

**PLANNING REPORT**

**SUBJECT:** NEGOTIATED DECISION NOTICE – REEDLODGE PTY LTD -  
MATERIAL CHANGE OF USE - SHOPPING CENTRE - LOT 78  
ON SP152626 - 232 BYRNES STREET, MAREEBA –  
MCU/17/0011

**MEETING:** Ordinary

**MEETING DATE:** 21 March 2018

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

**DEPARTMENT:** Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	Reedlodge Pty Ltd	<b>ADDRESS</b>	232 Byrnes Street, Mareeba
<b>DATE OF NDN REQUEST</b>	6 February 2018	<b>RPD</b>	Lot 78 on SP152626
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Shopping Centre		

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

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**ATTACHMENTS:**

1. Decision Notice dated 20 December 2017
2. Applicant's written representations received 6 February 2018

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**EXECUTIVE SUMMARY**

*Council approved a development application described in the above application details at its Ordinary Meeting held on 20 December 2017, subject to conditions.*

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

*The applicant has subsequently made written representations to Council requesting a minor amendment to Condition 4.2.3 and requesting clarity on the asphalt seal requirements under Condition 4.5.3.*

*It is recommended that the request be approved and a negotiated decision notice be issued.*

## OFFICER'S RECOMMENDATION

- “1. In relation to the written representations made by Urban Sync on behalf of Reedlodge Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Reedlodge Pty Ltd	ADDRESS	232 Byrnes Street, Mareeba
DATE OF NDN REQUEST	6 February 2018	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 following

- (A) Condition 4.2.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

*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 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.*

- (B) Condition 4.5.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

*4.5.3 The applicant must construct the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site 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. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application.*

2. A Negotiated Decision Notice be issued to the applicant and submitter advising of Council's decision."

## 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.

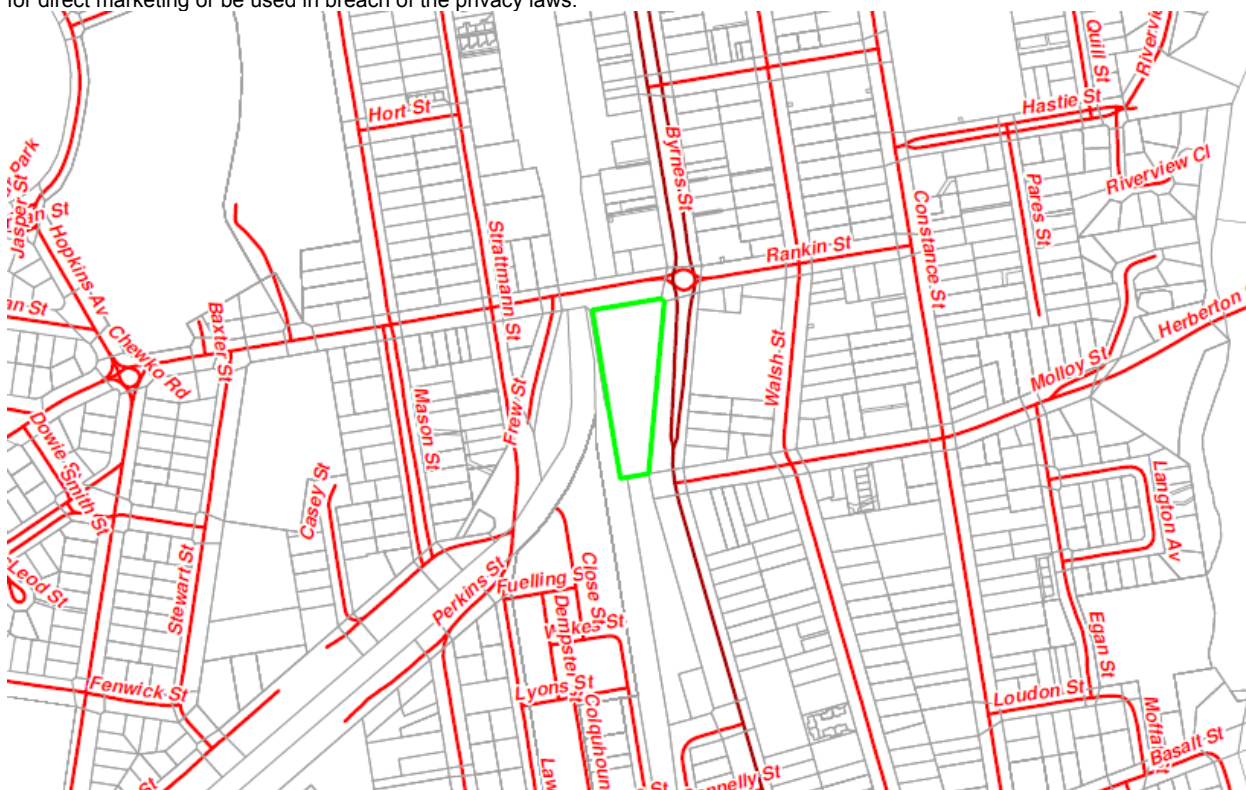
Neighbouring allotments to the north, south and east are zoned Centre under the Mareeba Shire Council Planning Scheme 2016. Properties in the general locality are used for a variety of land uses including the Mareeba Plaza Shopping Centre, Byrnes Street business district and residential uses.

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

Council at its Ordinary Meeting on 20 December 2017 approved the application made by Reedlodge Pty Ltd for the issue of a development permit for Material Change of Use - Shopping Centre over land described as Lot 78 on SP152626, situated at 232 Byrnes Street, Mareeba

The approval was granted subject to conditions and the Decision Notice was issued on 20 December 2017 and is included as **Attachment 1**.

The applicant has written to Council making representations (**Attachment 2**) in relation to Condition 4.2.3 and 4.5.3 and are seeking the issue of a negotiated decision notice.

## APPLICANT'S REPRESENTATIONS

### Condition 4.2.3

#### 4.2 Stormwater Drainage/Water Quality

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.

### Representation by Applicant

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.

*The latest version of QUDM only references detailed design, preliminary sizing is discussed in Australian Rainfall and Runoff using adopted methods. As a result, we are of the view that this sentence should be deleted from the condition.*

### **Response**

Council officers have reviewed the applicant's representations and have no objection to the requested amendment to Condition 4.2.3. It is therefore recommended that Condition 4.2.3 be amended as shown above in the applicant's representations section.

### **Condition 4.5.3**

#### **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:*

*4.5.3 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.*

### **Representation by Applicant**

*The applicant would like clarification as to what Council considers the 'full' frontage of Lot 78 on SP152626 to be, as well as what the existing pavement thickness of Rankin Street is. For example, is this condition requiring that only the current unsealed portion of Rankin Street, adjacent the north-west corner of the site be sealed, or does the condition require the entire kerb to kerb width of Rankin Street, for the full frontage of Lot 78, be re-sealed?*

The applicant proposes the following revised wording:

*"The applicant must construct **the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site** 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. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application"*

### **Response**

The intent of Condition 4.5.3 is to ensure all trafficable areas along Rankin Street that will be subject to heavy vehicle movements are asphalt sealed. It is therefore recommended that Condition 4.5.3 be amended as follows to provide clarity to both Council and the applicant:

*4.5.3 The applicant must construct the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site 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. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application.*

**Date Prepared:** 8 March 2018

**ATTACHMENT 1**

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

**P:** 1300 308 461

**F:** 07 4092 3323

**W:** [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

**E:** [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

20 December 2017

Officer: Brian Millard  
Direct Phone: 4086 4657  
Our Reference: MCU/17/0011  
Your Reference: 17-230

Reedlodge Pty Ltd  
ACN 089 077 403  
PO Box 452  
MAREEBA QLD 4880

Dear Sir/Madam

## Decision Notice

### *Planning Act 2016*

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

#### APPLICATION DETAILS

Application No:	MCU/17/0011
Street Address:	232 Byrnes Street MAREEBA QLD 4880
Real Property Description:	Lot 78 on SP152626
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

#### DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Shopping Centre
Date of Decision:	20 December 2017

#### CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

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Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880



## INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

## ASSESSMENT MANAGER CONDITIONS

### (A) 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.

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### 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.

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#### 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.

#### REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor (Road & Rail Corridor)		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises—	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 <a href="mailto:CairnsSARA@dilgp.qld.gov.au">CairnsSARA@dilgp.qld.gov.au</a>
(a) are within 25m of a State transport corridor; or		
(b) are a future State transport corridor; or		
(c) are—		
(i) adjacent to a road that intersects with a State-controlled road; and		
(ii) within 100m of the intersection		

A copy of any referral agency conditions is attached.



**APPROVED PLANS**

The following plans are Approved plans for the development:

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

**REFERENCED DOCUMENTS**

Not Applicable.

**ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

**(A) 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](http://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](http://www.datsip.qld.gov.au).

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 30 November 2017

**PROPERTY NOTES**

Not Applicable.

**VARIATION APPROVAL**

Not Applicable.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work
- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work

**SUBMISSIONS**

Not Applicable.

**RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

**OTHER DETAILS**

If you wish to obtain more information about Council’s decision, electronic copies are available on line at [www.msc.qld.gov.au](http://www.msc.qld.gov.au), or at Council Offices.

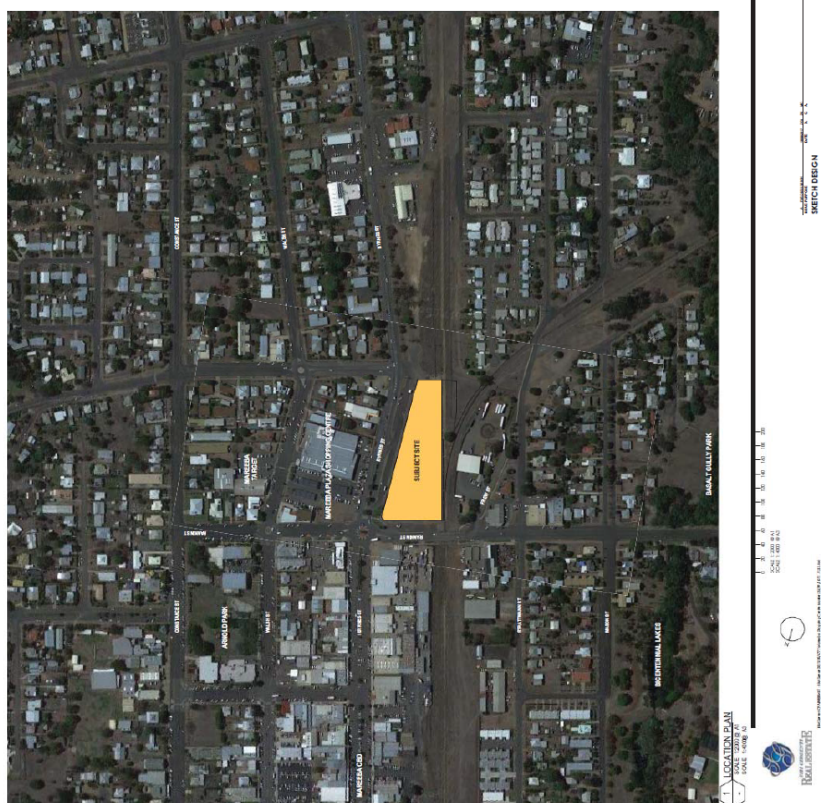
Yours faithfully

**BRIAN MILLARD**  
**SENIOR PLANNER**

Enc: Adopted Infrastructure Charge Notice  
Approved Plans/Documents  
Referral Agency Response  
Appeal Rights

Copy: Department of Infrastructure, Local Government and Planning  
[CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au)

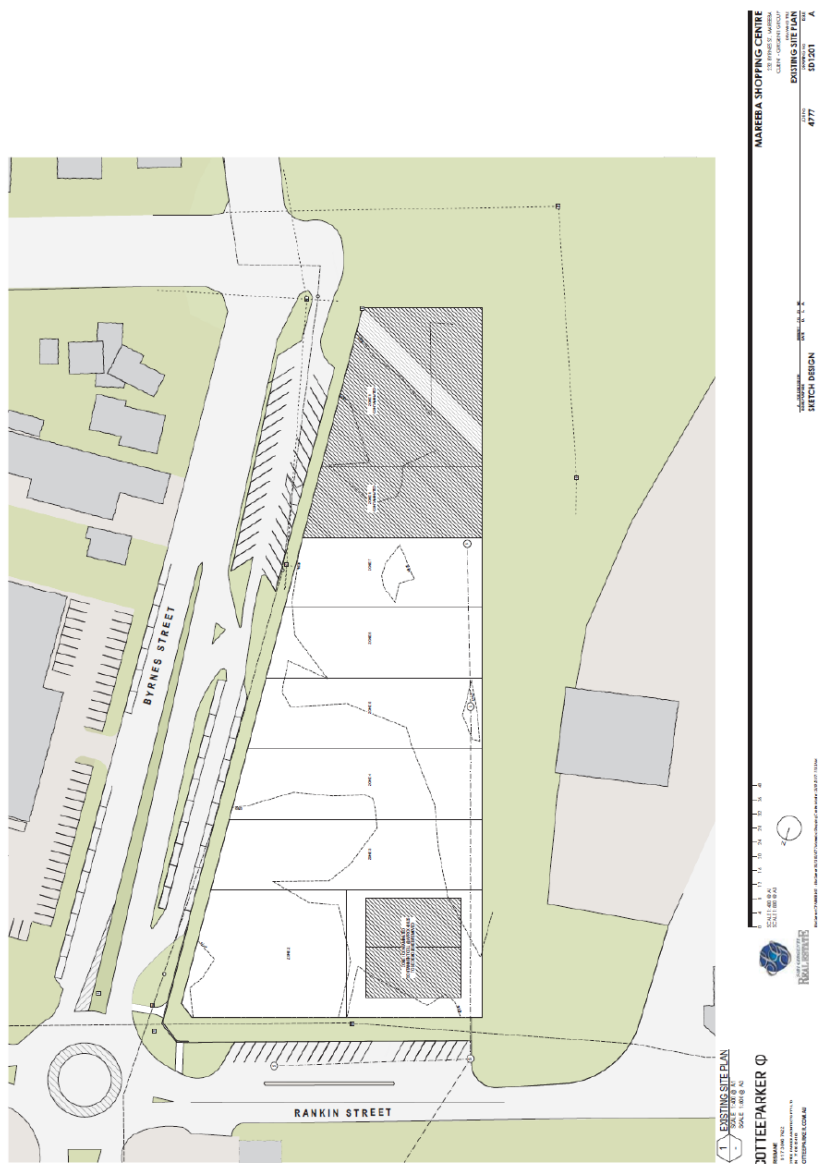
### Approved Plans/Documents

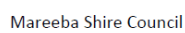


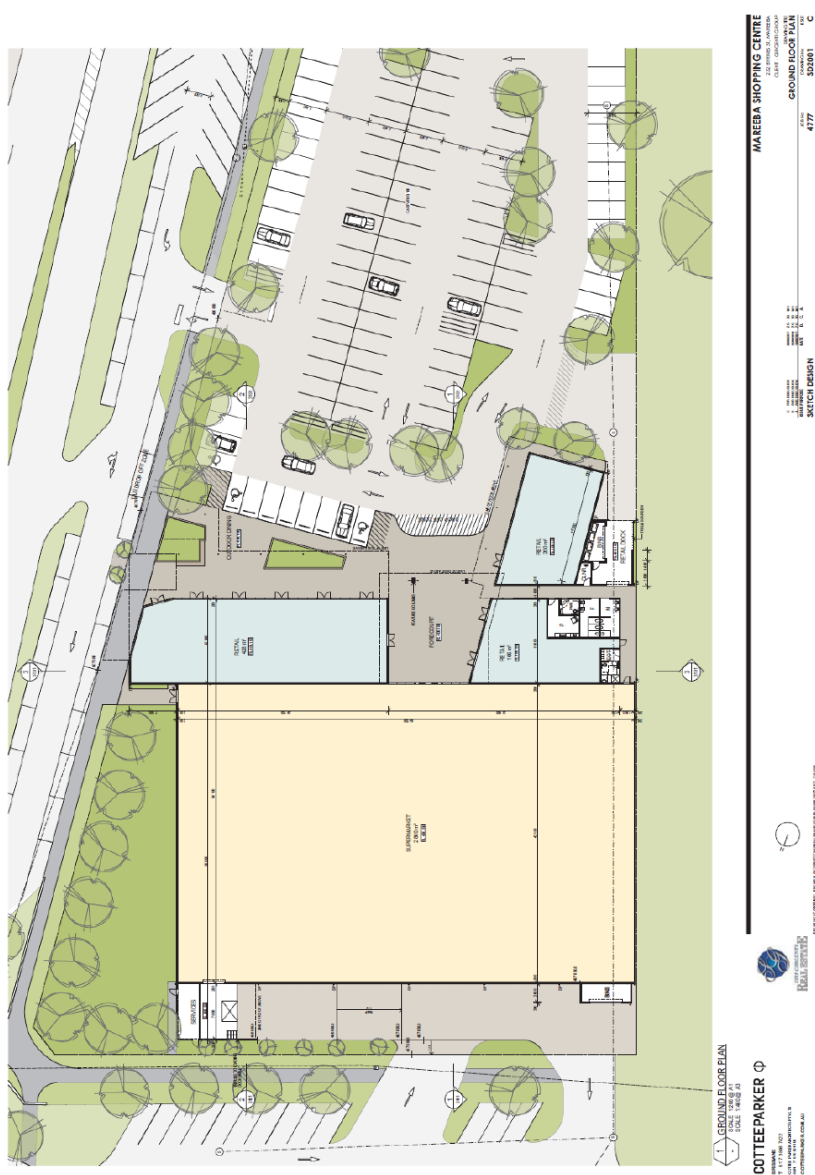
**COTTEPARKER** 

800.558.4612  
P.O. Box 23940, NCE  
Las Vegas, NV 89123  
www.cotteparker.com

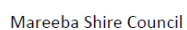
Mareeba Shire Council

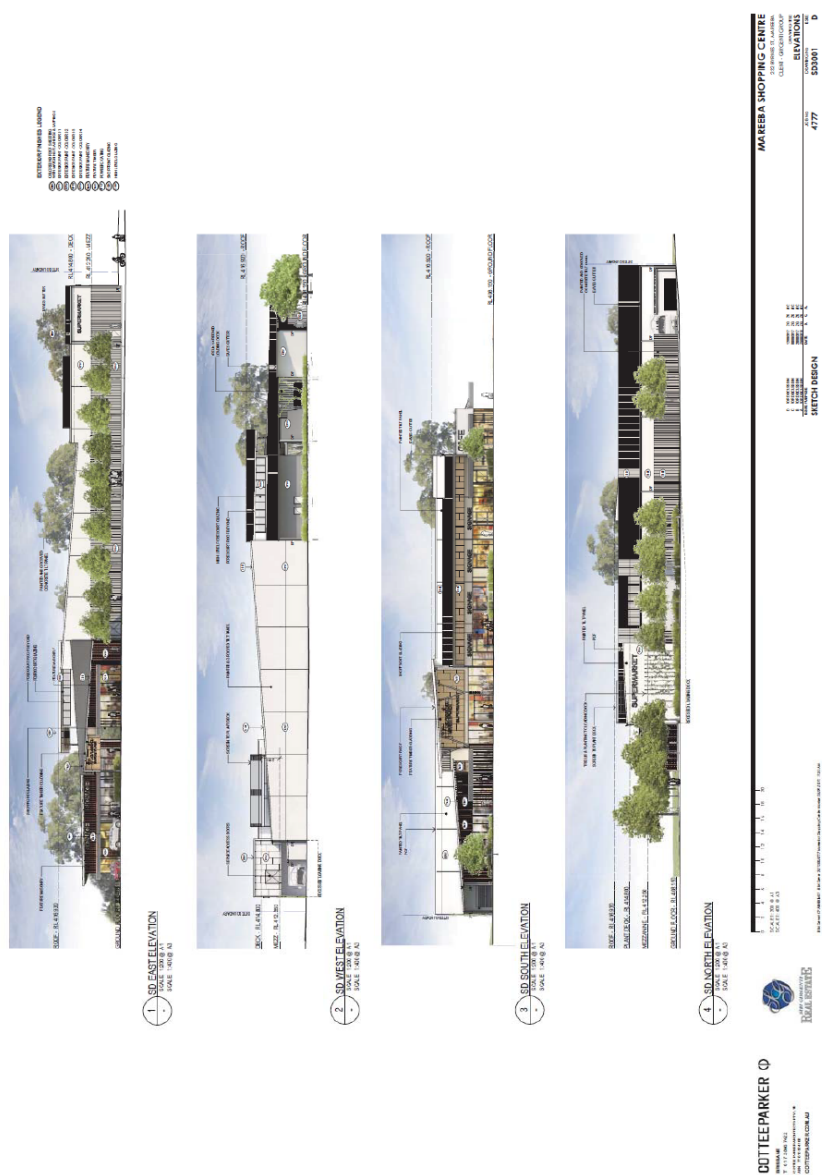


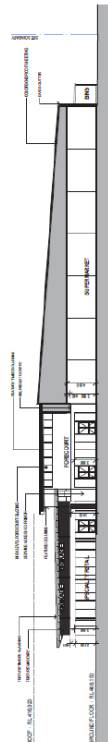




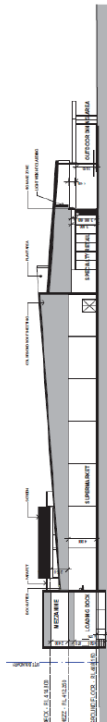




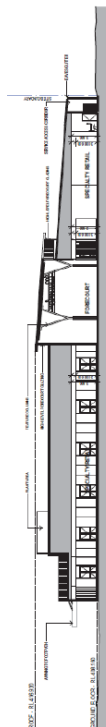





1. ALL SECTION  
SCALE 1:100  
DATE 15/03/18




2. ALL SECTION  
SCALE 1:100  
DATE 15/03/18




3. ALL SECTION  
SCALE 1:100  
DATE 15/03/18



**COTTEEPARKER**  
ARCHITECTS  
100/100 STREET  
MAREEBA QLD 4277  
07 5555 5555  
cotteeparker.com.au



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**MAREEBA SHIRING CENTRE**  
100/100 STREET  
MAREEBA QLD 4277  
07 5555 5555  
mareeba.qld.gov.au

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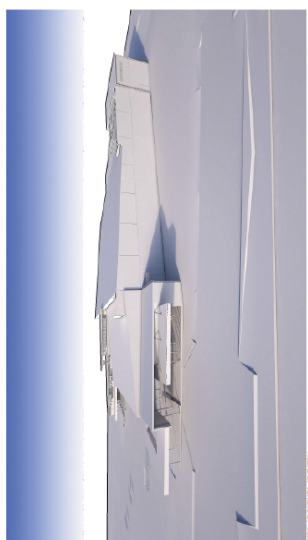
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**MAREEBA SHOPPING CENTRE**

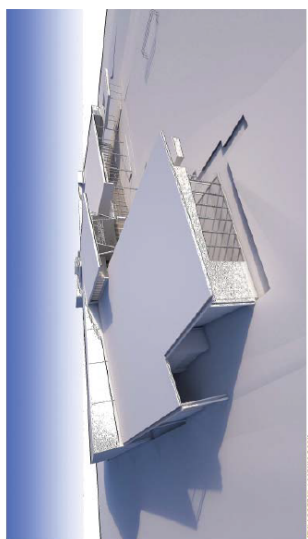
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3D DRAWINGS & RENDERINGS

477 300201 A



VIEW OF SIDING OF ENTRY



VIEW OF RETAIL LOADING DOCK



AERIAL VIEW

**MAREEBA SHOPPING CENTRE**  
 DRAWING NO. 17-0011-001  
 SHEET 1 OF 1  
 3D DRAWINGS & RENDERINGS  
 4777 300002 A



**DOTTEPARKER**   
 ARCHITECTS  
 17-0011-001  
 3D DRAWINGS & RENDERINGS  
 4777 300002 A

## ATTACHMENT 2



**T** 07 4051 6946      **O** 192 Mulgrave Road, Cairns  
**E** admin@urbansync.com.au      **M** PO Box 2970, Cairns Q 4870  
**W** www.urbansync.com.au      **ABN** 83 169 940 649

6 February 2018

**Our Ref:** 17-230  
**Your Ref:** MCU/17/0011

**Chief Executive Officer**  
 Mareeba Shire Council  
 PO Box 154  
 MAREEBA QLD 4880

Attention: Brian Millard – Senior Planner and Carl Ewin - Planning Officer

Dear Brian and Carl

**RE: REQUEST FOR A NEGOTIATED DECISION NOTICE UNDER S76(3) OF THE PLANNING ACT 2016 ASSOCIATED WITH AN APPROVAL FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (SHOPPING CENTRE) OVER LOT 78 ON SP152626 AT 232 BYRNES STREET, MAREEBA**

We refer to the above-described matter and confirm that Urban Sync Pty Ltd (Urban Sync) continues to provide town planning and development advice to the Applicant (Reedlodge Pty Ltd) in respect of this project. We have been commissioned to coordinate the request for 'change representations' under s75(1) of the *Planning Act 2016* in respect to conditions imposed in the Decision Notice approved by Mareeba Shire Council (Council) on 20 December 2017.

### REQUESTED CHANGES TO THE CONDITIONS OF APPROVAL

Condition	Amendments
<b>Infrastructure Services and Standards</b>	
<b>4.2.3</b>	<p>Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:</p> <p>(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 (<a href="http://www.ipweaq.com/qudm">http://www.ipweaq.com/qudm</a>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). <del>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.</del> 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.</p>

Justification:

The latest version of QUDM only references detailed design, preliminary sizing is discussed in Australian Rainfall and Runoff using adopted methods. As a result, we are of the view that this sentence should be deleted from the condition.

Condition	Amendments
<b>Infrastructure Services and Standards</b>	
<b>4.5.3</b>	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.

Justification:

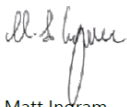
The applicant would like clarification as to what Council considers the 'full' frontage of Lot 78 on SP152626 to be, as well as what the existing pavement thickness of Rankin Street is. For example, is this condition requiring that only the current unsealed portion of Rankin Street, adjacent to the north-west corner of the site be sealed, or does the condition require the entire kerb to kerb width of Rankin Street, for the full frontage of Lot 78, be re-sealed?

## CONCLUSION

We request preliminary feedback from Council on all the identified matters prior to a formal Negotiated Decision Notice being issued.

Should you require any additional information or wish to discuss this request in further detail, please contact me on 0488 200 229.

Yours faithfully,



Matt Ingram  
Senior Planner

E matt@urbansync.com.au | T 07 4051 6946 | M 0488 200 229