

DELEGATED REPORT

SUBJECT: **MARCOTTA TILES PTY LTD - MATERIAL CHANGE OF USE – WAREHOUSE (OUTDOOR TIMBER STORAGE YARD) - LOTS 68, 69 AND 70 ON SP198060 – 16-20 GOWAN STREET, MAREEBA - MCU/240020**

DATE: 20 November 2024

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Marcotta Tiles Pty Ltd	ADDRESS	16-20 Gowan Street, Mareeba
DATE LODGED	31 October 2024	RPD	Lots 68, 69 and 70 on SP198060
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Warehouse (Outdoor Timber Storage Yard)		

FILE NO	MCU/24/0020	AREA	68 – 2,178m ² 69 – 2,178m ² 70 – 2,178m ²
LODGED BY	Planning Plus	OWNER	PJFM No 2 Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Industry 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.

The application and supporting material 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 to. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Marcotta Tiles Pty Ltd	ADDRESS	16-20 Gowan Street, Mareeba
DATE LODGED	31 October 2024	RPD	Lots 68, 69 and 70 on SP198060
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Warehouse (Outdoor Timber Storage Yard)		

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 (Outdoor Timber Storage Yard)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
24-15.01	Proposed Timber Yard – Site Plan	Planning Plus	22/10/2024

(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

Any 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.

- 3.5 Timber stockpiles on-site must not exceed a height of 3 metres.
- 3.6 The timber storage yard must be maintained at all times to ensure the ground is not littered with bark, woodchip, or overgrown grass and weeds.

4. Infrastructure Services and Standards

4.1 Access

2 Industrial access crossovers as shown on the submitted plan must be constructed (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.

4.2 Stormwater Drainage/Water Quality

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

4.3 Internal Driveways

The car parking area and all other trafficable areas must be surface treated with dust free all weather compacted gravel or road base treatment and must be appropriately drained, to the satisfaction of Council's delegated officer. The dust free surface treatment must be maintained in good order and safe repair for the life of the development.

Should Council receive a substantiated dust complaint as a result of traffic on any unsealed surface, all trafficable areas must be surface treated with either reinforced concrete or asphalt and be appropriately drained and maintained with an intact surface treatment for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Fencing

1.8 metre high solid screen fencing must be erected, or the existing fencing modified to provide a 1.8m high solid screen element, for the entire length of the front boundary of Lots 68, 69 and 70 on SP198060. This solid screen fencing must also extend along the northern boundary of Lot 68 and the southern boundary of Lot 70 for a distance of 20 metres along each boundary starting at the front corner of each lot.

All fencing material used must be new (not rusty in appearance) and must be a neutral colorbond colour. Zinalume or similar galvanised fencing panels are not permitted.

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 lot 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) 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) A Trade Waste Permit may be required prior to the commencement of use.
- (d) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

- (e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au.

- (g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

- (h) 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 within the Mareeba Industrial Park at 16-20 Gowan Street and comprises the following allotments:

- Lot 68 on SP198060, area of 2,178m², frontage of 33 metres to Gowan Street
- Lot 69 on SP198060, area of 2,178m², frontage of 33 metres to Gowan Street
- Lot 70 on SP198060, area of 2,178m², frontage of 33 metres to Gowan Street

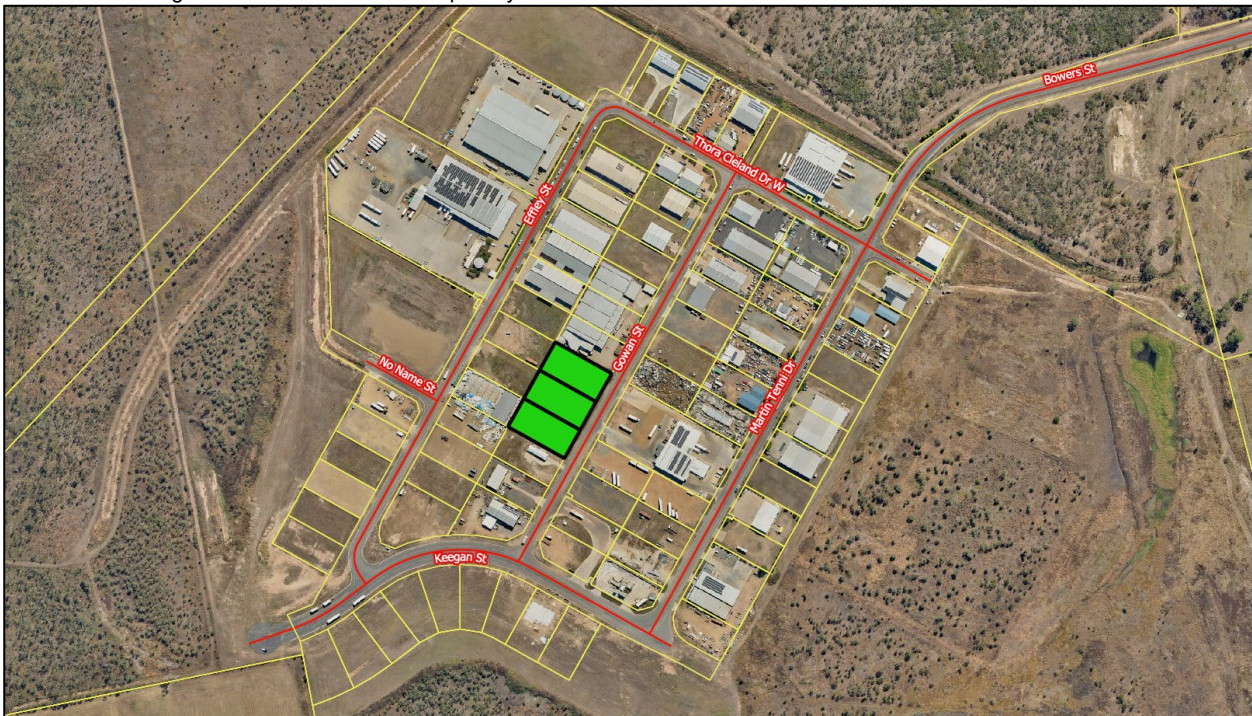
The site has a combined frontage of 99 metres to Gowan Street which is asphalt sealed from kerb to kerb.

The lots are all rectangular in shape, clear of vegetation, flat and drains to the kerb. A chain mesh security fence has been erected around the perimeter of the land with two access points over unsealed crossovers. The subject site is connected to all urban services. All adjoining allotments are zoned Industry (Precinct C).



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 – Warehouse (Outdoor Timber Storage Yard) in accordance with the plans shown in **Attachment 1**. The application includes the following details:

The proposal involves the storage of unprocessed logs harvested from sustainable plantations in Cape York. The logs will be stored onsite for later transport to a mill at Tiaro near Maryborough.

The only structure proposed is a small site office and toilet, with the rest of the site simply comprising storage areas and associated truck access. It is proposed to utilise existing gated access points, with a single entry point and separate exit point. The applicant envisages approximately 3 truck movements per week – given this low frequency of movements, it is proposed that the onsite driveway remain unsealed.

Existing chain-wire fencing will be retained but embellished with screening material to screen views and minimise dust impacts.

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

	Land Use Categories
Strategic Framework:	<ul style="list-style-type: none"> ▪ Major Industry Area
Zone:	Industry zone (Heavy Industry Precinct)
Local Plan (Mareeba):	Industrial Park
Overlays:	Airport environs overlay

Planning Scheme Definitions

The proposed use is defined as:-

RELEVANT PLANNING INSTRUMENTS

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Warehouse	<p><i>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</i></p> <p><i>The use may include sale of goods by wholesale where ancillary to storage.</i></p> <p><i>The use does not include retail sales from the premises or industrial uses.</i></p>	Self storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

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:

- 6.2.5 Industry 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 outcomes where no acceptable outcomes) 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/performance outcomes contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes/performance outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes/performance outcomes contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes/performance outcomes contained within the code.
Landscaping code	Given the nature and scale of the proposed development, on-site landscaping is not considered necessary. Refer to code document for further commentary.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes/performance outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes/performance outcomes contained within the code.

(e) Planning Scheme Policies

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.

REFERRALS

This application did not trigger referral to any referral agencies.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Nil

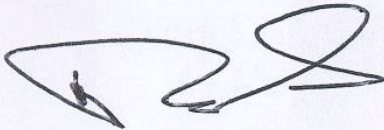
Date Prepared: 20 November 2024

DECISION BY DELEGATE

DECISION

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

Dated the 20 day of November 2024



PETER FRANKS
CHIEF EXECUTIVE OFFICER

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSAL PLANS (ECM Doc Set ID #4428242)

Proposed Timber Yard - Site Plan

16 - 20 Gowan Street, Mareeba / Plan No. 24-15.01 / Date: 22/10/2024



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