

**8.1 BTM&S STANKOVICH PTY LTD - MATERIAL CHANGE OF USE - OFFICE AND WAREHOUSE - PART OF LOT 2 ON SP298298 & LOT 48 ON SP320488 - 2-8 KAROBEAN DRIVE AND MERINDAH CLOSE, MAREEBA - MCU/21/0006**

**Date Prepared:** 5 July 2021

**Author:** Senior Planner

**Attachments:**

1. Proposal Plans
2. Submissions
3. Applicant's response to submissions

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM&S Stankovich Pty Ltd	<b>ADDRESS</b>	2-8 Karobean Drive and Merindah Close, Mareeba
<b>DATE LODGED</b>	8 April 2021	<b>RPD</b>	Part of Lot 2 on SP298298 and part of Lot 48 on SP320488
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Office and Warehouse		
<b>FILE NO</b>	MCU/21/0006	<b>AREA</b>	Metres & bounds area 752.5m2
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Lot 2 - BTM&S Holdings Pty Ltd Lot 48 - BTM&S Stankovich Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Six (6)		

#### EXECUTIVE SUMMARY

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

The application is impact assessable and six (6) properly made submissions were received in response to public notification of the 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.

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

It is recommended that the application be approved in full with conditions.

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM&S Stankovich Pty Ltd	<b>ADDRESS</b>	2-8 Karobean Drive and Merindah Close, Mareeba
<b>DATE LODGED</b>	8 April 2021	<b>RPD</b>	Part of Lot 2 on SP298298 and part of Lot 48 on SP320488
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Office and Warehouse		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), 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.

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Office and Warehouse

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0639 DA01 B	Site Plan -Existing	Gregory G Terzi	Jan 2021
0639 DA02 B	Proposed Site Plan	Gregory G Terzi	Jan 2021
0639 DA03 B	Proposed Building Floor Plan	Gregory G Terzi	Jan 2021
0639 DA04 A	Elevations	Gregory G Terzi	Jan 2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.

2. Timing of Effect

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

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use, and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

- 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.4.2 Where a forklift is used on site and fitted with an audible alarm, the volume of the audible alarm must be adjusted to ensure the audible alarm is not able to be heard outside of the boundary of approved area.
- 3.4.3 Loudspeakers of any kind must not be used in association with the approved use, unless in an emergency situation.

3.5 Air Conditioner & Building Plant Screening

The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.6 Waste Management

All on site refuse storage area/s must be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.7 Hours of Operation

The operating hours for the Office and Warehouse shall be between 7am and 6pm, Monday to Friday and between 7am - 1pm Saturday.

No operations are permitted on Sundays or Public Holidays.

## 4. Infrastructure Services and Standards

### 4.1 Access

Access to the approved use must be via the existing rear drive located within Lot 2 on SP298298.

### 4.2 Stormwater Drainage/Water Quality

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

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

### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with on-site car parking spaces in generally in accordance with Drawing DA02 Issue B, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces, and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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

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

### 4.4 Landscaping

4.4.1 The development must be landscaped in accordance with an approved landscape plan.

4.4.2 Prior to the commencement of the approved use, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

4.4.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.4.4 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.



#### 4.5 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8 metre high, acoustic fence of neutral colour along the entire western, northern and eastern boundaries of the Metes and Bounds Area shown on Drawing DA01 Issue B.

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

#### 4.6 Lighting

Where installed, external lighting must be designed and installed in accordance with AS4282 – *Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.7 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, 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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

#### 4.8 Sewerage Connection

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

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend 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).

### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges

or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

- (c) A Trade Waste Permit will be required prior to the commencement of use.
- (d) 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.

- (e) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

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

#### (E) 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 Building Work

#### (G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

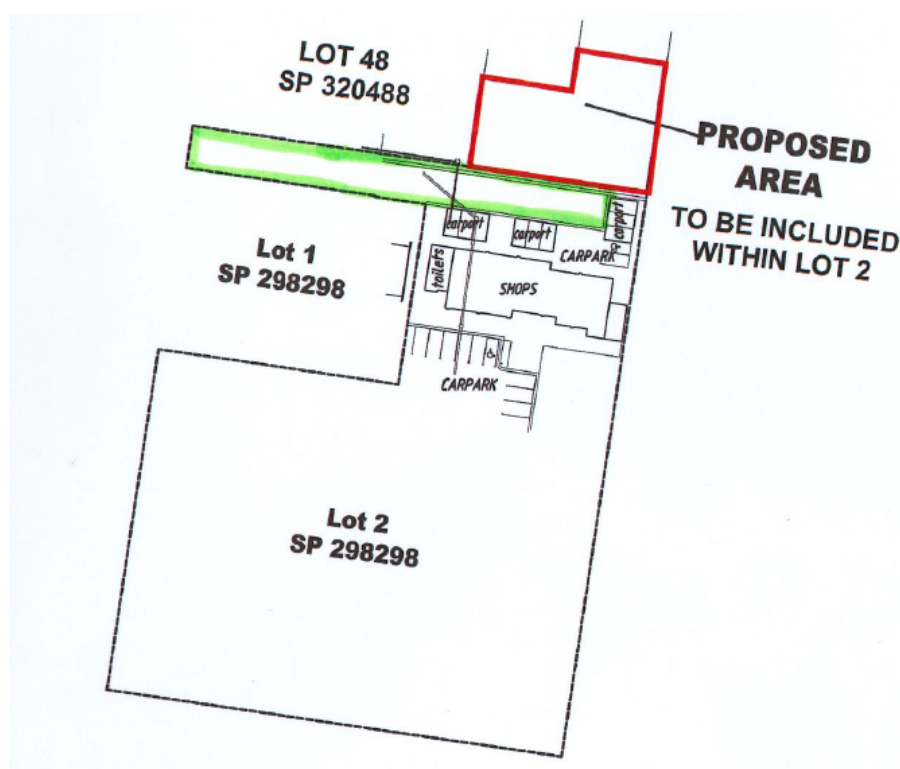
2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Charge Rate	Measure	Charge	Credit	Balance
		per m <sup>2</sup> GFA	\$	\$	\$
Commercial (office)	\$98.00	50m <sup>2</sup>	\$4,900.00	nil	\$4,900.00
Industry (warehouse)	\$35.00	161m <sup>2</sup>	\$5,635.00	nil	\$5,635.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$10,535.00</b>

## THE SITE

The subject site is described as part of Lot 48 on SP320488 and part of Lot 2 on SP298298, situated at 2-8 Karobean Drive and Merindah Close, Mareeba.

The development site encompasses a metes and bounds area of 752.5 m<sup>2</sup> within Lot 48 on SP320488. This area is highlighted in red below. Lot 2 on SP298298 is included for the purpose of access. The access covers a constructed driveway within Lot 2 and is highlighted in green below.



Lot 48 on SP320488 in its entirety is the balance area allotment of Merindah Close, with an area of 1.917 hectares and frontages to Merindah Close and Emerald End Road. Merindah Close will be extended as a future stage of Amaroo Estate with the proposed lot layout yielding approximately 25 additional residential lots.

Lot 2 on SP298298 in its entirety contains existing shops and carparking which complement the adjoining Amaroo Medical Centre. Lot 2 on SP298298 has a total area of 8,299m<sup>2</sup>, with frontages to Karobean Drive and Hastie Road. Lot 2 on SP298298 has continuing development approval rights

established under the Hastie Road Business Zone. Future development permitted under the Hastie Road Business Zone includes a neighbourhood scale convenience shop and café.

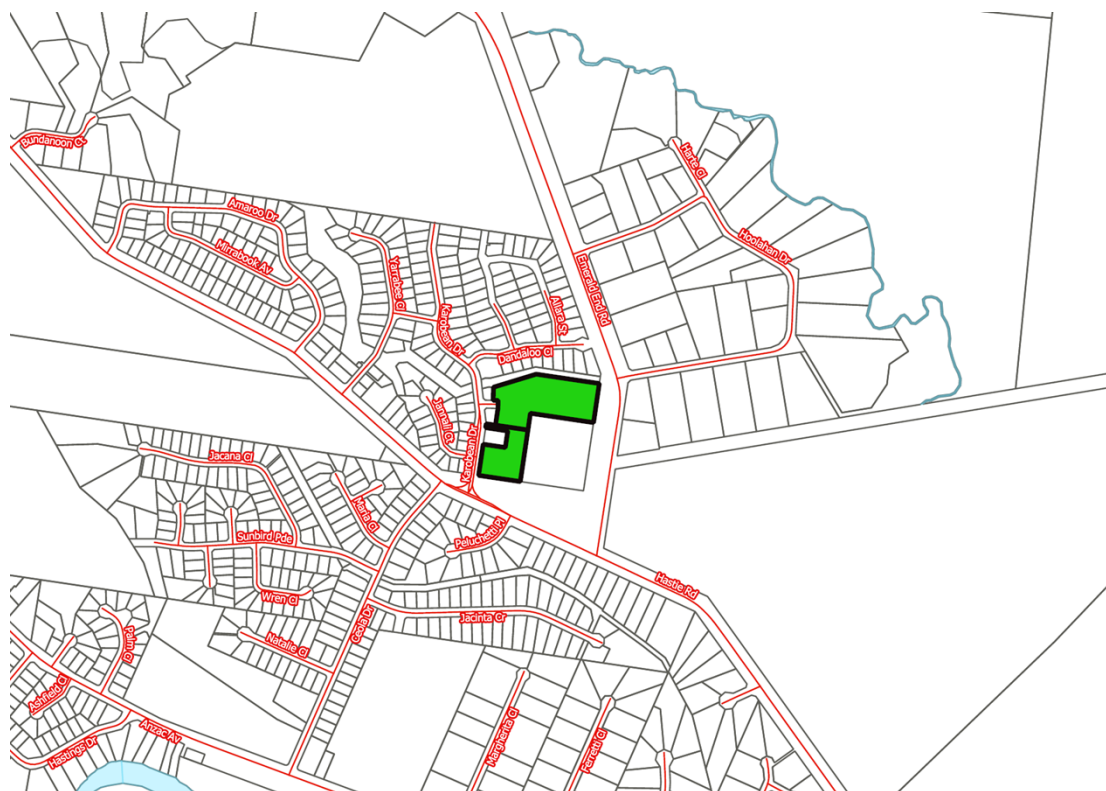
Both lots are flat, cleared of vegetation and serviced by all available urban infrastructure services.

Both lots are zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. All adjoining lots are also zoned Low Density Residential.



**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.



**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.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

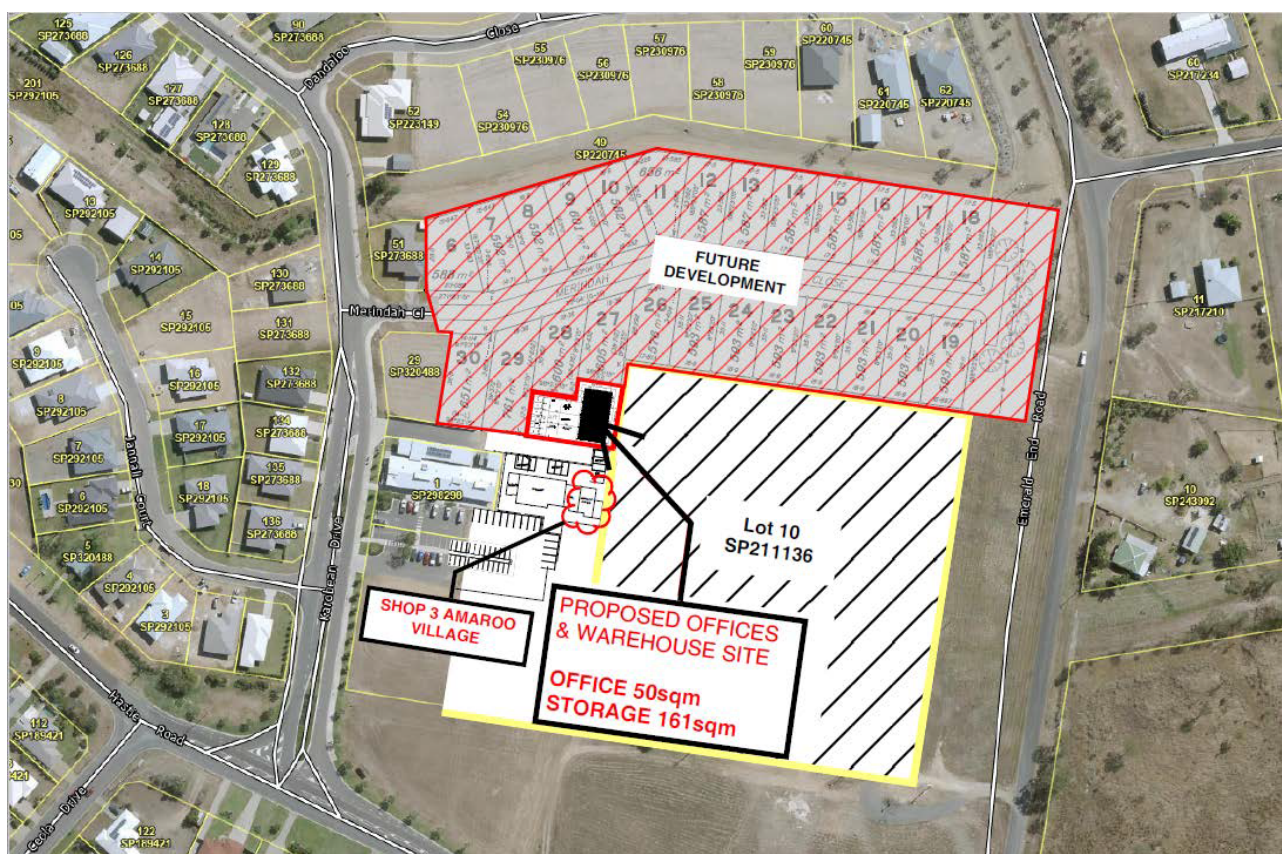
The development application seeks a Development Permit for Material Change of Use - Office and Warehouse in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description of the proposed development:

*The Application is for the construction of Offices and a Store to complement the existing administration of the BTM&S Group of Companies. Currently, only its Land Sales Office operate out of the Amaroo Business Precinct however, the Group plans to move all its administration arm to this site as well, hence the need for the expansion.*

*As shown in Figure 1 below, its shop front is existing at Shop 3 Amaroo Village, an area of about 63m<sup>2</sup> (housing the Sales Office, a Meeting Room and the future Accounts section), and behind this, the area which encompasses this Application, is for about 750 m<sup>2</sup> of land with a 237.5 m<sup>2</sup> building.*





*This proposed building is tucked in behind the rear of the existing building with access via an approx. 90m long private asphalt driveway from a kerbed and channelled road. This proposal is for Managers Offices, a Store and off-street parking with an area big enough for a small light rigid delivery vehicle to turn around.*

*Please note, there will not be enough room for an articulated semi-trailer to deliver items. The existing private road is accessed off the divided section of Karobean Drive and from an area of the development prior to entering the residential section proper. Other than staff and deliveries, visitors will attend to the existing office via the carpark at Shop 3 Amaroo Village.*

*The store section of the building, about 160 m<sup>2</sup> in size and built to the high standard of the existing buildings, is to be used as a secured covered area to compliment the administration arm of the group for items such as archives, sales signs etc, items needed for the running of the office and stock (similar to items purchased at say Repco or FNQ Filters and Parts both who operate in Mareeba's main street) required for the running of the Groups land development, civil construction, and quarrying arms.*

*There are also other small and expensive items (machinery computers etc.) that the business needs to securely store and manage their release to employees and contractors such as diesel fitters etc. The delivery of items would mostly be via a delivery van or small light rigid truck, similar in size to the delivery of items to the adjacent chemists or any similar businesses in the Town Centre.*

*No items can logistically be delivered by semi-trailer as there is no access or turnaround capability for such a vehicle and logistically it makes economic sense for the Group to deliver these larger items (e.g., motors, crusher parts etc) directly to where they are needed at either a quarry or an engineering/mechanical workshop. It was never the intent to store these larger*

*items at this site and further, the store is only 160 m<sup>2</sup> and there is not enough room for the storage of larger items. Further, again, the store is only 160m<sup>2</sup> in size and is not big enough nor appropriate to be used for the housing or repair of large earthmoving or transport equipment.*

*In the unlikely event the Group decides to vacate the building and either lease or sell this commercial development, the scale of any business that may operate out of these premises would be limited by its size.*

*As shown below, the proposed development is separated from the Amaroo residences by undeveloped land owned by the Group. Also shown and labelled as "FUTURE DEVELOPMENT" is the Residential lot layout BTM&S Stankovich P/L proposes (and has currently lodged with Mareeba Shire Council a Town Planning Application for the same), for the englobo land. The existing residences are clearly separated from the proposal to add a small portion to the existing Amaroo Business Precinct.*

*Further, the Group believes it has to the best of its knowledge been open and transparent with the residences of Amaroo with its disclosure of its intentions, hence this proposal being lodged prior to the lodgement of the Subdivision currently in Council for the extension of Merindah Close.*

*Whilst the proposal will indeed increase traffic to the area, the traffic will be restricted to the existing Commercial Areas of the Amaroo Estate (Amaroo Village Business Precinct) providing limited impact, if any, on the surrounding Residential properties as per the existing Amaroo Village Business Precinct. The existing Road Network has been designed to cater for this and any additional increase and is considered acceptable and appropriate, providing for safe access without affecting the existing Residential Estate.*

*In relation to the Submissions regarding the increase in noise, the proposal has been designed to ensure that any vehicle will enter and exit the site in a forward gear, meaning that any delivery vehicles/trucks will enter the site and exit the site in a forward motion with only reversing to turn around onsite, of which the Proposal Plans lodged with the Town Planning Submission identified ample manoeuvring areas for this to occur. This results in any vehicle only have to minimally reverse to turn-around similar to any delivery vehicle already servicing the existing Amaroo Village Business Precinct.*

*The proponents are currently investigating the availability of low frequency reversing electric forklifts to further demonstrate their commitment to providing a non-intrusive Use within the Amaroo Estate. This is further supported by the solid privacy fence screening that will be provided as a part of the currently proposed Reconfiguration and as demonstrated on the Proposal Plans within this Development Application. Their preliminary investigations have already discovered the following: Safe Work Australia's Code of Practice - Managing the risks of plant in the workplace, May 2018 and AS 2359.1:2019 – Powered industrial trucks, Part 1: General Requirements require an audible alarm to be used on plant if the plant is designed with an audible alarm, however that the alarm be clearly audible only in the hazard area. Consequently, an employer can legally use a forklift truck fitted with an audible alarm that is not able to be heard beyond the **immediate vicinity** of the forklift truck let alone the boundary of the workplace. In other words, we will adjust the volume of the audible alarm as required.*

*It is understood that any Operating Hours will be provided within normal hours of Operations within Residential Areas and will be from 7am to 6 pm with deliveries not expected prior or after these times and will generally be expected within the normal working hours of the day. It is noted that these hours also coincide with the Operational Works Permit Approval that the Developers hold over the balance of the Amaroo Estate.*

*The proposal provides for six (6) parking spaces with the option for a PWD parking space if required. The sealed driveway also provides for vehicle manoeuvring areas for delivery vehicles. The site is accessed from the existing crossovers to the existing Road Network, being Karobean Drive and utilises the existing access driveway provided along the northern boundary of Lot 2 on SP298298.*

*The proposal will retain, maintain and enhance the existing Landscaping provided along the frontage of the site with the proposal continuing on the existing privacy fence to match in with the Amaroo Village Business Precinct.*

## REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"><li>• Residential Area</li></ul>
Zone:	Low density residential zone Lot 2 - Hastie Road business zone
Overlays:	<ul style="list-style-type: none"><li>• Airport environs overlay</li><li>• Transport infrastructure overlay</li></ul>

## Planning Scheme Definitions

The proposed use is defined as:



<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
Office	<p>Premises used for an administrative, secretarial or management service or the practice of a profession, whereon goods or materials are made, sold or hired and where the principal activity provides for one or more of the following:</p> <ul style="list-style-type: none"> <li>• business or professional advice</li> <li>• service of goods that are not physically on the premises</li> <li>• office based administrative functions of an organisation.</li> </ul>	Bank, real estate agent, administration building	Home based business, home office, shop, outdoor sales
Warehouse	<p>Premises used for the storage and distribution of goods, whether or not in a building, including self-storage facilities or storage yards.</p> <p>The use may include sale of goods by wholesale where ancillary to storage.</p> <p>The use does not include retail sales from the premises or industrial uses.</p>	Self storage sheds	Hardware and trade supplies, outdoor sales, showroom, shop

## RELEVANT PLANNING INSTRUMENTS

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

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

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

### (B) State Planning Policy

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

### (C) Mareeba Shire Council Planning Scheme 2016

#### Strategic Framework

The 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.

The following is an assessment of the application against the relevant sections of the strategic framework:

### 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

The scale of the development proposed by this application is consistent with Mareeba's role as 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

The development complies.

- (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 scale of the development proposed by this application is small. It represents a sensible and compatible extension to the existing adjoining commercial development.

### 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.

### 3.3.7 Element—Residential areas and development

#### 3.3.7.1 Specific outcomes

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

##### Comment

The proposed development will not alter the predominant form of development within Amaroo Estate.

### 3.3.12 Element—Industry areas

#### 3.3.12.1 Specific outcomes

- (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

The development includes a warehouse aspect which is categorised as an industrial activity. The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

### 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

The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

The development will also be conditioned to minimise potential noise impacts.

### 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 site is adjacent to, and will complement, an established centre area.

### 3.7.8 Element—Industry

#### 3.7.8.1 Specific outcomes

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

#### Comment

The development includes a warehouse aspect which is categorised as an industrial activity. The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses

### Relevant Developments Codes

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.2 Commercial activities code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	<p>The application complies with applicable acceptable outcomes apart from the following:</p> <ul style="list-style-type: none"> <li>▪ AO6</li> </ul> <p>The development has demonstrated compliance with or been conditioned to meet the higher order performance outcomes in each case.</p> <p>Refer to planning discussion section of report.</p>
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Commercial activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

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

The Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 1) 2021 - Table 1 establishes the following charge rates applicable to the separate aspects of the development:

- Warehouse - \$35.00 per square metre of GFA
- Office - \$98.00 per square metre of GFA

The charge applicable to each aspect of the development is as follows:

- Warehouse - 161m<sup>2</sup> x \$35.00/m<sup>2</sup> = \$5,635.00
- Office - 50m<sup>2</sup> x \$98.00/m<sup>2</sup> = \$4,900.00

The total charge applicable to the development under Adopted Infrastructure Charges Resolution (No. 1) 2021 is **\$10,535.00**.

#### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

#### **Internal Consultation**

Technical services.

#### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 12 May 2021 to 4 June 2021. The applicant submitted the notice of compliance on 8 June 2021 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six (6) properly made submissions were received and all of those objected to the proposed development.

The grounds for objection are summarised and commented on below:

Grounds for objection	Comment
<p>It is unclear as to what the warehouse and parking will be used for. Council should request further information from the developer.</p>	<p>Council officers agree that the initial development description could have provided more certainty regarding the intended use of the warehouse.</p> <p>This lack of certainty is a common theme across most submissions.</p> <p>In response to the submissions, the applicant has provided a detailed description of the nature of the intended use. This detailed description has been included as part of the Description of Proposed Development section of this report.</p> <p>Based on the detailed description, it has been made clear that the development will:</p> <p>Not house or repair large earthmoving or transport equipment;</p> <p>Not be serviced by semi trailers, allowing all vehicles to enter the site and turn around on site;</p> <p>House archives, sales signs and small items used in the running of the neighbouring sales office and construction business;</p> <p>Involve the delivery of small items by delivery van or small light rigid truck.</p> <p>Council officers consider the development as outlined in the detailed description to be small scale and will be unlikely to have any ongoing conflict with nearby residential land uses.</p>
<p>Development should be located in industrial area, not residential area. Not in keeping with the residential estate, visually unattractive.</p>	<p>The development is small scale and is intended to support the adjoining sales office and ongoing development of Amaroo Estate. The development has been sited so as to function as an ongoing part of the adjoining commercial centre.</p> <p>The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.</p> <p>In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.</p>
<p>Development does not offer a retail business, therefore doesn't benefit local residents.</p>	<p>The development will support the adjoining sales office and ongoing Amaroo Estate development.</p> <p>This offers a service to those future residents wanting to move into Amaroo Estate.</p>
<p>Covenants for Amaroo Estate required buildings to meet a set standard.</p>	<p>Noted.</p> <p>Council officers believe that the design of the proposed development achieves a high standard.</p>
<p>The proposed development will devalue land and lead to a loss of 'prestige'.</p>	<p>This is not a planning consideration.</p>
<p>Heavy vehicles and delivery trucks may be accessing the site for many years.</p>	<p>The applicant has clarified that heavy vehicles will not access the development. Deliveries will be via van or small light rigid truck.</p> <p>Vehicles accessing the site will be able to enter and exit in forward gear.</p>

The proposed plans show three truck bays and no turn around area. Impacts from the storage of heavy vehicles.	
Concerned about noise from reversing trucks and reversing beepers/alarms.	<p>The development will be conditioned to restrict hours of operation standard business hours.</p> <p>The applicant advises that reverse beepers/alarms will have adjustable volumes and will be turned down so that they are not audible outside the approved area.</p>

## Submitters

Name of Principal submitter	Address
1. B & T Alifracco	PO Box 998, Mareeba QLD 4880
2. F & J Birkbeck	16 Jannali Court, Mareeba QLD 4880
3. M & A Sharples	13 Karobean Drive, Mareeba QLD 4880
4. T Thies	Tara_lilly_95@hotmail.com
5. W & J Ryan	14 Jannali Court, Mareeba QLD 4880
6. Y Wildman	9 Karobean Drive, Mareeba QLD 4880

## PLANNING DISCUSSION

Compliance with Performance Outcomes PO6, PO7, PO8 and PO9 of the Low Density Residential Zone Code is discussed below:

### PO6

*Building facades are appropriately designed to:*

- (a) include visual interest and architectural variation;*
- (b) maintain and enhance the character of the surrounds;*
- (c) provide opportunities for casual surveillance;*
- (d) include a human scale; and*
- (e) encourage occupation of outdoor space.*

### AO6

*Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.*

### Comment

The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.

In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.

The proposed building design satisfies PO6.

**PO7**

*Development complements and integrates with the established built character of the Low density residential zone, having regard to:*

- (a) roof form and pitch;*
- (b) eaves and awnings;*
- (c) building materials, colours and textures; and*
- (d) window and door size and location.*

**AO7**

*No acceptable outcome is provided.*

Comment

The design of the proposed building is intended to maintain the established character of the adjoining Amaroo Medical Centre complex.

In this regard, the buildings will be constructed from concrete block, externally rendered, painted and include decorative cladding elements along the upper walls.

The proposed building design satisfies PO7.

**PO8**

*Non-residential development is only located in new residential areas and:*

- (a) is consistent with the scale of existing development;*
- (b) does not detract from the amenity of nearby residential uses;*
- (c) directly supports the day to day needs of the immediate residential community; and*
- (d) does not impact on the orderly provision of non-residential development in other locations in the shire.*

**AO8**

*No acceptable outcome is provided.*

Comment

The application is for non-residential development. The subject land is located in a new/developing residential area.

The proposed scale is consistent with the established adjoining business centre and is not inconsistent with the scale of nearby dwelling houses and outbuildings.

The development will support the applicant's ongoing development of Amaroo Estate and the applicant's sales office in neighbouring Shop 3, Amaroo Village. The scale of the use and the proposed hours of operation will not adversely impact on nearby residential uses.

The proposed development will not impact on other non-residential developments in the shire.

The development satisfies PO8.

**PO9**

*Development must not detract from the amenity of the local area, having regard to:*



- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) advertising devices;
- (e) visual amenity;
- (f) privacy;
- (g) lighting;
- (h) odour; and
- (i) emissions.

**AO9**

*No acceptable outcome is provided.*

Comment

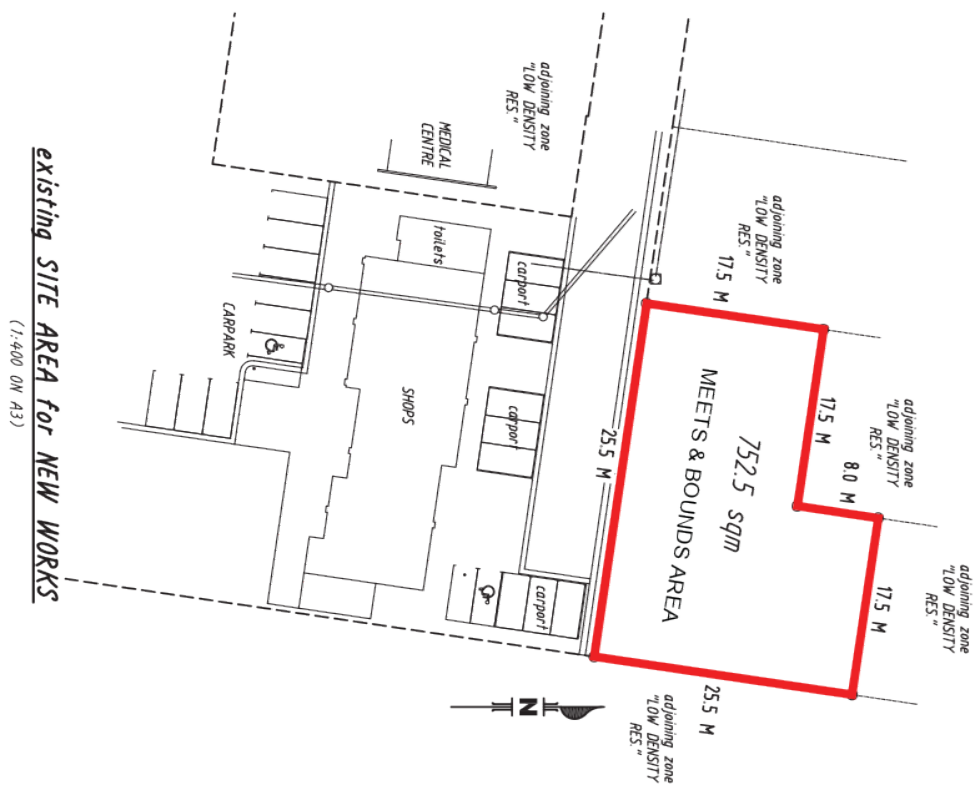
The scale of the proposed development and the proposed hours of operation are such that there is unlikely to be ongoing noise conflict with nearby residential uses.

Heavy vehicles/semi trailers will not be accessing the site. No advertising signs have been proposed.

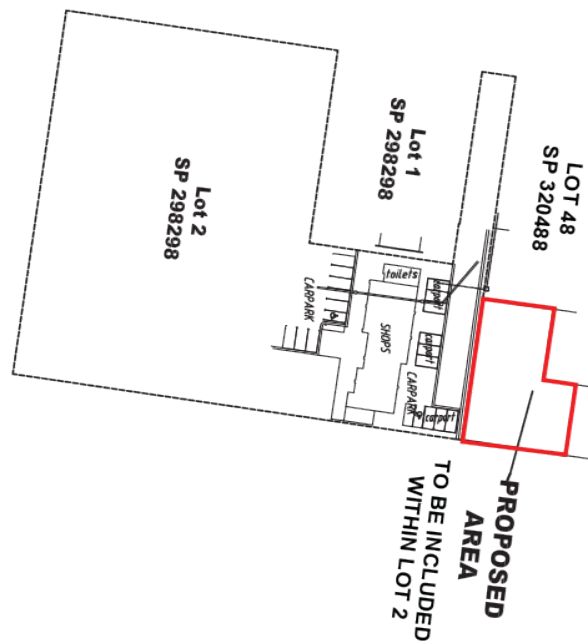
Visual amenity and privacy will be maintained through the design of the proposed building and new screen fencing. External lighting will be conditioned to comply.

The development is not likely to result in odour or other emissions.

The development will be conditioned to comply with PO9.



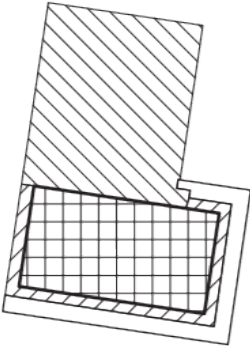
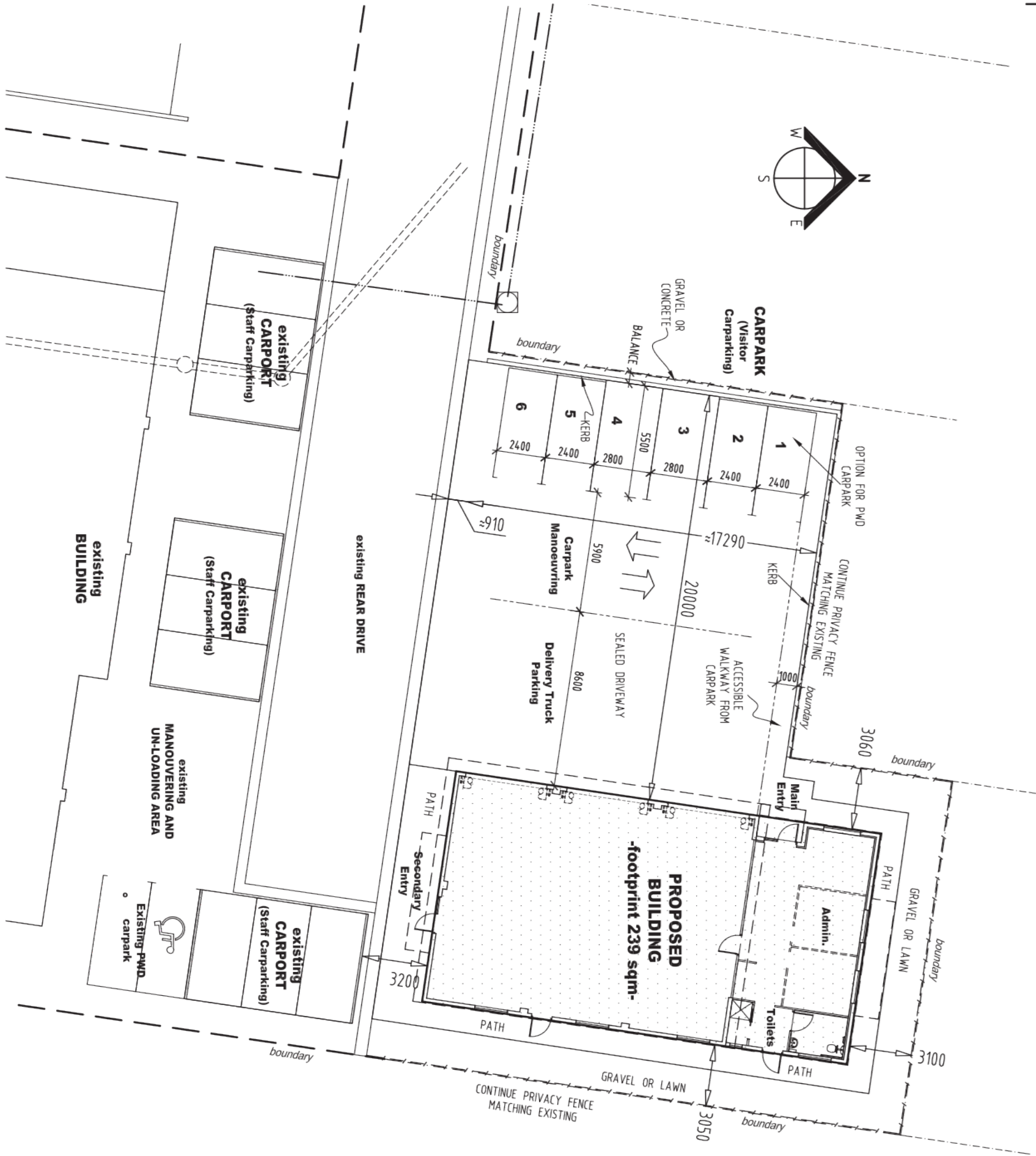
**existing SITE PLAN**  
(1:1000 ON A3)



phone: 0428 294 235 EDMONTON 4869. QUEENSLAND			
<b>GREGORY G TERZI</b> <small>Registered Professional Engineer</small> <b>Building Design &amp; Drafting</b>			
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-			
PROJECT:	DATE: JAN 2021		
KAROEAN VILLAGE	SCALE: AS SHOWN ON 'A3' SHEET		
SHOPPING CENTRE	DRAWING TITLE:		
MAREEBA 4880	SITE PLAN -EXISTING		
PROPOSED BUILDING	JOB NO. 0639	SHEET No. DA 01	ISSUE B

PROPOSED SITE PLAN

(1:200 ON A3)



PLANNING SCHEME INFO.

(approx. sqm)

PROPERTY SITE BREAK DOWN.

total site area = 7525 sqm (100%)

- IMPERVIOUS AREAS (total xxx sqm)
- proposed BUILDING = 239 sqm (32 % of site)

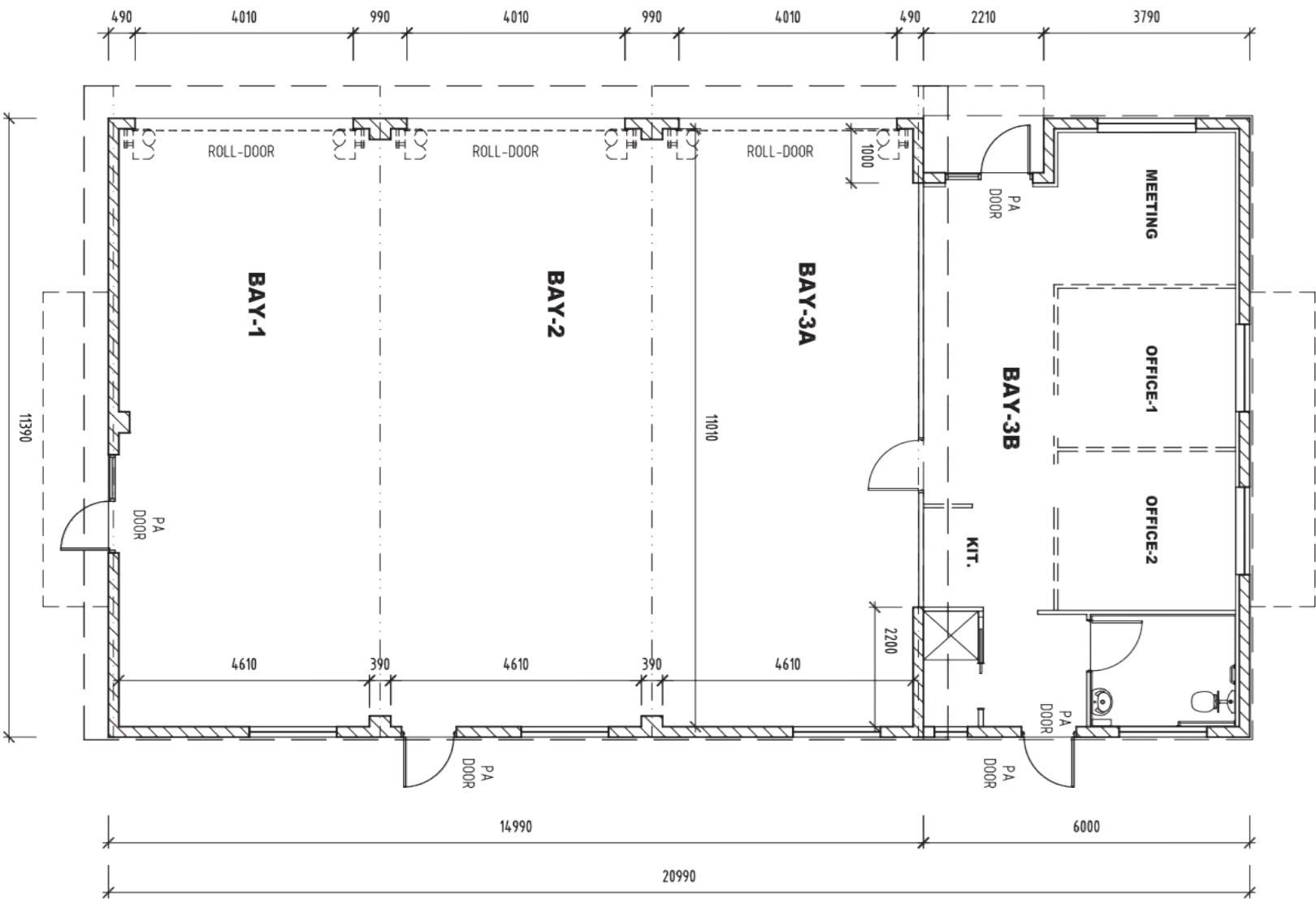
- proposed CARPARK AND ASSOCIATED DRIVEWAYS = 362 sqm (48 % of site)
- proposed OPEN AREAS SURROUNDING BUILDING = 65 sqm (9 % of site)

- NON-IMPERVIOUS AREAS
- proposed LAWN OR GRAVEL = 86 sqm (11 % of site)

PROPOSED BUILDING (GFA) GROSS FLOOR AREA.

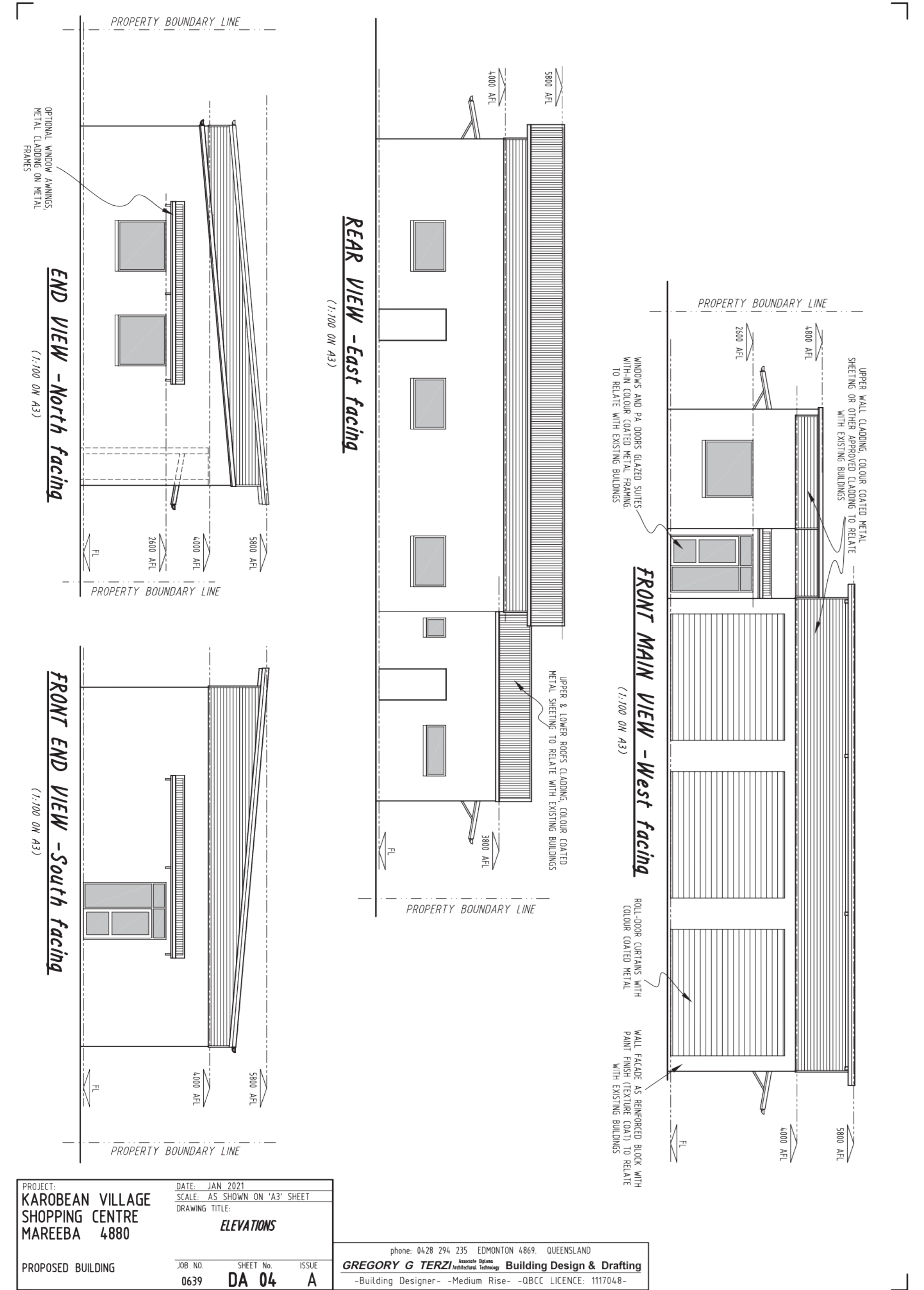
- 239 sqm
- (EXCLUDES VEHICLE MANOEUVERING AREA - NIL SQM)

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND		
<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology <b>Building Design &amp; Drafting</b>		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT:	DATE: JAN 2021	
KAROBAN VILLAGE SHOPPING CENTRE MAREEBA 4880	SCALE: AS SHOWN ON 'A3' SHEET	
	DRAWING TITLE:	PROPOSED SITE PLAN
PROPOSED BUILDING	JOB NO. 0639	SHEET No. DA 02 ISSUE B



*Proposed Building -FLOOR PLAN*  
(1:100 ON A3)

phone: 0428 294 235 EDMONTON 4869. QUEENSLAND		
<b>GREGORY G TERZI</b> Associate Diploma Architectural Technology <b>Building Design &amp; Drafting</b>		
-Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-		
PROJECT:	DATE: JAN 2021	
KAROEAN VILLAGE SHOPPING CENTRE MAREEBA 4880	SCALE: AS SHOWN ON 'A3' SHEET	
	DRAWING TITLE:	
	PROPOSED BUILDING FLOOR PLAN	
PROPOSED BUILDING	JOB NO. 0639	SHEET No. DA 03
		ISSUE B



15<sup>th</sup> May 2021

CEO - Mareeba Shire Council

PO Box 154

Mareeba Qld 4880



Dear Sir

**APPLICATION FOR A MATERIAL CHANGE OF USE – OFFICE AND WAREHOUSE  
LOT 48 ON SP320488 AND LOT 2 ON SP298298, MERINDAH CLOSE AND  
KAROBAN DRIVE,  
MAREEBA.**

**Reference: MCU/21/0006**

I am writing to oppose the above application submitted by BTM & S Stankovich Pty Ltd.

My husband & I purchased our block of land on the corner of Karoban Drive & Merindah Close late last year; a residential block in a residential neighbourhood. We were advised that Merindah Close would be developed in the future to provide additional blocks for residential use.

The idea of a Commercial Property, an Office & Warehouse, being constructed in this location makes no sense at all. There is a purpose built Industrial area that would be perfectly suited for this type of development situated North of Mareeba.

The existing Amaroo Medical Centre & neighbouring Pharmacy compliment the growing population of Mareeba & is also highly supported by Mareeba locals. My understanding is that the proposed Office & Warehouse construction does not offer a retail business therefore, how does this benefit anyone that resides at Amaroo?

Covenants were attached to our Contract of Sale which are supposed to protect the residents & their investment in this Estate, to ensure that all buildings meet a certain standard. There is plenty of vacant land that in Mareeba that do not have Covenants in place, and these blocks are less expensive for a reason. People choose this area to buy/build as it is marketed as Prestige. There is even a current advertisement on Radio 4AM to support this statement.

We fear that this proposed development will devalue the land and established homes at Amaroo which would ruin the reputation of this Prestige area. Valuations in Amaroo have been climbing significantly over the past 12 months and I would have thought that it would be important to keep this momentum going to support future sales in the area.

If BTM & S Pty Ltd were asking to construct a building for a retail corner store or coffee shop, something that would benefit the residents, then we would have absolutely no objection.

What they are proposing to Construct has no benefit to anyone else except BTM & S.

Regards

Bruno & Tania Alifraco

12 May, 2021

Bruno & Tania Alifraco  
PO Box 998  
**MAREEBA QLD 4880**



17 Barron View Drive  
Freshwater QLD 4870

Dear Sir/Madam,

**RE: PUBLIC NOTICE OF DEVELOPMENT APPLICATION.**

In accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules you are hereby notified that a Development Application has been lodged with the Mareeba Shire Council. The following is provided to you in accordance with the *Planning Act 2016*.

**Proposed Development**

Make a submission from  
**12/05/2021 to 04/06/2021**

**Material Change of Use –  
Office and Warehouse**

**Where:** Karobean Drive and Merindah  
Close, Mareeba

**On:** Lot 2 on SP298298 and Part Lot 48  
on SP320488

**Approval Sought:** Development Permit  
**Application Ref:** MCU/21/0006

**You may obtain a copy of the  
application and make a  
submission to:**

Mareeba Shire Council  
PO Box 154, MAREEBA, QLD, 4880  
info@msc.qld.gov.au  
1300 308 461  
www.msc.qld.gov.au

Public notification requirements are in  
accordance with the *Planning Act 2016*

Yours faithfully,

**MATT ANDREJIC**

For BTM & S Stankovich Pty Ltd.



**From:** "Fred Birkbeck" <freddysolar@yahoo.com.au>  
**Sent:** Fri, 21 May 2021 11:36:09 +1000  
**To:** "Info (Shared)" <info@msc.qld.gov.au>  
**Subject:** Proposed Development Application Reference MCU/21/0006

Attention: Planning Officer and relevant Councillors

We are concerned that the proposed development of an Office and Warehouse on Lot 2, SP298298 and Lot 48, SP320488 (on Karobean drive/Merindah Close) is not in keeping with the suburban area development, close by Medical Centre and possible expansion of future shopping complex.

We have inspected the development application and are wary of what the warehouse and associated parking will be used for as the application does not cover this factor in detail.

As future housing development over many years may continue in the Amaroo Estate area, heavy machinery and delivery trucks may frequent the site and create problems with the proposed (Merindah Close) multiple housing development (which is likely to have many children and many vehicles using nearby areas and streets).

Without specific knowledge of warehouse content and truck/machinery movements we consider Council should request additional detail from the developers before due consideration is applied to the application. If satisfactory information is not supplied then we consider Council should not approve the application.

Our concern is that the development may lower the existing character of the Amaroo housing/shopping precinct.

Yours faithfully,

Fred & Jeanette Birkbeck  
16 Jannali Court,  
Amaroo Estate,  
Mareeba QLD 4880  
Tel: 0412 592 596

Document Set ID: 3954331  
Version: 1, Version Date: 21/05/2021





Merlin & Amy Sharples

13 Karobean Drive

Mareeba 4880

(Mareeba Shire Council)

Re – Application MCU/21/0006- change of zoning to allow construction of an office and warehouse on cnr (?) Karobean Drive and Merindah Close in the Amaroo estate.

We wish to lodge the strongest possible opposition to the proposed development which is in close proximity to our residence. We have been here just over 2 months; having moved up from Victoria. It took a couple of trips up through Queensland looking around to decide to settle in Mareeba; and were guided in our choice by the fact Amaroo estate had development covenants relating to land use etc which gave a prospective purchaser some assurance that the type of development now proposed would not be permitted so as to allow a peaceful occupation of their property.

There are a number of issues; the chief of which is there is no indication of the usage such a building would be put; has the developer a specific use in mind or are they simply intending to construct the building and then seek a tenant and we may well end up with some noxious or noisy type of industry in the middle of what was to be a quiet residential area.

And this could be the proverbial 'thin edge'; there is as yet undeveloped land zoned residential adjacent to the proposal; if the wrong type of development starts up it will put future buyers off from that land and by default the whole will become industrialised and destroy property values of those here now (remembering they came here thinking their values would be protected by covenant)

Another issue is the fact that the plans shown on the public display are a little vague in that they do not clearly show the future direction of Merindah Close; it could be read that the close is to "deadend" at the front gate of the new development with no turning circle; if not that provision is to be made for trucks to turn around. The proposed building plan shows three truck bays, pantec sized, at the front but not the back so they will have to back out somewhere.

Noise pollution is a factor now with reversing trucks; with forklifts presumably attending to loading and unloading with their infuriating reversing horns; and with the increase in traffic in general. Safety factors come in to play as well the light traffic presently on these streets make them fairly safe for kids on scooters and the like; and for pedestrians in general.

It would be a retrograde step to allow this development. It hard to understand why it should be proposed; as the attraction of residential lots continues to be strong in this area and there must be other areas more suited to development for warehousing,

What else!

*M Sharples*  
3.6.21  
for M & A Sharples

**From:** "Taralee Thies" <tara\_lilly\_95@hotmail.com>  
**Sent:** Thu, 3 Jun 2021 22:12:48 +1000  
**To:** "Info (Shared)" <info@msc.qld.gov.au>  
**Subject:** Mareeba Shire Council Re: Application MCU/21/0006  
**Attachments:** Mareeba Shire Council Re Application MCU 21 0006 Taralee.pdf

Hi,  
 Please find attached my letter of objection in regards to Application MCU/21/0006  
 Thanks  
 Taralee

Document Set ID: 3961164  
 Version: 1 Version Date: 04/06/2021

**Mareeba Shire Council****Re: Application MCU/21/0006 Proposed Development**

To whom it may concern,

I submit this letter opposed to the development of the Office and Warehouse situated at Karoeban Drive & Merindah Close Mareeba QLD 4880.

Late last year I purchased my first block of land located in the growing residential area of Amaroo Estate. One of the main selling points of purchasing in this area was the family friendly area, quiet traffic and lovely scenery.

When purchasing my block of land which is situated on Dandaloo Close and backs on to the proposed development area, I was informed of further residential development as well of the possible addition of a small shopping centre to the already constructed Medical Centre. These developments not only make sense for the area but also are warranted additions, the proposed development however does not - I fail to see how by adding a warehouse and offices that any value can be added to the area, not only for future resell purposes but it would also detract from the visual effect of the neighbourhood.

Currently the area of Amaroo attracts many young families, pet owners and fitness fanatics throughout the day; this is greatly due to the quiet roads, and tranquil surroundings. The addition of a warehouse which will house machinery, trucks and forklifts along the many loud noises that they bring would only take away the peacefulness and serenity of the neighbourhood.

I strongly object to this development and do not believe that it would benefit the neighbourhood in any way shape or form.

Yours Sincerely  
Taralee Thies

**From:** "Julie Ryan" <jimnjulie1@bigpond.com>  
**Sent:** Thu, 27 May 2021 12:04:30 +1000  
**To:** "Info (Shared)" <info@msc.qld.gov.au>  
**Subject:** Fwd: Development Application Merindah Close

Sent from my iPhone

Begin forwarded message:

**From:** Julie Ryan <jimnjulie1@bigpond.com>  
**Date:** 27 May 2021 at 11:40:16 am AEST  
**To:** info@msc.qld.gov.au  
**Subject:** Development Application Merindah Close

We would like to object to the proposed development application, reference MCU/21/0006 Karobean Drive Merindah Close.  
 The location of the proposed warehouse is a residential area. Industrial buildings should be kept in industrial subdivisions.  
 This development has the potential of impacting residents with increased heavy vehicle traffic, noise levels, reduced house values and would be visually unattractive.

Regards  
 William and Julie Ryan  
 14 Jannali Court Mareeba  
 0428932652  
 Sent from my iPhone

Document Set ID: 3956628  
 Version: 1 Version Date: 27/05/2021

**From:** "Taralee Thies" < tara\_lilly\_95@hotmail.com>  
**Sent:** Sun, 30 May 2021 18:42:11 +1000  
**To:** "Info (Shared)" <info@msc.qld.gov.au>  
**Subject:** Re: Application MCU/21/0006  
**Attachments:** Mareeba Shire Council - Re Application MCU 21 0006.pdf

Please find attached my submission Re: Application MCU/21/0006  
 Kind Regards  
 Yvonne Wildman

Document Set ID: 3957650  
 Version: 1 Version Date: 31/05/2021

**Mareeba Shire Council**

**Re: Application MCU/21/0006 - To allow the construction of a warehouse in the zoned residential area beside and behind the Amaroo Medical Clinic.**

To the deciding members of council, please note that I strongly oppose this development which is situated directly in front of and very close to my home. Six years ago when my late husband and I bought our block of land, we were assured that the area near our home would be perfect for aged people, as it was near the Amaroo Medical Clinic, a small shopping centre (yet to be built) and except for road traffic would be a quiet area.

Ours was one of the first homes built in this area, and we had to endure the process of land clearing, dust and noise over these past years, this I understood as it was necessary for the development of the Amaroo Residential Area, but I fail to see that I should have to put up with incessant noise from turning trucks just in front of my home and even worse the irritating beeping of forklifts and other machinery all day long.

Not only has the developer already benefited from the sales of these residential blocks but they would be the only one to benefit from an approval of the council's behalf, surely the people who bought their blocks of land in good faith have some rights; after all an elected council should be there to protect small land owner's as well as developers.

I personally feel that this development will reduce the value of all surrounding properties, and even if this warehouse does go ahead what guarantee do we have that when the developers business is finished that they won't sell to another company dealing with *(who knows what)* and what noise we will have to put up with.

It goes without saying that once you alter the law for one person, what is stopping others from wanting the same, and before long we could have multiple warehouses within a residential area. I feel that this development is only to satisfy the developer's needs for a short time but we would then have to live with the repercussions' for the rest of our lives.

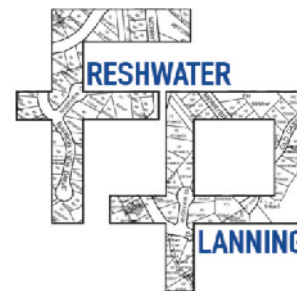
Amaroo estate is a beautiful, family friendly area that is held to high regard and quality within Mareeba, by allowing a large commercial warehouse to be built, think about the effects that it would have on the overall appearance, no longer filled with new family homes, and a small convenient medical and shopping area but a large eyesore of a warehouse.

I urge the members of council to thoroughly think about this decision, and take into consideration how you would feel if this was happening in your neighbourhood.

Yours faithfully

**Yvonne Wildman**  
9 Karobean Drive

Your Ref: MCU/21/0006  
Our Ref: F21/04



29 June, 2021

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
**MAREEBA QLD 4880**

**Brian Millard**  
**Regional Planning Group**

Dear Sir,

**RE: RESPONSE TO PUBLIC NOTIFICATION SUBMISSIONS  
APPLICATION FOR A MATERIAL CHANGE OF USE – OFFICE AND WAREHOUSE  
LOT 48 ON SP320488 AND LOT 2 ON SP298298, MERINDAH CLOSE AND KAROBEAN DRIVE,  
MAREEBA. DEVELOPMENT APPLICATION MCU/21/0006.**

The following is provided in Response to the Public Notification Submissions received in relation to the Development Application MCU/21/0006 located on Merindah Close and Karobean Drive, Mareeba during the Public Notification Period.

In relation to the received Submissions, they were generally similar in items of concerns and the following has been provided in summary to the Town Planning Concerns with regards to the Submissions. This Response will not address Items not considered to be Town Planning Concerns, for examples 'development putting off buyers' and 'devaluing the land' as these are unfounded and opinionated only.

After reviewing the received Submissions, the proponent has provided the following information in Response:











The Application is for the construction of Offices and a Store to complement the existing administration of the BTM&S Group of Companies. Currently, only its Land Sales Office operate out of the Amaroo Business Precinct however, the Group plans to move all its administration arm to this site as well, hence the need for the expansion. As shown in Figure 1 below, its shop front is existing at Shop 3 Amaroo Village, an area of about 63m<sup>2</sup> (housing the Sales Office, a Meeting Room and the future Accounts section), and behind this, the area which encompasses this Application, is for about 750 m<sup>2</sup> of land with a 237.5 m<sup>2</sup> building. This proposed building is tucked in behind the rear of the existing building with access via an approx. 90m long private asphalt driveway from a kerbed and channelled road. This proposal is for Managers Offices, a Store and off-street parking with an area big enough for a small light rigid delivery vehicle to turn around. Please note, there will not be enough room for an articulated semi-trailer to deliver items. The existing private road is accessed off the divided section of Karobean Drive and from an area of the development prior to entering the residential section proper. Other than staff and deliveries, visitors will attend to the existing office via the carpark at Shop 3 Amaroo Village.

Freshwater Planning Pty Ltd  
t/e The Freshwater Trust  
ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004  
E: FreshwaterPlanning@outlook.com  
A: 17 Barron View Drive, FRESHWATER QLD 4870

The store section of the building, about 160 m<sup>2</sup> in size and built to the high standard of the existing buildings, is to be used as a secured covered area to compliment the administration arm of the group for items such as archives, sales signs etc, items needed for the running of the office and stock (similar to items purchased at say Repco or FNQ Filters and Parts both who operate in Mareeba's main street) required for the running of the Groups land development, civil construction, and quarrying arms. There are also other small and expensive items (machinery computers etc.) that the business needs to securely store and manage their release to employees and contractors such as diesel fitters etc. The delivery of items would mostly be via a delivery van or small light rigid truck, similar in size to the delivery of items to the adjacent chemists or any similar businesses in the Town Centre. No items can logistically be delivered by semi-trailer as there is no access or turnaround capability for such a vehicle and logistically it makes economic sense for the Group to deliver these larger items (e.g., motors, crusher parts etc) directly to where they are needed at either a quarry or an engineering/mechanical workshop. It was never the intent to store these larger items at this site and further, the store is only 160 m<sup>2</sup> and there is not enough room for the storage of larger items. Further, again, the store is only 160m<sup>2</sup> in size and is not big enough nor appropriate to be used for the housing or repair of large earthmoving or transport equipment.

To give context of the size of the proposed store, listed below are 10 back yard Residential sheds that are similar in sized and built in the Amaroo Residential Estate prior to about 2019. The areas are approximate and were measured on Queensland Globe.

 Lot 107 on SP289721	Bundanoon Ct	160 m <sup>2</sup>
 Lot 20 on SP261225	Yarrabee Cl	130 m <sup>2</sup>
 Lot 127 on SP273688	Karobean Dr	120 m <sup>2</sup>
 Lot 12 on SP292105	Jannali Ct	135 m <sup>2</sup>
 Lot 6 on SP213034	Yarrabee Cl	200 m <sup>2</sup>
 Lot 11 on SP271379	Yarrabee Cl	110 m <sup>2</sup>
 Lot 103 on SP247844	Bundanoon Ct	260 m <sup>2</sup>
 Lot 112 on SP247851	Hastie Rd	150 m <sup>2</sup>
 Lot 26 on SP265014	Ponto's Pl	160 m <sup>2</sup>
 Lot 104 on S247851	Bundanoon Ct	140 m <sup>2</sup> .

Notably, the resident and owner of one of the above residential sheds made a Submission to this Application giving the impression there is some confusion by the public in relation to the size and use of the proposed development. Further, it appears at least two of the properties listed are operating businesses out of their Sheds located amongst Residential property and accessed via Residential streets. In the unlikely event the Group decides to vacate the building and either lease or sell this commercial development, the scale of any business that may operate out of these premises would be limited by its size and would be similar in impact to these two (2) existing businesses operating from the Amaroo Residential area.

As shown below, the proposed development is separated from the Amaroo residences by undeveloped land owned by the Group. Also shown and labelled as "FUTURE DEVELOPMENT" is the Residential lot layout BTM&S Stankovich P/L proposes (and has currently lodged with Mareeba Shire Council a Town Planning Application for the same), for the englobo land. The existing residences are clearly separated from the proposal to add a small portion to the existing Amaroo Business Precinct. Further, the Group believes it has to the best of its knowledge been open and transparent with the residences of Amaroo with its disclosure of its intentions, hence this proposal being lodged prior to the lodgement of the Subdivision currently in Council for the extension of Merindah Close.



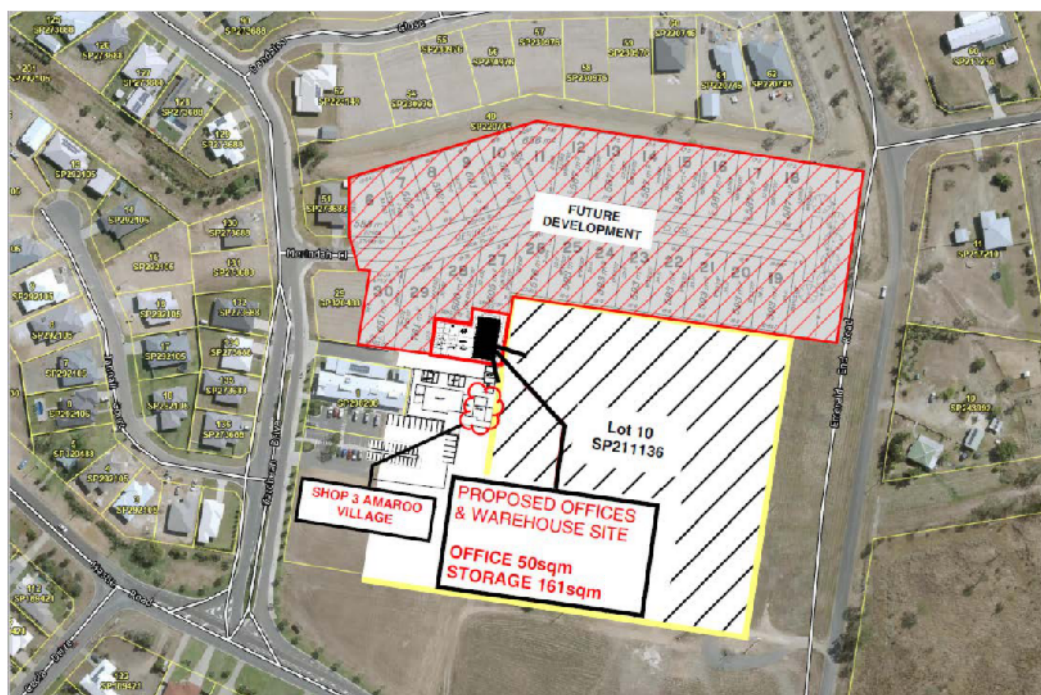


Figure 1.

Further to the above which was provided by the proponents of the site, Freshwater Planning Pty Ltd understands that the proposal has been meticulously designed to ensure that the existing Amenity of both the Residential and Commercial aspects of the site are protected, maintained and enhanced. Whilst the proposal will indeed increase traffic to the area, the traffic will be restricted to the existing Commercial Areas of the Amaroo Estate (Amaroo Village Business Precinct) providing limited impact, if any, on the surrounding Residential properties as per the existing Amaroo Village Business Precinct. The existing Road Network has been designed to cater for this and any additional increase and is considered acceptable and appropriate, providing for safe access without affecting the existing Residential Estate.

In relation to the Submissions regarding the increase in noise, the proposal has been designed to ensure that any vehicle will enter and exit the site in a forward gear, meaning that any delivery vehicles/trucks will enter the site and exit the site in a forward motion with only reversing to turn around onsite, of which the Proposal Plans lodged with the Town Planning Submission identified ample manoeuvring areas for this to occur. This results in any vehicle only have to minimally reverse to turn-around similar to any delivery vehicle already servicing the existing Amaroo Village Business Precinct. The proponents are currently investigating the availability of low frequency reversing electric forklifts to further demonstrate their commitment to providing a non-intrusive Use within the Amaroo Estate. This is further supported by the solid privacy fence screening that will be provided as a part of the currently proposed Reconfiguration and as demonstrated on the Proposal Plans within this Development Application. Their preliminary investigations have already discovered the following: *Safe Work Australia's Code of Practice - Managing the risks of plant in the workplace, May 2018 and AS 2359.1:2019 – Powered industrial trucks, Part 1: General Requirements require an audible alarm to be used on plant if the plant is designed with an audible alarm, however that the alarm be clearly audible only in the hazard area. Consequently, an employer can legally use a forklift truck fitted with an audible alarm that is not able to be heard beyond the immediate vicinity*

*of the forklift truck let alone the boundary of the workplace. In other words, we will adjust the volume of the audible alarm as required.*

It is understood that any Operating Hours will be provided within normal hours of Operations within Residential Areas and will be from 7am to 6 pm with deliveries not expected prior or after these times and will generally be expected within the normal working hours of the day. It is noted that these hours also coincide with the Operational Works Permit Approval that the Developers hold over the balance of the Amaroo Estate. The proponents note the following:

Page  
4

In terms of "Hours of Work" restrictions, as a part of the Operational Works Approval's Conditions, given by Council, it is required that operational working hours that involve plant and equipment of any kind (i.e forklift) shall only be carried out on site during 7:00am to 6:00pm (Monday to Friday) and 7:00am to 1:00pm (Saturday). See below extract from the OP Works Decision Notice OPW/20/0004 – Amaroo Stage 11:

**(e) Hours of Work**

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:
  - 7.00am to 6.00pm, Monday to Friday;
  - 7.00am to 1.00pm Saturdays;
  - No work is permitted on Sundays or Public Holidays.
- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

It is believed that following the prescribed "Hours of Work" above is more the sufficient, as the noise admitted from the proposed development will be severely less, in both volume and frequency, than that of construction within a Residential Area (i.e Amaroo etc).

It is considered that the proposed Office and Warehouse providing additional Commercial Uses to the Amaroo Village Business Park is acceptable and appropriate and is not considered to conflict with the Intent and future planning of the Low Density Residential Zone. The proposed development is considered to provides for adequate noise amelioration while not significantly affecting the surrounding amenity and character. The proposal is not considered to be of visual blight and will not significantly affect the existing Amaroo Residential Estate. The proponent has gone to significant lengths to protect the amenity of the site and adjoining Residential Estate as it is in their best interests.

Yours faithfully,



**MATTHEW ANDREJIC**

**FRESHWATER PLANNING PTY LTD**

P: 0402729004

E: FreshwaterPlanning@outlook.com

A: 17 Barron View Drive, FRESHWATER QLD 4870