8.3 GIULIANO & GINA CORDENOS AND STEPHEN CORDENOS - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 TO ALTER THE LEVEL OF ASSESSMENT FOR "CHILDCARE CENTRE' FROM IMPACT ASSESSMENT TO CODE ASSESSMENT - LOT 53 ON SP204554 - 47 ANZAC AVENUE, MAREEBA - MCU/20/0017

Date Prepared: 27 October 2021
Author: Senior Planner

Attachments: 1. CairnsSARA letter dated 1 February 2021

2. Submissions - Changed Application

3. Submissions - Original Application

APPLICATION DETAILS

APPLICATION		PREMISES		
APPLICANT	Giuliano & Gina	ADDRESS	47 Anzac Avenue,	
	Cordenos and		Mareeba	
	Stephen Cordenos			
DATE OF CHANGED	28 July 2021	RPD	Lot 53 on SP204554	
APPLICATION:				
TYPE OF APPROVAL	Preliminary Approval			
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including a			
	variation request to vary the effect of the Mareeba Shire			
	Council Planning Scheme 2016 to alter the level of assessment			
	for 'childcare centre' from Impact assessment to Code			
	assessment			
FILE NO	MCU/20/0017	AREA	4,061m2	
LODGED BY	Planning Plus Pty Ltd	OWNER	Armbridge Pty Ltd	
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016			
ZONE	Low Density Residential zone			
LEVEL OF	Impact Assessment			
ASSESSMENT				
SUBMISSIONS	Original application - Three (3), including one with 73			
	signatories			
	Changed application - Five (5)			

EXECUTIVE SUMMARY

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

The application is Impact assessable and five (5) properly made submissions were received in response to public notification of the changed application. A further three (3) properly made submissions were received during the public notification of the original application.

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

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Approval of this variation request will change how the Mareeba Shire Council Planning Scheme 2016 applies to Lot 53 on SP204554 by reducing the level of assessment for a future childcare centre material change of use application from an impact assessment to a code assessment.

A future code assessable application will not require further public notification beyond that already carried out for this variation request. By limiting the variation request only to alter the level of assessment for a childcare centre, the applicant has removed the original application's uncertainty.

The likely impacts of a future childcare centre can be reasonably foreseen, notwithstanding the minimal level of detail provided by the applicant. Those persons concerned by the prospect of a future childcare centre have had twice the normal public notification period (30 business days versus 15 business days) to lodge their submissions.

A review of the variation request against the full Strategic Framework has established that the variation request is not inconsistent with the balance of the planning scheme.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

It is recommended that the variation request be approved, subject to conditions requiring a future childcare centre to be connected to Mareeba's reticulated water and sewerage infrastructure.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES		
APPLICANT	Giuliano & Gina	ADDRESS	47 Anzac Avenue,	
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	Stephen Cordenos			
DATE OF CHANGED	28 July 2021	RPD	Lot 53 on SP204554	
APPLICATION:				
TYPE OF APPROVAL	Preliminary Approval			
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including			
	a variation request to vary the effect of the Mareeba Shire			
	Council Planning Scheme 2016 to alter the level of			
	assessment for 'childcare centre' from Impact assessment to			
	Code assessment			

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

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

And

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

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(A) APPROVED DEVELOPMENT:

Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) <u>Development assessable against the Planning Scheme</u>
- 1. The assessment manager has approved a variation to an applicable local planning instrument, being the Mareeba Shire Council Planning Scheme 2016.

The variation approved is **code assessable** development with respect to material change of use - childcare centre on Lot 53 on SP204554.

The following codes apply to material change of use - childcare centre development on Lot 53 on SP204554 resulting from this preliminary approval -

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

2. Water Supply

- (a) The developer must connect any future childcare centre on Lot 53 on SP204554 to Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade 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 in accordance with FNQROC Development Manual standards (as amended).

3. Sewerage Connection

(a) The developer must connect any future childcare centre to Council's reticulated sewerage system in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer.

(b) 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 or upgrade 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).

(C) ASSESSMENT MANAGER'S ADVICE

(a) 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.

(b) 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.

(c) 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.

(D) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 1 February 2021

(E) 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);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
 - Development Permit for Material Change of Use
- (G) OTHER APPROVALS REQUIRED FROM COUNCIL
 - Nil

THE SITE

The site is situated at 47 Anzac Avenue, Mareeba and is more particularly described as Lot 53 on SP204554. The site is irregular in shape with an area of 4,061m2 and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is flat and except for a for sale sign in the north-eastern corner, vacant.

The site has frontages of approximately 107 metres to the Kennedy Highway and 80 metres to Anzac Avenue. Both frontage roads are constructed to bitumen sealed standard. Informal access to the site is gained from Anzac Avenue.

The properties adjoining the western boundary comprise of a residential lot containing a dwelling house, and Lot 201 containing the Mareeba Bowls Club and the new Mareeba Shire Council library. Both of these adjoining lots are zoned Low Density Residential.

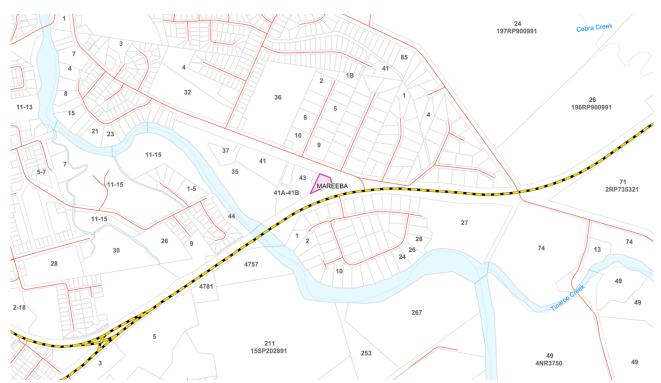
The immediate locality is characterised by residential and rural residential lots generally ranging between 1,000m2 and up to 8,000m2.

The site is not currently connected to Mareeba's reticulated water and sewerage networks.



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

Lot 53 on SP204554 is a balance allotment left after the completion of the Riverland's Estate subdivision on the opposite side of the Kennedy Highway.

Original Application

Material Change of Use application MCU/20/0017 was originally lodged with Council on 8 December 2020 (original application). The original application sought Preliminary Approval including a Variation Request under Section 43 and 50(3) of the Planning Act 2016 to vary the effect of the Mareeba Shire Council Planning Scheme 2016 for use rights associated with the 'Anzac Avenue Commercial Zone' over Land at 47 Anzac Avenue, Mareeba, more particularly described as Lot 53 on SP204554.

The use rights associated with the proposed Anzac Avenue Commercial Zone would have varied (replaced) those use rights currently associated with the land's Low Density Residential zoning. In essence, the original application sought to establish the proposed 'Anzac Avenue Commercial Zone' as a local categorising instrument for Lot 53 on SP204554, thereby making a material change of use for the following seven (7) land uses, code assessable:

- Food and drink outlet
- Health care services
- Office
- Outdoor sales
- Service industry

- Shop
- Showroom

Council officers completed assessment of the original application and submitted a report to the 21 April 2021 Ordinary Meeting, with a recommendation for refusal based on the following reasons:

- 1. The proposed development is in conflict with Specific Outcome 3.3.2.1 (3) of the Strategic Framework.
 - (3) Other than small scale industry areas, commercial activities will not occur outside centre areas unless there is an overriding need in the public interest, there are no alternative sites in centre areas, there is no adverse impact on centre areas or the area surrounding the development and the site is readily accessible by a range of transport modes.

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The Need Analysis does conclude that there is a 'Need' for the proposed small commercial area.

The test for establishing an overriding need in the public interest goes well beyond establishing a basic need. Currently, the most detailed methodology for deciding whether there is a need in the public interest is outlined in section 41B of the *Planning Regulation 2017*.

Section 41B

- (2) The referral agency may decide there is an overriding need, in the public interest, for the development to be carried out only if the development application demonstrates that-
 - (a) the development will have a social, economic or environmental benefit for the community that outweighs-
 - (i) any adverse impact of the development on a matter or thing stated in the SEQ regional plan, table 11b; and
 - (ii) the desirability of achieving the goals, elements and strategies stated in the SEQ regional plan, particularly the goals, elements and strategies about-
 - (A) consolidating urban development in the SEQ urban footprint; and
 - (B) preventing land fragmentation in the SEQ regional landscape and rural production area; and
 - (b) there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out.
- (3) To remove any doubt, it is declared that there is not an overriding need, in the public interest, for the development to be carried out merely because-
 - (a) the applicant-

- (i) owns the premises; or
- (ii) has an interest in, or option over, the premises; or
- (b) the premises are available for the carrying out of the development.

Section 41B does makes specific reference to South East Queensland, however its general principles still apply in all cases.

The applicant has not demonstrated that there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out. Therefore, the applicant has not demonstrated that there is an overriding need in the public interest.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request. Therefore, alternative sites are available in the existing centre areas.

The proposed development has the potential to adversely impact on the surrounding Low Density Residential and Rural Residential land uses through increased traffic and noise.

The development conflicts.

- 2. The proposed development is in conflict with Specific Outcome 3.3.2.1 (4) of the Strategic Framework.
 - (4) Ribbon or strip commercial activities along state controlled roads and local collector roads is generally avoided outside of the centre areas where possible.

Reason for conflict

The variation request will result in ribbon or strip commercial activities along the Kennedy Highway and Anzac Avenue.

Other than this site's exposure to the Kennedy Highway, there are no other significant planning grounds pressing for this Low Density Residential lot to be developed for commercial purposes.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request.

In this instance, it is possible to avoid the ribbon or strip commercial activities by developing these activities within the existing centre areas.

The development conflicts.

- 3. The proposed development is in conflict with Specific Outcome 3.7.6.1 (1) of the Strategic Framework.
 - (1) Commercial development will be facilitated by:
 - (a) consolidation and co-location of centre activities in existing centre areas;
 - (b) identification of space adjacent to centre areas to cater for the expansion of commercial activities;

- (c) infrastructure provision in areas identified as able to cater for new commercial development;
- (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The site is not adjacent to an established centre area and approval of the variation request will represent an ad-hoc commercial node in the midst of Mareeba's most active residential development area.

The development conflicts.

- 4. The proposed development is in conflict with Specific Outcome 3.7.6.1 (2) of the Strategic Framework.
 - (2) Out-of-centre retail development is avoided and should only occur if there is a clearly demonstrated over-riding community need and evidence demonstrating that the development would not adversely impact existing centre areas.

Reason for conflict

The application is proposing commercial activities outside the established centre area.

The Need Analysis does conclude that there is a 'Need' for the proposed small commercial area.

The test for establishing an overriding need in the public interest goes well beyond establishing a basic need. Currently, the most detailed methodology for deciding whether there is a need in the public interest is outlined in section 41B of the *Planning Regulation 2017*.

Section 41B

- (2) The referral agency may decide there is an overriding need, in the public interest, for the development to be carried out only if the development application demonstrates that-
 - (a) the development will have a social, economic or environmental benefit for the community that outweighs-
 - (i) any adverse impact of the development on a matter or thing stated in the SEQ regional plan, table 11b; and
 - (ii) the desirability of achieving the goals, elements and strategies stated in the SEQ regional plan, particularly the goals, elements and strategies about-
 - (A) consolidating urban development in the SEQ urban footprint; and

- (B) preventing land fragmentation in the SEQ regional landscape and rural production area; and
- (b) there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out.
- (3) To remove any doubt, it is declared that there is not an overriding need, in the public interest, for the development to be carried out merely because-
 - (a) the applicant-
 - (i) owns the premises; or
 - (ii) has an interest in, or option over, the premises; or
 - (b) the premises are available for the carrying out of the development.

Section 41B does makes specific reference to South East Queensland, however its general principles still apply in all cases.

The applicant has not demonstrated that there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out. Therefore, the applicant has not demonstrated that there is an overriding need in the public interest.

Mareeba has a significant supply of vacant and underdeveloped Centre zone land that can accommodate all of the uses envisaged by the variation request. Therefore, alternative sites are available in the existing centre areas.

Council has previously approved 10,000m² of commercial zoning under the Hastie Road Business Zone approval on Karobean Drive, Mareeba. To date, the stages comprising the Amaroo Medical Centre and associated shop tenancies have been completed.

This established commercial area was approved on the basis that it would meet the short to medium term needs of the eastern Mareeba residential growth area.

The Hastie Road Business Zone has remaining capacity to allow for future stages including a convenience store and fast food outlet. The development of a second commercial area to service the same eastern Mareeba residential growth area is unwarranted at this time.

The proposed development has the potential to adversely impact on the surrounding Low Density Residential and Rural Residential land uses through increased traffic and noise.

The development conflicts.

- 5. The proposed development is in conflict with purpose statement 6.2.6.2 (1) of the Low Density Residential Zone Code.
 - (1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

Reason for conflict

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As the site will continue to adjoin land in the Low Density Residential, it is appropriate to assess the variation request for consistency with the purpose statement for the Low Density Residential zone.

The variation request has the potential to lead to commercial development well beyond the small scale envisaged under the Low density residential zone code and the also well beyond the expectations of existing residents.

The development conflicts.

- 6. The proposed development is in conflict with purpose statement 6.2.6.2 (2)(a) & (c) of the Low Density Residential Zone Code.
 - (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
 - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
 - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.

Reason for conflict

The variation request does not maintain the integrity of the established residential area.

The variation request has the potential to lead to commercial development well beyond the small scale envisaged under the Low density residential zone code and the also well beyond the expectations of existing residents.

- 7. The proposed development is in conflict with overall outcomes 6.2.6.2 (3)(f), (g) & (k) of the Low Density Residential Zone Code.
 - (3) The purpose of the code will be achieved through the following overall outcomes:
 - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
 - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
 - (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;

Reason for conflict

The variation request may potentially result in larger scale commercial development beyond that envisaged under overall outcome (f) and may lead to the adverse amenity impacts identified under overall outcome (g).

Overall outcome (k) is very specific in respect to non-residential development. Such development may be considered in <u>new</u> residential areas, where the non-residential use <u>meets the day to day needs</u> of the immediate residential community. Neither situation applies for the proposed variation request.

The proposed development conflicts.

Prior to the 21 April 2021 Ordinary Meeting, the applicant requested that the agenda item for the original application be withdrawn, pending further representations.

On 28 July 2021, a change was made to the application (changed application) reducing the scope of the variation request to solely the level of assessment for a childcare centre on the subject land.

PREVIOUS APPLICATIONS & APPROVALS

Prior to this current application, the most recent material change of use application over the site was lodged on 28 October 2009.

At this time, the Mareeba Shire Planning Scheme 2004 was in effect and the site was zoned Future Residential.

The material change of Use application proposed to develop the site for a motor showroom and associated vehicle repair station (proposed Mareeba Mitsubishi and Mareeba Mazda).

Council at its meeting held on 5 May 2010 resolved to refuse the application on the following grounds:

- 1. The proposed development will compromise the achievement of the following Desired Environmental Outcomes:
 - (h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.
 - (r) The identification and protection of the amenity of noise sensitive development and liveability of residential areas.
- 2. The proposed development is in conflict with Part 4, Division 24, 4.135 Overall Outcomes for Future Residential Zone Code, (2):
 - (i) which provides the Mareeba Shire with an allocation of land in a "holding zone" within the life of this planning scheme, until such time as additional land is required to meet demand;
 - (ii) which allows for uses which are consistent with the current zones, but will not prejudice the intended development of the Future Residential zone;
 - (iv) where sporadic and premature subdivision of land is prevented, development is well planned and integrated with surrounding land uses, and any interim uses do not prejudice future development;
 - (vii) where urban design promotes a sense of place and community safety;
- 3. The proposed development is in conflict with Part 4, Division 6, 4.31 Overall Outcomes for Residential Zone Code, (2):
 - (a) is attractive and contains housing at a range of population densities that provides a pleasant and safe living environment for its occupants;
 - (d) provides for a mix of medium and high-density development within the existing urban fabric and is visually compatible with the scale and character of the surrounding area;

The current application has been made under the Mareeba Shire Council Planning Scheme 2016.

DESCRIPTION OF PROPOSED DEVELOPMENT

The changed application is for Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 to alter the level of assessment for 'childcare centre' from Impact assessment to Code assessment.

If approved, a future development of a childcare centre on Lot 53 on SP204554 will require a code assessable material change of use application which will be assessed against the following assessment benchmarks (codes) of the Mareeba Shire Council Planning Scheme 2016:

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.1 Advertising devices code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

A future code assessable application will not require further public notification, beyond that already carried out for this variation request.

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:	Land Use Categories		
	Residential Area		
	Transport Elements		
	State Controlled Road		
	Local Collector Road		
	 Principal Cycle Network 		
Zone:	Low Density Residential zone		
Overlays:	Airport environs overlay		
	Hill and slope overlay		
	Residential dwelling house and		
	outbuilding overlay		
	Transport infrastructure overlay		

Planning Scheme Definitions

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The proposed use is defined as:

Column 1	Column 2	Column 3	Column 4 Does not include the following examples
Use	Definition	Examples include	
Childcare centre	minding, education and	Crèche, early childhood centre, kindergarten, outside hours school care	establishment, home

RELEVANT PLANNING INSTRUMENTS

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

(A) Planning Act 2016 and Planning Regulation 2017

Planning Act 2016 - section 61

- 61 Assessing and deciding variation requests
 - (1) This section applies to a part of a properly made application that is a variation request.
 - (2) When assessing the variation request, the assessment manager must consider-
 - (a) the result of the assessment of that part of the development application that is not the variation request; and

Comment

Not applicable. The variation request forms the entire development application.

(b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and

Comment

A review of the variation request against the full Strategic Framework is contained in this report. This review establishes that the variation request is not inconsistent with the remainder of the planning scheme.

It is noteworthy that a childcare centre is code assessable development within the Medium Density Residential zone where carried out on a lot of at least 1,200m2 in area.

(c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and

Comment

A future code assessable application will not require further public notification, beyond that already carried out for this variation request.

By reducing the scope of the variation request to only alter the level of assessment for childcare centre, the applicant has removed the enormous uncertainty surrounding the original application.

The likely impacts of a future childcare centre can be reasonably foreseen notwithstanding the minimal level of detail provided by the applicant.

(d) any other matter prescribed by regulation.

Comment

Refer to Planning Regulation 2017 - section 32 discussion below.

- (3) The assessment manager must decide-
 - (a) to approve-
 - (i) all or some of the variations sought; or
 - (ii) different variations from those sought; or
 - (b) to refuse the variations sought.

Comment

The officer recommendation is outlined at the commencement of this report.

Planning Regulation 2017 - section 32

32 Assessing variation requests—Act, s 61

For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request-

(a) the common material;

Comment

This report considered the common material.

(b) the regional plan for a region;

Comment

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.

(c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;

Comment

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.

(d) any temporary State planning policy.

Comment

Not relevant

(B) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

Although the current application seeks to vary certain aspects of the planning scheme, the variations being proposed should remain consistent with the policy direction established by the strategic framework.

The following is an assessment of the variation request against the entire strategic framework:

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

(1) Mareeba Shire is intended to support a widely dispersed population in a variety of settings, including rural towns, small rural settlements, villages, rural residential areas, cropping lands, grazing lands and broad-hectare grazing properties. Future development maintains this settlement pattern and the distinct character that it provides to the shire. The settlement pattern also ensures the continuing viability of the shire's rural economy, particularly through the provision of high quality services.

Comment

The variation request does not compromise the intended settlement pattern.

(2) Mareeba Shire is supported by a network of compact, activity centres of varying scales. These activity centres form the primary focus for population growth. Each activity centre will maintain its individual character while growing to support and service the local economies of its catchments. The level of service provision within each activity centre is consistent with its role and function within the defined activity centre hierarchy. Growth is managed to ensure a high level of centre amenity and streetscape character is maintained, thus fostering vibrant, lively hubs of social interaction, trade and exchange.

Comment

The variation request does not compromise this strategic outcome.

(3) Residential areas and urban expansion areas support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and activity centres while protecting the character of the shire.

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the *residential areas* and *urban expansion areas* of the shire.

Comment

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The variation request will not strategically impact on new residential development or housing choice.

(4) Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.

Comment

Not applicable.

(5) Primary industries in *Rural areas* are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity. The rural area's valued, relaxed rural lifestyle, character, and scenic qualities are preserved and enhanced. The *rural area* is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. *Rural areas* protect the shire's *agricultural area* and ensure food security. *Other rural areas* predominantly remain agricultural grazing properties.

Comment

Not applicable.

(6) Industry areas support the industrial development in the shire and are protected from encroachment by incompatible or sensitive uses. The Mareeba major industry area is the predominant supply of industrial land which will cater for high impact industry and major industrial developments into the future. Smaller industry areas are strategically located across the shire to service local needs.

Comment

The variation request does not compromise this strategic outcome.

(7) The built environment is ecologically sustainable, achieving energy and resource efficiency and favouring architecture that is sensitive to local character. Development reflects sustainable tropical design principles, is climate responsive and preserves natural features.

Comment

Future development on the site can comply with this strategic outcome.

(8) Risks to infrastructure, buildings and the community posed by bushfires, cyclones, flooding, landslides and other extreme events are minimised. Development is considerate of the potential increased incidence of these hazards induced by climate change.

Comment

The site is not identified as being at extreme risk from these hazards. Any future buildings on the site can reasonably respond to the relevant hazard level.

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3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

(1) The scale of development in *activity centres* is consistent with their role and function within the defined hierarchy of *activity centres*, which consists of a *major regional activity centre*, a *village activity centre*, *rural activity centres and rural villages*.

Comment

Mareeba is a major regional activity centre. The scale of potential development possible under the variation request is consistent with a major regional activity centre.

(2) Centre activities are focussed in *major regional activity centres*, particularly development which draws on a wide catchment. Other *activity centres* promote local self-containment by facilitating a diverse range of services in support of local catchments and communities.

Comment

Mareeba is a major regional activity centre and the variation request envisages development appropriate for such a centre.

(3) Other than small scale *industry areas*, commercial activities will not occur outside *centre areas* unless there is an overriding need in the public interest, there are no alternative sites in *centre areas*, there is no adverse impact on *centre areas* or the area surrounding the development and the site is readily accessible by a range of transport modes.

Comment

The planning scheme does not categorise a childcare centre as a commercial activity.

(4) Ribbon or strip commercial activities along *state controlled roads* and *local collector roads* is generally avoided outside of the *centre areas* where possible.

Comment

The planning scheme does not categorise a childcare centre as a commercial activity.

(5) *Centre areas* provide vibrant settings for community activity, social interaction and trade. Each centre retains its individual character.

Comment

Any future development of the subject site can still comply with this outcome, albeit at a smaller scale.

(6) *Centre areas* provide high quality and attractive streetscapes, active shopfronts, comfortable pedestrian environments and spaces for social interaction.

Comment

Any future development of the subject site can still comply with this outcome, albeit at a smaller scale.

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3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

(1) The role and function of Mareeba as the *major regional activity centre* for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.

Comment

The proposed development does not compromise the role and function of Mareeba as the major regional activity centre for the Mareeba Shire.

(2) Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.

Comment

The proposed development would comply.

(3) Mareeba is characterised by a relative lack of development constraints, and is supported by an expanding major industry area and Mareeba Airport. Mareeba has significant residential, industrial and commercial growth potential.

Comment

Noted.

(4) The centre area of Mareeba continues to be focussed on the core area around Byrnes Street (between Rankin and Lloyd Streets), with significant expansion of centre activities within underutilised sites within the Byrnes Street core, in Walsh Street and south along Byrnes Street. New development will improve the streetscape of the town centre including streetscape improvement.

Comment

Noted.

- (5) Regional scale services and employment are provided in Mareeba, including:
 - (a) primary, secondary and tertiary educational establishments;
 - (b) major supermarkets and large format retailers;
 - (c) factory outlets and warehouses;
 - (d) government administration;
 - (e) hospitals and social services;
 - (f) major recreation and health and fitness facilities.

Comment

Noted.

3.3.4 Element—Village activity centre

3.3.4.1 Specific outcomes

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(1) Kuranda, as the *village activity centre* for Mareeba Shire, accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities.

Comment

Not applicable.

(2) The Kuranda Village continues as a premier tourist destination of Far North Queensland as the 'Village in the Rainforest', supported by a growing arts economy. Its positioning and access to the Cairns tourism base (including international and domestic airports) will continue to support a significant local tourist economy, as well as making it a lifestyle destination for new residents.

Comment

Not applicable.

(3) Kuranda's *centre area* retains and enhances its village character and rainforested entrance and surrounds which make it an attractive place to live and visit.

Comment

Not applicable.

(4) Growth is focused within the broader Kuranda district. Further residential development in the Myola corridor is not supported within the life of the planning scheme.

Comment

Not applicable.

3.3.5 Element—Rural activity centres

3.3.5.1 Specific outcomes

(1) Chillagoe and Dimbulah are the Rural activity centres within Mareeba Shire and continue to provide a level of commercial and community services to their rural catchments. Further development of emerging lower intensity activities is commensurate with the scale and amenity of the relevant local catchment, and includes support to primary industries, mining activities and tourism uses.

Comment

Not applicable.

(2) Rural industries, workers accommodation and mining infrastructure are accommodated in suitable locations. Any expansion of mining activity in the shire is anticipated to result in positive increases to population. Social, economic and environmental change within affected settlements is to be managed to ensure the long term sustainability of these settlements is protected.

Comment

Not applicable.

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(3) The *rural activity centres* of Mareeba Shire maintain their relaxed, low density, small town character and lifestyle. Infill development will maintain larger lot sizes than other *activity centres* in the shire in order to retain the rural character and expected levels of amenity. Lower residential densities are also enforced due to a lack of sewerage infrastructure.

Comment

Not applicable.

(4) Chillagoe supports significant tourist activity and visitor numbers in addition to servicing its local community.

Comment

Not applicable.

3.3.6 Element—Rural villages

3.3.6.1 Specific outcomes

(1) Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are *rural villages*, that have limited centre activities and other non-residential activities. Some *rural villages* include small clusters of activity in which limited, small-scale development may occur. Any growth within *rural villages* is limited and is proportionate to their current scale.

Comment

Not applicable.

3.3.7 Element—Residential areas and development

3.3.7.1 Specific outcomes

(1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.

Comment

Not applicable.

(2) Population growth is focused on infill sites within existing residential areas and greenfield developments in residential areas and urban expansion areas to the east and south of Mareeba. An investigation area to the north of Mareeba will be considered for potential urban growth outside the life of the planning scheme.

Comment

Not applicable.

(3) Residential expansion occurs in *residential areas* immediately adjacent to established *activity centres* and is logically sequenced to ensure efficient servicing by existing physical infrastructure networks.

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Comment

Not applicable.

(4) Residential areas contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.

Applicant's Response

Proposal seeks an alternative form of development given the site's location adjacent to existing non-residential land uses and position at the corner of two major roads.

Comment

The proposed development applies to one lot and will not alter the predominant form of development in residential areas.

A minor conflict exists which will be remedied should the variation request be approved.

(5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in residential areas in a manner consistent with the character and amenity of the shire's activity centres.

Comment

Not applicable.

- (6) Residential subdivision design and greenfield development considers and respects:
 - (a) topography;
 - (b) climate responsive design and solar orientation;
 - (c) efficient traffic flows and connectivity;
 - (d) pedestrian and cycle movement;
 - (e) efficient and sustainable infrastructure provision;
 - (f) environmental values;
 - (g) parkland and open space links;
 - (h) mixed lot sizes and dwelling types;
 - (i) water sensitive urban design;
 - (j) good quality agricultural land;
 - (k) the character and scale of surrounding development.

Comment

Not applicable.

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

(1) Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.

Comment

Not applicable.

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(2) Well-serviced and designed greenfield residential development occurs in *urban expansion* areas of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.

Comment

Not applicable.

(3) Urban expansion areas in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

Comment

Not applicable.

(4) Local centre development may occur within *urban expansion areas* in Mareeba to provide for everyday community needs within a walkable catchment.

Comment

Not applicable.

3.3.8.2 Land use strategies

- (1) Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:
 - (a) need for land for the proposed land use;
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;
 - (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and
 - (ii) the need for future development represents a public benefit.
 - (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance
 - (e) consistency with the Strategic Framework.
 - (f) consistency with State and Regional Planning requirements.

Comment

Not applicable.

3.3.9 Element—Aged care and retirement areas

3.3.9.1 Specific outcomes

(1) Appropriately designed and serviced aged accommodation, including residential care and retirement facilities, which take into account the support services required as people become less independent, are developed throughout Mareeba Shire's residential areas and urban expansion areas.

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Comment

Not applicable.

(2) Small scale, low cost aged accommodation close to the CBD and health services catering for independent living are encouraged to cater to Mareeba's ageing population.

Comment

Not applicable.

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

(1) Rural residential development is consolidated within *rural residential areas* where it will not result in the fragmentation or loss of *agricultural areas* or *biodiversity areas*.

Comment

Not applicable.

(2) Infill development within *rural residential areas* occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an *activity centre* is proximate.

Comment

Not applicable.

(3) No further subdivision of greater than anticipated density occurs within *rural residential areas* that are not proximate to an *activity centre* and its attending physical and social infrastructure.

Comment

Not applicable.

(4) Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.

Comment

Not applicable.

(5) Limited agricultural and animal husbandry activities may occur in *rural residential areas* where the offsite impacts of the activity are mitigated in protection of the amenity expectation of the *rural residential areas*.

Comment

Not applicable.

(6) Small scale non-residential and tourism uses which do not impact on character and amenity are facilitated in *rural residential areas*.

Comment

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Not applicable.

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

(1) Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.

Comment

Not applicable.

(2) Land in *rural areas* is maintained in economically viable lot sizes, ensuring that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses.

Comment

Not applicable.

- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the *rural area* in a way which:
 - (a) does not impede or conflict with agricultural activities and production; and
 - (b) does not compromise rural character and scenic qualities; and
 - (c) does not adversely impact on ecological and biodiversity values.

Comment

Not applicable.

(4) Other rural areas will be largely maintained in their current configuration, only being subdivided where viable holdings are achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.

Comment

Not applicable.

(5) Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in *other rural areas* where appropriately located, serviced and otherwise consistent with the Strategic Framework.

Comment

Not applicable.

(6) Agricultural areas will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.

Comment

Not applicable.

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(7) Rural areas preserve lands for future uses beyond the life of the planning scheme.

Comment

Not applicable.

- (8) Historical townships located in *rural areas* are generally cadastral anomalies. Historical townships are generally below current infrastructure standards in respect to roads, stormwater drainage, water and sewerage infrastructure and are not intended to be developed or further subdivided. Historical townships are not always named, and include:
 - (a) Almaden
 - (b) Calcifer
 - (c) Kingsborough
 - (d) Koorboora
 - (e) Montalbion
 - (f) Mt Mulligan
 - (g) Northcote
 - (h) Petford
 - (i) Stannary Hills
 - (j) Thornborough
 - (k) Watsonville

Comment

Not applicable.

3.3.12 Element—Industry areas

3.3.12.1 Specific outcomes

(1) The Mareeba major industry area will develop as a regional industrial hub, servicing Mareeba Shire and beyond. The role of Mareeba as an industrial and service node is strengthened by the allocation of suitable and adequately serviced land for all types of industry, from low impact to high impact and special industries including industries that generate trade waste e.g. fruit and vegetable processing, small scale meat processing, saw mills and chemical manufacturers.

Comment

Not applicable.

(2) Mareeba provides a strategic alternative and secure location to limited supplies of industrial land in Cairns, and potentially expands as a base for increased agricultural, cattle and mining activities, and for servicing Gulf Savannah and Cape York communities.

Comment

Not applicable.

(3) Regional scale, large industrial facilities and high impact industries are primarily located within the Mareeba *major industry area*. Chillagoe *industry area* may accommodate high impact

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industry associated with mining where mitigation of impacts on the amenity of residential areas is undertaken in accordance with best practice.

Comment

Not applicable.

(4) The *industry areas* of Dimbulah and Mt Molloy accommodate light to medium impact industry and trades and services which service their local catchments.

Comment

Not applicable.

(5) Industry areas in select rural activity centres and rural villages support the local economy with light industry and trades. Where no industry area is supplied in rural activity centres and rural villages, some low impact industrial uses may be permitted in centre areas and residential areas where it is demonstrated that impacts on surrounding land uses can be appropriately managed.

Comment

Not applicable.

(6) The location of industry activities avoids or is appropriately separated from sensitive land uses to protect the health, wellbeing, amenity and safety of the community from the impacts of air, noise and odour emissions, and hazardous materials.

Comment

Not applicable.

(7) Sensitive urban land uses such as residential development or community facilities do not encroach upon or establish within *industry areas*.

Comment

Not applicable.

3.3.13 Element—Sustainable design

3.3.13.1 Specific outcomes

(1) Development integrates the principles and practices of sustainable urban design in streetscapes and public areas, providing attractive and comfortable environments for pedestrians.

Comment

Future development can comply.

(2) Buildings are designed with appropriate orientation and siting, passive climate control and incorporate energy and water saving technologies.

Comment

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Future development can comply.

(3) Development reflects the tropical character of the shire to promote outdoor living.

Comment

Future development can comply.

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

(1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

(2) Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

(3) Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

(4) Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised.

Comment

The site is not identified as being at extreme risk from any of the hazard. Any future development on the site will be able to comply.

3.3.15 Element—Indigenous communities

3.3.15.1 Specific outcomes

(1) Quality housing and infrastructure is provided in the *Aboriginal Communities* of Oak Forest, Kowrowa, Mantaka, Koah and Mona Mona and their expansion is anticipated and catered for.

Comment

Not applicable.

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(2) The aspirations of Indigenous communities to return to their traditional country, facilitated through the development of interpretive tourism and rural based economic development, are realised in appropriate locations.

Comment

Not applicable.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

(1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

The site does not contain or adjoin any such areas.

(2) Natural corridors through the landscape, including *ecological corridors*, and natural areas which provide linkages between areas of significant biodiversity and habitat value are protected and enhanced. Opportunities are realised to connect habitat fragments across the regional landscape through strategic rehabilitation and protection of potential habitat connection corridors, such as *habitat linkages*. The resilience of natural systems and wildlife to respond to climate change is strengthened by providing maximum connectivity across a range of habitats, allowing species to migrate and retreat.

Comment

The site does not contain or adjoin any such areas.

(3) The physical condition, ecological health, environmental values and water quality of surface water and groundwater systems, including but not limited to *major waterbodies* and *major watercourses*, is protected, monitored and improved. The impacts of Mareeba Shire's water quality, wetland and riparian health on the Great Barrier Reef and the Gulf of Carpentaria are recognised through integrating sustainable catchment management practices into land use planning. Riparian areas and areas surrounding ecologically significant wetlands will be enhanced as part of new development.

Comment

Noted.

(4) The shire secures a safe, reliable and adequate water supply, which is efficiently used and appropriately managed to ensure social, economic and environmental sustainability. Important strategic sources of water, including the Barron Basin, contingent water supplies and underground aquifers are recognised for their role in supporting the shire's community,

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primary industries and economic base. Their social, economic and environmental function is not compromised by land uses and development.

Comment

Noted.

(5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural environment.

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

(6) Risks to health and safety caused by contaminated land are managed, including through the remediation of contaminated sites and the careful management of unexploded ordinances.

Comment

Not applicable.

3.4.2 Element—Conservation areas

3.4.2.1 Specific outcomes

(1) The ecological values and processes of *conservation areas*, including World Heritage Areas, are recognised and protected from development which is incompatible with these values.

Comment

Not applicable.

(2) Conservation areas include areas of high scenic amenity value and are protected from development which compromises these scenic values.

Comment

Not applicable.

- (3) Development within *conservation areas* will be limited to:
 - (a) visitor facilities designed to facilitate nature appreciation and blend with the natural environment;
 - (b) facilities for ecological research;
 - (c) small-scale maintenance buildings and depots associated with the management of natural values;
 - (d) essential infrastructure corridors;
 - (e) uses in accordance with a relevant Indigenous Land Use Agreement (ILUA).

Comment

Not applicable.

- (4) New development adjacent to conservation areas will:
 - (a) be compatible with natural values; and

- (b) sensitively located and setback from conservation areas; and
- (c) ensure no irreparable disturbances to the areas of ecological significance; and
- (d) mitigate the cumulative impacts of development; and
- (e) ensures contaminants do not impact conservation areas.

Comment

Not applicable.

3.4.3 Element—Pest and weed management

3.4.3.1 Specific outcomes

(1) Development within, adjoining or surrounding conservation areas, biodiversity areas, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.

Comment

The site does not contain or adjoin any such areas.

(2) Wildlife predation from domestic animals in *biodiversity areas* is avoided by restricting cats and dogs, providing sufficient fencing or other appropriate mitigation measures.

Comment

The site does not contain or adjoin any such areas. Nor is the development proposing to keep cats or dogs.

(3) Plants used for landscaping and street trees are ideally native species, appropriate for the purpose and the local environment, and do not introduce invasive or exotic plants into the shire.

Comment

Future development will need to comply with the Landscaping Code.

(4) Operational works ensure appropriate management practices are adopted to minimise the spread of weed species.

Comment

Future development can be conditioned to comply.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

(1) Development avoids adverse impacts on the ecological values of *biodiversity areas* and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.

Comment

Not applicable.

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(2) Development on lots containing *biodiversity areas* ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.

Comment

Not applicable.

(3) *Biodiversity areas* that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.

Comment

Not applicable.

(4) The ecological values of *biodiversity areas* which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.

Comment

Not applicable.

(5) Areas within the Einasleigh Uplands bioregion to the west of the shire are recognised for their high level of endemism and significant biodiversity values.

Comment

Not applicable.

(6) Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.

Comment

Not applicable.

3.4.5 Element—Strategic rehabilitation and ecological corridors

3.4.5.1 Specific outcomes

(1) Ecological corridors are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of ecological corridors.

Comment

Not applicable.

(2) Habitat linkages are strategically located future habitat corridors linking biodiversity areas within the shire. Development does not compromise the ability to realise these opportunities for ecological connectivity through progressive revegetation of habitat linkages with native vegetation.

Comment

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Not applicable.

3.4.6 Element—Watercourses and wetlands

3.4.6.1 Specific outcomes

(1) Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.

Comment

The subject land does not adjoin a watercourse or wetland.

- (2) Wetlands of ecological significance are protected from sediment and run off, vegetation clearing, weed invasion and pollution through designated setbacks and buffers. These include the following:
 - (a) Wetlands in the Great Barrier Reef Catchment; and
 - (b) Wetlands of High Ecological Significance as identified through the *Aquatic Biodiversity*Assessment and Mapping Method (AquaBAMM).

Comment

The subject land does not adjoin a watercourse or wetland.

(3) The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.

Comment

Future development can be conditioned to comply.

(4) The headwaters of the Staaten River, which are included in the far western extent of Mareeba Shire, are recognised for their status as a part of the Gulf Rivers Strategic Environmental Area.

Comment

Noted.

(5) Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.

Comment

The subject land does not adjoin a watercourse or wetland.

3.4.7 Element—Water resources

3.4.7.1 Specific outcomes

- (1) Development integrates the key principles of Total Water Cycle Management through:
 - (a) considering impacts on all water sources;
 - (b) using water sources sustainably;
 - (c) allocating and using water equitably;
 - (d) maintaining ecological flows and water quality.

Comment

Future development can be conditioned to comply.

(2) Water resources and reserves, including the Barron Basin, are recognised, monitored and protected from development which may prejudice or compromise their important role in supplying the community and industries within the shire with water.

Comment

Not applicable.

(3) The extraction of groundwater for domestic or commercial purposes or as part of a petroleum or other mining activity from underground aquifers must not directly or indirectly cause environmental harm to any spring, wetland or other surface waters.

Comment

Not applicable.

(4) Development mitigates impacts on ground water contamination, particularly in areas where water tables are heavily drawn upon for irrigation or domestic purposes.

Comment

Future development can be conditioned to comply.

(5) Demand management principles are integrated into the planning and design of water infrastructure.

Comment

Not applicable.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

(1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

(2) Mareeba's *major industry area* accommodates uses with the potential to impact on air and acoustic qualities.

Comment

Noted.

(3) Land uses which emit high level of noise, including for example motor sports, gun clubs and the like will be appropriately located and managed to mitigate acoustic impacts.

Comment

Noted.

(4) Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.

Comment

Future development can be reasonably conditioned to minimise air and acoustic impacts.

3.4.9 Element—Contaminated land

3.4.9.1 Specific outcomes

(1) Development avoids, or appropriately remediates, contaminated land.

Comment

Not applicable.

(2) Development does not increase the risk of human or environmental harm associated with contaminated land.

Comment

Not applicable.

(3) Development of land with substantial Unexploded Ordnance (UXO) potential only proceeds following the conduct of UXO investigations and any necessary remediation by a qualified UXO investigation and remedial search contractor.

Comment

Not applicable.

3.5 Community identity and diversity

3.5.1 Strategic outcomes

(1) Mareeba Shire is characterised by a diverse cultural, scenic and natural character and identity. Valued streetscapes, town centres, built and natural features and precincts of character housing will be preserved and enhanced through sympathetic new development and redevelopment of existing buildings.

Comment

Not applicable.

(2) Heritage places and areas of historical significance are conserved and enhanced through sensitive re-use. Indigenous cultural heritage within the landscape is protected, or developed in consultation with Traditional Owners.

Comment

Not applicable.

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(3) The outstanding landscape qualities and *scenic routes* of Mareeba Shire are conserved and protected from development that diminishes their visual and aesthetic values. The rural character, evidence of geomorphologic history and natural features within the regional landscape are preserved through sensitive development which complements iconic views, rainforest, hill slopes, bushland and rural vistas.

Comment

Not applicable.

(4) Development integrates a range of well linked and accessible open space and recreational areas within *residential areas* and *centre areas* and their surrounds. Open space and recreation areas are retained for community use, protected from incompatible development and incorporate important *biodiversity areas* and buffers to wetlands and watercourses. Open space supports a range of recreational activities which are consistent with community demand and encourage healthy and active lifestyles, including sporting and leisure facilities and trail networks.

Comment

Not applicable.

(5) A range of community facilities, that meet the needs of the Mareeba Shire community, is provided, maintained and enhanced. Facilities that cater for cultural events, community activities, sports and recreation are sensitively developed and integrated into the surrounding area. The range and location of community facilities caters for a wide cross section of interests and users in dispersed locations.

Comment

The development complies.

(6) Easily accessible health care services and facilities are provided that meet community needs. Public health and safety is fostered in the design of the built environment in Mareeba Shire, including by promoting surveillance, activity and recreation.

Comment

Not applicable.

3.5.2 Element—Local character

3.5.2.1 Specific outcomes

- (1) New development is designed to be complementary and sympathetic to:
 - (a) the character and identity of activity centres, particularly centre areas and main streets;
 - (b) prevalent architectural styles in the surrounding area;
 - (c) areas of early and highly valued character housing and commercial areas in Kuranda.

Comment

Future development can be conditioned to comply.

(2) Built and natural features that contribute to the character and identity of the shire, particularly within *activity centres*, are protected and enhanced.

Not applicable.

(3) Development promotes opportunities to foster local arts and culture and celebrate local history and identity.

Comment

Not applicable.

3.5.3 Element—Cultural heritage

3.5.3.1 Specific outcomes

(1) Heritage places of local and State significance are identified and protected from development that detracts from their heritage values, including character, prevalent views, fabric and features.

Comment

Not applicable.

(2) Buildings and sites of cultural heritage significance are retained, sensitively developed and reused in a way that enhances and retains their heritage values and historical significance.

Comment

Not applicable.

(3) Indigenous cultural heritage is protected, preserved and respected in accordance with traditional custom and practice and within the statutory framework of the *Aboriginal Cultural Heritage Act 2003*. 'Areas of Cultural Significance' have been broadly considered in the Strategic Framework.

Comment

Noted.

(4) Development of sites which include Indigenous cultural heritage significance acknowledges the key role of traditional owners in cultural heritage matters and is carried out in accordance with a Cultural Heritage Management Plan and in observance of established duty of care practices and cultural sensitivity.

Comment

Not applicable. The land is not known to contain sites of Indigenous cultural heritage significance.

(5) Evidence of past land use and the history of Mareeba Shire is preserved and sensitively integrated into new development. This includes the remnant infrastructure of mining, timber getting, tobacco and Second World War activities.

Comment

Not applicable.

3.5.4 Element—Scenic amenity

3.5.4.1 Specific outcomes

- (1) Areas of high scenic amenity (such as *scenic routes*) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. *Scenic routes* include:
 - (a) Great Tropical Drive;
 - (b) Savannah Way;
 - (c) Wheelbarrow Way;
 - (d) Black Mountain Road;
 - (e) Barron Falls Road;
 - (f) The Great Inland Way;
 - (g) Kuranda Range; and
 - (h) Rex Range

Comment

Not applicable.

(2) Development ensures scenic amenity values are maintained through sensitive location, design, materials, colour schemes, scale, minimising earthworks and retention of native vegetation.

Comment

Not applicable.

(3) Forested hill slopes which are visible from *scenic routes* and *residential areas* are maintained in their natural state in recognition of their contribution to the shire's scenic amenity.

Comment

Not applicable.

- (4) New development does not compromise or obstruct views or public access to *iconic landscape features*, including to the following:
 - (a) Chillagoe smelters;
 - (b) Ngarrabullgann/Mt Mulligan.

Comment

Not applicable.

(5) Roadside advertising devices in *rural areas* are unobtrusive and sparse, except in areas specifically identified as appropriate for large outdoor advertising.

Comment

Not applicable.

3.5.5 Element—Open space and recreation

3.5.5.1 Specific outcomes

(1) New and enhanced sports infrastructure and recreational and social interaction spaces are accessible and attractive to the majority of residents in convenient locations.

Comment

Not applicable.

(2) Public open space incorporates and protects environmentally significant features, including remnant native vegetation, wildlife habitat, *major waterbodies* and *major watercourses*.

Comment

Not applicable.

- (3) New development enhances public access and connections to, and supports activation and appreciation of, features which are highly valued and utilised for outdoor recreational pursuits, including:
 - (a) parts of the Barron and Walsh Rivers;
 - (b) stock routes, particularly those of regional recreation and tourism significance such as the stock routes near Julatten and Mt Molloy;
 - (c) historic trails including Douglas track and Smiths track;
 - (d) decommissioned elements of the railway network, including rail trails of regional recreation and tourism significance, including former rail corridor between Almaden and Mungana;
 - (e) conservation areas;
 - (f) the existing network of parks and reserves in Mareeba Shire.

Comment

Not applicable.

(4) A network of public open space is integrated and well linked across urban and rural areas to provide continuous trails for walking, horse riding and cycling, including through the establishment of *principal cycle routes*.

Comment

Not applicable.

3.5.5.2 Land use strategies

(1) Mareeba Shire Council will prepare an Open Space Strategy which will identify priorities and direct investment into public open space to optimise community benefit.

Comment

Not applicable.

(2) The disused Atherton branch line which extends south from Mareeba to the Tablelands Regional Council border is maintained to allow for its future development as a rail trail for cycling and walking.

Comment

Not applicable.

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3.5.6 Element—Community facilities

3.5.6.1 Specific outcomes

- (1) The development and reuse of cultural facilities and precincts is:
 - (a) compatible with the surrounding area;
 - (b) provided with a high level of amenity and safety for users of the site;
 - (c) located to be easily accessible to the majority of residents.

Comment

Not applicable.

(2) Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.

Comment

The future development of a childcare centre on the subject land will not compromise the ongoing use of the Cedric Davies Community Hub.

(3) Community facilities are redeveloped in a way that is functional, safe and sensitive to the community's needs. Development of these sites is cognisant of the existing character and adjoining land uses of the area and addresses the street frontage to create a high level of accessibility and legibility to the community.

Comment

The future development of a childcare centre can reasonably comply.

3.5.7 Element—Health

3.5.7.1 Specific outcomes

(1) The establishment of new medical services and facilities, particularly in small communities with limited access to healthcare, is facilitated.

Comment

Not applicable.

- (2) Access to existing health facilities and regional hospitals is enhanced by consolidation and improvements within their immediate vicinity, such as:
 - (a) enhanced pedestrian orientation and infrastructure;
 - (b) universal housing to support ageing and impaired residents who may require regular medical treatment;
 - (c) the integration of universal design principles into the built environment, ensuring access to both the able bodied and the physically disabled.

Comment

Noted.

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(3) Areas within walking distance of key regional hospitals and health care services provide infill development opportunity for people who depend on access to these facilities.

Comment

Noted.

3.5.8 Element—Safe and healthy communities

3.5.8.1 Specific outcomes

(1) An active and healthy community is supported through encouraging compact residential areas and centre areas, with a high degree of accessibility and permeability that promotes an increase in active transport.

Comment

The proposed development does not conflict.

(2) New development integrates access to existing areas and facilities for sports and recreation. New sports and recreational facilities are accessible to a large number of users by mixed transit modes.

Comment

Not applicable.

(3) New development integrates the principles of *Crime Prevention Through Environmental Design* (CPTED) to limit opportunities for crime and vandalism.

Comment

Future development can be conditioned to comply.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

(1) Local collector road and state controlled road networks support the identified hierarchy of activity centres and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of future state roads and future local connections) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

Comment

Anzac Avenue is a Collector Road and the Kennedy Highway is a State Controlled Road. Both roads are of the necessary hierarchy to accommodate the proposed development.

(2) The rail network is recognised as important strategic infrastructure resulting from significant past investment. Use of the rail network for tourist, passenger and freight movements throughout the shire is protected and enhanced.

Comment

Not applicable.

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(3) Designated freight routes are appropriately managed and upgraded. Designated freight routes, active elements of the *rail network* and planned and designated *future state roads* are not prejudiced by inappropriate land uses to ensure the efficient transportation of essential goods and services, now and in the future.

Comment

Not applicable.

(4) Street layout and design, including in new development, supports mixed transit modes, including buses, pedestrians, cyclists and mobility devices, particularly in *activity centres*. *Centre areas* and destinations are safely and conveniently accessible to cyclists and pedestrians through the provision of a permeable and highly connected active transport network, including *principal cycle routes*, and the provision of end of trip facilities.

Comment

Not applicable.

(5) The Mareeba Airport provides a strategic, regional hub for air traffic, aviation services and industries in the shire. The expansion of Mareeba Airport is facilitated as an airport enterprise area that encourages aviation compatible business, industry and commercial enterprises to co-locate to create an aviation dependant activity cluster where the activity centre hierarchy is maintained and where the operational efficiency and safety of the Mareeba Airport is ensured through the appropriate design and location of development.

Comment

Not applicable.

(6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

Comment

The development will be conditioned to require connections to the Mareeba reticulated water and sewerage networks.

(7) The shire is provided with sustainable and adequate waste disposal facilities that have minimal adverse impact on the environment. Transfer stations and waste disposal facilities are separated and not compromised by incompatible development or sensitive land uses. Urban development provides appropriately located and adequate space for waste storage and collection.

Comment

Noted.

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(8) The generation and consumption of energy is sustainable and efficient. Over reliance on distant coal-fired power stations for electricity supply is minimised through the establishment of renewable energy generation facilities and localised and domestic-scale energy generation, where the integrity and function of local electricity networks is not compromised. Power stations, high-voltage transmission lines and sub stations, including electricity infrastructure and energy generation facilities, are protected from incompatible development.

Comment

Noted.

(9) Mareeba Shire is supported by affordable and reliable high-speed telecommunications that are delivered through facilities that minimise visual impact.

Comment

Noted.

(10) Out of sequence development and development in excess of planning assumptions provides contributions or upgrades to road, pedestrian and cycle, water and sewerage, and stormwater networks that are commensurate with the anticipated impacts generated by the development.

Comment

Noted.

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

(1) The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.

Comment

Future development will be conditioned to comply.

(2) The design and layout of new roads compliments the function and hierarchy of the existing road network and results in high levels of connectivity, accessibility and legibility to motorists and residents.

Comment

Noted.

(3) Planned future state roads and future local connections are integrated into new development and protected from development that would compromise their construction and future operation.

Comment

Noted.

(4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.

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Future development will be conditioned to comply.

(5) Development of new roads and upgrades to existing roads are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

Future development will be conditioned to comply.

3.6.3 Element—Rail network

3.6.3.1 Specific outcomes

(1) The *railway network* may become more viable and active in response to rising oil prices and greenhouse gas abatement measures, and development should consider the potential for and impacts of ongoing use of the *railway network* for both freight and passenger transport.

Comment

Not applicable.

(2) The use of the *railway network* for tourist based passenger movements is protected and enhanced.

Comment

Not applicable.

(3) Activities that support the use of the *railway network* for passenger and freight purposes are encouraged in appropriate locations.

Comment

Not applicable.

3.6.4 Element—Freight

3.6.4.1 Specific outcomes

(1) The efficient and safe movement of freight is facilitated through an effective regional network of *local collector roads*, state controlled roads, B-Double routes and the railway network and a future network of *future state roads* and *future local connections*

Comment

Not applicable.

(2) Mareeba Shire's freight network and supporting infrastructure, such as B-Double pads and freight depots, is protected from incompatible development that may impede existing and future traffic movements or future construction, upgrades and extensions.

Comment

Not applicable.

(3) Freight generating development and supporting industries are located close to freight network access points.

Comment

Not applicable.

3.6.5 Element—Public and active transport

3.6.5.1 Specific outcomes

(1) New urban development is designed to support increased public transport patronage and promote active transport.

Comment

Noted.

- (2) Mareeba Shire's *activity centres* are well serviced with walking and cycling infrastructure, including:
 - (a) footpaths;
 - (b) shade trees;
 - (c) seating along key routes and in major trip generation areas;
 - (d) bike paths and lanes, including principal cycle routes;
 - (e) end of trip facilities.

Comment

Future development can be conditioned to comply.

(3) Centre development provides for safe and convenient pedestrian mobility and access, and the provision for public transport and interchange facilities.

Comment

Not applicable.

(4) The operational requirements of bus routes are incorporated into new residential subdivisions where appropriate, creating efficient flow throughs for vehicular traffic and facilitating future expansion of public transport.

Comment

Not applicable.

3.6.6 Element—Air transport

3.6.6.1 Specific outcomes

(1) Air transport and *aviation infrastructure* in Mareeba expand to support the shire's economic base.

Comment

Not applicable.

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- (2) Development in the vicinity of public *aviation infrastructure* (including Mareeba, Chillagoe and Dimbulah) avoids:
 - (a) adversely affecting the safety and operational efficiency of those airports and aviation infrastructure;
 - (b) large increases in the numbers of people adversely affected by aircraft noise;
 - (c) increasing the risk to public safety near the airport runways.

Not applicable.

(3) New private and public aviation infrastructure is developed within the other rural area to support rural production in locations where surrounding land uses and sensitive receptors are not adversely impacted.

Comment

Not applicable.

3.6.6.2 Land use strategies

- (1) Development surrounding *Mareeba Airport* is undertaken consistent with a structure plan that encourages compatible business, industry and commercial enterprise to co-locate in the creation of an aviation dependent or complementary aviation activity cluster that achieves synergies that contribute to economic growth and development where:
 - (a) consistent with Planning Scheme Policy 8 Structure Planning;
 - (b) the hierarchy of the activity centre network is maintained; and
 - (c) aircraft operations are not constrained or limited by land use and development, including consideration of future airport expansion(s).

Comment

Not applicable.

3.6.7 Element—Water supply and wastewater services

3.6.7.1 Specific outcomes

(1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

(2) Water storage, sewerage disposal and reticulation infrastructure is utilised and extended economically and efficiently to new development.

Comment

The development will be conditioned to connect to Mareeba's reticulated water and sewerage infrastructure.

(3) Development in rural areas will demonstrate that it has access to adequate potable water and fire-fighting water supply on-site.

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Not applicable.

(4) In areas not serviced by reticulated sewerage, on-site effluent disposal systems ensure the environment or amenity is not adversely impacted.

Comment

Not applicable.

(5) The ongoing operation of sewerage treatment plants and associated infrastructure is protected from incompatible and odour sensitive development.

Comment

Not applicable.

(6) Upgrades and extensions to water and wastewater infrastructure are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

The development can be conditioned to comply.

3.6.8 Element—Stormwater management

3.6.8.1 Specific outcomes

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:
 - (a) water quality objectives are met;
 - (b) a no worsening effect on surrounding land and the environment is achieved;
 - (c) flooding and ponding of water is avoided

Comment

Future development can be conditioned to comply.

(2) Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.

Comment

Future development can be conditioned to comply.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

(1) Waste facilities have adequate capacity to service the community and industry and provide a sustainable method of waste disposal.

Comment

Not applicable.

(2) Waste facilities are designed and operated to minimise adverse impacts on the community and the environment and are protected from encroachment of inappropriate and odour sensitive development.

Comment

Not applicable.

(3) Significant waste management facilities, including Mareeba landfill and Springmount waste facility, provide for the long term solid waste disposal needs of the eastern part of the shire. Their ongoing operations are protected from incompatible development.

Comment

Not applicable.

(4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

Future development can be conditioned to comply.

3.6.10 Element—Energy supply

3.6.10.1 Specific outcomes

(1) Adequate, sustainable, reliable and secure electricity supply infrastructure is provided to the shire, including new development.

Comment

Noted.

(2) High voltage *major electrical infrastructure* and *energy generation facilities* are protected from conflicting development.

Comment

Not applicable.

(3) The shire's net carbon emissions are reduced by establishment of renewable energy generation facilities, maintaining compact urban areas and encouraging development that embraces energy efficient design features.

Comment

Not applicable.

(4) Renewable energy facilities are connected to an existing, nearby, high voltage electricity network (with adequate capacity) without significant environment, social or amenity impact.

Comment

Not applicable.

3.6.11 Element—Information and communication technology

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3.6.11.1 Specific outcomes

(1) Households, businesses and industry within urban and rural communities are serviced with high-speed fibre-optic, high-speed wireless or satellite broadband internet connections across the shire.

Comment

Future development can be conditioned to comply.

(2) Telecommunications facilities, particularly mobile phone towers, are located to ensure visual amenity is not compromised, with these facilities co-located wherever possible.

Comment

Not applicable.

3.7 Economic development

3.7.1 Strategic outcomes

(1) The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. *Agricultural areas* and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports agriculture and primary industry is maintained and protected.

Comment

Not applicable.

(2) The *rural area* includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.

Comment

Not applicable.

(3) Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in *activity centres* and are particularly focussed within Mareeba. Kuranda, as a *village activity centre*, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.

Comment

The proposed development complies.

(4) The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to

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the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key *activity centres*, landscape features and *scenic routes* which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.

Comment

Not applicable.

(5) *Industry areas* provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. *Industry areas* are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.

Comment

Not applicable.

(6) Catalysts for economic diversification and cultural activity such as educational establishments, emerging technology, research and development activities and the arts are encouraged in the shire, preferably near or within Mareeba or the Kuranda district. Creative industries flourish in Mareeba Shire, providing strong cultural legacies and sustained employment opportunities. The shire's unique wet tropical ecosystems and dry tropical savannahs provide further opportunities to develop regional tropical expertise and attract more environmental education and scientific research activities to the shire.

Comment

Not applicable.

(7) The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.

Comment

Not applicable.

(8) Key resource areas (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in rural areas where impacts on surrounding land are manageable and environmental values can be protected.

Comment

Not applicable.

(9) Flexibility and responsiveness allow for economic diversity and innovation, leading to a greater variety of employment opportunities that meet the changing needs of the community and economy. Small scale and emerging industries are supported in appropriate locations across the shire.

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Noted.

(10) Mareeba Shire positions itself as a major sustainable energy region of Australia, providing a significant portion of the shire's electricity supply through various renewable sources. Sustainable energy generation also contributes to the economy of the shire and provides an increasing source of employment. *Energy generation facilities*, including the Barron Gorge Hydroelectric Power Station, and any newly established power generation facilities are protected from incompatible development.

Comment

Not applicable.

(11) Major employment generators within Mareeba Shire continue to support the economy and are protected from development which may prejudice their ongoing operation. New and expanded employment generators are promoted in appropriate locations across the shire, including within activity centres and rural areas.

Comment

Not applicable.

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

(1) Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.

Comment

Not applicable.

(2) Other rural areas are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.

Comment

Not applicable.

(3) Urban and rural residential development provides a buffer to adjacent *rural areas* in accordance with best practice.

Comment

Not applicable.

(4) Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.

Comment

Not applicable.

(5) Development ensures rural activities in all *rural areas* are not compromised by incompatible development and fragmentation.

Comment

Not applicable.

(6) Important irrigation infrastructure, such as the Mareeba-Dimbulah Irrigation Area irrigation channels, pipelines and holding ponds, are maintained for the purpose of providing water to support agricultural production and are protected from incompatible development.

Comment

Not applicable.

3.7.3 Element—Rural enterprise

3.7.3.1 Specific outcomes

- (1) Rural industries and intensive agricultural uses are appropriately scaled and located in the landscape of the shire, including the establishment of further:
 - (a) food and fibre processing facilities;
 - (b) value adding of primary product;
 - (c) cottage industries;
 - (d) hydroponics;
 - (e) aquaculture;
 - (f) wholesale nurseries;
 - (g) intensive horticulture;
 - (h) farmgate industries.

Comment

Not applicable.

(2) Rural industries of an appropriate scale are located within *rural areas* where an adequate level of infrastructure is available or can be provided and adverse impacts on surrounding land are limited and manageable.

Comment

Not applicable.

(3) Large-scale and high impact rural industries will be encouraged to establish within *industry* areas.

Comment

Not applicable.

3.7.4 Element—Intensive animal industries

3.7.4.1 Specific outcomes

(1) Intensive animal industries are located and designed to avoid adverse impacts on surrounding land and residences, particularly in relation to noise and odour.

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Not applicable.

(2) Intensive animal industries incorporate measures to protect environmental values and are located outside *biodiversity areas*.

Comment

Not applicable.

(3) Intensive animal industries are located in *rural areas* characterised by large lot sizes where residences and sensitive land uses are not adversely impacted.

Comment

Not applicable.

3.7.5 Element—Forestry and permanent plantations

3.7.5.1 Specific outcomes

- (1) Rural areas provide opportunities for:
 - (a) sustainable forestry on private land;
 - (b) ongoing operation of established plantations;
 - (c) integrated agro-forestry and native forestry into land used primarily for cropping and pasture.

Comment

Not applicable.

(2) Permanent plantations are located within *habitat linkages* or areas which are not *agricultural* areas.

Comment

Not applicable.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

- (1) Commercial development will be facilitated by:
 - (a) consolidation and co-location of centre activities in existing centre areas;
 - (b) identification of space adjacent to *centre areas* to cater for the expansion of commercial activities;
 - (c) infrastructure provision in areas identified as able to cater for new commercial development;
 - (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Comment

The application is proposing a commercial activity as categorised by the planning scheme.

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(2) Out-of-centre retail development is avoided and should only occur if there is a clearly demonstrated over-riding community need and evidence demonstrating that the development would not adversely impact existing *centre areas*.

Comment

The application is not proposing retail development.

(3) Centre areas provide a vibrant, busy setting for community activity, social interaction and local trade and exchange. Each centre area retains its relaxed rural atmosphere and unique character, and provides for a high level of pedestrian activity.

Comment

Noted.

- (4) The following features are integrated or provided by new commercial development:
 - (a) attractive streetscapes with shade trees and awnings;
 - (b) active shop fronts;
 - (c) pedestrian and cyclist comfort and convenience;
 - (d) universal design principles;
 - (e) spaces for community activity and social interaction;
 - (f) CPTED initiatives.

Comment

Future development can be conditioned to comply.

(5) Rural activity centres and rural villages may accommodate commercial development that supports their local community within residential areas in circumstances where no available land for centre purposes is designated. The use must demonstrate that any impacts on surrounding residences will not result in nuisance and will maintain rural amenity.

Comment

Not applicable.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

(1) Kuranda maintains its status as a major, international tourist destination of Far North Queensland while the emerging tourist economy of Chillagoe continues to attract more interest and visitors. Irvinebank is recognised as a key site of historical significance and as a point of interest to tourists. Increasing levels of tourist accommodation and facilities are provided in all the shire's activity centres.

Comment

Not applicable.

(2) Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.

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Not applicable.

(3) Tourist parks in key locations provide sites to accommodate caravans and recreational vehicles across the shire. Facilities to accommodate caravans and recreational vehicles are developed in a variety of urban and, at a limited scale, rural locations, to encourage extended visitations within the shire. Tourist facilities are designed to ensure they provide a high quality of infrastructure and services to visitors.

Comment

Not applicable.

(4) The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's *activity centres* are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.

Comment

Not applicable.

- (5) A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:
 - (a) tourist attractions and facilities within activity centres;
 - (b) cultural interpretive tours;
 - (c) nature based tourism;
 - (d) sports and recreational activities;
 - (e) tourist attractions;
 - (f) adventure tourism;
 - (g) farm based tourism;
 - (h) food based tourism;
 - (i) bed and breakfasts;
 - (j) camping and recreational vehicle facilities;
 - (k) cycle tourism.

Comment

Not applicable.

(6) Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.

Comment

Not applicable.

3.7.8 Element—Industry

3.7.8.1 Specific outcomes

(1) The Mareeba *major industry area* is a key economic driver for the shire and provides a significant strategic supply of land for industrial uses, particularly difficult to locate high impact and special industries, in Far North Queensland.

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Not applicable.

(2) *Industry areas* are located within *activity centres* to accommodate for trades and industrial development that provide employment and services to the catchments of these *activity centres*.

Comment

Not applicable.

(3) *Industry areas* are designated and protected from other land uses which could impair or prejudice their development for industrial purposes.

Comment

Not applicable.

(4) A high level of infrastructure, services and amenity in existing *industry areas* is provided to support business investment and expansion of *industry areas*.

Comment

Not applicable.

(5) The health, safety, wellbeing and amenity of the community is protected from unacceptable impacts associated with hazardous materials, noise, pollution and odour.

Comment

Not applicable.

3.7.9 Element — Education, research, culture and the arts

3.7.9.1 Specific outcomes

(1) Development complements and provides for improved access to important education, research, cultural and arts facilities.

Comment

Not applicable.

(2) Education, research, cultural and arts facilities are protected from development that will adversely impact on their operations or constrain further development.

Comment

Not applicable.

(3) New education, research, cultural and arts facilities are established in appropriate, accessible, safe and well serviced locations within Mareeba Shire.

Comment

Not applicable.

(4) Education, research, cultural and arts facilities of limited scale are established in *rural areas* only where the facility is dependent on the natural resources of the locality.

Comment

Not applicable.

3.7.10 Element—Mining

3.7.10.1 Specific outcomes

(1) The development and expansion of mining in the shire is encouraged in appropriate locations, where impacts on environmental values and local amenity are appropriately managed.

Comment

Not applicable.

(2) Mining activities in the shire are supported by ensuring associated industries and workers can be appropriately accommodated and sited within the shire, particularly within surrounding activity centres.

Comment

Not applicable.

(3) Mine sites, associated infrastructure and industries which support mining are protected from development that might prevent or constrain current or future operations.

Comment

Not applicable.

3.7.11 Element—Extractive resources

3.7.11.1 Specific outcomes

(1) Key resource areas of local, regional and state significance and their associated haul routes are protected from development that might prevent or constrain current or future extraction.

Comment

Not applicable.

- (2) Extractive industries:
 - (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

Comment

Not applicable.

(3) Sand extraction in watercourses maintains and restores the environmental and hydrological values of the site, and does not impede community recreational usage and public access points to waterways.

Comment

Not applicable.

3.7.12 Element—Small scale and emerging industries

3.7.12.1 Specific outcomes

(1) New and emerging industries and services are encouraged in appropriate locations.

Comment

Not applicable.

(2) The development of low-impact home-based business in *residential areas* is recognised as a form of localised economic diversification and self-generated employment, and supported where at an appropriate scale and where impacts can be appropriately managed.

Comment

Not applicable.

3.7.13 Element—Energy generation

3.7.13.1 Specific outcomes

(1) Renewable energy facilities are established in locations where impacts on surrounding land and ecological values are mitigated.

Comment

Not applicable.

(2) The design, siting, construction, management, maintenance and operation of energy generation facilities and associated infrastructure takes comprehensive account of (and is sensitive to) environmental, heritage, landscape and scenic values, surrounding land, future preferred settlement patterns, and recognised impacts.

Comment

Not applicable.

(3) Energy generation facilities utilise and take comprehensive account of national and/or state government-recognised scientific knowledge and standards and are commensurate with the significance, magnitude and extent of both direct and non-direct impacts.

Comment

Not applicable.

(4) Energy generation facilities do not adversely impact on the amenity of the surrounding area.

Comment

Item 8.3 Page 58

Not applicable.

(5) Established *energy generation facilities* are protected from development which has the potential to constrain their operations or future expansion.

Comment

Not applicable.

(6) Energy generation facilities are connected to a nearby, high-voltage electricity network with adequate capacity.

Comment

Not applicable.

3.7.14 Element—Major employment generators

3.7.14.1 Specific outcomes

(1) Key enterprise and employment areas in Mareeba Shire, including Arriga Sugar Mill, Lotus Glen Correctional Facility and Springmount Waste Management Facility are protected from development which could compromise their expansion and ongoing operations.

Comment

Not applicable.

(2) New major urban employment generators are encouraged to be located near or within Mareeba or Kuranda.

Comment

Not applicable.

Relevant Developments Codes

As this application is a variation request only, the typical assessment against the relevant development codes in not of particular value, except for ensuring these codes are suitable for the assessment of any future code assessable development application.

Council officers have reviewed all codes that would be applicable to a future childcare centre application and consider these codes fit for purpose. Two (2) additional conditions are proposed to make it certain that a future childcare centre must be connected to the Mareeba reticulated water and sewerage infrastructure.

As the site will continue to adjoin land in the Low Density Residential, it is appropriate to assess the variation request for consistency with the purpose statement for the Low Density Residential zone.

The purpose statement for the Low Density Residential zone is as follows:

(1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

Comment

Item 8.3 Page 59

A childcare centre is a community use. All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

- (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
 - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
 - (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
 - (c) facilitate non-residential development that directly supports the day to day needs of the immediate residential community, in new residential areas.

Comment

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The dominant form of development is detached dwelling houses, on a range of lot sizes;
 - (b) In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;
 - (c) High quality Residential care facilities and Retirement facilities are located on larger sites;
 - (d) Development provides for an efficient land use pattern and is well connected to other developments;
 - (e) Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;
 - (f) Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;
 - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
 - (h) Development reflects and enhances the existing low density scale and character of the area;
 - (i) Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;
 - (j) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;

- (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
- (I) Development takes account of the environmental constraints of the land; and
- (m) Any unavoidable impacts are minimised through location, design, operation and management requirements.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.

A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

This policy will be applicable to a future code assessable material change of use - childcare centre application.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (CairnsSARA) as a concurrence agency for development within 25 metres of State controlled road.

CairnsSARA advised in a letter dated 1 February 2021 that they require the conditions to be attached to any approval (Attachment 1).

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The changed development proposal was placed on public notification from 26 August 2021 to 8 October 2021. The applicant submitted the notice of compliance on 11 October 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Five (5) properly made submissions were received and all of those objected to the proposed development.

Public notification of the original application occurred from 28 January 2021 to 11 March 2021. Three (3) properly made submissions were received, with all objecting to the proposed development. One of these submissions was a petition signed by 73 signatories.

The grounds for objection/support are summarised and commented on below:

Item 8.3 Page 61

Grounds for objection /support	Comment	
Original Application		
CBD has existing vacant shops. A standalone shop on the subject site may not be successful resulting in an empty building/eyesore.	The changed application is limited to childcare centre only.	
There is substantial vacant land zoned for commercial purposes on Byrnes Street and in the CBD.	Agreed. The changed application is limited to childcare centre only.	
Amaroo Estate has an area zoned for commercial development, much of which remains to be developed.	The Hastie Road Business Zone establishes one (1) hectare of commercial zoned land on Karobean Drive.	
	To date, the Amaroo Medical Centre and supporting minor tenancies have been developed.	
	The Hastie Road Business Zone provides for the future development of a convenience store and fast food outlet.	
The development may compromise security.	Not a planning issue. Law and order is a police responsibility and is regrettably becoming an increasing concern in all zones.	
Increased traffic will cause issues with access to Ferretti Close, Anzac Avenue and the Kennedy Highway intersection.	A future childcare centre application will need to address the applicable planning scheme codes, including additional traffic impacts.	
	Any approval would be conditional upon the developer undertaking reasonable measures/upgrades to prevent traffic impacts.	
Parks and green spaces are required, not	Not relevant to the current application.	
commercial development.	Council is reviewing parks and green spaces as a separate project.	
Commercial development would detrimentally	The changed application is limited to childcare centre only.	
impact on the established residential amenity.	The planning scheme does not categorise a childcare centre as commercial development, instead it is categorised as a community activity.	
	All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.	
	A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.	
The established non-residential (community based) uses in this locality are compatible with the residential use.	Noted.	
Use of Anzac Avenue road reserve in front of the subject land.	There is no proposal to use Anzac Avenue road reserve.	
	Should a request be made in the future, Council would need to consider such a request at that time.	
Precedent for other undeveloped land on Anzac Avenue.	All future applications will be considered on their individual merits.	
Changed Application		
There are already three not for profit centres operating at less than 100% capacity. Another	The market will determine the success or otherwise of businesses.	

centre would cause the closure of QT's Early Learning Centre.		
Increased traffic will cause issues with access to Ferretti Close, Anzac Avenue and the Kennedy Highway intersection.	A future childcare centre application will need to address the applicable planning scheme codes, including additional traffic impacts.	
	Any approval would be conditional upon the developer undertaking reasonable measures/upgrades to prevent traffic impacts.	
Development would detrimentally impact on the established residential amenity.	The changed application is limited to childcare centre only.	
	The planning scheme does not categorise a childcare centre as commercial development, instead it is categorised as a community activity.	
	All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone. These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for a childcare centre on the subject land.	
	A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.	
The established non-residential (community based) uses in this locality are compatible with the residential use.	Noted.	
Use of Anzac Avenue road reserve in front of the subject land.	There is no proposal to use Anzac Avenue road reserve.	
	Should a request be made in the future, Council would need to consider such a request at that time.	
Precedent for other undeveloped land on Anzac Avenue.	All future applications will be considered on their individual merits.	
Parks and green spaces are required, not commercial development.	Not relevant to the current application. Council is reviewing parks and green spaces as a separate project.	

Submitters

Name of Principal submitter	Address	
Original Application		
1. R & E Piagno	PO Box 166, Mareeba	
2. S Gilles	PO Box 166, Mareeba	
3. H & M Cotter (petition with 73 signatories)	18 Ferretti Close, Mareeba	
Changed Application		
1. Q.I.T.E.	126 Byrnes Street, Mareeba	
2. B & J Pozzebon	17 Ferretti Close, Mareeba	
3. M & H Cotter	18 Ferretti Close, Mareeba	
4. R & E Piagno	PO Box 166, Mareeba	
5. S Gillies	PO Box 166, Mareeba	

PLANNING DISCUSSION

Approval of this variation request will change how the Mareeba Shire Council Planning Scheme 2016 applies to Lot 53 on SP204554 by reducing the level of assessment for a future childcare centre material change of use application from impact assessment to code assessment.

A future code assessable application will not require further public notification, beyond that already carried out for this variation request. By limiting the variation request to only alter the level of assessment for childcare centre, the applicant has removed the enormous uncertainty surrounding the original application.

The likely impacts of a future childcare centre can be reasonably foreseen notwithstanding the minimal level of detail provided by the applicant. Those persons concerned by the prospect of a future childcare centre have had twice the normal public notification period (30 business days versus 15 business days) to lodge their submissions.

A review of the variation request against the full Strategic Framework has established that the variation request is not inconsistent with the balance of the planning scheme.

It is noteworthy that a childcare centre is code assessable development within the Medium Density Residential zone where carried out on a lot of at least 1,200m2 in area.

It is recommended that the variation request be approved, subject to conditions requiring a future childcare centre to be connected to Mareeba's reticulated water and sewerage infrastructure.

RA6-N



SARA reference: 2012-20440 SRA Council reference: MCU/20/00017 Applicant reference: 20-14/001050

1 February 2021

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—47 Anzac Avenue, Mareeba

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency on 4 January 2021.

Response

Outcome: Referral agency response – with conditions.

Date of response: 1 February 2021

Conditions: The conditions in **Attachment 1** must be attached to any

development approval.

Advice: Advice to the applicant is in **Attachment 2**.

Reasons: The reasons for the referral agency response are in **Attachment 3**.

Development details

Description: Preliminary approval Material change of use for Preliminary

that includes a variation request

Approval including a Variation Request under Section 43 and 50(3) of the Planning Act 2016 to vary the effect of the Mareeba Shire Planning Scheme for Use Rights associated with the 'Anzac Avenue

Commercial Zone'.

SARA role: Referral Agency

Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley

Street, Caims

Page 1 of 6 PO Box 2358, Cairns QLD 4870

Document Seten 4032249ttachment 1 Version: 1, Version Date: 18/11/2021

SARA trigger: Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning

Regulation 2017)

Development application for a material change of use within 25m of a

state-controlled road

SARA reference: 2012-20440 SRA
Assessment Manager: Mareeba Shire Council
Street address: 47 Anzac Avenue, Mareeba

Real property description: Lot 53 on SP204554

Applicant name: Armbridge Pty Ltd

Applicant contact details: C/- Planning Plus PO Box 399

Redlynch QLD 4870

info@planningplusqld.com.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 4**.

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

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373222 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

Brett Nancarrow Manager (Planning)

Kuhmmi

cc Armbridge Pty Ltd, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions Attachment 2 - Advice to the applicant

Attachment 3 - Reasons for referral agency response

Attachment 4 - Representations provisions

State Assessment and Referral Agency

Page 2 of 6

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		
Mate	Material change of use			
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4—The chief executive administering the Planning Act 2016 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:				
1.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times		

State Assessment and Referral Agency

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Attachment 2—Advice to the applicant

General advice

Terms and phrases used in this document are defined in the *Planning Act 2016* its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.

Advertising device

Advertising advice should be obtained from the Department of Transport and Main Roads (DTMR) if the development intends to erect, alter or operate an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.

Note: DTMR has powers under section 139 of the *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015* to require removal or modification of an advertising sign and/for a device which is deemed that it creates a danger to traffic.

Further permits

 Future development permit applications may trigger referral to SARA as Lot 53 on SP204554 is adjacent to the state-controlled road corridor.

State Assessment and Referral Agency

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Attachment 3—Reasons for referral agency response

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

The reasons for the department's decision are:

- Access to the site does not compromise the safety and efficiency of the state-controlled road. Direct
 access to the state-controlled road is not permitted.
- No filling, excavation or retaining structures are proposed and there is no increase in stormwater and drainage run-off. Therefore, the development proposal does not create any hazard or any adverse effects to the state-controlled road.
- · Future infrastructure work is unlikely to create a safety hazard to road transport infrastructure.

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 2.6), as published by the department
- · The Development Assessment Rules
- SARA DA Mapping system

State Assessment and Referral Agency

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Document Settem & 3224 Attachment 1 Version: 1, Version Date: 18/11/2021

Attachment 4—Change representation provisions

 $(page\ left\ intentionally\ blank-attached\ separately)$

State Assessment and Referral Agency

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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 Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

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.2
- 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.

Page 1 of 2

Pursuant to Section 68 of the *Planning Act 2016*

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.³

Page 2 of 2

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.

RA22-N



Our reference: 2012-20440 SRA Your reference: MCU/20/00017 Applicant reference: 20-14/001050

6 August 2021

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

Attention: Carl Ewin

Dear Sir/Madam,

Notification of intention to change referral agency response

(Given under section 28.4 of the Development Assessment Rules)

The State Assessment and Referral Agency (SARA) issued a referral agency response on 1 February 2021 for the development application described below.

Applicant details

Applicant name: Giuliano & Gina Cordenos and Stephen Cordenos

Applicant contact details: C/- Planning Plus

PO Box 399

Redlynch QLD 4870

info@planningplusqld.com.au

Location details

Street address: 47 Anzac Avenue, Mareeba

Real property description: Lot 53 on SP204554

Local government area: Mareeba Shire Council

Application details

Preliminary approval that Material change of use for a preliminary approval including a variation request to vary the effect of the Mareeba Shire Council Planning

Scheme 2016 to alter the level of assessment for a child care centre

Notification of a change to the application in response to further advice from an assessing authority was received on 30 July 2021.

Far North Queensland regional office Ground Floor, Cnr Grafton and Hartley Street, Caims

PO Box 2358, Cairns QLD 4870

Page 1 of 2

2012-20440 SRA

The department has reviewed the changes and advises it will not be amending its referral agency response.

For further information please contact Ruth Creffield, A/Senior Planning Officer, on 5352 9775 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

Joanne Manson A/Manager (Planning)

cc Giuliano & Gina Cordenos and Stephen Cordenos, info@planningplusqld.com.au

State Assessment and Referral Agency

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24th September 2021

CEO Mareeba Shire Council 65 Rankine Street MAREEBA 4880

Joyce Tozzelon.

Dear Sir

RE: MCU/20/0017

We would object to any changes to the Mareeba Shire Council Planning Scheme in relation to the property

47 Anzac Avenue

Lot 53 on SP204554

Anzac Av has become busier over the past few years. The traffic has escalated to the point where entering and exiting Anzac Avenue has become difficult. With the opening of the library there has been a notable increase in the traffic in the area.

More all ready approved housing is being built in Savannah Lifestyle Resort and this will bring further traffic to the area.

We have been informed that a Day Care Centre can cater for between 70-80 children. If approval was given to a Day Care Centre the impact on the traffic flow in a few hundred metres would be significant.

The access into 47 Anzac Avenue will impact on the Ferretti Close and Anzac Av intersection because of the proximity. If this block of land was left as residential this would not be a problem but if a Day Care Centre or Commercial Building was approved this would make this intersection very dangerous.

Thank you

B and J Pozzebon

B. Somele

17 Ferretti, Close

Mareeba 4880

Document Set ID: 4016215 Version: 1 Version Date: 27/09/2021 1.

M and H Cotter 18 Ferretti Close MAREEBA 4880



24th September 2021

CEO

Mareeba Shire Council 65 Rankine Street MAREEBA 4880

Dear Sir

RE: MCU/20/0017

APPLICATION FOR A MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 TO ALTER THE LEVEL OF ASSESSMENT FOR "CHILD CARE CENTRE"

LOT 53 SP204554 PARISH TINAROO

47 ANZAC AVENUE, MAREEBA

We the signatories of this correspondence object to the above stated Application on the following grounds.

1. Amenity of Area

The above stated parcel of land is located in a residential area and is zoned rural residential. It would be an understatement to say that every home in this area is well presented and maintained. Google Maps automatically directs traffic from the east down Anzac Avenue therefore the potential increase in traffic is exponential due to future growth of this area.

2. Kennedy Highway, Anzac Av Intersection

Previously in 2004 the Department Transport and Main Roads had indicated that there were long term plans to relocate the Kennedy Highway and Anzac Av Intersection to align with the entrance into Riverlands Estate. (Please refer to attached Main Roads Plan PD35)

Whilst no funding for this project has been applied for and it is not in budgeting for the short to medium term consideration must be given to the future impact of such a change.

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3. Existing Community and Commercial Operations.

In an 80 metre zone occupying both sides of Anzac Avenue there are 3 Community Businesses (Mareeba Bowls Club, QT's Childcare and Mareeba Library) and Anza Nursery. These 4 businesses co exist in harmony and by their very nature slot into a pattern that results in reasonable impact on residents and Traffic Movement. However the addition of any further development will have increased impact on both traffic movement and the residents of the area.

This has become very obvious with the opening of the Library to the public in the past month. With increased traffic there now appears to be a need for deceleration lanes to allow traffic to flow without risk to the turning vehicles.

4. Increased Traffic Movement on Anzac Avenue

Recent traffic surveys indicate approximately 45,322 vehicle movements on Anzac Avenue for a 7 day period. Further residential development has been approved as well of further Commercial Development on Hastie Rd all of which will add to increased traffic movement on Anzac Av. Opening Anzac Avenue up to potential development will impact greatly on the ability of this area to cope with residential traffic as well as any future commercial traffic from Amaroo. Also the parcel of land at the start of Hastie road that has been earmarked for development of 150 residential blocks.

5. Access to Kennedy Highway from Anzac Avenue

Access to the Kennedy Highway is already an issue in peak times. With the increased volume of traffic Anzac Avenue onto the highway and the increased vehicle movement on the highway it is difficult to exit safely. Add to this the offset access to Riverland Park and you have 2 entry points on to a busy major highway that both have compromised views of oncoming traffic. When exiting Anzac Avenue you are required to negotiate traffic from 3 different directions (from Cairns, Mareeba and Riverland Park) at a speed of 80 klms per hour.

6. Access to Anzac Avenue

When entering and exiting the Kennedy Highway on to Anzac Avenue there is a 350 metre zone where 4 residential streets (Eliza Ave, Trivoli CI, Ferretti CI & Margherita CI), one residential property, 3 existing Community Facilities (Mareeba Bowls Club, QT's Childcare and Mareeba Library), Anza Nursery and Savannah Lifestyle Resort (130 residence vehicles) all converge on to Anzac Avenue via direct access. Extend another 80 metres to Ceola Drive the main access from at least 5 residential subdivisions also converges on to Anzac Avenue.

Previously supplied information from Queensland Department of Transport and Main Roads stated that "Access between the State-controlled road (i.e. Kennedy Highway) and the proposed Lot 1 shall be via Anzac Avenue located at the western side boundary of the subject land, to the satisfaction of Mareeba Shire Council." As there is an existing power pole on the western boundary of this parcel of land it would be expected that access would be moved back towards the east making the access point very close to that of Ferretti Cl.

Potentially this would raise serious safety concerns in approving access to Anzac Avenue from a possible Day Care Centre as in approximately 80 metres there would

Document Set ID: 4016221 Version: 1. Version Date: 27/09/2021 be traffic entering and exiting from Kennedy Highway, Anzac Av, Eliza Av, Trivoli Cl, Ferretti Cl, and a Residential Property.

7. Vehicle Movements related to a Potential Development

By the very nature of business carried out by a Day Care Centre, traffic entering and exiting such a facility is consolidated in two 90minute time frames during the peak traffic periods of the day.

8. Use of Council Road Reserve

The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future development could also use road reserve as a carpark.

Previous advice given by Department of Transport and Main Roads indicated that a Building Alignment Setback would be required of "a building alignment setback of 40 metres from the Kennedy Highway frontage of the subject land shall apply to all new structures intended to be located on the subject land". Any such requirement by the Department Transport and Main Roads could severely impact the amount of usable land available to the landholder.

9. Precedent for Undeveloped Property on Anzac Avenue.

There are currently two large parcels of undeveloped land situated on Anzac Avenue.

- (a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.
- (b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE this could set a precedent in regards to future rezoning requests.

Whilst the Department Transport and Main Roads have indicated that the current configuration of the Kennedy is suitable for the short to medium term it is evident by the growth of Mareeba that this may not be the case in the future. Without the ability to determine at what point this would be required it is necessary to give careful consideration to any altering of the Mareeba Shire Planning Scheme 2016 and any developments that are approved.

Yours faithfully

Michael Cotter

Document Set ID: 4016221 Version: 1 Version Date: 27/09/2021 be traffic entering and exiting from Kennedy Highway, Anzac Av, Eliza Av, Trivoli Cl, Ferretti Cl, and a Residential Property.

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The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future development could also use road reserve as a carpark.

Previous advice given by Department of Transport and Main Roads indicated that a Building Alignment Setback would be required of "a building alignment setback of 40 metres from the Kennedy Highway frontage of the subject land shall apply to all new structures intended to be located on the subject land". Any such requirement by the Department Transport and Main Roads could severely impact the amount of usable land available to the landholder.

9. Precedent for Undeveloped Property on Anzac Avenue.

There are currently two large parcels of undeveloped land situated on Anzac Avenue.

- (a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.
- (b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE this could set a precedent in regards to future rezoning requests.

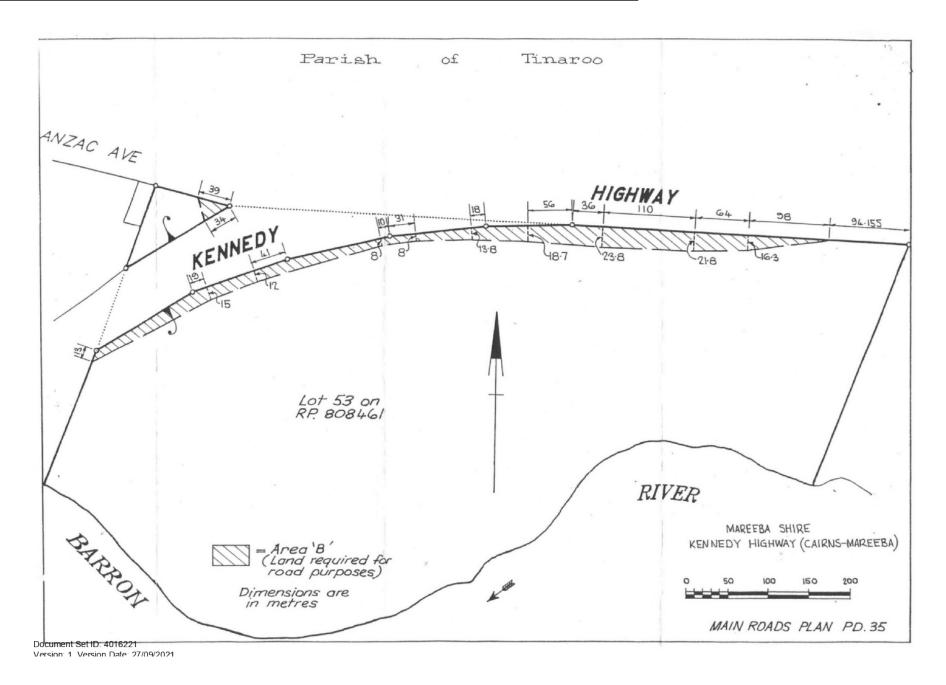
Whilst the Department Transport and Main Roads have indicated that the current configuration of the Kennedy is suitable for the short to medium term it is evident by the growth of Mareeba that this may not be the case in the future. Without the ability to determine at what point this would be required it is necessary to give careful consideration to any altering of the Mareeba Shire Planning Scheme 2016 and any developments that are approved.

Yours faithfully

Michael Cotter

Helen Cotter

Document Set ID: 4016221 Version: 1. Version Date: 27/09/2021





30 August 2021



Brian Millard, Mareeba Shire Council PO Box 154 Mareeba QLD 4880

ABN 82 025 334 098 Freecall – 1800 354 414 Website – <u>www.qite.com</u>

MAREEBA - HEAD OFFICE

126 Byrnes St, Mareeba Q 4880 t: (07) 4092 9700 f: (07) 4092 4057 P O Box 188, Mareeba Q 4880 e: mareeba@qite.com

ATHERTON

26 Main St, Atherton Q 4883 t: (07) 4091 5800 f: (07) 4091 5811 P O Box 1468 Atherton Q 4883 e: atherton@qite.com

INNISFAIL

1 Edith St, Innisfail Q 4860 t: (07) 4061 6666 f: (07) 4061 9618 P O Box 1708 Innisfail Q 4860 e: innisfail@qite.com

CAIRNS

19 Aplin St, Cairns Q 4870 t: (07) 4030 8600 f: (07) 4041 3606 P O Box 1780 Cairns Q 4870 e: cairns@qite.com Dear Brian,

RE: Variation to build a Childcare Centre – 47 Anzac Avenue, Mareeba.

Q.I.T.E. on behalf of QT's Early Learning Centre are writing to strongly object to the current variation to build a child Care Centre on lot 53 on SP20455.

Our objection is based on the grounds that there are already three Not for Profit Centres currently existing and operating in Mareeba and none of them are at 100% occupancy.

This would be the demise of the QT's Early Learning Centre if another Child Care Centre was built in such proximity to an existing child care centre.

We urge Council to consider our objection concerning the proposed Variation.

Yours sincerely

Tillian Trout

General Manager

Working with the Community

Document Set ID: 4007728 Version: 1 Version Date: 01/09/2021

RECORDS

2 9 SEP 2021

MAREEBA SHIRE

28/9/2021

P

The CEO

Mareeba Shire Council

PO Box 154

Mareeba Old 4880

Ref: Application MCU/20/0017



My objections are as follows:

1. Egress from Ferretti Close would be problematic. Due to the unusual configuration of the intersections of the Kennedy Highway, Anzac Avenue and Ferretti Close combined with increasing vehicle and heavy truck traffic using Anzac Avenue since the Barron bridge upgrade, attempting to exit Ferretti Close has become more difficult. Adding another entrance to a commercial enterprise virtually opposite Ferretti Close would create a dangerous situation. A search of Google maps (copy enclosed) shows that from the intersections of the Kennedy Highway to Margherita Close, a distance of only 350 meters, there are three street intersections on the eastern side of Anzac Avenue being Elisa Ave, Ferretti Cl, and Margherita Cl. and entrances to 45 Anzac Ave and the Mareeba Memorial Bowls Club, the Mareeba Shire Library and an existing child care centre on the western side.

In recent years there has been a large growth in traffic both northwards and southwards on Anzac Ave. as well as traffic attracted to the above facilities mentioned. For users of Ferretti CI. a hazardous situation exists as the increased traffic exiting Kennedy Highway into Anzac Ave. at speed (60kph) makes it difficult to judge a safe entrance to Anzac Ave. due to the distance from the highway to the Ferretti intersection being quite small.

An entrance to a new child care centre with inherent large traffic increase virtually directly opposite Ferretti Cl. would create a greater hazard than already exists.

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- 2. A child care centre would require access to town water supply and a sewerage connection which do not currently exist.
- 3. The current status of 47 Anzac Ave. is "residential" for obvious reasons and the proposed change would create a precedent to allow alteration forever the ambience of the local area.
- 4. Green spaces and parks, not commercial buildings. There are currently no parks for families to get together to play and picnic on the eastern side of the Barron River. There has been tremendous development of residential homes yet not one such park has been provided. This land would be better utilised for this purpose.

Yours sincerely,

Ruggero Piagno

Edna Piagno

PO Box 166 Mareeba 4880

Document Set ID: 4017223 Version: 1 Version Date: 29/09/2021 56 Anzac Ave, Mareeba QLD 4880 to 43 Anzac Ave, Mareeba QLD 4880 - Google Maps

Google Maps 56 Anzac Ave, Mareeba QLD 4880 to 43 Anzac Ave, Mareeba QLD 4880

Drive 350 m, 1 min



via Anzac Ave 1 min
Fastest route, the usual traffic 350 m

l of 2 Document Set ID: 4017223 Version: 1 Version Date: 29/09/2021 28/09/2021, 3:18 r

0 7 OCT 2021

MAREEBA SHIRE

The CEO

Mareeba Shire Council

P O Box 154

Mareeba, QLD, 4880.

Ref: MCU/20/0017

I wish to submit my objections for the rezoning application for 47 Anzac Ave Mareeba – requesting a "Material change of use" for a Child Care Centre.

My objections are:

- Egress from Ferretti Close has become problematic with increasing traffic and heavy vehicle
 use since the upgrade to the Barron River Bridge was completed. Adding another business
 close to the intersection of Kennedy Highway and Anzac Avenue will only add to the
 problem and create a dangerous situation, especially considering the number of streets
 converging already in such a short distance from the highway.
- Another childcare centre so close to an existing one makes no commercial sense. I am
 concerned about what changes will be made if this material change is made. No one will buy
 the land for childcare centre only the purpose for the change is to allow future changes.
- 3. This land is zoned for residential, and changes will affect the ambience of the local area.
- 4. This side of the river requires more green zones and or park areas. There has been an increase in the development of homes on this side of the river with no allowances made for any green zones or park areas.

Yours sincerely,

Simone Gillies

Syries

P O Box 166

Mareeba. 4880.

Document Set ID: 4019098 Version: 1 Version Date: 07/10/2021 The CEO

Mareeba Shire Council

PO Box 154

Mareeba Old 4880

Ref: Application MCU/20/0017

I wish to submit my objection to the rezoning application for 47 Anzac Ave., Mareeba to a commercial zone.

My objections are as follows:

- 1. The CBD currently has vacant shops signifying that success of small businesses are not guaranteed. A stand-alone commercial enterprise in this location would have difficulty in attracting enough patronage to survive. Should this application be approved failure of any eventual enterprise could easily result in an empty, vacant and neglected building for long periods of time. This could become an eyesore and lead to vandalism due to lack of any security.
- 2. There is vacant land zoned for commercial purposes on the old Lawson/Foxwood/Rankine mill site opposite Mareeba Plaza on Byrnes St. This site has prime positioning with high visibility and much more passing traffic than 47 Anzac Ave., ideal for commercial activity. Also, minimal changes, if any, would be required to provide access to this site, unlike that for the application site. Over many years there has been much fanfare of new enterprises locating on this Byrnes St. site, yet none have eventuated, indicating that no business plan has been able to stack up for additional buildings.
- 3. Amaroo has an area zoned for commercial purposes yet there seems little demand for further infrastructure to be built. Any intending new venture looking to service the eastern side of the Barron River should be encouraged to look here. Fragmented small commercial zones are not conducive to successful businesses due to lack of the exchange of patronage from differing businesses in close proximity.
- 4. Security would be compromised. The CBD has recently been the target of much criminal activity including to the Shire Council itself, this in an area with considerable security. A stand-alone business some 3 km from the centre of town would be an easy target, thus placing local residents at greater risk.
- 5. Egress from Ferretti Close would be problematic. Due to the unusual configuration of the intersections of the Kennedy Highway, Anzac Avenue and Ferretti Close combined with increasing vehicle and heavy truck traffic using Anzac Avenue since the Barron bridge upgrade, attempting to exit Ferretti Close has become more difficult. Adding another entrance to a commercial enterprise virtually opposite Ferretti Close would create a dangerous situation.

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6. Green spaces and parks, not commercial buildings. There are currently no parks for families to get together to play and picnic on the eastern side of the Barron River. There has been tremendous development of residential homes yet not one such park has been provided. This land would be better utilised for this purpose.

Yours sincerely,

Ruggero Piagno

Edna Piagno

PO Box 166 Mareeba 4880

Document Set ID: 3914343 Version: 1 Version Date: 15/02/2021

NIS

Urp-MC4

Mareeba Shire Council

PO Box 154,

Mareeba QLD 4880

RE: Application MCU/20/0017



To Whom It May Concern,

I am writing to object to the rezoning application for 47 Anzac Avenue, Mareeba to a commercial zone.

I object on the grounds of:

- Mareeba needs more green spaces/ parks not more buildings, especially on the Eastern side of town, where there are currently no parks for families to gather and play.
- Amaroo has approval for commercial buildings and yet very few have taken up the opportunity. It would seem the demand for commercial development is low. It would be better for all commercial development to be situated in one area.
- The CBD currently has empty shops. If someone were to build commercial spaces, they would be more likely to remain empty. It would also draw business away from the CBD.
- The CBD has been subject to a high level of criminal activity which could expand into residential areas nearby any new developments.
- There is vacant land for commercial buildings opposite the Coles complex. This has been available for years and yet no one has taken on this project. The demand for extra commercial sites is not there. This area has more passing traffic than the Anzac Ave proposal and still not successful in providing commercial buildings.
- The volume of traffic along Anzac Avenue is already substantial and any development would increase traffic and impact egress to and from Ferretti Close.
- The increase in traffic a commercial development would attract would increase the risk to foot and bike traffic.

Yours sincerely,

Simone Gillies P O Box 166

Mareeba, 4880.

Document Set ID: 3919775

Version: 1 Version Date: 22/02/2021

1.

M and H Cotter

18 Ferretti Close

MAREEBA 4880

5th March, 2021

CEO

Mareeba Shire Council

65 Rankine Street

MAREEBA 4880

Dear Sir

RE: MCU/20/0017

DEVELOPMENT APPLICATION - PRELIMINARY APPROVAL FOR USE RIGHTS IN ACCORDANCE WITH THE PROPOSED 'ANZAC AVENUE COMMERCIAL ZONE' OVER LAND SITUATED

LOT 53 SP204554 PARISH TINAROO

47 ANZAC AVENUE, MAREEBA

We the signatories of attached Register object to the above stated Application on the following 9 grounds.

1. Amenity of Area

The above stated parcel of land is located in a residential area and is zoned rural residential. It would be an understatement to say that every home in this area is well presented and maintained. Google Maps directs traffic from the east down Anzac Avenue therefore for visitors to Mareeba it is their first view of Mareeba. It is a very pleasing entrance to Mareeba, one that gives visitors a good first impression, something Mareeba Shire Council should be encouraging.

Approving a highly visible Commercial Development as proposed will change and derogate the look of this area. More than 80% of the residents in the immediate area are retirees and will be home during the trading hours of any proposed Commercial Development. The residents will be directly affected by the noise from increased traffic as well as that generated by any business itself. Whilst no specific use has been stated there has been previous conversations as to the type of business Developers are targeting these include Supa Cheap Auto, Convenience Store and Medical Facility.

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Any such development and especially 2 storeys as proposed in this application is an out of sequence development. Depending on the type of Commercial Development it could result in a very different demographic to the current residents. The residents have accepted progress with the other community developments in this area however the area has now reached saturation point and collectively we ask that the amenity of our area is not compromised any further.

2. Existing Community and Commercial Operations.

In an 80 metre zone occupying both sides of Anzac Avenue there are 3 Community Businesses (Mareeba Bowls Club, QT's Childcare and Mareeba Library) and Anza Nursery. These 4 businesses are consistent with the Community development of this area. They co exist in harmony and by their very nature slot into a pattern that results in minimal impact on residents and Traffic Movement.

- (a) The Childcare Centre generates most of its traffic movements between 7.30am to 8.30am and again from 4.30pm to 5pm weekdays only.
- (b) Mareeba Bowls Club members use the facility on average three times during the week and once on the Sunday with traffic movements between 8.30am to 9am, 12.30pm to 1pm, 5.30pm to 6pm.
- (c) Mareeba Library Monday to Friday 10am -5pm and Saturday 9am 12pm
- (d) Anza Nursery-Mareeba Garden Centre has minimal impact on the Community. It generates no more noise than a household with steady trade during the week when other facilities are at their peak. Most of its business and traffic generation comes from restricted weekend trade(Saturday 8am to 5pm) Sunday (8am to 1pm).

3. Lack of Potential Success of Stand Alone Commercial Business

The CBD currently has vacant shops signifying that there is no a lack of Commercial Sites available in the Mareeba Area. A stand-alone commercial enterprise in this location may have difficulty in attracting enough patronage to survive. Should this application be approved failure of any eventual enterprise could easily result in an empty, vacant and neglected building for long periods of time. This could become an eyesore resulting in vandalism due to lack of any security.

4. Increased Traffic Movement on Anzac Avenue

Recent traffic surveys indicate approximately 45,322 vehicle movements on Anzac Avenue for a 7 day period. Further residential development has been approved as well of further Commercial Development on Hastie Rd all of which will add to increased traffic movement on Anzac Av. Opening Anzac Avenue up to potential commercial development will impact greatly on the ability of this area to cope with residential traffic as well as any future commercial traffic from Amaroo.

5. Access to Kennedy Highway from Anzac Avenue

Access to the Kennedy Highway is already an issue in peak times. With the increased volume of traffic Anzac Avenue onto the highway and the increased vehicle movement on the highway it is difficult to exit safely. Add to this the offset access to Riverland Park and you have 2 entry points on to a busy major highway that both

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have compromised views of oncoming traffic. When exiting Anzac Avenue you are required to negotiate traffic from 3 different directions (from Cairns, Mareeba and Riverland Park) at a speed of 80 klms per hour. Adding the distraction of a highly visible Commercial Operation will impact on the safety of motorists.

6. Access to Anzac Avenue

When exiting the Kennedy Highway on to Anzac Avenue there is a 250 metre zone where 4 residential streets (Eliza Ave, Trivoli Cl, Ferretti Cl & Margherita Cl), one residential property, 3 existing Community Facilities (Mareeba Bowls Club, QT's Childcare and Mareeba Library), Anza Nursery and Savannah Lifestyle Resort (130 residence vehicles) all converge on to Anzac Avenue via direct access. Extend another 80 metres to Ceola Drive the main access from at least 5 residential subdivisions also converges on to Anzac Avenue. As a result of the shape of this parcel of land it is almost certain that access to the property will definitely be very close to Ferretti Close access.

There would be serious safety concerns to approve access to Anzac Avenue from this proposed Commercial Development.

7. Vehicle Movements related to Commercial Development

By the nature of business carried out on Commercial Properties there is a requirement for stock deliveries, customer traffic and employee traffic. With no clear indication of what type of development the Applicant is targeting the potential to have traffic congestion inconsistent with existing residential and community development. Adding to this not knowing what type of commercial operation is potentially planned and with extended trading hours now the norm it is feasible that this could be 7day trade 7am to 9pm.

8. Use of Council Road Reserve

The front of this above stated property is bordered by a Road Reserve/Stock Route. As the Council has already allowed Mareeba Bowls Club, QT's Childcare and Mareeba Library use of this Road Reserve for a carpark does this potentially mean that any future commercial development could also use road reserve as a carpark.

9. Precedent for Undeveloped Property on Anzac Avenue.

There is currently two large parcels of undeveloped land situated on Anzac Avenue.

- (a) Adjacent to the QT's Childcare Centre and directly opposite the Savannah Lifestyle Resort.
- (b) Corner of Ceola Drive and Anzac Avenue- this parcel of land is split by an existing Residential property.

These properties (a) and (b) are presently zoned rural residential however if approval was given to rezoning LOT 53 SP204554 PARISH TINAROO 47 ANZAC AVENUE to Commercial this could set a precedent.

Any further commercial development on Anzac Avenue is not consistent with Mareeba Shire Council CBD development and we ask that council rejects this out of sequence proposal and allows the area to maintain the existing community demographic.

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	4.
Yours faithfully	
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Michael Cotter	
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Helen Cotter	
Helen Cotter	
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