

PLANNING REPORT

SUBJECT: NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MATERIAL CHANGE OF USE - EDUCATIONAL ESTABLISHMENT, LOW IMPACT INDUSTRY, OFFICE AND TRANSPORT DEPOT (MECHANICS WORKSHOP, CONSTRUCTION BUSINESS, OFFICES AND MEETING ROOMS) - LOT 322 ON SP118917 - ARARA ST

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Ngoonbi Community Services Indigenous Corporation	ADDRESS	Arara Street, Kuranda
DATE LODGED	1 September 2017	RPD	Lot 322 on SP118917
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		

FILE NO	MCU/17/0006	AREA	8,757m ²
LODGED BY	Gilvear Planning Pty Ltd	OWNER	State of QLD (Rep by Dept of Education and Training)
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Conservation		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	No Submissions Received		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 12 October 2017.

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Public notification of the proposed development did not attract any submitters.

Ngoonbi Community Services Indigenous Corporation (the applicants) proposes to develop the site as an educational resource, providing pre-vocational training activities to help improve employment opportunities for the Indigenous people in the Kuranda locality. The facility will include the construction of a 630m² shed which will include a training room, offices, large workshop area and laundry at ground level, and a mezzanine floor that will include a communal kitchen, meeting/training room, additional office space and storage.

The applicants have applied for a number of land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

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

Ordinarily, this type of development would be better suited within an industrial area. However, considering the lack of available industrial land in the Kuranda area, the subject site is considered an acceptable alternative as the site is still within Kuranda's urban footprint, making it easily accessible, and is essentially free from constraint from adjoining sensitive land uses.

The key issues are that the development remains sensitive to the sites conservation values through the minimisation of vegetation clearing, and that the developments impact on nearby Jumrum Creek and the Barron River are also minimised. It is considered that these issues can be adequately addressed through conditions of approval.

Draft conditions were provided to the Applicants 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:

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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), 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 - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
13-NGO-01 WD-01	Site Plan	-	July 2017
13-NGO-01 WD-02	Ground Floor Plan	-	July 2017
13-NGO-01 WD-03	Proposed Mezzanine Plan	-	July 2017
13-NGO-01 WD-04	Proposed Floor Plans	-	July 2017
13-NGO-01 WD-05	Elevations 1	-	July 2017
13-NGO-01 WD-06	Elevations 2	-	July 2017
13-NGO-01 WD-07	Elevations 3	-	July 2017
13-NGO-01 WD-08	Elevations 4	-	July 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 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 roads are of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

The operating hours shall be between 6am and 6pm Monday to Friday and between 6am and 12pm Saturday. No operations are permitted on Sunday or Public Holidays.

- 3.7 Vegetation clearing on the site must be limited to that necessary for the siting of the proposed shed, ancillary car parking facilities, access driveways and any security fencing. A vegetation clearing plan, showing the extent of clearing works proposed, must be prepared and submitted to Council for approval prior to the commencement of any clearing works or building works.

4. Infrastructure Services and Standards

4.1 Access

A commercial access crossover must be constructed (from the edge of the Arara Street road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 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.

4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.

4.2.3 Prior to Building works commencing, the applicant must also provide a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.2.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.2.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

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

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with 13 on-site car parking spaces including one (1) disabled car 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, asphalt or bitumen sealed, line marked 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.

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

- 4.3.2 Bicycle parking for a minimum of ten (10) bicycles must be provided in conjunction with the car parking requirements.

4.4 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.

4.5 Water Supply

- 4.5.1 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).

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

4.6 Sewerage Connection

- 4.6.1 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.

- 4.6.2 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).

5. Additional Payment Condition/s

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of **\$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk water supply, sewerage and transport (road) network servicing the land.
- 5.4 The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide or upgrade part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the works to be undertaken;
 - Obtain the necessary approvals for the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to the commencement of the use.

(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) The reticulated sewerage main to service the subject site is in place in anticipation of the future sewerage reticulation of Tolga and the industrial estate. Please ensure that the on-site effluent disposal system is appropriately designed to enable the future connection to the reticulated sewerage system.

- (e) A Trade Waste Permit will be required prior to the commencement of use.

- (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 the 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) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 12 October 2017.

(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)."

THE SITE

The subject site is situated at the southern end of Arara Street, Kuranda, adjacent the Kuranda sewerage treatment plant and is described as Lot 322 on SP118917. The site is irregular in shape with a total area of 8,757m² and is zoned Conservation under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 60 metres of frontage to Arara Street which is constructed to a bitumen sealed standard.

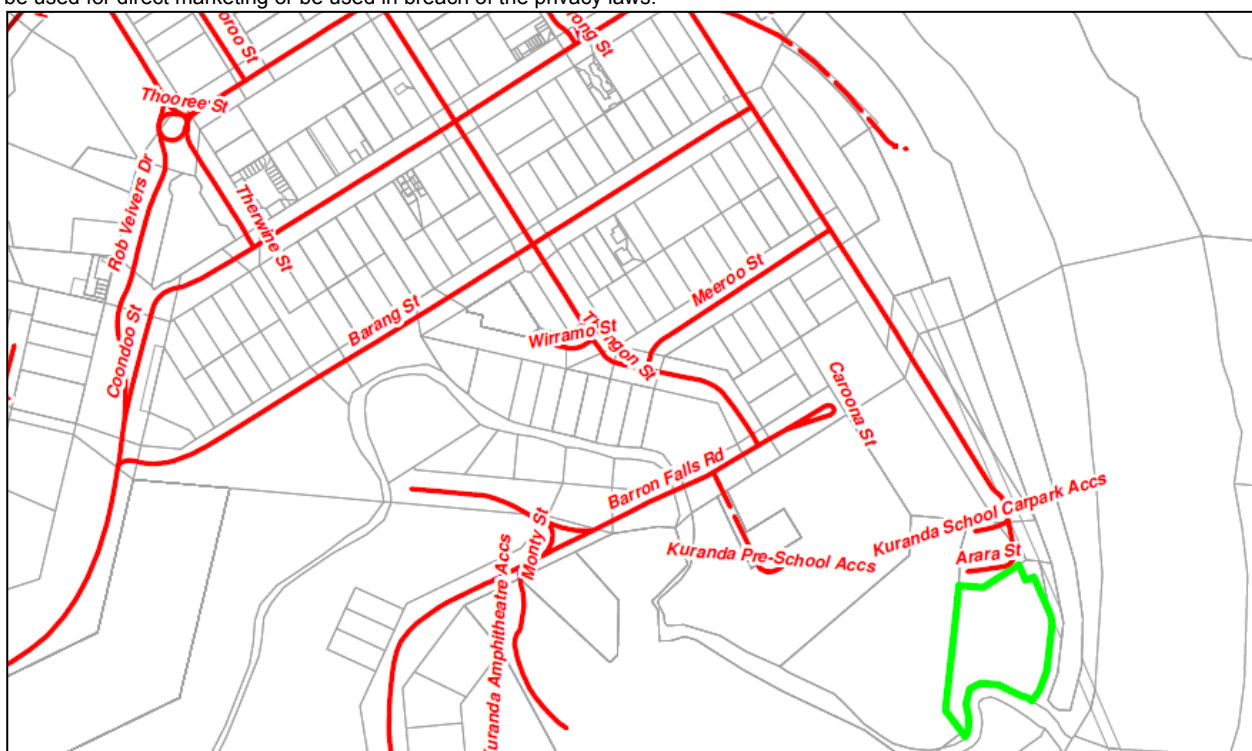
The site is currently vacant and contains existing mature vegetation over the entire southern half of the site and along both the eastern and western boundaries with an existing cleared area approximately 2,000m² in size situated in the middle of the northern half of the site. A narrow strip of vegetation is also present along the Arara Street frontage of the site. The existing cleared area, which is the proposed location for the development, is generally flat, while the rear third of the site slopes off steeply down to Jumrum Creek which flows behind the allotment. The site also slopes away along the eastern boundary down towards the Barron River which flows approx. 50 metres to the east of the site. Also to the east of the site (between the site and the Barron River) is the Skyrail line, a section of undeveloped road reserve and the Kuranda Railway line.

All lots immediately surrounding the site are zoned Community Facilities. The lot immediately adjacent to the west contains the Kuranda sewerage treatment plant, while land further to the north-west contains the Kuranda Library (former Kuranda Primary School), sports oval and Kuranda Pre-School.



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 - Educational Establishment, Low Impact Industry, Office and/or Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms) in accordance with the plans shown in **Attachment 1**.

The applicants propose to develop the site to include a single large shed for the purpose of providing an educational resource for pre-vocational training activities. The proposal is considered to comprise a number of uses, which are best described as an educational establishment, low impact industry, office and /or contractor depot (mechanics workshop, construction business, offices and meeting rooms). The proposed development is intended to provide a pre-vocational training resource to the local community to improve employment opportunities for indigenous people in the Kuranda area.

The proposed building would be located within the cleared area of the site and would utilise the existing access. The shed will have dimensions of 18 metres by 35 metres, a total area of 630m², and a height of 8.5 metres. The ground floor of the building would contain a training room, offices, workshop and laundry. A mezzanine floor would contain a communal kitchen, meeting/training room and storage.

13 car parking spaces will be provided, located on the eastern side of the shed.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Kuranda is identified as a Village Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • <i>Conservation Area</i> Natural Environment Elements <ul style="list-style-type: none"> • <i>Biodiversity Areas</i>
Zone:	Conservation Zone
Local Plan:	Kuranda Local Plan (Green Belt Precinct)
Overlays:	Airport Environs Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope 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
<i>Educational establishment</i>	<i>Premises used for training and instruction designed to impart knowledge and develop skills.</i> <i>The use may include outside hours school care for students or on-site student accommodation.</i>	<i>Pre-preparatory, preparatory and primary school, secondary school, special education, college, university, technical institute, outdoor education centres</i>	<i>Child care centre, home based child care, family day care</i>

<p><i>Low impact industry</i></p>	<p><i>Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:</i></p> <ul style="list-style-type: none"> <i>negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</i> <i>minimal traffic generation and heavy-vehicle usage</i> <i>demands imposed upon the local infrastructure network consistent with surrounding uses</i> <i>the use generally operates during the day (e.g. 7am to 6pm)</i> <i>offsite impacts from storage of dangerous goods are negligible</i> <i>the use is primarily undertaken indoors.</i> 	<p><i>Repairing motor vehicles, fitting and turning workshop</i></p> <p><i>Note—additional examples may be shown in SC1.1.2 industry thresholds.</i></p>	<p><i>Panel beating, spray painting or surface coating, tyre recycling, drum reconditioning, wooden and laminated product manufacturing, service industry, medium impact industry, high impact industry, special industry</i></p>
<p><i>Office</i></p>	<p><i>Premises used for an administrative, secretarial or management service or the practice of a profession, whereon goods or materials are made, sold or hired and where the principal activity provides for one or more of the following:</i></p> <ul style="list-style-type: none"> <i>business or professional advice</i> <i>service of goods that are not physically on the premises</i> <i>office based administrative functions of an organisation.</i> 	<p><i>Bank, real estate agent, administration building</i></p>	<p><i>Home based business, home office, shop, outdoor sales</i></p>

<i>Transport depot</i>	<i>Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.</i>	<i>Contractor's depot, bus depot, truck yard, heavy machinery yard</i>	<i>Home based business, warehouse, low impact industry, service industry</i>
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RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:-

(a) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.2 Element - Activity centres network

3.3.2.1 Specific outcomes

- (3) *Other than small scale industry areas, commercial activities will not occur outside centre areas unless there is an overriding need in the public interest, there are no alternative sites in centre areas, there is no adverse impact on centre areas or the area surrounding the development and the site is readily accessible by a range of transport modes.*

Comment

Ngoonbi Community Services Indigenous Corporation (the applicants) propose to develop the site as an educational resource, providing pre-vocational training activities for older youths in the Kuranda locality. The applicants have applied for a number of land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

Ordinarily, this type of development would be better suited within an industrial area. However, considering the lack of available industrial land in the Kuranda area, the subject site is considered an acceptable alternative as the site is still within Kuranda's urban footprint, making it easily accessible, and is essentially free from constraint from adjoining sensitive land uses.

The development complies.

3.3.4 Element - Village activity centre

3.3.4.1 Specific outcomes

- (1) *Kuranda, as the village activity centre for Mareeba Shire, accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities.*

Comment

The proposed development is essentially an educational resource, providing a pre-vocational training facility for older youths living in Kuranda and surrounding areas. The applicants, Ngoonbi Community Services Indigenous Corporation have identified a need for such a facility in Kuranda as it will improve employment opportunities for young indigenous people.

The development complies.

3.3.12 Element - Industry areas

3.3.12.1 Specific outcomes

- (6) *The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.*

Comment

Ngoonbi Community Services Indigenous Corporation (the applicants) propose to develop the site as an educational resource, providing pre-vocational training activities for older youths in the Kuranda locality. The applicants have applied for a number of land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

Ordinarily, this type of development would be better suited within an industrial area. However, considering the lack of available industrial land in the Kuranda area, the subject site is considered an acceptable alternative as the site is still within Kuranda's urban footprint, making it easily accessible, and is essentially free from constraint from adjoining sensitive land uses.

The development complies.

3.4.2 Element - Conservation areas

3.4.2.1 Specific outcomes

- (1) *The ecological values and processes of conservation areas, including World Heritage Areas, are recognised and protected from development which is incompatible with these values.*
- (2) *Conservation areas include areas of high scenic amenity value and are protected from development which compromises these scenic values.*
- (3) *Development within conservation areas will be limited to:*
 - (a) *visitor facilities designed to facilitate nature appreciation and blend with the natural environment;*
 - (b) *facilities for ecological research;*
 - (c) *small-scale maintenance buildings and depots associated with the management of natural values;*
 - (d) *essential infrastructure corridors;*
 - (e) *uses in accordance with a relevant Indigenous Land Use Agreement (ILUA).*
- (4) *New development adjacent to conservation areas will:*
 - (a) *be compatible with natural values; and*
 - (b) *sensitively located and setback from conservation areas; and*
 - (c) *ensure no irreparable disturbances to the areas of ecological significance; and*
 - (d) *mitigate the cumulative impacts of development; and*
 - (e) *ensures contaminants do not impact conservation areas.*

Comment

The subject site is mapped as a conservation area on the Strategic Framework mapping and is also situated within the Conservation zone. The proposed development will be constructed within an already cleared section of the site with only minimal clearing proposed. The site is not considered to have a high scenic amenity value and the development will be effectively screened from view from Skyrail and the Kuranda Railway users by existing mature vegetation as well as the topography of the land (Railway line sits lower than the site).

Conditions will be attached to any approval restricting the amount of clearing permitted on the site and to control the quantity and quality of stormwater discharged from the development.

The proposed development is not likely to have a detrimental impact on the sites ecological or conservation values and is considered to satisfy Specific outcomes 1 - 4 where relevant.

3.4.3 Element - Pest and weed management

3.4.3.1 Specific outcomes

- (1) *Development within, adjoining or surrounding conservation areas, biodiversity areas, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.*
- (2) *Plants used for landscaping and street trees are ideally native species, appropriate for the purpose and the local environment, and do not introduce invasive or exotic plants into the shire.*

Comment

The development will not be required to include any additional landscaping as it is effectively screened from view from adjoining uses and Arara Street users by existing mature vegetation. Construction on site is not likely to require external fill and therefore the risk of the incursion of weeds and pests is minimal.

The development complies.

3.4.4 Element - Biodiversity areas

3.4.4.1 Specific outcomes

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*
- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*
- (3) *Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.*
- (4) *The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.*
- (5) *Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.*

Comment

The subject site is mapped as a biodiversity area on the Strategic Framework mapping. The proposed development footprint will primarily occupy those parts of the site that are already cleared with only minimal clearing proposed. Those parts of the site that are heavily vegetated also have a considerable slope and are not suitable for development.

Conditions will be attached to any approval restricting the amount of clearing permitted on the site and to control the quantity and quality of stormwater discharged from the development.

The proposed development is not likely to have a detrimental impact on the sites biodiversity values and is considered to satisfy Specific outcomes 1 - 4 where relevant.

3.4.8 Element - Air and noise quality

3.4.8.1 Specific outcomes

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

Comment

The subject site is situated towards the very end of Arara Street, adjacent the Kuranda Sewerage Treatment Plant. The development will be effectively separated from nearby sensitive land uses with the closest sensitive land use, this being the Kuranda Library, situated approximately 150 metres to the north-west of the development. Beyond the library, the closest dwelling is approximately 250 metres to the north-west.

The development will be effectively screened from view from adjoining uses and Arara Street users by existing mature vegetation.

The development is unlikely to have any amenity impacts on nearby residential uses and is considered to comply with Specific outcome 1.

3.6.7 Element - Water supply and wastewater services

3.6.7.1 Specific Outcomes

- (1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.*
- (2) Water storage, sewerage disposal and reticulation infrastructure is utilised and extended economically and efficiently to new development.*
- (5) The ongoing operation of sewerage treatment plants and associated infrastructure is protected from incompatible and odour sensitive development.*
- (6) Upgrades and extensions to water and wastewater infrastructure are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.*

Comment

Conditions will be attached to any approval requiring the development be connected to Council's reticulated water supply and sewerage networks. All development works are required to be designed and constructed in accordance with FNQROC Development Manual standards.

The development will be conditioned to comply.

3.6.8 Element - Stormwater management

3.6.8.1 Specific outcomes

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:*
 - (a) water quality objectives are met;*
 - (b) a no worsening effect on surrounding land and the environment is achieved;*
 - (c) flooding and ponding of water is avoided*
- (2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.*

Comment

A condition will be attached to any approval requiring the preparation of a stormwater management and stormwater quality management plan which will need to be submitted for approval by Council prior to the commencement of any earthworks or building works. Once operational, the development is required to operate in such a manner as to not cause environmental harm or nuisance in accordance with the *Environmental Protection Act 1994*.

The development will be conditioned to comply.

3.7.8 Element - Industry

3.7.8.1 Specific outcomes

- (2) *Industry areas are located within activity centres to accommodate for trades and industrial development that provide employment and services to the catchments of these activity centres.*
- (3) *Industry areas are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.*
- (5) *The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.*

Comment

Ordinarily, the type of development proposed would be better suited within an industrial area. However, considering the lack of available industrial land in the Kuranda area, the subject site is considered an acceptable alternative as the site is still within Kuranda's urban footprint, making it easily accessible, and is essentially free from land use constraint as there are no immediate adjoining sensitive land uses.

The development complies.

3.7.9 Element - Education, research, culture and the arts

3.7.9.1 Specific outcomes

- (1) *Development complements and provides for improved access to important education, research, cultural and arts facilities.*
- (3) *New education, research, cultural and arts facilities are established in appropriate, accessible, safe and well serviced locations within Mareeba Shire.*

Comment

Ngoonbi Community Services Indigenous Corporation (the applicants) propose to develop the site as an educational resource, providing pre-vocational training activities to help improve employment opportunities for Indigenous people in the Kuranda Locality. The applicants have applied for a number of land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

The subject site is in close proximity to the Kuranda CBD and is readily accessible via vehicle, bicycle or by foot.

The development complies.

Relevant Development Codes

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

- 6.2.3 Conservation zone code
- 7.2.1 Kuranda local plan code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.3 Community activities code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Conservation Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Kuranda Local Plan Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Airport Environs Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Environmental Significance Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1.1 ▪ Acceptable Outcome AO2 <p>Refer to planning discussion section of report.</p>
Flood Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Hill and Slope Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.

Transport Infrastructure Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Community Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Industrial Activities Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping Code	The proposed development will be sited towards the centre of the site and will be surrounded by existing mature vegetation which will effectively screen the development from view from adjoining uses and Arara Street users. The provisions and requirements of the landscaping code are not considered necessary for this development.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcome AO1 Refer to planning discussion section of report.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works to be designed and constructed in accordance with FNQROC Development Manual standards.

(f) Additional Trunk Infrastructure Condition

Due to the zoning of the subject site (Conservation), the site was not included within the bounds of the Priority Infrastructure Area (PIA). However, the development is likely to place additional demand on Councils trunk infrastructure networks, namely water, sewer and roads, and it is therefore considered reasonable that the applicant/developer pay a contribution toward trunk infrastructure.

Council officers have used the Adopted Infrastructure Charges Resolution (No. 1) 2017 as a basis for calculating the trunk infrastructure contribution based on the following land use categories and square metre rates as well as applicable credits:

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Low Impact Industry / Transport Depot	Industry	Per m ² of GFA	\$30.00	330	\$9,900.00
Education Establishment	Education Facility	Per m ² of GFA	\$84.00	165	\$13,860.00
Office	Commercial	Per m ² of GFA	\$84.00	60	\$5,040
Credit					
Water/Sewer/Roads	-	Per Service	\$4,500.00	3	\$13,500.00
TOTAL					\$15,300.00

Based on the above, the applicant/developer must pay a one-off payment of \$15,300.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.

If the developer elects to provide or upgrade part of the trunk infrastructure the developer must:

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

REFERRALS

Referral Agency

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

That Department advised in a letter dated 12 October 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice Agency

This application did not trigger referral to an Advice Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 11 October 2017 to 3 November 2017. The applicant submitted the notice of compliance on 6 November 2017 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 acceptable outcomes of the following development codes are discussed as follows:

Environmental Significance Overlay Code

PO1 Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) is avoided unless:

- (a) it is demonstrated that the area does not support regulated vegetation as mapped;*
- (b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;*
- (c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and*
- (d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset.*

Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.

Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.

AO1.1 No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o).

Comment

The proposed development will involve the clearing of a very small portion of mapped regulated vegetation at the southern end of the development footprint and is therefore non-compliant with AO1.1.

In demonstrating compliance with higher order performance outcome PO1, it could be argued that the development is community infrastructure as it will provide an educational resource for pre-vocational training to help improve employment opportunities for Indigenous people in the Kuranda Locality. Furthermore, the minor clearing proposed is not likely to impact on the sites wildlife interconnectivity especially considering the amount of mature vegetation to be retained on site.

It is considered that the proposed development can satisfy performance outcome PO1.

PO2 Development on sites adjacent to areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) protects the environmental significance of regulated vegetation and:

- (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes;*
- (b) does not negatively impact the movement of wildlife at a local or regional scale; and*
- (c) avoids noise, light, vibration or other edge effects, including weed and pest incursion on identified environmental values.*

Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.

Note—Refer to Ecological corridors identified on SFM001-009 in consideration of wildlife connectivity at a regional scale.

AO2 Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the Environmental Significance Overlay Maps (OM-004a-o).

Comment

The proposed development will be sited within 20 metres of mapped regulated vegetation and is therefore non-compliant with AO2.

As discussed above, the proposed development is unlikely to impact on the movement of wildlife at a local or regional scale. Conditions will be attached to any approval restricting the amount of clearing permitted on the site and to control the quantity and quality of stormwater discharged from the development.

Although the uses proposed are likely to omit some level of light, vibration, noise and odour, considering the site is situated adjacent the Kuranda sewerage treatment plant, the Skyrail line and the Kuranda Railway line, which all omit various amounts of noise vibration and sometimes odour (sewerage treatment plant), the added impacts of the development on local wildlife are likely to be negligible.

The proposed development is considered to comply with performance outcome PO2.

Parking and Access Code

PO1 *Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) nature of the use;*
- (b) location of the site;*
- (c) proximity of the use to public transport services;*
- (d) availability of active transport infrastructure; and*
- (e) accessibility of the use to all members of the community.*

AO1 *The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.*

Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.

Comment

The proposed development includes the provision of 13 car parking spaces.

Table 9.4.3.3B dictates the following car parking numbers per use:

- Educational establishment - 1 space for every 10 students plus 1 space per employee;

- Low Impact Industry - 1 space per 90sqm of GFA (7 spaces)
- Transport Depot - 1 space per 125sqm of GFA (6 spaces)
- Office - 1 space per 25sqm of GFA (4 spaces)

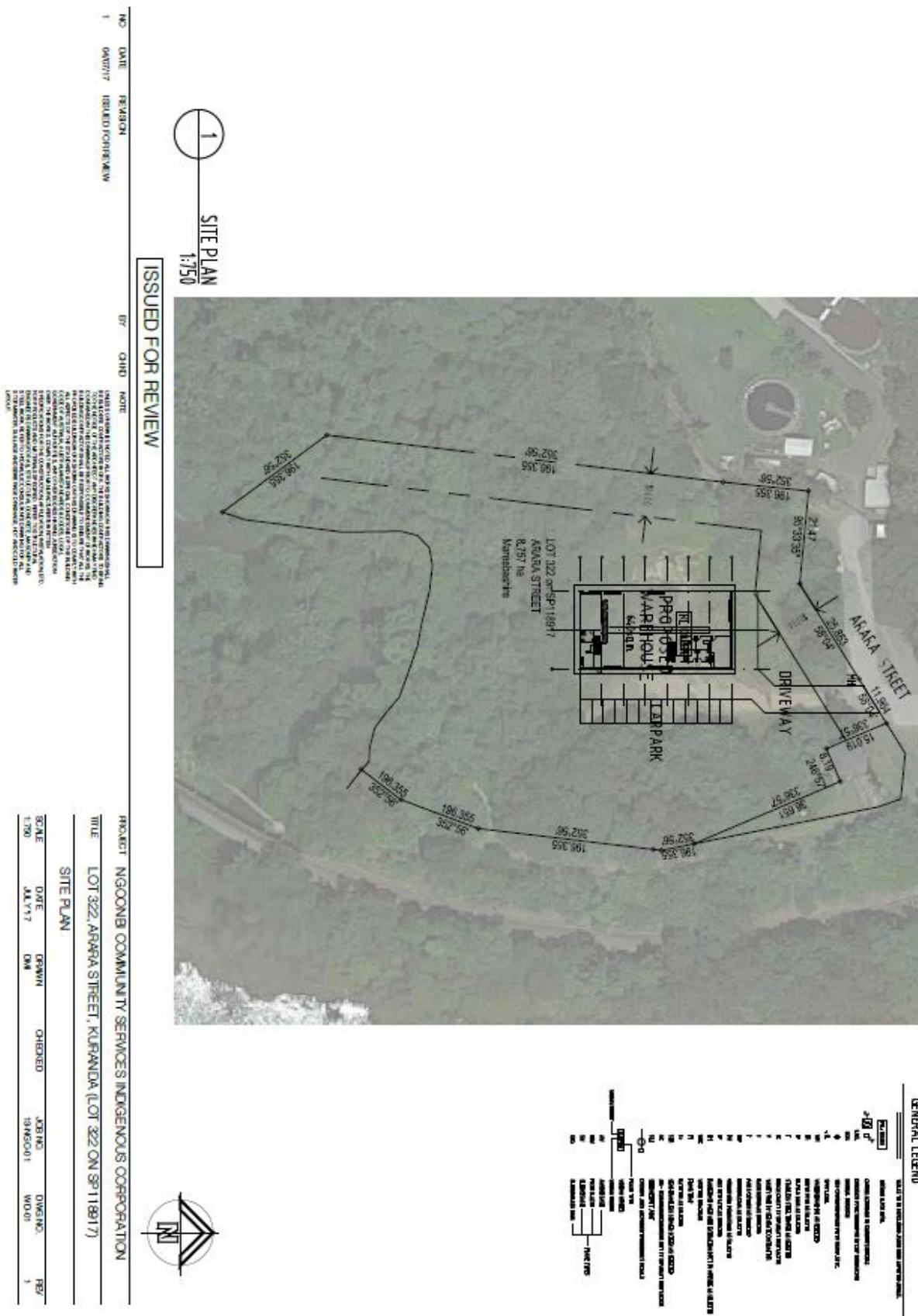
The proposed development is for a pre-vocational training facility for older youths. The applicants have applied for a number of land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

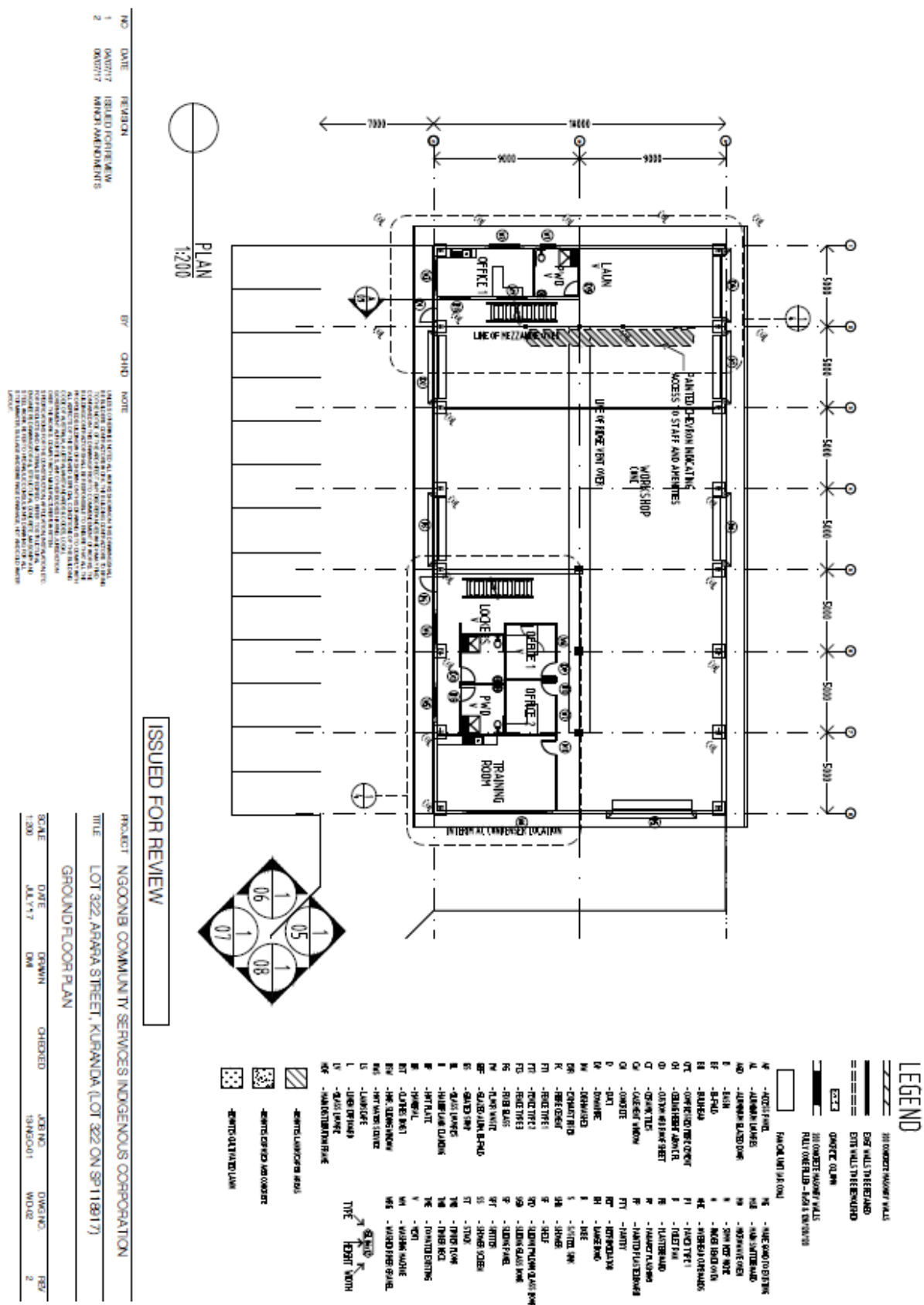
Although multiple land uses are proposed, these uses will primarily be carried out collectively on site and will not operate exclusive of each other. As such, the 13 car parking spaces provided are considered adequate to accommodate the demand likely to be generated by the use. Bicycle parking has also been conditioned as it is anticipated that some youths using the facility will travel by bicycle.

The proposed development is considered to comply with PO1.

Date Prepared: 28 November 2017

APPROVED PLANS (ECM Doc Set ID 3286413)





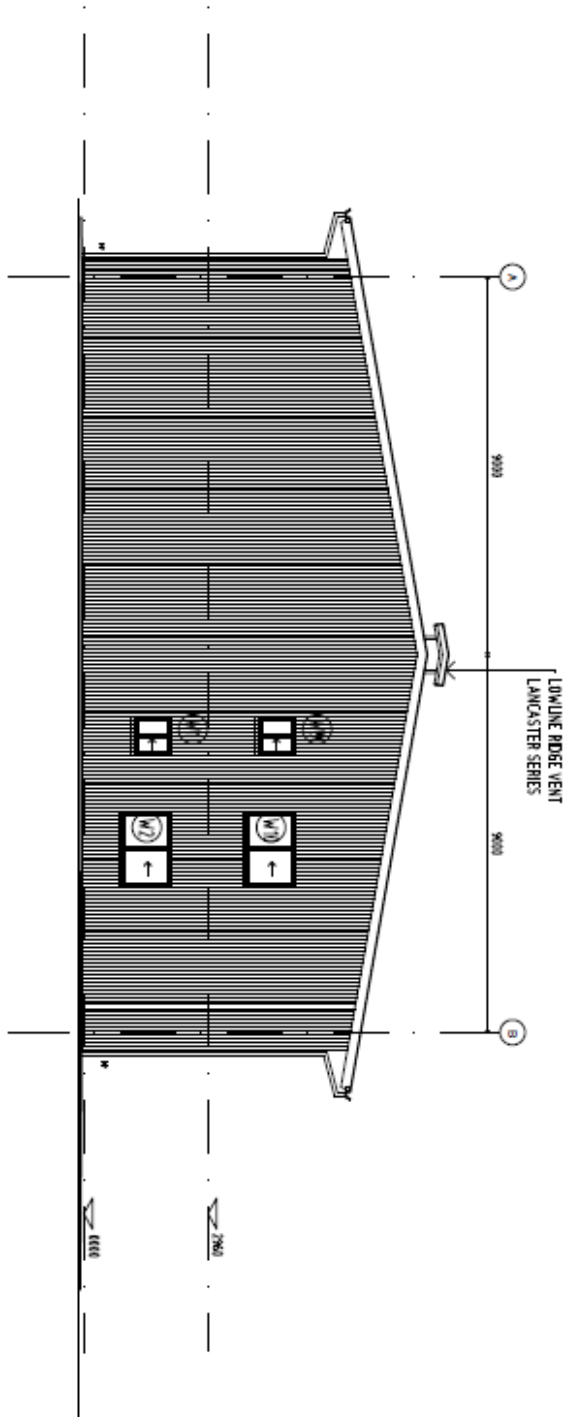
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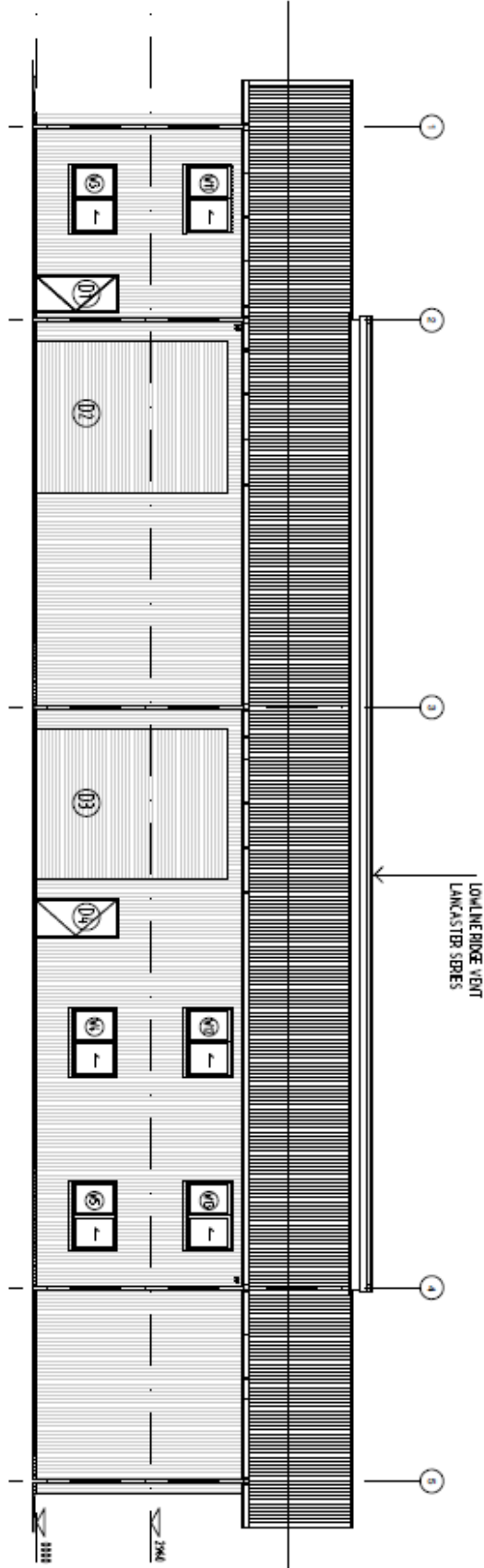
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1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE CLIENT HAS AGREED TO THE DESIGN AND HAS PROVIDED ALL NECESSARY INFORMATION.
3. THE DESIGNER HAS CONDUCTED VISUAL CHECKS AND HAS NOTED ANY DISCREPANCIES.
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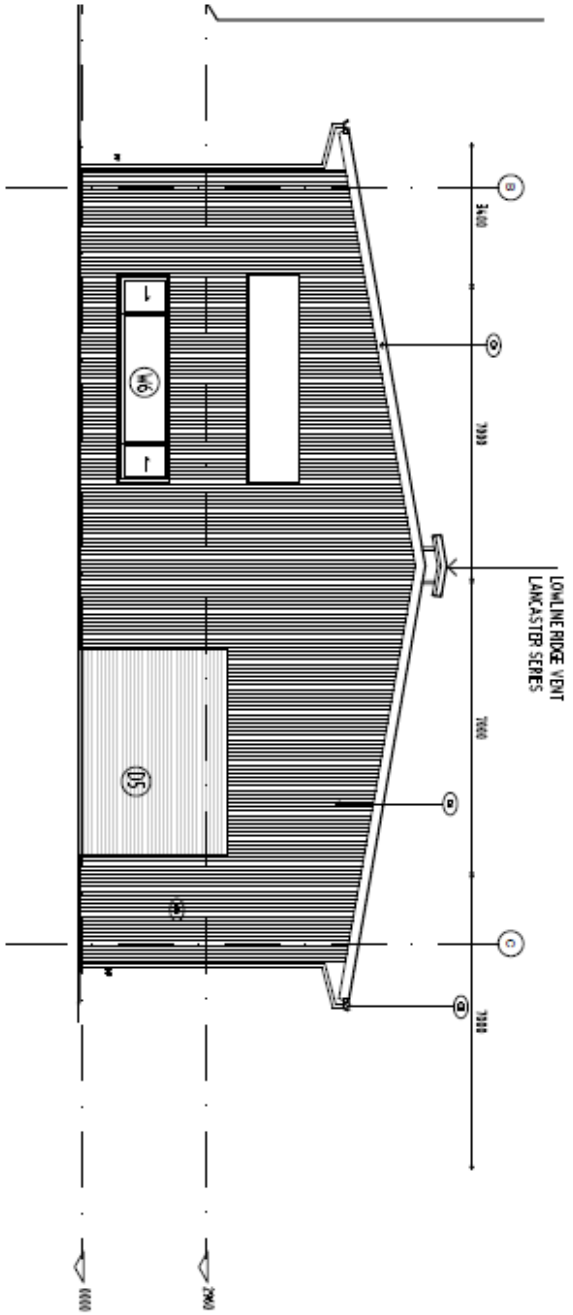
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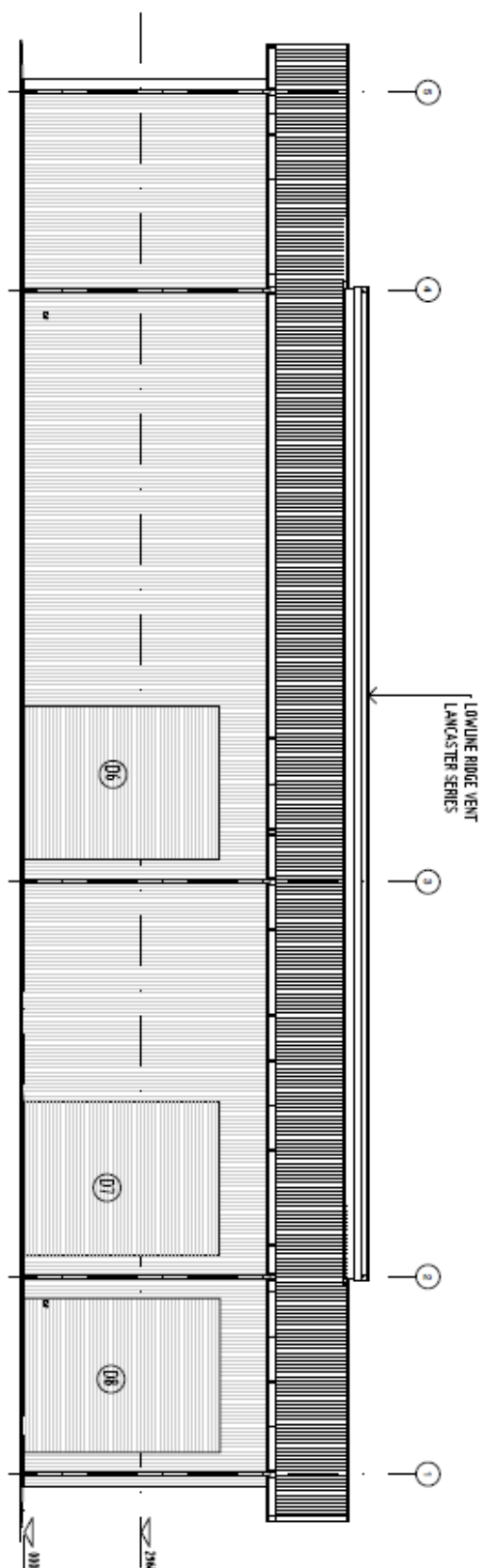
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ISSUED FOR REVIEW

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ATTACHMENT 2

GE78-N



Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning
Statement of reasons for application 1709-1299 SRA
 (Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Ngoonbi Community Services Indigenous Corporation
 C/- Gilvear Planning Pty Ltd

Applicant contact details: PO Box 228
 BABINDA QLD 4861
 kristy@gilvearplanning.com.au

Location details

Street address: Arara Street, Kuranda

Real property description: Lot 322 on SP118917

Local government area: Mareeba Shire Council

Development details

Development permit: Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (SDAP), version 2.1 State code 2: Development in a railway environment

Reasons for the department's decision

The reasons for the decision are:

- The proposed development complies with all applicable performance outcomes of the SDAP State code 2: Development in a railway environment (subject to conditions).
- The proposed development is located on a lot separated from the railway corridor by another lot, up to 10m wide so will not impact the operation, structural integrity or safety of the railway.
- The proposed development will ensure stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on the state transport (railway) corridor.

Decision

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley
 Street Cairns

1709-1299 SRA

- The development application is for a material change of use for educational establishment, low impact industry, office and / or contactor's depot (mechanics workshop, construction business, offices and meeting rooms) to be provided within a shed (18m x 34 m) and car parking for 13 cars.

Relevant material

- Development application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Development Assessment Rules
- *Planning Act 2016*
- Planning Regulation 2017

RA6-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1709-1299 SRA
Your reference: MCU/17/0006
Applicant reference: J00580

12 October 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba Qld 4880

Attention: Brian Millard

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 Infrastructure, Local Government and Planning on 8 September 2017.

Applicant details

Applicant name:	Ngoonbi Community Services Indigenous Corporation
Applicant contact details:	C/- Gilvear Planning Pty Ltd PO Box 228 BABINDA QLD 4861 kristy@gilvearplanning.com.au

Location details

Street address:	Arara Street, Kuranda
Real property description:	Lot 322 on SP118917
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)
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Far North Queensland regional office
Ground Floor Cnr Grafton and Hartley

Referral triggers

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

- 10.9.4.2.4 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.

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

For further information please contact Michele Creecy, Senior Planning Officer, on 40373206 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Ngoonbi Community Services Indigenous Corporation, kristy@gilvearplanning.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material change of use - Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		
Schedule 10, Part 9, Division 4, Sub-division 2 Table 4 State transport corridor (railway)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of 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):		
1.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. 	(a) and (b) At all times

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.