

PLANNING REPORT

SUBJECT: MAISEL AG PTY LTD - MATERIAL CHANGE OF USE - CAR WASH - LOT 2 ON M35663 - 308 BYRNES STREET, MAREEBA - MCU/17/0007

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Maisel Ag Pty Ltd	ADDRESS	308 Byrnes Street, Mareeba
DATE LODGED	18 September 2017	RPD	Lot 2 on M35663
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Car Wash		

FILE NO	MCU/17/0007	AREA	1,381m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Maisel Ag Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2) Submissions Received		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 31 October 2017
3. Submitter letters

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Public notification of the application attracted two (2) submitters, one (1) submitter objecting to the development, and one (1) submitter in support of the development.

The applicants propose the development of the site into a commercial car wash facility which will include the following components:

- 2 x self-serve wash bays
- 2 x automatic wash bays
- 1 x super wash bay (for larger vehicles like motorhomes/caravans)
- 4 x vacuum bays
- 2 x dog wash bays
- Plant room, office/secure storage, toilet and vending & change area
- Refuse storage area and oil separator

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

The key issue with the proposed development is ensuring impacts on surrounding residential properties are minimised, particularly with regards to noise nuisance. The development has been designed with noise attenuation in mind and appropriate conditions have been recommended to further minimise the likelihood of ongoing land use conflict with adjoining residential uses. The car wash will operate 24 hours a day, seven (7) days per week, however, to further help minimise noise impacts, the vacuum and dog wash bays will cease operation between the hours of 10 pm and 7 am.

Draft conditions were provided to the Applicant care of their consultant and have been agreed to.

The subject site is readily accessible from Byrnes Street along the southern approach to Mareeba's CBD and is situated in close proximity to existing commercial/business development of similar scales (Mazda/Mitsubishi dealership, Cardinal Roofing & BP Service Station). The proposed car wash development will provide a unique, long-awaited service for the Mareeba Township and is considered to represent a logical and orderly reuse of the land.

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 2009, 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 - Car Wash

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
17-025 DA Sheet 1 of 7	Existing Conditions Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 2 of 7	Proposed Site Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 3 of 7	Elevations	TMC Building Design Group	Nov 2017
17-025 DA Sheet 4 of 7	Sections	TMC Building Design Group	Nov 2017
17-025 DA Sheet 5 of 7	Proposed Stormwater & Sewer Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 6 of 7	Proposed Landscaping & Lighting Plan	TMC Building Design Group	Nov 2017
17-025 DA Sheet 7 of 7	Car Swept Paths & Car Parking Layout	TMC Building Design Group	Nov 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.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
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/Control

- 3.4.1 Refrigeration equipment, pumps, filter systems, mechanical plant, 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.

- 3.4.2 All noise attenuation measures proposed for the development and included on the approved plans, including the concrete panel walls, acoustic fencing and the recommendations included in Part 6 – Recommendations and Discussion of EcoAcoustics Environmental Noise Assessment dated 20 November 2017 (Report No. 17060451-01b) must be constructed and implemented prior to the commencement of the use, to the satisfaction of Council's delegated officer.

The approved use is not to include any sound projecting objects or systems that may cause nuisance to adjoining properties.

- 3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval and the *Environmental Protection (Noise) Policy 2008*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the

applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

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 is 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

3.6.1 Car Wash Bays

The car wash component of the approved use (super wash bay, wash bays 1 & 2 and auto wash bays 1 & 2) are permitted to operated 24 hours a day, seven (7) days per week.

3.6.2 Vacuum/dog Wash Bays

The vacuum bays and dog wash bays are permitted to operate between the hours of 7 am and 10 pm, seven (7) days per week. No operation of these components of the approved use are permitted to operate outside these hours.

3.7 Signage

3.7.1 Building Signage

Any signage erected on any buildings:

- Must only contain content relating to the approved use;
- Must not exceed the height of the building they are mounted on; and
- Must not move, revolve, strobe or flash;

3.7.2 Freestanding Signage

One (1) freestanding sign is permitted to advertise the approved use only, and must generally be constructed in accordance with the dimensions, location and construction notes shown on the approved plan/s (Drawing No. 17-025 DA Sheet 2 of 7 Proposed Site Layout dated Nov 2017).

All signage must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Councils delegated officer.

The erection and use of any advertising signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Infrastructure Services and Standards

4.1 Access

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

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

Exit onto Lerra Street must be left turn only.

4.2 Roadworks External Construction

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

- Lerra Street must be widened from the edge of the existing bitumen seal to the existing kerb and channel from the intersection of Lerra Street and Byrnes Street to the intersection of Lerra Street and Kennedy Street.
- The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

4.3 Stormwater Management

4.3.1 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.

4.3.2 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.

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

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

4.4 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with one (1) designated employee car park which is available solely for the parking of employee vehicles.

All car parking spaces and internal driveways/vehicle manoeuvring areas (as shown on the approved plans) must be concrete sealed, line marked where necessary, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards and to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

4.5 Landscaping & Fencing

4.5.1 Prior to the commencement of the use, the applicant/developer is to provide landscaping on the site in accordance with the submitted landscape plan (Drawing No. 17-025 DA Sheet No. 6 of 7 Proposed Landscape & Lighting Plan dated Nov 2017), to the satisfaction of Council's delegated officer.

All landscaping must be mulched, irrigated and maintained for the life of the development.

4.5.2 The external faces of the concrete panel walls along the western and northern boundaries of the site (as shown on the approved plans) are to be painted a neutral colour agreed to by Council's delegated officer.

1.8-metre-high solid screen fencing of neutral colour, is to be erected along the northern boundary of the site between the bin area/oil separator wall and super wash bay wall, and between the super wash bay wall and the north-east corner of the site, to the satisfaction of Council's delegated officer.

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

No fencing is to be erected along the Byrnes Street frontage of the site.

4.6 Lighting

Where lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

4.7 Water Supply

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.

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

4.8 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend 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 a result of conditions of approval. The applicable fees are set out in Council's Fees & Charges Schedule for each respective financial year.
- (b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) Property Connection to existing sewer main

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 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) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 31 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
- Development Permit for Operational Works (road widening works)

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work"

THE SITE

The subject site is situated diagonally opposite the Mareeba Mazda/Mitsubishi dealership at 308 Byrnes Street, Mareeba, and is described as Lot 2 on M35663. The site is generally regular in shape with an area of 1,381m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

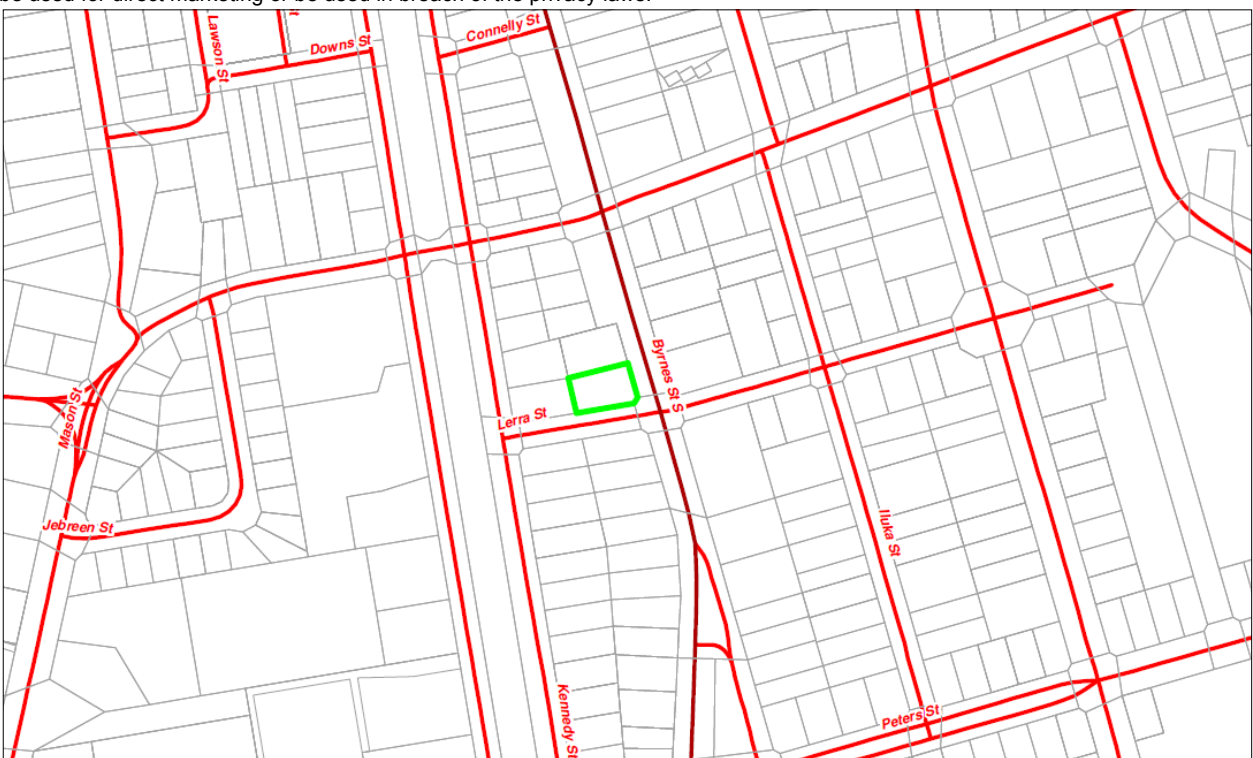
The site contains approximately 27 metres of frontage to Byrnes Street and approximately 50 metres of frontage to Lerra Street. Byrnes Street is a State controlled road and is bitumen sealed from kerb to kerb. Lerra Street is also constructed to a bitumen sealed standard, however, is not sealed to the kerbing on either side of the road.

Although previously containing a dwelling and mature landscaping, the site has now been cleared of all improvements and vegetation. All immediate surrounding lots are zoned Low Density Residential and contain single detached dwellings. The allotment to the north of the site contains an accounting business and remedial massage business.



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 - Car Wash in accordance with the plans shown in **Attachment 1**.

The following details about the development have been provided by the applicants:

"A Development Permit for a Material Change of Use is sought to facilitate the construction of a Car Wash over the site on behalf of Maisel AG Pty Ltd ATTF Chris Maisel Family Trust. The proposed Car Wash facility includes:

- 2 x Self-Serve Wash Bays
- 1 x Super Wash Bay
- 2 x Auto Wash Bay
- 4 x Vacuum Bays
- 2 x Dog Wash Bays
- Plant Room, Office/Secure Storage, toilet and Vending & Change Area
- Refuse Storage Area and Oil Separator

Additionally, integrated into the design is the provision of a Freestanding Sign, to replace the existing Freestanding Sign onsite, and the provision of Rainwater Tanks. It is further understood that the proponent proposes to install solar power infrastructure to further demonstrate the site's commitment to environmentally friendly development.

The operating hours for the proposed Car Wash have been determined by the Acoustic Investigations to ensure compliance with the Environmental Protection (Noise) Policy, 2008 and are 24 hours per day seven (7) days per week. However, it is noted that the vacuum bays will not operate during the night period, being 10 pm to 7 am. This will ensure that minimal impact is provided to adjoining Residential Allotments and compliance with Environmental Protection Noise Policy is achieved.

The proposed development is supported by a site based Stormwater Management Plan which demonstrates that all Stormwater can be accounted for and discharged to the lawful point of discharge. Waste effluent disposal for the site will be via gravity fed pipe/pit system to the appropriate sewer connection with the permission of the local Water Authority. The Car Wash is to be provided with Silt Pits for both the Automatic and Self-Serve Wash Bays and either connected to Reclaim Pits or Petrol/Oil Interceptors pits and then directed to a Holding Pit for the final treatment (further Oil Separator) prior to discharging to the sewerage system.

The Car Wash will operate as a five-star water rated Car Wash with the Car Wash equipment used at this facility rated under the Car Wash/State Government water rating scheme providing a much needed day-to-day environmentally friendly community facility in the local area catering for local residents and visitors of Mareeba and surrounds.

The individual areas of each on the abovementioned facilities are nominated on the Proposed Site Layout Plan with the total Roofed Area of the Car Wash Facility being 589.0 m² equating to a site coverage of approx. 43% with the proposal containing a maximum Height of 6.2 metres above finished floor level of the Super Wash Bay.

A detailed Environmental Noise Assessment Report (attached) has been conducted for the site by EcoAcoustics Pty Ltd. The Acoustic Investigation and Report assumed mitigation measures listed in the Report's Recommendations have been complied with and integrated into the proposed Car Wash development ensuring compliance with the requirements for the Environmental Protection Noise Policy. All equipment used will comply with the EPA noise requirements, and meet or exceed those used during the calculations for the acoustic report analysis. Every step has been taken to minimise the acoustic impacts of the car washing equipment used within the site with the designed layout meeting or exceeding the appropriate noise regulations for the zoning of the subject property and adjoining properties, as the Use of the adjoining properties has been taken into account resulting in a lower permitted noise level, which the proposed design successfully achieves. The Environmental Noise Assessment Report concludes that 'the results of the noise predictions show that the proposed alterations to the site can comply with the noise criteria set out in EPP (Noise) for all time periods at nearby residential receivers with the inclusion of the attenuation measures.'

The site contains dual frontages to the existing Road Network, being Byrnes and Lerra Streets with existing crossovers from both Byrnes Street and Lerra Street. The proposed development is also offering access via both Byrnes and Lerra Streets, replacing the existing crossovers with two concrete crossovers 6.0 metres in width, and relocating the Lerra Street access further away from the Byrnes Street intersection to improve siting and network connectivity.

The control of traffic flow patterns through any site is of great importance in order to maximise the sites potential including the customer experience and most importantly to create a safe passage for all vehicles to manoeuvre around the site. This site has been designed to achieve clear lines of sight, clear driveway locations, line and directional arrow markings (so customers know what lane to be in and the direction to travel), painted lane markings stating, "Auto Wash Bay Entry". These elements are demonstrated on the Proposed Site Layout Plan from TMC Building Design Group.

Currently there are no published generation rates for Car Wash facilities located in this area in Far North Queensland. However, based on traffic generation rates of other similar Car Wash facilities and Car Wash facilities existing in the surrounding local areas, it is expected that the site will generate an average of 50 to 70 VPD (vehicle movements per day). During the busiest times, it could be expected that the site will generate 80 to 100 VPD. Throughout the busiest hours of operation, it is expected that the Car Wash could generate 6 to 10 VPH (vehicles movements per hour), i.e.: one (1) car entering/exiting the site every 6-10 minutes. The existing traffic volumes along Byrnes and Lerra Streets are considered to be appropriately designed to easily cope with this rate of traffic movement.

The potential for traffic queuing on the site is plentiful, as demonstrated on the Proposed Site Layout Plan, with customers wanting to wash their vehicle are directed (via the directional signs) to the far north-east driveway (6 m wide) along Byrnes Street where they enter the site. Once on the site customers are guided by line/lane markings to direct them to the specific car wash area which they intend to go. Customers can easily manoeuvre to their desired wash bay via the minimum 14 m wide (Super Wash Bay) or 18.2 m wide (Self-Serve and Auto Wash Bays) driveway/queuing area which is more than adequate to turn and queue all vehicles. In the dedicated car wash lane and queuing areas the site can have a minimum of 13 vehicles queued prior to entry into the wash bays. Customers can use the wash bays and then proceed to turn into the Vacuum Bays or exit the site onto Lerra Street. Refer to the swept path diagrams,

general car parking layout and SU Truck (largest expected rubbish vehicle to enter the site) on Sheet 7 of the TMC Building Design Groups Proposal Plans.

As a corner site; the proposed buildings are well set back from the actual corner of the intersection, thus maintaining the existing good visibility that drivers currently experience. Landscaping is also an important feature of a corner site; the proposed landscaping has been sourced from a local plant nursery to ensure that readily available and suitable plant species are planted. Plantings of various species, colour scheme, densities and heights have been selected to create a visually attractive site. The proposed landscaping will create a formal strategic landscaping approach for the developed site instead of randomly located vegetation of varying species.

Site lighting will be connected to a light sensing device that will only operate once the natural light falls below the required level. All site lighting will be directed into the site and baffles will be fitted to avoid light spill onto the adjoining properties.

Air-borne emissions are mitigated by the actual design and layout of the buildings, positioning the roller door at the entry and exit of the Automatic Wash Bay, the acoustic fence, the proposed site landscaping, the height/depth of the fascia's and roof design; will all combine to reduce the wind tunnel effect and hence will minimise water any overspray from the Wash Bays.

The proposed Car Wash development is not envisaged to encompass any significant negative impacts on the adjoining land and is not considered to affect how the adjoining properties currently operate. The overall development will be an improvement on the current vacant block providing an attractive streetscape enhancing the visual aesthetics of the immediate vicinity. Additionally, the proposal is not considered to negatively impact the existing nature and amenity of the area, instead enhancing the amenity and character as the Material Change of Use provides an attractive (additional) local service to support the Residential population within the immediate vicinity and surrounding environs of Mareeba."

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"> • State Controlled Road • B-Double Route • Principal Cycle Routes
Zone:	Low Density Residential
Local Plan:	Mareeba Local Plan
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
Car wash	Premises primarily used for commercially cleaning motor vehicles by an automatic or partly automatic process.		Service station

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 2016 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 2016 appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (2) *Mareeba Shire is supported by a network of compact, activity centres of varying scales. These activity centres form the primary focus for population growth. Each activity centre will maintain its individual character while growing to support and service the local economies of its catchments. The level of service provision within each activity centre is consistent with its role and function within the defined activity centre hierarchy. Growth is managed to ensure a high level of centre amenity and streetscape character is maintained, thus fostering vibrant, lively hubs of social interaction, trade and exchange.*

Comment

Although the subject site is situated outside Mareeba's CBD, it is well within the bounds of Mareeba's urban footprint and well within the existing spread of commercial/business development. The subject site is in proximity to existing commercial development of similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing & BP Service Station) and is readily accessible to the public with the site fronting Byrnes Street on the southern approach to the CBD.

The proposed development will be the first commercial car wash in Mareeba and will strengthen Mareeba's role as the Shire's major activity centre.

The development complies.

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

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

Comment

The proposed development will be the first commercial car wash within the Mareeba Shire and is consistent with Mareeba's role and function as the Shire's major regional activity centre.

The development complies.

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

Comment

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

The development complies.

- (4) *Ribbon or strip commercial activities along state controlled roads and local collector roads is generally avoided outside of the centre areas where possible.*

Comment

The application proposes ribbon/strip commercial development along the State controlled Byrnes Street which is outside the defined centre area (centre zoned land).

Notwithstanding this, Specific Outcome 4 does provide scope for this type of development where appropriate. The subject site is within proximity to existing ribbon or strip commercial development along Byrnes Street of a similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing and BP Service Station) and is sited directly opposite centre zoned land (on the eastern side of Byrnes Street).

The subject site is not considered an inappropriate location for a car wash development and appropriate conditions have been recommended to minimise amenity impacts on nearby residential uses.

The development complies.

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

Comment

The proposed development is situated in proximity to existing commercial development of a similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing & BP Service Station) and has been designed with appearance in mind. The development, which includes a substantial amount of landscaping, is not likely to detract from the existing streetscape.

The development complies.

3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*

Comment

The proposed car wash development will strengthen Mareeba's role as the Shire's major regional activity centre and will further concentrate regional-scale commercial development within the Township.

The development complies.

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

Comment

The proposed commercial car wash development is unique for the Mareeba Shire with the closest existing commercial car wash situated in Atherton. The development will further enhance the Shire's self-sufficiency by providing this service.

The development complies.

- (4) *The centre area of Mareeba continues to be focused on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.*

Comment

Specific Outcome 4 does provide scope for this type of development along Byrnes Street south and where appropriate and unavoidable. The subject site is within proximity to existing commercial development along Byrnes Street south of a similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing and BP Service Station) and is sited directly opposite centre zoned land (on the eastern side of Byrnes Street).

The subject site is not considered an inappropriate location for a car wash development and appropriate conditions have been recommended to minimise amenity impacts on nearby residential uses.

The development complies.

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
- 9.3.2 Commercial 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
Low Density Residential Zone 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 AO3.1 ▪ Acceptable Outcome AO3.2 <p>Further discussion is also warranted with regards to the following:</p> <ul style="list-style-type: none"> ▪ Performance Outcome PO7 ▪ Performance Outcome PO8 ▪ Performance Outcome PO9 <p>Refer to planning discussion section of report.</p>
Commercial Activities 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.</p>
Landscaping 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 AO2 <p>Refer to planning discussion section of report.</p>

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.
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 be designed and constructed in accordance with FNQROC Development Manual standards.

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

The landscape plan submitted with the development application is considered to be generally consistent with Planning Scheme Policy 6 - Landscaping and Preferred Plant Species. A condition will be attached to any approval requiring landscaping on site be implemented in accordance with the submitted landscape plan.

(f) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges are based on Mareeba Shire Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, which categorises the proposed Car Wash land use within the 'Industry' charge category.

The 'Industry' charge category carries a charge rate of \$30.00 per m² of Gross Floor Area (GFA).

The developments GFA (inclusive of car wash, dog wash and vacuum bays) is 589m² which equates to an infrastructure charge of 589 x \$30 = **\$17,670.00**.

The subject site is zoned Low density residential and previously contained a dwelling. A credit is therefore considered to be applicable to the site. For the 'Residential' charge category (for a 3 or more-bedroom dwelling), an **\$18,000.00** credit is applicable to the site.

Considering the \$17,670.00 infrastructure charge for the car wash use does not exceed the \$18,000.00 credit applied to the site, an infrastructure charge is not applicable for the proposed car wash development.

REFERRALS

Concurrence

The application triggered a referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - State controlled roads).

That Department advised in a letter dated 31 October 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger a referral to an Advice Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 13 October 2017 to 6 November 2017. The applicant submitted the notice of compliance on 7 November 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received during public notification of the application. One submitted objected to the development, while the other submission was in support of the development.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
The proposed car wash development, including the vacuum bays will create noise nuisance for adjoining residential uses.	Refer to Planning Discussion section of the report (for Performance Outcome PO9) for full commentary on amenity impacts such as noise. To further minimise impact on adjoining properties, the vacuum/dog wash bays will be non-operational between the hours of 10pm and 7am (nigh time period).
The proposed car wash development will increase traffic along Lerra Street and Kennedy Street which has the potential to cause a dust nuisance as these streets are not sealed to the kerbing.	Refer to Planning Discussion section of the report (for Performance Outcome PO9) for full commentary on traffic impacts. At periods of peak usage, it is estimated that an average of up to 10 vehicles per hour will be using the facility, or 1 car entering/exiting the site every 6 – 10 minutes. Although the majority of vehicles exiting the site will utilise the Byrnes/Lerra Street intersection, it is acknowledged that some drivers will use Lerra Street west of the site and Kennedy Street in order to avoid using the Byrnes/Lerra Street intersection during times that Byrnes Street is particularly busy. Assuming 1 in 4 vehicles exiting the site use Lerra Street west/Kennedy Street after exiting the site, this would equate to approximately 1 car every 20 minutes which is not considered to be a significant enough increase in traffic to be considered a nuisance, or to trigger any immediate upgrades to Lerra Street west or Kennedy Street which are both capable of accommodating two directional traffic at their current standard. The likelihood of people using Lerra Street west and Kennedy Street will substantially decrease each day after Byrnes Street becomes less congested (generally after 6pm).
The proposed development will contribute to building Mareeba by enhancing the communities access to services.	Noted – The proposed development has been recommended for approval.
“Mareeba is an RV friendly town supporting many visitors on a daily basis. The proposed car wash will enable the visiting grey nomads with a safe, elevated platform in the ‘superbay’ to wash their caravans/motorhomes, including tourists returning from the Cape and locals wishing to wash off their boat or jet ski after enjoying the local waterways”.	Noted – The proposed development has been recommended for approval.

Submitters

Name of principal submitter	Address
1. N Brtevník & Steve Kemp	1 Lerra Street, Mareeba QLD 4880
2. Mareeba Chamber of Commerce	345 Byrnes Street, Mareeba QLD 4880

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 (AO's), it is considered compliance with the higher order performance outcome (PO's) can be achieved in each case.

6.2.6 Low Density Residential Zone Code

Siting where not involving a Dwelling house

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:*

- a) *6 metres from the primary road frontage; and*
- b) *3 metres from any secondary road frontage.*

Comment

The development achieves the desired six (6) metre setback from Byrnes Street, however does not achieve the desired 3 metre setback from Lerra Street with auto wash bay 2 sited approximately 0.775 metres from this boundary. Despite this non-compliance, the proposed development is considered to achieve compliance with performance outcome PO3 in that:

- the encroachment is not likely to impact on adjoining premises;
- will not impact on the availability of sunlight and daylight;
- will not cause privacy or overlooking issues;
- will not impact on casual surveillance;
- is not likely to impact on air circulation;
- the building bulk will be softened by landscaping; and
- is not likely to impact on Lerra Street which is a lower order street.

The proposed development is considered to comply with PO3.

AO3.2 *Building and structures include a minimum setback of 2 metres from side and rear boundaries.*

Comment

The proposed development will include structures built right to the northern and western boundaries of the site and is therefore non-compliant with AO3.2.

The proposed vacuum/dog wash bays and bin area/oil separator room will be constructed right up to the western boundary of the site and will include a 3.6 metre high concrete panel wall constructed along the full length of the western boundary. The super wash bay and bin area/oil separator room will also be constructed right up to the northern boundary of the site and will also include concrete panel walls ranging from 3.6 metres to 6.2 metres in height constructed part way across the northern boundary.

Although these concrete walls are likely to have some degree of visual impact on immediate adjoining properties, their presence is considered necessary in order to minimise other impacts relative to the proposed use such as noise, hours of operation, lighting and privacy.

In terms of setbacks, given the height and type of walls proposed, the desired two (2) metre setback would be unlikely to alleviate any visual impact and would more likely result in ongoing maintenance issues resulting from a poorly accessible two (2) metre wide section of land between the proposed walls and the property boundaries. The application does note that for purpose of helping to minimise the visual impact of the concrete panel walls, the applicant/developer has agreed to paint each wall a colour agreed to by the respective adjoining landowners.

Despite the non-compliance with AO3.2, on balance, the proposed development is still considered to reasonably comply with PO3 considering the likely effectiveness of the concrete panel walls at alleviating other amenity impacts the development might have on adjoining residential uses.

PO7 *Development complements and integrates with the established built character of the low density residential zone, having regard to:*

- a) Roof form and pitch;*
- b) Eaves and awnings;*
- c) Building materials, colours and textures; and*
- d) Window and door size and location*

AO7 *No acceptable outcome is provided*

Comment

The proposed development is situated along Byrnes Street on the southern approach to Mareeba's CBD and despite being within the Low Density Residential zone, is sited in close proximity to other commercial/business uses of a similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing/sheds and the BP Service Station).

Given the presence of these existing commercial/business uses, the proposed development will not be inconsistent in scale and appearance as existing development in the immediate area. Although it is acknowledged that the area is predominately characterised by residential uses the prevalence of commercial/business development along the southern approach to Mareeba's CBD is only likely to increase over time given that the Planning Scheme zoning encourages commercial/business development along the eastern side of Byrnes Street.

Conditions have been recommended to minimise the developments impacts on surrounding residential uses and the development will incorporate landscape treatments along the Byrnes Street and Lerra Street frontages in order to soften the appearance of the development when viewed from adjoining properties and road users.

The development is considered to achieve compliance with relevant aspects of performance outcome PO7.

Non-residential Development

PO8 *Non-residential development is only located in new residential areas and:*

- e) is consistent with the scale of existing development;*
- f) does not detract from the amenity of nearby residential uses;*
- g) directly supports the day to day needs of the immediate residential community; and*
- h) does not impact on the orderly provision of non-residential development in other locations in the shire.*

AO8 *No acceptable outcome is provided.*

Comment

The proposed development is situated along Byrnes Street on the southern approach to Mareeba's CBD and despite being within the Low Density Residential zone, is sited in close proximity to other commercial/business uses of a similar scale (Mazda/Mitsubishi dealership, Cardinal Roofing/sheds and the BP Service Station).

Given the presence of these existing commercial/business uses, the proposed development will not be inconsistent in scale and appearance as existing development in the immediate area. Although it is acknowledged that the area is predominately characterised by residential uses the prevalence of commercial/business development along the southern approach to Mareeba's CBD is only likely to increase over time given that the Planning Scheme zoning encourages commercial/business development along the eastern side of Byrnes Street.

Conditions have been recommended to minimise the developments impacts on surrounding residential uses and the development will incorporate landscape treatments along the Byrnes Street and Lerra Street frontages in order to soften the appearance of the development when viewed from adjoining properties and road users.

The proposed use is the first commercial car wash development in Mareeba and will satisfy the day to day needs of both locals and tourists passing through. The development is appropriate for Mareeba which is the Shire's major regional activity centre and will not detract from the orderly delivery of other forms of non-residential development across the Shire.

The development is considered to achieve compliance with performance outcome PO8.

Amenity

PO9 *Development must not detract from the amenity of the local area, having regard to:*

- i) Noise;
- j) Hours of operation;
- k) Traffic;
- l) Advertising devices;
- m) Visual amenity;
- n) Privacy;
- o) Lighting;
- p) Odour; and
- q) Emissions

AO9 *No acceptable outcome is provided.*

Comment

The proposed development is for a commercial car wash to be sited within the low density residential zone. As such, further commentary is warranted on the amenity provisions contained within PO9 as follows:

Noise

Noise nuisance is major consideration for commercial car wash development, particularly for developments adjoining residential uses. The applicant/developer engaged EcoAcoustics Pty Ltd to conduct a noise impact assessment for the proposed development. The purpose of the noise impact assessment was to assess the noise

emissions from the site and determine whether compliance could be achieved with the prescribed standards contained in the *Environmental Protection (Noise) Policy 2008*.

The noise impact assessment included the following:

“The noise level predictions for the car wash assume the following:

- *The proposed automatic car wash bays will be fitted with automatic doors on the entry and exit equivalent to a PVC clear 2.5mm door blade (which provides a minimum Rw23);*
- *Based on the sound power data provided, the noise associated with the automatic car wash has no tonal, impulsive or modulating characteristics therefore no penalty adjustment is applicable;*
- *A +2dB tonality adjustment has been applied for the predicted vacuum noise levels;*
- *The predictions include roof and concrete wall structure around the vacuum bays;*
- *The predictions include a 1.8 metre high acoustic barrier located along the property boundary between vacuum bays and superwash bay. The height is based on the finished ground height of the proposed car wash;*
- *During the night time period, it has been assumed that there will be only the autowash bay, superwash bay and one hand wash bay operating simultaneously, the vacuum bays will not operate between 10pm and 7am.”*

The noise impact assessment concluded that the proposed car wash could operate in compliance with the *Environmental Protection (Noise) Policy 2008*, for all time periods at nearby residential receivers with the inclusion of the following attenuation measures:

“To ensure compliance with the EPP (Noise), the following recommendations are required to be incorporated into the proposed carwash:

- *The proposed automatic car wash bays will both be fitted with automatic roller doors on the entry and exits, providing equivalent performance to the RAPID series 3500 (clear 2.5mm thick PVC) which provides a minimum Rw23;*
- *All vacuum bays are required to be fitted with sound absorption in the vacuum “end cap”;*
- *Vacuum bays are required to be shut down from 10pm until 7am daily;*
- *The roof structure above the vacuum bays is proposed to be metal deck or similar, to minimise reverberation in this area, it is recommended that this be lined with insulation;*
- *The predictions include a 1.8 metre high acoustic barrier located along the property boundary between vacuum bays and superwash bay. This height is based on the finished floor height of the proposed car wash.”*

It is apparent that the proposed development has been designed with noise attenuation in mind and appropriate conditions have been recommended (based on the above acoustic consultant's recommendations) to minimise the likelihood of ongoing noise nuisance conflict with adjoining residential uses.

Hours of Operation

The proposed car wash component of the development will operate 24 hours a day, 7 days per week, while the vacuum/dog wash bays will operate between the hours of 7 am and 10 pm, 7 days per week.

As previously discussed, the development has been designed with noise attenuation in mind and appropriate conditions have been recommended to minimise the likelihood of ongoing noise nuisance conflict over all time periods.

As discussed in the environmental noise assessment, the peak usage for the car wash is likely to be during daytime hours, with a substantial drop in usage during evening hours and even less during night time hours. The majority of people using the site during evening hours will be entering the site via Byrnes Street and after 10pm (night time hours) all users will be entering the site via Byrnes Street as the vacuum/dog wash bays are closed. Considering Byrnes Street is substantially less busy during evening and night time hours, it could be assumed that nearly all car wash users will be using the Byrnes and Lerra Streets intersection after exiting the site. Considering this, traffic impacts on adjoining residents is likely to be negligible during the evening and night time periods.

Conditions have been recommended to ensure lighting does not negatively impact on adjoining residential uses.

Considering the above, the proposed operating hours are not likely to significantly impact on the surrounding residential amenity.

Traffic

The application states the following with regards to traffic:

“Currently there are no published generation rates for Car Wash facilities located in this area in Far North Queensland. However, based on traffic generation rates of other similar Car Wash facilities and Car Wash facilities existing in the surrounding local areas, it is expected that the site will generate an average of 50 to 70 VPD (vehicle movements per day). During the busiest times, it could be expected that the site will generate 80 to 100 VPD. Throughout the busiest hours of operation, it is expected that the Car Wash could generate 6 to 10 VPH (vehicles movements per hour), i.e.: 1 car entering/exiting the site every 6-10 minutes. The existing traffic volumes along Byrnes and Lerra Streets are considered to be appropriately designed to easily cope with this rate of traffic movement.

The potential for traffic queuing on the site is plentiful, as demonstrated on the Proposed Site Layout Plan, with customers wanting to wash their vehicle are directed (via the directional signs) to the far north-east driveway (6 m wide) along Byrnes Street where they enter the site. Once on the site customers are guided by line/lane markings to direct them to the specific car wash area which they intend to go. Customers can easily manoeuvre to their desired wash bay via the minimum 14 m wide (Super Wash Bay) or 18.2 m wide (Self-Serve and Auto Wash Bays) driveway/queuing area which is more than adequate to turn and queue all vehicles. In the dedicated car wash lane and queuing areas the site can have a minimum of 13 vehicles queued prior to entry into the wash bays. Customers can use the wash bays and then proceed to turn into the Vacuum Bays or exit the site onto Lerra Street. Refer to the swept path diagrams, general car parking layout and SU Truck (largest expected rubbish vehicle to enter the site) on Sheet 7 of the TMC Building Design Groups Proposal Plans.”

The above traffic assumptions are considered reasonable and it is therefore considered unlikely that traffic generated by the proposed development will detrimentally impact on surrounding residential uses.

Advertising Devices

The amount and type of advertising devices proposed is considered reasonable and will primarily address Byrnes Street users and is not likely to impact on residential amenity.

Visual Amenity

As previously discussed, visual impact resulting from the development is likely to be limited to the northern and western adjoining lots with components of the development being constructed right to the common boundary of both properties.

The proposed vacuum/dog wash bays and bin area/oil separator room will be constructed right up to the western boundary of the site and will include a 3.6 metre high concrete panel wall constructed along the full length of the western boundary. The super wash bay and bin area/oil separator room will also be constructed right up to the northern boundary of the site and will also include concrete panel walls ranging from 3.6 metres to 6.2 metres in height constructed part way across the northern boundary.

Although these concrete walls are likely to have some degree of visual impact on immediate adjoining properties, their presence is considered necessary in order to minimise other impacts relative to the proposed use such as noise, hours of operation, lighting and privacy.

The northern adjoining lot, which will be impacted by the highest section of concrete walling, being 6.2 metres high in places, is currently being used as an accounting business and remedial massage business and is understood not to contain a residential component. The non-use of this adjoining property as a residence will further minimize the felt impacts of the development on this property.

The development is not likely to have a significant visual impact on lots to the south and east of the site which are separated from the development by Byrnes and Lerra Streets.

Privacy

Immediate adjoining residential uses will be screened from view from car wash users by a combination of concrete panel walls and solid screen fencing. The development is not likely to impact on the privacy of surrounding residential uses.

Odour & Emissions

The only forms of odour and emissions likely to be generated by the use are exhaust fumes when vehicles enter and exit the site and are idling in auto wash bays, and scents emitted from the vacuum/dog wash bay and any car wash soaps.

It is unlikely that these odours and emissions will be detected at nearby sensitive land uses.

As discussed above, it is considered that the proposed development can achieve compliance with performance outcome PO9, having minimal impact on adjoining residential uses.

9.4.2 Landscaping Code

PO2 *Development, other than in the Rural zone, includes landscaping along site frontages that:*

- (a) creates an attractive streetscape;*
- (b) compliments the character of the immediate surrounds;*
- (c) assists to break up and soften elements of built form;*
- (d) screen areas of limited visual interest or servicing;*
- (e) provide shade for pedestrians; and*
- (f) includes a range and variety of planting.*

AO2 *Development, other than in the Rural zone, includes a landscape strip along any site frontage:*

- (a) *with a minimum width of 2 metres where adjoining a car parking area;*
- (b) *with a minimum width of 1.5 metres in all other locations; and*
- (c) *in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.*

Comment

The proposed landscape strip along the Lerra Street frontage of the site will thin down to approximately 0.775 metres wide in places, and is therefore non-compliant with AO2.

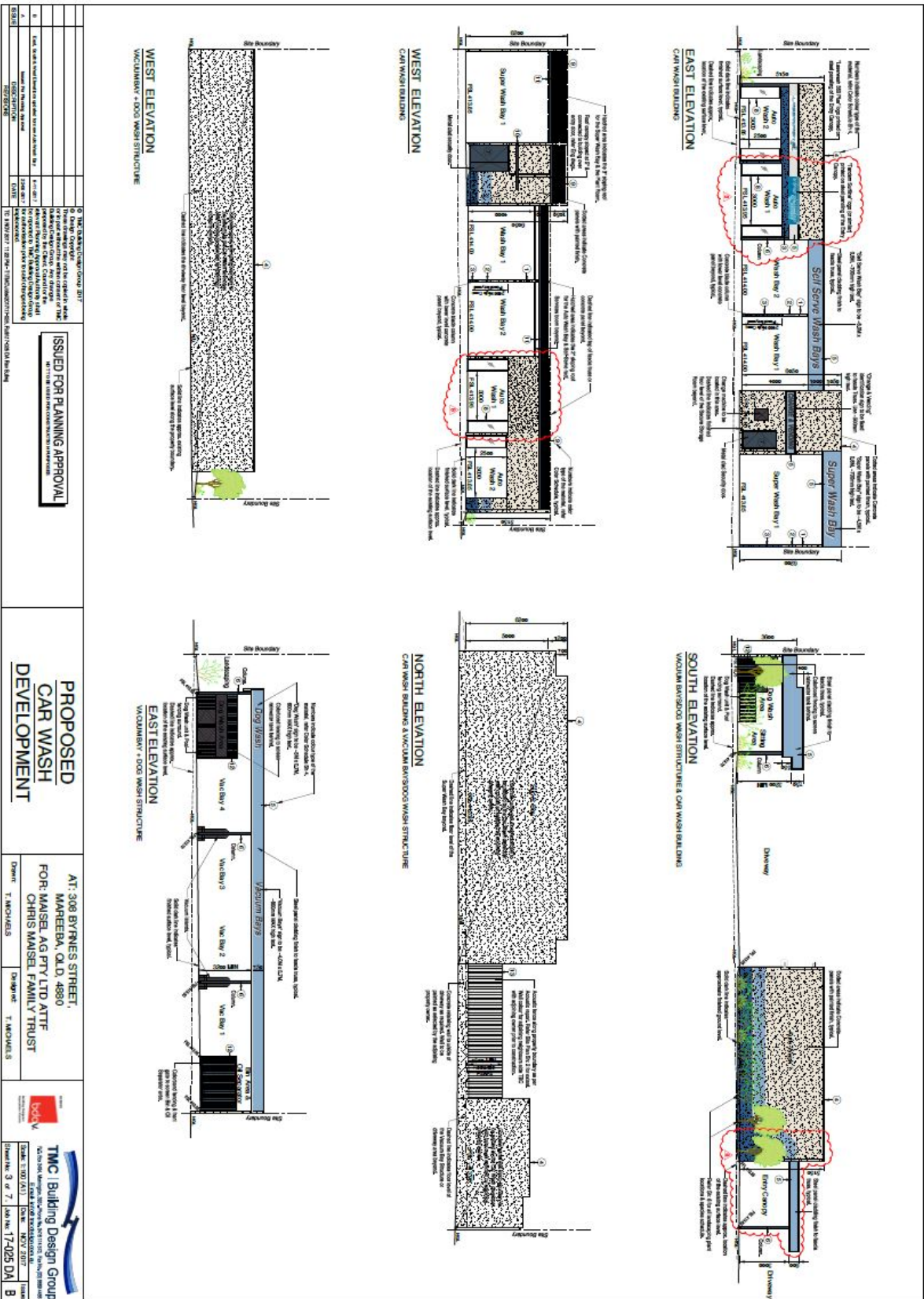
Despite this minor non-compliance, the landscaping proposed (as shown on the submitted plans) will create an attractive streetscape, will complement the character of the immediate surrounds and will assist in the breakup and softening of the built form proposed on site.

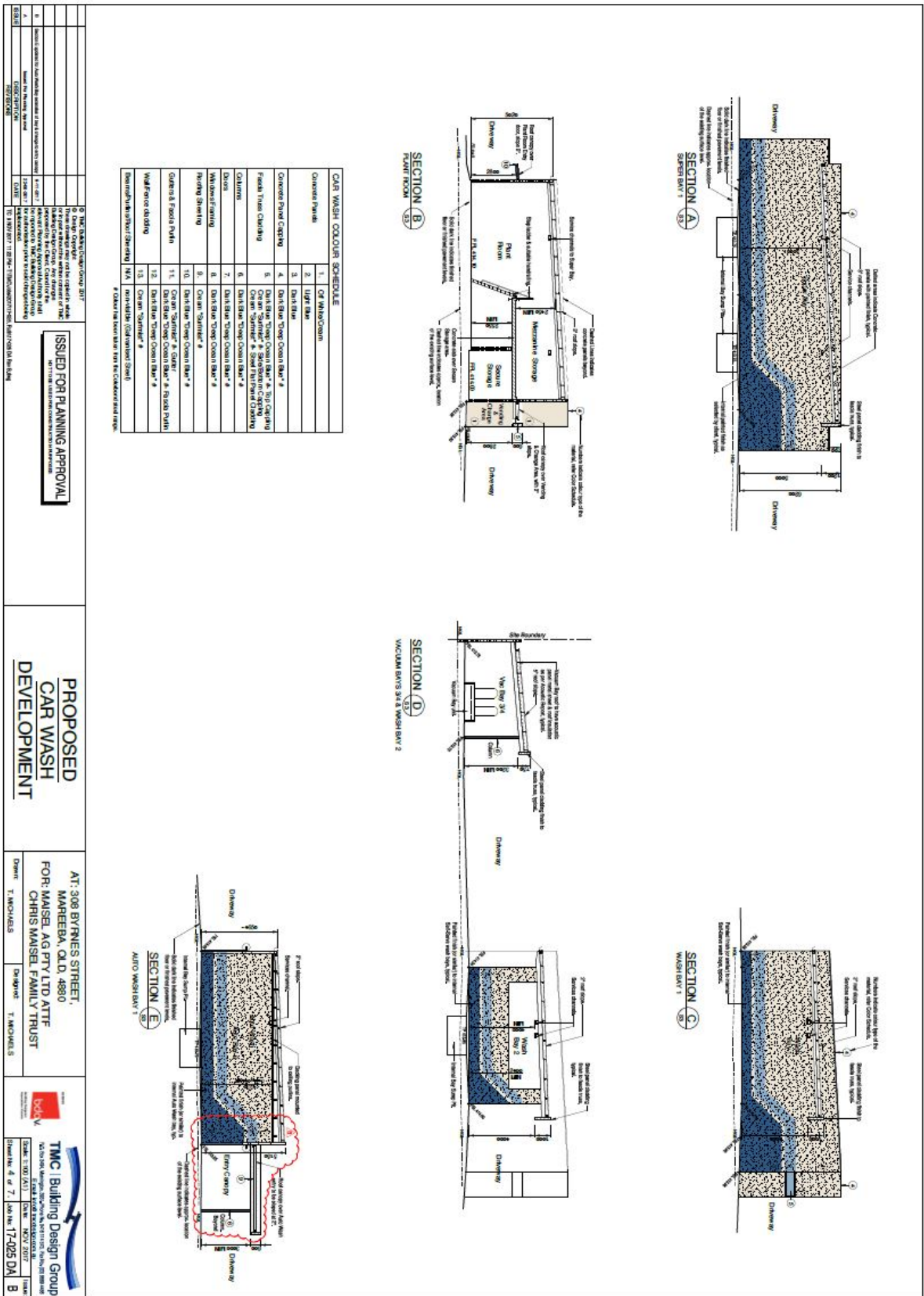
The landscaping proposed is considered more than adequate and the development is therefore considered to comply with performance outcome PO2.

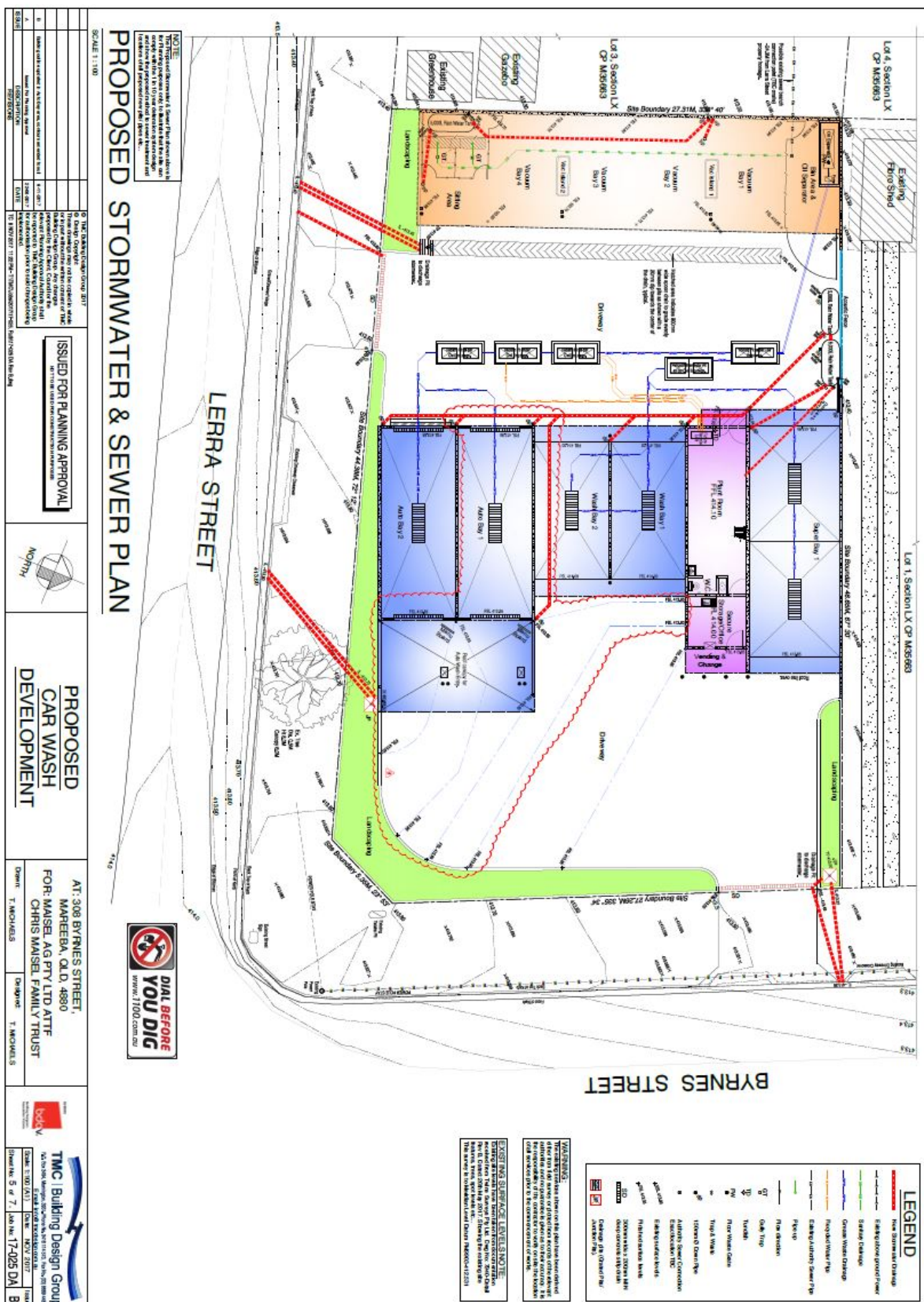
Date Prepared: 8 December 2017

APPROVED PLANS (ECM Doc Set ID 3331702)

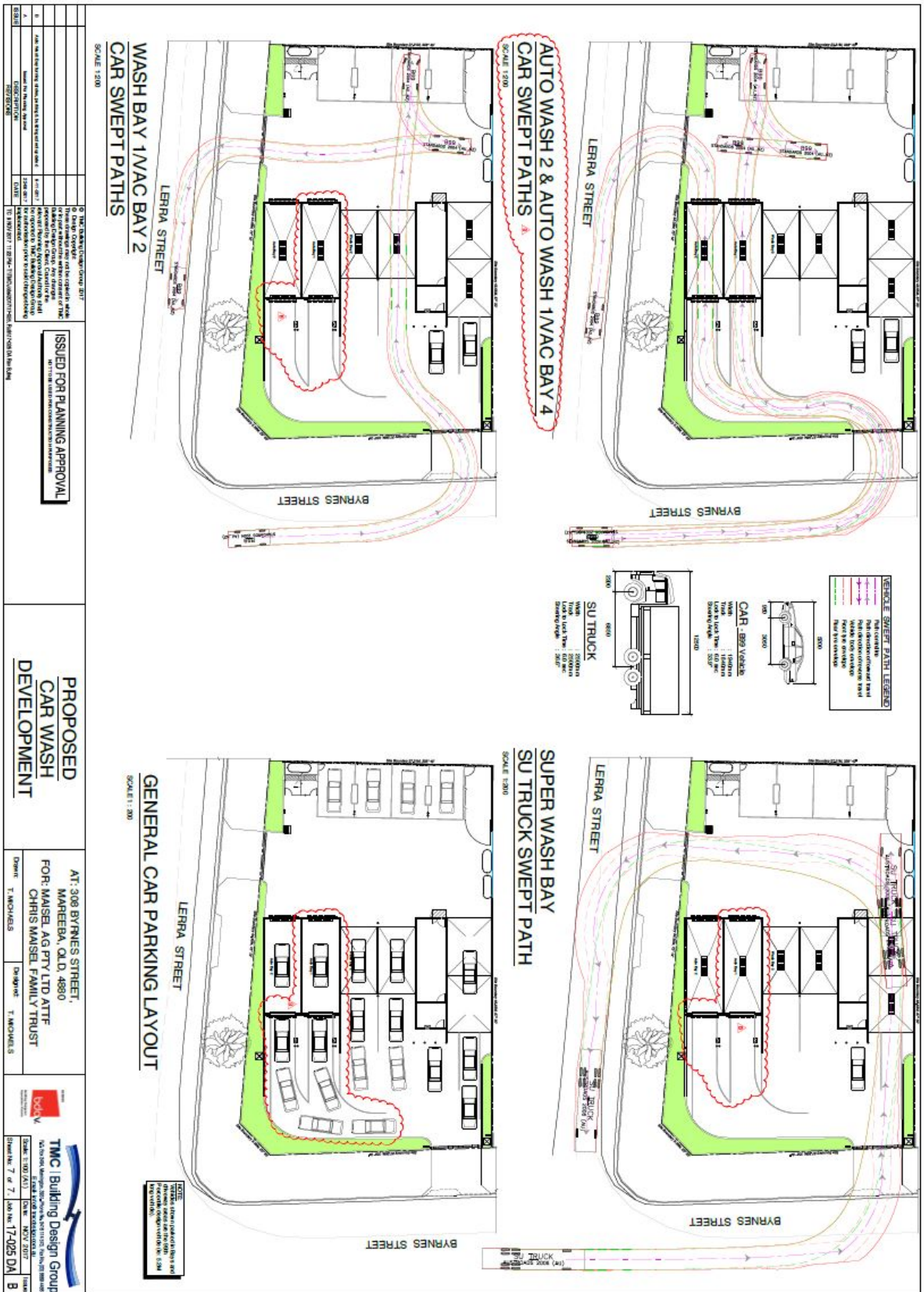








ion Date: 13/12/2017



ATTACHMENT 2

RA6-N



Department of Infrastructure,
Local Government and Planning

Our reference: 1709-1647 SRA
Your reference: MCU/17/0007

31 October 2017

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

Attention: Mr Carl Ewin

Dear Sir/Madam

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

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 28 September 2017.

Applicant details

Applicant name:	MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust
Applicant contact details:	C/- Freshwater Planning Pty Ltd, 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

Location details

Street address:	308 Byrnes Street, Mareeba
Real property description:	Lot 2 M35663
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for car wash facility
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Referral triggers

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

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Page 1 of 7

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

Conditions

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

Reasons for decision to impose conditions

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

Advice to the assessment manager

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

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
TMR Layout Plan (664-0.96km)	Queensland Government Transport and Main Roads	23/10/2017	RMR17-22649(500-1174)	B
Proposed Car Wash Development	TMC Building Design Group	August, 2017	17-025 DA Sheet 2 of 7	A

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

For further information please contact Belinda Jones, Senior Planning Officer, on 40373239 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc MAISEL AG Pty Ltd ATTF Chris Maisel Family Trust c/- freshwaterplanning@outlook.com

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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
10.9.4.2.2.1 State transport infrastructure—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.	<p>The development must be carried out generally in accordance with the following plan:</p> <ul style="list-style-type: none"> Proposed Site Layout prepared by TMC Building Design Group dated August 2017, reference Sheet No. 2 of 7 and revision A. 	Prior to the commencement of the use and to be maintained at all times
2.	<p>(a) The road access locations, are to be located generally in accordance with TMR Layout Plan (664-0.96km), prepared by Queensland Government Transport and Main Roads, dated 23/10/2017, reference TMR17-22649(500-1174), Issue B. In particular road access location from Byrnes Street is to be located near the northern boundary of Lot 2 on M35663 and approximately 40m north of Lerra Street. The access is to be entry only and restricted to a design vehicle up to a maximum size single body truck – Class 5 heavy vehicle as described in Austroads Vehicle Classification System.</p> <p>(b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNQROC Standard Drawing S1015.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
3.	Direct access is not permitted between Byrnes Street and the subject site at any location other than the permitted road access location identified in Condition 1.	At all times
4.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; (iii) surcharge any existing culvert or drain on the state-controlled road; (iv) reduce the quality of stormwater discharge onto the state-controlled road. 	(a) and (b) at all times

Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the design of any road access maintains the safety and efficiency of the state-controlled road.

Attachment 3—Advice to the assessment manager

General advice	
Road access works approval	
1.	Under section 33 of the <i>Transport Infrastructure Act 1994</i> , written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.



ATTACHMENT 3

URP-MCU

J.T. URP

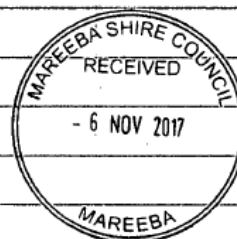
MCU/17/0007

6 November 2017

Mareeba shire council

65 Rankin street

4880



Material Change of use - Car Wash
lot 2 on M35663

I would like to voice my concerns regarding the proposed Car Wash for 308 Byrnes street.

I brought my home + land in 1999, I felt happy in the knowledge 308 Byrnes street is zoned low residential. The proposed Car Wash will bring added noise + traffic to Lerra + Kennedy streets, as a home owner I have a right to peace + quite in our residential area.

The plan states vehicles will enter via Byrnes street + exit via Lerra street than travelling onto Byrnes street, Car wash customers will not necessarily take this route, as the Byrnes street intersection is always very busy therefore it would be more appealing for Car Wash customers to drive past my place + onto Kennedy street causing more traffic + dust as our streets are not sealed to the curb. Backing onto my land will be 4 industrial car vacume bays, I have taken the time to look a several car washes in Cairns + the one in Atherton, The high powered pressure cleaners + vacume cleaners were very noisy, The car washes I looked at were all located in light industrial zoning, having no impact on residents..

Kind Regards Nina Butavnik

Steve Kemp

1 Lerra Street

4880



345 Byrnes Street
Mareeba QLD 4880
07 4092 6050
admin@mareebachamber.com.au
mareebachamber.com
@MareebaChamber

6 November 2017

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Sent by email to: info@msc.qld.gov.au

To whom it may concern

RE: Proposed Car Wash, MCU/17/007

The Mareeba Chamber of Commerce would like to provide their support for the proposed car wash to be located at 308 Byrnes Street Mareeba. This project will contribute to building our community by enhancing access to services.

The Chamber is pleased to learn the project will be owned and operated by a local, farming family. Mareeba is an RV friendly town supporting many visitors on a daily basis. The proposed car wash will enable the visiting Grey Nomads with a safe, elevated platform in the 'superbay' to wash their caravans/motorhomes, including tourists returning from the Cape and locals wishing to wash off their boat or jetski after enjoying the local waterways. Local clubs will also be supported by the space provided in the plan for local, not for profit organizations to fundraise.

On behalf of the Executive Committee and our membership, we therefore offer our strongest support for this proposal and are confident that this will result in the delivery of quality and increased services to our community.

Yours faithfully

Joe Moro

MR JOE MORO
President
Mareeba Chamber of Commerce

Cc sent by email to: accounts@maiselag.com.au