

**8.3 MAREEBA TYREPOWER - MATERIAL CHANGE OF USE - WAREHOUSE (STORAGE SHED AUXILIARY TO ADJACENT TYRE SHOP) - LOTS 902 & 903 ON M3565 - 141-143 WALSH STREET, MAREEBA - MCU/24/0006**

**Date Prepared:** 21 May 2024  
**Author:** Coordinator Planning Services  
**Attachments:** 1. Proposal Plans

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Tyrepower	<b>ADDRESS</b>	141-143 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 April 2024	<b>RPD</b>	Lots 902 & 903 on M3565
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop)		
<b>FILE NO</b>	MCU/24/0006	<b>AREA</b>	Lot 902 – 1012m2 Lot 903 – 1012m2
<b>LODGED BY</b>	Northern Building Approvals	<b>OWNER</b>	Lot 902 – Mareeba Tyre Service Pty Ltd TTE Lot 903 – G & A Raso
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Centre 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 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	
<b>APPLICANT</b>	Mareeba Tyrepower	<b>ADDRESS</b>	141-143 Walsh Street, Mareeba
<b>DATE LODGED</b>	8 April 2024	<b>RPD</b>	Lots 902 & 903 on M3565
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop)		

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 – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop)

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24002 Sheet 02 A	Site Plan	-	20/02/24
24002 Sheet 03 A	Floor Plan	-	20/02/24
24002 Sheet 04 A	Elevations	-	20/02/24
24002 Sheet 05 A	Elevations	-	20/02/24
RSCL-977158 01 Rev 1	Contract Plans (Elevation)	Rapid Sheds & Construction	01-Mar-2024
RSCL-977158 02 Rev 1	Contract Plans (Floor)	Rapid Sheds & Construction	01-Mar-2024
RSCL-977158 03 Rev 1	Contract Plans (Roof)	Rapid Sheds & Construction	01-Mar-2024

(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 Waste Management
- On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
- 3.5 Noise Nuisance
- Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.6 Air Conditioner & Building Plant Screening
- The applicant/developer is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

A **commercial** access crossover must be constructed (from the edge of Walsh Street to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

##### 4.2 Frontage Works

The applicant/developer is required to construct the following works, designed in accordance with the FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- A two (2) metre wide concrete footpath along the full frontage of the site to Walsh Street.
- Adjustments and relocations necessary to public utility services resulting from these works.

##### 4.3 Stormwater Management

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

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

##### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure the development is provided with three (3) on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

4.4.2 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.

4.4.3 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.

#### 4.5 Landscaping and Fencing

4.5.1 Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

4.5.2 The landscape plan must include landscaping and fencing generally in accordance with the approved Site Plan (24002 Sheet 02 Rev A) and in compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.3 The landscaping plan must incorporate the following:

- (i) A 1.8 metre high colorbond (neutral colour) solid screen fence must be established along the full length of the site's common boundary with Lot 0 on BUP70464 and Lot 915 on M3565.
- (ii) The fencing is to be erected prior to the commencement of the use and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5.4 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

4.5.5 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.6 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.7 Water Supply

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

#### 4.8 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.

(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) A Trade Waste Permit may be required prior to the commencement of use.
- (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](http://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](http://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.

(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)

## THE SITE

The subject site comprises two (2) adjoining allotments situated at 141-143 Walsh Street, Mareeba, being described as Lots 902 and 903 on CP M3565. Both lots are situated within the Centre zone under the Mareeba Shire Council Planning Scheme 2016.

Each lot is regular in shape with an area of 1,012m<sup>2</sup> and having a frontage of 20 metres to Walsh Street. The subject site has a total area of 2,024m<sup>2</sup> and 40 metres of frontage to Walsh Street.

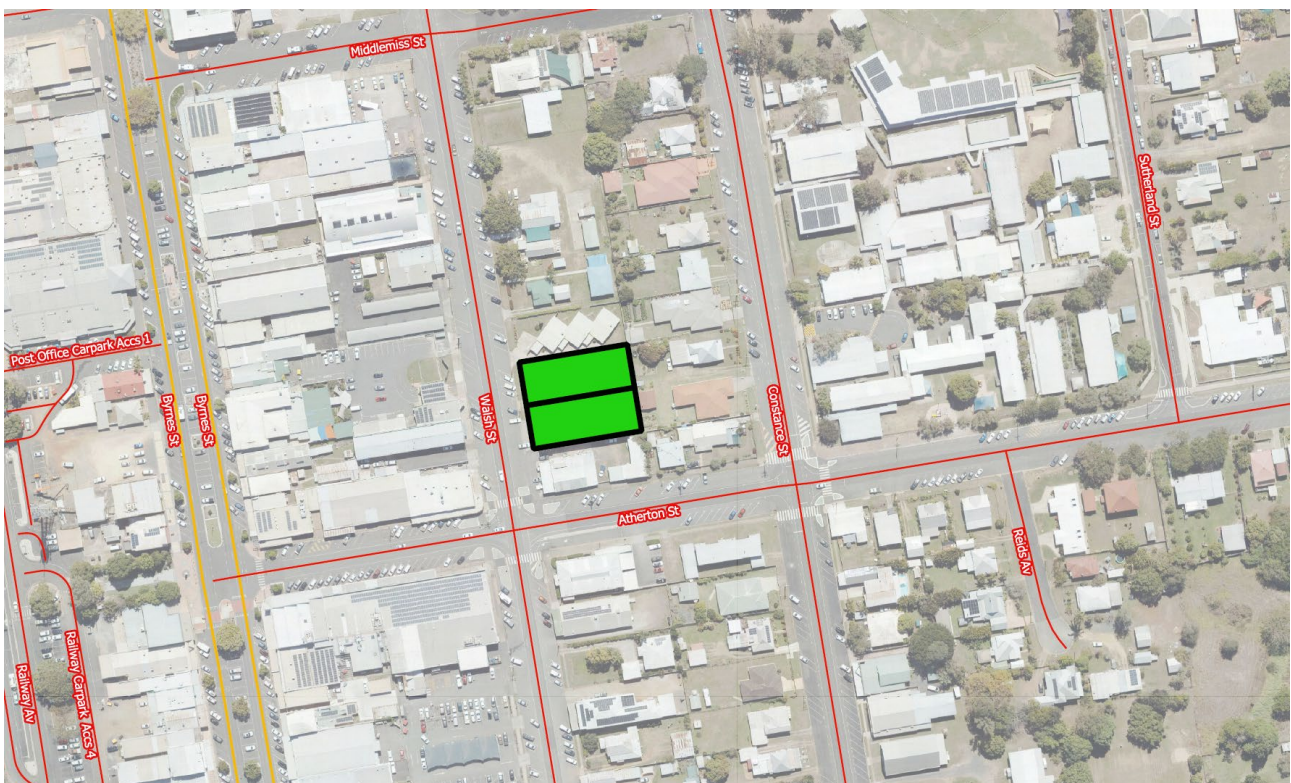
The section of Walsh Street fronting the subject site is constructed to a 22 metre wide bitumen/asphalt sealed standard with kerb and channel on both sides. All access is obtained via the Walsh Street frontage.

Lot 902 contains the Mareeba Tyrepower showroom and workshop which has operated from this location since 1996/97. Lot 903 is currently vacant with its long established (pre-1950) dwelling house having been removed in late 2023.



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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Lots adjoining the subject site on Walsh Street are zoned Centre and accommodate both residential and commercial activities. The adjoining lots in Constance Street are zoned Medium Density Residential and all contain established dwelling houses.

All urban services are connected to the subject site.

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use – Warehouse (Storage Shed Auxiliary to Adjacent Tyre Shop) in accordance with the plans shown in **Attachment 1**.

The applicant is proposing to construct a 300m2 GFA (12m x 25m by 6.058m high) steel and iron shed to store tyres, wheels and other products for use by Mareeba Tyrepower.

The shed will be setback 16 metres from the Walsh Street frontage, with a 1.5 metre wide landscape buffer established along the Walsh Street frontage. A concrete driveway will provide access off Walsh Street to the shed and to carparking at the rear.

A 1.8 metre colorbond screen fence is intended along the side and rear common boundaries with the adjoining residential uses. A landscaping buffer is also proposed along the common boundary with 139 Walsh Street (ajoining residential 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> <ul style="list-style-type: none"> <li>• Centre Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• Local Collector Road</li> </ul>
Zone:	Centre zone
Preferred Area/Precinct:	Town Centre Core
Overlays:	Airport environs 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>
Warehouse	<p>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</p> <p>The use may include sale of goods by wholesale where ancillary to storage.</p> <p>The use does not include retail sales from the premises or industrial uses.</p>	Self storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

**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**

**3.3.3 Element—Major regional activity centre**

**3.3.3.1 Specific outcomes**

- (1) The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.
- (2) Development within Mareeba over time enhances the Shire’s self-sufficiency in terms of services offered, business and employment opportunities.

- (4) The centre area of Mareeba continues to be focussed on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.
- (5) Regional scale services and employment are provided in Mareeba, including:
  - (a) primary, secondary and tertiary educational establishments;
  - (b) major supermarkets and large format retailers;
  - (c) factory outlets and warehouses;
  - (d) government administration;
  - (e) hospitals and social services;
  - (f) major recreation and health and fitness facilities.

### Comment

The proposed development is necessary to support the growth of the long-established tyre fitting business (Mareeba Tyrepower) at 143 Walsh Street.

The proposed development satisfies all of the specific outcomes identified above.

## **3.7.6 Element—Retail and commercial development**

### **3.7.6.1 Specific outcomes**

- (1) Commercial development will be facilitated by:
  - (a) consolidation and co-location of centre activities in existing centre areas;
  - (b) identification of space adjacent to centre areas to cater for the expansion of commercial activities;
  - (c) infrastructure provision in areas identified as able to cater for new commercial development;
  - (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.
- (3) Centre areas provide a vibrant, busy setting for community activity, social interaction and local trade and exchange. Each centre area retains its relaxed rural atmosphere and unique character, and provides for a high level of pedestrian activity.
- (4) The following features are integrated or provided by new commercial development:
  - (a) attractive streetscapes with shade trees and awnings;
  - (b) active shop fronts;
  - (c) pedestrian and cyclist comfort and convenience;
  - (d) universal design principles;
  - (e) spaces for community activity and social interaction;
  - (f) CPTED initiatives.

### Comment

The proposed development is necessary to support the growth of the long-established tyre fitting business (Mareeba Tyrepower) at 143 Walsh Street.

The proposed development satisfies all of the specific outcomes identified above.

**Relevant Developments Codes**

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

- 6.2.1 Centre zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay 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
Centre 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.
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

The development will be conditioned to require all development works be designed and constructed in accordance with FNQROC Development Manual standards.

#### Planning Scheme Policy 9 - Footpath Paving

The subject site is within the area affected by PSP 9. A two (2) metre wide concrete footpath will be conditioned from the edge of the existing Tyrepower driveway up to and including the full frontage of Lot 903.

#### **(E) Adopted Infrastructure Charges Notice**

Adopted Infrastructure Charges Resolution (No. 1) of 2023 establishes the following charge rate for the proposed change of use:

- \$37 per m<sup>2</sup> of gross floor area (GFA) for warehouse

The proposed warehouse has a GFA of 300m<sup>2</sup> and the resulting maximum charge is \$11,100.00.

As Lot 903 has an existing credit of \$20,768.00 (vacant lot credit), no additional infrastructure charge will be payable for the proposed development.

#### **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 24 April 2024 to 17 May 2024. The applicant submitted the notice of compliance on 20 May 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

#### **PLANNING DISCUSSION**

Nil