

DELEGATED REPORT

SUBJECT: C & J GOSTELOW - MATERIAL CHANGE OF USE - DUAL
OCCUPANCY - LOT 52 ON RP718005 - 30 KENNEALLY
ROAD, MAREEBA - MCU/18/0005

DATE: 3 April 2018

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C & J Gostelow	ADDRESS	30 Kenneally Road, Mareeba
DATE LODGED	12 February 2018	RPD	Lot 52 on RP718005
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dual Occupancy		

FILE NO	MCU/18/0005	AREA	809m2
LODGED BY	Northern Building Approvals	OWNER	C & J Gostelow
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	
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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
Drawing 1	Site Plan	Alan Taylor Builder NQ	-
Drawing 4	Floor Plan	Alan Taylor Builder NQ	-
Drawing 5	Elevations	Alan Taylor Builder NQ	-

(C) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

(a) Development assessable against the Planning Scheme

- Development must be carried out substantially 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 (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 Frontage works - Smallwood Street

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

- The development side of Smallwood Street only, must be widened from the edge of the existing bitumen seal to the existing kerb and channel, from the intersection of Kenneally Road and Smallwood to the south-western boundary of Lot 52 on RP718005.
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for operational works.

Timing for Condition 4.2 - To be completed within three (3) months of any access to Lot 52 on RP718005 being obtained via Lot 52's Smallwood Street frontage.

4.3 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.

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with three (3) on-site car parking spaces including one (1) visitor parking space, 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.

4.5 Landscaping & 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.

The landscape plan must include a 1.5 metre wide landscape strip along the Kenneally Road frontage of the site, excluding the access driveway, 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.

- 4.5.2
- (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.

4.6 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.

4.7 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**.

4.8 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.environment.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.datsip.qld.gov.au.

(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
- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1

THE SITE

The subject site is situated at 30 Kenneally Road, Mareeba (corner of Kenneally Road and Smallwood Street) and is described as Lot 52 on RP718005. The site is regular in shape with a total area of 809m² and is zoned *Low Density Residential* under the Mareeba Shire Council Planning Scheme.

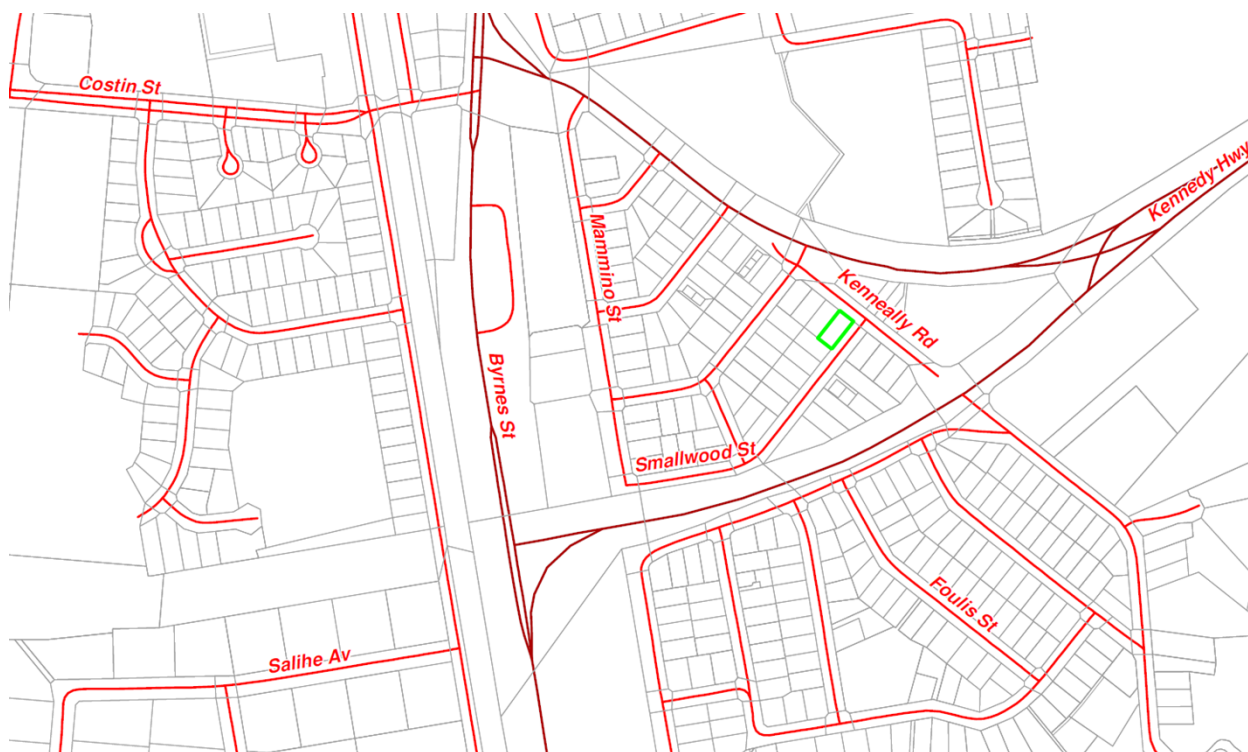
The site has frontages of approximately 20 metres to Kenneally Road and 40 metres to Smallwood Street. Both road frontage are constructed to bitumen sealed standard including 90 degree kerbing.

The subject site is currently vacant with the previous dwelling house having been destroyed by fire in 2011. The site is serviced by Mareeba's water, sewerage, electricity and telecommunication networks. The other allotments in the locality are typically used for residential purposes.



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 (duplex) consists of 1 x 2 bedroom unit and 1 x 3 bedroom unit, separated by an internal party wall. The 2 bedroom unit will have an area of 125.15m² and the 3 bedroom unit will have an area of 163.71m².

Each unit will incorporate a single enclosed garage and patio of 28m² in area.

Both units will be accessed via a common driveway off Kenneally Road with one visitor parking space provided at the end of this driveway.

Each unit will be provided with an area of private open space which will be privatised with internal and boundary fencing. Specifically, Unit 1 will be provided with an area of 148.8m² and Unit 2 will be provided with an area of 190.4m².

The development will be connected to all urban services.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Land Use Categories

- Residential Area

Zone:

Low Density Residential zone

Overlays:

Airport environs 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. 	<p>Duplex, two dwellings on a single lot (whether or not attached), two dwellings within one single community title scheme under the Body Corporate and Community Management Act 1997, two dwellings within the one body corporate to which the Building Units and Group Title Act 1980 continues to apply</p>	<p>Dwelling house, multiple dwelling</p>

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
- 8.2.2 Airport environs overlay code
- 8.2.10 Residential dwelling house and outbuilding 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 solutions/performance outcomes) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Residential dwelling house and outbuilding overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable solutions/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

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

(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.

As the subject land has an area of just 809m², the level of assessment moves from accepted development to code assessment.

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

The application did not trigger a referral.

Internal Consultation

Technical services

PLANNING DISCUSSION

The proposed development has the following minor noncompliances with the following Acceptable Outcomes:

Accommodation Activities Code***PO1***

Accommodation activities are located on a site that includes sufficient area:

- (a) to accommodate all buildings, structures, open space and infrastructure associated with the use; and*
- (b) to avoid adverse impacts on the amenity or privacy of nearby land uses.*

AO1

*Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in **Table 9.3.1.3B**.*

Comment

The subject land has an area of 809m² and frontages totalling 60 metres.

Table 9.3.1.3B calls for 1,000m² and a 20 metre frontage.

As the size of the subject land is less than Table 9.3.1.3B, the level of assessment has increased from Accepted Development to Code Assessment.

The design of the proposed dual occupancy provides for all infrastructure and open space needs. The privacy of adjoining properties is protected through the installation of screen fencing.

The development complies with PO1.

Landscaping Code

PO1

Development, other than in the Rural zone, includes landscaping that:

- (a) contributes to the landscape character of the Shire;*
- (b) compliments the character of the immediate surrounds;*
- (c) provides an appropriate balance between built and natural elements; and*
- (d) provides a source of visual interest.*

AO1

Development, other than in the Rural zone, provides:

- (a) a minimum of 10% of the site as landscaping;*
- (b) planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species;*
- (c) for the integration of retained significant vegetation into landscaping areas;*
- (d) on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional Development Manual.*

Note—Where development exceeds a site cover of 90%, areas of landscaping may be provided above ground level to achieve a total supply of landscaping equivalent to 10% of the site area

Comment

A 1.5 metre wide landscape strip is proposed along the Kenneally Road frontage of the subject land. Further, each unit will be provided with a covered patio and in excess of 100m² of private open space.

Whilst this is less than the 10% proposed under AO1(a), it is more consistent with the established character of Kenneally Road and Smallwood Street.

The development complies with PO1.

Parking and Access Code

PO4

Car parking areas are located and designed to:

- (a) ensure safety and efficiency in operation; and*
- (b) be consistent with the character of the surrounding locality*

AO4.4

Parking and any set down areas are:

- (a) wholly contained within the site;*
- (b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone;*

- (c) *are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and*
- (d) *provided at the side or rear of a building in all other instances.*

Comment

The dual occupancy has been designed to maintain the appearance of a single dwelling house when viewed from the street.

Visitor carparking is intended on the driveway in front of each garage.

This allowance for visitor parking is consistent with the established dwelling houses in the locality.

The development complies with PO4.

PO5

Access to, and manoeuvring within, the site is designed and located to:

- (a) *ensure the safety and efficiency of the external road network;*
- (b) *ensure the safety of pedestrians;*
- (c) *provide a functional and convenient layout; and*
- (d) *accommodate all vehicles intended to use the site.*

AO5.3

Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.

Comment

Vehicles will enter the site in forward gear and reverse onto the road when exiting. This is consistent with the existing dwelling houses on Kenneally Road and Smallwood Street and does not effect the efficiency of the road network.

Date Prepared: 3 April 2018

DECISION BY DELEGATE

DECISION

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

Dated the 3RD day of APRIL 2018



BRIAN MILLARD
SENIOR PLANNER



ANTHONY ARCHIE
MANAGER DEVELOPMENT & GOVERNANCE

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

PLANS

