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Planning Report

Material Change of Use for Food and Drink
Outlet, Office, Shop and Health Care
Services at the Corner of Hort Street and
Walsh Street, Mareeba

Prepared for:
Mareeba Shire Council

Prepared on behalf of:
Ruggeri Bros Pty Ltd

Our Reference	J001392: QBC: JKM
Site	Cnr of Hort Street and Walsh Street Lots 1 and 2 on RP727346
Date	12 May 2022
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Signed on behalf of
Gilvear Planning Pty Ltd



Kristy Gilvear

MANAGING DIRECTOR
May 2022

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1.0 Introduction

The following Planning Report has been prepared by Gilvear Planning Pty Ltd (Gilvear Planning) on behalf of Ruggeri Bros Pty Ltd (the Owner and Applicant) in support of a Development Application submitted to the Mareeba Shire Council (Council) seeking Approval via a Development Permit for a Material Change of Use for Food and Drink Outlet, Office, Shop and Health Care Services on land at the Corner of Hort Street and Walsh Street, Mareeba described as Lots 1 and 2 on RP727346 (the subject site).

The proposed development is for a single storey building which will be developed as four (4) individual tenancies able to cater to a variety of intended uses including a Hairdresser, Medical Practitioner, Office and Food and Drink Outlet. The proposed development comprises a total area of 291m² with a small loading and unloading area provided to the rear which is accessed from Walsh Street.

The subject site has a standard geospatial form with a combined area of 377m² and a frontage of approximately 19m to Hort Street and 21m to Walsh Street. The subject site was previously improved by way of a substantial building however this was destroyed as a result of Fire several years back. The general area surrounding the subject site comprises a broad mixture of commercial and office developments consistent with the Mareeba Central Business District (CBD). Substantial on-street parking is provided to both sides of Hort Street and Walsh Street in proximity to the subject site.

As per the Planning Scheme, the subject site is mapped as being within the Centre Zone, is within the Mareeba Local Plan area (Town Centre Core Precinct) and is subjected to two (2) Overlays being the Airport Environs and Transport Infrastructure.

The proposed development is for land uses which are ordinarily Accepted Development, subject to requirements however in this instance, is elevated to Code Assessable due to non-compliances with the applicable Assessment Benchmarks, primarily relating to Parking, Access, and Landscaping. Whilst the proposed development has an elevated level of Assessment, Public Notification is not required, nor is a referral to the State Assessment Referral Agency (SARA).

Following a detailed analysis of the relevant assessment benchmarks within the Planning Scheme, Gilvear Planning submits that the proposed development will adequately comply with the applicable Performance and Accepted Outcomes specified within the relevant Planning Codes. In making this determination, Gilvear Planning notes the location of the subject site as being within the CBD which provides suitable arrangements for parking, alternative transport and which is provided with improved streetscapes.

This Development Application is therefore submitted to the Council for consideration and Approval without cunctation, subject to the imposition of reasonable and relevant Conditions.

2.0 Summary

PROPOSAL SUMMARY

Address:	Corner of Hort Street and Walsh Street
Real Property Description:	Lots 1 and 2 on RP727346
Site Area/Frontage:	377m ² (Combined). 19m to Hort Street. 21m to Walsh Street.
Owner / Applicant:	Ruggeri Bros Pty Ltd As per Attachment 1 – Title Searches
Easements & Encumbrances:	Nil
Proposal:	Material Change of Use for: <ul style="list-style-type: none">• Food and Drink Outlet;• Office;• Shop; and• Health Care Services.
Approvals Sought:	Development Permit – Material Change of Use
Level of Assessment:	Generally Accepted Subject to Requirements however elevated to Code in this instance.
Zone:	Centre Zone
Overlays (Precincts):	<ul style="list-style-type: none">• Airport Environs; and• Transport Infrastructure.
Local Area Plan (Precincts):	Mareeba Local Plan Area (Town Centre Core Precinct)
Regional Plan Designation:	Far North Queensland Regional Plan – Urban Footprint
State Interests – State Planning Policy:	Natural Hazards <ul style="list-style-type: none">• Flood Hazard Area Level 1 QLD Strategic Airports and Aviation Facilities <ul style="list-style-type: none">• Wildlife Hazard Buffer Zone
State Interests – SARA Mapping:	Water Resources Planning Area

PROPOSAL SUMMARY

State Planning Regulatory Provisions: Nil

Referral Agencies: Nil

State Development Assessment Provisions: Nil

3.0 Site Description

The subject site is represented by Lots 1 and 2 on RP727346 which have a combined area of 377m² and a frontage of 19m to Hort Street and 21m to Walsh Street. The subject site has a standard geospatial form with a generally level topographic finish owing to the previous site improvements.

The subject site is centrally located within the Mareeba CBD one block east of the Main Highway (Bynes Street). The local area is significantly improved with a variety of commercial and office type developments, with smaller areas of housing to the east and north. The surrounding streetscape is generally improved by way of streetscape improvements (landscaping), formalised parking spaces and stormwater infrastructure (kerb and channelling).

The subject site was previously improved, substantially, by way of a large building which was lost (destroyed) as a result of a Fire. As a result of the previous development, the subject site is generally well serviced by all critical infrastructure with connections having previously been provided.

Access to the subject site is via an access crossover from Walsh Street to the very north of the property boundary. The frontage to both Hort Street and Walsh Street contains a formalised pedestrian / cycle pathway with adjacent developments having awnings over the streetscape.

A single mature tree is located to the Corner of Hort Street and Walsh Street and is understood to exist within the Road Reserve and not the subject site.



Image 1: Subject Site and surrounding locality (Source: Queensland Globe).

4.0 Proposal

The proposed development is for a single storey building which will be developed as four (4) individual tenancies able to cater to a variety of intended uses. The proposed development comprises a total area of 291m² with a small loading and unloading area provided to the rear which is accessed from Walsh Street via the existing access crossover.

A full-length awning is proposed to Hort Street which will contain public accesses to each of the four (4) proposed tenancies. The frontage to both Hort Street and Walsh Street will be improved by way of windows to mollify the built forms bulk.

The proposed development will have a maximum height of 4.2m with a site coverage of 77.19%. Setbacks associated with the proposed development are as follows:

- 0m to Hort Street (the Primary Road Frontage);
- 0m to Walsh Street (the Secondary Road Frontage);
- 0m to the western boundary; and
- 4.04m to the rear boundary (noting a small area of 0m).

Proposal Plans are contained in [Attachment 2 – Proposal Plans](#).

4.1 Intended Land Uses

The proposed development seeks a Development Permit for various land uses as defined within the Planning Scheme including:

- Food and Drink Outlet;
- Office;
- Shop; and
- Health Care Services.

In the initial occupancy, it is understood that likely tenants will include a Hairdresser, a Doctor's Office, a General Office and a small Take-away. However, the Application is scripted such that the proposed tenancies can be changed to reflect to market demand moving forward. That is, the tenants may change.

To cater to this demand, a broad range of land uses with generally similar Planning considerations and Assessment Benchmarks as defined within the Planning Scheme are sought.

4.2 Landscaping

The proposed development will not provide formalised landscaping on the subject site and is reliant on the existing streetscape improvements within the local area. This is consistent with development in the immediate vicinity of Hort Street and Walsh Street.

4.3 Infrastructure Connections

The proposed development will utilise the existing infrastructure connections benefitting the subject site with upgrades to be undertaken on an as needed basis.

4.4 Access and Parking

The proposed development will continue to utilise the existing access crossover from Walsh Street. It is understood that this access crossover is fit for purpose and does not require any upgrades.

The proposed development will not provide any on-site parking and is reliant on the substantial on-street parking located within the local area. This approach is consistent with development in the surrounding CBD area which typically does not provide on-street parking for Lots of similar geospatial form and relies on on-street parking which is substantially improved and provided for within the Road Reserve.

5.0 Statutory Planning Considerations

This Section provides an overview of the Legislative provisions relevant to the Application.

5.1 Planning Act 2016

5.1.1 CONFIRMATION OF DEVELOPMENT

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under *Planning Act 2016* (The Act) including:

- Schedule 10 of the *Planning Regulation 2017*;
- Relevant categorising instruments.

5.1.2 ASSESSABLE DEVELOPMENT

The development proposed by this Application includes development that is made assessable under the Mareeba Shire Council Planning Scheme, in accordance with Section 43(1) of the Act.

5.1.3 ASSESSMENT MANAGER

The Assessment Manager for this development application is the Mareeba Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

5.1.4 LEVEL OF ASSESSMENT

The table below summarises the assessable development subject to this application and the relevant level of assessment for each aspect of development.

ASPECT OF DEVELOPMENT	REFERENCE	LEVEL OF ASSESSMENT
Material Change of Use for Specified Land Uses in Part 2	Table 5.5.1	Accepted Development (Subject to requirements) however elevated to Code in this instance as a result of non-compliances with Assessment Benchmarks

5.1.5 STATUTORY CONSIDERATIONS FOR ASSESSABLE DEVELOPMENT

The relevant considerations of the Assessment Manager in making the Decision pursuant to Section 60 of the Act, are outlined in:

- Section 45(3) of the Act;

- Section 25, 26 and 27 of the *Planning Regulation 2017*.

5.1.6 REFERRAL TRIGGERS

The proposed development does not require referral to the State Assessment Referral Agency.

5.1.7 STATE RESOURCE

The proposed development does not involve any State Resources.

5.1.8 STATE DEVELOPMENT ASSESSMENT PROVISIONS

The proposed development does not require assessment against a SDAP Code.

5.1.9 REGIONAL PLAN

The proposed development does not require detailed assessment against the provisions contained within the Far North Queensland Regional Plan given the Regional Plan has been appropriately advanced within the Mareeba Shire Council Planning Scheme.

Pursuant to Section 2.2 of the Planning Scheme, the following is noted:

“The minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area”.

5.1.10 STATE PLANNING POLICY

Pursuant to Section 2.1, it is noted that Planning Scheme adequately integrates the applicable State Interests within the State Planning Policy.

6.0 Council Planning Considerations

Within the Planning Scheme, the subject site is mapped as being within the Centre Zone, is within the Mareeba Local Plan area and is influenced by several Overlays.

6.1 Local Planning Scheme

The following table outlines the relevant Codes and provides a summary of the compliance with requirements of the applicable assessment benchmarks within the Codes.

APPLICABLE CODES	COMPLIANCE SUMMARY
<p>Centre Zone Code</p>	<p>The proposed development is fully compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Zone Code.</p> <p>In relation to PO2, it is noted that the proposed development is setback in an alternative manner to the prescription provided within Table 6.2.1.3b.</p> <p>However, in this instance, it is noted and submitted that the proposed development is consistent with existing development in proximity to the subject site with the Walsh Street frontage being the secondary street frontage.</p>
<p>Mareeba Local Plan</p>	<p>The proposed development is fully compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Local Plan Code.</p>
<p>Airport Environs Overlay Code</p>	<p>The proposed development is fully compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Overlay Code.</p>
<p>Transport Infrastructure Overlay Code</p>	<p>The proposed development is fully compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Overlay Code.</p>
<p>Commercial Activities Code</p>	<p>The proposed development is fully compliant with the relevant Acceptable Outcomes and Performance Outcomes specified within the Development Code.</p>
<p>Landscaping Code</p>	<p>The proposed development achieves compliance with the Acceptable Outcomes and Performance Outcomes specified within the Development Code.</p>

In this instance, it is noted that the proposed development does not provide any formalised landscaping and is reliant on the substantial streetscape improvements within the Mareeba CBD.

It is further noted that existing development in proximity to the subject site on Lots of a similar form do not provide formalised landscaping and therefore, it is concluded that the proposed development is consistent with the amenity of the local area.

Parking and Access Code

The proposed development achieves compliance with the Acceptable Outcomes and Performance Outcomes specified within the Development Code.

In this instance, it is noted that the proposed development does not provide any formalised on-site parking and is reliant on the substantial on-street parking provided to Hort Street and Walsh Street.

Given the subject site is within the Mareeba CBD, this outcome is considered acceptable noting the significant streetscape improvements undertaken which includes the provision of on-street parking and the nature of existing development in proximity to the area which generally does not provide on-site parking.

The proposed loading and unloading area to the rear of the proposed development provides a small area for small delivery vehicles to access the subject site as required. The reversing of a vehicle onto Walsh Street is not considered to be in conflict with existing development within the Mareeba CBD with suitable sightlines maintained at the access crossover location.

Infrastructure Works Code

The proposed development achieves compliance with the Acceptable Outcomes and Performance Outcomes specified within the Development Code.

A detailed assessment of the proposal against the applicable Codes is contained in [Attachment 3 – Code Compliance Responses](#) and demonstrates that the proposed development complies or can comply with the relevant assessment criteria.

6.1.1 INFRASTRUCTURE CONTRIBUTIONS

In this instance, despite the applicable Charges Resolution documentation, Gilvear Planning submits that no charges are warranted as the previous development on the subject site was aptly serviced by Council infrastructure with the proposed development providing no increase in demand.

Gilvear Planning formally requests that Council consider the applicable Charges in this instance in consideration of the unlikely increase in demand requirements and agree that Charges are not warranted in this instance.

7.0 Summary and Conclusions

This Planning Report has been prepared in support of a Planning Application submitted to Council seeking a Development Permit for a Material Change of Use for various land uses in relation to a proposed development on the Corner of Hort Street and Walsh Street. The Applicant proposes to construct a new single storey building which will provide four (4) individual tenancies.

The proposed development provides new and modernised commercial / retail options within the Mareeba CBD which are primed to take full advantage of the existing and substantial streetscape improvements, particularly to Hort Street. The proposed development is designed with the ability to cater to current tenant demands whilst providing flexibility for future changes in the market.

The proposed development has a built form and finish which is consistent with development in the local area and therefore, despite the requested Performance Outcomes, continues to maintain and enhance the amenity of the local area.

Attachment 1

Title Search's

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20937053	Search Date: 12/05/2022 09:18
Date Title Created: 05/03/1974	Request No: 41026447
Previous Title: 20565116	

ESTATE AND LAND

Estate in Fee Simple

LOT 2 REGISTERED PLAN 727346
Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 721448401 01/02/2022

RUGGERI BROS PTY LTD A.C.N. 609 039 358
UNDER INSTRUMENT NO. 721448401

TRUSTEE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20104182 (ALLOT 20 SEC 5)

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20926097	Search Date: 12/05/2022 12:55
Date Title Created: 19/12/1973	Request No: 41032471
Previous Title: 20565116	

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 727346
Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 721448401 01/02/2022

RUGGERI BROS PTY LTD A.C.N. 609 039 358
UNDER INSTRUMENT NO. 721448401

TRUSTEE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20104182 (Lot 1 on RP 727346)

ADMINISTRATIVE ADVICES

NIL

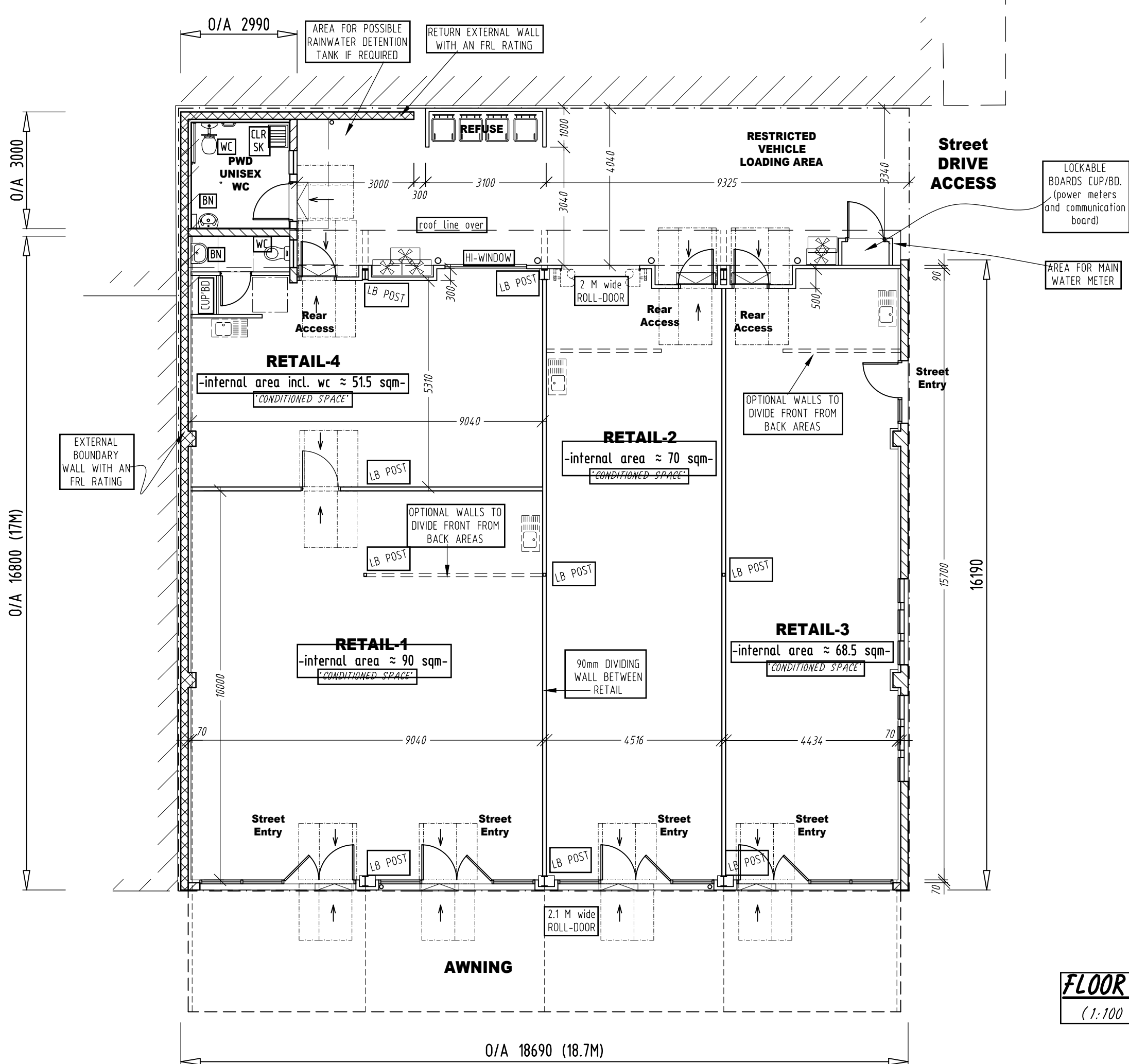
UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

Attachment 2

Proposal Plans



PRELIMINARY

FLOOR PLAN
(1:100 ON A3)

DATE: JAN 2022	SCALE: AS SHOWN ON 'A3' SHEET	DRAWING TITLE: FLOOR PLAN	ISSUE: DA 03 B
PROJECT: 13 HORT STREET MAREEBA 4880	PROPOSED: COMMERCIAL RETAIL	JOB NO: 0695	SHEET NO: DA 03 B

Attachment 3

Code Compliance Responses

6.2.1 Centre zone code

6.2.1.1 Application

(1) This code applies to assessing development where:

- . (a) located in the Centre zone; and
- . (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

6.2.1.2 Purpose

- . (1) The purpose of the Centre zone code is to provide for a mix of uses and activities. These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential activities. Centres are found at a variety of scales based on their location and surrounding activities.
- . (2) Mareeba Shire Council's purpose of the Centre zone code is to facilitate the orderly development of the network of centres to meet the needs of the communities throughout the shire.
- . (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Promotion of a mix of commercial, business, professional, accommodation and retail activities;
 - (b) Industries such as service and low impact industries may be appropriate where they are for the provision of trade, service or light industries that are of a compatible scale with commercial activities and preferably do not adjoin residential areas;
 - (c) Residential development is facilitated where it can integrate and enhance the fabric of the centre and is located behind or above commercial development;
 - (d) Development provides a high level of amenity and is reflective of the surrounding character of the area;
 - (e) Development is generally established in accessible, well-connected locations with access or future access to public transport, cycling and pedestrian networks;
 - (f) Development does not compromise the viability of the hierarchy and network of activity centres, namely:
 - (i) Mareeba as a major regional activity centre, which accommodates 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;
 - (ii) Kuranda as a village activity centre, which accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities;
 - (iii) Chillagoe and Dimbulah as Rural activity centres, which provide commercial and community services to their rural catchments; and
 - (iv) Bibbohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah as rural villages, that have limited centre activities and other non-residential activities.

Criteria for assessment

Table 6.2.1.3A—Centre zone code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Height		
PO1 Building height takes into consideration and respects the following: <ul style="list-style-type: none"> . (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; 	AO1 Development has a maximum building height of: <ul style="list-style-type: none"> . (a) 8.5 metres; and . (b) 2 storeys above ground level. 	Complies with AO1. The proposed development is for a single storey structure comprising four (4) individual tenancies with a maximum height of 4.2m.

Performance outcomes	Acceptable outcomes	Compliance
<ul style="list-style-type: none"> (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length. 		
Siting		
<p>PO2 Development is sited in a manner that considers and respects:</p> <ul style="list-style-type: none"> (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. 	<p>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.</p> <p>AO2.2 Buildings are setback and boundary treatment(s) are undertaken in accordance with Table 6.2.1.3B.</p>	<p>Complies with AO2.1. The proposed development will be constructed to the street frontage with an awning extending into the Road Reserve.</p> <p>Complies with PO2. The proposed development will have a 0m setback to the two side boundaries (of which one is to Walsh Street). The proposed setback to the rear of the subject site is 4.048m to enable provision of an off-street Loading Area with rear access, however, a small portion of the proposed development is setback to 0m.</p>
Accommodation density		
<p>PO3 The density of Accommodation activities:</p> <ul style="list-style-type: none"> (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of the planned accommodation density for the centre; and (d) is commensurate to the scale and frontage of the site. 	<p>AO3 Development provides a maximum density for Accommodation activities of:</p> <ul style="list-style-type: none"> (a) 1 dwelling or accommodation unit per 120m² site area; and (b) 1 bedroom per 60m² site area. 	<p>Not applicable. A land use pertaining to Accommodation activities is not proposed.</p>
Site cover		
<p>PO4 Buildings and structures occupy the site in a manner that:</p> <ul style="list-style-type: none"> (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. 	<p>AO4 Site cover does not exceed 90%.</p>	<p>Complies with AO4. The proposed development has a total built form area of 291m² which equates to a coverage of 77.19%.</p>
For assessable development		

Performance outcomes	Acceptable outcomes	Compliance
Building design		
<p>PO5 Building facades are appropriately designed to:</p> <ul style="list-style-type: none"> . (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. 	<p>AO5.1 Buildings address and provide pedestrian entrances to:</p> <ul style="list-style-type: none"> • (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. 	<p>Complies with AO5.1. All access is provided via the main Street Frontage being Hort Street.</p>
	<p>AO5.2 Building frontages:</p> <ul style="list-style-type: none"> • (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. 	<p>Complies with AO5.2. The frontage is distributed by way of access doors, windows and inner tenancy breaks.</p>
	<p>AO5.3 Buildings incorporate cantilevered awnings that are:</p> <ul style="list-style-type: none"> • (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. 	<p>Complies with AO5.3. A cantilevered awning is proposed.</p>
<p>PO6 Development complements and integrates with the established built character of the Centre zone, having regard to:</p> <ul style="list-style-type: none"> . (a) roof form and pitch; . (b) eaves and awnings; 	<p>AO6 No acceptable outcome is provided.</p>	<p>Complies with PO6. The proposed development is consistent with the surrounding local area.</p>

Performance outcomes	Acceptable outcomes	Compliance
<ul style="list-style-type: none"> . (c) building materials, colours and textures; and . (d) window and door size and location. 		
Accommodation activities		
<p>PO7 Accommodation activities are appropriately located in buildings in the Centre zone, having regard to:</p> <ul style="list-style-type: none"> . (a) the use of adjoining premises; and . (b) the provision of an active and vibrant streetscape. 	<p>AO7 Accommodation activities are located above the ground floor.</p>	<p>Not applicable. The proposed development is not for an Accommodation activity.</p>
Amenity		
<p>PO8 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> . (a) noise; . (b) hours of operation; . (c) traffic; . (d) advertising devices; . (e) visual amenity; . (f) privacy; . (g) lighting; . (h) odour; and . (i) emissions. 	<p>AO8 No acceptable outcome is provided.</p>	<p>Complies with PO8. The proposed development is for activities consistent with the Centre Zone.</p>
<p>PO9 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> . (a) noise; . (b) hours of operation; . (c) traffic; . (d) advertising devices; . (e) visual amenity; . (f) privacy; . (g) lighting; . (h) odour; and . (i) emissions. 	<p>AO9 No acceptable outcome is provided.</p>	<p>Complies with PO9. The proposed development is for activities consistent with the Centre Zone.</p>

7.2.2 Mareeba local plan code

7.2.2.1 Application

- (1) This code applies to assessing development where:
 - (a) located in the Mareeba local plan area; and
 - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

7.2.2.2 Purpose

- (1) The purpose of the Mareeba local plan code is to:
 - (a) facilitate the continued use of the historic stables area adjacent to the Mareeba Racecourse for residential horse keeping;
 - (b) facilitate the continued development of the Mareeba Airport;
 - (c) facilitate efficient development that accords with local lifestyle and amenity expectations;
 - (d) identify and direct urban growth opportunities;
 - (e) facilitate a more vibrant and integrated town centre;
 - (f) enhance accessibility to, and activation of, the Barron River and Centenary Lakes as important physical assets for Mareeba;
 - (g) enhance Mareeba's heritage and cultural elements; and
 - (h) facilitate the development of an appropriate site for special industry.
- (2) Ten precincts have been identified in the Mareeba local plan to achieve this purpose:
 - (a) The Town centre core precinct will be maintained as the retail and cultural heart of Mareeba. Development will be managed to increase the walkability of the precinct and better integrate the street and built environments. Character elements of the precinct will be maintained and new buildings or works to existing buildings will be respectful of character values.
 - (b) The Town centre fringe precinct consists of commercial and residential uses. The precinct will facilitate destination specific commercial development where it can be demonstrated that design measures can be incorporated to adequately mitigate any impacts upon residential amenity. The precinct will not detract from the role of the Town centre core precinct as the town's primary retail and commercial precinct.
 - (c) The Mareeba Airport precinct includes the existing airport facilities and an area on the south west side of the runway that is intended to be development for aviation based industry. The precinct will facilitate the continuing development of the Mareeba Airport, for passenger and freight movements, and other activities associated with the airport's primary function including industry, where it is demonstrated that these uses do not compromise efficient aircraft operation.
 - (d) The Mareeba northern investigation precinct is intended to support long term future urban development beyond the life of the planning scheme. Development in this precinct (particularly subdivision) is limited so that the future urban intent is not compromised.
 - (e) The Mareeba north-eastern expansion precinct, the Mareeba south-eastern expansion precinct and the Mareeba south-western expansion precinct are intended for urban residential development. These precincts are constrained by a range of important features including slopes, gullies, watercourses, open space and riparian linkages and the Mareeba Bypass. Development in these precincts preserves and enhances these features while supporting the development of a walkable and well connected transport network. Development in the Mareeba north-eastern expansion precinct supports the construction of a new bridge over the Barron River connecting Hastie Road with Lloyd Street to enable greater access to the town centre while small scale local centres are encouraged in the Mareeba south-western expansion precinct.
 - (f) The Stable precinct defines an established area of residential properties incorporating horse stables adjoining the Mareeba Racecourse. The precinct is intended to protect the ongoing use of the stables on these properties, in association with residential uses.
 - (g) The Industrial park precinct provides for the expansion, establishment and operation of General industry and Heavy industry uses within this precinct, where they are appropriately separated from incompatible uses.
 - (h) The Noxious and hazardous industry precinct provides for the expansion, establishment and relatively unconstrained operation of Special industry in the precinct where the use is sufficiently isolated from other land uses and potential on and off site impacts can be adequately managed. Uses other than Special industry and High impact industry should not occur in this precinct in order to prevent compromising the intended function of the precinct.
- (3) The purpose of the code will be achieved through the following overall outcomes:

- (a) Development recognises and protects the town centre as Mareeba’s most important commercial and social asset that is supported by substantial public and private investment in buildings, infrastructure and culture;
- (b) Development within the Town centre core precinct promotes greater walkability and integration between street and built environments through the consolidation and effective design of retail and commercial facilities;
- (c) Development within the Town centre fringe precinct, accommodates destination-specific premises that requires car and service vehicle access;
- (d) Development provides opportunities for greater utilisation of, and improved public access to, the Barron River and open spaces;
- (e) Development protects Mareeba’s heritage places and tourist and cultural assets and enhances opportunities for their public appreciation;
- (f) Development facilitates the continuing growth of the Mareeba Airport for passenger and freight movements and industry associated with the airport’s primary function. Activities in the Mareeba Airport precinct will be limited to ensure they do not compromise efficient aircraft operation;
- (g) Development in the Stable precinct facilitates the combination of stables and houses whilst maintaining a low density to minimise impacts;
- (h) Development provides for the expansion, establishment and relatively unconstrained operation of Special industry in the Noxious and hazardous industry precinct; and
- (i) The establishment and operation of a range of industries in the Industrial park precinct is supported.

7.2.2.3 Criteria for assessment

Table 7.2.2.3—Mareeba local plan - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
If affected by the vegetated buffer area element		
PO1 Industrial development is appropriately screened from view to minimise impacts on the: (a) visual amenity and character of the local plan area; and (b) amenity of nearby land uses.	AO1 A minimum 5 metre wide vegetated buffer area is provided in all areas of the site affected by the vegetated buffer element.	Not applicable. The subject site is not adjacent to the Vegetated Buffer Area.
If in the Stable precinct		
PO2 Development facilitates the co-location of houses and stables while maintaining an appropriate level of amenity, having regard to emissions of: (a) noise; (b) odour; and (c) light	AO2 Stables house no more than 10 animals and are: (a) separated by a minimum distance of 3 metres from any residential building on the same site; (b) separated by a minimum distance of 5 metres from any residential building on an adjoining site; and (c) setback a minimum of 6 metres from any road frontage.	Not applicable. The subject site is not within the mapped Stable Precinct.
If on a site with a frontage to the Byrnes Street core element		
PO3 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.	AO3.1 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.	Not applicable. The subject site is not within the mapped Byrnes Street Core Element.
	AO3.2 Vehicular access is not provided from Byrnes Street where a site has more than one frontage.	

Performance outcomes	Acceptable outcomes	Compliance
If on a site affected by the Town centre fringe 6 metre setback element		
<p>PO4 Larger destination-specific premises that require increased provision for car and service vehicle access are supported where it can be demonstrated that sufficient separation is provided between the use and adjoining residential uses to adequately mitigate any potential impacts on the amenity of adjoining premises, having regard to:</p> <p>(a) noise; (b) odour; (c) light; and (d) overlooking and privacy.</p>	<p>AO4 Buildings and structures are setback a minimum of 6 metres from the boundary affected by the Town centre fringe 6 metre setback element.</p>	<p>Not applicable. The subject site is not within the mapped 6 meter setback area.</p>
If in the Town centre fringe precinct		
<p>PO5 Development's address to the primary street frontage ensures:</p> <p>(a) car parking areas are not a dominant feature; and (b) sources of visual interest and casual surveillance of the street frontage are provided.</p>	<p>AO5.1 No more than 50% of car parking is to be located between the building and the primary street frontage.</p>	<p>Complies with AO5.1. The proposed development utilises on-street carparking and therefore, complies with the requirements of AO5.1 as no on-site carparking is proposed.</p>
	<p>AO5.2 Buildings include uses that orientated toward the primary street frontage with entrances and windows addressing the street.</p>	<p>Complies with AO5.2. The proposed development is orientated to the main street frontage with entrances and wide shop-face windows.</p>
For assessable development		
<p>PO6 Development in the Mareeba local plan area:</p> <p>(a) promotes and does not prejudice the ongoing operation of Mareeba as the major regional activity centre of the Shire; (b) provides growth or redevelopment in areas within close proximity to the Town centre core precinct; (c) locates Community facilities in accessible locations within walking distance of the Town centre core precinct; and (d) contributes to the vibrancy and local identity of the Mareeba community.</p>	<p>AO6 No acceptable outcome is provided.</p>	<p>Complies with PO6. The proposed development is for land uses which are consistent with the Centre Zone and will not therefore detract from Mareeba being the main Regional Activity Centre.</p>
<p>PO7 Development does prejudice the future construction of the Mareeba Bypass.</p>	<p>AO7 Development involving permanent buildings or structures does not occur on land affected by the Mareeba bypass element.</p>	<p>Complies with AO7. The subject site is not mapped as being within the Bypass area.</p>
<p>PO8 Development integrates the following elements identified on the Mareeba local plan maps:</p> <p>(a) open space elements; (b) indicative collector roads as higher order road linkages; (c) indicative minor roads in a similar design as shown as</p>	<p>AO8 No acceptable outcome is provided.</p>	<p>Not applicable. The proposed development is for land uses which are consistent with the Centre Zone.</p>

Performance outcomes	Acceptable outcomes	Compliance
(d) mapped; and possible connections as important road linkages between developments.		
PO9 Development integrates small-scale local retail centres that: (a) service the local neighbourhood; and (b) do not prejudice the ongoing operation of the Mareeba town centre.	AO9 No acceptable outcome is provided.	Not applicable. The proposed development is for land uses which are consistent with the Centre Zone.
If in the Stable precinct		
PO10 Development does not involve a density of residential development that is likely to prejudice the ongoing use of land within the precinct for stables, having regard to the existing level of amenity.	AO10.1 Development does not result in a higher accommodation density than currently exists.	Not applicable. The subject site is not within the applicable precinct.
	AO10.2 Development does not result in the creation of any new lots.	Not applicable. The subject site is not within the applicable precinct.
If in the Mareeba Airport precinct		
PO11 Development does not prejudice the ongoing operations or future development intentions of the Mareeba Airport.	AO11 Development is limited to activities which have a direct associated with aviation.	Not applicable. The subject site is not within the applicable precinct.
If in the Town centre core precinct		
PO12 Development is to be of a scale and form which complements the character of the precinct, having regard to: (a) building location; (b) building height; (c) interface with the street; and (d) scale of windows, doors and structural elements	AO12 No acceptable outcome is provided.	Complies with PO12. The proposed development is for land uses which are consistent with the Centre Zone.
PO13 The character and style of buildings in the main street, including those representing the booming tobacco period of the 1950's and 1960's is maintained and protected.	AO13.1 Buildings are re-used for new uses without alteration to their : (a) height; (b) width (at street frontage); (c) vertical or horizontal patterning; and (d) materials. Note—Refer to Planning Scheme Policy 1 – Character Area Design Guidelines for additional guidance in relation to the development outcomes sought.	Not applicable. The former development on the subject site was destroyed.
	AO13.2 Development on sites identified as building façade to be retained that retains the external (street facing) facade(s) of the building will qualify for a 10% reduction on car parking.	Not applicable. The subject site is not within the applicable precinct.

Performance outcomes	Acceptable outcomes	Compliance
If in the Town centre fringe precinct		
PO14 Development does not undermine the role of the Town centre core precinct as Mareeba's primary retail and commercial precinct.	AO14 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
If in the Noxious and hazardous industry precinct		
PO15 Appropriate provision is made for siting, managing and buffering uses in the Noxious and hazardous industry precinct to limit impacts on adjoining properties, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. Note—A facility management plan can be prepared to demonstrate that the ongoing operation of the use will maintain compliance with this outcome.	AO15 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
If in the Industrial park precinct		
PO16 Development that attracts the public into the Industrial park precinct does not develop within the Industrial park precinct.	AO16 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
If in the Northern investigation precinct		
PO17 Development does not compromise the long term future urban intent of this precinct.	AO17 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
If in the Northern investigation precinct If in the North-eastern expansion precinct, South-eastern expansion precinct or South-western expansion precinct		
PO18 Development provides an average net accommodation density of at least 12 dwellings or accommodation units per hectare. Note—Calculation of accommodation density excludes areas not developed as a result of provisions of an overlay.	AO18 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
PO19 Development provides a wide range of housing options, including different dwelling sizes and types that meet the needs of a range of household compositions.	AO19 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.
PO20 The road network is to be developed in a logical and sequential manner to provide for the co-ordinated	AO20 No acceptable outcome is provided.	Not applicable. The subject site is not within the applicable precinct.

Performance outcomes	Acceptable outcomes	Compliance
<p>development of the precinct.</p> <p>PO21 The road network provides encourages walking and cycling to daily activities to reduce local vehicle trips by:</p> <ul style="list-style-type: none"> (a) being based on a street grid network; (b) having walkable block sizes; (c) providing safe, efficient and provides for the needs of all users; (d) having a high level of connectivity for all users; and (e) being linked to destinations such as shops, open space and schools. 	<p>AO21 No acceptable outcome is provided.</p>	<p>Not applicable. The subject site is not within the applicable precinct.</p>

8.2.2 Airport environs overlay code

8.2.2.1 Application

- (1) This code applies to assessing development where:
- land the subject of development is affected by a constraint category identified on the Airport environs overlay maps (OM-002a-f); and
 - it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Strategic airports and aviation facilities are appropriately reflected in Overlay Map 2 and is required to be mapped by State Government in response to Infrastructure State Interests.

8.2.2.2 Purpose

- (1) The purpose of the Airport environs overlay code is to protect the current and ongoing operations of established airports, aerodromes and aviation infrastructure in Mareeba Shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- The ongoing operation of Mareeba Airport and its associated infrastructure are protected from incompatible development;
 - Aerodromes in Chillagoe and Dimbulah are maintained to support recreation, mining and rural uses;
 - Operational airspace is protected;
 - Threats to aviation safety such as bird and bat strike and distraction or blinding of pilots are avoided or minimised;
 - State significant aviation facilities associated with the Mareeba Airport are protected from encroachment by sensitive land uses; and
 - Development in the vicinity of airports, aerodromes and aviation infrastructure does not compromise public safety.

8.2.2.3 Criteria for assessment

Table 8.2.2.3 - Airport environs overlay code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Protection of operational airspace		
PO1 Development does not interfere with movement of aircraft or the safe operation of an airport or aerodrome where within the: (a) Airport environs: OLS area of Mareeba Airport identified on Airport environs overlay map (OM-002c) ; or (b) Airport environs: OLS area of Cairns Airport identified on Airport environs overlay map (OM-002c.1) ; or (c) 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f) ; or (d) 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) .	AO1.1 Development does not exceed the height of the Obstacle Limitation Surface (OLS) where located within the Airport environs: OLS area of: (a) Mareeba Airport identified on Airport environs overlay map (OM-002c) ; or (b) Cairns Airport identified on Airport environs overlay map (OM-002c.1) .	Complies with AO1.1. The proposed development is for a single storey structure which will not impact in the Operational Airspace associated with the Mareeba Airport.
	AO1.2 Development has a maximum height of 10 metres where within the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f) .	Not applicable. The subject site is not located within the 1km buffer.
	AO1.3 Development has a maximum height of 15 metres where within the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) .	Not applicable. The subject site is not located within the 3km buffer.

Performance outcomes	Acceptable outcomes	Compliance
Lighting		
<p>PO2 Development does not include lighting that:</p> <p>(a) has the potential to impact on the efficient and safe operation of Mareeba Airport or an aerodrome; or</p> <p>(b) could distract or confuse pilots.</p>	<p>AO2 Development within the 'Airport environs: Distance from airport - 6 kilometres' area for Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) does not:</p> <p>(a) involve external lighting, including street lighting, that creates straight parallel lines of lighting that are more than 500 metres long; and</p> <p>(b) does not contain reflective cladding upwards shining lights, flashing lights or sodium lights.</p>	<p>Not applicable. The subject site is not within the 6km area.</p>
Noise exposure		
<p>PO3 Development not directly associated with Mareeba Airport is protected from aircraft noise levels that may cause harm or undue interference.</p>	<p>AO3 Sensitive land uses are acoustically insulated to at least the minimum standards specified by AS2021 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction where located within the 'Airport environs: 20-25 ANEF' area identified on Airport environs overlay map (OM-002d).</p>	<p>Not applicable. The subject site is not within the mapped ANEF Contour Area.</p>
Public safety		
<p>PO4 Development does not compromise public safety or risk to property.</p>	<p>AO4 Development is not located within the 'Airport environs: Mareeba Airport public safety area' identified on Airport environs overlay map (OM-002e).</p>	<p>Not applicable. The subject site is not within the mapped Public Safety Area.</p>
State significant aviation facilities associated with Mareeba Airport		
<p>PO5 Development does not impair the function of state significant aviation facilities by creating:</p> <p>(a) physical obstructions; or</p> <p>(b) electrical or electro-magnetic interference; or</p> <p>(c) deflection of signals.</p>	<p>AO5.1 Development within 'Airport environs: Zone B (600 metre buffer)' for the 'Saddle Mountain VHF' facility identified on Airport environs overlay map (OM-002a.1) does not exceed a height of 640 metres AHD.</p>	<p>Not applicable. The subject site is not within the Zone B mapped area.</p>
	<p>AO5.2 Development within 'Airport environs: Zone B (4,000 metre buffer)' for the 'Hahn Tableland Radar (RSR)' facility identified on Airport environs overlay map (OM-002a) does not exceed a height of 950 metres AHD, unless associated with Hann Tableland Radar facility.</p>	<p>Not applicable. The subject site is not within the Zone B mapped area.</p>
	<p>AO5.3 Building work does not occur within 'Airport environs: Zone A (200 metre buffer)' of the 'Biboohra CVOR' facility identified on Airport environs overlay map (OM-002a) unless associated with the Biboohra CVOR facility.</p>	<p>Not applicable. The subject site is not within the Zone A mapped area.</p>
	<p>AO5.4 Development within 'Airport environs: Zone B (1,500 metre buffer)' of the 'Biboohra CVOR' facility identified on Airport environs overlay map (OM-002a), but outside 'Zone A (200 metre buffer)' identified on Airport environs overlay map (OM-002a), does not include:</p> <p>(a) the creation of a permanent or temporary physical line of sight obstruction above 13 metres in height; or</p>	<p>Not applicable. The subject site is not within the Zone B mapped area.</p>

Performance outcomes	Acceptable outcomes	Compliance
	(b) overhead power lines exceeding 5 metres in height; or (c) metallic structures exceeding 7.5 metres in height; or (d) trees and open lattice towers exceeding 10 metres in height; or (e) wooden structures exceeding 13 metres in height.	
For assessable development		
Mareeba Airport		
PO6 Development within the vicinity of Mareeba Airport or an aerodrome does not interfere with the: (a) movement of aircraft; or (b) safe operation of the airport or facility.	AO6.1 Development involving sporting and recreational aviation activities such as parachuting, hot air ballooning or hang gliding, does not occur within the Airport environs: OLS area of: (a) Mareeba Airport identified on Airport environs overlay map (OM-002c) ; or (b) Cairns Airport identified on Airport environs overlay map (OM-002c.1) .	Not applicable. The proposed development does not include sporting or recreational activation activities.
	AO6.2 Development involving temporary or permanent aviation activities does not occur within the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) .	Not applicable. The proposed development does not include temporary or permanent aviation activities.
PO7 Development does not affect air turbulence, visibility or engine operation in the operational airspace of Mareeba Airport or regional aerodromes.	AO7 Development does not result in the emission of a gaseous plume, at a velocity exceeding 4.3 metres per second, or smoke, dust, ash or steam within: (a) the Airport environs: OLS area of Mareeba Airport identified on Airport environs overlay map (OM-002c) ; or (b) the Airport environs: OLS area of Cairns Airport identified on Airport environs overlay map (OM-002c.1) ; or (c) the 'Airport environs: Airport buffer - 1 kilometre' of a regional aerodrome identified on Airport environs overlay map (OM-002f) .	Not applicable. The proposed development does not include the release of a gaseous plume or the release of smoke, dust or ash.
Managing bird and bat strike hazard to aircraft		
PO8 Development in the environs of Mareeba Airport or an aerodrome does not contribute to the potentially serious hazard from wildlife (bird or bat) strike.	AO8.1 Development within the 'Airport environs: Distance from airport - 8 kilometres' Bird and bat strike zone of Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 3 kilometres' of an aerodrome identified on Airport environs overlay map (OM-002f) provides that potential food and waste sources are covered and collected so that they are not accessible to wildlife.	Complies with AO8.1. All waste will be collected and disposed of within lidded waste containers which are collected on a regular basis.
	AO8.2 Development within the 'Airport environs: Distance from airport - 3 kilometres' Bird and bat strike zone of Mareeba Airport identified on Airport environs overlay map (OM-002b) or the 'Airport environs: Airport buffer - 1 kilometre' of an aerodrome identified on Airport environs overlay map (OM-002f) does not include: (a) food processing; or	Not applicable. The subject site is not within the 3k Zone.

Performance outcomes	Acceptable outcomes	Compliance
	(b) abattoir; or (c) intensive horticulture; or (d) intensive animal husbandry; or (e) garden centre; or (f) aquaculture.	
	AO8.3 Putrescible waste disposal sites do not occur within the 'Airport environs: Distance from airport - 13 kilometres' Bird and bat strike zone of: (a) Mareeba Airport identified on Airport environs overlay map (OM-002b) ; or (b) Cairns Airport identified on Airport environs overlay map (OM-002b.1) .	Complies with AO8.1. All waste will be collected and disposed of within lidded waste containers which are collected on a regular basis.

8.2.12 Transport infrastructure overlay code

8.2.12.1 Application

- (1) This code applies to assessing development where:
- land the subject of development adjoins a rail corridor identified on the **Transport infrastructure overlay maps (OM-012a-j)**; and
 - it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—State transport infrastructure is appropriately reflected in Overlay Map 12 and is required to be mapped by State Government in response to Infrastructure State Interests.

Note—The Transport infrastructure overlay includes mapped Transport Noise Corridors in accordance with section 246ZA of the Building Act. These corridors are mapped on **Transport infrastructure overlay maps (OM-012i-s)** for information purposes only. Development on land within a mapped corridor is not subject to any specific provisions under this planning scheme. The Queensland Development Code should be consulted in this respect.

8.2.12.2 Purpose

- (1) The purpose of the Transport infrastructure overlay code is to promote the ongoing and expanded use of rail corridors within the shire for the transportation of passengers and freight.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- Active 'Rail corridors' are protected from adjoining land uses which may prejudice their ongoing and expanded use;
 - Inactive 'Rail corridors' are preserved and protected for potential reuse for passenger or freight movements;
 - Non-residential development adjoining a 'Rail corridor' does not prevent the future use of the rail corridor by the site; and
 - Development compliments the use of 'Rail corridors' for tourist activities.

8.2.12.3 Criteria for assessment

Table 8.2.12.3 – Transport infrastructure overlay code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
<p>PO1 Development does prejudice the:</p> <ol style="list-style-type: none"> ongoing operation of an active 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j); or the potential future use of an inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j). 	<p>AO1 Buildings and structures are setback from a boundary with an active or inactive 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) a minimum of:</p> <ol style="list-style-type: none"> 40 metres where: <ol style="list-style-type: none"> in the Rural zone; and on a site with an area of 2 hectares or greater; or 5 metres otherwise. 	<p>Not applicable. The subject site is located within the Centre Zone and is not within 5m of a mapped Rail Corridor.</p>

Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
PO2 Non-residential development adjoining a rail corridor identified on the Transport infrastructure overlay maps (OM-012a-j) is designed to allow for the future use of the 'Rail corridor' by the land use.	AO2 No acceptable outcome is provided	Not applicable. The subject site is located within the Centre Zone and is not within 5m of a mapped Rail Corridor.
PO3 Development adjoining a 'Rail corridor' identified on the Transport infrastructure overlay maps (OM-012a-j) used for the transportation of tourists is designed to: <ul style="list-style-type: none"> (a) provide visual interest; (b) screen or enhance areas of limited visual interest; and (c) complement and enhance the character of the shire. 	AO3 No acceptable outcome is provided	Not applicable. The subject site is located within the Centre Zone and is not within 5m of a mapped Rail Corridor.

9.3.2 Commercial activities code

9.3.2.1 Application

- (1) This code applies to assessing development where:
- involving Commercial activities; and
 - it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.3.2.2 Purpose

- (1) The purpose of the Commercial activities code is to ensure Commercial activities are appropriately located, designed and operated to service the Shire while not impacting on the character and amenity of the area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- Commercial activities meet the needs of the local community, visitors and tourists through safe, accessible and convenient points of service;
 - Commercial activities have minimal impacts on the natural environment or the environmental values of the area;
 - Commercial activities reinforce and do not prejudice the role and function of established or designated centres;
 - Commercial activities minimise impacts on the character and amenity of the surrounding area and surrounding land uses, particularly residential uses; and
 - Commercial activities do not compromise the viability of the hierarchy and network of centres, namely:
 - Mareeba as a major regional activity centre, which accommodates 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;
 - Kuranda as a village activity centre, which accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities;
 - Chillagoe and Dimbulah as Rural activity centres, which provide commercial and community services to their rural catchments; and
 - Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah as rural villages, that have limited centre activities and other non-residential activities.

9.3.2.3 Criteria for assessment

Table 9.3.2.3—Commercial activities code – For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
PO1 Buildings are finished with high quality materials, selected for their durability and contribution to the character of the area.	AO1 Building design does not incorporate: <ol style="list-style-type: none"> highly reflective materials such as high performance glass or untreated galvanised metals; or unrelieved, unpainted or un-rendered finishes; or unarticulated concrete finishes; or unarticulated cladding systems; or fluorescent or iridescent paints; or use of single colour or surface treatment. 	Complies with AO1. The proposed development will not use highly reflective or distractive materials / finishes. Compliance with AO1 can be ensured through the imposition of a Condition on the Development Permit.

Performance outcomes	Acceptable outcomes	Compliance
If for Sales office		
<p>PO2 A Sales office is compatible with the built form, character and amenity of the surrounding area, having regard to:</p> <ul style="list-style-type: none"> (a) duration of use; (b) size and scale; (c) intensity and nature of use; (d) number of employees; and (e) hours of operation. 	<p>AO2.1 The Sales office is limited in its duration to a period not greater than:</p> <ul style="list-style-type: none"> (a) 2 years, where involving selling or displaying land or buildings (including a dwelling house, multiple dwelling, commercial or industrial buildings); or (b) 6 months, where involving land or buildings that can be won as a prize. 	<p>Not applicable. The proposed development is not for a Sales Office.</p>
	<p>AO2.2 The Sales office does not exceed 100m² gross floor area.</p> <p>Note—The Sales office may be located within part of a Dwelling house, Dual occupancy or Multiple dwelling for sale or that can be won as a prize.</p>	<p>Not applicable. The proposed development is not for a Sales Office.</p>
	<p>AO2.3 No more than 3 employees work within the sales office at any one time.</p>	<p>Not applicable. The proposed development is not for a Sales Office.</p>
	<p>AO2.4 The Sales office does not operate outside the hours of 8.00am to 6.00pm.</p>	<p>Not applicable. The proposed development is not for a Sales Office.</p>
<p>PO3 A Sales office is located to be accessible to visitors.</p>	<p>PO3 The Sales office is established at the entrance to:</p> <ul style="list-style-type: none"> (a) the estate or stage of the estate where involving multiple properties or dwellings; or (b) the building or land where involving a single property or dwelling. 	<p>Not applicable. The proposed development is not for a Sales Office.</p>
For assessable development		
Visual amenity and character		
<p>PO4 Commercial activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of:</p> <ul style="list-style-type: none"> (a) air conditioning; (b) refrigeration plant; (c) mechanical plant; and (a) refuse bin storage areas. 	<p>AO4 No acceptable outcome is provided.</p>	<p>Complies with PO4. All plant and equipment is located to the rear of the subject site which is outside of the view of site users.</p>
Location and size		
<p>PO5 Commercial activities are located and designed:</p> <ul style="list-style-type: none"> (a) to be commensurate to the scale and nature of land uses located and intended to be located in the immediate vicinity; and 	<p>AO5 No acceptable outcome is provided.</p>	<p>Complies with PO5. The application is for land-uses which are consistent with the Centre Zone.</p>

Performance outcomes	Acceptable outcomes	Compliance
(b) consistent with the intent of the activity centre hierarchy for Mareeba Shire.		
If for Service station or Car wash		
<p>PO6 The site is of a suitable size, shape and configuration to accommodate all aspects of the use, such as:</p> <ul style="list-style-type: none"> (a) the building/s and associated storage areas; (b) any ancillary activities; (c) fuel delivery and service vehicles; (d) vehicle access and on site manoeuvrability; and (f) landscaping. 	<p>AO6.1 The site has a:</p> <ul style="list-style-type: none"> (a) minimum area of 1500m²; and (b) minimum frontage of: <ul style="list-style-type: none"> (i) 30 metres to each road where the site is a corner site; or (ii) 40 metres otherwise. 	<p>Not applicable. The proposed development is not for a Service Station or a Car Wash.</p>
	<p>AO6.2 Bulk fuel storage tanks are situated on the site no closer than 8 metres to any road frontage.</p>	<p>Not applicable. The proposed development is not for a Service Station or a Car Wash.</p>
	<p>AO6.3 Bulk fuel storage tanks are situated on the site:</p> <ul style="list-style-type: none"> (a) so that fuel delivery vehicles are standing wholly within the site when discharging fuel into the tanks; and (b) ensuring that the movement of other vehicles on the site is not restricted when fuel delivery occurs. 	<p>Not applicable. The proposed development is not for a Service Station or a Car Wash.</p>
	<p>AO6.4 Fuel pumps, car wash bays and facilities including air and water points are:</p> <ul style="list-style-type: none"> (a) orientated to minimise vehicle conflicts associated with manoeuvring on site; and (b) located so that vehicles using or waiting to use the facilities are standing wholly within the site and in locations which do not restrict the movement of other vehicles on the site. 	<p>Not applicable. The proposed development is not for a Service Station or a Car Wash.</p>
<p>PO7 The use must provide for the collection, treatment and disposal of all solid and liquid wastes such that:</p> <ul style="list-style-type: none"> (a) the off-site release of contaminants does not occur; and (b) there are no significant adverse impacts on the quality of surface water or ground water resources. 	<p>AO7 No acceptable outcome is provided.</p>	<p>Not applicable. The proposed development is not for a Service Station or a Car Wash.</p>

9.4.2 Landscaping code

9.4.2.1 Application

This code applies where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.4.2.2 Purpose

- (1) The purpose of the Landscaping code is to ensure all development is landscaped to a standard that:
 - (a) complements the scale and appearance of the development;
 - (b) protects and enhances the amenity and environmental values of the site;
 - (c) complements and enhances the streetscape and local landscape character; and
 - (d) ensures effective buffering of incompatible land uses to protect local amenity.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Landscaping is a functional part of development design and is commensurate with the intended use;
 - (b) Landscaping accommodates the retention of existing significant on site vegetation where appropriate and practical;
 - (c) Landscaping treatments complement the scale, appearance and function of the development;
 - (d) Landscaping contributes to an attractive streetscape;
 - (e) Landscaping enhances the amenity and character of the local area;
 - (f) Landscaping enhances natural environmental values of the site and the locality;
 - (g) Landscaping provides effective screening both on site, if required, and between incompatible land uses;
 - (h) Landscaping provides shade in appropriate circumstances;
 - (i) Landscape design enhances personal safety and reduces the potential for crime and vandalism; and
 - (j) Intensive land uses incorporate vegetated buffers to provide effective screening of buildings, structures and machinery associated with the use.

9.4.2.3 Criteria for assessment

Table 9.4.2.3A—Landscaping code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
PO1 Development, other than in the Rural zone, includes landscaping that: <ol style="list-style-type: none"> (a) contributes to the landscape character of the Shire; (b) compliments the character of the immediate surrounds; (c) provides an appropriate balance between built and natural elements; and (d) provides a source of visual interest. 	AO1 Development, other than in the Rural zone, provides: <ol style="list-style-type: none"> (a) a minimum of 10% of the site as landscaping; (b) planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species; (c) for the integration of retained significant vegetation into landscaping areas; (d) on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional 	<p>Not applicable.</p> <p>No formalised landscaping will be provided which is consistent with development in the local area particularly development within the Centre Zone.</p> <p>The proposed development is constructed with a 0m setback to the front and side boundaries and with a setback of 4m to the rear boundary for the purpose of providing a rear loading / unloading area.</p>

Performance outcomes	Acceptable outcomes	Compliance
	<p>Development Manual.</p> <p>Note—Where development exceeds a site cover of 90%, areas of landscaping may be provided above ground level to achieve a total supply of landscaping equivalent to 10% of the site area.</p>	<p>It is specifically noted within the Planning Scheme (Section 1.5) that the Zone Code overrides Development Codes in the event of an inconsistency. In this instance, it is submitted that there is an inconsistency as the Centre Zone Codes pursues a 0m setback which, subject to any other built form restrictions, essentially negates the provision of Landscaping.</p>
<p>PO2</p> <p>Development, other than in the Rural zone, includes landscaping along site frontages that:</p> <ul style="list-style-type: none"> (a) creates an attractive streetscape; (b) compliments the character of the immediate surrounds; (c) assists to break up and soften elements of built form; (d) screen areas of limited visual interest or servicing; (e) provide shade for pedestrians; and (f) includes a range and variety of planting. 	<p>AO2</p> <p>Development, other than in the Rural zone, includes a landscape strip along any site frontage:</p> <ul style="list-style-type: none"> (a) with a minimum width of 2 metres where adjoining a car parking area; (b) with a minimum width of 1.5 metres in all other locations; and (c) in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species. <p>Note—Where development is setback from a frontage less than 1.5 metres, the setback area is provided as a landscape strip</p>	<p>Not applicable.</p> <p>Refer to PO1 above.</p>
<p>PO3</p> <p>Development includes landscaping and fencing along side and rear boundaries that:</p> <ul style="list-style-type: none"> (a) screens and buffer land uses; (b) assists to break up and soften elements of built form; (c) screens areas of limited visual interest; (d) preserves the amenity of sensitive land uses; and (e) includes a range and variety of planting. 	<p>AO3.1</p> <p>Development provides landscape treatments along side and rear boundaries in accordance with Table 9.4.2.3B.</p>	<p>Not applicable.</p> <p>Refer to PO1 above.</p>
	<p>AO3.2</p> <p>Shrubs and trees provided in landscape strips along side and rear boundaries:</p> <ul style="list-style-type: none"> (a) are planted at a maximum spacing of 1 metre; (b) will grow to a height of at least 2 metres; (c) will grow to form a screen of no less than 2 metres in height; and (d) are mulched to a minimum depth of 0.1 metres with organic mulch. 	<p>Not applicable.</p> <p>Refer to PO1 above.</p>
<p>PO4</p> <p>Car parking areas are improved with a variety of landscaping that:</p>	<p>AO4.1</p> <p>Landscaping is provided in car parking areas which provides:</p>	<p>Not applicable.</p> <p>Refer to PO1 above.</p>

Performance outcomes	Acceptable outcomes	Compliance
<p>(a) provides visual interest;</p> <p>(b) provides a source of shade for pedestrians;</p> <p>(c) assists to break up and soften elements; and</p> <p>(d) improves legibility.</p>	<p>(a) a minimum of 1 shade tree for every 4 parking spaces, or part thereof, where the car parking area includes 12 or more spaces;</p> <p>(b) a minimum of 1 shade tree for every 6 parking spaces, or part thereof, otherwise; and</p> <p>(c) where involving a car parking area in excess of 500m²:</p> <p>(i) shade structures are provided for 50% of parking spaces; and</p> <p>(ii) a minimum of 10% of the parking area as landscaping.</p> <p>Note—Where a shade structure is provided over part of a car parking area, shade tree planting is not required in this area of the car parking area.</p>	
	<p>AO4.2 Landscaping in car parking areas is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p>Not applicable. Refer to PO1 above.</p>
<p>PO5 Landscaping areas include a range and variety of planting that:</p> <p>(a) is suitable for the intended purpose and local conditions;</p> <p>(b) contributes to the natural character of the Shire;</p> <p>(c) includes native species;</p> <p>(d) includes locally endemic species, where practical; and</p> <p>(e) does not include invasive plants or weeds.</p>	<p>AO5.1 Plant species are selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	<p>Not applicable. Refer to PO1 above.</p>
	<p>AO5.2 A minimum of 25% of (new and existing) 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.</p>	<p>Not applicable. Refer to PO1 above.</p>
<p>PO6 Landscaping does not impact on the ongoing provision of infrastructure and services to the Shire.</p>	<p>AO6.1 Tree planting is a minimum of</p> <p>(a) 2 metres from any underground water, sewer, gas, electricity or telecommunications infrastructure; and</p> <p>(b) 4 metres from any inspection chamber.</p>	<p>Not applicable. Refer to PO1 above.</p>
	<p>AO6.2 Vegetation below or within 4 metres of overhead electricity lines and power poles has a maximum height of 3.5 metres at maturity.</p>	<p>Not applicable. Refer to PO1 above.</p>
	<p>AO6.3 Vegetation adjoining an electricity substation boundary, at maturity, will have:</p>	<p>Not applicable. Refer to PO1 above.</p>

Performance outcomes	Acceptable outcomes	Compliance
	(a) a height of less than 4 metres; and (b) no foliage within 3 metres of the substation boundary, unless the substation has a solid wall along any boundary.	
For assessable development		
PO7 Landscaping areas are designed to: (a) be easily maintained throughout the ongoing use of the site; (b) allow sufficient area and access to sunlight and water for plant growth; (c) not cause a nuisance to occupants of the site or members of the public; and (d) maintain or enhance the safety of pedestrians through the use of Crime Prevention Through Environmental Design principles.	AO7 No acceptable outcome is provided.	Not applicable. Refer to PO1 above.

9.4.3 Parking and access code

9.4.3.1 Application

This code applies to assessing development where it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

9.4.3.2 Purpose

- (1) The purpose of the Parking and access code is to ensure:
 - (a) parking areas are appropriately designed, constructed and maintained;
 - (b) the efficient functioning of the development and the local road network; and
 - (c) all development provides sufficient parking, loading/service and manoeuvring areas to meet the demand generated by the use.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Land uses have a sufficient number of parking and bicycle spaces designed in a manner to meet the requirements of the user;
 - (b) Parking spaces and associated manoeuvring areas are safe, functional and provide equitable access;
 - (c) Suitable access for all types of vehicles likely to utilise a parking area is provided in a way that does not compromise the safety and efficiency of the surrounding road network;
 - (d) Premises are adequately serviced to meet the reasonable requirements of the development; and
 - (e) End of trip facilities are provided by new major developments to facilitate alternative travel modes.

9.4.3.3 Criteria for assessment

Table 9.4.3.3A—Parking and access code – For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For accepted development subject to requirements and assessable development		
Car parking spaces		
PO1 Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: <ol style="list-style-type: none"> (f) nature of the use; (g) location of the site; (h) proximity of the use to public transport services; (i) availability of active transport infrastructure; and (j) accessibility of the use to all members of the community. 	AO1 The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B. Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.	Complies with PO1. The proposed development does not include the provision of any on-site vehicle parking and relies on the existing on-street vehicle parking to Hort and Walsh Street. The subject site is centrally located within the Centre Zone which provides sufficient on-street vehicle parking for the local area, and which provides suitable alternative transportation options including active transport infrastructure.
Vehicle crossovers		
PO2	AO2.1 Vehicular access to/from Council roads is designed and	Complies with AO2.1. The proposed access crossover complies with the Standard

Performance outcomes	Acceptable outcomes	Compliance
Vehicle crossovers are provided to:: <ul style="list-style-type: none"> (d) ensure safe and efficient access between the road and premises; (e) minimize interference with the function and operation of roads; and (f) minimize pedestrian to vehicle conflict. 	constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.	Drawings presented within the Planning Scheme Policy. Compliance with AO2.1 can be ensured through the imposition of a Condition within the Development Permit.
	AO2.2 Development on a site with two or more road frontages provides vehicular access from: <ul style="list-style-type: none"> (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances. 	Complies with AO2.2. Access to the subject site will be from Walsh Street which is considered to be the lower order Road.
	AO2.3 Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E.	Not applicable. As per PO1, the proposed development does not provide for on-site vehicle parking and therefore, AO2.3 does not apply.
PO3 Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: <ul style="list-style-type: none"> (d) the intensity of anticipated vehicle movements; (e) the nature of the use that they service; and (f) the character of the surrounding locality. 	AO3 Access, manoeuvring and car parking areas include pavements that are constructed in accordance with Table 9.4.3.3C.	Complies with AO3. The proposed development complies with the requirements specified within Table 9.4.3.3.c. Compliance with AO3 can be ensured through the imposition of a Condition within the Development Permit.
For assessable development		
Parking area location and design		
PO4 Car parking areas are located and designed to: <ul style="list-style-type: none"> (a) ensure safety and efficiency in operation; and (b) be consistent with the character of the surrounding locality. 	AO4.1 Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.	Not applicable. As per PO1, the proposed development does not provide for on-site vehicle parking and therefore, AO4.1 does not apply.
	AO4.2 Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities - Off-street parking for people with disabilities.	Not applicable. As per PO1, the proposed development does not provide for on-site vehicle parking and therefore, AO4.2 does not apply.
	AO4.3 The car parking area includes designated pedestrian routes that provide connections to building entrances.	Not applicable. As per PO1, the proposed development does not provide for on-site vehicle parking and therefore, AO4.3 does not apply.

Performance outcomes	Acceptable outcomes	Compliance
	<p>AO4.4</p> <p>Parking and any set down areas are:</p> <ul style="list-style-type: none"> (a) wholly contained within the site; (b) visible from the street where involving Commercial activities, Community activities, Industrial activities or a use in the Recreation and open space zone; (c) are set back behind the main building line where involving a Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility; and (d) provided at the side or rear of a building in all other instances. 	<p>Not applicable.</p> <p>As per PO1, the proposed development does not provide for on-site vehicle parking and therefore, AO4.4 does not apply.</p>
Site access and manoeuvring		
<p>PO5</p> <p>Access to, and manoeuvring within, the site is designed and located to:</p> <ul style="list-style-type: none"> (a) ensure the safety and efficiency of the external road network; (b) ensure the safety of pedestrians; (c) provide a functional and convenient layout; and (d) accommodate all vehicles intended to use the site. 	<p>AO5.1</p> <p>Access and manoeuvrability is in accordance with :</p> <ul style="list-style-type: none"> (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities. <p>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</p> <p>AO5.2</p> <p>Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.</p> <p>AO5.3</p> <p>Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p> <p>AO5.4</p> <p>Pedestrian and cyclist access to the site:</p> <ul style="list-style-type: none"> (a) is clearly defined; (b) easily identifiable; and (c) provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided). 	<p>Complies with PO5.</p> <p>The proposed development includes a small area to the rear of the subject site for loading and access. The proposed Loading area will cater to small delivery vehicles only with deliveries to be on a sporadic and infrequent basis.</p> <p>Vehicles will be required to pull up and reverse into the subject site such that they can exit in a forward direction. Sightlines are limited as a result of the intersection between Hort Street and Walsh Street however, vehicle speeds are reduced which provides for safe egress from the subject site.</p> <p>The safety of users and pedestrians is maintained by providing for clear sightlines to the adjacent movement areas.</p>

Performance outcomes	Acceptable outcomes	Compliance
<p>PO6</p> <p>Development that involves an internal road network ensures that it's design:</p> <p>(a) ensure safety and efficiency in operation;</p> <p>(b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of:</p> <p>(i) hours of operation;</p> <p>(ii) noise</p> <p>(iii) light; and</p> <p>(iv) odour;</p> <p>(c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use;</p> <p>(d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and</p> <p>(e) in the Rural zone, avoids environmental degradation.</p>	<p>AO6.1</p> <p>Internal roads for a Tourist park have a minimum width of:</p> <p>(a) 4 metres if one way; or</p> <p>(b) 6 metres if two way.</p>	<p>Not applicable.</p> <p>The proposed development is not for a Tourist Park.</p>
	<p>AO6.2</p> <p>For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle for vehicles towing caravans having:</p> <p>(a) a minimum approach and departure curve radius of 12 metres; and</p> <p>(b) a minimum turning circle radius of 8 metres.</p>	<p>Not applicable.</p> <p>The proposed development is not for a Tourist Park.</p>
	<p>AO6.3</p> <p>Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.</p>	<p>Complies with AO6.3.</p> <p>The rear area will be imperviously sealed.</p> <p>Compliance with AO2.1 can be ensured through the imposition of a Condition within the Development Permit.</p>
	<p>AO6.4</p> <p>Speed control devices are installed along all internal roads, apart from those for an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.</p>	<p>Not applicable.</p> <p>The nature of the rear area is such that a speed control device is not warranted.</p>
	<p>AO6.5</p> <p>Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.</p>	<p>Complies with AO6.5.</p> <p>The rear area will be provided with outdoor lighting in accordance with the applicable Australian Standard for safety.</p>
	<p>AO6.6</p> <p>Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.</p>	<p>Not applicable.</p> <p>The proposed development is not for an Accommodation Activity.</p>
	<p>AO6.7</p> <p>For an Energy and infrastructure activity or Rural activity, internal road gradients:</p> <p>(a) are no steeper than 1:5; or</p> <p>(b) are steeper than 1:5 and are sealed.</p>	<p>Not applicable.</p> <p>The proposed development is not for Energy or Infrastructure based projects, or for a Rural activity.</p>

Performance outcomes	Acceptable outcomes	Compliance
Servicing		
<p>PO7</p> <p>Development provides access, maneuvering and servicing areas on site that:</p> <p>(a) accommodate a service vehicle commensurate with the likely demand generated by the use;</p> <p>(b) do not impact on the safety or efficiency of internal car parking or maneuvering areas;</p> <p>(c) do not adversely impact on the safety or efficiency of the road network;</p> <p>(d) provide for all servicing functions associated with the use; and</p> <p>(e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.</p>	<p>AO7.1</p> <p>All unloading, loading, service and waste disposal areas are located:</p> <p>(a) on the site;</p> <p>(b) to the side or rear of the building, behind the main building line;</p> <p>(c) not adjacent to a site boundary where the adjoining property is used for a sensitive use.</p>	<p>Complies with PO7.</p> <p>The proposed development includes a small area to the rear of the subject site for loading and access. The proposed Loading area will cater to small delivery vehicles only with deliveries to be on a sporadic and infrequent basis.</p> <p>Vehicles will be required to pull up and reverse into the subject site such that they can exit in a forward direction. Sightlines are limited as a result of the intersection between Hort Street and Walsh Street however, vehicle speeds are reduced which provides for safe egress from the subject site.</p> <p>The safety of users and pedestrians is maintained by providing for clear sightlines to the adjacent movement areas.</p>
	<p>AO7.2</p> <p>Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.</p>	
	<p>AO7.3</p> <p>Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in Table 9.4.3.3B.</p>	
Maintenance		
<p>PO8</p> <p>Parking areas are used and maintained for their intended purpose.</p>	<p>AO8.1</p> <p>Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.</p>	<p>Not applicable.</p> <p>Parking spaces are not provided.</p>
	<p>AO8.2</p> <p>All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.</p>	<p>Not applicable.</p> <p>Parking spaces are not provided.</p>
End of trip facilities		
<p>PO9</p> <p>Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:</p> <p>(a) meet the anticipated demand generated from the use;</p> <p>(b) comprise secure and convenient bicycle parking and storage; and</p> <p>(c) provide end of trip facilities for all active transport users.</p>	<p>AO9.1</p> <p>The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D.</p>	<p>Not applicable.</p> <p>The proposed development does not require the provision of End of Trip Facilities.</p>
	<p>AO9.2</p> <p>End of trip facilities are provided in accordance with Table 9.4.3.3D.</p>	<p>Not applicable.</p> <p>The proposed development does not require the provision of End of Trip Facilities.</p>
<p>If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park</p>		

Performance outcomes	Acceptable outcomes	Compliance
<p>PO10</p> <p>The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p>AO10</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (a) the expected traffic movements to be generated by the facility; (b) any associated impacts on the road network; and (c) any works that will be required to address the identified impacts. 	<p>Not applicable.</p> <p>The proposed development is not for a land use specified within the Assessment Benchmark.</p>
<p>If for Educational establishment or Child care centre where involving more than 100 vehicle movements per day or Renewable energy facility, Sport and recreation activities or Tourist park</p>		
<p>PO11</p> <p>The level of traffic generated by the development on the surrounding local road network must not result in unacceptable impacts on adjacent land and local road users.</p>	<p>AO11</p> <p>A traffic impact report is prepared by a suitably qualified person that identifies:</p> <ul style="list-style-type: none"> (d) the expected traffic movements to be generated by the facility; (e) any associated impacts on the road network; and (f) any works that will be required to address the identified impacts. 	<p>Not applicable.</p> <p>The proposed development is not for a land use specified within the Assessment Benchmark.</p>

9.4.5 WORKS, SERVICES AND INFRASTRUCTURE CODE

Table 9.4.5.3A— Works, services and infrastructure code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMPLIANCE
For accepted development subject to requirements and assessable development		
Water Supply		
<p>PO1 Each lot has an adequate volume and supply of water that:</p> <ul style="list-style-type: none"> (f) meets the needs of users; (g) is adequate for fire-fighting purposes; (h) ensures the health, safety and convenience of the community; and (i) minimises adverse impacts on the receiving environment. 	<p>AO1.1 Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated water supply service area. 	<p>Complies with AO1.1. The proposed development is connected to Mains Water.</p>
	<p>AO1.2 Development, where located outside a reticulated water supply service area and in the Conservation zone, Rural zone or Rural residential zone is provided with:</p> <ul style="list-style-type: none"> (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or (b) on-site water storage tank/s: <ul style="list-style-type: none"> (i) with a minimum capacity of 90,000L; (ii) fitted with a 50mm ball valve with a camlock fitting; and (iii) which are installed and connected prior to the occupation or use of the development. (iv) 	<p>Not applicable. The proposed development is connected to Mains Water.</p>
Wastewater Disposal		
<p>PO2 Each lot provides for the treatment and disposal of effluent and other waste water that:</p> <ul style="list-style-type: none"> (a) meets the needs of users; 	<p>AO2.1 Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located:</p>	<p>Complies with AO2.1. The proposed development is connected to Mains Sewer.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMPLIANCE
<p>(b) is adequate for fire-fighting purposes;</p> <p>(c) ensures the health, safety and convenience of the community; and</p> <p>(d) minimises adverse impacts on the receiving environment.</p>	<p>(a) in the Conservation zone, Rural zone or Rural residential zone; and</p> <p>(b) outside a reticulated sewerage service area.</p> <p>AO2.2</p> <p>An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located:</p> <p>(a) in the Conservation zone, Rural zone or Rural residential zone; and</p> <p>(b) outside a reticulated sewerage service area.</p>	<p>Not applicable.</p> <p>The proposed development is connected to Mains Sewer.</p>
Stormwater infrastructure		
<p>PO3</p> <p>Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.</p>	<p>AO3.1</p> <p>Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p> <p>AO3.2</p> <p>On-site drainage systems are constructed:</p> <p>(a) to convey stormwater from the premises to a lawful point of discharge; and</p> <p>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Complies with AO3.1.</p> <p>The proposed development will discharge stormwater to Councils Stormwater Network.</p> <p>Not applicable.</p> <p>The proposed development will discharge stormwater to Councils Stormwater Network.</p>
Electricity supply		
<p>PO4</p> <p>Each lot is provided with an adequate supply of electricity</p>	<p>AO4.1</p> <p>The premises:</p> <p>(a) is connected to the electricity supply network; or</p> <p>(b) has arranged a connection to the transmission grid; or</p> <p>(c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where:</p>	<p>Complies with AO4.1.</p> <p>The proposed development will be connected to Electricity Infrastructure.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMPLIANCE
	(i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (a) it can be demonstrated that no adverse impact on visual amenity will occur.	
Telecommunications infrastructure		
PO5 Each lot is provided with an adequate supply of telecommunication infrastructure	AO5 Development is provided with a connection to the national broadband network or telecommunication services.	Complies with AO5. The proposed development will be connected to the applicable telecommunications network.
Existing public utility services		
PO6 Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	AO6 Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	Complies with AO6. Public Utility Mains will be preserved as per the Planning Scheme Policy.
Excavation and filling		
PO7 Excavation or filling must not have an adverse impact on the: <ul style="list-style-type: none"> (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises. 	AO7.1 Excavation or filling does not occur within 1.5 metres of any site boundary.	Complies with AO7.1. Excavation and filling is not understood to be required given the subject site is generally level.
	AO7.2 Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	Complies with AO7.2. Excavation and filling is not understood to be required given the subject site is generally level.
	AO7.3 Earthworks batters: <ul style="list-style-type: none"> (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained. 	Complies with AO7.3. Excavation and filling is not understood to be required given the subject site is generally level.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	COMPLIANCE
	<p>AO7.4</p> <p>Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from:</p> <p>(a) adjoining premises; ora road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.</p>	<p>Not applicable.</p> <p>Major excavation is not proposed.</p>
	<p>AO7.5</p> <p>All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p>Not applicable.</p> <p>A batter or berm is not proposed.</p>
	<p>AO7.6</p> <p>Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>Not applicable.</p> <p>A retaining wall is not proposed.</p>
	<p>AO7.7</p> <p>Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.</p>	<p>Complies with AO7.7.</p> <p>Excavation and filling is not understood to be required given the subject site is generally level.</p>

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Ruggeri Bros Pty Ltd
Contact name (only applicable for companies)	C/ Gilvear Planning
Postal address (P.O. Box or street address)	PO Box 228
Suburb	Babinda
State	QLD
Postcode	4861
Country	Australia
Contact number	0484 018 049
Email address (non-mandatory)	josh@gilvearplanning.com.au
Mobile number (non-mandatory)	As above
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	J001392: QBC: JKM

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
- No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

Street address **AND** lot on plan (all lots must be listed), **or**

Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		Cnr	Hort Street and Walsh Street	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	1 and 2	RP727346	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application

Not required

4) Identify any of the following that apply to the premises and provide any relevant details

In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

4 X Tenancies within a new building

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>
Food and Drink Outlet	Food and Drink Outlet	N/A	Total 280
Office	Office	N/A	
Shop	Shop	N/A	
Health Care Services	Health Care Services	N/A	
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots: _____
<input type="checkbox"/> No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Mareeba Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the *Planning Act 2016***:

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure-related referrals – designated premises
- Infrastructure-related referrals – state transport infrastructure
- Infrastructure-related referrals – State transport corridor and future State transport corridor
- Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure-related referrals – near a state-controlled road intersection
- Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- Koala habitat in SEQ region – key resource areas
- Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- Ports – Brisbane core port land – environmentally relevant activity (ERA)
- Ports – Brisbane core port land – tidal works or work in a coastal management district
- Ports – Brisbane core port land – hazardous chemical facility
- Ports – Brisbane core port land – taking or interfering with water
- Ports – Brisbane core port land – referable dams
- Ports – Brisbane core port land – fisheries
- Ports – Land within Port of Brisbane’s port limits (*below high-water mark*)
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the **local government**:

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i>
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- Yes – provide details below or include details in a schedule to this development application
 No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- Yes – a copy of the receipted QLeave form is attached to this development application
 No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
 Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- Yes – show cause or enforcement notice is attached
 No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
 No

Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
 No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

Yes – the development application involves premises in the koala habitat area in the koala priority area

Yes – the development application involves premises in the koala habitat area outside the koala priority area

No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

Yes – the relevant template is completed and attached to this development application

No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the *Water Supply Act*)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the *Water Supply Act* is attached to this development application
 No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
- Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - A certificate of title
- No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
 No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
 No

Decision under section 62 of the *Transport Infrastructure Act 1994*

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
 No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

Yes

Note: See the *Planning Regulation 2017* for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

Yes

Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

Yes

Relevant plans of the development are attached to this development application

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

Yes

Not applicable

25) Applicant declaration

- By making this development application, I declare that all information in this development application is true and correct
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the *DA Rules* except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			