

8.2 MULUNGU ABORIGINAL CORPORATION - MATERIAL CHANGE OF USE - COMMUNITY CARE CENTRE (EXPANSION) - LOT 4 ON RP717124 - 14 SUTHERLAND STREET, MAREEBA - MCU/18/0022

Date Prepared: 9 October 2018

Author: Senior Planner

Attachments: 1. Proposed Plans [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Mulungu Aboriginal Corporation	ADDRESS	14 Sutherland Street, Mareeba
DATE LODGED	31 July 2018	RPD	Lot 4 on RP717124
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Community Care Centre (Expansion)		

FILE NO	MCU/18/0022	AREA	1,442m2
LODGED BY	Northern Building Approvals	OWNER	Mulungu Aboriginal Corporation
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details.

The application is impact assessable and no properly made submissions were received in response to public notification of the application.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

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

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

OFFICER'S RECOMMENDATION

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mulungu Aboriginal Corporation	ADDRESS	14 Sutherland Street, Mareeba
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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 - Community Care Centre (Expansion)

- (B) **APPROVED PLANS:**

• Plan/Document Number	• Plan/Document Title	• Prepared by	• Dated
• -	• Mulungu Health - Site Plan	• -	• 19/2/2018
• MAREB1-13118 1/2	• General Arrangement	• Ranb uild	• -
• MAREB1-13118 2/2	• General Arrangement	• Ranb uild	• -
• IPF-13118 1/4	• Integral Pad Footing & RC Floor det	• Ranb uild	• -
• IPF-13118 2/4	• Integral Pad Footing & RC Floor det	• Ranb uild	• -
• IPF-13118 3/4	• Integral Pad Footing & RC Floor det	• Ranb uild	• -
• IPF-13118 4/4	• Integral Pad Footing & RC Floor det	• Ranb uild	• -

• 1/5	BPS-13118	• & RC Slab	Bored Pier	• uild	Ranb	• -
• 2/5	BPS-13118	• & RC Slab	Bored Pier	• uild	Ranb	• -
• 3/5	BPS-13118	• & RC Slab	Bored Pier	• uild	Ranb	• -
• 4/5	BPS-13118	• & RC Slab	Bored Pier	• uild	Ranb	• -
• 5/5	BPS-13118	• & RC Slab	Bored Pier	• uild	Ranb	• -

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the expanded use, except where specified otherwise in these conditions of approval.
 - 2.2 The applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Waste Management

Any on-site refuse storage area relocated as a consequence of this development must be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.

4. Infrastructure Services and Standards

4.1 Access

A **commercial** access crossover must be constructed (from the edge of Sutherland 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.

The existing driveway is to be reconstructed to a minimum width of 6 metres to allow for two way traffic and to correct the nonconforming approach angle and existing concrete failures.

4.2 Stormwater Management

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

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

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

4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge on Sutherland Street.

4.3 Car Parking/Internal Driveways

All car parking spaces and internal driveways/vehicle manoeuvring areas must be concrete, asphalt or bitumen 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.

4.4 Landscaping & Fencing

4.4.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include, at minimum, 1 metre wide landscape strips along the northern, eastern and southern sides of the open carport structure.

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4.2 A 1.8 metre high solid screen (no gaps) timber or Colorbond fence of neutral colour is to be erected along those parts of the northern, southern and eastern boundaries of Lot 4 on RP717124 adjacent to the open carport structure, 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.

4.5 Lighting

Where lighting is installed, 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.

(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.

- (f) Building over sewer

An application to build over Council's sewerage infrastructure must be submitted to and approved by Council's delegated officer prior to the commencement of building works.

(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

- 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 14 Sutherland Street, Mareeba and is described as Lot 4 on RP717124. The site is regular in shape with a total area of 1,442m² and is zoned *Medium Density Residential* under the Mareeba Shire Council Planning Scheme.

The site has a frontage of approximately 32 metres to Sutherland Street. Access to the site is obtained from Sutherland Street, which is constructed to 9.5 metre wide bitumen sealed standard for the full frontage of the subject land.

The site is used for a community care centre which is operated from a converted dwelling house. Two small carports are established adjacent to the site's southern boundary, both of which will be removed as part of this proposed development.

The site is currently serviced by Mareeba's water, sewerage, electricity and telecommunication networks. The other allotments in the locality are typically used for residential purposes.

Adjoining properties are zoned Medium Density Residential and are developed with single dwelling houses and units. The adjoining unit development at 16 Sutherland Street is owned by the applicant.

The Mareeba State Primary School is located directly opposite this subject site.



Map Disclaimer:

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

1. MC98/23 - Material Change of Use (Medical Clinic)

Development Permit MC98/23 for material change of use was issued on 6 October 1998 authorising the use of the subject land as a medical clinic.

2. MCU/08/0064 - Material Change of Use (Community Facility)

Development Permit MCU/08/0064 for material change of use was issued on 20 January 2010 authorising the expansion of the existing medical centre to include a second storey and rear car park. This development did not proceed due to the construction of a new purpose built medical centre in Walsh Street, Mareeba.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Community Care Centre (expansion) in accordance with the plans shown in **Attachment 1**.

The proposal is to construct a 448m² (16m x 28m x 5.41m high) open carport at the rear of the existing Mulungu community care centre. The carport will be constructed of steel and trimdek and finished in colorbond colors of Surfmist grey(roof) and Cottage Green (gutters). A concrete ground surface is proposed.

There is no change proposed to the day to day operations of the community care centre, instead this application seeks to formalise and improve the on-site car parking arrangements for the existing use.

A minimum two (2) metre setback will be provided between the carport and all boundaries. A 1.8 metre high solid screen fence is proposed around the side and rear boundaries. Additional landscaping will be established within the two (2) metre setback.

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
Zone:	Medium Density Residential zone
	Airport environs overlay
Overlays:	Bushfire hazard 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
Community care centre	Premises used to provide social support where no accommodation is provided. Medical care may be provided but is ancillary to the primary use.	Disability support services, drop in centre, respite centre, integrated Indigenous support centre	Child care centre, family day care, home based child care, health care services, residential care facility

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.5.6 Element - Community facilities

3.5.6.1 Specific outcomes

- (1) *The development and reuse of cultural facilities and precincts is:*
 - (a) *compatible with the surrounding area;*
 - (b) *provided with a high level of amenity and safety for users of the site;*
 - (c) *located to be easily accessible to the majority of residents.*
- (2) *Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.*
- (3) *Community facilities are redeveloped in a way that is functional, safe and sensitive to the community's needs. Development of these sites is cognisant of the existing character and adjoining land uses of the area and addresses the street frontage to create a high level of accessibility and legibility to the community.*

Comment

The proposed open carport will be sited at the rear of the established community care centre.

The carport will have a colorbond finish with 'surfmist' for the roof and 'cottage green' gutters. Its location at the rear of the existing centre and the erection of a 1.8 metre high screen fence will reasonably maintain visual amenity.

The subject land has approval for a community care centre and the scale of the carport is commensurate with the requirements of this centre. Other large scale development in the vicinity includes the Mareeba State Primary School which is located directly to the west.

All established landscaping along the site's Sutherland Street frontage will be retained.

The development complies.

3.5.7 Element—Health

3.5.7.1 Specific outcomes

- (1) *The establishment of new medical services and facilities, particularly in small communities with limited access to healthcare, is facilitated.*
- (2) *Access to existing health facilities and regional hospitals is enhanced by consolidation and improvements within their immediate vicinity, such as:*
 - (a) *enhanced pedestrian orientation and infrastructure;*
 - (b) *universal housing to support ageing and impaired residents who may require regular medical treatment;*
 - (c) *the integration of universal design principles into the built environment, ensuring access to both the able bodied and the physically disabled.*
- (3) *Areas within walking distance of key regional hospitals and health care services provide infill development opportunity for people who depend on access to these facilities.*

Comment

The proposed development would improve access to the existing community care centre.

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
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Community activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes 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.

REFERRALS

This application did not trigger a referral under Schedule 10 of the *Planning Regulation 2017*.

Internal Consultation

Technical Services

Water & Waste (Building over sewer advice & process)

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 15 August 2018 to 5 September 2018. The applicant submitted the notice of compliance on 6 September 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No properly made submissions were received.

Following the completion of the public notification, correspondence was received from the owners of the adjoining rear property at 22 Middlemiss Street.

The correspondence raised no objection to the proposed development, subject to all stormwater being discharged to the Sutherland Street frontage. The development has been conditioned to ensure stormwater is discharged to the front kerb.

PLANNING DISCUSSION

Nil

PROPOSAL PLANS

ATTACHMENT 1

Mulungu Health



A product of
Queensland Globe



5 metres

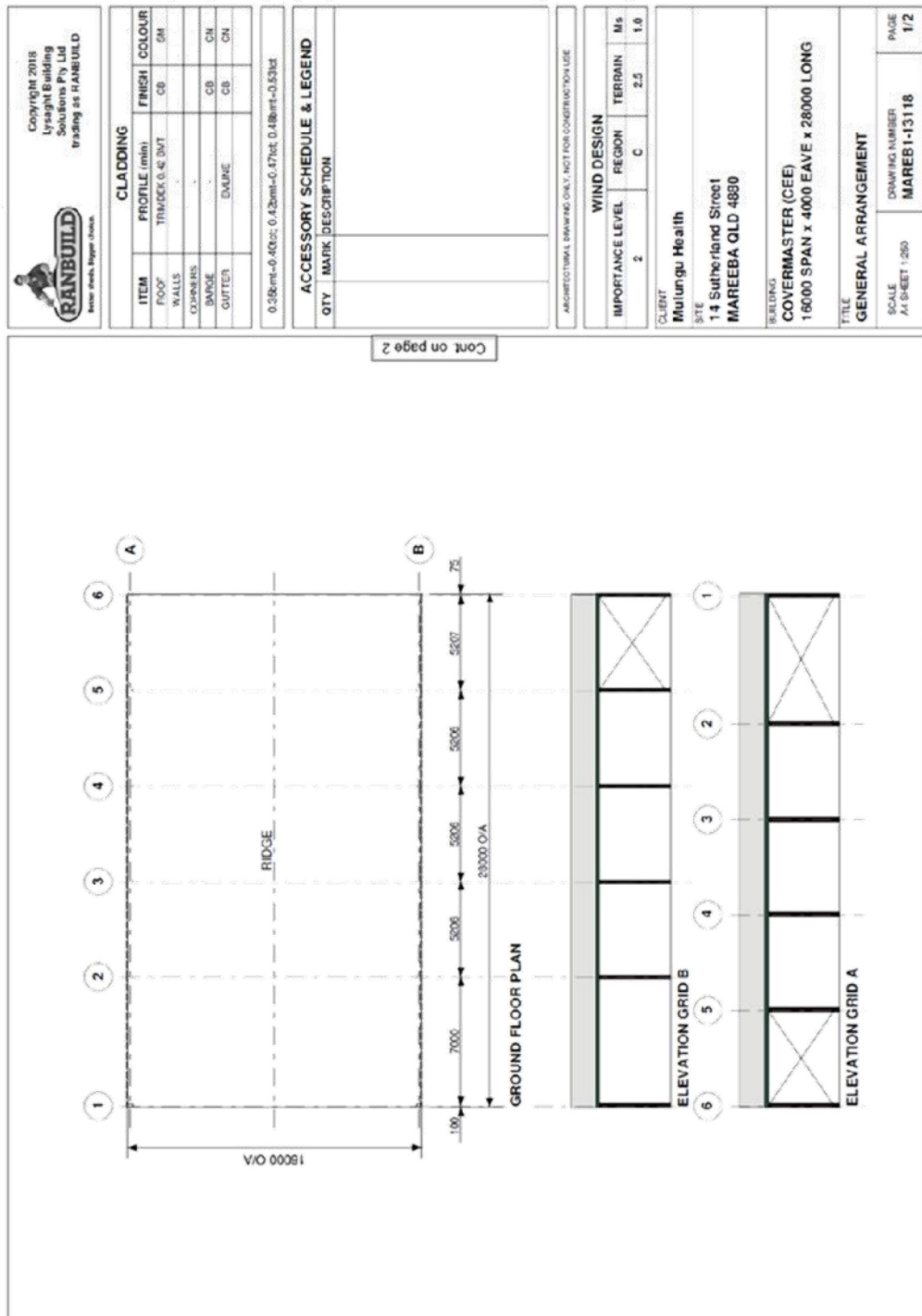
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Print Date: 19/2/2018

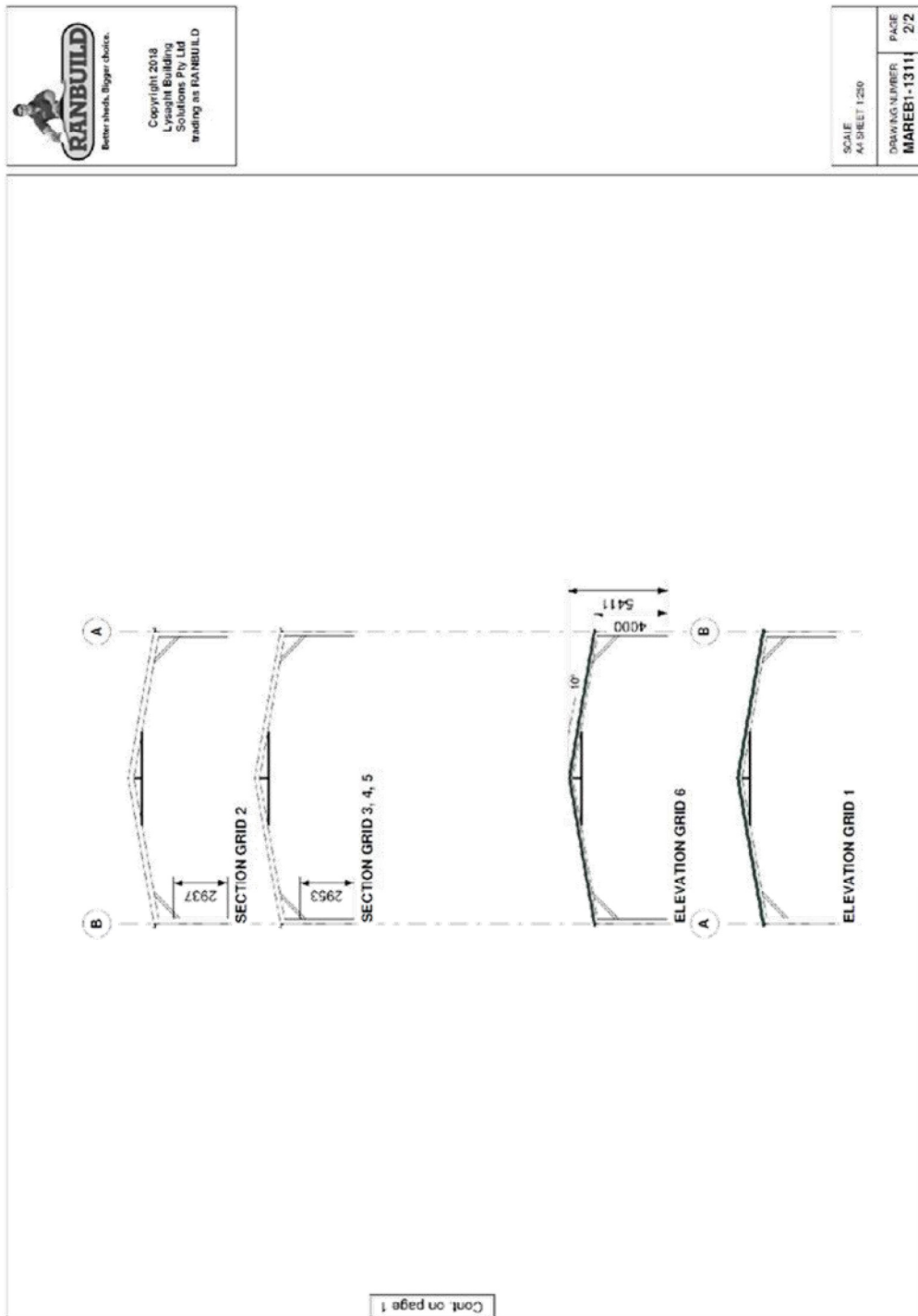
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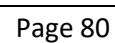
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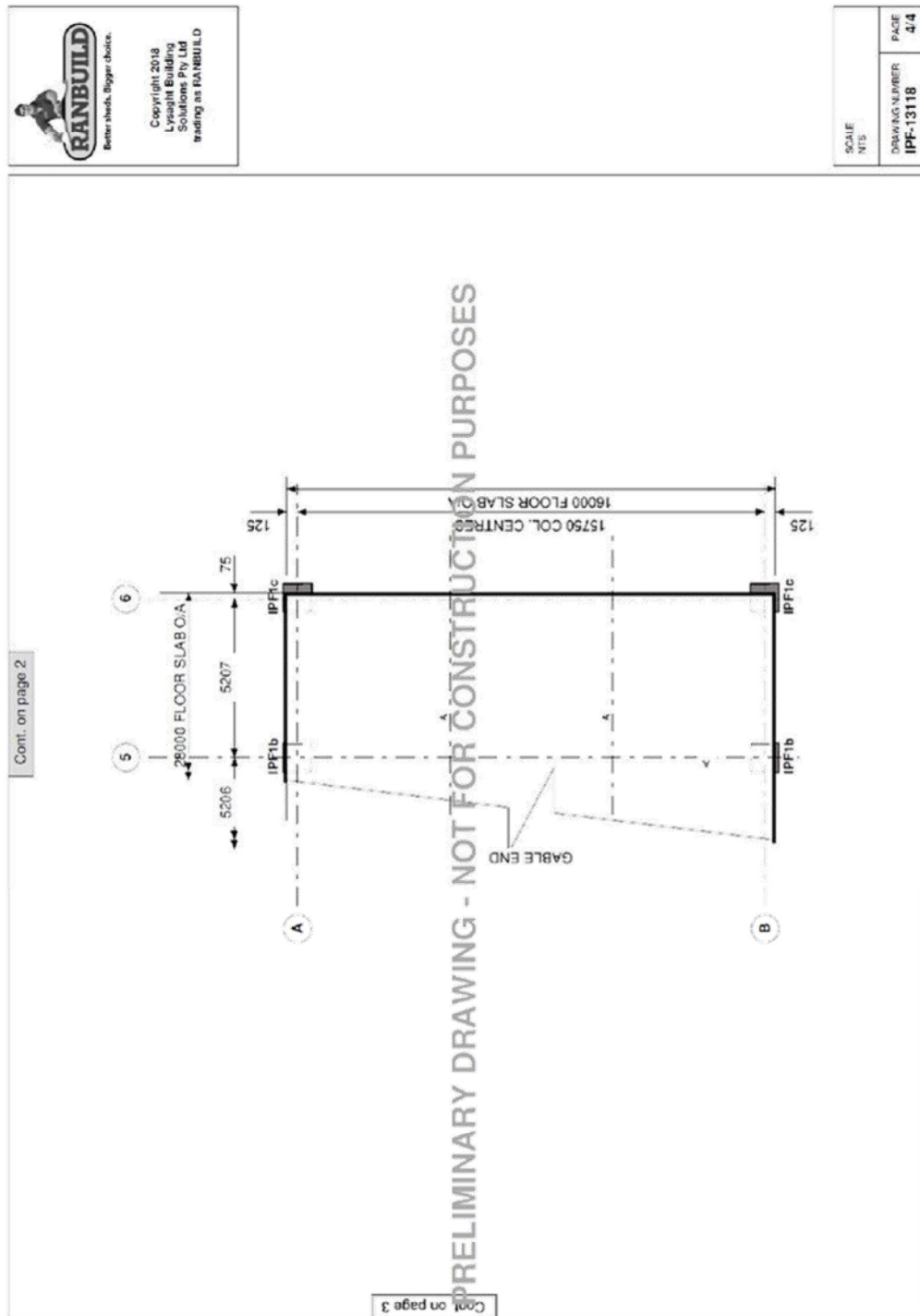


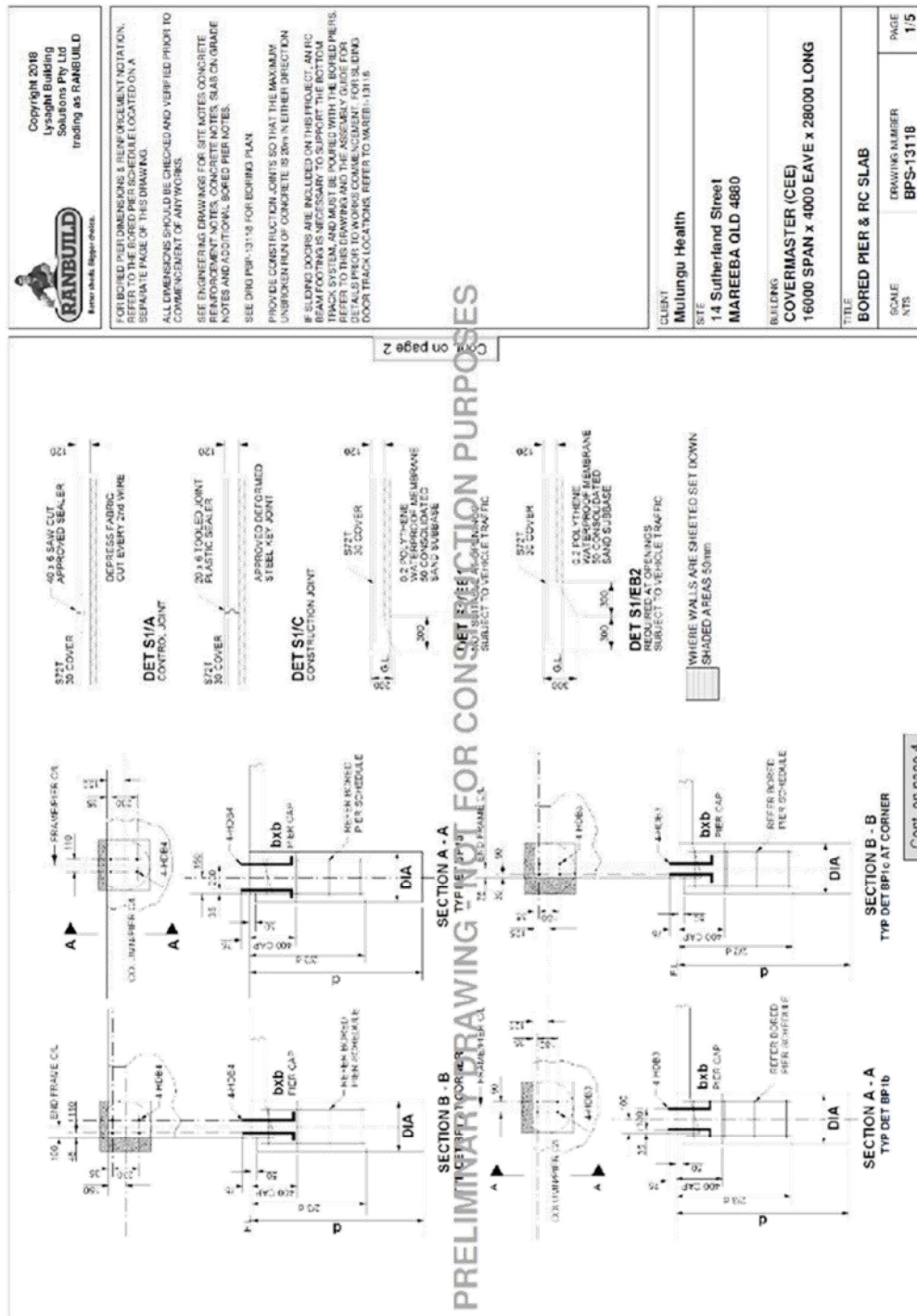


PRELIMINARY DRAWING - NOT FOR CONSTRUCTION PURPOSES

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<div>Cont. on page 1</div>			
<div>PRELIMINARY DRAWING - NOT FOR CONSTRUCTION PURPOSES</div>			
<div>Cont. on page 4</div>			
<div>INTEGRAL PAD FOOTING SCHEDULE</div>			
CENTRE LINE REFERENCE	FRAME REFERENCE(S)	LABEL	d x b x b
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A	2	IPF1a	900 x 900 x 900
A	3, 4, 5	IPF1b	900 x 900 x 900
A	6	IPF1c	900 x 900 x 900
B	1	IPF1	900 x 900 x 900
B	2	IPF1a	900 x 900 x 900
B	3, 4, 5	IPF1b	900 x 900 x 900
B	6	IPF1c	900 x 900 x 900








BORED PIER SCHEDULE FOR PIER CAPS CAST INTEGRAL WITH RC FLOOR SLAB					
CENTRE LINE REFERENCE	FRAME REFERENCE(S)	LABEL	DIA x d	PIER CAP (b x b) REINFORCEMENT	
A	1	BP1	600 x 1650	6M16 VERT R6 TIES @ 300	Cont. on page 1
	2	BP1a	600 x 1650	6M16 VERT R6 TIES @ 300	
	3, 4, 5	BP1b	600 x 1650	6M16 VERT R6 TIES @ 300	
B	1	BP1	600 x 1650	6M16 VERT R6 TIES @ 300	Cont. on page 3
	2	BP1a	600 x 1650	6M16 VERT R6 TIES @ 300	
	3, 4, 5	BP1b	600 x 1650	6M16 VERT R6 TIES @ 300	
B	6	BP1c	600 x 1650	6M16 VERT R6 TIES @ 300	



SCALE N/A	DRAWING NUMBER BPS-13118	PAGE 2/5
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<p>BORED PIER SCHEDULE FOR PIERS WITH NO FLOOR OR ISOLATED FROM RC FLOOR SLAB</p>					
CENTRE LINE REFERENCE	FRAME REFERENCE(S)	LABEL	DIA x d	PIER CAP (b x b) REINFORCEMENT	
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A	2	BP1a	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	
A	3, 4, 5	BP1b	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	
B	1	BP1	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	
B	2	BP1a	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	
B	3, 4, 5	BP1b	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	
B	6	BP1c	600 x 2850	600 x 600 6N16 VERT R6 TIES @ 300	

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