



AGENDA

Wednesday, 22 January 2025

Ordinary Council Meeting

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

Date: Wednesday, 22 January 2025

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 - 18 December 2024
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

8 CORPORATE AND COMMUNITY SERVICES

8.1 CHANGE OF DEVELOPMENT APPROVAL (OTHER CHANGE) - C & C PRATT - MATERIAL CHANGE OF USE - FOOD AND DRINK OUTLET (FORMERLY DEFINED AS "RESTAURANT") - LOT 2 ON SP310235 - 3946 KENNEDY HIGHWAY, MAREEBA - MCU/09/0005

Date Prepared: 9 January 2025

Author: Senior Planner

- Attachments:**
1. [Negotiated Decision Notice dated 8 July 2009](#) ↓
 2. [Referral Agency Response](#) ↓
 3. [Proposal Plans](#) ↓
 4. [Submissions](#) ↓

APPLICATION		PREMISES	
APPLICANT	C & C Pratt	ADDRESS	3950 Kennedy Highway, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	24 May 2024	RPD	Lot 2 on SP310235
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Change Application (Other Change) for Material Change of Use – Food and Drink Outlet (formerly defined as “Restaurant”)		
FILE NO	MCU/09/0005	AREA	2.157 hectares
LODGED BY	Scope Town Planning	OWNER	C & C Pratt
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	14		

EXECUTIVE SUMMARY

On 18 September 2024 Council approved a development application for Material Change of Use – Club. This approval allows the Club to operate on Friday and Saturday nights until 11:00pm.

This application seeks approval to extend the restaurant (ice creamery) operating hours to be consistent with the September 2024 Club approval (i.e. up to 10pm on Friday and Saturday nights).

The application was required to undergo public notification. During the public notification periods, 14 submissions were received all of which objected to the proposed increase in hours of operation. The basis for most submissions was that the extended evening/nighttime hours of operation would impact on the amenity and rural lifestyle of nearby residents.

It is considered that appropriate conditions can be applied to minimise noise, light, dust and privacy impacts on adjoining properties. To help further minimise the impacts of nighttime trade, it is only

recommended that the ice creamery operating hours be extended to 10pm (instead of the requested 11pm) and on Friday and Saturday nights only (no Thursday night trade).

It is recommended that the application be approved, subject to scaled back operating hours/days and subject to a suite of additional conditions consistent with the Club approval.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	C & C Pratt	ADDRESS	3946 Kennedy Highway, Mareeba
DATE LODGED	21 May 2024	RPD	Lot 2 on SP310235
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Change Application (Other Change) for Material Change of Use – Food and Drink Outlet (formerly defined as “Restaurant”)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), referral 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 Material Change of Use – Food and Drink Outlet

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	MCU/09/0005 Change Application and MCU/24/0010 Club Application Site Plan	Scope Town Planning	-
ARK-001	Layout Plan	Applicant	September 2007

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

(a) Negotiated Decision Notice Conditions - 8 July 2009

The following conditions apply to the operation of the food and drink outlet – Ice Creamery (formerly defined as a “restaurant”), as approved by Council on 1 July 2009 with operating hours of 9:00am to 5:30pm Monday to Friday, and 9.00am to 6:00pm Weekends and Public Holidays.

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.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of Main Roads confirming that all conditions of that Department have been complied with to the Department's satisfaction.
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 the condition(s) of this approval.
 - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit (if no building permit required then prior to the commencement of the use) and at the rate applicable at the time of payment.
 - 3.3 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.
 - 3.4 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.5 Waste Management

An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.

Certification by a Registered Professional Engineer Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear, prior to the issue of a building permit.

3.6 Hours of Operation

The operating hours shall be between 9:00am and 5:30pm Monday to Friday and between 9.00am and 6.00pm on Weekends and Public Holidays.

3.7 Signage

One (1) sign is to be in accordance with:

- (1) The sign must not exceed 2.4 metres x 1.2 metres or a maximum area of 2.9m².
- (2) The sign must relate to businesses or companies and is not to advertise products only.
- (3) The sign must be kept clean, in good order and safe repair for the life of the approval. If evidence is obtained that the sign is not being well maintained in an appropriate clean and safe condition, Council may take action towards revoking the approval.
- (4) The sign must be removed when no longer required.
- (5) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Car Parking/Internal Driveways

4.1 The developer must ensure that the development is provided with a minimum of 10 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility;
- A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

4.2 The developer must ensure that the development is provided with a mini-bus turn around area available solely for the use of vehicles associated with the use of the premises.

4.3 All access driveways, car parking areas, delivery areas and the like must be paved with dust free material to the satisfaction of Council's delegated officer. As a trial, Council will permit the use of 20mm pebbled aggregate for the surfacing of the driveways, car parking areas and delivery areas, however should this prove unsuccessful and complaints are received in relation to dust emanating from the use of the driveways and parking areas, the applicant must bitumen seal all trafficable areas in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer.

5. Water Supply

The applicant/developer must demonstrate that the proposed water supply must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

6. Landscaping

Prior to the commencement of use, a detailed landscape plan (including species) for the required 3 metre wide landscape buffer between the western boundary and the access driveway and car parking areas (for the full length of the access driveway and car parking area) must be submitted to Council's delegated officer for consideration and approval.

7. 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.

(b) Other Change Conditions (extended operating hours)

The following conditions become relevant in addition to those conditions included in part (a) *Negotiated Decision Notice – 8 July 2009* when operation of the food and drink outlet commences between the hours of 5:30pm and 10:00pm on Fridays, and/or 6:00pm and 10:00pm on Saturdays.

8. All conditions of this development permit must be complied with to the satisfaction of Council's delegated officer **prior to the commencement of trade over extended operating hours, being from 5:30pm to 10:00pm on Friday and/or 6:00pm to 10:00pm on Saturday**, except where specified otherwise in these conditions of approval.

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.

9. General

9.1 Hours of Operation

The ice creamery can operate between 9:00am and 10:00pm on **Friday** and **Saturday** nights only, excluding Public Holidays. On Sunday to Thursday and on Public Holidays the ice creamery must close by the times authorised under Part (a) Condition 3.6 of this approval.

9.2 Birthday parties and other small private functions held after 5:30pm must be held within the internal confines of the ice creamery building only. No parties or small functions are permitted on the patio/verandahs at any time.

9.3 To minimise noise impacts, all doors to the ice creamery must be closed after 5:30pm on Friday and 6:00pm on Saturday and must remain closed until 10pm. All doors must be made of solid material such as glass and/or timber. The use of screen doors only is not acceptable after the abovementioned times.

The applicant/developer/operator must ensure conversational noise levels of any diners sitting on the patio/verandah is kept to a reasonable level so as to not be audible at property boundaries.

9.4 No amplified music or loudspeakers/microphones are permitted on-site at any time. Low level music/sound from televisions is permitted provided it is not audible at any property boundary.

9.5 Illuminated Signage (site access sign only)

- Lighting can be installed to shine onto the site access sign only (light spillage must be avoided) and must be on a timer so as to run only on Friday and Saturday nights between 5:30pm and 10pm. No other signage within the property bounds or on the building is permitted to be illuminated in any way.

9.6 No loitering is permitted in the car parking area. Signage must be erected to state as much and staff/management must ensure that patrons leave in a timely manner.

9.7 Noise Nuisance

A solid two (2) metre high, neutral colour, sound reflective acoustic fence must be installed along the western boundary of the site extending from a point parallel to the south-west corner of the car park and spanning a length no less than 60 metres.

The design of the acoustic fencing must be endorsed by a suitably qualified acoustic engineer with design plans and a site plan submitted to Council for review prior to any building works commencing.

The fencing required under 3.11.2 must be maintained in accordance with the approved design and in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

9.8 Emissions

Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.

10. Infrastructure Services and Standards

10.1 Access

The existing concrete sealed section of the access driveway must be maintained to its current standard for the life of the development, to the satisfaction of Council's delegated officer.

10.2 Stormwater Management

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

10.2.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

10.3 Landscaping

10.3.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include the following:

- a 3-metre-wide vegetated buffer between the access driveway and car parking area and the western boundary. The buffer is not permitted to be planted on any part of Emt A on SP160169. The buffer must span the entire length of the access driveway and car park area and must include shrubs, plants and trees that will grow to form an effective buffer of no less than 3 metres in height at maturity and should include at least 25% larger more advanced plant stock.
- a 3-metre-wide x 10-metre-long vegetated buffer extending from the south-east corner wall of the ice creamery building towards south-east truncated corner of the site. The buffer must include shrubs, plants and trees that will grow to form an effective privacy buffer for the dwelling on adjoining Lot 1 on SP310235

10.3.2 All plant varieties must be generally in accordance with Schedule A of Planning Scheme Policy No. 9 (Landscaping Policy).

10.3.3 The landscaping of the site must be carried out in accordance with the endorsed landscaping plan, and irrigated, mulched and maintained for the life of the development to the satisfaction of Council's delegated officer.

10.4 Fencing

10.4.1 The applicant/developer must, with the consent of the landowner/s of Lot 512 on SP145485, erect a solid 1.8 metre high, colorbond fence of neutral colour (colour to be agreed to by the landowners

of Lot 512) along the front boundary of Lot 512 extending from the south-east corner of the Lot for a distance of 20 metres. The fencing must include a gate/s of the same width as that existing.

The applicant/development must give reasonable notice to the landowner/s of Lot 512 of their intention to begin construction.

If, in the opinion of Council's delegated officer, the landowners of Lot 512 on SP145485 are withholding consent, or not making a genuine effort to help progress the construction of the fence, the development may proceed without the fencing required under this condition.

- 10.4.2 1.8-metre-high non-acoustic solid screen, neutral colour fencing must be installed along the western boundary of the site extending from the northern end of the acoustic fencing required under Condition 3.11.2 to a point in line with the south-east corner of the existing shed on adjoining Lot 512 on SP145485.

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

- 10.4.3 2-metre-high non-acoustic solid screen, neutral colour fencing must be installed along the western boundary of the site extending from the southern end of the acoustic fencing required under Condition 3.11.2 to the south-west corner of the site and connecting to the fencing required under Condition 4.4.1.

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

10.5 Car Parking/Internal Driveways

The existing 60 metre x 20 metre car parking area is to be maintained at its current size and dimensions for the life of the development.

The car parking area and all other trafficable areas must be surface treated with dust free all weather compacted gravel or pebble/stone treatment and must be appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer. The dust free surface treatment must be maintained in good order and safe repair for the life of the development.

Should Council receive a substantiated dust complaint as a result of traffic on any unsealed surface, all trafficable areas must be surface treated with either asphalt or 2 coat bitumen seal and be appropriately drained and maintained with an intact surface treatment for the life of the development, to the satisfaction of Council's delegated officer.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Food Premises

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

(b) 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.

(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) 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.

(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.dcceew.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.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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 14 November 2024.

(F) 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).

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site is situated at 3946 Kennedy Highway, Mareeba, and is described as Lot 2 on SP310235. The site is generally regular in shape, with a total area of 2.157 hectares, and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site contains 23.5 metres of frontage to the Kennedy Highway and is accessed via a bitumen sealed shared access crossover used to provide access to 4 different allotments.

The site is improved by the Emerald Creek Ice Creamery business and associated infrastructure including a solar panel array and 1,200m² gravel car parking area. The site backs onto Shanty Creek. A shared access easement is established over the entranceway into the site (Emt B on SP310235) which provides lawful access for eastern adjoining Lot 1 on SP310235 which was subdivided off the ice creamery lot in 2020. A 4-metre-wide electricity supply easement also exists along the western side of the site (Emt A on SP160169).

The site is situated in the centre of a cluster of 5 rural lifestyle lots. Apart from the ice creamery site, all lots contain dwellings.



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, at its Ordinary Meeting held on 6 May 2009, approved an application made by G Dixon for Material Change of Use – Restaurant over land then described as Lot 28 on SP160169, situated at 3946 Kennedy Highway, Mareeba. The Decision Notice was issued on 11 May 2009, and a subsequent Negotiated Decision Notice was issued on 8 July 2009 (**Attachment 1**).

The approval authorises the use of the site for a retail ice creamery. Emerald Creek Ice Creamery has been in continual operation since 2009. The ice creamery approved operating hours are from 9:00am to 5:30pm Monday to Friday, and from 9:00am to 6:00pm on Weekends and Public Holidays.

The Other Change request includes the following details:

“Proposed Development Detail

The proposed Other Change application seeks to increase the regular business operating hours of the Ice Creamery business to cater for the increased demand of locals and visitors alike. The extended hours would open the facility later on Thursday, Friday and Saturday nights and cater for visitors and small private functions, serving the Ice Creamery Menu, drinks and nibbles/tapas. The venue will not cater for large functions such as weddings but may cater for small private events such as birthday and anniversary parties.

The proposed development is small in scale, is not foreseen to result in security issues and will utilize the existing car parking facilities which, as traffic generation is outside of the existing approved hours of operation, will not intensify and will be less impactful than that generated during current operating hours.

Other Change - Hours of Operation

This development application seeks approval for the extension of the existing operating hours of the Food and Drink outlet, The Emerald Creek Ice Creamery, with the intent of capturing additional business and hosting the proposed Club meetings. The proposed Other Change applies to existing approval MCU/09/0005, Material Change of Use for a Restaurant. The Other Change concerns MCU/09/0005 Negotiated Decision Notice dated 8 July 2009, Condition 3.6 – Hours of Operation. The current opening hours of the Ice Creamery are 10am – 4:30pm Monday to Sunday with the existing approval allowing 9am – 5pm Monday to Friday and 9am to 6pm on Weekends and Public Holidays. Table 1 below outlines the proposed changes to the hours of operation.”

The below table is the applicants requested extended operating hours:

	Current approved hours		New proposed hours	
	Open	Close	Open	Close
Monday	9am	5pm	9am	5pm
Tuesday	9am	5pm	9am	5pm
Wednesday	9am	5pm	9am	5pm
Thursday	9am	5pm	9am	11pm
Friday	9am	5pm	9am	11pm
Saturday	9am	6pm	9am	11pm
Sunday	9am	6pm	9am	6pm
Public Holidays	9am	6pm	9am	6pm

PREVIOUS/CURRENT APPLICATIONS & APPROVALS

RAL/19/0018 – Reconfiguring a Lot – Subdivision (1 into 2 Lots)

Council, at its Ordinary Meeting held on 18 September 2019, approved an application made by G Dixon for Reconfiguring a Lot – Subdivision (1 into 2 Lots) over land then described as Lot 28 on SP160169, situated at 3946 Kennedy Highway, Mareeba. The subdivision approval was acted upon and new Lots 1 and 2 on SP310235, situated at 3944 and 3946 Kennedy Highway, Mareeba were created around June 2020.

Lot 2 on SP310235 contains the ice creamery.

MCU/24/0010

On 21 May 2024, an application was lodged by Scope Town Planning on behalf of C & C Pratt seeking a development permit for Material Change of Use – Club over land described as Lot 2 on SP310235, situated at 3946 Kennedy Highway, Mareeba (the ice creamery site).

This application was approved, subject to conditions by Council at the Ordinary Meeting on 18 September 2024.

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*
- *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"> ○ <i>Rural Agricultural Area</i> ○ <i>Rural Other</i> <p>Natural Environmental Elements</p> <ul style="list-style-type: none"> • <i>Biodiversity Areas</i> <p>Transport Elements</p> <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>Principal Cycle Route</i>
Zone:	Rural Zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance 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
Food and drink outlet	Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.	Bistro, café, coffee shop, drive-through facility, kiosk, milk bar, restaurant, snack bar, takeaway, tea room	Bar, club, hotel shop, theatre, nightclub entertainment facility

RELEVANT PLANNING INSTRUMENTS

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

Far North Queensland Regional Plan 2009-2031

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

State Planning Policy

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

Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

- (1) *Rural areas* include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.
- (3) Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the *rural area* in a way which:
 - (a) does not impede or conflict with agricultural activities and production; and
 - (b) does not compromise rural character and scenic qualities; and
 - (c) does not adversely impact on ecological and biodiversity values.

- (5) *Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*

Comment

Emerald Creek Ice Creamery has been in operation since 2009, having become a popular destination for both locals and tourists alike. The extended operating hours will value-add to the business model and respond to an increase in demand for evening trade.

Appropriate conditions have been included to help minimise noise, light, dust and privacy impacts on adjoining properties, and the extended trade operating days/hours have been scaled back to just Friday and Saturday nights (removal of Thursday night trade) and a close time of 10pm (instead of the requested 11pm). Recent upgrades to the Kennedy Highway frontage have ensured the site can be accessed safely and efficiently.

The development can be conditioned to ensure the rural character and amenity of the area is not compromised by the proposed extended operating hours. The development will be conditioned to ensure compliance with Specific outcomes (1), (3) and (5).

3.4 Natural resources and environment

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

Comment

In terms of noise quality, it should be noted that the subject site and immediate surrounding properties are not situated within an acoustically pristine environment. These lots front a 100 kilometre per hour section the Kennedy Highway which experiences in excess of 11,000 vehicle movements per day with traffic volumes remaining significant across evening and nighttime hours.

Notwithstanding this, appropriate conditions have been included to help minimise noise, light, dust and privacy impacts on adjoining properties, and the extended trade operating days/hours have been scaled back to just Friday and Saturday nights (removal of Thursday night trade) and a close time of 10pm (instead of the requested 11pm). Recent upgrades to the Kennedy Highway frontage have ensured the site can be accessed safely and efficiently.

The development can be conditioned to ensure the rural character and amenity of the area is not compromised by the proposed extended operating hours. The development will be conditioned to comply with Specific outcome (1).

3.6 Transport and infrastructure

3.6.2 Element—Road network

3.6.2.1 Specific outcomes

- (1) *The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.*
- (4) *Development provides off-street parking, loading and manoeuvring areas where possible and practicable.*

Comment

The proposed development will be accessed directly off the State controlled Kennedy Highway. The site access was recently upgraded as part of broader upgrades to the Kennedy Highway between Cairns and Mareeba ensuring safe and efficient access to the site.

The development will provide ample off-street parking which will allow vehicles to enter and exit the site in a forward direction.

The proposed development complies with Specific outcomes (1) and (4).

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

- (5) *A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:*
- (a) tourist attractions and facilities within activity centres;*
 - (b) cultural interpretive tours;*
 - (c) nature based tourism;*
 - (d) sports and recreational activities;*
 - (e) tourist attractions;*
 - (f) adventure tourism;*
 - (g) farm based tourism;*
 - (h) food based tourism;*
 - (i) bed and breakfasts;*
 - (j) camping and recreational vehicle facilities;*
 - (k) cycle tourism.*
- (6) *Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.*

Comment

Emerald Creek Ice Creamery has been in operation since 2009, having become a popular destination for both locals and tourists alike. The extended operating hours will value-add to the business model and respond to an increase in demand for evening trade.

Appropriate conditions have been included to help minimise noise, light, dust and privacy impacts on adjoining properties, and the extended trade operating days/hours have been scaled back to just Friday and Saturday nights (removal of Thursday night trade) and a close time of 10pm (instead of the requested 11pm). Recent upgrades to the Kennedy Highway frontage have ensured the site can be accessed safely and efficiently.

The development can be conditioned to ensure the rural character and amenity of the area is not compromised by the proposed extended operating hours. The development will be conditioned to ensure compliance with Specific outcomes (5) and (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
- 9.3.2 Commercial activities code
- 9.4.1 Advertising devices 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 solutions (or probable solutions/performance criteria where no acceptable solution 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 complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code document for full commentary.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> • Performance Outcome PO6 – Amenity <p>Refer to planning discussion section of report for commentary.</p>
Agricultural land overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Airport environs overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher</p>

	order performance outcome. Refer to code documents for full commentary.
Bushfire hazard overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Environmental significance overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Commercial activities code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Advertising devices code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Landscaping code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes

	<p>where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>
<p>Works, services and infrastructure code</p>	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.</p> <p>Where an acceptable outcome cannot be met, it is considered that the proposed development can satisfy the relevant higher order performance outcome. Refer to code documents for full commentary.</p>

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 require all relevant development works be designed and constructed in accordance with FNQROC Development Manual standards.

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

Plant species used in conditioned landscape buffering must comply with Planning Scheme Policy 6.

Adopted Infrastructure Charges Notice

The proposed development does not place any demand on any of Council’s trunk infrastructure networks. Infrastructure charges are not relevant in this instance.

REFERRAL AGENCIES

The application triggered referral to the State Assessment Referral Agency (SARA – Dept of Transport and Main Road) as a Referral Agency.

That Department provided the Referral Agency Response on 14 November 2024 and require it to be included as part of any approval (**Attachment 2**).

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development proposal was placed on public notification for the second time from 21 November 2024 to 12 December 2024. During this subsequent period of public notification, no **new** submissions were received. The applicant submitted the notice of compliance on 13 December 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

The initial public notification period, which ran from 21 June 2024 to 11 July 2024 attracted 14 properly made submissions. Under s53(8) of the Planning Act 2016, the submissions lodged under the first round of public notification automatically became properly made submissions for the second round of public notification.

All 14 Submissions objected to the proposed development.

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

Grounds for objection /support	Comment
Privacy – patrons able to look into neighbouring properties.	Refer to Planning Discussion section of report for comments on amenity. Recommended conditions of approval will require boundary treatments (fencing) and internal landscaping which will minimise privacy issues. Most patron activity will occur to the west of the ice creamery building where the car parking area and main building entrance is, with the greatest privacy risk to the western adjoining property. Solid screen fencing is required along the western boundary.
Security and safety – The risk of people trespassing onto neighbouring properties will increase under the cover of darkness.	With the implementation of solid screen boundary fencing, the risk of people trespassing should be adequately managed.
Submitters were unaware that a liquor license had already been issued to the ice creamery.	Liquor licences are applied for and granted through the State Office of Liquor and Gaming. It is understood the correct process was followed.
Current boundary treatments like landscape buffering that are supposed to protect neighbours from impacts are not looked after and are ineffective and minimising privacy, noise and dust nuisance.	It is acknowledged that existing landscape buffering required under the 2009 approval is not being maintained properly and is ineffective. Council has also never received a complaint regarding this over the 15 years that the ice creamery has been in operation which is generally the trigger for Council involvement. If approved, the applicant/developers will be required to comply with a fresh set of conditions moving forward. Like most developments, Council is only made aware of non-compliance through complaints which are then investigated. Council will be responsible for enforcing the maintenance of the conditions of approval moving forward.
Having such a venue will only encourage drink driving and abetting gambling addictions.	This is an assumption. This region contains 2 public distilleries in rural areas that the assessing officer is aware of – Mount Uncle Distillery and the distillery on the approach to Tolga which also fronts the Kennedy Highway (old “big peanut” site). It is up to the individual responsibility of patrons to not drive under the influence.
Light from vehicle headlights will shine on neighbouring properties/dwellings when patrons enter at nighttime.	Refer to Planning Discussion section of report for comments on amenity. Boundary fencing along the western boundary and along the front boundary of the neighbouring residence will minimise headlight nuisance. The dwelling to the east of the ice creamery should not be impacted by vehicle headlights.
Unsafe ingress and egress from Kennedy Highway. Access crossover provides shared access for 4 allotments.	The proposed access location from the Kennedy Highway has been recently upgraded and will provide safe and efficient access for ice creamery customers.
Existing vegetation buffering is not maintained properly and is ineffective at minimising negative impacts such as light, dust, noise and privacy.	Noted. Fresh vegetated buffers will be required as part of any approval. 2m high boundary fencing is also required which will provide effective screening until vegetated buffers become established and reach mature height.
The public notification signage was placed in a location that was not clearly visible to adjoining premises.	It is understood the public notification sign was moved to a more visible location. In the assessing officer’s opinion, the location of the sign did not impact on anyone’s awareness of the proposed development, nor did it impact on anyone’s ability to lodge a submission.
The application was lodged with Council without any consultation with neighbouring residences.	Consultation with neighbours prior to lodging a development application with Council is recommended, however is not required.
Dust nuisance from an increase in traffic.	Refer to Planning Discussion section of report for comments on amenity.

Noise nuisance from nighttime activity.	Refer to Planning Discussion section of report for comments on amenity.
Increased risk of patrons driving home under the influence of alcohol, particularly due to the location of the site so far from Mareeba which will make taxi pick up difficult.	This is an assumption. This region contains 2 distilleries in rural areas that the assessing officer is aware of – Mount Uncle Distillery and Eventide Distillery on the approach to Tolga which also fronts the Kennedy Highway. It is up to the individual responsibility of patrons to not drive if intoxicated. The applicant/developer/operator also has responsibilities under their liquor licence to ensure patrons do not consume excess amounts of alcohol.
The proposed use is not conducive to the quite rural lifestyle experienced by surrounding residents.	Refer to Planning Discussion section of report. The application has been appropriately conditioned to ensure amenity impacts are minimised. The extended operating hours will value-add to the business model and respond to an increase in demand for evening trade.
Submitters have concerns about animal welfare – ice creamery patrons may unlawfully interact with stock on neighbouring properties.	Conditioned solid screen boundary fencing will minimise the likelihood of this occurring. There is currently no solid screen fencing in place on-site.
Vehicle lights may spook stock on neighbouring properties.	Conditioned solid screen boundary fencing will minimise the likelihood of this occurring. There is currently no solid screen fencing in place on-site.
The current ice creamery business is not operating in compliance with their conditions of approval.	Noted. Council officers have not fielded a single complaint about the ice creamery over its 15 years in operation. Council officers will need to ensure that all conditions have been met prior to the commencement of the extended operating hours, and it is ultimately the responsibility of the applicant/developer to ensure that conditions of approval continue to be complied with.
Surrounding residents were not made aware that a liquor licence application had been lodged and approved through the Office of Liquor and Gaming.	Noted. This is not relevant to the assessment of this application.
Submitters request that a suitably qualified professional be engaged to undertake noise monitoring to ensure that noise levels do not increase above 8 decibels above background noise levels.	Refer to Planning Discussion section of Report for commentary on noise impacts. Appropriate conditions of approval have been included to help ensure noise impacts are minimised. The requirement for acoustic monitoring is not considered necessary in this instance.
The car parking area should be fully sealed to minimise dust nuisance.	The Planning Scheme generally allows gravel surfacing for car parking and trafficable areas in the Rural zone. Although submitters have now raised dust nuisance issues, not a single complaint has been received over the 15 years the ice creamery has been in operation. A dust free gravel/rock seal is still considered appropriate from the onset, giving the applicant/developer as “second chance” to maintain the car park surface treatment to ensure dust nuisance is minimised. The presence of the western boundary fencing and landscape buffering should also help minimise any dust nuisance moving forward. Should Council receive any future substantiated dust complaints, the applicants/developers will be required to seal all trafficable areas with either asphalt or bitumen.
The 4m wide electricity supply easement on the western side of the property has been fenced, severing access to the easement area.	This is not relevant to the assessment of this application. The beneficiary of the easement needs to raise these concerns with landowner. An easement area can be fenced; however, access needs to be provided if needed.
Who is responsible for the Responsible Sale of Alcohol (RSA).	Ultimately the operator is responsible for the responsible sale of alcohol under their liquor licence.

Submitters

Name of Principal submitter	Address
1. Carol Henry	3948 Kennedy Highway, Mareeba raisinl2@bigpond.com
2. Janelle Beasley	Vanjan26@hotmail.com
3. Shelley Henry	3950 Kennedy Highway, Mareeba shelley.henry3@bigpond.com
4. Allan William Henry – Bill	3950 Kennedy Highway, Mareeba allanhenry8@bigpond.com
5. Kerry & Owen Brown	PO Box 32, Kairi QLD 4872 brownsonthewallaby@bigpond.com
6. Julie Marshall	38 Iluka Street, Mareeba Julie.marshall79@gmail.com
7. Tamie Brown	PO Box 442, Tolga QLD 4882 tamie.m.brown@bigpond.com
8. Georgia Sloan	134 Kovacic Road, Mareeba Georgia_sloane89@hotmail.com
9. Ron and Catherine Sloane	132 Kovacic Road, Mareeba
10. Ron Sloane	132 Kovacic Road, Mareeba
11. David & Rosemary Tempany	21 Pike Road, Mareeba billabong.land.oz@gmail.com
12. Joanne Geary	3944 Kennedy Highway, Mareeba butlersteve086@gmail.com
13. Lynette Moore	40 Catherine Atherton Drive, Mareeba lynnreemoore@hotmail.com
14. Kathy Henry-Cotter	Kathy.warren2@bigpond.com

PLANNING DISCUSSIONRural Zone Code - Amenity**Amenity****PO6**

Development must not detract from the amenity of the local area, having regard to:

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) advertising devices;
- (e) visual amenity;
- (f) privacy;
- (g) lighting;
- (h) odour; and
- (i) emissions.

AO6

No acceptable outcome is provided.

Comment**Noise**

Performance Outcome PO6 of the Rural zone code ensures that development is appropriately managed to minimise impacts on the amenity experienced in the vicinity of the development site. In terms of sensitive land uses, the subject site is part of a cluster of 5 rural lifestyle lots with adjoining dwellings as close as 23 metres from the sites western side boundary and 12 metres from the eastern side boundary (although 56 metres from the patio of the ice creamery). The following site improvements and operational requirements have been included as conditions of approval to help minimise noise impacts on nearby residences:

- 2-metre-high solid screen acoustic fencing spanning a length of 60 metres along the western boundary adjacent the car parking area.
- Non-acoustic solid screen boundary fencing ranging in height of 1.8 – 2 metres along the remaining lengths of the western boundary of the site extending either side if the acoustic fencing.
- A 3-metre-wide vegetated buffer between the car parking area and the acoustic fencing mentioned above, as well as veg buffering on the eastern end of the patio/verandah.
- The operational hours have been reduced from the requested 11pm close time to 10pm close time.
- Solid glass or timber doors must be installed on all customer entrances/exits of the ice creamery building and must be closed and remain closed after 5:30pm on Friday and 6pm on Saturday.
- No amplified or live music is permitted at any time. Noise from televisions is permitted provided it is not audible at any adjoining property.
- No loitering in the car parking area is permitted, with management required to actively manage this.

It is considered that the proposed development has been appropriately conditioned to ensure the development does not result in an unacceptable loss of amenity for nearby residents.

Hours of operation

The “other change” application initially proposed extended operating hours on Thursday, Friday and Saturday nights, however as a result of concerns raised by submitters, the applicants have stated that they are willing to scale back the days of operation to just Friday and Saturday nights. Given that Thursday nights are more sensitive as Friday is a standard workday, the removal of Thursday evening extended hours would help reduce residual impacts experienced by adjoining property owners, particularly those immediately adjacent and that share the same access from the Highway.

When looking at noise impacts, the hours of the day are broken into 3 categories. “Daylight hours” are between 7am and 6pm and are considered the least sensitive, “evening hours” are between 6pm and 10pm and are a little more sensitive, but the most sensitive are the “nighttime hours” which are from 10pm to 7am. In order to help ensure noise impacts are minimised, it is considered reasonable that the proposed extended operating hours of the ice creamery be scaled back to a 10pm close time in order to completely avoid the more noise sensitive nighttime hours beyond 10pm.

Traffic

The subject site is accessed directly off the State controlled Kennedy Highway. During recent upgrades to the Highway, the site access was upgraded to include decelerations lanes from both east and west directions, upgraded line marking and flag lighting. The current standard of the access into the ice creamery site is a significant improvement to what was previously in place. In addition to the recent upgrades carried out by DTMR, the applicants/operators of the ice creamery also concrete sealed a 12m wide by 15-metre-long section of the access driveway into the site. This section of the driveway is shared with adjoining Lot 1 on SP310235 which is covered by an access easement.

The access from the highway is shared between 4 individual allotments. Submitters raised concerns with the increased likelihood of vehicle interactions and incidents with ice creamery patrons at this shared access point, which would have a perceived impact on lifestyle and amenity. However, the

ice creamery will operate on Friday and Saturday nights only, and the likelihood of vehicle interactions at the shared access point only decrease the later into each evening you go, with very little chance of vehicle interaction over the last couple of hours of operation (8pm to 10pm). Although some minor traffic impacts may be experienced at this shared access location, they are not likely to result in an unacceptable impact on lifestyle or amenity.

Given that the proposed extended hours of operation run up to 10:00pm, of concern to Council officers was the possibility of light nuisance to adjoining premises as a result of vehicle headlights. Solid screen boundary fencing and landscaping has been conditioned which should alleviate most, if not all headlight impacts on adjoining premises. Further to this, a recommended condition of approval requires the install of solid screen boundary fencing including gates along the first 20 metres of the front boundary fencing of western adjoining Lot 512 on SP145485 which will block out vehicle headlights for cars driving into the site. Ordinarily Council officers would not require works like this on an adjoining property, however there is no other practical means of blocking out vehicle headlights in this instance, other than moving the ice creamery access location altogether. It should be noted that the landowner of adjoining Lot 512 suggested this fencing as a way to mitigate vehicle headlight impacts in their submission to Council.

The proposed development has been appropriately conditioned to mitigate traffic impacts.

Advertising devices

No additional advertising devices are proposed. A condition of approval allows the freestanding front entrance sign to be illuminated with spotlights directed on the sign face. This is proposed to help patrons locate the ice creamery after dark. The condition requires that the sign face lighting only be operational between the hours of 5:30pm and 11:00pm on Friday and Saturday nights only. No other signage within the bounds of the property or on the building are permitted to be illuminated. Given the location of this particular sign, and the limited hours the sign will be illuminated, advertising devices associated with the proposed development are not likely to impact on amenity.

Visual amenity

No external modifications are proposed to the ice creamery building so build bulk and scale will not be affected. Solid screen boundary fencing and additional landscape buffering is proposed along the western boundary of the site which will effectively screen the development from view from the dwellings to the west. The dwellings to the east of the site will not be significantly impacted by the extending trading hours given the car parking and building layout and the location of the dwelling on adjoining Lot 1 on SP310235. Notwithstanding this, an additional landscape buffer has been conditioned to help screen verandah/patio diners from view of this dwelling.

Kennedy Highway users will not be visually impacted by the proposed changes.

Privacy

The proposed development is not likely to impact on the privacy of surrounding residents. Boundary treatments and internal landscape buffering required by the recommended conditions of approval will ensure privacy impacts to adjacent properties are minimised.

Lighting

The proposed development has been adequately conditioned to ensure lighting impacts are minimised. A combination of boundary treatments (fencing), landscaping, restrictions on illuminated signage and restrictions on outdoor lighting levels will ensure neighbouring properties

are not affected by light spillage emanating from the ice creamery building, signage or vehicle headlights.

Odour

The proposed development is not likely to produce noticeable amount of odour at any nearby residence.

Emissions (dust)

In the Rural zone, the Planning Scheme's Parking and access code requires that car parking and trafficable areas be surface treated to a dust free compacted gravel standard only. The applicants will be required to demonstrate that the existing gravel surface has been appropriately surface treated prior to the commencement of the extended operating hours.

The solid screen fencing and landscape buffering required along the western boundary of the site will also help minimise any dust nuisance experienced at the western adjoining properties.

With the inclusion of appropriate conditioning, it is considered that the proposed development can achieve compliance with PO6.



Tablelands Regional Council

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Department
Gary Searle, Planning Officer
Telephone: (07) 4043 4372
Facsimile: (07) 4092 3223
Email: info@trc.qld.gov.au

File Ref: MCU/09/0005
Our Ref: GS:kc

8 July 2009

JS & LD & GS Dixon
PO Box 2393
MAREEBA QLD 4880

Negotiated Decision Notice Approval

Integrated Planning Act 1997 S 3.5.17

Dear Sir/Madam

**APPLICATION FOR MATERIAL CHANGE OF USE – RESTAURANT
LOT 28 ON SP160169
SITUATED AT 3950 KENNEDY HIGHWAY, MAREEBA**

I wish to advise that at Council's Ordinary Meeting held 1 July 2009, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 11 May 2009. The above development application was –

- Approved in full with conditions.

The conditions relevant to this approval are included in section 5 of this notice. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Nature of the changes

The nature of the changes are – *Condition 3.6- Hours of Operation and Condition 4- Carparking/Internal Driveways.*

2. Details of the approval

The application seeks a **Development Permit for Material Change of Use – Restaurant made assessable by the Mareeba Shire Planning Scheme 2004.**

3. The relevant period for the approval -

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997 (IPA)* apply to each aspect of development in this approval, as outlined below—

- Material Change of Use – four (4) years;

Public Office: 45 Mabel Street, Atherton QLD 4883. Postal address: PO Box 573, Atherton QLD 4883
Service Centres: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe www.trc.qld.gov.au
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NEGOTIATED DECISION NOTICE - APPROVAL

2
8 July 2009

If there is one (1) or more subsequent related approvals¹ for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

4. The approved plans -

The approved plans and / or documents for this development approval are listed in the following table –

Plan / Document Number	Plan / Document Name	Date
001	Site Plan	October 2008
ARK-001	Layout Plan	September 2007

5. Conditions –

(A) DETAILS OF PREMISES AND APPROVED USE

LOCATION: 3950 Kennedy Highway, Mareeba
 PROPERTY DESCRIPTION: Lot 28 on SP160169, Parish of Tinaroo
 AREA OF LAND: 3.556 hectares
 MATERIAL CHANGE OF USE: Restaurant (retail ice-creamery)
 APPROVED PLANS: October 2008 Site Plan
 September 2007 Layout Plan

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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, 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 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 are complied with, except where specified otherwise in these conditions of approval.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of Main Roads confirming that all conditions of that Department have been complied with to the Department's satisfaction.

¹ For the meaning of 'related approval', refer to section 3.5.21(7) of IPA



NEGOTIATED DECISION NOTICE - APPROVAL3
8 July 2009**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 the condition(s) of this approval.
- 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit (if no building permit required then prior to the commencement of the use) and at the rate applicable at the time of payment.
- 3.3 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.

3.4 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 and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

Install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

3.5 Waste Management

An on site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or 1.8m high solid fence.

Certification by a Registered Professional Engineer Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear, prior to the issue of a building permit.

3.6 Hours of Operation

The operating hours shall be between 9:00am and 5:30pm Monday to Friday and between 9.00am and 6.00pm on Weekends and Public Holidays.

3.7 Signage

One (1) sign is to be in accordance with:

- (1) The sign must not exceed 2.4 metres x 1.2 metres or a maximum area of 2.9m².
- (2) The sign must relate to businesses or companies and is not to advertise products only.
- (3) The sign must be kept clean, in good order and safe repair for the life of the approval. If evidence is obtained that the sign is not being well maintained in an appropriate clean and safe condition, Council may take action towards revoking the approval.

NEGOTIATED DECISION NOTICE - APPROVAL4
8 July 2009

- (4) The sign must be removed when no longer required.
- (5) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Car Parking/Internal Driveways

- 4.1 The developer must ensure that the development is provided with a minimum of 10 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be delineated and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking - Car Parking Facilities;
 - Compliance with Australian Standard AS1428:2001 - Design for Access and Mobility;
 - A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.
- 4.2 The developer must ensure that the development is provided with a mini-bus turn around area available solely for the use of vehicles associated with the use of the premises.
 - 4.3 All access driveways, car parking areas, delivery areas and the like must be paved with dust free material to the satisfaction of Council's delegated officer. As a trial, Council will permit the use of 20mm pebbled aggregate for the surfacing of the driveways, car parking areas and delivery areas, however, should this prove unsuccessful and complaints are received in relation to dust emanating from the use of the driveways and parking areas, the applicant must bitumen seal all trafficable areas in accordance with the FNQROC Development Manual to the satisfaction of Council's delegated officer.

5. Water Supply

The applicant/developer must demonstrate that the proposed water supply must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

6. Landscaping

Prior to the commencement of use, a detailed landscape plan (including species) for the required 3 metre wide landscape buffer between the western boundary and the access driveway and car parking areas (for the full length of the access driveway and car parking area) must be submitted to Council's delegated officer for consideration and approval.

7. 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.

NEGOTIATED DECISION NOTICE - APPROVAL

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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.

(C) REFERRAL AGENCY RESPONSES

Department of Main Roads conditions dated 2 March 2009 regarding Kennedy Highway access.

Department of Environment & Resource Management conditions dated 14 April 2009 regarding remnant vegetation clearing

(D) ASSESSMENT MANAGER'S ADVICE

- (1) 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.nrw.qld.gov.au.
- (2) The change in the use of the building may also require a change in the classification of the building under the Building Act. The applicant is advised to contact a Building Certifier to establish if a change in the classification of the building is required.

6. Other necessary development permits -

Listed below are other development permits that are necessary to allow the development to be carried out –

- Development Permit for Building Work
- Development Permit for Plumbing and Drainage Work

7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
MATERIAL CHANGE OF USE			
On land contiguous to a State-controlled road	Department of Main Roads	Concurrence or Advice	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870
On land containing a category 1, 2, or 3 area as shown on a property map of assessable vegetation or containing remnant vegetation , and (i) the existing use is rural or environmental use, and	Department of Natural Resources & Water	Concurrence	Department of Natural Resources & Water Administration Officer Planning & Environment PO Box 5318 TOWNSVILLE QLD 4810



NEGOTIATED DECISION NOTICE - APPROVAL

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For an application involving	Name of referral agency	Status	Address
(ii) the lot is 2ha or larger			

8. Submissions -

There **was one (1)** properly made submission about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows —

Name of principal submitter	Address
1. R & C Henry	PO Box 109, MAREEBA, QLD 4880

9. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA** and the form 'Notice of Appeal' is enclosed for your information.

10. When the development approval takes effect -

This development approval takes effect –

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - when the submitter's appeal period ends; or
 - the day the last submitter gives the Assessment Manager written notice that the submitter will not be appealing the decision.

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if—

- for a Material Change of Use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a Material Change of Use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a Material Change of Use or for Reconfiguring a Lot, if there is one or more subsequent related approvals the relevant period for the Material Change of Use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 3.5.21 of IPA for further information.

Should you require any further information please contact Council's **Planning Officer, Gary Searle** on the above telephone number.

Yours faithfully



NEGOTIATED DECISION NOTICE - APPROVAL

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BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

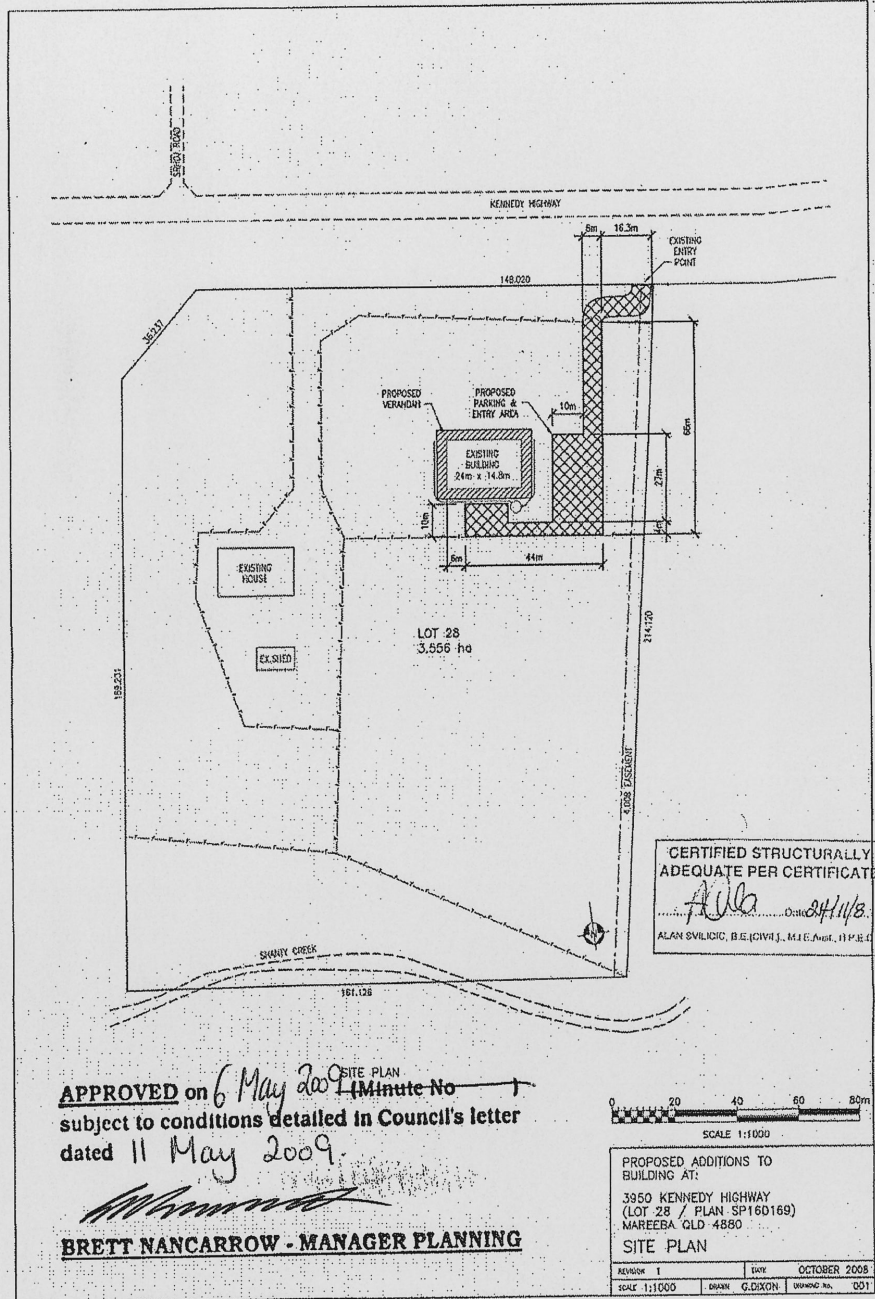
Enclosures: Approved plan/s of development, Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

Copy: **Mr Malcolm Hardy**
 Department of Main Roads
 Peninsula District
 PO Box 6185
 CAIRNS QLD 4870

Department of Environment and Resource Management
Administration Officer
Planning & Environment
PO Box 5318
TOWNSVILLE QLD 4810

NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009

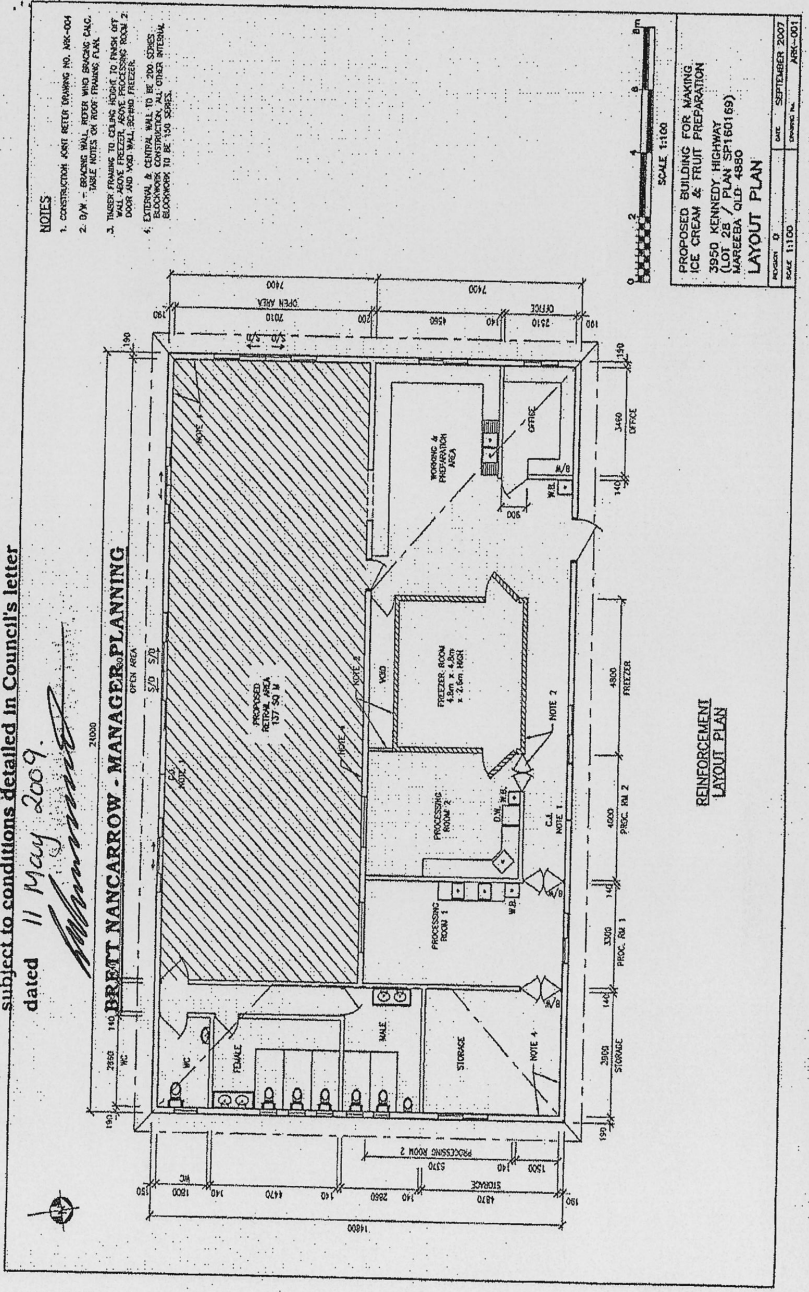




Tablelands Regional Council: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe

APPROVED on 6 May 2009 *Minute No 1*
 subject to conditions detailed in Council's letter
 dated 11 May 2009.

Brett Nancarrow
 BRETT NANCARROW



PROPOSED BUILDING FOR MAKING
 ICE CREAM & FRUIT PREPARATION
 3550 KENNEDY HIGHWAY
 MAREEBA PLAN SP160169
 MAREEBA QLD 4860
LAYOUT PLAN

PROJECT: D DATE: SEPTEMBER 2007
 SCALE: 1:100 DRAWING NO.: APC-001

NOTES

1. CONSTRUCTION JARI REFER DRAWING NO. AKC-001
2. D/W - BRACING WALL, REFER WIND BRACING CALC. TABLE NOTES ON ROOF FRAMING PLAN.
3. TIMBER FRAMING TO CEILING JOIST, TO FINISH OFF WITH GYPSUM BOARD. REFER DRAWING ROOM 2 DOOR AND WALL BRACING FRAMES.
4. EXTERIOR & CENTRAL WALL TO BE 200 STUDS. BLOOMER CONSTRUCTION, ALL OTHER INTERNAL BLOOMER TO BE 100 STUDS.

NEGOTIATED DECISION NOTICE - APPROVAL

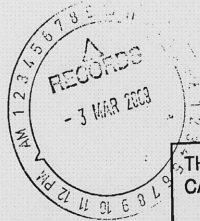
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8 July 2009



Department of Main Roads

2 March 2009

Ian Church
Chief Executive Officer
Tablelands Regional Council
PO Box 154
Mareeba Qld 4880



THE ORIGINAL OF THIS DOCUMENT
CAN BE FOUND ON PHYSICAL FILE
MCU/09/0005
LOCATION PLANNING-MBA...

Dear Mr Church

Tablelands Regional Council : Kennedy Highway (Cairns-Mareeba)
Situated about 500m north of Kovacic Road, Kennedy Highway, via Mareeba
Lot 28 on SP 160169, Parish of Tinaroo
Geoff Dixon
Proposed Material Change of Use (Restaurant) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 27 February 2009 requesting consideration of the above development.

Pursuant to sections 3.3.15, 3.3.16 and 3.3.18 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as a Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following attached conditions of development for the subject application

Should you have any queries regarding the response please contact Malcolm Hardy on telephone 4050 5511.

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

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

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

Yours sincerely

Malcolm Hardy
SENIOR PLANNER FAR NORTH

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6185 CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 264/32A/102(1224.03)
Your ref MCU/09/0005
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

Tablelands Regional Council: Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009

**Conditions of Development
and
Statement of Reasons**

Council Ref: MCU/09/0005 **Date:** 2 March 2009
State-controlled road: Kennedy Highway (Cairns-Mareeba)
Proposal: Material Change of Use (Restaurant)
Real property description: Lot 28 on SP 160169, Parish of Tinaroo
Site locality: Situated about 500m north of Kovacic Road, Mareeba
Applicant: Geoff Dixon

Conditions of Development	Reasons	Condition Basis
<p>Layout</p> <p>1. Unless otherwise approved in writing by Main Roads the development site layout must generally comply with G. Dixon Drawing No. 001 "Site Plan" dated October 2008.</p> <p>Permitted Road Access Location</p> <p>2. Vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land shall be via the existing access shared with the adjoining Lot 512 on SP 145485 at the western side boundary of the Subject Land only.</p> <p>3. No additional direct vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land is permitted.</p>	<p>To ensure the development proceeds in accordance with the proposal</p> <p>Main Roads must ensure that access between to the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p>	<p>s. 62 <i>Transport Infrastructure Act 1994</i> (Qld)</p>



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Conditions of Development	Reasons	Condition Basis
<p>Road Access Works</p> <p>4. Road access works at the permitted road access location, pursuant to Condition 2, are required and shall be constructed in accordance with:</p> <ul style="list-style-type: none"> • Main Roads Road Planning and Design Manual, and • Current Main Roads standards <p>A recent site inspection indicates the access works require the provision of the following within the state-controlled road reserve (Kennedy Highway):</p> <ol style="list-style-type: none"> (i) widening of the existing access driveway on the eastern side to a minimum width of 6 metres with an extension of the existing culvert with sloping endwalls, (ii) a minimum radius of turnout of 10m, and (iii) relocation of road edge guide posts. 	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 33 Transport Infrastructure Act 1994 (Qld) Main Roads' Road Planning and Design Manual</p>
<p>5. The applicant/landowner shall obtain the written approval of Main Roads for road access works prior to works commencing within the state-controlled road reserve (Kennedy Highway).</p>		<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>
<p>6. All required road access works must be completed to the written approval of Main Roads prior to the commencement of the approved use.</p>		



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Conditions of Development	Reasons	Condition Basis
<p>Visual Amenity Treatments</p> <p>7. The applicant/landowner shall provide a 2m wide landscaped strip along the Subject Land's frontage to the Kennedy Highway, except for the access driveways, to screen the onsite vehicular circulation. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.</p> <p>The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (that is, no thorns, poisonous fruits or berries or large nuts).</p> <p>All landscaping works shall be completed prior to the commencement of the approved use to the written approval of Main Roads.</p>	<p>To screen onsite vehicular circulation.</p>	<p>Main Roads Road Landscape Manual</p>
<p>Building Alignment Setback</p> <p>8. A minimum building alignment setback of 40m from the boundary of the state-controlled road shall apply to any and all structure(s) intended to be located on the Subject Land.</p>	<p>Main Roads has determined the land described in the condition as being within a proposed future land requirement area.</p>	
<p>Advertising</p> <p>9. No advertising device for the proposed development is permitted within the state-controlled road reserve (Kennedy Highway).</p>	<p>Advertising devices may obscure signage and distract motorists.</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p>
<p>Parking</p> <p>10. No parking associated with the development is permitted within the state-controlled road reserve (Kennedy Highway).</p>	<p>Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.</p>	



NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009



Author : Craig Cruickshank
File / Ref number : 2009/001929:554800
Recfind No: MBA/000691
Trackjob No: IC0309MBA0002
Unit : Vegetation Management Unit
Phone : (07) 47997003

Department of
**Environment and Resource
Management**

14 April 2009

Chief Executive Officer
Tablelands Regional Council
PO Box 154
Mareeba QLD 4880

THE ORIGINAL OF THIS DOCUMENT
CAN BE FOUND ON **PHYSICAL FILE**
.....
MCU/09/0005.....
LOCATION .. PLANNING - MBA ..

Attention: Gary Searle

Dear Sir

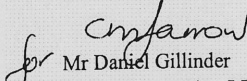
Application to Material Change of Use on Lot/s 28 SP160169 - Tablelands Regional Council – Referral Agency Response

The Department of Environment and Resource Management (acting as a Concurrence Agency), has completed the assessment of the above application against the purposes of the Vegetation Management Act 1999 in accordance with the Concurrence Agency Policy for MCU (Concurrence-Single Issue).

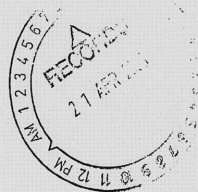
The Referral Agency Response, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

If you wish to discuss this matter further, please contact Mr Craig Cruickshank, Vegetation Management Officer, and North Region of the department on telephone number (07) 4799 7003 quoting the above reference number

Yours sincerely


Mr Daniel Gillinder
**Senior Vegetation Management Officer
North Region**

Att. Referral Agency Response



DERM Townsville
3rd Floor, State Govt Building
187-209 Stanley Street
PO Box 5318 Mc
Townsville 4810 Qld
Telephone (07) 4799 7003
Facsimile (07)47997125
Website www.derm.qld.gov.au
ABN 83 705 537 586



NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009**Referral Agency Response – Material Change of Use
/ Reconfiguring a Lot***s 3.3.16 Integrated Planning Act 1997***1. Application information**

- 1.1. **Applicant's name:** JS, LD & GS Dixon
- 1.2. **Property description:** Lot 28 on SP 160169 – Tablelands Regional Council
- 1.3. **Assessment Manager/Reference:** Tablelands Regional Council :Ref: MCU/09/0005
- 1.4. **Date application was referred to Department:** 4 March 2009
- 1.5. **Departmental Reference:** eLVAS Case No: 2009/001929, File Ref. No: MBA/000691, Trackjob No: IC0309MBA0002
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use

2. Concurrence Agency response:

The Chief Executive of the Department of Environment and Resource management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1 There must be no clearing of remnant vegetation as a result of the material change of use.
- 2.2 No clearing of native vegetation as a result of the material change of use is to occur within 50 metres of the high bank of the defined watercourse at the rear of the property, known as Shanty Creek.
- 2.3 The material change of use of Lot 28 on SP160169—must remain consistent with the submitted plan: Drawn by G. Dixon in October 2008, drawing number. *001 Revision 1 for 'Site Plan'* for proposed additions to building at 3950 Kennedy Highway, Mareeba. The submitted plan forms part of this referral agency response.

3. Reasons:

A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:**Third Party Response – Cultural Heritage**

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over Lot 28 on SP 160169 and no Aboriginal cultural heritage notings were found. However, the Chief Executive of DERM advises all Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of

IDAS Referral Agency Response

NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009

care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care. An assessment of the proposed activity against the Duty of Care Guidelines will help determine whether, or to what extent, Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: cultural.heritage@nrw.qld.gov.au.

Further information on cultural heritage a copy of the Duty of Care Guidelines or cultural heritage search forms visit: http://www.nrw.qld.gov.au/cultural_heritage/index.html.

5. Authorised Officer Signature:

Mr Daniel Gillinder
Senior Vegetation Management Officer
North Region

15 April 2009

15/4/2009

Att. Schedule 1 – Statement of Reasons

NEGOTIATED DECISION NOTICE - APPROVAL

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8 July 2009

eLVAS Case No:	2009/001929
File Ref. No:	MBA/000691
Trackjob No:	IC0309MBA0002

Schedule 1

**Statement of Reasons
Referral Agency Response
Application for Material Change of Use / Reconfiguring a Lot
JS, LD & GS Dixon**

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

Introduction

1. The Department of Environment and Resource management (DERM) received an application from JS, LD and GS Dixon on 4 March 2009
2. The application is for 4 March 2009 MCU (Concurrence-Single Issue) on Lot 28 SP160169 - Tablelands Regional Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Mr Daniel Gillinder, on 15-04-2009
4. The Delegate determined the Referral Agency Response on 15 April 2009.

Evidence

1. Application dated 4 March 2009
 - a) Completed IDAS Form 1 Part "J".
 - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Department of Natural Resources and Water Concurrence Agency Policy for Material Change of Use dated 23 August 2007*
5. IPA delegation No2 (2008)
6. 2006 Ortho_Imagery 8064-333_2006.ecw
7. Assessment Report dated 15-04-2009

Findings of fact

1. An application was received from JS, LD and GS Dixon for the subject Lot 28 on SP 160169 – Tablelands Regional Council. This was assessed by DERM as a Concurrence Agency against the objectives of the *Vegetation Management Act*, as provided for under the *Integrated Planning Act* and the *Regulations* attached to that act.
2. The application was assessed against the Criteria Table A of the *Concurrence Agency Policy for Material Change of Use 23 August 2007*.
3. The proposed application for material change of use is to change the existing use from Wholesale use to Retail Use
4. Available evidence indicates there will be no clearing of assessable vegetation as a result of the proposed Material Change of Use as the defined area will be over mapped non-remnant areas

From: "No Reply" <mydas-notifications-prod2@qld.gov.au>
Sent: Thu, 14 Nov 2024 15:22:35 +1000
To: "Planning" <planning@msc.qld.gov.au>
Cc: "isley.peacey@dsdilgp.qld.gov.au" <isley.peacey@dsdilgp.qld.gov.au>;
"scopetownplanning@gmail.com" <scopetownplanning@gmail.com>
Subject: 2409-42485 SRA application correspondence
Attachments: Attachment 5 - Documents referenced in conditions.pdf, s62A Permitted Road
Access Location TIA.pdf, Attachment 4 - Representations provisions.pdf, 2409-42485 SRA - Response
with conditions.pdf
Importance: Normal

Please find attached a notice regarding application [2409-42485 SRA](#).

If you require any further information in relation to the application, please contact the State Assessment and Referral Agency on the details provided in the notice.

This is a system-generated message. Do not respond to this email.
RA6-N



Email Id: RFLG-1124-0022-1752

Document Set ID: 4433590
Version: 1, Version Date: 15/11/2024

Our ref TMR24-044002 (500/1411)
 Your ref 24003
 Enquiries Steven Zelenika



11 November 2024

Department of
Transport and Main Roads

**Decision Notice – Permitted Road Access Location
 (s62(1) *Transport Infrastructure Act 1994*)**

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number MCU/09/0005, lodged with Mareeba Shire Council involves constructing or changing a vehicular access between Lot 2 on SP310235, the land the subject of the application, and Kennedy Highway, a state-controlled road.

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address C & C Pratt
 225 Walsh Street
 Mareeba QLD 4880

Application Details

Address of Property 3946 Kennedy Highway, Mareeba QLD 4880
 Real Property Description Lot 2 on SP310235
 Aspect/s of Development Development Permit for Change Application (Other Change) for Material Change of Use - Food and Drink Outlet (formerly defined as Restaurant)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1.	The Permitted Road Access Location between Lot 2 on SP310235 and the Kennedy Highway is in accordance with: <ul style="list-style-type: none"> TMR Layout Plan (32A – 39.14km) dated 6/11/2024 (Attachment D); and Site Plan prepared by Scope Town Planning. 	At all times.
2.	Direct access is prohibited between the Kennedy Highway and Lot 2 on SP310235 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

Program Delivery and Operations
 Far North Region
 Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870
 PO Box 6185 Cairns QLD 4870

Telephone +61 7 (07) 4045 7081
Website www.tmr.qld.gov.au
Email Far.North.Queensland.IDAS@tmr.qld.gov.au
 ABN: 39 407 690 291

No.	Conditions of Approval	Condition Timing
3.	The use of the Permitted Road Access Location is to be restricted to Design vehicles up to a maximum size Three Axle Truck or Bus – Class 4 Medium Length Heavy Vehicle ** Note: **as described in Austroads Vehicle Classification	At all times.
4.	Road Access Works comprising of a rural property access must be maintained at the permitted access location described in Condition 1, generally in accordance with: (a) 'Type B' Property Access prepared by Queensland Government dated 3/2024, Drawing 1807, Issue C.	Maintained at all times.

Reasons for the decision

The reasons for this decision are as follows:

- a) The original s62 approval for Lot 28 on SP160169 (previous development site) encompassing the approved Restaurant (Ice Creamery) was issued to JS & LD & GS Dixon on or about 2 March 2009.
- b) The original lot encompassing the approved Ice Creamery has changed including the landowner.
- c) The new lot is identified as Lot 2 on SP310235 and the new landowner is C and C Pratt.
- d) Lot 2 on SP310235 (the subject site) has road frontage and direct vehicular access via the Kennedy Highway, a state-controlled road.
- e) A changed application for the approved Ice Creamery has been submitted by C and C Pratt (the applicant).
- f) A new s62 approval is required to be issued to C and C Pratt as part of the changed application for the vehicular access via Lot 2 on SP310235.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

- 1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
- 2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

- 1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
- 2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may

apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.

3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Steven Zelenika, Senior Town Planner should be contacted by email at steven.z.zelenika@tmr.qld.gov.au or on. (07) 4045 7063.

Yours sincerely



Liliya Yates
A/Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A
Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
TMR Layout Plan (32A – 39.14km)	Queensland Government Transport and Main Roads	6/11/2024	TMR24-044002 (500/1411)	D
Site Plan	Scope Town Panning	-	-	-

Attachment B**Section 70 of TIA**

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

Transport Planning and Coordination Act 1994
Part 5, Division 2 – Review of Original Decisions

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

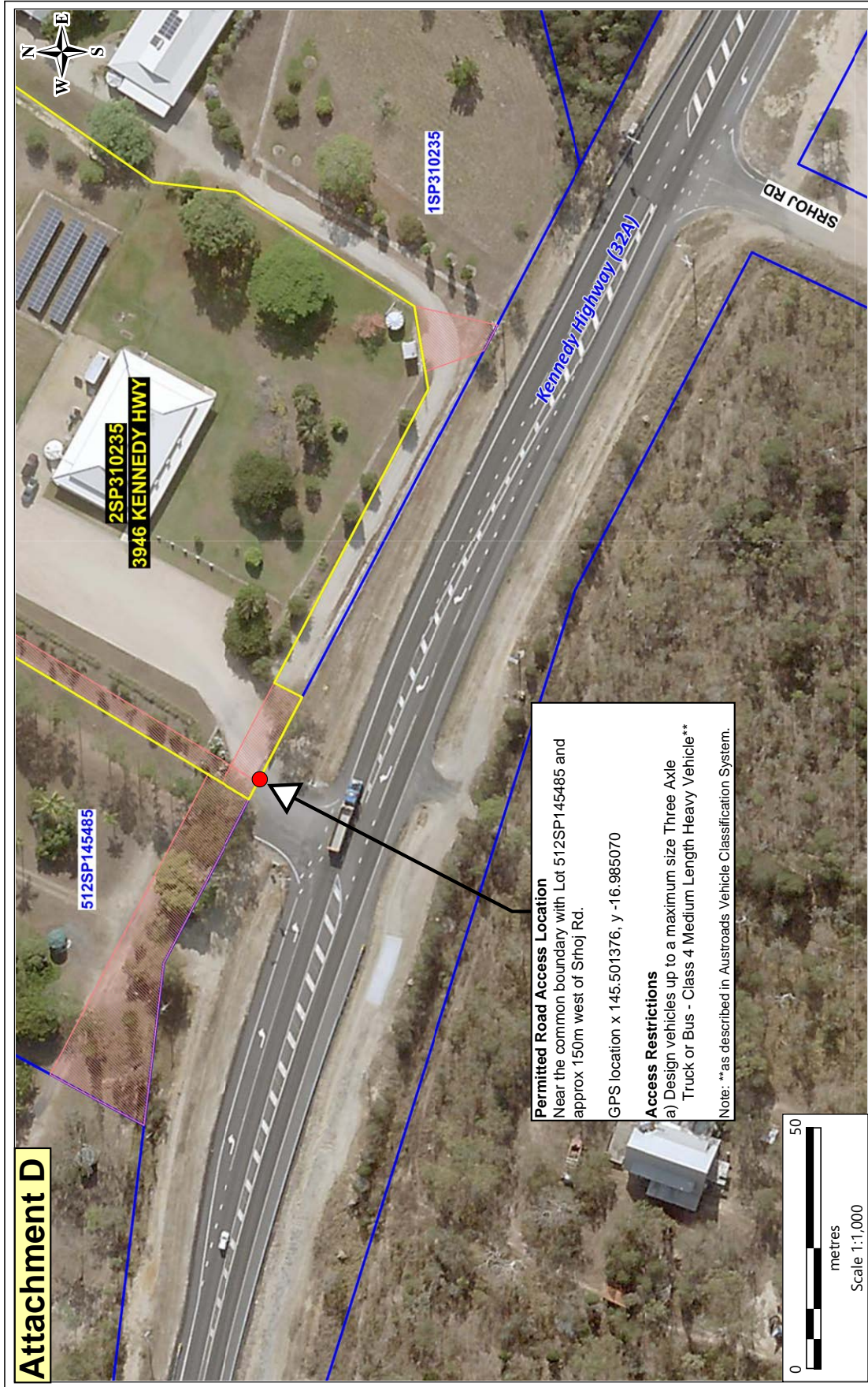
- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Attachment D

2SP310235
3946 KENNEDY HWY

1SP310235

512SP145485

Permitted Road Access Location
Near the common boundary with Lot 512SP145485 and approx 150m west of Srhoj Rd.
GPS location x 145.501376, y -16.985070

Access Restrictions
a) Design vehicles up to a maximum size Three Axle Truck or Bus - Class 4 Medium Length Heavy Vehicle**
Note: **as described in Austroads Vehicle Classification System.



Branch/Unit : Corridor Management / Far North District	Land parcels	Subject land	TMR Layout Plan (32A - 39.14km)	Plan: 1 / 1	Queensland Government Transport and Main Roads
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	Easements			Issue: A	
File ref: TMR2404002 (500-1411)				Drawn by: DWH	Date: 6/11/2024
Document Set ID: 4433580					
Version: 15/11/2024					

MCU/09/0005 Change Application and MCU/24/0010 Club Application Site Plan

24003 – MCU – 39/46 Kennedy Hwy., Mareeba Qld. 4880



Prepared by Scope Town Planning



Document Set ID: 4433590
Version: 1, Version Date: 15/11/2024

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.

RA6-N



SARA reference: 2409-42485 SRA
 Council reference: MCU/09/0005
 Applicant reference: 24003

14 November 2024

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

Attention: Carl Ewin

Dear Sir/Madam

SARA referral agency response—3946 Kennedy Highway, Mareeba

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

The development application for an other change, described below, was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 15 October 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	14 November 2024
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:	Other change - Development permit	Material Change of Use - Food and Drink Outlet
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1	

Page 1 of 7

Far North Queensland regional office
 Ground Floor, Cnr Grafton and Hartley Street, Cairns
 PO Box 2358, Cairns QLD 4870

Document Set ID: 4433590
 Version: 1, Version Date: 15/11/2024

2409-42485 SRA

(10.9.4.2.4.1) Planning Regulation 2017 - Material change of use of premises near a State transport corridor

SARA reference: 2409-42485 SRA
 Assessment manager: Mareeba Shire Council
 Street address: 3946 Kennedy Highway, Mareeba
 Real property description: Lot 2 on SP310235
 Applicant name: C & C Pratt c/- Scope Town Planning
 Applicant contact details: 225 Walsh St
 Mareeba QLD 4880
 scopetownplanning@gmail.com

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR24-044002 (500/1411)
- Date: 11 November 2024

If you are seeking further information on the road access permit, please contact Steven Zelenika, Senior Town Planner, at the Department of Transport and Main Roads by email at steven.z.zelenika@tmr.qld.gov.au or on (07) 4045 7063.

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 4**.

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@dSDLGP.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc C & C Pratt c/- Scope Town Planning, scopetownplanning@gmail.com

enc Attachment 1 - Referral agency conditions

2409-42485 SRA

- Attachment 2 - Advice to the applicant
- Attachment 3 - Reasons for referral agency response
- Attachment 4 - Representations about a referral agency response provisions
- Attachment 5 - Documents referenced in conditions

2409-42485 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 5)

No.	Conditions	Condition timing
Other change - Development permit - Material Change of Use - Food and Drink Outlet		
10.9.4.2.4.1 – Material change of use of premises near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads 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 road access location is to be located generally in accordance with TMR Layout Plan (32A – 39.14km), prepared by Queensland Government Transport and Main Roads, dated 06/11/2024, Reference TMR24-044002 (500/1411), Issue A.	At all times.

2409-42485 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) (version 3.0). If a word remains undefined it has its ordinary meaning.

Attachment 3—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 complies with the relevant provisions of State code 1: Development in a state-controlled road environment, as it:

- can be conditioned to not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road;
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads;
- does not adversely impact the state’s ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure;
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure;
- maintains or improves access to public passenger transport infrastructure or active transport infrastructure;
- does not adversely impact the state’s ability to operate public passenger services on state-controlled roads;
- protects community amenity from significant adverse impacts of environmental emissions generated by road transport infrastructure or vehicles using state-controlled roads.
-

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 4—Representations about a referral agency response provisions

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2409-42485 SRA

Attachment 5—Documents referenced in conditions

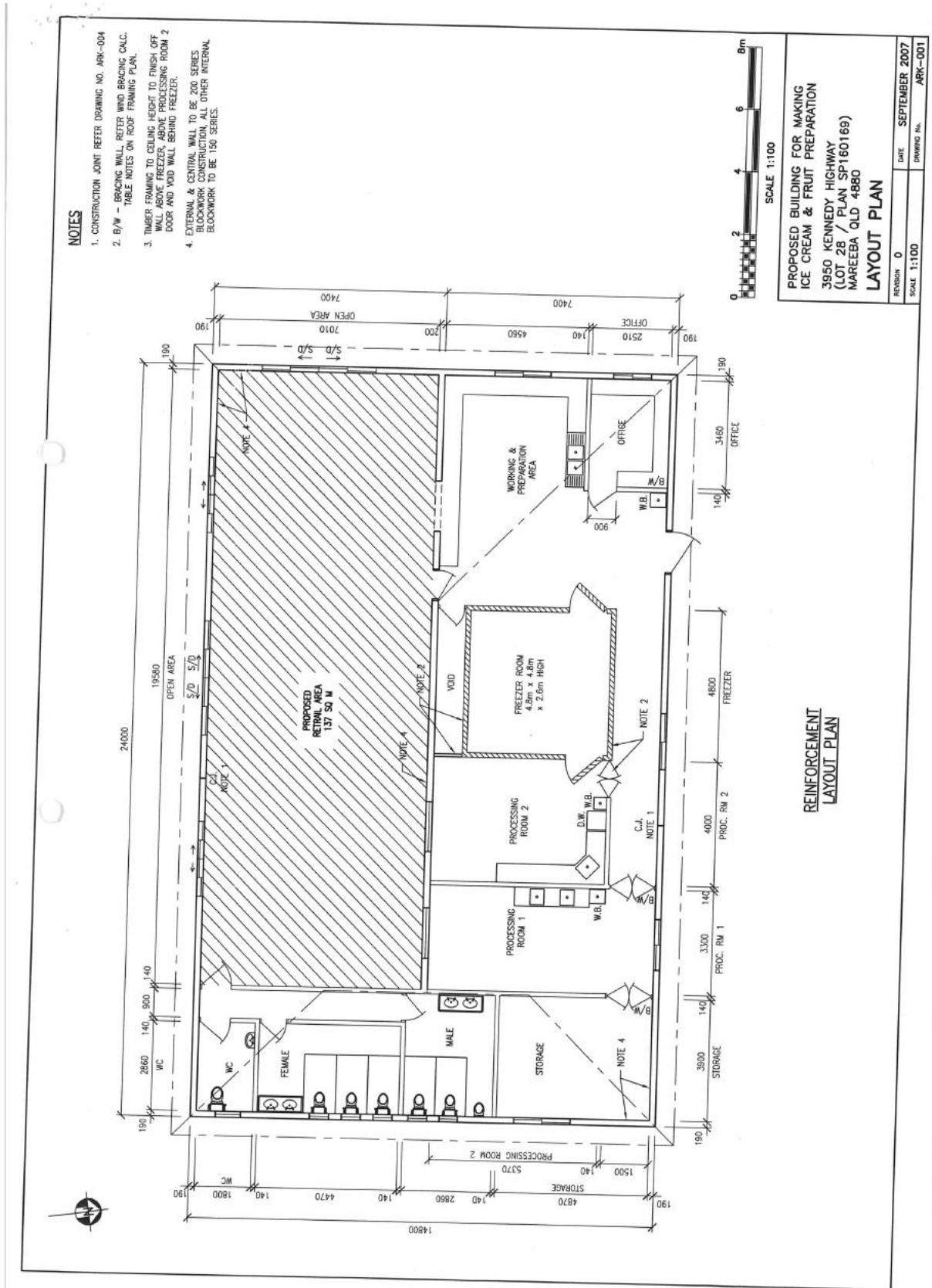
(page left intentionally blank)

24003 – MCU – 3946 Kennedy Hwy, Mareeba Qld. 4880
MCU/09/0005 Change Application and MCU/24/0010 Club Application Site Plan



Prepared by Scope Town Planning





From: "Carol Henry" <raisinl2@bigpond.com>
Sent: Wed, 26 Jun 2024 13:45:54 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Cr Angela Toppin" <mayor@msc.qld.gov.au>; "Cr Lenore Wyatt" <lenorew@msc.qld.gov.au>; "Cr Amy Braes" <amyb@msc.qld.gov.au>; "Cr Nipper Brown" <nipperb@msc.qld.gov.au>; "Cr Ross Cardillo" <rossc@msc.qld.gov.au>; "Cr Kevin Davies" <kevind@msc.qld.gov.au>; "Cr Mary Graham" <maryg@msc.qld.gov.au>; "bob.katter.mp@aph.gov.au" <bob.katter.mp@aph.gov.au>
Subject: Carol Henry MCU/24/0010 and MCU/09/0005 OBJECTION LETTER - Owner of 3948 Kennedy Highway, Mareeba.
Attachments: Carol Henry MCU240010 and MCU090005 OBJECTIONS.pdf
Categories: Added to ECM



Document Set ID: 4375547
Version: 1, Version Date: 26/06/2024



Document Set ID: 4375547
Version: 1, Version Date: 26/06/2024



Document Set ID: 4375547
Version: 1, Version Date: 26/06/2024

P.O. Box 1092
Mareeba Q 4880

23rd June, 2024

Mareeba Shire Council,
65 Rankin Street,
Mareeba. QLD 4880

Dear Sir/Madam,

Re: PROPOSED DEVELOPMENT
Application Ref: MCU/24/0010 and Application Ref: MCU/090005
On 2SP310235, 3946 Kennedy Highway, Mareeba, Qld 4880.

Application Ref: MCU/09/0005 (Change of operating hours)

I will now be living at my residence, 3948 Kennedy Highway, alone following my husbands passing. Our two adult children both reside next door at 3950 Kennedy Highway, and both are in Fly In/Fly out work positions, so I now spend most of the time by myself on our property.

I have very strong objections to the increased operating hours on Thursday, Friday and Saturday nights, due to the increased traffic activities after dark until the hour of 11.00pm. Cars entering and exiting the property currently already cause issues at my residence with dust from the carpark, my animals are constantly upset due to the cars driving in and out, customers walking around the carpark and even over to the boundary fence, looking into my property and litter that blows across onto our property.

My security and safety, I believe, will be at risk of being breached with unauthorised access occurring with all the additional vehicles entering next door during the cover of night. We can currently hear the cars pulling in and be aware of someone not meant to be there, but with increased traffic until 11pm we won't know if the cars pulling in are for the Ice Creamery or something more sinister as scoping out our farm and sheds or theft of the high value horses on property. I live where I live to have a peaceful and safe home. This I fear will be forever changed with the late nights and alcoholic sales at what is meant to be an "Ice Creamery" not a late night bar and gambling facility. What is the use of zoning by Government if it fails to follow the regulations for zoning. This is a Rural Zone, and they are pushing to have a Licenced Venue in it. We were unaware that a licence had even been already given to the Ice Creamery until this Proposal was brought to our attention late on June 21st so would have thought neighbours should be made aware of such information.

The "Illumination suppressant devices" spoken of in the Scope Town Planning Development Permit is laughable. Increasing vegetation as a buffer zone has to date proved unsuccessful. Initial vegetation was stipulated by the then Parks and Gardens manager, Mr Shane Bisseker. This was to be implemented in 2008/9 when the Ice Creamery was approved by Council as a Retail outlet so as to ensure privacy and dust control through the vegetation. The "garden" that is in place is 14 to 15 years old, and has never been maintained or improved by either the original builder or the new owners of three years. The latter having had to be asked to mow the area and tidy it up due to the eyesore that it had been for months with grass cuttings and rubbish having been dumped on our side of the car park, fence side of the supposed garden, and this cleanup took over a month to occur. (**Images attached**). There is no watering system in place to help the garden to improve at all and every year plants and trees along the car park die from lack of watering. I can be seen very easily through from the car park and Ice Creamery on my "Private" rural property by everyone entering the Carpark. I can very easily see and be affected by any lighting and vehicle lights as they go into and out of the property and around the carpark.

Application Ref; /24/0010 (Material change of use - Club)**Club meetings:**

I am sure local clubs would hold their meetings in their own area, rather than at a public venue a distance of 11 kilometres from Mareeba.

Gaming nights (Poker and Bingo)

Poker tournaments, and the serving of alcohol, by being on a major highway such as the Ice Creamery is situated on, is encouraging drink driving and abetting gambling addictions. Mareeba has many pubs and clubs already in operation as venues for these events. Poker nights are currently held in town at the "Anthill Hotel" every Monday night.

Bingo is mainly supported by elderly patrons, specifically at daytime venues, with fund raising games already being held in Mareeba. Surely there is not the necessity to have a late night event held so far out of town, in a rural zone and again with alcohol being consumed.

OBJECTIONS:

In the **Proposed Development Detail, 2.1 (Material Change of Use - Club)** it is stated *that the proposed Club is classified as a Community Activity and the public may utilize the Ice Creamery facilities on Thursday, Friday and Saturday evenings from 5pm to 11pm close. After 5pm on Thursday - Saturday, they will still have access to the regular Ice Creamery business, with doors closing to the public at 10 pm.*

In view of this, traffic can still be coming in until 10pm, causing headlights from vehicles entering to light up and shine directly onto my residence causing a disturbance to my dogs, and trauma to horses on my block. Because of my age, which is no longer young enough to cope with these disturbances, I find it all very upsetting.

This block was purchased by my mother, Beryl Raisin and her husband, Edward John Raisin in 1984 and my husband and I purchased it in 1996 from her estate, long before the adjoining block where the Ice Creamery is now situated, was subdivided and sold and then resold to the Dixons who, without any consultation with us, and as far as I know, nor any other neighbour, they went ahead and built the Ice Creamery as a wholesale outlet, later changing to a retail outlet which is where the risk assessment of the intersection and increase traffic has failed to be identified by those in the planning of the retail development plan in 2008/9. This entrance is very much offset against traffic entering the Ice Creamery. (Photo attached) This latest development has also been put into place with no risk assessment or thought of the courtesy of personally advising neighbours of the intention of extending business hours and change of use, in a prominently rural and residential area.

After receiving the registered letter containing the proposed applications, I have ascertained that I have been the only neighbour advised of the proposed changes. Following the receipt of the notice of the proposed development, I did investigate if any sign had been placed near the entrance to the Ice Creamery, and found that one had been erected on the front fence, deliberately quite some distance away from the entrance, where it was at a disadvantage of being seen by anyone, in particular, any of the surrounding neighbours. The 3944 property owners were not aware and they drive into the Ice Creamery access to get to their house.

On the slim chance that the proposed changes should be allowed to go ahead, privacy to my adjoining block could only be achieved by the erection of a tall colour bond or similar fence from the 3948 shed up to the corner and across to the tree past on the western side of the gate into 3948 and 3950 due to illumination of cars entering and exiting, particularly on the nights of late closing.

- ***Minimum of 2.1m high Colourbond fence from the 3948 block shed around to the corner, across the gate (colour bond gate to be put in place) and additional colour bond fencing across to the fence posts at the tree located on 3948. This to stop the illumination of turning cars into the intersection throughout the additional night time hours proposed.***

(Video can be provided of vehicle entering the intersection at night illuminating private residence of 3948).

- ***Re-Design of the Intersection with additional width being gained out to the boundary fence tree on east of the 3946 block access to allow safer access than is currently occurring. (Recommended widening overhead image and design attached). THIS SHOULD BE DONE WHETHER THE APPLICATION IS APPROVED OR NOT. IT IS A SERIOUS SAFETY ISSUE.***
- ***Mountable Kerb Type 8 or 9 to divide the high traffic flow Ice Creamery from the 3948 and 3950 traffic access. THIS SHOULD BE DONE WHETHER THE APPLICATION IS APPROVED OR NOT. IT IS A SERIOUS SAFETY ISSUE.***
- ***Sealing of the entire Car Park with Asphalt. (Implementation to stop the dust into 3948 as prevailing winds come from the East to South Easterly Direction throughout the year into the private home of 3948. THIS SHOULD BE DONE WHETHER THE APPLICATION IS APPROVED OR NOT.***
- ***Western Garden to have fully functioning watering system to ensure it no longer continues to fail and die during the dry months. This is required to break the sounds from the Ice Creamery and Car Park. THIS SHOULD BE DONE WHETHER THE APPLICATION IS APPROVED OR NOT.***

I appeal to the Mareeba Shire Council to thoroughly look into the disadvantages of these proposals, and consider the already stressful issues I have to deal with on a daily occurrence. It is open seven days a week with no consideration given to us who live here or the issues we contend with due to the business being here.

Yours Sincerely,

Carol Henry.

Mareeba Shire Council
65 Rankin St
Mareeba Qld 4880

7 July 2024

Re: Proposed Development MCU/24/0010 and MCU/09/0005

LETTER OF OBJECTION

To Whom It May Concern,

It has been brought to our attention the proposed development of a 'club' and 'change of operating hours' at the Emerald Creek Ice-Creamery. It is deeply concerning that this business is proposing this development with limited consultation of the neighbouring residents.

As a regular visitor to a neighbour of this business, as well as being a small business of our own who has had to access the premises of the neighbour's property; it is very evident that this is a very busy highway with vehicles travelling at speed to and from the direction of Mareeba. It is often observed that QPS (Queensland Police Service) situate a stationary speed camera vehicle within the vicinity of this area due to the number of vehicles that travel at speed along the stretch of highway.

Being able to exit the premises can be at times extremely dangerous and it can be difficult to get onto the highway. With the proposed development of a club and a change of hours, it can only be assumed that the traffic in and out of the business will only increase, increasing the real risk of accidents and incidences from occurring.

Another hazard is the increased risk of safety to the residents who live within the vicinity of the business. There will no doubt be the increase of patrons who will visit the club / business which brings with them the risk of increased noise and dust pollution. People live in areas that are isolated for the purpose of having a cleaner, quieter and more peaceful lifestyle.

In addition, there is the increased risk of patrons driving home under the influence. With the business being approximately 10km from Mareeba, and a limited number of taxis and no public transport, there will be those who will take the risk to drive due to limited choice of transportation.

I do hope that council use their common sense in making an informed decision around the proposed changes to the existing business and listen to the recommendations that the community are concerned about.

With regards,



Janelle Beasley

From: "Shelley Henry" <shelley.henry3@bigpond.com>
Sent: Mon, 8 Jul 2024 22:55:20 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Planning" <planning@msc.qld.gov.au>; "Cr Angela Toppin" <mayor@msc.qld.gov.au>; "Cr Lenore Wyatt" <lenorew@msc.qld.gov.au>; "Cr Amy Braes" <AmyB@msc.qld.gov.au>; "Cr Nipper Brown" <NipperB@msc.qld.gov.au>; "Cr Ross Cardillo" <RossC@msc.qld.gov.au>; "Cr Kevin Davies" <KevinD@msc.qld.gov.au>; "Cr Mary Graham" <MaryG@msc.qld.gov.au>; "Peter Franks" <peter@msc.qld.gov.au>; "cairnssara@dildgp.qld.gov.au" <cairnssara@dildgp.qld.gov.au>; "sue.lockwood@dmdip.qld.gov.au" <sue.lockwood@dmdip.qld.gov.au>; "bob.katter.mp@aph.gov.au" <bob.katter.mp@aph.gov.au>; "hill@parliament.qld.gov.au" <hill@parliament.qld.gov.au>; "cairnsoffice@tmr.qld.gov.au" <cairnsoffice@tmr.qld.gov.au>
Subject: Planning Department OBJECTION (REFUSAL) MCU/09/0005 Development Permit Extending Operating Hours - Emerald Creek Ice Creamery, Mareeba.
Attachments: MCU090005 Submission - Objection Refusal Letter - Shelley Henry.pdf
Categories: Added to ECM

Good Morning,

Please find attached my official objection to the Development Permit for a Change Application (Other Change - Extended Operating Hours) by the Emerald Creek Ice Creamery.

Please take the time to read and understand my submission to ensure you are fully aware of the ramifications of this if it passes through council and is approved. These are our homes, and families who will be affected by the choices you make when this is voted on. My family have always been a strong community minded family with ties to the rural industry, the Normanton Council and many community businesses over the years. We understand the need to bring money into the area and increase tourism.... Just not at the cost of your constituents and their homes, as well as the road users of the Kennedy Highway. I request that the seriousness of this decision be at the forefront of your minds when voting and completing any approvals.
Thank you for your time and please email me immediately if you have any questions.

Kind Regards
Shelley Henry - Red Zephyr Photography
Resident of 3950 Kennedy Highway, Mareeba, Qld, 4880
shelley.henry3@bigpond.com
Mobile - 0402 079 949

Your Ref: MCU/09/0005

8 July 2024

Chief Executive Officer
Mareeba Shire Council
65 Rankin Street
Mareeba, QLD, 4880

Attention: Planning Department

Dear Sir/Madam,

SUBMISSION – OBJECTION (REFUSAL)

DEVELOPMENT PERMIT FOR A CHANGE APPLICATION (OTHER CHANGE - EXTENDED OPERATING HOURS)

LOCATED AT: 3946 KENNEDY HIGHWAY, MAREEBA

FORMALLY DESCRIBED AS: LOT 2 ON SP310235

PLEASE READ ENTIRE SUBMISSION FULLY

Hi, my name is Shelley Henry from 3950 Kennedy Highway, and I have prepared the following submission in relation to the development application which is currently on public notification, which is seeking a Development Permit for a Change Application (Other Change - Extended Operating Hours) under the *Planning Act 2016* located at **3946 Kennedy Highway, Mareeba** for an extension of operating hours until 11pm on Rural Zoned land between two residential houses located within 55m of the Emerald Creek Ice Creamery in a rural area. Being this close to the Ice Creamery there is no possibly way that the noise can be dampened at those night time hours to ensure that neighbours are not affected. Definitely NOT CONSISTANT under the Mareeba Shire Planning Scheme.

I try to spend as much time with my parents as possible. I assist them with their property maintenance during my days off from FIFO work and have observed privacy violations due to the lack of screening or fencing that were required as part of the previous Development Applications put to Council by the Emerald Creek Ice Creamery. From travellers taking photos over the fence into our property to comments being made about my father making his way to his shed (he had Parkinson's), to attempting to get the horses to come over to the dividing fence for a pat by tourists/visitors which creates a biosecurity hazard for my animals. I have a duty of care under legislation to care for my animals and ensure that they are not exposed to disease or pests that could be spread by unauthorised contact by travellers.

I have begun breeding, training and selling Australian Stock Horses which are located on both blocks 3948 and 3950. Of which I have serious animal welfare concerns for in the event that the liquor permit extends with the opening hours resulting in humans doing what humans do best and make bad decisions. Potential for accessing our properties and causing either injury to the horses or themselves. Our Public Liability Insurance will go through the roof if this is

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Version: 1, Version Date: 09/07/2024

passed. Along with the security and human concern, is the lighting pollution from firstly the lighting which will be required by the Workplace Health and Safety aspect to ensure people are able to safely walk to their vehicles and also be seen by incoming and outgoing vehicles, along with the clientele vehicles entering and exiting and parking will have their lights shining directly into our property and paddocks causing spooking of the horses, potentially causing injury to the high value animals on property. Along with alerting the dogs on both of our properties which in turn will result in them trying to alert us of potential unauthorised access. Yes, they will bark which is what we want them to do to help alert us in the event of people entering our properties. We have re-enacted a vehicle entering the access towards the Ice Creamery and videoed the footage to prove how the illumination of our private residence is not acceptable from one vehicle let alone in a high traffic flow number of vehicles when the hours are extended for continued sales, parties and “club” meetings.

As my mother is the closest resident and most affected by close proximity to the proposed development of the Emerald Creek Ice Creamery, I wish to formally lodge my strong objection to their recent submission to increase their current trading hours to open earlier and close at 11pm at night and the nature of the business changing from a Restaurant/Cafe/Ice Creamery to be utilised as a “Club”, with alcohol to be served until 11pm. I will also be pursuing this matter with the Office of Liquor and Gaming Regulation such is my concern with the approval of the licence to the Emerald Creek Ice Creamery and its close proximity to the National Route 1 - Kennedy Highway.

My objections are based on my previous experience with the Emerald Creek Ice Creamery failing to fulfill their commitment and complying with the conditions of their current planning permissions and I am concerned that given the proposed changes these will add further detriment to our living situation for both 3948 and 3950. Our only regret is that we didn’t lodge complaints earlier, which would have demonstrated through incidents of non-compliance, that even the existing operation is in-consistent with the rural area, and its impacts on those surrounding properties drastically. That the purpose outcomes and strategic outcomes have been compromised through lack of controls. Evidently this use as a “Club” and its extended hours could work elsewhere where adjoining three (3) rural landowners weren’t located within 60m of a non-consistent commercial activity in a rural area. Along with my objections I also include a personal impact statement as I believe these changes will negatively impact my wellbeing and personal safety for myself , my elderly mother and my horses.

Neither myself, my brother nor my mother were ever informed of the appropriation of a liquor license to be held at the Ice Creamery. One would like to believe that such an undertaking as serving liquor in a rural area with houses flanking all sides of the commercial business would have to be informed so as to gain any concerns from the residents that may be affected in the future. Particularly as the business now sees fit to want to extend their opening hours to 11pm at night in a rural area? Who in their right mind could think this is a good idea? There are MANY clubs, pubs, and locations in the town area for which the “Poker” and “Bingo” nights SHOULD

be held. NOT in a quiet and tranquil location free from disturbance, in particular a Rural area located 11KM from the town of Mareeba.

When I contacted the OLGR they informed me that a sign would have been posted out the front of the property to inform those living in the area of the liquor permit application. I “assume” it would have been placed in the same location as this Development Application was, hidden behind the tree well east of the access restricting the visibility for us to see it. Until we contacted the council and had it moved to the entrance following mum receiving a registered mail informing her of the Development Application otherwise we would have never know they were planning to follow their current plan. This to me creates a deceitful approach from the Developers.

I would also like the support of the Council to ensure the proprietors are required to undertake the following assessments at their cost to support their application **irrespective** of their application being granted in part or in full:

In the Negotiated Decision Notice Approval 8 July 2009, there was a maximum noise level of 8dB (A) above background levels. It my request that the property engage an appropriate qualified organisation to assess the current noise level and to provide a detailed noise report on the changes to the permitted noise levels at various times of their operational activities given the changes in the level of background noise. I also request that should change be made to their application be granted that they be required to undertake noise monitoring which is reported to the Council or EPA on a routine basis. Any noise pollution mitigation measures must consider all aspects, such as secondary hazards of dust, and be constructed in such a way, and form materials, that does not create a visual hazard nor impact the residential community ambiance of our rural scenic properties surrounding the commercial business.

In the Negotiated Decision Notice Approval 8 July 2009, it was a requirement to have an assessment conducted to the satisfaction of the Department of Main Roads. Since the time of the 2009 assessment the usage of the highway has increased and the vehicle demographic change. It is my opinion that further development is required on the shared driveway access to the residential properties and the business. This requirement is well overdue and the intersection is sub-standard to the amount of traffic that utilises it onto what is an extremely busy highway network. The risk is compounded by the number of stop and go on the range creating non-stop sections of traffic for what can be a 5 minute wait to leave our access.

Now I know from living here that I may have to wait that long and that if a vehicle is anywhere on the straight towards Cairns I need to wait. Particularly if I have my trailer on as they are doing 100km/hr and if I cross and go towards Mareeba that they will catch me before I get going. And the same for Mareeba direction. If any vehicles are on the “jump up” I will not drive out and towards Cairns as I know that they will catch me very quickly and have to brake or hit me. The design of the intersection was suitable back in the early 2000’s - Pre having a Commercial

building aka “Emerald Creek Ice Creamery” being put in place in amongst our cozy rural acreage. It certainly does not allow for the size or number of vehicles or trucks that call in there, 7 days a week, every week..... With only Christmas Day and Boxing Day to give us a break from the constant traffic flow, noise and dust. Now they would like the addition of 14 hour days (9am - 11pm) to add to our anguish. It should be completely separated from the two western block access's of 3948 and 3950. **With absolutely NO extension of opening hours.** It is obvious those who say it is quiet at night in regards to traffic on the highway have never lived out here, maybe at 2am in the morning it gets quieter. As I write this at 9:30pm on Monday night there is still a lot of traffic travelling past, let alone a Thursday, Friday or Saturday night when people are travelling up from Cairns on the weekend after work for their weekend get away's.

We have been forced to shut our front gate to stop random vehicles driving into our private driveway. This is due to the compressed and bottle necked access. Remember, this was originally only for the two blocks with two families and for this purpose it was fit. The travellers assume they can park inside as they believe it to be part of the Ice Creamery. And many times also back in next to our front gate, on the nature strip. Whilst having to open and shut this gate only increases our risk of being contacted by incoming and out going vehicles whilst we are trying to gain entry to our private property.

I regularly utilise our designated access to transport horses in my large gooseneck trailer and tow vehicle. In 2020 the bottleneck configuration and high traffic flow in and out of the Ice Creamery resulted in me reaching out to the Mareeba Shire Council for assistance, who then directed me to contact TMR about my concerns with near miss head ons. When I attempted to drive straight ahead and wait to enter the flow of traffic, to allow traffic out of the Ice Creamery and towards Cairns, drivers of vehicles coming from Mareeba would not wait for my vehicle to clear the intersection and drove around in front of me and down the exit into the oncoming exiting vehicles out of the Ice Creamery, I also had vehicles exiting from the Ice Creamery drive out, and across in front of me whilst I was attempting to leave. Following TMR feedback about my concerns and explanation of the near miss incidents, I now have to exit our entrance of our property and cross the intersection using my vehicle configuration to block the entire access to stop all traffic from entering or exiting all properties until I can safely enter the Kennedy Highway. As explained earlier this can sometimes take some time due to the large number of vehicles on the Kennedy Highway. FNQROC reports over 11,000 daily traffic movements between Cairns and Mareeba. No one seems to want to take ownership of this intersection and its potential for a serious accident. Blind Freddy can see that it is not a standard access for a business with the high traffic flow that enters it. It is off centre to the main flow of traffic, no centre bund to divide entering and exiting traffic, I would have to even question its width with the location of the open sign in the middle taking up access and pushing the traffic even further west.

In the Negotiated Decision notice Approval 8 July 2009, it was a requirement to adequate space for a mini bus to turn around in the designated carpark allocation. It is my request that either the business is limited to the supporting minibuses only OR the planning approvals are

extended to mandate appropriate conditions are in place for larger buses and vehicles towing caravans be implemented. Including the full sealing of said parking. No further increase to be given in the development footprint as the surrounding properties amenity will only get impacted further, is crucial when considering such a already non-compliant project.

Furthermore, in the Negotiated Decision Notice Approval 8 July 2009 it was a requirement to pave the vehicle used areas, both access and parking to help with the potential of generated dust. I want to have this a requirement mandated as while she may not have made formal complaints to the Council, my mother has been negatively affected – both in health and hygiene by dust generated by the vehicle access area. I would also propose that the property be required to undertake dust monitoring, by a qualified business, to ensure they are not creating an airborne or psychosocial hazard. And for the entire car park and access to be fully sealed to eliminate the dust pollution into the private residence of the 3948 home of Carol Henry. Extending the hours to a 14 hour day only increases her exposure levels to the dust and noise.

We are not suggesting that this paving is something that supports the current applications, as something that is reasonable and supports the current DA is NOT our message. We are simply talking about the current **non-compliance** with the **existing approvals MSC** granted in the past, of which we believe should never have been granted in this location with some many close neighbours and the limited access onto the Kennedy Highway, with no apparent room for access improvement. This information I have gained from discussions with the numerous planning departments and DTMR.

In the Negotiated Decision notice Approval 8 July 2009 it was a requirement to have detailed landscaping designed for both aesthetics and the mitigation of business produced pollutants (noise, dust, light). It is my request that the landscaping design be resubmitted addressing the aesthetics aspect to not deter from the nature of the residential setting which they have established their business between. The proposal shall also include a timeline for completion and additional information on supports such as reticulation to ensure the landscaping is well maintained and continues to flourish instead of its failure over the previous 15 years since its establishment.

The proposed control relating to patron noise on the late operation nights is insufficient as '*no tolerance for noisy or rowdy behaviour by patrons*' is not a control but a '**wish**' statement. It is my request that a more suitable control, using the hierarchy of controls be implemented, such as the elimination of outside patrons (i.e. removing the outdoor seating) after 5pm or similar. ***ALL Clientele to be inside closed building to reduce exterior noise which then travels to the closely located homes of the surrounding neighbours.***

Furthermore, I would request detailed reports by an acoustic and air engineer be completed demonstrating compliance with Environmental Protection Policy's for Air and Noise. Non-negotiable essentially. If not you are not undertaking your work in the interest of the

community, then its not in the interest that these DA's be supported. Please do your due diligence and take into consideration all of these points documented.

Should the Council officers consider this to be acceptable in a rural area, then I would insist on clause stating no new outdoor seating or other areas which would see people congregate outside for more than access to vehicles upon leaving.

Should the Council officers consider this to be acceptable in a rural area, then I would insist on adding to the proposed control for live music or loud music requiring council approval expanded to requiring all surrounding residents' approval as well. With all contact to be received and documented by council.

Please note, these points are not an acceptance for the go ahead of the development, far from it, they are to help mitigate the damage if somehow it is successful. Even with the huge amount of negative effects on the people who live within 60 metres of the business and are affected by it all day, everyday.

In review, these are the considerations for the Council -

Primary duty of care


"A PCBU must eliminate risks arising from the work environment and facilities, or if that is not reasonably practicable, minimise the risks so far as is reasonably practicable."

- Noise Pollution**
- Dust Pollution**
- Light Emissions**
- Public Safety - Dangerous Intersection**
- Failings by the business to implement the requirements by council in earlier development plans.**
- Failure during the planning process to correctly identify and control the risks.**
- Security concerns for both residents, animals and property with the late closing.**
- Biosecurity Concerns**

Mareeba Shire Council Planning Scheme 2016 - Major Amendment No. 1 of 2023 version I find “Part 6 in 6.2.10.3 Criteria for Assessment”:

Table 6.2.10.3 - Rural Residential Zone Code - For accepted development subject to requirements and assessable development
Page 220

PART 6	
Performance outcomes	Acceptable outcomes
Non-residential development	
<p>PO8 Non-residential development:</p> <ul style="list-style-type: none"> (a) is consistent with the scale of existing development; (b) does not detract from the amenity of nearby residential uses; (c) does not impact on the orderly provision of non-residential development in other locations in the shire; and (d) directly supports the day to day needs of the immediate residential community; or (e) has a direct relationship to the land on which the use is proposed. 	<p>AO8 No acceptable outcome is provided.</p>
Amenity	
<p>PO9 Development must not detract from the amenity of the local area, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO9 No acceptable outcome is provided.</p>
<p>PO10 Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to:</p> <ul style="list-style-type: none"> (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions. 	<p>AO10 No acceptable outcome is provided.</p>



Part 6 — 220

Mareeba Shire Council planning scheme

Planners, Councillors and Lady Mayor, please take into consideration that my family has lived on this property for nearly 40 years, I realise this isn't quite being considered a local as yet, although we are planning on being here for another 40+ years.

It is our family home, we love the Mareeba District and all it stands for with its strong agricultural sector and, as the Mareeba Shire Council states in its Planning Scheme "***value its relaxed rural lifestyle, character and scenic qualities of the rural area are preserved and enhanced***" we hope to ensure this strategic outcome is followed by the Planning Department, Elected Councillors, Lady Mayor and CEO of the MSC.

My horses and rural photography will become my home business following the cessation my current employment. We will not be driven out of our home by a development that is inconsistent with the intended character of the Rural Zone/Rural Residential Zone in which we reside.

I already come home from my week away at work and find myself so upset and frustrated with the lack of privacy, the noise and dust pollutions emanating from the Ice Creamery. As well as the stress and anxiety when trying to use our own council designated access to enter or exit our own home, and have near misses with vehicles leaving the Ice Creamery (they should be giving way to their right but this has failed many times resulting in the near miss hits). Remember this business is open every day of the year except two days.....

My elderly mother has to deal with this day in, and day out, all year round. I truly have serious concerns regarding her health and safety in regards to security with the proposals which have been put forward, on top of what she already has to deal with.

I invite you all to attend our properties of 3948 and 3950 Kennedy Highway to witness our concerns. I would like request to be able to attend the Council Meeting when the Development Applications are put to vote if this is possible, please. Supporting video and photographic evidence is available on request.

Should there be any questions or queries in relation to the submission presented, I would appreciate if you contact me via email immediately.

Yours faithfully,

Shelley Henry
3950 Kennedy Highway
Mareeba, QLD, 4880
shelley.henry3@bigpond.com

ALLAN WILLIAM HENRY

0421 724 469
allanhenry8@bigpond.com
3950 Kennedy Highway
Mareeba Queensland
4880 Australia

8 July 2024

Mareeba Shire Council
65 Rankin Street,
Mareeba. Queensland 4880

Dear Sir/Madam,

RE: Proposed Development Applications - Emerald Creek Ice Creamery

Applications -

**MCU/09/0005 - Change Application (Other Change -
Change of Operating Hours)**

I live at 3950 Kennedy Highway, Mareeba, utilising the same access driveway as the Emerald Creek Ice Creamery. I would like to offer my thoughts and extreme objection on the proposed Change of Use to a "Club" from a "Cafe". And the change of operating hours.

It is quite evident to me that not once in the Planning stage of these proposals were the very close neighbours to the Ice Creamery considered at all. No one has contacted us prior to the Registered mail received by Carol Henry, my mother, even though I use the same access and are affected by the changes I was not officially informed. And when I mentioned to the rest of the family that there should be a sign up, no one had seen one. Upon a walk down to the front fence, a sign was in fact found placed behind a large tree at the front of the Emerald Creek Ice Creamery so as it wasn't easily sighted when we entered. This has since been rectified following our contacting the council. Indicating to me that it was not in a regulation approved location. Which we agree on.

I have lived here since "Pre-Ice Creamery" and I can honestly state that it has been nothing but a serious accident waiting to happen with the existing access which has never been improved to allow for the large amount of traffic in and out of the Ice Creamery.

The other three properties, mine included have not increased. When my block was sub-divided off from my parents, we were made by council to pay a contractor - Greg Williams of NQCEC to develop to TMR standards a turn in lane from Mareeba into our access, paid for by the Henry family. As "there would be additional people living at our address due to the sub-division", never mind we all lived at the original house together so had the same amount of people. At this time the Ice Creamery was not built. And the access was suitable to be used by the families living in the blocks utilising it.

Scott and Geoff Dixon and their development of the Ice Creamery under the Mick Borzi Mayorship, was put through without our knowledge, and no such requirement was made to them and their business in regards to a turning lane

from Cairns into the Ice Creamery. Please note that the only addition to the entrance was a home made widening of a metre or two of fill done by Mr Dixon himself towards the eastern side of the access. There has been no further improvement to the access with the increased traffic since its initial establishment. Increased traffic = increased risk. If this access is unable to be improved to ensure the safe passage of Ice Creamery generated traffic onto the state-controlled road, the Council will fail in its obligations to its constituents and visiting travellers in regards to their safety.

I have seen the amount of dust that lands on my mothers furniture from the traffic travelling on the unsealed carpark, I don't believe it is reasonable or acceptable for her to be dealing with this at all in her private residence. One would think that such a highly trafficked area would be fully sealed with asphalt to protect her health and well being as she is on the down wind side of the dust, I am also downwind but not as close or as affected as she is with the dust emissions from the Ice Creamery. She can clean her tables and furniture on Monday and by Wednesday there is a layer of dust on them again. Totally unacceptable.

The "privacy" given by the garden on the western side of the car park is not adequate at all, with my father, may he rest in peace, was subjected to children yelling to their parents that "that man is drunk!"... My father suffered from Parkinson's until his passing last month. They do not deserve to have people being able to see into and around their private property and be subjected to such comments. They have absolutely no privacy and I also can be seen from the carpark in my yard such is the lack of vegetation on the Western side of the car park. It has failed to comply with the requirements of the previous Approval by council in the application for change of use by Dixons in 2009.

As with the ability to see into our property I can see now how much the night time opening hours will affect us all with vehicle lighting and lighting from the Ice Creamery building itself. As well as the vehicles accessing the driveway from the Cairns side shines straight into both our houses. We have tested this and have documented it. Videos will be shared with Councillors and Lady Mayor upon their visit to site.

The extended hours to 11pm at night ARE NOT justified or reasonable. It is a RURAL Zone, and as such a gambling facility is not a justified use. Particularly with the sale of alcohol in an area not readily covered by taxi's in the event of too much alcohol being consumed. You will be adding fuel to the mix by allowing such hours and the sale of alcohol. A big no from me.

I strongly believe a duty of care is required from the MSC, TMR and the Emerald Creek Ice Creamery to work together to ensure that works are conducted in a timely manner to design, and implement a safe access onto the Kennedy Highway from the Ice Creamery. This is a very unsafe intersection and must be taken seriously.

Sincerely yours,

Allan William Henry - Bill

E: brownsonthewallaby@bigpond.com
 Ph: 0427453445.

K.A & O.F Brown,
 P.O. Box 32,
 KAIRI. Q 4872

7th July, 2024.



The Chief Executive Officer,
 Mareeba Shire Council,
 65 Rankin Street,
 MAREEBA Q. 4880

Re: Proposed Development Applications – Emerald Creek Ice Creamery
MCU/24/0010 Material Change of Use – Club
MCU/09/0005 Change application – change of operating hours

Dear Sir/Madam,

In writing this submission we wish to express our serious concerns regarding the above proposed changes at the Emerald Creek Ice Creamery. The issues are several.

We are regular visitors to the very close western neighbours of the Ice Creamery at Emerald Creek. The Owner of this peaceful rural property at '3950 Kennedy Highway' have been in an increasing state of concern since receiving the registered advice regarding the above application.

We consider the issues are as set out below.

- Their privacy
- Their sense of security
- The dust factor
- The noise of vehicle movements & lights
- Disturbance of animals
- Accessing the Kennedy Highway

With the proposed developments we can see nothing but increased problems.

Their Privacy: Should extended hours be approved, this once quiet rural property will be bombarded with even more vehicles and people being able to view every movement and activity on the adjoining land. This elderly lady does not need to be feeling she is constantly 'on show' to neighbouring clients. Her sense of privacy will be further strained.

Sense of Security: To have public and vehicles accessing and departing the neighbouring property till 11pm attending functions, meetings, parties, bingo and Poker nights with alcohol being served and being catered for outside the building at times, is a risk concern in this rural setting. Where is the security? When clients need to be responsible and call a taxi, what chance do they have, being approximately 12km out of Mareeba? A very narrow chance – just ask the taxi company. If the taxi does agree to come, the clients could be waiting around for a considerable time.....this is more of a security concern. You must understand, to be alone in your home and feel insecure and/or frightened because of possible impatient people wandering around the road entrance to your property late a night, is not acceptable.

allow oneself to get out of the 100km/hr traffic: vehicles parked in the driveway exiting the Ice Creamery property trying to get across the high speed traffic to head west: I have no where to go.

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The Dust Factor: Constantly the south eastly winds are blowing from the very close car park and drive in area, directly into the home next door. Arrangements were supposed to be put in place years ago to mitigate the dust factor. The garden/tree line has not been planted and cared for in the manner required to control the dust and give a suitable barrier – and consideration should not be given to even more hours of dust and disturbance to the neighbour.

Noise of vehicle movements & Lights: Vehicles are continually slowing down, backing up and driving into the neighbours driveway space, just to enter the business next door. With further client vehicles, delivery vehicles, tourist buses, car and caravan movements the noise will only increase in the extended hours. Vehicle lights will light up the whole home and to have this happening until 11pm at night is not acceptable. You would be constantly wondering if they are coming to ‘your home’ or checking out your property. To stop vehicles accessing their property, the neighbours have chosen to close their gates. This makes it even more difficult for them to enter their property quickly when others are trying to enter or exit the neighbouring business.

Disturbance of their animals: Again remembering this is a rural zoned property next door, their animals are on constant alert and agitation with vehicles and people so close and visable to the animals boundary.

Accessing the Kennedy Highway:

The very narrow access to their property, that currently serves three (3) private rural zoned properties and one (1) property which is a shop/business with significant traffic movements is a serious problem. This scenerio is just an accident waiting to happen. I have been in the position of trying to access the neighbouring property off the Kennedy Highway coming from the west. There has been a car and caravan parked in the pull over area off the highway, infront of the neighbours property that should allow oneself to get out of the 100km/hr traffic: vehicles parked in the driveway exiting the Ice Creamery property trying to get across the high speed traffic to head west: I had no where to go.

The entrance to the Ice Creamery is not sufficient to handle the traffic off the highway, let alone have caravans or buses parked nearby, obstructing vision and pullover space. Should you wish to take a truck and trailer out of the the neighbours property, it is almost impossible to access the highway safely if any vehicles are moving in or out of the Ice Creamery. They dart around you off the highway to get out of the 100km traffic or pull out in front of your turning vehicle to get onto the Highway. This turning/access entry is just so dangerous, and consideration of late night movements will see more chances of yet another casualty on this extremely busy fast-flowing highway.

We request Council give deep consideration and vote to NOT agree to this proposed development. People in this area chose to live here because it was a rural quiet enviroment. These neighbours do not wish to live next to a busy business, with vehicles, noise, lights, peering sticky-beaks and extended hours of agitation and insecurity. IWe are deeply concerned for our friend with this proposed development.

Sincerely,

 Kerry & Owen Brown

From: "Julie Marshall" <julie.marshall79@gmail.com>
Sent: Tue, 9 Jul 2024 09:08:52 +1000
To: "Info" <info@msc.qld.gov.au>
Cc: "Cr Angela Toppin" <mayor@msc.qld.gov.au>; "Cairns.office@tmr.qld.gov.au" <Cairns.office@tmr.qld.gov.au>; "bob.katter.mp@aph.gov.au" <Bob.Katter.MP@aph.gov.au>; "cook@lnp.org.au" <cook@lnp.org.au>; "hill@parliament.qld.gov.au" <hill@parliament.qld.gov.au>
Subject: Proposed Development Applications - Emerald Creek Ice Creamery Applications - MCU/24/0010 - Material Change of Use (Club) MCU/09/0005- Change Application (Other Change - Change of Operating Hours
Attachments: Julie Marshall Objection Letter Emerald Creek Ice Creamery 9 July 2024 - Letter 2.pdf, Julie Marshall Objection Letter Emerald Creek Ice Creamery 8 July 2024 - Letter 1.pdf
Categories: Added to ECM

Good Morning

Please find attached my updated formal objection letter to the two Emerald Ice Creamery Development Applications for Change of Use and Extending of Open Hours.

Feel free to contact me if you have any questions.

Regards,

Julie Marshall

Mob: 0429881245

Your Ref: MCU/09/0005

9th July 2024

Chief Executive Officer
Mareeba Shire Council
65 Rankin Street,
Mareeba, Queensland 4880

Attention: Planning Department

Dear Councilors and Lady Mayor,

SUBMISSION – OBJECTION (REFUSAL)
DEVELOPMENT PERMIT FOR A CHANGE APPLICATION (OTHER CHANGE - EXTENDED OPERATING HOURS)
LOCATED AT: 3946 KENNEDY HIGHWAY, MAREEBA
FORMALLY DESCRIBED AS: LOT 2 ON SP310235
PLEASE READ ENTIRE SUBMISSION FULLY

I would like to officially document my objection to the above proposed changes to the Emerald Creek Ice Creamery.

I have visited the western properties adjacent to the Emerald Creek Ice Creamery for the past 11 years since moving to Mareeba and years before that.

During this time, I have witnessed the development of the Ice Creamery and the continued growth in the traffic.

Entering and exiting the property of 3948 & 3950 Kennedy Highway has developed into a serious hazard. On more occasions than I can care to remember, exiting the property I have nearly been hit by oncoming or exiting traffic to the Ice Creamery, who fail to give way to exiting traffic from the above-mentioned property.

Also, the noise and dust that travel to the property is of a genuine concern, I have witnessed the constant clean up that is required and do wonder what health impacts this is having on Carol Henry in her later stages of life.

I honestly believe if this application is passed that it will have a detrimental effect on Carol's health and mental state with the recent passing of her husband of 56 years. Also, the potential for traffic accidents due to the inadequate access to the Emerald Creek Ice Creamery that I would not wish on my worst enemy.

The sales of alcohol and extended hours will only exacerbate the already unsafe environment.

I sincerely hope that you consider the impact that this is going to have on the neighboring properties and any innocent people that could be effected by this.

Julie Marshall
38 Iluka Street
Mareeba, QLD, 4880
Julie.marshall79@qite.com
PH: 0429881245

To:
The Chief Executive Officer,
Mareeba Shire Council,
65 Rankin Street,
MAREEBA Q. 4880

From:
Ms Tamie Brown
PO Box 442
TOLGA QLD 4882

8th July 2024

To Whom It May Concern,

Re: Proposed Development Applications – Emerald Creek Ice Creamery
MCU/09/0005 Change application – change of operating hours

It has come to my attention that the Emerald Creek Ice Creamery have applied to change in operating hours of the business to 11pm on some nights of the week to hold functions such as meetings, parties, bingo and poker nights with alcohol being served. I wish to express my concerns with regards to the above mentioned proposed changes and I urge council to REJECT this proposal.

I have visited the neighbouring property at '3950 Kennedy Highway' often, both before the Ice Creamery was established, as well as after, and the effect this business has already had on the quiet rural residences and landscape since being opened is significant.

The once peaceful, quiet existence of this rural property has been interrupted on multiple occasions while I have been present at the property, since the establishment of the Ice Creamery, situated very close to the eastern boundary fence. My concerns are as follows:

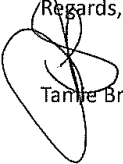
1. The privacy of the neighbours at 3950 Kennedy Highway during opening hours of the ice Creamery is non-existent outside the confines of their home building. As soon as you step out of the door of the residence, you seem to be 'on show' as Ice Creamery clientele peer over the fence, watching the horses or simply the coming and going of the residents and their visitors whilst they converse in the carpark.
2. The dust that accumulates daily on every available surface of this neighbours home created by the traffic going to or coming from the unsealed Ice Creamery carpark would bring anyone to tears. This dust creates considerable work for the retired house proud residents of 3950 Kennedy Highway. This dust pollution is a health hazard and needs to be addressed. With more traffic evident by more functions over longer hours only spells more problems for this business's neighbours. It was my understanding that the Ice Creamery was supposed to ensure that a privacy/dust barrier was installed and maintained when it was originally approved by Council, however this has not been the case. More hours just means more pollution to the neighbours.
3. On more than one occasion I have witnessed, 'near miss' traffic accidents whilst trying to access or exit the property at 3950 Kennedy Highway. The access is very narrow and serves as an access to not only the said business, but three other rural properties. With an increase in business and in business hours this can only become a bigger problem. This area of highway is a 100km/hr zone and on many days traffic can be seen backing up on the highway trying to access the Ice Creamery. I have witnessed caravans parked across the driveway to the Ice Creamery while other vehicles are trying to exit the Ice Creamery carpark. Visibility for the vehicle exiting the access is therefore diminished. The residents of 3950 Kennedy Highway have had to shut their boundary gate to prevent people from coming in their driveway, thinking that it is part of the Ice Creamery. I have almost been hit by a car exiting the Ice Creamery whilst I have left my car to close the property gate. Adding alcohol to this already dangerous inter-action just adds to the significant problem already existing. All this occurred in daylight hours. To extend the hours into night, I see significant problems with access on and off the highway. Fog, rain and speed while negotiating this access will be horrendous.

4. The rural property is home to expensive and very well loved Australian Stock Horses which are bred on the property. Already, I have seen these horses spooked by honking car horns, often due to a near traffic incident nearby. On one occasion a foal almost ran through an internal fence in fright. They have had adults and children leaning over the fence and calling out to try and pat/feed these expensive horses – and this was during the daylight. Imagine what damage having a commercial business, serving alcohol, creating extra noise and extra traffic could do to the animal's wellbeing. Should the boundry gate be 'opened' these horses would have complete access to the 100km/hr traffic of the Kennedy Highway. We all know that intoxicated people in general do not make great choices. The constant anxiety of being hypervigilant of people tresspassing or accessing the property already exists. Making more occasions available and more hours possible to the Ice Creamery, only creates more chances of these problems happening. It is not unreasonable for the residents of 3950 Kennedy Highway to be deeply concerned for the animals.
5. The vehicle lights and the lights on the exterior of the Ice Creamery building during extended hours are going to cause much more distress to both the animals and the residents concerned. The whole residence will be continually lit up as vehicles come and go from the car park. It is all so close.
6. Every person has a right to peaceful, quiet enjoyment of their residence and property. Every person has the right to feel safe in their own home. Should patrons of the Ice Creamery have to wait around for transport because they have consumed alcohol, or there is a vehicle problem, and it is late into the night, they will be 'at the front gate' of 3950 Kennedy Highway, doing what? This could be for an extended time if they are waiting taxi/bus services. They are some 12km from Mareeba. With this business being situated literally a stones throw from the residence at 3950 Kennedy Highway it is already causing anxiety to the residents.

To change the hours of business to 11pm on some night of the week is just not practical and creates a bigger problems in this rural zoned area. There are other venues within the shire that cater for these types of activities.

The residents of 3950 Kennedy Highway are connected to their land which was passed down from parent to child and has been in this family for 40 years. They have put up with a lot of unnecessary angst since the construction of the Emerald Creek Ice Creamery in this rural zone. To extend the hours will cause more anxiety.

I urge Council to reject this application.

Regards,

Tami Brown

Georgia Sloan

Owner of neighboring property
Lot 276 RN 134 Kovacic road
Mareeba QLD 4880

8 July 2024

Mareeba Shire Council,
65 Rankin Street,
Mareeba, Queensland, 4880

Dear Sir/Madam,

Regarding the proposed development by the Emerald Creek Ice Creamery, I strongly oppose the two developments put to council and request that the Council consider us as the surrounding property owners and say NO.

The Developments that I respectfully object to are:

MCU/24/0010 – Material Change of Use – Club

MCU/09/005 – Change of Operating Hours

We purchased the property due to its location outside of the township and away from such venues as pubs and clubs for its serenity privacy and security.

I do not wish to have my rights as a rural property owner not valued in your decision making at the time this goes to Council Meeting.

I have other concerns that I can submit to also have addressed if needed.

My current residential address is:

11 Merauke street Soldiers Hill Qld 4825

My phone number is :

0427398868

Sincerely yours,

Georgia Sloane



Ron and Cathy Sloan

OBJECTION (Refusal) to MCU/09/0005

Development Permit for a Change Application (Other Change) - Extended Operating Hours

Located at: 3946 Kennedy Highway, Mareeba (Lot 2 on SP310235)

8 July 2024

Chief Executive Officer
 Mareeba Shire Council
 65 Rankin Street
 Mareeba, QLD, 4880

ATTN: Planning Department

Dear Sir/Madam,

I would like to submit my official rejection of the Development Permit for the Change Application (Other Change) - Extended Operating Hours. I am strongly against the extension of the hours being extended past its existing hours. It is located in a rural zone and I for one do not understand the justification for those hours in what is a tranquil environment. People move out to these areas to have peace and quiet, to hear the wind in the trees, and creatures (animals, not humans) of the night. Not to have cars driving in and out of the Emerald Creek Ice Creamery until the hours of 11pm. And there are many properties located in the township area that are not being fully utilised and are able to cater for the "Poker", "Bingo" and Club nights the Application is speaking of. Without the requirement to move it out of town and into the homes of rate paying citizens who enjoy the tranquility of the bush.

I have been a professional driver for my whole life and have seen what happens on our highways with access's such as the one into the property this submission speaks of. Add to it the extension of the hours, darkness, along with the service of alcohol onto a 100km speed zone. They have trouble enough during the day judging distances of on-coming vehicles let alone at night.

There is absolutely no need for the hours of an Ice Cream shop to extend to that late at night, you speak of tourists using the place, tourists don't go looking out in the middle of the bush chasing their ice cream fix at night they go to town. It's a hard no from myself and my family.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ron Sloan'.

Ron Sloane
 0456 236 586
 132 Kovacic Road, Mareeba, Qld, 4880 Australia

Ron and Cathy Sloan

OBJECTION (Refusal) to MCU/09/0005

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Sincerely yours,

Ron Sloan
0456 236 586



132 Kovacic Road, Mareeba, Qld, 4880 Australia

PO Box 1107.

Mareeba

QLD. 4880.

9th July 2024.

Mareeba Shire Council,

65 Rankin Street,

Mareeba.

QLD. 4880.

Re: PROPOSED DEVELOPMENT

Application Ref: MCU/24/0010

On 2SP310235, Kennedy Highway, Mareeba, QLD 4880.

Application Ref: MCU/09/0005 (change of operating hours).

In the first instance, we inform the Mareeba Local Government Area Administration, we do not live directly near to the Emerald Creek Ice-creamery. The Business requesting approval for change of operating hours and change of material use.

I also believe a Shire Council has a Shire Clerk and an LGA has a CEO therefore I find it difficult to interchange the references. Excuse me if I have this incorrect.

We have lived at our Pike Rd address for 40 yrs. (July 1984 to present day). In that time frame we have observed a marked increase in traffic flow as to be expected with increasing population.

However, there are noteworthy factors that have captured our attention as naturally they have a direct impact on how we exit and enter Pike Rd onto Kennedy Highway (Highway number 1).

The first would be after the closure of the rail transportation bringing goods from Cairns through Mareeba to Atherton daily. After an “review “in the late 1980s of QRail productivity vs maintenance costs it was decided goods could be transported by road. This led to a rapid and huge increase in heavy vehicles using the Cairns /Mareeba to Atherton corridor. Then with the Cairns region gaining access to the Spring Mount waste facility, heavy vehicles which transport 24/ 7, 365 days per annum. In a similar period, cane hauling commenced with cane farms being to the Cairns (east) side of the Ice-creamery. These trucks haul cane to a crushing facility west of the Ice-creamery during 2 cane growing seasons.

In more recent years several events have occurred .

A set of traffic lights in Byrnes St Mareeba. Significant effect on east bound traffic flow.

Altered speed allowances, e.g., 80 km per hour speed zones from Mareeba to Emerald creek. The Ice-creamery is east of Emerald creek.

Extensive work along the Kennedy Highway, changing the road scape.

A failing Barron River bridge at Kuranda – this bridge which is under at best direct observation by road/bridge diagnostic & maintenance crews frequently. The traffic flow by necessity is regulated by traffic lights even at times when not under observation.

Significant landslides, one particularly on the Kuranda Range, requires traffic flow be controlled through the now single lane on Highway 1 with traffic lights (and we all surely know about this section of the range). And there are other choke points due to an old road failing under heavy rainfall conditions along the Kuranda Range which are controlled by traffic lights.

High volume road usage – the most recent report on daily road usage of the Kuranda range road I can find puts vehicle numbers at approximately ten thousand per day (2017 at 8000+ per day). It is reasonable to think the high percentage of them travel along the Emerald Creek area to destinations further west, south and north. With heavy vehicles (commercial types) being at 9% or above (according to recent data I have seen & I'm sure the Mareeba LGA Office is mindful of the correct statistics).

Friday – statistically deemed to be the when the highest number of road accidents occur.

Grey Nomads & holiday trippers hauling mobile accommodation – usually not travelling in the evenings, however usually not travelling at the allowed upper end of the speed limit either, regardless for obvious reasons.

Combining all the above factors, we have observed as frequent users of the intersection (40 years) – Pike Rd to Kennedy Highway & Kennedy Highway to Pike Rd; that overall, the traffic flow has significantly increased. There are what I refer to as **blocks** of traffic. Groups of vehicles passing along that section of Kennedy Highway. Travelling east vehicles are leaving an 80 km zone (through Emerald Creek). Past Pike Rd down into a dip (depression) which from our perspective is in fact a blind spot then into a compound curve over a small hill then down towards Kovacic Rd and the **Ice-creamery**. This section of Kennedy Highway is Limited access, **is it not?** *A point of interest: the Mareeba police regularly put a vehicle with speed camera on the verge immediately to the east of Pike Rd. Why would that be - to capture vehicles travelling above the 100km per hour speed limit especially from the Emerald Creek 80 km zone.* I have no desire to moralise on this factor. **Regardless we have entered a 100km per hour speed zone** which has significant bearing on the traffic flow past the Ice-creamery.

We also visit the Ice-creamery periodically, so we *are* familiar with the entrance/exit point there - the one single driveway which by all intent, since 1984 was established by a private individual for private residential access purposes who also funded the turn in lane from the east bound traffic. It is now shared since 2009 with a commercial entity (utilising a portion of that private driveway). Hence increased traffic entry/exit. This predominantly commercial driveway is awkward to negotiate, mainly due to highway traffic flow and under such conditions is not really that safe.

To describe **blocks of traffic**. This clumping of vehicles goes beyond normal peak hour traffic numbers, morning and evening. This is a phenomenon which has emerged since the

introduction of the traffic light scenario, particularly on the east side of the ice-creamery and it relates directly to the sets of traffic lights.

From personal experience at our intersection there are many times when even outside of peak hour, we have sat and waited for up to 20 plus vehicles heading west and converging with vehicles travelling east, 10 plus. While this may not sound like impressive numbers it must be considered that there's sizable gaps between vehicles which have a direct effect on a stationary vehicle's ability to safely enter the highway. As one direction passes the other is still travelling through.

Rarely do we experience a vehicle entering our road as we are trying to exit and traffic volumes are very low on our road. However, that is not the case at the entrance/exit point at the Emerald Creek Ice-creamery which currently operates during daytime hours.

The proposed change to the operating hours, in other words having traffic flow until 11pm Thursday, Friday and Saturday nights, potentially when all factors (including change of **material use**), in this Proposal are thoroughly considered, could *adversely* affect the safety of Kennedy Highway vehicle use which ultimately equates to people safety. And can reasonably be attributed to the several changed conditions mentioned above. Not forgetting the human behavioural factor behind a steering wheel especially at weeks end. Kennedy Highway is not without it's share of critical vehicular accidents, human morbidity and mortality.

Yours faithfully.

david and rosemary tempany.

Your Ref: MCU/09/0005

To: Mayor Mrs Toppin, Councillor's, Urban & Regional Planning

Re: Change Application (Other Change) for Material Change of Use- Food and Drink Outlet (formerly defined as Restaurant – Change of Operating hours

LOCATED AT: 3946 KENNEDY HIGHWAY, MAREEBA **FORMALLY DESCRIBED AS:** LOT 2 ON SP310235

- **OBJECTION to the above submission.**

Hi, my name is Kathy Henry-Cotter. I am concerned family member writing in relations to the above submission of the Extended operating hours for the Emerald Creek Ice Creamery on Lot 2 3946 Kennedy hwy.

I like you to take into consideration the below effects this can cause on the residences that have been living there for quiet several years, well before the Ice Creamery was establish. People buy these rural blocks to have peace and quiet. Not to have a busy establishment beside them that they put up with the disturbance of traffic, hearing people chatting, having no privacy.

With having the extended hours from 5 to 11pm, this will impact the two residence that are on either side of this business. Having people driving in and out on the front driveway from the highway to the Ice Creamery after business hours that go in to the evening will affect the residence (3950 Kennedy Hwy) on the left side of the business considerably: -

- Lights shinning onto the residence
- Noise of vehicles and people talking (especially at night the engines, voices travel)
- distance between the ice creamery and the car park to the residence.
- Vehicles roaring of from the ice creamery in the late ness of the night, causing disturbance to the residences surrounding.
- Safety concern for the residences with people walking around at night and coming into private residences.

As stated in the application section 2 that they will not be catering for Weddings but small private events such as birthday parties and anniversary parties. These events can be just as big as a wedding. With these sorts of family events and celebration they can get pretty rowdy and loud. Having these sorts of event every weekend would be very disturbing to the residence that are either side of the ice creamery. I feel we have enough business that can fully cater for these sorts of events in town, not to have another entablement in the mix in which can business and town can fully cater for with the hrs.

I hope you take these above concerns into consideration

Kind Regards

Kathy

From: "butlersteve086@gmail.com" <butlersteve086@gmail.com>
Sent: Thu, 11 Jul 2024 03:17:20 +1000
To: "Info" <info@msc.qld.gov.au>
Subject: OBJECTION (REFUSAL) MCU/09/0005 DEVELOPMENT PERMIT TO EXTEND OPERATING HOURSEMERALD CREEK ICE CREAMERY
Categories: Added to ECM

To Whom It May Concern

I would like to state that I object to the development on the following grounds:

- Entry to property – dangerous entry to and from highway. One entry is shared with 4 neighbours.
- Disturbance of peace quiet and enjoyment.
- Significant increase of traffic coming and going late at night.

Regards

Joanne Geary
3944 Kennedy Highway
MAREEBA QLD 4880
M: 0427716626

Development Permit: Extended Operating hours Rejection/Objection for MCU/09/0005

40 Catherine Atherton Drive
Mareeba, Queensland, 4880
0438 165 420
lynnreemore@hotmail.com

11 July 2024

Mareeba Shire Council,
65 Rankin Street,
Mareeba, Queensland, 4880

Dear Lady Mayor and Councillors,

I have only become aware of the Development Application that has been put into the Council by the Emerald Creek Ice Creamery and its Landholders. And would like to take this rushed opportunity to reject the proposal for extended hours.

As a property owner myself in a rural zoned area, I find it inconceivable that the business owners could possibly believe that this will not affect the surrounding landowners? I would question whether any of the surrounding property owners were consulted regarding the potential concerns of those in the area in the event this is allowed through by council.

At night time in our rural areas it is beautifully quiet. I have attended the Ice Creamery a number of times on my way home and it is a strange little access, there is a lot of cross intersecting traffic, I have noticed when leaving I have encountered vehicles going into the Ice Creamery first gate but turning across towards what I assume is a private residence towards Cairns. Also having vehicles parked in the intersection (they were opening the gate just to the west of the access I was heading into. It seems like there is too much going on for as many vehicles as are using it. The Emerald Creek Ice Creamery has quite a number of houses quite close on both sides, would this access not affect those property owners and extended hours?

It is quite difficult to manoeuvre through this access during daylight hours, I would imagine that at night with lights of oncoming traffic and the strange

intersection it would be a cause for concern for those entering. I travel this section of road at 4pm-6pm and it is absolutely crazy with traffic. It does not seem to be considered at all in the Planning and would challenge in the section 5. Recommendation by the Senior Town Planner Jonathan Burns that it satisfies the requirements of the Shire Planning Scheme 2016. I also wonder if they have actually inspected the business and issues on the ground or whether it was a job done from the office without laying eyes on the area.

I find it extremely difficult to believe that a taxi would make its way out that far when I find it extremely difficult at night to get one to my house at Catherine Atherton Drive in "The Rise" past Amaroo. It is no where near as far as the Ice Creamery if they are needed to pick up someone who has had too much to drink and cannot drive home. We had just in the last fortnight a drunk driver leaving a party and he impaled himself and his vehicle onto the side rail of the Cobra Creek crossing. This extension of hours along with the sale of alcohol in what is not an acceptable location for ease of travel, is to me saying that we as a shire don't give a damn about road safety. There have been too many deaths on our roads and you as our elected council are required to ensure that your people of the shire and visitors can be confident that you will do the best in your abilities to ensure that unsafe applications such as this are not acceptable.

Sound travels in the night and the extended hours in that rural location is not required or a desired outcome for the Mareeba Shire Planning Scheme 2016. I, for one would be absolutely mortified if I had to contend with the noise that will come from the outside area and carpark. The lawn and gardens on the Cairns side of the building will have people who attend the planned parties and club meetings extremely close to the residence of those who live in there. Party+Music+People+Alcohol Who are we kidding it will be noisy and disruptive to that family. I love my ice cream, but changing from a Restaurant/ Cafe to a Club and these extended hours is against what we understand a Rural Zone should have when we purchase in your shire.

Sincerely yours,

Lynette Moore

8.2 WALLACE QUARRYING AND MINING PTY LTD - MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY (UP TO 5,000 TONNES PER ANNUM) - LOT 2 ON SP182482 - 852 TINAROO CREEK ROAD, MAREEBA - MCU/24/0004

Date Prepared: 9 December 2024
Author: Senior Planner
Attachments: 1. [Proposal Plan](#) ↓
 2. [Submissions](#) ↓

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Wallace Quarrying and Mining Pty Ltd	ADDRESS	852 Tinaroo Creek Road, Mareeba
DATE LODGED	21 June 2024	RPD	Lot 2 on SP182482
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)		
FILE NO	MCU/24/0004	AREA	30.01 hectares
LODGED BY	Anson Advisory	OWNER	I & R Wallace
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	3		

EXECUTIVE SUMMARY

Council is in receipt of a development application described in the above application details. The application is impact assessable and three (3) properly made submissions were received during the public notification period.

In 2017/2018, approximately 80% of the site was cleared under a State approval to “clear native vegetation for irrigated high value agriculture”. This approval requires this land to be cropped, or it must be revegetated. A large amount of basalt rock was removed from the soil profile at the eastern end of the property, which is now cropped with avocados. This rock is currently stockpiled at the western end of the property. A large proportion of the remaining land cleared for agriculture is still awaiting rock removal.

The applicants propose to crush both the stockpiled basalt rock, as well as the rock currently within the soil profile over the remainder of the site as it is removed over time. Occasionally, blasting will be required to break up larger rocks before they can be crushed. The crushed rock will then be screened and washed to produce a saleable resource. The operation will produce just 5,000 tonnes of crushed rock product per year.

The key planning considerations with the proposed development are the potential noise impacts the blasting and rock crushing activities may have on the nearby sensitive land uses. It is considered that appropriate controls have been implemented through conditions of approval to ensure impacts

are minimised. Increased heavy vehicle movements along Tinaroo Creek Road associated with the proposed 5,000 tonne per annum operation are likely to be negligible, particularly considering the high amount of existing heavy vehicle movements currently experienced along this road.

Draft conditions were provided to the Applicant care of their consultant and have been agreed to. It is recommended that the application be approved in full, subject to conditions.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Wallace Quarrying and Mining Pty Ltd	ADDRESS	852 Tinaroo Creek Road, Mareeba
DATE LODGED	21 June 2024	RPD	Lot 2 on SP182482
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum)		

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 – Extractive Industry (up to 5,000 tonnes per annum)**APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Figure 2	Quarry Operations Map - Sites and Distances to Neighbours	Anson Advisory	June 2024

- (B) **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 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 commencement of the use except where specified otherwise in these conditions of approval. The developer/landowner/operator must ensure ongoing compliance with all conditions of approval for the life the development, to the satisfaction of Council's delegated officer.
- 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, or except where ongoing compliance over the life of the approval is required.

3. General

- 3.1 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.
- 3.2 Where relevant, 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.
- 3.3 Days/Hours of Operation

Crushing, screening and washing of rock product can only occur **a maximum of 10 days in any 4-week period** between Monday and Friday only (inclusive) and only between the hours of 7.00am and 6.00pm. No crushing, screening, or washing operations are permitted on weekends or Public Holidays.

Rock can be ripped or picked from paddocks on-site between the hours of 7.00am and 6.00pm Monday to Friday and 7.00am to 12.00pm Saturdays. No rock ripping or picking can occur on Sundays or Public Holidays.

PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other reasonable hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like associated with the extractive industry operation, nor remove any materials from the said land outside the abovementioned hours or such other hours as can be fixed by Council.

- 3.4 Rock crushed and processed on-site must be limited to that either stockpiled on-site or any rock removed from paddocks on-site as part of soil improvements for agriculture. No rock or other product external to the site is to be bought on-site for crushing, processing or washing.

3.5 No mechanical “rock breakers” of any kind, such as those mounted to an excavator are permitted to be used as part of the extractive industry processing operation. This restriction does not include “rock crushers” which are acceptable. Mechanical crushing and screening/washing plant must be located in the most north-west extent of the approved processing area. Where possible, unprocessed and processed crushed rock should be stockpiled between the crushing and screening/washing plant and nearby sensitive land uses to provide a physical noise barrier.

3.6 Blasting

Blasting associated with the approved extractive industry must not occur more than twice per year. Each blast must involve only 1 shot. A Blast Management Plan must be developed for each blasting activity in accordance with Australian Standard 2187. Blasting must only be conducted between 9am and 3pm Monday to Friday (and not on any Public Holiday).

Airblast overpressure must not exceed 120dB Z Peak for all blasts when measured from any noise sensitive location. Ground vibration measured at any noise sensitive location must not exceed a peak particle velocity of 5mm per second for any blast event.

All blasts must occur at the western end of the approved processing area, unless an alternate site is located so as to better comply with the above criteria. Rocks to be blasted must be buried before blasting occurs to avoid flyrock and other debris impacting neighbouring properties.

Any resident located within 1km of the blast site must be made aware of each blasting event at least 2 weeks in advance.

3.7 Water Quality

3.7.1 Ponds (dams) used for the storage or treatment of aqueous waste must be constructed, installed and maintained to:

- prevent any release of aqueous waste from the ponds; and
- ensure the stability of the pond structure.

3.7.2 Stormwater contaminated by the activity must be managed to minimise or prevent any adverse impacts on the values of the receiving environment, in particular Tinaroo Creek.

3.7.3 Erosion and sediment control measures must be implemented and maintained to minimise erosion and the release of sediment.

3.7.4 The stormwater runoff from the processing area generated by a 24 hour storm event with an average recurrence interval of one in five years must be retained within the processing area and treated to remove contaminants before release from the processing area.

3.8 Emissions

Emissions associated with the development, including but not limited to noise and dust emissions must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act 1994 (s440)* to any nearby sensitive receptor, at any time.

3.9 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.10 Scale and Intensity

The extraction volume, meaning the amount of processed/crushed rock product produced, must not exceed 5,000 tonnes per annum. This tonnage limit does not apply to unprocessed stockpiled rock removed from the ground. Processed and unprocessed rock stockpiles are not to exceed three (3) metres in height.

3.11 The Applicant shall provide Council with records of quantities of material extracted/removed from the site on a monthly basis, including the number of truck movements associated with each monthly quantity.

3.12 Access to the approved processing area, including for the carting of any processed material must be via the internal driveway located in the centre of the site only.

3.13 Prevention of the spread of weeds and pests

The applicant/developer/operator must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

3.14 Machinery and plant used on-site must be fitted with reversing "squawkers" instead of beepers so as to minimise noise impacts.

3.14 The Site Based Management Plan must be amended to include any operational requirements/limitations required under these conditions of approval. The amended Site Based Management Plan must be provided to Council for review and approval prior to the commencement of the use. All operations pursuant to the extractive industry must be carried out in accordance with the amended Site Based Management Plan at all times.

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover (between Tinaroo Creek Road and the site access) must be upgraded to an industrial access crossover standard in accordance with the FNQROC Development Manual, for the life of the development, to the satisfaction of Council's delegated officer.

5. Additional Payment Condition – **Note:** The applicant’s obligations under this condition are waived whilst Council continues to levy the special charge for extractive industries in accordance with Council’s adopted annual budget.
- 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 \$3,360.00 for each 167 haul truck movements from the site towards trunk transport 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 infrastructure servicing the land - specifically the upgrading of Tinaroo Creek Road to rural road (8 metres wide) bitumen sealed standard.
- 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 commencement of the use.

(C) 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) Compliance with applicable codes/policies

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

(c) 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.

(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 duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(e) 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.

(f) Transportation of Soil

All soil and material transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result

of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(D) 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).

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

- Nil

(F) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

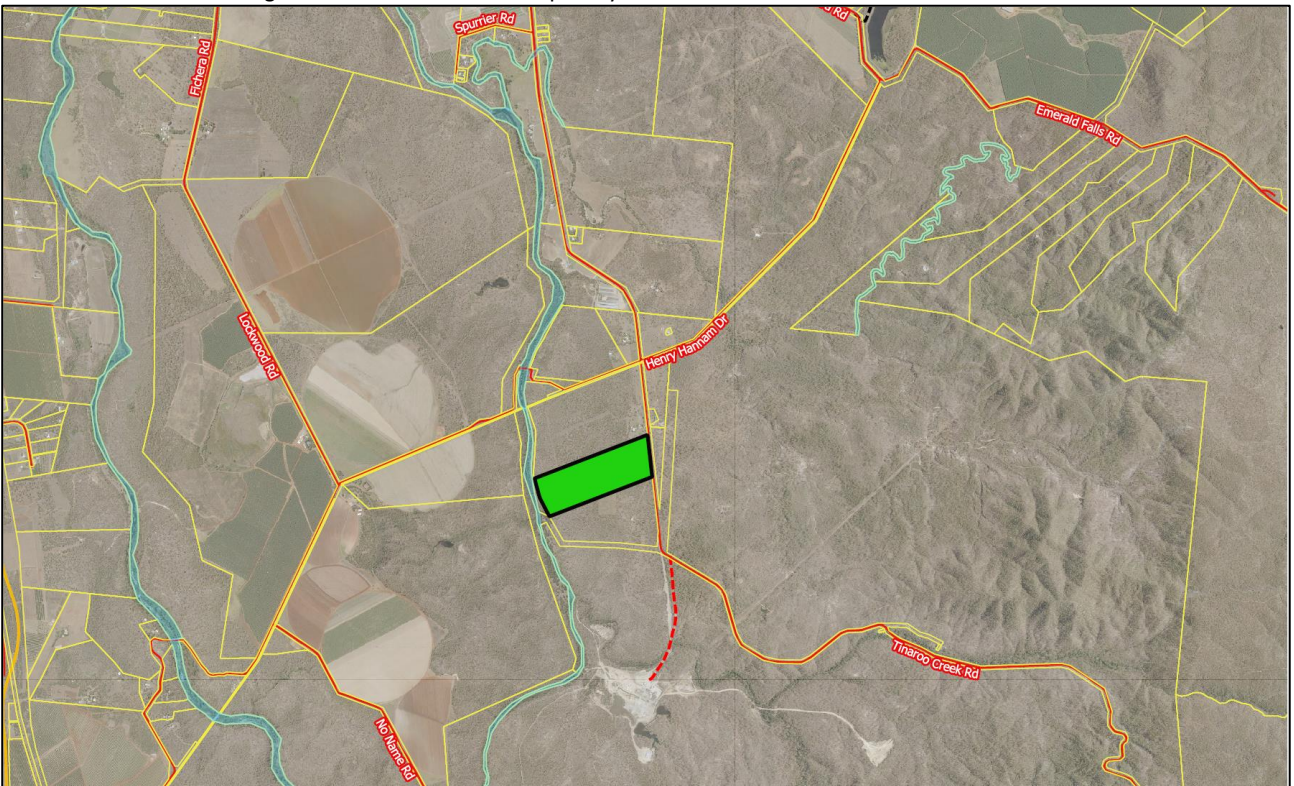
The subject site is situated at 852 Tinaroo Creek Road, Mareeba, and is described as Lot 2 on SP182482. The site is generally regular in shaped with an area of 30.01 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The site is accessed off Tinaroo Creek Road which is bitumen sealed back to the Kennedy Highway. The site is improved by a large shed and ancillary outbuildings. Fruit trees have been planted over approximately 6 hectares of the front of the property, and a further approx. 2 hectare of land is used to grow grown ground crops such as Taro. The majority of the site was cleared in 2017/2018 under a State approval to “clear native vegetation for irrigated high value agriculture”. Under this State approval, the landowner has an obligation to crop the land, otherwise it must be rehabilitated with native vegetation.



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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All immediate surrounding land is zoned Rural and are both large, vegetated lots with agricultural activity limited to livestock grazing. The dwelling on the lot to the north is situated approximately 800 metres from the proposed processing area. The adjoining lot to the south contains a non-habitable shed only. A large quarry is situated 1.4 kilometres to the south of the site which is covered by a number of mining leases. A granted mining lease covering approximately 7.4 hectares of land also exists over Tinaroo Creek to the west of the site, however, remains inactive. This mining lease extends into both the subject site and the northern adjoining allotment. Other granted mining leases exist to the south of the site. A 4-hectare portion of the western end of the site remains vegetated with regulated vegetation.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Extractive Industry (up to 5,000 tonnes per annum) in accordance with the plans shown in **Attachment 1**.

Approximately 80% of the site was cleared in 2017/2018 under a State approval to “clear native vegetation for irrigated high value agriculture”. It is important to note that under this State approval, the landowner has an obligation to farm the land, hence the applicants desire to “rock rip and pick” the land to improve its agricultural productivity. In accordance with the State clearing approval, If the land is not farmed it must be rehabilitated with native vegetation.

The applicant/landowner proposes to process (crush/blast, screen and wash) both rocks already removed from the soil profile and stockpiled on site, as well as future rocks removed from the balance of the farmland over time. The application includes the following details:

<p>4.1 History of Workings</p> <p>The site underwent land clearing for high-value agricultural use in 2017 – approval details: SARA ref.1802-4126 SDA, DNRME ref 2018/001940. There are significant basalt rocks within the soil profile which have to be removed before agricultural activities can begin. Avocados and taro have been planted. More rock needs to be removed from the high-value agriculture soil to continue planting horticultural crops.</p> <p>Extracted rock will be stock piled within the EIL area and this EIL application is to convert these rock resources into a useful product and tidy up the farm to enhance future productivity, aesthetic appearance and environmental enhancement.</p> <p>4.2 Future Working Proposal</p> <p>This project is essentially to clean up the small rock piles from high-value agricultural land development and continue crushing further rock extracted within unplanted areas.</p> <p>The gravel material will be utilised to improve roads within the applicant’s properties or sold.</p> <p>4.3 Quarry operations</p> <p>The activity is to clean up stockpiled basalt rock located in the Cat X area and process further rock extracted from the soil profile within the Cat X farming area/land. The impact/effect of this</p>

activity will convert the rock into a useable resource. The total EIL area is expected to cover approximately 2.7ha to allow rock stockpiles as they are extracted.

Small rocks (<600mm diameter) can be fed directly into the crusher. Larger rocks will require blasting to reduce the size enabling them to be crushed by the crusher. It's estimated up to 10% of the rock will require blasting. Blasting can occur in a safe zone within the EIL area with rock/gravel batters surrounding blast areas to further increase safety.

Gravel will be stockpiled and regularly used/sold throughout the project to keep gravel stockpiles relatively small.

The property has irrigation water available and water will be used for dust suppression when needed.

When assessing this development application, Council officers consider the following to be of relevance/importance:

1. Under Schedule 6, Part 3, Item 16 of the *Planning Regulation 2017*, operational works (which includes rock removal) relating to the management practices for the conduct of an agricultural use **cannot be made assessable** under the Mareeba Shire Council Planning Scheme 2016.

This exemption allows farmers to “rock rip and pick” paddocks as well as carry out other bulk earthworks (such as forming plant mounds, digging drains etc.) within their paddocks without needing to obtain any approvals from Council. This practice is commonplace and occurs regularly across the Shire.

It is also not unusual for farmers to crush rock extracted from the soil profile and reuse this crushed rock on-site. Rock is typically used for subsurface drainage which is particularly important for crops such as avocados.

2. The applicant/landowners 2024 approval to “clear native vegetation for irrigated high value agriculture”, includes the following condition:
 4. *The following management practices must be undertaken to mitigate land suitability limitations and enable the cultivation of horticulture:*
 - *Plant mounds must be designed to a minimum height of 0.3 metres above the inter-row following consolidation and aligned along the contour (perpendicular to the natural land slope).*
 - ***Any rock larger than a cobble (>200 mm) exposed by ripping must be picked and disposed of appropriately.***
3. **If the applicant/developer (also the landowner) did not intend to sell the crushed rock product, or use it off-site, Council planning officers would have deemed this rock extraction, stockpiling and crushing activity accepted development, which could proceed on-site without a Council town planning approval.**

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:

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

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Agricultural Area • Rural Other Natural Resource Elements <ul style="list-style-type: none"> • Mining Lease
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Extractive Resources Overlay Flood Hazard Overlay Hill and Slope Overlay Transport 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
<i>Extractive industry</i>	<i>Premises used for the extraction and/or processing of extractive resources and associated activities, including their transportation to market.</i>	<i>Quarry</i>	

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 rural land. The valued, relaxed rural lifestyle, 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 extractive industry operation will occur at the western end of the site in an area lawfully cleared under a State approval to “clear native vegetation for irrigated high value agriculture”. The intent is to rock rip/pick the cleared paddocks, removing basalt rocks from the soil profile which will in-turn increase the agricultural productivity of the land. In most cases, rock removed from paddocks is discarded and stockpiled on properties or removed and disposed of off-site, however in this situation the rock will be crushed and reused both on and off-site.

Under the State clearing approval, the land must be cropped, or it is required to be rehabilitated with native vegetation. The proposed extractive industry operation could only increase the agricultural productivity of the site. The development complies with Strategic outcome (5).

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

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding rural land use, character and site conditions.*

Comment

The proposed development is for an extractive industry operation producing up to 5,000 tonnes of crushed rock product per annum. This operation is considerably smaller in scale than the long-established hard rock extractive industry operation located towards the end of Tinaroo Creek Road 1.4 kilometres to the south of the site.

Extractive industry operations are commonplace within the Rural zone, and it is considered that this particular development, which is essentially the removal and processing of basalt rock from arable soil, is consistent with surrounding rural land uses and rural character. A granted mining lease covering an area of approximately 7.4 hectares is situated to the west of the site over Tinaroo Creek.

Surrounding sensitive land uses achieve acceptable setbacks, and appropriate conditions of approval will be included to ensure land use conflict is minimised. The development complies with Specific Outcome (1).

- (6) *Agricultural areas will be retained in large holdings (60ha or greater) and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.*

Comment

The proposed extractive industry operation will occur at the western end of the site in an area lawfully cleared under a State approval to “clear native vegetation for irrigated high value agriculture”. The intent is to rock rip/pick the cleared paddocks, removing basalt rocks from the soil profile which will in-turn increase the agricultural productivity of the land. In most cases, rock removed from paddocks is discarded and stockpiled on properties or removed and disposed of off-site, however in this situation the rock will be crushed and reused both on and off-site.

Under the State clearing approval, the land must be cropped, or it is required to be rehabilitated with native vegetation. The proposed extractive industry operation could only increase the agricultural productivity of the site.

The development complies with Specific outcome (6).

- (7) *Rural areas preserve lands for future uses beyond the life of the planning scheme.*

Comment

The proposed extractive industry operation will occur at the western end of the site in an area lawfully cleared under a State approval to “clear native vegetation for irrigated high value agriculture”. The intent is to rock rip/pick the cleared paddocks, removing basalt rocks from the soil profile which will in-turn increase the agricultural productivity of the land. In most cases, rock removed from paddocks is discarded and stockpiled on properties or removed and disposed of off-site, however in this situation the rock will be crushed and reused both on and off-site.

Under the State clearing approval, the land must be cropped, or it is required to be rehabilitated with native vegetation. The proposed extractive industry operation could only increase the agricultural productivity of the site.

The development complies with Specific outcome (7).

3.4 Natural resources and environment

3.4.3 Element—Pest and weed management

3.4.3.1 Specific outcomes

- (1) *Development within, adjoining or surrounding conservation areas, biodiversity areas, wetlands or watercourses avoids the incursion of weeds and pests through best practice management practices, sensitive design, landscaping and appropriate setback and buffer distances.*

- (4) *Operational works ensure appropriate management practices are adopted to minimise the spread of weed species.*

Comment

The proposed extraction area includes stockpiled basalt rock at ground level, and buried basalt rock. The site is not a conservation area or biodiversity area, nor is Tinaroo Creek mapped as a significant watercourse. The proposed extraction process is not likely to introduce any new weeds or pests into the existing environment.

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

3.4.8 Element—Air and noise quality

3.4.8.1 Specific outcomes

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*

Comment

The proposed extraction area, and more importantly the more intensive crushing/screening/blasting area does not achieve the 1,000-metre setback from surrounding sensitive receptors (dwellings) nominated as an acceptable outcome within the Industrial activities code. However, this development does achieve an 800-metre setback and is only producing an upper limit of 5,000 tonnes per annum of crushed rock product. The predominate wind direction over the site is from the east (north-east and south-east), so the processing area is also down wind of nearby sensitive receptors which will help minimise noise impacts.

Included in the existing locality is a large-scale hard rock quarrying activity, as well as numerous granted mining leases, with the closest lease area actually extending into the subject site and the northern adjoining property. Despite not achieving the desired separation distances, the 800 metres that is achieved is deemed acceptable given the context of the locality with respect to quarrying/mining operations, the predominate wind direction and the small-scale nature of the extractive industry operation proposed. A comprehensive suite of conditions has also been applied which will ensure the likelihood of environmental nuisance is minimised.

The development is likely to achieve compliance with Specific outcome (1).

3.6 Transport and infrastructure

3.6.1 Strategic outcomes

- (1) *Local collector road and state-controlled road networks support the identified hierarchy of activity centres and the rural economy of Mareeba Shire. The location, density and scale of development supports the efficient and convenient movement of goods, services and people. Roads are progressively upgraded (including construction of future state roads and future local*

connections) and maintained to a high standard to support higher urban densities, rural production, tourism, commerce, industry and major trip generators.

Comment

The proposed extractive industry operation is predicted to place an additional average of 4 vehicle movements per week on Tinaroo Creek Road. This amount of additional traffic is not considered significant, given the large volumes of heavy vehicle movements experienced along Tinaroo Creek Road at present.

The applicant/developer will be subject to the same special rating levy as other extractive industry operators in the Shire (proportionate to scale of operation). This rating levy is in lieu of providing road upgrades/monetary contributions.

The development complies with Strategic outcome (1).

3.6.8 Element—Stormwater management

3.6.8.1 Specific outcomes

- (2) *Stormwater is managed, and measures are implemented to ensure erosion is prevented or minimised and contaminants are not released into surrounding environs.*

Comment

The development has been appropriately conditioned to ensure impacts on nearby receiving waters are minimised. The conditions are consistent with the State's code of practice conditions for extractive industry operations up to 100,000 tonnes per annum, which is 20 times larger than that proposed in this instance at only 5,000 tonnes per annum.

The development has been conditioned to comply with Specific outcome (2).

3.7 Economic development

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*

Comment

The proposed extractive industry operation will occur at the western end of the site in an area lawfully cleared under a State approval to "clear native vegetation for irrigated high value agriculture". The intent is to rock pick the cleared paddocks, removing large basalt rocks which will increase the agricultural productivity of the land. In most cases, rock removed from paddocks is discarded and stockpiled on properties or removed and disposed of off-site,, however in this situation the rock will be crushed and reused both on and off-site.

Under the State clearing approval, the land must be cropped, or it is required to be rehabilitated with native vegetation. The proposed development is not incompatible with the

Rural zone, nor will it fragment or permanently alienate the agricultural land. The proposed extractive industry operation could only increase the agricultural productivity of the site and therefore complies with Specific outcome (1).

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

Comment

The proposed development is for a small-scale extractive industry operation to process rock removed from the farms soil profile in an effort to increase the agricultural productivity of the site. Immediate surrounding land remains predominately vegetated and is either vacant or is used for low intensity livestock grazing. Extractive industry uses are commonplace within the Rural zone and this development is not likely to impact on any surrounding rural land uses.

The development complies with Specific outcome (5).

3.7.11 Element—Extractive resources

3.7.11.1 Specific outcomes

- (2) Extractive industries:
- (a) mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;
 - (b) avoid areas of ecological significance and values;
 - (c) progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).

Comment

The proposed extraction area, and more importantly the more intensive crushing/screening/blasting area does not achieve the 1,000-metre setback from surrounding sensitive receptors (dwellings) nominated as an acceptable outcome within the Industrial activities code. However, this development does achieve an 800-metre setback and is only producing an upper limit of 5,000 tonnes per annum of crushed rock product. The predominate wind direction over the site is from the east (north-east and south-east), so the processing area is also down wind of nearby sensitive receptors which will help minimise noise impacts.

The immediate locality is also characterised by existing large scale hard rock quarrying activity, as well as numerous granted mining leases, with the closest lease area actually extending into the subject site and the northern adjoining property. Despite not achieving the desired separation distances, the 800 metres that is achieved is deemed acceptable given the context of the locality with respect to quarrying/mining operations, the predominate wind direction and the small-scale nature of the extractive industry operation proposed. A comprehensive suite of conditions has also been applied which will ensure the likelihood of environmental nuisance is minimised.

The development avoids areas of ecological significance and values.

The development complies with Specific outcomes (1), (2) and (3).

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
- 9.3.5 Industrial 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
Rural zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met). Further discussion is warranted in relation to amenity – refer to Planning Discussion section of report for commentary.
Agricultural land overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met). Refer to code document for full commentary.
Airport environs overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met). Refer to code document for full commentary.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or

	<p>higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>
Environmental significance overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>
Extractive resources overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>
Flood hazard overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>
Hill and slope overlay code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>
Industrial activities code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Further discussion is warranted in relation to setbacks – refer to Planning Discussion section of report for commentary.</p>
Landscaping code	<p>Given the site is within the Rural zone, landscaping is not required.</p>
Parking and access code	<p>Given the nature and scale of the proposed use, and the size of the site, formal car parking is not considered necessary in this instance.</p>
Works, services and infrastructure code	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes contained within the code (or higher order performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met).</p> <p>Refer to code document for full commentary.</p>

(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 any development works be designed and constructed in accordance with FNQROC Development Manual standards.

(E) Additional Trunk Infrastructure Condition

The subject land is located outside the identified Priority Infrastructure Area (PIA).

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant's roadworks contribution for each 5,000 tonnes would be as follows:

Length of road traversed by the applicant is 8.5 kilometres (haul route to State controlled road).

Truck and dog	=	30 tonnes / load = 6 ESA * / load
		(* ESA - Equivalent Standard Axles)
Truck loads	=	tonnes (5,000) ÷ load of truck (30t)
	=	5,000 ÷ 30
	=	166.67
Number of axles	=	No. of loads (167 x ESA / Load (6))
	=	166.67 x 6
	=	1,000
Present road investment	=	\$1.40 / ESA
Future road maintenance cost	=	\$2.10 / ESA
	=	Difference in maintenance and present cost
	=	\$2.10 - \$1.40
	=	\$0.70
	=	\$0.70 x ESA (1,000)
	=	\$700.00
Therefore, total contribution sought	=	cost x distance (km)
	=	\$700.00 x 8.5
	=	\$5,950.00

Based on Council's standard contribution calculation method, the applicant would be required to pay a roadworks contribution of \$5,950.00 for each 5,000 tonnes of material extracted.

Council's recent budgets have applied a special charge for extractive industries.

Council acknowledges that certain quarries already contribute towards road infrastructure through a condition of their development approval. In such cases, the applicant's obligation under the

relevant road infrastructure condition would be waived whilst Council continued to levy the special charge for extractive industries.

Accordingly, it is proposed to apply a road infrastructure condition on this extractive industry, however the applicant will not have to comply with this condition whilst Council continues to levy the special charge for extractive industries.

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 16 August 2024 to 6 September 2024. The applicant submitted the notice of compliance on 9 September 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Three (3) properly made submissions were received, all objecting to the proposed development.

The grounds for objection are summarised and commented on below:

Grounds for objection	Comment
The application did not include sufficient detail to enable Council to fully assess the proposed development or its potential impacts.	Council officers disagree with this statement. Given the small scale of development proposed (up to 5,000 tonnes annually), enough information was provided in the application to adequately assess the proposal.
The application does not include any details about staging, or the depth to which rock will be removed from the soil profile.	The development is not proposed to be staged, nor is staging considered necessary. Rock will be ripped and picked from the soil profile using a bulldozer and excavator. This is common practice for new agricultural land before it is cropped. Appropriate controls have been conditions to limit the scale of the development.
The application lacks detail regarding processing and stockpiling details, including location, size and height of stockpiles.	The plan of development identifies a 2.7ha area that will be used to stockpile and process rock. A condition of approval will require that all stockpiles are limited to 3m in height. The Stockpiles and processing area are adequately screened from view from existing sensitive land uses.
The application lacks detail in relation to staffing numbers and vehicle movements.	The proposal is for a small-scale extractive industry operation producing only 5,000 tonnes of product per annum. The applicants have confirmed that staffing will be limited to 2 persons. Vehicle movements associated with the use are negligible.
The application lacks detail in relation to the volumes and types of waste generated and methods of disposal.	Waste generated by the use is likely to be limited to wastewater from the washing plant. Appropriate conditions of approval have been included to manage this wastewater in settling ponds, which is standard practice.

<p>What will the land be used for after extraction is exhausted.</p>	<p>The whole intent of the development is to remove basalt rock from the soil profile to increase the agricultural potential of the land. Under the State clearing approval, the land must be cropped.</p>
<p>The application did not include a traffic impact assessment.</p>	<p>Given the nature and scale of the use (producing up to 5,000 tonnes of product per year) a traffic impact assessment was not warranted. This is consistent with other 5,000 tonnes extractive industry operations approved in recent years.</p>
<p>The application did not include a visual impact assessment</p>	<p>Given the nature and scale of the use, and the location of the proposed processing area in relation to nearby sensitive land uses, a visual impact assessment was not warranted. The development will be appropriately screened from view from existing sensitive land uses.</p>
<p>The application did not include an assessment of noise, vibration and dust impacts.</p>	<p>Given the nature and scale of the proposed development, these assessments were not warranted. The development has been appropriately conditioned to minimise impacts on nearby sensitive land uses.</p>
<p>Owner’s consent was not submitted with the application.</p>	<p>Noted, however Council officers were certain that Ian Wallace and Rayleen Wallace are the owners of “Wallace Quarrying and Mining Pty Ltd ATFT Wallace Unit Trust”. A landowner’s consent form was obtained from Ian and Rayleen Wallace before the second round of Public Notification commenced.</p>
<p>Public notification was not carried out in accordance with the requirements of the Act.</p>	<p>The application underwent public notification twice. On the second attempt, Council officers are satisfied the application was notified in accordance with the requirements of the Act.</p>
<p>The application did not address the relevant sections of the Planning Scheme’s Strategic Framework.</p>	<p>Noted. Council officers have addressed the relevant sections of the Strategic Framework in this report.</p>
<p>The application does not properly define the duration and scope of the proposed extractive industry operation.</p>	<p>Not many extractive industries identify a scope and duration. The resource, basalt rocks in this situation, is however finite. Once the rock has been ripped and picked from the paddocks and processed the development will have to cease.</p>
<p>The proposed extractive industry processing area is not adequately setback from neighbouring properties in order to minimise amenity impacts.</p>	<p>The development is considered to be appropriately setback from existing <u>sensitive land uses</u> (dwellings) and has been appropriately conditioned to ensure land use conflict is minimised. Refer to Planning Discussion section of report for further commentary.</p>
<p>The application is unclear as to whether the extractive industry operation will involve the processing or only the rock currently stockpiled on-site or will be an ongoing operation to process rock also currently located underground awaiting removal from the soil profile.</p>	<p>Sections of the application material clearly state that both rock already stockpiled on-site AND rock yet to be removed from the soil profile will be processed on-site.</p>
<p>The application does not address how wastewater from screening and washing will be dealt with on-site.</p>	<p>Wastewater will be dealt with in settling ponds, which is common practice. This has been conditioned.</p>

<p>The extractive industry operation will limit the development potential of adjoining properties.</p>	<p>Council officers are unaware of any situation across the Shire where an extractive industry operation has impacted the ability of an adjoining rural allotment to be used for <u>rural</u> pursuits. Both allotments are predominately covered in Cat B remnant vegetation which is far more likely to impede future development than the proposed development will. The resource on-site is finite and once exhausted the land will revert back to a cropping use which is required under the State clearing approval.</p>
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Submitters

Name of Principal submitter	Address
1. Wyndara Pty Ltd C/- Reel Planning	mail@reelplanning.com
2. Don Hall C/- Aspire Town Planning	admin@aspireqld.com
3. Conmat Pty Ltd	admin@conmat.com.au

PLANNING DISCUSSION

The section discusses the proposed extractive industries impacts on nearby sensitive land uses. Sensitive land uses surrounding the site are limited to dwellings only. A condition of approval will require the crushing, screening and washing plant, and blasting location to be located in the north-western corner of the identified processing area. The following is a summary of surrounding sensitive land uses:

- Northern adjoining Lot 3 on SP182482 contains a single dwelling that will be setback approximately 800 metres from the processing/blasting location.
- Southern adjoining Lot 1 on SP182482 does not contain a dwelling, however it is reasonable to assume that a dwelling will be constructed on the property. A dwelling could be constructed to achieve a setback in excess of 700 metres from the processing/blasting location. However, greater setbacks could be achieved if the dwelling was constructed in the south-east corner of Lot 1.
- Lot 2 on SP282413 situated on the opposite side of Tinaroo Creek Road to the north-east of the site contains a dwelling which is setback 940 metres from the proposed processing/blasting location.
- All other surrounding dwellings are setback well in excess of 1,000 metres.

Industrial Activities Code

If for Extractive Industry

PO6

Extractive industry is appropriately located to adequately mitigate visual, noise, vibration and dust impacts on sensitive uses.

AO6

All aspects of the Extractive industry are setback from all boundaries:

- (a) 200 metres where not involving blasting or crushing; and*
- (b) 1,000 metres for where involving blasting or crushing.*

Comment

Although AO6 stipulates that the extractive industry operation involving blasting and crushing must be setback 1,000 metres from any property boundary, this is considered to be a discrepancy in the Planning Scheme which is just not achievable in most cases, including for the long established large hard rock quarry and mining operation to the south of the site that achieves boundary setbacks of just 200 metres at its closest point. Another example is the Boral hard rock quarry at Tichum Creek. This quarry operation involves blasting and crushing and includes at least 12 dwellings situated within 1 kilometre of the quarry.

It is therefore considered more appropriate that the 1,000-metre separation distance should be from any neighbouring sensitive land use (e.g. dwelling) which is the approach of other neighbouring Shire Planning Schemes like Douglas and Cairns. Further supporting this approach is higher order PO6 which aims to protect sensitive land uses specifically, instead of boundary setbacks. A 1,000 metre setback to sensitive land uses (instead of boundaries) is also consistent with the best practice setback criteria for ERA 16 – Extractive industry operations of 5,000 tonnes to 100,000 tonnes per annum.

It should also be noted that this desired setback is applicable for hardrock extractive industry operations producing up to 100,000 tonnes of product per annum, with this proposed development producing just 5,000 tonnes (20 times less volume).

Despite not achieving the desired 1,000 metre setback, the development does achieve an 800-metre setback to the closest dwelling, and is only producing an upper limit of 5,000 tonnes per annum of crushed rock product. The prevailing wind direction over the site is from the east (north-east and south-east), so the processing area is also down wind of nearby dwellings which will further help minimise noise impacts.

The immediate locality is also characterised by existing large scale hard rock quarrying activity, as well as numerous granted mining leases, with the closest lease area actually extending into the subject site and the northern adjoining property. Despite not achieving the desired separation distances, the 800 metres that is achieved is deemed acceptable given the context of the locality with respect to existing and possible future quarrying/mining operations, the predominate wind direction and the small-scale nature of the extractive industry operation proposed. A comprehensive suite of conditions has also been applied which will ensure the likelihood of environmental nuisance is minimised.

The development has been conditioned to comply with higher order PO6.

Rural Zone Code - Amenity

Amenity**PO6**

Development must not detract from the amenity of the local area, having regard to:

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*
- (g) lighting;*
- (h) odour; and*
- (i) emissions.*

AO6

No acceptable outcome is provided.

Comment**Noise**

Despite not achieving the desired 1,000 metre setback mentioned in AO6 of the Industrial activities code, the development does achieve an 800-metre setback to the closest neighbouring dwelling and is only producing an upper limit of 5,000 tonnes per annum of crushed rock product. The prevailing wind direction over the site is from the east (north-east and south-east), so the processing area is also down wind of nearby dwellings which will further help minimise noise impacts on any given day.

When considering noise impacts, it is important to remember that just because a particular activity such as the crushing, washing and screening of rock material may be audible at a nearby dwelling, does not mean that this audible noise is nuisance noise. This is further evidenced by a review of the standard noise conditions applied by the State for larger scale extractive industry operations (5,000 – 100,000 tonnes) that are deemed to be Environmentally Relevant Activities (ERA – 16). The State ERA noise conditions allow extractive industry operations to be audible at sensitive receptors, just not outside the hours of 7.00am to 7.00pm Monday to Friday, and 8.00am to 7.00pm on any other day (Saturday or Sunday). In the case of this development, at a scale 20 times less than an ERA extractive industry operation, producing just 5,000 tonnes per annum, Council has applied even stricter operating hours and operating day limitations to further ensure impacts are minimised.

Condition 3.8 of the Officers Recommendation dictates that emissions associated with the development must not cause an ‘environmental nuisance’ to any nearby sensitive receptor. This is also a standard condition applied by the State for larger scale ERA extractive industry operations. In the event Council receives noise complaints about the development, noise monitoring can be carried out to determine if the development is producing audible noise (at a sensitive receptor) that is loud enough to be deemed ‘nuisance’ noise under the *Environmental Protection Act 1994*. Again, just because something may be audible, does not mean that it is a nuisance noise.

Furthermore, within the immediate locality is an existing large scale hard rock quarrying activity, as well as numerous granted mining leases, with the closest mining lease area actually extending into the subject site and the northern adjoining property from the west. Despite not achieving the desired separation distances, the 800 metres that is achieved is deemed acceptable given the

context of the locality with respect to existing and possible future quarrying/mining operations, the predominate wind direction and the small-scale nature of the extractive industry operation proposed.

It is considered that the suite of conditions included in the Officer Recommendation will help ensure noise impacts associated with the proposed development do not result in an unacceptable loss of amenity for nearby residents.

Hours of operation

The standard accepted hours of operation applied to extractive industry approvals in the Mareeba Shire is 7.00am to 6.00pm Monday to Friday and 7.00am to 12.00 noon on Saturdays. No operations are permitted on Sundays or Public Holidays. This is consistent with operational limitations included in the Standard Conditions applied by the State for ERA 16 Approvals – extractive industry operations of 5,000 tonnes up to 100,000 tonnes per annum. The proposed 5,000 tonne per year proposal is considered small scale and is not an Environmentally Relevant Activity.

Commensurate to the scale of operation proposed, and given the lesser setbacks achieved between the processing area and nearby sensitive land uses, in consultation with the applicants, Council officers have reduced the allowable operating days from 6 days per week down to just 10 days per 4-week period.

This proposed reduction in standard hours of operation is likely to help minimise amenity impacts.

Traffic

Traffic generated by the development is likely to be an average of 4 heavy vehicle movements per week plus 2-4 vehicle movements per day for the operational staff. Traffic impacts associated with the proposed development are considered negligible, particularly when you consider the high volume of heavy vehicle traffic already experienced along Tinaroo Creek Road.

Traffic associated with the proposed development is unlikely to impact on amenity.

Advertising devices

No advertising devices are proposed as part of the development.

Visual amenity

Although the proposed extractive industry processing area will be visible from parts of the adjoining properties, it will be effectively screened from view from the dwelling on the northern adjoining allotment. No dwelling exists on the southern adjoining allotment. Tinaroo Creek Road users will not be able to see the operation.

The proposed extractive industry operation will be effectively screened from view and will not impact on amenity.

Privacy

The proposed development is not likely to impact on the privacy of adjoining properties.

Lighting

The proposed development will not operate over evening or nighttime hours and will not incorporate any obtrusive lighting so will therefore not create lighting impacts on adjoining properties.

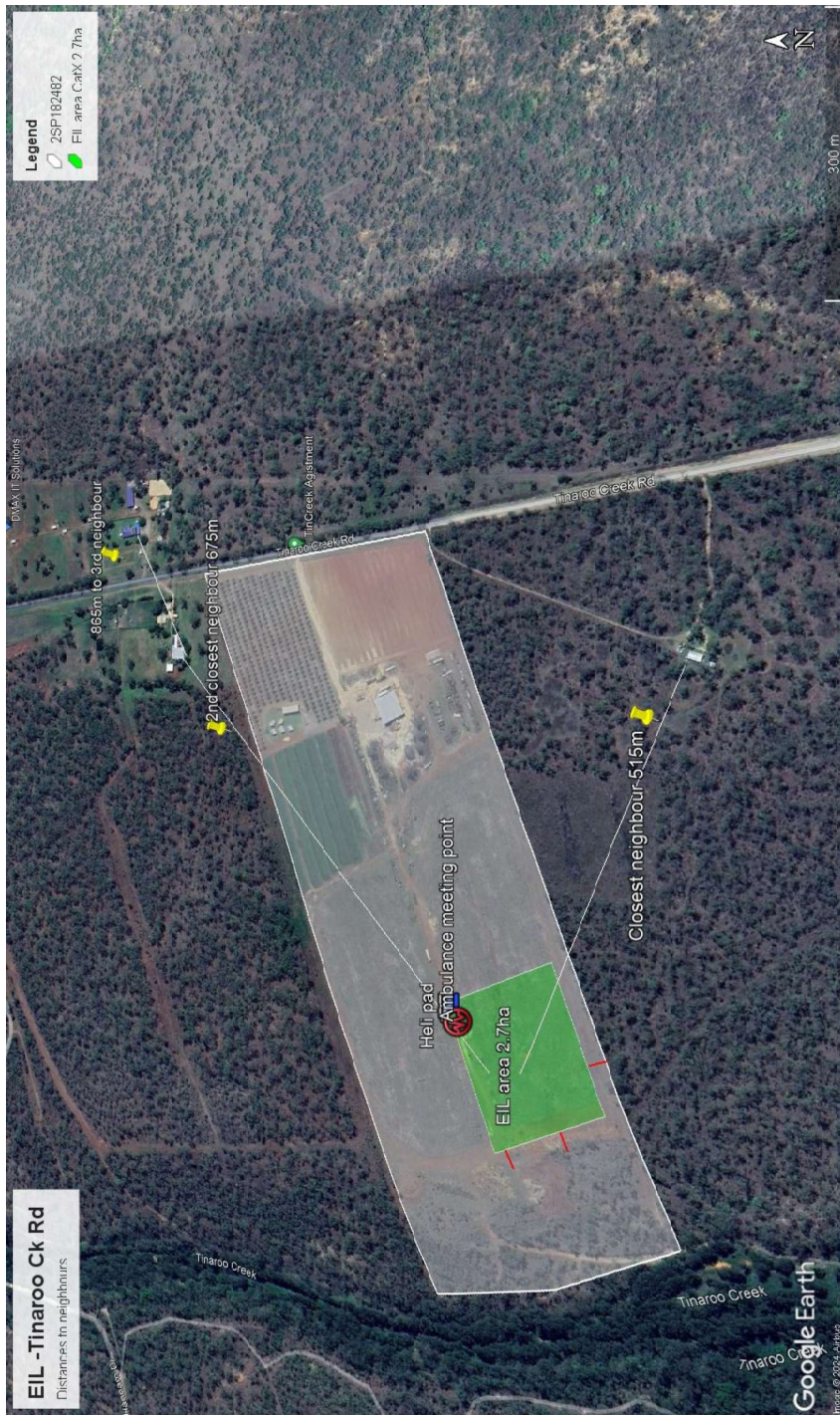
Odour & Emissions

The proposed extractive industry processing area is appropriately setback to ensure impacts from odour (from machinery and explosives) and dust are minimised. The use of water trucks and the easterly prevailing wind direction will further help minimise impacts.

Conclusion

With the inclusion of appropriate conditioning, it is considered that the proposed development can achieve compliance with PO6.

Figure 2 – Quarry Operations Map – sites & distances to neighbours





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8 August 2024

Mareeba Shire Council
PO Box 154
Mareeba, QLD 4880

RE: Submission Against the Proposed Development Application MCU/24/0004 – Material Change of Use Extractive Industry on 852 Tinaroo Creek Road Mareeba QLD 4880

Dear Sir/Madam,

This letter serves to issue a properly made submission to object to the proposed Development Application MCU/24/0004 Material Change of Use Extractive Industry at 852 Tinaroo Creek Road Mareeba. Our submission is issued based on the following observations with the application:

1. The application overall is asking for an Extractive Industry Licence (EIL) for <5,000 tonnes per year, but the application content suggests that the proposed activity is only to clean up and crush an existing stockpile of rocks at the site and then return to farm land. This has been stated in the application and in the Site Based Management Plan submitted. If Council are to issue an EIL to the applicant, it would allow the applicant to extract material up to 5,000 tonnes per annum on a continuous basis for years to come, but this is not what the applicant has indicated in their application. A more specific Operational Works Permit for the clearing/crushing of the already stockpiled rocks would be more suitable for the application submitted. Once the rocks have been cleared, there is no further need for any works application regarding crushing and blasting and the land can be returned to farming. Other farming sites within the immediate area have had similar issues with crushing/removing basalt floater rocks and these operations have not had to apply for an EIL to carry out this activity. The applicant appears to be trying to obtain approvals for an ongoing quarry operation at the site, but has not properly applied for this within the application.
2. The application is asking for the permission of blasting activities to reduce the size of larger rocks so that they can be fed into a crusher. The application states that only approx. 10% of the rocks require blasting. There are other methods for reducing the size of these rocks that are far more economical and safer, given the small amount of rock reduction activity required, including hydraulic rock hammers fitted to an excavator. The blasting activities appear to be more consistent with the applicant trying to obtain approvals for an ongoing quarry operation after the already stockpiled rocks have been cleaned up.
3. Within the transport section of the application, the applicant has stated that up to 3 truck movements per week is all that will occur. Given the average truck and dog or semi pay load amount is 25 tonnes per truck movement, this would equate to approx. 4,000 tonnes per year. This would suggest the applicant is seeking approval to remove all the crushed rock from the site, and moreover seeking to do this continuous for years to come once the already stockpiled rocks have been cleaned up. The pictures on the application suggest the amount of rocks are less than 4,000 in total, and the application states the crushed rocks will be used around the farm itself for improvements. This is inconsistent with what has been applied for.



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4. The DA – Form 1 details what the applicant is seeking approvals for at the site. The application states that 95% of the rocks do not require blasting and only 5% of the rocks do require blasting, but it also states that they will require blasting activities up to twice per year. Again, this would suggest the applicant is seeking to obtain approvals for an ongoing quarry operation, as given the small number of rocks already stockpiled that need blasting (5%). Requiring blasting twice per year does not appear to be consistent with the suggested operation, but moreover blasting to occur continuous for years to come as per an ongoing quarry operation.
5. The Site Based Management Plan (SBMP) states multiple times within the document “quarrying activities.” The application is for the crushing of already stockpiled rocks from farming activities. Whilst crushing is an activity conducted within a quarry, the application is not for a quarry, and the activity of crushing rocks can and has been in other cases, covered by an Operational Works Permit, which would be sufficient given that this is a once only activity for the site as per the application.
6. Section 4 of the Site Based Management Plan (SBMP) has trucks carting 50 tonnes per truck equating to approx. 2 truck movements per week. This is inconsistent with the application, and legally permitted trucks accessing this road are not able to cart 50 tonnes. The average payload per truck/semi tipper is more likely 25 tonnes. This equates to twice the amount of truck movements than what has been applied for on an already struggling road network. Also, this equates to all the crushed rock being removed from the site, but the application is for the crushed rock to go towards farm improvements (Section 4.2). Section 4 also suggests that truck movements from the site relating to the application will be ongoing for years to come after the already stockpiled rocks have been cleaned up, suggesting the applicant is trying to obtain approvals for an ongoing quarry operation.
7. Section 4.3 Quarry Activities in the “Noise” and “Dust Suppression” section, states that wash plant with wet screening activities will be included within the operation. The SBMP does not deal with how the waste water from the wet screening activities will be dealt with/managed. The SBMP and the application states there will be no stormwater run-off from the activities, but wet screening will have considerable water concentration and treatment issues associated and would require settling ponds or collection capabilities which are not detailed in the application. The applicant also has an application MCU/24/0005 for a sand extractive industry licence on Shanty Creek Road Mareeba. The application statement for the wet screening plant at Tinaroo Creek Road could be a result of the applicant wanting to bring sand resource from the other site to this site for processing.
8. In Safety Management plan, Figure 7 lists the machinery expected to be used in the operation. This list has an excavator carrying out functions including stripping topsoil and winning gravel. This is inconsistent with the application for cleaning up and crushing already stockpiled rocks from the site. This also lists a Dozer with a function of stripping soil, again not consistent with the application intent. The 24 tonne truck function of delivering sand, and the power screen function of screen and wash extracted material is also not consistent with the application intent. There should be no “extracted material” as the application is to crush the already stockpiled rock at the site. This also reinforces the assertion that the applicant is trying to obtain approvals for an ongoing quarry operation which appears to include sand washing activities from another application currently under review by Council.



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In summary we are not opposed to the applicant wanting to operate a small-scale quarry on the proposed site (subject to review of the correct application for same). However we do object to the application in its current form as the apparent intent is to have an ongoing quarry operation for years to come, but the application is misleading for this intent and therefore the operation will not be conditioned appropriately for the intended use.

We respectfully request that Council review this submission against the application content, and seek further information and documentation, or correct application for the intended use from the applicant before any Extractive Industry Licence approvals are granted for this application in its current form.

Please do not hesitate to contact me should you have any further queries regarding this matter.

Regards,

A handwritten signature in blue ink, appearing to be 'SL' with a flourish.

Steven Lavis
Managing Director
Conmat Pty Ltd

12 August 2024



Town Planning and Project Services

Chief Executive Officer
Mareeba Shire Council
65 Rankin Street
Mareeba QLD 4880

Attn: Carl Ewin

Delivered via email: info@msc.qld.gov.au
carle@msc.qld.gov.au

RE: SUBMISSION AGAINST THE DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (EXTRACTIVE INDUSTRY – UP TO 5,000 TONNES PER ANNUM) OVER LAND AT 852 TINAROO CREEK ROAD, MAREEBA, MORE FORMALLY DESCRIBED AS LOT 2 ON SPI82482

COUNCIL REF: MCU/24/0004

Aspire Town Planning and Project Services have been engaged by, and act on behalf of, Mr. Don Hall (the 'Adjoining Property Owner' at 906 Tinaroo Creek Road, Mareeba and the 'Submitter').

We are aware that a Development Application for a Material Change of Use (Extractive Industry – up to 5,000 Tonnes per Annum), has been made to Mareeba Shire Council over the property at 852 Tinaroo Creek Road, Mareeba, more formally described as Lot 2 on SPI82482 (the 'Development Application').

On behalf of Mr. Don Hall, we respectfully submit our formal objection to the proposed development, citing the following grounds of concern.

Initial Points of Submission

A detailed review of the Development Application material has revealed not only significant technical flaws in the application, but also concerns regarding the manner in which the Applicant has conducted certain statutory actions, including Public Notification. These issues raise serious questions about the integrity of the application and process that has been followed. Mareeba Shire Council is strongly urged to thoroughly examine the following matters during their assessment of the application and take necessary actions.

- I. The DA Form 1 lists 'Wallace Quarrying & Mining Pty Ltd ATFT Wallace Unit Trust' as the Applicant and states that the Land Owners Consent is not required. However, a Title Search confirms that actually the registered owners of the land are Ian Earl Wallace and Rayleen Jane Wallace. Although there is likely

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Document Set ID: 4400842
Version: 1, Version Date: 12/08/2024

correlation between the listed Applicant and the Land Owner, the Development Application should have been deemed by Mareeba Shire Council as 'Not Properly Made'.

2. The Confirmation Notice issued by Mareeba Shire Council on the 24 June 2024, confirms the Development Application as being Properly Made on the 21 June 2024. We understand that in accordance with the Confirmation Notice, no Information Request was issued by Mareeba Shire Council.

As stated in the Confirmation Notice, the Development Application is Impact Assessable under the Mareeba Shire Council Planning Scheme 2016 (the 'Planning Scheme'). According to the Public Notice published in the Express Newspaper, the Submission Period for the Development Application is between the 24 July 2024 and the 13 August 2024.

Serious concerns are raised that the Development Application has potentially lapsed. In accordance with s16.3 of the Development Assessment Rules v1.3 ('DA Rules') (now superseded, but relevant at the time), we believe that Public Notification did not commence within 20 business days of Part 3 of the Development Assessment Rules ending. By our calculation, Public Notification was required to commence by the 23 July 2024 (including allowance for the Cairns Show Public Holiday, which is observed by parts of Mareeba Shire). It is questioned whether the Applicant undertook all of the required actions under s31.2 of the DA Rules to revive the Development Application, including giving formal notice to the Assessment Manager.

3. The Public Notice Sign placed on the land is located behind the fence and shadows from the fence obscure clear view of the sign – see Image 1 below. In our opinion, the sign is not clearly visible and should have been placed closer to Tinaroo Creek Road, or at least in front of the fence line.



Image 1: Public Notice Sign fronting Tinaroo Creek Road.

4. Serious concerns are also raised that Public Notification has not been carried out in accordance with s53(4) of the *Planning Act 2016*. The prescribed notification period for the Development Application is 15 business days after the notice is given. We are not aware of the date that physical signage notice was placed on the land or letters posted to adjoining land owners, however it is noted that a Public Notice was published in the Express Newspaper on the 24 July 2024, this being also the first day of Public Notification. This being the case, in accordance with the DA Rules, the submission period should have commenced on the 25 July 2024. Therefore, by our calculation, the Development Application has only been notified for a period of 14 business days, not 15 business days as required under the *Planning Act 2016*. Consequently, the Applicant should be directed to undertake Public Notification again, correctly, for the full notification period and in accordance with the DA Rules.
5. The Development Application does not include a full assessment against the matters which an Impact Assessable Development Application must consider. Under s31 of the *Planning Regulation 2016*, Impact Assessment must have regard to (emphasis added):

“(a)the matters stated in schedules 9 and 10 for the development; and
 (b)if the prescribed assessment manager is the chief executive—
 (i)the strategic outcomes for the local government area stated in the planning scheme; and
 (ii)the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and
 (iii)the strategic intent and desired regional outcomes stated in the regional plan for a region; and”

The Development Application material fails to include an assessment as to how the proposed development complies with the Mareeba Shire Council Planning Scheme 2016 Strategic Framework. We believe the Applicant should be requested to demonstrate compliance with the Mareeba Shire Council Planning Scheme 2016 Strategic Framework.

Other Specific Submission Matters

Please consider the following additional grounds in opposition to the Development Application:

1. **Duration and Scope:** The Development Application appears, at first glance, to be predicated on the Development Permit for Operational Works (Irrigated High Value Clearing) issued by the former Department of State Development, Manufacturing, Infrastructure, and Planning on 8 April 2018. This permit included a specific condition requiring the removal of cobble larger than 200mm from the site. However, the Development Application material does not adequately clarify whether the proposed Extractive Industry is intended to be a short-term operation, confined solely to the removal of cobble exposed through the clearing process, or if it is envisioned as a more extensive, long-term venture.

The ambiguity surrounding the duration and scope of the proposed extractive activities is a significant concern, as it raises critical questions about the potential long-term environmental impacts and effects on the local community. Without a clear understanding of whether the operation is temporary or permanent, it is challenging to accurately assess the broader implications of the development. It is imperative that the Applicant provides detailed information distinguishing between these two scenarios to ensure that the development complies with regulatory requirements and aligns with community expectations. This transparency is essential for an informed and thorough evaluation of the proposal's potential impacts.

If the Extractive Industry is planned as an extensive, long-term venture, it raises significant concerns regarding compliance with PO3 of the Agricultural Land Overlay. This overlay aims to protect agricultural land from incompatible uses that may compromise its value and function. Conversely, if the proposed operations are intended to be short-term, it would be reasonable to consider imposing specific conditions, such as a sunset clause, to ensure that the impact on the agricultural land is limited and the use is appropriately managed within a defined timeframe.

- 2. Setback from Sensitive Uses:** The Quarry Management Plan asserts that quarry machinery will be set back by more than 515 metres from the nearest sensitive receptor, specifically the existing dwelling at 906 Tinaroo Creek Road, Mareeba. However, the Development Application material fails to accurately identify the proximity of the Extractive Industries License Area to this same sensitive receptors. Upon closer examination, it is estimated that the boundary of the Extractive Industries License Area could be as close as 380 metres.

The Industries Activities Code mandates a minimum boundary setback of 1,000 metres for activities involving blasting or crushing. The proposed development involves both blasting and crushing, however, provides a mere 23 metre setback to the southern boundary, which is a clear and significant violation of the prescribed code. This blatant non-compliance raises serious concerns regarding the adherence to regulatory standards.

Moreover, an area of vegetation on 906 Tinaroo Creek Road, adjacent to its northern boundary, has been previously cleared with the genuine intention of constructing a new Dwelling House in this location in the near future. The proximity of the Extractive Industries License Area is estimated to be within approximately 110 metres of this existing cleared site and poses serious concerns. The proposed Extractive Industry not only impinges upon the future development potential of 906 Tinaroo Creek Road, but also obviously fails to provide adequate internal buffers between the extractive activities and neighboring properties as discussed above.

The inadequate setbacks raise significant issues regarding the potential impacts on surrounding land uses, particularly in terms of noise, dust, and overall amenity. The lack of sufficient internal buffers could severely constrain the ability of adjacent landowners to develop their properties as intended, thereby compromising the broader planning objectives for the area. It is essential that the Development Application is revised to address these deficiencies and to ensure that the proposed activities do not unduly restrict the rights and interests of neighboring property owners.

This brings into question compliance with PO6 of the Rural Zone Code and PO1, PO4 and PO6 of the Industrial Activities Code.

- 3. Noise Impact:** The Development Application understates the significance of noise and omits critical information, most notably a comprehensive Noise Impact Assessment. Extractive industries are known to generate significant levels of noise due to activities such as blasting, crushing, and heavy machinery operations. The absence of a detailed Noise Impact Assessment raises serious concerns about the potential effects on the surrounding sensitive receptors. It is expected that the noise from the development will be greater than and more constant than that generated by surrounding farming activities. Without this essential information, it is impossible to fully evaluate the impact of the proposed development on local amenity and the well-being of nearby residents.

The omission of a Noise Impact Assessment is a glaring oversight in the application and suggests a lack of due diligence on the part of the Applicant. Noise pollution is a critical factor in assessing the suitability of any Extractive Industry, and its potential to disrupt daily life, affect health, and reduce property values cannot be underestimated. The failure to provide this assessment not only undermines the integrity of the Development Application but also compromises the ability of decision-makers to make an informed and balanced judgment. Mareeba Shire Council is urged to request the Applicant to submit a comprehensive Noise Impact Assessment before any further consideration is given to this Development Application, ensuring that the interests of the community are adequately protected.

This brings into question compliance with PO6 of the Rural Zone Code and PO1 and PO6 of the Industrial Activities Code.

4. **Traffic Impact:** Tinaroo Creek Road transitions from a bitumen surface to gravel at the southern boundary of 852 Tinaroo Creek Road. The Quarry Management Plan states that, based on an annual average of 5,000 tonnes of material, this equates to 100 truck movements/annum or 1.9 truck movements/week. Concern is raised that this is a under representation of vehicle movements.

Although most vehicle movements are expected to turn north on Tinaroo Creek Road, southerly movements would increase traffic volume on the gravel section of Tinaroo Creek Road, leading to heightened dust generation (a significant issue for 906 Tinaroo Creek Road with the prevailing easterly winds) and potential road degradation. The absence of detailed information in the application raises concerns about the potential impact on local infrastructure, the surrounding environment and amenity. It is imperative that the Applicant provides a comprehensive analysis of the haulage routes and frequencies to allow for an informed assessment of the development's potential effects on Tinaroo Creek Road and the broader community.

5. **Clear Plan of Development:** A plan has been included in the application that lacks any specific reference or clear explanation, see Image 2 below. The purpose and relevance of the mapped area depicted in this plan are unclear, leaving uncertainty about whether it designates an exclusion area or serves another function. The absence of a detailed description or context for this plan raises concerns about the accuracy and completeness of the Development Application. For proper assessment, it is essential that all documentation be fully referenced and clearly explained, ensuring that the intent and implications of each element are transparent and understandable to all stakeholders.



Image 2: Plan Extract from Development Application MCU/24/0004

Additionally, the Quarry Operations Map included in the Quarry Management Plan fails to clearly delineate the primary working area where crushing and screening activities will take place within the Extractive Industries License Area. Instead of providing precise location and boundaries, it only offers vague distance measurements to outline the working area.

Conclusion

We respectfully request that the Mareeba Shire Council conduct a thorough assessment of the Development Application, carefully considering the potential impacts on the property located at 906 Tinaroo Creek Road. It is crucial that the Council evaluate the likely consequences of the proposed development with a comprehensive understanding of the following factors:

1. **Noise and Dust:** Assess the potential for increased noise and dust pollution resulting from quarry operations. This includes evaluating how these factors may affect the health, comfort, and quality of life for residents at 906 Tinaroo Creek Road and nearby properties.
2. **Traffic:** Examine the impact of increased traffic associated with the quarry on local roads, including the potential for road wear and tear, dust and safety concerns.
3. **Preservation of Agricultural Land:** Consider the effect of the quarry on the surrounding agricultural land, including evaluating whether the quarry's operations might compromise the usability of land for future farming or other agricultural purposes, and ensuring that any potential conflicts with agricultural activities are addressed.
4. **Development Potential of Adjoining Properties:** Evaluate how the quarry might impact the future development potential of adjacent properties. This includes assessing whether the presence of the quarry could limit or preclude potential future land uses and developments in the vicinity.
5. **Overall Amenity:** Consider the overall impact of the quarry on the general amenity of the area, including the visual, environmental, and social aspects that contribute to the rural character and quality of life.

By thoroughly addressing these considerations, the Council will be better equipped to make an informed decision that balances the benefits of the proposed development with the protection of local interests and environmental sustainability.

We trust that the Council will act in the best interests of the community and carefully consider the concerns outlined in this submission. Please direct all correspondence related to this matter to Aspire Town Planning and Project Services.

Regards,



Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

12 August 2024

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



Via email: info@msc.qld.gov.au

Dear Sir/Madam,

**SUBMISSION OBJECTING TO DEVELOPMENT APPLICATION MCU24/0004
FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE
INDUSTRY (UP TO 5,000 TONNES PER ANNUM) AT 852 TINAROO CREEK ROAD, MAREEBA**

This submission is made on behalf of Wyndara Pty Ltd, the landowner of 830 Tinaroo Creek Road, Mareeba, and relates to a development application (Application No. MCU/24/0004) submitted to Mareeba Shire Council (**Council**). This submission is made in accordance with section 53 (6) of the Planning Act 2016 (the **Act**). The application seeks a Development Permit for a Material Change of Use for Extractive Industry (Up to 5,000 tonnes per annum) at 852 Tinaroo Creek Road, Mareeba, formally described as Lot 2 on SP182482 (the **subject site**).

Following a review of the application material, it is evident that the proposal has not adequately demonstrated compliance with aspects of the Mareeba Shire Council Planning Scheme (the **Planning Scheme**), in that:

- The exact scale and nature of the development has not been provided nor detailed, particularly relating to the history of the site, extent / footprint of the operation, and general operational information.
- The application has not considered the potential impacts of the development (i.e. noise emission, visual amenity, air quality, etc.) and how these factors may negatively impact upon surrounding sensitive land uses.

In the absence of the above information, Council's ability to undertake a complete and informed assessment against the relevant benchmarks of the Planning Scheme as set out under section 45 (5) of the Planning Act 2016 for development subject to Impact Assessment is queried. As it currently stands, the potential scale of impacts is not known.

This objection pertains to the development **in its current form**. However, this objection does not oppose the development of the subject site for an Extractive Industry use, provided that the scope of operations is clearly defined, impacts are mitigated, and appropriate controls and limitations are implemented.

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www.reelplanning.com

CONTEXT

The subject site is located at 852 Tinaroo Creek Road, Mareeba, and is currently used for agricultural pursuits, consistent with the rural zoning of the land and surrounding locality. Refer to **Figure 1** below. The site has an area of 30.01 hectares and includes a frontage of approximately 335 metres to Tinaroo Creek Road. The site is included in the Rural Zone under the Planning Scheme and is identified as being affected by several overlays including the Agricultural Land, Airport Environs, Bushfire Hazard, Environmental Significance, Extractive Resources, Flood Hazard, Hill & Slope, and Transport Infrastructure Overlays.



Figure 1. Aerial Imagery of Development Site (Source: Queensland Globe, 2024).

Relevant History

It is understood the site is currently used for agricultural pursuits including farming and crop production, where the Extractive Industry use is identified to take place across the western portion of the land.

It is noted that the proposed works place reliance upon a previous State Government approval for Operational Work to Clear Native Vegetation for Irrigated High Value Agriculture as justification for the proposed Extractive Industry development and associated extractive works. This approval was granted on 6 April 2018 by the Department of State Development, Manufacturing, Infrastructure and Planning, and identified a 25.28-hectare portion of land in which the clearing of native vegetation can occur for agricultural purposes. The approval included a condition relating to the removal of rock material from the site, as follows:

4. The following management practices must be undertaken to mitigate land use suitability limitations and enable the cultivation of lychees;
 - ...
 - Any rock larger than a cobble (> 200 mm) exposed by ripping must be picked and disposed of appropriately.

The application material includes a statement that the proposed development will “improve the site’s agricultural use by removing unwanted rock, which was a condition of the clearing permit, [improving] the farming productivity”. The significance attributed to this matter in Council’s assessment is queried, as well as its overall relevance considering this permit did not contemplate standalone, large-scale extraction of material.

Particulars of the Application

It is understood that the application seeks to obtain a Development Permit for a Material Change of Use for Extractive Industry (Up to 5,000 tonnes per annum). As per Table 5.5.9 of the Planning Scheme, an Extractive Industry use is subject to Impact Assessment in the Rural Zone as the proposal does not involve the expansion of an existing facility. Therefore, an assessment against the entire Planning Scheme is required, to the extent relevant. While the assessment provided upon application is acknowledged, it is considered that the assessment lacks technical depth to any extent Council could reasonably proceed with its assessment.

In addition, the submitted proposed plans are not clear, where it has been identified that an approximate 2.7-hectare portion of land is to contain the extractive industry use (Figure 2), whereas a further plan has been provided, showing an area of 4.5178 hectares (Figure 3). Clarification from the Applicant is sought as to the exact location of the extractive industry operation, any area on the site associated with the broader operation and, specifically, what other activities are proposed on the subject site.



Figure 2. Proposed Quarry Operations Plan.



Figure 3. Plan Included in Reporting.

Further, the scale of the operations has not been identified beyond the identification of an extraction limit. It is noted that the following table has been provided in the Quarry Management Plan (Figure 4).

Material Type/s:	Basalt rock converted to gravel
Quantity extracted to date:	0
Average Annual extraction:	<5,000tons Maximum 5000t/yr material extracted. 50ton/truck load = 100 loads/yr = ~1.92 truck movements/wk
Blasting requirements	Blasting is only required where rocks are too large to be processed by crushing equipment. Qualified contractors will be used to conduct all blasting. Blasting is only expected 1-2 times per year. All appropriate safety & ERA measures will be complied with.
Intended maximum working area (ha):	2.7ha

Figure 4. Summary of Proposed Operations.

It is noted throughout the Quarry Management Plan that the extractive area is to be contained within the 2.7-hectare portion of land, however, a detailed site plan has not been provided to demonstrate the exact location and scale of activities (i.e. extraction, blasting, screening, stockpiling, etc.).

REEL PLANNING

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While it is acknowledged that the scale of activities is likely to be relatively limited (given the annual extraction limit), the application material submitted does not provide clarity around the location and extent of operations within the identified 2.7-hectare portion of land.

Impact of Development

As a result of the limited reporting and available information relating to the proposed development, it is unclear how the proposed development will sufficiently manage operations to limit any potential amenity impacts to surrounding sensitive and rural land uses. The Strategic Framework contains a range of provisions relating to ensuring that Extractive Industries do not result in adverse amenity impacts to surrounding sensitive land uses. Specifically, Specific Outcome 2 of Section 3.7.11.1 of the Planning Scheme seeks to ensure that:

- (2) *Extractive industries:*
- (a) *mitigate impacts relating to air, noise, water and waste on local ecological and environmental values and the amenity of residential areas, and surrounding rural dwellings;*
 - (b) *avoid areas of ecological significance and values;*
 - (c) *progressively rehabilitate disturbed land on site and ensure ecological values are rehabilitated (where relevant).*

Additionally, Element 3.4.8 of the Strategic Framework relates to air and noise quality, where Specific Outcome 1 seeks to ensure that *"the health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances."*

It is noted that throughout reporting there was limited discussion surrounding the mitigation of amenity impacts to surrounding properties, including 830 Tinaroo Creek Road, and therefore, the Applicant has not sufficiently demonstrated compliance with this Specific Outcome or the Strategic Framework more generally.

KEY PLANNING ISSUES

Planning Scheme Policy 3 – Extractive Industry sets out the information that is required by Council to assist in the assessment of a Material Change of Use for Extractive Industry within the Mareeba Shire Council local government area. The Policy states that the following information should be provided as part of a well-made application to assist the assessment of a development application:

- Site assessment;
- Operations statement;
- Geotechnical report and land suitability assessment;
- Traffic impact assessment report;
- Visual impact assessment;
- Ecological assessment;
- Water quality assessment;
- Assessment of noise and vibration;
- Air quality assessment;
- Rehabilitation management plan; and
- Maps and Aerial Photographs.

While it is acknowledged that the application material sought to address elements of the Planning Scheme Policy, the assessment and associated reporting lacked technical depth to any extent Council

REEL PLANNING

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could reasonably proceed with its assessment. Using the Planning Scheme Policy as a structure, the below matters are raised as formal objection to the development application in its current form.

1. Site Assessment

The Planning Scheme Policy requests an assessment of the site and surrounding uses with regard to a range of matters including topography, geology, vegetation, waterways, land uses, etc. While this has been provided to some extent, each of these matters has not been discussed in significant detail. A detailed Site Assessment should therefore be prepared to ensure the characteristics of the site, and any potential impacts are clearly identified.

Regarding the relevant components of the Planning Scheme for site suitability, it is requested that an assessment be undertaken against the following elements of the Strategic Framework:

- Specific Outcome 3.3.11.1(1).
- Specific Outcome 3.7.2.1(1).
- Specific Outcome 3.7.2.1(5).

2. Operations Statement

The Planning Scheme Policy requests an Operations Statement is provided that covers off a number of matters not addressed within the provided Quarry Management Report. While a basic explanation of operational particulars was provided upon application and some approximates, Council's ability to fully comprehend the scale of the operation in the absence of elements listed within the Planning Scheme Policy is queried. These elements include:

- a. Extraction details, including staging and depth of extraction.
- b. Processing and stockpiling details, including location, size and height of stockpiles.
- c. Staff details.
- d. Volume and types of waste generated and methods of disposal.
- e. Detail on vehicle movements.
- f. The proposed use after the extraction is finalised.

It is requested that the applicant provides an amended Management Report which clearly addresses each of these points (at a minimum) in detail to ensure that the intended operations are identified for the benefit of the public and Council.

Regarding the relevant components of the Planning Scheme for operational detail, it is requested that an assessment be undertaken against the following elements of the Strategic Framework:

- Specific Outcome 3.3.11.1(1).
- Specific Outcome 3.4.8.1(1).
- Specific Outcome 3.4.8.1(4).
- Specific Outcome 3.7.11.1(2).

3. Traffic Impact Assessment

The Planning Scheme Policy requests a Traffic Impact Assessment that addresses a range of matters, such as onsite traffic movement, offsite traffic movement, road safety and any upgrades that may be required.

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Generally, the extent of information provided in the Management Report is considered insufficient with regard to onsite traffic movements. This has been raised earlier and is anticipated to be addressed in any updated Operations Statement. Further, it is noted that Tinaroo Creek Road is identified as a Minor Rural Road on the Transport Infrastructure Overlay Map of the Planning Scheme. As the proposed development will increase the frequency of heavy rigid vehicles on the surrounding road network, a more extensive assessment of potential impacts on the road infrastructure should be undertaken by the Applicant.

Regarding the relevant components of the Planning Scheme for traffic and transport, it is requested that an assessment be undertaken against the following elements of the Strategic Framework:

- Specific Outcome 3.6.2.1(1).
- Specific Outcome 3.6.4.1(1).

4. Visual Impact Assessment

The Planning Scheme Policy requests a Visual Impact Assessment is provided that includes detail on the parts of the site that can be viewed from surrounding land, and any screening proposed. The application material does not include measures which will be implemented to reduce potential amenity impacts to neighbouring properties.

While it is acknowledged that the scale of development would not require an extensive Visual Impact Assessment, some form of assessment against the relevant assessment benchmarks of the Planning Scheme should be undertaken to demonstrate that the proposal will not result in visual amenity issues for neighbouring properties and dwellings. It is requested that the proposed development, at a minimum, incorporates sufficient landscaping and fencing to provide a visual buffer from residential development on adjacent sites.

Regarding the relevant components of the Planning Scheme for visual impacts, it is requested that an assessment be undertaken against the following elements of the Strategic Framework:

- Specific Outcome 3.3.11.1(1).
- Specific Outcome 3.7.11.1(2).

5. Assessment of Noise, Vibration and Dust

The Planning Scheme Policy requests an assessment of Noise and Vibration that considers impacts and mitigation measures. Dust emission is also raised under this element of the Policy. The application material does not adequately address the potential noise, vibration, or dust emissions anticipated by the development and associated operations to an extent that Council could reasonably consider the impacts on adjoining and nearby residential uses. Further, statements made in reporting which likens noise emissions to that similar to noise from farming operations are queried. This statement is not supported by any technical findings.

Regarding the relevant components of the Planning Scheme for noise, vibration and dust emission, it is requested that an assessment be undertaken against the following elements of the Strategic Framework:

- Specific Outcome 3.3.11.1(1).
- Specific Outcome 3.4.8.1(1).
- Specific Outcome 3.4.8.1(4).
- Specific Outcome 3.7.11.1(2).

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SUMMARY

The proposed application involving a Material Change of Use for Extractive Industry (Up to 5,000 tonnes per annum) at 852 Tinaroo Creek Road, Mareeba presents a development application which has not adequately addressed the relevant aspects of the Mareeba Shire Council Planning Scheme to demonstrate impacts to the adjoining landowners and surrounding locality have been duly considered and impacts mitigated. Further, Council's ability to make an informed decision based off the provided material for the reasons raised within this letter is queried.

A response is sought as to how the matters raised within this letter will be adequately addressed and mitigated and it is encouraged that the Applicant is required to undertake a more detailed assessment of the proposal using the framework set out in Planning Scheme Policy 3 to demonstrate compliance with the Mareeba Shire Council Planning Scheme.

It is reiterated that this objection pertains to the development **in its current form**. However, this objection does not oppose the development of the subject site for an Extractive Industry use, provided that the scope of operations is clearly defined, impacts are mitigated, and appropriate controls and limitations are implemented.

We would appreciate Council taking into consideration the issues and concerns raised above and look forward to an outcome that appropriately considers adjoining landowners and mitigates potential impacts, with outcomes consistent with that intended by the Mareeba Shire Council Planning Scheme.

Regards,



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

12 August 2024

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

Via email: info@msc.qld.gov.au

Dear Sir/Madam,

**SUBMISSION OBJECTING TO DEVELOPMENT APPLICATION MCU24/0004
FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE
INDUSTRY (UP TO 5,000 TONNES PER ANNUM) AT 852 TINAROO CREEK ROAD, MAREEBA**

This submission is made by:

Name: Wyndara Pty Ltd
Address: 830 Tinaroo Creek Road, Mareeba
Mailing Address: Wyndara Pty Ltd ATF C&F Collins Trust
PO Box 468
Clifton Beach QLD 4879
Email: facs.collins@hotmail.com

Signature:



Frank Collins, Director, Wyndara Pty Ltd

This submission relates to a development application (Application No. MCU/24/0004) submitted to Mareeba Shire Council for a Development Permit for a Material Change of Use for Extractive Industry (Up to 5,000 tonnes per annum) at 852 Tinaroo Creek Road, Mareeba, formally described as Lot 2 on SP182482. The grounds of the submission are attached.

8.3 DEVELOPMENT & GOVERNANCE QUARTERLY REPORT - OCTOBER TO DECEMBER 2024

Date Prepared: 2 December 2024

Author: Coordinator Governance & Compliance

Attachments: Nil

EXECUTIVE SUMMARY

This report presents the key activities of the Development and Governance Group for the October to December 2024 quarter.

RECOMMENDATION

That Council receives the quarterly report of the Development and Governance Group for the October to December 2024 quarter.

GOVERNANCE, COMPLIANCE AND RECORDS**Land Tenure Instruments**

Council recorded one (1) new Licence Agreement renewal for premises at the Chillagoe Hub (Queensland Parks and Wildlife), and two (2) new User Agreements with Dimbulah Community Centre Inc and TRACQS for the shed at 5 Park Avenue Dimbulah.

Council recorded one amendment to Trustee Lease for the permitted use at Chillagoe Rodeo Grounds, in accordance with Council's Land Management Plan.

Tom Gilmore Mareeba Aviation Industrial Precinct

Council recorded one (1) new tenure instrument during the period.

Council consented to one (1) assignment of lease and one surrender of lease during the period.

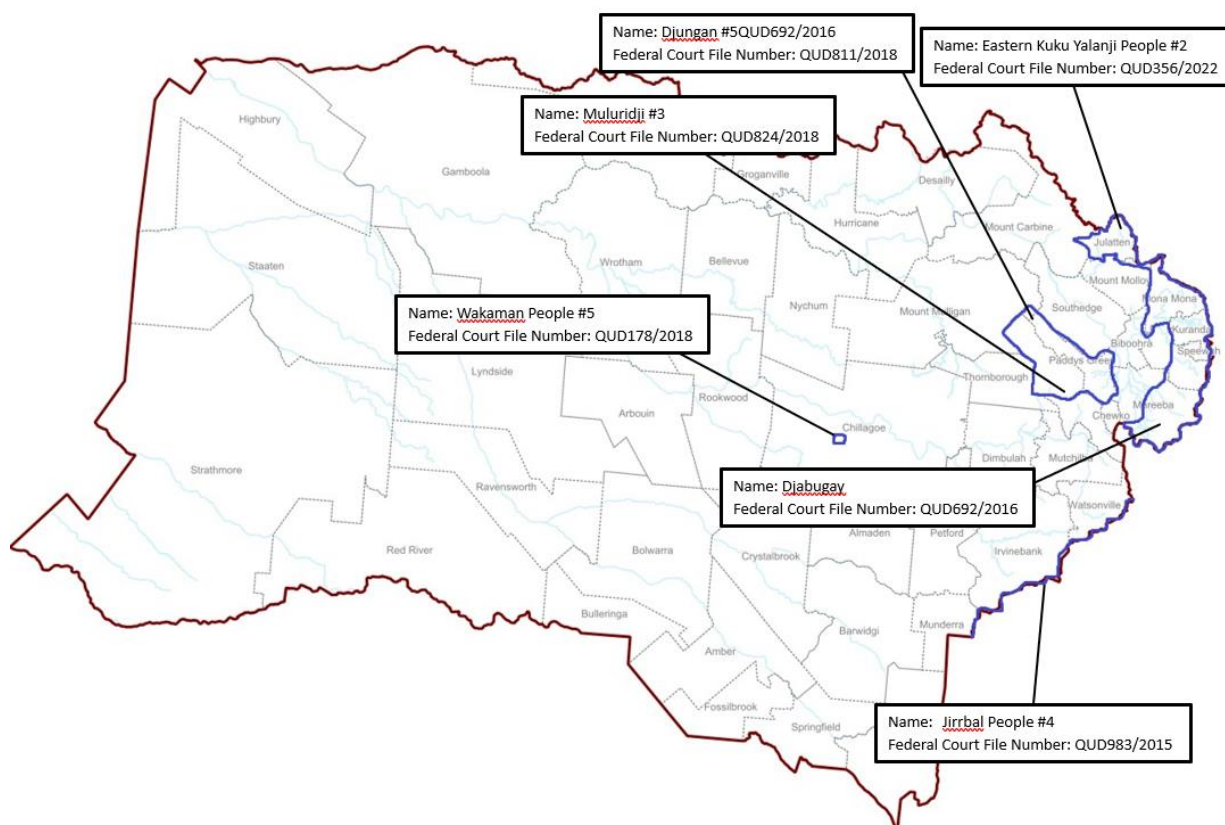
Mareeba Industrial Park

Council recorded three (3) new land sale settlements during the period and there are a further three (3) lots under Contract awaiting settlement.

There are currently no land parcels available for sale.

Native Title –

There are currently six (6) Native Title claims within Mareeba Shire:



Indigenous Land Use Agreements (ILUA)

Council has five (5) Indigenous Land Use Agreements (ILUAs) that establish the context in which Council operates with specific groups on matters of Native Title and Cultural Heritage.

During the period, Council formally consulted with both Mbabaram Aboriginal Corporation and Muluridji Tribal Aboriginal Corporation to conduct Site Inspections and Monitoring under our ILUA agreements and the Cultural Heritage Duty of Care Guidelines, relevant to two (2) worksites for an Environmental Cleanup across the Shire in the wake of the Cyclone Jasper weather event.

Notifiable Breaches – internal

Council recorded one (1) notifiable breach during the quarter under Council’s *Confidentiality Policy*.

Right to Information and Information Privacy

Council recorded receipt of five (5) new Right to Information and Information Privacy Access Applications.

Unreasonable Complainant Conduct

Council recorded nil (0) new cautionary notice actions undertaken during the period under Council’s *Unreasonable Complainant Conduct Policy*.

Administrative Action Complaints

Details of complaints received/processed during the period ending 31 December 2024 are displayed in the following table as aligned with the same period in 2023:

	Oct – Dec 2024	Oct – Dec 2023
Complaints carried over from previous period	1	5
Complaints carried over from previous period finalised during this reporting period	1	5
Complaints lodged during reporting period	16	9
Complaints finalised during reporting period	14	4
Complaints still in process (not finalised) during reporting period	2	5

BUILDING, PLUMBING AND TRADEWASTE

Building Applications

In 2018, Council resolved to no longer provide building certification in the major population areas of Mareeba Shire. In 2020, Council resolved not to provide building certification across the entire jurisdiction, however Council is still responsible for the applications it had received up until this point. Generally, approved building applications are granted two (2) years to complete the approved building works. Council's Policy is to provide one (1) extension for all applications upon valid request where works have begun. Therefore, some applications may continue for a maximum of two (2) further years.

The below table provides information on issued building approvals that remain the responsibility of the Council:

Current applications as of 1 Oct 2024	7
Completed	1
Cancelled	0
Current applications as of 31 Dec 2024	6

Plumbing Applications

The below table provides information on plumbing approvals that are the responsibility of the Council:

Current applications as at 1 Oct 2024	374
New Applications	29
Completed	33
Cancelled	0
Current applications as of 31 Dec 2024	373

Trade Waste

The 2024 Trade Waste inspection program for Mareeba was completed late June. Council has started Trade Waste inspection in December and should be completed by end of January.

Regulatory

Building, Plumbing, and Trade Waste Services received 80 new customer requests this quarter and 78 were resolved. In comparison to the same quarter in 2023, Council received 101 customer requests.

Compliance

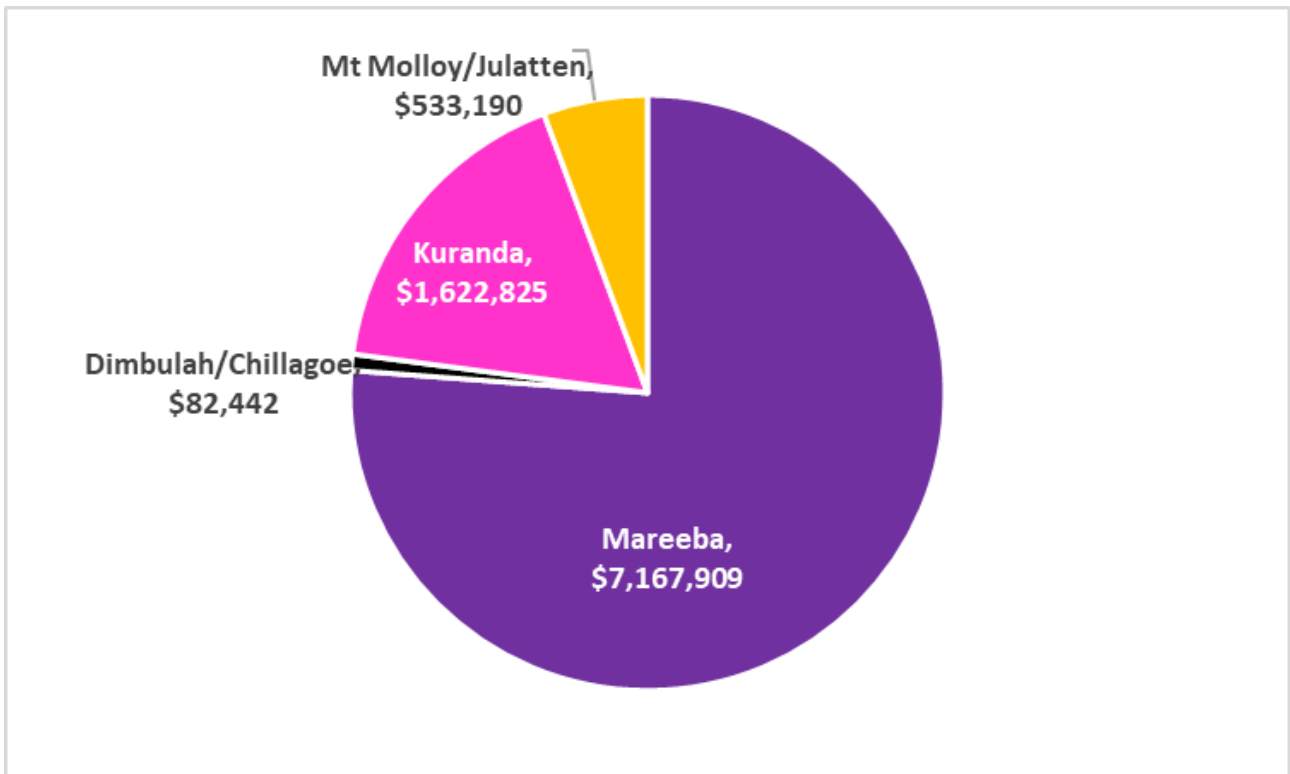
Council continues to progress 34 escalated building and plumbing compliance enforcement actions for unapproved structures relevant to 19 properties across the jurisdiction. A strategic risk management approach to non-compliance complaints has been actively pursued since September 2022 with each complaint managed as a low, medium or high-risk compliance matter.

Building

The total value of dwelling and commercial approvals has decreased from last quarter but is on par with the same quarter last year.

Value of Building Applications Oct – Dec 2024

Quarter	Oct-Dec 2024		Oct-Dec 2023	
	\$	A	\$	A
Total	\$9,406,367	71	\$9,403,521	68



REGIONAL LAND USE PLANNING

New Development Applications

26 development applications were lodged in the December quarter 2024 compared to 10 lodged in the December quarter 2023. Development applications and other planning matters received/approved during the December quarter 2024 as compared to the December quarter 2023 are listed below.

	Oct – Dec 2024	Oct – Dec 2023
New Development Applications lodged	26	10
Decision Notices issued under delegated authority	12	5
Negotiated Decision Notices issued under delegated authority	0	0
Decision Notices issued (from Council Minutes)	4	5
Negotiated Decision Notices issued (from Council Minutes)	0	0
Extensions to relevant period issued	4	1
Extensions to relevant period issued (from Council Minutes)	0	1
Change to existing Development Approval issued	2	1
Referral Agency Response approvals issued under delegated authority	5	4
Survey Plans endorsed	4	6
Notices issued under Planning Act	0	0
Planning Appeals and other Court proceedings	0	0

LOCAL LAWS AND ENVIRONMENTAL HEALTH

Local Laws

Local Laws Officers dealt with the below complaints and enquiries during the quarter relating to the following matters:

	Oct - Dec 2024	Oct - Dec 2023	Oct - Dec 2022
Animal Attacks	32	32	18
Barking Complaints	35	50	41
Council traps	24	32	38
Cruelty	6	10	1
Dangerous Aggressive Dogs	4	2	2
Enquiries, Unregistered, Hygiene, unleashed	146	117	99
Missing/Lost/Found	12	9	16
Restrained for Collection	38	19	40
Straying Animals	67	125	92
Too many animals	7	9	11
Total	371	405	358

In the last quarter, the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): 8 dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 92 dogs were impounded.

Quotes were sourced to cement the pound kennel runs to house dogs impounded by Council at the Mareeba Animal Management Facility leased to and operated by Friends of the Animals Inc. The proposed works will reduce the risk of the spread of Parvovirus. This project is nearing completions, with the installation of shade sails to be install over the dog run areas.

Dog Registration

As of 31 December 2024, Council has a registered population of 3,955 dogs in the shire with 165 dog renewals outstanding. The 165 outstanding renewals are the current dog registrations which have not been renewed in the current renewal period, or owners have not advised of a change in circumstances for the next financial year.

	Oct - Dec 2024	Oct - Dec 2023	Oct - Dec 2022
Deceased	90	55	33
Left the area	32	28	30
New registrations	152	230	176

Other Local Laws Matters

	Oct - Dec 2024	Oct - Dec 2023	Oct - Dec 2022
Abandoned Vehicles	17	27	24
Commercial Use of Roads	10	5	19
Illegal Camping	24	14	13
Illegal Signs	0	1	5
Obstruction of Footpath	2	1	1
Overgrown	22	6	9
Parking, illegal parking	12	7	19
Other	7	3	2
Total	94	64	92

Local Laws Amendments

Work has been finalised on the adoption of the Local Laws. After Council resolved to adopt the new Local Law amendments on the 18 December 2024 meeting, the State Government was notified, and the Local Laws were published on Council’s Website and made available.

Environmental Health

The Environmental Health section responded to a total of 176 enquiries, complaints and service requests for the quarter relating to the following matters:

	Oct - Dec 2024	Oct - Dec 2023	Oct - Dec 2022
Flying Foxes	6	-	-
Food Complaints	7	4	4
Food Enquiry	19	23	19
Food General	12	4	4
General Service Enquiry	90*	6	25
Health Enquiry	11	6	10
Illegal Dumping	8	7	11
Other	3	6	9
Pollution	18	17	18
Public Health Complaint/enquiry	2	4	7
Total	176	75	107

** The large increase in general service enquiries this reporting period was due to the local law amendment public consultation period. The coordinator of Health and Local Laws fielded a number of calls and request for information together with submission regarding the local law amendments.*

Notices Issued, Inspections Carried Out, Applications Processed

	Oct - Dec 2024	Oct - Dec 2023	Oct - Dec 2022
Animal Management infringements issued	14	27	16
Animals Impounded	92	85	107
Compliance Notices Issued	24	16	10
Food Inspections Undertaken	66	60	9
Local Laws infringements issued	11	6	21
Regulated Parking infringements issued	11	2	81
Warning letters issued	55	68	59

** Food inspections are continuing to be undertaken this last quarter, due to Council’s contractor continuing the routine inspections throughout the shire.*

LINK TO CORPORATE PLAN

Financial Sustainability and Governance: A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

Community and Culture: An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

Transport and Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

Liveability and Environment: Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

IMPLEMENTATION/COMMUNICATION

Nil

KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY

8.4 COUNCIL POLICY REVIEW

Date Prepared: 18 December 2024

Author: Coordinator Governance & Compliance

Attachments:

1. **Climate Change Resilience Policy** [↓](#)
2. **Environmental Protection and Sustainability Policy** [↓](#)
3. **Gifts and Benefits Policy** [↓](#)

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:
 - Climate Change Resilience Policy – adopted 20 January 2021;
 - Environmental Protection and Sustainability Policy – adopted 20 January 2021
 - Gifts and Benefits Policy – adopted 17 February 2021
2. Adopts the:
 - Climate Change Resilience Policy
 - Environmental Protection and Sustainability Policy
 - Gifts and Benefits Policy

BACKGROUND***Climate Change Resilience Policy*****Purpose**

To outline Council's response to managing climate change risks to Council services, infrastructure and operations and to the community.

Summary of amendments

1. Header matrix – update Responsible Officer, Review Officer and Author fields;
2. Page 1 footer – remove Human Rights Compatibility Statement;
3. Section 3 – modernise wording in bullet point 3; insert new bullet point 4 relevant to advocacy and partnerships;
4. Section 5 – insert new definition for *qldwater* Consortium for Research and Advocacy;
5. Section 6 – update reference list instruments;
6. Section 7 – update responsible officer;
7. Apply minor grammatical amendments throughout.

Environmental Protection and Sustainability Policy**Purpose**

To recognise and build upon Council's current Corporate Plan and to establish the framework for environmental protection and sustainability within the organisation.

Summary of amendments

1. Header matrix – update Responsible Officer, Review Officer and Author fields;
2. Page 1 footer – remove Human Rights Compatibility Statement;
3. Section 2 – modernise WHS reference;
4. Section 3.1 – modernise wording in bullet point sub-series relevant to statutory approvals;
5. Section 5 table of definitions – insert new definition for FNQROC advocacy;
6. Section 7 – update responsible officer;
7. Apply minor grammatical amendments throughout.

Gifts and Benefits Policy**Purpose**

To provide guidance to Council employees who are offered gifts, rewards and sponsored hospitality benefits in connection with their duties while representing Council, by setting out the principles to consider in determining the appropriateness of accepting a gift or benefit and the process to be followed where acceptance is appropriate.

Summary of amendments

1. Header matrix – update Responsible Officer, Review Officer and Author fields;
2. Page 1 footer – remove Human Rights Compatibility Statement;
3. Apply minor grammatical amendments throughout.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability and Governance: A financially sustainable Council that applies strategic decision making and good governance to deliver cost-effective services.

IMPLEMENTATION/COMMUNICATION

Policy library and website updated to publish.



Climate Change Resilience Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Water and Waste	Date Approved:	22/01/2025
Review Officer:	Chief Executive Officer	Review Due:	02/01/2029
Author:	Quality & Compliance Officer - Water & Waste	Commencement:	22/01/2025

1. PURPOSE

Managing climate change risks to Council services, infrastructure and operations, and supporting the community are critical responsibilities of local government.

In accordance with the Enterprise Risk Management Framework, Policy and Process, enterprise risk assessments have been undertaken with senior management. It was determined that climate change poses a significant risk, which has the potential to be damaging to the organisation or present opportunities for the organisation, which require action to be taken.

Climate change crosses a number of enterprise risk categories including strategic, financial, operational, human resources and macro risks. Climate change presents potential for business discontinuity, increased insurance risk, infrastructure failure, greater workplace and safety risk to workers in prolonged heat conditions and increased local disaster management due to increased acts of nature. A lack of climate change response may also present reputational risk.

While Enterprise Risk tends to focus on disbenefits, it is also considered in terms of opportunities and benefits. Across the organisation, risk assessments in terms of climate change also present a number of unique opportunities that may have positive implications for Council and the environment.

Mareeba Shire spans the wet tropics and monsoonal north natural resource regions. It is recognised that climate change in these regions has been scientifically projected to result in an increase in average temperatures in all seasons, more hot days and warm spells, changing rainfall, increased intensity of extreme rainfall events and fewer but more intense cyclone events. It is noted that the natural variability in the climate system on an annual or decadal basis will mask the observation of the climate change trend.

The key documented areas of risk for Councils (in a non coastal zone) are:

- *stormwater runoff and flooding*: impacts are likely to be short term and episodic;
- *infrastructure instability*: this may include damage to infrastructure that is not built to withstand the impacts of increased flooding, winds and temperature;
- *structural damage to buildings* resulting from extreme weather events and falling trees;
- *demand for energy and water*: this is linked to the availability and quality of water;
- *fire risk and air quality*: this is linked to managing bushfire hazards; and
- *impacts on public open spaces*: including esplanades, drains, roads, footpaths and facilities.

This policy outlines Mareeba Shire Council's response for a *growing, confident and sustainable Shire*, in terms of climate change.

Climate Change Resilience Policy

2. SCOPE

This policy is applicable to all of Council and its employees in all decisions and activities.

3. POLICY STATEMENT

Mareeba Shire Council will undertake the following to minimise the impact of climate change and to realise potential opportunities:

- Continue as a member of the Queensland Climate Resilient Council network administered by the Local Government Association of Queensland.
- Participate in the Reef Guardian program which is a collaborative stewardship program that collectively advocates in response to threats such as climate change.
- Partner with Natural Resource Management (NRM) groups, Far North Queensland Regional Organisation of Councils (FNQROC) groups, industry bodies and community groups to, where possible develop climate change resilience within the shire.
- Continue as a member of the *qldwater* Consortium for Research and Advocacy on Contaminants (qCRAC), to influence state and national policy, research and communications to lead future discussions about contaminants affecting Queensland Water and Sewerage Service Providers.
- Continue to review and improve efficiency in electricity usage.
- Maintain reliability of Council's drinking water schemes through its high priority water allocation from Sunwater and an ongoing renewal program for water infrastructure resilience.
- Undertake high level strategic planning for water security including advocacy for regional water supply.
- Plan and undertake fire prevention activities on land managed by Council.
- Develop the Council Planning Scheme having regard to climate resilience matters such as climate smart design, avoidance of development in hazard and flood prone areas, and ensuring adequate water provision.
- Proactively implement practicable planning and building measures as climate change adaptive measures are developed.
- Work with Queensland Reconstruction Authority towards resilience building for infrastructure and community preparation, response and recovery from disasters.

4. REPORTING

No additional reporting is required.

5. DEFINITIONS

Adaptation / Resilience

Climate Change Resilience Policy

The process of adjustment to actual or expected climate and its effects. Adaptation can be autonomous or planned.

Climate

The average weather experienced at a site or region over a period of many years, ranging from months to many thousands of years. The relevant measured quantities are most often surface variables such as temperature, rainfall and wind.

Climate Change

A change in the state of the climate that can be identified (e.g., by statistical tests) by changes in the mean and/or variability of its properties, and that persists for an extended period of time, typically decades or longer.

Climate Projection

A climate projection is the simulated response of the climate system to a scenario of future emission or concentration of greenhouse gases and aerosols, derived using climate models. Climate projections are distinguished from climate predictions by their dependence on the emission/concentration/radiative forcing scenario used, which in turn is based on assumptions concerning, for example, future socioeconomic and technological developments that may or may not be realised.

qCRAC {*qldwater*}

The *qldwater* Consortium for Research and Advocacy on Contaminants is a partnership among Queensland Service Providers to share information and partner with national research & policy programs on contaminants of emerging concern.

Monsoon

A monsoon is a tropical and subtropical seasonal reversal in both the surface winds and associated rainfall, caused by differential heating between a continental-scale land mass and the adjacent ocean. Monsoon rains occur over land in summer.

Enterprise Risk

A risk to the business is any action or event that has the potential to impact on the achievement of business objectives. Risk also arises as much from the possibility that opportunities will not be realised as it does from the possibility that threats will materialise or that errors will be made.

Enterprise Risk Management Process

The systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

6. RELATED DOCUMENTS AND REFERENCES

Baker & McKenzie, 2011 Local Government Risk of Liability in the Face of Climate Change - Resolving Uncertainties, A Report for the Australian Local Government Association.

Enterprise Risk Management Policy (MSC).

Enterprise Risk Management Process (MSC).

Environmental Protection and Sustainability Policy (MSC).

2020 Queensland Climate Resilient Councils, Local Government Association of Queensland, <https://qcrclgaq.asn.au/>

Climate Change Resilience Policy

FNQROC Participation - Climate Resilience Technical Committee - the CRTC focuses on climate mitigation, transition and adaptation opportunities that deliver social, environmental, and economic benefits.

Queensland Climate Adaptation Strategy 2017–2030 - Pathways to a climate resilient Queensland (QLD Dept. of Environment and Heritage Protection)

Use of Council land for Agriculture Purposes Policy (MSC).

7. REVIEW

It is the responsibility of the Quality & Compliance Officer - Water & Waste 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.



Environmental Protection and Sustainability Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Water & Waste	Date Approved:	22/01/2025
Review Officer:	Chief Executive Officer	Review Due:	02/01/2029
Author:	Quality & Compliance Officer - Water & Waste	Commencement:	22/01/2025

1. PURPOSE

This policy has been developed in recognition of the many natural assets of the Mareeba Shire and the value that its residents and visitors place upon them. The intent of this policy is to build upon Council's current Corporate Plan and to establish the framework for environmental protection and sustainability within the organisation.

Mareeba Shire has a diversity of landscapes ranging from a Wet Tropics World Heritage Area to the dry savannah environmental zones. It is home to many outstanding natural values such as the Barron River Falls, Mt Lewis, the historic limestone karst structures at Chillagoe, and a variety of unique fauna.

The Shire's dominant land use is primary production, has less than 5% urban land use and is also rich in mineral resources. Located with the tropical to subtropical zones, it experiences dry cool winters and a wet season spanning from December to April each year. There are two distinct water catchments of the Mitchell and Barron Rivers, where the Mitchell flows to the Gulf of Carpentaria and the Barron River flows to the World Heritage Great Barrier Reef lagoon.

2. SCOPE

This policy is applicable to all of Council and its employees in all decisions and activities. The policy does not address staff welfare as it is covered by the Council's Work, Health & Safety policy and systems.

3. POLICY STATEMENT

3.1 LEGISLATION COMPLIANCE

Council acknowledges and endeavours to comply with:

- all relevant environmental legislation and regulations by undertaking due diligence prior to projects and activities and by implementing all reasonable and practicable measures to minimise environmental and biosecurity harm and risk (**General Environmental Duty**) (**General Biosecurity Obligation**).
- the conditions and exemption requirements for environmental statutory approvals such as:
 - Environmental Authority for Council's Environmentally Relevant Activities under the *Environmental Protection Act 1994* (Qld) (EP Act)
 - Protected Flora Permit and Vegetation Management Permit (As a part of project management activities and approvals.)
 - Wet Tropics Infrastructure Maintenance Permit (For example, infrastructure works in World Heritage Areas such as, road maintenance.)

Environmental Protection and Sustainability Policy
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- implementation of the current *State Planning Policy (SPP)* relevant to environmental matters.

3.2 NATURAL ASSET PROTECTION AND MANAGEMENT

Council will consider the protection of the natural environment in Council business through:

- the identification and consideration of environmental risks, in particular by continuing to implement Council's *Biosecurity Plan 2020 -2025* and fire management plans
- undertaking staff training and environmental awareness
- preparation of environmental management plans and procedures, and
- when deemed necessary, Council will investigate and exercise its regulatory powers to facilitate environmental protection.

Council will continue Council's membership of the Reef Guardian Council Program and development of its *Reef Guardian Council Action Plan* which underpins Council's commitment to clean and healthy waterways, improved environmental outcomes and managing the effects of climate change.

Council will partner with Natural Resource Management (NRM) groups, Far North Queensland Regional Organisation of Councils (FNQROC) groups, industry bodies and community groups to facilitate efficient and effective natural asset protection and management.

Council will plan and undertake fire prevention on land managed by Council by maintaining firebreaks and undertaking fire prevention burns to protect adjacent properties and to minimise environmental damage.

3.3 SUSTAINABLE WASTE MANAGEMENT

Council will provide for environmentally responsible waste and wastewater management infrastructure to enable a growing and confident Mareeba Shire.

Council will pursue appropriate and cost effective strategies to minimise waste, realise circular economy opportunities and reduce littering and illegal dumping through the implementation of its *Waste Management Services Strategy 2018 - 2027*.

3.4 AN ENVIRONMENTALLY SUSTAINABLE FUTURE

Council will prepare for a sustainable future by:

- having regard to environmental sustainability considerations when developing the Council Planning Scheme
- being as resilient as possible through proactively identifying and where possible mitigating for potential climate change risks
- meeting legislated exhaust emission design standards to reduce pollution
- conducting energy consumption audits and identifying opportunities for improved energy efficiency and supply
- strategic planning for drinking water schemes including water security, treatment and reticulation, and
- implementing a strategy for active recreation and to provide quality public spaces and facilities to encourage active communities and to improve the visual appeal and liveability within the Shire

Environmental Protection and Sustainability Policy

4. REPORTING

The EP Act requires all persons to notify any environmental incident that threatens environmental harm within 24 hours to their Supervisor / Manager or Director as appropriate (**Duty to Notify**).

All incidents that threaten environmental harm will be reported to the State Environmental Regulator within 24 hours. All breaches of the Environmental Authority will be notified within 24 hours to the State Environmental Regulator.

All reporting required under the statutory authorities will be complied with and any identified biosecurity prohibited matters will be notified to the State Biosecurity Agency as soon as practicable.

5. DEFINITIONS

Term	Meaning
Biosecurity Matter	<ul style="list-style-type: none"> • A living thing, other than human or part of a human; or • A pathogenic agent that can cause disease in: <ul style="list-style-type: none"> ○ a living thing other than a human; or ○ human, by the transmission of the pathogenic agent from the animal to the human; or • A disease; or • A contaminant.
Circular Economy	This approach to waste management aims to keep waste materials being recycled in the economy at their highest value for as long as possible in recognition that recycling produces more jobs and less environmental impact than landfilling.
Climate Change	A change in the state of the climate that can be identified (<i>e.g.</i> by statistical tests) by changes in the mean and/or variability of its properties, and that persists for an extended period of time, typically decades or longer.
Duty to Notify	The duty to notify requires a person or a company to give notice to the State Environmental Regulator where serious or material environmental harm (that is not authorised under the EP Act) is caused or threatened.
Environmental Authority	Council holds a statutory authority to operate a number of prescribed activities under the EP Act.
Environmental Harm	Any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.
Environmental Sustainability	Development which aims to meet the needs of growing and confident Mareeba shire, while conserving our ecosystems for the benefit of future generations.
Far North Queensland Regional Organisation of Councils (FNQROC)	A collaboration of Far North Queensland Councils, to foster cooperation and resource sharing between Councils and effectively advocate regional positions and priorities; working closely with regional partners and stakeholders.
General Biosecurity Obligation	A person must take all reasonable and practicable measures to prevent or minimise the biosecurity risk, prevent or minimise adverse effects on a biosecurity consideration, and minimise the likelihood of causing a biosecurity event.
General Environmental Duty	A person must 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.
Reef Guardian	A steward for the Great Barrier Reef taking voluntary actions beyond what is required by law and sharing information. These actions will help to improve the economic sustainability of industries operating in the Great

Environmental Protection and Sustainability Policy

	Barrier Reef Region and ensure the environmental sustainability of the Marine Park.
Waste	A left over or unwanted by-product. It can be a gas, liquid, solid or energy or a combination. Waste can be municipal, commercial, industrial in origin or from construction and demolition activities. Council's <i>Waste Management Services Strategy 2018 - 2027</i> provides a set of guiding principles to inform decisions about waste.

6. RELATED DOCUMENTS AND REFERENCES

- Biosecurity Act 2014 (Qld)*
- Biosecurity Plan 2020 -2025 (MSC)*
- Climate Change Resilience Policy (MSC)*
- Corporate Plan 2024 - 2028 (MSC)*
- Environmental Authority EPPR01792213*
- Environmental Protection Act 1994 (Qld)*
- Mareeba Shire Council Planning Scheme (MSC)*
- Reef Guardian Council Action Plan (MSC)*
- Waste Management Services Strategy 2018 - 2027 (MSC)*
- Waste Reduction and Recycling Act 2011 (Qld)*

7. REVIEW

It is the responsibility of the Quality & Compliance Officer - Water & Waste 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.



Gifts and Benefits Policy

Policy Type	Governance Policy	Version:	4.0
Responsible Officer	Director Corporate & Community Services	Date Approved:	22/01/2025
Review Officer:	Chief Executive Officer	Review Due:	04/01/2029
Author:	Director Corporate & Community Services	Commencement:	22/01/2025

1. PURPOSE

This policy provides guidance to Council employees who are offered gifts, rewards and sponsored hospitality benefits in connection with their duties while representing Council, by setting out:

- the principles to consider in determining the appropriateness of accepting a gift or benefit; and
- the process to be followed where acceptance is appropriate.

The policy:

- supports Council's commitment to open and transparent governance; and
- will minimise the risk of employees being involved in a conflict of interest situation.

2. SCOPE

This policy applies to all employees of Mareeba Shire Council when being offered or receiving gifts, rewards and sponsored hospitality benefits in connection with their duties and/or while representing Council. This policy does not apply to Councillors.¹

3. POLICY STATEMENT

There are risks associated with employees being offered and accepting gifts in the course of their work, particularly as gifts may be given with the intention of influencing or may be perceived by others as being intended to influence decision-making.

Employees must be mindful at all times of their obligation to maintain public confidence in the integrity of Council administration and must be aware that acceptance of any gifts or benefits from an external party may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour.

This policy sets out the principles that apply to the offer and acceptance of gifts and benefits.

4.1 Soliciting Gifts and/or Benefits

Soliciting personal gifts or benefits is strictly prohibited under all circumstances.

If an employee becomes aware of a situation of soliciting gifts or benefits, he/she should report it to the CEO or appropriate manager immediately.

¹ See ch 5B of the *Local Government Act 2009* (Qld) for matters concerning gifts and benefits as applies to Councillors.

Gifts and Benefits Policy

The CEO is required to notify the Crime and Corruption Commission of any soliciting of gifts and/or benefits by employees.

4.2 Bribery

Acceptance of money or any other gifts perceived as bribery is strictly prohibited in all cases and the offer must be reported by the employee to the CEO or appropriate manager immediately.

The CEO is required to notify the Crime and Corruption Commission of any offer of money or attempted bribery.

4.3 Principles for acceptance of gifts/benefits

Each type of gift carries a level of risk that should be considered when deciding whether it should be accepted or declined.

In determining whether acceptance of a gift is appropriate, the two major considerations are:

- the intent in which the gift is given; and
- the public perception of acceptance of the gift.

As gifts and benefits can create obligations and expectations, if it can be considered in any way that the gift is given with the intention of influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift or benefit may be considered only if it complies with the following principles:

- it does not influence, or have the potential or perceived potential to influence, in any way so as to compromise, or appear to compromise, the integrity and impartiality, or to create a conflict of interest, or perception of conflict of interest; and
- it is not related to advice or decisions about (but not limited to):
 - granting licences;
 - inspecting and regulating businesses;
 - giving approvals;
 - letting of contracts; and
- it does not incur any cost to Council.

4.4 Principles for non-acceptance of gifts/benefits

A gift or benefit must not be accepted if any of the following principles apply:

- it is considered as a gift of influence - that is, it is seen, or may be seen to affect the performance of the recipient's official duties, or influence, or be seen to influence the decision-making or behaviour of the recipient;
- the gift giver or any reasonable observer would apprehend that the recipient may be under obligation to the gift giver;
- it is not offered openly; or
- it is an offer of money or anything readily convertible to money - for example, shares.

4.5 Gifts Register

Gifts and Benefits Policy

When gifts are offered and/or received, it is important that they are dealt with in a consistent and appropriate manner. For transparency, the offer and receipt of gifts and benefits must be recorded in Council's Gifts Register, subject to monetary limits established in Council's Accepting Gifts and Benefits Guideline.

The Gifts Register will be maintained by the Office of the Chief Executive Officer and will include the following information:

- date of the offer
- details of the person and/or organisation offering the gift
- the name of the recipient
- description of the gift
- estimated value of the gift
- decision regarding whether the gift should be retained by the recipient or otherwise
- name of the person who made the decision.

To be able to adequately discharge responsibilities as a Mareeba Shire Council employee, trust from the public is required. This means that duties must be carried out impartially and with integrity. Consequently, it is not appropriate for employees to accept gifts and/or benefits that affect or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making.

In a public-sector organisation such as local government, a gift or benefit is seen as anything of value offered to a Councillor or employee - any item or service - that is over and above normal salary or employment entitlements. Gifts and benefits may be tangible or intangible.

Tangible gifts include consumer goods, entertainment, hospitality (wining, dining and accommodation), travel, promotional materials (such as a free diary), samples, vouchers, personal items, scholarships or discounts on goods or services and money.

Intangible gifts and benefits are those that have no lasting value for accounting purposes, such as a personal service, preferential treatment, privileged access or the promise of a special favour or advantage. Although they cannot be seen or held, intangible gifts and benefits can have the same impact as tangible ones.

RELATED DOCUMENTS AND REFERENCES

Employee Code of Conduct (MSC)
Guideline for Accepting Gifts and Benefits (MSC).
Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Public Sector Ethics Act 1994 (Qld)

4. REVIEW

It is the responsibility of the Director Corporate & Community Services 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.

8.5 OPERATIONAL PLAN 2024/25 PROGRESS REPORT

Date Prepared: 14 January 2025

Author: Director Corporate and Community Services

Attachments: 1. [Operational Plan Progress Report October to December 2024](#) [↓](#)

EXECUTIVE SUMMARY

The attached report provides information regarding the progress of the 2024/25 Operational Plan projects.

RECOMMENDATION

That Council receives and notes the progress report on the implementation of the 2024/25 Operational Plan for the period October to December 2024.

BACKGROUND

The Local Government Regulation 2012 provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided to progress the goals and objectives set out in a Council's Corporate Plan over a period of one (1) year.

Council adopted the Operational Plan for 2024/25 on 15 May 2024 and the amended plan with updated Corporate Plan references was adopted 21 August 2024.

In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than three (3) months.

RISK IMPLICATIONS**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

Financial Sustainability and Governance						
"A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Long-term Financial Plan	FG 1	Effective and sustainable financial management	Finance Development & Governance	<ul style="list-style-type: none"> Ensure Long Term Asset Management Plan and Financial Plan aligns with revised Sub-Asset Management Plans and Local Government Infrastructure Plan 	<ul style="list-style-type: none"> LTF adopted with budget in July 2024 LGIP scope of work commenced 	<ul style="list-style-type: none"> In progress
Comprehensive Asset Revaluations: <ul style="list-style-type: none"> Roads Drainage 	FG 1 T1 2	Effective and sustainable financial management Sustainable Infrastructure for the future	Finance	<ul style="list-style-type: none"> Comprehensive revaluations 	<ul style="list-style-type: none"> Asset data sent to external valuers 	<ul style="list-style-type: none"> In progress
Internal Access to Financial Information	FG 2 FG 3	Effective Business Management A Skilled and Sustainable Workforce	Finance	<ul style="list-style-type: none"> More users able to operate financial systems and locate relevant documentation Provide in-house training and support 	<ul style="list-style-type: none"> Continued improvement on reporting options and training available as requested 	<ul style="list-style-type: none"> In progress
Information Systems Strategy implementation	FG 2	Effective business management	Information Systems	<ul style="list-style-type: none"> Continue to provide further system enhancements Transition Technology One to CIAnywhere 	<ul style="list-style-type: none"> Work continuing on the transition to Employee Self Service (ESS) 	<ul style="list-style-type: none"> In Progress
Sustainable Workforce	FG 3	A skilled and sustainable workforce	Human Resources	<ul style="list-style-type: none"> Training and development of to improve efficiencies and ensure workplace safety 	<ul style="list-style-type: none"> A further session of the leadership program was conducted in November 2024 Organisation-wide training program continues to meet the requirements of Council 	<ul style="list-style-type: none"> In Progress

Financial Sustainability and Governance						
"A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Workforce Management	FG 3	A skilled and sustainable workforce	All	<ul style="list-style-type: none"> Review Recruitment Process & Employer Branding initiatives 	<ul style="list-style-type: none"> Continuing to engage additional recruitment platforms such as LinkedIn 	<ul style="list-style-type: none"> In Progress
Cybersecurity Enhancements	FG 4	Effective governance	Information Systems	<ul style="list-style-type: none"> Continue to monitor security measures as defined by the ACSC Essential 8 Renew incident cyber response partnership Continue Cyber Awareness and Response Training 	<ul style="list-style-type: none"> Continued implementation of ACSC Essential 8 mitigation strategies 	<ul style="list-style-type: none"> In progress
Compliance Monitoring	FG 4	Effective governance	Human Resources	<ul style="list-style-type: none"> Comply with relevant legislative requirements Comply with requirements of the LGW Mutual Risk Obligation program 	<ul style="list-style-type: none"> Full compliance with employment related legislative requirements identified All requirements of LGW mutual risk met and no outstanding matters Safety Management System in place 	<ul style="list-style-type: none"> In Progress
Accountable Decision Making	FG 4	Effective governance	All	<ul style="list-style-type: none"> Renew Internal Audit engagement Achieve External Audit compliance Prepare and present Annual Report in line with statutory and regulatory requirements Fulfil Audit Committee objectives 	<ul style="list-style-type: none"> Internal auditor has been appointed External audit completed with unmodified opinion Annual Report adopted in October 2024 Audit committee objectives all met 	<ul style="list-style-type: none"> Completed

Community and Culture						
"An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Arts Connection to Tourism	CC 2	A vibrant and healthy community	Customer & Community	<ul style="list-style-type: none"> Implementation of public mural action plan 	<ul style="list-style-type: none"> Artist engaged to undertake mural at Geraghty Park Hall Artist engaged to undertake public sculptures at Irvinebank and Kuranda Draft community consultation plan prepared to identify arts and cultural priorities for Council's RADF Program (community grants and Council-led activities) 	<ul style="list-style-type: none"> In Progress
Enhanced Online Presence	CC 1	An engaged community	All	<ul style="list-style-type: none"> Improved access to online information and services 	<ul style="list-style-type: none"> Proposed Local Laws Amendments information sheet prepared and made available online 	<ul style="list-style-type: none"> In Progress
Community Safety	CC 2 EG 2	A vibrant and healthy community Effective strategic partnerships	Customer & Community Office of the CEO	<ul style="list-style-type: none"> Advocate for community safety 	<ul style="list-style-type: none"> Councillor and officer attendance at crime public meeting, 8 November 2024 Meetings held with Queensland Police Service to discuss crime escalation in Mareeba Mayoral Alliance for the Pacific roundtable meeting with Minister Conroy, 19 November 2024 	<ul style="list-style-type: none"> In Progress

Community and Culture						
"An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Disaster Resilience	CC 3	A resilient community	Customer & Community Office of the CEO	<ul style="list-style-type: none"> Promote resilience through Get Ready initiatives 	<ul style="list-style-type: none"> Collaborating for Community Safety meeting, 3 December 2024 Get Ready event held 10 October 2024 Local Disaster Community Support Sub-Group meeting held, 29 October 2024 	<ul style="list-style-type: none"> In Progress

Transport and Infrastructure						
"The provision of quality infrastructure to service our growing community using sound asset management principles."						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Review Asset Management Plans across asset classes	TI 1 TI 2 LE 1 FG 1	Safe, reliable and resilient infrastructure Sustainable future Infrastructure for the attractive and accessible public facilities Effective and sustainable financial management	Assets & Projects Technical Services Finance	<ul style="list-style-type: none"> Undertake data verification Undertake condition assessment and defect identification across individual asset classes. Document and review prioritisation maintenance and operational activities Improvement of asset management processes to 	<ul style="list-style-type: none"> Asset Maturity Summary updated December 2024 Continuous review of Asset Management Plan and sub-plans Project Lifecycle Management (PLM) implementation complete 	<ul style="list-style-type: none"> In progress

Transport and Infrastructure “The provision of quality infrastructure to service our growing community using sound asset management principles.”							
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed	
Restoration of assets	TI 1	Safe, reliable and resilient infrastructure	Technical Services Works	<ul style="list-style-type: none"> be reflected in Long Term Asset Management Plan and Long-Term Financial Plan Rectify Disaster impacted infrastructure assets in accordance with QRA/DRFA guidelines and approvals 	<ul style="list-style-type: none"> Parks and Open Spaces Asset Management Sub Plan developed December 2024 Environmental cleanup completed Bushy Creek Bridge, Jarawee Road sites in progress Emerald End Road Culvert, Carman Road Culvert in progress Restoration Submissions being prepared 	<ul style="list-style-type: none"> In progress 	
Secure Water Supply	TI 1	Safe, reliable and resilient infrastructure	Water & Waste	<ul style="list-style-type: none"> Implement water treatment asset renewal projects 	<ul style="list-style-type: none"> Booster Pump station project commissioned in October 2024 Filtration project commissioned in November 2024 Water main renewal program for the 2024-2025 FY commenced October 2024 	<ul style="list-style-type: none"> 	

Liveability and Environment “Improve the liveability of the Shire by enhancing amenity and valuing natural assets”							
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed	
Waste Management Services Strategy	LE 3	Environmentally responsible service delivery	Water & Waste Finance	<ul style="list-style-type: none"> Review and update Waste Strategy to align with Regional Waste Plan and Council’s future waste management needs 	<ul style="list-style-type: none"> Expressions of Interest have closed for Council’s Waste Management Services and are being reviewed. 	<ul style="list-style-type: none"> In progress 	
Planning Scheme Review	LE 2	Sustainable Planning and protection of environmental assets	Development & Governance	<ul style="list-style-type: none"> Undertake 10 Year review of MSC Planning Scheme and supporting documents Prepare scope of works and community profile for 10 Year review 	<ul style="list-style-type: none"> Awaiting notification from State Government regarding Grant application for funds to review Planning Scheme to identify amendments to facilitate timely residential housing development. 	<ul style="list-style-type: none"> In progress 	
Reef Guardian Council	LE 2	Sustainable Planning and protection of environmental assets	Technical Services	<ul style="list-style-type: none"> Implement Reef Guardian Action Plan 	<ul style="list-style-type: none"> Implementation of Action Plan has commenced. Sewer manhole refurbishment underway. 	<ul style="list-style-type: none"> In progress 	
Parks and Open Spaces Strategy	LE 1	Attractive and accessible public facilities	Assets & Projects	<ul style="list-style-type: none"> Complete planned construction for financial year 	<ul style="list-style-type: none"> Projects are being delivered in line with 3 Year Action Plan 	<ul style="list-style-type: none"> In progress 	

Economy and Growth							
"Promote and encourage investment in local industry to build a resilient economy."							
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed	
Strategic Partnerships	EG 2 CC 2 TI 2 LE 1	Effective strategic partnerships A vibrant and healthy community Sustainable Infrastructure for the future Attractive and accessible public facilities	Office of the CEO	<ul style="list-style-type: none"> Continue active participation in FNQROC Continue to Advocate to State and Federal Governments for key priorities 	<ul style="list-style-type: none"> Ongoing FNQROC meetings Meetings have been held with the new State Government Ministers and MPs. FNQROC delegation to State and Federal Government scheduled for later in the year. 	In progress	
Housing Strategy	EG 1	Sustainable economic development and growth	Development & Governance	<ul style="list-style-type: none"> Implement Local Housing Action Plan (LHAP) 	<ul style="list-style-type: none"> Local Laws Amendment for temporary accommodation adopted December 2024 Awaiting outcome of application for funds for social housing triplex for seniors. Awaiting notification regarding application to Queensland Government for grant funds to identify appropriate amendments to the Mareeba Shire Council Planning Scheme to increase the rate, density, and diversity of residential housing to better meet the needs of the changing population and help build more houses faster 	In progress	

Economy and Growth “Promote and encourage investment in local industry to build a resilient economy.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken October to December 2024	Progress: Not commenced In Progress Completed
Mareeba Industrial Estate	EG 1	Sustainable economic development and growth	Development & Governance Technical Services	<ul style="list-style-type: none"> • Adopt Masterplan • Implement staged development • Continue promotion and marketing through external agent 	<ul style="list-style-type: none"> • Design of next stage is progressing and expected to be finalised in Q4 2024/25 • All developed sites now sold 	<ul style="list-style-type: none"> • In progress
Tom Gilmore Mareeba Aviation Industrial Precinct	EG 1 EG 2	Sustainable economic development and growth Effective strategic partnerships	Tourism & Economic Development	<ul style="list-style-type: none"> • Produce Promotional Strategy • Promote development 	<ul style="list-style-type: none"> • Further investment continues • Development opportunity promoted by Council website, social media and e-newsletter • Engagement continues with airport users group and FNQ Aviation Museum 	<ul style="list-style-type: none"> • In progress

8.6 FINANCIAL STATEMENTS PERIOD ENDING 31 DECEMBER 2024

Date Prepared: 6 January 2025
Author: Manager Finance
Attachments: 1. [Budgeted Income Statement by Fund 2024/25 Budget](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2024 to 31 December 2024.

RECOMMENDATION

That Council receives the Financial Report for the period ending 31 December 2024.

BACKGROUND

Each month, year to date financial statements are prepared to monitor actual performance against budgets.

For the period ending 31 December 2024, 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 budget allocation timing issues.

The budgeted figures reflect the 2024/25 Budget as adopted by Council at the 17 July 2024 meeting.

<i>December 2024 – Snapshot</i>	Actuals YTD	Budget YTD
Council Operating Income	\$ 34,985,765	32,210,908
Council Operating Expenditure	\$ 26,896,609	26,200,625
Council Operating Surplus/(Deficit)	\$ 8,089,156	6,010,283
Disaster Recovery Funding Arrangement - deficit	\$ (4,777,068)	-
Total Operating Surplus/(Deficit)	\$ 3,312,088	6,010,283
Total Capital Income	\$ 10,145,511	4,801,335
Net Result - Surplus/(Deficit)	\$ 13,457,599	10,811,618

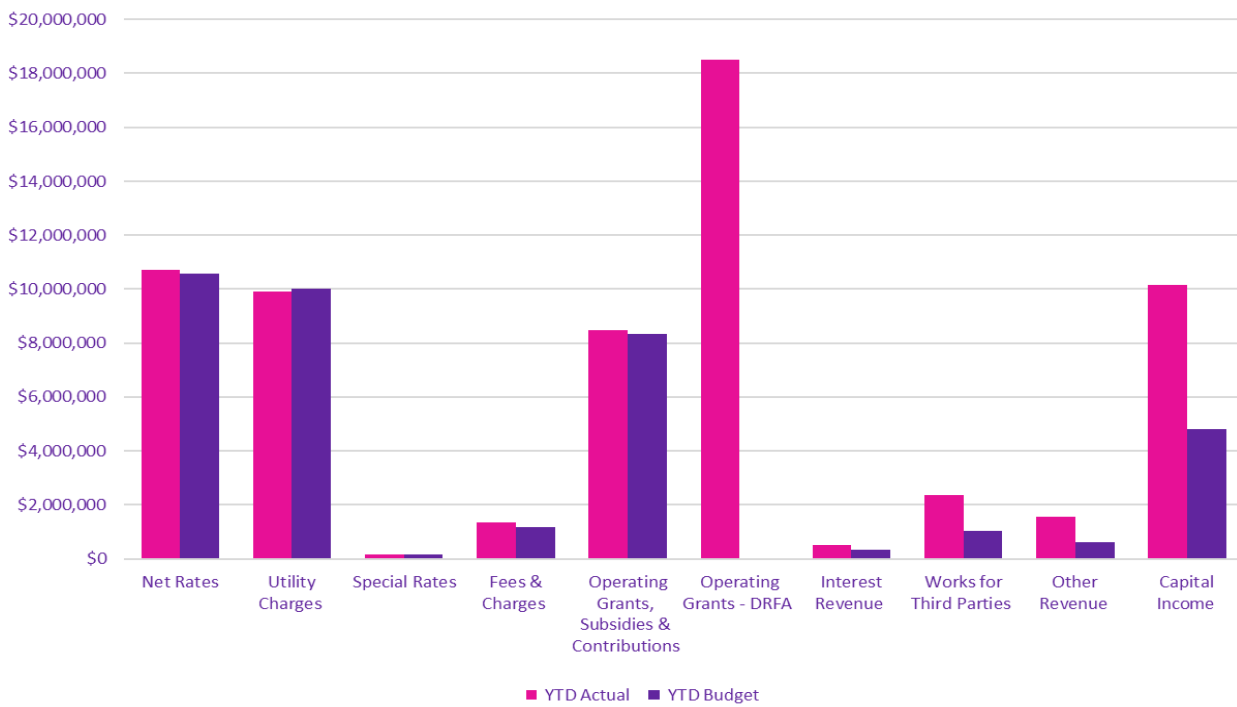
While Disaster Recovery Funding Arrangements (DRFA) generally has a net-zero impact on Council’s finances, there are timing differences when the expenditure is incurred and income received, even between years. The budget also does not include any provision for DRFA.

Income Analysis

Total income (inclusive of capital income of \$10,145,511) for the period ending 31 December 2024 is \$63,637,745 compared to the YTD budget of \$37,012,243.

The graph below shows actual income against budget for the period ending 31 December 2024.

Actual Income V Budget Income



	Actual YTD	Budget YTD	Note
Net Rates	10,702,067	10,558,500	1
Utility Charges	9,897,333	10,004,791	1
Special Rates and Charges	156,185	160,738	1
Fees and Charges	1,335,264	1,167,905	2
Operating Grants, Subsidies and Contributions	8,471,304	8,329,074	
Operating Grants, Subsidies - DRFA	18,506,469	-	3
Interest Received	495,855	339,000	
Works for Third Parties	2,368,273	1,035,000	4
Other Revenue	1,559,484	615,900	5
Capital Income	10,145,511	4,801,335	6

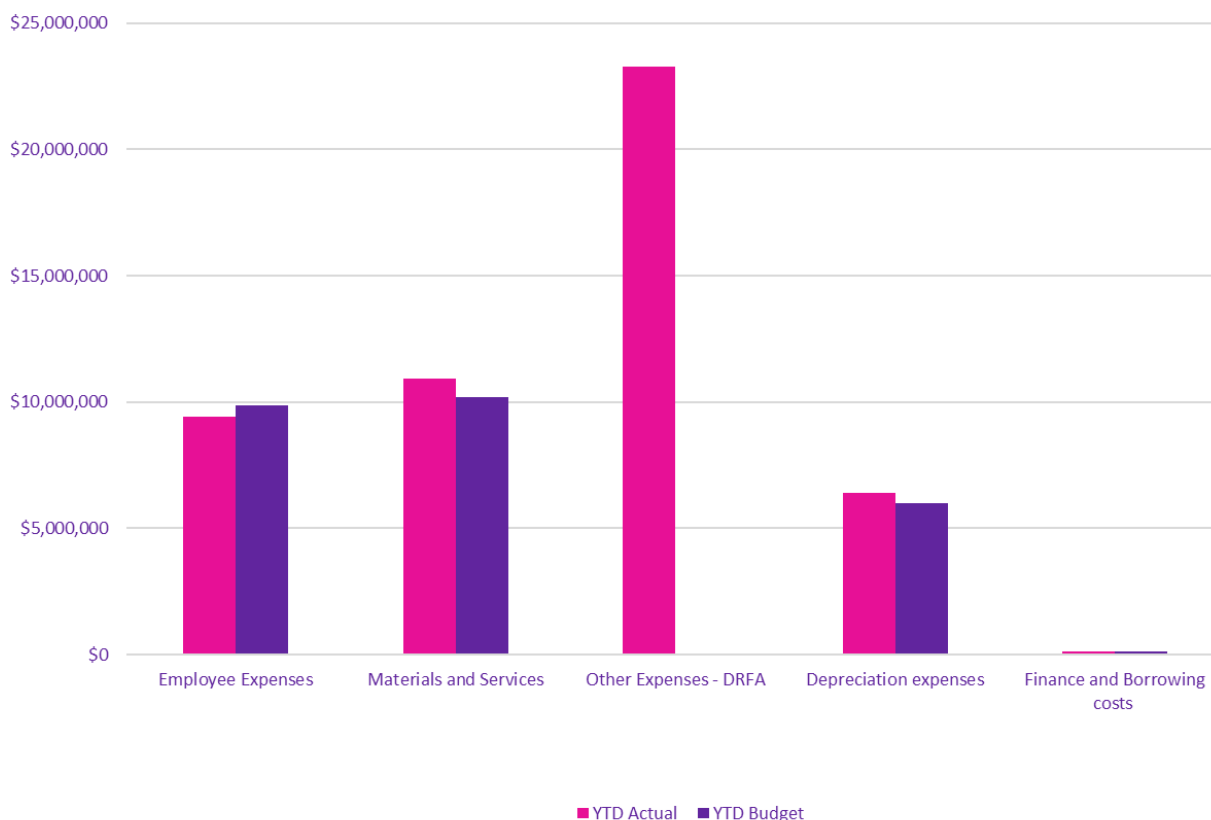
Notes:

1. Rates for the half year ending 31 December 2024 were levied in August. Actual general rates are slightly higher than originally budgeted, while utility charges are slightly lower due to water consumption variances. The budget assumes equal biannual allocation, however actual water consumption varies with the dry and wet season. This variance is expected to balance out during the next rates cycle.
2. Revenue from Local Laws and building and plumbing applications are trending higher than budget. Income from cemeteries is tracking just below budget.
3. The favourable variance for DRFA restoration works arises as this revenue is not budgeted for. An expenditure offset will occur against this revenue.
4. Favourable result due to third party works not budgeted for as well as Road Maintenance Performance Contract (RMPC) income received. RMPC income budget is allocated equally over 12-month period, however actual income (reported) is not following the same trend. This will be the same for expenditure. These results will equalise with the budget by 30 June.
5. Annual invoices have been raised for some rent and leases. Whilst the variation is currently favourable, the annual rental is not anticipated to exceed the annual budget. To date, five (5) lots have been sold at the Mareeba Industrial Park, generating a gross value of \$747k.
6. Capital income represents interest on constrained works, capital grants, fleet capital insurance recoveries and developer contributions received. The majority of capital grants have been received from;
 - The Department of Regional Development, Manufacturing and Water for the Mareeba WTP Upgrades
 - The Department of State Development, Infrastructure, Local Government and Planning for the Bicentennial Lakes.

Expenditure Analysis

Total expenses for the period ending 31 December 2024 is \$50,180,146 compared to the YTD budget of \$26,200,625. The graph below shows actual expenditure against budget for the period ending 31 December 2024.

Actual Expenditure V Budget Expenditure



	Actual YTD	Budget YTD	Note
Employee Expenses	9,433,385	9,876,398	1
Materials and Services	10,942,032	10,188,255	2
Other Expenses - DRFA	23,283,537	-	3
Depreciation Expenses	6,388,988	6,016,557	
Finance and Borrowing Costs	132,204	119,415	

Notes:

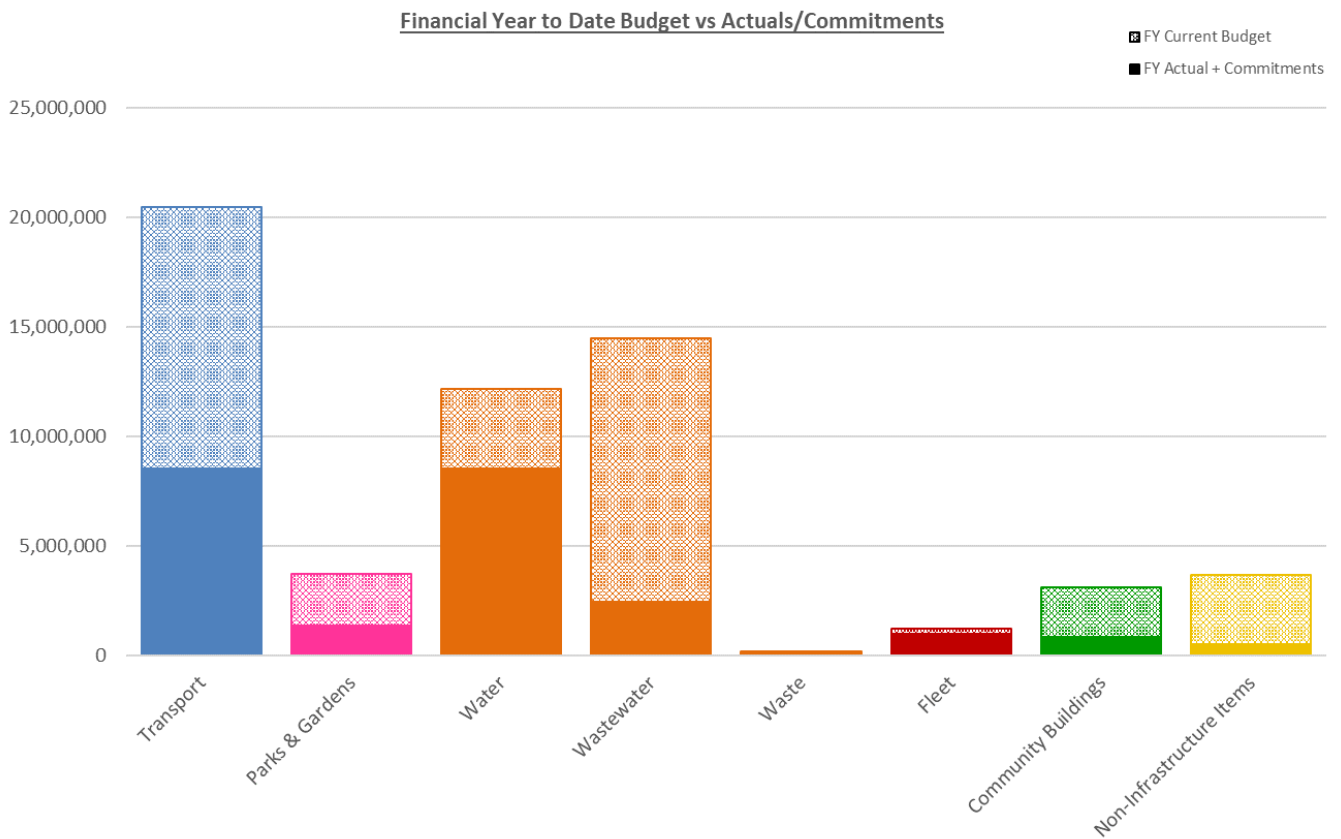
1. No significant issues are identified. The variance in employee expenses is due to a timing issue between the fortnightly pay processing and the report preparation, actual-planned staff absences, vacancies, and staff working on capital projects.
2. The majority of the variance is due to expenditure on unbudgeted third party works and the RMPC expenditure trend.
3. The variance relates to the expenditure incurred for the DRFA restoration works which is not budgeted for. This expenditure will be offset against income.

Vandalism Expenses

So far this year, a total of \$31,538 has been spent on repairs and maintenance due to vandalism. These costs include employee expenses and materials and services.

Capital Expenditure

Total capital expenditure of \$23,364,493 (including commitments) has been spent for the period ending 31 December 2024 against the 2024/25 annual capital budget of \$54,142,906.



Loan Borrowings

Council's loan balance is \$6,269,179 as at 31 December 2024.

Rates and Charges

The total rates and charges payable as at 31 December 2024 are \$2,264,290 which is broken down as follows:

Status	31 December 2024		31 December 2023	
	No. of properties	Amount	No. of properties	Amount
Valueless Land	3	9,663	3	85,194
Payment Arrangement	126	54,594	126	90,471
Collection House	345	1,286,712	291	1,136,928
Exhausted – awaiting sale of land	10	81,965	9	74,313
Sale of Land	-	-	1	13,168
Other (includes current and supplementary rates notices)	382*	831,356	368	451,204
TOTAL	866	2,264,290	798	1,851,278

*Of this amount, 297 properties have a balance less than \$20

The Rate Notices for the period ending 31 December 2024 were issued on 12 August 2024 with a discount due date of 13 September 2024. The total gross rates and charges levied for the six (6) month period amounted to \$22,260,973.

Collection House collected \$161,160 for the month of December 2024.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 December 2024 is \$1,537,846 which is made up of the following:

Current	30 days	60 days	90 + days
\$185,393	\$1,336,480	\$12,687	\$3,286
12.06%	86.91%	0.82%	0.21%

Procurement

There were no emergency purchase orders for the month of December 2024.

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

Financial Sustainability and Governance: A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2024/25 Budget

Consolidated			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	21,948,907	21,923,452	43,846,904
Less Discounts and Pensioner Remissions	(1,193,322)	(1,199,423)	(2,398,846)
Net Rates and Utility Charges	20,755,585	20,724,029	41,448,058
Fees and Charges	1,335,264	1,167,905	2,075,409
Operating Grants and Subsidies	8,471,304	8,302,074	9,272,056
Operating Grants and Subsidies - DRFA	18,506,469	-	-
Operating Contributions	-	27,000	54,000
Interest Revenue	495,855	339,000	678,000
Works for Third Parties	2,368,273	1,035,000	2,070,000
Other Revenue	1,559,484	615,900	1,267,130
Total Operating Revenue	53,492,234	32,210,908	56,864,653
Expenditure			
Employee Expenses	9,433,384	9,876,398	19,959,729
Materials and Services	10,942,032	10,188,255	18,908,537
Other Expenses - DRFA	23,283,537	-	-
Depreciation expense	6,388,988	6,016,557	12,033,115
Finance and Borrowing costs	132,204	119,415	338,828
Total Operating Expenses	50,180,146	26,200,625	51,240,209
Operating Surplus/(Deficit)	3,312,088	6,010,283	5,624,444
Capital Income			
Capital Contributions	145,209	-	-
Capital Grants and Subsidies	8,853,691	4,711,335	9,422,669
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	1,057,857	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(79,336)	90,000	180,000
Total Capital Income	10,145,511	4,801,335	9,602,669
Net Result	13,457,599	10,811,618	15,227,113

Budgeted Income Statement by Fund 2024/25 Budget

General			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	11,985,582	11,852,769	23,705,538
Less Discounts and Pensioner Remissions	(1,193,322)	(1,199,423)	(2,398,846)
Net Rates and Utility Charges	10,792,260	10,653,346	21,306,692
Fees and Charges	925,649	807,255	1,246,360
Operating Grants and Subsidies	8,271,304	8,258,574	9,185,056
Operating Grants and Subsidies - DRFA	18,506,469	-	-
Operating Contributions	-	-	-
Interest Revenue	161,787	234,000	468,000
Works for Third Parties	2,347,554	1,035,000	2,070,000
Other Revenue	1,460,708	502,400	1,040,130
Total Operating Revenue	42,465,731	21,490,575	35,316,238
Expenditure			
Employee Expenses	8,309,020	8,802,427	17,795,080
Materials and Services	5,561,472	4,780,156	8,336,168
Other Expenses - DRFA	23,283,537	-	-
Depreciation expense	4,426,453	4,258,728	8,517,457
Finance and Borrowing costs	81,529	69,846	139,691
Total Operating Expenses	41,662,012	17,911,157	34,788,396
Operating Surplus/(Deficit)	803,719	3,579,418	527,842
Capital Income			
Capital Contributions	88,925	-	-
Capital Grants and Subsidies	3,549,254	2,238,752	4,477,504
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	843,238	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	(79,336)	90,000	180,000
Total Capital Income	4,570,170	2,328,752	4,657,504
Net Result	5,373,889	5,908,170	5,185,346

Budgeted Income Statement by Fund 2024/25 Budget

Waste			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	2,450,640	2,398,834	4,797,668
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,450,640	2,398,834	4,797,668
Fees and Charges	287,992	287,900	683,549
Operating Grants and Subsidies	200,000	-	-
Operating Contributions	-	27,000	54,000
Interest Revenue	50,534	30,000	60,000
Works for Third Parties	12,273	-	-
Other Revenue	62,491	98,500	197,000
Total Operating Revenue	3,063,931	2,842,234	5,792,217
Expenditure			
Employee Expenses	90,659	91,529	183,095
Materials and Services	2,395,489	2,550,190	5,065,787
Depreciation expense	125,235	115,228	230,456
Finance and Borrowing costs	-	-	100,000
Total Operating Expenses	2,611,383	2,756,947	5,579,338
Operating Surplus/(Deficit)	452,548	85,287	212,879
Capital Income			
Capital Contributions	56,284	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	65,098	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	121,382	-	-
Net Result	573,930	85,287	212,879

Budgeted Income Statement by Fund 2024/25 Budget

Wastewater			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	3,247,956	3,226,114	6,452,227
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	3,247,956	3,226,114	6,452,227
Fees and Charges	52,762	35,500	71,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	140,232	50,000	100,000
Works for Third Parties	2,567	-	-
Other Revenue	-	-	-
Total Operating Revenue	3,443,516	3,311,613	6,623,227
Expenditure			
Employee Expenses	370,018	347,254	697,878
Materials and Services	1,013,029	1,045,842	2,011,082
Depreciation expense	972,992	866,950	1,733,901
Finance and Borrowing costs	50,676	49,569	99,137
Total Operating Expenses	2,406,714	2,309,615	4,541,998
Operating Surplus/(Deficit)	1,036,802	1,001,998	2,081,229
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	2,208,915	1,350,250	2,700,500
Capital Income Other			
Interest on Contributions/Reserves	88,081	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	2,296,996	1,350,250	2,700,500
Net Result	3,333,798	2,352,248	4,781,729

Budgeted Income Statement by Fund 2024/25 Budget

Water			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	4,198,737	4,379,843	8,759,687
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	4,198,737	4,379,843	8,759,687
Fees and Charges	68,861	37,250	74,500
Operating Grants and Subsidies	-	43,500	87,000
Operating Contributions	-	-	-
Interest Revenue	139,205	25,000	50,000
Works for Third Parties	5,880	-	-
Other Revenue	36,285	15,000	30,000
Total Operating Revenue	4,448,967	4,500,593	9,001,187
Expenditure			
Employee Expenses	663,687	635,188	1,283,676
Materials and Services	1,906,501	1,768,518	3,448,400
Depreciation expense	830,948	743,897	1,487,794
Finance and Borrowing costs	-	-	-
Total Operating Expenses	3,401,136	3,147,602	6,219,870
Operating Surplus/(Deficit)	1,047,831	1,352,991	2,781,317
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	3,095,521	1,122,333	2,244,665
Capital Income Other			
Interest on Contributions/Reserves	40,245	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	3,135,766	1,122,333	2,244,665
Net Result	4,183,597	2,475,324	5,025,982

Budgeted Income Statement by Fund 2024/25 Budget

Benefited Area			
	Actual YTD	Budget YTD	2024/25 Budget
Revenue			
Rates and utility charges	65,993	65,892	131,784
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	65,993	65,892	131,784
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	4,097	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
Total Operating Revenue	70,090	65,892	131,784
Expenditure			
Employee Expenses	-	-	-
Materials and Services	65,540	43,550	47,100
Depreciation expense	33,360	31,754	63,507
Finance and Borrowing costs	-	-	-
Total Operating Expenses	98,900	75,304	110,607
Operating Surplus/(Deficit)	(28,811)	-9,412	21,177
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	21,196	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	21,196	-	-
Net Result	(7,614)	(9,412)	21,177

9 INFRASTRUCTURE SERVICES

9.1 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 17 DECEMBER 2024

Date Prepared: 19 December 2024

Author: Director Infrastructure Services

Attachments: 1. Traffic Advisory Committee - Minutes of Meeting held 17 December 2024 [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 17 December 2024.

RECOMMENDATION

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 17 December 2024.

BACKGROUND

The Traffic Advisory Committee (TAC) is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*. The TAC provides information and advice to Council regarding traffic, road and transport matters.

RISK IMPLICATIONS

Financial

There are ongoing costs associated with investigation of traffic matters to ensure a safe road environment for our community. In most cases, any safety improvements on Council roads determined from these investigations will be funded from operational budgets or referred for consideration in future capital budget deliberations.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Internal resources for investigation and follow up actions.

LINK TO CORPORATE PLAN

Community and Culture: An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

Nil



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**MINUTES
TRAFFIC ADVISORY COMMITTEE**

Tuesday 17 December 2024
Commenced at 9:30am

Members Present:

John Ridgway	Queensland Police Service (QPS) - Sergeant
Kim Yap	Transport and Main Roads (TMR) - Principal Engineer
John Gillespie	Transport and Main Roads (TMR) - Manager (Indigenous and LG Relations)
Lenore Wyatt (Chair)	Mareeba Shire Council (MSC) - Councillor
Glenda Kirk	Mareeba Shire Council (MSC) - Director Infrastructure Services
Sam Wakeford	Mareeba Shire Council (MSC) - Manager Technical Services
Marjorie Anthony	Mareeba Shire Council (MSC) - Secretariat

Non-Members Present:

Kim Kadel	Transport and Main Roads (TMR) - Advisor (Road Safety)
Richard Sheedy	Transport and Main Roads (TMR) - Manager (Maintenance and Assets – FN District)
Michael Gillies	Transport and Main Roads (TMR) - Manager (Safer Roads Infrastructure)
Josh Musumeci	Mareeba District Chamber of Commerce
Angela Toppin	Mareeba Shire Council (MSC) - Mayor
Ross Cardillo	Mareeba Shire Council (MSC) - Councillor
Amy Braes	Mareeba Shire Council (MSC) - Councillor

1. WELCOME

The Chair opened the meeting at 9:30am welcoming all and thanking everyone for their participation. Apologies were noted as follows:

Apologies

Kevin Davies	Mareeba Shire Council (MSC) – Councillor
Derek Garner	Queensland Police Service (QPS) – Senior Sergeant
Michael Ringer	Department of Transport and Main Roads (TMR) – Principal Engineer

2. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held 17 September 2024 were noted as being true and correct.

Moved by Sgt John Ridgway

Seconded by Kim Yap

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Walsh Street Temporary Traffic Measures

- Temporary works are in place and continue to be monitored.
- QPS advises non-compliance by motorists is occurring in this area which they are acting upon.
- MSC has engaged a consultant (Bitzios) to undertake a traffic study (completed) and prepare concept and detailed designs for upgrade of this section of road on 2023/24.
- MSC advise based on preliminary feedback from consultant, there will be a significant change to the parking arrangements and confirms that information from QPS is considered in traffic study.

- Phase 2 of the design process underway; consultants on track with completion of the preliminary design anticipated mid 2023; detailed design to follow; water main replacement to be undertaken as part of the project before any traffic works, construction proposed post wet season 2024. MSC to ensure emergency services notified of works when construction is undertaken.
- Walsh Street water main replacement to commence in July 2023.
- Walsh Street AC water main replacement works complete; detailed design to commence prior to end of 2023.
- MSC to provide an update to Mareeba Chamber, as initiator of the request.
- Consultation completed with adjacent businesses. Detailed Design underway; draft Concept Plans tabled for the information of members only.
- MSC advised angle parking on Walsh Street to be retained south of Coles loading dock, with minor loss of car parks. Pedestrian crossing is staggered improving pedestrian safety. Procurement of drainage pipes underway to address stormwater drainage issues.
- This project is programmed to be delivered following the Herberton / Constance Street Upgrade.
- MSC advised that detailed designs were significantly progressed, public notification planned before end of 2024, with potential for construction tenders to be invited early 2025.
- Further updates will be communicated by MSC in early 2025; some delays in design experienced due to changes in standards by Ergon.

3.2 Herberton / Constance Street Pedestrian Crossing (MSC)

- From a safety perspective council raised concerns regarding the current location of the pedestrian crossing on Herberton Street recommending its removal and suggesting a pedestrian refuge island along with traffic islands and medians be implemented. MSC seeking input / advice from QPS.
- MSC advised water and sewer works currently underway with civil works to follow. QPS endorsed the removal of the pedestrian crossing in favour of establishing a pedestrian refuge island. QPS will issue a formal letter expressing its support.
- The sewer and water main upgrades and the stormwater drainage works have been completed; however, the project has been pending final approval from Ergon concerning the lighting upgrades. This approval was received from Ergon in December 2024 and works will resume on-site in early January 2025. MSC noted the removal of the pedestrian crossing was positively received and supported by QPS.

3.3 Byrnes / Rankin Streets Drainage (MSC)

- MSC raised with TMR the issue of stormwater drainage at the corner of Byrnes / Rankin Street intersection which has resulted in inundation of footpaths, particularly on the western side of Byrnes Street north of the intersection and east of the intersection (near McDonald's and in the Coles car park)
- MSC advised there has been notable change since the traffic lights were installed in 2019/20 seeking a joint approach between TMR and Council to determine what can be done to alleviate some of the issues in the short term and requesting some priority be given around this issue.
- MSC information and sketches were provided to TMR on 14 February 2023
- TMR to inspect the area with MSC officers following this meeting of 21 March 2023
- MSC is proposing to undertake a design project to address long-standing issues with stormwater drainage and pedestrian access in the CBD in the 2023/24 capital works program to gain a clear understanding of the funding required for the improvements.
- MSC advised it seeks rectification of the drainage issue created since the installation of the traffic lights prior to the coming wet season. TMR advised detailed analysis to be undertaken with MSC providing data and assistance; TMR to liaise with MSC.

- Discussions have commenced with TMR regarding review of Byrnes/Rankin drainage rectification. Investigation is currently being carried out by TMR. TMR has engaged consultant and report is being prepared.
- Council has undertaken condition assessment of most stormwater assets in CBD and identified extents for CBD drainage assessment ready for engagement of consultant.
- TMR estimate overall rectification works at \$1.5M which is currently unfunded. Interim measures are proposed by TMR to help alleviate some of the issues. Advice on timeframe of interim measures unable to be provided by TMR.
- TMR advised the grated inlet pit has been upgraded with elevated grate to reduce blockage and increase capacity. This change to the pit inlet is considered a position improvement from stormwater capacity perspective as it will maximise the capacity of the crossroad box culvert. Additional works will be required in future to further improve drainage issues on Byrnes Street.
- Further upgrades to be reviewed as part of Council's CBD blueprint project. MSC advised further modelling of the intersection stormwater needs to be carried out to identify the extent of remediation works needed.
- MSC has been successful in securing grant funding from the Australian Government for the Mareeba CBD Blueprint project which aims to revitalize the area between Herberton Street and Lloyd Street between Constance Street and Railway Avenue. The scope of works involves preparation of construction-ready designs for the CBD, including stormwater, undergrounding overhead powerlines, lighting, walking and cycling facilities, accessibility for people with vision impairments, car parking, public toilet facilities, and landscaping with the design scheduled for completion by the end of 2026.

3.4 Walking Network Improvements - Ceola Drive / Anzac Avenue

- Advice on resident feedback was sought by QPS on the new barrier edging installed along Ceola Drive and Anzac Avenue.
- MSC implemented a pilot project installing low-cost improvements to the walking/cycling network to increase walkability in Mareeba. Project is funded by the Qld Government's Cycle Network Local Government Grants Program.
- Concerns were raised with council regarding loss of access to unapproved/informal secondary driveways to properties and the lack of space for school buses to pull over. Council advises this route is not an approved school bus route.
- A notable reduction in speed has unofficially been reported on Ceola Drive; in the future, traffic counters will be deployed, and statistics from earlier periods will be compared.
- MSC advised this is a pilot project where council will monitor the effectiveness and make necessary adjustments where required. A review of the trial will be completed by end of 2024 to determine the effectiveness of the treatments.
- MSC deployed traffic counters on Ceola Drive and Anzac Avenue from 6-13 September; data assessed to compare stats from earlier periods.
- After the installation of a concrete barrier on the western side of Ceola Drive, traffic counters were utilised to assess the differences in inbound and outbound speeds. MSC reports that the data indicates minimal variation between the speeds of inbound and outbound traffic. A survey will be undertaken by MSC early 2025 with results being reported to TMR Walking Network Program.

3.5 Borzi Road Culvert – Request for update on failing culvert just off the bend

- MSC to inspect and provide update to Mareeba Chamber.
- MSC reported further works carried out late November to provide temporary repairs. Culvert has been included for betterment and future capital program considerations. MSC unable to specify a timeline for the permanent repairs, indicating that the project is prioritised within its Project Management Lifecycle (PLM) system for consideration by Council.
- Committee agreed to remove this item from the agenda, placing it on the Standing Items list.

3.6 32A Kennedy Highway / Kay Road Intersection - Improvements for Heavy Vehicles

- Further works programmed by TMR as part of High Risk Roads Targeted Road Safety Program; upgrade works to be carried out at priority intersections including Kay Road.
- TMR advised works will be considered in Tranche 3 of the High Risk Roads Upgrade Programme.
- TMR followed up after the meeting and advised the current intersection geometry includes a widened sealed pavement for the left turn and a right turn lane of sufficient length and width for the right turn into Kay Road. The intersection is lit. Any upgrade to this intersection is unfunded and is a lower priority against other state priorities.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.
- Further correspondence received from school bus driver raising concerns of no turning lane, stating there are more heavy vehicles utilizing Kay Road than light vehicles. Council to provide traffic count data for Kay Road to TMR.
- TMR confirmed traffic data received and passed onto their planning team for evaluation.
- TMR advise there is no further update, stating it will provide an update when it becomes available.
- Committee agreed to remove this item from the agenda, placing it on the Standing Items list.

3.7 Kuranda Range Road

- TMR advised March/April 2024 emergency works carried out to prevent further damage to the road. Ongoing undermining of the road was occurring due to the ongoing wet season impacts at several locations. Works took longer than anticipated due to wet weather, available material supplies and challenging site conditions.
- TMR is designing long-term solutions for repair and recovery works to the damaged road network. These are complex sites which require detailed investigation and design based on the forward material availability and construction methodologies. Once the design and program of works is finalised, TMR will advise stakeholders of the expected construction timeframes and traffic arrangements for the works. The long-term works are expected to start later this year.
- TMR advised night works complete. Long-term reconstruction works are set to begin from late 2024 to mid-2026, with construction tenders currently under review and expected to be awarded in September 2024. The Australian and Qld Governments have committed \$262.5M to improve safety and resilience on Kuranda Range Rd. TMR is looking at various treatments at strategic locations, incl additional guardrails, shoulder widening, centre line treatments, vegetation management and slope stability treatments. Additional Intelligent Transport Systems technology stations will be installed to enhance real-time monitoring of road conditions and traffic behaviour. These works will commence after completion of the recovery works to mitigate further disruptions to road users.
- TMR advise reconstruction works commenced on 18 November 2024 at locations damaged during TC Jasper. Night closures are in place from Sunday 24 November through to 20 December 2024, with the range closing at 9pm and reopening at 4am to allow the completion of additional works prior to Christmas. For this period of works the road will continue to remain open on Friday and Saturday nights. Road users must be in the queue by midnight as traffic will only be let through once in each direction for as long as it takes to clear the queued vehicles, then the road will close again until 4am.
- TMR informed there will be a Christmas shutdown period for the project with further details to be provided from their COMMS to MSC before the Christmas break.

3.8 32A Kennedy Highway (Cairns - Mareeba) - Barron River Bridge, Kuranda - Weight Restrictions

- Testing and maintenance works by TMR continue; Contract to investigate long-term solutions for the bridge awarded to Arup.
- Ongoing testing and monitoring program continues to ensure the bridge remains safe; TMR progressing a planning study to investigate long-term solutions. Inspections will be carried out every 3 months with rehabilitation works being carried out where necessary.

- Testing and maintenance works on the bridge continue. Planning study to investigate long-term solutions is progressing with the planning project confirming the preferred alignment and scope of a replacement bridge over the Barron River, including a viable delivery strategy that also considers the ongoing management and rehabilitation of the existing bridge
- Planning, including Business Case, has commenced with geotechnical investigations in progress.
- Stakeholder Survey results not known at time of TAC meeting. MSC / TMR meeting scheduled for 25 January 2024. MSC raised concerns regarding the further reduced load limit of the bridge to 42.5t.
- TMR advise recent inspections identified an issue with some Macalloy bars. The Macalloy post-tensioning bars were retrofitted to provide additional strength after the bridge opened to traffic in 1963. Crews will recommence inspections and carry out works to protect the macalloy bars with works expected to be complete by late June 2024. Any changes to the current traffic conditions on the bridge (single lane operation and 42.5t load limit) will be advised. The planning study for a long-term solution for the bridge is progressing as quickly as possible and expected to be completed in late 2024. Detailed design and construction of a long-term solution are currently unfunded.
- TMR advise further testing and maintenance works were completed between 4 – 29 November 2024. Bridge is fully opened with 42.5t load limit in place. TMR will continue to monitor the bridge via an ongoing detailed monitoring and inspection program quarterly, to ensure the bridge remains safe and in service. Next inspection is scheduled for February 2025 and one lane will be closed.

3.9 32B Kennedy Highway (Mareeba-Atherton) – Pedestrian facilities near Mclver Road / Martin Avenue / Connection Road

- TMR to undertake detailed analysis for the provision of pedestrian facilities on Kennedy Highway near Mclver Road / Martin Avenue / Mareeba Connection Road. MSC developed with TMR their Walking Network Plans adopting the Priority Works Program in March 2023. MSC / TMR to work together to plan for pedestrian connectivity in this location.
- TMR advises pedestrian count undertaken and utilization was low.
- MSC provided proposal details to TMR (Darryl Jones) on 7 December 2023; MSC advised officers meeting with TMR to discuss project planning.
- No further updates available from TMR at this meeting.
- TMR to confirm pedestrian signal controls will be included at the crossing.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

32B Kennedy Highway (Mareeba-Atherton) – Mclver Road Intersection Upgrade

- MSC advise of future rehabilitation and widening project of Mclver Road from Kennedy Highway to western end of Owens Street
- MSC seeking TMR's interest in working with council to upgrade the Kennedy Highway intersection.
- MSC provided proposal details to TMR (Darryl Jones) on 7 December 2023; MSC / TMR to meet to discuss project planning.
- Council rehabilitation and widening project proceeding from Ray Road intersection towards the west. MSC will contact TMR again regarding the potential upgrading of the intersection.
- Traffic data sent to TMR by MSC 27 August 2024. MSC advise of congestion at the intersection during peak periods resulting in re-routing of traffic onto local roads specifically via James Street and to a lesser extent Tilse Street.
- MSC remains committed to partnering with TMR to improve the intersection of Kennedy Highway and Mclver Road in conjunction with Council's rehabilitation and widening project on Mclver Road.

3.10 32B Kennedy Highway (Mareeba-Atherton) – Dust issue generated by HVs parking / pulling over between Martin Avenue and highway

- Again, residents are complaining to council about the dust being generated by HVs using the area as a depot and motorists pulling over off the bitumen when heading south. The dust blows across the highway to James Street on the western side of the highway.
- MSC advise contractors are utilizing the area for private use not for MSC Projects.
- TMR advise permit which expires on 30 May 2024 issued to Ergon allowing use of the area as a temporary laydown area whilst undertaking upgrade works in the region. Ergon have been requested by TMR to exit the laydown area via Martin Avenue to help alleviate the dust issue.
- MSC advised dust is generated by general traffic and HV's coming from Cairns and the north pulling over off the Highway.
- MSC to investigate options such as signage and installation of bollards and extending the pullover of parking area near Seary Road under RMPC.
- TMR inspected the site on 28 May 2024; MSC waiting advice from TMR on proposal.
- TMR advised contractor has been asked to enter / exit the laydown area using the Martin Avenue side road rather than entering / exiting directly onto the highway.
- TMR advise contractor no longer utilizing this location as a temporary laydown area.
- MSC reported heavy vehicles / vehicles en-route to Atherton are pulling over on the left-hand side creating a dust problem for residents along James Street.
- This matter placed on hold pending a review of the situation after the installation of the traffic lights.
- TMR advise the complainant property at 94 James Street is located more than 200meters away from Kennedy Highway and is sandwiched between a Parkland. Currently there is no gravel dump. Ergon has demobilized their storage facility and moved their yard from the site. The road shoulder is now overlaid with gravel, so there is minimum dust blowing all the way over to his property at James Street. Vehicles do not park on the gravel road shoulder but it is noted users drive across the gravel shoulder to park at the grass empty lot.
- There is no regulated parking in this area of road corridor on the Kennedy Highway and parking is currently not restricted or prohibited, therefore motorists may park their vehicle on the side of the road subject to complying with road rules.
- Currently there are no plans by TMR to restrict parking at this location; further advising they have written to the complainant.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

3.11 TMR Mareeba Southern Approach

- In December 2022, the following Agenda items were combined and re-titled 'TMR Mareeba Southern approach':
 - 32A/32B Kennedy Highway / Byrnes Street T-Intersection
 - Mareeba Connection Road / Byrnes Street merge lane signage
 - Mareeba Heritage Centre - Requests for Improvements - entry / exit to VIC carpark
 - Mareeba Bypass
 - B-Double Route – access to Reynolds Street Industrial Area / Kennedy Hwy via Costin Street
 - HV parking between Martin Avenue and Kennedy Highway
- TMR followed up after the meeting and advised:
 - **Mareeba Bypass** – TMR is progressing with the Preliminary Evaluation (Options development) phase. MSC will continue to be involved in planning discussions. More information can be found at [Mareeba - Dimbulah Road, Mareeba Bypass | Department of Transport and Main Roads \(tmr.qld.gov.au\)](#)
- TMR advised 32A/32B intersection is being designed for signalised Intersection; delivery will be carried out when funding is available.
- TMR considering B-Double route as part of the Mareeba Bypass Planning; TMR propose to have draft updates from Planning Team on progress.

- TMR confirmed a Mareeba Bypass Planning project is underway. The current planning project will look at the full bypass, it will progress planning for the southern section and review and confirm the alignment of the northern section.
- \$2.2M has been allocated to the Planning Project by Qld Government under the Transport System Planning Program and it is anticipated the business case for the alignment will be completed late 2024.
- Construction of the Mareeba Bypass currently remains unfunded.
- MSC seeks from TMR updated COMMs on the installation of the proposed traffic lights at the intersection of the Kennedy Highway and Byrnes Street which were programmed to commence late May 2024.
- TMR advise there is no change. Committee agreed to remove this item from the agenda, placing it on the Standing Items list.

3.12 32A/32B Kennedy Highway / Mareeba – Proposed traffic lights (locally known as Byrnes Street)

- MSC seeks from TMR updated COMMs on the installation of the proposed traffic lights at the intersection of the Kennedy Highway and Byrnes Street which were programmed to commence late May 2024.
- Construction works continue with night works carried out between 2 to 7 September to allow for asphalt resurfacing; further night works may be required as the project progresses.
- Works are progressing well and are scheduled to be completed by end of 2024.
- TMR advise traffic light project completed ahead of schedule.
- The Chair congratulated TMR and their contractor on the efficient completion of the project.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

3.13 BDR – Request for flood camera at Trimble’s Crossing

- Due to the remoteness of Trimble’s Crossing on the Burke Developmental Road, it would be an advantage for TMR to deploy flood monitoring camera at this location. Cameras would provide an opportunity for TMR / MSC to monitor flood levels and the condition of the crossing surface once flood waters subsided with up-to-date travel information passed onto the public.
- TMR advised as funding becomes available cameras will be rolled out at other locations; TMR have completed and prioritized a list of locations for future camera locations.
- TMR followed up after the meeting and advised they plan to install a camera at Trimble’s Crossing later in 2023, before the next wet season.
- TMR confirmed flood cameras will be installed at Trimble’s Crossing by end of November 2023 prior to the coming wet season.
- TMR advised this is currently in procurement; it is planned to deliver the camera by December 2023, prior to the next wet season.
- Procurement underway by TMR, it is anticipated camera will be installed early April 2024.
- TMR advise the BDR Trimble’s Crossing solar-powered satellite flood monitoring camera will be publicly available. Normally for satellite flood cameras, an image is uploaded to QLD Traffic once per day, when available. TMR advise cameras are expected to be installed mid-July 2024.
- Flood monitoring camera installed at Trimble’s Crossing. MSC requests public access like Bushy Creek. Through its Disaster Management Personnel, MSC requested that the existing access agreement be amended to include access to the flood cameras at both Trimble’s Crossing and Mitchell Flats.
- TMR advise access to flood camera is available at Trimble’s Crossing on Qld Traffic website. Mitchell Flats currently has a flood camera in place, however the 4G connectivity is unreliable. TMR (SNO) is looking into the possibility of installing a satellite flood camera. Bushy Creek on the Julatten-Mossman-Mt Molloy Road is also accessible through Qld Traffic website, link to the website provided; [Cameras - QLDTraffic](#).

- It was proposed that TMR initiate an information campaign to inform the public about the availability of the flood cameras.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

3.14 664 Mareeba-Dimbulah Road – Request for turning lane into Mareeba Rodeo Grounds

- MSC advised with the increased usage of Kerribee Park concerns were raised regarding traffic turning right from the Mareeba-Dimbulah Road into the grounds.
- To facilitate safe vehicle turning into the park, it was suggested TMR investigate the construction of a passing / turning lane at the entrance and look at road shoulder wear in this location.
- TMR requested their Planning Unit undertake a review into the potential need for a turning lane from Mareeba-Dimbulah Road into the main entrance of Kerribee Park Rodeo Ground being gate 2. MSC noted that significant annual events at the venue include Rotary Field Days; Savannah in the Round; Mareeba Rodeo; camping facilities available during tourist season. It was suggested by MSC, TMR undertake a safety assessment. MSC to review records to provide any supporting information to assist in potential traffic count data for events.
- MSC deployed traffic counters each side of the Rodeo Grounds on the Mareeba-Dimbulah Road for the period 15-22 October during Savannah in the Round. Traffic data forwarded to TMR which has been passed onto their Planning unit for consideration and inclusion on their safety program with updates to be provided.
- Traffic data recorded vehicle movements on Mareeba-Dimbulah Road increased by around 22,000 vehicles during the 6 days associated with the event.
- Committee agreed to remove this item from the agenda, placing it on the Standing Items list.

3.15 664 Mareeba-Dimbulah Road – Request for review of speed limit through Dimbulah

- TMR advise this is low volume traffic.
- MSC expressed concerns regarding pedestrian safety at the crossing, indicating that drivers may not be sufficiently aware of its presence and recommending the installation of larger signage. MSC further requests TMR undertake a speed review with consideration to recent traffic data.
- TMR to investigate and advise.
- TMR advised crossing signage installed, current speed is 60 km/hr; speed data was provided by TMR at the meeting indicating motorists are driving well under the signed 60 km/hr.
- MSC observations suggest that the pedestrian crossing may require an alternative approach. QPS noted the presence of parked vehicles raises visibility issues for drivers approaching the crossing. MSC will undertake a review of the existing parking arrangements and will request TMR undertake a speed limit review.

3.16 664 Mareeba-Dimbulah Road – Request for a flood sensor monitoring system be installed on Granite Creek Bridge

- Letter of 29 May 2024 sent to TMR by FNQ Growers requesting consideration be given to installing sensors capable of monitoring water levels in real-time.
- TMR has forwarded this request to their Statewide Network Operations Branch for evaluation and advice to FNQ Growers.
- TMR initially suggested MSC apply to QRA for funding if Council supports the flood camera to be installed on Granite Creek Bridge. TMR advised CCTV camera, FMS with bubbler (solar powered) will range from \$200k-\$500k depending on the site conditions.
- MSC requested TMR forward this matter onto relevant branch managing flood cameras for consideration due to location being on state-controlled road.

3.17 2024/25 Flashing School Zone Signage

- TMR (Road Safety) seek from MSC site recommendations for flashing school zone signage suggesting several locations.

- Julatten State School – Euluma Creek Road
- Bibbohra State School – Glendon Street
- Mount Molloy State School – Fraser Road
- Cairns Hinterland Steiner School – Boyles Road
- St Stephen’s Catholic College – Cater Road
- MSC supports the proposed recommended locations as identified by the Department.
- TMR confirmed no official advice received to date, MSC will be advised once this information has been received.
- Permit Questionnaire completed and returned to consultants by MSC on 08 August 2024. MSC seek advice from TMR on the delivery timeframe.
- TMR advised all schools scheduled for FSZS installation have been installed except Mt Molloy State School which will be installed in the new year.

3.18 Tourist Signs on State Controlled Roads - Concerns regarding dilapidated tourist signs on State-controlled roads throughout the Shire

- TMR advise an internal review of signs will be undertaken including assessing of signs still required and compliance with current TMR policies. TMR will contact relevant operators to arrange replacement signs if required, noting the cost of replacing rests with the applicant / operator.
- TMR advise signage is managed by their Road Corridor Management Unit; following the meeting TMR to supply MSC with the email address for submitting photos and details regarding signage that is no longer necessary. MSC suggested that the Mareeba Chamber also contribute information to TMR whenever possible. MSC requested advice back to the TAC on when TMR may be undertaking their next signage audit.
- Email address for Road Corridor Management Unit: CAID_CM@tmr.qld.gov.au
- TMR advised their Road Corridor Management Unit are in the process of auditing the tourist signs and business signs. This audit will identify which signs need to be removed or replaced. TMR advised in the meeting they have started contacting business operators.

3.19 34A Mulligan Highway – Truck stop on the northern entry to Mareeba

- MSC reported that heavy vehicles are now toppling bollards to create parking space for their trucks.
- All damaged composite bollards have been substituted with pine. MSC completed the works under RMPC.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda from the list.

3.20 34B Mulligan Highway - Lack of toilet amenities between Mt Molloy and Lakeland

- Mt Carbine Hotel Lessee submitted a request for assistance in addressing an ongoing problem related to the use of their facilities by the travelling public heading north to Cooktown / Cape, and south to Mareeba / Cairns.
- MSC inquired about the possibility of TMR establishing a Memorandum of Understanding with the publican or the potential for developing rest stop facilities as part of the Heavy Vehicle Program. TMR to explore options and provide feedback.
- MSC wrote to the publican on 20/09/2024 indicating TMR is investigating potential solutions and noting MSC does not have jurisdiction over the toilet facilities at the Mt Carbine Rodeo Ground, as these facilities were established and are maintained by Mt Carbine Rodeo. Publican to contact TMR direct.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda from the list.

4. NEW REQUESTS / CORRESPONDENCE - Nil

5. ROAD, TRAFFIC AND TRANSPORT MATTERS BY AGENCY - Nil

6. STANDING ITEMS LIST**6.1. 6632 Herberton-Petford Road, Irvinebank - Request to upgrade to a single coat seal**

- Complaints received from residents regarding the condition of the Herberton - Irvinebank Road with MSC asking if it was possible for TMR to provide an upgrade to a single coat dust seal. TMR advised MSC to list as a defect through RMPC. MSC and TMR to develop a programme including crossings for minor staged improvements.
- Due to numerous engineering constraints TMR does not support dust sealing of gravel resheeted roads, general issues involve non-compliant material specifications, geometric design constraints etc.
- Residents have expressed with MSC their frustrations regarding works and the limited funding for this road network.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.
- TMR raised with their Planning team for future inclusion.
- TMR advised no change.

6.2. Tablelands Heavy Vehicle Management Strategy

- TMR advised plans are with strategic planners for these works, TMR will follow up regarding website approval and will send link if approved for updates available.
- TMR links to FND projects with webpages provided to members with June 2022 Minutes.
- Heavy vehicle stopping facility constructed at the top of the Rex Range near Nile Mile Road (Mossman-Mt Molloy Road). MSC seeking an update on other locations on the northern and southern approaches to Mareeba and Springs Road.
- TMR followed up after the meeting and advised Tablelands Heavy Vehicle Management Strategy is current and it is being updated at this stage. The implementation (construction) of changes / additional HV rest areas is currently unfunded.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.
- The Tablelands Heavy Vehicle Management Strategy is complete and is being used to inform heavy vehicle improvements on the Tablelands. TMR is continuing to apply for funding to progress the outcomes of the strategy.
- Item to be moved to end of Agenda as note for future funding opportunities.
- TMR advise these projects remain unfunded, TMR continuing to make application for funding.
- TMR advise project remains unfunded.

7. GENERAL BUSINESS**7.1. Sutherland Street – TMR Risk Assessment**

- A Risk Assessment has been completed by TMR on Sutherland Street behind the Mareeba State Primary School identifying visibility issues and noting the area is not signed a school zone reducing the speed to 40km/h.
- TMR to forward the results of the assessment onto MSC who will arrange to undertake a speed limit and review.

8. NEXT MEETING

9:30am Tuesday 18 March 2025

9. CLOSURE

The Chair extended wishes for a safe and Merry Christmas to all present. With no additional matters to address, the Chair expressed gratitude for everyone's attendance and contributions before concluding the meeting at 10:26AM.

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9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - DECEMBER 2024

Date Prepared: 20 December 2024

Author: Manager Assets and Projects

Attachments:

1. Capital Works Summary - December 2024 [↓](#)
2. Capital Works Highlights - December 2024 [↓](#)

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 December 2024.

RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of December 2024.

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 Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Nil

Infrastructure Services Capital Works Summary Report - December 2024



Project Code	Project Description	Project Comment	Project Stage
Program: 01 - Rural and Urban Roads Reseal Program (Renewal)			
	24/25 Bitumen & Asphalt Reseal Program	All MSC resealing sites have been marked for the contractor to undertake the seal design process. Resealing currently programmed for March/April 2025 weather permitting	Procurement
CP00835	DRFA Gully Betterment	Practical Completion reached.	Construction
Program: 02 - Gravel Resheet			
CP0001022	23/24 Gravel Resheet Program	Three sections of Springfield Road were resheeted in late November & early December. Awaiting invoices to close the commitments.	Construction
CP0003732	24/25 Gravel Resheet Program	No resheeting programmed until after 2025 wet season	Construction
Program: 03 - Urban Streets			
CP0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Asphalt & road base procurement completed. Works will be undertaken in Jan/Feb 2025 weather pending	Construction
CP0002042	MBA James St Mill & Fill	Works were completed December 2024	Completed
CP00795	TIDS 23-27 Herberton/Constance Inter	Work will recommence on site once several more urgent maintenance issues are dealt with by the construction crew.	Construction
CP00797	TIDS 22/23 24/25 Rankin/Walsh St R'bout	Draft Engagement Plans received for comment, anticipate Construction drawings by end of year 2024.	Design
Program: 04 - Rural Roads			
CP0002040	KDA Barron Falls/Masons Rd/Falls Lookout	Preliminary survey works have been undertaken, design to be scheduled in new year.	Planning
CP0002041	KDA KIA09 Barron Falls Rd Thongon-Mason	Preliminary survey works have been undertaken, design to be scheduled in new year.	Planning
CP0002048	KDA Kuranda Heights Rd Intersection	Survey undertaken, design to be scheduled .	Planning
CP0002050	MBA Mclver Rd Rehab & Widen	Designs to be scheduled.	Planning
CP0002060	KDA Oak Forest Rd Rehab & Widen	Designs to be scheduled.	Planning
CP0002066	DIM Leafgold Weir Rd Widen Curves	Design to be finalised March 2025	Design
CP0002069	MBA Chewko Rd Rehab/Widen & Seal	Water main relocation works have been completed & road construction works will commence early February 2025, weather permitting.	Construction
CP0003753	MBA Byrnes St Safety Upgrades	Sites 2-6-8 complete. Works to recommence January 2025	Design
CP00801	TIDS Ootann Rd Section 1&2 Widen & Seal	Tenders have closed for supply & delivery of Type 2.1 road base & a two coat bitumen. Tenders are currently under assessment.	Construction

Infrastructure Services Capital Works Summary Report - December 2024



Program: 05 - Bridges

CP0001558	MBA Tinaroo Creek Rd Ada Creek Causeway	Drone survey completed, design to be programmed to commence in the new year. Design to be completed June 2025.	Planning
CP0001564	KDA Oak Forest Rd, Barron River Bridge	Contract awarded to Neater Constructions. Construction expected to commence after the wet season 2025.	Procurement
CP00839	Bullaburrah Ck Rd C'way Relieving Slab	Not commenced.	Not Commenced
CP00841	Bolton Rd Inspect/Design/Repl Girders	RoadTek will be undertaking these works on behalf of council. Estimated to start late March early April 2025 weather permitting.	Procurement
CP00843	Barron River Cwy Henry H Dr Repl Slabs	Not commenced.	Not Commenced

Program: 06 - Drainage

CP0001598	24/25 Renew Minor Culverts & Drainage	RCP repair works currently being undertaken at Park Avenue, Mareeba. Temporary repairs to a causeway on Borzi Road were completed in December.	Construction
CP0003689	MBA CBD Drainage Upgrade Stage 1	Project planning will be undertaken in conjunction with the Mareeba CBD Blueprint Project	On Hold
CP0003690	MBA Ray Rd Culvert Upgrade	Ray Road Drainage Study to inform project.	Planning
CP0003695	Irvinebank Jessie St/Rubina Tce Upgrade	Investigations will be scheduled in 2025.	Not Commenced
CP0003830	Hastie Road - Stormwater	Project completed December 2024	Close Out
CP00844	MBA Amaroo Drainage Upgrades	Quotes will be called to undertake this work post wet season.	Construction
CP00938	Tilse Street Upgrade Drainage	Culverts accepted On-Maintenance as part of development.	Completed

Program: 07 - Traffic Facilities

CP0000947	Mareeba Aerodrome Safety & Repairs	Fire Fighting System last item on project to complete. Delay on Variable SpeedDrives, with supplier to source.	Procurement
CP0000951	Anzac Ave LATM Upgrades	Anzac Avenue entrance signage programmed for installation early 2025.	Construction

Program: 08 - Parking

CP00846	MBA Heritage Centre Carpark Connection	Stakeholder engagement has commenced.	Design
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Program: 09 - Footpaths

CP0001026	23/24 Footpath Renewal Program	Atherton Street and Lloyd Street footpath sections complete. Further sites for renewal are currently under assessment.	Construction
CP0001027	23/24 Footpath Upgrade Program	Awaiting grant application outcome to build new footpath connection on Constance Street between Hastie Street and Atherton Street.	Planning
CP0001665	Mt Molloy Footpath & Furniture Refurb	Designs to be programmed in new year.	Planning
CP0001666	KDA Barron Falls Rd Replace Footpath	Preliminary survey works have been undertaken, design to be scheduled in new year.	Design
CP0001742	MBA WNP Constance-Lloyd St Footpath	Contract awarded to Ikin Civil. Construction expected to commence in January 2025	Procurement

Program: 10 - Parks and Gardens

Infrastructure Services Capital Works Summary Report - December 2024



CP0001029	Kda Com Precinct Parks Upgrade	Planning & Development ongoing 2025	Planning
CP0001803	Julatten Geraghty Pk Refurb Playground	Workshop Report presented. Community engagement early 2025.	Planning
CP0001805	MBA Bicentennial Lakes Northern	Federal Government deed of agreement executed. Preparing for procurement.	Design
CP0001871	MBA Centenary Park Upgrade Fencing	Works temporarily on hold until scope for Centenary Park footpaths confirmed.	Procurement
CP0003670	MBA Amaroo Park Shade	Construction works planned for mid 2025	Planning
CP00809	MBA Bicentennial Lakes (Southern) D&C	Slides embankment barrier fence installation awarded. Works expected to commence 2025. Footbridge renewals are complete.	Construction
CP00860	KDA Anzac Park Landscaping	Park upgrade complete. Planning for the installation of tree naming plaques being undertaken.	Completed
		CBD garden beds refresh soft landscaping works to be completed by Perosa Landscaping as a variation to the footpath pavement upgrade project.	
		iLEC awarded the Upper Coondoo LED Streetlighting upgrade project. Works to commence 2025.	
CP00861	KDA Coondoo Street Refurb	Lower Coondoo LED Streetlighting upgrade application made to Ergon. Awaiting offer.	Procurement
Program: 11 - Water			
CP0001038	23/24 Retic Valve/Hyd Replace Program	New valves to be installed Lera and Byrnes St	Construction
CP0002670	FY24/25 - WTP Minor Infrastructure	Works are underway and will be completed by mid to late April.	Construction
CP0002671	FY24/25 - Water Main Replacement	Stage 1 Complete. Stage 2 in procurement.	Construction
CP0002672	FY24/25 - KDA WTP Turbidity Meters	New equipment electrical and scada connections put in place, just waiting on contractor to complete the physical installation works	Construction
CP0002674	FY24/25 - DIM WTP Turbidity Meters	Close project Out Equipment Does Not Need Replacing	Close Out
CP0002675	FY24/25 - Replace Chlorine Analysers	Equipment has arrived with some fittings being manufactured to allow for installation.	Construction
CP0002677	FY24/25 - Telemetry/SCADA Upgrades	Historian database clean-up and optimisation works complete, resolving minor issues with Canary to SWIM data integration	Construction
CP0002680	FY24/25 - Hydrants & Valve Renewal	Works progressing well, new valves added around McGrath Rd. Hydrants replaced as per Queensland Fire Department inspections. Works for Constance/Basalt St intersection currently being scoped.	Construction
CP0002682	FY24/25 - Irvinebank Ibis Dam PS	Works currently being scoped and pump setup being reassessed due to high iron content of water	Planning
CP0002683	FY24/25 - DIM WTP Pump Replacement	Assessment will be made mid December during the routine servicing & maintenance schedule whether the pump will be replaced.	Planning
CP0002684	FY24/25 - Smart Meters Replacement	Works progressing well. Identified areas in Mareeba and Kuranda with low connectivity, scoping additional receivers to alleviate problem.	Construction

Infrastructure Services Capital Works Summary Report - December 2024



CP0002762	FY24/25 - MBA WTP Refurbish Clarifiers	Project works has been awarded and the contractor has advised they are in procurement phase with actual works to commence in the second quarter of 2025.	Construction
CP0002764	MtM Replace Hunter Ck Weir	Survey is required as part of the engineering assessment and this will be done as soon as the councils survey team have available time.	Construction
CP0002921	MBA Booster Pump Station Relocation	Works to relocate booster pump to be conducted early to mid 2025.	Construction
CP0003667	FY24/25 Irvinebank Ibis Dam Valves	Waiting on pricing from suppliers in the new vales required.	Procurement
CP0003668	CHI Renew Water Line	This project will only be done in 2024-2025 if there are residual funds left over from replacing water mains in Mareeba and Mt Molloy in 2024-2025.	On Hold
CP0003734	MBA WTP Fuel Pod For Generator	Procurement and planing stage	Procurement
CP00733	BOR6 MWTP Filtration Upgrade	Filtration project has now been successfully commissioned and contractor finishing a few minor tasks and once they've completed the tasks the project can then be closed out.	Construction
CP00878	MBA Decommission Basalt St Elevated Tank	The water tower has been isolated and the reservoir section of the water tower needs to be cleaned out then a permanent closure / lockout of the feed line willbe done.	Construction
CP00879	MBA Decommission Granite Ck Pump Station	The works are being done in conjunction with the relocation of the pump set and will be completed in the first half of 2025.	Construction
Program: 12 - Wastewater			
CP0001041	Mba WWTP Inlet Works Replacements	Works now completed and we are waiting on contractor to provide invoicing for payment then the project can be closed out.	Completed
CP0001043	Atherton St Pump Station Refurb	Project subject to grant funding.	On Hold
CP0001047	23/24 WW CCTV & Relining Program	Waiting on CCTV reports. Defect liability period extended pending review of CCTV reports.	Construction
CP0001050	Kennedy Hwy PS Control Board Upgrade	New electrical switchboard installed and commissioned.	Completed
CP0001053	23/24 WWPS Refurbishment Program	Works substantially completed in October.	Construction
CP0002475	FY24/25 - WW Pump Station Ancillary	Piping found beneath driveway of Gully SPS, works completed to restore and ensure effective flood damage mitigation. A/B civil to begin works identified by Site Assessments during FY 23-24 on Myola 1, Myola 2, Ceola Dr and Robins St Pump Stations by April.	Construction
CP0002476	FY24/25 - WW Reticulation Pumps Renewal	Pump at Industrial Park replaced. Additional Pump Station sites identified for requiring pump replacements and pump spares.	Procurement
CP0002477	FY24/25 - Telemetry/SCADA Upgrades	Works begun to identify vulnerabilities create improvement plans in SCADA system for Alarm and error notifications, cybersecurity and code deployment process.	Construction

Infrastructure Services Capital Works Summary Report - December 2024



CP0002479	FY24/25 - Pump Station Generators x 2	Generators installed and electrically and telemetry connections completed. Once Council's fabricator is back at work the enclosures will be fabricated and installed.	Construction
CP0002480	FY24/25 - Manhole Rehab & Replace	50% Works complete.	Construction
CP0002481	FY24/25 - MBA Constance St Rising Main	Project out to tender, once tender is received council officers can finalise grant funding application.	Procurement
CP0002482	FY24/25 - KDA WWTP Renew Control Panels	Electrical works are now completed.	Close Out
CP0003715	KDA WWTP Renew 6x4m Shed	Quotes were sourced from suitably qualified suppliers, purchase order has been issued and works will commence once materials arrive.	Construction
CP0003722	KDA WWTP Renew 6x6m Shed	Quotes were sourced from suitably qualified suppliers, purchase order has been issued and works will commence once materials arrive.	Construction
CP00889	22/23 MBA Sewer CCTV & Relining	Works continuing. Expected completion end of February.	Construction
Program: 13 - Waste			
CP0002216	KDA WTS New Ablution Block	Prelim design received. Earthworks to commence Mid January 2024.	Construction
CP0002220	MBA TS Leachate Pump Annual Program	Pumps deemed okay at this stage and won't be replaced, another assessment will be done in May 2025.	Planning
CP0002221	MBA TS Leachate PS Pump	Pumps currently on order. Waiting on delivery	Procurement
Program: 15 - Fleet			
CP0001071	Fleet Replace #1231 Toyota WW	Nov - Procurement in progress	Procurement
CP0003738	Replace Asset 741 Street Sweeper	Purchase order raised December 2024, Delivery expected June 2025	Procurement
CP0003739	Replace Asset 620 Job Truck	Truck delivery expected February 2025, RFQ has been submitted for the supply of tipping body	Procurement
CP0003740	Replace Asset 1255 Toyota Hilux	Vehicle on order, no delivery date as yet	Procurement
CP0003741	Replace Asset 1274 Toyota Hilux	Vehicle on order, no delivery date as yet	Procurement
CP0003743	Replace Asset 5005 MF Tractor/Loader	Project complete	Close Out
CP0003752	Replace Asset 3010 Toyota Landcruiser	Project complete	Close Out
CP0003773	Replace Asset 1307 Mit. Pajero INSURANCE	Project complete	Close Out
CP0003776	Replace Unit 5422 Tool Trailer INSURANCE	Project in planning stage	Planning
CP0003826	Replace Asset 1244/6263 L'cruiser INSUR	Project in Procurement Stage	Procurement
Program: 16 - Depots and Council Offices			
CP0001064	Mba Depot Admin Building Refurb	External blind for front of building ordered. Programmed instal February 2025.	Construction
CP0001597	CHI Depot Office Renewal	Works completed.	Close Out
CP0003737	MBA Kowa St External Staff Training Room	RFQ submission received. Require change request to scope. Further planning required.	Procurement
CP0003765	MBA Kowa St Depot Fuel Bowser	Works to commence mid January 2025.	Construction

Infrastructure Services Capital Works Summary Report - December 2024



CP00759	Kowa St MSC Depot Emergency Generator	Waiting on Electrical report and recommendations.	Design
Program: 17 - Community Buildings			
CP0001059	Mba/Dim Aquatic Condition Assessment	RFQ development has begun, intent to release to market end of January 2025..	Planning
CP0001632	24/25 Amenities Refurbishment Program	Planning postponed until early 2025.	Planning
CP0001637	KDA Library Paint & Roof Improvements	Awning structure completed. Planning commenced for further remedial works to roof and gutters.	Construction
CP0001639	Annual Minor Building Refurbishment	Planning postponed until early 2025.	Planning
CP0001646	KDA Recreation Centre Improvements	Works delayed. Contractor advises February commencement.	Construction
CP0001664	Annual Facilities LED Lighting	Planning to commence	Not Commenced
CP0002909	DIM Memorial Hall Park Lighting Upgrade	Works to commence mid to late January 2025.	Construction
CP0003718	MBA Davies Park Field 2 Lighting Upgrade	Works on hold. Awaiting suitable funding.	On Hold
CP0003729	MBA Aquatic Centre Pool Expansion Joints	MCSF - sourcing contractor to repair	Planning
CP0003756	MBA Davies Park Field 1 Lighting Upgrade	Construction works to commence February 2025.	Construction
CP0003792	MBA Animal Management Facility Flooring	Concrete aprons completed. Shade sail and animal enclosure works programmed for January 2025.	Construction
CP00749	Aquatic Facility Upgrades & Splash Park	Works complete.	Completed
CP00793	MBA Women's Restroom Refurb	To be completed in conjunction with the Mareeba CBD Blueprint Project	Planning
CP00819	22/23 Shire Toilet Facility Repl Program	Arnold Park Toilet Repairs/Refurbishment complete.	Completed
CP00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Works to be undertaken last quarter 2024/2025 fin year.	Procurement
CP00941	23/24 Park/Sporting LED Lights Arnold Pk	Programmend for 2025.	Design
CP00942	22/23 DIM Town Hall A/C/Solar/Lighting	Works completed.	Completed
Program: 18 - Non-Infrastructure Items			
CP0001085	Mba Cemetery Expansion Planning	To be scheduled in 2025	Planning
CP0003684	MBA New Cemetery Lawn Plaque on Beam	Additional irrigation works to be undertaken at Dimbulah Cemetery & tennis courts	Construction
CP0003716	MBA Smartnet GPS Base Replacement	Works Complete, capitalisation of project required.	Completed
CP0003717	KDA Heights Cemetery Lawn Plaque on Beam	Additional irrigation works to be undertaken at Dimbulah Cemetery & tennis courts.	Construction
CP00446	Kuranda New Cemetery	Gabion wall completed.	Construction
CP00932	MBA MIP Expansion	Design, Survey and Soil Testing of alignments have begun. MIP Detailed Design to be completed May 2025, ready for Tender.	Design

**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Project Name: 2024-25 Sewer Manhole Remediation Project

Program: Wastewater

Background

Council is remediating sewer manholes within the Mareeba Sewerage Reticulation network to reduce inflow and infiltration across three (3) separate locations within Mareeba, specifically along Keneally Road and Lloyd Street to Wilson Street.

Investigations on manholes within this catchment found that Council has 292 sewer manholes located within private and public property which require remediation works.

The project is part of Council’s 3-year Barron River Catchment Sewer Infrastructure Upgrade project, which is has received \$300,000 funding from the Australian Government Reef Guardian Councils Program and \$485,000 funding from the Queensland Government Works for Queensland 2024-2027.

The project aims to increase capacity and strengthen the sewer network in Mareeba and Kuranda by remediating sewer manholes in the Barron River catchment. The proposed upgrade of essential water treatment infrastructure will significantly mitigate the risk of sewage overflows within the Barron River catchment, and ultimately the Great Barrier Reef. Land-based run-off is identified in the Outlook Report 2019 as one of the top four threats to the Great Barrier Reef. The Australian and Queensland governments’ Reef 2050 Long-Term Sustainability Plan (the Reef 2050 Plan) states that sewage treatment plants can be intensive point sources of water pollution. By reducing nutrient runoff, Mareeba Shire Council’s project aligns with the Reef 2050 Plan’s goal to improve urban water management.

Scope of Works

The project comprises rehabilitating the sewerage manholes to extend the life of the assets and/or replace the manholes were deemed necessary and bring them up to FNQROC standard. In some instances, where the manhole is unable to be rehabilitated due to the extent of deterioration, it will need to be replaced.

The current program has focussed on the sewerage reticulation network within the Kenneally Road Estate areas, to reduce inflow and infiltration. The works specification details the remediation works to be completed by a Contractor in this vicinity on sewer manholes (located within private and public property).

Progress Update

Works have commenced with approximately 50% of works completed.



**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Sewer manhole remediation works

**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Project Name: Kuranda Heights Cemetery (Retaining Wall)

Program: Cemeteries

Background:

The new Kuranda Heights Cemetery was developed to provide a suitable burial facility for the community.

The first stage of the development has been available for reservations and internments from August 2024. Stage 1 has an estimated capacity of 10 years and will provide room for 127 lawn-level (beam) memorials and 120 monumental memorials.

Scope of Work

The new cemetery includes landscaped grounds, an accessible toilet, and sealed road access and car parking. This work was completed in the first half of 2024. A retaining wall has been constructed to protect an exposed rock face on the site during wet weather events.

Progress Update

Construction of gabion wall complete. Turf will be laid for erosion control.



Kuranda Heights Cemetery Gabion Wall

**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Project Name: Byrnes Street Median Safety Upgrades

Program: Roads

Background:

Council has been progressively upgrading Byrnes Street, and this project will complete the last garden beds and will enhance visibility for road users and create safer working conditions for Council’s Parks and Gardens team members.

The project will modernise the garden beds, ensuring a cohesive look and feel from one end of Byrnes Street to the other. Significant shade trees will remain, and additional trees will be planted. The plant palette includes native and flowering plants to add colour. The number of parking spaces will remain unchanged.

Scope of Work

- Supply and install maintenance walkways and maintenance strip kerbs as per schedule and design drawings.
- Treat existing kerbs and repaint including new maintenance strip kerbs as per schedule and design drawing.
- Supply and install 12mm Netta Drip irrigation in a spider web pattern with 300mm spacings.
- Supply and top up medians with Sandy loam topsoil as per schedule
- Remove trees marked for clearing and dispose of vegetation waste
- Plant out Council supplied plants as per Council
- Supply and install woodchip mulch as per schedule

Table 1 – Project Locations:

Location 1:	Cairns Connection Road
Location 2:	BP Median Island
Location 3	Byrnes Street Median Island at Jacobson Street
Location 4	Byrnes Street/Lloyd Street Roundabout
Location 5	Byrnes Street Median Island in centre of road between Lloyd Street and Railway Avenue (northern end)
Location 6	Corner of Byrnes Street and Railway Avenue Garden (northern end)
Location 7	Byrnes Street Median Island in centre of road between Railway Avenue (northern end) and Granite Creek
Location 8	Byrnes Street Median Island on the eastern side of the road between Railway Avenue (northern end) and Granite Creek

Progress Update

Gregg Construction Pty Ltd completed work at three locations: Location 2 (BP Median Island) and two of the northern sites on Byrnes St – Locations 6 and 8.

Concrete maintenance kerbs have been installed, new trees and shrubs have been planted with irrigation and mulching also complete. Photos below.



**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Location 2 - BP Median Island. Construction complete.



Location 6 (Northern Byrnes St Corner of Railway Avenue and Rotary Park). Construction complete.

**Infrastructure Services Capital Works Report
Project Highlights – December 2024**



Location 8 Byrnes Street Median Island on the eastern side of the road between Railway Avenue (northern end) and Granite Creek. Construction complete.

9.3 PARKS AND OPEN SPACES QUARTERLY REPORT OCTOBER 2024 - DECEMBER 2024

Date Prepared: 13 January 2025

Author: Manager Assets and Projects

Attachments: 1. Parks and Open Spaces Report October 2024 - December 2024 [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on projects being delivered under the Parks and Open Spaces Three-Year Action Plan during the months of October 2024 – December 2024.

RECOMMENDATION

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of October 2024 – December 2024.

BACKGROUND

Council adopted its Parks and Open Spaces Strategy and Three-Year Action Plan in February 2022.

The Parks and Open Spaces Strategy 2022-2031 has been developed to achieve Council's vision to enhance the Shire's liveability and visual appeal, and to encourage active communities and economic development. The Strategy was developed using a structured community engagement and internal consultation process.

Alongside the Strategy, a Three-Year Action Plan was developed for implementation of initial priority projects, with monthly updates provided to Council on the progress of the action plan, with each project presented to Council in detail prior to construction.

The format of the information on project status has been updated and information is provided in the legend within the attached progress report.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

The Three-Year Action Plan is fully funded at no additional cost to ratepayers.

Is the expenditure noted above included in the current budget?

Yes

Operating

The Three-Year Action Plan has been developed with an objective of no increase to the operational budget.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability and Governance: A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

Community and Culture: An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

Transport and Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

Liveability and Environment: Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

IMPLEMENTATION/COMMUNICATION

Parks and Open Spaces 3 Year Action Plan - Project Update: October 2024 – December 2024

Legend

	Project scheduled
	Project in planning stage
	Project started
	Project complete
	Project Updated in this Report
	Project Not Updated in this Report

Project	2022/23	2023/24	2024/25	Monthly Update to Council
RAIL TRAIL				
Mareeba Rail Trail Stage 1 (Mareeba to Airport)				Project Complete
BETTER PLAYGROUNDS				
Geraghty Park (Julatten)				Planning and community engagement to commence in early 2025
Chillagoe Playground Improvement				Project Complete
Dimbulah Parks Revitalisation				Project Complete
Kuranda Community Precinct				Planning commenced so that grant funding can be secured to leverage Council's funds.
General Playground and Fitness Equipment Renewals - Various Locations				Project Complete
IMPROVE BICENTENNIAL LAKES				
Bicentennial Lakes (Southern) Upgrade				Project Complete
Bicentennial Lakes (Northern) Upgrade				Procurement commencing in early 2025
IMPROVE PARKS AND OPEN SPACES				
Amaroo Park				Project Complete
Mareeba Town Walking Trails Upgrades				Project complete. Works are complete for the following priority projects: <ol style="list-style-type: none"> 1. Constance and Atherton Street Intersection 2. Lloyd and Constance Street intersection 3. Lloyd and Walsh Street intersection 4. Ceola Drive – a walking/cycling lane along the western side of Ceola Drive. 5. Anzac Avenue – a walking lane and marked parking bays at the missing connection near Durston Street This project was funded by the Department of Transport and Main Roads.
Gregory Terrace (Kuranda) Park Upgrade				Not commenced. Design to commence in 2025.
Kuranda Town Walking Trails Upgrades				Council was granted funding under the Walking Local Government Grants program and a Walking Network Plan and a Priority Works Program have been adopted by Council.

Parks and Open Spaces 3 Year Action Plan - Project Update: October 2024 – December 2024

				Kuranda Village Streetscape construction works to commence early 2025.
Kuranda Tourism Parks and Open Space Upgrades*				Centenary Park Kuranda – Playground construction is complete. Anzac Park Kuranda Upgrade is complete.
Bill Newburn Park (Irvinebank) Upgrade				Project complete.
Anzac Park (Mareeba) Revitalisation				Project complete.
Toilet Facilities Improvements - Various Locations				2024/25 Projects to commence in early 2025.
Footpaths Improvements - Various Locations				Footpaths renewed along Rankin St and Basalt Gully (Stewart St), Mareeba. Pedestrian bridge improvements for Basalt Gully (Stewart St) and Granite Creek (Eales Park to Ward St) under design. Walking Network Priority Works Programs have been developed and adopted for Kuranda and Mareeba. Footpaths are planned to be renewed for Bicentennial Lakes Southern Section. Project Complete and future footpath improvements will be in accordance with the Long Term Asset Management Plan Walking Network Forward Works Program.
Park Entrance Signage Improvements - Various Locations				Project Complete
WATER PARK				
New Mareeba Water Splash Park				Project Complete

*Tourism projects in Kuranda to be funded by the Kuranda Infrastructure Levy

9.4 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - DECEMBER 2024

Date Prepared: 20 December 2024
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 December 2024.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Operations Report for December 2024.

BACKGROUND

Technical Services

Design, quality, and investigations:

Investigation activities undertaken in December included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	86	8
Drainage Investigations	39	4
NHVR Permit Applications	0	4
Traffic Count Surveys	0	0
Parks Investigations	5	0
Aerodromes	1	0
Miscellaneous e.g. Planning; Local Laws	30	15
Before You Dig Requests	0	47

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory delivered 198 tests in December, with the majority being for external clients.

GIS:

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.

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	On-maintenance
Kuranda	Christensen Road, Myola Heights – Stage 2a	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 3	On-maintenance
Mareeba	Emerald End Road and Country Road – Stage 4	Under construction
Mareeba	The Rise – Catherine Atherton Drive – Stage 3	On-maintenance
Mareeba	Amaroo Stage 13a	On-maintenance
Mareeba	Amaroo Stage 13b	Under construction
Mareeba	Amaroo Stage 12 – Drainage Infrastructure	On-maintenance
Mareeba	Prestige Gardens Stage 5-6	On-Maintenance
Mareeba	Kenneally Estate Stage 4	On-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Mareeba	7 Kenneally Road	Under construction
Mareeba	9 Kenneally Road	Under construction
Kuranda	2-6 Black Mountain Road	Under Construction
Kuranda	Jum Rum Rainforest Estate Stage 2, Fallon Road	Under construction

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	Far North Queensland Low Pressure Trough, that occurred 1 – 7 February 2022. Although the Gamboola Crossing Bridge remains the only current project, the structure has reached practical completion.
2022 Betterment	The Gully Betterment contract has reached practical completion. A report will be prepared for QRA/Council detailing the works completed.
2023 DRFA	Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – 30 April 2023. Western Roads Contract is ongoing, with works to be completed in the new year. Minor works in the Mt Mulligan, Hurricane Road area to be complete in the new year.
2023 Cyclone Jasper	Declared event December 2023 - 'Tropical Cyclone Jasper', associated rainfall and flooding, 13 – 28 December 2023' with damage assessments continuing. Works to replace Bushy Creek Bridge, Mt Lewis Road, Julatten continue.

Program	Status
	<p>Jarawee Road, Kuranda, Landslip: works are progressing. Construction will continue into 2025 (weather dependant).</p> <p>Emerald End Road: Culverts are being installed, and construction will continue into 2025 (weather dependant).</p> <p>Works to clear flood debris from the waterways has reached practical completion, reporting through QRA continues.</p>

Facilities

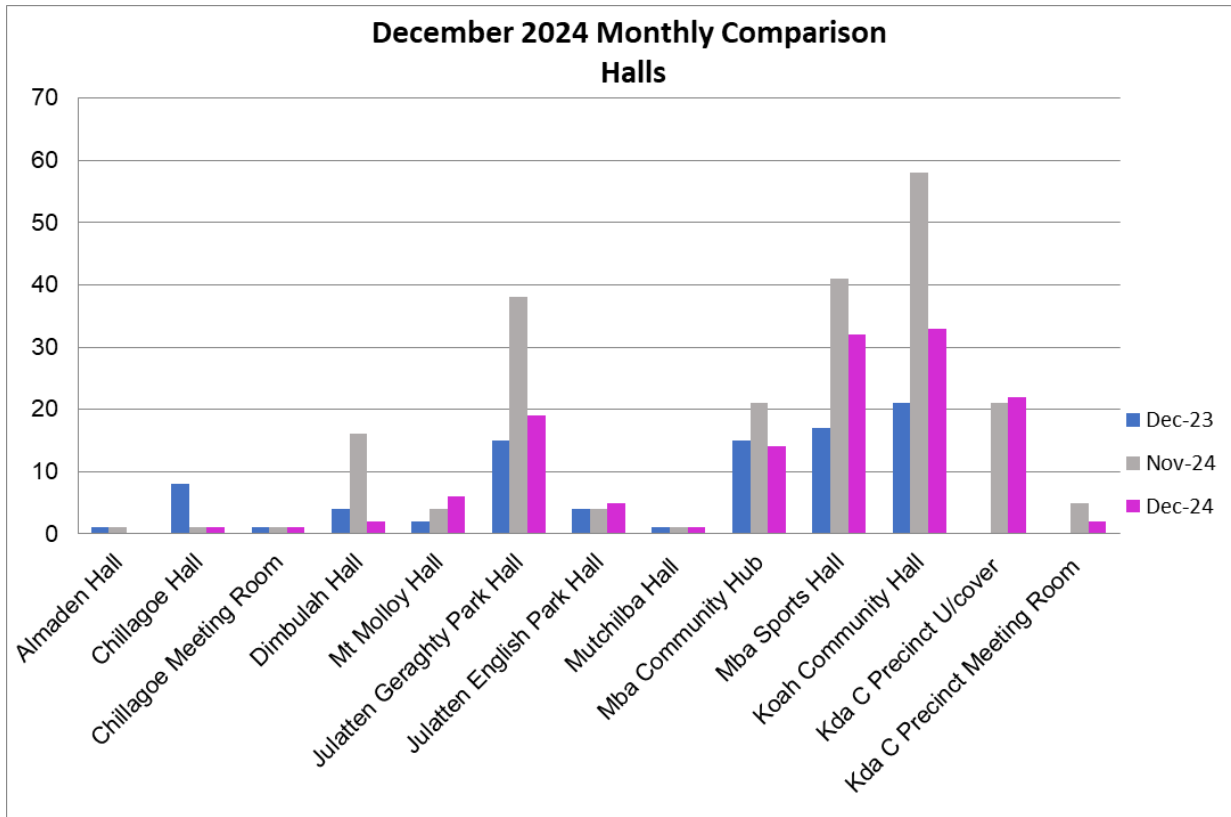
Facilities	Activity
Davies Park – Netball Toilets	Replace the damaged windows and install security screen over the newly fitted windows.
Geraghty Park Roof	The laserlite sheets have been removed/replaced, and the roof has been cleaned with a gurney.
Mareeba Heritage Centre Outhouse toilets, Cemetery and Davies Park toilets	The gutters have been completely cleaned.
Chillagoe Aerodrome toilets	Damage doors replaced.



Davies Park – Netball Toilets

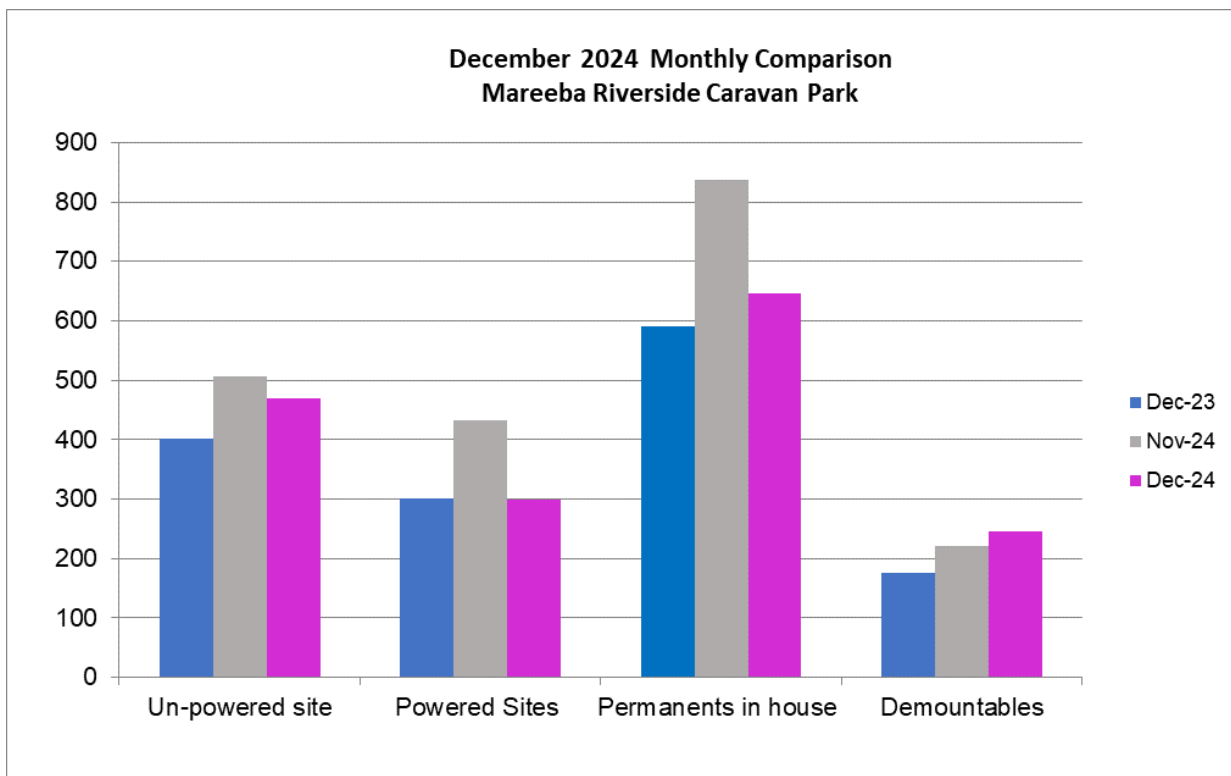
Community Halls:

Maintaining safe and efficient access to Council’s Community Halls is recognised as an important aspect for the community's ongoing wellbeing.

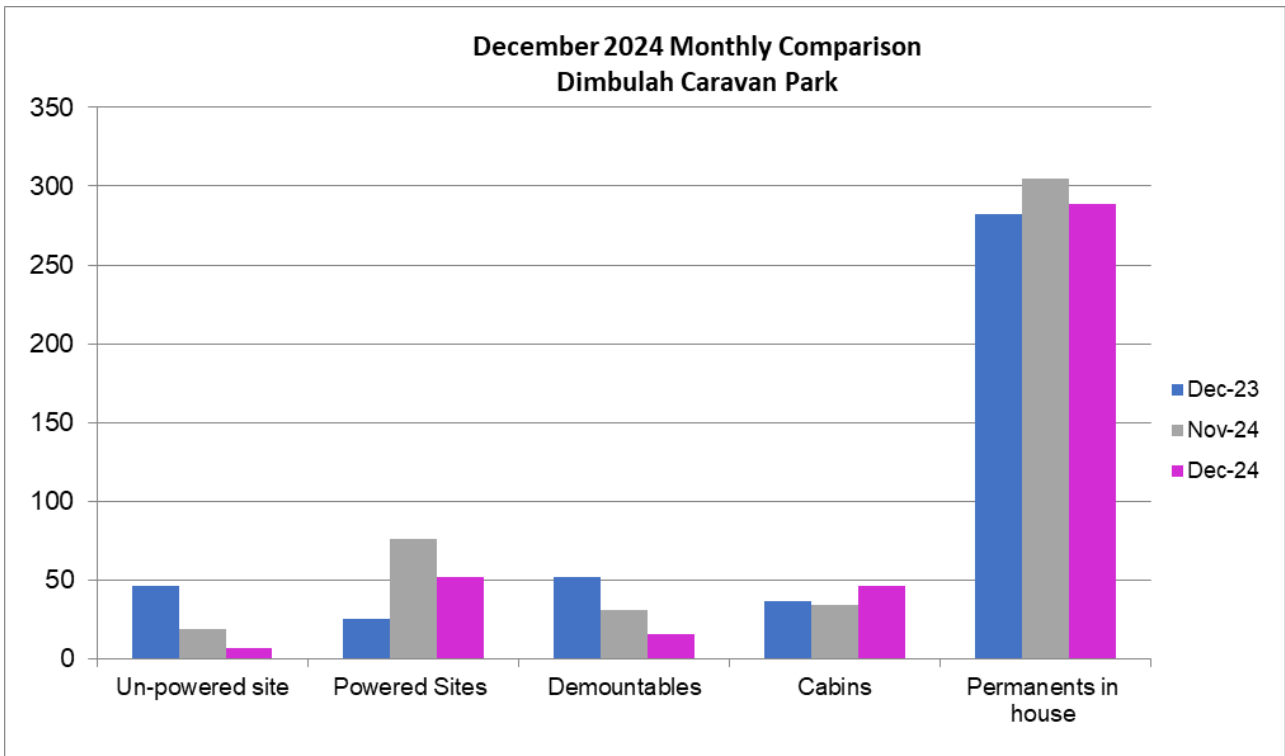


Caravan Parks:

Mareeba Riverside Caravan Park, utilisation remains strong with park close to capacity.

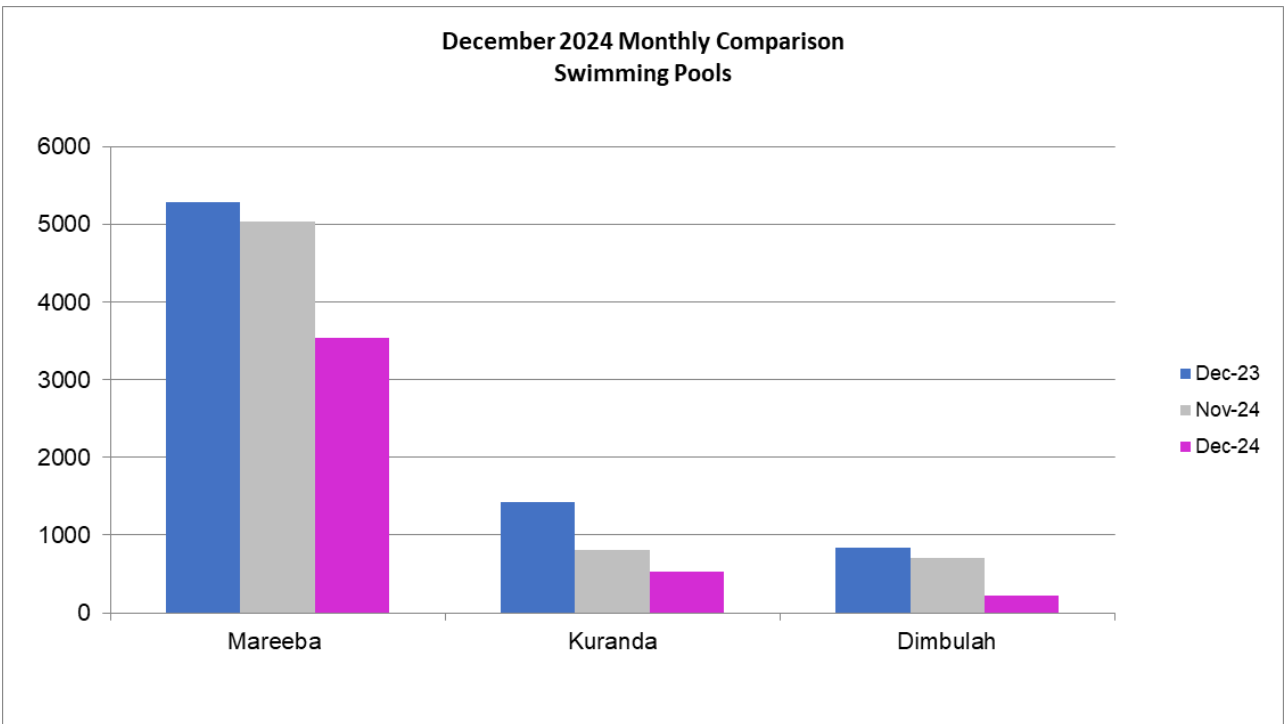


Dimbulah Caravan Park user numbers (total) have generally remained stable against previous months/year's numbers.



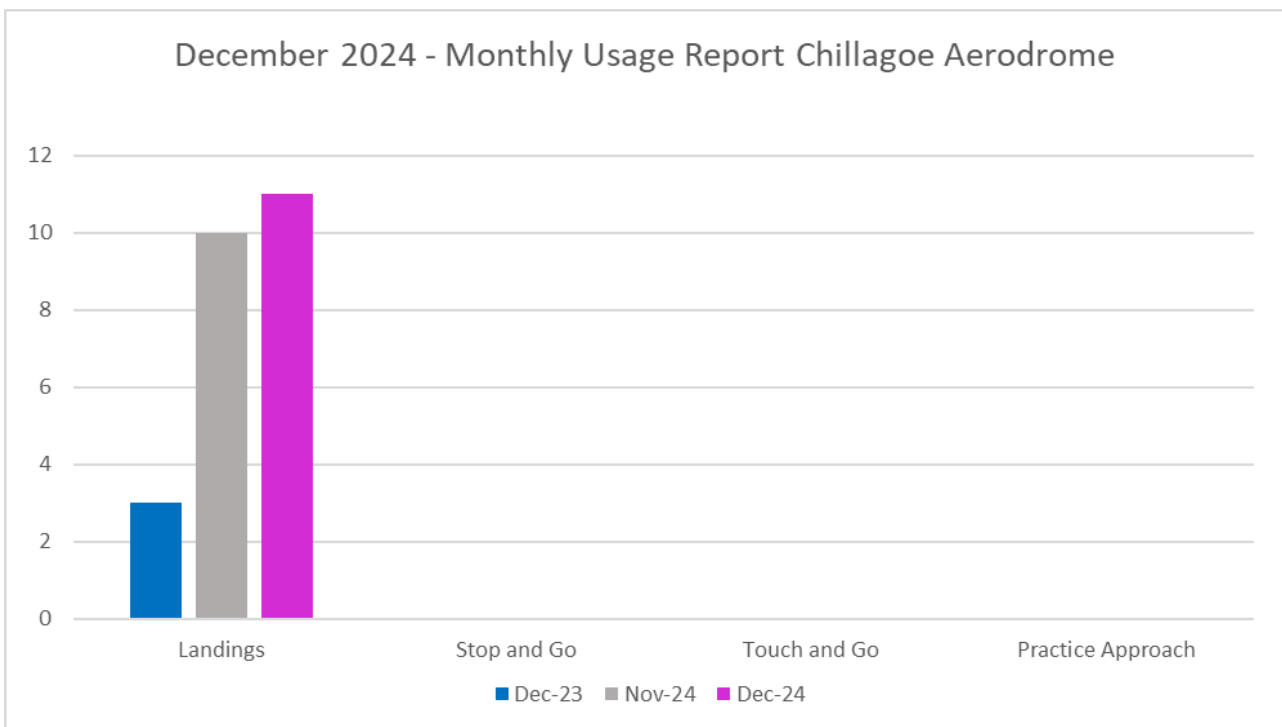
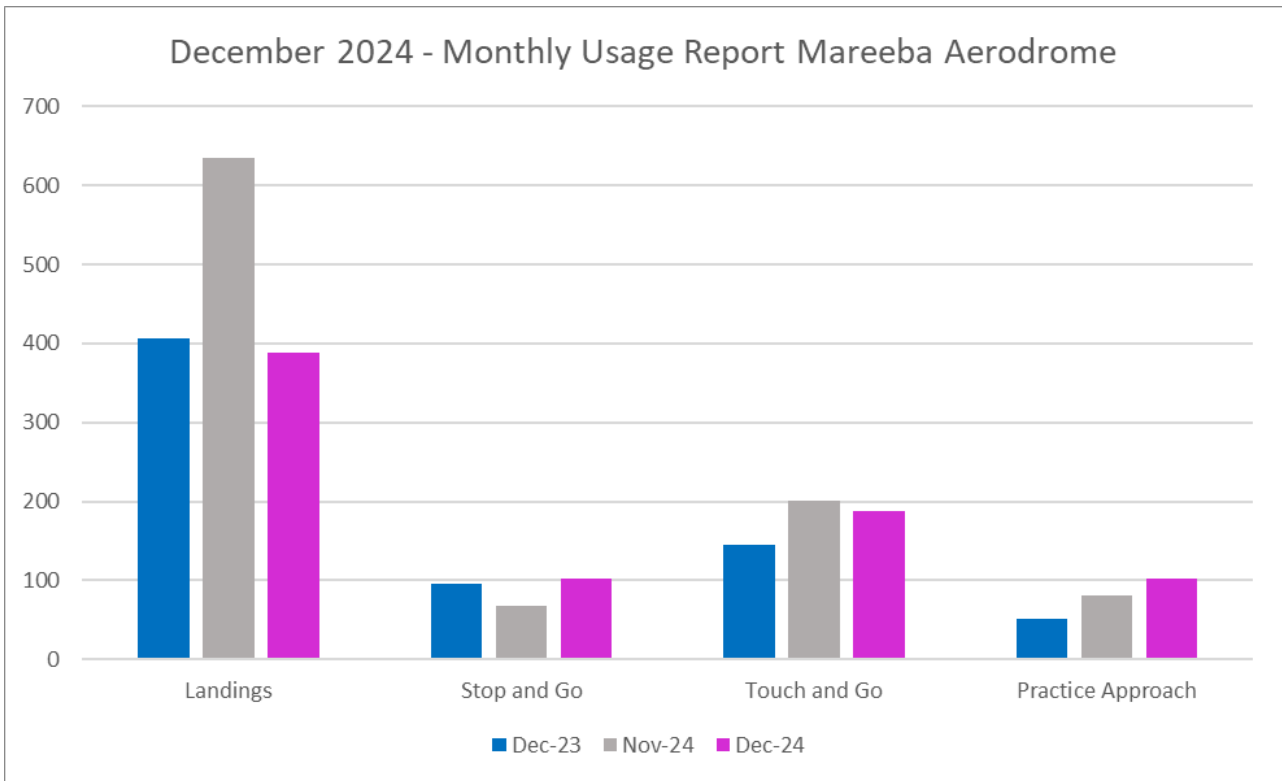
Aquatic Centres

Attendance at the Facilities has remained generally stable, with increases over the near term expected to align with increased temperatures and school leave periods.



Aerodromes:

The data recorded below is current for the month of November, 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.



LINK TO CORPORATE PLAN

Financial Sustainability and Governance: A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

Community and Culture: An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

Transport and Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

IMPLEMENTATION/COMMUNICATION

Nil

9.5 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - DECEMBER 2024

Date Prepared: 20 December 2024
Author: Water & Waste Technical Officer
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 December 2024.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for December 2024.

BACKGROUND

Water and Wastewater Treatment:

All treatment plants are generally performing satisfactorily. Interim measures are in place to address damage to Kuranda Water Treatment Plant intake infrastructure which resulted from Cyclone Jasper and ongoing rain.

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)	6116	917	150	245	144
Number of Connections	4141	1053	127	246	111
Average daily water consumption per connection (L)	1477	871	1183	997	1297

* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	3608	218
Number of Connections	3519	356
Average daily inflow per connection (L)	1025	611

Mareeba Water Treatment Plant Upgrades:

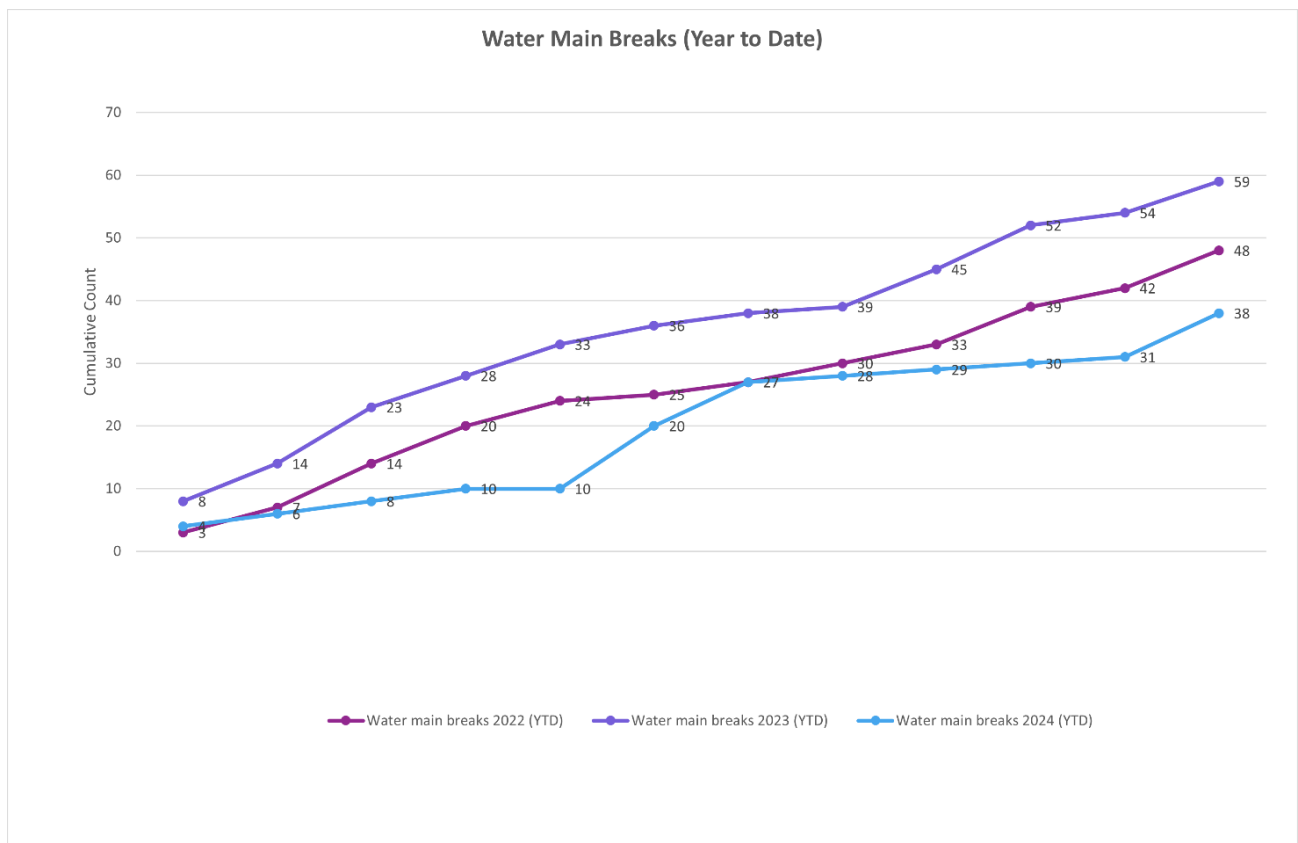
Three (3) critical infrastructure projects at the Mareeba Water Treatment Plant (MWTP) have now been completed as part of Council’s 10 year Water Strategy.

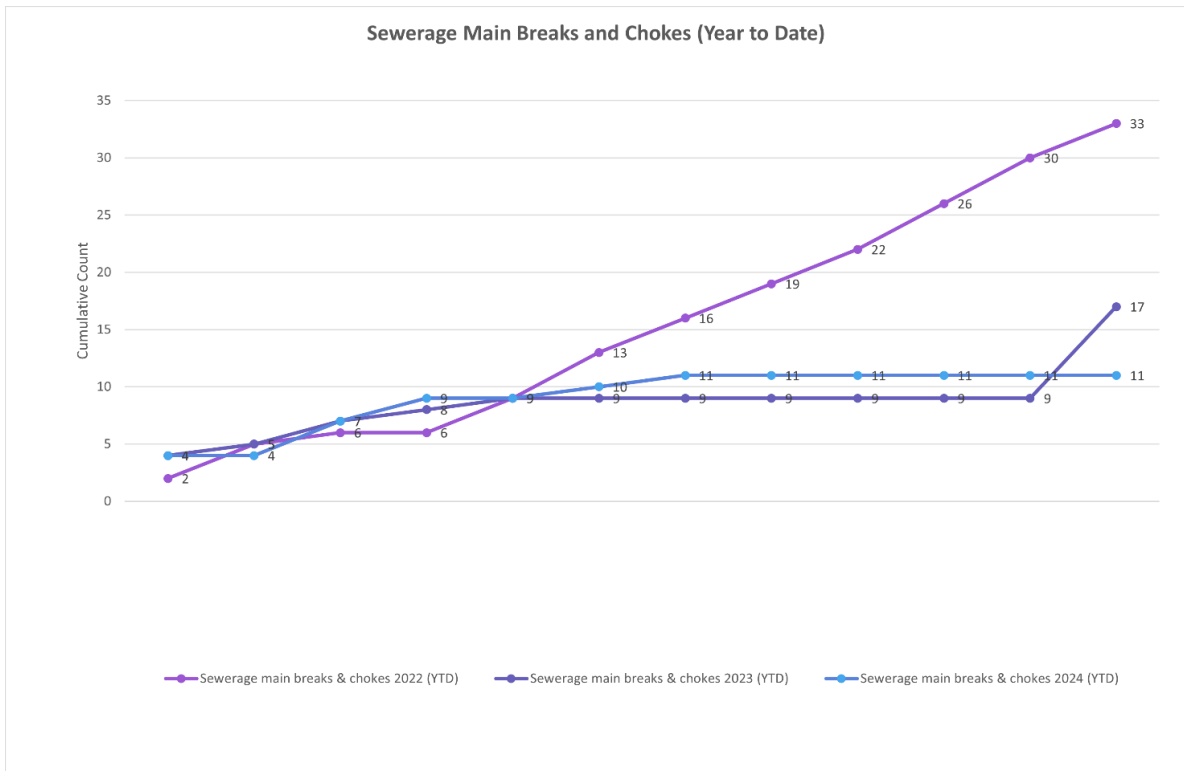
Water and Wastewater Reticulation:

Council's water reticulation crew attended to seven (7) water main breaks, and no sewer main breaks/chokes this month, and average response times were within targets set out in Council's customer service standard for water services.

The temporary solution to address the blockage of the Lloyd Street sewer in Mareeba continues to operate to mitigate wastewater discharges to the Barron River. Planning for a long-term solution is underway. The various regulators are satisfied with Council's response to the incident which is now closed out and they have advised that no regulatory action against Council will be taken.

Monthly statistics are shown on the water reticulation main breaks and sewerage main breaks and chokes:

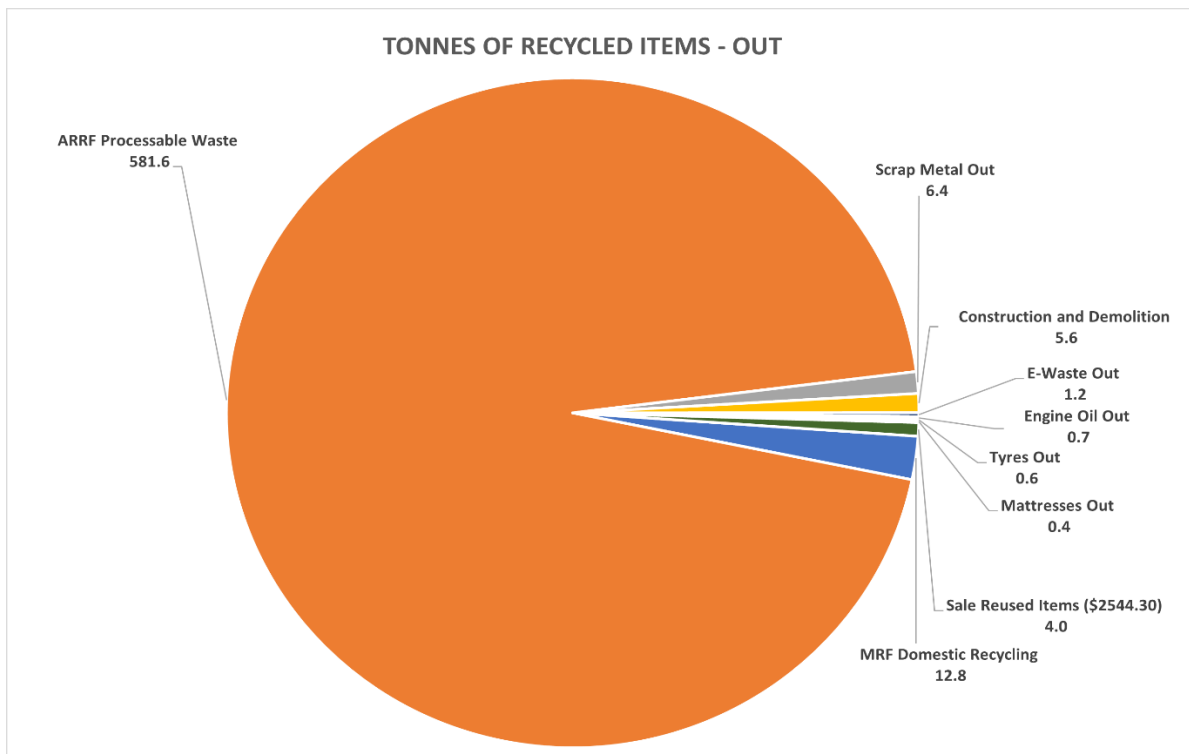




Waste Operations:

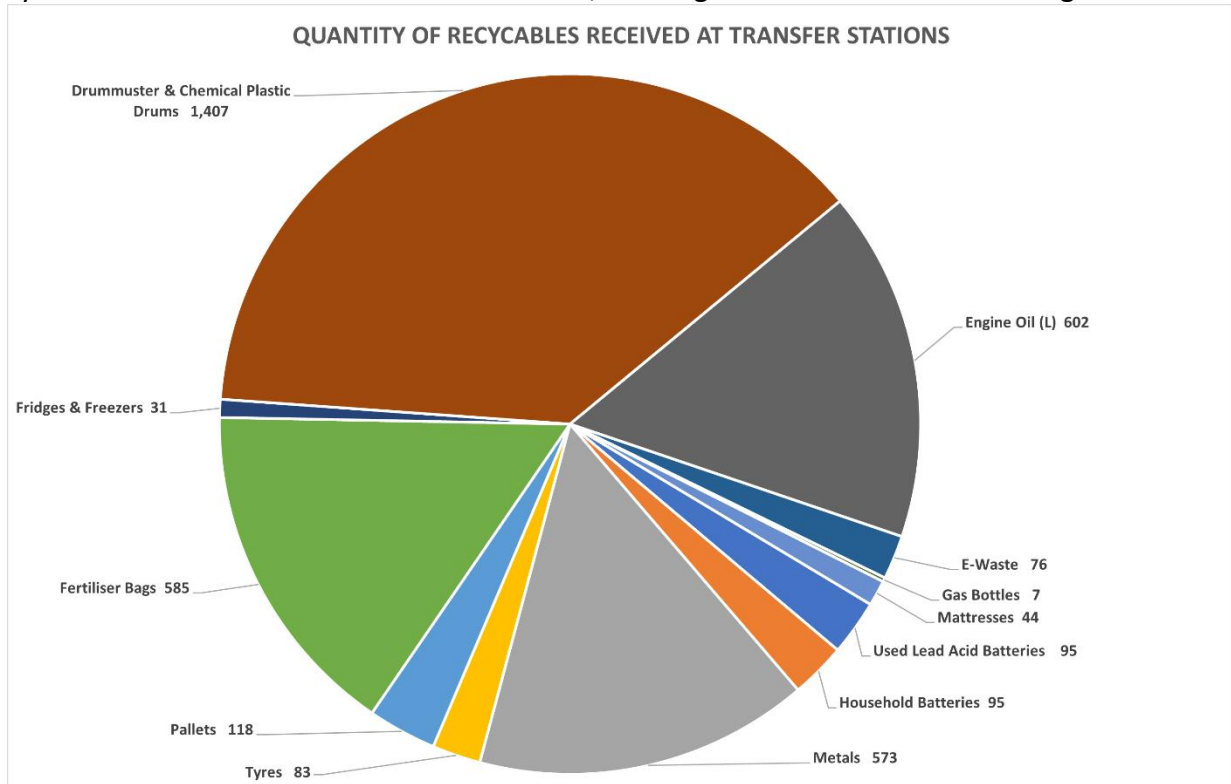
Waste material collected in Kerbside trucks is transported to the Advanced Resource Recovery Facility (ARRF) in Cairns for processing. Residual waste and waste collected at Transfer Stations is transported to Springmount Waste Facility, and recyclable material is transported to the Material Recovery Facility (MRF) in Cairns for processing.

During December, 581 tonnes of waste was processed through the ARRF, 185 tonnes of waste was sent to Springmount Waste Facility and 12.8 tonnes of domestic items were recycled at the MRF.



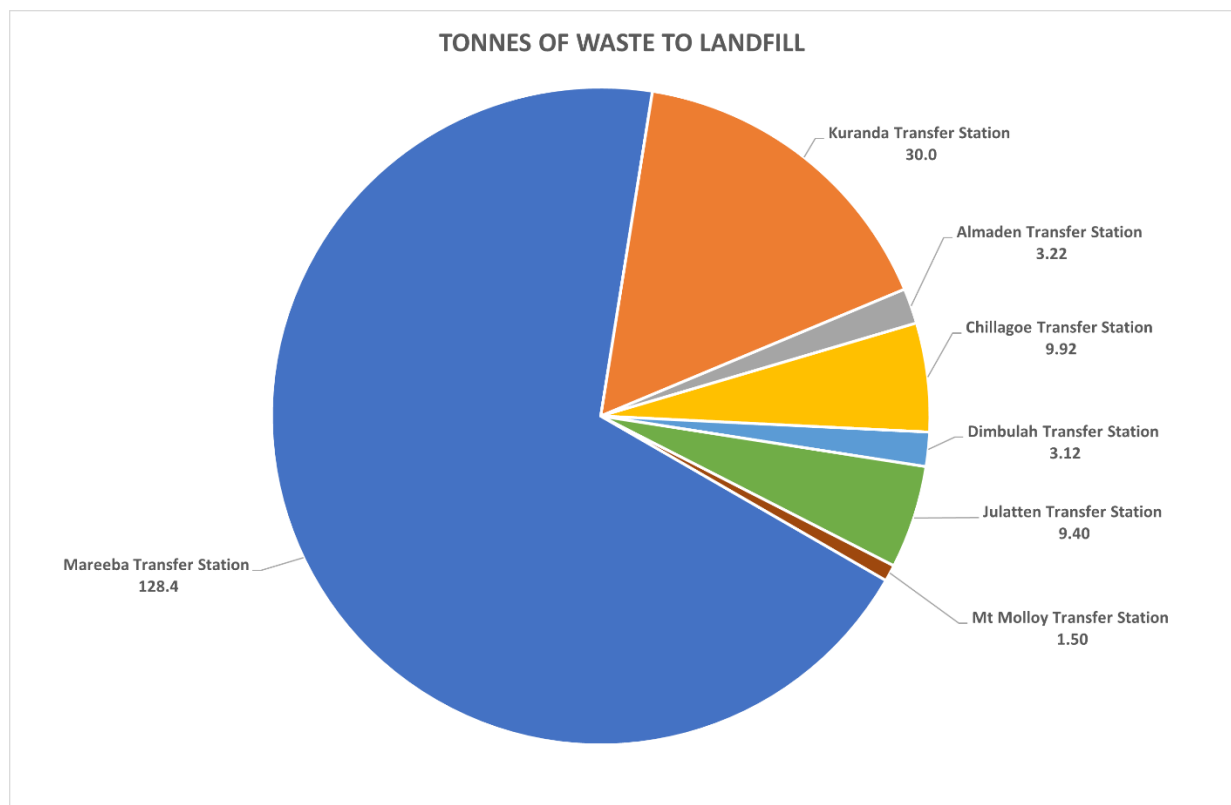
Recycling

Residents continue to recycle at the Transfer Stations. During December the highest count of recyclable received were 1407 Chemical drums, 602 Engine oil and 585 Fertiliser bags.



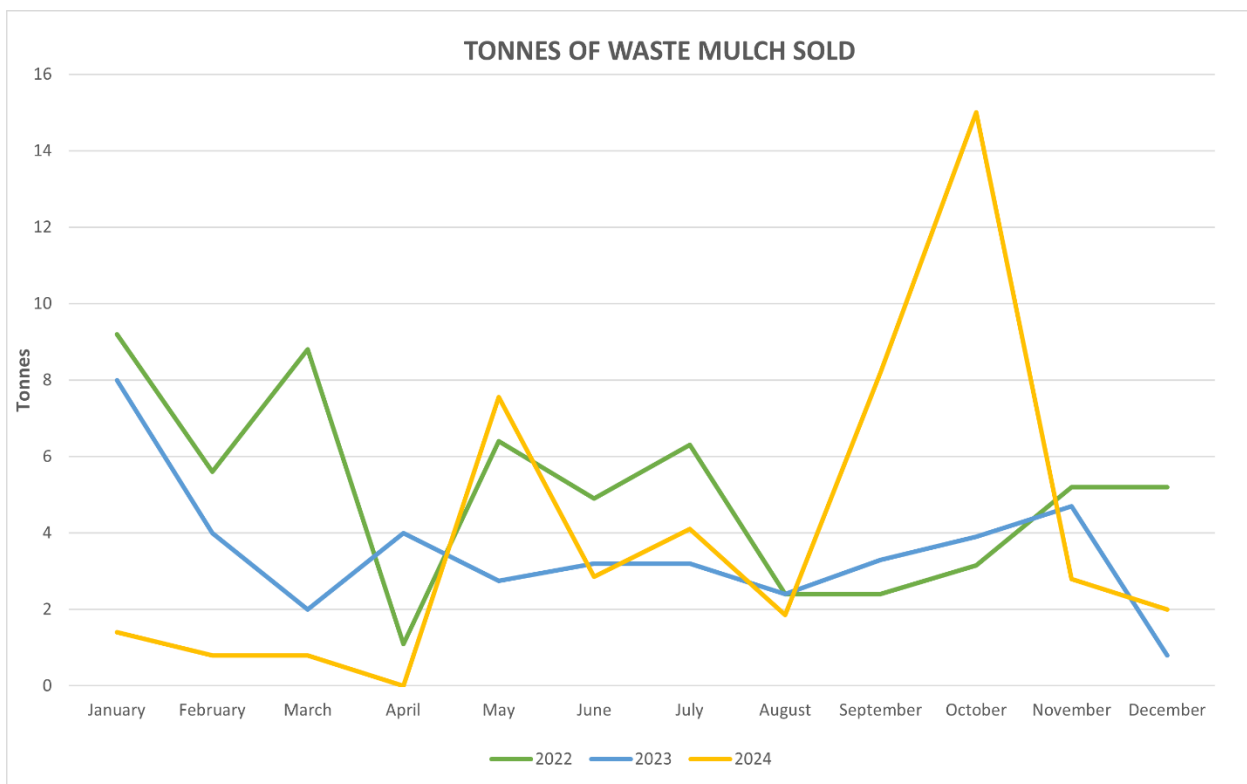
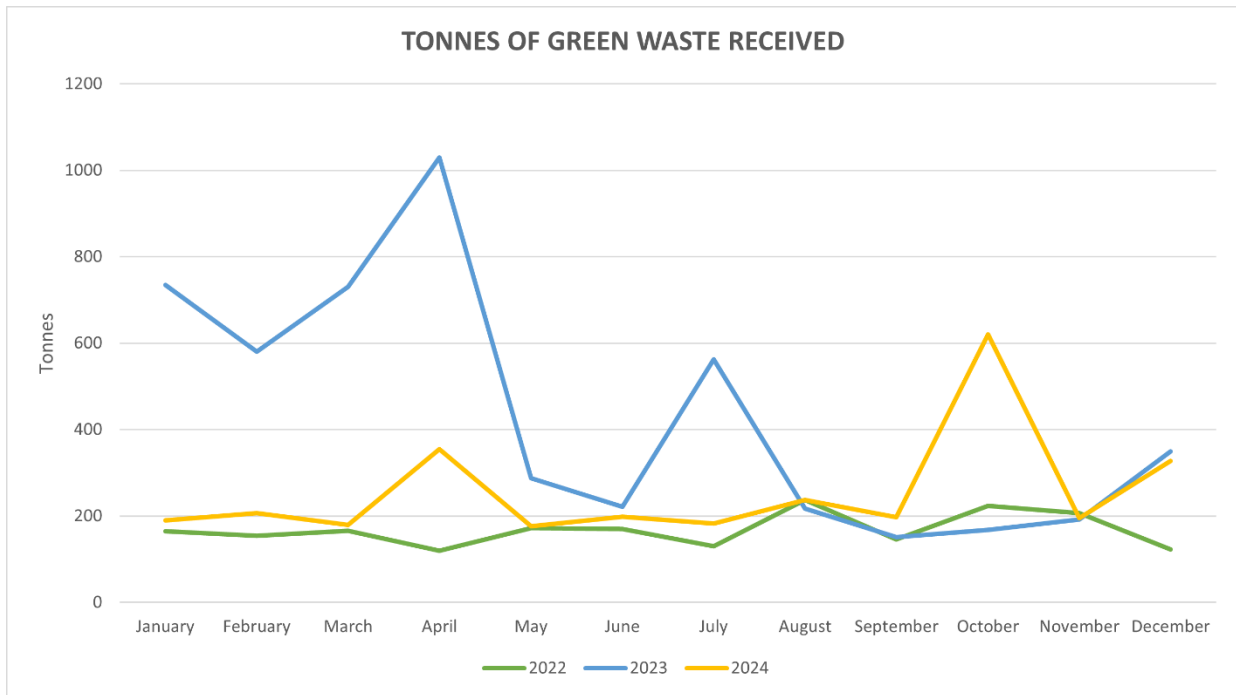
Transfer Station Waste

Transfer Station dry waste is transported off site to the Springmount Waste Facility. During December a total of 185 tonnes of waste was sent to landfill. Mareeba Transfer Station contributed to 128.4 tonnes to landfill, and Kuranda 30 tonnes.



Green Waste:

During December, Council received a total of 158.40 tonnes of green waste. Kuranda recorded 5 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. 2 tonnes of mulch was sold.



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***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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Transport and Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

IMPLEMENTATION/COMMUNICATION

Nil

9.6 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - DECEMBER 2024

Date Prepared: 9 January 2025

Author: Manager Works

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Open Spaces, TMR Routine Maintenance Performance Contract (RMPC) and Land Protection operational activities undertaken by Infrastructure Services during the month of December 2024.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of December 2024.

BACKGROUND

A summary of works completed in December 2024 is provided below.

Transport Infrastructure

General Maintenance

The major maintenance activities carried out in December are listed below;

Activity	Location
Unsealed Road Grading	Tinaroo Creek Road, Cobra Road, Emerald Falls Road, Shanty Creek Road, Gilmore Road, Kanervo Road, Godfrey Road, Grievson Road, Henry Hannam Drive, Fantin Road, Davies Creek Road, Bolton Road, Wright Road, Smith Road, Two Chain Road, Koah Road, Tapiola Road
Bitumen Patching (Area)	Kuranda, Bilwon, Mareeba, Julatten, Speewah, Springmount, Watsonville
Unsealed Road Maintenance	Black Mountain Road, Davies Creek Road, Emerald Falls Road, Gilmore Road, Henry Hannam Drive, Kanervo Road, Shanty Creek Road, Tinaroo Creek Road
Drainage Maintenance	Barron Falls Road, Blackdown Road, Brooks Road, Constance Street, Euluma Creek Road, Highland Drive, Hillview Road, Mclvor Road, Shaban Close, Wrights Lookout Road
Tree Clearing (Area)	Almaden, Kuranda, Mareeba, Julatten, Chillagoe, Dimbulah
Road Furniture Installation/Repair	Algoma Road, Bilwon Road, Boonmoo Road, Chewko Road, Collins Weir Road, Davies Creek Road, Fumar Road, George Fabris Road, Henry Hannam Drive, Kay Road, Leedingham Creek Road, Leafgold Weir Road,

Activity	Location
	McGrath Road, Oak Forest Road, Price Creek Road, Roiko Road, Sandy Creek Road, Speewah Road, Springmount Road, Tinaroo Creek Road, Top Eureka Road, Wolfram Road

Customer Requests

During December, the Works Group received 104 Customer Requests (CRs) with 119 resolved (resolved requests include those received prior to December 2024). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
December	77	24	3

At the time of reporting, the Works Group had 70 open requests.

TMR Routine Maintenance Performance Contract (RMPC)

32A - Kennedy Highway (Cairns - Mareeba)

- Rest Area Servicing

34A - Mulligan Highway (Mareeba - Mt Molloy)

- Install timber bollards at Northern Truck Stop

34B - Mulligan Highway (Mt Molloy - Lakeland)

- Signage installation
- Roadside litter collection - Rifle Creek and Mt Carbine Truck Stop
- Roadside litter collection - full length of road
- Rest Area Servicing at Rifle Creek
- Edge repair – Mt Molloy to Desailly’s Creek

653 - Mossman-Mt Molloy Road

- Rest Area Servicing at Hunter Creek
- Roadside litter collection - Hunter Creek, Environ Park and Lyons Park
- Callout - remove fallen trees blocking road
- Callout - assist after traffic accident
- Callout - clear Rex Range of debris
- Herbicide spraying including Rex Range

664 - Mareeba-Dimbulah Road

- Callout - remove fallen tree blocking road.
- Callout - assist with traffic control and clean up after traffic accident
- Replace/straighten guideposts where required

6632 – Herberton-Petford Road

- Replace signage
- Replace/straighten guideposts where required

89B - Burke Developmental Road (BDR)

- Eureka Creek Rest Area Servicing and ground maintenance.
- Pothole Patching at various locations – pavement repairs Pump Ck and Bismark Range.
- Replace /Straighten guideposts where required - full length of road
- Place out warning signs in preparation of wet season.
- Provide Traffic Control for repairs at Rookwood Station grid.

Parks and Open Spaces

Description	Comment
Mowing	Mareeba, Dimbulah, Kuranda, Mt Molloy/Julatten, and Chillagoe - mowing has started to increase with recent rain
Playing fields mowing	Davies Park now 2x week at 50mm, Borzi Park now 2x week at 25mm, Firth Park weekly at 32mm
General maintenance	Fields 1 and 2 Davies Park – aerated and fertilized
Playgrounds	Contractor has patched burnt areas of artificial turf at the Bicentennial Lakes Playground
Burials	Mareeba Cemetery <ul style="list-style-type: none"> • Two (2) in-ground interments • One (1) Free Standing Mausoleum interment • One (1) Ashes in Columbarium Wall Kuranda Heights Cemetery <ul style="list-style-type: none"> • Two (2) in ground interments
LOA	LOA prisoners at the Mareeba Cemetery
Contractors	Tree removals in Mareeba after storm on 12 December
Projects	Byrnes Street Beautification – supplied plants for contractor and provided technical advice. First 3 (three) sites completed.
Events	Install Christmas Trees and additional garlands – Mareeba, Chillagoe, Kuranda, Mt Molloy, Dimbulah

Land Protection

Parthenium Weed: Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation.

Amazon Frogbit: Work along Chinaman Creek and Atherton Creek on the Barron River Catchment, hand removal and herbicide treatment of Frogbit. Herbicide treatment carried out at the northern end of the Bicentennial Lakes.

‘Katherine Green’ Bellyache bush: Property inspection and hand removal of ‘Katherine Green’ Bellyache bush. Seven (7) seedlings found and removed.

DTMR Weed Program Various weed species targeted including Rubbervine and Calotrope on the Mulligan Highway. Plants were basal barked using Diesel and Access

Wild Pigs: Seven (7) trapped at Highland Drive Julatten.

FINANCIAL AND RESOURCE IMPLICATIONS

Operating

All operational works are funded by the section specific 2024/25 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability and Governance: A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

Community and Culture: An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

Transport and Infrastructure: The provision of quality infrastructure to service our growing community using sound asset management principles.

Liveability and Environment: Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

Economy and Growth: Promote and encourage investment in local industry to build a resilient economy.

IMPLEMENTATION/COMMUNICATION

Nil

10 CONFIDENTIAL REPORTS

Nil

11 BUSINESS WITHOUT NOTICE

12 NEXT MEETING OF COUNCIL

13 FOR INFORMATION

13.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF DECEMBER 2024

Date Prepared: 6 January 2025

Author: Development & Governance Administration Officer

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for December 2024

New Development Applications					
Application #	Lodgement Date	Applicant/Address	Property Description	Application Type	Status
MCU/24/0024	2/12/2024	C and C Bertoldo C/- L Bertoldo 62 Venture Road Mareeba	Lot 2 on RP715838	MCU – Dwelling House (Secondary Dwelling)	Assessment Stage
MCU/24/0025	9/12/2024	J and C Eldred C/- Scope Town Planning 397 Speewah Road Speewah	Lot 20 on SP342262	MCU – Caretakers Accommodation	Application Stage
MCU/24/0026	13/12/2024	J & C Gostelow Superannuation Fund C/- Emergent Building Approvals 48 Atherton Street Mareeba	Lot 1 on RP700513	MCU – Dual Occupancy	Assessment Stage
MCU/24/0027	16/12/2024	Fettercaim Ventures Pty Ltd C/- U&i Town Plan 10 Kowa Street Mareeba	Lot 12 on M356127	MCU – Multiple Dwelling	Assessment Stage
MCU/24/0028	19/12/2024	G and G Galati C/- U&i Town Plan 733 Bilwon Road Biboohra	Lot 15 on RP855858	MCU – Rural Workers Accommodation	Assessment Stage
RAL/24/0021	9/12/2024	S, C and A Fidanza C/- A Fidanza 48 Blacks Road Mareeba	Lot 37 and Lot 38 on RP708032	ROL – Boundary Realignment	Decision Stage
OPW/24/0009	18/12/2024	Conmat No. 2 Pty Ltd TTE C/- Erscon Consulting Engineers Ray Road Mareeba	Lot 1 on RP747077	Operational Works - Roadworks, Earthworks, Stormwater, Water & Sewer Reticulation for Stage 1 (18 Lots) of Development Permit RAL/23/0009	Assessment Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/24/0017	2/12/2024	C and Y Hackett C/- MD Land Surveys	31 Leilas Way and 77 Barnwell Road, Kuranda	Lot 321 on SP201301 and Lot 16 on SP304952	Development Permit for Reconfiguration of a Lot Boundary Realignment
RAL/24/0021	17/12/2024	A Fidanza	48 Blacks Road and Blacks Road Mareeba	Lot 37 and Lot 38 on RP708032	Development Permit for Reconfiguration of a Lot Boundary Realignment
OPW/24/0007	4/12/2024	B Prove C/- Progression Design Pty Ltd	Popovic Road, Koah	Lot 198 on NR1994	Development Permit for Operational Works – (Roadworks and Drainage

December 2024 (Regional Land Use Planning)

					Works) for Development Permit RAL/17/0011
OPW/24/0004	18/12/2024	Sutariya Brothers Pty Ltd C/- Clark and Prince Architects	Malone Road, Mareeba	Lot 15 on RP846956	Development Permit for Operational Works – Roadworks Associated with MCU/21/0014 (Malone Road Service Station)

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					

Referral Agency Response Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/24/0020	2/12/2024	Wayne Lavery Quality Sheds C/- Emergent Building Approvals	Hoolahan Drive, Mareeba	Lot 10 on SP208342	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA and Height Dispensation)
CAR/24/0014	16/12/2024	Ngoonbi Community Services Indigenous Corporation C/- All Construction Approvals	36 Coondoo Street Kuranda	Lot 714 on NR7409	Development Permit and Referral Agency Response for Building Works (Demolition of Buildings) assessable against the Mareeba Shire Council Planning Scheme 2016 (Heritage 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
Nil					

December 2024 (Regional Land Use Planning)

13.2 RADF ADVISORY COMMITTEE MEETING MINUTES 16 DECEMBER 2024

Date Prepared: 18 December 2024

Author: Senior Community Services Officer

Attachments: 1. RADF Advisory Committee Meeting Minutes 16 December 2024 [↓](#)

RADF ADVISORY COMMITTEE MEETING 16 DECEMBER 2024

Please see below the minutes of the Regional Arts Development Fund (RADF) Advisory Committee meeting held on 16 December 2024.



Mareeba Shire Council - RADF Advisory Committee Meeting - Minutes

Date: Monday 16 December 2024
Time: 4:00 - 6:00pm
Venue: Board Room, Mareeba Shire Council, Rankin St Mareeba

Welcome and meeting opened 4:05pm

1. Attendance – Kylie Lambert, Sandy Ryan, Rhonda Dooley, Angela Musumeci, Merrilee Frankish, Kristy Braes, Cr Angela Toppin (Chair), Cr Lenore Wyatt (by telephone), Shellie Buckle, Julia Barbagallo, Jane Hollins.

2. Apologies - nil

3. Minutes of the last meeting

- Motion: *That the minutes of the previous meeting held 13 November 2023 are accepted.*
 Moved: Merrilee; Second: Sandy; Carried.

4. Business Arising from the Minutes

- A summary RADF 2023/24 Program outcomes was presented.

5. General Business

- A summary RADF 2024/25 Program funding and activities was presented. Arts Queensland have approved RADF grant of \$34,125 and Council is contributing \$14,500.
- The Committee discussed and provided feedback on plans to consult the community about arts and cultural priorities and ways to increase promotion of and engagement in RADF. Committee members may submit any further feedback by 10 Jan 2025. Jane to email Committee with specific questions. Community consultation plan and survey to be presented at next RADF meeting.

6. Next Meeting will be held 5-7pm Monday 3rd February 2025

7. Meeting Closed 6:00pm

The Regional Arts Development Fund (RADF) is a partnership between the Queensland Government and Mareeba Shire Council to support local arts and culture in regional Queensland.