

**DELEGATED REPORT**

**SUBJECT:** T TRAN – MATERIAL CHANGE OF USE – MULTIPLE DWELLING (6 X 2 BEDROOM UNITS) – LOT 38 ON RP896886 – 38 DOYLE STREET, MAREEBA - MCU/23/0023

**DATE:** 26 April 2024

**REPORT OFFICER'S TITLE:** Senior Planner

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	T Tran	ADDRESS	38 Doyle Street, Mareeba
DATE LODGED	9 October 2023	RPD	Lot 38 on RP896886
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Multiple Dwelling (6 x 2 bedroom units)		

FILE NO	MCU/23/0023	AREA	1018m2
LODGED BY	U&i Town Plan	OWNER	A & T Tran
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

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**ATTACHMENTS:** 1. Proposal Plan/s

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**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.

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:

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	T Tran	<b>ADDRESS</b>	38 Doyle Street, Mareeba
<b>DATE LODGED</b>	9 October 2023	<b>RPD</b>	Lot 38 on RP896886
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Multiple Dwelling (6 x 2 bedroom units)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use – Multiple Dwelling (6 x 2 bedroom units)

(B) **APPROVED PLANS:**

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
FA100 Rev A	Site Plan	Quorum Studios	2024.04.02
J-02	Overall First Floor Plan (2 <sup>nd</sup> Storey)	-	-
J-03	Overall Roof Plan	-	-
J04 Rev a	Ground Floor Plan	-	-
J05	First Floor Plan	-	-
J06	Ground Floor Plan	-	-
J07	First Floor Plan	-	-
J08	Elevation A,C	-	-
J09	Elevation D	-	-
J10	Elevation B	-	-
-	Perspectives	-	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.

- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

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.

### 3.5 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.

### 3.6 Letterbox

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

### 3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided for each unit 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 (from the edge of the road pavement to the property boundary of the subject lot) to the satisfaction of Council's delegated officer.

Any redundant crossovers must be reinstated.

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 nine (9) on-site car parking spaces comprising six (6) resident car parks, two (2) visitor car parks and one (1) carwash bay, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

**Resident car parks 2 and 4 are to be provided with a permanent all-weather cover.**

#### 4.4 Landscaping & Fencing

- 4.4.1 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.

The landscape plan must include the gardens and turf areas shown on the approved site plan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use, and mulched, irrigated 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 the backyard areas as shown on the approved plans.
  - (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](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 is situated at 38 Doyle Street, Mareeba, and is more particularly described as Lot 38 on RP896886. The site is irregular in shape with an area of 1,018m<sup>2</sup> and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 32 metres of frontage to Doyle Street which is constructed to a bitumen sealed standard including kerb and channel.

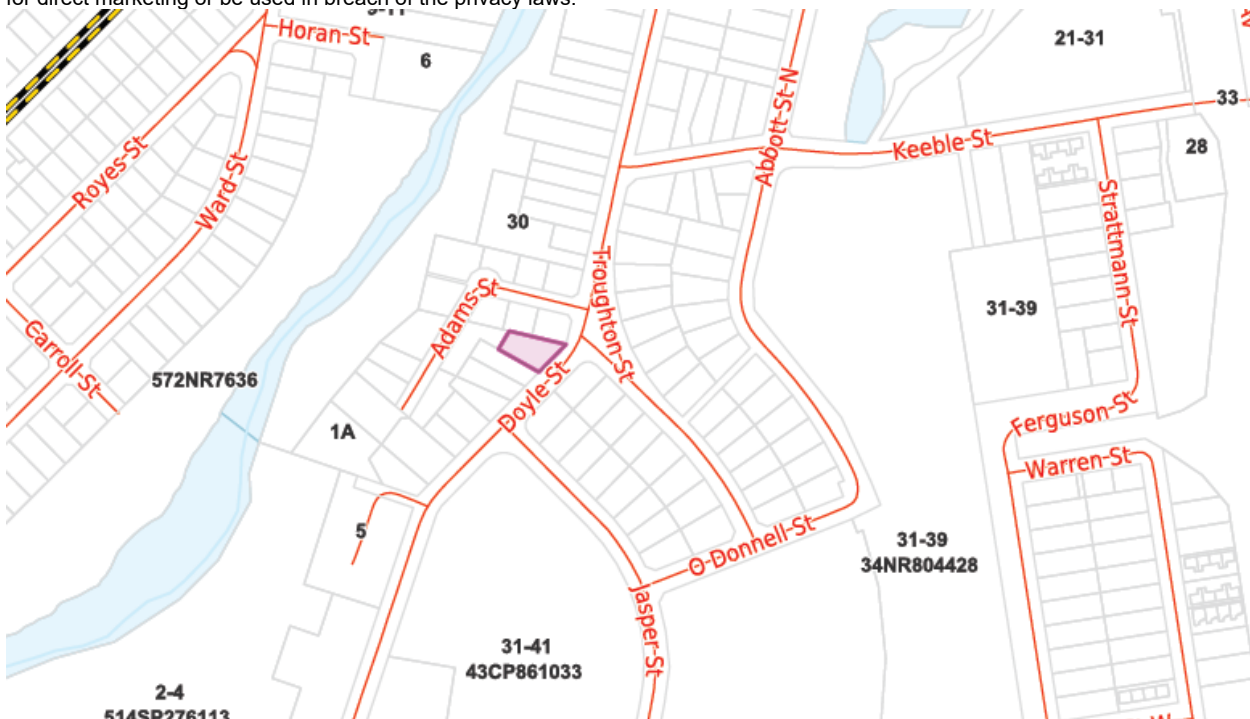
The site is improved by small shed, with a previous dwelling house having been demolished in 2016. All urban services remain available to the subject site.

All adjoining lots are zoned Medium Density Residential and developed with either a duplex or single dwelling house.



**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 – Multiple Dwelling (6 x 2 bedroom units) in accordance with the plans shown in **Attachment 1**.

The proposed development is for six (6) units each with 2 bedrooms. The units are two (2) storeys and will be developed in two standalone buildings each containing three units.

A central driveway will provide vehicle access to units 2, 3, 5 and 6 and two car parking spaces at the rear of the site. Units 1 and 4 will not be provided with garages, instead both units will make use of four uncovered car parking spaces sited between the units and the Doyle Street frontage.

Several areas of landscaping are proposed along the Doyle Street frontage and also along the rear of the site.

Each unit will feature a second storey balcony overlooking the central driveway and ground floor private open space at their rear.

## 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 Category</b> • Residential Area
Zone:	Medium Density Residential zone
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>
<i>Multiple dwelling</i>	<i>Premises containing three or more dwellings for separate households.</i>	<i>Apartments, flats, units, townhouses, row housing, triplex</i>	<i>Rooming accommodation, dual occupancy, duplex, granny flat, residential</i>

			<i>care facility, retirement facility</i>
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## 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
- 7.2.2 Mareeba 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

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
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

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

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

Under the Medium Density Residential zone code, the accepted maximum density for multiple dwelling is one (1) dwelling per 150m<sup>2</sup> of site area, or one (1) bedroom per 75m<sup>2</sup> of site area.

The proposed development will result in six (6) units on a 1,018m<sup>2</sup> site or one (1) unit per 169.67m<sup>2</sup> of site area.

The development comprises a total of twelve (12) bedrooms, or one (1) bedroom per 84.8m<sup>2</sup> of site area.

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

## **REFERRALS**

This application did not trigger referral to a Referral Agency.

### **Internal Consultation**

Technical Services

## **PLANNING DISCUSSION**

Compliance with assessment benchmarks contained within the Medium Density Residential zone code and the Accommodation Activities code are discussed below:

### **6.2.7 Medium Density Residential zone code**

#### **Siting**

#### **PO3**

Development is sited in a manner that considers and respects:

- (a) the siting and use of adjoining premises;



- (b) access to sunlight and daylight for the site and adjoining sites;
- (c) privacy and overlooking;
- (d) opportunities for casual surveillance of adjoining public spaces;
- (e) air circulation and access to natural breezes;
- (f) appearance of building bulk; and
- (g) relationship with road corridors.

**AO3.1**

Buildings and structures include a minimum setback of:

- (a) 6 metres from the primary road frontage; and
- (b) 3 metres from any secondary road frontage.

Comment

The subject site has a single frontage to Doyle Street.

The proposed development achieves a 6 metre setback from the walls to this frontage.

There is a slight encroachment by a roof overhang/gutter which does not compromise PO3.

**AO3.2**

Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.

Comment

The walls of the proposed development achieve the 2 metre setback from the side and rear boundaries.

There is a slight encroachment by a roof overhang/gutters which does not compromise PO3.

**Gross Floor Area****PO5**

Buildings and structures occupy the site in a manner that:

- (a) makes efficient use of land;
- (b) is consistent with the bulk and scale of surrounding buildings; and
- (c) appropriately balances built and natural features.

**AO5**

Gross floor area does not exceed 600m<sup>2</sup>

Comment

The proposed development will have a GFA in excess of 600m<sup>2</sup> due to it being two (2) stories.

Notwithstanding, the development will make efficient use of the site.

Two (2) storey developments are acceptable within this zone.

The development will feature reasonable landscaping and open space.

The development will satisfy PO5.

**9.3.1 Accommodation Activities Code****PO4**

Accommodation activities are provided with sufficient private and communal open space areas which:

- (a) accommodate a range of landscape treatments, including soft and hard landscaping;
- (b) provide a range of opportunities for passive and active recreation;
- (c) provide a positive outlook and high quality of amenity to residents;
- (d) is conveniently located and easily accessible to all residents; and
- (e) contribute to an active and attractive streetscape.

#### **AO4.1**

Development, except for Caretaker's accommodation, Dwelling house, Dual occupancy or Home based business, includes communal open space which meets or exceeds the minimum area, dimension and design parameters specified in **Table 9.3.1.3C**.

#### **AO4.2**

Development includes private open space for each dwelling or accommodation unit which meets or exceeds the minimum area, dimension and design parameters specified in **Table 9.3.1.3D**.

#### **AO4.3**

Clothes drying areas are provided at the side or rear of the site so that they are not visible from the street.

#### **AO4.4**

If for Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility, development provides a secure storage area for each dwelling or accommodation unit which:

- (a) is located to facilitate loading and unloading from a motor vehicle;
- (b) is separate to, and does not obstruct, on-site vehicle parking or manoeuvring areas;
- (c) has a minimum space of 2.4m<sup>2</sup> per dwelling or accommodation unit;
- (d) has a minimum height of 2.1 metres;
- (e) has minimum dimensions to enable secure bicycle storage;
- (f) is weather proof; and
- (g) is lockable.

#### Comment

Each unit is to be provided with a private courtyard at their rear which will also allow for the cloth drying demands. Screen fencing and landscaping will prevent the clothes drying area being visible from the street. This area will also allow for secure bike storage.

A communal open space area is not proposed due to the size of the development and the proximity of public parks, public pools and public sporting fields to the site.

The proposed development will be provided with sufficient open space.

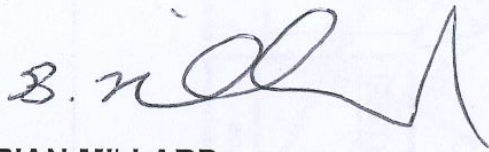
**Date Prepared:** 26 April 2024

## 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.

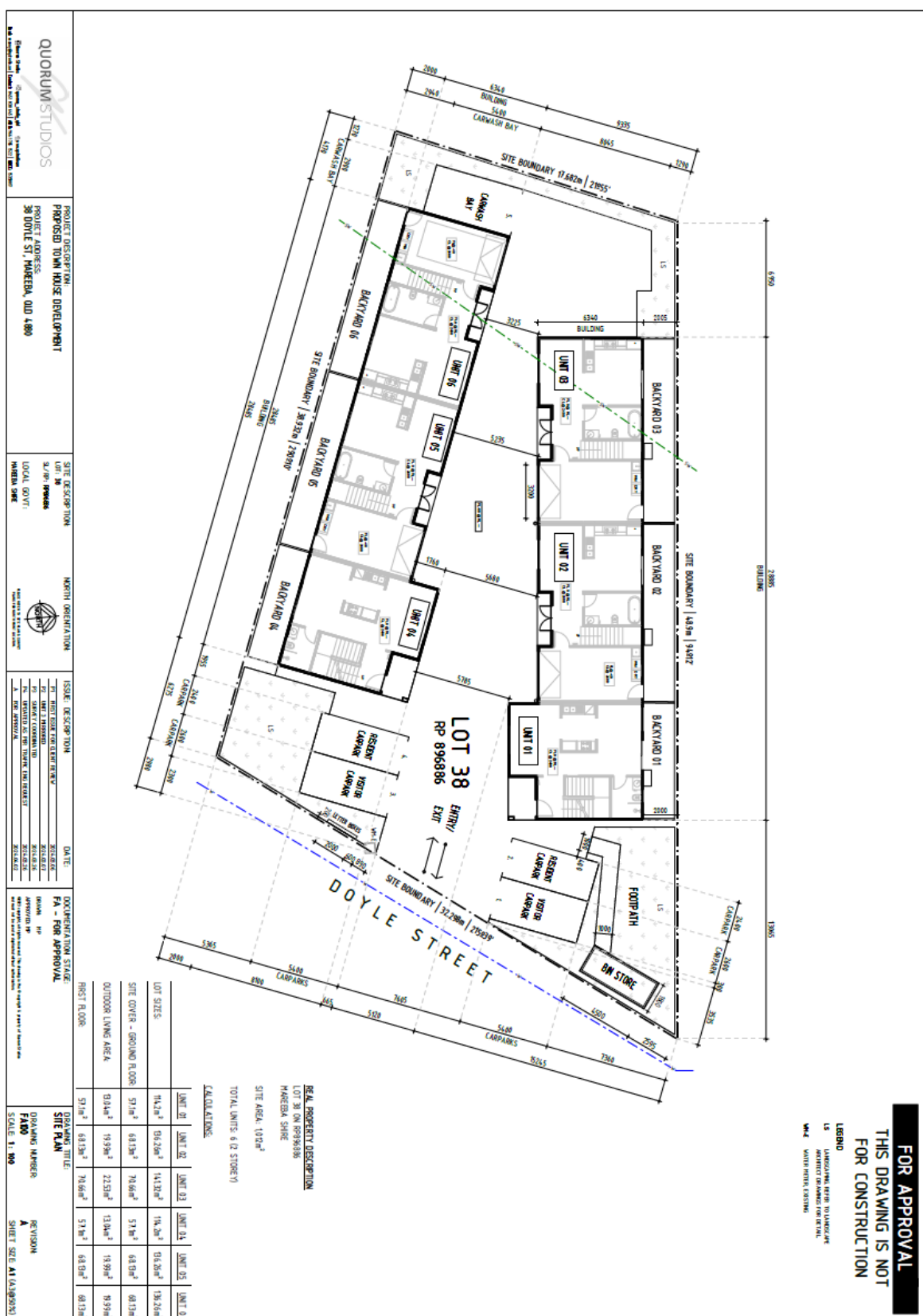
Dated the *26th* day of *April* 2024



**BRIAN MILLARD**  
**COORDINATOR PLANNING SERVICES**

MAREEBA SHIRE  
AS A DELEGATE OF THE COUNCIL

## PROPOSAL PLANS

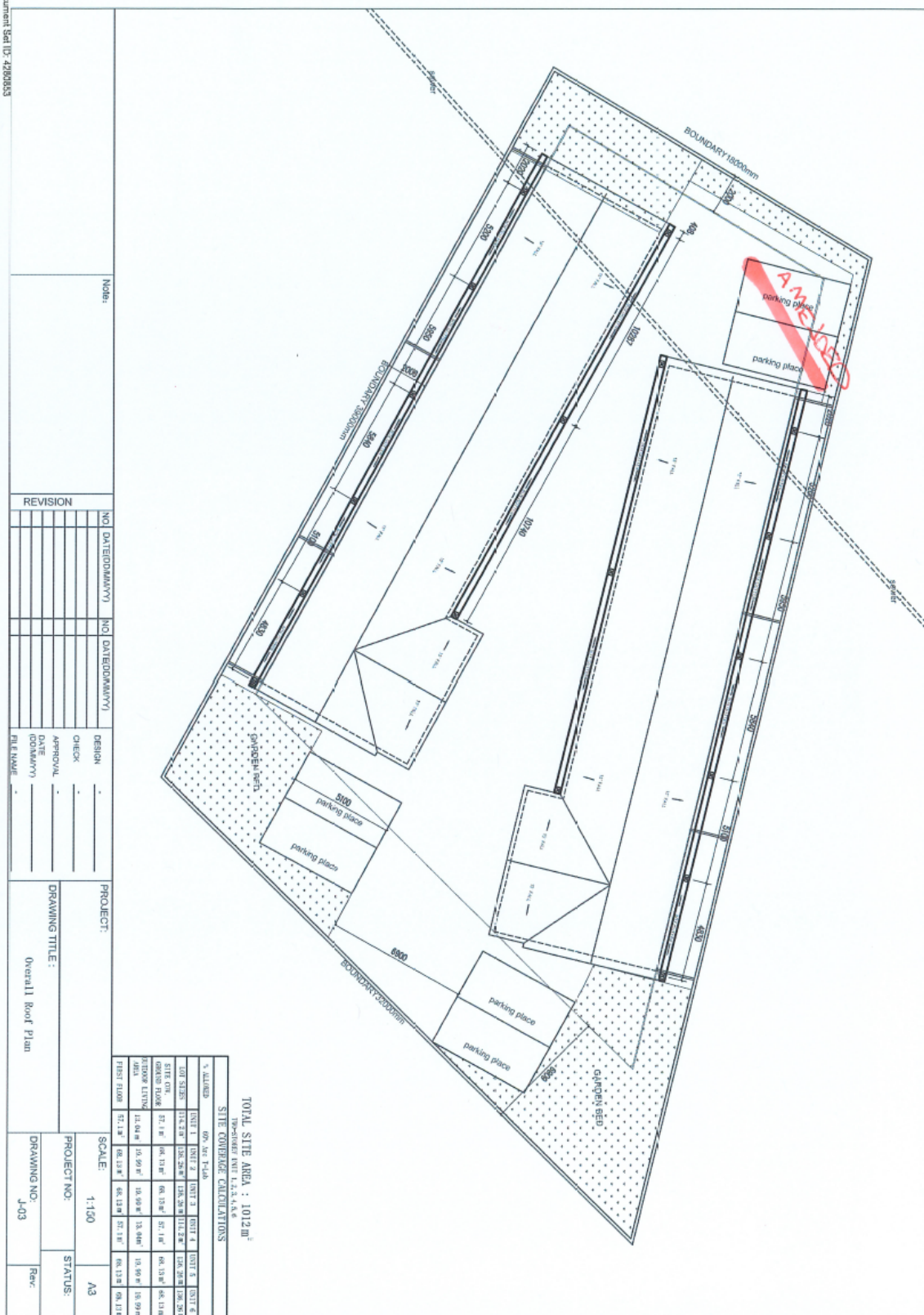


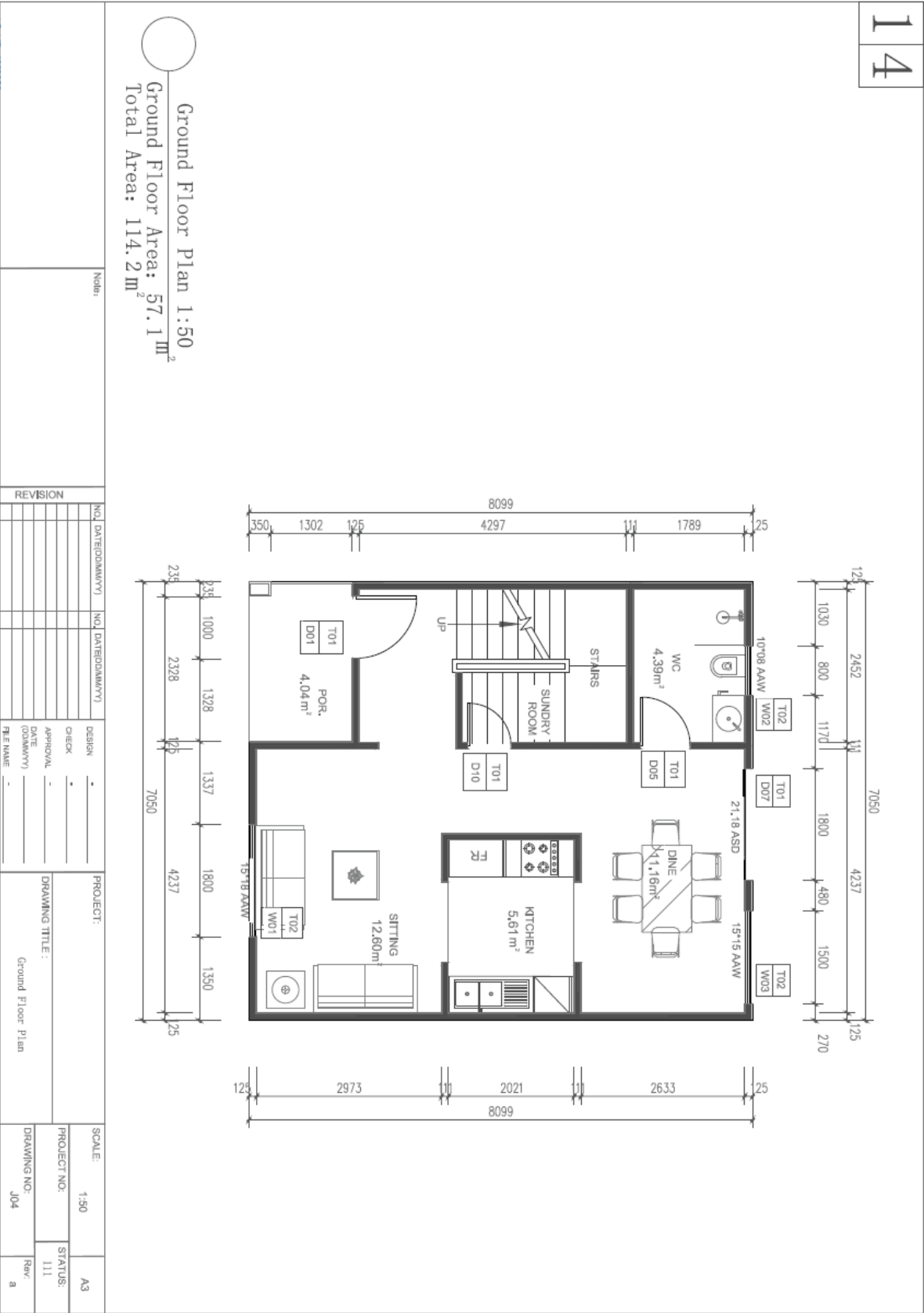




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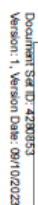


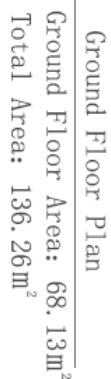


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