

**8.2 RETURNED & SERVICES LEAGUE OF AUSTRALIA (QUEENSLAND BRANCH) - MATERIAL CHANGE OF USE - MULTIPLE DWELLING EXTENSION - LOT 3 ON CP M35643 - 37 WALSH STREET, MAREEBA - MCU/23/0003****Date Prepared:** 30 March 2023**Author:** Senior Planner**Attachments:** 1. Proposal Plans**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	Returned & Services League of Australia (Queensland Branch)	<b>ADDRESS</b>	37 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 February 2023	<b>RPD</b>	Lot 3 on CP M35643
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling extension		
<b>FILE NO</b>	MCU/23/0003	<b>AREA</b>	7,871m2
<b>LODGED BY</b>	Bartley Burns	<b>OWNER</b>	Returned & Services League of Australia (Queensland Branch)
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

**EXECUTIVE SUMMARY**

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 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	
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<b>DATE LODGED</b>	8 February 2023	<b>RPD</b>	Lot 3 on CP M35643
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<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling extension		

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 – Multiple Dwelling extension

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
21-058 Sheet 0	Cover Sheet	C & B Designs	30/07/2021
21-058 Sheet 1 P1	Existing Site Plan	C & B Designs	30/07/2021
21-058 Sheet 2 P1	Proposed Site Plan	C & B Designs	30/07/2021
21-058 Sheet 3 P1	Existing Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 4 P1	Existing Elevations	C & B Designs	30/07/2021
21-058 Sheet 5 P1	Demolition Plan	C & B Designs	30/07/2021
21-058 Sheet 6 P1	Proposed Floor Plan	C & B Designs	30/07/2021
21-058 Sheet 7 P1	Proposed Elevations	C & B Designs	30/07/2021
21-058 Sheet 8 P1	Living & Kitchen Elevations	C & B Designs	30/07/2021
21-058 Sheet 9 P1	Bed & Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 10 P1	Ambulant Bath Elevations	C & B Designs	30/07/2021
21-058 Sheet 11 P1	Electrical Plan	C & B Designs	30/07/2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
  - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 3.4 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.
  - 3.5 Letterbox

Each unit is to be provided with an individual letter box.
  - 3.6 Clothes Drying area

A clothesline for units 9-12 is to be provided in accordance with the Drawing No. 21-058 Sheet No. 2 – Proposed Site Plan.
4. Infrastructure Services and Standards
  - 4.1 Stormwater Drainage/Water Quality
    - (a) The applicant/developer must take all necessary steps to ensure a non-worsening affect on surrounding land as a consequence of the development.

- (b) All stormwater drainage must be discharged to an approved legal point of discharge.

#### 4.2 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with an additional four (4) on-site car parking spaces, 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.

#### 4.3 Lighting

Where outdoor lighting is required the applicant/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.

#### 4.4 Water Supply

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.

#### 4.5 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) 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.dcceew.gov.au](http://www.dcceew.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.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

## THE SITE

The subject site is situated at 37 Walsh Street, Mareeba and is described as Lot 3 on CP M35643. The site is regular in shape with an area of 7,871m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has a frontage of approximately 55 metres to Walsh Street which is constructed to bitumen sealed standard with kerb and channel on both sides.

The site is improved by the Mareeba RSL Warhaven Home comprising of multiple single storey accommodation buildings and several outbuildings. The balance of the site features lawn and landscaped areas.

All urban services are connected to the existing development.

Adjoining Low Density Residential zoned lots are developed with single dwelling houses. Adjoining land to the rear is a fragment of the historic Mareeba town reserve.



**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

In 1993, rezoning application RZ6/93 was approved over the subject site changing the zoning under the then Mareeba Shire Planning Scheme 1982 to Special Use -RSL Warhaven Home.

The special use zoning remained in effect in various forms until the commencement of the Mareeba Shire Council Planning Scheme 2016 in July 2016.

The existing units on the subject site were built in two (2) stages, four units in 1994 and a further four units in 1997.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Multiple Dwelling extension in accordance with the plans shown in **Attachment 1**.

The proposal seeks to expand the existing 8 unit development to a 12 unit development through the addition of an additional 4 units within a single built form structure of similar size and style to that of the existing 8 units (currently contained within 2 stand-alone 4 unit structures (to be renovated)).

Access to the site will remain unchanged, with additional covered carparking being provided at the rear of the proposed units.



## 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:	<b>Land Use Categories</b> • Residential Area
Zone:	Low Density Residential zone
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay

## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Multiple dwelling</i>	<i>Premises containing three or more dwellings for separate households.</i>	<i>Apartments, flats, units, townhouses, row housing, triplex</i>	<i>Rooming accommodation, dual occupancy, duplex, granny flat, residential care facility, retirement facility</i>

## RELEVANT PLANNING INSTRUMENTS

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

### (A) Far North Queensland Regional Plan 2009-2031

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

### (B) State Planning Policy

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



**(C) Mareeba Shire Council Planning Scheme 2016****Strategic Framework****3.3 Settlement pattern and built environment****3.3.1 Strategic outcomes**

- (3) *Residential areas* and *urban expansion areas* support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and *activity centres* while protecting the character of the shire.

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the *residential areas* and *urban expansion areas* of the shire.

Comment

The proposed development is for an expansion of an established residential use and it is appropriately located within the residential area.

**3.3.7 Element—Residential areas and development****3.3.7.1 Specific outcomes**

- (1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.
- (2) Population growth is focused on infill sites within existing residential areas and greenfield developments in residential areas and urban expansion areas to the east and south of Mareeba. An investigation area to the north of Mareeba will be considered for potential urban growth outside the life of the planning scheme.
- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.
- (5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in *residential areas* in a manner consistent with the character and amenity of the shire's *activity centres*.

Comment

The proposed development is for an expansion of an established residential use and it is appropriately located within the residential area.

The development complies.

## Relevant Developments Codes

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 9.3.1 Accommodation 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
Low 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.
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.
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.
Accommodation 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.

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

**(E) Adopted Infrastructure Charges Notice**

Under the Low Density Residential zone code, the accepted maximum density for multiple dwelling is one (1) dwelling per 400m<sup>2</sup> of site area, or one (1) bedroom per 200m<sup>2</sup> of site area.

The proposed development will result in twelve (12) single bedroom units on a 7,871m<sup>2</sup> site or one (1) dwelling per 655m<sup>2</sup> of site area.

As the accommodation density proposed by this application is less than the planning scheme's acceptable outcome, no infrastructure charge is proposed.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 9 March 2023 to 29 March 2023. The applicant submitted the notice of compliance on 31 March 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

Nil