

8.1 MAREEBA 232 PTY LTD - MATERIAL CHANGE OF USE - SHOPPING CENTRE AND FOOD AND DRINK OUTLET - LOT 78 ON SP298287 AND LEASE A IN LOT 20 ON NR7137 - 232 BYRNES STREET AND CLOSE STREET, MAREEBA - MCU/22/0003

Date Prepared: 8 February 2023

Author: Senior Planner

Attachments:

1. Proposal Plans
2. State Assessment and Referral Agency response dated 24 February 2023
3. Submissions
4. Applicant's response to submission

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Mareeba 232 Pty Ltd	ADDRESS	232 Byrnes Street and Close Street, Mareeba
DATE LODGED	13 July 2022	RPD	Lot 78 on SP298287 and Lease A in Lot 20 on NR7137
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Shopping Centre and Food and Drink Outlet		
FILE NO	MCU/22/0003	AREA	Lot 78 – 1.516 ha Lease A in Lot 20 – 1129m2
LODGED BY	Urban Sync Pty Ltd	OWNER	Lot 78 – Reedlodge Pty Ltd Lot 20 – State of Queensland with Mareeba Shire Council as trustee
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Lot 78 – Centre zone & Community Facilities zone Lot 20 – Medium Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Two (2)		

EXECUTIVE SUMMARY

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

The application is impact assessable and two (2) 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.

The proposed development is similar to previously approved development applications over the former sawmill site however the current application has been able to secure additional adjoining land allowing for a significantly improved development footprint.

It is notable that all existing parking within the State controlled road reserve (Byrnes Street) fronting the proposed development is required to be removed to avoid traffic conflicts identified by the Department of Transport and Main Roads.

The proposed development includes 230 on site car parks, which is 44 in excess of the planning scheme's requirements. Further works have been conditioned within the Frew Street road reserve to provide for RV/larger vehicle parking in proximity to Byrnes Street.

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

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Mareeba 232 Pty Ltd	ADDRESS	232 Byrnes Street and Close Street, Mareeba
DATE LODGED	13 July 2022	RPD	Lot 78 on SP298287 and Lease A in Lot 20 on NR7137
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Shopping Centre and Food and Drink Outlet		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Shopping Centre and Food and Drink Outlet

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
TA#19.0298.17 A0.00 rev. 7	Cover Sheet	Thomson Adsett	18/01/2023
TA#19.0298.17 A0.10 rev. 7	Site Context	Thomson Adsett	18/01/2023
TA#19.0298.17 A1.01 rev. 18A	Site Plan	Thomson Adsett	19/12/2022
TA#19.0298.17 A1.02 rev. 14	Development Plan	Thomson Adsett	18/01/2023
TA#19.0298.17 A2.01 rev. 12	Ground Floor Plan - Supermarket	Thomson Adsett	18/01/2023
TA#19.0298.17 A2.02 rev. 6	Roof Plan - Supermarket	Thomson Adsett	18/01/2023
TA#19.0298.17 A2.03 rev. 6	Elevations - Supermarket	Thomson Adsett	18/01/2023
TA#19.0298.17 A2.04 rev. 6	Elevations - Supermarket	Thomson Adsett	18/01/2023
TA#19.0298.17 A2.05 rev. 6	Sections - Supermarket	Thomson Adsett	18/01/2023
TA#19.0298.17 A4.01 rev. 6	Ground Floor Plan – Fast Food	Thomson Adsett	11/07/2022
TA#19.0298.17 A4.02 rev. 5	Elevations – Fast Food	Thomson Adsett	06/07/2022
TA#19.0298.17 A5.01 rev. 6	3D Views	Thomson Adsett	18/01/2023
TA#19.0298.17 A5.02 rev. 6	3D Views	Thomson Adsett	18/01/2023
1604-002 Rev. F	Rankin Street Median Extension Concept	Trinity Engineering and Consulting	22/12/22

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Emissions

Emissions associated with operational activities must not cause an 'environmental nuisance' within the meaning of the Environmental Protection Act (1994) to any sensitive receptor and comply with the Air Quality Objectives as stated within Schedule 1 of the Environmental Protection (Air) Policy 2019.

3.5 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Trolley Bays

Trolley bay areas must be provided on the site generally in accordance with Drawing No. TA#19.0298.17 A1.02 Rev. 14.

3.7 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

3.8 Amenity

3.8.1 The southern wall of the supermarket must be finished in a combination of Woolworths green, Dulux monument and Dulux vivid white to prevent the dominance of any one colour, to the satisfaction of Council's delegated officer.

3.8.2 All building materials and colours to be used must be non-reflective and be generally in accordance with the approved plans to the satisfaction of Council's delegated officer.

3.9 No trucks, other than service vehicles for the shopping centre, are permitted to park on the subject land when the shopping centre is closed to the public. All service vehicles must leave the subject land as soon as reasonably practical after serving the shopping centre.

3.10 Advertising signage

The placement and sizing of advertising signage is to be generally in accordance with the approved plans.

4. Infrastructure Services and Standards

4.1 Access – Rankin Street

Any crossover/s used to access the development must be constructed to **Commercial** standard (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Where applicable, the applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Stormwater Drainage/Water Quality

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

4.2.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit a revised Stormwater Management Plan prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.3 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan.

4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with on-site car parking spaces, generally in accordance with Drawing No. TA#19.0298.17 A1.02 rev.14, which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Car parking shade structures must generally be provided in accordance with Drawing No. TA#19.0298.17 A1.01 rev. 18A.

Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications, prepared by a Registered Professional Engineer of Queensland (RPEQ) or an Architectural

Building Designer, for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890.1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS2890.6 – Parking Facilities – Off-street parking for people with disabilities;
- A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

4.4 Frontage Works - Byrnes Street

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer and the Department of Transport and Main Roads:

- 4.4.1 Kerb and channelling for the full frontage of Lot 78 on SP298287.
- 4.4.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).
- 4.4.3 Entry/exit arrangements in accordance with the extent of works shown on Drawing No. TA#19.0298.17 A1.02 Rev.14.
- 4.4.4 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Byrnes Street to the general extent indicated on Drawing No. TA#19.0298.17 A1.02 Rev.14. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications for the construction of proposed works.

4.5 Frontage Works - Rankin Street

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- 4.5.1 Kerb and channelling for the full frontage of Lot 78 on SP298287.
- 4.5.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).
- 4.5.3 On street car parking and entry/exit arrangements in accordance with the extent of works shown on Drawing No. TA#19.0298.17 A1.02 Rev.14
- 4.5.4 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Rankin Street to the general extent indicated on Drawing TA#19.0298.17 A1.02 Rev.14. The footpath must be constructed

in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications for the construction of proposed works.

4.6 Frew Street Works

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- 4.6.1 Widening of the sealed pavement on the western side of Frew Street to the existing kerb and channel.
- 4.6.2 Appropriate line marking to allow for RV/larger vehicle parking on the western side of Frew Street.
- 4.6.3 Construction of a cul-de-sac head at the southern end of Frew Street to allow for turning of RV/larger vehicles.
- 4.6.4 Construction of concrete footpath and pedestrian level crossing as shown on Drawing No. 1604-002 Revision F in accordance with the FNQROC Development Manual and Queensland Rail standards. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications for the construction of proposed works.

4.7 Landscaping

- 4.7.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.7.2 Prior to the issue of the development permit for operational works, a detailed landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.7.3 The landscape plan should be generally consistent with green areas shown on Drawing No. TA#19.0298.17 A1.02 Rev.14 and demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- 4.7.4 The landscape plan must also provide for the landscaping of Byrnes Street and Rankin Street frontages.
- 4.7.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.7.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.8 Lighting

All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

4.9 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the applicant/developer is required to extend 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 requirements in accordance with FNQROC Development Manual Standard (as amended).

4.9.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.9.1.

The engineering plans and specifications for the connection, including any requirement for onsite firefighting storage, must be accompanied by an engineering report demonstrating that Council's existing infrastructure will be able to provide the minimum acceptable standard of service for water reticulation.

4.10 Sewerage Connection

4.10.1 The applicant/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 applicant/developer is required to extend 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).

4.10.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit engineering plans and specifications for the connection of the development to Council's reticulated sewerage system demonstrating compliance with Condition 4.10.1.

(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) Food Premises

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

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

- (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) Compliance with Acts and Regulations

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

- (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.dcceew.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.dsdsatsip.qld.gov.au.

(E) REFERRAL AGENCY CONDITIONS

State Assessment and Referral Agency response dated 24 February 2023

(F) RELEVANT PERIOD

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

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

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Commercial (Retail)	Shopping Centre	Per m2 of GFA	\$130.00	4,469	\$580,970.00
Commercial (Retail)	Food and Drink Outlet	Per m2 of GFA	\$130.00	270	\$35,100.00
Credit					
High Impact Industry	Sawmill	Per m2 of GFA	\$51.00	6,000	\$306,000.00
TOTAL					\$310,070.00

THE SITE

The site comprises Lot 78 on SP298287 and Lease A in Lot 20 on NR7137 and is situated at 232 Byrnes Street and Close Street, Mareeba (on the corner of Rankin Street and Byrnes Street).

The site is generally regular in shape, with a combined area of 1.62 hectares and has a mixed Centre, Community Facilities and Medium Density Residential zoning under the Mareeba Shire Council Planning Scheme 2016.

The site has a frontage to Byrnes Street of approximately 206 metres, with a secondary frontage to Rankin Street of approximately 88 metres. The site is also bound by rail corridor to the west.

The site is vacant, flat and relatively unconstrained by natural or physical features (vegetation, watercourses etc).

Lot 78 was formerly used as a sawmill and has been vacant since the sawmill's demolition in the late 1990s. Lot 78 is listed on the Environmental Management Register due to wood treatment and

preservation having previously been undertaken on the site and an approved site management plan is in place.

Neighbouring allotments to the north, south and east are zoned Centre under the Mareeba Shire Council Planning Scheme 2016. Properties in the general locality are used for a variety of land uses including the Mareeba Square Shopping Centre, Byrnes Street business district and residential uses.

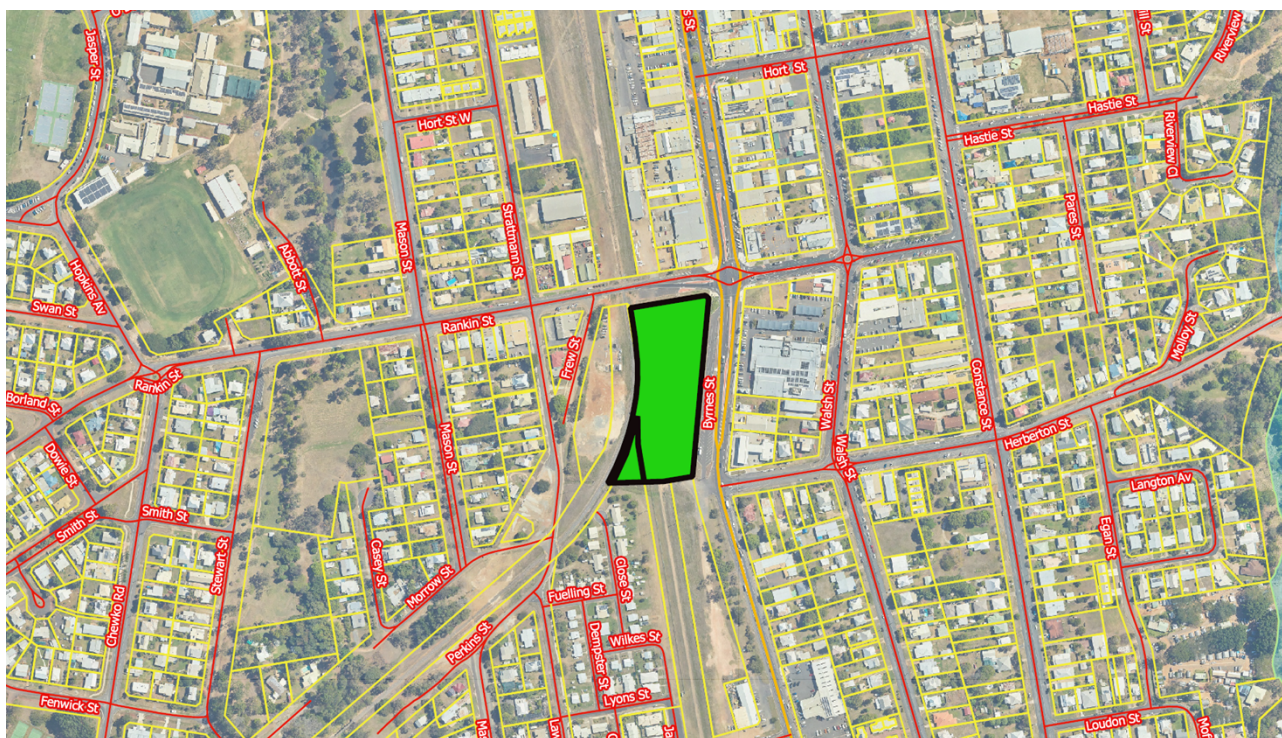
The balance area of Lot 20 on NR7137 is zoned Medium Density Residential and is developed for aged persons housing.

The site is serviced by all urban infrastructure.



Map Disclaimer:

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



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Nil

1. Development Application MC99/43 - Material Change of Use - Shopping Centre. Decision notice (**approval**) issued by Mareeba Shire Council on **9 March 2000**. The approval was **overturned** in the Planning and Environment Court following an objector appeal.
2. Development Application RC2002/1 - Reconfiguring a Lot - Subdivision (1 into 9 lots). Decision notice (**approval**) issued by Mareeba Shire Council on **22 April 2002**. Development approval not acted upon and has **lapsed**.
3. Development Application MCU/08/0029 - Material Change of Use - Shopping Centre. Decision notice (**approval**) issued by Tablelands Regional Council on **8 June 2010**. Development approval not acted upon and has **lapsed**.
4. Development Application DA/12/0040 - Reconfiguring a Lot - Subdivision (1 into 9 lots). Decision notice (**approval**) issued by Tablelands Regional Council on **8 April 2013**. Development approval not acted upon and has **lapsed**.
5. Development Application MCU/17/0011 – Material Change of Use – Shopping Centre. Negotiated decision notice (**approval**) issued by Mareeba Shire Council on **22 March 2018**. Development approval remains **current** until 22 September 2025.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Shopping Centre and Food and Drink Outlet in accordance with the plans shown in **Attachment 1**.

The proposed development will include the following key elements:

- A 3,655m² Woolworths supermarket with a maximum height of 10.5m above ground level;
- 814m² of specialty retail shops located within the Shopping Centre ‘forecourt mall’ and which will include approximately seven (7) tenancies;

Note: In addition to the shopping centre land use being sought over these speciality shops, approval for Food and Drink Outlet is also sought to allow for consistent uses with the complex such as a café or the like to establish without the need for any further town planning approvals.

- Amenities located within the shopping centre mall comprising a total area of 90m²
- A 270m² drive through fast food outlet with a height of 6.5m above ground level and including a dual drive through lane;
- Landscaping comprising approximately 7.40% (1,200m²) of the site.

Operating hours for the shopping centre component of the proposed development are expected to follow that of other similar centres i.e., Monday to Friday (8am-9pm), Saturday (8am-6pm), and Sunday (9am-6pm), although exact operating hours are yet to be determined. Exact number of staff are at this stage unknown.

Operating hours for the drive through fast food outlet will not be known until a tenant has been secured, although approval for 24 hour, seven day a week trading is. Exact number of staff for this land use is also, at this stage, unknown.

Staging

The proposed development will not be staged.

Water

The proposed development will utilise the sites existing connections to Council’s reticulated water network via the existing water mains in either Rankin Street or Byrnes Street.

Based on a preliminary review, it is expected that a booster pump and tanks may be required to provide suitable water pressure for firefighting purposes, the specifics of which will be determined during detailed design and be documented in the operational works application.

Sewerage

The proposed development will be connected to Council’s reticulated sewer and it is likely the section of sewer main currently located within the site and associated manhole will be removed and a new manhole will be constructed in the north-west corner of the site for the proposed development to connect to. Final specifics will be determined in the operational works application.

Electricity and Telecommunications

The proposed development will be connected to both electricity and telecommunications services as required and in accordance with Ergon’s and NBN’s requirements.

Stormwater

The proposed development will direct stormwater to both the south-west corner of the site (where some detention may be proposed) and to the inlet pit at the Byrnes Street/Rankin Street intersection.

The need for on site detention may be reduced through the construction of new underground stormwater infrastructure along Rankin Street, providing for discharge to Basalt Gully. Final specifics will be determined in the operational works application.

Byrnes Street

Byrnes Street access to the site will be via two (2) separate left in and left out arrangements which will trigger the following on-street modifications:

- The removal of all existing car parking spaces within the service road to be replaced with grass/landscaping in accordance with the requirements of the Department of Transport and Main Roads);
- The construction of a new left in/left out access to the southernmost portion of the site to allow delivery vehicles (heavy vehicles) to safely enter and exit the site; and
- A new left in/left out car entry to the north of the truck entry/exit to allow private vehicles to safely enter and exit the site.

A new pedestrian footpath for the full Byrnes Street and Rankin Street frontages of the site is also proposed.

Rankin Street

A new left-in, all movements out access is proposed from Rankin Street with modifications to the external road network to facilitate this access generally as shown on the plans of development.

Car Parking

The proposed development includes a total of 235 car parking spaces, allocated as follows:

- 230 on-site car parking spaces to service the entire site, inclusive of five (5) PWD parking spaces, four (4) motorbike parks, and two (2) taxi parks; and
- 5 on-street parking spaces along the Rankin Street frontage.

Bicycle Parking

The proposed development includes a total of 19 bicycle parking spaces, allocated as follows:

- 5x bicycle spaces at the immediate frontage of the Shopping Centre, to the west; and
- 5x bicycle parking spaces at the immediate frontage of the Shopping Centre, to the east; and
- 2x bicycle parking spaces at the frontage of the Food and Drink Outlet; and
- 7x secure staff bicycle racks internal to the amenities area located within the Mall of the Shopping Centre.

Loading and Refuse

Refuse and loading areas for the proposed development will be provided as follows:

- Shopping Centre - A designated loading area has been provided directly to the east of the supermarket to allow safe and efficient access for large service vehicles from Byrnes Street to service (delivery and refuse) the Shopping Centre (inclusive of speciality shops); and

- Food and Drink Outlet – A designated loading area has been provided directly to the west of the building which will also include the refuse area.

REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> Centre Area – (majority of Lot 78) Residential Area – (Lease A in Lot 20 on NR7137) Transport Elements <ul style="list-style-type: none"> State Controlled Road Local Collector Road Principal Cycle Network Railway Network
Zone:	Centre zone – (majority of Lot 78) Community facilities zone – (balance of Lot 78) Medium density residential zone - (Lease A in Lot 20 on NR7137)
Mareeba Local Plan:	Precinct A – Town Centre Core - (majority of Lot 78)
Overlays:	<ul style="list-style-type: none"> Airport environs overlay Extractive resources overlay Transport infrastructure overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Food and drink outlet	Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room	Bar, club, hotel, shop, theatre, nightclub entertainment facility

Shopping centre	<i>Premises comprising two or more individual tenancies that is comprised primarily of shops, and that function as an integrated complex.</i>		
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RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.1 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 is consistent with Mareeba's function as a major regional activity centre.

- (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 is consistent with Mareeba's function as a major regional activity centre.

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

Comment

The subject site is not identified as being within a hazard area for bushfire, flooding or landslide. The proposed buildings will need to be constructed in accordance with the applicable building requirements for a cyclonic area.

3.3.2 Element—Activity centres network

3.3.2.1 Specific outcomes

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

Comment

The proposed shopping centre and food and drink outlet is consistent with Mareeba's role and function as a major regional activity centre.

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

Comment

Complies. The proposed development is a significant centre activity and is likely to service a wide catchment.

- (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

Complies. Whilst the subject site includes a small area outside the mapped centre area (Lease A in Lot 20 and part of the former rail corridor), the majority of the subject site is within the mapped centre area.

The proposed development will present to Byrnes Street and Rankin Street and all access will be via these frontages.

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

Comment

The proposed development will have a positive contribution towards the vibrancy of Mareeba's centre area, largely through the redevelopment of the former sawmill site which has remained vacant since the demolition of the sawmill at the end of the 1990's.

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

Comment

The proposed development will comply.

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 is entirely consistent with this outcome.

- (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 complies.

- (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

The subject site has been underutilised since the closure and demolition of the former sawmill in the late 1990's.

The proposed development of the subject site for an additional shopping centre would satisfy specific outcome (4).

- (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

The proposed development will comply.

3.3.7 Element—Residential areas and development**3.3.7.1 Specific outcomes**

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

Comment

Lease A in Lot 20 on NR7137 is within the mapped residential area. Historically, the area of Lease A has been constrained by railway corridor along its eastern and western boundaries and an open stormwater drain separating it from the balance of Lot 20.

The area of Lease A would have potential for residential development, however the level of residential amenity offered to any residents would be less than desirable.

The area of Lease A offers a far better planning outcome by regularising the shape of the subject site and allowing for improved commercial development layout.

Developing the area of Lease A for commercial purposes will not alter the predominant development form for the wider residential area.

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 subject site is not identified as being within a hazard area for bushfire, flooding or landslide. The proposed buildings will need to be constructed in accordance with the applicable building requirements for a cyclonic area.

3.4 Natural resources and environment**3.4.1 Strategic outcomes**

- (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 proposed development will be conditioned to comply.

Likely impacts are not expected to be any different to the impacts associated with the established commercial/retail development in the locality.

- (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

The proposed development can appropriately manage the contaminated land left on the site following the previous sawmill use.

Previous investigations and recommendations are known to the current developer.

3.4.9 Element—Contaminated land

3.4.9.1 Specific outcomes

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

Comment

The proposed development can appropriately manage the contaminated land left on the site following the previous sawmill use.

Previous investigations and recommendations are known to the current developer.

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

Comment

The proposed development can appropriately manage the contaminated land left on the site following the previous sawmill use.

Previous investigations and recommendations are known to the current developer.

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 proposed development features a modern design style not dissimilar to that of the nearby McDonalds and Mobil Service Station developments.

3.5.8 Element—Safe and healthy communities

3.5.8.1 Specific outcomes

- (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

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

Byrnes Street is a State Controlled Road and Rankin Street is a Local Collector Road. Both roads are of the necessary hierarchy to accommodate the proposed development.

- (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

Pedestrian linkages and end of trip facilities are proposed for the development.

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

Comment

The development will be conditioned to comply.

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

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

Comment

The development will be conditioned to comply.

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

Comment

The development will be conditioned to comply.

3.6.3 Element—Rail network**3.6.3.1 Specific outcomes**

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

Comment

The proposed development does not impact on the ongoing use of the adjoining rail corridor.

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

Pedestrian linkages and end of trip facilities are proposed for the development. Bike racks are also allocated.

- (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 will 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

The development will be conditioned to comply.

3.6.7 Element—Water supply and wastewater services**3.6.7.1 Specific outcomes**

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

Comment

The development will be conditioned to comply.

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

Comment

The development will be conditioned to comply.

- (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 will 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 will be conditioned to comply.

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

Comment

The development will be conditioned to comply.

3.6.9 Element—Waste management

3.6.9.1 Specific outcomes

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

Comment

The development will be conditioned to comply.

3.7 Economic development

3.7.1 Strategic outcomes

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

Comment

The proposed development complies.

3.7.6 Element—Retail and commercial development

3.7.6.1 Specific outcomes

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

Comment

The proposed development will comply.

- (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

The proposed development will comply.

- (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.

Relevant Developments Codes

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

- 6.2.1 Centre zone code
- 6.2.2 Community facilities zone code
- 6.2.7 Medium density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.5 Extractive resources overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.2 Commercial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Centre zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO1 (height) Acceptable Outcomes AO2.1 & AO2.2 (siting) Acceptable Outcomes AO5.1, AO5.2 & AO5.3 (building design) <p>Refer to planning discussion section of report.</p>
Community facilities zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO1 (height) Acceptable Outcomes AO2.1 & AO2.2 (siting) Acceptable Outcomes AO4.1 & AO4.2 (building design) <p>Refer to planning discussion section of report.</p>
Medium density residential zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO1 (height) Acceptable Outcomes AO3.1 & AO3.2 (siting) Acceptable Outcome AO5 (gross floor area) Acceptable Outcomes AO6 (building design) <p>Refer to planning discussion section of report.</p>
Mareeba local plan code	<p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcomes AO3.1 & AO3.2 (frontage to Byrnes Street core element) <p>Refer to planning discussion section of report.</p>
Airport environs overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Extractive resources overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>

Transport infrastructure overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Commercial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

Where relevant, conditions will be attached to any approval requiring all development works be designed and constructed in accordance with the FNQROC Development Manual.

(E) Adopted Infrastructure Charges Notice

The subject site is located within the Priority Infrastructure Area. In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, dated 18 May 2022 (AICR), Infrastructure Charges are applicable to the proposed development calculated as follows:

- Charges based on the proposed development (see Council's AICR); less:
- Discounts for the existing allotments/existing lawful uses.

The applicable charges are as follows:

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Commercial (Retail)	Shopping Centre	Per m2 of GFA	\$130.00	4,469	\$580,970.00
Commercial (Retail)	Food and Drink Outlet	Per m2 of GFA	\$130.00	270	\$35,100.00

Credit					
High Impact Industry	Sawmill	Per m2 of GFA	\$51.00	6,000	\$306,000.00
TOTAL					\$310,070.00

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency as a Referral Agency for State transport infrastructure (State controlled road & rail corridor).

That Department advised in a letter dated 24 February 2023 that they require conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 10 January 2023 to 1 February 2023. The applicant submitted the notice of compliance on 2 February 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received.

The issues raised in each submission are summarised and commented on below:

Issue/s	Comment
<p>Submitter is supportive of development, however questions the lack of a right turn in option off Rankin Street.</p> <p>The lack of a lack turn in option will be a considerable inconvenience to the public.</p> <p>Submitter requests that Council condition the development to provide the right turn in option off Rankin Street.</p>	<p>The applicant and Council officers agree that the absence of a right turn in option off Rankin Street is a considerable inconvenience to the public travelling east on Rankin Street.</p> <p>The applicant confirms that a right turn in off Rankin Street cannot be provided as que distances encroach into the rail corridor which is not permitted by Department of Transport and Main Roads.</p> <p>Condition 7 of the State Assessment and Referral Agencies response (Attachment 2) explicitly prevents a right turn in option off Rankin Street.</p> <p>Council is not permitted to override the State's condition.</p>
<p>Suggest relocating development to eastern side of Mareeba as it is fast growing and would take traffic pressure off Byrnes Street.</p>	<p>The submitters comment is noted.</p> <p>Council must assess the application as submitted, including the applicant's chosen site.</p>

Submitters

Name of Principal submitter	Address
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1. C Roll	carlieroll@hotmail.com
2. J Burnett	joelineburnett@gmail.com

PLANNING DISCUSSION

Noncompliance with the acceptable outcomes of the following assessment benchmarks are discussed as follows:

Centre Zone Code

PO1 Height

Building height takes into consideration and respects the following:

- (a) the height of existing buildings on adjoining premises;*
- (b) the development potential, with respect to height, on adjoining premises;*
- (c) the height of buildings in the vicinity of the site;*
- (d) access to sunlight and daylight for the site and adjoining sites;*
- (e) privacy and overlooking; and*
- (f) site area and street frontage length.*

AO1

Development has a maximum building height of:

- (a) 8.5 metres; and*
- (b) 2 storeys above ground level.*

Comment

Aspects of the proposed shopping centre will exceed 8.5 metres in height, with the maximum height being 10.482 metres.

Generally, the shopping centre building will be approximately 8.4 metres in height with only the feature skylight roof, parapets and roof mounted plant exceeding 8.5 metres in height.

These exceeding structures are small in scale and/or located/orientated internally/centrally to the site where they will not be visible and/or will not result in any unacceptable, negative impacts on adjacent premises.

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The height of the section of building adjoining the existing residential uses does not exceed 8.5 metres.

The proposed building height has no impact on access to sunlight and daylight and the minor exceedance in height has no impact on privacy and overlooking.

The proposed development complies with PO1

PO2 Siting

Development is sited in a manner that considers and respects:

- (a) the siting and use of adjoining premises;*
- (b) access to sunlight and daylight for the site and adjoining sites;*
- (c) privacy and overlooking;*
- (d) opportunities for casual surveillance of adjoining public spaces;*
- (e) air circulation and access to natural breezes;*
- (f) appearance of building bulk; and*
- (g) relationship with pedestrian spaces.*

AO2.1

Buildings are built to the road frontage/s of the site.

Note—Awning structures may extend into the road reserve where provided in accordance with PO5.

AO2.2

Buildings are setback and boundary treatment(s) are undertaken in accordance with Table 6.2.1.3B.

Comment

The proposed development does not satisfy AO2.1 as only part of the building will be built to the road frontage.

Assessment of the development against PO2 is therefore required:

- (a) the siting and use of adjoining premises.*

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The existing residential development on Lot 20 is setback at least 20 metres from the closest part of the proposed building.

- (b) access to sunlight and daylight for the site and adjoining sites.*

As with (a) above, the use of the land bounding the site is such that the proposed development will not restrict access to sunlight or daylight.

- (c) privacy and overlooking.*

The proposed development will be sufficiently separated from residential uses so as not to unreasonably impact on privacy.

- (d) opportunities for casual surveillance of adjoining public spaces.*

The proposed development has been orientated so that there is a clear opportunity for casual surveillance to the car parking areas and adjacent streets. Pedestrian links will be provided internal to the site to encourage further casual surveillance which will ensure that casual surveillance is provided throughout the site at all times.

- (e) air circulation and access to natural breezes.*

The proposed development is adequately separated from all adjoining uses and will not negatively impact on air circulation and natural breezes.

(f) appearance of building bulk.

In the opinion of the assessing officer, the design of the shopping centre reasonably limits the appearance of building bulk.

(g) relationship with pedestrian spaces.

Pedestrian connectivity will be achieved through new footpaths on Rankin and Byrnes Street and through internal pedestrian paths.

The proposed development satisfies PO2.

PO5 Building Design

Building facades are appropriately designed to:

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

A05.1

Buildings address and provide pedestrian entrances to:

- (a) the primary pedestrian frontage where a single frontage lot or multiple frontage lot that is not a corner lot;*
- (b) the primary and secondary frontages where a corner lot, with a pedestrian entrance provided on each frontage and/or as part of a corner truncation; and*
- (c) any adjoining public place, with the main entrance provided on this boundary.*

A05.2

Building frontages:

- (a) are broken into smaller, 10 metre wide components by doors, display windows, pillars and structural elements;*
- (b) are articulated with projections and recesses;*
- (c) include windows where the bottom of the window is located between 0.6 metres and 0.9 metres above the footpath level; and*
- (d) have a minimum 40% of the building facade facing the street is comprised of windows that are not painted or treated to obscure transparency.*

A05.3

Buildings incorporate cantilevered awnings that are:

- (a) provided along the full length of the building's frontage to the street;*
- (b) set back 0.6 metres from the face of the kerb or to match the alignment of the awning/s of the adjoining building/s;*
- (c) a minimum of 3 metres and a maximum of 4.2 metres above the finished level of the footpath from the underside of the awning; and*
- (d) truncated at the corner with a 2 metre single cord truncation where located on a corner site.*

Comment

The development does not satisfy AO5.1 as the shape of the subject land, its multiple road frontages and the specific design requirements of a shopping centre.

Assessment of the development against PO5 is therefore required:

- (a) provide an active and vibrant streetscape.*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

All of these design features result in the proposed development contributing towards an active and vibrant streetscape.

- (b) include visual interest and architectural variation.*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

- (c) maintain and enhance the character of the surrounds.*

The proposed development has a modern design which will enhance the character of Mareeba's central business district and is in keeping with the new Mobil service station and recently constructed McDonalds restaurant.

- (d) provide opportunities for casual surveillance.*

There are ample opportunities for casual surveillance such as from the outdoor dining and central forecourt mall, as well as throughout the car parking areas, and dining areas within the food and drink outlet.

- (e) include a human scale.*

The proposed development has a human scale.

- (f) encourage occupation of outdoor space.*

The outdoor dining and central forecourt areas provide opportunities for people to occupy outdoor areas.

The proposed development satisfies PO5.

Community Facilities Zone Code***PO1 Height***

Building height takes into consideration and respects the following:

- (a) the height of existing buildings on adjoining premises;*
- (b) the development potential, with respect to height, on adjoining premises;*
- (c) the height of buildings in the vicinity of the site;*
- (d) access to sunlight and daylight for the site and adjoining sites;*
- (e) privacy and overlooking; and*
- (f) site area and street frontage length.*

AO1

Development has a maximum building height of:

- (a) 8.5 metres; and*
- (b) 2 storeys above ground level.*

Comment

Aspects of the proposed shopping centre will exceed 8.5 metres in height, with the maximum height being 10.482 metres.

Generally, the shopping centre building will be approximately 8.4 metres in height with only the feature skylight roof, parapets and roof mounted plant exceeding 8.5 metres in height.

These exceeding structures are small in scale and/or located/orientated internally/centrally to the site where they will not be visible and/or will not result in any unacceptable, negative impacts on adjacent premises.

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The height of the section of building adjoining the existing residential uses does not exceed 8.5 metres.

The proposed building height has no impact on access to sunlight and daylight and the minor exceedance in height has no impact on privacy and overlooking.

PO2 Siting

Development is sited in a manner that considers and respects:

- (a) the siting and use of adjoining premises;*
- (b) access to sunlight and daylight for the site and adjoining sites;*
- (c) privacy and overlooking;*
- (d) opportunities for casual surveillance of adjoining public spaces;*
- (e) air circulation and access to natural breezes;*
- (f) appearance of building bulk; and*
- (g) relationship with road corridors.*

AO2.1

Buildings and structures include a minimum setback of:

- (a) 10 metres from a frontage to a State-controlled road;*
- (b) 6 metres from a frontage to any other road; and*
- (c) 3 metres from a boundary to an adjoining lot.*

A02.2

Car parking and set down areas are set back:

- (a) 3 metres from the road frontage; and*
- (b) 2 metres from side and rear boundaries.*

Comment

Assessment of the development is required against PO2:

- (a) the siting and use of adjoining premises.*

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The existing residential development on Lot 20 is setback at least 20 metres from the closest part of the proposed building.

- (b) access to sunlight and daylight for the site and adjoining sites.*

As with (a) above, the use of the land bounding the site is such that the proposed development will not restrict access to sunlight or daylight.

- (c) privacy and overlooking.*

The proposed development will be sufficiently separated from residential uses so as not to unreasonably impact on privacy.

- (d) opportunities for casual surveillance of adjoining public spaces.*

The proposed development has been orientated so that there is a clear opportunity for casual surveillance to the car parking areas and adjacent streets. Pedestrian links will be provided internal to the site to encourage further casual surveillance which will ensure that casual surveillance is provided throughout the site at all times.

- (e) air circulation and access to natural breezes.*

The proposed development is adequately separated from all adjoining uses and will not negatively impact on air circulation and natural breezes.

- (f) appearance of building bulk.*

In the opinion of the assessing officer, the design of the shopping centre reasonably limits the appearance of building bulk.

- (g) relationship with pedestrian spaces.*

Pedestrian connectivity will be achieved through new footpaths on Rankin and Byrnes Street and through internal pedestrian paths.

The proposed development satisfies PO2.

PO4 Building Design

Building facades are appropriately designed to:

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

AO4.1

Buildings address the principal road frontage of the site through the location of windows and pedestrian access.

AO4.2

Buildings do not include blank walls to road frontages exceeding 3 metres in length.

Comment

Assessment of the development against PO4 is therefore required:

- (a) include visual interest and architectural variation.*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

- (b) maintain and enhance the character of the surrounds.*

The proposed development has a modern design which will enhance the character of Mareeba's central business district and is in keeping with the new Mobil service station and recently constructed McDonalds restaurant.

- (c) provide opportunities for casual surveillance.*

There are ample opportunities for casual surveillance such as from the outdoor dining and central forecourt mall, as well as throughout the car parking areas, and dining areas within the food and drink outlet.

- (d) include a human scale.*

The proposed development has a human scale.

- (e) encourage occupation of outdoor space.*

The outdoor dining and central forecourt areas provide opportunities for people to occupy outdoor areas.

The proposed development satisfies PO4.

Medium Density Residential Zone Code

PO1 Height

Building height takes into consideration and respects the following:

- (a) the height of existing buildings on adjoining premises;*
- (b) the development potential, with respect to height, on adjoining premises;*
- (c) the height of buildings in the vicinity of the site;*
- (d) access to sunlight and daylight for the site and adjoining sites;*
- (e) privacy and overlooking; and*
- (f) site area and street frontage length.*

AO1

Development has a maximum building height of:

- (a) 8.5 metres; and*
- (b) 2 storeys above ground level.*

Comment

Aspects of the proposed shopping centre will exceed 8.5 metres in height, with the maximum height being 10.482 metres.

Generally, the shopping centre building will be approximately 8.4 metres in height with only the feature skylight roof, parapets and roof mounted plant exceeding 8.5 metres in height.

These exceeding structures are small in scale and/or located/orientated internally/centrally to the site where they will not be visible and/or will not result in any unacceptable, negative impacts on adjacent premises.

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The height of the section of building adjoining the existing residential uses does not exceed 8.5 metres.

The proposed building height has no impact on access to sunlight and daylight and the minor exceedance in height has no impact on privacy and overlooking.

The proposed development complies with PO1

PO3 Siting

Development is sited in a manner that considers and respects:

- (a) the siting and use of adjoining premises;*
- (b) access to sunlight and daylight for the site and adjoining sites;*
- (c) privacy and overlooking;*
- (d) opportunities for casual surveillance of adjoining public spaces;*
- (e) air circulation and access to natural breezes;*

- (f) appearance of building bulk; and*
- (g) relationship with road corridors.*

A03.1

Buildings and structures include a minimum setback of:

- (a) 6 metres from the primary road frontage; and*
- (b) 3 metres from any secondary road frontage.*

A03.2

Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.

Comment

The proposed development does not satisfy A03.1.

Assessment of the development against PO3 is therefore required:

- (a) the siting and use of adjoining premises.*

The subject site primarily adjoins road reserve, rail corridor or undeveloped land. The existing residential development on Lot 20 is setback at least 20 metres from the closest part of the proposed building.

- (b) access to sunlight and daylight for the site and adjoining sites.*

As with (a) above, the use of the land bounding the site is such that the proposed development will not restrict access to sunlight or daylight.

- (c) privacy and overlooking.*

The proposed development will be sufficiently separated from residential uses so as not to unreasonably impact on privacy.

- (d) opportunities for casual surveillance of adjoining public spaces.*

The proposed development has been orientated so that there is a clear opportunity for casual surveillance to the car parking areas and adjacent streets. Pedestrian links will be provided internal to the site to encourage further casual surveillance which will ensure that casual surveillance is provided throughout the site at all times.

- (e) air circulation and access to natural breezes.*

The proposed development is adequately separated from all adjoining uses and will not negatively impact on air circulation and natural breezes.

- (f) appearance of building bulk.*

In the opinion of the assessing officer, the design of the shopping centre reasonably limits the appearance of building bulk.

- (g) relationship with pedestrian spaces.*

Pedestrian connectivity will be achieved through new footpaths on Rankin and Byrnes Street and through internal pedestrian paths.

The proposed development satisfies PO3.

PO5 Gross Floor Area

Buildings and structures occupy the site in a manner that:

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

A05

Gross floor area does not exceed 600m².

Comment

Lease A is bounded to the east and west by Lot 78.

The most efficient use of Lease A is for it to be developed in conjunction with Lot 78, as is being proposed under this application.

In this respect, the proposed development will appropriately balance built and natural features.

PO6 Building Design

Building facades are appropriately designed to:

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

A06

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

Comment

Lease A does not have road frontage.

Assessment against PO6 is as follows:

- (a) include visual interest and architectural variation;*

The design of the proposed development incorporates articulation, fenestration, variations to the roof profile, landscaping, pedestrian footpaths and the central forecourt area.

- (b) maintain and enhance the character of the surrounds;*

The proposed development has a modern design which will enhance the character of Mareeba's central business district and is in keeping with the new Mobil service station and recently constructed McDonalds restaurant.

(c) *provide opportunities for casual surveillance;*

There are ample opportunities for casual surveillance such as from the outdoor dining and central forecourt mall, as well as throughout the car parking areas, and dining areas within the food and drink outlet.

(d) *include a human scale; and*

The proposed development has a human scale.

(e) *encourage occupation of outdoor space.*

The outdoor dining and central forecourt areas provide opportunities for people to occupy outdoor areas.

The proposed development satisfies PO6

Mareeba Local Plan Code

PO3 If on a site with a frontage to the Byrnes Street core element

Development with a frontage to the Byrnes Street core element is designed to minimise the dominance of vehicular access within the streetscape by:

- (a) *providing vehicular access from an alternative frontage;*
- (b) *minimising the size of necessary vehicle access; and*
- (c) *maximising the area of the frontage used for pedestrian focussed activities.*

A03.1

Where development has a frontage to the Byrnes Street core element, buildings are built to side boundaries, except for pedestrian access-ways and where alternative vehicular access is not available. In such instances, vehicular and pedestrian access-ways are not wider than 7 metres.

Note—Refer to Figure A for further detail.

A03.2

Vehicular access is not provided from Byrnes Street where a site has more than one frontage.

Comment

These provisions are not particularly relevant given the size of the subject site and the nature of the development being proposed.

The subject site has extensive frontages to Byrnes Street and Rankin Street.

The proposed development features a building component and an ancillary onsite carpark necessary to satisfy the planning scheme code and to meet likely customer demands.

Access is proposed off both Byrnes Street and Rankin Street to ensure safe operation of the road network.

These accesses represent a minimal percentage of the subject site's respective frontages.

MAREEBA NEIGHBOURHOOD SHOPPING CENTRE

232 BYRNES STREET, MAREEBA

DRAWING LIST - CONCEPT		
A	0.00	COVER SHEET
A	0.10	SITE CONTEXT PLAN
A	1.01	SITE PLAN
A	1.02	DEVELOPMENT PLAN
A	2.01	GROUND FLOOR PLAN - SUPERMARKET
A	2.02	ROOF PLAN - SUPERMARKET
A	2.03	ELEVATIONS - SUPERMARKET
A	2.04	ELEVATIONS - SUPERMARKET
A	2.05	SECTIONS - SUPERMARKET
A	4.01	GROUND FLOOR PLAN - FAST FOOD
A	4.02	ELEVATIONS - FAST FOOD
A	5.01	3D VIEWS
A	5.02	3D VIEWS



EXISTING VIEW FROM CORNER OF BYRNES & RANKIN STREET

DEVELOPMENT APPLICATION

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COVER SHEET

1 : 1 @ A1

A0.00

18/01/2023

rev. 7



1 SITE CONTEXT PLAN
1 : 2500

PROPOSED MAREEBA
NEIGHBOURHOOD SHOPPING CENTRE

DEVELOPMENT APPLICATION



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SITE CONTEXT PLAN

1 : 2500 @ A1
A0.10
18/01/2023
rev. 7

DEVELOPMENT SCHEDULE		
PROPOSED USES	GFA	GLAR
SUPERMARKET	3655m ²	3603m ²
SHOPS	814m ²	796m ²
AMENITIES	90m ²	
TOTAL CENTRE	4559m ²	4399m ²
FAST FOOD	270m ²	270m ²
TOTAL	4829m ²	4669m ² (5/100m2)
CAR PARKING SCHEDULE		
CARS FAST FOOD	11	
CARS CENTRE (INCL. MOTOR BIKES, DIRECT TO BOOT + TAXIS)	219	
ON SITE CARS	230	
STREET CARS	5	
TOTAL CARS PROVIDED	235	
TOTAL CARS REQUIRED	186	

NOTE:
CARS REQUIRED IS BASED ON:
1/50 UP TO 400m² GFA
1/25 ABOVE 400m² GFA

NOTE: SUPERMARKET GLAR EXCLUDES
EXTERNAL WALLS AND LOADING DOCK

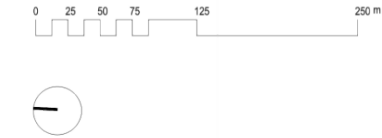
COVERED CARPARKS

AREA OF ENCLOSED MALL /
PASSAGE - 637m²



1 SITE PLAN
1 : 500

DEVELOPMENT APPLICATION



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SITE PLAN
As indicated @ A1
A1.01
19/12/2022
rev. 18A



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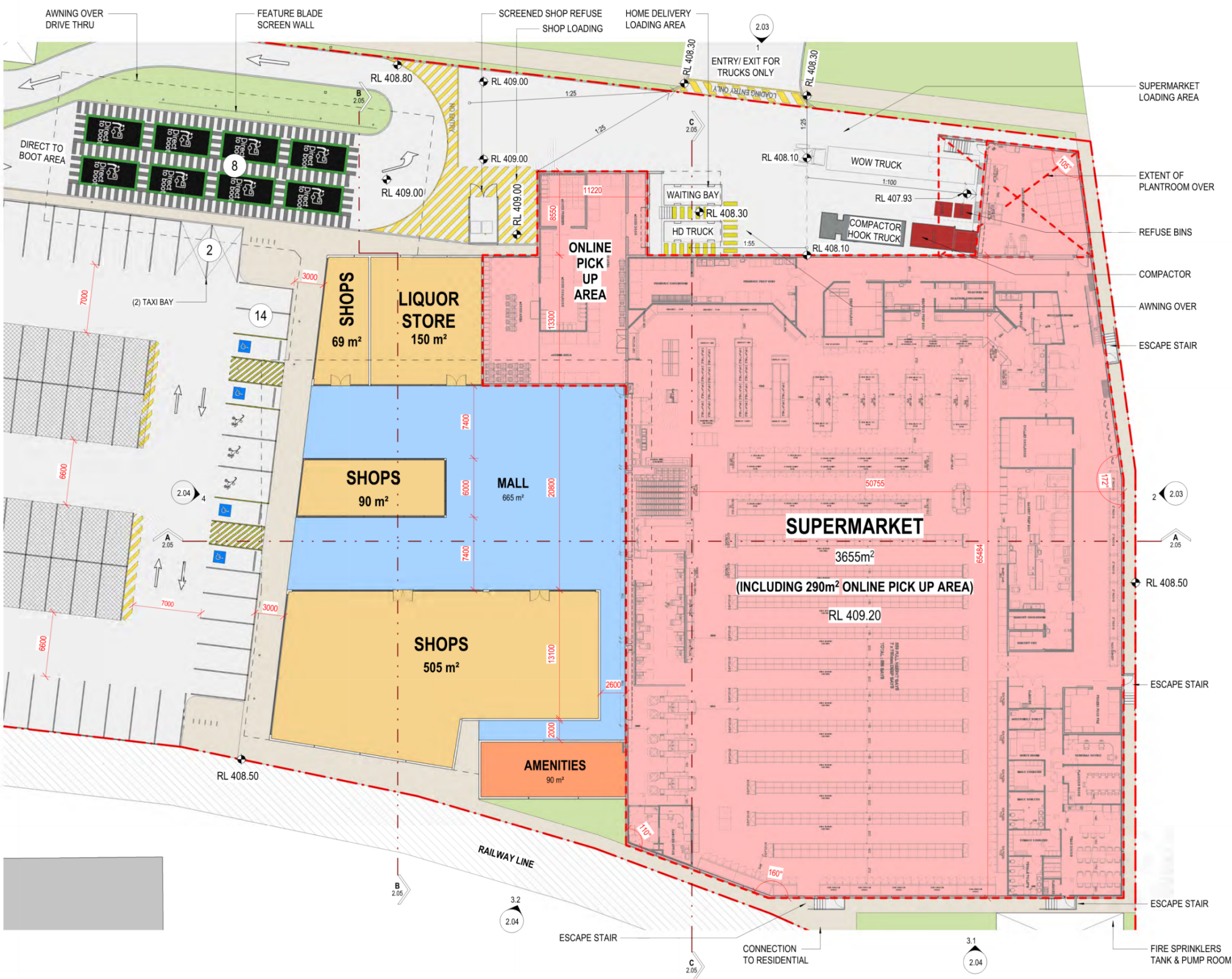


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A1.02

rev. 14



1 FLOOR PLAN - SUPERMARKET
1 : 200

DEVELOPMENT APPLICATION



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GROUND FLOOR PLAN - SUPERMARKET

1 : 200 @ A1
A2.01
18/01/2023
rev. 12



1 ROOF PLAN - SUPERMARKET
1 : 200

DEVELOPMENT APPLICATION



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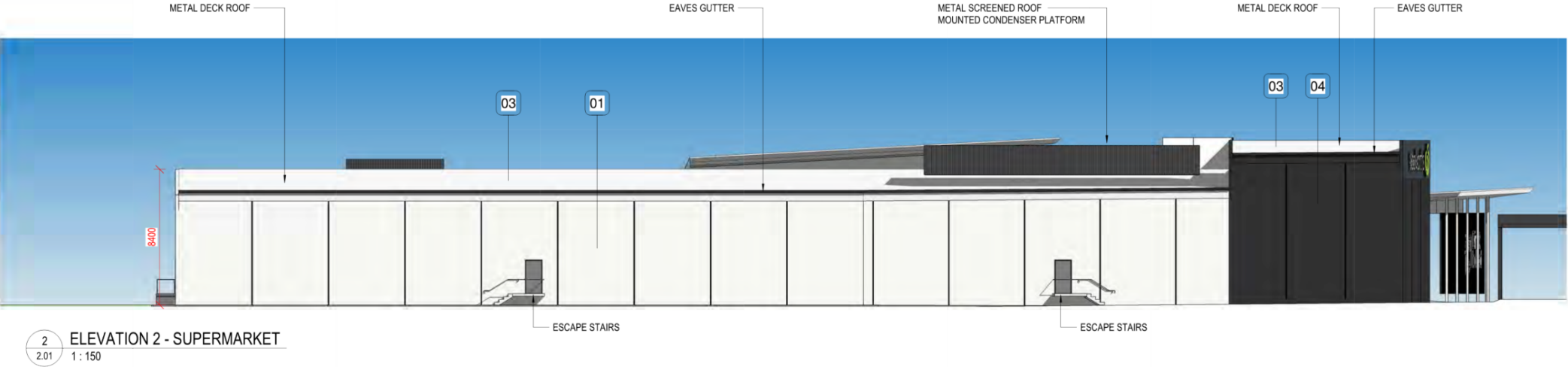
ROOF PLAN - SUPERMARKET

1 : 200 @ A1

A2.02

18/01/2023

rev. 6



1	PRECAST CONCRETE PANEL PAINTED DULUX 'VIVID WHITE'	3	LONGLINE METAL SHEETING DULUX 'MONUMENT'	5	PRECAST CONCRETE PANEL PAINTED WOOLWORTHS GREEN	7	ALUCLICK FEATURE BLADES POWDERCOATED DULUX 'MONUMENT'
2	FC CLADDING PAINTED DULUX 'VIVID WHITE'	4	PRECAST CONCRETE PANEL PAINTED DULUX 'MONUMENT'	6	CLEAR GLAZING IN POWDERCOAT ALUMINUM FRAME DARK GREY	8	POWDERCOATED METAL CAPPINGS, GUTTERS, DOWNPIPES & ROLLER SHUTTER. PAINTED DULUX 'MONUMENT'

DEVELOPMENT APPLICATION



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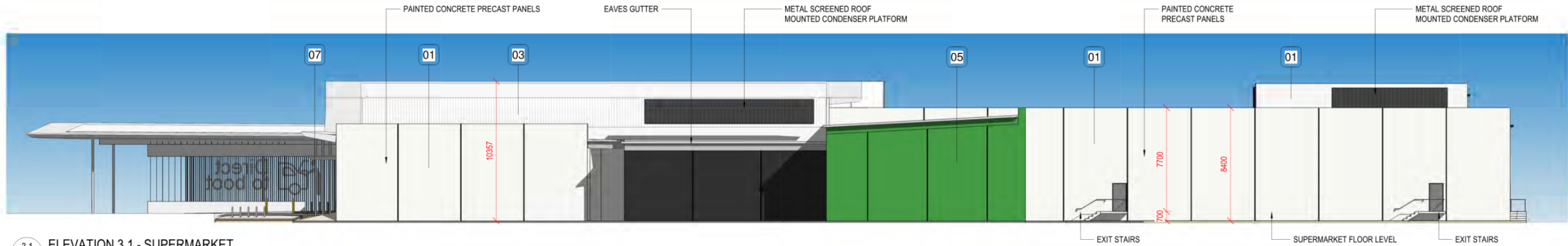
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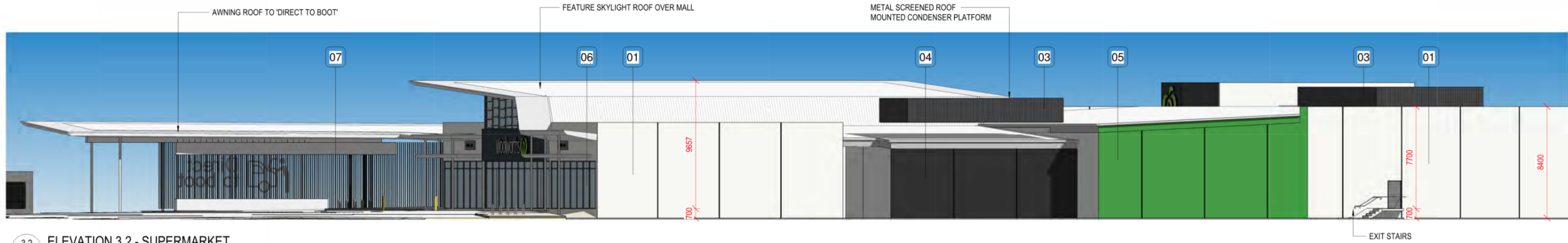
ELEVATIONS - SUPERMARKET

As indicated @ A1 18/01/2023

A2.03 rev. 6



3.1 ELEVATION 3.1 - SUPERMARKET
2.01 1:150



3.2 ELEVATION 3.2 - SUPERMARKET
2.01 1:150



4 ELEVATION 4 - SUPERMARKET
2.01 1:150

1	PRECAST CONCRETE PANEL PAINTED DULUX 'VIVID WHITE'	3	LONGLINE METAL SHEETING DULUX 'MONUMENT'	5	PRECAST CONCRETE PANEL PAINTED WOOLWORTHS GREEN	7	ALUCLICK FEATURE BLADES POWDERCOATED DULUX 'MONUMENT'
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DEVELOPMENT APPLICATION



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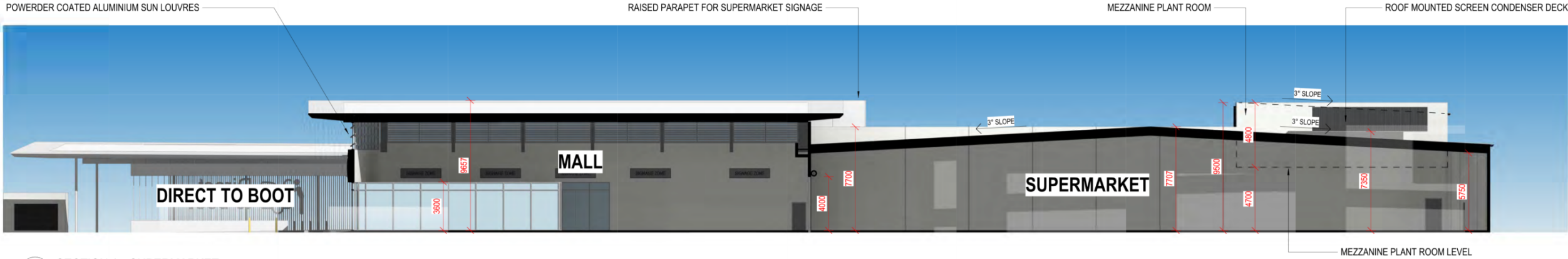
ELEVATIONS - SUPERMARKET

As indicated @ A1

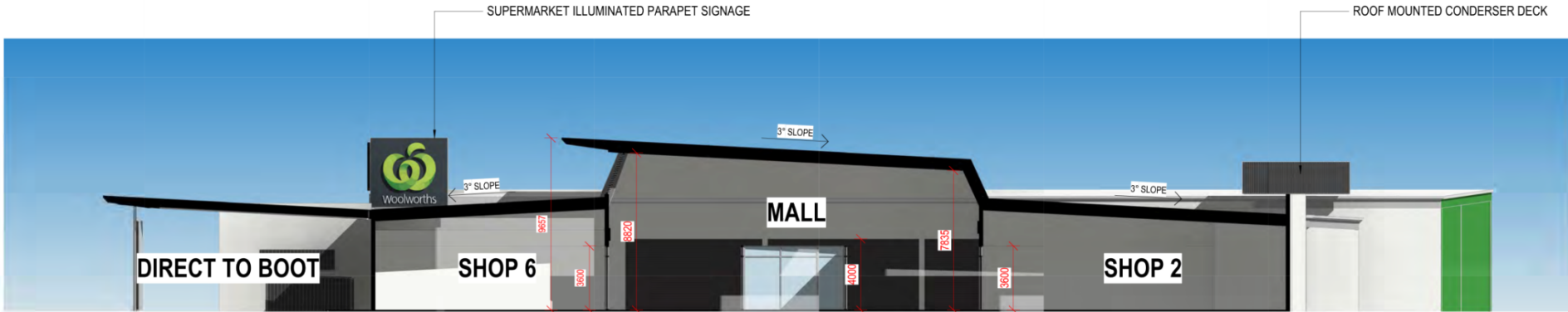
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A2.04

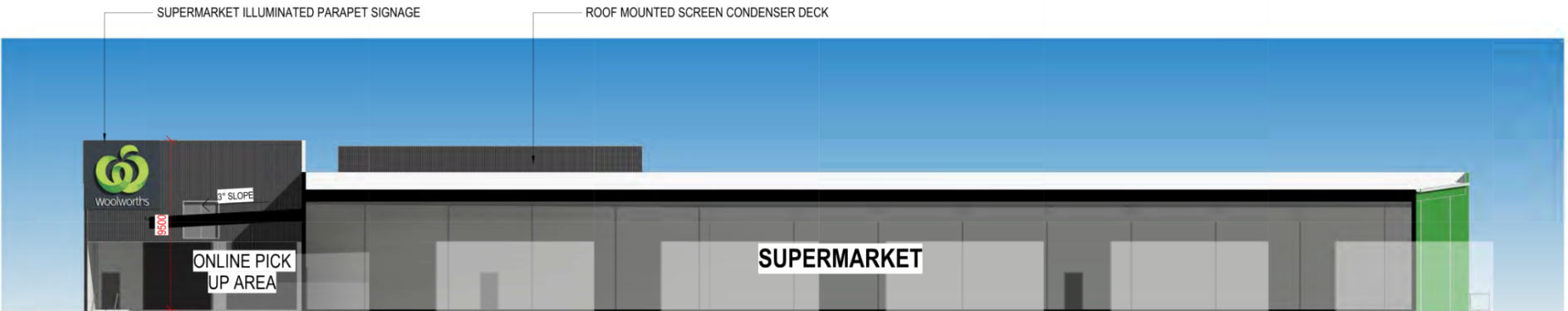
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A SECTION A - SUPERMARKET
2.01 1 : 150



B SECTION B - SUPERMARKET
2.01 1 : 150



C SECTION C - SUPERMARKET
2.01 1 : 150

DEVELOPMENT APPLICATION



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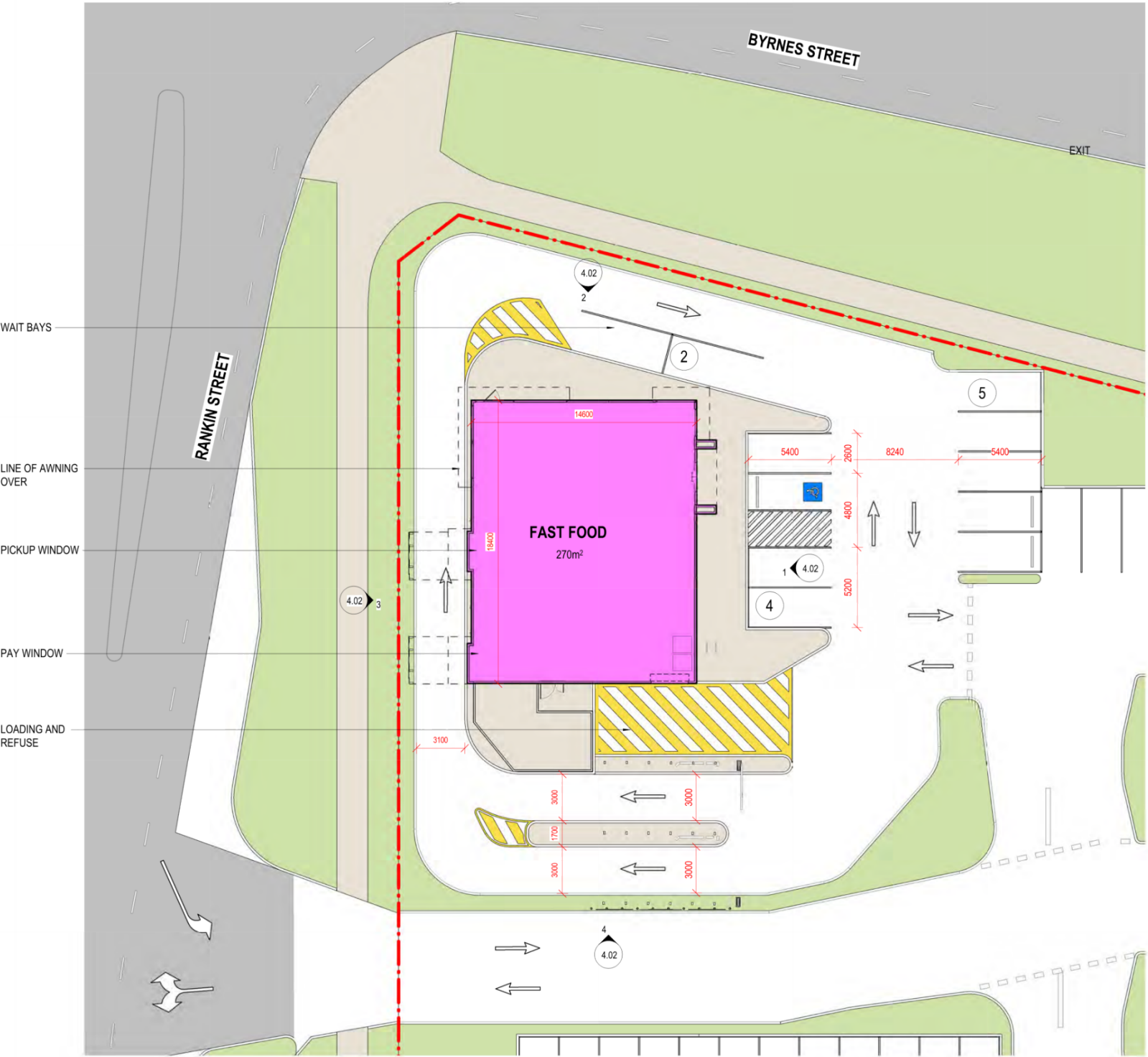
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SECTIONS - SUPERMARKET

1 : 150 @ A1
A2.05
18/01/2023
rev. 6



1 FLOOR PLAN - FAST FOOD
1 : 150

DEVELOPMENT APPLICATION



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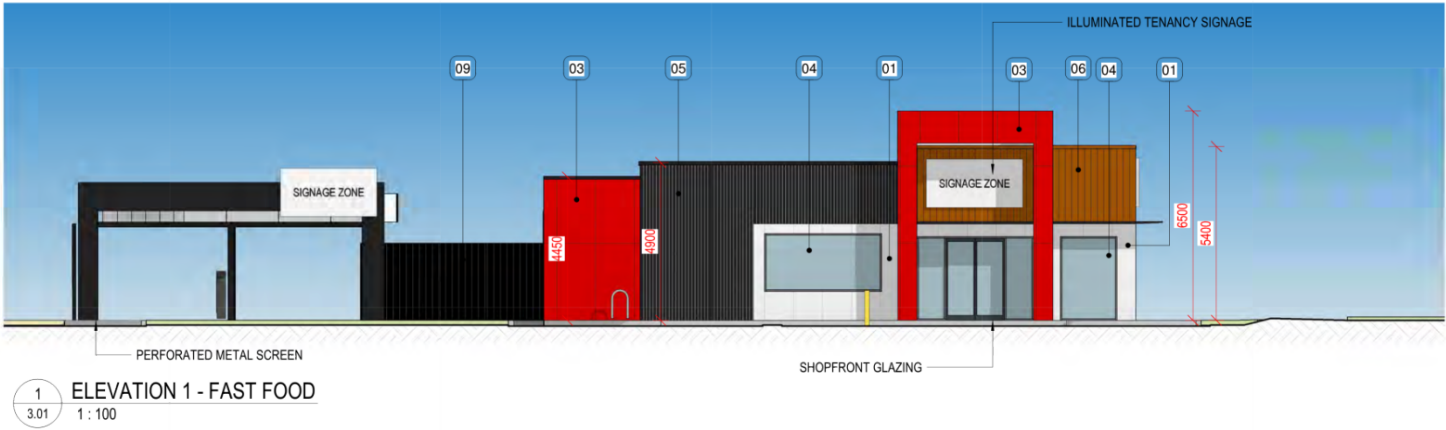
GROUND FLOOR PLAN - FAST FOOD

1 : 150 @ A1

11/07/2022

A4.01

rev. 6



01	CONCRETE PANEL / CFC SHEETING WITH EXPRESSED JOINTS PAINTED WHITE	03	CFC SHEETING WITH EXPRESSED JOINTS TENANT CORPORATE COLOUR RED	05	LOGLINE 305 METAL WALL SHEETING COLORBOND 'MONUMENT' (MID GREY)	07	PERFERATED MESH SCREEN LOCKERGROUP POWDERCOAT 'RED' R03341	09	COLORBOND CORRUGATED METAL WALL SHEETING BLACK
02	CONCRETE PANEL / CFC SHEETING WITH EXPRESSED JOINTS PAINTED DULUX 'DARK GREY'	04	CLEAR GLAZING IN POWDERCOAT ALUMINUM FRAME DARK GREY	06	TIMBER-LOOK ALUMINIUM CLADDING - KNOTWOOD DRIFTWOOD	08	POWDERCOATED METAL CAPPINGS, GUTTERS & DOWNPIPES. PAINTED DULUX 'MONUMENT'		

DEVELOPMENT APPLICATION



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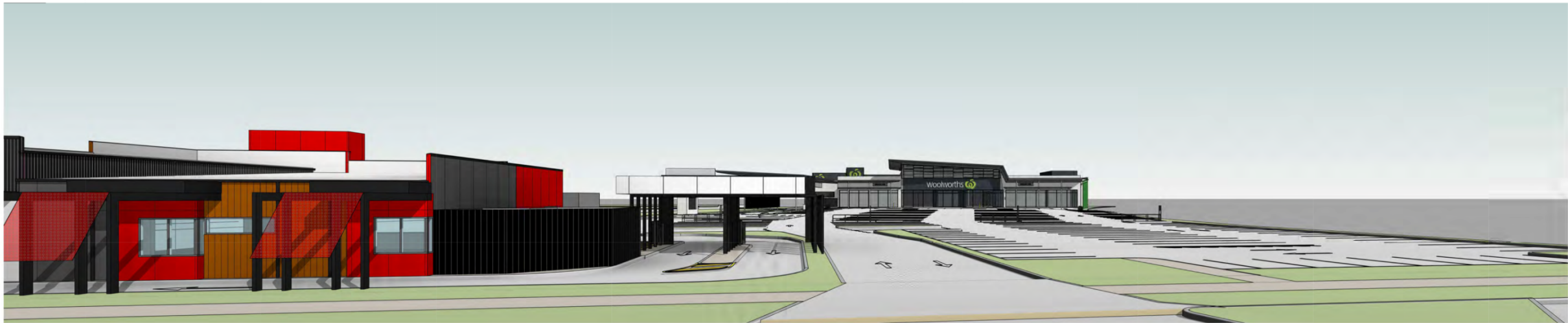
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ELEVATIONS - FAST FOOD

1 : 100 @ A1
06/07/2022

A4.02
rev. 5



RANKIN STREET - SITE ENTRANCE



SUPERMARKET VIEW FROM CARPARK

DEVELOPMENT APPLICATION

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3D VIEWS

@ A1

A5.01

18/01/2023

rev. 6



BYRNES STREET - SITE EXIT



BYRNES STREET - TRUCK & LOADING ENTRANCE

DEVELOPMENT APPLICATION

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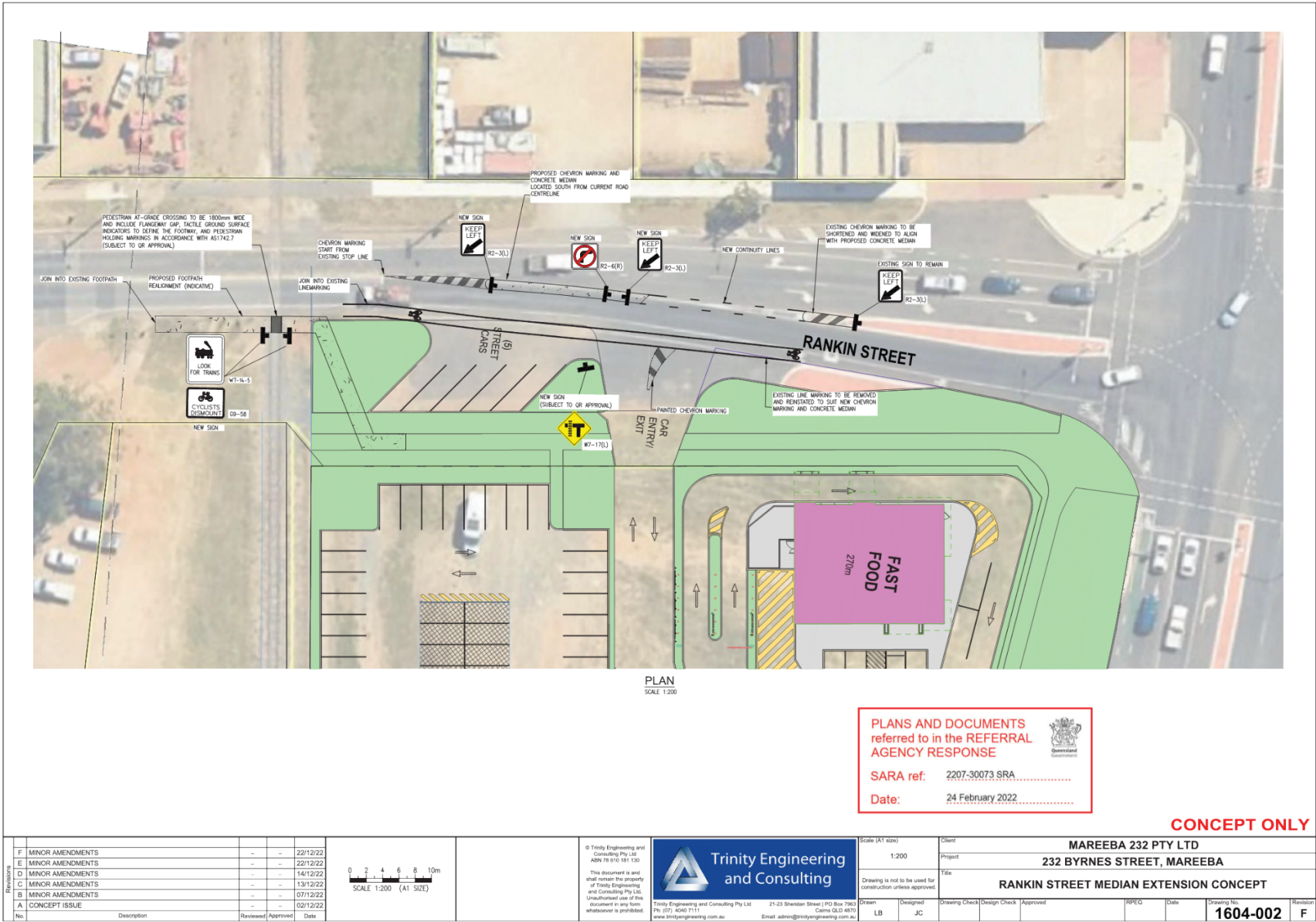
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3D VIEWS

@ A1
A5.02
18/01/2023
rev. 6



RA6-N



SARA reference: 2207-30073 SRA
Council reference: CU/22/0003
Applicant reference: 21-740

24 February 2023

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

Attention: Carl Ewin

Dear Sir/Madam

SARA referral agency response—232 Byrnes Street, Mareeba and 13 Close Street, Mareeba—Shopping Centre, Food and Drink Outlet and Shop

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

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 16 August 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	24 February 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Material Change of Use for a Shopping Centre, Food and Drink Outlet and Shop
SARA role:	Referral agency	

Page 1 of 12

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

2207-30073 SRA

SARA triggers:	<p>Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)</p> <p>Development application for material change of use impacting on state transport infrastructure and thresholds</p> <p>Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)</p> <p>Development application for material change of use near a state-controlled road, intersection, and railway</p>
SARA reference:	2207-30073 SRA
Assessment manager:	Mareeba Shire Council
Street address:	232 Byrnes Street, Mareeba; 13 Close Street, Mareeba
Real property description:	78SP298287; 20NR7137
Applicant name:	Mareeba 232 Pty Ltd
Applicant contact details:	C/- Urban Sync Pty Ltd, PO Box 2970 Cairns QLD 4870 justin@urbansync.com.au
State-controlled road access permit:	<p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none">• Approved• Reference: TMR22-037116• Date: 7 February 2023 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au</p>
<i>Human Rights Act 2019</i> considerations:	A consideration of the 23 fundamental human rights protected under the <i>Human Right Act 2019</i> has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

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

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

2207-30073 SRA

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Mareeba 232 Pty Ltd, justin@urbansync.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response provisions
Attachment 5 - Documents referenced in conditions

2207-30073 SRA

Attachment 1—Referral agency conditions

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

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)—Material change of use impacting on state transport infrastructure and thresholds and Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) Development application for material change of use near a state-controlled road, intersection, and railway—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
Railway Corridor		
1.	Locate the shops and supermarket generally in accordance with the Site Plan, prepared by Thomson Adsett, dated 19 December 2022, drawing number A1.01, revision 18A (as amended in red) to achieve the following minimum setbacks to the railway corridor: (a) Shops – 2.4m (b) Supermarket – 1.5m	Prior to the commencement of use and to be maintained at all times.
2.	Locate the Rankin Street site access generally in accordance with the Site Plan, prepared by Thomson Adsett, dated 19 December 2022, drawing number A1.01, revision 18A (as amended in red) to achieve a minimum setback of 35m to the railway corridor.	Prior to the commencement of use and to be maintained at all times.
3.	Provide raised kerb wheel stops to all car parking spaces located perpendicular to the railway corridor as shown on the Site Plan, prepared by Thomson Adsett, dated 19 December 2022, drawing number A1.01, revision 18A (as amended in red).	Prior to the commencement of use and to be maintained at all times
4.	The Mareeba-Dimbulah Road (Byrnes Street) site access must be separated from the Rankin Street / Mareeba-Dimbulah Road (Byrnes Street) signalised pedestrian crossing by 72m generally in accordance with the Site Plan, prepared by Thomson Adsett, dated 19 December 2022, drawing number A1.01, revision 18A (as amended in red) for potential future public passenger transport.	Prior to the commencement of use and to be maintained at all times.
Fencing		
5.	Provide fencing along the site boundary with the railway corridor, in accordance with the railway manager's standards: (i) Queensland Rail drawing number QR-C-S3230 – 1.8m High Chain Link Security Fence with Without Rails Using 50mm Diamond Mesh General Arrangement; or (ii) Queensland Rail drawing number QR-C-S3231 – Standard	Prior to the commencement of use and to be maintained at all times.

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	Timber Fence 1800mm High Timber Paling Fence.	
Filling and excavation		
6.	Any excavation, filling/backfilling/compaction, retaining structures and other works involving ground disturbance must not encroach or de-stabilise the railway corridor and state-controlled road corridor including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
Railway level crossing safety		
7.	<p>(a) Road works to prevent right turns into the site at the Rankin Street site access, including a concrete traffic island, signage and line marking, must be provided generally in accordance with the Median Extension Concept, prepared by Trinity Engineering and Consulting, dated 22 December 2022, drawing number 1604-002, revision F as amended in red.</p> <p>(b) The road works in part (a) must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (i) Department of Transport and Main Roads' Road Planning and Design Manual (2nd Edition); and (ii) Manual of Uniform Traffic Control Devices (MUTCD). 	Prior to the commencement of use
8.	<p>(a) Locate the pedestrian railway crossing, including pathway connections to the footpath in Rankin Street, generally in accordance with the Median Extension Concept, prepared by Trinity Engineering and Consulting, dated 22 December 2022, drawing number 1604-002, revision F (as amended in red).</p> <p>(b) The pedestrian railway crossing mentioned in part (a) of this condition must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (i) AS1742.7:2016 Manual of uniform traffic control devices, <i>Part 7: Railway crossings</i>; and (ii) Queensland Rail Pedestrian Level Crossings, drawing number 10698. 	Prior to the commencement of use
9.	<p>(a) Provide a dedicated taxi rank parallel to the kerb within the location shown on the Site Plan, prepared by Thomson Adsett, dated 19 December 2022, drawing number A1.01, revision 18A (as amended in red).</p> <p>(b) The dedicated taxi rank must be designed and constructed to include the following:</p> <ul style="list-style-type: none"> (i) a minimum of two (2) taxi parking bays in total in accordance with AS2890.5 - Parking facilities, Part 5: On-street parking; (ii) of the taxi bays provided, at least one (1) is to be of a length and width suitable for use by people with disabilities in accordance AS1428.1 - Design for access and mobility and AS2890.6 – Parking Facilities, Part 6: Off-street parking for people with disabilities 	(a) & (b) Prior to the commencement of use and to be maintained at all times

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	<ul style="list-style-type: none"> (iii) two taxi zone signs R5-21, placed at either end of the rank, and taxi zone line marking in accordance with AS1742.11 – Manual of uniform traffic control devices, Part 11: Parking controls (iv) lighting in accordance with AS/NZS 1158.3.1 – Lighting for Roads and Public Spaces, Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Design Requirements and (v) accessibility in accordance with the Disability Standards for Accessible Public Transport 2002 made under subsection 31(1) of the <i>Disability Discrimination Act 1992</i> and the Department of Transport and Main Roads <i>Public Transport Infrastructure Manual 2015</i>. <p>(c) Provide RPEQ certification, with supporting documentation, to the Program Delivery and Operations Unit, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au), within the Department of Transport and Main Roads confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	(c) Prior to the commencement of use
Public Passenger Transport		
10.	<p>Any roadworks in Mareeba-Dimbulah Road (Byrnes Street) must be designed and constructed to be in accordance with the following, to accommodate a single unit rigid bus of 12.5m in length:</p> <ul style="list-style-type: none"> (i) Department of Transport and Main Roads <i>Road Planning and Design Manual, 2nd Edition, Volume 3 – Guide to Road Design</i> (ii) Department of Transport and Main Roads <i>Supplement to Austroads Guide to Road Design</i> (Parts 3, 4-4C and 6) (iii) <i>Austroads Guide to Road Design</i> (Parts 3, 4-4C and 6) (iv) <i>Austroads Design Vehicles and Turning Path Templates</i> (v) Queensland Manual of Uniform Traffic Control Devices, Part 13: <i>Local Area Traffic Management</i> and AS 1742.13-2009 Manual of Uniform Traffic Control Devices – <i>Local Area Traffic Management</i> and (vi) Chapter 2 - Planning and Design, Section 2.3.2 Bus Route Infrastructure (page 6) of the Department of Transport and Main Roads <i>Public Transport Infrastructure Manual 2015</i>. 	Prior to the commencement of use

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Stormwater Management		
11.	<p>(a) Stormwater management of the development must not cause worsening to the operating performance of the railway corridor and state-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor and state-controlled road (ii) concentrate or increase the velocity of flows to a railway corridor and a state-controlled road (iii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor and state-controlled road (iv) surcharge any existing culvert or drain on the railway corridor and state-controlled road (v) reduce the quality of stormwater discharge onto the railway corridor and state-controlled road (vi) impede or interfere with any overland flow or hydraulic conveyance from the railway corridor and state-controlled road (vii) reduce the floodplain immunity of the railway corridor and state-controlled road. <p>(b) Submit RPEQ certification Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition.</p> <p>(c) Submit RPEQ certification Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) within the Department of Transport and Main Roads, confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) At all times.</p> <p>(b) Prior to obtaining development approval for operational work or building work, whichever occurs first.</p> <p>(c) Within 20 business days of the completion of works.</p>
Roadworks on a state-controlled road		
12.	<p>(a) Road works comprising in the extension of the existing concrete centre median for approximately 75m along Mareeba-Dimbulah Road (Byrnes Street) ending prior to the Herberton Street intersection must be provided.</p> <p>(b) The road works must be designed and constructed in accordance with Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, November 2021, Volume 3 – Guide to Road Design.</p>	Prior to the commencement of use.
Vehicular access to a state-controlled road		
13.	<p>(a) The existing vehicular property accesses located between Lot 78 on SP298287, and Mareeba-Dimbulah Road (Byrnes Street) must be permanently closed and removed.</p> <p>(b) The kerb and channeling between the pavement edge and the property boundary must be reinstated in accordance with Far</p>	Prior to the commencement of use.

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	North Queensland Regional Council Organisation (FNQROC) Concrete Kerb and Channel, Standard Drawing S1000, dated 27/08/20, Revision G at no cost to the Department of Transport and Main Roads'.	
14.	<p>(a) The road access locations on Mareeba-Dimbulah Road (Byrnes Street) are to be located generally in accordance with TMR Layout Plan (664 – 1.60km), prepared by Queensland Government Transport and Main Roads, dated 06/02/2023, Reference TMR22-37116 (500-310), Issue D.</p> <p>(b) Road access works comprising of:</p> <ul style="list-style-type: none"> (i) a sealed left-in / left-out northern vehicular access (main access) including an auxiliary left-turn lane (AUL) and (ii) a sealed left-in / left-out southern vehicular access (service access) must be provided at the road access locations. <p>(c) The road access works must be designed and constructed generally in accordance with:</p> <ul style="list-style-type: none"> (i) Austroads Guide to Road Design, Part 4: Intersections and Crossing – General, 2021, Figure 8.6: Urban Auxiliary left-turn treatment (AUL) (ii) Department of Transport and Main Roads' Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type C – Rural Property Access, dated 11/2021, Revision B; and (iii) Department of Transport and Main Roads', Road Planning and Design Manual, 2nd Edition, November 2021, Volume 3 – Guide to Road Design. 	<p>(a) At all times.</p> <p>(b) and (c): Prior to the commencement of use.</p>

Attachment 2—Advice to the applicant

General advice	
1.	<p>Terms and phrases</p> <p>Terms and phrases used in this document are defined in the <i>Planning Act 2016</i>, its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.</p>
2.	<p>Advertising device</p> <p>The shopping centre, food and drink outlet and shops development is proposing to erect an advertising device that will be visible from a state-controlled road. The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.</p>
3.	<p>Railway Corridor</p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>In particular, the pedestrian crossing over the railway and fencing along the railway corridor boundary will require relevant approvals to be obtained from the railway manager.</p> <p>Please be advised that this referral agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact Queensland Rail Property Team at PropertyLeasing@qr.com.au in relation to this matter.</p>
4.	<p>Public Passenger Transport</p> <p>The existing urban bus route 850 (Atherton Tablelands to Cairns) travels along Byrnes Street and may be impacted on by the development. Urban bus route 850 needs to be able to function during the construction of the development. Accordingly, if any temporary road closures are required, the applicant needs to reach agreement on suitable arrangements with the Department of Transport and Main Roads' TransLink Division (bus_stops@translink.com.au or on 3851 8700) prior to any construction or works commencing.</p>
5.	<p>Road Works Approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>
6.	<p>Road Corridor Permit</p>

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	<p>An application for a road corridor permit is required for any ancillary works and encroachments on a state-controlled road. Under section 50(2) and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> (TIA) and Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-Controlled Roads) Regulation 2006</i>, the applicant must obtain a road corridor permit from the Department of Transport and Main Roads (DTMR) to carry out ancillary and encroachments works on a state-controlled road.</p> <p>The applicant is required to contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 to make an application for a road corridor permit to carry out ancillary works and encroachments.</p> <p>Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters/structures, vegetation clearing, landscaping and planting.</p>
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Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment, State code 2: Development in a railway environment and State code 6: Protection of state transport networks of the State Development Assessment Provisions (SDAP) as:

- The development is not located in the railway corridor or the state-controlled road.
- The vehicular access locations via Mareeba-Dimbulah Road will be required to be upgraded and constructed to the relevant standards.
- The centre median along Mareeba-Dimbulah Road will be extended up to the Herberton Street intersection.
- Additional traffic movements will be directed to Rankin Street, a local council road.
- The proposed development will require drainage infrastructure within the development site.
- The design of the development allows for the provision of a future bus stop and services.
- An on-site taxi set down, parallel to the shopping centre entrance, will be provided. One of the spaces will be accessible for people with a disability.
- Traffic management measures in Rankin Street adequately cater for the railway level crossing.
- Vehicular movements via Mareeba-Dimbulah Road will be via left-in / left-out access locations.
- A minimum setback of the development from the railway corridor will ensure maintenance can be carried out without access to the railway.
- The development is unlikely to cause significant damage to the railway corridor in the event of a train derailment.
- Fencing will be provided along the site boundary to prevent projectiles from being thrown onto the railway and to prevent unauthorised access to the railway by vehicles and pedestrians.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Documents referenced in conditions

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DEVELOPMENT SCHEDULE		
PROPOSED USES	GFA	GLAR
SUPERMARKET	3655m ²	3603m ²
SHOPS	814m ²	796m ²
AMENITIES	90m ²	
TOTAL CENTRE	4559m ²	4399m ²
FAST FOOD	270m ²	270m ²
TOTAL	4829m ²	4669m ² (5/100m2)
CAR PARKING SCHEDULE		
CARS FAST FOOD	11	
CARS CENTRE (INCL. MOTOR BIKES, DIRECT TO BOOT + TAXIS)	219	
ON SITE CARS	230	
STREET CARS	5	
TOTAL CARS PROVIDED	235	
TOTAL CARS REQUIRED	186	

NOTE:
CARS REQUIRED IS BASED ON:
1/50 UP TO 400m² GFA
1/25 ABOVE 400m² GFA

NOTE: SUPERMARKET GLAR EXCLUDES
EXTERNAL WALLS AND LOADING DOCK

	COVERED CARPARKS
	AREA OF ENCLOSED MALL / PASSAGE - 637m ²

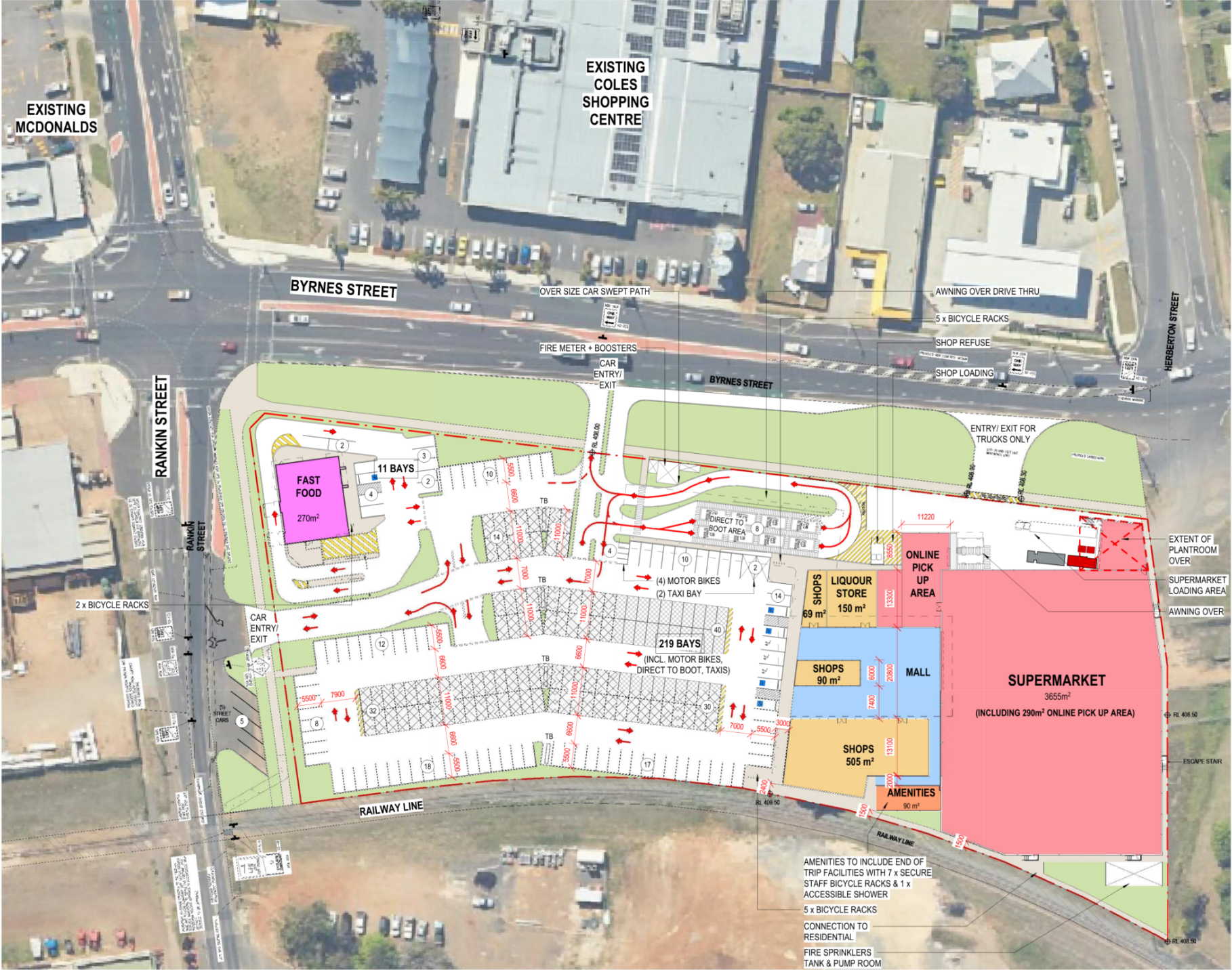
PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref:

2207-30073 SRA

Date:

24 February 2022



1 SITE PLAN
1 : 500

DEVELOPMENT APPLICATION



MAREEBA NEIGHBOURHOOD SHOPPING CENTRE
232 BYRNES STREET, MAREEBA

MAREEBA 232 PTY LTD

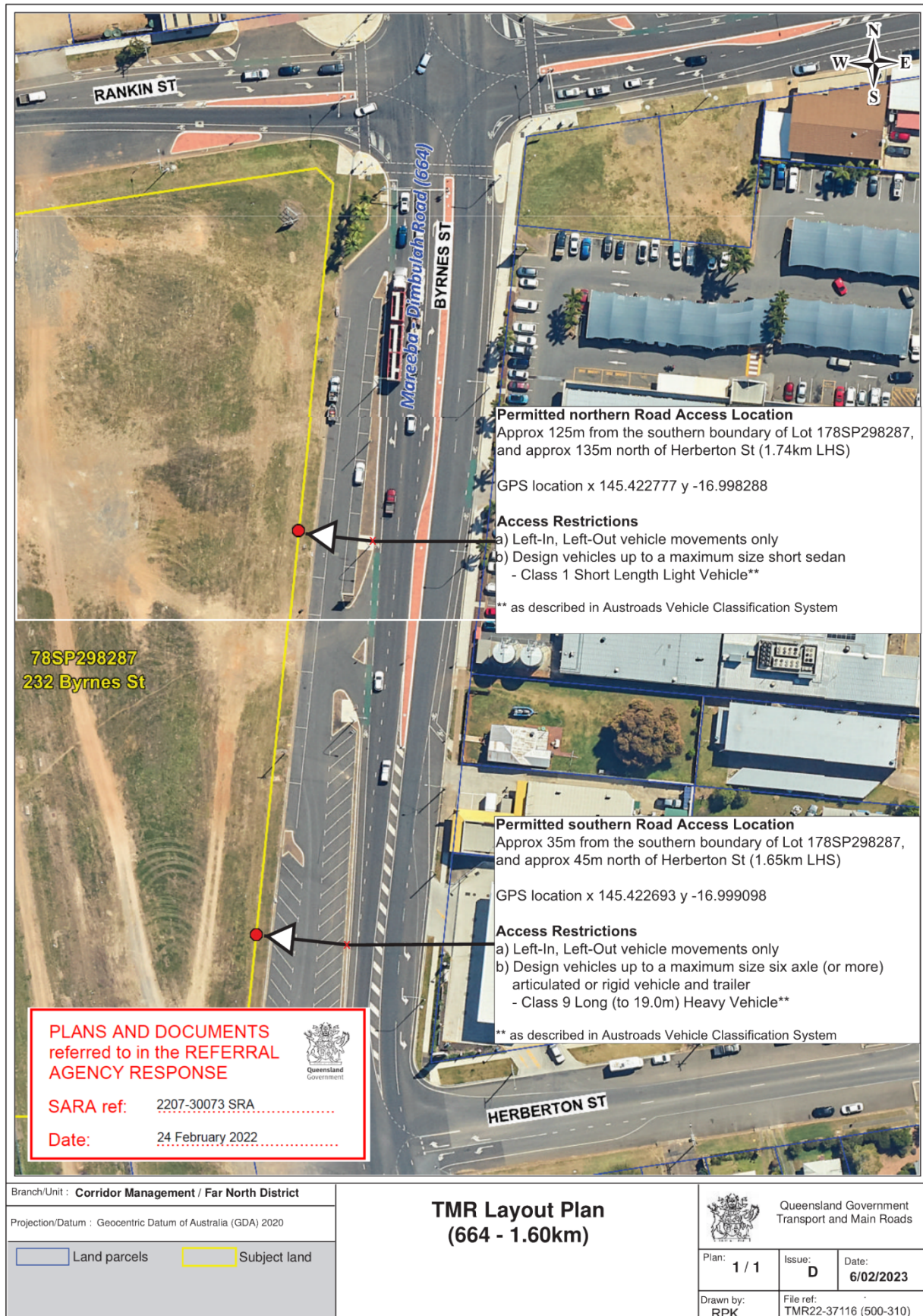
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ABN 76 105 314 654
Dimensions take precedence over
scaling. Do not measure off drawings
as print sizes may vary

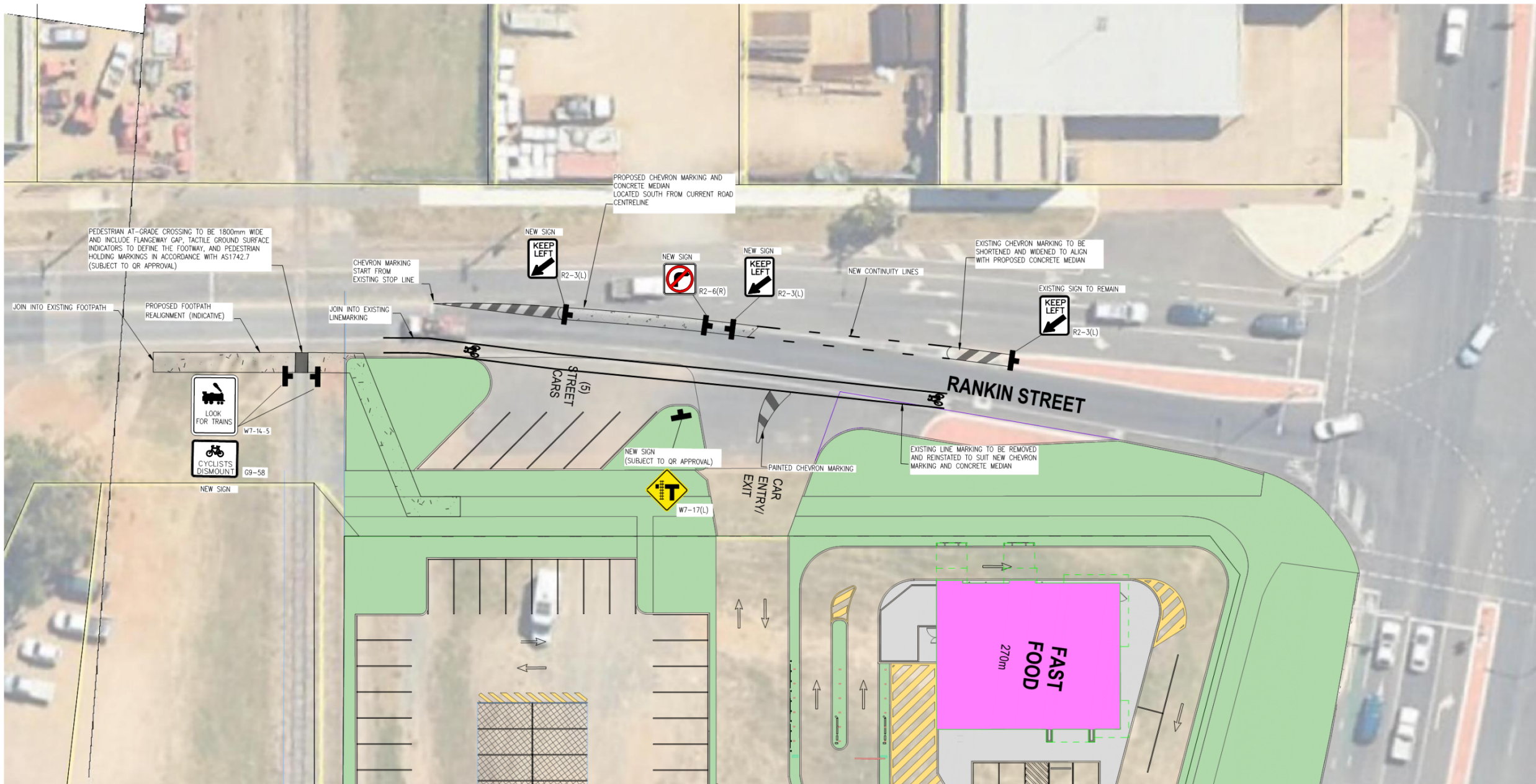
Telephone +61 7 3840 9999
bne@thomsonadsett.com
Level 9, 470 St Pauls Terrace
Fortitude Valley
Qld 4006 Australia
thomsonadsett.com

thomson
adsett

TA # 19.0298.17


SITE PLAN
As indicated @ A1
19/12/2022
A1.01
rev. 18A





PLAN
SCALE 1:200

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

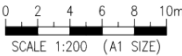


SARA ref: 2207-30073 SRA

Date: 24 February 2022

CONCEPT ONLY

Revisions	F	MINOR AMENDMENTS	-	-	22/12/22
	E	MINOR AMENDMENTS	-	-	22/12/22
	D	MINOR AMENDMENTS	-	-	14/12/22
	C	MINOR AMENDMENTS	-	-	13/12/22
	B	MINOR AMENDMENTS	-	-	07/12/22
	A	CONCEPT ISSUE	-	-	02/12/22
No.		Description	Reviewed	Approved	Date



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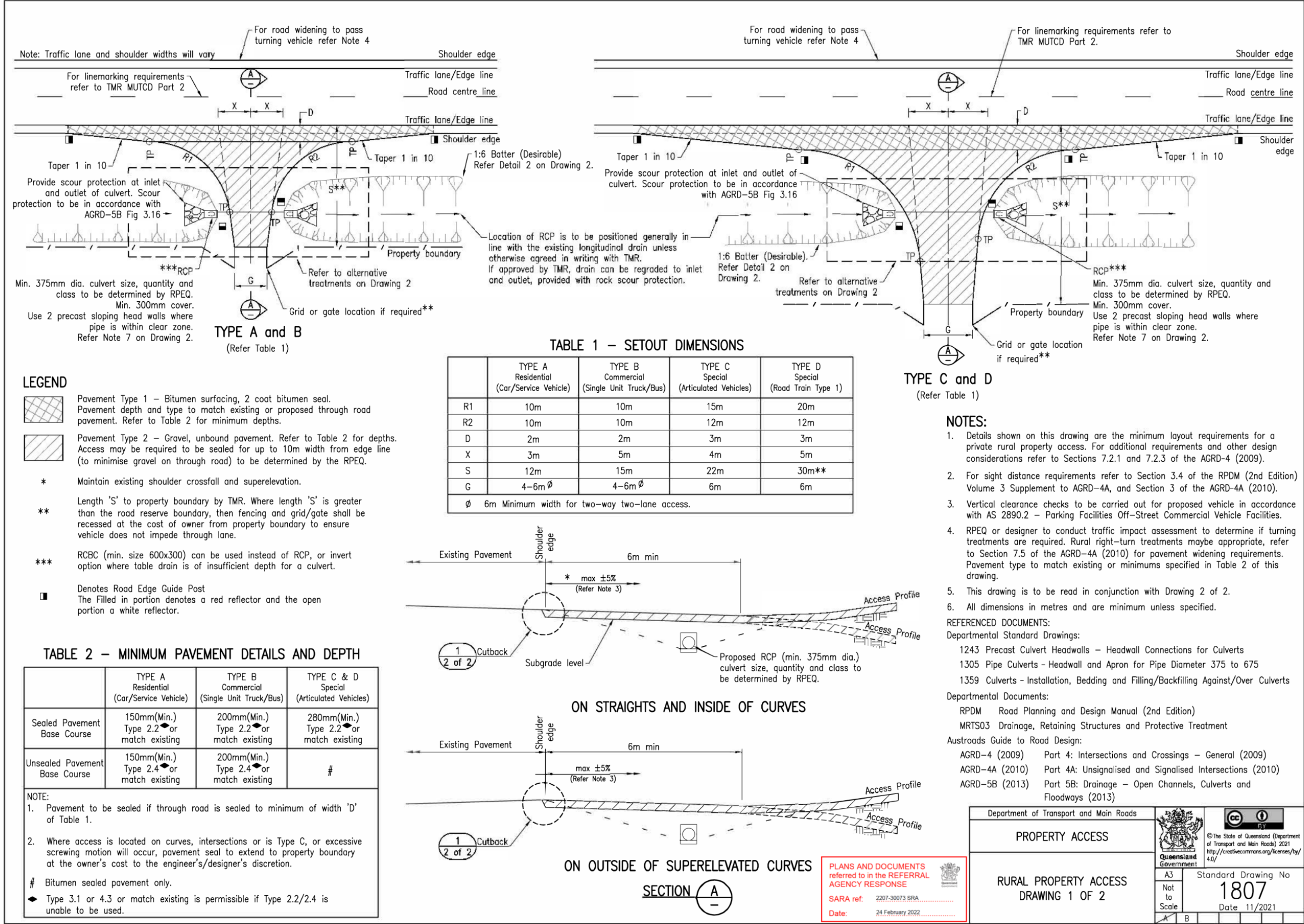


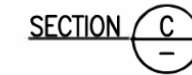
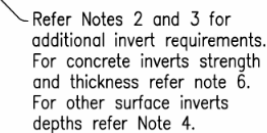
Trinity Engineering
and Consulting

Trinity Engineering and Consulting Pty Ltd
Ph: (07) 4040 7111
www.trinityengineering.com.au

21-23 Sheridan Street | PO Box 7963
Cairns QLD 4870
Email: admin@trinityengineering.com.au

Scale (A1 size)		Client	
1:200		MAREEBA 232 PTY LTD	
Drawing is not to be used for construction unless approved.		Project	
		232 BYRNES STREET, MAREEBA	
		Title	
		RANKIN STREET MEDIAN EXTENSION CONCEPT	
Drawn	Designed	Drawing Check	Design Check
LB	JC	Approved	RPEQ
		Date	Drawing No.
			1604-002
		Revision	F





SARA ref: 2207-30073 SRA

Date: 24 February 2022



* Maintain existing shoulder crossfall and superelevation.

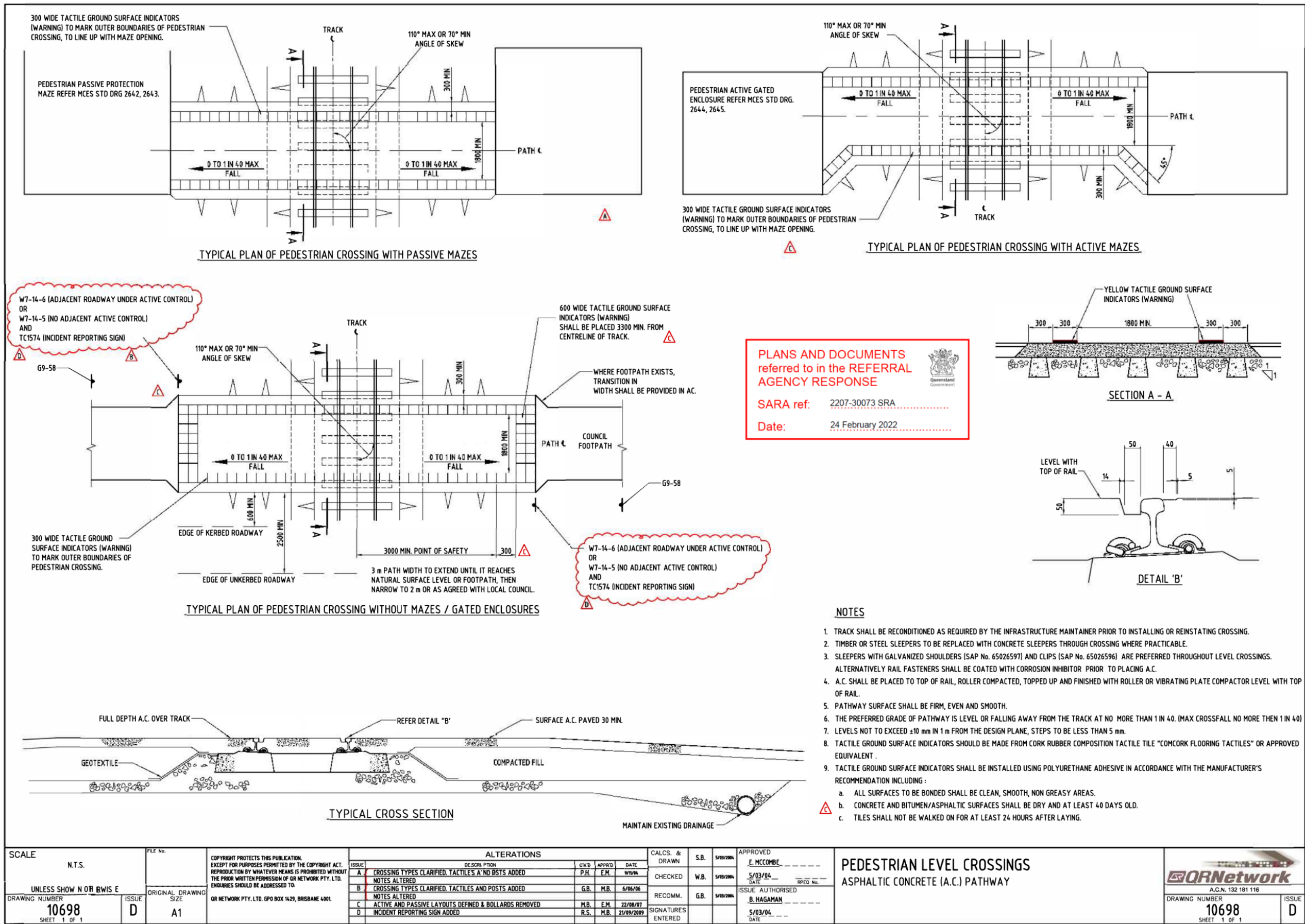
1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Culvert clear zone varies with location and speed environment. Refer to TMR Road Planning and Design Manual – Supplement to AGRD Part 6, and Austroads Guide to Road Design - Part 6.

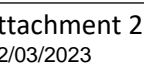
Departmental Standard Drawings:

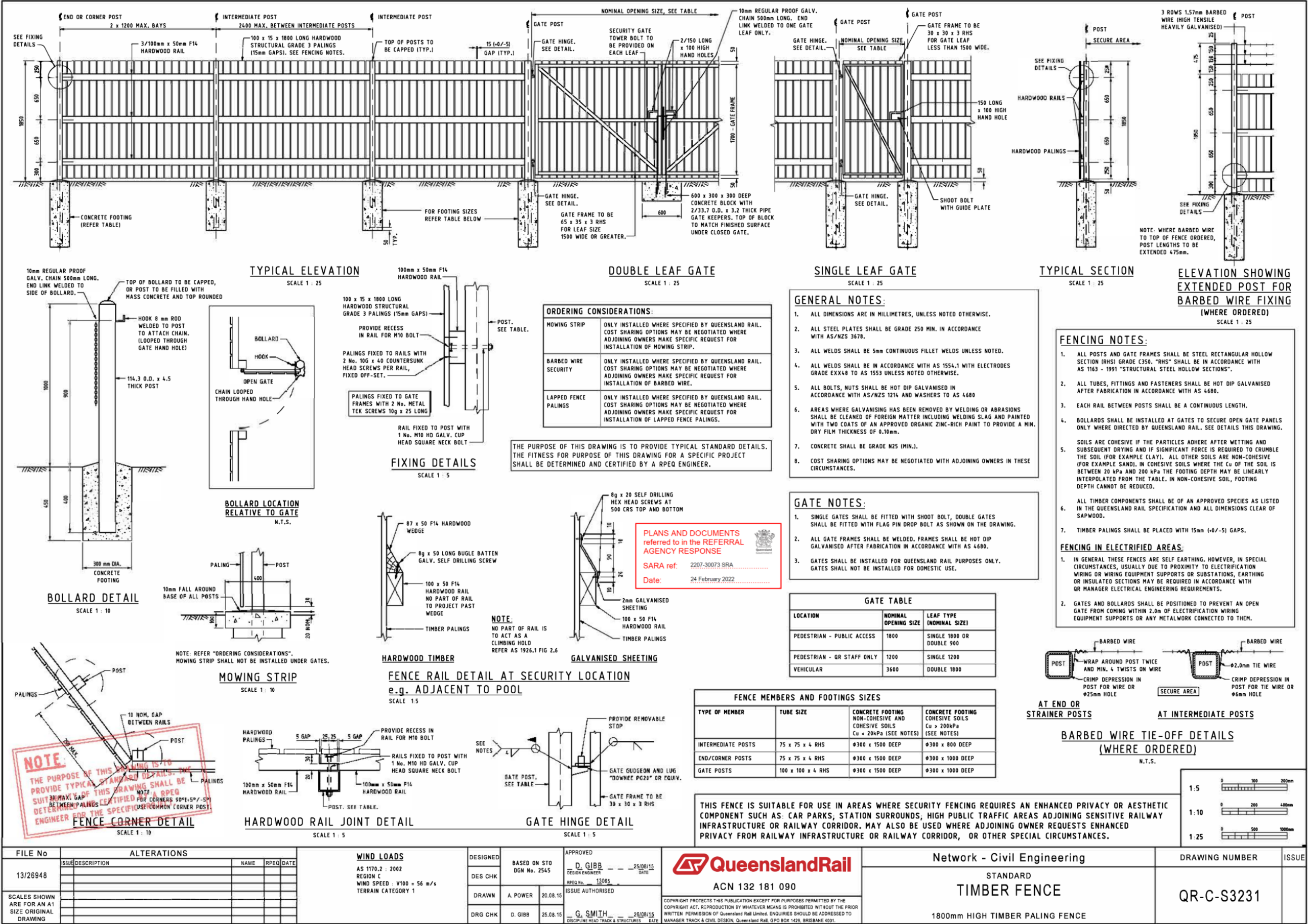
1033 Kerb and Channel – Profiles

AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

Department of Transport and Main Roads PROPERTY ACCESS RURAL PROPERTY ACCESS DRAWING 2 OF 2	 Queensland Government		 © The State of Queensland (Department of Transport and Main Roads) 2021 http://creativecommons.org/licenses/by/4.0/	
	A3		Standard Drawing No 1807	
	Not to Scale		Date 11/2021	







Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

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

¹ Pursuant to Section 68 of the *Planning Act 2016*

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

Part 7: Miscellaneous

30 Representations about a referral agency response

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

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

From: "Carlie" <carlieroll@hotmail.com.au>
Sent: Wed, 1 Feb 2023 14:29:33 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Submission Re: Development Application MCU/22/0003 Shopping Centre, Food and Drink Outlet and Shop at 232 Byrnes Street, Mareeba
Attachments: Shopping Centre Access.pdf
Categories: Added to ECM

Dear Council,

I am supportive of the proposed development but would like to ask Council to consider access to the centre from the western side of Byrnes Street and impose conditions to provide better access before granting approval.

I have attached a scan of the proposed site. I have marked in red routes a vehicle travelling from the western side of Byrnes Street would try to take to access the centre that are not permitted. I have marked in black routes a vehicle travelling from the western side of Byrnes Street would have to take to access the centre.

The image released to the public shows a 'No Right Turn' sign on the Rankin Street entry to the centre when travelling from the western side of Byrnes Street. The traffic lights at the intersection of Byrnes and Rankin Streets also do not allow for a u-turn when travelling from the western side of Byrnes Street. This would require traffic to travel through the lights and turn around through the already heavily congested Walsh Street roundabout, then have to travel through the lights for a second time to enter via Rankin Street or, alternatively, turn right at the Walsh Street roundabout, travel along Walsh Street with the built-up traffic entering and exiting K-Hub and Coles, turn right at the also heavily congested Herberton Street roundabout and re-enter Byrnes Street from an uncontrolled intersection at the corner of Byrnes and Herberton Streets to enter the centre via Byrnes Street. Both of these routes are directing traffic through a heavily congested route that is already not coping with the number of vehicles trying to use it.

Not providing access from the western side of Byrnes Street is problematic for residents on that side of town but also because a significant number of people travel from this direction after dropping off and picking up their kids at the high school, soccer club, junior rugby league and a number of other activities that are located on that side of town and they will not be able to turn into the centre without taking a much longer route than necessary that involves negotiating the traffic lights twice and travelling through congested roundabouts or uncontrolled intersections. All could be avoided by providing for a right-hand turn into the centre from the Rankin Street entry.

Thank you for your consideration and I hope that Council will impose conditions to provide access from the western side of Byrnes Street before approving this development application.

Document Set ID: 4179247
Version: 1, Version Date: 01/02/2023

Kind regards,

Carlie

MAREEBA QLD 4880

Document Set ID: 4179247
Version: 1, Version Date: 01/02/2023

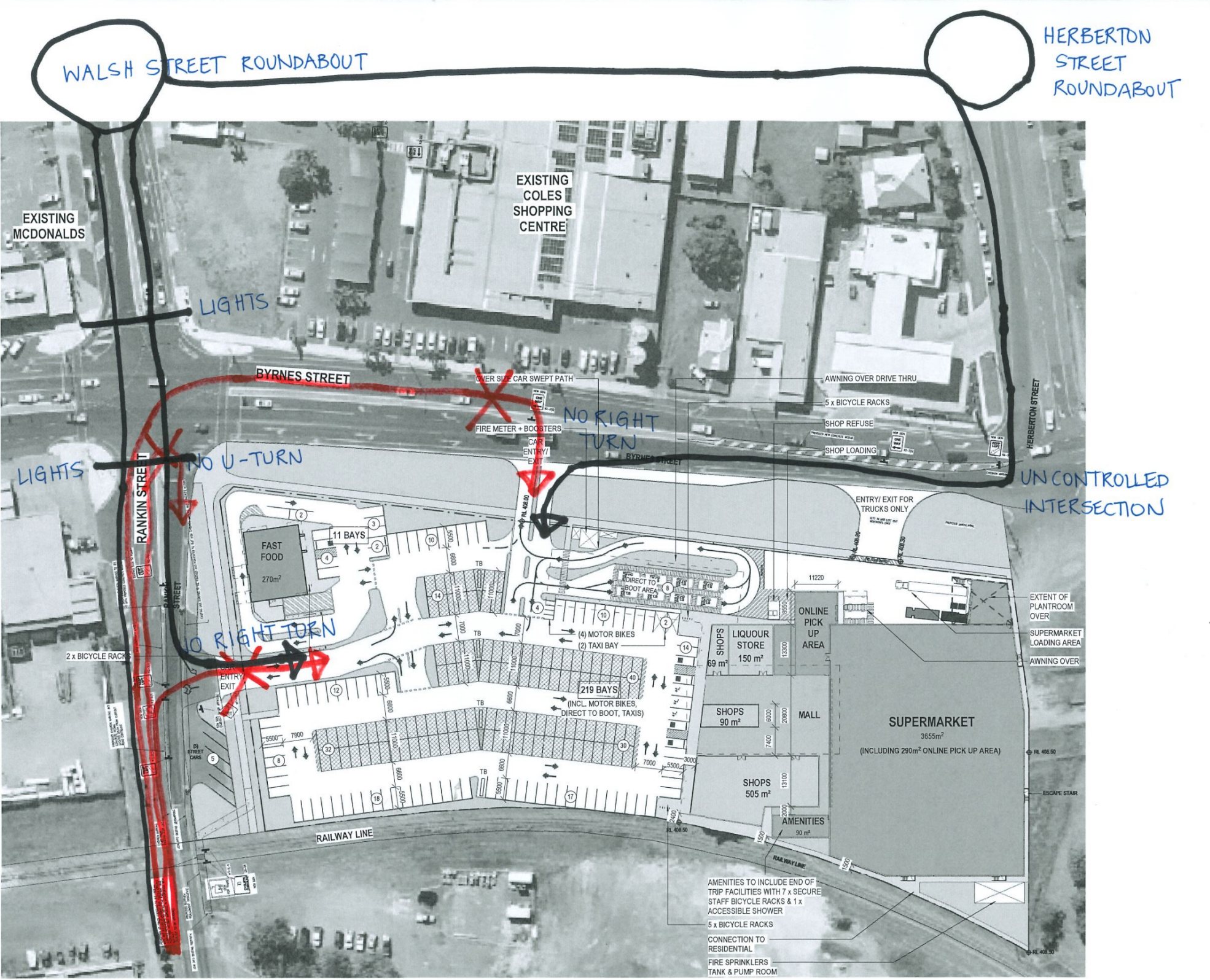
DEVELOPMENT SCHEDULE		
PROPOSED USES	GFA	GLAR
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CARS FAST FOOD	11	
CARS CENTRE (INCL. MOTOR BIKES, DIRECT TO BOOT + TAXIS)	219	
ON SITE CARS	230	
STREET CARS	5	
TOTAL CARS PROVIDED	235	
TOTAL CARS REQUIRED	186	

NOTE:
CARS REQUIRED IS BASED ON:
1/50 UP TO 400m² GFA
1/25 ABOVE 400m² GFA

NOTE: SUPERMARKET GLAR EXCLUDES
EXTERNAL WALLS AND LOADING DOCK

COVERED CARPARKS

AREA OF ENCLOSED MALL /
PASSAGE - 637m²



From: "Snapforms Notifications" <no-reply@snapforms.com.au>
Sent: Sun, 22 Jan 2023 07:21:33 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: New submission: Website Contact Form
Attachments: Website_Contact_Form_2023-01-22T08-21-28_10357580_0.pdf
Categories: Added to ECM

First Name: Joeline

Last Name: Burnett

Email Address: Joelineburnett@gmail.com

Postal Address: 7 Dillon Street, Mareeba QLD, Australia

Business Hours Phone Number: 0448855407

What does your enquiry relate to?: Other

How would you like to be contacted?: Email

What location does your request relate to?: The proposed development of woolworths on burnes street and Ranking street.

What is your request?: I would like to suggest relocating the woolworths to the east side of mareeba, or to the south(whichever is growing the fastest) I believe it will take the traffic pressure off the already busy intersection at mac Donald's. It will be useful to the residents that live in koah, speewah and kuranda if they shop in mareeba, they do not have to go into the town. I believe it will encourage more businesses to open as they will have no direct competition around them. People who don't have access to a car, or using a mobility scooter, or just like walking to the shops will be benefitted as well, this will encourage people to be get more exercise as the is not much cemented walking tracks around town. Most other towns have only one major shopping center in each of its Suburb. This allows for more safe walking tracks around suburbs and a place for people to get together, without having to drive across town. During my time in cairns walking to the shops with my children was a wonderful experience for us, we could talk to each other while getting fit. This was also good for my social life as we would go for a walk, then end up at a cafe for a coffee (or ice cream). I believe as mareeba grows this will help ease the pressure of traffic on burnes street. I hope you consider this and thank you for your time.

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T 07 4051 6946
E admin@urbansync.com.au
O Level 1, 17 Aplin Street, Cairns
M PO Box 2970, Cairns Q 4870
ABN 83 169 940 649

21 February 2023

Our Ref: 21-740

Chief Executive Officer

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Brian Millard – Senior Planner (BrianM@msc.qld.gov.au)

Dear Brian,

RE: RESPONSE TO SUBMISSIONS RECEIVED DURING PUBLIC NOTIFICATION FOR A PROPOSED DEVELOPMENT FOR A MATERIAL CHANGE OF USE (SHOPPING CENTRE & FOOD AND DRINK OUTLET) OVER LAND LOCATED AT 232 BYRNES STREET AND CLOSE AVENUE, MAREEBA.

We refer to the above-described matter and confirm that Urban Sync Pty Ltd (Urban Sync) continues to represent Mareeba 232 Pty Ltd (the Applicant) with respect to the on-going works being undertaken to progress a new mixed use commercial development (the proposed development) over the above-mentioned land (the site).

We note that the Public Notification period ended on 1 February 2023 and a total of two (2) submissions were received during this period. While both submissions were generally supportive of the proposed development, concern was raised around the anticipated traffic impacts that will be generated by the development along Byrnes and Rankin Streets.

The submission received by Carlie Roll on 1 February 2023 suggests that an entry should be afforded on the western side of Byrnes Street as the layout of the development currently proposed 'no right turn' for vehicles travelling eastwards on Rankin Street AND for vehicles heading south along Byrnes Street. The result of these 'no right turn' signs will ultimately require traffic to travel further along Rankin Street to use the Herberton Street and Walsh Street roundabouts and the concern is that these roundabout already experience high traffic volumes at peak periods.

While Urban Sync and the Applicant entirely acknowledge and understand the logic in allowing vehicles to undertake a 'right turn' from Rankin Street and Byrnes Street heading into the development, neither movement is permitted to be undertaken by the Department of Transport and Main Roads (DTMR). More specifically, such a movement on Byrnes Street is not able to be facilitated as there is not sufficient room for a slip lane at this location and compliant que times for the right-hand turn are not able to be achieved. In relation to Rankin Street, a right turn into the development cannot be provided as que distances encroach into the rail corridor which is not permitted by DTMR. It was for these reasons why no such right-hand turns were originally proposed.

I trust the above is sufficient for your purposes, although should you require any further information, please do not hesitate to contact me on the details provided below.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Matt Ingram'.

Matt Ingram
Senior Planner

E matt@urbansync.com.au | T 07 4051 6946 | M 0488 200 229

www.urbansync.com.au