

DELEGATED REPORT

SUBJECT: NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION – MATERIAL CHANGE OF USE – DUAL OCCUPANCY – LOT 25 ON RP728595 – 8 KULLAROO CLOSE, KURANDA - MCU/24/0002

DATE: 17 January 2024

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Ngoonbi Community Services Indigenous Corporation	ADDRESS	8 Kullaroo Close, Kuranda
DATE LODGED	17 January 2024	RPD	Lot 25 on RP728595
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Dual Occupancy		

FILE NO	MCU/24/0002	AREA	1264m2
LODGED BY	wildPLAN Pty Ltd	OWNER	Ngoonbi Community Services Indigenous Corporation
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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	Ngoonbi Community Services Indignenous Corporation	ADDRESS	8 Kullaroo Close, Kuranda
DATE LODGED	17 January 2024	RPD	Lot 25 on RP728595
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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
89269/PR/A00 P2 A00	Cover Sheet	8 Pencils	21/11/23
89269/PR/A01 P2 A01	Site Plan	8 Pencils	05/12/23
89269/PR/A02 P2 A02	Site 3D	8 Pencils	05/12/23
89269/PR/A03 P2 A03	Floor Plan -8A	8 Pencils	06/19/18
89269/PR/A04 P2 A04	Floor Plan – 8B	8 Pencils	11/21/23
89269/PR/A05 P2 A05	Elevations	8 Pencils	11/21/23
89269/PR/A06 P2 A06	Elevations	8 Pencils	11/21/23
89269/PR/A07 P2 A07	Elevations	8 Pencils	11/21/23

(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 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 area must be provided and be screened from view from adjoining properties and road reserve 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 the street.

4. Infrastructure Services and Standards

4.1 Access

An access crossover must be constructed for each dwelling (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, 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

(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.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with 2 undercover car parking spaces (1 per unit) 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 sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

4.4 Landscaping & Fencing

4.4.1 The landscaping of the site must be carried out generally in accordance with the approved plans prior to the commencement of the use and maintained to the satisfaction of Council's delegated officer.

4.4.2 (i) Prior to the commencement of the use, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence

(neutral colour) is to be erected along the full extent of all side and rear boundaries.

- (ii) Prior to the commencement of the use, solid 1.8 metre high timber or 1.8 metre high colorbond fencing of neutral colour is to be erected between each dwelling unit, separating areas of private open space.
- (iii) 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 dwelling 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) 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) 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.

- (c) 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.

- (d) 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.

- (e) 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.

- (f) 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 [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(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 at 8 Kullaroo Close, Kuranda, and is more particularly described as Lot 25 on RP728595. The site is regular in shape with an area of 1,264m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 30 metres of frontage to Kullaroo Close which is constructed to a bitumen sealed standard including kerb and channel.

The site contains an existing single storey dwelling which is to be demolished to make way for redevelopment of the site. All urban services remain available to the site.

All surrounding lots are zoned Low Density Residential and are predominantly developed with single dwelling houses. Dual occupancy developments are established at 2 and 5 Kullaroo Close.



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 plans shown in **Attachment 1**.

The proposed dual occupancy consists of 1 x 4 bedroom and 1 x 3 bedroom detached units. The units will have a gross floor area of approximately 156m² and 137m² respectively.

Each unit will incorporate a covered single carport and a rear verandah of approximately 25m². Both units will be accessed via new separate driveways off Kullaroo Close. Visitor parking is provided for on each driveway.

Each unit will be provided with a generous area of private open space which will be privatised with internal and boundary fencing.

The development will be connected to all urban services.

The level of assessment for the proposed development has increased from *Accepted development, subject to requirements*, to Code Assessable, due to non compliance with Acceptable Outcomes AO3.1 and AO3.2 of the Low Density Residential zone code.

All other requirements for accepted development can be met by the proposed development.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Category <ul style="list-style-type: none">• Residential Area
Zone:	Low Density Residential zone
Overlays:	Airport Environs Overlay Residential Dwelling House and Outbuilding Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Dual occupancy	<p>Premises containing two dwellings, each for a separate household, and consisting of:</p> <ul style="list-style-type: none"> a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot. 	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	Dwelling house, multiple dwelling

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:

- 6.2.6 Low density residential zone code
- 7.2.1 Kuranda local plan code
- 8.2.2 Airport environs 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

Pursuant to sub-section 5.3.3(4)(b) of the Mareeba Shire Council Planning Scheme 2016, this application is assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2).

Specifically, Performance Outcome PO3 of the Low Density Residential zone code.

An officer assessment has found that the application satisfies the relevant performance outcome.

Relevant Codes	Comments
<p>Low density residential zone code</p> <p>PO3</p> <p><i>Development is sited in a manner that considers and respects:</i></p> <p>(a) <i>the siting and use of adjoining premises;</i></p> <p>(b) <i>access to sunlight and daylight for the site and adjoining sites;</i></p> <p>(c) <i>privacy and overlooking;</i></p> <p>(d) <i>opportunities for casual surveillance of adjoining public spaces;</i></p> <p>(e) <i>air circulation and access to natural breezes; and</i></p> <p>(f) <i>appearance of building bulk; and</i></p> <p>(g) <i>relationship with road corridors.</i></p>	<p>The proposed development does not achieve the minimum 6 metre setback under AO3.1 to the Kullaroo Close road frontage boundary. A 5.4 metre setback (to open carport) will be achieved to this road boundary.</p> <p>The proposed development does not achieve the minimum 2 metre side setback under AO3.2 for the western side boundary. A 1.5 metre setback is achieved to the western side boundary.</p> <p>Assessment is therefore required against performance outcome PO3.</p> <p>The dwelling house on adjoining 6 Kullaroo Close is setback approximately 6 metres from the side boundary and to the rear of the proposed development. The proposed development's 1.5 metre setback to the western side boundary will allow a minimum of 7.5 metres separation between these dwellings.</p> <p>Access to sunlight and daylight is maintained by the QDC compliant 1.5 metre setback and the overall 7.5 metre dwelling separation.</p> <p>Privacy and overlooking will be managed through the erection of boundary screen fencing.</p> <p>Opportunities for casual surveillance of Kullaroo Close are not reduced due to the slightly lesser side boundary setback.</p> <p>Air circulation and access to breezes is maintained through the QDC compliant 1.5 metre side boundary setback.</p> <p>The proposed development is single storey and the appearance of bulk is no greater than the established development along Kullaroo Close.</p> <p>That part of the proposed development within the 6 metre setback from Kullaroo Close is limited to open carport structures. Open carports with 0 metre setbacks are already established at 5 and 14 Kullaroo Close.</p> <p>The development complies with PO3.</p>
Kuranda local plan code	The application will satisfy the requirements for accepted development.
Airport environs overlay code	The application will satisfy the requirements for accepted development.
Accommodation activities code	The application will satisfy the requirements for accepted development.
Landscaping code	The application will satisfy the requirements for accepted development.
Parking and access code	The application will satisfy the requirements for accepted development.

Works, services and infrastructure code	The application will satisfy the requirements for accepted development.
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(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

Where relevant, a condition would be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(f) Adopted Infrastructure Charges Notice

The subject land is in the Low Density Residential zone and dual occupancy is accepted development on land with an area of 1,000m² or greater.

The level of assessment has moved from accepted development to code assessment due to a minor noncompliance with AO3.1 and AO3.2 of the Low Density Residential zone code.

The planning scheme's accepted density for dual occupancy is one unit per 400m² of site area and the proposed development complies.

As the density of the proposed development is consistent with PO4 of the Low Density Residential Zone code, it is not proposed to apply additional infrastructure charges.

REFERRALS

This application did not trigger referral to a referral agency.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

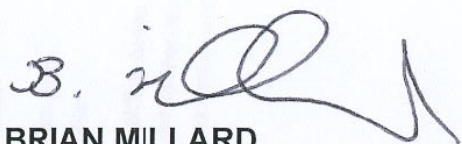
Date Prepared: 17 January 2024

DECISION BY DELEGATE

DECISION

Having considered the Senior Planner's report detailed above, I approve, as a delegate of Council, the application subject to the conditions listed in the report.

Dated the 17TH day of JANUARY 2024



BRIAN MILLARD
COORDINATOR PLANNING SERVICES

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PROPOSAL PLANS

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