.

Each bedroom will include a patio and connecting enclosed courtyard.

- d) the two (2) storey building will include six (6) self contained, two (2) bedroom units.*

The ground floor units include a patio and connecting enclosed courtyard.

The first floor units include a balcony.

- e) a central driveway with a six (6) metre wide entrance to Byrnes Street providing access to the car parking area to the rear will also include provisions for an emergency vehicle set down area. This setdown area can also be used for mini bus parking as required;*
- f) provision for eight (8) covered car parking spaces including one (1) disabled space;*
- g) enclosed refuse bin storage area;*
- h) shared BBQ area and swimming pool;*
- i) intensive landscaping adjacent to the Byrnes Street frontage and parts of the rear and side boundaries; and*

- j) *a 1.8m high screen fence will be provided along all site boundaries. The fence to the Byrnes Street frontage will include an automatic opening / closing gate.*

Plans and elevations showing the proposed development are attached as Appendix D.

The following operational and use arrangements are noted:

- a) *residents within the single storey building are to live on an independent basis with the assistance of a carer or specialist staff member.*

The carer or specialist staff member will attend to the requirements of residents on an intermittent and individual needs basis.

The carers and specialist staff members will not be required to reside on-site or provide care on a 24 hours basis.

- b) *the residents in the two-storey building will also live on an independent basis.*

The second bedroom within each unit will accommodate a carer when required or a visiting family member;

- c) *emphasis will be given to providing accommodation for young people with a disability or with a special care need;*

- d) *the accommodation will be managed and supervised by trained and experienced St John's Community Care staff; and*

- e) *none of the residents will require a car. The proposed on-site car parking spaces will be provided for use by St John's Community Care staff and visiting family members or carers."*

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:	Land Use Categories <ul style="list-style-type: none"> Residential Area Transport Elements <ul style="list-style-type: none"> State Controlled Road B-double Route Principal Cycle Route
Zone:	Medium Density Residential zone
Overlays:	<ul style="list-style-type: none"> Airport Environs Overlay Residential Dwelling House and Outbuilding Overlay Code 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
<i>Multiple dwelling</i>	<i>Premises containing three or more dwellings for separate households.</i>	<i>Apartments, flats, units, townhouses, row housing, triplex</i>	<i>Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, 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:

- 6.2.7 Medium density residential zone code
- 8.2.2 Airport environs 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 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
Medium density 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).
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).
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 complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> PO1/AO1 Refer to planning discussion section of report.
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 relevant 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. 2) 2019 - Table 1 - Adopted Charge Rates stipulates the following charge rate for multiple dwelling:

- Multiple Dwelling (per 1 or 2 bedroom dwelling) - \$13,430.00 per dwelling.

The \$13,430.00 rate is the base charge for the four infrastructure networks (water, sewer, parks and roads). As the subject land is accessed directly off State controlled road, the road infrastructure component of the base charge should be removed, leaving a base charge of \$10,072.50 per multiple dwelling unit.

The development proposes six (6) x two (2) bedroom multiple dwelling units.

The subject site was originally Lots 23 and 24 on M3565 before being amalgamated to create Lot 3 on RP865105 in 1994. The level of infrastructure servicing the land has not significantly changed since 1994.

Accordingly, it is appropriate to apply two (2) lot credits in recognition of the pre-amalgamation lots.

Based on the above charge rates, the adopted infrastructure charges would be as follows:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		Unit	\$	2 lots x \$18,800	\$
Residential (1-2 bedroom multiple dwelling)	\$10,072.50	6	\$60,435.00	\$37,600.00	\$22,835.00
TOTAL CURRENT AMOUNT OF CHARGE					\$22,835.00

Discussion

Multiple dwellings are generally *Accepted development, subject to requirements* within the Medium Density Residential zone.

The proposed development meets all of the requirements for accepted development with the exception of a shortfall of four (4) onsite car parking spaces. Notwithstanding, the development does provide sufficient onsite car parking to meet the actual needs of the assisted living residents and to satisfy the related performance outcome.

The development complies with all applicable density and landscaping requirements for the Medium Density Residential zone. A similar development could be built on adjoining property as accepted development without requiring the payment of infrastructure charges.

On the basis that the scale and form of the proposed development is substantially compliant with all of the requirements for accepted development, it is not proposed to levy infrastructure charges solely due to the minor shortfall in onsite car parking.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency (State controlled road).

That Department advised in a letter dated 1 May 2020 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Noncompliance with acceptable outcome AO1 of the Parking and Access code is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order Performance Outcome can be achieved.

9.4.3 Parking and access code**PO1**

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

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

AO1

The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.

Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.

Comment

Table 9.4.3.3B specifies the following on-site car parking rates for multiple dwelling:

- (i) One (1) covered space per dwelling
- (ii) One (1) dedicated vehicle wash-down bay for premises containing 5 or more dwellings.
- (iii) A minimum of 0.25 spaces per dwelling is to remain in common property for visitor use.

Using the above rates, the proposed development would require nine (9) spaces.

Eight (8) on-site car parking spaces and one (1) emergency services vehicle space are provided.

Three (3) of the on-site spaces are for the associated community residence, leaving five (5) spaces and the emergency services vehicle space for the multiple dwelling.

The applicant advises that none of the residents will require a car and all demand for on-site car parking will be generated by St John's Community Care Staff and visiting family members or carers.

Given the nature of the proposed use and likely limited demand from residents, the five (5) spaces and the emergency services vehicle space will be sufficient to meet the on-site car parking demands.

It is considered the proposed development can achieve compliance with PO1.

Request to waive application fee

Victor G Feros Town Planning Consultants, on behalf of the applicant, have written to Council requesting that Council waive the application fee of \$1,570.00. The applicant's rationale for this request is outlined in **Attachment 3**.

Comment

The \$1,570.00 fee is a cost recovery fee charged for most base level code assessable material change of use applications.

In late 2019, the applicant applied for pre-lodgement advice for this development at a fee of \$560.00. Written pre-lodgement advice was issued to the applicant on 13 December 2019.

Under the 2019/20 Fees and Charges, the \$560.00 pre-lodgement advice fee is credited towards the subsequent development application, where the development application is lodged within six (6) months.

As the current application was lodged within six (6) months, the credit of \$560.00 was applied and the applicant was required to pay the balance fee of \$1,010.00 at lodgement.

The fee charged for this development application is appropriate considering the amount of Council resources that have been expended in preparing the initial pre-lodgement advice and then assessing this material change of use application.

It is recommended that the \$1,570.00 fee not be waived.