

DELEGATED REPORT

SUBJECT: **MACMARD PTY LTD - MATERIAL CHANGE OF USE - EXTENSION TO LOW IMPACT INDUSTRY (MOTOR VEHICLE REPAIR WORKSHOP) - LOT 1 ON SP245578 - 313-315 BYRNES STREET, MAREEBA - MCU/22/0004**

DATE: 24 May 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Macmard Pty Ltd	ADDRESS	313-315 Byrnes Street, Mareeba
DATE LODGED	11 April 2022	RPD	Lot 1 on SP245578
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extension to Low Impact Industry (Motor Vehicle Repair Workshop)		

FILE NO	MCU/22/0004	AREA	4,048m2
LODGED BY	U&i Town Plan	OWNER	Macmard Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. State Assessment and Referral Agency Response dated 19 May 2022

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	Macmard Pty Ltd	ADDRESS	313-315 Byrnes Street, Mareeba
DATE LODGED	11 April 2022	RPD	Lot 1 on SP245578
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Extension to Low Impact Industry (Motor Vehicle Repair Workshop)		

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 - Extension to Low Impact Industry (Motor Vehicle Repair Workshop)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
P22020-A-00 P2	Cover Sheet	Clarke and Prince Architects	17/03/22
P22020-A-01 P2	Site Plan	Clarke and Prince Architects	17/03/22
P22020-A-02 P3	Floor Plan	Clarke and Prince Architects	23/03/22

(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 one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

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 and a maximum noise level of 8dB(A) above background levels as measured from commercial 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.

4. Infrastructure Services and Standards

4.1 Stormwater Management

- 4.1.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

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

4.2 Lighting

Where outdoor lighting is installed, illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed eight (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.

(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) CONCURRENCE AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 19 May 2022.

(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 an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per m2 GFA	GFA (m2)			
Low Impact Industry	\$35.00	236.6	\$8,281.00	Nil	\$8,281.00
TOTAL CURRENT AMOUNT OF CHARGE					\$8,281.00

THE SITE

The subject site is situated on the corner of Byrnes Street and Lerra Street at 313-315 Byrnes Street, Mareeba and is described as Lot 1 on SP245578. The site is regular in shape with an area of 4,048m² and is zoned Centre under the Mareeba Shire Council Planning Scheme 2016.

Byrnes Street and Lerra Street are constructed to bitumen/asphalt sealed standard with kerb and channelling on all sides.

The site contains the Mareeba Mazda and Mitsubishi Car Dealership which includes a car display yard on the southern half of the lot and sales office, maintenance workshop and staff/customer parking on the northern half of the lot.

All urban services are connected to the existing development.

Adjacent uses include the BP Service Station to the south, Clean Choices Car Wash to the West and residential housing to the east.



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 - Extension to Low Impact Industry (Motor Vehicle Repair Workshop) in accordance with the plans shown in **Attachment 1**.

It is proposed to extend the established Mareeba Mazda and Mitsubishi Car Dealership and Service Centre by expanding the motor vehicle workshop generally in accordance with the site plan below.



The workshop extension will have a gross floor area of approximately 236.6m² and will facilitate the inclusion of an additional two (2) new hoists, three (3) detailing bays and a new tool room.

The proposed extension will replace an existing open sided shade structure located to the south of the current vehicle workshop area.

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"> Centre Area Transport Elements <ul style="list-style-type: none"> State controlled road B-Double route Principal cycle route
Zone:	Centre zone
Mareeba Local Plan:	Town Centre Fringe
Overlays:	Aiport 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
<i>Low impact industry</i>	<p><i>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:</i></p> <ul style="list-style-type: none"> <i>negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</i> <i>minimal traffic generation and heavy-vehicle usage</i> <i>demands imposed upon the local infrastructure network consistent with surrounding uses</i> <i>the use generally operates during the</i> 	<p><i>Repairing motor vehicles, fitting and turning workshop</i></p> <p><i>Note—additional examples may be shown in SC1.1.2 industry thresholds.</i></p>	<p><i>Panel beating, spray painting or surface coating, tyre recycling, drum re conditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</i></p>

	<p>day (e.g. 7am to 6pm)</p> <ul style="list-style-type: none"> • offsite impacts from storage of dangerous goods are negligible • the use is primarily undertaken indoors. 		
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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:

- 6.2.1 Centre zone code
- 7.2.2 Mareeba local plan 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
Centre zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(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.

(f) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2021 identifies an infrastructure charge rate of \$35.00 per m² of gross floor area (GFA) for Low Impact Industry.

Based on the additional GFA of 236.6m², the applicable infrastructure charge is:

$$236.6(\text{m}^2) \times \$35.00 = \underline{\underline{\$8,281.00}}$$

REFERRALS

The application triggered referral to the State Assessment and Referral Agency as a Concurrence Agency (State transport infrastructure).

CairnsSARA advised in a letter dated 19 May 2022 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

Date Prepared: 24 May 2022

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.

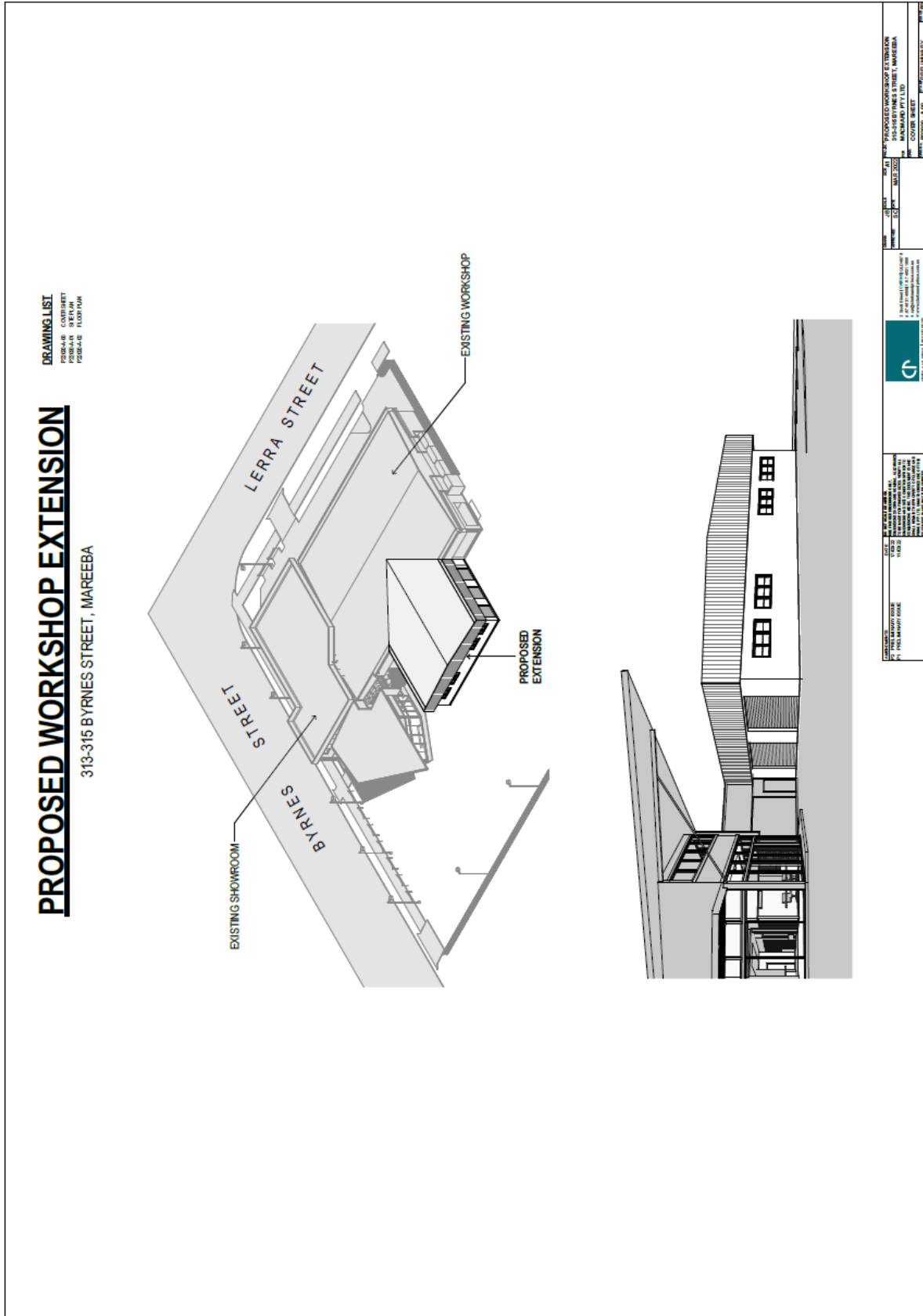
Dated the 24TH day of MAY 2022

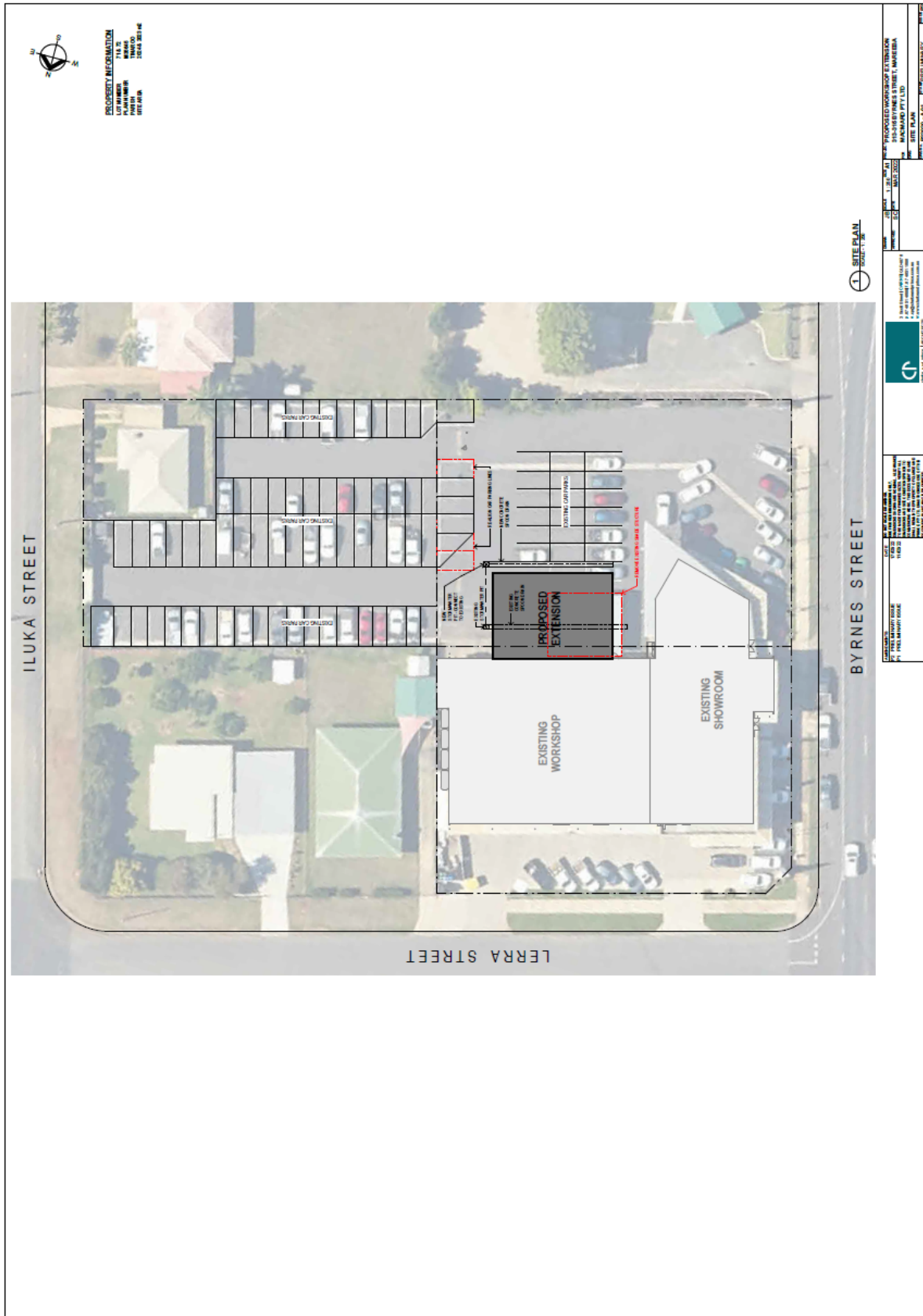


BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS



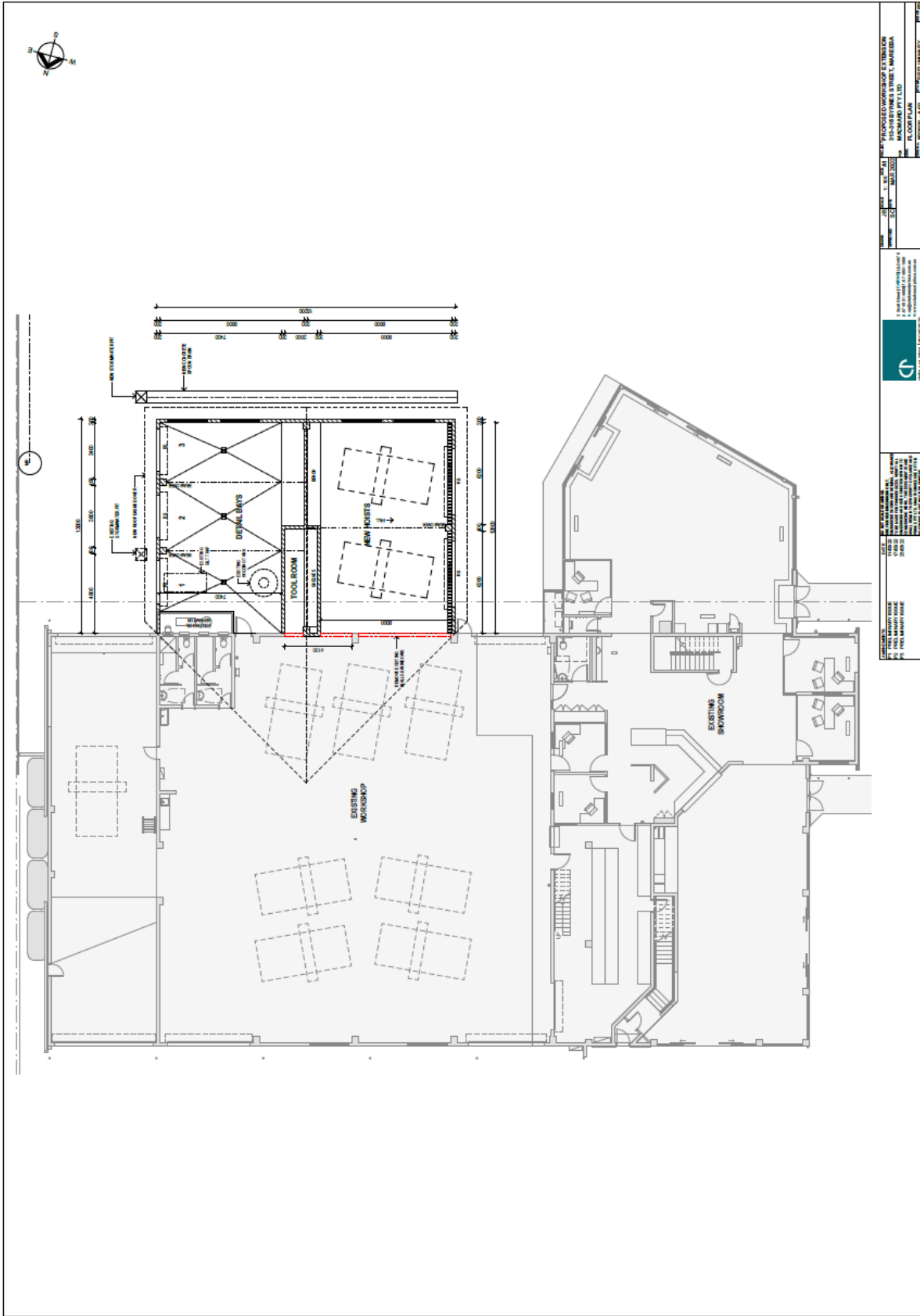


PROPERTY INFORMATION
 11/13/22
 11/13/22
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 11/13/22

PROJECT PLAN
 SITE PLAN

DATE: 11/13/22	SCALE: 1:1000	PROJECT: PROPOSED WORKSHOP EXTENSION	CLIENT: JACKSONS PROJECTS PTY LTD
DATE: 11/13/22	SCALE: 1:1000	PROJECT: PROPOSED WORKSHOP EXTENSION	CLIENT: JACKSONS PROJECTS PTY LTD
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ATTACHMENT 2

RA6-N



SARA reference: 2204-28380 SRA
 Council reference: MCU/22/0004
 Applicant reference: M10-22

19 May 2022

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

Attention: Mr Brian Millard

Dear Sir/Madam

SARA response—313-315 Byrnes Street, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 27 April 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	19 May 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for extension to low impact industry (motor vehicle repair workshop)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017)	

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

2204-28380 SRA

SARA reference: 2204-28380 SRA
Assessment Manager: Mareeba Shire Council
Street address: 313-315 Byrnes Street, Mareeba
Real property description: Lot 1 on SP245578
Applicant name: MACMARD PTY LTD c/- U&i Town Plan
Applicant contact details: PO Box 426
Cooktown QLD 4895
ramon@uitownplan.com.au

Representations

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

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373208 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson
A/Manager (Planning)

cc MACMARD PTY LTD c/- U&i Town Plan, ramon@uitownplan.com.au

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

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
1.	(a) Stormwater management of the development must ensure no material worsening to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. 	(a) and (b) At all times

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) (v3.0). If a word remains undefined it has its ordinary meaning.
2.	The Department of Transport and Main Roads issued a section 62 permitted road access location decision notice on 23 May 2016 for access to Lot 1 on SP245578 via Mareeba-Dimbulah Road. This road access location approval continues to apply to the site.

Attachment 3—Reasons for referral agency response

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

The reasons for SARA's decision are:

- The proposed development is unlikely to result in any additional traffic being generated.
- The proposed development does not result in any new access points to the state-controlled road.
- The proposed development does not adversely impact the function and efficiency of the state-controlled road.
- The proposed development does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of the state-controlled road.
- The proposed development will not impact on the ability to plan, construct, maintain or operate state transport corridors.
- The proposed development, with conditions, complies with the performance outcomes of State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 3.0), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

¹ Pursuant to Section 68 of the *Planning Act 2016*

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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



Branch/Unit:	Corridor Management/Far North Region
Projection/ Datum:	Geocentric Datum of Australia (GDA) 1994

TMR Layout Plan (664 - 0.85km)

Plan No:	1 / 1	Issue:	A	Date:	20/05/2016
Drawn by:	RPK	File ref:	275/664 (500-890)		

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