



AGENDA

Wednesday, 20 September 2023

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 20 September 2023

Time: 9:00am

Location: Council Chambers

Peter Franks
Chief Executive Officer

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- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**
Ordinary Council Meeting - 16 August 2023
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 B CAMPBELL - MATERIAL CHANGE OF USE - SHORT-TERM ACCOMMODATION - LOT 1 ON RP719746 - 49 WALSH STREET, MAREEBA - MCU/23/0011

Date Prepared: 16 August 2023
Author: Coordinator Planning Services
Attachments: 1. [Proposal Plans](#) ↓
 2. [Submissions](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	B Campbell	ADDRESS	49 Walsh Street, Mareeba
DATE LODGED	16 June 2023	RPD	Lot 1 on RP719746
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Short-term Accommodation		
FILE NO	MCU/23/0011	AREA	794m2
LODGED BY	Freshwater Planning Pty Ltd	OWNER	B Campbell
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Six (6)		

EXECUTIVE SUMMARY

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

The application is impact assessable and six (6) properly made submissions were received in response to public notification of the application.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

The key concern raised in all submissions is the potential for overlooking and loss of privacy. This concern has been addressed through conditions requiring the installation of a 1.8 metre high solid screen fence along all side and rear boundaries and the installation of fixed external screens on all upper floor windows.

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	B Campbell	ADDRESS	49 Walsh Street, Mareeba
DATE LODGED	16 June 2023	RPD	Lot 1 on RP719746
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Short-term Accommodation		

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 – Short-term Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
0730 DA01 A	Proposed Site Plan & Property Boundaries Plan	Gregory G Terzi	Jan 2023
0730 DA02 A	Ground Level – Proposed Floor and part Site Plan	Gregory G Terzi	Jan 2023
0730 DA03 A	Upper Level – Proposed Floor Plan	Gregory G Terzi	Jan 2023

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
 - 3.6 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.
 - 3.7 Clothes Drying Facilities

Sufficient area for clothes drying is to be provided at the rear of the short-term accommodation and is to be appropriately screened from view of adjoining properties and the street.
 - 3.8 A site manager must be present on-site at all times to ensure compliance with these conditions of approval.

The site manager's contact details must be made available to adjoining landowners.

4. Infrastructure Services and Standards

4.1 Access

Both access crossovers must be constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of three (3) on-site car parking spaces in accordance with Drawing No. 0730 Sheet DA 02 A, which are available solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be concrete, bitumen or asphalt sealed and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

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

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

4.4 Landscaping & Fencing

4.4.1 Prior to the commencement of the use, a minimum one (1) metre wide landscaping strip must be established along the entire Walsh Street frontage (excluding pedestrian and vehicle access points) of Lot 1 on RP719746.

4.4.2 Where new plants are to be planted, these plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

4.4.3 The landscaping strip must be irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

4.4.4 Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high solid screen fence constructed of Colourbond (of neutral colour) or other suitable material approved

by Council, along the entire length of the side and rear boundaries of Lot 1 on RP719746.

4.4.5 All fencing must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Privacy Screening

Prior to the commencement of the use, the applicant/developer must ensure directional privacy screening is installed external to all upper floor windows to effectively screen from view the adjoining allotments.

4.6 Lighting

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

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per bedroom with 1 or 2 beds	Bedrooms		1 Dwelling	
Accommodation (short term)	\$7,415.00	7	\$51,905.00	\$20,768.00	\$31,137.00
TOTAL CURRENT AMOUNT OF CHARGE					\$31,137.00

THE SITE

The subject site is situated at 49 Walsh Street, Mareeba and is described as Lot 1 on RP719746. The site is irregular in shape with a total area of 794m² and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

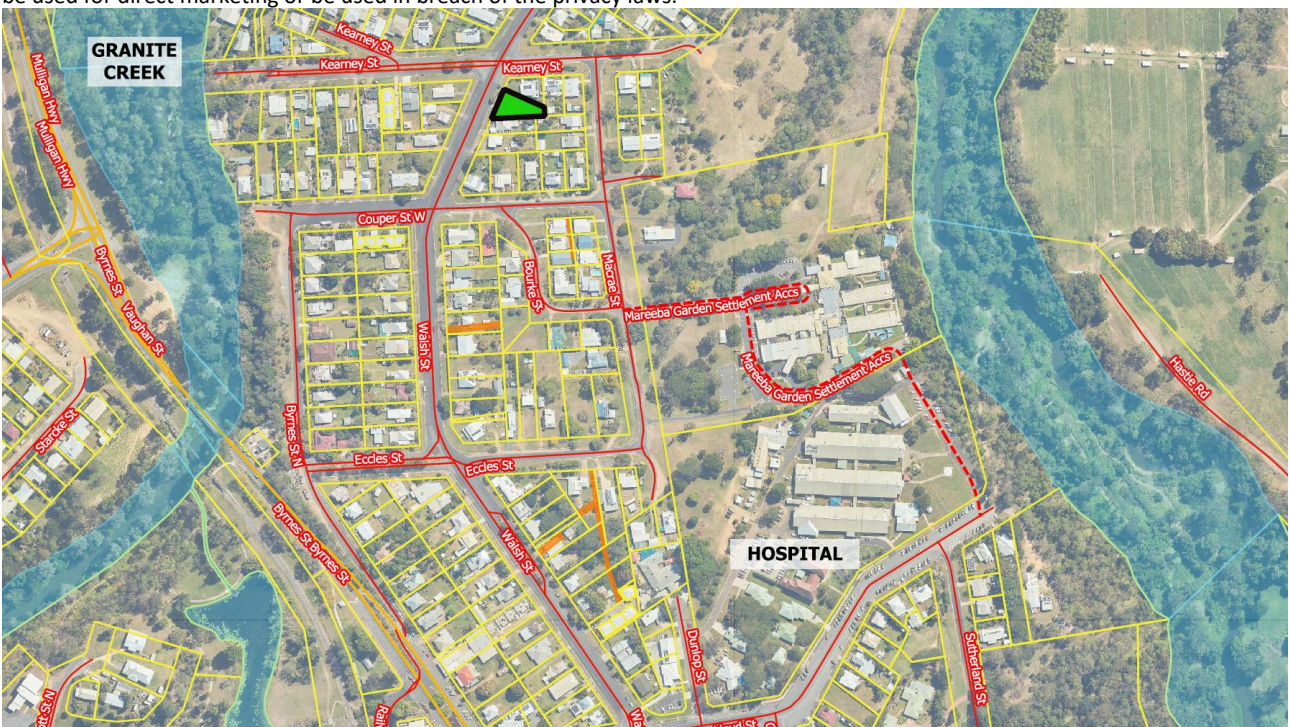
The site contains approximately 29.5 metres of frontage to Walsh Street which is constructed to a 19 metre wide bitumen sealed standard with kerb and channel on both sides. Access to the site is currently gained via a concrete driveway off Walsh Street.

The site is improved by a two-storey dwelling house presenting to the Walsh Street frontage and several domestic outbuildings at the rear. All adjoining lots are zoned Low Density Residential and each contain a single dwelling house.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Short-term Accommodation in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following outline of the proposed development:

“A Development Permit for a Material Change of Use is sought to facilitate the conversion of the existing Dwelling House and Structures into Short-Term Accommodation. The proposal is to provide necessary Accommodation supporting the immediate, surrounding Residential Areas, Commercial Activities and Agricultural Industries of Mareeba and the Tablelands Region. The proposed Short-Term Accommodation will ensure that no change to the existing Residential nature of the site and surrounding area is envisaged.

The proposed Short-Term Accommodation allows for the provision of seven (7) Bedrooms hosting a total of twelve (12) persons over the site. The proposed development consists of the following:

Ground Floor (disability standard)

- *Open Covered area*
- *Common Area*
- *Laundry*
- *Kitchen*
- *Amenities (Toilets and Shower)*
- *Two Bedrooms (inclusive of a Caretaker’s Room)*

Upper Floor

- *Kitchen*
- *Amenities (Toilet and Shower)*
- *Five Bedrooms*
- *Storage*

The site contains frontage to the Walsh Street and proposes to retain the existing access crossovers. It is understood that eastern crossover will need to be widened as per demonstrated on the Proposal Plans. The proposal provides for the provision of existing car parking spaces (in tandem) in addition to Disabled Parking Space with the ability for additional parking over the existing gravel area accessed from the existing gravel driveway. The proponents additionally provide bicycles for the Short-Term Accommodation patrons. The existing and proposed parking spaces are considered appropriate and acceptable given the site’s proximity to the Mareeba CBD, employee Buses/Transportation and availability of bicycles.

The site is connected to all available services and no change to the existing level of servicing is proposed with the conversion of the Dwelling House to Short-Term Accommodation. Appropriate Landscaping in the form of screening hedges/gardens and screening can be provided with the existing Landscaping to be maintained and enhanced.

It is considered that the proposed development is an appropriate Use for the site, immediate vicinity and surrounding environs providing additional Accommodation to the surrounding and local residents, Commercial Activities and Agricultural Industries of Mareeba and the Tablelands Region.”

REGIONAL PLAN DESIGNATION

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories • Residential Area
Zone:	Low Density Residential zone
Local Plan:	Mareeba Local Plan
Overlays:	Airport Environs Overlay Residential Dwelling House and Outbuilding Overlay Transport Infrastructure Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Short-term accommodation	Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager’s residence and office and the provision of recreation facilities for the exclusive use of visitors.	Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay	Hostel, rooming accommodation, tourist park

RELEVANT PLANNING INSTRUMENTS

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

(A) 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.

(B) 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.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.3 Settlement pattern and built environment****3.3.1 Strategic outcomes**

- (3) *Residential areas* and *urban expansion areas* support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and *activity centres* while protecting the character of the shire.

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the *residential areas* and *urban expansion areas* of the shire.

Comment

The proposed development will further diversify housing choice within Mareeba.

The proposed development will make use of an existing seven bedroom dwelling to provide in demand accommodation for workers and tourists.

The site is close to the Mareeba central business district and is in walking distance to medical and other essential services.

The development complies.

3.3.7 Element—Residential areas and development**3.3.7.1 Specific outcomes**

- (1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.

Comment

The proposed development will make use of an existing seven bedroom dwelling to provide in demand accommodation for workers and tourists.

Apart from additional screen fencing and external window screens, the appearance of the existing development will remain substantially unchanged.

The development complies.

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

Comment

The proposed development will make use of an existing seven bedroom dwelling to provide in demand accommodation for workers and tourists.

Apart from additional screen fencing and external window screens, the appearance of the existing development will remain substantially unchanged.

The development complies.

- (5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in *residential areas* in a manner consistent with the character and amenity of the shire's *activity centres*.

Comment

The proposed development will further diversify housing choice within Mareeba.

The proposed development will make use of an existing seven bedroom dwelling to provide in demand accommodation for workers and tourists.

The site is close to the Mareeba central business district and is in walking distance to medical and other essential services.

The development complies.

Relevant Developments Codes

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 9.3.1 Accommodation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access 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 outcome 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
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Accommodation activities code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> • AO1 Refer to planning discussion section of report.
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.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2023 identifies an infrastructure charge rate of \$7,415.00 per (1 or 2 bed) bedroom for short term accommodation.

The proposed development includes seven (7) 1 or 2 bed bedrooms.

The applicable infrastructure charge, minus the credit for the existing dwelling, is:

- 7 bedrooms x \$7,415 (- \$20,768.00) = \$31,137.00.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 19 July 2023 to 11 August 2023. The applicant submitted the notice of compliance on 14 August 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six (6) properly made submissions were received.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
Concerns regarding privacy, overlooking and potential noise.	The submitters have requested that the development be conditioned to require suitable screen fencing and the installation of window screens to prevent overlooking and loss of privacy. The development has been conditioned to require 1.8 metre high solid screen fencing along all side and rear boundaries. Fixed external window screens have been conditioned for all upper floor windows.
Concern regarding the use of the second driveway.	The development will be conditioned to require all parking and vehicle manoeuvring areas to be constructed with an appropriately sealed (concrete, pavers or asphalt) surface.

Submitters

Name of Principal submitter	Address
1. K & J Merritt	22 Kearney Street, Mareeba QLD 4880
2. C & R Stephen	Lot 2 Geeberga Buthvaar Road, Kuttabul QLD 4741
3. V Grubb	4 Macrae Street, Mareeba QLD 4880
4. D Harrison	24 Kearney Street, Mareeba QLD 4880
5. J Merritt	22 Kearney Street, Mareeba QLD 4880
6. R Stephen	Lot 2 Geeberga Buthvaar Road, Kuttabul QLD 4741

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Accommodation Activities Code are discussed below:

9.3.1 Accommodation activities code***All Accommodation activities, apart from Dwelling house***

PO1 *Accommodation activities are located on a site that includes sufficient area:*

- (a) to accommodate all buildings, structures, open space and infrastructure associated with the use; and*
- (b) to avoid adverse impacts on the amenity or privacy of nearby land uses.*

AO1

Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in Table 9.3.1.3B.

Comment

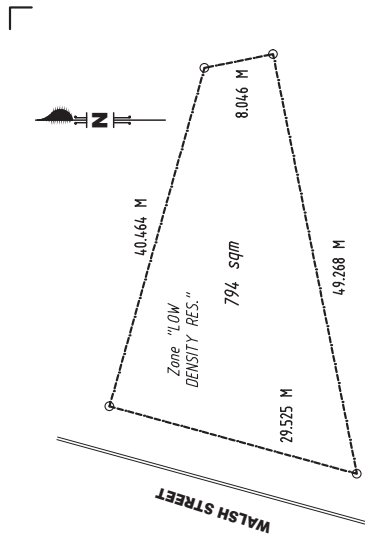
Table 9.3.1.3B specifies a site area of 800m² and a frontage of 20 metres for short-term accommodation.

The subject site has an area of 794m² and a frontage of 29 metres.

The proposal involves the reuse of the existing dwelling house and some additional on site car parking. The development plans show that the site is able to accommodate the proposed development notwithstanding the 6m² shortfall in area.

Screen fencing and window screens can be installed to maintain the privacy of nearby land uses.

The development complies with PO1.

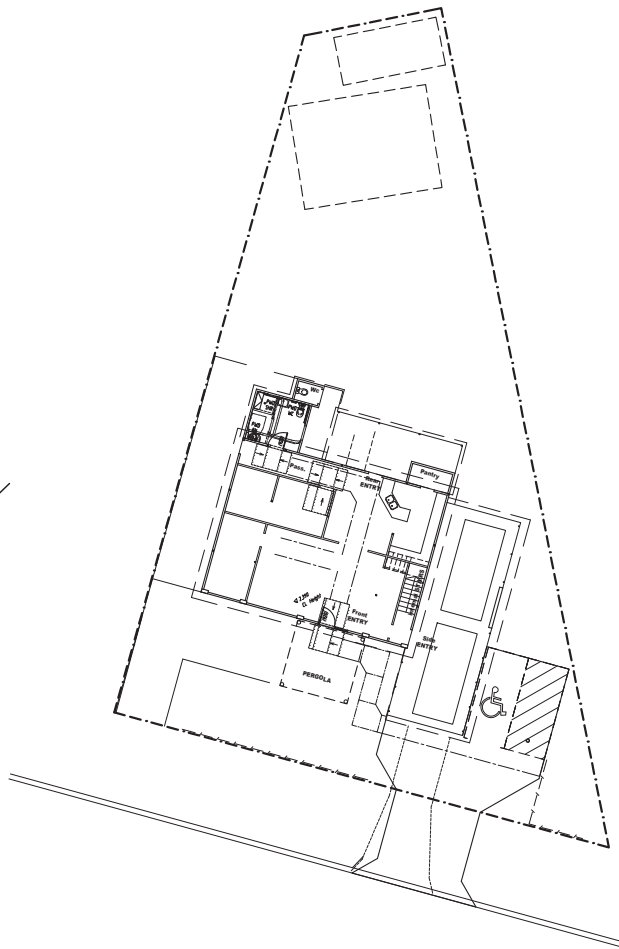


PROPERTY BOUNDARIES PLAN
(1:500 ON A3)

LOT 1 on RP 719 746

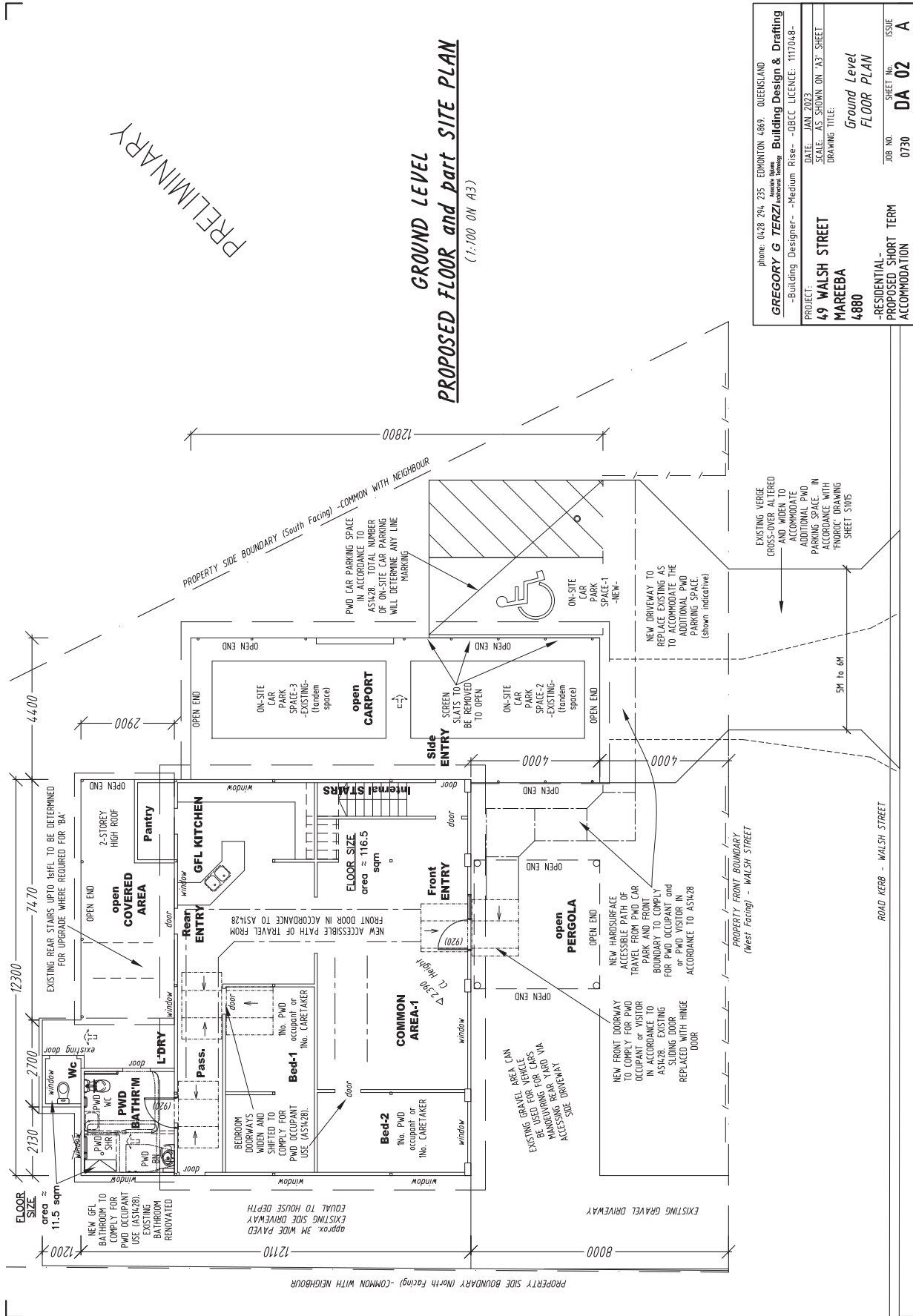


Site Aerial View Extract from QLD Globe
(approx. 1:1000 ON A3)



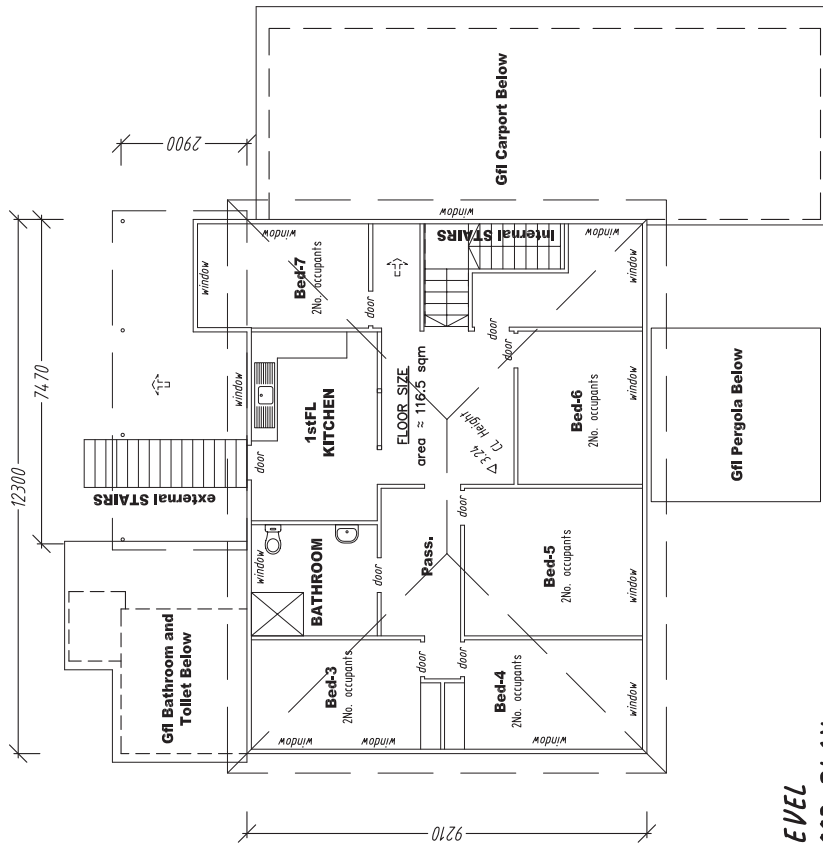
PROJECT:	DATE: JAN 2023	SHEET NO.	ISSUE
49 WALSH STREET	SCALE: AS SHOWN ON A3 SHEET	JOB NO.	DA 01
MAREEBA	DRAWING TITLE:	SHEET NO.	A
4880	SITE PLAN		
-RESIDENTIAL-			
PROPOSED SHORT TERM			
ACCOMMODATION			

phone: 0428 294 235 EDMONTON 4880 QUEENSLAND
GREGORY G TERZI Building Design & Drafting
 -Building Designer- -Medium Rise- -QBCC LICENCE: 1117048-



phone: 0428 294 235	EDMONTON 4869, QUEENSLAND
GREGORY G TERZI Architect & Drafting	
- Building Designer - - OBCC LICENCE: 1117049-	
PROJECT:	DATE: JAN 2023
49 WALSH STREET	SCALE: AS SHOWN ON 'A3' SHEET
MAREEBA 4880	DRAWING TITLE:
	Ground Level
	FLOOR PLAN
JOB NO. 0730	SHEET NO. DA 02
-RESIDENTIAL- PROPOSED SHORT TERM ACCOMMODATION	ISSUE A

PRELIMINARY



**UPPER LEVEL
PROPOSED FLOOR PLAN**
(1:100 ON A3)

PROJECT:	49 WALSH STREET MAREEBA 4880	DATE:	JAN 2023	SHEET	NO.	43
		SCALE:	AS SHOWN ON A3	DRAWING TITLE:	Upper Level FLOOR PLAN	ISSUE
				JOB NO.	0730	DA 03
						A

phone: 0428 294 235 EDMONTON 4869 QUEENSLAND
GREGORY G TERZI Building Design & Drafting
 -Building Designer- -Medium Rise- -CBC LICENCE: 1117048-

N/A

Council's Ref: MCU/23/0011

31 July 2023

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880



Attention: Mr. Carl Ewin
Planning Services

Dear Sir / Madam

**PLANNING SUBMISSION AGAINST
DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE
SHORT TERM ACCOMMODATION
ON LAND AT LOT 1 ON RP719746
49 WALSH STREET, MAREEBA – APPLICATION NUMBER MCU/23/0011**

I refer to the Development Application currently before Council for assessment seeking a Development Permit for a Material Change of Use associated with Short Term Accommodation located at 49 Walsh Street, Mareeba. The application is currently on statutory public notification display, with the identified completion date being 11 August 2023.

I, Vaughn Grubb wish to make this submission as the registered landowner of Lot 9 on M356111 which comprises one of the adjoining land parcels addressed as 4 Macrae Street, Mareeba. I request that the following submission be considered by the Mareeba Shire Council as a properly made submission.

This written submission identifies concerns predominantly in relation to the residential amenity and noise related impacts as detailed below.

Overlooking or loss of privacy

I note that although the internal floor configuration of the existing building may not change as a result of this proposed development, the positioning of the habitable rooms and internal shared spaces throughout both the ground and first floor levels, lends itself to the potential prospects of overlooking into internal and private open space areas upon my property.

In particular, the visible window areas of the subject building upon Lot 1 on RP719746 do not incorporate any elements or treatments that would minimise the potential for overlooking and therefore would result in the loss of privacy from my property. Furthermore, I note that the majority of the existing fence erected along the dividing boundary is for the most part transparent and again, lends itself to the potential prospects of overlooking into internal and private open space areas upon my property.

The grounds for the objection is specifically reflected and supported within the Mareeba Shire Council Planning Scheme July 2016, particularly:

Performance Outcome PO3 of the Accommodation Activities Code which states:

Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses.

In respect to Performance Outcome PO3 of the Accommodation Activities Code, I wish to request the following items be included upon any development permit issued for this proposed development to ensure that the potential prospects for visual overlooking from internal habitable rooms of the subject building or even open space areas within the site is minimised and addressed:

- At a minimum, fixed external privacy screening to all habitable rooms above ground floor level be installed to obscure and eliminate any visual overlooking opportunities into my property; and
- A minimum 1.8 metre high screen fence in accordance with approved design standards be erected along the entire dividing boundary between our properties, with all costs to be borne by the developer. I request that the existing dividing fence be removed and replaced by a suitably approved fence material that provides an acoustic buffer while obscuring the view of any resident at ground level, whether it be within the confines of the building or in the open space area of the site.

Summary

I thank the Mareeba Shire Council for the opportunity to make this submission and I look forward to receiving your response regarding the comments and recommendations outlined in this submission.

Yours faithfully



VAUGHN GRUBB

N/A



Council's Ref: MCU/23/0011

31 July 2023

Mareeba Shire Council
 PO Box 154
MAREEBA QLD 4880

**Attention: Mr. Carl Ewin
 Planning Services**

Dear Sir / Madam

**PLANNING SUBMISSION AGAINST
 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE
 SHORT TERM ACCOMMODATION
 ON LAND AT LOT 1 ON RP719746
 49 WALSH STREET, MAREEBA – APPLICATION NUMBER MCU/23/0011**

I refer to the Development Application currently before Council for assessment seeking a Development Permit for a Material Change of Use associated with Short Term Accommodation located at 49 Walsh Street, Mareeba. The application is currently on statutory public notification display, with the identified completion date being 11 August 2023.

I, David Harrison wish to make this submission as the registered landowner of Lot 3 on RP719746 which comprises one of the adjoining land parcels addressed as 24 Kearney Street, Mareeba. I request that the following submission be considered by the Mareeba Shire Council as a properly made submission.

This written submission identifies concerns predominantly in relation to the residential amenity and noise related impacts as detailed below.

Overlooking or loss of privacy

I note that although the internal floor configuration of the existing building may not change as a result of this proposed development, the positioning of the habitable rooms and internal shared spaces throughout both the ground and first floor levels, lends itself to the potential prospects of overlooking into internal and private open space areas upon my property.

In particular, the visible window areas of the subject building upon Lot 1 on RP719746 do not incorporate any elements or treatments that would minimise the potential for overlooking and therefore would result in the loss of privacy from my property. Furthermore, I note that the majority of the existing fence erected along the dividing boundary is for the most part transparent and again, lends itself to the potential prospects of overlooking into internal and private open space areas upon my property.

Document Set ID: 4250664
 Version: 1, Version Date: 02/08/2023

The grounds for the objection is specifically reflected and supported within the Mareeba Shire Council Planning Scheme July 2016, particularly:

Performance Outcome PO3 of the Accommodation Activities Code which states:

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In respect to Performance Outcome PO3 of the Accommodation Activities Code, I wish to request the following items be included upon any development permit issued for this proposed development to ensure that the potential prospects for visual overlooking from internal habitable rooms of the subject building or even open space areas within the site is minimised and addressed:

- At a minimum, fixed external privacy screening to all habitable rooms above ground floor level be installed to obscure and eliminate any visual overlooking opportunities into my property; and
- A minimum 1.8 metre high screen fence in accordance with approved design standards be erected along the entire dividing boundary between our properties, with all costs to be borne by the developer. I request that the existing dividing fence be removed and replaced by a suitably approved fence material that provides an acoustic buffer while obscuring the view of any resident at ground level, whether it be within the confines of the building or in the open space area of the site.

Summary

I thank the Mareeba Shire Council for the opportunity to make this submission and I look forward to receiving your response regarding the comments and recommendations outlined in this submission.

Yours faithfully



DAVID HARRISON

Council's Ref: MCU/23/0011

31 July 2023

Mareeba Shire Council
 PO Box 154
MAREEBA QLD 4880



Attention: Mr. Carl Ewin
Planning Services

Dear Sir / Madam

**PLANNING SUBMISSION AGAINST
 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE
 SHORT TERM ACCOMMODATION
 ON LAND AT LOT 1 ON RP719746
 49 WALSH STREET, MAREEBA - APPLICATION NUMBER MCU/23/0011**

We refer to the Development Application currently before Council for assessment seeking a Development Permit for a Material Change of Use associated with Short Term Accommodation located at 49 Walsh Street, Mareeba. The application is currently on statutory public notification display, with the identified completion date being 1 1 August 2023.

We, Colin, and Robyn Stephen wish to make this submission as being the owners of Lot 2 on RP719746 which comprises one of the adjoining land parcels addressed as 22 Kearney Street, Mareeba. We have long term tenants that we need to consider as we do not want the occupants to consider a move due to privacy concerns. We request that the following submission be considered by the Mareeba Shire Council as a properly made submission.

This written submission identifies concerns predominantly in relation to the residential amenity and noise related impacts as detailed below.

Overlooking or loss of privacy

We note that although the internal floor configuration of the existing building may not change as a result of this proposed development, the positioning of the habitable rooms and internal shared spaces throughout both the ground and first floor levels, lends itself to the potential prospects of overlooking into internal and private open space areas upon our property.

In particular, the visible window areas of the subject building upon Lot 1 on RP719746 do not incorporate any elements or treatments that would minimise the potential for overlooking and therefore would result in the loss of privacy from our property of residence. Furthermore, we note that the majority of the existing fence erected along the dividing boundary is for the most part transparent and again, lends itself to the potential prospects of overlooking into internal and private open space areas upon our property of residence.

The grounds for the objection is specifically reflected and supported within the Mareeba Shire Council Planning Scheme July 2016, particularly:

Performance Outcome P03 of the Accommodation Activities Code which states:

Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses.

In respect to Performance Outcome P03 of the Accommodation Activities Code, we wish to request the following items be included upon any development permit issued for this proposed development to ensure that the potential prospects for visual overlooking from internal habitable rooms of the subject building or even open space areas within the site is minimised and addressed:

- At a minimum, fixed external privacy screening to all habitable rooms above ground floor level be installed to obscure and eliminate any visual overlooking opportunities into our property of residence; and
- A minimum 1.8 metre high screen fence in accordance with approved design standards be erected along the entire dividing boundary between our properties, with all costs to be borne by the developer. We request that the existing dividing fence be removed and replaced by a suitably approved fence material that provides an acoustic buffer while obscuring the view of any resident at ground level, whether it be within the confines of the building or in the open space area of the site.

Summary

We thank the Mareeba Shire Council for the opportunity to make this submission and we look forward to receiving your response regarding the comments and recommendations outlined in this submission.

Yours faithfully



COLIN STEPHEN



ROBYN STEPHEN



Council's Ref: MCU/23/0011

31 July 2023

Mareeba Shire Council
 PO Box 154
MAREEBA QLD 4880

**Attention: Mr. Carl Ewin
 Planning Services**

Dear Sir / Madam

**PLANNING SUBMISSION AGAINST
 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE
 SHORT TERM ACCOMMODATION
 ON LAND AT LOT 1 ON RP719746
 49 WALSH STREET, MAREEBA – APPLICATION NUMBER MCU/23/0011**

We refer to the Development Application currently before Council for assessment seeking a Development Permit for a Material Change of Use associated with Short Term Accommodation located at 49 Walsh Street, Mareeba. The application is currently on statutory public notification display, with the identified completion date being 11 August 2023.

We, Kevin and Jenny Merritt wish to make this submission as being long-term residents of Lot 2 on RP719746 which comprises one of the adjoining land parcels addressed as 22 Kearney Street, Mareeba. We request that the following submission be considered by the Mareeba Shire Council as a properly made submission.

This written submission identifies concerns predominantly in relation to the residential amenity and noise related impacts as detailed below.

Overlooking or loss of privacy

We note that although the internal floor configuration of the existing building may not change as a result of this proposed development, the positioning of the habitable rooms and internal shared spaces throughout both the ground and first floor levels, lends itself to the potential prospects of overlooking into internal and private open space areas upon my property.

In particular, the visible window areas of the subject building upon Lot 1 on RP719746 do not incorporate any elements or treatments that would minimise the potential for overlooking and therefore would result in the loss of privacy from our property of residence. Furthermore, we note that the majority of the existing fence erected along the dividing boundary is for the most part transparent and again, lends itself to the potential prospects of overlooking into internal and private open space areas upon our property of residence.

The grounds for the objection is specifically reflected and supported within the Mareeba Shire Council Planning Scheme July 2016, particularly:

Performance Outcome PO3 of the Accommodation Activities Code which states:

Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses.

In respect to Performance Outcome PO3 of the Accommodation Activities Code, we wish to request the following items be included upon any development permit issued for this proposed development to ensure that the potential prospects for visual overlooking from internal habitable rooms of the subject building or even open space areas within the site is minimised and addressed:

- At a minimum, fixed external privacy screening to all habitable rooms above ground floor level be installed to obscure and eliminate any visual overlooking opportunities into our property of residence; and
- A minimum 1.8 metre high screen fence in accordance with approved design standards be erected along the entire dividing boundary between our properties, with all costs to be borne by the developer. We request that the existing dividing fence be removed and replaced by a suitably approved fence material that provides an acoustic buffer while obscuring the view of any resident at ground level, whether it be within the confines of the building or in the open space area of the site.

Summary

We thank the Mareeba Shire Council for the opportunity to make this submission and we look forward to receiving your response regarding the comments and recommendations outlined in this submission.

Yours faithfully



KEVIN MERRITT



JENNY MERRITT

Jenny Merritt
22 Kearney Street
Mareeba QLD

27th July 2023

**Re APPLICATION FOR A MATERIAL CHANGE OF USE – SHORT-TERM ACCOMMODATION.
LOT 1 ON RP719746, 49 WALSH STREET, MAREEBA**

We are the tenants of the property at 22 Kearney Street Mareeba. Our landlord has advised us about the application for short term accommodation at 49 Wash Street Mareeba.

We feel the biggest issue we have passed onto the landlord is **privacy** should this development go ahead. We do not object to the concept of accommodation however feel that the property should have a solid fence around the premises. It will be bad enough that every time we spend time in both our back and front yard, we will have people upstairs at the premises watching our every move. This has already happened with the few people that have lived there in the past.

The other concern we have is that not knowing who will be accommodated here. Our grandchildren visit and play in the yard and therefore we will have no idea who is watching the children at play. Again, this is where a fence should be erected.

We have advised our landlord should this development proceed with no fence erected for privacy and an explanation as to who will be accommodated here, we will unfortunately have to consider vacating the premises.

Most likely as tenants and not owners of the property we do not have any say in what goes on but are very appreciative of our landlord for letting us know. We had seen this in the local paper anyway.

Kind regards

Jenny Merritt

Col & Robyn Stephen

Kuttabul QLD

26th July 2023

To Whom It May Concern

Re APPLICATION FOR A MATERIAL CHANGE OF USE – SHORT-TERM ACCOMMODATION. LOT
1 ON RP719746, 49 WALSH STREET, MAREEBA

We are the owners of the property next door to 49 Walsh Street. Our house is situated at 22 Kearney St Mareeba.

With regards to the proposed development at 49 Walsh Street Mareeba, we have concerns around privacy at our property should this development go ahead. We feel that unless the owner puts up a solid fence i.e Colourbond around the property we lose our privacy when in our back and front yard.

I am writing to oppose this application if the fence is not erected. We understand the accommodation crisis in the area but believe our privacy will be compromised if there is no solid fencing in place.

We also have concerns around parking especially if cars are going to be allowed to circle around the house to exit on the second driveway as per what I understand is on the plans that we have obtained.

As the property is rented our tenants have children and grandchildren who visit regularly so they have concerns around the safety of the children when in the yard because they have no understanding what the accommodation is being used for. They also have suggested that a solid fence should be erected to ease their concerns for the children.

Depending who is allowed to stay on this site, what are the measures in place for noise, visitors etc?

We can be contacted on the following number – 4954 0396

Kind regards

Robyn Stephen

8.2	A & S GRIST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOT 672 ON SP295201 - 1 COPLAND ROAD, KOAH - RAL/23/0004
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Date Prepared: 7 September 2023

Author: Senior Planner

Attachments:

1. [Proposal Plan](#) ↓
2. [Department of State Development, Infrastructure, Local Government and Planning Referral Agency Response dated 17 August 2023](#) ↓
3. [Submissions](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A & S Grist	ADDRESS	1 Copland Road, Koah
DATE LODGED	16 May 2023	RPD	Lot 672 on SP295201
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		
FILE NO	RAL/23/0004	AREA	5.806 hectares
LODGED BY	Innovate Urban Pty Ltd	OWNER	A & S Grist
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential (Precinct C – 2ha)		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	6 Submissions		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Six (6) submissions were received during the mandatory public notification period.

The applicants propose the subdivision of the site into three (3) allotments, Lots 1, 2 and 3 with sizes of 1.5ha, 1.25ha and 3.2ha respectively. The subject site is situated within the rural residential 2ha subdivision precinct. The application would ordinarily be code assessable development, however the easternmost section of the land adjacent the Clohesy River is mapped within the high and extreme flood hazard areas, which elevated the level of assessment to impact. The original application proposed lot sizes of 1.12ha, 1.17ha and 3.52ha, however after concerns were raised by submitters as well as Council officers in relation to Lots 1 and 2 being significantly smaller than the desired 2ha lot size for the subdivision precinct, the sizes of proposed Lots 1 and 2 were increased to 1.5ha and 1.25ha, making them consistent in size with other recently approved rural residential development in the Koah Township albeit still smaller than the desired 2ha lot sizing.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016. Proposed Lots 1 and 2 do not comply with some assessment benchmarks within the Planning Scheme which seek to ensure lots maintain a 2ha minimum lot size within the 2ha subdivision precinct. In this instance though, it is considered that the two proposed smaller lots will still allow the desired amenity of the zone to be achieved and will remain consistent with recent

nearby rural residential development. The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct.

It is considered that the proposed development complies with the relevant higher order assessment benchmarks contained within the Strategic Framework and Reconfiguring a lot code and it is therefore 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	A & S Grist	ADDRESS	1 Copland Road, Koah
DATE LODGED	16 May 2023	RPD	Lot 672 on SP295201
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		

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), referral agency conditions in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 Lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-001	Plan of Development – 1 Copland Road, Koah	Innovate Urban	28/07/2023

- (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

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Lot Size

Lots 1 and 2 must achieve sizes of at least 1.5 hectares and 1.25 hectares respectively.

3.9 Slope Stability

For any new building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:

- the long-term stability of the development site; and
- that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.

3.10 Flood Immunity

All new buildings must be located such that the finished floor levels of all habitable rooms are a minimum of 300mm above the defined 100 ARI year flood level.

3.11 Bushfire Hazard Management

3.11.1 Any new dwelling erected on the proposed allotments must:

- (i) Achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) Include on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, to be provided at the same time the dwelling is constructed.

3.11.2 A Bushfire Hazard Management Plan must be prepared for each lot to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the Management Plan at all times.

3.12 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

4.1 Access

4.1.1 New or existing access crossovers must be upgraded/constructed (from the edge of Koah Road to the property boundaries of Lots 1 and 2) in

accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Given the location of the access handle for Lot 3 adjacent the Koah/Copland Road intersection and given the construction standard and geometry of the intersection, access crossover works are not required for Lot 3.

4.1.2 The access handle driveway for Lot 3 is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length of the access handle, to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum sealed width of 3 metres; and
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle.

4.2 Frontage Works - Koah Road

4.2.1 Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The road must be widened for a length of 140 metres only starting from the western corner of the site (adjacent the access crossover of Lot 671 on SP295201 and extending south-east).

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for Operational Works.

4.2.2 In lieu of undertaking the abovementioned operational works, the applicant/developer may elect to provide a monetary contribution to Council equal to the cost of undertaking the works required by condition 4.2.1. A written itemised quote from a civil contractor to determine the cost of the works must first be provided to Council and accepted by Council's delegated officer. The monetary contribution must be paid prior to the endorsement of the plan of survey.

4.3 Stormwater Drainage

4.3.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land, as a consequence of the development and must take all reasonable and practical measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.3.2 All stormwater drainage must be discharged at a lawful point of discharge.

4.4 Water Supply

At the time of construction of a new dwelling on any lot, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L; and
 - (ii) which are installed and connected prior to the occupation of the dwelling.
- (c) Water access rights to a perennial watercourse.

4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.7 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges

or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(c) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) 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.

(e) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- Conditions regarding on-site water supply applicable at time of new dwelling construction of each lot.
- Conditions regarding on-site effluent disposal applicable at time of new dwelling construction on each lot.
- Conditions relevant to any future building works on sloping land
- Conditions regarding bushfire management/bushfire management plan
- A registered easement over the subject site (Lot 2 Only)
- Conditions regarding flood immunity

(f) 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

(g) 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

(h) 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) REFFERAL AGENCY CONDITIONS

Department of State Development, Infrastructure, Local Government and Planning conditions dated 17 August 2023.

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee).

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

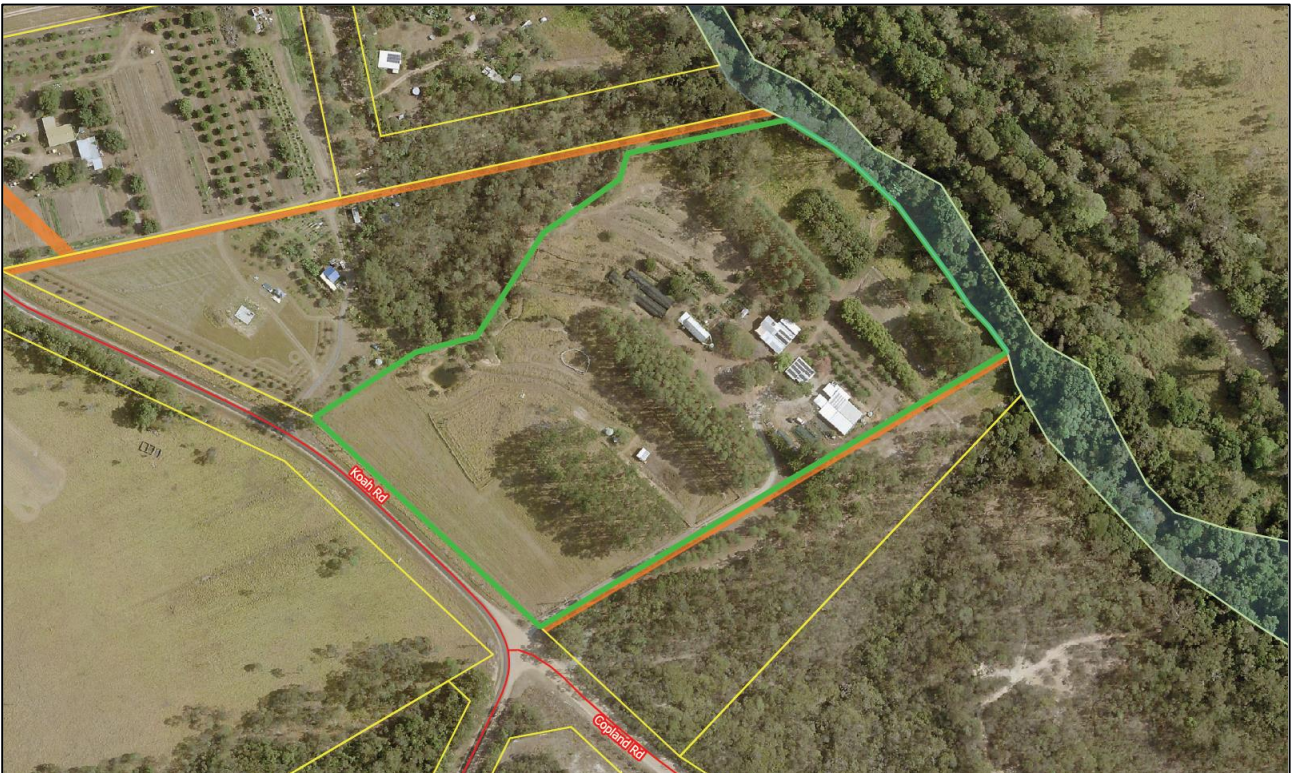
Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot <small>(40% reduction of standard charge for no town water/sewer)</small>	Lots		Lots	
Residential	\$12,460.80	3 Lots	\$37,382.40	1 lot (\$12,460.80)	\$24,921.60
TOTAL CURRENT AMOUNT OF CHARGE					\$24,921.60

THE SITE

The subject site is situated at 1 Copland Road, Koah and is more particularly described as Lot 672 on SP295201. The site is irregularly shaped with an area of 5.806 hectares and is zoned Rural Residential (Precinct C – 2 ha) under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 8 metres of frontage to Copland Road which is a formed gravel road and a further 170 metres of frontage to Koah Road which is a 4m wide bitumen sealed road with wide gravel shoulders.

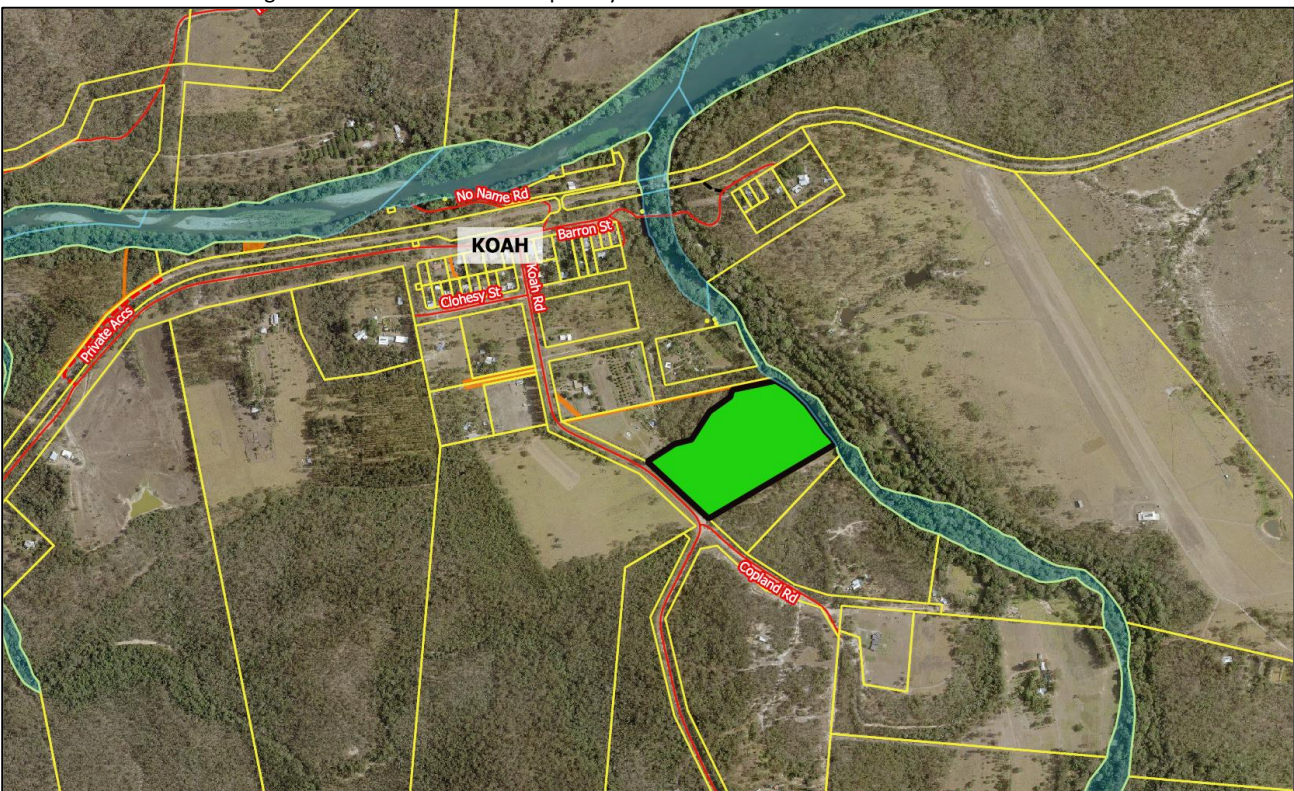
The site is improved by a dwelling and multiple outbuildings (sheds) and greenhouses clustered together on the rear half of the property. The site is predominately cleared with a few distinct stands of planted Eucalypt and Radiata Pine Trees as well as a variety of fruit trees across the property. The site backs onto the Clohesy River to the east with some remnant riparian vegetation remaining along the eastern edge of the property.

Adjoining land to the north is also situated within the Rural residential zone while land to the south, east and west is all zoned Rural. All surrounding lots are used as rural residential/lifestyle lots with no significant agricultural or grazing pursuits established. A private grassed rural airstrip is established on the land to the east of the site on the opposite side of the Clohesy River.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 3 Lots) in accordance with the plans shown below and included as **Attachment 1**.



Lot 1 will have an area of approx. 1.5 hectares and a frontage of approx. 80 metres to Koah Road. Lot 1 will also extend down to achieve riparian frontage to the Clohesy River. A water supply easement is proposed within Lot 1 to benefit Lot 2.

Lot 2 will have an area of approx. 1.25 hectares and a frontage of approx. 92 metres to Koah Road. A water supply easement will be provided in Lot 1 to benefit Lot 2 with access to the Clohesy River.

Lot 3 will have an area of approx. 3.2 hectares and a reduced access handle frontage of 6 metres to Koah Road.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of High Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Rural Residential Area <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • Biodiversity Areas <p>Transport Elements</p> <ul style="list-style-type: none"> • Local Collector Road
Zone:	- Rural Residential Zone (Precinct C)
Overlays:	<ul style="list-style-type: none"> - Bushfire Hazard Overlay - Environmental significance Overlay - Flood Hazard Overlay - Hill and Slope Overlay - Residential Dwelling House and Outbuilding Overlay - Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

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

(A) 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.

(B) 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.

(C) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.1 Strategic outcomes

- (4) *Rural residential areas are intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. Rural residential areas predominantly maintain the current density of development, with infill subdivision of rural residential areas generally limited to identified areas where consistent with the desired character and where adequate services and infrastructure are available or can be adequately and cost-effectively provided.*

Comment

The proposed reconfiguration will create two (2) additional rural residential lots (3 total) within the Rural residential zone (Precinct C – 2 ha). Proposed Lots 1, 2 and 3 will have sizes of 1.5ha, 1.25ha and 3.2ha respectively. Although Lots 1 and 2 will be smaller than Precinct C's desired 2ha lot size, the reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings). Despite being smaller than anticipated for the Precinct, proposed Lots 1 and 2 remain consistent in size with existing recently developed Rural residential zoned land in the Koah Township, and will still allow the desired amenity of the zone to be achieved on each of the smaller lots.

Forcing an increase in the lot size to comply would only result in an impractical lot layout and would not actually have any effect on future dwelling densities over the land. With respect to community expectation for the land, regardless of lot size, the two (2) additional lots would still front and be accessed directly off Koah Road, and each would still contain at least one (1) dwelling visible from Koah Road. The wider Koah Community will therefore not experience any additional negative impacts due to the proposed reduced lot sizes.

The proposed development complies with Strategic outcome (4).

3.3.6 Element—Rural villages (as amended by TLPI No. 01 of 2021)

3.3.6.1 Specific outcomes

- (1) Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is to only occur on land designated as urban footprint under the Regional Plan.*

Comment

The subject site is situated within the Rural residential zone (Precinct C – 2ha). The proposed development is considered to be generally consistent with the zoning intent under the Planning Scheme. It is understood the statement added to Specific Outcome (1) by the TLPI limiting further expansion of rural villages like Koah is intended to ensure the existing urban footprint is not extended beyond what is existing. The proposed development does not result in Koah's urban footprint being extended.

The development complies with Specific outcome (1).

3.3.10 Element—Rural residential areas

3.3.10.1 Specific outcomes

- (1) Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.*

- (2) *Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.*
- (3) *No further subdivision of greater than anticipated density occurs within rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.*
- (4) *Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.*

Comment

The proposed reconfiguration is consistent with the intent of the zone and subdivision precinct. All three (3) lots will be consistent with the form of historical and recent rural residential subdivision in the immediate vicinity. The development has been conditioned to ensure each lot is appropriately serviced.

The development complies with Specific outcomes (1) – (4).

3.3.14 Element—Natural hazard mitigation

3.3.14.1 Specific outcomes

- (1) *The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.*
- (2) *Development in an area subject to a natural hazard incorporates appropriate siting and design measures that mitigate risks to infrastructure, buildings and the community.*
- (3) *Development considers the potential for increased occurrence of natural hazards as a result of climate change, including greater frequency of extreme weather events and increased rainfall intensities.*
- (4) *Development incorporates emergency response measures to ensure the impacts of natural hazards can be minimised.*

Comment

The proposed development has adequately addressed the risk of loss of life and property associated with typical natural hazard events experienced in the region. Proposed additional vacant lots 1 and 2 have been designed and located so that each lot contains adequate space outside of any mapped flood and landslip hazard area. Any future dwelling/s constructed on the lots will be in a bushfire hazard buffer zone only and will be able to easily achieve the necessary setbacks from hazardous vegetation required to reduce bushfire risk. Conditions of approval have been included to ensure on-site water storage for firefighting is provided at time of dwelling construction as well as the preparation of Bushfire Hazard Management Plans for each lot.

The proposed development will comply with Specific outcomes (1) – (4).

3.4.6 Element – Watercourses and wetlands

3.4.6.1 Specific outcomes

- (1) *Hydrological flows, riparian ecology and ecosystem services of watercourses and wetlands are maintained, protected and enhanced.*
- (3) *The water quality of rivers and creeks, which ultimately flow to the Great Barrier Reef and the Gulf of Carpentaria, is not compromised or polluted through sediment, gross pollutants or chemical run off from new or existing development.*
- (5) *Where development occurs on land including and adjoining watercourses and wetlands it provides appropriate setbacks and buffers and enhances these areas through revegetation.*

Comment

The proposed development is not likely to impact on the water quality of the Clohesy River or the Barron River, or the existing vegetated riparian environment on-site.

The development complies with Specific outcomes (1), (3) and (5).

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot 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 outcome 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
Rural residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).

	The application is considered to be in conflict with Purpose statement (3)(a) of the code. Despite this conflict, the proposed development complies with the higher order Strategic Framework provisions for rural residential subdivision – refer to Planning Discussion section of report for further commentary.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Flood hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Hill and slope overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).
Reconfiguring a lot code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided) apart from the following: <ul style="list-style-type: none"> • AO1.1 – Area and frontage of lots Despite not meeting Acceptable outcome AO1.1, it is considered that the proposed development complies with higher order Performance Outcome PO1 – refer to Planning Discussion section of report for further commentary.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or performance outcomes where an acceptable outcome is not provided).

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges Resolution (No. 1) of 2023 identifies a charge rate for residential development of \$20,768.00 per additional residential allotment created.

As the proposed allotments will not be serviced by reticulated water or sewerage infrastructure, the relevant charge rate is discounted by 40%. The applicable charge rate is therefore \$12,460.80 per additional allotment created.

The application proposes the creation of 2 additional allotments.

Infrastructure charges will therefore total **\$24,921.60**.

REFERRAL AGENCY

The application triggered referral to Department of State Development, Infrastructure, Local Government and Planning as a Referral Agency.

That Department advised in a letter dated 17 August 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 16 June 2023 to 7 July 2023. The applicant submitted the notice of compliance on 10 July 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six (6) properly made submissions were received. The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>In 2020, 1063 Koah Road was subdivided into 4 Rural residential zoned allotments and adjoining allotments were not given the opportunity to object. This submitter has been severely impacted by the subdivision of this allotment.</p>	<p>This concern is not of relevance to this application.</p>
<p>The subdivision will increase the traffic on Koah Road which is constructed to a poor standard. Cars must use the roads gravel shoulders to pass each other as the road is only sealed to a single lane width. These gravel shoulders are regularly rutted and cause stone chips while passing. Koah Road is of a poor standard and cannot accommodate any further growth in the area.</p>	<p>It is acknowledged that the subdivision will increase the daily vehicle movements along Koah Road in the vicinity of 20 vehicle movements per day (10 per additional lot). The site is zoned for Rural residential subdivision, and it is not reasonable to pass the costs of upgrading the entire Koah Road network onto this development. A condition of approval will require the developer to carry out Koah Road widening works along the site frontage or pay a contribution in lieu of these works so that Council may carry out the works in future. This approach is consistent with other recently approved subdivision in the immediate vicinity.</p>

If Mareeba Shire Council is going to allow further subdivision in the Koah area, then Koah Road must be upgraded to a 2 lane bitumen sealed standard.	It is likely that the subject site will be the last allotment to be developed in the Koah Township. Moving forward, the town is not likely to experience any more growth other than the construction of dwellings on currently vacant existing residential/rural residential lots. It is not reasonable to pass the costs of upgrading the entire Koah Road network onto this development.
The submitter believed that the minimum lot size in the area was 150 acres (60 ha).	No. This is the minimum lot size for Rural zoned land, not Rural residential zoned land.
The proposed development is in contravention of the Queensland Development Control Plan of 2016.	Councils assessing officer could not find any record of the existence of the Queensland Development Control Plan 2016. The proposed development is considered to comply with the Mareeba Shire Council Planning Scheme 2016 – refer to Planning Discussion section of the Report for further commentary.
Ground and stream water in the Koah area has recently tested positive for arsenic. Council is obligated to ensure development is provided with potable water.	All 3 lots will have access to take water from the Clohesy River (Lot 2 will need an allocation as they do not have riparian rights). This is considered to be an adequate water supply for Rural residential zoned lots. The conditions of approval require a domestic water supply be proved at time of dwelling construction which can be provided either via the Clohesy, a bore/s or via 90,000 litres of tank water supply. It is up to the future landowners to ensure their water supply remains potable or is appropriately filtered.
A successful rural business from the property for a number of years. Any reduction of land size could reduce continued future development or expansion of rural business opportunities.	This is not a relevant town planning concern on Rural residential zoned land.
Proposed Lots 1 and 2 do not meet the 2ha minimum lot size.	Refer to Planning Discussion section of report for commentary on assessment against AO1.1 and PO1 of the Reconfiguring a Lot Code. The development complies with higher order PO1.
The development is in conflict with 1.2.3 Element – Rural Villages, 1.2.3.1 Specific outcome (1) as amended by the TLPI No. 01 of 2021.	Refer to Strategic Framework section of report for further commentary. The development is not considered to be in conflict with Specific outcome (1).
The development is in conflict with Purpose statement (3)(a) of the Rural residential zone code in that it will create 2 allotments within the 2 hectare precinct that are smaller than 2 hectares with areas of only 1.5 hectares and 1.25 hectares.	Refer to Planning Discussion section of the report for further commentary. Despite conflicting with this purpose statement, it is considered that the development can satisfy the Planning Scheme’s Strategic Framework provisions which override Zone code assessment benchmarks.

Submitters

Name of Principal submitter	Address
1. Vickram Singh	1153 Koah Road, Koah QLD 4881 (sales@koahrealty.com.au)
2. Julie Brunt (Fruitful Farm)	922 Koah Road, Koah QLD 4881
3. Craig Thomas (Fruitful Farm)	922 Koah Road, Koah QLD 4881
4. Daniel Merretz & Natalie Waller	525 Koah Road, Koah QLD 4881
5. Danial & Jaide Stronggrove	1058 Koah Road, Koah QLD 4881
6. Miira Kostava	miirakostava@skymesh.com.au

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural residential zoned code and Reconfiguring a Lot Code are discussed below:

Rural residential zone code

6.2.10.2 Purpose

- (3) *The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:*
- (a) *The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;*

Comment

The applicants propose the subdivision of the site into three (3) allotments, Lots 1, 2 and 3 with sizes of 1.5ha, 1.25ha and 3.2ha respectively. The original application proposed lot sizes of 1.12ha, 1.17ha and 3.52ha, however after concerns were raised by submitters as well as Council officers in relation to Lots 1 and 2 being significantly smaller than the desired 2ha lot size for the Precinct, the sizes of proposed Lots 1 and 2 were increased to 1.5ha and 1.25ha, making them consistent with other recently approved rural residential development in the Koah Township.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016. Proposed Lots 1 and 2 with areas of 1.5ha and 1.25ha respectively do not comply with some assessment benchmarks within the Planning Scheme which seek to ensure lots maintain a 2ha minimum lot size within the 2ha subdivision precinct. In this instance though, it is considered that the proposed smaller lot size layout will still allow the desired amenity of the zone to be achieved and will remain consistent with nearby recently rural residential development. The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct.

Despite not complying with Purpose statement (3)(a), it is considered that the proposed development represents common sense town planning and furthermore that it complies with the higher order Strategic Framework provisions relevant to rural residential subdivision.

Reconfiguring a lot code

Area and frontage of lots

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*
- (b) *allows the desired amenity of the zone to be achieved;*
- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
- (i) *centres;*
- (ii) *public transport services; and*
- (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*

(g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

The subject site is situated within Precinct C of the Rural residential zone. Table 9.4.4.3B dictates that the minimum lot size for new lots in this precinct is 2ha with a minimum frontage of 60 metres. Proposed Lots 1 and 2 have areas of 1.5ha and 1.25ha respectively, but have compliant frontages. Proposed Lot 3 has a compliant area of 3.2ha, however has a reduced access handle frontage of approximately six (6) metres. The proposed development does not meet AO1.1, so assessment is required against the higher order Performance outcome PO1 criteria as follows:

(a) *is consistent with the design of lots in the surrounding area;*

Comment

Of the 10 existing rural residential zoned allotments in the Koah Township, 5 of those lots are less than 2ha in size with three (3) lots being 1.5ha or less, and 1 lot being as small as 1.25ha. Proposed Lots 1 and 2 of this application have areas of 1.5ha and 1.25ha respectively and are therefore considered to be consistent with the design of existing lots in the surrounding area. The development complies with criteria (a).

(b) *allows the desired amenity of the zone to be achieved;*

Comment

The proposed development will allow the desired amenity of the zone to be achieved, as is evidenced by existing similar sized rural residential lots in the area. The widths of proposed Lots 1 and 2 are compliant so will help achieve privacy as well as the semi-rural setting desired in this zone. The development complies with criteria (b).

(c) *is able to accommodate all buildings, structures and works associated with the intended land use;*

Comment

Proposed smaller Lots 1 and 2 will easily be able to accommodate the normal domestic infrastructure anticipated within this zone, namely a single dwelling, multiple outbuildings, on-site wastewater disposal as well as appropriate separation between on-site wastewater systems and bore water supply (if desired). The development complies with criteria (c).

(d) *allow the site to be provided with sufficient access;*

Comment

Proposed Lots 1 and 2 included the required 60m minimum frontage and will be provided access via a single crossover as per the standards. Proposed Lot 3 will include a 6m wide by 140m long access handle. Any approval will include conditions requiring the construction of a

sealed driveway the full length of the access handle, thus ensuring sufficient all weather access to proposed Lot 3. The development complies with criteria (d).

(e) *considers the proximity of the land to:*

(i) *centres;*

(ii) *public transport services; and*

(iii) *open space; and*

Comment

The subject site is appropriately zoned for Rural residential subdivision. The proposed lots will have no lesser access to any service or areas of open space than any other lot in the Koah Township. The development is not in conflict with criteria (e).

(f) *allows for the protection of environmental features; and*

Comment

The proposed lot layout, as well as the State Referral Agency Response and conditions is considered to allow for adequate protection of the site's environmental features. The development complies with criteria (f).

(g) *accommodates site constraints.*

Comment

The reduced lot sizes were proposed to address the physical constraints and characteristics of the site (slope, vegetation, and existing buildings) and will not result in the land being developed beyond the anticipated density of the zone and subdivision precinct. The development complies with criteria (g).

Despite not complying with AO1.1, the proposed development is considered to comply with higher order Performance Outcome PO1.



Plan of Development - 1 Copland Road, Koah

DA-001 28 July 2023

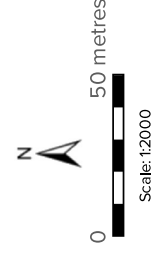
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Department of Resources

RA6-N



SARA reference: 2305-34912 SRA
 Council reference: RAL/23/0004
 Applicant reference: 2203-Copland

17 August 2023

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba QLD 4880
 planning@msc.qld.gov.au

Attention: Brian Millard

Dear Sir / Madam

SARA referral agency response – 1 Copland Road, Koah

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 June 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	17 August 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit	Reconfiguring a lot - Subdivision (1 into 3 lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017) – Reconfiguring a lot involving clearing native vegetation	

2305-34912 SRA

SARA reference: 2305-34912 SRA
Assessment manager: Mareeba Shire Council
Street address: 1 Copland Road, Koah
Real property description: Lot 672 on SP295201
Applicant name: Amanda Grist and Steve Grist
Applicant contact details: C/- Innovate Urban Pty Ltd
PO Box 8170
CAIRNS QLD 4870
peter@innovateurban.com.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Leanne Simpson
Acting Manager (Planning)

cc Innovate Urban Pty Ltd, peter@innovateurban.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations about a referral agency response
Attachment 5 - Approved plan and derived reference points

2305-34912 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application)

No.	Conditions of Development Approval	Condition Timing
Reconfiguring a Lot		
Schedule 10, Part 3, Division 4, Table 2 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Built infrastructure, other than for fences, roads or underground services, must not be established, constructed or located within Area C (C ¹ and C ²) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2305-34912 SRA, Sheet 1 of 1, version 2; and (b) Attachment to Vegetation Management Plan VMP 2305-34912 SRA Derived Reference Points for GPS.	At all times.
2.	Any person(s) engaged or employed to carry out the clearing of vegetation under this development approval must be provided with a full copy of this development approval and must be made aware of the full extent of clearing authorised by this development approval.	At all times.

2305-34912 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.0. If a word remains undefined it has its ordinary meaning.

2305-34912 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 16 of the SDAP in that:

- The proposed development avoids clearing, or where avoidance is not reasonably possible, minimises clearing to conserve vegetation, avoid the loss of biodiversity and maintain ecological processes
- Clearing is limited to 0.481ha along the north-western side boundary and south-eastern corner of the site to allow for firebreak/safety buffer, essential management, driveway access to Lot 3 and provision of an easement for water rights from the Clohesy River to service proposed Lots 1 and 2.
- The proposed development retains sufficient vegetation to maintain ecological processes and ensure the regional ecosystem remains in the landscape.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

2305-34912 SRA

Attachment 4— Change representation provisions

(page left intentionally blank – attached separately)

2305-34912 SRA

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

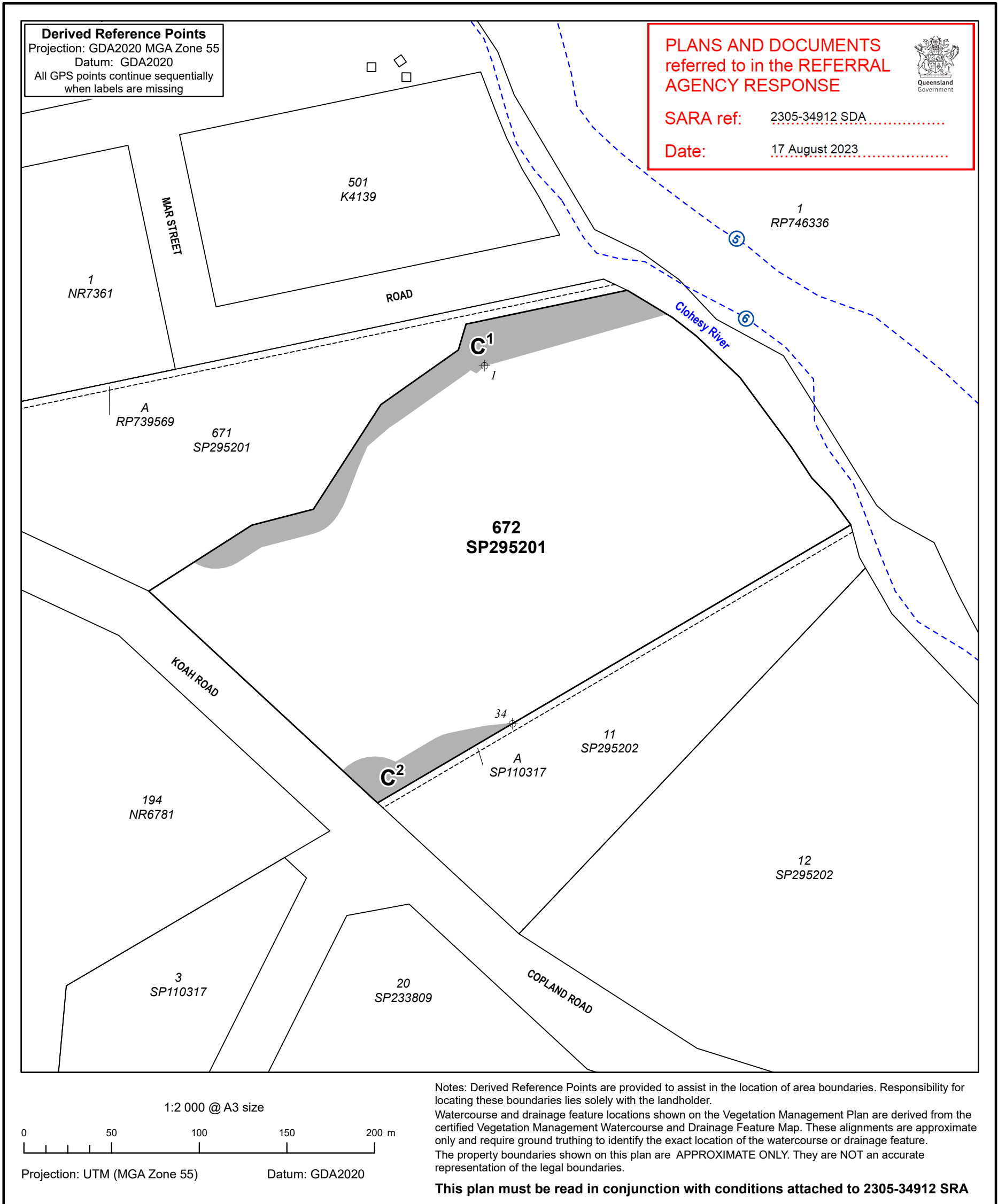
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



Derived Reference Points
 Projection: GDA2020 MGA Zone 55
 Datum: GDA2020
 All GPS points continue sequentially when labels are missing

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2305-34912 SDA
 Date: 17 August 2023




Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
 Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
 The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2305-34912 SRA

<p>LEGEND</p> <ul style="list-style-type: none"> Derived Reference Start Points (see attachment) Subject Lot(s) Area C - Firebreak/safety buffer (only certain infrastructure permitted) Watercourse and/or drainage feature (Stream order label) <p>Note: This is a colour plan and should only be reproduced in colour</p>		<h2>Vegetation Management Plan</h2> <h3>Plan of Area C (Parts C¹ - C²) in Lot 672 on Plan SP295201</h3> <p>Version: 2 eLVAS Case ID: 2023/002005</p>	<p>© The State of Queensland, 2023</p> <h1>VMP</h1> <h2>2305-34912 SRA</h2> <h3>Sheet 1 of 1</h3> <p>Prepared by: SAK (VMGIS-NR-1955)</p>
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Attachment to Plan: 2305-34912 SRA
Derived Reference Points
Datum: GDA2020, Projection: MGA Zone 55

PLANS AND DOCUMENTS
 referred to in the REFERRAL
 AGENCY RESPONSE


 Queensland
 Government

SARA ref: 2305-34912 SDA.....

Date: 17 August 2023.....

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
C1	1	341673	8138931								
C1	2	341669	8138927								
C1	3	341665	8138929								
C1	4	341663	8138927								
C1	5	341624	8138900								
C1	6	341619	8138896								
C1	7	341606	8138885								
C1	8	341601	8138873								
C1	9	341594	8138854								
C1	10	341592	8138851								
C1	11	341589	8138846								
C1	12	341587	8138843								
C1	13	341585	8138840								
C1	14	341582	8138838								
C1	15	341579	8138836								
C1	16	341575	8138835								
C1	17	341546	8138828								
C1	18	341532	8138819								
C1	19	341529	8138817								
C1	20	341525	8138816								
C1	21	341521	8138815								
C1	22	341517	8138816								
C1	23	341513	8138816								
C1	24	341510	8138818								
C1	25	341508	8138819								
C1	26	341541	8138840								
C1	27	341576	8138849								
C1	28	341614	8138909								
C1	29	341658	8138940								
C1	30	341663	8138955								
C1	31	341755	8138974								
C1	32	341777	8138961								
C1	33	341673	8138931								
C2	34	341689	8138727								
C2	35	341612	8138681								
C2	36	341593	8138700								
C2	37	341593	8138700								
C2	38	341596	8138703								
C2	39	341599	8138705								
C2	40	341603	8138706								
C2	41	341607	8138707								
C2	42	341611	8138708								
C2	43	341615	8138707								
C2	44	341619	8138706								
C2	45	341622	8138705								
C2	46	341646	8138718								
C2	47	341650	8138720								
C2	48	341653	8138721								
C2	49	341672	8138725								
C2	50	341673	8138725								
C2	51	341675	8138725								
C2	52	341689	8138727								

From: "koahrealty@bigpond.com" <koahrealty@bigpond.com>
Sent: Thu, 29 Jun 2023 12:56:09 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: OBJECTION TO RE CONFIGURATION OF Lot 672 on SP295201
Attachments: print_page_(full_-_map)_1531437366432.pdf, 4 lot subdivision 1063 koah rd koah.pdf, Objection To Reconfiguration of Lot 672 on SP295201 1 Copland Road Koah.pdf
Categories: Added to ECM

Mareeba shire Council
PO Box 154
Mareeba QLD 4880

29/06/2023

Dear Sir

OBJECTION TO RE CONFIGURATION OF Lot 672 on SP295201

I write to protest in the strongest possible terms, the proposed reconfiguration of **Lot 672 on SP295201**.

In 2020, 1063 Koah Road was subdivided from 6.04ha into 4 parcels of land & I had not been given the opportunity to protest.

Since then I have been negatively impacted by the owners of the land adjacent to my estate at 1153 Koah Road. Some owners would walk on my land without permission.

My chief concern to the proposed reconfiguration of lot 672 on sp295201 is that the stretch of Koah Road from the Clohesy River road to its end at the railway bridge has about 800 cars travel on it each day!

The road gets ruts and traffic must move left or right to avoid oncoming traffic. Windscreens get cracked; paintwork gets damaged & personal safety is always in the balance.

If the Mareeba Shire Council is going to create further subdivisions, then the above stretch of road **MUST be converted to two lanes & sealed with bitumen**.

Recently, Palm Valley Road was bituminized & the same should happen to the balance of Koah Road.

Its time that balance of Koah Road was made into two lanes.

This will limit the regular damage caused to vehicles, having to move left or right to avoid oncoming traffic & therefore personal safety is enhanced.

In addition, it was my understanding that the minimum subdivision size is 150acres.

Regards
Vickram Singh
1153 Koah Road
Koah Qld 4881

0414 999 687
sales@koahrealty.com.au

Vik Singh Lic. Realty Agent Bachelor Of Horticulture & Business
Principal

www.koahrealty.com.au

Lic. R.E. Agent | Koah Realty | 1153 Koah Road, Koah, Qld., 4881
sales@koahrealty.com.au | Office: 07 4085 0075 | Direct 0414 999 687 | Fax: 07 4085 0076



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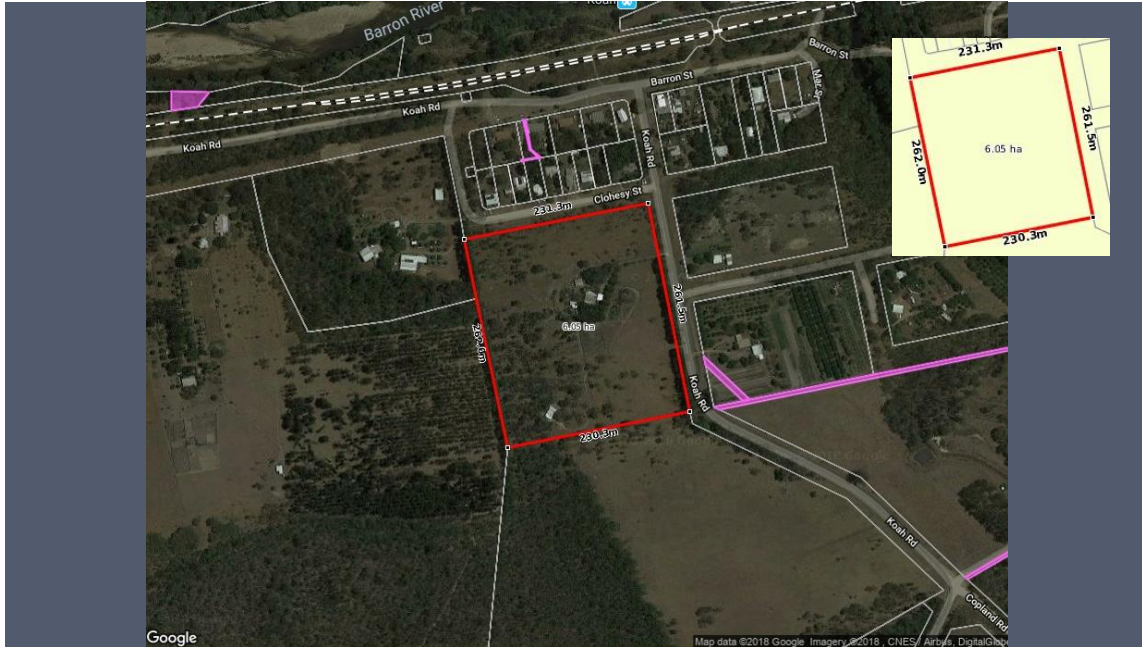
PROPERTY REPORT

1/1063 KOAH ROAD, KOAH, QLD

Document Set ID: 4240018
Version: 1, Version Date: 29/06/2023



1/1063 KOAH ROAD, KOAH, QLD 4881



Owner Details

Owner Name(s): SARAH ELIZABETH RIZVI; PIERS DAVID FREEMAN
 Owner Address: 1063 KOAH RD, KOAH QLD 4881
 Phone(s): [^\(07\) 4093 7786](tel:0740937786) (RIZVI)

Owner Type: Owner Occupied

Property Details

Property Type: House - Freehold [Freehold]
 RPD: L1 NR7238
 Valuation Amount: \$207,500 - Site Value on 30/06/2017
 Valuation Amount: \$207,500 - Site Value on 01/07/2016
 Land Use: DWELLING - LARGE HOUSESITE
 Zoning
 Council: MAREEBA SHIRE
 Features:

3 1 -

Area: 6.05 ha
 Area \$/m2:
 Water/Sewerage:
 Property ID: 7746112 / QLD21005318
 UBD Ref: UBD Ref:

Sales History

Sale Amount:	Sale Date:	Vendor:	Area:	Sale Type:	Related:
\$ 485,000	06/11/2010		6.05 ha	Normal Sale	No
\$ 485,000	06/11/2010		6.05 ha	Normal Sale	No
\$ 485,000	06/11/2010		6.05 ha	Normal Sale	No

Prepared on 13/07/2018 by Koah Realty. © Property Data Solutions Pty Ltd 2018 (pricefinder.com.au)

The materials are provided as an information source only. © The State of Queensland (Dept. of Environment and Resource Management) July/2018. Based on data provided with the permission of the Dept. of Environment and Resource Management: (QVAS) July/2018. The Dept. of Environment and Resource Management makes no representations or warranties about accuracy, reliability, completeness or suitability of the data for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which might be incurred as a result of the data being inaccurate or incomplete in any way and for any reason.

Document Set ID: 4240018

Version: 1, Version Date: 29/06/2023



Mareeba shire Council
PO Box 154
Mareeba QLD 4880

29/06/2023

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Regards
Vickram Singh
1153 Koah Road
Koah Qld 4881

0414 999 687
sales@koahrealty.com.au

MAREEBA SHIRE COUNCIL
P.O.Box 152
MAREEBA QLD 4870

6th June 2023

Dear Sir/Ms

Ref: **OBJECTION: DA Ref RAL230004 – 1 Copland Rd, Koah, Qld. Lot 672 on SP295201**
APPLICATION FOR REZONING AND RECONFIGURATION OF 1 Lot into 3 Lots.

I the undersigned wish to register my objection to the abovementioned proposed rezoning of land currently designated rural under the Queensland Planning Act 2016 to rural residential lots to call in the Mareeba Shire Council to reject Development Application Ref. RAL230004 on the following grounds.

1. The Queensland Development Control Plan of 2016 .

- i. The rezoning would be in contravention to the Councils own, and the Queensland Development Control Plan 2016.
- ii. Ad Hoc Rezoning not in compliance with the current Development Control Plan could distort and hinder future more considered strategic regional development.
- iii. There have been a number of reconfigurations of rural zoned lots in north Koah. It appears the Council is rezoning by stealth and/ or favour rather than adhering to the strategic development plans.
- iv. This rural property has already been subdivided once by the current owner. The property is currently for sale at a price the owner has not been able to realize. The Development Control Plan is a strategic long term regional plan, variations should not be taken lightly, and Council has a responsibility above realizing individual's property financial aspirations.
- v. Some landholders in the same vicinity have been told categorically by Council that no reconfigurations would be considered and advised not to waste the time and money. One questions such inconsistencies?

2. Impacts of Lot and population growth on Road and Traffic and lack of appropriate infrastructure.

The one laned, north end of Koah Road which has NOT had ANY significant maintenance except grading for the 32 years I've resided here.

The last few years has seen extreme deterioration of bitumen road verges only graded with highly friable soil (up to 10cm dropoff) causing dangerous driving conditions, excess tyre wear and damage, and mechanical damage. Recent grading and subsequent rain is already impacting.

Infrastructure planning and development are essential to sustainable regional growth.

3. Access to Potable Water.

Subdivisions in Koah revealed Arsenic in tested bore water. The Clohesy River has also tested elevated levels of Arsenic, Cadmium and Lead.

Council has a duty of care not to approve further subdivisions in Koah until contaminant free potable water is available to residents.

4. Rural Business

A successful rural business has operated from the property for a number of years. Any reduction of land size could reduce continued future development or expansion of rural business opportunities.

I request that my objections to fully taken into account and given due consideration in the determination of this planning application. Please confirm receipt of this letter and keep me apprised of any developments in relation to this application.

Yours sincerely
Julie Brunt

Fruitful Farm, 922 Koah Road, Koah, Qld 4881
0740 937 979 / 0428 112 835

MAREEBA SHIRE COUNCIL

P.O.Box 152
MAREEBA QLD 4870

6th June 2023Dear Sir/Ms

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Yours sincerely
Craig Thomas

Fruitful Farm, 922 Koah Road, Koah, Qld 4881
0740 850027/ 0428 112 835

From: "Dan M" <bushmonk2580@gmail.com>
Sent: Fri, 7 Jul 2023 10:30:43 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: Submission opposing proposed development RAL/23/0004, 1 Copland Road, Koah
Categories: Added to ECM;Chantel

To whom it may concern,

I, Daniel Merretz and my partner Natalie Waller, of 525 Koah Road, Koah would like to formally make a submission against the proposed development RAL/23/0004 of 1 Copland Road, Koah.

Under the current *Mareeba Shire Planning Scheme July 2016* the zoning applicable to block sizes for development within the Koah rural residential area Zone C is 2 hectares.

[MSC Planning Scheme 2016](#)

[MSC 2016 Zone Map Koah](#)

[6.2.10.2 Purpose](#)

(3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:

(a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services.

Lots within this precinct will not be reconfigured below 2 hectares in size;

(b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services.

Lots within this precinct will not be reconfigured below 1 hectare in size; and

(c) The 4,000m² precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m².

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

(g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct

The proposed development / subdivision for this piece of land are two lots of 1.116ha and 1.172ha. These 2 lots are not even close to current council regulations relating to minimum land size. If this subdivision were to go ahead it conflicts with the MSC planning scheme and sets a precedent for other neighbouring properties to consider doing the same in coming years.

We feel that Koah as a whole cannot sustain an increase in population density of that magnitude if this precedent is set. Although we live in the area locals often refer to as middle Koah, any increase in the population of lower Koah from this subdivision if it were to go ahead and any subsequent subdivisions will have a greater increase of road noise and road safety issues for the entire Koah community stretching the length of Koah Road. The verges of Koah road are often used by horse enthusiasts who are numerous in Koah and the bitumen road is used by horse and cart drivers. An increase in traffic volume certainly will impact all residents in many ways. We along with many others of our community moved here because we enjoy the space and quiet of being able to live on small to medium sized acreage blocks. A precedent set by this development proposal essentially will double the traffic volume for any subsequent property developments in the Koah locality.

The state of Koah Road from the Clohesy River causeway to the end at Koah village has always been an avid topic of conversation amongst locals. From the causeway down it is only a single lane. Yes, MSC has recently completed some work on the unsealed gravel shoulders, but already during this past week we have had 40mm of rainfall and in many places these shoulders have already been churned up by vehicles travelling in opposite directions that needed to pass one another, and that is on current traffic volume. Come the wet season it will be back to its usual poor state. Koah Road cannot support traffic influx unless significant widening works are undertaken in accordance with population growth for the precinct.

Now, we are not anti-development, we are just opposing the break in regulation from the *Mareeba Shire Planning Scheme July 2016*, and the greater impact this will have on the wider community in the future. We have done the maths, the existing land area is 5.806ha. Under the planning scheme it is not possible to split this property into three blocks of 2ha and above. A better resolution would be to combine the 1.116ha and 1.172ha proposed subdivision into a singular 2.288ha block in adherence to current regulations and the owners can then maintain the other 3.518ha block on their plan or development technical drawing (Page 8 - Innovate Urban Planning Report May 2023 Development permit for reconfiguring a lot (1 lot into 3 lots), 1 Copland Road, Koah LOT 672 SP295201). Again within the same report (Page 10 - 2.5 Assessment Considerations) It clearly states that the Acceptable Outcome seeks lots with a minimum size of 2ha and frontage of 60m within Precinct C of the Rural residential zone. This must be adhered to.

[Innovate Urban Planning Report May 2023 Development Permit for Reconfiguring a Lot \(1 lot into 3 lots\) 1 Copland Road, Koah LOT 672 on SP295201](#)

We hope that the Mareeba Shire Council takes our concerns, as well as all the other Koah residents who have or may not have forwarded submissions very seriously. We hope that the MSC upholds the current planning scheme and does not allow this development to proceed under the current format.

Yours sincerely,

Daniel Merretz and Natalie Waller

525 Koah Road
Koah QLD 4881

Document Set ID: 4242906
Version: 1, Version Date: 07/07/2023

From: "Daniel Stronggrove" <daniel.stronggrove@gmail.com>
Sent: Fri, 7 Jul 2023 10:17:35 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Carl Ewin" <CarlE@msc.qld.gov.au>
Subject: Submission regarding proposed development RAL/23/0004
Categories: Chantel;Added to ECM

Dear Planning Team and Councillors,

We are making a submission regarding proposed development RAL/23/0004 at 1 Copland Road, Koah.

We object to the lot sizes proposed in this development for Lot 1 and 2, at 1.116 ha and 1.172 ha respectively. Under the current [Mareeba Shire Planning Scheme July 2016](#) the zoning applicable to these lots is the rural residential [zone C "2 hectare precinct"](#) and therefore the proposed development conflicts with the Planning Scheme and the multiple reasons for establishing this area as a 2 hectare precinct. The Planning Scheme explicitly states that "Lots within this precinct will not be reconfigured below 2 hectares in size", and further "Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct" (6.2.10 Rural residential zone code), see below.

[6.2.10.2](#) Purpose

- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
 - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
- (4)
 - (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and

In previous correspondence regarding the rezoning of this precinct we were advised that, "the zoning has been amended to allow the creation of 2 Ha rural residential allotments which is considered by Council to be a logical and orderly use of that land" (correspondence with Carl Ewin, Planning Officer, 30 October 2015). Whereas we believe that to allow a lot size of only 1 Ha in this precinct would be inappropriate and would set a precedent for further subdivision in this precinct. This would also be inconsistent with the 'Preferred pattern of development' defined in the *Far north Queensland Regional Plan 2009-2031*, as this development would be increasing population density in an area that is far from an urban settlement and regional activity centres. The importance, and requirement for, development consistent with the Planning Scheme and FNQ Regional Plan has been recently highlighted by the imposition of a Temporary Local Planning Instrument (TLPI) by the State Government in response to inappropriate sub-division approvals by the Mareeba Shire Council in rural areas. The TLPI stipulates specific outcomes for Rural Villages including Koah, as given below.

1.2.3 Element—Rural villages

1.2.3.1 Specific outcomes

This provision of the TLPI replaces Strategic Framework, Element 3.3.6, Specific Outcome 3.3.6.1(1) of the planning scheme for the nominated development.

- (1) Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale and zoning intent. Further expansion of these villages is to only occur on land designated as urban footprint under the Regional Plan.

Importantly this TLPI has modified the Planning Scheme to stipulate that the “zoning intent” must be maintained. Approval of 1 hectare lots does not maintain the zoning intent of a 2 ha precinct.

If a 1 hectare lot size is allowed it establishes a precedent for further subdivision in this precinct, which may significantly increase the Koah Village population. This would alter the character and amenity of the neighbourhood, and increase impacts such as bore water extraction, noise, and traffic movements. Of particular concern to many residents on Koah Road is the additional traffic movements that would result from further development, given that the proposed development is at the far end of a cul-de-sac road, of which 5.8km is single lane. This is considered a significant safety, noise and amenity issue that will affect all residents using this road. The single lane section of road is frequently in poor condition, with the road shoulders churned up after any rain due to the current traffic load. Additional traffic will exacerbate the issue.

On discussing the matter with other residents in the Koah Village it has become clear that there is considerable opposition to this proposed development in its current form. If the proposed development for reconfiguration of a lot is approved we believe it should be conditional and limited to the addition of a single 2 hectare lot, as prescribed by the Planning Scheme. We believe this would be a compromise acceptable to most Koah residents.

We thank you for considering our submission.

Kind Regards,

Danial and Jaide Stronggrove

1058 Koah Road
Koah, QLD 4881

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Document Set ID: 4242907
Version: 1, Version Date: 07/07/2023

From: "miirakostava@skymesh.com.au" <miirakostava@skymesh.com.au>
Sent: Fri, 07 Jul 2023 16:20:50 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: OBJECTION: DA Ref RAL230004 – 1 Copland Rd, Koah, Qld. Lot 672 on SP295201
Categories: Chantel;Added to ECM

MAREEBA SHIRE COUNCIL
P.O.Box 152
MAREEBA QLD 4870

email: info@msc.qld.gov.au

Dear Sir/Ms

Ref: OBJECTION: DA Ref RAL230004 – 1 Copland Rd, Koah, Qld. Lot 672 on SP295201

APPLICATION FOR REZONING AND RECONFIGURATION OF 1 Lot into 3 Lots.

I am registering my objection to the abovementioned proposed rezoning of land currently designated rural under the Queensland Planning Act 2016 to rural residential lots to call in the Mareeba Shire Council to reject Development Application Ref. RAL230004 on the following grounds.

1. The Queensland Development Control Plan of 2016. Mareeba Shire Council is not following this development plan, and is suspiciously approving rezoning and housing development all over Koah. This issue should be addressed by the State Government, and perhaps Mareeba Shire Council should be investigated. Mareeba Shire Council should be encouraging any housing development in poor land areas close to Mareeba township - not permitting good rural land to be used as housing and small acreage 'hobby' farms.
2. The end of Koah Road past Clohesy River Bridge has not been upgraded despite other housing developments having being approved. In fact Mareeba Shire Council pointedly only repairs this road after extreme pressure from residents - as per recent road safety issues.

Please confirm receipt of this letter and keep me appraised of any developments in relation to this application.

Yours sincerely

MIIRA KOSTAVA

8.3 J VAN NIEKERK - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOTS 1 & 3 ON RP723067 - 110 HORSE CREEK ROAD, MUTCHILBA - RAL/23/0006

Date Prepared: 9 August 2023
Author: Coordinator Planning Services
Attachments: 1. [Proposal Plan](#) ↓
 2. [Submission](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J Van Niekerk	ADDRESS	110 Horse Creek Road, Mutchilba
DATE LODGED	26 June 2023	RPD	Lots 1 & 3 on RP723067
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		
FILE NO	RAL/23/0006	AREA	Lot 1 – 1.599 ha Lot 3 – 59.388 ha
LODGED BY	Neil Beck	OWNER	DBC RSA Holdings Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

EXECUTIVE SUMMARY

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

The application is impact assessable and one (1) properly made submission was received in response to public notification of the application.

The applicants propose to reconfigure the common boundary between both allotments, by way of boundary realignment only (no additional allotment/s created). The boundary realignment will transfer approximately 2.88 hectares of agriculturally unviable (hilly, rocky and vegetated) land from proposed Lot 3 and include it as part of proposed Lot 1.

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 as amended by TLPI No. 01 of 2021, and is in conflict with certain purpose statements in the Rural zone code, as well as performance outcomes contained within the Reconfiguring a lot code which seek to discourage the creation of any lot below 60 hectares within the Rural zone. In their current configuration, both lots are less than 60 hectares in size.

The Mareeba Shire Council Planning Scheme 2016 contains a hierarchy of assessment benchmarks.

The Strategic Framework are the highest order assessment benchmarks contained in the Planning Scheme and hold more weight than the Rural zone code and reconfiguring a lot code. An officer assessment has determined that despite the identified conflicts with the lower order Rural zone code and reconfiguring a lot code provisions mentioned above, the proposed boundary realignment meets the intent of the Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J Van Niekerk	ADDRESS	110 Horse Creek Road, Mutchilba
DATE LODGED	26 June 2023	RPD	Lots 1 & 3 on RP723067
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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 Reconfiguring a Lot – Boundary Realignment

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Lot 1 & 3 RP723067 Boundary Realignment	-	5 June 2023

- (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, and subject to any alterations:

- found necessary by the 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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.

- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

- 3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

3.6 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

- 3.7 A minimum 8 metre wide access easement must be established over Lot 1 to service Lot 3 generally in accordance with the position and orientation shown on the approved plan. The access easement documents must be submitted to Council for review prior to endorsement of a plan of survey.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(c) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) 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.

(e) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- a registered easement over the subject site

(f) 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.

(g) 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.

(h) Sunwater Advice

It is recommended that the applicant/developer negotiate with Sunwater and the State Government to open appropriate access easements over both Lot 354 on HG260 and Lot 2 on RP723067 (Unallocated State Land) to provide proposed Lots 1 and 3 and Lot 2 on RP723067 with legal access to Horse Creek Road.

(i) Electric Ants

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

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

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

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

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (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 comprises of the following allotments:

- Lot 1 on RP723067, situated at 110 Horse Creek Road, Mutchilba, having an area of 1.599 hectares and no road frontage; and
- Lot 3 on RP723067, situated at 110 Horse Creek Road, Mutchilba, having an area of 59.388 hectares and no road frontage.

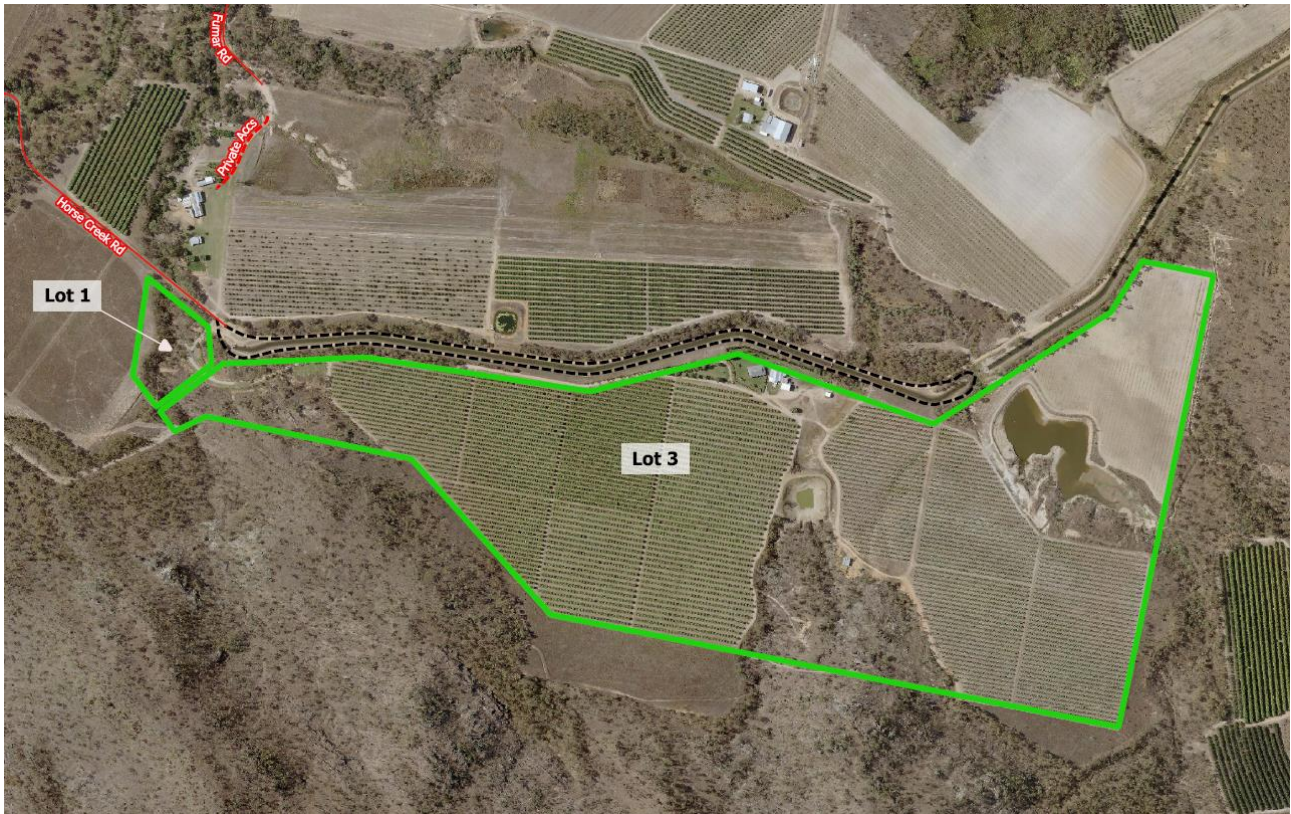
Access to both lots is obtained via a single driveway off the eastern end of Horse Creek Road. This driveway crosses Sunwater's channel infrastructure (Lot 354 on HG260) before entering Lot 1 on RP723067 and curving in a south-easterly direction ultimately into Lot 3 on RP723067.

Horse Creek Road is formed to a single lane bitumen sealed standard up to the start of the driveway into the subject site.

A dwelling house and extensive farm infrastructure is established on Lot 3. Lot 1 is presently vacant and only used to obtain access to Lot 3.

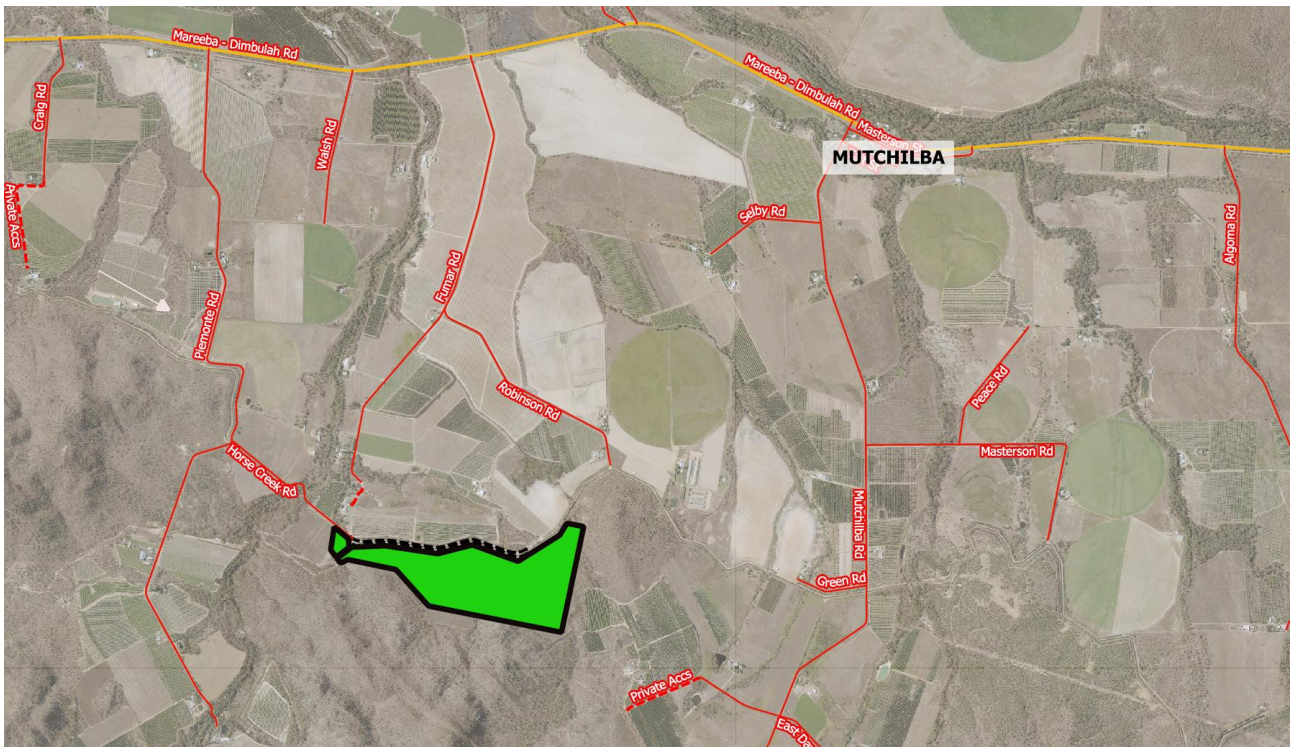
An open Sunwater irrigation channel extends along the majority of Lot 3’s northern boundary. The channel infrastructure transitions to an underground pipe along the northern boundary of Lot 1.

All surrounding lots are zoned Rural and are developed for either agricultural production or grazing purposes.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment in accordance with the plans shown in **Attachment 1**.

Approval is sought to realign the boundary of Lot 1 to include western portion of Lot 3 which is characterised by a sparsely vegetated ridge which is not able to be use for agricultural purposes due to the poor soil quality.

As a consequence, proposed Lot 1 will increase in size from 1.59 Ha to 4.3 Ha. Conversely, Lot 3 will decrease in size from 59.38 Ha to 56.5 Ha.

An access easement will be created over Lot 1 in favour of Lot 3 to provide for lawful access to Lot 3. No other changes are proposed.

The proposed lots are as follows:

- Proposed Lot 1 - 4.3 hectares, no road frontage, informal access to Horse Creek Road across Sunwater’s Lot 354 on HG260; and

- Proposed Lot 2 - 56.5 hectares, no road frontage, access easement through proposed Lot 1 and informal access to Horse Creek Road across Sunwater’s Lot 354 on HG260.

Sunwater’s Lot 354 on HG260 and State-owned Lot 2 on RP723067 (Unallocated State Land) will continue to land lock both Lots 1 and 3 until the applicant secures further access easements separate to this application. Sunwater in their submission to this application has indicated a willingness to enter into an appropriate access easement.

It should be noted that there are multiple similar instances of Sunwater property land locking parcels within the Mareeba Dimbulah Irrigation Area. Resolving all of these situations will be a very lengthy process.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- ‘Areas of Ecological Significance’ also identifies the site is:

- Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> Rural Area <ul style="list-style-type: none"> - Rural Agricultural Area - Rural Other <p>Infrastructure Elements</p> <ul style="list-style-type: none"> Major Electrical Infrastructure
Zone:	Rural zone
Overlays:	<p>Agricultural Land Overlay Bushfire Hazard Overlay Environmental Significance Overlay Hill and Slope Overlay Regional Infrastructure Corridors and Substations Overlay Transport Infrastructure Overlay</p>

RELEVANT PLANNING INSTRUMENTS

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

(A) 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.

(B) 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.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework***3.3 Settlement Pattern and built environment**3.3.1 Strategic outcomes*

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment will transfer approximately 2.88 hectares of agriculturally unviable (hilly, rocky and vegetated) land from proposed Lot 3 and include it as part of proposed Lot 1.

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The proposed access easement is the first step in securing legal access to both lots. Additional separate easement creation processes will be required to secure legal access through State USL and Sunwater land. Sunwater has indicated a willingness to enter into an access easement arrangement.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The ability to legally access both allotments is fundamental to this rural land being able to be used for its intended rural purpose.

The proposed development will not further fragment agricultural land or compromise agricultural activity in the immediate locality and is therefore considered to comply with Strategic outcome 5.

- (6) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The proposed boundary realignment will not result in any new or additional rural living allotment.

The boundary realignment and access easement are the first steps in facilitating the provision of legal access to both lots.

The proposed development does not conflict with Strategic Outcome 6.

*3.3.11 Element - Rural areas**3.3.11.1 Specific outcomes*

- (2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment will transfer approximately 2.88 hectares of agriculturally unviable (hilly, rocky and vegetated) land from proposed Lot 3 and include it as part of proposed Lot 1.

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The proposed access easement is the first step in securing legal access to both lots. Additional separate easement creation processes will be required to secure legal access through State USL and Sunwater land. Sunwater has indicated a willingness to enter into an access easement arrangement.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The ability to legally access both allotments is fundamental to this rural land being able to be used for its intended rural purpose.

The proposed development will not compromise, fragment or alienate agricultural land and is therefore considered to satisfy Specific Outcome 2.

- (3) *Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The proposed boundary realignment will not result in any new or additional rural living allotment.

The boundary realignment and access easement are the first steps in facilitating the provision of legal access to both lots, thereby allowing for their rural use.

The proposed development will not compromise, fragment or alienate agricultural land and is therefore considered to satisfy Specific Outcome 3.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

(6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition. No additional title will be created, and no change to the service arrangement of each lot will occur as a result of the development.

The proposed development does not compromise Strategic Outcome 6.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot 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 outcome 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
Rural zone code	<p>The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as both lots will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Agricultural land overlay code	<p>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.</p>
Bushfire hazard overlay code	<p>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.</p>
Environmental significance overlay code	<p>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.</p>
Hill and slope overlay code	<p>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.</p>
Regional infrastructure corridors and substations overlay code	<p>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.</p>
Landscaping code	<p>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.</p>
Parking and access code	<p>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.</p>
Reconfiguring a lot code	<p>The application conflicts with the following performance outcomes:</p> <ul style="list-style-type: none"> • PO1.1 • PO1.2 <p>Despite conflicting with the abovementioned performance outcomes, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>

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.
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(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition of approval will be included requiring all development works be designed and constructed/upgraded in accordance with FNQROC Development Manual standards.

(E) Adopted Infrastructure Charges Notice

Not applicable as the proposed development is for a boundary realignment and no additional vacant allotment will be created.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 13 July 2023 to 3 August 2023. The applicant submitted the notice of compliance on 7 August 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>Sunwater has highlighted that Lots 1 and 3 on RP723067 are land locked from Horse Creek Road by Sunwater’s Lot 354 on HG260.</p> <p>Sunwater propose that Council condition the development to require the opening of an access easement over Lot 354 on HG260.</p>	<p>Lot 354 on HG260 does not form part of this application, therefore conditioning the creation of an access easement over Lot 354 on HG260 would be unlawful.</p> <p>Instead, an advice statement will be included on the decision notice recommending that the applicant negotiate with Sunwater and the State to create suitable access easements over both Lot 354 on HG260 and Lot 2 on RP723067.</p>

Submitters

Name of Principal submitter	Address
1. Sunwater	PO Box 15536, City East QLD 4002

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural zone code and reconfiguring a lot code are discussed below:

6.2.9 Rural zone code

6.2.9.2 Purpose

- (3) (a) *Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.*

Comment

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment will transfer approximately 2.88 hectares of agriculturally unviable (hilly, rocky and vegetated) land from proposed Lot 3 and include it as part of proposed Lot 1.

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The proposed access easement is the first step in securing legal access to both lots. Additional separate easement creation processes will be required to secure legal access through State USL and Sunwater land. Sunwater has indicated a willingness to enter into an access easement arrangement.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The ability to legally access both allotments is fundamental to this rural land being able to be used for its intended rural purpose.

Despite not complying with Purpose (3)(a) of the Rural zone code, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land, and the provision of legal access will be a long-term benefit for both lots.

9.4.4 Reconfiguring a lot code

Area and frontage of lots - Rural zone

PO1.1

No lots are created with an area of less than 60 ha

Note: This also applies to applications for boundary realignment

AO1.1

No acceptable outcome is provided.

Comment

No new allotment less than 60 hectares in area will be created.

The boundary realignment will transfer approximately 2.88 hectares of agriculturally unviable (hilly, rocky and vegetated) land from proposed Lot 3 and include it as part of proposed Lot 1.

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The proposed access easement is the first step in securing legal access to both lots. Additional separate easement creation processes will be required to secure legal access through State USL and Sunwater land. Sunwater has indicated a willingness to enter into an access easement arrangement.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The ability to legally access both allotments is fundamental to this rural land being able to be used for its intended rural purpose.

Despite not complying with PO1.1, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land.

PO1.2

No lots are created with a frontage less than 400m

Note: This also applies to applications for boundary realignment.

AO1.2

No acceptable outcome is provided.

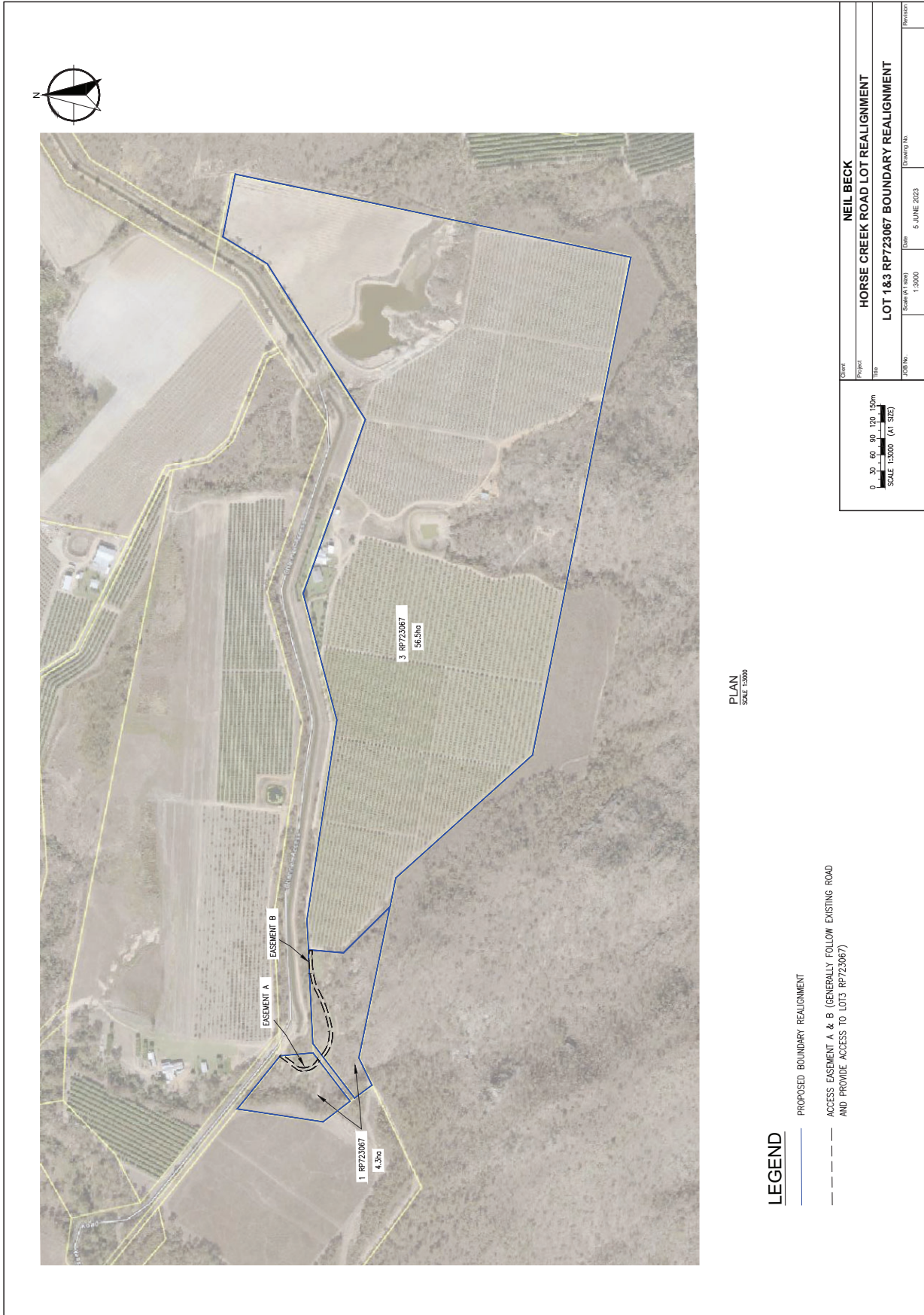
Comment

Both existing lots are presently land-locked from Horse Creek Road by Sunwater irrigation infrastructure. An access easement in favour of proposed Lot 3 will be created over proposed Lot 1. The easement will follow the path of the existing farm access to proposed Lot 3.

The proposed access easement is the first step in securing legal access to both lots. Additional separate easement creation processes will be required to secure legal access through State USL and Sunwater land. Sunwater has indicated a willingness to enter into an access easement arrangement.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The ability to legally access both allotments is fundamental to this rural land being able to be used for its intended rural purpose.





Contact: Robyn Desrettes
Direct line: 07 3120 0087
Our ref: 21-000015/001
Your ref: RAL/23/0006

3 August 2023

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

Attention Brian Millard

Dear Sir/Madam

DBC RSA HOLDINGS PTY LTD - APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) - 110 HORSE CREEK ROAD, MUTCHILLBA BEING LOT 1 & LOT 3 RP723067 APPLICATION REFERENCE: RAL/23/0006

Sunwater has received the 'Have your Say' public notice dated the 7th of July from Neil Beck, Town Planner acting on behalf of DBC RSA Holdings Pty Ltd.

Sunwater has reviewed the Reconfiguration of a Lot development application which was lodged by DBC RSA Holdings.

You will note that the proposed reconfiguration of the lot the subject of the application is a land locked lot with the current access route through adjoining properties including Lot 354 HG260 (Lot 354) which is a perpetual lease held by Sunwater for water supply purposes.

Lot 354 contains water supply infrastructure which is an underground pipeline which is part of the Mareeba Dimbulah water supply scheme.

In principle Sunwater has no objection to the proposed reconfiguration in the development application subject to the following being addressed:

- an access easement to be created within Lot 354 HG260 in favour of Lot 1,2, & Lot 3 RP 723067 to provide lawful access to these lots on terms acceptable to Sunwater. Terms acceptable to Sunwater will include heavy vehicle restrictions.
- Complete survey for boundary realignment.

Sunwater may require additional arrangements to satisfy the arrangements to access our land, this may include imposing design, technical and commercial requirements upon the access to Lot 354 HG260.

Yours sincerely


Eleanor Scott
Property Services Manager
Att: Image from Queensland Globe

address: Green Square North, Level 9, 515 St Pauls Terrace,
Fortitude Valley, Queensland 4006
post: PO Box 15536, City East, Queensland 4002
ACN: 131 034 985

telephone: +617 3120 0000
email: property@sunwater.com.au
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sunwater.com.au

Delivering water for prosperity – Page 1

Document Set ID: 4251540
Version: 1, Version Date: 04/08/2023



Document Set ID: 4251540
Version: 1, Version Date: 04/08/2023

8.4	A LEIGHTON - RECONFIGURING A LOT - BOUNDARY REALIGNMENT - LOT 77 ON HG470 & LOT 148 ON HG569 - 229 RANDAZZO ROAD, MAREEBA - RAL/23/0005
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Date Prepared: 9 August 2023

Author: Coordinator Planning Services

Attachments:

1. Proposal Plan [↓](#)
2. State Assessment and Referral Agency response dated 5 July 2023 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	A Leighton	ADDRESS	229 Randazzo Road, Mareeba
DATE LODGED	19 June 2023	RPD	Lot 77 on HG470 & Lot 148 on HG569
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		
FILE NO	RAL/23/0005	AREA	Lot 77 – 3.077 ha Lot 148 – 58.06 ha
LODGED BY	RPS AAP Consulting Pty Ltd	OWNER	Lot 77 – R Nastasi Lot 148 – A Leighton
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016, as amended by TLPI No. 01 of 2021		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

The application is impact assessable and no submissions were received in response to public notification of the application.

The applicants propose to reconfigure the common boundary between both allotments, by way of boundary realignment only (no additional allotment/s created). A small area will be transferred between the allotments to provide Lot 148 with legal access to Randazzo Road. Lot 148 is presently land-locked and reliant on the goodwill of neighbouring landowners for access.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 as amended by TLPI No. 01 of 2021, and is in conflict with certain purpose statements in the Rural zone code, as well as performance outcomes contained within the Reconfiguring a lot code which seek to discourage the creation of any lot below 60 hectares within the Rural zone. In their current configuration, both lots are less than 60 hectares in size.

The Mareeba Shire Council Planning Scheme 2016 contains a hierarchy of assessment benchmarks.

The Strategic Framework are the highest order assessment benchmarks contained in the Planning Scheme and hold more weight than the Rural zone code and reconfiguring a lot code. An officer assessment has determined that despite the identified conflicts with the lower order Rural zone code and reconfiguring a lot code provisions mentioned above, the proposed boundary realignment meets the intent of the Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land.

Draft conditions were provided to the Applicant / care of their consultant and have been agreed.

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

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	A Leighton	ADDRESS	229 Randazzo Road, Mareeba
DATE LODGED	19 June 2023	RPD	Lot 77 on HG470 & Lot 148 on HG569
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Boundary Realignment		

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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot – Boundary Realignment

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AU009937-1	Proposed Boundary Realignment Lot 148 on HG569 & Lot 77 on HG470, Randazzo Road, Paddys Green	RPS	5-6-2023

(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, and subject to any alterations:
 - found necessary by the 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 endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.5 Where approved existing buildings and structures are to be retained, setbacks to new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where a structure is located in close proximity to a new property boundary, a plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.
 - 3.6 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

4. Infrastructure Services and Standards

- 4.1 An access crossover must be constructed (from the edge of the road pavement of Randazzo Road to the property boundary of proposed Lot 2) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.

(b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(c) 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.

(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) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 5 July 2023.

(F) RELEVANT PERIOD

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

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

THE SITE

The subject site comprises of the following allotments:

- Lot 77 on HG470, situated at 229 Randazzo Road, Mareeba, having an area of 3.077 hectares and a frontage of approximately 590 metres to Randazzo Road; and
- Lot 148 on HG569, situated at Randazzo Road, Mareeba, having an area of 58.06 hectares and no road frontage.

Randazzo Road is constructed to rural road bitumen sealed standard for the full frontage of Lot 77. Access to Lot 77 is obtained via a single driveway commencing near the southern boundary. Lot 148 is land locked and is reliant on an informal access through Sunwater's adjoining Lot 228 on HG479.

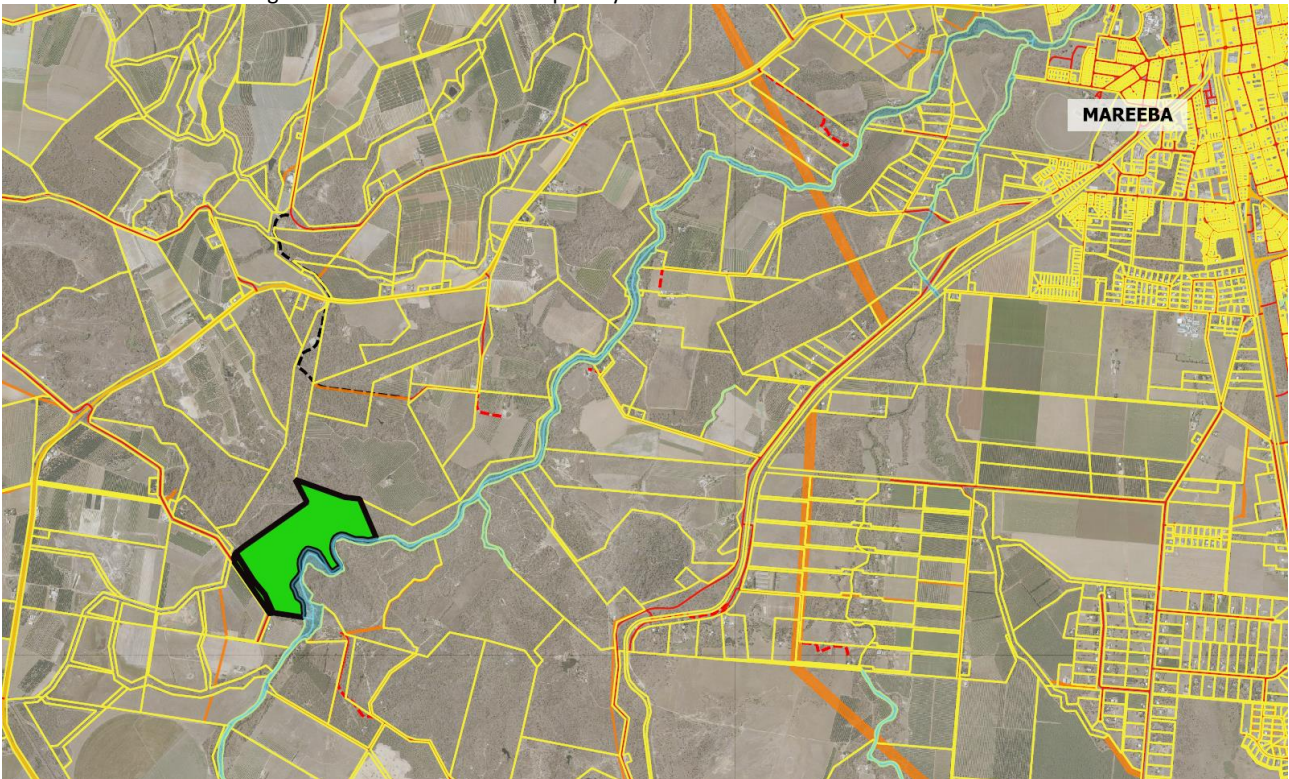
Lot 148 is currently unimproved and largely covered in remnant native vegetation. Lot 77 is improved by a dwelling house and domestic outbuilding. Granite Creek adjoins the south-eastern boundary of Lot 148.

All surrounding lots are zoned Rural.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description of the development:

“The intent of the proposed development is to facilitate lawful access from a gazetted road to Lot 148 on HG569, which is currently land-locked with no formal road frontage.

Historically, the parent parcel of Lot 148 on HG569 was subject of a compulsory acquisition by the State government for the purposes of the establishing the existing Mareeba Dimbulah Irrigation Scheme, currently managed by Sunwater. At the time of the acquisition, Sunwater’s predecessor did not establish an access easement burdening Lot 228 on HG479 for the benefit of Lot 148 on HG569. As a consequence, no formal access arrangements were established from a gazetted road to Lot 148 on HG569.

Adjoining Lot 228 on HG479 is owned and operated by Sunwater as part of the irrigation scheme and the applicant had previously been granted informal access through Lot 228 on HG479 to Lot 148 on HG569 from Randazzo Road. Formal legal advice has recently been received from Sunwater advising that the existing informal access arrangements are to be rescinded and the applicant would no longer have access through Lot 228 on HG479 to Lot 148 from Randazzo Road.

The applicant has investigated all other potential options for provision of access from a gazetted road to Lot 148 on HG569. The south-west corner of the site is constrained by an existing gully and is persistently wet, therefore does not provide a suitable location for access. Extensive discussions have been held with the adjoining landowner of Lot 77 on HG470 regarding the provision of either:

- Access easement through Lot 77 on HG470 for the benefit of Lot 148 on HG569; or*
- Potential land swap, requiring the provision of a reconfiguration of a lot to realign the boundaries to provide access to Lot 148 on HG569 from Randazzo Road.*

No agreement could be reached in relation to provision of an access easement, therefore, the applicant seeks development approval for Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots) over land located at 229 Randazzo Road, Paddys Green described as Lot 77 on HG470 and Lot 148 on HG569.

Whilst it is noted that the subject site is zoned Rural and is subject to the Temporary Local Planning Instrument, restricting reconfiguring a lot applications for lots below 60ha, the intent of the proposal is solely to facilitate access to an existing land-locked parcel of land. The proposal will not alter existing land use activities currently conducted on the site, nor facilitate the fragmentation of agricultural land. Both existing Lot 77 on HG470 and Lot 148 on HG569 are below the minimum lot size of 60ha.

The proposed lots would have frontage to a gazetted road and the proposed lots are summarised below:

- *Proposed Lot 1 – 3.416 hectares, approx. 548 metres to Randazzo Road; and*
- *Proposed Lot 2 – 55.675 hectares, approx. 36 metres to Randazzo Road.”*

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- ‘Areas of Ecological Significance’ also identifies the site is:

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<p>Land Use Categories</p> <ul style="list-style-type: none"> • Rural Area (Rural Other) <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • Biodiversity Areas • Habitat Linkage <p>Natural Resource Elements</p> <ul style="list-style-type: none"> • Key Resource Area
Zone:	Rural zone
Overlays:	<p>Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Extractive Resources Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay</p>

RELEVANT PLANNING INSTRUMENTS

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

(A) 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.

(B) 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.

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework***3.3 Settlement Pattern and built environment.**3.3.1 Strategic outcomes*

- (5) *Primary industries in Rural areas are not compromised or fragmented by incompatible and/or unsustainable development, including but not limited to subdivision that results in a detrimental impact on rural productivity or fragments large land holdings. The valued, relaxed rural character and scenic qualities of the rural area are preserved and enhanced. The rural area is largely maintained to its current extent, while accommodating development directly associated with or reliant on natural resources including rural activities and tourism. Rural areas protect the shire's agricultural area and ensure food security. Other rural areas predominantly remain agricultural grazing properties.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2. Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment is essential to secure legal access to existing Lot 148 (proposed Lot2), thereby allowing this rural land to be used for its intended rural purpose.

The proposed development will not further fragment agricultural land or compromise agricultural activity in the immediate locality and is therefore considered to comply with Strategic outcome 5.

- (6) *New subdivisions which propose lots less than the minimum lot size of 60ha are not supported within the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created. The boundary realignment is essential to secure

legal access to existing Lot 148 (proposed Lot2), thereby allowing this rural land to be used for its intended rural purpose.

The proposed development does not conflict with Strategic Outcome 6.

3.3.11 Element - Rural areas

3.3.11.1 Specific outcomes

(2) *Land in rural areas is maintained in large (60ha or greater) lot sizes to ensure that regional landscape and rural production values are not compromised by fragmentation, alienation or incompatible land uses. Subdivision of land is not supported on lots less than 60ha in the Rural zone.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2. Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment is essential to secure legal access to existing Lot 148 (proposed Lot2), thereby allowing this rural land to be used for its intended rural purpose.

The proposed development will not compromise, fragment or alienate agricultural land and is therefore considered to satisfy Specific Outcome 2.

(3) *Other rural areas will be largely maintained in their current configuration, only being subdivided where large land holdings of 60ha or greater can be achieved and the infrastructure base of rural operations including workers accommodation, airstrips and farm infrastructure is provided.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2. Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment is essential to secure legal access to existing Lot 148 (proposed Lot2), thereby allowing this rural land to be used for its intended rural purpose.

The proposed development will not compromise, fragment or alienate agricultural land and is therefore considered to satisfy Specific Outcome 3.

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (6) *New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with the council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development. Subdivision of land in the Rural zone to create lots less than 60ha is not consistent with facilitating appropriately sequenced and coordinated development.*

Comment

The proposed development is for a "boundary realignment" only, so does not constitute a "subdivision" by definition. No additional title will be created, and the only change resulting from the development will be the construction of a new access to proposed Lot 2.

The proposed development does not compromise Strategic Outcome 6.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.5 Extractive resources overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot 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 outcome 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
Rural zone code	<p>The application conflicts with 6.2.9.2 Purpose (3) (a) of the code as both lots will be under 60 ha in size.</p> <p>Despite this conflict, it is considered that the proposed development complies with the higher order strategic/specific outcomes contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for commentary.</p>
Agricultural land 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.
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.
Bushfire hazard 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.
Environmental significance 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.
Extractive resources 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.
Flood hazard 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.
Hill and slope 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.
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.
Parking and access 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.
Reconfiguring a lot code	<p>The application conflicts with the following performance outcomes:</p> <ul style="list-style-type: none"> • PO1.1 • PO1.2 <p>Despite conflicting with the abovementioned performance outcomes, it is considered that the proposed development complies with the higher order strategic/specific outcomes</p>

	contained in the Planning Scheme's Strategic Framework. Refer to planning discussion section of report for 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.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition of approval will be included requiring all development works be designed and constructed/upgraded in accordance with FNQROC Development Manual standards.

(E) Adopted Infrastructure Charges Notice

Not applicable as the proposed development is for a boundary realignment and no additional vacant allotment will be created.

REFERRAL AGENCY

The application triggered referral to the State Assessment and Referral Agency (SARA) as a Concurrence Agency for native vegetation clearing.

SARA advised in a letter dated 5 July 2023 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 17 July 2023 to 8 August 2023. The applicant submitted the notice of compliance on 9 August 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Non-compliance with assessment benchmarks contained within the Rural zone code and reconfiguring a lot code are discussed below:

6.2.9 Rural zone code

6.2.9.2 Purpose

- (3) (a) *Areas for use for primary production are conserved and new allotments below the minimum lot size identified in Table 9.4.4.3B is not supported.*

Comment

Table 9.4.4.3B dictates a minimum reconfiguring lot size of 60 hectares for land within the Rural zone.

In their current configuration, both lots are already less than 60 hectares in size and no new allotment less than 60 hectares will be created.

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2. Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

The boundary realignment is essential to secure legal access to existing Lot 148 (proposed Lot2), thereby allowing this rural land to be used for its intended rural purpose. The proposed development will not further fragment agricultural land or compromise agricultural activity in the immediate locality.

Despite not complying with Purpose (3)(a) of the Rural zone code, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land, and will only increase the rural viability of proposed Lot 2.

9.4.4 Reconfiguring a lot code

Area and frontage of lots - Rural zone

PO1.1

No lots are created with an area of less than 60 ha

Note: This also applies to applications for boundary realignment

AO1.1

No acceptable outcome is provided.

Comment

No new allotment less than 60 hectares in area will be created.

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2.

Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment does not adversely impact on the rural zone, nor does it result in the creation of an additional rural lifestyle lot or an additional rural residential purposes lot.

Despite not complying with PO1.1, it is considered that the proposed boundary realignment meets the intent of the higher order Strategic Framework, in that the development will not further fragment, compromise or alienate productive agricultural land.

PO1.2

No lots are created with a frontage less than 400m

Note: This also applies to applications for boundary realignment.

AO1.2

No acceptable outcome is provided.

Comment

The boundary realignment is limited to a land swap to provide legal access to proposed Lot 2.

Existing Lot 148 (proposed Lot 2) is currently landlocked.

The boundary realignment remedies an historic error which allowed Lot 148 to be sold by the State without legal frontage/access.

The frontages proposed for each lot are appropriate.



3. Where a letter reference (A, B, C, etc.) is used, the area may not be outlined, detailed, or reproduced by any process unless the letter is clearly displayed on the plan.
4. Scale shown is correct for the original file and any copies of this plan should be verified by checking against the bar scale.
5. The dimensions, area, size and location of improvements, foot information (if shown) and number of lots shown on this plan are approximate only and may vary.
6. Contour locations are obtained by site dimensions. These boundaries have not been verified and are approximate only.

IMPORTANT NOTE

1. This plan was prepared for the sole purpose of the client for the specific purpose of accompanying an application to the Merriam Shire Council for a reconfiguration of lots depicted on this plan. This plan is strictly limited to the Purpose and does not imply directly or indirectly and will not be used for any other purpose, use or matter. The plan is presented without the assumption of a duty of care to any person (other than the Client) (Third Party) and may be relied on by Third Party.

2. RPS AAP Consulting Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:

- A. the use of the plan;
- B. the use of the plan in any way other than that intended by the Client or a Third Party when the information is provided, incomplete, inaccurate, outdated or unreliable;
- C. any inaccuracies or omissions in the information or data provided to a Third Party;
- D. RPS AAP Consulting Pty Ltd relying on sources of information that are incorrect or inaccurate;
- E. the Client or any Third Party relying on information in this plan where recommended by RPS AAP Consulting Pty Ltd;
- F. the Client or any Third Party relying on any other information or data against the recommendation of RPS AAP Consulting Pty Ltd;
- G. the accuracy, reliability, suitability or completeness of any approximations or estimates made or obtained by RPS AAP Consulting Pty Ltd in this plan.

RPS
A TETRA TECH COMPANY

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W rpsaap.com.au

Anne Leighton
Proposed Boundary Realignment
Lot 148 on HG569 & Lot 77 on HG470, Randazzo Road, Paddys Green

PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA2020 Z55 | Scale: 1:5,000 @ A3 | Date: 5-6-2023 | Drawing: AU009937-1



RA6-N



SARA reference: 2306-35291 SRA
 Council reference: RAL/23/0005
 Applicant reference: AU009937

5 July 2023

Chief Executive Officer
 Mareeba Shire Council
 PO Box 154
 Mareeba QLD 4880
planning@msc.qld.gov.au

Attention: Carl Ewin

Dear Mr Ewin

**SARA referral agency response—
 Boundary realignment (2 lots into 2 lots)**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 21 June 2023.

Response

Outcome:	Referral agency response – with conditions
Date of response:	5 July 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Reasons:	The reasons for the referral agency response are in Attachment 2

Development details

Description:	Development permit	Reconfiguring of a Lot - Boundary realignment (2 lots into 2 lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 of the Planning Regulation 2017 – Native vegetation clearing	
SARA reference:	2306-35291 SRA	

2306-35291 SRA

Assessment manager: Mareeba Shire Council
Street address: 46 Tyrconnell Road & 229 Randazzo Road, Paddys Green
Real property description: Lot 148 on HG569, Lot 77 on HG470
Applicant name: Ann Leighton C/- RPS AAP Consulting Pty Ltd
Applicant contact details: 135 Abbott Street
Cairns QLD 4870
sam.leggerini@rpsgroup.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 3**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Isley Peacey, Senior Planning Officer, on 4037 3202 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Ann Leighton, sam.leggerini@rpsgroup.com.au
enc Attachment 1 - Referral agency conditions
Attachment 2 - Reasons for referral agency response
Attachment 3 - Representations about a referral agency response provisions
Attachment 4 - Documents referenced in conditions

2306-35291 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 4)

No.	Conditions	Condition timing
Reconfiguring of a lot		
10.3.4.2.1 Native vegetation clearing - The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The reconfiguring a lot must be carried out generally in accordance with the following plans: (a) Proposed Boundary Realignment - Lot 148 on HG569 & Lot 77 on HG470, Randazzo Road, Paddys Green, prepared by RPS AAP Consulting Pty Ltd, dated 05/06/2023, reference AU009937-1.	Prior to submitting the Plan of Survey to the local government for approval.

2306-35291 SRA

Attachment 2—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA's decision are:

- The proposed development appropriately avoids and minimises clearing, with much of the vegetation on site retained to avoid the loss of biodiversity, maintain ecological processes, avoid land degradation and conserve vegetation.
- The development site is not subject to any notice requiring compliance on the development site or vegetation management requirements for particular regulated areas that the proposed clearing may be contrary to.
- The proposed development avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible.
- The proposed development does not result in a significant residual impact on a matter of state environmental significance.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 3—Representations about a referral agency response provisions

(page left intentionally blank)

2306-35291 SRA

Attachment 4—Documents referenced in conditions

(page left intentionally blank)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

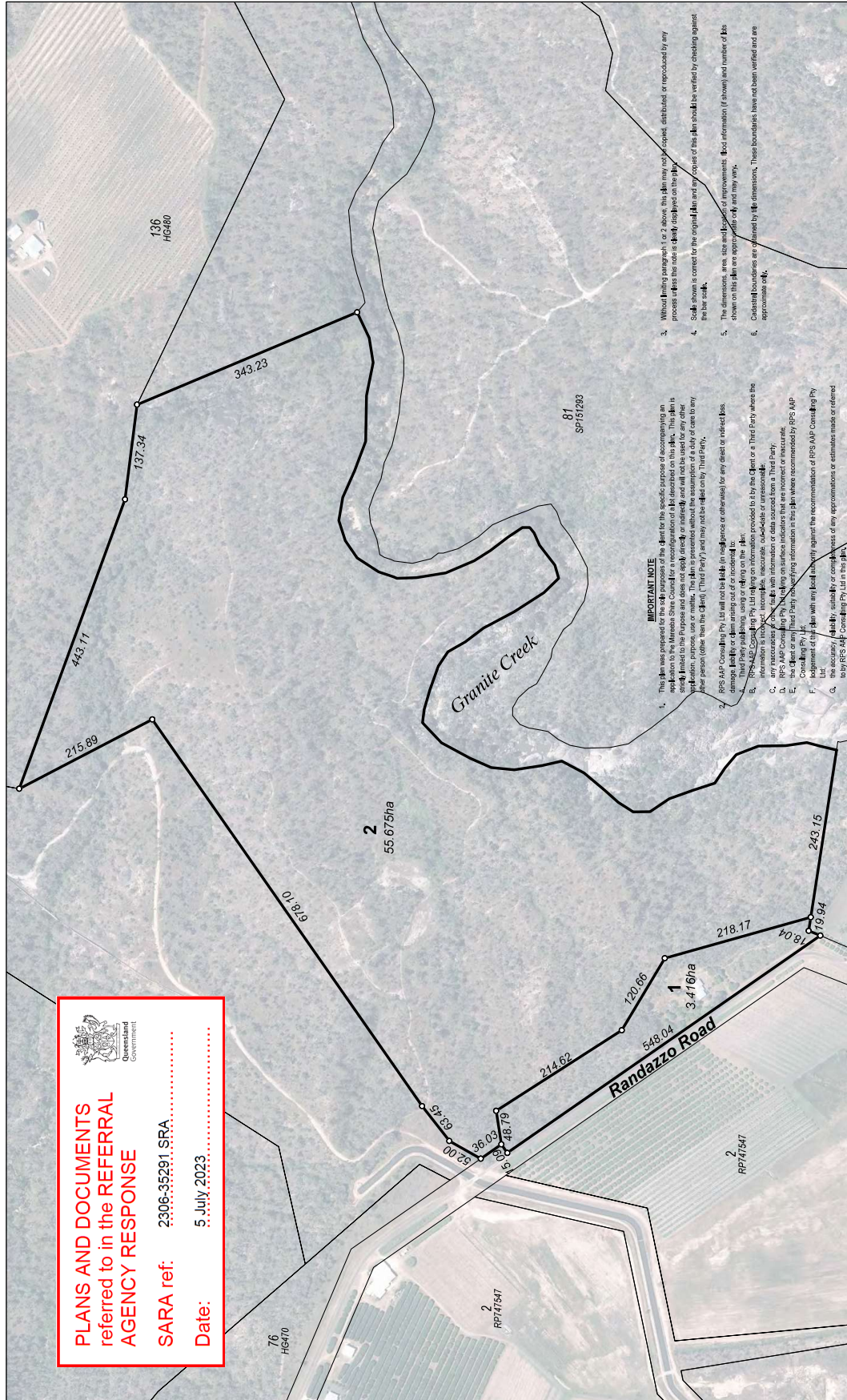
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 2306-35291 SRA

Date: 5 July 2023

1. This plan was prepared for the sole use of the Client for the specific purpose of recommending an application to the Maroon Shire Council for a reconfiguration of lot boundaries on this plan. This plan is specifically limited to the purpose and does not apply directly or indirectly, and will not be used for any other purpose, use or matter. This plan is prepared without the assumption of a duty of care to any other person (other than the Client) (Third Party) and may not be relied on by Third Party.
2. RPS AAP Consulting Pty Ltd will not be held (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - A. the preparation, production or use of this plan;
 - B. the information provided by the Client or a Third Party when the information is checked, reasonable, accurate, adequate or unassailable;
 - C. any inaccuracies or omissions in the information or data sourced from a Third Party;
 - D. RPS AAP Consulting Pty Ltd taking on surface indications that are incorrect or inaccurate;
 - E. the Client or any Third Party providing information in this plan where recommended by RPS AAP;
 - F. the Client or any Third Party providing information in this plan where recommended by RPS AAP Consulting Pty Ltd;
 - G. the accuracy, reliability or completeness of any approximations or estimates made or referred to by RPS AAP Consulting Pty Ltd in this plan.
3. Without limiting the generality of 2 above, this plan may not be copied, published, or reproduced by any process unless this plan is clearly displayed on the plan.
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5. The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
6. Coastal boundaries are obtained by the dimensions. These boundaries have not been verified and are approximate only.

- IMPORTANT NOTE**
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 6. Coastal boundaries are obtained by the dimensions. These boundaries have not been verified and are approximate only.



Anne Leighton
Proposed Boundary Realignment
Lot 148 on HG569 & Lot 77 on HG470, Randazzo Road, Paddys Green

PRELIMINARY - FOR DISCUSSION PURPOSES ONLY

Datum: MGA2020 Z55 | Scale: 1:5,000 @ A3 | Date: 5-6-2023 | Drawing: AU009937-1



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8.5 CHANGE OF DEVELOPMENT APPROVAL - GLEN & ALLYSON SHEPPARD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 3 LOTS) - LOTS 1, 2 & 3 ON SP333837 - 7, 9 & 29 BOYLES ROAD, KURANDA - RAL/20/0003

Date Prepared: 22 August 2023

Author: Senior Planner

Attachments:

1. [Decision Notice Approval dated 20 January 2021](#) ↓
2. [U&i Town Plan Request for Minor Change to Development Approval dated 7 July 2023](#) ↓
3. [Revised Building Envelope Plan](#) ↓
4. [Original Ecological Assessment](#) ↓

APPLICATION		PREMISES	
APPLICANT	Glen & Allyson Sheppard	ADDRESS	7, 9 & 29 Boyles Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	7 July 2023	RPD	Lots 1, 2 & 3 on SP333837 (formerly Lot 2 on RP726691)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		
FILE NO	RAL/20/0003	AREA	Lot 1 – 2.165ha Lot 2 – 2.201ha Lot 3 – 9.296ha
LODGED BY	U&i Town Plan	OWNER	Lot 1 – J Canning & Keira Sheppard Lot 2 – G & A Sheppard Lot 3 – G & A Sheppard
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	1 Submission in support		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting on 20 January 2021, subject to conditions. The Decision Notice was also issued on 20 January 2021. The application was impact assessable and 1 properly made submission was received in support of the development.

The approval was acted upon and a survey plan creating all three lots was endorsed by Council on 21 September 2022. In accordance with the approval requirements, lots 1 and 2 each included a 2,500m² building envelope with the balance area of both lots 1 and 2 encumbered by statutory environmental covenants.

U&i Town Plan, on behalf of the applicants has subsequently lodged an application to change the development approval to slightly change the location of the building envelopes (move them closer to Boyles Road) and to increase the size of each building envelope to 4,000m² (increase of 1,500m²). Although the allotments already exist, the original development approval still needs to be amended to accommodate the proposed changes to the building envelope locations and sizes as well as the subsequent reduction in size of the balance covenant areas over each Lot.

The requested change constitutes a ‘Minor change’ as defined by the Act and the increased building envelope area will have a negligible environmental impact as outlined in the submitted Ecological Assessment.

It is recommended that the application be approved in full.

OFFICER’S RECOMMENDATION

It is recommended that:

1. “In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Glen & Allyson Sheppard	ADDRESS	7, 9 & 29 Boyles Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	7 July 2023	RPD	Lots 1, 2 & 3 on SP333837 (formerly Lot 2 on RP726691)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot – Subdivision (1 into 3 Lots)		

and in accordance with the Planning Act 2016, the following

- (a) Condition 3.11 of Council’s Decision Notice dated 20 January 2021 be amended as follows:

3.11 Building Envelopes

- (a) *The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on ~~plan No. R4-20 (2) dated 12/11/2020~~ **Drawing No. 8842-BE Rev B - Building Envelope RAL/20/0003 Prepared by Twine Surveys and dated 13/07/2023**. The building envelopes must not exceed ~~2,500m²~~ **4000m²** each (excluding access driveways).*

Note: Implementing the revised building envelope plan will trigger the requirement for both lots 1 and 2 to be resurveyed and may require a new Covenant Form 31 and Form 20 to be submitted for each lot. The standard fees will apply for Council to endorse the new plan of survey and covenant forms (if necessary).

- (b) *Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.*

- (c) *All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.*
- (d) *No vegetation shall be cleared outside the approved building envelopes.*

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

THE SITE

The subject land is situated on the corner of Boyles Road and Oak Forest Road at 7, 9 and 29 Boyles Road, Kuranda and is more particularly described as Lots 1, 2 and 3 on SP333837. The approval has been acted on and the land has been developed into the 3 lots authorised under the approval. The land was formerly described as Lot 2 on RP726691. The land has a combined area of 13.676 hectares and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

The land contains a combined frontage of 484 metres to Boyles Road which is constructed to a bitumen sealed standard with an approximate width of 6 - 6.5 metres. Lot 3 is improved by a dwelling and outbuilding (sheds) while Lots 1 and 2 remain vacant. Lots 1 and 2 have established building envelope areas as well as statutory environmental covenants over the balances of each allotment. An Ergon Energy electricity supply easement is established over Lot 3.

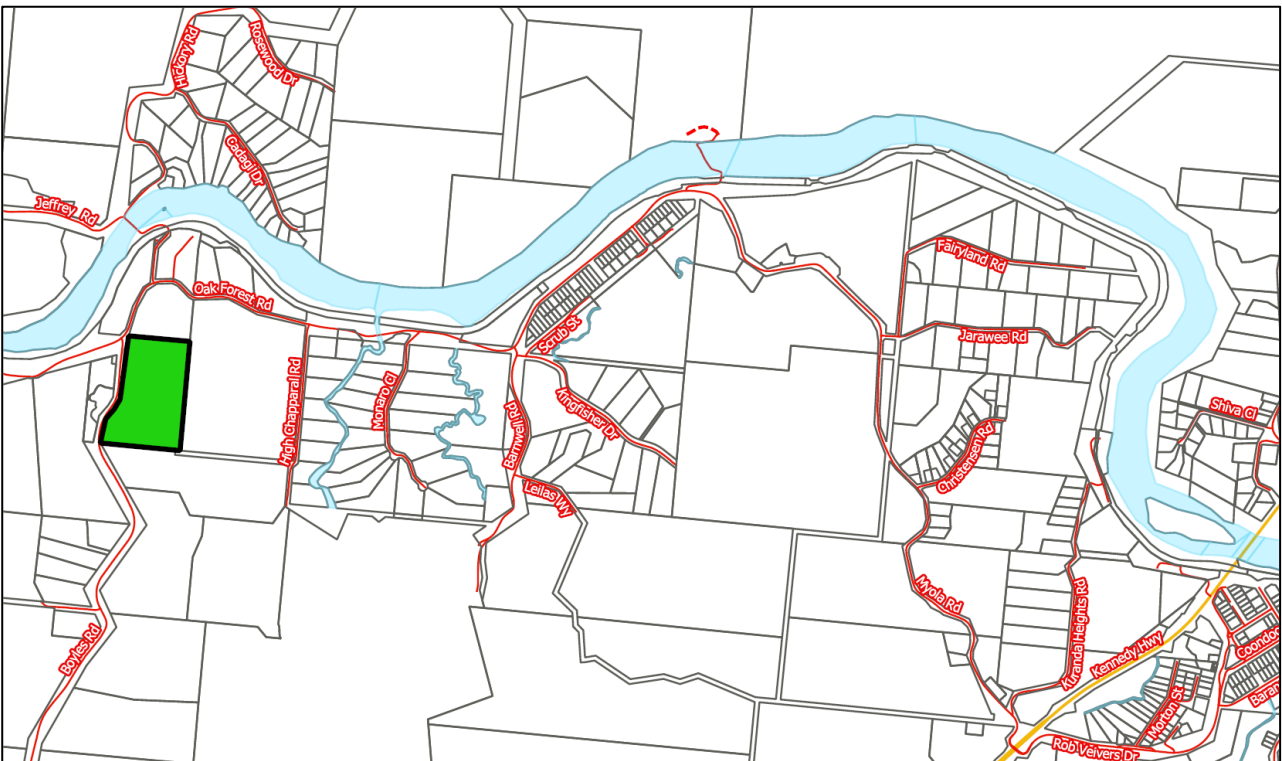
The majority of allotments immediately surrounding the land are zoned Rural residential and are used accordingly. Lot 2 on RP748313 situated to the east of the land is zoned Emerging Community.

The Cairns Hinterland Steiner School is established to the south-west of the land on the opposite side of Boyles 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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BACKGROUND AND CONTEXT

Council approved a development application described in the above application details at its Ordinary Meeting on 20 January 2021, subject to conditions. The Decision Notice was also issued on 20 January 2021. The application was impact assessable and one (1) properly made submissions was received in support of the development.

The approval was acted upon and a survey plan creating all three (3) lots was endorsed by Council on 21 September 2022. In accordance with the approval requirements, Lots 1 and 2 each include a 2,500m² building envelope with the balance area of both Lots 1 and 2 encumbered by statutory environmental covenants.

U&i Town Plan, on behalf of the applicants has subsequently lodged an application to change the development approval to slightly change the location of the building envelopes (move them closer to Boyles Road) and to increase the size of the building envelopes on both lots 1 and 2 to 4,000m². Although the allotments already exist, the original development approval still needs to be amended to accommodate the building envelope size increase and subsequent reduction in area of the balance covenant areas over each Lot.

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that-

(a) *for a development application (not applicable as an approval has already been issued).*

(b) for a development approval-

(i) *Would not result in substantially different development; and*

(ii) *If a development application for the development, including the change, were made when the change application is made would not cause-*

(A) *the inclusion of prohibited development in the application; or*

(B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

(C) *referral to extra referral agencies, other than the chief executive; or*

(D) *a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral*

agency must have assessed the application against, or have regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.

2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-*
 - (a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) made to a development application in accordance with part 6;*
 - (c) made to a development application after the appeal period.*
3. *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
4. *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
 - (a) involves a new use; or*
 - (b) result in the application applying to a new parcel of land; or*
 - (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
 - (d) change the ability of the proposed development to operate as intended; or*
 - (e) removes a component that is integral to the operation of the development; or*
 - (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
 - (g) introduces new impacts or increase the severity of known impacts; or*
 - (h) removes and incentive or offset component that would have balanced a negative impact of the development; or*
 - (i) impacts on infrastructure provisions.*

Comment

In consideration of the above criteria, the requested change constitutes a 'minor change' as defined by the Act.

Assessing and deciding application for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in an email to Council dated 7 July 2023 (**Attachment 2**). The proposed change/s are addressed below.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was impact assessable and only 1 submission in support of the application was received. The requested change will not impact on submitters or details raised in submissions.

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was given.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested change is addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Condition 3.11

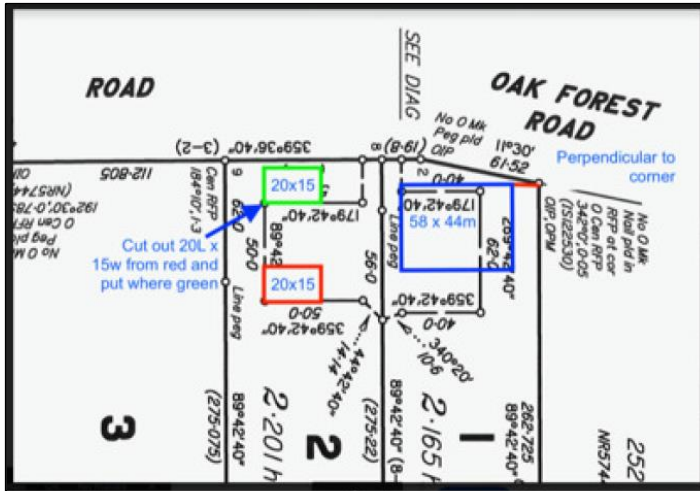
3.11 Building Envelopes

- (a) The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on plan No. R4-20 (2) dated 12/11/2020. The building envelopes must not exceed 2,500m² each (excluding access driveways).*
- (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.*
- (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.*
- (d) No vegetation shall be cleared outside the approved building envelopes.*

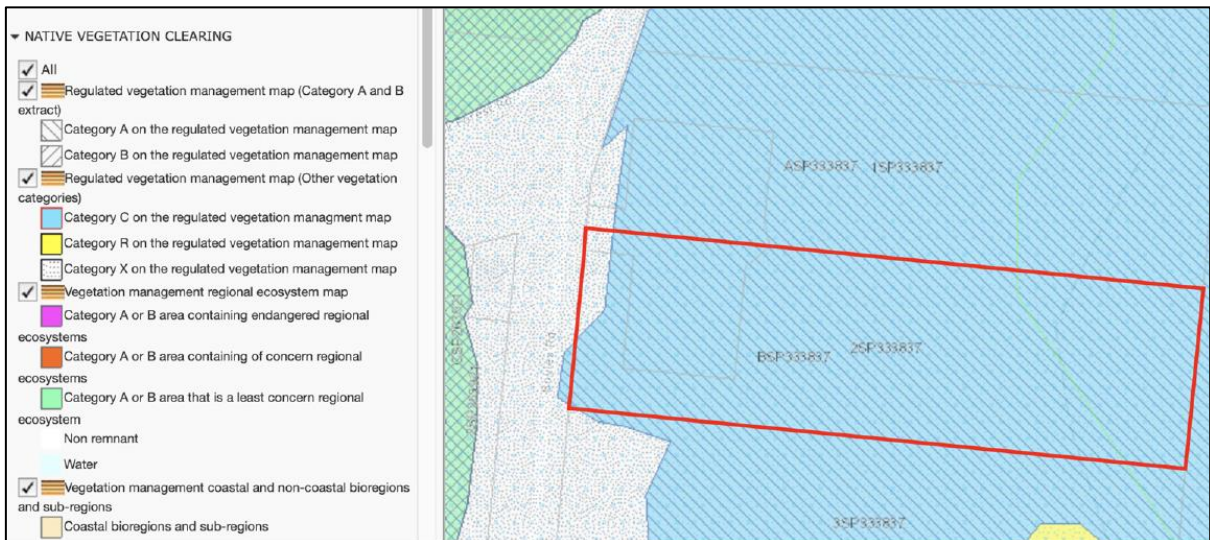
Request by Applicant

We wish to submit a minor change application in relation to RAL/20/0003 – Development Permit for ROL – 1 into 3 lots at 29 Boyles Rd, Kuranda.

The changes are only very minor in nature as they are seeking to only shift the envelope only a bit to correlate with the earth works completed on-site to bench the building pads.



The site does not contain any category A or B regulated vegetation, only category C & R. When you completed the investigation, it was because of the Environmental Significance Overlay Code that it was required. Your report stated that there were no concerns with the building envelopes being 4,000sqm, however we opted to go for 2,500sqm envelopes as a full acre at the time wasn't considered necessary.



We consulted 4 Elements who completed the original site survey and investigation, and they advised in the letter attached to this submission, that proposed changes to the building envelope will only reduce any environmental impacts, where the envelopes were originally authorised to be 4,000sqm in their recommendations.

As such, we are seeking to amend the Condition 3.11 Building Envelopes (a) to reflect the new amended plans and that they must not exceed 4,000sqm as per the original recommendations from 4 Elements.



7 July 2023

L 2023-146

U&I Planning

PO Box 426, Cooktown, QLD, 4895.

Attn: Ramon Samanes

RE: 29 Boyles Road Ecological Assessment

Dear Ramon,

From the provided email correspondence dated 11th May 2023, it is understood that the building envelopes on Lot 1 and 2 SP333837 have changed and are now substantially smaller in size, at 2500m² each. 4 Elements Consulting previously conducted an ecological constraints assessment and a Protected Plant Survey on the property, within a 100m buffer surrounding the original 4000m² building envelopes (4 Elements Consulting, 2020). No protected plants or environmental constraints were observed during that study. The suggested minor change in the building envelope is highly unlikely to impact on any ecological attributes of the property, given that no ecological constraints were observed at the time of survey. Furthermore, the change in the building envelope is proposing to clear less Category C vegetation than previously thought and thus the overall environmental impact is likely to be reduced from the proposed development.

Kind regards,

Matthew Sean Hemmings
Senior Ecologist
4 Elements Consulting

Response

A comprehensive ecological assessment was submitted with the original development application (**Attachment 4**) to determine the impact the proposed development would have on native flora and fauna as well as wildlife connectivity. The ecological assessment assessed the impacts of clearing a 4,000m² building envelopes on both lots 1 and 2. The ecological assessment concluded that the clearing proposed, which makes up approximately 18% of each of proposed Lots 1 and 2 and approximately 6% of the entire site will not likely impact on wildlife connectivity over the subject land or surrounding locality. This is mainly due to size of each building envelope and the location of the building envelopes on the western side of the lots adjacent to Boyles Road which will leave the remainder and majority of vegetation on either lot undisturbed. The ecological assessment also determined that no endangered or threatened flora or fauna species would be impacted by the proposed building envelope clearing.

The applicants then voluntarily reduced the size of each building envelope to 2,500m².

The applicants now request that the approval be amended to allow the original proposed 4,000m² envelopes in a slightly different location and shape closer to the Boyles Road frontage of each lot. The revised building envelope plan is included as **Attachment 3**.

Council officers have no objection to the requested increase in building envelope size considering it was accounted for in the original ecological assessment and would have therefore likely been approved if the applicants didn't voluntarily reduce the size of each envelope.

The balance land that sits outside the building envelope areas of both lots 1 and 2 is covered by statutory environmental covenants registered on title for each Lot. If the amended building envelope plan is approved and acted on, the lots will need to be resurveyed as the locations and dimensions of the covenant areas on both lots 1 and 2 will change.

It is recommended that Condition 3.11 be amended as follows, to take into account the amended building envelope plan and a notation be included to inform the need for a resurvey of the lots:

3.11 Building Envelopes

- (a) *The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on ~~plan No. R4-20 (2) dated 12/11/2020~~ **Drawing No. 8842-BE Rev B - Building Envelope RAL/20/0003 dated 13/07/2023**. The building envelopes must not exceed ~~2,500m²~~ **4000m²** each (excluding access driveways).*

Note: Implementing the revised building envelope plan will trigger the requirement for both lots 1 and 2 to be resurveyed and may require a new Covenant Form 31 and Form 20 to be submitted for each lot. The standard fees will apply for Council to endorse the new plan of survey and Covenant Forms (where applicable).

- (b) *Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.*
- (c) *All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.*
- (d) *No vegetation shall be cleared outside the approved building envelopes.*

It should also be noted that clearing has occurred on-site outside the mapped covenant areas. This non-compliance will need to be remedied as required by the provisions contained in the Covenant Form 20. This process is not relevant to Council's consideration of the requested change to the development approval.

65 Rankin Street
 PO Box 154 MAREEBA QLD 4880
P: 1300 308 461
F: 07 4092 3323
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

20 January 2021

Planning Officer: Carl Ewin
 Direct Phone: 4086 4656
 Our Reference: RAL/20/0003
 Your Reference: R4-20

Glen & Allyson Sheppard
 C/- U&i Town Plan
 PO Box 426
 COOKTOWN QLD 4895

Dear Applicant/s

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 January 2021, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	RAL/20/0003
Street Address:	29 Boyles Road, Kuranda
Real Property Description:	Lot 2 on RP726691
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Reconfiguring a Lot - Subdivision (1 into 3 Lots)
Date of Decision:	20 January 2021

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

Document Set ID: 3907689
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INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the 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 endorsement of the plan of survey for the development, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges/contributions within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

-
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.8 Charges
- All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
- 3.9 Bushfire Management
- 3.9.1 At the time of dwelling construction on Lots 1 and 2, a minimum of 5,000 litres of water storage for firefighting purposes must be provided and preserved for no other purpose. The supply can be satisfied by either a separate tank, a reserve section of a larger domestic water supply tank, a dam or swimming pool. Where a tank water supply is provided it must be fitted with standard rural fire brigade fittings and be situated adjacent a hard stand area of heavy vehicles.
- 3.9.2 A bushfire management plan must be prepared for Lots 1 - 3 to the satisfaction of Council's delegated officer. The future use of each lot must comply with the requirements of the bushfire management plan at all times.
- 3.10 Slope Stability
- For any new building work proposed on a slope of 15% or greater, the applicant/developer must provide Council with a site specific geotechnical report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that certifies:
- the long-term stability of the development site; and
 - that the development site will not be adversely affected by land slide/slip activity originating on sloping land above the development site.
- 3.11 Building Envelopes
- (a) The approved building envelopes for proposed lots 1 and 2 are the building envelopes shown on plan No. R4-20 (2) dated 12/11/2020. The

building envelopes must not exceed 2,500m² each (excluding access driveways).

- (b) Prior to the endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings including associated on-site effluent disposal systems must be located within the approved building envelopes.
- (d) No vegetation shall be cleared outside the approved building envelopes.

3.12 Environmental Covenants

The applicant/developer shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation, protection and maintenance of native vegetation and a mapped ecological corridor.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to the entirety of Lots 1 and 2 excluding the building envelopes mentioned in Condition 3.11 and driveways. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement shall be signed by the registered owner prior to endorsement of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan with the Department of Resources.

The covenant must stipulate that the covenant area must be protected, preserved and conserved, including by strictly adhering to the following non-exhaustive conditions (which may be varied by written agreement between the parties):

- (a) no existing living vegetation or hereafter existing in the covenant area, may be cut down, damaged or destroyed;
- (b) no fences permitted within the covenant area;
- (c) no construction to take place within the covenant areas;
- (d) to prohibit the construction of any dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time.
- (e) no native animals within the covenant area shall be killed or interfered with;

-
- (f) no domestic dogs or domestic cats are to be kept within the covenant area at any time;
 - (g) no other acts may be carried out on or in respect of the covenant area which, in the opinion of the Council, acting reasonably may have a detrimental environmental impact on the covenant area;

Notwithstanding clause (a) to (g), if any native or indigenous animal on the covenant area poses a risk to human safety the native or indigenous animal may be removed with the prior written consent of the Council and any other approvals which might be required by law.

The covenant document shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the covenant.

4. Infrastructure Services and Standards

4.1 Access

4.1.1 A single asphalt or concrete sealed driveway (no bitumen), with a minimum width of six (6) metres must be constructed to provide shared access to Lots 1 and 2. The crossover must be constructed (from the edge of Boyles Road to the property boundary of the lots) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 The existing access crossover servicing Lot 3 must also be upgraded to a bitumen, asphalt or concrete standard (from the edge of Boyles Road to the property boundary) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

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

4.3 Water Supply

Lots 1 and 2 must be provided with a water supply either via:

- (a) a bore or bores provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual;

or

- (b) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) to be installed and connected prior to the occupation of any dwelling on the Lot.

If on site water storage tank/s is the chosen method of domestic water supply, a notation will be placed on the rates notice for each lot notifying prospective purchasers that no water supply has been provided to each lot and that future domestic water supply will be satisfied via tank supply and be their responsibility and provided solely at their expense.

4.4 Wastewater Disposal

At the time of construction of a future dwelling or outbuilding on each lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes (to be included for the full length of the shared driveways required by 4.1 (b) above).

Mareeba Shire Council

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5. Additional Payment Condition/s (section 130 of the Planning Act 2016)
 - 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
 - 5.2 The developer must pay \$9,640.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
 - 5.3 The trunk infrastructure for which the payment is required is:
 - The trunk transport network servicing the land (\$4,820.00 per additional allotment)
 - The trunk open space infrastructure servicing the land (\$4,820.00 per additional allotment)
 - 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
 - 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a substation site of subject to an easement		
Development application for reconfiguring a lot that is assessable development under s21, if—	Schedule 10, Part 9, Division 2, Table 1	Town Planning Ergon Energy PO Box 264 Fortitude Valley Qld 4006

Mareeba Shire Council

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<p>(a) all or part of the lot is subject to an easement—</p> <p>(i) for the benefit of a distribution entity, or transmission entity, under the Electricity Act; and</p> <p>(ii) for a transmission grid or supply network; or</p> <p>(b) part of the lot is within 100m of a entity or transmission entity</p>	<p>townplanning@ergon.com.au</p> <p>Note: Referral agency may give advice only.</p>
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A copy of any referral agency conditions are attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
R4-20(2)	Development Plan - 1 into 3 Lot Reconfiguration	U&i Town Plan	12/11/2020

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER’S ADVICE

- (a) A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council’s Fees & Charges Schedule for each respective financial year.
- (b) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council’s Fees & Charges Schedule applicable for each respective financial year.
- (c) 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.

(d) Notation on Rates Record

A notation will be placed on Council’s Rate record with respect to each lot regarding the following conditions:

- a registered covenant (Lot 1 and 2 only)
- an approved building envelope plan (Lot 1 and 2 only)
- conditions regarding bushfire management
- an approved bushfire management plan
- a registered easement over the subject site (Lot 3 only)
- conditions regarding water supply (Lot 1 and 2 only)

(e) 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.environment.gov.au

(f) 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.datsip.qld.gov.au

FURTHER DEVELOPMENT PERMITS REQUIRED

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

SUBMISSIONS

There was one (1) properly made submission in support of the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided below:

Name of Principal submitter	Address
1. Wayne Tonkin	64 High Chapparral Road, Kuranda

Mareeba Shire Council

DECISION NOTICE

RAL/20/0003
Page 10**RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
Appeal Rights

Copy: Ergon Energy
townplanning@ergon.com.au

Mareeba Shire Council

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Approved Plans/Documents



Mareeba Shire Council

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	<hr/> <h2 style="margin: 0;">Appeal Rights</h2> <p style="margin: 0; font-size: small;">PLANNING ACT 2016 & THE PLANNING REGULATION 2017</p> <hr/>
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Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
 - (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –
See the P&E Court Act for the court’s power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

-
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –

DECISION NOTICE

RAL/20/0003
Page 14

decision includes-

- (a) conduct engaged in for the purpose of making a decision; and
- (b) other conduct that relates to the making of a decision; and
- (c) the making of a decision or failure to make a decision; and
- (d) a purported decision ; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter-

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Mareeba Shire Council

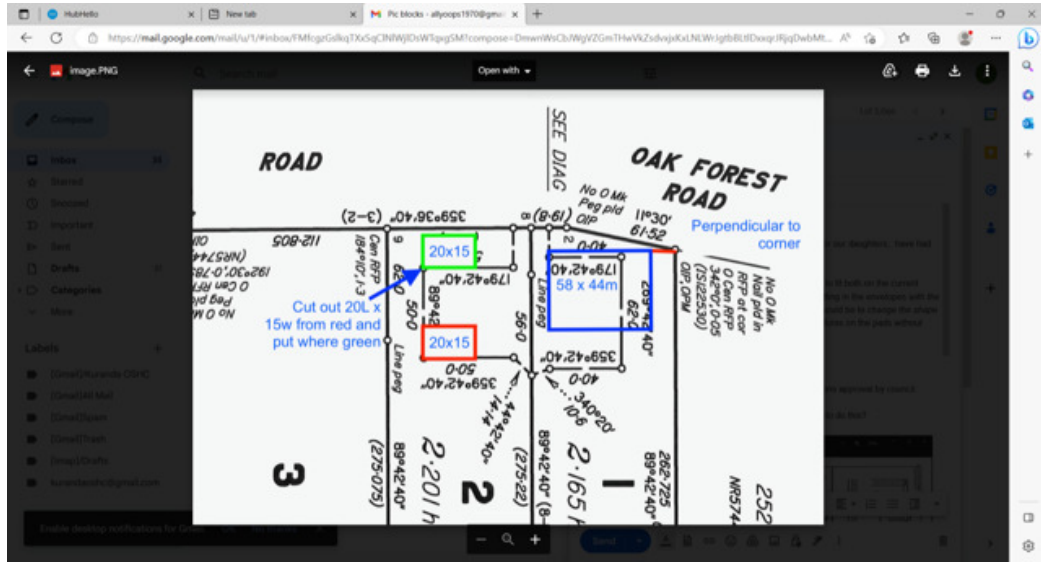
Document Set ID: 3907689
Version: 2, Version Date: 28/01/2021

From: "Ramon Samanes" <ramon@uitownplan.com.au>
Sent: Fri, 07 Jul 2023 16:27:44 +1000
To: "Brian Millard" <BrianM@msc.qld.gov.au>; "Info" <info@msc.qld.gov.au>; "Planning" <planning@msc.qld.gov.au>
Cc: "Allyson Sheppard" <allyoops1970@gmail.com>
Subject: Minor Change - RAL/20/0003 - 29 Boyles Rd, Kuranda
Attachments: L2023-146.pdf, Form 5 - Change application.pdf, Owner's Consent.pdf
Categories: Chantel;Added to ECM

Hello Brian,

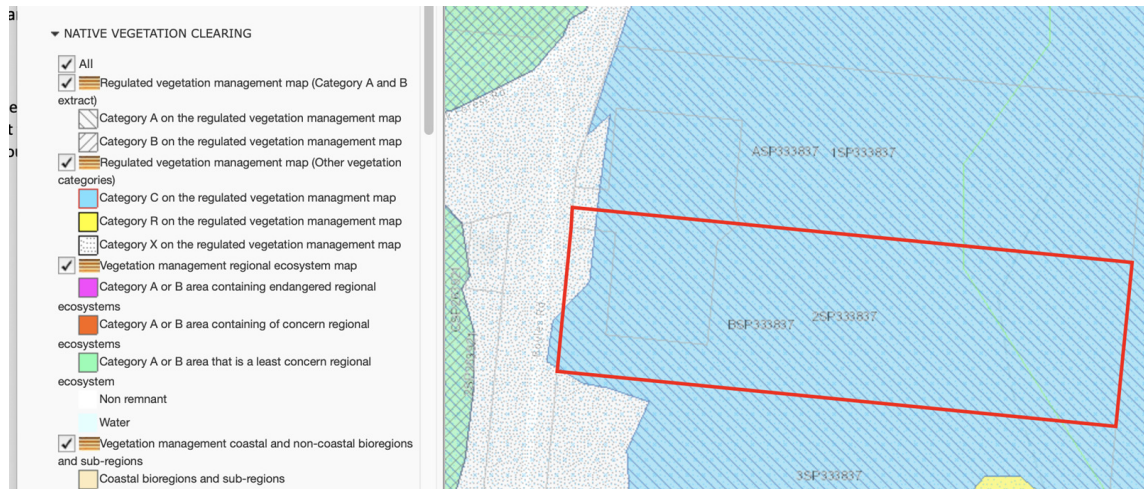
We wish to submit a minor change application in relation to RAL/20/0003 – Development Permit for ROL – 1 into 3 lots at 29 Boyles Rd, Kuranda.

The changes are only very minor in nature as they are seeking to only shift the envelope only a bit to correlate with the earth works completed on-site to bench the building pads.



The site does not contain any category A or B regulated vegetation, only category C & R. When you completed the investigation, it was because of the Environmental Significance Overlay Code that it was required. Your report stated that there were no concerns with the building envelopes being 4,000sqm, however we opted to go for 2,500sqm envelopes as a full acre at the time wasn't considered necessary.

Document Set ID: 4243128
Version: 1, Version Date: 07/07/2023



We consulted 4 Elements who completed the original site survey and investigation, and they advised in the letter attached to this submission, that proposed changes to the building envelope will only reduce any environmental impacts, where the envelopes were originally authorised to be 4,000sqm in their recommendations.

As such, we are seeking to amend the Condition 3.11 Building Envelopes (a) to reflect the new amended plans and they must not exceed 4,000sqm as per the original recommendations from 4 Elements.

If you have any questions please let us know.

Kind regards,
 Ramon Samanes,
 Director, U&i Town Plan



M: 0411 344 110
 E: ramon@uitownplan.com.au
 W: www.uitownplan.com.au

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From: Matthew Hemmings <matthew@4ec.com.au>
Date: Friday, 7 July 2023 at 2:04 pm

To: "ramon@uitownplan.com.au" <ramon@uitownplan.com.au>

Subject: Boyles Road Ecological assessment

Hi Ramon

See the attached brief letter for the building envelope on Boyles Road in Myola. The change in the building envelope not have an impact on any ecological attributes as we surveyed the entire area previously.

Any questions let me know.

Matthew Hemmings

Ecologist

4 Elements Consulting

M: 0423 678 095 O: 07 4050 4644

107 Scott Street Cairns





7 July 2023

L 2023-146

U&I Planning

PO Box 426, Cooktown, QLD, 4895.

Attn: Ramon Samanes

RE: 29 Boyles Road Ecological Assessment

Dear Ramon,

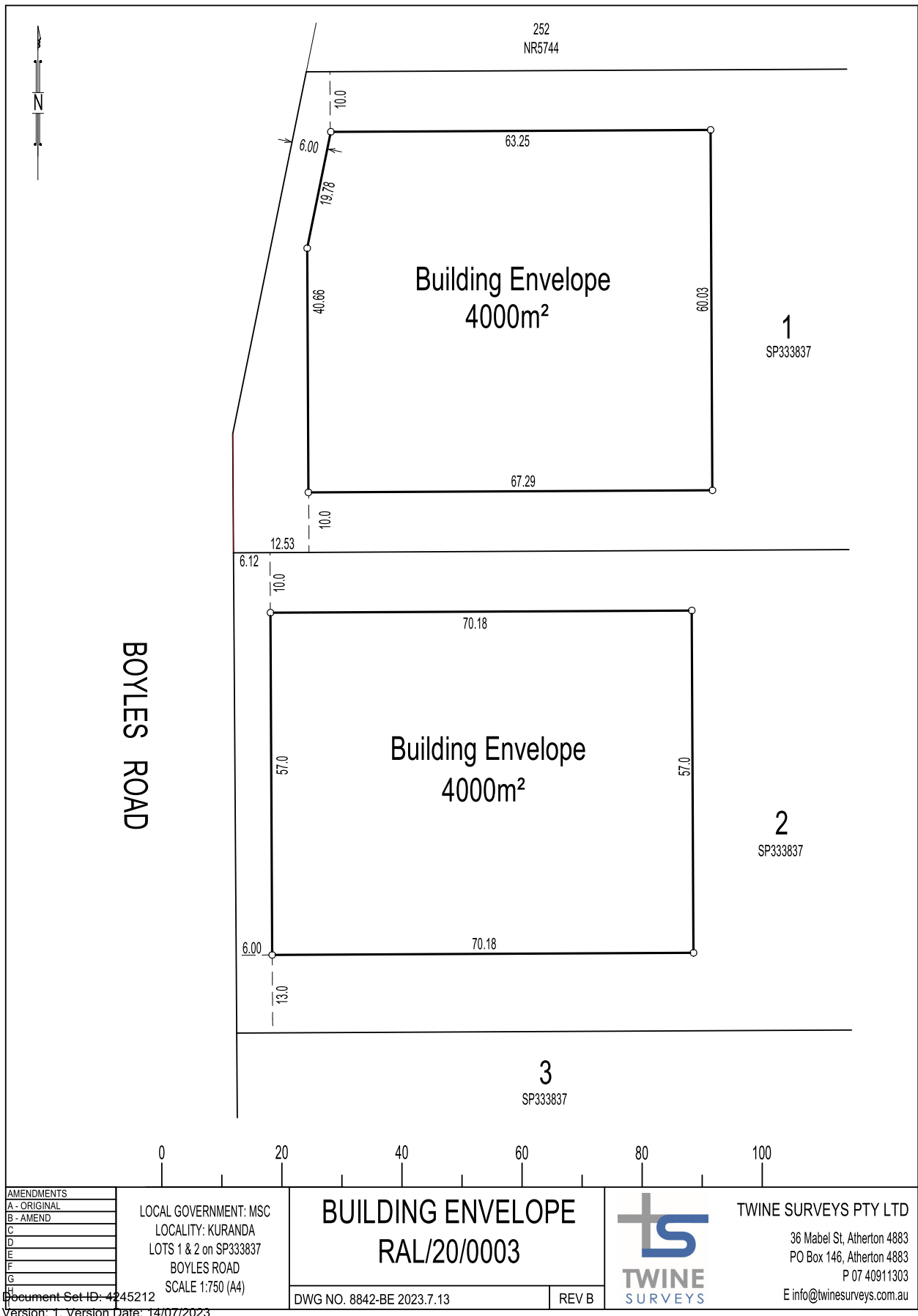
From the provided email correspondence dated 11th May 2023, it is understood that the building envelopes on Lot 1 and 2 SP333837 have changed and are now substantially smaller in size, at 2500m² each. 4 Elements Consulting previously conducted an ecological constraints assessment and a Protected Plant Survey on the property, within a 100m buffer surrounding the original 4000m² building envelopes (4 Elements Consulting, 2020). No protected plants or environmental constraints were observed during that study. The suggested minor change in the building envelope is highly unlikely to impact on any ecological attributes of the property, given that no ecological constraints were observed at the time of survey. Furthermore, the change in the building envelope is proposing to clear less Category C vegetation than previously thought and thus the overall environmental impact is likely to be reduced from the proposed development.

Kind regards,

Matthew Sean Hemmings
Senior Ecologist
4 Elements Consulting

4 Elements Consulting
107 Scott Street, Bungalow QLD 4870
Phone 07 4050 4644
www.4elementsconsulting.com.au

Document Set ID: 4243128
Version: 1, Version Date: 07/07/2023



AMENDMENTS	
A	- ORIGINAL
B	- AMEND
C	
D	
E	
F	
G	

LOCAL GOVERNMENT: MSC
 LOCALITY: KURANDA
 LOTS 1 & 2 on SP333837
 BOYLES ROAD
 SCALE 1:750 (A4)

BUILDING ENVELOPE
RAL/20/0003



TWINE SURVEYS PTY LTD
 36 Mabel St, Atherton 4883
 PO Box 146, Atherton 4883
 P 07 40911303
 E info@twinesurveys.com.au

Document Set ID: 4245212
 Version: 1, Version Date: 14/07/2023

DWG NO. 8842-BE 2023.7.13

REV B



Ecological Assessment- Lot 2 RP726691

Boyles Road, Myola

Lot 2 RP 726691



Document Set ID: 3891222
Version: 1, Version Date: 13/11/2020

Ecological Assessment- Lot 2 RP726691

Boyles Road, Myola Lot 2 RP 726691

Revision History

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1	Draft Report	Matthew Hemmings	1/11/2020	Ryan Hughes	03/11/2020
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1.0 Introduction

A residential subdivision has been proposed for Lot 2 RP726691 in Myola (**Figure 1**). Currently, the property is configured as a single 13.70 ha lot, however reconfiguration into three lots for the implementation of two additional ~4000 m² building envelopes are proposed. 4 Elements Consulting was commissioned by Allyson Sheppard to conduct an ecological constraints assessment of the proposed subdivision on the property. The proposed subdivision is located within the Mareeba Shire Councils' Environmental Significance Overlay Code (P08) and requires assessment under this instrument to determine what acceptable outcomes are achieved as a result of the proposed subdivision. The proposed lot reconfiguration proposes to clear category C high value regrowth vegetation as listed under the Vegetation Management Act 1999. The ecological constraints assessment below will address any potential impacts to EPBC act 1999 flora and fauna.

1.1 Site Background

The study site is approximately ~350-370 m above sea level and located to the east of Boyles Road, Myola (Lot 2 RP 726691). The majority of the study site is mapped as category C regrowth vegetation under the *Vegetation Management Act 1999*. The study site has primarily been used for a low-density residential dwelling currently with a number of dwellings and cleared areas located in the far south of the property. The property is bordered by similar low-density residential properties to the east and the Cairns Hinterland Steiner School roughly opposite on the western boundary.

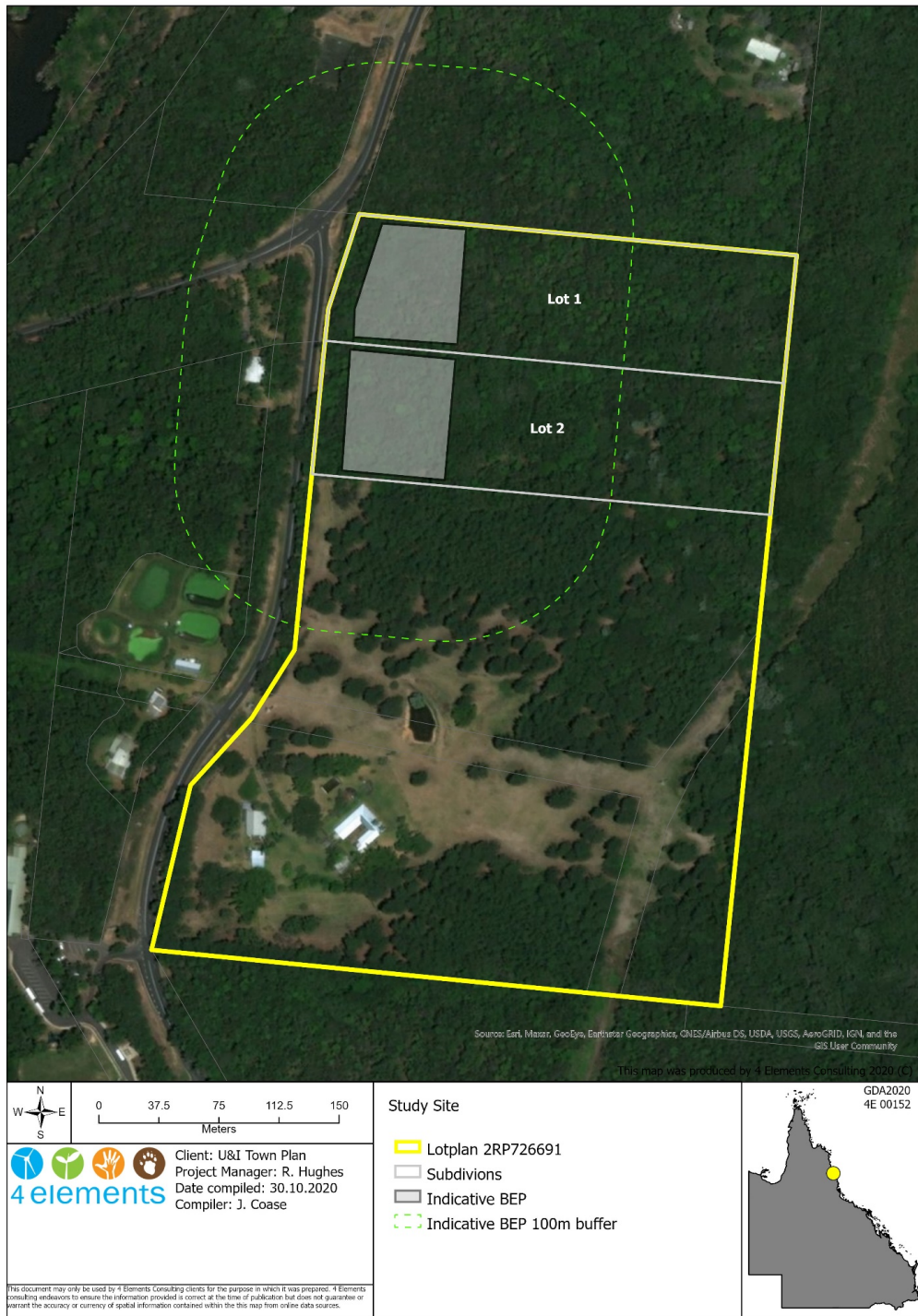


Figure 1 Study Site and Proposed Building Envelopes

1.2 Legislative Context

The following legislation, provided in **Table 1**, are relevant to identifying ecological values and to provide guidance for the assessment of potential project impacts and identify environmental constraints to project activities. These legislation and guidance documents have been considered in this report and the reports provided in the Appendices to this report.

Table 1 Statutory Legislation Applied to the Project and Corridors

Legislative Act	Brief Description
Commonwealth Legislation	
<p><i>Environment Protection and Biodiversity Conservation Act 1999</i></p>	<p>The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) provides a mechanism for assessing the environmental impact of activities and development where “Matters of National Environmental Significance” (NES) may be significantly affected.</p> <p>The Act identifies nine matters of NES, which require consideration and analysis, namely:</p> <ul style="list-style-type: none"> ▶ Ramsar wetland of international importance; ▶ World Heritage properties; ▶ National Heritage places; ▶ Commonwealth Marine areas; ▶ Great Barrier Reef Marine Park; ▶ Nationally listed threatened species and ecological communities; ▶ Nationally listed migratory species; ▶ Nuclear actions (including uranium mining); and ▶ Water resources in relation to coal seam gas and large coal mining development. <p>Where a project or action is believed to potentially cause a significant impact on a matter of NES, it is to be referred to the Australian Government Department of Environment and Science (DES) for assessment as to whether the action is a ‘controlled action’ requiring Commonwealth approval for the proposed action. The EPBC Act processes also allow voluntary referral of a project to seek confirmation that a Project will not have significant impacts on matters of NES. Where an action requires Commonwealth approval, a formal assessment process is undertaken in accordance with provisions of relevant legislation.</p>
State Legislation	
<p><i>Vegetation Management Act 1999</i></p>	<p>The <i>Vegetation Management Act 1999</i> (VMA) is the planning initiative underlying regional management of vegetation in Queensland, including clearing of vegetation types, termed Regional Ecosystems (REs).</p> <p>The RE classification is a hierarchical system formed by a three-part code with the primary subdivision being bioregion, followed by land zone, and then vegetation. The biogeographic region or bioregion is the primary level of classification for biodiversity values in Queensland</p>

Legislative Act	Brief Description
	<p>describing where the RE is found on a state-wide basis. Land Zones are geological and geomorphic categories that describe the major geologies and landforms of Queensland.</p> <p>The system is based primarily on geology, with geologic age considered an important determinant. The status of REs is based on their pre-clearing and remnant extent and is gazetted under the act and listed in the RE Description Database (REDD) maintained by the Queensland Department of Environment and Science (DES).</p> <p>The VMA aims to conserve remnant endangered and of concern REs, prevent land degradation and further loss of biodiversity, manage the environmental impacts of clearing vegetation and reduce of greenhouse emissions. The VMA status of a RE is described in line with the following:</p> <ul style="list-style-type: none"> ▶ Endangered. A RE that is prescribed under the regulation and has either of the following attributes: <ul style="list-style-type: none"> ❖ Less than 10% of its pre-clearing extent remaining; or ❖ From 10% to 30% of its pre-clearing extent remaining and the remnant vegetation remaining is less than 10,000 ha. ▶ Of concern. A RE that is prescribed under the regulation and has either of the following attributes: <ul style="list-style-type: none"> ❖ From 10% to 30% of its pre-clearing extent remaining; or ❖ More than 30% of its pre-clearing extent remaining and the remnant vegetation remaining is less than 10,000 ha; or ▶ Least concern. A RE that is prescribed under the regulation and has more than 30% of its pre-clearing extent remaining and the remnant vegetation remaining is more than 10,000 ha; or ▶ The biodiversity status of a RE is classified by DES based on the condition of remnant vegetation. A RE will have a vegetation management status and/or a biodiversity status of endangered, of concern or least concern; or ▶ Essential Habitat. The VMA also has provision for the regulation of essential habitat for species of state significance. Essential habitat (mapped by DES) is vegetation in which a listed species has been known to occur. Clearing or disturbance to areas of essential habitat will require compensatory habitat measures to be developed. For the project development area, core habitat has been used to describe the combination of critical or essential habitat for both national or state listed significant species.
<i>Planning Act 2016</i>	<p>The Planning Act (2016) (Qld) establishes the framework for Queensland planning system. The purpose of the legislation is to establish an efficient and accountable system of land-use planning and development assessment that will lead to ecological sustainability. The Planning Act defines ecological sustainability as a balance between:</p> <ul style="list-style-type: none"> ▶ The protection of ecological processes and natural systems at local, regional, state and national levels; ▶ Economic development; and

Legislative Act	Brief Description
	<p>▶ The cultural, economic, physical and social wellbeing of Queenslanders.</p> <p>The Planning Regulation (2017) and the State Planning Policy (2017) are to guide local and state government in land use planning and development by defining the Queensland Government policies relating to matters of State interest.</p>
<p><i>Nature Conservation Act 1999</i></p>	<p>The <i>Nature Conservation Act 1992</i> (NCA) aims to conserve nature through strategies such as dedicating and declaring protected areas for those parts of Queensland with outstanding biological diversity, natural features and wilderness values. The NCA provides for the protection of near threatened, vulnerable and endangered animals and plants.</p> <p><i>Nature Conservation (Wildlife) Regulation 2006</i></p> <p>In support of the purpose and the provisions of the NCA, the <i>Nature Conservation (Wildlife) Regulation 2006</i> lists all flora and fauna species which are considered to be 'extinct in the wild', 'endangered', 'Vulnerable', 'Near Threatened' and 'Least Concern' wildlife.</p> <p>With respect to clearing activities:</p> <p>▶ The primary purpose of the NC Act is to conserve biodiversity by creating and managing protected areas, managing and protecting native wildlife, and managing the spread of non-native wildlife. Unless authorised, it is an offence under the NC Act to take, keep, use, or move protected flora and fauna for commercial, recreational or other purposes. Where a proposed development will result in such impacts to flora and/or fauna protected under the NC Act, authorisation from DEH will be required.</p> <p>Under <i>section 332 of the Nature Conservation (Wildlife Management) Regulation 2006</i>, mining operations requires an approved Species Management Program (SMP) to undertake any works that will, or potentially will, disturb or interfere with a protected animal breeding place.</p> <p>s332 - Tampering with animal breeding place</p> <p>A person must not, without a reasonable excuse, tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring.</p> <p>For subsection (1), an animal breeding place is being used by a protected animal to incubate or rear the animal's offspring if -</p> <ul style="list-style-type: none"> ▶ The animal is preparing, or has prepared, the place for incubating or rearing the animal's offspring; or ▶ The animal is breeding, or is about to breed, and is physically occupying the place; or ▶ The animal and the animal's offspring are physically occupying the place, even if the occupation is only periodical; or ▶ The animal has used the place to incubate or rear the animal's offspring and is of a species generally known to return to the same place to incubate or rear offspring in each breeding season for the animal. <p>Also, subsection (1) does not apply to a person removing or otherwise tampering with the breeding place if -</p>

Legislative Act	Brief Description
	<ul style="list-style-type: none"> ▶ The removal or tampering is part of an approved species management program for animals of the same species; or ▶ The person holds a damage mitigation permit for the animal and the permit authorises the removal or tampering.
<p><i>Queensland Fisheries Act 1994</i></p>	<p>The <i>Fisheries Act 1994</i> (Fisheries Act) provides for the use, conservation and enhancement of the community's fisheries resources and fish habitat by providing for, amongst other things, the protection of fish habitats.</p> <p>The <i>Fisheries Act</i> has been integrated into the <i>Sustainable Planning Act 2009</i> (SP Act) so that development permits under the SP Act are required for certain operational works that are assessable development under the SP Act.</p> <p>Operation works that are assessable development under the SP Act include waterway barrier works and works in a declared fish habitat.</p>
<p><i>Biosecurity Act (2014)</i></p>	<p>The Queensland Government's <i>Biosecurity Act 2014</i> is administered by the Department of Agriculture and Fisheries (DAF). The Act provides management measures to protect agricultural and tourism industries and the environment from pests, diseases and contaminants. Under the Act, invasive plants and animals are categorised as either a 'Prohibited Matter' or a 'Restricted Matter' and replace the 'Declared' status under the Land Protection (Pest and Stock Route Management) Act 2002 which has been superseded.</p>
<p><i>Environmental Protection Act 1994</i></p>	<p>The <i>Environmental Protection Act 1994</i> (EP Act) provides the key legislative framework for environmental management and protection in Queensland.</p> <p>The EP Act utilises a number of mechanisms to achieve its objectives. Relevant to this project is the requirement for the establishment of a general environmental duty, under Section 319 of the EP Act.</p> <p>Section 319 of the EP Act places a general environmental duty on the client to ensure that 'it does not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm'.</p> <p>By undertaking the preparation of this detailed ecological investigation, the client demonstrates that it is cognisant of the responsibilities for environmental protection and management in Queensland.</p>

Legislative Act	Brief Description
<i>Water Act 2000</i>	<p>The purpose of the <i>Water Act 2000</i> is to provide for the sustainable management of water and other resources. Under Section 266 of the <i>Water Act 2000</i>, a riverine protection permit is generally required from the DNRME to:</p> <ul style="list-style-type: none"> ▶ Destroy vegetation in a watercourse; ▶ Excavate in a watercourse; and ▶ Place fill in a watercourse. <p>Additionally, water supply for construction purposes (e.g. access track construction/ compaction, dust suppression etc) may be required. Where this water supply is proposed to be sourced from nearby watercourses, a permit in accordance with Section 237 of the <i>Water Act 2000</i> will be required from DNRME prior to any water being extracted from the watercourse.</p>

1.3 Weed Management Legislation

Invasive plant species have the ability to interrupt natural landscape function and may lead to significant economic impacts. Weeds are managed by being declared under on or all of the three relevant legislation and or local law outlined below.

1.3.1 Weeds of National Significance

The Australian state and territory governments have compiled a list of invasive plant species based on an assessment process that prioritised these weeds based on their invasiveness, potential for spread and environmental, social, and economic impacts. Consideration was also given to their ability to be successfully managed. A list of 20 WoNS was endorsed in 1999 and a further 12 were added in 2012.

1.3.2 Biosecurity Act 2014 (Queensland)

1.3.2.1 *Prohibited Invasive Plant*

Prohibited matter includes a range of invasive plants and invasive animals and other types of pests and diseases listed in the Act. These plants have the potential to have significant impacts and are currently not present or known to be present in Queensland. It is an offence to deal with prohibited matter or fail to report its presence.

1.3.2.2 *Restricted Invasive Plants*

These species are established in Queensland and seriously threaten Queensland's primary industries, natural environment, livestock, human health and people's livelihoods.

Under the *Biosecurity Act 2014*, there are 7 categories of restricted matter (i.e. restricted matter may include matter such as plants, animal diseases, noxious fish, insects, pest animals and weeds).

Restricted invasive plants may fall into 1, a combination or all of categories 2 to 5 (listed below). Under each category the restricted invasive plant has listed restrictions. The specific restriction requirements also apply to a person when dealing with restricted invasive plants unless they have a restricted matter permit.

Restricted invasive plant categories and restrictions:

- ▶ Category 2: the invasive plant must be reported within 24 hours Biosecurity Queensland on 13 25 23.
- ▶ Category 3: the invasive plant must not be distributed either by sale or gift or released into the environment.
- ▶ Category 4: the invasive plant must not be moved.
- ▶ Category 5: the invasive plant must not be kept.
- ▶ Category 5: the invasive plant must not be kept.

All landowners have a general biosecurity obligation (GBO) under the *Biosecurity Act 2014* to take reasonable and practical steps to minimise the risks associated with invasive plants and animals under their control *regardless of its declared status*. Weeds that are not declared under the *Biosecurity Act 2014* may still be declared at the local government level.

1.3.3 Mareeba Shire Council Local Area Pest Management Plan (2015-2020)

This management plan outlines the objectives and strategies for ongoing, coordinated and effective pest management within the Mareeba Shire local government area.

Weed species are allocated a ranking, where weeds with the highest score are given the highest priority for control. Pest plants are given a ranking, where weeds with higher scores are given higher priority for control. The highest score an individual pest plant can receive is 45. This score is based on the listing under national and state legislation, the current distributional extent and potential economic, social and environmental impacts as well as the likelihood of a beneficial control outcome.

The Mareeba Shire priority weeds, WoNS and declared weeds *Biosecurity Act 2014* occurring within or near the site are listed in Section 3.3.

2.0 Methodology

2.1 Desktop review

4 Elements Consulting completed a review of relevant mapping, databases, legislation and associated plans and policies to identify potential matters of ecological significance including species and communities, and other ecological features that may occur on or within proximity planned housing development. This review included an assessment of the following:

- ▶ Wildlife Online database of flora and fauna (DEHP 2014). This database holds records of plants and animals that have either been sighted or collected within a given radius of the site (a search parameter was prescribed limiting the search area to a 10 km radius around the site. The records held in this database are maintained by DEHP;
- ▶ Protected Matters database of MNES (DAWE 2020). This database applies a range of bio-models to predict the presence of species of flora and fauna and other MNES within a given radius of the site (a search parameter was prescribed limiting the search area to a 5 km radius) as cited under the Commonwealth's EPBC Act;
- ▶ Protected Matters database of MSES (DEH, 2019). This database applies a range of bio-models to predict the presence of species of vegetation and other MSES within a given radius of the site (a search parameter was prescribed limiting the search area to 10 km);
- ▶ Review of relevant legislation and associated plans and policies, including but not limited to the QLD NC Act, VM Act, EPBC Act, and the Water Act;
- ▶ Mareeba Shire Planning Scheme Environmental Significance Overlay Code P08. Identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the State Planning Policy 2017 (SPP).
- ▶ Literature review. A range of scientific papers, recovery and conservation plans and other literature were reviewed for a number of related matters (such as targeted threatened species);
- ▶ Digital geological mapping on GeoResGlobe which details surface geology; and
- ▶ Australian Virtual Herbarium (for voucher notes and distribution records of threatened flora species).

3.0 Field Investigation

A field investigation was undertaken by an ecologist on 28 October 2020. The entire vegetated areas of the property were traversed on foot by an ecologist. The purpose was to assess the ecological condition of the study site and provide information on the following:

- ▶ Presence of threatened flora and fauna;
- ▶ Presence of invasive weed species and relevant Biosecurity listing;
- ▶ Determine the presence of any regulated vegetation (VMA 1999) and/or threatened ecological communities (EPBC Act 1999);
- ▶ Determine the presence of any mapped waterways and or wetlands;
- ▶ Assess locations of any locally and regionally significant ecological corridors.

3.1 Potential Habitat Assessment

The study site traverse included evaluating the area for potential occurrence of threatened flora and fauna species to occur within the target areas. All species are assessed under the *Nature Conservation Act 1992* and the *Environment Protection and Biodiversity Conservation Act 1999*. Recorded features included:

- ▶ Presence/absence of suitable habitat for EVNT species;
- ▶ Condition and disturbance history of habitat;
- ▶ Location of site within known distribution of the species;
- ▶ Connectivity with habitat where species is known to occur;
- ▶ Structural and floristic characteristics of the vegetation;
- ▶ Soil type and structure (visual only);
- ▶ Presence of water in any form e.g. rivers, dams, creeks, drainage lines, soaks;
- ▶ Size and abundance of hollows and coarse woody debris (CWD);
- ▶ Presence of sandbanks, shallow wading areas, rock walls, saltmarsh, roost areas, etc; and
- ▶ Presence of mistletoe, nectar, gum, seed, sap sources, browse trees.

3.2 Field Survey

3.2.1 Vegetation Communities

The vegetation throughout much of the property was in a regrowth condition (category C and R see **Figure 2**). The communities aligned with the pre-clearance regional ecosystems as mapped on the study site (RE 7.11.5),

the exception being the distinct lack of *Eucalyptus tereticornis* that dominates RE 7.11.44. Occasionally, medium sized *Eucalyptus pellita* and *Corymbia intermedia* were encountered up to ~60 cm diameter at breast height (DBH). Although much of the mature aged canopy trees have been removed through historical clearing of the study site and broader property. No hollow bearing trees were encountered in the PPS meander contributing further evidence of an immature regrowth community being the representative vegetation condition across the property.

Vegetation within the study site consisted broadly of open wet sclerophyll forest. The canopy (10-15 m) was generally dominated by *Eucalyptus pellita*, *Corymbia intermedia* and occasionally *Corymbia torelliana*. Fire exclusion was evident over the entire property and has permitted a dominant rainforest understorey including *Polyscias australianum*, *Guioa lasioneura*, *Alstonia meulleriana* and *Glochidion hylandii*. These species have formed a dense shrub and understorey layer that is suppressing recruitment of the Eucalypt canopy. The typical grassy understorey with a sparse shrub layer was largely absent from all parts of the study site. Fire intervals of a low intensity at 2-5-year intervals are required for maintaining a typical grassy understorey. No evidence of any fire scars on Eucalypt trees and advanced growth of a number of fire sensitive rainforest indicate lack of fire exceeding five (5) years.

Within ephemeral drainage lines the rainforest incursion was further pronounced with higher proportions of epiphytes and lianas and a dense shrub layer was occasionally present containing a shrub layer rainforest element (**Plate 1**). Highly modified non-remnant vegetation was present in the south of the study site.



Plate 1 Riparian Vegetation Present in the East of the Property

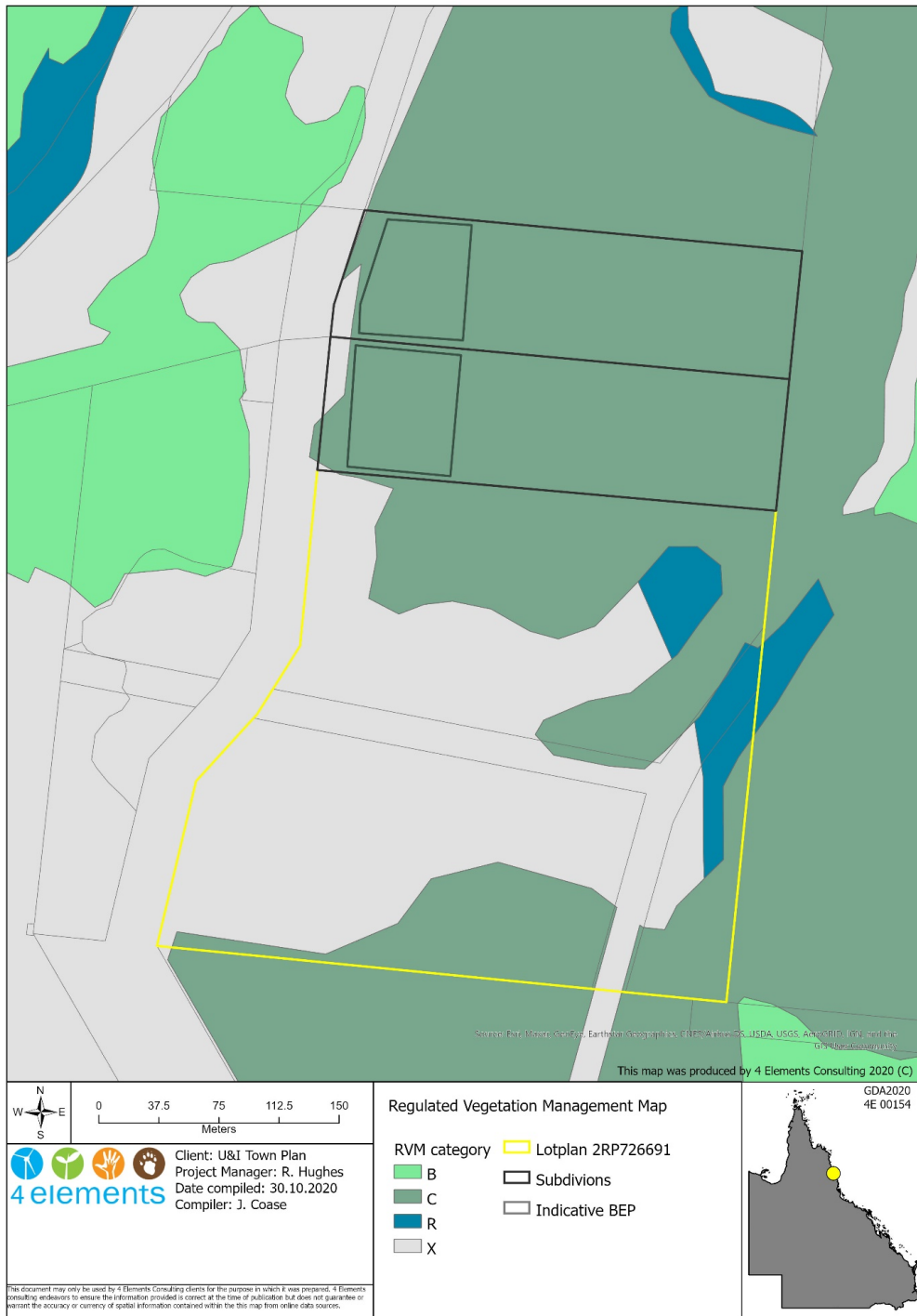


Figure 2 Vegetation Categories on Site

3.2.2 Habitat Attributes

Table 2 Habitat Attributes Present on the Site

Habitat Type	Study Area	Potential Value for Threatened Species
Connectivity	The study site maintains high connectivity with the surrounding vegetation communities, with forested corridors connecting Formartine State forest to the south and Kuranda National Park to the North. Minor roads, powerline easements and residential properties are present within the region.	Property represents a minor portion of larger foraging ranges for most species occurring in the property. Property represents generic habitat for a number of least concern species.
Ground Cover	Ground cover was present throughout the site. particularly in drier sections where a grassy understory was still present	Generic ground layer habitat was present across the property. May provide generic habitat for a range of common ground dwelling small mammals, amphibians and reptiles.
Leaf Litter	Due to an emerging rainforest canopy, thick leaf litter is present on the site.	Dense leaf litter provides structural refuge and foraging habitat for a range of common birds, mammals, amphibians and reptiles.
Coarse Woody Debris	Present on site throughout, however most debris are small and not hollow bearing. Two stag <i>Acacia celsa</i> trees were found near the southern housing alignment S16.80813° E145.59027° and S16.80809° E145.59016°. there is potential roosting habitat within these trees.	Moderate value. Generic habitat feature. May provide denning and foraging cover for a range of species, particularly small mammals (rodents and microbats) and reptiles.
Tree Hollows	Limited presence of tree hollows with the exception of a hollow termite mound in a tree (S16.80899° E145.58953°) (see 0)	Minimal value of site, given the lack of tree hollows in the Eucalyptus species on site. Arboreal hollows were only observed within arboreal termitaria occasionally on site (Plate 2). Providing refuge for obligate hollow denning species.
Shrub layer containing Melaleuca, Acacia, Banksia, Xanthorrhoea species	Largely suppressed by the advancing rainforest succession across the property.	Minimal value to any species.

Habitat Type	Study Area	Potential Value for Threatened Species
Primary Nectar Sources	Limited to <i>Eucalyptus pellita</i> , <i>Coyrmbia intermedia</i> and <i>Melaleuca dealbata</i> trees on site. Mistletoe spp. were present on site particularly within the <i>Acacia Celsa</i> within the cleared area nearest the housing pads.	High. These trees may provide a seasonal supply of nectar sources for a wide range of nectivorous species including the Spectacled Flying Fox.
Sap and Gum Sources	Limited to <i>Eucalyptus pellita</i> and other <i>Coyrmbia</i> trees on site	Moderate. Limited numbers of Eucalypt trees present on site. Rainforest incursion limiting the regrowth of open forest species for sap and gum sources.
Koala browse trees	<i>Eucalyptus pellita</i> feed trees are present within the study site. Connectivity to the surrounding vegetation communities of adjacent properties is high.	Minimal. Site is in a stage of regrowth with a developing rainforest incursion and as a result is not optimal habitat for koala. No proximate records exist.
Fleshy fruiting Species including <i>Ficus spp.</i>	Recorded occasionally in the understorey i.e. <i>Ficus rubiginosa</i> .	Minimal. <i>Ficus spp.</i> Represent a minor component of the vegetation present within the property.
Passerine bird habitat	Dense stands of emerging rainforest trees, vine thickets and tall Eucalyptus emergent trees present.	Moderate. Generic passerine bird habitat is found throughout the study site. Evidence of Red-tailed Black Cockatoo feeding trees observed on site see Plate 3
Rock Outcrops	None	None
Water bodies	None	None. Ephemeral creeks and minor lagoons were recorded outside of the proposed clearing areas.



Plate 2 Arboreal termite mound found on a *Eucalyptus pellita*



Plate 3 Red-tailed Black Cockatoo feeding scar on *Acacia flavescens*

3.3 Invasive Weeds

Weeds were generally a very minor occurrence throughout the study site where regrowth vegetation was present. Within ephemeral drainage lines a higher number of herbaceous weeds were encountered. Of the 28 species encountered during the meander surveys, most were located along Boyles Road and the cleared paddock to the south.

Weeds of national significance (WoNS) restricted invasive category three species were found only within the road reserve along Boyles Road and were not present within the property (Lot 2 RP 726691).

4.0 Desktop Analysis Results

4.1 Mapped Vegetation Communities

RE & Biodiversity Status	Description (REDD v 11.1)	Location	Site Value
Wet Tropics, Land Zone 12 – Granite and Rhyolite Derived Landforms			
7.11.5a LC/NOC Category C	<i>Eucalyptus pellita</i> , <i>Corymbia intermedia</i> , <i>C. tessellaris</i> open forest with <i>Acacia celsa</i> , <i>A. cincinnata</i> , <i>A. mangium</i> and <i>A. flavescens</i> . Lowlands and foothills on metamorphics, of the very wet and wet rainfall zones.	Present as a majority portion of the study site.	Potential habitat for NCA listed species: <i>Aphyllorchis queenslandica</i> , <i>Buckinghamia ferruginiflora</i> , <i>Freycinetia marginata</i> , <i>Randia audasii</i> , <i>Sphaerantia chartacea</i> , <i>Vrydagzynea grayi</i> , <i>Whyanbeelia terrae-reginae</i> . Pre-clear extent = 30,000 ha; 2017 extent = 27,000 ha
7.11.5c LC/NOC Category C	<i>Corymbia intermedia</i> , <i>Eucalyptus pellita</i> , <i>E. tereticornis</i> , <i>C. tessellaris</i> , <i>C. torelliana</i> , open forest to woodland with <i>Acacia celsa</i> , <i>A. mangium</i> , <i>Lophostemon suaveolens</i> and <i>Syncarpia glomulifera</i> . Lowlands and foothills on metamorphics, of the wet and moist rainfall zones.	Present as a minor portion of the study site restricted to the central east of the property.	Potential habitat for NCA listed species: <i>Aphyllorchis queenslandica</i> , <i>Buckinghamia ferruginiflora</i> , <i>Freycinetia marginata</i> , <i>Randia audasii</i> , <i>Sphaerantia chartacea</i> , <i>Vrydagzynea grayi</i> , <i>Whyanbeelia terrae-reginae</i> . Pre-clear extent = 30,000 ha; 2017 extent = 27,000 ha
7.11.44 OC/OC Category C	<i>Eucalyptus tereticornis</i> (forest red gum) open forest to woodland. Coastal metamorphic foothills.	Present as a minor portion of the study site in the south of the property.	Potential habitat for NCA listed species: <i>Randia audasii</i> Pre-clear extent = 10,000 ha; 2017 extent = 9,000 ha

4.2 Matters of National and State Environmental Significance

Desktop searches for potentially occurring threatened species and habitats were conducted under both the *Environment Protection and Biodiversity Act 1999* (EPBC Act) and the *Nature Conservation Act 1992* (NC Act). Results from both databases (Protected Matters Search Tool and Wildlife Online Database) are detailed in **Appendix B** and **Appendix C**.

4.3 NC Act Wildlife Online

The Wildlife Online database search tool returned records for 33 NCA listed species. These species comprised 7 amphibian, 8 bird, 1 insect, 6 mammal, 1 reptile and 10 plants. See **Appendix B** for the complete search results.

4.4 EPBC Act Protected Matters Search Tool (Species)

Database searches under the Protected Matters Search Tool (PMST) returned a result of 49 listed threatened species, 23 migratory and 29 marine species. One species, *Pristis pristis*, was excluded given it is a pelagic/marine aquatic habitat species. Listed threatened species included 12 Bird, 5 frog, 11 mammal, 1 reptile and 19 plants. Thirty (30) bird species listed as also migratory and marine were recorded in the search tool. **Appendix C** provides the complete search results for the PMST search tool.

An assessment for the potential occurrence of these species on the study site, for both the EPBC and NC threatened species, is provided in **Appendix A**. **Table 3** below provides a summary list for these species and their relevant legislative listing.

Table 3 PMST (EPBC Act 1999)

Common Name	Scientific Name	Status NC Act	Status EPBC Act
Threatened Fauna			
Frogs			
Australian Lace-lid	<i>Litoria dayi</i>	V	V
Kuranda Tree Frog	<i>Litoria myola</i>	CR	E
Waterfall frog	<i>Litoria nannotis</i>	E	E
Mountain mist frog	<i>Litoria nyakalensis</i>	CR	E
Common Mistfrog	<i>Litoria rheocola</i>	E	E
Tapping green eyed frog	<i>Litoria serrata</i>	-	V
Sharp-snouted Day Frog	<i>Taudactylus acutirostris</i>	Ex	Ex
Reptiles			
Estuarine Crocodile	<i>Crocodylus porosus</i>	V	-
Red Knot	<i>Calidris canutus</i>	E	E
Curlew Sandpiper	<i>Calidris ferruginea</i>	CE	E
Great Knot	<i>Calidris tenuirostris</i>	CE	E
Southern Cassowary	<i>Casuarius casuarius johnsonii</i>	E	E
Macleay's fig-parrot	<i>Cyclopsitta diophthalma macleayana</i>	-	V
Beach stone-curlew	<i>Esacus magnirostris</i>	-	V
Red Goshawk	<i>Erythrotriorchis radiatus</i>	V	E
Gouldian Finch	<i>Erythrura gouldiae</i>	E	E
Grey Falcon	<i>Falco hypoleucos</i>	-	V

Common Name	Scientific Name	Status NC Act	Status EPBC Act
White-throated Needletail	<i>Hirundapus caudacutus</i>	V, Ma, Mi	LC
West Alaskan Bar-tailed Godwit	<i>Limosa lapponica baueri</i>	V	V
Northern Siberian Bar-tailed Godwit	<i>Limosa lapponica menzbieri</i>	CE	E
Eastern Curlew	<i>Numenius madagascariensis</i>	CE	E
Australian Painted Snipe	<i>Rostratula australis</i>	E	V
Buff-Breasted Button Quail	<i>Turnix olivii</i>	E	E
Masked Owl (northern)	<i>Tyto novaehollandiae kimberli</i>	V	V
Fish			
Lake Eacham Rainbow Fish	<i>Melanotaenia eachamensis</i>	E	-
Opal Cling Goby	<i>Stiphodon semoni</i>	-	CR
Mammals			
Northern Bettong	<i>Bettongia tropica</i>	E	E
Northern quoll	<i>Dasyurus hallucatus</i>	-	E
Spotted-tail quoll	<i>Dasyurus maculatus gracilis</i>	E	E
Lumholtz's Tree Kangaroo	<i>Dendrolagus lumholtzi</i>	-	NT
Diadem leaf-nosed bat	<i>Hipposideros diadema reginae</i>	-	NT
Semon's leaf-nosed bat	<i>Hipposideros semoni</i>	E	V
Ghost bat	<i>Macroderma gigas</i>	E	V
Black-footed tree rat	<i>Mesembriomys gouldii rattoides</i>	-	V
Tube-nosed Insectivorous Bat	<i>Murina florium</i>	-	V
Koala	<i>Phascolarctos cinereus</i>	V	V
Spectacled flying-fox	<i>Pteropus conspicillatus</i>	V	V
Large-eared horseshoe bat	<i>Rhinolophus robertsi</i>	V	V
Bare-rumped sheath-tail bat	<i>Saccolaimus saccolaimus nudiclunatus</i>	E	V
Water Mouse	<i>Xeromys myoides</i>	V	V
Threatened Flora			
-	<i>Acalypha lyonsii</i>	-	V
-	<i>Archontophoenix myolensis</i>	E	E
-	<i>Alloxylon flammeum</i>	V	V
-	<i>Alpinia hylandii</i>	-	NT
-	<i>Canarium acutifolium</i>	V	V
-	<i>Carronia pedicellata</i>	E	E
-	<i>Calochlaena villosa</i>	-	NT
-	<i>Crepidomanes majoriae</i>	-	V
-	<i>Ctenopterus walleri</i>	-	NT
-	<i>Diplazium cordifolium</i>	V	V
Dark-stemmed antler orchid	<i>Dendrobium mirbelianum</i>	E	E

Common Name	Scientific Name	Status NC Act	Status EPBC Act
	<i>Syn: Durabaculum mirbelianum</i>		
Queensland bluegrass	<i>Dicanthium setosum</i>	V	LC
-	<i>Diplazium pallidum</i>	E	E
Ant Plant	<i>Myrmecodia beccarii</i>	V	V
Lesser Swamp-orchid	<i>Phaius australis</i>	E	E
-	<i>Phaius pictus</i>	V	V
Native Moth Orchid	<i>Phalaenopsis amabilis subsp. rosenstromii</i>	E	E
Blue Tassel-fern	<i>Phlegmariurus dalhousieanus</i>	E	CR
Rat's tail tassel-fern	<i>Phlegmariurus filiformis</i>	E	E
Square tassel-fern	<i>Phlegmariurus tetrastichoides</i>	V	V
Middle Filmy Fern	<i>Polyphlebium endlicherianum</i>	E	V
-	<i>Polyscias bellendenkerrensis</i>	V	V
-	<i>Randia audasii</i>	-	NT
	<i>Rhomboda polygonoides</i>	V	V
	<i>Syzygium hodgkinsoniae</i>	V	V
-	<i>Senegalia albizioides</i>	-	NT
Dwarf Butterfly Orchid	<i>Vappodes lithocola</i>	E	E
-	<i>Wetria australiensis</i>	-	V

Key: Ex: extinct, CE: Critically Endangered; E: Endangered; V: Vulnerable; NT: Near Threatened

4.5 EPBC Act and MNES Search Tool (Places of Environmental Significance)

Matters of National Environmental Significance (MNES) are matters pursuant to the EPBC act. The results of the MNES search which provides details on environmentally significant areas and habitat types is provided in **Table 4** below. To conduct this search tool, a 10 Kilometre radius buffer was added around a central point on the property. This provides results for all possible MNES matters that may occur on the property.

Table 4 PMST results (Significant Places)

Category	Result
Matters of National Environmental Significance	
World Heritage Properties	1
National Heritage Places	2
Wetlands of International Importance	None
Great Barrier Reef Marine Park	None
Commonwealth Marine Area	None
Listed Threatened Ecological Communities	1
Listed Threatened Species	49
Listed Migratory Species	23

Category	Result
Other Matters Protected by the EPBC Act	
Commonwealth Land	None
Commonwealth Heritage Places	None
Listed Marine Species	29
Whales and other cetaceans	None
Critical Habitats	None
Commonwealth Reserves Terrestrial	None
Commonwealth Reserves Marine	None
Nationally Important Wetlands	2

4.6 Migratory and Marine Species

A total of 23 migratory and 29 marine species (adjusted for the exclusion of species solely dependent on aquatic marine habitats) were identified in the PMST search report. A summarised list of these species is provided in **Table 5** below.

Table 5 Migratory Species

Common name	Scientific name	EPBC Act Status	NCA Act status
Magpie Goose	<i>Anseranas semipalmata</i>	Ma	LC
Common Sandpiper	<i>Actitis hypoleucos</i>	Mi, Ma	SLC
Great Egret	<i>Ardea alba</i>	Ma	LC
Cattle Egret	<i>Ardea ibis</i>	Ma	LC
Fork-tailed Swift	<i>Apus pacificus</i>	Mi, Ma	SLC
Sharp-tailed Sandpiper	<i>Calidris acuBlackminata</i>	Mi, Ma	SLC
Red Knot	<i>Calidris canutus</i>	Mi, E	E
Curlew Sandpiper	<i>Calidris ferruginea</i>	Mi, CE	E
Pectoral Sandpiper	<i>Calidris melanotos</i>	Mi, Ma	SL
Great Knot	<i>Calidris tenuirostris</i>	CE, Mi	E
Lesser Frigatebird	<i>Fregata ariel</i>	Mi, Ma	SL
Great Frigatebird	<i>Fregata minor</i>	Mi, Ma	SL
White-throated Needletail	<i>Hirundapus caudacutus</i>	V, Ma, Mi	LC
Bar-tailed Godwit	<i>Limosa lapponica</i>	Mi, V	V
Barn Swallow	<i>Hirundo rustica</i>	Mi	SL
Black-faced Monarch	<i>Monarcha melanopsis</i>	Mi	SL
Spectacled Monarch	<i>Monarcha trivirgatus</i>	Mi	SLC
Black-winged Monarch	<i>Monarcha frater</i>	Mi	SLC
Yellow Wagtail	<i>Motacilla flava</i>	Mi	SLC
Eastern Curlew	<i>Numenius madagascariensis</i>	Mi, CE	E
Rufous Fantail	<i>Rhipidura rufifrons</i>	Mi, Ma	SLC
Osprey	<i>Pandion haliaetus</i>	Mi, Ma	SLC

Common name	Scientific name	EPBC Act Status	NCA Act status
Common Greenshank	<i>Tringa nebularia</i>	Mi, Ma	SLC
Black-eared Cuckoo	<i>Chrysococcyx osculans</i>	Ma	LC
White-bellied Sea-Eagle	<i>Haliaeetus leucogaster</i>	Ma	LC
Rainbow Bee-eater	<i>Merops ornatus</i>	Ma	LC
Flycatcher Satin	<i>Myiagra cyanoleuca</i>	Mi	SLC
Painted Snipe	<i>Rostratula benghalensis (sensu lato)</i>	E, Ma	V
Oriental Cuckoo	<i>Cuculus optatus</i>	SLC	Mi
Latham's Snipe	<i>Gallinago hardwickii</i>	SLC	Mi

Key: Mi: Migratory, Ma: Marine, SLC: Special Least Concern

4.7 Matters of National Environmental Significance (MNES) continued

The following table details the guidelines to which a certain application may have a significant impact on a sensitive environmental matter pursuant under the EPBC Act. **Table 6** below details the impact the current project may have for places of national environmental significance. The PMST search tool identified one Threatened Ecological Community (TEC) that may potentially occur on the study. This TEC is not present in any part of the study site, especially given that much of the property is classed as regrowth vegetation. Furthermore, vegetation on the property consists of Regional Ecosystems 7.11.5a (*Euclayptis pellita* open forest) and 7.11.44, (Blue gum forest) with rainforest an invasive rainforest understorey incursion, thus limiting the ability for broad leaf tea-tree (*Melaleuca viridiflora*) woodlands to establish.

Table 6 Matters of National Environmental Significance (MNES)

Matters of National Environmental Significance	Triggers
Listed Threatened Ecological Communities	
<p>An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will:</p> <ul style="list-style-type: none"> ▶ reduce the extent of an ecological community ▶ fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines ▶ adversely affect habitat critical to the survival of an ecological community ▶ modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns ▶ cause a substantial change in the species composition of an occurrence of an ecological community, including causing a 	<p>One threatened Ecological Community is considered a potential occurrence under the EPBC:</p> <p>Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coast north Queensland.</p> <p>The project site does not intersect this listed threatened ecological community</p> <p>No significant impact.</p>

Matters of National Environmental Significance	Triggers
<p>decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting</p> <ul style="list-style-type: none"> ▶ cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to: <ul style="list-style-type: none"> ❖ assisting invasive species, that are harmful to the listed ecological community, to become established, or ❖ causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or ❖ interfere with the recovery of an ecological community. 	
World Heritage Property/National Heritage Places	
<p>An action is likely to have a significant impact on natural heritage values of a World Heritage property if there is a real chance or possibility that the action will:</p> <p>Values associated with geology or landscape</p> <ul style="list-style-type: none"> ▶ damage, modify, alter or obscure important geological formations in a World Heritage property ▶ damage, modify, alter or obscure landforms or landscape features, for example, by excavation or infilling of the land surface in a World Heritage property ▶ modify, alter or inhibit landscape processes, for example, by accelerating or increasing susceptibility to erosion, or stabilising mobile landforms, such as sand dunes, in a World Heritage property ▶ divert, impound or channelise a river, wetland or other water body in a World Heritage property, and ▶ substantially increase concentrations of suspended sediment, nutrients, heavy metals, hydrocarbons, or other pollutants or substances in a river, wetland or water body in a World Heritage property. <p>Biological and ecological values</p> <ul style="list-style-type: none"> ▶ reduce the diversity or modify the composition of plant and animal species in all or part of a World Heritage property ▶ fragment, isolate or substantially damage habitat important for the conservation of biological diversity in a World Heritage property 	<p>Wet Tropics of Queensland</p> <p>This project site does not intersect or contain an environmental area within the Wet Tropics World heritage area.</p> <p>No significant impact</p>

Matters of National Environmental Significance	Triggers
<ul style="list-style-type: none"> ▶ cause a long-term reduction in rare, endemic or unique plant or animal populations or species in a World Heritage property, and ▶ fragment, isolate or substantially damage habitat for rare, endemic or unique animal populations or species in a World Heritage property. 	
National Heritage Places	
<p>An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:</p> <ul style="list-style-type: none"> ▶ one or more of the National Heritage values to be lost ▶ one or more of the National Heritage values to be degraded or damaged, or ▶ one or more of the National Heritage values to be notably altered, modified, obscured or diminished. 	<p>Wet Tropics of Queensland</p> <p>Wet Tropics World Heritage Area (Indigenous Values) are not present on the property.</p> <p>National heritage places are not present on the property.</p> <p>No significant impact</p>

4.8 Significant Impact Assessment for MNES

Individual significant impacts assessments (SIA) have been conducted on those species identified as potentially at risk of impact from the development. The SIA's differ between federally listed and state listed species and are explained in the following sections

4.8.1 Threatened Species

The Department of Agriculture, Water and Environment (DAWE) notes an action is likely to have a significant impact on an endangered species if there is a real chance or possibility that it will:

- ▶ Lead to a long-term decrease in the size of a population;
- ▶ Reduce the area of occupancy of the species;
- ▶ Fragment an existing population into two or more populations;
- ▶ Adversely affect habitat critical to the survival of a species;
- ▶ Disrupt the breeding cycle of a population; and/or
- ▶ Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.

Individual impact assessments were conducted on EPBC listed species considered to have a moderate likelihood or confirmed presence on site. These potentially occurring species are:

- ▶ Bare-rumped Sheath-tailed bat
- ▶ Large-eared Horseshoe Bat
- ▶ Spectacled Flying Fox
- ▶ Koala

Marginal generic suitable habitat is present on the study site for these species. The fauna species listed here may use the site as infrequent visitors for foraging, however the development footprint of the site represents a very minor portion of a larger foraging range for these species.

4.8.2 Migratory Species

The Department of Environment and Science (DES) notes an action is likely to have a significant impact on a migratory species if there is a possibility it will:

- ▶ Substantially modify (including by fragmenting, altering fire regimes, altering nutrient cycles or altering hydrological cycles), destroy or isolate an area of important habitat for a migratory species;
- ▶ Result in an invasive species that is harmful to the migratory species becoming established in an area of important habitat for the migratory species; or
- ▶ Seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

The species considered moderate and highly likely to occur on site are:

- ▶ Oriental Cuckoo
- ▶ Satin Flycatcher
- ▶ Rainbow bee-eater
- ▶ Osprey
- ▶ Rufous fantail
- ▶ Black-winged Monarch
- ▶ Spectacled Monarch
- ▶ Black-faced Monarch
- ▶ Barn Swallow
- ▶ White throated needletail
- ▶ Fork-tailed swift

It is considered highly unlikely that a total vegetation clearance for the proposed subdivision will impact on ecologically significant habitat to these species such that it interferes with the breeding, foraging or roosting of migratory species. External to the site, there are large tracts of available vegetation for these species to utilise.

The results of this assessment determined there will be no significant impact on threatened or migratory species and this project will not be referred to the Department of Environment and Energy under the EPBC Act.

4.9 Matters of State Environmental Significance (MSES)

The following table (**Table 7**) details the guidelines to which a certain application may have a significant impact on a sensitive environmental matter pursuant under the *Nature Conservation Act 1992*.

Table 7 Matters of State Environmental Significance

Matters of State Environmental Significance	Triggers
Regulated Vegetation (VMA)	
<p>The prescribed regional ecosystems that are endangered regional ecosystems comprise a matter of State Environmental Significance.</p> <p>The prescribed regional ecosystems that are of concern regional ecosystems comprise a matter of State environmental significance.</p> <p>A prescribed regional ecosystem is a matter of State environmental significance if it is—</p> <p>(a) a regional ecosystem that intersects with an area shown as a wetland on the vegetation management wetlands map (to the extent of the intersection); or</p> <p>(b) an area of essential habitat on the essential habitat map for an animal that is endangered wildlife or vulnerable wildlife or a plant that is endangered wildlife or vulnerable wildlife.</p> <p>A prescribed regional ecosystem is a matter of State environmental significance to the extent the ecosystem is located within a defined distance from the defining banks of a relevant watercourse.</p>	<ul style="list-style-type: none"> ▶ Category C vegetation is present of the property ▶ Essential Habitat is present on the property for <i>Litoria serrata</i> (green eyed tree frog), <i>Litoria myola</i> (Kuranda tree frog) and <i>Alpinia hylandi</i> (a native ginger). Field investigation determined that in the current condition of the property it is unlikely that either of these species would be a likely occurrence.
Connectivity Areas	
<p>(1) This section applies to a prescribed regional ecosystem—</p> <p>(a) to the extent the ecosystem contains remnant vegetation; and</p>	<ul style="list-style-type: none"> ▶ The vegetation on site is continuous with large tracks of protected vegetation in the locality. The vegetation proposed for clearance on the property is not required to maintain connectivity to ecosystems within the region. ~0.9ha clearance of category C high value regrowth is required for the

Matters of State Environmental Significance	Triggers
<p>(b) if the ecosystem contains an area of land that is required for ecosystem functioning (a connectivity area).</p> <p>The prescribed regional ecosystem is a matter of State environmental significance if the administering agency is satisfied, having had regard to criteria in the environmental offsets policy about connectivity areas, that—</p> <p>(c) the connectivity area is of sufficient size or configured in a way that maintains ecosystem functioning; and</p> <p>(d) the prescribed regional ecosystem will remain despite a threatening process within the meaning of <i>the Nature Conservation Act 1992</i>.</p>	<p>development. No loss in connectivity to other sites will occur as a result of this clearing.</p>
Wetlands and Watercourses	
<p>(2) Each of the following matters is a matter of State environmental significance—</p> <p>(a) a wetland;</p> <p> i. in a wetland protection area; or</p> <p> ii. of high ecological significance shown on the Map of referable wetlands;</p> <p>(b) a wetland or watercourse in high ecological value waters.</p>	<ul style="list-style-type: none"> ▶ Category R (Reef regrowth watercourse vegetation is located approximately 120 metres from the proposed clearance area to the south east. No impact is expected given that clearing is not expected to take place within these mapped regrowth areas. Furthermore, erosion and sediment control measures must be put in place to mitigate sedimentation and runoff issues.
Designated Precinct in a Strategic Environmental Area	
<p>(1) A designated precinct in a strategic environmental area is a matter of State environmental significance.</p>	<p>The project area does not intersect or contain a strategic environmental area.</p>
Protected Wildlife Habitat	
<p>(1) An area that is shown as a high-risk area on the flora survey trigger map and that contains plants that are endangered wildlife or vulnerable wildlife is a matter of State environmental significance.</p> <p>An area that is not shown as a high-risk area on the flora survey trigger map, to the extent the area contains plants that are endangered wildlife or vulnerable wildlife, is a matter of State environmental significance.</p> <p>A non-juvenile koala habitat tree located in an area shown as bushland habitat, high value rehabilitation habitat or medium value rehabilitation habitat on the</p>	<ul style="list-style-type: none"> ▶ A Protected Plant Search (PPS) was conducted for the study site. No threatened plants were found on the site. ▶ No Koala Habitat Values were mapped on the site. Marginal suitable feeding trees are present. ▶ No habitat for threatened wildlife was found on site. Suitable generic habitat for a range of species was identified.

Matters of State Environmental Significance	Triggers
<p>map called 'Map of Assessable Development Area Koala Habitat Values' that applies under the South East Queensland Koala Conservation State Planning Regulatory Provisions is a matter of State environmental significance.</p> <p>A habitat for an animal that is endangered wildlife or vulnerable wildlife, or a special least concern animal is a matter of State environmental significance.</p>	
Protected Areas	
<p>A protected area is a matter of State environmental significance.</p>	<p>There are no protected areas under the <i>Nature Conservation Act</i> present on the site.</p>
Highly Protected Zones of State Marine Parks	
<p>A highly protected area of a relevant Queensland marine park is a matter of State environmental significance.</p>	<p>There are no marine parks or land within a 'marine national park', 'conservation park', 'scientific research', 'preservation' or 'buffer' zone present on the site.</p>
Fish Habitat Areas	
<p>An area declared under the <i>Fisheries Act 1994</i> to be a fish habitat area is a matter of State environmental significance.</p>	<p>There are no fish habitat areas under the <i>Fisheries Act 1994</i> present on the study site.</p>
Waterway Providing for Fish Passage	
<p>1) Any part of a waterway providing for passage of fish is a matter of State environmental significance only if the construction, installation or modification of waterway barrier works carried out under an authority will limit the passage of fish along the waterway.</p>	<p>▶ No part of the study site spans an area deemed to be a water way for water barrier works (stream).</p>
Marine Plants	
<p>A marine plant within the meaning of the <i>Fisheries Act 1994</i> is a matter of State environmental significance.</p>	<p>There are no marine plants under the <i>Fisheries Act 1994</i> recorded on the site.</p>
Legally Secured Offset Areas	
<p>A legally secured offset area is a matter of State environmental significance.</p>	<p>There are no legally secured offset areas intersecting the site.</p>

4.9.1 Mareeba Shire Council Environmental Significance Overlay

Table 8 below details the outcomes against the Mareeba Shire Council Environmental Significance Overlay. There are no significant residual impacts from the proposed development.

Table 8 Site Outcomes against Environmental Significance Overlay

Performance outcomes	Acceptable outcomes	Comment
REGULATED VEGETATION		
<p>PO1 Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) is avoided unless:</p> <ul style="list-style-type: none"> (a) it is demonstrated that the area does not support regulated vegetation as mapped; (b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided; (c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and (d) the loss or reduction in regulated vegetation is minimized and any residual impacts are offset. 	<p>AO1.1 No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>(C) Wildlife connectivity will be maintained as after the development is finalised. ~0.9ha of Category C regrowth vegetation will be cleared from the proposed development. The remaining Category C vegetation on the eastern half of the property will be permitted to return to remnant vegetation and maintain wildlife connectivity should this vegetation be protected.</p> <p>(D) Residual impacts from vegetation clearing could be maintained with the implementation of an (EMP) Environmental Management Plan</p>
<p>PO2 Development on sites adjacent to areas of 'Regulated vegetation' identified on the Environmental Significance Overlay Maps (OM-004a-o) protects the environmental significance of regulated vegetation and:</p> <ul style="list-style-type: none"> (a) does not interrupt, interfere, alter or otherwise impact on underlying natural ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes; 	<p>AO2 Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 meters of 'Regulated vegetation' areas identified on the Environmental Significance Overlay Maps (OM-004a-o).</p>	<p>The proposed subdivision is located on Regulated Vegetation Category C high value regrowth.</p> <ul style="list-style-type: none"> a) The implementation of an erosion and sediment control plan will be required to mitigate potential impacts to described natural ecosystem processes. b) Wildlife movement will be unaffected from the proposed development. Intact vegetation exists to the east of the property block.

Performance outcomes	Acceptable outcomes	Comment
(b) does not negatively impact the movement of wildlife at a local or regional scale; and avoids noise, light, vibration or other edge affects, including weed and pest incursion		
REGULATED VEGETATION INTERSECTING WATERCOURSES		
PO3 Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the Environmental Significance - Waterway Overlay Maps (OM-004p-z) is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO3.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway' identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z) .	Category R Reef regrowth vegetation is located outside of the proposed clearing area approximately 100m east from the proposed building envelope clearing areas on the property. No vegetation clearing will occur within mapped category R waterway areas or waterways as defined under the <i>Vegetation Management Act 1999</i> .
	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO3.2 No clearing of native vegetation is undertaken within the minimum setback identified at AO3.1 .	
WATERWAYS AND WETLANDS		
PO4 'High ecological significance wetlands' identified on the Environmental Significance Overlay Maps (OM-004a-o) and 'Waterways' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) and are protected by:	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) AO4.1 A minimum setback in accordance with Table 8.2.4.3B is provided between development and the top of the high bank of a 'Waterway'	AO4.1 The waterway at the east of the study site runs north into the Barron River. Additional riparian habitats are mapped as Category R Great Barrier Reef Riverine regrowth vegetation. The distance from these areas from the proposed clearing areas is greater than 100m away (see Section 3 Figure 2). Regrowth vegetation will be

Performance outcomes	Acceptable outcomes	Comment
(a) maintaining adequate separation distances between waterways/wetlands and development;	identified on the Environmental Significance - Waterway Overlay Maps (OM-004p-z) .	maintained acting as a vegetation buffer for potential sedimentation impacts associated with the proposed clearing and development of the site.
(b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement;	Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.2	AO 4.3 and AO4.4 Wastewater and stormwater management plan may be required provided unless indication of where stormwater and wastewater will flow to can be provided prior.
(c) maintaining waterway bank stability by minimising bank erosion and slumping;	A minimum buffer of 200 meters is provided between development and the edge of a 'High ecological significance wetland' identified on the Environmental Significance Overlay Maps (OM-004a-o) .	a) All riparian vegetation on the property is expected to be retained during and after the proposed development has been conducted.
(d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and	Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)	b) No high ecological significance wetlands are located within the property.
(e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.	AO4.3 No stormwater is discharged to a 'Waterway' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland' identified on the Environmental Significance Overlay Maps (OM-004a-o) . Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.4	

Performance outcomes	Acceptable outcomes	Comment
	No wastewater is discharged to a 'Waterway' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland' identified on the Environmental Significance Overlay Map (OM-004a-z) .	
WILDLIFE HABITAT		
<p>PO5 Development within a 'Wildlife habitat' area identified on the Environmental Significance Overlay Maps (OM-004a-o):</p> <ul style="list-style-type: none"> (a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance; (b) incorporates siting and design measures to protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site; (c) maintains or enhances wildlife interconnectivity at a local and regional scale; and (d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting). 	<p>AO5 No acceptable outcome is provided</p>	<ul style="list-style-type: none"> A) Building envelopes found on the western end of the property bordering a Boyles Rd. Remaining habitat on the eastern part of the property is expected to be maintained (~3.6ha) B) Assessment of ecological values (Ecological Assessment of habitat and threatened species potential) were assessed on site. Design measures will be incorporated to adhere to these findings. No significant ecological values are expected to be impacted from the proposed development. C) Wildlife interconnectivity will be maintained as the eastern section of this property will not be disturbed. All clearing will occur in close proximity to Boyles Road i.e. reducing fragmentation impacts associated with clearing vegetation. D) Development sites are located on the western section of the property on a road edge. Forms of potential disturbance are to

Performance outcomes	Acceptable outcomes	Comment
<p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy</p>		<p>be limited to the cleared area of approximately ~0.9 ha, thus mitigating impacts to the remaining ecosystems on the property. Remaining intact habitat to protect life-stage ecological processes will be maintained on the property.</p>
<p>LEGALLY SECURED OFFSET AREAS</p>		
<p>PO6 Development within a 'Legally secured offset area' identified on the Environmental Significance Overlay Maps (OM-004a-o) or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Legally Secured Offset Area. Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p>AO6 No acceptable outcome is provided.</p>	<p>Development is not within a Legally secured offset area</p>
<p>PROTECTED AREAS</p>		
<p>PO7 Development within a 'Protected area' identified on the Environmental Significance Overlay Maps (OM-004a-o) is consistent</p>	<p>AO7 No acceptable outcome is provided</p>	<p>Development is not within a protected area</p>

Performance outcomes	Acceptable outcomes	Comment
<p>with the values of the Protected Area and:</p> <ul style="list-style-type: none"> (a) supports the inherent ecological and community values of the Protected Area asset; (b) maintains or enhances wildlife interconnectivity at a local and regional scale; and (c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area. <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>		
ECOLOGICAL CORRIDORS AND HABITAT LINKAGES		
<p>PO8</p> <p>Development located:</p> <ul style="list-style-type: none"> (a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and (b) within an ‘Ecological corridor’ or a ‘Habitat linkage’ identified on the Environmental Significance Overlay Maps (OM-004a-o) <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <ul style="list-style-type: none"> (a) the environmental values of the area of the site identified 	<p>AO8</p> <p>No acceptable outcome is provided</p>	<p>Development is located on Category C (High Value Regrowth) vegetation and is mapped within the ecological corridor under the Mareeba Shire Environmental significance overlay.</p> <ul style="list-style-type: none"> A) As a result of the proposed ~0.9ha vegetation removal, the development is not expected to compromise the mapped ecological corridor. Vegetation clearance is proposed to occur at the edge of Boyles Road to reduce impacts of fragmentation impacts for wildlife.

Performance outcomes	Acceptable outcomes	Comment
<p>in the 'Ecological corridor' or 'Habitat linkage';</p> <p>(b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</p> <p>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</p> <p>(d) the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</p> <p>(e) the ability for the 'Ecological corridor' or 'Habitat linkage' to be enhanced to improve ecological connectivity.</p> <p>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</p>		<p>No part of the proposed clearance area is within a mapped habitat linkage area.</p> <p>A) Existing developed properties occur to nearby the study site. No loss of remaining Category C vegetation outside of the proposed clearing area is expected to be cleared from proposed works. This remaining area of ~3.6ha of Category C vegetation should be permitted to mature which will provide a higher quality wildlife habitat then currently exists on the property currently.</p> <p>B) Land clearing within the proposed building envelope is expected to be the predominant modification of the natural environment on the property. The retention of ~3.6ha of Category C remnant vegetation will improve habitat connectivity for a greater number of species once it is permitted to reach a more mature structure.</p> <p>C) Building structures (two dwellings) and associated infrastructure is to be built within the building envelope, no impacts to the vegetation is expected to occur outside of this area from the proposed development.</p>

Performance outcomes	Acceptable outcomes	Comment
		D) Potential minor ecological corridors provided by the property area maintained with the remaining property outside of the building enveloped being maintained for native vegetation growth.

4.9.2 Rural Residential Zone Code (6.2.10)

This code applies to assessing the development of Lot 2 RP 726691 which is located within the Rural Residential Zone.

Rural residential areas such as this site is intended to support rural residential development of varying densities, to prevent further fragmentation and alienation of rural areas, conservation areas and biodiversity areas within the regional landscape. The new allotments provided in this development are suitably located near the Boyles Road end of the property where impacts to the biodiversity areas are avoided, by maintaining the significant environmental corridor located across the east of the property, which allows and ensures the regrowth vegetation of importance is left to mature as noted in **Table 8** above. Accordingly, the development achieves compliance with purpose outcome (H) of the rural residential zone code, with regards to the inherent environmental characteristics, which will be maintained on the site as part of this development.

4.9.3 Hill and Slope Overlay Code

This code applies to the assessment of the development, where we provide the following assessment based on the results of our field survey conducted. It was confirmed on the study site during the field survey that the slope within the building envelope areas did not exceed a slope of 15% (**see Plate 2 section 3.2**). Nevertheless, subsequent buildings to be constructed on each site will be required to be designed in accordance with the results of subsequent soil tests which will inform the foundations design and structural engineering certification outcomes.

5.0 Discussion

The proposed subdivision will require the clearance of ~0.9 ha of category C high value regrowth vegetation removed to establish two individual building envelopes. The proposal will see the retention of ~3.6 ha of category C vegetation retained and permitted to mature in structure to provide improved habitat over time. No category R Riverine regrowth is proposed to be cleared as a result of this proposal. A vegetation buffer will remain at approximately 100 m to any riparian vegetation or mapped waterways on the property. Essential Habitat is mapped as being present on the property for *Litoria serrata* (green eyed tree frog), *Litoria myola* (Kuranda tree frog) and *Alpinia hylandi* (a native ginger). Field investigation, including a detailed protected plant survey, determined that the current condition of the property is unlikely to support either of these species.

The Mareeba Shire Strategic Ecological corridor is mapped over the property (Lot 2 RP726691); however, it is considered that the location of vegetation removal adjacent to Boyles Road and the retention of ~3.6ha of category C vegetation will mitigate impacts of damaging this linkage and provide an associated beneficial ecological outcome that will improve as the retained vegetation structure matures.

A protected plant survey was undertaken in addition to this ecological assessment which determined that it was highly unlikely (33) threatened flora species identified in the initial desktop assessment considered to have a potential to occur on site were present. This is largely due to a lack of suitable habitat for each of these species given that much of the site has been cleared at least 15 years ago. The regenerating vegetation has established a representative canopy of *Eucalyptus pellita* and *Corymbia intermedia*, however, rainforest incursion is advancing to canopy height which will likely reduce the health of the Eucalypt canopy on the property with continued fire exclusion.

A number of potential threatened fauna species were considered as moderately likely to occur on the study site after the initial desktop assessment was conducted (see **Appendix C**). Results from the field survey component of this study however, identified the site contained only marginal generic foraging habitat for each of these species.

When considering the potential for the Koala, the feed tree species *Eucalyptus pellita* was present on the site. Limited information on preferred Koala browse trees is known, however *E. pellita* is likely to be palatable. Like elsewhere in North Queensland, records within the locality are very low for this species. Considering the dense rainforest understorey incursion also present throughout the property there is a very low likelihood this species would be present for more than transient individuals moving through the property to more suitable habitats. The lack of high nutrient alluvial or basalt soils likely reduces the palatability of any potential forage trees further reducing the likelihood of usage by this species.

The Spectacled flying-fox (*Pteropus conspiculatus*) may utilise the site for generic foraging habitat when the *Eucalyptus pellita* and *Corymbia intermedia* trees are in flower in early to late summer. However, this site represents a small portion of possible foraging habitat and higher quality habitat remains throughout the region.

Two threatened microbat species were determined as moderately likely to occur on the site. These species are the Bare-rumped sheathtailed bat (*Saccolaimus saccolaimus*) and the Large eared horseshoe bat (*Rhinolophus roberts*). It is certainly possible for these bats to utilise the site as a minor foraging ground, however, with a lack of tree hollows on site and a small amount of dead roosting trees, it is unlikely these bat species will rely on the site indefinitely for foraging and roosting.

Eleven (11) migratory bird species were considered as having a moderate likelihood of occurrence on the study site. One of these species, the Spectacled Monarch (*Symposiachrus trivirgatus*), was confirmed on the study site during the field survey. Typical generic foraging and nesting habitat is present for this species throughout the study site. Overall, the remaining migratory bird species are only expected to occur on site either as flyovers or for generic foraging habitat i.e. gleaning insects from foliage while passing through on a migrant route. It is unlikely, however, that these species will utilize the site for breeding in large enough numbers that would result in a population decline, given the sites marginal habitat and small size.

6.0 Recommendations

To provide a beneficial environmental outcome, all areas of the property mapped as regrowth vegetation (Category C & R) should be rehabilitated to form a mature Eucalypt canopy of a remnant condition (Category B). This will likely require the implementation of a hazard reduction regime that will reduce the incursion of rainforest species that are likely to outcompete canopy of RE 7.11.5a/c and RE 7.11.44 transitional these systems to alternative rainforest vegetation community. If any vegetation is to be retained within the proposed clearing areas, it should be of larger diameter individual's representative of RE 7.11.5 and RE 7.11.44 i.e. *Eucalyptus pellita*, *Eucalyptus tereticornis* and *Corymbia intermedia*. These species are the most likely to form hollows as they mature providing important denning habitat for a wide range of least concern and threatened fauna species.

Formulation of a construction management plan and erosion and sediment control planned should be implemented to manage any potential residual environmental impacts associated with sedimentation of waterways. A section of Category R (Reef regrowth watercourse vegetation) is located approximately 120 metres from the nearest housing pad alignment. Whilst this vegetation is not within the housing pad alignment, mitigation measures relating to erosion and sediment control must be adhered to during any earth works that occur on site to prevent any siltation to waterways.

During vegetation clearing works it is a requirement under the *Nature Conservation Act 1992* that a fauna spotter catcher working under a rehabilitation permit be present on site to capture and relocate any fauna that may occur within the clearing alignments.

7.0 References

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8.6 CHANGE OF DEVELOPMENT APPROVAL - REEVER AND OCEAN PTY LTD - MATERIAL CHANGE OF USE - NATURE-BASED TOURISM (NATURAL ENVIRONMENT, CULTURE & HERITAGE APPRECIATION) - LOT 17 ON SP296830 & LOT 22 ON SP304952 - 112 BARNWELL ROAD, KURANDA - MCU/20/0003

Date Prepared: 18 August 2023

Author: Senior Planner

Attachments:

1. Minor Change to Existing Approval & Extension to Currency Period dated 3 December 2021 [↓](#)
2. Request for Minor Change to Development Approval - Prepared by WildPlan dated 24 July 2023 [↓](#)

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	112 Barwell Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 July 2023	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Nature-based Tourism (Natural Environmental, Culture & Heritage Appreciation)		
FILE NO	MCU/20/0003	AREA	Lot 17 – 63.12 ha Lot 22 – 107.7 ha
LODGED BY	WildPLAN Pty Ltd	OWNER	Reever and Ocean Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

EXECUTIVE SUMMARY

Council approved a development application described in the above application details by delegated authority on 2 March 2020, subject to conditions. The application was code assessable and was therefore not required to undergo public notification.

Development permit MCU/20/0003 was specifically sought as a temporary approval only and differs from other approvals over the site in that it allows an average of 70 tourists per day to self-drive to the site (as opposed to being transported by bus) in an attempt to help keep the “Kur Cow Barwell Farm” tourism business operational while the region experienced a significant downturn in the international and domestic tourism market due to the Covid-19 Pandemic. As such the Development Permit was approved on a temporary basis only and included a lapsing date.

The original lapse date was 2 September 2020; however, this lapsing timeframe has been extended twice since. With these two (2) extensions, as well as the Minister’s Covid-19 extensions, the recognised fixed lapse date of this approval is currently **31 December 2023**.

The applicants are now requesting that the development approval be amended to remove the fixed lapse date, which will essentially allow the Kur Cow Barnwell Farm tourist venture, including the ability for tourists to self-drive to the site, to continue operating in perpetuity with no lapsing date. The applicants believe that during its operation to date, the venture has sufficiently demonstrated that self-drive arrivals/departures to/from the site (instead of using bus transport) can occur without any detrimental impacts to both neighbours and the local transport network.

Council officers do not consider the requested change to be a “minor change” as defined by the *Planning Act 2016* as the proposed change deviates from the temporary intent of the original development application. As such, it is recommended that the application to change the development approval with respect to the removal of the approval lapse date be refused.

However, Council officers understand that the significant impacts of the Covid-19 Pandemic on the region’s tourist industry are currently still being felt by those operators reliant on international visitors and will likely be felt for some time as international travel especially the Chinese market slowly recovers. In consideration of this, Council officers believe it reasonable to apply a further extension to the approval lapse date of two (2) years, from 31 December 2023 to 31 December 2025.

OFFICER’S RECOMMENDATION

It is recommended that:

1. “In relation to the application to change the following development approval:

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	112 Barwell Road, Kuranda
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	28 July 2023	RPD	Lot 17 on SP296830 & Lot 22 on SP304952
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Nature-based Tourism (Natural Environmental, Culture & Heritage Appreciation)		

and in accordance with the Planning Act 2016, the following

- (a) That Condition 2.3 of Councils Amended Decision Notice dated 3 December 2021 should **remain**, and be amended as follows:

2.3 Approval Lapse Date

*In accordance with section 65 (2) of the Act, this development permit will cease to have effect on **31 December 2022 2025**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December ~~2022~~ 2025.*

- (b) The ‘Currency Period of Approval’ section of the Amended Decision Notice dated 3 December 2021 be amended as follows:

*The relevant period for this development approval will now end on 31 December ~~2022~~ **2025**.*

2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision."

THE SITE

The subject land comprises two (2) adjoining allotments situated at 112 Barnwell Road, Kuranda, which are more particularly described as Lot 17 on SP296830 and Lot 22 on SP304952. The subject land has a combined area of 170.82 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

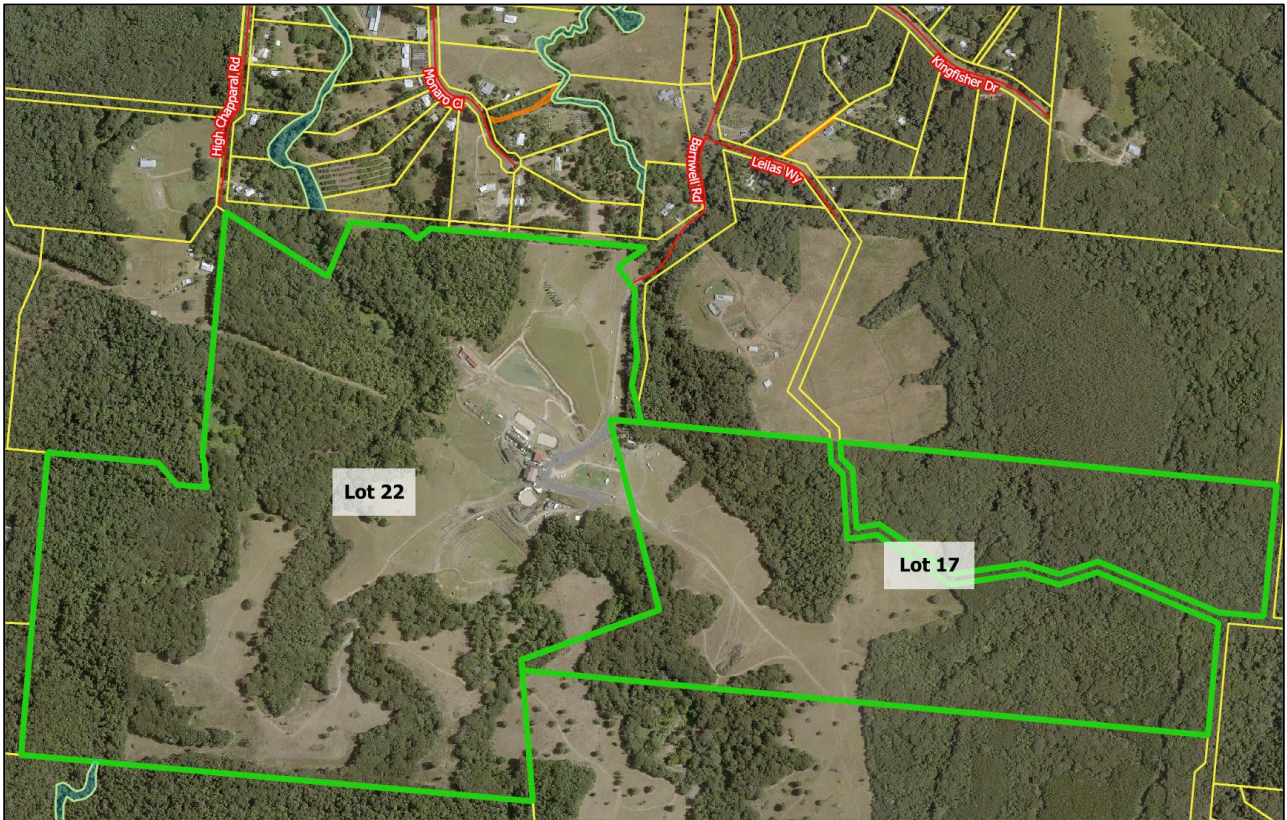
The land is accessed via Barnwell Road which is constructed to a bitumen sealed standard up until the point that the road terminates at the north-east corner of Lot 22.

The subject land is presently used for the following rural land uses:

- KUR-Cow: The land is used for the grazing and husbandry of beef cattle as part of the KUR-Cow business, that provides for the exporting of beef.
- KUR-Organics: Part of the site is used for the growing of organic produce.
- Animal Keeping: Part of the site is used for the keeping of animals including (but not limited to) donkeys, alpacas, goats and horses.
- Tourist Attraction: Part of the site has approval for up to 300 tourists per day for tourist activities associated with the rural and environmental features of the site. The proposed tented camping accommodation will operate ancillary to the approved tourist attraction use, provide an option for overnight accommodation on-site.
- A large water storage dam used for on-site water supply as well as a landscape feature in associated with the approved tourist attraction use.

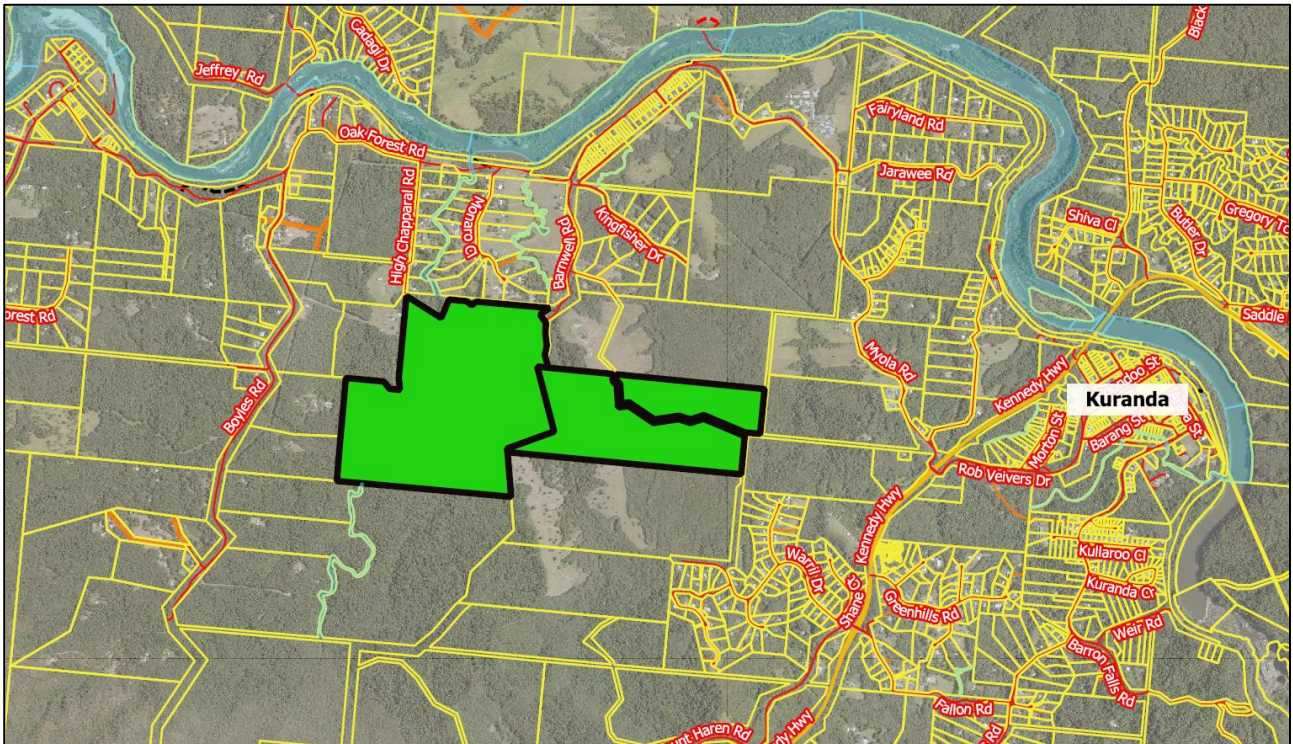
The remainder of the subject land is undeveloped and is best described as undulating acreage with a mix of large cleared grassed areas and a network of vegetated gullies and watercourses. The land is traversed by Owen Creek, Cain Creek and Haren Creek and also tributaries of Owen Creek, Cain Creek, Warril Creek and Haren Creek.

Remnant and regrowth vegetation is present on the site. Regrowth vegetation extends along the creek corridors that traverse the site.



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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Land surrounding the site is zoned a mix of Rural Residential and Rural and comprises a mix of smaller rural residential allotments containing single detached dwellings and larger rural holdings that remain predominately vegetated and are predominately used as large lifestyle lots with some used for low intensity livestock grazing.

BACKGROUND AND CONTEXT

On 2 March 2020, Council, under delegated authority, approved an application for material change of use - nature-based tourism (natural environment, culture and heritage appreciation) over land described as Lot 17 on SP296830 and Lot 22 on SP304952, situated at 112 Barnwell Road, Kuranda. The approval was granted subject to conditions and the Decision Notice was issued on 2 March 2020.

Development permit MCU/20/0003 was specifically sought as a temporary approval only and differs from other approvals over the site in that it allows an average of 70 tourists per day to self-drive to the site (as opposed to being transported by bus) in an attempt to help keep the “Kur Cow Barwell Farm” tourism business operational while the region experienced a significant downturn in the international and domestic tourism market due to the Covid-19 Pandemic. As such the Development Permit was approved on a temporary basis only and included a lapsing date.

The original lapse date was 2 September 2020; however, this lapsing timeframe has been extended twice since. With these two extensions, as well as the Minister’s Covid-19 extensions, the recognised fixed lapse date of this approval is currently **31 December 2023**.

The applicants are now requesting that the development approval be amended to remove the fixed lapse date, which will essentially allow the Kur Cow Barnwell Farm tourist venture, including the ability for tourists to self-drive to the site, to continue operating in perpetuity with no lapsing date. The applicants believe that during its operation to date, the venture has sufficiently demonstrated that self-drive arrivals/departures to/from the site (instead of using bus transport) can occur without any detrimental impacts to both neighbours and the local transport network (refer to **Attachment 2**).

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that-

(a) *for a development application* (not applicable as an approval has already been issued).

(b) for a development approval-

(i) **Would not result in substantially different development; and**

- (ii) *If a development application for the development, including the change, were made when the change application is made would not cause-*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than the chief executive; or*
 - (D) *a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application.*

2. An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-

- (a) *made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
- (b) *made to a development application in accordance with part 6;*
- (c) *made to a development application after the appeal period.*

3. In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.

4. A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

- (a) *involves a new use; or*
- (b) *result in the application applying to a new parcel of land; or*
- (c) *dramatically changes the built form in terms of scale, bulk and appearance; or*
- (d) *change the ability of the proposed development to operate as intended; or***
- (e) *removes a component that is integral to the operation of the development; or*
- (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or***
- (g) *introduces new impacts or increase the severity of known impacts; or*
- (h) *removes and incentive or offset component that would have balanced a negative impact of the development; or***

- (i) *impacts on infrastructure provisions.*

Comment

The original development application lodged with Council on 28 February 2020 was very specific in that the proposed nature based tourist use was intended to be temporary only, originally requesting that any approval granted by Council lapse after six (6) months of operation.

It is acknowledged that Council has agreed to multiple extensions of this original six (6) month lapse date, due to the fact that the effects of the COVID-19 pandemic on the overseas and domestic tourist market has lasted much longer than originally anticipated. In fact, the detrimental effects are still significant to this day.

The requested change seeks to remove the lapsing provision from the issued approval. When deciding requests to change approvals, Council officers need to be satisfied that the requested change constitutes a 'Minor change' as defined by the *Planning Act 2016*. In this instance, Council officers considered that the requested change is not a minor change as it would in-fact meet some of the criteria that would place it in the category of 'substantially different development' as follows:

A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

- (a) *involves a new use; or***

Comment

The proposed change does not involve a new use. Criteria (a) does not apply.

- (b) *result in the application applying to a new parcel of land; or***

Comment

The proposed change would not involve a new parcel of land. Criteria (b) does not apply.

- (c) *dramatically changes the built form in terms of scale, bulk and appearance; or***

Comment

The proposed change does not alter the built form in any way. Criteria (c) does not apply.

- (d) *change the ability of the proposed development to operate as intended; or***

Comment

The proposed change does change the ability for the approved development to operate as intended, with the original intention being that the use was operational for a temporary period only. This temporary period continues to be extended as the effects of the pandemic on both the international and domestic tourist market are still prominent. The proposed change meets criteria (d) and therefore constitutes substantially different development.

- (e) removes a component that is integral to the operation of the development; or**

Comment

The proposed change will not remove a component that is integral to the operation of the development. Criteria (e) does not apply.

- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or**

Comment

The approved use allows tourists to self-drive to the site. This may be having a detrimental impact on the amenity of residents that live along or off Barnwell Road (Kingfisher Drive, Leilas Way residents) who may be 'putting up with' the additional traffic knowing that the approved use is temporary only. The proposed change would result in the removal of the lapsing provision which would result in these impacts potentially occurring without end. The proposed change meets criteria (f) and therefore constitutes substantially different development.

- (g) introduces new impacts or increase the severity of known impacts; or**

Comment

The approved use allows tourists to self-drive to the site. This may be having a detrimental impact on the amenity of residents that live along or off Barnwell Road (Kingfisher Drive, Leilas Way residents) who may be 'putting up with' the additional traffic knowing that the approved use is temporary only. The proposed change would result in the removal of the lapsing provision which would result in these impacts potentially occurring without end. The proposed change meets criteria (g) and therefore constitutes substantially different development.

- (h) removes and incentive or offset component that would have balanced a negative impact of the development; or**

Comment

The approved use allows tourists to self-drive to the site. This may be having a detrimental impact on the amenity of residents that live along or off Barnwell Road (Kingfisher Drive, Leilas Way residents) who may be 'putting up with' the additional traffic knowing that the approved use is temporary only. The temporary nature of the approved use is considered to be offset component that balance the negative impacts that self-drive arrivals/departures may have. The proposed change would result in the removal of the lapsing provision which would result in these impacts potentially occurring without end. The proposed change meets criteria (h) and therefore constitutes substantially different development.

(i) *impacts on infrastructure provisions.*

Comment

The request change will not impact on the provision of infrastructure. Criteria (h) does not apply.

It is the view of Council's assessing officers that if the desired change is sought to permanently allow self-drive tourists to the site, it must be done via a fresh application to Council.

Assessing and deciding application for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in a letter to Council dated 24 July 2023 (**Attachment 2**). The proposed change/s are addressed below.

- *if submissions were made about the original application – the submissions*

Comment

The original development application was code assessable and was not required to undergo public notification.

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was given.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested change/s is addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL**Condition 2.3****2.3 Approval Lapse Date**

In accordance with section 65 (2) of the Act, this development permit will cease to have effect on 31 December 2022. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December 2022.

Request by Applicant

Via this Change Application, the Applicant now seeks to have Condition 2.3 deleted from the approval, for the following reasons:

- 1. The land use has been operating successfully since 2020.*
- 2. The land use has been operating in accordance with Council's operational requirements.*
- 3. The condition is no longer deemed relevant (i.e. the land use has demonstrated that it can operate consistent with local expectations and within acceptable limits (including with respect to amenity and transport considerations)).*
- 4. The proposed change does not give rise to new and additional impacts (for example does not seek to increase the number of visitors to the site).*
- 5. The proposed change does not relate to a corresponding assessment benchmark of the Mareeba Shire Planning Scheme.*

Should Council be amenable to the above change, we also identify that a change is required to commentary provided under 'Currency Period of Approval' within the development approval as follows:

The currency period for this development approval ceases to have effect (lapses) on 31 December 2023.

Notwithstanding the above recommended amendment we note that the Material Change of Use commenced prior to the expiration of the currency period.

Response

Regardless of the applicants' representations above, as discussed in this report, the requested change is considered to result in 'substantially different development' when assessed against the Acts minor change criteria. For this reason, it is recommended that the request to remove Condition 2.3 be refused.

It is the view of Council's assessing officers that if the desired change is sought to permanently allow self-drive tourists to the site, it must be done via a fresh application to Council.

Council officers do however acknowledge that the impacts of the COVID-19 pandemic on both the international and domestic tourism markets continue to be felt in the region, and that they will likely continue to be felt for some time. As such, the temporary approval does still serve a purpose in helping to keep the tourist venture operating. It is therefore considered reasonable to provide a further extension to the lapsing timeframe of development permit MCU/20/0003.

It is further recommended that Condition 2.3 be amended to include an extension of two (2) years from the newly recognised lapse date (due to the Ministers Covid extensions) of 31 December 2023 as follows:

2.3 Approval Lapse Date

*In accordance with section 65 (2) of the Act, this development permit will cease to have effect on 31 December ~~2022~~ **2025**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December ~~2022~~ **2025**.*

In conjunction with the above recommended change, the 'Currency Period of Approval' section of the Amended Decision Notice must be changed as follows:

*The relevant period for this development approval will now end on 31 December ~~2022~~ **2025**.*

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PO Box 154 MAREEBA QLD 4880

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F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

3 December 2021

Senior Planner: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/20/0003
Your Reference: WP20 006 R&O 002

Reever and Ocean Pty Ltd
C/- wildPLAN Pty Ltd
PO Box 8028
CAIRNS QLD 4870

Dear Applicant/s

Minor Change to Existing Approval & Extension to Currency Period Planning Act 2016

I refer to your request dated 9 November 2021 to make a minor change to an existing approval and to extend the currency period for an existing approval granted on 17 March 2021. On 2 December 2021, Council decided your requested changes.

Details of the decision are as follows:

APPLICATION DETAILS

Application No: MCU/20/0003
Street Address: 112 Barnwell Road, Kuranda
Real Property Description: Lot 17 on SP296830 & Lot 22 on SP304952
Planning Scheme: Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

The following type of approval has been issued:

Development Permit for Material Change of Use - Nature-based tourism (natural environment, culture and heritage appreciation)

In relation to the request to make a change to the existing approval, Council decided to:

(A) Approve a Change Condition 2.3 Approval Lapse Date

2.3 Approval Lapse Date

In accordance with section 65 (2) of the Act, this development permit will cease to have effect on **31 December 2022**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December 2022.

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

In relation to the request to extend the relevant period for this approval, Council decided to extend the relevant period to *31 December 2022*.

CURRENCY PERIOD OF APPROVAL

The relevant period for this development approval will now end on *31 December 2022*.

CONSOLIDATED ASSESSMENT MANAGER CONDITIONS

(A) 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, including but not necessarily limited to the subject of any alterations:

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

2. Timing of Effect

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

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

~~2.3 — Approval Lapse Date~~

~~In accordance with section 65 (2) of the Act, This development permit will cease to have effect on **2 September 2020**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 2 September 2020.~~

At Council's Ordinary Meeting held on 17 March 2021, condition 2.3 was amended to the extent below:

~~2.3 — Approval Lapse Date~~

~~In accordance with section 65 (2) of the Act, this development permit will cease to have effect on **31 December 2021**. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December 2021.~~

Under Council's Delegated Authority on 2 December 2021, condition 2.3 was amended to the extent below:

2.3 Approval Lapse Date

In accordance with section 65 (2) of the Act, this development permit will cease to have effect on 31 December 2022. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December 2022.

3. General

3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

3.2 All external works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.3 Waste Management

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

3.4 Hours of Operation

The operating hours shall be between 7am and 7pm, Monday to Sunday.

3.5 A maximum of 70 tourists per day (on average) are permitted on the subject site in association with the approved use.

3.6 No more than 150 tourists/visitors (combination of MCU/18/0006, MCU/19/0018 and MCU/20/0002 tourist/visitors) are permitted on-site unless or until condition 4.2 (ii) of the Tourist Attraction approval MCU/18/0006, requiring the upgrade of Barnwell Road is completed.

3.7 In order to reduce amenity impacts, quad bike activities associated with the approved use are not permitted within 150 metres of the northern boundary of Lot 22 on SP304952 at any time.

Note - Quad bike activities associated with the existing use, namely animal husbandry, is permitted within this area.

3.8 The maximum noise level of any ATV (quad bike) operated in the conduct of the approved use shall not exceed 63dBA (measured at 50 metres from the ATV or at the boundary of any land not forming part of this development approval).

Mareeba Shire Council

-
- 3.9 Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.
- 3.10 The Applicant is to provide Council monthly tourist figures, within five (5) business days of the start of each calendar month.

4. Infrastructure Services and Standards

4.1 Traffic Signage

- 4.1.1 Prior to the commencement of the use, the applicant must submit a design for the treatment of traffic within the section of Barnwell Road between the Leila's Way intersection and the access into Lot 22 on SP304952.

The design must be prepared and certified by a Registered Professional Engineer of Queensland (RPEQ).

The design must be prepared in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and take into account site-specific factors, including, but not limited to road geometry and impact of traffic associated with the operation.

- 4.1.2 Prior to the commencement of the use, traffic signs must be installed in accordance with the applicant's design and relevant standards. Signs must be maintained by the applicant at all times during the use, to the satisfaction of Council's delegated officer.
- 4.1.3 Once the signage is installed, the applicant must not remove or alter the signage without approval from Council's delegated officer.

4.2 Carparking/Internal Driveways

The designated car parking area and internal driveways servicing the development must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.3 Environmental Management

- 4.3.1 Any material likely to degrade the water (eg oils, lubricants, solvents, coolants, degreasing agents etc) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.

Mareeba Shire Council

-
- 4.3.2 An emergency spill containment kit must be kept on site at all times during the operation of the approved use.
- 4.3.3 A vehicle wash down facility must be provided on-site to reduce the spread of weed species. The vehicle wash down facility is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.
- 4.3.4 All access tracks, driveways and the like are to be maintained so that the risk and consequence of erosion is minimised, to the satisfaction of Council's delegated officer. All batters are to be vegetated or otherwise protected from scour, to the satisfaction of Council's delegated officer.
- 4.3.5 All tracks, including all creek/waterway crossings, driveways and the like used for ATV (quad bike) tours are to be maintained for the life of the development, so that the risk and consequence of erosion/sedimentation is minimised, to the satisfaction of Council's delegated officer.

4.3.6 Crossings

The crossing of creeks internal to the site by quad bikes used for tourist activities shall:

- (a) be limited to the use of "South Crossing 1" and "South-East Crossing 3" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;
- (b) involve a maximum of 60 crossings per day (single movement) over any single creek crossing location; and
- (c) not involve the use of "South Crossing 2" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;

Note: 60 crossings (single movement) is equivalent to 30 return trips.

The crossing of creeks internal to the site by foot:

- (a) only occurs where involving an essential crossing; or
- (b) where for a non-essential crossing only occurs where a foot scrub is used immediately prior to the non-essential crossing.

Note: An "essential crossing" is considered a crossing where no feasible alternative to a crossing by foot is available. This may include (but not be limited to) a crossing in response to a stranded vehicle, dangerous situation, potential for environmental harm or emergency situation.

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Note: A foot scrub is required to be undertaken to limit the spread of Chytrid fungus.

Between 2 March 2020 and 31 May 2020, the following management protocols are to be implemented and followed in relation to the crossing of creeks internal to the site by vehicles associated with the use:

- (a) On-site rain gauge stations are to be monitored on a daily basis;
- (b) Where more than 25mm of rainfall is recorded within a 24 hour period, from the monitoring undertaken in accordance with paragraph (a), the crossing of any on-site creek for tourist activities is not to occur; and
- (c) The crossing of any on-site creek for tourist activities may recommence only when the level of water within a creek returns to pre-rainfall levels.

4.3.7 Speed Limits

The following speed limits are applicable to quad bikes used for tourist activities:

- (a) Where within a waterway corridor – 5km/h (walking pace)
- (b) Where within 100 metres of a waterway corridor – 10km/h
- (c) Where paragraphs (a) and (b) do not apply – 20km/h

4.3.8 Quad Bikes

Any quad bike used in association with the use must not leave the site unless:

- (a) The quad bike is transported by truck (and not under its own power) and the movement of the quad bike off site is for maintenance or servicing reasons; or
- (b) The movement of the quad bike is associated with an existing lawful rural use of the site.

4.3.9 Sediment and Erosion Control

The following sediment and erosion control measures are to be implemented on the site to limit the risk of sediment entering the watercourses, as appropriate:

- (a) Whoa-boy diversion drains, to divert water to grassed areas on the internal unsealed access-ways each side of the creek crossing;

- (b) Sections of appropriately sized rock at least 1.5 metres either side of any creek crossing and extending the full width of the access road, that will act as a shaker grid to dislodge dirt and debris prior to entering crossing;
- (c) Coir logs – pinned with wooden stakes, laid either side of the crossing to clean water entering the crossing and clean water leaving the crossing;
- (d) Embankments (where applicable) on either side of unsealed access ways covered with geofabric.

4.3.10 Internal Signs

The following signage is to be erected on the site:

- (a) Signs located at the entrance to each creek crossing advising vehicle operators of the applicable speed limit under this approval; and
- (b) Signage located in the vicinity of the main tourist area, providing information on the Kuranda tree frog.

4.4 Non-Reticulated Water Supply

The development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 6, 2011 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

All non-potable sources of water must be sign posted "non-potable water supply" or similar in order to deter consumption.

4.5 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

Note: Any on-site wastewater treatment system with a total daily peak design capacity of at least 21 equivalent persons (EP) is an Environmentally Relevant Activity (ERA 63 - Sewerage Treatment) and an Environmental Authority is required.

REFERRAL AGENCY CONDITIONS

Not Applicable.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
AA-GL01a	Nature Based Tourism Site Plan Feb 2020	Develop North	24/02/2020
Figure 1	Erosion and Sediment Control Points of Interest	NRA Consultants	Nov 2017

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER’S ADVICE

(a) 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.

(b) 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.

(c) 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.environment.gov.au.

(d) 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

Mareeba Shire Council

duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au.

PROPERTY NOTES

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not Applicable.

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line, or at Council Offices.

If you have any further queries in relation to the above, please contact Council's Senior Planner, Brian Millard on the above number.

Yours faithfully

**BRIAN MILLARD
SENIOR PLANNER**

DECISION NOTICE HISTORY

MCU/20/0003 - Original Decision Notice 2 March 2020


MCU/20/0003 - Minor Change to Existing Approval & Extension to Currency Period 17 March 2021

Encl: Approved Plans/Documents
Appeal Rights

Mareeba Shire Council


Approved Plans/Documents

DEVELOPMENT APPLICATION



DEVELOP NORTH
MAREEBA SHIRE COUNCIL

SECTION	SECTION	DATE
1	1	20/02/20
2	2	20/02/20
3	3	20/02/20
4	4	20/02/20
5	5	20/02/20
6	6	20/02/20
7	7	20/02/20
8	8	20/02/20
9	9	20/02/20
10	10	20/02/20
11	11	20/02/20
12	12	20/02/20
13	13	20/02/20
14	14	20/02/20
15	15	20/02/20
16	16	20/02/20
17	17	20/02/20
18	18	20/02/20
19	19	20/02/20
20	20	20/02/20



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NATURE BASED TOURISM SITE PLAN FEB 2020

1 : 4000

AA-0013

Mareeba Shire Council

Document Set ID: 4036647
Version: 1, Version Date: 03/12/2021

	<h2 style="margin: 0;">Appeal Rights</h2> <p style="margin: 0; font-size: small;">PLANNING ACT 2016 & THE PLANNING REGULATION 2017</p>
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Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the Planning Act 2016 states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter **(the appellant)**; and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
 - (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note –
See the P&E Court Act for the court’s power to extend the appeal period.*

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and

- (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- 231 Other appeals
- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
 - (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
 - (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
 - (4) In this section –
 - decision* includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter-
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.
- 232 Rules of the P&E Court
- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
 - (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.



Ref: WP20 006 R&O 002 Change Application 2023

24 July 2023

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

Attention: Brian Millard

Via email: BrianM@msc.qld.gov.au

To Brian,

CHANGE APPLICATION ('MINOR CHANGE') – NATURE-BASED TOURISM, 112 BARNWELL ROAD, KURANDA (COUNCIL REF: MCU/20/0003)

On behalf of Reeve and Ocean Pty Ltd ('the Applicant'), please accept this correspondence as a Change Application (pursuant to section 78 of the *Planning Act 2016*) in respect to Condition 2.3 (Approval Lapse Date) of the Nature-based Tourism approval (Council ref: MCU/20/0003) regarding land at 112 Barnwell Road, Kuranda ('the site').

Background

On 2 March 2020 Mareeba Shire Council ('Council') decided to approve Nature-based Tourism development on the site in response to the devastating impact on international tourism wrought by COVID-19 (refer **Schedule 1**). Critically, the approval allowed self-drive domestic visitors to the site in the absence of international tourists which enabled the KUR-Cow tourism operation to survive in 2020.

The original development approval references a currency period to 2 September 2020, further referencing Condition 2.3 of the approval.

Condition 2.3 of the Development Approval identifies an 'Approval Lapse Date', stating:

'In accordance with section 65(2) of the Act, this development permit will cease to have effect on 2 September 2020. The approved use (as outlined in the facts and circumstances of the application) must cease by close of business on 31 December 2021.'

¹ Clarification has been provided by Council (B. Millard, pers. comm., 9 December 2022) that Condition 2.3, administered under Section 65(2) of the Planning Act, is considered to be 'any other relevant provision of the Planning Act 2016' (as referenced in the COVID-19 Ministerial Extension Notices) and therefore, subject to the Ministerial Extension Notices. On this basis, the updated lapse date for Condition 2.3 is identified to be 31 December 2023. Refer **Schedule 2** – Latest Extension and associated Correspondence.

Proposed Change

Via this Change Application, the Applicant now seeks to have Condition 2.3 deleted from the approval, for the following reasons:

1. The land use has been operating successfully since 2020.
2. The land use has been operating in accordance with Council's operational requirements.
3. The condition is no longer deemed relevant (i.e. the land use has demonstrated that it can operate consistent with local expectations and within acceptable limits (including with respect to amenity and transport considerations)).
4. The proposed change does not give rise to new and additional impacts (for example does not seek to increase the number of visitors to the site).
5. The proposed change does not relate to a corresponding assessment benchmark of the Mareeba Shire Planning Scheme.

Should Council be amenable to the above change, we also identify that a change is required to commentary provided under 'Currency Period of Approval' within the development approval as follows:

The currency period for this development approval ceases to have effect (lapses) on 31 December 2023.

Notwithstanding the above recommended amendment we note that the Material Change of Use commenced prior to the expiration of the currency period.

Nature of Change

Schedule 2 of the Planning Act provides a definition for a "minor change" relevant to a development application (repeated below in **bold** type).

Changes to the development application (as detailed herein) are deemed to constitute a "minor change", as follows (response provided beneath relevant part):

minor change means a change that—

(a) for a development application—

(i) does not result in substantially different development; and

Changes to the application do not result in substantially different development as discussed within Schedule 1 of the Development Assessment Rules (version 1.3). Specifically, the proposed development does not:

- (a) involve a new use; or
- (b) result in the application applying to a new parcel of land; or
- (c) dramatically change built form in terms of scale, bulk and appearance (as only the lapse period is proposed to be changed); or
- (d) change the ability of the proposed development to operate as intended (the proposal remains Nature-based Tourism); or
- (e) remove a component that is integral to the operation of the development; or
- (f) significantly impact on traffic flow and the transport network (as the proposed change does not seek to change the number of permitted visitors to the development); or
- (g) introduce new impacts or increase the severity of known impacts – in so much as the impacts remain unchanged); or
- (h) remove an incentive or offset component that would have balanced a negative impact of the development; or

- (i) substantially change impacts on infrastructure provisions.
- (ii) if the application, including the change, were made when the change is made—would not cause—**
 - (A) the inclusion of prohibited development in the application; or**
The changed application does not include prohibited development.
 - (B) referral to a referral agency if there were no referral agencies for the development application; or**
The changed application does not cause referral to a referral agency.
 - (C) referral to extra referral agencies; or**
The original application did not require referral to a referral agency.
 - (D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or**
The original application did not require referral to a referral agency.
 - (E) public notification if public notification was not required for the development application; or**
The changed application does not cause referral to a referral agency.

Planning Act Form 5 is provided within **Schedule 3**. The relevant fee will be paid to Council on lodgement of this application.

Summary

The proposed development, including as changed, complies with the applicable assessment benchmarks of the Mareeba Shire Planning Scheme.

The proposed development is considered to advance the purpose of the *Planning Act 2016*.

Accordingly, we respectfully recommend Council's approval of the subject Change Application, subject to reasonable and relevant conditions.

Please don't hesitate to contact me directly on 0487 967 533 should you wish to discuss this application.

Yours sincerely,

DOMINIC HAMMERSLEY
DIRECTOR | PRINCIPAL PLANNER
 wildPLAN Pty Ltd | ABN 26 629 367 933
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8.7 LICENCE AGREEMENT - PART OF LOT 214 SP297028 - REQUEST FOR APPROVAL FOR FURTHER TERM

Date Prepared: 6 September 2023

Author: Legal Officer

Attachments: Nil

EXECUTIVE SUMMARY

This report seeks Council consent for the approval of a further term of a Licence Agreement over part of the land described as Lot 214 SP297028 (Previously 214 DA461) Wetherby Road Mount Molloy, for grazing purposes, to Wetherby Station (Colless Family Trust).

RECOMMENDATION

That Council

1. Decide that section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) applies to the disposal of a valuable non-current asset – that being part of Lot 214 SP297028 (Previously 214 DA461) Wetherby Road Mount Molloy– other than by tender or auction.
2. Approve a renewal term of five (5) years for the Licence Agreement over part of Lot 214 SP297028 (Previously 214 DA461) Wetherby Road Mount Molloy as issued to the current Licensee, Wetherby Station (Colless Family Trust), in accordance with the terms set out in this report.

BACKGROUND

The Licensee has previously held a Licence Agreement, for grazing purposes, over a portion of Lot 214 SP297028, (Previously 214 DA461) Wetherby Road Mount Molloy; excluding the land that is leased by the FNQ Sports and Pistol Club Inc, for a 5-year period of 01 July 2018 to 30 June 2023.

Council is in receipt of correspondence from the Licensee formally requesting a further term of their Licence Agreement. It is proposed the further term will be for a further five (5) years, being 1 July 2023 to 30 June 2028.

Should the request for a further term be approved, the following terms will be included in the agreement:

1. A formal rental valuation be conducted on the Licence Area, and the valuation amount be adopted as the Licence Fee, unless it is less than the rent paid in the previous financial year, to ensure the rent is aligned with current market value.
2. The Licensee will be responsible for the costs associated with the valuation.
3. The Licensee will be responsible for costs associated with preparing the Licence Agreement.

RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Renewal period

The existing Licence has expired, and as the land is a valuable non-current asset, any further term requires resolution of Council.

Local Government Regulation 2012

Sections 224 and 227 of the *Local Government Regulation 2012* (Qld) (LGR) provides that where Council seeks to enter into a contract for the disposal of a valuable non-current asset, Council must first seek tenders or proceed to auction. Section 224(6) provides that the disposal of a valuable non-current asset by a local government includes the disposal of all or any part of an interest in the asset, for example, the grant of a lease over land or a building.

Section 236 of the LGR provides for exceptions to the above requirements. Relevantly, Section 236(1)(c)(iii) provides that a local government may dispose of a valuable non-current asset other than by tender or auction if the disposal is for the purpose of renewing the lease of land to the existing tenant of the land. Section 236(2) further provides that the above exception applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Council Officer to advise Licensee of Council decision.

If approved, Council Officers to negotiate and prepare Licence Agreement.

8.8 COUNCIL POLICY REVIEW

Date Prepared: 17 August 2023

Author: Senior Advisor Governance & Compliance

Attachments: 1. **Standing Orders (Meeting Procedures) for Council Meetings** [↓](#)

EXECUTIVE SUMMARY

As part of the ongoing organisation-wide compliance policy review work, amended and newly created instruments, along with instruments marked for repeal, are presented to Council for consideration.

RECOMMENDATION

That Council:

1. Repeals the:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings – adopted 18 November 2020
2. Adopts the:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings

BACKGROUND**Purpose**

To provide written rules for the orderly conduct of Council Meetings as required under section 150F of the *Local Government Act 2009* (Qld).

Summary of amendments

1. Section 3.8 item 2 final sentence – omit word ‘committed’, insert phrase ‘engaged in’
2. Section 3.12 – Insert explanatory footnote relevant to restrictions on delegable powers under the *Local Government Act 2009* (Qld)
3. Section 3.13 – Insert footnote legislation reference, reformatting and alignment of lead paragraphs and bullet points
4. Section 3.14 – Insert explanatory footnotes relevant to closed meetings, maintaining meeting confidentiality and contravention provision
5. Section 6 – effect minor formatted amendments
6. Apply minor spelling and grammatical amendments throughout.

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Policy library and website updated to publish.



Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	7.1
Responsible Officer	Manager Development and Governance	Date Approved	20/09/2023
Review Officer	Manager Development and Governance	Review Due	20/08/2027
Author	Director Corporate and Community Services	Commencement	20/09/2023

1. PURPOSE

The purpose of the Standing Orders (meeting procedures) for Council Meetings is to provide written rules for the orderly conduct of Council Meetings.

As required under section 150F of the *Local Government Act 2009* (LGA) this policy also sets out:

- the process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable conduct by Councillors in Local Government meetings and Local Government committee meetings; and
- the process for how suspected inappropriate conduct of a Councillor referred by the Independent Assessor is to be dealt with at a Local Government meeting.

It is intended that these procedures will help strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

2. SCOPE

This policy applies to all meetings of the Mareeba Shire Council, other than statutory meeting.

3. POLICY STATEMENT

3.1 STANDING ORDERS

1. These Standing Orders apply to all meetings of Council and any standing Committees.
2. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
3. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

3.2 PROCEDURES FOR MEETINGS OF COUNCIL – INCLUDING REFERRALS FROM THE INDEPENDENT ASSESSOR

3.2.1 *Presiding Officer*

1. The Mayor will preside at a meeting of Council.

Standing Orders for Council Meetings

2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
3. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
4. In specified circumstances the Mayor is delegated to give leave to a Councillor in relation to paragraph 162 (1)(d)(ii) Local Government Act 2009;
5. The Mayor may give approval for attendance via teleconferencing for Councillors in certain circumstances.

3.2.2 Order of Business

1. Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by the Council.
2. The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
3. Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Confirmation of Minutes
 - Officers Reports
4. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

3.2.3 Agendas

1. Council Reports shall be made available to Councillors, if practical, two (2) days prior to meetings.
2. The agenda may contain:
 - Apologies / leave of absence / absence on Council business
 - Bereavements / condolences
 - Declaration of any material personal interests / conflicts of interest
 - Confirmation of minutes of previous meetings
 - Business arising out of minutes of previous meetings
 - Deputations and delegations
 - Mayoral minutes
 - Notified motions
 - Consideration of officers' reports to Council
 - General business
 - Consideration of closed session matters
 - Notice of next meeting
3. Business not on the agenda or not fairly arising from the agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting.

Standing Orders for Council Meetings

4. Matters considered under General Business shall only include non-substantive issues i.e., requests for a report to be prepared or leave of absence.
5. In terms of transparency and good governance, the items that Council should be making substantive decisions about should be contained in the public agenda and as such, General Business should not allow for making of decisions on matters of public interest.

3.2.4 *Mayoral Minute*

The Mayor may move that a matter be introduced to the agenda for consideration at a meeting. This motion does not require to be seconded but requires a majority vote.

3.2.5 *Petitions*

1. Any petition presented to a meeting of Council shall:
 - be in legible writing or typewritten and contain a minimum of 10 signatures;
 - include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
2. A petition must be forwarded or handed to the CEO, who shall take reasonable steps to check the validity of the petition and include it on the agenda for the next ordinary meeting of Council. Noting that the agenda closes seven (7) days prior to a meeting.
3. A petition may be presented to a meeting of Council by a Councillor who, before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting, shall:
 - (a) state the nature of the petition; and
 - (b) read the petition.
4. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
5. Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

3.2.6 *Deputations*

1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
2. The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
3. For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. For

Standing Orders for Council Meetings

each deputation, a nominated spokesperson shall be appointed to address Council. A deputation shall be given adequate opportunity to explain the purpose of the deputation.

4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chairperson may finalise the deputation.
5. The Chairperson may terminate an address by a person in a deputation at any time where:
 - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
 - the time period allowed for a deputation has expired, or
 - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

3.3 MOTIONS

3.3.1 *Motions*

1. A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
2. When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
3. If a motion is not moved and/or seconded it is deemed lost unless a procedural motion is proposed
4. Other Councillors can propose amendments to the original motion after it has been moved and seconded. The original motion must be voted on before voting on the final motion.
5. A motion brought before a meeting of Council in accordance with the *Local Government Act 2009* or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
6. The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
7. Where a Councillor wishes to propose a specific motion, this must be submitted to the CEO for inclusion in the Agenda seven (7) days prior to the meeting.

3.3.2 *Absence of Mover of Motion*

1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
 - moved by another Councillor at the meeting; or
 - deferred to the next meeting.

Standing Orders for Council Meetings

3.3.3 Motion to be seconded

1. A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.
2. Notwithstanding item 1, where there is no seconder, a Councillor who moves a motion or an amendment to a motion may request permission of the Chairperson to speak in support of that motion or amendment in an attempt to have the motion seconded.

3.3.4 Amendment of Motion

1. An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

3.3.5 Speaking to motions and amendments

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for or against the motion as available, until all Councillors who wish to speak have had the opportunity.
3. A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
5. The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
6. Each speaker shall be restricted to not more than three (3) minutes unless the Chairperson rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
8. In accordance with Section 273 of the *Local Government Regulation 2012*, if a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the

Standing Orders for Council Meetings

Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Where a decision is made at a meeting involving either or both of the following:

- (a) entering into a contract the total value of which is more than the greater of:
- \$200,000 (ex GST) or;
 - 1% of the net rates and utility charges (or such other amounts as may be specified by legislation from time to time); and/or
- (b) is inconsistent with the policy or approach:
- ordinarily followed by the local government for that type of decision or;
 - previously adopted by the local government and which is still in force

and that decision is also inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. (reference S273 *Local Government Regulation 2012*).

3.3.6 Method of taking vote

1. A resolution is determined by a vote on a motion. A resolution is the formal adoption by Council of a position or an action.
2. Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again. The Chairperson shall, in taking the vote on a motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
3. Abstaining from voting is a negative vote.
4. The Chairperson has a deliberative vote and can exercise this right as a member of Council. If the votes on a matter are equal, legislation provides for the Chairperson to have a 'casting vote' to break the deadlock and bring resolution on the matter before Council.
5. Unless otherwise directed by the Chairperson, voting shall be by a show of hands.
6. Any Councillor may call for a division on a question before the Chairperson calls for a vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The vote for a division shall be taken by a show of hands.
7. The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A call for a division must be made before the Chairperson calls for the vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
8. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division at the time the vote is taken.
9. Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.

Standing Orders for Council Meetings

10. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.3.7 Repealing or amending resolutions

1. A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the *Local Government Act 2009* or the *Local Government Regulation 2012*.
2. Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three (3) months after the date on which the first mentioned motion to rescind or alter was lost.
3. Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

3.3.8 Procedural motions

1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
 - that the question/motion be now put
 - that the motion and amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the Chairpersons decision
 - that this report/document be tabled
 - to suspend the rule required that (insert requirements)
 - that the meeting stand adjourned
2. A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
3. The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
 - a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
4. Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
5. A procedural motion, that the question lie on the table, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table,

Standing Orders for Council Meetings

may be moved at the meeting at which the procedural motion was carried or at any later meeting.

6. Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that another Councillor:
 - has failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to Item 2 as outlined above. The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

7. A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
9. A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
10. A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.
11. Any other procedural motion is required to be seconded.

3.3.9 Conduct during Meetings

1. Councillors will conduct themselves in accordance with the principles of the *Local Government Act 2009* and the standards of behaviour set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

Standing Orders for Council Meetings

2. After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
3. Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
4. No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
5. When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.
6. Councillors shall ensure there is no audible noise from mobile devices during a formally constituted meeting except with permission of the Chairperson.
7. Councillors may sit or stand and address the Chairperson while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
8. Councillors shall remain seated and silent while a vote is being taken.
9. No Councillor shall make personal reflections on or impute improper motives to any other Councillor.

3.4 QUESTIONS

1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
2. A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
3. The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

3.5 MAINTENANCE OF GOOD ORDER

3.5.1 Disorder

1. The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

Standing Orders for Council Meetings**3.5.2 Business of Objectionable nature**

1. If, at a meeting of Council, the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chairperson or another Councillor may move a motion to declare a point of order that the matter not be considered further.

3.6 ATTENDANCE AND NON-ATTENDANCE**3.6.1 Attendance of public and the media at meeting**

1. An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
2. When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
3. The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

3.6.2 Public Participation at meetings

1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.
2. In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
3. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
4. For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
5. During a debate on a motion, the Chairperson may invite submission, comments or questions from members of the public.
6. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.

Standing Orders for Council Meetings

7. Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
8. Any person who is considered by the Council or the Mayor to be conducting themselves in an unsuitable manner, may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Should any person fail to adhere to this direction, they may be forcibly removed from the premises.
9. Audio and/or video recording of a Council meeting by a member of the public is not permitted unless approved by the Chairperson.

3.7 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING

While Councillors generally will conduct themselves in accordance with the principles of the LGA, the Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct. The conduct of a councillor is unsuitable meeting conduct if the conduct happens during a council meeting and contravenes a behavioural standard of the code of conduct for councillors. When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

1. The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to section 3.7, item 7 for the steps to be taken.
3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Councillor may warn the Councillor that failing to comply with the request may result in an order being issued.
6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
7. If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under section 3.7, item 3, the Chairperson may make one or more of the orders below:
 - an order reprimanding the Councillor for the conduct
 - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.

Standing Orders for Council Meetings

8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
9. Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting;
 - (b) if it is the third (3rd) or more order made within a 12-month period made against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council and treated as inappropriate conduct;
 - (c) the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.
10. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

Note: Chairpersons of a meeting are carrying out a statutory responsibility under the LGA to manage and lead the meeting. As such, where a chairperson behaves inappropriately in a meeting, this involves a breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct. The breach can be referred to the Office of the Independent Assessor (OIA) to be dealt with. However, breaches of trust don't arise because councillors disagree with the Chairperson's decision or ruling during the meeting.

3.8 MEETING PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT BY THE INDEPENDENT ASSESSOR (IA)

Pursuant to Chapter 5A, Division 5 of the LGA (Referral of conduct to local government) a referral from the IA of inappropriate conduct or an instance of suspected inappropriate conduct may arise from circumstances under section 3.7, item 9, paragraph (b) of this document.

In either case, the Council must complete an investigation into the alleged conduct:

- consistent with any recommendations from the IA; and
- consistent with the Council's investigation policy; or
- in another way decided by resolution of the Council.

After the completion of the investigation, the Council must decide in a council meeting, whether the Councillor has engaged in inappropriate conduct, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Council by the IA:

1. The Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the matter may directly affect the health and safety of the complainant due to the nature of the complaint, the Council may resolve to go into closed session under section 254J of the *Local Government Regulation 2012* (the LGR) to discuss the allegation.
2. The subject councillor has a declarable conflict of interest in the matter and is permitted by the Council to remain in the meeting during the debate about whether the Councillor engaged in the inappropriate conduct and answer questions put to the subject councillor through the Chairperson to assist the other councillors in making a decision. The permission to remain in the meeting for the debate is on the condition that the subject councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have committed inappropriate conduct and what, if any, penalty to impose if the Councillor is found to have engaged in inappropriate conduct.

Standing Orders for Council Meetings

3. Should the complainant be a Councillor, that Councillor may have a declarable conflict of interest in the matter and if so, must follow the declarable conflict of interest procedures in Section 3.8, Item 2.
If the complainant councillor who has a conflict of interest, wishes to remain in the meeting during the debate and vote on the matter, the other councillors must decide how to deal with the conflict of interest under section 3.8, Item 2. The complainant councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
4. The Council must debate the issue and decide whether the subject councillor engaged in inappropriate conduct. If the Council has lost quorum due to the number of conflicted councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or deferred to another date when a quorum will be present.
5. If a decision is reached that the subject councillor has engaged in inappropriate conduct, then the councillors must decide what penalty or penalties from the orders detailed in 2.6, if any, to impose on the Councillor. In deciding what penalty to impose, the Council may consider any previous inappropriate conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.
6. The Council may order that no action be taken against the Councillor or make one or more of the following:
 - a) an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - b) an order reprimanding the Councillor for the conduct
 - c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - d) an order that the Councillor be excluded from a stated Council meeting
 - e) an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the Local Government on a State board or committee
 - f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - g) an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
7. A local government may not make an order under 3.8, Item 6(c); 3.8, Item 6(d); 3.8, Item 6(e); 3.8, Item 6(f) in relation to a person who is no longer a councillor.
8. The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision.
9. The Chairperson must ensure the meeting minutes reflect the resolution made.

3.9 PRESCRIBED CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any prescribed conflict of interest on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed conflict of interest, councillors must abide by the following procedures:

Standing Orders for Council Meetings

1. A councillor who has notified the chief executive officer of a prescribed conflict of interest in a matter to be discussed in a council meeting must also give notice during the meeting.
2. A councillor who first becomes aware of a prescribed conflict of interest in a matter during a council meeting must immediately inform the meeting of the conflict of interest.
3. When notifying the meeting of a prescribed conflict of interest, the following details must, at a minimum, be provided:
 - if it arises because of a gift, loan or contract, the value of the gift, loan or contract
 - if it arises because of an application or submission, the subject of the application or submission
 - the name of any entity, other than the Councillor, that has an interest in the matter
 - the nature of the Councillor's relationship with the entity that has an interest in a matter
 - details of the Councillor's and any other entity's interest in the matter.
4. The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject councillor has written notice from the Minister to participate in the matter.
5. Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

3.10 DECLARABLE CONFLICT OF INTEREST

Councillors are ultimately responsible for informing of any declarable conflict of interest on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A councillor may raise their personal interests in a matter at the meeting to canvas the view of the other councillors prior to deciding to declare a conflict of interest. If the other councillors suspect the personal interest might be a conflict of interest, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable conflict of interest, councillors must abide by the following procedures:

1. A councillor who has notified the chief executive officer of a declarable conflict of interest in a matter to be discussed at a council meeting must also give notice during the meeting.
2. A councillor who first becomes aware of a declarable conflict of interest in a matter during a council meeting must inform the meeting of the conflict of interest.
3. When notifying the meeting of a declarable conflict of interest, councillors should provide sufficient detail to allow the other councillors to make an informed decision about how best to manage the declarable conflict of interest in the public interest. The following minimum details must be provided:
 - the nature of the declarable conflict of interest
 - if it arises because of the Councillor's relationship with a related party:
 - the name of the related party to the Councillor
 - the nature of the relationship of the related party to the Councillor
 - the nature of the related party's interest in the matter
 - if it arises because of a gift or loan from another person to the Councillor or a related party:
 - the name of the other person

Standing Orders for Council Meetings

- the nature of the relationship of the other person to the Councillor or related party
 - the nature of the other person's interest in the matter
 - the value of the gift or loan and the date the gift or loan was made.
4. After a councillor has declared a conflict of interest, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
 5. If the Councillor chooses not to leave the meeting, the Councillor may advise the other councillors of their reasons for seeking permission to participate in making the decision.
 6. The other councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted councillors. The non-conflicted councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted councillors.
 7. In deciding on whether a councillor may participate in a decision about a matter in which the Councillor has a declarable conflict of interest, only councillors who do not themselves have a prescribed or declarable conflict of interest in the matter are eligible to participate in the decision making. The decision may be made even if the number of those councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
 8. The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other councillors in making their decision. The subject councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable conflict of interest.
 9. When deciding whether a councillor may participate in the decision making on a matter in which they have a declarable conflict of interest, the other councillors should consider the circumstances of the matter including, but not limited to:
 - how does the inclusion of the Councillor in the deliberation affect the public trust
 - how close or remote is the Councillor's relationship to the related party
 - if the declarable conflict of interest relates to a gift or other benefit, how long ago was the gift or benefit received
 - will the benefit or detriment the subject councillor or their related party stands to receive from the decision have major or minor impact on them
 - how does the benefit or detriment the subject councillor stands to receive compare to others in the community
 - how does this compare with similar matters that Council has decided and have other councillors with the same or similar interests decided to leave the meeting
 - whether the subject councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
 10. If the non-conflicted councillors cannot decide about the declarable conflict of interest of a councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the non-conflicted councillors discuss and vote on the matter.

Standing Orders for Council Meetings

11. A decision about a councillor who has a declarable conflict of interest in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the non-conflicted councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g., briefing sessions or workshops.
12. In making the decision under 3.8, Item 6 and 3.8 Item 9, it is irrelevant how the subject councillor intended to vote on the issue or any other issue (if known or suspected).
13. A councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.

3.11 REPORTING A SUSPECTED CONFLICT OF INTEREST

1. If a councillor at a meeting reasonably believes or suspects that another councillor has a personal interest in a matter that may be a prescribed or declarable conflict of interest, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
2. The Chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable conflict of interest in the matter. If the Councillor agrees they have a conflict of interest, the Councillor must follow the relevant procedures above.
3. If the Councillor believes they do not have a conflict of interest, they must inform the meeting of that belief and their reasons for that belief.
4. The non-conflicted councillors must then decide whether the Councillor has a prescribed conflict of interest, a declarable conflict of interest or that the Councillor does not have a prescribed or declarable conflict of interest in the matter. If the meeting decides the Councillor has a conflict of interest, the Councillor must follow the relevant procedures above.
5. If the councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable conflict of interest.

3.12 LOSS OF QUORUM

1. In the event where one or more councillors leave a meeting due to a prescribed or declarable conflict of interest in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:
 - delegate the consideration and decision on the matter, pursuant to section 257 of the LGA; or
 - defer the matter to a later meeting; or
 - not to decide the matter and take no further action in relation to the matter.

All councillors including the conflicted councillors, may participate in deciding to delegate or defer a matter.

2. The Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable conflict of interest in the matter.

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3. If the matter cannot be delegated under an Act, the Council should seek ministerial approval for the councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.¹

3.13 RECORDING PRESCRIBED AND DECLARABLE CONFLICTS OF INTEREST

When a councillor informs a meeting that they or another councillor have a prescribed or declarable conflict of interest in a matter, the minutes of the meeting must record all of the relevant details of how the conflict of interest was dealt with, being:²

- the name of any councillor and any other councillor who may have a prescribed or declarable conflict of interest
- the particulars of the prescribed or declarable conflict of interest provided by the Councillor
- the actions taken by a councillor after informing the meeting that they have, or they reasonably suspect another councillor has a prescribed or declarable conflict of interest
- any decision then made by the eligible councillors
- whether the Councillor with a prescribed or declarable conflict of interest participated in or was present for the decision under ministerial approval
- the Council's decision on what actions the Councillor with a declarable conflict of interest must take and the reasons for the decision
- the name of each Councillor who voted on the matter and how each voted

If the Councillor has a declarable conflict of interest the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a councillor's personal interest by someone other than the Councillor:

- the name of each Councillor who voted in relation to whether the Councillor has a declarable conflict of interest, and how each of the councillors voted

where a decision has been made under section 3.8, Item 6 above – the minutes must include:

- the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted

3.14 CLOSED MEETINGS

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:³

- Appointment, dismissal or discipline of the CEO
- Industrial matters affecting employees
- The Council's budget
- Rating concessions
- Legal advice obtained by the Council, including legal proceedings that may be taken by or against the Council

¹ See *Local Government Act 2009* (Qld) s 257(3) – restriction on delegation of a power which must be decided by resolution of Council. See also s 257 generally. See also s 150AG – restriction on delegation of power to make a decision on Councillor conduct.

² Ibid s 150A.

³ Ibid s 254J(3).

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- Matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council
- negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967*
- a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.

A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a councillor's personal interest in the matter by another person and the eligible councillors at the meeting must decide whether the Councillor has a declarable conflict of interest in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted councillors who leave the meeting and the Council must;

- delegate the matter
- decide by resolution to defer to a later meeting
- decide by resolution to take no further action on the matter.

None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.⁴

To take a matter into a closed session the Council must abide by the following:

1. Pass a resolution to close the meeting.
2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session, and an explanation of why it is deemed necessary to take the issue into closed session must be stated.
4. Not make a resolution while in a closed meeting (other than a procedural resolution).

3.15 TELECONFERENCING MEETINGS

1. If a councillor wishes to be absent from a council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.

⁴ Ibid s 171(3) – contravention provision.

Standing Orders for Council Meetings

2. A councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

Note: Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

3. In order for councils to manage the safety rules during the COVID-19 pandemic, changes have been added to the LGR that will expire in June 2021.

These provisions allow the Council:

- the option to conduct the entire council meeting via phone, teleconference or video conference
- where possible, that they must provide streaming or other facilities so that the public can observe or hear the meeting as it is happening, at one of the Council's public offices or on the Council's website
- Chairperson the option to close the meeting on health and safety grounds to protect participants or observers from risk of exposure to COVID-19.

3.16 AMENDMENT OF STANDING ORDERS

Standing Orders are a Council policy and can be amended by resolution of Council at any time.

4. REPORTING

No additional reporting is required.

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Code of Conduct for Councillors (MSC)

Standing Orders for Council Meetings

Councillor Conduct Register (MSC)

Investigation Policy (MSC)

Local Government Act 2009 (Qld)

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

8.9 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2023

Date Prepared: 1 September 2023

Author: Manager Finance

Attachments: 1. [Budgeted Income Statement by Fund 2023/24 Budget](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2023 to 31 August 2023.

RECOMMENDATION

That Council:

1. receives the Financial Report for the period ending 31 August 2023;
2. empanels the contractor listed below to add to the sole supplier list.

BACKGROUND

Each month, year to date financial statements are prepared to monitor actual performance against budgets.

The end of financial year end audit is nearing its final stages of completion, with impact on final end of year figures (if any) yet to be identified. The 2022/23 Financial Statements were presented to the Audit Committee for the annual audit on 10 August 2023.

For the month ending 31 August 2023, the actual results are in line with the year-to-date budget. There are no issues or concerns to discuss or highlight at this stage, any variances at this stage are due to either budget allocation timing issues and year-end journals that have not been finalised yet until audit has been completed and financial statements signed off.

The budgeted figures reflect the 2023/24 Budget as adopted by Council at the 19 July 2023 meeting.

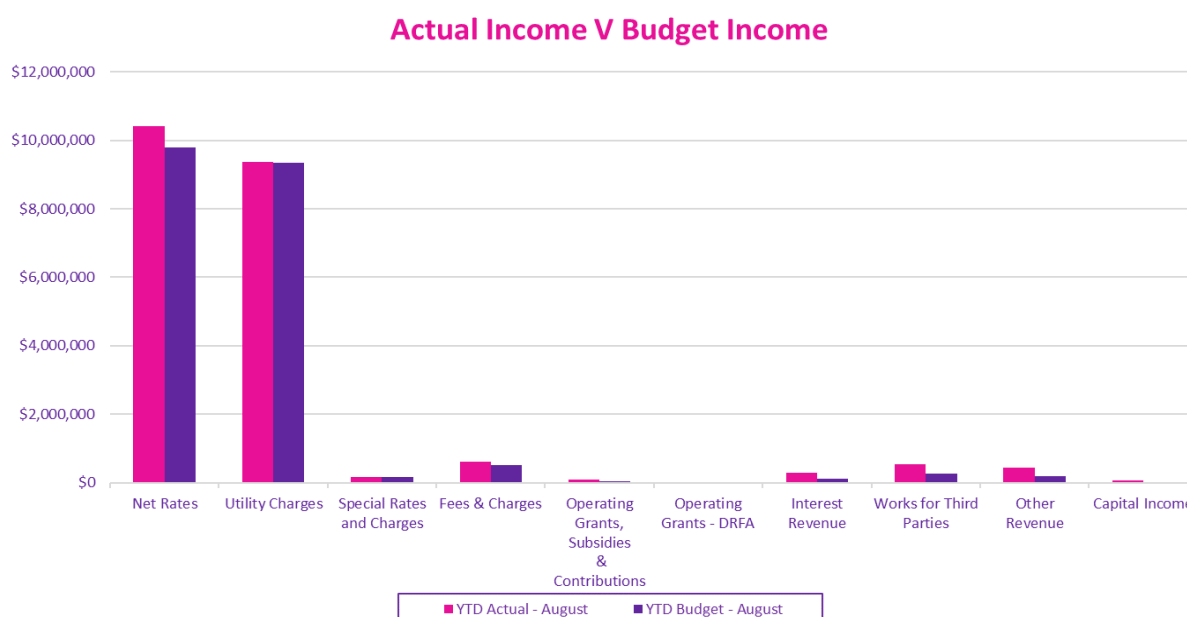
<i>August 2023 - Snapshot</i>	Actuals YTD	Budget YTD
Total Operating Income	\$ 21,993,040	20,459,085
Total Operating Expenditure	\$ 9,635,775	9,284,585
Operating Surplus/(Deficit)	\$ 12,357,264	11,174,500
Total Capital Income (grants, developer contributions)	\$ 60,221	30,000
Net Result - Surplus/(Deficit)	\$ 12,417,486	11,204,500

The operating surplus shown above is due to the Rates Notices being issued in August 2023, which represents 50% of annual rate levies.

Income Analysis

Total income (inclusive of capital income of \$60,221) for the period ending 31 August 2023 is \$22,053,260 compared to the YTD budget of \$20,489,085.

The graph below shows actual income against budget for the period ending 31 August 2023.



	Actual YTD	Budget YTD	Note
Net Rates	10,406,856	9,783,705	1
Utility Charges	9,376,401	9,345,831	1
Special Rates and Charges	167,276	166,559	1
Fees & Charges	617,505	521,466	
Operating Grants, Subsidies & Contributions	105,832	42,116	
Operating Grants, Subsidies - DRFA	32,308	-	
Interest Received	306,304	131,167	2
Works for Third Parties	534,985	267,804	3
Other Revenue	445,573	200,437	4
Capital Income	60,221	30,000	

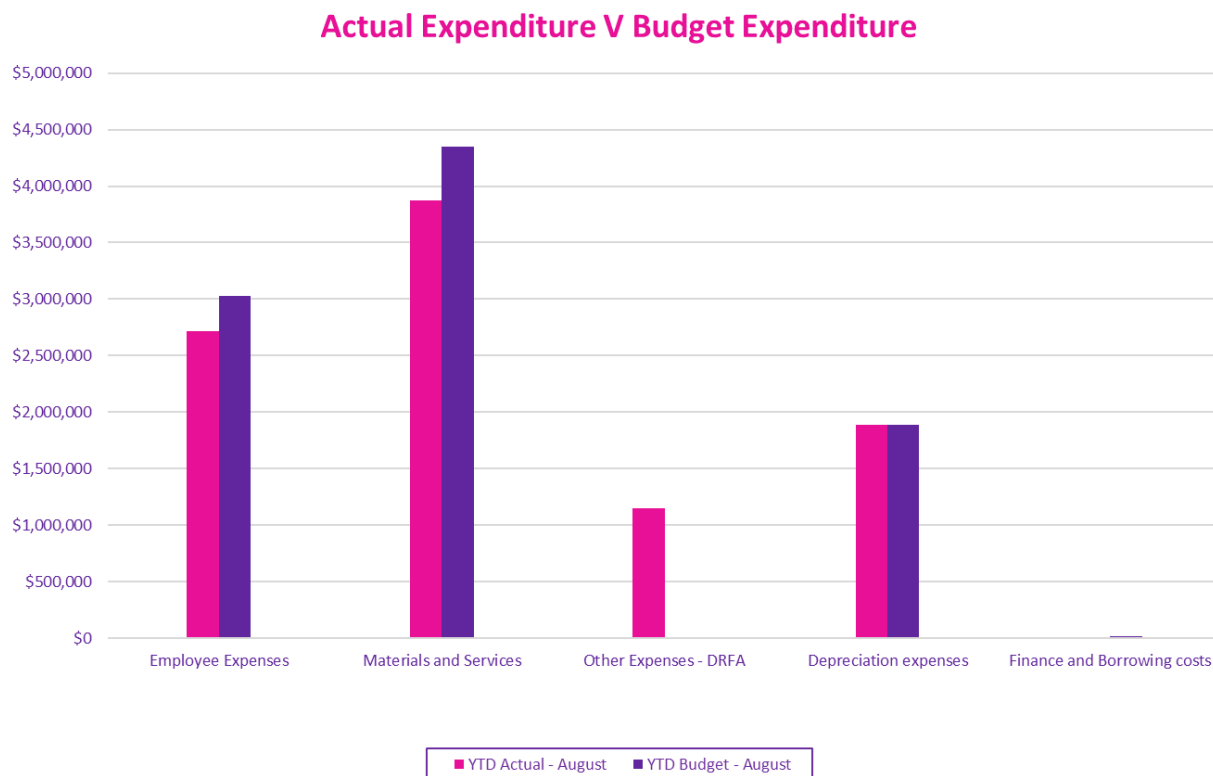
Notes:

1. Rates for the half year ending 31 December 2023 were levied in August. The favourable variance relates to the rates discount, which is only recorded when rate payments are made. As more rate payments are received before discount dates, this variance will reduce.
2. This interest will be allocated between constrained reserves (developer contributions), waste, water and wastewater funds.
3. RMPC income is allocated equally over 12-month period, however actuals do not reflect the same trend. This will be the same with expenditure.

- Annual invoices have been raised for some rent and leases, however the budget has been apportioned equally over 12 months.

Expenditure Analysis

Total expenses for the period ending 31 August 2023 is \$9,635,775 compared to the YTD budget of \$9,284,585. The graph below shows actual expenditure against budget for the period ending 31 August 2023.



	Actual YTD	Budget YTD	Note
Employee expenses	2,717,604	3,028,982	
Materials & Services	3,869,731	4,350,250	
Other Expenses - DRFA	1,152,610	5,834	1
Depreciation expenses	1,885,911	1,885,911	
Finance & Borrowing costs	9,919	13,608	

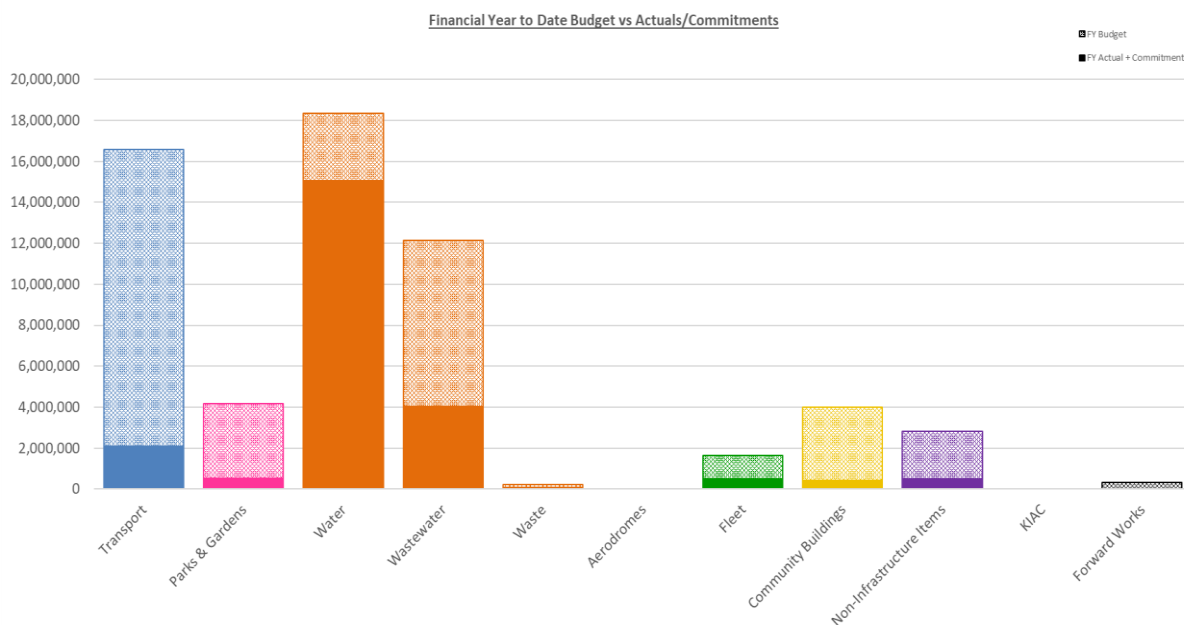
Notes:

- The variance relates to the expenditure incurred for the Disaster Recovery Funding Arrangements (DRFA) restoration works which is not budgeted for. This expenditure is offset against the income to be received.

Capital Expenditure

Carry over capital works from 2022/23 of \$34,709,036 are proposed to be added to the 2023/24 program. In addition to these carry overs, there are some adjustments and additional new capital (\$2,775,400) which will bring the total annual capital budget to \$60,286,664.

Total capital expenditure of \$23,148,378 (including commitments) has been spent for the period ending 31 August 2023 against the 2023/24 annual capital budget of \$60,286,664.



Loan Borrowings

Council's loan balance is \$6,891,389.

Rates and Charges

The total rates and charges payable as at 31 August 2023 are \$18,517,016 which is broken down as follows:

Status	31 August 2023		31 August 2022	
	No. of properties	Amount	No. of properties	Amount
Valueless land	4	88,593	11	431,663
Payment Arrangement	44	81,402	67	113,285
Collection House	190	1,168,476	180	1,007,932
Exhausted – awaiting sale of land	6	54,272	50	680,535
Sale of Land	*58	1,114,516	2	69,582
Other (includes supplementary rate notices)	8,229	16,009,757	6,568	11,496,021
TOTAL	8,531	18,517,016	6,878	13,799,018

* This includes 57 Kuranda Resort properties which were up for Sale of Land. This auction took place on 25 May and the process is still being managed by Collection House who are currently finalising the sales.

The Rate Notices for the period ending 31 December 2023 were issued on 21 August 2023 with a discount due date of 22 September 2023. As the levy date was one week later than the previous year, not as many people have paid their rates by the end of August.

The total gross rates and charges levied for the six (6) month period amounted to \$21,453,547.

Collection House collected \$69,331 for the month of August 2023.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 August 2023 is \$1,436,941 which is made up of the following:

Current	30 days	60 days	90 + days
\$1,319,090	\$25,381	\$3,561	\$88,909
91.8%	1.76%	0.25%	6.19%

Procurement

There were no emergency purchase orders for the month.

In accordance with Section 235 of the *Local Government Regulation 2021* titled "Other exceptions", Council is able to empanel the contractors that Council deems to be a Sole Supplier if:

- a) Council resolves that, it is satisfied that there is only one (1) supplier who is reasonably available; or,
- b) Council resolved that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous to invite quotes or tenders.

There are currently 47 suppliers considered sole suppliers which have been endorsed by Council.

It is recommended that Technology One be endorsed by Council and added to the approved sole supplier register. Technology One is the computer software program Council uses and only Technology One can supply. This was a tender process conducted back in 2003/04 (TMSC2003-29).

RISK IMPLICATIONS

Nil

Legal/Compliance/Policy Implications

Section 204 of the *Local Government Regulation 2012* requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

I

Budgeted Income Statement by Fund 2023/24 Budget

Consolidated			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	20,351,895	20,338,534	40,677,068
Less Discounts and Pensioner Remissions	(401,362)	(1,042,440)	(2,084,880)
Net Rates and Utility Charges	19,950,533	19,296,094	38,592,188
Fees and Charges	617,505	521,466	2,128,351
Operating Grants and Subsidies	105,832	33,449	8,233,196
Operating Grants and Subsidies - DRFA	32,308	-	-
Operating Contributions	-	8,667	52,000
Interest Revenue	306,304	131,167	787,000
Works for Third Parties	534,985	267,804	1,606,826
Other Revenue	445,573	200,438	1,199,625
Total Operating Revenue	21,993,040	20,459,085	52,599,186
Expenditure			
Employee Expenses	2,717,604	3,028,982	18,500,677
Materials and Services	3,869,731	4,350,250	17,460,588
Other Expenses - DRFA	1,152,610	5,834	35,000
Depreciation expense	1,885,911	1,885,911	11,315,475
Finance and Borrowing costs	9,919	13,608	249,000
Total Operating Expenses	9,635,775	9,284,585	47,560,740
Operating Surplus/(Deficit)	12,357,264	11,174,500	5,038,446
Capital Income			
Capital Contributions	28,191	-	-
Capital Grants and Subsidies	16,220	-	6,575,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	15,810	30,000	180,000
Total Capital Income	60,221	30,000	6,755,000
Net Result	12,417,486	11,204,500	11,793,446

Budgeted Income Statement by Fund 2023/24 Budget

General			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	10,911,200	10,929,111	21,858,221
Less Discounts and Pensioner Remissions	(401,362)	(1,042,440)	(2,084,880)
Net Rates and Utility Charges	10,509,838	9,886,671	19,773,341
Fees and Charges	511,280	409,528	1,283,965
Operating Grants and Subsidies	105,832	33,449	8,233,196
Operating Grants and Subsidies - DRFA	32,308	-	-
Operating Contributions	-	-	-
Interest Revenue	184,181	78,000	468,000
Works for Third Parties	529,523	267,804	1,606,826
Other Revenue	341,990	164,771	985,625
Total Operating Revenue	12,214,952	10,840,222	32,350,953
Expenditure			
Employee Expenses	2,537,761	2,699,241	16,484,913
Materials and Services	3,019,131	2,522,680	7,214,824
Other Expenses - DRFA	1,152,610	5,834	35,000
Depreciation expense	1,333,932	1,333,932	8,003,597
Finance and Borrowing costs	9,919	13,608	142,852
Total Operating Expenses	8,053,353	6,575,295	31,881,186
Operating Surplus/(Deficit)	4,161,599	4,264,928	469,767
Capital Income			
Capital Contributions	28,191	-	-
Capital Grants and Subsidies	16,220	-	4,314,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	15,810	30,000	180,000
Total Capital Income	60,221	30,000	4,494,000
Net Result	4,221,820	4,294,928	4,963,767

Budgeted Income Statement by Fund 2023/24 Budget

Waste			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	2,291,907	2,280,165	4,560,330
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,291,907	2,280,165	4,560,330
Fees and Charges	85,105	92,772	729,386
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	8,667	52,000
Interest Revenue	17,934	7,000	42,000
Works for Third Parties	2,455	-	-
Other Revenue	79,515	31,500	189,000
Total Operating Revenue	2,476,916	2,420,103	5,572,716
Expenditure			
Employee Expenses	137	37,015	222,091
Materials and Services	450,626	857,623	5,116,750
Depreciation expense	30,024	30,024	180,144
Finance and Borrowing costs	-	-	-
Total Operating Expenses	480,787	924,662	5,518,985
Operating Surplus/(Deficit)	1,996,129	1,495,441	53,731
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	1,996,129	1,495,441	53,731

Budgeted Income Statement by Fund 2023/24 Budget

Wastewater			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	3,055,178	3,035,238	6,070,475
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	3,055,178	3,035,238	6,070,475
Fees and Charges	3,169	10,000	60,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	47,292	34,167	205,000
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	3,105,639	3,079,404	6,335,475
Expenditure			
Employee Expenses	61,019	109,779	669,805
Materials and Services	148,288	349,214	1,773,161
Depreciation expense	274,859	274,859	1,649,153
Finance and Borrowing costs	-	-	106,148
Total Operating Expenses	484,166	733,852	4,198,267
Operating Surplus/(Deficit)	2,621,473	2,345,552	2,137,208
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	2,261,000
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	2,261,000
Net Result	2,621,473	2,345,552	4,398,208

Budgeted Income Statement by Fund 2023/24 Budget

Water			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	4,030,840	4,031,929	8,063,857
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	4,030,840	4,031,929	8,063,857
Fees and Charges	17,952	9,167	55,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	56,897	12,000	72,000
Works for Third Parties	3,007	-	-
Other Revenue	24,068	4,167	25,000
Total Operating Revenue	4,132,764	4,057,263	8,215,857
Expenditure			
Employee Expenses	118,686	182,947	1,123,868
Materials and Services	201,560	612,743	3,308,279
Depreciation expense	237,439	237,439	1,424,631
Finance and Borrowing costs	-	-	-
Total Operating Expenses	557,685	1,033,128	5,856,778
Operating Surplus/(Deficit)	3,575,079	3,024,135	2,359,079
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	3,575,079	3,024,135	2,359,079

Budgeted Income Statement by Fund 2023/24 Budget

Benefited Area			
	Actual YTD	Budget YTD	2023/24 Budget
Revenue			
Rates and utility charges	62,769	62,093	124,185
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	62,769	62,093	124,185
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	-	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	62,769	62,093	124,185
Expenditure			
Employee Expenses	-	-	-
Materials and Services	50,126	7,990	47,574
Depreciation expense	9,658	9,658	57,950
Finance and Borrowing costs	-	-	-
Total Operating Expenses	59,784	17,649	105,524
Operating Surplus/(Deficit)	2,985	44,444	18,661
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	2,985	44,444	18,661

9 INFRASTRUCTURE SERVICES

9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - AUGUST 2023

Date Prepared: 1 September 2023

Author: Manager Assets and Projects

Attachments:

1. [Capital Works Highlights - August 2023](#) ↓
2. [Capital Works Summary - August 2023](#) ↓

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on capital works projects undertaken by the Infrastructure Services Department during the month of August 2023.

RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of August 2023.

BACKGROUND

Council's Capital Works program is focussed on renewal and upgrade of Council infrastructure to achieve Council's corporate vision of "A growing, confident and sustainable Shire". The program is funded through a combination of Council's own funding and external grants and subsidies.

RISK IMPLICATIONS

Financial

The capital works program is tracking within budget.

Infrastructure and Assets

Projects included in the current capital works program were identified through Council's Project Prioritisation Tool (PPT) which uses a risk-based, multi-criteria approach to rank projects in order of priority. The PPT is aligned with Council's Long-Term Financial Plan and Asset Management sub-plans, which focus of renewal of existing assets.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2023/24 Capital Works Program.

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Dimbulah Memorial Hall Roof Replacement and Insulation Upgrade

Program: Community Buildings

Background

The Dimbulah Memorial Hall roof is approaching end of useful life and the renewal of this roof and installation of insulation was included in the 2023/24 Capital Works program to enable subsequent solar panel installation and air-conditioning of the building under a separate project.

Scope of Work

This project was a complete replacement of the metal roof sheeting and associated flashings and guttering for the purpose of sealing to make the building watertight, with new blanket insulation for the building.

Progress Update

Works commenced and completed in August 2023.



Dimbulah Memorial Hall, 29 Raleigh Street Dimbulah



Dimbulah Memorial Hall Roof Replacement and Insulation Upgrade – Project Commencement

Infrastructure Services Capital Works Report Project Highlights – August 2023



Dimbulah Memorial Hall Roof Replacement and Insulation Upgrade – Project Completion



Dimbulah Memorial Hall Roof Replacement and Insulation Upgrade – Project Completion Aerial View

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Anzac Park Mareeba

Program: Parks and Open Spaces

Background

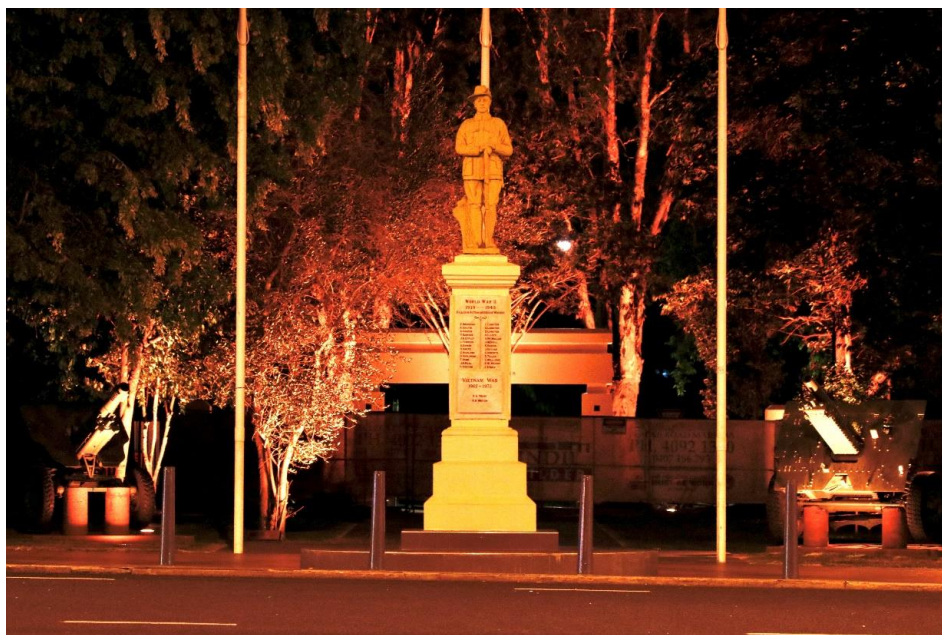
Mareeba Shire has multiple war memorial sites, displays and historical places of interest which honour those in our community who served Australia. As part of the Parks and Open Spaces Strategy, Council recognised the need to revitalise Anzac Park as the focal point for veterans, serving members of the Australian Defence Force and community. Businesses in Mareeba's CBD have been asking for changes to improve safety and reduce anti-social behaviour in the main street, and the revitalisation of Anzac Park should contribute to these aims.

Scope of Work

The parkland will incorporate up-lighting to highlight some of the features including the cannons and the trees, removal of the fountain, footpath renewal and planting of additional trees. The project will also see the addition of a named archway at the rear of the park.

Progress Update

The concrete footpath is complete, and the final section of tiling work has commenced. The rear wall has been constructed and rendered. The gates are being installed and the new light controller has been installed and is being programmed. The park was opened for the Vietnam Veteran's Day service on 18 August and feature set to gold to mark the 50th anniversary of the end of Australia's involvement in the Vietnam War. Remaining works are scheduled for completion by the end of September.

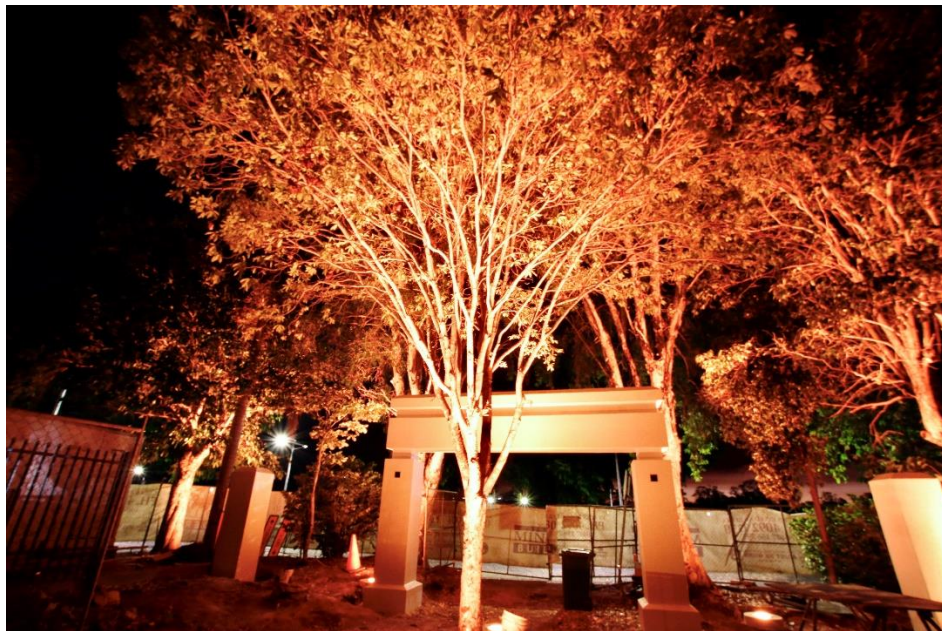


Anzac Park Mareeba – Byrnes Street Entrance Night

Infrastructure Services Capital Works Report Project Highlights – August 2023



Anzac Park Footpath Replacement –new tiled footpath construction



Anzac Park Mareeba Construction Works – Railway Avenue Entrance - Night

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Bicentennial Lakes Revitalisation Project

Program: Parks and Open Spaces

Background

This project will activate the Lakes, breathing life back into the area and surrounds for the enjoyment of our community and visitors.

Scope of Work

The Bicentennial Lakes Project will completely revitalise the Lakes, starting in the southern section between Rankin Street and Keeble Street. In the southern section, the weirs will be removed, and the lakes will be filled to allow for more parkland. A watercourse will remain, although it will be narrower to encourage seasonal rains to flow through into the northern section. Water will no longer stagnate in a series of weirs. The increased parkland will allow for the addition of a playground and outdoor facilities.

Key Features:

- Bulk earthworks to improve the movement of water
- Earthworks to increase parkland in the southern section
- Construction of a playground and pump track
- New toilet facility
- Footpath improvements
- Construction of outdoor facilities

Progress Update

Waterway improvements

The weirs have been removed in the Southern Lakes precinct to allow the ground to dry so that it can be reshaped to a gully. Preparations offsite are underway to bring in material to commence the site reshaping works.

Mason Street Playground

A contract has been let for the pump track construction and construction works are scheduled to commence in late October 2023 and are scheduled for completion in December 2023.

Toilet construction works are expected to commence in late 2023.

Procurement commenced in August for the playground installation and a report will be table at the September 20 Council meeting recommending awarding the contract. Should this proceed, site works are likely to commence in late 2023 with playground installation completed in early 2024.


**Infrastructure Services Capital Works Report
Project Highlights – August 2023**




BICENTENNIAL LAKES REVITALISATION PROJECT

THE SURVEY RESULTS ARE IN!


Council has prioritised the following play and outdoor elements for the new active recreational space.




Bicycle Pump Track




Boulder Climb




BBQs




Double Flying Fox



Embankment Slide



Swings



Covered Tables & Seating

Plus

Additional lighting, improved accessibility and new amenities block.

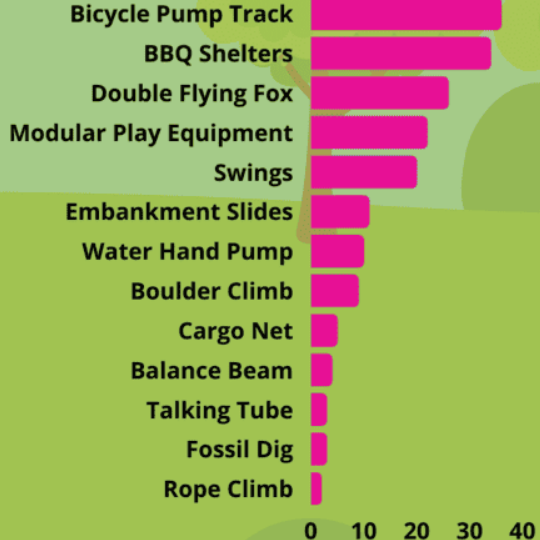
The play elements for the new active recreational space were chosen based on the results of the community survey, budget and overall precinct design.

Despite being a relatively popular option, the modular play equipment will not be included at this stage due to high purchase and installation costs.


This means other options can now be included as part of the final design.

However, as a direct result of community feedback via the survey, Council has allocated additional funds towards covered tables and seating, additional lighting, improved accessibility and a new amenities block.

These new elements will now form part of the exciting new active recreational space!

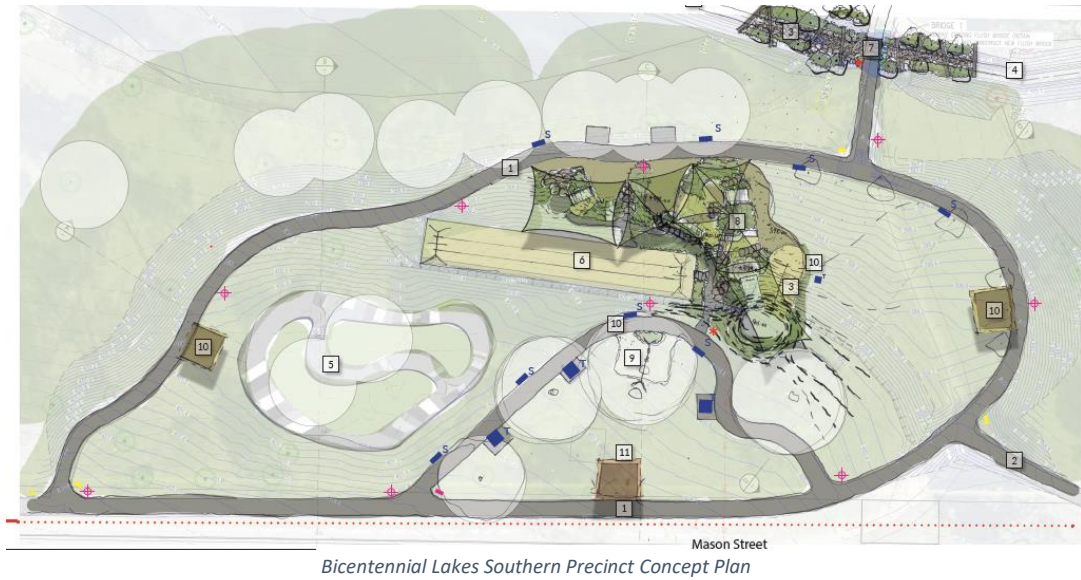


Play Element	Count (Approximate)
Bicycle Pump Track	35
BBQ Shelters	32
Double Flying Fox	28
Modular Play Equipment	25
Swings	22
Embankment Slides	15
Water Hand Pump	12
Boulder Climb	10
Cargo Net	8
Balance Beam	5
Talking Tube	5
Fossil Dig	5
Rope Climb	5



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Infrastructure Services Capital Works Report Project Highlights – August 2023



Bicentennial Lakes Southern Precinct Concept Plan



Bicentennial Lakes Southern Section Weir Removal

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Bicentennial Lakes Gravity Sewer Main Upgrade, Mareeba

Program: Wastewater

Background

The gravity sewer main installation is located adjacent Bicentennial Lakes and connects the previously upgraded section upstream from Rankin Street and discharges upstream of the pump station at Byrnes Street. The project includes all works associated with the construction of a new sewer gravity main, inclusive of a water main relocation to enable the works.

The project is grant funded through the Queensland Reconstruction Authority (QRA) via the Qld Resilience & Risk Reduction Funding Program (QRRRF) and is expected to be completed in November 2023.

Scope of Works

Installation of new 450mm gravity trunk sewer main, sewer manholes and connections and relocation and upgrading of water mains located at Keeble Street and Jacobsen Street and connections and valving. Works are generally limited to the road reserve between the edge of road and property boundary.

Progress Update

Works commenced mid-May and have progressed well with the contractor achieving the following project milestones during August:

- Installation of DN900 enveloper pipes and DN450 DICL Sewer main pipework under Byrnes Street (TMR Corridor)
- Installation of DN450 stainless steel drop pipe into existing manhole, connection to new pipework and reinstate existing manhole wall
- Trenching and installation of Line 1 and Line 3 sewer pipework:
 - DN900 Enveloper pipework and DN450 DICL sewer pipework installed through TMR corridor – single lane closures were required for works to proceed – traffic disruptions contained to 2 days on contraflow though site, and occasional traffic stoppage for works on 3 following days.
 - DN450 SewerMax pipe work still to be installed from manhole 1/1 to 1/12, works commencing following receipt of QR Wayleave approval and completion of TMR corridor works

Infrastructure Services Capital Works Report Project Highlights – August 2023



Trenching through Byrnes Street (TMR Corridor) under single lane closure

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Euluma Creek Road – Widen and Seal Ch 9.35-10.13

Program: Rural Roads

Background

Euluma Creek Road is classed as a Local Road of Regional Significance (LRRS) under the Roads and Transport Alliance and is eligible for a maximum of 50% funding from the Transport and Infrastructure Development Scheme (TIDS).

Several projects are currently listed in the FNQROC TIDS Program for the widening of sections of Euluma Creek Road between Black Mountain Road and McLeans Bridge Road to cater for increasing heavy traffic and to address ongoing defects, edge wear and edge drop.

Scope of Works

The existing 5m wide bitumen section is to be realigned and widened to a sealed width of 8m with drainage infrastructure extended accordingly.

Progress Update

Sealing was completed earlier this year and the project was fully completed mid-August following the installation of line marking.



Ch 9370 - Before



Ch 9370 - After



Ch 9480 - Complete



Ch 9860 - Complete

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Bilwon Road Biboohra – Road Rehabilitation and Culvert Upgrade
Program: Rural Roads

Background

In 2021, Council received a request through the Traffic Advisory Committee from the Queensland Police Service to undertake a safety review on a section of Bilwon Road between Querin Road and Rosing Road in response to a number of non-fatal traffic accidents. As a result of the review, a project was adopted and Roads to Recovery funding was allocated to the project in the 2022/23 Capital Works Program.

Scope of Works

The scope of works includes the rehabilitation of the existing section of road, replace the 1800 diameter reinforced concrete pipes, generally improve the vertical alignment, upgrade the intersections at Querin Road and Rosing Road, and provide new driveway crossovers to several residences to match the new levels.

Progress Update

All ground surface treatment, unsuitable material replacement, rock protection, subbase and base layer works have been completed. The project is programmed for sealing 7 September. Line marking, concrete batter protection and guard rail installation will follow.



Unsuitable material replacement



Subbase layer installation



Rock protection works



LHS Base layer complete

Infrastructure Services Capital Works Report Project Highlights – August 2023



Project Name: Springmount Road – Curve and Culvert Widening Ch 13.18 - Ch 18.10

Program: Rural Roads

Background

Council received Federal Government funding from the Heavy Vehicle Safety and Productivity Program (HVSP) to undertake curve and culvert widenings on Springmount Road. The grant will cover 80% of the design and construction costs with the Queensland Government’s Transport Infrastructure Development Scheme (TIDS) contributing 10% and Mareeba Shire Council the other 10%.

Scope of Works

The scope of works includes the widening and bitumen sealing of curves and associated culverts between chainage 13.18km and chainage 18.10km on Springmount Road. Extensive culvert inlet and outlet works will be required to de-water some of the existing culverts that have silted up after many years.

Progress Update

Clear and grub and dewatering activities are complete and culvert extensions and headwall installations are ongoing. Pavement widening works will commence mid-September.



Culvert headwall and apron construction



Installed pre-fabricated headwall



Pipe overlay zone compaction

2023/2024 Capital Program

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Project Code	Project Description	Project Stage	Project Comment
Program: 01 Rural and Urban Roads Reseal Program (Renewal)			
:P0001020	23/24 Reseal & Asphalt Program	Construction	Prestart meeting 07/09/2023.
:P00829	22/23 Reseal & Asphalt Program	Completed	Project completed June 2023.
:P00835	BETTERMENT Co-Contribution	Procurement	Tenders received and under evaluation.
Program: 02 Gravel Resheet			
:P0001022	23/24 Gravel Resheet Program	Procurement	Re-sheet of section between end of existing bitumen & south western corner of Lot 1NR7742 on Pickford Road will commence after sealing of Bilwon Road project in early to mid-September.
Program: 03 Urban Streets			
:P0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Not Commenced	To be programmed.
:P0001024	Myola Rd Ch 0.2-3.06	Not Commenced	To be programmed.
:P00791	Hastie/Constance Upgrade (School)	Design	Detailed design for crossing improvements completed and awaiting lighting design.
:P00795	TIDS 23-27 Herberston/Constance Inter	Design	Consultant engaged for design. Preliminary design reviewed and returned to Consultant with comments.
:P00797	TIDS Rankin/Walsh St Roundabout	Design	Preliminary design report received and returned to consultant with comments.
:P00943	Design Only Mclver Rd Ch. 0.00-7.20	Design	Design phase.
Program: 04 Rural Roads			
:P0000948	TIDS 23/24 Springmount Rd Ch 11.35-12.7	Procurement	Design completed. Construction scheduled to commence in late 2023.
:P0000949	TIDS 23-25 Springmount Rd Ch 6.7-7.55	Procurement	Procurement underway.
:P00801	TIDS Ootann Rd Section 1&2 Widen & Seal	On Hold	On hold pending Federal Government funding review.
:P00802	TIDS Springmount Rd Widen & Seal	Construction	Culvert extensions on-going. Additional RCPs installed over & above planning. Length of widening may be reduced to suit budget. All drainage components will be completed. Pavement work commenced. Tentative sealing date of 7 September.
:P00836	R2R Bilwon Rd Rehab & Culverts	Construction	
Program: 05 Bridges			
:P00711	Granite Ck Mba Replace Footbridge Deck	Not Commenced	Not commenced.
:P00712	Palm Cl Mba Replace Footbridge Boards	Procurement	Timber decking ordered. Work will carry over into 2023/24 financial year
:P00713	Bicentennial Lakes F/bridge Safety Upgr	Procurement	Work will be done in conjunction with Bi Lakes southern upgrade.
:P00839	Bullaburrah Ck Rd C'way Relieving Slab	Not Commenced	Not commenced.
:P00840	Clohesy River Barron St Inspect & Design	Design	Awaiting fee proposal from bridge engineer.
:P00841	Bolton Rd Inspect/Design/Repl Girders	On Hold	Draft Report received, review underway.
:P00842	Barron Riv. Bridge Oakforest Rd Insp/Des	Design	RFQ for Design Consultancy currently out for pricing. Design Consultancy to be completed as soon as possible.
:P00843	Barron River Cwy Henry H Dr Repl Slabs	Not Commenced	Not commenced.
Program: 06 Drainage			
:P0001021	23/24 Minor Culvert & C/ways Program	Procurement	Four culvert road crossings to be installed on Pickford Road in September.
:P00844	MBA Amaroo Drainage Upgrades	Design	Design phase.
:P00845	MBA Hastings Dr Replace Concrete Pipe	Construction	Repair options under review.
:P00938	Tilse Street Upgrade Drainage	Construction	Contribution to Prestige Gardens Subdivision - Trunk Drainage Component. Works significantly progressed by Developer.
Program: 07 Traffic Facilities			
:P0000947	Mareeba Aerodrome Safety & Repairs	Construction	Fire safety works still on going.
:P0000951	Anzac Ave LATM Upgrades	Not Commenced	Not commenced.
:P0001025	Design Only Byrnes St Accessibility	Procurement	Quotations invited for storm water assessment.
Program: 08 Parking			
:P00715	Borzi Park Mba Carparking Masterplan	Design	Concepts prepared and under review.
:P00846	MBA Heritage Centre Carpark Extension	Design	Concepts prepared and under review.
Program: 09 Footpaths			
:P0001026	23/24 Footpath Renewal Program	Planning	First sites have been identified by Projects in the Dunlop Street/Byrnes Street area. Subject to water main installation.

Project Code	Project Description	Project Stage	Project Comment
:P0001027	23/24 Footpath Upgrade Program	Planning	Locations to be identified.
:P00803	MBA Rail Trail Stage 1 Mba to Airport	Construction	Bollard will be installed September 2023.
Program: 10 Parks and Gardens			
:P0001028	Mary Andrews Park Repaint Play Equip	Not Commenced	To be done after September school holidays & before Xmas school holidays.
:P0001029	Kda Com Precinct Parks Upgrade	Not Commenced	Not commenced.
:P0001030	Mba-Dim Rd/Mulligan Hwy Intersection	Not Commenced	To be undertaken after March 2024.
:P0001031	Byrnes St Median Hedges (Lloyd-Granite)	Not Commenced	To be programmed for after March 2024.
:P00794	LRCIP2 Mba Byrnes Street Medians	Construction	Street bins to be installed once historical wraps arrive.
:P00805	Chillagoe Hall Playground Improvement	Planning	Public consultation commenced. Design works for Pump track have been received. Construction to commence in mid September.
:P00806	DIM Parks Refresh	Construction	Construction of playground complete. Defects will be repaired in September.
:P00807	KDA Centenary Park Playground Upgrade	Construction	Earthworks to commence in mid September. Tenders received for Mason Street play elements.
:P00809	MBA Bicentennial Lakes (Southern) D&C	Construction	Project to be programmed for after March 2024.
:P00817	MBA Byrnes St Medians	Not Commenced	Works substantially complete, expected completion end of September.
:P00818	MBA Anzac Memorial Pk L'scaping & Safety	Construction	Commence project after March 2024.
:P00853	MBA Byrnes St Traffic Islands (BP)	Not Commenced	Commence project after March 2024.
:P00855	MBA Connection Rd/Byrnes St Intersection	Not Commenced	Design under review following public consultation.
:P00860	KDA Anzac Park Landscaping	Design	On hold pending grant application outcome.
:P00861	KDA Coondoo Street Refurb	Design	On hold pending grant application outcome.
:P00862	KDA CBD Planter Boxes & Gardens	Not Commenced	The play equipment and park furniture requirement has been finalised and the budget increased accordingly. PM to seek quotes for the supply and installation of the approved park infrastructure.
:P00865	IRV Bill Newburn Park Refresh	Procurement	Playground completed, public consultation has commenced for masterplan.
:P00866	MBA Eastern Catchment Park Amaroo St1	Construction	Exercise equipment quotes received and being assessed.
:P00939	Roscommon Park -Renew Exercise Equipment	Procurement	
Program: 11 Water			
:P0000952	MBA Centenary Park Booster Station Pump	Completed	New pump installed and commissioned. Order for new storage shed placed with suitable supplier.
:P0001032	Chillagoe WTP Construct Storage Shed	Construction	Installation to commence in September. Order placed with suitable supplier for new skillion roofing.
:P0001033	Chillagoe WTP Construct Roof over Plant	Construction	Installation to commence in September.
:P0001034	Ibis Dam Replace Inlet Feed Pipeline	Planning	Supervisor reticulation liaising with Stores for the procurement of materials required to undertake the works. Equipment for Dimbulah and Chillagoe WTP's has been ordered and supplier has advised that delivery will be approximately early to mid October.
:P0001035	23/24 WTP Minor Infra Replace Program	Procurement	
:P0001036	23/24 AC Water Main Replace Program	Procurement	Project currently out to tender, once tenders are in and assessed will be taken to council for consideration of award. W&W along with IT participated in a presentation by iControl on Ignition Historian as the current Historian eDNA is at the end of its useful life. Following the presentation it was agreed to the implementation of Ignition as the new Historian platform for W&W.
:P0001037	23/24 Water Telemetry/SCADA Upgrades	Planning	Materials for project have been delivered and works will commence mid September.
:P0001038	23/24 Retic Valve/Hyd Replace Program	Construction	Works on installation of new meters underway and this work will progress for some time.
:P0001039	23/24 Retic Smart Meter Replace Program	Construction	This one won't be completed for some months yet and needs to be carried over.
:P00730	Mba WTP Study for Upgrade of WW System	Construction	
:P00733	BOR6 MWTP Filtration Upgrade	Construction	Project design drawings being finalised ahead of physical construction. Currently everything is on schedule. Project pre-start meeting held 29 June and key equipment items such as booster pumps are on order.
:P00824	MBA Clear Water Booster Pump Station	Construction	Treatment operations staff to liaise with suitably qualified person for the implementation works.
:P00871	KDA WTP Auto Backwash on 3 Filter Cells	Planning	

Project Code	Project Description	Project Stage	Project Comment
:P00874	MBA WTP Raw Water Pumps & Electrics	Construction	Project pre-start meeting held 29 June, key equipment items have been ordered with long delivery time frames. Actual physical site works won't commence until October when equipment arrives.
:P00876	BOR6 22/23 Water Forward Design Program	Design	Design report received. This work is being done in conjunction with the booster pump station project.
:P00877	MBA Additional Pressure Reduction Valves	Construction	This work will be done in conjunction with the commissioning of the booster pump station
:P00878	MBA Decommission Basalt St Elevated Tank	Construction	Project cannot commence until the new water booster station project has been commissioned and suggest this project will need to be carried forward to the 2023-2024 capital program.
:P00879	MBA Decommission Granite Ck Pump Station	Planning	Equipment for Chillagoe WTP has been ordered and supplier has advised that delivery will be approximately early October.
:P00882	WTP Minor Infrastructure Replacements	Construction	Design report received.
:P00883	MBA WTP Clarifier Infra Process Improv.	Design	
rogram: 12 Wastewater			
:P0001040	Mba WWTP Install Gantry (Blower Room)	Planning	An engineered gantry is required, Council officers to liaise with OSE in Cairns for design. New screens ordered and being manufactured, once they're made they'll be shipped to site and installed.
:P0001041	Mba WWTP Inlet Works Replacements	Construction	New screen being manufactured and once made will be shipped to site and installed.
:P0001042	Kda WWTP Intet Works Replacements	Construction	Project subject to grant funding.
:P0001043	Atherton St Pump Station Refurb	Not Commenced	Project subject to grant funding.
:P0001044	Robins St SPS Rising Main Upgrade	Not Commenced	Project subject to grant funding.
:P0001045	23/24 WW Retic Pump Renewal Program	Planning	An assessment will be made during the routine pump servicing in November on which pump/pumps require replacing. W&W along with IT participated in a presentation by Ignition on Ignition Historian as the current Historian eDNA is at the end of its useful life. Following the presentation it was agreed to the implementation of Ignition as the new Historian platform for W&W.
:P0001046	23/24 WW Telemetry/SCADA Upgrades	Planning	Both MSC and TRC have now formally approved the awarding of the tender to Relining Solutions, CRC will award during September and then the 2023-2024 program can commence. New generators have arrived and will be installed as soon as practical.
:P0001047	23/24 WW CCTV & Relining Program	Procurement	Project is currently out to tender, once the tender closes an assessment will be made and report to Council for consideration.
:P0001048	SPS New Standby Generators	Construction	New switchboard under construction, once completed it will be transported to site and installed.
:P0001049	23/24 WW Manhole Rehab/Replace Prog	Procurement	Pump for replacement has been identified and a new pump will be ordered once quotes have been received.
:P0001050	Kennedy Hwy PS Control Board Upgrade	Construction	Working with treatment operations supervisor to identify critical equipment that requires replacement. To date a flow meter and associated equipment has been ordered for one site.
:P0001051	Mba WWTP Sewer Pump Replacement	Planning	Working with suitable consultants and suppliers to understand the works required at some key SPS's before commencing works and councils fabricator upgrading the shelters to the pump stations in Kuranda.
:P0001052	23/24 WWTP Minor Infa Renewal Program	Planning	QRail have now denied the Wayleave Application which requires a revised alignment along the sections of Keeble St, Railway Ave and behind the Lyons Park.
:P0001053	23/24 WWPS Refurbishment Program	Construction	Contractor has advised that the materials to complete the relining works has arrived and they are on site doing vac works and site preparations. They also need to access the Granite Creek SPS to reline back from the SPS toward the hospital.
:P00886	MBA Bi-Lakes Sewer Main Capacity	Construction	Subject to grant funding.
:P00889	22/23 MBA Sewer CCTV & Relining	Construction	
:P00894	Minor WW Pump Station Refurbishments	On Hold	
rogram: 13 Waste			
:P0001054	23/24 Mba L/Fill Leachate Pump Replace	Planning	An assessment will be done in the November service round on which pumps to replace.
:P0001055	23/24 Mba L/Fill PS Pump Replace	Planning	An assessment will be done in the November service round on which pumps to replace.

Project Code	Project Description	Project Stage	Project Comment
:P00789	MWF Construct New Landfill Cells	Design	New cell design now completed along with electrical design. We're waiting on final invoice from designers.
:P00935	MBA/KDA Transfer Station Security Improv	Construction	Working with new CCTV installer.
Program: 15 Fleet			
:P0001066	Fleet Replace #14 Grader Caterpillar	Procurement	Tender have been called.
:P0001067	Fleet Replace #401 Mini Excavator	Planning	Currently in planning stage.
:P0001068	Fleet Replace #619 Job Truck Tipper	Planning	Currently in planning stage.
:P0001069	Fleet Replace #1206 Mitsu Pool Vehicle	Planning	Currently in planning stage.
:P0001070	Fleet Replace #1210 Mitsu Pool Vehicle	Planning	Currently in planning stage.
:P0001071	Fleet Replace #1231 Toyota WW	Planning	Currently in planning stage.
:P0001072	Fleet Replace #1313 Nissan Dual Cab	Planning	Currently in planning stage.
:P0001073	Fleet Replace #1402 Mazda Oncall Veh	Planning	Currently in planning stage.
:P0001074	Fleet Replace #2055 Mitsu P&G	Planning	Currently in planning stage.
:P0001075	Fleet Replace #4050 Kubota Zero Turn	Planning	Currently in planning stage.
:P0001076	Fleet Replace #4051 Kubota Out Front	Planning	Currently in planning stage.
:P0001077	Fleet Replace Jet Rodder Trailer	Planning	Waiting delivery, possible delivery date mid October 2023.
:P0001078	Fleet New Caterpillar Mini Excavator	Procurement	Waiting delivery. Possible delivery Oct-Nov 2023.
		In Progress (for the non-infrastructure projects)	Installation commencing early September on small selection of plant.
:P00427	GPS Vehicle Management System		
:P00915	Fleet Replace #675 Crew Cab Tipper	Procurement	Truck received and with the body fabricator.
:P00916	Fleet Replace #623 Crew Cab Tipper	Procurement	Truck received and with the body fabricator.
Program: 16 Depots and Council Offices			
:P0001064	Mba Depot Admin Building Refurb	Not Commenced	Not commenced.
:P0001065	Mba Depot Stores Mez Floor Safety Upgr	Planning	Waiting on Engineering designs.
:P00759	Kowa St MSC Depot Emergency Generator	Planning	Options under review.
Program: 17 Community Buildings			
:P0000950	Cedric Davies Hub Disaster Resilience Up	Procurement	Tenders received and under evaluation.
:P0001056	Chillagoe Hall Septic Modifications	Planning	Planning in conjunction with Playground project.
:P0001057	Mba Aquatic Fac Pump Shed Upgrades	Planning	Working on Scope of Works.
:P0001059	Mba/Dim Aquatic Condition Assessment	Not Commenced	Not commenced.
:P0001060	Dimbulah Hall Replace Roller Doors/Gates	Procurement	Quotes have been received.
:P0001061	Dimbulah Hall Replace Roof	Construction	Works completed.
:P0001062	23/24 Amenities Refurbishment Program	Planning	Working on scope of works.
			Engaging Electrical Engineer for the design of the lights. Grant application being prepared.
:P0001063	Davies Park Lighting Upgrade	Design	
:P0001087	Aquatic Facilities Equipment	Procurement	Pool Blankets ordered and awaiting delivery.
:P00749	Aquatic Facility Upgrades & Splash Park	Construction	Splash Park complete and pool heaters operational. Electrical upgrades to be undertaken over coming months.
:P00793	MBA Women's Restroom Refurb	On Hold	On hold. Remedial works to Vains Park Toilets and Mareeba Aerodrome Toilet block set for Council's Carpenter. Painting works awarded. Works set to be completed by early September 2023.
:P00819	22/23 Shire Toilet Facility Repl Program	Construction	
:P00827	MBA Community Hub Signage & Seating	Construction	Shelter structure procured. Installation works underway.
:P00905	KDA Community Prec. Toilet Refurb	Completed	Painting works completed.
:P00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Procurement	Equipment assessment completed, quotations underway.
:P00910	22/23 MBA Roof Replacement Program	Completed	Works now completed.
:P00941	23/24 Park/Sporting LED Lights Arnold Pk	Design	Engaging Electrical Engineer to design lighting layout.
:P00942	22/23 DIM Town Hall A/C/Solar/Lighting	Procurement	Works to commence after roof replacement project.
Program: 18 Non-Infrastructure Items			
:P0000946	Mba Cemetery New Mausoleum Wall	Procurement	Tenders received and under evaluation.
:P0001058	WAT Cemetery Lawn Plaque on Beam	Not Commenced	Not commenced.
:P0001082	Tech Replace Total Station/Controller	Procurement	Scheduled for delivery early September 2023.
:P0001083	Tech New Drone & Software	Procurement	Awaiting delivery.
:P0001084	Mba Cemetery New Lawn Beam (x2)	Not Commenced	Will be completed this calendar year.
:P0001085	Mba Cemetery Expansion Planning	Not Commenced	Not commenced.
			Contract for Stage 1 awarded to Ikin Civil, project remains in budget. Reconfig/MCU process continues.
:P00446	Kuranda New Cemetery	Construction	

<i>Project Code</i>	<i>Project Description</i>	<i>Project Stage</i>	<i>Project Comment</i>
P00932	MBA MIP Expansion	Planning	Draft Masterplan to be received by October 2023.

9.2 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - AUGUST 2023

Date Prepared: 1 September 2023

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council’s Water and Waste activities undertaken by the Infrastructure Services Department during the month of August 2023.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for August 2023.

BACKGROUND

Water and Wastewater Treatment:

All treatment plants are generally performing satisfactorily. Water demand was varied across all schemes. Rainfall in most catchments has resulted in decreased consumption per connection compared with previous years.

Routine environmental monitoring did not detect any exceedances of environmental discharge limits. No anomalies or reportable notifications were reported in relation to routine water quality testing conducted during the month.

Data for Mt Molloy is unavailable for the month of August due to a faulty bulk flow meter. Parts are being sourced for replacement. Connections have been updated with information provided by the rates section to correspond with annual KPI reporting.

Water Treatment	Mareeba	Kuranda	Chillagoe	Dimbulah	Mt Molloy*
Water Plant average daily production (kL)	8,358	789	323	436	N/A
Number of Connections	4,141	1053	127	246	111
Average daily water consumption per connection (L)	2,018	749	2,541	1,774	N/A

* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2,242	207
Number of Connections	3,519	356
Average daily inflow per connection (L)	637	581

Mareeba Water Treatment Plant Upgrades:

Three (3) critical infrastructure projects at the Mareeba Water Treatment Plant (MWTP) are commencing in the coming weeks as part of Council’s 10-year Water Strategy:

- MWTP Filtration System Upgrade
- MWTP Raw Water Pump Upgrade
- MWTP Booster Pump Station Upgrade

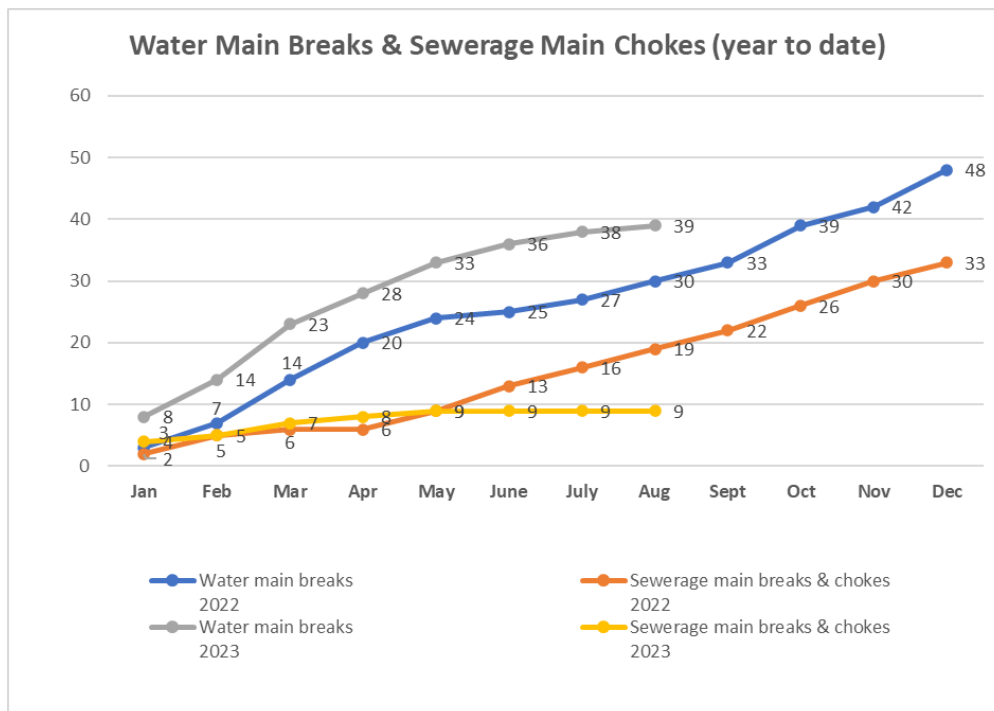
These projects will increase capacity of the plant and ensure that Council is able to supply safe residents and businesses in Mareeba now and into the future. Completion of the upgrades is programmed for mid-2024.

While these works occur at the Mareeba Water Treatment Plant there may be disruptions from time-to-time. As a result, the community will be asked to conserve water and reduce consumption during the upgrades. It may be necessary to introduce water restrictions to enable certainty of water supply to residents.

Water and Wastewater Reticulation:

Council's water reticulation crew attended to one (1) water main break, and zero (0) sewer main breaks/chokes this month, and average response times were within targets set out in Council's customer service standard for water services.

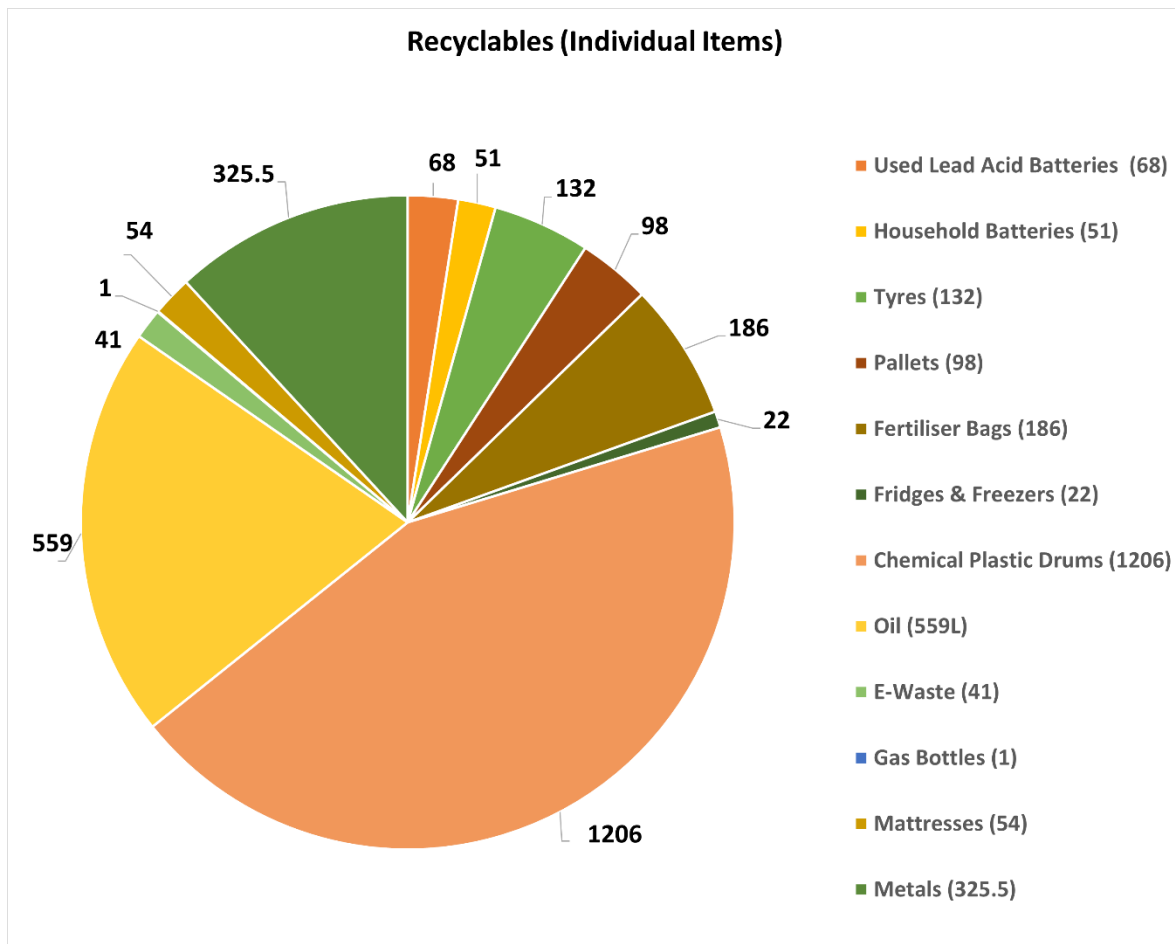
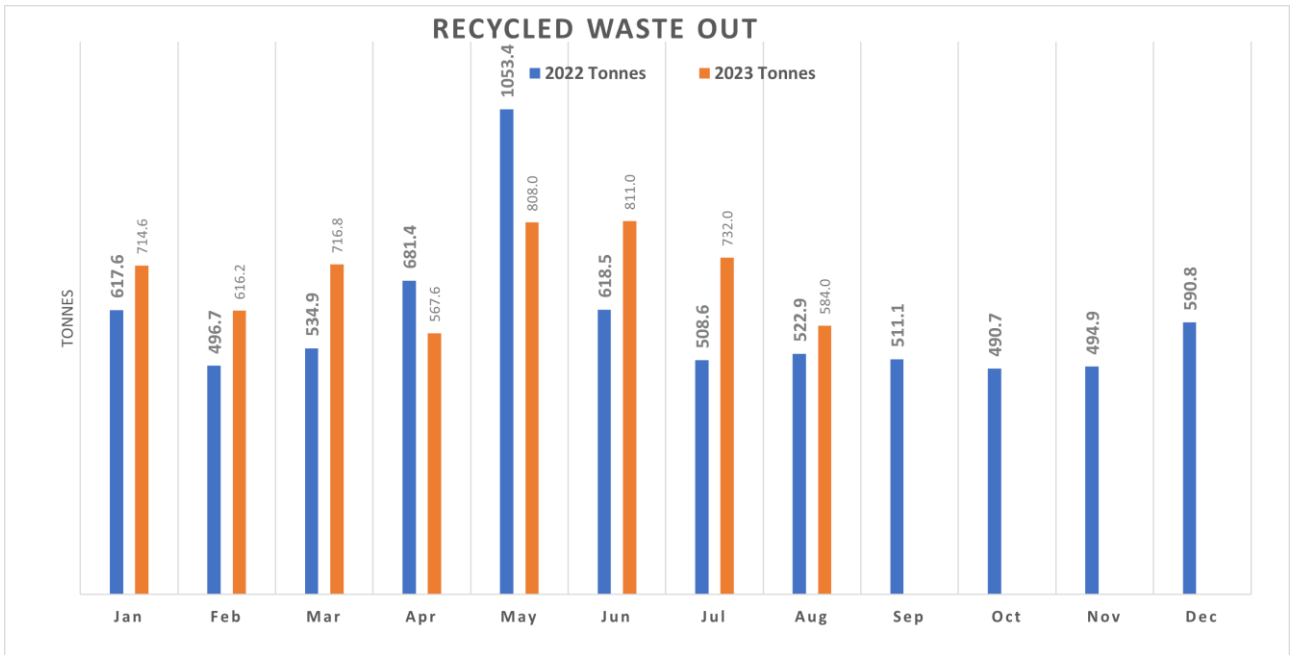
Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:



Waste Operations:

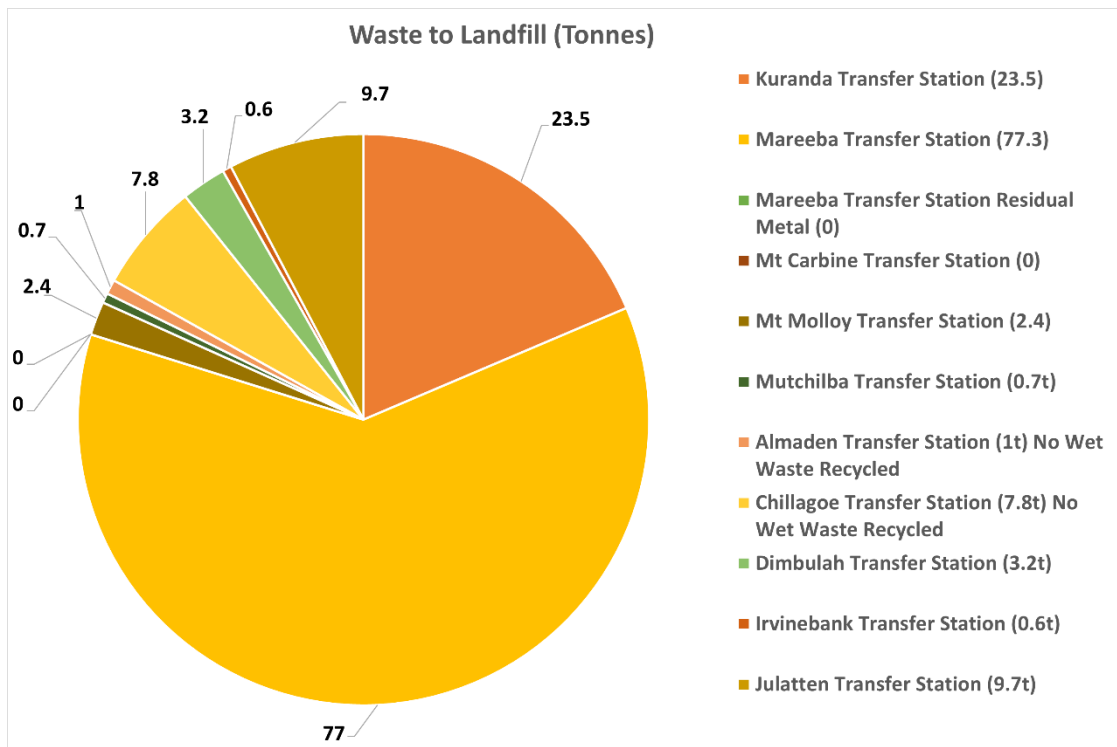
Recycling

Waste material collected at each of the waste transfer stations are either deposited directly to the Springmount Waste Facility, recycled, or transported to the Veolia Advanced Resource Recovery Facility (ARRF) in Cairns for processing. During August, 507 tonnes of waste was processed through the ARRF, and 11.8 tonnes of domestic items were recycled at the MRF.



Waste to Transfer Stations

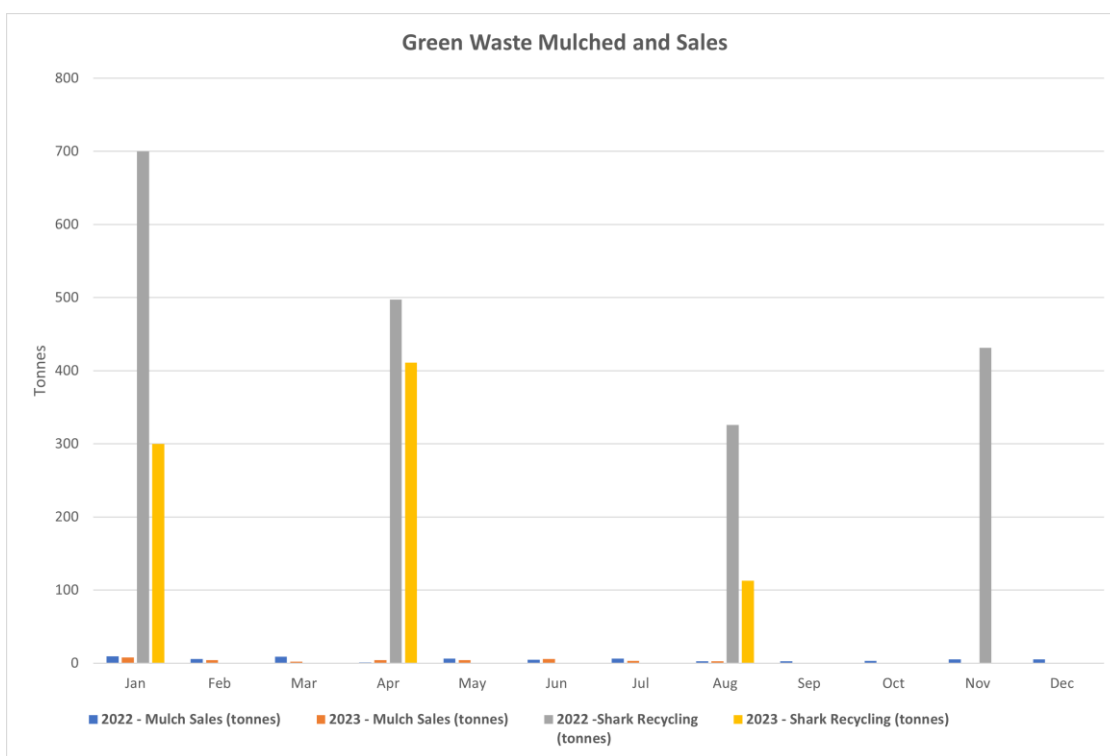
Transfer Station dry waste is transported off site to the Springmount Waste Facility. During August a total of 126 tonnes of waste was sent to landfill.



Green Waste

During August, Council received a total of 215.1 tonnes of green waste. Kuranda recorded 2.5 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. Green waste sales dropped slightly to 2.4 tonnes sold. Shark Recycling removed 112.8 tonnes of mulched green waste from Mareeba Transfer Station.





RISK IMPLICATIONS

Environmental

Council holds an Environmental Authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council’s assets and reserves to ensure a sustainable future.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Nil

9.3 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2023**Date Prepared:** 8 September 2023**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens and Land Protection operational activities undertaken by Infrastructure Services during the month of August 2023.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of August 2023.

BACKGROUND**Transport Infrastructure**Unsealed Road Maintenance Grading

Road	Locality
Hurricane Road	Hurricane
Adler Hill Road	Mareeba
Srhoj Road	Mareeba
Kovacic Road	Mareeba
Gilmore Road	Mareeba
Godfrey Road	Mareeba
Wright Road	Koah

Road	Locality
Copine Road	Mareeba
Shanty Creek Road	Mareeba
Shanty Creek Road North	Biboohra
Leonardi Road	Mareeba
Spurrier Road	Mareeba
Tinaroo Creek Road	Mareeba
Henry Hannam Drive	Mareeba

General Maintenance

Activity	Area
Shoulder Grading	Fichera Road
Sucker Removal	Drumduff Road
Unsealed Road Repairs	West Bischoff Mill Road, Lockyer Lane, Charles Street, Mt Lewis Road, Clacherty Road, Hillview Road, Nine Mile Road, Mt Perseverance Road, Jarrawee Road, McKenzie Street
Tree Removal	Mt Molloy, Julatten, Kuranda areas
Sealed Pavement Repairs	Mclver Road
Footpath Repairs	Walsh Street, Atherton Street

Activity	Area
Signage Repairs & Replacement	Mareeba, Kuranda, Mt Mulgrave areas
Slashing/Brush Cutting	Mt Molloy, Kuranda, Julatten areas
Culvert Cleaning	Costin Street, Mareeba Airport
Roadside Drainage Works	Julatten, Mareeba, Koah areas
Removal OF Illegal Dumping	Mareeba area

Customer Requests

During the month of August, the Works Group received 114 Customer Requests (CRs) with 160 resolved (resolved requests include those received prior to August 2023). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
August	80	27	7

At the time of reporting, the Works Group had 89 open requests.

TMR Routine Maintenance Performance Contract (RMPC)

During August, maintenance grading continued on the Burke Developmental Road (BDR) with crews reaching the Lynd River Causeway.

Pipe inspections were completed on the Kennedy Highway, Mareeba Connection Road and the Mossman – Mt Molloy Road and continued on the BDR.

Road Train restriction signage has been installed on the western and northern entrances to Mareeba township and minor seal widening of the Centenary Park entrance in Mareeba has been programmed for early September.

Parks and Open Spaces

Herbicide and brush cutting activities have commenced on the northern entrance to Mareeba township and will continue through the Bicentennial Lakes area on to the western streets. Mowing activities are now confined to irrigated areas when required.

Other activities undertaken in August include;

- Irrigation installation at Anzac Park
- Site preparation and shade sail installation for the Multi-Cultural Festival
- Tree trimming – Kuranda, Mareeba and Mt Molloy
- Sand soft fall revitalisation – Mareeba and Mutchilba parks
- Vegetation management to enable street sweeping activities
- Mareeba Cemetery mowing and brush cutting

Land Protection

Parthenium Weed: Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation. Council continues to monitor one (1) site every two (2) weeks with the other 12 sites inspected every three (3) weeks.

Siam Weed: Extended survey of all known Siam locations, survey distance of known infestations are;

- Holmes Creek, Mt Carbine 13Km
- Back Creek, Petford 13.5Km
- Sandy Creek, Mt Molloy 2.3Km
- Gorge Creek, Watsonville 5.7Km

Emu Creek - Multi Weeds: Work has continued on Emu Creek on the Walsh River catchment targeting Bellyache Bush, Physic Nut and Rubber Vine.

Amazon Frogbit: Work has started on Frogbit treatment on Chinaman Creek. Chinaman Creek has been identified as the upper limit of the infestation and the main focus of Frogbit at this time.

Invasive Turtles: The Senior Land Protection Officer assisted the Queensland Department of Agriculture and Fisheries install turtle platform in Mareeba Bicentennial Lakes. The platform is set in the middle of the lake, adjacent to Keeble Street, equipped with a motion detection camera to photograph any turtles that climb onto the platform for sun, and will be used to detect if any invasive turtle species inhabit the site.

Wild dogs: Four (4) properties have carried out 1080 baiting during the month of August, one (1) on upper Atherton Creek and three (3) on the Mitchell River catchment, totalling 676,569 hectares.

Wild Pigs: A total of nine (9) wild pigs were trapped and destroyed during the month. Eight (8) at Monaro Close, Kuranda and one (1) at Douglas Track, Speewah. Traps are now located in the Mutchilba and Dimbulah areas as per Customer Requests.



Invasive turtle platform

FINANCIAL AND RESOURCE IMPLICATIONS***Operating***

All operational works are funded by the section specific 2023/24 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

9.4 T-MSC2023-17 MAREEBA MAUSOLEUM WALL

Date Prepared: 4 September 2023
Author: Manager Assets and Projects
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2023-17 Mareeba Mausoleum Wall Project.

RECOMMENDATION

That Council awards Tender T-MSC2023-17 Mareeba Mausoleum Wall Tender to Mindil Pty Ltd for the amount of \$241,509.09 (excl. GST).

BACKGROUND

The most recently built mausoleum wall at Mareeba Cemetery was constructed in 2020 and based on demand, it is expected that this facility will be at capacity in the next year. A new structure will be needed for Council to continue to offer this as an internment option. The project to construct a new mausoleum wall at Mareeba Cemetery was included as part of the 2023/24 Capital Works budget.

Tender Process:

Tenders were invited from suitably qualified and experienced contractors to construct a new mausoleum wall at Mareeba Cemetery. Tenders were invited from 2 August 2023 and closed on 28 August 2023.

Tenders Received

Two (2) submissions were received by close of tender. A summary of the tendered submission pricing is provided in *Table 1* below;

Table 1: Submitted Pricing by Tenderers

Tenderer	Price (excl GST)
Mindil Pty Ltd	\$ 232,509.09
Osbourne Construction solutions	\$ 233,606.00

During the tender assessment process, Council officers sought clarification from both tenderers regarding the priced and non-priced criteria of the submissions, which affected the tendered values compared with the original submissions as provided in *Table 1a* below;

Table 1a: Amended Pricing Submitted by Tenderers

Tenderer	Price (excl GST)
Mindil Pty Ltd	\$ 241,509.09
Osbourne Construction Solutions	Did not submit clarification

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below.

Table 2: Evaluation Criteria

Criteria	Weighting
Tendered Price	40%
Relevant Experience	20%
Methodology	20%
Delivery Timeline	20%
Total	100%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Each tender has been assessed for conformance, compliance, and discrepancies, against the requested response schedules. Both tenders were assessed as capable of completing the works. Further consideration was given to the individual tenderer’s methodology, delivery timeline and previous experience to deliver the specified scope of works.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

Table 3: Tender Evaluation Summary

Tenderer	Score (100%)	Rank
Mindil Pty Ltd	97.14 %	1
Osborne Construction Solutions Pty Ltd	95.41 %	2

Based on the tender assessment, Mindil Pty Ltd was identified as the most advantageous for Council and the contractor has the necessary project-specific experience to complete the works.

RISK IMPLICATIONS

Financial

Council has allocated funding under the 2023/24 capital budget.

Infrastructure and Assets

Existing facility nearing capacity requiring new facility to continue to service community.

FINANCIAL AND RESOURCE IMPLICATIONS

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Tenderers to be notified of outcome of this report.

9.5 T-MSC2023-20 CEDRIC DAVIES COMMUNITY HUB ROOF UPGRADE

Date Prepared: 4 September 2023
Author: Manager Assets and Projects
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for the Cedric Davies Community Hub roof upgrade, Mareeba.

RECOMMENDATION

That the Council awards Tender T-MSC2023-20 Cedric Davies Community Hub Roof Upgrade to BSP Plumbing, Roofing, Excavation, for the amount of \$316,379 (excl. GST).

BACKGROUND

Council resolved at its Ordinary Meeting of 19 December 2018 to acquire the existing Mareeba Bowls Facility and undertake refurbishment and upgrade works to develop the new Cedric Davies Community Hub into a Library and Function room.

Refurbishment works were concentrated in the delivery of a Library and Community Function room. The works did not include upgrades to roofing or bathroom elements. Delivery of the refurbishment and upgrade works were finalised late 2021 with the new Library and Function room becoming open to the public in late 2021.

Since its operation, the Cedric Davies Community Hub has been subjected to persistent ingress of water into the roof cavity during inclement weather events, which has compromised the amenity of the building.

Council officers have conducted a series of assessments with qualified contractors to determine the cause of the ingress and have sought to rectify the roof leak issues. During the assessments and attempts to rectify the roof leaks, it has been determined that the major valley system of the roof was found to have design faults. Investigations to rectify the major valley system, found it would be beneficial to upgrade the entirety of the roof as it is coming close to the end of its useful life.

Tender Process:

Council invited tenders from suitably qualified and experienced contractors for the provision of goods and services required for the roof renewal works, including re-design of the major valley system. The Tender closed 28 August 2023.

Tenders Received

Seven (7) submissions were received, with one (1) submission received after the Tender submission deadline, making it a non-conforming tender. A summary of the tendered submission pricing is provided in *Table 1* below;

Table 1: Submitted Pricing by Tenderer

Tenderer	Price Excl GST
MRA Roofing & Construction Pty Ltd	\$ 445,475.00
Campbell Construction Co	\$ 386,064.00
AlphaCool Plumbing Pty Ltd	\$ 340,000.00
Ausnorth Building & Construction	\$ 438,038.80
BSP Plumbing, Roofing, Excavation	\$ 316,379.09
Langley Plumbing	\$ 348,855.28
GJ Building Group (Late submission)	\$ 270,617.36

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

Table 2: Evaluation Criteria

Criteria	Weighting
Tendered Price	40%
Relevant Experience	20%
Methodology	20%
Delivery Timeline	20%
Total	100%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

The conforming tenderers were assessed as capable of completing the works with the specification and conditions as detailed in the invitation to tender.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

Table 3: Tender Evaluation Summary

Tenderer	Score (100%)	Rank
MRA Roofing & Construction Pty Ltd	30.46%	6
Campbell Construction Co	79.85%	2
AlphaCool Plumbing Pty Ltd	60.80%	4
Ausnorth Building & Construction	75.85%	3
BSP Plumbing, Roofing Excavation	100%	1
Langley Plumbing	38.72%	5
GJ Building Group	Non Conforming	

Based on the tender assessment, BSP Plumbing, Roofing, Excavation was identified as the most advantageous for Council and the contractor was assessed as capable of completing the works within the specification and conditions as detailed in the invitation to tender.

RISK IMPLICATIONS

Financial

Council has allocated funding under the 2023/24 capital budget.

Infrastructure and Assets

The project is required to ensure the Cedric Davies Community Hub is suitably protected from rain events.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

The recommended tender is within budget.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Tenderers will be notified of the outcome of this report. Notice of construction dates to be displayed in local print media, Council website and social media.

9.6 T-MSC2023-21 BICENTENNIAL LAKES SOUTHERN - PLAYGROUND TENDER AWARD

Date Prepared: 8 September 2023

Author: Project Manager Civil

Attachments:

1. Forpark Catalogue - Play Equipment [↓](#)
2. Bigsplash Concept - Play Equipment [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2023-21 Bicentennial Lakes Playground project and provide a recommendation to endorse the awarding of the Contract.

RECOMMENDATION

That the Council endorses the awarding of Tender T-MSC2023-21 Bicentennial Lakes Playground Design and Installation to Bigsplash Playgrounds Pty Ltd for the fixed price amount of \$300,000 (excl. GST).

BACKGROUND

The tender specified the design and construction of the new Bicentennial Lakes playground for a fixed lump sum price of \$300,000. The fixed price specified due to budget constraints associated with the requirement to fund various works within the allocated budget as part of the overall redevelopment project.

The fixed price also ensured the receipt of comparable responses that would enable officers to select the tender that provides the best value for money, most suitable for integration into the identified area of parkland and consistent with Council expectations.

As a result of extensive community engagement the tendered scope of works specified the inclusion of playground elements considered by the community as essential for the type of park they believed would best service the needs of the growing community.

The tendered scope of works included:

Playground elements considered to be essential by the community:

- Double Flying Fox 30m Length
- Embankment Slides
- Rope or Net Climb
- Double Swing set
- Shade Sail.

Tenders Received

Council received four (4) submissions.

The only tender that was complete and conformed with the specified scope of works and conditions of tender was the Bigsplash Playgrounds submission. Bigsplash were the only company to provide a concept plan for Council review and consideration.

Table 1: T-MS2023-21 Bicentennial Lakes Playground - Tenderers

T-MS2023-21 Bicentennial Lakes Playground Tenderers	
Fixed Tender Price \$300,000.00 excl.GST	
1	Bigsplash Playgrounds Pty Ltd
2	Cairns Landscaping Contractors Pty Ltd
3	Terra Firma Industries
4	Flourish Plants NQ

TENDER ASSESSMENT

Tenders were assessed in accordance with their submission's compliance with standard contract requirements and their demonstrated ability to deliver a playground in accordance with the specified scope of works.

Tenders were scored in accordance with the weighted evaluation criteria stated in the request for tender documentation.

20% - Value for Money

15% - Demonstrated Understanding

15% - Capability

20% - Relevant Experience

30% - Aesthetic Appeal

Big Splash are a local Cairns based company specialising in the supply and installation of 'Forpark' playground equipment and as such are geared to supply and deliver playground projects across North Queensland. The Bigsplash submission was comprehensive with their preliminary concept plan indicating a proposal consistent with the specified scope of works and Council expectations for the delivery of playground equipment in accordance with community expectations.

Cairns Landscaping are a local company that has delivered projects as a sub-contractor to larger development companies however their submission price exceeded the fixed price ceiling specified, rendering the tender non-conforming. The Cairns Landscaping submission did not include a concept plan or detail deliverables in accordance with the tender conditions specified. Officers were unable to review and assess what sort of playground it could expect for the price tendered.

The Bigsplash submission was the only conforming tender received.

RISK IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Yes

Is the expenditure noted above included in the current budget?

Yes

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

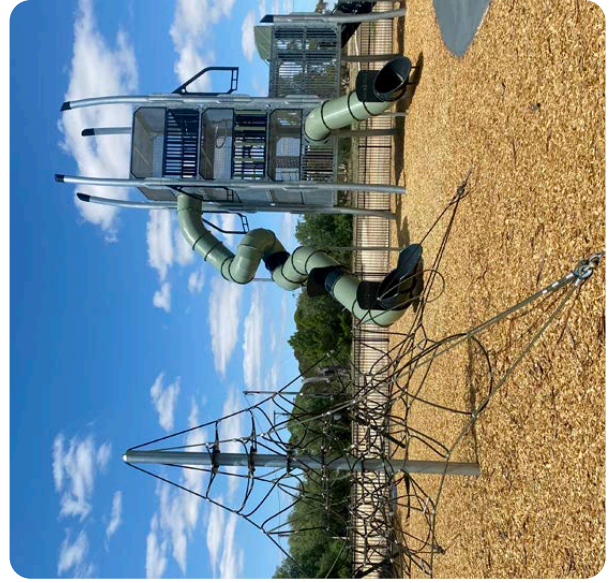
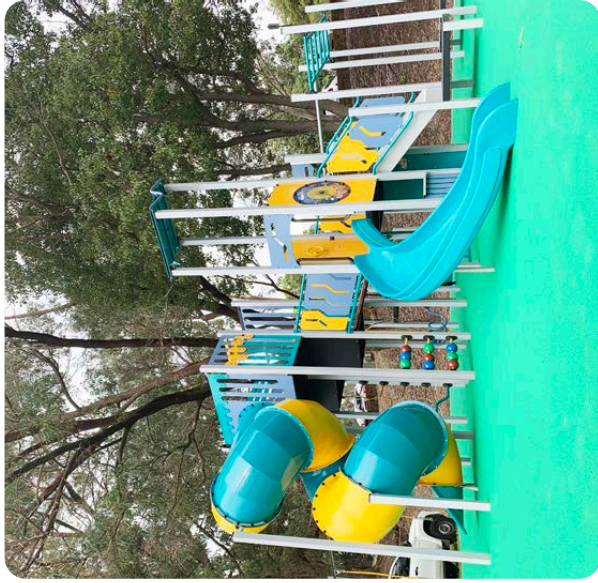
Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

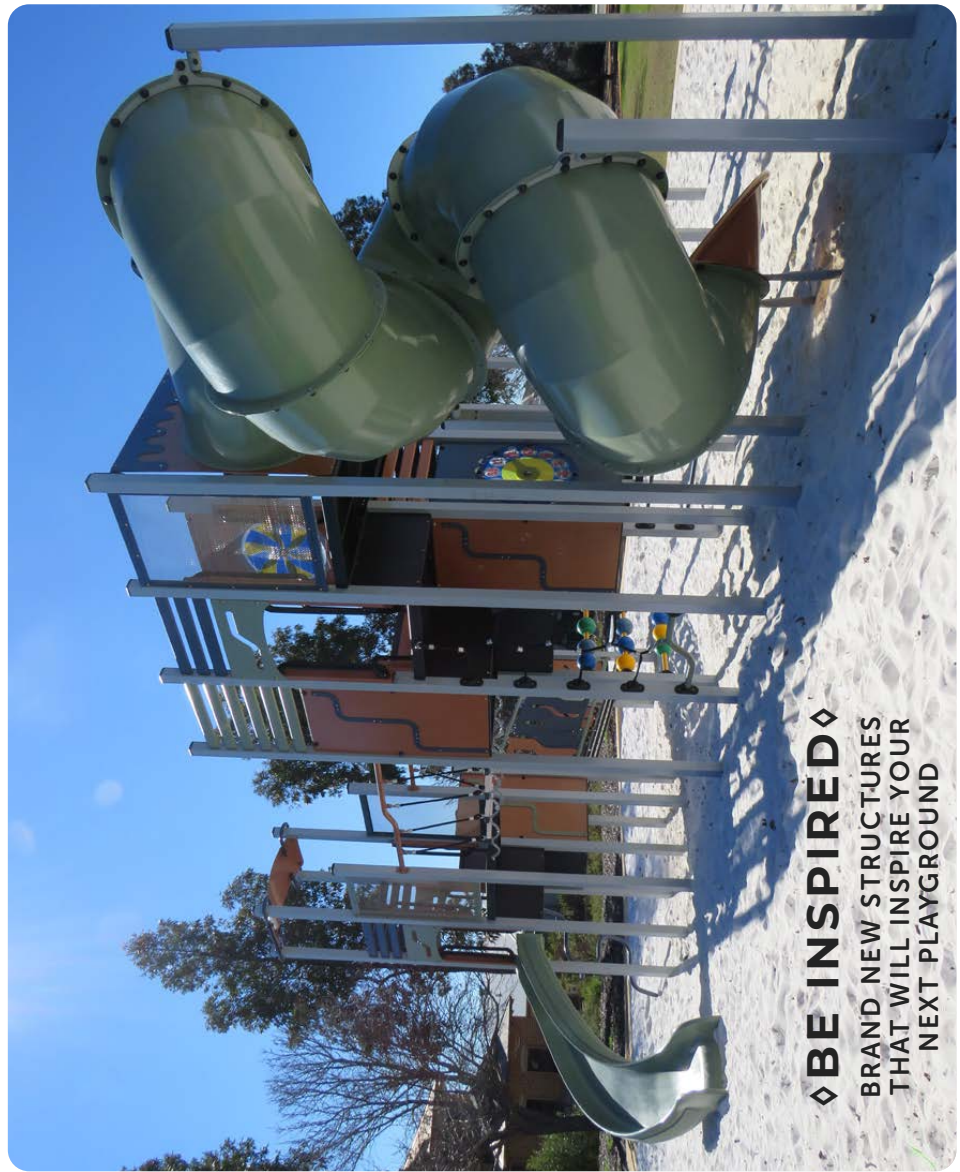
IMPLEMENTATION/COMMUNICATION



FORPARK
A U S T R A L I A

PLAY EQUIPMENT CATALOGUE

MADE IN AUSTRALIA



◆ BE INSPIRED ◆
BRAND NEW STRUCTURES
THAT WILL INSPIRE YOUR
NEXT PLAYGROUND

Contents

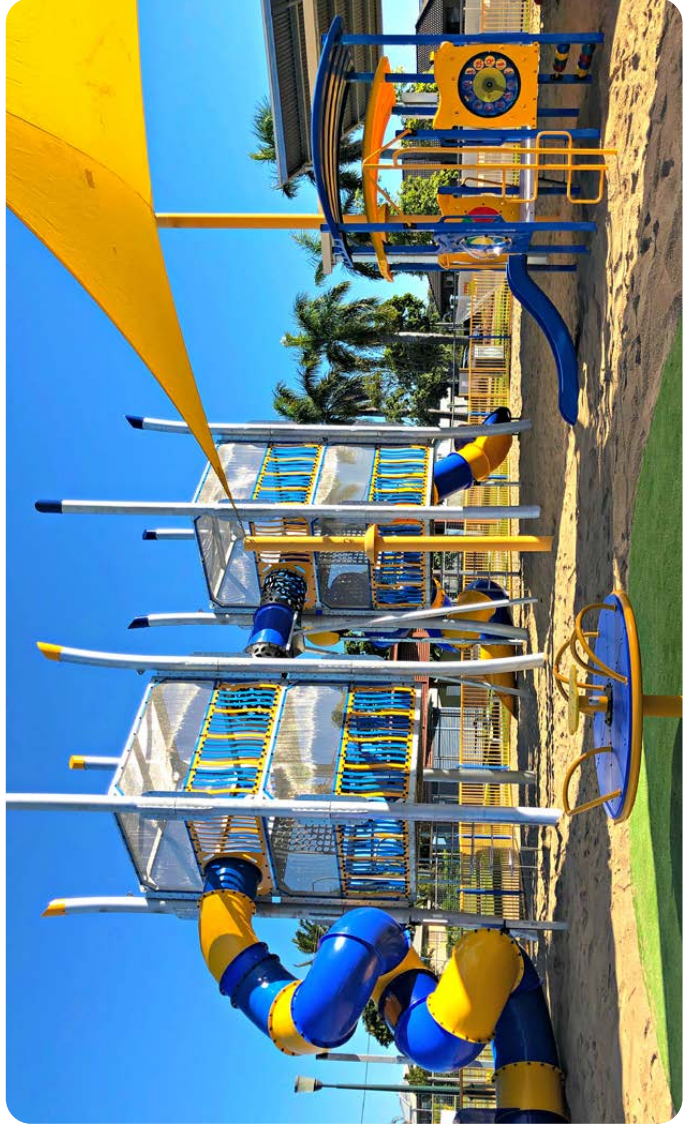
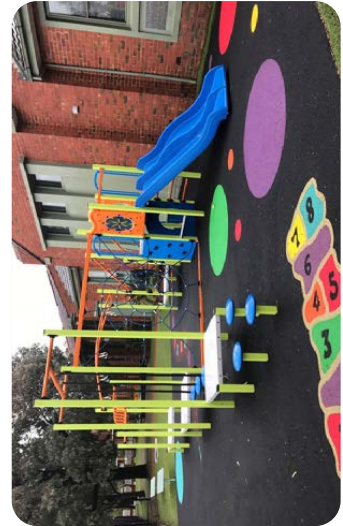
1.	Helping Young Australians Grow	46.	Freestanding Static
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Helping Young Australians Grow

Welcome to our Play Catalogue. This is an introduction to Forpark Australia's extensive range of products and services. We design and manufacture high quality, recreational equipment at competitive prices, combined with second-to-none quality and superior customer service that always exceeds the individual needs of our clients.

Forpark Australia is the largest designer and manufacturer of playground equipment in Australia.

We have been designing and manufacturing playground, outdoor fitness equipment and park furniture, for the Australian climate, in our Perth factory since 1979. We are dedicated to providing safe and engaging playground equipment for Schools, Local Government, Landscape Architects, Land Developers and Commercial premises.



Australian Made

We are Australia's largest manufacturer of playground equipment and the only one with our own dedicated plastic moulding and rope factories. Our products are designed and manufactured in our Perth factory and with over 40 years' experience in the industry we are certain we can design a playground for your needs.

With an increasing number of companies turning to imported products, Forpark Australia has made the decision to keep virtually all manufacturing in house.

We have built an enviable reputation for service and quality. We have seen many competitors come and go over the years and we offer our customers peace of mind that we will be here to provide product service and support well into the future.

Your Sales Representative and Design Consultant are the same person so your idea becomes reality without anything getting lost in translation. The design flexibilities are endless and you can modify your designs to suit any size or budget.

FORPARK AUSTRALIA PLAY EQUIPMENT CATALOGUE



Our Design Process

At Forpark Australia, the design process is consultative and hands on. We take the time to listen and work closely with you, taking your project from concept to reality. We rely on our carefully vetted and extensive network of playground installation specialists to deliver beautifully integrated play spaces.

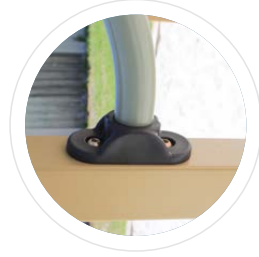
We manage projects from simple playground installations to large landscape projects. Our skilled project management team guide the project through to completion by coordinating trades, managing quality of work while liaising closely with you.

We offer various design service levels, from basic input where needed, to full design, project management and installation of equipment and surrounding areas including softfall and shade.



MATERIAL SOURCING

By sourcing high quality materials and manufacturing in-house at our Perth factory, our quality control and craftsmanship are second-to-none. Our manufacturing warranty is guaranteed (see Technical Information for Quality Guarantee) on all products because we know that our products will stand the test of time in Australia's harshest climates.



ROTATIONAL AND INJECTION MOULDED PLASTIC

- Our plastics are manufactured in Australia, at our own factory.
- We have complete control over the quality of materials used and the finished product to ensure they are right for Australia's harsh weather conditions.
- The Australian climate requires specific UV stabilisers, minimising fade and reducing brittleness.
- Our rotational moulded plastic is water tank grade which has high UV protection and doesn't leech chemicals into the environment.

FLANGES/CLAMPS

- Where possible, plastic flanges are used rather than metal flanges.
- Welding changes the composition of the metal and burns off the zinc protection - over the years the product could be susceptible to rust and corrosion.
- Our nylon flanges are automotive grade which is widely accepted as the best material available.





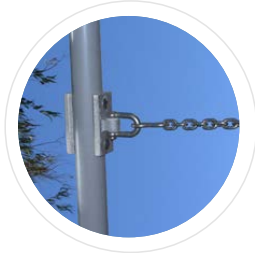
**HANG N GLIDE BOGIE/
TROLLEY**

- Hot-dipped galvanised rather than powder coated steel.
- High anti-corrosive properties increase the life of the product.



BASKET SWINGS

- We use a bearing system rather than swing castings. This creates less friction, increasing longevity. Older swing castings have higher wear rates, needing replacement more often.



STAINLESS STEEL CHAIN

- We use stainless steel chains as a standard.
- Some competitors use galvanised chain which wears faster and can be subject to corrosion.



CHAIN BOSS

- Our Chain Boss houses the chain and reduces the wear and tear which increases the life of the part.
- Old weld tabs become worn out and hard to replace.
- A clean, smart finish.

ALUMINIUM VS STEEL

Our range of platforms and uprights are made from aluminium.

ALUMINIUM



Anti-corrosive properties



Dissipates heat faster - great for the Australian climate



Cooler to touch - safer for little hands



Easier to work with because it is lighter



More malleable and elastic than steel

* Material Specifications shown are for informational purposes only and are subject to change without notice. Please contact our Design Consultants for full technical specifications for our products.

Customise your new playground

Our product range is highly customisable. We will show you some of the many ways our products can be assembled to offer different play types, for different age groups. There are also hundreds of components that can be used together to make the perfect playground for you.

Our Design Consultants can tailor any structure to suit your needs and budget. We can include freestanding items and additional play components to provide a complete design.

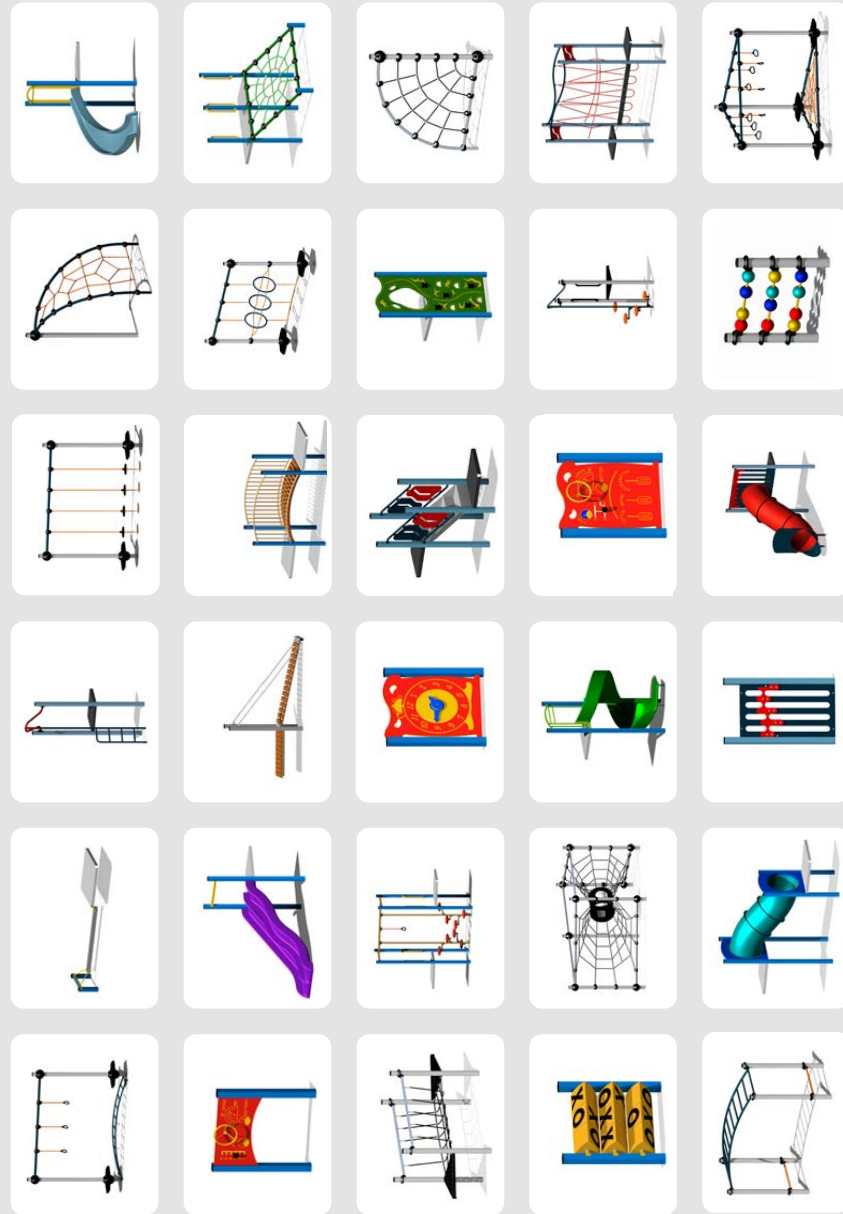
While browsing this catalogue, know that anything is possible. We can customise all structures to suit the desired age group, budget, area or landscape.

To speak to your local Design Consultant visit our website.

www.forparkaust.com.au

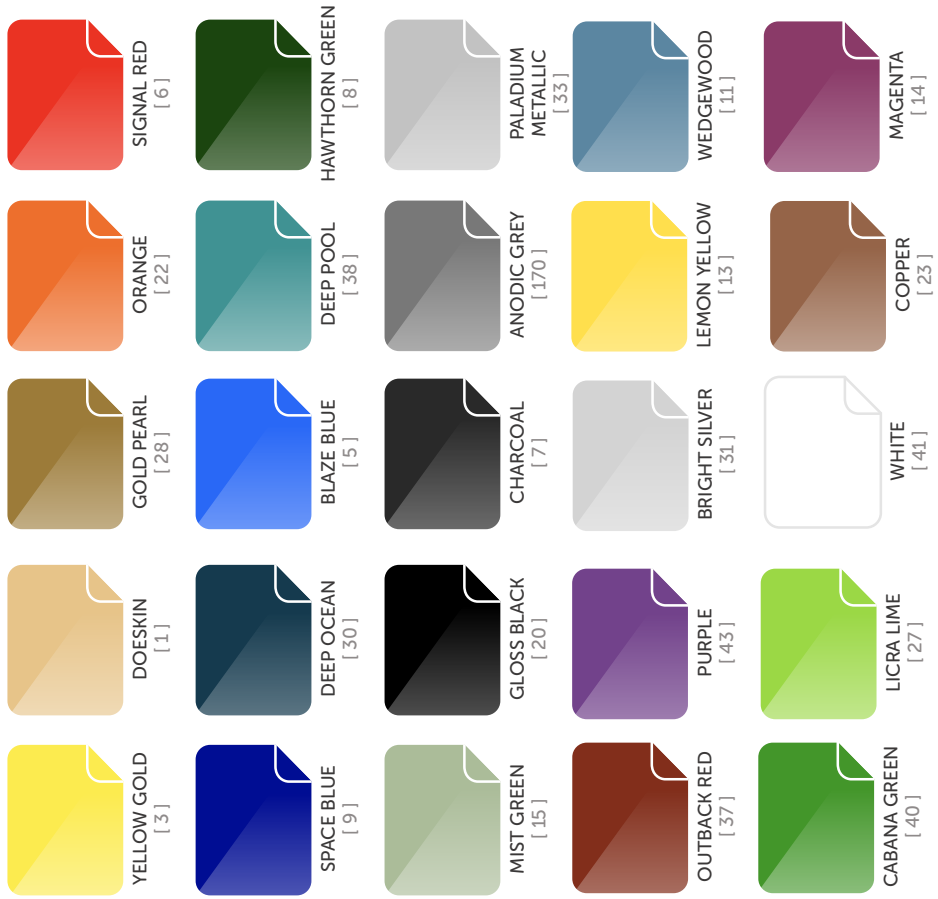
WHAT CAN BE CUSTOMISED?

The opportunities are endless with bridges, joiners, freestanding swings, panels, balance beams, climbing nets, and slides you can take a structure from awesome to epic. You can also choose from our wide colour range.



Colour Chart

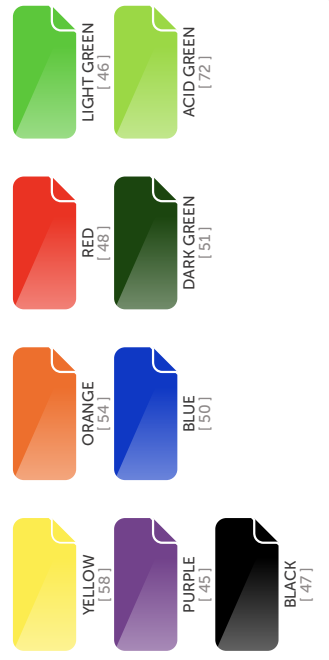
POWDER COAT COLOURS - METAL PLAY COMPONENTS AND UPRIGHTS



PLASTIC COLOURS



ROPE COLOURS



* Colours represented are as close as possible to actual colours as the printing process allows.

8 **Our Customers**

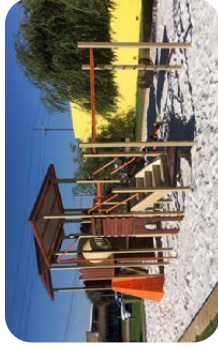
Landscape Architects

We provide an easy and efficient method for obtaining design files. Whether you're looking for a ready-designed structure or freestanding pieces, you can download all of these design files from our website to drop straight into your design.

We also have 40 years of experience providing custom designs that meet your project specifications. So if you have plans for an accessible playground, nature play area or segmented zones for different user levels, we can design a structure or complete playground to suit your needs. We are available to provide advice regarding the Australian Playground Standards, including fall zone requirements, that may affect your design.



Local Government



We offer a free design service (and in most cases, an on-site consultation) that help councils deliver asset replacement projects, new projects and forward planning strategies.

There has been a push towards major works where a play space will also have a fitness and sports zone, park furniture and shade solutions included in the general scope of works, all of which we can provide. By combining our playground and ParkFit ranges, you can turn any space into a community hub with fitness elements, dog agility equipment and top quality playground equipment. You can be sure that by using Forpark products your play and fitness areas will stand the test of time.

We can help you create a place that is fun for the whole family after a free consultation and quote.

Our Customers

Schools and Early Childhood

We can help meet any budget or area. Engaging opportunities for play in the space that is available is a specialty of ours. It's simply a matter of coming to us with your budget, your allocated space, and we can talk through your many options. We can also assist with grant applications.

- Nature play - Seamlessly integrate with the surrounding natural environment.
- Sensory - Play providing a fully interactive, enriching experience.
- Adventure - A great way to engage older (or braver) children.
- Inclusive - Delivering accessible solutions for children of all ages and levels of ability.
- Imagination - Children can use their imagination to support creative thinking in play.
- Fitness - We have a complete fitness range for schools to encourage children to exercise and increase their strength and agility.

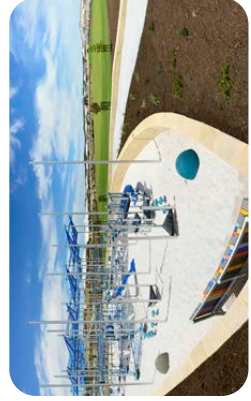


Land Developers

Statement concepts designed, engineered and manufactured in Australia are the solutions for your master plan. We have turn-key play structures as well as custom designs to suit any size play space or community hub.

We can work with native bushland or existing landscape elements to create a custom designed playground to suit the space and requirements for your new development.

When developing a new area, your clients can enjoy the project from their first visit. When they return to see their house under construction they can then come and utilise the spaces and meet their future neighbours, creating a sense of community.



Elevate

TAKING PLAY TO THE NEXT LEVEL

We have taken everything kids and playground owners love about Forpark playgrounds and we're taking it to the next level. Elevate will challenge children physically while providing a fun, safe place for them to let their imaginations run wild.

With Elevate, we're going up! Your playground can now be taller, creating a statement and our bridges and joiners are longer to add to the thrill of crossing from one platform to another.

Along with the fresh modern aesthetic, we've added some beautiful new colours to our range to make your new playground highly customisable. Want your playground to blend in with its surrounds? Or bright pops of colour to attract attention? We've got the colours for that!

Elevate is manufactured right here in Australia from the highest quality materials, as standard. We're proud that for the last 40 years we have grown from strength to strength and can continue to build playgrounds that last for generations, backed by our 20-year structural warranty.

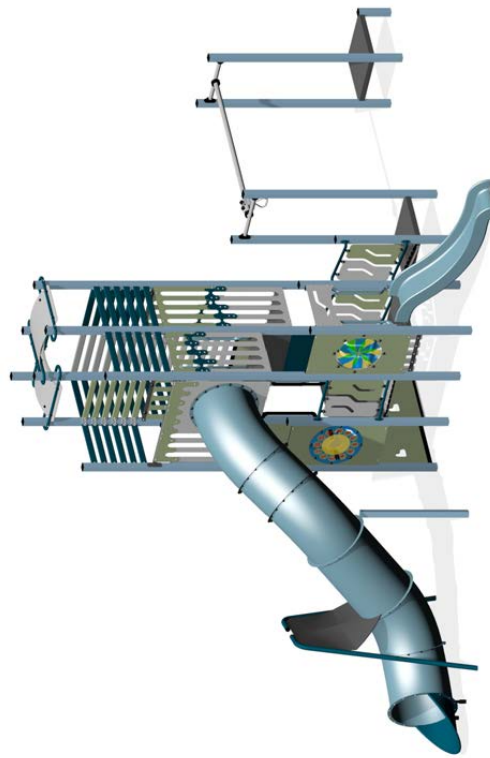
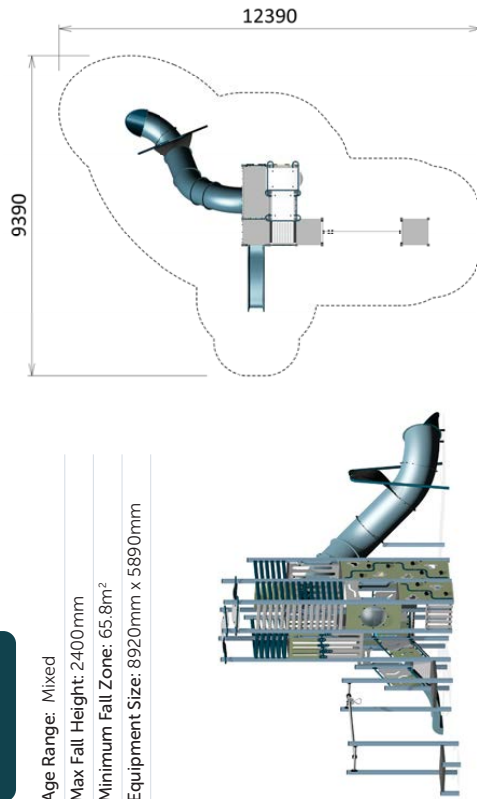


Elevate

For our full range visit www.forparkaust.com.au/elevate

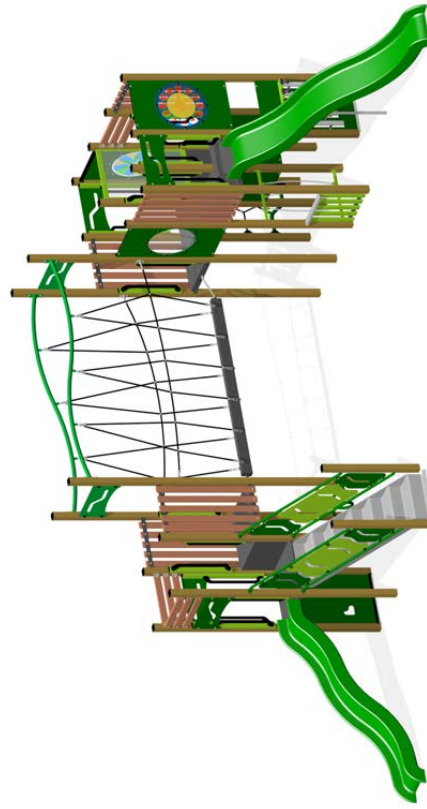
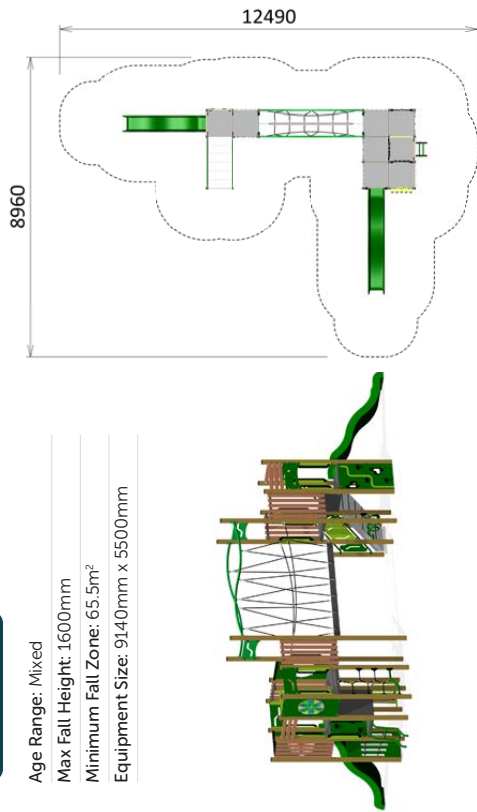
ELV7-1005

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 65.8m²
 Equipment Size: 8920mm x 5890mm



ELV8-1002

Age Range: Mixed
 Max Fall Height: 1600mm
 Minimum Fall Zone: 65.5m²
 Equipment Size: 9140mm x 5500mm

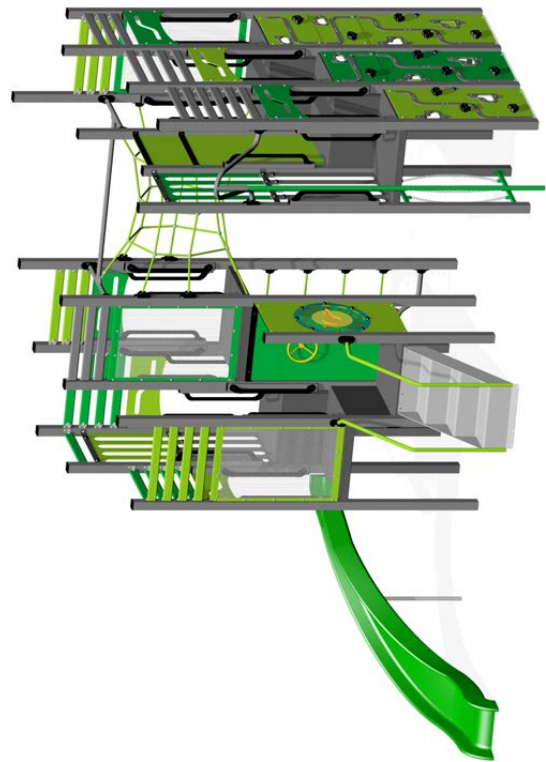
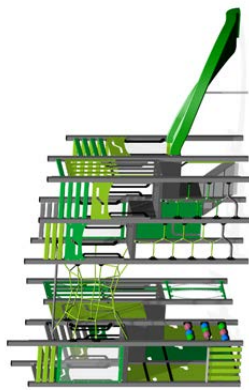
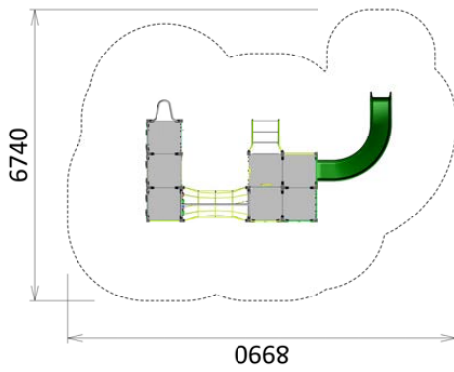


Elevate

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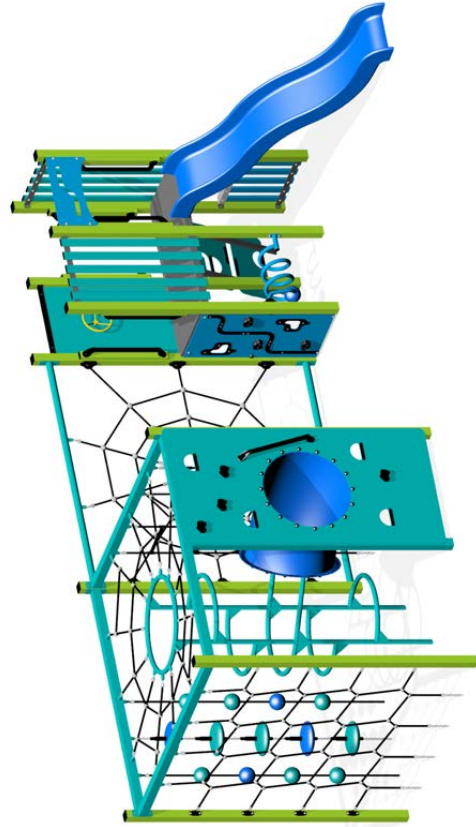
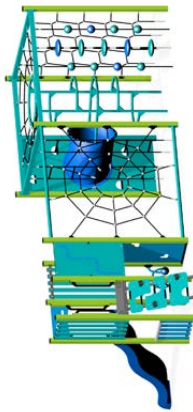
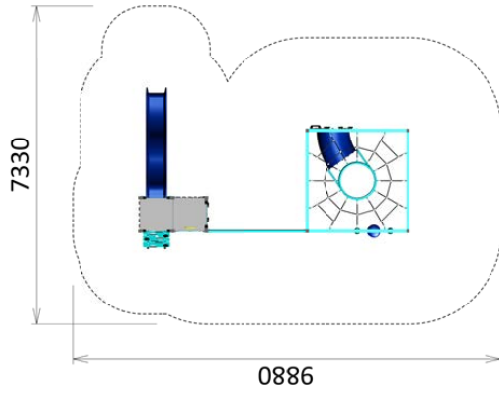
ELV7-1003

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 47.9m²
 Equipment Size: 5650mm x 3030mm



ELV2-1003

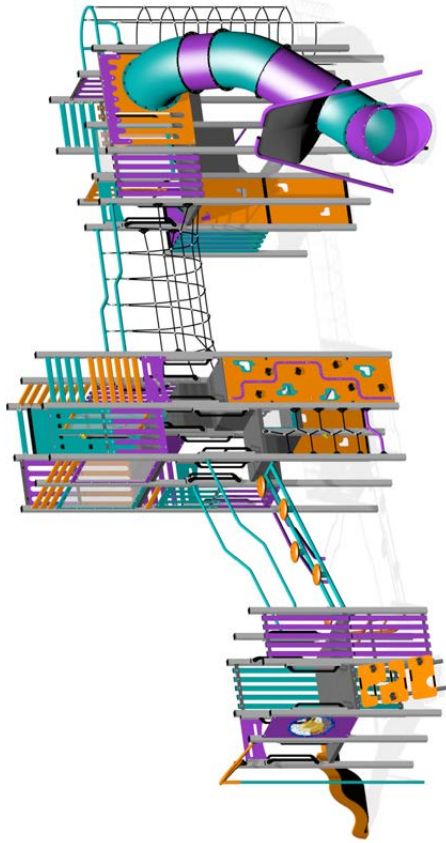
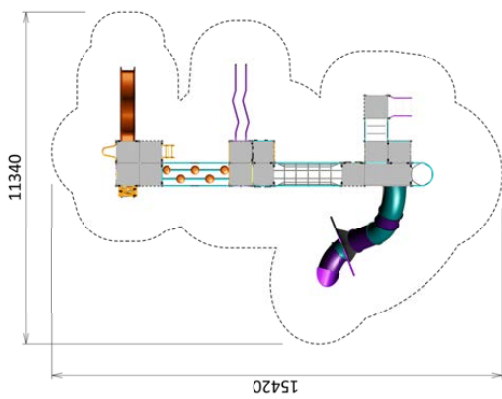
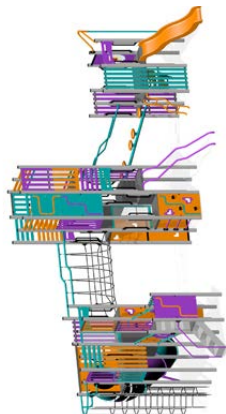
Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 61.7m²
 Equipment Size: 6500mm x 3720mm



Elevate

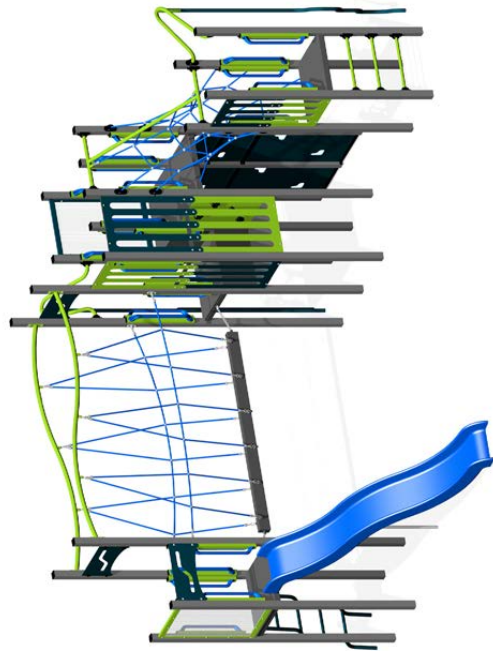
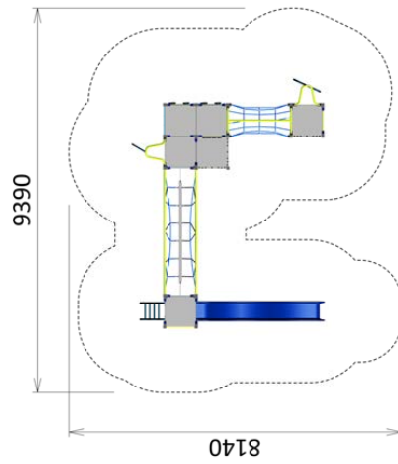
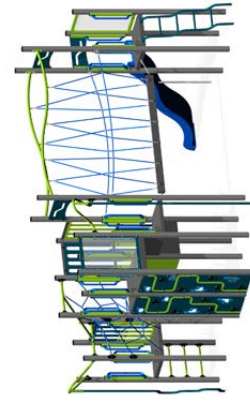
ELV16-1000

Age Range: Mixed
 Max Fall Height: 3000mm
 Minimum Fall Zone: 109.8m²
 Equipment Size: 11300mm x 7640mm



ELV6-1004

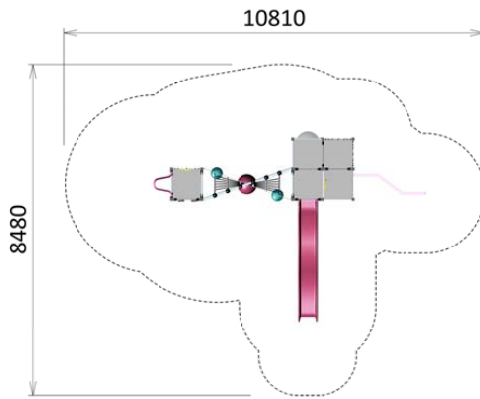
Age Range: Mixed
 Max Fall Height: 2300mm
 Minimum Fall Zone: 59.9m²
 Equipment Size: 6100mm x 4750mm



Elevate

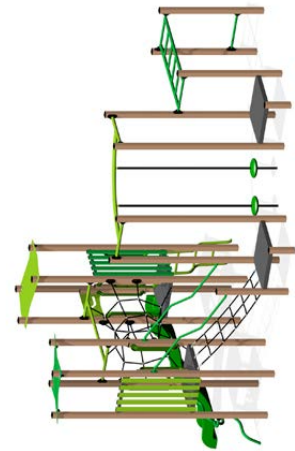
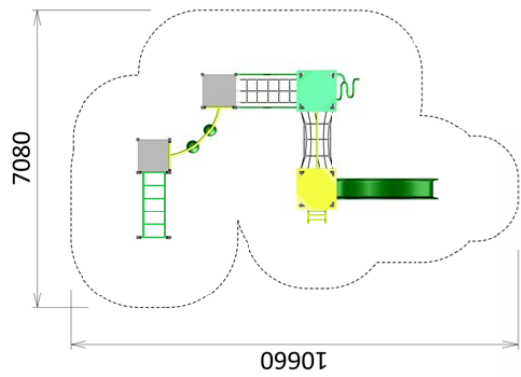
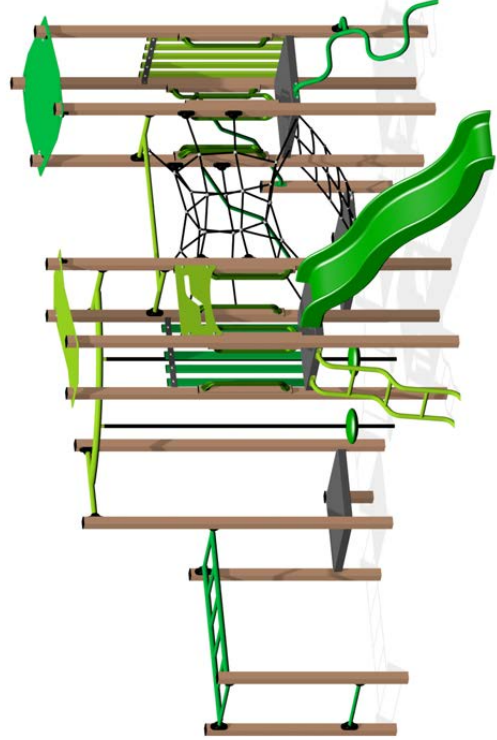
ELV5-1001

Age Range: Mixed
 Max Fall Height: 2700mm
 Minimum Fall Zone: 56.2m²
 Equipment Size: 7000mm x 4900mm



ELV4-1002

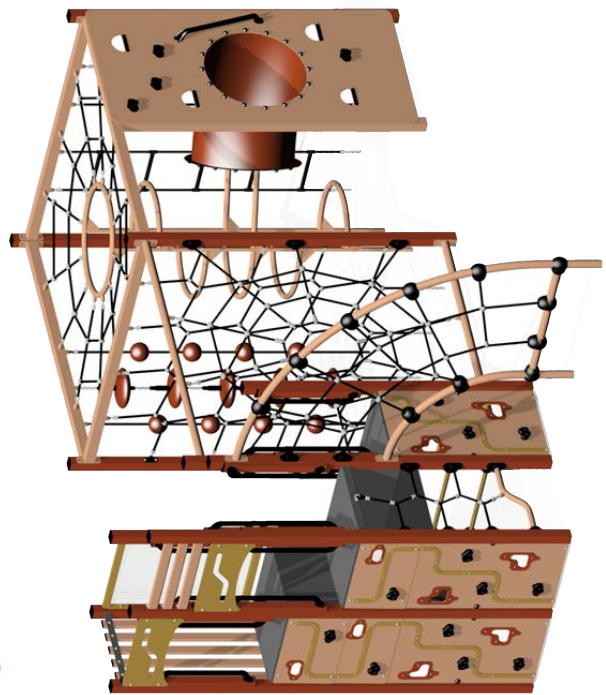
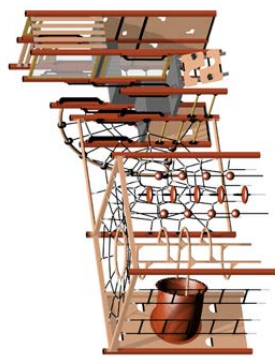
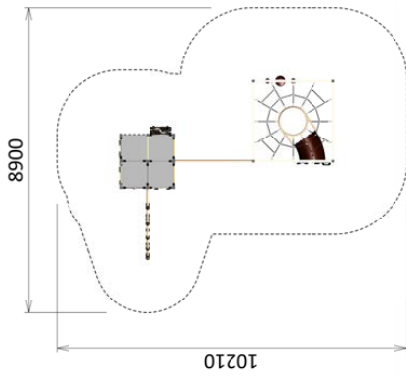
Age Range: Mixed
 Max Fall Height: 1500mm
 Minimum Fall Zone: 56.5m²
 Equipment Size: 7230mm x 4010mm



Elevate

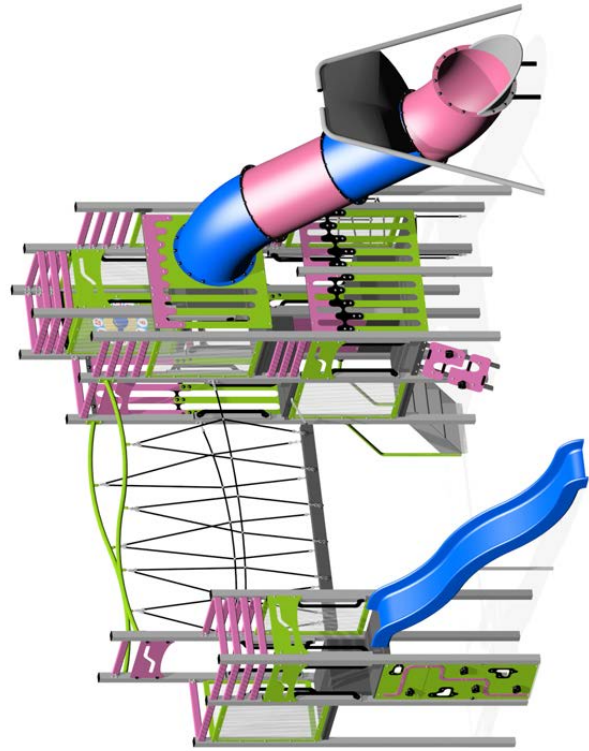
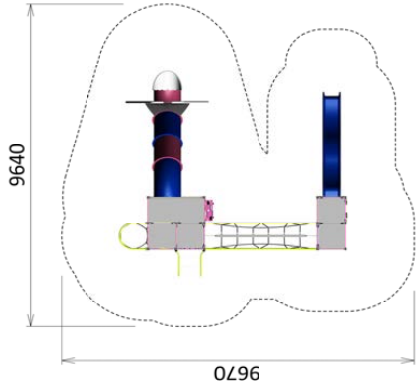
ELV4-1004

Age Range: Senior
Max Fall Height: 2430mm
Minimum Fall Zone: 63.0m²
Equipment Size: 6280mm x 5360mm



ELV9-1002

Age Range: Mixed
Max Fall Height: 2400mm
Minimum Fall Zone: 72.5m²
Equipment Size: 6240mm x 6090mm

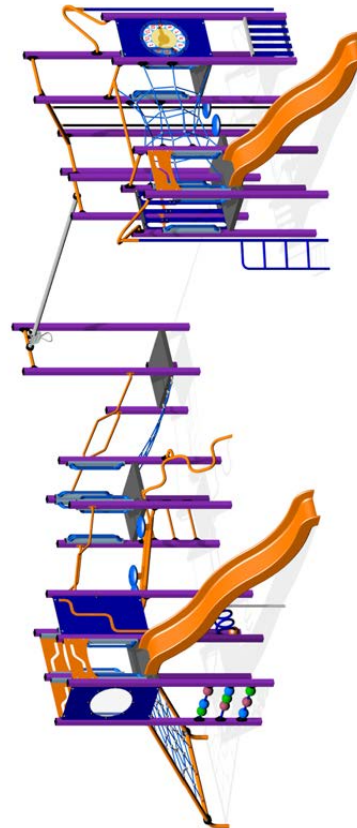
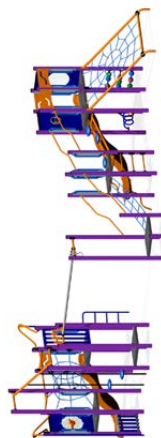
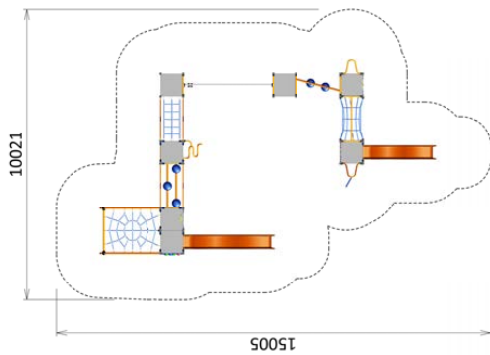


Elevate

16

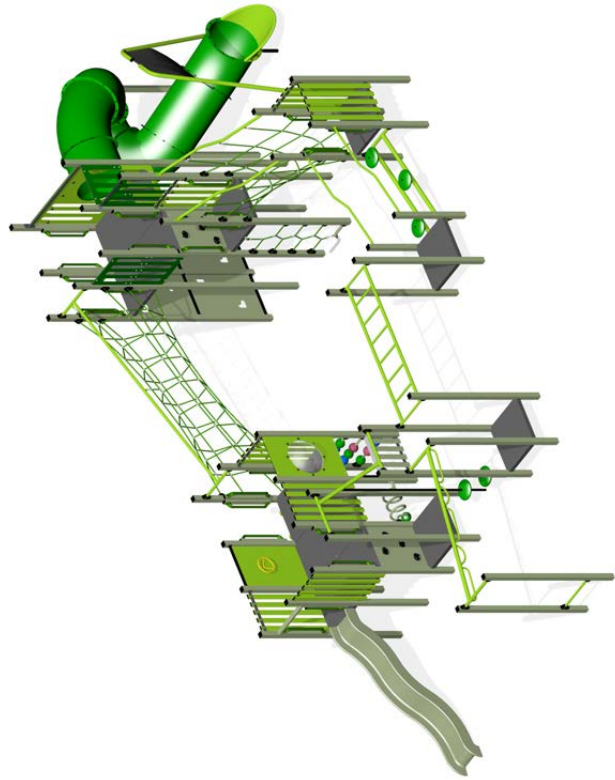
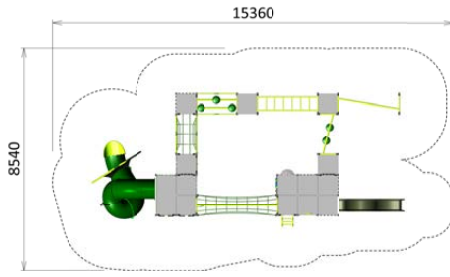
ELV7-1004

Age Range: Mixed
 Max Fall Height: 1900mm
 Minimum Fall Zone: 102.7m²
 Equipment Size: 11630mm x 6760mm



ELV14-1000

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 111.8m²
 Equipment Size: 11980mm x 5160mm

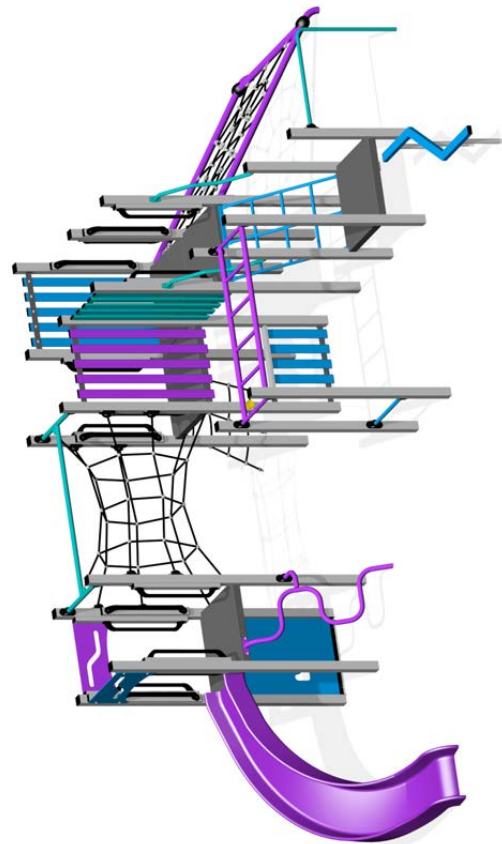
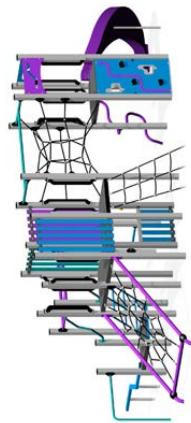
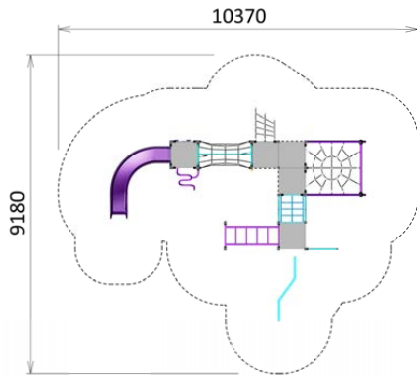


Elevate

FORPARK AUSTRALIA PLAY EQUIPMENT CATALOGUE 17

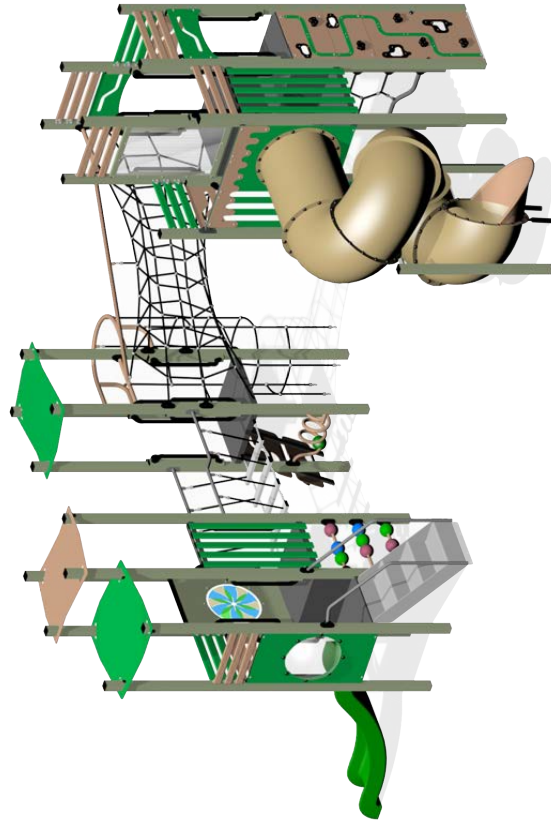
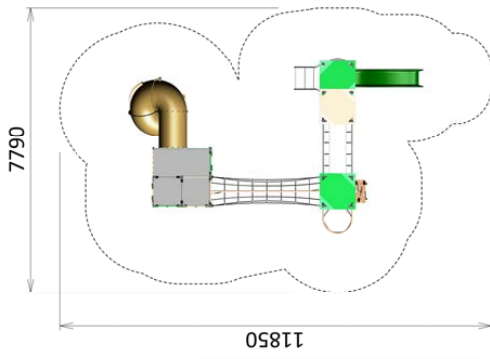
ELV5-1003

Age Range: Mixed
 Max Fall Height: 1600mm
 Minimum Fall Zone: 63.0m²
 Equipment Size: 7360mm x 6130mm



ELV6-1002

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 69.3m²
 Equipment Size: 7960mm x 4850mm

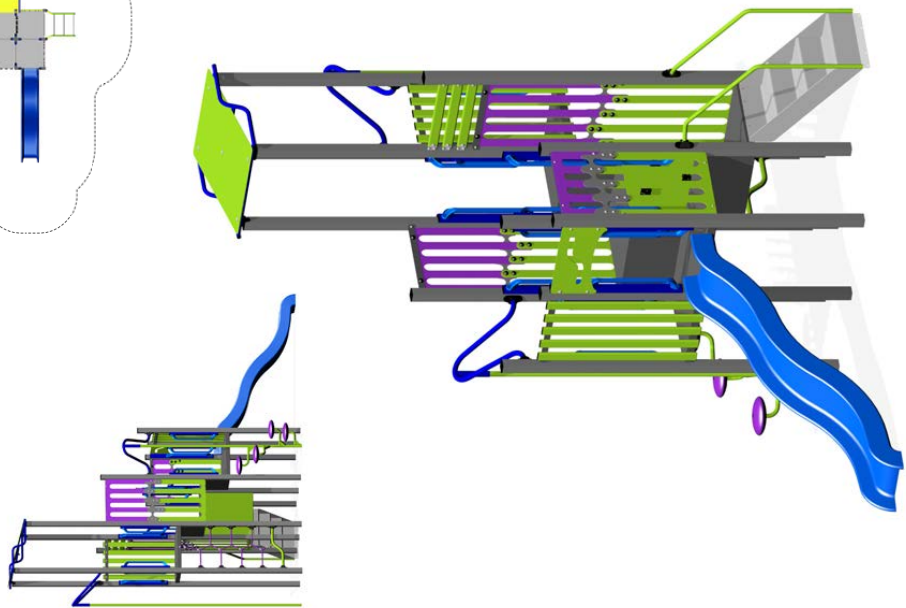
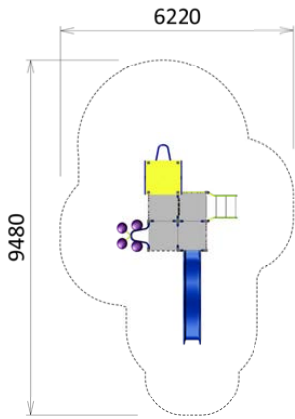


Elevate

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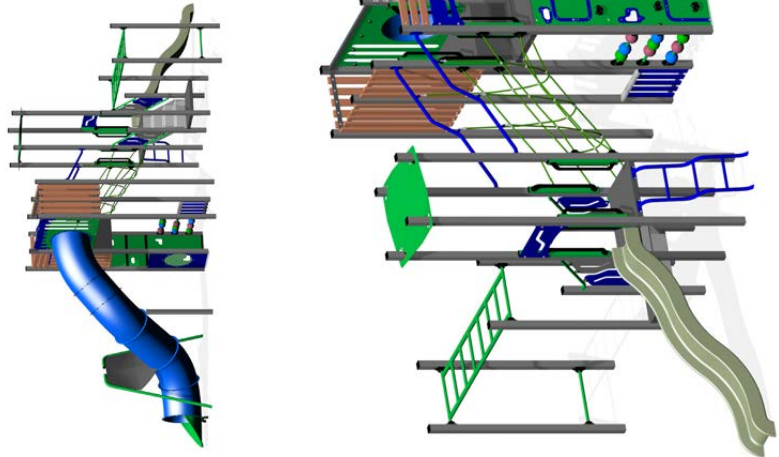
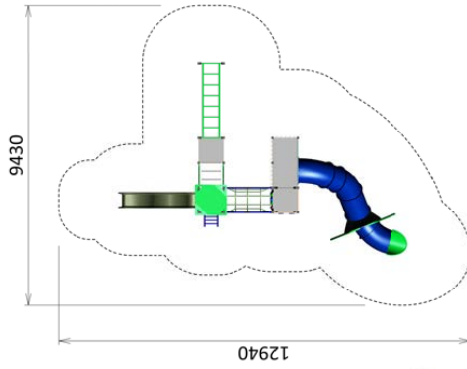
ELV5-1002

Age Range: Mixed
 Max Fall Height: 2700mm
 Minimum Fall Zone: 40.3m²
 Equipment Size: 5350mm x 3190mm



ELV4-1005

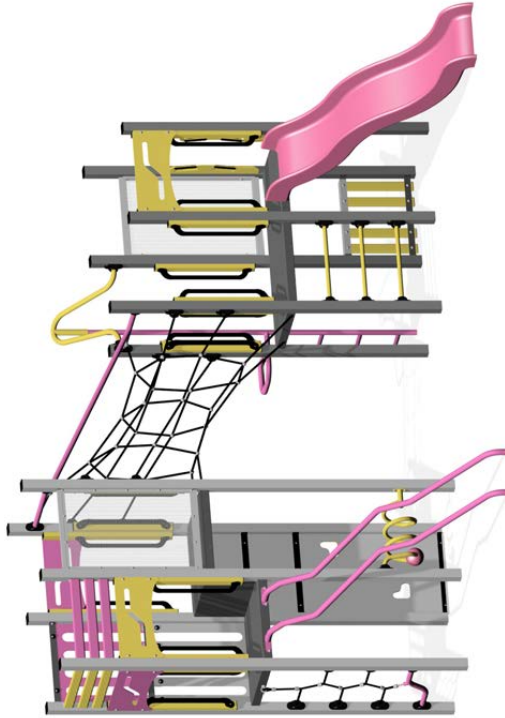
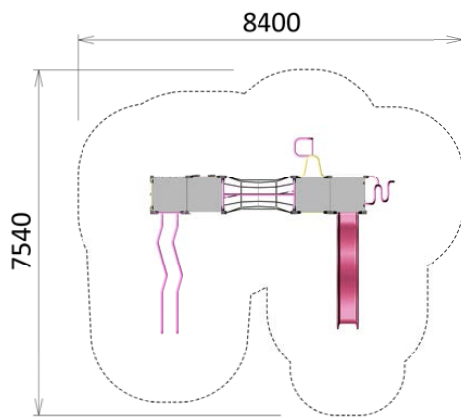
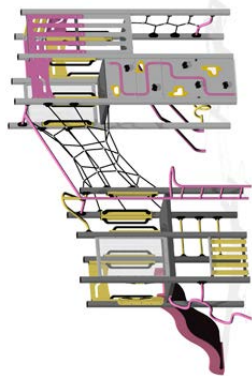
Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 72.4m²
 Equipment Size: 9070mm x 5160mm



Elevate

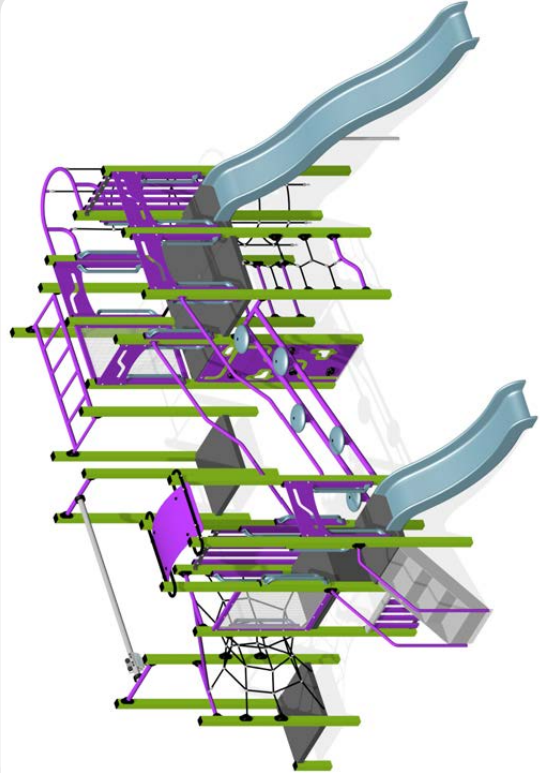
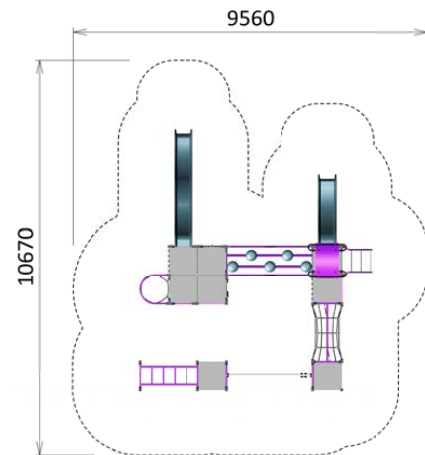
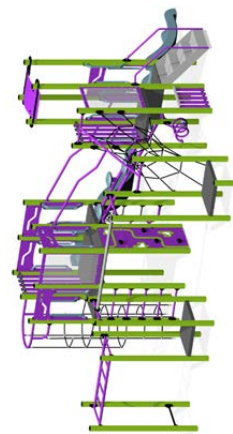
ELV4-1003

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 49.2m²
 Equipment Size: 5330mm x 4240mm



ELV8-1001

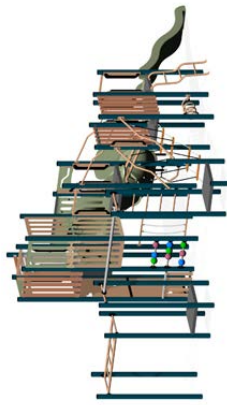
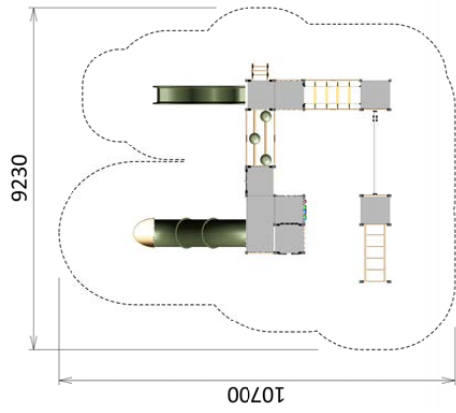
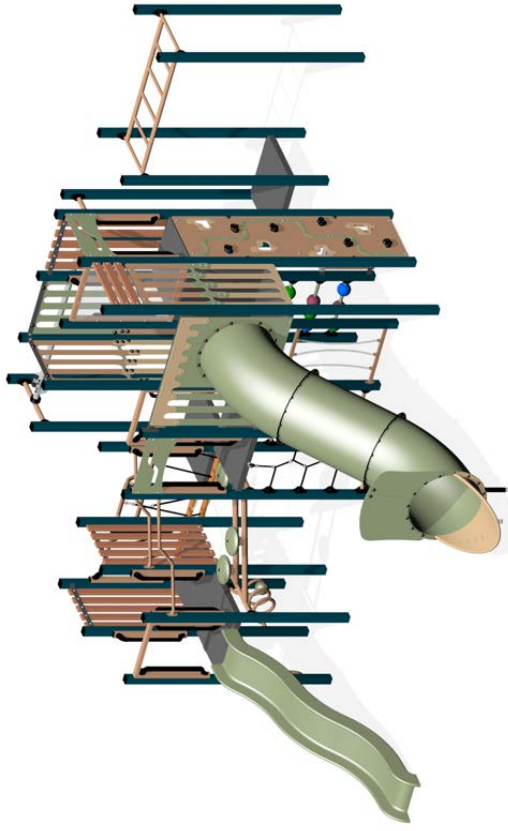
Age Range: Mixed
 Max Fall Height: 1920mm
 Minimum Fall Zone: 78.0m²
 Equipment Size: 7070mm x 6240mm



Elevate

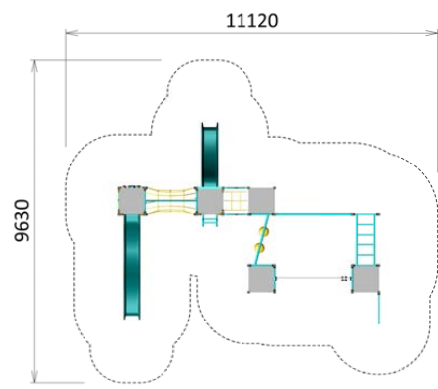
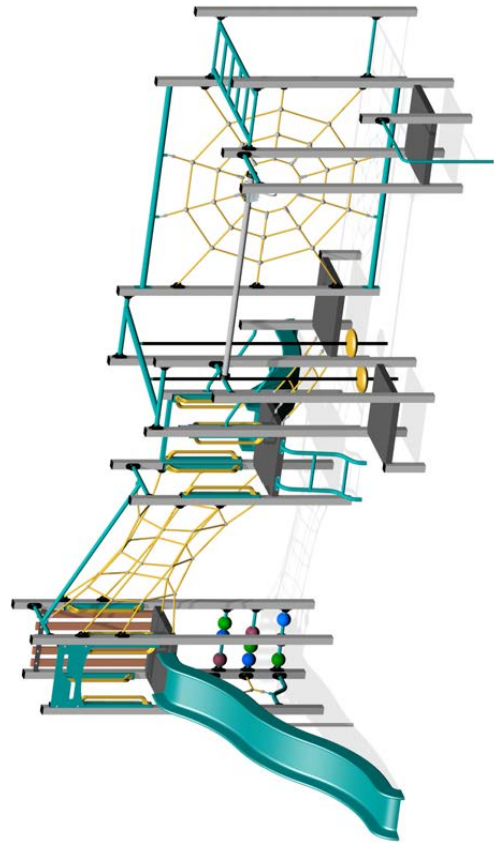
ELV8-1000

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 79.6m²
 Equipment Size: 6980mm x 5940mm



ELV5-1000

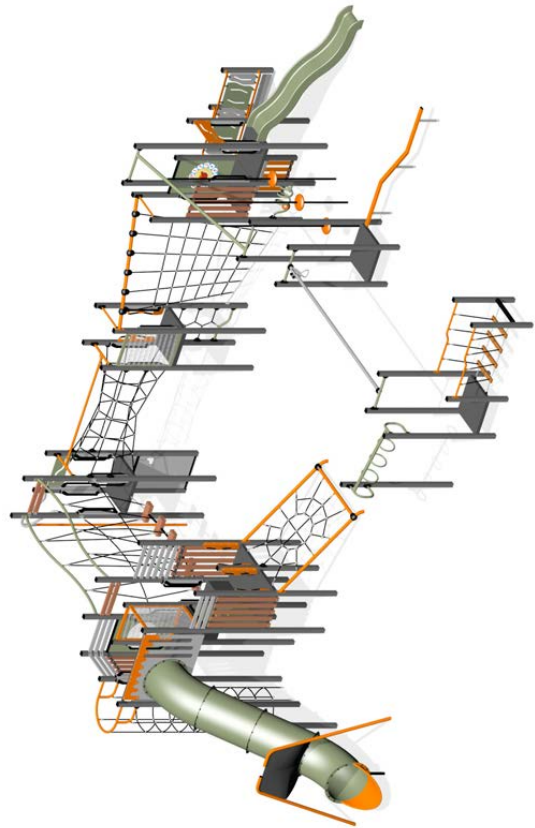
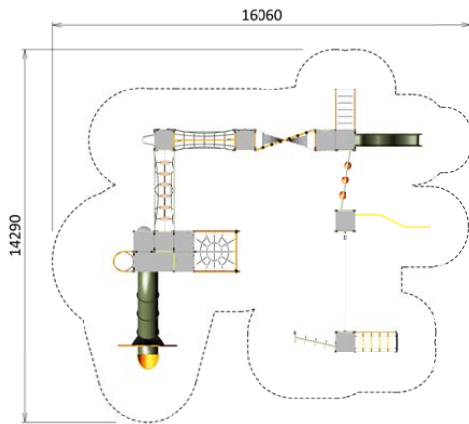
Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 74.5m²
 Equipment Size: 7830mm x 5870mm



Elevate

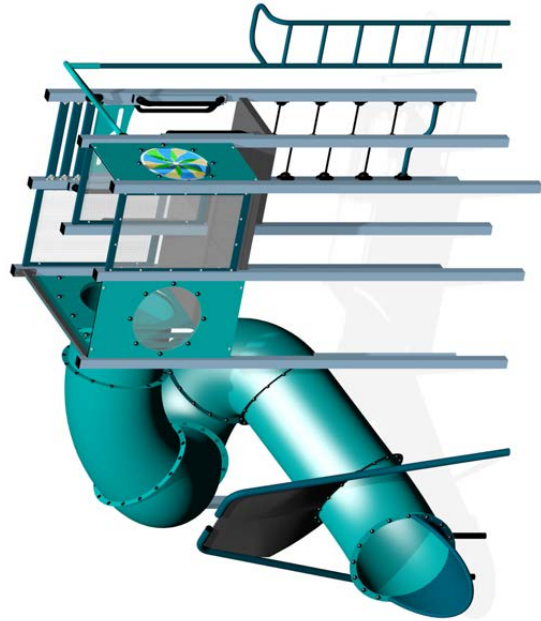
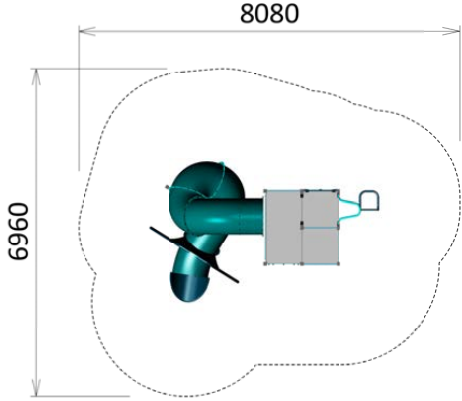
ELV11-1003

Age Range: Mixed
 Max Fall Height: 2720mm
 Minimum Fall Zone: 163.5m²
 Equipment Size: 12120mm x 10700mm



ELV3-1002

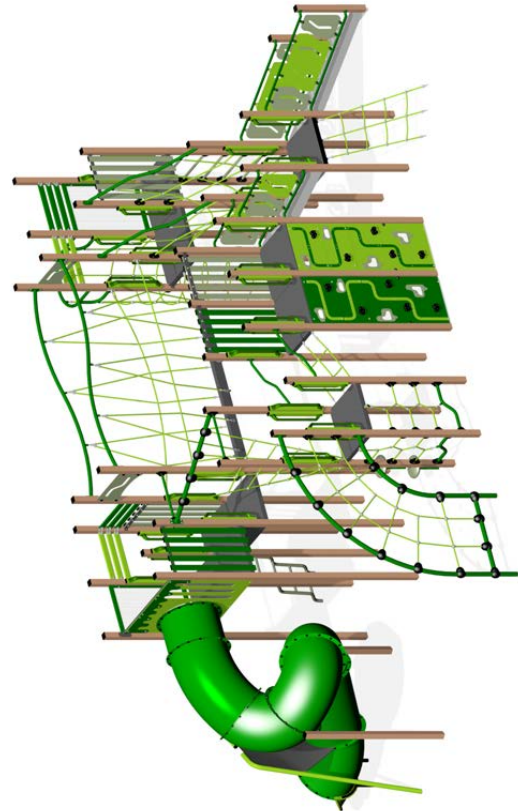
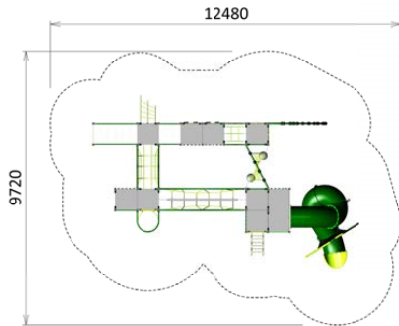
Age Range: Senior
 Max Fall Height: 2700mm
 Minimum Fall Zone: 43.8m²
 Equipment Size: 4880mm x 2980mm



Elevate

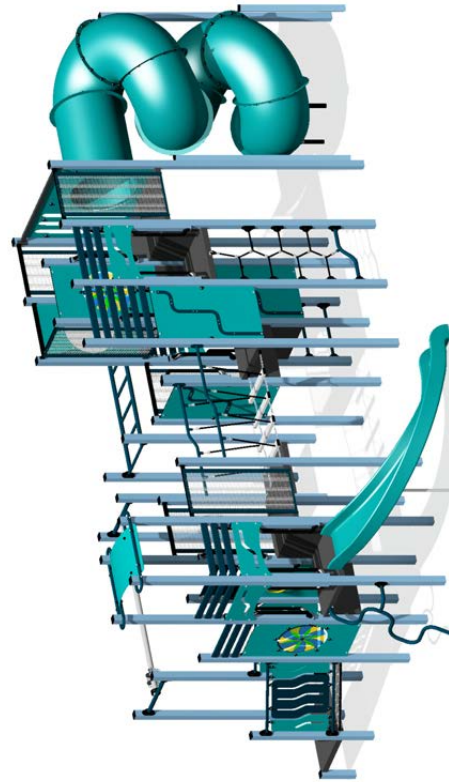
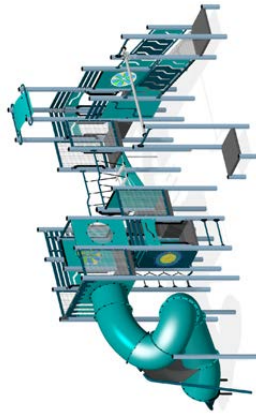
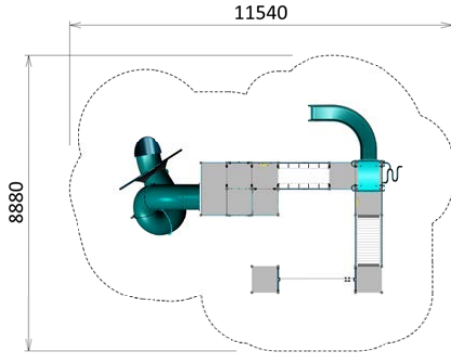
ELV9-1001

Age Range: Senior
 Max Fall Height: 2930mm
 Minimum Fall Zone: 92.3m²
 Equipment Size: 9480mm x 6090mm



ELV11-1002

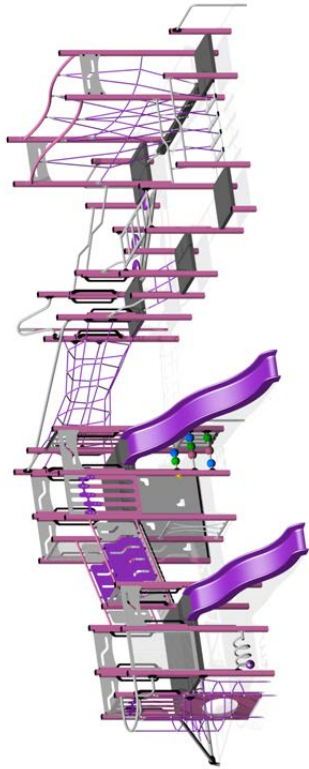
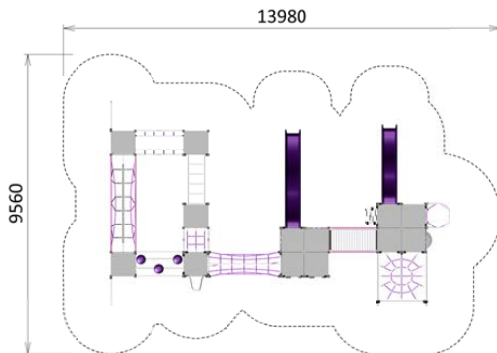
Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 77.9m²
 Equipment Size: 8105mm x 5660mm



Elevate

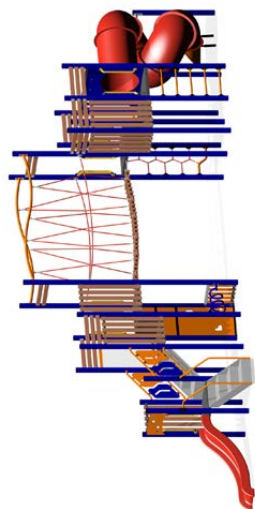
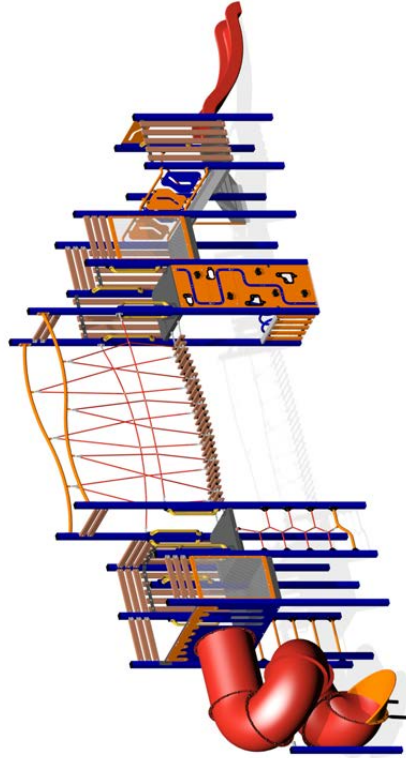
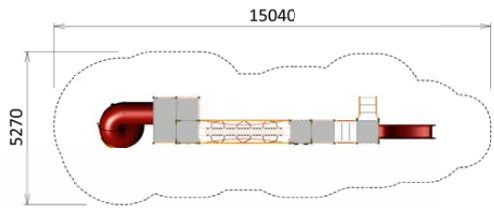
ELV13-1000

Age Range: Mixed
 Max Fall Height: 1600mm
 Minimum Fall Zone: 108.3m²
 Equipment Size: 11980mm x 5160mm



ELV6-1003

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 63.0m²
 Equipment Size: 11660mm x 1810mm



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FUN FOR EVERYONE

Our Essentials range challenges children physically, as well as their imagination. Our diverse range of play structures maximise the play value and value for money. Essentials is suitable for all ages and with our extensive colour palette options, will be a hit in any environment.

Playgrounds build strength, agility, gross motor skills and teamwork as children evaluate each element of the playground and climb from end to end of the structure.

We have designed robust equipment, featuring powder-coated aluminium, galvanised and stainless steel and plastic components, made in our own factory, offering great value as stand-alone structures or as part of a whole area solution. We make our plastic components in house, and we have complete quality control over every element, offering the children the safest play equipment in Australia.

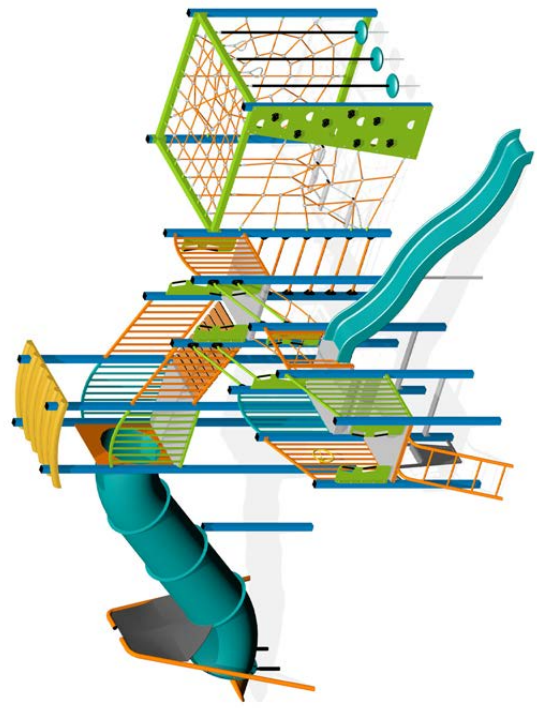
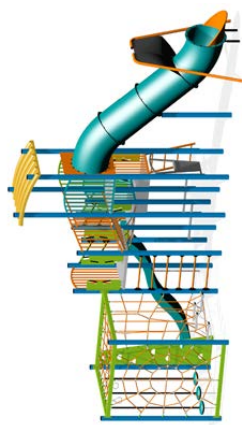
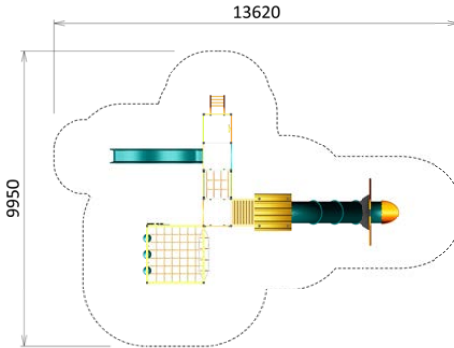


Essentials

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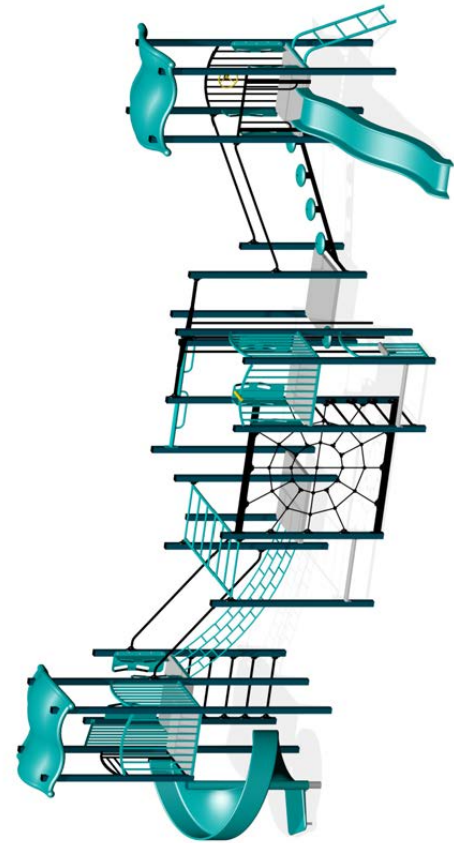
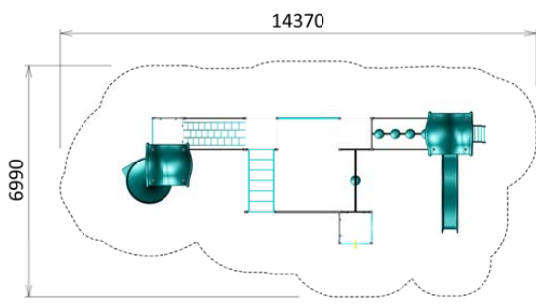
SS4-3005

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 81.6m²
 Equipment Size: 9750mm x 6490mm



SS6-3006

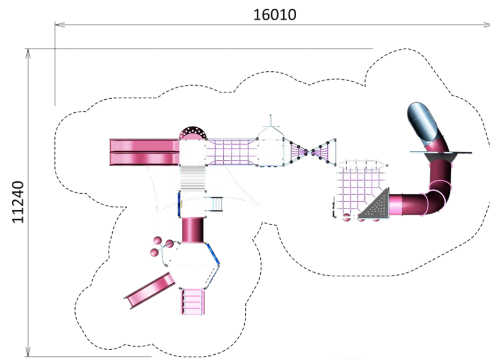
Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 82.5m²
 Equipment Size: 11000mm x 4030mm



Essentials

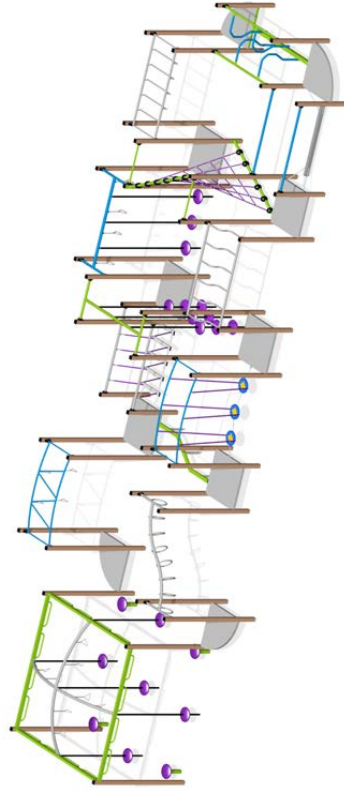
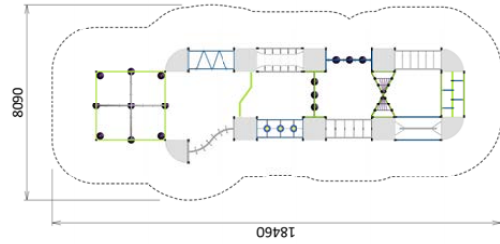
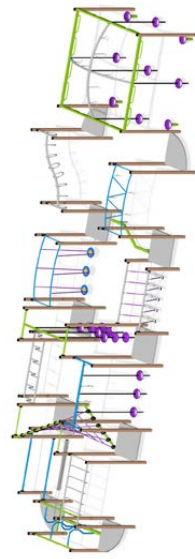
SS5-3005

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 115.0m²
 Equipment Size: 13240mm x 7800mm



SS10-3001

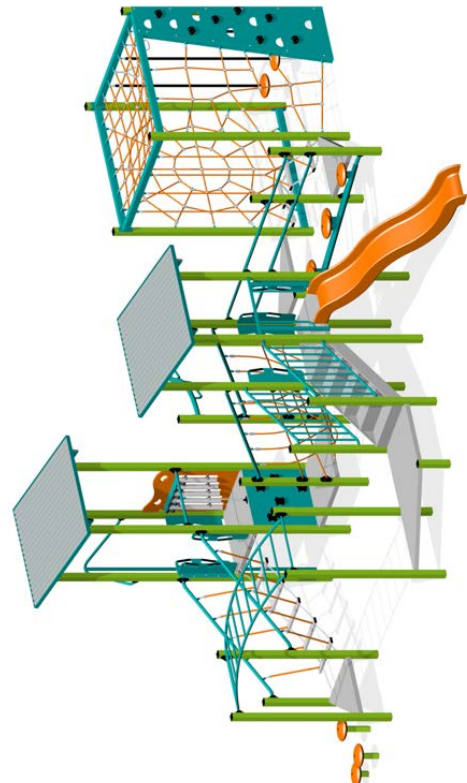
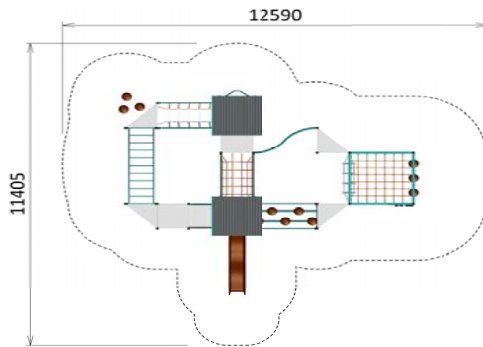
Age Range: Mixed
 Max Fall Height: 2070mm
 Minimum Fall Zone: 125.3m²
 Equipment Size: 15130mm x 4800mm



Essentials

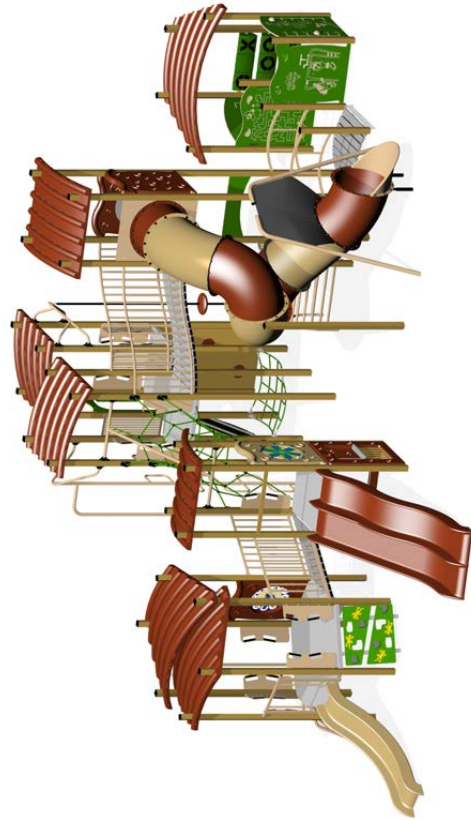
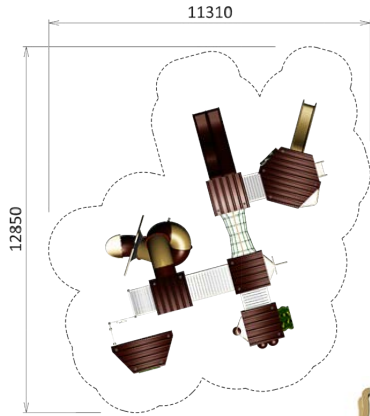
SS8-3003

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 94.7m²
 Equipment Size: 8710mm x 7710mm



SS6-3004

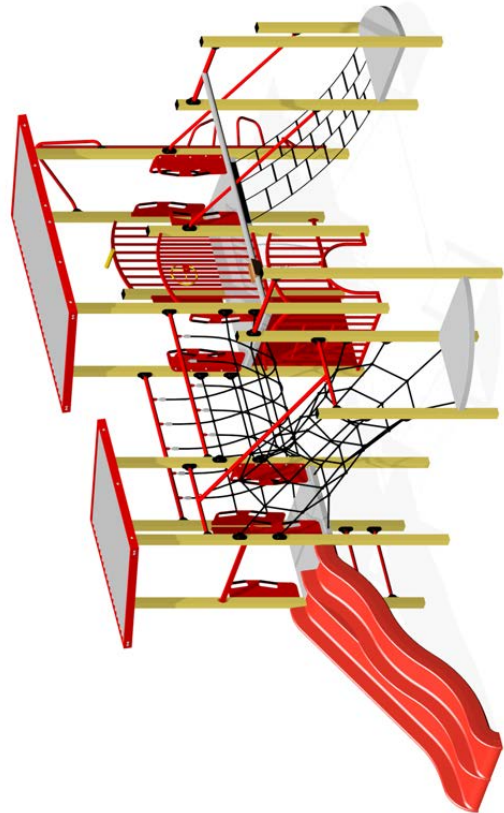
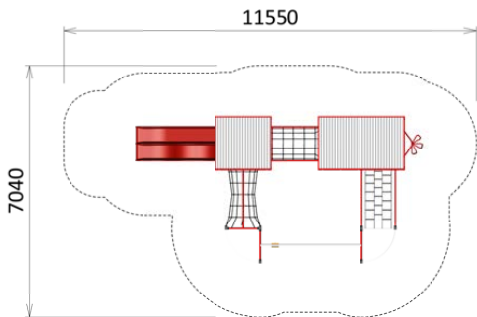
Age Range: Mixed
 Max Fall Height: 2700mm
 Minimum Fall Zone: 101.0m²
 Equipment Size: 9590mm x 7810mm



Essentials

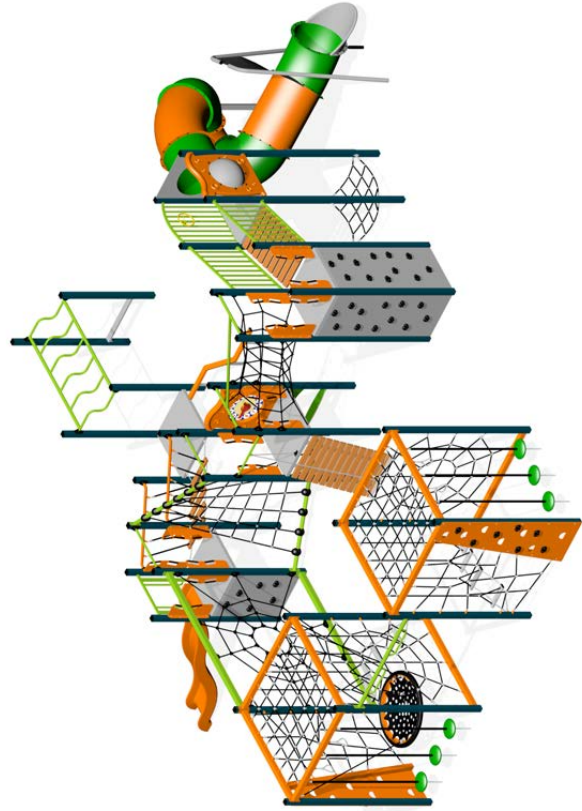
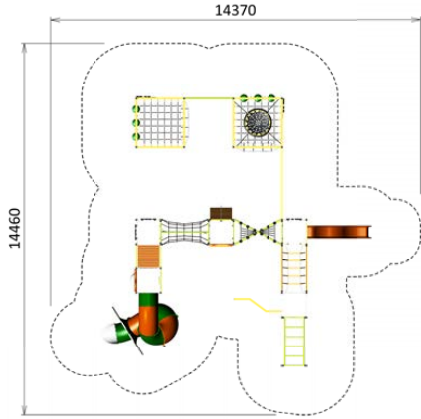
SS5-3004

Age Range: Mixed
 Max Fall Height: 1950mm
 Minimum Fall Zone: 62.3m²
 Equipment Size: 8010mm x 4040mm



SS5-3007

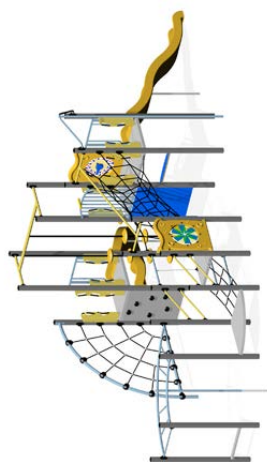
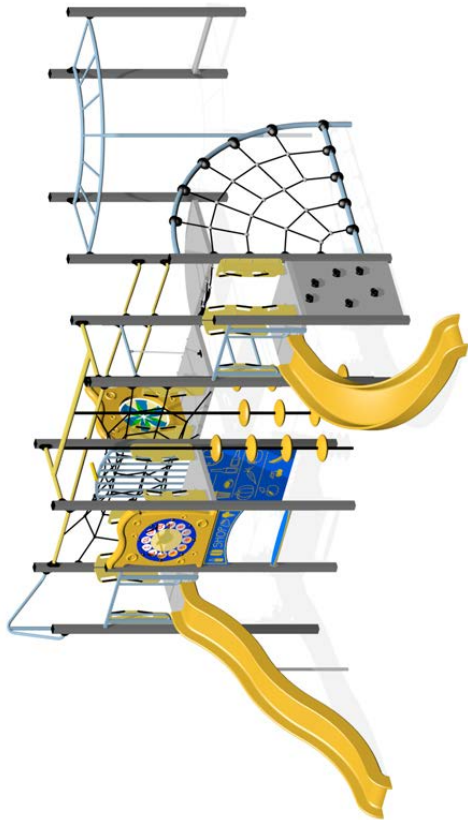
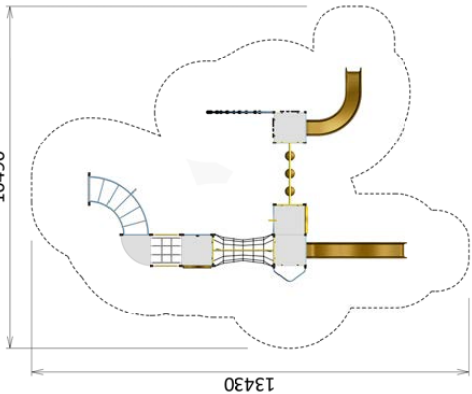
Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 144.4m²
 Equipment Size: 10610mm x 10490mm



Essentials

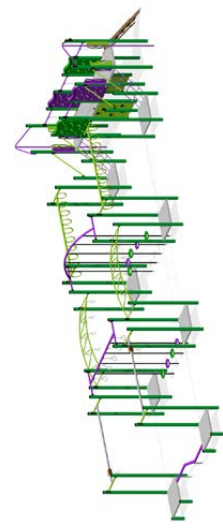
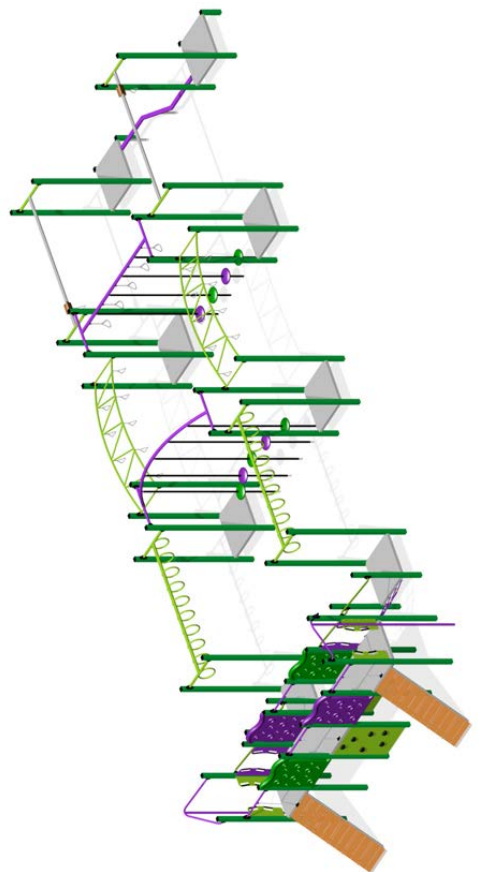
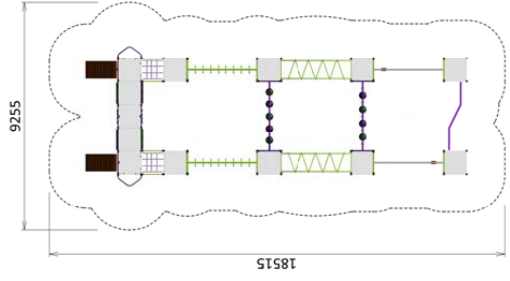
SS56-3005

Age Range: Mixed
 Max Fall Height: 2430mm
 Minimum Fall Zone: 87.6m²
 Equipment Size: 9790mm x 6570mm



SS13-3000

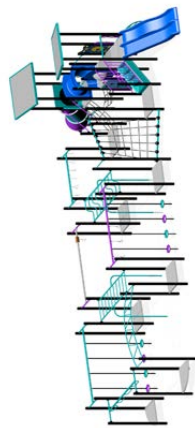
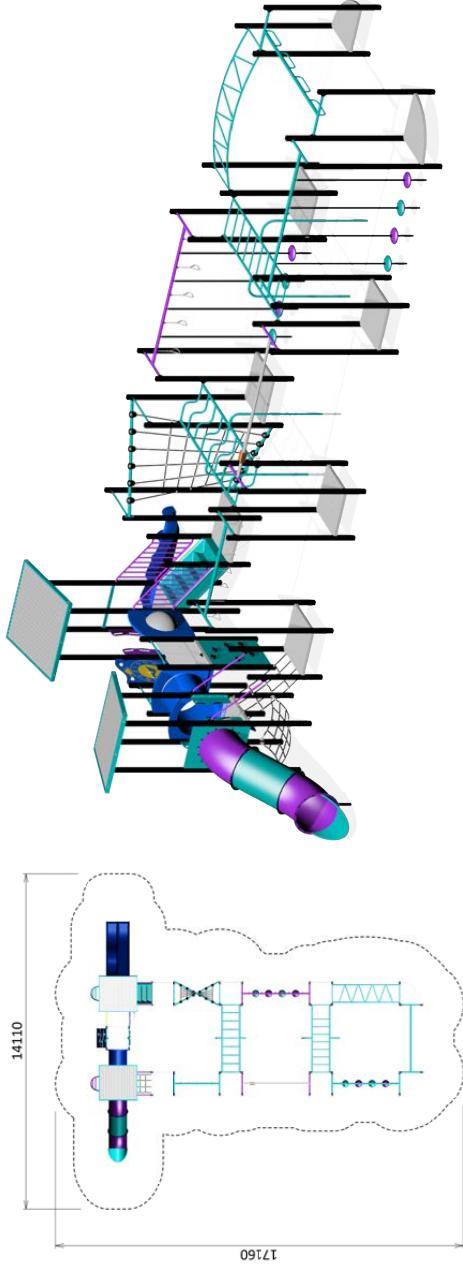
Age Range: Mixed
 Max Fall Height: 1950mm
 Minimum Fall Zone: 144.2m²
 Equipment Size: 15520mm x 5700mm



Essentials

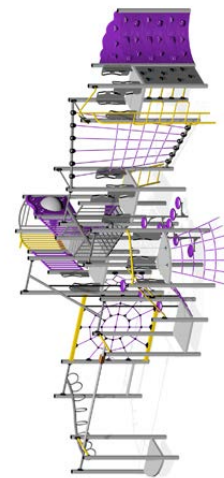
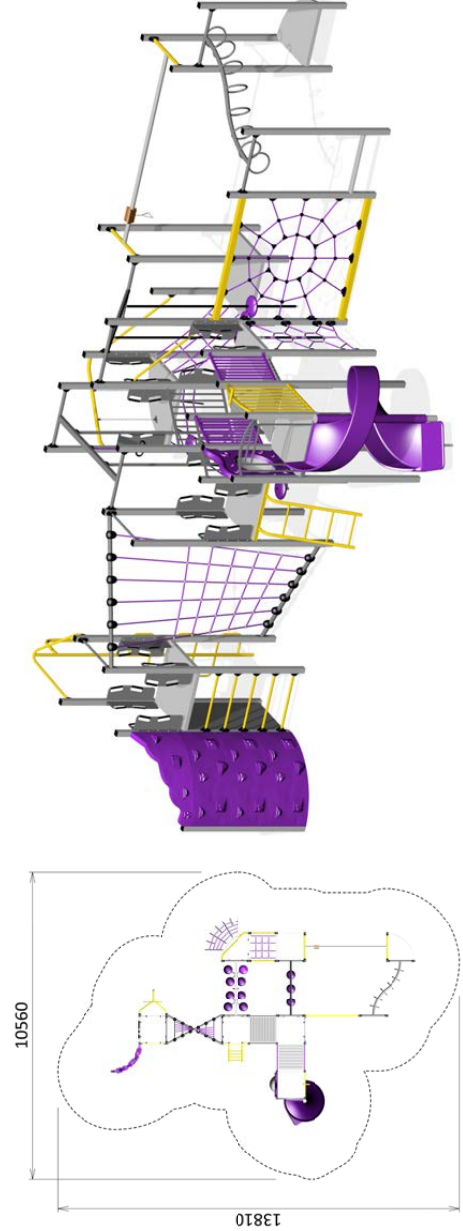
SS12-3000

Age Range: Mixed
 Max Fall Height: 1950mm
 Minimum Fall Zone: 151.4m²
 Equipment Size: 13950mm x 10120mm



SS7-3006

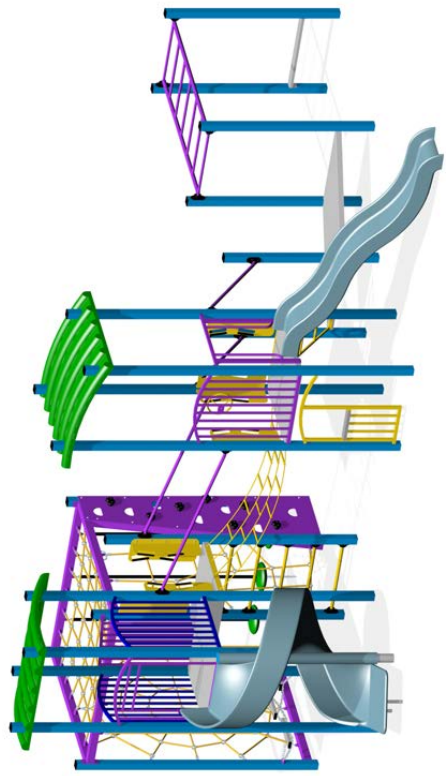
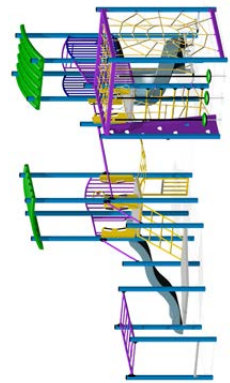
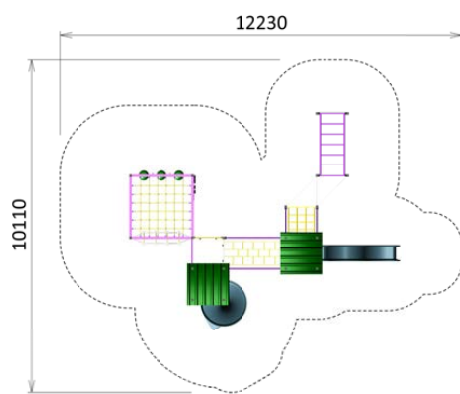
Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 96.0m²
 Equipment Size: 10470mm x 7190mm



Essentials

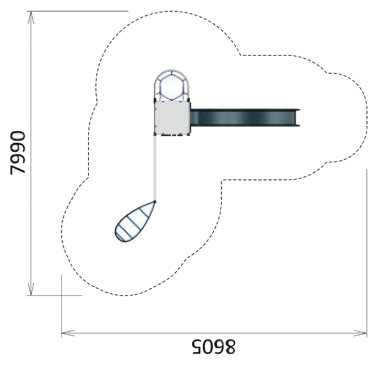
SS5-3006

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 80.0m²
 Equipment Size: 8230mm x 6580mm



SS1-3000

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 40.0m²
 Equipment Size: 5240mm x 4850mm

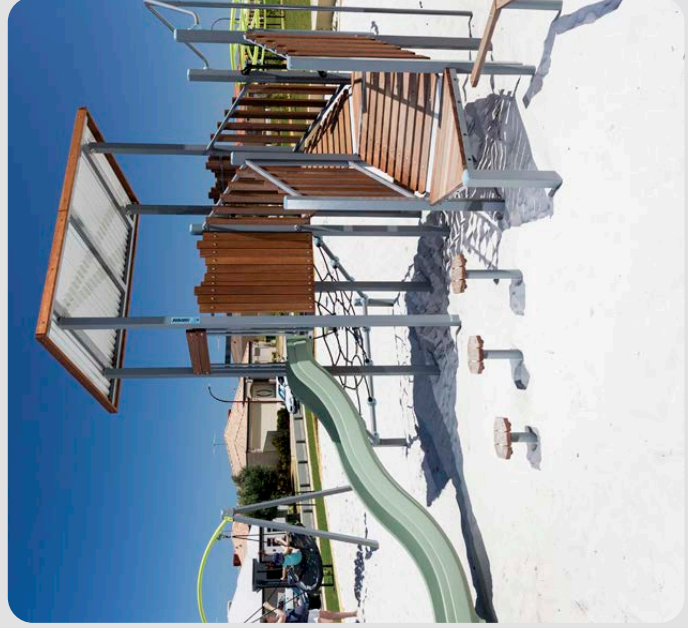
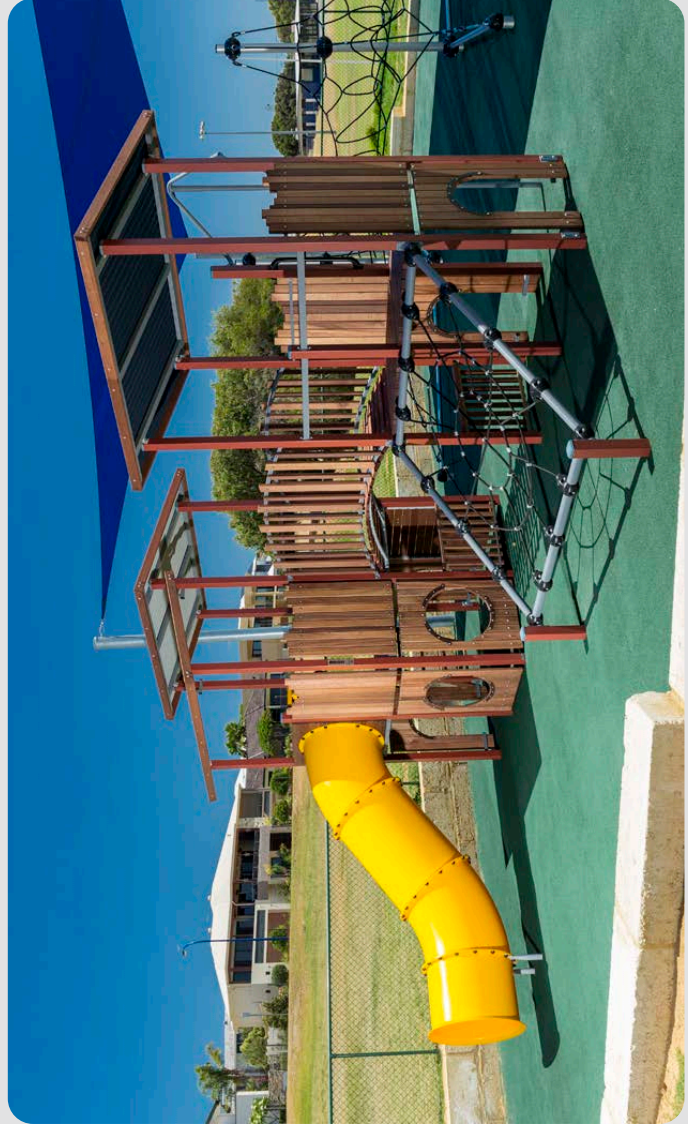


Essentials Timber

Our hybrid design combines the natural beauty of timber, with the strength and durability of aluminium and steel. As all uprights are aluminium, no timber is installed in the ground, preventing structural deterioration due to moisture.

We use Meranti Timber

- A durable, light hardwood, with interlocked grains which weathers well into a smoother surface as it ages
- It is known for its durability and being particularly resistant to insect attacks
- Resists UV light, peeling, cracking and growth of surface mould/algae
- Low maintenance compared to other nature play products

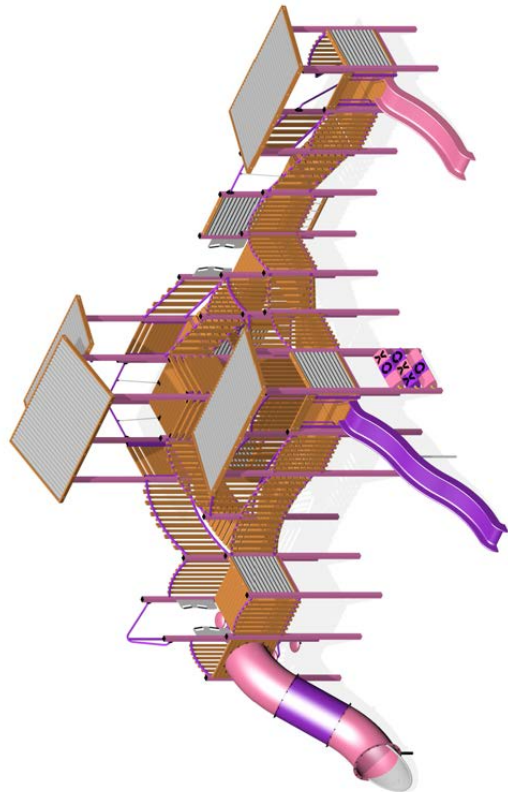
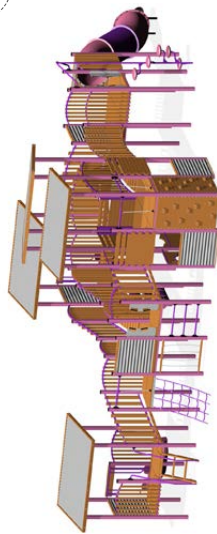
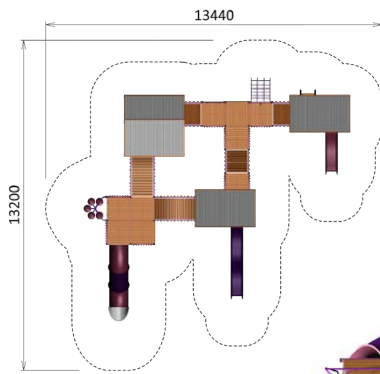


Essentials Timber

For our full range visit www.forparkaust.com.au/essentials-timber

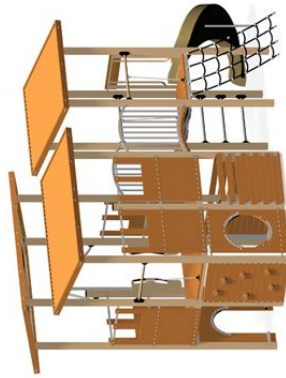
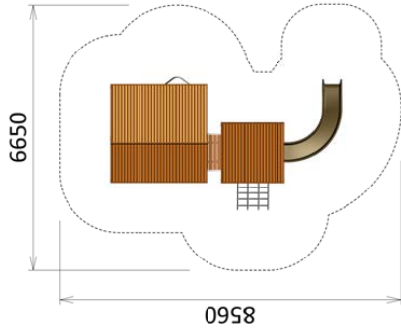
SS17-3000

Age Range: Mixed
 Max Fall Height: 2300mm
 Minimum Fall Zone: 116.9m²
 Equipment Size: 10620mm x 9720mm



SS5-3008

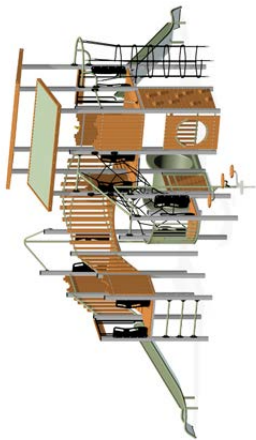
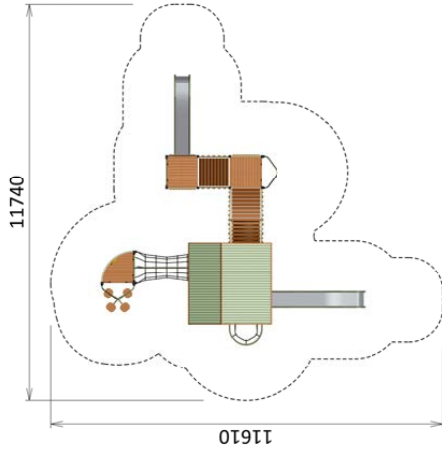
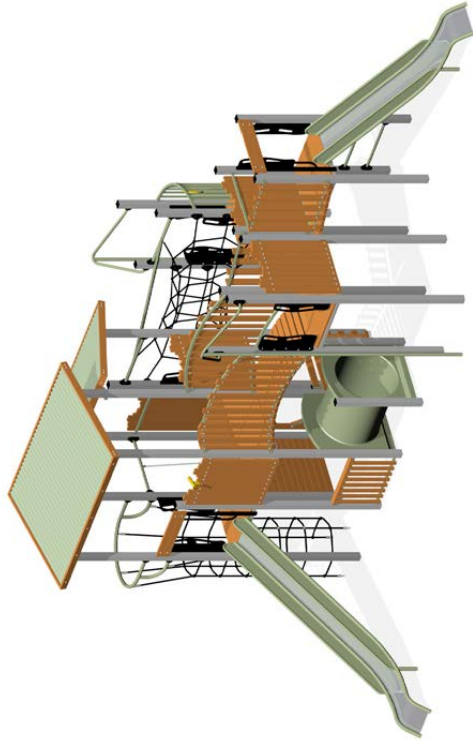
Age Range: Junior
 Max Fall Height: 1900mm
 Minimum Fall Zone: 43.7m²
 Equipment Size: 5870mm x 3330mm



Essentials Timber

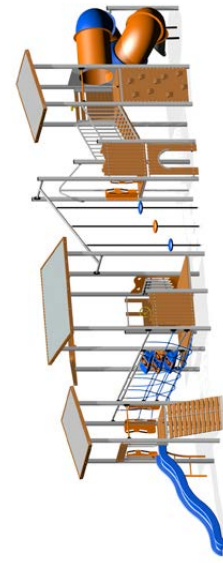
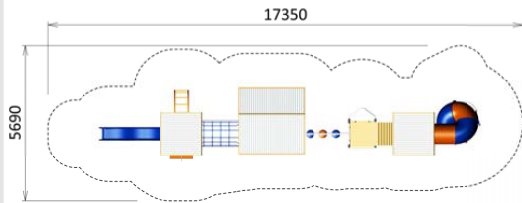
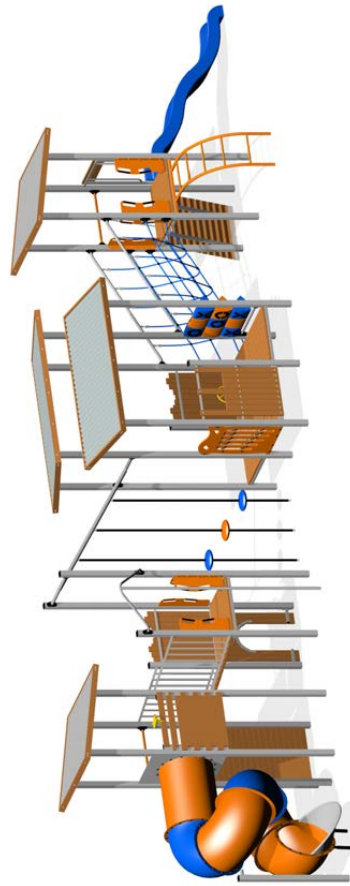
SS7-3009

Age Range: Mixed
 Max Fall Height: 2300mm
 Minimum Fall Zone: 76.7m²
 Equipment Size: 8030mm x 7900mm



SS7-3008

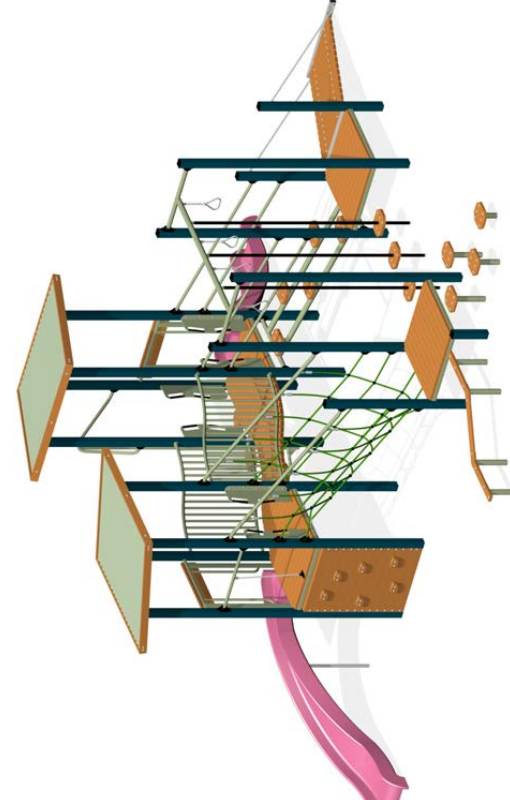
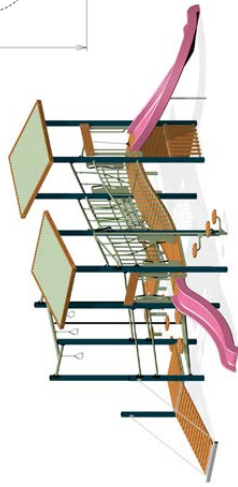
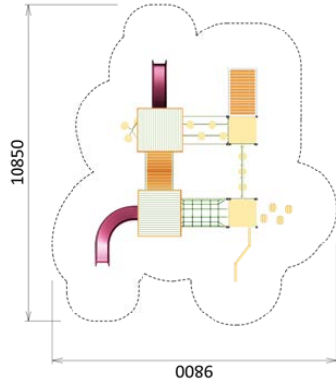
Age Range: Mixed
 Max Fall Height: 1900mm
 Minimum Fall Zone: 76.2m²
 Equipment Size: 13960mm x 2670mm



Essentials Timber

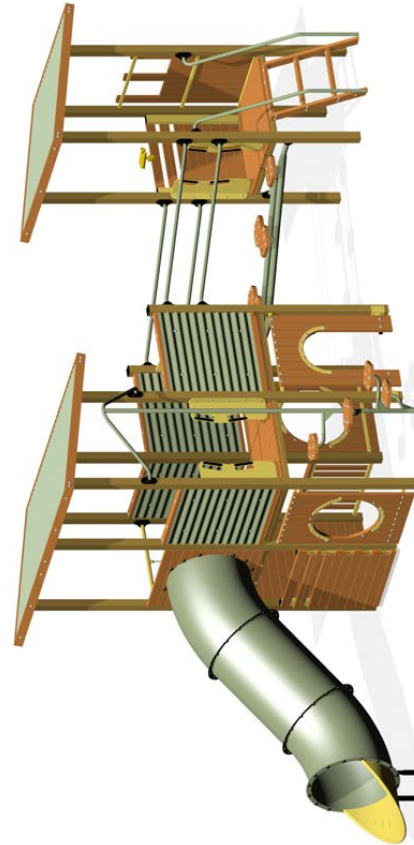
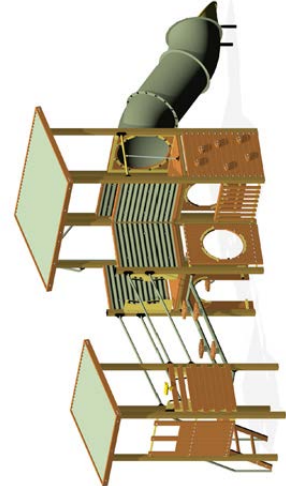
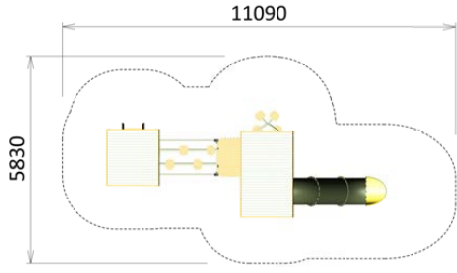
SS4-3006

Age Range: Mixed
 Max Fall Height: 2070mm
 Minimum Fall Zone: 76.6m²
 Equipment Size: 7600mm x 6780mm



SS4-3007

Age Range: Mixed
 Max Fall Height: 1900mm
 Minimum Fall Zone: 47.7m²
 Equipment Size: 7890mm x 2970mm



Summit

MAKE A STATEMENT

A new look for your playground area. The statement that a Summit tower gives is eye-catching and will get your park noticed.

By building up, Summit increases the area for play, giving maximum play value and enjoyment, all within a compact area, reducing spend on softfall.

MODULAR DESIGN

The ability to customise the Summit tower system makes each design unique. You can change all of the exterior elements, giving a customised look, without compromising on structural integrity.

With 3 levels available and various slides, panels and joiners, you have the option to customise to your budget, area and personal taste. Our tube joiners allow two Summit towers to be connected, giving kids the freedom to go between structures with ease.

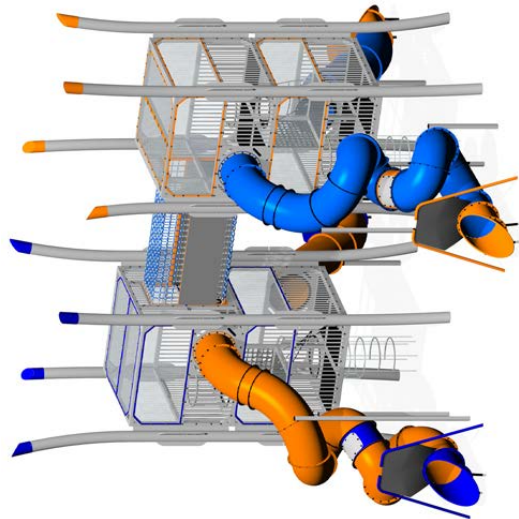
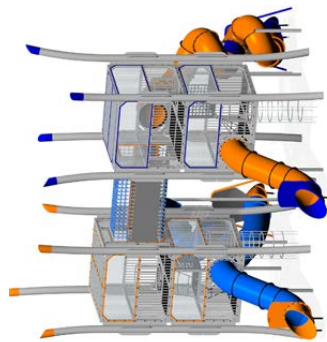
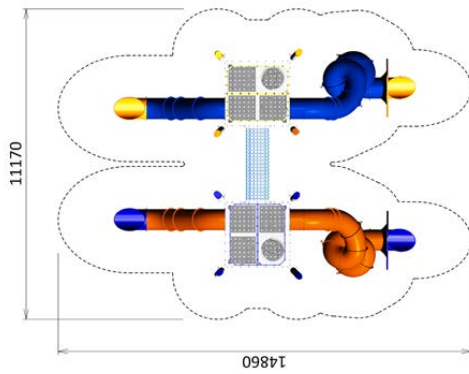


Summit

For our full range visit www.forparkaust.com.au/summit

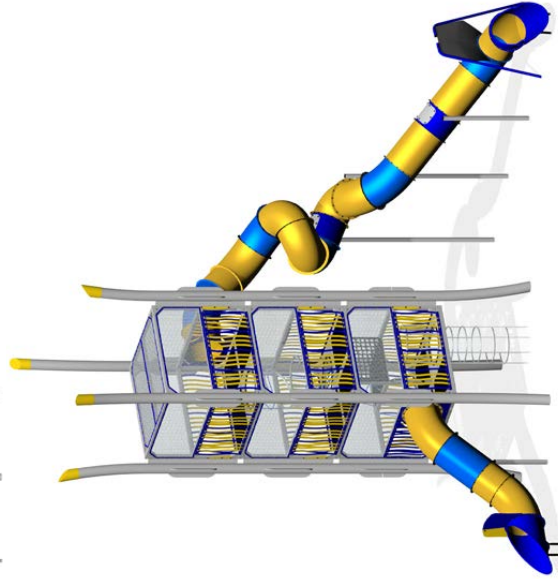
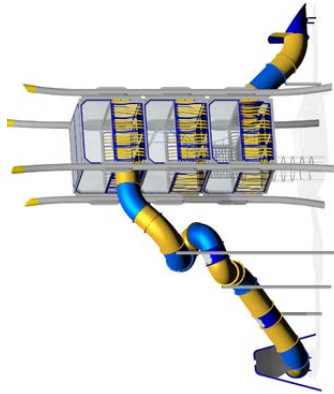
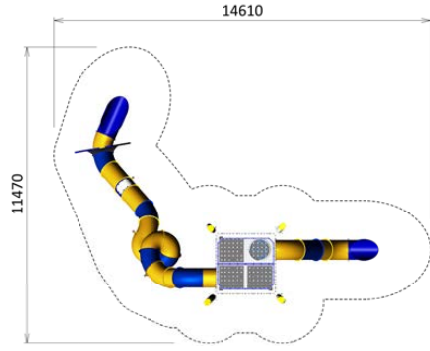
SSUM4-2002

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 124.7m²
 Equipment Size: 10860mm x 8300mm



SSUM3-2001

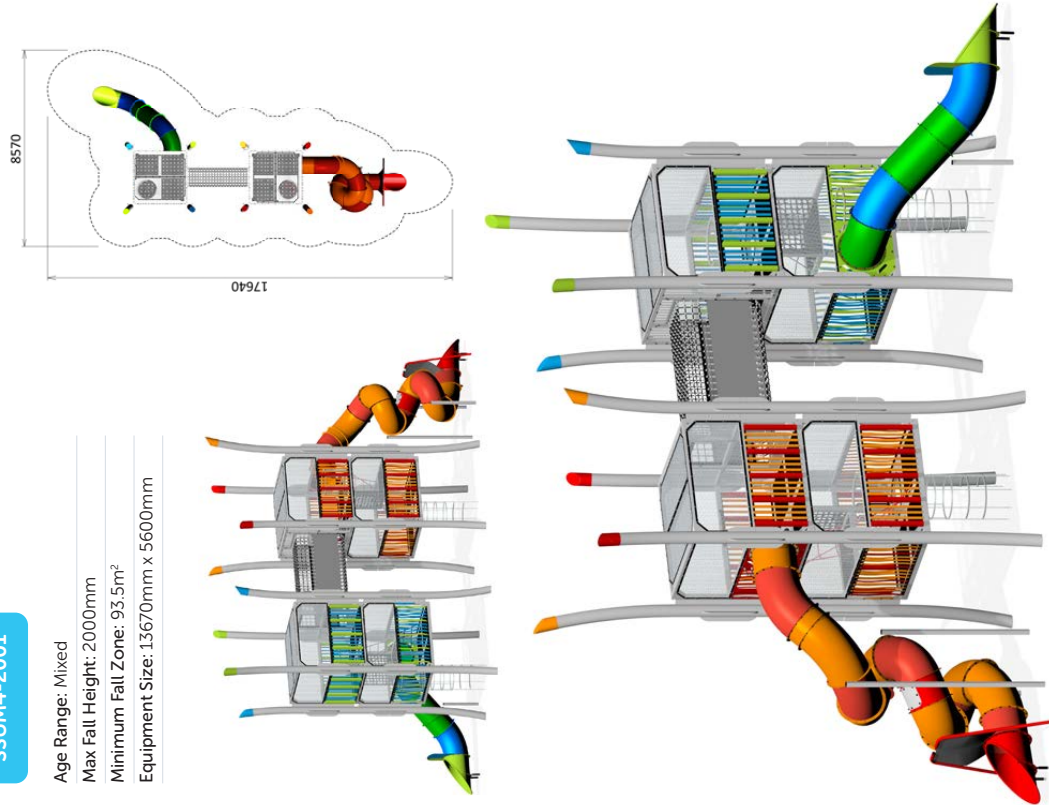
Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 85.2m²
 Equipment Size: 11800mm x 8060mm



Summit

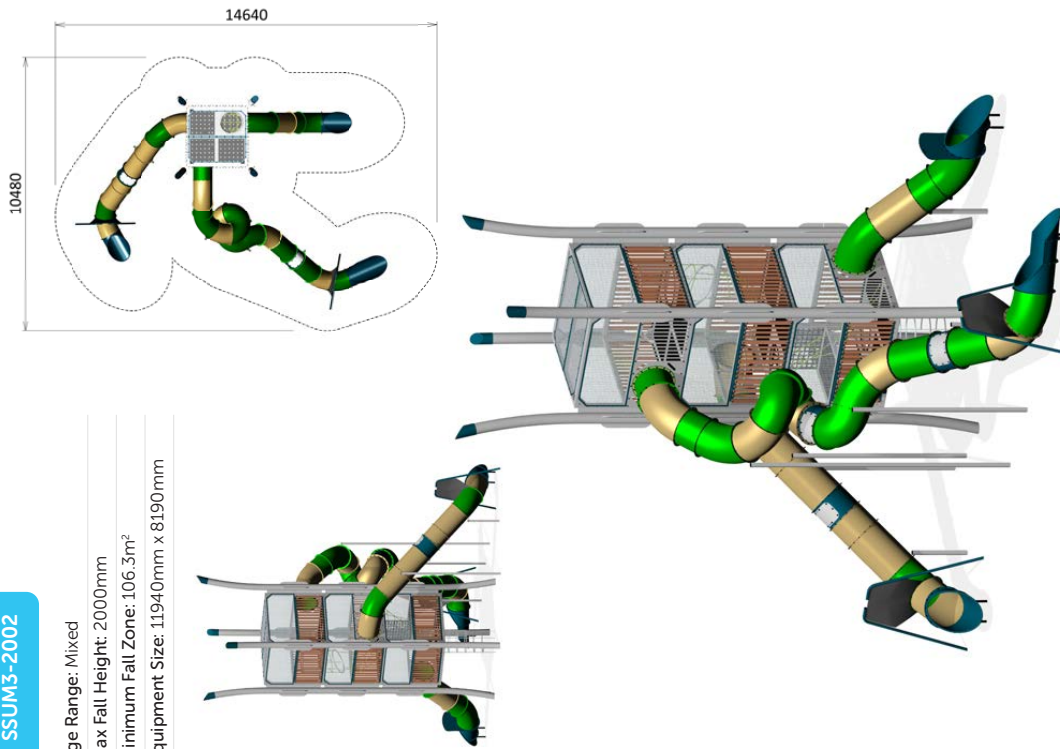
SSUM4-2001

Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 93.5m²
 Equipment Size: 13670mm x 5600mm



SSUM3-2002

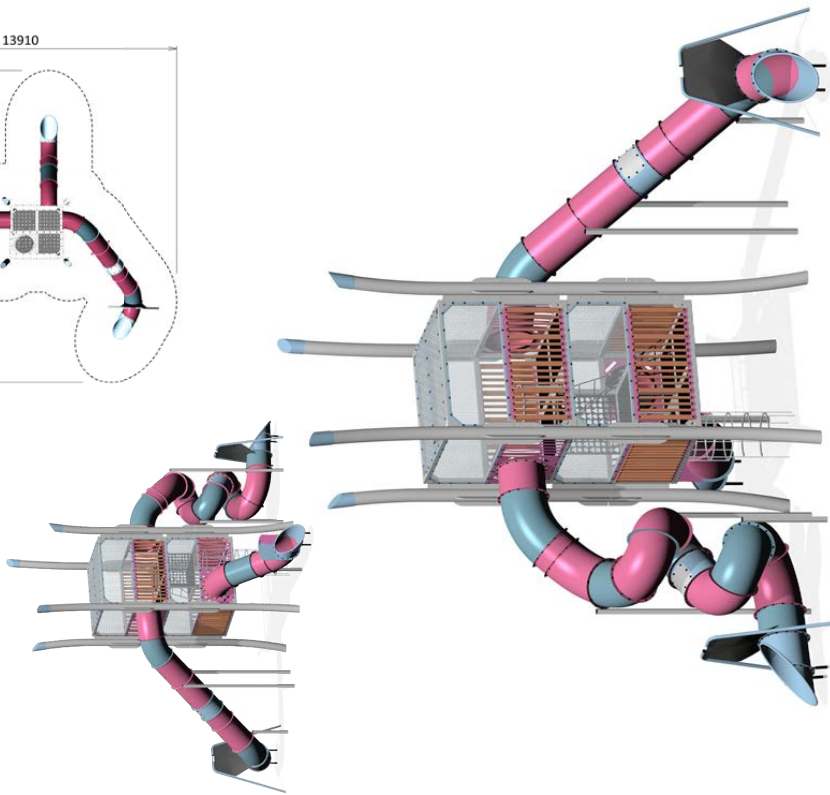
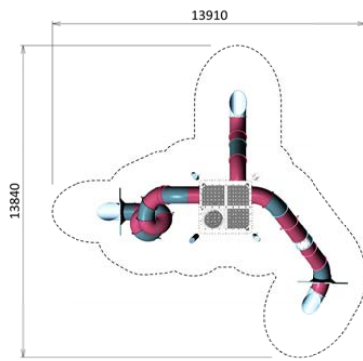
Age Range: Mixed
 Max Fall Height: 2000mm
 Minimum Fall Zone: 106.3m²
 Equipment Size: 11940mm x 8190mm



Summit

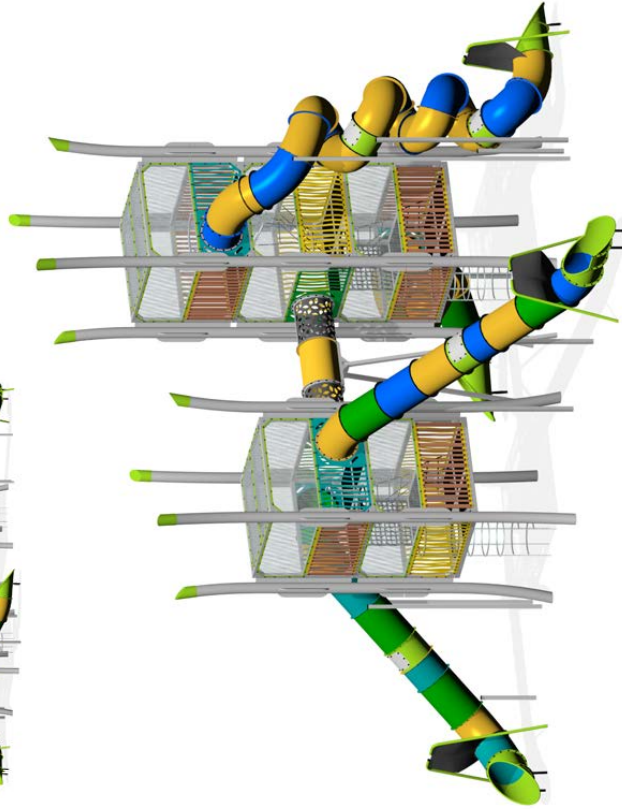
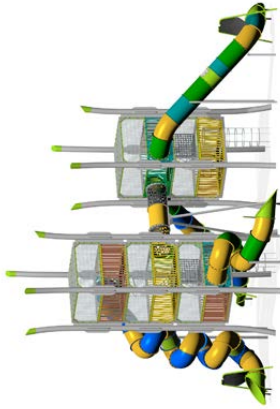
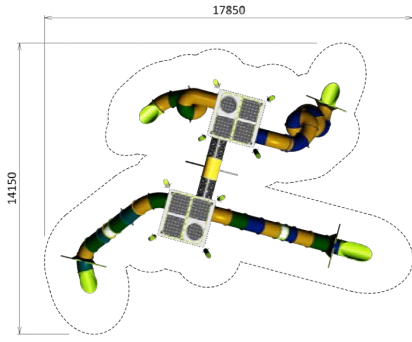
SSUM2-2002

Age Range: Mixed
Max Fall Height: 2000mm
Minimum Fall Zone: 87.6m²
Equipment Size: 11100mm x 9960mm



SSUM5-2001

Age Range: Mixed
Max Fall Height: 2000mm
Minimum Fall Zone: 147.5m²
Equipment Size: 15100mm x 10540mm



Orbit Challenge and Stainless

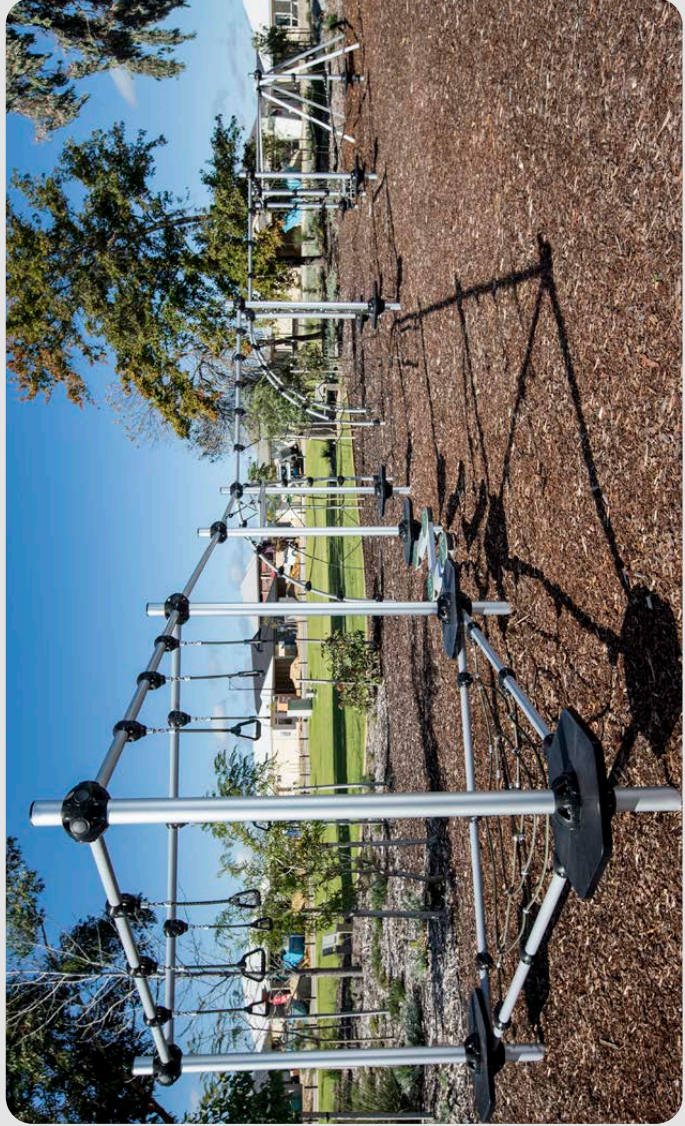
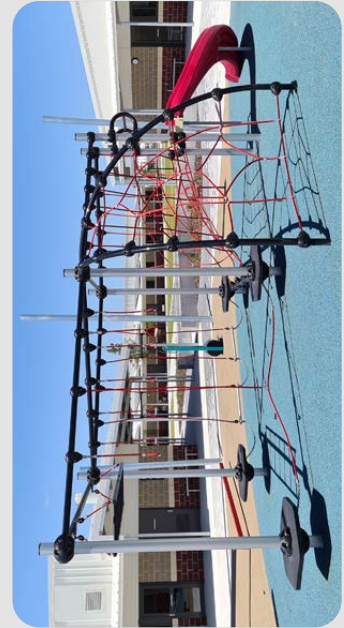
FUN FOR ALL AGES

We created a unique looking play equipment range for older children, that includes lots of challenging rope elements, to assist in the development of upper body strength, coordination and risk assessment.

We made Orbit accessible to all ages by introducing platforms and traditional elements of play in combination with the challenging rope components.

PERFECT FOR COASTAL AREAS

- The clamping system minimises welds, reducing potential corrosion.
- Electro-polishing (Orbit Stainless) is great for coastal conditions.
- Lots of climbing, hanging and rope elements with platforms, the best of both worlds with junior and senior options.

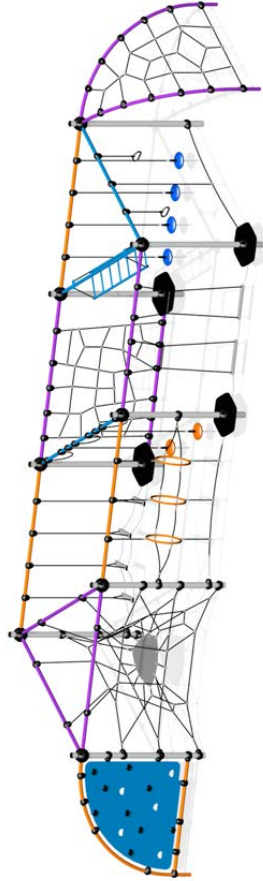
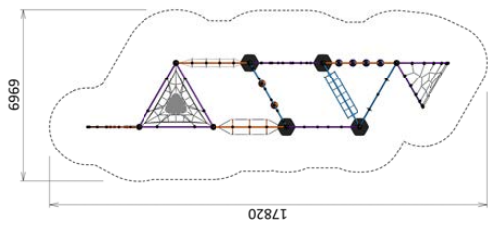
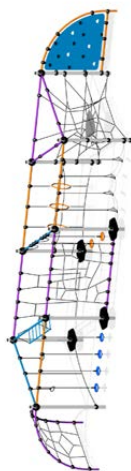


Orbit

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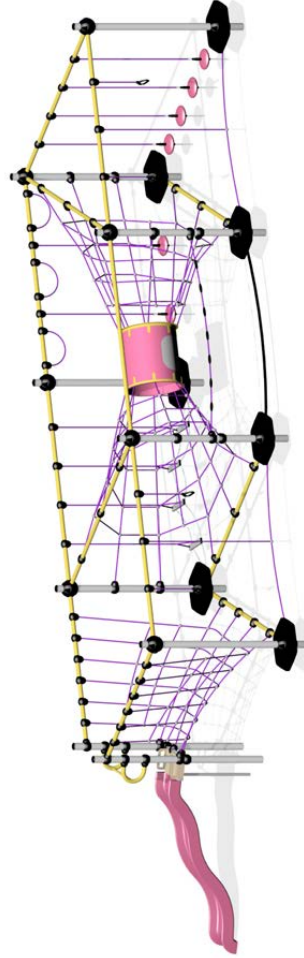
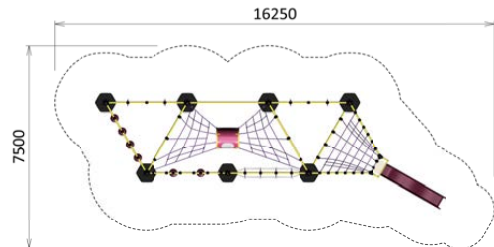
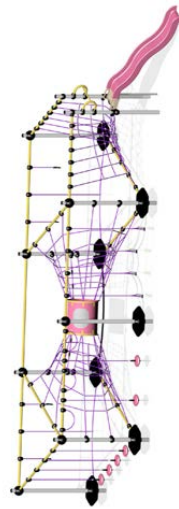
ORB4-3004

Age Range: Mixed
 Max Fall Height: 2430mm
 Minimum Fall Zone: 96.8m²
 Equipment Size: 14820mm x 3300mm



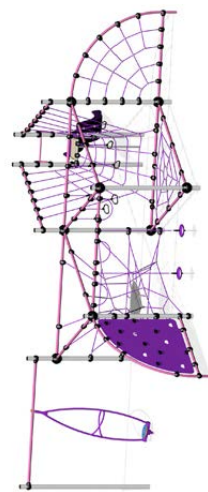
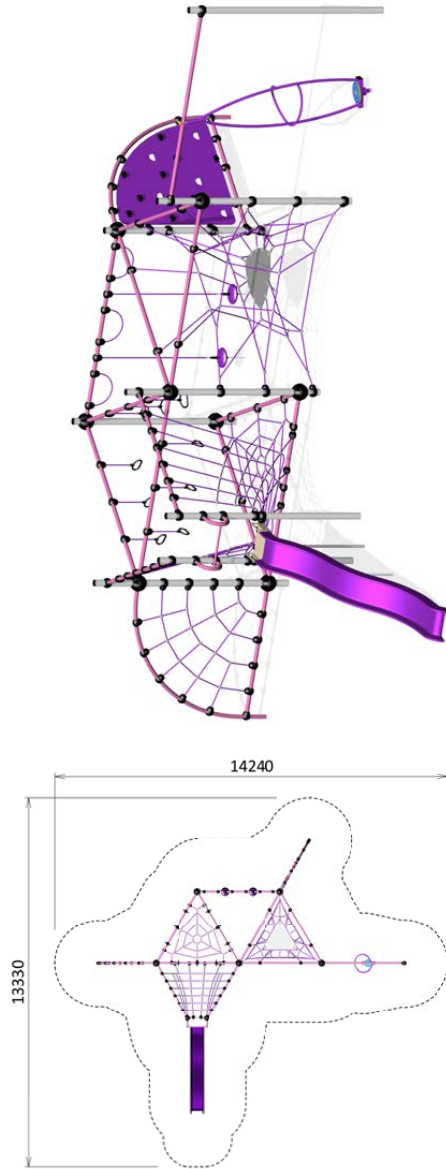
ORB7-3003

Age Range: Mixed
 Max Fall Height: 2430mm
 Minimum Fall Zone: 87.4m²
 Equipment Size: 12970mm x 4280mm



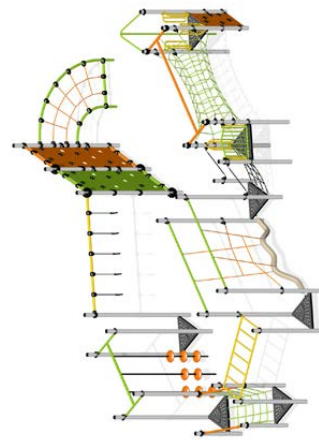
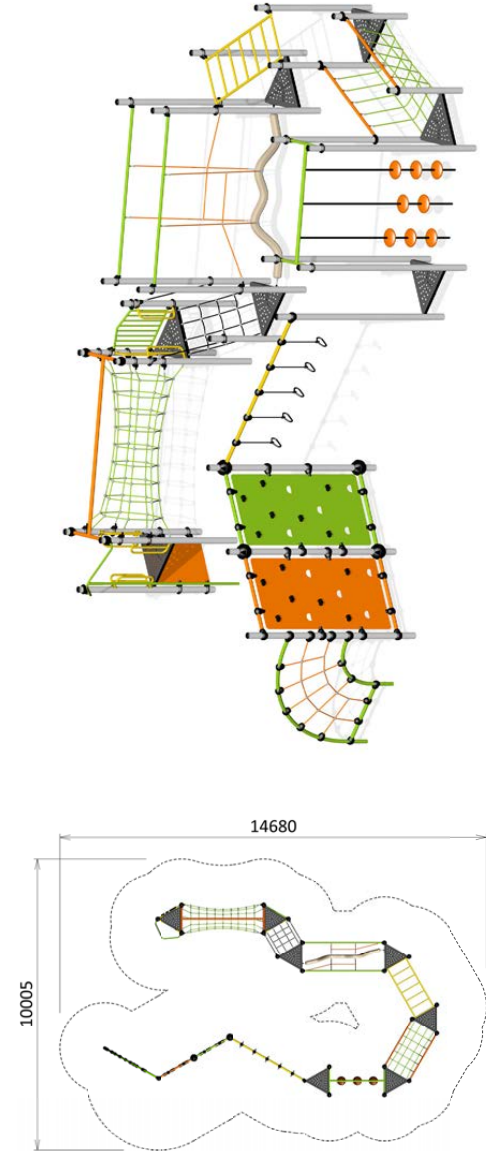
ORB0-3001

Age Range: Mixed
 Max Fall Height: 2400mm
 Minimum Fall Zone: 91.1m²
 Equipment Size: 11240mm x 9940mm



ORB7-3002

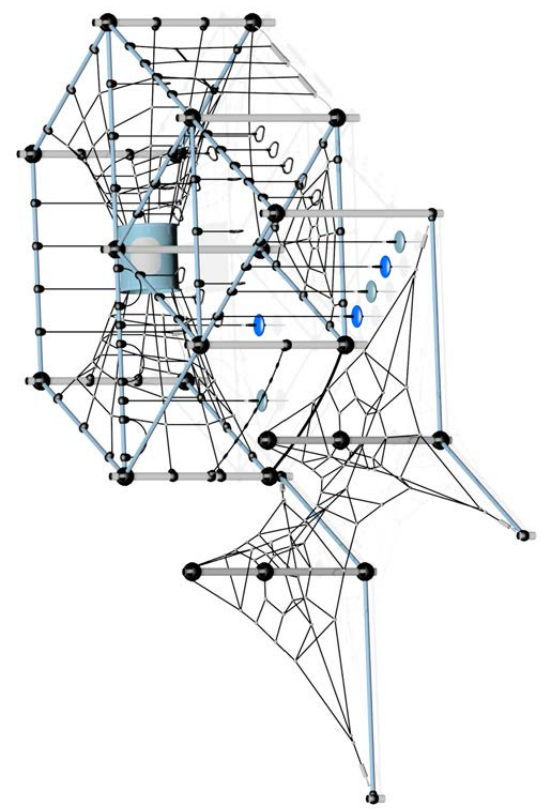
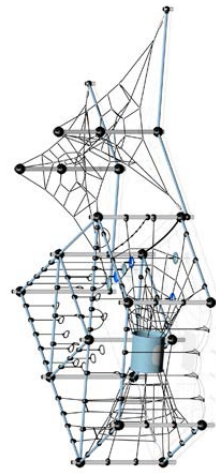
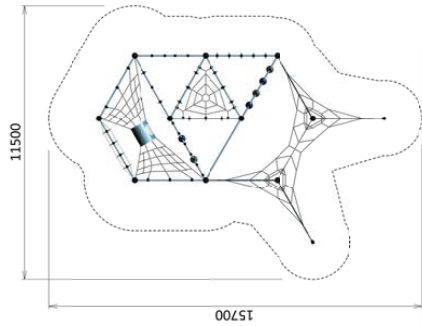
Age Range: Mixed
 Max Fall Height: 2960mm
 Minimum Fall Zone: 108.9m²
 Equipment Size: 11540mm x 6700mm



Orbit

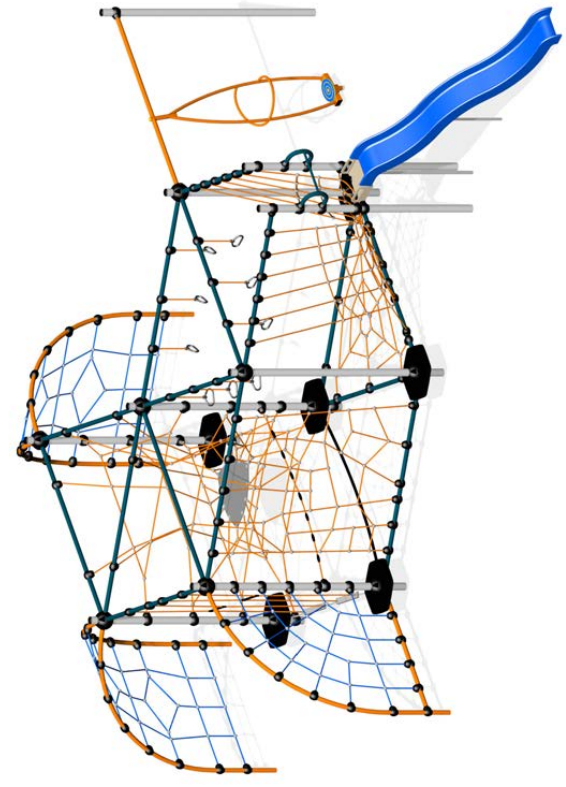
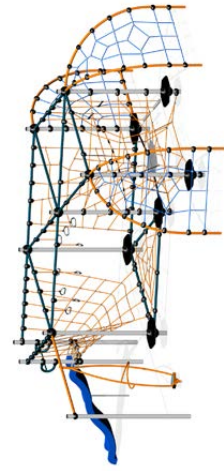
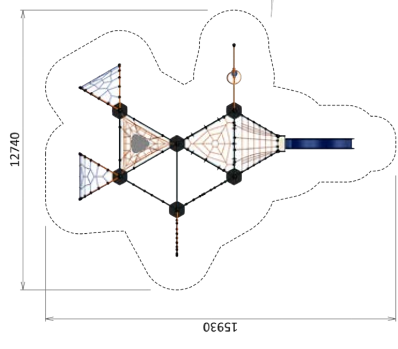
ORB0-3002

Age Range: Mixed
Max Fall Height: 2430mm
Minimum Fall Zone: 114.6m²
Equipment Size: 12080mm x 8000mm



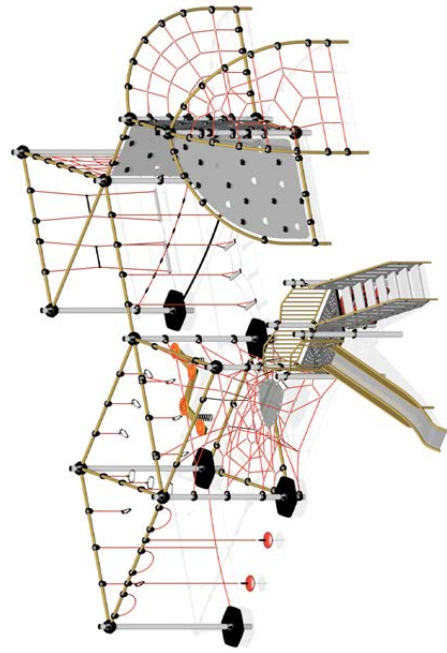
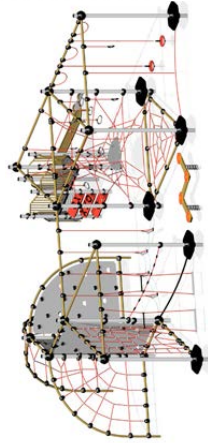
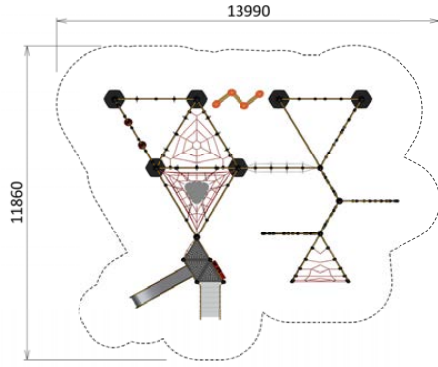
ORB6-3001

Age Range: Mixed
Max Fall Height: 2940mm
Minimum Fall Zone: 116.1m²
Equipment Size: 12530mm x 9730mm



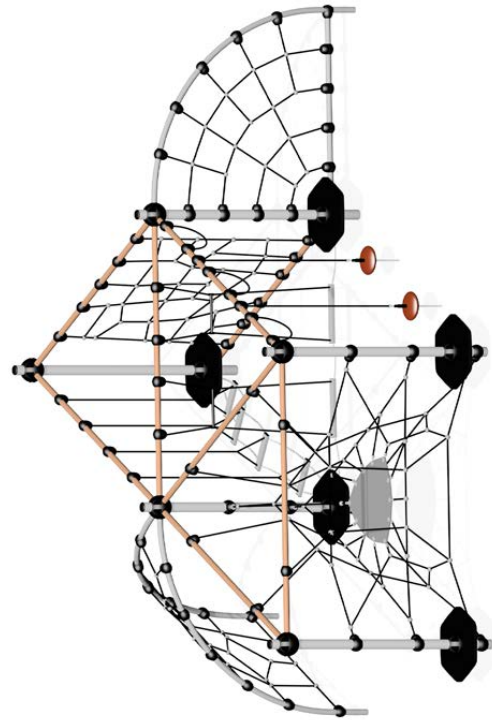
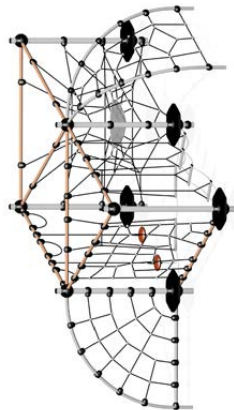
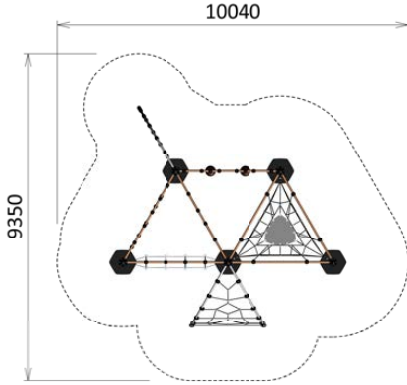
ORB9-3000

Age Range: Mixed
Max Fall Height: 2960mm
Minimum Fall Zone: 128.9m²
Equipment Size: 10750mm x 8700mm



ORB5-3002

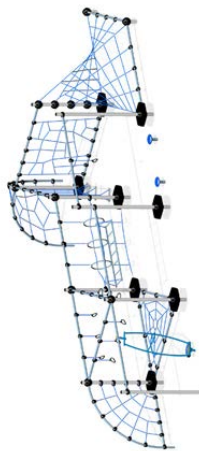
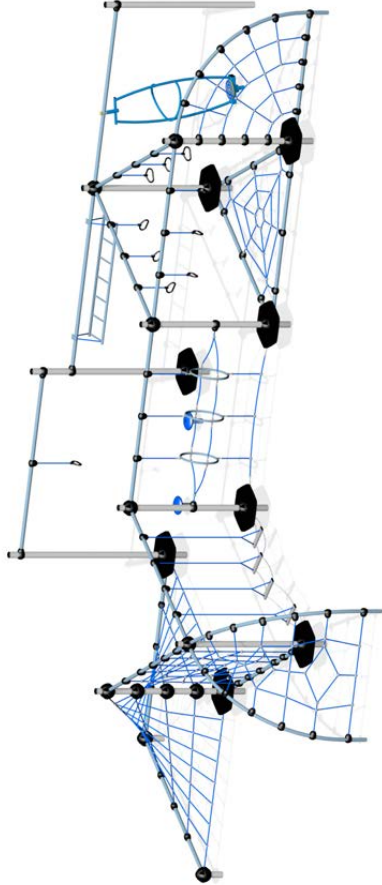
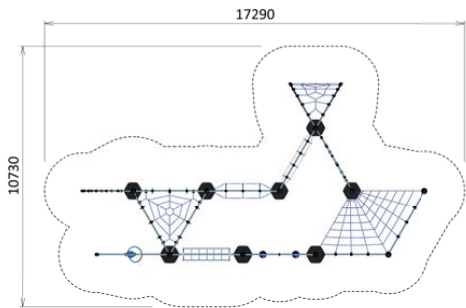
Age Range: Mixed
Max Fall Height: 2430mm
Minimum Fall Zone: 66.5m²
Equipment Size: 6770mm x 6340mm



Orbit

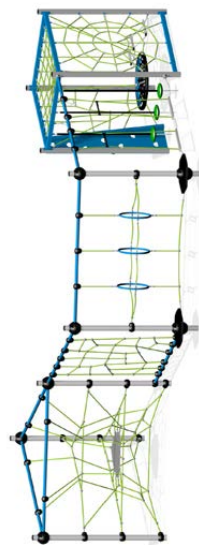
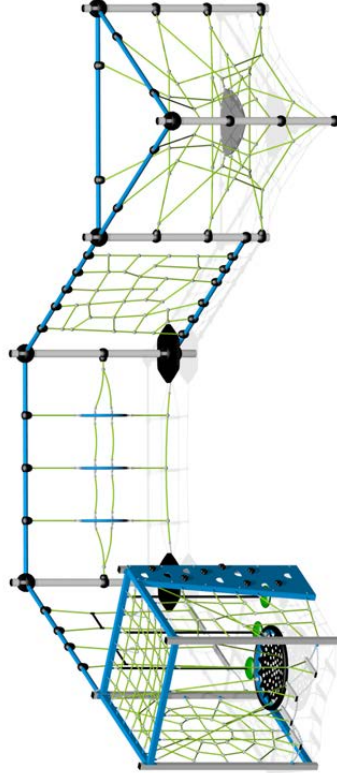
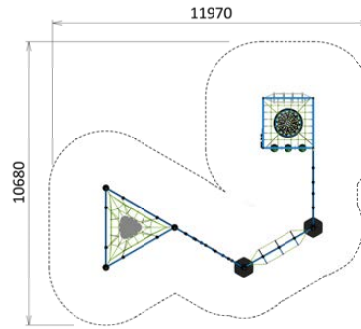
ORB8-3001

Age Range: Mixed
Max Fall Height: 2430mm
Minimum Fall Zone: 118.7m²
Equipment Size: 14290mm x 7410mm



ORB2-3002

Age Range: Mixed
Max Fall Height: 2430mm
Minimum Fall Zone: 91.4m²
Equipment Size: 8200mm x 6680mm



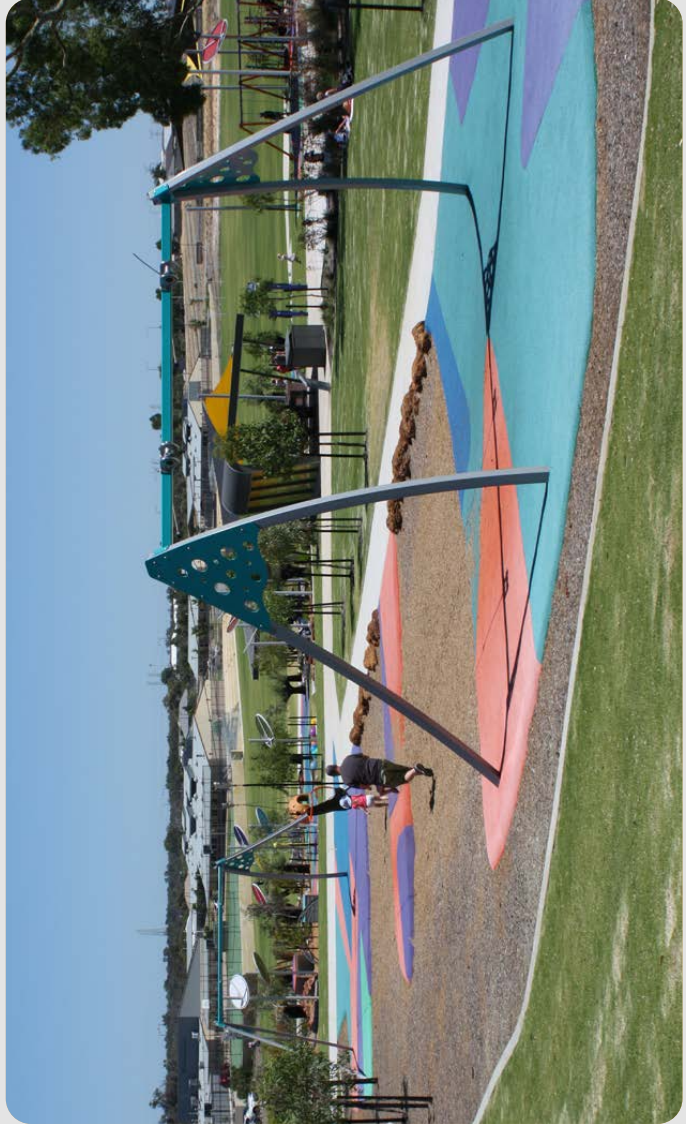
Freestanding

Freestanding equipment can take a play area from a simple structure to a complete playground.

A statement piece such as a flying fox, some sensory equipment or accessible play elements to make the playground all inclusive, can make yours a destination playground.

Our extensive freestanding range includes:

- Static
- Motion
- Swings
- Springs and Rockers
- Sensory
- Timber

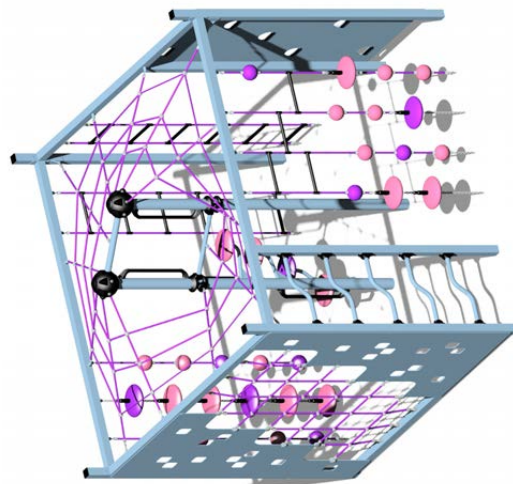
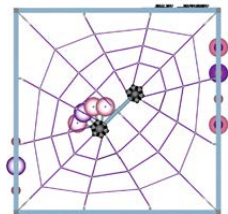


Freestanding Static

For our full range visit www.forparkaust.com.au/freestanding-static

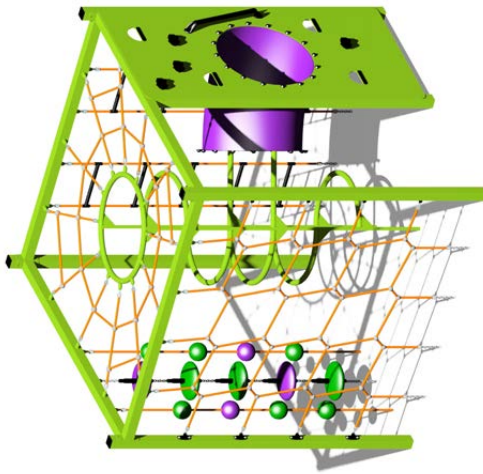
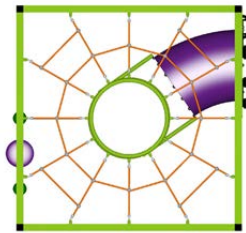
Cube 4P

Max Fall Height: 3000mm
Minimum Fall Zone: 58.9m²
Equipment Size: 3175mm x 3175mm



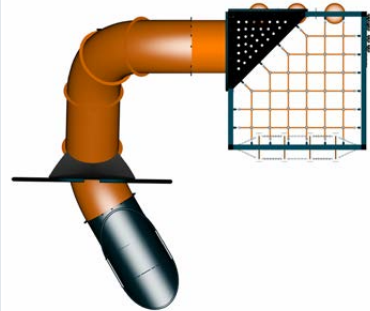
Cube 3P

Max Fall Height: 2400mm
Minimum Fall Zone: 43.6m²
Equipment Size: 2400mm x 2400mm



Cube & Slide

Max Fall Height: 2400mm
Minimum Fall Zone: 48.3m²
Equipment Size: 4310mm x 4345mm



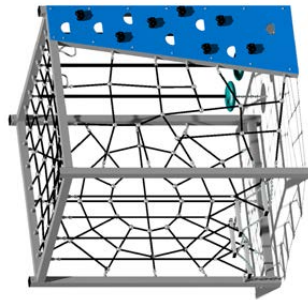
● Also available in Polished Stainless Steel

Freestanding Static

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Cube

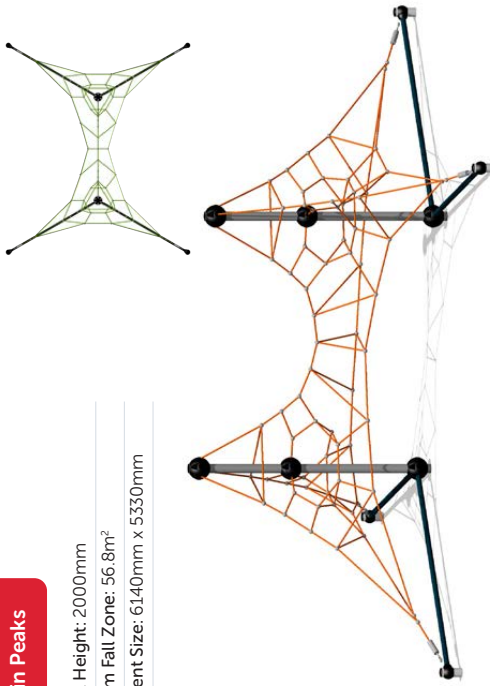
Max Fall Height: 2400mm
Minimum Fall Zone: 34.3m²
Equipment Size: 2250mm x 1980mm



Also available in Polished Stainless Steel

Twin Peaks

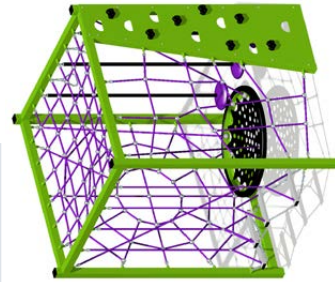
Max Fall Height: 2000mm
Minimum Fall Zone: 56.8m²
Equipment Size: 6140mm x 5330mm



Also available in Polished Stainless Steel

Cube & Basket

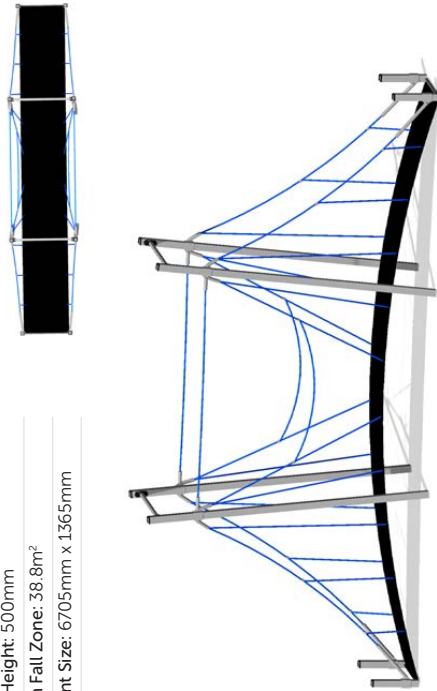
Max Fall Height: 2400mm
Minimum Fall Zone: 34.3m²
Equipment Size: 2250mm x 1980mm



Also available in Polished Stainless Steel

Spring Bridge

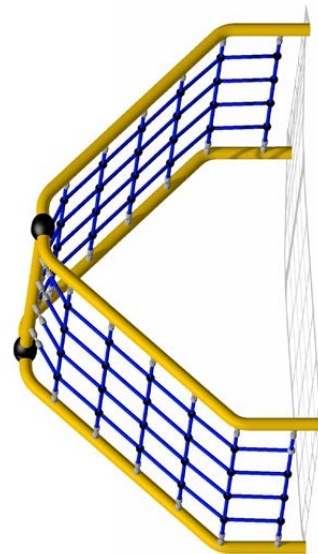
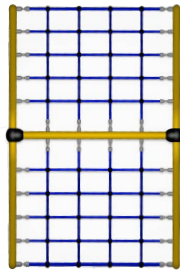
Max Fall Height: 500mm
Minimum Fall Zone: 38.8m²
Equipment Size: 6705mm x 1365mm



Freestanding Static

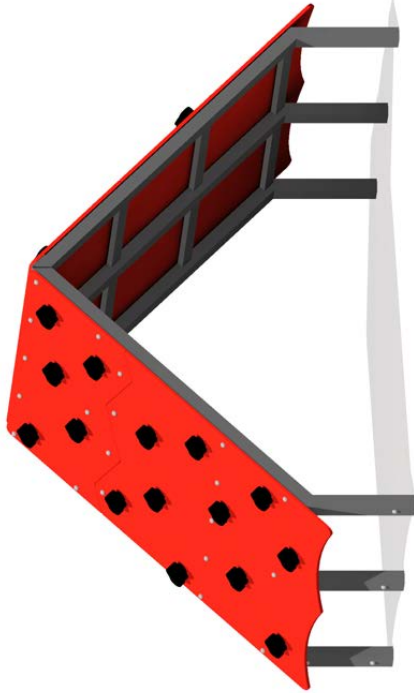
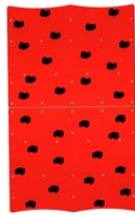
Rope Peak

Max Fall Height: 1340mm
 Minimum Fall Zone: 19.9m²
 Equipment Size: 2115mm x 1420mm



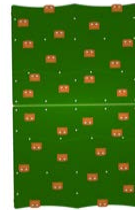
Rock Peak

Max Fall Height: 1450mm
 Minimum Fall Zone: 22.35m²
 Equipment Size: 2250mm x 1390mm



Rock Peak Timber

Max Fall Height: 1450mm
 Minimum Fall Zone: 22.35m²
 Equipment Size: 2250mm x 1390mm

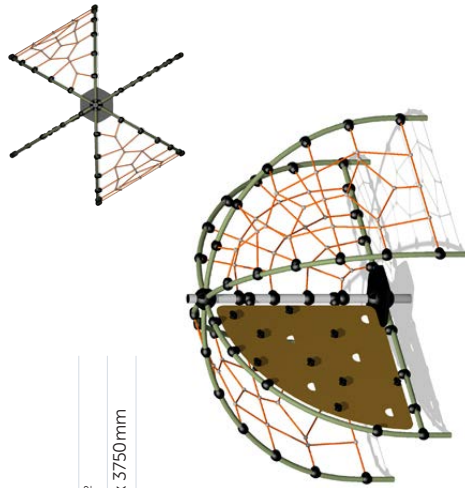


Freestanding Static

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Orbit Dome

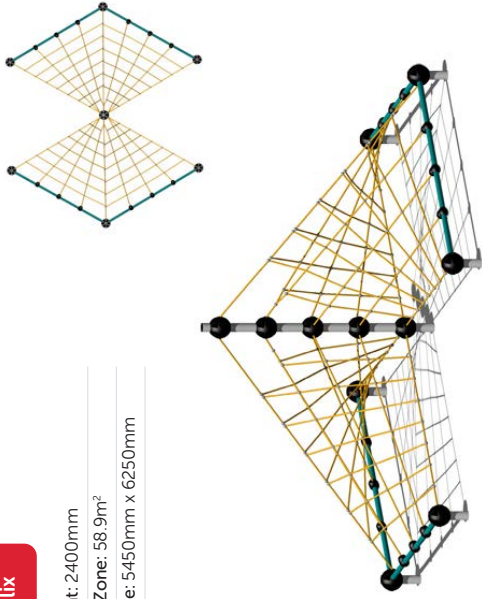
Max Fall Height: 2400mm
Minimum Fall Zone: 38.7m²
Equipment Size: 4310mm x 3750mm



Also available in Polished Stainless Steel

Orbit Helix

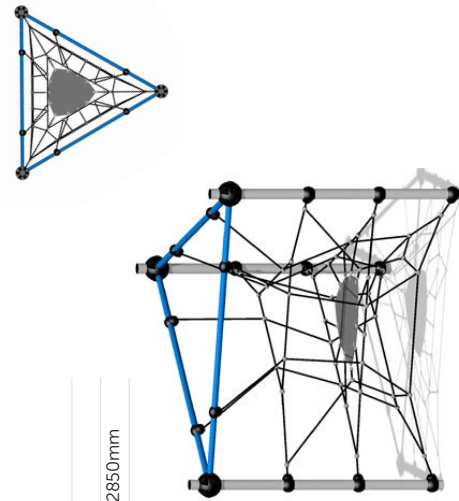
Max Fall Height: 2400mm
Minimum Fall Zone: 58.9m²
Equipment Size: 5450mm x 6250mm



Also available in Polished Stainless Steel

Orbit Prism 1

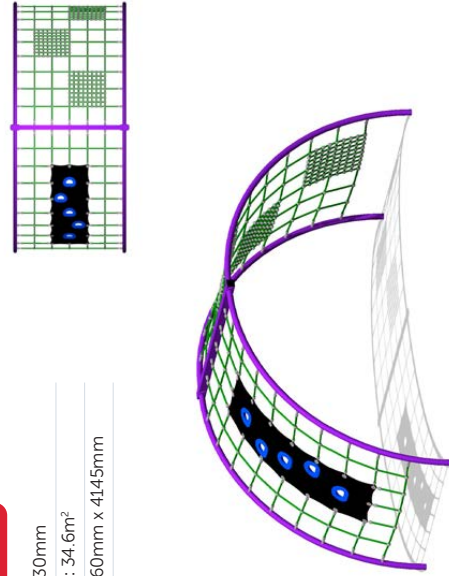
Max Fall Height: 2400mm
Minimum Fall Zone: 37.8m²
Equipment Size: 3250mm x 2850mm



Also available in Polished Stainless Steel

Arched Net Climber

Max Fall Height: 2030mm
Minimum Fall Zone: 34.6m²
Equipment Size: 1960mm x 4145mm

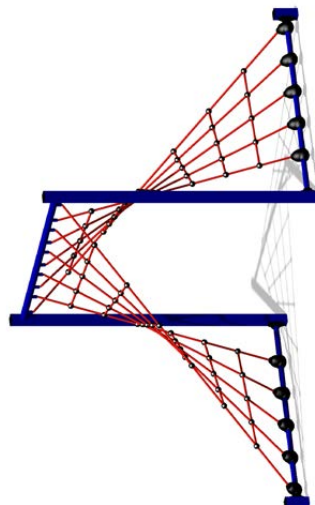
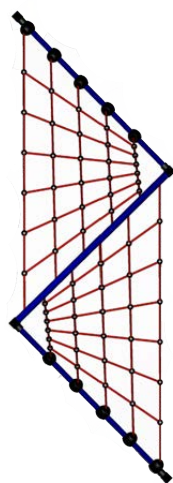


Also available in Polished Stainless Steel

Freestanding Static

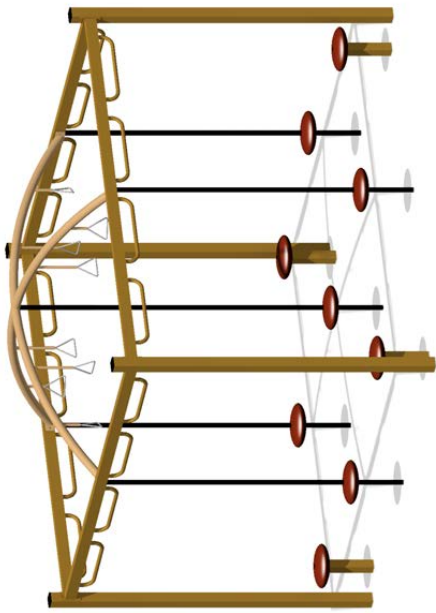
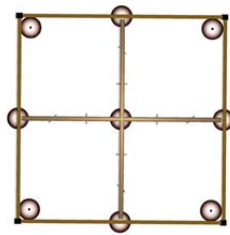
Twista Net

Max Fall Height: 2350mm
Minimum Fall Zone: 30.1m²
Equipment Size: 3860mm x 1970mm



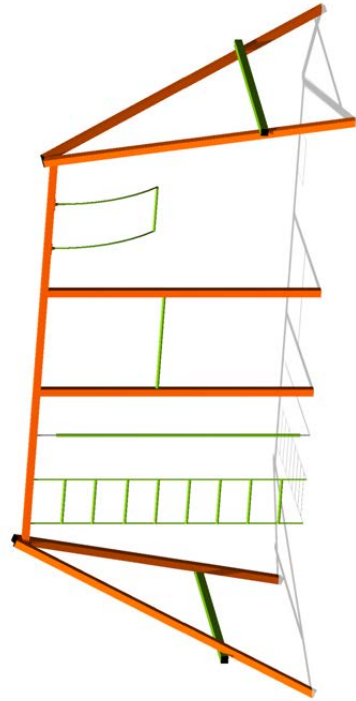
Tarzan Maze

Max Fall Height: 2000mm
Minimum Fall Zone: 38.9m²
Equipment Size: 3140mm x 3140mm



Gym Frame

Max Fall Height: 2400mm
Minimum Fall Zone: 37.5m²
Equipment Size: 6580mm x 2650mm

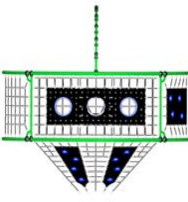
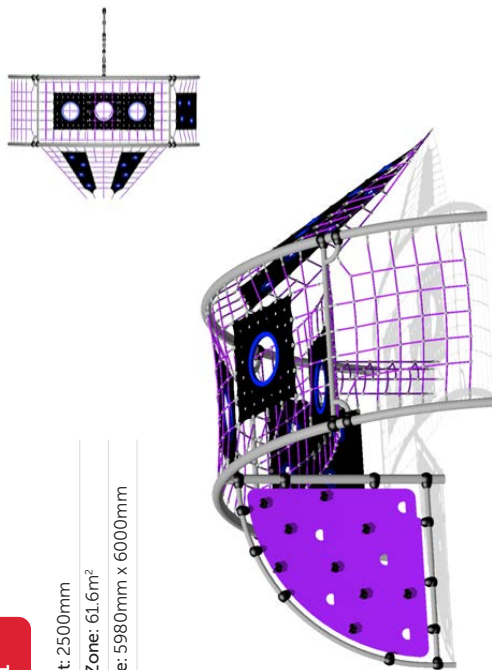


Freestanding Static

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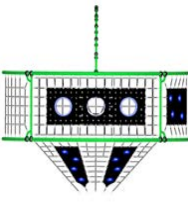
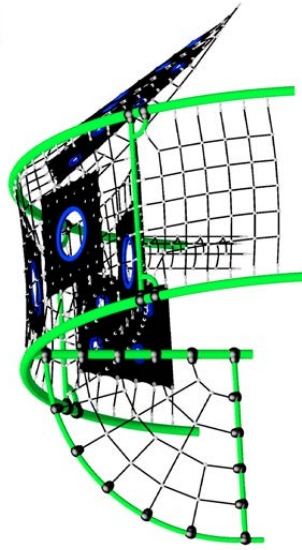
Matrix 1

Max Fall Height: 2500mm
 Minimum Fall Zone: 61.6m²
 Equipment Size: 5980mm x 6000mm



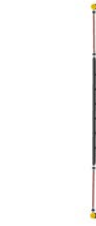
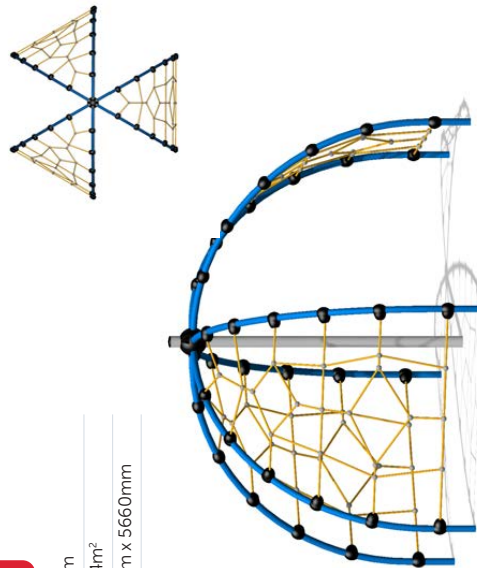
Matrix 2

Max Fall Height: 2500mm
 Minimum Fall Zone: 61.7m²
 Equipment Size: 6000mm x 6050mm



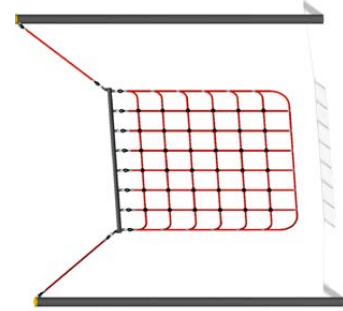
Orbit Hemisphere

Max Fall Height: 2400mm
 Minimum Fall Zone: 48.4m²
 Equipment Size: 4505mm x 5660mm



Sway Net

Max Fall Height: 2500mm
 Minimum Fall Zone: 25.1m²
 Equipment Size: 4100mm x 150mm



Also available in Polished Stainless Steel

Freestanding Static

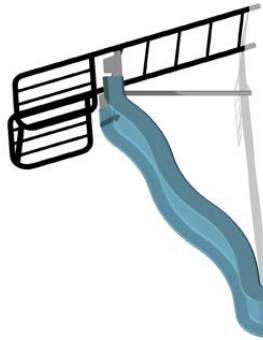
Backhoe

Max Fall Height: 400mm
 Minimum Fall Zone: 16.6m²
 Equipment Size:
 1110mm x 180mm



Slide

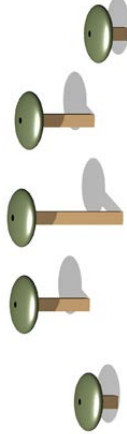
Max Fall Height: 1440mm
 Minimum Fall Zone: 21.1m²
 Equipment Size:
 3315mm x 610mm



*Other sizes available

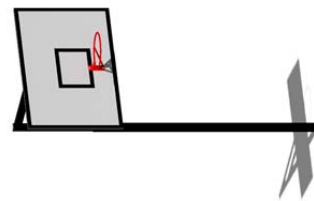
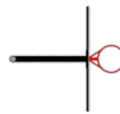
Steppers

Max Fall Height: 600mm
 Minimum Fall Zone: 16m²
 Equipment Size:
 300mm Diameter



Basketball Stand

Equipment Size:
 1995mm x 1800mm



Ball Toss

Equipment Size:
 600mm x 600mm



Embankment Slide

Max Fall Height: 1330mm
 Minimum Fall Zone: 20.1m²
 Equipment Size:
 2930mm x 855mm



*Other sizes/options available

Freestanding Static

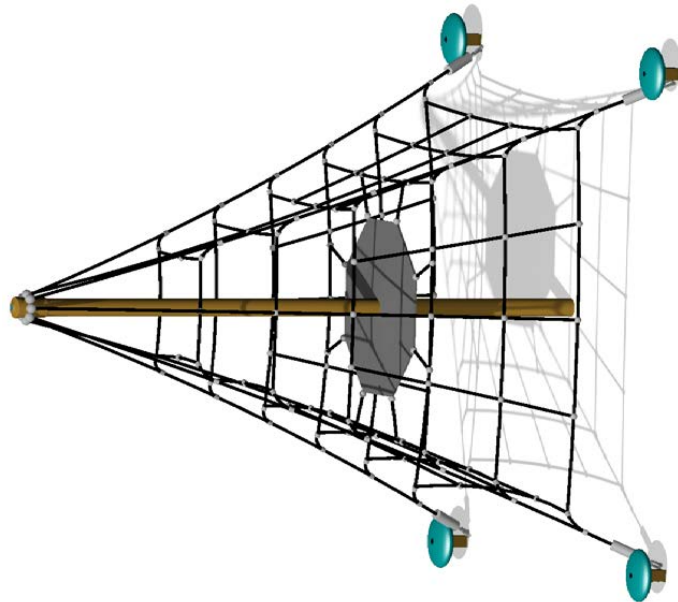
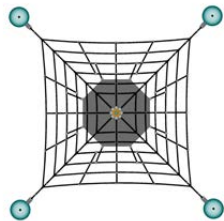
54

Pyramid Net

Max Fall Height: 2400mm

Minimum Fall Zone: 34.0m²

Equipment Size: 2910mm x 2910mm



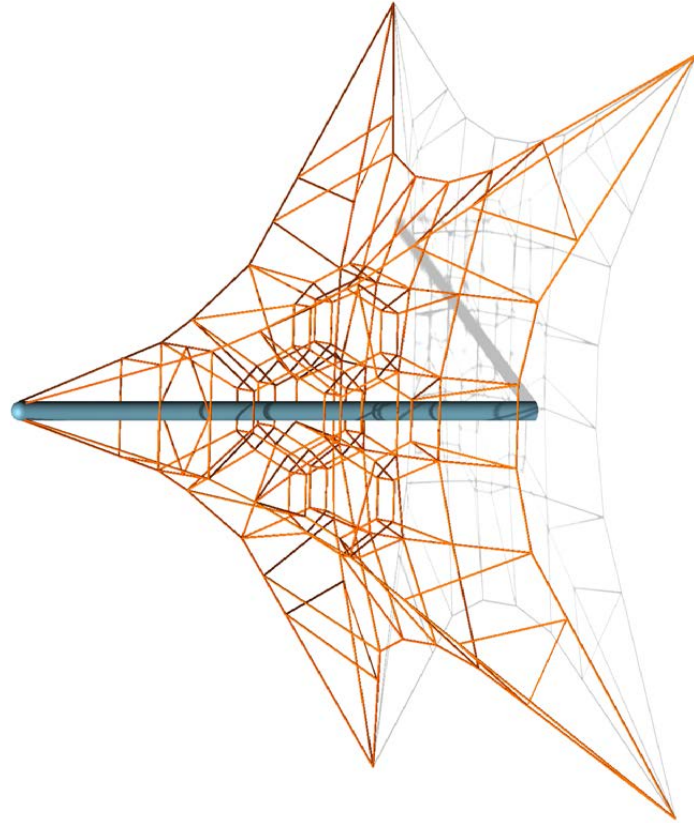
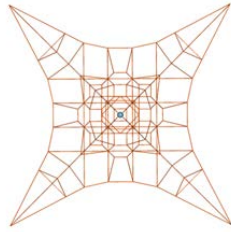
Activity Net 4m

Max Fall Height: 1500mm

Minimum Fall Zone: 61.06m²

Equipment Size: 5150mm x 5150mm

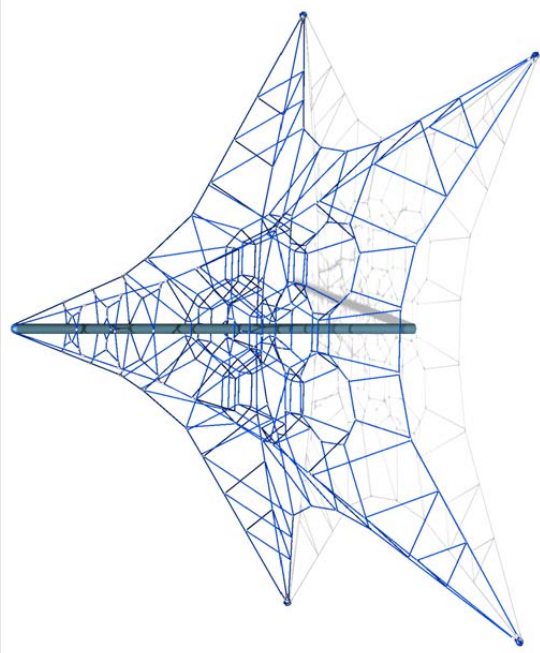
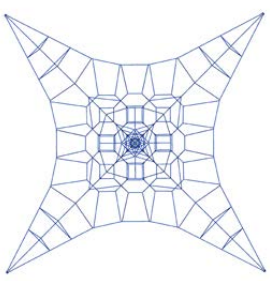
Minimum Install Zone: 62.5m²



Freestanding Static

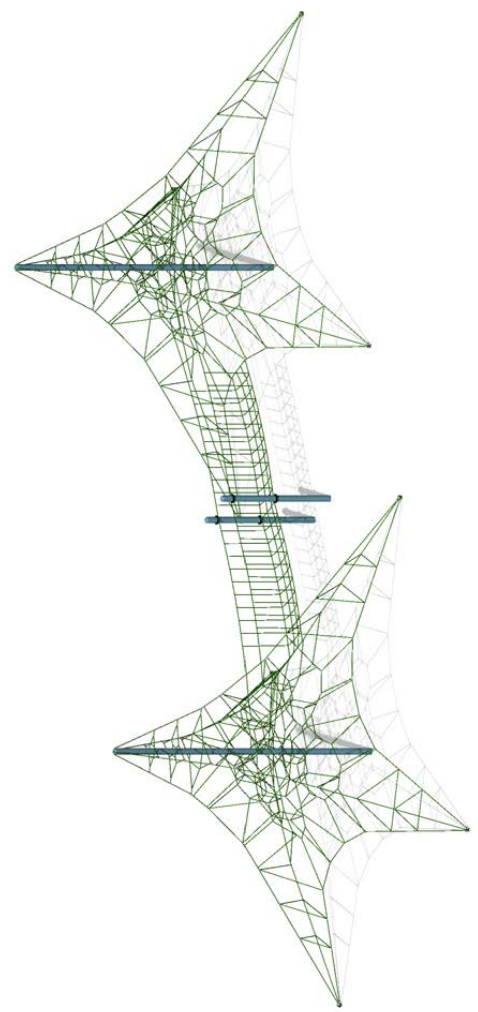
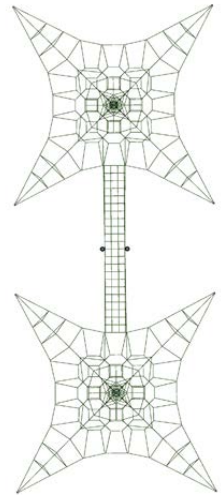
Activity Net 6m

Max Fall Height: 1800mm
 Minimum Fall Zone: 105.1m²
 Equipment Size: 8260mm x 8260mm
 Minimum Install Zone: 108m²



Activity Net 6m Double

Max Fall Height: 1800mm
 Minimum Fall Zone: 229.12m²
 Equipment Size: 20100mm x 8195mm
 Minimum Install Zone: 232.72m²

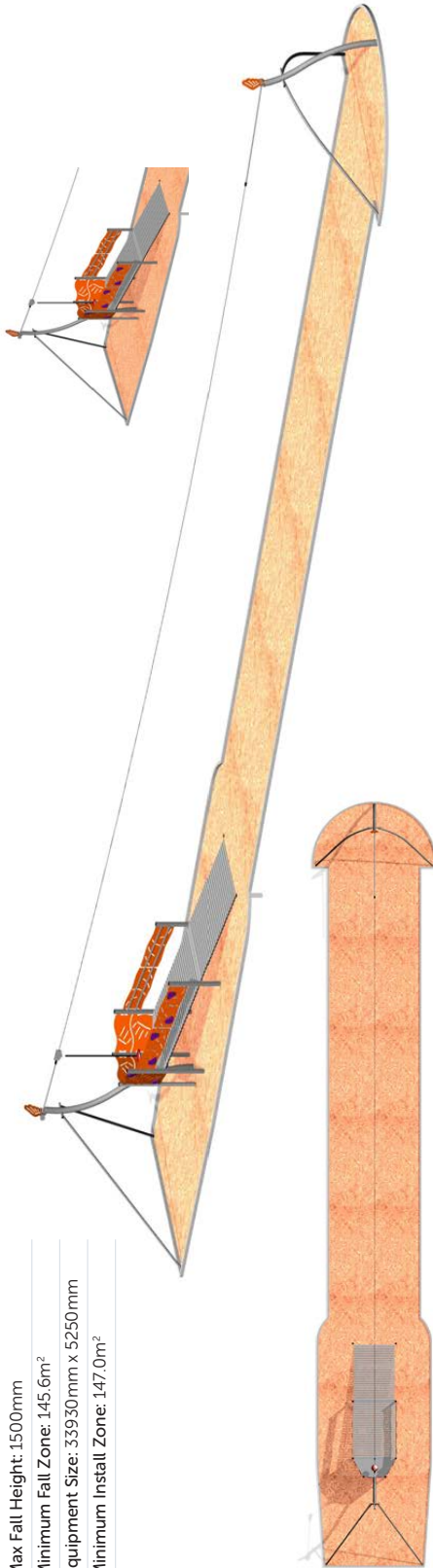


Freestanding Motion

For our full range visit www.forparkaust.com.au/freestanding-motion

Gliding Fox with Ramp

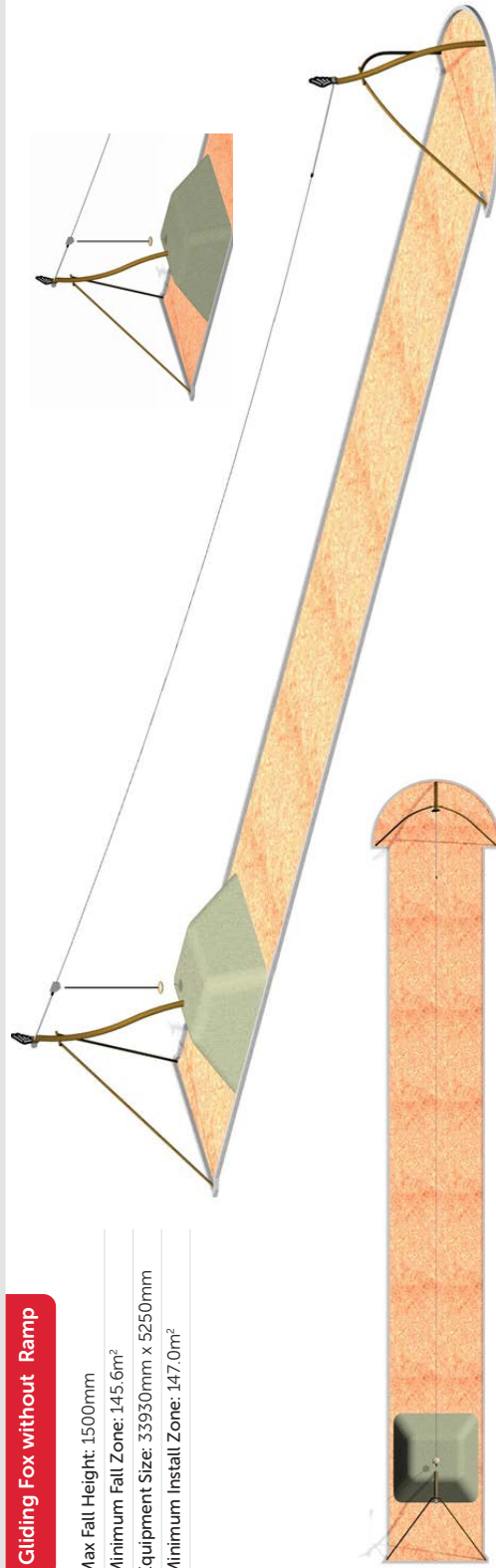
Max Fall Height: 1500mm
 Minimum Fall Zone: 145.6m²
 Equipment Size: 33930mm x 5250mm
 Minimum Install Zone: 147.0m²



Please speak to your Design Consultant for all length and gradient options

Gliding Fox without Ramp

Max Fall Height: 1500mm
 Minimum Fall Zone: 145.6m²
 Equipment Size: 33930mm x 5250mm
 Minimum Install Zone: 147.0m²

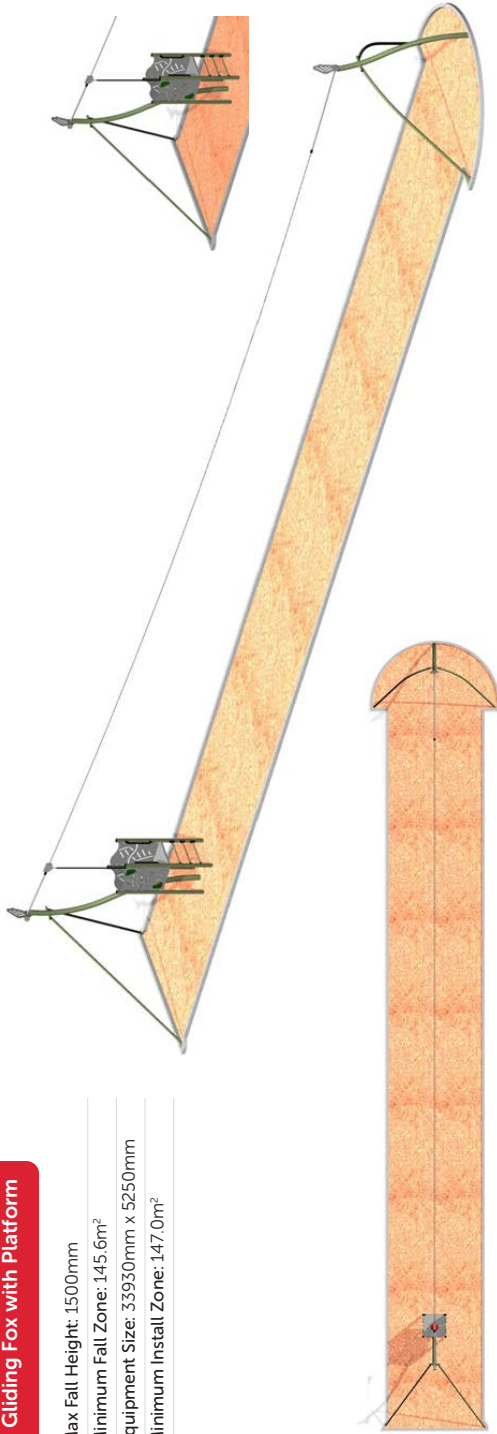


Please speak to your Design Consultant for all length and gradient options

Freestanding Motion

Gliding Fox with Platform

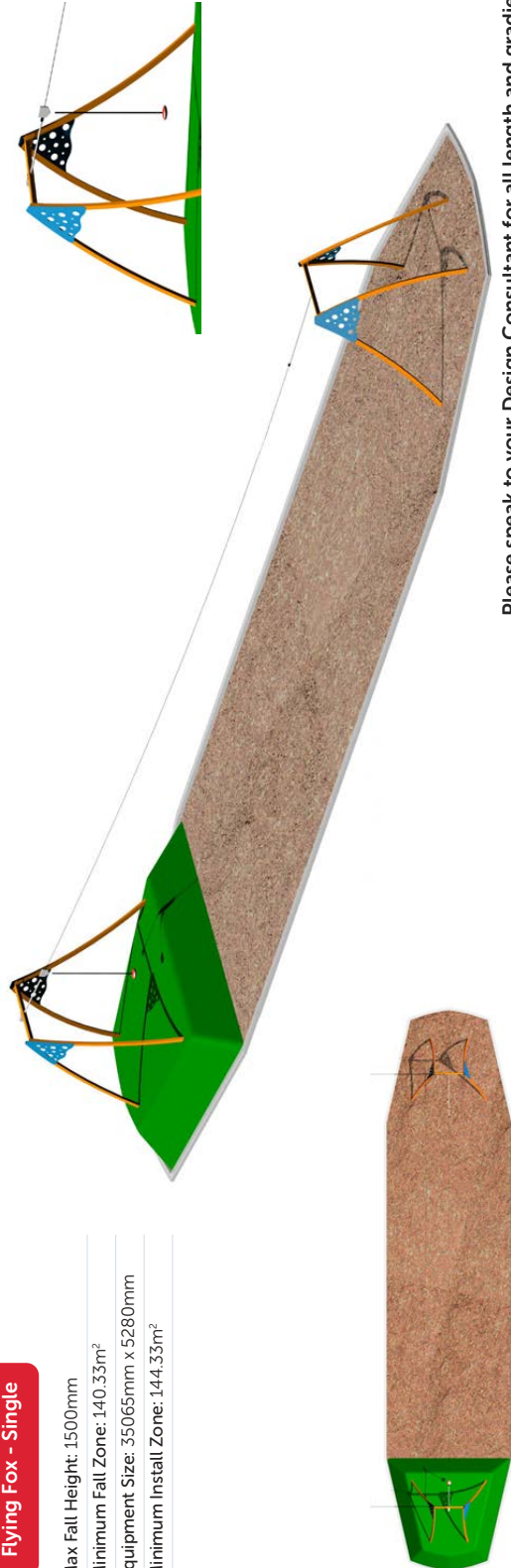
Max Fall Height: 1500mm
 Minimum Fall Zone: 145.6m²
 Equipment Size: 33930mm x 5250mm
 Minimum Install Zone: 147.0m²



Please speak to your Design Consultant for all length and gradient options

Flying Fox - Single

Max Fall Height: 1500mm
 Minimum Fall Zone: 140.33m²
 Equipment Size: 35065mm x 5280mm
 Minimum Install Zone: 144.33m²



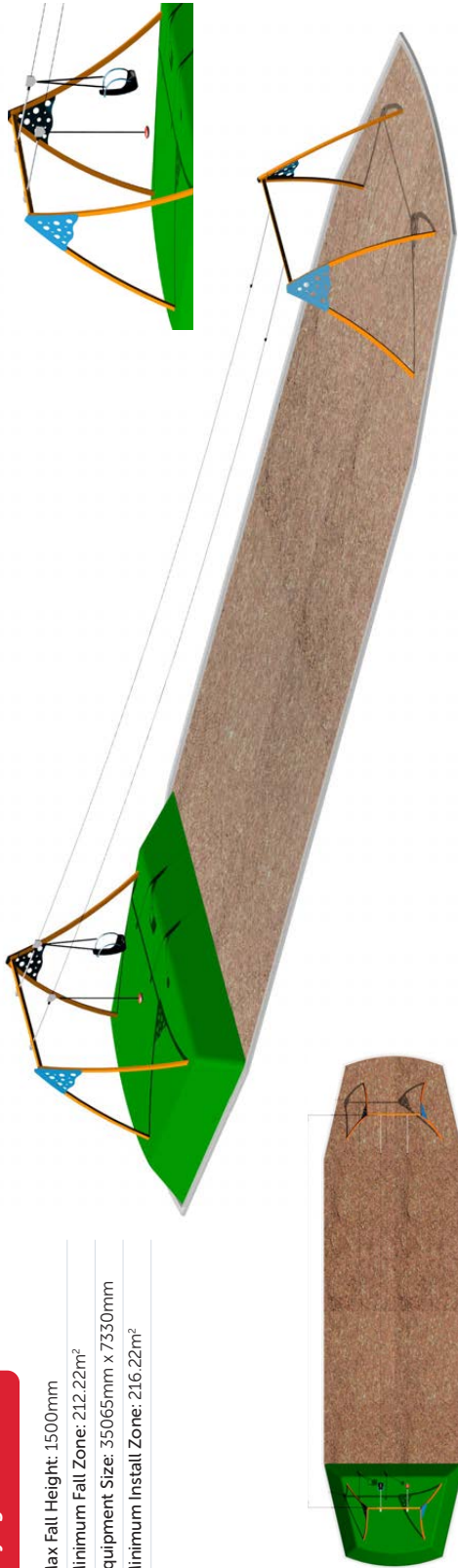
Please speak to your Design Consultant for all length and gradient options

Freestanding Motion

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Flying Fox - Double

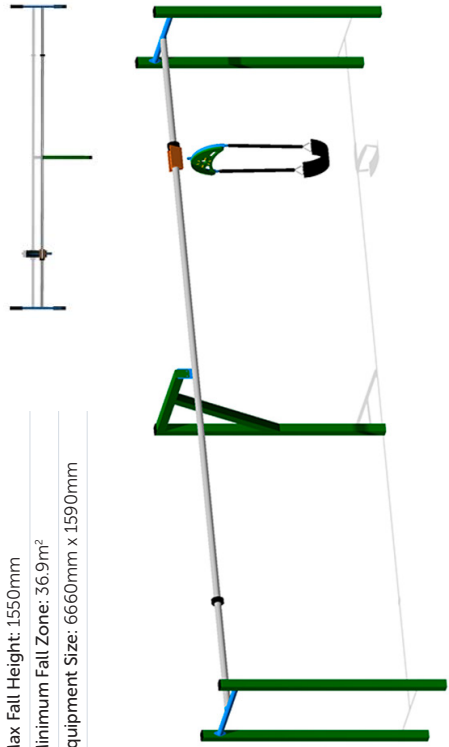
Max Fall Height: 1500mm
 Minimum Fall Zone: 212.22m²
 Equipment Size: 35065mm x 7330mm
 Minimum Install Zone: 216.22m²



Please speak to your Design Consultant for all length and gradient options

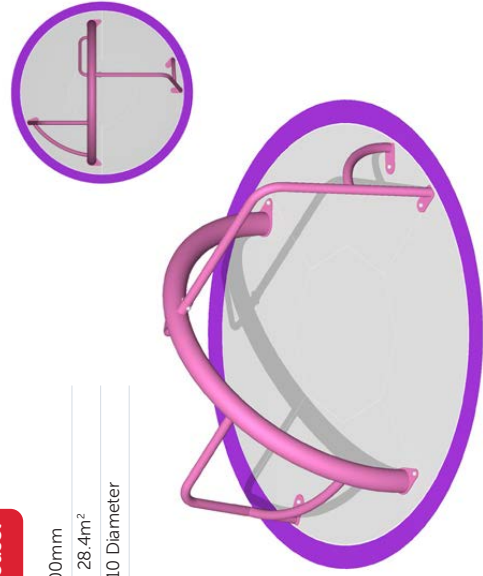
Seat Glide

Max Fall Height: 1550mm
 Minimum Fall Zone: 36.9m²
 Equipment Size: 6660mm x 1590mm



Accessible Carousel

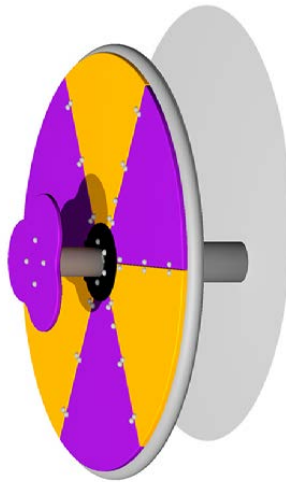
Max Fall Height: 1000mm
 Minimum Fall Zone: 28.4m²
 Equipment Size: 2010 Diameter



Freestanding Motion

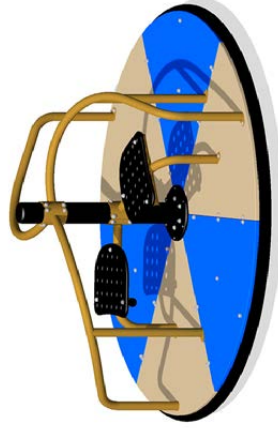
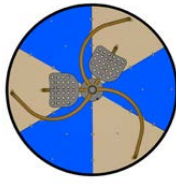
Carousel No Rails

Max Fall Height: 1000mm
Minimum Fall Zone: 23.8m²
Equipment Size: 1500mm Diameter



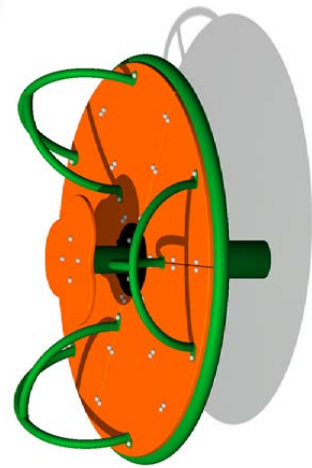
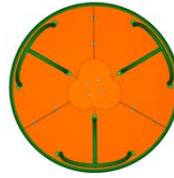
Merry Go Round

Max Fall Height: 1000mm
Minimum Fall Zone: 28.3m²
Equipment Size: 2000mm Diameter



Carousel With Rails

Max Fall Height: 1000mm
Minimum Fall Zone: 23.8m²
Equipment Size: 1500mm Diameter



Gyro Disc

Max Fall Height: 1000mm
Minimum Fall Zone: 47.0m²
Equipment Size: 1760mm Diameter

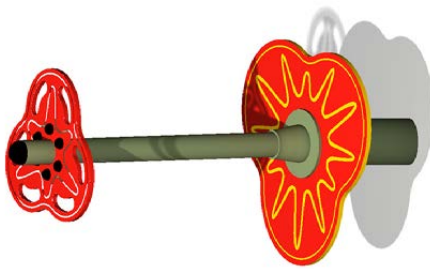


Freestanding Motion

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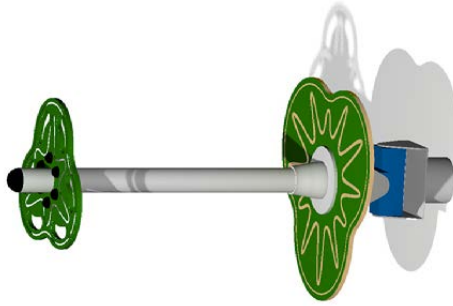
Sonic

Max Fall Height: 1000mm
 Minimum Fall Zone: 17.6m²
 Equipment Size: 850mm Diameter



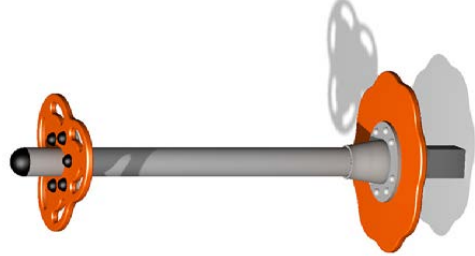
Wind Rider

Max Fall Height: 450mm
 Minimum Fall Zone: 11.0m²
 Equipment Size: 745mm Diameter



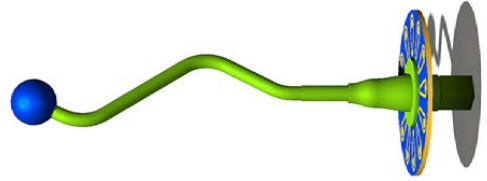
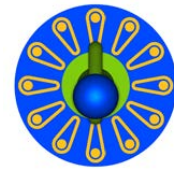
Twirler

Max Fall Height: 250mm
 Minimum Fall Zone: 9.5m²
 Equipment Size: 470mm Diameter



Spinna

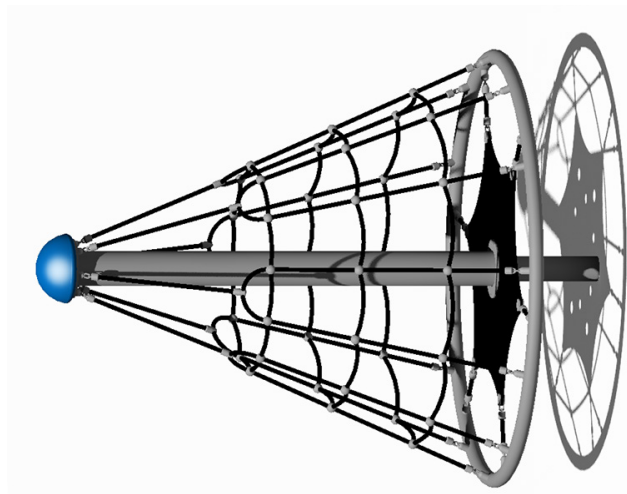
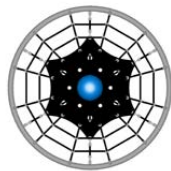
Max Fall Height: 1000mm
 Minimum Fall Zone: 15.9m²
 Equipment Size: 500mm Diameter



Freestanding Motion

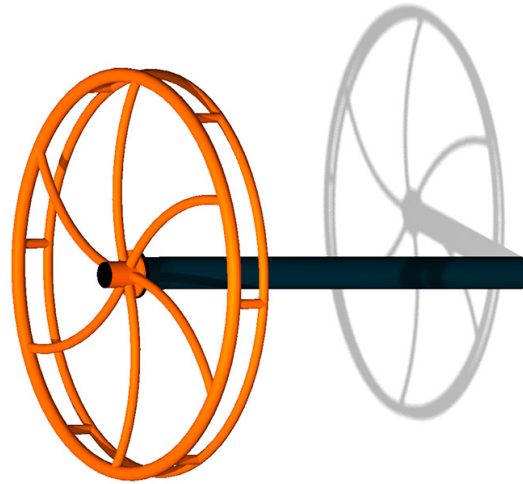
Concord

Max Fall Height: 1530mm
Minimum Fall Zone: 26.1m²
Equipment Size: 1760mm Diameter



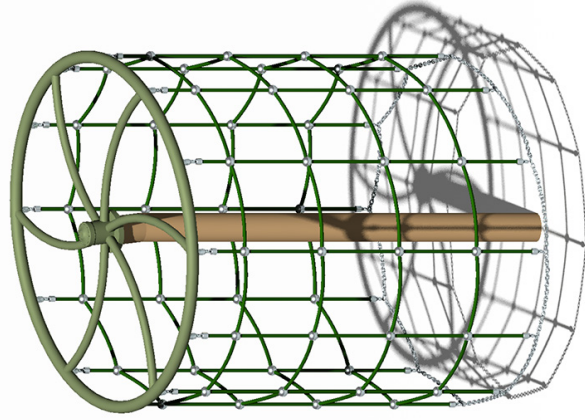
Spin-A-Way

Max Fall Height: 1000mm
Minimum Fall Zone: 48.2m²
Equipment Size: 1760mm Diameter



Hurricane

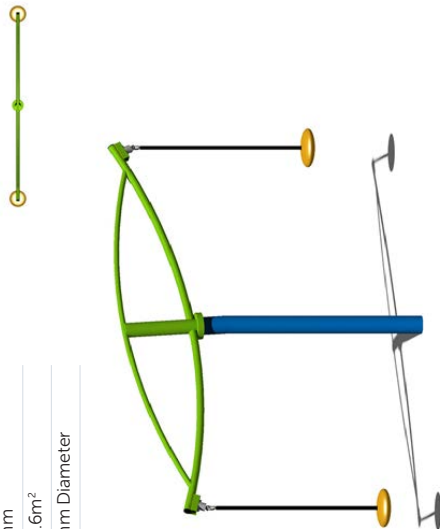
Max Fall Height: 2450mm
Minimum Fall Zone: 48.2m²
Equipment Size: 1760mm Diameter



Freestanding Motion

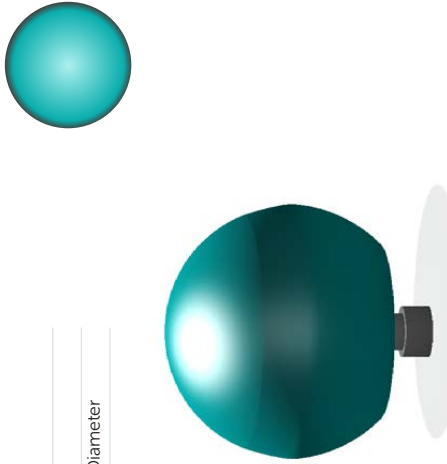
Galaxia

Max Fall Height: 1500mm
 Minimum Fall Zone: 64.6m²
 Equipment Size: 3710mm Diameter



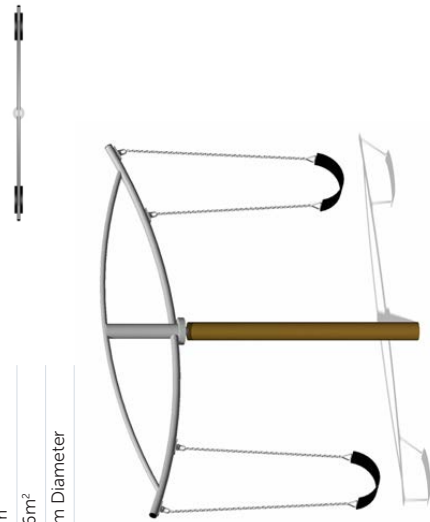
Sfera

Max Fall Height: 550mm
 Minimum Fall Zone: 9.6m²
 Equipment Size: 500mm Diameter



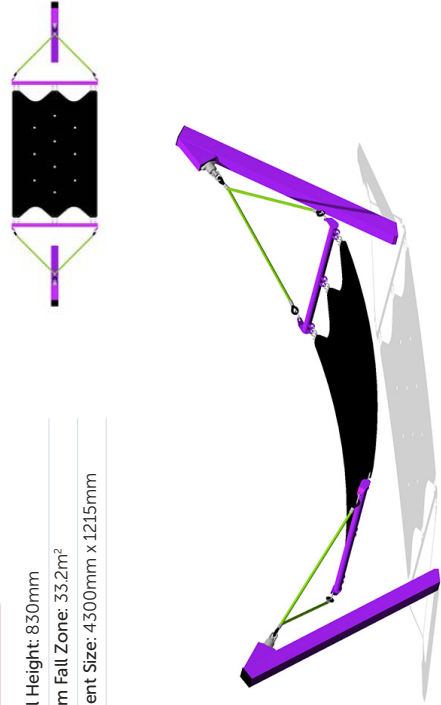
Cyclone

Max Fall Height: 1450mm
 Minimum Fall Zone: 59.6m²
 Equipment Size: 3510mm Diameter



Hammock

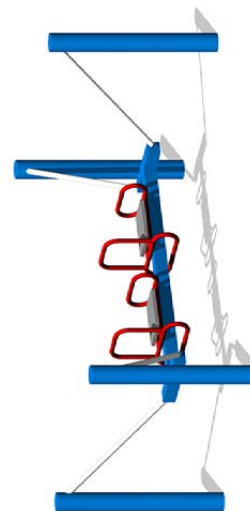
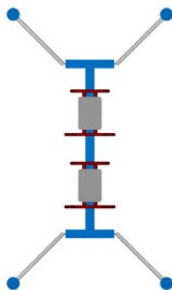
Max Fall Height: 830mm
 Minimum Fall Zone: 33.2m²
 Equipment Size: 4300mm x 1215mm



Freestanding Motion

Bronco Rider

Max Fall Height: 450mm
 Minimum Fall Zone: 22.3m²
 Equipment Size: 2480mm x 1460mm



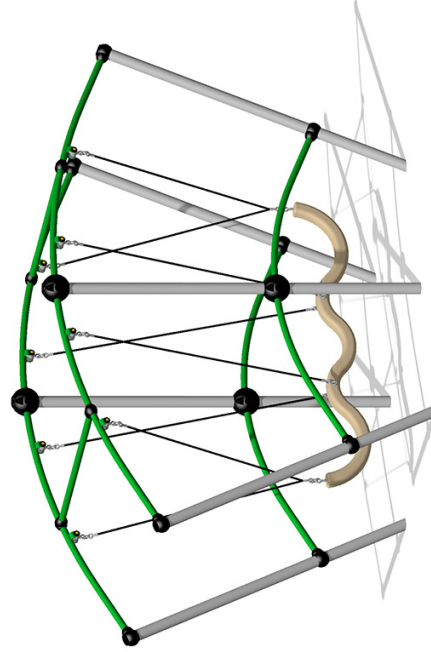
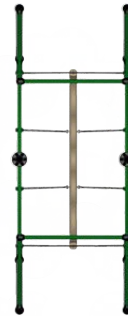
Gravitator

Max Fall Height: 1200mm
 Minimum Fall Zone: 27.2m²
 Equipment Size: 3380mm x 320mm



Argonaut

Max Fall Height: 1500mm
 Minimum Fall Zone: 48.3m²
 Equipment Size: 5200mm x 2050mm



Freestanding Swings

For our full range visit www.forparkaust.com.au/freestanding-swings

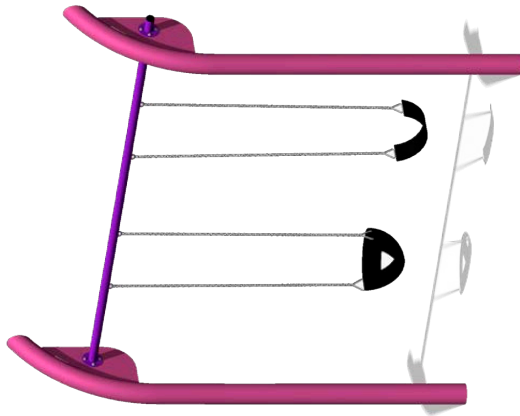
Flag Double

Max Fall Height: 1450mm

Minimum Fall Zone: 27.8m²

Equipment Size: 3388mm x 570mm

Minimum Install Zone: 32.72m²



● Also available in Hot Dipped Galv

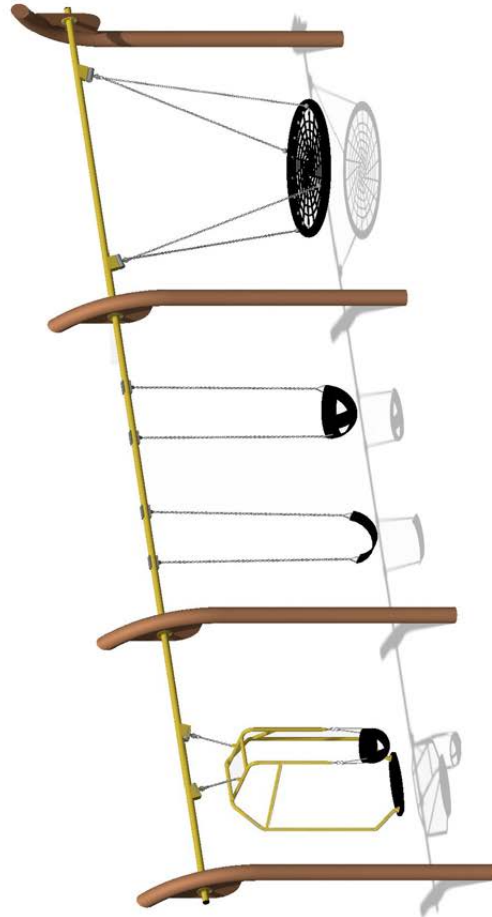
Flag Row

Max Fall Height: 1450mm

Minimum Fall Zone: 73.7m²

Equipment Size: 8793mm x 1200mm

Minimum Install Zone: 79.9m²



● Also available in Hot Dipped Galv

Freestanding Swings

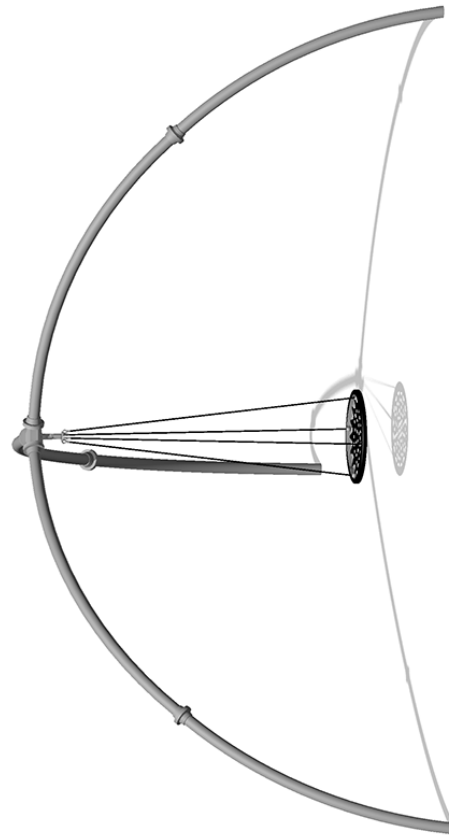
Whirlwind

Max Fall Height: 2400mm

Minimum Fall Zone: 95.0m²

Equipment Size: 11350mm Diameter

Minimum Install Zone: 97.7m²



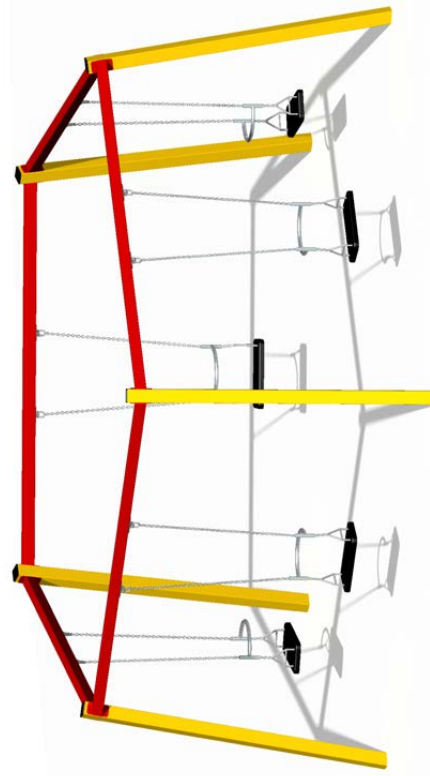
Satellite

Max Fall Height: 1350mm

Minimum Fall Zone: 50.9m²

Equipment Size: 5595mm x 3553mm

Minimum Install Zone: 51.20m²



● Also available in Polished Stainless Steel

Freestanding Swings

Pendulum - Steel Post

Max Fall Height: 1560mm
 Minimum Fall Zone: 57.3m²
 Equipment Size: 4020mm x 1120mm



Pendulum - Timber Post

Max Fall Height: 1560mm
 Minimum Fall Zone: 57.3m²
 Equipment Size: 4105mm x 1120mm



Tornado

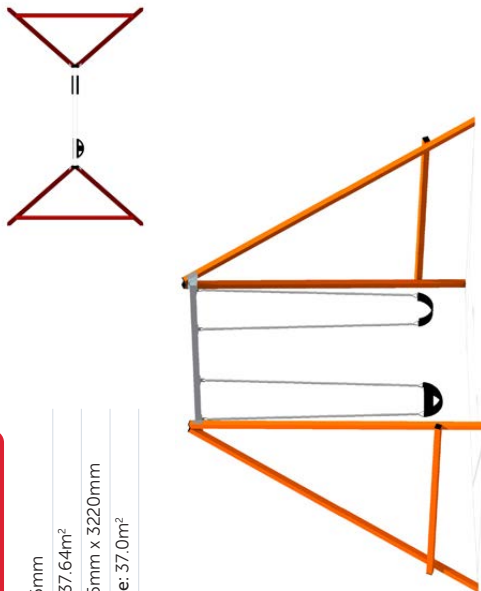
Max Fall Height: 1250mm
 Minimum Fall Zone: 40.48m²
 Equipment Size: 3990mm x 2480mm
 Minimum Install Zone: 40.63m²



Freestanding Swings

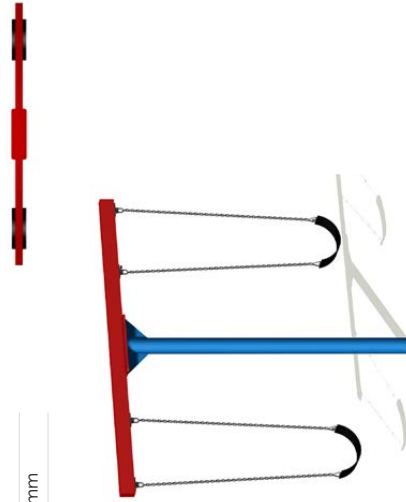
3.5m Swing Double Polished

Max Fall Height: 1875mm
 Minimum Fall Zone: 37.64m²
 Equipment Size: 5155mm x 3220mm
 Minimum Install Zone: 37.0m²



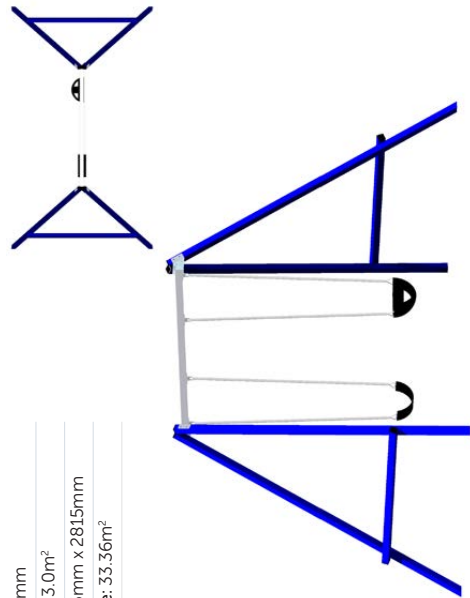
T-Swing

Max Fall Height: 1450mm
 Minimum Fall Zone: 31.5m²
 Equipment Size: 2800mm x 160mm



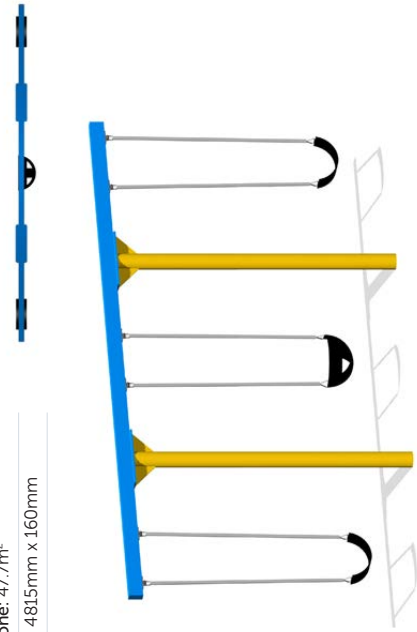
3.0m Swing Double Polished

Max Fall Height: 1620mm
 Minimum Fall Zone: 33.0m²
 Equipment Size: 4785mm x 2815mm
 Minimum Install Zone: 33.36m²



Triple T-Swing

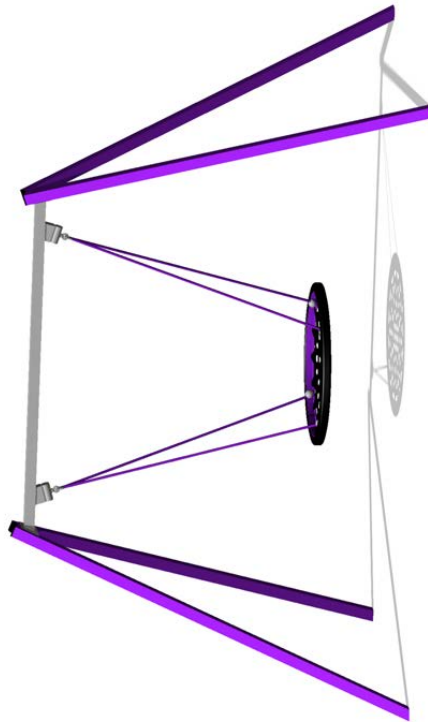
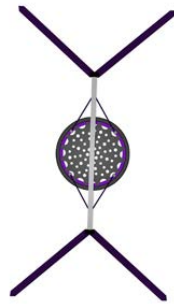
Max Fall Height: 1450mm
 Minimum Fall Zone: 47.7m²
 Equipment Size: 4815mm x 160mm



Freestanding Swings

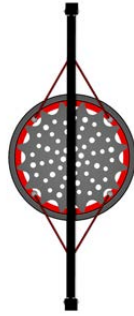
Swing-A-Way

Max Fall Height: 1450mm
 Minimum Fall Zone: 25.19m²
 Equipment Size: 4415mm x 2380mm
 Minimum Install Zone: 25.55m²



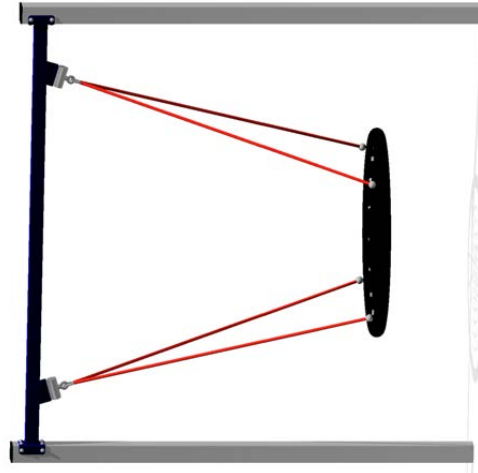
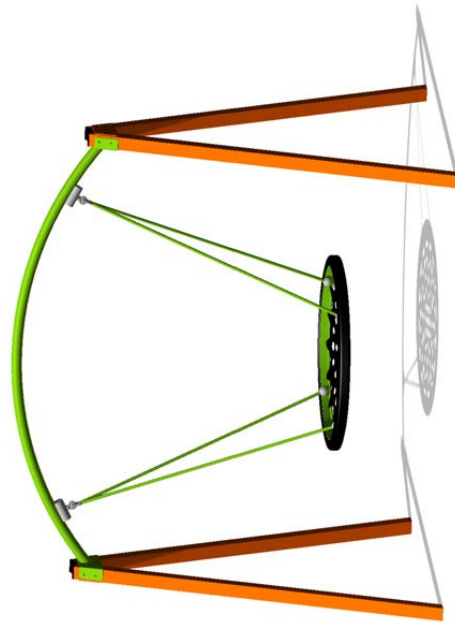
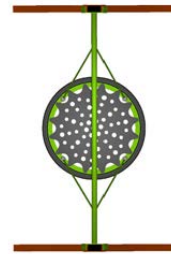
Swing-A-Way Post

Max Fall Height: 1450mm
 Minimum Fall Zone: 20.5m²
 Equipment Size: 2910mm x 1120mm
 Minimum Install Zone: 28.14m²



Swing-A-Way Arched

Max Fall Height: 1300mm
 Minimum Fall Zone: 17.67m²
 Equipment Size: 2675mm x 1755mm
 Minimum Install Zone: 17.99m²



Freestanding Swings

Row Swing

Max Fall Height: 1450mm

Minimum Fall Zone: 78.45m²

Equipment Size: 10765mm x 2380mm

Minimum Install Zone: 78.81m²



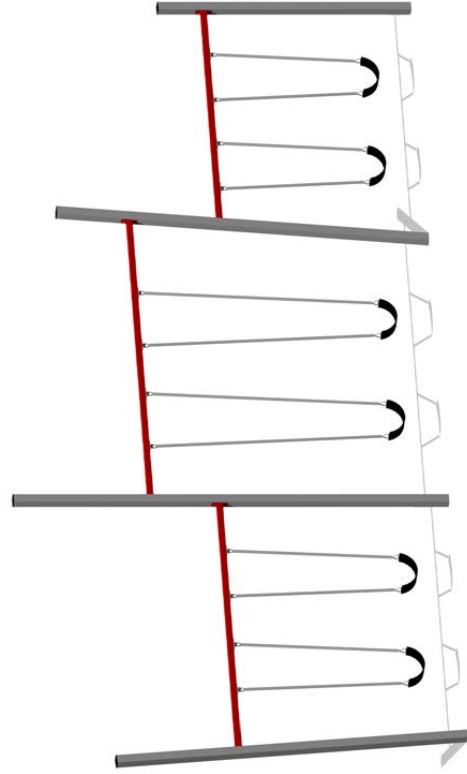
Post Swing 6 Bay

Max Fall Height: 1800mm

Minimum Fall Zone: 80.84m²

Equipment Size: 10135mm x 100mm

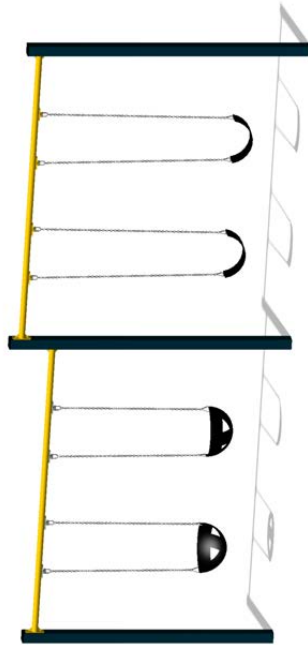
Minimum Install Zone: 81.40m²



Freestanding Swings

Post Swing 4 Bay Junior/ Senior

Max Fall Height: 1450mm
 Minimum Fall Zone: 47.38m²
 Equipment Size: 6160mm x 100mm
 Minimum Install Zone: 47.94m²



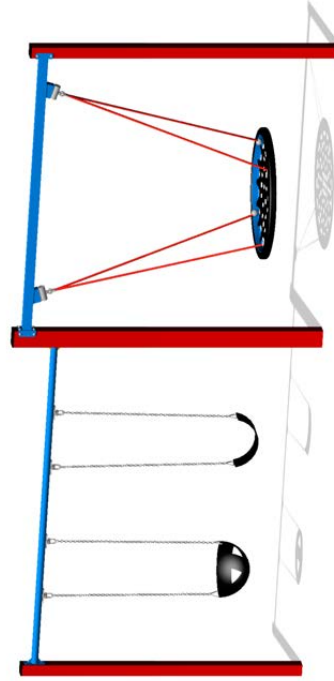
Mini Infant Swing

Max Fall Height: 850mm
 Minimum Fall Zone: 9.25m²
 Equipment Size: 1590mm x 150mm



Post Swing 2 Bay with Swing-A-Way

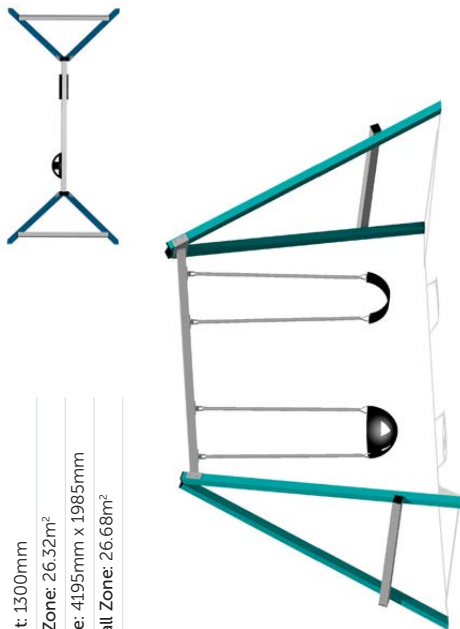
Max Fall Height: 1450mm
 Minimum Fall Zone: 48.30m²
 Equipment Size: 5990mm x 1120mm
 Minimum Install Zone: 56.41m²



Freestanding Swings

Double Steel Swing - Junior

Max Fall Height: 1300mm
 Minimum Fall Zone: 26.32m²
 Equipment Size: 4195mm x 1985mm
 Minimum Install Zone: 26.68m²



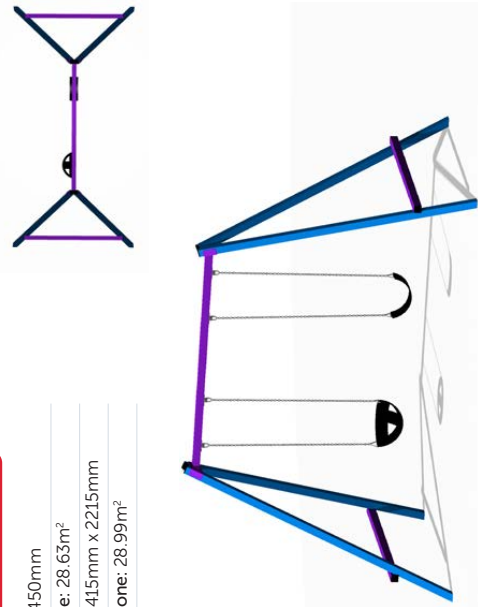
Double A Frame Swing - Junior

Max Fall Height: 1300mm
 Minimum Fall Zone: 26.29m²
 Equipment Size: 4145mm x 2050mm
 Minimum Install Zone: 27.01m²



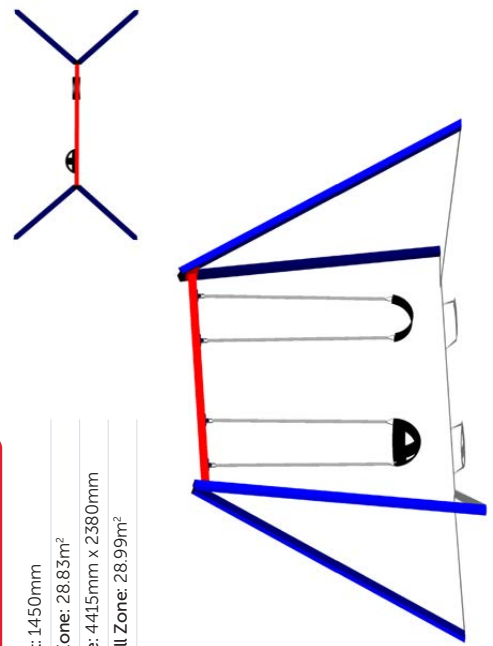
Double Steel Swing - Senior

Max Fall Height: 1450mm
 Minimum Fall Zone: 28.63m²
 Equipment Size: 4415mm x 2215mm
 Minimum Install Zone: 28.99m²



Double A Frame Swing - Senior

Max Fall Height: 1450mm
 Minimum Fall Zone: 28.83m²
 Equipment Size: 4415mm x 2380mm
 Minimum Install Zone: 28.99m²

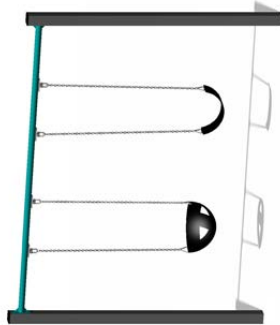


Freestanding Swings

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Post Swing - Double

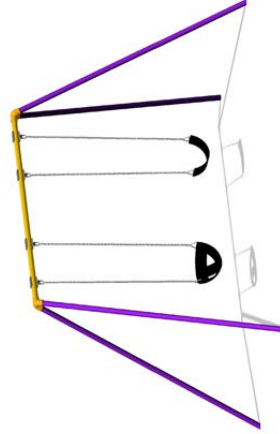
Max Fall Height: 1350mm
 Minimum Fall Zone: 22.61m²
 Equipment Size: 3130mm x 1500mm
 Minimum Install Zone: 23.17m²



● Also available in Polished Stainless Steel

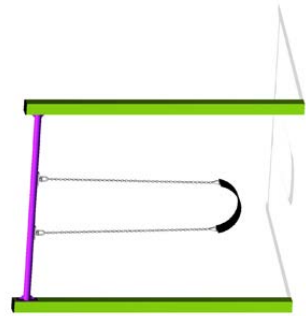
Pipeline Swing

Max Fall Height: 1450mm
 Minimum Fall Zone: 28.15m²
 Equipment Size: 4350mm x 1940mm
 Minimum Install Zone: 28.51m²



Post Swing - Single

Max Fall Height: 1350mm
 Minimum Fall Zone: 13.49m²
 Equipment Size: 1940mm x 1500mm
 Minimum Install Zone: 14.05m²



Orbit Swing

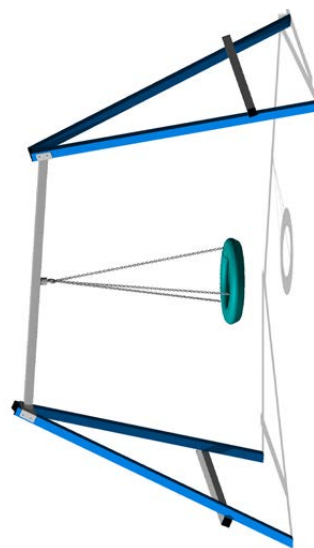
Max Fall Height: 1400mm
 Minimum Fall Zone: 25.93m²
 Equipment Size: 4195mm x 2025mm
 Minimum Install Zone: 26.29m²



Freestanding Swings

Horizontal Tyre Swing

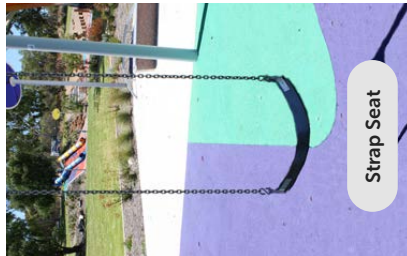
Max Fall Height: 1300mm
 Minimum Fall Zone: 40.71m²
 Equipment Size: 4200mm x 2200mm



Swing Seat Options



Solid Seat



Strap Seat

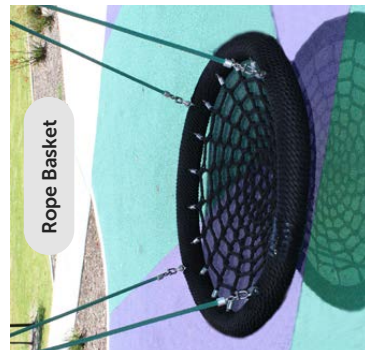


Toddler Seat



All-Abilities Seat

Basket Swing Seat Options



Rope Basket



Rubber Basket

Unity Seat

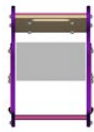


Also available in
 Polished Stainless Steel

Freestanding Springs and Rockers

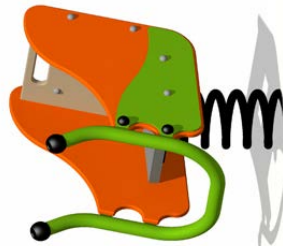
Accessible Scuttle

Max Fall Height: 370mm
 Minimum Fall Zone: 7.4m²
 Equipment Size:
 630mm x 440mm



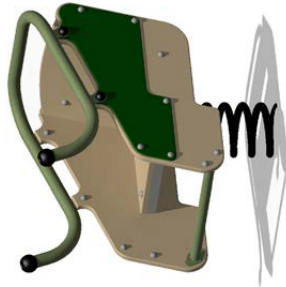
Accessible Dipper

Max Fall Height: 370mm
 Minimum Fall Zone: 7.4m²
 Equipment Size:
 620mm x 485mm



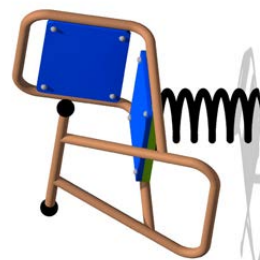
Accessible Big Dipper

Max Fall Height: 435mm
 Minimum Fall Zone: 8.2m²
 Equipment Size:
 735mm x 615mm



Cruiser

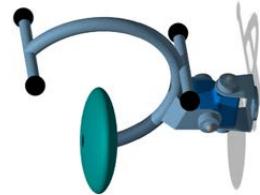
Max Fall Height: 430mm
 Minimum Fall Zone: 8.1m²
 Equipment Size:
 740mm x 575mm



● Also available in Hot Dipped Galv

Zephyr

Max Fall Height: 500mm
 Minimum Fall Zone: 6.8m²
 Equipment Size:
 660mm x 335mm



Freestanding Springs and Rockers

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Ambulance

Max Fall Height: 880mm
 Minimum Fall Zone: 15.7m²
 Equipment Size:
 2300mm x 1160mm



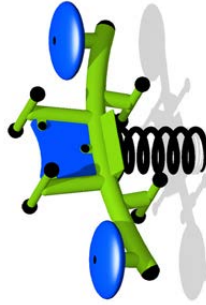
Beach Buggy

Max Fall Height: 900mm
 Minimum Fall Zone: 15.7m²
 Equipment Size:
 2450mm x 1150mm



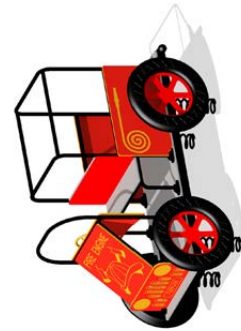
Jitterbug

Max Fall Height: 700mm
 Minimum Fall Zone: 8.3m²
 Equipment Size:
 1250mm x 350mm



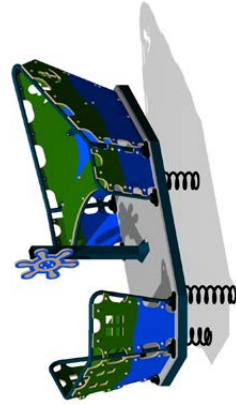
Fire Engine

Max Fall Height: 880mm
 Minimum Fall Zone: 15.7m²
 Equipment Size:
 2300mm x 1160mm



Cast Away

Max Fall Height: 920mm
 Minimum Fall Zone: 15.2m²
 Equipment Size:
 2735mm x 1120mm



Mining Cart

Max Fall Height: 430mm
 Minimum Fall Zone: 7.7m²
 Equipment Size:
 700mm x 400mm

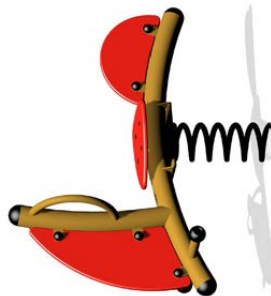


Freestanding Springs and Rockers

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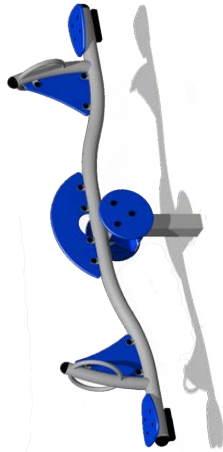
Torpedo Rocker

Max Fall Height: 470mm
 Minimum Fall Zone: 7.9m²
 Equipment Size:
 1150mm x 410mm



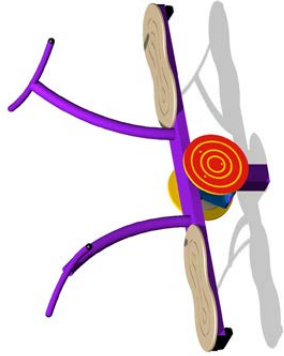
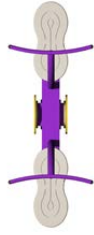
Torpedo See Saw

Max Fall Height: 930mm
 Minimum Fall Zone: 13.0m²
 Equipment Size:
 3000mm x 330mm



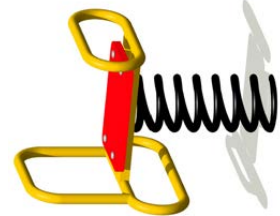
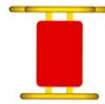
Wave Rocker

Max Fall Height: 800mm
 Minimum Fall Zone: 11m²
 Equipment Size:
 1970mm x 730mm



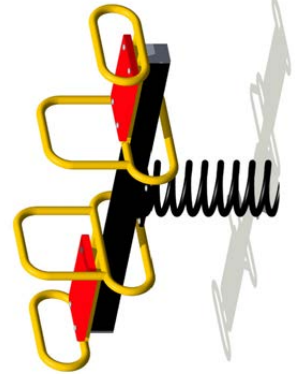
Critter - Single

Max Fall Height: 460mm
 Minimum Fall Zone: 6.7m²
 Equipment Size:
 410mm x 450mm



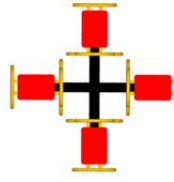
Critter - Double

Max Fall Height: 700mm
 Minimum Fall Zone: 9.1m²
 Equipment Size:
 1320mm x 450mm



Critter - 4 Way

Max Fall Height: 700mm
 Minimum Fall Zone: 10.7m²
 Equipment Size:
 1320mm x 1320mm



Freestanding Springs and Rockers

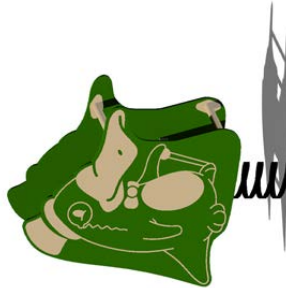
Steam Train

Max Fall Height: 430mm
 Minimum Fall Zone: 7.8m²
 Equipment Size:
 840mm x 400mm



Duckbill

Max Fall Height: 430mm
 Minimum Fall Zone: 7.4m²
 Equipment Size:
 665mm x 400mm



Taxi Cab

Max Fall Height: 430mm
 Minimum Fall Zone: 7.9m²
 Equipment Size:
 870mm x 400mm



Tassie Tiger

Max Fall Height: 430mm
 Minimum Fall Zone: 8.2m²
 Equipment Size:
 945mm x 400mm



Plane

Max Fall Height: 430mm
 Minimum Fall Zone: 7.78m²
 Equipment Size:
 810mm x 400mm



Pelican

Max Fall Height: 430mm
 Minimum Fall Zone: 7.46m²
 Equipment Size:
 695mm x 400mm



Freestanding Springs and Rockers

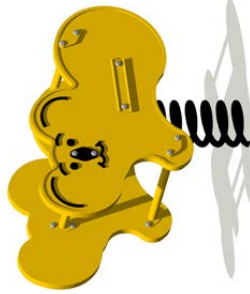
Boat

Max Fall Height: 430mm
 Minimum Fall Zone: 7.67m²
 Equipment Size:
 800mm x 400mm



Koala

Max Fall Height: 440mm
 Minimum Fall Zone: 7.72m²
 Equipment Size:
 800mm x 410mm



Goldfish

Max Fall Height: 430mm
 Minimum Fall Zone: 7.51m²
 Equipment Size:
 715mm x 400mm



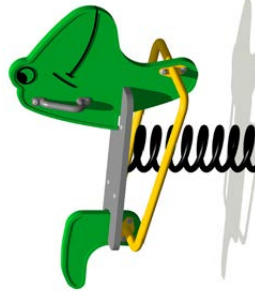
Dolphin

Max Fall Height: 440mm
 Minimum Fall Zone: 8.04m²
 Equipment Size:
 900mm x 410mm



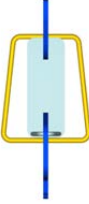
Frog

Max Fall Height: 450mm
 Minimum Fall Zone: 7.29m²
 Equipment Size:
 970mm x 480mm



Truck

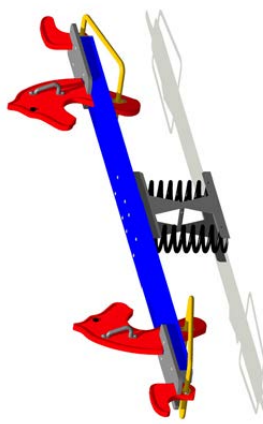
Max Fall Height: 430mm
 Minimum Fall Zone: 7.86m²
 Equipment Size:
 1080mm x 485mm



Freestanding Springs and Rockers

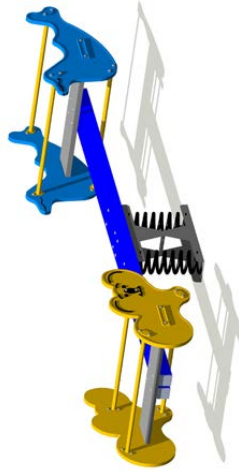
See Saw

Max Fall Height: 850mm
 Minimum Fall Zone: 14.9m²
 Equipment Size:
 3555mm x 480mm



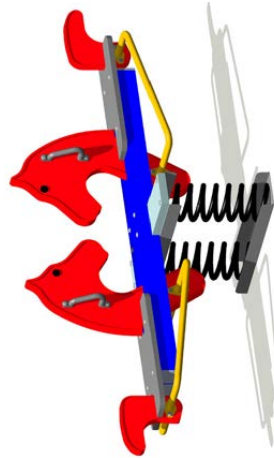
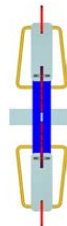
Double See Saw

Max Fall Height: 850mm
 Minimum Fall Zone: 18.3m²
 Equipment Size:
 3555mm x 890mm



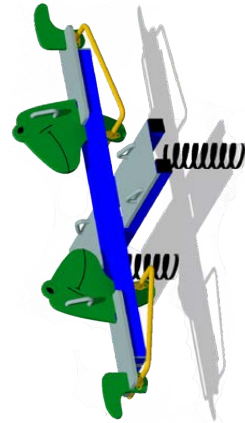
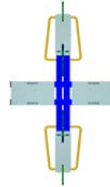
Twin Rocker

Max Fall Height: 800mm
 Minimum Fall Zone: 10.6m²
 Equipment Size:
 2100mm x 600mm



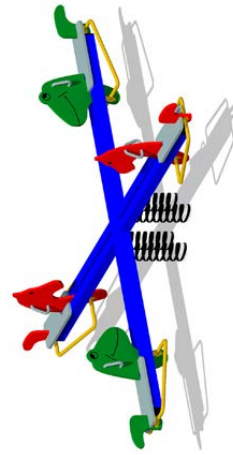
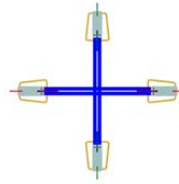
Multi Rocker

Max Fall Height: 750mm
 Minimum Fall Zone: 13.0m²
 Equipment Size:
 2380mm x 1370mm



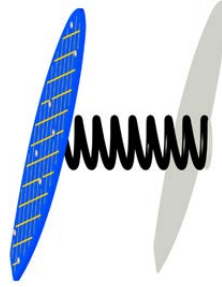
Quad Rocker

Max Fall Height: 850mm
 Minimum Fall Zone: 21.6m²
 Equipment Size:
 3555mm x 3555mm



Surfboard

Max Fall Height: 400mm
 Minimum Fall Zone: 7.9m²
 Equipment Size:
 1200mm x 300mm

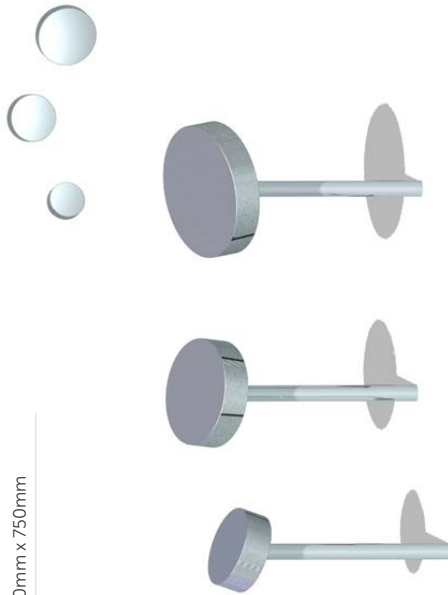


Freestanding Sensory

For our full range visit www.forparkaust.com.au/freestanding-sensory

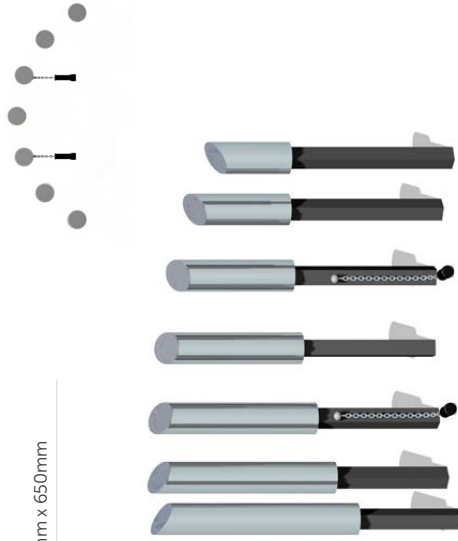
Drums

Equipment Size: 1820mm x 750mm



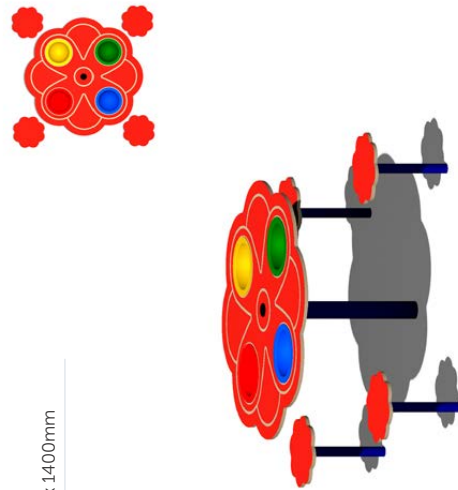
Musical Pipes

Equipment Size: 1880mm x 650mm



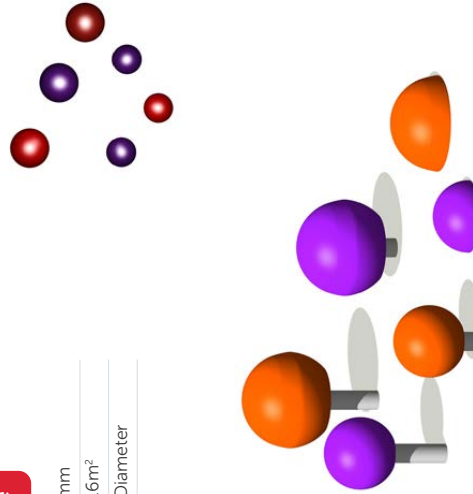
Flower Table

Equipment Size: 1400mm x 1400mm



Orb Small and Large

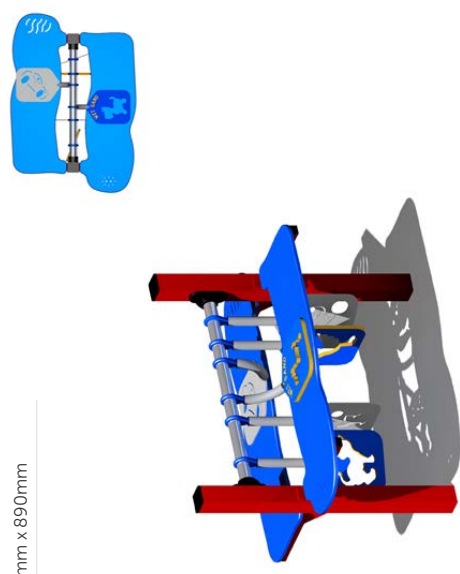
Max Fall Height: 250 - 730mm
 Minimum Fall Zone: Nil - 9.6m²
 Equipment Size: 300-500 Diameter



Freestanding Sensory

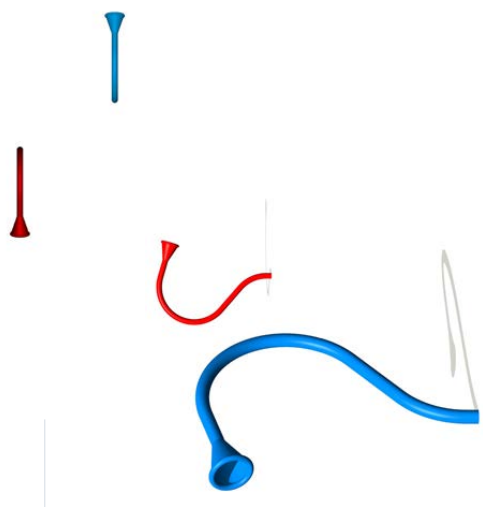
Sand Table

Equipment Size: 1310mm x 890mm



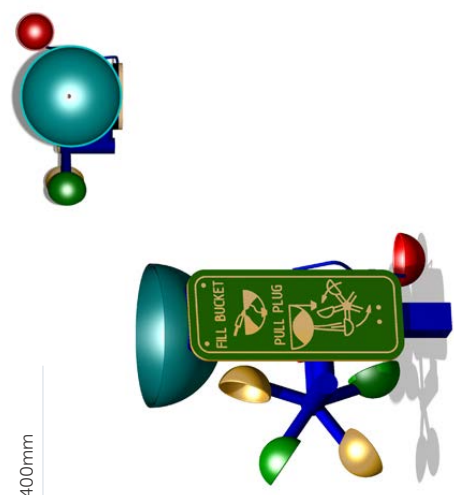
Talk Tube

Equipment Size: 720mm Wide



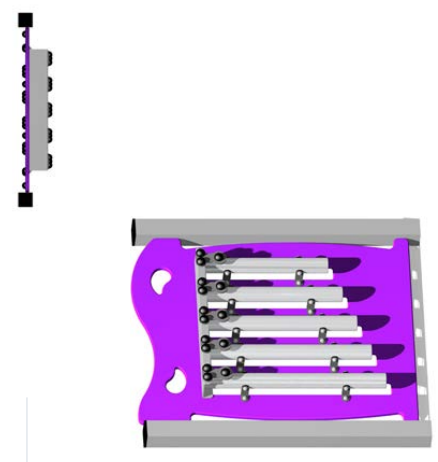
Sand Wheel

Equipment Size: 640mm x 400mm



Xylophone

Equipment Size: 1020mm x 175mm



Freestanding Timber

Our Freestanding Timber is Jarrah hardwood of the Eucalyptus Marginata species and is sustainably sourced from the South West of Western Australia.

It has:

- Strong resistance to insects
- Minimal rate of shrinkage
- Slow decay rate

It is ideal for outdoor play spaces and with the beauty of the raw material and its organic irregularities, it will complement your nature play space or Timber Essentials structure.

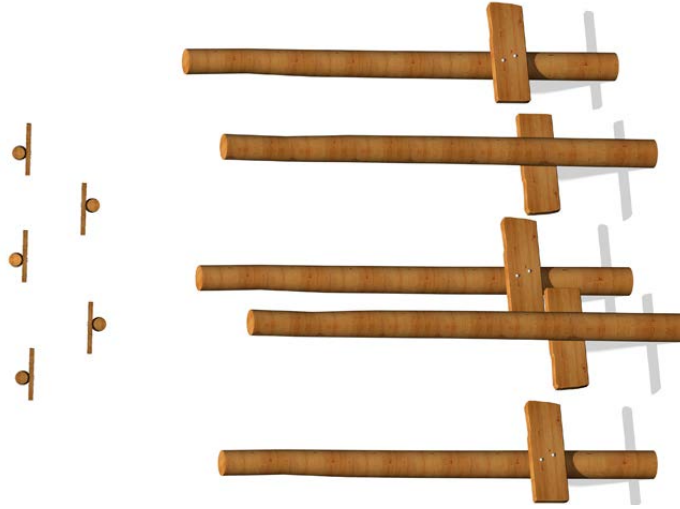
Plank Walk

Max Fall Height: 460mm
 Minimum Fall Zone: 17.0m²
 Equipment Size: 2705mm x 380mm



Linear Stilts

Max Fall Height: 760mm
 Minimum Fall Zone: 9.1m²
 Equipment Size: 585mm x 200mm

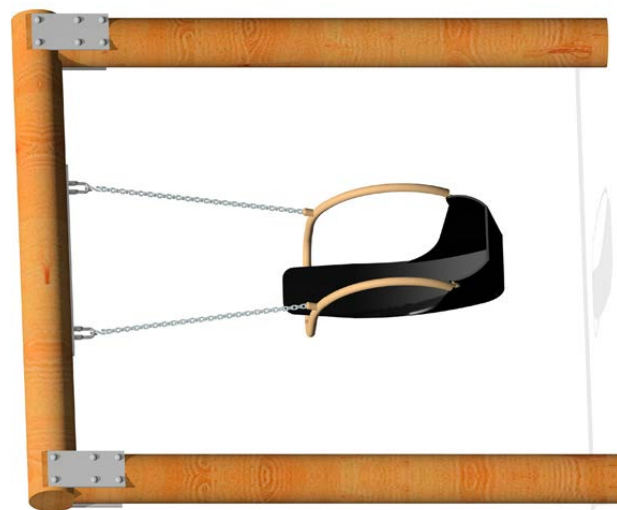


Freestanding Timber

For our full range visit www.forparkaust.com.au/freestanding-timber

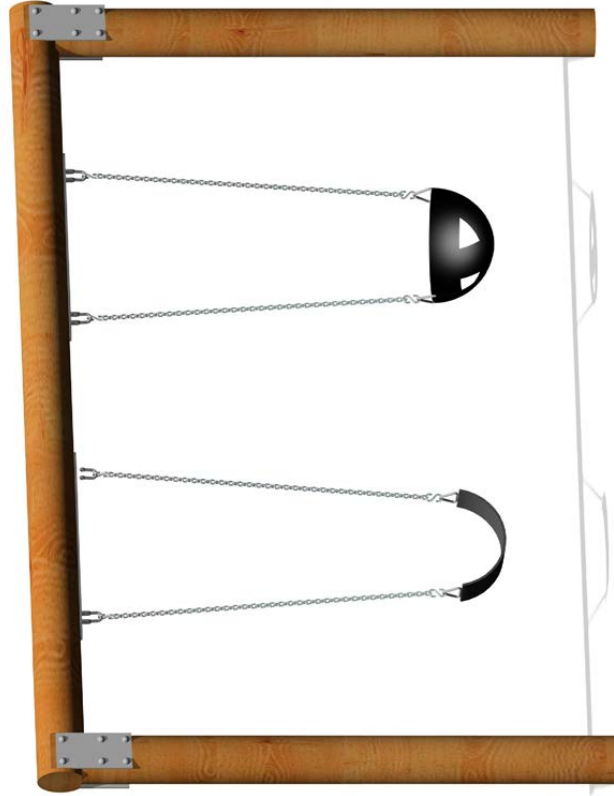
Post Swing - Single

Max Fall Height: 1350mm
Minimum Fall Zone: 13.2m²
Equipment Size: 2160mm x 200mm



Post Swing - Double

Max Fall Height: 1350mm
Minimum Fall Zone: 23.4m²
Equipment Size: 3520mm x 200mm

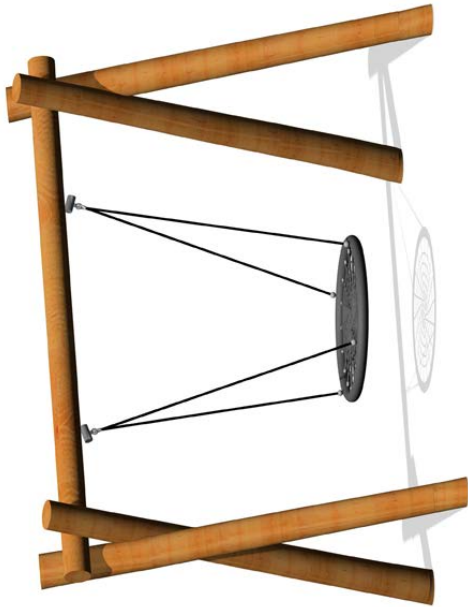
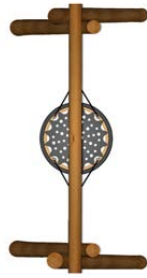


Freestanding Timber

84

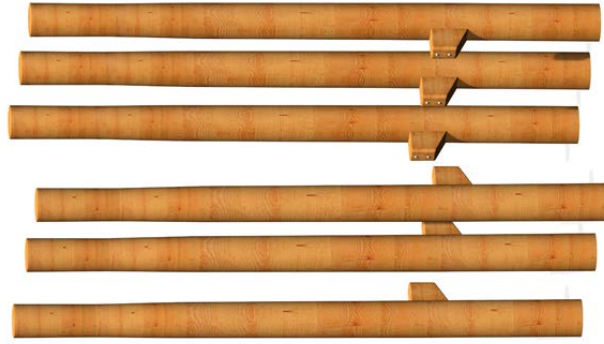
Swing-A-Way

Max Fall Height: 1550mm
 Minimum Fall Zone: 23.0m²
 Equipment Size: 4160mm x 2200mm



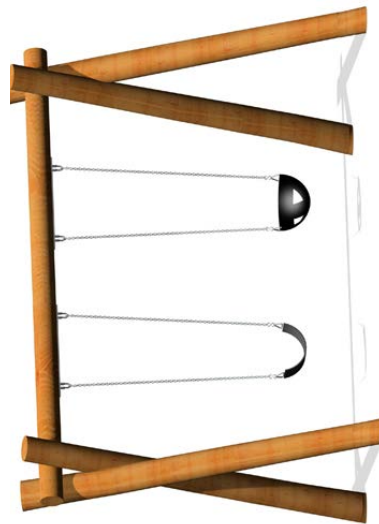
Stilts

Max Fall Height: 690mm
 Minimum Fall Zone: 8.2m²
 Equipment Size: 260mm x 175mm



Swing A-Frame

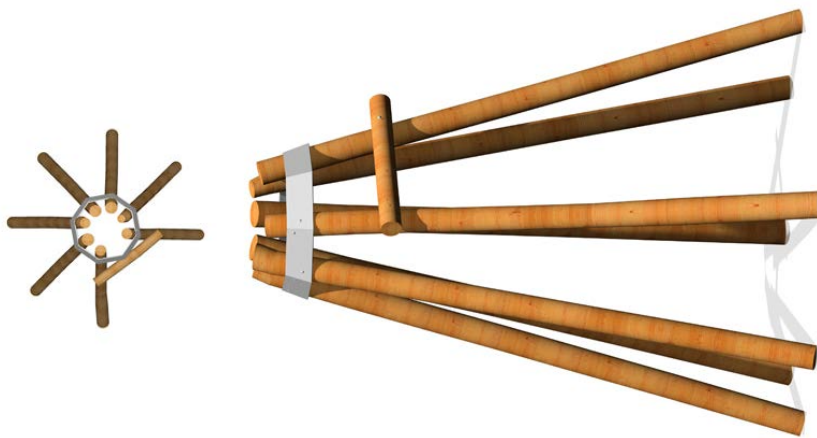
Max Fall Height: 1550mm
 Minimum Fall Zone: 27.3m²
 Equipment Size: 4160mm x 2200mm



Freestanding Timber

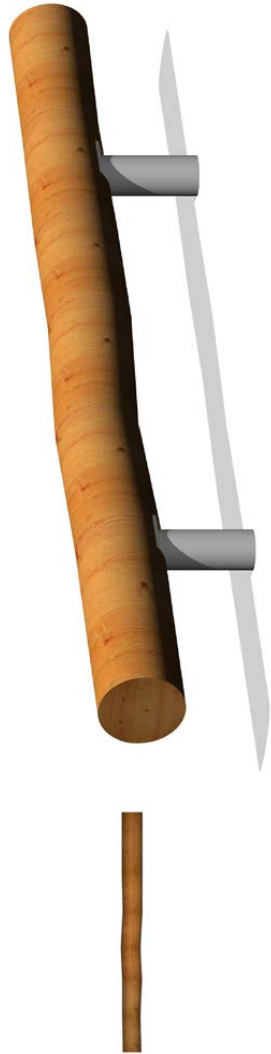
Tee Pee

Max Fall Height: 680mm
 Minimum Fall Zone: 17.6m²
 Equipment Size: 1820mm x 1805mm



Balance Log

Max Fall Height: 400mm
 Minimum Fall Zone: 14.0m²
 Equipment Size: 2035mm x 200mm



Steppers

Max Fall Height: 550mm
 Minimum Fall Zone: 8.6m²
 Equipment Size: 300-500 mm Diameter





PARKFIT IS THE MOST INNOVATIVE OUTDOOR FITNESS EQUIPMENT IN AUSTRALIA.

Designed and manufactured in Australia, ParkFit uses the most innovative Rubber Resistance System (RRS) technology and offers a unique workout.

What sets ParkFit apart from any other outdoor fitness equipment range in Australia? It's simple.

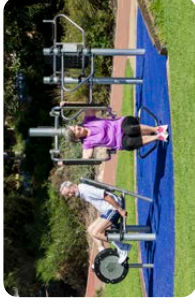
- Australian made
- Made from superior materials suitable for extreme Australian conditions
- Now available in 25 powder coat colours
- Design versatility for endless options
- The range caters for seniors, everyday users and high-intensity athletes
- Very low maintenance required
- Above industry average warranty
- Unique sleek design
- Multiple finishes available

All ParkFit items and designs are compliant with AS 16630:2021. This includes the design and manufacture of individual components as well as the layout of combinations to ensure safety for all users.

The range includes a combination of moving and static stainless steel apparatus to suit everyone, from the High-Intensity Interval Training (HIIT) enthusiasts to the elderly that want to focus on flexibility and mobility.

FOR MORE INFORMATION ABOUT THE PARKFIT RANGE, VISIT OUR DEDICATED WEBSITE OR CONTACT OUR DESIGN CONSULTANTS FOR AN OBLIGATION FREE QUOTE.

WWW.PARKFITAUST.COM.AU



Street and Park Furniture

Combined with our play equipment, our street and park furniture can help to create a fantastic outdoor social space. Our park furniture is manufactured in-house, using galvanised steel, making it more durable and harder to scratch than non-treated steel.

View our full range of Street and Park Furniture on our website www.forparkaust.com.au/furniture

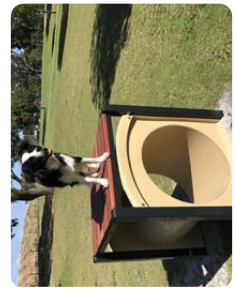


Dog Agility

Dog agility equipment will upgrade any dog exercise area to engage owners and dogs in the community. The benefits of improving dog agility are:

- Will fulfill your dog's natural instincts
- Great exercise for your dog
- Helps strengthen the bond between you and your dog

View our full range of Dog Agility equipment on our website www.forparkaust.com.au/dog-agility



Fitness Track

Our Fitness Track range is ideal for creating fitness circuits and exercise areas within schools and public open spaces. Each component has been designed to aid in the development of various muscle groups and general coordination.

View our full range of Fitness Track equipment on our website www.forparkaust.com.au/fitness-track



Technical Information

INSTALLATION

We have installation teams that will install our equipment in most locations around Australia. Alternatively, you may wish to install the equipment yourself. An installation manual with clear, easy to follow instructions and illustrations is provided to guide you through the process. All installation instructions are available to download from our website.

SOFTFALL REQUIREMENTS

It is important that you are aware of the requirements for softfall surfacing around your equipment. It is a requirement under AS 4422:2016 – "Playground surfacing – Specifications, requirements and test method", that you have suitable softfall under and around any play equipment where there is a free fall height of above 600mm. There are several different types of materials that are suitable for use as a softfall surface. Any loose softfall should be cleaned and maintained on a regular basis.

Your Design Consultant will provide you with advice regarding the various alternatives and inform you of the softfall area required for your particular equipment design.

MAINTENANCE AND SPARE PARTS

While all Forpark Australia play equipment complies with the relevant safety standards, you will have a responsibility to provide ongoing care and maintenance. To ensure that your equipment remains in good condition, regular inspections for wear and tear or vandalism damage should be undertaken. To help you program and correctly record your inspections and maintenance, Forpark Australia provides all the relevant information you will need to comply with AS 4685.0:2017 "Playgrounds and playground equipment – Part 1: Development, installation, inspection, maintenance and operation".

If, as a result of vandalism or wear and tear, any parts of your playground need replacing, Forpark Australia can provide replacements quickly. A Spare Parts Manual detailing the most commonly used items can be downloaded from our website.

QUALITY ASSURANCE

Forpark Australia is quality assured to ISO 9001:2015. This ensures the quality of our products, as a minimum, meets the standards every time you purchase from us.

INSURANCE

Forpark Australia provide you peace of mind with the backing of our \$20 million Public and Products Liability Insurance, as well as all other required insurances.

QUALITY GUARANTEE

Forpark Australia produces quality equipment that is designed and manufactured to maximise the longevity of your playground. In support of this we offer a full 20 year structural warranty on all of our equipment. A copy of our warranty can be obtained from our website.

SAFETY STANDARDS

Forpark Australia play equipment complies with the following standards as a minimum:

- AS 4685:2021 "Playground Equipment" (comprising the following parts).
- AS 4685.1 "General safety requirements and test methods".
- AS 4685.2 "Specific safety requirements and test methods for swings".
- AS 4685.3 "Specific safety requirements and test methods for slides".
- AS 4685.4 "Specific safety requirements and test methods for runways".
- AS 4685.5 "Specific safety requirements and test methods for carousels".
- AS 4685.6 "Specific safety requirements and test methods for rocking equipment".
- AS 4685.11 "Additional specific safety requirements and test methods for spatial network".
- AS 4685.0:2017 "Playground equipment and surfacing – Development, installation, inspection, maintenance and operation."
- AS 4422:2016 "Playground surfacing" Specifications, requirements and test method."

MATERIALS - For comprehensive material specifications, please speak to your Design Consultant or visit our website.

UPRIGHTS

Choice of the following Materials (depending on range):

- 75mm x 75mm aluminium (3.5mm wall thickness). Powder coated. Grade: 6082-T6, Anodised 15um. Fixture Method: Drill + threaded inserts fitted, mild steel (zinc).
- 75mm x 75mm galvanised steel internally coated (2.5mm wall thickness). Powder coated. Grade: C45010 Fixture Method: Drill + threaded inserts fitted, mild steel (zinc).
- Aluminium pipe 101.3mm x 6mm, Grade 6005A T5, anodised frosted silver 15um.
- Caps: Moulded plastic (polyethylene) or rolled and fabricated aluminium.

POWDER COATING

All steel components have a lead and TGIC free, baked polyester powder-coat finish. Our finish of 80-120 microns greatly exceeds the required Australian Standard (AS 3715-2002) of 60 microns.



PLATFORMS AND PLATFORM IN-FILLS

- Fully reinforced, marine grade aluminium (5005-H34). Minimum thickness 3mm. Finish: Texture powder coat.
- Hot dip galvanised frame with 12mm reinforced rubber in-fills.
- Injection moulded 30% glass filled nylon, UV Stabilised.

STEEL PLAY COMPONENTS

- Galvanised steel - Galtube Plus, meeting the specifications C350L0.
- Stainless steel – 304 and 316 grade stainless steel. Finish: Powder-coated or electro-polished.

PLASTIC PLAY COMPONENTS

- Rota-moulded - polyethylene (UV stabilised, rating 8) with 930 density. Finish as moulded.
- Injection moulded – 30% glass filled nylon.

TUNNELS

Available in the following choice of materials:

- Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
- Fully reinforced, marine grade aluminium (5005-H34). Minimum thickness 3mm. Powder-coated finish.
- 12mm reinforced rubber.

SLIDES

Available in a range of sizes and choice of the following materials:

- Rota-moulded polyethylene (UV stabilised, Rating 8) with 930 density.
- Galvanised steel
- Stainless steel grades T304 & T316.
- Aluminium grades 5005 & 5052.

PANELS

Available in the following materials:

- Galvanised steel with powder-coated finish.
- Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
- Tri-laminate high density polyethylene (routed designs).
- Fully reinforced, marine grade aluminium (5005-H34).
- Stainless steel 316 grade polished wire mesh.

TIMBER

- Meranti (Shorea SPP).
- Jarrah Hardwood.

CHAINS

- 6mm short link stainless steel chain.
- 6mm and 8mm short link zinc passivated or galvanised chains.

ROPES

Rope Diameter – 16mm and 18mm.

Rope Covering/ Plastic Connectors – nylon.

Rope Core – polypropylene steel.

Reinforcement – 6 x galvanised wire strand 1570N/mm2 Hydraulically pressed aluminium terminals stainless steel hardware.

ROOFS

Available in the following choice of materials:

- Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
- Zincalume steel with powder-coat finish.
- Fabricated Aluminium and powder-coat

STEPS & STAIRS

Available in the following choice of materials:

- Marine grade aluminium (5005-H34) with powder coated finish.
- Galvanised steel with powder coated finish.
- Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.

SPRING EQUIPMENT

Shapes available in the following materials:

- Cast aluminium and fabricated steel.
- Tri-laminate high density polyethylene. Springs rust protected. Fixing plates zinc passivated. All aluminium, plates and springs have a powder coated finish.

BOLTS

Security fasteners (bolts, nuts and washers) - galvanised, zinced, die-casted aluminium or stainless steel.

All fittings meet Australian Standards AS 1112 and AS 1390.



FORPARK

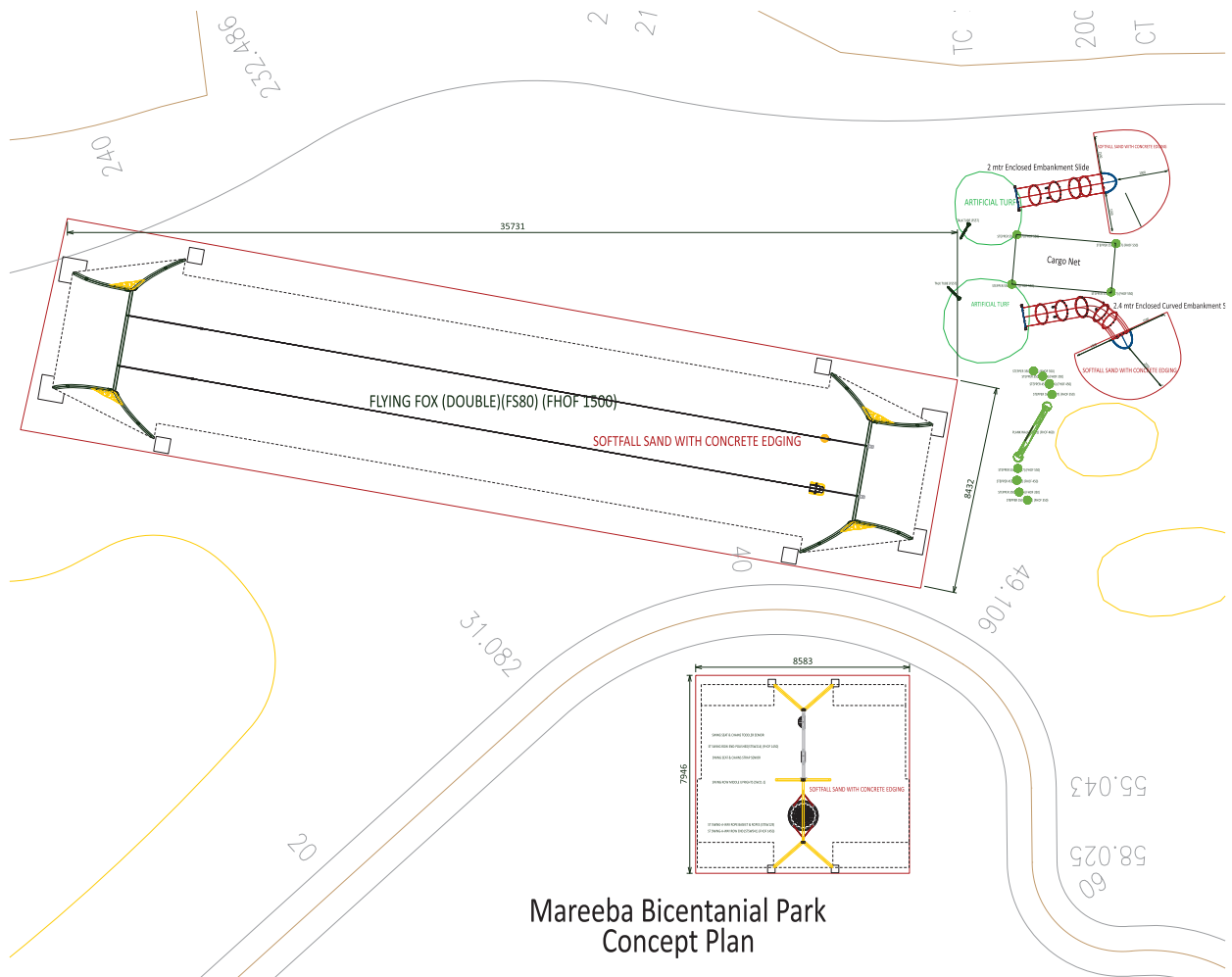
A U S T R A L I A

WA	NSW/ACT	SA	QLD
PO Box 484 Cloverdale 6985 Ph: (08) 9472 1788	PO Box 102 Kings Langley 2147 Ph: (02) 8851 7630	PO Box 715 Modbury 5092 Ph: (08) 8283 3611	PO Box 876 Capalaba 4157 Ph: (07) 3390 2188
VIC	NTH QLD	TAS	NT
Unit 24/21 Eugene Tce Ringwood 3134 Ph: (03) 9870 0233	PO Box 211 Edmonton 4869 Ph: (07) 4033 5433	3/4 Beacon Court Cambridge 7170 Ph: (03) 6248 5070	PO Box 876 Capalaba QLD 4157 Ph: (07) 3390 2188

www.forparkaust.com.au



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ESIGN NUMBER: Mareeba Bicentennial Lakes

Bigsplash Playgrounds own the rights to the renders and drawings



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ESIGN NUMBER: Mareeba Bicentennial Lakes

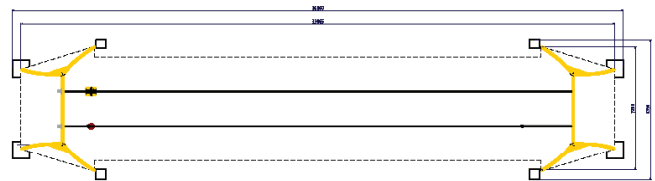
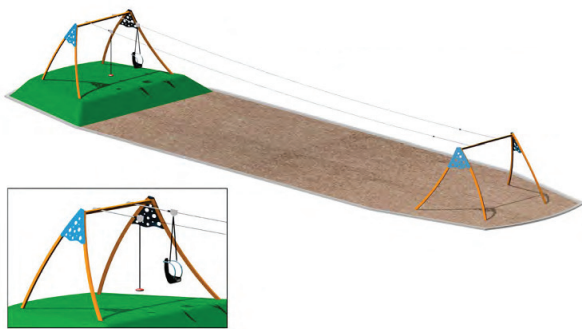
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Flying Fox Double

FORPARK AUSTRALIA SPECIFICATION 51



Always a favourite for all ages, the robust Flying fox with its contemporary design is a very popular option in larger regional parks. Engineered to withstand the rigours of constant public use, the Flying fox is built to stand the test of time.

This version requires a starting platform or mound at the correct height to be constructed as part of the site works. Please note that the Flyway is designed for a level site, although moderate variations can be absorbed by installing the main posts higher or lower as required. A choice of an all abilities seat orommel seat is available.

SPECIFICATIONS

- Product Code: FS80
- Age Range: 4-15 Years
- Max Fall Height: 1500mm
- Minimum Fall Zone: 212.22m²
- Minimum Install Zone: 216.22m²
- Equipment Size: 35065mm x 7330mm
- Max Equipment Height: 3700mm
- Max Load: Seat - 100kgs, Pommel - 120kgs
- Play spaces: Parks, schools, commercial

MATERIALS

COLOURS	Frame: Standard Powder coat range Panels: Standard Powder coat range
MATERIAL SPECS	Uprights: Galvanised Steel Top Rail: Galvanised Steel Panel: Aluminium Fasteners: Stainless Steel Mechanism: Stainless Steel Powder Coating: 80-120u



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STANDARDS

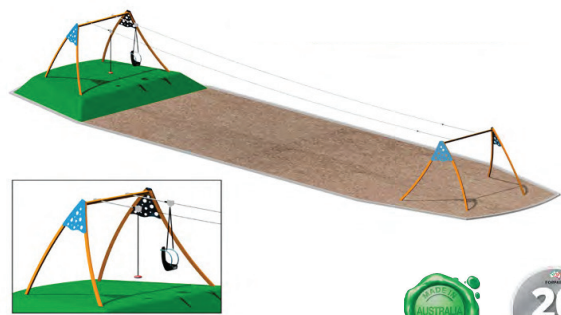
Complies with relevant Australian Standards including: AS 4685:2021 (P1-6) | AS 4685.0:2017 | AS 4422:2016

All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



Flying Fox Double

FORPARK AUSTRALIA SPECIFICATION 51



MATERIALS

Cable Tension Adjuster (High end)	Stainless Steel. Bolts to rear of top bar with cable passing through the pole and into the adjuster.		Brake Springs (Top and bottom)	Stainless steel and rubber buffer	
Cable Anchor (Low end)	Stainless steel. Bolts to rear of top bar with cable passing through pole and into the anchor.		Cable	Galvanised, 10mm	
Cable Trolley	Stainless Steel Brake and finger protection		Uprights	125mm x 75mm x 3mm AllGal Steel, Powder coated	
			Top Bars	100mm x 100mm x 5mm AllGal Steel, Powder coated	
			Side Panels	6mm Aluminium plate, Powder coated	

TANDARDS

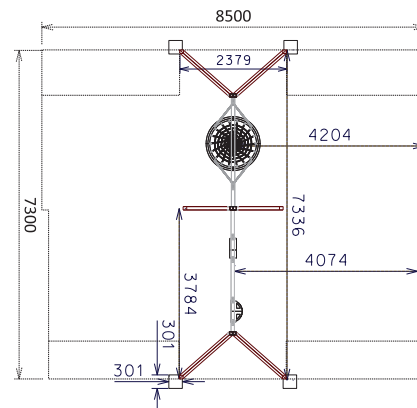
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ST Row Swing 2 Bay with Swing-A-Way

FORPARK AUSTRALIA SPECIFICATION SHEET



Get swinging on the ST Row Swing 2 Bay with Swing-A-Way. Using the stainless steel compact post frames the 2 bay section of the swing can accommodate different swing seat options (strap, toddler, solid, all abilities) with the advantage of a multiple users basket style swing seat in the next bay.

SPECIFICATIONS

Product Code: SW214 & STSW541
 Age Range: All Ages
 Max Fall Height: 1450mm
 Minimum Fall Zone: 50m²
 Minimum Install Zone: 65m²
 Equipment Size: 7336mm x 2380mm
 Max Equipment Height: 2660mm
 Play spaces: Parks, schools, commercial



MATERIALS

COLOURS	Frame - Electro Polished Stainless
MATERIAL SPECS	Frame - Stainless Steel Top Bar - Stainless Steel Fasteners - Stainless Steel



WWW.FORPARKAUST.COM

STANDARDS

Complies with relevant Australian Standards including: AS 4685:2014 (P1-6) | AS 4685.0:2017 | AS/NZS

*All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at May 2022. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



Talk Tube

FORPARK AUSTRALIA SPECIFICATION 51



Children can speak with each other through the Talk Tubes via an underground tube. This product is an inclusive item. You can have a two way talk tube and also a three way talking tube too.

SPECIFICATIONS

- Product Code: FS57
- Age Range: 2-12 Years
- Max Equipment Height: 980mm
- Equipment Size: 720mm wide
- Play spaces: Parks, schools, commercial

MATERIALS

COLOURS	Frame: Standard powder coat range
MATERIAL SPECS	Frame: Galvanised steel Powder Coating: 80-120µ



WWW.FORPARKAUST.COM.AU



STANDARDS

Complies with relevant Australian Standards including: AS 4685:2021 (P1-6) | AS 4685.0:2017 | AS 4422:2016

All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



Essentials

FORPARK AUSTRALIA MATERIAL SPECIFICATION

JPRIGHTS

Choice of the following materials:

- 1. Aluminium - 75mm x 75mm (3.5mm wall thickness). Powder-coated.
Grade: 6082-T6, anodised 15um.
Fixture Method: Drill + threaded inserts fitted, mild steel (zinc).
- 2. Galvanised Steel - 75mm x 75mm internally coated (2.5mm wall thickness). Powder-coated.
Grade: C450L0
Fixture Method: Drill + threaded inserts fitted, mild steel (zinc).
Strength meets the strength requirements of Section 2.2.2 of AS 4685.1-2004

Caps: Moulded plastic (polyethylene).

POWDER COATING

All steel components have a lead and TGIC free, baked polyester powder-coat finish. Our finish of 80-120 microns greatly exceeds the required Australian Standard (AS3715-2002) of 60 microns.

PLATFORMS AND PLATFORM INFILLS

Fully reinforced, Marine Grade Aluminium (5005-H34). Minimum thickness 3mm.
Finish: Textured powder-coat.

STEEL PLAY COMPONENTS

- 1. Galvanised Steel - Galtube plus, meeting the specifications C350L0.
- 2. Stainless Steel – 304 and 316 Grade Stainless Steel.
Finish: Powder-coated.

PLASTIC PLAY COMPONENTS

- 1. Rota-moulded - Polyethylene (UV stabilised, rating 8) with 930 density.
- 2. Injection Moulded – 30% Glass Filled Nylon.

CHAINS

- 1. 6mm short link stainless steel chain.
- 2. 6mm and 8mm short link zinc passivated or galvanised chains.

STANDARDS

Complies with relevant Australian Standards including: AS 4685:2014 (P1-6) | AS 4685.0:2017 | AS/NZS 4422:2016

All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office

PANELS

Available in the following materials:

1. Galvanised steel with powder-coated finish.
2. Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
3. Tri-laminate high density polyethylene (routed designs).

SLIDES

Available in a range of sizes and the following materials:

1. Rota-moulded polyethylene (UV stabilised, Rating 8) with 930 density.
2. Stainless steel grades T304 & T316.
3. Galvanised steel side (HDG).
4. Fully reinforced, commercial grade aluminium (5005-H34). Minimum thickness 3mm Powder-coated finish.

ROPES

- Rope Diameter – 16mm and 18mm
- Rope Covering – Nylon
- Rope Core – Polypropylene
- Steel Reinforcement – 6 x galvanised wire strand 1570N/mm2
- Hydraulically pressed aluminium terminals
- Stainless steel hardware
- Plastic connectors – Nylon

BOLTS

- All bolts, fixtures and fittings meet Australian Standard AS 1112 and AS 1390
Pan head trilobular recess with cone point and tamper proof head.
- Case hardened to 450 HV5 minimum.
 - Finish: zinc 5 micron and yellow dichromate.
 - Size: M10 x 20 x 1.5 thread.

Also available as T302 stainless steel.



WWW.FORPARKAUST.COM.AU

Essentials

FORPARK AUSTRALIA MATERIAL SPECIFICATION

ROOFS

Available in the following materials:

- 1. Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
- 2. Zincalume steel with powder-coat finish.

TUNNELS

Available in the following materials:

- 1. Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.
- 2. Fully reinforced, commercial grade aluminium (5005-H34). Minimum thickness 3mm. Powder-coated finish.

STEPS & STAIRS

Available in the following materials:

- 1. Aluminium (5005-H34) with powder coated finish.
- 2. Galvanised steel with powder coated finish.
- 3. Rota-moulded polyethylene (UV stabilised, rating 8) with 930 density.

SPRING EQUIPMENT

Shapes available in the following materials:

- 1. Cast aluminium and fabricated steel.
- 2. Tri-laminate high density polyethylene.

Springs are rust protected. Fixing plates zinc passivated.

All aluminium, plates and springs have a powder-coated finish.

TIMBER

Type: Meranti of the Shorea species - A light hardwood

Durable and resistant to insect attacks

Coated with a long lasting UV and weather resistant timber stain

All Forpark timber is responsibly sourced through a FSC certified supplier

STANDARDS

Complies with relevant Australian Standards including: AS 4685.2:2014 (P1-6) | AS 4685.0:2017 | AS/NZS 4422:2016

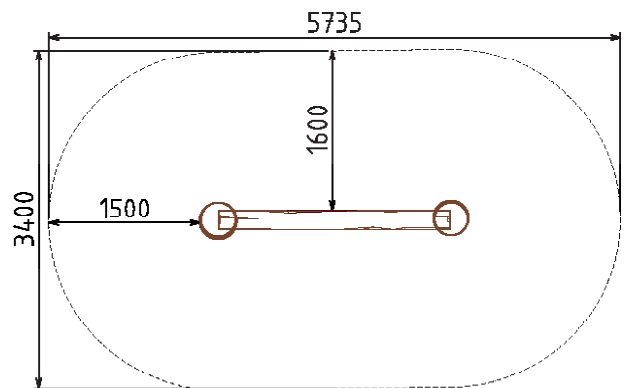
All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



FORPARK
A U S T R A L I A

Plank Walk

FORPARK AUSTRALIA SPECIFICATION 51



Our Plank Walk is a timber plank that challenges children's coordination and balancing skills
 a great addition to any nature play playground.

SPECIFICATIONS

Product Code: FS131
Age Range: All Ages
Max Equipment Height: 510mm
Max Fall Height: 460mm
Equipment Size: 2705mm x 380mm
Minimum Fall Zone: 17.0m ²
Play spaces: Parks, schools, commercial

MATERIALS

COLOURS	Timber: Jarrah
MATERIAL SPECS	Stumps and Beam: Jarrah Hardwood Fasteners: HDG Steel



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STANDARDS

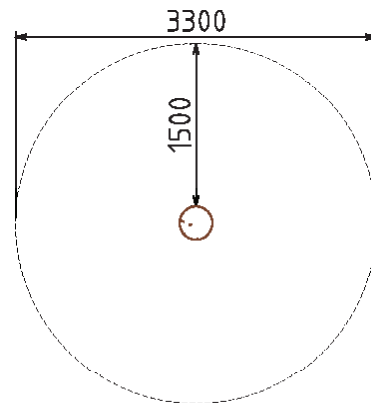
Complies with relevant Australian Standards including: AS 4685.2:2021 (P1-6) | AS 4685.0:2017 | AS 4422:2016

All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



Steppers

FORPARK AUSTRALIA SPECIFICATION 51



Our Steppers are installed at various heights to allow children to develop their coordination, balance and problem solving skills. They negotiate a balance trail and if they do overbalance, it's not too far to fall
 A great addition to any nature play playground.

SPECIFICATIONS

Product Code:	FS135-7
Age Range:	All Ages
Max Equipment Height:	350-550mm
HOOF:	550mm
Equipment Size:	300-500mm Diameter
Minimum Fall Zone:	8.6m ²
Play spaces:	Parks, schools, commercial

MATERIALS

COLOURS	Timber: Jarrah
MATERIAL SPECS	Log: Jarrah Hardwood



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STANDARDS

Complies with relevant Australian Standards including: AS 4685:2021 (P1-6) | AS 4685.0:2017 | AS 4422:2016

All information is commercial in confidence and is the property of Forpark Australia. All information is correct as at February 2019. For details regarding Australian standards, warranties, insurances, QA and installation, please contact your local office



9.7 T-MSC2032-12 MSC DRFA 2022 - GULLY BETTERMENT PROGRAM

Date Prepared: 8 September 2023
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on the assessment of the tender submissions received for T-MSC2023-12 Gully Betterment Program to be funded under the Disaster Relief Funding Arrangements (DRFA).

RECOMMENDATION

That Council:

1. awards Tender T-MSC2023-12 Gully Betterment Program to S&K Civil Pty Ltd, subject to Queensland Reconstruction Authority (QRA) approval; and
2. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the contract, in consultation with the Mayor and Councillors.

BACKGROUND

Queensland Reconstruction Authority (QRA) declared the 'Far North Queensland Low Pressure Trough, 1 – 7 February 2022' a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure.

A component of the DRFA program is the Betterment Program which is jointly funded (50:50) by the Australian and Queensland Governments and enables the reconstruction of public assets to a more disaster resilient standard.

To be eligible for Betterment Funding, proposed projects must meet the definition of an essential public asset and must have sustained damage as a direct result of a declared Event.

While preparing the schedule of impacted assets for submission to the QRA for Reconstruction of Essential Public Assets (REPA) damaged during the Event, creek and gully crossings were separated so as to allow review with the intent of preparing a Betterment Program.

QRA have decided to trial a pilot program in Mareeba Shire where a range of creek and gully crossings on specific roads will receive Betterment upgrades selected from three approved treatment designs. This is a positive way forward and if successful could lead to a review of how Betterment funding is allocated throughout the State.

Tenders Received

Council invited tenders from suitably qualified contractors to undertake Betterment works at locations damaged as a consequence of the Event through 'VendorPanel' on 2 March 2023. Tenders closed 2:00pm, on Friday, 24 March 2023, with six (6) submissions being received.

A summary of the tender prices at opening is provided in *Table 1* below;

Table 1: Tendered Price at opening

Tenderer	REPA Tendered Price (Excl GST)	Betterment Tendered Price (Excl GST)	Tender Value (Excl GST)
Durack Civil Pty Ltd	\$415,261.21	\$5,884,225.66	\$6,299,486.87
Gregg Construction Pty Ltd	\$346,596.36	\$6,494,297.51	\$6,840,893.87
Lohman Contracting Pty Ltd	\$383,567.22	\$6,034,215.89	\$6,417,783.11
MC Group Pty Ltd	\$306,159.27	\$3,973,916.03	\$4,280,075.30
S & K Civil Pty Ltd	\$366,621.76	\$3,870,549.05	\$4,237,170.81
Vector Civil and Construction	\$291,532.06	\$10,250,800.12	\$10,542,332.18

MC Group Pty Ltd and S&K Civil Pty Ltd, being the only Tenderers, whose pricing was near the available budget, were shortlisted for further assessment.

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

Table 2: Evaluation Criteria

Criteria	Criteria Weighting (%)
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Tender award

A summary of Tender submission assessed against conformance, price and non-price criteria, resulted in the ranking of submissions displayed in *Table 3* below.

Table 3: Updated Tender Evaluation Summary

Tenderer	Score (%)	Ranking
MC Group Pty Ltd	90	2
S & K Civil Pty Ltd	90.5	1

Based on the tender assessment, S&K Civil Pty Ltd was identified as the most advantageous for Council and the contractor has the necessary project-specific experience to complete the works.

It is noted that Tender Submissions exceed available funding under the QRA Betterment Program and a reduction in scope will be required prior to award. Tender documentation specifically included advice / allowances to enable a reduction in scope if budget exceedance occurred.

Officers recommend that the CEO be delegated authority to negotiate and finalise matters necessary to award the contract to S&K Civil Pty Ltd, following QRA acceptance of the schedule of works and approval of the Market Rates.

RISK IMPLICATIONS

Financial

The project scopes and costs are subject to DRFA eligibility and Council must meet these requirements. Any ineligible costs must be met by Council, so QRA approval is recommended prior to awarding tenders.

The QRA Betterment Program is constrained to a maximum contribution value, therefore the scope of works will need to be reduced to meet the QRA funding amount once confirmed.

Infrastructure and Assets

The reinstated civil infrastructure will achieve resilience improvements for those sites included within the contract and should present long term savings at all levels of Government.

Legal and Compliance

Tenders were sought in accordance with Council's Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Council are required to make contributions to the cost of works, with funding available within Councils current capital budget. All eligible costs are able to be sought for reimbursement through DRFA.

Is the expenditure noted above included in the current budget?

Yes.

Operating

Delivery of the betterment program will result in an increase in depreciable valued assets, however the infrastructure will provide improved resilience and should assist in reducing yearly maintenance expenses.

Is the expenditure noted above included in the current budget?

No.

If not you must recommend how the budget can be amended to accommodate the expenditure

Balanced budget implications are expected to result from the works.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

The program being awarded represents a new collaborative approach to delivering the Betterment Program and has the potential for significant improvements to the resilience of essential public infrastructure.

9.8 APPLICATION FOR PERMANENT ROAD CLOSURE - ABUTTING LOT 525 NR6956 - 13 BOWERS ST MAREEBA

Date Prepared: 7 September 2023

Author: Manager Technical Services

Attachments:

1. Initial Correspondence [↓](#)
2. Drawing - 9230-LL1-RevA-2022.11.7 [↓](#)
3. Filled - state-land-form-la00 [↓](#)
4. Filled - state-land-form-la18 [↓](#)
5. Lot 525 - Option 1 [↓](#)
6. Lot 525 - Amended [↓](#)
7. Objection from Nth QLD Sale Yards [↓](#)

EXECUTIVE SUMMARY

Council is in receipt of an application for permanent road closure, being approximately 1577m² in area and abutting Lot 525 NR6956; 13 Bowers Street, Mareeba.

RECOMMENDATION

That Council as the Road Manager, advise the applicant and the Department of Resources that:

1. Council, noting that the subject land is not required for road purposes, offers no objection to the permanent closure of the subject road parcel as per Council Drawing: Lot 525 – Amended, subject to the following conditions:
 - a. Council requires a minimum 25 metre wide 'road' parcel to remain available as it may be needed for its intended use.
 - b. The proponent is wholly responsible for all costs associated with finalising the process.
 - c. The subject parcel must be amalgamated into freehold Lot 525.
2. Council notes receipt of an objection to the proposal.

BACKGROUND

As part of the Department of Resources (DoR) road closure application process, DoR requires a submission from the Road Manager (Council) prior to any decision being finalised.

Initially, Council received an Application for Permanent Road Closure from the landowner's representative (Attachment 1); this included a surveyor supplied drawing of the subject land (Attachment 2), being approximately 1577m² in area. The landowner advises that closure is sought to enable future expansion of the business. A pre lodgement meeting with the DoR has been undertaken and Council Officers were supplied with DoR forms; LA00 - Part A, LA18 - Part B (Attachments 3 & 4).

There is no Council infrastructure contained within the subject land and it sits between Lot 525 owned by NQ Co-Op (the applicant; trading as Top Stock Agencies) who operate a livestock feed manufacturing business and Lot 490 on SP177332 owned by North Queensland Sale Yards. North Queensland Sale Yards also own nearby Lots 373 on SP136194 and 374 on SP137296.

INVESTIGATIVE MATTERS

An onsite inspection was undertaken, which identified a potential adverse impact to a section of private driveway leading to the Saleyards manager's residence located on Lot 490. As a result of being made aware of the potential impact, an amendment to the application was developed which provided for a 'scaled back' area (Attachment 5).

With consideration to the 'scaled back' option, Council Officers have formed the opinion that further truncation of the sought area would be required to adequately protect the private driveway (Attachment 6). This amendment has been presented to and accepted by the applicant.

Council officers sought views from North Queensland Sale Yards regarding the proposed permanent road closure. North Queensland Sale Yards provided officers with an objection to the proposal on the grounds of the potential for dust and noise pollution encroaching within metres of their caretaker's residence (Attachment 7).

Council officers will inform the DoR of the objection received from the North Queensland Sale Yards.

ASSESSMENT

Council primarily assesses 'Road' closure applications with consideration to the current and future needs of the road and transport network, having regard to impacts on neighbouring properties.

The subject land is constrained from accessing the State Controlled corridor due to its adjacency to the Rail corridor; further alternative 'Road' areas exist to support the turn-a-round requirements of heavy vehicles. While a component of 'Road' remains required to ensure ongoing access to the existing, neighbouring caretaker facility, the extent of current area is not required by Council for road purposes. Therefore, for the purposes of this application, the subject land may be deemed as surplus to need.

With consideration to North Queensland Sale Yards' objection, Officers remain cognisant of the potential amenity concerns raised. Notwithstanding, this is an industrial zoned area, whereby a caretaker's residence is a subsidiary land use only and it may be reasonably expected that reduced amenity exists.

Should the road closure application be successful, the land would inherit the overarching planning Zone - Industry Zone (Heavy Industry Precinct). If expansion were to occur, this would potentially be assessed under the land use definition of "high impact industry", which is code assessable development in this zone/precinct, with no formal objection period being required.

If a Material Change of Use or a Development Application is not required for any proposed expansion works, then the business has a general duty to ensure that dust and noise is kept to a minimum. There are general provisions in the *Environmental Protection Act 1994* which states that a person must not cause an environmental nuisance to a neighbouring property, this nuisance could be noise or dust. However, as Council are not specifically aware of the details for what is intended at the site, it is difficult to propose or identify issues.

During the DoR Road Closure process, the applicant would be required to address any issues relevant to third party utility providers (Electrical/Telecommunication/Rail etc).

It is considered appropriate that the conditions outlined in the Recommendation be applied to achieve a suitable outcome for Council, the proponent and other stakeholders.

RISK IMPLICATIONS**Infrastructure and Assets**

A suitable road parcel width is required to ensure continuity of the road network and to somewhat protect the amenity of the managers residence situated at Lot 490. Council does not require the subject land for road purposes.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network prior to DoR providing a final position to road closures.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance while delivering affordable levels of identified services within the Shire.

IMPLEMENTATION/COMMUNICATION

Following resolution, Council officers will notify the applicant and the Department of Resources of the outcome.

Nil

Mark Campman

From: Roger Twine <roger@twinesurveys.com.au>
Sent: Wednesday, 9 November 2022 10:16 AM
To: Info
Cc: Mark Campman; sheldon.mulla@tgt.com.au
Subject: Road Closure application
Attachments: state-land-form-la00.pdf; state-land-form-la18.pdf; 9230-LL1-RevA-2022.11.7.pdf

Categories: Added to ECM

Good morning

Attached is a copy of the following documents prepared for an application for permanent road closure of land adjacent to Lot 525 on NR6956:

1. Part A – Form LA00
2. Part B – Form LA18
3. Plans of the area of road to be closed

The client requires the consent of the road manager, Mareeba Shire Council, to agree to the proposal and provide the Part C to enable an application to be lodged with Department of Resources.

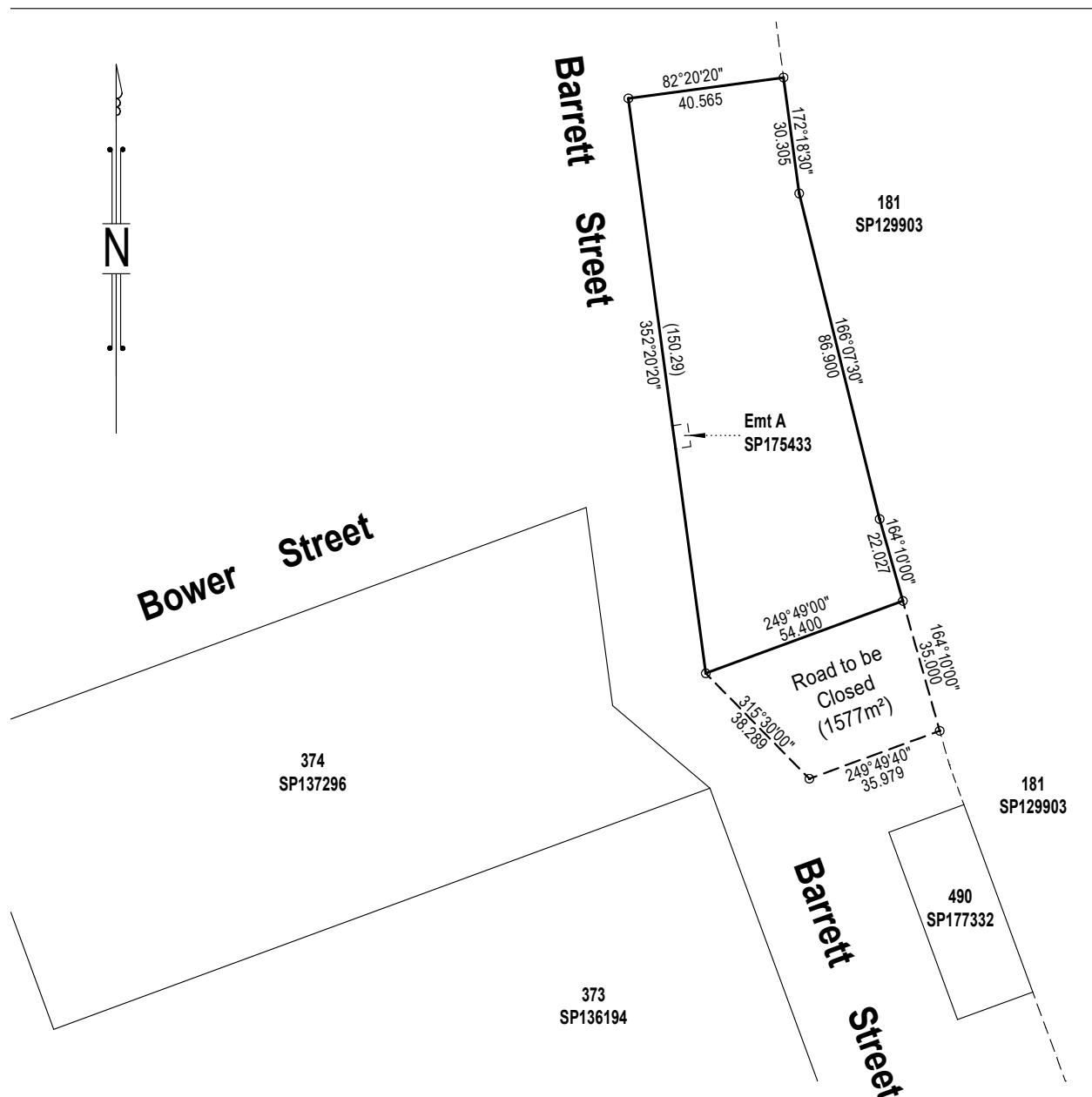
Please contact our office if you require any additional information or have any queries.

Regards



Roger Twine

36 Mabel Street, Atherton Q 4883 | PO Box 146, Atherton Q 4883
P: 07 4091 1303 | E: roger@twinesurveys.com.au



SCALE 1 : 1500 (A4 Sheet)

0m 50m 100m 150m 200m

REVISIONS	PROPERTY DESCRIPTION LOT 525 ON NR6856	REGISTERED OWNER N.Q. CO-OP LTD ARBN 055 881 546	LOCAL GOVERNMENT: MSC LOCALITY: MAREEBA SITUATED AT : BARRETT STREET
ORIGINAL			

**PROPOSED PERMANENT
ROAD CLOSURE ADJACENT TO
LOT 525 ON NR6956**

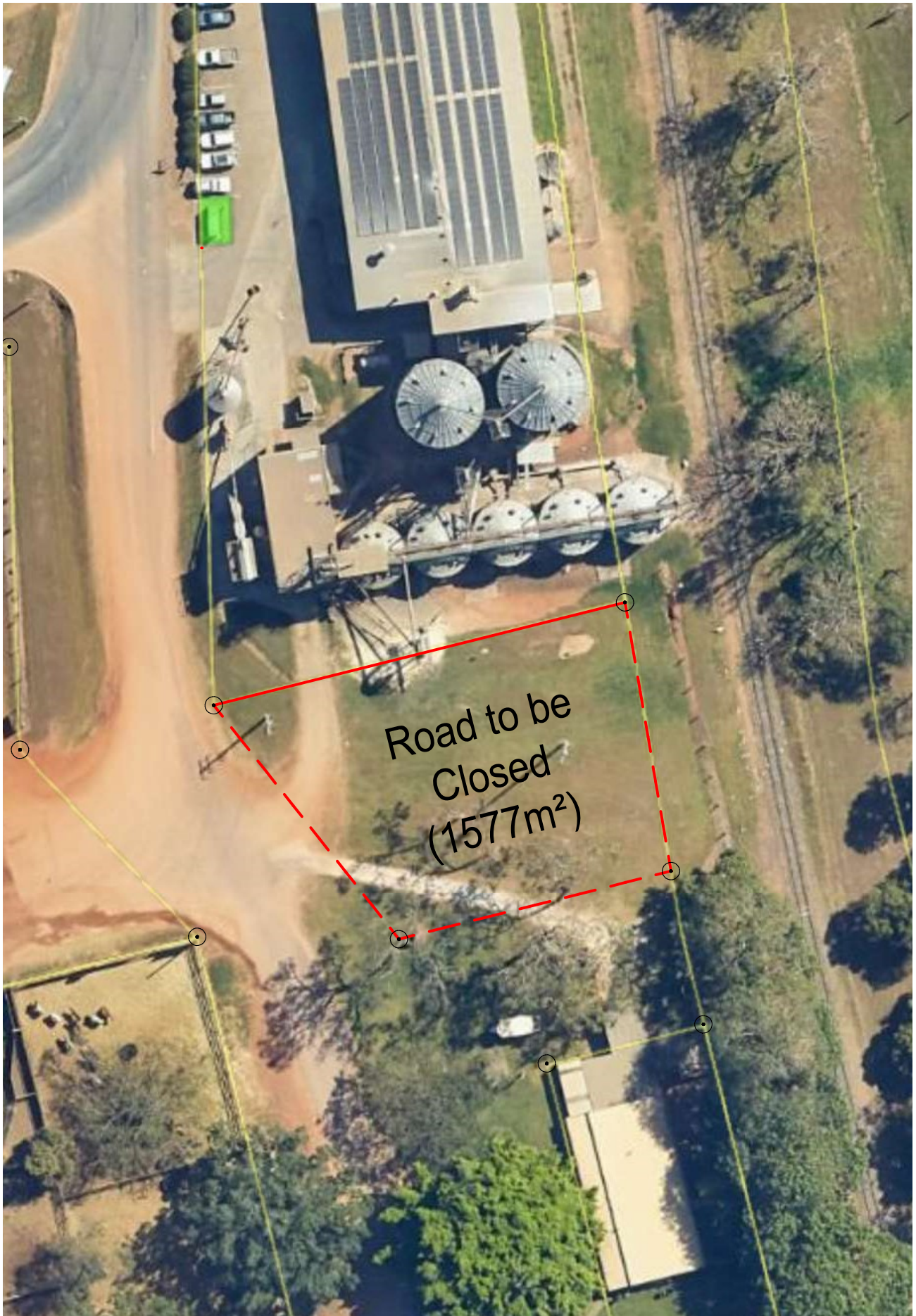


TWINE SURVEYS PTY LTD

36 Mabel St, Atherton 4883
PO Box 146, Atherton 4883
P 07 40911303

E info@twinesurveys.com.au

DWG NO. 0220_114_7_11_2022 REV A





**Queensland
Government**

Department of Resources

You can now lodge your application online via Part A Contact and Land Details. By July 2023 you will be able to apply for all *Land Act 1994* applications online.

Part A – Form LA00

Contact and Land Details

Land Act 1994

Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a [Part B form](#) (application specific form) . Part A – [Contact and land details](#) – you can apply online or via Part A – [Contact and land details \(PDF\)](#).
2. Payment of the prescribed [Application fee](#) for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or by contacting your nearest [business centre](#) or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:
8. **Email:** SLAMlodgement@resources.qld.gov.au
9. **Post:**
Department of Resources
PO Box 5318
Townsville QLD 4810
10. In terms of the [Right to Information Act 2009](#) interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click [Privacy](#) or go to <www.resources.qld.gov.au/home/legal/privacy>.

Contact Details

Lodger Details and Mailing Address

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

Full Names		
Title	First Name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Company Name(s)
TWINE SURVEYS PTY LTD
<p>If a corporation then record:-</p> <p> <input checked="" type="checkbox"/> ACN <input type="checkbox"/> ARBN <input type="checkbox"/> ABN <input type="text"/> </p>

Contact Details
<p>Postal Address:</p> <p style="text-align: center;">PO BOX 146, ATHERTON QLD 4883</p>
<p>Phone Number: <input type="text" value="40 911303"/> Mobile Number: <input type="text" value="0417 794 230"/></p>
<p>Email: <input type="text" value="info@twinesurveys.com.au"/></p>

Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

Full Names		
Title	First Name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

Company Name(s)

If a corporation then record:-

ACN
 ARBN
 ABN

Note: if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the [Australian Securities and Investments Commission \(ASIC\)](https://asic.gov.au/online-services/search-asic-s-registers/) at <https://asic.gov.au/online-services/search-asic-s-registers/> ([company summary printout](#)) and if applicable, also registered with the [Australian Business Register \(ABR\)](https://www.abr.business.gov.au) at <https://www.abr.business.gov.au> (ABN lookup record extract).

Contact Details

Postal Address:

Phone Number: **Mobile Number:**

Email:

Future correspondence should be sent to:

Lodger Applicant

1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?

Yes **go to 2**

No **go to 4**

Note: For further information refer to the Queensland Government website to determine if the applicant/s are [a foreign person](#) (acquirer) for AFAD.
Government website to Types of foreign persons for additional foreign acquirer duty:-
<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the *Duties Act 2001*?

Yes **go to 3**

No **go to 4**

Note: Under the *Duties Act 2001* an additional amount of duty applies where the land is residential land and the applicant is [a foreign person](#) (acquirer) for AFAD.
Government website for Additional Foreign Acquirer Duty:-
<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

3. Enter full name/s of the foreign acquirer/s
(If there is insufficient space, please lodge as an attachment)

Full Names (If a Company, also provide a contact name)	Share Held

go to 4

4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?

Yes **go to 5**

No

Note: Under the [Tax Administrator Act \(Cth\) 1953](#) certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

Details of land for which the application is being lodged

5. Select the type of land for which the application is being lodged:

- Permit
- Licence
- Lease
- Unallocated State Land (USL)
- Road
- Trust Land Reserve/ Deed of Grant in Trust (DOGIT)
- Dealing Number (refer to Item 6)
- Other

go to 6

6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
525	NR6956	21554042

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

7. Enter additional details of the land

Dealing number:

Tenure Type: Tenure Number:

Local Government:

Other details of land location (optional)

go to 8

8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?

Yes **go to 9**

No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer	TAYLAH HOPPER	Pre-lodgement ID (eLVAS CI Ref)	CI1835186
----------------------------	---------------	---------------------------------	-----------

9. Provide details of pre-lodgement meeting.
(If there is insufficient space, please lodge as an attachment)

To allow for the expansion of the existing business, Top Stock, on Lot 525

Note: Departmental Officers contact details and any reference number should be included if known.

THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM



Department of Resources

You can now lodge your application online via Part A Contact and Land Details.

By July 2023 you will be able to apply for all *Land Act 1994* applications online.

Part B – Form LA18

Road Closure Application

Land Act 1994

Requirements

1. This application is for a road closure.
2. Please read the respective [Applying for a road closure guide](#), which includes application restrictions.
3. Payment of the prescribed [Application fee](#) (per title reference), if relevant. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au>> or contact your nearest [business centre](#) or call 13 QGOV 13 74 68).
4. Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
5. **Part C – Form 30: [Statement in relation to an application under the Land Act](#)** must be completed and submitted with your application.
6. You must **attach a drawing** showing the required information which is detailed in the [guide](#) under the heading “How to apply”.
7. Any additional information to support the application.
8. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

Important information



9. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
10. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
11. An adjoining owner may apply for a permanent or temporary road closure. An adjoining owner is the registered owner, lessee or trustee of the property that shares a common boundary with the road i.e. contiguous, directly connected; or without interruption.

An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.

If a road is a “dead end” and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.

12. A public utility provider as defined under the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> may also apply for a permanent road closure.
13. An application for temporary road closure can be considered for another person (not an adjoining owner) for:
 - pipes for irrigation purposes that cross the road beneath its surface.
 - water channels for irrigation purposes that cross the road.

14. A road may be closed "in strata" to provide for works such as:
 - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings.
 - structure which will overhang a road.
 - car park or building under or over a road.
15. You may be required to pay a purchase price for the permanent closure of a road.
16. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
 - incorporated into the applicant's adjoining freehold or leasehold land.
 - included in an existing reserve or set apart as a new reserve.
 - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
17. A road may be permanently closed under the [Land Act 1994](#) if the Minister is satisfied the road is not:
 - the only dedicated access to a person's land;
 - used regularly by the public as a road or stock route; or
 - providing continuity to a road network.
18. Although the state owns the land in a dedicated road, a local government (section 60 of the [Local Government Act 2009](#)) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The [Department of Transport and Main Roads](https://www.tmr.qld.gov.au/) is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.
19. If the local government can authorise the proposed use on a local road under a specific local law for administering the use of local roads, an application for road closure is not required by this department. Contact the relevant local government for authorisation of the proposed use.
20. If the State government department administering state-controlled roads can authorise the proposed use on a state controlled road under the *Transport Infrastructure Act 1994*, an application for road closure is not required by this department. Contact Department of Transport and Main Roads for authorisation of the proposed use.
21. Information on this form, and any attachments, is being collected to process and assess your application under section 99 of the [Land Act 1994](#). If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
22. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email stateland@resources.qld.gov.au if you do not wish for the department to contact you.
23. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
24. For further privacy information click [Privacy](#) or go to www.resources.qld.gov.au/home/legal/privacy.

Office Use Only	Road Closure	 9 311662 185211
	Temporary Road Closure	 9 311662 185228

1. The application is for:

Permanent road closure go to 2

Temporary road closure go to 2

2. If you are not the manager of the road as defined below, have you consulted with the road manager to determine if the road is still required?

Yes go to 3

No go to 3

Before submitting your application to the department, you should discuss your proposal for closure of a local road with the local government responsible for its management, or the [Department of Transport and Main Roads](#) for a state-controlled road managed under the [Transport Infrastructure Act 1994](#).

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

The road manager is:

- For a road that is under the control of a local government—the local government;
- For a state-controlled road, the chief executive of the Queensland Government agency administering the *Transport Infrastructure Act 1994* (Department of Transport and Main Roads).

If the proposed use can be authorised by the road manager an application for road closure is not required.

Note: A road manager has the powers to authorise various uses on roads, however they cannot permanently close the dedicated road and allocate the land for another use.

A signed '[Part C Form LA30 – Statement in relation to an application under the Land Act 1994](#) over State land' from the road manager must accompany this application.

A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not:

- the only dedicated access to a person's land;
- used regularly by the public as a road or stock route; or
- providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the [Land Act 1994](#).

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application?

Yes go to 4

No **Application cannot be considered unless temporary closure is for reasons listed in Question 4**

Section 99(1) of the [Land Act 1994](#) states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a permanent closure of the road.

4. Is the temporary closure to make structural improvements for:

Pipes for irrigation purposes that cross the road beneath its surface go to 5

Water channels for irrigation purposes that cross the road go to 5

Not Applicable go to 5

Section 99(3) of the [Land Act 1994](#) limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for:

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the State or are the registered owner that adjoins or is in the vicinity of the land applied for:

Schedule 1		
You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged (If insufficient space, please add additional description as an attachment)		
Lot	Plan	Title Reference
525	NR6956	21554042

go to 6

The description of the land can be found on a current title search or on your rates notice. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches').

6. Have you made a previous application for closure of this area of road?

go to 7

Yes

go to 10

No

7. Was this application refused?

go to 8

Yes

go to 10

No

8. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?

go to 9

Yes

go to 10

No

If no, the application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. **go to 10**
(If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area?	
<input checked="" type="checkbox"/> Yes	go to 11
<input type="checkbox"/> No	go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure.	go to 12
(If there is insufficient space, please lodge as an attachment)	
Some encroachments were previously constructed on the area of road to be closed, see survey plan IS268732.	

12. Provide details of the proposed use of the road area.	go to 13
(If there is insufficient space, please lodge as an attachment)	

13. Provide details of any additional information to support the application. (optional)	go to 14
(If there is insufficient space, please lodge as an attachment)	

Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

<p>14. Tick the box to confirm the attachments form part of the application:</p> <p><input checked="" type="checkbox"/> Application Fee</p> <p><input checked="" type="checkbox"/> Part A online form – Contact and Land details or Part A – Contact and land details PDF</p> <p><input type="checkbox"/> Part C – Form LA30 – Statement in relation to an application under the Land Act 1994</p> <p><input checked="" type="checkbox"/> A copy of a Dial before you dig enquiry detail page for the road area applied for</p> <p><input checked="" type="checkbox"/> A drawing showing the information listed in the 'How to Apply' in the guide</p> <p><input checked="" type="checkbox"/> Evidence of pre-lodgement discussions with the department, if applicable.</p> <p><input type="checkbox"/> Additional information in support of your application such as correspondence from the road manager or current users of the road, if applicable.</p>
--

It is recommended that any attached drawings be A4 or A3 size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal practitioner)

Date: / /

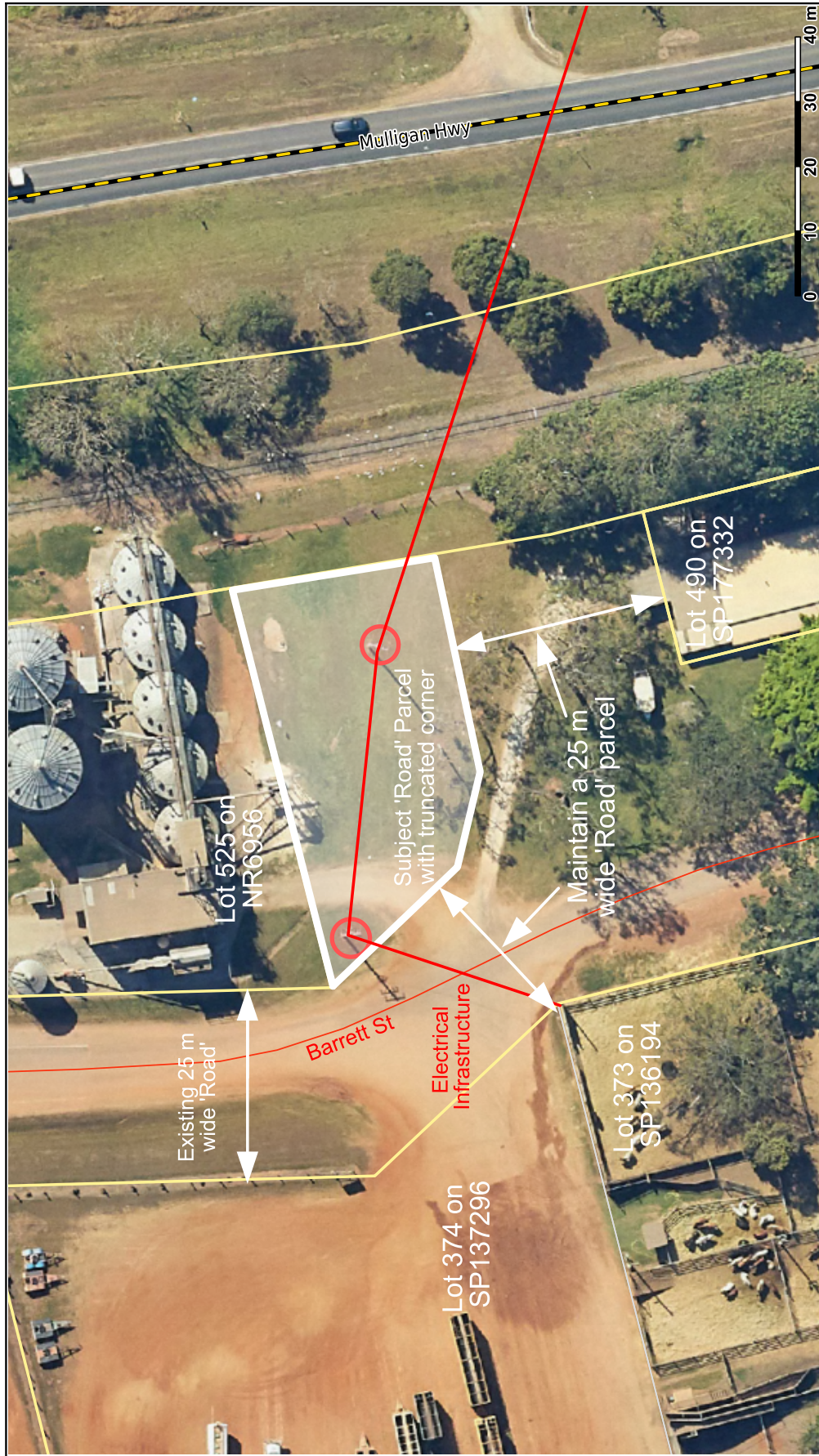
If applicant, section 142 of the [Land Act 1994](#) states a person is eligible to apply for, buy or hold land under the *Land Act 1994* if the person is an adult, that is, 18 years of age or over. If the legal practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.



Lot 525 - Option 1

© 2022 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and The State of Queensland (Department of Resources) [2022]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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.





Lot 525 - Amended

© 2022 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and The State of Queensland (Department of Resources) [2022]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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.



Mark Campman

From: Giles Atkinson <gunnawarrastation@gmail.com>
Sent: Friday, 28 July 2023 8:33 AM
To: Mark Campman
Cc: Graham; Perry Fox; Margy Atkinson; Ken Atkinson; highbury@harboursat.com.au
Subject: Re: NQSY Views-Comments Sought - Proposed Permanent Road Closure Application

Good morning Mark,

In reply to your Email dated 18 July 2023, sorry for the late reply but due to the office hours and days that the Saleyards keep this email has only just been made aware to the Saleyards Board of Directors in the last few days.

From what we are to understand this has come about by Top Stock next door wanting to expand their operation. The Saleyards Board of Directors are venomously opposed to the permanent road closure on the grounds of dust and noise pollution encroaching within meters of our Saleyards managers residence which we find completely unacceptable. Please further any emails in regard to this matter directly to myself at 'gunnawarrastation@gmail.com'.

Regards Giles Atkinson, Chairman of the Saleyards Board of Directors.

On 27 Jul 2023, at 12:42 pm, Graham <elmesg@bigpond.com> wrote:

From: Mark Campman <MarkC@msc.qld.gov.au>
Sent: Monday, 24 July 2023 3:53 PM
To: 'nqsy@aussiebroadband.com.au' <nqsy@aussiebroadband.com.au>
Subject: RE: NQSY Views-Comments Sought - Proposed Permanent Road Closure Application

Good afternoon,
Just following up to see if NQSY have had a chance to review my email (below) regarding the proposed road closure application and the views sought by Council officers.

Kind regards

Mark Campman
Technical Officer (Investigations)

Phone: 1300 308 461 | **Direct:** 07 4086 4709 | **Fax:** 07 4092 5138
Email: markc@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
Kowa St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

From: Mark Campman
Sent: Tuesday, 18 July 2023 8:41 AM
To: nqsy@aussiebroadband.com.au
Subject: NQSY Views-Comments Sought - Proposed Permanent Road Closure Application

Good morning,

Council are in receipt of a proposed permanent road closure application and therefore are seeking view/comment from North Queensland Sale Yards regarding the matter.

Views/comment regarding any concerns you have or if you are supportive of the proposed application are sought.

To enable progression of this matter, it would be appreciated if your views could be provided via return email by Close of Business Friday 28 July 2023.

If you wish to provide a response but are unable to do so before the due date, please contact me before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, council officers will continue investigations into the application.

Further information:

The subject 'road' parcel sits between NQSY land being Lot 490 on SP177332 and Lot 525 on NR6956 (refer attached drawing; Subject 'Road' Parcel).

Please note, the drawing is 'concept only' and boundaries of the proposed closure area have not been confirmed and as yet the application has not been presented before council for consideration.

Please don't hesitate to contact me should you wish to discuss further.

Kind regards,

Mark Campman

Technical Officer (Investigations)

Phone: 1300 308 461 | **Direct:** 07 4086 4709 | **Fax:** 07 4092 5138
Email: markc@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
Kowa St, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

Mareeba Shire Council Disclaimer

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9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - AUGUST 2023

Date Prepared: 1 September 2023
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of August 2023.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for August 2023.

BACKGROUND**Technical Services**Design, quality, and investigations:

Investigation activities undertaken in July included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	75	17
Drainage Investigations	24	4
NHVR Permit Applications	0	25
Traffic Count Surveys	0	0
Parks Investigations	5	0
Miscellaneous <i>e.g.</i> Planning; Local Laws	23	12
Before You Dig Requests	0	48

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. Testing undertaken on internal Council projects include Bilwon Road, and Springmount Road.

Asset Inspections:

Facility asset condition and defect inspections continue, and a review of internal facility processes/practices is underway to seek efficiency improvements. Inspections are currently targeted towards assisting in the development of Asset Management sub plans.

Ongoing improvements to GIS data associated with water, sewerage, roads, underground stormwater, and kerbs asset data sets continues, as information is received from other areas of Council. An internal data improvement project for stormwater assets has resulted in improved asset and condition data within the Mareeba Township, with Kuranda Township soon to be completed.

Operational Works and Subdivisions

To ensure ongoing compliance with development conditions, both during construction and on-maintenance, Council undertakes routine inspection and monitoring of sites. The following developments remain current:

Locality	Subdivisions Name	Status
Kuranda	Jum Rum Rainforest Estate Stage 1, Fallon Road	Under construction
Mareeba	Amaroo Stage 13	Under construction
Mareeba	Prestige Gardens Stage 1-6	Under construction
Mareeba	Emerald End Road and Country Road	Under construction
Mareeba	Amaroo Stage 12	On-maintenance
Mareeba	7 Haren Street	On-maintenance
Koah	123 Fantin Road (Two Chain Road)	On-maintenance
Mareeba	Kenneally Estate Stage 4	Off-maintenance
Mareeba	The Edge Stage 3	Off-maintenance
Mareeba	Amaroo Stage 11	Off-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Kuranda	112 Barnwell Road widening	Monitoring

Disaster Recovery Funding Arrangements (DRFA)

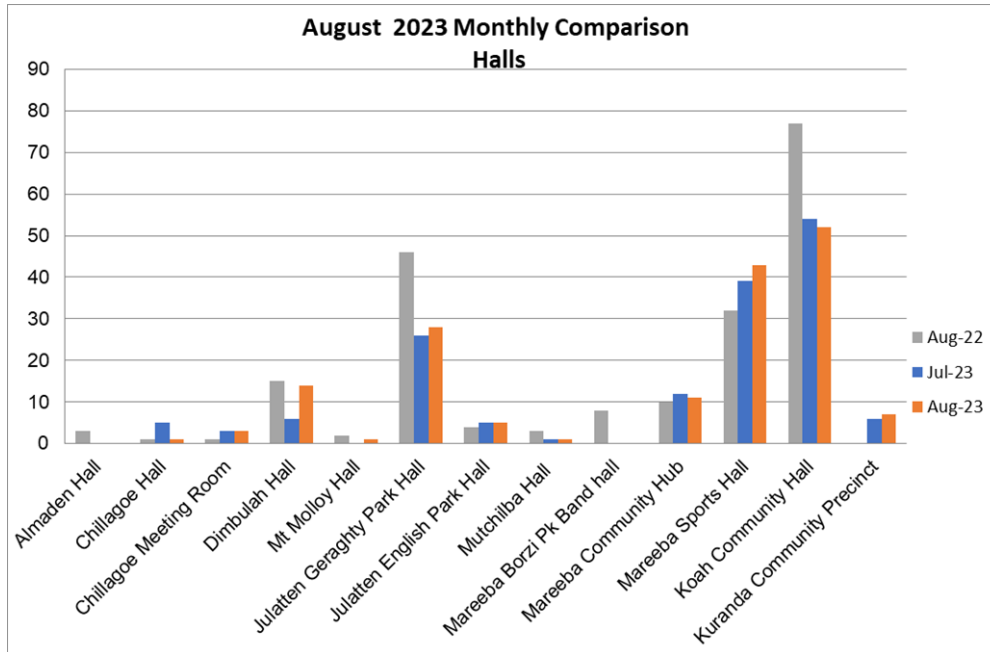
The DRFA is jointly funded by the Commonwealth and Queensland governments to help alleviate the costs of relief and recovery activities undertaken in disaster-affected communities by delivering recovery activities to return affected eligible assets back to pre-event condition. The status of declared disaster events currently being managed are provided below:

Program	Status
2022 DRFA	Mareeba Shire activated DRFA assistance measures linked Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. Contracts awarded for restoration works are progressing well, with the Western contract having reached practical completion.
2022 Betterment	Tenders have been received for the package of gully crossing improvements and are under evaluation. Tenders have exceeded the QRA funding amount and the scope is being reviewed in conjunction with QRA. Tender award planned for September Ordinary Council meeting.
Fallon Road	Geotechnical works to stabilise the embankment of Fallon Road continue. Minor delays due to wet weather have impeded progress, however works are nearing completion.
2023 DRFA	Activation for DRFA assistance occurred for the Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – 30 April 2023. Emergent response activities were completed in July with the focus now on completing the damage assessments of the network for QRA submissions.

Facilities

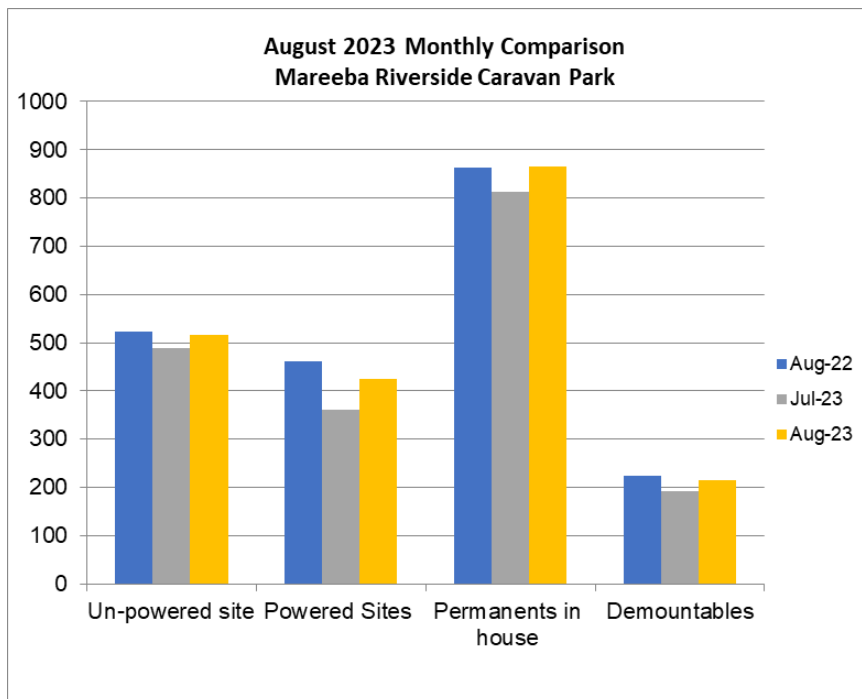
Community Halls:

Maintaining safe and efficient access to Council’s Community Halls is recognised as an important aspect for the community's ongoing wellbeing. Attendance numbers comparative to previous months remained generally steady, however the utilisation against previous years was mixed.

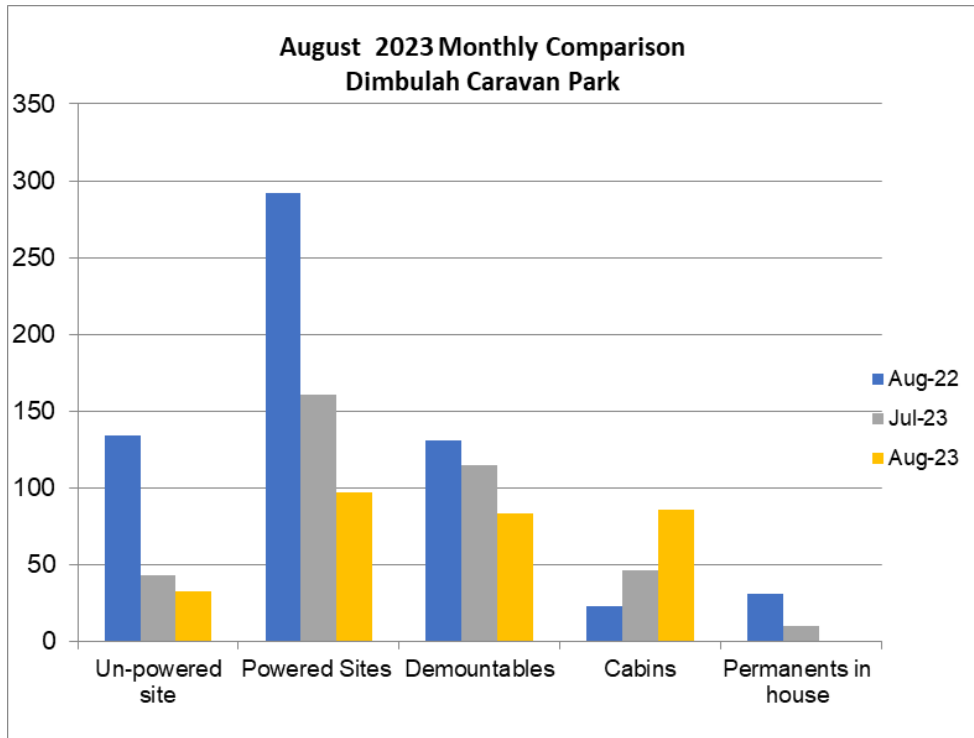


Caravan Parks:

Mareeba Riverside Caravan Park tenant numbers have remained steady across all sectors.

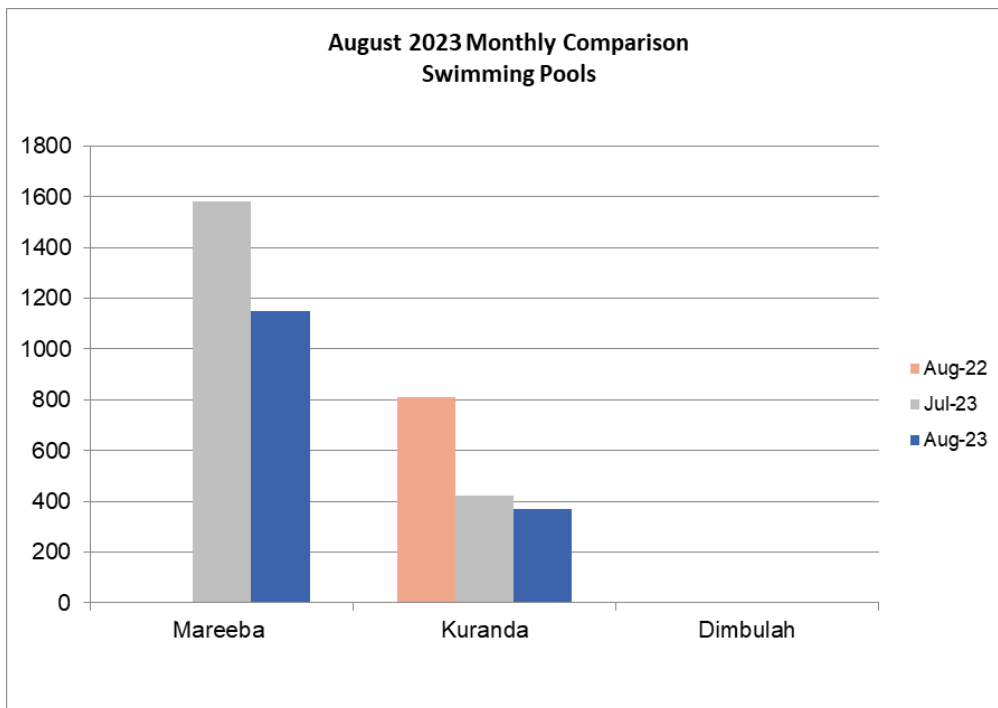


Dimbulah Caravan Park visitor numbers are generally reduced.



Aquatic Centres

Attendance numbers for Mareeba have weakened in August, which is generally attributable to unfavourable weather during the month, and numbers are expected to increase again in September. Dimbulah Pool is closed for winter and will re-open in early September.



Vandalism & Graffiti:

During August, nine (9) reports of vandalism were recorded for Council facilities, with annual costs provided below;

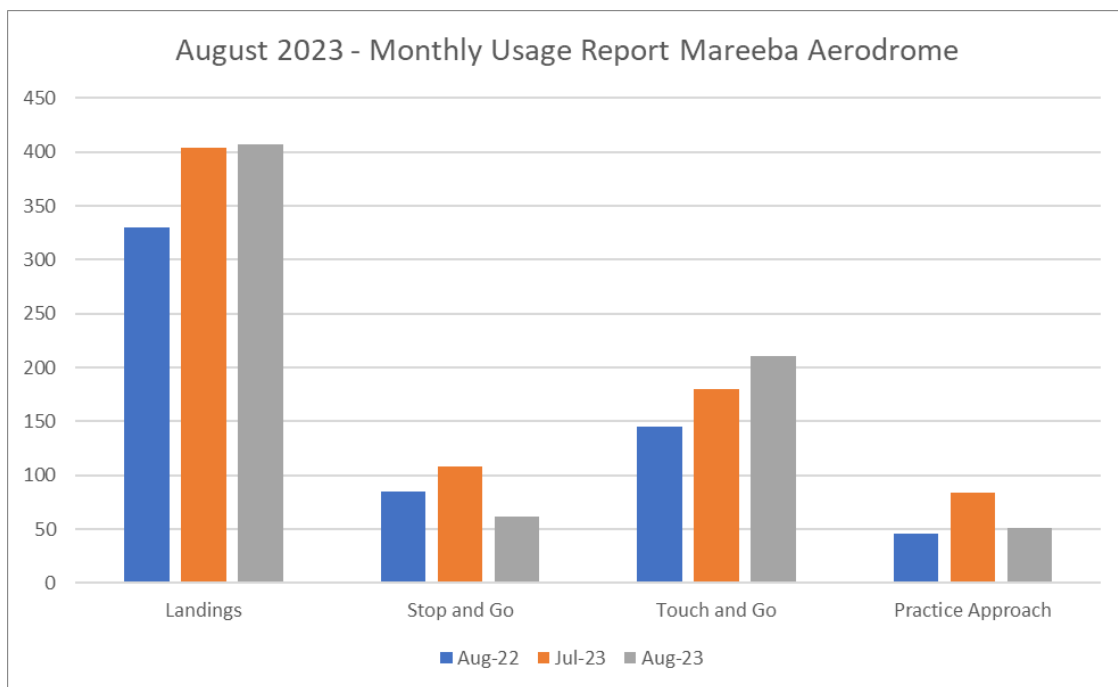
Financial Year	Actuals	Comments – August 2023
2015/16	\$ 2,134.00	• Mareeba Firth Park - Vandalism x1
2016/17	\$ 16,546.00	• Mareeba Rankin St Office – Vandalism x1
2017/18	\$ 23,948.00	• Mareeba Davies Park Toilets – Vandalism x2
2018/19	\$ 14,851.00	• Mareeba Arnold Park Toilets – Vandalism x1
2019/20	\$ 14,211.18	• Mareeba Borzi Park Band Hall – Vandalism x1
2020/21	\$ 62,199.62	• Kuranda Centenary Park Toilets – Vandalism x1
2021/22	\$ 48,301.12	• Kuranda Community Precinct Toilets – Vandalism x1
2022/23	\$33,030.18	• Dimbulah Memorial Park Toilets – Vandalism x1
2023/24	\$943.85	

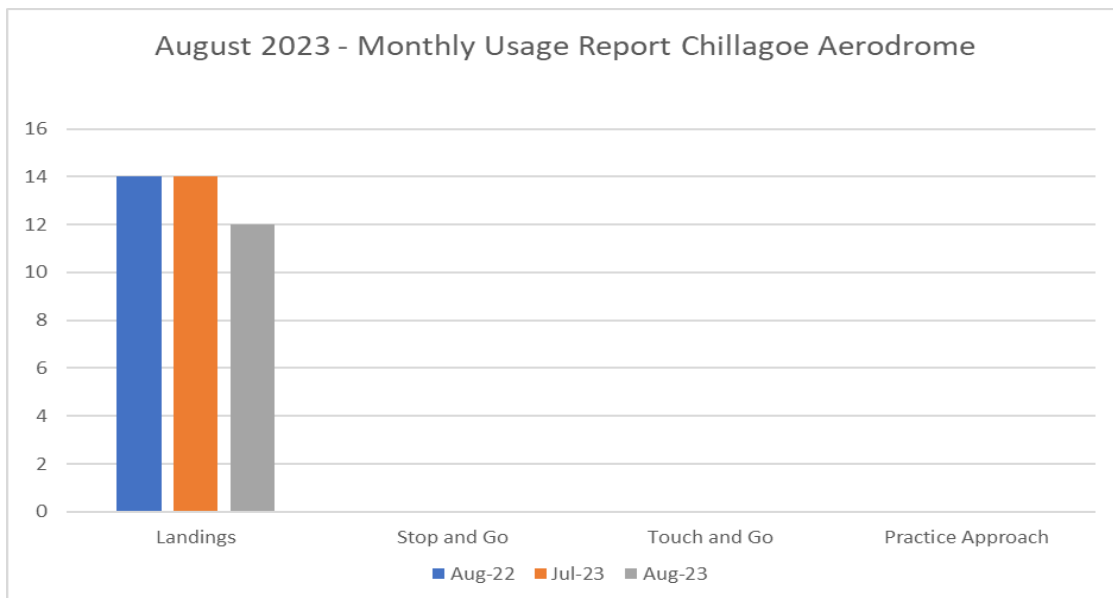
Note - actuals for vandalism/graffiti do not reflect costs to repairs during that period. Incoming expenses for repairs carry over until works are completed.

Aerodromes:

The data recorded below is current for the month of August, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.

Landings for both facilities are comparable with previous years.





FINANCIAL AND RESOURCE IMPLICATIONS

Operating

Additional cost associated with graffiti and vandalism is expected and will be accommodated within existing budget allocations.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously operates in a cost-effective manner while managing council’s assets and reserves to ensure a sustainable future.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Community: An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

9.10 T-MSC2023-19 MANHOLE REHABILITATION AND REPLACEMENT PROGRAM**Date Prepared:** 5 September 2023**Author:** Manager Water and Waste**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2023 19 Manhole Rehabilitation and Replacement Program Tender Project.

RECOMMENDATION

That Council awards Tender T-MSC2023-19 Manhole Rehabilitation and Replacement Program to NQ Wastetrans Pty Ltd for the amount of \$549,408.00 (excl. GST).

BACKGROUND

Council is seeking to remediate sewer manholes within the Mareeba Sewerage Reticulation network for the Granite Creek Pump Station catchment, specifically to the west of Byrnes Street west, to the north of Lloyd Street North and within Mareeba CBD, to reduce inflow and infiltration.

Investigations on manholes within this catchment found that 257 manholes located within private and public property required remediation works. The work to be performed under this contract comprises the provision of all materials, plant and labour and the performance of all operations necessary for the complete and proper rehabilitation of the 257 sewer manholes within the catchment.

Tender Process:

Tenders were invited from suitably qualified and experienced contractors and closed on 4 September 2023.

Tenders Received

Three (3) submissions were received. A summary of the tender prices at opening is provided in *Table 1* below;

Table 1: Tendered Price at opening

Tenderer	Tenders Non-Conforming	Pricing Excl GST
NQ Wastetrans Pty Ltd		\$549,408.04
BSP Plumbing Roofing Excavation	Non-Conforming	\$698,450.00
Terra Firma Industries Pty Ltd	Non-Conforming	\$390,816.00

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

Table 2: Evaluation Criteria

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Total	100%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

Only one (1) tender was conforming, with the tender from BSP being deficient in terms of incomplete tender response schedules and the tender from Terra Firma being for the supply of materials only.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in Table 3 below.

Table 3: Tender Evaluation Summary

Tenderer	Score (100%)	Rank
NQ Wastetrans Pty Ltd	100%	1

Based on the tender assessment, NQ Wastetrans Pty Ltd was identified as the most advantageous for Council and the contractor was assessed as capable of completing the works within the specification and conditions as detailed in the invitation to tender

RISK IMPLICATIONS

Financial

Council has allocated funding under the 2023/24 capital budget.

Infrastructure and Assets

The wastewater reticulation infrastructure requires renewal to reduce inflow and infiltration into the sewer network.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Meet Council’s regulation obligations under its Environmental Authority.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Yes.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Tenderers to be notified of the outcome of this report.

9.11 T-MSC2023-18 2023/24 AC PIPE REPLACEMENT PROGRAM - MASON STREET

Date Prepared: 1 September 2023

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2023-18 2023/24 AC Water Main Replacement – Mason Street.

RECOMMENDATION

That Council:

1. awards Tender T-MSC2023-18 2023/24 AC Water Main Replacement – Mason Street to NQ Wastetrans Pty Ltd for the amount of \$1,680,392.40 (excl. GST); and
2. approves additional funds from the water fund to allow the project to proceed.

BACKGROUND

As part of Council’s 10-year water strategy, ageing water mains are being replaced and upgraded throughout the Shire. The scope of the works for this project includes supply and installation of a new water main from the intersection at Costin Street, along the entire length of Mason Street to Ferguson Street intersection. The existing water main is a combination of asbestos cement (AC), cast iron and thin-walled white PVC and will be decommissioned by grouting in situ. Council has advised tenderers that the works are required to be practically complete by April 2024.

Tender Process:

Tenders were invited from suitably qualified and experienced contractors and closed on 31 August 2023.

Tenders Received

Three (3) tender submissions were received. A summary of the tender prices at opening is provided in *Table 1* below;

Table 1: Tendered Price at opening

Tenderer	Tendered Price (excl GST)
NQ Wastetrans Pty Ltd	\$1,653,962.40
JR Civil Contracting Pty Ltd	\$2,058,941.45
fgf Developments Pty Ltd	\$2,866,227.14

During the Tender Assessment process, Council officers sought clarification from some of the tenderers regarding the priced and non-priced criteria of the submissions, which affected the tendered values compared with the original submissions as provided in *Table 1a* below;

Table 1a: Amended Pricing Submitted by Tenderers

Tenders – Conforming	Tenders conforming
NQ Wastetrans Pty Ltd	\$1,680,392.40
fgf Developments Pty Ltd	\$2,866,227.14
Copelin Civil (JR Pipelines)	\$2,058,941.45

Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided in *Table 2* below;

Table 2: Evaluation Criteria

Criteria	Weighting
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Total	100%

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

All tenders were conforming, with all tenderers assessed as capable of completing the works with the specification and conditions as detailed in the invitation to tender.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

Table 3: Tender Evaluation Summary

Tenderer	Score (100%)	Rank
NQ Wastetrans	97.26%	1
JR Civil Contracting Pty Ltd	83.86%	2
fgf Developments Pty Ltd	83.42%	3

Based on the tender assessment, NQ Wastetrans Pty Ltd was identified as the most advantageous for Council and the contractor was assessed as capable of completing the works within the specification and conditions as detailed in the invitation to tender.

RISK IMPLICATIONS**Financial**

Council has allocated funding under the 2023/24 capital budget.

Infrastructure and Assets

The water infrastructure requires renewal to ensure continuity of supply to customers.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Yes.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Tenderers to be notified of the outcome of this report.

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

12 NEXT MEETING OF COUNCIL

13 FOR INFORMATION**13.1 AUDIT COMMITTEE MEETING MINUTES AUGUST 2022**

Date Prepared: 22 August 2023

Author: Director Corporate and Community Services

Attachments:

1. **Audit Committee Minutes 7 March 2023** [↓](#)
2. **Audit Committee Minutes 10 May 2023** [↓](#)
3. **Audit Committee Minutes 10 August 2023** [↓](#)

Please see the following Minutes of the Audit Committee Meeting held on 10 August 2022.



MINUTES

Tuesday, 7 March 2023

Audit Committee Meeting

Audit Committee Meeting Minutes

7 March 2023

**MINUTES OF MAREEBA SHIRE COUNCIL
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS
ON TUESDAY, 7 MARCH 2023 AT 10:00AM**

1 MEMBERS IN ATTENDANCE

Ms Ruth Faulkner, Cr Kevin Davies, Cr Mary Graham

2 OFFICERS IN ATTENDANCE

Cr Angela Toppin (Mayor), Jennifer McCarthy (Director Corporate and Community Services), Elisa Tatti (Manager Finance), Peter Franks (Chief Executive Officer), Shona Cram (Grant Thornton), via teleconference Nicole Short (QAO)

3 APOLOGIES

Nil

**4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY
AUDIT COMMITTEE AND OBSERVERS**

Nil

5 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION 2023/1**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the minutes of Audit Committee Meeting held on 4 October 2022 be confirmed.

CARRIED

5.1 ACTION ITEMS REVIEWED**6 FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL****6.1 AUDIT MATRIX REPORT****COMMITTEE RESOLUTION 2023/2**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee note the attached report and support officers in their endeavours to implement the suggested recommendations.

CARRIED

Page 2

Audit Committee Meeting Minutes

7 March 2023

6.2 FINANCIAL STATEMENTS PERIOD ENDING 31 JANUARY 2023

COMMITTEE RESOLUTION 2023/3

Moved: Cr Kevin Davies
Seconded: Cr Mary Graham

That the Audit Committee note the Financial Report for the period ending 31 January 2023.

CARRIED

7 INTERNAL AUDIT

7.1 INTERNAL AUDIT STATUS REPORT

COMMITTEE RESOLUTION 2023/4

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

That the Audit Committee note the reports.

CARRIED

Action

- *To present a draft Internal Audit Plan 2023/23 to the Audit Committee*

8 GOVERNANCE AND RISK MANAGEMENT

8.1 MSC ANNUAL REPORT 2021/22

COMMITTEE RESOLUTION 2023/5

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

That the Audit Committee note the MSC Annual Report for the 2021/22 Financial Year.

CARRIED

Audit Committee Meeting Minutes

7 March 2023

9 EXTERNAL AUDIT

9.1 AUDIT STRATEGY 2022/23

COMMITTEE RESOLUTION 2023/6

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee notes the report.

CARRIED

10 LEGISLATIVE AND REGULATORY COMPLIANCE

10.1 PURCHASING REPORT JANUARY 2023

COMMITTEE RESOLUTION 2023/7

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report.

CARRIED

10.2 PROBITY AUDIT REPORT

COMMITTEE RESOLUTION 2023/8

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report.

CARRIED

Action

- ***Probity Audit implementation progress of recommendations to be reported to Audit Committee in October 2023***

11 GENERAL BUSINESS

11.1 AUDIT COMMITTEE SELF ASSESSMENT

COMMITTEE RESOLUTION 2023/9

Moved: Ms Ruth Faulkner
Seconded: Cr Kevin Davies

That the Audit Committee discuss and note the self-assessment summary and identify any areas for improvement.

CARRIED

11.2 AUDIT COMMITTEE CHARTER COMPLIANCE CHECKLIST

COMMITTEE RESOLUTION 2023/10

Moved: Cr Mary Graham
Seconded: Cr Kevin Davies

That the Audit Committee note the checklist.

CARRIED

12 NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO

Richard Rudd – Council has received claim for damages. Legal counsel is being sought.
Calvin Tucker – QCAT application for reopening of a previous case has been received. Legal advice is underway.

13 MATTERS TO BE REPORTED TO COUNCIL

Nil

The Meeting closed at 11.25am.

Next interim meeting will be held via Teams 10 May 2023.

The minutes of this meeting were confirmed at the Audit Committee Meeting held on 10 August 2023.

.....
CHAIRPERSON



AGENDA & MINUTES

Wednesday, 10 May 2023

Audit Committee Update

I hereby give notice that an Audit Committee Update will be held on:

Date: Wednesday, 10 May 2023

Time: 10:00am

Location: Council Chambers

Peter Franks
Chief Executive Officer

Order Of Business

1 Members in Attendance 3

2 Officers in Attendance 3

3 Apologies 3

4 Declaration of any Material Personal Interests/Conflicts of Interest by Audit Committee and Observers 3

5 Interim Audit Findings 4

5.1 Interim Audit Findings 4

Meeting Opened: 10:00am

1 MEMBERS IN ATTENDANCE

Ms Ruth Faulkner (via Teams), Cr Kevin Davies

2 OFFICERS IN ATTENDANCE

Jennifer McCarthy (Director Corporate and Community Services), Elisa Tatti (Manager Finance), Anna Arthy (Grant Thornton via Teams)

3 APOLOGIES

Cr Mary Graham, Cr Angela Toppin (Mayor), Peter Franks (CEO), Shona Cram (Grant Thornton)

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY AUDIT COMMITTEE AND OBSERVERS

Nil

5 INTERIM AUDIT FINDINGS

5.1 INTERIM AUDIT FINDINGS

Date Prepared: 10 May 2023

Author: Manager Finance

Attachments:

- Draft 2023 Audit Committee Briefing Paper
- Draft 2023 Interim Report

EXECUTIVE SUMMARY

The purpose of this report is to provide the Audit Committee with an update on the Interim Audit findings.

RECOMMENDATION

That Audit Committee receives the Interim Audit Findings.

Moved: Ruth Faulkner

Seconded: Cr Davies

Meeting Closed: 10:10am

The minutes of this meeting were confirmed at the Audit Committee Meeting held 10 August 2023.

.....
CHAIRPERSON



MINUTES

Thursday, 10 August 2023

Audit Committee Meeting

Audit Committee Meeting Minutes

10 August 2023

**MINUTES OF MAREEBA SHIRE COUNCIL
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS
ON THURSDAY, 10 AUGUST 2023 AT 10:00 AM**

1 MEMBERS IN ATTENDANCE

Ms Ruth Faulkner, Cr Kevin Davies, Cr Mary Graham

2 OFFICERS IN ATTENDANCE

Jennifer McCarthy (Director Corporate and Community Services), Elisa Tatti (Manager Finance), Mike Schuck (Senior Advisor Governance and Compliance) , Shona Cram (Grant Thornton) attended via Teams, Nicole Short (QAO), Carolyn Eagle (Pacifica) attended via Teams

3 APOLOGIES

Mayor Angela Toppin, Peter Franks (Chief Executive Officer), Glenys Pilat (Manager Development and Governance)

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY AUDIT COMMITTEE AND OBSERVERS

Nil

5 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION 2023/11**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the minutes of Audit Committee Meeting held on 7 March 2023 and 10 May 2023 be confirmed.

CARRIED

6 FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL**6.1 ANNUAL ASSET VALUATION REPORT****COMMITTEE RESOLUTION 2023/12**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the Audit Committee note the report.

CARRIED

Audit Committee Meeting Minutes

10 August 2023

6.2 BUDGET 2023/24

COMMITTEE RESOLUTION 2023/13

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee notes the report.

CARRIED

6.3 DRAFT FINANCIAL STATEMENTS 30 JUNE 2023

COMMITTEE RESOLUTION 2023/14

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee note the report.

CARRIED

6.3.1 QAO 2023 AUDIT COMMITTEE BRIEFING PAPER

COMMITTEE RESOLUTION 2023/15

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee note the report.

CARRIED

6.4 LONG TERM ASSET MANAGEMENT PLAN 2023 - 2032

COMMITTEE RESOLUTION 2023/16

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That Audit Committee notes the attached Long Term Asset Management Plan 2023-24 to 2032-33.

CARRIED

6.5 IMPROVING ASSET MANAGEMENT IN LOCAL GOVERNMENT - QUEENSLAND AUDIT OFFICE REPORT

COMMITTEE RESOLUTION 2023/17

Page 3

Audit Committee Meeting Minutes

10 August 2023

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That Audit Committee note the attached report QAO Improving asset management in local government (Mareeba Shire Council) - Final management letter.

CARRIED

7 INTERNAL AUDIT

7.1 INTERNAL AUDIT STATUS REPORT

COMMITTEE RESOLUTION 2023/18

Moved: Ms Ruth Faulkner

Seconded: Cr Kevin Davies

That the Audit Committee endorse the proposed Internal Audit Plan for 2023/24.

CARRIED

8 GOVERNANCE AND RISK MANAGEMENT

8.1 COMPLIANCE CHECKLIST

COMMITTEE RESOLUTION 2023/19

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Committee notes the attached CEO endorsed compliance checklist.

CARRIED

8.2 ENTERPRISE RISK MANAGEMENT

COMMITTEE RESOLUTION 2023/20

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report, including the amendments to the Risk and Issues Management Matrix (Enterprise Risk Register), Risk Treatment Plans and MSC Enterprise Risk Register as attached.

CARRIED

Audit Committee Meeting Minutes

10 August 2023

8.3 NOTIFICATION OF SIGNIFICANT LEGAL MATTERS

COMMITTEE RESOLUTION 2023/21

Moved: Ms Ruth Faulkner

Seconded: Cr Mary Graham

That Audit Committee note the report.

CARRIED

9 LEGISLATIVE AND REGULATORY COMPLIANCE

9.1 PURCHASING REPORT JUNE 2023

COMMITTEE RESOLUTION 2023/22

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report.

CARRIED

9.2 NEW LOCAL GOVERNMENT SUSTAINABILITY FRAMEWORK FOR QUEENSLAND COUNCILS

COMMITTEE RESOLUTION 2023/23

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the Audit Committee note the report.

CARRIED

10 NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO

Dealt with in 8.3

11 MATTERS TO BE REPORTED TO COUNCIL

Nil

The Meeting closed at 11:36am.

The minutes of this meeting were confirmed at the Audit Committee Meeting held on 3 October 2023.

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Audit Committee Meeting Minutes

10 August 2023

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CHAIRPERSON

13.2 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF AUGUST 2023

Date Prepared: 4 September 2023

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for August 2023

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/23/0016	21/08/2023	Equity Red C/- The Building Approval Company 8 Nolan Street Mareeba	Lot 4 on SP208329	MCU Dual Occupancy	Decision Stage
MCU/23/0017	29/08/2023	Linda and Jarrad Abenthum 2 Debel Close Mareeba	Lot 9 on RP901433	MCU Dwelling House	Application Stage
RAL/23/0009	17/08/2023	Conmat No. 2 C/- Freshwater Planning Ray Road Mareeba	Lot 1 on RP747077	ROL (1 Lot into 41 Lots)	Application Stage
RAL/23/0010	30/08/2023	NQ Farming Pty Ltd C/- Freshwater Planning 30 Peters Street Mareeba	Lot 453 on SP247821	ROL (1 Lot into 27 Lots) 2 Stages	Application Stage
RAL/23/0011	30/08/2023	Rembern Pty Ltd C/- Freshwater Planning 28 Reynolds Street Mareeba	Lot 1 on M358124	ROL (1 Lot into 7 Lots) 2 Stages	Application Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/23/0009	8/08/2023	Jacqhar Pty Ltd C/- Planning Plus	1886 Kennedy Highway Kuranda	Lot 48 on SP328230	MCU Extractive industry (Expansion of Existing Quarry)
MCU/23/0016	30/08/2023	Equity Red C/- The Building Approval Company	8 Nolan Street Mareeba	Lot 4 on SP208329	MCU Dual Occupancy

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

August 2023 (Regional Land Use Planning)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/23/0010	16/08/2023	Emergent Building Approvals	6 Caterina Close Mareeba	Lot 8 on RP744978	Referral agency response for material change of use - dwelling house (secondary dwelling) assessable against the residential dwelling house and outbuilding overlay code

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans Endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
REC/08/0096	8/08/2023	Igor Geyl and Shem Beguely	Corner of Emerald End Road and Country Road Mareeba	Lots 101 & 102 on SP334793 (Cancelling Lot 100 on SP320506)	2
RAL220020	28/08/2023	Sarah Rizvi	Ardmore Park Road Kuranda	Lots 1 and 2 on SP338935 (Cancelling Lot 3 on RP728478)	2

August 2023 (Regional Land Use Planning)