

8.2	PORKDIG PTY LTD - MATERIAL CHANGE OF USE - SERVICE STATION & FOOD AND DRINK OUTLET - LOT 701 AND 702 ON M3565 - 1 HERBERTON STREET AND 255 BYRNES STREET, MAREEBA - MCU/18/0007
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Date Prepared: 27 March 2019

Author: Planning Officer

Attachments:

1. Proposal Plans
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Porkdig Pty Ltd	ADDRESS	1 Herberton Street and 255 Byrnes Street, Mareeba
DATE LODGED	23 March 2018	RPD	Lot 701 and 702 on M3565
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Service Station & Food and Drink Outlet		
FILE NO	MCU/18/0007	AREA	Lot 701 - 1,019m ² Lot 702 - 1,012m ²
LODGED BY	Planz Town Planning	OWNER	Porkdig Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	No submission received		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During public notification of the application, no submissions were received.

The proposed development will involve the demolition of the existing Mobil service station (corner of Herberton and Byrnes Streets) as well as the demolition of the existing dwelling on the northern adjoining Lot and the subsequent redevelopment of both parcels of land (once amalgamated) to include a new service station and attached food and drink outlet (fast food restaurant). The service station component will include an ancillary shop.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to conflict with any relevant aspect of the Planning Scheme.

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	Porkdig Pty Ltd	ADDRESS	1 Herberton Street and 255 Byrnes Street, Mareeba
DATE LODGED	23 March 2018	RPD	Lot 701 and 702 on M3565
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Service Station & Food and Drink Outlet		

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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

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 - Service Station & Food and Drink Outlet

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
12-A101 Rev 1	Title page	Michael Ferris and Ptnrs Pty Ltd	26 Oct 2018
12-A203 Rev 1	Site Plan	Michael Ferris and Ptnrs Pty Ltd	26 Oct 2018
12-A205 Rev 1	Floor Plan - Level 1	Michael Ferris and Ptnrs Pty Ltd	26 Oct 2018
12-A301 Rev 1	Elevations	Michael Ferris and Ptnrs Pty Ltd	26 Oct 2018
12-A401 Rev 1	Architectural Sections	Michael Ferris and Ptnrs Pty Ltd	26 Oct 2018

(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 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.5 Noise Nuisance

- 3.5.1 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.
- 3.5.2 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.

4. Infrastructure Services and Standards

4.1 Access

Both proposed access crossovers must be upgraded/constructed to a commercial access crossover standard (from the edge of Byrnes/Herberton Street pavement to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Any redundant vehicle crossovers must be removed and kerb and channel and any footpaths reinstated, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

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

4.2.2 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.

4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

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

4.2.6 In addition to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil and/or fuel will be removed and stored prior to stormwater being discharged from the site.

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with a minimum of 10 on-site car parking spaces (including 1 disabled parking space) as well as 1 RV parking space and 1 service vehicle parking space which are available solely for the parking of vehicles associated with the use of the premises. These parking spaces must be provided in addition to any fuel bowser parking spaces and car wash bay spaces.

4.3.2 All car parking spaces and trafficable areas must be concrete sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.3 All car parking spaces and trafficable areas 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.

4.3.4 The applicant/developer must ensure the development is provided with 3 bicycle parking spaces in proximity to the shop/food and drink outlet building entrances.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

4.4 Landscaping

4.4.1 Prior to the commencement of the use, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s (Site Plan).

4.4.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.4.3 The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.5 Fencing

Prior to the commencement of the use, the applicant/developer must erect a 1.8m high solid screen colorbond fence (of neutral colour) along the entire length of the eastern boundaries of Lots 701 and 702 on M3565.

All fencing must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

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.

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential

areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

4.7 Signage

4.7.1 The number, type and size of advertising signage, including pylon signage, is limited to that shown on the submitted plans and must not move, revolve, strobe or flash (can be illuminated).

4.7.2 The pylon signage must be designed and installed so as to not impede the vision of any pedestrian or vehicle using the Byrnes and Herberton Street intersection, to the satisfaction of Council's delegated officer.

4.8 Water Supply

4.8.1 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).

4.8.2 A water service connection must be provided to the subject land in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.9 Sewerage Connection

4.9.1 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).

4.9.2 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 a result of conditions of approval. The applicable fees are 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) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

(d) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(e) A Trade Waste Permit will be required prior to the commencement of use for the food and drink outlet component of the development only (trade waste permit will not be issued for the service station).

(f) 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.

(g) 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.

(h) 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

(i) 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) REFFERAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 7 February 2019.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

(G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)



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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THE SITE

The subject land is comprised of two adjoining lots situated on the corner of Byrnes Street and Herberton Streets, Mareeba, and is more particularly described as Lot 701 and 702 on M3565. Both Lots 701 and 702 are zoned Centre under the Mareeba Shire Council Planning Scheme 2016.

Lot 701 contains the existing Mobil service station as well as a storage and collection depot for a transport company which is established in an outbuilding next to the service station shop. Lot 701 is generally regular in shape and has a total area of 1,019m². The lot includes 26.8 metres of frontage to Byrnes Street and 52 metres of frontage to Herberton Street. Both Roads are constructed to bitumen/asphalt sealed standard including kerb and channel. Lot 701 is accessed via 3 crossovers, 2 from Herberton Street and 1 from Byrnes Street.

Lot 702 is situated between the Mobil service station and Betta Electrical. Lot 702 is regular in shape, has a total area of 1,012m² and contains 20 metres of frontage to Byrnes Street only. A single crossover in the north-west corner is used to access the allotment. Lot 702 is improved by a single dwelling house and a number of residential outbuildings.

All lots surrounding the subject land are zoned Centre and primarily contain residential uses with the exception of Betta Electrical situated to the north of the land.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Service Station & Food and Drink Outlet in accordance with the plans shown in **Attachment 1**.

The proposed development will include the following:

- The demolition of the existing Mobil service station at 1 Herberton Street;
- The demolition of the existing dwelling and outbuildings at 255 Byrnes Street;
- The amalgamation of 1 Herberton Street and 255 Byrnes Street;
- The construction of a new Mobil service station with ancillary shop and food and drink outlet (approx.240m² GFA);
- Freestanding advertising devices.

The proposed service station and food and drink outlet (restaurant) will be accessible from both Byrnes Street and Herberton Street.

REGIONAL PLAN DESIGNATION

The subject land 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 subject land contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

	Land Use Categories <ul style="list-style-type: none">• Centre Area
Strategic Framework:	Transport Elements <ul style="list-style-type: none">• State Controlled Road• B-double Route• Principal Cycle Route
Zone:	Centre Zone
Overlays:	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
Service station	<p><i>Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels.</i></p> <p><i>The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.</i></p>		<i>Car wash</i>
Food and drink outlet	<p><i>Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.</i></p>	<i>Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room</i>	<i>Bar, club, hotel, shop, theatre, nightclub entertainment facility</i>

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 Settlement pattern and built environment

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

- (1) *The scale of development in activity centres is consistent with their role and function within the defined hierarchy of activity centres, which consists of a major regional activity centre, a village activity centre, rural activity centres and rural villages.*

Comment

The proposed development is of a scale and nature consistent with Mareeba's role and function as a major regional activity centre.

The development complies.

- (2) *Centre activities are focussed in major regional activity centres, particularly development which draws on a wide catchment. Other activity centres promote local self-containment by facilitating a diverse range of services in support of local catchments and communities.*

Comment

The proposed development will be sited within the urban footprint of Mareeba which is the Shire's major regional activity centre and will primarily be used by Mareeba residents, as well as residents from further reaches of the Shire and tourists when passing through Mareeba.

The development complies.

- (6) *Centre areas provide high quality and attractive streetscapes, active shopfronts, comfortable pedestrian environments and spaces for social interaction.*

Comment

The proposed service station and ancillary food and drink outlet (fast food restaurant) will be made from modern, attractive building materials and finishes and will replace an existing aged service station and dwelling. To further enhance the visual appeal of the site, landscape strips will be planted along the sites Byrnes and Herberton Street frontages.

The proposed development is likely to contribute to an attractive streetscape within Mareeba's CBD and is not likely to impact on the existing pedestrian network along Byrnes Street.

The development complies.

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.

Comment

The proposed service station upgrade and ancillary food and drink outlet (fast food restaurant) will strengthen Mareeba's role as the Shire's major regional activity centre and will further concentrate regional-scale commercial development within the Township.

The development complies.

- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*

Comment

The proposed service station upgrade and ancillary food and drink outlet (fast food restaurant) could only enhance Mareeba and the Shire's self-sufficiency and is likely to boost employment opportunities for people living in proximity of Mareeba.

The development complies.

- (4) *The centre area of Mareeba continues to be focused 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.*

Comment

Despite the site lying outside that part of Mareeba's CBD between Rankin and Lloyd Streets, the site is still situated within the Centre Zone and well within Mareeba's CBD and will replace a long-established service station use. The development will enhance the existing streetscape appearance of this section of the CBD with new modern building materials and finishes and additional landscaping.

The development complies.

Relevant Developments Codes

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

- 6.2.1 Centre zone code
- 8.2.12 Transport infrastructure overlay code
- 9.3.2 Commercial activities code
- 9.4.1 Advertising devices 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 (or probable solutions/performance criteria where no acceptable solution 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 contained within the code (or the relevant performance outcomes where no acceptable outcome is provided).
Transport Infrastructure Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided).
Commercial Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided).
Advertising Devices Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided) apart from the following:</p> <ul style="list-style-type: none"> • Acceptable Outcome AO2.2 <p>Despite not complying with AO2.2, it is considered that the development can achieve compliance with higher order Performance Outcome PO2 (refer to planning discussion section of report).</p>
Landscaping Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided) apart from the following:</p> <ul style="list-style-type: none"> • Acceptable Outcome AO1 <p>Despite not complying with AO1, it is considered that the development can achieve compliance with higher order Performance Outcome PO1 (refer to planning discussion section of report).</p>
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided).
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code (or the relevant performance outcomes where no acceptable outcome is provided).

(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

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

(E) Adopted Infrastructure Charges Notice

The following infrastructure charge methodology for the development was derived from Council's Adopted Infrastructure Charges Resolution (No. 1) 2019.

Both the "Service Station" and "Food and Drink Outlet" uses fall within the Commercial (Retail) infrastructure charge category. The Adopted Infrastructure Charges Resolution (No. 1) of 2019 nominates the following maximum charge for Commercial (Retail):

- \$117.90 per m² of GFA (gross floor area)

The proposed service station and food and drink outlet will include a GFA of approximately 240m². Based on a rate of \$117.90 per m² the development will attract an infrastructure charge of **\$28,296.00**.

When determining a final charge amount, any credits applicable to the subject land must be considered. Credits applicable are as follows:

- Lot 701 - contains existing Mobil service station with GFA of approx. 190m² x \$117.90 = credit of **\$22,401.00**.
- Lot 702 - contains 1 dwelling house with a deemed credit of **\$18,340.00**.

Total Credits: **\$40,741.00**

The credits applicable to the subject land exceed the infrastructure charges generated by the proposed development. Infrastructure charges are therefore not applicable in this instance.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Referral Agency (SARA - DTMR).

The Department issued their referral agency response on 7 February 2019 and they require the conditions included within the referral agency response to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services - Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 10 January 2019 to 1 February 2019. The applicant submitted the notice of compliance on 8 February 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the Advertising Devices Code and Landscaping Code are discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

9.4.1 Advertising Devices Code

PO2

Advertising devices are designed and located to:

- (a) avoid visual clutter;*
- (b) avoid overshadowing of adjoining premises or public places;*
- (c) prevent loss of daylight or sunlight access for nearby uses;*
- (d) be consistent with the built and natural character of the immediate surrounds; and*
- (e) allow for the identification of premises, uses and business.*

AO2.2

*The number, type and design of advertising devices complies with **Table 9.4.1.3D**.*

Comment

Four illuminated signs are proposed on site in total (1 x freestanding pylon signs and 3 x fascia signs) which is non-compliant with the maximum number of 3 allowed for by AO2.2. The 1 freestanding sign, with a height of 8m is also non-compliant with AO2.2 which includes a height limit for freestanding advertising devices equal to building height (5m) or 7.5m, whichever is lesser.

Despite containing additional signage above that allowed for by AO2.2, the signage proposed is not unreasonable for a development of this nature and scale and is not likely to result in any visual clutter or over-crowding when viewed by road users or nearby residential uses. Furthermore, the height proposed for the freestanding pylon sign is also typical of the use proposed and is not likely to cause any overshadowing or loss of daylight and sunlight to adjoining properties. It is considered that the proposed developments advertising devices component will comply with PO2.

9.4.2 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.*

Comment

Less than 10% of the site will be landscaped. The development is therefore non-compliant with AO1 which requires 10% of the site to be landscaped.

The proposed landscaping will comprise of vegetated strips along the southern and western property boundaries (fronting Byrnes and Herberton Streets) excluding access driveways. Some landscaping will also be provided along the eastern property boundary adjacent to neighbouring dwelling house.

Despite not achieving the required 10% (200m² of landscaping) the landscaping proposed will satisfy the performance outcome in that it will contribute to the landscape character of Mareeba's CBD and will help soften the appearance of the development when viewed from both Byrnes and Herberton Streets. The landscaping proposed will be substantially more than that provided at the existing Mobil service station site.

Landscaping to the north is not considered critical due to the building on the northern adjoining property (Betta Electrical) being built to boundary. A condition will be attached to any approval requiring the submission of a detailed landscape plan for Officer endorsement and will be required to be planted prior to the commencement of the use. The landscaping proposed will satisfy PO1.

1

3D View 2 Cover



Drawing List					
Sheet Number	Sheet Name	Revision	Current Revision Description	Current Revision Date	Issue description
A101	Title page	1	Type B Revision 1	26 Oct 18	Prelim
A203	Site Plan	1	Type B Revision 1	26 Oct 18	Sketch Design
A205	Floor Plan - Level 1	1	Type B Revision 1	26 Oct 18	Sketch Design
A301	Elevations	1	Type B Revision 1	26 Oct 18	Sketch Design
A401	Architectural Sections	1	Type B Revision 1	26 Oct 18	Sketch Design

Total Bays provided = 12

Cleaning Bay WB1 to include air and water

NEW FUEL AND FOOD OUTLET : BYRNES and HERBERTON STREETS MAREEBA

Scale
Prelim

Rev

Date

Description

1

2018

Type B Revision 1



Michael Ferrel and Partners Pty Ltd

21 Kemmerings Rd Skerfford - Cairns QLD

Ph: 07 40332444 Email: info@mfpp.com.au Website: www.mfpp.com.au

Michael Ferrel

Brighton, Australia 3001

Job

Client

Address

Project Name

Owner

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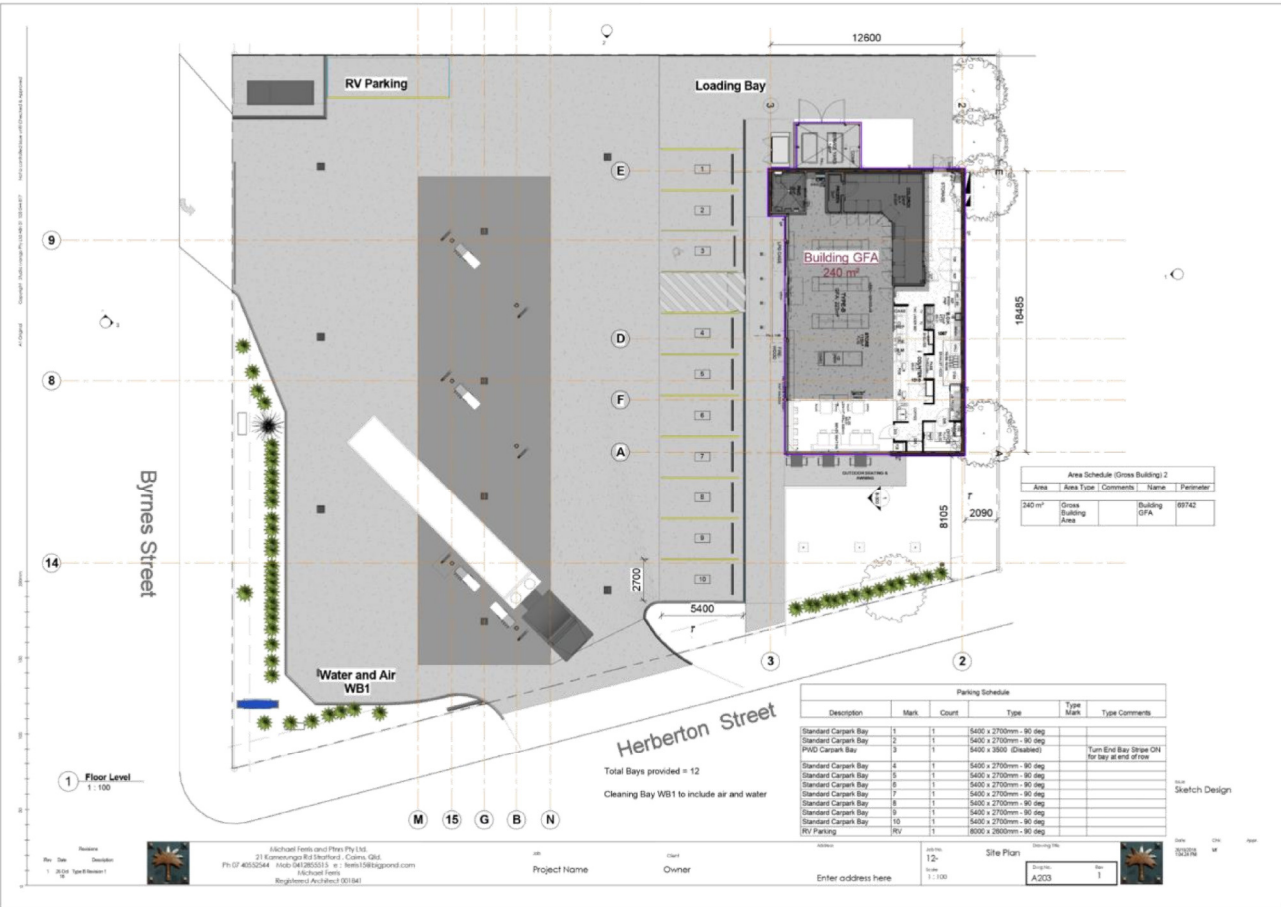
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Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1804-4780 SRA
Your reference: MCU/18/0007

7 February 2019

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 10 April 2018.

Applicant details

Applicant name:	Porkdig Pty Ltd
Applicant contact details:	C/ Planz Town Planning, PO Box 181 Edge Hill QLD 4870 susie@planztp.com

Location details

Street address:	1 Herberton Street, Mareeba; 255 Byrnes Street, Mareeba
Real property description:	701M3565; 702M3565
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Service Station and Food & Drink Outlet
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Page 1 of 6

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

Document Set ID: 3489788
Version: 1 Version Date: 08/02/2019

1804-4780 SRA

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (664 – 1.60km)	Queensland Government Transport and Main Roads	31/01/2019	TMR18-24313 (500-1194)	A
19m Semi Fuel Tanker Access Existing Eastbound onto Herberton Street	CivilWalker Consulting Engineer	21.01.19	155-001-SK7	2
Access Crossovers (Commercial & Industrial Vehicle Crossing)	FNQROC	23/10/17	S1015	D

A copy of this response has been sent to the applicant for their information.

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Porkdig Pty Ltd, susie@planztp.com

Department of State Development, Manufacturing, Infrastructure and Planning

Page 2 of 6

Document Set ID: 3489788

Version: 1 Version Date: 08/02/2019

1804-4780 SRA

enc Attachment 1—Conditions to be imposed
 Attachment 2—Reasons for decision to impose conditions
 Attachment 3—Advice to the assessment manager
 Approved plans and specifications

1804-4780 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.4.1 - State transport corridors and future State transport corridors (State-controlled road)— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Vehicular Access to state-controlled road		
1.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan (664 – 1.60km) prepared by Queensland Government Transport and Main Roads, dated 31/01/2019, File Reference TMR18-24313 (500-1194), Issue A.</p> <p>(b) Road access works comprising of a sealed industrial crossover must be provided generally in accordance with the 19m Semi Fuel Tanker Access Existing Eastbound onto Herberton Street Plan, prepared by CivilWalker, dated 21.01.19, Drawing No 155-001-SK7 and Revision 2.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 – Access Crossovers (Commercial & Industrial Vehicle Crossing), dated 23/10/17, Revision D.</p>	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use and to be maintained at all times.</p>
Removal of redundant access		
2.	<p>(a) The existing access located between Lot 701 on M3565 and Mareeba-Dimbulah Road (Byrnes Street) is to be permanently closed and removed.</p> <p>(b) The kerb and channelling between the pavement edge and the property boundary of the subject site must be reinstated in accordance with Far North Queensland Regional Council Organisation (FNQROC) Concrete Kerb and Channel, Standard Drawing S1000, dated 23/10/2017, Issue F at no cost to the Department of Transport and Main Roads.</p>	Prior to the commencement of use.
Stormwater management		
3.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> i) create any new discharge points for stormwater runoff onto the state-controlled road; and ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road. 	<p>(a) and (b) At all times.</p>

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Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- To maintain the safety and efficiency of the state-controlled road by reducing the number of road access.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-controlled road.

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Attachment 3—Advice to the assessment manager

General advice	
Advertising Device	
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Road Works Approval	
2.	<p>In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>