DELEGATED REPORT

SUBJECT: MAREEBA CHILD CARE & KINDERGARTEN INC -MATERIAL CHANGE OF USE - CHILD CARE CENTRE - LOT 2 ON RP723297 & LOT 10 ON SP270086 - 67 CONSTANCE STREET & 2-6 HASTIE STREET, MAREEBA - MCU/22/0019

DATE: 27 October 2022

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

AP	PLICATION		PREMISES
APPLICANT	Mareeba Child Care & Kindergarten Inc	ADDRESS	67 Constance Street and 2-6 Hastie Street, Mareeba
DATE LODGED	13 September 2022	RPD	Lot 2 on RP723297 & Lot 10 on SP270086
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - (Child Care Centre	e

APPLICATION DETAILS

FILE NO	MCU/22/0019	AREA	Lot 2 - 2,223m ²
			Lot 10 - 1,565m ²
LODGED BY	Gilvear Planning Pty	OWNER	Mareeba Child
	Ltd		Care &
			Kindergarten Inc
PLANNING SCHEME	Mareeba Shire Council	Planning Sche	eme 2016
ZONE	Medium Density Reside	ntial	
LEVEL OF	Code Assessment		
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 proposes the demolition of the existing aged child care centre and replacement with a brand new centre. The new child care centre will accommodate up to 109 children, up from the current centres 75 child capacity. The new centre will be sighted against the Constance Street and Hastie Street frontages, allowing the outdoor play areas to be moved away from both roads towards the centre of the land. No works will be carried out to the existing prekindy/afterschool care building also situated on-site.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any aspect of the Planning Scheme. No significant town planning issues have been identified.

Draft conditions were provided to the Applicant care of their consultant and have been agreed to. It is recommended that application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mareeba Child Care & Kindergarten Inc	ADDRESS	67 Constance Street and 2-6 Hastie Street, Mareeba
DATE LODGED	13 September 2022	RPD	Lot 2 on RP723297 & Lot 10 on SP270086
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Child	Care Centre	

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 - Child Care Centre

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
A-00 Rev 1	Cover Sheet	CA Architects	08/08/2022
A-001 Rev 2	Site Plan	CA Architects	19/08/2022
A-002 Rev 2	Overall Floor Plan	CA Architects	19/08/2022
A-101 Rev 1	Proposed Ground Floor Plan	CA Architects	08/08/2022
A-102 Rev 1	Roof Plan	CA Architects	08/08/2022
A-103 Rev 2	Elevations	CA Architects	19/08/2022
A-104 Rev 1	Sections	CA Architects	08/08/2022
A-105 Rev 1	Admin Room Layout	CA Architects	08/08/2022
A-106 Rev 1	Toddlers & Prekindy Room Layout	CA Architects	08/08/2022
A-107 Rev 1	Babies Room Layout	CA Architects	08/08/2022
A110 Rev 1	Licensing Plan - Ground Floor	CA Architects	08/08/2022

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) <u>Development assessable against the Planning Scheme</u>
 - 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/developer 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.

3.7 Safety fencing

A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:

- (a) Vehicle manoeuvring and parking areas;
- (b) Refuse storage and servicing areas; and
- (c) Air conditioning, refrigeration plant and mechanical plant.
- 3.8 Hours of Operation

The operating hours shall be between 6.30am and 6pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

- 4. Infrastructure Services and Standards
 - 4.1 Constance & Hastie Street Pedestrian Footpath

The existing paved footpath must be replaced along Constance Street (for the full frontage of the site including the pedestrian ramp leading onto the Hastie Street pedestrian crossing) as well as a new footpath installed along Hastie Street (for the full frontage of the site) connecting with the entrance ramp to the existing kindy/after school care facility on Lot 10 on SP270086.

The footpath design and alignment must comply with the FNQROC Development manual standards and achieve a width of at least <u>2 metres</u> for their entire lengths.

- 4.2 Stormwater Drainage/Water Quality
 - 4.2.1 Prior to building works commencing, the applicant/developer 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.

- 4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Landscaping and Fencing

- 4.3.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.3.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.3.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 Landscaping and preferred plant species.

Landscape strips should be including along the Constance Street frontage and Hastie Street frontage in order to soften the appearance and building bulk.

- 4.3.4 The landscaping plan must incorporate the following:
 - A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the common boundary between Lots 1 & 2 on SP280090 and Lot 3 on RP700519.
 - (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.
- 4.3.5 <u>A minimum of 25% of new plants is provided as larger, advanced</u> stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.3.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.4 Lighting

Where installed, external lighting must be designed and installed in accordance with AS4282 – Control of the obtrusive effects of outdoor

lighting so as not to cause nuisance to surrounding residents or obstruct or distract pedestrian or vehicular traffic.

4.5 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

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

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the applicant/developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

- (D) ASSESSMENT MANAGER'S ADVICE
 - (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
 - (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
 - (c) 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.

(d) Property Connection to existing sewer main (house connection branch installation)

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.

(e) 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.

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

(h) 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.

(i) 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 <u>www.environment.gov.au</u>

(j) 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
- 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 m ² GFA	GFA (m ²)			
Child Care Centre	\$101	512	\$51,712.00	\$35,526.75	\$16,185.25
TOTAL CURRENT A	MOUNT OF CH	IARGE			\$16,185.25

THE SITE

The subject land comprises two adjoining lots situated on the corner of Constance Street and Hastie Street at 67 Constance Street and 2-6 Hastie Street, Mareeba and are described as Lot 2 on RP723297 and Lot 10 on SP270086. Lots 2 and 10 have areas of 2,223m² and 1,565m² respectively and are both zoned Medium density residential under the Mareeba Shire Council Planning Scheme 2016. The subject land is improved by the "Constance Street Mareeba Kids Campus" child care centre and kindy/afterschool care business.

Lot 2 contains all the infrastructure associated with the child care centre component of the Mareeba Kids Campus facility which includes an older dwelling converted for use as a child care centre and other purpose built classrooms added over the years. Outdoor play areas which include playground equipment, landscaped/grassed play areas and shade sales surround the buildings.

Lot 10 contains all the infrastructure associate with the pre-kindy, kindy and afterschool care components of the Mareeba Kids Campus facility which includes a single large building and outdoor play areas inclusive of playground equipment, landscaped gardens, shade sails and a sports court.

Land surrounding the site is zoned Medium density residential and contains a mix of single detached dwellings and units. St Thomas of Villanova Catholic primary school is situated to the north of the site on the opposite side of Hastie Street.



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 subject land contains an existing child care centre situated entirely on Lot 2 on RP723297 and a pre-kindy, kindy and after school care centre on Lot 10 on SP270086. The existing childcare centre to be replaced by the proposed development is considered lawful having been established on-site for decades.

The pre-kindy and after school care facility is also considered lawful and will not be affected by the proposed redevelopment of the child care component.

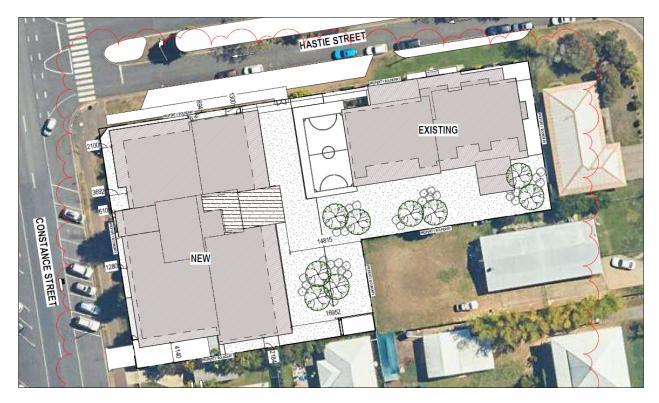
PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Childcare Centre in accordance with the plans shown in **Attachment 1**.

The application proposes the demolition of the existing old child care centre and replacement with a brand new centre. The new child care centre will accommodate up to 109 children, up from the current centres 75 child capacity. The new centre will be sighted against the Constance Street and Hastie Street frontages, allowing the outdoor play areas to be moved away from both roads. No works will be carried out to the existing prekindy/afterschool care building also on-site.



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. No areas of ecological significance are present on-site.

PLANNING SCHEME DESIGNATIONS

	Activity Centre Network Major Regional Activity Centre
Strategic Framework:	Land Use Categories Residential Area
	Transport Elements Local Collector Road
Zone:	Medium Density Residential Zone
Overlays:	Airport Environs Overlay Environmental Significance Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Child care centre	U ,	kindergarten, outside	Educational establishment, home based child care, family day care

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

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

- 6.2.7 Medium density residential zone code
- 8.2.2 Airport environs overlay code

- 8.2.4 Environmental significance overlay code
- 9.3.3 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 outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code, apart from the following:
	 AO3.1 - Siting - Refer to code document for commentary.
	In the above instance/s of non-compliance, it is considered that the development will still comply with the higher order Performance Outcomes. Refer to code document for commentary.
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.
Environmental significance 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.
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.
	No parking is provided on-site as is the existing arrangement with the current child care centre. Parking demand is currently satisfied by on-street parking. It is the view of the assessing officer that the existing on-street parking will continue to adequately address parking demand generated by the proposed redevelopment, which does include an increase in child care capacity of 34 children. Refer to code document for further commentary.
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.

(d) 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 any development works be designed and constructed in accordance with FNQROC development manual standards.

(e) Adopted Infrastructure Charges Notice

Council's Adopted Infrastructure Charges Resolution (No. 1) of 2022 (AICR) dictates a charge rate of \$101 per m^2 for a "child care centre" use.

Gross floor area (excluding toilets, storerooms, kitchen and outdoor areas) totals 512m²

512m² x \$101 per m² = **\$51,712.00**

Credit - Given how old the existing centre is, which is established in a converted dwelling with multiple extensions and rooms added over the years, it is considered fairer and more reasonable when determining the sites existing credit to use current vs proposed enrolment numbers instead as follows:

The proposed new child care centre will accommodate a maximum of 109 children. Which equates to 4.69m² of GFA per student (total of 512m² of GFA). The current child care centre accommodates a maximum of 75 students. The rate of 4.69m² per student can then be used to determine a GFA credit as follows:

75 (students) x $4.69m^2 = 351.75m^2$ credit.

351.75m² x \$101 per m² = \$35,526.75

\$51,712.00 - \$35,526.75 = A total balance charge of **\$16,185.25**

REFERRAL AGENCY

This application did not trigger referral to any Referral Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

Date Prepared: 27 October 2022

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 27TH day of COORER 2022 BNC BRIAN MILLARD SENIOR PLANNER MAREEBA SHIRE AS DELEGATE OF THE COUNCIL

UNCONTROLLED

KIDS CAMPUS MAREEBA

ATTACHMENT 1

67 Constance Street Mareeba, Queensland 4880

DEVELOPMENT APPLICATION

	DA - DRAWING LIST		
Sheet Number	Sheet Name	Current Revision	Date Issued
A-00	COVER SHEET	1	08-08-2022
P-001	SITE PLAN	2	19-08-2022
A-101	PROPOSED GROUND FLOOR PLAN	1	08-08-2022
A-102	ROOF PLAN	1	08-08-2022
P-103	ELEVATIONS	2	19-08-2022
A-104	SECTIONS	1	08-08-2022
A-105	ADMIN ROOM LAYOUT	1	08-08-2022
A-106	TODDLERS & PREKINDY ROOM LAYOUT	1	08-08-2022
A-107	BABIES ROOM LAYOUT	1	08-08-2022
A-110	LICENSING PLAN - GROUND FLOOR	1	08-08-2022

PROPOSED PLANS (ECM DSI # 4140650)

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3D VIEWS

28-04-2022

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Version: 1, Version Date: 06/09/2022

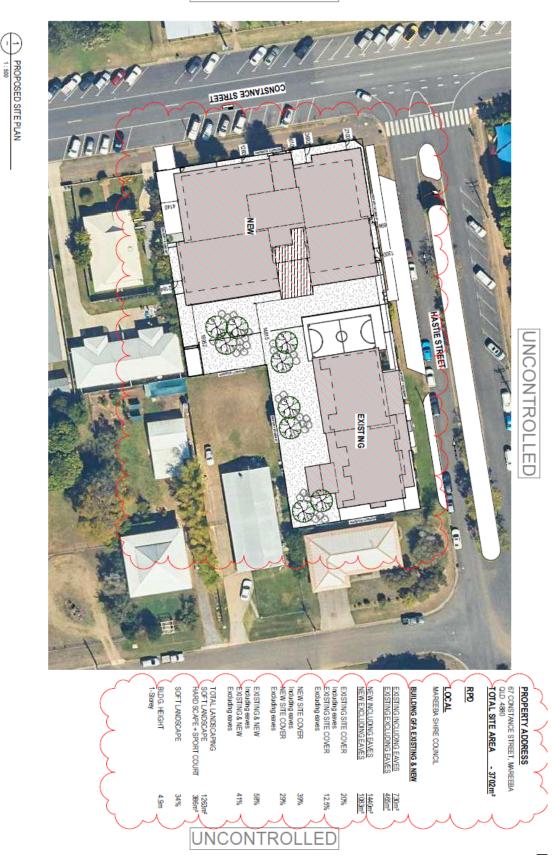
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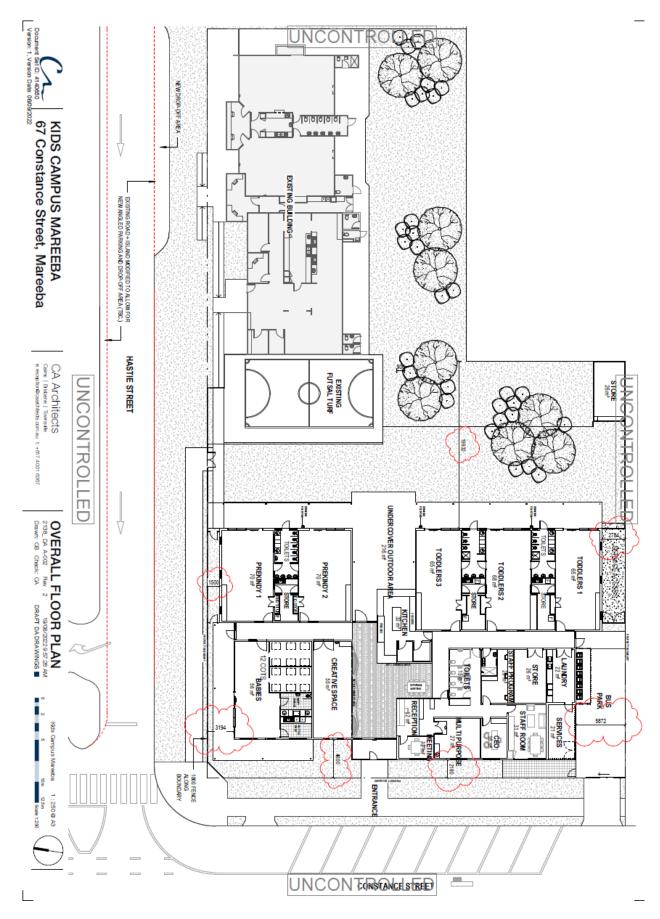
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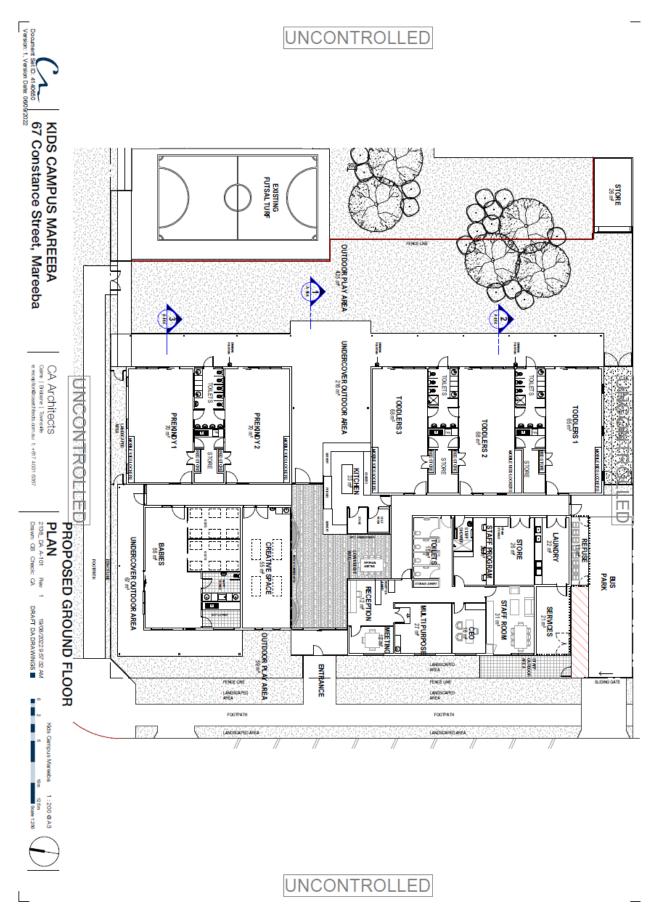
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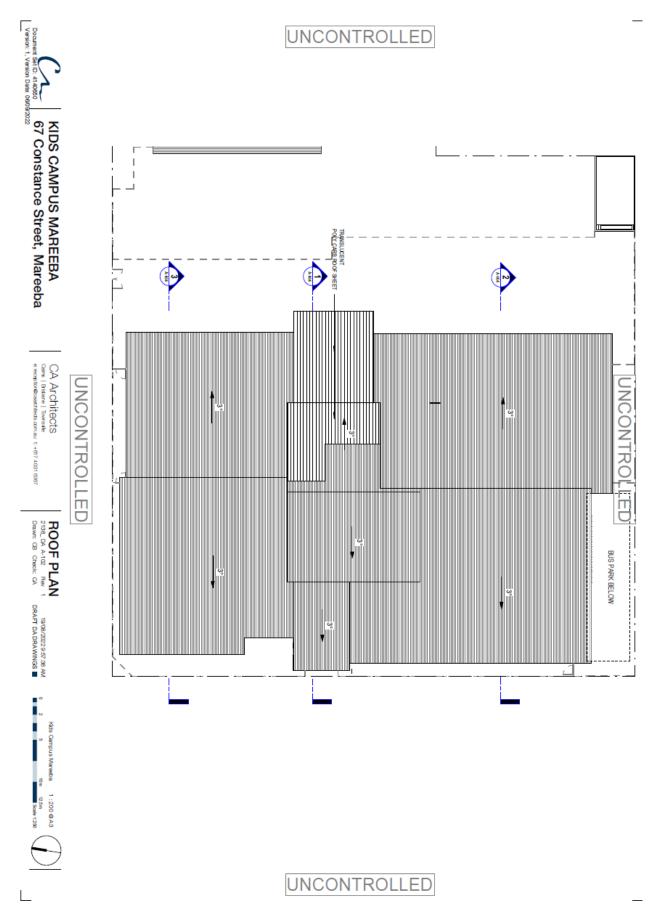
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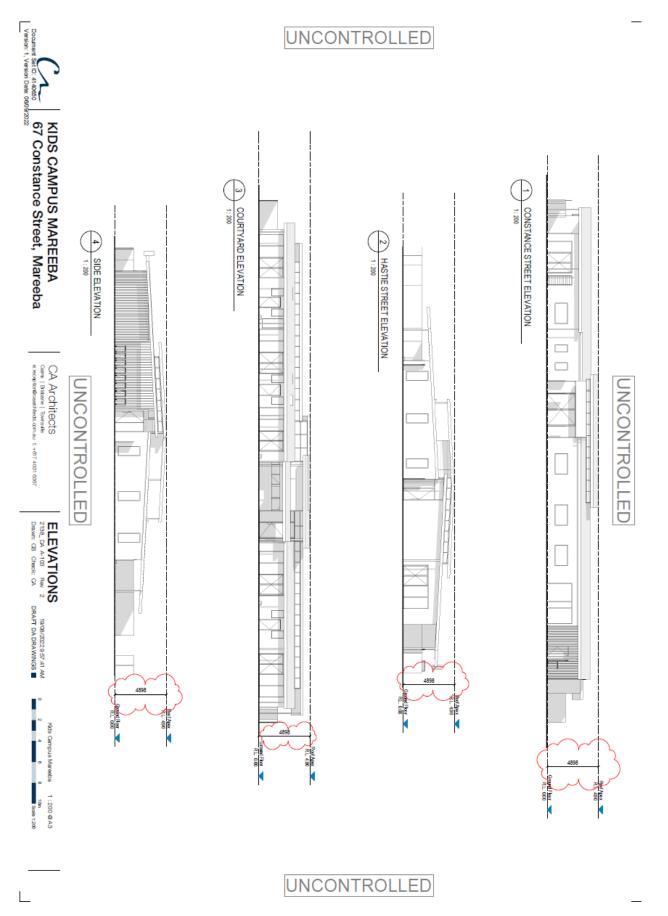
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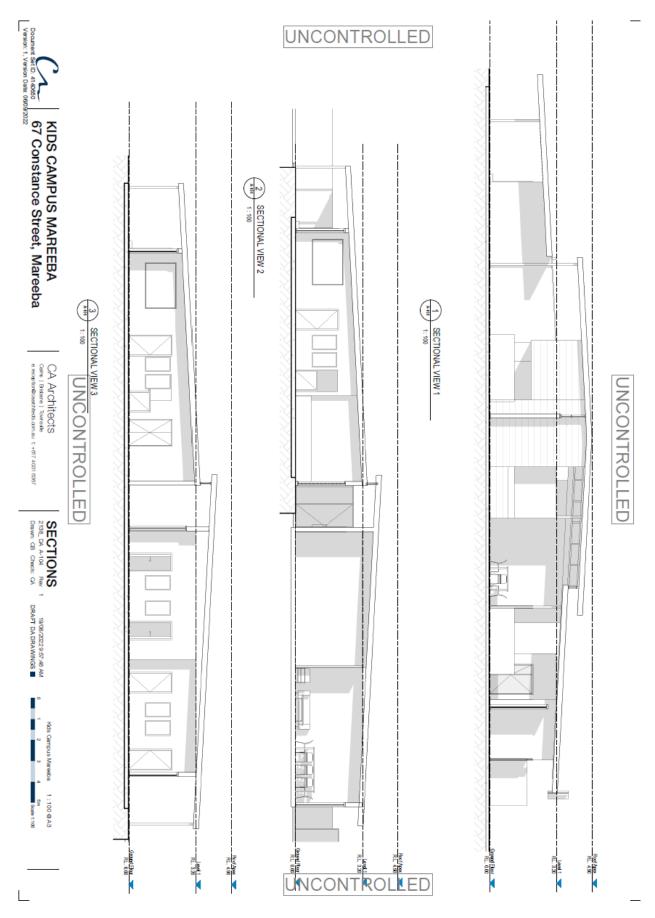


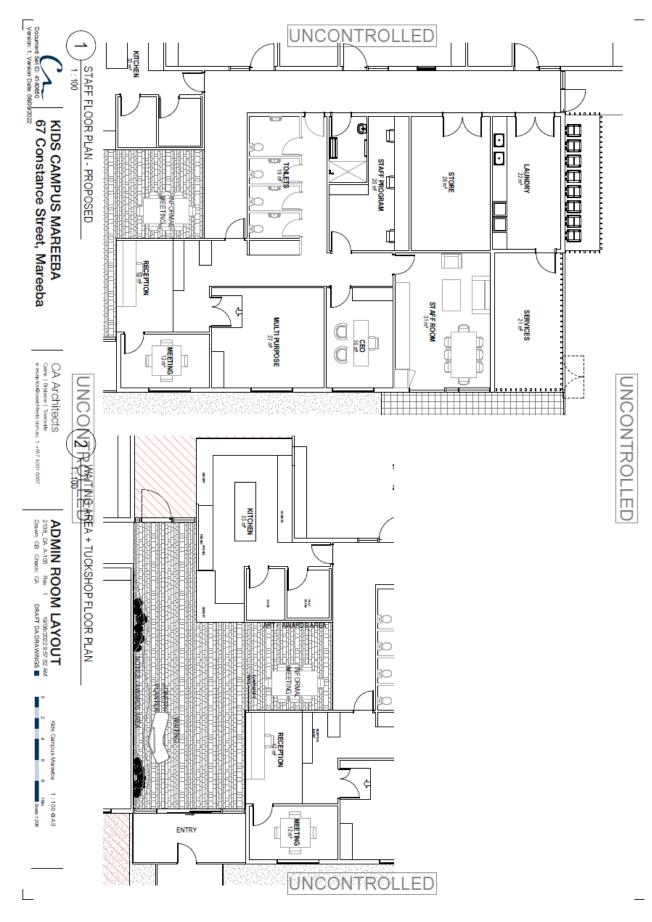


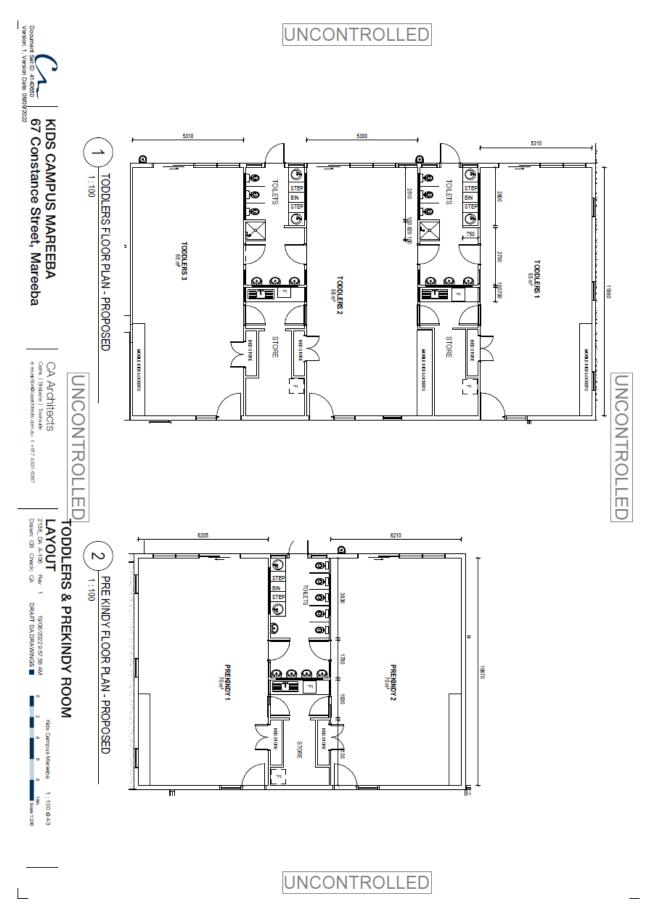














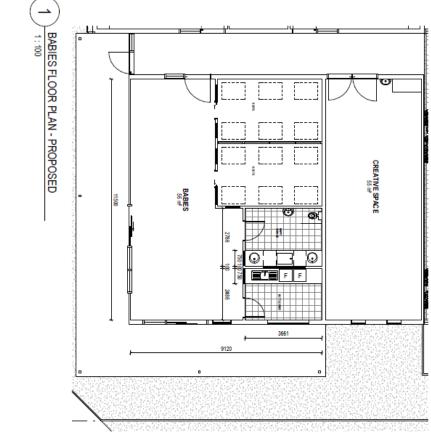




Kids

Campus Mareeba

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