

## 8.1 SUTARIYA BROTHERS PTY LTD - MATERIAL CHANGE OF USE - SERVICE STATION AND CARETAKER'S ACCOMMODATION - LOT 15 ON RP846956 - MALONE ROAD, MAREEBA - MCU/21/0014

**Date Prepared:** 4 November 2021

**Author:** Planning Officer

**Attachments:**

1. Proposal Plans
2. SARA Referral Agency Response (DTMR)
3. Public Notification Submission

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Sutariya Brothers Pty Ltd	<b>ADDRESS</b>	Malone Road, Mareeba
<b>DATE LODGED</b>	1 July 2021	<b>RPD</b>	Lot 15 on RP846956
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Service Station & Caretaker's Accommodation		
<b>FILE NO</b>	MCU/21/0014	<b>AREA</b>	7,448m <sup>2</sup>
<b>LODGED BY</b>	U&i Town Plan	<b>OWNER</b>	Sutariya Shantilal Dhirajlal & Sutariya Bhavin Dhirubhai
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	1 Submission		

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. One (1) submission was received during the mandatory public notification period, which did not object to the proposed development.

The site is situated on the corner of Malone Road and the Kennedy Highway and the application proposes the establishment of a service station and associated caretaker's accommodation on the currently vacant allotment. The service station will be accessed exclusively from Malone Road and is proposed to operate from 5 am to 8:30 pm, 7 days per week. The caretaker's accommodation will be in the form of a small dwelling situated towards the northern end of the site.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to be in conflict with any relevant aspect of the Planning Scheme. The proposed service station will only operate until 8.30 pm each night, being closed over most of the more sensitive "night-time hours" (defined as 10 pm - 7 am). Furthermore, boundary treatments are proposed along the southeast boundary to further minimise any impacts

on the adjoining rural residential allotment. Draft conditions were provided to the applicant's care of their consultant and have been agreed to.

It is recommended that the application be approved in full, subject to conditions.

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Sutariya Brothers Pty Ltd	<b>ADDRESS</b>	Malone Road, Mareeba
<b>DATE LODGED</b>	1 July 2021	<b>RPD</b>	Lot 15 on RP846956
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Service Station & Caretaker's Accommodation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Service Station and Caretaker's Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1532-PD-A-00 Issue - P3	Cover Sheet	Clarke and Prince Architects	May 2021
1532-PD-A-01 Issue - P6	Site Plan	Clarke and Prince Architects	May 2021
1532-PD-A-02 Issue - P3	Service Station Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-03 Issue - P2	Fuelling Area - Floor Plan	Clarke and Prince Architects	May 2021
1532-PD-A-06 Issue - P1	Floor Plan - Caretakers Residence	Clarke and Prince Architects	May 2021
1532-PD-A-04 Issue - P2	Perspective Images	Clarke and Prince Architects	May 2021
1532-PD-A-05 Issue - P1	Street Elevations	Clarke and Prince Architects	May 2021

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The 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 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 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.
  - 3.5 Noise Nuisance
    - 3.5.1 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.
    - 3.5.2 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 The authorised operating hours for the service station and associated shop are limited to between 5am and 8.30pm, seven (7) days per week. No operations associated with the service station or shop are permitted on-site outside these hours, including commercial refuse disposal or the replenishing of underground fuel storage tanks.
- 3.7 Any fuel ventilation outlets must be located as far away as practically possible from the common boundary with Lot 16 on SP195707.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

A commercial access crossover must be upgraded/constructed (from the edge of Malone Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

##### 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 Prior to building works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- 4.2.3 The Stormwater Management Plan and Report must include provisions to intercept and control stormwater flows along driveways and hardstand areas.
- 4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.
- 4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.
- 4.2.6 In addition to the Stormwater Management Plan, and prior to building works commencing, the applicant/developer must submit an Oily Water Management Plan, prepared and certified by a suitably qualified design engineer (RPEQ). The Plan must demonstrate how contaminants such as oil and/or fuel will be removed and stored prior to stormwater being discharged from the site.



#### 4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the service station and shop is provided with a minimum of 16 on-site car parking spaces as depicted on the approved plans (including 1 disabled parking space) as well as 1 RV parking space and 1 service vehicle parking space which are available solely for the parking of vehicles associated with the use of the premises. These parking spaces must be provided in addition to any fuel bowser parking spaces. The caretaker's accommodation must be provided with one (1) undercover parking space.

4.3.2 All car parking spaces and trafficable areas, including the truck turn around area and caretaker's accommodation driveway must be concrete sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

4.3.3 All car parking spaces and trafficable areas 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.

4.3.4 The applicant/developer must ensure the development is provided with three (3) bicycle parking spaces in proximity to the shop building entrance/s.

A sign must be erected in proximity to the access driveways indicating the availability of on-site parking.

#### 4.4 Traffic Impact Assessment - Roadworks External (Malone Road)

A traffic impact assessment must be prepared by a Registered Professional Engineer of Queensland (RPEQ) in order to estimate the proposed traffic likely to be generated by the development and identify any augmentations or improvements required to the existing road network (Malone Road) to provide safe and convenient access to the site.

The traffic impact assessment should specifically address external works required on Malone Road between the intersection of the Kennedy Highway to a point 10 metres past the access to the site. Malone Road is currently not constructed to standard, so augmentation works should include widening on both sides of the road, turn lanes, traffic islands (if necessary), line-marking, signage and asphalt overlays to minimise damage made by turning vehicles.

The traffic impact assessment must include detailed plans.

Plans for the abovementioned works must be submitted to Council as part of a subsequent application for operational works.

#### 4.5 Landscaping

4.5.1 Prior to building works commencing, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The extent of landscaping on site should be generally consistent with that shown on the submitted plan/s (Site Plan).

4.5.2 The landscape plan should include a three (3) metre wide landscape buffer along the southeast boundary for a length consistent with that shown on the submitted site plan. This southeast boundary landscape buffer must include shrubs, plants and trees that will grow to form an effective visual buffer of no less than four (4) metres in height at maturity and should include at least 25% larger more advanced plant stock.

4.5.3 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

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

#### 4.6 Acoustic Fencing

Prior to the commencement of the use, the applicant/developer must erect a solid 1.8m high, acoustic fence of neutral colour (timber fencing not permitted) along the southeast boundary (common with Lot 16 on SP195707) for a length of no less than 110 metres from the southern corner of the site.

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

#### 4.7 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

#### 4.8 Signage

Advertising signage locations are limited to the fuelling canopy fascia, shop building fascia, walls and windows and the pylon sign. The pylon sign must be used to advertise fuel prices only. Advertising signage must not move, revolve, strobe or flash (can be illuminated).

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

#### 4.9 Non-Reticulated Water Supply

The service station and caretaker's accommodation must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

#### 4.10 Sewerage Connection

All on-site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of Council's delegated officer.

### (D) ASSESSMENT MANAGER'S ADVICE

#### (a) Food Premises

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

#### (b) 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.

#### (c) 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.

#### (d) 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)

#### (e) Cultural Heritage

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

duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 3 September 2021.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

**THE SITE**

The subject site is situated on the corner of Malone Road and the Kennedy Highway, Mareeba and is more particularly described as Lot 15 on RP846956. The site is irregular in shape with a total area of 7,448m<sup>2</sup> and is zoned Rural residential under the Mareeba Shire Council Planning Scheme 2016. Malone Road is accessed via an unsealed crossover situated in the southern corner of the allotment.

The site is currently vacant and predominantly cleared and grassed with some mature vegetation along the eastern boundary and northeast tip of the allotment. The site is not connected to Council's reticulated water and sewer networks.

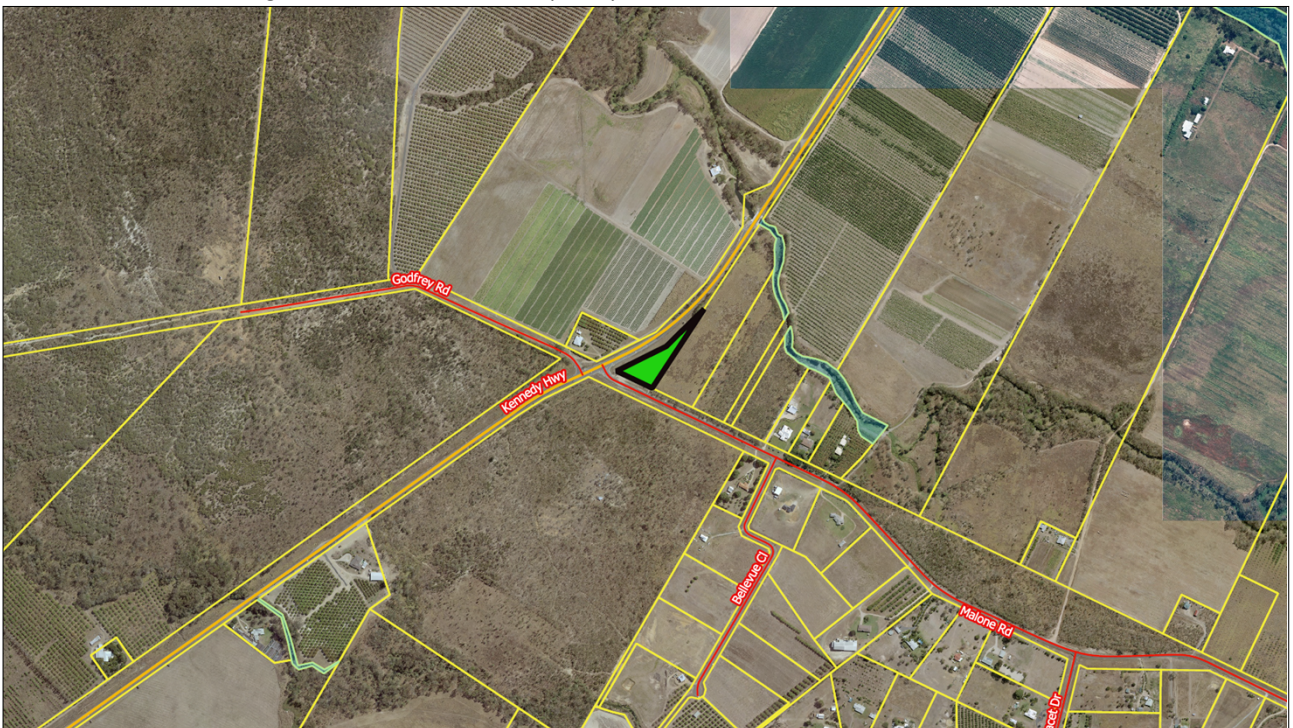
The only immediate adjoining property is situated to the east and is zoned Rural residential and is vacant. Land in the broader area is zoned a mix of Rural residential, Rural and Emerging Communities and contains a mix of uses which include lifestyle lots, actively cropped rural lots and large vacant unused allotments.





**Map Disclaimer:**

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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## BACKGROUND AND CONTEXT

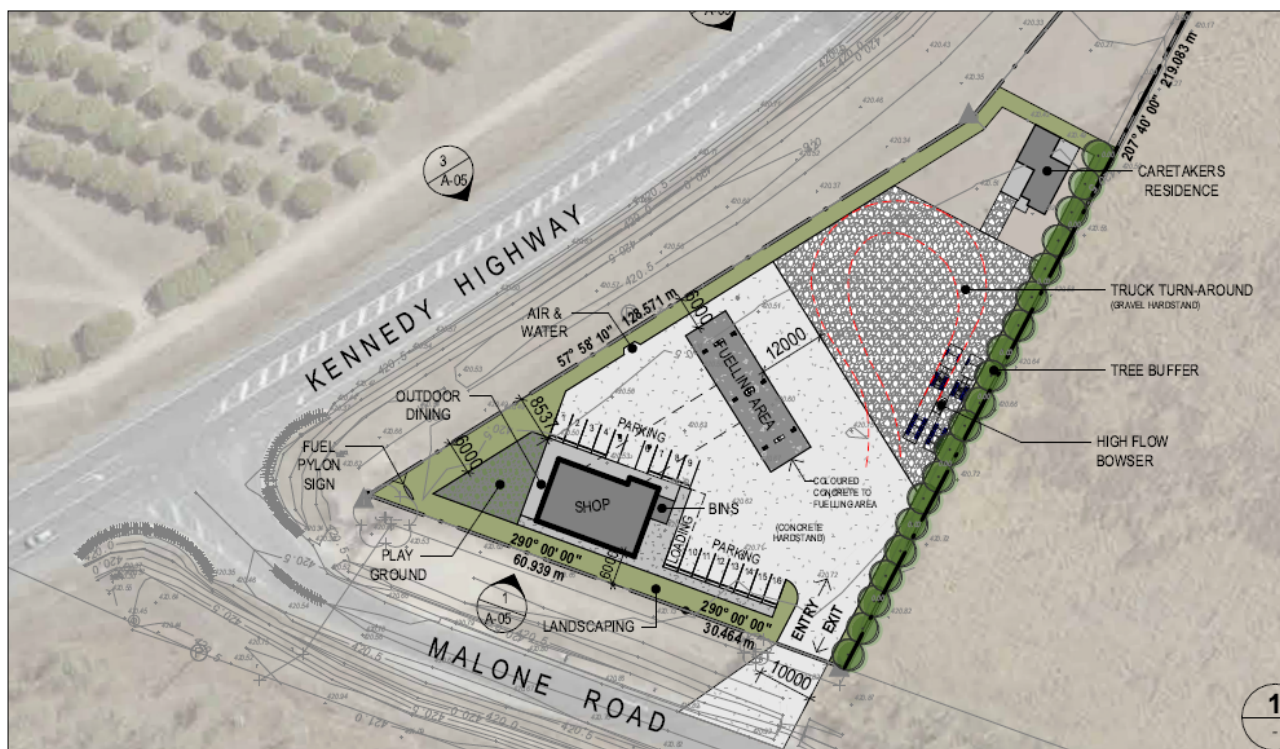
Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Service Station & Caretaker's Accommodation in accordance with the plans shown in **Attachment 1**.



### Design & Layout:

The site configuration dictates the building works in the widest proportion of the site towards the corner of the Kennedy Highway and Malone Road. The building structures are located furthest away from the adjacent rural residential land use and closest to the Kennedy Highway for greatest retail exposure.

The scale of the buildings are consistent with other service station type developments with a single level retail building connected to a higher fueling canopy via covered link. The retail building will be rendered blockwork with a painted compressed fibre cement sheeting fascia. This building will have a glazed frontage to the fuelling area, outdoor dining/play area and the Highway. The fueling canopy and link will be open steel framed structures with matching fascia's. At this stage there is no corporate branding or colour pallet to overlay. An outdoor dining and children's play area is located on the street corner to activate the retail building frontage. The proposed hours of operation are from 5am to 8:30pm, 7 days a week.

### Service Station Building:

The service station store is well appointed to cater for travellers and locals alike, with a commercial kitchen and cafe facilities to provide meals and coffees for patrons to consume on-site if they like

with indoor and outdoor dining areas provided. Adjacent to the dining areas is a kid's playground area to cater to travelling families, strategically positioned on the street corner to activate the retail building frontage.

#### **Caretaker's Accommodation:**

The proposed caretaker's accommodation is proposed to be located away from the Service Station towards the corner portion of the allotment in the northern corner. The dwelling will accommodate is provided to accommodate the manager of service station, to ensure someone is always on the property acting as security.

#### **Signage:**

The proposed facility will include one pylon sign (8m in height) and a number of small entry / exit signs. The proposed new signs are appropriately located within the property boundaries and will not comprise the character of the local area nor will they impede with any pedestrian or motoring safety. Proposed signage will not be used for third party purposes. In terms of signage on the building, at this stage there is no corporate branding or colour pallet to overlay.

#### **REGIONAL PLAN DESIGNATION**

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site does not contain any areas of ecological significance as mapped by the Regional Plan.

#### **PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• <i>State Controlled Road (Kennedy Highway)</i></li> <li>• <i>Local Collector Road (Malone Road)</i></li> <li>• <i>Principal Cycle Route</i></li> </ul>
Zone:	Rural Residential Zone
Preferred Area/Precinct:	N/A - No Precinct
Overlays:	Agricultural Land Overlay Airport Environs Overlay Transport Infrastructure Overlay

#### **Planning Scheme Definitions**

The proposed use is defined as:-

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<b>Service station</b>	<i>Premises used for the sale of fuel including petrol, liquid petroleum gas, automotive distillate and alternative fuels. The use may include, where ancillary, a shop, food and drink outlet, maintenance, repair servicing and washing of vehicles, the hire of trailers, and supply of compressed air.</i>	<i>n/a</i>	<i>Car wash</i>
<b>Caretaker's accommodation</b>	<i>A dwelling provided for a caretaker of a non-residential use on the same premises.</i>	<i>n/a</i>	<i>Dwelling house</i>

## RELEVANT PLANNING INSTRUMENTS

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

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

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

### (B) State Planning Policy

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

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

#### Strategic Framework

#### 3.3 Settlement pattern and built environment

#### 3.3.10 Element - Rural residential areas

#### 3.3.10.1 Specific outcomes

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



Comment

Refer to Planning Discussion section of report for further commentary on amenity. The proposed development is not likely to result in an unacceptable loss of amenity for the adjoining rural residential property. This adjoining lot is vacant and is large enough that any future dwelling can be sited a substantial distance away. Furthermore, landscape buffering and solid screen fencing is proposed along the common boundary to further reduce amenity impacts.

The development complies.

### *3.3.2 Element - Activity centres network*

#### *3.3.2.1 Specific outcomes*

- (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 proposed siting of the service station approximately 5 kilometres outside of Mareeba is not likely to impact on the continued operation of Mareeba's centre areas. The development site is conveniently located adjacent the State controlled Kennedy Highway and will service customers both on the approach into Mareeba and on route to Cairns, not to mention all those living between Mareeba and Koah. The Proposed service station will be a convenient alternative for road users travelling to and from Atherton who do not wish to travel into Mareeba's CBD for fuel.

The development complies with Specific outcome (3).

### *3.4 Natural resources and environment*

#### *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

Refer to Planning Discussion section of report for further commentary on amenity. The proposed development is not likely to result in an unacceptable loss of amenity for the adjoining rural residential property. This adjoining lot is vacant and is large enough that any future dwelling can be sited a substantial distance away. Furthermore, landscape buffering and solid screen fencing is proposed along the common boundary to further reduce amenity impacts.

The development complies.

## Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 9.3.1 Accommodation activities code
- 9.3.2 Commercial 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

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 contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met). Further commentary is warranted with regards to PO8 and PO9 (non-residential development & maintaining amenity) and is included in the Planning Discussion section of this report.
Agricultural land overlay code	The application does not conflict with any relevant acceptable outcome/performance outcome contained within the code.
Airport environs overlay	The application does not conflict with any relevant acceptable outcome/performance outcome contained within the code.
Accommodation activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Commercial activities code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).

Advertising devices code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided or cannot be met).

#### (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 be designed and constructed in accordance with FNQROC Development Manual standards.

#### REFERRAL AGENCY

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

That Department provided their referral agency response - with conditions on 3 September 2021 and require the conditions to be attached to any approval (**Attachment 2**).

#### PUBLIC NOTIFICATION

The development proposal was placed on public notification from 8 September 2021 to 29 September 2021. The applicant submitted the notice of compliance on 30 September 2021, advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received.

Issues raised in the submission are summarised and commented on below:

Grounds for objection /support	Comment
<i>"we submit that the proposed 1.8m high solid timber fence along the boundary will not provide a sufficient physical barrier to</i>	Any requirement for boundary fencing would also include the requirement that it be maintained in good working order for the life of the development, notwithstanding

<p><i>improve the amenity and security to future residential uses. A timber fence adjacent to and incorporated in a tree buffer zone which is constantly watered will rapidly deteriorate. Further, the susceptibility of a timber fence to the natural elements and pest/termite activity will undoubtedly impact on the integrity and durability of such a fence leading to a severely limited lifespan of no more than a few years. Such a fence would undeniably fail to achieve its desired objectives.</i></p> <p><i>The fence will need to be more permanent, structurally sound and reliable construction immune from nature's deteriorating elements. This can only be achieved by the construction of a properly designed solid concrete/block fence. Such a fence would also provide an immediate barrier given that it is expected to take approximately (5) years for any tree buffer to mature sufficiently to provide an adequate vegetation buffer.</i></p> <p><i>In conclusion, our requirement for a solid concrete/block fence is validly made and supportable."</i></p>	<p>this, Council officers are amenable to excluding the use of timber for the fence construction.</p> <p>It is however not considered reasonable to require the applicant to construct a solid concrete/block fence. The same outcome can be achieved by constructing a 1.8m high colorbond style iron fence, which will withstand the elements as much as a concrete/block fence.</p> <p>Condition 4.6 (acoustic fencing) has been worded accordingly.</p>
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## Submitters

Name of Principal submitter	Address
1. C & C Iacutone	PO Box 677, Mareeba QLD 4880

## PLANNING DISCUSSION

Compliance with the Performance Outcomes contained within the Rural Residential Zone Code are discussed below:

### **6.2.10 Rural Residential Zone Code**

#### ***Non-residential development***

#### ***PO8***

*Non-residential development:*

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

**AO8**

*No acceptable outcome is provided.*

**Comment**

The proposed service station development will be of similar scale and design to that of the recently refurbished Mobil service station in Mareeba. The service station will be sited on a corner allotment in a prominent location on the corner of the busy Kennedy Highway and Malone Road.

Despite being inconsistent in design and scale of surrounding buildings, no modern service station would be, particularly when compared to existing build form in Mareeba's rural landscape. The proposed design is considered reasonable and will present well on the approach into and out of Mareeba. The Proposed service station will provide an additional refuelling option for road users in the area, particularly road users that may bypass the Mareeba CBD which is where most other servo's are located in the Town.

Considering the proposed limited operating hours of 5 am to 8:30 pm, which exclude the majority of the more noise sensitive "night-time hours" of 10 pm to 7 am, the service station use is not likely to have a detrimental impact on the amenity of the adjacent rural residential allotment, which is currently vacant and is large enough so that any future dwelling can be sited a substantial distance from the common boundary with the development site. Conditions of approval have been included to help further minimise amenity impacts on adjacent rural residential land

The caretaker's accommodation component of the development which is akin to a regular dwelling will not be inconsistent in scale and is not likely to impact on rural residential amenity.

The development complies with PO8.

***Amenity*****PO9**

*Development must not detract from the amenity of the local area, having regards 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**

Noise - The development is positioned adjacent the busy Kennedy Highway. Significant traffic noise is considered a day to day occurrence for lots in the immediate vicinity. Conditions have been included requiring the implementation of solid screen boundary fencing and veg buffering along the

common boundary to the adjoining rural residential allotment to help further minimise amenity impact. In addition, the proposed service station will not operate over the more noise sensitive "night-time hours".

Hours of operation - the proposed hours of operation between 5am and 8:30pm, seven (7) days per week are considered reasonable and will help minimise amenity impact on the adjoining rural residential allotment.

Traffic - the proposed development will cause more traffic to travel down the very start of Malone Road which is the only proposed means of accessing the site. The Kennedy Highway and Malone Road intersection is constructed to the required standard and the start of Malone Road will be upgraded to accommodate the additional traffic. Being situated at the very start of Malone Road, the development will not increase the amount of traffic driving past established dwellings.

Advertising devices - The amount and scale of advertising devices proposed on-site is consistent with other modern service station developments in and out of the Shire. The signage proposed will not affect amenity.

Visual Amenity - The proposed service station design will be similar to that of nearly all modern service stations, with a similar appearance to the recently refurbished Mobil servo in Mareeba. The design coupled with landscaped gardens will ensure an attractive development on the approach into and out of Mareeba that will not impact on the visual amenity of road users. The closest established dwelling is situated approximately 130 metre to the north-west on the opposite side of the Highway. The service station will be screened from view from this dwelling by established gardens and mango trees. Vegetated buffering and solid screen fencing will be implemented along the common boundary with the immediate adjoining rural residential allotment which will screen the development from view from any future dwelling constructed on the lot.

Privacy - The proposed development will not cause any privacy issues for any nearby residences.

Lighting - A condition will be attached to any approval requiring all lighting on-site be designed and installed so as to not cause any nuisance to nearby residence or adjoining land.

Odour - The proposed development is not likely to cause any odour nuisance to surrounding land. A condition will be attached to any approval ensuring fuel ventilation systems are positioned away from the common boundary with the adjoining rural residential allotment.

Emissions - The development is not likely to emit any other nuisance causing emissions.

The development complies with PO9.

## PROPOSED SERVICE STATION

KENNEDY HIGHWAY, MAREEBA, QLD

**VIEW FROM KENNEDY HWY SITE ENTRY**

**VIEW FROM KENNEDY HWY / MALONE RD INTERSECTION**

**DRAWING LIST**

1532-PD-A-00	COVER SHEET
1532-PD-A-01	SITE PLAN
1532-PD-A-02	SERVICE STATION FLOOR PLAN
1532-PD-A-03	FUELING AREA FLOOR PLAN
1532-PD-A-04	PERSPECTIVE IMAGES
1532-PD-A-05	STREET ELEVATIONS

DRAWN	JB	SCALE	SIZE	A3	PROJECT	PROPOSED SERVICE STATION	KENNEDY HIGHWAY, MAREEBA
APPROVED	SC	DATE	MAY	2021	FOR	SUTARIYA BROTHERS PTY LTD	
				DWG	COVER SHEET		
				DWG No.	1532-PD-A-00		
				STAMP	FOR APPROVAL		
				ISSUE	P3		

3 Scott Street Cairns QLD 4870  
 p 07 4051 4088 f 07 4051 1080  
 e cp@clarkandprince.com.au  
 w www.clarkandprince.com.au

clark and prince ARCHITECTS

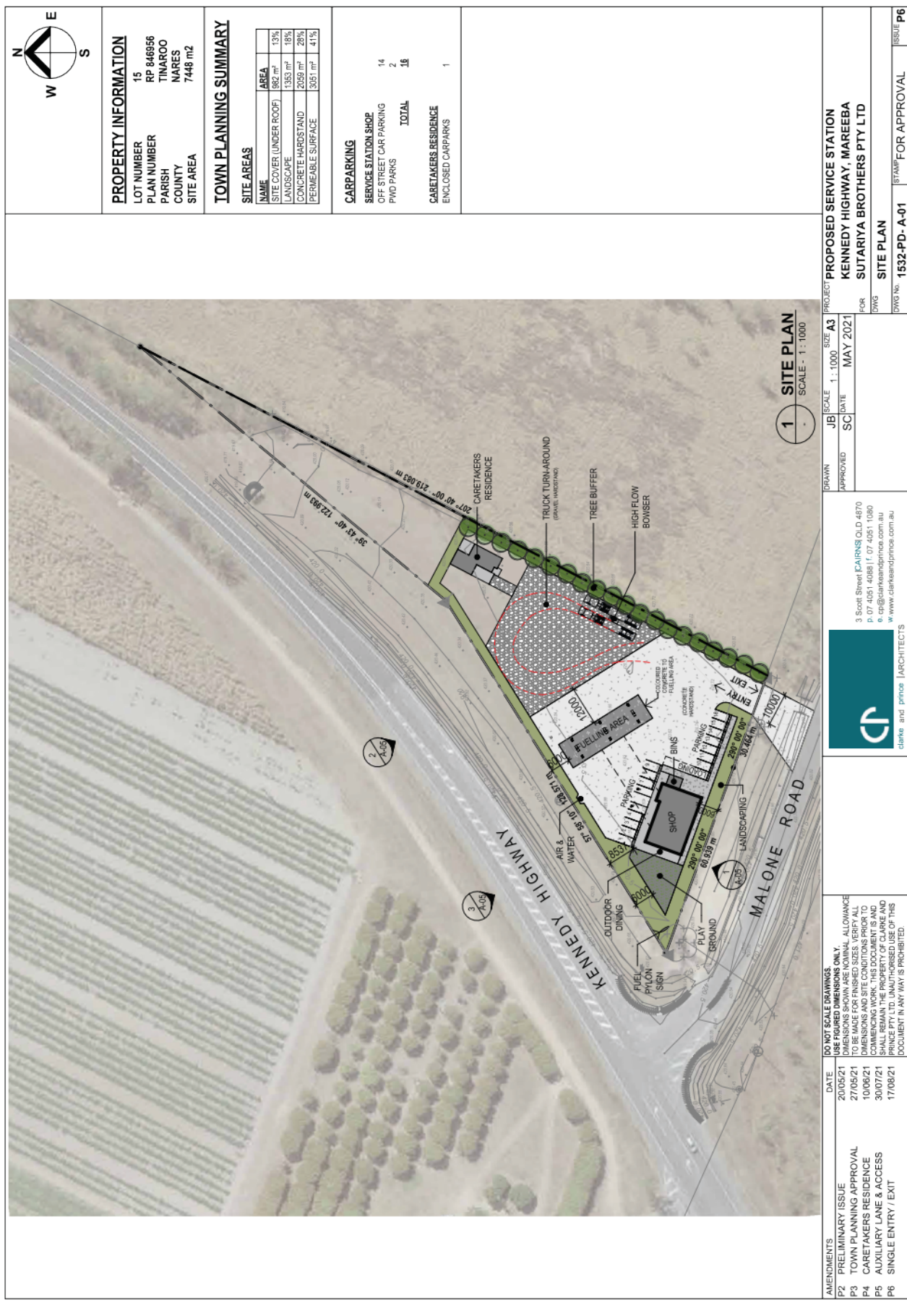
**DO NOT SCALE DRAWINGS**

ALL DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND WILL REMAIN THE PROPERTY OF CLARK AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.

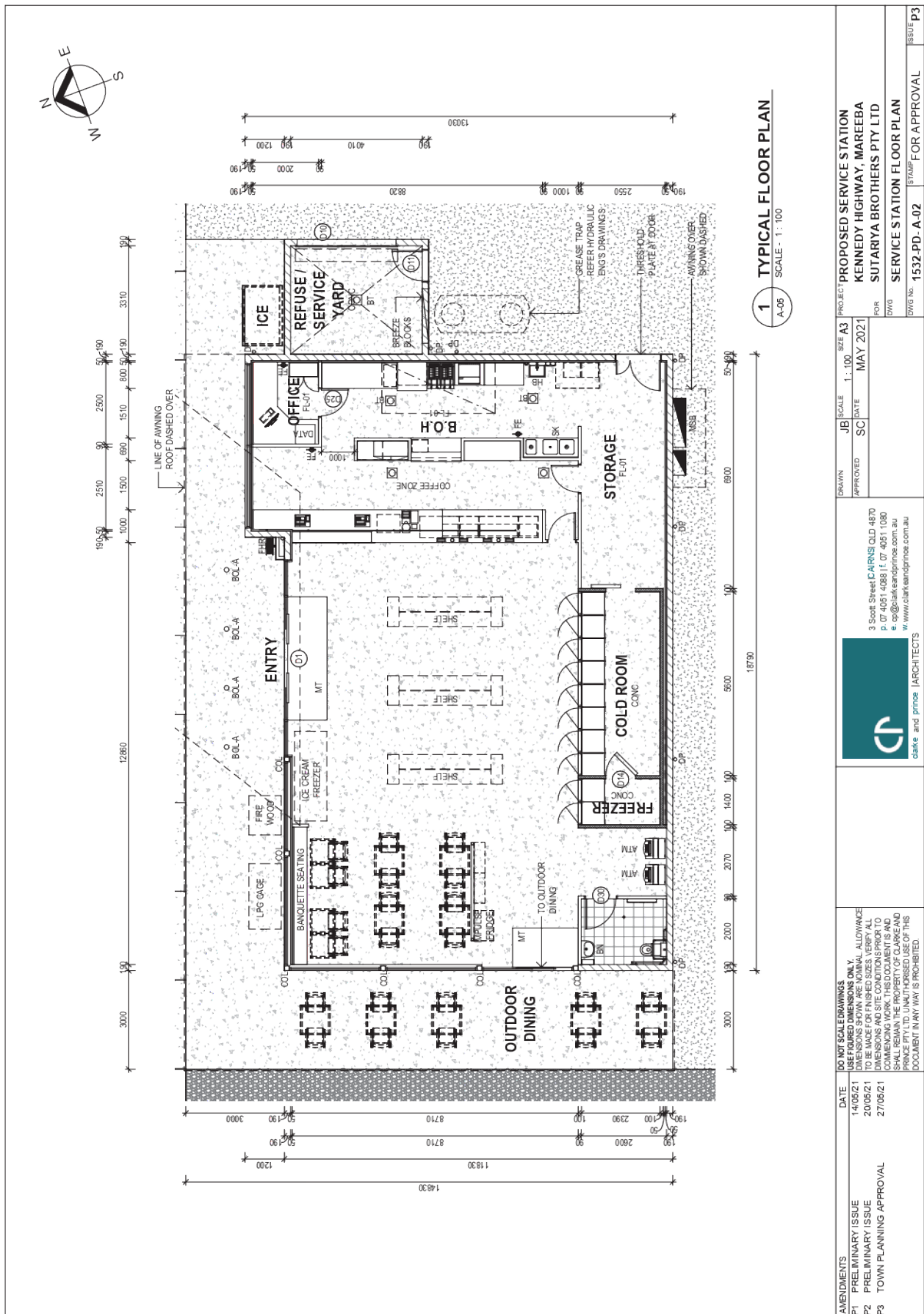
AMENDMENTS	DATE
P1 PRELIMINARY ISSUE	14/05/21
P2 PRELIMINARY ISSUE	20/05/21
P3 TOWN PLANNING APPROVAL	27/05/21

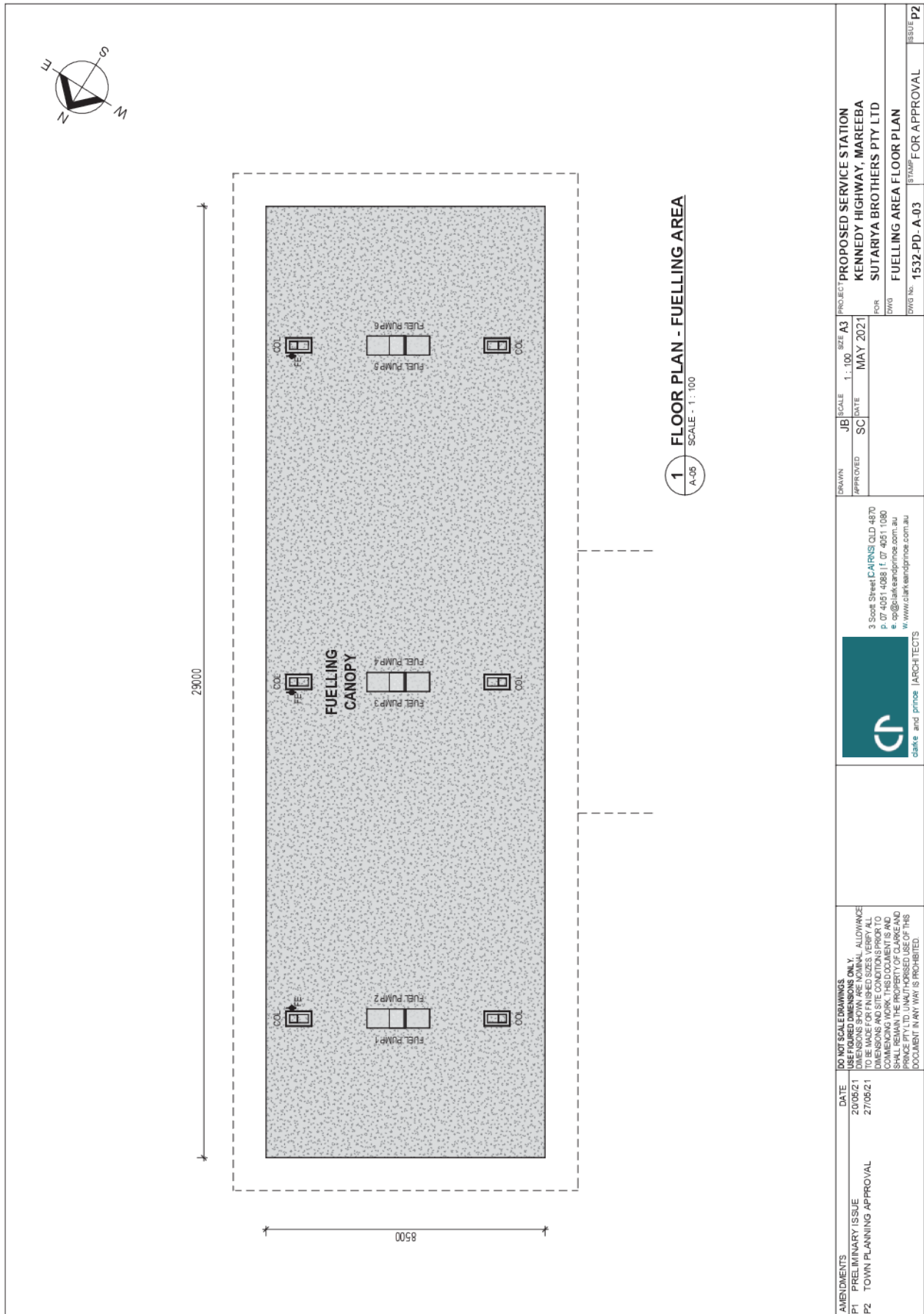
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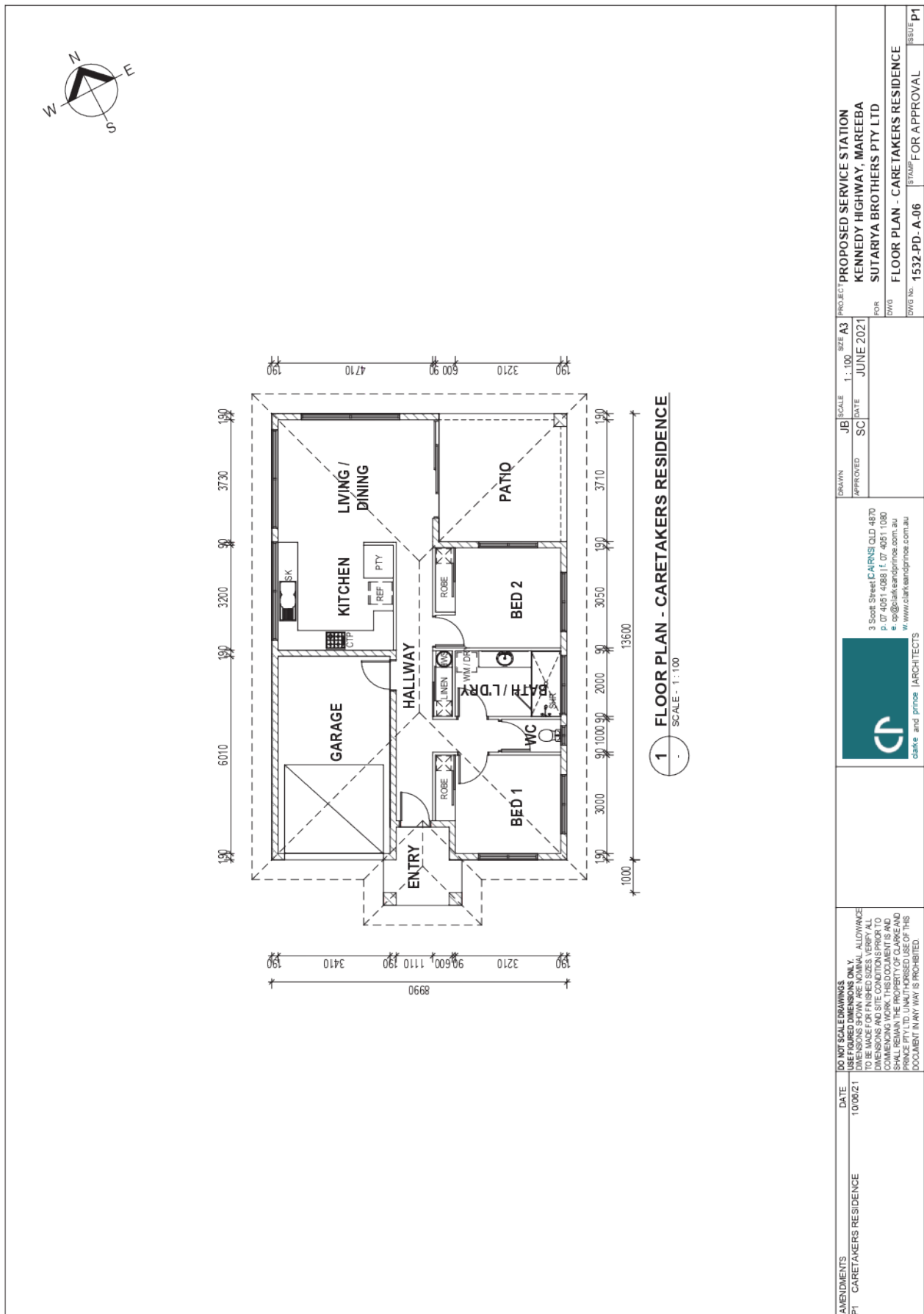






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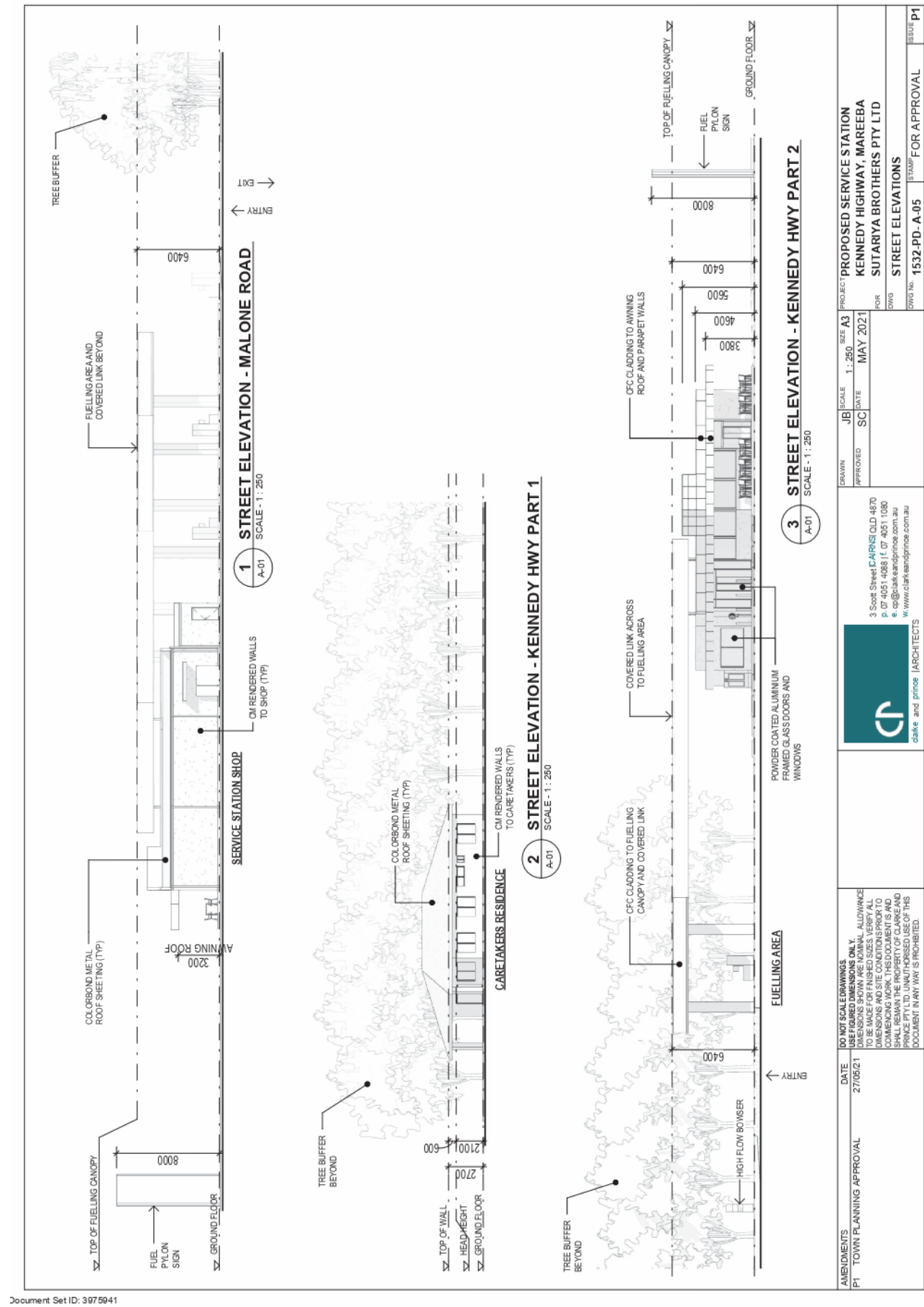
CLARK AND PRINCE PTY LTD




Document Set ID: 3975941

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AMENDMENTS	DATE	27/05/21	DO NOT SCALE DRAWINGS DIMENSIONS SHOWN ARE NOMINAL ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.	 CLARKE AND PRINCE ARCHITECTS 3 Scott Street Cairns (QLD 4870) p 07 4051 4088 f 07 4051 0380 e cp@clarkandprince.com.au www.clarkandprince.com.au	DRAWN: JB SCALE: 1:250 SIZE: A3 PROJECT: PROPOSED SERVICE STATION KENNEDY HIGHWAY, MAREEBA FOR: SUTARIYA BROTHERS PTY LTD DATE: MAY 2021 APPROVED: SC DWG NO: 1532-PD-A-05	STREET ELEVATIONS	FOR APPROVAL	ISSUE: p1
	TOWN PLANNING APPROVAL							



**From:** "No Reply" <mydas-notifications-prod2@qld.gov.au>  
**Sent:** Fri, 3 Sep 2021 14:34:56 +1000  
**To:** "Mary.McCarthy@dsdilgp.qld.gov.au"  
<Mary.McCarthy@dsdilgp.qld.gov.au>; "Planning (Shared)" <planning@msc.qld.gov.au>  
**Cc:** "ramon@uitownplan.com.au" <ramon@uitownplan.com.au>  
**Subject:** 2107-23539 SRA application correspondence - Malone Rd, Mareeba - Sutariya Brothers Pty Ltd - MCU/21/0014  
**Attachments:** Attachment 4 - Approved Stormwater Drainage Management Plan.pdf, Representations about a referral agency response.pdf, 2107-23539 SRA SARA Response.pdf  
**Importance:** Normal

Please find attached a notice regarding application [2107-23539 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

*This is a system-generated message. Do not respond to this email.*  
RA6-N



Email Id: RFLG-0921-0011-6602

Document Set ID: 4011580  
Version: 1, Version Date: 13/09/2021

<b>RODGERS CONSULTING ENGINEERS</b>			<b>Heath P Rodgers</b> MIE Aust RPEQ Mob 0418 692 087 admin@rogersconsulting.com.au
210220	HR/PM	04-06-2021	
To Whom It May Concern			124 Spence Street PO Box 1769 Cairns Qld. 4870  Ph: 07 40 519 466 Fax: 07 40 519 477 Heath Rodgers Consulting Engineers Pty Ltd ABN: 30 610 855 368
<div style="border: 1px solid red; padding: 5px;"> <b>PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE</b>   <b>SARA ref:</b> 2107-23539 SRA   <b>Date:</b> 3 September 2021         </div>			
<b>Re: New Service Station</b>			
<b>At: Kennedy Highway between Mareeba and Emerald Creek</b>			

## 1 Overview

Rodgers Consultants has been engaged to prepare a Stormwater Drainage Management Plan to support a Development Application for a Service Station development on Lot 15 on RP 846956 at the corner of Malone Road and Kennedy Highway, Mareeba. The site is and is located within the Mareeba Shire Council local government area.



Figure 1.1 Site Locality

## 2 Existing Site Details

The site is currently vacant with good grass cover, bounded by heavy vegetation on the south-eastern boundary and falls gently towards the Kennedy Highway. The Malone Road pavement and northern table drain falls gently towards Kennedy Highway where it grades around the corner to the north-east and continues to flow north-east on the eastern side of the Kennedy Highway. The existing site levels and contours are shown on RPS drawing PR149751-1. Kennedy Highway is on a crest approximately 100m east of Malone Road.

### 3 Proposed development

The proposed development is shown on Clarke & Prince drawing 1532-PD-A-01. The development includes:

- Refuelling areas for general and heavy vehicles
- Concrete hardstand and unsealed truck turning area
- Shop/retail building and on-site carparking

### 4 Flood Risk Review

Department of Natural Resources, Mines and Energy regional flood mapping indicates that the site is not affected by Q100 (1% AEP) flooding as shown in Figure 4.1 below.

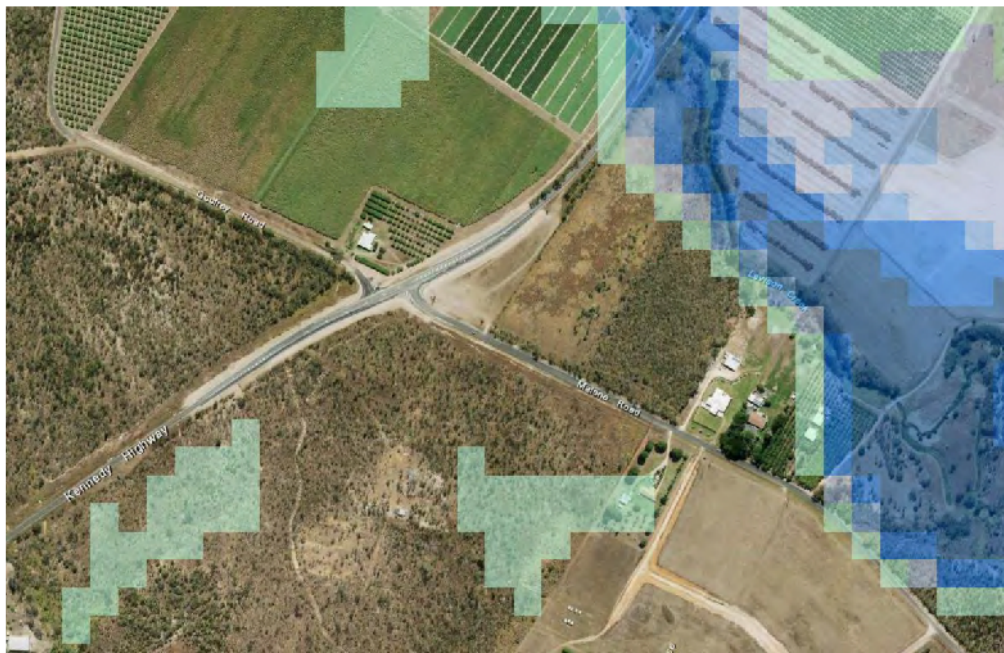


Figure 4.1 Flood Map



## 5 Stormwater Quantity Assessment

The proposed site is zoned Rural Residential and is currently vacant. To ensure a non-worsening impact on adjacent stormwater drainage systems (ie. Kennedy Highway table drain) this development will discharge postdevelopment stormwater flows into a detention basin located at the north-eastern corner of the site. The stormwater detention basin will be sized to detain flows for all events up to Q100 (1% AEP) and discharge flows to the Kennedy Highway at predevelopment flow rates.

The entire site currently falls and drains to the Kennedy Highway table drain and the postdevelopment site will continue to do so. Rodgers Consulting drawing F01 shows the concept stormwater drainage scheme proposed for this development.

Pre & post development stormwater flows calculated in accordance with QUDM are summarised as follows:

CATCHMENT	AREA	TIME OF CONCEN	FRACT IMPER	COEFF.	Vol.	Vol.	Vol.	Vol.	Vol.
	A	Tc	fi	C10	Q2	Q5	Q10	Q20	Q100
	m2	mins			m3/s	m3/s	m3/s	m3/s	m3/s
Predev	8412.5	40	0.10	0.70	0.082	0.113	0.131	0.156	0.227
Postdev	8412.5	6	0.41	0.78	0.195	0.278	0.330	0.399	0.597

Increases in stormwater flow will be detained in a basin located at the northern corner of the site as shown on Rodgers Consulting drawing F01. For the Q100 (1% AEP) event, the maximum storage requirement is 180m<sup>3</sup> with a basin of 250m<sup>2</sup> and 720mm deep. The location of the basin allows for the site to discharge to the Kennedy Highway table drain at the lowest level possible to avoid excessive site filling. All postdevelopment stormwater runoff from the site will be collected and discharged to the basin with a system of underground pipes and overland flow paths.

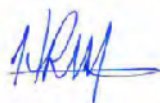
## 6 Summary

A stormwater drainage detention basin constructed at the northern corner of this site will ensure that postdevelopment stormwater discharge to the Kennedy Highway will remain at the predevelopment flow rate and this development will have a non-worsening impact on the Kennedy Highway drainage system.

Please do not hesitate to make contact should you require any clarification or further information.

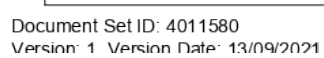
Yours faithfully

RODGERS CONSULTING ENGINEERS



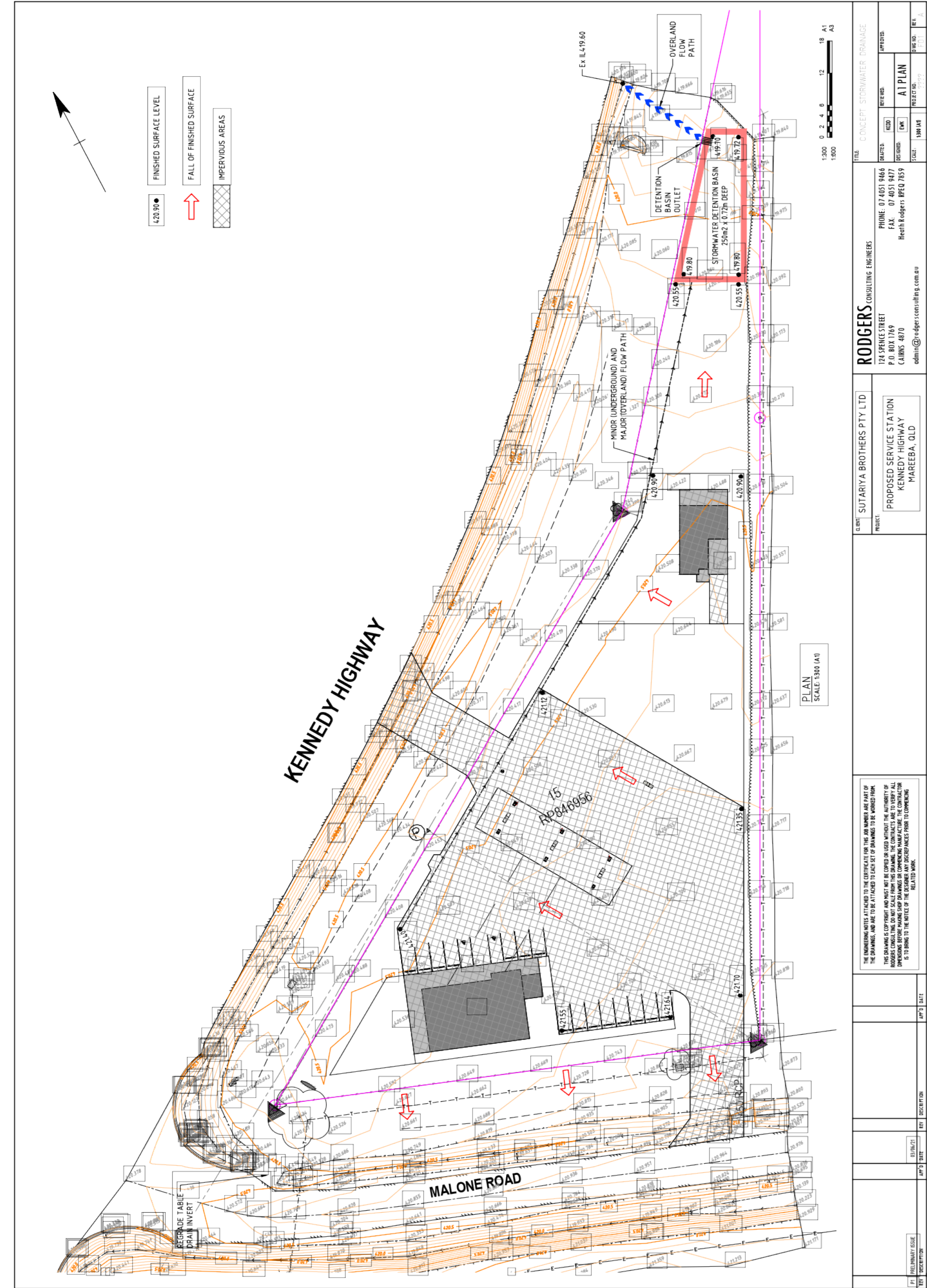
Heath P Rodgers

B.E. Hons, MIE Aust, RPEQ



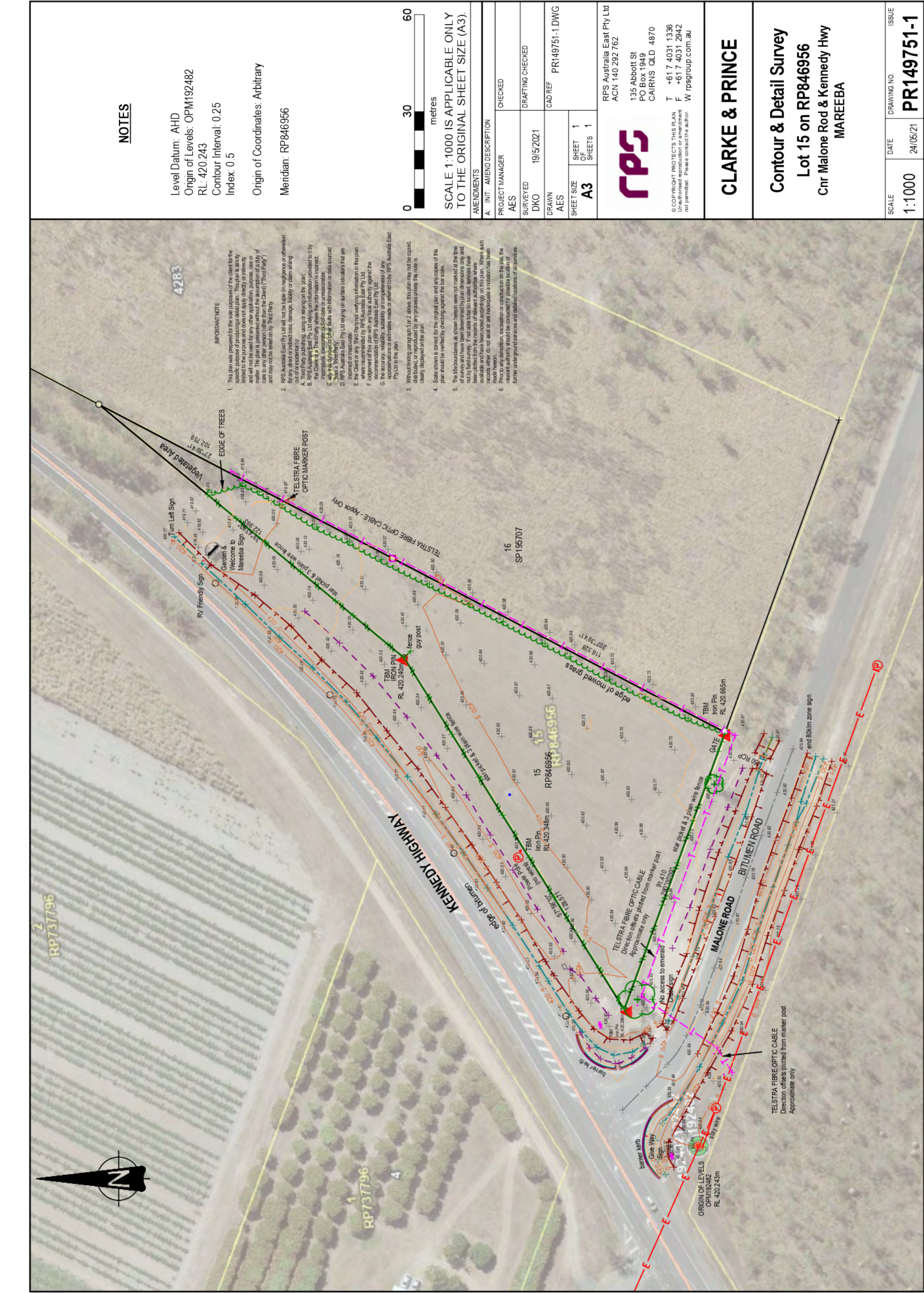
AMENDMENTS		DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRICE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.		<div></div> <div>3 Scott Street   CAIRNS   QLD 4870 p. 07 4051 4088   f. 07 4051 1080 e. cp@clarkeandprice.com.au w. www.clarkeandprice.com.au</div>	<table><tr><td>DRAWN</td><td>JB</td><td>SCALE</td><td>1 : 1000</td><td>SIZE</td><td>A3</td></tr><tr><td>APPROVED</td><td>SC</td><td>DATE</td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>	DRAWN	JB	SCALE	1 : 1000	SIZE	A3	APPROVED	SC	DATE										PROJECT PROPOSED SERVICE STATION KENNEDY HIGHWAY, MAREEBA SUTARIYA BROTHERS PTY LTD SITE PLAN FOR DWG DWG No. 1532-PD- A-01 STAMP PRELIMINARY ISSUE P2
DRAWN	JB	SCALE	1 : 1000	SIZE	A3																			
APPROVED	SC	DATE																						
P1	PRELIMINARY ISSUE	DATE 14/05/21																						
P2	PRELIMINARY ISSUE	20/05/21																						





THE ENGINEERING NOTES ATTACHED TO THE CERTIFICATE FOR THE JOB NUMBER ARE PART OF THE DRAWINGS, AND ARE TO BE ATTACHED TO EACH SET OF DRAWINGS TO BE WORKED FROM. THIS DRAWING IS COPYRIGHT AND MUST NOT BE COPIED OR USED WITHOUT THE AUTHORITY OF RODGERS CONSULTING ENGINEERS. THE CONTRACTS ARE TO VERIFY ALL DIMENSIONS BEFORE MAKING SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO BRING TO THE NOTICE OF THE DESIGNER ANY DISCREPANCIES PRIOR TO COMMENCING RELATED WORK.		PROJECT: SUTARIYA BROTHERS PTY LTD PROPOSED SERVICE STATION KENNEDY HIGHWAY MAREEBA, QLD		RODGERS CONSULTING ENGINEERS 124 SPENCES STREET P.O. BOX 1769 CAIRNS 4870 admin@rodgersconsulting.com.au PHONE: 07 4051 9466 FAX: 07 4051 9477 Heath Rodgers RPEQ 7859		TITLE: CONCEPT STORMWATER DRAINAGE	
APP'D DATE		REV DESCRIPTION		DATE		DRAWN: KCD DESIGNED: FWK SCALE: 1:300 A4 PROJECT NO: 22799 SHEET NO: 1 OF 1 REV: A	
P1 PRELIMINARY ISSUE		13/06/21					





Document Set ID: 4011580  
Version: 1 Version Date: 13/09/2021



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

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

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

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

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

---

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

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

## Part 7: Miscellaneous

### 30 Representations about a referral agency response

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

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

RA6-N



SARA reference: 2107-23539 SRA  
 Council reference: MCU/21/0014  
 Applicant reference: M7-21

3 September 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—Malone Road, 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 13 July 2021.

### Response

Outcome:	Referral agency response – with conditions.
Date of response:	3 September 2021
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

Description:	Development permit	Material change of use - service station and caretaker's accommodation
SARA role:	Referral Agency.	
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 and within 100m of an intersection with a state-controlled road	

Page 1 of 7

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

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 Version: 1 Version Date: 13/09/2021

2107-23539 SRA

SARA reference: 2107-23539 SRA

Assessment Manager: Mareeba Shire Council

Street address: Malone Road, Mareeba

Real property description: Lot 15 on RP846956

Applicant name: Sutariya Brothers Pty Ltd

Applicant contact details: **C/- U&I Town Plan**  
PO Box 426  
Cooktown QLD 4895  
ramon@uitownplan.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Refused
- Reference: TMR21-033511 (500-1570)
- Date: 30 August 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Mary McCarthy, Senior Planning Officer, on 47583404 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke  
Principal Planner

cc Sutariya Brothers Pty Ltd, ramon@uitownplan.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  
Attachment 5 - Approved plans and specifications



2107-23539 SRA

### Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	<p>(a) The development must be carried out generally in accordance with Section 5 Stormwater Quantity Assessment of the Stormwater Drainage Management Plan prepared by Heath Rodgers Consulting engineers Pty Ltd, dated 04-06-2021, Reference 210220, in particular:</p> <ul style="list-style-type: none"> <li>• A detention basin is to be located at the north-eastern corner of the site as illustrated by the Concept Stormwater Drainage Plan, prepared by Rodgers Consulting Engineers Pty Ltd, Drawing No FO1, Revision A, dated 03-06-2021.</li> <li>• All post-development stormwater runoff from the site is to be collected and discharged to the detention basin with a system of underground pipes and overland flow paths.</li> </ul> <p>(b) RPEQ certification with supporting documentation must be provided to the corridor management unit at <a href="mailto:far.north.queensland.idas@tmr.qld.gov.au">far.north.queensland.idas@tmr.qld.gov.au</a>, within the Department of Transport and Main Roads', confirming that the development has been constructed in accordance with part (a) of this condition.</p>	<p>(a) At all times</p> <p>(b) Prior to the commencement of use</p>
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times

## Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6. If a word remains undefined it has its ordinary meaning.
2.	<p><b>Advertising device</b></p> <p>The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.</p>
3.	<p><b>Transport Noise Corridor</b></p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the State Planning Policy Interactive Mapping System website: <a href="https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking">https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking</a> and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>

2107-23539 SRA

**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:**

- The proposed development is for a material change of use for a service station and caretaker's accommodation.
- The proposed development will gain access from Malone Road, a local council road.
- SARA has assessed the development against State code 1: Development in a state-controlled road environment of the State Development Assessment provisions (SDAP), version 2.6, and determined that with conditions, the development achieves compliance with the performance outcomes of the State code.

**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

2107-23539 SRA

## **Attachment 4—Change representation provisions**

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State Assessment and Referral Agency

Page 6 of 7

Document Set ID: 4011580  
Version: 1, Version Date: 13/09/2021

2107-23539 SRA

## **Attachment 5—Approved plans and specifications**

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State Assessment and Referral Agency

Page 7 of 7

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Version: 1, Version Date: 13/09/2021

## WRITTEN SUBMISSION

## PLANNING ACT 2016

DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE – SERVICE STATION AND CARETAKER'S  
ACCOMMODATION – LOT 15 ON RP 846956

MCU/21/0014



Costanzo Iacutone and Carla Iacutone

PO Box 677

MAREEBA QLD 4880

Ph: 0408 012 541

Email: [conandcarla@bigpond.com](mailto:conandcarla@bigpond.com)

28 September 2021

The Chief Executive Office

Mareeba Shire Council

65 Rankin Street

MAREEBA QLD 4880

We refer to the above Development Application and confirm we are the registered owners of Lot 16 on Survey Plan 195707. This property is zoned rural residential and neighbours the proposed development site, having a common boundary with the entire length of the proposed development site's eastern boundary.

The Development Application states:-

**"The three (3) metre wide tree buffer along the eastern boundary also provides a suitable buffer with some height that delivers a suitable transition from the highway through the service station and onto the adjoining vacant rural residential land. Additionally, the 1.8m high solid timber fence along the boundary provides additional treatments and a physical barrier to improve amenity and security to future residential uses."**

We submit that the proposed 1.8m high solid timber fence along the boundary will not provide a sufficient physical barrier to improve the amenity and security to future residential uses. A timber fence adjacent to and incorporated in a tree buffer zone which is constantly watered will rapidly deteriorate. Further, the susceptibility of a timber fence to the natural elements and pest/termite activity will undoubtedly impact on the integrity and durability of such a fence leading to a severely limited lifespan of no more than a few years. Such a fence would undeniably fail to achieve its desired objectives.

The fence will need to be of a more permanent, structurally sound and reliable construction immune from nature's deteriorating elements. This can only be achieved by the construction of a properly designed solid concrete/block fence. Such a fence would also provide an immediate



barrier given that it is expected to take approximately five (5) years for any tree buffer to mature sufficiently to provide an adequate vegetation buffer.

In conclusion, our requirement for a solid concrete/block fence is validly made and supportable.

Your faithfully

Two handwritten signatures in black ink. The first signature is a stylized 'C' followed by a horizontal line. The second signature is 'C' followed by 'I' and a flourish.

COSTANZO AND CARLA IACUTONE