

From: Matt Ingram
Sent: 29 Sep 2017 08:37:15 +1000
To: Natacha Jones
Cc: Carl Ewin
Subject: Lodgement of Development Application over 232 Byrnes Street, Mareeba Part 1 of 2
Attachments: 2017-09-28_Reduced_Compiled_MCU Application_Shopping Centre_Byrnes Street Mareeba Part 1.pdf

Morning Natacha

Please see attached part 1 of the DA for a Shopping Centre over land at 232 Byrnes Street, Mareeba.

I will get the client to pop in and pay the application fee today.

Please note I have had a last minute change to the Traffic Impact Assessment and hence, the final version is not included in the attached report. The final version will be signed off on Tuesday and I will forward it through to you then.

Any questions in the interim, please don't hesitate to ask.

Regards

Matt Ingram

Senior Planner

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28 September 2017

Our Ref: 17-230

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

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

Dear Brian & Carl,

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE
(SHOPPING CENTRE) OVER LOT 78 ON SP152626 AT 232 BYRNES STREET, MAREEBA**

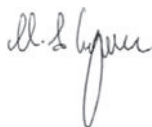
We refer to the above-described matter and confirm that Urban Sync Pty Ltd has been engaged by Reedlodge Pty Ltd to prepare and submit the following Development Application to Mareeba Shire Council for consideration. In support of the application, we attach the following documents to assist with your assessment:

- DA Form 1 as **Attachment 1**;
- Plans of Development as **Attachment 2**;
- Relevant site searches as **Attachment 3**;
- Previous, relevant approval(s) over the site as **Attachment 4**;
- Pre-lodgement correspondence as **Attachment 5**;
- Civil Engineering Report as **Attachment 6**;
- Traffic Impact Assessment as **Attachment 7**;
- Assessment of the applicable State Development Assessment Provision Codes as **Attachment 8**; and
- Assessment of the applicable development codes under the *Mareeba Shire Planning Scheme* as **Attachment 9**.

In accordance with Council's Schedule of Fees 2017/18, Councils' application fee to the amount of **\$6,185.00** (Code Assessable Shopping Centre greater than 2,500m² of GFA) will be paid in the coming days to facilitate lodgement of the application.

We trust this application can now be progressed for assessment and look forward to working closely with Council throughout the assessment process. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me on the details provided below.

Yours faithfully,



Matt Ingram
Senior Planner

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PLANNING REPORT

APPLICATION FOR A DEVELOPMENT PERMIT FOR
A MATERIAL CHANGE OF USE (SHOPPING
CENTRE) AT 232 BYRNES STREET, MAREEBA

REEDLODGE PTY LTD

September 2017



I EXECUTIVE SUMMARY

Reedlodge Pty Ltd (the 'Applicant') requests the requisite statutory development approval from Mareeba Shire Council (Council) to support the establishment of a proposed supermarket and ancillary, specialty retail stores over Lot 78 on SP152626 at 232 Byrnes Street, Mareeba.

In a planning context, the land is designated as 'Centre Zone' where the proposed development constitutes the need for a **Code Assessable** Material Change of Use, subject to assessment against the provisions of the current *Mareeba Shire Planning Scheme 2016* (Planning Scheme). Accordingly, this application seeks the following approval:

- **Development Permit for a Material Change of Use (Shopping Centre).**

The project team has completed pre-lodgement discussions with Council and the relevant State agencies and assisted the Applicant over the past few months to co-ordinate the architectural design works and the necessary technical reports to suitably describe the proposed development. We are now instructed by our client to submit the overall development application on behalf of the Applicant for the consideration of Council.

This report has been undertaken to:

- Present the physical characteristics of the subject site and recent development history;
- Accurately describe the development 'concept' being proposed for a "Shopping Centre" and look to communicate the 'key' development aspects of built form, visual impact, setbacks, landscaping, car parking and vehicular access, as reflected in the design plans prepared by Cottee Parker and referenced in the attached, supporting, technical reports;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA) and the Planning Scheme; and
- Provide commentary on the identified key planning issues and non-compliances with the Planning Scheme and in doing so, demonstrate that there are sufficient planning grounds to support the proposed development.

In summary, the establishment of a "Shopping Centre" on the site is encouraged under the existing planning frameworks which are applicable to the site. Furthermore, the proposed development is generally compliant with the Planning Scheme. There are some departures away from a handful of the 'deemed to comply' Acceptable Outcomes in relation to:

- The built form approach to both Rankin and Byrnes Street;
- Access provision to both Rankin and Byrnes Street;
- A 'minor' short fall in the number of service vehicles spaces provided on site;
- A 'minor' short fall in the number of shaded car parking spaces; and
- Building setbacks to the adjacent rail corridor.

However, where these departures have been identified, a detailed assessment has been provided to justify and demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome can still be achieved via alternative measures.

Accordingly, we now submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the Planning Scheme and State legislation to allow favourable consideration, subject to the imposition of reasonable and relevant conditions.



2 APPLICATION DETAILS

Approval Sought:	Development Permit for a Material Change of Use (Shopping Centre)
Applicant:	Reedlodge Pty Ltd
Project Description Details:	<p>The proposed development includes the following:</p> <ol style="list-style-type: none"> 1. 2,800m² supermarket; 2. 794m² of speciality retail shops, inclusive of forecourt and outdoor dining area; 3. Amenities area; and 4. 166 on site car parking spaces, shade structures and associated loading and servicing areas.
ASSESSMENT DETAILS	
Assessment Manager:	Mareeba Shire Council
Level of Assessment:	Code Assessment
Public Notification:	No
PRE-LODGEMENT CONSULTATION	
Council:	<p>Yes</p> <p>A pre-lodgement meeting was held between Urban Sync, Arup (Traffic consultants) and Council on 31 July 2017. Please refer to Attachment 5 for a detailed summary of the attendees, agenda items, discussion, and advice received.</p> <p>Follow up correspondence has also occurred between Council and Urban Sync on various matters. Please again refer to Attachment 5 for copies of this correspondence.</p>
DTMR:	<p>Yes</p> <p>A pre-lodgement meeting was held between Urban Sync, Arup (Traffic consultants) and the Department of Transport and Main Roads (DTMR) on 2 August 2017 and 25 September 2017. Please refer to Attachment 5 for a detailed summary of the attendees, agenda items, discussion, and advice received.</p>
DILGP:	<p>Yes</p> <p>Pre-lodgement advice was received by the Department of Infrastructure, Local Government and Planning (DILGP) on 25 July 2017 solely to clarify matters in relation to contaminated land. Please refer to Attachment 5 for a copy of this correspondence.</p>
RELEVANT STATE PLANNING INSTRUMENTS	
State Planning Policy:	<ul style="list-style-type: none"> ▪ Agriculture (Important Agricultural Areas); ▪ Mining and Extractive Resources (Key Resource Area – Transport Route Separation Area);



	<ul style="list-style-type: none"> ▪ Natural Hazards Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay); ▪ Transport Infrastructure (State-controlled Road & Railway Corridor); and ▪ Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer Zone)
Regional Plan:	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use:	Urban Footprint
Other State Interests:	Transport Noise Corridor
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Water Resources (Water Resource Planning Area Boundary); ▪ State-controlled Road (Area within 25m of a State-controlled Road; and ▪ Railway Corridor (Area within 25m of a Railway Corridor)
Referrals:	<ul style="list-style-type: none"> ▪ State Assessment Referral Agency (Department of Transport & Main Roads) – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 State Transport Corridor (Road); and ▪ State Assessment Referral Agency (Department of Transport & Main Roads) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 State Transport Corridor (Railway)
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	<i>Mareeba Shire Planning Scheme 2016</i> (and as amended to be consistent with the <i>Planning Act 2016</i>)
Zone:	Centre
Local Plan:	Mareeba Local Plan
Precinct:	Precinct A – Town Centre Core
Overlays:	<ul style="list-style-type: none"> ▪ Airport Environs (Bird and Bat Strike (8km)); ▪ Extractive Resources (Key Resource Transport Route); and ▪ Transport Infrastructure (Byrnes Street: State-controlled Road and Rankin Street: Collector Road, Rail Corridor & Transport Noise Corridor)

2.1 SUPPORTING DOCUMENTATION

Document	Reference	Rev	Author	Reviewer	Date
Planning Report	17-230	A	MI	SR	28 September 2017
Engineering Report	151-001-001R	B	Civil Walker	Daryl Walker	September 2017
Traffic Impact Assessment	TIA-01-V1.2	2	Elliott Horsup	Kylie Nixon	28 September 2017

2.2 PLANS OF DEVELOPMENT

Document	Reference	Rev	Author	Date
Mareeba Shopping Centre Sketch Design – Location Plan	4777 - SD1001	A	Cottee Parker	18/08/2017
Mareeba Shopping Centre Sketch Design – Existing Site Plan	4777 – SD1201	A	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – Site Plan	4777 - SD1002	G	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – Ground Floor Plan	4777 – SD2001	C	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – Roof and Mezzanine Plan	4777 – SD2002	C	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – Elevations	4777 – SD3001	D	Cottee Parker	12/09/2017
Mareeba Shopping Centre Sketch Design – Sections	4777 – SD3101	B	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – 3D Drawings and Renders	4777 – SD0201	A	Cottee Parker	08/09/2017
Mareeba Shopping Centre Sketch Design – 3D Drawings and Renders	4777 – SD0202	A	Cottee Parker	08/09/2017



3 SITE DETAILS

3.1 SITE DESCRIPTION

Registered Landowners:	Reedlodge Pty Ltd
Site Location:	232 Byrnes Street, Mareeba
Lot and Description:	Lot 78 on SP152626
Site Area:	1.207ha
Tenure:	Freehold
Easements/Encumbrances:	Nil
Local Government Authority:	Mareeba Shire Council

3.2 SITE ANALYSIS

Existing Improvements:	The site is unimproved, although historically has been used as a sawmill.
Topography:	The site is in general, flat, although has a slight fall from south-west to north-east towards both Byrnes Street and Rankin Street.
Waterways:	There are no waterways that traverse through, or adjacent to, the site.
Vegetation:	The site contains no vegetation.
Environmental Management & Contaminated Land:	<p>The site is listed on the Environmental Management Register due to Wood Treatment and Preservation having previously been undertaken on the site in association with the sawmill.</p> <p>A Site Management Plan (SMP) was approved in 2009 by the then Environmental Protection Agency. The SMP identifies that the site contains 9 zones. Zones 2-7 are not contaminated, Zone 1 contains a contaminated 'cell', while zones 8 and 9 contain contaminated soil/land (see Attachment 3).</p>
Heritage Places:	The site is not an identified State or local 'Heritage Place', nor are any adjacent sites.

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	<p>The site fronts two (2) roads, having an approximate 203m frontage to Byrnes Street and an approximate 82m frontage to Rankin Street.</p> <p>Byrnes Street near the site is a two-lane, two-way sealed carriageway with 2 x approximately 3.5m wide lanes within a 40m wide road reserve. On street car parking and a footpath are located on the eastern side of the road reserve. On the western side of the carriage way is a one way service road with a southern ingress, northern egress and centrally located ingress/egress which</p>
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	<p>provides approximately 65 additional on-street car parking spaces via a one-way road.</p> <p>Rankin Street near the site is a two land, two-way sealed carriageway with 2 x approximately 3.5m wide lanes within a 35m wide road reserve. On street car parking is available on the southern side of the carriageway.</p> <p>The Byrnes Street/Rankin Street intersection contains a four (4) leg roundabout with dedicated pedestrian crossing adjacent to the north-eastern portion of the site.</p>
Rail:	<p>To the direct west of the site is the Tablelands railway line. We note that this section of line is only used by the Savannahlander 2-3 times a week, as well as occasionally by Queensland Rail maintenance vehicles. A rail crossing is also located on Rankin Street, general to the north-west of the site.</p> <p>An abandoned rail line is also located to the west of the site, generally between the site and the Tablelands Branch.</p>
Water Supply:	The site is connected to Council's reticulated water network in both Rankin Street and Byrnes Street.
Sewerage Supply:	The site is connected to Council's reticulated sewerage network with a 150mm dia. main located within the site, generally running parallel to the northern portion of the western boundary.
Stormwater:	The site appears to drain to the kerb and channel in both Rankin Street and Byrnes Street with minor flows then being directed to a kerb inlet pit at the Byrnes Street/Rankin Street intersection.
Electricity & Telecommunications:	The site is connected to both underground electricity and telecommunications services, although overhead power does run parallel to the southern portion of the eastern boundary.



Figure 1: Site Location (source: Queensland Globe, State of Queensland, 2017).

4 DEVELOPMENT BACKGROUND

4.1 PREVIOUS APPROVALS

There have been several previous approvals over the site, the most recent however, was in August of 2010, as outlined below in **Table 1**.

Table 1 Previous Approvals

Reference	Approval Type	Aspect	Description	Date
MCU/08/0029	Development Permit	Material Change of Use	Shop (Shopping Centre)	24 August 2010

A copy of this approval is included in **Attachment 4**. This approval has since lapsed.

We importantly note here that the current application seeks a drastically scaled down version of the previously approved development.

4.2 PRELODGEEMENT MEETINGS

Pre-lodgement meetings were held with Both Council and the DTMR, while additional pre-lodgement advice was also obtained from the DILGP. Please refer to **Attachment 5** for copies of the agendas, agreed upon meeting minutes and copies of all other relevant correspondence.

The Applicants are committed to this project and have been encouraged by the 'preliminary' pre-lodgement responses. As a result, they now seek the requisite approvals to progress with the proposed development.



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This application seeks to obtain the requisite statutory development approval from Council to support the establishment of a proposed supermarket and ancillary, specialty retail stores over Lot 78 on SP152626 at 232 Byrnes Street, Mareeba. Accordingly, this application seeks the following approval:

- **Development Permit for a Material Change of Use (Shopping Centre).**

5.2 PROPOSAL DETAILS

The proposed development includes the following key elements:

- A 2,800m² supermarket with a max height of 8.45m and a rear located loading dock with access via Rankin Street;
- 794m² of speciality 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 sites 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 centres within Mareeba. However, exact operating hours and staff numbers will not be known until tenants have been secured.

5.3 STAGING

The proposed development will not be staged.



5.4 LANDSCAPING

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

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

5.5 ENGINEERING AND INFRASTRUCTURE PROVISION

5.5.1 Water Supply

The proposed development will utilise the sites existing connections to Council's reticulated water via the 225mm dia. water main in Rankin Street.

Based on a preliminary review, it is expected that a booster pump and break tanks may be required to provide suitable water pressure for firefighting purposes, the specifics of which will be determined during detailed design and be documented in the Operational Works application.

Please refer to the Civil Engineering Report in **Attachment 6** for full details of the proposed water connections.

5.5.2 Sewerage

The proposed development will be connected to Council's reticulated sewer. It is however, at this stage, unclear where the proposed developments final connection will be.

The man hole in the middle of the site may be used. This would however, result in the proposed development being built over the section of sewer main currently located within the site. As a result, this man hole and associated main may be removed to avoid any building over sewer issues. Should this occur, the proposed development will connect to a new man hole (to be constructed) in the north-west corner of the site (approx.) the specifics of which will be determined during detailed design and be documented in the Operational Works application.

Please refer to the Civil Engineering Report in **Attachment 6** for full details of the proposed sewerage connections/options.

5.5.3 Stormwater (Quantity)

All stormwater from the proposed development will be discharged to the kerb and channel within Byrnes Street and Rankin Street before entering the lawful point of discharge being the existing stormwater drainage network within Byrnes Street the specifics of which will be determined during detailed design and be documented in the Operational Works application.

Please refer to the Civil Engineering Report in **Attachment 6** for full details of the proposed stormwater design.



5.5.4 Stormwater (Quality)

Stormwater quality objectives and treatment methods will be determined during detailed design and be documented in the Operational Works application.

Please refer to the Civil Engineering Report in **Attachment 6** for further details.

5.5.5 Development Levels

Development levels for the proposed development have been nominated at RL 408.150m AHD.

Please refer to the Civil Engineering Report in **Attachment 6** for full details of the proposed levels for the development.

5.5.6 Bulk Earthworks

No fill is required to be taken or bought to the site, with only minor shaping of the site required to facilitate the proposed development and achieve all required floor and internal development levels.

Please refer to the Civil Engineering Report in **Attachment 6** for full details of the earthworks required.

5.5.7 Electricity and Telecommunications

The proposed development will be connected to both electricity and telecommunications services as required.

5.5.8 Erosion and Sediment Control

Appropriate erosion and sediment control measures will be implemented on the site during construction.

Please refer to the Civil Engineering Report in **Attachment 6** for further details.

5.6 TRANSPORT AND ACCESSIBILITY

5.6.1 Access

5.6.1.1 Byrnes Street

Access (ingress and egress) to the site via Byrnes Street will be obtained off 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 service road. As part of these works, the current ingress to the service road from Byrnes Street will also 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.

5.6.1.2 Rankin Street

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.



5.6.2 External Works

5.6.2.1 Byrnes Street/Herberton Street Intersection

A new four leg roundabout is proposed for the Byrnes Street and Herberton Street intersection.

Please refer to the Traffic Impact Assessment in **Attachment 7** for full details of these external works and note that the Plans of Development in **Attachment 2** show only a 'concept' of the works being proposed. This concept is to be 'fine-tuned' as part of the detailed design and be documented in the Operational Works application.

5.6.2.2 Byrnes Street Service Road

In order to accommodate the new roundabout at the Byrnes Street and Herberton Street intersection, the relocated ingress and egress via Byrnes Street, the taxi bays, as well as to allow access to the site from the service road, some modifications to the service road are required. This has resulted in the loss of approximately fifteen (15) car parking spaces.

A footpath is proposed for the full length of the sites Byrnes Street frontage, while a taxi rank/bays are also proposed.

Please refer to the Traffic Impact Assessment in **Attachment 7** for full details of these external works and note that the Plans of Development in **Attachment 2** show only a concept of what is being proposed. This concept is to be 'fine-tuned' as part of the detailed design and be documented in the Operational Works application.

5.6.2.3 Rankin Street

Modifications will be made to the existing sealed 'service road' to provide heavy vehicle access (ingress and egress) to the site as well as to facilitate approximately thirteen (13) car parking spaces.

A footpath is also proposed for the full length of the sites Rankin Street frontage.

Please refer to the Traffic Impact Assessment in **Attachment 7** for full details of these external works and note that the Plans of Development in **Attachment 2** show only a concept of what is being proposed. This concept is to be 'fine-tuned' as part of the detailed design and be documented in the Operational Works application.

5.6.3 Car Parking

The proposed development includes a total of 166 on-site car parking spaces, inclusive of three (3) spaces for persons with disabilities. In accordance with National Construction Code, four (4) disabled spaces will however, be provided and this will be documented in the Operational Works application.

Two (2) separate shade structures will be provided for the 'back to back' car parking spaces. This ensures shade will be provided to approximately 54 car parking spaces.

5.6.4 Bicycle Parking

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.

5.6.5 End of Trip Facilities

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.



5.7 INFRASTRUCTURE CHARGES

The site is in the Centre Zone which is located within the Priority Infrastructure Area of the Mareeba Shire Council Local Government 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 Councils AICR); less:
- Discounts for the existing allotments/existing lawful uses.

Consequently, the relevant charges are as follows in **Table 2**.

Table 2 Calculation of Infrastructure Charges

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Commercial (Retail)	Shopping Centre	Per m ² of GFA	\$108.00	3,594	\$388,152.00
Credit					
High Impact Industry	Sawmill	Per m ² of GFA	\$42.00	6,000	\$252,000.00
TOTAL					\$136,152.00

Notes:

- We refer to section 5.2 of the AICR in which it is acknowledged that a credit is to be applied for a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out. In this instance, the site was previously and lawfully used for the purposes of a 'sawmill'. This has been confirmed by Council in the officer's report associated with MCU/08/0029 in which Council acknowledged a credit existed over the site for the previous 'Sawmill' use and that the Sawmill included approximately 6,000m² of GFA. A 'Sawmill' is defined as 'High Impact Industry' in the AICR and hence, the applicable credit is \$42 per square metre of GFA.



6 LEGISLATIVE REQUIREMENTS

6.1 STATE PLANNING REQUIREMENTS

6.1.1 Planning Act 2016

6.1.1.1 Confirmation that the Development is not Prohibited

The proposed development is not prohibited. This has been established by considering all the relevant state and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20, of the *Planning Regulation 2016* (PR).

6.1.1.2 Assessable Development

The proposed development represents a Material Change of Use in respect to *“the start of a new use of the premises”*. A Material Change of Use for a Shopping Centre in the Centre Zone is Code Assessable in this instance and is hence, deemed to be considered *“Assessable Development”* pursuant to Section 44(3) of the PA, which states that *“Assessable Development is development for which a development approval is required.”*

6.1.1.3 Assessment Manager

The Assessment Manager for this development application is Mareeba Shire Council, as determined by Schedule 8 of the PR.

6.1.2 Far North Queensland Regional Plan

The site is located within the **‘Urban Footprint’** Regional Land Use Category of the Far North Queensland Regional Plan (FNQRP) 2009-2031 (see **Attachment 3**). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009-2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

6.1.3 State Planning Policy

The State Planning Policy (SPP) came into effect in July 2017. Part E of the SPP contains the State Interest Policies and Assessment Benchmarks which are applicable to the assessment of development applications, where the state interests have not already been appropriately reflected within the relevant planning scheme. A review of the SPP mapping indicates that the proposed development/site is subject to several State interests, as outlined below (see also **Attachment 3**):

- Agriculture (Important Agricultural Areas);
- Mining and Extractive Resources (Key Resource Area – Transport Route Separation Area);
- Natural Hazards Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay);
- Transport Infrastructure (State-controlled Road & Railway Corridor); and
- Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer Zone)

The Minister has identified that the planning scheme appropriately advances the SPP and hence, all the applicable State interests have been appropriately reflected in the Planning Scheme. As a result, compliance with the SPP is demonstrated through compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).



6.1.4 Referrals & State Development Assessment Provision

A review of the DA mapping system indicates that the site is subject to the following matters of interests:

- Water Resources (Water Resource Planning Area Boundary);
- State-controlled Road (Area within 25m of a State-controlled Road); and
- Railway Corridor (Area within 25m of a Railway Corridor)

In consultation with the PR and the above identified matters of interest, the proposed development triggers the following referrals:

- State Assessment Referral Agency (Department of Transport & Main Roads) – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 State Transport Corridor (Road); and
- State Assessment Referral Agency (Department of Transport & Main Roads) Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 State Transport Corridor (Railway)

As a result, the following modules of the State Development Assessment Provisions (version 2.1) are applicable:

- State Code 1: Development in a State-controlled Road Environment; and
- State Code 2: Development in a Railway Environment.

A full assessment against these modules is provided in **Attachment 8 State Planning Assessment**.

6.1.5 State Resources

The proposal does not involve any State Resources.

6.2 LOCAL PLANNING REQUIREMENTS

6.2.1 Mareeba Shire Planning Scheme

6.2.1.1 Use Definition

The proposed development is defined under the Planning Scheme as a **'Shopping Centre,'** as is outlined below:

'Shopping Centre':

"Premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex".

6.2.1.2 Categories of Assessment

As was outlined in section 6.1.1.2 of this report, the proposed development is Assessable Development. Determination of the Category of Assessment is through sequential consideration of zoning, local plans (where applicable) and overlays (where applicable). The resulting highest Category of Assessment will apply. In this instance, there are no local plans or overlays which override the level of assessment in the Table of Assessment for the Centre Zone. Accordingly, the proposed development is **Code Assessable** (as the site does not adjoin any residential zoned land), as is outlined in the Tables of Assessment for the Centre Zone.



6.2.1.3 Statutory Considerations for Assessable Development

When assessing the application, the relevant considerations of the Assessment Manager in making the decision are Sections 45, 59, 60, and 62 of the PA.

6.2.1.4 Applicable Overlays

The site is affected by the following Planning Scheme overlays:

- Airport Environs (Bird and Bat Strike);
- Extractive Resources (Key Resource Transport Route); and
- Transport Infrastructure (Byrnes Street: State-controlled Road and Rankin Street: Collector Road, Rail Corridor & Transport Noise Corridor)).

6.2.1.5 Applicable Codes

The proposed development is subject to assessment against the following relevant Planning Scheme codes:

Scheme Component	Comment
Zone Code	
Centre Zone Code	Refer to Attachment 9 and section 6.2.2.2.
Local Plan Code	
Mareeba Local Plan Code	Refer to Attachment 9 and section 6.2.2.3.
Overlay Codes	
Airport Environs Overlay Code; Extractive Resources Overlay Code; and Transport Infrastructure Overlay Code	Refer to Attachment 9 and section 6.2.2.4.
Development Codes	
Commercial Activities Code; Landscaping Code; Parking and Access Code; and Works, Services and Infrastructure Code	Refer to Attachment 9 and section 6.2.2.5.

6.2.2 Planning Scheme Assessment

Through consideration of the applicable statutory documents that regulate the development of the site, it is understood that the Planning Scheme encourages the use of the site for a “Shopping Centre” via the Centre zoning designation.

The proposed development needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development, and the design



arrangements proposed. Based on this, Urban Sync undertook a full assessment of the proposed development against the applicable aspects of the Planning Scheme and this assessment is included in **Attachment 9**. The outcomes of this assessment have established that the proposed development is consistent with most of the Acceptable Outcomes of the Planning Scheme. However, there are some areas where the proposed development has varied from these 'deemed to comply' Acceptable Outcomes and where this has occurred, alternative design elements are submitted for compliance.

The following commentary will focus on these areas of variation and demonstrate, based on sound planning grounds, that the proposed development still complies with the corresponding Performance Outcome(s). Additionally, where we consider further commentary against any applicable Performance Outcomes is required to demonstrate compliance, this commentary has also been provided below.

6.2.2.1 Strategic Framework

As the proposed development is subject to **Code Assessment**, in accordance with s45(3) of the PA, no assessment against the Strategic Framework is required.

6.2.2.2 Centre Zone Code

The development complies with and/or can be conditioned to comply with the Centre Zone Code, except for AO2.1 and AO2.2, namely as only a small portion of the proposed development is built to the road frontage and side/rear boundaries. Accordingly, a full assessment against PO2 of the Centre Zone Code is required to demonstrate compliance with the Code. PO2 of the Code states:

"Development is sited in a manner that considers and respects":

- a) *"the siting and use of adjoining premises":*

There are no adjoining premises to consider as the site is bordered by Byrnes Street to the east, Rankin Street to the north and a rail corridor to the west.

Due to the shape of the site and adjoining allotments to the south, it is not considered that the proposed development will have any negative impacts on these allotments.

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

As above, there are no adjoining premises to the north, east or west of the site in which the proposed development could restrict access to sunlight/daylight.

The proposed development will also not restrict access to sunlight/daylight to the allotments to the south of the site as the main structures are located in the northern portion of the site, some 100m+ from this boundary.

- c) *"privacy and overlooking":*

As above. In addition, overlooking and privacy are not considered particularly relevant to a commercial development which does not adjoin any residential uses.

- d) *"opportunities for casual surveillance of adjoining public spaces":*

The proposed development does 'turn its back' to some sections of Byrnes and Rankin Streets, in particular the intersection of these two streets. Casual surveillance is however, 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.

- e) *"air circulation and access to natural breezes"*:

It is our view that the proposed development ensures compliance with this aspect of the Performance Outcome through the incorporation of the central forecourt area.

- f) *"appearance of building bulk"*:

It is our view that the articulation, fenestration, variations to the roof profile, trellis screening, as well as the large amounts of landscaping provided to the proposed development ensures an attractive appearance and reduces the 'bulk' of the building to within acceptable levels.

We also note here that the proposed development does not exceed either the site coverage or height requirements permitted within the Centre zone.

- g) *"relationship with pedestrian spaces"*:

It is our view that the proposed development through the central forecourt, dedicated pedestrian crossing points within the car park, as well as its siting and inclusion of new pedestrian footpaths along both frontages of the site, ensures a suitable relationship with applicable pedestrian spaces.

The proposed development does also not fully comply with AO5.1 of the Centre Zone Code as, due to the shape of the site, combined with the dual road frontages, an efficient Shopping Centre layout does not lend itself to addressing both Byrnes and Rankin Streets. Accordingly, a full assessment against PO5 of the Centre Zone Code is required. PO5 of the Code states:

"Building facades are appropriately designed to":

- a) *"provide an active and vibrant streetscape"*:

It is our view that through the inclusion of articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area, that the proposed development will contribute towards an active and vibrant streetscape for Byrnes Street.

It is acknowledged that the proposed development does 'turn its back' to Rankin Street. However, in this instance, due to the shape of the site, an efficient shopping centre design does not lend itself to addressing both street frontages and as Byrnes Street is the more prominent frontage, effort has been focused on this frontage in terms of street front activation. Notwithstanding this, similarly to that outlined above, the inclusion of articulation, fenestration and variations to the roof profile when viewed from Rankin Street, as well as the inclusion of landscaping and a pedestrian footpath along this frontage, will contribute towards an active and vibrant streetscape for Rankin Street.

- b) *"include visual interest and architectural variation"*:

It is our view that the articulation, fenestration and landscaping treatments provided to the northern, eastern and southern elevations ensures that the proposed development provides a suitable amount of visual interest and architectural variation.

- c) *"maintain and enhance the character of the surrounds"*:

It is our view that the design, layout, articulation, fenestration and landscaping treatments provided to the proposed development ensures it will not detract from and in fact, will enhance the character of the immediate locality over and above that which exists at present.

- 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 outdoor dining and central forecourt areas provide a 'human scale' component to the proposed development.

- 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.

It is our view that the above commentary and assessment demonstrates compliance with Performance Outcome PO2 and PO5 of the Code. However, should Council deem otherwise, we are agreeable to entering into discussions with Council in relation to the area/s of non-compliance to ensure a suitable outcome is achieved and in turn, compliance can be demonstrated. We note here that additional requirements to ensure compliance can also be conditioned by Council.

6.2.2.3 Mareeba Local Plan Code

The proposed development complies with and/or can be conditioned to comply with the Mareeba Local Plan Code. However, in our view, further, more detailed commentary is required to demonstrate compliance with PO6 and PO12 of the code. This commentary is provided below. PO6 of the Code states:

"Development in the Mareeba local plan area":

- a) *"Promotes and does not prejudice the ongoing operation of Mareeba as the major regional activity centre of the Shire"*:

The site is located in Mareeba and within the Centre zoning designation where the proposed development is encouraged. As a result, it is our view that the proposed development is suitably located and in turn, will not prejudice the ongoing operation of Mareeba as the major regional activity centre of the Shire.

- b) *"Provides growth or redevelopment in areas within close proximity to the Town centre core precinct"*:

The site is located in the Town Centre Core precinct.

- c) *"Locates community facilities in accessible locations within walking distance of the Town centre core precinct"*:

The proposed development does not involve any community facilities.

- d) *"Contributes to the vibrancy and local identity of the Mareeba community"*:

It is our view that the proposed development will not negatively impact on the vibrancy or local identity of the Mareeba community.

PO12 of the Code states:

"Development is to be of a scale and form which complements the character of the precinct, having regard to":

- a) *"Building location"*:



Refer to section 6.2.2.2 of the Planning Report for a full assessment against the Centre Zone Code in relation to the siting (building location) of the proposed development which demonstrates it is of a form which will not negatively impact upon the character of the area. Further to this, we also note the site is intended to accommodate a development such as is proposed and hence, the community should have always expected a development akin to the size and scale currently begin proposed.

We also note that the proposed development does not exceed the height or site coverage requirements of the Centre Zone Code which would also indicate that the proposed development is of a suitable scale for the location it is in.

b) *"Building height"*:

The proposed development complies with the maximum building height permitted within the Centre zone which leads us to the view that it is of a suitable scale.

c) *"Interface with the street"*:

It is our view that the assessment provided above in section 6.2.2.2 provides justification to demonstrate that the proposed development provides a suitable interface with the street.

d) *"scale of windows, doors and structural elements"*:

Reasonable and relevant conditions of approval can be imposed by Council to ensure compliance with this aspect of the Performance Outcome.

It is our view that the above commentary and assessment demonstrates compliance with Performance Outcome PO6 and PO12. However, should Council deem otherwise, we are agreeable to entering into discussions with Council in relation to the area/s of non-compliance to ensure a suitable outcome is achieved and in turn, compliance can be demonstrated. We note here that additional requirements to ensure compliance can also be conditioned by Council.

6.2.2.4 Overlay Codes

Airport Environs Overlay Code

The proposed development complies with, or can be conditioned to comply with the Airport Environs Overlay Code.

Extractive Resources Overlay Code

The proposed development complies with, or can be conditioned to comply with the Extractive Resources Overlay Code expect for AO1.1 and AO2.1, namely as the proposed development will provide ingress and egress to Rankin Street which is an identified Haulage Route. Accordingly, a full assessment against the Performance Outcome is required. PO1 of the code states:

*"Vehicular access to a 'Key resource transport route' identified on **Extractive resources overlay map (OM-005e)** does not adversely affect the safety or efficiency of the route for the existing or future transportation of extractive resources from a 'Key resource processing area' identified on **Extractive resources overlay map (OM-005e)**".*

Due to the shape of the site, combined with the fact that Byrnes Street is a State-controlled Road, in this instance, it is not considered reasonable to provide all access to the site via Byrnes Street and hence, some access via Rankin Street has been allowed for.

It is estimated that the proposed development will add an additional 416 vehicles per day to the existing 4500+ vehicles per day which currently pass the development site on Rankin Street, an increase of approximately 9%. The Rankin Street road link has sufficient capacity to accommodate the traffic volume



generated by the proposed development. In addition, the development access on Rankin Street has sufficient sight distance and will be for the exclusive use of service vehicles (and a small number of car parking spaces). This ensures the number of traffic movements which could have an impact on Rankin Street at this location are limited. It is also not anticipated that this access will be utilised during peak periods, which will further reduce any potential impacts on Rankin Street. Therefore, it is anticipated that the proposed development will have no unacceptable, negative impact on the Rankin Street Key Haulage Route nor in general, the safe or efficient operation of Rankin Street.

Transport Infrastructure Overlay Code

The proposed development complies with, or can be conditioned to comply with the Transport Infrastructure Overlay Code except for AO1, namely as a small portion of the proposed development will not be setback five (5) metres from the adjacent rail corridor. Accordingly, a full assessment against the Performance Outcome is required. PO1 of the code states:

"Development does not prejudice the":

- a) *"Ongoing operation of an active 'Rail corridor' identified on the **Transport infrastructure overlay maps (OM012a-j)**":*

The proposed development will not negatively impact on the function or operational capacity of the adjacent Tablelands railway line.

- b) *"The potential future use of an inactive 'Rail corridor' identified on the **Transport infrastructure overlay maps (OM-012a-j)**":*

The proposed development will not impact on the ability of the adjacent, inactive railway line to be used for future rail purposes if required.

It is our view that the above commentary demonstrates compliance with Performance Outcome PO1 of both the Extractive Resources and Transport Infrastructure Overlay Codes. However, should Council deem otherwise, we are agreeable to entering into discussions with Council in relation to the area/s of non-compliance to ensure a suitable outcome is achieved and in turn, compliance can be demonstrated. We note here that additional requirements to ensure compliance can also be conditioned by Council.

6.2.2.5 Development Codes

Commercial Activities Code

The proposed development complies with, or can be conditioned to comply with the Commercial Activities Code.

Landscaping Code

The proposed development complies with, or can be conditioned to comply with the Landscaping Code except for AO4.1, namely as the proposed development does not propose shade structures over 50% of the on-site car parking spaces. Accordingly, a full assessment against the Performance Outcome is required. PO4 of the code states:

"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":*

We are of the view that reasonable and relevant conditions of approval can be imposed by Council to ensure that the landscaping being provided as part of the proposed development complies with the requirements outlined in Performance Outcome PO4.

Parking and Access Code

The proposed development complies with, or can be conditioned to comply with the Parking and Access Code except for AO1 and AO2.2, namely as the proposed development does not provide enough service vehicle spaces and obtains access from Byrnes Street. Accordingly, a full assessment against the corresponding Performance Outcomes is required. PO1 of the code states:

"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 speciality stores as well as for refuse collection (refuse collection will also occur from the rear loading dock).

It is our view that the number of service vehicle spaces required by the Planning Scheme is excessive. It is common sense that a developer will provide sufficient service vehicle spaces to satisfy the need of their future tenants. It is to their own detriment if they do not. In this instance, the Applicants are of the view that the number of service vehicle spaces that have been provided are more than adequate to accommodate the demand generated and are hence, suitable for the nature of the use. This view is also reinforced in the Traffic Impact Assessment (refer to **Attachment 7**).

b) *"Location of the site":*

Not considered applicable when undertaking an assessment against a shortfall in service vehicle spaces.

c) *"Proximity of the use to public transport services":*

Not considered applicable when undertaking an assessment against a shortfall in service vehicle spaces.

d) *"Availability of active transport infrastructure":*

Not considered applicable when undertaking an assessment against a shortfall in service vehicle spaces.

e) *"Accessibility of the use to all members of the community":*

Not considered applicable when undertaking an assessment against a shortfall in service vehicle spaces.

PO2 of the code states:

"Vehicle crossovers are provided to:

- a) *ensure safe and efficient access between the road and premises;*
- b) *minimize interference with the function and operation of roads; and*

c) *minimise pedestrian to vehicle conflict*”

Please refer to The Traffic Impact Assessment in **Attachment 7** for demonstration that the proposed development will not impact upon the safe and efficient function of Byrnes Street, nor the adjacent intersections. We also note that the assessment of the proposed accesses via Byrnes Street is a matter for DTMR not Council and this will be assessed during the referral of the application to DTMR.

Works, Services and Infrastructure Code

The proposed development complies with, or can be conditioned to comply with the Works, Services and Infrastructure Code.

It is our view that the above commentary demonstrates compliance with Performance Outcome PO4 of the Landscaping Code and PO1 and PO2 of the Parking and Access Code. However, should Council deem otherwise, we are agreeable to entering into discussions with Council in relation to the area/s of non-compliance to ensure a suitable outcome is achieved and in turn, compliance can be demonstrated. We note here that additional requirements to ensure compliance can also be conditioned by Council.



7 CONCLUSION

This report supports a Development Application made by Reedlodge Pty Ltd requesting the requisite statutory development approval from Mareeba Shire Council to support the establishment of a of a proposed supermarket and ancillary, specialty retail stores over Lot 78 on SP152626 at 232 Byrnes Street, Mareeba. Accordingly, this application has sought the following development approval from Council:

- **Development Permit for a Material Change of Use (Shopping Centre).**

This report has described the site and proposed development, identified the applicable statutory and legislative requirements of Mareeba Shire Council under their Planning Scheme as well as at the State level under the *Planning Act 2016* and other, relevant State legislation and requirements. Under this framework, a Shopping Centre on the site is encouraged. The proposed development also represents an opportunity to make efficient use of the site and is a logical extension to the existing centre activities of the Mareeba township.

The design arrangements submitted to Council have carefully contemplated the potential impacts of the proposed development and the assessment undertaken by Urban Sync has demonstrated that the proposed development is generally compliant with the provisions of the applicable Codes of the Planning Scheme. However, we do acknowledge that certain elements of the proposed development depart away from a handful of the 'deemed to comply' Acceptable Outcomes in relation to:

- The built form approach to both Rankin and Byrnes Street;
- Access provision to both Rankin and Byrnes Street;
- A 'minor' short fall in the number of service vehicles spaces provided on site;
- A 'minor' short fall in the number of shaded car parking spaces; and
- Building setbacks to the adjacent rail corridor.

However, where these departures have been identified, commentary based on sound planning grounds has been provided to justify these departures and to ensure that compliance with the corresponding Performance Outcome is able to be achieved. Hence, the proposed development should be approved subject to the imposition of reasonable and relevant conditions of approval, as:

- It does not conflict with nor compromise any of the relevant State planning instruments;
- It does not conflict with any of the applicable Codes of the *Mareeba Shire Planning Scheme 2016*;
- It can be connected to all existing urban infrastructure and services;
- It can suitably mitigate the existing site constraints i.e., contaminated land;
- It provides a built form that does not offend the characteristics or character of the locality;
- The design recognises the human and social dimensions of the streetscape and seeks to promote a people-friendly atmosphere; and
- It will not negatively impact on the amenity of the locality.



**ATTACHMENT 1:
DA FORM 1**



DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development**, use this form (*DA Form 1*) **and** parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Reedlodge Pty Ltd
Contact name <i>(only applicable for companies)</i>	Matt Ingram
Postal address <i>(P.O. Box or street address)</i>	C/- Urban Sync Pty Ltd PO Box 2970
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	AUS
Contact number	(07) 40514 6946
Email address <i>(non-mandatory)</i>	
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	17-230

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application <input checked="" type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

☐ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		232	Byrnes Street	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	78	SP152626	Mareeba
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

☐ Additional premises are relevant to this development application and their details have been attached in a schedule to this application

☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application

☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

☒ Material change of use

☐ Reconfiguring a lot

☐ Operational work

☐ Building work

b) What is the approval type? *(tick only one box)*

☒ Development permit

☐ Preliminary approval

☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☒ Code assessment

☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Supermarket and ancillary, speciality retail stores

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

☒ Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

☐ Material change of use

☐ Reconfiguring a lot

☐ Operational work

☐ Building work

b) What is the approval type? *(tick only one box)*

☐ Development permit

☐ Preliminary approval

☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

☐ Code assessment

☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots)*

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☒ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Supermarket and ancillary, speciality retail stores	Shopping Centre	N/A	3,594

8.2) Does the proposed use involve the use of existing buildings on the premises?

<input type="checkbox"/> Yes		
<input checked="" type="checkbox"/> No		

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment**12.1) What are the current and proposed areas for each lot comprising the premises?**

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement?*(attach schedule if there are more than two easements)*

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work*Note: This division is only required to be completed if any part of the development application involves operational work.***14.1) What is the nature of the operational work?**

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 400px; height: 20px;"></table> | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)☐ Yes – specify number of new lots:

☐ No**14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)**

--

PART 4 – ASSESSMENT MANAGER DETAILS**15) Identify the assessment manager(s) who will be assessing this development application**

Mareeba Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?***Note: A development application will require referral if prescribed by the Planning Regulation 2017.*

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **chief executive of the Planning Regulation 2017**:

- ☐ Clearing native vegetation
- ☐ Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input checked="" type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane's port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> The chief executive of the holder of the licence, if not an individual The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ No

Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST**19) Information request under Part 3 of the DA Rules**

- ☒ I agree to receive an information request if determined necessary for this development application
- ☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS**20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)**

- ☐ Yes – provide details below or include details in a schedule to this development application
- ☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application
- ☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
- ☒ Not applicable

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
- ☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

☐ Yes – the required attachment (form EM941) for an application for an environmental authority accompanies this development application, and details are provided in the table below

☒ No

Note: Application for an environmental authority can be found by searching “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
----------------------	--	-------------------------	--

Proposed ERA name:	
--------------------	--

☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

☒ No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

Note: See www.qld.gov.au for further information.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes

☒ No

Note: See guidance materials at www.ehp.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

☐ Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development

☒ No**Note:** Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.**Marine activities**23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*☒ No**Note:** See guidance materials at www.daf.qld.gov.au for further information.**Quarry materials from a watercourse or lake**23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development☒ No**Note:** Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.**Quarry materials from land under tidal waters**23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development☒ No**Note:** Contact the Department of Environment and Heritage Protection at www.ehp.qld.gov.au for further information.**Referable dams**23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application☒ No**Note:** See guidance materials at www.dews.qld.gov.au for further information.**Tidal work or development within a coastal management district**23.12) Does this development application involve **tidal work or development in a coastal management district?**☐ Yes – the following is included with this development application:☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)☐ A certificate of title☒ No**Note:** See guidance materials at www.ehp.qld.gov.au for further information.**Queensland and local heritage places**23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?☐ Yes – details of the heritage place are provided in the table below☒ No**Note:** See guidance materials at www.ehp.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:

Place ID:

Brothels23.14) Does this development application involve a **material change of use for a brothel**?☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*☒ No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☒ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
- ☐ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION**24) Development application checklist**

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes**Note:** See the *Planning Regulation 2017* for referral requirementsIf building work is associated with the proposed development, Parts 4 to 6 of *Form 2 – Building work details* have been completed and attached to this development application☐ Yes☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).☒ Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21))

☐ Yes☒ Not applicable**25) Applicant declaration**☒ By making this development application, I declare that all information in this development application is true and correct☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001***Note:** It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the *DA Rules* except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

ATTACHMENT 2: PLANS OF DEVELOPMENT





1 LOCATION PLAN
SCALE 1:200 @ A1
SCALE 1:400 @ A3



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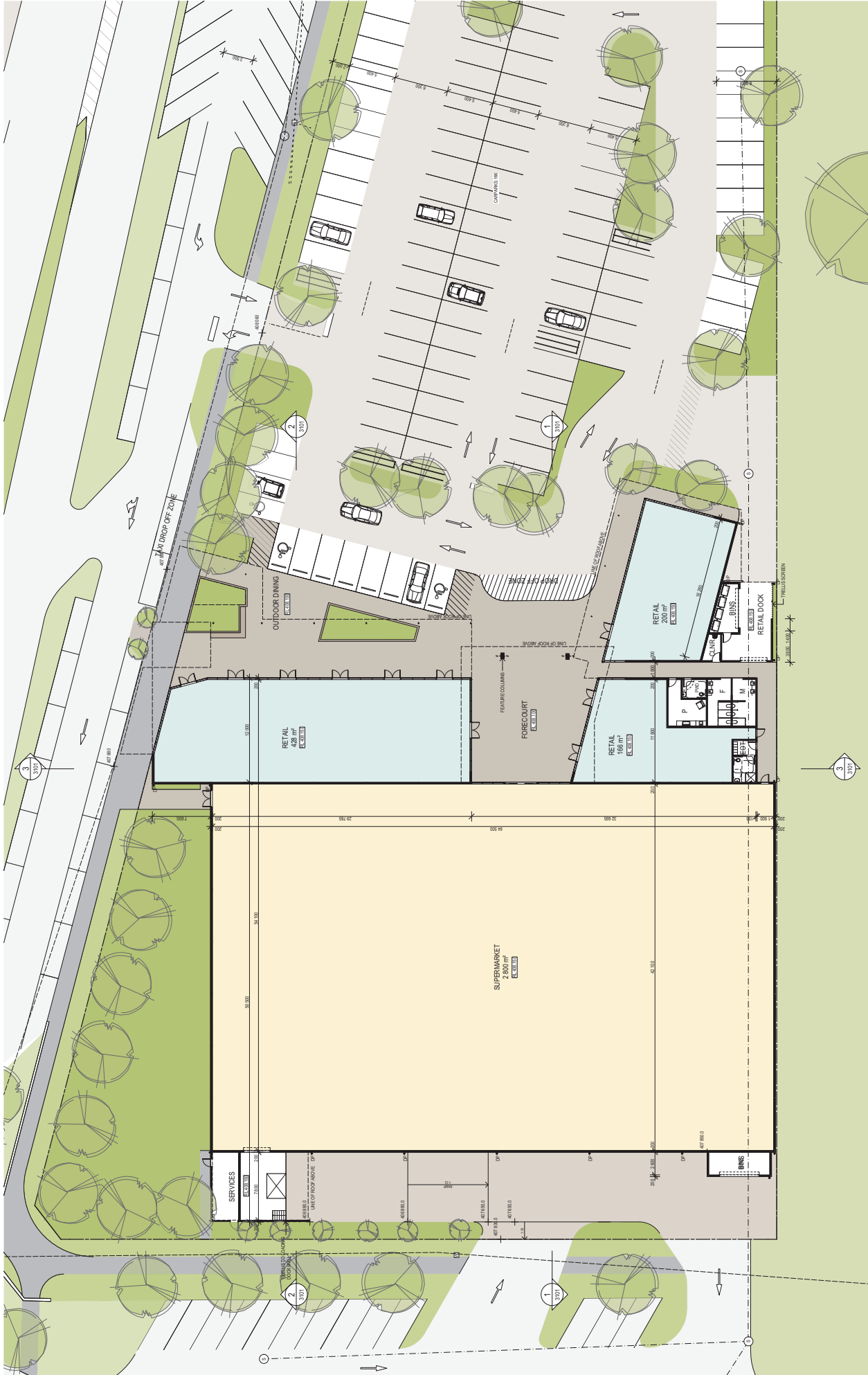
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DRAWING NO.	ISSUE
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JOB No.

SD1201

398



1 GROUND FLOOR PLAN
SCALE 1:200 @ A1
SCALE 1:400 @ A3

COTTEPARKER

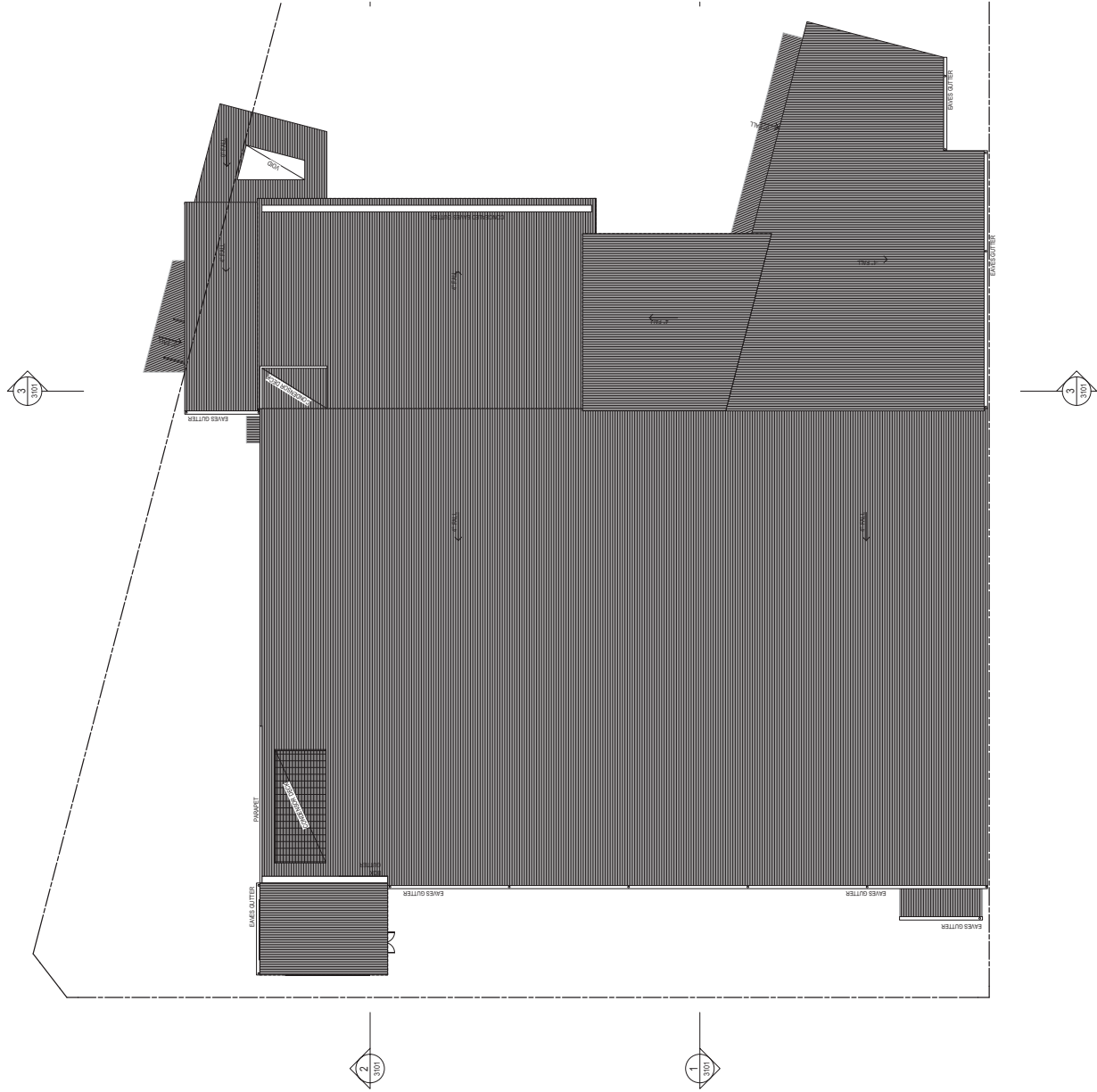
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10/1100 MAREEBA RD
COTTEPARKER.COM.AU



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MAREEBA SHOPPING CENTRE
CLIENT: GREENE GROUP
DESIGNER: COTTEPARKER
DATE: 01/01/2020
DRAWN BY: J. D. A.
CHECKED BY: J. D. A.
DATE: 01/01/2020
JOB NO: 4777
SD2001
C

SKETCH DESIGN



1 ROOF PLAN
SCALE 1:200 @ A1
SCALE 1:400 @ A3

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BRISBANE
T 617 3446 7422
COTTEEPARKERARCHITECTS PTY LTD
COTTEEPARKER.COM.AU

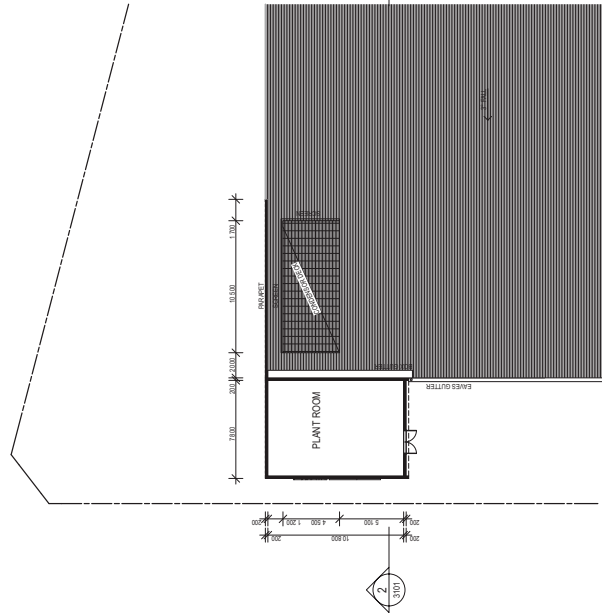


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SCALE 1:200 @ A1
SCALE 1:400 @ A3



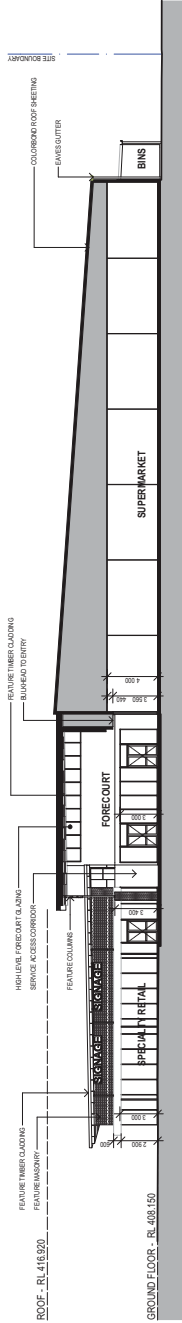
BRISBANE COTTEEPARKER PTY LTD 617 3446 7422

2 MEZZANINE PLAN
SCALE 1:200 @ A1
SCALE 1:400 @ A3

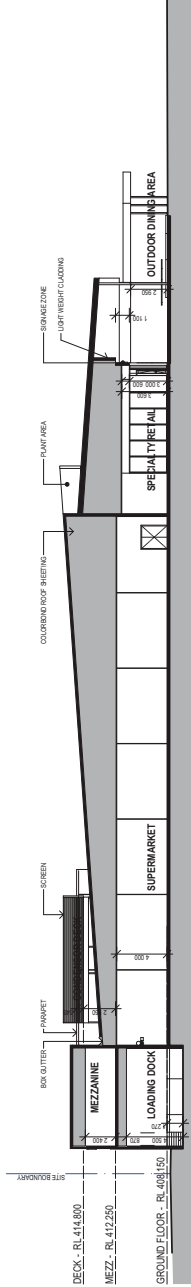


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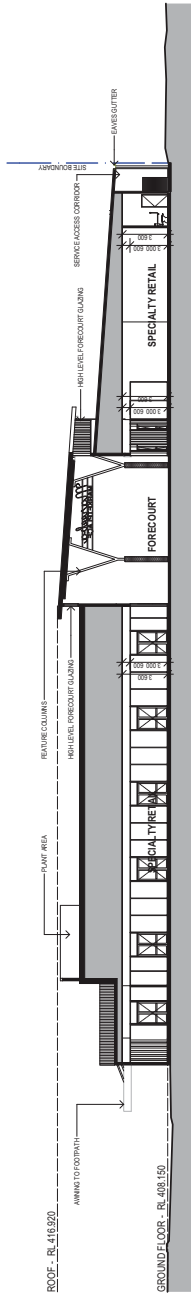
MAREBA SHOPPING CENTRE
233 BRISBANE STREET MAREBA
CLIENT: GREENE GROUP
DRAWING TITLE
ROOF & MEZZANINE PLAN
JOB NO 4777
SD2002
C



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



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



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