

19 December 2024



Mareeba Shire Council  
PO Box 154  
Mareeba Qld 4880

Via Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Planning Department,

**DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (DEVELOPMENT PERMIT)  
FOR A CHILDCARE CENTRE (EXTENSION) AT 41B ANZAC AVENUE, MAREEBA (LOT 200 ON SP213026)**

Reel Planning acts on behalf of our client and the Applicant, Mareeba Shire Job Training Association Inc, in submitting a development application seeking a Development Permit for a Material Change of Use for Childcare Centre (Extension) at 41B Anzac Avenue, Mareeba (Lot 200 on SP213026). The application includes the following:

- Town Planning Report and Assessment prepared by *Reel Planning Pty Ltd*
- Proposal Plans prepared by *NEArchitecture*
- Development Application Form 1
- Title Search
- Development Permit MCU/07/0034

We respectfully seek the invoice to arrange payment of the application fee per the Fees and Charges Schedule 2023 – 2024, which we have identified as **\$3,110.00**.

If you have any queries concerning this application, please contact the undersigned on 0448 703 963 or via email at [keanu@reelplanning.com](mailto:keanu@reelplanning.com).

Yours sincerely

Keanu Johnston | Principal Planner  
**Reel Planning Pty Ltd**

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# TOWN PLANNING REPORT

41B ANZAC AVENUE, MAREEBA

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE  
FOR CHILDCARE CENTRE (EXTENSION)

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MAREEBA SHIRE JOB TRAINING ASSOCIATION INC

December 2024

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## EXECUTIVE SUMMARY

This development application applies to land at 41B Anzac Avenue, Mareeba (Lot 200 on SP213026) and seeks approval for a Development Permit for a Material Change of Use for a Childcare Centre (Extension).

The development seeks to extend the existing QTs Childcare Centre to incorporate a Kindergarten (118m<sup>2</sup>), Junior Kindergarten (78m<sup>2</sup>), associated Landscaped Play Areas and ancillary rooms. The extension will allow for two (2) additional groups of twenty-two (22) children. Upon completion of works, the Childcare Centre will operate as follows:

- Nursery (8 weeks to 12 months) – 8 children and 2 staff.
- Toddler 1 (12 months to 18 months) – 8 children and 2 staff.
- Toddler 2 (18 months to 24 months) – 8 children and 2 staff.
- Toddler 3 (24 months to 30 months) – 15 children and 3 staff.
- Toddler 4 (2.5 years to 3 years) – 20 children and 4 staff.
- Pre-Kindergarten (3 years to 4 years) – 22 children and 2 staff.
- Kindergarten (4 years to 5 years) – 22 children and 2 staff.

The application is subject to Impact Assessment pursuant to Table 5.5.6 of the Mareeba Shire Council Planning Scheme 2016. The site is included in the Low Density Residential Zone and is identified as affected by a number of overlays detailed within this report.

The application is supported by a Proposed Plan of Development prepared by *NEArchitecture*.

The purpose of this report is to carry out an assessment of the proposal against the applicable Local and State planning instruments and relevant assessment benchmarks. The report begins with an overview of the site and a description of the proposal. This is followed by a detailed assessment of the relevant assessment benchmarks prescribed in the State planning instruments and the Local planning instruments. The report concludes with a discussion on the overall compliance with those planning instruments.

## 1.0 APPLICANT DETAILS

<b>Address:</b>	41B Anzac Avenue, Mareeba
<b>Lot Description:</b>	Lot 200 on SP213026
<b>Site Area:</b>	3,626m <sup>2</sup>
<b>Current Use:</b>	Childcare Centre
<b>Applicant:</b>	Mareeba Shire Job Training Association Inc c/- Reel Planning Pty Ltd
<b>Landowner:</b>	Mareeba Shire Job Training Association Inc
<b>Application Type:</b>	Development Permit for Material Change of Use
<b>Local Government Area:</b>	Mareeba Shire Council
<b>Planning Scheme:</b>	Mareeba Shire Council Planning Scheme 2016
<b>Zone:</b>	Low Density Residential Zone
<b>Relevant Overlays:</b>	OM2 Airport Environs Overlay (8km Bird and Bat Strike Zone) OM8 Hill and Slope Overlay OM10 Residential Dwelling Overlay OM12 Transport Infrastructure Overlay (Collector Road)
<b>Category of Development:</b>	Assessable Development
<b>Category of Assessment:</b>	Impact Assessment
<b>Prescribed Assessable Development (Planning Regulations):</b>	Not applicable – the development is not assessable under Schedule 9 or Schedule 10.
<b>Assessment Manager:</b>	Local Government – Mareeba Shire Council
<b>Referral Agencies:</b>	Not applicable
<b>Regional Plan Classification:</b>	Far North Queensland Regional Plan 2009 Urban Footprint
<b>Primary Contact:</b>	Reel Planning Pty Ltd Keanu Johnston   Principal Planner P: 0448 703 963 E: keanu@reelplanning.com.au

## 2.0 THE SITE

This section of the report provides a description of the site, details about the existing use and notable characteristics of the site and the surrounding land use within the immediate locality.

### 2.1 SITE DESCRIPTION

The subject site is situated at 41B Anzac Avenue, Mareeba (Lot 200 on SP213026) as shown in red in [Figure 1](#). The subject site is 3,626m<sup>2</sup> and is generally rectangular in shape with frontage to Anzac Avenue, which is noted to comprise of a constructed car parking area which is shared between the subject site, the Mareeba Bowls Club and the Mareeba Shire Council Library.

The site is improved by the QT's Childcare Centre, approved in February 2008. The original Decision Notice is included as [Appendix E](#) and discussed within this report.



**Figure 1: Aerial Imagery of the Site (Source: Queensland Globe 2024)**

The subject site has access and is connected to all necessary infrastructure networks. Topographically, the site is level at 404m AHD. As indicated on the Title Search at [Appendix D](#), the subject site is affected by the following easements, encumbrances and interests:

- Easement No. 601110822 benefitting the land over Easement B on RP35872.
- Easement No. 710483252 benefitting the land over Easement D on SP202153.
- Easement No. 711590100 burdening the land to Lot 201 on SP213026 over Easement E on SP213026.
- Easement No. 711590103 burdening the land to Lot 201 on SP213026 over Easement F on SP213026.

The subject site is identified as affected by the Airport Environs Overlay (8km Bird and Bat Strike Zone), Hill and Slopes Overlay, Residential Dwelling Overlay and Transport Infrastructure Overlay (Collector Road). This is discussed within this report.



### 3.0 ADJOINING LAND USES AND THE LOCALITY

The subject site is identified within a mixed residential setting on the periphery of a zoning transition from Low Density Residential to Rural Residential.

North of the site is a mix of medium density development as well as rural residential / large lot parcels with detached dwellings. Immediately east of the site is the Mareeba Shire Council Library and Mareeba Bowls Club, as well as vacant land recently approved for a Childcare Centre. South of the site is a vacant parcel of land and rural residential / large lot parcels, separated by the Kennedy Highway. West of the site are three (3) large land holdings with dwelling houses and dense vegetation. Refer to **Figure 2** below.



**Figure 2: Locality Map (Source: Queensland Globe 2024)**



**Figure 3: Zone Map (Source: Mareeba Shire Council Planning Scheme)**

## 4.0 APPROVAL HISTORY

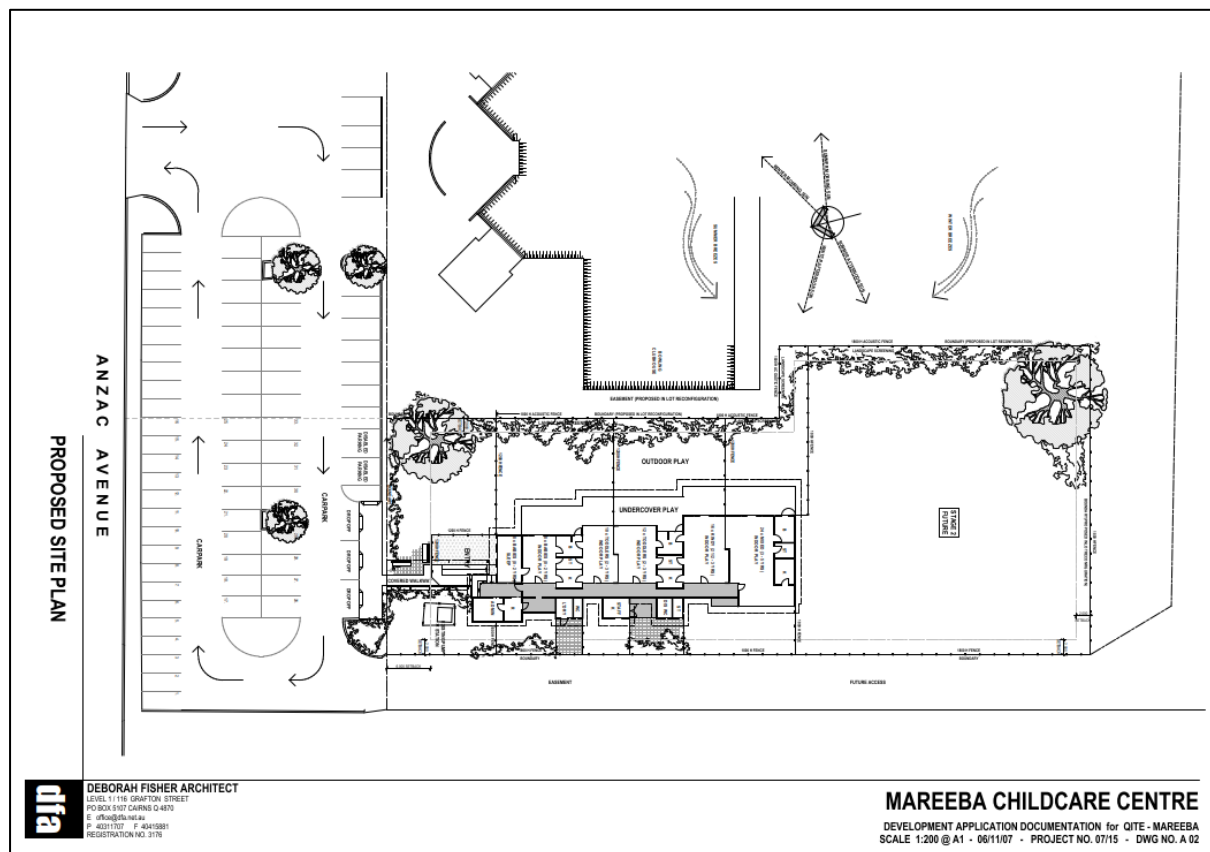
On 19 February 2008, Mareeba Shire Council approved a Development Permit (MCU/07/0034) for a Material Change of Use for a Childcare Centre at 41B Anzac Avenue, Mareeba, on land then described as Lot 198 on SP202153. The original Decision Notice is included as [Appendix E](#).

A copy of the original plans are included below as [Figures 4 – 7](#).

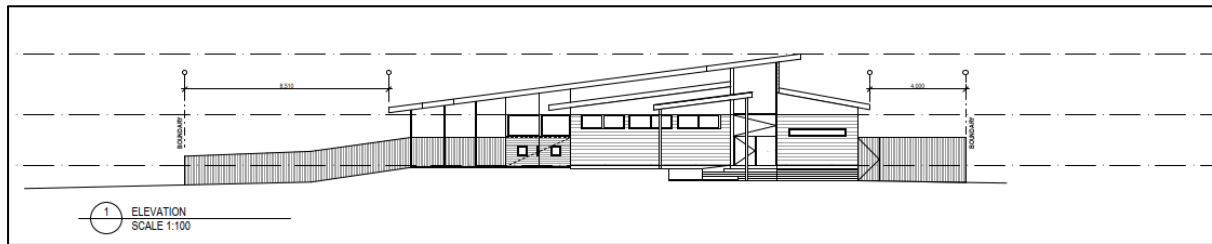
The original development application sought to establish a Childcare Centre on the subject site, which at the time was an unused bowling green and beach volleyball courts. The development application was for a Material Change of Use for a Childcare Centre for children aged 0 – 5 years with a maximum capacity of seventy (70) children.

The original application was subject to Impact Assessment and was lodged and assessed under the superseded Mareeba Shire Council Planning Scheme 2004.

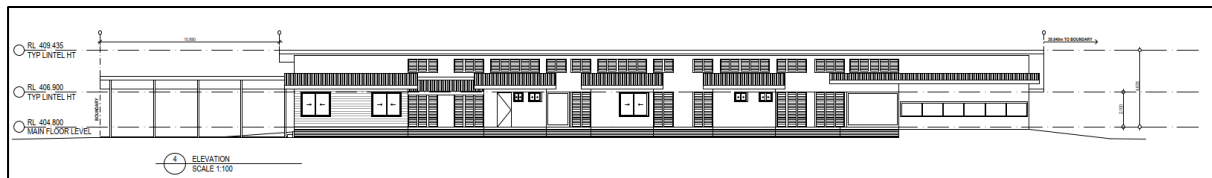
The original development application triggered referral to the Department of Main Roads as a Concurrence Agency. The State Assessment and Referral Agency (SARA) are not identified as a Referral Agency for the subject application.



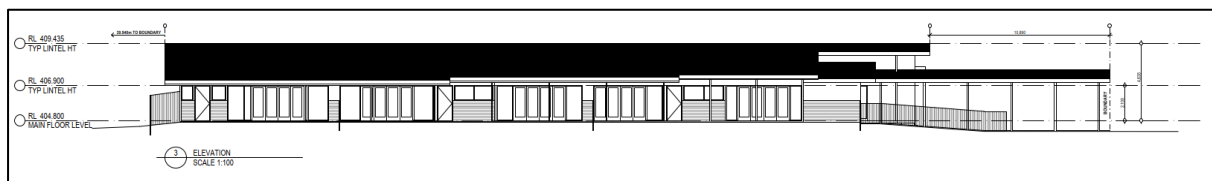
**Figure 4: Site Plan - Approval Plans (Source: Deborah Fisher Architect 2007)**



**Figure 5: Elevations - Approval Plans (Source: Deborah Fisher Architect 2007)**



**Figure 6: Elevations - Approval Plans (Source: Deborah Fisher Architect 2007)**



**Figure 7: Elevations - Approval Plans (Source: Deborah Fisher Architect 2007)**

The Development Permit issued by Council included standard conditions relating to sewer and water connections, fencing and landscaping, carparking, surface treatments and screening of storage and refuse areas from public view.

The Department of Main Roads, as a Concurrence Agency, provided Council conditions relating to a permitted access location (no direct access between the subject site and the State Controlled Road, being Kennedy Highway), noise treatment, advertising and parking (no parking within the Kennedy Highway reserve).

The proposed extension to the Childcare Centre does not conflict with the originally imposed conditions.



## 5.0 PROPOSAL DETAILS

### 5.1 APPLICATION TYPE

This application formally seeks approval for a Development Permit for a Material Change of Use for a Childcare Centre (Extension). The Planning Regulation 2017 defines a Childcare Centre as:

*“...the use of premises for the care, education and minding, but not residence, of children.”*

The plans in **Table 2** are relied on for this application and are included in **Appendix A**.

**Table 2: Proposal Plans**

Drawing No.	Title	Author	Date
2406QITE A01 3	Title Page	NEArchitecture	27-11-24
2406QITE A02 3	Site Plan	NEArchitecture	27-11-24
2406QITE A03 3	Floor Plan	NEArchitecture	27-11-24
2406QITE A04 3	3D Cutaway	NEArchitecture	27-11-24
2406QITE A05 3	3D View	NEArchitecture	27-11-24
2406QITE A06 2	Elevations	NEArchitecture	27-11-24

### 5.2 CURRENT OPERATION

The QT's Childcare Centre currently functions as a daytime childcare facility, providing full day caring of children from Nursery (8 weeks in age) to Kindergarten (5 years in age) for the Mareeba area. The centre caters to five (5) separate groups, as follows:

- Nursery (8 weeks to 2 years) – 8 children and 2 staff.
- Toddler 1 (15 months to 3 years) – 10 children and 2 staff.
- Toddler 2 (2 years to 3 years) – 12 children and 2 staff.
- Pre-Kindergarten (2.5 years to 3 years) – 16 children and 2 staff.
- Kindergarten (3 years to 5 years) – 24 children and 2 staff.

The QT's Childcare Centre currently cares for up to seventy (70) children and has two (2) staff allocated to each of the abovementioned groups. Each group has access to the outdoor play area, a kitchen, storeroom and toilet facilities.

The hours of operation are 6:30am to 6:00pm, Monday to Friday.

### 5.3 DESCRIPTION OF THE PROPOSAL

The development seeks to extend the existing QT's Childcare Centre to the southern, vacant extent of the subject site to incorporate a Kindergarten (118m<sup>2</sup>), Junior Kindergarten (78m<sup>2</sup>), associated Landscaped Play Areas and ancillary rooms. Refer to **Figures 8 – 9**.

The extension will allow for two (2) additional groups of twenty-two (22) children. Upon completion of the works, the Childcare Centre will operate as follows:

- Nursery (8 weeks to 12 months) – 8 children and 2 staff.
- Toddler 1 (12 months to 18 months) – 8 children and 2 staff.
- Toddler 2 (18 months to 24 months) – 8 children and 2 staff.
- Toddler 3 (24 months to 30 months) – 15 children and 3 staff.



- Toddler 4 (2.5 years to 3 years) – 20 children and 4 staff.
- Pre-Kindergarten (3 years to 4 years) – 22 children and 2 staff.
- Kindergarten (4 years to 5 years) – 22 children and 2 staff.

The extension to the Childcare Centre will be a single storey structure, consistent in design with the existing facility. The extension is to be connected to the exiting building by undercover walkways and will operate as a single centre upon completion of the works.

The extension will not impact upon current hours of operation.



Figure 8: 3D Views – Proposal Plans (Source: NEArchitecture 2024)

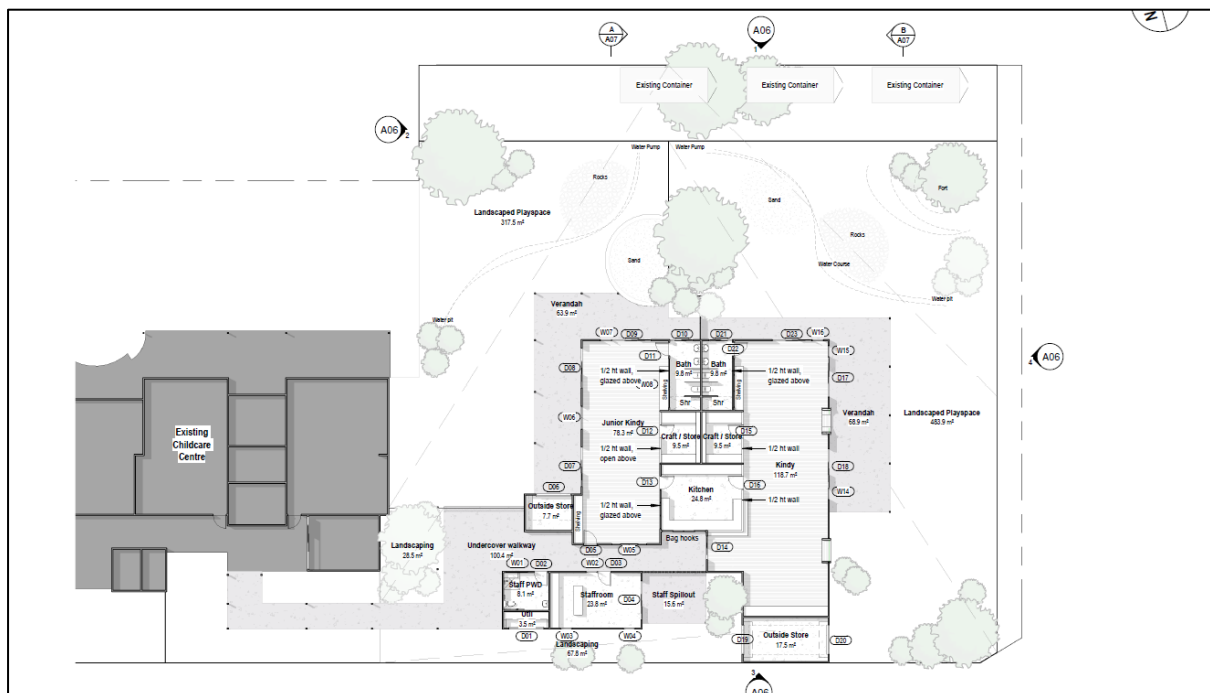


Figure 9: Site Plan – Proposal Plans (Source: NEArchitecture 2024)

## Parking and Access

Access to the site is currently achieved via an existing driveway to the carparking area within the Anzac Avenue road reserve. The subject site is noted to benefit from an easement (Easement D) over the access handle of the adjacent lot, Lot 199 on SP202153. This access is proposed to be maintained as access for construction purposes only, with all staff and client access via the pedestrian entry. The existing arrangement is to remain unchanged, with no additional works to vehicular crossovers, parking spaces or manoeuvring areas proposed as part of this development.

Although not physically marked or designated, the car parking area within the Anzac Avenue road reserve includes thirty-five (35) parking spaces for the QT's Childcare Centre, two (2) of which being PWD spaces. The car parking area also incorporates three (3) drop off areas immediately at the frontage of the site. Table 9.4.3.3B of the Parking and Access Code prescribes a parking rate for a Childcare Centre as:

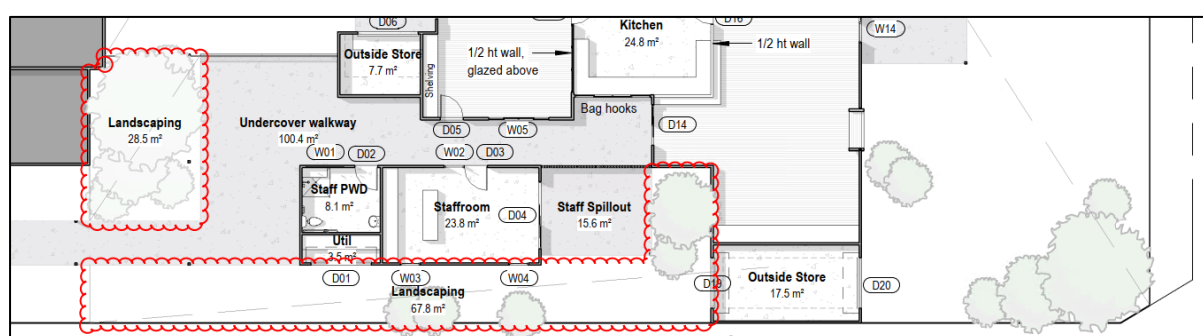
*A minimum of 3 spaces will be required to be used for setting down and picking up of children, plus one space per 10 children for staff parking.*

Based on the above rate, the Childcare Centre (including proposed extension) will require 3 set down spaces plus eleven (11) spaces for staff parking. This is easily accommodated within the existing car parking area noting that Childcare Centres typically have traffic peaks in the early morning and late afternoon (when the library is unlikely to be busy). On this basis the development does not seek to establish additional parking spaces. The development continues to provide well in excess of the prescribed parking figures under the Parking and Access Code, sufficiently meeting the demand generated by the land use. This is discussed in detail in assessment against the Parking and Access Code.

## Amenity

The Community Activities Code seeks to ensure that Community Activities (activity group inclusive of a Childcare Centre land use) do not detrimentally impact upon local amenity. The development has been designed to specifically mitigate undue impacts to adjoining properties, sensitive receivers and more specifically, the residence on Lot 24 on RP866998. The development has been designed as a low set building commensurate with the low density residential character of the area, with outdoor play areas and noise generating aspects of the development located on the eastern side of the site, while incorporating sufficient landscaping along the western boundary to act as an acoustic and visual buffer. Refer to **Figure 10**.

In addition to design aspects mitigating impacts, it is noted that the development is constructed adjacent the access handle of Lot 199 on SP202153 and the dwelling on Lot 24 on RP866998 is shielded by the shed on the same property.



**Figure 10: Site Plan – Marked Up – Proposal Plans (Source: NEArchitecture 2024)**

## 6.0 STATE PLANNING INSTRUMENTS

### 6.1 OVERVIEW

This section of the report includes an assessment of the proposal against the State Planning Instruments. The State Planning Instruments are:

- Planning Regulation 2017;
- State Planning Policy; and
- Regional Plan.

### 6.2 PLANNING REGULATION 2017

The Planning Regulation 2017 (PR 2017) is a categorising instrument that can:

- (A) **Prescribe the assessment manager** for a development application;
- (B) **Categorise development** as prohibited, assessable or accepted development or development a planning scheme cannot make assessable; specify the category of assessment for assessable development; and set out assessment benchmarks.
- (C) **Prescribe referral agencies** for an application.

Each of these matters is addressed in turn below.

#### (A) Assessment Manager

The Assessment Manager prescribed in Schedule 8 of the Regulation is the Local Government – Mareeba Shire Council as the proposal involves assessable development under the Mareeba Shire Council Planning Scheme 2016

#### (B) Categorising Development

(i) ***Development a local categorising instrument is prohibited from making assessable development***

This application is not for development identified in Schedule 6 of the PR 2017 as development a local categorising instrument is prohibited from making assessable development.

(ii) ***Accepted Development***

This application is not for development identified as accepted development in Schedule 7 of the PR 2017.

(iii) ***Prohibited Development***

The application does not involve prohibited development identified in Schedule 10 of the PR 2017.

(iv) ***Assessable Development & Assessment Benchmarks***

The application does not include development identified as Assessable Development in Schedule 10.

### **(C) Referral Agencies**

The development did not trigger a referral to the State Assessment and Referral Agency (SARA) or an advice agency under Schedule 10.

## **6.3 STATE PLANNING POLICY**

The State Planning Policy (July 2017) (SPP) commenced on the 3 July 2017 and is effective at the time of writing this report.

The Planning Regulation 2017 states the assessment must be carried out against the assessment benchmarks stated in Part E of the State Planning Policy to the extent Part E is not appropriately integrated into the planning scheme. Part 2 of the Mareeba Shire Council Planning Scheme 2016 states that State Planning Policy has been appropriately integrated into the planning scheme.

## **6.4 REGIONAL PLAN**

The Regional Plan effective at the time of writing this report is the Far North Queensland Regional Plan 2009.

The Planning Regulation 2017 states the assessment must be carried out against the assessment benchmarks stated in the Regional Plan to the extent they are not appropriately integrated into the planning scheme. Section 2.2 of the Mareeba Shire Council Planning Scheme 2016 notes that the minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the FNQRP 2009 – 2031, as it applies in the planning scheme area.

## 7.0 LOCAL PLANNING INSTRUMENTS

### 7.1 OVERVIEW

This section of the report includes an assessment of the proposal against the Local Planning Instruments. Local Planning Instruments are:

- Planning Scheme and associated Planning Scheme Policies; and
- Temporary Local Planning Instruments (TLPs).

The relevant planning scheme, and its associated planning scheme policies, is the Mareeba Shire Council which commenced 1 July 2016 (the **Planning Scheme**).

There are no TLPs in force.

### 7.2 ZONE

The subject site is identified within the Low Density Residential Zone.

### 7.3 CATEGORY OF ASSESSMENT AND ASSESSMENT BENCHMARKS

A summary of the designations (zone, overlays etc.) of the Planning Scheme relevant to the site is provided in **Table 3** below.

**Table 3: Summary of Mareeba Shire Council Planning Scheme Designations**

Planning Scheme Component	Designation
<b>Zone</b>	Low Density Residential Zone
<b>Overlays</b>	Airport Environs Overlay Hill and Slope Overlay Residential Dwelling Overlay Transport Network Overlay

The level of assessment of the application is determined by reference to the tables of assessment in Part 5 of the Planning Scheme. In this case a Child Care Centre is not listed, triggering Impact Assessment.

The application is subject to Impact Assessment and therefore requires an assessment against the entire Planning Scheme. Notwithstanding, the sections of the scheme considered relevant to the assessment of the application and their locations within the application documents are identified in **Table 4** below.

It is noted that the extent of land affected by the Hill and Slope Overlay is negligible and distant from the proposed extension, such to the extent an assessment against the Hill and Slope Overlay Code is not warranted.

**Table 4: Summary of Assessment Benchmarks**

Assessment Benchmarks	Location of Assessment
Strategic Framework	Town Planning Report – Section 7.4
<b>Zone Code</b>	
Low Density Residential Zone Code	(Appendix B) Code Assessment
<b>Development Codes</b>	
Community Activities Code	(Appendix B) Code Assessment
Landscaping Code	(Appendix B) Code Assessment
Parking and Access Code	(Appendix B) Code Assessment
Works, Services and Infrastructure Code	(Appendix B) Code Assessment
<b>Overlay Codes</b>	
Airport Environs Overlay Code	(Appendix B) Code Assessment

## 7.4 STRATEGIC FRAMEWORK

The following is an assessment of the proposal against the relevant outcome statements in the Strategic Framework. This includes comments on how the development meets the Strategic Outcomes of the individual themes, as well as the Specific Outcomes of the applicable elements.

### 7.4.1 Settlement Pattern and Built Environment

**Table 5: Settlement Pattern and Built Environment Theme Assessment**

Settlement Pattern and Built Environment	
Strategic Outcomes	
<i>Mareeba Shire is intended to support a widely dispersed population in a variety of settings, including rural towns, small rural settlements, villages, rural residential areas, cropping lands, grazing lands and broad-hectare grazing properties. Future development maintains this settlement pattern and the distinct character that it provides to the shire. The settlement pattern also ensures the continuing viability of the shire's rural economy, particularly through the provision of high quality services.</i>	The proposed Childcare Centre extension does not negatively impact upon the settlement pattern of the Shire. The operation will continue to support and provide a service to the immediate residential catchment.
<i>Mareeba Shire is supported by a network of compact, activity centres of varying scales. These activity centres form the primary focus for population growth. Each activity centre will maintain its individual character while growing to support and service the local economies of its catchments. The level of service provision within each activity centre is consistent with its role and function within the defined activity centre hierarchy. Growth is managed to ensure a high level of centre amenity and streetscape character is maintained, thus fostering vibrant,</i>	The proposed Childcare Centre extension does not impede or impact upon the hierarchy of activity centres within the Shire. The low-scale non residential use does not detract from primary activity centres.



Settlement Pattern and Built Environment	
<i>lively hubs of social interaction, trade and exchange.</i>	
<i>Residential areas and urban expansion areas support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and activity centres while protecting the character of the shire.</i>	The proposed Childcare Centre extension does not impede or impact upon residential or urban expansion areas within the shire. The development is located within an established residential area on a developed site. The development provides a service to the local residential catchment.
<i>Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the residential areas and urban expansion areas of the shire.</i>	
<i>The built environment is ecologically sustainable, achieving energy and resource efficiency and favouring architecture that is sensitive to local character. Development reflects sustainable tropical design principles, is climate responsive and preserves natural features.</i>	The proposed Childcare Centre extension has been designed to incorporate sustainable tropical design elements, materials and principles. This design is commensurate to the low density residential character of the area and demonstrates consistency with the existing building design and form.
Element – Residential Areas and Development	
Specific Outcomes	
<i>Residential areas contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.</i>	The prevailing land use in the immediate area is identified as detached dwelling houses on a mix of lot sizes, reflective of the underlying zoning designation (Low Density Residential or Rural Residential). The proposed extension to the Childcare Centre does not compromise this outcome as the predominant development form for the area.
Element – Sustainable Design	
Specific Outcomes	
<i>Development integrates the principles and practices of sustainable urban design in streetscapes and public areas, providing attractive and comfortable environments for pedestrians.</i>	The extension to the Childcare Centre is located rearward of the existing Childcare Centre and does not propose works to the streetscape or public areas. Regardless, the proposed works do not negatively impact upon the streetscape or negatively impacts views from public areas.
<i>Buildings are designed with appropriate orientation and siting, passive climate control and incorporate energy and water saving technologies.</i>	The proposed works have been architecturally designed to incorporate tropical design elements and passive design strategies.
<i>Development reflects the tropical character of the shire to promote outdoor living.</i>	The proposed works have been architecturally designed to incorporate tropical design elements and passive design strategies, promoting synergies between indoor and outdoor spaces.

## 7.4.2 Natural Resources and Environment

**Table 6: Natural Resources and Environment Theme Assessment**

Natural Resources and Environment	
Strategic Outcomes	
<i>Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within conservation areas and biodiversity areas, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of biodiversity areas, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.</i>	The proposed Childcare Centre extension does not impact upon the natural environment, nor will the works impact upon ecological processes or biodiversity values.
<i>Natural corridors through the landscape, including ecological corridors, and natural areas which provide linkages between areas of significant biodiversity and habitat value are protected and enhanced. Opportunities are realised to connect habitat fragments across the regional landscape through strategic rehabilitation and protection of potential habitat connection corridors, such as habitat linkages. The resilience of natural systems and wildlife to respond to climate change is strengthened by providing maximum connectivity across a range of habitats, allowing species to migrate and retreat.</i>	The proposed Childcare Centre extension does not impact upon natural corridors.
<i>The physical condition, ecological health, environmental values and water quality of surface water and groundwater systems, including but not limited to major waterbodies and major watercourses, is protected, monitored and improved. The impacts of Mareeba Shire's water quality, wetland and riparian health on the Great Barrier Reef and the Gulf of Carpentaria are recognised through integrating sustainable catchment management practices into land use planning. Riparian areas and areas surrounding ecologically significant wetlands will be enhanced as part of new development.</i>	The proposed Childcare Centre extension does not impact upon surface water or groundwater systems.
<i>The shire secures a safe, reliable and adequate water supply, which is efficiently used and appropriately managed to ensure social, economic and environmental sustainability. Important strategic sources of water, including the Barron Basin, contingent water supplies and underground aquifers are recognised for their role in supporting the shire's community, primary industries and economic base. Their social, economic and</i>	The proposed Childcare Centre extension does not impact upon the Shire's water supply. Further, the subject site has access to all necessary, urban infrastructure networks including Council's reticulated water supply.



Natural Resources and Environment	
<i>environmental function is not compromised by land uses and development.</i>	
<i>The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and wellbeing of the community and the natural environment.</i>	The development has been designed to minimise offsite impacts to sensitive receivers through design, landscaping and location of outdoor play areas. The development maintains the health and wellbeing of the community and the natural environment.
<i>Risks to health and safety caused by contaminated land are managed, including through the remediation of contaminated sites and the careful management of unexploded ordinances.</i>	The subject site is not identified as contaminated land on the CLR or EMR.
Element – Air and Noise Quality	
Specific Outcomes	
<i>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.</i>	The development has been designed to minimise offsite impacts to sensitive receivers through design, landscaping and location of outdoor play areas. Outdoor play areas are predominantly located on the eastern and southern extents of the subject site, maximising setbacks from residential development to the west. The expected amenity of the predominantly residential catchment is considered maintained.
<i>Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.</i>	Whilst located in close proximity to a residential parcel, the development proposes an extension to an existing facility and is not anticipated to result in noise emissions beyond that already contemplated with the existing use. The development is considered appropriately set back from sensitive receivers to appropriately mitigate any negative impacts on amenity.

### 7.4.3 Community Identity and Diversity

**Table 7: Community Identity and Diversity Theme Assessment**

Natural Resources and Environment	
Strategic Outcomes	
<i>Mareeba Shire is characterised by a diverse cultural, scenic and natural character and identity. Valued streetscapes, town centres, built and natural features and precincts of character housing will be preserved and enhanced through sympathetic new development and redevelopment of existing buildings.</i>	The development does not compromise the character and identity of the Shire. The built form is consistent with the existing building and commensurate to the low density residential character of the area.
<i>Heritage places and areas of historical significance are conserved and enhanced through sensitive re-use. Indigenous cultural heritage within the landscape is protected, or</i>	The development does not compromise heritage places or places of historical significance within the Shire.

Natural Resources and Environment	
<i>developed in consultation with Traditional Owners.</i>	
<i>The outstanding landscape qualities and scenic routes of Mareeba Shire are conserved and protected from development that diminishes their visual and aesthetic values. The rural character, evidence of geomorphologic history and natural features within the regional landscape are preserved through sensitive development which complements iconic views, rainforest, hill slopes, bushland and rural vistas.</i>	The development does not compromise or impact upon the landscape qualities or scenic routes within the Shire.
<i>Development integrates a range of well linked and accessible open space and recreational areas within residential areas and centre areas and their surrounds. Open space and recreation areas are retained for community use, protected from incompatible development and incorporate important biodiversity areas and buffers to wetlands and watercourses. Open space supports a range of recreational activities which are consistent with community demand and encourage healthy and active lifestyles, including sporting and leisure facilities and trail networks.</i>	The development does not impede or impact upon the opportunity for integrated open space and recreational areas.
<i>A range of community facilities, that meet the needs of the Mareeba Shire community, is provided, maintained and enhanced. Facilities that cater for cultural events, community activities, sports and recreation are sensitively developed and integrated into the surrounding area. The range and location of community facilities caters for a wide cross section of interests and users in dispersed locations.</i>	Whilst not a community 'facility', the land use of a Childcare Centre is identified as a community activity. The development seeks to broaden the capacity of the existing facility, being a long-standing community activity for the Shire. Further, the development is not anticipated to impact upon the operation of the community facility on the adjacent property.
<i>Easily accessible health care services and facilities are provided that meet community needs. Public health and safety is fostered in the design of the built environment in Mareeba Shire, including by promoting surveillance, activity and recreation.</i>	The development does not impede or impact upon the opportunity for accessible health care services or facilities for the Shire.
Element – Community Facilities	
Specific Outcomes	
<i>Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.</i>	The development is notably adjacent the Mareeba Shire Council Library. The use is existing, and the works are solely for an extension to the Childcare Centre, which is not anticipated to obstruct or detract from the adjacent community facility use.

## 7.4.4 Transport and Infrastructure

**Table 8: Transport and Infrastructure Theme Assessment**

Transport and Infrastructure	
Strategic Outcomes	
<i>Local collector road and state controlled road networks support the identified hierarchy of activity centres and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of future state roads and future local connections) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.</i>	Anzac Avenue is identified in Council's Transport Infrastructure Overlay as a Collector standard road. The proposed extension to the existing Childcare Centre is considered appropriate for the ongoing efficiency of the external road network.
<i>The rail network is recognised as important strategic infrastructure resulting from significant past investment. Use of the rail network for tourist, passenger and freight movements throughout the shire is protected and enhanced.</i>	The subject site is not identified in proximity to the rail network.
<i>Designated freight routes are appropriately managed and upgraded. Designated freight routes, active elements of the rail network and planned and designated future state roads are not prejudiced by inappropriate land uses to ensure the efficient transportation of essential goods and services, now and in the future.</i>	The subject site is not identified in proximity to a designated freight route.
<i>Street layout and design, including in new development, supports mixed transit modes, including buses, pedestrians, cyclists and mobility devices, particularly in activity centres. Centre areas and destinations are safely and conveniently accessible to cyclists and pedestrians through the provision of a permeable and highly connected active transport network, including principal cycle routes, and the provision of end of trip facilities.</i>	The development does not propose the establishment of a new street layout. The works are limited to a Material Change of Use for an extension to the existing Childcare Centre.
<i>The Mareeba Airport provides a strategic, regional hub for air traffic, aviation services and industries in the shire. The expansion of Mareeba Airport is facilitated as an airport enterprise area that encourages aviation compatible business, industry and commercial enterprises to co-locate to create an aviation dependant activity cluster where the activity centre hierarchy is maintained and where the operational efficiency and safety of the Mareeba Airport is ensured through the appropriate design and location of development.</i>	The subject site is not identified in proximity to the Mareeba Airport.
<i>New development is appropriately sequenced and coordinated with existing and future water,</i>	The development does not propose new infrastructure networks or connections. The

Transport and Infrastructure	
<i>wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.</i>	works are limited to a Material Change of Use for an extension to the existing Childcare Centre.
<i>The shire is provided with sustainable and adequate waste disposal facilities that have minimal adverse impact on the environment. Transfer stations and waste disposal facilities are separated and not compromised by incompatible development or sensitive land uses. Urban development provides appropriately located and adequate space for waste storage and collection.</i>	The development does not propose new waste disposal facilities. The works are limited to a Material Change of Use for an extension to the existing Childcare Centre.
<i>The generation and consumption of energy is sustainable and efficient. Over reliance on distant coal-fired power stations for electricity supply is minimised through the establishment of renewable energy generation facilities and localised and domestic scale energy generation, where the integrity and function of local electricity networks is not compromised. Power stations, high-voltage transmission lines and sub stations, including electricity infrastructure and energy generation facilities, are protected from incompatible development.</i>	The subject site has access to a pre-existing electrical and telecommunications service and does not propose establishing new networks or connections.
<i>Mareeba Shire is supported by affordable and reliable high-speed telecommunications that are delivered through facilities that minimise visual impact.</i>	The subject site has access to a pre-existing electrical and telecommunications service and does not propose establishing new networks or connections.
<i>Out of sequence development and development in excess of planning assumptions provides contributions or upgrades to road, pedestrian and cycle, water and sewerage, and stormwater networks that are commensurate with the anticipated impacts generated by the development.</i>	The development is not identified as 'out of sequence'.
<i>Regional water supply needs, including the Mareeba Shire's future agricultural water supply needs are secured through the identification of the Nullingda dam development area and its protection from incompatible and inappropriate development.</i>	The development does not impact upon the regional water supply. The works are limited to a Material Change of Use for an extension to the existing Childcare Centre.
<i>Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development, except for where: (a) The subdivision results in no additional lots (boundary realignment) and does not create an</i>	The development does not involve Reconfiguring a Lot. The works are limited to a Material Change of Use for an extension to the existing Childcare Centre.

Transport and Infrastructure	
<i>additional rural lifestyle lot or rural residential purposes lot; or (b) The subdivision is limited to one additional lot created to accommodate a public reconfiguration purpose.</i>	
Element – Road Network	
Specific Outcomes	
<i>Development provides off-street parking, loading and manoeuvring areas where possible and practicable.</i>	The development relies on the pre-existing parking and access arrangements, within the Anzac Avenue road reserve. This pre-existing parking arrangement is considered appropriate in this instance and in excess of the prescribed rates of the planning scheme.
Element – Water Supply and Wastewater Services	
Specific Outcomes	
<i>Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.</i>	The subject site has access to all necessary, urban infrastructure networks.
Element – Stormwater Management	
Specific Outcomes	
<i>Stormwater is managed and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.</i>	Conditions to this effect may be imposed on a Development Permit to secure this as a development outcome.
Element – Energy Supply	
Specific Outcomes	
<i>Adequate, sustainable, reliable and secure electricity supply infrastructure is provided to the shire, including new development.</i>	The subject site has access to all necessary, urban infrastructure networks.
Element – Information and Communication Technology	
Specific Outcomes	
<i>Households, businesses and industry within urban and rural communities are serviced with high-speed fibre-optic, high-speed wireless or satellite broadband internet connections across the shire.</i>	The subject site has access to all necessary, urban infrastructure networks.

### 7.4.5 Economic Development

**Table 9: Economic Development Theme Assessment**

Economic Development	
Strategic Outcomes	
<i>The rural economy that underpins the settlement pattern of Mareeba Shire prospers and diversifies, with traditional and emerging primary industries continuing to provide the economic base of the shire. Increasing opportunities for value-adding and processing primary product are realised on-farm and within surrounding towns. Agricultural areas and rural industries are protected from development which may compromise its ongoing viability. Infrastructure which supports</i>	The ongoing use of the land as a Childcare Centre does not impact upon or compromise the diversification of the Shire's rural economy.



Economic Development	
<i>agriculture and primary industry is maintained and protected.</i>	
<i>The rural area includes a range of uses which compliment dominant primary industry activities and enhance the shire's economy. Activities including rural industries, intensive agricultural uses, intensive animal industries and expanded forestry and permanent plantations are supported in appropriate locations where impacts on the environment and surrounding land uses are limited and manageable.</i>	The subject site is not identified within a rural area. Further, the ongoing use of the land as a Childcare Centre does not compromise the ability for rural industries to establish within the Shire.
<i>Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in activity centres and are particularly focussed within Mareeba. Kuranda, as a village activity centre, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.</i>	The development does not compromise the hierarchy of activity centres, nor does it detract from the primacy of nearby activity centres. Further, the ongoing use of the land as a Childcare Centre does not compromise the ability for additional retail or business opportunities to establish within the Shire.
<i>The natural environment, rural and scenic landscapes of Mareeba Shire provide a basis for the development of sustainable tourism enterprises. Mareeba Shire's geographic proximity to Cairns International Airport provides opportunities for increasing visitation and exposure to the shire. Large scale tourist accommodation facilities are developed in key sites across the shire and meet the needs of a range of users. The character and appeal of key activity centres, landscape features and scenic routes which attract tourists to Mareeba Shire will be maintained and enhanced. The western dry land savannah of the shire accommodates further nature and rural based tourism development.</i>	The development does not negatively impact upon the natural environment, rural or scenic landscapes of the Shire, nor does the ongoing use of the land as a Childcare Centre compromise the ability for sustainable tourism enterprises to establish within the Shire.
<i>Industry areas provide for a range of industrial development, expansion, supporting infrastructure and employment opportunities consistent with their intended function in the shire. Industry areas are protected from incompatible development and sensitive land uses. The Mareeba Airport expands and caters for a hub of specialist aviation services.</i>	The development does not negatively impact upon industrial areas of the Shire, nor does the ongoing use of the land as a Childcare Centre compromise the ability for industrial development within the Shire.
<i>Catalysts for economic diversification and cultural activity such as educational establishments, emerging technology, research and development activities and the arts are encouraged in the shire, preferably near or within Mareeba or the Kuranda district. Creative industries flourish in Mareeba Shire, providing strong cultural legacies and</i>	Given the scale and nature of the development, the works are not recognised as a catalyst for economic diversification.

Economic Development	
<i>sustained employment opportunities. The shire's unique wet tropical ecosystems and dry tropical savannahs provide further opportunities to develop regional tropical expertise and attract more environmental education and scientific research activities to the shire.</i>	
<i>The geological diversity and rare mineral occurrence of Mareeba Shire provide the basis for the establishment of mixed mining activities of varying scales, supporting increased employment and wealth within the shire, while ensuring ecological and amenity values are not negatively impacted. Support services and infrastructure to existing and future mineral exploration, including workers accommodation, are encouraged in appropriate locations.</i>	The development does not negatively impact upon the natural resources of the Shire, nor does the ongoing use of the land as a Childcare Centre compromise the ability for mining activities to establish within the Shire.
<i>Key resource areas (of local, regional and state significance) and associated haul routes are buffered from incompatible development. New resource operations establish in rural areas where impacts on surrounding land are manageable and environmental values can be protected.</i>	The development does not negatively impact upon key resource areas within the Shire, nor does the ongoing use of the land as a Childcare Centre compromise the ability for new resource operations to establish within the Shire.
<i>Flexibility and responsiveness allow for economic diversity and innovation, leading to a greater variety of employment opportunities that meet the changing needs of the community and economy. Small scale and emerging industries are supported in appropriate locations across the shire</i>	Although small scale, the development contributes to employment opportunities for the Shire,.
<i>Mareeba Shire positions itself as a major sustainable energy region of Australia, providing a significant portion of the shire's electricity supply through various renewable sources. Sustainable energy generation also contributes to the economy of the shire and provides an increasing source of employment. Energy generation facilities, including the Barron Gorge Hydroelectric Power Station, and any newly established power generation facilities are protected from incompatible development.</i>	The development does not negatively impact upon the sustainable energy sector of the Shire, nor does the ongoing use of the land as a Childcare Centre compromise the ability for sustainable energy development to establish within the Shire.
<i>Major employment generators within Mareeba Shire continue to support the economy and are protected from development which may prejudice their ongoing operation. New and expanded employment generators are promoted in appropriate locations across the shire, including within activity centres and rural areas.</i>	Given the scale and nature of the development, the works are not recognised as a major employment generator.

Element – Education, Research, Culture and the Arts	
Specific Outcomes	
<i>Development complements and provides for improved access to important education, research, cultural and arts facilities.</i>	The proposed works are for an extension to a Childcare Centre, which directly complements and provides for improved access to education and expansion of facilities within the Shire.
<i>New education, research, cultural and arts facilities are established in appropriate, accessible, safe and well serviced locations within Mareeba Shire.</i>	The development relates to an extension to an existing facility, however it is noted that the location was historically identified as appropriate, accessible, safe and well serviced when originally approved.

## 7.5 ZONE CODES

### Low Density Residential Zone

The purpose of the Low Density Residential Zone is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

The purpose of the code will be achieved through the following overall outcomes:

- (a) *The dominant form of development is detached dwelling houses, on a range of lot sizes;*
- (b) *In greenfield areas, in proximity to activity centres, a wider range of higher density residential development may occur where existing low density residential amenity is not compromised;*
- (c) *High quality Residential care facilities and Retirement facilities are located on larger sites;*
- (d) *Development provides for an efficient land use pattern and is well connected to other developments;*
- (e) *Development is designed to provide safe and walkable neighbourhoods that connect residents to desirable destinations including schools, parks, shops and community facilities;*
- (f) *Development facilitates other small-scale uses that integrate personal employment and residential activities, provided they complement local residential amenity;*
- (g) *Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;*
- (h) *Development reflects and enhances the existing low density scale and character of the area;*
- (i) *Development is supported by necessary transport infrastructure which is designed to provide and promote safe and efficient public transport use, walking and cycling;*
- (j) *Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to meet the needs of the local community;*
- (k) *Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;*
- (l) *Development takes account of the environmental constraints of the land; and*
- (m) *Any unavoidable impacts are minimised through location, design, operation and management requirements.*

The development is considered to advance the intent of the code, as the proposal relates to the extension of an existing Childcare Centre which is anticipated by OO(K) as an essential use serving the day to day needs of the immediate residential community. It is therefore considered complementary to the local residential catchment and inoffensive with regard to amenity impacts. The land use does not compromise the dominant form of detached dwelling houses on a range of lot sizes and is contemplated as a land use in the Low Density Residential Zone, being a use that supports the day-to-day needs of the immediate residential community.



The extension has been designed commensurate with the existing low density residential character and will continue to maintain a high level of amenity for sensitive receivers within close proximity of the site.

An assessment against the Low Density Residential Zone Code is included in [Appendix B](#).

## 7.6 DEVELOPMENT CODES

### Community Activities Code

The purpose of the Community activities code is to ensure Community activities that are appropriately designed and located to:

- (a) *be conveniently accessible to the communities they serve; and*
- (b) *not detrimentally impact on local amenity.*

The purpose of the code will be achieved through the following overall outcomes:

- (a) *Community activities do not have an adverse impact on the amenity of the surrounding area;*
- (b) *Community activities establish in appropriate locations that are highly accessible;*
- (c) *Community activities are located with other community activities when the opportunity to achieve practical co-location of facilities exists;*
- (d) *Community activities are designed to be accessible, functional and safe;*
- (e) *Community activities are compatible and integrated with surrounding land uses; and*
- (f) *Community activities enhance community identity and character.*

The development is considered to advance the intent of the code, as the proposal relates to the extension of an existing Childcare Centre (identified as a 'Community Activity'), which has historically been determined as appropriate in this location. The development has been designed to minimise impacts on amenity, is functional and safe and is appropriately collocated with the adjoining community facility. Further, the extent of works present as a logical extension to the pre-existing land use.

An assessment against the Community Activities Code is included in [Appendix B](#).

### Landscaping Code

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.*

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.*

The development seeks to establish areas of landscaping adjacent the western boundary, as well as incorporate landscaping within the outdoor play areas. The landscaping is a functional component of the development, addressing potential amenity issues, as well as aesthetically complementing the proposed extension to the Childcare Centre.

An assessment against the Landscaping Code is included in [Appendix B](#).

### **Parking and Access Code**

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.*

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.*

The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. This parking and manoeuvring area is adequate to accommodate the existing and anticipated demand generated by the development.

An assessment against the Parking and Access Code is included in [Appendix B](#).

### **Works, Services and Infrastructure Code**

The purpose of the Works, services and infrastructure code is to ensure that all development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area.

The purpose of the code will be achieved through the following overall outcomes:

- (a) *Development provides an adequate, safe and reliable supply of potable, firefighting and general use water in accordance with relevant standards;*
- (b) *Development provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;*

- (c) Development provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
- (d) Development connects to the road network and any adjoining public transport, pedestrian and cycle networks while ensuring no adverse impacts on the safe, convenient and efficient operation of these networks;
- (e) Development provides electricity and telecommunications services that meet its desired requirements;
- (f) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
- (g) Development does not affect the efficient functioning of public utility mains, services or installations;
- (h) Infrastructure dedicated to Council is cost effective over its life cycle;
- (i) Work associated with development does not cause adverse impacts on the surrounding area; and
- (j) Development prevents the spread of weeds, seeds or other pests.

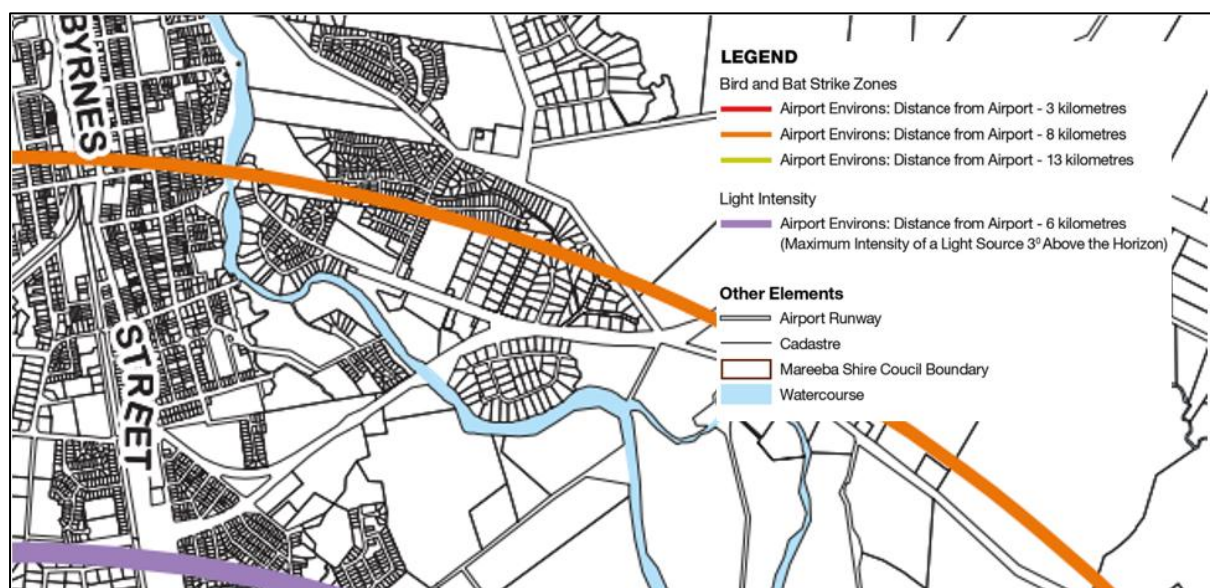
The subject site is within an established area with access to all necessary urban infrastructure networks. Further, the site is developed, with the proposed works being an extension to an existing, serviced facility.

An assessment against the Landscaping Code is included in [Appendix B](#).

## 7.7 OVERLAY CODES

### Airport Environs Overlay

**Figure 11** below identifies the site in relation to the Airport Environs Overlay.



**Figure 11: Airport Environs Overlay (Source: Mareeba Shire Council Planning Scheme)**

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.

The purpose of the code will be achieved through the following overall outcomes:

- (a) The ongoing operation of Mareeba Airport and its associated infrastructure are protected from incompatible development;

- (b) *Aerodromes in Chillagoe and Dimbulah are maintained to support recreation, mining and rural uses;*
- (c) *Operational airspace is protected;*
- (d) *Threats to aviation safety such as bird and bat strike and distraction or blinding of pilots are avoided or minimised;*
- (e) *State significant aviation facilities associated with the Mareeba Airport are protected from encroachment by sensitive land uses; and*
- (f) *Development in the vicinity of airports,*

The proposed works will not negatively impact upon the Mareeba Airport, aerodromes or operational airspace. The works are limited to an extension to an existing building.

An assessment against the Airport Environs Overlay code is included in [Appendix B](#).

## **7.8 COMPLIANCE WITH CODES – OVERVIEW**

The assessment against relevant codes demonstrates that the proposed development appropriately complies with the Acceptable Outcomes and Performance Outcomes of the relevant assessment benchmarks, as well as the Purpose Statements and Overall Outcomes to the extent relevant.

## 8.0 RELEVANT MATTERS

Section 45 (5) of the Planning Act 2016 states that an Impact Assessment is an assessment that (emphasis added):

- (a) *must be carried out—*
  - (i) *against the assessment benchmarks in a categorising instrument for the development; and*
  - (ii) *having regard to any matters prescribed by regulation for this subparagraph; and*
- (b) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

On 19 July 2023, Council approved a Development Permit (MCU22/0017) for a Material Change of Use for a Childcare Centre at 47 Anzac Avenue, Mareeba, formally described as Lot 53 on SP204554. Officers' assessment informing the recommendation for approval (and ultimate approval) determined that non-residential development for a Childcare Centre is appropriate in this context, that amenity impacts are appropriate and that there are no impacts from a traffic perspective.

The development was approved with standard conditions relating to Timing of Effect; General; Waste Management, Noise Nuisance, Screening; Building Amenity; Safety Fencing; Hours of Operation; Access; Stormwater; Carparking and Internal Driveways; Landscaping and Fencing; Lighting; Water Supply and Sewerage Connection.

Non-residential uses (such as the proposed development) that serve the day to day needs of the surrounding residential catchment are explicitly contemplated to occur in the Low Density residential Zone. The proposed development represents a logical extension to an existing facility, consolidating existing non-residential uses and making use of existing infrastructure.

## 9.0 CONCLUSION

This application seeks a Development Permit for a Material Change of Use for a Childcare Centre (Extension).

The proposal has been assessed against the relevant assessment benchmarks prescribed in the applicable Local and State planning instruments for Impact Assessable development. The report and appendices have demonstrated that the application complies with the relevant assessment benchmarks.

Relevant matters that are applicable to the proposed development are also identified above to provide support and context to the application.

Should you wish to discuss any aspect of this development please contact the undersigned on 0448 703 963.

Kind Regards,

A handwritten signature in black ink, appearing to read 'K Johnston', with a stylized flourish at the end.

Keanu Johnston | Principal Planner  
**REEL PLANNING PTY LTD**

## APPENDIX A: PROPOSAL PLANS



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# QT's Kindergarten & Outside School Hours Care Extension

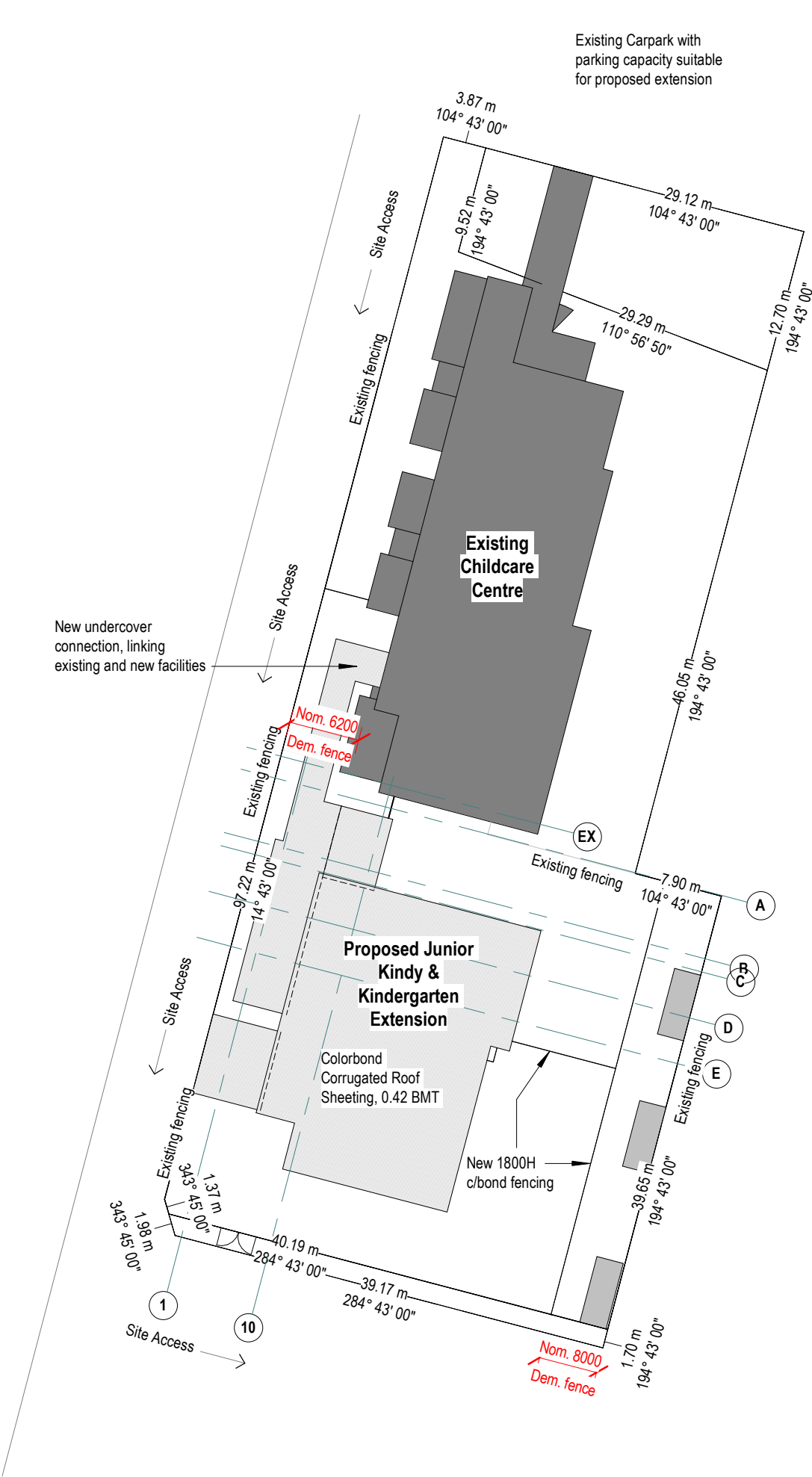
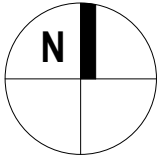


Option B

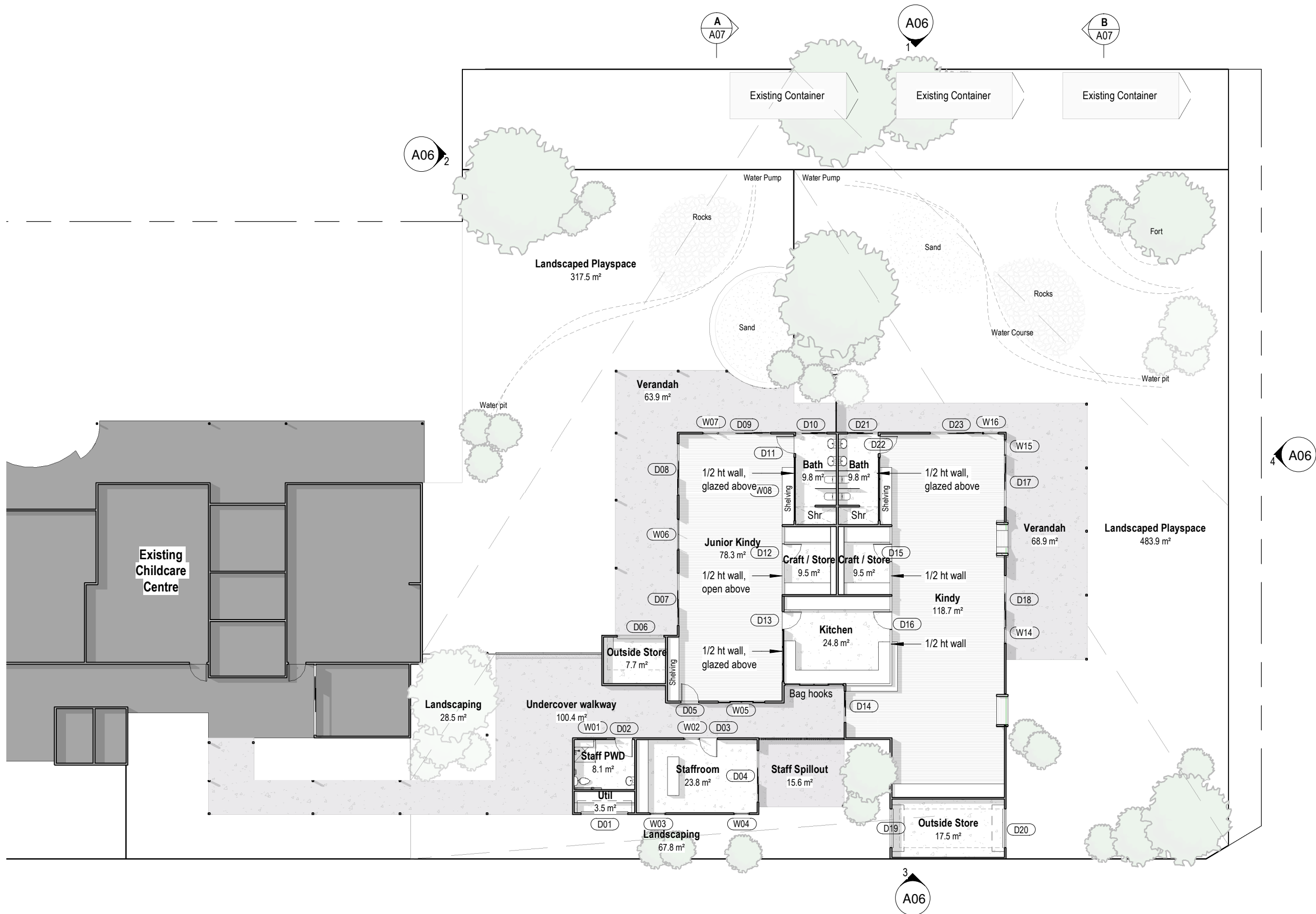
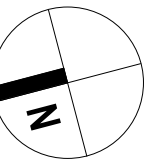


41B Anzac Avenue, Mareeba Q 4880  
Lot 200 on SP213026  
Parish of Tinaroo, County of Nares

Total Lot Area - 3,626sqm  
Easement E Area - 67sqm  
Easement F Area- 324sqm



Option B



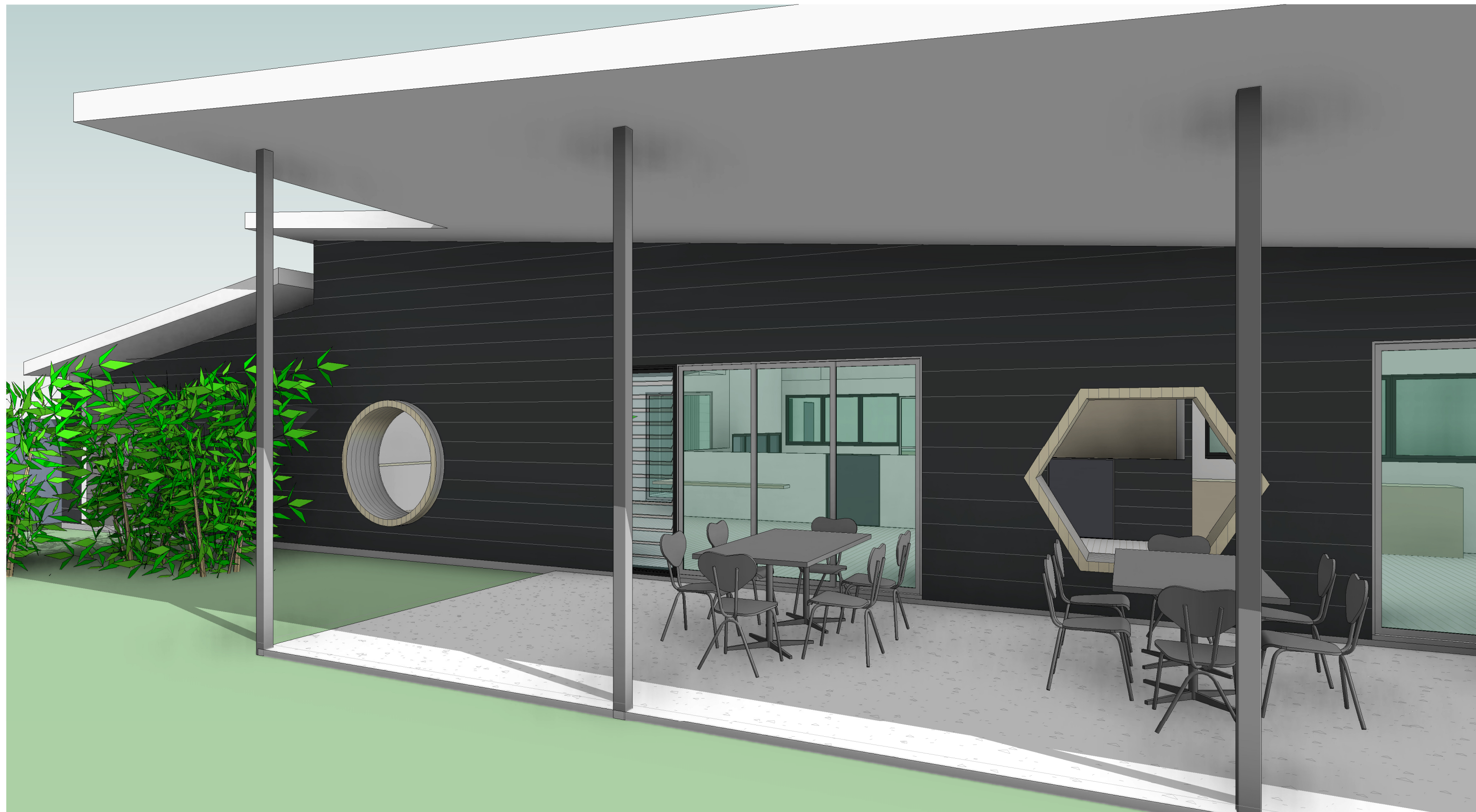
Option B





Option B





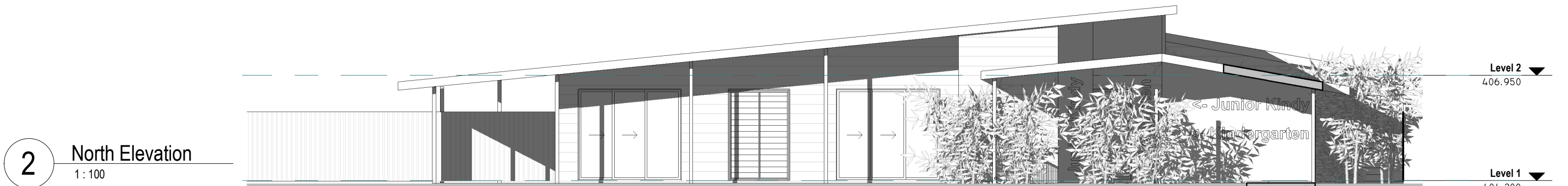
Option B



1

East Elevation

1 : 100



2

North Elevation

1 : 100

Level 2 ▼

406.950

Level 1 ▼

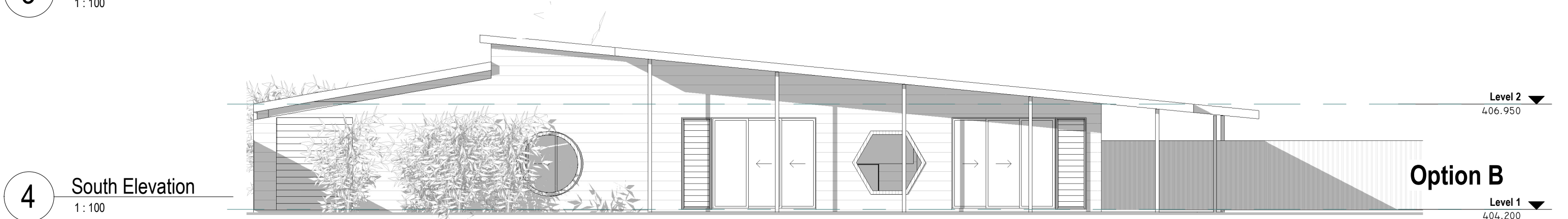
404.200



3

West Elevation

1 : 100



4

South Elevation

1 : 100

Level 2 ▼

406.950

Level 1 ▼

404.200

Option B



## APPENDIX B: PLANNING SCHEME ASSESSMENT



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APPENDIX A - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

## PART 1 – ZONE CODE

### LOW DENSITY RESIDENTIAL ZONE CODE

Performance Outcomes	Acceptable Outcomes	Response
<b>Height</b>		
PO1 Building height takes into consideration and respects the following: (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length.	AO1 Development has a maximum building height of: (a) 8.5 metres; and (b) 2 storeys above ground level.	Complies. The development is a single storey extension, less than 8.5m in height.
<b>Outbuildings and residential scale</b>		
PO2 Domestic outbuildings: (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the Low density residential zone.	AO2 Domestic outbuildings do not exceed: (a) 100m <sup>2</sup> in gross floor area; and (b) 5.5 metres in height above natural ground level.	Not applicable. The development does not include a domestic outbuilding.
<b>Siting</b>		
PO3 Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; and (f) appearance of building bulk; and (g) relationship with road corridors.	<p>AO3.1 Buildings and structures include a minimum setback of: (a) 6 metres from the primary road frontage; and (b) 3 metres from any secondary road frontage.</p> <p>AO3.2 Buildings and structures include a minimum setback of 2 metres from side and rear boundaries.</p>	Performance outcome sought. The additional works are largely compliant with this aspect of the code, with the exception of a built to boundary storage room along the western boundary. This non-compliance is considered negligible and is noted to be built to a shared property boundary with the access handle of the storeroom property. The location of the storeroom will not impact upon the adjacent premises, access to sunlight / daylight, overlooking or air circulation.

### APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
Accommodation density		
PO4 The density of Accommodation activities: (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 accommodation density for the zone; and (d) is commensurate to the scale and frontage of the site.	AO4 Development provides a maximum density for Accommodation activities in compliance with Table 6.2.6.3B.	Not applicable. The development is not for an accommodation activity.
Gross floor area		
PO5 Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features.	AO5 Gross floor area does not exceed 600m <sup>2</sup> .	Performance outcome sought. The development exceeds a gross floor area of 600m <sup>2</sup> . With regard to the large lot size and the nature of the use of the site, the development is not considered excessive or overbearing with regard to bulk and scale, and instead appropriately utilises the land. The development has demonstrated consistency with the low density residential character of the area.
Building design		
PO6 Building facades are appropriately designed to: (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space.	AO6 Buildings include habitable space, pedestrian entrances and recreation space facing the primary road frontage.	Complies. The development is accessed from the primary road frontage, being Anzac Avenue.
PO7 Development complements and integrates with the established built character of the Low density residential zone, having regard to: (a) roof form and pitch; (b) eaves and awnings; (c) building materials, colours and textures; and (d) window and door size and location.	AO7 No acceptable outcome is provided.	Complies. The development has been designed commensurate with the prevailing low density residential character of the area. This is reflected through roof form and pitch, eaves and awnings, building materials and colours.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
Non-residential development		
PO8 Non-residential development is only located in new residential areas and: (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) directly supports the day to day needs of the immediate residential community; and (d) does not impact on the orderly provision of non-residential development in other locations in the shire.	AO8 No acceptable outcome is provided.	Complies. The development is for an extension to an existing facility which was historically determined to be appropriate for the residential setting. The development is consistent with the scale of existing development, does not detract from the amenity of nearby residential uses, will continue to support the day to day needs of the community and does not impact upon development elsewhere within the Shire.
Amenity		
PO9 Development must not detract from the amenity of the local area, 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.	AO9 No acceptable outcome is provided.	Complies. The development has been designed commensurate with the residential character of the area. The development has been designed to locate any noise generating aspects of the development on the southern and eastern portions of the subject site to minimise impacts upon sensitive receivers. Landscaping is proposed to act as a visual and acoustic buffer to residential development west of the site.
PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, 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.	AO10 No acceptable outcome is provided.	Complies. The development has been designed commensurate with the residential character of the area. The development has been designed to locate any noise generating aspects of the development on the eastern side of the subject site to minimise impacts upon sensitive receivers. Landscaping is proposed to act as a visual and acoustic buffer to residential development west of the site.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS



## PART 2 – DEVELOPMENT CODES

### COMMUNITY ACTIVITIES CODE

Performance Outcomes	Acceptable Outcomes	Response
Amenity and privacy		
PO1 Community activities are appropriately located and designed to avoid adverse impacts on sensitive uses related to: (a) noise; (b) lighting; and (c) overlooking. Note—These provisions apply to any adjoining sensitive use, both on an adjoining site and on the same site as the Community activity.	AO1 Along any common boundary with a sensitive land use, development incorporates: (a) a 1.8 metre high solid screen fence; and (b) screening to windows which: (i) face the boundary; (ii) have a sill height less than 1.5 metres; and (iii) are not wholly screened by the boundary fence.	Complies. Appropriate fencing will be maintained along the southern and western boundaries to the appropriate standard. A condition to this effect may be imposed on the development permit.
If for Educational establishment or Child care centre		
PO2 Development is located on a site that is capable of accommodating: (a) all facilities necessary for the use; (b) required landscaping and buffering; and (c) appropriately designed access, manoeuvring and parking areas.	AO2 The development is located on a site with a minimum: (a) site area of 800m <sup>2</sup> ; (b) road frontage of 20 metres; and (c) road reserve width of 20 metres.	Complies. The subject site meets the listed criteria.
PO3 The design of the development does not result in any safety hazard for children or other users of the facility.	AO3 A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children: (a) Vehicle manoeuvring and parking areas; (b) Refuse storage and servicing areas; and (c) Air conditioning, refrigeration plant and mechanical plant.	Complies. A condition to this effect may be imposed on the development permit.
Location		
AO4 Development is compatible with the amenity of the surrounding area, having regard to: (a) the location and type of vehicular access and parking; (b) hours of operation; (c) waste storage and collection; (d) advertising devices and signage; (e) visual amenity; (f) privacy; and (g) noise, odour and dust emissions.	AO4 No acceptable outcome is provided.	Complies. The development has been designed commensurate with the built form and residential character of the area. The development has been designed to locate any noise generating aspects of the development on the eastern side of the subject site to minimise impacts upon sensitive receivers. Landscaping is proposed to act as a visual and

### APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
		acoustic buffer to residential development west of the site.
PO5 Community activities are highly accessible to the community they serve and are located to encourage multi-purpose trips.	<p>AO5.1 Community activities are not located in a cul-de-sac.</p> <p>AO5.2 Development is located: (a) within 800 metres walking distance of the Centre zone; or (b) within 400 metres walking distance of a public transport stop; or (c) provided with a connection to the pedestrian and cycle network.</p>	Complies. The development is not located within a cul-de-sac and is appropriately accessible.
Amenity and privacy		
PO6 Community activities protect and enhance the character and amenity of the locality and streetscape through the appropriate location and screening of: (e) air conditioning; (f) refrigeration plant; (g) mechanical plant; and (h) refuse bin storage areas.	AO6 No acceptable outcome is provided.	Complies. Air conditioning, plant and refuse areas are appropriately located and screened. A condition to this effect may be imposed on the development permit.
If for Educational establishment or Child care centre		
PO7 Educational establishments and Child care centres: (a) do not detrimentally impact on the amenity or operations of surrounding land uses; and (b) have suitable separation distances and buffering from sensitive uses.	AO7 No acceptable outcome is provided.	Complies. The development has been designed commensurate with the built form and residential character of the area. The development has been designed to locate any noise generating aspects of the development on the eastern side of the subject site to minimise impacts upon sensitive receivers. Landscaping is proposed to act as a visual and acoustic buffer to residential development west of the site.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

## LANDSCAPING CODE

Performance Outcomes	Acceptable Outcomes	Response
PO1 Development, other than in the Rural zone, includes landscaping that: (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: (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 Development Manual. 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.	Complies. The development proposes new landscaping areas as well as appropriate landscaping within the outdoor play areas.
PO2 Development, other than in the Rural zone, includes landscaping along site frontages that: (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.	AO2 Development, other than in the Rural zone, includes a landscape strip along any site frontage: (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. Note—Where development is setback from a frontage less than 1.5 metres, the setback area is provided as a landscape strip	Complies. The frontage of the site is developed and does not provide an opportunity for further landscaping.
PO3 Development includes landscaping and fencing along side and rear boundaries that: (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;	AO3.1 Development provides landscape treatments along side and rear boundaries in accordance with Table 9.4.2.3B.  AO3.2 Shrubs and trees provided in landscape strips along side and rear boundaries: (a) are planted at a maximum spacing of 1 metre; (b)	Complies. To the extent relevant, the development meets the landscaping requirements of Table 9.4.2.3B.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
and (e) includes a range and variety of planting.	<p>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> <p>AO3.3 Any landscape strip provided along a side or rear boundary is designed in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species.</p>	
PO4 Car parking areas are improved with a variety of landscaping that: (a) provides visual interest; (b) provides a source of shade for pedestrians; (c) assists to break up and soften elements; and (d) improves legibility.	<p>AO4.1 Landscaping is provided in car parking areas which provides: (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; (b) a minimum of 1 shade tree for every 6 parking spaces, or part thereof, otherwise; and (c) where involving a car parking area in excess of 500m<sup>2</sup>: (i) shade structures are provided for 50% of parking spaces; and (ii) a minimum of 10% of the parking area as landscaping. 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>	Not applicable. The car parking area is completely developed and does not provide opportunity for additional landscaping.
PO5 Landscaping areas include a range and variety of planting that: (a) is suitable for the intended purpose and local conditions; (b) contributes to the natural character of the Shire; (c) includes native species; (d) includes locally endemic species, where practical; and (e) does not include invasive plants or weeds.	<p>AO5.1 Plant species are selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.</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</p>	Complies. A condition to this effect may be imposed on the development permit to ensure compliance.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	mulched to a minimum depth of 0.1 metres with organic mulch.	
PO6 Landscaping does not impact on the ongoing provision of infrastructure and services to the Shire.	<p>AO6.1 Tree planting is a minimum of (a) 2 metres from any underground water, sewer, gas, electricity or telecommunications infrastructure; and (b) 4 metres from any inspection chamber.</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>AO6.3 Vegetation adjoining an electricity substation boundary, at maturity, will have: (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.</p>	Complies. A condition to this effect may be imposed on the development permit to ensure compliance.
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	Complies. The location of landscaping areas allow for easy maintenance, access to sunlight and water, avoids nuisance and maintains CPTED principles.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS



## PARKING AND ACCESS CODE

Performance Outcomes	Acceptable Outcomes	Response
Car parking spaces		
PO1 Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: (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.	<p>Complies. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. although not physically designated, the car parking area within the Anzac Avenue road reserve includes thirty-five (35) parking spaces for the Childcare Centre, two (2) of which being PWD spaces. The car parking area also incorporates three (3) drop off areas immediately at the frontage of the site. Table 9.4.3.3B of the Parking and Access Code prescribes a parking rate for a Childcare Centre as:</p> <p>A minimum of 3 spaces will be required to be used for setting down and picking up of children, plus one space per 10 children for staff parking.</p> <p>The development does not seek to establish additional parking spaces. The development continues to provide well in excess of the prescribed parking under the Parking and Access Code, sufficiently meeting the demand generated by the land use.</p>
Vehicle crossovers		
PO2 Vehicle crossovers are provided to:: (d) ensure safe and efficient access between the road and premises; (e) minimize interference with the function and operation of roads; and (f) minimise pedestrian to vehicle conflict.	<p>AO2.1 Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.</p> <p>AO2.2 Development on a site with two or more road frontages provides vehicular access from: (a) the primary frontage where involving</p>	Not applicable. The development does not propose new or upgraded vehicle crossovers.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	<p>Community activities or Sport and recreation activities, unless the primary road frontage is a Statecontrolled road; or (b) from the lowest order road in all other instances.</p> <p>AO2.3 Vehicular access for particular uses is provided in accordance with Table 9.4.3.3E.</p>	
PO3 Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: (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. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve.
<b>Parking location and design</b>		
PO4 Car parking areas are located and designed to: (a) ensure safety and efficiency in operation; and (b) be consistent with the character of the surrounding locality.	<p>AO4.1 Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.</p> <p>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.</p> <p>AO4.3 The car parking area includes designated pedestrian routes that provide connections to building entrances.</p> <p>AO4.4 Parking and any set down areas are: (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</p>	Complies. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. Parking spaces and areas are compliant with the relevant standards.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	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.	
<b>Site access and maneuvering</b>		
PO5 Access to, and manoeuvring within, the site is designed and located to: (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 Access and manoeuvrability is in accordance with : (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Offstreet Parking) Commercial Vehicle Facilities. 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 Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.</p> <p>AO5.3 Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.</p> <p>AO5.4 Pedestrian and cyclist access to the site: (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. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. Access and manoeuvrability areas are compliant with the relevant standards.
PO6 Development that involves an internal road network ensures that it's design: (a) ensure safety and efficiency in operation; (b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of: (i) hours of operation; (ii) noise (iii)	AO6.1 Internal roads for a Tourist park have a minimum width of: (a) 4 metres if one way; or (b) 6 metres if two way.	Not applicable. The development does not include internal roads nor is it for a Tourist Park.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
light; and (iv) odour; (c) accommodates the nature and volume of vehicle movements anticipated to be generated by the use; (d) allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and (e) in the Rural zone, avoids environmental degradation.	<p>AO6.2 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: (a) a minimum approach and departure curve radius of 12 metres; and (b) a minimum turning circle radius of 8 metres.</p> <p>AO6.3 Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.</p> <p>AO6.4 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>AO6.5 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>AO6.6 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>AO6.7 For an Energy and infrastructure activity or Rural activity, internal road gradients: (a) are no steeper than 1:5; or (b) are steeper than 1:5 and are sealed.</p>	

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
<b>Servicing</b>		
PO7 Development provides access, maneuvering and servicing areas on site that: (a) accommodate a service vehicle commensurate with the likely demand generated by the use; (b) do not impact on the safety or efficiency of internal car parking or maneuvering areas; (c) do not adversely impact on the safety or efficiency of the road network; (d) provide for all servicing functions associated with the use; and (e) are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.	<p>AO7.1 All unloading, loading, service and waste disposal areas are located: (a) on the site; (b) to the side or rear of the building, behind the main building line; (c) not adjacent to a site boundary where the adjoining property is used for a sensitive use.</p> <p>AO7.2 Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.</p> <p>AO7.3 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>	Complies. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. Unloading, loading and service areas are to remain unchanged.
<b>Maintenance</b>		
PO8 Parking areas are used and maintained for their intended purpose.	<p>AO8.1 Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.</p> <p>AO8.2 All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.</p>	Complies. The subject site is benefitted by access to an established parking area within the Anzac Avenue road reserve. Parking areas are compliant with the relevant standards.
<b>End of trip facilities</b>		
PO9 Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that: (a) meet the anticipated demand generated from the use; (b) comprise secure and convenient bicycle parking and storage; and (c) provide end of trip facilities for all active transport users.	<p>AO9.1 The number of bicycle parking spaces provided for the use is in accordance with Table 9.4.3.3D.</p> <p>AO9.2 End of trip facilities are provided in accordance with Table 9.4.3.3D.</p>	Not applicable. A Childcare Centre does not require bicycle parking spaces or end of trip facilities.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS



Performance Outcomes	Acceptable Outcomes	Response
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		
PO10 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.	AO10 A traffic impact report is prepared by a suitably qualified person that identifies: (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.	Performance outcome sought. Given the scale and nature of the development, being an extension to an existing Childcare Centre facility, a Traffic Impact Assessment is not warranted. The development seeks to maintain the existing traffic and parking arrangement, which is capable of accommodating the additional demand generated by the extension to the existing facility.
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		
PO11 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.	AO11 A traffic impact report is prepared by a suitably qualified person that identifies: (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.	Performance outcome sought. Given the scale and nature of the development, being an extension to an existing Childcare Centre facility, a Traffic Impact Assessment is not warranted. The development seeks to maintain the existing traffic and parking arrangement, which is capable of accommodating the additional demand generated by the extension to the existing facility.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

## WORKS, SERVICE AND INFRASTRUCTURE CODE

Performance Outcomes	Acceptable Outcomes	Response
Water supply		
PO1 Each lot has an adequate volume and supply of water that: (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) 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: (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated water supply service area.</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: (c) 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 (d) on-site water storage tank/s: (iv) with a minimum capacity of 90,000L; (v) fitted with a 50mm ball valve with a camlock fitting; and (vi) which are installed and connected prior to the occupation or us</p>	Complies. The subject site is connected to Council's reticulated water network.
Wastewater disposal		
PO2 Each lot provides for the treatment and disposal of effluent and other waste water that: (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment.	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: (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area.	Complies. The subject site is connected to Council's reticulated sewerage network.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	AO2.2 An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located: (a) in the Conservation zone, Rural zone or Rural residential zone; and (b) outside a reticulated sewerage service area.	
Stormwater infrastructure		
PO3 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>AO3.1 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 On-site drainage systems are constructed: (a) to convey stormwater from the premises to a lawful point of discharge; and (b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	Complies. The subject site is connected to Council's stormwater network.
Electricity supply		
PO4 Each lot is provided with an adequate supply of electricity	AO4 The premises: (d) is connected to the electricity supply network; or (e) has arranged a connection to the transmission grid; or (f) 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: (iv) it is approved by the relevant regulatory authority; and (v) it can be demonstrated that no air or noise	Complies The subject site is connected to the electricity supply network.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	emissions; and (vi) 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 The subject site is connected to the telecommunication 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.	Not applicable. The proposed works do not involve or impact upon public utility mains.
Excavation or filling		
PO7 Excavation or filling must not have an adverse impact on the: (g) streetscape; (h) scenic amenity; (i) environmental values; (j) slope stability; (k) accessibility; or (l) privacy of adjoining premises.	<p>AO7.1 Excavation or filling does not occur within 1.5 metres of any site boundary.</p> <p>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.</p> <p>AO7.3 Earthworks batters: (f) are no greater than 1.5 metres in height; (g) are stepped with a minimum width 2 metre berm; (h) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (i) have a slope no greater than 1 in 4; and (j) are retained.</p> <p>AO7.4 Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: (c) adjoining premises; or (d) a road frontage, for a period exceeding 1</p>	Not applicable. The proposed works do not involve substantial excavation or filling.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	<p>month from the commencement of the filling or excavation.</p> <p>AO7.5 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>AO7.6 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>AO7.7 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>	
Transport network		
PO8 The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists.	AO8.1 Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	Not applicable. The development does not propose nor impact upon crossovers, parking areas or utilities or landscaping at the frontage of the site.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	AO8.2 Development provides footpath pavement treatments in accordance with Planning Scheme Policy 9 – Footpath Paving.	
Public infrastructure		
PO9 The design, construction and provision of any infrastructure that is to be dedicated to Council is cost effective over its life cycle and incorporates provisions to minimise adverse impacts.	AO9 Development is in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	Not applicable. The development does not involve public infrastructure.
Stormwater quality		
PO10 Development has a non-worsening effect on the site and surrounding land and is designed to: (a) optimise the interception, retention and removal of waterborne pollutants, prior to the discharge to receiving waters; (b) protect the environmental values of waterbodies affected by the development, including upstream, onsite and downstream waterbodies; (c) achieve specified water quality objectives; (d) minimise flooding; (e) maximise the use of natural channel design principles; (f) maximise community benefit; and (g) minimise risk to public safety.	<p>AO10.1 The following reporting is prepared for all Material change of use or Reconfiguring a lot proposals: (a) a Stormwater Management Plan and Report that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; and (b) an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia), including: (i) drainage control; (ii) erosion control; (iii) sediment control; and (iv) water quality outcomes.</p> <p>AO10.2 For development on land greater than 2,500m<sup>2</sup> or that result in more than 5 lots or more than 5 dwellings or accommodation units, a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) is prepared that demonstrates that the development: (a) meets or exceeds the standards of design and construction set out</p>	A condition for erosion and sediment control plan for the construction phase may be imposed on the development permit. The scale and nature of the development, being a minor extension to an existing facility, does not necessitate a stormwater management plan.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS



Performance Outcomes	Acceptable Outcomes	Response
	in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline; (b) is consistent with any local area stormwater water management planning; (c) accounts for development type, construction phase, local climatic conditions and design objectives; and (d) provides for stormwater quality treatment measures reflecting land use constraints, such as soil type, landscape features (including landform), nutrient hazardous areas, acid sulfate soil and rainfall erosivity.	
PO11 Storage areas for stormwater detention and retention: (a) protect or enhance the environmental values of receiving waters; (b) achieve specified water quality objectives; (c) where possible, provide for recreational use; (d) maximise community benefit; and (e) minimise risk to public safety.	AO11 No acceptable outcome is provided.	Not applicable. The development does not require stormwater retention or detention.
<b>Excavation or filling</b>		
PO12 Traffic generated by filling or excavation does not impact on the amenity of the surrounding area.	<p>AO12.1 Haul routes used for transportation of fill to or from the site only use major roads and avoid residential areas.</p> <p>AO12.2 Transportation of fill to or from the site does not occur: (a) within peak traffic times; and (b) before 7am or after 6pm Monday to Friday; (c) before 7am or after 1pm Saturdays; and (d) on Sundays or Public Holidays.</p>	Not applicable. The development does not involve substantial excavation or filling.
PO13 Air pollutants, dust and sediment particles from excavation or filling, do not cause significant environmental harm or nuisance impacts.	<p>AO13.1 Dust emissions do not extend beyond the boundary of the site.</p> <p>AO13.2 No other air pollutants, including odours, are detectable at the boundary of the site.</p>	Complies. The development will not result in offsite impacts or pollutants.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	AO13.3 A management plan for control of dust and air pollutants is prepared and implemented.	
PO14 Access to the premises (including driveways and paths) does not have an adverse impact on: (a) safety; (b) drainage; (c) visual amenity; and (d) privacy of adjoining premises.	AO14 Access to the premises (including all works associated with the access): (a) must follow as close as possible to the existing contours; (b) be contained within the premises and not the road reserve, and (c) are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	Not applicable. The development does not propose to change the existing site access arrangements.
Weed and pest management		
PO15 Development prevents the spread of weeds, seeds or other pests into clean areas or away from infested areas.	AO15 No acceptable outcome is provided	A condition to this effect may be imposed on the development permit.
Contaminated land		
PO16 Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants	AO16 Development is located where: (a) soils are not contaminated by pollutants which represent a health or safety risk to users; or (b) contaminated soils are remediated prior to plan sealing, operational works permit, or issuing of building works permit.	Complies. The subject site is not identified on the EMR or CLR.
Fire services in developments accessed by common private title		
PO17 Fire hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<p>AO17.1 Fire hydrants are located in accessways or private roads held in common private title at a maximum spacing of: (a) 120 metres for residential development; and (b) 90 metres for any other development.</p> <p>AO17.2 Fire hydrants are located at all intersections of accessways or private roads held in common private title.</p>	Not applicable. The development is not accessed by common private title.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

## PART 3 – OVERLAY CODES

### AIRPORT ENVIRONS OVERLAY CODE

Performance Outcomes	Acceptable Outcomes	Response
Protection of operational space		
<p>PO1</p> <p>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).</p>	<p>AO1.1</p> <p>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).</p> <p>AO1.2</p> <p>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).</p> <p>AO1.3</p> <p>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).</p>	<p>Not applicable. The subject site is located outside of this mapped sub-overlay.</p>
Lighting		
<p>PO2 Development does not include lighting that: (a) has the potential to impact on the efficient and safe operation of Mareeba Airport or an aerodrome; or (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: (a) involve</p>	<p>Not applicable. The subject site is located outside of this mapped sub-overlay.</p>

### APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	external lighting, including street lighting, that creates straight parallel lines of lighting that are more than 500 metres long; and (b) does not contain reflective cladding upwards shining lights, flashing lights or sodium lights.	
Noise exposure		
PO3 Development not directly associated with Mareeba Airport is protected from aircraft noise levels that may cause harm or undue interference.	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).	Not applicable. The subject site is located outside of this mapped sub-overlay.
Public safety		
PO4 Development does not compromise public safety or risk to property.	AO4 Development is not located within the 'Airport environs: Mareeba Airport public safety area' identified on Airport environs overlay map (OM-002e).	Not applicable. The subject site is located outside of this mapped sub-overlay.
State significant aviation facilities associated with Mareeba Airport		
PO5 Development does not impair the function of state significant aviation facilities by creating: (a) physical obstructions; or (b) electrical or electro-magnetic interference; or (c) deflection of signals.	<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>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>AO5.3 Building work does not occur within 'Airport environs: Zone A (200 metre buffer)'</p>	Not applicable. The subject site is located outside of this mapped sub-overlay.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
	<p>of the 'Biboohra CVOR' facility identified on Airport environs overlay map (OM-002a) unless associated with the Biboohra CVOR facility.</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: (a) the creation of a permanent or temporary physical line of sight obstruction above 13 metres in height; or (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.</p>	
Mareeba Airport		
Protection of operational airspace		
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.	<p>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).</p> <p>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).</p>	Not applicable. The subject site is located outside of this mapped sub-overlay.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

Performance Outcomes	Acceptable Outcomes	Response
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 subject site is located outside of this mapped sub-overlay.
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.	<p>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.</p> <p>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 (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</p>	Complies. The development does not involve food and waste sources accessible to wildlife.

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS



Performance Outcomes	Acceptable Outcomes	Response
	'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).	

## APPENDIX B - ASSESSMENT AGAINST ASSESSMENT BENCHMARKS

## APPENDIX C: DA FORM 1



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# DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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)	Mareeba Shire Job Training Association Inc
Contact name (only applicable for companies)	c/- Reel Planning Pty Ltd – Keanu Johnston
Postal address (P.O. Box or street address)	101/27-29 Wharf Street
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	0448 703 963
Email address (non-mandatory)	keanu@reelplanning.com
Mobile number (non-mandatory)	0448 703 963
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	
1.1) Home-based business	
<input type="checkbox"/> Personal details to remain private in accordance with section 264(6) of <i>Planning Act 2016</i>	
2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> 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
		41B	Anzac Avenue	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	200	SP213026	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:	

- ☐ 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:	

#### 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)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<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):*

Material Change of Use for Childcare Centre (Extension)

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

**6.4) Is the application for State facilitated development?**

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

**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 (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Childcare Centre	Childcare Centre	-	289.8

**8.2) Does the proposed use involve the use of existing buildings on the premises?**

- ☐ Yes
- ☒ No

**8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?**

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

**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? (tick all applicable boxes)**

<input type="checkbox"/> Subdivision (complete 10)	<input type="checkbox"/> Dividing land into parts by agreement (complete 11)
<input type="checkbox"/> Boundary realignment (complete 12)	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)



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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ 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
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland  
Government

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – 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)*
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- 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
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☐ 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 *(if applicable)*.

## PART 6 – INFORMATION REQUEST

### 19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- 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
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

## 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 checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCU/07/0034	November 2007	Mareeba Shire Council
<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](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

**Note:** See [www.business.qld.gov.au](http://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](http://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.desi.qld.gov.au](http://www.desi.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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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](http://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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) and [www.business.qld.gov.au](http://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, Science and Innovation at [www.desi.qld.gov.au](http://www.desi.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.resources.qld.gov.au](http://www.resources.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.desi.qld.gov.au](http://www.desi.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.desi.qld.gov.au](http://www.desi.qld.gov.au) for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

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

23.14) 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**

23.15) 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.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.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



**Queensland  
Government**

## 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

**Note:** For completion by assessment manager if applicable

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	

## APPENDIX D: TITLE SEARCH



**BRISBANE**  
1/9 Camford Street,  
Milton Qld 4064  
(07) 3217 5771  
[mail@reelplanning.com](mailto:mail@reelplanning.com)

**CENTRAL QUEENSLAND**  
138 East Street,  
Rockhampton Qld 4700  
(07) 4927 3878  
[mail@reelplanning.com](mailto:mail@reelplanning.com)

**FAR NORTH QUEENSLAND**  
Unit 101, 27-29 Wharf Street,  
Cairns City Qld 4870  
(07) 4281 6885  
[mail@reelplanning.com](mailto:mail@reelplanning.com)

[www.reelplanning.com](http://www.reelplanning.com)

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50716498</b>	<b>Search Date:</b>	16/12/2024 10:08
<b>Date Title Created:</b>	21/04/2008	<b>Request No:</b>	50364538
<b>Previous Title:</b>	50659564		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 200 SURVEY PLAN 213026  
Local Government: MAREEBA

**REGISTERED OWNER**

Dealing No: 715484004 11/12/2013

MAREEBA SHIRE JOB TRAINING ASSOCIATION INC

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 21157195 (POR 196)
2. EASEMENT No 601110822 (T88243) 27/04/1983  
BENEFITING THE LAND  
OVER EASEMENT B ON RP35872
3. EASEMENT No 710483252 05/04/2007 at 15:52  
benefiting the land over  
EASEMENT D ON SP202153
4. EASEMENT No 711590100 18/04/2008 at 15:04  
burdening the land to  
LOT 201 ON SP213026 OVER  
EASEMENT E ON SP213026
5. EASEMENT No 711590103 18/04/2008 at 15:04  
burdening the land to  
LOT 201 ON SP213026 OVER  
EASEMENT F ON SP213026

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

## APPENDIX E: DEVELOPMENT PERMIT MCU/07/0034



**BRISBANE**  
1/9 Camford Street,  
Milton Qld 4064  
(07) 3217 5771  
[mail@reelplanning.com](mailto:mail@reelplanning.com)

**CENTRAL QUEENSLAND**  
138 East Street,  
Rockhampton Qld 4700  
(07) 4927 3878  
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**FAR NORTH QUEENSLAND**  
Unit 101, 27-29 Wharf Street,  
Cairns City Qld 4870  
(07) 4281 6885  
[mail@reelplanning.com](mailto:mail@reelplanning.com)

[www.reelplanning.com](http://www.reelplanning.com)



**Mareeba Shire Council**  
**P.O. Box 154**  
**65 Rankin Street**  
**Mareeba Qld 4880**

Telephone (07) 4030 3900  
Facsimile (07) 4092 3323  
Email [ceo@msc.qld.gov.au](mailto:ceo@msc.qld.gov.au)  
Web [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

QITE Mareeba  
C/- Nicole Ewing  
Deborah Fisher Architect  
PO Box 5107  
CAIRNS QLD 4870

Our Ref: MCU/07/0034  
Item No: 13:19.02.08  
BJM:mjn

22 February 2008

Dear Sir

**MATERIAL CHANGE OF USE – MCU/07/0034**

I refer to the Development Application lodged by you on behalf of QITE Mareeba.

Please find attached the relevant Decision Notice.

Your attention is drawn to Section 3.5.17 of the Integrated Planning Act, in relation to making representations to the Assessment Manager, about the conditions of the Development Approval (copy attached).

Should you have any queries with regard to the matters raised, please direct them to me on 4030 3959.

Yours faithfully

**BJ Millard**  
**SHIRE PLANNER**

Attachments





## MAREEBA SHIRE COUNCIL

### DECISION NOTICE FOR DEVELOPMENT APPLICATION

Development Number:	MCU/07/0034
Applicant:	QITE Mareeba
Proposal:	Child Care Centre
Property Location:	41B Anzac Avenue MAREEBA QLD 4880
Real Property Description:	Lot 198 SP 202153
Referral Agencies:	Department of Main Roads
Decision Date:	19 February 2008
Decision:	Approved, Subject to Conditions
Type Of Approval:	Development Approval
Assessment Manager Conditions:	See Attached Page
Submitters to the Application:	Nil
Concurrence Agency Conditions:	Department of Main Roads
Further Development Permits Required:	Nil
Appeal Rights:	Division 8 – Appeals to Court Relating to Development Applications, attached for your information.

**Andy L Smith**  
**A/CHIEF EXECUTIVE OFFICER**

**PAGE 1 OF 4**

*Mareeba Shire – a great place to live.*



## MAREEBA SHIRE COUNCIL

### DECISION NOTICE FOR DEVELOPMENT APPLICATION

## CONDITIONS

Resolved that Council:-

Issue a Development Permit for the application by QITE Mareeba for Material Change of Use to establish a Child Care Centre on land described as part of Lot 198 on SP202153, Parish of Tinaroo, situated at 43 Anzac Avenue, Mareeba, subject to the following conditions:

### COUNCIL CONDITIONS

1. The facts and circumstances as set out in the application and supporting information being adhered to, except where modifications to the proposal result from the application of the following conditions.

2. Water

The applicant shall:-

- (i) (a) Install suitable backflow prevention equipment;  
(b) Install containment device at point of supply.
- (ii) Upgrade the existing water service to meet development requirements.
- (iii) All work to be to the Mareeba Shire Council requirements of the FNQROC Development Manual and to the satisfaction of the Manager Civil Works.
- (iv) The applicant shall contribute to the cost of water headworks in accordance with the adopted policy of Council existing at the time of submission of the application. Such payment shall be made prior to the issue of a Development Permit for Building Works.

3. Sewer

The applicant shall:-

- (i) Upgrade the existing sewerage infrastructure to meet development requirements.
- (ii) All work to be to the Mareeba Shire Council requirements of the FNQROC Development Manual and to the satisfaction of the Manager Civil Works.

**Andy L Smith**  
**A/CHIEF EXECUTIVE OFFICER**

**PAGE 2 OF 4**

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## MAREEBA SHIRE COUNCIL

### DECISION NOTICE FOR DEVELOPMENT APPLICATION

- (iii) The applicant shall contribute to the cost of sewer headworks in accordance with the adopted policy of Council existing at the time of submission of the application. Such payment shall be made prior to the issue of a Development Permit for Building Works.
4. The side and rear boundaries of the site must be fenced. The fencing must be a 1.8 metre high solid fence.
  5. The applicant must landscape the subject land and street frontage in accordance with a landscape plan endorsed by the Chief Executive Officer. The landscape plan must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a development permit for carrying out building work.
  6. Areas to be landscaped must be established prior to the commencement of the use and must be maintained at all times, both to the satisfaction of the Chief Executive Officer.
  7.
    - (i) On site carparking is to be provided in accordance with the requirements of the Carparking Code of the Mareeba Shire Planning Scheme.
    - (ii) The vehicular access and car parking must be designed and constructed in accordance with the provisions of the Car Parking Code.
  8. All earthworks, access tracks, driveways, carparking areas and the like are to be surface treated and maintained so that the risk and consequences of erosion are minimised. All earthworks are to be planted or otherwise protected from scour as soon as possible after works are carried out and to the satisfaction of the Shire Planner.
  9. There shall be no change in intensity of operations stated in application unless approved by Council.
  10. Any signage erected on site shall be to the standards and satisfaction of the Shire Planner.
  11. A development permit for building and plumbing works is to be obtained prior to the commencement of any building works.

**Andy L Smith**  
**A/CHIEF EXECUTIVE OFFICER**

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## MAREEBA SHIRE COUNCIL

### DECISION NOTICE FOR DEVELOPMENT APPLICATION

12. Any areas used for storage of materials, equipment, rubbish and waste bins are screened from open view of any public road by a one (1) metre wide landscaping buffer (refer to Part 6 Division 15 - Landscaping Code) or a 1.8 metre high solid fence.

#### MAIN ROADS CONDITIONS

Conditions as per the Department of Main Roads Concurrence agency response dated 14 December 2007.

**Andy L Smith**  
**A/CHIEF EXECUTIVE OFFICER**

**PAGE 4 OF 4**

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**B/c**

Deborah Fisher Architect  
PO Box 5107  
Cairns Qld 4870

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Department of **Main Roads**

For your information.



Peter McNamara

**A/ MANAGER (CORRIDOR MANAGEMENT) PENINSULA**

14 December 2007

Department of **Main Roads**

Mr AL Smith  
A/ Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba Qld 4880

Dear Mr Smith

**Mareeba Shire : Kennedy Highway (Cairns-Mareeba)  
Situated at 43 Anzac Avenue, Mareeba  
Lot 198 on SP 202153, Parish of Tinaroo  
Deborah Fisher Architect  
Proposed Material Change of Use (Child Care Centre) Application  
Notification of Changed Conditions of Development (DMR as Referral Agency)**

I refer to:

- the above application received at the Department 19 November 2007 requesting consideration of the above development,
- the Department's letter of conditions of development dated 11 December 2007, and
- written representation from the applicant received at the Department 13 December 2007, with an amended Acknowledgement Notice for Part Lot 198 on SP 202153, requesting a review of the application.

The Department has reviewed the application and is able to delete condition 2 and amend condition 3.

In accordance with section 3.3.17 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following amended conditions of development for the subject application:

## **A. AMENDED CONDITIONS OF DEVELOPMENT**

### **1. Permitted Road Access Location**

- (i) Vehicular access between the State-controlled road (i.e. Kennedy Highway) and the subject land shall be via Anzac Avenue, to the satisfaction of Mareeba Shire Council.
- (ii) No direct access between the State-controlled road (i.e. Kennedy Highway) and the subject land is permitted.

**North Queensland Region**  
Peninsula District  
PO Box 6185  
CAIRNS Queensland 4870  
**ABN 57 836 727 711**

Our ref 133/32A/102(1509.01)  
Your ref MCU/07/0034  
Enquiries MALCOLM HARDY  
**Telephone +61 7 4050 5511**  
Facsimile +61 7 4050 5438



## 2. Road Traffic Noise Treatments

This condition applies if the proposed development extends south of the existing bowling clubhouse on the subject land (as indicated as Stage 2 on the Deborah Fisher Architect Drawing No. 07/15 A02, dated 6/11/07).

### (i) Location of Works

Road traffic noise ameliorative works shall be incorporated into the design of the development, and the applicant/landowner shall have regard to the design criteria specified within AS3671.

### (ii) Maximum Noise Levels and Time Horizons

The maximum noise intervention levels within 10 years of completion of the full development generated by traffic on the SCR are:

- External noise levels shall not exceed 60B(A) 18h (free field) where existing levels measured at the deemed-to-comply setback distance are greater than 40dB(A) L90 (8h) between 10pm and 6am (free field)
- External noise levels shall not exceed 57(A) 18h free field where existing levels measured at the deemed-to-comply setback distance are less than or equal to 40 dB(A) L90 (8h) between 10pm and 6am (free field), and
- Internal noise levels (i.e., within buildings above the ground floor level only) shall not exceed the maximum noise levels specified in AS2107-2000.

### (iii) Noise Testing

The following parameters shall be used to determine the required noise amelioration works.

- External noise levels shall be those predicted to occur on the subject land in areas likely to be frequently occupied by people for significant periods.
- For noise-sensitive development, internal noise levels shall be determined in accordance with AS2107-2000.
- Noise monitoring shall be carried out in accordance with AS2702-1984.
- Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTN88) United Kingdom Department of Transport.

### (iv) Road Traffic Noise Report

The applicant/landowner shall prepare a road traffic noise report which demonstrates how the development is to be designed to conform with the above requirements. The report shall:

- predict the road traffic noise levels and identify all lots that exceed the external noise levels in condition 2 (ii) prior to any noise amelioration works,
- identify the ameliorative works required within the subject land and buildings (including stating building pad levels in AHD), and
- contain all relevant information and calculations upon which the conclusions of the report are based.

The applicant/landowner shall submit the report to the Cairns Office of the Department of Main Roads, and if necessary, shall amend the report until the Department of Main Roads considers that the report reflects the requirements of this

condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the approved use (Stage 2).

(v) **Incorporation of Works into the Development**

All noise ameliorative works required within buildings on the subject land shall be:

- incorporated into the building design(s) prior to the applicant/landowner seeking Council (or private certifier) approval for a development permit for carrying out building works on the subject land, and
- incorporated into the building(s) prior to the commencement of the approved use (Stage 2).

**3. Advertising**

No advertising device for the proposed development is permitted within the Kennedy Highway reserve.

**4. Parking**

When calculating carparking requirements associated with the proposed development, no parking is permitted within the Kennedy Highway reserve.

**Reasons**

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Mareeba Shire Planning Scheme.

**B. GENERAL DISCUSSION**

Council is requested to reflect the above conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



Peter McNamara

**A/ MANAGER (CORRIDOR MANAGEMENT) PENINSULA**

## DIVISION 8

### APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS

#### APPEALS BY APPLICANTS

- 4.1.27 (1) An applicant for a development application may appeal to the court against any of the following:-
- (a) the refusal, or the refusal in part, of a development application;
  - (b) a matter stated in a development approval, including any condition applying to the development and the identification of a code under Section 3.1.6;<sup>68</sup>
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a currency period;
  - (e) a deemed refusal.
- (2) An appeal under subsection (1) (a) to (d) must be started within twenty (20) business days (the “applicant’s appeal period”) after the day the decision notice or negotiated decision is given to the applicant.
- (3) An appeal under subsection (1) (e) may be started at any time after the last day a decision on the matter should have been made.

#### APPEALS BY SUBMITTERS

- 4.1.28 (1) A submitter for a development application may appeal to the Court about:-
- (a) the giving of a development approval, including any conditions (or lack of conditions) or other provisions of the approval; or
  - (b) the length of a currency period for the approval.
- (2) The appeal must be started within twenty (20) business days (the “submitter’s appeal period”) after the day the decision notice or negotiated decision notice is given to the submitter.
- (3) If a person withdraws a submission before the application is decided, the person may not appeal the decision.

<sup>68</sup> Section 3.1.6 (Preliminary approval may override local planning instruments)

- (4) If an application involves both impact assessment and code assessment, appeal rights for submitters are available only for the part of the application involving impact assessment.

#### APPEALS BY ADVICE AGENCY SUBMITTERS

- 4.1.29 (1) An advice agency may, within the limits of its jurisdiction, appeal to the Court about the giving of a development approval for a development application if:-
- (a) the development application involves impact assessment; and
  - (b) the advice agency told the applicant and the assessment manager to treat its response to the application as a submission for an appeal.
- (2) The appeal must be started within twenty (20) business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

#### APPEALS FOR MATTERS ARISING AFTER APPROVAL GIVEN (CO RESPONDENTS)

- 4.1.30 (1) For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the Court against the decision in the notice:-
- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
  - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2) The appeal must be started within twenty (20) business days after the day the notice of the decision is given to the person.
- (3) Subsection (1) (a) does not apply if the approval resulted from a transitional development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.

## DIVISION 4 REPRESENTATIONS ABOUT CONDITIONS AND OTHER MATTERS

### APPLICATION OF DIVISION 4

3.5.16 This division applies only during the applicant's appeal period.

### CHANGING CONDITIONS AND OTHER MATTERS DURING THE APPLICANT'S APPEAL PERIOD

- 3.5.17 (1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).<sup>2</sup>.
- (2) If the assessment manager agrees with the representations, the assessment manager must give a new decision notice (the **"negotiated decision notice"**) to:
- (a) the applicant;
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area – the local government.
- (3) Only one (1) negotiated decision notice may be given.
- (4) The negotiated decision notice:
- (a) must be given with five (5) business days after the day the assessment manager agrees with the representations; and
  - (b) must be in the same form as the decision notice previously given; and
  - (c) must state the nature of the changes; and
  - (d) replaces the decision notice previously given.
- (5) If the assessment manager does not agree with the representations, the assessment manager must, within five (5) business days after the day the assessment manager decides not to agree with the representations, give a written notice to the applicant stating that the conditions have not been changed.
- (6) Before the assessment manager agrees to a change under this section, the assessment manager must reconsider the matters considered when the original decision was made, to the extent the matters are relevant.