

DELEGATED REPORT

SUBJECT: TAIKAKA PTY LTD - MATERIAL CHANGE OF USE - DUAL OCCUPANCY - LOT 10 ON SP291995 - 24 HERBERTON STREET, MAREEBA - MCU/18/0016

DATE: 3 July 2018

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Taikaka Pty Ltd	ADDRESS	24 Herberton Street, Mareeba
DATE LODGED	27 June 2018	RPD	Lot 10 on SP291995
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Dual Occupancy		

FILE NO	MCU/18/0016	AREA	507m ²
LODGED BY	Northern Building Approvals	OWNER	Taikaka Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Code 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 development 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 any relevant aspect of the Planning Scheme.

It is recommended that the application be approved in full with conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Taikaka Pty Ltd	ADDRESS	24 Herberton Street, Mareeba
DATE LODGED	27 June 2018	RPD	Lot 10 on SP291995
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and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Dual Occupancy

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1604-17 WD01	Site Plan	Tony Hales Building Designer	9/04/2018
1604-17 WD03	Floor Plan	Tony Hales Building Designer	9/04/2018
1604-17 WD06	East/West Elevations	Tony Hales Building Designer	9/04/2018
1604-17 WD07	North/South Elevations	Tony Hales Building Designer	9/04/2018

(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.
- 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 Herberton Street.

4. Infrastructure Services and Standards

4.1 Access

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

The applicant/developer is to make an application for driveway access onto a Council road. The application is to be accompanied by the relevant fee and will be required to certify or be assessed for compliance by Council's delegated officer.

4.2 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 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 (covered or uncovered), which are available solely for the parking of vehicles associated with the use of the premises.

A reversing bay (as shown on the submitted plans) must be provided in addition to any visitor parking so that vehicles have the ability to exit the property in a forward gear.

All car parking spaces and internal driveways (including the reversing bay) 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, the site must be landscaped generally in accordance with that shown on the approved site plan (1.5 metre wide landscape strip along the frontage of the site), and include plant species selected from the Plant Schedule in the Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaped areas must be mulched, irrigated and maintained for the life of the development, 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 along the entire length of the sites southern, eastern and western boundaries, and between the party wall and southern boundary of the site to separate each units area 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 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) 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.

- (c) 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.

- (d) 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

- (e) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

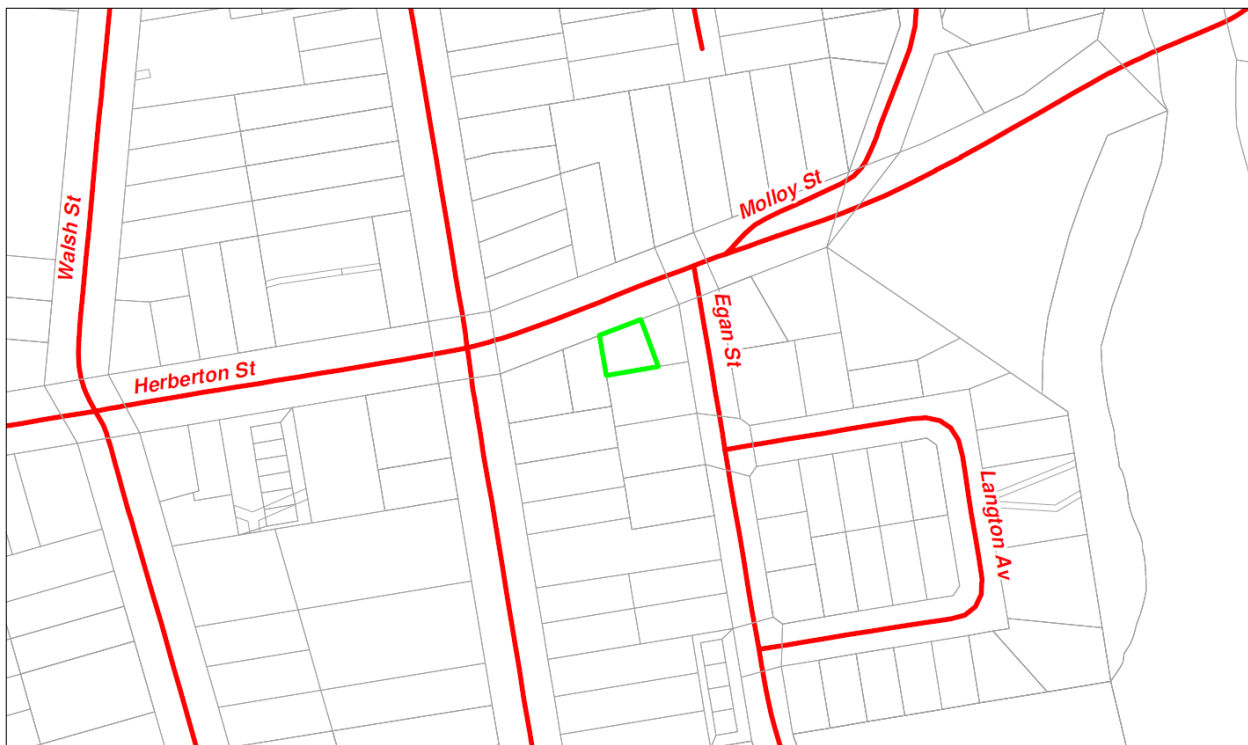
The subject site is situated at 24 Herberton Street, Mareeba, and is more particularly described as Lot 10 on SP291995. The site is generally regular in shape with an area of 507m² and is zoned Medium density residential under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 21 metres of frontage to Herberton Street which is constructed to a bitumen sealed standard including kerb and channel. No formal access crossover exists at present; however the proposed dual occupancy development will be accessed directly from Herberton Street.

The site is improved by a small garden shed at the front of the property and a compacted gravel building pad at the rear of the site to be used to construct the proposed units (note 2015 imagery used in the diagrams below). Connections to all urban services have been provided to the allotment.

All surrounding lots are zoned Medium density residential and contain single dwellings.

**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Dual Occupancy in accordance with the plans shown in **Attachment 1**.

The applicant proposes the construction of two x 103m² attached units (duplex) each containing two bedrooms, living room, kitchen and dining room, single bath and toilet, and single lock up garage. The units will be separated by a fire rated party wall.

Visitor parking will be provided behind each unit's garage space in a tandem arrangement and a reversing bay will be provided on site attached to the driveway to assist vehicles with exiting the site in a forward gear.

Each unit will be provided with private open space at the front, rear and side of each unit and some landscaping will be provided along the frontage of the site. The units will be connected to all urban services.

REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> Residential Area Transport Elements <ul style="list-style-type: none"> Local Collector Road Principal Cycle Routes
Zone:	Medium Density Residential Zone
Overlays:	Airport Environs Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Dual occupancy	Premises containing two dwellings, each for a separate household, and consisting of: <ul style="list-style-type: none"> a single lot, where neither dwelling is a secondary dwelling or two lots sharing common property where one dwelling is located on each lot. 	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:

- 6.2.7 Medium density residential zone 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 outcomes (or performance outcomes where an acceptable outcome cannot be achieved or an acceptable outcome is not provided) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Medium density residential zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO3.2 ▪ Acceptable Outcome AO4 <p>While the development does not comply with the abovementioned acceptable outcomes, in each case it is considered that the higher order performance outcome can be achieved - refer to code assessment document.</p>
Accommodation activities code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1 <p>While the development does not comply with the abovementioned acceptable outcome, in each case it is considered that the higher order performance outcome can be achieved - refer to code assessment document.</p>

Landscaping code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1 ▪ Acceptable Outcome AO3.1 <p>While the development does not comply with the abovementioned acceptable outcomes, in each case it is considered that the higher order performance outcome can be achieved - refer to code assessment document.</p>
Parking and access code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>
Works, services and infrastructure code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.</p>

(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 constructed in accordance with the FNQROC Development Manual.

(f) Adopted Infrastructure Charges Notice

The subject land is in the Medium Density Residential zone and the density of the proposed development is within the acceptable limits for unit development. The development requires approval from Council due to some minor points of non-compliance with the code assessment benchmarks.

Furthermore, the developer (Taikaka Pty Ltd) had recently paid \$17,700.00 in infrastructure charges when the subject site was created (DA/17/0021). The proposed duplex with a total area of just 206m² is well below the size of an average dwelling which could be constructed on site.

Accordingly, no infrastructure charges are applicable.

REFERRALS

This application did not trigger referral to a Concurrence Agency.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

Date Prepared: 3 July 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 3RD day of JULY 2018

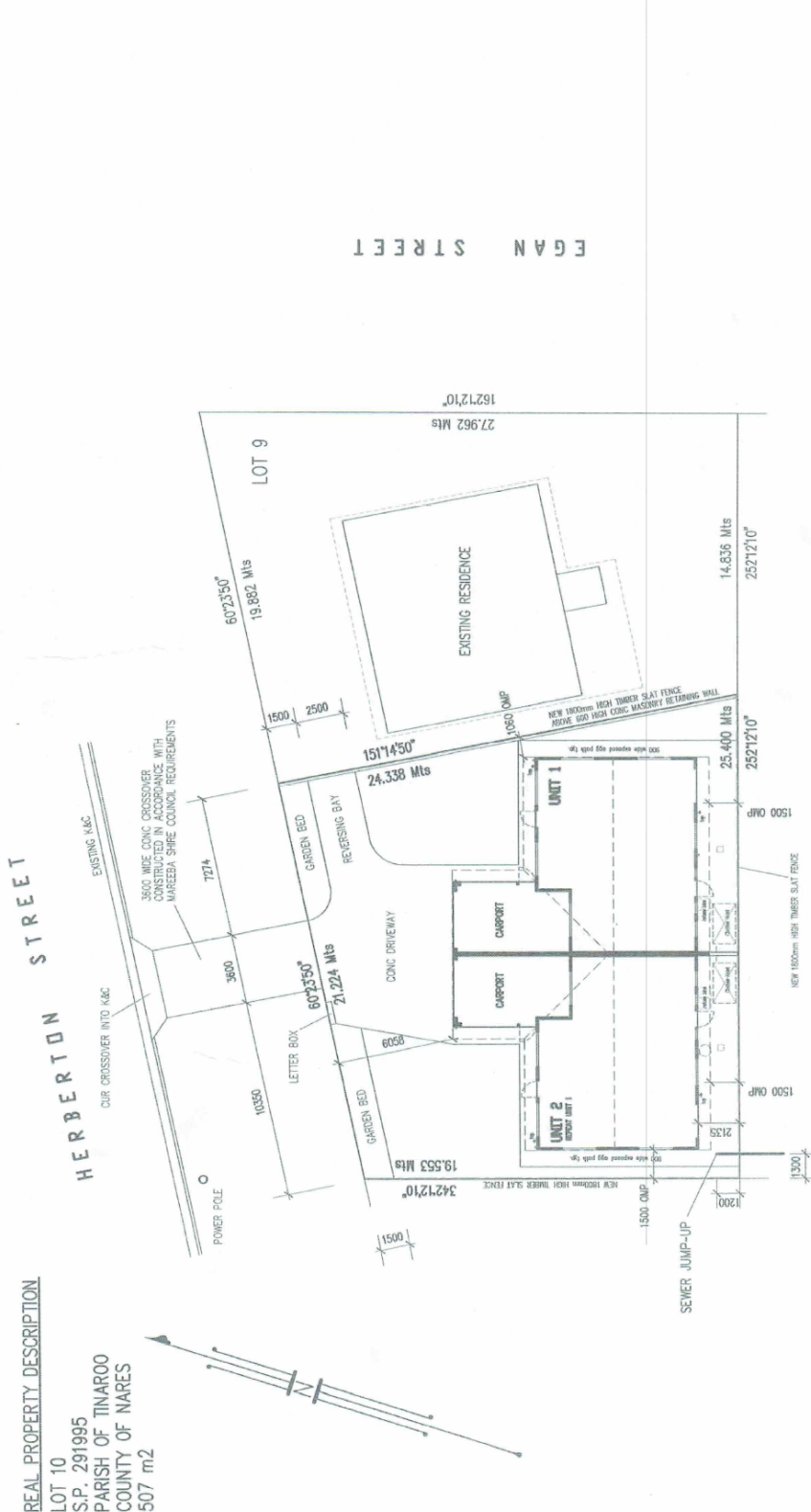


BRIAN MILLARD
SENIOR PLANNER

MAREEBA SHIRE
AS A DELEGATE OF THE COUNCIL

ATTACHMENT 1

PROPOSAL PLANS (ECM Doc Set No. 3417234)




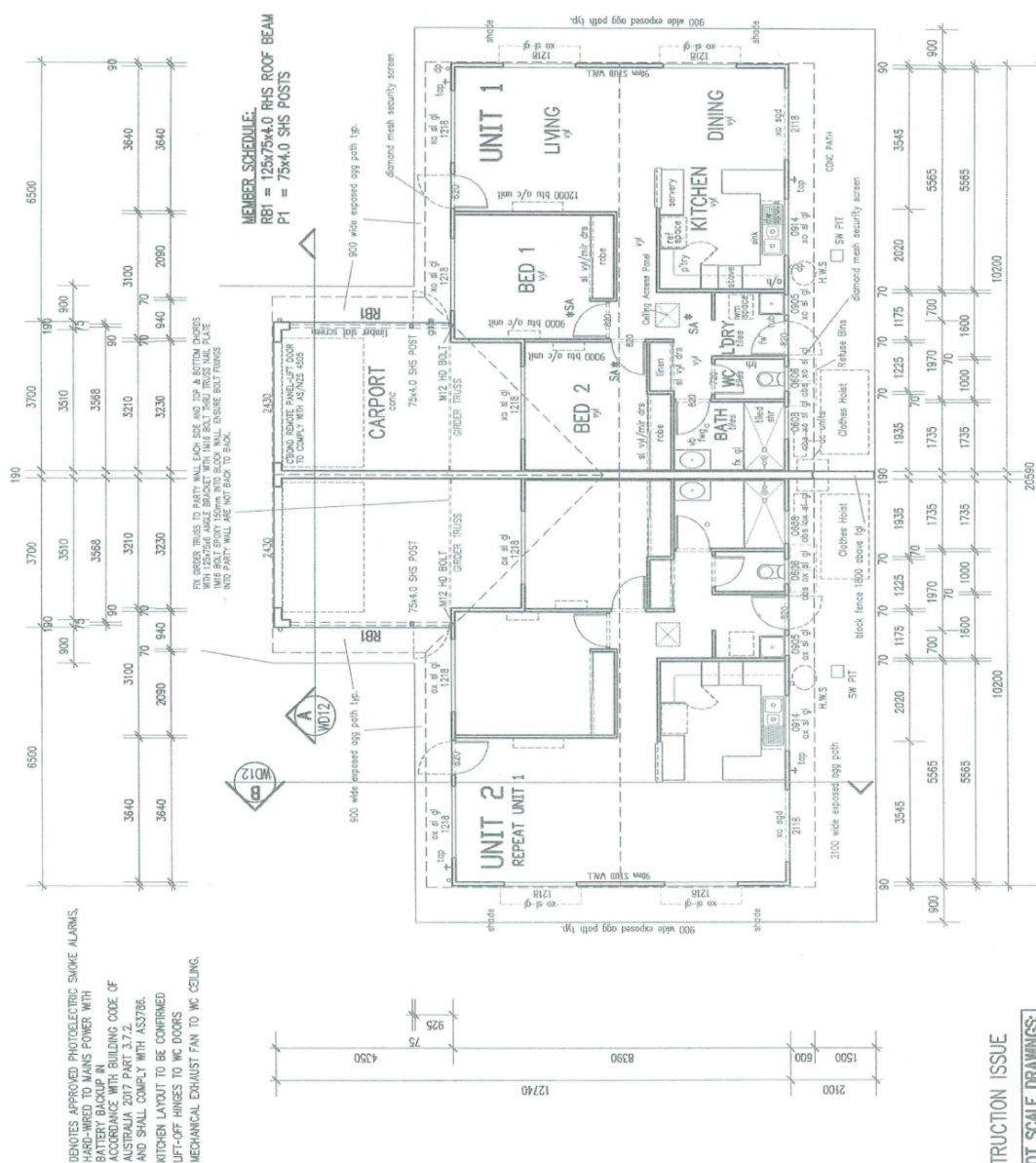
SITE PLAN

1:200

CONSTRUCTION ISSUE

DO NOT SCALE DRAWINGS

REVISION	DATE	ISSUE	TONY HALES:	STRUCTURAL DETAILS AS SUPPLIED BY CLIENT	CLIENT:	PROJECT:	DATE	ISSUE
1st Issue	1/1/2017	A	BUILDING DESIGNER 155 MARLBOROUGH ST. AUSTIN, TX 78701 P.O. BOX 208, ENDAVOUR 4970, USA PHONE/FAX: +61 (07) 62011038 WWW.TONYHALES.COM GPO LICENSE NO. 25490	 I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. I am a duly qualified and registered professional engineer in the State of Victoria. 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BCA 2016 PART 3.8.6 SOUND INSULATION;
10mm PLASTERBOARD EACH SIDE OF
CONCRETE FILLED PARTY WALL.
REFER TO AUSTRAL ACOUSTIC SPECIFICATION DATA SHEET.

FLOOR PLAN

100

CONSTRUCTION ISSUE

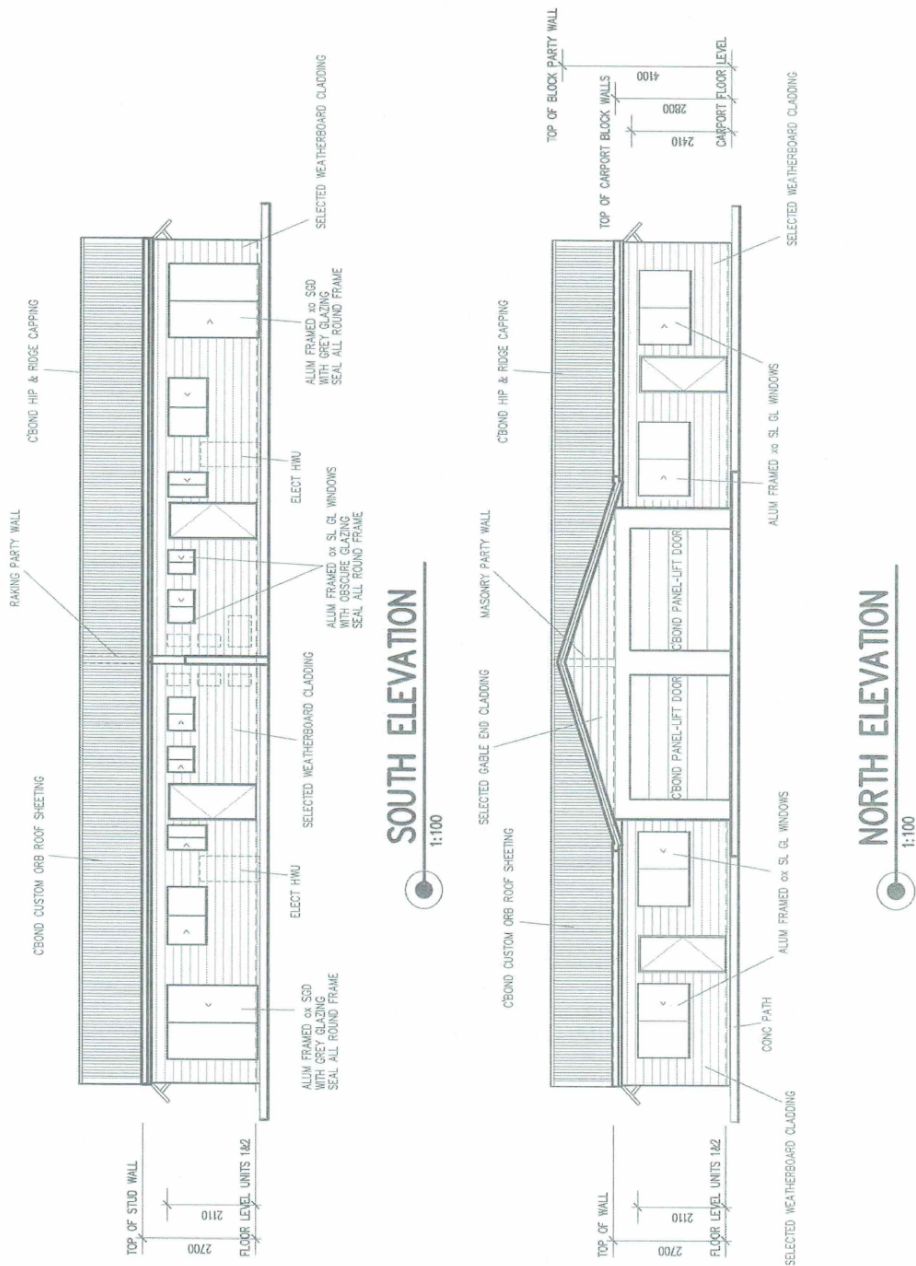
DO NOT SCALE DRAWINGS:

REVISION	DATE	ISSUE	TONY HALES:		STRUCTURAL DETAILS APPROVED BY AN ENGINEER  TONY HALES REGISTERED PROFESSIONAL ENGINEER NO. 59940	Q.D.R. PROJECT:
Sub Item	1/4/2017	A	BRANCO ESTATES SUITE B MADRID HOUSE 355 MADRINE RD. CAROL, OR 97107 P.O. BOX 306 BUCKLEY, OR 97107			DATE: 9-4-2018 DRAWN: Tony Hales CHECK: Tony Hales CHECK NO. 45211 SHEET NO. 001
Partset Item		B				PROPOSED DUPLEX LOT 10
Construction Item	9/4/2018	C	This plan is subject to copyright. Any attempt to reproduce it in whole or in part will result in prosecution to the full extent of the law. (C) 2018 1/20-81			26 HERBERT STREET MARFRA



DO NOT SCALE DRAWINGS:

[illegible]



CONSTRUCTION ISSUE
DO NOT SCALE DRAWINGS:

REVISION	DATE	ISSUE	TONY HALES:	STRUCTURAL DETAILS	CLIENT:	PROJECT:	DATE	JOB No.	PROJECT No.
S&T	1/8/2017	A	TONY HALES	PROPOSED DUPLEX	TAIKAKA PTY LTD AIF R & R BLUNDELL	LOT 10	9-4-2018	1604-17	1604-17
Current Issue		B	SUITE 6 MARSHLEY HOUSE, 405 RIVERVIEW DRIVE, BUNNACREE VIC 3083 P.O. BOX 304 BUNNACREE VIC 3083 PHONE/FAX: +61 (0)7 42811938 WWW.TONYHALES.COM.AU GPO LICENCE No. 59640 ABN: 354550387	PROPOSED DUPLEX	TAIKAKA PTY LTD AIF R & R BLUNDELL	LOT 10	9-4-2018	1604-17	1604-17
Construction Issue	9/4/2018	C		PROPOSED DUPLEX	TAIKAKA PTY LTD AIF R & R BLUNDELL	LOT 10	9-4-2018	1604-17	1604-17