8.5 A JOUSIFFE - MATERIAL CHANGE OF USE - SHOP, SHOWROOM, LOW IMPACT INDUSTRY AND ANCILLARY OFFICE - LOTS 12, 14 & 16 ON NR7652 - 58 CHEWKO ROAD, MAREEBA - MCU/23/0022

Date Prepared: 27 November 2023

Author: Coordinator Planning Services

Attachments: 1. Proposal Plans

APPLICATION DETAILS

APPLICATION		PREMISES		
APPLICANT	A Jousiffe	ADDRESS	58 Chewko Road,	
			Mareeba	
DATE LODGED	5 October 2023	RPD	Lots 12, 14 and 16 on	
			NR7652	
TYPE OF APPROVAL	Development Permit			
PROPOSED DEVELOPMENT	Material Change of Use	e – Shop, Sho	owroom, Low Impact	
	Industry and ancillary (Office		
FILE NO	MCU/23/0022	AREA	Lot 12 – 2931m2	
			Lot 14 – 1777m2	
			Lot 16 – 1787m2	
LODGED BY	U&i Town Plan	OWNER	I Jousiffe Pty Ltd	
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016			
ZONE	Industry zone			
LEVEL OF	Impact Assessment			
ASSESSMENT				
SUBMISSIONS	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 have 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		
APPLICANT	A Jousiffe	ADDRESS	58 Chewko Road,	
			Mareeba	
DATE LODGED	5 October 2023	RPD	Lots 12, 14 and 16	
			on NR7652	
TYPE OF APPROVAL	Development Permit			
PROPOSED DEVELOPMENT	Material Change of Use – Shop, Showroom, Low Impact			
	Industry and ancillary Office			

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 - Shop, Showroom, Low Impact Industry and ancillary Office

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2634 Sheet C1 of 3	Site Plan	PD Designs	September 2023
2634 Sheet C2 of 3	Floor Plan	PD Deigns	September 2023
2634 Sheet C3 of 3	Elevations	PD Designs	September 2023

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

4. Infrastructure Services and Standards

4.1 Access

All access crossovers must be upgraded/constructed to an industrial access crossover standard (from the edge of Chewko Road/Slade Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of 27 on-site car parking spaces, not including any car parking within the buildings, which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces, internal driveways and trafficable areas (including the access handle driveway to Slade Street must be bitumen, concrete or asphalt sealed, line-marked and appropriately drained prior to the commencement of the use, 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.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

4.4 Landscaping

- (a) Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the approved site plan.
- (b) All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).
- (c) The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

4.5 Water Supply

(a) 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).

(b) A water service connection must be provided to the subject land in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

- (a) 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).
- (b) 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.

(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) A Trade Waste Permit will be required prior to the commencement of use. Please contact Council's Building and Plumbing Department for further information prior to the lodgement of any application for compliance permit for plumbing and drainage works.
- (d) 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.
- (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.dcceew.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.dsdsatsip.qld.gov.au.

(g) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act* 2014.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a *general biosecurity obligation*) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at <u>Electric ants in Queensland</u> <u>Business Queensland</u> or contact Biosecurity Queensland 13 25 23

(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
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)
- 2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
		m2			
Showroom (retail)	\$104.00/m2	689	\$71,656.00		
Warehouse/Low Impact Industry (bulk store & steel fabrication)	\$37.00/m2	716	\$26,492.00	\$94,261.00	\$3,887.00
TOTAL CURRENT AMOUNT OF CHARGE			\$3,887.00		

THE SITE

The subject land comprises three (3) adjoining allotments situated at 5-7 Slade Street and 58 Chewko Road, Mareeba, and described as Lots 12, 14 and 16 on NR7652. All three (3) lots are situated within the Industry Zone (Trades and Services Precinct).

Lot 12 on NR7652 is irregular in shape with a total area of 2,931m2. The site contains 16 metres of frontage to Chewko Road to the south, 27 metres of frontage to undeveloped road reserve to the west and 5 metres of frontage to Slade Street to the east via a five (5) metre wide access handle. Both Chewko Road and Slade Street are constructed to bitumen sealed standards and include kerb and channel.

Lot 14 and 16 on NR7652 adjoin Lot 12 to the east, are both regular in shape and have areas of 1,777m2 and 1,787m2 respectively. Lot 14 is a corner lot and contains 54 metres of frontage Chewko Road and a further 32 metres of frontage to Slade Street. Lot 16 contains 30 metres of frontage to Slade Street only.

All three (3) lots were most recently used for the former Homefab steel fabrication business and retain multiple large sheds, office facilities and toilets. The eastern half of Lots 14 and 16 remains free of built improvements. A small landscaping strip is established along the Slade Street frontage.

Lots surrounding the subject site are all zoned Industry (Trades and Services Precinct) and accommodate various scales of industrial development including transport depots, storage sheds, and a crane hire business.



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 - Shop, Showroom, Low Impact Industry and ancillary Office in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following outline of the proposed development:

"It is the objective of the proponent to relocate the existing well established business of FNQ Filters & Parts from 276 Byrnes Street, Mareeba to a bigger site and building already established at 58 Chewko Road, 5 & 7 Slade Street, Mareeba. At present the majority of the building on site comprises of an open roofed area. It is proposed to close in that large shed to provide a sealed and enclosed retail space from the elements and weather, to make way for the retail and bulk storeroom. Essentially everything else will remain the same in terms of the built form.

As part of the material change of use and change in classification, there is a need to provide a fire tank and pump along the Chewko Road frontage in case of an emergency to allow Qld Fire and Emergency Service to access if a fire was to occur on-site.

As illustrated on the plans you will notice the areas in and around the proposed development which will be sealed along with a total of 27 car parks provided on-site for staff and customer parking. Landscaping is proposed as shown along the road frontage where there isn't already existing established landscaping.

The Plans of Development which are the subject of this application are included as Appendix 3 (Attachment 1) to this report.

The intent of this development is to provide a suitable location for FNQ Filters & Parts to relocate and grow."

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	
	Industry Area	
	Infrastructure Elements	
	Future State Controlled Road	
	Principal Cycle Routes	

Zone:	Industry zone
Precinct:	Trades and Services Precinct
Overlays:	Airport Environs Overlay
	Extractive Resources Overlay
	Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1	Column 2	Column 3	Column 4
Use	Definition	Examples include	Does not include the following examples
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: • 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
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
Showroom	Premises used primarily for the sale of goods of a related product line that are of a size, shape or weight that requires: • a large area for handling, display or storage • direct vehicle access to the building by members of the public for loading and unloading items purchased or hired.	Bulky goods sales, motor vehicles sales showroom, bulk stationary supplies	Food and drink outlet, shop, outdoor sales

Low impact industry	Premises used for	Repairing motor vehicles,	Panel beating, spray
Low impact industry	industrial activities that	fitting and turning	painting or surface
	include the manufacturing,	workshop	coating, tyre recycling,
	producing, processing,		drum re conditioning,
	repairing, altering,	Note—additional examples may	wooden and laminated
	recycling, storing,	be shown in SC1.1.2 industry	product manufacturing,
	distributing, transferring	thresholds.	service industry, medium
	or treating of products and		impact industry, high
	have one or more of the		impact industry, special
	following attributes:		industry
	 negligible impacts on 		
	sensitive land uses due		
	to offsite emissions		
	including aerosol,		
	fume, particle, smoke,		
	odour and noise		
	• minimal traffic		
	generation and heavy-		
	vehicle usage		
	 demands imposed 		
	upon the local		
	infrastructure network		
	consistent with		
	surrounding uses		
	_		
	• the use generally		
	operates during the		
	day (e.g. 7am to 6pm)		
	offsite impacts from		
	storage of dangerous		
	goods are negligible		
	• the use is primarily		
	undertaken indoors.		

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

3.3.12 Element—Industry areas

3.3.12.1 Specific outcomes

(6) The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.

Comment

The application proposes a mixed retail/industrial use within an established Industry zoned area. The use will be relocated from its present site in Byrnes Street where it has operated for over a decade without adverse impact on much closer sensitive land uses.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community. The development will comply.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

(1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

The application proposes a mixed retail/industrial use within an established Industry zoned area. The use will be relocated from its present site in Byrnes Street where it has operated for over a decade without adverse impact on much closer sensitive land uses.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community. The development will comply.

3.7 Economic development

3.7.1 Strategic outcomes

- (3) Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in activity centres and are particularly focussed within Mareeba. Kuranda, as a village activity centre, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.
- (5) Industry areas provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. Industry areas are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.

Comment

The proposed development allows for an established business to move its growing operations into a larger premises, leading to improved services for the community.

The development complies with Strategic Outcomes 3 and 5.

3.7.8 Element—Industry

3.7.8.1 Specific outcomes

- (2) Industry areas are located within activity centres to accommodate for trades and industrial development that provide employment and services to the catchments of these activity centres.
- (3) Industry areas are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.
- (4) A high level of infrastructure, services and amenity in existing industry areas is provided to support business investment and expansion of industry areas.
- (5) The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.

Comment

The application proposes a mixed retail/industrial use within an existing industrial estate. The proposed development allows for an established business to move its growing operations into a larger premises, leading to improved services for the community.

The proposed location increases the separation from sensitive land uses and will further protect the health, wellbeing and amenity of the community.

The proposed development complies with Strategic Outcomes 2 - 5.

Relevant Developments Codes

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

- 6.2.5 Industry 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
- 9.3.5 Industrial 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
Industry 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.
Industrial 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

The following credits have been determined for the subject site and existing improvements:

- Lot 12 contains the majority of built improvements, leading to a credit in excess of the standard per lot credit $1,425m^2 \times 573.00 = credit$ of 552,725.00.
- Lot 14 full per lot credit would apply \$20,768.00.
- Lot 16 full per lot credit would apply \$20,768.00.

Total Credits: \$94,261.00

Using Adopted Infrastructure Charges Resolution (No. 1) of 2023 the following charge rates would be the most appropriate for the proposed change of use:

- \$104 per m² of GFA (gross floor area) Showroom (retail aspect)
- \$37 per m2 of GFA Warehouse/Low Impact Industry (bulk store/steel fabrication aspect)

The following charges are applicable:

- Showroom (retail aspect) \$71,656.00
- Warehouse/Low Impact Industry (bulk store/steel fabrication aspect) \$26,492.00

Total Charges: \$98,148.00

Applying the credits, the charge payable for the proposed development is \$3,887.00.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 25 October 2023 to 15 November 2023. The applicant submitted the notice of compliance on 16 November 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