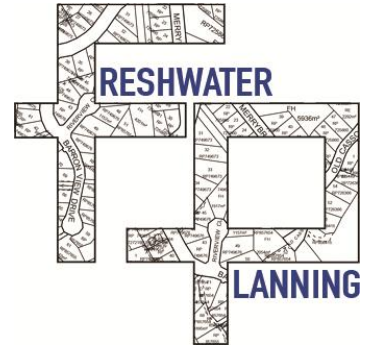


Your Ref: MCU/26/0005  
Our Ref: F26/10



30 April, 2026

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
**MAREEBA QLD 4880**

**Attention: Carl Ewin**  
**Planning and Building Department**

Dear Sir,

**RE: AMENDED APPLICATION FOR A MATERIAL CHANGE OF USE – FOOD AND DRINK OUTLET  
LOT 2 ON SP298298, KAROBEAN DRIVE, MAREEBA.**

This Amended application is for a Material Change of Use – Food and Drink Outlet over land described as Lot 2 on SP298298, situated on Karobean Drive, Mareeba is submitted on behalf of the BTM & S Stankovich Pty Ltd.

The application comprises of Application Form, Proposal Plan, SmartMaps and this Town Planning Submission. It is understood that the proponent will provide payment of the Application Fee to Council.

### The Site

The subject land is described as Lot 2 on SP298298, Locality of Mareeba and situated on Karobean Drive, Mareeba. The site is owned by BTM & S Holdings Pty Ltd who are also the applicants for the proposed development. The subject site comprises of a single allotment, has an area of 8,299 m<sup>2</sup> and contains frontage to Karobean Drive and Hastie Road. The site contains existing Commercial Buildings (Amaroo Village Business Precinct) and Approved Commercial Buildings. The site is accessed from the existing Road Network, being Karobean Drive. No access is proposed from Hastie Road.

In relation to the current State Governmental Mapping the site is Not Mapped as containing Remnant Vegetation, Regrowth Vegetation and Essential Habitat nor is the site designated as including a Referable Wetland or Wetland Protection Area. The site is not located within 25 metres of a State Controlled Road nor within 25 metres of a Railway Corridor. It is considered that the proposal does not require Referral to any State Agencies.

## The Proposed Development

The proposed development is for a Material Change of Use – Food and Drink Outlet in the Low Density Residential Zone of the Mareeba Shire Council’s Planning Scheme. The site is located on Karobean Drive, Mareeba and is more particularly described as Lot 2 on SP298298. The site is irregular in shape, has an area of 8,299 m<sup>2</sup> and existing and Approved Commercial Buildings and vacant land. No change to the existing functioning of the entire site will occur and no change to the existing Amaroo Village Business Precinct is envisaged.

A Development Permit for a Material Change of Use is sought to facilitate the ability for a Food and Drink Outlet (previously defined as Restaurant) within the existing Amaroo Village Business Precinct. The proposal is sought to provide the ability for the provision of a Food Van to occupy the site. The site contains the existing Commercial Uses and Vacant Land. The proposal is to add additional Commercial Activities and is considered to complement the existing Commercial Buildings.

As per the attached Plan, the proposal provides for the provision of a Food Truck/Van within the existing Amaroo Business Park. The Food and Drink Outlet will be provided over the existing Approved Car Parking Area not to interfere with the existing Activities and Approvals over the site. Freshwater Planning Pty Ltd has been informed of the following:

*Food Van Area*

*Opening Hours*

- 5:30am to 11:59 am (Monday to Sunday)
- 5:00pm to 9:00pm (Monday to Sunday)

*Any Lighting provided by food truck operator.*

*Other services i.e wastewater, grease traps etc will be all self-contained with the food truck and safely disposed of offsite. Power will be provided by a small generator also self-contained within the food truck.*

*Rubbish bin and seating will be provided by the operator and will be erected and taken down at the start and end of each operating day.*

The proposal is located over the Approved Car Parking Area of the Amaroo Business Park and be generally provided outside of normal operating hours for the Business Park ensuring not to conflict with the existing activities. **The ability for the provision of a Food Van (generally the likes of a Coffee Van) to operate within the normal operating hours prior to lunchtime (midday) is also requested.** The proposal does not provide for any additional buildings or structures nor will it require any additional alteration to the existing Business Park. The proposal will retain, maintain and enhance the existing Landscaping provided along the frontage of the site to match in with the Amaroo Village Business Precinct.

The site is located in the Low Density Residential Zone of the Mareeba Shire Council’s Planning Scheme. A Material Change of Use for the proposed Food and Drink Outlet is Accepted Development if a Temporary Use an Impact Assessable Use, if not Temporary within this Zone. However, the site contains the Hastie Road Business Zone Code (REC/08/0012) which provides for Restaurant (Food and Drink Outlet) to be Code Assessable within the Hastie Road Business Zone. It is accepted that the site’s Site Specific Business Zone Code, Overrides the Mareeba Shire Planning Scheme’s Assessment Tables. The application is Code Assessable.

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

### **Far North Queensland Regional Plan 2009-2031**

Lot 2 on SP298298 is identified as being in the Urban Footprint designation of the FNQ Regional Plan Mapping.

The proposal is considered to be an infill development of an existing site. The Material Change of Use is within the Urban Footprint and results in the creation of greater densities/Supporting Uses without affecting the existing natural environment. The proposal is for a Material Change of Use to provide necessary services to Mareeba which will continue to support the driving industries of the Mareeba Township and Region.

It is considered that the proposed Material Change of Use is not in conflict with the Intent for Urban Footprint designation of the FNQ Regional Plan 2009-2031.

### **Low Density Residential Zone Code**

The proposed development is sought to facilitate the provision of a Food and Drink Outlet in the form of Food Van/Truck in addition to the existing Amaroo Village Business Precinct over the site. The proposal is not considered to adversely affect the existing amenity, character and nature of the site and the surrounding vicinity instead, is considered to enhance the existing Amaroo Village Business Precinct.

The proposal is located over the Approved Car Parking Area of the Amaroo Business Park and be provided outside of normal operating hours for the Business Park ensuring not to conflict with the existing activities. **Whilst there will be the ability for a Food Van/Truck (generally the likes of a Coffee Van) to operate within the normal operating hours prior to lunch has been requested, it is not considered that this morning hours will conflict or significantly impact with the existing activities over the site.** The proposal does not provide for any additional buildings or structures nor will it require any additional alteration to the existing Business Park. The proposal will retain, maintain and enhance the existing Landscaping provided along the frontage of the site to match in with the Amaroo Village Business Precinct.

The proposed development is considered to provide additional activities within the Amaroo Village Business Precinct with the proposal adding to the amenity of the existing Precinct whilst not detracting from the amenity of any nearby Residential Uses. The proposal is not considered to impact on the orderly provision of non-residential development in other locations of the Shire.

The proposal is not considered to detract from the existing amenity of the local area. The proposed Food and Drink Outlet has been meticulously designed to be incorporated within the Amaroo Village Business Precinct without affecting the existing or Approved Uses. The proposed development will not create any adverse additional affects to the local area and will not detract from the existing amenity, instead the proposal is considered to enhance the existing amenity of the Amaroo Village Business Precinct.

It is considered that the proposed Material Change of Use for a Food and Drink Outlet within the existing Commercial Area (Amaroo Village Business Precinct) of the Low Density Residential Zone is not in conflict with the Purposes or Intent of the Zone Code and is appropriate and acceptable.

## **Hastie Road Business Zone Code**

The site contains the Hastie Road Business Zone Code as Approved with the Development Application REC/08/0012 with the proposed Material Change of Use for Business and Shops within this existing Commercial Area (Amaroo Village Business Precinct). The proposal is not considered to be in conflict with the Purposes or Intent of the Zone Code and is appropriate and acceptable.

The proposal provides for an additional activity without having an adverse impact on the functioning and role of the Mareeba CBD as a higher order and specialist retail destination, the focus for entertainment and recreation facilities, and the ability of the CBD to provide a range of business uses and educational facilities. The proposal will provide an accessible, convenient and safe Commercial Activity maintaining and enhancing the existing Landscaping and is consistent and in character with the existing locality making effective Use of the land and functioning of the Business Zone. The proposal is located over the Approved Car Parking Area of the Amaroo Business Park and be provided **generally** outside of normal operating hours for the Business Park ensuring not to conflict with the existing activities. The proposal does not provide for any additional buildings or structures, nor will it require any additional alteration to the existing Business Park. The proposal will retain, maintain and enhance the existing Landscaping provided along the frontage of the site to match in with the Amaroo Village Business Precinct.

## **Commercial Activities Code**

The proposed development incorporates a Food and Drink Outlet (previously defined as Restaurant) within the Business Zone Allotment. No new buildings or structures are proposed with the development. The proposal provides for a Use that will support the surrounding residents of the Amaroo Residential Estate and surrounds by providing the provision of a Food Van/Truck. No change to the existing Commercial Activities of the Amaroo Business Park is envisaged with the proposal.

## **Airports Environs Overlay Code**

The site is located outside of the 8km Bird and Bat Zone of the Bird and Bat Strike Zones and outside the Light Intensity – Mareeba Overlay Mapping. The proposed Food and Drink Outlet is not considered to adversely affect the site, immediate vicinity or surrounds. The proposal is not for a waste disposal site. It is considered that the Airports Environs Overlay Code is Not Applicable to the proposed Commercial Building given the site being located outside the Light Intensity Zone and greater than 8km for Bird and Bat Strike Zones.

## **Flood Hazard Overlay Code**

The site is located within the General Extent of Modelled Flood Levels as demonstrated on the Flood Hazard Overlay Mapping. However, the site is not Mapped as containing an Extreme, High, Significant, and Low Flood Hazard Area or nominated within the Potential Flood Hazard Area. It is considered that the proposed Material Change of Use is Not Applicable to the Flood Hazard Overlay Code.

## **Landscaping Code**

The proposal is for a Food Van/Truck within the Amaroo Village Business Precinct. Any Landscaping and Fencing will be provided to maintain and enhance the existing amenity of the Amaroo Village Business Precinct. The proposal will ensure not to affect the existing Commercial Area. It is considered that the proposed Material Change of Use is Not Applicable to the Landscaping Code.

## Parking and Access Code

No change to the existing Parking and Access is envisaged with the proposed Food and Drink Outlet. The proposal is located over the Approved Car Parking Area of the Amaroo Business Park and be provided **generally** outside of normal operating hours for the Business Park ensuring not to conflict with the existing activities. The proposal does not provide for any additional buildings or structures nor will it require any additional alteration to the existing Business Park.

## Conclusion

It is considered that the proposed development being a Material Change of Use to facilitate the provision of a Food and Drink Outlet in the form of a Food Van/Truck within the Amaroo Village Business Precinct over land described as Lot 2 on SP298298 is appropriate. The proposal represents a small-scale development that has mitigated all possible negative effects of the surrounding environment maintaining and enhancing an attractive streetscape. In particular, the proposed development:

- ✚ Is not in conflict with the Intent and Purposes for land designated in the Low Density Residential Zone;
- ✚ Is not in conflict with the Intent and Purposes for land designated in the Hastie Road Business Zone Allotment;
- ✚ Can meet the Performance Outcomes and the Purpose of the Commercial Activities Code;
- ✚ Can meet the Performance Outcomes and the Purpose of the Hastie Road Business Zone Code;
- ✚ Is not in conflict with the nominated Overlays;
- ✚ Provides for appropriate and acceptable level of servicing without compromising the environmental values of the Shire and Mareeba; and
- ✚ Will encompass no significant negative impacts to the existing nature and amenity of the area, instead enhancing the amenity and character as the Material Change of Use provides an attractive local service supporting the Residential population of Mareeba and the surrounding Townships;

Freshwater Planning Pty Ltd request that Council provide a copy of the Draft Conditions with sufficient time for review prior to issuing a Decision Notice over the site or tabulating and Item on the Agenda. If you have any queries, please do not hesitate to contact Freshwater Planning Pty Ltd.

Yours faithfully,

  
**MATTHEW ANDREJIC**  
**FRESHWATER PLANNING PTY LTD**