

## **Assessment of application against relevant Development Codes**

### **APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>FILE NO:</b>	OPW/20/0002	<b>ADDRESS:</b>	2 Moody Street, Mareeba
<b>APPLICANT:</b>	Bartter Enterprises Pty Ltd	<b>RPD:</b>	Part of Lot 69 on SP108023
<b>LODGED BY:</b>	Warren Cossgrove	<b>AREA:</b>	4 hectare part of 31.61 hectare site
<b>DATE LODGED:</b>	13 July 2020	<b>OWNER :</b>	Steggles Properties Pty Ltd
<b>TYPE OF APPROVAL:</b>	Development Permit		
<b>PROPOSED DEVELOPMENT:</b>	Operational Works - Bulk Earthworks (Water Storage Dam)		
<b>PLANNING SCHEME:</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE:</b>	Industry		
<b>LEVEL OF ASSESSMENT:</b>	Code Assessment		
<b>SUBMISSIONS:</b>	N/A - Code Assessment Only		

### **Relevant Development Codes**

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

- 6.2.5 Industry zone code
- 9.4.5 Works, services and infrastructure code

## 6.2.5 Industry zone code

### 6.2.5.1 Application

- (1) This code applies to assessing development where:
  - (a) located in the Industry zone; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

### 6.2.5.2 Purpose

- (1) The purpose of the Industry zone code is to provide for a range of service, low, medium, or high impact industrial uses.

It may include non-industrial and business uses that support the industrial activities where they do not compromise the long-term use of the land for industrial purposes.

- (2) Mareeba Shire Council's purpose of the Industry zone code is to facilitate industrial activity in order to:
  - (a) contribute to and strengthen the economic development of the region;
  - (b) service the needs of the communities in the shire; and
  - (c) provide for a variety of employment opportunities.
- (3) The shire's industrial areas will vary in their role and level of service provision and cater for different scales and types of industrial development. Three precincts are identified within the zone in order to establish a hierarchy of industrial areas catering for lower impact to higher impact industries:
  - (a) The Trades and services precinct is intended to accommodate service industry and low impact industries. This precinct encompasses the majority of the existing smaller industrial areas which are often located in commercial areas or adjoining residential areas. The precinct is strategically located in serviced areas to provide light industry, service and trades industries to meet local needs and located. Higher impact industries may be appropriate in some locations within this precinct where it can be demonstrated that they will not have any adverse impacts on surrounding development and land uses;
  - (b) The General industry precinct is intended to accommodate medium impact industries and existing high impact industries. This precinct encompasses the central industrial area of Mareeba. Further expansion of high impact industries is not encouraged due to the proximity of the precinct to residential areas, meaning a transition to lower impact industries is supported; and
  - (c) The Heavy industry precinct is intended to accommodate a range of industrial uses including high impact industries and encompasses the Chillagoe industrial area, the Mareeba major industrial area and the Mareeba Airport industrial area.
- (4) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Uses and works for industrial purposes are located, designed and managed to maintain safety to people, avoid significant adverse effects on the natural environment and minimise impacts on surrounding non-industrial land;
  - (b) Development is sited having regard to its servicing capabilities in terms of transport, water, sewage, electricity, telecommunications infrastructure, proximity to other associated industries and work force;
  - (c) Development maximises the use of existing transport infrastructure and has access to an appropriate level of transport infrastructure and facilities;
  - (d) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;

- (e) Development is reflective of and responsive to the environmental constraints of the land;
- (f) The scale, character and built form of development contributes to an appropriate standard of amenity;
- (g) Non-industrial uses, such as offices, retail uses and caretaker's accommodation that directly support the industrial area are facilitated;
- (h) The viability of both existing and future industrial activities is protected from the intrusion of incompatible uses;
- (i) Adverse impacts on natural features and processes both on-site and from adjoining areas are minimised through location, design, operation and management of development;
- (j) Industrial uses are adequately separated and buffered from sensitive land uses to minimise the likelihood of environmental harm including environmental nuisance occurring;
- (k) Land included in the Industry zone is to be protected from incompatible uses to ensure that industrial activities may continue and expand; and
- (l) Development is appropriately coordinated and sequenced to ensure the most effective use of land within the zone.

### 6.2.5.3 Criteria for assessment

**Table 6.2.5.3—Industry zone code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Height</b>			
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) site area and street frontage length.</li> </ul>	<b>AO1</b> Development has a maximum building height of: <ul style="list-style-type: none"> <li>(a) 8.5 metres within 10 metres of any common boundary with land in the Low density residential zone, the Medium density residential zone or the Rural residential zone;</li> <li>(b) 35 metres for all buildings and structures where involving a Telecommunication facility; and</li> <li>(c) 12 metres otherwise.</li> </ul>	n/a	Not applicable - no building works proposed.
<b>Siting</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO2</b> Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> <li>(a) the siting and use of adjoining premises;</li> <li>(b) appearance of building bulk; and</li> <li>(c) relationship with road corridors.</li> </ul>	<b>AO2</b> Buildings and structures include a minimum setback of: <ul style="list-style-type: none"> <li>(a) 3 metres from any road frontage;</li> <li>(b) 6 metres from side and rear boundaries where adjoining land in the Low density residential zone, the Medium density residential zone or the Rural residential zone; and</li> <li>(c) 0 metres from side and rear boundaries otherwise.</li> </ul>	n/a	Not applicable - no building works proposed.
<b>For assessable development</b>			
<b>Site cover</b>			
<b>PO3</b> Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> <li>(a) makes efficient use of land;</li> <li>(b) is consistent with the bulk and scale of surrounding buildings.</li> </ul>	<b>AO3</b> No acceptable outcome is provided.	n/a	Not applicable.
<b>Building design</b>			
<b>PO4</b> Building facades are appropriately designed to maintain and enhance the character of the surrounds.	<b>AO4</b> Buildings in the Industrial zone include: <ul style="list-style-type: none"> <li>(a) a main entrance which is easily identifiable and is directly accessible from the primary road frontage; and</li> <li>(b) any office space sited and oriented towards the primary road frontage.</li> </ul>	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO5</b> Development complements and integrates with the established built character of the Industry zone, having regard to: (a) roof form and pitch; (b) building materials, colours and textures; and (c) window and door size and location.	<b>AO5</b> No acceptable outcome is provided.	n/a	Not applicable.
<b>Non-industrial uses</b>			
<b>PO6</b> Development involving a non-industrial use: (a) has access to adequate infrastructure and essential services; (b) is complementary in nature to the character and amenity of the Industry zone; and (c) does not negatively impact on the operation of existing uses within the Industry zone.	<b>AO6</b> No acceptable outcome is provided.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Amenity</b>			
<b>PO7</b> Development must not detract from the amenity of the local area, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	<b>AO7</b> No acceptable outcome is provided.	✓	Complies - the proposed water storage dam will replace an existing dam, albeit with a greater storage capacity and will not have any impact on amenity.
<b>PO8</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	<b>AO8</b> No acceptable outcome is provided.	n/a	Not applicable.

## 9.4.5 Works, services and infrastructure code

### 9.4.5.1 Application

- (1) This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

### 9.4.5.2 Purpose

- (1) The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development provides an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (b) Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (c) Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (d) Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
  - (e) Development provides electricity and telecommunications services that meet its desired requirements;
  - (f) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - (g) Development does not affect the efficient functioning of public utility mains, services or installations;
  - (h) Infrastructure dedicated to Council is cost effective over its life cycle;
  - (i) Work associated with development does not cause adverse impacts on the surrounding area; and
  - (j) Development prevents the spread of weeds, seeds or other pests.

### 9.4.5.3 Criteria for assessment

**Table 9.4.5.3 - Works, services and infrastructure code – For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Water supply</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO1</b> Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<b>AO1.1</b> Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located: <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated water supply service area.</li> </ul>	n/a	Not applicable.
	<b>AO1.2</b> Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with: <ul style="list-style-type: none"> <li>(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or</li> <li>(b) on-site water storage tank/s: <ul style="list-style-type: none"> <li>(i) with a minimum capacity of 90,000L;</li> <li>(ii) fitted with a 50mm ball valve with a camlock fitting; and</li> <li>(iii) which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	n/a	Not applicable.
<b>Wastewater disposal</b>			



Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO2</b> Each lot provides for the treatment and disposal of effluent and other waste water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<b>AO2.1</b> Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located: <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated sewerage service area.</li> </ul>	n/a	Not applicable.
	<b>AO2.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located: <ul style="list-style-type: none"> <li>(a) in the Conservation zone, Rural zone or Rural residential zone; and</li> <li>(b) outside a reticulated sewerage service area.</li> </ul>	n/a	Not applicable.
<b>Stormwater infrastructure</b>			
<b>PO3</b> Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.	<b>AO3.1</b> Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO3.2</b> On-site drainage systems are constructed: <ul style="list-style-type: none"> <li>(a) to convey stormwater from the premises to a lawful point of discharge; and</li> <li>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</li> </ul>	✓	Complies.
<b>Electricity supply</b>			
<b>PO4</b> Each lot is provided with an adequate supply of electricity	<b>AO4</b> The premises: <ul style="list-style-type: none"> <li>(a) is connected to the electricity supply network; or</li> <li>(b) has arranged a connection to the transmission grid; or</li> <li>(c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: <ul style="list-style-type: none"> <li>(i) it is approved by the relevant regulatory authority; and</li> <li>(ii) it can be demonstrated that no air or noise emissions; and</li> <li>(iii) it can be demonstrated that no adverse impact on visual amenity will occur.</li> </ul> </li> </ul>	✓	Complies.
<b>Telecommunications infrastructure</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO5</b> Each lot is provided with an adequate supply of telecommunication infrastructure	<b>AO5</b> Development is provided with a connection to the national broadband network or telecommunication services.	n/a	Not applicable.
<b>Existing public utility services</b>			
<b>PO6</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO6</b> Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
<b>Excavation or filling</b>			
<b>PO7</b> Excavation or filling must not have an adverse impact on the: (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises.	<b>AO7.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	✓	Complies.
	<b>AO7.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	✓ Complies with PO7	The proposed dam will involve the construction of dam walls in excess of 1.5m above ground level. Despite not complying with AO7.2, the proposed development will not impact on streetscape, amenity, environmental factors, stability and privacy. The development complies with PO7.

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>A07.3</b> Earthworks batters: (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained.	✓ Complies with PO7	The proposed dam wall has been certified by an RPEQ. The proposed development complies with PO7.
	<b>A07.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.	✓	Can be conditioned to comply.
	<b>A07.5</b> All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	✓	Can be conditioned to comply. Dam wall design and construction has been certified by an RPEQ.
	<b>A07.6</b> Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>A07.7</b> Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
<b>For assessable development</b>			
<b>Transport network</b>			
<b>PO8</b> The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.	<b>A08.1</b> Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
	<b>A08.2</b> Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	n/a	Not applicable.
<b>Public infrastructure</b>			
<b>PO9</b> The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.	<b>A09</b> Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
<b>Stormwater quality</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO10</b> Development has a non-worsening effect on the site and surrounding land and is designed to:</p> <ul style="list-style-type: none"> <li>(a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters;</li> <li>(b) protect the environmental values of waterbodies affected by the development, including upstream, on-site and downstream waterbodies;</li> <li>(c) achieve specified water quality objectives;</li> <li>(d) minimise flooding;</li> <li>(e) maximise the use of natural channel design principles;</li> <li>(f) maximise community benefit; and</li> <li>(g) minimise risk to public safety.</li> </ul>	<p><b>AO10.1</b> The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals:</p> <ul style="list-style-type: none"> <li>(a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and</li> <li>(b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: <ul style="list-style-type: none"> <li>(i) drainage control;</li> <li>(ii) erosion control;</li> <li>(iii) sediment control; and</li> <li>(iv) water quality outcomes.</li> </ul> </li> </ul>	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	<p><b>AO10.2</b>  For development on land greater than 2,500m<sup>2</sup> or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development:</p> <ul style="list-style-type: none"> <li>(a) meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline;</li> <li>(b) is consistent with any local area stormwater water management planning;</li> <li>(c) accounts for development type, construction phase, local climatic conditions and design objectives; and</li> <li>(d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity.</li> </ul>	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO11</b> Storage areas for stormwater detention and retention: (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety.	<b>AO11</b> No acceptable outcome is provided.	n/a	Not applicable.
<b>Excavation or filling</b>			
<b>PO12</b> Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.	<b>AO12.1</b> Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.	✓	Can be conditioned to comply.
	<b>AO12.2</b> Transportation of fill to or from the site does not occur: (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays.	✓	Can be conditioned to comply.



Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO13</b> Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	<b>AO13.1</b> Dust emissions do not extend beyond the boundary of the site.	✓	Can be conditioned to comply.
	<b>AO13.2</b> No other air pollutants, including odours, are detectable at the boundary of the site.	✓	Can be conditioned to comply.
	<b>AO13.3</b> A management plan for control of dust and air pollutants is prepared and implemented.	✓	Can be conditioned to comply.
<b>PO14</b> Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	<b>AO14</b> Access to the premises (including all works associated with the access): (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
<b>Weed and pest management</b>			
<b>PO15</b> Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	<b>AO15</b> No acceptable outcome is provided.	✓	Can be conditioned to comply.
<b>Contaminated land</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO16</b> Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	<b>AO16</b> Development is located where: (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	✓	Complies where relevant.
<b>Fire services in developments accessed by common private title</b>			
<b>PO17</b> Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO17.1</b> Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of: (a) 120 metres for residential development; and (b) 90 metres for any other development.	n/a	Not applicable.
	<b>AO17.2</b> Fire hydrants are located at all intersections of accessways or private roads held in common private title.	n/a	Not applicable.