DELEGATED REPORT

SUBJECT: K O'BRIEN - MATERIAL CHANGE OF USE - DUAL

OCCUPANCY - LOT 200 ON SP282407 - 14A-14B ANZAC

AVENUE, MAREEBA - MCU/18/0012

DATE: 25 May 2018

REPORT OFFICER'S

TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	14A - 14B Anzac
			Avenue, Mareeba
DATE LODGED	26 April 2018	RPD	Lot 200 on SP282407
TYPE OF	Development Permit		
APPROVAL	-		
PROPOSED	Material Change of Use - Du	al Occupancy	
DEVELOPMENT	_		

FILE NO	MCU/18/0012	AREA	1,404m ²
LODGED BY	Max Slade Designs Pty	OWNER	K & C O'Brien
	Ltd		
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential Zone		
LEVEL OF	Code Assessment		
ASSESSMENT			
SUBMISSIONS	N/A - Code Assessment Only		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with 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.

URP-12/2011-1.2

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	14A - 14B Anzac
			Avenue, Mareeba
DATE LODGED	26 April 2018	RPD	Lot 200 on SP282407
TYPE OF	Development Permit		
APPROVAL	·		
PROPOSED	Material Change of Use - Dual Occupancy		
DEVELOPMENT	-		

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
M17 - 4573 Sheet No. A101	Site Layout	Max Slade Designs Pty Ltd	July 2017
M17 - 4573 Sheet No. A1010a	Aerial/Locality Plan	Max Slade Designs Pty Ltd	July 2017
M17 - 4573 Sheet A102a	Duplex 2 - Layout Plan	Max Slade Designs Pty Ltd	July 2017
M17 - 4573 Sheet A102b	Area Plan	Max Slade Designs Pty Ltd	July 2017
M17 - 4573 Sheet A102d	3D View 3/3D View 4	Max Slade Designs Pty Ltd	July 2017
M17 - 4573 Sheet A103	Elevations (South, North, East, West)	Max Slade Designs Pty Ltd	July 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) <u>Development assessable against the Planning Scheme</u>
- 1. 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 areas must be provided and be screened from view from adjoining properties, road reserve and the shared access driveway 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

Access must be provided to the unit development, including the visitor car park, from the existing shared access driveway servicing the site as shown on the approved plans, and must be concrete sealed and appropriately drained, 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 nonworsening effect on surrounding land as a consequence of the development.
- (b) 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.
- (c) The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways.
- (d) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
- (e) All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with 2 undercover car parking spaces (1 per unit) and 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 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.

4.4 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 a minimum of 50m² of landscaping between the units and the existing shared driveway, and include 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 be mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use, solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fencing (of neutral colour) is to be erected as follows:
 - Along the entire length of the sites north-east boundary;
 - Along the north-west boundary, from the northern corner of the site to a point at least 1.5 metres past the gutter of unit 2:
 - Between the north-west boundary fencing mentioned above to a point in-line with the front corner of unit 2 (garage).
 - Between the north-west boundary fence and the rear face of the party wall in order to separate the units areas of private open space.

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) 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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(e) Endorsement Fees

Council charges a fee for the endorsement of Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(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

(j) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(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

THE SITE

The subject site is situated at 14A-14B Anzac Avenue, Mareeba and is more particularly described as Lot 200 on SP282407. The site has an area of 1,404m², is generally regular in shape and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site contains 28.35 metres of frontage to Anzac Avenue which is constructed to a bitumen sealed standard. Access to the site is gained via a 3.5 metre wide concrete driveway which is constructed over both the eastern edge of the site and the access handle of the adjoining lot. The driveway is covered by a series of reciprocal access/services easements benefiting all lots involved.

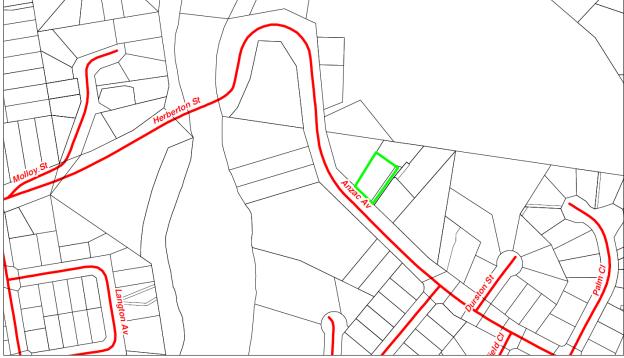
With the exception of the driveway mentioned above and the services (water, sewer, electricity, telecommunications) that run adjacent the driveway, the site remains unimproved. The lot slopes downhill to the north-west away from the driveway and contains some mature gardens and trees scattered throughout.

All surrounding lots are zoned Low Density Residential with their uses limited to dwelling houses.



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.



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.

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 2 x 2 bedroom attached units each with a gross floor area of $135m^2$. The units will be separated by an internal party wall. The site slopes downhill in a north-westerly direction so the rear of the units will be raised/on stilts.

Each unit will incorporate a single enclosed garage and back deck approximately 16m² in area. The units will be constructed at the northern end of the site as it is understood the site will be subdivided in near future. Both units will be accessed via a common driveway off Anzac Avenue shared with adjoining allotments which is covered by a reciprocal access easement arrangement. One visitor park will also be provided on site.

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 Regional Activity Centre in the Regional Plan. The site contains no areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories Residential Area Natural Environmental Elements Biodiversity Areas
Zone:	Low Density Residential
Overlays:	Environmental Significance Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1	Column 2	Column 3	Column 4 Does not include the following examples
Use	Definition	Examples include	
Dual occupancy	Premises containing two dwellings, each for a separate household, and consisting of: • a single lot, where neither dwelling is a secondary dwelling or • two lots sharing common property where one dwelling is located on each lot.	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	Dwelling house, multiple dwelling

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
8.2.4	Environmental significance 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 (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
Low Density Residential Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following:
	 Acceptable Outcome AO3.2
	 Acceptable Outcome AO6
	Refer to planning discussion section of report.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Accommodation Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome 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 construction in accordance with FNQROC Development Manual standards.

(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.

Due to unit design elements not strictly meeting the Planning Scheme's acceptable outcomes (landscaping etc.), the level of assessment for the development was lifted 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 considered reasonable to apply additional infrastructure charges.

REFERRALS

This application did not trigger referral to any Referral Agency.

Internal Consultation

Not Applicable

PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order performance outcome can be achieved.

6.2.6 Low Density Residential Zone

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; and
- (f) appearance of building bulk; and
- (g) relationship with road corridors.

AO3.1

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

Comment

The proposed unit development will achieve a setback of just 1.5 metres from the north-east side boundary and is therefore non-compliant with AO3.1. The non-compliance is considered only minor and the setbacks proposed are in line with standard Queensland Development Code setbacks which would apply to a conventional dwelling house constructed in the same location.

The lesser setback proposed is not likely to compromise PO3.

Building Design

PO6

Building facades are appropriately designed to:

- (a) include visual interest and architectural variation:
- (b) maintain and enhance the character of the surrounds;
- (c) provide opportunities for casual surveillance;
- (d) include a human scale; and
- (e) encourage occupation of outdoor space.

A06

Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.

Comment

The proposed unit development is situated at the north-east end of the site and does not address Anzac Avenue, instead the unit façade addresses the shared access driveway situated along the south-east edge of the site.

Despite the proposed development not facing Anzac Avenue, the design represents an appropriate use of the site and has been designed to allow for future development on the front half of the allotment. The proposed arrangement will be no different to the majority of unit developments in Mareeba that are constructed perpendicular to the frontage of the site.

The unit design is not unreasonable and is not likely to compromise the relevant criteria contained in PO6.

Date Prepared: 16 May 2018

DECISION BY DELEGATE

DECISION

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

Dated the 25 TH day of MAT 2018

BRIAN MILLARD SENIOR PLANNER

MAREEBA SHIRE AS DELEGATE OF THE COUNCIL

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3366047)

