

**8.2 BTM & S HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - BUSINESS (HEALTH CARE SERVICES) & INDOOR RECREATION FACILITY (INDOOR SPORT AND RECREATION) - LOT 2 ON SP298298 - 2-8 KAROBEAN DRIVE, MAREEBA - MCU/24/0019**

**Date Prepared:** 29 November 2024  
**Author:** Coordinator Planning Services  
**Attachments:** 1. Proposal Plans  
 2. Submissions

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Holdings Pty Ltd	<b>ADDRESS</b>	2-8 Karobean Drive, Mareeba
<b>DATE LODGED</b>	22 October 2024	<b>RPD</b>	Lot 2 on SP298298
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)		
<b>FILE NO</b>	MCU/24/0019	<b>AREA</b>	8,299m2
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	BTM & S Holdings Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016 & Preliminary Approval REC/08/0012		
<b>ZONE</b>	Low Density Residential zone Hastie Road Business zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Two (2)		

**EXECUTIVE SUMMARY**

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

The application is impact assessable and two (2) properly made submissions (in support) were received in response to public notification of the application.

The application and supporting material has been assessed against the relevant statutory planning instruments, including Preliminary Approval REC/08/0012 and does not conflict with any relevant planning instrument

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

**OFFICER’S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Holdings Pty Ltd	<b>ADDRESS</b>	2-8 Karobean Drive, Mareeba
<b>DATE LODGED</b>	22 October 2024	<b>RPD</b>	Lot 2 on SP298298
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1659-PD-A00 B	Cover Sheet	Clarke and Prince Architects	03/12/24
1659-PD-A01 B	Site Plan	Clarke and Prince Architects	03/12/24
1659-PD-A02 B	Floor Plan	Clarke and Prince Architects	03/12/24
1659-PD-A03 A	Elevations	Clarke and Prince Architects	03/12/24

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

## 2. Timing of Effect

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

## 3. General

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

### 3.5 Emissions

- 3.5.1 Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.
- 3.5.2 Where operations occur prior to 7:00am or after 6:00pm, no doors or windows are to be open and noise generation meets the noise limitations of the *Environmental Protection Policy (Noise)*.
- 3.5.3 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

### 3.6 Air Conditioner & Building Plant Screening

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

### 3.7 Waste Management

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

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

### 3.8 Signage

Signage is to be generally in accordance with:

- (1) The approved plans.
- (2) The signage must be kept clean, in good order and safe repair for the life of the approval.
- (3) The signage must be removed when no longer required.
- (4) The erection and use of the signage must comply with the Building Act and all other relevant Acts and Regulations, and these approval conditions.
- (5) The lighting in all illuminated signage must be turned off each evening within 30 minutes of the last business closing.

### 3.9 Rubbish Bins

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

### 3.10 Specific Building Design Requirements

All southern wall windows less than 2 metre above finished ground are to use frosted glass or other opaque material to prevent overlooking of the neighbouring playground.

## 4. Infrastructure Services and Standards

### 4.1 Access

All vehicle access shall be via the existing Amaroo Village access crossover onto Karobean Drive.

### 4.2 Stormwater Drainage/Water Quality

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) All stormwater drainage must be discharged to an approved legal point of discharge.

### 4.3 Car Parking/Internal Driveways

The developer must ensure that the development is provided with 39 additional on-site car parking spaces.

All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

- Compliance with Australian Standard AS2890:1 Off-Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.4 Landscaping

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

The landscape plan must generally include the gardens/turf areas shown on the approved Masterplan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

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

#### 4.5 Lighting

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

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

All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

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

#### 4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade

the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

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

#### 4.7 Sewerage Connection

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

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

#### (D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Food Premises  
Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.
- (d) A Trade Waste Permit may be required prior to the commencement of use.
- (e) Compliance with applicable codes/policies  
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- (f) Compliance with Acts and Regulations  
The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
- (g) Environmental Protection and Biodiversity Conservation Act 1999  
The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.dcceew.gov.au](http://www.dcceew.gov.au).

(h) Cultural Heritage

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

(i) Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a **general biosecurity obligation**) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](#) or contact Biosecurity Queensland 13 25 23.

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Development Type	Rate	Measure	Charge	Credit	Credit Detail	Balance
	<i>\$ per EDC/m2</i>	<i>EDC/m2</i>				
<b>Stage MCU/24/0019</b>						
Water	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Sewerage	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Roads	\$34.193	661m2	\$22,601.50	Nil	N/A	\$22,601.50
Total for Stage MCU/24/0019						<b>\$48,771.10</b>

**THE SITE**

The subject site is described as Lot 2 on SP298298, having an area of 8,299m2 and frontages of approximately 75 metres to Karobean Drive and 90 metres to Hastie Road.

The section of Karobean Drive fronting the subject land is two (2) lane median divided, asphalt sealed with layback kerbing. Hastie Road fronting the subject land is bitumen sealed with kerbing.

A concrete footpath is constructed along the entire Karobean Drive frontage.

Access to the land is obtained from Karobean Drive via two (2) concrete commercial crossovers.

No access is obtained from Hastie Road.

The subject land is flat and has been cleared of any notable vegetation. A medical centre, shops and associated car parking infrastructure are established over Lot 1 on SP298298 and part of Lot 2. All urban services are provided to each allotment.

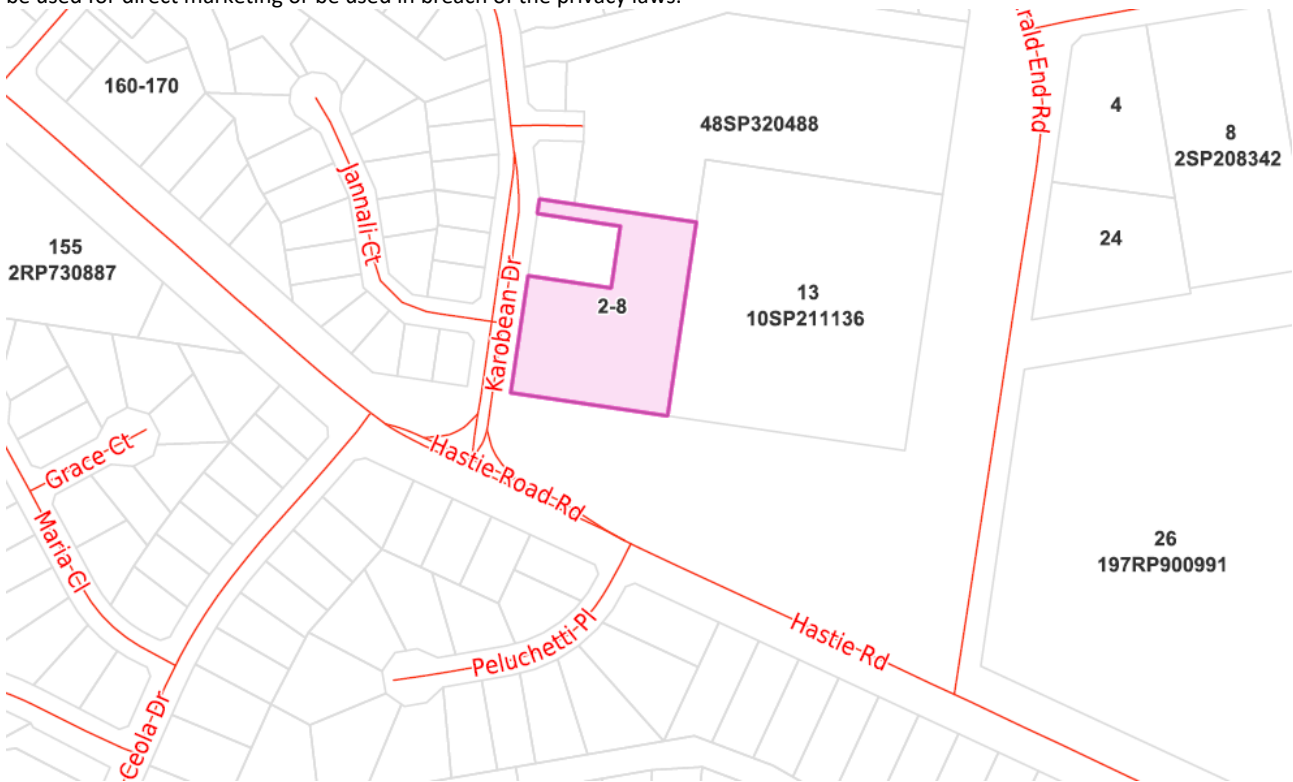
Surrounding land is zoned Low Density Residential and being developed as a continuation of Amaroo Park Estate. The Mareeba Eastern Catchment Park is located immediately to the south of the subject land.





Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

On 11 February 2009, Council approved application REC/08/0012 made by Tableland Earthmoving and Raw Materials Pty Ltd (TERM) for preliminary approval for material change of use to vary the effect of the planning scheme and development permit for reconfiguring a lot – one (1) lot into one (1) business lot and 135 residential lots of land described as Lot 11 on SP211136, situated on Hastie Road and Emerald End Road, Mareeba, subject to conditions.

The preliminary approval component of REC/08/0012 establishes the Hastie Road Business Zone Code which guides the future development of Lot 1 & 2 on SP298298, including the assessment of this current application.

On 19 February 2014, Council approved the application (DA/13/0164) made by Twine Surveys Pty Ltd on behalf of BTM & S Stankovich Pty Ltd for a development permit for Material Change of Use - Business (medical centre), shops (two (2) specialty shops and one (1) supermarket) and restaurant (café/restaurant) over land described as Lot 1 and 2 on SP298298.

Stage one (1), comprising the medical centre and associated car parking infrastructure has been completed and is known as the Amaroo Village Shopping Centre. Part of Stage two (2) comprising the pharmacy, sales office and a beauty salon has also been completed.

Development approval MCU/24/0015 was issued on 29 August 2024 for approximately 450m<sup>2</sup> of additional business and shops fronting Karobean Drive.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation) in accordance with the plans shown in **Attachment 1**.

The application describes the proposed development as follows:

*“A Development Permit for a Material Change of Use is sought to facilitate the construction of a 690 m<sup>2</sup> Commercial Building in addition to the existing Amaroo Village Business Precinct. The site contains the existing and Approved Commercial Uses and Vacant Land. The proposal is to add an additional Commercial Building to house Business (Health Care Services) and Indoor Recreation Facility (Indoor Sport and Recreation) within the proposed Commercial Building and is considered to complement the existing Commercial Buildings and Uses.*

*The proposal provides for a Commercial Building to encompass a Gym and Functional Activity Room (Indoor Recreation Facility Uses) and Health Care Services (Business) within the Amaroo Village Business Precinct. The Indoor Recreation Facility Use of the Gym proposes an eventual operating of 24 hrs however, this is not envisaged within the short-term as a sufficient and stable customer base will be firstly required. The proposed Commercial Building is located greater than 50 metres to any residence within the Amaroo Residential Estate and is buffered by the existing and Approved Commercial Buildings within the Amaroo Village Business Precinct. As per demonstrated on the Proposal Plans, the proposal has been meticulously designed to ensure the most appropriate siting and location of the proposed Commercial Building to the surrounding Residential Areas of the Amaroo Residential Estate. The proposed Commercial Building has been positioned to be buffered by the recently Approved Commercial*

*Building and the Café/Restaurant (that is currently in the process of obtain the appropriate Building Approvals) in addition to the existing landscaping onsite, and the Road Network (Karobean Drive). The Building has been intentionally designed to be orientated towards the centre of the Business Precinct and is fully enclosed with the two (2) proposed entry points internally facing to ensure that no adverse effects to the surrounding Amaroo Residential Estate. The proposed Uses are considered to complement the existing Amaroo Village Business Precinct creating additional health and recreation activities. These proposed Uses are located setback significantly from any Residential Uses within the Amaroo Residential Estate and directly adjoining the newly constructed Hastie Road Park. The proposal offers important services to support the ever growing population of the Amaroo Residential Estate, adjoining Residential Area and the Township of Mareeba.*

*The proposal provides for 39 parking spaces inclusive of Disabled parking spaces, already Approved with the existing Commercial Development Approval over the site (Stage 2 and Stage 3). These parking spaces, in addition to the immediately adjoining 59 parking spaces provided within the Amaroo Village Business Precinct ensures that an acceptable level of parking is provided onsite. It is considered that the site contains an existing, proposed and approved oversupply of vehicle parking spaces and encompasses ample manoeuvring areas and the provision of an SRV parking space, if required. In addition to this, the proposal provides for a Use, being the Indoor Recreation Facility, that generally utilises the majority of the Uses required parking spaces outside of general business hours, ensuring that an appropriate amount of parking spaces is available with the proposed development. The existing and approved sealed driveway also provides for vehicle manoeuvring areas for delivery vehicles. The site is accessed from the existing crossovers to the existing Road Network, being Karobean Drive and utilises the existing access driveway. It is considered that the site is provided with safe appropriate access to the proposed Uses.*

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

*The site is located in the Low Density Residential Zone of the Mareeba Shire Council's Planning Scheme. A Material Change of Use for the proposed Business and Indoor Recreation Facility or subsequent Uses of Health Care Services and Indoor Sport and Recreation, are Impact Assessable Uses within this Zone. As aforementioned, the site contains a Site Specific Code being the Hastie Road Business Zone Code (REC/08/0012). Business and Indoor Recreation Facility are Impact Assessable within the Hastie Road Business Zone. The application is Impact Assessable.*

*This Submission provides a comprehensive assessment of the relevant planning instruments and site context for the proposed Uses. This is supported by the attached Proposal Plans and the assessment against the relevant aspects of the Mareeba Shire Council's Planning Scheme and the Hastie Road Business Zone Code. It is considered that the proposed development is an appropriate and conforms to the existing Amaroo Village Business Precinct of the site, immediate vicinity and surrounding environs providing supporting Services/Uses to the surrounding local residents of Mareeba and the Tablelands."*

## **REGIONAL PLAN DESIGNATION**

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

**PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	<b>Land Use Categories</b> • Residential Area
Zone:	Low Density Residential zone Hastie Road Business zone
Mareeba Local Plan:	Retail
Overlays:	Airport Environs Overlay Transport Infrastructure Overlay

**Planning Scheme Definitions**

The proposed use is defined as:

**Business** means the use of premises for commercial purposes, including the following types:

- (a) medical or dental practice;
- (b) office;
- (c) service industries (such as printing workshops or saddle making);
- (d) bakeries.

**Indoor recreation facility** means any premises used or intended for use for:

- (a) a purpose listed in Table 1;
- (b) viewing or partaking in a sport or game where the use is conducted primarily indoors;
- (c) a meeting place or club for a group or association engaged in social, sporting, athletic, literary, political or like purposes; or
- (d) a licensed club.

The term includes an ancillary TAB agency.

**TABLE 1**

- Amusement halls and parlours
- Art galleries
- Billiards saloons
- Bowling centre
- Cinemas
- Circuses (indoors)
- Concert halls
- Indoor swimming pools (public)
- Dance halls
- Exhibitions (indoor)
- Gymnasiums
- Meeting halls other than places of public worship
- Museum
- Music halls
- Schools of art
- Side shows (indoor)
- Skating rinks (indoor)
- Squash courts (indoor)

*Stadiums (indoor)*  
*Tennis Courts (covered)*  
*Theatres (indoor)*  
*Youth centres*

## RELEVANT PLANNING INSTRUMENTS

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

### Far North Queensland Regional Plan 2009-2031

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

### State Planning Policy

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

### Mareeba Shire Council Planning Scheme 2016

#### Strategic Framework

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

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

#### 3.3.2 Element—Activity centres network

##### 3.3.2.1 Specific outcomes

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

##### Comment

The scale of the development proposed by this application is consistent with Mareeba's role as a major regional activity centre.

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

##### Comment

The development complies.

- (3) Other than small scale *industry areas*, commercial activities will not occur outside *centre areas* unless there is an overriding need in the public interest, there are no alternative sites in *centre areas*, there is no adverse impact on *centre areas* or the area surrounding the development and the site is readily accessible by a range of transport modes.

Comment

The scale of the development proposed by this application is modest and remains consistent with Preliminary Approval REC/08/0012. It represents a sensible and compatible extension to the existing Amaroo commercial node.

### **3.3.3 Element—Major regional activity centre**

#### **3.3.3.1 Specific outcomes**

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

Comment

The proposed development does not compromise the role and function of Mareeba as the major regional activity centre for the Mareeba Shire.

- (2) Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.

Comment

The proposed development complies and will increase access to services on the eastern side of Mareeba.

### **3.3.7 Element—Residential areas and development**

#### **3.3.7.1 Specific outcomes**

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

Comment

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

### **3.4.8 Element—Air and noise quality**

#### **3.4.8.1 Specific outcomes**

- (1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

Comment

The development can be reasonably conditioned to prevent potential noise impacts. A condition will be applied requiring all doors and windows to be kept closed for before 7.00am and after 6.00pm.

**3.7.6 Element—Retail and commercial development**

**3.7.6.1 Specific outcomes**

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

Comment

The site is part of, and will complement, an established commercial centre area.

**Relevant Developments Codes**

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

- Hastie Road Business Zone Code
- Part 6 Division 5 - Carparking code
- Part 6 Division 15 - Landscaping code
- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.2 Commercial activities code
- 9.3.7 Sport and recreation activities code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Hastie Road Business Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Part 6 Division 5 - Carparking code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

Part 6 Division 15 - Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Commercial activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Sport and recreation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

**Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**Adopted Infrastructure Charges Notice**

An infrastructure agreement is in place for the existing stages of Amaroo Village. An Adopted Infrastructure Charges Notice has also been issued for existing Stages 1 to 3.

The proposed development is a continuation of Amaroo Village and the methodology contained in the infrastructure agreement/AICN has been carried forward for this addition.

The calculated infrastructure charges for this addition are as follow:



Development Type	Rate	Measure	Charge	Credit	Credit Detail	Balance
	<i>\$ per EDC/m2</i>	<i>EDC/m2</i>				
<b>Stage MCU/24/0019</b>						
Water	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Sewerage	\$5,452.00	2.4 EDC	\$13,084.80	Nil	N/A	\$13,084.80
Roads	\$34.193	661m2	\$22,601.50	Nil	N/A	\$22,601.50
Total for Stage MCU/24/0019						<b>\$48,771.10</b>

**REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services have reviewed the proposed development and require a proposed two (2) metre wide awning along the park facing wall to be deleted. This will avoid the potential for conflict between the proposed development and future park development.

The applicant has provided amended plans with the two (2) metre wide awning removed.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 30 October 2024 to 22 November 2024. The applicant submitted the notice of compliance on 25 November 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received and both are in support of the proposed development.

The grounds for support are summarised and commented on below:

Grounds for support	Comment
The development will enhance local health care and recreation services encouraging healthier lifestyles.	Noted.
The development supports economic growth contributing to the local economy.	
The development improves community wellbeing.	

**Submitters**

Name of Principal submitter	Address
1. Antonio Bruno Di Maggio	<a href="mailto:abdimaggio@gmail.com">abdimaggio@gmail.com</a>
2. Victor Madrid	<a href="mailto:vam.17@hotmail.com">vam.17@hotmail.com</a>

**PLANNING DISCUSSION**

Nil