

2 April 2025

**Our Ref: 25-1170**

**Chief Executive Officer**

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Attention: Mr Brian Millard – Senior Planner

Dear Brian,

**RE: APPLICATION SEEKING A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE OVER PART OF LAND AT 80-88 BYRNES STREET, MAREEBA, MORE FORMALLY DESCRIBED AS LOT 45 ON SPI 67408.**

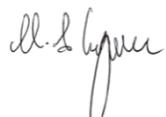
We refer to the above-described matter and confirm that Urban Sync Pty Ltd has been engaged by Anytime Tablelands Pty Ltd to submit a development application to Mareeba Shire Council for assessment with respect to a proposed redevelopment of a part of the above-described land. In support of the application, we attach the following documents to assist with Council's assessment:

- DA Form 1 and Landowners Consent as **Attachment 1**;
- Plans of Development prepared by Archi Spectrum Pty Ltd as **Attachment 2**;
- Site Searches as **Attachment 3**; and
- Assessment of the applicable development codes under the Planning Scheme as **Attachment 4**.

In accordance with s51(2) of *Planning Act 2016*, landowners' consent has been provided as the Applicant is **not** the owner of the land. Per Council's Schedule of Fees for the 2024/25 Financial Year, Councils' application fee to the amount of **\$1,822.00** will be paid upon a receipt being issued by Council and a receipt of payment will be provided in due course.

We trust this application can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact me using the below details.

Yours faithfully,



Matt Ingram  
Planning Manager

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

# TOWN PLANNING REPORT

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE

AT

80-88 BYRNES STREET, MAREEBA

FOR

ANYTIME TABLELANDS PTY LTD

*2 April 2025*

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Limitation: This report has been prepared on behalf of Urban Sync Pty Ltd for our client, Anytime Tablelands Pty Ltd and considers the instructions and requirements of Anytime Tablelands Pty Ltd with regards to the development being proposed. This report should not be relied upon by any third party and Urban Sync Pty Ltd accepts no liability or responsibility for the reliance on this report, or data contained within the report, by any third party.

Reference	Revision	Date	Prepared by	Checked by	Authorised by
25-1170	1.0	02/04/2025	NCD	MDI	MDI

02/04/2025  
Final Version 1.0  
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# I EXECUTIVE SUMMARY

Anytime Tablelands Pty Ltd are seeking the requisite statutory development approval from Mareeba Shire Council (Council) to support the redevelopment of an existing tenancy over part of land at 80-88 Byrnes Street, Mareeba, more formally described as Lot 45 on SP167408 (the site) for a new 'Anytime Fitness' gymnasium (the proposed development).

In a planning context, the site is located within the Centre Zone and Mareeba Local Plan - Town Centre Core Precinct of the *Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023* (Planning Scheme), where the proposed development triggers the need for a **Code Assessable** development application to be lodged and approved by Council. Accordingly, this development application seeks the following approvals:

- **Development Permit for a Material Change of Use - Indoor Sport and Recreation (Gymnasium)**

This report has been undertaken to:

- Examine the physical characteristics of the site;
- Accurately describe the proposed development, as reflected in the Plans of Development prepared by Archi Spectrum Pty Ltd in **Attachment 2**;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA), *Planning Regulation 2017* (PR), *State Planning Policy 2017* (SPP) and the Planning Scheme; and
- Address any 'key' planning issues and non-compliances with the applicable aspects of the Planning Scheme and other Assessment Benchmarks.

Based on a reasonable assessment, the Planning Scheme encourages the establishment of gymnasiums on the site, as is proposed as part of this development application. In addition, the proposed development will be located inside an existing building and as such, will be providing a development bulk and scale that is entirely consistent with the existing area. Given the zoning, there should also be a reasonable community expectation that the site will accommodate land uses similar to that being proposed and such an outcome, will not be inconsistent with existing, adjacent commercial activities nor the Planning Scheme intent for the site.

In terms of assessment of the proposed development, there are a handful of departures away from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been undertaken to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. In this instance, the **key** assessment matter relates to amenity, car parking demand and traffic generation and the report has provided extensive commentary to demonstrate that in this instance, these key matters remain suitable and that compliance with the higher order sections of the Planning Scheme can still be achieved. In doing so, it has been demonstrated that the proposed development will not have an unacceptable, negative impact on the amenity of the locality, nor the safety or efficiency of the adjacent road network.

The report concludes that the proposed development has been considered and assessed on its merits, in the context of the site, adjoining neighbors, the pattern of existing and approved urban development and the design arrangements to demonstrate that compliance with the applicable assessment benchmarks and other relevant State legislation can be suitably demonstrated. For this reason, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed. As such, the proposed development should be approved by Council subject to the imposition of reasonable and relevant conditions of approval and with the above in mind, we now submit this application to Council for assessment.



## 2 APPLICATION DETAILS

### 2.1 APPLICATION SUMMARY

Approval Sought:	<b>Development Permit for Material Change of Use - Indoor Sport and Recreation (Gymnasium)</b>
Registered Landowner:	Northern Suppliers Pty Ltd
Applicant:	Anytime Tablelands Pty Ltd
Project Description Details:	The proposed development will involve a new 'Anytime Fitness' gymnasium within an existing tenancy on a part of the site.
<b>ASSESSMENT DETAILS</b>	
Assessment Manager:	Mareeba Shire Council
Development Category:	Assessable Development
Assessment Category:	<b>Code Assessable</b>
Public Notification:	N/A
<b>PRE-LODGEMENT CONSULTATION</b>	
Council:	Yes (Informal)
State:	Nil.
<b>RELEVANT STATE PLANNING INSTRUMENTS</b>	
Legislation:	<i>Planning Act 2016 (Qld)</i>
Planning Policy:	<i>Queensland State Planning Policy (July 2017)</i>
Planning Policy State Interests:	<ul style="list-style-type: none"> <li>▪ Natural Hazards, Risk and Resilience; and</li> <li>▪ Strategic Airports and Aviation Facilities.</li> </ul>
Regional Plan:	<i>Far North Queensland Regional Plan 2009-2031</i>
Regional Plan Land Use:	Urban Footprint
Development Assessment Mapping:	<ul style="list-style-type: none"> <li>▪ Water Resources; and</li> <li>▪ Areas Within 25m of a State Transport Corridor</li> </ul>
Referrals:	Yes
<b>RELEVANT LOCAL PLANNING INSTRUMENTS</b>	
Planning Scheme:	<i>Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023</i>



<b>Local Plan:</b>	Mareeba Local Plan - Town Centre Core Precinct
<b>Zone:</b>	Centre Zone
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>▪ Airport Environs; and</li> <li>▪ Transport Infrastructure</li> </ul>

## 2.2 PLANS OF DEVELOPMENT

Drawing Title	DWG No.	Prepared By	Date
Site Plan	DA00.01	Archi Spectrum Pty Ltd	26.03.25
Existing Tenancy Floor Plan	DA01.01	Archi Spectrum Pty Ltd	12.03.25
Proposed Tenancy Floor Plan	DA02.01	Archi Spectrum Pty Ltd	12.03.25
Existing & Proposed External Elevations	DA03.01	Archi Spectrum Pty Ltd	12.03.25
Existing & Proposed External Elevations	DA03.02	Archi Spectrum Pty Ltd	12.03.25



### 3 SITE DETAILS

### 3.1 SITE DESCRIPTION

Registered Landowners:	Anytime Tablelands Pty Ltd
Site Location:	80-88 Byrnes Street, Mareeba
Lot and Description:	Lots 45 on SP167408
Site Area:	Site: 3,383m <sup>2</sup> (tenancy area: 666m <sup>2</sup> )
Tenure:	Freehold
Easements / Encumbrances:	Easement A on RP898470 (Access)
Local Government Authority:	Mareeba Shire Council



Figure 1: Site location – 80-88 Byrnes Street, Mareeba (Source: Queensland Globe 2025).

## 3.2 SITE ANALYSIS

<b>Current Use/s:</b>	The site has previously been utilised for the Mareeba RSL, however, this use has since ceased with the majority of the site currently being occupied by Northern Suppliers (Shop). The tenancy the proposed development will be located in is currently vacant, although most recently accommodate a 'burger bar' (Food and Drink Outlet).
<b>Existing Improvements:</b>	The site is improved with an existing commercial building, rear sheds/car ports, fencing and streetscape landscaping.

<b>Topography:</b>	The site is generally flat.
<b>Waterways:</b>	There are no waterways on the site.
<b>Vegetation:</b>	The site is devoid of native vegetation.
<b>Environmental Management &amp; Contaminated Land:</b>	To the best of Urban Sync's knowledge, the site is not located on the Environmental Management or Contaminated Land Registers.
<b>Heritage Places:</b>	Neither site nor adjoining properties are mapped as local or state heritage significance.

### 3.3 SURROUNDING LAND USES

Geographically, the site is located at the northern end of the Mareeba 'Main Street' (Byrnes Street) which includes a large variety of zoning designations. More specifically, the site is bound by the following Planning Scheme zones (see **Figure 2**):

- **North, South & East:** Centre zoned land; and
- **West:** Community Facilities zoned land.



Figure 2: Surrounding Land Uses – 80-88 Byrnes Street, Mareeba (Source: Mareeba Shire Council DA Mapping, 2025).

### 3.4 INFRASTRUCTURE AND SERVICES

<b>Road Frontage:</b>	<p><b><u>Byrnes Street</u></b></p> <p>The site has an approximate 56m frontage to the Byrnes Street, which is identified as a State Controlled Road on Council's Road Hierarchy. In the vicinity of the site, Byrnes Street comprises an approximate 6.5m wide, double</p>
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	<p>lane, two-way divided carriageway within a 40m road reserve. The road reserve is improved with concrete kerb and channelling, footpaths and formal on-street car parking on both sides of the carriageway.</p> <p><b><u>Railway Avenue</u></b></p> <p>The site has an approximate 56m frontage to the Railway Avenue, which is identified as an Access Road on Council's Road Hierarchy. In the vicinity of the site, Railway Avenue comprises of an approximate 8m wide, single lane, two-way carriageway within a 20m road reserve. The road reserve is improved with concrete kerb and channelling and a footpath on the eastern side of the carriageway with formal on-street parking occurring on both sides of the carriageway.</p>
<b>Vehicular Access:</b>	There site has two (2) existing accesses to the Railway Avenue (see <b>Figure 1</b> ).
<b>Pedestrian Access:</b>	Pedestrian access is provided via Byrnes Street and Railway Avenue.
<b>Water Supply:</b>	The site appears to be connected to Council's reticulated water infrastructure located in Byrnes Street (see <b>Figure 3</b> below).
<b>Sewerage Supply:</b>	The site appears to be connected to Council's reticulated sewer infrastructure which runs along the rear boundary (see <b>Figure 4</b> below).
<b>Stormwater:</b>	Stormwater appears to be discharged to the kerb and channel into Byrnes Street and Railway Avenue.
<b>Electricity &amp; Telecommunications:</b>	The site is connected to both electricity (underground) and telecommunication (underground) services.

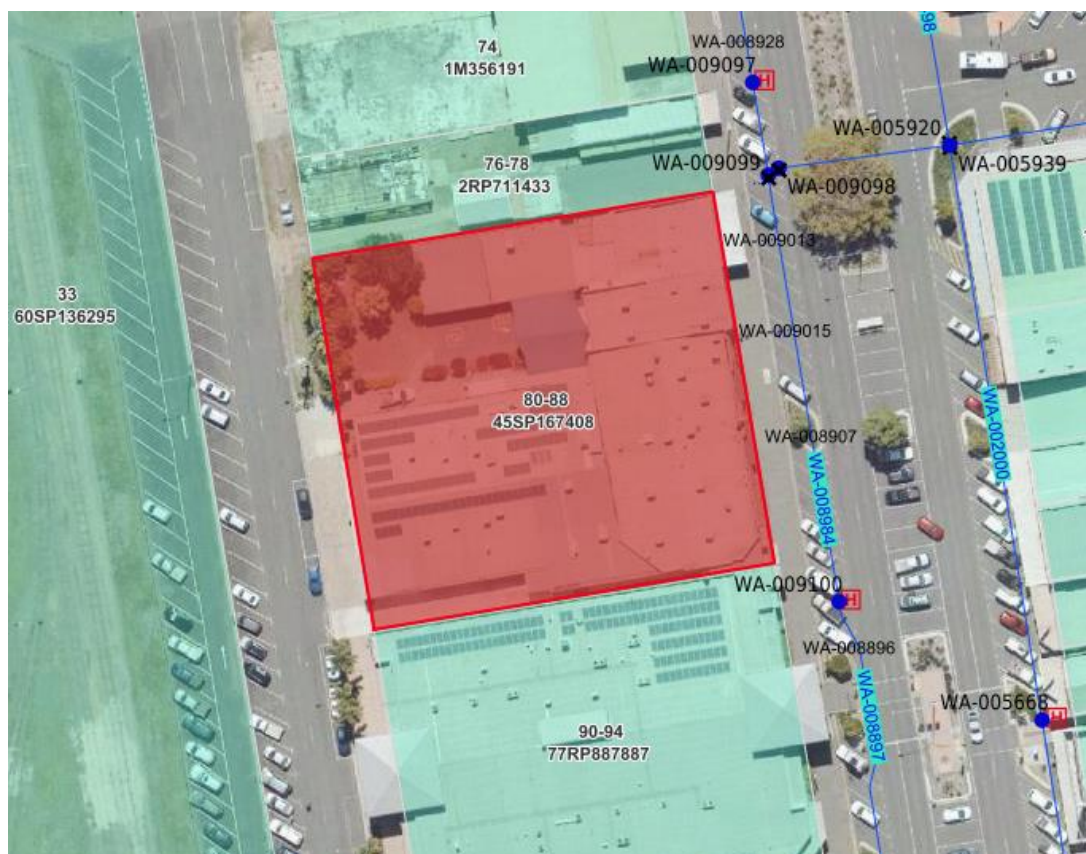


Figure 3: Existing Water Infrastructure Locations (Source: Mareeba Shire Council, 2025)



Figure 4: Existing Sewer Infrastructure Locations (Source: Mareeba Shire Council, 2025)

## 4 DEVELOPMENT BACKGROUND

### 4.1 RELEVANT APPROVALS

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A search of Council's online Development Application database has determined there are no relevant/existing approvals over the site.

### 4.2 PRELODGEEMENT MEETINGS

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No formal pre-lodgement discussions were held with Council regarding the proposed development (some informal discussions have occurred).

### 4.3 BREAKDOWN OF APPLICATION FEES

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In accordance with Council's Schedule of Fees for the 2024/25 Financial Year, Councils' application fee to the amount of **\$1,822.00** was calculated, as outlined below:

- Indoor sport and recreation (Code Assessable):  
= **\$1,822.00** (base fee)

## 5 DEVELOPMENT PROPOSAL

### 5.1 GENERAL DESCRIPTION

This development application seeks the requisite statutory development approval from Council to support the redevelopment of an existing tenancy over part of land at 80-88 Byrns Street, Mareeba, more formally described as Lot 45 on SP167408 for a new 'Anytime Fitness' gymnasium. Accordingly, this development application seeks the following approval:

- **Development Permit for a Material Change of Use - Indoor Sport and Recreation (Gymnasium).**

### 5.2 PROPOSAL DETAILS

The proposed development will include the following elements:

- **Configuration:**
  - Public lobby consisting of managers open office and a members/guests area;
  - Strength, cardiovascular, functional and weight training areas;
  - Members lobby; and
  - Amenity/utilities area.
- **Hours of Operation:**
  - Twenty-four (24) hours a day, seven (7) days a week for members;
  - 10am – 7pm Monday – Thursday and 10am – 4pm Friday and Saturday for non-members

Note: These hours MAY vary from time to time;

  - Classes will run mornings and afternoons Monday – Saturday – max ten (10) people per class.
- **Staff:** One (1) to two (2) staff max (generally in the hours of 10am – 7pm Monday – Thursday and 10am – 4pm Friday and Saturday);
- **Max Capacity:** Approx. 40 people;
- **Height, Site Coverage, Setbacks & Landscaping:** No changes to existing;
- **Tenancy Area:** 666m<sup>2</sup>;
- **Gross Floor Area:** Approx. 599.31m<sup>2</sup>

Note: the 'public lobby' area and 'building service' areas (66.61m<sup>2</sup>) within the tenancy have not been included in the calculation of Gross Floor Area (GFA) – see **Figure 5** below – as per Council's GFA definition in Table SC1.2.b – Administrative Definitions, these areas are not defined as GFA (see below extract of definition):

*"Gross floor area, for a building means the total floor area of all storeys of the building, measured from the outside of the external walls and the centre of any common walls of the building, other than areas used for:*

- (a) building services, plant and equipment; or*
- (b) access between levels; or*
- (c) ground floor public lobby;*
- (d) a mall;*

- (e) the parking, loading and manoeuvring of motor vehicles; or
- (f) unenclosed private balconies whether roofed or not”

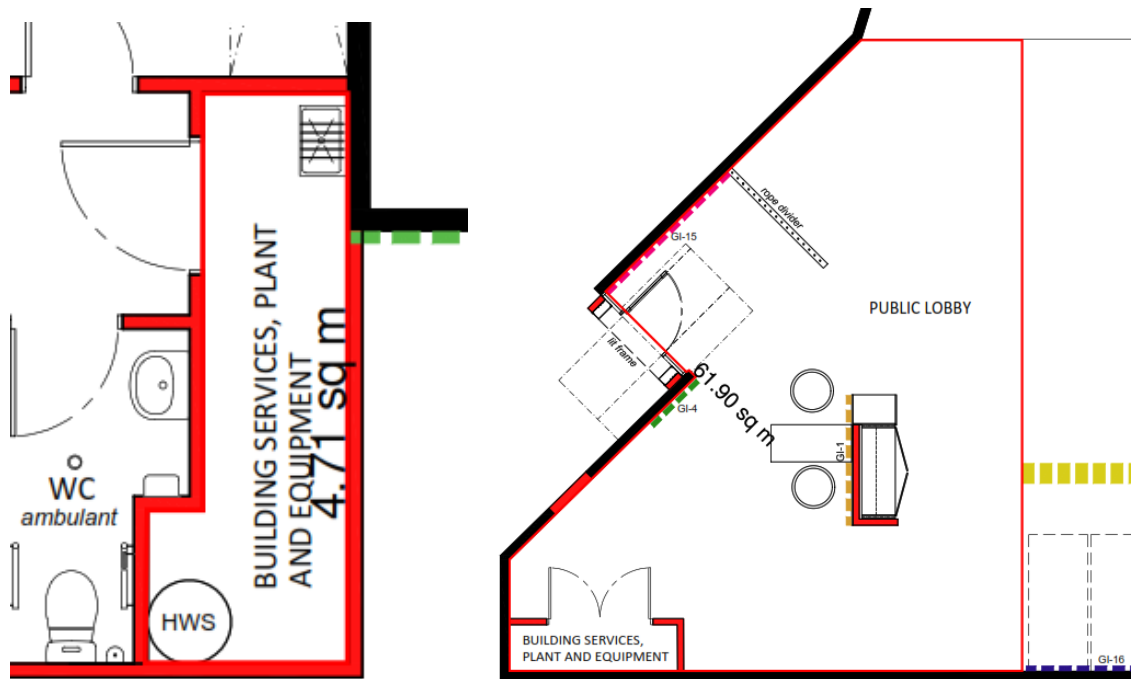


Figure 5: Gross Floor Area Exemption Areas (Sources: Archi Spectrum, 2025)

Please refer to the Plans of Development prepared by Archi Spectrum, in **Attachment 2** and **Figures 6-7** below for further information.

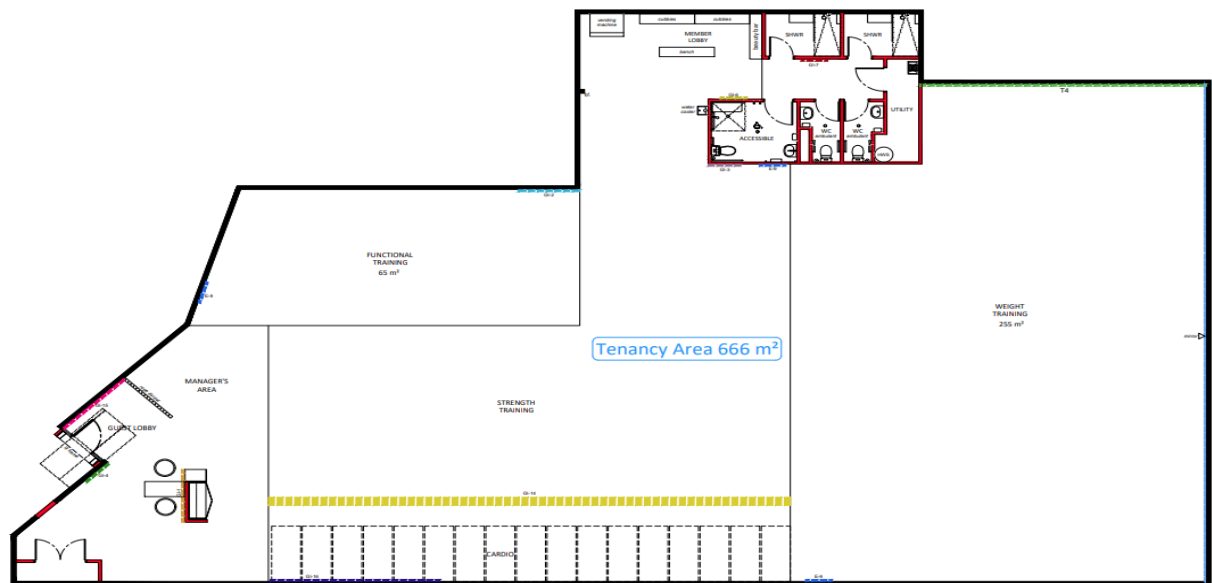


Figure 6: Tenancy Floor Plan (Source: Archi Spectrum, 2025)

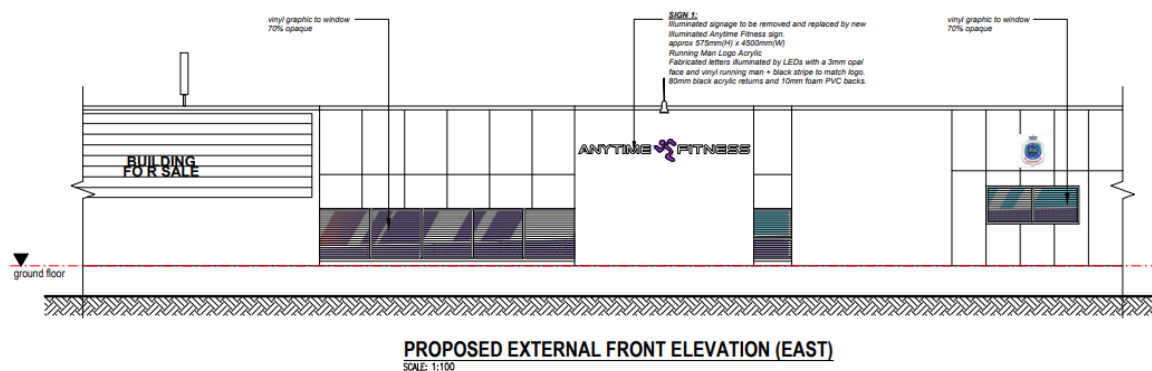


Figure 7: Perspective (Source: Archi Spectrum, 2025)

## 5.3 STAGING

The proposed development will not be staged.

## 5.4 ENGINEERING AND INFRASTRUCTURE PROVISION

### 5.4.1 Water & Sewer Supply

The proposed development will utilise the existing water and sewer connections provided to the site/tenancy. Any new works will be undertaken in accordance with the FNQROC Development Manual.

### 5.4.2 Electricity and Telecommunications

The proposed development will utilise the existing underground electricity and telecommunications connections provided to the site/tenancy.

### 5.4.3 Stormwater Drainage (Quantity)

No proposed development will not require any changes to the sites existing stormwater system with stormwater from the site continuing to be discharged to Byrnes Street and Railway Avenue at the same volumes/speeds as present.

### 5.4.4 Stormwater Drainage (Quality)

As the site greater than 2,500m<sup>2</sup> and has an impervious area of greater than 25%, in accordance with the *State Planning Policy 2017*, stormwater quality measures are required for both the operational and construction phases. However, no stormwater quality devices are proposed for the operational phase as the site is fully improved and it would be an unfeasible imposition on the proposed development to require stormwater quality devices be provided. Compliance for the construction phase can be conditioned (not that there will be any external works which would trigger erosion and sediment control).

### 5.4.5 Earthworks

No bulk earthworks are proposed.

### 5.4.6 Floor Levels

No changes to existing floor levels are proposed.

## 5.5 TRANSPORT AND ACCESSIBILITY

### 5.5.1 Vehicular Access

No changes to the existing vehicular accesses to Railway Avenue are proposed.



## 5.5.2 Car Parking Demand

No on-site car parking is proposed as the site is fully improved with little/no existing on-site car parking.

## 5.6 INFRASTRUCTURE CHARGES

Chapter 4 – Infrastructure of the PA outlines provisions for local governments to prescribe infrastructure charges for demands placed on trunk infrastructure where a Local Government Infrastructure Plans (LGIP) is included as part of the Planning Scheme and is adopted by resolution. These provisions have been reflected in Mareeba Shire Council Adopted Infrastructure Charges Resolution (No.1) 2024, which came into effect from 19 June 2024. The site is in the 'Centre Zone' of the Mareeba Shire Council Local Government Area. In accordance with Council's AICR, Infrastructure Charges are applicable to the development calculated as follows and shown in **Table 1** below:

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

Table 1: Estimation of Infrastructure Charges

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Indexed Amount
<b>PROPOSAL</b>					
Indoor sport and recreation	Indoor sport and recreation	non court area Per m <sup>2</sup> of GFA	\$155.40	599.39	<b>\$93,145.20</b>
<b>CREDIT</b>					
Commercial (retail)	Food and drink outlet	per m <sup>2</sup> GFA	\$139.90	666	<b>\$93,173.40</b>
<b>TOTAL</b>					<b>\$0.00</b>

Notes:

- The credit applied has been based on what Urban Sync understands the previous lawful use of the tenancy was (see **Section 3.2** above); and
- No stormwater charge has been levied as the proposed development will result in a 'no worsening'.

## 6 LEGISLATIVE REQUIREMENTS

### 6.1 PLANNING ACT 2016

#### 6.1.1 Confirmation that the Proposed Development is not Prohibited

The proposed development is not prohibited. This has been established by considering all the relevant state and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20 of the *Planning Regulation 2017* (PR).

#### 6.1.2 Assessment Manager

The Assessment Manager for this development application is Mareeba Shire Council as determined by Schedule 8 of the PR.

#### 6.1.3 Confirmation that the Application is Properly Made

Section 51 of the PA outlines the requirements for a properly made application wherein:

1. "A development application must be:
  - (a) made in the approved form to the assessment manager; and
  - (b) accompanied by –
    - i. the documents required under the form to be attached to, or given with, the application; and
    - ii. the required fee".
2. The application must be accompanied by the written consent of the owner of the premises to the application, to the extent:
  - (a) "The applicant is not the owner; and
  - (b) The application is for -
    - i. A material change of use of premises or reconfiguring a lot; or
    - ii. Works on premises that are below high-water mark and are outside a canal; and
  - (c) The premises are not excluded premises".

It is confirmed here that this application is made in the approved form, will pay the applicable Council application fee and has not been required to provide landowners consent and as such, is 'properly made'.

#### 6.1.4 Category of Development

The proposed development involves a Material Change of Use in respect to 'the start of a new use of the premises'. The proposed development requires a development approval under the Planning Scheme and in accordance with s43(1) of the PA, the proposed development is therefore, '**Assessable Development**'.

#### 6.1.5 Level of Assessment

The establishment of the Indoor Sport and Recreation land use when located in the Centre Zone, triggers the need for a **Code Assessable** development application to be lodged and approved by Council.



### 6.1.6 Statutory Considerations for Assessable Development

The proposed development is **Code Assessable** and as such, the assessment must only be carried out against the assessment benchmarks relevant to the development, as identified in the categorising instrument for the development, being the Planning Scheme. Section 45(3) of the PA States that a Code Assessment must be carried out only —

- a) *“against the assessment benchmarks in a categorising instrument for the development; and*
- b) *having regard to any matters prescribed by regulation for this subparagraph”*

When assessing the application, the relevant considerations of the Assessment Manager in making the decision are in accordance with Sections 59, 60(2), and 62 of the PA and Sections 25-28 of the PR. Section 26 of the PR establishes the Assessment Benchmarks for Code Assessment while section 27 of the PR list the matters Code Assessment must have regard to. Specifically, in deciding the application, section 60(2) of the PA states for a Code Assessable application, the Assessment Manager:

- a) *“Must decide to approve the application to the extent the development complies with all of the assessment benchmarks;*
- b) *May decide to approve the application even if it does not comply with some of the assessment benchmarks, provided for example, a decision to approve resolves a conflict between the assessment benchmarks;*
- c) *May impose development conditions on a development approval; and*
- d) *May, to the extent the development does not comply with some or all the assessment benchmarks, **decide to refuse the application, only if compliance cannot be achieved by imposing development conditions**”* (emphasis added).

## 6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

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The site is located within the ‘**Urban Footprint**’ Regional Land Use Category of the *Far North Queensland Regional Plan 2009-2031* (see **Attachment 3**). The Minister has identified that the planning scheme, specifically the Strategic Framework, appropriately advances the FNQRP 2009-2031. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

## 6.3 STATE PLANNING POLICY

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The State Planning Policy (SPP) came into effect on July 2017 under the PA. Part E of the SPP includes an array of State interests and associated assessment benchmarks which need to be considered during the development assessment process, where these State interests have not already been appropriately reflected within the relevant planning scheme. A review of the SPP mapping indicates that the proposed development/site is subject to several State interests, as outlined below (see also **Attachment 3**):

- Natural Hazards Risk and Resilience: (Flood hazard area - local government flood mapping area; Flood hazard area - Level 1 - Queensland floodplain assessment overlay); and
- Strategic Airports and Aviation Facilities: (Wildlife hazard buffer zone).

In accordance with Section 2.1 of the Planning Scheme, the Minister has identified that the Planning Scheme appropriately advances the SPP.

## 6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

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A review of the DA mapping system indicates that the site is subject to the following matters of State interest (see **Attachment 3**):

- Water Resources (Water resource planning area boundaries); and

- Areas Within 25m Of a State Transport Corridor (Area within 25m of a State-controlled Road; Area within 25m of a railway corridor)

In consultation with the PR and the above identified matters of interest, the proposed development triggers the following referrals:

- State Assessment Referral Agency – Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use near a State Transport Corridor.

As a result, the following modules of the State Development Assessment Provisions (Version 3.2) are applicable:

- State Code 1 – Development in a State-controlled Road Environment; and
- State Code 6 – Protection of State Transport Networks.

As the proposed development does not include any new or changed accesses to Byrnes Street nor to the quantity of stormwater which will be discharged by the site, the proposed development complies and/or can be conditioned to comply with the applicable State Codes. For this reason, a full assessment against the State Codes is not considered necessary and has not been undertaken.

## 6.5 PLANNING SCHEME (MAREEBA SHIRE COUNCIL PLANNING SCHEME 2016 - MAJOR AMENDMENT NO. 1 OF 2023)

### 6.5.1 Land Use Definition

The proposed development is defined under the Planning Scheme as:

#### **‘Indoor sport and Recreation’**

*“Premises used for leisure, sport or recreation conducted wholly or mainly indoors”.*

### 6.5.2 Applicable Planning Scheme Overlays

The site is affected by the following Planning Scheme overlays:

- Airport Environs (Bird and Bat Strike Zones (13km from Airport)); and
- Transport Infrastructure (State Controlled Road (Byrnes Street) and Access Road (Railway Avenue)).

### 6.5.3 Applicable Planning Scheme Codes

**Table 2** below lists the applicable codes of the Planning Scheme the proposed development is subject to assessment against.

Table 2: Applicable Planning Scheme Codes for Assessment

Scheme Component	Comment
<b>Zone Code</b>	
Centre Zone Code	Refer to <b>Attachment 4</b> and <b>Section 6.6.2</b>
<b>Local Code</b>	
Mareeba Local Plan Code	Refer to <b>Attachment 4</b> and <b>Section 6.6.3</b>
<b>Overlay Codes</b>	
Airport Environs Overlay Code	Refer to <b>Attachment 4</b> and <b>Section 6.6.4</b>

Development Codes	
Sport and Recreation Activities Code; Landscaping Code; Parking and Access Code; and Works, services and infrastructure Code.	Refer to <b>Attachment 4</b> and <b>Section 6.6.5</b>

## 6.6 PLANNING SCHEME ASSESSMENT

Based on a reasonable assessment, the Planning Scheme encourages gymnasium on land located within Centre Zone. However, assessment needs to consider and ensure that all site features, constraints and development impacts can be suitably managed. Accordingly, the proposed development needs to be considered and assessed on its merits, in the context of the site, adjoining neighbours, the pattern of existing and approved urban development, and the design arrangements proposed. Based on this understanding, Urban Sync undertook a full assessment of the proposed development against the applicable codes of the Planning Scheme and this assessment is included in **Attachment 4, Section 7** and is summarised below. In this instance, the proposed development is generally compliant with the 'deemed to comply' Acceptable Outcomes of the Planning Scheme and all other relevant assessment benchmarks. Where discretion is required, a performance-based assessment has been undertaken to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and in turn, the applicable code, can still be achieved. With this in mind, we have confidence that a complete assessment by Council will consider the project in its context, and in doing so, accept the proposed development.

### 6.6.1 Strategic Framework

The proposed development is **Code Assessable** and in accordance with s45(3) of the PA, no assessment against the Strategic Framework is required.

### 6.6.2 Centre Zone Code

The proposed development complies and/or can be conditioned to comply with the Centre Zone Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**.

### 6.6.3 Mareeba Local Plan

The proposed development complies and/or can be conditioned to comply with the Mareeba Local Plan Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**.

### 6.6.4 Overlay Codes

#### ***Airport Environs Overlay Code***

The proposed development does not include any structures that would protrude into the operational areas of the airport, nor does it involve any activities that could impact upon the operational airspace or adversely impacted by the operation of the Mareeba Airport. As such, the proposed development will not conflict with and/or can be conditioned to comply with the Airport Environs Overlay. For this reason, a full assessment against this code is not considered necessary and has not been undertaken.

### 6.6.5 Development Codes

#### ***Sport and Recreation Activities Code***

The proposed development complies and/or can be conditioned to comply with the Sport and Recreation Activities Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**.

### ***Landscaping Code***

The proposed development does not include any alterations nor improvements to the existing landscape features on the site (the site is also fully improved with no further opportunities for landscaping). As such, the proposed development will not conflict with and/or can be conditioned to comply with the Landscaping Code. For this reason, a full assessment against this code is not considered necessary and has not been undertaken.

### ***Parking and Access Code***

The proposed development complies and/or can be conditioned to comply with the Parking and Access Code. To demonstrate this compliance, a full assessment against the code has been provided in **Attachment 4**.

### ***Work, Services and Infrastructure Code***

The proposed development will be located within an existing building which is already connected to all urban infrastructure. There is also no excavation, filling or external works proposed. As such, the proposed development will not conflict with and/or can be conditioned to comply with the Works, Services and Infrastructure Code. For this reason, a full assessment against this code is not considered necessary and has not been undertaken.

## 7 DISCUSSION – KEY PLANNING MATTERS

This section of the report provides additional commentary in support of the key matters considered relevant to the assessment of this development application with these matters relating to amenity and car parking/traffic generation.

### 7.1 AMENITY

PO8 and PO9 of the Centre Zone code requires that development must not detract from, and consider, the amenity of the area. The proposed development will operate 24/7 and to demonstrate compliance with PO8 and PO9 of the Centre Zone Code, an assessment against the amenity matters listed in these sections of the code has been provided below.

(a) Noise:

- Noise from internal to the proposed development i.e., music etc., will not be able to be heard outside of the tenancy;
- Noise associated with members and guests coming/going from the proposed development during normal business hours is not expected to exceed the existing noise levels experienced on Byrnes Street i.e., being a State-controlled Road and the Main Street of Mareeba where there are high levels of activity for large portions of the day; and
- Noise associated with members and guests coming/going from the proposed development outside of normal business hours MAY exceed the existing noise levels experienced on Byrnes Street at these times i.e., due to lack of traffic/activity etc., although there will be minimal/nil commercial uses open at these times, nor are there any nearby residential land uses which could be impacted by this noise.

With the above in mind, the proposed development will not have any adverse noise impacts on the locality.

(b) Hours of Operation:

See response to (a) above.

(c) Traffic:

See **Section 7.2** below.

(d) Advertising Devices:

The advertising devices associated with the proposed development comply with the Acceptable Outcomes and Table 9.4.1.3D of the Advertising Devices Code and as such, will be consistent with the intent for advertising devices on Byrnes Street.

(e) Visual Amenity:

The proposed development will maintain the external built form and landscaping features of the site and as such, will not have any impacts on visual amenity.

(f) Privacy:

The proposed development is located within an existing building which contains windows that face towards Byrnes Street and of which, do not include a line of sight to any nearby habitable rooms.

(g) Lighting:

Any new outdoor lighting to be provided for the proposed development can be conditioned to ensure it complies with the relevant Australian Standards.

(h) Odour:

The proposed development is not a land use which will generate any levels of odour/emissions.

(i) Emissions:

See response to (h) above.

## 7.2 CARPARKING DEMAND

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In accordance with Table 9.4.3.3b of the Parking and Access Code, the car parking demands for indoor sport and recreation land-uses are one (1) space per 25m<sup>2</sup> of net lettable area (NLA) IF accepted development and 'as determined by Council' if assessable development.

Before investigating the car parking demand for the proposed development however, it must be noted that the tenancy the proposed development will occupy was previously used as a burger bar and as such, has a car parking 'credit' at the rate equivalent to a food and drink outlet. In the centre zone, a food and drink outlet has a car parking demand of one (1) space per 50m<sup>2</sup> up to 400m<sup>2</sup> of GFA and one (1) space per 15m<sup>2</sup> of GFA above 400m<sup>2</sup>. In a 666m<sup>2</sup> tenancy, this equates to a car parking demand of 26 spaces ( $400/50 = 8 + 266/15 = 17.7$ ). As such, the tenancy being occupied by the proposed development has a car parking 'credit' of 26 spaces.

While it is acknowledged the proposed development is assessable development, the accepted development rate of one (1) space per 25m<sup>2</sup> of net lettable area would seem a reasonable figure to use for the purposes of this assessment. As net lettable area is not defined in the Planning Scheme, it generally accounts for the leasable floor area within a commercial tenancy – this often excludes areas such as toilets, building services, access etc., although for simplicity purposes, the entire tenancy area of 666m<sup>2</sup> will be considered NLA for the purpose of this assessment. Using this methodology, the proposed development would generate a car parking demand of 27 spaces ( $666/25$ ). As such, the Planning Scheme car parking demand generated by the proposed development generally aligns with the car parking credit in effect for the tenancy/building.

That said, the Applicant has anticipated that a maximum of 30-40 persons, including those attending group training activities, are likely to attend the gym at any one time. While some people may walk, car pool etc, to err on the side of caution, we will assume a maximum capacity of 40 persons, all of whom will drive. Under this 'worst case' scenario, the proposed development could generate a car parking demand for an additional thirteen (13) car parking spaces over and above previous, lawful land uses (demand of 40 – credit of 27 = shortfall of 13). As all members and guests will need to park on street, this potential additional car parking demand will need to be accommodated in Byrnes Street and/or Railway Avenue.

Peak hours for the proposed development will primarily be between the hours of 5am – 7:30am and 5pm – 7pm Monday – Friday, as well as Saturday mornings. During these most heavily trafficked hours, nearby and adjacent activities on Byrnes Street are for the most part, not open. This ensures there will be ample on-street car parking in Byrnes Street and Railway Avenue to cater for the proposed development in peak times. Outside of the above listed hours, the proposed development will not operate anywhere near full capacity and will during these times, be very unlikely to generate a car parking demand over and above that generated by previous, lawful land uses on the site (i.e., the credit in effect on the site).

Finally, the proposed development will be accessible from Railway Avenue. This ensures any additional on-street car parking demand that MAY be generated by the proposed development can be 'split' between Byrnes Street and Railway Avenue. In addition, it is understood that adjacent to the site, there is generally ample amount of 'spare' car parking spaces in Railway Avenue to accommodate any additional demand (see **Figures 8-10**). For these reasons, the level of traffic generated by the development, nor the demand for car parking is expected to adversely impact the surrounding road network nor adjacent land and road users.





Figure 8: Site location – August 2024 (Source: Queensland Globe, 2025)



Figure 9: Site location – August 2023 (Source: Queensland Globe, 2025)





This report supports a development application made by Anytime Tablelands Pty Ltd who seek the requisite statutory development approval from Mareeba Shire Council to support the establishment of a new Indoor Sport and Recreation at 80-88 Byrnes Street, Mareeba, more formally described as Lot 45 on SP167408. Accordingly, this development application has sought the following development approvals from Council:

- **Development Permit for a Material Change of Use (Indoor Sport and Recreation)**

This report has described the proposed development, identified the applicable statutory and legislative requirements of Mareeba Shire Council under their Planning Scheme, the *Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023*, as well as those at the State level under the *Planning Act 2016*, *Planning Regulation 2017*, *State Planning Policy 2017* as well as all other, relevant State legislation and requirements, and in doing so, demonstrated the suitability of the proposed development.

The report has established that based on a reasonable assessment, there are a handful of departures away from the 'deemed to comply' Acceptable Outcomes, although where these departures have been identified, a performance-based assessment has been undertaken to demonstrate, based on sound planning grounds, that compliance with the corresponding Performance Outcome and higher order sections of the applicable code, can still be achieved. With this in mind, we have confidence that a complete performance-based assessment by Council will consider the project in its context, and in doing so, accept the alternative solutions being proposed and for this reason, should be approved by Council subject to the imposition of reasonable and relevant conditions of approval.



# 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)	Anytime Tablelands Pty Ltd
Contact name (only applicable for companies)	C/- Matt Ingram of Urban Sync Pty Ltd
Postal address (P.O. Box or street address)	PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4051 6946
Email address (non-mandatory)	<a href="mailto:admin@urbansync.com.au">admin@urbansync.com.au</a>
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	25-1170

### 1.1) Home-based business

☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

### 2) Owner's consent

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

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

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		80-88	Byrnes Street	Mareeba
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4880	45	SP167408	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):*

Development Permit for a Material Change of Use for Indoor Sport and Recreation

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)
Indoor Sport and Recreation	Premises used for leisure, sport or recreation conducted wholly or mainly indoors.	N/A	Refer to Planning Report

**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?**

- ☐ Yes – provide additional details below  
☐ 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"/> Stormwater | <input type="checkbox"/> Water infrastructure  |
| <input type="checkbox"/> Drainage work                 | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping                   | <input type="checkbox"/> Signage    | <input type="checkbox"/> Clearing vegetation   |
| <input type="checkbox"/> Other – please specify: _____ |                                     |  |

**14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)**☐ Yes – specify number of new lots: \_\_\_\_\_☐ 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 type="checkbox"/> Approval			
<input type="checkbox"/> Development application			
<input type="checkbox"/> Approval			
<input type="checkbox"/> Development application			

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

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

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

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

☐ Yes – show cause or enforcement notice is attached

☒ No

### 23) Further legislative requirements

#### Environmentally relevant activities

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

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

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](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	



**Company owner's consent to the making of a development application  
under the *Planning Act 2016***

I, GARY PATRICK PELTZER

Sole Director/Secretary of the company mentioned below.

Of Northern Suppliers Pty Ltd

The company being the owner of the premises identified as follows:

80-88 Byrnes Street, more formally described as Lot 45 on SP167408

Consent to the making of a development application under the *Planning Act 2016* by:

Anytime Tablelands Pty Ltd C/- Urban Sync Pty Ltd

On part of the premises described above for:

Development Permit for a Material Change of Use (Indoor Sport and Recreation)

Company Name and ACN: Northern Suppliers Pty Ltd

164 575 017



.....  
Signature of Sole Director/Secretary

28.3.25

.....  
Date

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50494359</b>	<b>Search Date:</b>	19/03/2025 09:53
<b>Date Title Created:</b>	17/05/2004	<b>Request No:</b>	51258894
<b>Previous Title:</b>	21004116, 21320138, 21320139		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 45 SURVEY PLAN 167408

Local Government: MAREEBA

#### REGISTERED OWNER

Dealing No: 721592886 04/04/2022

NORTHERN SUPPLIERS PTY LTD A.C.N. 164 575 017

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20625080 (POR 860)  
Deed of Grant No. 21004116 (ALLOT 1 SEC 13)
2. EASEMENT No 701900686 04/04/1997 at 13:48  
burdening the land to  
LOT 77 ON RP 887887 OVER  
EASEMENT A ON RP 898470

#### ADMINISTRATIVE ADVICES

NIL

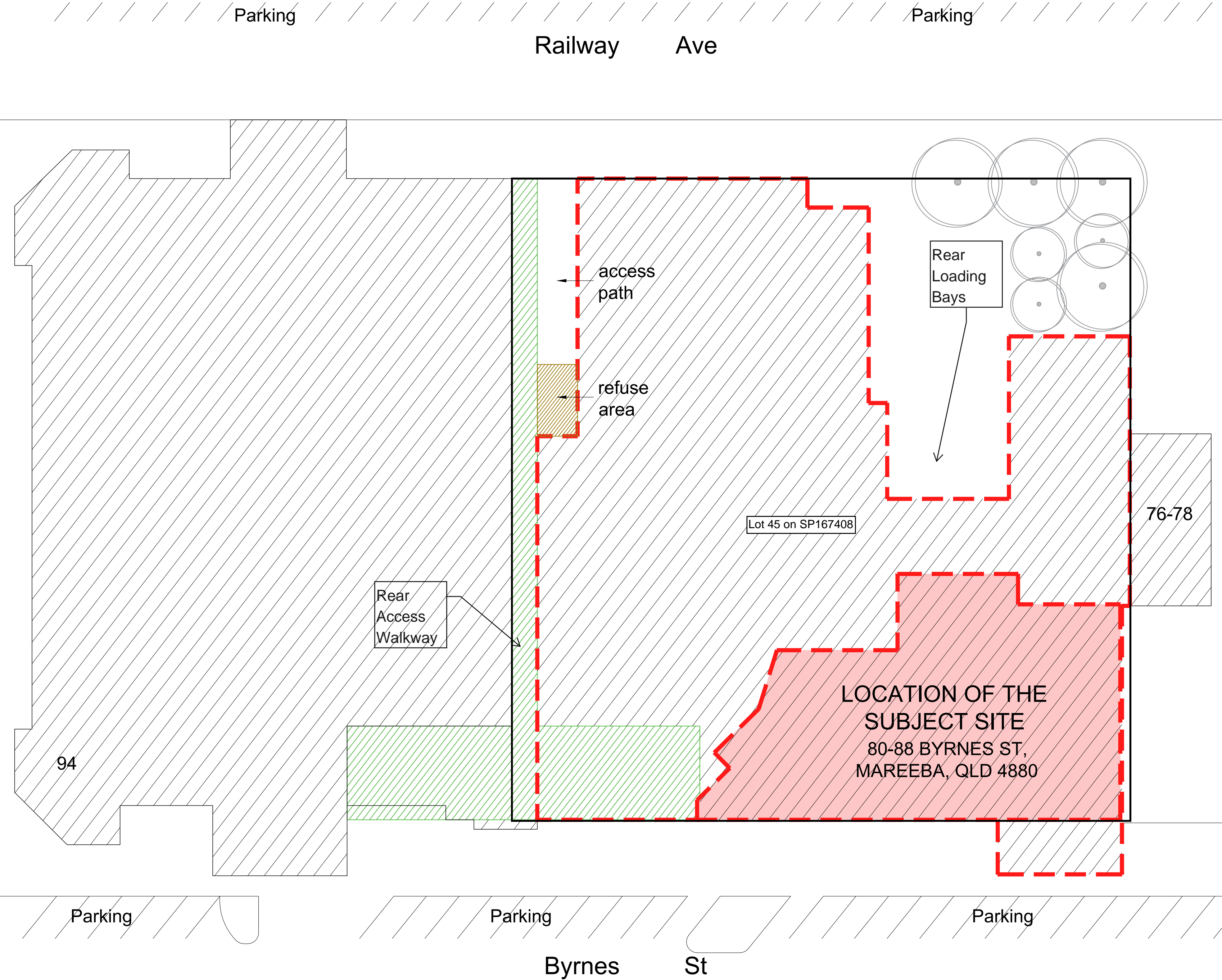
#### UNREGISTERED DEALINGS

NIL

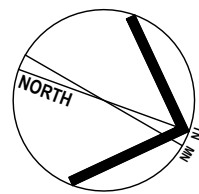
Caution - Charges do not necessarily appear in order of priority

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





**SITE PLAN**  
SCALE: 1:250



**PRELIMINARY -  
FOR REVIEW ONLY  
NOT FOR  
CONSTRUCTION**

ISSUE DATE DESCRIPTION



Nominated Architect: Martin Bednarczyk | NSW ARB #8912  
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413  
m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

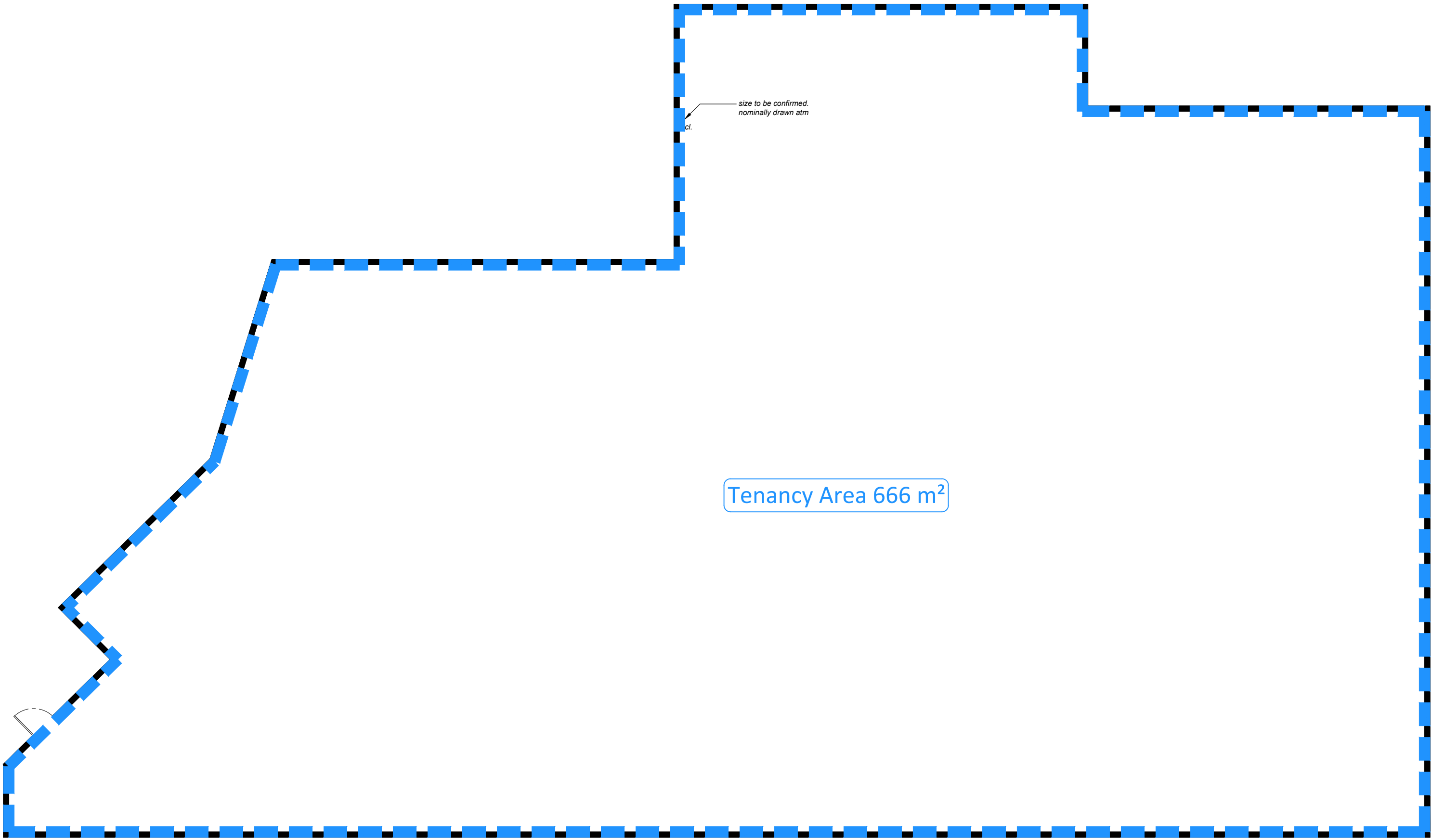
PROJECT:  
**Anytime Fitness Mareeba QLD**

80-88 Byrnes St, Mareeba QLD 4880

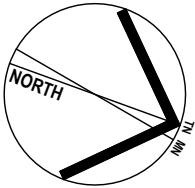
CLIENT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

SHEET TITLE:  
**Site Plan**

SCALE: 1:250 @ A2 SHEET SIZE DWG NO: REVISION:  
DRAWN: ANDREW K **A2 DA00.01** n/a



**EXISTING TENANCY FLOOR PLAN**  
SCALE: 1:100



- LEGEND:
- Tenancy area
  - existing wall to remain
  - FHR fire hose reel
  - EDB electrical distribution board
  - EXIT illuminated exit sign to comply with AS2293.1

A	12.03.2025	DA Issue for Council
ISSUE	DATE	DESCRIPTION



Nominated Architect: Martin Bednarczyk | NSW ARB #8912  
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413  
m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

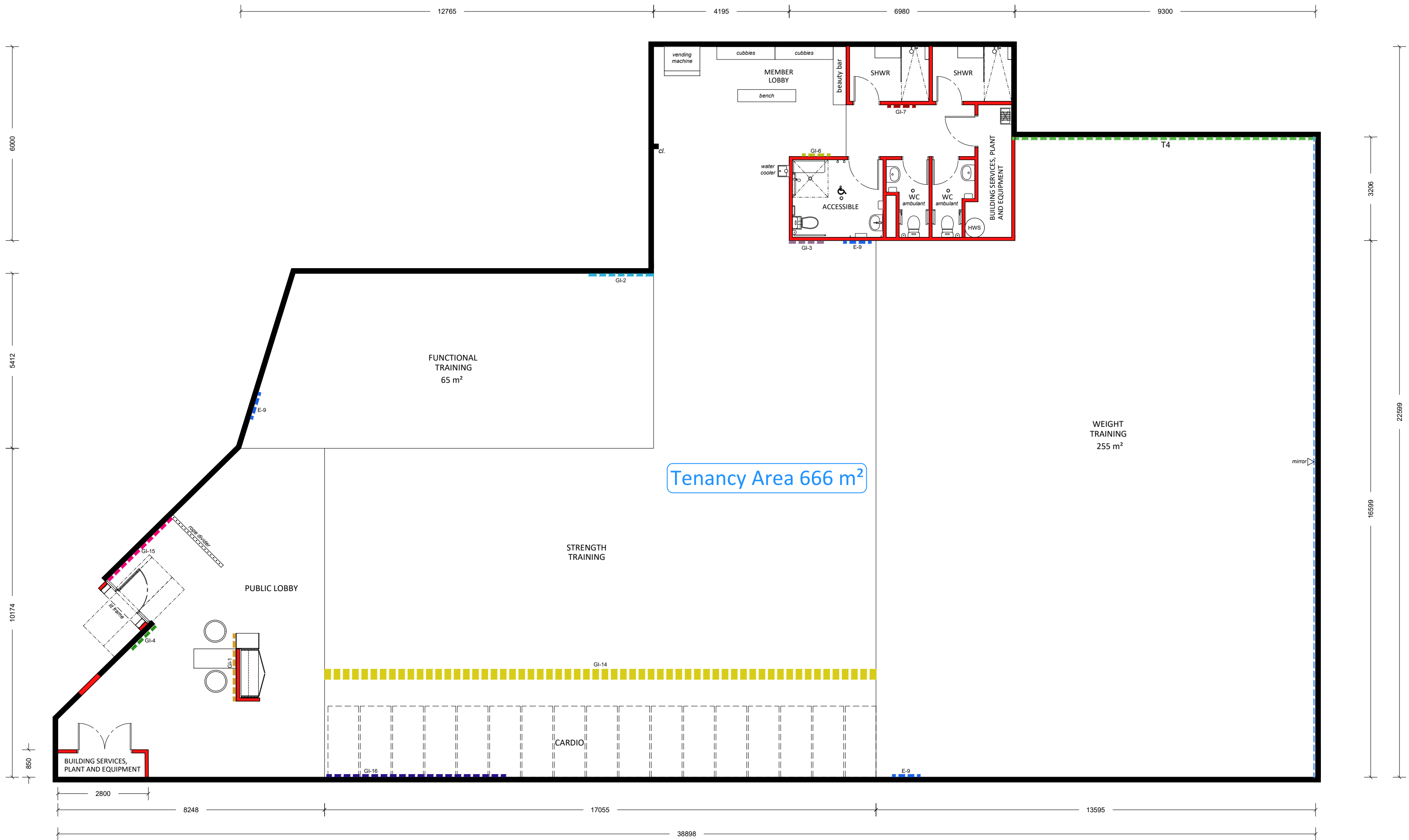
PROJECT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

CLIENT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

SHEET TITLE:  
**Existing Tenancy Floor Plan**

SCALE: 1:100 @ A2 SHEET SIZE: DWG NO: REVISION:  
DRAWN: Aren G.

**A2 DA01.01 a**



PROPOSED TENANCY FLOOR PLAN  
SCALE: 1:100

A 12.03.2025 DA Issue for Council  
ISSUE DATE DESCRIPTION



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m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

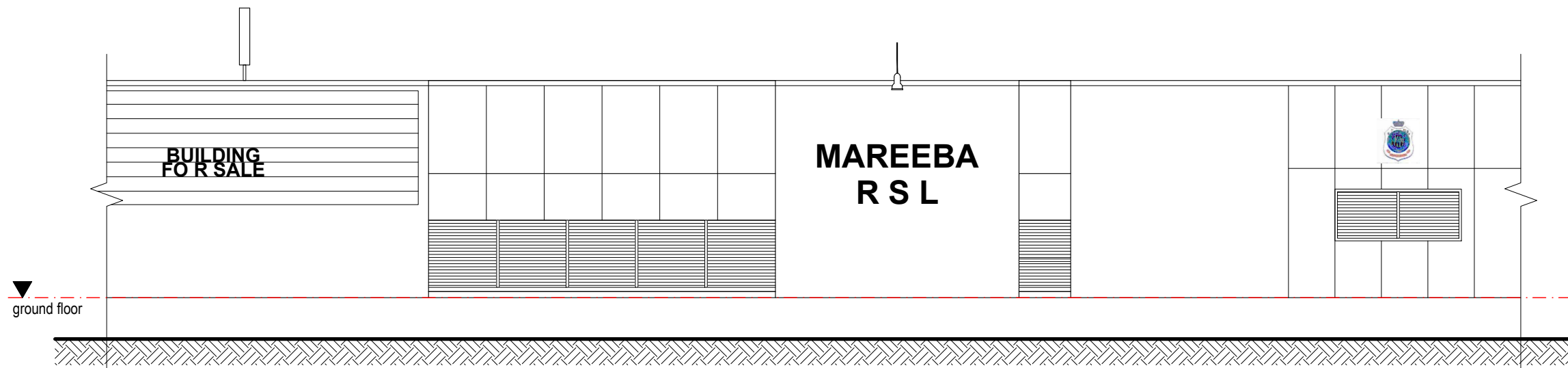
PROJECT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

CLIENT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

SHEET TITLE:  
**Proposed Tenancy Floor Plan**

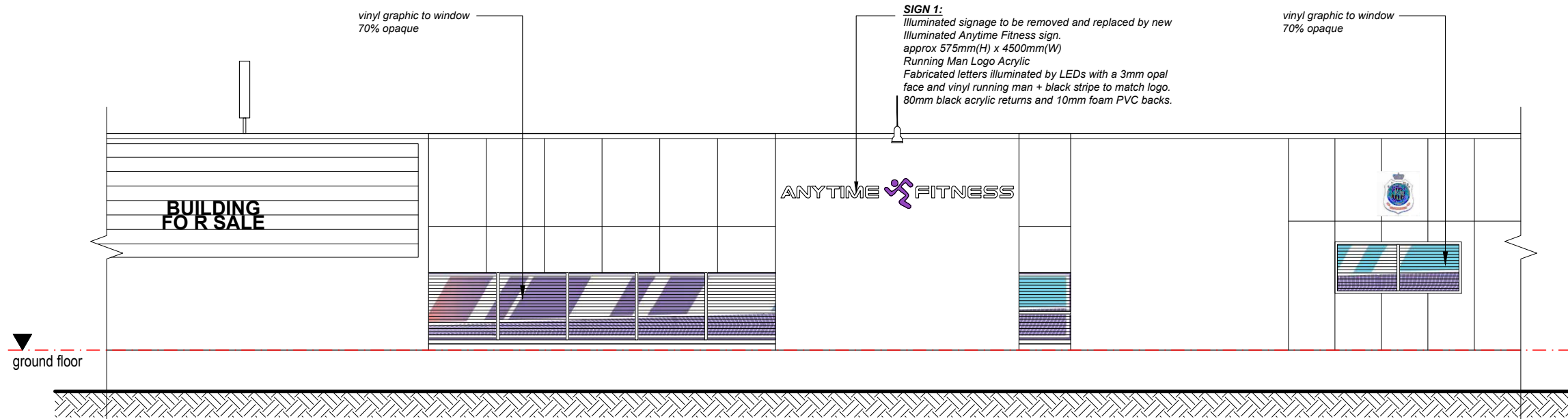
SCALE: 1:100 @ A2 SHEET SIZE DWG NO: REVISION:  
DRAWN: Aren G. **A2 DA02.01 a**





**EXISTING EXTERNAL FRONT ELEVATION (EAST)**

SCALE: 1:100



**PROPOSED EXTERNAL FRONT ELEVATION (EAST)**

SCALE: 1:100

A	12.03.2025	DA Issue for Council
ISSUE	DATE	DESCRIPTION



Nominated Architect: Martin Bednarczyk | NSW ARB #8912  
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413  
m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

PROJECT:

**Anytime Fitness Mareeba QLD**

80-88 Byrnes St, Mareeba QLD 4880

CLIENT:

**Anytime Fitness Mareeba QLD**

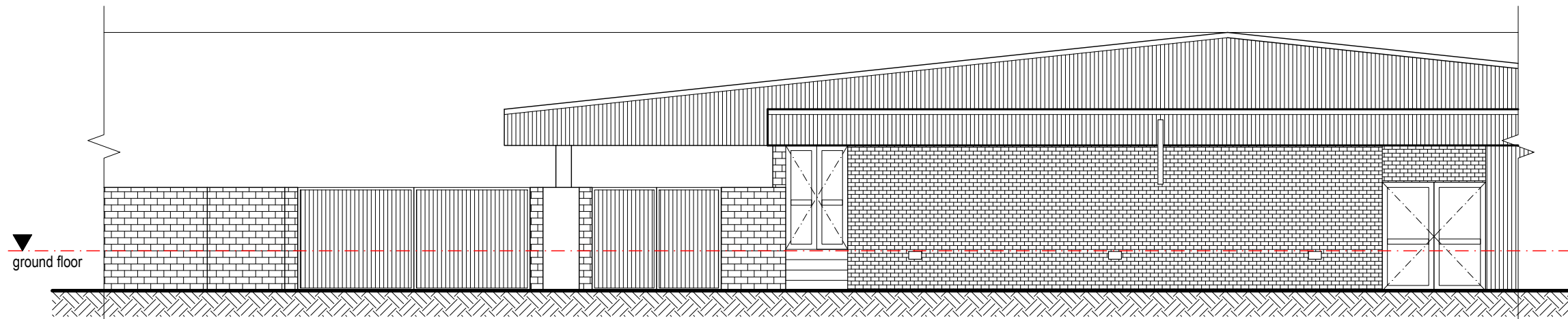
80-88 Byrnes St, Mareeba QLD 4880

SHEET TITLE:

**Existing & Proposed External Elevations**

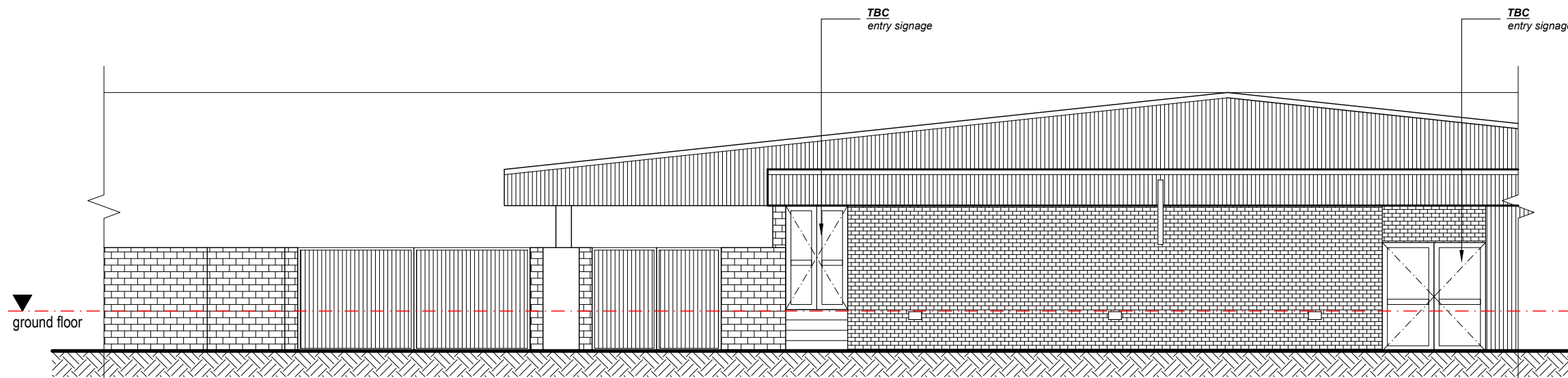
SCALE: 1:100 @ A2	SHEET SIZE	DWG NO:	REVISION:
DRAWN: Aren G.			

**A2 DA03.01 a**



**EXISTING EXTERNAL REAR ELEVATION (WEST)**

SCALE: 1:100



**PROPOSED EXTERNAL REAR ELEVATION (WEST)**

SCALE: 1:100

A	12.03.2025	DA Issue for Council
ISSUE	DATE	DESCRIPTION



Nominated Architect: Martin Bednarczyk | NSW ARB #8912  
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413  
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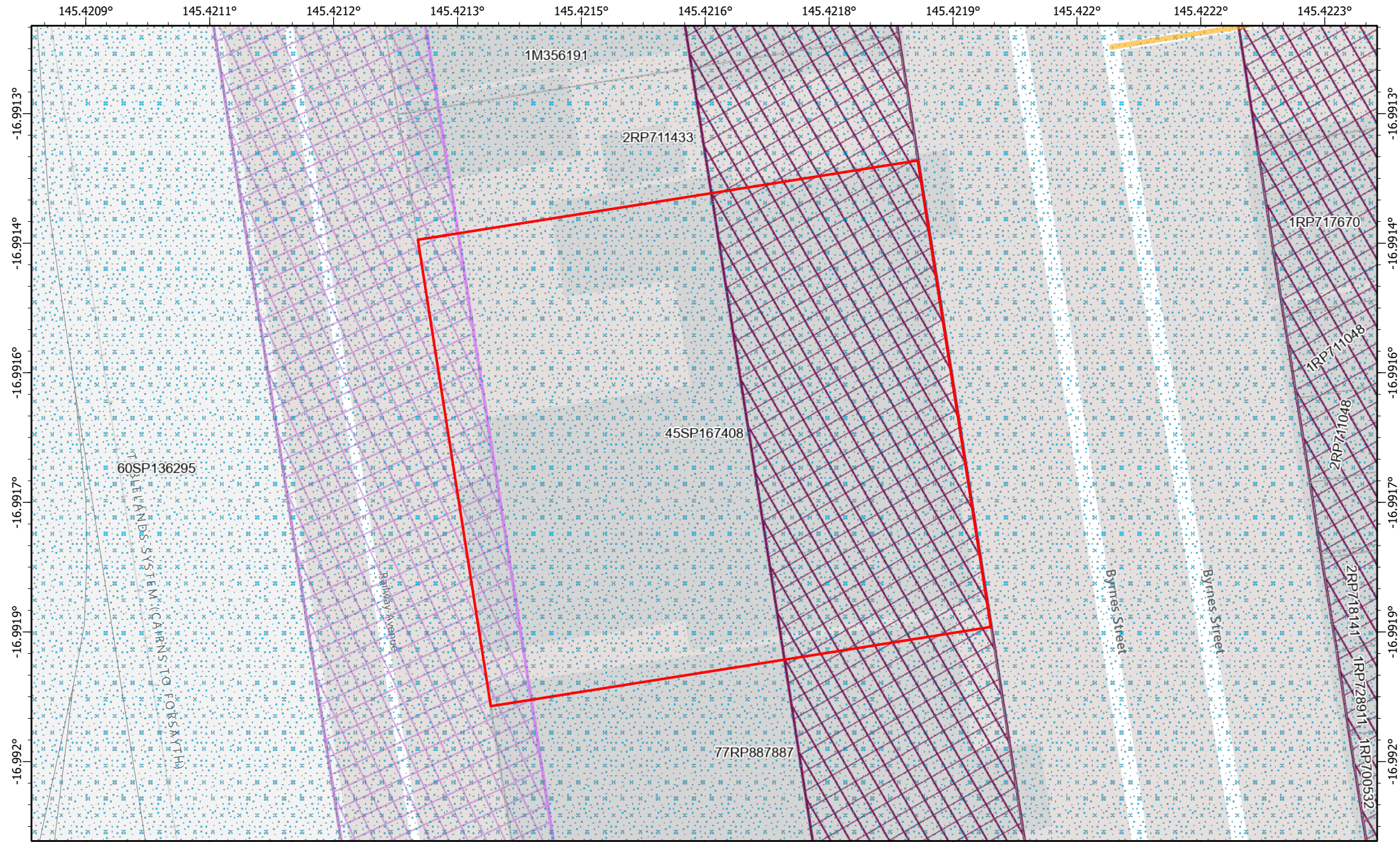
PROJECT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

CLIENT:  
**Anytime Fitness Mareeba QLD**  
80-88 Byrnes St, Mareeba QLD 4880

SHEET TITLE:  
**Existing & Proposed External Elevations**

SCALE: 1:100 @ A2 SHEET SIZE DWG NO: REVISION:  
DRAWN: Aren G. **A2 DA03.02 a**





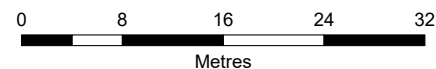
Date: 14/03/2025

## DA Mapping System - Export Map

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Scale: 1:600





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- 

Cadaastre
- 

Area within 100m of a  
State-controlled road  
intersection
- 

Water resource planning  
area boundaries
- 

Area within 25m of a  
railway corridor
- 

Area within 25m of a  
State-controlled road

DA Mapping System - Export Map

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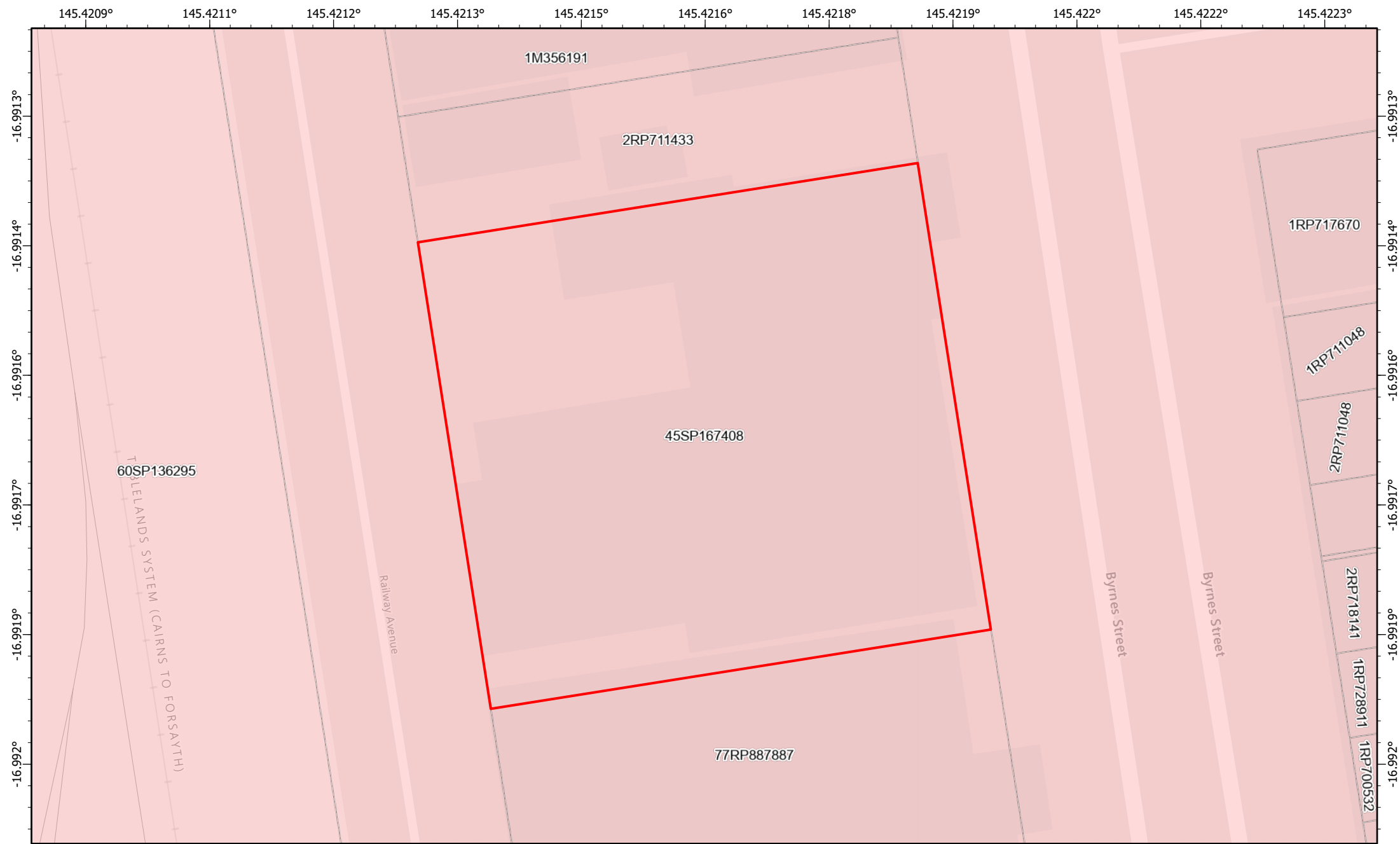
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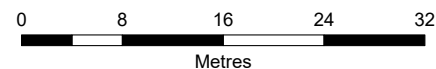
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## DA Mapping System - Export Map

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Scale: 1:600



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Cadastre

Regional land use categories  
(SEQ, MIW, FNQ)

Category

Urban Footprint

DA Mapping System - Export Map

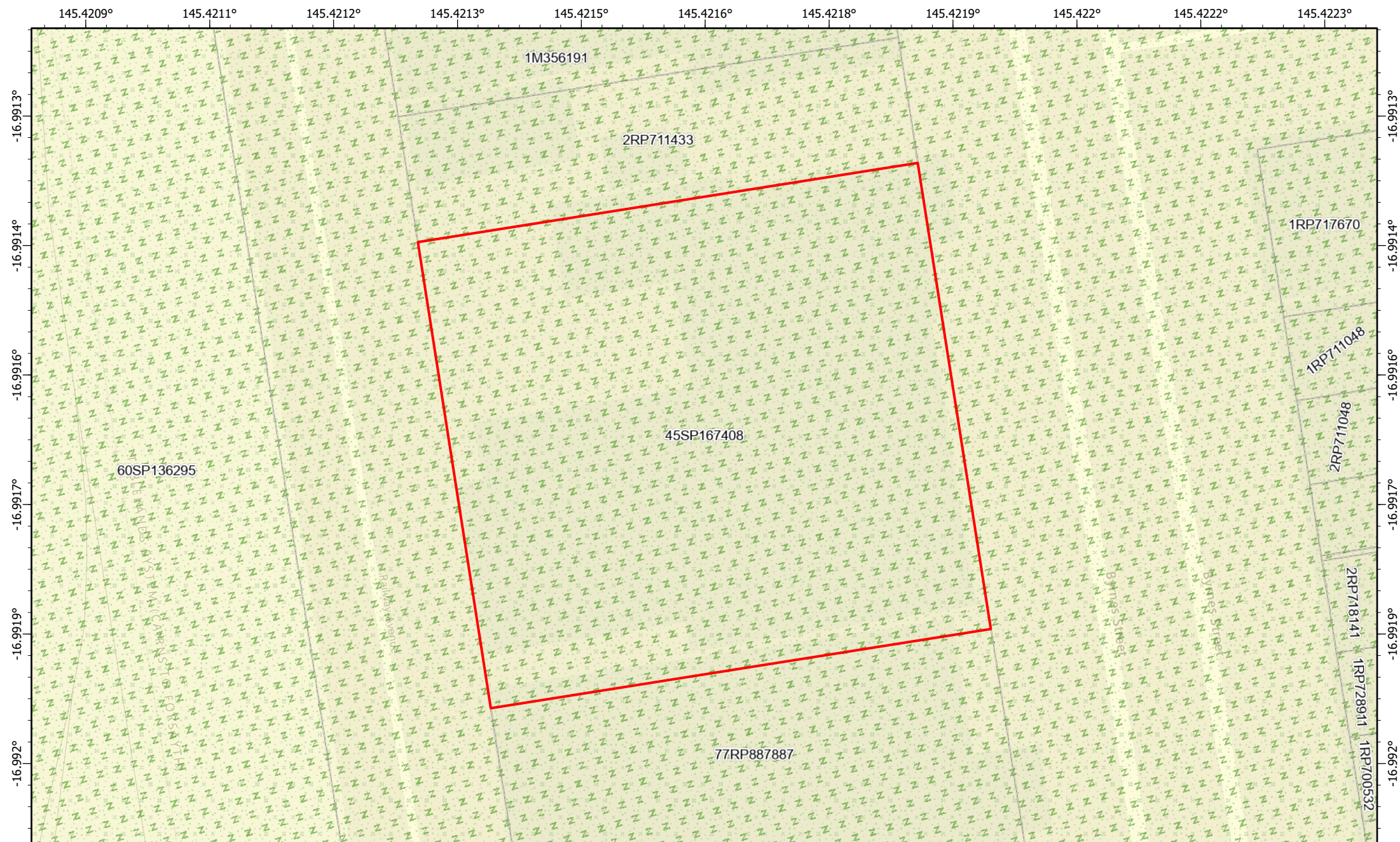
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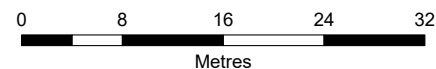
## State Planning Policy IMS - Export Map

Making or amending a local planning instrument and designing land for local infrastructure

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 Cadastre

Wildlife hazard buffer zone

Radius (Metres)

 13km

Flood hazard area -  
 Level 1 - Queensland  
floodplain assessment  
overlay

Flood hazard area -  
 local government flood  
mapping area

State Planning Policy IMS - Export Map

Making or amending a local planning instrument and designing land for local infrastructure

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**CODE ASSESSMENT AGAINST MAREEBA SHIRE COUNCIL PLANNING  
SCHEME 2016 - MAJOR AMENDMENT NO. 1 OF 2023**

### 6.2.1.1 Application

- (1) This code applies to assessing development where:
  - (a) Located in the Centre Zone; and
  - (b) It is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

### 6.2.1.2 Purpose

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

## 6.2.1.3 Criteria for assessment

**Table Error! No text of specified style in document.A – Centre Zone Code – For accepted development subject to requirements and assessable development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT</b>			
<b>HEIGHT</b>			
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>	<b>AO1</b> Development has a maximum building height of: <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above ground level.</li> </ul>	<b>N/A</b>	The proposed development will not alter the height of the existing building.
<b>SITING</b>			
<b>PO2</b> Development is sited in a manner that considers and respects: <ul style="list-style-type: none"> <li>(a) the siting and use of adjoining premises;</li> </ul>	<b>AO2.1</b> Buildings are built to the road frontage/s of the site.  <i>Note—Awning structures may extend into the road reserve where provided in accordance with <b>PO5</b>.</i>	<b>N/A</b>	The proposed development will not alter the setbacks of the existing building.



PERFORMANCE OUTCOMES		ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; (f) appearance of building bulk; and (g) relationship with pedestrian spaces.		<b>AO2.2</b>  Buildings are setback and boundary treatment(s) are undertaken in accordance with <b>Table 6.2.1.3B</b> .	<b>N/A</b>	See AO2.1 above.
<b>ACCOMMODATION DENSITY</b>				
<b>PO3</b>  The density of Accommodation activities: <ul style="list-style-type: none"> <li>(a) contributes to housing choice and affordability;</li> <li>(b) respects the nature and density of surrounding land use;</li> <li>(c) does not cause amenity impacts beyond the reasonable expectation of the planned accommodation density for the centre; and</li> <li>(d) is commensurate to the scale and frontage of the site.</li> </ul>		<b>AO3</b>  Development provides a maximum density for Accommodation activities of: <ul style="list-style-type: none"> <li>(a) 1 dwelling or accommodation unit per 120m<sup>2</sup> site area; and</li> <li>(b) 1 bedroom per 60m<sup>2</sup> site area.</li> </ul>	<b>N/A</b>	The proposed development does not involve accommodation.
<b>SITE COVER</b>				
<b>PO4</b>  Buildings and structures occupy the site in a manner that: <ul style="list-style-type: none"> <li>(a) makes efficient use of land;</li> <li>(b) is consistent with the bulk and scale of surrounding buildings; and</li> <li>(c) appropriately balances built and natural features.</li> </ul>		<b>AO4</b>  Site cover does not exceed 90%.	<b>N/A</b>	The proposed development will not alter the site coverage of the existing building.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
BUILDING DESIGN			
<b>PO5</b> Building facades are appropriately designed to: <ul style="list-style-type: none"> <li>(a) provide an active and vibrant streetscape;</li> <li>(b) include visual interest and architectural variation;</li> <li>(c) maintain and enhance the character of the surrounds;</li> <li>(d) provide opportunities for casual surveillance;</li> <li>(e) include a human scale; and</li> <li>(f) encourage occupation of outdoor space.</li> </ul>	<b>A05.1</b> Buildings address and provide pedestrian entrances to: <ul style="list-style-type: none"> <li>(a) the primary pedestrian frontage where a single frontage lot or multiple frontage lot that is not a corner lot;</li> <li>(b) the primary and secondary frontages where a corner lot, with a pedestrian entrance provided on each frontage and/or as part of a corner truncation; and</li> <li>(c) any adjoining public place, with the main entrance provided on this boundary.</li> </ul>	N/A	The proposed development does not alter the building/external design/pedestrian entrances of the existing building.
	<b>A05.2</b> Building frontages: <ul style="list-style-type: none"> <li>(a) are broken into smaller, 10 metre wide components by doors, display windows, pillars and structural elements;</li> <li>(b) are articulated with projections and recesses;</li> <li>(c) include windows where the bottom of the window is located between 0.6 metres and 0.9 metres above the footpath level; and</li> <li>(d) have a minimum 40% of the building facade facing the street is comprised of windows that are not painted or treated to obscure transparency.</li> </ul>	N/A	See AO5.1 above.
	<b>A05.3</b> Buildings incorporate cantilevered awnings that are: <ul style="list-style-type: none"> <li>(a) provided along the full length of the building's frontage to the street;</li> </ul>	N/A	See AO5.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(b) set back 0.6 metres from the face of the kerb or to match the alignment of the awning/s of the adjoining building/s; (c) a minimum of 3 metres and a maximum of 4.2 metres above the finished level of the footpath from the underside of the awning; and (d) truncated at the corner with a 2 metre single cord truncation where located on a corner site.'		
<b>PO6</b> Development complements and integrates with the established built character of the Centre 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.	<b>AO6</b> No acceptable outcome is provided.	<b>N/A</b>	See AO5.1 above.
<b>ACCOMMODATION ACTIVITIES</b>			
<b>PO7</b> Accommodation activities are appropriately located in buildings in the Centre zone, having regard to: (a) the use of adjoining premises; and (b) the provision of an active and vibrant streetscape.	<b>AO7</b> Accommodation activities are located above the ground floor.	<b>N/A</b>	See AO3 above.
<b>AMENITY</b>			
<b>PO8</b> Development must not detract from the amenity of the local area, having regard to: (a) noise;	<b>AO8</b> No acceptable outcome is provided.	<b>YES</b>	Please refer to <b>Section 7.1</b> of the Planning report for commentary demonstrating compliance with the performance outcome.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.			
<b>PO9</b> 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.	<b>AO9</b> No acceptable outcome is provided.	<b>YES</b>	See PO8 above.

### 7.2.2.1 Application

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

### 7.2.2.2 Purpose

- (1) The purpose of the Mareeba local plan code is to:
  - (a) facilitate the continued use of the historic stables area adjacent to the Mareeba Racecourse for residential horse keeping;
  - (b) facilitate the continued development of the Mareeba Airport;
  - (c) facilitate efficient development that accords with local lifestyle and amenity expectations;
  - (d) identify and direct urban growth opportunities;
  - (e) facilitate a more vibrant and integrated town centre;
  - (f) enhance accessibility to, and activation of, the Barron River and Centenary Lakes as important physical assets for Mareeba;
  - (g) enhance Mareeba's heritage and cultural elements; and
  - (h) facilitate the development of an appropriate site for special industry.
- (2) Ten precincts have been identified in the Mareeba local plan to achieve this purpose:
  - (a) The Town centre core precinct will be maintained as the retail and cultural heart of Mareeba. Development will be managed to increase the walkability of the precinct and better integrate the street and built environments. Character elements of the precinct will be maintained and new buildings or works to existing buildings will be respectful of character values.
  - (b) The Town centre fringe precinct consists of commercial and residential uses. The precinct will facilitate destination specific commercial development where it can be demonstrated that design measures can be incorporated to adequately mitigate any impacts upon residential amenity. The precinct will not detract from the role of the Town centre core precinct as the town's primary retail and commercial precinct.
  - (c) The Mareeba Airport precinct includes the existing airport facilities and an area on the south west side of the runway that is intended to be development for aviation based industry. The precinct will facilitate the continuing development of the Mareeba Airport, for passenger and freight movements, and other activities associated with the airport's primary function including industry, where it is demonstrated that these uses do not compromise efficient aircraft operation.
  - (d) The Mareeba northern investigation precinct is intended to support long term future urban development beyond the life of the planning scheme. Development in this precinct (particularly subdivision) is limited so that the future urban intent is not compromised.
  - (e) The Mareeba north-eastern expansion precinct, the Mareeba south-eastern expansion precinct and the Mareeba south-western expansion precinct are intended for urban residential development. These precincts are constrained by a range of important features including slopes, gullies, watercourses, open space and riparian linkages and the

Mareeba Bypass. Development in these precincts preserves and enhances these features while supporting the development of a walkable and well connected transport network. Development in the Mareeba north-eastern expansion precinct supports the construction of a new bridge over the Barron River connecting Hastie Road with Lloyd Street to enable greater access to the town centre while small scale local centres are encouraged in the Mareeba south-western expansion precinct.

- (f) The Stable precinct defines an established area of residential properties incorporating horse stables adjoining the Mareeba Racecourse. The precinct is intended to protect the ongoing use of the stables on these properties, in association with residential uses.
  - (g) The Industrial park precinct provides for the expansion, establishment and operation of General industry and Heavy industry uses within this precinct, where they are appropriately separated from incompatible uses.
  - (h) The Noxious and hazardous industry precinct provides for the expansion, establishment and relatively unconstrained operation of Special industry in the precinct where the use is sufficiently isolated from other land uses and potential on and off site impacts can be adequately managed. Uses other than Special industry and High impact industry should not occur in this precinct in order to prevent compromising the intended function of the precinct.
- (3) The purpose of the code will be achieved through the following overall outcomes:
- (a) Development recognises and protects the town centre as Mareeba's most important commercial and social asset that is supported by substantial public and private investment in buildings, infrastructure and culture;
  - (b) Development within the Town centre core precinct promotes greater walkability and integration between street and built environments through the consolidation and effective design of retail and commercial facilities;
  - (c) Development within the Town centre fringe precinct, accommodates destination specific premises that requires car and service vehicle access;
  - (d) Development provides opportunities for greater utilisation of, and improved public access to, the Barron River and open spaces;
  - (e) Development protects Mareeba's heritage places and tourist and cultural assets and enhances opportunities for their public appreciation;
  - (f) Development facilitates the continuing growth of the Mareeba Airport for passenger and freight movements and industry associated with the airport's primary function. Activities in the Mareeba Airport precinct will be limited to ensure they do not compromise efficient aircraft operation;
  - (g) Development in the Stable precinct facilitates the combination of stables and houses whilst maintaining a low density to minimise impacts;
  - (h) Development provides for the expansion, establishment and relatively unconstrained operation of Special industry in the Noxious and hazardous industry precinct; and
  - (i) The establishment and operation of a range of industries in the Industrial park precinct is supported.



## 7.2.2.3 Criteria for assessment

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

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT</b>			
<b>IF AFFECTED BY THE VEGETATED BUFFER AREA ELEMENT</b>			
<b>PO1</b> Industrial development is appropriately screened from view to minimise impacts on the: (a) visual amenity and character of the local plan area; and (b) amenity of nearby land uses.	<b>AO1</b> A minimum 5 metre wide vegetated buffer area is provided in all areas of the site affected by the vegetated buffer element.	<b>N/A</b>	The site is not located within the Vegetated Buffer Area Element.
<b>IF IN THE STABLE PRECINCT</b>			
<b>PO2</b> Development facilitates the co-location of houses and stables while maintaining an appropriate level of amenity, having regard to emissions of: (a) noise; (b) odour; and (c) light	<b>AO2</b> Stables house no more than 10 animals and are: (a) separated by a minimum distance of 3 metres from any residential building on the same site; (b) separated by a minimum distance of 5 metres from any residential building on an adjoining site; and (c) setback a minimum of 6 metres from any road frontage.	<b>N/A</b>	The site is not located within the Stable Precinct.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>IF ON A SITE WITH A FRONTAGE TO THE BYRNES STREET CORE ELEMENT</b>			
<b>PO3</b> Development with a frontage to the Byrnes Street core element is designed to minimise the dominance of vehicular access within the streetscape by: <ul style="list-style-type: none"> <li>(a) providing vehicular access from an alternative frontage;</li> <li>(b) minimising the size of necessary vehicle access; and</li> <li>(c) maximising the area of the frontage used for pedestrian focussed activities.</li> </ul>	<b>A03.1</b> Where development has a frontage to the Byrnes Street core element, buildings are built to side boundaries, except where pedestrian access ways and where alternative vehicular access is not available. In such instances, vehicular and pedestrian access-ways are not wider than 7 metres.  <i>Note: refer to Figure A for further details</i>	N/A	The proposed development will not alter the setbacks of the existing building.
	<b>A03.2</b> Vehicular access is not provided from Byrnes Street where a site has more than one frontage.	N/A	The proposed development does not alter the existing vehicular access to the site (which is from Railway Avenue).
<b>IF ON A SITE AFFECTED BY THE TOWN CENTRE FRINGE 6 METRE SETBACK ELEMENT</b>			
<b>PO4</b> Larger destination-specific premises that require increased provision for car and service vehicle access are supported where it can be demonstrated that sufficient separation is provided between the use and adjoining residential uses to adequately mitigate any potential impacts on the amenity of adjoining premises, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) odour;</li> <li>(c) light; and</li> <li>(d) overlooking and privacy.</li> </ul>	<b>A04</b> Buildings and structures are setback a minimum of 6 metres from the boundary affected by the Town centre fringe 6 metre setback element.	N/A	The site is not located within the Town Centre Fringe 6 Metre Setback Element.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>IF IN THE TOWN CENTRE FRINGE PRECINCT</b>			
<b>PO5</b> Development's address to the primary street frontage ensures: (a) car parking areas are not a dominant feature; and (b) sources of visual interest and casual surveillance of the street frontage are provided.	<b>AO5.1</b> No more than 50% of car parking is to be located between the building and the primary street frontage.	<b>N/A</b>	The site is not located within the Town Centre Fringe Precinct.
	<b>AO5.2</b> Buildings include uses that orientated toward the primary street frontage with entrances and windows addressing the street.	<b>N/A</b>	See AO5.1 above
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>PO6</b> Development in the Mareeba local plan area: (a) promotes and does not prejudice the ongoing operation of Mareeba as the major regional activity centre of the Shire; (b) provides growth or redevelopment in areas within close proximity to the Town centre core precinct; (c) locates Community facilities in accessible locations within walking distance of the Town centre core precinct; and (d) contributes to the vibrancy and local identity of the Mareeba community.	<b>AO6</b> No acceptable outcome is provided.	<b>YES</b>	The proposed development complies with the performance outcome as demonstrated below:  a. Will be located on the Mareeba 'main street' (Byrnes Street); b. Will be located within and include the redevelopment of an existing commercial tenancy within the town centre core precinct; c. Does not include Community Facilities; and d. Will utilise a currently vacant tenancy which will add to the vibrancy of the main street.
<b>PO7</b> Development does prejudice the future construction of the Mareeba Bypass.	<b>AO7</b> Development involving permanent buildings or structures does not occur on land affected by the Mareeba bypass element.	<b>N/A</b>	The site is not located on land affected by the Mareeba bypass element.

## 7.2.2 Mareeba Local Plan Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>PO8</b> Development integrates the following elements identified on the Mareeba local plan maps: (a) open space elements; (b) indicative collector roads as higher order road linkages; (c) indicative minor roads in a similar design as shown as mapped; and (d) possible connections as important road linkages between developments.	<b>AO8</b> No acceptable outcome is provided.	<b>N/A</b>	The proposed development is not of a scale to require the provision of any of the matters listed in the performance outcome.
<b>PO9</b> Development integrates small-scale local retail centres that: (a) service the local neighbourhood; and (b) do not prejudice the ongoing operation of the Mareeba town centre.	<b>AO9</b> No acceptable outcome is provided.	<b>YES</b>	The proposed development complies with the performance outcome as demonstrated below: (a) It will provide a new land use on the main street which will service the residents of Mareeba and the surrounding area; and (b) Will be located within the Mareeba 'main street'.
<b>IF IN THE STABLE PRECINCT</b>			
<b>PO10</b> Development does not involve a density of residential development that is likely to prejudice the ongoing use of land within the precinct for stables, having regard to the existing level of amenity.	<b>AO10.1</b> Development does not result in a higher accommodation density than currently exists.	<b>N/A</b>	The site is not located within the Stable Precinct.
	<b>AO10.2</b> Development does not result in the creation of any new lots.	<b>N/A</b>	See AO10.1 above.
<b>IF IN THE MAREEBA AIRPORT PRECINCT</b>			
<b>PO11</b> Development does not prejudice the ongoing operations or future development intentions of the Mareeba Airport.	<b>AO11</b> Development is limited to activities which have a direct association with aviation.	<b>N/A</b>	The site is not located within the Mareeba Airport Precinct.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>IF IN THE TOWN CENTRE CORE PRECINCT</b>			
<b>PO12</b> Development is to be of a scale and form which complements the character of the precinct, having regard to: (a) building location; (b) building height; (c) interface with the street; and (d) scale of windows, doors and structural elements	<b>AO12</b> No acceptable outcome is provided.	<b>YES</b>	The proposed development complies with the performance outcome as demonstrated below: (a) Will be located within an existing building consistent with the predominate built form of Byrnes Street; (b) See (a) above; (c) Will maintain the existing pedestrian access points and footpaths along Byrnes Street and Railway Avenue; and (d) Does not alter the existing external features, with the exception of elements that may be reinstated due to existing damage and or safety concerns.
<b>PO13</b> The character and style of buildings in the main street, including those representing the booming tobacco period of the 1950's and 1960's is maintained and protected.	<b>AO13.1</b> Buildings are re-used for new uses without alteration to their: (a) height; (b) width (at street frontage); (c) vertical or horizontal patterning; and (d) materials <i>Note: Refer to Planning Scheme Policy 1 – Character Area Design Guidelines for additional guidance in relation to the development outcomes sought</i>	<b>YES</b>	The proposed development complies with the Acceptable Outcome as it does not alter the: (a) Existing height of the building; (b) Width of the building along Byrnes Street or Railway Avenue; or (c) Vertical or horizontal patterning; or (d) Existing external materials
	<b>AO13.2</b> Development on sites identified as building façade to be retained that retains the external (street facing) façade(s) of the building will qualify for a 10% reduction on car parking.	<b>N/A</b>	The proposed development is not located on a site identified within the 'Building façade to be retained' element of the Mareeba Local Plan.
<b>IF IN THE TOWN CENTRE FRINGE PRECINCT</b>			
<b>PO14</b>	<b>AO14</b> No acceptable outcome is provided.	<b>N/A</b>	The site is not located within the Town Centre Fringe Precinct.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Development does not undermine the role of the Town centre core precinct as Mareeba's primary retail and commercial precinct.			
<b>IF IN THE NOXIOUS AND HAZARDOUS INDUSTRY PRECINCT</b>			
<b>PO15</b> Appropriate provision is made for siting, managing and buffering uses in the Noxious and hazardous industry precinct to limit impacts on adjoining properties, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.  <i>Note: A facility management plan can be prepared to demonstrate that the ongoing operation of the use will maintain compliance with this outcome.</i>	<b>AO15</b> No acceptable outcome is provided.	<b>N/A</b>	The site is not located within the Noxious And Hazardous Industry Precinct.
<b>IF IN THE INDUSTRIAL PARK PRECINCT</b>			
<b>PO16</b> Development that attracts the public into the Industrial park precinct does not develop within the Industrial park precinct.	<b>AO16</b> No acceptable outcome is provided.	<b>N/A</b>	The site is not located within the Industrial Park Precinct.
<b>IF IN THE NORTHERN INVESTIGATION PRECINCT</b>			
<b>PO17</b>	<b>AO17</b> No acceptable outcome is provided.	<b>N/A</b>	The site is not located within the Northern Investigation Precinct.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
Development does not compromise the long term future urban intent of this precinct			
<b>IF IN THE NORTH-EASTERN EXPANSION PRECINCT, SOUTH-EASTERN EXPANSION PRECINCT OR SOUTH-WESTERN EXPANSION PRECINCT</b>			
<b>PO18</b> Development provides an average net accommodation density of at least 12 dwellings or accommodation units per hectare.  <i>Note: Calculation of accommodation density excludes areas not developed as a result of provisions of an overlay.</i>	<b>AO18</b> No acceptable outcome is provided.	<b>N/A</b>	The site is not located within the North-Eastern Expansion Precinct, South-Eastern Expansion Precinct or South-Western Expansion Precinct.
<b>PO19</b> Development provides a wide range of housing options, including different dwelling sizes and types that meet the needs of a range of household compositions.	<b>AO19</b> No acceptable outcome is provided.	<b>N/A</b>	See AO18 above.
<b>PO20</b> The road network is to be developed in a logical and sequential manner to provide for the coordinated development of the precinct.	<b>AO20</b> No acceptable outcome is provided.	<b>N/A</b>	See AO18 above.
<b>PO21</b> The road network provides encourages walking and cycling to daily activities to reduce local vehicle trips by: <ul style="list-style-type: none"> <li>(a) being based on a street grid network;</li> <li>(b) having walkable block sizes;</li> <li>(c) providing safe, efficient and provides for the needs of all users;</li> <li>(d) having a high level of connectivity for all users; and</li> <li>(e) being linked to destinations such as shops, open spaces and schools.</li> </ul>	<b>AO21</b> No acceptable outcome is provided.	<b>N/A</b>	See AO18 above.



**9.3.7.1 Application**

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

**9.3.7.2 Purpose**

- (1) The purpose of the Sport and recreation activities code is to ensure Sport and recreation activities are appropriately designed and located to:
  - (a) be conveniently accessible to the communities they serve; and
  - (b) not detrimentally impact on the character or local amenity.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Sport and recreation activities are located proximate to the residents they serve;
  - (b) Sport and recreation activities and associated infrastructure is designed and sited to ensure the amenity of the local area is protected;
  - (c) Sport and recreation activities involving a club provides this activity as ancillary to the primary use;
  - (d) Outdoor sport and recreation activities incorporate appropriate infrastructure and amenities such as small scale spectator seating; toilets; covered recreation areas; storage and dressing rooms; and
  - (e) Night lighting of sport and recreation facilities is only installed where night time sport and recreation activities can be carried out without significantly impacting detrimentally on the local amenity.

### 9.3.7.3 Criteria for assessment

**Table 9.3.7.3 – Sport and recreation activities code – For assessable development**

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>OUTDOOR LIGHTING</b>			
<b>PO1</b> Outdoor lighting associated with Sport and recreation activities does not impact on the amenity of adjoining land uses.	<b>AO1</b> Outdoor lighting is designed in accordance with AS 4282-1997 Control of Obtrusive effects of outdoor lighting.	<b>YES</b>	Compliance can be conditioned should any <b>new</b> outdoor lighting be installed on the site for the proposed development (emphasis added).
<b>LOCATION AND DESIGN</b>			
<b>PO2</b> The siting and design of Sport and recreation activities: (a) is compatible with the scale, intensity and character of development in the immediate vicinity; and (b) provides for convenient access to the use by the community, having regard to the nature of the use.	<b>AO2</b> No acceptable outcome is provided.	<b>YES</b>	The proposed development complies with the performance outcome as it:  (a) Will be located within an existing commercial building/tenancy which was used as an RSL and restaurant and will therefore, be: - Consistent with the existing built form scale and character of Byrnes Street; and - Consistent with the intensity of previous uses on the site; (b) Will provide access during daylight hours for the general public from the existing pedestrian entrances on Byrnes Street and Railway Avenue.
<b>OUTDOOR SPORT AND RECREATION</b>			
<b>PO3</b> Any buildings or structures associated with Outdoor sport and recreation are:	<b>AO3</b> Ancillary buildings are limited to: (a) spectator seating to a maximum of 50 persons per stand;	<b>N/A</b>	Not applicable to an Indoor Sport and Recreation land-use.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(a) limited to the provision of facilities and services associated with the use; and (b) of a scale consistent with the character of the immediate surrounds.	(b) toilets; (c) covered recreation areas; (d) changing rooms; (e) food and drink outlets; (f) storage facilities; and (g) stables.		

#### 9.4.3.1 Application

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

#### 9.4.3.2 Purpose

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

## 9.4.3.3 Criteria for assessment

Table 9.4.3.3A – Parking and Access Code – For accepted development subject to requirements and assessable development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<b>FOR ACCEPTED DEVELOPMENT SUBJECT TO REQUIREMENTS AND ASSESSABLE DEVELOPMENT</b>			
<b>CAR PARKING SPACES</b>			
<b>PO1</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: <ul style="list-style-type: none"> <li>(a) nature of the use;</li> <li>(b) location of the site;</li> <li>(c) proximity of the use to public transport services;</li> <li>(d) availability of active transport infrastructure; and</li> <li>(e) accessibility of the use to all members of the community.</li> </ul>	<b>AO1</b> The number of car parking spaces provided for the use is in accordance with <b>Table 9.4.3.3B</b> . <i>Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.</i>	<b>ALTERNATIVE SOLUTION SOUGHT</b>	Please see <b>Section 7.2</b> of the Planning Report for commentary addressing car parking spaces.
<b>VEHICLE CROSSOVERS</b>			
<b>PO2</b> Vehicle crossovers are provided to: <ul style="list-style-type: none"> <li>(a) ensure safe and efficient access between the road and premises;</li> </ul>	<b>AO2.1</b> 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.	<b>N/A</b>	The proposed development does not include a new access point/crossover.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) minimize interference with the function and operation of roads; and (c) minimise pedestrian to vehicle conflict.	<b>AO2.2</b> Development on a site with two or more road frontages provides vehicular access from: (a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or (b) from the lowest order road in all other instances.	N/A	See AO2.1 above.
	<b>AO2.3</b> Vehicular access for particular uses is provided in accordance with <b>Table 9.4.3.3E</b> .	N/A	See AO2.1 above.
<b>PO3</b> Access, maneuvering and car parking areas include appropriate pavement treatments having regard to: (a) the intensity of anticipated vehicle movements; (b) the nature of the use that they service; and (c) the character of the surrounding locality.	<b>AO3</b> Access, maneuvering and car parking areas include pavements that are constructed in accordance with <b>Table 9.4.3.3C</b> .	N/A	The proposed development does not include a new access point/crossover, nor any new car parking spaces or manoeuvring areas.
<b>FOR ASSESSABLE DEVELOPMENT</b>			
<b>PARKING AREA LOCATION AND DESIGN</b>			
<b>PO4</b> 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.	<b>AO4.1</b> Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking.	N/A	The proposed development does not include any new car parking spaces or manoeuvring areas.
	<b>AO4.2</b> 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.	N/A	See AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO4.3</b> The car parking area includes designated pedestrian routes that provide connections to building entrances.	N/A	See AO4.1 above.
	<b>AO4.4</b> 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 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.	N/A	See AO4.1 above.
<b>SITE ACCESS AND MANOEUVRING</b>			
<b>PO5</b> 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.	<b>AO5.1</b> Access and manoeuvrability is in accordance with : (a) AS28901 – Car Parking Facilities (Off Street Parking); and (b) AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities.  <i>Note—Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.</i>	N/A	The proposed development does not include a new access point/crossover.
	<b>AO5.2</b> Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.	N/A	See AO5.1 above.
	<b>AO5.3</b> Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.	N/A	See AO5.1 above.



PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO5.4</b> 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).	N/A	See AO5.1 above.
<b>PO6</b> 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) 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.	<b>AO6.1</b> Internal roads for a Tourist park have a minimum width of: (a) 4 metres if one way; or (b) 6 metres if two way.	N/A	The proposed development is not for a tourist park.
	<b>AO6.2</b> 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.	N/A	See AO6.1 above.
	<b>AO6.3</b> Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.	N/A	The proposed development does not include any internal roads.
	<b>AO6.4</b> 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.	N/A	See AO6.3 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<b>AO6.5</b> 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.	N/A	See AO6.3 above.
	<b>AO6.6</b> Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.	N/A	See AO6.3 above.
	<b>AO6.7</b> 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.	N/A	The proposed development is not for an energy/infrastructure or rural activity.
<b>SERVICING</b>			
<b>PO7</b> 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.	<b>AO7.1</b> 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.	YES	The proposed development will utilise the service vehicle loading/unloading area available on site via Railway Avenue (see <b>Attachment 2</b> ).
	<b>AO7.2</b> Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.	ALTERNATIVE SOLUTION SOUGHT	The proposed development does not include new service vehicles areas, and the existing service vehicle area on the site does not allow for service vehicles to exit in a forward gear. The proposed development will require only very minimal number of deliveries by service vehicles (only needed when equipment needs to be taken to/from the site, of which can be done

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			outside of main business hours)) and as such, is unlikely to generate more service vehicle movements than has previously occurred on the site in association with previous uses. Additionally, given the sight distances available on and the low speed/volume of traffic that utilise Railway Avenue, the occasional 'reverse out' manoeuvre by a small service vehicle (outside of key business hours) is unlikely to cause any safety or efficiency impacts on Railway Avenue.
	<b>AO7.3</b> Development provides a servicing area, site access and maneuvering areas to accommodate the applicable minimum servicing vehicle specified in <b>Table 9.4.3.3B</b> .	<b>YES</b>	See AO7.1 above.
<b>MAINTENANCE</b>			
<b>PO8</b> Parking areas are used and maintained for their intended purpose.	<b>AO8.1</b> Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	<b>N/A</b>	The proposed development does not include any new car parking spaces or manoeuvring areas.
	<b>AO8.2</b> All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	<b>N/A</b>	See AO8.1 above.
<b>END OF TRIP FACILITIES</b>			
<b>PO9</b> Development within the Centre zone; Industry zone or Emerging community zone provides facilities for active transport users that:	<b>AO9.1</b> The number of bicycle parking spaces provided for the use is in accordance with <b>Table 9.4.3.3D</b> .	<b>ALTERNATIVE SOLUTION SOUGHT</b>	The proposed development does not include any new bicycle spaces (no room for such facilities on the site is available).  Note: Members and guests will be able to park their bicycle within the proposed development.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(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.	<b>AO9.2</b> End of trip facilities are provided in accordance with <b>Table 9.4.3.3D</b> .	<b>YES</b>	Lockers, showers and changing facilities are being provided to the proposed development (see <b>Attachment 2</b> ).
<b>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.</b>			
<b>P10</b> 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.	<b>AO10</b> 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.	<b>N/A</b>	The proposed development is not for an educational establishment or childcare centre.
<b>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.</b>			
<b>PO11</b> 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.	<b>AO11</b> 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.	<b>YES</b>	Please see <b>Section 7.2</b> of the Planning Report for commentary addressing the performance outcome.