

**DELEGATED REPORT**

**SUBJECT:** T BODY – MATERIAL CHANGE OF USE – DUAL OCCUPANCY – LOT 2 ON RP714911 – 58 MASON STREET, MAREEBA – MCU/23/0005

**DATE:** 15 March 2023

**REPORT OFFICER'S TITLE:** Planning Officer

**DEPARTMENT:** Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	T Body	<b>ADDRESS</b>	58 Mason Street, Mareeba
<b>DATE LODGED</b>	24 February 2023	<b>RPD</b>	Lot 2 on RP714911
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Dual Occupancy		

<b>FILE NO</b>	MCU/23/0005	<b>AREA</b>	809m <sup>2</sup>
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	T Body
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Medium density residential		
<b>LEVEL OF ASSESSMENT</b>	Code assessment		
<b>SUBMISSIONS</b>	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 and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.*

*Draft conditions were provided to the Applicant care of their consultant and have been agreed to.*

*It is recommended that the application be approved in full, subject to conditions.*

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	T Body	<b>ADDRESS</b>	58 Mason Street, Mareeba
<b>DATE LODGED</b>	24 February 2023	<b>RPD</b>	Lot 2 on RP714911
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Dual Occupancy		

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 – Dual Occupancy

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1115 Sheet 1	Site Plan	Home Improvement Designers	13/12/22
1115 Sheet 2	Site Survey Plan	Home Improvement Designers	13/12/22
1115 Sheet 3	Building Layout Plan	Home Improvement Designers	8/02/23
1115 Sheet 4	Proposed Floor Plan	Home Improvement Designers	13/12/22
1115 Sheet 5	Elevations 1	Home Improvement Designers	13/12/22
1115 Sheet 6	Elevations 2	Home Improvement Designers	13/12/22

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially 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 development approval would not have been issued if not for the conditions requiring the construction of infrastructure.
- 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 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.
- 3.4 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.
- 3.5 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.

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.

### 3.6 Waste Management

On site refuse storage areas must be provided and be screened from view from adjoining properties and road reserves by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Letterbox

Each unit is to be provided with an individual letter box.

### 3.8 Clothes Drying area

Sufficient area for clothes drying is to be provided in addition to the open space requirements of the units and is to be appropriately screened from view of adjoining properties and road reserves.

### 3.9 The habitable sections of Unit B must achieve a finished floor height of at least RL 400.84m AHD in order to achieve a 300mm freeboard above the modelled Q100 flood height of RL 400.54m AHD.

## 4. Infrastructure Services and Standards

### 4.1 Access

All three access crossovers must be upgraded/constructed (from the edge of the Rankin and Mason Street Road pavements to the property boundary) in accordance with FNQROC Development Manual Standards, to the satisfaction of Council's delegated officer.

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

### 4.2 Stormwater Drainage/Water Quality

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

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

### 4.3 Car Parking/Internal Driveways

Carparking must be provided for each unit in accordance with that shown on the submitted plans, with each unit being provided with at least 1 undercover car parking space and 1 visitor parking space (covered or uncovered), which are available solely for the parking of vehicles associated with the use of the premises.

### 4.4 Fencing

Prior to the commencement of the use, solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fencing (of neutral colour) is to be erected along the full length of the southern boundary of the site up to the southern wall of Unit B, and between Units A and B as depicted on the submitted plans.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.



#### 4.5 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.

#### 4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the 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.

Each unit is required to be **separately metered**.

#### 4.7 Sewerage Connection

The 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 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) 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.

- (b) 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.

- (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) 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.

- (e) 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.

- (f) 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](http://www.environment.gov.au)

- (g) 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](http://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 south-west corner of Rankin Street and Mason Street at 58 Mason Street, Mareeba and is described as Lot 2 on RP714911. The site is regular in shape with a total area of 809m<sup>2</sup> and is zoned Medium density residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains 40 metres of frontage to Rankin Street and 20 metres of frontage to Mason Street, both of which are constructed to bitumen sealed standards including kerb and channel. Access to the site is currently gained from both frontages via unsealed crossovers.

The site is improved by a dwelling at the eastern end and a dilapidated shed at the western end that was previously used as a second hand business. All immediate adjoining lots are zoned Medium density residential and contain single dwellings.





Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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## BACKGROUND AND CONTEXT

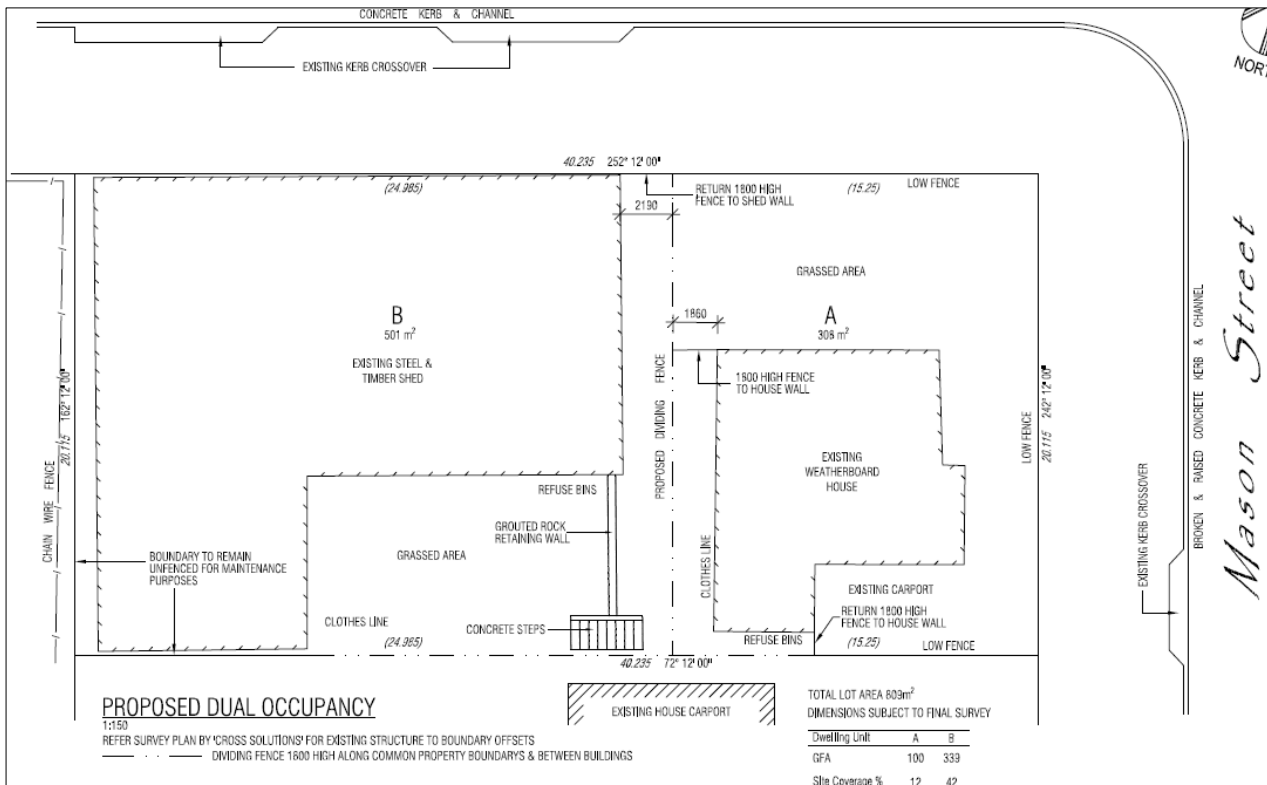
Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Dual Occupancy in accordance with the plan shown below and included as **Attachment 1**:



## 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 Regional Activity Centre in the Regional Plan. The site contains no areas of ecological significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>Local Collector Road</li> <li>Principal Cycle Routes</li> </ul>
Zone:	Medium Density Residential Zone



Preferred Area/Precinct:	
Overlays:	Environmental Significance Overlay Flood Hazard 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>
Dual occupancy	<p>Premises containing two dwellings, each for a separate household, and consisting of:</p> <ul style="list-style-type: none"> <li>a single lot, where neither dwelling is a secondary dwelling or</li> </ul> <p>two lots sharing common property where one dwelling is located on each lot.</p>	<p>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the <i>Body Corporate and Community Management Act 1997</i>, two dwellings within the one body corporate to which the <i>Building Units and Group Title Act 1980</i> continues to apply</p>	<p>Dwelling house, multiple dwelling</p>

### 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
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

<b>Relevant Codes</b>	<b>Comments</b>
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code. Where an acceptable outcome could not be met, it is considered that the higher order performance outcome can be met. Refer to code document for code commentary.
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Flood hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Accommodation activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes 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 ensuring all development works are designed and constructed in accordance with FNQROC Development Manual standards.

**(f) Adopted Infrastructure Charges Notice**

The subject land is in the Medium Density Residential zone and the density of the proposed development is within the acceptable limits for unit development. The development requires approval from Council due to some minor points of non-compliance with the code assessment benchmarks.

Accordingly, no infrastructure charges are applicable.

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Advice**

This application did not trigger referral to an Advice Agency.

**Internal Consultation**

Not applicable.

**PLANNING DISCUSSION**

Nil

**Date Prepared:** 15 March 2023




DECISION BY DELEGATE

**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 *15TH* day of *MARCH* 2023



**BRIAN MILLARD**  
**SENIOR PLANNER**

MAREEBA SHIRE  
AS DELEGATE OF THE COUNCIL

PROPOSED PLANS (ECM DSI # 4196495)



**SITE PLAN**

1:200

SITE SOIL CLASSIFIED CLASS M ASSUMED

AIR PHOTO & BOUNDARY LOCATION FROM QUEENSLAND GLOBE

LOT AREA 809m<sup>2</sup>

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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DATE	13.12.22	SHEET	1
DRAWING SIZE	A3	SCALE	AS SHOWN

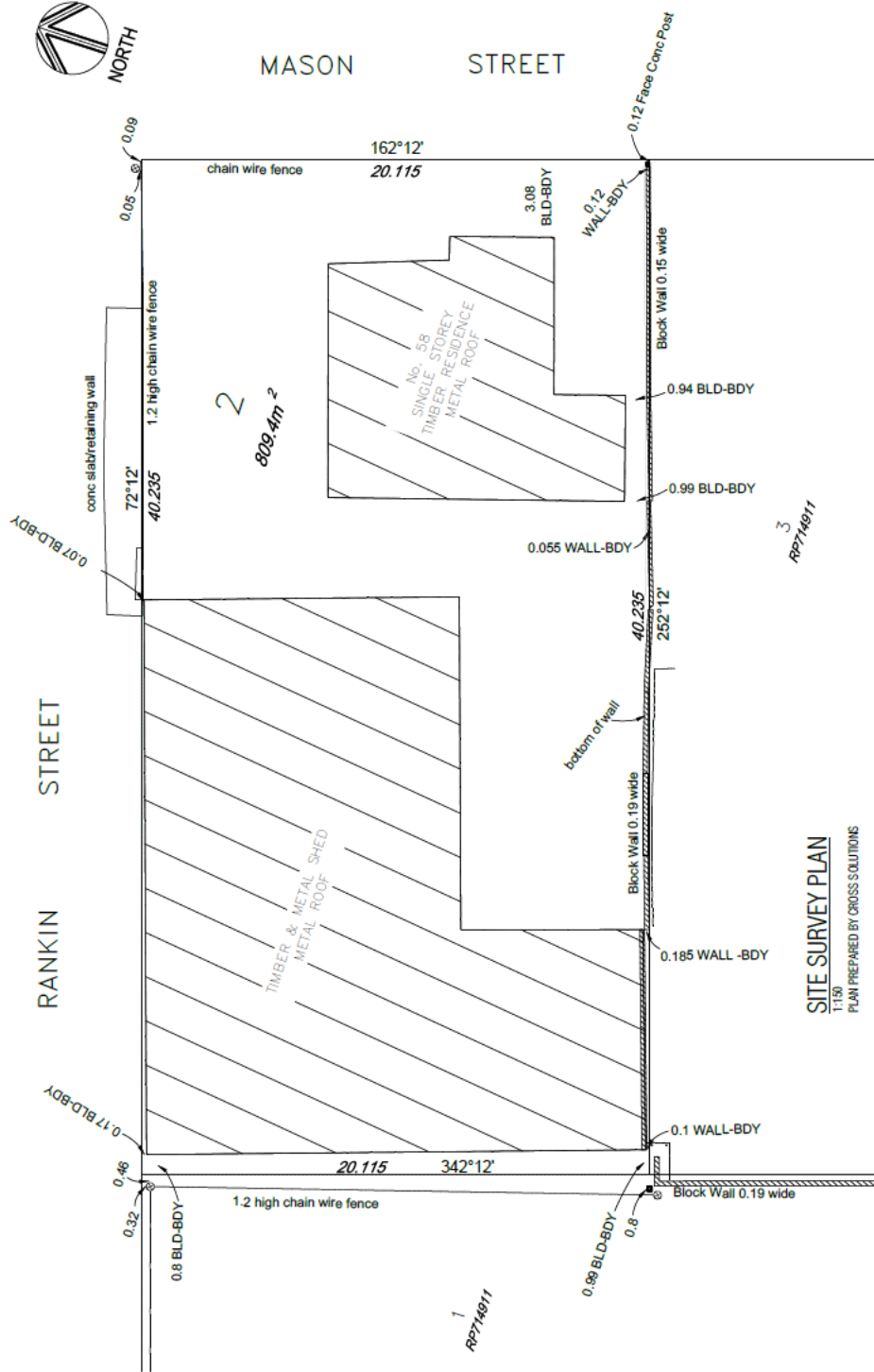
**HOME IMPROVEMENT DESIGNERS**  
 A.B.N. 28 083 276 707

Building Design Queensland MEMBER

**T. Body**  
 58 Mason Street  
 Mareeba Lot 2 RP714911

**Proposed Dual Occupancy Site Plan**

THIS PLAN IS VALID ONLY AS SHOWN ON THE APPROVED PLANS & EXHIBITS



DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

DRAWN	K.B.	APP NO.	1115
DATE	13.12.22	SHEET	2
DRAWING SIZE	A3	SCALE	AS SHOWN

P.O. Box 1062 Malanda 4885  
 Phone: 0438 559 747  
 email: ken666@hdesigners.com.au  
 QBCC Licence No. 1152837

**HOME IMPROVEMENT DESIGNERS**  
 Building Design Queensland MEMBER  
 A.B.N. 29 083 276 707



**Proposed Dual Occupancy Site Survey Plan**

T. Body  
 58 Mason Street  
 Mareeba Lot 2 RP714911

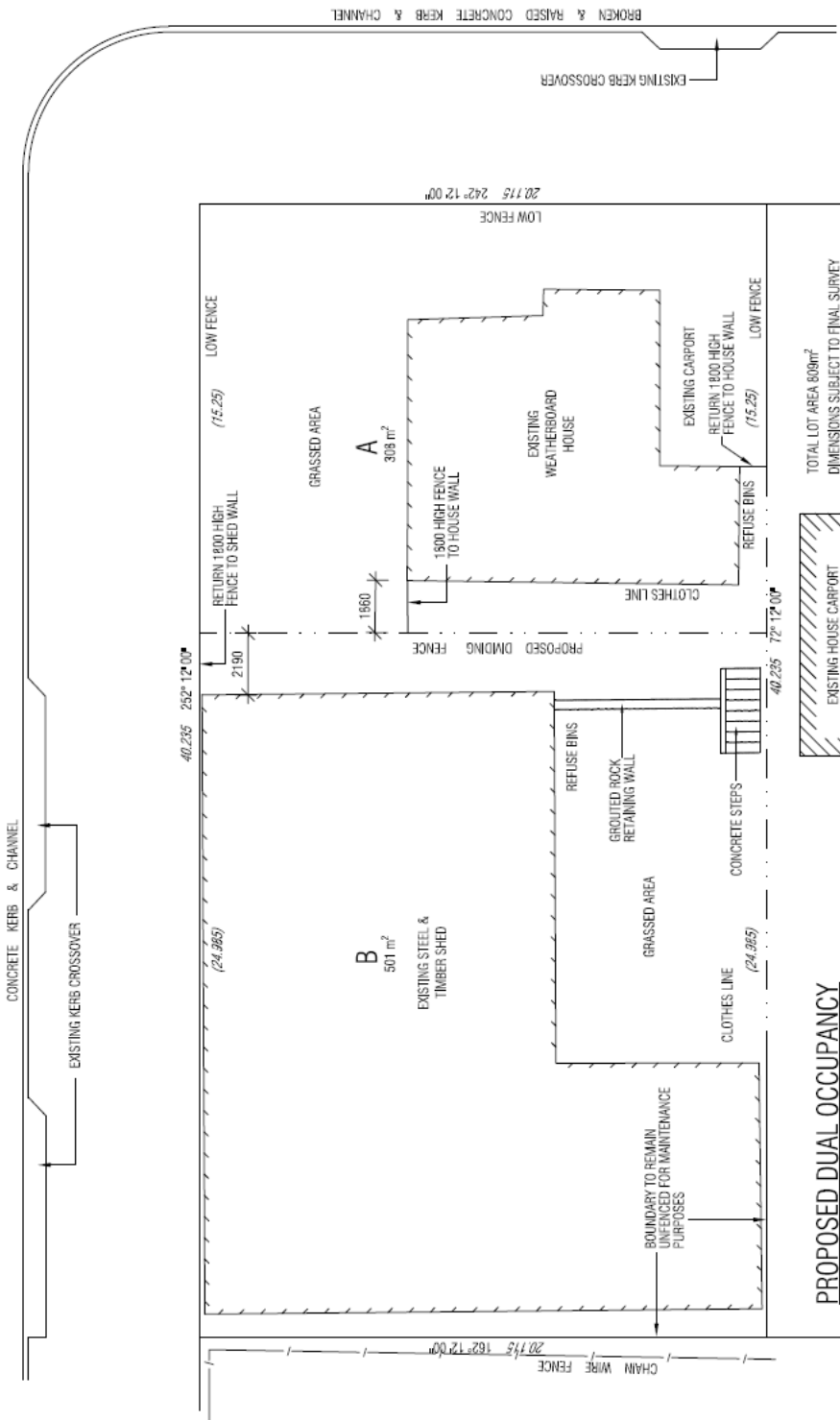
THIS PLAN IS VALID FOR THE PROJECT ONLY AND DOES NOT REPRESENT A GENERAL SURVEY.

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 Version: 1, Version Date: 24/02/2023



*Rankin Street*

*Mason Street*



BROKEN & RAISED CONCRETE KERB & CHANNEL

EXISTING KERB CROSSOVER

CONCRETE KERB & CHANNEL

EXISTING KERB CROSSOVER

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Version: 1, Version Date: 24/02/2023

**PROPOSED DUAL OCCUPANCY**  
1:50  
REFER SURVEY PLAN BY "CROSS SOLUTIONS" FOR EXISTING STRUCTURE TO BOUNDARY OFFSETS  
--- DIVIDING FENCE - 1800-HIGH ALONG COMMON PROPERTY BOUNDARIES & BETWEEN BUILDINGS

TOTAL LOT AREA 809m<sup>2</sup>  
DIMENSIONS SUBJECT TO FINAL SURVEY

Dwelling Unit	A	B
GFA	100	339
Site Coverage %	12	42

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

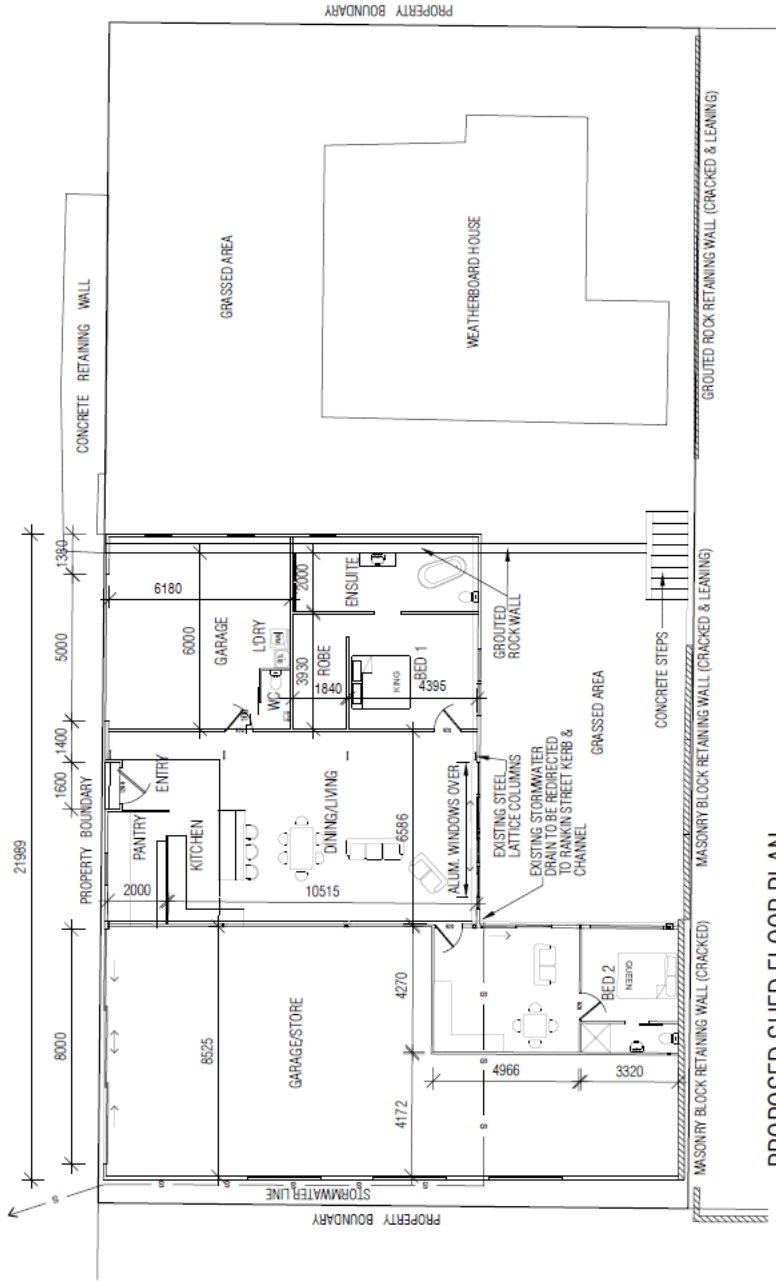
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DRAWING SITE: <b>A3</b>	SCALE: <b>AS SHOWN</b>

P.O. Box 1062 Malanda 4885  
Phone: 0438 553 747  
email: [kern66@homedesigners.com.au](mailto:kern66@homedesigners.com.au)  
QBCC Licence No. 1152837

**HOME IMPROVEMENT DESIGNERS**  
A.B.N. 28 983 274 737  
MEMBER

**BD** Building Design Queensland  
**Proposed Dual Occupancy Building Layout Plan**

**T. Body**  
58 Mason Street  
Mareeba Lot 2 RP714911



**PROPOSED SHED FLOOR PLAN**

1:150  
ALL DIMENSIONS TO BE CHECKED ON SITE

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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DATE	13.12.22	SHEET	4
DRAWING SIZE	A3	SCALE	AS SHOWN

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Phone: 0438 559 747  
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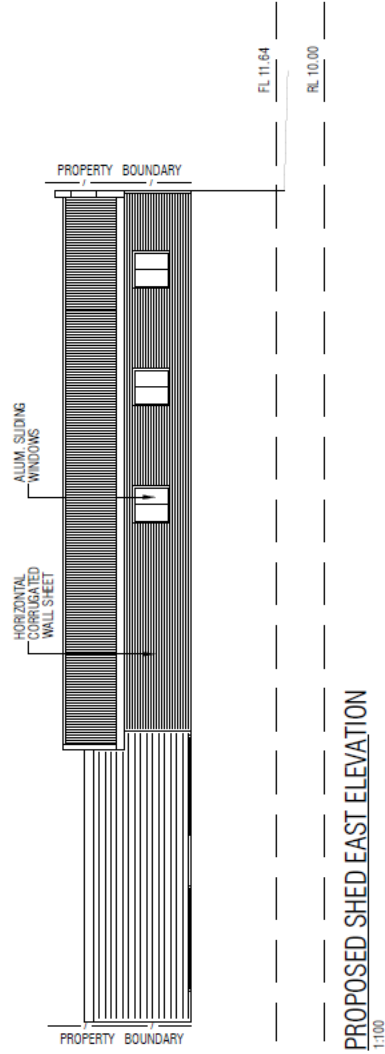
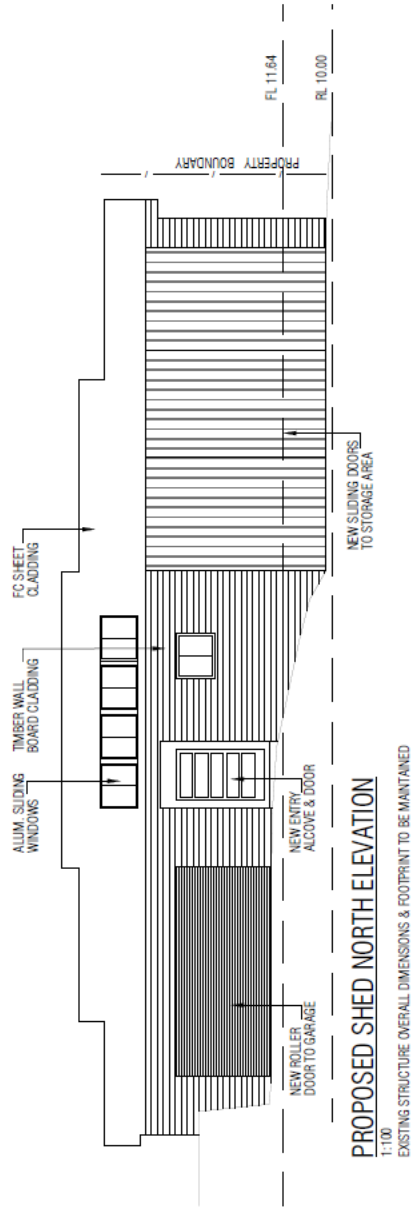
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A.B.N. 29 069 275 707

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**Proposed Dual Occupancy Proposed Floor Plan**

T. Body  
58 Mason Street  
Mareeba Lot 2 RP714911

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Version: 1, Version Date: 24/02/2023



DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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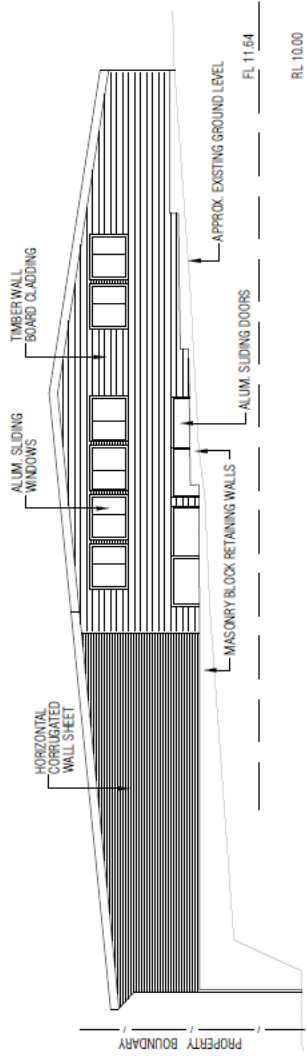
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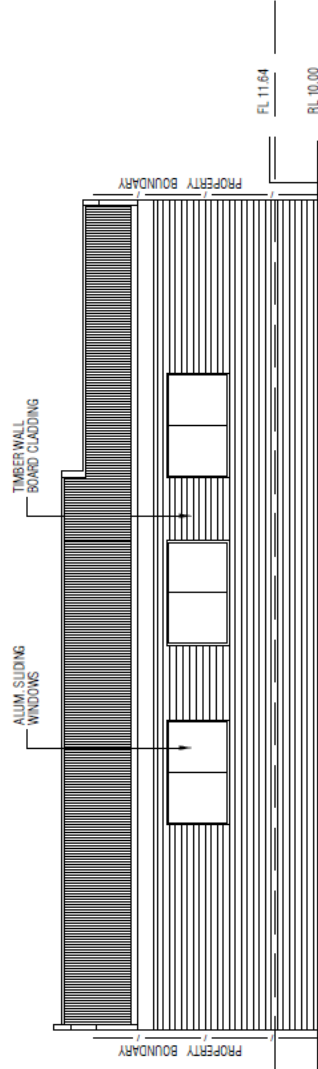
**BDQ**  
Proposed Dual Occupancy Elevations 1

T. Body  
58 Mason Street  
Mareeba Lot 2 RP714911

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PROPOSED SHED SOUTH ELEVATION  
 1:100



PROPOSED SHED WEST ELEVATION  
 1:100

DESIGN WIND SPEED (C1) 50m/s Ultimate Limit State

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Proposed Dual Occupancy Elevations 2

T. Body  
 58 Mason Street  
 Mareeba Lot 2 RP714911