



Ordinary Meeting

Council Chambers
Date: 20 December 2017
Time: 9:00am

AGENDA - PART 1

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 20 DECEMBER 2017** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES

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CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING**

ITEM-1 **ALGAGRESU PTY LTD - MCU - FUNCTION FACILITY
AND SHORT TERM ACCOMMODATION - LOT 97 NR273 -
549 MALONE ROAD, MAREEBA - DA/17/0009**

MEETING: Ordinary

MEETING DATE: 20 December 2017

**REPORT OFFICER'S
TITLE:** Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|---------------------------------|--|----------------|-----------------------------|
| APPLICANT | Algagresu Pty Ltd | ADDRESS | 549 Malone Road, Mareeba |
| DATE LODGED | 4 April 2017 | RPD | Lot 97 on NR273 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Function Facility and Short-Term Accommodation | | |

| | | | |
|--------------------------------|---|--------------|-------------------|
| FILE NO | DA/17/0009 | AREA | 62.638 hectares |
| LODGED BY | Urban Sync | OWNER | Algagresu Pty Ltd |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme - July 2016 | | |
| ZONE | Rural zone | | |
| LEVEL OF ASSESSMENT | Impact Assessment | | |
| SUBMISSIONS | One submission received (no objections) | | |

ATTACHMENTS: 1. Proposal Plan/s
 2. Submitter letters

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. One (1) submission was received during public notification of the application which did not object to the proposed development.

The applicants propose the re-use of an existing large dwelling (1,200m² gross floor area) and surrounding grounds which include a maintenance shed, caretaker's residence, swimming pool and tennis court for use as a function and short-term accommodation facility. The facility, known as 'Emerald Lodge', will provide nine (9) non self-contained bedrooms for use as short-term accommodation for function guests and other tourists, while the surrounding grounds, in conjunction with the Lodge facilities are proposed to be used as a venue for functions such as weddings, business meetings and conferences, catering for up to 120 persons.

It is understood Emerald Lodge has previously been used for both a functions and short-term accommodation facility, with the landowners now wanting to formalise both uses on-site.

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

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:

| APPLICATION | | PREMISES | |
|-----------------------------|---|----------------|--------------------------|
| APPLICANT | Algagresu Pty Ltd | ADDRESS | 549 Malone Road, Mareeba |
| DATE LODGED | 4 April 2017 | RPD | Lot 97 on NR273 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Function Facility and Short-Term Accommodation | | |

and in accordance with the Sustainable 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), 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 - Function Facility and Short-Term Accommodation

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---------------------------|------------------------|------------|
| - | Site Plan (Whole Site) | Urban Sync Pty Ltd | - |
| - | Site Plan (Emerald Lodge) | Urban Sync Pty Ltd | - |
| Job No. 841 Sheet W1 | Floor Plan | Peter Dall'alba Design | March 2002 |

(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 demonstrate to 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 or the additional payment condition/s within these 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 payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.5 Noise Nuisance

- 3.5.1 The applicant/developer must ensure the short-term accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
- 3.5.2 Any noise generated by the functions facility component of the development will be managed in accordance with the Environmental Protection Act 1994 or by Liquor Licensing for any licensed functions.
- 3.5.3 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved uses unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) On site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

3.7 Bushfire Management

- 3.7.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.
- 3.7.2 A Bushfire Management Plan for the approved uses, incorporating evacuation procedures for guests, must be prepared to the satisfaction of Council's delegated officer. The approved uses must comply with the requirements of the Management Plan at all times.

3.8 Length of Stay

The maximum length of stay for guests must not typically exceed three (3) consecutive months, unless otherwise approved by Council's delegated officer.

3.9 Signage

- 3.9.1 No more than one (1) advertising sign for the approved uses is permitted on the subject site, to be sited either on the fence line or within the property bounds.
- 3.9.2 The sign must not exceed a maximum sign face area of 3m² and must not move, revolve, strobe or flash.
- 3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.
- 3.9.4 The sign must be removed when no longer required.
- 3.9.5 The erection and use of any advertising sign must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

3.10 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the reception building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

"Guest should take note:

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

3.11 Function Capacity

Function events held on-site shall be limited to a maximum of 120 guests, unless otherwise approved by Council.

4. Infrastructure Services and Standards

4.1 Access

The existing bitumen sealed access crossover in the south-west corner of the site must be upgraded/constructed (from the edge of Malone Road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

Access to the development is limited to the abovementioned access only. No guests are permitted to access the Lodge facility via any other site access point.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

4.3.1 Prior to the commencement of the use, the applicant/developer must ensure the development is provided with the following car parking facilities which are available solely for the parking of vehicles associated with the use of the premises:

- six (6) sealed parking spaces that are delineated and appropriately drained; and
- easily accessible, relatively level grassed area/s within proximity to the Lodge building capable of accommodating a minimum of 31 standard sized vehicles.

All car parking areas must be maintained in the abovementioned condition for the life of the development, to the satisfaction of Council's delegated officer.

Should Council receive any substantiated dust complaints as a result of lack of maintenance over any grassed parking areas, the applicant/developer must surface treat affected areas to a compacted gravel standard in order to minimise dust nuisance, to the satisfaction of Council's delegated officer.

Spill over parking is not permitted within the Malone Road road reserve or within the road reserve adjacent the Lodge building.

4.3.2 The internal driveway servicing the development must be maintained to a bitumen/asphalt sealed standard and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Lighting

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

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as

documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

Note: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

4.5 Water Supply

- (i) The development must be provided with a potable water supply that satisfies the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- (ii) All non-potable water supplied to the development must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

4.6 On-Site Wastewater Management

All on site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

5. Additional Payment Condition (section 650 of the Sustainable Planning Act 2009)

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The applicant/developer must pay \$9,135.00 as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$9,135.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.

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

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

(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) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

(d) 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.

(e) 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.

(f) 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

(g) Cultural Heritage

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

(E) RELEVANT PERIOD

When approval lapses if development not started (s.341)

- Material Change of Use – four (4) years (starting the day the approval takes effect);

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

- Nil

(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 549 Malone Road, Mareeba and is described as Lot 97 on NR273. The site is generally regular in shape with a total area of 62.638 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains 500 metres of frontage to Malone Road which is constructed to bitumen sealed standard for this entire frontage. Access is gained to the site from Malone Road via a gravel crossover in the north-west corner of the site and another bitumen sealed crossover in south-west corner of the site.

The site contains a number of improvements which include a large shed in the north-west corner of the site (previously used as a water bottling facility), a cluster of improvements setback into the lot adjacent the north-west boundary which include a dwelling and multiple outbuildings including packing sheds, and another cluster of improvements adjacent the south-east boundary of the site which include the Lodge, maintenance sheds, caretaker's residence, swimming pool and tennis court. Two (2) dams also exist on site and Emerald Creek flows immediately behind the property. The front half of the site is used for banana cropping while the rear half of the site remains relatively unused and vegetated.

An undeveloped road reserve spans the entire south-east boundary of the site while the SunWater channel partially spans the north-west boundary. A SunWater easement also traversed through the north-east corner of the site. A bitumen sealed driveway runs along the south-east boundary of the site and partially within the abovementioned section of undeveloped road reserve. This driveway is used to access Emerald Lodge directly from Malone Road.

Land surrounding the site is zoned Rural and used for a range of cropping activities including Lychees, Limes, Sugar Cane and Mangoes. The portion of the subject site proposed to be used for the functions facility and short-term accommodation is outlined on the below maps.



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

It is understood that the landowners have been using Emerald Lodge as a functions and short-term accommodation facility on an informal basis for the past three 3 years. On the advice of Council officers, the landowners have now lodged this application for material change of use - functions facility and short-term accommodation in order to formalise these uses over the site.

Council has not previously received any complaints about the Lodges operation.

PREVIOUS APPLICATIONS & APPROVALS**MC2004/15 - Water Bottling Plant**

Council, at its Ordinary Meeting on 15 June 2004, approved an application for development permit for material change of use - water bottling plant, on land described as Lot 97 on NR273, situated at 549 Malone Road, Mareeba.

It is understood the water bottling plant was operational on the subject site for a short period of time and has since been decommissioned.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Function Facility and Short-term Accommodation in accordance with the plans shown in **Attachment 1**.

The application provides the following detailed information about the proposed uses:

"This application seeks to outline the existing arrangements associated with the Emerald Lodge, in aid of formalizing the use/s over the subject land. It is recognised that the Lodge primarily operates as a facility to cater for destination weddings, with the lodge offering a small amount of accommodation services (nine (9) ensuite rooms) and functions facilities to cater for a maximum of 120 guests. The Lodge prides itself on the location in which it is sited, offering guests a unique experienced nestled within the Australian outback, therefore the highest regard is paid to ensuring the character and amenity of the area is maintained to the highest standard.

The proposed development represents the formalisation of the existing use/s in operation on the subject land with respect to Emerald Lodge, with the site presenting a shared use arrangement between the Lodge and the existing Banana Farm. The Lodge itself comprises primarily of two (2) main structures, the main accommodation building and the Caretakers residence; along with a series of small outbuildings to support the operation/maintenance of the Lodge itself. The Lodge supports nine (9) non-self-contained rooms and provides functions services for destination weddings that supports a total maximum of 120 persons.

The portion of the subject land dedicated to the operation of the Lodge is approximately 1.6ha in size and presents a dedicated access driveway separate to that associated with the existing farm. The Applicant has recognised the importance of the amenity and character values of the general locality; and has sought to include arrangements (i.e. landscaping, etc.) to ensure these values are either maintained or enhanced.

The current arrangements in operation of the subject land as part of the Lodge are:

- *Accommodation Services:*
 - *Nine (9) non-self-contained bedrooms, communal dining, lounge, and kitchen facilities contained in dedicated primary structure;*
 - *Detached single dwelling to support on-site management activities;*
 - *Internal and external recreation facilities, such as swimming pool, tennis court, pool table, small children's' playground, etc.;*
- *Event Services:*
 - *Services focused on providing a unique location for weddings, with ceremonies primarily held on the front lawn.*
 - *Associated receptions are either held on the front lawn or the wrap around open verandas of the Lodge;*
 - *A maximum of 120 persons can be accommodated;*
 - *All equipment required for each event is temporary, and is set up and packed away the day of the event.*
- *Other Arrangements:*
 - *Dedicated vehicular access via Malone Road;*
 - *Onsite parking (sealed and unsealed) to support approx. thirty-seven (37) spaces; and*
 - *Existing mature vegetation to all boundaries of the Lodge use area.*

The Lodge operates seven (7) days a week, with a majority of functions held over a weekend, with weddings typically starting around 2pm and generally concluding around 10-11pm. The Lodge currently hires three (3) staff to operate the Lodge, with additional staff hired to cater for events if required.

Guests are afforded an option of holding their event on the wraparound verandahs of the main Lodge building or under a marquee on the lawn, both of which are available to cater for guests up to a maximum of 120 persons. Currently, however, most functions average around 20 to 30 persons. The site dedicated to the use of the Lodge supports approximately 37 off street parking spaces, six (6) of which are located on the sealed area directly adjacent the main building to south, with all other spaces accommodated on the adjacent grassed area."

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|---|
| Strategic Framework: | Rural Other |
| Zone: | Rural zone |
| Overlays: | Agricultural land overlay Airport environs overlay Bushfire hazard overlay Regional infrastructure corridors and substations 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 |
|--------------------------|--|---|---|
| Function facility | Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site. | Conference centre, reception centre | Community use, hotel |
| Short-term accommodation | <p>Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.</p> <p>The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.</p> | Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay | Hostel, rooming accommodation, tourist park |

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 - July 2016

Strategic Framework

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*

Comment

The proposed functions facility and short-term accommodation will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

- (2) *Land in rural areas is maintained in economically viable lot sizes, ensuring that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses.*

Comment

The proposed development is for a material change of use for functions facility and short-term accommodation. No reconfiguration is proposed and the development will only utilise a 1.6 hectare portion of the site that already contains permanent improvements and is therefore unlikely to be farmed in future.

The proposed development complies.

- (3) *Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the rural area in a way which:*
- (a) *does not impede or conflict with agricultural activities and production; and*
 - (b) *does not compromise rural character and scenic qualities; and*
 - (c) *does not adversely impact on ecological and biodiversity values.*

Comment

The proposed functions facility and short-term accommodation will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

- (5) *Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*

Comment

The proposed functions facility and short-term accommodation will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

3.7.2 Element—Rural and Agricultural land**3.7.2.1 Specific outcomes**

- (1) *Agricultural areas* are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.

Comment

The proposed development is for a material change of use for functions facility and short-term accommodation. No reconfiguration is proposed and the development will only utilise a 1.6 hectare portion of the site that already contains permanent improvements and is therefore unlikely to be farmed in future. The development will be appropriately setback from cropping activity both on the subject site and on surrounding properties and is unlikely to result in land use conflict.

The proposed development complies.

- (2) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.

Comment

The proposed development is for a material change of use for functions facility and short-term accommodation. No reconfiguration is proposed and the development will only utilise a 1.6 hectare portion of the site that already contains permanent improvements and is therefore unlikely to be farmed in future. The development will be appropriately setback from cropping activity both on the subject site and on surrounding properties and is unlikely to result in land use conflict.

The proposed development complies.

- (4) *Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.*

Comment

The proposed development represents the formalisation of the existing use/s in operation on the subject land with respect to Emerald Lodge, with the site presenting a shared use arrangement between the Lodge and the existing Banana Farm. The Lodge itself comprises primarily of two (2) main structures,

the main accommodation building and the Caretakers residence; along with a series of small outbuildings to support the operation/maintenance of the Lodge itself. The Lodge includes nine (9) non-self-contained rooms and provides functions services for destination weddings that support a total maximum of 120 persons.

The portion of the subject land dedicated to the operation of the Lodge (maintained grounds surrounding the Lodge) is approximately 1.6ha in size and includes a swimming pool and tennis court. No further encroachment onto agricultural land will occur.

The proposed development complies.

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

Comment

The proposed development is for a material change of use for functions facility and short-term accommodation. No reconfiguration is proposed and the development will only utilise a 1.6 hectare portion of the site that already contains permanent improvements and is therefore unlikely to be farmed in future. The development will be appropriately setback from cropping activity both on the subject site and on surrounding properties and is unlikely to result in land use conflict.

The proposed development complies.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

- (4) *The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's activity centres are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.*

Comment

The proposed development is somewhat reliant on the scenic qualities of the natural landscape on and adjacent the subject site. The proposed development will not impact on the scenic amenity values of the surrounding rural area.

The proposed development complies.

- (5) *A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:*
- (a) *tourist attractions and facilities within activity centres;*
 - (b) *cultural interpretive tours;*
 - (c) *nature based tourism;*
 - (d) *sports and recreational activities;*

- (e) *tourist attractions;*
- (f) *adventure tourism;*
- (g) *farm based tourism;*
- (h) *food based tourism;*
- (i) *bed and breakfasts;*
- (j) *camping and recreational vehicle facilities;*
- (k) *cycle tourism.*

Comment

The proposed development directly addresses the intent of Specific Outcome 5.

The development complies.

- (6) *Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.*

Comment

The proposed development is somewhat reliant on the natural landscape values both on and surrounding the subject site. The proposed development will not compromise the existing natural landscape values and unlikely to impact on surrounding agricultural uses.

The proposed development complies.

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.3.1 Accommodation activities code
- 9.3.2 Commercial activities code
- 9.4.1 Advertising devices 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 |
|-----------------|---|
| Rural zone code | The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code. |

| | |
|--|--|
| Agricultural land overlay code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code. Further commentary is warranted on the following:</p> <ul style="list-style-type: none"> ▪ AO1, PO2 and PO3 <p>Refer to planning discussion section of report.</p> |
| Airport environs overlay code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Bushfire hazard overlay code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Regional infrastructure corridors and substations overlay code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Accommodation activities code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Commercial activities code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Advertising devices code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |
| Landscaping code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code. Further commentary is warranted on the following:</p> <ul style="list-style-type: none"> ▪ AO3.1, AO3.2 and AO3.3 <p>Refer to planning discussion section of report.</p> |
| Parking and access code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code. Further commentary is warranted on the following:</p> <ul style="list-style-type: none"> ▪ AO1, AO3 and AO5.1 <p>Refer to planning discussion section of report.</p> |
| Works, services and infrastructure code | <p>The application can be conditioned to comply with relevant acceptable solutions/performance outcomes contained within the code.</p> |

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

The bitumen sealed access driveway proposed to access the development from Malone Road runs within the bounds of the site for the majority of its length. However, before reaching the Lodge building, the last 80 metres of this driveway is situated within the undeveloped section of road reserve adjacent the site. Ordinarily, access roads within Council road reserve are required to be upgraded to FNQROC Development Manual standards, however, in this instance; the section of the road reserve containing the access driveway is isolated and not accessible by the general public without first traversing the subject site. Furthermore, the access driveway itself is bitumen sealed, and constructed to a higher standard than some public rural roads. For this reason, upgrade works to this section of the access driveway/road reserve are not considered necessary in this instance.

(f) Additional Trunk Infrastructure Condition - (Section 650 of SPA)

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA.

The proposed development will further add to the expected daily vehicle movements along Malone Road. The following assumptions and methodologies have been used to calculate the anticipated increase in vehicle traffic:

Functions Facility

Functions are primarily held over weekends and cater for a maximum of 120 guests.

In calculating car parking demand, as discussed in the planning discussions section of this report, it was considered that 24 parking spaces would be adequate to accommodate the demand likely to be generated by an average function (with ample spill-over parking available on-site for larger functions).

24 car parking spaces (24 cars) would generate 48 vehicle movements over any given weekend (52 weekends per year). Therefore - $48 \times 52 = \underline{2,496 \text{ vehicle movements per year}}$.

Short-Term Accommodation

Nine (9) non self-contained accommodation rooms are provided on-site for the proposed short-term accommodation use.

Two (2) vehicle movements per day per room and an occupancy rate of 75% has been assumed to calculate the traffic increase from the short-term accommodation use.

Therefore - $18\text{vmpd} \times 365 \text{ days} \times 0.75 \text{ (75\% occupancy rate)} = \underline{4,928 \text{ vehicle movements per year}}$.

Based on the above calculations, the proposed development is deemed to contribute an additional 7,424 vehicle movements per year, or 20.33 additional vehicle movements per day.

Considering a standard 2017/2018 roads contribution of \$4,500.00 is equivalent to the traffic from a standard allotment or 10 vehicle movements per day, the contribution application to this development should be 2.03 x the standard contribution as follows:

- $\$4,500.00 \times 2.03 = \underline{\underline{\$9,135.00}}$

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$9,135.00)

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

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

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

REFERRALS

Concurrence

This application did not trigger a referral to a Concurrence Agency.

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 16 August 2017 to 8 September 2016. The applicant submitted the notice of compliance on 11 September 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) submission was received from SunWater (**Attachment 2**) who did not object to the development, but provided comment with regards to the development potential to impact on their channel infrastructure. SunWater's concerns, where considered relevant, have been adequately addressed through conditions of approval.

Submitters

| Name of principal submitter | Address |
|-----------------------------|---|
| 1. SunWater Limited | PO Box 15536 City East, Brisbane QLD 4002 |

PLANNING DISCUSSION**Agricultural Land Overlay Code**

PO1 *The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

AO1 *Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n) unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*
- (f) intensive animal industry (only where for feedlotting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

Comment

A small portion of the proposed 1.6 hectare development footprint is mapped as agricultural land class A. This portion of the site contains improvements which include a dwelling, outbuilding and swimming pool and is therefore unlikely to support any future agricultural use.

The proposed development does not conflict with PO1.

PO2 *Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the Agricultural land overlay maps (OM-001a-n) are designed and located to:*

- (a) avoid land use conflict;*
- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) avoid reducing primary production potential; and*
- (d) not adversely affect public health, safety and amenity.*

Comment

The proposed development will utilise an existing large dwelling (Emerald Lodge) and grounds immediately surrounding the dwelling which include outbuildings, maintained lawns, swimming pool and tennis court. The proposed uses, being a functions facility and short-term accommodation is considered to be less susceptible to rural land use conflict than if this dwelling was used for conventional residential accommodation. The proposed development is appropriately setback from agricultural uses established on the subject site, and more importantly, from agricultural uses established on adjoining properties.

Considering the above, the development is not likely to result in future land use conflict or impact on surrounding agricultural activities.

PO3 *Development in the 'Class A' area or 'Class B' area identified on the Agricultural land overlay maps (OM-001a-n):*

- (a) ensures that agricultural land is not permanently alienated;*
- (b) ensures that agricultural land is preserved for agricultural purposes; and does not constrain the viability or use of agricultural land.*

Comment

A small portion of the proposed 1.6 hectare development footprint is mapped as agricultural land class A. This portion of the site contains permanent improvements which include a dwelling, outbuilding and swimming pool and is therefore unlikely to support any future agricultural use.

The proposed development does not conflict with PO3.

Landscaping Code

PO3 *Development includes landscaping and fencing alongside and rear boundaries that:*

- (a) screens and buffer land uses;*
- (b) assists to break up and soften elements of built form;*
- (c) screens areas of limited visual interest;*
- (d) preserves the amenity of sensitive land uses; and*
- (e) includes a range and variety of planting.*

A03.1 *Development provides landscape treatments alongside and rear boundaries in accordance with Table 9.4.2.3B.*

A03.2 *Shrubs and trees provided in landscape strips alongside and rear boundaries:*

- (a) are planted at a maximum spacing of 1 metre;*
- (b) will grow to a height of at least 2 metres;*
- (c) will grow to form a screen of no less than 2 metres in height; and*
- (d) are mulched to a minimum depth of 0.1 metres with organic mulch.*

A03.3 *Any landscape strip provided along a side or rear boundary is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.*

Comment

The proposed development footprint will be limited to a 1.6 hectare area of the site adjacent the south-east boundary, setback approximately 550 metres from Malone Road. This 1.6 hectare area contains the existing Lodge building, multiple outbuildings, caretaker's residence, maintained grounds, swimming pool and a tennis court.

It is considered that the proposed development will be effectively screened from view from both Malone Road users and adjoining properties by extensive existing mature vegetation. Although the Lodge building itself is visible from afar due to its size and the elevation of the portion of the site on which it is constructed, this visibility is not considered to detrimentally impact on rural amenity. Although the application discusses the planting of further landscaping around the Lodge, additional landscaping is not considered necessary in this instance and will not be required through a condition of approval.

The proposed development is considered to comply with PO3.

Parking and Access Code

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

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

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

Comment

The application includes the following commentary with regards to car park numbers:

"AO1 of the Parking and Access Code stipulates that the development must provide off-street parking in accordance with Table 9.4.3.3B, which has been formulated based on the Council's experienced parking demands generated by particular developments. In consideration of how the proposed Lodge operates, particularly with regards to functions, it is evident that in this instance, the anticipated parking demand provided under the Planning Scheme, does not accurately reflect the demand generated by the proposed development as the function facility use is generally undertaken on the lawn and open areas to the north and west of the dwelling and hence, there is no GFA calculated with the use.

As the AO is unable to be satisfied due to this discrepancy, the Applicant has sought to demonstrate compliance with the corresponding PO. As an alternate solution to resolve to calculate the parking demand in respect to the function facilities, the Applicant offers to calculate this via the maximum number of persons that can be accommodated over the site, instead of via maximum square meterage as the function options available over the land are static.

Through operating the Lodge over the past three (3) years, the Applicant has observed that a very high portion of people attending a function carpool. Therefore, it is offered that the parking demand for the Function Facility aspect of the development in this instance is more suitably calculated as per the maximum number of persons that can be accommodated in a standard vehicle - i.e. five (5) persons. Under this arrangement, it can then be determined that the demand generated by this use requires a total of twenty-four (24) spaces ($120/5 = 24$). In conjunction with the calculated demand generated by the Short-Term Accommodation use (e.g. 9 spaces), it can now be determined that the Lodge is expected to generate a total car parking demand of 33 spaces.

Provided/Available: 37 spaces (six (6) x sealed, unlinemarked spaces, plus 31 unsealed, unlinemarked spaces). In addition, it is offered that the informal secondary parking area also expresses the ability to cater for an overflow of cars, if required; allowing for flexibility with regards to the parking arrangements for functions.

In consideration of achieving the provision of the associated PO, it is offered that the existing parking arrangements demonstrate compliance with these provisions as:

- (a) the number of spaces are considered appropriate to accommodate for the proposed use (as outlined above).*
- (b) all spaces are located on the portion of the land dedicated for the use of the Lodge;*
- (c) not applicable*
- (d) not applicable*
- (e) the existing access and parking arrangements are accessible to all members of the public."*

Council planning officers accept the above representations and it is considered that the development complies with PO1. In the event that additional car parking is required, adequate space is available on-site in proximity to the Lodge to accommodate any demand.

PO3 *Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to:*

- (a) the intensity of anticipated vehicle movements;*
- (b) the nature of the use that they service; and*
- (c) the character of the surrounding locality.*

AO3 *Access, manoeuvring and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C.*

Comment

Table 9.4.3.3C requires that on-site car parking facilities be surface treated with minimum 150mm of compacted gravel and maintained to an all-weather, dust free standard.

The proposed development will include 6 sealed car parking spaces as well as grassed areas for a further 31 vehicles, with additional grassed spill over parking also available on-site. A compacted gravel seal is not proposed, making the development non-compliant with AO3.

Given the location of the site in a rural area, as well as the developments reliance on the appeal of the sites rural character, a grassed car parking area for large functions is considered a reasonable outcome in this instance and is not an uncommon outcome for developments in the rural zone.

A condition will be attached to any approval requiring the reasonable upkeep of grass cover over the proposed informal car park areas.

The proposed development can satisfy PO3.

PO5 *Access to, and manoeuvring within, the site is designed and located to:*

- (a) ensure the safety and efficiency of the external road network;*
- (b) ensure the safety of pedestrians;*
- (c) provide a functional and convenient layout; and*
- (d) accommodate all vehicles intended to use the site.*

AO5.1 *Access and manoeuvrability is in accordance with :*

- (a) AS28901 – Car Parking Facilities (Off Street Parking); and*
- (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities.*

Comment

Adequate access to the proposed development will be provided from Malone Road via an internal bitumen sealed driveway. As discussed above adequate space for both formal and informal parking will be provided immediately adjacent the Lodge which will adequately accommodate the type of light vehicles likely to be used to access the development. The development is considered to comply with PO5 where relevant.

Date Prepared: 16 October 2017

ATTACHMENT 1

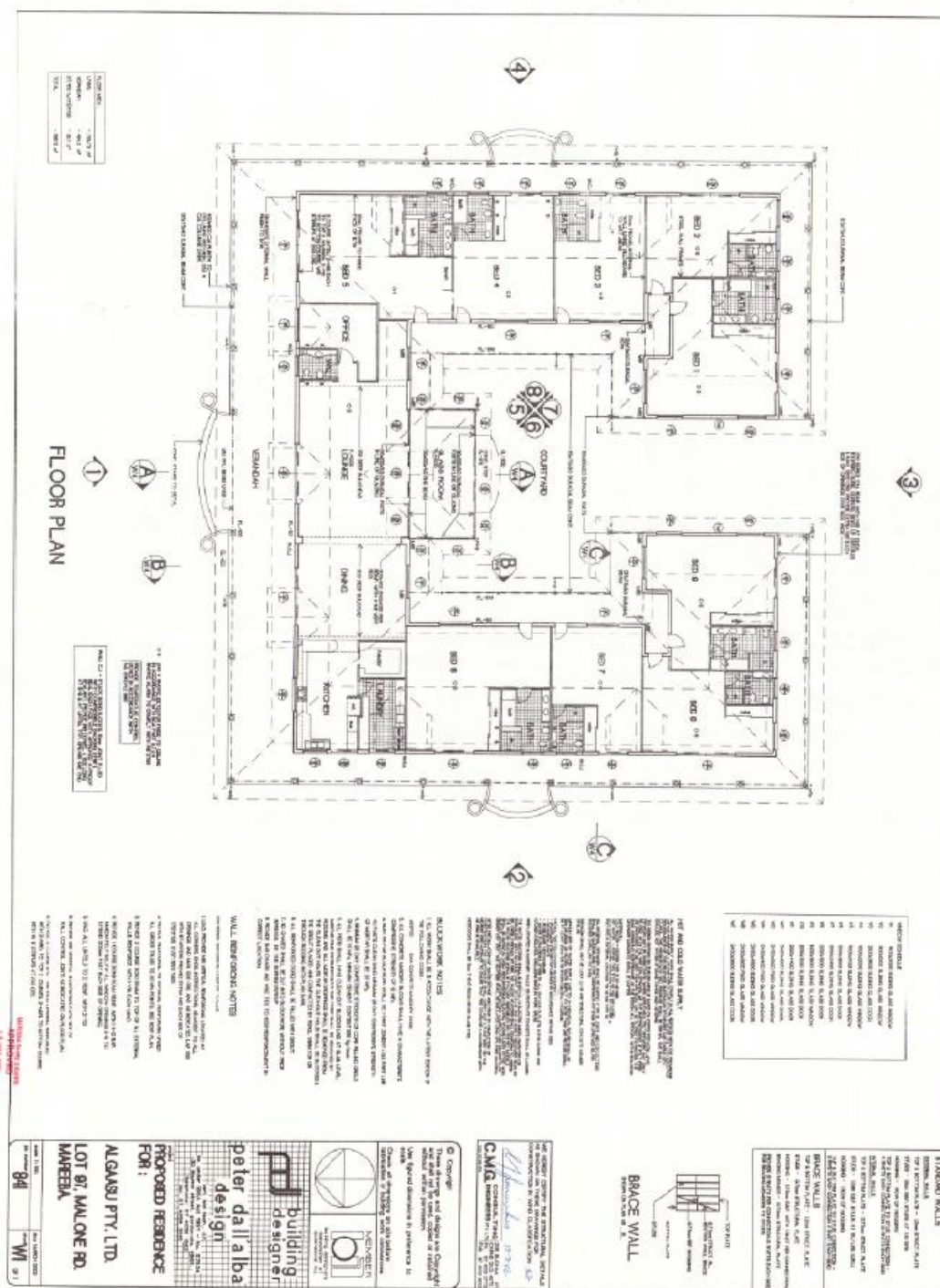
APPROVED PLANS (ECM Doc Set ID 3242049)



Figure 3: Site Plan (549 Malone Road, Mareeba).



Figure 4: Existing Site Plan - Emerald Lodge (549 Malone Road, Mareeba)



ATTACHMENT 2

Contact: Quin Nguyen
Our ref: 15-001571/001 - #2202687



7 September 2017

SunWater Limited
Level 10, 179 Turbot Street
PO Box 15536 City East
Brisbane Queensland 4002
www.sunwater.com.au
ACN 131 034 985

The Assessment Manager
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

By email: info@msc.qld.gov.au

Dear Sir/Madam

Public Notice of Development Permit for a Material Change of Use over land located at 549 Malone Road, Mareeba (being Lot 97 on NR273) - DA/17/0009

SunWater has received notification from Urban Sync of a submission of a development application for a Material Change of Use on behalf of Algagresu Pty Ltd concerning the above mentioned property.


SunWater's has no objections to the proposed Material Change of Use.

The development is adjacent to East Barron Main Channel which forms part of the Mareeba Water supply scheme. In regards to the development application SunWater requirements are as follows:

- Developer to ensure the proposed development has no impact or potential impact on SunWater Access Easement (being Easement A on RP719490 Dealing #602966757 over Lot 97 on NR273);
- SunWater fencing policy notes that if adjoining land is developed adjacent to SunWater channel area it requires for the developer to install/upgrade the boundary fence to SunWaters minimum standard. The minimum standard for rural areas is a four strand galvanised barbed wired fence with posts every 3.3 metres. There would also be a requirement to install a gate where SunWater would enter from the easement area. This would be required to be padlocked and a key provided to SunWater. All costs for the fencing would be at the developer's expense; and
- Any water supply that is non-potable would be developer's responsibility to provide potable water. SunWater cannot guarantee supply water storage on the property may be required.

Should you have any queries regarding the above, please contact the Senior Property Advisor, Robyn Desrettes on 3120 0087 or Service Manager- Mareeba on 4086 3107.

Yours sincerely


Robyn Desrettes
Senior Property Advisor

MAKING WATER WORK

**ITEM-2 REEDLODGE PTY LTD - MCU - SHOPPING CENTRE -
LOT 78 SP152626 - 232 BYRNES STREET, MAREEBA -
MCU/17/0011**

MEETING: Ordinary

MEETING DATE: 20 December 2017

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|----------------------|--|----------|--------------------|
| APPLICANT | Reedlodge Pty Ltd | ADDRESS | 232 Byrnes Street |
| DATE LODGED | 29 September 2017 | RPD | Lot 78 on SP152626 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Shopping Centre | | |

| | | | |
|----------------------------|--|--------------|-------------------|
| FILE NO | MCU/17/0011 | AREA | 1.207 hectares |
| LODGED BY | Urban Sync | OWNER | Reedlodge Pty Ltd |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Centre zone | | |
| LEVEL OF ASSESSMENT | Code Assessment | | |
| SUBMISSIONS | n/a | | |

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response – 30 November 2017

EXECUTIVE SUMMARY

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

The application is code assessable and was not required to undergo public notification.

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 noteworthy that the Department of Infrastructure Local Government and Planning has conditioned a four (4) way signalised intersection for the intersection of Herberton Street and Byrnes Street.

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

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|--------------------|
| APPLICANT | Reedlodge Pty Ltd | ADDRESS | 232 Byrnes Street |
| DATE LODGED | 29 September 2017 | RPD | Lot 78 on SP152626 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Shopping Centre | | |

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Shopping Centre

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|-----------------------|--------------|------------|
| 4777 SD1001 A | Location Plan | Cotteeparker | 18/08/2017 |
| 4777 SD1201 A | Existing Site Plan | Cotteeparker | 08/09/2017 |
| 4777 SD1002 G | Site Plan | Cotteeparker | 22/09/2017 |
| 4777 SD2001 C | Ground Floor Plan | Cotteeparker | 08/09/2017 |
| 4777 SD2002 C | Roof & Mezzanine Plan | Cotteeparker | 08/09/2017 |
| 4777 SD3001 D | Elevations | Cotteeparker | 12/09/2017 |
| 4777 SD3101 B | Sections | Cotteeparker | 08/09/2017 |
| 4777 SD0201 A | 3D Drawings & Renders | Cotteeparker | 08/09/2017 |
| 4777 SD0202 A | 3D Drawings & Renders | Cotteeparker | 08/09/2017 |

(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 and the conditions of the State Referral Agency.
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 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

- 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations after 10p.m. on a day to 7a.m. on the next day.
- 3.4.2 The applicant/developer 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.
- 3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

3.5 Waste Management

On-site refuse storage area/s must be provided and 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.

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 Trolley Bays

Trolley bay areas must be provided on the site generally in accordance with Drawing No. SD1002 Issue G.

3.7 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

3.8 Amenity

3.8.1 Any walls built to the boundary must be finished as a blank wall including low maintenance finishes and materials, to the satisfaction of Council's delegated officer.

3.8.2 All building materials and colours to be used must be non-reflective and be generally in accordance with the approved plans to the satisfaction of Council's delegated officer.

3.9 No trucks, other than service vehicles for the shopping centre, are permitted to park on the subject land when the shopping centre is closed to the public. All service vehicles must leave the subject land as soon as reasonably practical after serving the shopping centre.

4. Infrastructure Services and Standards

4.1 Access

Any crossover/s used to access the development must be constructed to **Commercial** standard (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all reasonable steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit a revised Stormwater Management Plan 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.

4.2.3 Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:

- I. Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.
- II. Provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.
- III. Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact for all relevant design events.

4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan.

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

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with at least 139 on-site car parking spaces, generally in accordance with Drawing No. SD1002 Issue G, which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Car parking shade structures must generally be provided in accordance with Drawing No. SD1002 Issue G.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications, prepared by a Registered Professional Engineer of Queensland (RPEQ) or an Architectural Building Designer, for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility;
- A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

4.4 Frontage Works - Byrnes Street

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 and the Department of Transport and Main Roads:

- 4.4.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.4.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).
- 4.4.3 On street car parking and service road generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G.
- 4.4.4 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Byrnes Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

4.5 Frontage Works - Rankin Street

The 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:

- 4.5.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.5.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).

- 4.5.3 The applicant must construct Rankin Street with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual.
- 4.5.4 On street car parking and service access generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G (as amended by the Department of Transport and Main Roads).
- 4.5.5 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Rankin Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

4.6 Landscaping and Fencing

- 4.6.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.6.2 Prior to the issue of the development permit for operational works, a detailed landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.6.3 The landscape plan should be generally consistent with landscaping shown on the submitted site plan (Drawing No. SD1002 Issue G) and demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- 4.6.4 The planting of street trees along the Byrnes Street and Rankin Street frontages must be included in the landscape plan.
- 4.6.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.6.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.7 Lighting

Prior to the issue of a development permit for operational works, the applicant/developer must provide to Council a detailed lighting plan prepared by a qualified professional detailing:

- (a) The lux levels on site and surrounding the site, particularly the footpaths.
- (b) The access and the car parking areas must be lit during trading hours in accordance the requirements of Australian Standard AS 1158.1.
- (c) Outdoor lighting must be in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.
- (d) All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

4.8 Water Supply

- 4.8.1 The developer must connect the proposed development to the Council's reticulated water supply system 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).

- 4.8.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8.1.

The engineering plans and specifications for the connection, including any requirement for onsite firefighting storage, must be accompanied by an engineering report demonstrating that Council's existing infrastructure will be able to provide the minimum acceptable standard of service for water reticulation.

4.9 Sewerage Connection

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

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).

- 4.9.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated sewerage system demonstrating compliance with Condition 4.9.1.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.

(c) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

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

(e) 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.

(f) 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.

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 30 November 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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

| Category | Use Charge | Unit of Measure | Charge Rate | No of Units | Amount |
|----------------------|-----------------|-----------------|-------------|-------------|---------------------|
| Proposal | | | | | |
| Commercial (Retail) | Shopping Centre | Per m2 of GFA | \$108.00 | 3,594 | \$388,152.00 |
| Credit | | | | | |
| High Impact Industry | Sawmill | Per m2 of GFA | \$42.00 | 6,000 | \$252,000.00 |
| TOTAL | | | | | \$136,152.00 |

THE SITE

The subject land is described as Lot 78 on SP152626, Parish of Tinaroo, County of Nares, having an area of 1.207 hectares. The land has a frontage to Byrnes Street of approximately 203 metres, with a secondary frontage to Rankin Street of approximately 82 metres. The site is also bound by the railway line to the west and Herberton Street is located at the intersection in the south-east corner of the site.

The subject site is vacant, flat and relatively unconstrained by natural or physical features (vegetation, watercourses etc.).

Formerly the site was used for the treatment of timber (sawmill) using copper/chromium/arsenic preservatives. The lot has been vacant since the demolition of sawmill approximately 10 years ago. Contaminated soil and associated bricks/rubble remain on site in a containment cell. This results in the land being subject to a site management plan approved by the relevant State government department in 2009.

Neighbouring allotments to the north, south and east are zoned Centre under the Mareeba Shire Council Planning Scheme 2016. Properties in the general locality are used for a variety of land uses including the Mareeba Plaza Shopping Centre, Byrnes Street business district and residential uses.

Byrnes Street is currently constructed to a 33 metre wide bitumen standard for the majority of the frontage of the subject land. The 33 metre width incorporates a median strip down the central line of the road and car parking on both sides.



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

1. Development Application MC99/43 - Material Change of Use - Shopping Centre. Decision notice (**approval**) issued by Mareeba Shire Council on **9 March 2000**. The approval was **overturned** in the Planning and Environment Court following an objector appeal.
2. Development Application RC2002/1 - Reconfiguring a Lot - Subdivision (1 into 9 lots). Decision notice (**approval**) issued by Mareeba Shire Council on **22 April 2002**. Development approval not acted upon and has **lapsed**.
3. Development Application MCU/08/0029 - Material Change of Use - Shopping Centre. Decision notice (**approval**) issued by Tablelands Regional Council on **8 June 2010**. Development approval not acted upon and has **lapsed**.
4. Development Application DA/12/0040 - Reconfiguring a Lot - Subdivision (1 into 9 lots). Decision notice (**approval**) issued by Tablelands Regional Council on **8 April 2013**. Development approval remains **current** until 13 April 2019.

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The proposed development includes the following key elements:

- 2,800m² supermarket with a max height of 8.45m and a rear located loading dock with access via Rankin Street;
- 794m² of specialty retail shops, inclusive of an outdoor dining area. Awnings to all retail components, both internal to the site and within the Byrnes Street road reserve, where built to the site's frontage, are also provided. A service and loading dock for the retail component of the proposed development is provided behind the 200m² retail space with access to be achieved from Byrnes Street via the internal car parking area;
- A central forecourt with awning;
- Amenities located behind the 166m² retail space and consisting of male and female toilets, a parent's room and end of trip facilities;
- The development will be constructed with painted and grooved, tilt panels and include additional architectural elements/features such as:
 - Eastern Elevation: feature masonry; feature timber cladding; forecourt glazing; shopfront glazing; and articulation, fenestration and varying roof profiles to add visual interest when viewed from Byrnes Street;
 - Western Elevation: forecourt glazing and trellis and planting screened retail loading dock;
 - South Elevation: feature timber cladding; shopfront glazing; and articulation, fenestration and varying roof profiles to add visual interest when viewed from the internal car park, Byrnes Street and the adjacent rail corridor; and
 - Northern Elevation: trellis and planting screened rear loading dock; and screen to plant deck.

Operating hours are expected to follow that of other similar shopping centres within the Mareeba central business district.

A total of 1,646m² of landscaping is proposed, inclusive of:

- A two (2) metre wide landscape strip along the eastern boundary in between the Byrnes Street service road and the internal car park, as well as a large (min dimension 8m x 50m) open space/landscape area adjacent to the Byrnes Street/Rankin Street intersection;
- A 1.5-metre-wide landscape strip along the western boundary, adjacent to the car park area only i.e., where the proposed development is not built to the boundary;
- A two (2) metre wide landscape strip along the southern boundary; and

- A two (2) metre wide landscape strip along the northern boundary where the proposed development is not built to the boundary.

Access (ingress and egress) to the site via Byrnes Street is proposed via a new roundabout to be constructed at the Byrnes Street and Herberton Street intersection. Access (ingress and egress) to the site will also be achievable from a new centrally located access via the Byrnes Street service road. The current ingress to the service road from Byrnes Street will be relocated northward.

The existing central ingress and egress to/from Byrnes Street to the service road will be modified to provide egress only, while also being moved to the north. This egress is being provided to reduce the potential for queuing within the service road from the egress adjacent to the Byrnes Street/Rankin Street intersection.

Both access points to the site will be for private vehicles accessing the site/car parking areas, while larger vehicles required to access the retail loading dock and adjacent refuse area will utilise the new access of the roundabout only.

A separate ingress and egress to the site will be provided via Rankin Street for heavy vehicles to utilise the supermarket loading dock, as well as for private vehicles to utilise the car parking spaces.

The proposed development includes a total of 166 on-site car parking spaces, inclusive of four (4) spaces for persons with disabilities. Two (2) separate shade structures will be provided for the 'back to back' car parking spaces, covering approximately 54 car parking spaces.

A total of 15 bicycle spaces are intended to be provided, generally adjacent to the outdoor dining area and to the rear of the 200m² retail space. End of trip facilities are to be provided at the rear of the 166m² retail space and adjacent to the site amenities area. The end of trip facilities will include a single unisex shower and toilet, in addition to ten (10) lockers.

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: | Centre Area |
| Zone: | Centre zone |
| Mareeba Local Plan Precinct: | Precinct A - Town Centre Core |
| Overlays: | Airport environs overlay Extractive resources 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 |
|-------------------------|--|--------------------------------------|---|
| Shopping centre | Premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex. | | |

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Relevant Development Codes

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

- 6.2.1 Centre zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.5 Extractive resources overlay code
- 8.2.11 Transport infrastructure overlay 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 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 |
|---------------------------------------|---|
| Centre zone code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO2.1 & AO2.2 Acceptable Outcome AO5.1 <p>Refer to planning discussion section of report.</p> |
| Mareeba local plan code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |
| Airport environs overlay code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |
| Extractive resources overlay code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |
| Transport infrastructure overlay code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |

| | |
|---|--|
| Commercial activities code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |
| Landscaping code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO4.1 <p>Refer to planning discussion section of report.</p> |
| Parking and access code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO1 Acceptable Outcome AO9.2 <p>Refer to planning discussion section of report.</p> |
| Works, services and infrastructure code | <p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p> |

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

The application can be conditioned to comply.

Planning Scheme Policy 9 - Footpath Paving

The application can be conditioned to comply.

(f) Adopted Infrastructure Charges Notice

The subject site is located within the Priority Infrastructure Area. In accordance with Council's 'Adopted Infrastructure Charges Resolution (No. 1) 2017, dated 19 April 2017 (AICR), Infrastructure Charges are applicable to the proposed development calculated as follows:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses.

The applicable charges are as follows:

| Category | Use Charge | Unit of Measure | Charge Rate | No of Units | Amount |
|----------------------|-----------------|-----------------|-------------|-------------|---------------------|
| Proposal | | | | | |
| Commercial (Retail) | Shopping Centre | Per m2 of GFA | \$108.00 | 3,594 | \$388,152.00 |
| Credit | | | | | |
| High Impact Industry | Sawmill | Per m2 of GFA | \$42.00 | 6,000 | \$252,000.00 |
| TOTAL | | | | | \$136,152.00 |

REFERRALS**Concurrence**

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

That Department advised in a letter dated 30 November 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

PLANNING DISCUSSION

Noncompliance with the acceptable outcomes of the following assessment benchmarks are discussed as follows:

Centre Zone Code

PO2 *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;*
- (f) *appearance of building bulk; and*
- (g) *relationship with pedestrian spaces.*

AO2.1

Buildings are built to the road frontage/s of the site.

*Note—Awning structures may extend into the road reserve where provided in accordance with **PO5**.*

AO2.2

*Buildings are setback and boundary treatment(s) are undertaken in accordance with **Table 6.2.1.3B**.*

Comment

The development does not satisfy AO2.1 and AO2.2 as part of the building will be built to the road frontage and part will be setback from the boundary.

Assessment of the development against PO2 is therefore required:

“Development is sited in a manner that considers and respects”:

- (a) *the siting and use of adjoining premises*

The subject land is bounded to the north and east by road reserve and to the west by rail corridor. Land to the south is undeveloped Centre zoned land. The proposed development will not adversely impact on immediately adjoining premises.

- (b) *access to sunlight and daylight for the site and adjoining sites*

As with (a) above, the use of the land bounding the site is such that the proposed development will not restrict access to sunlight or daylight.

(c) *privacy and overlooking*

The proposed development will be sufficiently separated from residential uses so as not to unreasonably impact on privacy.

(d) *opportunities for casual surveillance of adjoining public spaces*

The applicant states that the proposed development does 'turn its back' to some sections of Byrnes and Rankin Streets, in particular the intersection of these two streets.

Opportunities for casual surveillance is provided to this intersection by adjacent, adjoining land uses i.e., McDonalds, the car park area of Mareeba Square and Beaurepaires. As a result, casual surveillance to this area from the site is not considered essential.

The outdoor dining, central forecourt and car park areas of the proposed development will provide opportunities for casual surveillance to the south, east and west of the site.

The development complies.

(e) *air circulation and access to natural breezes*

The design of the proposed development allows for air circulation and access to natural breezes to a reasonable and acceptable level for a modern shopping centre.

(f) *appearance of building bulk*

In the opinion of the assessing officer, the design of the shopping centre reasonably limits the appearance of building bulk.

(g) *relationship with pedestrian spaces*

Pedestrian connectivity will be achieved through new footpaths on Rankin and Byrnes Street and through internal pedestrian paths.

Where the proposed building is built to the boundary, the development will be conditioned to require a blank wall with low maintenance finishes and materials.

The proposed development satisfies Performance Outcome PO2.

PO5 *Building facades are appropriately designed to:*

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

AO5.1

Buildings address and provide pedestrian entrances to:

- (a) *the primary pedestrian frontage where a single frontage lot or multiple frontage lot that is not a corner lot;*
- (b) *the primary and secondary frontages where a corner lot, with a pedestrian entrance provided on each frontage and/or as part of a corner truncation; and*
- (c) *any adjoining public place, with the main entrance provided on this boundary.*

Comment

The development does not satisfy AO5.1 as the shape of the subject land, its multiple road frontages and the specific design requirements of a shopping centre.

Assessment of the development against PO5 is therefore required:

"Building facades are appropriately designed to":

- (a) *provide an active and vibrant streetscape*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

All of these design features result in the proposed development contributing towards an active and vibrant streetscape.

- (b) *include visual interest and architectural variation*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

- (c) *maintain and enhance the character of the surrounds*

The proposed development has a modern design which will enhance the character of Mareeba's central business district.

- (d) *provide opportunities for casual surveillance*

The outdoor dining, central forecourt and car parking areas will provide opportunities for casual surveillance to the south, east and west of the site.

- (e) *include a human scale*

The proposed development has a human scale.

- (f) *encourage occupation of outdoor space*

The outdoor dining and central forecourt areas provide opportunities for people to occupy outdoor areas for an extended period of time.

The proposed development satisfies Performance Outcome PO5.

Landscaping Code

PO4 *Car parking areas are improved with a variety of landscaping that:*

- (a) provides visual interest;*
- (b) provides a source of shade for pedestrians;*
- (c) assists to break up and soften elements; and*
- (d) improves legibility.*

AO4.1

Landscaping is provided in car parking areas which provides:

- (a) a minimum of 1 shade tree for every 4 parking spaces, or part thereof, where the car parking area includes 12 or more spaces;*
- (b) a minimum of 1 shade tree for every 6 parking spaces, or part thereof, otherwise; and*
- (c) where involving a car parking area in excess of 500m²:*
 - (i) shade structures are provided for 50% of parking spaces; and*
 - (ii) a minimum of 10% of the parking area as landscaping.*

Note—Where a shade structure is provided over part of a car parking area, shade tree planting is not required in this area of the car parking area.

Comment

AO4.1(a) - As the proposed development includes 166 on site car parks, 42 shade trees are required and will be conditioned.

AO4.1(b) - Not applicable.

AO4.1(c) - Shade structures are proposed over 54 car parks, or 32.5% of the total number of car parks. Whilst this is less than the 50% called for by the acceptable solution, a significant number of shade trees will be required throughout the remainder of the car park.

The proposed development satisfies PO4.

Parking and Access Code

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

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

AO1

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

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

Comment

Table 9.4.3.3B specifies parking for shopping centre development at the following rate:

- *One space per 50m² or part thereof up to 400m² GFA and one space per 25m² or part thereof of GFA above 400m²*
- *One AV space per 1,000m²; and One SRV space per 500m²; or one SRV space per every 2 specialty uses, whichever the greater*

The proposed shopping centre has a GFA of 3,666m².

Applying the planning schemes car parking rate to the propose development generates:

- *First 400m² GFA - 8 spaces*
- *Remaining 3,266m² GFA - 131 spaces*

The proposed GFA generates a requirement for 139 on site car parking spaces. The proposed development will provide for 166 on site car parking spaces.

The proposed development does not meet the acceptable outcome for service vehicles and the applicant has undertaken an assessment of the development against PO1.

“Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the”

(a) Nature of the use

The proposed development has provided two (2) articulated vehicle (AV) spaces and one (1) heavy ridged vehicle (HRV) space. The AV spaces are provided in the rear loading dock and intended to be utilised for deliveries to the supermarket, while the HRV space has been provided behind the 200m² retail space and is intended to be used for deliveries for the specialty stores as well as for refuse collection (refuse collection will also occur from the rear loading dock).

Based on the operation of equivalent established shopping centres in Mareeba, the service vehicle arrangements/numbers are considered adequate for the nature of the use.

(b) Location of the site

Not relevant for service vehicles.

(c) Proximity of the use to public transport services

Not relevant for service vehicles.

(d) *Availability of active transport infrastructure*

Not relevant for service vehicles.

(e) *Accessibility of the use to all members of the community*

Not relevant for service vehicles.

The proposed development satisfies AO1 for car parking numbers and PO1 for service vehicle parking.

PO9 *Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:*

- (a) *meet the anticipated demand generated from the use;*
- (b) *comprise secure and convenient bicycle parking and storage; and*
- (c) *provide end of trip facilities for all active transport users.*

AO9.2

*End of trip facilities are provided in accordance with **Table 9.4.3.3D**.*

Comment

Table 9.4.3.3D calls for (1) accessible shower per 10 bicycle spaces and secure lockers for 20% of staff numbers.

Staff numbers are calculated at one (1) staff member per 60m² of net lettable area or 59.9 staff members in total.

The proposed development provides for 1 shower and 10 lockers, a shortfall of 2 lockers.

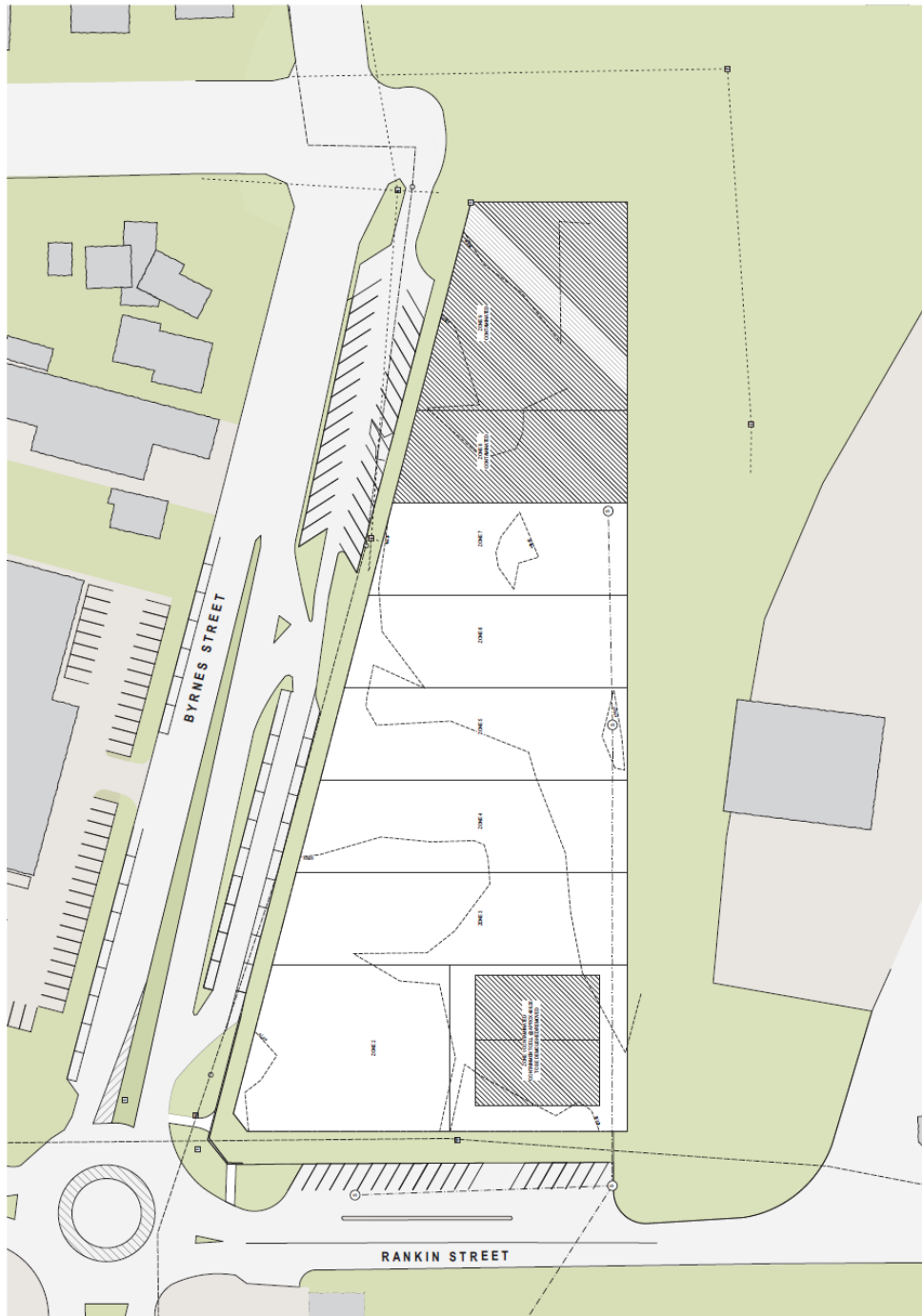
The proposed development complies with PO9 despite the small shortfall in locker numbers.

Date Prepared: 5 December 2017

ATTACHMENT 1

APPROVED PLANS





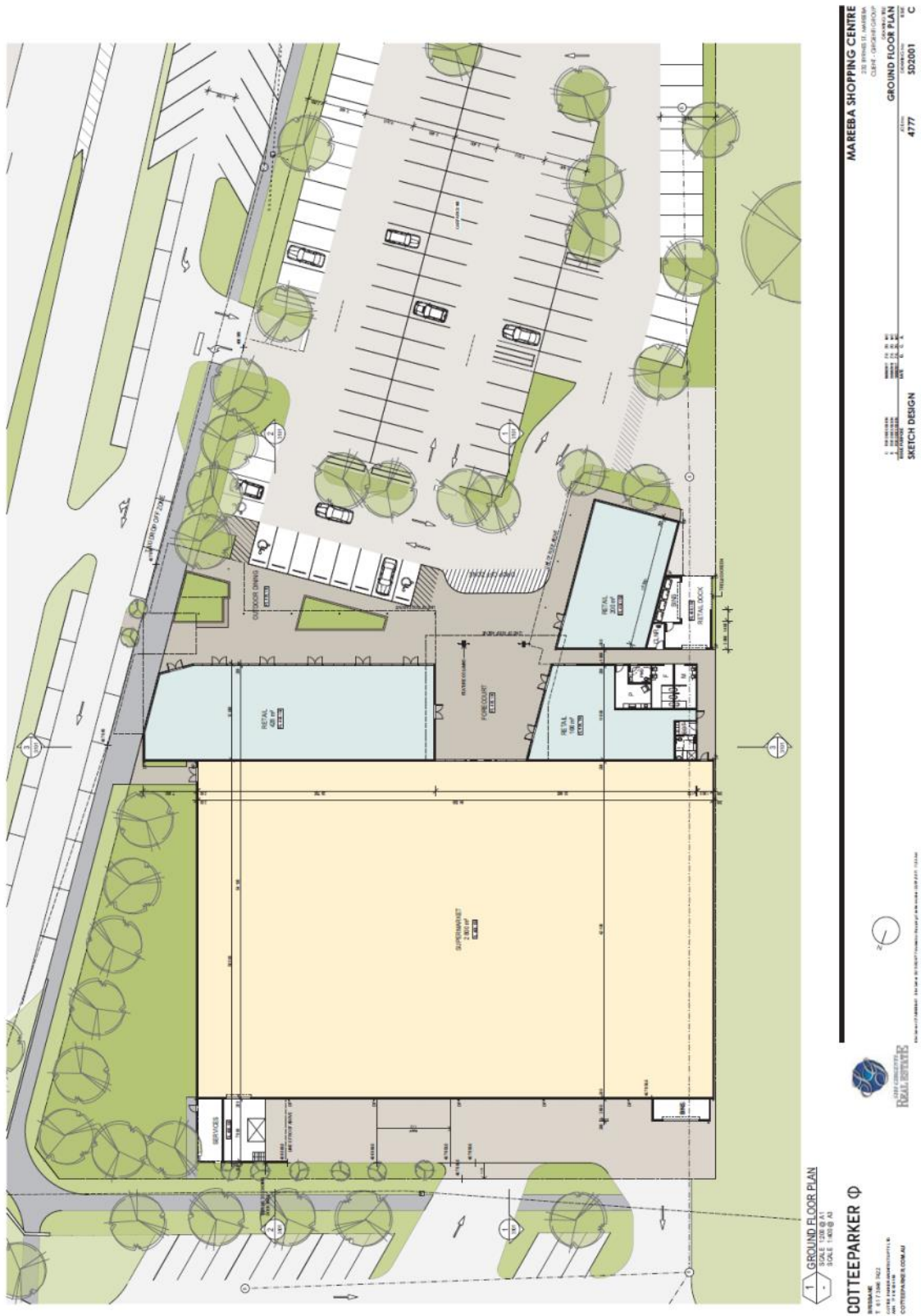
EXISTING SITE PLAN
SCALE 1:400 @ A1
SCALE 1:800 @ A2

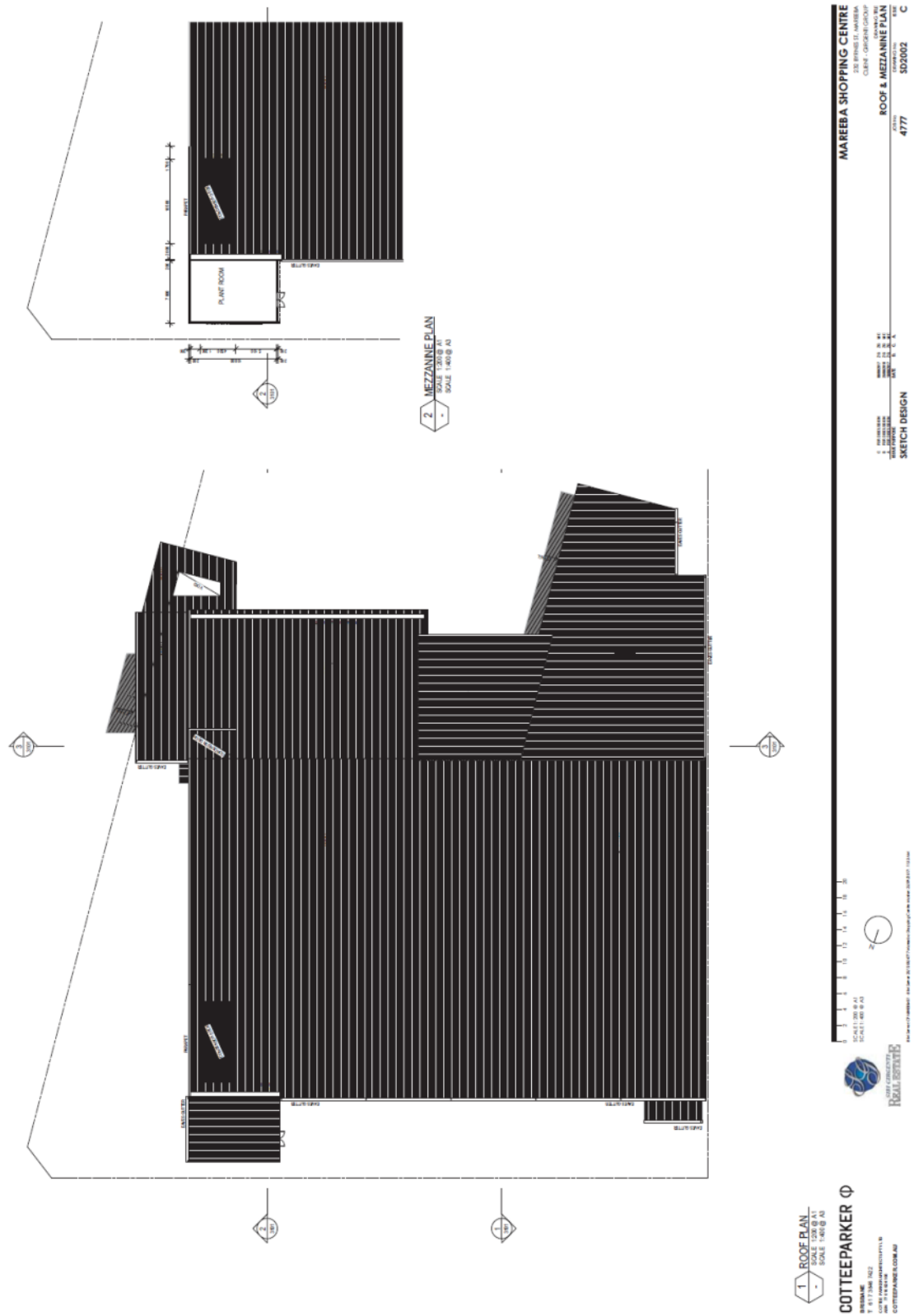
COTTEEPARKER
PHILIP
T 017 7396 1622
SHEPHERDSON@COTTEEPARKER.COM.AU
COTTEEPARKER.COM.AU

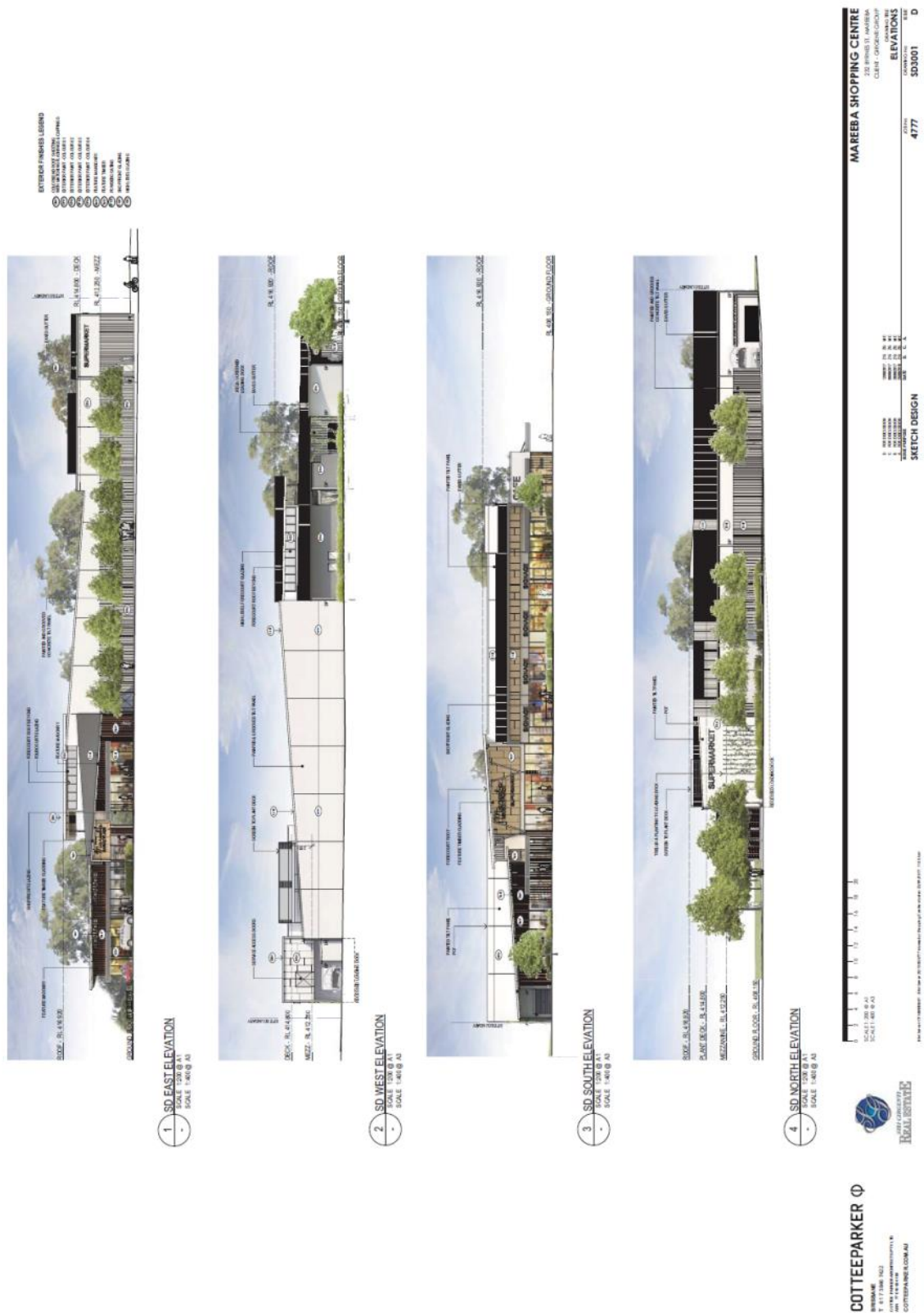
MAREBA SHOPPING CENTRE
230 BYRNES ST. MAREEBA
CLIENT - COTTEEPARKER GROUP

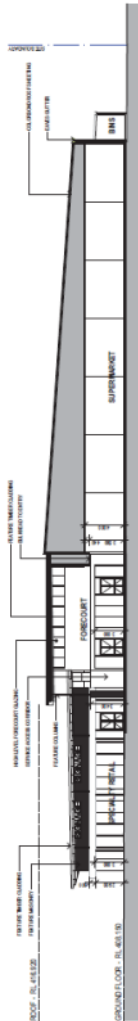
EXISTING SITE PLAN
DRAWING NO. 4777
DATE 01.06.16
DRAWN BY J. C. A.
CHECKED BY J. C. A.
SCALE 1:400 @ A1
SCALE 1:800 @ A2



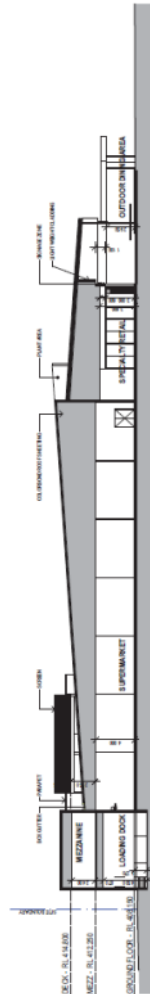




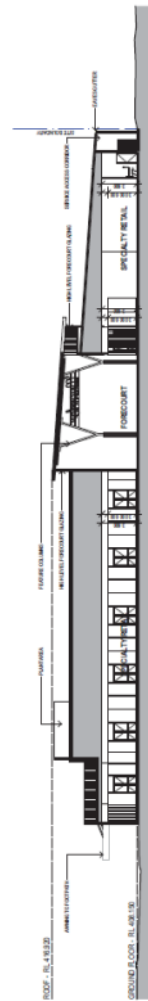




1 A1 - SECTION
SCALE 1:200 @ A1
SCALE 1:400 @ A3



2 A2 - SECTION
SCALE 1:250 @ A1
SCALE 1:400 @ A3



3 A3 - SECTION
SCALE 1:200 @ A1
SCALE 1:400 @ A3

COTTEPARKER Φ

BIRUSSA ME
 T 617 2046 7422
 COTTEE POWER AND TECHNOLOGY LLC
 ABB 37 0 30 30 4100
 COTTEEPAPERZ.COM.AU





VIEW FROM CARPARK



VIEW FROM CARPARK

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MAREEBA SHOPPING CENTRE
300 WILSON STREET, MAREEBA
COTTEPARKER & PARTNERS
3D DRAWINGS & RENDERINGS
4777 500201 A
SKETCH DESIGN



ATTACHMENT 2

RA6-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1710-1793 SRA
Your reference: MCU/17/0011

30 November 2017

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

Attention: 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 5 October 2017.**Applicant details**

| | |
|----------------------------|---|
| Applicant name: | Reedlodge Pty Ltd |
| Applicant contact details: | C/- Urban Sync Pty Ltd PO Box 2970 Cairns QLD 4870 stuart@urbansync.com.au |

Location details

| | |
|----------------------------|----------------------------|
| Street address: | 232 Byrnes Street, Mareeba |
| Real property description: | Lot 78 on SP152626 |
| Local government area: | Mareeba Shire Council |

Application details

| | |
|--------------------|---|
| Development permit | Material change of use for Proposed Shopping Centre |
|--------------------|---|

Referral triggersThe 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

1710-1793 SRA

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 – shopping centre | | | | |
| TMR Layout Plan (664 – 1.60km) | Department of Transport and Main Roads | 27 November 2017 | TMR17-22687 (500/310) | C |
| Proposed Site Plan as amended in red | Cottee Parker | 22/09/2017 | SD1002 | G |

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Reedlodge Pty Ltd, stuart@urbansync.com.au

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

1710-1793 SRA

Attachment 1—Conditions to be imposed

| No. | Conditions | Condition timing |
|--|---|--|
| Aspect of development – Material change of use | | |
| State transport corridor - State-controlled road and Railway—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s): | | |
| 1. | The road access location(s) between Lot 78 on SP152626 and the state-controlled road, is to be in accordance with the TMR Layout Plan (664-1.60km) prepared by the Department of Transport and Main Roads, dated 27 November 2017, reference TMR17-22687 (500/310), Version C under section 62(1) of the <i>Transport Infrastructure Act 1994</i> . | At all times. |
| 2. | <p>(a) The development access arrangements in relation to the Rankin Street level crossing of the Mareeba Mungana Railway must be generally in accordance with Proposed Site Plan, prepared by Cottee Parker, dated 22/09/2017, drawing number SD1002, and revision G as amended in red; in particular the following must be provided at the applicant's expense:</p> <ul style="list-style-type: none"> A 'No right turn' sign must be provided on Rankin Street eastbound prior to the service vehicle egress to Rankin Street in accordance with Queensland Government drawing number R2-6 <i>Regulatory Sign "No Left (Right) Turn"</i>; A 'No left turn' sign must be provided on the site at the service vehicle egress to Rankin Street in accordance with drawing number R2-6 <i>Regulatory Sign "No Left (Right) Turn"</i>; The egress to Rankin Street must provide clearance to all railway level crossing safety controls (box marking, stop lines/pavement marking, signage and the like); There must be no car parking provided between the egress point on Rankin Street and the western property boundary. <p>(b) RPEQ certification with supporting documentation must be provided to Program Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p> | (a) & (b) Prior to the commencement of use and to be maintained at all times. |
| 3. | <p>(a) Road works comprising of signalisation works to include a 4-way intersection and street lighting must be provided at Mareeba-Dimbulah Road (Byrnes Street) / Herberton Street intersection.</p> <p>(b) The road works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> Department of Transport and Main Roads Road Planning and Design Manual 2nd July 2013 – including the Guide to Road | (a) and (b) prior to the commencement of use |

1710-1793 SRA

| | | |
|----|---|---|
| | <p>Planning and Design Manual 2nd Edition: Volume 3, March 2016, and</p> <ul style="list-style-type: none"> The Department of Main Roads Road Planning and Design Manual (2nd edition), Volume 6: Lighting, dated July 2016. | |
| 4. | <p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor and State-controlled road.</p> <p>(b) Any works on the land must not:</p> <ol style="list-style-type: none"> create any new discharge points for stormwater runoff onto the railway corridor and State-controlled road; interfere with and/or cause damage to the existing stormwater drainage on the railway corridor and State-controlled road; surcharge any existing culvert or drain on the railway corridor; reduce the quality of stormwater discharge onto the railway corridor and State-controlled road. <p>(c) RPEQ certification with a Stormwater Management Plan must be provided to the Program Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tnr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p> | <p>(a) at all times</p> <p>(b) at all times</p> <p>(c) prior to the commencement of use</p> |
| 5. | <p>(a) Road works comprising of a pedestrian refuge is to be constructed on the western leg of the Byrnes Street / Rankin Street roundabout to improve pedestrian crossing movements across the full carriageway consisting of two lanes of traffic.</p> <p>(b) The pedestrian refuge must be designed and constructed in accordance with the Department of Transport and Main Roads' Manual of Uniform Traffic Control Devices, Part 10: Pedestrian Control and Protection, May 2017.</p> | <p>(a) and (b) prior to the commencement of use</p> |

1710-1793 SRA

Attachment 2—Reasons for decision to impose conditions

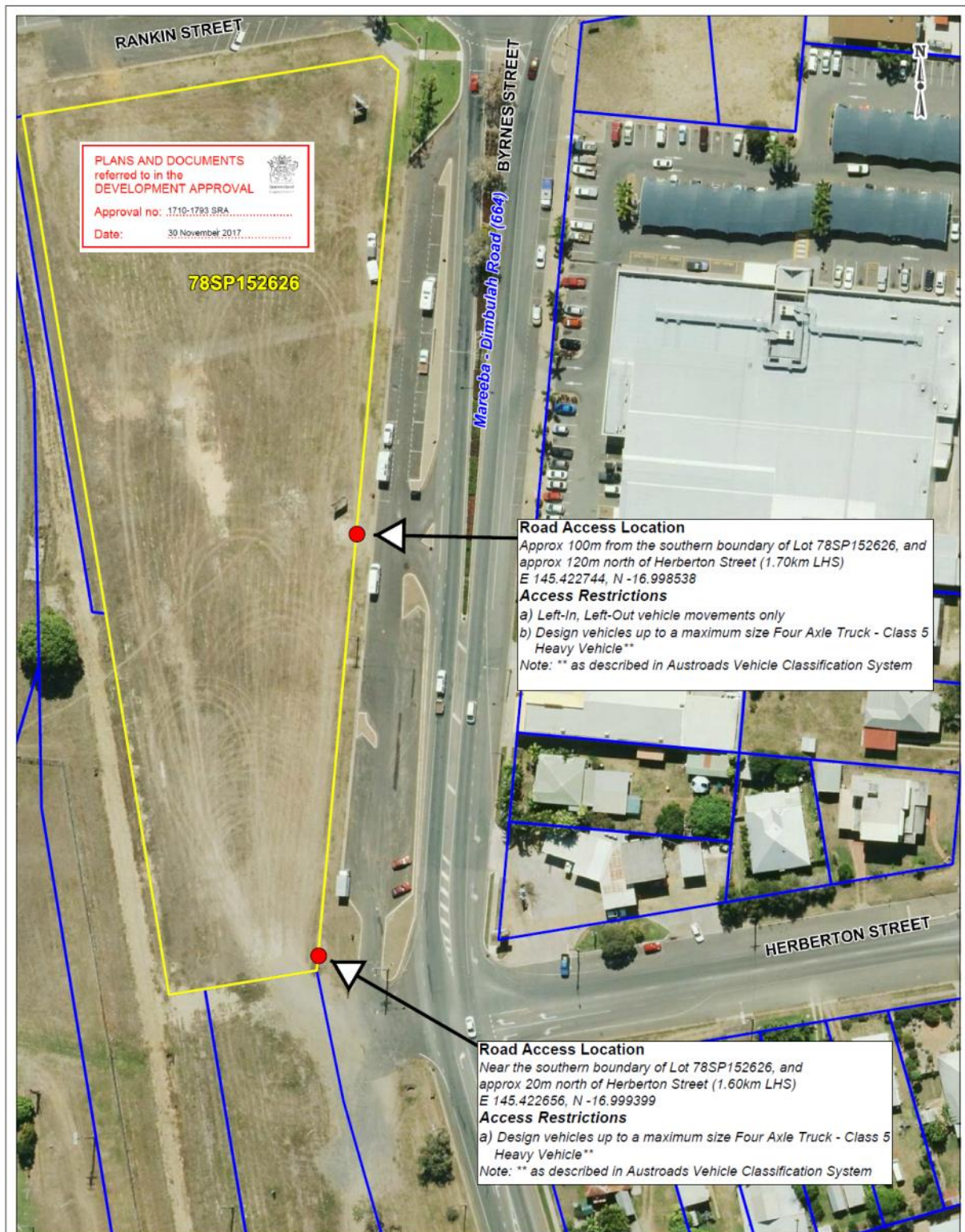
The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the safety and integrity of the railway level crossing.
- To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

Attachment 3—Advice to the assessment manager

| General advice | |
|-----------------------|---|
| Ref. | Condition 4 - Stormwater |
| 1. | <p>Department of Transport and Main roads has advised that the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B does not demonstrate compliance with condition 4 of the concurrence agency response. A revised Stormwater Management Plan is required to demonstrate compliance with the concurrence agency condition 4, which addresses the following:</p> <ul style="list-style-type: none"> determines the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (http://www.ipweaq.com/qudm) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis. provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge. Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact on the railway corridor and State-controlled road for all relevant design events. |
| Ref. | Road Access Approval |
| 2. | <p>In accordance with section 33 of the Transport Infrastructure Act 1994 (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. 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).</p> <p>The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> |





Branch/Unit: **Corridor Management/Far North Region**

Projection/Datum: Geocentric Datum of Australia (GDA) 1994

— PROPERTY BOUNDARY
— SUBJECT LAND

TMR Layout Plan (664 - 1.60km)



Queensland Government
Transport and Main Roads

Plan No: **1 / 1**

Issue: **C** Date: 27/11/2017

Drawn by: **RPK**

File ref: **TMR17-22687 (500-310)**

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GE78-N

Department of Infrastructure,
Local Government and Planning**Department of Infrastructure, Local Government and Planning**
Statement of reasons for application 1710-1793 SRA(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

| | |
|----------------------------|---|
| Applicant name: | Reedlodge Pty Ltd |
| Applicant contact details: | C/- Urban Sync Pty Ltd PO Box 2970 Cairns QLD 4870 stuart@urbansync.com.au |

Location details

| | |
|----------------------------|----------------------------|
| Street address: | 232 Byrnes Street, Mareeba |
| Real property description: | Lot 78 on SP152626 |
| Local government area: | Mareeba Shire Council |

Development details

| | |
|--------------------|---|
| Development permit | Material change of use for Proposed Shopping Centre |
|--------------------|---|

Assessment matters

| Aspect of development requiring code assessment | Applicable codes |
|---|---|
| 1. Material change of use | State Development Assessment Provisions version 2.1 effective 11 August 2017 – State code1: Development in a State-controlled road environment State code 2: Development in a railways environment |

Reasons for the department's decision

The reasons for the decision are:

- The premises is located within 25 metres of two State transport corridors, being Byrnes Street, Mareeba and the Mareeba Mungana Railway and access to the site will be via the existing access on Byrnes Street.
- The proposed development footprint is setback 16-23m from the state-controlled road and at least 7m from the railway corridor.
- With conditions the proposed development complies with the relevant provisions in the State Development Assessment Provisions, State code1: Development in a State-controlled road environment and State code 2: Development in a railway environment.

1710-1793 SRA

Decision

- The development application is for a material change of use for a shopping centre.
- The department issued a referral agency response with conditions, dated 29 November 2017, to attach to any development approval.

Relevant material

- development application material including a planning report prepared by Urban Sync Pty Ltd and plans showing the proposed development setback from the State transport corridors (state-controlled road and railway).
- Partial response to an information request
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning, version 2.1
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules version 1.1

Our ref TMR17-022687 (500-310)
Your ref 17-230
Enquiries Ronald Kaden



Department of
Transport and Main Roads

27 November 2017

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU/17/0011, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 78SP152626 the land the subject of the application, and Mareeba - Dimbulah Road (Byrnes Street) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Reedlodge Pty Ltd
C/- Urban Sync Pty Ltd
PO Box 2970
Cairns QLD 4870

Application Details

Address of Property 232 Byrnes Street, Mareeba QLD 4880
Real Property Description 78SP152626
Aspect/s of Development Development Permit for Material Change of Use for Shopping Centre

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

| No. | Conditions of Approval | Condition Timing |
|-----|---|------------------|
| 1 | The permitted road access location is a) Near the southern boundary of lot 78SP152626 and approx 20m north of Herberton Street, and b) Approximately 100m from the southern boundary of lot 78SP152626 and approx 120m north of Herberton Street, in accordance with: 1. TMR Layout Plan (664 - 1.60km) Issue C 27/11/2017, and 2. Mareeba Shopping Centre Site Plan prepared by Cottee Parker Architects issue G dated 22/09/2017 reference 4777 SD1002. | At all times. |

¹ Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval | Condition Timing |
|-----|---|------------------------------|
| 2 | Road access works comprising of access works that can accommodate traffic volumes associated with the development by submission of detailed Engineering Design Drawings certified by a Registered Professional Engineer of Queensland (RPEQ). | Prior to commencement of use |
| 3 | Direct access is prohibited between Mareeba - Dimbulah Road (Byrnes Street) and lot 78SP152626 at any other location other than the permitted road access locations described in Condition 1. | At all times. |
| 4 | The use of the permitted road access location near the southern boundary of lot 78SP152626 is to be restricted to: a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Heavy Vehicle** Note: **as described in Austroads Vehicle Classification System | At all times. |
| 5 | The use of the permitted road access location at approximately 100m from the southern boundary of lot 78SP152626 is to be restricted to: a) Left-In, Left-Out vehicle movements only b) Design vehicles up to a maximum size Four Axle Truck - Class 5 Heavy Vehicle** Note: **as described in Austroads Vehicle Classification System | At all times. |

Reasons for the decision

The reasons for this decision are as follows:

- The proposed development is seeking direct access via Mareeba-Dimbulah Road, a state-controlled road.
- The department notes that there is only a mid block access existing, however the proposed development.
- The applicant is seeking additional direct access at the southern boundary.
- Based on the fact that the proposed development (Shopping Centre) is increasing traffic volumes and vehicles sizes via the state-controlled road, TMR notes that the proposed development will require new section 62 approvals.
- The proposed accesses will only accommodate left-in / left-out vehicle movements.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

- There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. 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 the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan and associated documents

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version/Issue |
|---|--|-------------------|-----------------------|----------------------|
| Planning Report -Application for a Development Permit for Material Change of Use (Shopping Centre) | UrbanSync Planning / Development | 28 September 2017 | 17-230 | - |
| Mareeba Shopping Centre - Traffic Impact Assessment Report | ARUP | 4 October 2017 | TIA-01-V1.4 | Final |
| Response to Department's Information Request | UrbanSync Planning / Development | 9 November 2017 | 17-230 | - |
| Stormwater Management Plan | CivilWalker | 8/11/17 | 151-001-002R | B |
| Mareeba Shopping Centre Site Plan | Cottee Parker Architects | 22/09/2017 | 4777 SD1002 | G |
| TMR Layout Plan | Queensland Government Transport and Main Roads | 24/11/2017 | TMR17-22687 (500-310) | B |

Attachment B**Section 70 of TIA***Transport Infrastructure Act 1994*

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

- (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

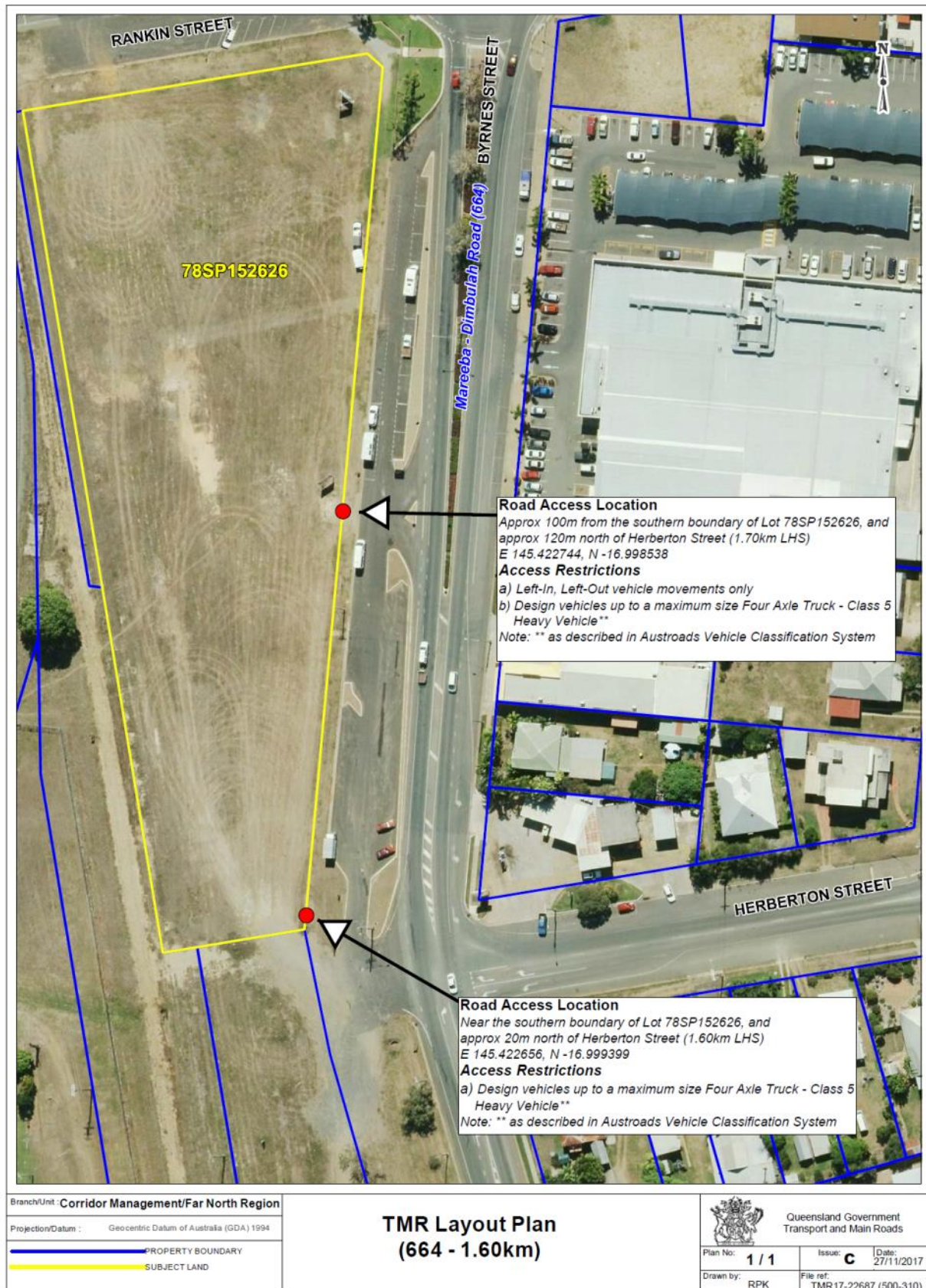
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.





Guide to Traffic Management Part 3: Traffic Studies and Analysis

Table A 8: Austroads vehicle classification systems (updated in 1994)

| Level 1 | Level 2 | | Level 3 | Austroads classification | |
|--|-----------------------|----------|---|--------------------------|---|
| Length (indicative) | Axles and axle groups | | Vehicle type | | |
| Type | Axles | Groups | Description | Class | Parameters |
| Short Up to 5.5 m | Light vehicles | | | | |
| | 2 | 1 or 2 | Short Sedan, wagon, 4WD, utility, light van, bicycle, motorcycle, etc. | 1 | $d_1 \leq 3.2$ m and axles = 2 |
| Medium 5.5 m to 14.5 m | 3, 4 or 5 | 3 | Short-towing trailer, caravan, boat, etc. | 2 | groups = 3, $2.1 \text{ m} \leq d_1 \leq 3.2 \text{ m}$ $d_2 \geq 2.1 \text{ m}$, and axles = 3, 4 or 5 |
| | Heavy vehicles | | | | |
| | 2 | 2 | Two axle truck or bus | 3 | $d_1 > 3.2$ m and axles = 2 |
| | 3 | 2 | Three axle truck or bus | 4 | Axles = 3 and groups = 2 |
| | > 3 | 2 | Four axle truck | 5 | Axles > 3 and groups = 2 |
| Long 11.5 m to 19.0 m | 3 | 3 | Three axle articulated or rigid vehicle and trailer | 6 | $d_1 > 3.2$ m Axles = 3 and groups = 3 |
| | 4 | > 2 | Four axle articulated or rigid vehicle and trailer | 7 | $d_2 < 2.1$ m, or $d_1 < 2.1$ or $d_1 > 3.2$ m Axles = 4 and groups > 2 |
| | 5 | > 2 | Five axle articulated or rigid vehicle and trailer | 8 | $d_2 < 2.1$ m, or $d_1 < 2.1$ or $d_1 > 3.2$ m Axles = 5 and groups > 2 |
| | 6 > 6 | > 2 3 | Six axle (or more) articulated or rigid vehicle and trailer | 9 | Axles = 6 and groups > 2; or axles > 6 and groups = 3 |
| Medium combination 17.5 m to 36.5 m | > 6 | 4 | B Double or heavy truck and trailer | 10 | Axles > 6 and groups = 4 |
| | > 6 | 5 or 6 | Double road train or heavy truck and two trailers | 11 | Axles > 6 and groups = 5 or 6 |
| Long combination over 33 m | > 6 | > 6 | Triple road train or heavy truck and three trailers | 12 | Axles > 6 and groups > 6 |

Definitions:

Group: (axle group) – where adjacent axles are less than 2.1 m apart

Groups: number of axle groups

Axles: number of axles (maximum axle spacing of 10 m)

d1: distance between first and second axle

d2: distance between second and third axle.

Guide to Traffic Management Part 3: Traffic Studies and Analysis

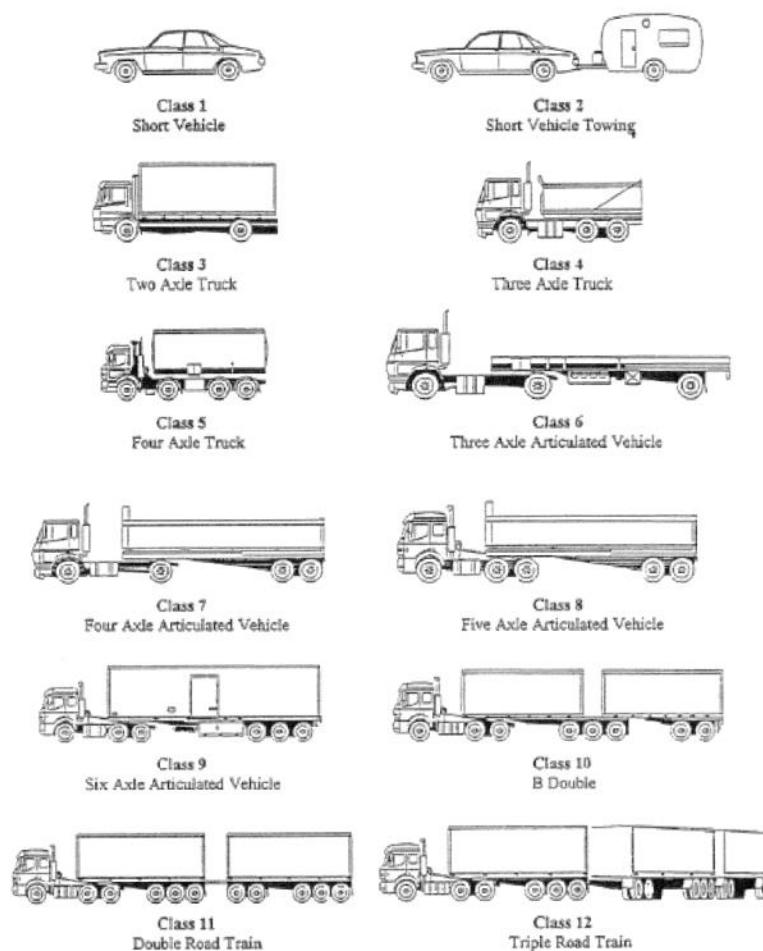


Figure A 13: Representative vehicles in Austroads 12-bin classification system

A.5.3 Methods of Collecting Vehicle Classification Data

Manual vehicle classification methods, based on either vehicle body type (e.g. surveys by the Australian Bureau of Statistics) or axle configurations (e.g. Austroads), have been used for many years. Manual methods are now largely confined to intersection turning movement counts. As these surveys require considerable human resources, they are costly and generally limited to short period counts – generally up to 12 hours duration.

**ITEM-3 TELSTRA CORPORATION LIMITED - MCU -
TELECOMMUNICATIONS FACILITY - LOT 3 ON L3148 -
MACDONALD STREET, IRVINEBANK - MCU/17/0005****MEETING:** Ordinary**MEETING DATE:** 20 December 2017**REPORT OFFICER'S
TITLE:** Planning Officer**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|------------------------------|
| APPLICANT | Telstra Corporation Limited | ADDRESS | MacDonald Street, Irvinebank |
| DATE LODGED | 4 September 2017 | RPD | Lot 3 on L3148 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Telecommunications Facility | | |

| | | | |
|----------------------------|--|--------------|-----------------------------|
| FILE NO | MCU/17/0005 | AREA | 1,012m ² |
| LODGED BY | Servicestream Mobile Communications | OWNER | Telstra Corporation Limited |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Low Density Residential Zone | | |
| LEVEL OF ASSESSMENT | Impact Assessment | | |
| SUBMISSIONS | No Submissions Received | | |

ATTACHMENTS: 1. Proposal Plan/s
 2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 27 September 2017

EXECUTIVE SUMMARY

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

Telstra Corporation Limited proposes the construction of a telecommunications facility (mobile phone base station) on the eastern edge of the Irvinebank Township as part of the Federal Governments Mobile Black Spot Program. Currently, there is no mobile phone

reception in Irvinebank or immediate surrounds. The facility will include a 40 metre high monopole tower and will be constructed adjacent an existing Telstra facility.

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

Given the height of the proposed monopole tower, some visual amenity impacts are likely as the tower will encroach into the skyline; however, a minor degree of visual impact is considered acceptable given the likely community benefit provided by the development (mobile phone reception).

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

It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|----------------------|--|----------|------------------------------|
| APPLICANT | Telstra Corporation Limited | ADDRESS | MacDonald Street, Irvinebank |
| DATE LODGED | 4 September 2017 | RPD | Lot 3 on L3148 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Telecommunications Facility | | |

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Telecommunications Facility

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|------------------------|-------------------------------|-------------------------------------|---------|
| Q114355 Sheet No. S1 | Site Access and Locality Plan | Servicestream Mobile Communications | 8/08/17 |
| Q114355 Sheet No. S1-1 | Site Layout | Servicestream Mobile Communications | 8/08/17 |
| Q114355 Sheet No. S1-2 | Antenna Layout | Servicestream Mobile Communications | 8/08/17 |
| Q114355 Sheet No. S3 | North West Elevation | Servicestream Mobile Communications | 8/08/17 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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 the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The 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 the condition(s) of this approval.
 - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a

maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

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 must be installed and maintained. 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.

4. Infrastructure Services and Standards

4.1 Lighting

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

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

- 4.1.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

4.2 Building Materials & Finishes

- 4.2.1 Any equipment cabinets shall be a neutral colour.
- 4.2.2 The monopole tower shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

4.3 Operational Requirements

- 4.3.1 The radiofrequency field emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio frequency transmissions from mobile phone base stations at any time, at any location.
- 4.3.2 Within three (3) months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002

Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

4.4 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) The monopole and associated infrastructure is removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

(D) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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

(d) Cultural Heritage

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

(e) 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 27 September 2017.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work"

THE SITE

The subject site is situated at MacDonald Street, Irvinebank, and is described as Lot 3 on L3148. The site is regular in shape with an area of 1,012m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site contains 20.11 metres of frontage to Herberton - Petford Road which is constructed to a bitumen sealed standard.

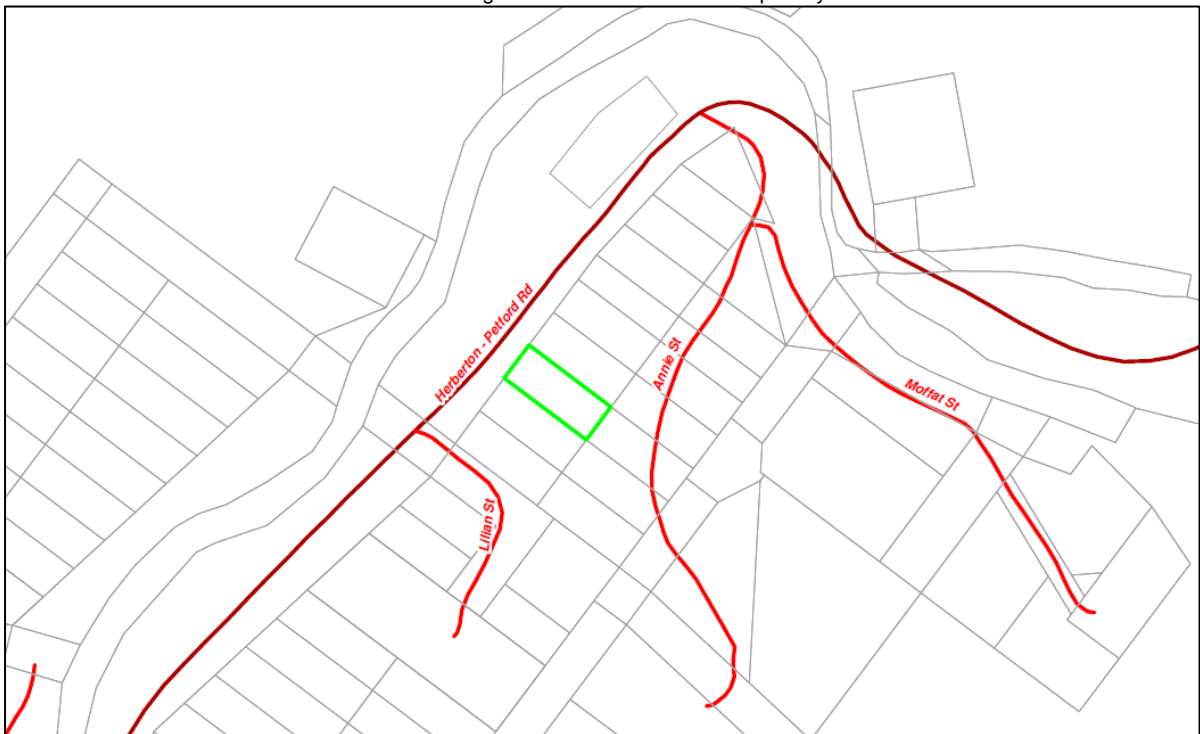
The front half the site is cleared and level and contains an existing Telstra telecommunications facility while the rear half of the site is vegetated and rocky, sloping steeply uphill to the rear of the site. A one (1) metre high (approx.) stock fence has been constructed around the front half of the site and includes an access gate.

All lots immediately surrounding the site are zoned Low Density Residential and are vacant State owned land with the exception of the adjoining lot to the northeast which appears to be improved by a shed. Other lots in the general surrounds are zoned either Low Density Residential or Rural and where improved, contain single detached dwellings.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

Service Stream Mobile Communications, on behalf of Telstra Corporation Limited, propose the construction of a new telecommunications facility (mobile phone base station) to provide mobile phone service capabilities in the Irvinebank area as part of the Federal Governments Mobile Black Spot Program. The proposed facility will consist of the following:

- A 40 metre high monopole tower;
- Two (2) Argus omnidirectional antennas at a centreline elevation of 40 metres and two (2) Argus omnidirectional antennas at a centreline elevation of 39 metres (overall tower height with antennas - 43.1 metres); and
- Installation of associated/ancillary equipment including remote radio units, combiners, feeders mast head amplifiers and cabling (to be housed in existing Telstra equipment shelter where possible).

All infrastructure will be contained within the existing Telstra lease area. A stock fence exists around this lease area which is proposed to be maintained. A new double access gate will be installed generally in the centre of the site frontage.

The Department of Infrastructure, Local Government and Planning's (DTMR) Referral Agency response requires the construction of a new rural access crossover between the edge of the Herberton - Petford Road and the boundary of the subject site.

The proposed facility will operate unmanned on a daily basis (remotely operated). Once operational, the facility will require only infrequent maintenance inspections (4 - 6 times per year).

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site does not contain any areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|--|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> <i>Residential Area</i> Transport Element <ul style="list-style-type: none"> <i>State Controlled Road</i> |
| Zone: | Low Density Residential |
| Overlays: | Bushfire Hazard Overlay Transport Infrastructure Overlay Hill and Slope 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 |
|------------------------------------|--|--|---|
| Telecommunications facility | <i>Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.</i> | <i>Telecommunication tower, broadcasting station, television station</i> | <i>Aviation facility, 'low impact telecommunications facility' as defined under the Telecommunications Act 1997</i> |

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016**Strategic Framework***3.3.6 Element - Rural Villages**3.3.6.1 Specific Outcomes*

- (1) *Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale.*

Comment

Irvinebank has been identified as a mobile black spot area. The proposed telecommunications facility (mobile phone base station) will provide mobile phone reception in Irvinebank and surrounds. The development is considered to be proportionate to the development scale of the Irvinebank and is not likely to result in an increase in future development in the Township.

The development complies.

*3.6.11 Element - Information and communication technology**3.6.11.1 Specific Outcomes*

- (2) *Telecommunications facilities, particularly mobile phone towers, are located to ensure visual amenity is not compromised, with these facilities co-located wherever possible.*

Comment

Given the height of the proposed monopole tower, some minor visual amenity impacts are likely, however, any impact is considered acceptable due to the overriding community need for the development which will provide mobile phone reception to the Irvinebank area, which is currently a mobile phone black spot.

The proposed development will be co-located with an existing Telstra telecommunications facility.

The development complies.

Relevant Development Codes

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

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 applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

| Relevant Codes | Comments |
|---|--|
| Low density residential zone code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO1 <p>Refer to planning discussion section of report.</p> |
| Bushfire hazard overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Hill and slope overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Transport infrastructure overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Energy and infrastructure activities code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Landscaping code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Parking and access code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Works, services and infrastructure code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

REFERRALS

Concurrence

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

That Department advised in a letter dated 27 September 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 13 October 2017 to 3 November 2017. The applicant submitted the notice of compliance on 6 November 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

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

Low Density Residential Zone Code*Height*

PO1 *Building height takes into consideration and respects the following:*

- (a) *the height of existing buildings on adjoining premises;*
- (b) *the development potential, with respect to height, on adjoining premises;*
- (c) *the height of buildings in the vicinity of the site;*
- (d) *access to sunlight and daylight for the site and adjoining sites;*
- (e) *privacy and overlooking; and*
- (f) *site area and street frontage length.*

AO1 *Development has a maximum height of:*

- (a) *8.5 metres; and*
- (b) *2 storeys above ground level.*

Comment

The proposed development will include the construction of a 40 metre high monopole telecommunications tower with antennas mounted at an elevation of 40 metres, bringing the developments overall height to 43.1 metres, which is non-compliant with AO1.

The height and location of the proposed development is considered necessary to achieve the desired coverage objectives, and the subject site itself is not immediately adjoined by any residential uses. The proposed monopole tower is of a slimline design and a condition will be attached to any approval requiring the monopole to be painted a 'pale eucalypt' colour in order to help achieve an effective visual blend with the surrounding environment. Once operational, the development will operate unmanned

on a daily basis and will not produce any solid or liquid wastes, odours, dust, smoke or significant noise (air conditioner noise only).

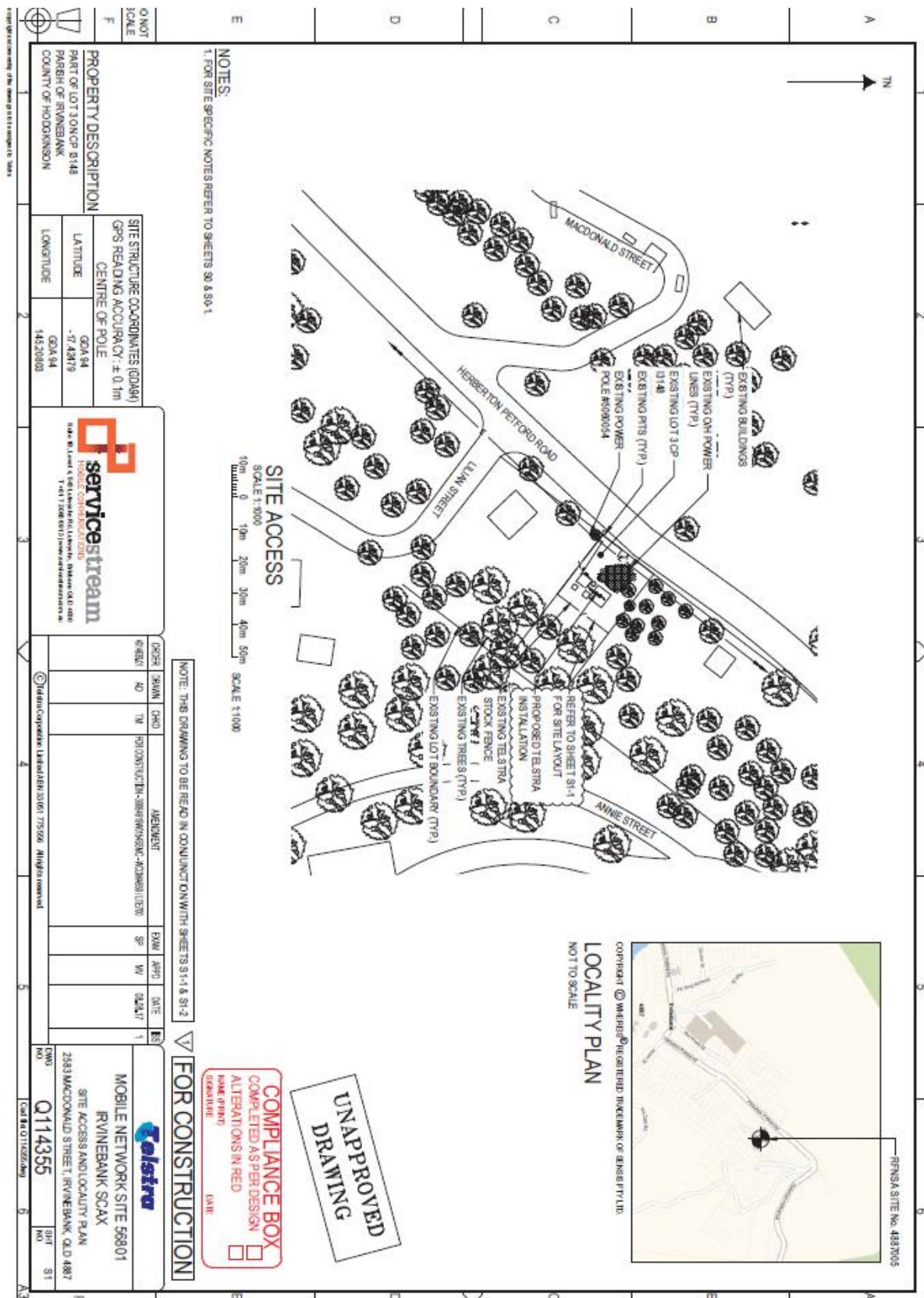
Considering this, the proposed development is not likely to have a significant visual or functional impact on residential uses in the surrounding vicinity or on nearby road users. Some degree of visual impact is considered acceptable given the likely community benefit provided by the development (mobile phone reception). No submissions against the development were received during the applications public notification period, which would have indicated a perceived amenity impact.

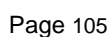
On balance, the development is considered to achieve compliance with PO1.

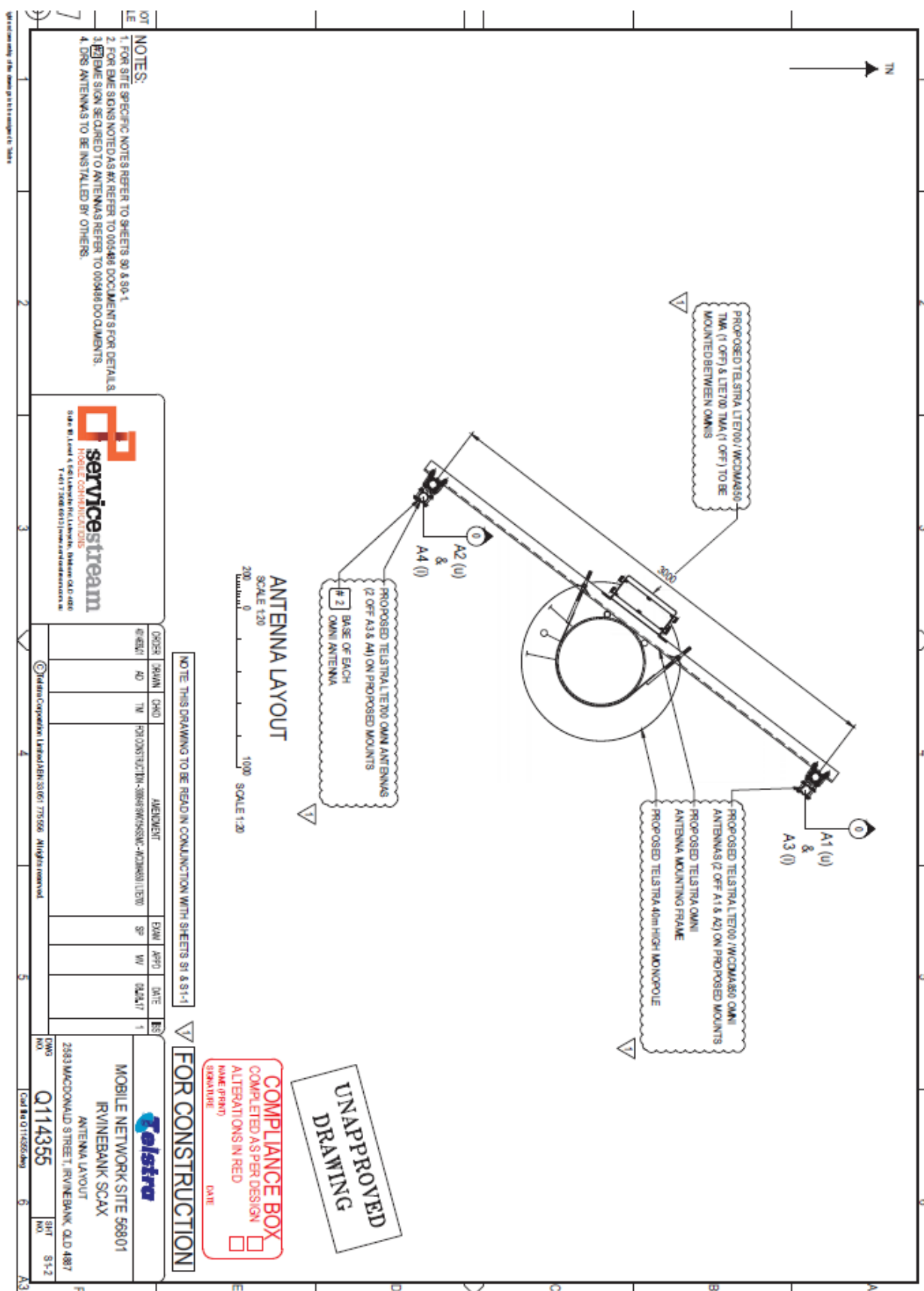
Date Prepared: 20 November 2017

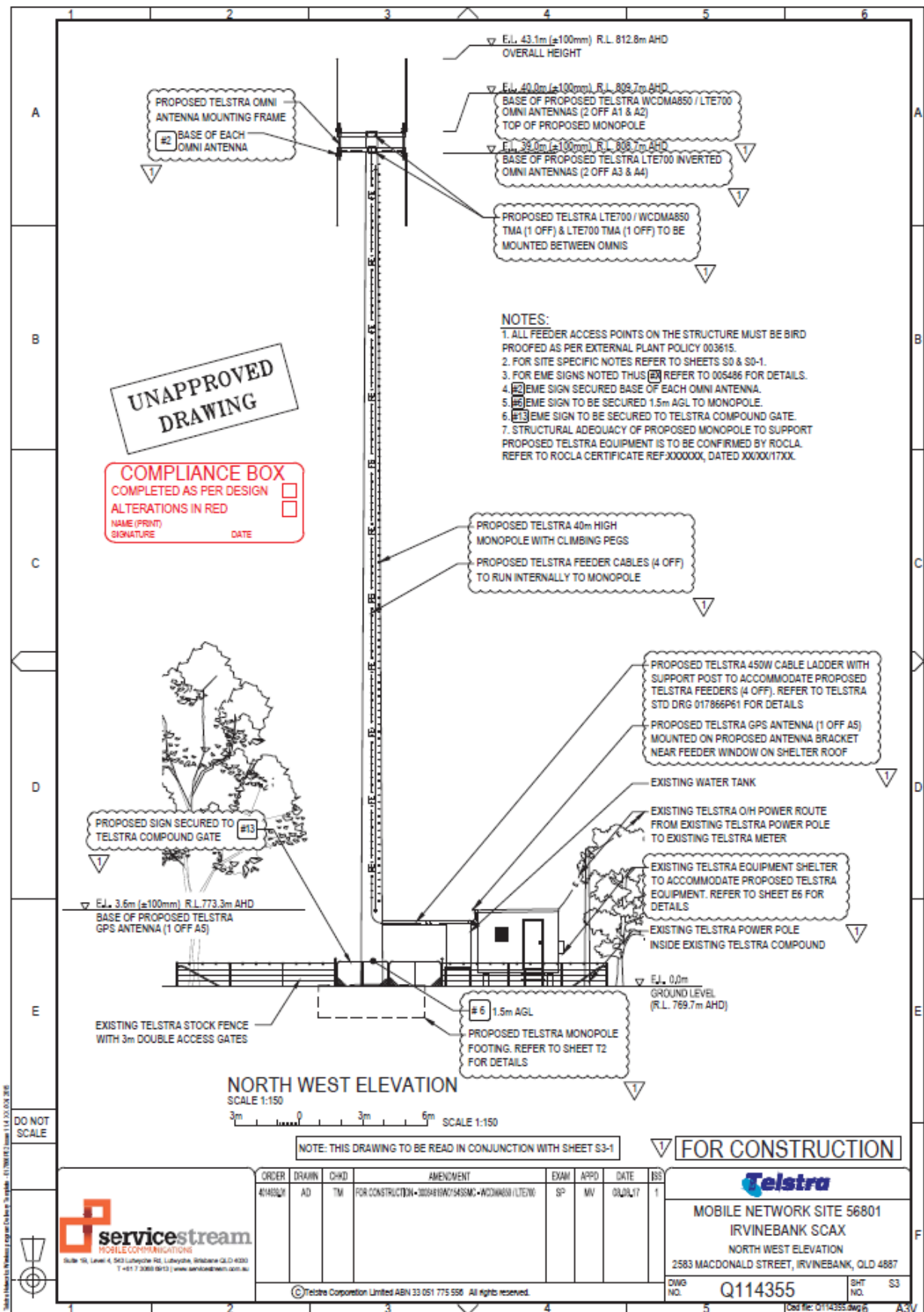
ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3283938)









ATTACHMENT 2

Our ref TMR17-022488 (500-1167)
Your ref Irvinebank 56801
Enquiries Ronald Kaden



Department of
Transport and Main Roads

27 September 2017

Decision Notice – Permitted Road Access Location
(s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU/17/0005, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 313148 the land the subject of the application, and Herberton - Petford Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Telstra Corporation Limited C/- Service Stream Mobile
Communications
PO Box 510
Lutwyche QLD 4030

Application Details

Address of Property Herberton - Petford Road, Irvinebank QLD 4887
Real Property Description 313148
Aspect/s of Development Development Approval for Material Change of Use for
Telecommunications Facility

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

| No. | Conditions of Approval | Condition Timing |
|-----|---|------------------|
| 1 | The permitted road access location is to be approx 10m from the northern boundary of lot 313148, and approx 55m north of Lilian Street in accordance with: a) TMR Layout Plan (6632 - 25.73km) Issue A dated 19/09/2017, and b) Telstra Mobile Network Site 56801 - Dwg Q114355 Issue 1 (Recd TMR 12-09-17) | At all times. |
| 2 | Direct access is prohibited between Herberton - Petford Road and lot 313148 at any other location other than the permitted road | At all times. |

¹ Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval | Condition Timing |
|-----|--|------------------------------------|
| | access location described in Condition 1. | |
| 3 | The use of the permitted road access location is to be restricted to vehicles of maximum size equivalent to a single body truck. | At all times. |
| 4 | Road access works comprising a Rural Allotment Access must be provided at the permitted access location, generally in accordance with FNQROC Standard Drawing S1105 - Rural Allotment Access | MCU - Prior to commencement of use |

Reasons for the decision

The reasons for this decision are as follows:

- The subject site has direct access via Herberton-Petford Road, a state-controlled road.
- The existing access is currently unsealed and does not comply with the minimal DTMR access standard.
- The department notes that a section 62 has not been issued for the subject land to provide direct access via the state-controlled road.
- The proposed development is seeking to construct a telecommunications facility in addition to existing infrastructure on the subject site.
- Traffic generation will be minimal, between 2 - 6 movements per year including cherry pickers.
- The Department of Transport and Main Roads (TMR) has assessed that the existing access is considered a changed access and requires a section 62 approval in accordance with the *Transport Infrastructure Act 1994*.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

- There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

- In accordance with section 67(7) of TIA, this decision notice:
 - starts to have effect when the development approval has effect; and
 - stops having effect if the development approval lapses or is cancelled; and
 - replaces any earlier decision made under section 62(1) in relation to the land.
- In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.

3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. 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 the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Development Control Officer, Corridor Management should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Findings on material questions of fact:

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version/ Issue |
|--|---|-------------------|---------------------------|-------------------|
| Planning Report: Proposed Telstra Corporation Limited Mobile Telecommunications Facility | Servicestream Mobile Communication | 11/08/2017 | 568014 | |
| SDAP Assessment- State Code 1: Development in a State-controlled environment | Servicestream Mobile Communication | 11/08/2017 | - | 2.0 |
| Site Access and Locality Plan | Servicestream Mobile Communication | 08.08.17 | Q114355 | 1 |
| Site Layout | Servicestream Mobile Communication | 08.08.17 | Q114355 | S1-1 |
| TMR Layout Plan | Queensland Government Department of Transport and Main Roads | 19 September 2017 | TMR17-22488 (500-1167) | A |

Attachment B**Section 70 of TIA**

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

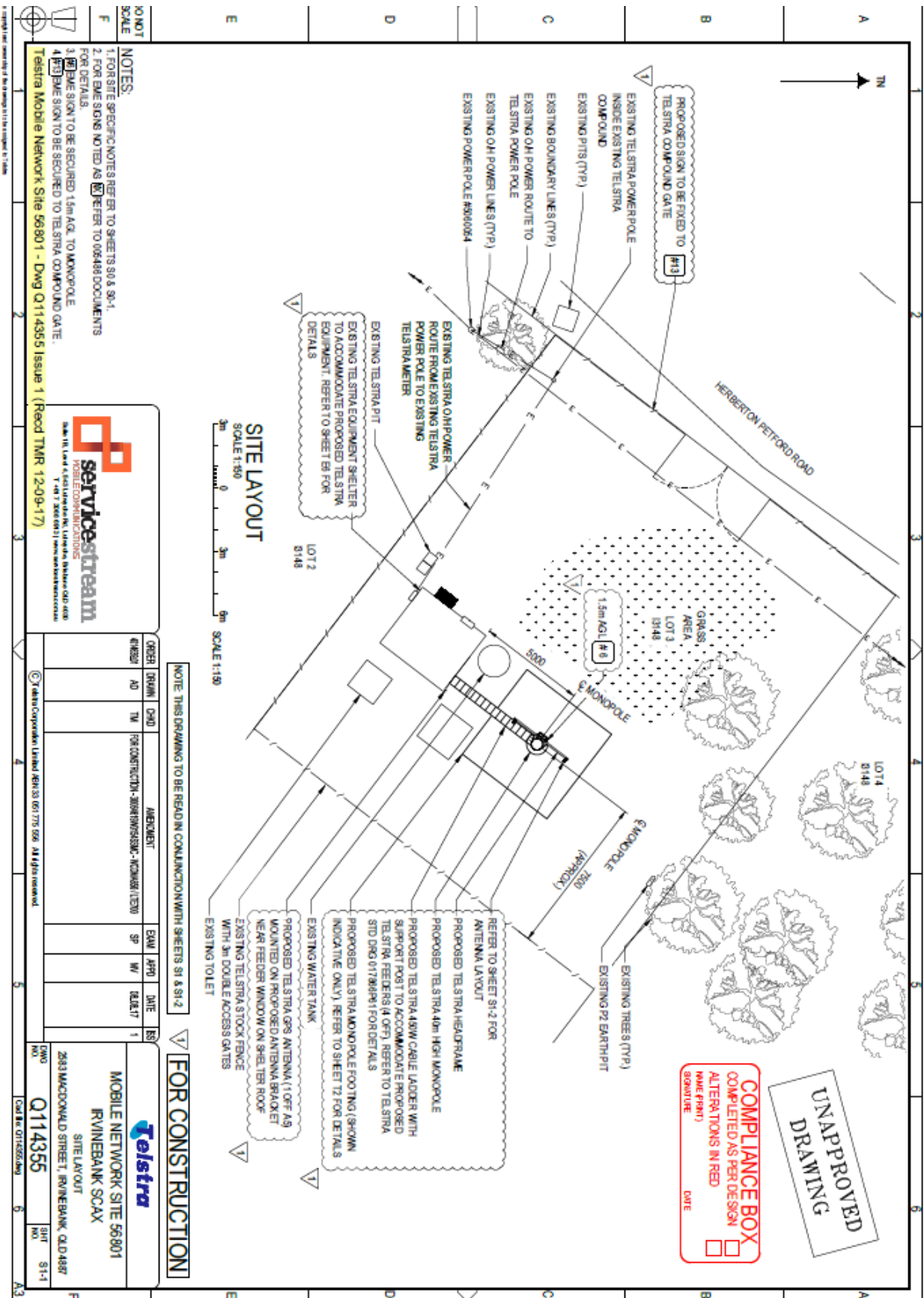
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.





| | | | |
|---|--|---|--|
| | | | |
| <p>PLAN</p> | | <p>END ELEVATION</p> | |
| <p>• Denotes guide posts.</p> | | | |
| <p>NOTES</p> <ol style="list-style-type: none"> 1. Minimum length of culvert shall be 4.0m for single access, 7.0m for double access. 2. Minimum pipe size shall be Ø375. Minimum RCBC to be 300mm high. 3. Minimum RC pipe / RCBC gradient shall be 1:100. 4. Where cover to RC pipes is less than 200mm pipes shall have 100mm concrete surround. 5. Drainage from access must not flow over the through road. All stormwater runoff shall be directed to the table drain. 6. Maximum 10 metres from edge of blumen seal or where grade is steeper than 6% the blumen seal shall extend from the road edge to the property boundary unless otherwise approved. 7. Precast sloping headwalls shall be used when: <ol style="list-style-type: none"> a) the through road has a signposted speed of 80km/hr or greater; b) the through road has a signposted speed of 60km/hr and the offset distance from the traffic line to the culvert is less than 4.5m. 8. Concrete shall be grade M25 in accordance with AS 1379 and AS 3600. 9. All dimensions are in millimetres. 10. Hydraulic capacity of pipe and access to match the capacity of the table drain. This may require the use of multiple pipes. 11. Minimum sight distances at accesses should comply with 'Sight Distance at Property Entrances' Ausroads Guide to Road Design Part 4A. Unsignalised and Signalised Intersections. 12. In instances where the details shown on this drawing cannot be achieved due to existing constraints, Council shall be contacted to achieve an acceptable alternative. | | | |
| <p>MINOR AMENDMENTS</p> | | <p>DISCLAIMER</p> | |
| <p>COMBINED PLAN DETAIL AND ADDED SECTIONS</p> | | <p>The author and issuing organization shall bear no liability or responsibility for any errors or omissions in this drawing. The user of this drawing shall be responsible for ensuring that the drawing is used in accordance with its intended purpose and for any errors or omissions in the drawing. The user shall be responsible for ensuring that the drawing is used in accordance with its intended purpose and for any errors or omissions in the drawing.</p> | |
| <p>VARIOUS MINOR AMENDMENTS</p> | | <p>RURAL ALLOTMENT ACCESSSES</p> | |
| <p>NOTES AMENDED</p> | | <p>Standard Drawing S1105</p> | |
| <p>ORIGINAL ISSUE</p> | | <p>Revisions</p> | |
| <p>REVISIONS</p> | | <p>DATE</p> | |





RA6-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1709-1289 SRA
Your reference: MCU/17/0005

9 October 2017

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

Attention: 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 12 September 2017.**Applicant details**

| | |
|----------------------------|--|
| Applicant name: | Telstra Corporation Limited C/- Service Stream |
| Applicant contact details: | Service Stream Mobile Communications PO Box 510 Lutwyche QLD 4030 geordie.pippos@servicestream.com.au |

Location details

| | |
|----------------------------|--------------------------------------|
| Street address: | Herberton - Petford Road, Irvinebank |
| Real property description: | Lot 3 on I3148 |
| Local government area: | Mareeba Shire Council |

Application details

| | |
|--------------------|--|
| Development permit | Material change of use for Telecommunications Facility, 40m Monopole |
|--------------------|--|

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

1709-1289 SRA

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

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 (6632 - 25.73km) | Department of Transport and Main Roads | 19/09/2017 | TMR17-22488 (500/1167) | A |
| Telstra Mobile Network Site 56801 – Irvinebank SCAX | Service Stream Mobile Communications | 08.08.17 | Q114355 | 1 |

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

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc Telstra Corporation Limited C/- Service Stream, geordie.pippos@servicestream.com.au

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

1709-1289 SRA

Attachment 1—Conditions to be imposed

| No. | Conditions | Condition timing |
|---|---|---|
| Material change of use | | |
| State transport corridors and future State transport corridors —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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>(a) The road access location is to be located generally in accordance with:</p> <ul style="list-style-type: none"> • TMR Layout Plan (6632 - 25.73km), reference number TMR17-22488 (500-1167), Issue A, dated 19/09/2017 • Telstra Mobile Network Site 56801 – Irvinebank SCAX, prepared by Service Stream Mobile Communications, drawing number Q114355, Issue 1, dated 08.08.17. <p>(b) Road access works comprising a Rural Allotment Access must be provided at the permitted access location, generally in accordance with FNQROC Standard Drawing S1105 – Rural Allotment Access.</p> | <p>(a) At all times.</p> <p>(b) Prior to the commencement of use</p> |
| 2. | Direct access is not permitted between Herberton - Petford Road and lot 3 on I3148 at any other location other than the permitted road access location described in Condition 1. | At all times. |

1709-1289 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- 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.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited where not required.

1709-1289 SRA

Attachment 3—Advice to the assessment manager

| General advice – Road access works approval | |
|---|--|
| 1. | <p>Under sections 62 and 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 that are road access works (including driveways) 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).</p> <p>The road access works approval process takes time – please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p> |

ITEM-4 **PIONEER NORTH QLD PTY LTD - MCU - EXTRACTIVE INDUSTRY - LOT 77 CP902753 - KIMALO ROAD, ARRIGA - MCU/17/0009**

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|---------------------|
| APPLICANT | Pioneer North QLD Pty Ltd | ADDRESS | Kimalo Road, Arriga |
| DATE LODGED | 4 October 2017 | RPD | Lot 77 on CP902753 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use – Extractive Industry | | |

| | | | |
|----------------------------|--|--------------|----------------------------------|
| FILE NO | MCU/17/0009 | AREA | 157.4 hectares |
| LODGED BY | RPS Australia East Pty Ltd | OWNER | MP Australia Investments Pty Ltd |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Rural zone | | |
| LEVEL OF ASSESSMENT | Impact Assessment | | |
| SUBMISSIONS | Nil | | |

ATTACHMENTS: 1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response – 7 November 2017

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

"1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|---------------------|
| APPLICANT | Pioneer North QLD Pty Ltd | ADDRESS | Kimalo Road, Arriga |
| DATE LODGED | 4 October 2017 | RPD | Lot 77 on CP902753 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use – Extractive Industry | | |

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), referral 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 – Extractive Industry

(B) **APPROVED PLANS:**

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|---------------------|-------------|------------|
| PR137274-2 | Site Layout Plan | RPS | 28-08-2017 |

(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 the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon Saturdays (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Sunday or Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

- 3.6 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.
- 3.7 All operations pursuant to the extractive industry must be carried out in accordance with an Environmental Management Plan, except where modifications are required by the conditions of this approval. A copy of the Environmental Management Plan must be provided to Council prior to the commencement of extraction.

- 3.8 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.9 Scale and Intensity

The extraction volume must not exceed 100,000 tonnes per annum.

- 3.10 No extractive industry operations, other than access, are to occur within 10 metres of:

- Kimalo Road;
- any property boundary;
- any existing easement; and
- any mapped remnant vegetation.

3.12 Rehabilitation

A Site Rehabilitation Management Plan is to be prepared by a suitably qualified and experienced person detailing the timing/staging of vegetation removal, method of removal and the sequence of operations and rehabilitation works.

Site rehabilitation works must be provided in a progressive manner in accordance with extraction sequences and staging. The method of rehabilitation needs to be detailed with appropriate revegetation strategies indicated including the species list to be used including plant source. The plan is to be submitted to Council and operations are not to commence prior to receipt of Council's approval of the plan.

All site rehabilitation is to occur in accordance with the approved Site Rehabilitation Management Plan.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover/s, for the extractive industry access, must be constructed and maintained, to the property boundary of the Sales Permit area in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – **Note:** The applicant's obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council's adopted annual budget.

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.

- 5.2 The developer must pay \$51,795.00 for each 3,333haul truck movements (\$15.54 per truck) from the site towards trunk transport infrastructure, with

the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

5.3 The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land - specifically the upgrading of Kimalo Road and North Walsh Road to rural road (8 metres wide) bitumen sealed standard.

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

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

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

(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) Transportation of Soil

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

(E) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning (no requirements) dated 7 November 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

- Nil

(H) 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 land is described as Lot 77 on CP902753, situated at Kimalo Road, Arriga, approximately 14.5 km west of Mareeba.

The land has an area of 157.4 hectares, with a frontage of approximately 1.06 kilometres to Kimalo Road. Access to the land is obtained directly off Kimalo Road via an established farm access.

Kimalo Road is constructed to at least 7 metre wide bitumen sealed standard from its intersection with Bower Road and North Walsh Road, up to and including the full frontage of the subject land.

The land is located within the Rural Zone and surrounded by agricultural activities, primarily sugar cane and horticultural production.

The land is relatively flat with minor undulations of alluvial plains. The Environmental Significance - Waterways Overlay of the Mareeba Shire Council Planning Scheme 2016 depicts waterways traversing the subject land to a drainage line immediately adjacent to Kimalo Road.

The applicant advises that the subject land has been inspected by the Department of Natural Resources and Mines (DNR&M) and it has been determined that the mapped waterways are Drainage Features pursuant to the *Water Act 2000* and not a watercourse pursuant to the *Water Act*.

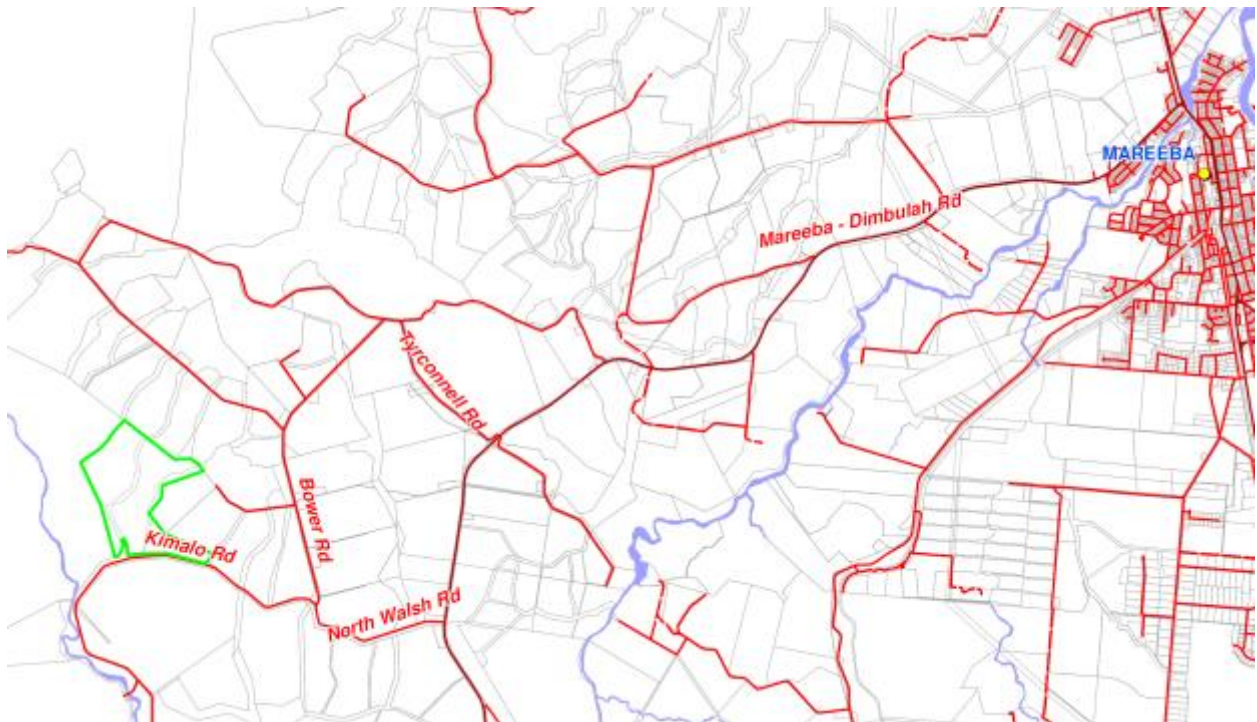
A residential dwelling and ancillary farming sheds exist on the site, approximately 380 metres, north of Kimalo Road and approximately 200 metres to the closest point of proposed extraction. Except for the land owners residence, the nearest sensitive receptors to the proposed extraction area are rural residences, located:

- Approximately 900m to the north north east;
- 700m to the north east; and
- 650m to the south west.



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 – Extractive Industry in accordance with the plans shown in **Attachment 1**.

The proposed development would involve the extraction and screening of up to 100,000 tonnes of fine sand per year from a total area of approximately 19.8 hectares.

The following extractive industry processes will be carried out as part of the project.

- Removal and storage of topsoil in earthen bunds;
- Extraction of the sand resource;
- Screening of the material into stockpiles;
- Haulage off-site via Kimalo Road; and
- Stabilisation and rehabilitation of disturbed areas

The area proposed for sand extraction provides for an exclusion area of not less than 10m from any area mapped as remnant vegetation.

The applicant advises that a separate application has been made to the Department of Environment and Heritage Protection for a Site Specific Environmental Authority over land described as Lot 77 on CP902753, for the following:

- ERA 16 2(a) extracting, other than by dredging, in a year, 5,000t to 100,000t of material; and
- ERA 16 3(a) screening, in a year, 5,000t to 100,000t of material.

The potential environmental impacts typically associated with extraction and screening activities would be managed in accordance with the conditions of the environmental authority and an approved Environmental Management Plan.

The applicant intends to progress the development in stages, with the first stage facilitating extraction up to 5,000 tonnes of sand from two separate extraction pits prior to the issue of the Environmental Authority. The extraction pits are to be located either side of the SunWater drainage easement with each extraction pit gaining access to Kimalo Road from two separate points, from the existing farm access and the alternate access shown on the Proposal Plan.

The initial extraction pits are anticipated to form the sediment retention ponds in the larger scale sand extraction operation.

The standard extractive industry operating hours of 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturdays will apply. No activities will take place on Sundays or Public Holidays.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|---|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> ▪ Rural Other Natural Resource Elements <p>Key Resource Area</p> |
| Zone: | Rural zone |
| Overlays: | Airport environs overlay Bushfire hazard overlay Environmental significance overlay Extractive resources overlay Transport infrastructure overlay |

Planning Scheme Definitions

The proposed use is defined as:-

| Column 1 Use | Column 2 Definition | Column 3 Examples include | Column 4 Does not include the following examples |
|----------------------------|--|--------------------------------------|---|
| <i>Extractive industry</i> | <i>Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.</i> | <i>Quarry</i> | |

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 - July 2016

Strategic Framework

3.7 Economic development

3.7.1 Strategic outcomes

- (7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.
- (8) *Key resource areas* (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations

establish in *rural areas* where impacts on surrounding land are manageable and environmental values can be protected.

3.7.11 Element - Extractive resources

3.7.11.1 Specific outcomes

- (1) *Key resource areas* of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.
- (2) Extractive industries:
 - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).
- (3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

The subject site is within key resource area (KRA) KRA151.

KRA151 is intended to recognise and protect the sand resource which extends from Narcotic Creek Road in a north-westerly direction to McBean Road. Numerous historic and active sand extractive industries are scattered throughout this KRA.

The proposed development would comply.

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.5 Extractive resources overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes

or performance 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 |
|---|---|
| Rural zone code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Airport environs overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Bushfire hazard overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Environmental significance overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Extractive resources overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Transport infrastructure overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Industrial activities code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Landscaping code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Parking and access code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Works, services and infrastructure code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

(f) Additional Trunk Infrastructure Condition (Section 130 of PA)

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of PA allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 100,000 tonnes would be as follows.

Length of road traversed by the applicant is 3.7 kilometres (shortest route to State controlled road).

| | | |
|-------------------------------------|---|--|
| Truck and dog | = | 30 tonnes / load = 6 ESA * / load (* ESA - Equivalent Standard Axles) |
| Truck loads | = | tonnes (100,000) ÷ load of truck (30t) |
| | = | 100,000 ÷ 30 |
| | = | 3,333 |
| Number of axles | = | No. of loads (3,333 x ESA / Load (6)) |
| | = | 3,333 x 6 |
| | = | 19,998 |
| Present road investment | = | \$1.40 / ESA |
| Future road maintenance cost | = | \$2.10 / ESA |
| cost | = | Difference in maintenance and present |
| | = | \$2.10 - \$1.40 |
| | = | \$0.70 |
| | = | \$0.70 x ESA (19,998) |
| | = | \$13,998.60 |
| Therefore total contribution sought | = | cost x distance (km) |
| | = | \$13,998.60 x 3.7 |
| | = | \$51,794.82 |

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$51,794.82 for each 100,000 tonnes of material extracted.

On 21 June 2017, Council adopted its 2017/18 Budget and introduced a new special charge for extractive industries.

In doing so, Council acknowledged that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

REFERRALS

The application triggered referral to the State Referral Agency for state transport infrastructure matters.

The Department advised in a response dated 7 November 2017 that they have no requirements for the development (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 2 November 2017 to 24 November 2017. The applicant submitted the notice of compliance on 27 November 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

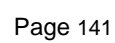
No submissions were received.

PLANNING DISCUSSION

Nil

Date Prepared: 11 December 2017

APPROVED PLANS



ATTACHMENT 2

RA9-N

Department of Infrastructure,
Local Government and Planning

Our reference: 1710-1961 SRA
Your reference: MCU/17/0009
Applicant reference: 9369 / R76869

7 November 2017

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

Attention: Brian Millard

Dear Sir / Madam

Referral agency response—no requirements(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 16 October 2017.

Applicant details

| | |
|----------------------------|---|
| Applicant name: | Pioneer North Queensland Pty Ltd |
| Applicant contact details: | 135 Abbott Street Cairns QLD 4870 owen.caddick-king@rpsgroup.com.au |

Location details

| | |
|----------------------------|------------------------------------|
| Street address: | 2576 Mareeba Dimbulah Road, Arriga |
| Real property description: | Lot 77 on CP902753 |
| Local government area: | Mareeba Shire Council |

Application details

| | |
|--------------------|---|
| Development permit | Material change of use for an Extractive Industry including the extraction and processing of sand at a scale of not greater than 100,000t per year. |
|--------------------|---|

Referral triggers

Page 1 of 2

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

1710-1961 SRA

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

10.9.4.1.1.1 Infrastructure - state transport infrastructure

No requirements

Under section 56(1)(a) of the *Planning Act 2016*, the department advises it has no requirements relating to the application.

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Pioneer North Queensland Pty Ltd, C/- owen.caddick-king@rpsgroup.com.au

GE78-N

Department of Infrastructure,
Local Government and Planning**Department of Infrastructure, Local Government and Planning****Statement of reasons for application 1710-1961 SRA**(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

| | |
|----------------------------|---|
| Applicant name: | Pioneer North Queensland Pty Ltd |
| Applicant contact details: | 135 Abbott Street Cairns QLD 4870 owen.caddick-king@rpsgroup.com.au |

Location details

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| Street address: | 2576 Mareeba Dimbulah Road, Arriga |
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| Local government area: | Mareeba Shire Council |

Development details

| | |
|--------------------|---|
| Development permit | Material change of use for an Extractive Industry including the extraction and processing of sand at a scale of not greater than 100,000t per year. |
|--------------------|---|

Assessment matters

| Aspect of development requiring code assessment | Applicable codes |
|---|---|
| 1. Material change of use | State Development Assessment Provisions (SDAP) State code 6: Protection of state transport networks |

Reasons for the department's decision

The reasons for the decision are:

- the subject site is within the existing Key Resource Area and will use the existing haulage route, including the Mareeba- Dimbulah Road.
- the proposed development will utilise the local road network and the intersection with the state-controlled road has been recently upgraded to cater for heavy vehicles.
- the proposed development complies with all applicable performance outcomes of the SDAP state code 6: Protection of state transport networks.
- the proposed development will not adversely impact on the functioning of the state-controlled road network, namely Mareeba-Dimbulah Road.
- the proposed development is required to replace other extractive industry sites that have become exhausted so the net traffic impact will not be increased.

1710-1961 SRA

Decision

- The development application is for material change of use for an extractive industry (extraction and screening) of between 5000 and 100,000t per annum.
- The department issued its referral agency response on 7 November 2017 which states that it has no requirements relating to the application.

Relevant material

- Development application
- State Development Assessment Provisions version 2.1, published by the Department of Infrastructure, Local Government and Planning
- *Planning Act 2016*
- Planning Regulation 2017

ITEM-5 **NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MCU EDUCATIONAL ESTABLISHMENT, LOW IMPACT INDUSTRY, OFFICE & TRANSPORT DEPOT (MECHANICS WORKSHOP, CONSTRUCTION BUSINESS, OFFICES & MEETING ROOMS) LOT 322 SP118917 - ARARA STREET, KURANDA - MCU/17/0006**

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|--|
| APPLICANT | Ngoonbi Community Services Indigenous Corporation | ADDRESS | Arara Street, Kuranda |
| DATE LODGED | 1 September 2017 | RPD | Lot 322 on SP118917 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms) | | |
| FILE NO | MCU/17/0006 | AREA | 8,757m ² |
| LODGED BY | Gilvear Planning Pty Ltd | OWNER | State of QLD (Rep by Dept of Education and Training) |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Conservation | | |
| LEVEL OF ASSESSMENT | Impact Assessment | | |
| SUBMISSIONS | No Submissions Received | | |

ATTACHMENTS:

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

Draft conditions were provided to the Applicants care of their consultant and have been agreed to. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

"1. That in relation to the following development application:

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

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

- (B) **APPROVED PLANS:**

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

- (C) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied

with, except where specified otherwise in these conditions of approval.

3. General

3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

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

3.4 Noise Nuisance

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

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

3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access roads are of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

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

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

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage/Water Quality

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

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

4.2.3 Prior to Building works commencing, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

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

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

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

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with 13 on-site car parking spaces including one (1) disabled car parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete, asphalt or bitumen sealed, line marked and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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

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

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

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

4.4 Lighting

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

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

4.5 Water Supply

- 4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- 4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

- 4.6.1 The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- 4.6.2 Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

5. Additional Payment Condition/s

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of **\$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk water supply, sewerage and transport (road) network servicing the land.
- 5.4 The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.

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

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Water Meters/Water Service Connection

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

- (c) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

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

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

- (f) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(g) Compliance with Acts and Regulations

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

(h) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.environment.gov.au

(i) Cultural Heritage

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

(j) Transportation of Soil

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

(E) REFERRAL AGENCY CONDITIONS

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

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)."

THE SITE

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

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

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



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and/or Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms) in accordance with the plans shown in **Attachment 1**.

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

The proposed building would be located within the cleared area of the site and would utilise the existing access. The shed will have dimensions of 18 metres by 35 metres, a total area

of 630m², and a height of 8.5 metres. The ground floor of the building would contain a training room, offices, workshop and laundry. A mezzanine floor would contain a communal kitchen, meeting/training room and storage.

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

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|---|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> • <i>Conservation Area</i> Natural Environment Elements <ul style="list-style-type: none"> • <i>Biodiversity Areas</i> |
| Zone: | Conservation Zone |
| Local Plan: | Kuranda Local Plan (Green Belt Precinct) |
| Overlays: | Airport Environs Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay |

Planning Scheme Definitions

The proposed use is defined as:-

| Column 1 Use | Column 2 Definition | Column 3 Examples include | Column 4 Does not include the following examples |
|----------------------------------|---|--|--|
| <i>Educational establishment</i> | <i>Premises used for training and instruction designed to impart knowledge and develop skills.</i> <i>The use may include outside hours school care for students or on-site student accommodation.</i> | <i>Pre-preparatory, preparatory and primary school, secondary school, special education, college, university, technical institute, outdoor education centres</i> | <i>Child care centre, home based child care, family day care</i> |

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

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

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.2 Element - Activity centres network

3.3.2.1 Specific outcomes

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

Comment

Ngoonbi Community Services Indigenous Corporation (the applicants) propose to develop the site as an educational resource, providing pre-vocational training activities for older youths in the Kuranda locality. The applicants have applied for a number of

land uses to cover the intended training activities which will include but will not be limited to construction/fabrication, mechanical work and administration.

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

The development complies.

3.3.4 Element - Village activity centre

3.3.4.1 Specific outcomes

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

Comment

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

The development complies.

3.3.12 Element - Industry areas

3.3.12.1 Specific outcomes

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

Comment

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

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

The development complies.

3.4.2 Element - Conservation areas

3.4.2.1 Specific outcomes

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

Comment

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

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

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

3.4.3 Element - Pest and weed management

3.4.3.1 Specific outcomes

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

Comment

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

The development complies.

3.4.4 Element - Biodiversity areas

3.4.4.1 Specific outcomes

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

Comment

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

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

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

3.4.8 Element - Air and noise quality

3.4.8.1 Specific outcomes

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

Comment

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

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

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

3.6.7 Element - Water supply and wastewater services

3.6.7.1 Specific Outcomes

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

Comment

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

The development will be conditioned to comply.

3.6.8 Element - Stormwater management

3.6.8.1 Specific outcomes

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

Comment

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

The development will be conditioned to comply.

3.7.8 Element - Industry

3.7.8.1 Specific outcomes

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

Comment

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

The development complies.

3.7.9 Element - Education, research, culture and the arts

3.7.9.1 Specific outcomes

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

Comment

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

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

The development complies.

Relevant Development Codes

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

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

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

| Relevant Codes | Comments |
|------------------------|--|
| Conservation Zone Code | The application can be conditioned to comply with the relevant |

| | |
|---|--|
| | acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Kuranda Local Plan Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Airport Environs Overlay Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Environmental Significance Overlay Code | <p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1.1 ▪ Acceptable Outcome AO2 <p>Refer to planning discussion section of report.</p> |
| Flood Hazard Overlay Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Hill and Slope Overlay Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Transport Infrastructure Overlay Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Community Activities Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Industrial Activities Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |
| Landscaping Code | The proposed development will be sited towards the centre of the site and will be surrounded by existing mature vegetation which will effectively screen the development from view from adjoining uses and Arara Street users. The provisions and requirements of the landscaping code are not considered necessary for this development. |
| Parking and Access Code | <p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1 <p>Refer to planning discussion section of report.</p> |
| Works, Services and Infrastructure Code | The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome provided) contained within the code. |

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Additional Trunk Infrastructure Condition

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

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

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

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

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

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

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;

- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

REFERRALS

Referral Agency

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

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

Advice Agency

This application did not trigger referral to an Advice Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 11 October 2017 to 3 November 2017. The applicant submitted the notice of compliance on 6 November 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Noncompliance with the acceptable outcomes of the following development codes are discussed as follows:

Environmental Significance Overlay Code

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

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

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

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

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

Comment

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

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

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

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

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

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

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

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

Comment

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

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

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

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

Parking and Access Code

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

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

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

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

Comment

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

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

- Educational establishment - 1 space for every 10 students plus 1 space per employee;
- Low Impact Industry - 1 space per 90sqm of GFA (7 spaces)
- Transport Depot - 1 space per 125sqm of GFA (6 spaces)
- Office - 1 space per 25sqm of GFA (4 spaces)

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

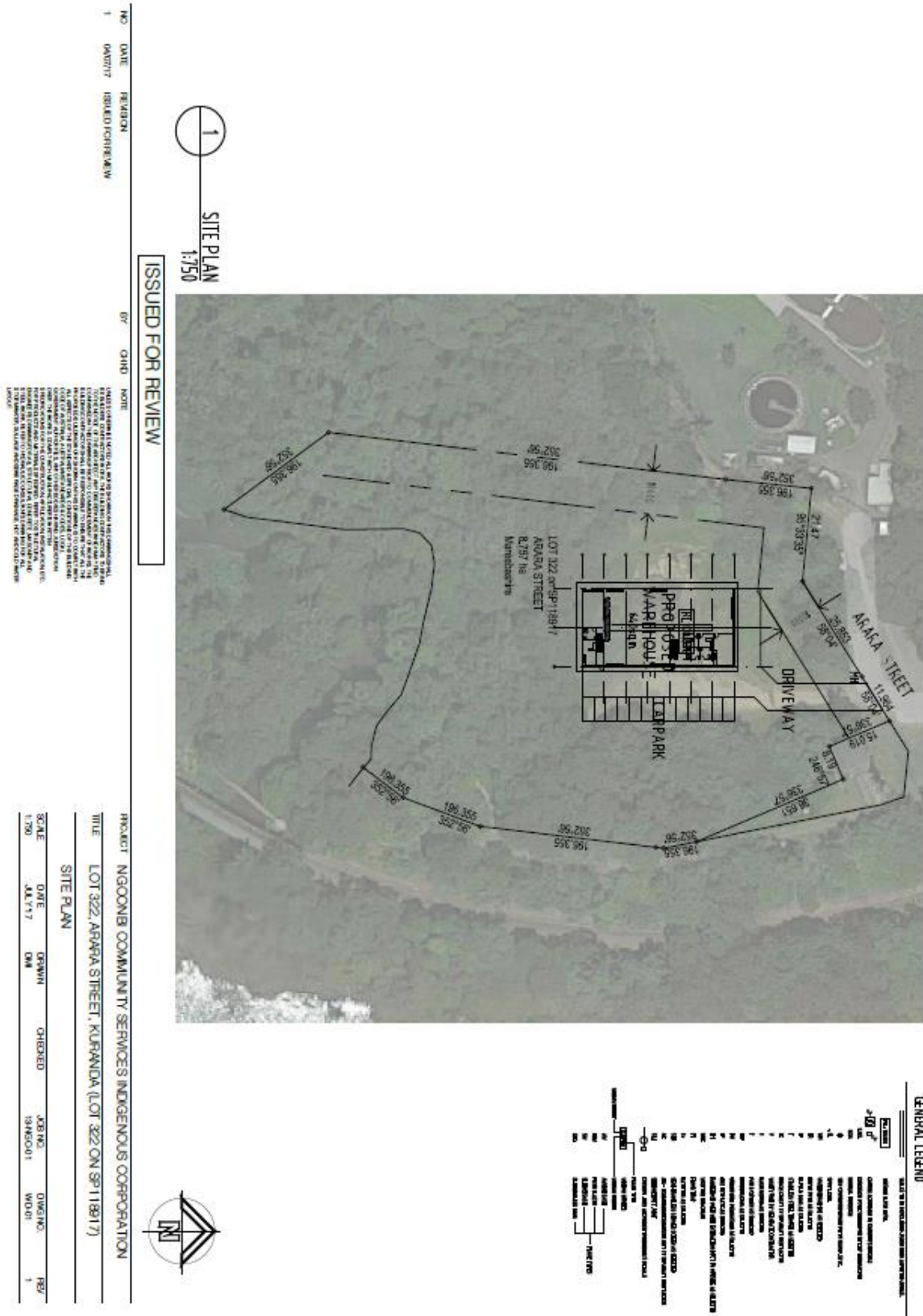
Although multiple land uses are proposed, these uses will primarily be carried out collectively on site and will not operate exclusive of each other. As such, the 13 car parking spaces provided are considered adequate to accommodate the demand likely to be generated by the use. Bicycle parking has also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

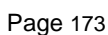
The proposed development is considered to comply with PO1.

Date Prepared: 28 November 2017

ATTACHMENT 1

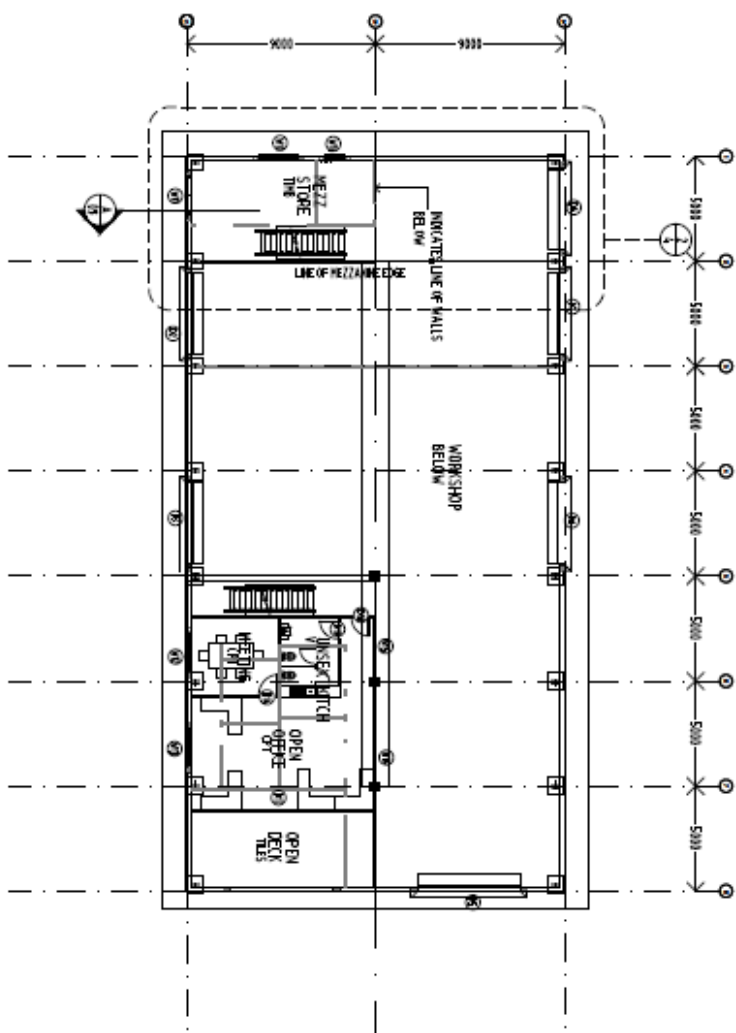
APPROVED PLANS (ECM Doc Set ID 3286413)















































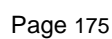


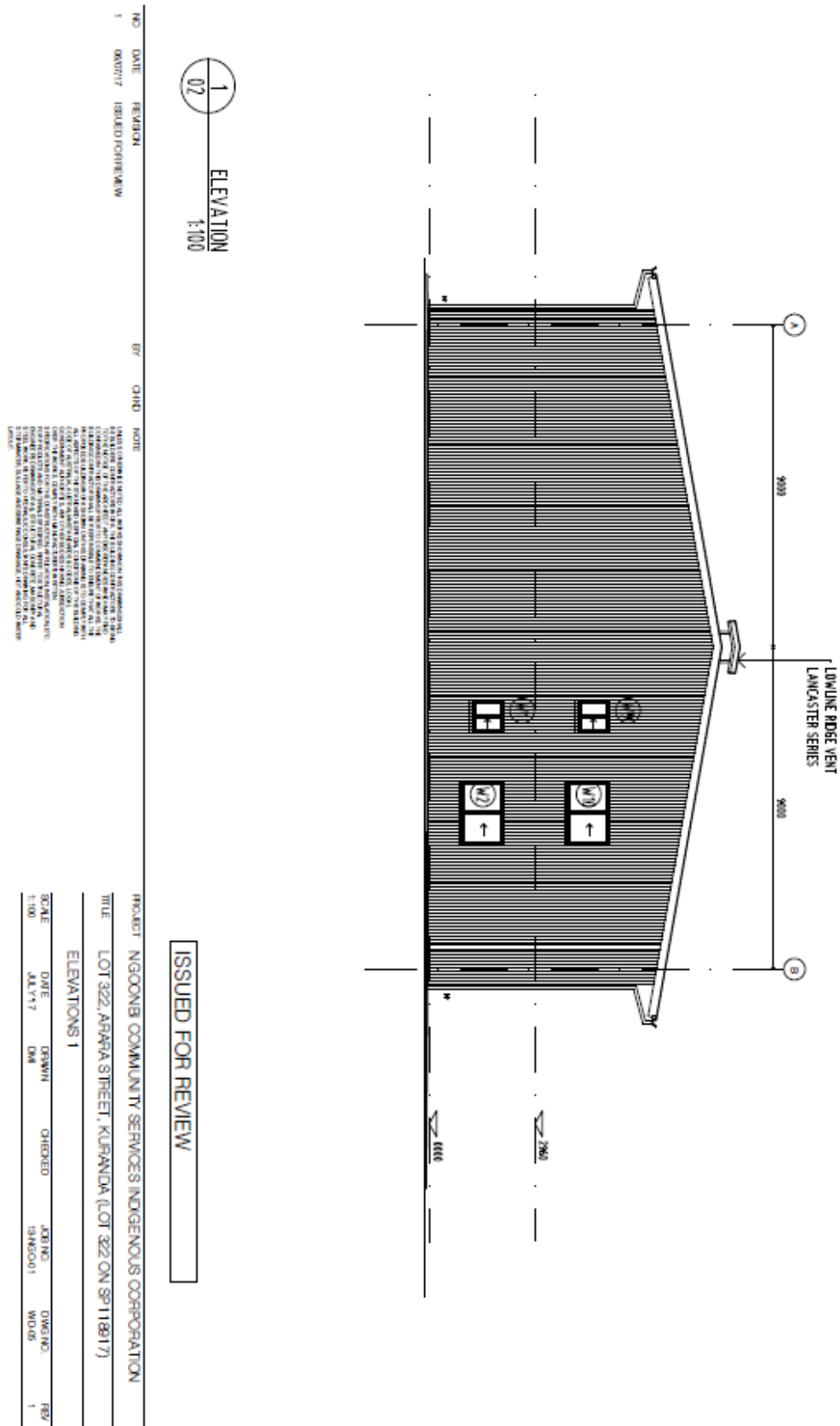
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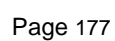
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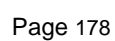


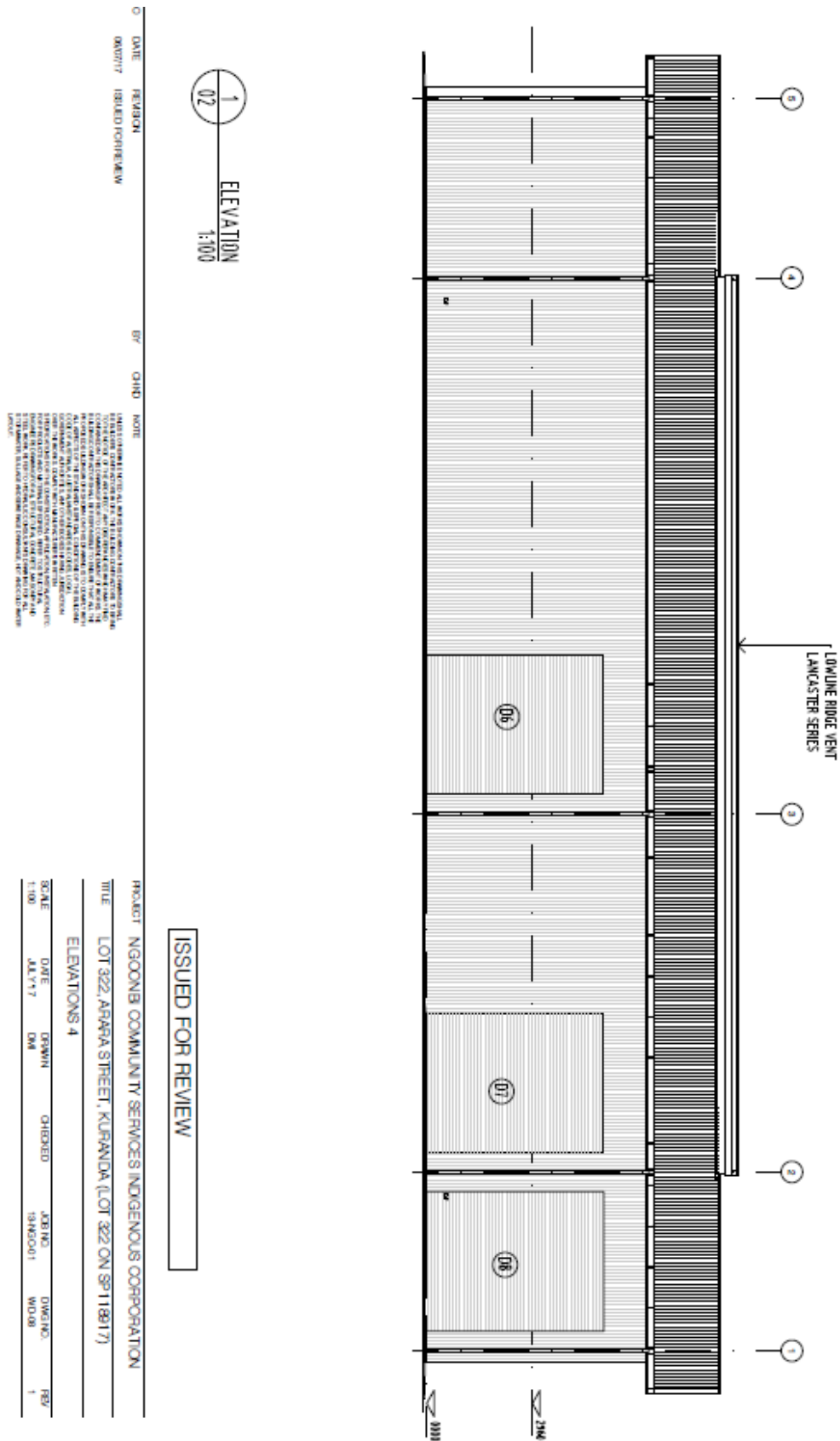
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|  | 20 WALL THREADED |
|  | 20 CORNET COLUMN |
|  | 30 CORNET MOUNT WALLS |
|  | FLAT OVER SLAB - 1500 x 1500 |
|  | FACED UNIT (1500) |
|  | 15 - CORNET RIB |
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ATTACHMENT 2

GE78-N

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

Departmental role: Referral agency

Applicant details

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

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

Location details

Street address: Arara Street, Kuranda

Real property description: Lot 322 on SP118917

Local government area: Mareeba Shire Council

Development details

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

Assessment matters

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

Reasons for the department's decision

The reasons for the decision are:

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

DecisionFar North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Streets Cairns

1708-1299 SRA

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

Relevant material

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

RA6-N

Department of Infrastructure,
Local Government and Planning

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

12 October 2017

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

Attention: Brian Millard

Dear Sir / Madam

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

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 8 September 2017.

Applicant details

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

Location details

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

Application details

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

Far North Queensland regional office
Ground Floor Cnr Grafton and Hartley

1709-1299 SRA

Referral triggers

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

- 10.9.4.2.4 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

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

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

Yours sincerely



Brett Nancarrow
Manager (Planning)

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

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

1709-1299 SRA

Attachment 1—Conditions to be imposed

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

1709-1299 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

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

ITEM-6 **MAISEL AG PTY LTD - MCU - CAR WASH - LOT 2
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:

| 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 | | |

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 Council's 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.

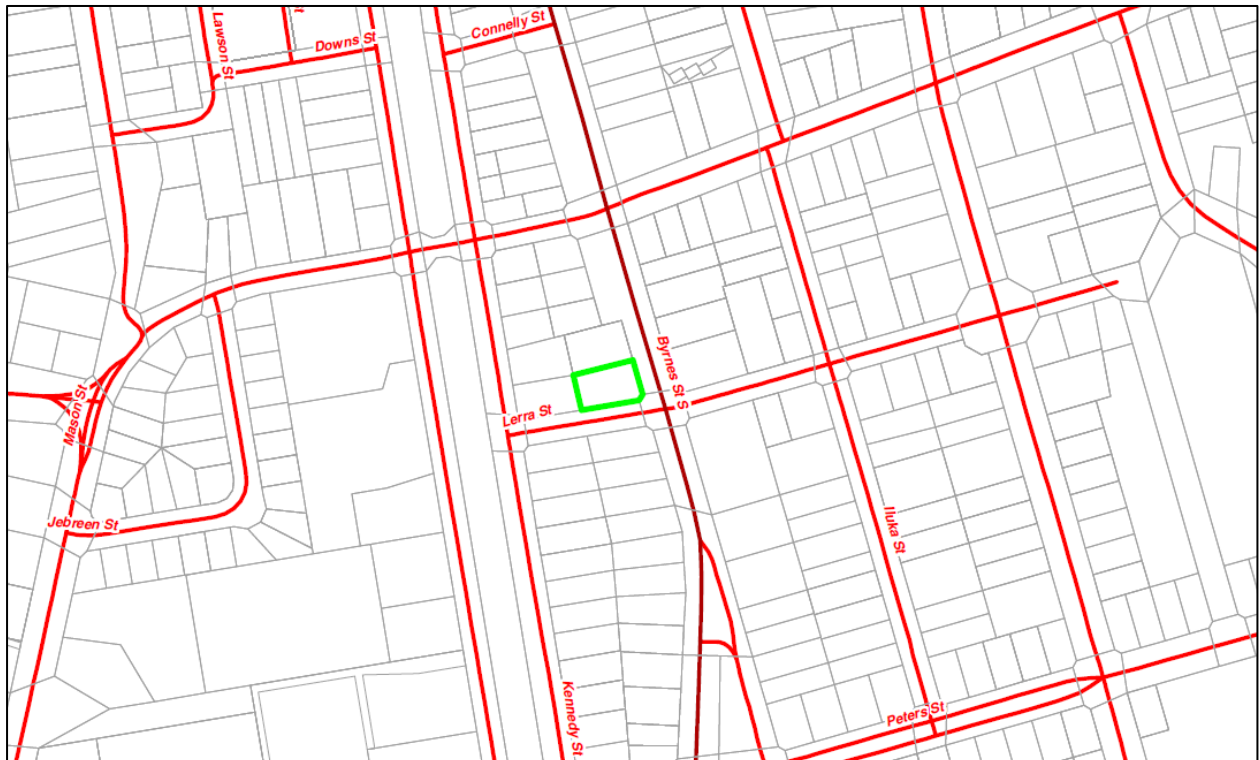
The site contains approximately 27 metres of frontage to Byrnes Street and approximately 50 metres of frontage to Lerra Street. Byrnes Street is a State controlled road and is bitumen sealed from kerb to kerb. Lerra Street is also constructed to a bitumen sealed standard, however, is not sealed to the 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 (1) 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 (night 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 community's 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 Brtevnik & 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*

A07 *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.*

A08 *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*

A09 *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, seven (7) days per week, while the vacuum/dog wash bays will operate between the hours of 7 am and 10 pm, seven (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.

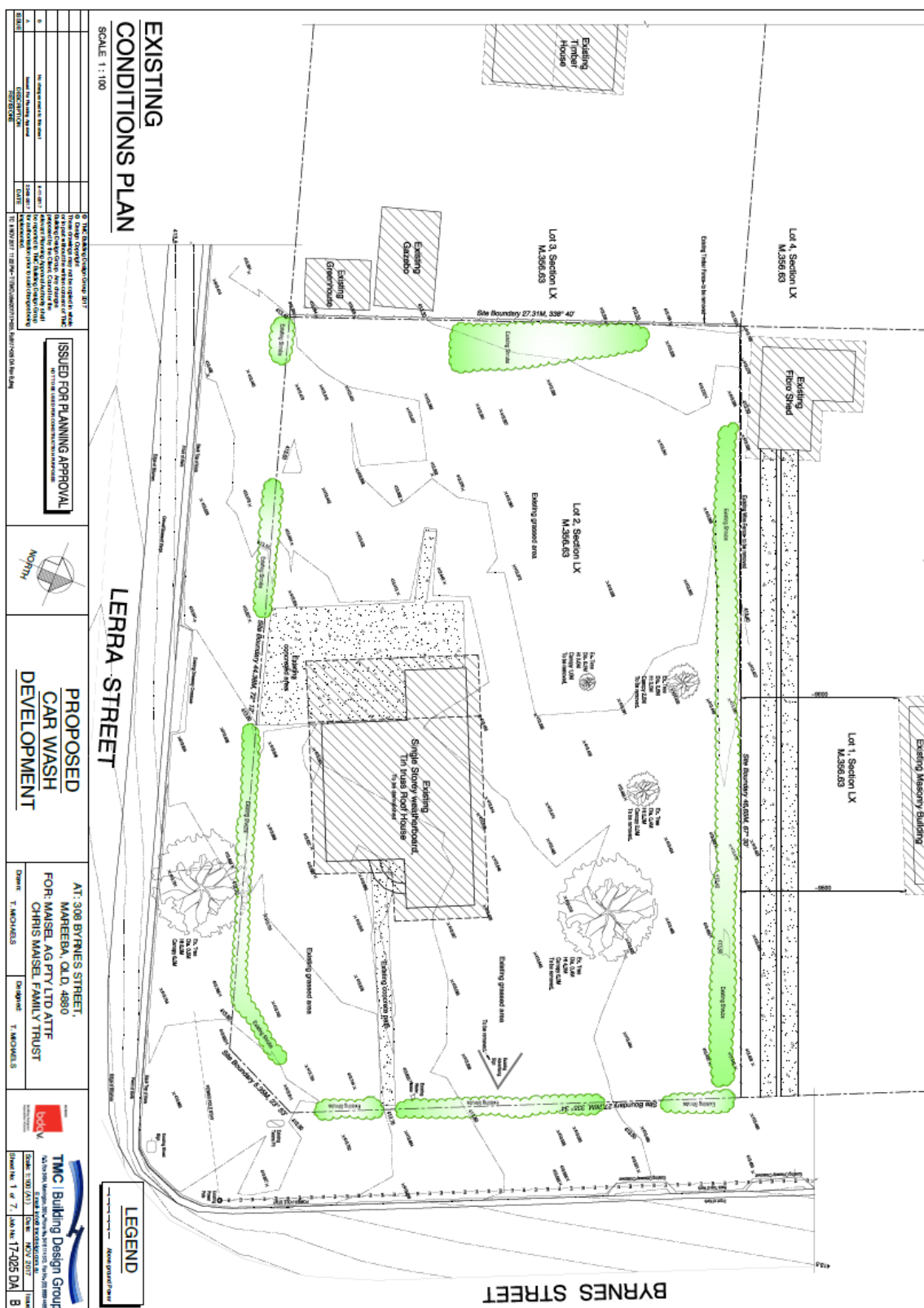
Despite this minor non-compliance, the landscaping proposed (as shown on the submitted plans) will create an attractive streetscape, will complement the character of the immediate surrounds and will assist in the breakup and softening of the built form proposed on site.

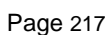
The landscaping proposed is considered more than adequate and the development is therefore considered to comply with performance outcome PO2.

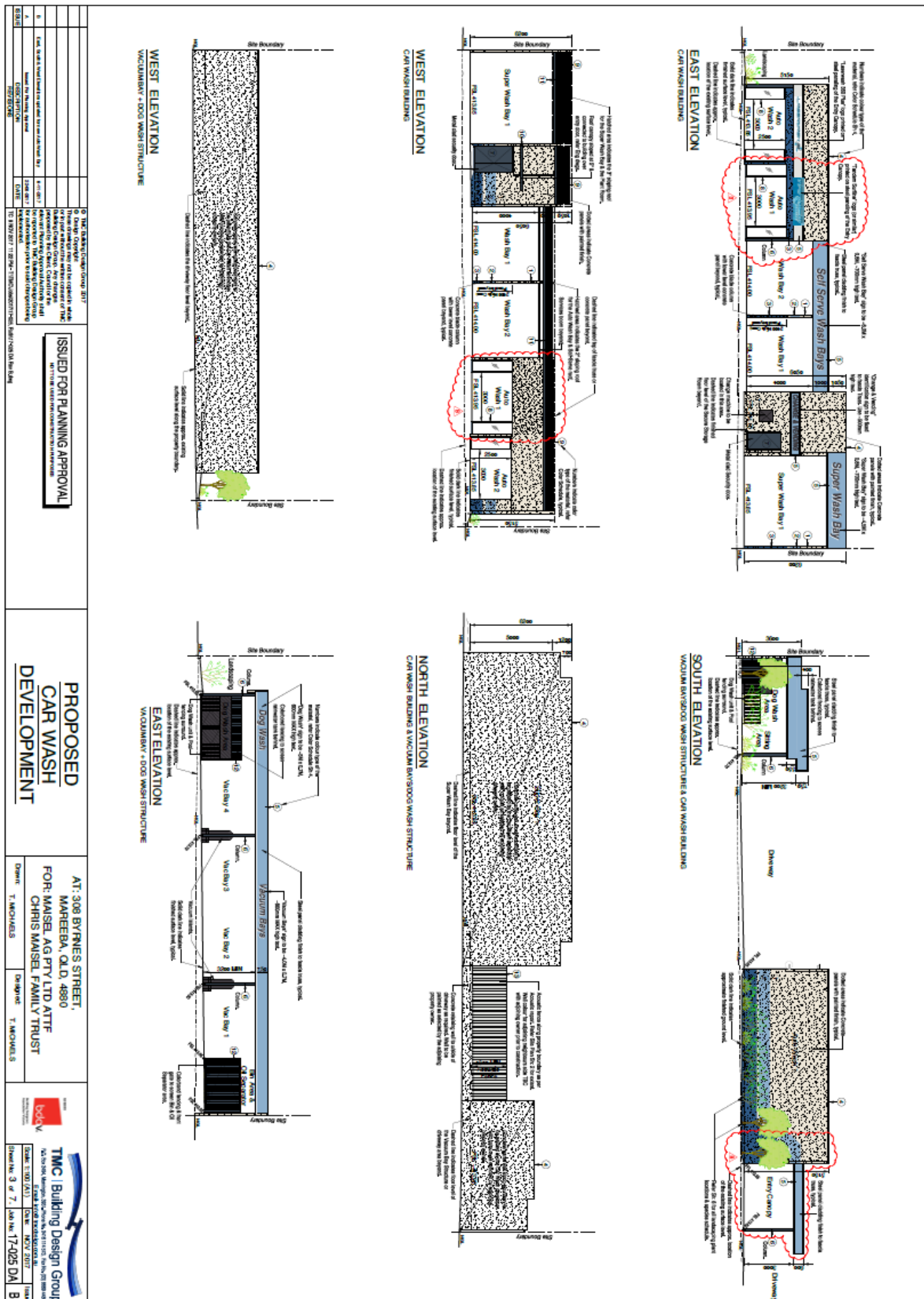
Date Prepared: 8 December 2017

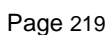
ATTACHMENT 1

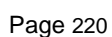
APPROVED PLANS (ECM Doc Set ID 3331702)

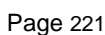


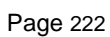












ATTACHMENT 2

RA6-N

Department of Infrastructure,
Local Government and PlanningOur 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 |
|--------------------|--|

Referral triggersThe 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

1709-1647 SRA

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@dlgp.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

1709-1647 SRA

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. | The development must be carried out generally in accordance with the following plan: <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. | (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. (b) The road access works comprising commercial and industrial crossover must be designed and constructed in accordance with the FNQROC Standard Drawing S1015. | (a) At all times (b) Prior to the commencement of use |
| 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. | (a) Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the 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 |

1709-1647 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

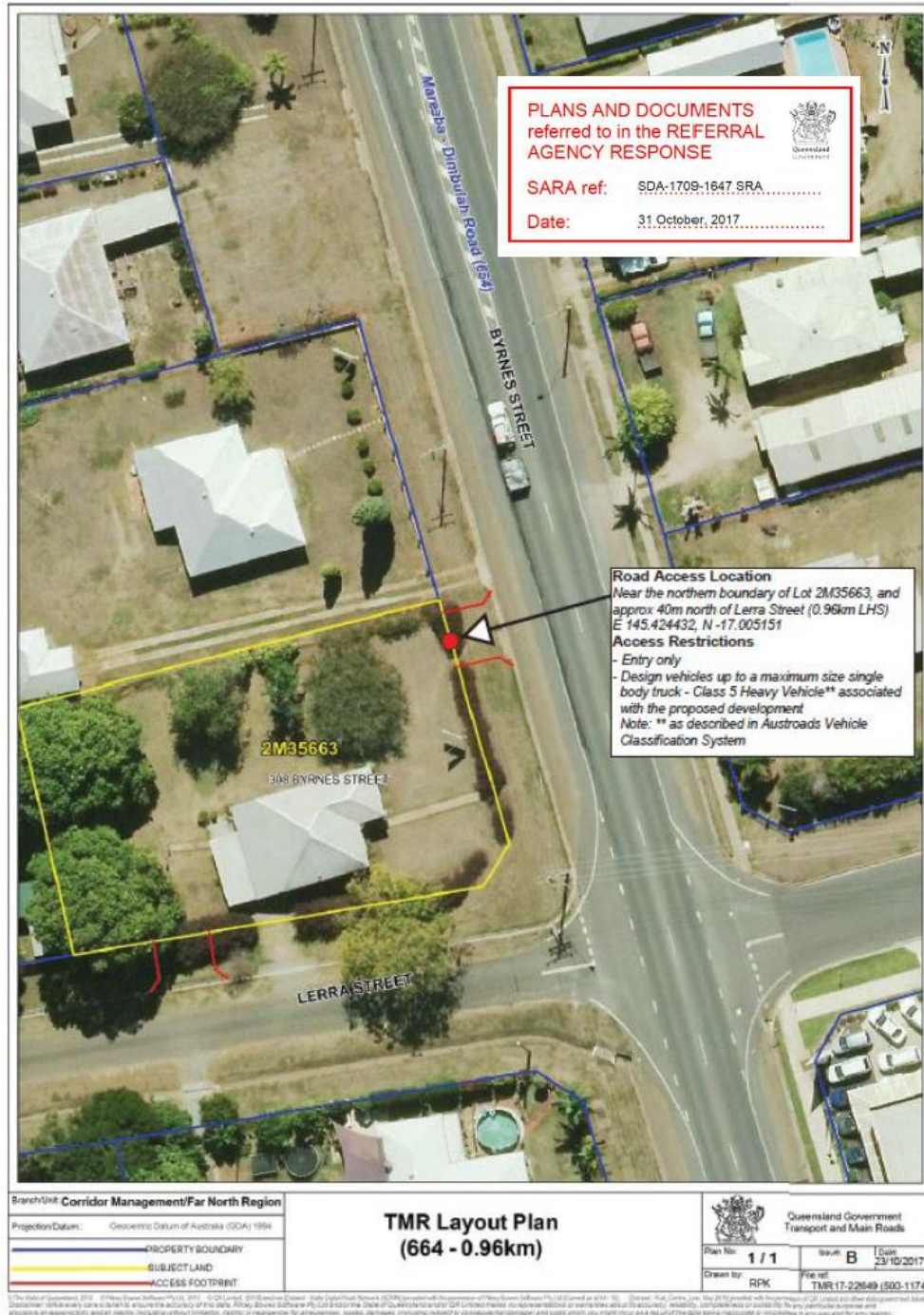
- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.
- To 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.

1709-1647 SRA

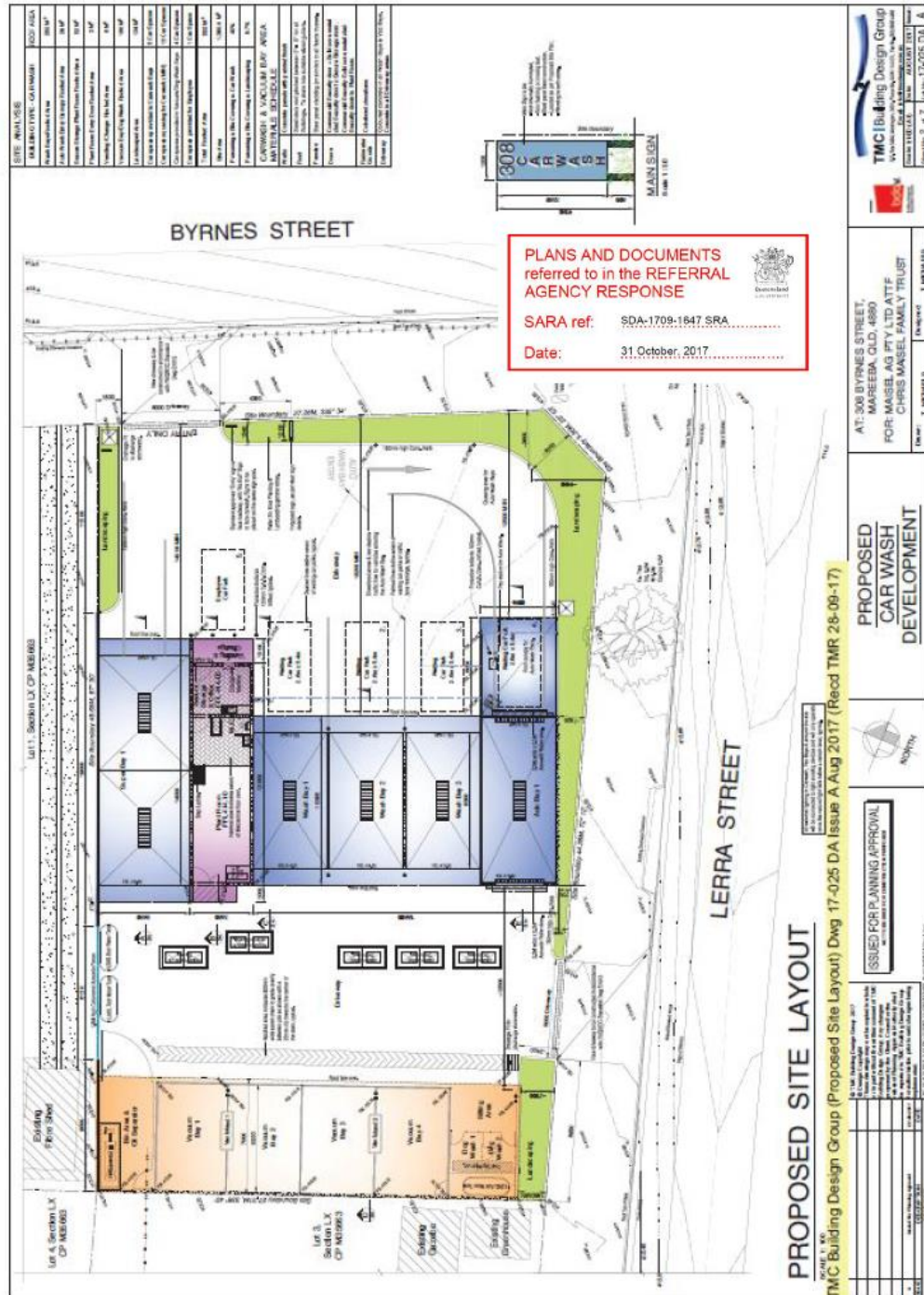
Attachment 3—Advice to the assessment manager

| 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. |

1709-1647 SRA



1709-1647 SRA



ATTACHMENT 3

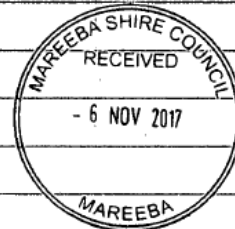
URP-MCV

J.T. URP

MCV/17/0007

6 November 2017

Mareeba shire council
65 Rankin street
4880



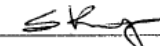
Material Change of use - Car Wash
lot 2 on M35663

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

I brought my house + 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 herra + 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 herra street than travelling onto Byrnes street, Carwash 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 noisey, 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

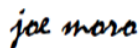
RE: Proposed Car Wash, MCU/17/007

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



MR JOE MORO
President
Mareeba Chamber of Commerce

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

ITEM-7 **TILT RENEWABLES AUSTRALIA PTY LTD - MCU RENEWABLE ENERGY FACILITY (SOLAR FARM) & ROL (2 INTO 3 LOTS) & ACCESS EASEMENT - LOT 156 SP251 SP129910 - 15 CANE ROAD, MAREEBA - MCU/17/0008**

MEETING: Ordinary

MEETING DATE: 20 December 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

| APPLICATION | | PREMISES | |
|-----------------------------|--|----------------|--|
| APPLICANT | Tilt Renewables Australia Pty Ltd | ADDRESS | 15 Cane Road, Mareeba |
| DATE LODGED | 19 September 2017 | RPD | Lot 156 on SP124698 & access via Lot 251 on SP129910 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation, and Reconfiguring a Lot - Subdivision by Lease (2 lots into 3 lots) & Access Easement | | |
| FILE NO | MCU/17/0008 | AREA | Lot 156 - 267.684 ha Lot 251 - 17.3 ha |
| LODGED BY | Environmental Resources Management Australia Pty Ltd | OWNER | Lot 156 - A & S Price Lot 251 - State of Qld |
| PLANNING SCHEME | Mareeba Shire Council Planning Scheme 2016 | | |
| ZONE | Rural zone (Lot 156) & Community Facilities zone (Lot 251) | | |
| LEVEL OF ASSESSMENT | Impact Assessment | | |
| SUBMISSIONS | Three (3) | | |

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response – 1 November 2017
3. Submitter letters and applicant's response

EXECUTIVE SUMMARY

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

Tilt Renewables Australia Pty Ltd (the applicants) propose to construct a 75 MW solar farm, comprising of approximately 200,000 solar PV panels, which is expected to provide enough clean energy to power 21,000 homes and save 100,000 tonnes of annual greenhouse gas emissions over the 25 year life of the facility.

The application is impact assessable and three (3) 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.

Key planning issues to consider are ensuring the developments impacts on Council's road network during its construction stage are appropriately managed, and that the solar farm infrastructure is appropriately screened from adjoining properties. It is considered these issues can be adequately managed through conditions of approval.

Once operational, the solar farm will have a negligible impact on Council's road network, is not likely to produce any negative environmental outputs such as dust, noise and odour, and will have minimal impact on surrounding agricultural uses.

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

"1. That in relation to the following development application:

| APPLICATION | | PREMISES | |
|----------------------|--|----------|--|
| APPLICANT | Tilt Renewables Australia Pty Ltd | ADDRESS | 15 Cane Road, Mareeba |
| DATE LODGED | 19 September 2017 | RPD | Lot 156 on SP124698 & access via Lot 251 on SP129910 |
| TYPE OF APPROVAL | Development Permit | | |
| PROPOSED DEVELOPMENT | Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation, and Reconfiguring a Lot - Subdivision by Lease (2 lots into 3 lots) & Access Easement | | |

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), referral

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 for Renewable Energy Facility (Solar Farm) and associated substation, and Reconfiguring a Lot - Subdivision by Lease (2 lots into 3 lots) & Access Easement

- (B) **APPROVED PLANS:**

| Plan/Document Number | Plan/Document Title | Prepared by | Dated |
|----------------------|------------------------------|-------------|------------|
| AP01 | Project Layout Plan | ERM | 01/09/2017 |
| AP02 | Preliminary Subdivision Plan | ERM | 11/09/2017 |

- (C) **ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

- (a) Development Permit for Reconfiguring a Lot – Subdivision by lease (2 lots into 3 lots) and Access Easement

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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
 - 2.2 The proposed substation must be substantially constructed within the proposed substation lot prior to the endorsement of the plan of survey
3. General
 - 3.1 The applicant 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.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 The applicant must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The applicant is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 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.

3.7 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access Easement

An access easement in favour of the proposed substation lot must be provided within the solar farm lot for the purposes of access/drainage/services.

An all-weather (minimum gravel surface) access track must be constructed within the proposed access easement.

The approved easement document must be submitted at the same time applicant seeks approval for signing and dating of the plan of survey and must be lodged and registered in the Department of Natural Resource and Mines in conjunction with the plan of survey.

(b) Development Permit for Material Change of Use for Renewable Energy Facility (Solar Farm) and associated substation

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 (i.e. prior to operational/building work commencing).
- 2.2 Prior to the commencement of use, the applicant must demonstrate to Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

Note: 'Construction stage' means the stage in which all operational works and building works relating to the development, including the transport of building materials on/off the site is undertaken.

3. General

- 3.1 The applicant 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.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 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 Amenity – Service Equipment
 - (a) All service equipment, including air conditioning units, waste disposal units (bins) and lighting must be located so as not to cause a nuisance to the occupants of adjoining and neighbouring premises.

(b) All mechanical plant must comply with the noise criteria below:

Mechanical Plant Noise Limits

| Period | Time | Maximum noise limits at noise sensitive receiver (measured as LA90) |
|---------|------------|---|
| Day | 7am – 6pm | 51dB(A) + 5dB(A) = 56dB(A) |
| Evening | 6pm – 10pm | 46dB(A) + 5dB(A) = 51dB(A) |
| Night | 10pm – 7am | 40dB(A) + 5dB(A) = 45dB(A) |

3.5 Bushfire Management

Prior to the commencement of the use, a detailed Bushfire Management Plan (BMP), prepared by a suitably qualified professional must be prepared and submitted for the development. The BMP must include but not be limited to the following:

- (i) Bushfire fuel maintenance and management/reduction practices and procedures including firebreaks;
- (ii) Water storage requirements for firefighting purposes;
- (iii) Staff evacuation procedures; and
- (iv) Accessibility by emergency services personnel and firefighting equipment.

The BMP should consider any screening established in response to Condition 4.5 of this approval.

The approved use must comply with the requirements of the BMP at all times.

3.6 Signage

Advisory signage must be erected on the road approach to the proposed development to direct any sightseers to the Bunny Seary Lookout on Chewko Road.

The erection of any signage must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions. The sign must be removed at the decommissioning and rehabilitation stage of the development.

3.7 Damage to Council Infrastructure

Any damage which is caused to Council's infrastructure as a result of the development must be repaired to its original condition prior to the commencement of the use.

3.8 Solar Glare Nuisance Monitoring and Mitigation

When requested by Council, nuisance monitoring must be undertaken in the form of a Solar Glare Assessment report to investigate any genuine complaint of nuisance caused by solar glare. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within four (4)

weeks from the date of Council's request, unless otherwise agreed. Any genuine complaint of nuisance caused by solar glare will require landscape mitigation measures, or other measures accepted by Council.

4. Infrastructure Services and Standards

4.1 Traffic Management Plan & Road Rehabilitation Program

4.1.1 Prior to the commencement of the construction stage of the development, the applicant must prepare and submit a Traffic Management Plan (TMP) prepared and certified by a Registered Professional Engineer of Queensland (RPEQ). The TMP must include, but is not limited to:

- (i) 'Existing condition' surveys of Cane Road between the Chewko Road intersection and the property boundary, inclusive of the intersection, including details of the suitability, design, condition and construction standard of these roads;
- (ii) Details of how the construction of the project will be managed with respect to the Council controlled road network, including any intersections with the State controlled road network;
- (iii) Details of traffic routes for heavy vehicles, including any necessary route or timing restrictions for oversized loads;
- (iv) Details of how any potential safety hazards resulting from the increased vehicles movements along Cane Road and Chewko Road will be mitigated during the construction phase;
- (v) Procedures for informing the public where any road access will be restricted as a result of the project.

The TMP must be adhered to at all times during the operational works/building works stage of the development, including any works required by the TMP, to the satisfaction of Council's delegated officer.

4.1.2 As soon as reasonably practical following the completion of the construction stage of the development, as determined by Council's delegated officer, a rehabilitation program must be developed and certified by an RPEQ, to rehabilitate Cane Road from the Chewko Road intersection to the property boundary, inclusive of the intersection, to the pre-construction condition identified by the surveys required under Condition 4.1.1(i), to the satisfaction of Council's delegated officer.

Any works required to be completed as part of the program must be completed within 6 months of completion of construction stage of the development, to the satisfaction of Council's delegated officer.

Prior to the commencement of any works required by condition 4.1.1 and 4.1.2, plans for these works must be approved as part of a subsequent application for operational works.

4.2 Construction Management Plan

Prior to the commencement of construction stage of the development, the applicant is to prepare and implement a Construction Management Plan (CMP) for the subject site. The CMP must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ), submitted to the Council and available on site at all times. The CMP must include, but not be limited to the following details for the construction stage of the development:

- (i) Details of all relevant activities to be undertaken on site during construction including the anticipated staging for bulk earthworks and the construction works program;
- (ii) A description of the roles and responsibilities for all relevant employees involved in the construction stage of the development including relevant training and induction provisions for ensuring that all employees, contractors and sub-contractors are aware of their environmental and compliance obligations under these conditions and any Referral Agency conditions;
- (iii) Details of any construction sites and mitigation (including dust suppression measures for Cane Road), monitoring, management and rehabilitation measures specific to the site that would be implemented;
- (iv) Statutory and other obligations that the applicant is required to fulfil during construction including all relevant approvals, consultations, and agreements required from authorities and other stakeholders, and key legislation and policies;
- (v) Details of how the environmental performance of construction will be monitored, and what actions will be taken to address potential adverse environmental impacts including soil and water contamination, dust and noise;
- (vi) Emergency management measures including measures to control bushfires during the construction stage.
- (vii) Establishment of a communication protocol with the general public, adjoining owners, rail authority, emergency services and

local businesses to advise of agreed construction times, impacts on traffic and services and other relevant issues.

- (viii) Identification of complaint management procedures including:
 - (a) contact details for the on-site manager; and
 - (b) dispute resolution procedures.

4.3 Stormwater Drainage/Water Quality

- 4.3.1 Prior to the commencement of construction stage of the development, 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 Prior to the commencement of construction stage of the development, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- 4.3.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- 4.3.5 The applicant must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- 4.3.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge. The ponding or runoff of stormwater onto existing Ergon Energy infrastructure and easement/s must be avoided at all times.

4.4 Car Parking/Internal Driveways

- 4.4.1 Prior the commencement of construction stage of the development, the applicant must ensure adequate space is provided on site for the parking of all vehicles, including staff vehicles, trucks, machinery and plant associated with the development.

No vehicles, trucks, machinery or plant associated with the construction of the development are permitted to park within a Council road reserve.

- 4.4.2 The car parking spaces must be constructed to a compacted gravel standard, delineated and appropriately drained and maintained in this condition for the life of the development, to the satisfaction of Council's delegated officer.

- 4.4.3 All internal roads and access tracks associated with the approved use are to be surface treated and maintained so that the risk of erosion and dust generation is minimised, to the satisfaction of Council's delegated officer.

4.5 Screening and Fencing

- 4.5.1 Prior to the commencement of construction stage of the development, the applicant must prepare and submit a screening and fencing plan for consideration and approval by Council's delegated officer. The plan must include the following:

- (i) Screening works to be provided in response to the concerns raised in the three (3) properly made submissions.
- (ii) Fencing of the proposed substation and details of any other fencing to be established.

All screening and fencing works shall be undertaken during construction stage of the development in order to be established prior to the commencement of the use of the use and maintained for the life of the development and to the satisfaction of Council's Delegated Officer.

- 4.5.2 Any security/perimeter fencing must be chain wire mesh and maintained in good order and repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

Where outdoor lighting is required the applicant 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 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.8 Decommissioning and Rehabilitation

4.8.1 At the end of the lifecycle of the solar farm, or if it is not used for the generation of electricity for a continuous period of 12 months, whichever occurs first, the use shall be considered decommissioned.

4.8.2 Within one month of the use being decommissioned, the applicant must submit a Decommissioning and Rehabilitation Management Plan prepared and certified by a suitable qualified person. The plan must include but is not limited to:

- (i) The identification of structures, including but not limited to all solar panels and trackers/frames, substations, inverters, battery storage, offices, control buildings, fencing and electronic infrastructure including above ground infrastructure to be removed, except where any infrastructure has been transferred to or is in the control of Ergon Energy, and how that infrastructure will be removed;
- (ii) Measures to reduce impacts of the development on the environment and surrounding land uses; and
- (iii) Details of how the land will be rehabilitated back to its pre-development condition, including slope and soil profile.

4.8.3 Within 18 months of the development being decommissioned, the site shall be returned as far as practically possible back to its pre-development condition in accordance with the certified Decommissioning and Rehabilitation Management Plan.

(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) Easement Documents

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

- (c) Endorsement Fees

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

- (d) 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.

- (e) 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.

- (f) 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.

- (g) 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.

(h) 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) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 1 November 2017.

(F) RELEVANT PERIOD

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

- Material Change of Use and Reconfiguring a Lot – 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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil"

THE SITE

The subject site is situated at 15 Cane Road, Mareeba and is described as Lot 156 on SP124698 and Lot 251 on SP129910, situated approximately 6km south-west of Mareeba.

Lot 251 on SP129910 is State rail corridor land and is included in the application for access purposes only, specifically for the Cane Road crossing, which is used when accessing Lot 156. Cane Road is constructed to bitumen sealed standard for its initial 100 metres, before reverting to gravel standard.

Lot 156 on SP124798 will accommodate the proposed solar farm. Lot 156 is a large rural property with a total area of 267.684 ha, and is primarily used for cattle grazing and avocado plantation, with a dwelling and associated rural buildings located on the eastern boundary.

The site is characterised by rolling slopes towards the low stream order watercourses within the site, which flow towards Atherton Creek in the north-eastern corner of the site. Steeper slopes are present in the south-west and north-west corners of Lot 156.

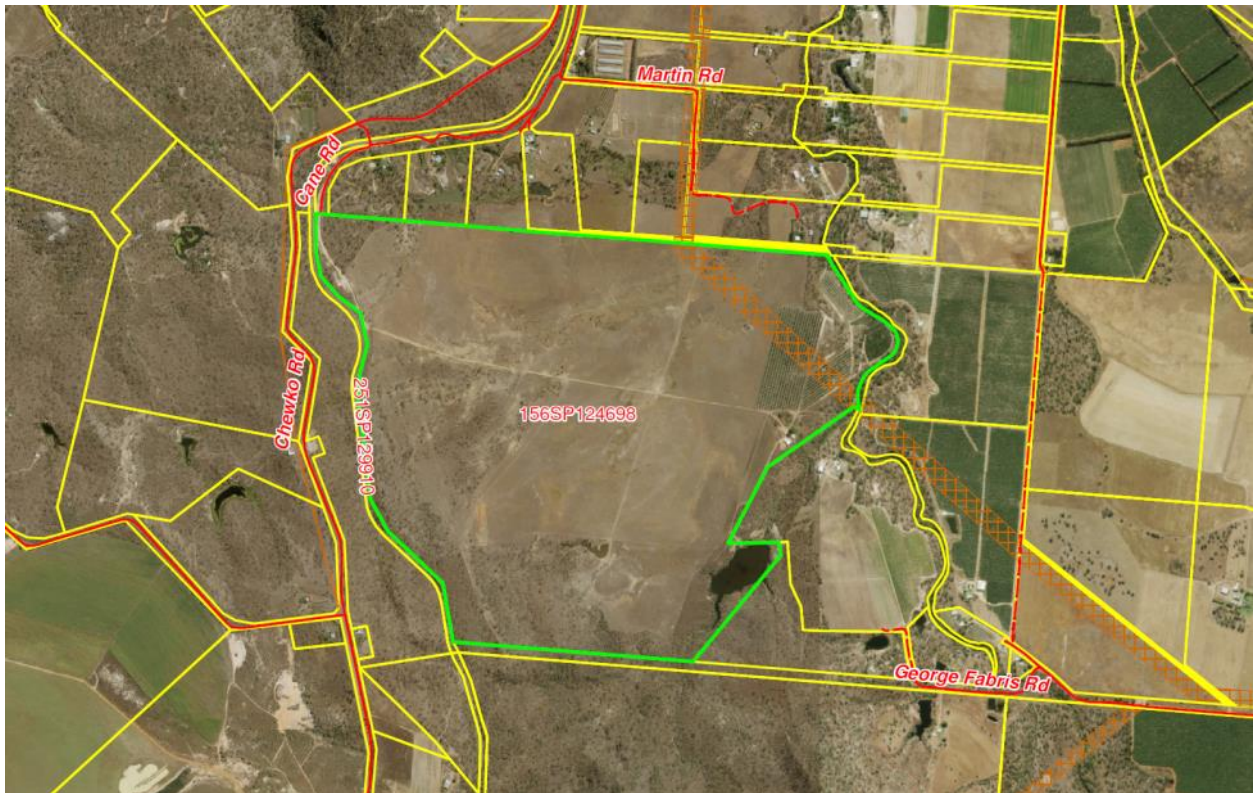
The property is within a rural locality and is surrounded by farming and grazing use. A cluster of rural living lots are located immediately to the north of Lot 156.

The Mungana Branch Railway line adjoins the western boundary of Lot 156. The Mareeba Airport is located 3km east of the subject site. A 132kV transmission line traverses the north-eastern corner of Lot 156.

Lot 156 is identified in the *Mareeba Shire Planning Scheme 2016* as Class A Agricultural Land. Exposed granite is visible in the elevated areas of the site, particularly in the south-west areas, within the upper waterways and vegetated areas.

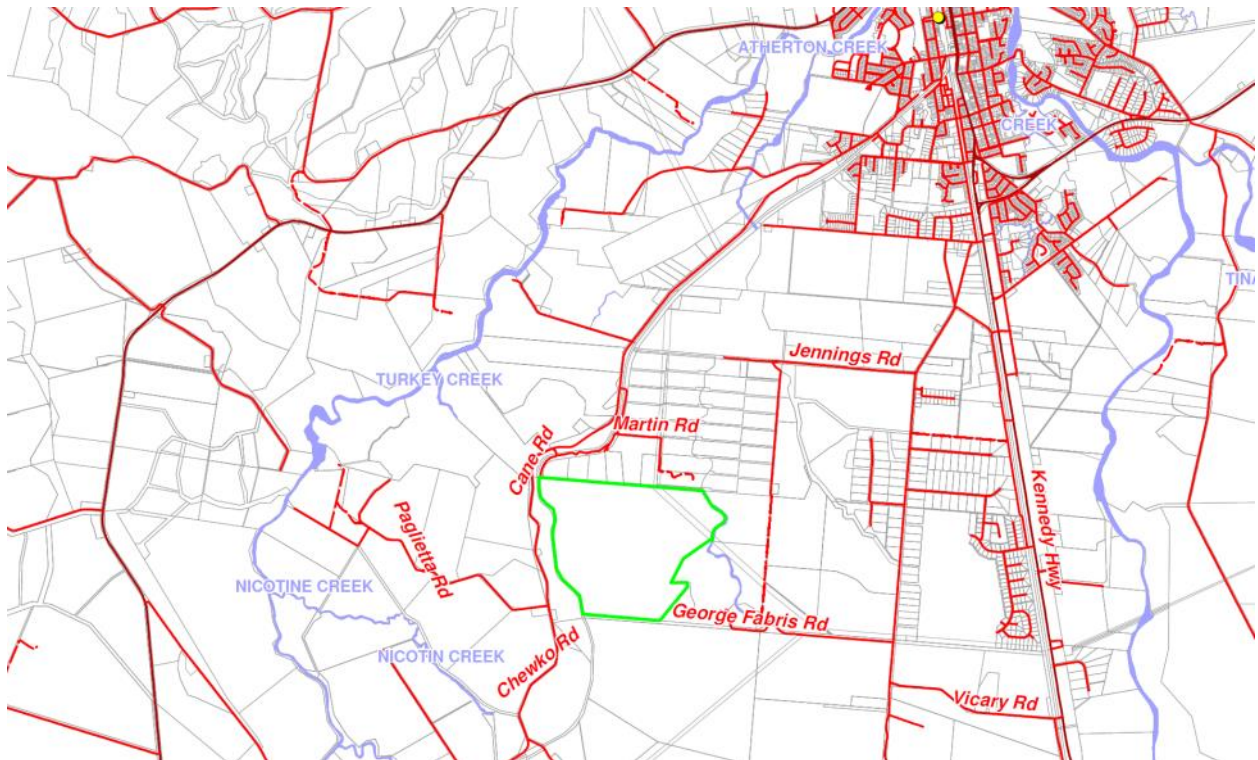
The subject site is within the Einasleigh Uplands bioregion, Hodgkinson Basin sub-bioregion, and is dominated by non-native pasture grassland. Remnant vegetation is largely in patches on the west and southern parts of Lot 156. Regulated regrowth vegetation exists along the low order watercourses.

The site is not connected to a reticulated water or sewer network, with localised on-site services provided on the property where required for domestic and rural farming purposes.



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 - Renewable Energy Facility (Solar Farm) and associated Substation and Reconfiguring a Lot - Subdivision by lease (2 lots into 3 lots) and access easement in accordance with the plans shown in **Attachment 1**.

Tilt Renewables Australia Pty Ltd (the applicants) proposes the construction of a solar farm on a 267-hectare rural property approximately 6 kilometres south-west of Mareeba.

The detailed design, specific layout and electricity generating capacity have not yet been confirmed; however, the project will involve a typical solar farm with an approximate capacity of 75MW with arrays, switch yard/substation, potential battery storage, control building, amenities and car park area to facilitate the operation.

The main aspects of the project are as follows:

- Development footprint of approximately 150 hectares;
- 75MW capacity approx.;
- 200,000 solar PV panels approx. single axis or fixed tracking system;
- Max height 5 m;
- Substation and new lot (80m x 80m) 6,400 square metres;
- Substation access easement - 10 metres wide by 2.3km long.

The installation of approximately 200,000 solar PV panels will provide enough clean energy to power 21,000 homes and save 100,000 tonnes of annual greenhouse gas emissions over the life of the facility.

The applicant advises that final design work will be undertaken by an engineering, procurement and construction (EPC) contractor who will be engaged by Tilt Renewables following the receipt of the Development Permit for Material Change of Use and Reconfiguring a Lot. However, the development footprint is proposed to be setback a minimum of 10 metres from the northern property boundary, with a 10 metre buffer provided to the Category 1 waterways, 25 metre buffer provided to the Category 2 waterways, and a bushfire setback to existing Category B vegetation of 1.5 times the height or 20 metres, whichever is greater.

The development footprint has been located on the site following a detailed assessment of the ecological values of the site, with the intent to preserve the ecological values of the site.

The proposed development involves the subdivision of Lot 156 by lease agreement to facilitate Project, with 234ha lease area proposed, along with a separate 6,400m² freehold lot to accommodate the substation and switchyard. The creation of the separate lot is proposed as a result of requirements by the electricity provider as part of the grid connection. An access easement is also required over the proposed access track in order to provide lawful access to the new lot, with the easement to be over Lot 156 on SP124698 in favour of the new lot for access purposes only.

The Project's design will be similar to other approved solar farm projects in Queensland. It will be designed to ensure minimal environmental impacts, in keeping with the sustainable nature of the development. Specific assessments undertaken in support of the development application include:

- Traffic Impact Assessment
- Ecology Assessment
- Glare Analysis Location Assessments

Energy collected from the solar farm will be fed back into the grid network via the Ergon Energy Turkinje Substation situated 5 kilometres east of the subject site.

Whilst the delivery timeframe is dependent on multiple factors, the applicant expects an 8-12 month construction period following the provision of all relevant approvals and the finalisation of the detailed design. The development may be undertaken in stages, allowing part construction upfront, and the addition of further infrastructure (i.e. battery storage) at a later date.

The solar farm will operate during daylight hours, seven (7) days per week, 365 days per year unless disconnected for maintenance or grid disruption issues. The solar farm utilises passive equipment, with 1-2 permanent employees required on-site to operate the facility.

Operational activities of the solar farm will generally be limited to:

- Operation and control of the electricity generating equipment from the control room;
- solar module washing (once or twice a year);
- vegetation, weed, and pest management;
- equipment maintenance and inspection; and
- responding to automated electronic alerts based on monitored data, including actual versus expected tolerances for system output and other key performance metrics.

The solar farm has an asset life of approximately 25 years following which it will either be refurbished or decommissioned. If decommissioned, all above ground infrastructure would be removed, disturbed land revegetation and the land returned to agricultural use.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as:

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

PLANNING SCHEME DESIGNATIONS

| | |
|----------------------|--|
| Strategic Framework: | Land Use Categories <ul style="list-style-type: none"> ▪ Rural Other ▪ Rural Agricultural Area Natural Environment Elements <ul style="list-style-type: none"> ▪ Biodiversity Areas ▪ Habitat Linkage Natural Resource Elements <ul style="list-style-type: none"> ▪ Key Resource Area |
| Zone: | Community Facilities zone and Rural zone |
| Overlays: | Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Extractive resources overlay Hill and slope overlay Regional infrastructure corridors and substation overlay Transport infrastructure overlay |

Planning Scheme Definitions

The proposed use is defined as:-

| Column 1 Use | Column 2 Definition | Column 3 Examples include | Column 4 Does not include the following examples |
|----------------------------------|--|---|---|
| <i>Renewable energy facility</i> | <i>Premises used for the generation of electricity or energy from renewable (naturally reoccurring) sources.</i> | <i>Solar farm, wind farm, tidal power</i> | <i>Wind turbine or solar panels supplying energy to domestic or rural activities on the same site</i> |

ELEVANT 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

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (8) *The generation and consumption of energy is sustainable and efficient. Over reliance on distant coal-fired power stations for electricity supply is minimised through the establishment of renewable energy generation facilities and localised and domestic-scale energy generation, where the integrity and function of local electricity networks is not compromised. Power stations, high-voltage transmission lines and substations, including electricity infrastructure and energy generation facilities, are protected from incompatible development.*

3.6.10 Element – Energy supply**3.6.10.1 Specific outcomes**

- (3) *The shire's net carbon emissions are reduced by establishment of renewable energy generation facilities, maintaining compact urban areas and encouraging development that embraces energy efficient design features.*
- (4) *Renewable energy facilities are connected to an existing, nearby, high voltage electricity network (with adequate capacity) without significant environmental, social or amenity impact.*

Comment

The proposed development complies.

3.7 Economic development**3.7.1 Strategic outcomes**

- (10) *Mareeba Shire positions itself as a major sustainable energy region of Australia, providing a significant portion of the shire's electricity supply through various renewable sources. Sustainable energy generation also contributes to the economy of the shire and provides an increasing source of employment. Energy generation facilities, including the Barron Gorge Hydroelectric Power Station, and any newly established power generation facilities are protected from incompatible development.*

3.7.13 Element – Energy generation**3.7.13.1 Specific outcomes**

- (1) *Renewable energy facilities are established in locations where impacts on surrounding land and ecological values are mitigated.*

Comment

The proposed development complies.

Relevant Development Codes

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

- 6.2.2 Community facilities zone code
- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.5 Extractive resources overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 8.2.12 Transport infrastructure overlay code

- 9.3.4 Energy and infrastructure activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot 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 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 |
|--|---|
| Community facilities zone code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Rural zone code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Agricultural land overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Airport environs overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Bushfire hazard overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Environmental significance overlay code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcomes AO1.1 ▪ Acceptable Outcome AO2 <p>Refer to planning discussion section of report.</p> |
| Extractive resources overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Hill and slope overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Regional infrastructure corridors and substations overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

| | |
|---|---|
| Transport infrastructure overlay code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Energy and infrastructure activities code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Landscaping code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Parking and access code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |
| Reconfiguring a lot code | <p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO1.1 <p>Refer to planning discussion section of report.</p> |
| Works, services and infrastructure code | The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided). |

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

REFERRALS

The application triggered a State Agency Referral to the Department of Infrastructure, Local Government and Planning as a referral agency.

That Department advised in a letter dated 1 November 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 25 October 2017 to 15 November 2017. The applicant submitted the notice of compliance on 15 November 2017

advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Three (3) properly made submissions were received.

The grounds of the submission are summarised and commented on below:

| Grounds for submission | Comment |
|---|---|
| Request for screening (2 metre high bund wall & 1.8 metre high timber fence) along boundary of Lots 14 & 15 on RP880992. | <p>The applicants have contacted the owners of Lots 14 & 15 on RP880992 and have agreed to construct reasonable screening to address the submitters concerns.</p> <p>The development will be conditioned to require the preparation and submission of a suitable screening plan.</p> |
| <p>Concerns about sightseeing traffic using Cane Road. Request for signage at Chewko Road/Cane Road intersection to direct sightseers to Bunny Seary Lookout.</p> <p>Request for sealing of Cane Road for dust minimisation.</p> | <p>The applicants have contacted the submitter and agreed in principle to the erection of advisory signage to direct sightseers to Bunny Seary Lookout.</p> <p>The control of construction phase dust impacts will be undertaken through the use of dust suppression measures.</p> |
| <p>Request for substation to be sited at least 1,000 metres from Lots 11 & 12 on SP160459.</p> <p>Cane Road should be sealed for dust/damage minimisation.</p> <p>Access should be restricted to Cane Road, with no access via Martin Road, unless Martin Road upgraded.</p> <p>Concern regarding glare impact and it is not reasonable for submitters to have to maintain existing vegetation on their property to mitigate any glare. Buffering (100 metres vegetation) should be provided on solar farm site.</p> | <p>The substation aspect of the solar farm is accepted development in the Rural zone and could be built without the need for a town planning development approval. It is therefore unreasonable to require the 1,000 metre buffer as proposed.</p> <p>The development will be conditioned to require Cane Road to be assessed pre construction and post construction and any damage caused as a result of the solar farm construction repaired at the applicant's expense.</p> <p>It is not proposed to use Martin Road.</p> <p>The development will be conditioned to require the preparation and submission of a suitable screening plan.</p> |

Tilt Renewables Australia Pty Ltd have provided a response to the submissions (**Attachment 3**). Note: The Tilt Renewables Australia Pty Ltd response includes a copy of all three (3) submissions.

Submitters

| Name of principal submitter | Address |
|-----------------------------|--|
| 1. R & J Bailey | 141 Martin Road, Mareeba QLD 4880 |
| 2. L Pershouse | PO Box 1395, Mareeba QLD 4880 |
| 3. AK & K Ebersbach | C/- Victor G Feros Town Planning Consultants, PO Box 1256, Cairns QLD 4870 |

PLANNING DISCUSSION

Non-compliance with the relevant acceptable outcomes contained within the relevant assessment benchmarks are summarised below. Where the development does not comply with an acceptable outcome, compliance with the higher order probable outcome can be achieved.

Environmental Significance Overlay Code

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

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

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

A01.1 *No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the **Environmental Significance Overlay Maps (OM-004a-o)**.*

Comment

The proposed development will involve the clearing of some areas mapped as regulated vegetation.

It will not involve the clearing of Category B vegetation, however the clearing of Category R regulated regrowth vegetation associated with the waterways within the site are proposed to be cleared, in accordance with the 'Managing Category R regrowth vegetation – A self-assessable code' which allows clearing of up to 10 metres from the top of bank for the mapped vegetation areas.

An Ecological Assessment Report has been submitted as part of the development application.

The development will be conditioned to comply as per the recommendations of the ecological assessment report

The proposed development complies with PO1.

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

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

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

A02 *Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the **Environmental Significance Overlay Maps (OM-004a-o)**.*

Comment

The Project includes a minimum setback of 20 metres to Category B vegetation, with a 15m setback provided to the Category 2 waterway on the site, however a setback to Category R regulated regrowth vegetation for the Category 1 waterways has not been provided in order to maximum the development footprint and viability of the Project.

An Ecological Assessment Report has been submitted as part of the development application.

The development will be conditioned to comply as per the recommendations of the ecological assessment report.

The proposed development complies with PO2.

Reconfiguring a Lot Code

PO1 *Lots include an area and frontage that:*

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*
- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

A01.1 *Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

The proposed additional allotment will accommodate a new substation and must be sited where proposed due to the location of the solar farm and the existing high voltage transmission lines.

Notwithstanding its small area for a rural zoned allotment, the proposed lot will accommodate community energy infrastructure and is therefore appropriate.

The development complies with PO1.

Traffic Impact Assessment

Cambray Consulting has prepared a Traffic Impact Assessment for the proposed Solar Farm. The key findings/conclusions are summarised below:

- *B-Double access to and egress between the site and the Kennedy Highway is appropriate via Rankin Street and Chewko Road, noting this is an existing haul route for the Dimbulah Key Resource Area;*
- *It is recommended that a short auxiliary left turn treatment be constructed at the Chewko Road/Cane Road intersection to facilitate construction traffic access;*
- *Available sight distance at the Chewko Road / Cane Road intersection is sufficient, noting the 85th percentile speed recorded on Chewko Road in proximity to the intersection. However, we recommend that consideration be given to reducing the speed limit on Chewko Road to 80km/h during at least the construction period;*
- *The likelihood of vehicle-train conflicts at the crossing of the Mareeba branch railway line on Cane Road is considered to be low. However, advanced warning signage for the approach from Chewko Road during the construction stage may be beneficial; and*
- *It would be appropriate for Mareeba Shire Council to condition Tilt Renewables to prepare a Construction Traffic Management Plan incorporating the above recommendations.*

The preparation of a Construction Traffic Management Plan has been conditioned.

Glare

The Civil Aviation Safety Authority (CASA) has previously advised as follows in relation to modern solar farms:

"CASA has assessed a number of solar farms sites around Australia in close proximity to regulated airports (Certified or Registered), and none have created glare that in our opinion would, or have been reported to, cause concern to pilots. This has been measured using the SANDIA Laboratory modelling tool developed in the USA in conjunction with the FAA (Federal Aviation Administration). Because modern solar panels are designed to absorb light and not reflect it, the level of reflection has proven to not be an issue to date."

The Solar Glare Assessment submitted in support of the proposed development indicates that there is a Low Potential for glare impacts and any such impacts would be low level for short periods.

The following condition is recommended to address any unforeseen glare impacts:

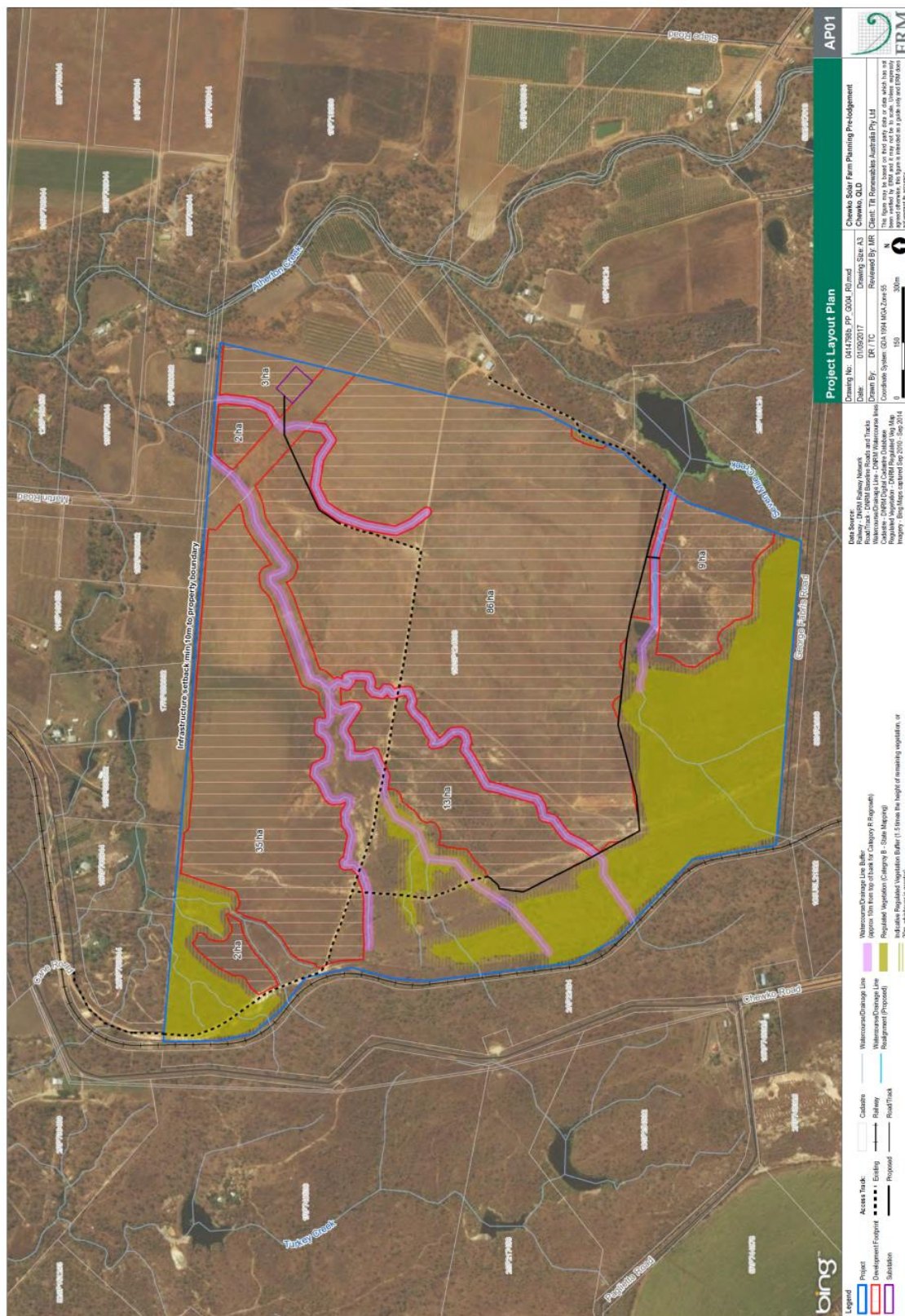
When requested by Council, nuisance monitoring must be undertaken in the form of a Solar Glare Assessment report to investigate any genuine complaint of nuisance

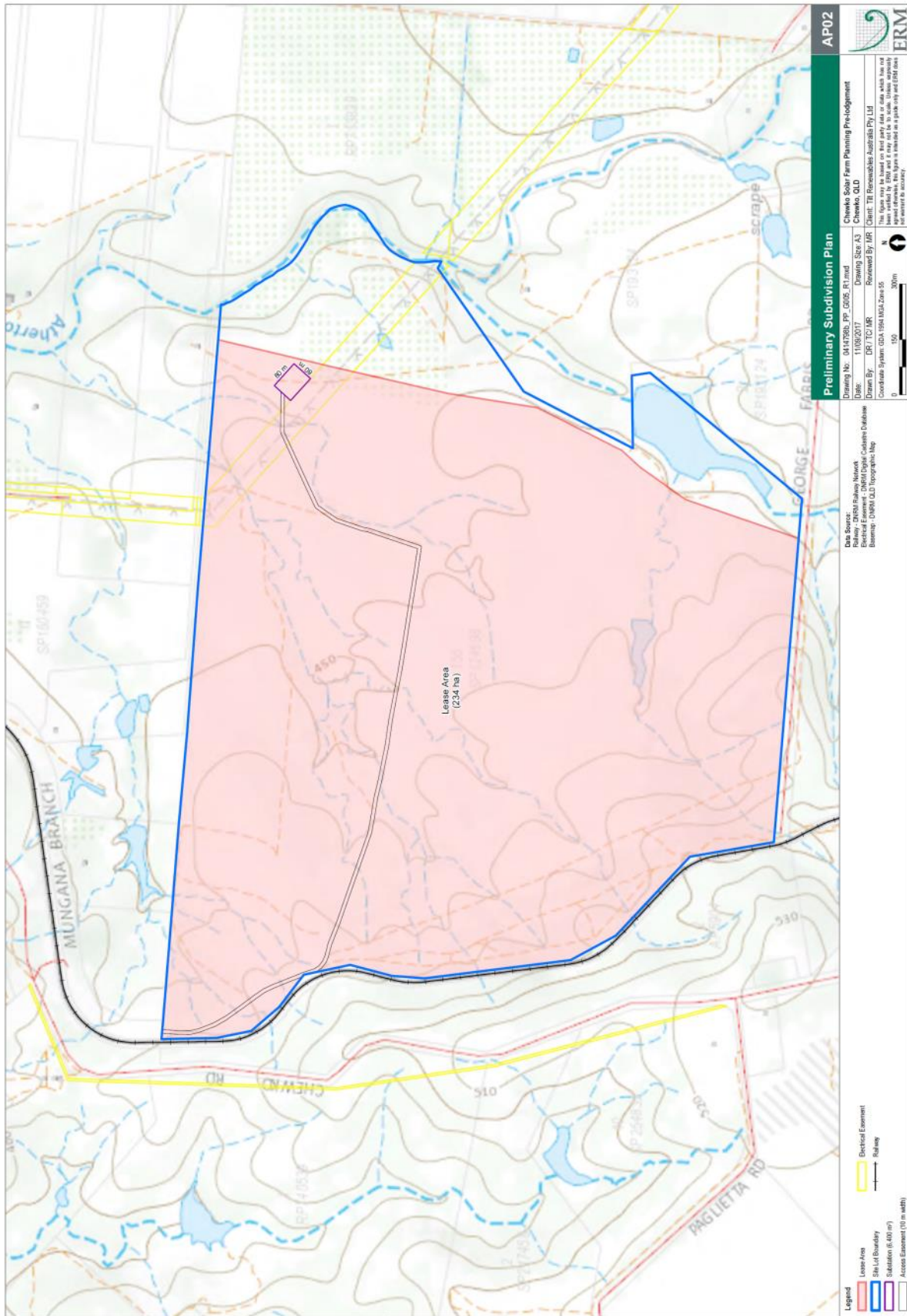
caused by solar glare. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within four (4) weeks from the date of Council's request, unless otherwise agreed. Any genuine complaint of nuisance caused by solar glare will require landscape mitigation measures, or other measures accepted by Council.

Date Prepared: 5 December 2017

ATTACHMENT 1

APPROVED PLANS





ATTACHMENT 2

RA6-N

Department of Infrastructure,
Local Government and Planning

Our reference: 1710-1837 SRA
Council reference: MCU/17/0008
Your reference: 0414798 Chewko Solar Farm

1 November 2017

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

Attention: Brian Millard

Dear Sir / Madam

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

The development application described below was properly referred to the Department of Infrastructure,
Local Government and Planning on 6 October 2017.

Applicant details

| | |
|----------------------------|---|
| Applicant name: | Tilt Renewables Australia Pty Ltd c/- ERM Australia Pty Ltd |
| Applicant contact details: | PO Box 1400 SPRING HILL QLD 4004 michael.rookwood@erm.com |

Location details

| | |
|----------------------------|--|
| Street address: | 15 Cane Road and Byrnes Street, Chewko |
| Real property description: | Lot 156 on SP124698 on Lot 251 on SP129910 |
| Local government area: | Mareeba Shire Council |

Application details

| | |
|--------------------|--|
| Development permit | Material change of use for renewable energy facility (solar farm) and associated substation, and Reconfiguring a lot (2 lots into 3 lots - subdivision by lease agreement and access easement) |
|--------------------|--|

1710-1837 SRA

Referral triggers

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

- **Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1** - State transport corridors and future State transport corridors (reconfiguring a lot)
- **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1** - State transport corridors and future State transport corridors (material change of use)

No requirements

Under section 56(1)(a) of the *Planning Act 2016* (the Act), the department advises it has no requirements relating to the reconfiguring a lot aspect of the development application.

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 and Reconfiguring a lot | | | | |
| Project Layout Plan | Environmental Resources Management Australia | 06/10/2017 | 0414798b_PL LB_G001_R0.mxd | - |

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

For further information please contact Joanne Manson, Principal Planning Officer, SARA Far North on 4037 3228 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Tilt Renewables Australia Pty Ltd C/- ERM Australia Pty Ltd, michael.rookwood@erm.com

1710-1837 SRA

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

1710-1837 SRA

Attachment 1—Conditions to be imposed

| No. | Conditions | Condition timing |
|---|--|--|
| Material change of use for renewable energy facility (solar farm) | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 - State transport corridors and future State transport corridors —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the 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. | The development setbacks must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> Project Layout Plan, prepared by Environmental Resources Management Australia, dated 06/10/2017, drawing number 0414798b_PLLB_G001_R0.mxd | Prior to the commencement of use and to be maintained at all times. |
| 2. | (a) A Construction Management Plan must be prepared by a Registered Professional Engineer of Queensland (RPEQ) and given to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au). (b) The Construction Management Plan must address traffic management impacts and demonstrate that there will be no disruption to railway level crossing safety on the Mareeba Mungana Railway at Cane Road (ID:02338) and that unauthorised access to the Mungana Railway is prevented along the access track abutting the railway corridor during the course of construction. (c) The construction of the development must be in accordance with the Construction Management Plan. | (a) and (b) Prior to obtaining development approval for building work or operational work, whichever occurs first (c) At all times during the construction of the development |
| 3. | (a) Provide a RPEQ certified pre-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au). (b) Provide a RPEQ certified post-development dilapidation survey of the rail transport infrastructure on the railway level crossing of the Mungana Railway at Cane Road (ID:02338) to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District (Far.North.Queensland.IDAS@tmr.qld.gov.au). (c) Where rectification works to the rail transport infrastructure are determined to be required (as a result of the pre and post development dilapidation surveys) to ensure the post development condition has a no worsening impact on the pre-development condition: <ol style="list-style-type: none"> the applicant is required to undertake all necessary rectification works to the rail transport infrastructure at the applicant's expense; and RPEQ certification must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North District | (a) Prior to the commencement of works (b) Within two weeks of the completion of works (c) Prior to the commencement of use |

1710-1837 SRA

| | | |
|----|---|------------------------------|
| | (Far.North.Queensland.IDAS@tmr.qld.gov.au) confirming that any necessary rectification works have been constructed. | |
| 4. | <p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway.</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 railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. | (a) and (b) At all times. |

1710-1837 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application.
- To ensure the development does not compromise the safe and efficient operation and integrity of state transport infrastructure during construction.
- To ensure the safety and operational integrity of railway level crossing where development generated traffic may adversely impact on the track formation and structure.
- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

1710-1837 SRA

Attachment 3—Advice to the assessment manager

| General advice | |
|---|--|
| Ref | Construction Management Plan |
| 1. | <p>In relation to compliance with the concurrence agency condition 2 requiring the preparation of a construction management plan, the applicant should consult with the railway manager (Queensland Rail) prior to the preparation of the Construction Management Plan.</p> <p>The applicant should contact Queensland Rail property team on telephone number (07) 3072 1229 or at qrpropertywayleaves@qr.com.au in relation to the management measures that will be implemented during construction to ensure the safety and operational integrity of the railway.</p> |
| Further development permits, compliance permits or compliance certificates required | |
| Ref | Works on a railway |
| 1. | <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>The development generated traffic will implicate the existing railway crossing at Cane Road (ID:02338) on the Mareeba Mungana Railway.</p> |



GE78-N

Department of Infrastructure,
Local Government and Planning**Department of Infrastructure, Local Government and Planning**
Statement of reasons for application 1710-1837 SRA(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Tilt Renewables Australia Pty Ltd
c/- ERM Australia Pty Ltd

Applicant contact details: PO Box 1400
SPRING HILL QLD 4004
michael.rookwood@erm.com

Location details

Street address: 15 Cane Road and Byrnes Street, Chewko

Real property description: Lot 156 on SP124698 and Lot 251 on SP129910

Local government area: Mareeba Shire Council

Development details

Development permit Material change of use for renewable energy facility (solar farm) and associated substation, and Reconfiguring a lot (2 lots into 3 lots - subdivision by lease agreement and access easement)

Assessment matters

| Aspect of development requiring code assessment | Applicable codes |
|---|--|
| 1. Material change of use | State Development Assessment Provisions version 2.1, effective 11 August 2017 – State code 2: Development in a railway environment |
| 2. Reconfiguring a lot | State Development Assessment Provisions version 2.1, effective 11 August 2017 – State code 2: Development in a railway environment |

Reasons for the department's decision

The reasons for the decision are:

- The premises is located within 25 metres of a State transport corridor; being the Mareeba Mungana Railway and access to the premises is provided by the existing access location from Chewko Road via Cane Road within the railway corridor in the north-western corner.
- The proposed development footprint is setback approximately 10m from the railway corridor at its closest point and does not propose infrastructure within the 10m setback.

1710-1837 SRA

- The maximum height of the project infrastructure is approximately 5m and unlikely to cause damage to the railway in the event of a collision.
- Development setbacks to the railway corridor provide sufficient distance for maintenance to occur without requiring access to the railway corridor.
- The proposed development does not compromise the state's ability to maintain and operate the railway, or significantly increase the cost to main and operate the railway.
- With conditions, the proposed development complies with the relevant provisions in the State Development Assessment Provisions, State code 2: Development in a railway environment.

Decision

- The development application is for a material change of use for a renewable energy facility (solar farm) and substation, and a reconfiguring a lot (2 lots into 3 lots) for a lease agreement in excess of 10 years and access easement.
- The department issued a referral agency response with conditions, dated 1 November 2017, to attach any approval development approval.

Relevant material

- Development application material including a planning report prepared by ERM and plans showing the proposed development setback from the State transport corridor (railway).
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning (v2.1).
- *Planning Act 2016*
- Planning Regulation 2017
- Development Assessment Rules version 1.1

ATTACHMENT 3

21 November 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Our Reference: 0414798_Chewko Solar Farm
Your Reference: MCU2017/0008

Attention: Carl Ewin

Dear Carl,

RESPONSE TO PUBLIC SUBMISSIONS – CHEWKO SOLAR FARM

Tilt Renewables Australia Pty Ltd writes in relation to the public submissions received for the Development Application (DA) for Material Change of Use for a Renewable Energy Facility (Solar Farm) and associated Substation, and Reconfiguring a Lot (2 lots into 3 lots), Subdivision by Lease Agreement and Access Easement, over part of land described as Lot 156 on SP124698 and part of Lot 251 on SP129910 (access only), 15 Cane Road, Chewko.

PUBLIC NOTIFICATION INFORMATION

In accordance with the *Planning Act 2017*, public notification of the above application took place between 25 October and 15 November, which included notifying the 10 adjoining landowners, plus a further nine (9) properties which were identified as been directly affected by the development, by letter dated 20 October, placing a notice in The Express newspaper on 25 October, and erecting notification signage at the property on 24 October 2017. During this notification period, three (3) properly made submissions were received by Council (refer to *Attachment B*).

Having reviewed the submissions received, we would like to take this opportunity to respond to some of the issues raised to assist Council in making an informed decision in relation to this Development Application.

RESPONSE TO SUBMISSIONS**Bailey submission**

Council received a submission from Robert and Joanne Bailey, owners of land at 141 Martin Road, Chewko, formally described as Lot 14 and 15 on RP880992 on 30 October 2017. The submission requested consideration for the construction of a 2 metre high bund wall and 1.8 metre timber fence to be constructed directly behind the effected house to screen the facility.

Tilt Renewables has been in contact with Mr. Bailey to discuss his concerns, in which we agreed to work with Mr. Bailey to construct screening along the common property boundary. In this regard, it is requested that the specific screening treatment at the boundary not be conditioned in this instance, to allow flexibility in the type and location of treatment following further discussions with Mr. Bailey.

Tilt Renewables Limited
ABN: 15 101 038 331

PO Box 16080
Collins Street West
Melbourne, VIC, 8007

Phone: 1300 660 623

tiltrenewables.com

**Pershouse Submission**

Council received a submission from Lesa Pershouse, owner of property at 7 Cane Road, formally described as Lot 20 on RP708044, on 14 November 2017. In the submission Ms. Pershouse acknowledged that she has no objections to the project, following consultation with Tilt Renewables prior to lodgement of the application with Council, however raised a few concerns in relation to the likelihood of 'sightseeing traffic' entering Cane Road to view the facility. Ms. Pershouse submission requests signage be erected at the Chewko and Cane Road intersection advising tourists that no access is permitted to the solar farm, with direction provided to the 'Bunny' Seary lookout on Chewko Road to view the facility. In addition, Ms Pershouse requests that Cane Road be sealed to avoid dust issues associated with the facility.

Tilt Renewables have discussed this issue with Ms Pershouse and agreed in principle to erect signage at the intersection of Cane and Chewko Road to deter 'sightseeing traffic', pending Council approval. In addition, Tilt Renewables is keen to work collaboratively with Council in relation to the 'Bunny' Seary lookout.

Additionally, where not already suitable for the increase in traffic volumes, Tilt Renewables has committed to upgrading Cane Road, however see's the request to bituminise the short section between the railway crossing and the site boundary as unnecessary. Suitable dust suppression measures will be used throughout construction to minimise the impact to Mrs Pershouse.

It is further noted that Tilt Renewables has also committed to discussing appropriate fencing and screening solutions with the submitter to reduce potential impacts during construction, as raised in the submission.

Ebersbach submission

Council received a submission from Victor G Feros Town Planning Consultants on behalf of Andrew and Karin Ebersbach, owners of land at 84 Martin Road, Chewko, formally described as Lot 11 and 12 on SP160459 on 14 November 2017. The submission raised a number of items which are addressed below:

1. The substation and associated infrastructure should not be located less than 1,000 metres from the submitters land on the basis that it could cause noise and visual impacts, and adversely affect the rural and residential use of the submitter's land. It was further submitted that the substation should be screened by native vegetation.

The substation and associated infrastructure is required to connect the solar farm to the electricity grid network and therefore be located as close to the existing transmission line easement as possible. It is noted that the substation will be constructed by the applicant, however will be owned by Powerlink in perpetuity. Screening of the substation is considered unnecessary, particularly if a screen is provided on the northern property boundary.

It is further noted that although included in the application for completeness and transparency, the construction of a substation in the Rural Zone is 'Accepted Development' therefore not requiring development approval, and should therefore not be subject to specific conditions associated with its operation.

2. The applicant should be required to upgrade Cane Road to an appropriate standard to ensure the road is not damaged during construction and ensure excessive dust is mitigated.

Tilt Renewables Limited
ABN: 15 101 038 331

PO Box 16080
Collins Street West
Melbourne, VIC, 8007

Phone: 1300 660 623

tiltrenewables.com



Where necessary, Tilt Renewables have agreed to upgrade Cane Road, from the Chewko Road intersection to the facility boundary, to facilitate safe transport to and from site. Suitable dust mitigate measures will be mobilised to minimise the impact of construction traffic on neighbouring residents.

3. Concerns were raised in relation to the use of the existing transmission easements through adjoining properties for access during the construction phase, with access to be restricted to Cane Road via Chewko Road only unless the remaining section of Martin Road was upgraded to an appropriate standard.

Tilt Renewables does not propose to use Martin Road to access the facility, nor the existing transmission line easement. It is noted that public notification signage was erected at the Martin Road intersection which may have resulted in some confusion in relation to this issue; however the notification signage was erected as a result of the rail corridor having been included in the Development Application to permit lawful access to the facility from the Chewko and Cane Road intersection.

4. It was submitted that the impact of glare on the submitter's property is not acceptable and it is not reasonable for the submitter to maintain vegetation on the submitters land to mitigate solar glare impacts of the proposal and that a 100 metre landscape buffer be required to mitigate impacts generated by the use on the submitters land and other lots adjoining or adjacent to the northern boundary of the site.

Although it is acknowledged that the solar glare assessment prepared for the Development Application indicated that low levels of glare may be experienced from the property as a result of the facility, the modelling does not account for existing foliage. Due to the dwellings on both Lot 11 and Lot 12 on SP160459 being surrounded by mature foliage it is considered extremely low likelihood that the residents would be visually impacted.

Therefore, the inclusion of a 100 metre vegetated buffer for the purpose of screening is considered extremely excessive and unnecessary. However, as indicated in the above response to the Bailey submission, Tilt Renewables is willing to work with affected landowners to provide effective screening measures were deemed appropriate.

ATTACHED DOCUMENTATION

Please find attached the following documentation that comprises the Development Application:

- Submitter Property Locations (refer to *Attachment A*); and
- Copy of public submissions (refer to *Attachment B*)

If you have any queries regarding this application please feel free to contact me on the below details.

Yours sincerely,



Jeremy Ellis
Environmental Advisor
Phone: +61 (0)439 589 771
Email: jeremy.ellis@tiltrenewables.com

Tilt Renewables Limited
ABN: 15 101 038 331

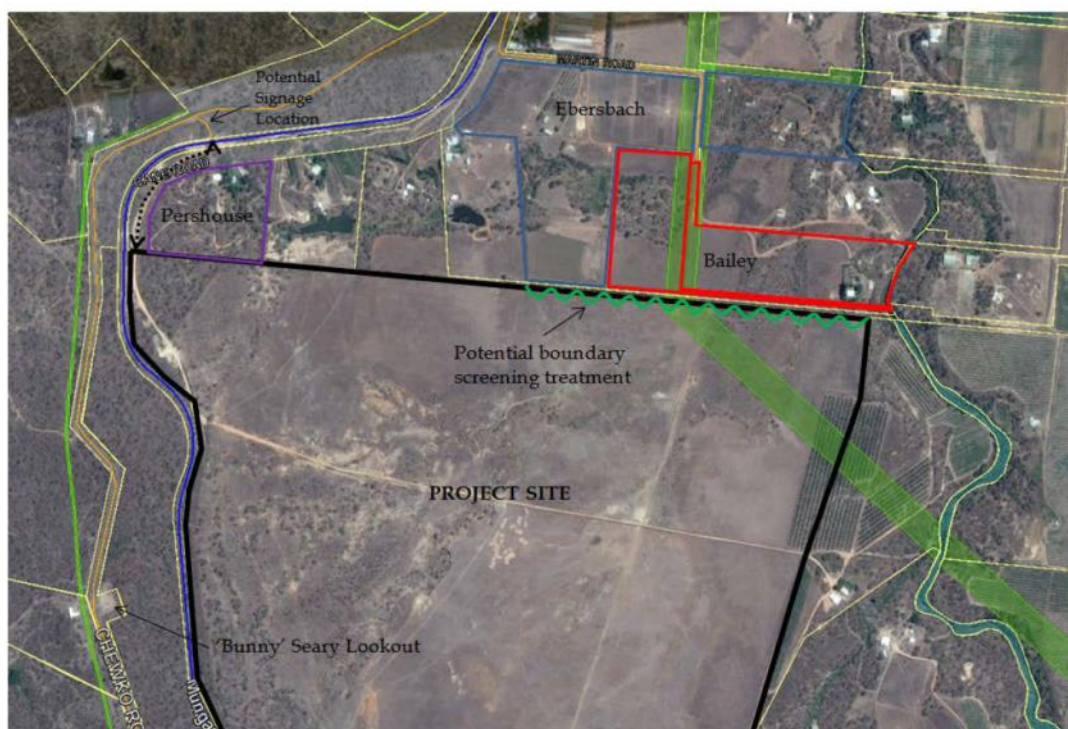
PO Box 16080
Collins Street West
Melbourne, VIC, 8007

Phone: 1300 660 623

tiltrenewables.com

Attachment A

SUBMITTER PROPERTY LOCATIONS



Attachment B

COPY OF PUBLIC SUBMISSIONS



Robert John Bailey
Joanne Louise Bailey
141 Martin Road
MAREEBA QLD 4880

30th September, 2017

To CEO Mareeba Shire Council

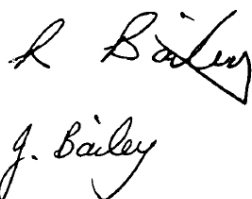
RE: Proposed Solar Farm Chewko Road

As we own the adjoining property to this proposed Solar Farm, we are not objecting to its proposal. We are very concerned about the glare, its visual aspect, as well as the impact on our privacy.

We would like as part of the condition of its construction, that the company erects a 2metre dirt bund wall with a 1.8metre timber fence on top (similar to the fence near the Barron River Bridge at Mareeba) directly behind our house.

We would be very grateful if you would take this request into consideration as part of the conditions to the approval of this Solar Farm.

Kind regards



Robert and Joanne Bailey.

Please send any correspondence to PO Box 711, MAREEBA 4880

From: Lesa Pershouse
Sent: 15 Nov 2017 00:17:59 +1000
To: Info (Shared)
Subject: MCU/17/0008 - non objection submission - Lesa Pershouse
Attachments: Letter to the Council re Solar Farm application.pdf

Dear Mareeba Shire Council,
Please find attached a letter for Council consideration in relation to the Tilt Renewables application MCU/17/0008.
Regards
Lesa
Lesa Pershouse
0419741101

Lesa Pershouse
PO BOX 1395
Mareeba, 4880
0419 741 101

14/11/2017

Dear Mareeba Shire Council,

I am writing in response to the planning application for the Tilt Solar Farm on 15 Chewko Road.

I have met with Jeremy from Tilt renewables and discussed the project back in September. It was a very positive meeting and in principle I have no objections to the project and believe that our Shire is leading the way with renewable energy which is a positive step for our community.

I do have some concerns regarding the development and I have expressed these to Jeremy mainly about ongoing impact on my quiet rural lifestyle. I am fully aware of the impact of the construction timelines and understand this is necessary. I also note that once construction is completed the traffic accessing the solar site will reduce significantly.

My main concern is in relation to the 'sightseeing' traffic that will result once construction is completed. This aspect was downplayed but I know that such a large solar farm close to town that can be seen from Chewko Road will result in curious sightseers. Mareeba Shire Council has positioned itself as a renewable energies leader and these initiatives (like this solar farm and the Mount Emerald Wind Farm) are promoted by Councils under the notion of 'renewable energy tourism'. I can foresee that the drive out to the solar farm on Chewko and heading towards Walkamin to see the wind farm will be a popular tourist drive.

In my discussions with Jeremy he suggested that large tourist signage can be erected at the Cane Road intersection stating 'No access to Solar Farm' or the like, with an arrow stating that Solar Farm viewing is available at the Bunny Seary Lookout. A 'No Through' Road sign and 'NO ACCESS to SOLAR FARM' could be located on Cane Road in case they miss the signage on Chewko Road. The suggestion is that the Bunny Seary's lookout could be upgraded with signage about the Solar Farm. This will promote the Solar Farm and allow locals and visitors to view the farm rather than drive down past my place attempting to see the farm. This will reduce the unnecessary traffic post construction.

I would like to clarify why this is an issue for me. I have had issues with random people coming out to my place thinking that the western side of my property is accessible. When challenged their response has been 'we thought it was just bush', also I have had to speak with people in campervans that think there is free camping outside my place on the railway reserve or up towards the top of Cane Road. I see in the application that the farm will be gated so they will not be able to access the Solar Farm or see it from Cane Road. They are not going to know this before driving down Cane Road if there is not appropriate signage. Some will ignore signage but it will help for those who actually read them and divert access. I have installed a fence around the house area on my property in anticipation of the Council approval for the Solar Farm.

I have requested from Tilt that they assist with some basic fencing along Cane Road to stop people driving onto my property attempting to access the farm. This may not eventuate but would certainly give me peace of mind. Tilt is also committed within reason considering shielding options (vegetation) out the front of my property to reduce the impact during construction. I am grateful for this offer and hope it comes to fruition.

My only other concern is in regards to the dust situation with Cane Road. Please ensure that all dust management protocols are applied. Ideally, I would like Cane Road bitumen up to the entry gate, this would totally sort the dust issue but understand this is a Council decision.

In summary, can the Mareeba Shire Council please consider the following:

- Erection of signage at the top of Cane Road and then just over the crossing regarding the access to the Solar Farm.
- Upgrade the lookout to incorporate information signage about the Solar Farm.
- Consider the dust management, maybe a bitumen area just over the crossing area.

Other than the above mentioned issues I am in full support of the Solar Farm and will do my best to deal with the impact of construction for the 9-12 months which I am sure will drive me mad!!

Regards

Lesa Pershouse
7 Cane Road Mareeba
0419741101

Victor G Feros Town Planning Consultants

195 Dornoch Terrace
corner Gladstone Road
Highgate Hill Brisbane 4101
Queensland Australia
Telephone 07 3844 2882
Facsimile 07 3846 1840
brisbane@ferosplanning.com.au

Level 1
127 Abbott Street
PO Box 1256 Cairns 4870
Queensland Australia
Telephone 07 4031 3663
Facsimile 07 4031 2238
cairns@ferosplanning.com.au

14 November 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA Q 4880

Attention: Brian Millard

Our Reference VGF – C1104

Dear Sir,

RE: SUBMISSION IN RESPONSE TO DEVELOPMENT APPLICATION BY TILT RENEWABLES PTY LTD C/- ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA PTY LTD FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – RENEWABLE ENERGY FACILITY (SOLAR FARM) AND ASSOCIATED SUBSTATION, RECONFIGURING A LOT (2 LOTS INTO 3 LOTS), SUBDIVISION BY LEASE AGREEMENT AND ACCESS EASEMENT ON LAND DESCRIBED AS LOT 156 ON SP124698 AND LOT 251 ON SP129910 AND LOCATED AT LAND DESCRIBED AS 15 CANE ROAD, CHEWKO, QUEENSLAND COUNCIL FILE REFERENCE: MCU/17/0008

1.00 INTRODUCTION

We advise that we act on behalf of the AK & K Ebersbach, the "submitter" in response to an application by Tilt Renewables Pty Ltd c/- Environmental Resources Management Australia Pty Ltd, the "applicant" for Development Permit for Material Change of Use – Renewable Energy Facility (Solar Farm) and Associated Substation, Reconfiguring a Lot (2 lots into 3 lots), Subdivision by Lease Agreement and Access Easement located at 15 Cane Road, Chewko, Queensland and described as Lot 156 on SP124698 (to contain the proposed uses) and Lot 251 on SP129910 (containing the Mungana Branch rail line to provide access), the "subject site".

The submitter is the owner of land described as Lot 11 and Lot 12 on SP160459 and located to the north of the subject site as shown by **Figure 1 – Location** and **Figure 2 – Locality**. Lot 11 on SP160459 contains a range of rural uses, including, on Lot 11 on SP160459, a horse agistment, with the capacity to accommodate 20 horses, club house and ancillary facilities, an orchard located in the northern part of the land within an area of approximately 1ha and a centrally located dwelling. Lot 12 on SP160459 contains a dwelling and an orchard with an area of approximately 0.9ha. While the submitter's land does not adjoin the subject site, the southern boundary is separated by two (2) 10m wide water allocation access strips connecting with Atherton Creek to the east. These elements as shown by **Figure 3 – Submitter Land Features**.

A letter of authority to lodge this submission on behalf of the submitter is attached as **Appendix A**.

Reference is made to the letter dated 20 October 2017 received by the submitter from the applicant advising of the Public Notification of the application attached as **Appendix B**.

IN CONTINUOUS PRACTICE SINCE 1976

Principal
Victor G Feros
GOSJ BA MUS FPA CMILT LGTP(Q) CPP

Adjunct Professor
School of Geography, Planning
and Environmental Management
University of Queensland

US Bicentennial Fellowship Award 1976

Administrative Director
Marion C Feros
B Pharm MBA MPFS ASA AFACP

Associate & Office Manager, Cairns
Nick Hardy
BRTP (Hons) MPA LGTP(Q)

Senior Consultant Planner
Ken Todd
DQIT(T&CP) Dip.Soc.PL LFPIA LGTP(Q)

Victor G Feros
Town Planning
Consultant Pty Ltd
ABN 51 010 417 302
www.ferosplanning.com.au

2.00 APPLICATION AND SITE DETAILS

| | | |
|--|--|--|
| Applicant: | Tilt Renewables Pty Ltd c/- Environmental Resources Management Australia Pty Ltd | |
| Application: | Material Change of Use | |
| Type: | Impact Assessment For Renewable Energy Facility (Solar Farm) and associated Substation, Reconfiguring a Lot (2 lots into 3 lots), Subdivision by Lease Agreement and Access Easement | |
| Council Application Reference | MCU170008 | |
| Location: | 15 Cane Road, Chewko | |
| Real Property Description: | Lot 156 on SP124698 and Lot 251 on SP129910 | |
| Area: | Lot 156 – 267.684ha Lot 251 – 17.3ha | |
| Far North Queensland Regional Plan: | Regional Landscape and Rural Production Area | |
| Mareeba Shire Council Planning Scheme (2016) | Strategic Framework | Rural Agricultural Area Rural Other Biodiversity Area Major Electricity Infrastructure |
| | Zoning | |
| | - Lot 156 | Rural Zone |
| | - Lot 251 | Community Facilities |
| | Agricultural Land Overlay | Class A Agricultural Land |
| | Airport Environs Overlay | Bird and Bat Strike - Located 3.5km from Airport |
| | | Light Intensity - Located within 6km of Airport |
| | Bushfire Hazard Overlay | High Potential Bushfire Intensity Medium Potential Bushfire Intensity Potential Impact Buffer (100 metres) |
| | Environmental Significance Overlay | Ecological Corridor Habitat Linkage Regulated Vegetation Watercourse |
| | Extractive Resources Overlay | Haulage Route |
| | Hill and Slope Overlay | Hill and Slope |
| | Regional Infrastructure Corridor and Substation Overlay | Major Electricity Infrastructure – High Voltage Powerline |

The application is proposing to construct approximately 200,000 solar Photo Voltaic panels, access road and substation on a lot containing approximately 267 ha. This is a most extensive and most intensive incursion of non rural development within a rural area and the impacts of the proposal on the adjoining and surrounding land owners should be given significant consideration.

The proposal is located on land sloping from the northern boundary to the southern boundary and will therefore be clearly visible from the submitter's land.

3.00 DOCUMENTS COMPRISING THE APPLICATION

It is our understanding that the application is comprised of the following documents:-

- a) Cover email dated 15 September 2017 lodging the application with Council;
- b) Cover letter dated 15 September 2017;
- c) DA Form 1;
- d) Land owner's consent; and
- e) Town Planning Report dated September 2017

This submission has been prepared on the basis of these documents.

4.00 GROUNDS OF SUBMISSION

4.01 Substation Location

The application proposes that the substation is located within the north east part of the subject site to connect with the Turkinje to Yalkula Tee 132kV overhead powerline (Refer **Figure 4**).

It is submitted that the location of the substation and associated infrastructure should not be relocated in any event less than 1,000m from the submitters land at its nearest point on the basis that it could cause noise and visual impacts and adversely affect the rural and residential use of the submitter's land. It is further submitted that the substation should be screened by native vegetation.

4.02 Cane Road

It is noted that in the application that access is gained to the site from Chewko Road via Cane Road for construction and maintenance purposes via Cane Road. (Refer **Figure 5**).

It is further noted that Cane Road is not sealed and that the applicant should be required to upgrade these roads to an appropriate standard. This will ensure that these roads are not damaged during the construction phase of the project and ensure that other adverse impacts on other surrounding land uses such as excessive dust are mitigated.

It is noted that lawful access is gained to the submitters land from Martin Road via Chewko Road. The Turkinje to Yalkula Tee 132kV overhead powerline is contained within a number of easements over land from Martin Road, including the submitters land, running in a north to south direction to the subject site. It is noted that most of Martin Road is unsealed with significant dust issues. Concern is raised that these easements, accessed by Martin Road, will be used to access the subject site during the construction phase as a more "convenient" means of access to the rear of the subject site. It is submitted that access to the subject site should be restricted to Cane Road accessed via Chewko Road only, unless the remaining unsealed section of Martin Road is sealed to an appropriate standard.

4.03 Solar Glare

The applicant has specifically identified, within the Solar Glare Assessment Report dated September 2017 attached to the Town Planning Report, that many surrounding land uses are potentially affected by solar glare and other impacts of the proposal.

It is noted that lands owned by the submitter, Lot 11 and Lot 12, nearby the subject site are specifically identified in the Report as "having visibility of the project" (refer **Figure 6**). The residential dwellings on both lots are identified by the applicant as being subject to a "glare affect" of "low potential for temporary after image" predicted to occur between "March to mid-October between approximately 10:00am and 11:00am".

In relation to both lots the applicant has identified that existing vegetation on the submitter's land is "likely to provide effective screening of the Project and any potential glare impacts".

It is submitted that the impact of glare on the submitter's property is not acceptable and it is not reasonable for the submitter to maintain vegetation on the submitters land to mitigate solar glare impacts of the proposal. In this regard it is submitted that it is the proponent's responsibility to implement measures to mitigate the impact of the proposal on surrounding land uses.

On this basis it is requested that the applicant should be required to maintain a suitable effectively screened landscape buffer of a minimum 100m width within the subject site and adjoining the northern boundary to screen and mitigate solar glare impacts generated by the use on the submitters land and other lots adjoining or adjacent to the northern boundary of the site.

In order to mitigate the immediate impacts of the proposal the following features are required:-

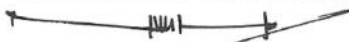
- a) the use of large tree stock for planting to ensure that a suitable height of the buffer is established in a short period;
- b) the required height of the buffer is achieved within a 3 to 5 year period by on-going maintenance and watering;
- c) the buffer is of sufficient width to ensure that required solar glare mitigation is achieved;
- d) that Council require the provision of a suitable bond or bank guarantee to Council and to be held by Council for a suitable period to ensure that the landscape buffer is established and maintained to the satisfaction of Council.

5.00 CONCLUSION

Having regard to the facts and circumstances upon which this submission relates, it submitted that the proposal in the current form is not acceptable and that Council is requested to uphold the grounds of submission in relation to the application and include suitable conditions of approval as part of any approval for the establishment of a Renewable Energy Facility (Solar Farm) and associated Substation, Reconfiguring a Lot (2 lots into 3 lots), Subdivision by Lease Agreement and Access Easement on the subject site described as Lot 156 on SP124698 and Lot 251 on SP129910.

Council's favourable consideration of this submission is commended.

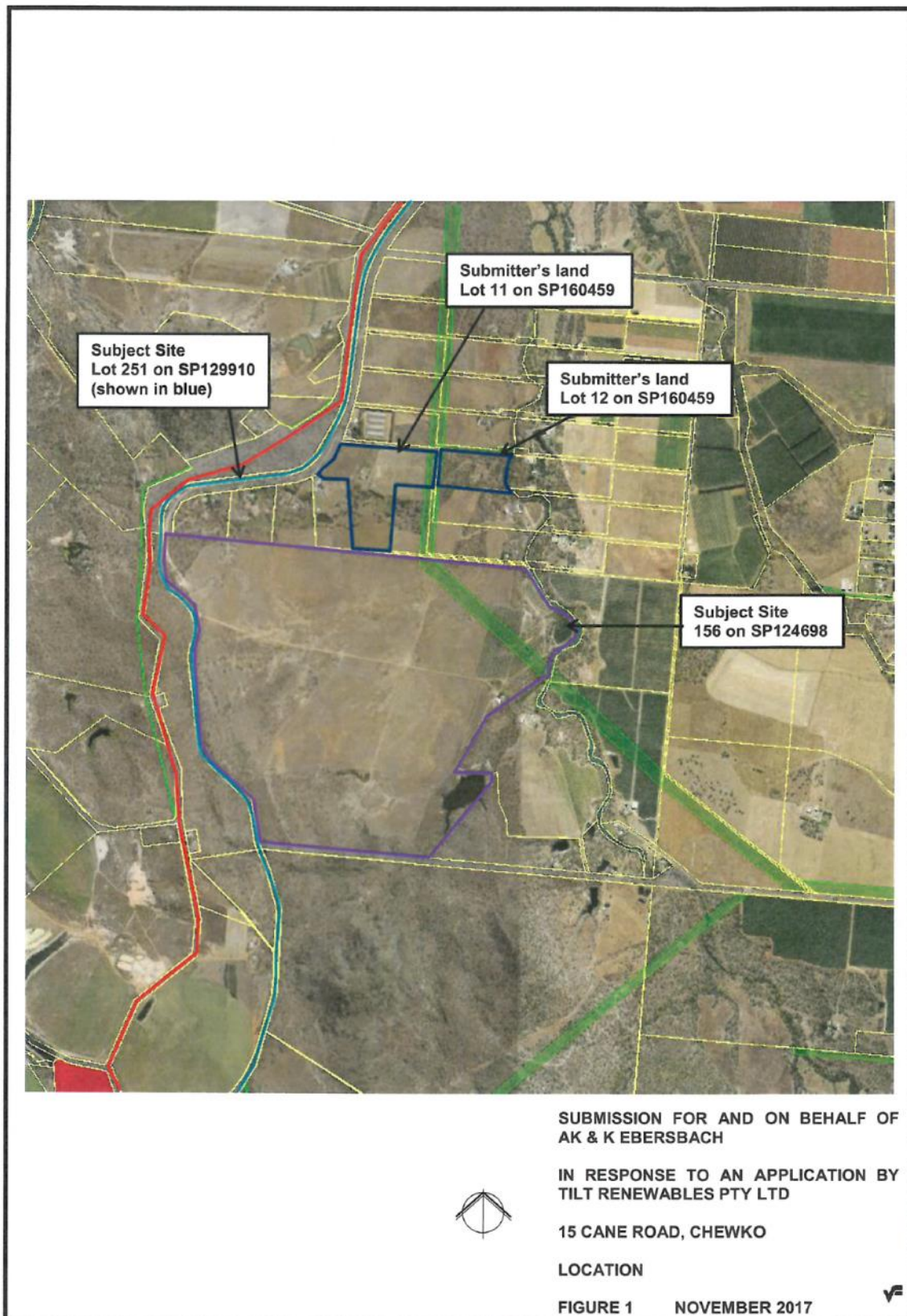
Yours faithfully
VICTOR G FEROS TOWN PLANNING CONSULTANTS

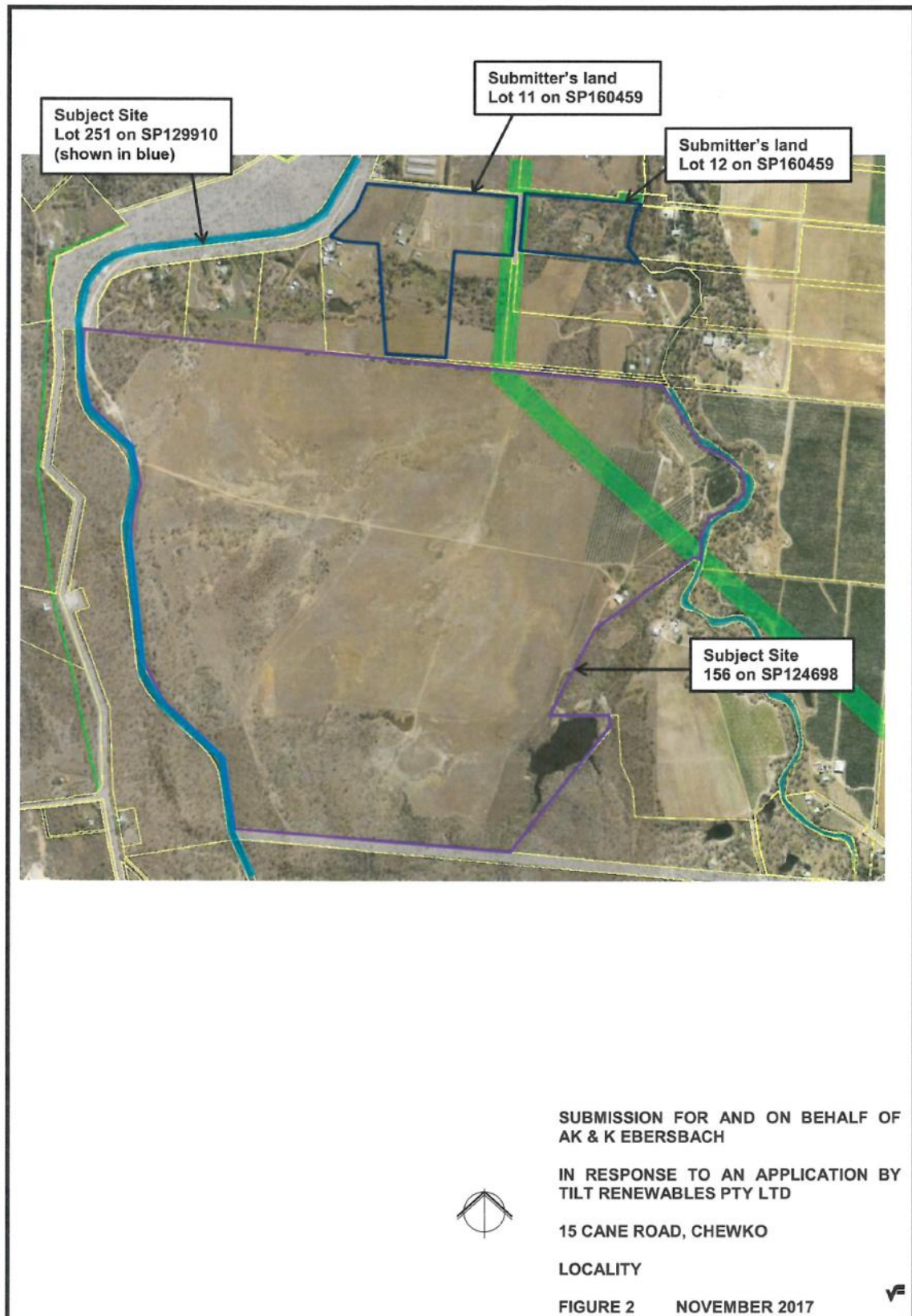


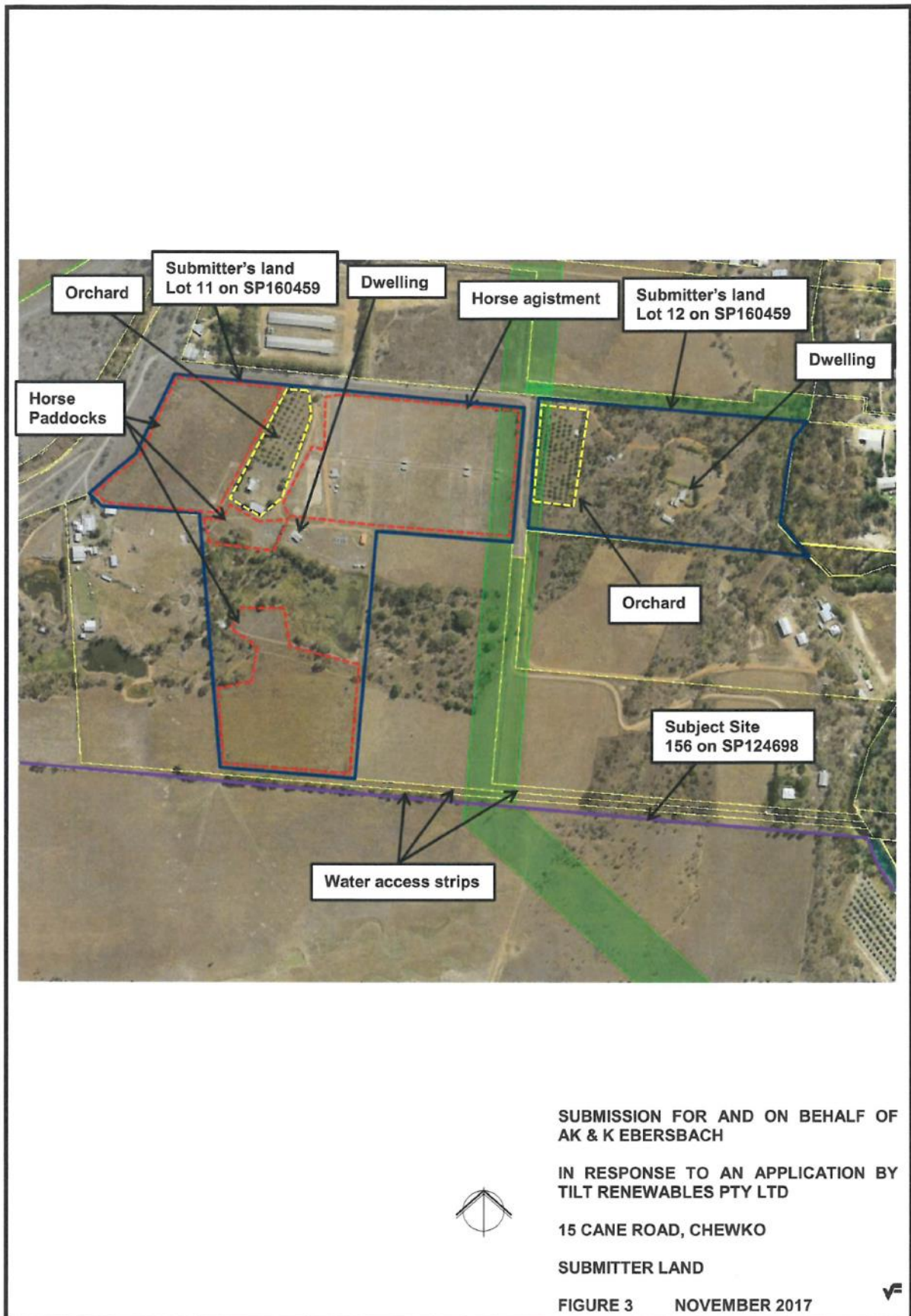
Nick Hardy
Associate and Office Manager

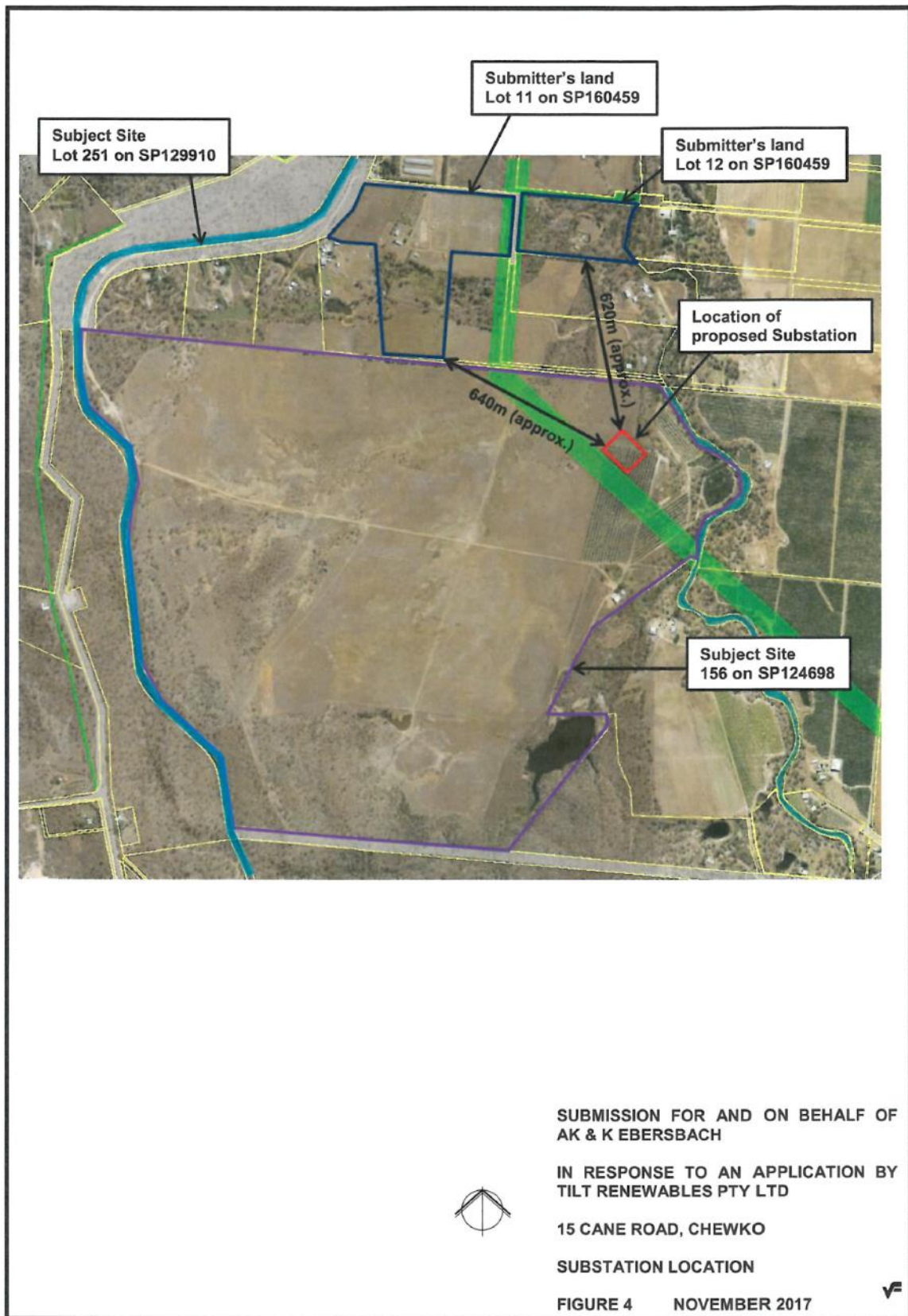
cc: AK & K Ebersbach

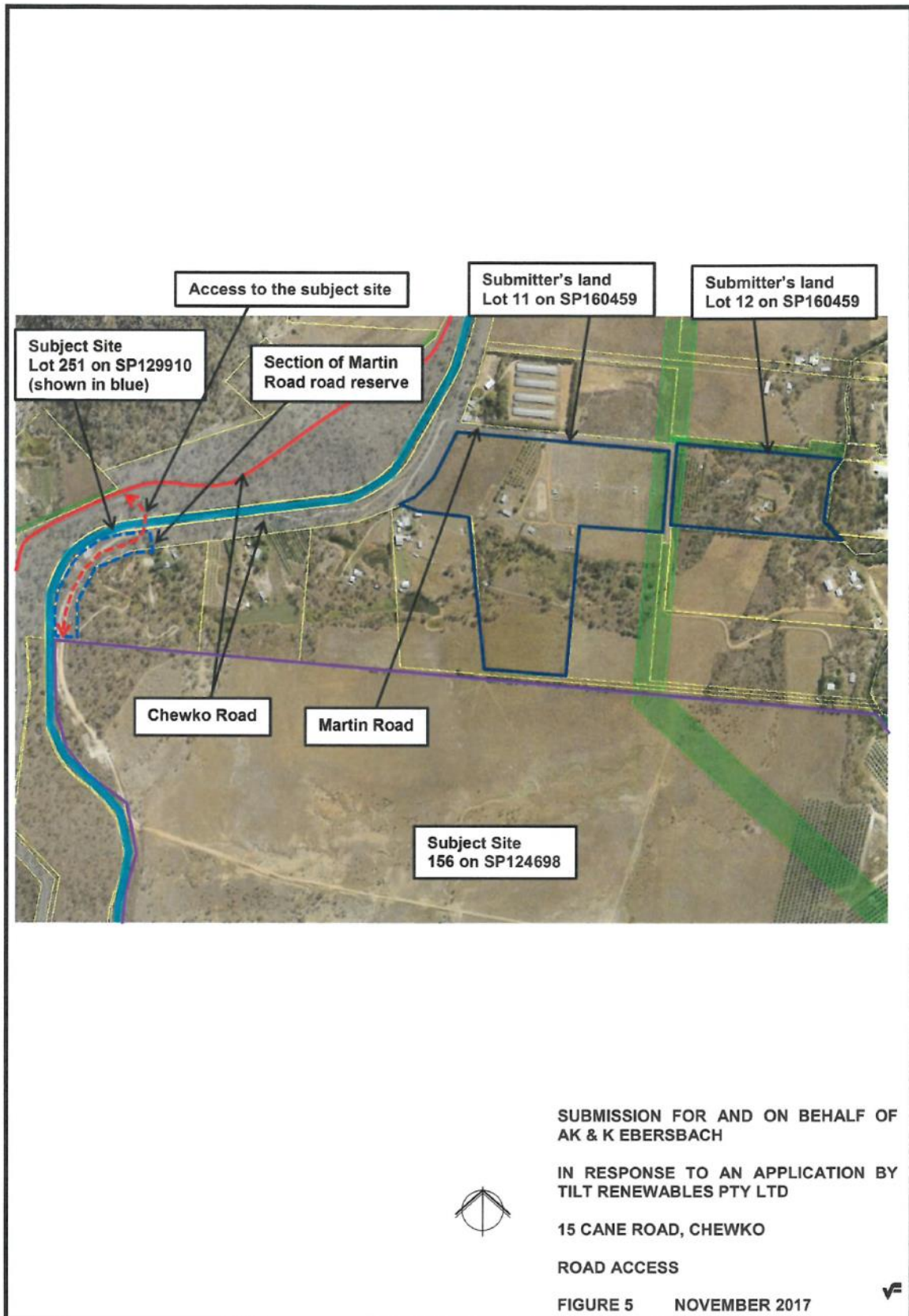
FIGURES

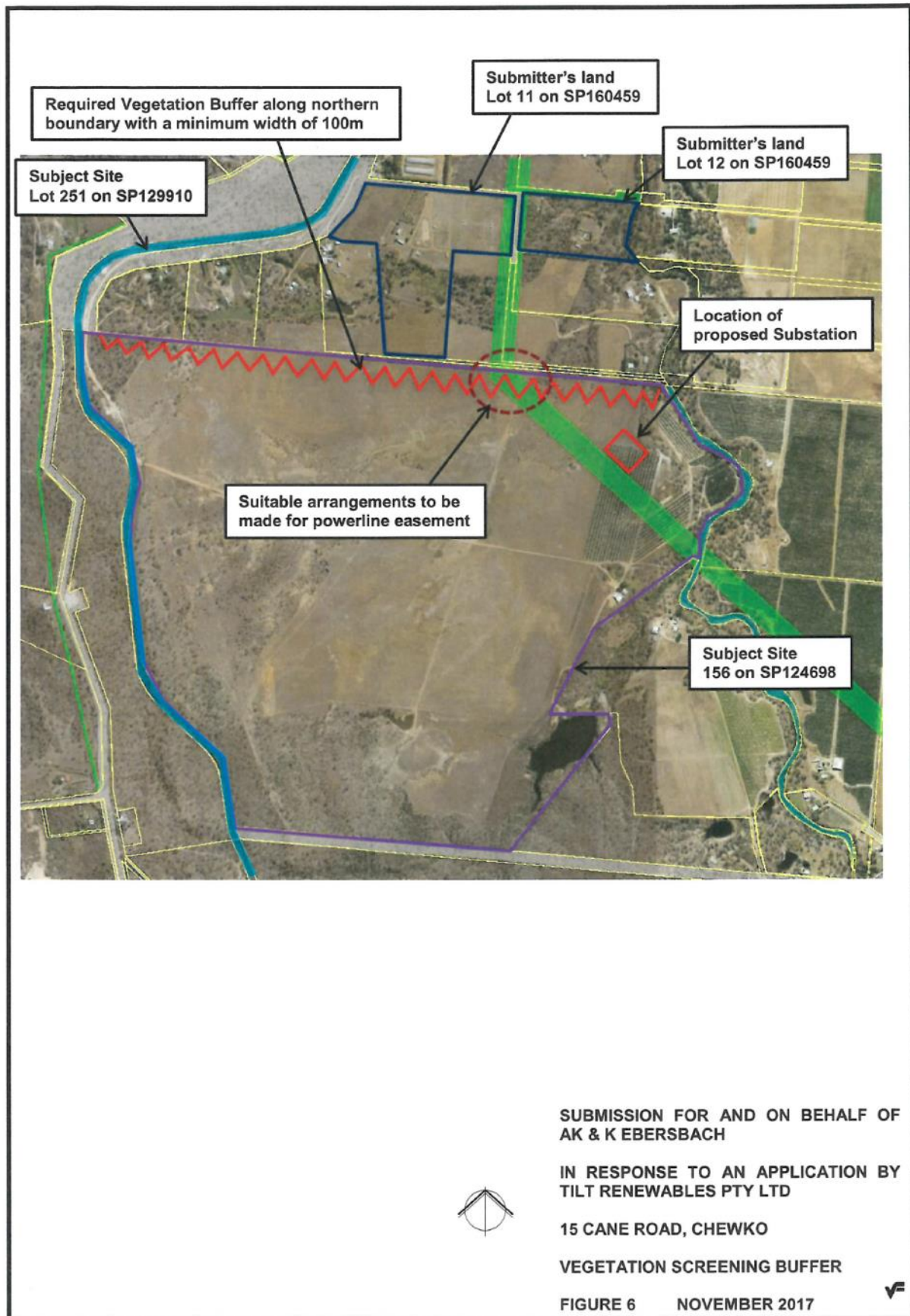












APPENDIX A

AK & K Ebersbach

ABN: 41 522 940 199

PO Box 1566
Mareeba, QLD 4880

Letter of Authority

Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880


Dear Sir


RE: SUBMISSION IN RESPONSE TO DEVELOPMENT APPLICATION BY TILT RENEWABLES PTY LTD C/- ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA PTY LTD WITH THE MAREEBA SHIRE COUNCIL FOR MATERIAL CHANGE OF USE - RENEWABLE ENERGY FACILITY (SOLAR FARM) AND ASSOCIATED SUBSTATION, RECONFIGURING A LOT (2 LOTS INTO 3 LOTS), SUBDIVISION BY LEASE AGREEMENT AND ACCESS EASEMENT ON LAND DESCRIBED AS LOT 156 ON SP124698 AND LOT 251 ON SP129910 AND LOCATED AT LAND DESCRIBED AS 15 CANE ROAD, CHEWKO, QUEENSLAND
COUNCIL FILE REFERENCE: MCU/17/0008

Find attached a submission in relation to the above Development Application, prepared and lodged on our behalf by Victor G Feros Town Planning Consultants.

The attached submission contains the grounds of objection to the application.

Yours faithfully


.....
Dr. K. Ebersbach


.....
Dr. A. Ebersbach

Signed on the 13 day of November 2017

APPENDIX B



20 October 2017

K & A. W Ebersbach
PO Box 1566
MAREEBA QLD 4880

Dear landowner,

Proposed Solar Development - Chewko Solar Farm

We wish to advise you that a Development Application has been lodged with the Mareeba Shire Council for Development Permit for Material Change of Use – Renewable Energy Facility (Solar Farm) and associated Substation, and Reconfiguring a Lot (2 lots into 3 lots), subdivision by lease and access easement, over Lot 156 on SP124698 (Project Site) and Lot 251 on SP129910 (included for access purposes only), located at 15 Cane Road, Chewko.

The proposed solar farm will consist of approximately 200,000 solar PV panels over a 145 hectare area which will have a peak generating capacity of 75 MW. A small substation will be built to allow for connection into the National Electricity Market (NEM) via a 132kv transmission line running through the north eastern corner of the site.

Up to 250 site staff will be employed during an 8 to 12-month construction period, with 1 to 2 permanent full-time employees looking after the site maintenance for the 25 years of operation. The peak generation of Chewko Solar Farm is equivalent to powering approximately 21,000 homes (double the size of the township of Mareeba). This means offsetting 100,000 tonnes of CO2 emissions produced by coal fired electricity generation every year.

In accordance with the *Planning Act 2016*, you are advised as an adjoining landowner to the subject land. Please find attached a copy of the public notice setting out the details of the proposed development and how you may submit comments.

If you have any queries regarding this application please feel free to contact either Mareeba Shire Council or myself on the below details.

Yours sincerely,



Jeremy Ellis
Environmental Advisor
Phone: +61 (0)439 589 771
Email: jeremy.ellis@tiltrenewables.com

Tilt Renewables Limited
ABN: 15 101 038 331

PO Box 16080
Collins Street West
Melbourne, VIC, 8007

Phone: 1300 660 623

tiltrenewables.com

Proposed Development

MAKE A SUBMISSION FROM:

**25th October to
15th November, 2017**

**Renewable Energy Facility (Solar Farm)
& associated Substation, and
Reconfiguring a Lot - 2 lots into 3 lots,
subdivision by lease and access easement**

Where: 15 Cane Road, Chewko
On: Lot 156 on SP124698 and
Lot 251 on SP129910

Approval Sought: Development Permit for
Material Change of Use
and Reconfiguring a Lot

Application Ref: MCU/17/0008

**You may obtain a copy of the application
and make a submission to:**

Mareeba Shire Council
PO Box 154, MAREEBA, QLD. 4880
E: info@msc.qld.gov.au
P: 1300 308 461
W: www.msc.qld.gov.au

Please note written submissions may be made electronically by submitting to info@msc.qld.gov.au. All submissions, including individual submitter's particulars, will be published on Council's website (PD Online) and therefore will be accessible to internet search engines.

***Public notification requirements are in
accordance with the Planning Act 2016.***

ITEM-8 **PROPOSED PERMIT TO OCCUPY OVER LOT A ON
DRAWING TSV17165, LEAFGOLD WEIR ROAD,
DIMBULAH**

MEETING: Ordinary

MEETING DATE: 20 December 2017

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Application has been made to the Department of Natural Resources and Mines (DNRM) for the issue of a permit to occupy over land described as Lot A on Drawing TSV17165, situated off Leafgold Weir Road, Dimbulah.

The proposed use of the land is for water pipeline and pump site which will provide adjoining freehold Lot 96 on HG315 with water access to the Walsh River.

DNRM seeks Council's views on the issue of the permit to occupy.

OFFICER'S RECOMMENDATION

"That Council offer no objection to the issue of a permit to occupy for pipeline and pump site purposes over Lot A on Drawing TSV17165, Locality of Dimbulah."

BACKGROUND

The subject land is described as Lot A on Drawing TSV17165, being part of Lot 404 on HG315, situated off Leafgold Weir Road, Dimbulah.

Lot A on Drawing TSV17165 has an approximate area of 2,860m² and is intended to provide adjoining freehold Lot 96 on HG315 with pipeline and pump site access to the Walsh River.

DNRM seeks Council's views on the issue of a permit to occupy.



Map Disclaimer:

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



Map Disclaimer:

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

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Nil

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

There is no objection to the issue of a permit to occupy over part of Lot 404 on HG315, with the proposed use being pipeline and pump site.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Nil

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

IMPLEMENTATION/COMMUNICATION

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

ATTACHMENTS

1. Department of Natural Resources and Mines letter of 21 November 2017.

Date Prepared: 27 November 2017

ATTACHMENT 1

Author Kellie Swaffer
File / Ref number 2017/003860
Directorate / Unit State Land Asset Management
Phone (07) 4222 5427

21 November 2017

The Chief Executive Officer
Mareeba Shire Council
info@msc.qld.gov.au



Department of
Natural Resources and Mines

Dear Sir/Madam,

Application for permit to occupy over that part of unallocated State land (Lot 404 on HG315) described as Lot A in Drawing TSV17165, locality of Dimbulah.

The Department has received the above application. The proposed use is for a pipeline and pump site from the adjoining freehold Lot 96 on HG315, through unallocated State land described as Lot 404 on HG315, to the Walsh River. The enclosed Smart map shows the subject lands and the surrounding locality, and Drawing TSV17165 showing the proposed permit area for your information.

Please advise the Department of any views or requirements that the Department should consider when assessing this proposal. Objections to the proposal, and any views or requirements that may affect the future use of the land must be received by close of business on **21 December 2017**. If Council offers an objection to the proposal, a full explanation stating the reason for the objection should be forwarded to this Office.

If Council wish to provide a response but is unable to do so before the due date, please contact the Department before the due date to arrange a more suitable timeframe.

This information has been provided in confidence for the purpose of seeking Council's views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the Department unless required.

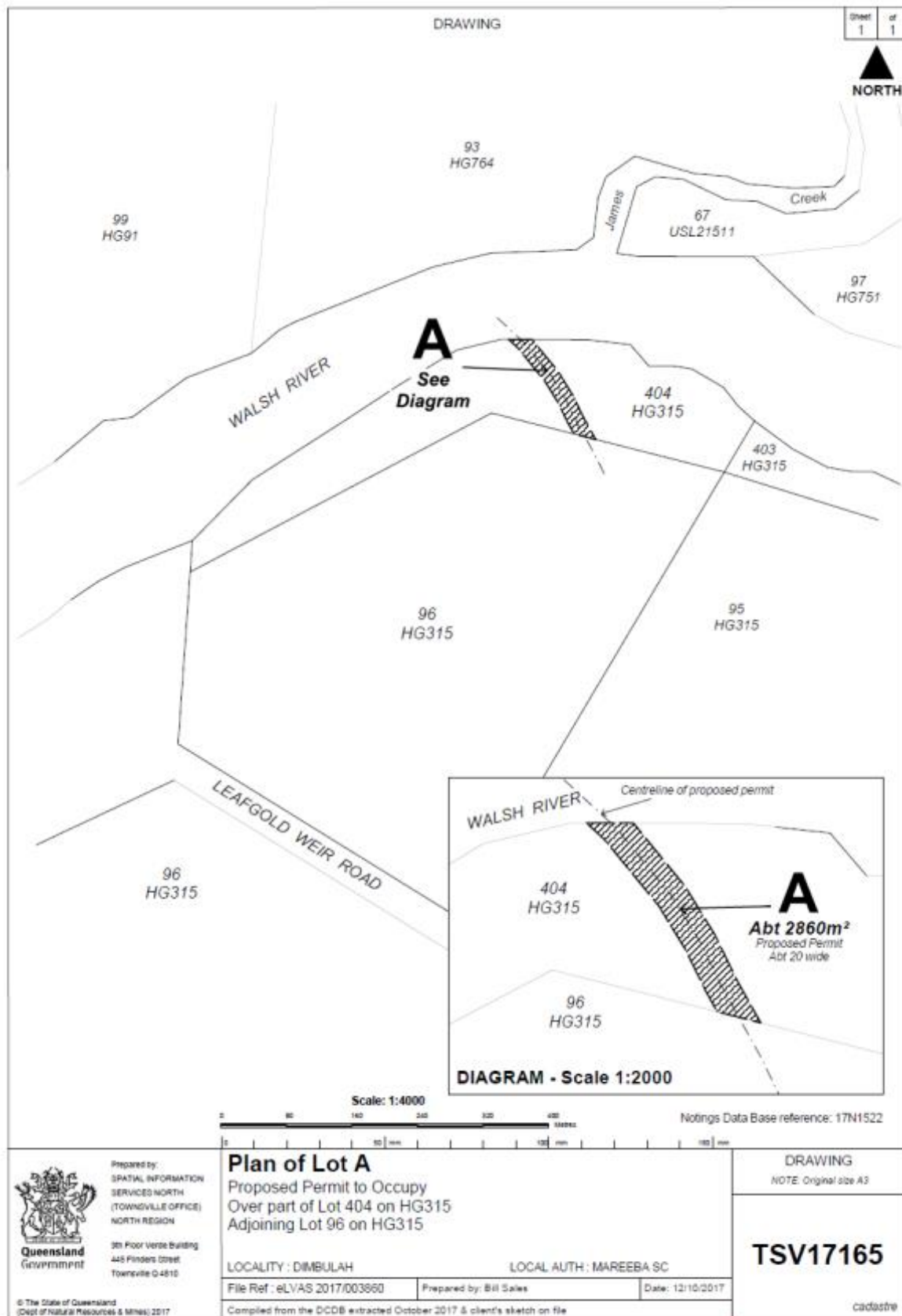
If you wish to discuss this matter please contact the Department on (07) 4222 5427.

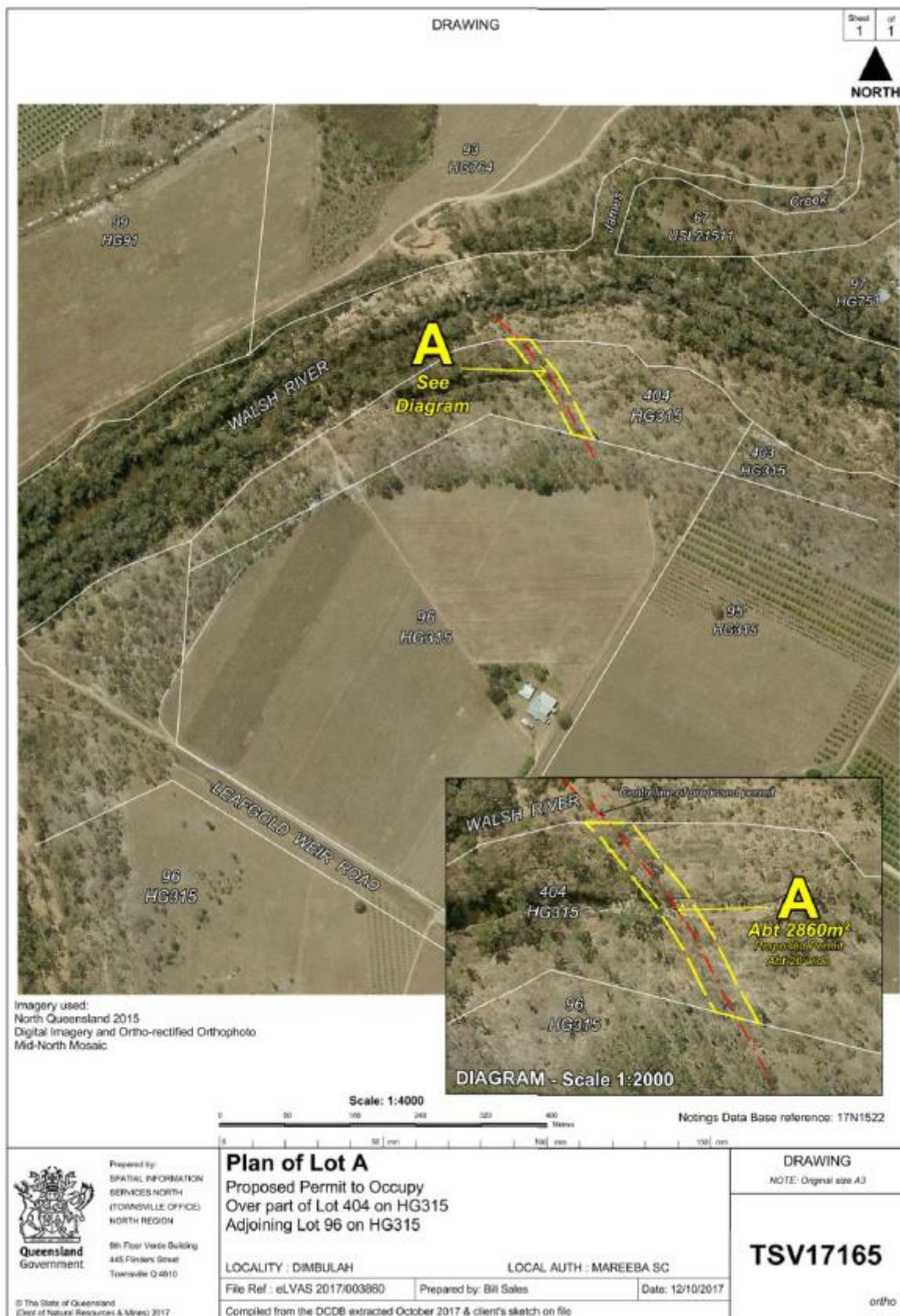
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

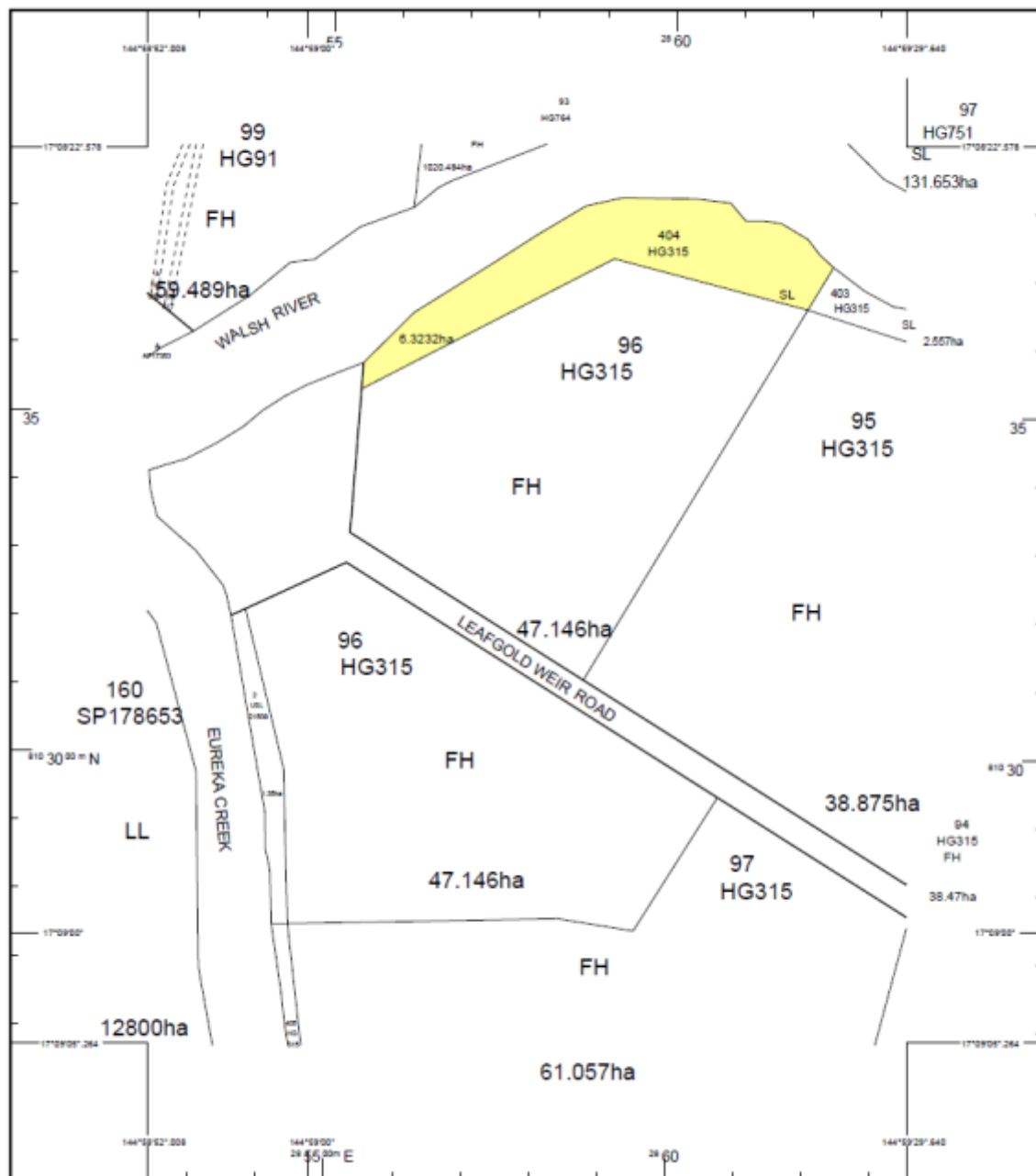
Please quote reference number 2017/003860 in any future correspondence.

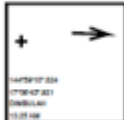
Yours sincerely

Kellie Swaffer
Land Administration Officer






 STANDARD MAP NUMBER
 7863-12112

 MAP WINDOW POSITION &
 NEAREST LOCATION


SUBJECT PARCEL DESCRIPTION

DCDR
 Lot/Plan 96/HG315
 Area/Volume 47.146ha
 Tenure FREEHOLD
 Local Government MAREEBA SHIRE
 Locality DIMBULAH
 Segment/Parcel 21525/3

CLIENT SERVICE STANDARDS

PRINTED (ddmmyyyy) 10/10/2017
 For additional information regarding this SmartMap see page 3.
 Shading Rules have been applied.

DCDR 09/10/2017

Users of the information recorded in this document (the information) accept all responsibility and not associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

 For further information on SmartMap products visit <http://dnrm.qld.gov.au/property/mapping/tnrmap>
SmartMap

An External Product of
 SmartMap Information Services
 Based upon an extraction from the
 Digital Cadastral Data Base



(c) The State of Queensland,
 (Department of Natural
 Resources and Mines) 2017.

ITEM-9 **PROPOSED NAME UNDER PLACE NAMES ACT 1994 -
LAKE KOONGARRA****MEETING:** Ordinary**MEETING DATE:** 20 December 2017**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines (DNRM) is considering a suggestion to officially name a lake on the Ngarrabullgan Massif (Mount Mulligan) under the Place Names Act 1994.

The proposed name of 'Lake Koongarra' has been suggested on behalf of the Kuku Djungan peoples.

DNRM seeks Council's views on the proposed name.

OFFICER'S RECOMMENDATION

"That Council offer no objection to the naming of the lake identified on Drawing TSV16100 as Lake Koongarra under the *Place Names Act 1994*."

BACKGROUND

The DNRM has written to Council advising that they are currently considering a suggestion made on behalf of the Kuku Djungan peoples to officially name a geographical feature (lake) on the Ngarrabullgan Massif (Mount Mulligan) under the Queensland *Place Names Act 1994*.

The name suggested by the Kuku Djungan peoples is Lake Koongarra.

The location of the lake in relation to the massif and Mount Mulligan township is shown on Drawing TSV16100 (**Attachment 1**).

DNRM seeks Council's views on the proposed name.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal
Nil

External
Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

NIL

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

Is the expenditure noted above included in the 2017/2018 budget?
Nil

If not you must recommend how the budget can be amended to accommodate the expenditure
Nil

IMPLEMENTATION/COMMUNICATION

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

ATTACHMENTS

1. Department of Natural Resources and Mines letter of 21 November 2017.

Date Prepared: 27 November 2017

ATTACHMENT 1URP-GEN-ENG
IT URP.

Ref Place Names – 17012 – Lake Koongarra

21 November 2017

Mr Peter Franks
Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Mr Franks,

The Minister for Natural Resources and Mines is responsible for naming places in Queensland under the *Place Names Act 1994*.

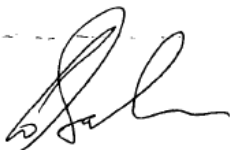
The department is considering a suggestion to officially name a geographical feature on Mount Mulligan Range in Kondoparinga Station (Lot 5112 on plan HG843453) as "Lake Koongarra" (see attached drawing TSV16100).

The suggestion was made on behalf of the Kuku Djungan peoples, recognised tradition owners of the surrounding area (traditionally known as Ngarrabullgan) which includes the Mount Mulligan Range.

As the matter is within your local government area would you please email any comments or objections you may have about this suggestion within ten weeks of the date of this letter to Bill.Sales@dnrm.qld.gov.au.

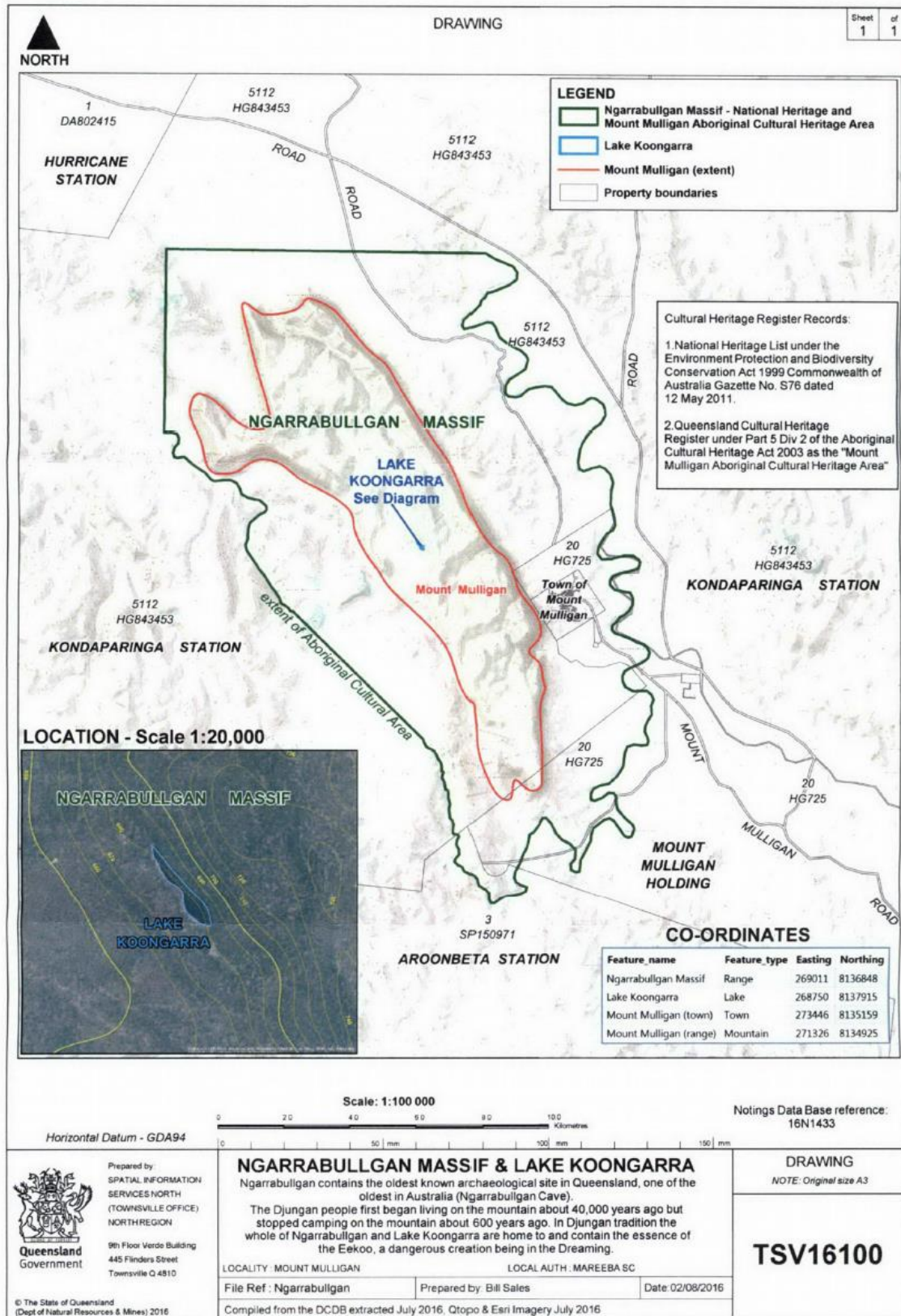
Should you require any further advice on this matter please contact me on telephone 07 4447 9186.

Yours sincerely



Bill Sales
Senior Cartographer (Place Names)

Attachment: Drawing TSV16100



**ITEM-10 APPLICATION FOR TERM LEASE OVER LOT 2 AP15969,
LOCALITY OF WATSONVILLE**

MEETING: Ordinary

MEETING DATE: 20 December 2017

**REPORT OFFICER'S
TITLE:** Senior Planner

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

An application has been made to the Department of Natural Resources and Mines (DNRM) for the issue of a Term Lease over land described as Lot 2 on AP15969, situated in the vicinity of Walsh River Road, Watsonville.

A permit to occupy for residential purposes is presently held over Lot 2 and a residence is established on the land. Should a term lease be granted, the permit to occupy will be cancelled and the residential use will continue under the conditions of the term lease.

DNRM seeks Council's views on the issue of the term lease and also whether Council has knowledge of any local non-indigenous cultural heritage values associated with the land.

OFFICER'S RECOMMENDATION

"That Council offer no objection to the issue of a term lease for residential purposes over land described as Lot 2 on AP15969 and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

BACKGROUND

DNRM is currently considering an application for the issue of a term lease over land described as Lot 2 on AP15969, Locality of Watsonville.

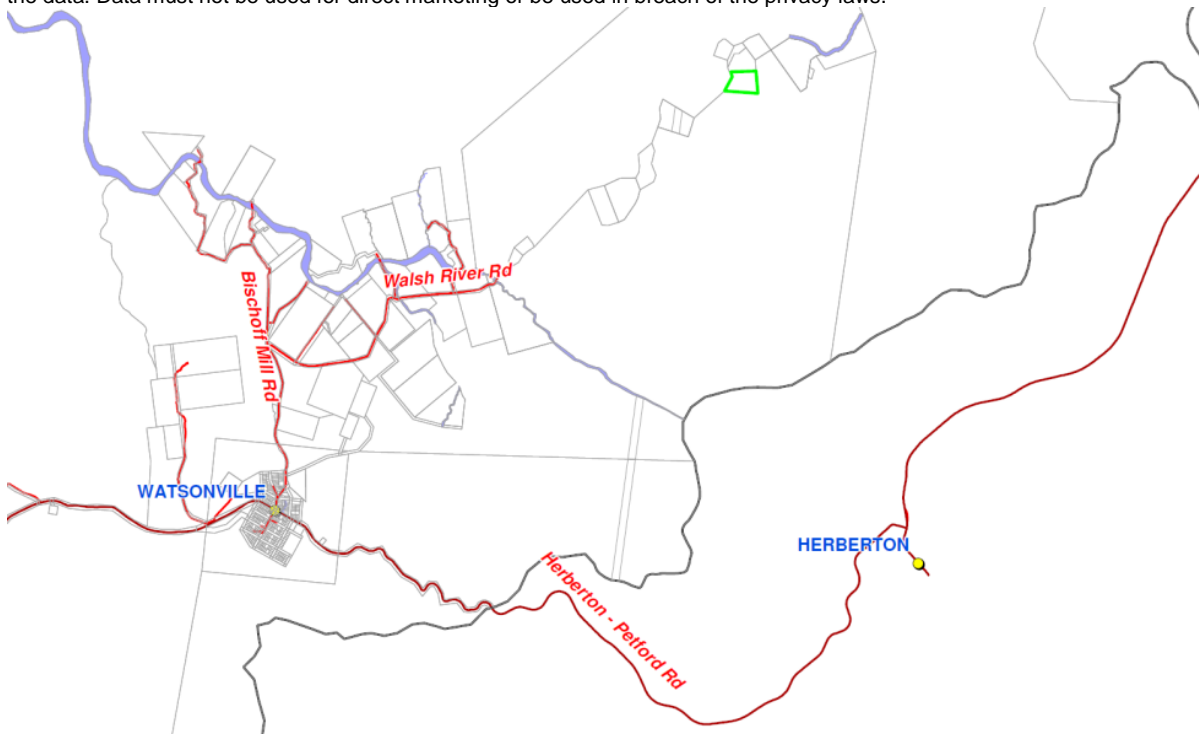
The subject land has an area of 8.8 hectares and is situated off Walsh River Road, approximately 7.5 kilometres north-east of Watsonville. Access is obtained through unallocated State land as the gazetted road reserve for Walsh River Road ends at Surveyors Creek, 3.5 kilometres west of the subject land.

The land is currently used for residential purposes under a permit to occupy and it is expected that the residential use will continue under the term lease. A residence is established on the subject land.



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DNRM seeks Council's views on the issue of a term lease and also whether Council has knowledge of any local non-indigenous cultural heritage values associated with the land.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Nil

External

Nil

LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The continued use of the subject land for residential purposes would be consistent with the Planning Scheme. There is no known need for the land for a public purpose.

Council officers have no knowledge of any non-indigenous cultural heritage values associated with the subject land.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Nil

If not you must recommend how the budget can be amended to accommodate the expenditure

Nil

IMPLEMENTATION/COMMUNICATION

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

ATTACHMENTS

1. Department of Natural Resources and Mines letter dated 28 November 2017

Date Prepared: *6 December 2017*

ATTACHMENT 1Department of
Natural Resources and Mines

Author: Katie Bennewith
Our Ref: 2017/00
Unit: State Land Asset Management
Phone: (07) 4447 9172

28 November 2017

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir/Madam

APPLICATION FOR NEW TERM LEASE OVER LOT 2 ON AP15969

The department has received the above application. The proposed use of the land is residential.

The enclosed Smartmap shows the subject land and the surrounding locality.

It is advised that a permit to occupy currently covers Lot 2 on AP15969 being Lot 1 on PER4789. The Department will cancel the current permit upon acceptance of an offer if granted.

Please advise if your Council has any issues, including any local non-indigenous cultural heritage values, that the department should consider when assessing this application in terms of Section 167 (1) of the Land Act 1994. Particular attention in your reply should be given to the following:-

- Whether the public interest could be adversely affected by the conversion of this lease.
- The condition of the lease land
- The extent to which the lease land suffers from, or is at risk of, land degradation
- Whether part of the lease land has a more appropriate use from a land planning perspective
- Whether part of the lease is needed for a public purpose.

Note - If land is required for a public purpose, it can be acquired at any time by negotiation and where necessary acquisition.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **5 January 2018**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

Postal :
DNRM Townsville
PO Box 5318
Townsville
4810 QLD

Telephone : (07) 4447 9172

If a response is not received by the due date and no alternative arrangements have been made, it **will** be assumed you have no objections or requirements in relation to this matter.

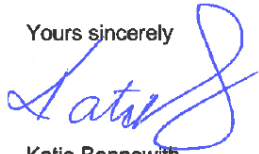
This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact Katie Bennewith on (07) 4447 9172.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to Townsville.SLAMS@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

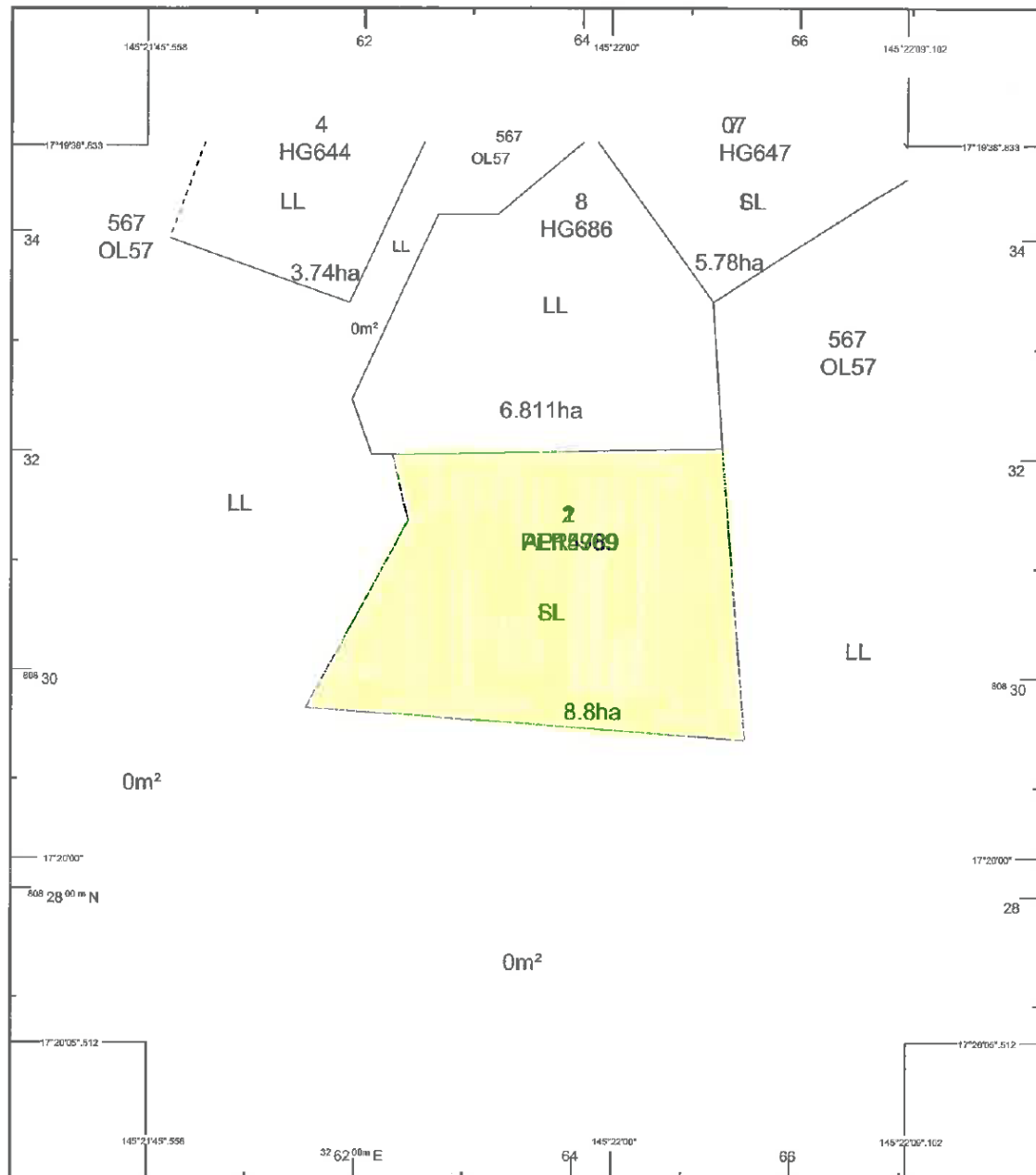
Please quote reference number 2017/005631 in any future correspondence.

Yours sincerely



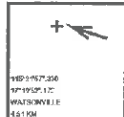
Katie Bennewith

Acting Land Officer



STANDARD MAP NUMBER
7963-24212

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
 Lot/Plan 2/AP13969
 Area/Volume 8.8ha
 Tenure STATE LAND
 Local Government MAREEBA SHIRE
 Locality WATSONVILLE
 Segment/Parcel 2143773

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 28/11/2017

DCDB 27/11/2017

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For further information on SmartMap products visit <https://www.qld.gov.au/property/mapping/smartmap>

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



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50 metres

Paper Size: A4
Print Date: 28/11/2017



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