8.3 SIBI GIRGENTI HOLDINGS PTY LTD - MATERIAL CHANGE OF USE FOR A PRELIMINARY APPROVAL INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE PLANNING SCHEME - USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 24 LOTS) - LOT 100 ON SP276719 - TILSE STREET AND MCIVER ROAD, MAREEBA - RAL/21/0024

Date Prepared: **29 March 2022**

Author: **Senior Planner**

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

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	**ADDRESS**	Tilse Street and McIver Road, Mareeba
DATE LODGED	14 December 2021	**RPD**	Lot 100 on SP276719
TYPE OF APPROVAL	Preliminary Approval (Variation Request) and Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)		
FILE NO	RAL/21/0024	**AREA**	4.32 hectares
LODGED BY	Freshwater Planning Pty Ltd	**OWNER**	Sibi Girgenti Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Four (4)		

EXECUTIVE SUMMARY

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

The application is impact assessable and four (4) 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.

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OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		**PREMISES**	
APPLICANT	Sibi Girgenti Holdings Pty Ltd	**ADDRESS**	Tilse Street and McIver Road, Mareeba
DATE LODGED	14 December 2021	**RPD**	Lot 100 on SP276719
TYPE OF APPROVAL	Preliminary Approval (Variation Request) and Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a preliminary approval and 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: Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1470 - SK01 Amdt C	General Arrangements and Lot Dimensions	Jim Papas Civil Engineering Designer Pty Ltd	10.04.22
1470 - SK03 Amdt B	Probable Earthworks, Roadworks and Stormwater Drainage Layout	Jim Papas Civil Engineering Designer Pty Ltd	10.04.22

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) <u>Development assessable against the Planning Scheme</u>

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1. Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016

1. The assessment manager has approved a variation to an applicable local planning instrument, being the Mareeba Shire Council Planning Scheme 2016.

   Under the approved variation, all development on Lot 100 on SP276719 must be carried out in accordance with the Mareeba Shire Council Planning Scheme 2016 and the Low Density Residential zone.

   The Emerging Community zone will not be applicable to any development on Lot 100 on SP276719.

2. Reconfiguring a Lot - Subdivision (1 lot into 24 lots)

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, and subject to any alterations:

   - found necessary by the 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 endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. Staging of Development

   3.1 The construction of this development may be staged in accordance with the stage numbering shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22 and as shown in **Table 1** below:

Table 1: Staging

Stage Number	Lots
Stage 1	Lots 17-20
Stage 2	Lots 12-16
Stage 3	Lots 21-24
Stage 4	Lots 9-12
Stage 5	Lots 1-4
Stage 6	Lots 5-8

A balance lot will be created up to the final stage.

   3.2 Staged development may also be undertaken in any other sequence provided all infrastructure required to service the relevant stage is constructed.

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3.3 The applicant/developer must comply with each condition of this development approval as it relates to each designated stage, unless otherwise stated in this approval.

4. General

4.1 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.

4.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.

4.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

4.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

4.5 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.

4.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

4.7 Bushfire Management

A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

5. Infrastructure Services and Standards

5.1 Access

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

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The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

5.2 Stormwater Drainage

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

(b) Prior to 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.

(c) Prior to works commencing the applicant must submit a Stormwater Quality 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 Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

(d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

(e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

(f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.

(g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.

(h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

(i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

(j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

(k) To complete the subject site's Tilse Street frontage to a reasonable standard to service the stormwater catchment, Council will credit the

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cost difference for the additional design and construction of the following required works against infrastructure charges associated with the proposed development:

(i) Fill the existing open drain with approved material, including compaction and testing, reprofiling and vegetation with suitable grass species

(ii) Provide underground drainage in Tilse Street connecting the existing Council infrastructure in McIver Road to an outlet in Tilse Street generally in accordance with layout shown on Drawing No. 1470 - SK03 Amendment B dated 10.04.22. The works shall include manholes, kerb inlet pits, headwall and wingwalls at outlet, outlet protection and any excavation required for any outlet drain together with revegetation of this drain.

(iii) The design drawings for the above must be lodged with Council for approval, and once approved, included in the tender documentation under a separate scheduled item for cost identification purposes.

5.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

All formed batters must be located outside the road reserves.

5.4 Roadworks - Internal

(a) The new internal road is to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

(b) A two (2) metre wide concrete footpath must be installed on at least one (1) side of the internal road. The horizontal alignment of the footpath is to be determined at operational works stage.

5.5 Roadworks - External

McIver Road and Tilse Street must be upgraded for the full frontage of Lot 100 on SP276719 to the general extent shown on Drawing No. 1470 - SK01 Amendment C dated 10.04.22.

These works should generally include the following:

- The widening of the development side of McIver Road and Tilse Street;
- the installation of kerb and channel on the development side of McIver Road and Tilse Street for the full frontage of Lot 100 on SP276719; and
- All required underground stormwater infrastructure.

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

5.6 Water Supply

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(a) 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).

(b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

5.7 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).

5.8 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

5.9 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

5.10 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

5.11 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

5.12 Agricultural Buffering

5.12.1 As part of Stage 1, a 10 metre wide vegetation buffer is to be planted within the proposed residential allotments along the alignment of

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McIver Road generally indicated on Drawing No. 1470 - SK01 Amendment C dated 10.04.22. The vegetation must have a minimum height at maturity of 4 metres. The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval prior to the issue of a development permit for operational works. The buffer must be planted in accordance with the approved plan.

5.12.2 As part of Stage 1, a colourbond fence of 1.8 metres in height shall be erected along the entire McIver Road frontage on the southern side of the vegetation buffer required by Condition 5.12.1.

5.12.3 The vegetation buffer and fence must be maintained by the applicant and any subsequent owner of any part of the land affected by this condition. Statutory covenant/s must be created over vegetation buffer to ensure it is maintained by the applicant and any subsequent owner of respective allotment.

(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) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

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- a registered covenant
- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(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).
- Reconfiguring a Lot – six (6) years (starting the day the approval takes effect).

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	**Rate**	**Measure**	**Charge**	**Credit Detail**	**Balance**
	$ per Lot	***Lots***		***Lots***	
Residential	$19,764.00	24	$474,336.00	1 ($19,764.00)	$454,572.00
TOTAL CURRENT AMOUNT OF CHARGE					**$454,572.00**

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THE SITE

The subject site is described as Lot 100 on SP276719, situated on the corner of Tilse Street and McIver Road, Mareeba.

The site is square in shape, having an area of 4.32 hectares with frontages of approximately 207 metres to both Tilse Street and McIver Road. Tilse Street and McIver Road are formed to bitumen sealed standard for their entire frontage with the subject land. Neither frontage has kerbing, with a large open table drain running along the entire Tilse Street frontage.

The site unimproved, being flat and largely cleared of native vegetation from past long term agricultural use.

The headwater of Basalt Gully is situated immediately to the east of the site. Lot 101 on SP276719, which adjoins the northern boundary and part of the eastern boundary, is a reserve for drainage purposes containing a section of Basalt Gully and a large Council drain which discharges stormwater from Tilse Street.

The subject site is able to be serviced by the Mareeba reticulated town water supply and sewer which already service Joan Crescent and Owens Street. Reticulated electricity and telecommunication infrastructure is also established in the immediate vicinity.

Land to the west and east is zoned Low Density Residential. Lot 100 on SP276719 (drainage reserve) is zoned Emerging Community.

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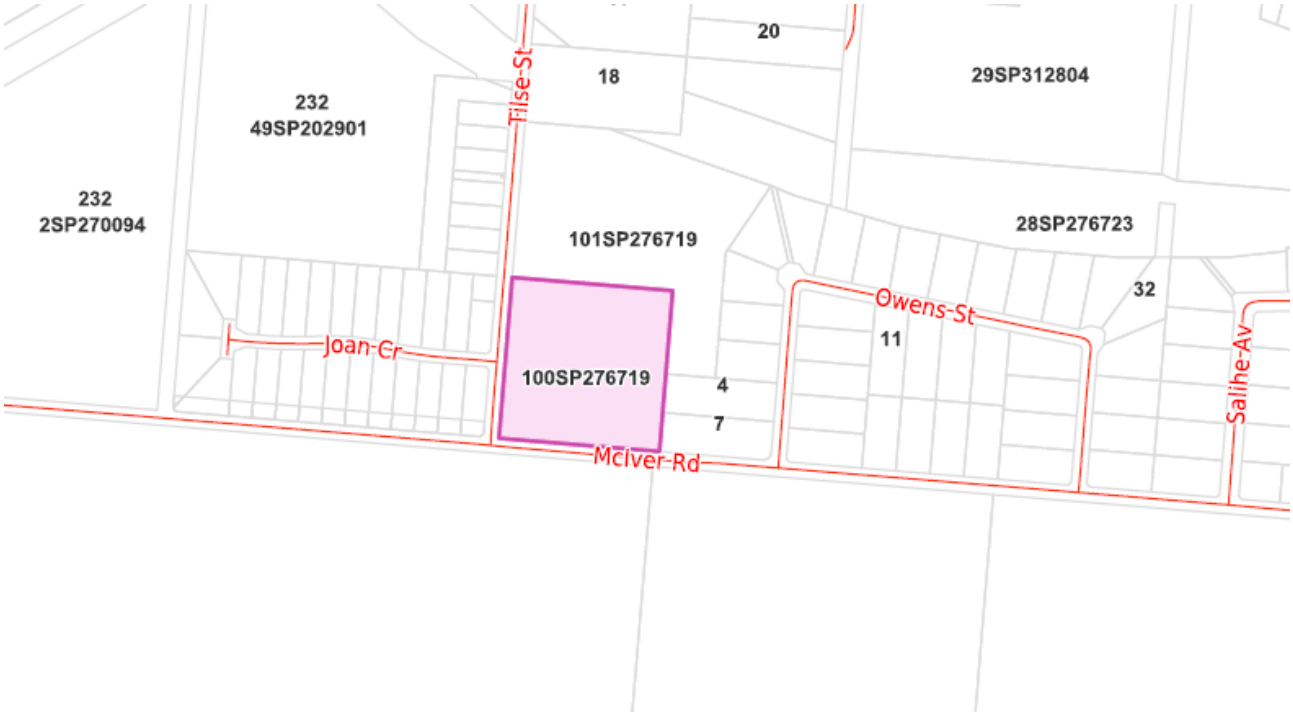

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BACKGROUND AND CONTEXT

From 2004 through to 30 June 2016, the subject land was zoned Residential under the Mareeba Shire Planning Scheme 2004.

The reconfiguring a lot component of this current application could have been undertaken as code assessable development if carried out under the Mareeba Shire Planning Scheme 2004.

From the commencement of the Mareeba Shire Council Planning Scheme 2016 on 1 July 2016, the zoning of the subject land became Emerging Community. The sole reason for this back zoning was that the subject land was unallocated State land at the time the new planning scheme was drafted.

The State subsequently sold the subject land to the applicant in 2021.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Material Change of Use for a Preliminary Approval including a variation request to vary the effect of the Mareeba Shire Council Planning Scheme 2016 - Use rights in accordance with the Low Density Residential zone and a Development Permit for Reconfiguring a Lot - Subdivision (1 into 24 lots) in accordance with the plans shown in **Attachment 1**.

The variation request is effectively a rezoning of the subject site from the Emerging Community zone to the Low Density Residential zone. The variation request will allow for the ongoing development of the subject site and subsequent lots for Low Density Residential purposes consistent with the established development in Joan Crescent, Tilse Street and Owens Street.

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The second aspect of this application is the reconfiguration of the subject site into 24 lots. The proposed reconfiguration will result in lots of similar sizes to the existing allotments in the locality.

The proposed areas of the allotments are:

- Proposed Lot 1 - area of 1,845 m²
- Proposed Lot 2 - area of 1,621 m²
- Proposed Lot 3 - area of 1,621 m²
- Proposed Lot 4 - area of 1,621m²
- Proposed Lot 5 - area of 1,621 m²
- Proposed Lot 6 - area of 1,621 m²
- Proposed Lot 7 - area of 1,621 m²
- Proposed Lot 8 - area of 1,621 m²
- Proposed Lot 9 - area of 1,813 m²
- Proposed Lot 10 - area of 1,491 m²
- Proposed Lot 11 - area of 1,616 m²
- Proposed Lot 12 - area of 1,622 m²
- Proposed Lot 13 - area of 1,622 m²
- Proposed Lot 14 - area of 1,622 m²
- Proposed Lot 15 - area of 1,622 m²
- Proposed Lot 16 - area of 1,845 m²
- Proposed Lot 17 - area of 1,845 m²
- Proposed Lot 18 - area of 1,622 m²
- Proposed Lot 19 - area of 1,622 m²
- Proposed Lot 20 - area of 1,622 m²
- Proposed Lot 21 - area of 1,622 m²
- Proposed Lot 22 - area of 1,615 m²
- Proposed Lot 23 - area of 1,490 m²
- Proposed Lot 24 - area of 1,811 m²

The developer has requested the option of carrying out the development in up to six (6) stages of four lots each.

Access will be obtained via upgraded Tilse Street and McIver Road frontages and via a new internal road built to FNQROC Development Manual standards.

All proposed lots will be connected to all typical urban services.

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

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the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	**Land Use Categories** • Urban Expansion Area **Transport Elements** • Local Collector Road **Natural Environment Elements** • Biodiversity Areas
Zone:	Emerging Community zone
Mareeba Local Plan:	Precinct J - Mareeba South-western expansion
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

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

(A) Planning Act 2016 and Planning Regulation 2017

Planning Act 2016 - section 61

61 Assessing and deciding variation requests

(1) This section applies to a part of a properly made application that is a variation request.

(2) When assessing the variation request, the assessment manager must consider-

(a) the result of the assessment of that part of the development application that is not the variation request; and

Comment

The reconfiguring a lot aspect of the application has been assessed and is recommended for approval.

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

Comment

A review of the variation request against the full Strategic Framework is contained in this report. This review establishes that the variation request is consistent with the planning scheme and the subject site's locality.

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

Comment

The variation request will apply Low Density Residential zone use rights over the subject site.

Development for most non-residential uses will continue to be impact assessable.

(d) any other matter prescribed by regulation.

Comment

Refer to Planning Regulation 2017 discussion below.

(3) The assessment manager must decide-

(a) to approve-

(i) all or some of the variations sought; or

(ii) different variations from those sought; or

(b) to refuse the variations sought.

Comment

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

Planning Regulation 2017 - section 32 and Schedule 12A

32 Assessing variation requests—Act, s 61

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

(a) the common material;

Comment

This report considered the common material.

(b) the regional plan for a region;

Comment

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

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

Comment

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

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(d) any temporary State planning policy.

Comment

Not relevant

Schedule 12A Assessment benchmarks for particular reconfiguring a lot (Walkable Neighbourhoods)

4 Connectivity

The reconfiguration provides connectivity for pedestrians by-

(a) ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and

(b) ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration-

(i) connect to roads and footpaths in surrounding areas; or

(ii) allow for connection to future roads and footpaths in surrounding areas.

Comment

The proposed lot layout responds to the topography and physical constraints. A footpath will be conditioned along the new internal road.

5 Maximum length of particular blocks

(1) The reconfiguration provides for convenient pedestrian movement by ensuring the length of each boundary of a block for the reconfiguration does not exceed the lesser of-

(a) a maximum length for a boundary of a block stated in a local assessment benchmark for the reconfiguration; or

(b) 250m.

(2) Subsection (1) does not apply in relation to a block for the reconfiguration that the development application for the reconfiguration states will be subdivided as part of a future stage of development.

Comment

The development complies.

6 Street trees

The reconfiguration provides shade for comfortable walking by-

(a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or

(b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.

Comment

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The development will be conditioned to comply with the FNQROC Development Manual specification of one (1) tree at the centre of each lot. Planting a higher density of street trees will likely interfere/conflict with the future development of the proposed lots and would potentially see many of the trees left to die or deliberately damaged.

7 Footpaths

The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring-

(a) for a new road used mainly for providing direct access to a created lot - a footpath is constructed-

(i) if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or

(ii) otherwise - on at least 1 side of the new road; or

(b) for another new road - a footpath is constructed on both sides of the road.

Comment

The development will be conditioned to comply. A footpath will be required on one side of the new internal road.

8 Parks and other areas of open space

(1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public.

(2) In this section - ***park*** includes -

(a) an existing park; and

(b) a park, to be provided under a development approval, if development of the park has started; and

(c) land identified as a park in a local planning instrument; and

(d) land identified in an LGIP for public park infrastructure.

Applicant's response

The site is within proximity to the large Drainage Reserve that is considered to be informal Open Space accessible to the public. However, it is noted that Council's current position is to take contributions in lieu of providing any additional Parks. Each propose Residential Allotment is located within 400 metres of this informal Open Space. The Walkable Neighbourhoods note that '*the reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public*.' The adjoining Drainage Reserve is considered to be an acceptable area of open space accessible to the public. If required, a pathway can be provided to the adjoining Drainage Reserve. It is considered in this instance that

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Council continues to take Open Space and Park Contributions looking to provide a future park that services the surrounding vicinity and not provided on the outskirts of the Mareeba Township Residential Area. The existing constraints of the site, surrounding Residential amenity, character and nature and its location leans to contributions as a more appropriate outcome for the Shire.

Advices provided from the State Government in relation to the Walkable Neighbourhoods Amended Regulation notes that:

> *The Planning Regulation 2017 (Planning Regulation) requires that new residential neighbourhoods are assessed against benchmarks for the provision of footpaths, street trees, connect street layout, shorter block lengths and proximity to parks. The assessment manager must assess the development application for the residential subdivision against the assessment benchmarks.*
>
> *The assessment manager has discretion to determine the extent the benchmarks are relevant to an application. By doing so, the new assessment benchmarks have the flexibility that is required to deal with the many different circumstances encountered by the local government. A planning scheme may set benchmarks that achieve a higher standard than the Planning Regulation prescribes.*
>
> *The Planning Act 2016 provides for how an assessment manager is to carry out the assessment of a development application. The assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.*

In relation to the provision of Parks, the State's Advice noted in bolding that '*As discussed above, the assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.*' It is considered that in this instance, given that the proposed Residential Development is on the outskirts of the Mareeba Residential Township, that the provision of Parkland, Footpaths and oversupply of Street Trees are not required. The proposal is in fitting within the existing Residential Amenity, nature and character of the adjacent Joan Crescent and Owen Street Residential Development. It is considered that Council has sufficient flexibility to allow for the proposed Residential Development without having to meet the extent of the benchmarks given the existing constraints of the site.

Comment

Council officers agree with the applicant's response to this particular benchmark and are not recommending that Council condition the provision of a park within this development.

Approximately 65 hectares (35 hectares owned by the current applicant) of Low Density Residential zoned land remains undeveloped in the immediate vicinity of the subject site. Undoubtably, park areas will be established within these larger parcels when they developed. These larger parcels provide the opportunity to develop park areas with good accessibility, rather than an ad hoc park being conditioned in a residential cul-de-sac.

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(B) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

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

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

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

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

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

Comment
The proposed development supports this outcome.

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

Comment
The proposed development supports this outcome.

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

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

Comment

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The proposed development will comply. The site is serviced by established urban infrastructure and its development for residential allotments represents logical infill development between established residential estates.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

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

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

Comment

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Part of the site is within a bushfire hazard area. Development of the site will reduce the fuel load and contain the bushfire hazard to the adjoining drainage reserve (Basalt Gully). Any future buildings on the site can reasonably respond to the remaining hazard level.

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

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

Comment
Mareeba is a major regional activity centre. The scale of development proposed by this application is consistent with a major regional activity centre.

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

Comment
Not applicable.

(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
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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3.3.3 Element—Major regional activity centre

3.3.3.1 Specific outcomes

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

Comment
The proposed development will support 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 is consistent with this outcome.

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

Comment
Noted.

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

Comment
Noted.

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

Comment
Noted.

3.3.4 Element—Village activity centre

3.3.4.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.3.5 Element—Rural activity centres

3.3.5.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.3.6 Element—Rural villages

3.3.6.1 Specific outcomes

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

Comment
Not applicable.

3.3.7 Element—Residential areas and development

3.3.7.1 Specific outcomes

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

Comment
The proposed development is consistent with this outcome.

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

Comment
The proposed development is consistent with this outcome.

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

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Comment
The proposed development is consistent with this outcome.

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

Comment
The proposed development is consistent with this outcome.

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

Comment
Not applicable.

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

Comment
The proposed development is consistent with this outcome.

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

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

Comment
The application proposes to bring forward the residential development of the subject land.

The residential development of the subject land is consistent with the preferred settlement pattern and established adjoining residential locality.

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

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Comment
The proposed development is planned, a logical expansion and can be efficiently serviced by nearby existing infrastructure.

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

Comment
The larger area of each proposed lot will provide the opportunity for further subdivision at a later date. When re-subdivision ultimately occurs, the nominated density will be achieved.

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

Comment
Not applicable.

3.3.8.2 Land use strategies

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

Comment
Not applicable.

3.3.9 Element—Aged care and retirement areas

3.3.9.1 Specific outcomes

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

Comment

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Not applicable.

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

Comment
Not applicable.

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

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Comment
Not applicable.

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

Comment
Not applicable.

3.3.12 Element—Industry areas

3.3.12.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

(3) Regional scale, large industrial facilities and high impact industries are primarily located within the Mareeba *major industry area*. Chillagoe *industry area* may accommodate high impact industry associated with mining where mitigation of impacts on the amenity of residential areas is undertaken in accordance with best practice.

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Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.3.13 Element—Sustainable design

3.3.13.1 Specific outcomes

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

Comment
The proposed development can comply.

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

Comment
The proposed development can comply.

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

Comment
The proposed development can comply.

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

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

Comment
The site is affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

Any future development on the site will be able to comply.

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

Comment
The site is affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

Any future development on the site will be able to comply.

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

Comment
The site is affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

Any future development on the site will be able to comply.

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

Comment
The site is affected by the Bushfire Hazard Overlay's Potential Impact Buffer. This buffer is associated with the bushfire hazard area over Basalt Gully. A bushfire hazard management plan will be conditioned.

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Any future development on the site will be able to comply.

3.3.15 Element—Indigenous communities

3.3.15.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

3.4 Natural resources and environment

3.4.1 Strategic outcomes

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

Comment
The proposed development will not adversely impact on natural resources and environment.

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

Comment
Not applicable.

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

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planning. Riparian areas and areas surrounding ecologically significant wetlands will be enhanced as part of new development.

Comment
Noted.

(4) The shire secures a safe, reliable and adequate water supply, which is efficiently used and appropriately managed to ensure social, economic and environmental sustainability. Important strategic sources of water, including the Barron Basin, contingent water supplies and underground aquifers are recognised for their role in supporting the shire's community, primary industries and economic base. Their social, economic and environmental function is not compromised by land uses and development.

Comment
Noted.

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

Comment
The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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

Comment
Not applicable.

3.4.2 Element—Conservation areas

3.4.2.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

(3) Development within *conservation areas* will be limited to:

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

Comment
Not applicable.

(4) New development adjacent to *conservation areas* will:
(a) be compatible with natural values; and
(b) sensitively located and setback from *conservation areas*; and
(c) ensure no irreparable disturbances to the areas of ecological significance; and
(d) mitigate the cumulative impacts of development; and
(e) ensures contaminants do not impact *conservation areas*.

Comment
Not applicable.

3.4.3 Element—Pest and weed management

3.4.3.1 Specific outcomes

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

Comment
The development will be conditioned to comply at the operational works stage.

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

Comment
Not applicable.

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

Comment
The development can be conditioned to comply.

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

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Comment
The development can be conditioned to comply at the operational works stage.

3.4.4 Element—Biodiversity areas

3.4.4.1 Specific outcomes

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

Comment
The development will not adversely impact on Basalt Gully.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.4.5 Element—Strategic rehabilitation and ecological corridors

3.4.5.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

3.4.6 Element—Watercourses and wetlands

3.4.6.1 Specific outcomes

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

Comment
The development will be conditioned to comply.

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

Comment
The development will be conditioned to comply.

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

Comment
The development can be conditioned to comply.

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

Comment
Noted.

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

Comment
The required setback (to Basalt Gully) is provided within adjoining Lot 101 on SP276719.

3.4.7 Element—Water resources

3.4.7.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

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(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 development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

3.4.9 Element—Contaminated land

3.4.9.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment

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Not applicable.

3.5 Community identity and diversity

3.5.1 Strategic outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
The variation request does make provision for possible health care services.

3.5.2 Element—Local character

3.5.2.1 Specific outcomes

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

Comment
The development will comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.5.3 Element—Cultural heritage

3.5.3.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

(3) Indigenous cultural heritage is protected, preserved and respected in accordance with traditional custom and practice and within the statutory framework of the *Aboriginal Cultural*

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Heritage Act 2003. 'Areas of Cultural Significance' have been broadly considered in the Strategic Framework.

Comment
Noted.

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

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

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

Comment
Not applicable.

3.5.4 Element—Scenic amenity

3.5.4.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

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Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.5.5 Element—Open space and recreation

3.5.5.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.5.5.2 Land use strategies

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

Comment
Not applicable.

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

Comment
Not applicable.

3.5.6 Element—Community facilities

3.5.6.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.5.7 Element—Health

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3.5.7.1 Specific outcomes

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

Comment
The variation request does make provision for possible health care services.

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

Comment
Noted.

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

Comment
Noted.

3.5.8 Element—Safe and healthy communities

3.5.8.1 Specific outcomes

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

Comment
The proposed development does not conflict.

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

Comment
The development can be conditioned to comply.

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

Comment
The development can be conditioned to comply.

3.6 Transport and infrastructure

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3.6.1 Strategic outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

(6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of

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service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

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

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

Comment
Noted.

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

Comment
Noted.

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

Comment
Noted.

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

Comment
Noted.

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
The development can be conditioned to comply.

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

Comment
Noted.

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

Comment
Not applicable.

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

Comment
The development can be conditioned to comply.

3.6.3 Element—Rail network

3.6.3.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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3.6.4 Element—Freight

3.6.4.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.6.5 Element—Public and active transport

3.6.5.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.6.6 Element—Air transport

3.6.6.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.6.6.2 Land use strategies

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

Comment
Not applicable.

3.6.7 Element—Water supply and wastewater services

3.6.7.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
The development can be conditioned to comply.

3.6.8 Element—Stormwater management

3.6.8.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
The development can be conditioned to comply.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.6.10 Element—Energy supply

3.6.10.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.6.11 Element—Information and communication technology

3.6.11.1 Specific outcomes

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

Comment
The development can be conditioned to comply.

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

Comment
Not applicable.

3.7 Economic development

3.7.1 Strategic outcomes

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

Comment
Not applicable.

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

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Comment
Not applicable.

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

Comment
Not applicable.

(4) The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key *activity centres*, landscape features and *scenic routes* which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

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Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

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

Comment
The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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

Comment
Not applicable.

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

Comment
The development will be conditioned to require a vegetated buffer and fence along the McIver Road frontage to achieve an adequate level of screening to the agricultural activities occurring south of McIver Road.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.3 Element—Rural enterprise

3.7.3.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.4 Element—Intensive animal industries

3.7.4.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.5 Element—Forestry and permanent plantations

3.7.5.1 Specific outcomes

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

Comment
Not applicable.

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

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Comment
Not applicable.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
The development can be conditioned to comply.

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

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Comment
Not applicable.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

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(i) bed and breakfasts;
(j) camping and recreational vehicle facilities;
(k) cycle tourism.

Comment
Not applicable.

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

Comment
Not applicable.

3.7.8 Element—Industry

3.7.8.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.9 Element— Education, research, culture and the arts

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3.7.9.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.10 Element—Mining

3.7.10.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.11 Element—Extractive resources

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3.7.11.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.12 Element—Small scale and emerging industries

3.7.12.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.13 Element—Energy generation

3.7.13.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

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

Comment
Not applicable.

3.7.14 Element—Major employment generators

3.7.14.1 Specific outcomes

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

Comment
Not applicable.

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

Comment
Not applicable.

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Relevant Developments Codes

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

6.2.4 Emerging community zone code
6.2.6 Low density residential zone code
7.2.2 Mareeba local plan code
8.2.2 Airport environs overlay code
8.2.3 Bushfire hazard overlay code
8.2.4 Environmental significance overlay code
9.4.2 Landscaping code
9.4.3 Parking and access code
9.4.4 Reconfiguring a lot 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
Emerging community zone code	Approval of the variation request (use rights in accordance with Low Density Residential zone will not compromise underlying intent for land in the Emerging Community zone.
Low density residential zone code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Mareeba local plan code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Airport environs overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Bushfire hazard overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Environmental significance overlay code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Landscaping code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes

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	where no acceptable outcome is proposed) contained within the code.
Parking and access code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Reconfiguring a lot code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.
Works, services and infrastructure code	The application complies or has been conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is proposed) contained within the code.

(C) 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 any development works be designed and constructed in accordance with FNQROC Development Manual standards.

(D) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 01) of 2021, a levied charge of $19,764.00 will apply to each additional residential allotment created.

The application proposes the creation of 23 additional residential allotments. Water and sewerage rates are levied on the existing allotment; therefore, a credit is applicable for the 24th allotment.

$19,764.00 x 23 (lot) = **$454,572.00**

REFERRAL AGENCY

The application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 19 January 2022 to 4 March 2022. The applicant submitted the notice of compliance on 7 March 2022 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Four (4) properly made submissions were received.

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

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Grounds for objection /support	Comment
Development should be required to comply with Planning Regulation - Schedule 12A Walkable Neighbourhoods (ie footpaths, street trees and parks).	Schedule 12A has been considered during the assessment of the development application and the development has been conditioned to comply.
Some form of buffer (in covenant) and 1.8m high colourbond fence should be provided along McIver Road frontage to protect farming activities to the south of McIver Road.	The development has been conditioned to require a buffer and fence.
Submitter is concerned that development may make existing strormwater problems worse.	The development will be conditioned to comply with FNQROC Development Manual standards, including appropriate management of stormwater.
Submitter is concerned that development may reduce water pressure.	The development will be conditioned to comply with FNQROC Development Manual standards for water reticulation.
Submitter is concerned that development may impact on electricity networks	Ergon will specify any necessary upgrades to maintain electricity network reliability.
Submitter is concerned about multiple new driveways impact on traffic safety.	Noted. This is a low speed environment and the proposed driveway arrangement is found throughout Mareeba. Neither frontage road is a collector road and there is no need to limit access.
Will Tilse Street be widened with kerb?	Yes. Both frontage roads will be widened with kerbing.
Will there be a dedicated concrete footpath for pedestrian use?	A concrete footpath will be conditioned for the new internal road only.
Will McIver Road speed limit be changed to default 50km/h?	Speed limits are not conditioned as part of development approvals. Separate mechanisms are available to review speed limits if and when the need arises.
How will telecommunication services be provided to new estate?	The development will be conditioned to require each lot to be serviced with access to the NBN network.
Will a park be provided?	Council officers are not recommending that Council condition the provision of a park within this development. Approximately 65 hectares (35 hectares owned by the current applicant) of Low Density Residential

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	zoned land remains undeveloped in the immediate vicinity of the subject site. Undoubtably, park areas will be established within these larger parcels when they developed. These larger parcels provide the opportunity to develop park areas with good accessibility, rather than an ad hoc park being conditioned in a residential cul-de-sac.
Will street lighting be required?	Yes. Street lighting will be required throughout the proposed development in accordance with the FNQROC Development Manual standards.

The applicant's response to the submissions is provided as **Attachment 3**.

Submitters

Name of Principal submitter	Address
1. BTM&S Stankovich	PO Box 1732, Mareeba QLD 4880
2. S Murat, P Murat & Stelbay Pty Ltd	PO Box 258, Mareeba QLD 4880
3. V & L Schwerdtfeger	PO Box 91, Mareeba QLD 4880
4. D Saul	davesaul35@gmail.com

PLANNING DISCUSSION

Nil

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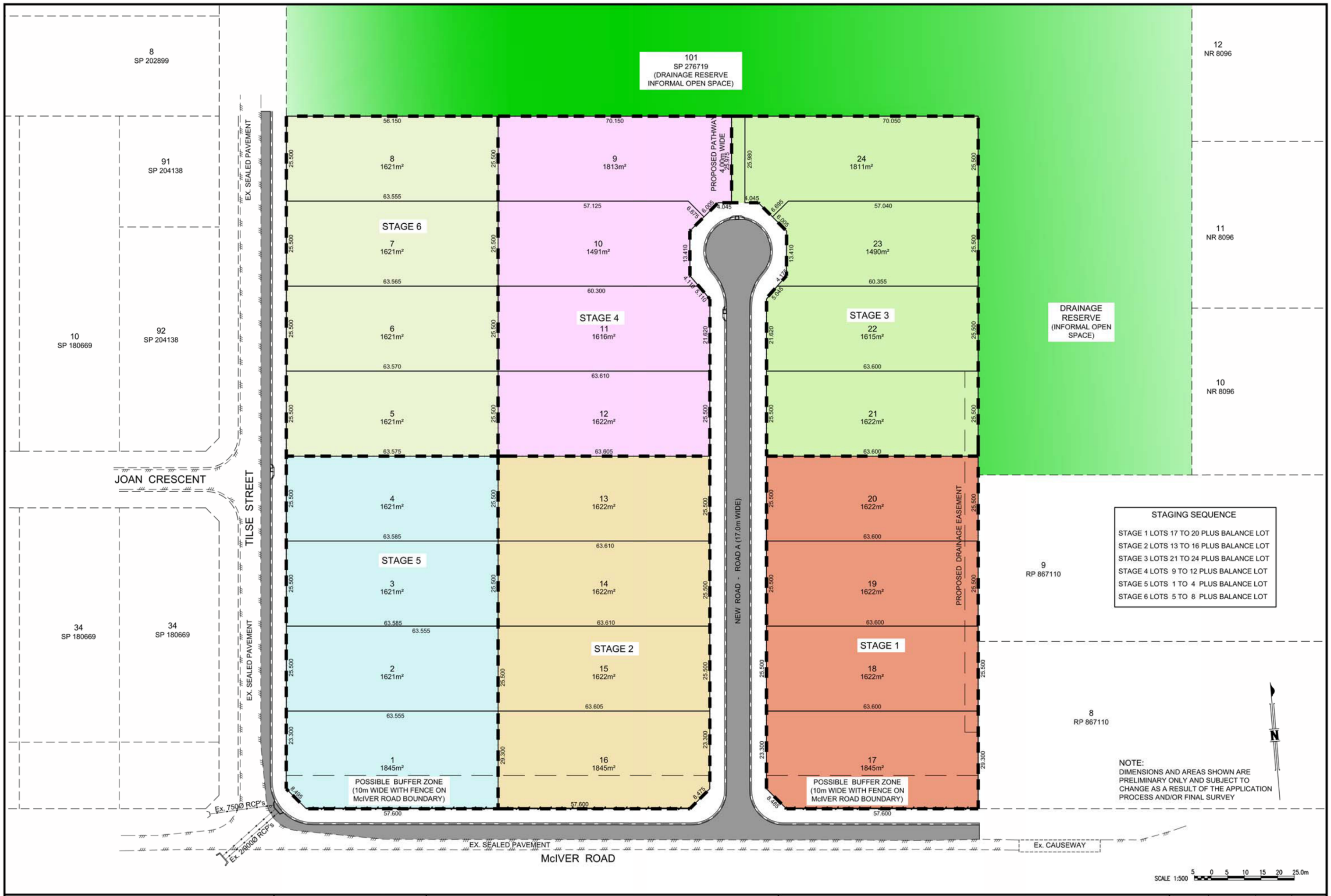


amendments		
A	ORIGINAL ISSUE FOR TOWN PLANNING APPLICATION	12.12.21
B	BUFFER ZONE AND FENCE ADDED TO McIVER ROAD FRONTAGE	05.04.22
C	PATHWAY SHOWN IN CUL DE SAC AND STAGING ADDED	10.04.22

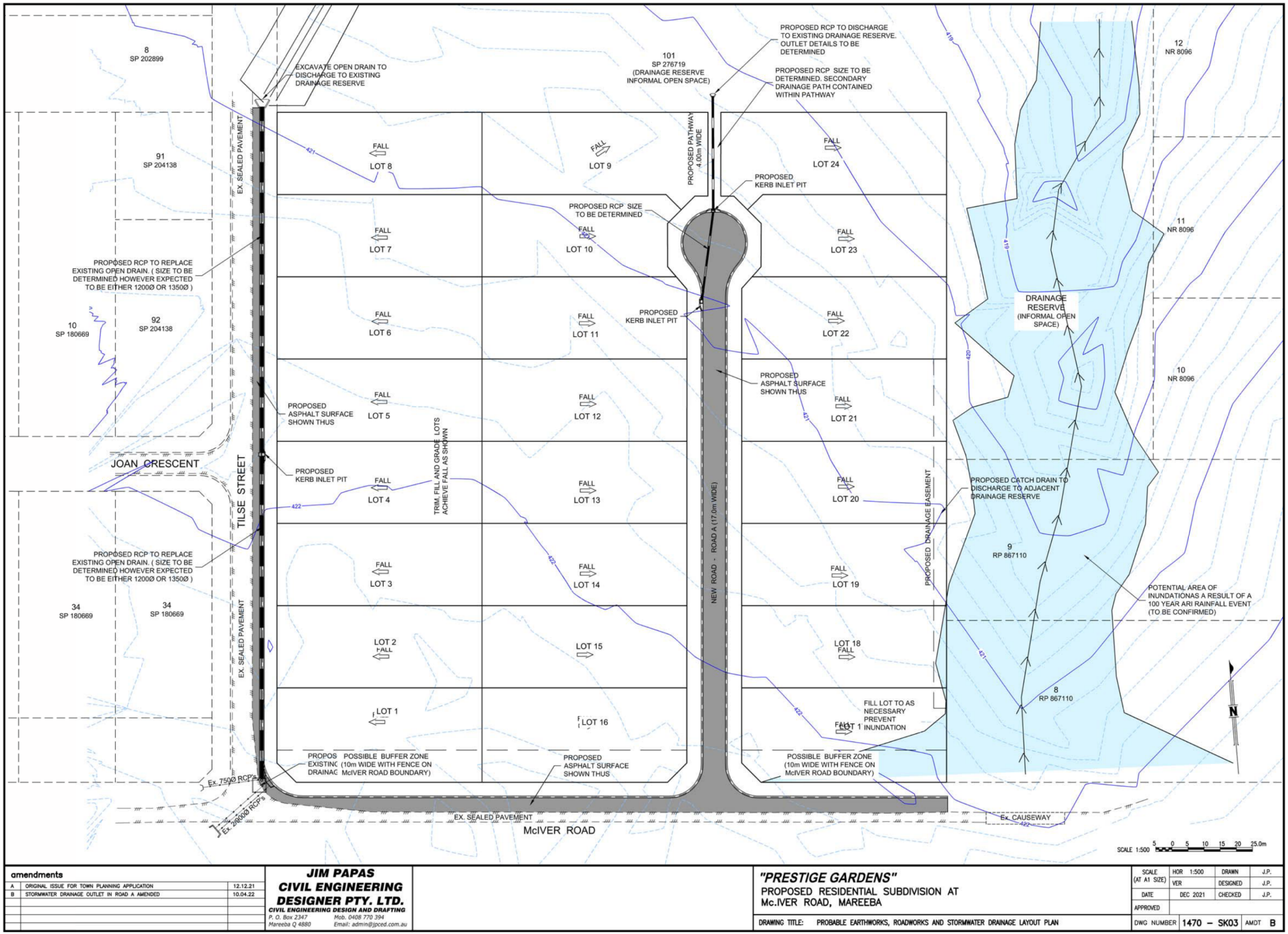
JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.
CIVIL ENGINEERING DESIGN AND DRAFTING
P. O. Box 2347 Mob. 0408 770 394
Mareeba Q 4880 Email: admin@jpced.com.au

"PRESTIGE GARDENS"
PROPOSED RESIDENTIAL SUBDIVISION AT
Mc.IVER ROAD, MAREEBA

DRAWING TITLE: GENERAL ARRANGEMENT AND LOT DIMENSIONS

SCALE (AT A1 SIZE)	HOR 1:500	DRAWN	J.P.	
	VER	DESIGNED	J.P.	
DATE	DEC 2021	CHECKED	J.P.	
APPROVED				
DWG NUMBER	1470 – SK01	AMDT	C	

Document Set ID: 3344441
Version: 1, Version Date: 09/05/2022



amendments		
A	ORIGINAL ISSUE FOR TOWN PLANNING APPLICATION	12.12.21
B	STORMWATER DRAINAGE OUTLET IN ROAD A AMENDED	10.04.22

JIM PAPAS CIVIL ENGINEERING DESIGNER PTY. LTD.
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Mareeba Q 4880 Email: admin@jpced.com.au

"PRESTIGE GARDENS"
PROPOSED RESIDENTIAL SUBDIVISION AT
Mc.IVER ROAD, MAREEBA

DRAWING TITLE: PROBABLE EARTHWORKS, ROADWORKS AND STORMWATER DRAINAGE LAYOUT PLAN

SCALE (AT A1 SIZE)	HOR 1:500	DRAWN	J.P.
	VER	DESIGNED	J.P.
DATE	DEC 2021	CHECKED	J.P.
APPROVED			
DWG NUMBER	1470 – SK03	AMDT	B

Document Set ID: 3844441
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From: "Josh - CQB Services" <josh@cqbservices.com.au>
Sent: Fri, 25 Feb 2022 16:05:04 +1000
To: "Info (Shared)" <info@msc.qld.gov.au>
Cc: "mick@cqbservices.com.au" <mick@cqbservices.com.au>;"admin@cqbservices.com.au" <admin@cqbservices.com.au>;"blakes@cqbservices.com.au" <blakes@cqbservices.com.au>
Subject: PUBLIC NOTIFICATION SUBMISSION - DEVELOPMENT APPLICATION RAL/21/0024 SUBDIVISION (1 LOT INTO 24 LOTS) - LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA
Attachments: BTM&S Stankovich Pty Ltd Submission_RAL.21.0024 Lot 100 on SP276719 Cnr Tilse Street and McIver Road.pdf

Good afternoon,

Please see attached public notification submission of development application RAL/21/0024 (1 Lot into 24 Lots).

Thank you, look forward to hearing back when's convenient.

Kind Regards,

Josh Musumeci
M | 0423 063 140

CQB SERVICES
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Document Set ID: 4068442
Version: 1, Version Date: 09/05/2022

25 February, 2022

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

Attention: Carl Ewin – Town Planning Department

Dear Sir,

RE: PUBLIC NOTIFICATION SUBMISSION – DEVELOPMENT APPLICATION RAL/21/0024
APPLICATION FOR A PRELIMINARY APPROVAL USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 24 LOTS)
LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA.

We, BTM&S Stankovich Pty Ltd of 4 Bowers Street Mareeba Qld 4880 and PO Box 1124 Mareeba Qld 4880 provide the following Submission which is provided in relation to the Preliminary Approval and Reconfiguration that is currently under Public Notification being Development Application RAL/21/0024 located on Tilse Street and McIver Road, Mareeba.

Firstly, BTM&S Stankovich Pty Ltd wants to expressly note that they do not in any way oppose the Development of this site. Rather, we consider that the Development along McIver Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development.

Whilst we do not oppose this development, we have noticed this Application has not been held to the same requirements that BTM&S Stankovich Pty Ltd have been Conditioned recently in relation to future Stages of Amaroo Estate, being Merindah Close, Stage 13 and beyond. BTM&S Stankovich believe there should always be a "level playing field" and Council should consistently hold all developers to the same relevant policies, requirements, and conditions which we believe has not yet occurred i.e., Schedule 12A of Planning (Walkable Neighbourhoods Amendment Regulation 2020).

It is understood that the proposed Preliminary Approval is for the Use Rights over the site, in accordance with the Low Density Residential Zone, which is the same Use/Zoning Amaroo Estate currently contains. Whilst the Development Application subdivides the site into 24 larger Low Density Residential Allotments greater than 1,530 m², these allotments are still proposed to be provided as Low Density Residential Zone Uses. We are querying the fact that for some reason it seems Council has not required this Development to comply with or address Schedule 12A (Walkable Neighbourhoods). In our most recent Development Application MCU/21/0009, BTM&S Stankovich were required under Schedule 12A to provide Footpaths & Street Trees in addition to discussions relating to the provision of Parks within our next Stage/s. This requirement for the provision of Park/s on top of Footpaths, Street Trees and etc (Walkable Neighbourhood requirements), which obviously significantly increases the cost of development, BTM&S Stankovich willingly complied as we believe this type of Infrastructure encourages a sense of community/family friendly perception around Amaroo Estate and would even benefit the entire Shire once other developers begin to also comply. However, even though this Application meets all the

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criteria of Schedule 12 A (Attached Part 1 "Application of Schedule" Pg.3) the fact that Council seems to not be requiring assessment of this Policy within this Application under the same guise that BTM&S Stankovich were with Merindah Close and will be within future stages of Amaroo Estate, is unfair to say the least.

To reiterate, BTM&S Stankovich expressly notes that we do not oppose this Development and are supportive of Development within the Shire that is appropriate, progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development consistent with other Development within the Shire. However, this Submission is to request that these requirements and fair standards be provided across the Shire as these Standards and Policies provide appropriate Infrastructure that encourages a sense of community/family friendly perception within not only Residential Areas but within the entire Shire.

As in all facets of life, for all parties involved, the Shire and its residents, there must always be a level and/or fair "playing field" which presently (in our eyes) seems to not exist.

Yours Sincerely,

Josh Musumeci

pp. BTM&S Stankovich Pty Ltd

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Schedule 12A Assessment benchmarks for particular reconfiguring a lot

schedule 10, part 14

Part 1 Preliminary

1 Application of schedule

(1) This schedule applies to reconfiguring a lot if—

(a) the reconfiguration is the subdivision of the lot into 2 or more lots (each a ***created lot***); and

(b) the lot being reconfigured is wholly or partly in a prescribed zone under a local instrument applying to the lot; and

(c) no part of the lot being reconfigured is in either of the following zones under a local instrument applying to the lot—

(i) a rural residential zone stated in schedule 2;

(ii) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone mentioned in subparagraph (i); and

(d) at least 1 created lot is intended mainly for a residential purpose; and

(e) the reconfiguration is associated with the construction or extension of a road.

(2) In this section—

prescribed zone means—

Authorised by the Parliamentary Counsel

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(a) any of the following zones stated in schedule 2—

(i) general residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone, character residential zone or tourist accommodation zone;

(ii) emerging community zone;

(iii) mixed use zone; or

(b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone mentioned in paragraph (a).

2 Definitions for schedule

In this schedule—

block, in relation to reconfiguring a lot, means an area consisting of 2 or more adjacent created lots for the reconfiguration.

created lot see section 1(1)(a).

local assessment benchmark, for reconfiguring a lot, means an assessment benchmark for the reconfiguration stated in a local categorising instrument applying to the lot.

new road, in relation to reconfiguring a lot, means—

(a) a road constructed in association with the reconfiguration; or

(b) the extended part of a road that is extended in association with the reconfiguration.

road does not include—

(a) a laneway; or

(b) a pedestrian or bicycle path.

Authorised by the Parliamentary Counsel

Document Set ID: 4068305
Version: 1, Version Date: 25/02/2022

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Version: 1, Version Date: 09/05/2022

MAREEBA SHIRE COUNCIL
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MAREEBA

26 February 2022

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

Attention: **Carl Ewin**
Town Planner

Dear Sir,

RE: PUBLIC NOTIFICATION SUBMISSION – DEVELOPMENT APPLICATION RAL/21/0024
APPLICATION FOR A PRELIMINARY APPROVAL USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 24 LOTS)
LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA.

We, Skender Murat, Plum Murat and Stelbay Pty Ltd of 259 – 267 McIver Road, Mareeba being Lot 73 on SP292140 provide the following Submission in relation to the Preliminary Approval and Reconfiguration that is currently under Public Notification, being Development Application RAL/21/0024 located on Tilse Street and McIver Road, Mareeba.

It is noted that although we do not object to the redevelopment per se, we do insist that the redevelopment does not negatively impact on our right to farm and to operate as a commercial farming enterprise. Aspects of our day-to-day farming operations include the provision of dust, noise, and chemical use. In addition to this, sugar cane harvesting occurs at all times, day and night, with B-Double trucks collecting the said harvested sugar cane using McIver Road at all hours for a period of 6 months. It is noted that we responsibly use Agricultural herbicides, fungicides, and pesticides. The subject redevelopment is immediately north and completely parallel to our Farming Operations.

Whilst the proposal is for the provision of large Residential Allotments, these allotments are still Residential Allotments and in particular are proposed as Low Density Residential Use Allotments. The protection of our current and future farming operations is of upmost importance and given this, we insist that the redevelopment ensure the protection of these practices. It is insisted that the establishment of some form of buffering be provided with the redevelopment of the site, for example the required provision of a 15 metre Buffer Zone aligning McIver Road, exclusive of the width of McIver Road. This is similar to the existing buffer zone on a previous redevelopment adjoining Tilse Street to the west and also the proposed redevelopment of the Leighton farm adjoining our farm to the East. This suggested Buffer Zone or and buffer should be vegetated by appropriate plants, spacings and density as recommended by an appropriate Queensland Government Department or the like. The developer should ensure that the buffer contains the necessary irrigation system and weeding/mowing attention to ensure the plants are cared for by the developer until each block is sold.

Further to the suggested/requested abovementioned conditions, this Buffer Zone should be included as an Easement/Covenant for those adjacent Residential Allotments and a Legal Covenant in place that is transferable through contracts of sale further ensuring a duty of care on the owners and future owners towards the maintenance of the Buffer Zone and the vegetation provided within.

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As a further protection and to safeguard against future complaints in relation to our Rural Activities, the condition be imposed of a Colorbond Fence, complying with Council Regulations, of at least 1.8 metres high, being constructed along McIver Road.

In summary, whilst we, Skender Murat, Plum Murat and Stelbay Pty Ltd, do not object in principle to the redevelopment of Lot 100 on SP276719, it is requested that Council guarantee that the proposed development does not negatively impact on our present and future ability to appropriately operate a Commercial Farming Enterprise. The aforementioned suggestions and requests are to aid Council in ensuring that appropriate development can be undertaken in proximity to existing Rural Activities.

Yours sincerely,

Skender Murat

Plum Murat

On behalf of Stelbay Pty. Ltd.

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01/03/2022

Assessment Manager
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir

Submission in relation to proposed 24 lot subdivision at the corner of Tilse Street and McIver Road Mareeba - RAL/21/0024

This submission is not an objection but a request that there be a requirement for a vegetation buffer or some other separation area between the proposed development RAL/21/0024 and the adjacent intensively farmed land on Lot 73 SP292140 in McIver Road Mareeba.

The same intensively farmed property is opposite the rear boundaries of the odd-numbered properties in Joan Crescent Mareeba. These properties are long and narrow (north-south orientation), with the houses set to the fronts of the properties in Joan Crescent, approximately 60 or 70m from the farm boundary. It's noted that these Joan Crescent properties also have the benefit of 20m deep easements/covenants at the rear for an area which is reserved as a vegetation buffer. It is unclear whether this was a condition required by Council, offered by the developer (also Sibi Girgenti), or requested by the adjoining farming enterprise. It seems to be a sensible requirement, given the close proximity of the nearby farming property and we believe similar protection should be extended to the new development.

The design of the currently proposed subdivision results in 3 of the properties on the McIver Road side of the development having long boundaries within just 20m of the farm boundary (basically just the width of the road reserve) and another 3 within 45m of the farm boundary. These properties are aligned in an east-west direction (the opposite direction to the ones in Joan Crescent) and there is no ability to build in a different location on the lots so the houses are further away from the farming property. Perhaps a redesign of the development so properties are in a north-south alignment could overcome this shortcoming. Approval of the current layout would leave occupants with very little buffer to protect them against dust, noise, boom irrigation lighting and odour from the intensively farmed property. It may also result in land use conflict and constrain the farming enterprise from undertaking its normal and necessary activities and future projects.

Since moving to Joan Crescent two years ago, we have noticed noise from the farming property, including cane harvesting and haul bins, diesel engines and pumps to transfer water from channel to crops, boom irrigation and farm machinery and equipment. The noises are most noticeable at night, but fortunately it does not often disturb us as our house is 150m from the farm. These impacts are, however, likely to affect the occupiers of this proposed development.

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As a matter of interest, aerial crop sprayers operate in our area, but it's not clear whether the farm uses these services at this time. Civil Aviation Order 20.21 prohibits aircraft flying closer than 100m to a private dwelling. The intensively farmed property is currently under sugar cane, but what crops may be grown in the future and what constraints will be placed on their land use due to a poorly planned development?

It is understood that *State Planning Policy - state interest guideline: Agriculture* requires that the long-term viability of agriculture in the shire be supported and that location of non-agricultural development on or adjacent to ALC Class A land should be avoided. Separation areas between rural industries and other land uses are recommended to protect agricultural production capacity, not to mention to mitigate impacts from the agricultural activities on the amenity or use of the occupants of the development. In this case, what is proposed is a residential development just 20m from a farm boundary. The layout of the subdivision as it stands increases the potential conflict between agricultural land and sensitive land uses.

For the above reasons, it is suggested that the development should be redesigned to allow for an appropriate vegetation buffer or separation area between it and the farming property. This would mitigate most of the potential impacts, and benefit both the farming enterprise and the residents who build in this proposed development.

Yours faithfully

V & L Schwerdtfeger
PO Box 91
Mareeba Qld 4880

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From: "Planning (Shared)" <planning@msc.qld.gov.au>
Sent: Mon, 7 Mar 2022 13:22:56 +1000
To: "Planning (Shared)" <planning@msc.qld.gov.au>
Subject: FW: Submission re proposed land development RAL/21/0024
Attachments: submission MSC.pdf

From: Dave saul <davesaul35@gmail.com>
Sent: Friday, 4 March 2022 4:26 PM
To: Info (Shared) <info@msc.qld.gov.au>
Subject: Submission re proposed land development RAL/21/0024

Thank you

Dave SAUL

Sent from Dave's phone

Document Set ID: 4070779
Version: 1, Version Date: 07/03/2022

Document Set ID: 4089442
Version: 1, Version Date: 09/05/2022

Good morning.

This submission is in regard to the proposed development of 24 lots of residential land at the intersection of McIvor Road and Tilse Street, Mareeba. This proposed land development is approximately 10 acres.

Lot 100 on SP276719

Application ref: RAL/21/0024

The primary concern of most residents in the area is the risk of flooding on Tilse Street, Joan Crescent and McIvor Road.

In recent years Mareeba Shire Council had undertaken drainage works running between McIvor between Road and Joan Crescent. This flows under the intersection with Tilse and McIvor and continues through a large open drainage channel for approximately 400 meters until it joins the creek running between 31 and 29 Tilse Street east into vacant land.

This area in front of 29 and 31 is subject to flooding and stormwater build-up in medium and heavier rain events. This point is also receives all the water runoff from farmland to the west of Tilse Street and the farmland to the south of McIvor Rd.

I have been advised that in the last 3 weeks in recent rain events the rear of properties adjoining Joan Crescent have experienced flooding due to backed up storm water from McIvor Road. Joan Crescent has also experienced localised flooding due to backed up street water drainage from the intersection with Tilse Street.

I know personally the runoff from the farmland to the rear of my property has almost flooded my house in heavy rainstorms and if the street drainage suffers anymore then property will be damaged as I am higher that several other properties in the street.

Current residents have concerns regarding the capability of current storm water drainage in the area. We also have major concerns that the proposed 8 driveways from the development will further impinge on the stormwater drainage system. This drain has reached its capacity several times already this year and any building of driveways or impediment to the flow of water will result in flooding in Joan and Tilse streets and cause property damage and flooding within homes. This flooding will of course also damage the roads and possibly infrastructure in the area including underground phone, power, sewerage etc. Flooded roads are of course also a safety issue for motorist and pedestrians. I have video of the drain at capacity from the 3rd of February 2022 if council wishes to view it.

In looking at the proposed development there appears to be a small area devoted in the drawings for rainwater drainage at the rear of the development on the eastern side. Will this be satisfactory in regard to the development of 24 homes and developed flat land that will increase the amount of rainwater runoff in the area. There also appears to be no proposed drainage between the 16 properties numbered 1-16. If sites 1-8 are proposing to drain into the current table drain on Tilse Street will this be big enough to handle the extra water levels?

Will the heavy vehicle bypass be going ahead in the future and if so will this affect stormwater drainage in the area?

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In regard to sewerage, I am unaware of any issues.

Regarding water supply the pressure in homes in this area is very weak and we would hope that any necessary upgrades to the water infrastructure would be considered in regard to the proposed extra houses.

Regarding electricity supply I assume that the new estate will be accessing power from McIvor Road. When I first moved into this area Ergon had extensive problems with electricity regulation in the area as the transformers were required to provide electricity to the far end of McIvor Rd and the Joan Crescent/ Tilse Street area. In approximately 2010/11 I had Ergon monitor the voltage to my area from the transformer at the intersection of Tilse and Joan Crescent which was running at over 260 volts in an attempt to provide serviceable power to the end of McIvor Road. I will assume another 24 houses will extensively impinge on the local electricity network and will be addressed in planning.

Regarding the proposed 8 driveways entering onto Tilse Street and the 16 residences from the proposed new street entering onto McIvor Rd.

How will this development interact with the Mareeba Shire Council's traffic plan for the area?

Lot One will be very close to the corner of Tilse and McIvor and may have visibility and clearance issues as no one turning right from McIvor Rd into Tilse Street stays to the correct side of the road.

Lots 4 and 5 have their driveways in close proximity to the Joan Crescent/Tilse Street intersection which may be a safety hazard that close to an intersection.

Residents are also concerned that the 8 driveways will impinge on the current roadway. Tilse Street is used as a back way into town and police have reported and detected multiple high speeds from people transiting the area as well as increased traffic at known times including early mornings, school times with people accessing St Stephens school, school buses which take up much of the roadway. There has also been an increase in farm labourer traffic attending farms in the area.

At this time Tilse Street is a dual lane bitumen carriageway separated with road markings. The total width is 6.20 meters with an additional 40 centimetres of curbing on the western side. The eastern side of the road is not curbed and almost immediately drops into the table drain and I suspect will require extensive modifications to the drain to provide curbing and support for driveways. Any attempt to install concrete culverts will restrict water flow and immediately lead to serious flooding throughout the area.

There is no provision for safe parking on the roadway which forces residents to park on the nature strip outside current residences which I believe obstructs the pedestrian traffic. Will there be any consideration to widening the road for parking, curbing and channelling on the eastern side of Tilse Street and any extra street lighting?

Will there be a dedicated concrete footpath installed for pedestrian traffic for use by school kids etc?

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School buses frequently stop on Tilse Street and this obstructs the flow of traffic. For consideration of a dedicated bus stop at both ends of the street for the safety of children.

Is there any provision for parks and play areas within the development for children and families etc or due to lot size is this not required?

How will phone and internet services be provided to the new estate?

Will McIvor Road be changed to a default 50 kph zone due to the increase in residential traffic. This will help reduce the incidence of speeding within the St Stephens school zone and provide uniformity of traffic regulations within the residential neighbourhood.

Will street lighting, curbing and channelling and increased drainage be considered for McIvor Rd. The causeway adjacent to the proposed development does regularly flood and traffic is forced to divert down Tilse St.

Are residents at the western end of Owens Street and the southern end of Beams Street expected to have any flooding issues.

Thank you for your consideration on these issues.

Regards

Dave SAUL

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Your Ref: MCU/21/0024
Our Ref: F21/36

05 April, 2022

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 – PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE PLANNING SCHEME – USE RIGHTS IN ACCORDANCE WITH THE LOW DENSITY RESIDENTIAL ZONE AND A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – SUBDIVISION (1 LOT INTO 24 LOTS). LOT 100 ON SP276719, TILSE STREET AND MCIVER ROAD, MAREEBA. DEVELOPMENT APPLICATION RAL/21/0024.

The following is provided in Response to the Public Notification Submissions received in relation to the Development Application MCU/21/0024 located on Tilse Street and McIver Road, 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. Response to the general topics as outlined within the Public Notification Submissions, please note the following:

Buffering to Adjoining Agricultural Uses

The Submissions in relation to the adjoining Agricultural Land Use are not in object to the proposed Development provided that the Subdivision '*does not impede the adjacent Rural Allotments right to farm and operate as a commercial farming enterprise*'. It is noted that the Owen Street Residential Development is not provided with any Buffer separating the existing Residential Area from the adjacent Rural Allotments. The Joan Crescent Residential Development is provided with a 20 metre wide buffer fronting McIver Road only. Recent Aerial Imagery clearly demonstrates that the majority of this Vegetated Buffering has been removed, died or replaced with structures and vegie gardens and the likes. The attached Amended Sketch Plan from Jim Papas Civil Engineering Designer Pty Ltd demonstrates the provision of a 10 metre wide Buffer Zone and the provision of a Solid Fence fronting McIver Road. It is understood that the Solid Fencing is expected to be 1.8 metres in height. The provision and accommodating of the Buffering have resulted in the Amended Reconfiguration Layout as per attached.

It is noted that the proposal is for the provision of larger Residential Allotments of similar size to those of Joan Crescent and Owen Street, limiting the density of Residential Allotments adjacent to Rural Activities. The proposal provides for three allotments fronting McIver Road which are adjacent to the Rural Activities on the southern side of McIver Road. This ensures that limited larger Residential Allotments will be affected by any adjacent Rural Activities.

Freshwater Planning Pty Ltd
t/e The Freshwater Trust
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It is considered that the provision of a Solid Fence fronting McIver Road and the provision of a 10 metre wide Vegetated Buffer appropriate and acceptable to ensure the protection of the Rural Activities adjacent to the site, whilst providing the Residential Development with an appropriate level of protection from any noise, dust and sprays. It is noted that other Shires on the Tablelands have provided this similar buffering for Residential Development adjacent to Rural Activities (Atherton Rise Estate – Weaver Street, Atherton). It is considered that the 20 metre wide Road Reserve of McIver Road in addition to the provision of a Solid 1.8 metre Fence and 10 metre wide Vegetated Buffer is acceptable and appropriate in this instance to provide sufficient separation between the Residential and Rural Activities. The proposed Buffering and Fencing will ensure to mitigate against any dust, noise and spray drift ensuring the protection of the Rural Allotments right to farm and operate and a commercial farming enterprise. It is accepted that the provision of a Solid Fence and 10 metre wide Vegetated Buffer provides for greater protection than the Submissions request for a 15 metre wide buffer. It is considered that the Solid Fencing in addition to the 10 metre Vegetated Buffer will ensure to protect the Residential Allotments from any impacts of the adjoining Rural Activities whilst allowing for the Rural Activities to no be impeded by the Reconfiguration and is acceptable. The proposed amelioration is aimed to ensure that this buffering remains in place for its life (achievable maintenance), unlike the 20 metre wide Vegetated Buffering that for the majority has been removed from the Joan Crescent development.

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Walkable Neighbourhoods Amended Planning Regulation

In response to the Submission in relation to the Walkable Neighbourhoods, it is firstly noted that this Submissions '*wants to expressly note that they do not in any way oppose the Development of this site. Rather, we consider that the Development along McIver Road and within the Shire is progressive and aids in cementing the growth of the Mareeba Shire provided that any Development is appropriately designed and Conditioned to an acceptable standard of Development*.' An assessment against the relevant aspects of the Amended Regulation is provided as follows:

Maximum length of particular blocks
The proposed development is for the creation of 24 additional larger Residential Allotments with the requirement for the construction of a single internal road with a length less than 250 metres (approx. 182 metres). The proposal is an Infill Development and the site physically constrained.

Street trees
Street trees can be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping, if required. The existing benchmarks are considered appropriate for the locality.

Footpaths
The site is bounded by McIver Road and Tilse Street. Both of these roads are not provided with a pedestrian footpath nor are the Joan Crescent or Owen Street Developments. It is noted that no internal roads within the immediate or surrounding vicinity are provided with pedestrian footpaths. It is considered appropriate and acceptable that the provision of a pedestrian footpath is not required with this proposed development and will keep with the existing amenity of the surrounding Residential Estates whilst achieving appropriate and acceptable Connectivity.

It is understood that the State Government's requirement for the Walkable Neighbourhoods is to *ensure the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot.* Any implementation of a Footpath will lead to nowhere not connecting the site to anything. The proposal is considered to be infill development on the outskirts of the Mareeba Residential Township with

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limited connectivity. Each proposed Residential Allotment is greater than 1,490 m² in size and contains sufficient area for recreation and leisure.

Freshwater Planning Pty Ltd understands that the FNQROC Development Manual (Table D1.1 Street and Road Hierarchy) within Cairns, Douglas and the Cassowary Coast Councils contain the provision of an Access Place with a catchment size of 0 – 25 Dwellings not to require the provision of a Footpath. As the proposal is to provide 16 Dwelling Houses fronting the new Internal Road, it is considered further appropriate that the provision of a pedestrian footpath is not required within this instance.

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Parks and other areas of open space

The site is within proximity to the large Drainage Reserve that is considered to be informal Open Space accessible to the public. However, it is noted that Council's current position is to take contributions in lieu of providing any additional Parks. Each propose Residential Allotment is located within 400 metres of this informal Open Space. The Walkable Neighbourhoods note that '*the reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is within 400m of a park or another area of open space that is accessible to the public*.' The adjoining Drainage Reserve is considered to be an acceptable area of open space accessible to the public. If required, a pathway can be provided to the adjoining Drainage Reserve. It is considered in this instance that Council continues to take Open Space and Park Contributions looking to provide a future park that services the surrounding vicinity and not provided on the outskirts of the Mareeba Township Residential Area. The existing constraints of the site, surrounding Residential amenity, character and nature and its location leans to contributions as a more appropriate outcome for the Shire.

Advices provided from the State Government in relation to the Walkable Neighbourhoods Amended Regulation notes that:

> *The Planning Regulation 2017 (Planning Regulation) requires that new residential neighbourhoods are assessed against benchmarks for the provision of footpaths, street trees, connect street layout, shorter block lengths and proximity to parks. The assessment manager must assess the development application for the residential subdivision against the assessment benchmarks.*
>
> *The assessment manager has discretion to determine the extent the benchmarks are relevant to an application. By doing so, the new assessment benchmarks have the flexibility that is required to deal with the many different circumstances encountered by the local government. A planning scheme may set benchmarks that achieve a higher standard than the Planning Regulation prescribes.*
>
> *The Planning Act 2016 provides for how an assessment manager is to carry out the assessment of a development application. The assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.*

In relation to the provision of Parks, the State's Advice noted in bolding that '*As discussed above, the assessment manager has the discretion to approve a development application, with or without conditions, even if the proposed development does not comply with some of the assessment benchmarks.*' It is considered that in this instance, given that the proposed Residential Development is on the outskirts of the Mareeba Residential Township, that the provision of Parkland, Footpaths and oversupply of Street Trees are not required. The proposal is in fitting within the existing Residential Amenity, nature and character of the adjacent Joan Crescent and Owen Street Residential Development. It is considered that Council has sufficient flexibility to allow for the

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proposed Residential Development without having to meet the extent of the benchmarks given the existing constraints of the site.

It is considered that the proposed Subdivision 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 amelioration while not significantly affecting the surrounding amenity and character. The proponent has gone to significant lengths to protect the amenity of the site and adjoining Residential Estates and Rural Activities, with the attached Amended Sketch Plan, as it is in their best interests.

Yours faithfully,

MATTHEW ANDREJIC
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