# **Assessment of application against relevant Development Codes**

## **APPLICATION DETAILS**

APPLICATION		PRE	MISES
FILE NO:	OPW/22/0002	ADDRESS:	7 Haren
			Street, Mareeba
APPLICANT:	R Bird Corporate Pty Ltd	RPD:	Lot 56 on SP202909
LODGED BY:	McPeake Town Planning	AREA:	850m <sup>2</sup>
DATE LODGED:	12 May 2022	OWNER:	R Bird Corporate Pty Ltd
TYPE OF APPROVAL:	Development Permi	t	•
PROPOSED DEVELOPMENT:	Operational Works ( Permit RAL/19/0002		or Development
PLANNING SCHEME:	Mareeba Shire Cou	ncil Planning S	Scheme 2016
ZONE:	Low Density Reside	ntial	
LEVEL OF ASSESSMENT:	Code Assessment		
SUBMISSIONS:	n/a		

## **Relevant Development Codes**

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

- 6.2.6 Low density residential zone code
- 9.4.5 Works, services and infrastructure code

#### 6.2.6 Low density residential zone code

### 6.2.6.1 Application

- (1) This code applies to assessing development where:
  - (a) located in the Low density residential zone; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

## 6.2.6.2 Purpose

- (1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.
- (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
  - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
  - (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
  - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The dominant form of development is detached dwelling houses, on a range of lot sizes:
  - (b) In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;
  - (c) High quality Residential care facilities and Retirement facilities are located on larger sites:
  - (d) Development provides for an efficient land use pattern and is well connected to other developments:
  - (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;
  - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
  - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
  - (h) Development reflects and enhances the existing low density scale and character of the area:
  - (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
  - (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;
  - (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
  - (I) Development takes account of the environmental constraints of the land; and

(m) Any unavoidable impacts are minimised through location, design, operation and management requirements.

## 6.2.6.3 Criteria for assessment

Table 6.2.6.3A—Low density residential zone code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments
For accepted development su	bject to requirements and ass	sessable developme	nt
Height			
PO1 Building height takes into consideration and respects the following:  (a) the height of existing buildings on adjoining premises;  (b) the development potential, with respect to height, on adjoining premises;  (c) the height of buildings in the vicinity of the site;  (d) access to sunlight and daylight for the site and adjoining sites;  (e) privacy and overlooking; and  (f) site area and street frontage length.	AO1 Development has a maximum building height of: (a) 8.5 metres; and (b) 2 storeys above ground level.	n/a	Not applicable.
Outbuildings and residential s	scale		
PO2 Domestic outbuildings: (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Low-density residential zone.	AO2 Domestic outbuildings do not exceed:  (a) 100m² in gross floor area; and  (b) 5.5 metres in height above natural ground level.	n/a	Not applicable.
Siting			

Perfo	ormance outcomes	Acceptable outcomes	Complies	Comments
	elopment is sited in a ner that considers and ects: the siting and use of adjoining premises; access to sunlight and daylight for the site and adjoining sites;	AO3.1  Buildings and structures include a minimum setback of:  (a) 6 metres from the primary road frontage; and  (b) 3 metres from any secondary road frontage.	n/a	Not applicable.
(c) (d) (e) (f) (g)	privacy and overlooking; opportunities for casual surveillance of adjoining public spaces; air circulation and access to natural breezes; and appearance of building bulk; and relationship with road corridors.	AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.	n/a	Not applicable.
Acco	ommodation density			
PO4 The Acco (a) (b) (c)	density of ammodation activities: contributes to housing choice and affordability; respects the nature and density of surrounding land use; does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and is commensurate to the scale and frontage of the site.	AO4 Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.	n/a	Not applicable.
	s floor area			
PO5		AO5	n/a	Not applicable.

Performance	ce outcomes	Acceptable outcomes	Complies	Comments
Buildings occupy the that:  (a) make land; (b) is cor bulk a surro and  (c) approbalan natur  For assess  Building d  PO6  Building appropriate (a) include and a variation of the care surro (c) provietion for care surve (d) include scale (e) encore	and structures site in a manner es efficient use of es efficient use of esistent with the end scale of unding buildings; opriately es built and al features.  sable development esign  facades are ely designed to: de visual interest erchitectural tion; tain and ence the exter of the unds; de opportunities esual eillance; de a human est and urage pation of outdoor	Gross floor area does not exceed 600m².	n/a	Not applicable.
PO7 Developme and integ established of the residential regard to: (a) roof f (b) eaves (c) buildi colou and (d) windo	ent complements rates with the description built character. Low density zone, having form and pitch; and awnings; and materials, are and textures; ow and door size ocation.	AO7 No acceptable outcome is provided.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
Non-residential developme	nt		
PO8 Non-residential development is only located in new residential areas and: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) directly supports the day to day needs of the immediate residential community; and (d) does not impact on the orderly provision of non-residential development in other locations in the shire.	AO8 No acceptable outcome is provided.	n/a	Not applicable.
Amenity			
PO9 Development must not detract from the amenity of the local area, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	AO9 No acceptable outcome is provided.	n/a	Not applicable.
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic;	AO10 No acceptable outcome is provided.	n/a	Not applicable.

Perf	ormance outcomes	Acceptable outcomes	Complies	Comments
(d) (e) (f) (g) (h) (i)	advertising devices; visual amenity; privacy; lighting; odour; and emissions.			

Table 6.2.6.3B—Maximum densities for Accommodation activities

Use	Maximum density
Dual occupancy	1 dwelling per 400m <sup>2</sup> of site area
Multiple dwelling	<ul> <li>(a) 1 dwelling per 400m² of site area; and</li> <li>(b) 1 bedroom per 200m² of site area.</li> </ul>
Residential care facility	1 dwelling or accommodation unit per 250m <sup>2</sup> of site area.
Retirement facility	1 dwelling or accommodation unit per 400m <sup>2</sup> of site area

#### 9.4.5 Works, services and infrastructure code

### 9.4.5.1 Application

(1) This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

## 9.4.5.2 Purpose

- (1) The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development provides an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (b) Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (c) Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (d) Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
  - (e) Development provides electricity and telecommunications services that meet its desired requirements:
  - (f) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - (g) Development does not affect the efficient functioning of public utility mains, services or installations:
  - (h) Infrastructure dedicated to Council is cost effective over its life cycle;
  - (i) Work associated with development does not cause adverse impacts on the surrounding area; and
  - (j) Development prevents the spread of weeds, seeds or other pests.

#### 9.4.5.3 Criteria for assessment

Table 9.4.5.3 - Works, services and infrastructure code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Complies	Comments		
For accepted development subject to requirements and assessable development					
Water supply					

Performance outcomes	Acceptable outcomes	Complies	Comments
PO1 Each lot has an adequate volume and supply of water that:  (a) meets the needs of users;  (b) is adequate for firefighting purposes;  (c) ensures the health, safety and convenience of the community; and  (d) minimises adverse impacts on the receiving environment.	AO1.1  Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:  (a) in the Conservation zone, Rural zone or Rural residential zone; and  (b) outside a reticulated water supply service area.	n/a	Not applicable for op works stage - to be complied with prior to endorsement of survey plan.
	AO1.2  Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with:  (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or  (b) on-site water storage tank/s:  (i) with a minimum capacity of 90,000L;  (ii) fitted with a 50mm ball valve with a camlock fitting; and  (iii) which are installed and connected prior to the occupation or use of the development.	n/a	Not applicable.
Wastewater disposal			

Performance outcomes	Acceptable outcomes	Complies	Comments
PO2 Each lot provides for the treatment and disposal of effluent and other waste water that: (a) meets the needs of users; (b) is adequate for firefighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment.	AO2.1 Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:  (a) in the Conservation zone, Rural zone or Rural residential zone; and  (b) outside a reticulated sewerage service area.	n/a	Not applicable for op works stage - to be complied with prior to endorsement of survey plan.
	AO2.2 An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located: (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area.	n/a	Not applicable.
Stormwater infrastructure			
PO3 Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.	AO3.1 Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	•	Complies.

adequate supply of electricity  (a) is connected to the electricity supply network; or  (b) has arranged a connection to the transmission grid; or  (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where:  (i) it is approved by the relevant	Performance outcomes	Acceptable outcomes	Complies	Comments
PO4 Each lot is provided with an adequate supply of electricity    AO4		On-site drainage systems are constructed:  (a) to convey stormwater from the premises to a lawful point of discharge; and  (b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional	n/a	Not applicable.
Each lot is provided with an adequate supply of electricity  The premises:  (a) is connected to the electricity supply network; or  (b) has arranged a connection to the transmission grid; or  (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where:  (i) it is approved by the relevant				
and  (ii) it can be demonstrated that no air or noise emissions; and  (iii) it can be demonstrated that no adverse impact on visual amenity will occur.	Each lot is provided with an adequate supply of electricity	The premises:  (a) is connected to the electricity supply network; or  (b) has arranged a connection to the transmission grid; or  (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where:  (i) it is approved by the relevant regulatory authority; and  (ii) it can be demonstrated that no air or noise emissions; and  (iii) it can be demonstrated that no adverse impact on visual amenity will occur.	n/a	works stage - to be complied with prior to endorsement of survey

Performance outcomes	Acceptable outcomes	Complies	Comments
PO5 Each lot is provided with an adequate supply of telecommunication infrastructure	AO5 Development is provided with a connection to the national broadband network or telecommunication services.	n/a	Not applicable for op works stage - to be complied with prior to endorsement of survey plan.
Existing public utility servi	ces		
PO6 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable for op works stage - to be complied with prior to endorsement of survey plan.
Excavation or filling			
PO7 Excavation or filling must not have an adverse impact on the:	AO7.1 Excavation or filling does not occur within 1.5 metres of any site boundary.	n/a	Not applicable.
<ul> <li>(a) streetscape;</li> <li>(b) scenic amenity;</li> <li>(c) environmental values;</li> <li>(d) slope stability;</li> </ul>	AO7.2 Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	n/a	Not applicable.
(e) accessibility; or (f) privacy of adjoining premises.	AO7.3  Earthworks batters:  (a) are no greater than 1.5 metres in height;  (b) are stepped with a minimum width 2 metre berm;  (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot;  (d) have a slope no greater than 1 in 4; and  (e) are retained.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	AO7.4 Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:  (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.	n/a	Not applicable.
	AO7.5  All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
	AO7.6 Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
	AO7.7  Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
For assessable development			
Transport network			

Performance outcomes	Acceptable outcomes	Complies	Comments
PO8 The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.	utilities and landscaping to the frontage/s of the site are	•	Will be conditioned to comply.
	AO8.2  Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	n/a	Not applicable.
Public infrastructure			
PO9 The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.	AO9 Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	•	Will be conditioned to comply.
Stormwater quality			

Performance	outcomes	Acceptab	le outcomes	Complies	Comments
worsening ef	t has a non- fect on the site ling land and is	prepared	owing reporting is for all Material change r Reconfiguring a lot	n/a	Not applicable for the scale of development proposed.
(a) optimis interce retention removal water be pollutant the disconnection of water affected develop	ption, on and al of orne onts, prior to charge to ng waters; the amental values erbodies d by the pment, ng upstream, and	(a) a S Mai Rep exc des set Urb (QU Gui Spe the Poli Rep Mai (b) an I	tormwater nagement Plan and port that meets or eeds the standards of ign and construction out in the Queensland an Drainage Manual JDM) and the Design delines and ecifications set out in Planning Scheme cy 4 – FNQROC gional Development hual; and Erosion and Sediment atrol Plan that meets		
waterbe (c) achieve water c objectiv	e specified quality	Ero Sec	exceeds the Soil sion and limentation Control delines (Institute of		
(d) minimis (e) maximi natural	se flooding; ise the use of channel principles;	Eng	gineers Àustralia), uding: drainage control; erosion control;		
(f) maximi benefit	ise community ; and se risk to	(iii)	sediment control; and water quality outcomes.		

Performance outcomes	Acceptable outcomes	Complies	Comments
	For development on land greater than 2,500m² or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:  (a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline;  (b) is consistent with any local area stormwater water management planning;  (c) accounts for development type, construction phase, local climatic conditions and design objectives; and  (d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity.	n/a	Not applicable for the scale of development proposed.

Performance outcomes	Acceptable outcomes	Complies	Comments
PO11 Storage areas for stormwater detention and retention:  (a) protect or enhance the environmental values of receiving waters;  (b) achieve specified water quality objectives;  (c) where possible, provide for recreational use;  (d) maximise community benefit; and  (e) minimise risk to public safety.	AO11 No acceptable outcome is provided.	n/a	Not applicable for the scale of development proposed.
Excavation or filling			
PO12 Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.	AO12.1 Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.	n/a	Not applicable.
	AO12.2 Transportation of fill to or from the site does not occur: (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments	
PO13 Air pollutants, dust and sediment particles from	AO13.1  Dust emissions do not extend beyond the boundary of the site.	n/a	Not applicable.	
excavation or filling, do not cause significant environmental harm or nuisance impacts.	AO13.2  No other air pollutants, including odours, are detectable at the boundary of the site.	n/a	Not applicable.	
	AO13.3 A management plan for control of dust and air pollutants is prepared and implemented.	n/a	Not applicable.	
PO14 Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	ACCESS to the premises (including all works associated with the access):  (a) must follow as close as possible to the existing contours;  (b) be contained within the premises and not the road reserve, and  (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.	
Weed and pest management				
PO15 Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	AO15 No acceptable outcome is provided.	n/a	Not applicable.	
Contaminated land				

Performance outcomes	Acceptable outcomes	Complies	Comments
PO16 Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	AO16  Development is located where:  (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or  (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	•	Complies.
Fire services in developme	ents accessed by common priva	te title	
PO17 Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO17.1  Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of:  (a) 120 metres for residential development; and  (b) 90 metres for any other development.	n/a	Not applicable.
	AO17.2 Fire hydrants are located at all intersections of accessways or private roads held in common private title.	n/a	Not applicable.