

DELEGATED REPORT

SUBJECT: THE TRUSTEE FOR CARROLL BROS FAMILY TRUST - MATERIAL CHANGE OF USE - LOW IMPACT INDUSTRY (INCLUDING SEAFOOD PROCESSING FACTORY, COLD STORES AND ASSOCIATED ADMINISTRATION OFFICE), FOOD AND DRINK OUTLET (CAFÉ), SHOWROOM AND CARETAKER'S ACCOMMODATION (X2) - LOT 11 ON SP146296 - 3 MARTIN TENNI DRIVE, MAREEBA - MCU/21/0017

DATE: 26 August 2021

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	The Trustee for Carroll Bros Family Trust	ADDRESS	3 Martin Tenni Drive, Mareeba
DATE LODGED	6 August 2021	RPD	Lot 11 on SP146296
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Low Impact Industry (Including Seafood Processing Factory, Cold Stores and associated Administration Office), Food and Drink Outlet (Café), Showroom and Caretakers Accommodation (x2)		

FILE NO	MCU/21/0017	AREA	2,166m ²
LODGED BY	Emergent Building Approvals	OWNER	B & J Carroll
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry Zone (Precinct C - High Impact Industry)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment Only		

ATTACHMENTS: 1. Proposal Plan/s

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

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	
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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 - Low Impact Industry (Including Seafood Processing Factory, Cold Stores and associated Administration Office), Food and Drink Outlet (Café), Showroom and Caretakers Accommodation (x2)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
136 - SK1 A	Cover Sheet	Own Home Design	29/04/2021
136 - SK2	Site Plan	Own Home Design	29/04/2021
136 - SK3 A	Floor Plan	Own Home Design	29/04/2021
136 - SL4 A	Elevations	Own Home Design	29/04/2021

(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 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 prior to the issue of a building permit 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.
 - 3.5 Each caretaker's residence must be provided with a separate area for clothes drying which are screened from public view.

3.6 Signage

Advertising devices are limited to the size and locations shown on the approved plans and must:

- (i) Not resemble a traffic control device or give instructions to traffic;
- (ii) Not incorporate highly reflective materials or finishes;
- (iii) Not be illuminated, move, revolve, strobe or flash; and
- (iv) Be kept clean, in good order and safe repair for the life of the development.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. All advertising devices must be removed should the use cease.

4. Infrastructure Services and Standards

4.1 Access

Industrial access crossovers (x 3) must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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) 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.
- (c) The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.
- (d) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
- (e) 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 11 on-site car parking spaces including 1 disabled parking space which are available solely for the parking of vehicles associated with the use of the premises. 1 additional parking space must be provided for each caretaker's residence.

All car parking spaces and internal driveways must be concrete 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 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 driveway indicating the availability of on-site parking.

4.4 Landscaping

- (a) 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 plan is to include a landscape strip no less than 1.5 metres wide along the entire length of both frontages of the site (excluding access crossovers).
- (b) Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- (c) 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.

4.5 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) The developer must connect the proposed development to Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 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) 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.

(b) Property Connection to existing sewer main

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.

(c) Endorsement Fees

Council charges a fee for the endorsement of Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) Food Premises (restaurants/bed & breakfasts etc.)

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

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

(f) 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.

(g) 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.

(h) 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

(i) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

The subject site is situated at the commencement of the Mareeba Industrial Park on the corner of Martin Tenni Drive and Thora Cleland Drive and is technically situated at 3 Martin Tenni Drive (Lot 11 on SP146296). The site is regular in shape with an area of 2,166m² and is zoned Industry.

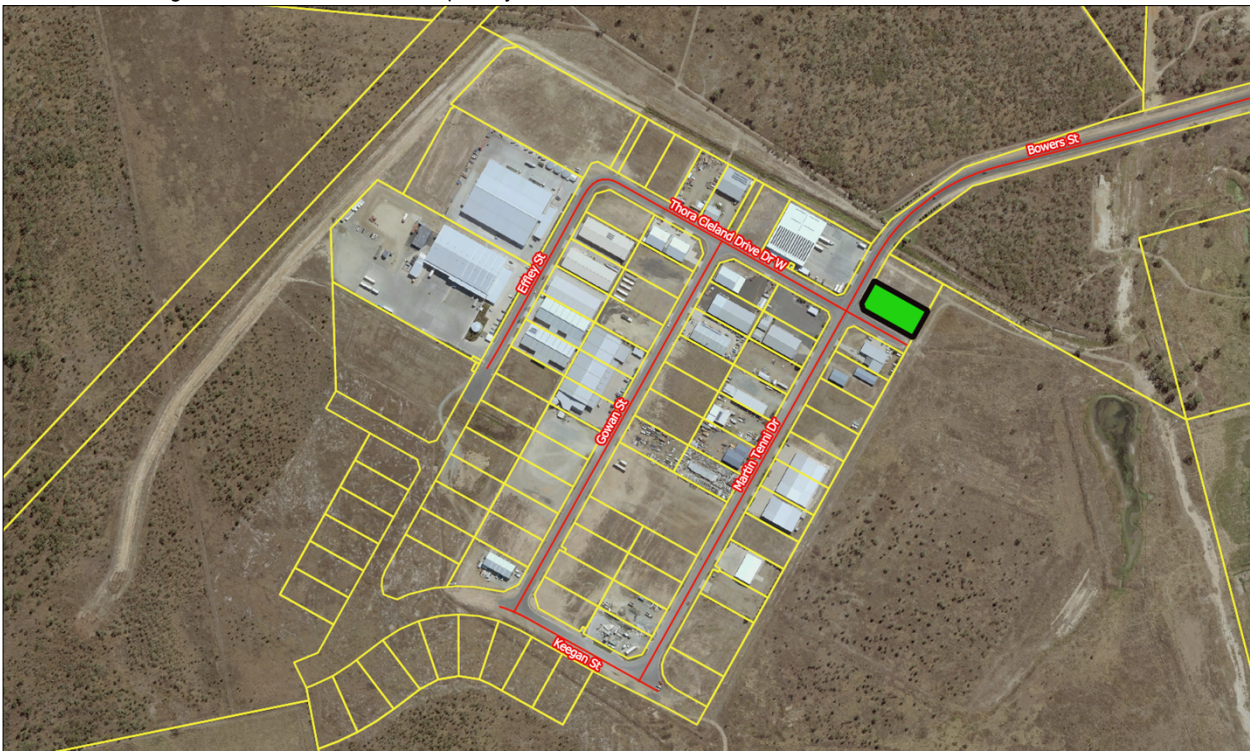
The site contains 35.1 metres of frontage to Martin Tenni Drive and a further 61 metres of frontage to Thora Cleland Drive. Both roads are constructed to bitumen/asphalt sealed standard and include kerb and channel.

The site is unimproved and is serviced by all urban services. All surrounding lots are zoned Industry.



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

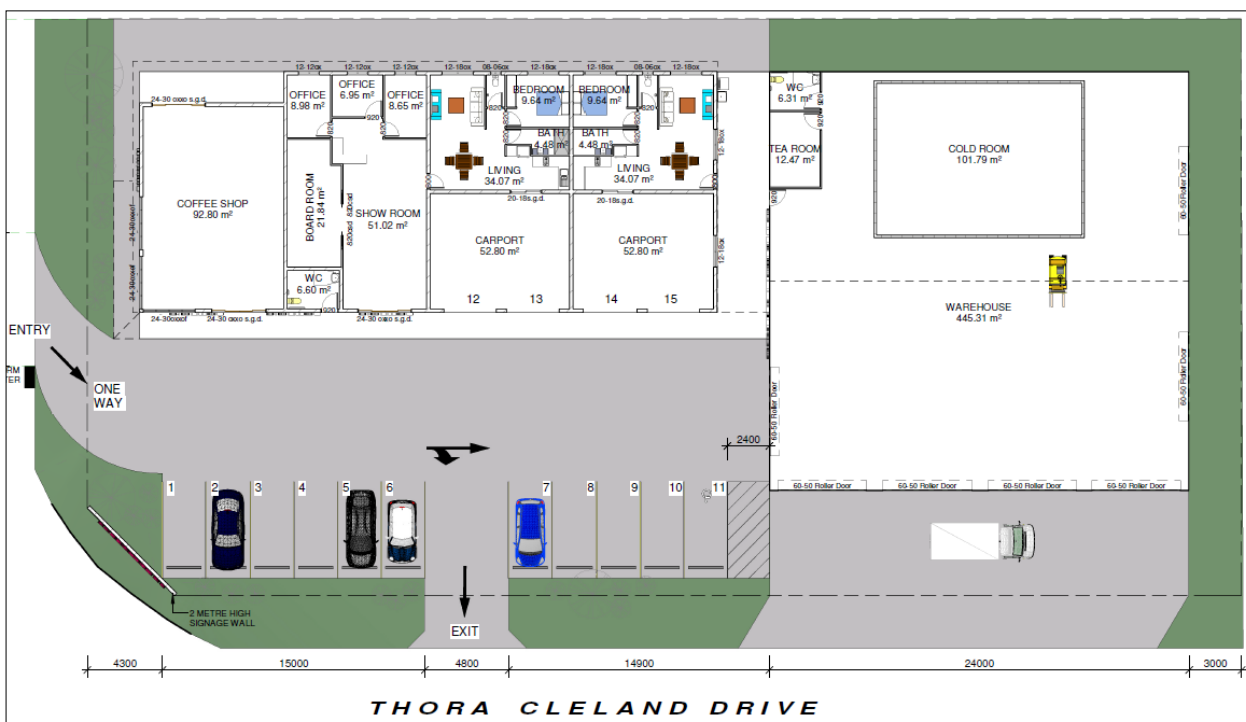
PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Low Impact Industry (Including Seafood Processing Factory, Cold Stores and associated Administration Office), Food and Drink Outlet (Café), Showroom and Caretakers Accommodation (x2) in accordance with the plans shown in **Attachment 1**.

The proposed floor layout depicting the site layout and layout of proposed uses is shown below:



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' also identifies the site as containing:

- *Wetland Area of General Ecological Significance*

This is considered to be a mapping discrepancy.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> Major Industry Area Natural Environmental Elements <ul style="list-style-type: none"> <i>Biodiversity Areas</i> Transport Elements <ul style="list-style-type: none"> <i>Local Collector Road</i> Community Identity Elements <ul style="list-style-type: none"> <i>Enterprise and Employment</i>
Zone:	Industry Zone
Preferred Area/Precinct:	Heavy Industry Precinct
Overlays:	Environmental Significance 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 <p>the use is primarily undertaken indoors.</p>	<p>Repairing motor vehicles, fitting and turning workshop</p> <p>Note—additional examples may be shown in SC1.1.2 industry thresholds.</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>

Food and drink outlet	<i>Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.</i>	<i>Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room</i>	<i>Bar, club, hotel, shop, theatre, nightclub entertainment facility</i>
Showroom	<i>Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires:</i> <ul style="list-style-type: none"> • <i>a large area for handling, display or storage</i> • <i>direct vehicle access to the building by members of the public for loading and unloading items purchased or hired.</i> 	<i>Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies</i>	<i>Food and drink outlet, shop, outdoor sales</i>
Caretaker's accommodation	<i>A dwelling provided for a caretaker of a non-residential use on the same premises.</i>		<i>Dwelling house</i>

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

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

- 6.2.5 Industry zone code
- 7.2.2 Mareeba local plan code
- 8.2.4 Environmental significance overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.1 Accommodation activities code
- 9.3.2 Commercial activities 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 contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Industry Zone Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Mareeba Local Plan Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Environmental Significance Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Transport Infrastructure Overlay Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Accommodation Activities Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Commercial Activities Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Industrial Activities Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Landscaping Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.

Parking and Access Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.
Works, Services and Infrastructure Code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided or where an acceptable outcome cannot be met) contained within the code. Refer to Development Code document for commentary.

(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 development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

Date Prepared: 23 August 2021

DECISION BY DELEGATE

DECISION

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

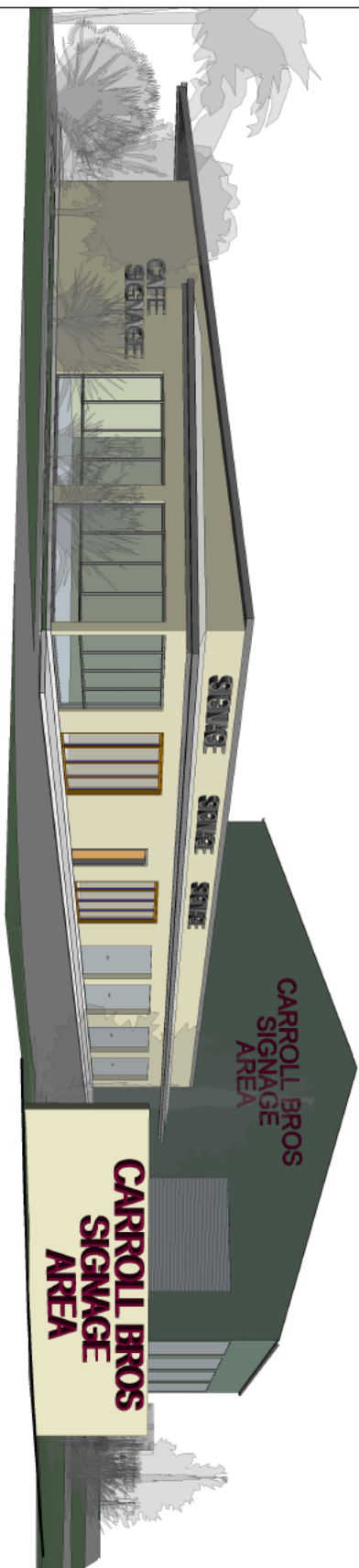
Dated the 26TH day of AUGUST 2021



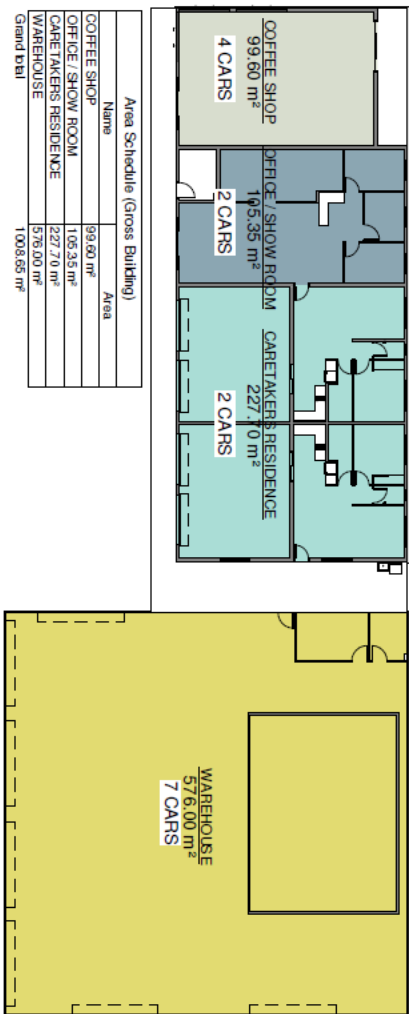
BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSED PLANS (ECM DSI # 3991727)



1 South Western View



2 Gross Floor Area Plan
1 : 250

PRELIMINARY



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No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

Proposed Development
At : Lot 11 Martin Tenni Drive,
Mareeba. Qld. 4880.
Carroll Bros. Family Trust.

COVER SHEET	
Project number	136
Date	29th April 2021.
Drawn by	AG
Checked by	AG
Scale	1 : 250 @ A3



1 Site Plan
 Document Set ID: 4005850
 Version: 1, Version Date: 06/08/2021



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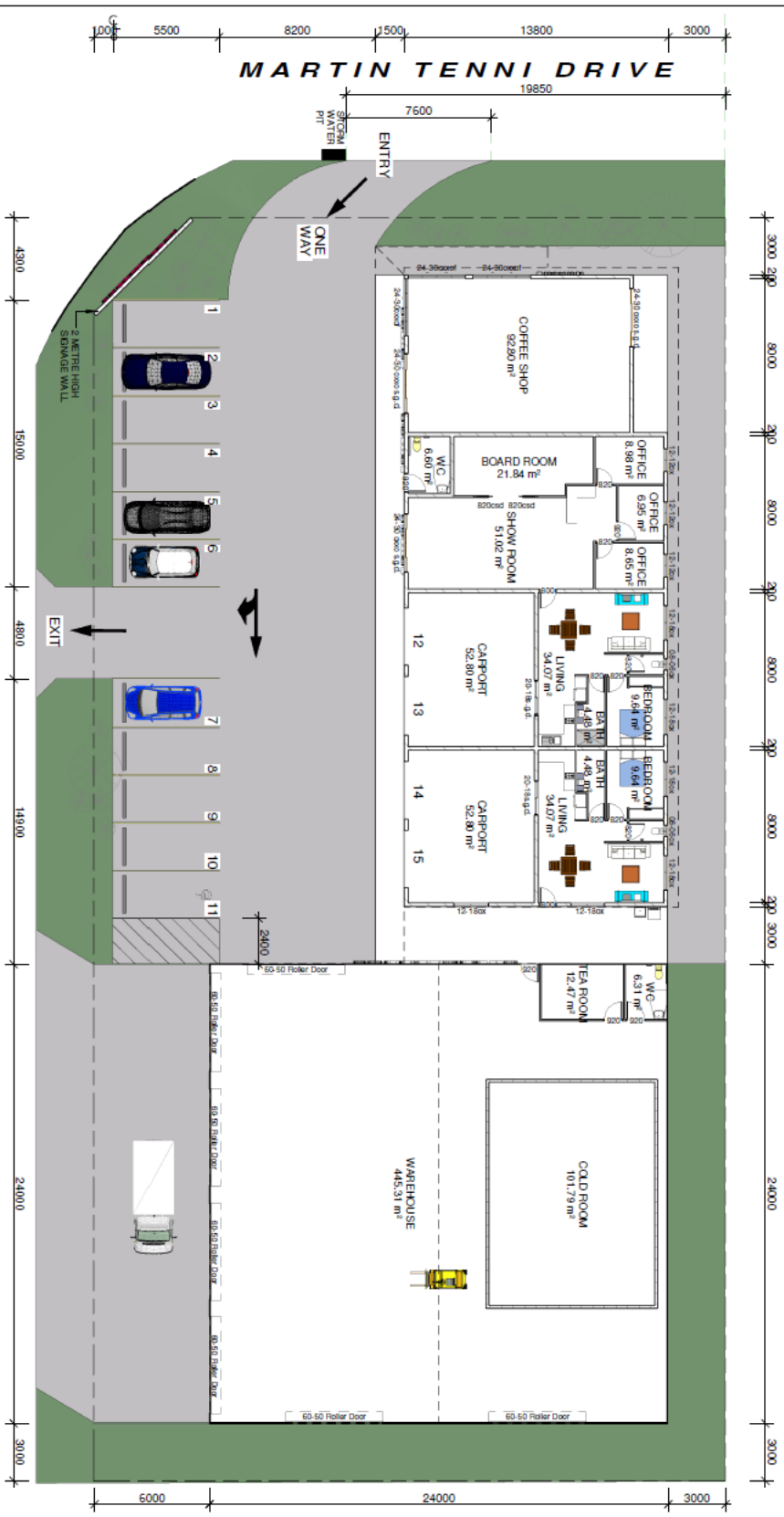
No.	Description	Date
A	Preliminary Sketch	06/07/20
	Design	21.

Carroll Bros.
 Family Trust.
 Proposed
 Development
 At: Lot 11 Martin
 Tenni Drive,
 Mareeba. Qld.
 4880.

SITE PLAN

Project number	136
Date	20th April 2021.
Drawn by	AG
Checked by	AG
Scale	1 : 250

136 - SK2



THORA CLELAND DRIVE

PRELIMINARY

OWN HOME DESIGN

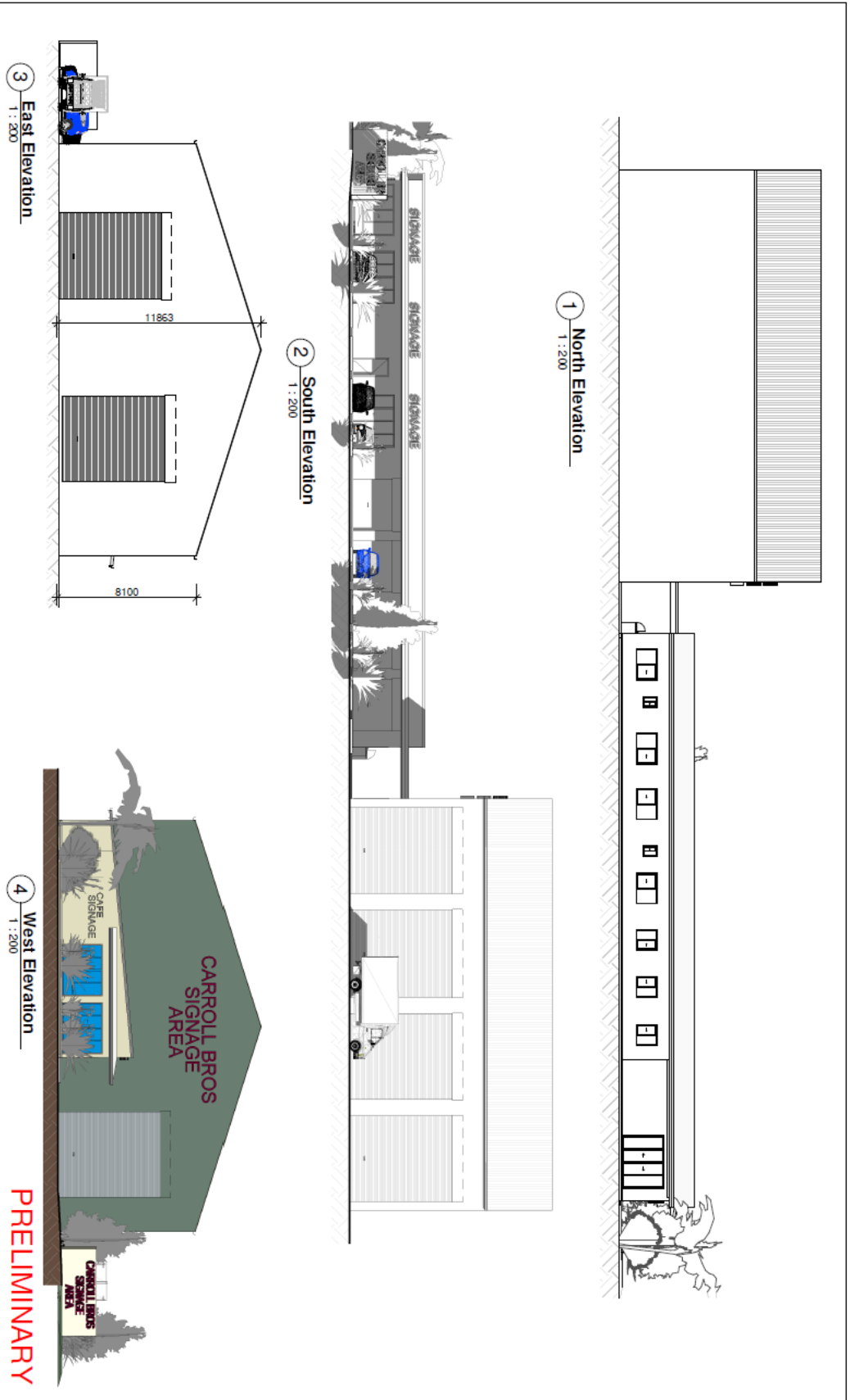
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No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

Proposed Development
 At: Lot 11 Martin Tenni Drive,
 Mareeba. Qld. 4880.
 Carroll Bros. Family Trust.

FLOOR PLAN	
Project number	136
Date	29th April 2021
Drawn By	AG
Checked by	AG
Scale	1:200 @ A3
	136 - SK3 A

Document Set ID: 3691727
 Version: 1, Version Date: 06/08/2021



OWEN HOME DESIGN
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No.	Description	Date
A	Preliminary Sketch Design	06.07.2021

Proposed Development
 At : Lot 11 Martin Tenni Drive,
 Mareebla. Qld. 4880.
 Carroll Bros. Family Trust.

ELEVATIONS	
Project number	136
Date	29th April 2021
Drawn by	AG
Checked by	AG
Scale	1:200 @ A3
	136 - SK4 A