

DELEGATED REPORT

SUBJECT: R & N ZADEH HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - HEALTH CARE SERVICES, SHOP, OFFICE & FOOD AND DRINK OUTLET - LOT 3 ON RP722170 - 64 STRATTMANN STREET, MAREEBA - MCU/22/0018

DATE: 22 July 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	R & N Zadeh Holdings Pty Ltd	ADDRESS	64 Strattmann Street, Mareeba
DATE LODGED	11 July 2022	RPD	Lot 3 on RP722170
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Health Care Services, Shop, Office & Food and Drink Outlet		

FILE NO	MCU/22/0018	AREA	1,012m2
LODGED BY	Liz Taylor Town Planner	OWNER	R & N Zadeh Holdings 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

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	R & N Zadeh Holdings Pty Ltd	ADDRESS	64 Strattmann Street, Mareeba
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PROPOSED DEVELOPMENT	Material Change of Use - Health Care Services, Shop, Office & Food and Drink Outlet		

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 - Health Care Services, Shop, Office & Food and Drink Outlet

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DD1	Site Plan	-	06/07/22
DD2	Internal Layout Plan	-	06/07/22

(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

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.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.3 All 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

3.4.1 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.

3.4.2 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/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover must be constructed (from the edge of Strattmann Street 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 Frontage Works

The applicant/developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- Construct a two (2) metre wide concrete footpath on Strattmann Street between the end of the existing concrete footpath and the access required under Condition 4.1.
- Adjustments and relocations necessary to public utility services resulting from these works.

4.3 Stormwater Management

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

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

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces generally in accordance with Site Plan DD1, 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.

4.5 Landscaping

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 a one (1) metre wide landscaping strip adjoining and along the full length of the southern boundary of Lot 3 on RP722170, 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.

4.6 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.

(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) Food Premises

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

- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

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

- (e) 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.

- (f) 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.

- (g) 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.

- (h) 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.

(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
- 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 on the corner of Rankin Street and Strattmann Street at 64 Strattmann Street, Mareeba and is described as Lot 3 on RP722170. The site is regular in shape with an area of 1,012m² and is zoned Centre under the Mareeba Shire Council Planning Scheme 2016.

The site has frontages of approximately 25 metres to Rankin Street and 40 metres to Strattmann Street. Rankin Street and Strattmann Street are constructed to bitumen sealed standard with kerb and channelling on all sides.

The site is improved by a single storey commercial building which occupies the northern two-thirds, with the remaining southern portion used for an unmarked parking area.

All urban services are connected to the existing development.

The building addresses Rankin Street with an awning over part of the footpath area and a wide concrete pedestrian pathway along the entire building frontage, which connects to formed kerb and channel and to onstreet parking spaces.

The building awning and footpath returns along Strattmann Street for part of the site frontage.

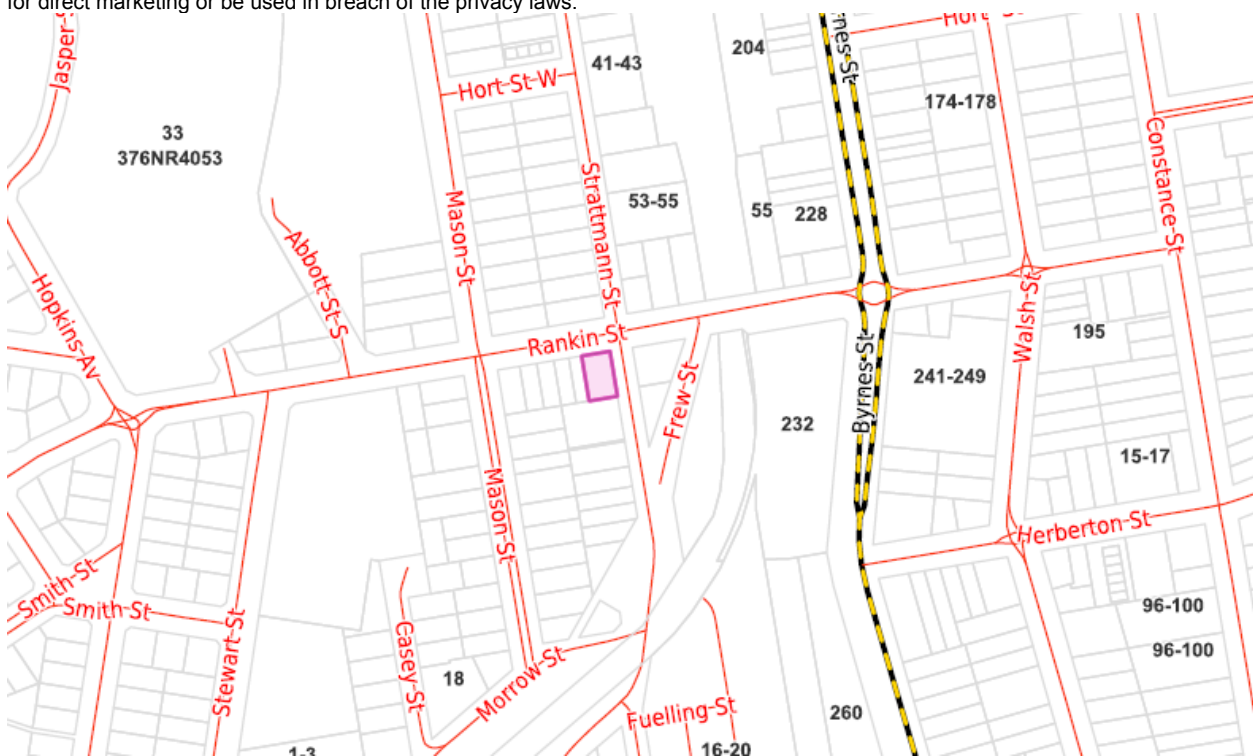
The site is located on the edge of the commercial area of Mareeba and is included in the Centre Zone with Medium Density Residential zoned land adjoining to the rear.

The local area is characterised by a mix of older style residential premises and commercial/quasi-service industry activities, including several vacant premises.



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

The building on the subject site was built around 1980 and was occupied by Northern Auto Electrical up until the closure of this business around 2020. Since that time, the premises has remained vacant.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Health Care Services, Shop, Office & Food and Drink Outlet in accordance with the plans shown in **Attachment 1**.

The proposed development is as follows:

"It is proposed to redevelop the site, utilising the existing building, to create a mixeduse development.

The primary use of the site is for Health Care Services, being a medical clinic and potentially, other allied health professionals. In addition, some commercial space may be leased for a café/coffee shop = Food and Drink Outlet, Office and/ or Shop, such as a florist or chemist, being complementary uses to the primary use of Health Care Services. The tenancy mix is not known at this time.

The Concept Plans, show:

Site Plan

- *Medical Centre with a Gross Floor Area (GFA) of 195m² has frontage to both streets and access is proposed to/from both streets;*
- *Future tenancies have a GFA of 287m² and frontage to Rankin Street;*
- *The remaining area is a common area containing entry corridor, toilets and kitchen with a GFA of 52m².*
- *Two small storage shed/areas are also located on site with a total area of 27m², one located adjacent to the refuse collection area; and*
- *The rear car parking area accommodates 13 car parking spaces, 1 space designated disabled parking and 3 parallel spaces and 5 angled spaces can be line-marked to the site frontage, providing for a total of 21 car parking spaces.*
- *The boundary along the rear, adjoining the backpackers can be fenced with a screen fence and can potentially be landscaped for a width of approximately 2 metres.*

Internal Layout Plan

- *The Medical Centre (eye clinic) comprises a waiting room and reception area with a file storage area, 2 eye testing rooms, 2 orthoptist offices, a treatment room and a consulting room;*
- *Adjacent are the ablutions, a communal kitchen and an access corridor to/from the rear car parking area.*
- *Two small storage areas may be used by various tenants and a refuse area has been designated to the rear of the building;*

- *The future tenancies area is "L" shaped and has frontage to Rankin Street.*

In the Centres Zone the proposed mix of uses has the following levels of assessment:

- *Health Care Services - Code assessment;*
- *Food and Drink Outlet – Code assessment;*
- *Offices – Exempt/Self assessable development*
- *Shops – Code assessment.*

The primary use of the building is for Health Care Services and may result in the entire building being used for this purpose, with several medical professionals, sharing the space. However, there is a possibility that part of the space may be used by complementary commercial activities/services, such as a café, offices, florist shop, chemist, or the like."

Thirteen (13) car parking spaces can be accommodated at the rear, one of the 13 spaces being a disabled space.

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"> • Local Collector Road • Principal Cycle Routes
Zone:	Centre zone
Overlays:	Airport Environs Overlay Extractive Resources 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
Health Care Services	Premises for medical, paramedical, alternative therapies and general health care and treatment of persons that involves no overnight accommodation.	Dental clinics, medical centres, natural medicine practices, nursing services, physiotherapy clinic	Community care centre, hospital

Shop	Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store	Adult store, food and drink outlet, showroom, market
Office	Premises used for an administrative, secretarial or management service or the practice of a profession, whereon goods or materials are made, sold or hired and where the principal activity provides for one or more of the following: <ul style="list-style-type: none"> • business or professional advice • service of goods that are not physically on the premises • office based administrative functions of an organisation. 	Bank, real estate agent, administration building	Home based business, home office, shop, outdoor sales
Food and Drink Outlet	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.	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room	Bar, club, hotel, shop, theatre, nightclub entertainment 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:

- 6.2.1 Centre zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.5 Extractive resources overlay code
- 9.3.2 Commercial activities code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
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.
Extractive resources 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.
Commercial 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.
Community 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

The application is proposing commercial uses within an existing building in the Centre zone.

In most similar scenarios, the development would be accepted development subject to requirements and could occur without an application to Council.

In this particular case, the level of assessment is increased to code assessment solely because the site adjoins the Medium Density Residential zone.

It is not proposed to charge additional infrastructure charges simply because the site adjoins the Medium Density Residential zone.

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Not applicable.

PLANNING DISCUSSION

Nil


Date Prepared: 22 July 2022

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 *22ND* day of *JULY* 2022



**BRIAN MILLARD
SENIOR PLANNER**

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS



CARPARKING	RANKIN ST x 5 ANGLED PARKS STRATTMAN ST x 3 PARALLEL PARKS
PARKING ON SITE	12 / 2.6 x 5.4 1 / 4.0 x 5.4 DISABLED UNDER COVER
TOTAL LETTABLE AREA APPROX.	442m ²
123 SPACES REQUIRED @ 1 SPACE PER 40m²	

PROPOSED FIT OUT of:
64
STRATTMAN ST,
MAREEBA
 CLIENT:
N.O.E.C

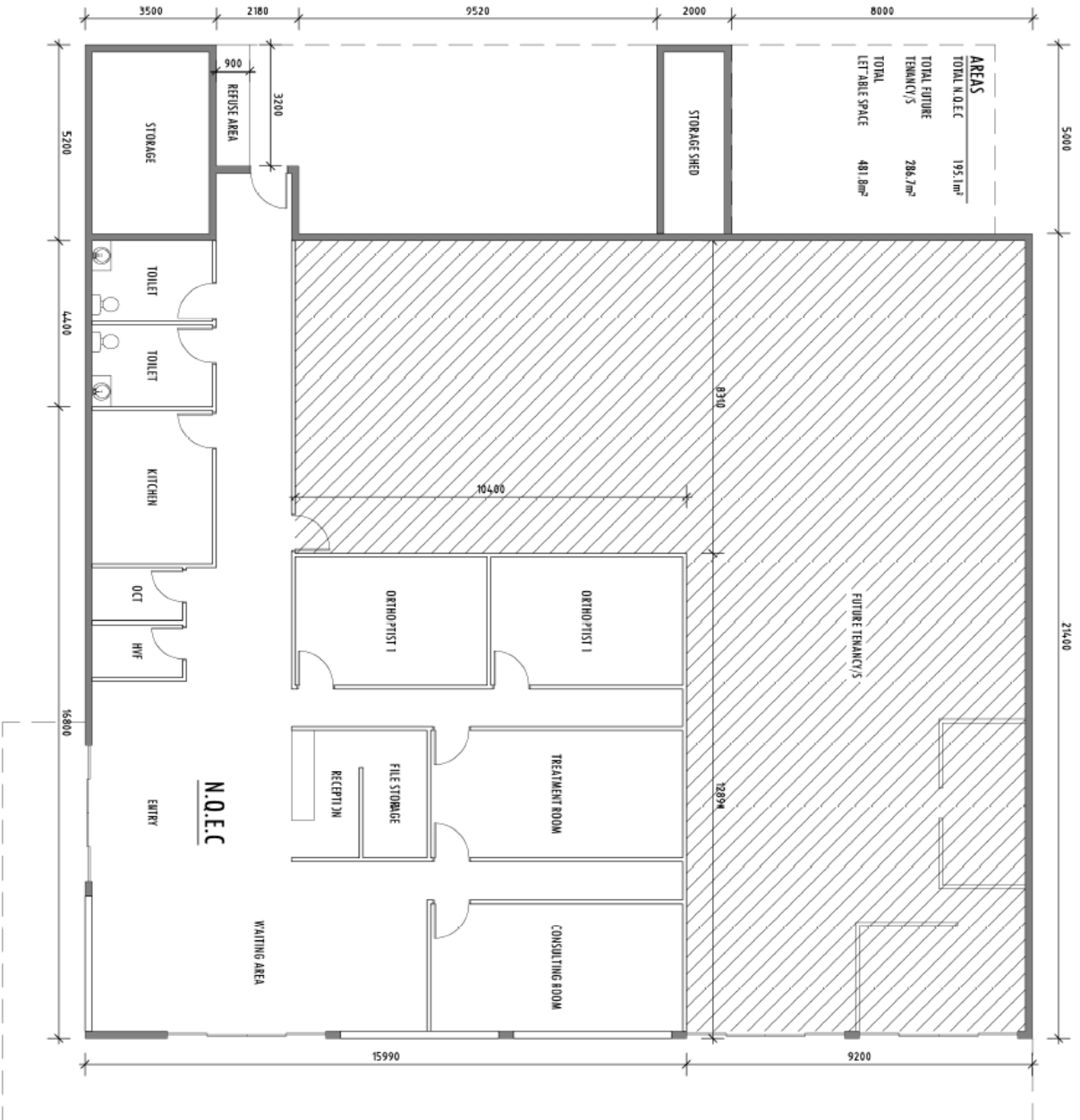
BUILDING GFA	
N.O.E.C	195.1m ²
FUTURE TENANCY'S	286.7m ²
BALANCE AREA	53.2m ²
TOTAL GFA	535m²

ALL CONTRACTORS SHALL VERIFY ALL DIMENSIONS FROM TO BE SHOWN ON THESE PLANS. DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS. HUMAN DESIGN STANDARDS TO BE IN ACCORDANCE WITH CURRENT BUILDING STANDARDS. ALL CODES (LOCAL, STATE AND FEDERAL) SHALL BE OBSERVED AND REVEALED IN PROJECT SPECIFICATIONS.

TITLE:
SITE PLAN

DATE:
 CONCEPT PLANS FOR
 MCUI APPLICATION
 06/07/22

SCALE:
 AS SHOWN @ A3
 SHEET No: **DD1**



FLOOR PLAN
SCALE 1:100
NOTE:
INTERNAL LAYOUT & SHOWN INDICATIVELY
TO BE CONFIRMED IN STAGE 2 DESIGN PHASE.

DATE: _____
CONCEPT PLANS FOR
MCU APPLICATION
06/07/22
SCALE:
AS SHOWN @ A3
SHEET No: _____

INTERNAL LAYOUT PLAN

ALL CONTRACTORS SHALL VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK. DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS. DRAWING DESIGN STANDARDS TO BE IN ACCORDANCE WITH CURRENT NZ BUILDING STANDARDS CODE (INC) VOLUMES 1, 2 & 3. DIMENSIONS AND REVISIONS TO BE IN ACCORDANCE WITH NZS 1000: AS & NZS STANDARDS BUILDING ACT, BUILDING REGULATIONS, BUILDING & PLANNING ACT, LOCAL GOVERNMENT PLANNING SCHEMES & POLICES OR LOCATE IN PROJECT SPECIFICATIONS.

PROPOSED FIT OUT: **64**
STRATTMAN ST,
MAREEBA
CLIENT:
N.Q.E.C

DD2