

DELEGATED REPORT

SUBJECT: BTM & S STANKOVICH PTY LTD – MATERIAL CHANGE OF USE – FOOD AND DRINK OUTLET (RESTAURANT) – LOT 2 ON SP298298 – 2-8 KAROBEAN DRIVE, MAREEBA – MCU/26/0005

DATE: 7 May 2026

REPORT OFFICER'S TITLE: Supervisor Planning & Building

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	2-8 Karobean Drive, Mareeba
DATE LODGED	31 March 2026	RPD	Lot 2 on SP298298
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Food and Drink Outlet (Restaurant)		

FILE NO	MCU/26/0005	AREA	8,299m ²
LODGED BY	Freshwater Planning Pty Ltd	OWNER	BTM & S Stankovich Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low density residential zone		
LEVEL OF ASSESSMENT	Code assessment		
SUBMISSIONS	N/A – Code assessment only		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the establishment of a coffee van and food van within the Amaroo Village Business Precinct. The coffee van will operate during the morning hours between 5:30am and 12pm (noon) and the food van will operate between 5pm and 9pm, Monday to Sunday. The coffee/food vans will be sited on the southern side of the existing asphalt sealed carpark and will be fully self-sufficient with regards to power, lighting, water supply and greywater disposal.

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

An appropriate suite of conditions has been recommended in order to help protect the amenity of nearby residential uses. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	2-8 Karobean Drive, Mareeba
DATE LODGED	31 March 2026	RPD	Lot 2 on SP298298
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Food and Drink Outlet (Restaurant)		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Food and Drink Outlet (Restaurant)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Amaroo Masterplan & Café	Freshwater Planning Pty Ltd	-

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

2. Timing of Effect

2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use and while the use is occurring, except where specified otherwise in these conditions of approval.

2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit, have been complied with, except where specified otherwise in these conditions of approval.

2.3 Approval Lapse Date

In accordance with section 65 (2) of the Act, this development permit will cease to have effect upon the first of the following occurring:

- Any permanent food and drink outlet use begins trade anywhere within the Amaroo Village Business Precinct; or
- Any approved use is established within the Amaroo Village Business Precinct that requires the carparking to be extended into the approved location for the food and drink outlet (Restaurant) use; or
- Three (3) years elapses (from the date of this approval taking effect).

3. General

3.1 For the purposes of this approval and the conditions herein, a "coffee van" refers to any self-contained vehicle or trailer providing hot/cold drinks and light premade/prepackaged meals only.

A "food van" refers to any self-contained vehicle or trailer providing hot/cold drinks and full sized meals (as well as light refreshments) either premade/prepackaged or made to order.

3.2 Emissions

Emissions associated with the development (including but not limited to light, noise and odour) must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

3.3 Waste Management

The applicant/developer/food/coffee van operator is responsible for ensuring an appropriate number of refuse storage bins are provided in proximity to the food/coffee vans. Bins must be removed from the site when the food/coffee vans are not operating.

The bins currently servicing the adjacent parkland cannot be relied on to service the food/coffee vans.

3.4 Outdoor dining

Outdoor dining is permitted in proximity to the food/coffee vans.

3.5 Generator Noise

Any generator/s servicing the food/coffee vans must not produce any audible noise when measured from any nearby sensitive receptor.

3.6 Hours of Operation

The coffee van is permitted to trade to the public between 5:30am and 12pm (noon) only, Monday to Sunday. Public Holiday operation is also permitted.

The food van is permitted to trade to the public between 5pm and 8.30pm only, Monday to Sunday. Public Holiday operation is also permitted. The food van must cease trade to the public by 8.30pm to ensure the van is removed from the site by no later than 9pm.

3.7 Signage

Any temporary advertising signage for the coffee/food vans must comply with Council's Local Laws.

4. Infrastructure Services and Standards

4.1 Access

All vehicle access shall be via the existing Amaroo Village Business Precinct access crossover from Karobean Drive.

4.2 Wastewater Disposal

No wastewater from any food/coffee vans shall be disposed of on site, at any time.

(A) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises (restaurants/bed & breakfasts etc.)

Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the Food Act 2006.

(b) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(c) Compliance with Acts and Regulations

The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.

(d) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.

(e) Cultural Heritage

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

(f) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

- This Development Permit remains current until the first of the following occurs:
 - Any permanent food and drink outlet begins trade anywhere within the Amaroo Village Business Precinct; or
 - Any approved use is established within the Amaroo Village Business Precinct that requires the carparking to be extended into the approved location for the food and drink outlet use; or
 - Three (3) years elapses (starting the day the approval takes effect);

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

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

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

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

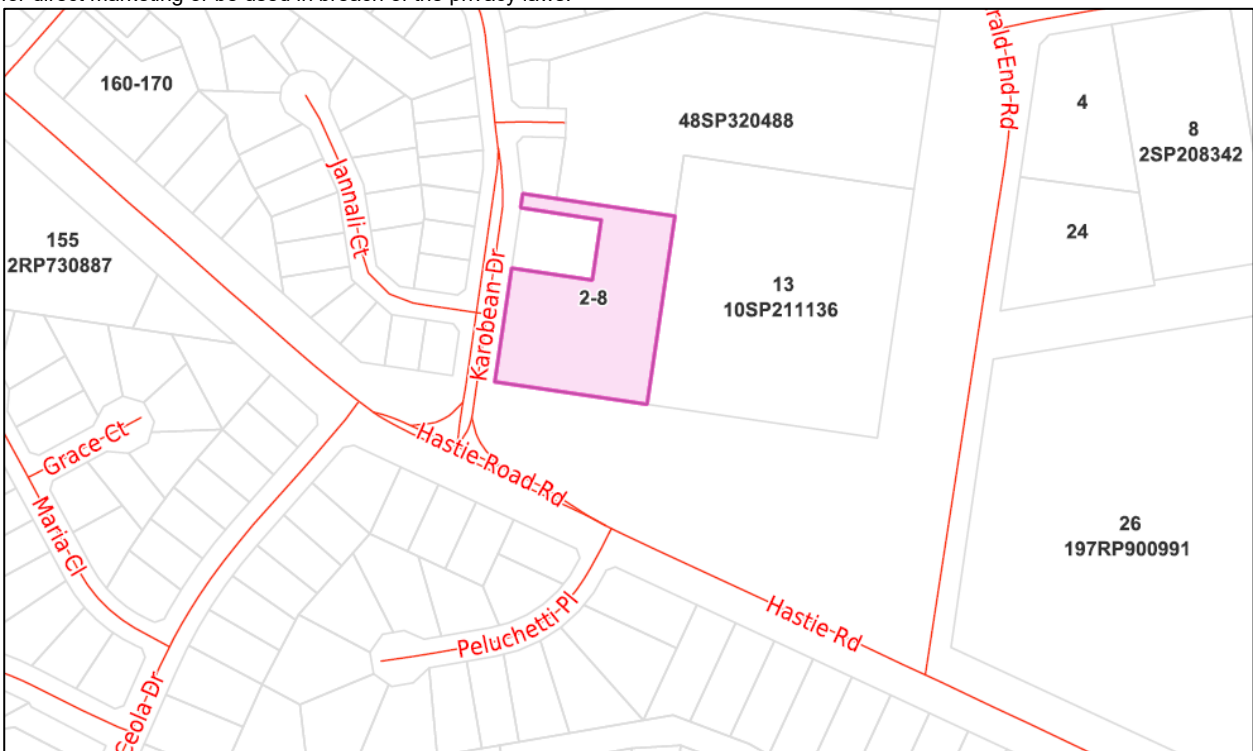
Access to the land is obtained from Karobean Drive via two (2) concrete commercial crossovers.

No access is obtained from Hastie Road.



Map Disclaimer:

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



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

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

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

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

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

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

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

Development approval MCU/24/0015 was issued on 29 August 2024 for approximately 450m² of additional business and shops fronting Karobean Drive.

Development Permit MCU/24/0019 was issued on 19 December 2024 for Business (Health Care Services) and Indoor Recreation Facility (Indoor Sport and Recreation) which authorised the establishment of a gymnasium and associated allied health consultation rooms.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Food and Drink Outlet (Restaurant) in accordance with the plans shown below and included as **Attachment 1**.

The application included the following detail:

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 m² 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)*

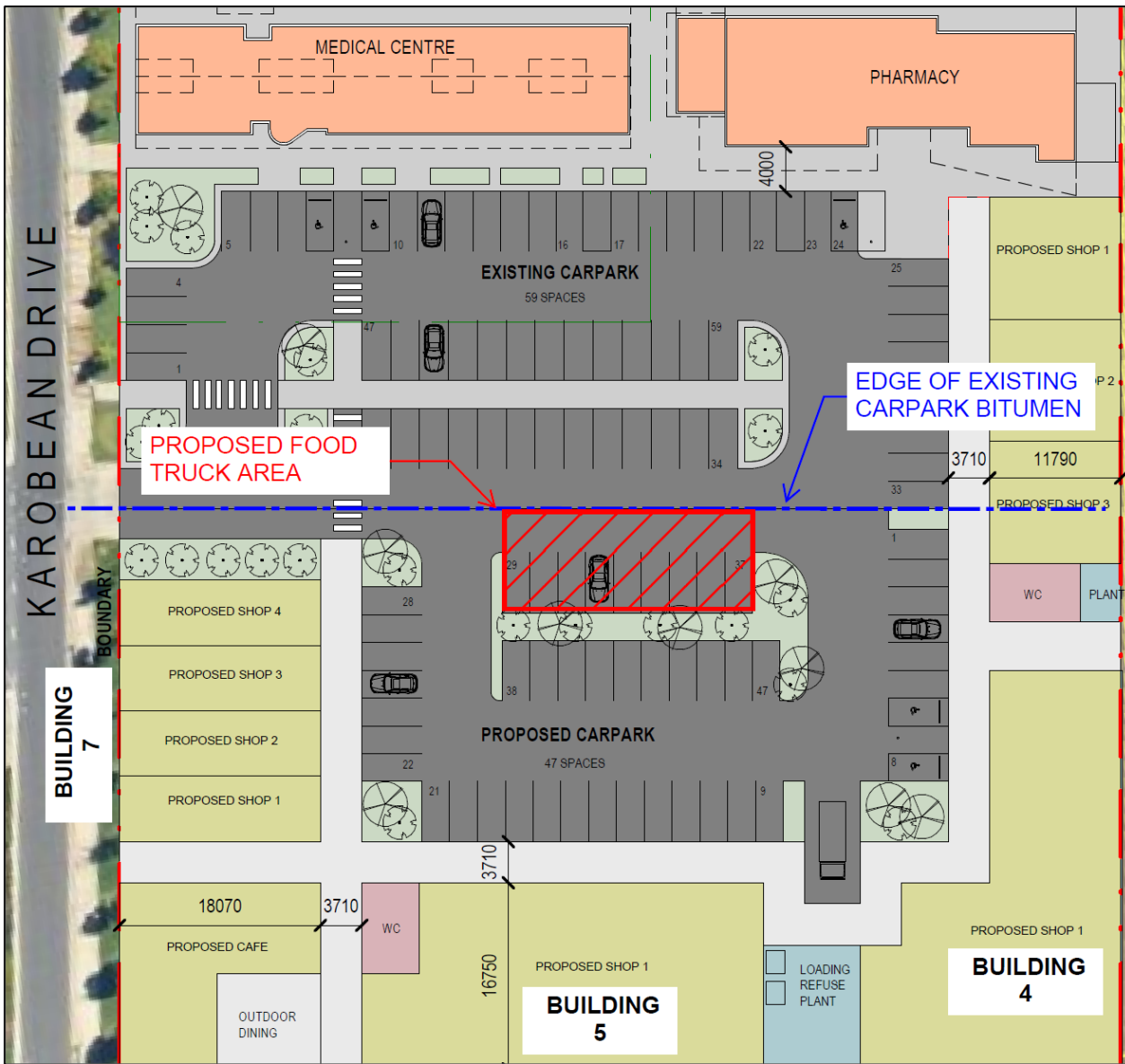
Any Lighting provided by food truck operator.

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.



REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

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

Planning Scheme Definitions

The proposed use is defined as:-

***Restaurant** means the use of premises for the principal purpose of providing food for consumption on the premises, including take-away facility, but does not include a drive through fast food outlet.*

RELEVANT PLANNING INSTRUMENTS

Far North Queensland Regional Plan 2009-2031

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

State Planning Policy

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

Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

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

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

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

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

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

(e) Planning Scheme Policies/Infrastructure Charges Plan

Not applicable.

(f) Adopted Infrastructure Charges Notice

The proposed development is not likely to place any additional demand on Council's water, sewer, stormwater and open space networks.

Although the development is likely to place some additional demand on Council's transport network, the development is only temporary in nature (approval only granted for up to 3 years or until the business precinct is built out – whichever occurs first). Furthermore, the food van component will operate outside the operating hours of the existing businesses on-site, with no cumulative impact on traffic generation. As such, infrastructure charges are not considered necessary in this instance.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Nil

PLANNING DISCUSSION

Nil

Date Prepared: 7 May 2026

DECISION BY DELEGATE

DECISION

Having considered the Officers report detailed above, I approve, as delegate of Council, the application subject to the conditions listed in the report.

Dated the 7TH day of MAY 2026

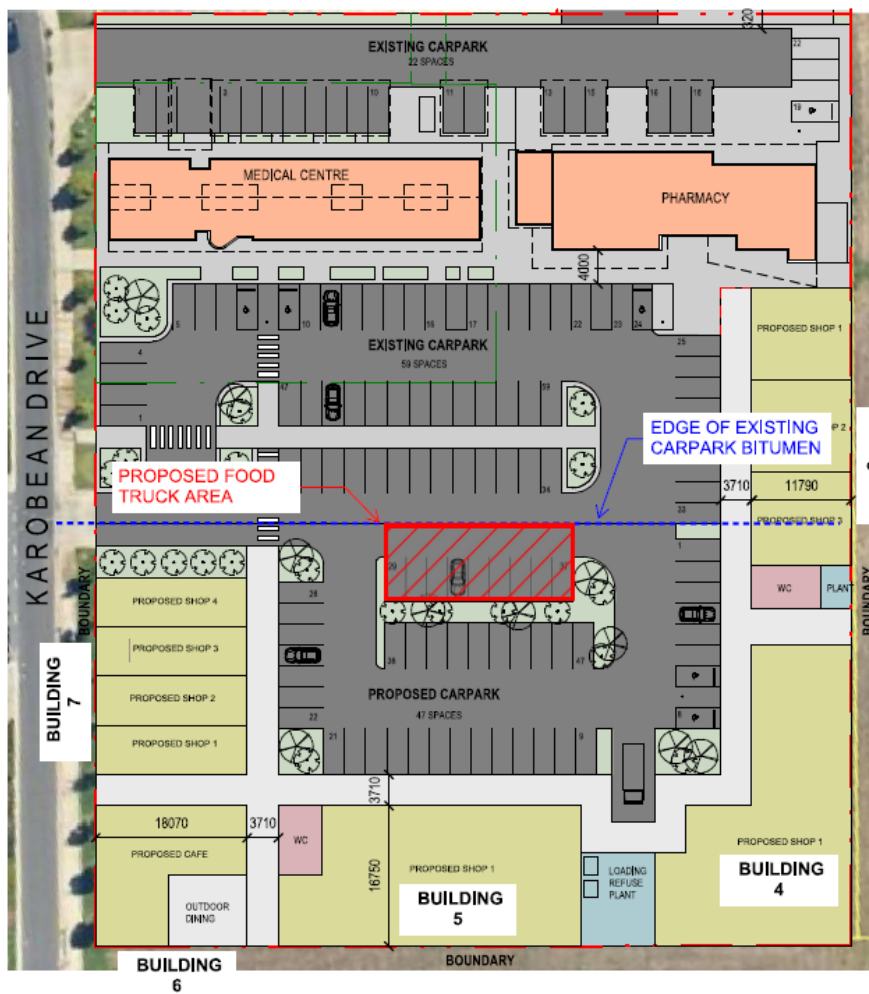


BRIAN MILLARD
COORDINATOR PLANNING & BUILDING

MAREEBA SHIRE
AS DELEGATE OF THE COUNCIL

PROPOSED PLANS (ECM DSI # 4624232)

AMAROO MASTERPLAN & CAFE



APPROX. EXISTING AREAS	
MEDICAL CENTRE	436m ²
PHARMACY	384m ²
SUB TOTAL	820m²

PROPOSED AREAS	
BUILDING 8 SHOP 1	237m ²
BUILDING 8 SHOP 2	110m ²
BUILDING 3 SHOP 1	130m ²
BUILDING 3 SHOP 2	130m ²
BUILDING 3 SHOP 3	130m ²
BUILDING 4 SHOP 1	600m ²
BUILDING 5 SHOP 1	560m ²
BUILDING 6 CAFE	225m ²
OUTDOOR DINING	80m ²
BUILDING 7 SHOP 1	105m ²
BUILDING 7 SHOP 2	105m ²
BUILDING 7 SHOP 3	105m ²
BUILDING 7 SHOP 4	105m ²
SUB TOTAL	2622m²
TOTAL GFA	3442m²

AMENITIES	85m ²
LOADING/REFUSE /PLANT	115m ²

CARPARKING	
EXISTING	81 SPACES
PROPOSED	52 SPACES
TOTAL	133 SPACES