

8.3	<b>MAREEBA SHIRE COUNCIL - MATERIAL CHANGE OF USE - CLUB (LAWN BOWLS CLUBHOUSE), COMMUNITY USE (COMMUNITY HUB &amp; LIBRARY) &amp; FUNCTION FACILITY - LOT 201 ON SP213026 - 43 ANZAC AVENUE, MAREEBA - MCU/19/0016</b>
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**Date Prepared:** 2 December 2019

**Author:** Senior Planner

**Attachments:**

1. Proposal Plans
2. Department of State Development, Manufacturing, Infrastructure and Planning letter 22 November 2019

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	43 Anzac Avenue, Mareeba
<b>DATE LODGED</b>	29 October 2019	<b>RPD</b>	Lot 201 on SP213026
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility		
<b>FILE NO</b>	MCU/19/0016	<b>AREA</b>	1.217 hectares
<b>LODGED BY</b>	Mareeba Shire Council	<b>OWNER</b>	Mareeba Shire Council
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

#### EXECUTIVE SUMMARY

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

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

The application and supporting material have been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

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	
<b>APPLICANT</b>	Mareeba Shire Council	<b>ADDRESS</b>	43 Anzac Avenue, Mareeba
<b>DATE LODGED</b>	29 October 2019	<b>RPD</b>	Lot 201 on SP213026
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility

(B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1404-PD-A.01 A	Site & Locality Plans	Clarke and Prince Architects	16-01-2019
1404-PD-A.02 A	Existing Floor Plan	Clarke and Prince Architects	16-01-2019
1404-PD-A.04 A	Proposed Floor Plan	Clarke and Prince Architects	16-01-2019
1409-CD-A2.00.00	Site & Locality Plans	Clarke and Prince Architects	04-11-2019
1409-CD-A2.10.01	Floor Plan	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.00	Elevations	Clarke and Prince Architects	04-11-2019
1409-CD-A2.40.01	Elevations	Clarke and Prince Architects	04-11-2019
19-013-01 A	Crossing Point & Community Hub Pavement Marking Plan	Mareeba Shire Council	-

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

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

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

## 2. Timing of Effect

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

## 3. General

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

### 3.4 Waste Management

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

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

## 4. Infrastructure Services and Standards

### 4.1 Stormwater Management

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

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

#### 4.2 Car Parking/Internal Driveways/Pedestrian Linkages

The applicant/developer must ensure the development is provided with car parking, internal driveways and pedestrian linkages generally in accordance with Drawing No. 19-013-01 A.

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

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

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

#### 4.3 Fencing

All fencing must be kept clean, in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.4 Lighting

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

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

#### 4.5 Water Supply

The developer must connect the proposed development to Council's reticulated water 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).

#### 4.6 Sewerage Connection

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

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

#### (D) ASSESSMENT MANAGER'S ADVICE

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

- (b) 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.

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

- (d) 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.

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 22 November 2019.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

**THE SITE**

The site is situated at 43 Anzac Avenue, Mareeba and is more particularly described as Lot 201 on SP213026. The site is irregular in shape with an area of 4,459m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains approximately 100 metres of frontage to Anzac Avenue and approximately 40 metres of frontage to the Kennedy Highway. Both roads are constructed to a bitumen sealed standard. The site is accessed from Anzac Avenue only (no point of access from Kennedy Highway) through an existing large bitumen sealed car park which is line-marked to accommodate approximately 100 conventional vehicles and 4 disabled vehicles.

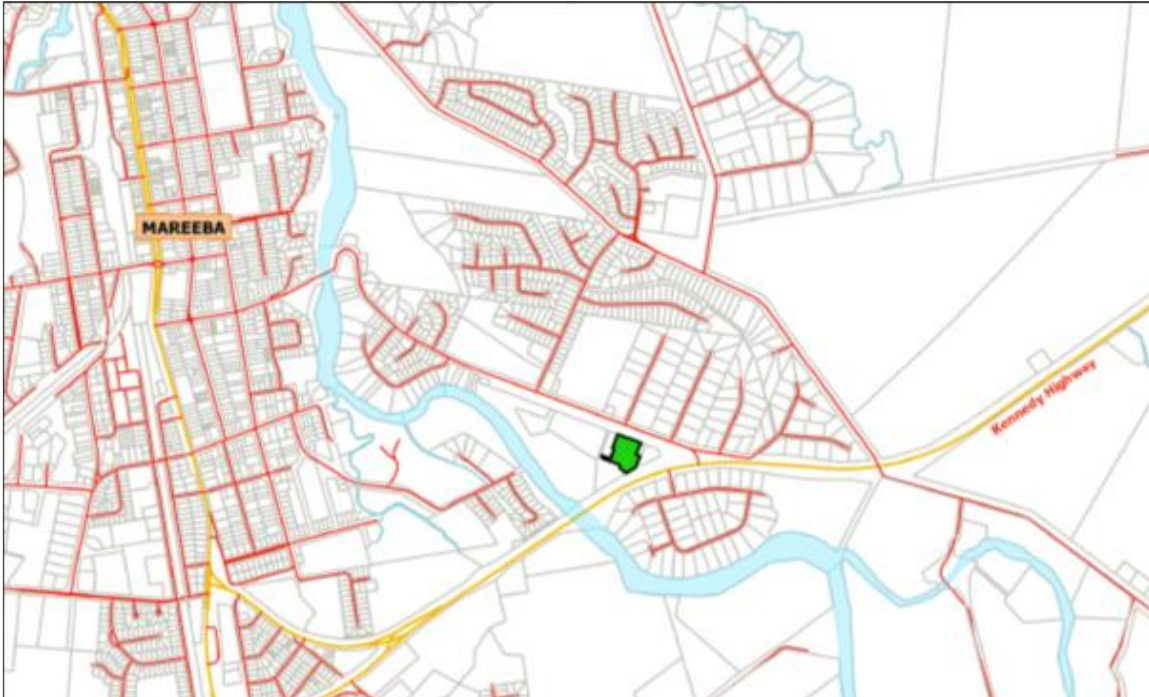
The site is improved by the existing Mareeba Lawn Bowls Club and two lawn bowls greens. The lawn bowls club building is currently used by the club as well as for large functions as it contains large open plan areas, a bar and operational commercial kitchen. All immediate adjoining lots are zoned

Low Density Residential with a dwelling house situated on the lot to the east and QT's early learning centre situated on the allotment to the west. The site is connected to all urban services including town water and sewer.



**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

On 4 August 1994, Council issued town planning consent permit C20/94 to the Mareeba Bowls Club to use the subject land for the purposes of Outdoor Recreation Area, Club House, Indoor Sports Facilities and Function Area.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Club (Lawn Bowls Clubhouse), Community Use (Community Hub and Library) and Function Facility in accordance with the plans shown in **Attachment 1**.

Mareeba Shire Council (the applicants) propose a two-stage redevelopment of the existing 'Mareeba Bowls Club' site situated at 43 Anzac Avenue, Mareeba and described as Lot 201 on SP213026.

The two-stage redevelopment will be broken up as follows:

### Stage 1

Stage 1 will involve the construction of a brand new 270m<sup>2</sup> (approx.) lawn bowls clubhouse extending off the eastern end of the existing bowls club building. The clubhouse building will include a dining area, commercial kitchen, bar and cold rooms and a rear verandah overlooking the lawn bowls greens. A small portion of the existing bowls club building will be linked to the proposed new club building via door and hallway providing toilets and administration offices for the new bowls club. A pedestrian pathway will link the new bowls club building to the existing carpark.

A shade structure is also proposed to be constructed over one of the existing lawn bowls greens.

The purpose of stage 1 is to provide a new space for the long-established lawn bowls club which will in turn free up the existing bowls club building for redevelopment into a community hub, library and functions facility (stage 2).

### Stage 2

Mareeba Shire Council (the applicant) propose to develop the former Mareeba lawn bowls club into the 'Mareeba Community Hub'. A grant from the *Local Government Grants and Subsidies Programme 19-21 (LGSSP)* has been secured to undertake the development. The hub will enable improvements to meet critical community needs.

The proposed community hub will provide community and training activities and events; outreach community services; contemporary library services; and sport and recreation. Stage 2 of the project involves the refurbishment of the existing building to co-locate library services, community, training events and recreational activities.

The Mareeba Community Hub will deliver these outcomes:

- Sustainability through centralised services, meeting current and long-term needs of literacy, early learning, healthy lifestyles and training needs, and supporting high needs community members;
- economic growth and employment;



- disaster resilience; and
- community building.

The project aligns with the aim of the LGGSP 19-21 programme as the grant will support Mareeba Shire Council to develop the hub, the shire community's highest community infrastructure priority, with very strong sustainability factors and stakeholder support. The project supports five programme objectives: strategic priorities alignment; sustainable asset management; economic growth and employment; connected communities; and disasters resilience.

Mareeba is now the largest regional centre outside of Cairns and is the service centre for the Mareeba shire and inland remote regions to the north and west. The communities it services suffer the following service deficits: limitations to health services, community programmes, and vocational training delivery; risks to the delivery of library, digital and early childhood literacy programs; risks to community partnerships that support high needs community members; and limited sport and recreation facilities. The proposal is a priority as the shire has a high level of disadvantage but is an expanding rural community, unlike comparable inland regional centres, due to Mareeba's strategic geographic advantages.

The proposed hub will support multiple functions to diverse users, including the disabled and Indigenous, and enable the community to leverage the shire's expansion opportunities. The project will contribute to liveability of the shire and the regions Mareeba services as it will provide community facilities that will enable increased and improved service delivery across the shire into remote neighbouring regions. Expanded, contemporary and future-proofed facilities will support the following: delivery of health, literacy and training services; additional community spaces for social activities, events and meetings; facilities and spaces for sport and recreation. This will contribute to improved community literacy, community inclusiveness, education and a skilled workforce; and health and wellbeing outcomes. These needs and impacts are supported by stakeholders across the community and the region. These services will respond to the disadvantages (relative to larger more urban areas) that the community faces, created by its relatively small population, its rural and remote location, the skill levels of the workforce and its age profile.

Mareeba Community Hub concept developed from grass roots identification of needs into a community services cluster working group and then to an interagency working group which included state and Commonwealth agencies (Centrelink and Queensland Department of Communities, Child safety and Disability Services), community services organisations and Council. The community's priority of a community hub was further cemented by the two-year community consultation for *the Tablelands Community Plan 2021*; the hub is the highest priority community services project in the shire.

## **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:	<b>Land Use Categories</b> • <i>Residential Area</i>
Zone:	Low Density Residential zone
Overlays:	Airport environs overlay Transport infrastructure overlay

### Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Club</i>	<i>Premises used by persons associated for social, literary, political, sporting, athletic or other similar purposes for social interaction or entertainment.</i>  <i>The use may include the ancillary preparation and service of food and drink.</i>	<i>Club house, guide and scout clubs, surf lifesaving club, RSL, bowls club</i>	<i>Hotel, nightclub entertainment facility, place of worship, theatre</i>
<i>Community use</i>	<i>Premises used for providing artistic, social or cultural facilities and community support services to the public and may include the ancillary preparation and provision of food and drink.</i>	<i>Art gallery, community centre, community hall, library, museum</i>	<i>Cinema, club, hotel, nightclub entertainment facility, place of worship</i>
<i>Function facility</i>	<i>Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site.</i>	<i>Conference centre, reception centre</i>	<i>Community use, hotel</i>

### RELEVANT PLANNING INSTRUMENTS

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

#### (A) Far North Queensland Regional Plan 2009-2031

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

**(B) State Planning Policy**

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

**(C) Mareeba Shire Council Planning Scheme 2016****Strategic Framework**

The proposed community hub will be multifunctional and will support a diverse user-group including the disabled and Indigenous and enable the community to leverage the shire's expansion opportunities. The project will contribute to the liveability of the shire and will help strengthen Mareeba's role as the shire's major regional activity centre.

The proposed community hub (library) and function area will support the following: delivery of health, literacy and training services; additional community spaces for social activities, events and meetings; facilities and spaces for sport and recreation. This will contribute to improved community literacy, community inclusiveness, education and a skilled workforce; and health and wellbeing outcomes. These needs and impacts are supported by stakeholders across the community and the region. These services will respond to the disadvantages (relative to larger more urban areas) that the community faces, created by its relatively small population, its rural and remote location, the skill levels of the workforce and its age profile.

The proposed development is not considered to be in conflict with any relevant aspect of the Planning Scheme Strategic Framework.

**Relevant Developments Codes**

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

- 6.2.6 Low density residential zone code
- 8.2.2 Airport environs overlay code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the code's 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 code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Community activities code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the code's relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

#### **(D) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

#### **(E) Adopted Infrastructure Charges Notice**

The community use and function facility aspects of this development are significant investments in community infrastructure for the wider Mareeba Shire community.

Infrastructure charges are collected by Council to fund such infrastructure.

As this development is providing built community infrastructure, a further monetary contribution for infrastructure is not recommended.

#### **REFERRAL AGENCY**

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency (SARA - State controlled roads).

That Department advised in a letter dated 22 November 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

#### **Internal Consultation**

Technical Services.

#### **PUBLIC NOTIFICATION**

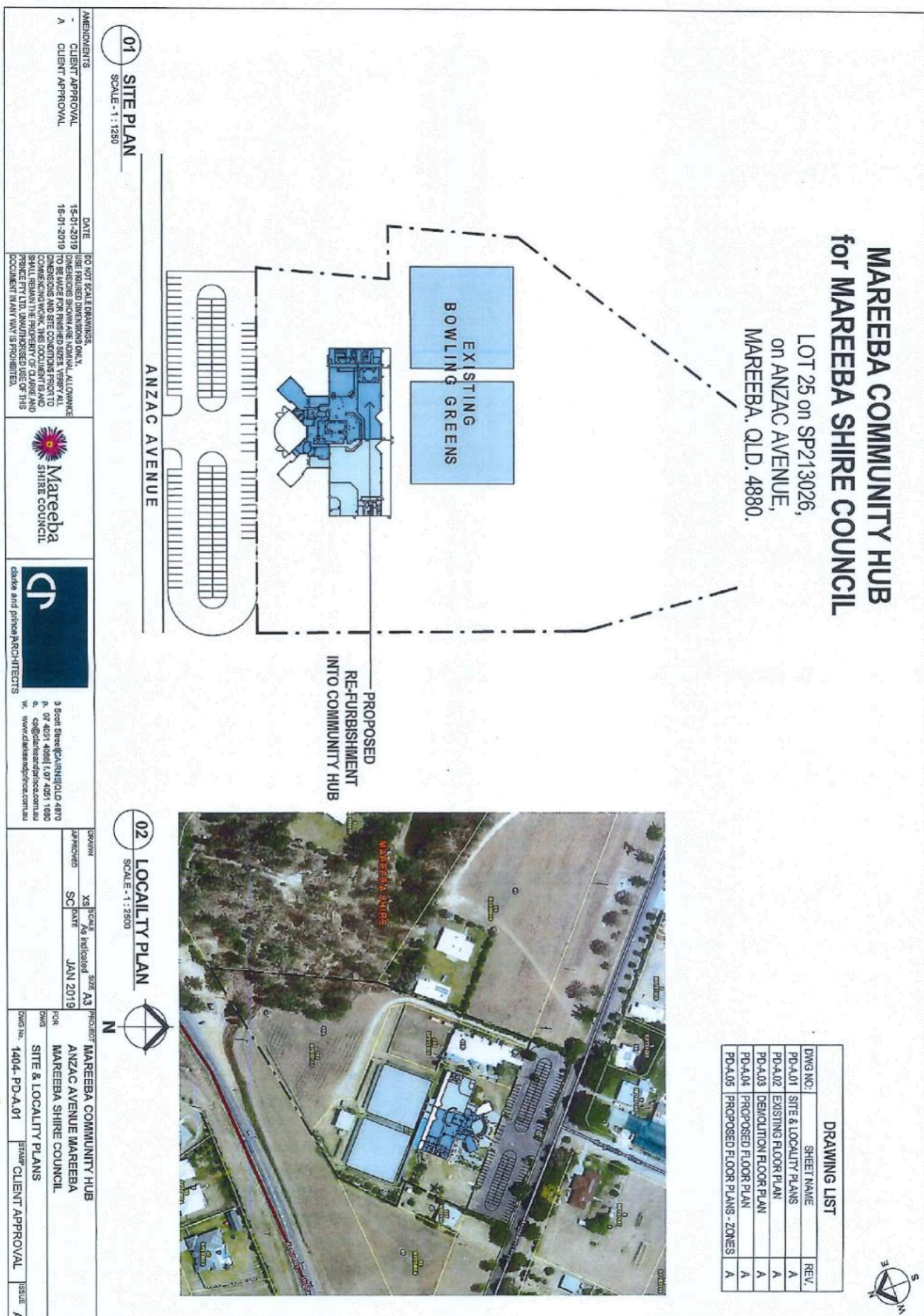
The development proposal was placed on public notification from 13 November 2019 to 5 December 2019. The applicant submitted the notice of compliance on 6 December 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

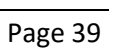
**PLANNING DISCUSSION**

Nil

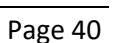




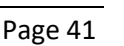




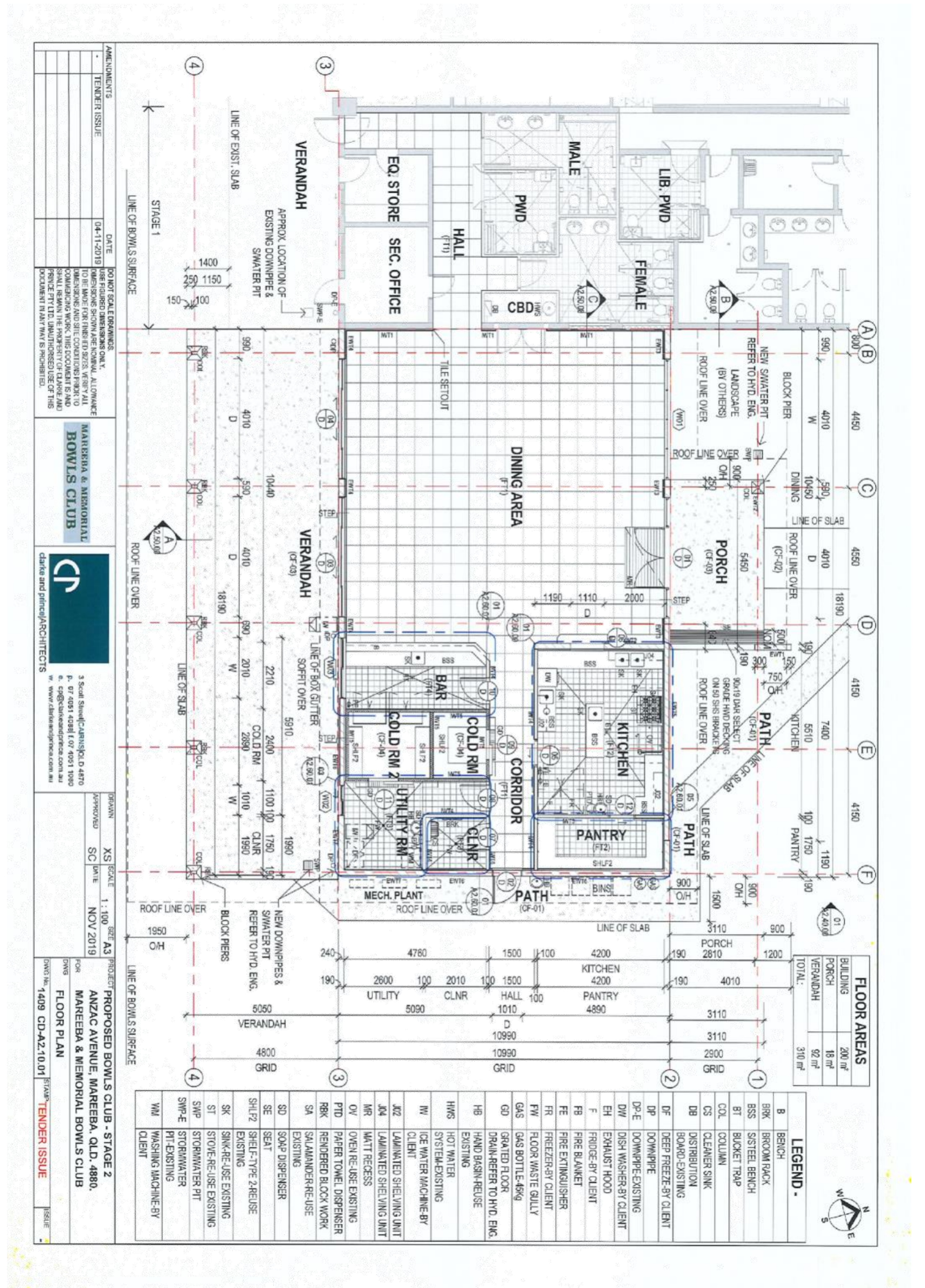




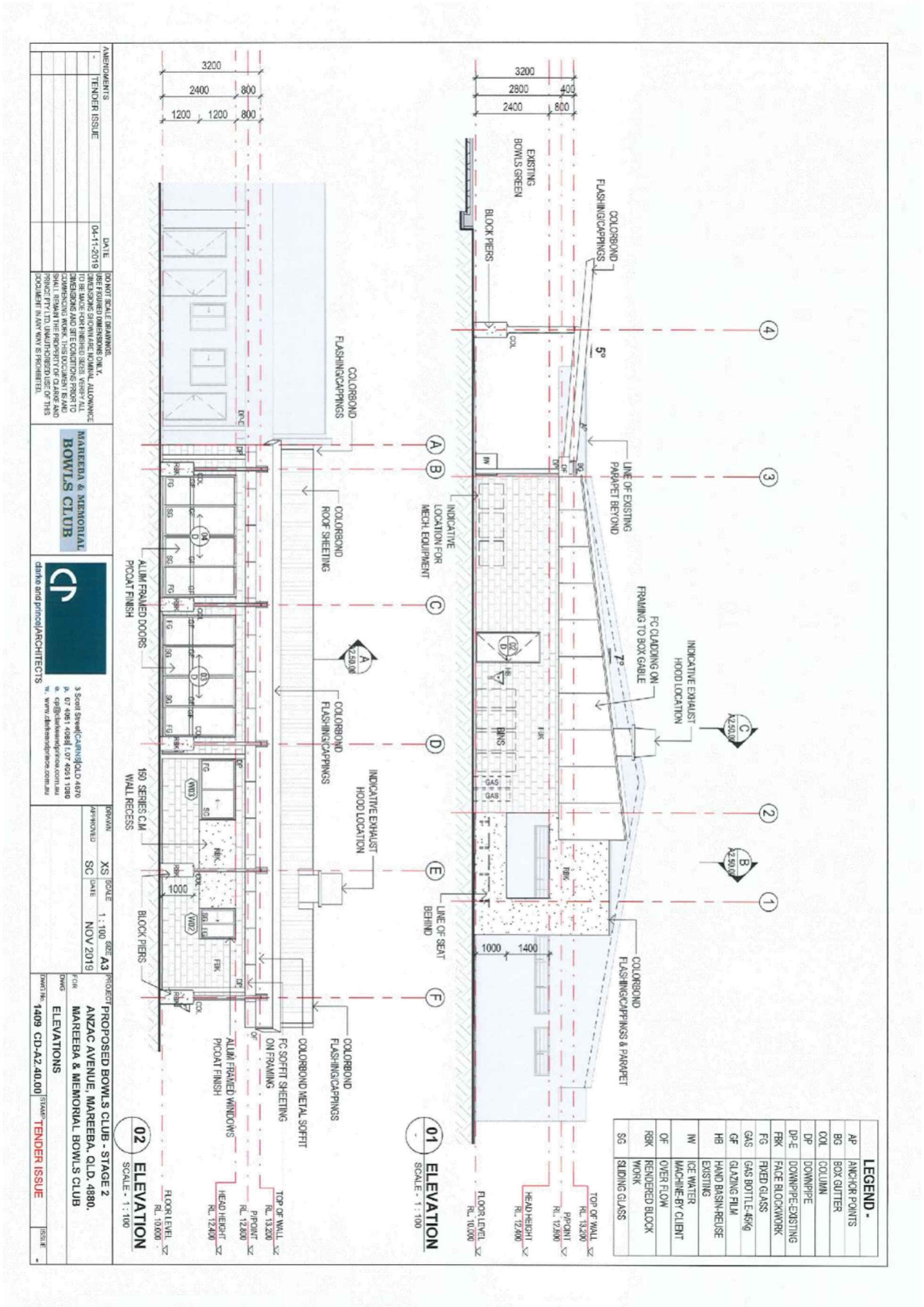




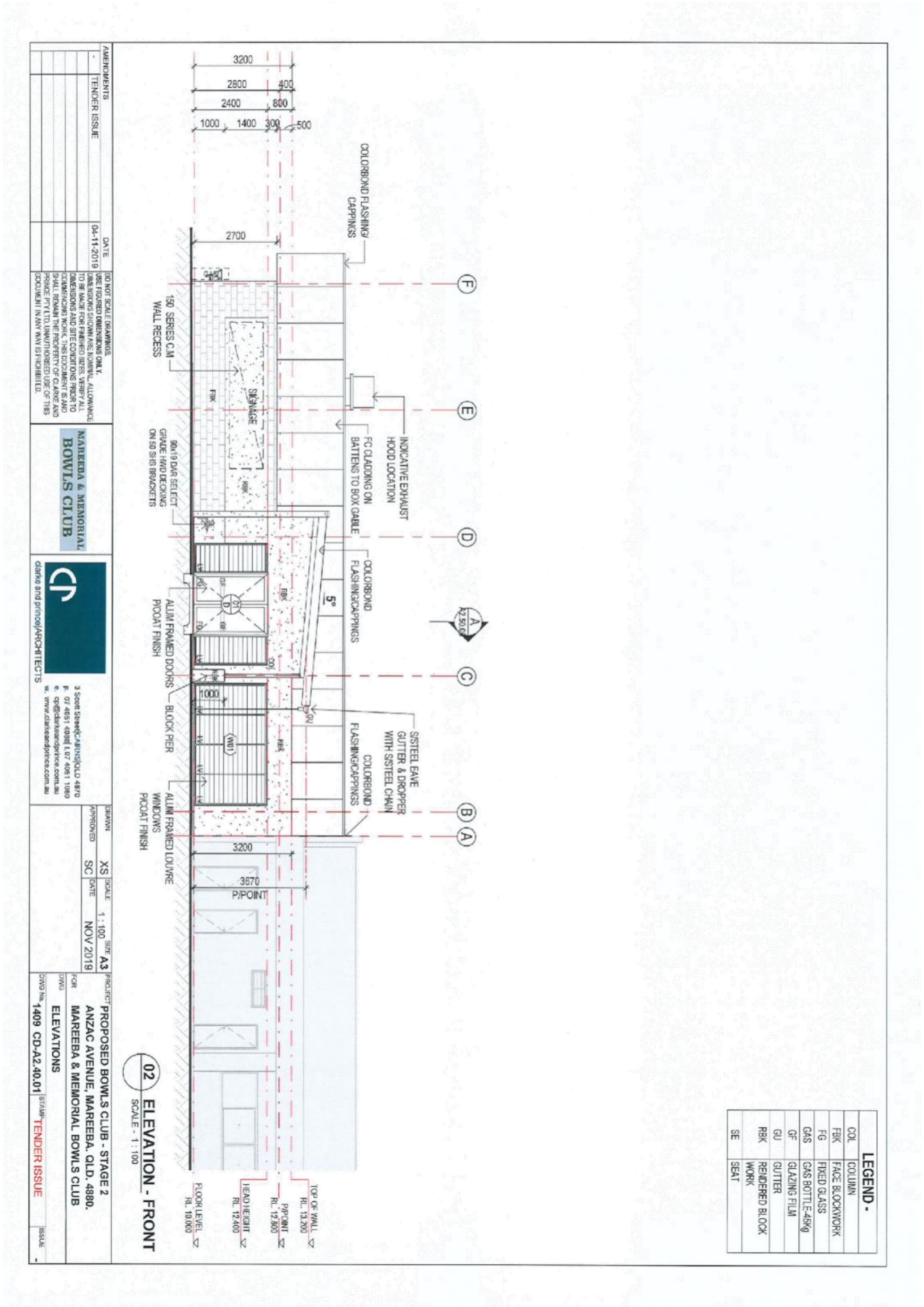




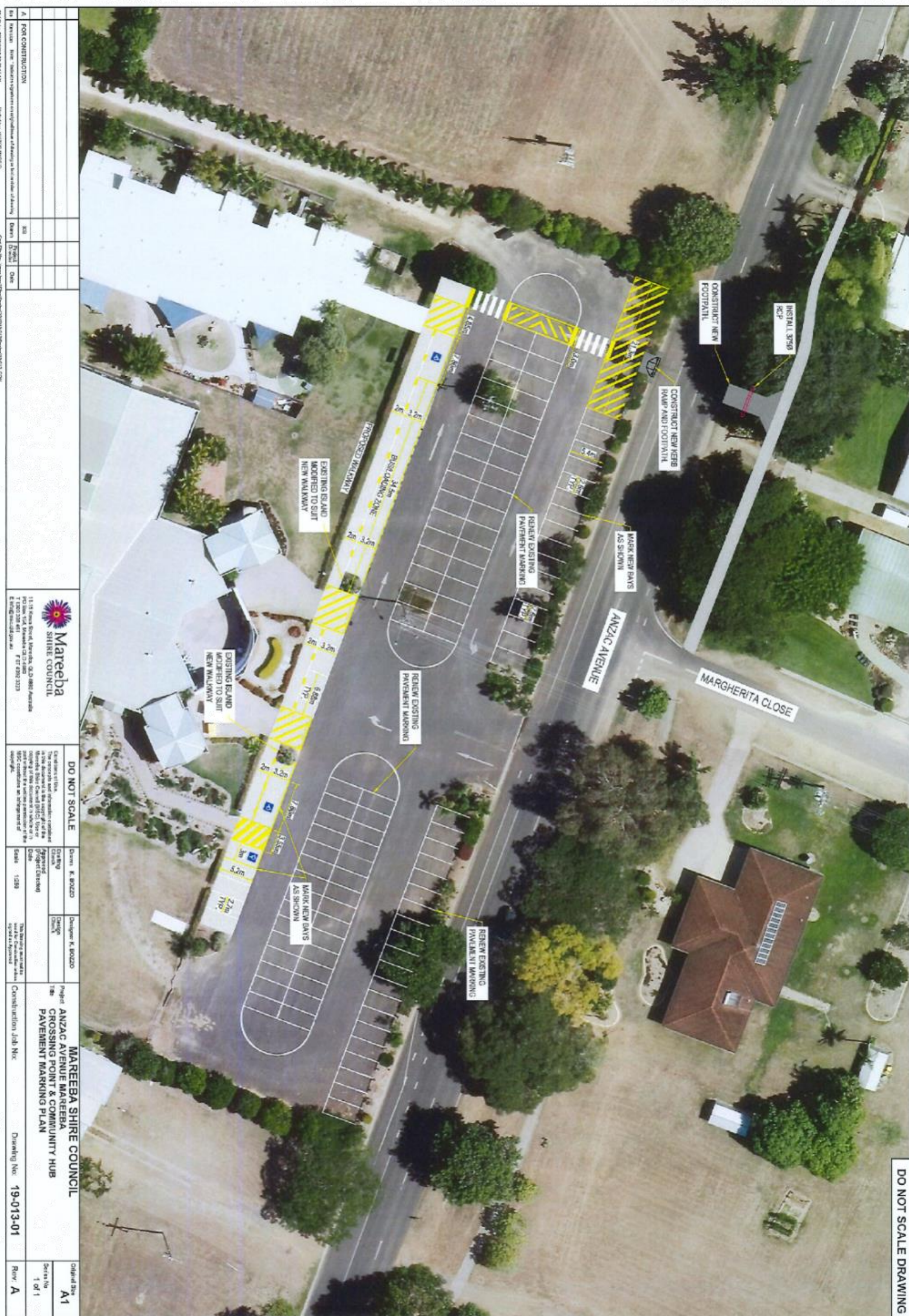
















RA6-N



Department of  
**State Development,  
Manufacturing,  
Infrastructure and Planning**

SARA reference: 1910-13908 SRA  
Council reference: MCU/19/0016

22 November 2019

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

Attention: Carl Ewin

Dear Sir/Madam

**SARA response—43 Anzac Avenue, Mareeba;  
Material Change of Use for Club (Lawn Bowls Clubhouse),  
Community Use (Community Hub & Library) and Function  
Facility**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 31 October 2019.

## Response

Outcome:	Referral agency response – with conditions.
Date of response:	22 November 2019
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Reasons:	The reasons for the referral agency response are in <b>Attachment 2</b> .

## Development details

Description:	Development permit	Material Change of Use for Club (Lawn Bowls Clubhouse), Community Use (Community Hub & Library) and Function Facility
SARA role:	Referral Agency.	

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

1910-13908 SRA

SARA trigger: **Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1**  
(Planning Regulation 2017) – Material change of use of premises  
within 25m of a State transport corridor

SARA reference: 1910-13908 SRA

Assessment Manager: Mareeba Shire Council

Street address: 43 Anzac Avenue, Mareeba

Real property description: Lot 201 on SP213026

Applicant name: Mareeba Shire Council

Applicant contact details: PO Box 154  
Mareeba QLD 4880  
carle@msc.qld.gov.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 3**.

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

For further information please contact Anthony Westbury, Planning Officer, on 0740373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager (Planning)

cc Mareeba Shire Council, carle@msc.qld.gov.au

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Reasons for referral agency response  
Attachment 3 - Representations provisions



1910-13908 SRA

**Attachment 1—Referral agency conditions**

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

1910-13908 SRA

**Attachment 2—Reasons for referral agency response**

(Given under section 56(7) of the *Planning Act 2016*)

**The reasons for the department's decision are:**

- The department carried out an assessment of the proposed development and found that, if conditioned, the proposed development complies with the relevant provisions of the SDAP, State Code 1: Development in a state-controlled road environment, in that:
  - o no access to the state-controlled road is required
  - o access to the site is from Anzac Avenue, a local council road
  - o stormwater and drainage flows are to the lawful point of discharge, Anzac Avenue
  - o filling, excavation and retaining structures will not impact the state-controlled road

**Material used in the assessment of the application:**

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.5]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1910-13908 SRA

### **Attachment 3—Change representation provisions**

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(page left intentionally blank – attached separately)

## Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules<sup>1</sup> regarding **representations about a referral agency response**

### Part 6: Changes to the application and referral agency responses

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#### 28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
  - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
  - (c) the applicant has given written agreement to the change to the referral agency response.<sup>2</sup>
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
  - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

## **Part 7: Miscellaneous**

### **30 Representations about a referral agency response**

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.