

DELEGATED REPORT

SUBJECT: P, R & R CATER - MATERIAL CHANGE OF USE - MULTIPLE DWELLING (4 X 2 BEDROOM UNITS) - LOT 42 ON M3565 - 94 WALSH STREET, MAREEBA - MCU/20/0016

DATE: 19 November 2020

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	P, R & R Cater	ADDRESS	94 Walsh Street, Mareeba
DATE LODGED	16 November 2020	RPD	Lot 42 on M3565
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Multiple Dwelling (4 x 2 bedroom units)		

FILE NO	MCU/20/0016	AREA	1012m2
LODGED BY	U&i Town Plan	OWNER	Cater Investments Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

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.

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	P, R & R Cater	ADDRESS	94 Walsh Street, Mareeba
DATE LODGED	16 November 2020	RPD	Lot 42 on M3565
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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 - Multiple Dwelling (4 x 2 bedroom units)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
18-01 DA01	Site Plan	A Ballard	12/11/2020
18-01 W2 C - 2 of 15	Floor Plan	A Ballard	5/11/2020
18-01 W5 B - 5 of 15	Elevations 1 & 2	A Ballard	4/11/2020
18-01 W6 B - 6 of 15	Elevations 3 & 4	A Ballard	4/11/2020

(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 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 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.

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.

3.5 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.

3.6 Letterbox

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

3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and the street.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed (from the edge of the road pavement to the property boundary of the subject lot) to the satisfaction of Council's delegated officer.

All redundant crossovers must be reinstated.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

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

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with four (4) on-site car parking spaces including one (1) visitor parking space, 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 of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must include the gardens and turf areas shown on the approved site plan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 (i) Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (neutral colour) is to be erected along the full extent of both side boundaries.
- (ii) Prior to the commencement of the use, solid 1.8 metre high timber or 1.8 metre high colorbond fencing of neutral colour is to be erected between each dwelling unit, separating the courtyard areas as shown on the approved plans.
- (iii) The abovementioned fencing is to be erected and maintained in good order 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.

Each dwelling unit is required to be **separately metered**.

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) 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.

(E) RELEVANT PERIOD

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

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

The subject site is situated at 94 Walsh Street, Mareeba, and is more particularly described as Lot 42 on M3565. The site is regular in shape with an area of 1,012m² and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 20 metres of frontage to Walsh Street which is constructed to a bitumen sealed standard including kerb and channel. Existing access crossovers are established adjacent to the northern and southern boundaries.

The site is vacant apart from a small amount of landscaping located in the north-western corner.

All urban services are readily available to the subject site.

All surrounding lots are zoned Medium Density Residential and are predominantly developed with single dwelling houses. A long established commercial building adjoins the western (rear) property boundary.



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 (4 x 2 bedroom units) in accordance with the plans shown in **Attachment 1**.

The proposed development is for four (4) attached units each with 2 bedrooms.

The design of the development allows for driveway access / common area along the southern boundary. Each proposed unit will have an undercover carport and one (1) visitor car parking space will be sited at the rear of the site.

Each unit is designed to allow ample private open space adjacent to the living areas as well as good access and parking.

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
Zone:	<ul style="list-style-type: none"> Residential Area
Overlays:	Medium Density Residential zone
	Airport environs overlay
	Environmental significance 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
Multiple dwelling	Premises containing three or more dwellings for separate households.	Apartments, flats, units, townhouses, row housing, triplex	Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility

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:

- 6.2.7 Medium density residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance 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 outcomes (or performance outcomes 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 codes 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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes 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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes 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 codes 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 codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(f) Adopted Infrastructure Charges Notice

The subject land is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The density of the development being proposed by this application would on most Medium Density Residential zoned allotments be *Accepted development, subject to requirements*. Adopted Infrastructure Charges are not levied on accepted development.

The level of assessment for the proposed development has increased from *Accepted development, subject to requirements* to *Code Assessment* due to the slightly lesser road and side boundary setbacks.

The density of the proposed development remains well under the nominated acceptable outcome and the development has been appropriately designed for the subject site.

Given the compliant development density, it is not proposed to levy infrastructure charges for this development.

REFERRALS

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

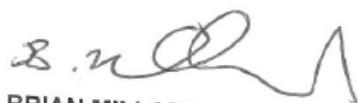
Date Prepared: 19 November 2020

DECISION BY DELEGATE

DECISION

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

Dated the 19TH day of NOVEMBER 2020



BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS

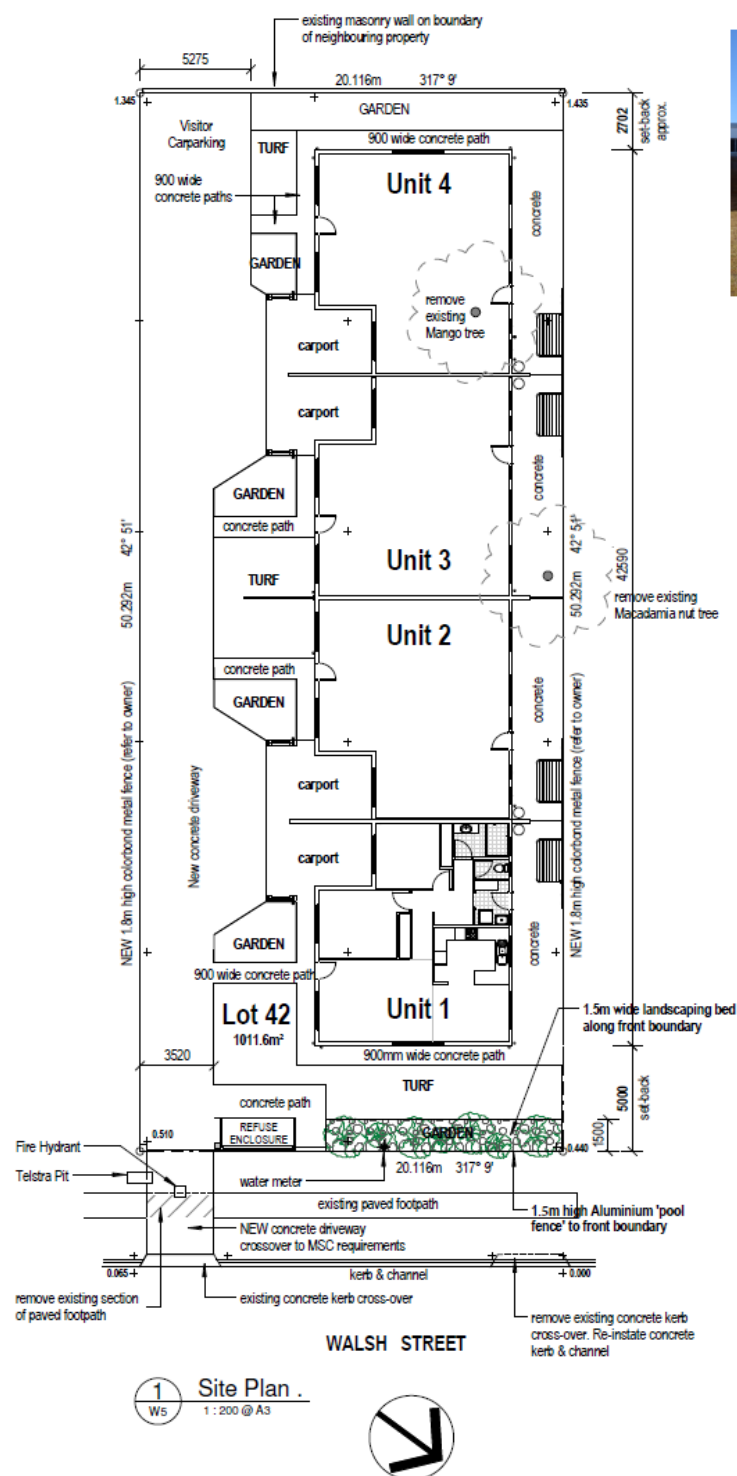


PHOTO OF EXISTING REAR NEIGHBOURING WALL

FLOOR AREAS

BUILDING -

4 x UNITS	AREA (m²)
LIVING (total)	366.3
CARPORTS	69.4
PATHS	131.6
DRIVEWAY	281.5
TOTAL	848.8 m²

LANDSCAPING -

GARDEN / TURF	162.8 m²
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SITE COVERAGE %

SITE AREA	BUILDING AREA	LANDSCAPING
1011.6 m²	848.8 m²	162.8 m²
	83.9 %	16.1 %

+ 0.440 Existing Site Level

PROPERTY DESCRIPTION

Lot 42 on M3565
 Area = 1011.6m²
 Local Authority - Mareeba Shire Council
 C1 - wind classification
 SOIL CLASSIFICATION - 'P'

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Proposed Unit Development for
 Cater Investments
 94 Walsh street. Mareeba

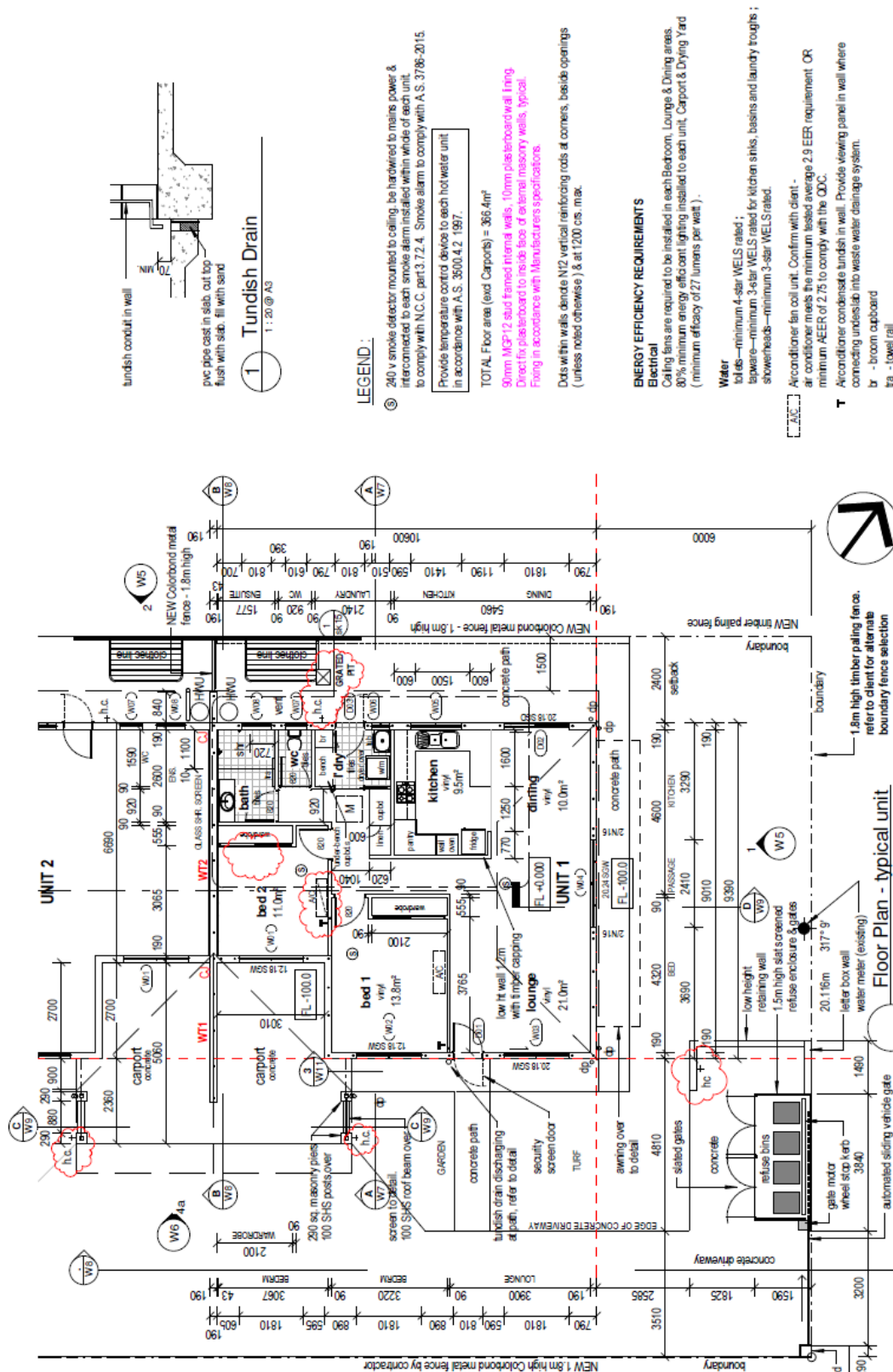
REVISION		

drawing	Site Plan
plot date	12/11/2020 7:02:44 AM
drawn by	A. Ballard
sheet number	621922
project number	18-01
sheet	1 of 1
revision	

DA01

18-01

1 of 1



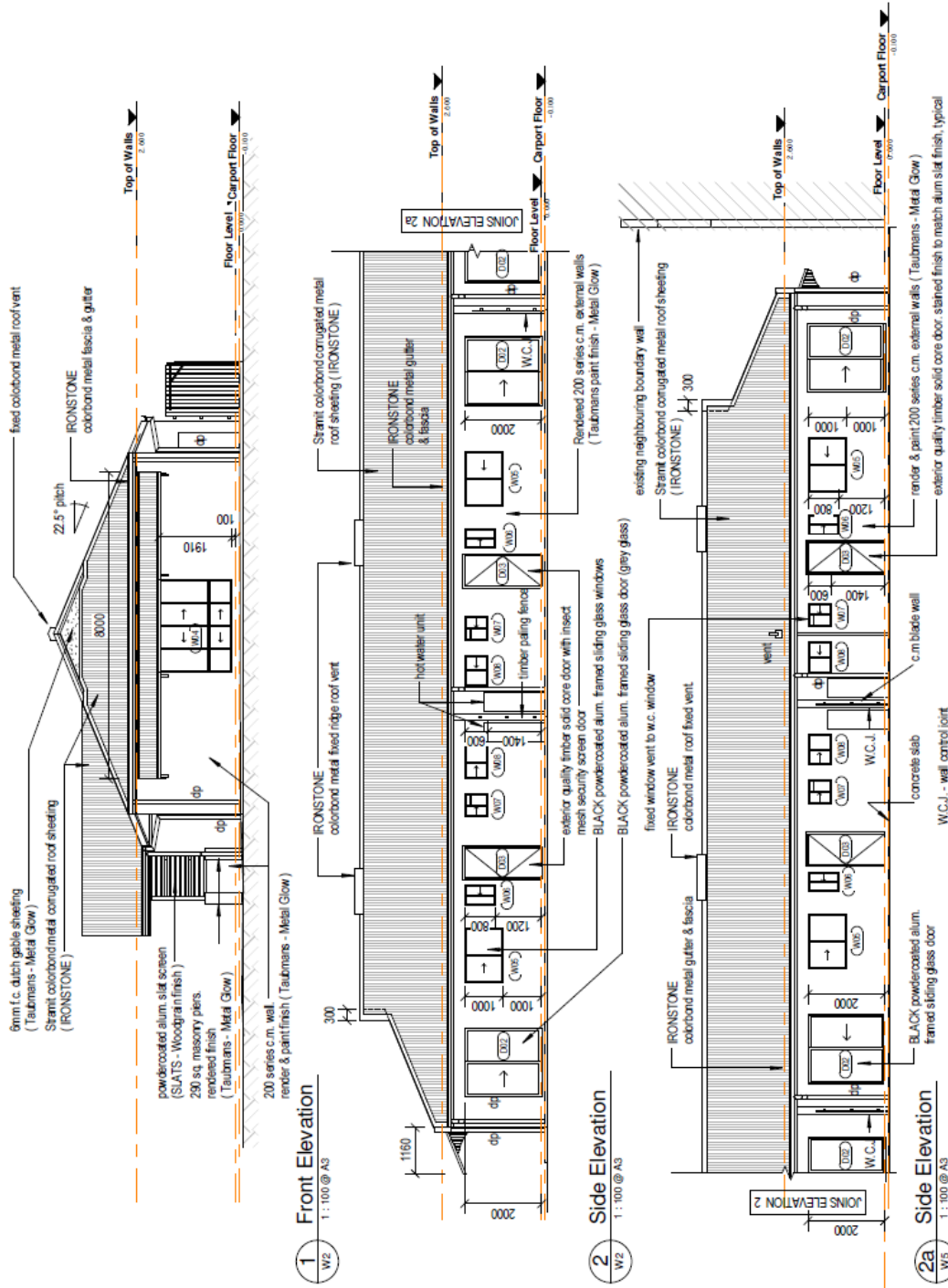
**Proposed Unit Development for
Cater Investments
94 Walsh street, Mareeba**

REVISION

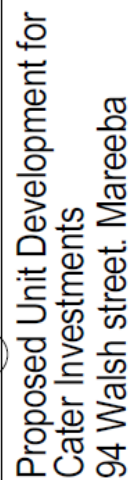
REVISION	DATE	DESCRIPTION
A	14.09.20	TENDER issue
B	14.09.20	BUILDING APPROVAL
C	19.10.20	lighting plan amended, hose cocks added

© copyright Floor Plan

DATE	OWNER	PROJECT #
14.09.20	A. LALOR	621922
DATE	PROJECT #	DATE
W2	18-01	2 of 15
C		



Proposed Unit Development for Cater Investments 94 Walsh street. Mareeba			Elevations 1 & 2		
REVISION			DATE	BY	CHKD BY
A 14.09.20 TENDER ISSUE			14.09.20	A. HARRIS	621922
B 14.09.20 BUILDING APPROVAL			14.09.20	A. HARRIS	621922
			DATE	BY	CHKD BY
			18-01	W5	B
			5 of 15		



REVISION	
A	14.09.20 TENDER issue
B	14.09.20 BUILDING APPROVAL

W6	Elevations 3 & 4	
Start number	End number	QTRC #
01500E	A 18-01	621922
		reads