

PLANNING REPORT

SUBJECT: 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

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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:

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- 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;
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- 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 fifteen (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	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).
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).

Commercial 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	<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	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.

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.

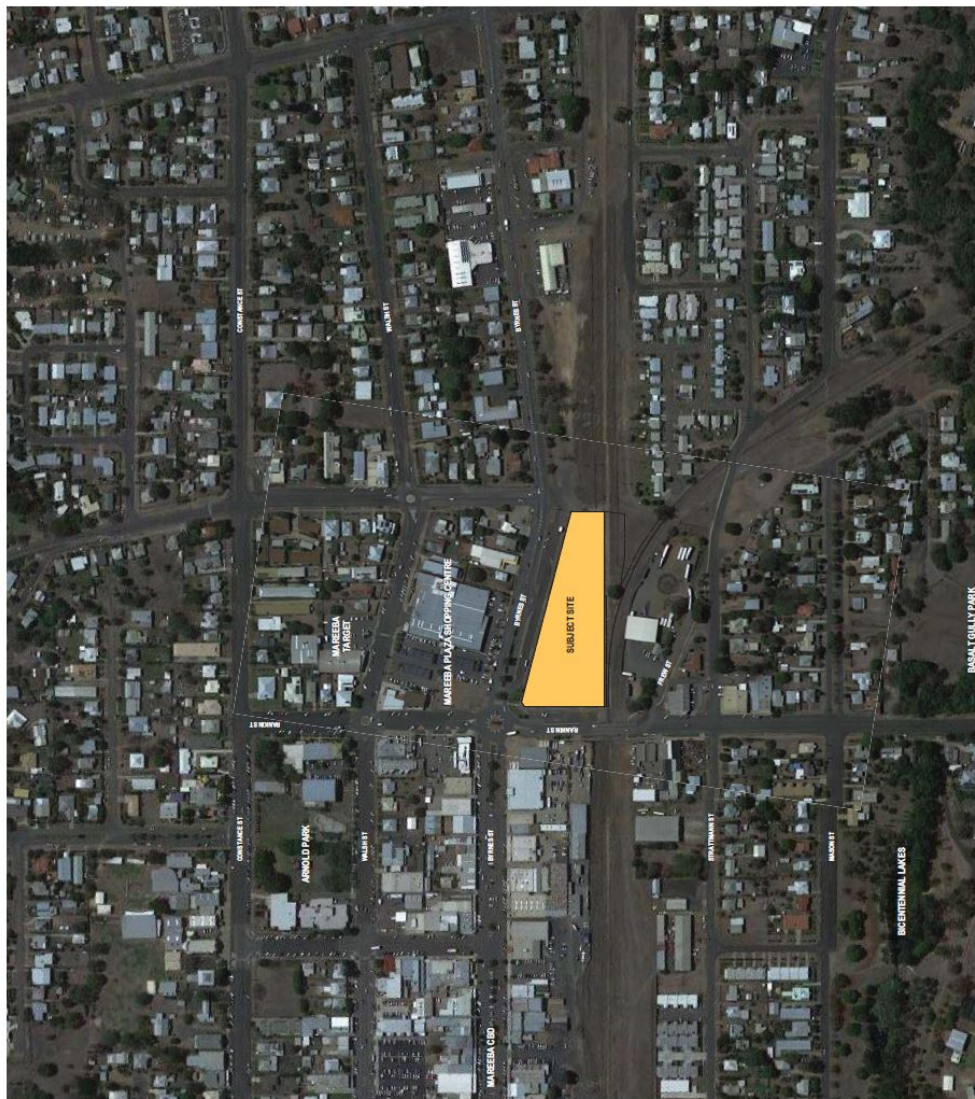
The proposed development provides for 1 shower and 10 lockers, a shortfall of 2 lockers.

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

Date Prepared: 5 December 2017

ATTACHMENT 1

APPROVED PLANS



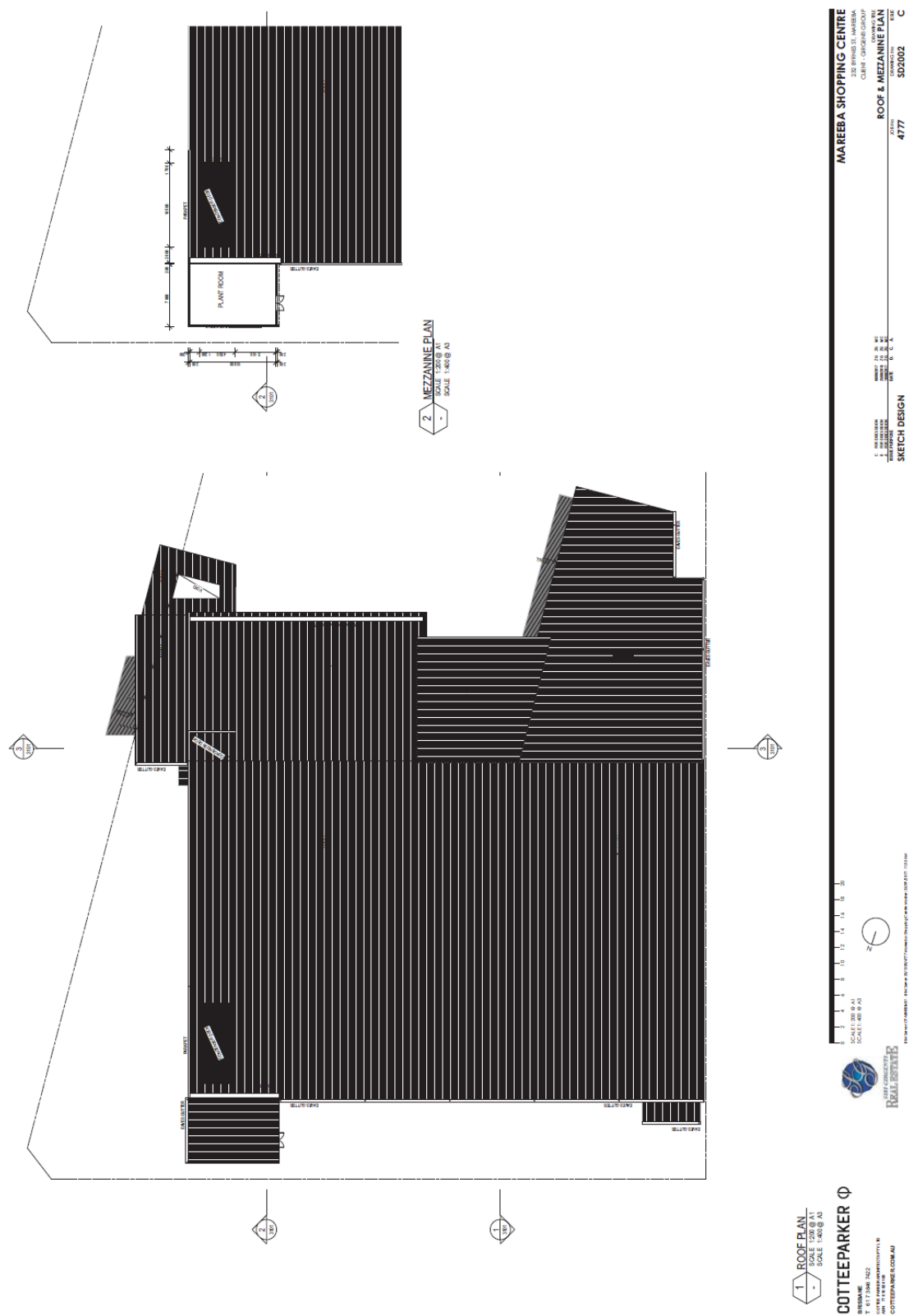
1 LOCATION PLAN
SCALE 1:4000 A3

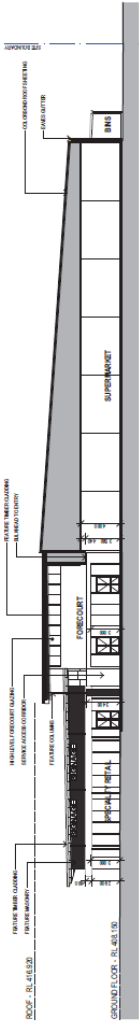
COTTEEPARKER
BESSEMAN
10/12/17
COTTEEPARKER PTY LTD
10/12/17
COTTEEPARKER PTY LTD

MAREEBA SHOPPING CENTRE
SUBJECT SITE
CLIENT: COTTEEPARKER GROUP
DESIGNER: COTTEEPARKER PTY LTD
DATE: 10/12/17
DRAWN BY: J. B. B.
CHECKED BY: J. B. B.
SCALE: 1:4000
PROJECT NO: 4777
SHEET NO: A

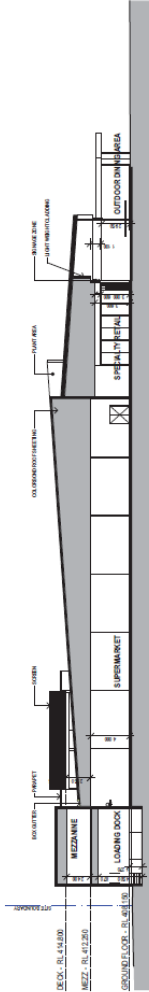




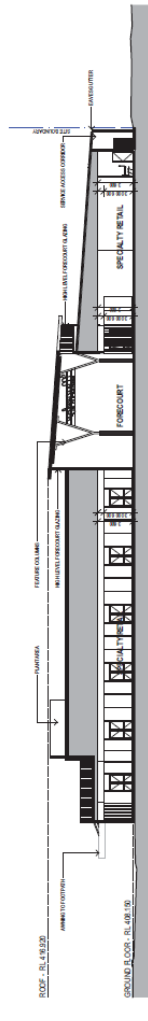




1 A1-SECTION
SCALE 1:200 @ A1
SCALE 1:400 @ A3



2 A2-SECTION
SCALE 1:200 @ A1
SCALE 1:400 @ A3



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

COTTEPARKER 
ARCHITECTS
10/11 BROADWAY
COTTESBOROUGH VIC 3461
COTTESBOROUGH, AUSTRALIA



MAREEBA SHOPPING CENTRE
200 BROADWAY
COTTESBOROUGH VIC 3461
CLIENT: COTTEPARKER GROUP
PROJECT NO: 4777
SECTION: S03101
DATE: 13/12/2017

1. SITE PLAN
2. FLOOR PLAN
3. SECTION
4. ELEVATION
5. SKETCH DESIGN



VIEW FROM CARPARK



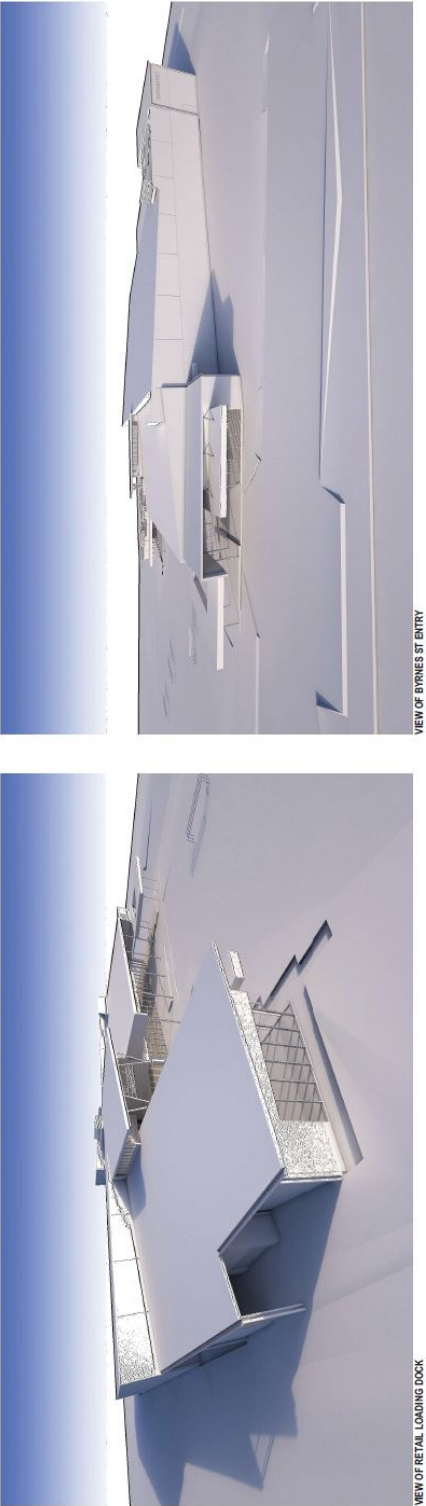
VIEW FROM CARPARK

COTTEEPARKER Φ
BRESNAHE
F 617 3366 7422
COTTEEPARKER@COTTEEPARKER.COM
COTTEEPARKER.COM

[illegible]

MAAREBA SHOPPING CENTRE
232 BRINS ST. MAAREBA
CLIENT - GIBBS GROUP

CONTRACT NO. 4777
DRAWING NO. SD0201
DATE A



VIEW OF BYRNES ST ENTRY

VIEW OF RETAIL LOADING DOCK



AERIAL VIEW

COTTEPARKER Φ
BESKANE
10/11/2016
10/11/2016
10/11/2016
COTTEPARKER.COM.AU



For more information, please contact us on 07 555 1111 or visit our website at www.cottepark.com.au

MAREBA SHOPPING CENTRE
3D DRAWINGS & RENDER
SKETCH DESIGN
4777
SD0202
A

ATTACHMENT 2

RA6-N



Department of Infrastructure,
Local Government and Planning

Our 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 triggers

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

- 10.9.4.2.4.1 State transport corridors and future State transport corridors

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

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

	<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@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>	<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>

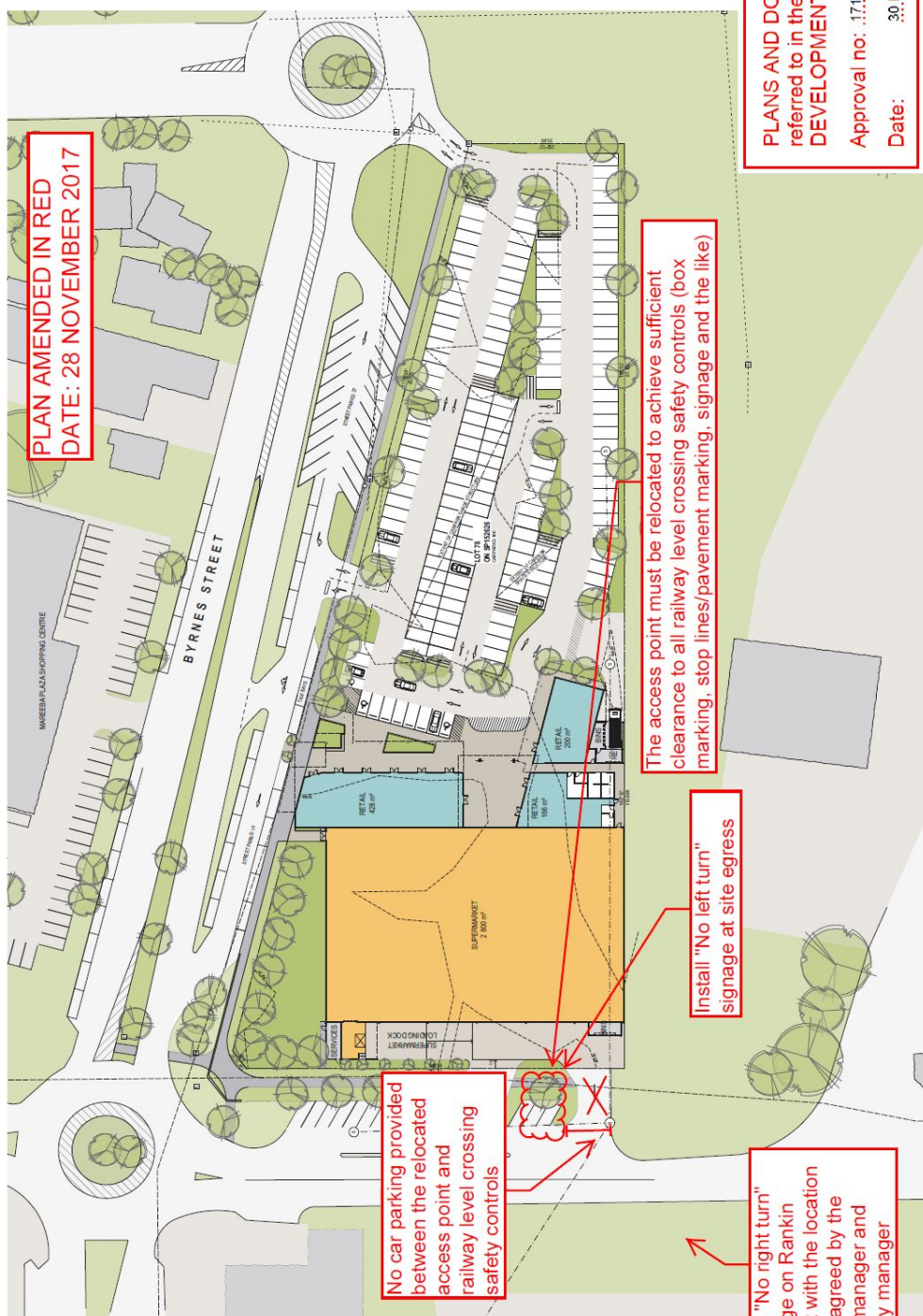
Attachment 2—Reasons for decision to impose conditions

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>



PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Approval no: 1710-1793 SRA

Date: 30 November 20...

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

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617 3646 7422
COTTEE PARKER INTEREST PTY LTD
DN 77 600 924 106
COTTEEPARKER.COM.AU



SIRI GIRGENTI
REAL ESTATE

SCALE 1:400 GA1
SCALE 1:800 GA3

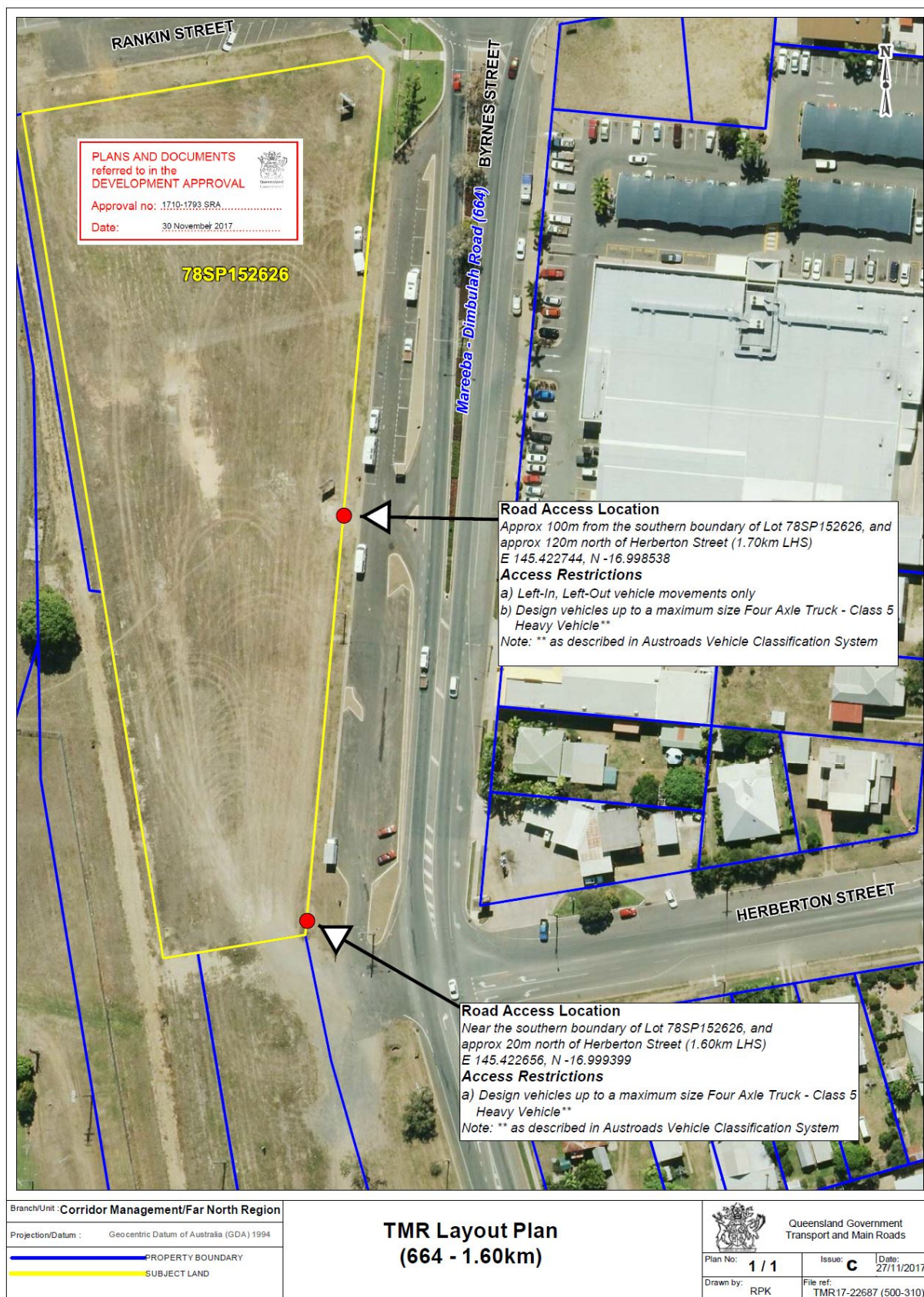
Received 2 June 2007; accepted 10 July 2007; published online 23 October 2007

SKETCH DESIGN

USE PURPOSE

A. RELOCATED ON
B. RELOCATED ON
C. RELOCATED ON
D. RELOCATED ON
E. RELOCATED ON
F. RELOCATED ON
G. RELOCATED ON

MAREBA SHOPPING CENTRE	
252 BYRNES ST. MAREBA	
CLIENT - GICENTRE GROUP	
SITE PLAN	
DRAWING TITLE	DATE
SHEET NO.	4777
DRAWING NO.	SD1002
	G



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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.

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	<p>The permitted road access location is</p> <p>a) Near the southern boundary of lot 78SP152626 and approx 20m north of Herberton Street, and</p> <p>b) Approximately 100m from the southern boundary of lot 78SP152626 and approx 120m north of Herberton Street, in accordance with:</p> <p>1. TMR Layout Plan (664 - 1.60km) Issue C 27/11/2017, and</p> <p>2. Mareeba Shopping Centre Site Plan prepared by Cottee Parker Architects issue G dated 22/09/2017 reference 4777 SD1002.</p>	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:

- a) The proposed development is seeking direct access via Mareeba-Dimbulah Road, a state-controlled road.
- b) The department notes that there is only a mid block access existing, however the proposed development.
- c) The applicant is seeking additional direct access at the southern boundary.
- d) 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.
- e) 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

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. 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.

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—

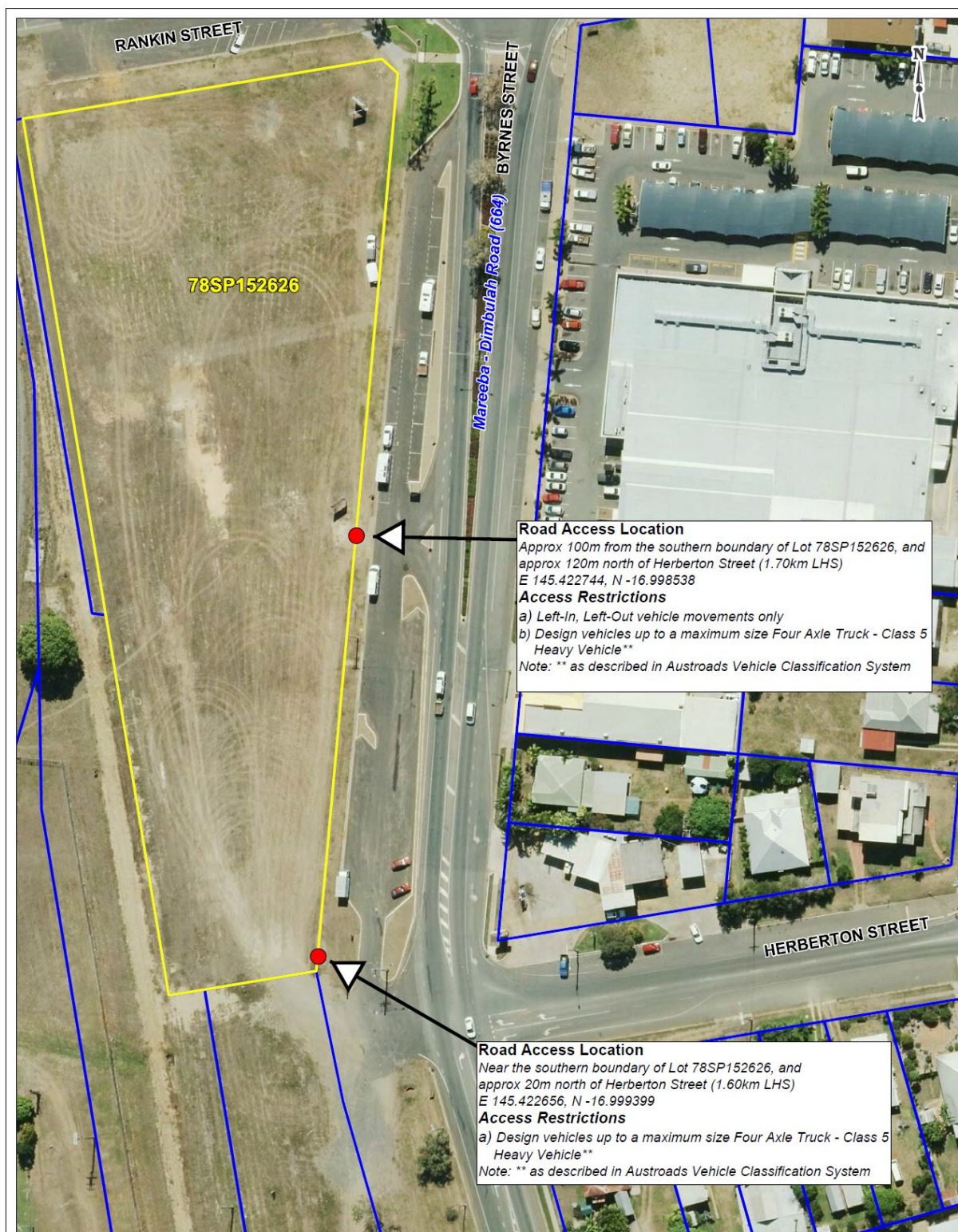
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(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.



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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1 SITE PLAN
SCALE 1:400 @ A1
SCALE 1:800 @ A3

COTTEPARKER Φ

PROSBANE
T 61 7 3446 7422
NOTES PARKER ARCHITECTS PTY LTD
NEW 77 603 24 566
NOTES PARKER.COM.AU



○

FOR INFORMATION
PURPOSE

SKETCH DESIGN

[illegible]

MAREEBA SHOPPING CENTRE

232 BYRNES ST, MARTEBA	DRAWING TITLE	ISSUE
CLIENT - GIGENTI GROUP	SITE PLAN	
	DRAWING NO.	

G:\CAIDIPLAN\Road Corridor Permits\ACCESS\664\500-310 TMR17-22687 ReedLodge - Shopping Centre (232 Byrnes St 1.60km)\Drawings (Recd TMR 05-10-17)

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.

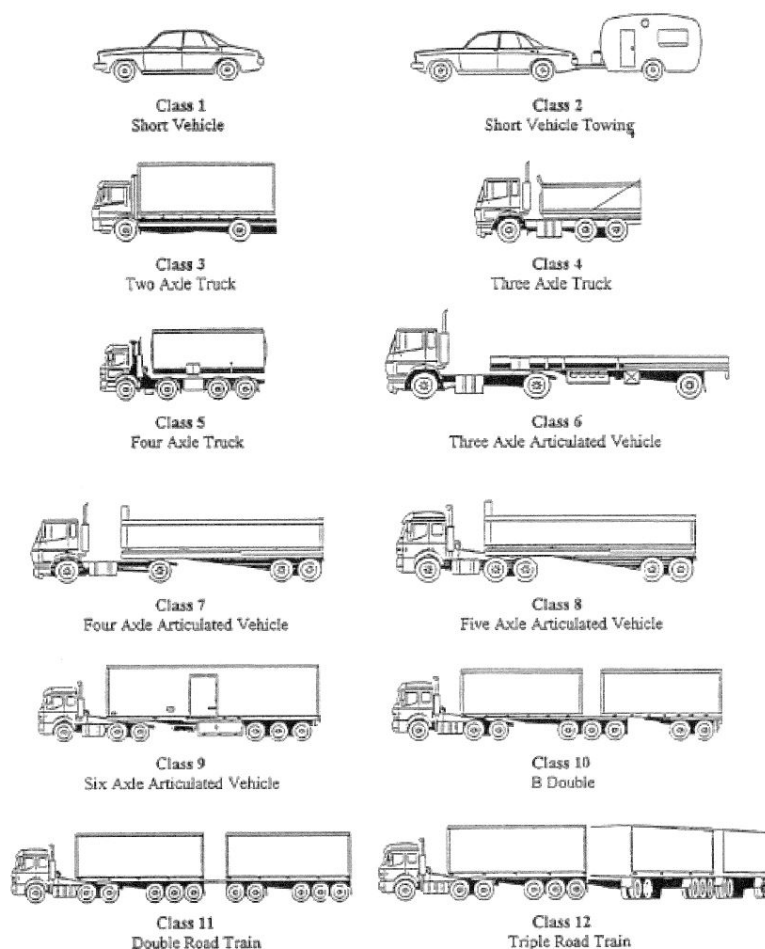


Figure A 13: Representative vehicles in Austroads 12-bin classification system

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.